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**2020
VETERANS TASK
FORCE REPORT**

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**VETERANS TASK
FORCE REPORT**

RECOMMENDATIONS FOR Legal Aid Providers

ESTABLISH TRUST WITH VETERANS

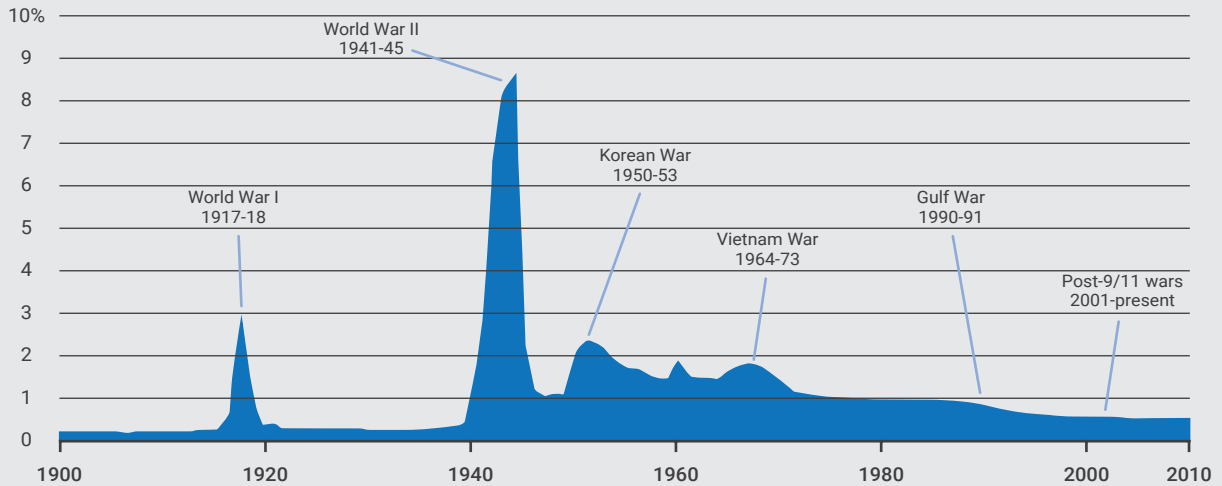
As with any attorney-client relationship, the relationship between a Veteran client and their counsel cannot thrive without trust. Trust opens the gates to candor and clarity of purpose. Clients sometimes seek legal advice in circumstances of moral ambiguity. Where the details of those circumstances are sensitive or unflattering, clients may be reluctant to share them. Trust can put clients at ease, encouraging them to be forthcoming with details. That candor is essential to a lawyer's ability to present the client with a full range of options and an accurate assessment of their prospects for success.

The need for trust is particularly important where differences in identity and experience create a cultural disconnect between lawyer and client. This is the case for many Veteran clients. The first step in bridging that gap and establishing trust with Veteran clients is for attorneys to become educated about and consider the unique cultural perspectives military service imparts, recognize that Veterans may have experienced service-specific trauma, and adjust legal aid to meet Veterans' particular needs.

Veterans reintegrating into civilian life often report feeling isolated. After World War II, with almost 10% of the population serving in the military, nearly everyone served or knew someone who served. This occurrence starkly contrasts with service numbers today, where less than 0.5% of the United States population serve in the military.¹ Although a large majority of Americans continue to express support for service members and Veterans,² many citizens have no family members or even friends who have served. As a result, Veterans often feel alone in their experiences with no one around them who understands where they have been, what they have done, and what they are going through now.

MILITARY PARTICIPATION

% OF TOTAL U.S. POPULATION IN ARMED FORCES 1900–2010



SOURCE: Molly Clever, and David R. Segal. "After Conscriptation: The United States and the All-Volunteer Force." *Security and Peace (Sicherheit und Frieden)*.

Pew Research Center

Military members often perceive needing help as a sign of weakness. This perception creates a significant hurdle for Veterans accessing legal assistance.³ In a Bob Woodruff Foundation report, mental health providers indicated that "[t]he stigma of needing to ask for help is difficult, along with the fear that receiving help will go on [a Veteran's] record and have negative results later."⁴ Even when a Veteran is ready and willing to seek help, they are often overwhelmed by the difficulty of doing so. Upon separating, the military tosses

Veterans into a confusing sea of resources intended to help them, yet the volume of these resources and lack of readily available information on how to apply for them can discourage Veterans. Doing nothing may simply be easier than trying to figure out where and how to obtain services without becoming overwhelmed by so much "help." This reluctance to seek help, exacerbated by cultural and structural factors, inhibits the initial contact between legal aid providers and Veterans.

Become Educated About Military Culture

The Task Force recommends that legal aid attorneys who have never served in the military become familiar with military culture, which is nuanced and marked by coded jargon that identifies service members to each other by branch, unit, job, and other classifications. Competency in military culture may include understanding the role of tradition, customs, and courtesies, or the differences among the service branches. Competency is a key step toward building trust and rapport with Veteran clients—it allows representatives to speak the same “language” as their clients and it shows the clients that their representative has invested time and effort to meet them where they are.

Notably, where a Veteran served in combat or other similar circumstance, their unique experiences may exacerbate cultural differences and distrust between that Veteran and civilians, especially if the Veteran experienced trauma as a result. Veterans struggling with combat-related PTSD, for instance, may be uncomfortable speaking to a legal representative if the Veteran must repeatedly explain their trauma in detail as part of a client intake or other similar process. Understanding the need for this kind of cultural competency—and making the effort necessary to obtain it—is essential to earning a Veteran client’s trust. That trust, in turn, is essential to effective representation and advocacy on the Veteran’s behalf.



MILITARY CULTURE

Understanding military culture can be critical for a court or legal service provider who routinely represent or hears cases involving Veterans. Practicing Law Institute, an online nonprofit legal education platform, offers various trainings on issues ranging from military discharge and review, military sexual assault, and Veteran cultural competency. The American Bar Association has helped lead the legal community in providing resources to the public and legal community alike. The ABA's Coordinating Committee on Veterans Benefits and Services (CCVBS) provides training and continuing legal education programs directly relating to service members, their families, and Veterans, and a platform in which civilian attorneys can sign up to assist active-duty military lawyers in representing service members.¹⁴



MENTAL HEALTH

Understanding the mental health issues that afflict many service members and Veterans is also important. Depression, anxiety, and substance use disorder are a few of the symptoms associated with PTSD, from which many service members suffer. These symptoms are often undiagnosed. Understanding the effects of PTSD, TBI, and MST, among others, and the resources available to survivors struggling with these conditions, is essential. For instance, the PsychArmor Institute is a leading education platform providing critical resources to those seeking to engage with and better support service members, Veterans and their families.⁵ These resources include online courses and training, consultations to assess the initial needs of an organization serving Veterans, and educational products that incorporate evidence-based information to help support and sustain an organization's needs and mission.

Develop Strategies To Connect Transitioning Service Members With Services And Information When They Are Still Easy To Locate And Contact

Because of the varying timelines and circumstances of Veteran transitions, the Task Force recommends that legal aid providers develop strategies for connecting Veterans to services and information *before separation*. Locating and contacting service members once they separate from the military may be difficult. Because all transitioning Veterans must participate in TAP, the program represents an excellent opportunity for civil legal aid providers to engage transitioning service members before they separate.

Specifically, the Task Force recommends that civil legal aid providers contact TAP offices at military installations to ensure that separating service members receive information about civil legal aid during TAP training. State and local organizations should also reach out to Reserve and National Guard units, which may conduct TAP at the unit level.

The U.S. Chamber of Commerce also has a presence at TAP transition training and holds additional events specifically for transitioning Veterans. The Task Force recommends that legal aid providers engage with the Chamber of Commerce and other organizations that engage with transitioning Veterans to educate these organizations about the availability of civil legal aid and integrate legal services alongside the employment services they offer.

However, legal aid providers should not rely entirely on TAP to engage transitioning service members before separation. Providers should also seek out other opportunities to engage currently-serving military personnel and families, including outreach to programs and organizations that serve military communities. Legal aid providers should also engage with the Department of Defense's Personnel and Readiness Offices and ask to be added to the list of services available to Veterans on their website.

Ensuring effective engagement of service members before they separate will foster trust between members and the legal aid community because service members will have a greater awareness of their rights and the resources available to them, as well as a stronger foundation on which to stand while reintegrating into civilian life.

ASSESS VETERANS' NEEDS AND ADDRESS SERVICE GAPS

Despite the abundant need for comprehensive legal assistance, many Veterans are unable to access these vital services.

Veterans may receive inadequate services due to a lack of coordination between—and capacity across—organizations serving Veterans. Veterans often face numerous complex and compounding legal issues, yet service providers historically work in silos based on their service-area or expertise. In a 2015 study, a cohort of representatives from Veterans Service Organizations (VSOs) reported that although relationships between various service agencies exist in their respective jurisdictions, collaboration, referrals, and information-sharing among these organizations is under-developed.⁶As a result, a

Veteran may receive services from a VSO or other provider, but these services may not meet all the Veteran's needs and the provider may not know where to send the Veteran for additional services. Thus, the Veteran may need to seek supplemental services elsewhere in the community; a burden that has insidious impacts for poor, rural, and disabled Veterans who may lack access to transportation and other resources necessary to obtain these services.

In LSC's 2017 study of the Justice Gap, 88% of Veteran households reported they had received inadequate legal assistance to resolve their challenge or none at all.¹⁵

Additionally, in many communities, civil legal resources are simply unavailable or poorly integrated with Veterans' health services. Traditionally, health care is located separately from legal services with no direct interaction between the medical and legal professionals. The Veteran alone is responsible for coordinating between providers. Health care providers may not screen for legal issues during intake and may lack a process for legal referrals. Yet, recognizing and resolving legal issues before they become crises can greatly improve health outcomes. Conversely, attorneys serving Veterans would benefit from the Veterans having access to a health care and social services team addressing the Veterans' housing, health, and employment needs, and communicating with the attorney to provide support in connection with legal proceedings. The need for coordination is especially great in discharge upgrades and disability claims, where the legal arguments are often intertwined with health issues.

RECOMMENDATION 2

Siloed and physically separated services exacerbate existing barriers to services, including the widespread resource shortages that many service providers experience. For instance, a 2019 audit found that where Veterans appealed denials of VA healthcare requests, the VA failed to process the appeals for nearly two years.⁷ Therefore, Veterans either paid out of pocket for alternative care, or went without access to care entirely.

⁸ If organizations like the VA worked together with other service providers, organizations may be able to pool resources and more effectively and efficiently respond to Veterans' needs.

Beyond lack of coordination among providers, existing models for connecting Veterans to community services may not accommodate all Veterans who need services. Veterans may be unaware of their legal rights or available service options. Through their service, Veterans have earned benefits depending on their needs and discharge status.⁹ An honorably discharged Veteran, for instance, is eligible to receive employment, disability, education, healthcare, life insurance, and housing benefits, among others.¹⁰ Meanwhile, an other than honorably discharged Veteran may be eligible only for certain health or mental health benefits.¹¹ Yet, an other than honorably discharged veteran has the right to apply for a discharge upgrade to access additional benefits.¹²

Veterans can successfully upgrade their discharge status when they can demonstrate their discharge was connected to:

- » mental health conditions, including posttraumatic stress disorder
- » traumatic brain injury
- » sexual assault or harassment during service; or
- » sexual orientation or gender identity.¹³

Without awareness of this right, many Veterans in need of assistance may not apply for a discharge upgrade, or they more forgo vital benefits that could drastically improve their lives and well-being.



VETERANS SERVICE ORGANIZATIONS

Veterans Service Organizations (VSOs) are typically private non-profit organizations that advocate on Veterans' behalf and provide Veteran-specific resources. In particular, certified VSO representatives (also "Veterans Service Officers") assist Veterans to file claims with the VA or to acquire disability compensation, employment and housing services, financial assistance, mental health and substance abuse treatment, and transition counseling. VSO representatives receive training, take an exam, and undergo continuing education to ensure their competent representation of Veterans during claim filing and other processes. In addition to direct representation, VSOs may also engage in policy advocacy before federal and state legislative bodies to promote Veterans' rights across service areas and request additional resources to meet Veterans' needs.

Paralyzed Veterans of America (PVA) is an example of a federally-chartered VSO working to assist Veterans and advocate for their rights. Specifically, a band of service members who returned from World War II with spinal cord injuries founded PVA. PVA assists wounded and disabled Veterans apply for services, conducts medical research about the injuries and diseases that Veterans experience during and after serving, and advocates for the civil rights of all persons with disabilities.

Endnotes

- 1 David M. Joseph, Ph.D., Oakland Vet Center, *Welcome Home: Understanding the Complex Transition and Unique Needs of Military Veterans*, Power Point Presentation, <https://lsc-live.box.com/s/rxhqy2ce9zipredckec0uuuialgx7x7j>.
- 2 *War and Sacrifice in the Post-9/11 Era*, Pew Research Center, (October 5, 2011), <https://www.pewsocialtrends.org/2011/10/05/chapter-5-the-public-and-the-military/>; *Trust and Distrust in America*, Pew Research Center, (July 22, 2019), <https://www.pewresearch.org/politics/2019/07/22/trust-and-distrust-in-america/#fn-20070758-2>.
- 3 David M. Joseph, Ph.D., Oakland Vet Center, *Welcome Home: Understanding the Complex Transition and Unique Needs of Military Veterans*, Power Point Presentation, <https://lsc-live.box.com/s/rxhqy2ce9zipredckec0uuuialgx7x7j>.
- 4 Community Collaboration for America's Veterans: Insights from the Bob Woodruff Foundation's Local Partners Self-Assessment Tool, Bob Woodruff Foundation, (June 2020).
- 5 PsychArmor Institute, <https://psycharmor.org/>
- 6 https://www.uscourts.gov/sites/default/files/79_1_3_0.pdf
- 7 <https://www.va.gov/oig/pubs/VAOIG-18-06294-213.pdf>
- 8 <https://www.va.gov/oig/pubs/VAOIG-18-06294-213.pdf>
- 9 <https://www.va.gov/discharge-upgrade-instructions/>
- 10 <https://www.va.gov/discharge-upgrade-instructions/>
- 11 <https://www.va.gov/discharge-upgrade-instructions/>
- 12 <https://www.va.gov/discharge-upgrade-instructions/>
- 13 <https://www.va.gov/discharge-upgrade-instructions/>
- 14 The ABA Military and Veterans Legal Center, American Bar Association, <http://ambar.org/Veterans>
- 15 <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>



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