



“UPHOLDING OUR NATION’S PROMISE TO VETERANS AND THEIR FAMILIES”

A PROJECT OF  **Public Counsel**
L A W C E N T E R

2010 ADVOCACY REPORT

BURTON G. BETTINGEN CORPORATION

ODER FAMILY FOUNDATION



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173 Airborne Reconnaissance Team - Vietnam

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"When you're in the middle of combat, you don't always have time to pull over and say, 'Time out, I just got hurt, can you record this.' "

Combat Veteran CVA Client – responding to requests by VA to verify being attacked.

About the Program



CVA client Aaron Huffman (left) with captured enemy weapons, Iraq

CENTER FOR VETERANS ADVANCEMENT

Introduction

With support from California-based **Safeway, Inc.**, **The Vons Foundation**, **Northrop Grumman**, the **Oder Family Foundation**, and the **Burton G. Bettingen Corporation**, Public Counsel created the Center for Veterans Advancement (CVA) to assist veterans, particularly those returning from the wars in Iraq and Afghanistan.

The CVA is driven by its core principle to “**uphold our nation’s promise to veterans and their families.**” CVA meets its mission through: stabilizing the living situation of veterans and their families; securing government benefits, including, but not limited to, VA, SSI, General Relief, and medical benefits; and providing veterans with needed legal representation to overcome the burdens potentially faced in procuring employment, housing, medical care and/or supportive services. As a national leader in veterans advocacy, the CVA represents veterans and their families before state and federal courts, the VA, and the Court of Appeals for Veterans claims. The CVA also administers, in partnership with the National Organization for Veterans’ Advocates, one of the largest *pro bono* advocacy programs in the nation.

In addition to providing direct representation, the CVA works to effect systemic policy change on the local, state, and national levels, in order to help veterans overcome or escape homelessness, poverty, and loss of quality of life. The CVA also provides local and national training in the area of VA adjudication and representation, manages legal clinics, and provides brief legal assistance to homeless veterans at events throughout Southern California. Finally, the CVA coordinates with efforts already underway to establish specialized “Veterans’ Courts” designed to meet the unique needs of returning veterans. In short, the CVA is a “one stop shop” to educate, advocate for, and assist veterans and their families.



Combat soldier “Gabe”, front-left, 2004

CVA

Core Operational Focus



Public Policy

- Veterans Facing Removal
- Incarcerated Veterans
- 20-91-9 Execution
- PC 1170.9 Implementation
- Judicial Expediency

Housing & Finance

- ETA's
- VA Funded Home Loans
- VASH Assistance

Pro Bono

- Veteran's Court
- Homeless Court
- Direct Representation
- CVA/NOVA Pro Bono Program

Supportive Services

- Sexual Assault Clinic
- Expungements
- Ticket/Warrants
- Diversion Filing
- TSGLI Claims

Administrative & Court Advocacy

- VA Benefits Representation (Inc. BVA)
- U.S. Court of Appeals for Veterans Claims
- Social Security
- General Relief
- Family Law

Education

- Yellow Ribbon
- G.I. Bill
- Scholarship Development
- Qualified Dependent Access

Employment Development & Protection

- Chapter 29
- Chapter 31
- USERRA Claims
- SCRA Claims

*-The America that I love is not an America that leaves anybody behind...
It is an America where we will be here defending this perimeter for those who can't speak for
themselves."*

-Tammy Duckworth, Assistant Secretary for Veterans Affairs and
Recipient of Public Counsel's 2011 William O. Douglas Award

“Defending the Perimeter”



CVA Staff

RICK LITTLE, DIRECTOR

Rick D. Little is responsible for management of off-site law clinics, staff and developing legislation and services geared towards increasing the quality of life for veterans and their families. Presently, he is an active board member of the National Organization of Veterans Advocates (NOVA) and is Co-Chair of the NOVA's Committee on Homeless Veterans, as well co-founder/co-chair of the *CVA/NOVA Pro Bono Advocates Program*, which he presently manages.

Prior to accepting the position at Public Counsel, from January 2000 to March 2009, Mr. Little developed and managed the Legal Aid Foundation of Los Angeles' Bill Smith Homeless Veterans Project, ("BSHVP"). He was also responsible for the development and management of the *DPSS Vet-Pilot Program; BSHVP / State of California Veteran-Inmate Reintegration Program, BSHVP / Union Bank of California — Sid Row Banking Program*" and a consortium of collaborative relationships focused on ending homelessness among veterans.

Mr. Little has been invited to appear on NBC's Meet the Press; Fox News, Up-Front with Jesse Jackson, Channel 7 News and local cable television shows in Los Angeles and Long Beach, California. He has been interviewed by the Downtown News, Daily Journal, and Knight Ridder News, the Brennan School of Law, in New York, NPR and KPRC radio. He has also been recognized for his work with homeless veterans by the State of California and Military.com. He has published works in the Daily Journal, National Organization of Veterans Advocates, LAFLA Matters, National Legal Aid Defenders Association, and the nationally acclaimed poverty law journal, Clearinghouse Review.

Mr. Little holds a Bachelor of Science degree from California Polytechnic University, Pomona; and an Associate of Arts and Sciences degree (certified by the American Bar Association), from Cerritos College. Mr. Little also holds a counseling certification in the innovative behavioral model of Health Realization and a counseling certification from Southern California Counseling Center. Mr. Little is a member of the United States Court of Appeals for Veterans Claims bar, and has over a decade practicing VA law as an accredited, VA Claims Agent.



STACY GARRICK ZIMMERMAN

Stacy Garrick Zimmerman joined the Center for Veterans Advancement in 2009 as an Equal Justice Works AmeriCorps Legal Fellow. At the CVA, Ms. Zimmerman focuses on assisting homeless and indigent veterans in accessing the VA benefits to which they are entitled, and advocating for policies that will positively impact the lives of all struggling veterans and their families. Before joining the CVA, Ms. Zimmerman spent three years as an appellate attorney at the National Labor Relations Board, where she briefed and argued cases in several circuits of the U.S. Courts of Appeals. She received a B.A. in English Literature from the University of California, Los Angeles, and graduated with high honors in 2004 from George Washington University Law School, where she was an articles editor for *George Washington Law Review* and a member of the Order of the Coif. Ms. Zimmerman is a member of the junior board of New Directions, Inc., which provides residential and outpatient substance-abuse treatment for homeless and underserved veterans at five centers in Los Angeles County.



Nancy Wheeler

Nancy Wheeler joined the Center for Veterans Advancement in 2009 as a law clerk and became a full time Equal Justice Works AmeriCorps Legal Fellow in 2010. Ms. Wheeler focuses on assisting homeless and indigent veterans with family law matters as well as assisting with tickets, warrants and expungements. Prior to joining the CVA, Ms. Wheeler spent one year working with veterans at the Bill Smith Homeless Veterans Project at the Legal Aid Foundation of Los Angeles. Ms. Wheeler received her B.A. in Political Science from Hartwick College in Oneonta, New York, and her J.D. from New England School of Law in Boston, Massachusetts.



Cecilia Ley

Cecilia Ley currently works with the Center for Veterans Advancement as the Program Coordinator. Ms. Ley has also been a volunteer with the Bob Hope Hollywood USO at LAX since 2003. Cecilia Ley graduated from California State University, Los Angeles with a Bachelor of Arts degree in History and a minor in English. Before joining Public Counsel in 2007, she taught Social Studies at Benjamin Franklin High School in Highland Park. During her four years at Franklin High School she co-created the American Studies Academy, sponsored by the Gilder Lehrman Institute of American History and the Frankel Foundation, and began a successful Teen Court program with the Hon. Judge Mildred Escobedo. At Public Counsel, Ms. Ley has worked with the Early Care & Education Law Project as the Constructing Connections Los Angeles, Project Coordinator, where she organized provider trainings, planners' summits and maintained an extensive client database.



Volunteers Extraordinaire!



George "Zuggy" Zugsmith
FAMILY LAW

Maxie Pulliam
USC SCHOOL OF MILITARY SOCIAL

Loene Trubkin
VA BENEFITS

Francisco Sanchez
PUBLIC POLICY RESEARCH

Honorary Advisors – Past & Present

California Treasurer Bill Lockyer
Senator Gilbert Cedillo
Senator Jeff Dunham
Senator Abel Maldonado
Assemblymember Mike Eng
Assemblymember Ted Lieu

Honorable Harry Pregerson
Assemblymember Mary Salas
Assemblymember Lori Sandana
Santa Monica City Councilmember Bobby Shriver
Mayor Antonio Villaraigosa

-81% of all justice involved veterans had a substance abuse problem prior to incarceration, 35% were identified as suffering from alcohol dependency, 23% were homeless at some point in the prior year, and 25% were identified as mentally ill."

<http://www.courts.ca.gov/11181.htm>

Public Policy



Expediting Cases Filed With the United States Court of Appeals for Veterans Claims

In support of expediting claims for the most vulnerable of our military veterans, CVA petitioned the CAVC to establish a new rule that includes an appellant's state of homelessness as "good cause" for expediting an appeal before the Court.

Federal law defines a "homeless person" as someone who either lacks a fixed, regular, and adequate nighttime residence; is in eminent danger of losing housing; or has a primary nighttime residence that is: (a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (b) an institution that provides a temporary residence for individuals intended to be institutionalized; (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. By expediting claims by appellants who meet those criteria, the Court can more quickly restore the wrongfully-denied benefits that can help homeless veterans and their families end their ordeal of homelessness. This request remains under review.

CVA Requests Amendments to the Services, Education, and Rehabilitation for Veterans ("SERV") Act - H.R. 2138

Excerpts from CVA's Appeal to United States Congressman Patrick Kennedy.

"...As a result of their troubles, many OEF/OIF veterans are finding themselves in the criminal justice system, charged with offenses that are often the product of their PTSD, TBI or mental illnesses. Often, those veterans become entrenched in a cycle of arrest, court proceedings, incarceration, probation, and re-arrest, while their underlying mental health problems compound. By allowing such destructive cycles to continue, we waste the time and money incurred by law enforcement agencies and the courts. More importantly, however, we fail in our obligation to care for the dedicated soldiers who have risked everything for our country.

"...We suggest that H.R. 2138 include special provisions that would allow participation in a veteran's treatment court, regardless of whether the crime was drug-related or involved a degree of violence, where the court finds that: (1) the veteran has served in a combat theater in the United States military; (2) the veteran has committed an offense that is likely the result of PTSD, TBI, substance abuse, or psychological problems stemming from service; and (3) the potential harm to society would be lessened if the veteran were to obtain treatment rather than incarceration. Such a provision would allow veteran's treatment courts to help combat veterans even where their offenses would not qualify them for participation in a drug court."

CVA Requests Amendments to Senate Bill S 902 (“SERV”) Act

Excerpts from CVA’s Appeal to United States Senator John Kerry.

“...we also respectfully request that provisions of S. 902 require that the government entities applying for a grant identified in the SERV Act certify that it will collaborate with local community-based organizations providing legal and/or supportive services to veterans. A substantial number of local service providers have expertise in issues which affect veterans. A strong collaborative partnership between a government entity and community-based organization increases the over-all dynamics indicative to a successful veteran’s treatment court. Moreover, community-based service providers provide veteran participants with services veterans desperately need in order to overcome the likelihood of recidivism. Finally, we recommend that the mental health problems listed in section 3(2)(B) include TBI and service-related sexual trauma. Service-related sexual trauma and TBI are disabilities often misunderstood or overlooked by service providers.”

CVA Addresses Department of Probation on Improper Collection of Probation Fees

Under California Penal Code § 1203.1b, criminal defendants may be required to pay all or a portion of the reasonable cost of probation supervision. Before collecting any money, however, the Probation Department must first determine whether a defendant is able to pay all or some of those probation costs, and must devise a payment plan based on the defendant’s ability to pay.

CVA Submits Comments to VA Proposed Rules Regarding Payment or Reimbursement for Emergency Treatment Furnished by Non-VA Providers in Non-VA Facilities: Certain Veterans with Service-connected or Nonservice-Connected Disabilities

CVA Develops Comments In Support of the Service Members Civil Relief Act (SCRA) of 2003

Military policy requires all service members with sole or joint custody of children to assign guardians for their children during deployment or mobilization. To provide protection to deployed Servicemembers against civil proceedings initiated in their absence, Congress passed the SCRA. The CVA has provided comments to strengthen the protections of the SCRA.

-NOVA is proud to be a part of this outstanding Program because it allows experienced and knowledgeable advocates in the area of VA law, to give back to their local community. To assist disadvantaged veterans in navigating the complex VA claims and appeals process is a fundamental goal of both NOVA, Inc., and the CVA."

-Katrina Eagle, President, National Organization of Veterans' Advocates

Overcoming Poverty -
Leveraging *Pro Bono* Partnerships



"Steve," Combat-Medic Vietnam, 1968

CVA's Pro Bono Advocacy Grows to Meet the Challenge of Returning Veterans



"UPHOLDING OUR NATION'S PROMISE TO VETERANS AND THEIR FAMILIES."

A PROJECT OF PUBLIC COUNSEL

It is estimated that on any given night there are approximately 154,000 homeless veterans living in the streets of America. Sadly, soldiers returning from the Vietnam War, whose war-related ailments went improperly assessed or treated, became homeless within 9-12 years. In sharp contrast, however, veterans of the Afghanistan (Operation Enduring Freedom (OEF)) and Iraq (Operation Iraqi Freedom (OIF)) wars are becoming homeless within 9-12 months.

Since October 2001, approximately 2.2 million troops have been deployed in support of both OEF and OIF. Along with the sudden increase of homelessness among veterans, one-third of OEF/OIF veterans suffer from Post-Traumatic-Stress disorder (PTSD), major depression, or Traumatic Brain Injury (TBI). In addition, OEF/OIF veterans between the ages of 20-24 have the highest suicide rate among all veterans, and are nearly four times more likely to kill themselves than civilians from the same age group.

With select VA employees steering homeless veterans towards SSI benefits and away from the more lucrative VA compensation/pension benefits, and with the likelihood of only half of OEF/OIF veterans even receiving minimally adequate care for their PTSD, depression or TBI, dire consequences loom over our homeless veteran population. In response to this pending epidemic, the National Organization of Veterans' Advocates, Inc. (NOVA) and Public Counsel's Center for Veterans Advancement (CVA) have teamed up to fight homelessness among veterans through a program geared towards providing competent, pro bono representation before the VA.

This program, the CVA/NOVA Pro Bono Advocates Program is set to become one of the largest pro bono programs of its kind in the United States. The program includes representation at both the VA-agency level and at the United States Court of Appeals for Veterans Claims, and boasts of participants from across the U.S. The program will provide competent and needed representation to poverty-stricken and homeless veterans, increasing the likelihood of receiving the benefits they desperately need and deserve, sooner than expected.

The collaboration between the nation's leading organization of competent veterans advocates, NOVA, Inc. and the world's largest pro bono law firm, Public Counsel, will help stem the tide of homelessness among our veteran population, strike out at the ravages of poverty, and provide these national heroes the life they deserve free of poverty and homelessness.

As of December 2010, CVA provides case development, technical assistance, and *pro bono* program development to over 47 *pro bono* partners in the following 24 states including the District of Columbia:

Alabama
California
Connecticut
Florida
Illinois
Washington, D.C.

Indiana
Massachusetts
Michigan
Minnesota
Missouri
Nebraska

New Jersey
New York
North Carolina
Oklahoma
Ohio
Pennsylvania

Texas
Virginia
Utah
Virginia
Washington
Wisconsin

Pro Bono Partner Arnold & Porter LLP Wins \$30,000 for Veteran

In an example of the myriad ways Public Counsel's Center for Veterans Advancement (CVA) advocates on behalf of our clients who are veterans, **Rick Little**, CVA's director and **Arnold & Porter LLP** *pro bono* attorney, **Jim Finston**, have assisted **Alvin Meitzenheimer**, 54, a Vietnam War-era veteran (pictured here on the left with Jim Finston at right), who was referred to Public Counsel by **Volunteers of America** (VOA). Meitzenheimer's trouble began, not in the battlefield, but state-side, when he was laid off from his job as a mechanic and was unable to take his large collection of tools (some quite large and heavy) with him. He was given clearance to leave his tools at the job site until he could retrieve them. When Meitzenheimer returned to retrieve his tools, they were gone and he was told they were stolen. The employer, an international transportation corporation, denied liability and left Meitzenheimer with no means to provide for his family. "A mechanic without tools is a mechanic without a job," said Little. After Meitzenheimer's personal pleas went unheard, he finally sought assistance. Little placed the case with Finston and, after months of legal work, the *pro bono* obtained a settlement of \$30,000 to replace the missing tools. "This man's going to be able to work and feed his family again," said Finston. "Our nation's debt to its soldiers doesn't end when they return home," said Little, "and Public Counsel is proud to partner with *pro bono* firms like Arnold & Porter and community nonprofits like VOA to help repay that debt."



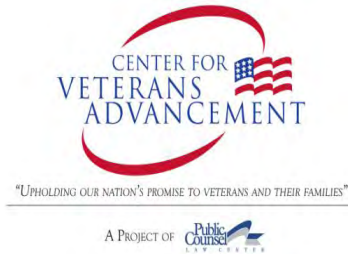
-Because of you, I survived many appeals – I persevered.”

- Letter from widow of a WWII Veteran, to CVA, after winning over \$100,000 in VA benefits.

CVA in the Community



CVA and USC's School of Military Social Work Responds to Social Needs of Veterans and Their Dependents



Through the University of Southern California School of Military Social Work, USC and CVA have partnered to address the growing psychological and social needs of military veterans. In addressing these needs USC has assigned a 2nd-year, Military Social Work student, Maxie Pulliam to the CVA.

At the CVA, Ms. Pulliam assists CVA clients to access housing and employment, and supports CVA staff in helping veterans reintegrate back into mainstream society.

Maxie has worked with Vista Del Mar Child and Family Services, Los Angeles; Orphans International Worldwide, New York; and the St. Anthony Foundation and Presentation Day Center, in San Francisco.

Maxie is the daughter of a Green Beret combat soldier and has first-hand experience in understanding how war-related events can affect veterans.



Green Beret
and father of CVA, Military Social Work
candidate, Maxie Pulliam – receiving medal
for gallantry-1968

CVA and Volunteers of America Team Up to Address Military Sexual Trauma and **Veterans' Legal Needs**



Crystal Vision Program OIF/OEF Female Veterans

Military Sexual Trauma (MST) is psychological trauma, resulting from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty or active duty for training. Sexual harassment is further defined as "repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character."

(<http://www.ptsd.va.gov/public/pages/military-sexual-trauma-general.asp>.)

In response to the disturbing number of cases involving MST, in November 2010 the Volunteers of America (VOA) and the Center for Veterans Advancement (CVA); entered into an agreement for the purpose of providing legal services to qualified veterans and homeless veterans with families, as part of the Department of Labor Veterans' Employment and Training Service Homeless Veterans' Reintegration Program. A primary focus of this collaboration is to overcome barriers affecting these female veterans suffering from Military Sexual Trauma. VOA provides valuable social services for these veterans to help access housing and employment.

As Los Angeles' premier provider of legal services, CVA's advocates are the most successful and experienced provider of competent representation before the VA. In advocating on behalf of veterans suffering from MST, the CVA pursues claims for compensation before the VA and the United States Court of Appeals for Veterans Claims. Moreover, the CVA is tasked with providing veterans and their families needed legal representation in areas including, but not limited to: (1) family law matters, (2) domestic violence, (3) temporary restraining orders; (4) modification of child support orders; (5) court-ordered compliance; (5) qualifying spouse/child apportionments, (6) ticket and warrant issues, and (7) accessing public/government benefits.

In concert with one of the most prolific service providers in the country, Volunteers of America, veterans are able to procure the level of expertise needed to overcome the physical and psychological trauma resulting from MST. Because of this collaboration, veterans now have access to a wide array of services previously unavailable to them.



"UPHOLDING OUR NATION'S PROMISE TO VETERANS AND THEIR FAMILIES"

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Advancing Justice for All

Equal Justice Works AmeriCorps Legal Fellows Stacy Garrick Zimmerman and Nancy Wheeler were placed with Public Counsel's Center for Veteran's Advancement to assist veterans in securing compensation and pension payments based on disability; advocate, assist and represent veterans with claims to the VA Regional Office, Board of VA Appeals and United States Court of Appeals for Veterans Claims; help to assess and provide services or referrals for other legal needs of veterans; conduct outreach, training and support for volunteer attorneys who are working to assist veteran clients; and assist in the review and development of public policy, which address the needs of the military-veteran population and their families.

In Los Angeles and throughout the United States, the Equal Justice Works AmeriCorps Legal Fellow – CVA veteran's advocacy partnership has been the model for other organizations to follow. Through the Equal Justice Works AmeriCorps Legal Fellow - CVA partnership, veterans received needed housing and employment. Warrants have been quashed, estates probated, educational dreams fulfilled, families reunited, and justice received. Moreover, the Equal Justice Works AmeriCorps Legal Fellow - CVA relationship is responsible for procuring hundreds of thousands of dollars for veterans and their family members.



On behalf of the entire staff of Public Counsel's Center for Veterans Advancement, we would like to extend our heartfelt appreciation to Equal Justice Works and AmeriCorps for their continued commitment to ending homelessness among military veterans and their families.

**EQUAL
JUSTICE
WORKS.**

CVA At Work



Speaking Invitations

CVA has been fortunate to obtain speaking invitations from the sources listed below:

ABA
 NLADA
 Inland County Legal Services
 NOVA
 Congressman Henry Waxman
 Congressman Buck McKeon
 Pepperdine School of Law

Office of the Federal Public Defender
 Federal Bar Association
 Assemblymember Mary Salas
 Skid Row Advisory Committee
 Loyola Marymount University School of Law
 Various Law Firms throughout the United States

US Veteran's initiative

New Directions
 Department of Veterans Affairs
 Gay & Lesbian Elder Housing (Triangle Square)
 State of California Child Support Services

CVA In The Media

Daily Journal
 NPR
 Los Angeles Times
 KCRW News
 Channel 7 News
 Clearinghouse Review
 Over 20 other, separate publications



Mayor Antonio Villaraigosa with CVA client B. Zambrano

Daily Journal

Simply Surviving, 40 Years After War

By Susan McRae
Daily Journal Staff Writer

LOS ANGELES - Ron Varela joined the U.S. Marines on June 27, 1966, 10 days after graduating from Van Nuys High School.

He wasn't ready to go to college and wanted to avoid being drafted into the Army. He knew he'd be sent to Vietnam and figured he'd have a better chance of survival with the Marines.

Varela did survive - even after duty as a perimeter guard during the Tet Offensive, when he was engulfed in a wall of flame and raining body parts, and after operating a bulldozer, clearing the jungle of chemical-laden foliage.

But he's never been the same.

At 63, Varela lives in his 1990 Toyota pickup that he parks at night behind a restaurant or in a friend's driveway. He shaves and takes spritz baths in a gas station restroom. His sister gives him clothes. And he subsists on monthly stipends of \$179 in food stamps and \$229 in general relief.

Two and a half years ago, he applied for Veterans' disability benefits.

He's still waiting.

Longtime veterans' advocate Rick Little, who's handling Varela's claim, said it's just one of hundreds of similar claims he's handled over the past decade that he's been representing veterans. It is a slow and arduous process, he said, and it shouldn't be.

A Veterans Affairs spokesman said the VA "fully shares veterans' concerns about the



timeliness of disability benefit claims processing." He said the agency is working

Ron Varela in front of the Toyota truck he calls home.

diligently to streamline the process by hiring more staff and converting to a paperless system.

"Our mission at VA is to deliver to veterans - our clients - first-rate care and services," VA spokesman Steve Westerfeld said.

As of Dec. 19, he said, the VA has 481,601 disability compensation claims pending.

Sitting at a Formica table in the cavernous meeting room of a local Veterans of Foreign Wars post, Varela stretches out a hand to display a tremor he's recently developed. He fears it may be the onset of Parkinson's disease. Every month brings something new, he says.

He suffers from skin rashes. He developed pancreatitis. He's been hospitalized for a minor stroke, and he constantly endures violent mood swings.

"The last two or three years, I haven't been able to do much of anything," says Varela, a

slight, bespectacled, neatly dressed man, sporting a blue and gold baseball cap with the Marines' insignia. "It's hard to concentrate."

Back in Dec. 23, 1968, when Varela received a medical discharge at the Northern California Marine Corps station at Treasure Island, an examining doctor told him he was eligible for 40 percent disability benefits. But he would have to stay over for about a month and submit to a three-member medical panel for a formal evaluation.

It was two days before Christmas. Varela just wanted to get his honorable discharge and go home to Los Angeles. He was young, unsophisticated at planning for the future. He wanted to get on with his life and thought he'd be just fine.

He tried taking classes at Pierce College and at USC but dropped out. He did a string of odd jobs and ended up selling window shutters for a living. He went through five failed marriages, which he attributes to his depression and bursts of violence.

His longest relationship with a woman was four years, and he wasn't married to her. She owned a house in the suburbs and made \$65,000 a year. He brought in \$40,000 a year selling custom-made shutters. He retrieves a framed photograph from his truck that shows him relaxing on a chintz sofa in her living room, a white Persian cat on his lap.

After they broke up in 1995, Varela accepted a company transfer to Las Vegas. There, his mental and physical health, always fragile, began deteriorating faster. During that time, he got his Veterans' medical card changed to "combat-related." The switch allows him to get all his medicine and medical needs free of charge, instead of having a co-pay.

But it wasn't until 2007, after being hospitalized for a month in Nevada, that he first applied for his disability benefits at the Veterans Affairs regional office in Reno.

Varela described his condition in a curt, two-line, hand-written statement. Reno officials returned the application, asking for more information. By that time, Varela had moved back to Los Angeles. Although he had filed a change of address, the VA's request for more information was sent to his former Las Vegas residence. By the time it was forwarded to him, the 30-day deadline to reply had lapsed, and his claim was denied.

By then, Varela realized he was going to need help getting his benefits.

His sister, Shirley Lipe, who hadn't seen her brother for years, said she was shocked at his change in appearance. He had gone from a muscular, energetic man, who holds a third degree black belt in tae kwon do, to the frail, hesitant person he is today. Lipe got on the Internet, looking for help.

"He said he was exposed to Agent Orange," Lipe said in a phone interview. "I guess over time it does cause problems."

Through Lipe's research, Varela contacted Little, who in March became the director of the newly launched Center for Veterans Advancement at Public Counsel in Los Angeles.

Little began working on Varela's case in February 2008. He filed a claim for service-connected compensation with the Veterans Affairs office in Los Angeles, citing a litany of disabilities, including post-traumatic stress disorder, depression, skin disease from exposure to Agent Orange, liver disease and neurological damage.

Little also noted that, as a homeless veteran, Varela was entitled to expedited attention. He cited a VA circular issued in June 1991 that mandates the agency adjudicate claims of homeless veterans within 30 days. After the 30 days passed with no reply, Little contacted the Los Angeles office again, submitting evidence to support Varela's claim.

Three months later, the Reno office notified Little that it was working on the case. Then, in a separate letter, the Reno office told Little Varela's claim could not be adjudicated because the Los Angeles office had Varela's file.

The address change snafu hasn't stopped.

Varela says he's missed critical hearings because the notification was sent to Las Vegas. Nearly every time he goes to the VA hospital in West Los Angeles for treatment, he says, he has to inform officials again of his address change.

In October, Little wrote an exasperated letter to Eric K. Shinseki, secretary of Veterans Affairs in Washington, D.C.

"I have concerns over the way the VA has disregarded Mr. Varela's claim... compelling him to wait for the Board of Veterans' Appeals to confirm the existence of his claim," Little wrote. "Respectfully, Mr. Secretary, such acts are an insult."

After Varela signed a privacy waiver, the VA agreed to speak to the Daily Journal about his case.

Los Angeles Regional Director Kerrie Witty agreed the delay originally was caused by a mix-up in Varela's address change. But the major delay, she said, is that claims of post traumatic stress disorder can take a very long time to verify, especially with older veterans, because of the difficulty in finding decades-old personnel records that sometimes are missing.

Since the reporter's query, Witty said, the VA has completed the verification process. She said the office has approved Varela for a medical examination, the last step in determining the extent of his disability and the amount of compensation he will receive.

The office is scheduling an appointment, she said, and will be notifying Varela and Little

within the week. She added that she has put in a call to Little to inform him of the decision.

Nick Guest, department service officer for the VFW regional post, where Varela spends much of his time, said he has known about Varela's case for a while. But he said he told Varela early on that he couldn't intervene because Varela already is being represented.

Like Little, Guest has been trained as an accredited VA claims agent to help veterans in filing and appealing claims.

"No veteran should file a claim on his own," Guest said. "You need to be represented by a service organization to cut through the VA government bureaucracy. They have rules, regulations and laws, and you need someone who understands them or it is easy to get lost and not get your benefits and give up."

Ronald A. Abrams, co-director of Washington, D.C.-based National Veterans Legal Services Program, which trains lawyers around the nation to help veterans, has co-written the "Veterans Benefits Manual," updated yearly. It contains insights and analysis from a team of experts, using firsthand experience in fighting for veterans' rights.

"What we are trying to do is get people money at the right time," Abrams said. "I don't want to have them wait 10 years to get benefits, and that is what's happening."

Meanwhile, Varela spends his days chatting with pals in the smoke-filled, dimly lit VFW lounge. At night, he watches movies he borrows from the local library on his small DVD player that plugs into the truck's cigarette lighter charger. A friend gave him an electric blanket he uses on cold nights when he's lucky enough to park at a place with an electrical outlet.

"But it just seems like every month something new pops up, and it gets harder to survive," he says. "I'm not looking for charity. I'm just looking for what's coming to me. I earned it."

LOS ANGELES

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Operation Iraqi Freedom Is Not Over for Veterans

By Hernán D. Vera

On Aug. 31, 2010, a few weeks after the last combat brigades shipped out, President Barack Obama announced the formal end to Operation Iraqi Freedom. Over the course of America's nine-year war in Iraq and Afghanistan, over 2,052,000 service members have been deployed in the region, with over 40.5 percent experiencing two or more deployments.

Now that the headlines have changed, and America's attention has turned elsewhere, tens of thousands of our veterans are returning to their local communities here in Southern California. By all accounts, the physical and psychological wounds they have suffered are staggering. According to official statistics from the Department of Defense, there have been 31,929 military personnel wounded in action. The Rand Corp. estimates that one-third of Iraq and Afghanistan veterans have suffered post-traumatic stress disorder, major depression, or traumatic brain injury. Most of these men and women in uniform will live with these disabilities for years.

But it gets worse. Consider that only 27 of the Department of Veteran Affairs' (VA) 1,400 hospitals around the county have in-patient PTSD (Post Traumatic Stress Disorder) programs. And even those who receive treatment must contend with a 23-page standard form that they must fill out to receive any assistance.



President Barack Obama reads his speech to photographers after delivering a primetime televised address marking the end of the combat mission in Iraq from the Oval Office of the White House in Washington, Tuesday, Aug. 31, 2010.

Not surprisingly, the path to homelessness for many of these veterans - once thought to take an average of 10 years for veterans of the Vietnam War - has now accelerated significantly, and by many accounts is down to 18 months for many returning veterans. Part of the rapid increase in the homelessness rate is attributable to the high cost of housing and the inability of the returnees to access needed services and/or employment that might provide stability. A recent study conducted by the American Community Survey shows that 8 percent of all returnees are paying more than 50 percent of their income post discharge on rent. Public Counsel has already started to see these returning veterans on our streets in Los Angeles.

So what can the legal community do to fight for those who have so bravely fought for us?

One critical way that concerned attorneys can get involved is by providing *pro bono* assistance to wounded veterans. In 2009, Public Counsel launched a new legal project - the Center for Veterans Advancement (CVA) - to do just that. Among its various services, the CVA trains *pro bono* attorneys to handle benefits cases for veterans at the initial petition stage, or on appeal to either the Board of Veterans' Appeals or U.S. Court of Appeals for Veterans Claims. CVA *pro bono* attorneys have also represented veterans in family and civil law matters. Indeed, volunteer attorneys from over 25 states have already signed on to take our cases, and we have a very active docket of over 200 clients. The assistance makes a real difference: veterans represented by Public Counsel and its volunteers have seen their monthly income go up from an average of \$554 to \$1419. Please contact us to get involved.

Another way that lawyers and bar associations can make a difference is by supporting the creation of veterans courts. Veterans courts are specialized criminal courts that aim to connect veterans with desperately needed treatment and services as opposed to incarceration. They are a response to the failed criminal justice policies of the post-Vietnam era that caused thousands of mentally ill and addicted veterans to suffer through lifetime cycles of crime, arrest, court proceedings, incarceration, release, and more crime. Veterans courts are collaborative efforts in which the judiciary, district attorney, and public defender work hand in hand with the U.S. Department of Veterans Affairs and community-based organizations. California judicial pioneers like Judge Wendy Lindley of Orange County and Judge Stephen Manley of Santa Clara are already proving in their veterans courts that intensive social services have the power to address the underlying mental health problems that cause our veterans to become entangled in the criminal justice system. Veterans courts are gaining

momentum in California and across the nation, and have now also

captured the attention of many policy makers. In California, for example, state legislation that would help promote the growth of veterans courts has recently been sent to the governor.

Public Counsel, through a partnership with veteran housing provider New Directions Inc., has played an active role in advocating for the creation of veterans courts across California and the nation. However, there is still a tremendous amount of work to be done to create a justice system that effectively engages veterans, and Public Counsel is looking for committed volunteers to assist in this ongoing effort. Various statutes already provide alternative sentencing guidelines for veterans, and broad education efforts are necessary so that our courts don't just throw away the key.

Future generations will look back and judge our society by the level of compassion with which we respond to the most vulnerable. It is the height of irony (and heartbreak) that this group today, as in past generations, includes our country's most invulnerable fighting force. Patriotism must, of necessity, include not only a commitment to the troops on the ground, but an equal dedication to the well-being and care of these same troops in civilian clothes who will suffer silently on our streets. Our social compact can mean nothing less.

So the next time a homeless person asks you for help, think about Operation Iraqi Freedom. It is far from over for our veterans.



Hernan D. Vera is the president and chief executive officer of Public Counsel.

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Advocating for Veterans



At a recent community outreach event, Center for Veterans Advancement AmeriCorps Recovery Fellow Stacy Zimmerman met Jason, a young veteran who saw massive combat and bloodshed while serving in Iraq. Jason has severe psychological problems stemming from his combat experience, including post-traumatic stress disorder and possible traumatic brain injury. Because of these issues, Jason was unable to keep a job, his family was alienated from him and he had experienced several run-ins with the law. When Stacy first met him, Jason was living at a VA facility where he received intensive inpatient treatment for his psychological problems. However, Jason was receiving only a small amount of VA service-connected disability benefits, and his legal and financial difficulties were preventing him from moving forward in his life. The Center's Director assisted Jason by winning a decision to

double the amount of his VA benefits, and he plans to further appeal the decision so that Jason can receive benefits at the fully-disabled level. Meanwhile, Stacy has been working with the Court, Probation Department, Alternate Public Defender, and the VA to advocate for and coordinate a positive resolution of Jason's other legal and financial problems. Once these issues are resolved, Jason hopes to move into his own apartment, where he can continue outpatient treatment at the VA and concentrate on recovering from the invisible wounds of war.

Learn more about this program at:

<http://www.nationalservice.gov/about/recovery/action.asp>

<http://www.recovery.gov/>

Ending Homelessness



Combat pilot and CVA client Henry Hankins, Vietnam, 1969

Providing Needed Services

As a result of the seasoned leadership provided to the CVA by its Honorary Advisors, and the unwavering support of our founding sponsors, the CVA has quickly become a prominent and respected organization. Taking the lead in areas of public policy, development of new and innovative programs and establishing a national presence in VA claims representation, CVA is poised to continue its growth and long-term success.

Recently, an article prepared by CVA staff, “*Helping Veterans Overcome Homelessness*,” was published in the nationally-acclaimed poverty law journal, the Clearinghouse Review. Moreover, CVA’s director was recently interviewed by KPFK radio regarding the issues revolving around veterans and removal proceedings.

Moreover, CVA’s, Honorary Advisors and Founding Sponsors, have taken the mission of upholding our promise to veterans and their families and converted it to a tangible truth. Because of that support, there are fewer homeless veterans in America. There are fewer veterans living in poverty, and there exists a more informed and proactive community. To that end, the CVA is eternally grateful.

Financial Impact



In 2010, the CVA has responded to over **1,300** calls for legal services from throughout the United States; including Mexico, Canada, Philippines, and Korea. At year end 2010, CVA had over **140** active cases, with **58** more pending return of intake documents.

In addition, CVA provides technical support for hundreds of cases handled through our *pro bono* partners, community based organizations, and select institutions.

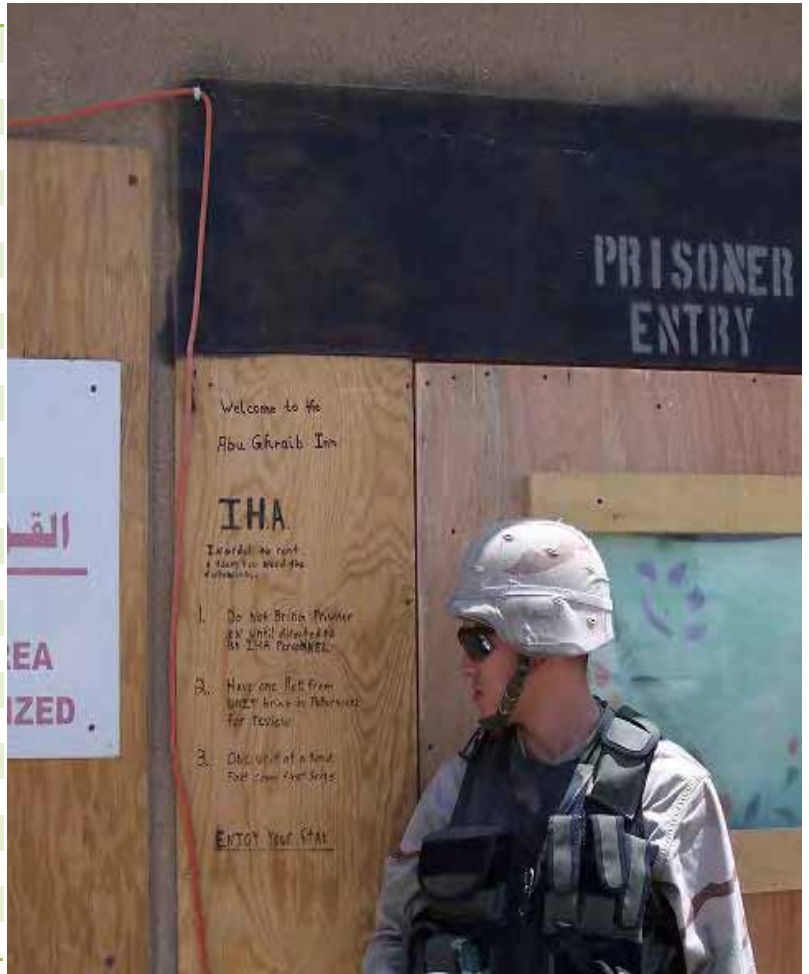
CVA’s impact is shown, in part, by the change of our client’s monthly income. Before accessing CVA services, the client’s income, on average, was **\$492**. After CVA’s involvement, our client’s income rose to an average of **\$1,461** per month. This change **DOES NOT** include the additional income received from retroactive benefits awarded to CVA clients. Moreover, it does not include monetary benefits gained through recalled warrants, citations or fines, housing vouchers and/or medical services, or modified support orders and expungements.

Moreover, the CVA has won over **\$1,100,000** for veterans and has added an estimated **\$432,000** annually, back into California’s economy.

In addressing the demand for services, veterans requested assistance with obtaining government benefits assistance more than with any other legal service. Ticket and warrant resolution was the second most requested service, followed by records review, “other” legal services and housing assistance.

LEGAL SERVICES DEMANDED BY VETERANS	
Benefits Advice	21%
Citations/Warrants	17%
Review of VA Records	16%
Other Legal Services	14%
Shelter / Housing	7%
VA Claims	5%
Family Law Issues	4%
Review of Court Documents	3%
Court Appearances	2%
Parole / Probation	2%
Collaboration	2%
Draft Legal Documents/Appeals	2%
Medical Assistance	1%
Attorney Referral	1%
Employment Placement	1%
Employment Legal	1%
Financial Assistance/ETA	1%
Obtain Driver’s License	0%
Probate Issues	0%
Community Service Compliance	0%
Drug Recovery	0%
Social Security	0%
Jail Intervention	0%
Food and Clothing	0%
Court Ordered Management	0%
Counseling Sessions	0%

(based upon case-closing sheets)



As part of CVA’s holistic approach to client/case development, CVA provided an additional 30% in services not originally requested by the veteran.

CVA - **Obtaining Justice for Our Nation's Veterans**

Most poor or homeless veterans are physically or psychologically disabled and survive on monthly government benefit checks. And because of the recent economy in America, have suffered even harder times. However, because of the involvement of Public Counsel's Center for Veterans Advancement, fear and foreboding of an uncertain future has been replaced by a new sense of self-reliance, individuality and feelings of self-worth.

- "Brent" a combat veteran of the Operation Iraqi Freedom said of his representative, "... becoming involved in my case, he helped me to fight on. Otherwise, I would have given up like so many other veterans I know." Brent went on to convey that the persistent and unwavering advocacy he received helped him overcome the hopelessness he had felt. Because of effective advocacy, Brent received a monthly stipend of over \$2,500, including full health care and supportive services.
- A highly decorated combat veteran of the war in Iraq, "Joe" returned to the U.S. with dreams of going to USC. Unfortunately, Joe had difficulty obtaining the benefits he needed to cover the costs of his war wounds. The CVA became actively involved in his case and took his case to the United States Court of Appeals for Veterans Claims. As a result, the VA declined to continue pursuit of the case in Court and agreed to remand it for correction. Joe now attends USC.
- Mr. Gonzales, an Iraq War combat veteran and a Mexican national, was removed from the United States because of a marijuana charge. Having no place to live, Mr. Gonzales lives day to day in the streets of Mexico. Prior to his removal from the U.S. however, Mr. Gonzales filed a claim for service connected post-traumatic stress disorder. However, because of his removal, Mr. Gonzales was unable to appear for a medical exam, which was needed to support his claim; as such, his claim was denied. In response to Mr. Gonzales' decision, the CVA appealed citing that the VA has a responsibility to provide Mr. Gonzales a medical exam even though he resides in Mexico. CVA won the appeal and is now working with the VA to assure that Mr. Gonzales receives a proper medical exam.
- CVA helped a homeless veteran who had been living in shelters and open fields obtain VA benefits in excess of \$105,000 dollars. CVA continues to assist this veteran in pursuit of additional benefits he is entitled to. In response to CVA's work, the veteran cried for over twenty minutes as he shared with CVA his past hardships and new found hope.
- In a case deemed "meritless" by a L.A. legal service provider, CVA accepted a referral made by the Washington D.C. based, Pro Bono Consortium.

Attorneys for the Department of Veterans Affairs attempted to dismiss a homeless veteran's appeal before the United States Court of Appeals for Veterans Claims, because the VA deemed that the appeal was not filed timely. However, in pleadings filed with the Court by CVA's Director, CVA was able to rebut the government's "presumption of regularity" argument.

“Let us strive on to finish the work we are in, to bind up the nation’s wounds, and to care for him who shall have borne the battle.” – Abraham Lincoln

Because of CVA’s argument, VA was compelled to withdraw its original motion to dismiss the homeless veterans appeal. As for the homeless veteran, he has moved from the Bell Shelter and into his new apartment in Canyon Country, CA.

- Suffering from severe spinal deformity, which resulted from an event in military service, “Barney” remained unemployed for years and lived in abject poverty. Attempts to obtain monetary benefits from the VA were unsuccessful. After CVA became involved, however, Barney was able to obtain an award of \$125,000.
- “Henry” served in combat during WWII and fought in major combat missions in France. During an attack from Nazi soldiers, Henry was severely injured. Years later, Henry filed a claim for VA compensation, the VA, however, denied Henry’s claim. Henry appealed, but before the VA denied his claim once again, Henry died as a result of his injuries. Henry’s wife attempted to seek financial help from the VA but to no avail. When CVA became involved, Henry’s wife was awarded nearly \$ 80,000 in benefits, which had been improperly withheld from Henry. CVA continues to pursue additional benefits for Henry’s wife.
- “Richard,” a homeless veteran living on the streets of Los Angeles, was having serious health problems and went to the local Department of Veterans Affairs (VA) Medical Center for help. While he was waiting for the VA offices to open early that morning, VA police approached Richard and accused him of loitering and drinking. Richard assured the officers that he was simply ill and needed medical treatment, not breaking the law. The officers, nevertheless, wrote him a ticket for two misdemeanor violations and told him he’d have to appear in U.S. District Court. Within hours of his encounter with the VA police, Richard was admitted to the VA hospital for treatment of serious medical conditions.

After contacting CVA, CVA attorneys Stacy Zimmerman and Nancy Wheeler accompanied Richard to court and successfully negotiated with the U.S. Attorney for the dismissal of both misdemeanor charges upon completion of his inpatient treatment program at the VA Domiciliary. The Court agreed to continue the case until the following month so that Richard could provide proof of completion of the program.

Several weeks later, Stacy once again met Richard at the U.S. District Court to submit his proof of completion and ensure that the charges were dismissed. Richard proudly reported that, since his last court appearance, he had landed a job at the VA Medical Center and had been accepted into long-term housing at a supportive, veterans-only program. His new job, however, was contingent on his proving that his misdemeanor charges had been dismissed and he was anxious to have the dismissal order in hand.

When Richard’s case was called, the U.S. Attorney recommended that the charges be dismissed. The judge quickly agreed and congratulated Richard on his successes. Thanks to CVA involvement, Richard was able to walk out of the courthouse that day free from his legal problems and ready to embark on a healthy new life.

“The veteran cried for over twenty minutes as he shared with CVA his past hardships and new found hope.”

- Quote from CVA publication after veteran won over \$100,000 in VA benefits.

The Future

Changing Lives...Changing Our Community...



Changing Lives

In calendar year 2011, CVA is forecasted to accomplish the following:

- CVA will respond to at least 1,500 “matters.”
- CVA will open 200 new cases.
- CVA will obtain at least \$500,000 in retroactive benefits for veterans.
- CVA will increase access to employment and housing by providing expungement services to veterans.
- CVA will increase access to employment by rolling-out its employment procurement program for veterans, set to launch in October 2011.
- CVA will continue to enhance its *pro bono* program by expanding its reach to Louisiana, Tennessee, Arizona, Kansas, New Mexico and Oregon by December 2011.
- CVA will continue its outreach to local, state and national organizations. CVA will accomplish this goal in part by partnering with a nationally acclaimed housing and substance-abuse center and will open an on-site legal clinic. The clinic is set to open in May 2011.
- CVA will increase its access to services for dependents of deceased active-duty military personnel and veterans.



Changing Our Community

The Center for Veterans Advancement continues to **maintain its role as a local and national leader** in veterans’ advocacy. CVA continues its outreach to social service organizations, political leaders, and law firms offering trainings, technical support and advocacy development throughout the United States.

CVA’s work has garnered national attention from law firms, community-based organizations, and news media and will continue to provide support to these groups.

The plans for CVA’s **future will include the addition of our expungement services**. In addition, CVA is working closely with specific agencies to advance access to needed legal services for active-duty military personnel, veterans and their dependents.

An integral part of CVA’s mission is to **continue striving for change in policies** which affect the lives of the forgotten and disenfranchised community of poor and homeless veterans and their dependents. The CVA will remain a leader in affecting systemic change at the local, state and national levels.

Because of CVA's work, intrusive **legal barriers affecting veterans have been cleared away**, allowing our nation's hero's greater access to housing, employment and education resources. And as 2011 progresses, the CVA will keep pace as Los Angeles' premier leader of VA administrative and Court representation, and will remain a national leader in veterans advocacy.

Indeed, 2010 was a successful year for **Public Counsel's CVA and 2011 looks even brighter**. It is upon this reflection that Public Counsel's Center for Veterans Advancement will continue its mission to uphold our nation's promise to veterans and their families, and will approach its mission with great pride and enthusiasm.



Combat Mission Photo – CVA Client H. Hankins- Vietnam, 1969

–And they will hammer their swords into plowshares and their spears into pruning hooks. Nation will not lift up sword against nation, And never again will they learn war.”

- Isaiah 2:4

Memento Mori



“...that from these honored dead we take increased devotion to that course for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.” - Abraham Lincoln



In Memory of Veterans Who Died While Waiting for VA Benefits

☆ Thomas Dakin	☆ Julius Thompson, Sr.	☆ Michelle Fox
☆ Raymond Johnson	☆ Rodney Gilbert	☆ Denny Vosburger
☆ William Koerner	☆ Rigaberto Zambrano	☆ Robert Ramsey

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–The liberties of none are safe unless the liberties of all are protected.”

–William O. Douglas

By the generous support from The Vons Foundation, The Safeway Foundation, Oder Family Foundation, Northrop Grumman, the Burton G. Bettingen Corporation, our Honorary Advisors, and the community at large, Public Counsel’s Center for Veterans Advancement is able to effectively “guard the perimeter,” ensuring that our nation’s promise to veterans and their families is upheld.

To each and all of you...

Thank You!

