

VBA Lawyers for Virginia Veterans: Call to Action—To Serve Those Who Serve the Commonwealth

BY STEPHEN D. BUSCH

This President's Page is dedicated to the thousands of men and women serving the Commonwealth through the Virginia National Guard and other branches of the military. They need our help, and I hope that you will join your colleagues in responding to this *call to action* to participate in the VBA Veterans Initiative. You can help in two ways: First, *support* a Veterans Day fundraiser as a volunteer or donor, and second, *volunteer* to provide legal services on a pro bono or reduced fee basis, through the Virginia National Guard Project.

BACKGROUND

The VBA Veteran's Initiative grew out of a program presented by the VBA Committee on Special Issues of National and State Importance during our annual meeting in January 2009: *"A Nation in Debt: Our Obligations to Servicemembers Returning From Combat—Iraq, Afghanistan and Beyond."* Two of the panelists were Maj. Joseph Geraci, and Col. Elspeth Ritchie of the U.S. Army. Maj. Geraci spoke about leading troops in combat, the death of close friends and the psychological effects of these experiences. Col. Ritchie is the lead psychiatrist at Walter Reed Hospital, and she reported the tragically high incidence of sui-



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cide and post-traumatic stress disorder in veterans of the Iraq and Afghanistan wars. One of the other panelists, who is mentioned below, was Mark Matthews, of the Veterans Benefit Clinic ("VBC") at the William & Mary Law School.

This inspirational program gave rise to discussions with Maj. Gen. Robert Newman and other officers of the Virginia National Guard ("VNG") about the legal problems that our fellow Virginians commonly face upon their return from military duty in Iraq and Afghanistan and the lack of any governmental assistance to help. Under the leadership of 2009 VBA president, John Epps of Hunton & Williams, with assistance by former VBA president Jim Meath of Williams

asked Jim Meath to further these efforts by serving as chair of a newly established Veterans Issues Task Force. Bob Barrett was appointed to serve as vice chair. The activities described below are the result of the Task Force's hard work.

PRESSURES FACING VETERANS

On September 1 of this year, the VNG announced that soldiers from the 29th Infantry Division had received a mobilization order for active duty beginning on November 1, in Afghanistan. The soldiers will be part of the NATO-led International Security Assistance Force. A few weeks later, on September 22, Maj. Gen. Daniel E. Long, Jr., the VNG's Adjutant General, announced that the 2nd Battalion, 224th Aviation Regiment had received a mobilization order for active duty in Iraq beginning February 25, 2011. The mobilization order calls for an active duty period not to exceed 400 days, unless extended by the Secretary of Defense based upon operational needs. Approximately 400 VNG soldiers will participate in training at Fort Hood, Texas for one to two months before deploying overseas. According to Maj. Gen. Long "even though the mission of United States military forces in Iraq has shifted away from combat operations, there is still important work to be done in Iraq."

The reports of these planned deployments remind us of the incredible sacrifices made by the men and women of the VNG and other elements of the U.S. military. Can you imagine the changes in your life if you were ordered to leave your family, home



Staff Sgt. Michelle Smith of Henrico watches to make sure that the training being taught is well received after every demonstration. Members of the 266th assisted Al Hartha police officers by conducting weapons training and movement techniques in Iraq. (Courtesy of 266th Military Police Company).

Mullen and VBA member Bob Barrett, of Spotts Fain, a program was established last year encouraging lawyers from around the state to volunteer to provide pro bono legal services to returning VNG veterans from Iraq and Afghanistan. Thus far, over 100 lawyers have volunteered to provide pro bono or reduced fee services to VNG personnel returning from deployment.

At the beginning of this year, I

and job for a year or more? How would you handle the anxiety caused by the separation from your ordinary routine and the security we feel from all that is familiar to us? Would your law practice survive your absence? How would you handle family problems from the other side of the globe while you are away? Similar questions face every servicemember that has received orders for active duty and deployments to Iraq, Afghanistan and elsewhere.

While there are no easy answers to the personal problems and challenges triggered by a servicemember's deployment, there is something that each member of the Virginia Bar can do to help—right now. If you need any inspiration for responding to this *call to action*, consider the words of none other than America's first president. After the passage of 200 years, a quote attributed to George Washington in 1789, remains highly relevant today:

"The willingness with which our young people are likely to serve in any war, no matter how justified shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation."

VETERANS DAY EVENT

Bob Barrett and VBA member Matt Kapinos of McGuireWoods, have conceived a plan to assist Virginia's veterans with their legal services needs by raising money to support the VBC, an existing program at William & Mary Law School which provides legal services to veterans. Bob and Matt are both graduates of the United States Military Academy and are combat veterans who served our country in the wars in Iraq and Afghanistan. Based on their personal experiences, they are eager to gain additional support for the VBC and to recruit additional volunteer attorneys to supplement the cadre of lawyers who have signed up to provide pro bono and reduced fee services through the VBA's Virginia National Guard Project.

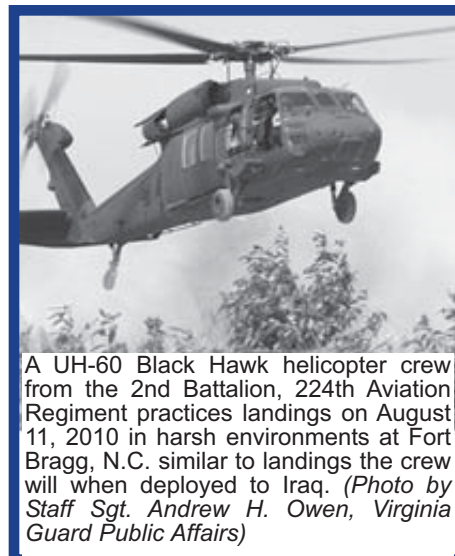
Through the Veterans Issues Task Force, Bob and Matt have organized an event to coincide with Veterans Day (November 11). The goal is to establish an annual Veterans Day Fundraiser that will be modeled after the VBA's award-winning Legal Food Frenzy. The purpose of the Veterans Day Fundraiser is to raise funds for and awareness of the VBC.

The VBC offers students the opportunity to assist veterans by representing them during their discharge from active military service, as well as

by filing claims and appealing adverse decisions on claims for disability compensation with the Department of Veterans Affairs. The VBC is managed by former officers of the U.S. Army's Judge Advocate General's Corps, Stacey-Rae Simcox and Mark Matthews. Under their supervision, students help veterans receive disability compensation and appropriate medical care. In working up the cases, they investigate the facts by interviewing the prospective clients and other potential witnesses, gather and analyze medical records, communicate with health care providers as necessary, and develop and implement strategy for each case. The VBC website notes that "these services can have life-changing effects on the veterans we serve." See: <http://law.wm.edu/academics/programs/jd/electives/clinics/veterans/index.php>.

Dean Dave Douglas of the William & Mary Law School, a member of the Association's Board of Governors, is justifiably pleased with this clinical program:

"William & Mary Law School is very proud of its Veterans Benefits Clinic. It is providing a much-needed service to many of our nation's injured veterans, for whom the need for legal representation is great. The Clinic also provides a rich opportunity for our law students both to engage in an important service and to enhance their lawyering skills."



A UH-60 Black Hawk helicopter crew from the 2nd Battalion, 224th Aviation Regiment practices landings on August 11, 2010 in harsh environments at Fort Bragg, N.C. similar to landings the crew will when deployed to Iraq. (Photo by Staff Sgt. Andrew H. Owen, Virginia Guard Public Affairs)



1st Lt. John Hinton of Newport News talks with students from the Iman Abbas School in Basra, Iraq, on April 13, 2009. (Photo by Petty Officer 2nd Class Andre McIntyre.)

Bob and Matt are mobilizing law firms, corporate counsel and other legal professionals throughout Virginia to garner support for this effort. The goal is to raise \$50,000 to support the VBC. To accomplish the goal, the committee is encouraging firms to hold at least one fundraising event, which could be a "Jeans Day" on Friday, November 12th (the day after Veterans Day), or some other event that will engage lawyers and staff in Virginia law firms. ("Jeans Day" gives firm employees an opportunity to wear jeans to work for a day in exchange for a donation to the VBC.) Several law firms already have committed to making donations to supplement the gifts that will be made by their lawyers and staff.

A kick-off event will be held during the first week of November to capitalize on the approach of Veterans Day and to build excitement around these efforts. You can help by contacting Bob at 804-697-2017, bbarrett@spottsfain.com, or Matt at 804-775-1191, mkapinos@mcguirewoods.com, to volunteer to organize an event in your law firm or to make a donation. Donations are tax-deductible and are being collected by the VBA Foundation, which in turn will transfer donations to the VBC. If you wish to make a direct contribution to the VBA Foundation, you may do so through the VBA website (www.vba.org), by calling the VBA office (804-644-0041), or mailing a check to the VBA Foundation, noting that it is for the benefit of the VBC (c/o The Virginia Bar Association, 701 E. Franklin Street, Suite 1120, Richmond, VA 23219).

Finally, please consider why this fundraising effort is so important. William & Mary Law School is a state institution. We are all aware of the sober budget restrictions facing the

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Commonwealth. The VBC faces tightening budget requirements at the very time when many veterans are in the highest need of legal services as they return from overseas deployment. The VBC is unique; it is the only institution in Virginia that has a sustained and dedicated law school organization to meet veteran's needs.

VIRGINIA NATIONAL GUARD PROJECT

The second focus of the Veterans Issues Task Force's work this year is to recruit additional volunteers for the VBA's Virginia National Guard Project, through which legal assistance is provided to VNG personnel who are returning from service in Iraq and Afghanistan. Last year, the VBA agreed to create a statewide list of lawyers willing to provide pro bono or reduced fee legal assistance to VNG servicemembers returning from overseas deployments. Later this fall, a large number of VNG personnel who have been deployed, in some instances for more than a year, will be returning to the Commonwealth. Based upon past experience, many of these veterans will face the grim reality of legal problems that await their return.

To place this need in perspective, the VNG headquarters staff has provided the following information:

Since September 11, 2001, the VNG has mobilized 951 soldiers and 317 airmen in support of *Operation Enduring Freedom* in Afghanistan, and 4,644 soldiers and 558 airmen in support of *Operation Iraqi Freedom*. An

additional 476 soldiers were deployed for duty in support of the *Kosovo Force (KFOR) Peacekeeping Mission*. Approximately 348 soldiers were ordered for duty in Bosnia and 373 for *Air Expeditionary Force* duty.

In total, approximately 12,026 soldiers and airmen, including 764 personnel on individual mobilizations all over the world, have been mobilized for federal active duty through the VNG. Our neighbors and fellow Virginians are deployed in multiple venues virtually around the world in the cause of freedom.

Lawyers from the VNG's Judge Advocate General's staff will screen VNG personnel seeking legal counsel. JAG lawyers will handle matters within the scope of the JAG officers' duties and expertise. Other matters will be referred to volunteer lawyers on the VBA list and matched to the specialty practice where appropriate. The list is used when VNG personnel express an interest in obtaining legal help which is unavailable to them through the Guard.

Measured by the number of lawyers who have volunteered to date, the VNG Project has been successful, but more help is needed due to the scores of VNG personnel returning home this fall. As a part of the Veterans Day Fundraiser, VBA members and other Virginia lawyers will be recruited to volunteer their services by adding their names to the volunteer attorney list.

Fortunately, given the statewide makeup of VNG contingent, lawyers from all regions of the Commonwealth have volunteered. To this point, lawyers have volunteered to provide advice in bankruptcy, com-



Brig. Gen. Stephen Huxtable, Assistant Adjutant General of Virginia—Army, speaks to Virginia soldiers about their upcoming deployment to Afghanistan. Huxtable gave words of encouragement and Virginia's commitment to supporting the Soldiers during their mobilization. (Photo by Capt. Matt Nowak, Virginia Army National Guard Public Affairs)

mercial litigation, construction, consumer issues, criminal law, domestic relations, education law, employment, business law, general civil litigation, health care, immigration, intellectual property, juvenile law, landlord-tenant, personal injury, real estate, social security, taxation, veterans disability claims, and wills, trusts and estates.

The entire VBA Executive Committee (Steve Busch, John Epps, Pia Trigiani, Hugh Fain and Henry Willett) has volunteered for this pro bono effort, and I hope that you will join us as a volunteer as well.

HOW TO VOLUNTEER

You can add your name to the VNG Project volunteer list by calling Branden Patrick at the VBA office (804-644-0041), or by sending an email to BrandenPatrick@vba.org. To join the list, we need your name and contact information, areas of law, geographic areas of the state that you are willing to serve, and whether you volunteering for pro bono and/or reduced fee services.

In conclusion, I would like to recognize and thank Jim Meath, Bob Barrett and Matt Kapinos for their many efforts through the Veterans Issues Task Force on behalf of the Association this year. Please join your colleagues in supporting the Veterans Day Fundraiser as a volunteer or donor, and also by enlisting as a volunteer for the Virginia National Guard Project.



Sgt. Ernest Spycher of Reston, a soldier of the 266th MP Co. assists one of the Al Hartha Iraqi police with construction of a rooftop. (Courtesy of 266th Military Police Company).