

2007 ANNUAL REPORT


For 15 Years

1992

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2007

**PASSION
TO SERVE**



There is no disputing the importance of the facts and figures in this report, and we have tried to provide many of them to help measure our accomplishments during our 15 years of operation. But beyond those facts and figures, the importance of the Program's fundamental purpose should not be forgotten—helping veterans secure the rights and benefits they have earned by virtue of their service to their country. While not always articulated, this human element is a very real and ever present part of what motivates the people who are the Pro Bono Program, those men and women who bring a passion to serve those who have served their country.

Our Mission

No veteran or survivor who has taken an appeal to the U.S. Court of Appeals for Veterans Claims, who has a legally credible claim and who wishes to be represented by counsel, will be without competent representation; and to accomplish this by:

Recruiting and training volunteer lawyers in veterans law and the procedures of the Court;

Referring to those lawyers, to handle without cost to the appellants, evaluated cases where there is an issue that should be fully presented to the Court and the appellants are unable to afford counsel; and by

Providing advice and support to the lawyers to whom cases have been referred.

There are many moments in a veteran's life when a helping hand is needed. The Pro Bono Program strives to be there when a legal challenge arises.



Note: The Pro Bono Program would like to extend a very special thank you to Gary Trudeau for letting the Program use several panels from the Wounded Warrior Series in his Doonesbury strip. Mr. Trudeau is an outstanding advocate for the nation's veterans and brings home the swirling mix of pain and joy in our veterans' lives to the strip's readers. Thanks also to the Hon. John J. Farley III, who was instrumental in securing Mr. Trudeau's most generous gift.

Message from the Chairman of the Executive Board

We are in a time of war, and we remain grateful to all in the military who serve our nation. We are mindful of the sacrifices that they and their families make every day. We admire their love of country and their sense of duty, and it is our privilege to support them and their loved ones via our participation in the Veterans Consortium Pro Bono Program.

Veterans law remains an exciting and fast-paced area of the law, as the Program strives to deal with the ever-increasing demand of our nation's veterans for Program services. The Department of Veterans Affairs has seen a dramatic increase in the number of new disability claims being filed by America's veterans, including those returning home from the Iraq and Afghanistan conflicts. More claims means more decisions from the Board of Veterans' Appeals, and more BVA decisions means more pro se appeals to the Court of Appeals for Veterans Claims. Notwithstanding the advent of attorney representation at the agency level, we see an increase in the demand for our services.

For the Veterans Consortium, 2007 marked the 15th year of the Program's service to veterans and to the Court. For the third consecutive year, we undertook a record number of actions. We received more than 700 requests for assistance, and we worked with each one of those veterans, including referring more than 200 cases for placement with our volunteer lawyers. We conducted training classes for these volunteer lawyers in Los Angeles; Seattle; and Austin, Texas; as well as two classes in Washington, D.C. The response of the private bar to our Program, and to meeting the legal needs of America's veterans, has been wonderful. Each training session was oversubscribed soon after we opened it for registration.

One of our major initiatives in 2007 was the creation of the David B. Isbell fellowship to honor the Program's first and long-serving chairman. Using funds donated to the program, we established this fellowship as an opportunity for a second- or third-year law student to learn firsthand about veterans law issues. We are eagerly looking forward to continuing this initiative in 2008.

At the "operational" level, the Executive Board and the components of the Program continue to develop new methods of assisting our veterans. We find many veterans, even those without a pending appeal at the Court, contact the Program because we are here, because we answer the phone and listen, and because those veterans often have run out of ideas or energy to resolve their issues. Our dedicated staffers answer these veterans' questions and make referrals to other federal, state, or local agencies that might be of assistance to a veteran with a matter other than a pending appeal. Occasionally, the Court turns to us to find counsel or amici for cases with some compelling issue. We are proud to serve the Court, just as we serve our nation's veterans.

Most important, I want to express my continuing appreciation of and admiration for our volunteer lawyers. They work tirelessly for their clients in these challenging matters, and we know they do so at no charge to their veteran clients and on top of their normal workload. Their dedication and commitment to our nation's heroes remains unparalleled and unceasing. I also thank my firm Baker Botts LLP for its ever-increasing support of the Program, including my activities as chairman, but also by providing a wide range of pro bono legal services, as well as supplying many of our volunteer attorneys.

I look forward to 2008 with anticipation and high expectations of another year of excellence for the Program and for the chance to make a difference every day for the veterans whom we are privileged to serve.



Jeffrey A. Stonerock
Chairman, Executive Board





UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Chambers of
Chief Judge William P. Greene, Jr.

625 Indiana Avenue, N.W., Suite 900
Washington, D.C. 20004
202-501-5890

June 20, 2008

Executive Board
The Veterans Consortium Pro Bono Program
c/o Jeffery A. Stoncrook, Esq., Chairman
701 Pennsylvania Avenue, NW, Suite 131
Washington, DC 20004



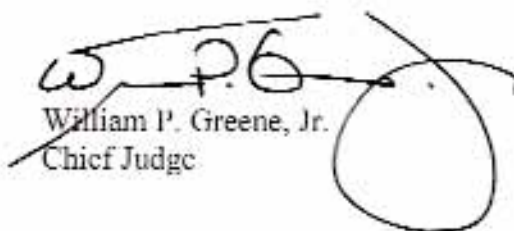
Dear Board Members:

Over the past ten years, I have had the personal and professional pleasure of observing the sterling success that the Veterans Consortium Pro Bono Program has had in ensuring that America's sons and daughters as veterans, and their survivors, are provided legal representation as they pursue their legal rights before the Court. It also has been a pleasure for my colleagues and me to participate in the veterans law orientation provided to the many lawyers volunteering their professional time to represent our Nation's veterans, which is conducted by the Consortium's Outreach and Education Component. By every measure, great strides have been made in reducing the numbers of unrepresented veterans appealing to the Court, and a future with even more legal representation appears bright.

Pro Bono programs are vital to America's legal system. Since the creation of the Court 20 years ago, the public has become increasingly aware of veterans law. That interest increases daily, and for almost 15 years, the Veterans Consortium has established a highly regarded reputation for its superb pro bono program. With the Court's ever increasing caseload, many attorneys are appearing before the Court pro bono and assisting in the resolution of the numerous complex issues presented. My colleagues and I applaud your efforts in generating this meaningful support.

Many, many thanks for a job WELL DONE!

Sincerely,

A handwritten signature in black ink, appearing to read "W.P.G.", followed by a large, stylized circular flourish.

William P. Greene, Jr.
Chief Judge



For 15 Years



1992 A 2007

PASSION TO SERVE



*Members of the
2007 Pro Bono Program Staff*

Passion To Serve

‘In 1989 a veteran filed the first notice of appeal in the newly created United States Court of Veterans Appeals. The veteran was not represented by counsel. This was an unfortunate precursor to what was, over time, to become a pro se filing rate of more than 80 percent.

Chief Judge Frank Nebeker found this condition intolerable: Veterans, who had given so much for their country, were effectively being denied the benefit of their own right of judicial review. He sought the aid of Congress to transfer money from the Court’s operating budget to establish a program to recruit and educate counsel for veterans who could not obtain qualified legal representation. The program enables some veterans organizations to expand their programs to provide free representation to veterans. But the program relied primarily on the willingness of private attorneys to volunteer their time.

The private bar has been magnificent in answering the call.”

—David Isbell, chairman, Advisory Committee, 1993 Annual Report



Today the Pro Bono Program continues to assist America’s veterans in obtaining meaningful judicial review of adverse decisions of the Board of Veterans’ Appeals, and this report highlights the successes of calendar year 2007. We believe that throughout the Program’s history we have met the challenges involved in providing effective representation for our nation’s veterans and that we continue to meet that challenge every day. What follows is more than just the report of our 15th year of operations; it is also a testament to our nation’s continuing commitment to the men and women who have answered America’s call to service and to those members of the legal profession who donate their time and talents on behalf of our veterans. Accordingly, we will take this opportunity to honor, in some small way, those who have worked so hard over the past decade and a half.



The Pro Bono Program and the Future

The year 2007 was very successful, as the Pro Bono Program provided a free lawyer to more than 200 veterans and spouses and assisted more than 500 other appellants in some manner. However, even successful years are marked by new challenges and concerns.

There was concern that the December 2006 amendment to 38 U.S.C. § 5904, which allowed lawyers and non-attorney practitioners to collect a fee after a notice of disagreement has been filed in response to a VA regional office decision, might diminish the potential number of available appellants, but the number of appellants seeking Program help remained constant throughout the year and there was little if any growth in the number of private attorneys who sought to represent veterans who had previously contacted the Program.

Such issues will continue to require contemplation by the Program's Executive Board. However, it is the belief of the members of the Program, from the Executive Board through the staff, that the Program will adjust, survive, prosper, and continue to provide its invaluable services to members of the veterans community.

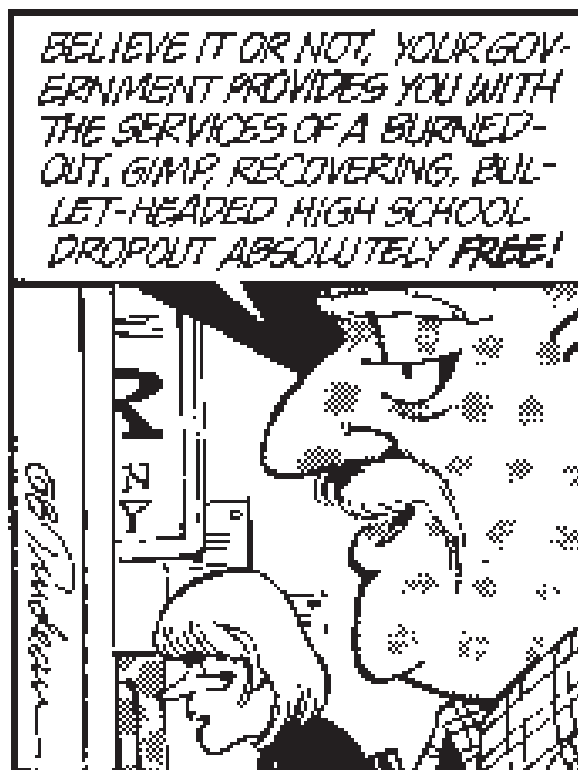
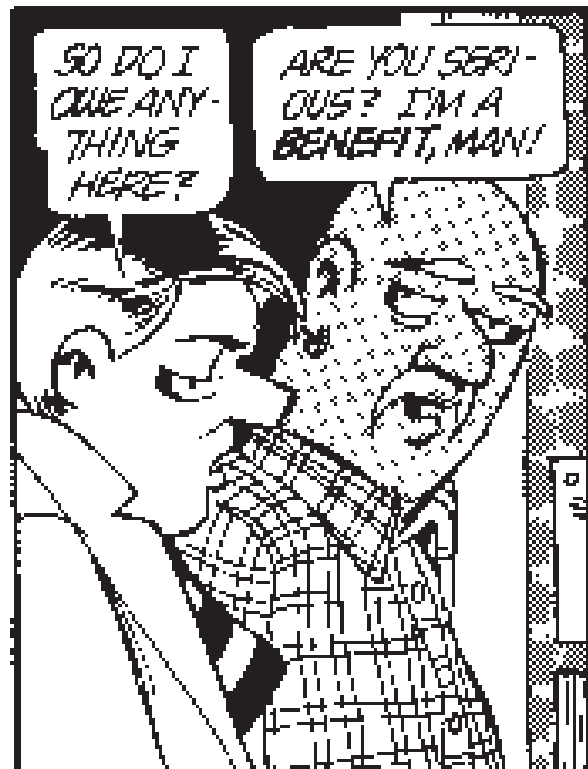
At the U.S. Court of Appeals for Veterans Claims (CAVC), Chief Judge William P. Greene, Jr., completed his second year as Chief Judge and the rest of the bench remained unchanged. However, it struggled with another increase in the case load, as filings climbed from 3,729 in FY06 to 4,644 in FY07.

These numbers led the Chief Judge to bring about a second recall of retired judges.

It does not appear that the tsunami of appeals will ebb significantly in 2008. Admittedly, during FY07 the Board of Veterans Appeals issued 40,401 decisions, an increase of almost 1,500 from the previous year, and veterans law judges conducted an additional 800-plus hearings. However, despite the best efforts of the Board to achieve higher levels of efficiency and accuracy, the total number of cases awaiting a decision at the end of FY07 was still 39,031—only 1,234 fewer cases than at the end of the previous year.

The rising caseload has produced concern in higher forums. In June, Chief Judge Paul R. Michel of the Court of Appeals for the Federal Circuit stated that not only had the CAVC become the leading pendency for the Federal Circuit, the incoming cases were requiring more individual attention. In fact, he believed the impact would be “substantial” and could be “catastrophic.”

Fortunately, the Program continues to receive a steadily increasing stream of inquiries from attorneys around the nation looking to give their time and effort to assisting this country's veterans. We look to the future with enthusiasm and energy as we continue to expand our services to America's veterans and their families with the assistance of the best legal minds the American system of jurisprudence has to offer.



The character Elias, like many of those who step up for veterans, in fact returned to school and earned a master's degree.

A History of Assisting Veterans

1992: Legal Services Corporation issues two Solicitations for Proposals: Veterans Consortium (DAV, PVA, American Legion, and National Veterans Legal Services Program) awarded grant.

October: First application form mailed to pro se veteran by Program. First case received and screened. (Available data suggest the first request for counsel was received from Mr. Mario Guglielmo of Fresno California.)

November: 24 cases placed. Ultimately 836 veterans are contacted and 231 placed during the fiscal year.

1993: November 16: The U.S. Court of Veterans Appeals recognizes the efforts and quality of Program representation: "The Court recognizes the invaluable contribution of the veteran's counsel, who represented the veteran through the Veterans Consortium Pro Bono Program. His representation, as well as that of other attorneys representing veterans through that program . . . adds immeasurably to the quality of representation of veterans before this Court and is highly commendable." *Gregory v. Brown*, ___ Vet.App. __; U.S. Vet.App., No. 92-1270, slip. Op. at 8 (Nov. 16, 1993); *see also*, *Davis v. Brown*, 7 Vet.App. 298,304 (Dec. 22, 1994).



1994: US Supreme Court Chief Justice William H. Rehnquist acknowledged the Pro Bono Program in letter to Chief Judge Frank Nebeker: "The Court of Veterans Appeals deserves to be commended for proposing and implementing its pilot Pro Bono Program, which recruits and trains volunteer attorneys. As a young lawyer in Arizona during the 1950s I volunteered to serve as assigned pro bono counsel in state and federal courts. Therefore I know firsthand the benefits of such a program, particularly in reducing high pro se rates. As more courts experience increased caseloads, the Court of Veterans Appeals is leading the way in creative and innovative administration."

Chairman of the Advisory Committee David B. Isbell is first recipient of the U.S. Court of Veterans Appeals Distinguished Service Award.

1996: May 28: The Court of Appeals for Veterans Claims, the Pro Bono Program, and the nation mourn the passing of *Judge Hart T. Mankin* after long battle with pancreatic cancer.

Budget uncertainty requires reduction of veterans law specialists. Program still screens 995 cases during two-year period, placing 382 appellants with Program lawyers.

1997: Program marks its 1,000th assigned case. Army vet James E. Gaddis wins remand with assistance of former *Senators Robert Dole and George J. Mitchell*, members of the firm of Verner, Lipfert, Berhard, McPherson and Hand.

Judge William P. Greene, Jr., is sworn in.

1999: The Program refers 1,500th case to Program volunteer attorney. Program assists in reviewing a large number of cases affected by failure of BVA to open and associate mail submissions with the veterans' claim files.

2000: Chief Judge Frank Q. Nebeker retires, and is succeeded by Judge Kenneth Kramer.

Veterans' Claims Assistance Act passed. First judicial decision relating to the statute is Program case *Holliday v. Principi*, 14 Vet. App. 280 (2001)

2001: Executive Board Chairman David B. Isbell receives Wiley Branton Award from The Washington Lawyers' Committee for Civil Rights and Urban Affairs

Program refers 2,000th case to volunteer attorney.

2002: Program celebrates a decade of service to America's servicemen and -women.

Judge Ronald M. Holdaway retires.

2003: Judge Bruce E. Kasold and Judge Lawrence B. Hagel are sworn in.

2004: Chief Judge Kenneth B. Kramer and Judge John J. Farley III retire. Judge William A. Moorman; Judge Alan G. Lance, Sr.; Judge Robert N. Davis; and Judge Mary J. Schoelen are sworn in.

In response to request of the Chief Judge, U.S. Court of Appeals for the Federal Circuit, Program attorneys accept cases and provide first-time representation for pro se veterans at the Federal Circuit.

Pro Bono Programs moves to offices at 701 Pennsylvania Avenue, N.W., next to the Navy Memorial.

Program incorporates as a § 501(c)(3) tax-exempt organization.

2005: David B. Isbell steps down as chairman of the Pro Bono Program's Executive Board after 13 years of service. Jeffrey A. Stonerock, Esq., of Baker Botts LLP assumes the Chair.

Chief Judge Ivers and Chief Judge Steinberg retire. Judge William B. Greene, Jr., becomes Chief Judge.

2006: Program donates \$30,000 to The Veterans' Rights Clinic of the University of South Carolina School of Law, the Widener University School of Law Veterans Law Assistance Program, the Walter Reed Society and the Fisher House Foundation.

November 11: Deputy Director David Myers delivers Veterans Day address at Mount Vernon, Ohio, ceremony.

By the Numbers

In 15 years, Pro Bono Program personnel have contacted **more than 18,000 veterans** who have filed a pro se appeal at the U.S. Court of Appeals for Veterans Claims. More than 7,800 of those who were contacted sought assistance.

Volunteer attorneys contributed their services to the tune of **\$3,068,000 in 2007**, bringing the **15-year total of donated legal services to more than \$38.7 million**, which is probably a conservative computation. Add to that the donated services of Consortium members, which totaled \$388,313.18 in the past year and almost \$4.5 million over the history of the Program, **the Pro Bono Program has provided more than \$42 million of services** for the men and women who have served their country.

As to representation at the time of the Court's decision, the **percentage of unrepresented appellants fell** from 24 percent to just 19 percent, the lowest in the history of the Program.

Of cases filed in 2007, **53 percent were filed by veterans who were acting pro se** at the time. Although the percentage was down, the actual number of pro se filings rose from 2,350 to 2,461.

The Court's workload continued to grow in 2007 as **4,644 appeals were filed during the fiscal year**. This number was 900+ more than were filed in 2006 and an all-time high for the Court.

Over the past 15 years, the Pro Bono Program **has placed almost 3,000 cases** with Program attorneys, including 209 in 2007.

As throughout the history of the Program, **every appellant meeting Program eligibility requirements** (and some who did not) **received some form of legal assistance** or advice at no cost. In 2007, **537 veterans who were not provided with counsel still received some form of legal advice and counsel**. This year saw the Program pass the 5,000 threshold in situations in which a veteran was not assigned

a Program attorney but still received some form of assistance related to his or her claim and appeal.

The Program trained **189 lawyers** in 2007, bringing the **15-year total to more than 2,700 volunteer attorneys** who stepped forward for this nation's heroes. In the years past, this was done at the cost of \$1,151.15 per attorney. Those attorneys had been recruited at the cost of \$179.70 per lawyer.

During 2007, **131 law firms** provided 57 percent of the attorneys (206) dealing with active cases and **153 private practitioners** also stepped forward. Of these attorneys and their predecessors, **more than 95 percent have volunteered to take a subsequent case**.

The Program fully **evaluated 744 cases in 2007**; 28 percent (209) were found to have one or more legal issues warranting placement with a lawyer through the Program.

Those Who Have Served

Chairman

David B. Isbell, Esq., 1993–2005
Jeffrey A. Stonerock, Esq., 2005–2007

VOTING MEMBERS

American Legion

John Hanson, 1993
Carroll W. Williams, 1994–2000
Carol Rutherford, 2001–2004
Peter S. Gaytan, 2004–2007

Disabled American Veterans

Edward J. Kowalczyk, 1993–95
Ronald L. Smith, Esq., 1996–98
Stephen L. Purcell, Esq., 1998–2001
Donald E. Purcell, Esq., 2001–2005
Landon E. Overby, 2006–07

National Veterans Legal Services Program

Gershon M. Ratner, 1993–95
David Addlestone, Esq., 1996–2004
Ronald B. Abrams, Esq., 2004–07

Paralyzed Veterans of America

The Honorable Lawrence B. Hagel, 1993–2003
William Mailander, Esq., 2003–07

INVITED GUESTS

U.S. Court of Appeals for Veterans Claims (U.S. Court of Veterans Appeals)

James Caldwell, Esq., 1993–96
Jack Lane, Esq., 1997–2005
Sandra P. Montrose, Esq., 2005–06
Cary P. Sklar, Esq., 2006–2007

Legal Services Corporation

Christopher Sundseth, 1993–94
Patricia M. Hanrahan, 1995, 1998–2001
Adam Goldberg, 1996–97
Dr. Bristow Hardin, PhD, 1997, 2002–2007
John C. Eidleman, Esq., 2001

Financial Officer

Marlene Fridley, 1992–1993
John R. Heberlein, 1993–1996
Sandi Green (consultant), 1997
Evelyn Anderson, 1998–2007

Director, Outreach and Education Component

David Addlestone, Esq., 1993–95
Ronald B. Abrams, Esq., 1996–2004
Meg Bartley, Esq., 2005–2007

Director, Case Evaluation and Placement Component

Ronald W. Scholz, Esq., 1993–94
Brian D. Robertson, Esq., 1994–2007

Deputy Directors

Carol Wild Scott, Esq., 1995–2007
David H. Myers, Esq., 2000–2007

MENTORS (or otherwise listed)

Ron Abrams, Esq.
Meg Bartley, Esq.
Linda Blauhut, Esq.
Chris Cote, Esq.
Robin Duncan Culbertson, Esq.
Ruth E. Eisenberg, Esq.
Stephanie Forester, Esq.
Nancy Foti, Esq.
Louis George, Esq.
Leannah Harding, Esq.
Michael Horan, Esq.
Alex Humphrey, Esq.
Sean Kendall, Esq.
Bill Mailander, Esq.
Bonnie Marinelli, Esq.
Andy Marshall, Esq.
Landon Overby
Don Purcell, Esq.
Stephen L. Purcell, Esq.
Andy Reynolds, Esq.
Matt Sadler, Esq.
Ronald Smith, Esq.
Richard Spataro, Esq.
Jim Stewart
Bart Stichman, Esq.
Charlene Stoker-Jones, Esq.
Robert Valente, Esq.
Michael Wildhaber, Esq.
Jennifer Zajac, Esq.

VETERANS LAW SPECIALISTS

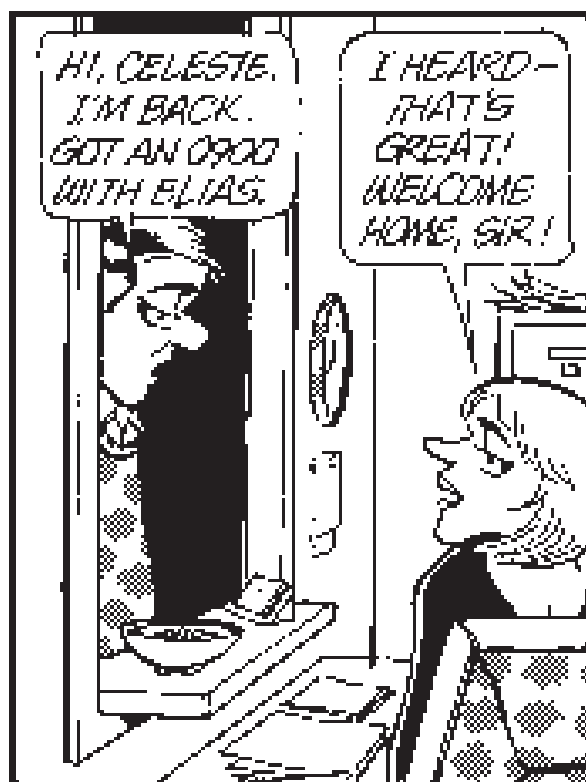
Thomas Booth
Christine Cote, Esq.
Bill Creager
Jason Davitian
Len Gilmer
Tom Holland
Alex Humphrey, Esq.
John Kane
Clayton Klemm
Andy Marshall
Fred Mullen
Marshall Potter, Esq.
Lora Rath
Andy Reynolds, Esq.
Rich Spataro, Esq.
Barbara Steadman
Jeff Steele
Kris Weaver
Harry Widger
Michael E. Wildhaber, Esq.
Leonce Wilson

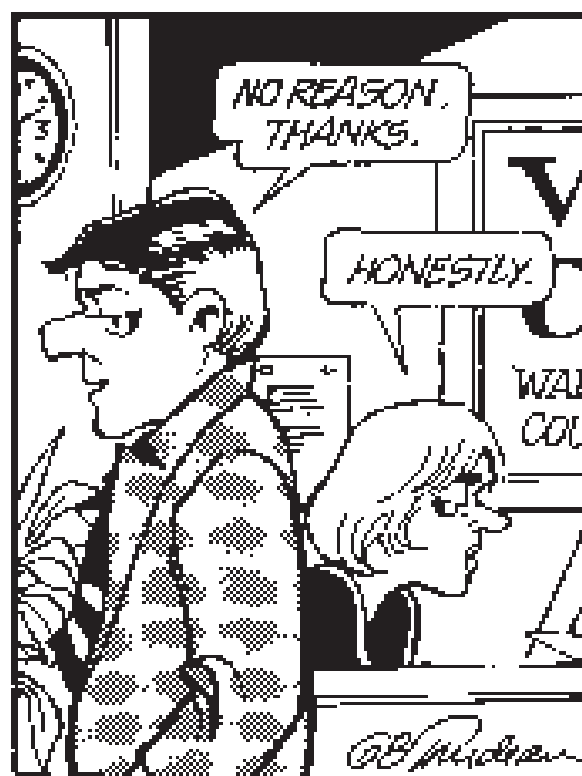
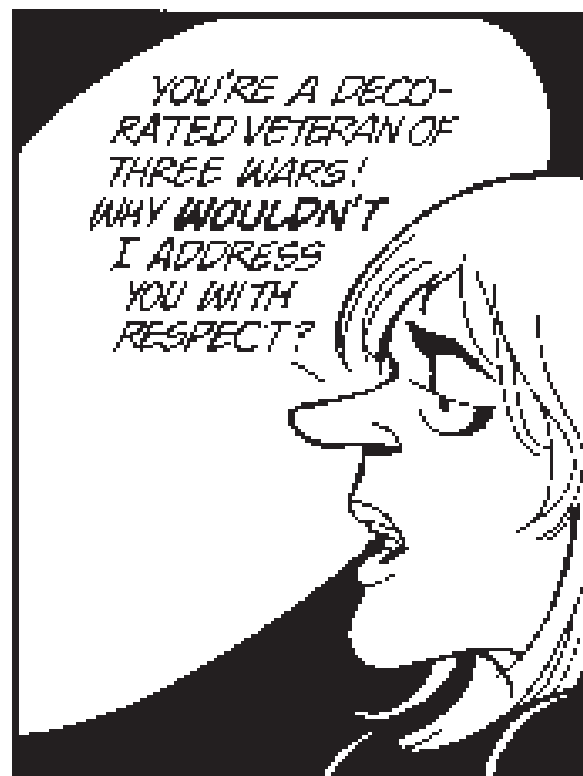
Direct Representation Counsel

Linda Blauhut, Esq.
Mike Horan, Esq.
Karen Levin-Acosta, Esq.
Morgain Sprague, Esq.
Jennifer Zajac, Esq.

Staff

Belinda Allen
Ruth Eisenberg
Stephanie Forester
Linda Harrison
Cathy Klingler
Sarah Peterson
Sandra Peterson
Kathy Russiello
Nathan Smith
Jan Yates





Quest For Justice

2007

This standard of success by Program attorneys remained high in 2007, as evidenced by the following select examples:

The case of Lonnie Williams, who was represented by Mr. Paul T. Hourihan of Williams and Connelly, LLP., dates to August 1997, when Mr. Williams first filed his claim for service connection for PTSD, alleging an in-service assault as a stressor. The VA Regional Office (VARO) denied the claim on the grounds of there being no service connection, despite the fact a VA psychiatrist who examined Mr. Williams opined his PTSD was caused by the assault. Undaunted by the facts, in January 2003 the VARO again denied Mr. Williams benefits—on the grounds that the assault was the result of willful misconduct by Mr. Williams.

In July 2003, the Board of Veterans' Appeals (BVA) remanded the case once more due to missing information in the case file, but the VARO stated that the information did not exist and reaffirmed its determination that the assault was caused by Mr. Williams' willful misconduct. In November 2004, the Board

affirmed the VARO analysis. An appeal to the U.S. Court of Appeals for Veterans Claims was filed.

In January 2006, Williams & Connolly (W&C) took Mr. Williams' case and drafted the appellate brief, which identified a variety of errors in the handling of the case. VA counsel then proposed a joint motion for remand, which W&C negotiated and ultimately agreed to on Mr. Williams' behalf. W&C continued to represent Mr. Williams before the BVA, filing another substantial brief that included additional evidence on the relevant issues. In September 2007, the BVA found that Mr. Williams' PTSD was service connected. The case was remanded to the VARO, which ultimately found Mr. Williams 100 percent disabled and entitled to more than \$150,000 in past-due benefits and more than \$2,500 per month in benefits going forward.

In the brief period of one decade, Lonnie Williams received the benefits he was owed. And it could not have come at a better time for Mr. Williams and his family, who were in extremely difficult financial circumstances. They consider the favorable resolution of this case truly a blessing from God.



Another Pro Bono major team victory was achieved in 2007, led by Joan Ellis, Esq., of Venable LLP on behalf of veteran Marvin G. Payton. An Army veteran who had served as a medic, Mr. Payton was discharged in 1968 and diagnosed with health issues in 1993. When Ms. Ellis took the case for the Program, the claim was on its second appeal.



In the June 2006 BVA decision, the Board relied strictly on the opinion of the VA examiner, whose opinion was based solely on the presence of tattoos, which Mr. Payton had gotten before enlisting. The Board, in affirming the regional office decision, did not accept—indeed, did not even consider—the possibility of infection from air gun immunizations, dental work, or duties as a medic as overriding the “plausible basis” of the tattoo as the source of the disease.

Once the case arrived at the Court and Ms. Ellis stepped up for the veteran, she was able to convince VA counsel that a remand to the BVA was appropriate, and the VA attorney agreed. On the return to the Board, Ms. Ellis indicated on behalf of her client that new evidence was being submitted and readjudication was requested. She was able to take this approach because of a new medical opinion.

Looking for assistance, Ms. Ellis had turned to her Pro Bono Program mentor, Landon Overby, then working for Consortium partner Disabled American Veterans. Mr. Overby provided continuing guidance to Ms. Ellis, and, perhaps most important, put her in contact with a physician who was able to provide a medical opinion strongly supporting Mr. Payton. The physician did a complete review of Mr. Payton’s file and prepared a thorough and well-considered opinion connecting Mr. Payton’s service with his disease. (It must be noted that the doctor performed the review at a much-reduced rate and in a spirit of being happy to assist a veteran.)

Following the remand, Ms. Ellis was able to “squeeze” the opinion into the record, which in turn created a situation of having two conflicting medical opinions. Because a veteran must receive the benefit of the doubt when the evidence is in equipoise, the Board resolved the “reasonable doubt” in favor of the Mr. Payton and granted service connection for the hepatitis C disability.

Ms. Ellis, a first-timer for the Program, was excited, and Mr. Payton was thrilled as well. The effective date for the award will go back to 1999, when it was initially filed. So all in all, a successful team effort for Ms. Ellis, Mr. Overby, a physician, and of course, Mr. Marvin G. Payton. Indeed, as with most successful cases, Ms. Ellis found the experience rewarding and volunteered to take another case in the future. Well done, Ms. Ellis.

A special victory in 2007 was the final resolution of the case of Alfred Pierre, a World War II vet currently 88 years old and a retired minister recuperating from surgeries. Represented by Morgan G. Adams, Esq., of Chattanooga, Tennessee, Mr. Pierre was granted full benefits, going back



to 1992, and he has a total disability based on individual unemployability (TDIU) claim pending. Because the award covered 15 years, his wife will be eligible for dependency and indemnity compensation (DIC) after his death. The family was overjoyed with the results of Mr. Adams’ superb representation, which continued for more than a decade.

Program attorneys were also successful in 2007 in convincing the Court that the Department of Veterans Affairs had erred in determinations relating to finding service connections for veterans or their widows.

The widow of Raymond P. Roberts, a Navy veteran who had served in the Hiroshima area following the end of the war, was seeking service connection for the cause of her husband's death.



The Board ignored two well-written opinions by Mrs. Roberts' doctors and a fair amount of medical evidence. Doug Rosinski, Esq., of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., took the case for the Consortium and pounded the Board decision, arguing that VA's own evidence established that Mr. Roberts should have been presumed to be service connected, that the Board failed to consider all the evidence of record, and that a more exhaustive analysis was required.

Mr. Rosinski also vigorously alleged that the VA's inconsistent diagnosis lacked legal basis and that the Board required unnecessary and inappropriate standards of proof, which lacked legal basis.

Judge Schoelen concurred with Mr. Rosinski, finding that an inadequate statement of reasons and bases for the decision had been given, and, in particular, took the VA "expert" to task for her analysis. The Court also ruled that VA imposed some very unique, albeit very wrong standards, in arriving at its conclusions. Remand ordered.

There were more successful appeals earned through the efforts of Program attorneys in 2007 than can be described in this report. To close with two such successes, there are the efforts of J. Andrew McColl, Esq., of McLean, Virginia, who was able to obtain a hard-fought remand for veteran Jessie Trask, after convincing the VA General Counsel representatives that VA had (1) violated the Veterans Claims Assistance Act, (2) failed to determine if the appellant's disability was related to in-service symptomatology, (3) and misstated facts by alleging the veteran had not received treatment in Hawaii and Okinawa, when he had, in fact, received such treatment. In acknowledging the result Mr. Trask noted, "You [the Program] made me proud that I gave what I could to make the USA a success...."



Also to be lauded is Martin J. Martinez, Esq., who took on the case of Ned L. Maestas in August 2005 and was able to win the restoration of benefits for a Gulf War I veteran after the VA reduced a service-connected award for migraine headaches from 30 percent to noncompensable and severed service connection for an undiagnosed illness. In doing so, Mr. Martinez was able to show that the Secretary failed to follow his own regulations, failed to follow the correct statutory and regulatory command, incorrectly found clear and unmistakable error in its own decision, and unjustly attacked the credibility of a veteran who had been service connected for memory loss. As a result of Mr. Martinez's efforts, all right and benefits were restored back to 2000 and the appeal terminated to the benefit of the deserving veteran.

To all of our attorneys— those who came aboard in 2007 and those who have assisted veterans over the past 15 years— thank you.

2007 Veterans Consortium Executive Board

VOTING MEMBERS

Private Bar



Jeffrey A. Stonerock, Esq., currently serving as chairman of the Executive Board, is a partner in the law firm of Baker Botts L.L.P. in Washington, D.C. He is a graduate of the United States Military Academy (1979) and Duke Law School (1984), and he received his LLM from the Judge Advocate General's School of the Army (1989).

Mr. Stonerock began his Army career as a Field Artillery officer before becoming a member of the Judge Advocate General's Corps. Among his assignments before leaving active duty in 1992 were tours with the 82nd Airborne Division and the Second Infantry Division in the Republic of Korea. He retired from the Army Reserve in 2001 as a lieutenant colonel.

Mr. Stonerock has for many years chaired his firm's pro bono committee in its Washington, D.C., offices. A disabled veteran, Mr. Stonerock became personally involved with the Veterans Consortium as a volunteer attorney in 2000 and since then has handled several Veterans Consortium cases pro bono. Baker Botts has many other lawyers who participate in this program. A highly respected international lawyer, he heads his firm's Korea practice group.

Paralyzed Veterans of America



William Mailander, Esq., is general counsel for the Paralyzed Veterans of America (Paralyzed Veterans). As the chief legal officer for Paralyzed Veterans, he provides legal advice to the officers, directors, and senior staff and manages the legal affairs of the corporation. He began his career at Paralyzed Veterans in 1992, when he was hired to primarily represent claimants before the U.S. Court of Appeals for Veterans Claims in those cases assigned to Paralyzed Veterans under the Direct Representation Component of the Pro Bono Program.

Mr. Mailander enlisted in the U.S. Marine Corps following graduation from high school and served from 1976 to 1979. He received three meritorious promotions through the rank of corporal and was awarded the Navy Achievement Medal. He received a BA from New York University in 1984 and a JD from Temple University School of Law in 1988. He also received an MBA from Johns Hopkins University in 2001.

Following graduation from law school and before coming to Paralyzed Veterans, Mr. Mailander held positions as an attorney-advisor with the Board of Veterans' Appeals, the Coast Guard Chief Counsel's Office, and the Department of Veterans Affairs Office of the General Counsel.

Mr. Mailander is a member of the Court of Appeals for Veterans Claims Bar Association and the Federal Bar Association (FBA). He is the editor of the FBA Veterans Law Section newsletter. He is admitted to practice in the District of Columbia, New Jersey, and Pennsylvania. He resides in Arlington, Virginia, with his wife, Rosalind.

The American Legion



Peter S. Gaytan began serving as director of The American Legion's Veterans' Affairs and Rehabilitation Division in September 2004 and assumed Executive Board responsibilities at that time. Prior to serving as director, he served as principal deputy director of Veterans' Affairs and Rehabilitation and deputy director of the Legislative Division.

Mr. Gaytan attended Wesley College in Dover, Delaware, where he earned a BA in political science. He is also a graduate of the Defense Information School, Fort Meade, Maryland, and earned a degree in public affairs from the Community College of the Air Force.

In 1991 he entered the U.S. Air Force. Following training at Lackland Air Force Base, Texas, and Keesler AFB, Mississippi, he served as military protocol liaison with the 436th Airlift Wing at Dover AFB, Delaware, where he worked with military, diplomatic, and congressional leaders. He coordinated all protocol requirements for NATO visits, repatriation ceremonies for the U.S. Army Rangers killed in Somalia, and the memorial ceremony for Commerce Secretary Ron Brown and the passengers of the T-43A that crashed in Bosnia. While on active duty, he also served as Honor Guard Training Flight NCOIC, where he provided final honors for more than 200 military funerals. He also served six years with the 512th Airlift Wing, U.S. Air Force Reserve as a public affairs specialist.

During his military service, Mr. Gaytan received the Air Force Commendation Medal, Air Force Achievement Medal, Good Conduct Medal, and the Air Force Outstanding Unit Ribbon. Originally from Norfolk, Virginia, he and his wife, Kimberly, and twins, Maria and Sebastian, reside in Washington, D.C.

Disabled American Veterans



Landon E. Overby, a disabled veteran of the U.S. Navy, is senior appellate counsel of the Disabled American Veterans' (DAV) Judicial Appeals Office. DAV's Judicial Appeals Office represents veterans and their dependents before the U.S. Court of Appeals for Veterans Claims (Court) and the U.S. Court of Appeals for the Federal Circuit.

Mr. Overby began his career with DAV in October 1995 as a national service officer in the Chicago National Service Office. He was promoted in October 1999 to DAV's National Appeals Office in Washington, D.C., as a national appeals officer. In April 2000, he was promoted to assistant supervisor of the National Appeals Office. Mr. Overby worked in that capacity until March 2002, at which time he began his training for admission to practice before the Court as a nonattorney practitioner. He was admitted to practice before the Court in July 2002.

Mr. Overby was promoted to appellate counsel in August 2002 and remained in that capacity until he assumed his current position in August 2005.

National Veterans Legal Services Program



Ronald B. Abrams, Esq., is the joint executive director and director of training for the National Veterans Legal Services Program (NVLSP). He began his career in 1975 in the Philadelphia Regional Office of the Veterans Administration, serving first as an adjudicator and then as a member of the rating board. Mr. Abrams transferred to the VA Central Office in 1977, assuming duties as legal consultant to the Compensation and Pension (C&P) Service, where he was recognized as an expert in due process issues.

In that capacity, Mr. Abrams helped to draft the *VA Adjudication Procedure Manual, M21-1*. He also wrote and interpreted regulations and directives for VA staff and others, and he drafted and commented on legislation on VA's behalf. Mr. Abrams also worked in and was in charge of the C&P quality review section. As part of his work for the VA Central Office, he conducted national training sessions in adjudication and due process for VA staff.

Since joining the NVLSP, Mr. Abrams has conducted more than 100 training sessions for veterans service organizations, state and county departments of veterans affairs, state bar associations, the Legal Services Corporation, the National Legal Aid and Defender Association, congressional caseworkers, and other veterans advocates. He has spoken on veterans law to meetings of the American Bar Association, the Federal Bar Association, and the National Association for the Advancement of Colored People.

Mr. Abrams is the editor of *The Veterans Advocate*, a quarterly publication on veterans law and advocacy; author of the *Basic Training Course in Veterans Benefits*, and a coauthor of the 2003 edition of *The Veterans Benefit Manual: An Advocate's Guide to Representing Veterans and Their Dependents*.

INVITED GUESTS

U.S. Court of Appeals for Veterans Claims



Cary P. Sklar, Esq., has served as counsel to the Clerk of the U.S. Court of Appeals for Veterans Claims since June 2005. In that capacity, Mr. Sklar acts as a court liaison to the Pro Bono Program. He also handles a wide range of legal matters arising from court administration, including judicial ethics questions; drafting of court rules, orders, and opinions; attorney discipline; personnel matters; and public office operations.

Prior to joining the Court, Mr. Sklar served as senior advisor to the special counsel, at the U.S. Office of Special Counsel (OSC), where he provided advice on administrative and policy matters, including agency program initiatives, personnel, budget, procurement, and intergovernmental relations. He later served as associate special counsel for investigation and prosecution, supervising a team of investigators and attorneys in resolving federal employee complaints of whistle-blower retaliation and violations of the Uniformed Services Employment and Reemployment Rights Act. He also established and directed the OSC's Mediation Program and served as director of OSC's EEO Program.

Mr. Sklar began his legal career at the National Treasury Employees Union, where, as associate general counsel for litigation, he supervised litigators in federal and state trial and appellate litigation of employment, contract, and civil rights matters.

Mr. Sklar, a graduate of Cornell University, earned his JD from Georgetown University. His past public service includes teaching for many years as an adjunct instructor for alternative dispute resolution, labor relations, and business law at Bowie State University and serving as a pro bono mediator in D.C. Superior Court.

Legal Services Corporation



Dr. Bristow Hardin is a program analyst with the Legal Services Corporation (LSC) and is its administrator for the Pro Bono Program's grant funds. Prior to joining the LSC, he was director of the Union Institute's Center for Public Policy, project coordinator at the National Legal Aid and Defender Association, and policy analyst and advocate at the Food Research and Action Center and the Virginia Poverty Law Center Food Law Project. He also was a lecturer and adjunct professor at the University of California, Santa Cruz, and American University, Washington, D.C. As a private consultant, he provides legal services organizations and other groups with assistance in the areas of evaluation, strategic research, and policy analysis. He received an MA and a PhD in political and economic sociology from the University of California, Santa Cruz.

Chief Financial Officer



Evelyn J. Anderson is treasurer for the National Veterans Legal Services Program, having held the position since January 1998. From 1989 to 1997, Ms. Anderson served as the director of finance for the Agent Orange Class Assistance Program, a class action court settlement administered by the U.S. District Court for the Eastern District of New York. In this capacity, she managed the distribution of the settlement proceeds in the form of grants made to community-based organizations and higher learning institutions nationwide. Prior to relocating to the Washington, D.C., area, Ms. Anderson served as financial manager to various nonprofit organizations in New York City.

DIRECTORS OF THE CONSORTIUM

Director, Outreach and Education Components



Meg Bartley, Esq., is the director of Outreach and Education for the Veterans Consortium Pro Bono Program. A senior staff attorney at the National Veterans Legal Services Program (NVLSP), Ms. Bartley is a graduate of the Pennsylvania State University (BA 1981, *cum laude*) and the Washington College of Law at American University (JD 1993, *cum laude*).

Ms. Bartley trains lawyers and non-lawyers in the area of veterans law. She is editor of the quarterly NVLSP publication *The Veterans Advocate: A Veterans Law and Advocacy Journal*, and she represents veterans and their dependents before the U.S. Court of Appeals for

Veterans Claims. She previously served as judicial clerk for the Honorable Jonathan R. Steinberg of the United States Court of Veterans Appeals (now the United States Court of Appeals for Veterans Claims) from 1993–1994.

She is the author or a coauthor of numerous monographs and publications on veterans law, including the *Veterans Benefits Manual* (Lexis Law Publishing); *The Elderlaw Portfolio Series: Veterans Benefits for the Elderly* (Little, Brown, 1996); *The Department of Veterans Affairs' Obligations Toward Claimants: Analysis of the Veterans Claims Assistance Act of 2000* (Clearinghouse Review, July–August 2001); and *Consideration of Pain and Other Factors in Rating VA Disabilities* (Clearinghouse Review, July–August 1996).

Director, Case Evaluation and Placement Component



Brian D. Robertson, Esq., director, Case Evaluation and Placement Component, is an attorney with the Paralyzed Veterans of America. He became the director of the Component in October 1994, after a brief period as its deputy director. He was a career Naval officer, retiring after 23 years of service, including more than 18 years as a Navy judge advocate.

Mr. Robertson is a 1971 graduate of the U.S. Naval Academy and a 1976 graduate of the University of Maryland School of Law. He also has an MA from the University of Southern

California. He is past chair of the Veterans Law Section of the Federal Bar Association and serves as president-elect of the U.S. Court of Appeals for Veterans Claims Bar Association.

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Pro Bono Program 2007

The Pro Bono Program has five organizational elements: the Executive Board, the Outreach Component, the Education Component, the Case Evaluation and Placement Component, and the Direct Representation Component.

Executive Board

The Veterans Consortium Executive Board consists of five voting members and two invited guests and is responsible for establishing and monitoring the activities of the Pro Bono Program's operational components. The four veterans service organizations that comprise the Consortium each have a voting representative on the board, and the fifth voting member (and the current chairman of the board) is a representative of the private bar. Invited guests represent the U.S. Court of Appeals for Veterans Claims and the Legal Services Corporation. The Executive Board oversees the Program's component directors, who are responsible for imple-

menting established policies, complying with the terms of the Program's federal grant, and efficiently operating their respective components within a budget approved by the Executive Board and by the Legal Services Corporation.

The Executive Board met formally 12 times during 2007, rotating between the offices of the Consortium's constituent organizations. All personnel and other expenses connected with activities of the Executive Board were donated by the organizations with which the board members are affiliated.

Outreach Component

The Outreach Component is responsible for publicizing the Pro Bono Program and for recruiting volunteer lawyers to represent appellants before the Court. In 2007 more than 189 lawyers were recruited into the Program. Recruitment in 2007 is expected to rise, but will depend on the needs of the Case Evaluation and Placement Component.

Most of the lawyers recruited by the Program practice law in the greater Washington, DC, metropolitan area. However, in 2007 the Pro Bono Program continued an initiative begun years ago to actively recruit lawyers outside the DC area. Lawyers actually representing veterans through the Program came from 42 jurisdictions in 2007:

| | | | |
|----------------------|---------------|----------------|---------------|
| Alabama | Iowa | North Carolina | West Virginia |
| Alaska | Kansas | Ohio | Wisconsin |
| Arizona | Kentucky | Oklahoma | Canada |
| Arkansas | Louisiana | Pennsylvania | |
| California | Maryland | Rhode Island | |
| Colorado | Massachusetts | South Carolina | |
| Connecticut | Michigan | South Dakota | |
| Delaware | Minnesota | Tennessee | |
| District of Columbia | Mississippi | Texas | |
| Florida | Missouri | Utah | |
| Georgia | Montana | Virginia | |
| Illinois | New Jersey | Utah | |
| Indiana | New York | Washington | |

Education Component

The Education Component trains volunteer lawyers and provides educational materials and mentoring lawyers for each volunteer who accepts a referral from the Program. This training is essential in helping a pro bono lawyer gain sufficient expertise in the field of veterans law to effectively represent an appellant before the Court.

Since the Program began in 1992, more than 2,700 lawyers and paralegal representatives have attended the Program's training classes. In 2007, the Program held two eight-hour training classes at the D.C. Bar for new volunteer lawyers, as well as sessions in Indianapolis, Los Angeles, Austin, and Seattle. These programs were scheduled with an eye toward the projected needs of the Case Evaluation and Placement Component. These introductory classes were attended by 189 lawyers.

Volunteer lawyers continue to receive instructional assistance after they accept a case referral from the Program. Each volunteer is provided with the current year's edition of *The Veterans Benefits Manual*. This manual is a compendium of veterans law issues and includes a copy of current federal veterans law statutes, rules, and regulations. This material is provided in both paperback and CD-ROM

format and includes an online veterans law research capability through the publisher (LexisNexis). The Program also provides a subscription to *The Veterans Advocate*, a veterans law journal published by the National Veterans Legal Services Program.

The Consortium also assigns a mentor to each volunteer lawyer. When advice or assistance is sought by pro bono counsel, mentoring services are provided on a part-time basis. In 2007 the Disabled American Veterans provided two mentors; National Veterans Legal Services Program provided three mentors; and Paralyzed Veterans of America provided three. All of these mentoring services were provided at no cost to the program. Beyond mentoring, the Consortium, when requested, provided moot-court practice sessions for lawyers with oral arguments scheduled before the Court and for lawyers who voluntarily pursued an appeal in a Program case to the U.S. Court of Appeals for the Federal Circuit. Under Program guidelines expanded in 2006, mentors may also provide assistance to volunteer lawyers who continue to represent appellants after their cases have been remanded by the Court to the Board of Veterans' Appeals.

Case Evaluation and Placement Component

The Case Evaluation and Placement Component is the full-time office of the Pro Bono Program. As its name implies, this component receives requests for assistance from unrepresented appellants, confirms each appellant's financial eligibility for Program services, and evaluates each appellant's case for merit and possible referral to a lawyer participating in the Pro Bono Program. If one or more issues warranting placement can be identified in the evaluation process, that appellant is matched with a lawyer. This process takes into account such factors as the issue(s) involved in the appeal, the complexity of the case, the experience of the lawyer, potential language issues, and, when possible, the geographical locations of the appellant and the lawyer.

In 2007 there were some 209 cases that met Program eligibility requirements and were placed with a volunteer or Direct Representation Compo-

nent lawyer at no cost to the appellant, or that were identified as substantially likely to be remanded by the Court under the provisions of the Veterans Claims Assistance Act of 2000. These cases brought the 15-year total for the Program to almost 3,000 placed cases.

In addition to conducting the initial eligibility screening, a veterans law specialist prepares a comprehensive case-evaluation memorandum that serves as a guide for placement and a suggested road map for the litigation of the case by the volunteer or direct representation component lawyer. The Case Evaluation and Placement Component also monitors the progress of every evaluated case, whether it is placed with a Program lawyer or not, as a quality control measure. The Case Evaluation and Placement Component is also responsible for the maintaining the Program's

Among Those Who Have Served



Direct Representation Component

Through 1998 the Pro Bono Program operated under two separate grants of funds from the Legal Services Corporation. The principal grant (the “A” grant) provided for the costs of the three operational components described above; the other (the “B” grant) involved the provision of funds directly to one or more organizations that committed themselves to provide counsel for a specified number of cases placed by the Program.

Beginning in 1999, the “A” and “B” grants were merged into a single grant, and the function formerly performed by the “B” grant was renamed

the Direct Representation Component (DRC). The director of Case Evaluation and Placement administers cases assigned to the DRC.

The DRC has given the Program the flexibility necessary to provide adequate and timely representation in unique or complicated cases or in cases that require immediate intervention by a lawyer to adequately protect an appellant’s interests. In 2004 the DRC grant was awarded to Paralyzed Veterans of America, which, under the terms of the grant, agreed to accept up to 24 cases from the Program and did so in 2007.

Remembering Our Colleagues

Bernard “Bernie” Englander

The Pro Bono Program lost a dear friend and colleague in December with the untimely passing of Bernard “Bernie” Englander at the age of 60. His death saddened those who knew him and who admired his boundless enthusiasm and unwavering commitment to his clients. Bernie was a founding member of the CAVC Bar Association and a participant with the Program.

Born in Poland in 1947, Bernie was a graduate of the University of Rochester and Syracuse College of Law. He was a member of the District of Columbia and New York State Bars, and was a private practitioner, operating his own firm in the District of Columbia after a legal career that included work for the Internal Revenue Service.

Bernie’s first Pro Bono Program case, *Friedsam v. Nicholson*, 19 Vet App. 555 (2006), led to Bernie presenting an oral argument before the Court on behalf of his client, a widow seeking an earlier effective date for Dependents Educational Assistance (DEA). His argument, which resulted in the Court’s vacation and remand of the Board’s decision began with a reference to Abraham Lincoln and the “rough sense of justice” that Lincoln, as a trial lawyer, argued on behalf of his clients. Bernie had taken a second case through the Consortium which he fully briefed, and he ultimately received a posthumous victory as the Court vacated and remanded the Board decision.

Bernie, a founding member of the Court’s bar association and a regular attendee at continuing legal education events and conferences, had recently accepted additional responsibilities with the *The Veterans Law Journal* and was writing an article at the time of his passing. It is with deep sadness that the Pro Bono Program extends its condolences to Bernie’s family and conveys its deep appreciation for the services he performed on behalf the Pro Bono Program and the nation’s veterans.



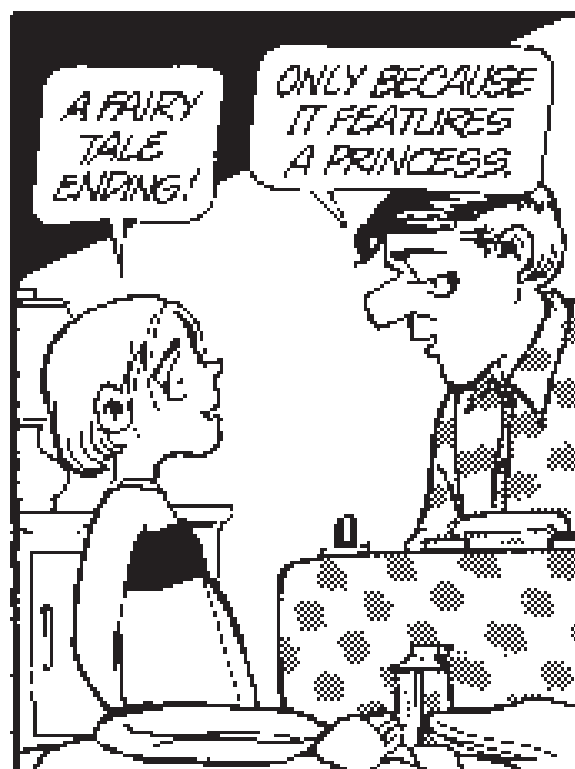
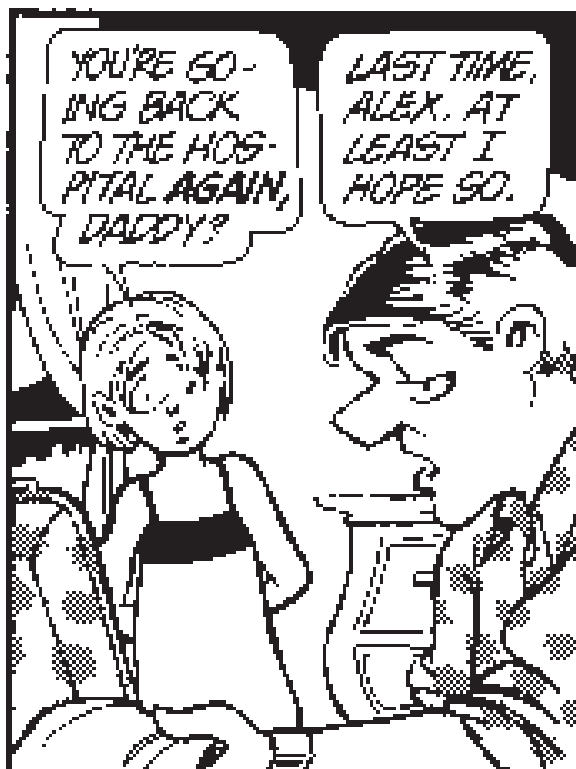
Alex Humphrey

The Veterans Consortium Pro Bono Program, veterans law, and, most of all, veterans lost an advocate and friend of limitless dedication and determination early in 2008 with the passing of Alex Humphrey following a long battle with myotonic muscular dystrophy. Alex was an advocate about whom those who knew and worked with him spoke in superlatives that never seemed adequate. He first appeared on the scene of veterans law in 1996 as a volunteer for Vietnam Veterans of America (VVA). A Special Forces veteran and Gold Star winner in Vietnam, an All-America swimmer as a Yale undergraduate and a graduate of Harvard Law, he had worked for the Department of Justice and as a lobbyist and senior counsel for GE American Communications. When he became ill with muscular dystrophy, he retired from GE and began the advocacy for veterans that would occupy him for his remaining years.

His Special Forces training included cross-training in emergency medical procedures, which gave him a sound background in trauma medicine and diseases indigenous to Southeast Asia, which served him well in representing Vietnam veterans seeking benefits. Although Alex started with VVA, he came to the Consortium during a period of very heavy caseload. The memoranda he wrote were models of precision and research as he acquired an encyclopedic knowledge of the law and never hesitated to share his insight and skills. When he returned to VVA and the Appeals Office at the Board, he mentored young attorneys who came to work there as well as VVA service officers and private counsel all over the country.

With an enviable knowledge of case, regulatory, and statutory law, Alex worked tirelessly with veterans and their families to obtain and craft evidence into as strong a case as possible. He was straightforward in assessing the cases, usually taking the most complex issues himself. Under Alex’s leadership, VVA’s success rate at the Board was consistently higher than any other veterans service organization.

A “fixture” at the Board, he knew everyone and never hesitated to share his views or seek to satisfy his curiosity, as one judge on the Court of Appeals for Veterans Claims found out during a ride through a Denver snowstorm, during which Alex ignored the storm and quizzed the judge about the details of processing and deciding cases in his chambers. Despite, and perhaps in defiance of, his illness he continued to come to the office, represent veterans, and unflaggingly persevere in obtaining for them the benefits and compensation they were due. He leaves behind his beloved wife of 39 years, Margot Smiley Humphrey, and the light of his life, daughter Katherine Robb Humphrey. He will be missed.



The men and women of the Pro Bono Program understand that “fairy-tale endings” are few and far between in the post-service world of veterans law. But we hope by continuing with the energy and dedication to the mission that has been the Program’s trademark for the past 15 years, those happy endings will become more common, and the veterans, with their spouses, families, sons, and “princesses,” will receive the benefits they so richly deserve to live in a safe and tranquil world.

Financial Statements

JANUARY 1, 2007–DECEMBER 31, 2007



Financial Statements JANUARY 1, 2007–DECEMBER 31, 2007

TABLE A: CONSOLIDATED STATEMENT OF INCOME & EXPENSES (AUDITED)

| | |
|---|-------------------|
| 2007 Grant Funds Authorized by Congress | \$ 1,260,000.00 a |
| 2007 Funds Retained by Legal Services Corporation (LSC) | \$ 0.00 |
| 2007 Funds Released to Program by LSC | \$ 1,260,000.00 |
| Grant Funds Available from 2006 Grant Year | \$ 327,073.00 |
| 2007 Grant Funds Available | \$ 1,587,073.00 |
| Interest Earned on 2006 Grant Year Funds | \$ 5,466.00 |
| Interest Earned on 2007 Grant Year Funds | \$ 15,457.00 |
| Total Funds Available in Grant Year 2007 | \$ 1,607,996.00 b |
| Total Program Expenses in 2007 | \$ 1,270,283.00 |
| Excess of Total Grant Funds over Expenses | \$ 337,713.00 |

a. Pub.L.No. 110-5, Sec. 20813, (Feb. 15, 2007) A Continuing Resolution, which refers to Pub. Law 109-114, Stat. 2393 (Nov. 30, 2005), provides in relevant part: "United States Court of Appeals for Veterans Claims—Salaries and Expenses: For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. sections 7251–7292, \$ 18,795,000.00, of which \$1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229."

b. This amount does not include any monetary sums that were donated to the Program by law firms, veterans, or from other sources. These donated funds are detailed in a separate schedule and are not commingled with grant funds received from the Legal Services Corporation.

TABLE B: CONSOLIDATED STATEMENT OF DONATED FUNDS & SERVICES (UNAUDITED)

Reported/Estimated Organizational Contributions

| | |
|--|-----------------|
| The American Legion | \$ 28,200.00 |
| Disabled American Veterans | \$ 40,000.00 |
| National Veterans Legal Services Program | \$ 27,400.00 |
| Paralyzed Veterans of America | \$ 195,826.18 |
| Baker Botts L.L.P. | \$ 96,877.00 |
| Total Value of Organizational Contributions | \$ 388,313.18 |
| Total Value of Nonorganizational Contributions | \$ 3,706,500.00 |
| Total Program Donated Funds and Services | \$ 3,464,813.18 |

TABLE C: STATEMENT OF GRANT INCOME & EXPENSES (AUDITED)**Revenue**

| | |
|---|-------------------------|
| Grant Funds Carried Forward (Prior Years) | \$ 327,073.00 |
| 2007 Grant Funds Made Available by LSC | \$ 1,260,000.00 |
| Interest Earned on Prior Grant Year Funds | \$ 5,466.00 |
| Investment Income on Current Year Funds | \$ 15,457.00 |
| Total Funds Available in Grant Year 2007 | \$1,607,996.00 a |

Expenses**Program Services**

| | |
|---|-----------------------|
| Executive Board | \$ 0.00 b |
| Case Evaluation and Placement Component | \$ 935,231.00 |
| Outreach Component | \$ 32,283.00 |
| Education Component | \$ 202,003.00 |
| Direct Representation Component | \$ 57,692.00 |
| Total Program Services Expenses | \$1,227,209.00 |

General and Administrative

| | |
|--|---------------------|
| Executive Board | \$ 0.00 b |
| Case Evaluation and Placement Component | \$ 25,830.00 |
| Outreach Component | \$ 1,679.00 |
| Education Component | \$ 15,565.00 |
| Direct Representation Component | \$ 0.00 |
| Total General and Administrative Expenses | \$ 43,074.00 |

Total 2007 Grant Expenses **\$1,270,283.00**

Excess of Total Grant Funds over Expenses **\$ 337,713.00**

b. In addition to grant funds, all of the participating organizations in the Consortium donated services and/or goods to the Program. The total estimated value of donated goods and services (including nonorganizational contributions to the grant) in 2007 is more than \$ 3,464,000. These donated goods and services are detailed in separate schedules.

b. All Executive Board member personnel costs and other costs associated with activities of the Executive Board were donated. The Executive Board met nine times during the grant year (and several Executive Board members also attended additional meetings to prepare and review financial statements and annual budget submissions). The average Executive Board meeting length was two hours.

TABLE D: CONTRIBUTIONS TO THE PROGRAM (UNAUDITED)**Organizational Contributions****The American Legion**

| | |
|---------------------------------|----------------|
| Unreimbursed Personnel Expenses | \$ 23,000.00 a |
| Other Services | \$ 5,200.00 |

Total American Legion Contributions **\$ 28,800.00**

Disabled American Veterans

| | |
|---------------------------------|----------------|
| Unreimbursed Personnel Expenses | \$ 15,000.00 |
| Other Services | \$ 25,000.00 b |

Total DAV Contributions **\$ 40,000.00**

National Veterans Legal Services Program

| | |
|--|---------------|
| NVLSP Publications | \$ 4,500.00 |
| Unreimbursed General Administrative Expenses | \$ 18,716.00 |
| Unreimbursed Personnel Expenses | \$ 4,184.00 c |

Total NVLSP Contributions **\$ 27,400.00**

Paralyzed Veterans of America**Unreimbursed Support for the Grant:**

| | |
|--|----------------|
| Value of Donated Mentoring Services | \$ 9,117.50 |
| Partial Cost of Production of 2007 Annual Report | \$ 27,006.80 |
| Assistance to CE&P Component | \$ 815.00 |
| Unreimbursed Support for Direct Representation Component (DRC) | \$ 147,043.32 |
| Unreimbursed Support for Executive Board | \$ 11,843.56 d |

Total PVA Contributions **\$ 195,826.18**

Baker Botts, LLP

| | |
|------------------|--------------|
| Donated Services | \$ 96,887.00 |
|------------------|--------------|

Total Organizational Contributions **\$ 388,313.18 e**

Nonorganizational Contributions

| | |
|--|-------------------|
| Donated Pro Bono Legal Services | \$ 2,809,000.00 f |
| Donated Services—D.C. Bar Pro Bono Program | \$ 2,400.00 g |
| Donated Services—Indianapolis, Indiana | \$ 1,500.00 h |
| Donated Services—Los Angeles, California | \$ 1,500.00 i |
| Donated Services—Austin, Texas | \$ 1,500.00 j |
| Donated Services—Seattle, Washington | \$ 1,500.00 k |

Total Value of Nonorganizational Contributions **\$3,076,500.00**

Total Donated Funds and Services **\$3,464,813.18**

- a. The American Legion provided an experienced veterans law specialist part-time to the Case Evaluation and Placement Component at no cost to the grant. The value of this service was not reported at the request of The American Legion but is conservatively estimated at \$21,000 per year (by comparison to comparable services billed to the grant).
- b. Includes the value of mentoring time and time spent in preparing for and attending Executive Board meetings and functions and the cost of hosting Executive Board meetings.
- c. Value of donated time of NVLSP representative performing and hosting Executive Board functions.
- d. Includes the value of mentoring time and the cost of hosted Executive Board meetings.
- e. Does not include time spent in Executive Board activities by Legal Services Corporation or Court personnel, nor expenses related to Court personnel traveling to and assisting in Program training events around the country.
- f. This figure was calculated by multiplying the number of non-VCAA cases placed with pro bono lawyers by the average number of hours for a pro bono lawyer to complete a case, as reported by pro bono lawyers completing cases in 2007, and multiplying that product by the 2007 Laffey matrix hourly rate for a lawyer with 4–7 years' experience (\$313 hour).
- g. Training classes are conducted by the Education Component twice a year in Washington, DC, through the auspices of the DC Bar Pro Bono Program. Incidental costs related to training (such as mailings, printing of announcements, the fair market value of classroom space, food and beverages, and personnel costs) are all donated by the DC Bar Pro Bono Program to the Veterans Consortium Pro Bono Program.
- h. The Program conducted a training class for pro bono lawyers in Indianapolis, Indiana, in April 2007. The training class was hosted by the law firm of Baker & Daniels LLP, who estimated that it expended \$1,500 in providing logistical support (excluding donated lawyer time) for the one-day training class.
- i. The Program conducted a training class for pro bono lawyers in Los Angeles, California, in October 2007. The firm of O'Melveny & Myers LLP hosted the one-day training class. The law firm estimated that it expended \$1,500 in providing logistical support for the one-day training class.
- j. The Program conducted a training class for pro bono lawyers in Austin, Texas, in November 2007. Baker Botts LLP hosted the one-day training class and estimated that it expended \$1,500 in providing logistical support for the one-day training class.
- k. The Program conducted a training class for pro bono lawyers in Seattle, Washington, 2007. The firm of Perkins Coie LLP hosted the one-day training class. The firm estimated that it expended \$1,500 in providing logistical support for the one-day training class.

Each of the constituent veterans service organizations, as well as the representative of the private bar chairing the Executive Board, makes various contributions to the Program during the course of the year. The Program has also received in-kind contributions from the District of Columbia Bar Pro Bono Program. Those contributions are set forth in the Program's attached financial statement for 2007. Several private law firms have contributed portions of fees received under the Equal Access to Justice Act in pro bono cases handled by those firms through the Program.

The principal private cash donations received by the Program through December 31, 2007, include:

TABLE E: PREVIOUS YEAR'S PRIVATE CONTRIBUTIONS TO THE PROGRAM

2007 Contributions from:

| | | |
|------------------------------------|-----------|-----------------|
| Baker Botts LLP | \$ | 5,000.00 |
| Jeffrey A. and Janine Stonerock | \$ | 1,000.00 |
| Patton Boggs, LLP | \$ | 2,000.00 |
| William S. and Rosalind Mailander | \$ | 500.00 |
| Elinor P. Tucker | \$ | 100.00 |
| Total Private Contributions | \$ | 8,600.00 |

TABLE F: 2007 SUMMARY OF PRIVATE CONTRIBUTIONS (AUDITED)

| | | |
|--|----|-----------|
| Contributions Available as of 1/1/2007 (Audited) | \$ | 40,660.00 |
| Contribution Received as of 1/1–12/31/2007 | \$ | 8,600.00 |
| Interest Earned 1/1–12/31/2007 | \$ | 1,493.00 |
| Total Contributions/Interest | \$ | 50,753.00 |
| Expenses Paid from Contributions 1/1–12/31/2007 | \$ | 3,520.00 |
| Contributions Available as of 12/31/2007 | \$ | 47,233.00 |

TABLE G: EXPENDITURES OF DONATED FUNDS

2007 Expenditures:

| | | |
|---|-----------|-----------------|
| CAVC Bar Association Bench & Bar Conference | \$ | 2,500.00 |
| Travel expenses – Pro Bono attorney (P. Eaglin) | \$ | 1,006.00 |
| Bank Fees | \$ | 14.00 |
| Total | \$ | 3,520.00 |



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