

Georgia Hosts National Symposium on Military Legal Assistance Programs

by Norman E. Zoller

On May 29, representatives from 13 states met in Atlanta to share information about what legal assistance and other support programs their states offer to military service members and veterans. In addition to representatives from Georgia, attendees came from Florida, Idaho, Indiana, Kentucky, Mississippi, Missouri, Montana, North Carolina, Ohio, South Carolina, Texas and West Virginia. Also participating were three representatives from the American Bar Association: Linda Klein, president-elect nominee; Mary Meixner, staff attorney and director of the ABA's Military Pro Bono Project; and Ken Goldsmith, legislative counsel and director of state legislation.

Reflecting on the symposium, 2014-15 State Bar President Patrise M. Perkins-Hooker said, "It was a timely and splendid idea to convene a meeting like this. And to our knowledge, it was the first time this has ever been done. We brought together representatives from



Linda A. Klein, ABA president-elect nominee, Atlanta.



Edward Tate, Deputy Chief of Staff and General Counsel to Sen. Johnny Isakson, Atlanta.

Photos by Jennifer R. Mason

more than a quarter of the Nation to talk about how each of us help this most deserving group of our citizens who have defended democracy and our freedom. I learned much and I know that others did as well."

The idea for a symposium emerged in January during a meeting of the State Bar's Military Legal



(Left to right) Cpt. Stephen A. Stokes, Idaho; Catheryne Pully, Indiana; and John Meyers, Kentucky.



(Left to right) Drew Early, Atlanta and Jeffery Arnold, Hinesville.

Assistance Program Committee and the Military and Veterans Law Section. Participants thought it would be valuable to bring together representatives from the states that have current programs to help vets and service members. With that goal in mind, Perkins-Hooker wrote to her fellow bar presidents and executives, suggesting that a meeting be convened to swap ideas and information. Moreover, the meeting could provide an opportunity for states that did not have such programs to hear what other states were doing and to consider what they also might want to do.

The meeting was configured as a roundtable so that everyone could see and hear each other: it was give-and-take discussion, not a lecture. Each state first spoke about its various programs, and in some cases, programs they did not yet have but were curious about.

Representatives came not only from states with smaller populations, such as Idaho, with 1,567,582 citizens¹ and 132,395 veterans,² and Montana, with 989,415 citizens and 99,646 veterans, but also from Ohio, with 11,536,504 citizens and 866,481 veterans. Nearly all states, as underscored by Klein, have significant veterans' popula-

tions which, when coupled with active duty, National Guard, and Reservists, typically constitute about 10 percent of any state's total population. That's a significant demographic reality.

Reports from the States and Remarks from the ABA and Senator Isakson

Cpt. Steve Stokes, on behalf of the Idaho Military Legal Alliance (IMLA), reported their programs began at a tactical level and have since moved to the strategic. He described four: coordinating services of the member partners and other community organizations; promoting or providing CLE classes to attorneys and volunteers on military law and military issues; establishing and supporting veteran/military legal clinics throughout the state; and identifying, tracking, and supporting *pro bono* or reduced-fee volunteer attorneys willing to help veterans, service members, and military families. A steering committee has been appointed and is designing overall future strategy setting IMLA policy, determining a strategic vision, and assisting with tactical implementation.

Idaho also has created four veterans' courts. Once the veteran has successfully completed court rehabilitation requirements, criminal charges may be expunged.

Kentucky Bar Association Executive Director John Meyers said his state was developing a firmer strategy of what it wants to do, which was one of the reasons he attended the symposium. Although some programs are already in place, their MLAP committee is studying how better to address the needs of more than 330,600 veterans who call Kentucky home. He reported his state has sponsored education programs termed, "calling to duty," and established veterans' treatment courts in Jefferson and Hardin counties with a special grant, with comparable programs in Northern Kentucky, Fayette County and in the Christian Circuit.

On behalf of North Carolina, Kirk Warner and Charlotte Stewart reported on programs principally under its Military and Veterans Affairs Committee. This committee provides oversight and support regarding family law matters, VA disability appeals, veterans courts, veterans employment initiatives, CLE training, collab-



(Left to right) Larry Houchins and Lt. Col. Mark Majors, Mississippi; Kirk Warner and Charlotte Stewart, North Carolina.



(Facing, left to right) Michael Renner, Ohio; Kenny Dojaquez and Bennett Gore Jr., South Carolina; Anita Casey, West Virginia; and Mary Meixner, ABA, Chicago.

oration with *ad hoc* groups and “reconnaissance” (listening and watching for relevant information that may be useful in the future). The Veterans Pro Bono Network has a coordinator, who takes actions personally or maintains contact with legal clinics at VA medical centers, statewide stand-down events, “Serving Those Who Served” (the North Carolina Bar Association’s family law *pro bono* project) and special court sessions (for “amnesty days”).

Two symposium highlights were presented by Edward Tate,

deputy chief of staff and general counsel to U.S. Senator Johnny Isakson (GA), and by Linda Klein. In a video message, Isakson, chair of the Senate Veterans’ Affairs Committee, thanked participants for taking part in the symposium and paid special tribute to Klein on her candidacy as president-elect of the American Bar Association. On behalf of Isakson, Tate reviewed the Senate Committee’s five major priorities, including oversight and implementation of the Choice Act;³ the transition process of service members from active duty

service to veteran status; military sexual trauma and need for more resources; veterans’ homelessness; and mental health concerns and suicide prevention.

Speaking about leadership and initiative, Klein said, “Programs like we have been hearing about don’t just happen. There needs to be recognition of need, and then the will to do something about it.” She continued, “Every state could do something to assist this meritorious group of our citizens. And this need is not going to go away. With the ongoing return of service members from deployments abroad, every state could put in place some form of program, however modest, to help them. But that takes leadership.” She concluded, saying, “I intend to speak with the leaders of our state bars and the bar executives of those states to consider what (more) might be done.”

Mary Meixner reported the ABA’s Military Pro Bono Project began in 2008 and has connected more than 1,200 service members and veterans with lawyers across the U.S. Clients in grade E6 and below are presumed financially eligible. Lawyers are encouraged to provide legal assistance services and may register through its website, www.militaryprobono.org.

Along with Meixner, Ken Goldsmith reported on the Veterans’ Claims Assistance Network (VCAN), the Home Front online resource and the ABA’s Standing Committee for Legal Assistance for Military Personnel (LAMP).

VCAN is a pilot program begun in 2014 which selected about 3,300 eligible veterans who were in, or at risk of falling into the VA backlog in St. Petersburg, FL; Chicago, IL; and Roanoke, VA. With VA support the program provided attorneys the opportunity to help veterans receive disability benefits they had earned. Lawyers volunteering to participate receive training and information about veterans’ claims preparation. Although the pilot is being wrapped up, the ABA and

the VA have begun discussions about its possible continuance. Details about it and a services' directory is at www.ABAVCAN.org or by contacting Meixner at mary.meixner@americanbar.org.

Home Front is an online resource to help guide military members, veterans, and their families find information, referrals, and representation on civil legal matters. Details about it may be found at www.ABAHomeFront.org.

LAMP maintains liaison with the Department of Defense and the Department of Homeland Security about the military services. The committee also maintains contact with bar associations and certain ABA committees to enhance the scope, quality and delivery of free or affordable legal services to eligible legal assistance clients. The LAMP contact is Jason Vail, jason.vail@americanbar.org.

Goldsmith also reported that the ABA will continue its long-standing efforts to initiate, sponsor, and bring into being legislation at national and local levels in support of service members and veterans.

Kay Sims, executive director of the Houston Bar Association, joined the symposium via phone and reported on the many diverse programs taking place in Houston, the fourth most populous city in the country. The Houston Bar established its Veterans Legal Initiative (VLI) in 2008 to provide legal assistance in most civil law categories. It also has partnered with the Texas Veterans Commission and county Veterans Service Officers so that veterans attending the (Houston) clinic can get information and advice on VA benefits and claims. Though not part of the VLI, Harris County has two veterans' courts operated by separate criminal district courts. Further, the VLI works with two residential facilities for homeless veterans.

In addition to these services, the State Bar of Texas in 2010 established the Texas Lawyers for Veterans, modeled after the Houston Bar Association's programs.

CONCLUDING PERCEPTIONS

Following the in-person exchanges during the symposium, participants provided summary observations:

Steve Garrison, Montana

"Now we know who already does what and what we need to do. We have POCs (points of contact).

We know now how other states are handling legal clinics. We can mimic. We have a better target to create/expand our veterans' courts. We can try.

We know what groups other states have used to do the work. We can involve them. The conference has given us a better chance of giving veterans a better chance."

Steve Stokes, Idaho

"It is clear that the success of the various states' military legal assistance programs is dependent on the passion of the personalities in leadership positions. Folks who just dip their toes into a project like this or those who want to start a program as a pet project without the buy-in of community partners are doomed to fail.

These programs must be for the long term, and they won't be successful unless there are people committed to the long game. Everyone who came to beautiful Atlanta for this symposium are clearly those with a passion for these projects and who can provide long-term leadership back in their states. (The) conference simply served to re-energize and refocus that passion.

Second, . . . it was so rewarding and beneficial to come and hear from other states with much more developed programs because I was able to see that we are on the right track. We may have been shooting from the hip, but at least we were shooting in the right direction."

Finally, no program is perfect. Each can stand to improve or change at least one thing it does. I learned so much from the other states. As was mentioned, if we can all do at least one thing to improve our programs, then the conference was a success."

Patricia Hooks, regional counsel for VA's Fifth Region (Georgia and South Carolina)

. . . "There is a collaboration that can exist between a VA Regional Office and various organizations (e.g., the State Bar and its committees, law sections, and other local bar and community organizations) that are also in the mutual business of providing help to veterans in many ways and on numerous levels." She said this works well in her Region and can work as well elsewhere.

Catheryne Pully, Indiana

"Stand-Up was the best conference I've been to in years. The simple plan of giving everyone time to discuss their states' programs was genius. I came away with some very practical tools that will help move our program forward—that in itself was worth the trip. Combining those tools with the contacts I made, and the earnest discussion of bigger picture concepts, made this conference an incredibly valuable and worthwhile endeavor. I hope we continue these discussions and consider another conference in a timeframe that makes the most sense for most participants. Thank you . . . State Bar of Georgia and ICLE for making this program possible."

In one of the most powerful admonishments made during the symposium, Sims cautioned: "Do not start something for veterans unless you plan to keep it going. . . ."

Ohio was represented by Mike Renner, executive director of a nonprofit corporation providing support first begun in Columbus and now extends statewide. Ohio also has 17 veterans' courts in 14



(Left to right) Eric Ballinger, Canton; Jeff Davis, Executive Director and Patrise M. Perkins-Hooker, 2014-15 President, State Bar, Atlanta.

of its 88 counties, about half of which are in its general jurisdiction courts and the other half in municipal courts. They have also experimented with retaining two law firms specializing in family law, whose attorneys are paid \$50/hour, funded by a special grant.

From South Carolina, Kenny Dojaquez and Bennett Gore Jr. reported a major challenge has been coordinating its variety of programs. They seek to establish a legal clinic in one of its law schools and were interested in those states that had such programs (several of which do, including Georgia).

Who is a Veteran?

During the South Carolina discussion, the very definition of “veteran” was considered. In that state, veterans must have combat experience in order to qualify for some programs. This is in contrast to enabling authority in Georgia (under Senate Bill 320),⁴ stating “veteran means a person who is a former member of the armed force of the United States or a state’s National Guard.”

Catheryne Pully of Indiana noted her state follows the Title 38 definition (Section 101) of the U.S. Code:⁵ “a person who served

in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable.” She also noted that read together with Title 32, this definition covers any member of the Indiana National Guard who has been ordered to active federal duty. It does not, however, include full-time National Guard duty.

Pully noted, as did others, that the Indiana Bar’s Military and Veterans’ Affairs Committee was building a program and was interested in learning about what others had done. They have planned a CLE on their Patriot’s Day, have provided assistance at deployment events, and are working to partner with law schools and VA medical facilities to establish legal clinics.

Robert Stoeckl of Missouri and Anita Casey of West Virginia expressed similar views: they likewise had the basis of programs, some more active than others (e.g., legal clinics in VA facilities and veterans’ courts in St. Louis and Columbia; some lawyers are willing to reduce fees for veterans), and wanted to hear what was being done elsewhere. Some programs in these two states have already been created and are continuing.

The genesis of Georgia’s program was explained by Jay Elmore who, along with other community leaders, traveled in 2007 to the Middle East on a Department of Defense fact-finding mission. These private citizens returned asking: “What can be done in our states to support those serving in harm’s way?” For him and his partner, Jeff Bramlett, then-president-elect of the State Bar, this ultimately led to approval by the State Bar’s Board of Governors of Georgia’s Military Legal Assistance Program (MLAP). Elmore underscored the importance of leadership by bar officials, lay and professional, if programs like these are to succeed.

Drew Early and Cary King, both committed participants in Georgia’s MLAP, highlighted program components. Thus far, a cadre of 850 lawyers statewide has volunteered and several hundred of these have provided assistance to more than 1,400 service members and veterans. Legal assistance is provided to active duty, National Guard members, active Reservists; military retirees on most civil cases; veterans (not retired, for VA benefit award matters); spouses where interests of the family are aligned; and where jurisdiction lies in a state or federal court in Georgia.

Further, legal clinics currently exist at four VA medical facilities with three others pending. Additionally, legal clinics exist at two law schools: Emory with services on VA cases only (some research and development of public policy matters); and Georgia State University for the more than 800 veterans enrolled there. Two others are pending: John Marshall in Atlanta and at Mercer in Macon.

Veterans’ courts are located in nine judicial courts representing 19 counties; eligibility criteria are for felonies only, excluding violent crimes. Involvement of mentors with the veterans for those involved in the veterans’ courts is the key to that program’s success.

Two other programs include a palliative care project at the VA

Medical Center in Decatur, and CLE programs are offered annually on military law, family law; elder law, topics et al. On VA accreditation, the number of lawyers accredited to practice before the VA has increased from 160 in 2010 to more than 730 in 2015.

Issues and Trends

Early spoke about current issues and what topics might be considered in the future. One concerned the possibility of creating a corps of attorneys to assist veterans with their legal problems. In this respect it was acknowledged that our nation currently maintains seven uniformed services (i.e., the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service and Transportation Security Administration). In reflecting about the ongoing need for legal assistance to veterans, however, an argument could be advanced for such a separate uniformed legal assistance service to support directly the VA and its statutory obligation to help veterans obtain benefits for themselves and eligible family members.

A second issue raised concerned the need for enabling authority to provide due process rights for veterans. Under *Boumediene v. Bush* (2008) and *Hamdan v. Rumsfeld* (2006), the Supreme Court provided certain due process protections for prisoners held at Guantanamo Bay, Cuba. Comparable due process rights, however, for veterans during the VA claims process were not provided until *Cushman v. Shinseki* (2009) and those rights of procedural due process have yet to be enumerated by the Executive Branch, by statute or by the courts. It was suggested this issue might be one that the ABA and the several states through their legislative advocates may wish to consider.

In characterizing the symposium's overarching conclusions, they might be summarized as:

- it was important for a group like this to convene so as to

exchange information, and many participants thought it should be done again.

- There does not appear to be a difference concerning whether a state first develops an overall strategy and then implements that strategy with supporting tactical programs. It can likewise be effective to create individual programs first and then bring those together later by establishing an agreed-upon common strategy. Both work.
- As underscored by Klein and in comparable ways by Sims and Stokes: "if a program is begun, it should be done so with the view that it be continued indefinitely." As also did Steve Garrison, they said, "We should be in this for the long haul. Not doing so creates false expectations in the minds of this group of our Nation's most praiseworthy citizens: those who have battled for our continued freedom and liberty."

Finally, most of the states attending the symposium provided written materials, copies of which may be found on the ICLE website at www.iclea.org/standup.



Norman Zoller has devoted the majority of his legal career to public service. He served as the first clerk of court for the U.S. Court of Appeals for the 11th Judicial Circuit from 1981 to 1983, when he was named circuit executive, a post he held until his retirement in 2008. Previously, he managed the Hamilton County, Ohio, courts for nearly a decade. He is admitted to practice in Georgia and Ohio. An Army veteran, Zoller served almost seven years on active duty as a field artillery officer and served 15 years in the National Guard and Army Reserves as a judge advocate officer. Since 2009 he has coordinated the State Bar of

Georgia's military legal assistance program supporting veterans and service members, having connected, thus far, more than 1,400 service members or veterans with a lawyer.

Endnotes

1. United States Census Bureau, 2010.
2. VA National Center for Veterans Analysis and Statistics [www.va.gov/vetdata/Veteran_Population.asp].
3. The Choice and Accountability Act (P.L. 113-146, August 7, 2014), requires the VA to offer an authorization to receive non-VA care to any veteran who is enrolled in the VA health care system as of Aug. 1, 2014, or who is a newly discharged combat veteran if such veteran is unable to secure an appointment at a VA medical facility within 30 days (or a future published goal established by VA) or resides more than 40 miles from the nearest VA medical facility, with certain exceptions. Further, and among other provisions, the Act requires an independent assessment of VA medical care and establishes a Congressional Commission on Care to evaluate access to care throughout the VA health care system.
5. Senate Bill 320, GA General Assembly, March 25, 2014.
6. 38 U.S.C. Section 101.

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