



VETERANS CONSORTIUM PRO BONO PROGRAM  
2006 ANNUAL REPORT



*James Himes*

*Joshua Parker*

## **Given the focus of the Pro Bono Program's**

mission to provide legal services free of charge to veterans and spouses seeking justice within the VA claims system, there is a function of time and history in the process that requires Program members to look toward the past in order to lend a hand to the veterans of World War II, Korea, Vietnam, the First Gulf War, and the conflicts in Iraq and Afghanistan.

While assisting veterans of wars past and those of ongoing conflicts, however, we cannot, and must not, ignore the courage of the men and women currently serving in harm's way around the world—the veterans of the future. This need arrived at the Pro Bono Program with explosive clarity on December 2, 2006, when veterans law specialist Kristin Holland received word that her stepson, PFC James Thomas Himes, had been badly injured when the Bradley fighting vehicle he was driving was the target of an improvised explosive device. James was evacuated to Germany and then to Fort Hood, Texas. Fortunately, Kris was able to see him briefly during a layover at Andrews Air Force Base and later attended the ceremony in Texas at which he received his Purple Heart.

As James continues his recuperation, the Program also hopes for the safe return of Spec. 4 Joshua Parker from Iraq. Joshua, a tanker serving with the Steel Tigers, of the 1st Battalion, 77th Armor, and the grandson of Deputy Director Carol Wild Scott, is serving in the Baghdad area.

It is to these two young American servicemen, and their comrades in arms, that this 2006 Annual Report is dedicated.

# HEROISM

## MESSAGE FROM THE CHAIRMAN OF THE EXECUTIVE BOARD

**As I near completion of my second year as chairman of the Executive Board of The Veterans Consortium Pro Bono Program,** I remain incredibly impressed by the untiring efforts of the volunteers who accept the responsibility of representing our nation's veterans. They work with the dedication and willingness to go the extra mile that matches the service to country provided by their clients. On behalf of our Board members, our staff, and our veterans, these volunteers have our sincere thanks and appreciation.

The year 2006 was one of challenge and change for the Pro Bono Program. Our workload, drawn from appeals filed at the U.S. Court of Appeals for Veterans Claims (CAVC), remained high, as veterans again filed more than 3,500 cases at the Court. We received almost 700 requests for assistance, ultimately providing the services of almost 200 lawyers without cost to veterans. These lawyers provided representation equating to several million dollars of donated legal services. This continuing need for representation led to a greater demand for our training programs. The Pro Bono Program responded, conducting training sessions in Denver; Columbia, South Carolina; and New York City, as well as two classes in the District of Columbia.

Stepping into a new area of outreach, and thanks to the generosity of those of you who have provided financial support so generously over the years, the Program was able to provide monetary assistance to organizations directly helping veterans and their families. During the holiday season, the Pro Bono Program provided \$30,000 in nongrant donations to two law school veterans law clinics, as well as the Walter Reed Society and the Fisher House Foundation.

The Pro Bono Program remained an effective force in the area of veterans law. Our attorneys' efforts led to several precedent-setting opinions from the Court, as well as successful results for individual veterans. We are particularly proud that one of our volunteer lawyer's efforts resulted in a CAVC decision overturning a Department of Veterans Affairs (VA) rule that deprived thousands of Navy veterans of the right to pursue claims based on exposure to the Agent Orange toxin. We are pleased that the same volunteer lawyer is continuing to serve the veteran at the Court of Appeals for the Federal Circuit, in opposition to the VA's appeal.

The year ahead will bring new challenges. The continuing effects of the conflicts in Iraq and Afghanistan will place new burdens on the field of veterans benefits, as returning service members will be seeking their well-deserved benefits. Standards of health care in both the Department of Defense and VA will be under close scrutiny and could lead to increased activity among veterans seeking benefits. The effect of the congressional enactment of a statute allowing veterans to employ for-fee lawyers earlier in the claims process is unknown, but there is no doubt that there will continue to be a compelling need for the Pro Bono Program.

As the Pro Bono Program enters its 15th year, I am confident that it will continue to serve our nation's veterans with the same passion and compassion that we have in years past. I know that our volunteer lawyers will continue to provide unmatched assistance to our nation's veterans and their families.

In closing, I wish to extend a heartfelt word of thanks to Chief Judge William Greene, Jr., of the U.S. Court of Appeals for Veterans Claims, for his continuing support; the members of the Executive Board and all of those individuals who support each Board meeting; the Program's full-time staff; my own firm, Baker Botts L.L.P.; and, once again, our volunteer lawyers, without whom there would be no Pro Bono Program. It is a great team, and I am honored to be a part of a program dedicated to helping those who have sacrificed so much.

Jeffrey A. Stonerock



Chairman, Executive Board







# INTRODUCTION

## OUR MISSION

The Veterans Consortium Pro Bono Program established as its mission that 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 mission 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 where the appellants are unable to afford counsel; and by

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

Following the establishment of the U.S. Court of Veterans Appeals in 1988, the Court found itself overwhelmed by an avalanche of unrepresented veterans who were struggling with the legal structures and procedures of the new Court. This led the Court to ask Congress for a program that could provide assistance to veterans seeking review of Department of Veterans Affairs (VA) claims. In May 1992, the Legal Services Corporation, acting for the Court, issued two solicitations for proposals (referred to as RFP “A” and “B”) to develop a program that would provide pro bono representation to appellants coming before the Court. In response to the initial solicitation, four veterans service organizations—The American Legion, the Disabled American Veterans, the National Veterans Legal Services Project (now National Veterans Legal Services Program), and the Paralyzed Veterans of America—came together to create the Veterans Consortium (Consortium) and then won the grant to operate the Pro Bono Program (Program), which was established by RFP “A.”<sup>1</sup>

The Consortium was formed as an umbrella program to evaluate appeals of decisions of the Board of Veterans’ Appeals that had been taken to the U.S. Court of Appeals for Veterans Claims and to recruit and train qualified lawyers who would volunteer their services to represent appellants before that Court. Under RFP “B,” the Program solicited proposals from organizations already providing representation to veterans to expand existing programs to aid more veterans and other Department of Veterans Affairs claimants.

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 fiscal year 2006. 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 14th year of operations; it is also a testament to our nation’s continuing commitment to those 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 their behalf.

1. The authorizing legislation for the Pro Bono Program is Pub.L.No. 102-229, 105 Stat. 1710 (1991). Pub.L.No. 102-229 states in relevant part: “...for the purpose of providing financial assistance (through grant or contract...) to facilitate the furnishing of legal or other assistance, without charge, to veterans and other persons who are unable to afford the cost of legal representation in connection with decisions to which section 7252(a) of title 38, United States Code, may apply, or with other proceedings in the Court, through a Program that furnishes case screening and referral, training and education for attorney and related personnel, and encouragement and facilitation of pro bono representation by members of the bar and law school clinical and other appropriate Programs, such as veterans service organizations, and through defraying expenses incurred in providing representation to such persons....”

## EXECUTIVE BOARD

The Veterans Consortium Executive Board consists of five voting members and two invited guests, who represent the Court and the Legal Services Corporation, respectively. The Executive Board's members are responsible for establishing and monitoring the activities of the Program's operational components. Each of the four veterans service organizations that comprise the consortium have a voting representative on the Board, while the fifth voting member (and the current chairman) is a representative of the private bar. The Executive Board oversees the Program's two component directors, who are, in turn, responsible for implementing 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 12 times during 2006, including three conference calls, 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.

# COURAGE

## 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 2006, 144 lawyers were recruited into the Program. After some reduction in recruitment in 2005 to adjust the number of available trained lawyers to the number of cases then available to be placed, the numbers were raised again in 2006, reflecting the large increase in filings at the Court. Recruitment in 2007 is expected to increase; the number will depend on the needs of the Case Evaluation and Placement Component.

Recruitment presentations were made at the annual seminar of the Pro Bono Institute on March 2, 2006, and at the annual D.C. Bar Pro Bono Partnership luncheon on October 4, 2006.

Most of the lawyers recruited by the Program practice in the greater Washington, D.C., metropolitan area, and two training sessions were held in Washington in 2006. In addition, the Pro Bono Program continued an initiative begun years ago to recruit lawyers outside the Washington, D.C., metropolitan area. Ultimately, lawyers representing veterans through the Program in 2006 came from 29 states and the District of Columbia, as well as Canada:

Alabama	Maryland	Rhode Island
Alaska	Massachusetts	South Carolina
California	Michigan	South Dakota
Colorado	Minnesota	Tennessee
Connecticut	Mississippi	Texas
Delaware	New Jersey	Virginia
District of Columbia	New York	Washington
Florida	North Carolina	Wisconsin
Georgia	Ohio	Ontario, Canada
Illinois	Oklahoma	
Iowa	Pennsylvania	

## 2006 HIGHLIGHTS

### 198 cases

were placed with Program lawyers or were provided assistance with cases that were remanded.

### 475 appellants

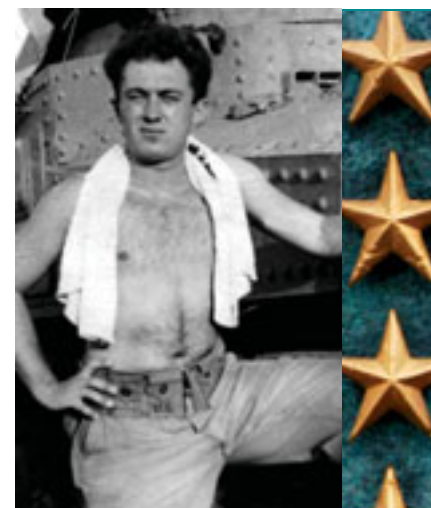
who were not provided with representation but were, nonetheless, given legal advice about their appeals and underlying claims as appropriate.

### 144 pro bono lawyers

received either classroom or video training in veterans law issues.

### More than \$2,800,000

in donated legal services was provided to appellants represented under the Program.



## FACTS & FIGURES

### 50 percent

of all pro bono lawyers actively participating in the Program in 2006 were from the Washington, D.C., metropolitan area.

### 38 Washington, D.C.,

metropolitan area law firms actively participated in the Program in 2006.

### 55 percent

of all pro bono lawyers who actively participated in the Program in 2006 were from law firms.

### More than 94 percent

of all lawyers who completed a case through the Program in 2006 have taken, or indicated a willingness to take, another case.

The average per capita recruitment cost for the 169 lawyers recruited in 2006 was \$206.20.

The average education cost for the 169 pro bono lawyers for whom Education Component services were available in 2006 was \$762.12.

## 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 2,200 lawyers and paralegal representatives have attended the Program's training classes. In 2006, the Program held two eight-hour training classes at the D.C. Bar for new volunteer lawyers, as well as sessions in Denver; Columbia, South Carolina; and New York City. These programs were scheduled with an eye toward the projected needs of the Case Evaluation and Placement Component. These introductory classes were attended by 144 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 paper-back and CD-ROM format and includes an online veterans law research capability through the publisher (LexisNexis). The Program also provides subscriptions to two veterans law journals: *The Veterans Advocate*, published by the National Veterans Legal Services Program, and *Tommy*, a quarterly publication of the Veterans Law Section of the Federal Bar Association.

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 2006 the Disabled American Veterans provided two mentors; National Veterans Legal Services Program provided three mentors; and Paralyzed Veterans of America provided three. 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.

*This letter is forwarded to you to say "thank you" [to you] and your staff for your assistance in reviewing my case and assignment of counsel for my pending case before the U.S. Court of Appeals for Veterans Claims. My case has been ongoing since 1991, and it has been difficult along the way. Thank you for taking the interest and assisting me.*

*Vietnam-era Veteran*

## 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 2006 there were some 198 cases that met Program eligibility requirements and were placed with a volunteer or Direct Representation Component 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 14-year total for the Program to almost 2,700 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 Web site, [www.vetsprobono.org](http://www.vetsprobono.org).

## 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 2006.







**Over the past 14 years,** the Pro Bono Program has assigned counsel to assist veterans in a wide range of cases, and this assistance has, on occasion, had a major impact on a wide range of issues in the field of veterans law. One such case, and one for which the Program is extremely proud to have provided outstanding counsel, is the appeal of CDR Jonathan L. Haas, USNR (Ret.).

A 1959 graduate of the U.S. Merchant Marine Academy, Ensign Haas served on Navy and merchant vessels and then briefly left the service. He returned to active duty in 1963, receiving orders to the *USS Mount Katmai* (AE-16) in August 1967. In 1968 the *Mount Katmai*, an ammunition ship, was in the coastal waters of the Republic of Vietnam, supplying a wide range of fleet units with ordnance of all sizes and caliber. During this service, then-LT Haas noted the spraying of herbicides by U.S. aircraft over the shoreline, a location to which his ship often approached within 30 yards. Given the usual offshore breezes, the *Mount Katmai* would on occasion be enveloped by a cloud of the defoliants, which contacted the crew members' skin and was inhaled. Additionally, the *Mount Katmai* would draw water from the ocean and process it for drinking and bathing water. (According to a study of Royal Australian Navy personnel by the Australian National Research Center for Environmental Toxicology, this process would apparently enhance the strength of the chemicals in the desalinated water and create an interaction between the defoliant chemicals and the copper piping.) For his service, LT Haas received the Vietnam Service Medal and the Vietnam Campaign Ribbon.

In 1980, LT Haas was diagnosed with type 2 diabetes and related complications. Some 20 years later, the Department of Veterans Affairs (VA) announced that a positive link had been established between exposure to Agent Orange and type 2 diabetes. This, in turn, provided a basis for the establishment of a presumptive link for service connection for veterans with diabetes who had served in the Republic of Vietnam from January 1962 through May 7, 1975. The implementing regulation became effective in July 2001.

CDR Haas filed his service-connection disability claim later the same month at the Phoenix VA Regional Office. The claim was denied, and denied again by the decision review officer, and yet again by the Board of Veterans' Appeals in February 2004. At the regional office, the denial was based on a September 1996 VA General Counsel memo that opined that claims for presumptive service connection for diseases arising from exposure to herbicides, as established by the Agent Orange Act of 1991, required the claimant to have "set foot" on the soil of Vietnam. The Board, however, relied on a paragraph in a July 1997 General Counsel opinion that dealt with a much different issue. Additionally, in 2002, VA altered its VA Adjudication Procedure Manual, M21-1 to reflect this change—without either the required public comment and related procedure or consideration of the effect of Agent Orange on a large percentage of the thousands of naval personnel who served offshore. Thus, VA policy created a situation where veterans who had briefly passed through Vietnam (a day, a week, a plane change) were entitled

1. Department of Defense figures show that 1,842,000 members served with the United States Navy between 1964 and 1973. During that period of time, the Navy suffered 1,631 deaths in combat and 4,178 additional casualties. Most of these casualties were sustained by personnel assigned to riverine combat and naval aviation units. Marine Corps personnel assigned to deep water Navy vessels would have been a small percentage of the 794,000 Marines serving during this period.





to the presumption, while veterans of offshore deployments of months were denied application of the rule.<sup>1</sup>

Initially acting on his own behalf, CDR Haas filed a timely notice of appeal on March 3, 2004, and remained unrepresented throughout the process until April 2005. At that time the United States Court of Appeals for Veterans Claims (CAVC), recognizing the widespread implications of the case, issued an order allowing CDR Haas to seek legal counsel with the apparent intention of rendering a precedential panel decision. On May 4, 2005, the Pro Bono Program received CDR Haas's request for an attorney. The importance of the appeal was immediately obvious, and an acknowledgment letter was sent to him on May 9. During that short period of time, the National Veterans Legal Services Program (NVLSP) and Louis George, Esq., were contacted about taking the case. NVLSP and Mr. George, an experienced veterans law lawyer, were pleased to enter the fray, and Mr. George made his appearance before the Court on May 19. Supplemental briefing followed, and in October, Bart Stichman, Esq., also of the NVLSP, entered the case as co-counsel. Oral argument before a three-judge panel was held January 10, 2006.

On August 16, 2006, the CAVC vindicated the efforts of CDR Haas and the service of those fellow sailors who served in the South China Sea and the Gulf of Tonkin by holding that CDR Haas was entitled to the Agent Orange presumption based on VA's own regulation, which was in effect when he filed his claim. The Court was clear in its position that the change in the adjudication manual in February 2002 had no legitimate effect on the Agent Orange Act or other relevant legislation.

The Court noted that the Agent Orange Act did not by its terms limit application of the service-connection presumption to individuals who had "set foot" in Vietnam and that the regulations then in effect did not bar application of the act to personnel serving off the coast of Vietnam. Indeed, under the rules then in effect, which included receipt of the Vietnam Service Medal as a requirement, CDR Haas was entitled to the presumption. Finally, the Court took VA to task for changing the M21-1 without complying with the notice and comment requirements of the Administrative Procedure Act.

Heartened by the Court's decision, and the strength of its opinion, a great number of Vietnam Navy vets filed claims before the end of 2006 with the hope of receiving the Agent Orange presumption. Those claims are being processed, but VA has appealed the decision to the U.S. Court of Appeals for the Federal Circuit. The Pro Bono Program hopes to be able to report an affirmation of the CAVC decision in next year's report and notes that Mr. George and Mr. Stichman are continuing their representation through the course of the appeal.

The Veterans Consortium Pro Bono Program is proud of the assistance it was able to render CDR Haas, and, through him, those members of the U.S. Navy and Marine Corps who served their country during extended deployments in Southeast Asia. Accordingly, we are honored to thank CDR Haas and the superb attorneys of the National Veterans Legal Services Program who have done so much to help the nation's "Blue Water" sailors.

## WIDER OUTREACH

In 2006 the Pro Bono Program sought to expand its assistance in ways that stepped beyond the VA claims system and the courtroom. This effort to support and help active duty military and veterans communities followed several years of generous financial giving by private contributors, combined with an unmatched willingness by Program attorneys to bear expenses themselves. Given the funds available, the Executive Board concluded that the wishes of the many generous donors would be best served by making contributions to organizations that enhanced the lives of military members, their families, and the legal profession in the area of veterans law. To that end, four organizations were selected to receive nongrant donations of between \$5,000 and \$10,000.

The organization perhaps most directly serving the nation's service members, the Walter Reed Society of Washington, D.C., was chosen to allow the Pro Bono Program to further the efforts of the Society's Family Support Fund as it provided assistance to service members, veterans, and families. By making the donation, the Program honored the organization's dedication to the needs of wounded service members. The donation was made even more appropriate because the stepson of a staff member recently had been wounded in Iraq and returned to the United States for care and rehabilitation, allowing the Program's staff to see the unrelenting need for critical assistance and compassionate service, such as that provided by the society and similar organizations.

The second organization selected was the Fisher House Foundation, Inc., of Rockville, Maryland. The Fisher House program is a unique private-public partnership that seeks to assist military families in a wide range of services, most notably in building of "comfort homes" on the grounds of military bases and VA medical centers. These homes provide free long-term housing for the families of service members requiring lengthy hospital stays for recovery and rehabilitation, contributing to their recovery because *"a family's love is good medicine."* In addition to the homes that it continues to build, the foundation administers Scholarships for Military Children and the Hero Miles program and cosponsors the Newman's Own Award.

Wishing to acknowledge the continuing and growing need for legal practitioners to assist veterans, not just with benefits claims, but in other areas of the law as well, the Pro Bono Program was pleased to honor two schools of law that have made major contributions to the expansion of veterans legal services, both in the classroom and on the street.

In addition, it was with great pleasure that the Program was able to make a donation to support the Veterans' Rights Clinic of the University of South Carolina School of Law, along with two true friends of the Program, Professor Lewis Burke and Adjunct Professor of Law Douglas Rosinski. Under the supervision of Mr. Rosinski, 15 students provided direct assistance to South Carolina veterans, and the clinic is expected to continue to provide that assistance through the coming years.



*Brian D. Robertson, Esq., director of the Case Evaluation Component presents a \$5,000 check to Professor W. Lewis Burke, director of Clinical Legal Education at the University of South Carolina School of Law. The Consortium's donation was designated for use by the Veterans' Rights Clinic and was made in recognition the law school's efforts to provide legal assistance to veterans.*

*This is an outstanding service. I can't believe that it is really free. My attorney is a very professional gentleman ...I don't know what I would have done without him.*

*U.S. Army Veteran 1985-1991*

# RVICE

It was a particular pleasure to make a contribution in recognition of the efforts of long-time Program friend and colleague Professor Thomas J. Reed and the Widener University School of Law Veterans Assistance Program. The clinic has been a ready and reliable resource for assistance in a wide range of cases involving veterans in the Delaware, New Jersey, and Pennsylvania tristate area. Of course, the clinic provides assistance to those veterans with problems in areas other than VA benefits, and the Program was very pleased to be able to assist in its important goals.

Besides financial assistance, the Program was able to provide information about the Program and the appellate process to other service organizations around the country. The Program made presentations to the Illinois Association of County Veterans Assistance Commissions, the Ohio Governor's Office of Veterans Affairs county veterans service officers, the Paralyzed Veterans of America 2006 National Service Officer Continuing Education Program, and the Vietnam Helicopter Crewmembers Association 20th reunion.

Of special import, however, was the honor accorded Deputy Director (Case Evaluation) Dave Myers (CDR, JAGC, USN, Ret.), who was asked to deliver the Mt. Vernon, Ohio, Veterans Day address at the town square. Speaking on a raw, windy November morning beneath the community's Civil War memorial, and next to the community's Walk of Honor (honoring its war heroes), Mr. Myers addressed a crowd that included a Pearl Harbor survivor; several Gold Star Mothers; veterans of World War II, Korea, Vietnam, and the First Gulf War; and family members. It was a special moment for Mr. Myers and for the Pro Bono Program.

## THE PRO BONO PROGRAM AND THE FUTURE

The Pro Bono Program enjoyed a very successful 2006, providing attorneys to almost 200 veterans and spouses and assisting more than 400 others. But it was also a year marked by turmoil in the field of veterans law, a journey that met with occasional calm waters, but more often faced a swiftly flowing current amongst unknown rocks and shoals.

Certainly the most anticipated change to the system of representation, albeit one with yet-to-be-determined consequences, took place in December when Congress passed an amendment to 38 U.S.C. § 5904. This change will allow lawyers and nonattorney practitioners to collect fees after a notice of disagreement has been filed. Although the Pro Bono Program was not involved in the legislative process, there is no doubt the legislation has the potential to have an impact on our way of doing business.

## FACTS & FIGURES II

**3,729 appeals were filed** with the U.S. Court of Appeals for Veterans Claims in Fiscal Year 2006.

**In 2006 there were 2,349 appellants** who filed a notice of appeal without representation, and, in consequence, were mailed information about the Program. This number constituted 63 percent of the appeals filed. This number constituted a 5 percent rise in unrepresented veteran appellants.

**In 2006, 32 percent (692) of the 2,349 pro se appellants** who were sent an application eventually applied for Program services, an increase of 7 percent over the previous year.

**100 percent of those appellants** meeting Program eligibility requirements received some form of legal assistance or advice at no cost in 2006.

**29.4 percent (198) of the 673 fully evaluated cases in 2006** were found to have one or more legal issues warranting placement with a lawyer through the program, a 7 percent increase over 2005.

# HON

At the U.S. Court of Appeals for Veterans Claims, Chief Judge William P. Greene, Jr., completed his first full year as head of the Court and, for the first time in several years, no retirements involving members of the bench or senior staff took place. This stability allowed for a degree of improved efficiency and some better understanding of the Court's thinking by the private bar. However, even the more experienced Court struggled with yet another increase in the caseload as filings climbed from 3,466 in FY 2005 to 3,729 in FY 2006, the latter number being a 40 percent increase over the FY 2004 case load. These numbers led the Chief Judge to ask for the recall of retired judges Kenneth B. Kramer, John J. Farley, and Donald L. Ivers.

Additionally, it does not appear that the tide of appeals will ebb in 2007. During FY 2006 the Board of Veterans' Appeals (BVA) issued 39,076 decisions, an increase of almost 5,000 over the previous year. Within that rise, veterans law judges conducted an additional 582 hearings. Despite the best efforts of the BVA to achieve higher levels of efficiency and accuracy, however, the total cases awaiting a decision at the end of FY 2006 was 40,265, nearly 3,000 more than the total at the end of the previous year. Given that the flood of BVA decisions constitutes the source of the





# V O R

Court's caseload, and the basis for the Pro Bono Program's efforts are drawn from that number, it seems clear that, unless the availability of attorneys at the earlier step of the process interrupts the flow of cases, the Program will remain very busy for the foreseeable future.

The CAVC and its oversight body, the U.S. Court of Appeals for the Federal Circuit, were active. The Program was proud to have several cases that resulted in published precedential decisions.

Finally, we continue to receive an increasing stream of inquiries from attorneys around the nation looking to give their time and effort to assisting this country's veterans. The Program put together a full training schedule for 2006 and is seeking to create additional opportunities for the coming year. 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. To those lawyers, their firms, and their staff personnel, we offer our heartfelt and sincere thanks.

*I would like to thank the Veterans Consortium Pro Bono Program for help with my claim...Without this legal help, I do believe that it would have been very hard for me to know the legal steps to take as I did not understand how the Court works. This program is very, very important to have. In most cases there are people like myself who need help and can't pay an attorney.*

*Vietnam-era Veteran's Widow*



# 2006 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



**Mr. 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



**Landen 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*.



*Executive Board*

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**Education and Outreach Components** (l to r): Bart Stichman; Ronald B. Abrams; Meg Bartley, director; Louis J. George Not shown, Teddi LeaBough



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### INVITED GUESTS

#### U.S. Court of Appeals for Veterans Claims



**Sandra P. Montrose, Esq.**, currently serves as counsel to the judges of the U.S. Court of Appeals for Veterans Claims. Before becoming counsel to the judges, Ms.

Montrose was executive attorney to the Court's first chief judge, the Honorable Frank Q. Nebeker. Ms. Montrose has also served as an attorney/advisor on the Court's Central Legal Staff.

Prior to her work at the Court, she was an associate at Covington & Burling, where she was a litigator in the firm's insurance practice group, and she also practiced health and safety law before a number of federal agencies. Before joining Covington & Burling, Ms. Montrose clerked for Judge Nebeker, then an associate judge on the District of Columbia Court of Appeals.

She is a 1984 graduate of the Columbus School of Law of the Catholic University of America, where she was a member of the Moot Court Nationals Team and of the *Law Review*. Her comment, "To Police the Police: Functional Equivalence to the EIS Requirement and EPA Remedial Action under Superfund," appears in volume 33 of the *Catholic University Law Review*.

She is a member of the District of Columbia Bar and has also been admitted to the bar of the U.S. Supreme Court, the U.S. Court of Appeals for the Federal Circuit, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. Court of Appeals for Veterans Claims. She is a member of the Federal Bar Association and an officer of its Veterans Law Section.



**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





**NVLSP Mentors:** Stephanie Forester, Meg Bartley, Nancy Foti



**DAV Mentors:** Ronald L. Smith, Donald E. Purcell



**PVA Mentors:** William S. Mailander, Linda E. Blauhut  
Not shown, Michael P. Horan

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.

#### Treasurer



**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 co-author 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 secretary of the U.S. Court of Appeals for Veterans Claims Bar Association.



## THE WAY WE WERE

### The Veterans Consortium

Pro Bono Program would like to offer a special thanks to one of its most supportive friends and attorneys, James C. "Jim" McKay, of Covington & Burling. A "plank owner," taking his first Program case in 1992, the dashing young naval officer pictured here would earn his law degree from Georgetown in 1947 and then serve as Assistant U.S. Attorney for the District of Columbia from 1948 through 1949.

A distinguished litigator, Jim has represented veterans in 24 cases for the Pro Bono Program, including what must be the fastest decision in the history of the Court, when the three-judge panel stepped behind the curtains and returned in about 20 minutes to hand down an order in favor of Mr. McKay's client. The Veterans Consortium Pro Bono Program would like to extend to the former LT James C. McKay a sincere "thank you" for your service to your country and to America's veterans. May you always have fair winds and following seas.

*Yes, Mr. [James] McKay is one of the most knowledgeable attorneys I have ever talked to. He has the know-how to fight for veterans. [He] kept me informed of everything going on at all times. He answered all my questions. I feel if veterans had this program 40–50 years ago...my case would have settled long ago.*

*Army Veteran 1954–1956*

LOYAL

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## PRIVATE BAR RECRUITMENT COMMITTEE

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# FINANCIAL STATEMENTS

JANUARY 1, 2006–DECEMBER 31, 2006

**TABLE A: CONSOLIDATED STATEMENT OF INCOME & EXPENSES (UNAUDITED)**

2006 Grant Funds Authorized by Congress	\$ 1,247,000.00 a
2006 Funds Retained by Legal Services Corporation (LSC)	\$ 0.00
2006 Funds Released to Program by LSC	\$ 1,247,000.00
Grant Funds Available from 2005 Grant Year	\$ 270,259.00
2006 Grant Funds Available	\$ 1,517,259.00
Interest Earned on 2005 Grant Year Funds	\$ 8,457.00
Interest Earned on 2006 Grant Year Funds	\$ 6,003.00
Total Funds Available in Grant Year 2006	\$ 1,531,719.00 b
Total Program Expenses in 2006	\$ 1,204,646.00
Excess of Total Grant Funds over Expenses	\$ 327,073.00

a. See Pub.L.No. 109-114, Stat. 2393 (11/30/05), which 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, 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." The amount of \$1,260,000 was reduced to the amount reported as a result of a 1 percent rescission ordered by Congress through Pub. Law 109-148, sec. 3801 of Div. B (2006), the Department of Defense Emergency Supplemental appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act.

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	\$ 25,800.00
Disabled American Veterans	\$ 39,584.00
National Veterans Legal Services Program	\$ 8,928.00
Paralyzed Veterans of America	\$ 169,660.37
Baker Botts L.L.P.	\$ 106,504.00
Total Value of Organizational Contributions	\$ 350,476.37
Total Value of Nonorganizational Contributions	\$ 2,809,000.00
Total Program Donated Funds and Services	\$ 3,159,476.37



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

Grant Funds Carried Forward (Prior Years)	\$ 270,259.00
2006 Grant Funds Made Available by LSC	\$ 1,247,000.00
Interest Earned on Prior Grant Year Funds	\$ 8,457.00
Investment Income on Current Year Funds	\$ 6,003.00
<b>Total Funds Available in Grant Year 2006</b>	<b>\$ 1,531,719.00 a</b>

**Expenses****Program Services**

Executive Board	\$ 0.00 b
Case Evaluation and Placement Component	\$ 865,584.00
Outreach Component	\$ 26,543.00
Education Component	\$ 196,980.00
Direct Representation Component	\$ 54,944.00
<b>Total Program Services Expenses</b>	<b>\$ 1,144,051.00</b>

**General and Administrative**

Executive Board	\$ 0.00 b
Case Evaluation and Placement Component	\$ 36,749.00
Outreach Component	\$ 2,693.00
Education Component	\$ 21,153.00
Direct Representation Component	\$ 0.00
<b>Total General and Administrative Expenses</b>	<b>\$ 60,595.00</b>

<b>Total 2006 Grant Expenses</b>	<b>\$ 1,204,646.00</b>
<b>Excess of Total Grant Funds over Expenses</b>	<b>\$ 327,073.00 c</b>

a. In addition to grant funds, all of the participating organizations in the Consortium donated services and/or goods to the Program.

b. All Executive Board member personnel costs and other costs associated with activities of the Executive Board were donated. The Executive Board met 12 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.

c. These funds have been retained by the NVLSP, as grant administrator, for use in the Program year beginning in January 2007.

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

Unreimbursed Personnel Expenses	\$ 21,000.00	a
Other Services	\$ 4,800.00	

**Total American Legion Contributions** **\$ 25,800.00**

**Disabled American Veterans**

Unreimbursed Personnel Expenses	\$ 14,584.00	
Other Services	\$ 25,000.00	b

**Total DAV Contributions** **\$ 39,584.00**

**National Veterans Legal Services Program**

NVLSP Publications	\$ 4,500.00	
Unreimbursed Personnel Expenses	\$ 4,428.00	c

**Total NVLSP Contributions** **\$ 8,928.00**

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

Value of Donated Mentoring Services	\$ 7,707.45	
Partial Cost of Production of 2006 Annual Report	\$ 27,895.00	
Assistance to CE&P Component	\$ 1,060.00	d
Unreimbursed Support for Direct Representation Component (DRC)	\$ 122,560.47	
Unreimbursed Support for Executive Board	\$ 10,137.45	e
Miscellaneous Grant Administration	\$ 300.00	

**Total PVA Contributions** **\$ 169,660.37**

**Baker Botts, LLP**

Donated Services	\$ 106,504.00	
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**Total Organizational Contributions** **\$ 350,476.37 f**

**Nonorganizational Contributions**

Donated Pro Bono Legal Services	\$ 2,809,000.00	g
Donated Services – D.C. Bar Pro Bono Program	\$ 2,400.00	h
Donated Services – Denver, Colorado	\$ 1,200.00	i
Donated Services – New York, New York	\$ 1,200.00	j
Donated Services – South Carolina	\$ 1,200.00	k

**Total Value of Nonorganizational Contributions** **\$ 2,815,000.00**

**Total Donated Funds and Services** **\$ 3,165,476.37**

- 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 time donated by PVA representative and cost of hosting Executive Board meetings.
- e. Includes CLE costs, bar membership dues, and educational services provided to the Case Evaluation and Placement Component and PVA employees assigned to it.
- f. 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 in Denver, New York, or South Carolina.
- g. This figure was calculated by multiplying the number of 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 2006, and multiplying that product by the 2006 Laffey Matrix hourly rate for a lawyer with 4–7 years' experience (\$313/hour).
- h. Training classes are conducted by the Education Component twice a year in Washington, D.C., through the auspices of the D.C. 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 D.C. Bar Pro Bono Program to the Veterans Consortium Pro Bono Program.
- i. The Program conducted a training class for pro bono lawyers in Denver, Colorado, in October 2006. The training class was hosted by the law firm of Patton Boggs, which estimated that it expended \$1,200 in providing logistical support (excluding donated lawyer time) for the one-day training class.
- j. The Program conducted a training class for pro bono lawyers in New York, New York, in December 2006. The firm of Bingham McCutchen hosted the one-day training class. The law firm estimated that it expended \$1,200 in providing logistical support for the one-day training class.
- k. The Program conducted a training class for pro bono lawyers in South Carolina in December 2006. The University of South Carolina School of Law and the South Carolina Appleseed Legal Justice Center hosted the one-day training class. The Law School and Justice Center estimated that they expended \$1,200 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 financial statement for 2006. 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, 2006, include:

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

Arnold & Porter Foundation	\$	14,805.11
Baker Botts L.L.P.	\$	550.00
Covington & Burling	\$	14,200.00
Crowell & Moring	\$	12,029.27
Daniel Delaney	\$	10.00
Robert D. Fagan, Jr.	\$	20.00
Foley & Lardner	\$	4,000.00
Lieberman & Mark, L.L.P.	\$	1,000.00
Marshall Potter, Esq.	\$	200.00
Patton Boggs, L.L.P.	\$	9,000.00
Natalie V. Rawding	\$	100.00
Esther R. Scherb, Esq.	\$	2,000.00
Steptoe & Johnson, L.L.P.	\$	4,000.00
Jack Travis	\$	1,000.00
Donald H. Ziegenbein	\$	20.00
<b>Total Private Contributions</b>	<b>\$</b>	<b>62,934.38</b>

**TABLE F: 2006 SUMMARY OF PRIVATE CONTRIBUTIONS (UNAUDITED)**

Contributions Available as of 1/1/2006 (Audited)	\$	67,482.00
Contribution Received as of 1/1–12/31/2006	\$	1,500.00
Interest Earned 1/1–12/31/2006	\$	2,324.00
Total Contributions/Interest	\$	71,306.00
Expenses Paid from Contributions 1/1–12/31/2006	\$	30,646.00
Contributions Available as of 12/31/2006	\$	40,660.00



**TABLE G: EXPENDITURES OF DONATED FUNDS**

<b>Travel</b>		
Joe Angeles	\$	417.00
<b>Courier</b>		
Apple	\$	50.00
<b>Donations</b>		
The Walter Reed Society	\$	10,000.00
Fisher House Foundation	\$	10,000.00
Widener University	\$	5,000.00
USC Educational Foundation	\$	5,000.00
<b>Supplies</b>		
Deluxe Business Forms	\$	165.00
<b>Fees</b>		
Bank Charges — BOA	\$	13.00
<b>Total</b>	<b>\$</b>	<b>30,645.00</b>



**Photo credits:** The portrait photos throughout this report are of veterans from Henderson County, North Carolina, who were visiting the National WWII Memorial as part of the Honor Air ([www.honorair.com](http://www.honorair.com)) program. This wonderful program enables members of The Greatest Generation to see the memorial for the first time. Photos by Margaret L. Robertson of Lorton, Virginia.





The Veterans Consortium Pro Bono Program  
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