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Forward "Serving Those Who Have Served"

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FORWARD

“SERVING THOSE WHO SERVED”

The Department of Veterans Affairs (VA) is second only to the Department of Defense in the size of its budget and bureaucracy, and the current administration’s budget request for the 2015 fiscal year is almost 164 billion dollars.¹ The VA’s annual budget will continue to increase in the coming years as Vietnam War veterans grow older and those who have served in Iraq and Afghanistan return to the civilian population.² Virginia alone is home to over 840,000 veterans.³ Despite the VA’s massive budget and our country’s growing veteran population, many veterans’ issues are not being adequately addressed, and the legal needs of our veterans require our increased attention.

The VA disability claims backlog and the scandals surrounding VA Medical Centers are the most well-known and publicized veterans’ issues.⁴ However, these are only two of the many problems, and our veterans could benefit from increased access to legal services. The unique challenges of military service often result in family, housing, and criminal legal difficulties, among others.⁵ The stress created by military service can break families apart, and sometimes result in various family law issues. Service members may find themselves evicted or behind on mortgage and rent payments while serving overseas. Some face eviction or foreclosure when they leave the military and

¹ Press Release, Veteran’s Affairs Office of Public and Intergovernmental Affairs, Care and Benefits for Veterans Strengthened by \$164 Billion VA Budget, (Mar. 4, 2014), <http://www.va.gov/opa/pressrel/pressrelease.cfm?id=2528>.

² Id.

³ Veteran Population, UNITED STATES DEP’T OF VETERANS AFFAIRS, http://www.va.gov/vetdata/Veteran_Population.asp (last visited Jun. 9, 2014).

⁴ Kayla Williams, *The VA Disability-Claims Backlog... and the VA’s Response*, TIME (Apr. 23, 2013), <http://nation.time.com/2013/04/23/the-va-disability-claims-backlog-and-the-vas-response/>.

⁵ VETERANS AND CRIMINAL JUSTICE: A REVIEW OF THE LITERATURE, INST. FOR VETERAN POLICY 2 (2011), available at <http://www.swords-to-plowshares.org/wp-content/uploads/Veterans-and-Criminal-Justic-Literature-Review.pdf>; The Effects of Military Deployment on Family Health, POPULATION REFERENCE BUREAU, (Oct. 28, 2011), <http://www.prb.org/Multimedia/Video/2011/military-families.aspx>; Overview, Military Housing, OFFICE OF THE DEPUTY UNDERSECRETARY OF DEF., <http://www.acq.osd.mil/housing/housing101.htm> (last visited June 10, 2014).

cannot find adequate employment, which contributes to veteran homelessness. Some veterans face criminal charges as a result of violent behavior or substance abuse that can be tied to Post Traumatic Stress Disorder or other mental health conditions.⁶ While the list of legal challenges facing veterans is daunting, the legal community in Virginia and across the country can help.

Virginia is already home to the nationally recognized Lewis B. Puller, Jr. Veterans Benefits Clinic at William & Mary Law School. The Puller Clinic focuses primarily on filing and appealing veterans' disability claims and works in concert with the Center for Psychological Services and Development at Virginia Commonwealth University to help clients with a multi-disciplinary approach.⁷ The Puller Clinic provides an excellent example of how law schools can make an impact on veterans' law issues. In April 2014, the Puller Clinic sponsored the National Conference on Law Clinics Serving Veterans in Washington, D.C., which focused on the legal and psychological needs of veterans, current programs for veterans, and veterans' benefit law.⁸

Beyond the limited reach of school-based law clinics, there are organizations such as the Virginia Bar Association's Veterans Task Force, which provides worthy veterans with pro bono legal services.⁹ The Task Force matches a specific veteran's legal needs to an appropriate attorney from the Task Force's network of pro bono volunteers.¹⁰ Veteran Service Organizations ("VSO") are another great resource for veterans in need of legal services.¹¹ While they may not be able to provide attorneys, VSOs can often help veterans obtain appropriate legal counsel and file for services or benefits.¹² It is our hope that in Virginia, and across the country, these different types of entities will begin a

⁶ VETERANS AND CRIMINAL JUSTICE: A REVIEW OF THE LITERATURE, *supra* note 5, at 1–3.

⁷ About the Clinic, WILLIAM & MARY LAW SCHOOL, http://law.wm.edu/academics/programs/jd/electives/clinics/veterans/about_the_clinic/index.php (last visited June 10, 2014).

⁸ WILLIAM & MARY LAW SCHOOL, NATIONAL CONFERENCE ON LAW CLINICS SERVING VETERANS 2–4 (2014), available at <http://law.wm.edu/academics/programs/jd/electives/clinics/veterans/documents/finalconferenceagenda2014.pdf>.

⁹ Veterans Initiative, VA. BAR ASSOC., <http://www.vba.org/displaycommon.cfm?an=1&subarticlenbr=69> (last visited June 10, 2014).

¹⁰ *Id.*

¹¹ Directory of Veterans Service Organizations, UNITED STATES DEP'T OF VETERANS AFFAIRS, <http://www.va.gov/vso/> (last visited June 10, 2014).

¹² *Id.*

new era of communication and cooperation in the quest to provide deserving veterans with the legal assistance they need.

In pursuit of uniting legal services providers with those veterans who need legal assistance, the Richmond Journal of Law and the Public Interest focused the 2013 - 2014 Symposium to topics concerning veterans and their advocates. In the fall of 2013, JOLPI hosted a Veterans Law Symposium at the University of Richmond, featuring United States Senator Tim Kaine (D-VA). Senator Kaine has been a zealous advocate for both active duty service members and veterans. His remarks at the Symposium, included within this issue, touched on many of the topics addressed above and the challenges lawyers and lawmakers face in meeting the needs of today's veterans.

This issue also features articles from two authors who provide insight into issues facing veterans in today's society. In *In Sight, It Must be Right: Judicial Review of VA Decisions for Reasons and Bases vs. Clear Error*, David E. Boelzner, a partner in the Veterans Benefits Group at Goodman, Allen & Filetti, PLLC, examines the judicial review of VA Decisions and practical problems facing veterans. Mr. Boelzner has represented veterans and their families before the Department of Veterans Affairs and the courts for over ten years.

Tabatha A. Renz, the wife of an Army Reserve Combat Engineer deployed in Afghanistan, is employed by the Iraq and Afghanistan Veterans of America. Ms. Renz is a Tillman Military Scholar and her interests focus on policies that affect military families and veterans during post-deployment reintegration. In *Veteran's Treatment Court: A Hand Up Rather than Lock Up*, Ms. Renz discusses the importance of Veteran's Treatment Courts and the need for an increase throughout the country.

No litmus test can determine the day-to-day success or failure of our nations efforts to support our veterans. Likely, it will not be until our next generation of service-members return from foreign wars that we may evaluate whether at this time in our nations history, we fulfilled our obligation. Still, with each effort made by organizations, practitioners, politicians, students, and citizens alike, we take another step

towards meeting the burden of fulfilling our sacred obligation to support our veterans.

Edward G. Simpson, III¹³

Gregory L. Collins¹⁴

¹³ Edward G. Simpson, III, (L'14) served in Army Special Forces and completed multiple combat tours overseas. While at the University of Richmond, Edward served as the Richmond Journal of Law and the *Public Interest's* Symposium Editor and organized the 2013 Symposium, "Serving Those Who Served." He also served as President of the Veteran's Military Law Association. Edward has accepted a public interest position following graduation and the bar exam. He would like to thank his wife for persevering with him through law school, Mr. Bob Barrett from the Virginia Bar Association's Veterans Task Force for moderating the symposium panel and for his support, and Senator Kaine for serving as the keynote speaker for the symposium and for his support of veterans' causes.

¹⁴ Gregory L. Collins (L'15) is an active-duty Marine, on leave to attend law school, and has been stationed in California and Virginia and deployed to Iraq, Southeast Asia, and Australia. In 2013, Gregory became the first student from the University of Richmond, T.C. Williams School of Law to receive the prestigious Tillman Military Scholarship. At the University of Richmond, Gregory has served as the Vice-President of the Veteran's Military Law Association, and he will serve as President for the upcoming school year. In his role as Vice-President, Gregory assisted with the planning and organizing of the "Serving Those Who Served" Symposium. Gregory will graduate in 2015 and will return to the Marine Corps as a judge advocate. He would like to thank his wife and children. Disclaimer: The opinions expressed by Collins reflect his own personal views and do not necessarily reflect the views of, or an endorsement by, the Department of Defense, the Department of Navy, or the U.S. Marine Corps.