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## Post-9/11 Veterans: Welcoming Them Home as Colleagues and Clients

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# Post-9/11 Veterans: Welcoming Them Home as Colleagues and Clients

PATRICIA E. ROBERTS\*

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## I. INTRODUCTION

The almost 2.7 million veterans who have deployed to Iraq, Afghanistan, and other combat zones are returning to our communities and to our classrooms.<sup>1</sup> These veterans face multiple challenges in reintegrating with their families and communities, from the impact of disabilities and moral injuries sustained during war

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1. Phillip Carter, *Foreword* to OLIVER GOULD ET AL., *THE MISSION CONTINUES: A CASE STUDY OF THE WELL AFTER SERVICE MODEL, VOICES FROM THE FIELD 5* (2014), available at [http://www.cnas.org/sites/default/files/publications-pdf/CNAS\\_WellAfterServiceCaseStudy\\_VoicesFromTheField\\_updated.pdf](http://www.cnas.org/sites/default/files/publications-pdf/CNAS_WellAfterServiceCaseStudy_VoicesFromTheField_updated.pdf).

and the demands of their rehabilitation, to finding appropriate training opportunities and employment, to addressing their unmet legal needs. They are returning to a grateful nation, but one hardly impacted on a day-to-day basis by the sacrifices being made by the approximately 1% of our population who serve.<sup>2</sup> It is incumbent on us as a society to assist veterans in their return to civilian life, to embrace them in our communities, to seek to understand and appreciate their sacrifices, and to aid them in their continued struggles. They are our heroes, and they deserve nothing less.

With the increased number of veterans taking advantage of the Post-9/11 GI Bill and the expansion of the Yellow Ribbon Program, educators will see more veterans in their classrooms. Law schools are likely to enroll an increased number of veterans, due to the justice-oriented mission that will resonate with veterans who voluntarily chose a life of duty, honor, and country, and the need for law schools to broaden their applicant pool in a time of shrinking enrollments. In addition to welcoming veterans onto our campuses and into our classrooms as colleagues, law schools and their graduates will also welcome veterans as clients. Whether law schools encounter service members and veterans through the ever-increasing number of law school clinics and pro bono programs devoted to them, or law school graduates encounter those who served when they are in practice, law students and lawyers will need to understand the legal, psychological, and medical needs of this burgeoning client population. Law schools should prepare their faculty, staff, and students to be culturally competent when it comes to our veterans, so that they can effectively support them on campus as colleagues, and in the community as clients.

Part II of this Article generally discusses our post-9/11 veterans, the Post-9/11 GI Bill and post-9/11 veterans as students. Part III discusses the importance of cultural competence, as veterans have a distinct and unique subculture. An understanding of this subculture can help relations between civilians and veterans, aiding integration of veterans onto our campuses and increasing

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2. ELLEN SCHELL, BATTERED WOMEN'S JUSTICE PROJECT, MILITARY & VETERAN CULTURAL COMPETENCE FOR ATTORNEYS & ADVOCATES: WHY YOU NEED TO KNOW 5 (Apr. 25, 2012), *available at* [http://www.bwjp.org/files/bwjp/files/Military\\_and\\_Veteran\\_Cultural\\_Competence\\_for\\_Attorneys\\_and\\_Advocates.pdf](http://www.bwjp.org/files/bwjp/files/Military_and_Veteran_Cultural_Competence_for_Attorneys_and_Advocates.pdf) (containing PowerPoint slides from a webinar put on by Ellen Schell).

the effective representation of them as clients. Part IV delves into the characteristics of military and veteran culture. Part V discusses why student veterans are at risk and suggests how to meet the needs of student veterans, examining the U.S. Department of Veterans Affairs' "8 Keys to Veterans' Success." Part VI identifies some of the legal needs likely to impact veteran clients, including disability claims, educational challenges, employment obstacles, and health benefits. Part VII details how lawyers and law schools can aid veterans' legal needs, and part VIII goes into some of the unique aspects of working with veterans, both as colleagues and clients. The article concludes with a reminder that law schools and the lawyers they train must be prepared to serve both the student veteran population and veterans in need of legal assistance; our civilian communities will be richer because of our veteran colleagues and clients.

## II. OUR POST-9/11 VETERANS

An all-volunteer force currently protects our nation. Unlike the drafts of the past, our current service members choose to serve, making this sacrifice for their country under a sense of duty and honor rather than requirement. There are currently nearly 1.4 million active duty military personnel in the United States and 1.3 million in the National Guard and Reserves.<sup>3</sup> The 84% male and 16% female service members currently serving constitute less than 1% of our U.S. population.<sup>4</sup> More than half of this brave force is married, and almost half have children; their average age is 28 years old.<sup>5</sup> Even when considering the family members who support our all-volunteer force, it is still a mere 5% of the population directly impacted by our current conflicts that are making incalculable sacrifices for the entire nation.<sup>6</sup>

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3. OFFICE OF THE DEPUTY ASST. SEC. DEF., U.S. DEP'T OF DEF., 2013 DEMOGRAPHICS: PROFILE OF THE MILITARY COMMUNITY 3 (2013), available at <http://www.militaryonesource.mil/12038/MOS/Reports/2013-Demographics-Report.pdf>.

4. *Id.* at 6; Schell, *supra* note 2, at 5.

5. 2013 DEMOGRAPHICS: PROFILE OF THE MILITARY COMMUNITY *supra* note 3, at 8; Schell, *supra* note 2, at 6.

6. Howard Schultz & Rajiv Chandrasekaran, *Want to Help Veterans? Stop Pitying Them*, WASH. POST (Oct. 31, 2014), <http://www.washington>

Our current service members face multiple deployments in what is now our longest war in history.<sup>7</sup> After September 11, 2001, almost 2.7 million men and women deployed to Iraq, Afghanistan, and other war zones, constituting the highest number of combat veterans since the war in Vietnam.<sup>8</sup> More than one-third of all service members deployed were deployed more than once; as of 2012, nearly 37,000 Americans deployed more than five times, and 400,000 service members completed three or more deployments.<sup>9</sup>

More than 1.5 million post-9/11 veterans have re-entered civilian life, and experts predict another 1 million will return to the civilian community over the next several years.<sup>10</sup> The reintegration to civilian life for post-9/11 veterans is often plagued with challenges.

[Forty-four percent] of post-9/11 veterans say their readjustment to civilian life was difficult. By contrast, just 25% of veterans who served in earlier eras say the same. About half (48%) of all post-9/11 veterans say they have experienced strains in family relations since leaving the military, and 47% say they have had frequent outbursts of anger.<sup>11</sup>

Complicating reintegration for veterans is the increasing disconnect between veterans and the civilian population on whose behalf they serve. As then-Secretary of Defense Robert M. Gates told a group of students at Duke University, although veterans from Iraq and Afghanistan were embraced when they came home,

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post.com/opinions/want-to-help-veterans-stop-pitying-them/2014/10/31/1885e0-88-5eb9-11e4-9f3a-7e28799e0549\_story.html.

7. Rajiv Chandrasekaran, *After the Wars: A Legacy of Pain and Pride*, WASH. POST (Mar. 29, 2014), <http://www.washingtonpost.com/sf/national/2014/03/29/a-legacy-of-pride-and-pain/>.

8. OLIVER GOULD ET AL., *supra* note 1, at 5.

9. Chris Adams, *Millions Went to War in Iraq, Afghanistan, Leaving Many with Lifelong Scars*, MCCLATCHY DC (Mar. 14, 2013), <http://www.mcclatchydc.com/2013/03/14/185880/millions-went-to-war-in-iraq-afghanistan.html>.

10. Schultz & Chandrasekaran, *supra* note 6.

11. PAUL TAYLOR ET AL., PEW RESEARCH CENTER, *THE MILITARY-CIVILIAN GAP: WAR AND SACRIFICE IN THE POST-9/11 ERA 1* (Oct. 5, 2011), available at <http://www.pewsocialtrends.org/files/2011/10/veterans-report.pdf>.

“for most Americans the wars remain an abstraction—a distant and unpleasant series of news items that do not affect them personally.”<sup>12</sup> He went on to say that “in the absence of a draft, for a growing number of Americans, service in the military, no matter how laudable, has become something for other people to do.”<sup>13</sup> Veterans made up 13.7% of the population in 1970, but currently only make up around 7%.<sup>14</sup> According to Dr. J. Michael Haynie, Vice Chancellor of Syracuse University and former Air Force officer,<sup>15</sup> “the vast number of Americans don’t have that shared experience with that small minority who have served, particularly . . . during a time of war . . . . It creates a social and cultural divide . . . .”<sup>16</sup>

Many of our service members and veterans are in crisis, as evidenced by the staggering suicide rate in the military, which rose by more than 80% between 2002 and 2009—and in 2012, more service members took their own lives than were lost in combat.<sup>17</sup> The suicide rate for male veterans age thirty and younger jumped another 44% between 2009 and 2011, and military suicides since the start of the current conflicts in Iraq and Afghanistan passed 1,000 in 2013.<sup>18</sup> We must seek to understand our veterans and proactively support their reintegration if we are to stop this tragic trajectory. Given that many veterans are returning to higher education or have unmet legal needs, or both, law school faculty, staff, and students, as well as lawyers, are likely to encounter an increas-

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12. Elisabeth Bumiller, *Gates Fears Wider Gap Between Country and Military*, N.Y. TIMES (Sept. 29, 2010), <http://www.nytimes.com/2010/09/30/us/30military.html>.

13. *Id.*

14. Clifford Davis, *Vets Suffer Growing Disconnect with Public; Experts Say Gap Needs to Be Narrowed*, JACKSONVILLE.COM (Nov. 10, 2014, 7:02 PM), <http://jacksonville.com/news/2014-11-10/story/vets-suffer-growing-disconnect-public-experts-say-gap-needs-be-narrowed>.

15. Dr. Haynie also serves as Executive Director of Syracuse University’s Institute for Veterans & Military Families, which he founded, and as the Barnes Professor of Entrepreneurship at the Syracuse University Whitman School of Management. *About J. Michael Haynie, Ph.D.*, SYRACUSE U., [http://vets.syr.edu/ivmf\\_people/mike-haynie/#h2TG6k4mDe5ydZdp.99](http://vets.syr.edu/ivmf_people/mike-haynie/#h2TG6k4mDe5ydZdp.99) (last visited Apr. 2, 2015).

16. Davis, *supra* note 14.

17. YOCHI DREAZEN, *THE INVISIBLE FRONT: LOVE AND LOSS IN AN ERA OF ENDLESS WAR*, at xiv (2014).

18. *Id.*

ing number of veterans as colleagues and as clients. Understanding military and veteran culture, their challenges in reintegration, and becoming more aware of symptoms to watch for that may indicate disabilities, learning challenges, or suicidal ideation will be critical to getting help for those veterans who are in crisis.

#### A. Post-9/11 GI Bill

Just as the 1944 Servicemen's Readjustment Act, referred to as the "GI Bill," provided access to college and vocational programs to millions of veterans after World War II,<sup>19</sup> the Post-9/11 GI Bill offers our current conflict veterans even more significant opportunities to pursue postsecondary education and training.<sup>20</sup> According to the U.S. Department of Veterans Affairs ("VA"), "[f]or approved programs, the Post-9/11 GI Bill provides up to 36 months of education benefits, generally payable for 15 years following [the veteran's] release from active duty."<sup>21</sup> The GI Bill includes a diverse list of training opportunities such as entrepreneurship training, flight training, undergraduate and graduate degrees, distance learning, vocational training, and licensing and certification reimbursement.<sup>22</sup>

The VA celebrated the 70th anniversary of the GI Bill in 2014.<sup>23</sup> "In fiscal [year] 2014, the VA provided more than \$10.8 billion in Post-9/11 GI Bill benefits to service members, veterans,

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19. SUZANNE METTLER, *SOLDIERS TO CITIZENS: THE GI BILL AND THE MAKING OF THE GREATEST GENERATION* 6 (2005).

20. See generally VETERANS BENEFITS ADMIN., DEP'T OF VETERANS AFFAIRS, PAMPHLET 22-09-01, POST-9/11 GI BILL (2012), available at [http://www.benefits.va.gov/gibill/docs/pamphlets/ch33\\_pamphlet.pdf](http://www.benefits.va.gov/gibill/docs/pamphlets/ch33_pamphlet.pdf) (listing the benefits of the current Post-9/11 GI Bill to include tuition and fees and a monthly housing allowance).

21. *Post-9/11 GI Bill*, U.S. DEPT. VETERANS AFF., [http://www.benefits.va.gov/gibill/post911\\_gibill.asp](http://www.benefits.va.gov/gibill/post911_gibill.asp) (last visited Apr. 2, 2015).

22. *Id.* The information provided on the VA's web page regarding Post-9/11 GI benefits notes that the benefits may be available to those who "have at least 90 days of aggregate active duty service after Sept. 10, 2001, and are still on active duty," who are "honorably discharged," and those who "were discharged with a service-connected disability after 30 days." *Id.*

23. See METTLER, *supra* note 19 (pointing out 1944 as the founding date of the GI Bill).



and their families.”<sup>24</sup> As of December 1, 2014, “more than \$47 billion has been paid to more than 1.3 million Post-9/11 GI Bill participants” since the bill’s start in 2009.<sup>25</sup> It is estimated that the expenditures from the first ten years of Post-9/11 GI Bill benefits will reach \$90 billion.<sup>26</sup> Former Secretary of Veterans Affairs General Eric Shinseki noted in a speech to veterans in 2011, “[t]he Post-9/11 GI Bill has every potential of transforming our country in globally significant ways. . . . As you pursue your degrees, you are preparing yourselves for leadership—of your communities and our country.”<sup>27</sup> The Post-9/11 GI Bill benefits will not only aid veterans who take advantage of them, but may also help significantly reduce the anticipated national shortage of workers with postsecondary degrees by 2018.<sup>28</sup>

Post-9/11 GI benefits can be used, as noted earlier, in a variety of educational and skill training programs, and they are available for both undergraduate and graduate-level study.<sup>29</sup> One program of study that is likely to see an increase in veteran enrollment is law school, particularly given the tremendous decrease in applications to law schools among more traditional-aged students,<sup>30</sup> and the fact that the generous Post-9/11 GI Bill provides thirty-six

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24. George W. Reilly, *Veterans Journal: After 2014 Woes, Veteran’s Administration Headed in Right Direction for 2015*, PROVIDENCE J. (Jan. 11, 2015, 8:26 PM), <http://www.providencejournal.com/news/veterans/20140111-after-2014-woes-va-headed-in-right-direction-for-2015.ece?template=printart>.

25. *Id.*

26. Libby Sander, *With GI Bill’s Billions at Stake, Colleges Compete to Lure Veterans*, CHRON. HIGHER EDUC. (Apr. 27, 2012), <http://chronicle.com/article/With-GI-Bills-Billions-at/131723/>.

27. CHARLOTTE CAHILL ET AL., COUNCIL FOR ADULT & EXPERIENTIAL LEARNING, *INVESTING IN VETERANS: THE NEED FOR CAREER AND EDUCATION ADVISING 4* (2013), available at <http://www.cael.org/pdfs/cael-investing-in-veterans-2013>.

28. *Id.* at 5.

29. *Post-9/11 GI Bill*, *supra* note 21.

30. See James Langford, *Law School Enrollment Drop May Hit 5th Year, LSAT Data Hints*, LAWDRAGON CAMPUS (July 27, 2014, 1:05 PM), <http://campus.lawdragon.com/2014/07/27/law-school-enrollment-drop-may-hit-5th-year-lsat-data-hints/> (“Declines in U.S. law school enrollment are poised to stretch into a fifth straight year after the number of people taking the Law School Admissions Test, a gauge of applicant interest, dropped during the first 2014-15 session.”).

months of educational support, the same duration as a traditional law degree curriculum.<sup>31</sup> In 2011, more than 920,000 veterans took part in VA educational programs, which is more than double the number who did in 2001, and although the department does not track veterans by those who chose law school, they did report that “about 8% of the most recent group used the benefits to attend graduate school.”<sup>32</sup>

The legal academy is likely to see more veterans in the classroom as this new pool of potential applicants return home and leave active duty service, particularly in light of troop drawdown. Even the most elite law schools are waiving application fees and closing gaps in expenses between the Post-9/11 GI Bill and a veteran’s actual cost. Some schools are pledging to cover half the remaining tuition and fees, with the other half covered by the VA<sup>33</sup> under a government-matching program called the Yellow Ribbon Program.<sup>34</sup> Given the justice-oriented mission that is likely shared among our volunteer service members, those pursuing graduate degrees using these generous educational benefits are likely to seriously consider law school as an option.

Pursuit of undergraduate and graduate degrees can aid veterans in their transition from military to civilian careers, helping to reduce their risk of unemployment. The unemployment rate for all post-9/11 veterans in 2013 was 9%; 24.3% of male veterans ages eighteen to twenty-four were unemployed; this figure is nearly 10% higher than the figure for their non-veteran peers.<sup>35</sup> While

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31. U.S. DEP’T VETERAN AFFAIRS, SUMMARY OF VA EDUCATION BENEFITS 3 (2012), available at <http://benefits.va.gov/BENEFITS/benefits-summary/SummaryofVAEducationBenefits.pdf>.

32. Jennifer Smith, *Law Schools Step in to Help War Veterans*, WALL ST. J. (Apr. 1, 2013, 2:08 PM), <http://www.wsj.com/articles/SB10001424127887323361804578390643512992844>.

33. *Id.*

34. *Id.* Some degree-granting institutions elect to be part of the Yellow Ribbon Program which, for veterans at the 100% level of Post-9/11 GI Bill eligibility, “allows approved institutions of higher learning and the VA to partially or fully fund tuition and fee expense that exceed the established thresholds under the Post-9/11 GI Bill.” *Post 9/11 GI Bill Yellow Ribbon FAQs*, U.S. DEP’T VETERAN AFF., [http://www.benefits.va.gov/gibill/docs/factsheets/2012\\_Yellow\\_Ribbon\\_Student\\_FAQs.pdf](http://www.benefits.va.gov/gibill/docs/factsheets/2012_Yellow_Ribbon_Student_FAQs.pdf) (last visited Apr. 3, 2015).

35. Economic News Release, Bureau of Labor Statistics, Employment Situation of Veterans Summary (Mar. 20, 2014).

education is desirable to many veterans as a way to transition to a non-military career, and much more attainable because of the new GI Bill, it is also a huge culture shock for veterans to enter the unstructured world of higher education. “I felt like I was on another planet,” reported Brian Hawthorne, a veteran of two tours in Iraq who enrolled at George Washington University as a 23-year-old junior.<sup>36</sup> He went on to say that it was jarring “going from an environment where people around you are dying every day and trying to kill you,” to a campus full of people unconnected to the military or its service members in any way.<sup>37</sup>

Funding educational opportunities for veterans, without further assistance and assimilation to their new student status, can result in low retention and graduation rates. A 2010 report by Senator Tom Harkin considered 16 specific for-profit education companies and found attending students had an average dropout rate of 57% following their first year.<sup>38</sup> Unsuccessful efforts under the new GI Bill fosters increased frustration and delayed reintegration for veterans, as well as significant expense to the federal government that fails to achieve its goal of improving veteran transition to the civilian workforce. There is particular concern about the proliferation of for-profit institutions and programs that are catering to veterans who have the benefit of the Post-9/11 GI Bill.<sup>39</sup> This is because the cost of such programs is often higher than the benefits available from the GI Bill, which means extensive debt for the veterans,<sup>40</sup> whether they complete the program or not. In addition, the report found that between 2006 and 2010, the amount paid in com-

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36. Sandra G. Boodman & Kaiser Health News, *Veterans Find Their Transition from Combat to College Can Be Difficult*, WASH. POST (Nov. 28, 2011), [http://www.washingtonpost.com/national/health-science/veterans-find-that-their-transition-from-combat-to-college-can-be-difficult/2011/10/20/gIQAUGW54N\\_story.html](http://www.washingtonpost.com/national/health-science/veterans-find-that-their-transition-from-combat-to-college-can-be-difficult/2011/10/20/gIQAUGW54N_story.html).

37. *Id.*

38. TOM HARKIN, BENEFITTING WHOM? FOR-PROFIT EDUCATION COMPANIES AND THE GROWTH OF MILITARY EDUCATIONAL BENEFITS, S. Doc. No. 111-99850, at 12 (2010).

39. The University of San Diego viewed the problem as so significant that they created a veterans' legal clinic focused on problems created by for-profit institutions taking advantage of veterans. *See generally Veterans Legal Clinic: Defending Your GI Bill*, U. SAN DIEGO, <http://www.sandiego.edu/veteransclinic/> (last visited Apr. 3, 2015).

40. HARKIN, *supra* note 38, at 12.

bined education benefits from the Department of Defense and the VA to twenty for-profit education companies increased by 683%, from \$66.6 million in 2006 to a projected \$521.2 million in 2010.<sup>41</sup> While the focus of this article is on those veterans who ultimately choose to attend law schools, and the support, services, and cultural competency necessary to maximize student veteran success in that setting, the strategies suggested could be transferable in a wide variety of educational settings, including for-profit institutions.

### B. *The Post-9/11 Student Veteran*

The student veterans who will appear on our campuses and in our classrooms are “emotionally mature, goal-oriented, mission-driven, experienced leaders. . . . They are self-sufficient . . . [willing to] sacrifice for the greater good . . . and protective of those around them. They think globally and bypass most things trivial or trendy.”<sup>42</sup> They are a highly diverse group that may only have in common their willingness to serve their country on a volunteer basis. They are men, women, spouses, parents, sons, daughters, single, married, non-traditional aged students, and they represent many cultures, religions, sexual orientations, nationalities, socioeconomic backgrounds, races and ethnicities. When they leave the military, they report “feeling not just disoriented, but deeply alienated from the rest of America; not just sad over the loss of friendships, but devastated over the loss of brothers and sisters; not just a temporary destabilizing of identity, but a complete identity crisis” that has been compared to the experiences of laid-off workers.<sup>43</sup> When they are thrust into a group of younger, less mature classmates who cannot understand or comprehend the experience of war, they feel even more isolated. The transition from a very “regimented life in the military” to “the looser atmosphere on campus can be jarring, even overwhelming,” and it sometimes creates anger towards those students who are ignorant of the world and the impacts of military service on veterans.<sup>44</sup>

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41. *See id.* at 9.

42. Alison Lighthall, *Ten Things You Should Know About Today's Student Veteran*, NAT'L EDUC. ASS'N, <http://www.nea.org/home/53407.htm> (last visited Apr. 3, 2015).

43. *Id.*

44. Boodman, *supra* note 36.

One characteristic that appears to define the post-9/11 veterans is their commitment to service and their communities—a commitment that goes beyond their military service. Studies considering these veterans note that 92% consider serving their community important to them; 70%, while on active duty, still volunteered in their communities; and 95% want to serve wounded veterans.<sup>45</sup> Executive Director of the Bob Woodward Foundation, Anne Marie Dougherty, reports that “[e]ven when they take off the uniform, veterans want a sense of purpose and meaning.”<sup>46</sup> Jake Wood, a Marine sniper who served in Afghanistan, underscored this idea saying, “war rarely leaves us . . . When I left the Marines, even while pursuing an MBA, I was deathly afraid of a life void of purpose.”<sup>47</sup> Eric Greitens, a Navy SEAL veteran who founded an organization that helps provide veterans with nonprofit opportunities, explained, “[w]e want the legacy of this generation of veterans to be serving with courage when the country called on them to serve overseas and then, when they came back, making the country stronger through continued service here at home.”<sup>48</sup> Higher education institutions should facilitate ways that student veterans can continue to serve others, either through degree and career advising for professions of service, for instance law school, or by providing extracurricular community service opportunities.

In addition to the problems associated with adapting to the less regimented lifestyle of higher education and the younger and inexperienced student body, many veterans utilizing the Post-9/11 GI Bill return from deployments with service-related injuries. Between 2001 and 2014, typically as a result of their being exposed to blast events that are frequent in the current conflicts, 230,000 service members and veterans were identified as suffering from mild traumatic brain injury (“TBI”).<sup>49</sup> A Rand Corporation study

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45. *American Sniper Shows Glimpse of Growing Trend Among Today's Vets*, BOB WOODRUFF FOUND. (Jan. 12, 2015, 8:08 PM), <http://bobwoodrufffoundation.org/american-sniper-shows-glimpse-into-emerging-trend-among-todays-vets/>.

46. *Id.*

47. *Id.* (alteration in original).

48. Schultz & Chandrasekaran, *supra* note 6.

49. Caroline Alexander, *Blast Force: The Invisible War on the Brain*, NAT'L GEOGRAPHIC, <http://www.nationalgeographic.com/healing-soldiers/blast-force.html> (last visited Apr. 3, 2015).

estimated “that nearly [twenty] percent of recent veterans reported depression or post-traumatic stress disorder, while [nineteen] percent said they had suffered a traumatic brain injury.”<sup>50</sup> These injuries also complicate a successful transition to higher education for our veterans, and yet veterans can be unaware that they are suffering from such injuries and uninformed of the impact they may be having on their learning.<sup>51</sup> Failure to log in blast exposures during the early years of the current conflicts in Afghanistan and Iraq, as well as symptoms that could be dismissed as post-traumatic stress or simply stress-related, have resulted in less than complete diagnoses of TBIs that may be impacting a veteran’s abilities in the classroom.<sup>52</sup> Veterans do not see themselves as victims and are reticent to ask for help, so difficulties concentrating, headaches, ringing in the ears, memory and cognitive difficulties, and mood regulation may all be readily dismissed rather than considered as potential symptoms of a war injury, despite the fact that 1-in-5 post-9/11 veterans suffers from TBI, post-traumatic stress or depression.<sup>53</sup>

Of the vibrant, skilled, diverse, mature, purposeful, altruistic veterans we will welcome to our campuses and classrooms, 20% will suffer from TBI, post-traumatic stress or depression, and others will struggle with combat trauma and moral injury.<sup>54</sup> Witnessing traumatic events, for instance a fellow soldier and friend being killed, floods the brain’s center for emotions (the amygdala) with chemicals and compounds that can cause long-term physical, psychological, and emotional distortions, and normalization from such combat trauma can take months or even years.<sup>55</sup> Moral injury is defined as “[p]erpetrating, failing to prevent, bearing witness to, or learning about acts that transgress deeply held moral beliefs and

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50. Boodman, *supra* note 36.

51. Alexander, *supra* note 49. Veteran Robert Anetz experienced a blast force on patrol in Iraq in 2009 and thought he was ok: “There was no blood, so he thought he was good.” *Id.* Seven months after his return from deployment he suffered a seizure while driving, then suffered a grand mal seizure months later. *Id.* He’s currently a student and was taking 15 medications at one point, now is taking three, and continues to battle headaches and migraines. *Id.*

52. *Id.*

53. Boodman, *supra* note 36.

54. *Id.*

55. Lighthall, *supra* note 42.

expectations.”<sup>56</sup> The veteran’s perceived moral wrongdoing as a result of a transgression by self or others can result in guilt, shame, remorse, regret, and self-blame and can lead to self-condemnation, which can impair physical and mental health and relationships.<sup>57</sup>

Although post-traumatic stress can have similar symptoms, it is distinguishable from moral injury because it is rooted in fear, while events associated with moral injury are largely based on shame and guilt and result in mental anguish that necessitates different treatment.<sup>58</sup> Neither the military nor the Department of Defense formally recognizes moral injury;<sup>59</sup> however, the VA recognizes moral injury in a web page they have devoted to post-traumatic stress.<sup>60</sup> The VA notes that moral injury can manifest itself in anomie, withdrawal and self-condemnation, self-harming, self-handicapping behaviors, and the re-experiencing, emotional numbing, and avoidance symptoms of post-traumatic stress disorder.<sup>61</sup> In addition to grave suffering, these manifestations of moral injury may impair employment and harm relationships with loved ones and friends,<sup>62</sup> further complicating successful reintegration for veterans in the classroom and in their communities.

Post-traumatic stress is a psychological injury that develops in response to an extreme traumatic event, or series of events; it causes intense fear or helplessness, resulting in significant hormonal and chemical changes in the brain, and it will also plague some

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56. Brett T. Litz et al., *Moral Injury and Moral Repair in War Veterans: A Preliminary Model and Intervention Strategy*, 29 *CLINICAL PSYCHOL. REV.* 695, 700 (2009).

57. See Everett L. Worthington, Jr. & Diane Langberg, *Religious Considerations and Self-Forgiveness in Treating Complex Trauma and Moral Injury in Present and Former Soldiers*, 40 *J. PSYCHOL. & THEOLOGY* 274, 274–75 (2012).

58. Kent D. Drescher et al., *An Exploration of the Viability and Usefulness of the Construct of Moral Injury in War Veterans*, 17 *TRAUMATOLOGY* 8, 8–9 (2011).

59. David Wood, *A Warrior’s Moral Dilemma: Healing*, *HUFFINGTON POST* (Mar. 20, 2014), <http://projects.huffingtonpost.com/moral-injury>.

60. See Shira Maguen & Brett Litz, *Moral Injury in the Context of War*, U.S. DEP’T VETERANS AFF., [http://www.ptsd.va.gov/professional/co-occurring/moral\\_injury\\_at\\_war.asp](http://www.ptsd.va.gov/professional/co-occurring/moral_injury_at_war.asp) (last visited Apr. 2, 2015).

61. *Id.*

62. *Id.*

of our student veterans.<sup>63</sup> For both TBI and post-traumatic stress, there are numerous cognitive challenges that can affect academic performance, including difficulties with concentrating and paying attention, accessing information, learning and remembering, abstract reasoning and problem solving, planning, insight, and sequencing.<sup>64</sup> Veterans experiencing these difficulties in the classroom, or the flashbacks and nightmares associated with the traumatic events, will be under additional stress that can further hamper their educational success. The recent photographic and audio exploration of the lasting wounds on our veterans, *Healing Soldiers*, included the following observation by Sandra McNair, mother to Marine Cpl. Chris McNair (Ret.): “He’ll live the rest of his life with the nightmares, the images, and that’s what the military can’t fix.”<sup>65</sup> Further complicating the recovery and reintegration for veterans with the signature injuries of post-traumatic stress and TBI, as well as moral injury and depression, is the fact that they are generally invisible injuries to those of us who encounter veterans outside their home. As Army First Sgt. David Griego noted, “[s]ometimes you find yourself saying, I wish . . . I would have lost a body part, so people will see—so they’ll get it.”<sup>66</sup>

Suicide has reached staggering numbers among our service members and veterans, and many of the veterans who join our campus communities will bring that risk with them. In a study of veterans who served and left the military between 2001 and 2007, the suicide rate was “50% higher than the rate among other civilians with similar demographic characteristics.”<sup>67</sup> Recent veterans are reported to have committed suicide at a much higher rate than those who did not serve, with veterans in the current study committing suicide at one per day, with the highest rates during the first

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63. AM. COUNCIL ON EDUC. ET AL., ACCOMMODATING STUDENT VETERANS WITH TRAUMATIC BRIAN INJURY AND POST-TRAUMATIC STRESS DISORDER 3 (2010).

64. *Id.*

65. Caroline Alexander, *Behind the Mask: Revealing the Trauma of War*, NAT’L GEOGRAPHIC, <http://www.nationalgeographic.com/healing-soldiers/> (last visited Apr. 3, 2015).

66. *Id.* (second alteration in original).

67. Alan Zarembo, *Detailed Study Confirms High Suicide Rate Among Recent Veterans*, L.A. TIMES (Jan. 14, 2015, 6:53 PM), <http://www.latimes.com/nation/la-na-veteran-suicide-20150115-story.html>.



three years of separation from the military.<sup>68</sup> The first three years of separation is also when higher education institutions are likely to see veterans enroll, as veterans leaving military service seek additional education in order to aid their reintegration to their communities and increase their civilian employment opportunities.

A 2010 study of 525 student veterans found that 46% had contemplated suicide, and 20% of them had a suicide plan, an indication of intent; this was compared with 6% of nonmilitary students in a survey the same year by the American College Health Association.<sup>69</sup> Veterans face solitude and isolation following their separation from service, as well as a loss of “friendships, purpose, identity, structure, and income,” and for combat veterans, there is often guilt that they survived when others did not, as well as a feeling of loss over the adrenaline that kept them engaged during war.<sup>70</sup> In addition to these feelings of loss and sorrow, veterans may be suffering from physical or cognitive injuries, may face challenges in reconnecting with civilian family and friends, may be frustrated by the inability of civilians to understand their experiences, and are likely to face obstacles in obtaining successful post-military education, employment, and financial security. Any combination of these challenges may cause a veteran to feel hopeless. At the 2015 Student Veterans of America National Conference, Marine Corporal Kyle Carpenter, the second living Marine to receive the Medal of Honor in Afghanistan, reminded veterans that there will be low points, or valleys, in life and that student veterans need to be resilient, reminding them that “[y]ou cannot be Superman every day.”<sup>71</sup>

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68. *Id.* Surprisingly, the same study found that the suicide rate for veterans who did not deploy to Afghanistan or Iraq was 16% higher than those who did. *Id.*

69. Boodman, *supra* note 36.

70. Lighthall, *supra* note 42.

71. Damien Bertolo, “*You Can’t Be Superman Everyday*”, MILITARY.COM, <http://www.military.com/benefits/veterans-health-care/you-cant-be-superman-everyday.html> (last visited Apr. 3, 2015); *see also Medal of Honor: Corporal Kyle Carpenter*, U.S. MARINE CORPS, <http://www.marines.mil/moh/Citation.aspx> (last visited Apr. 3, 2015).

## III. CULTURAL COMPETENCE

In order “to take full advantage of the diversity in law school classes, or to address [law] student preparation for the multicultural legal needs of our changing world,”<sup>72</sup> law schools should encourage “cultural sensibility . . . ‘an openness to emotional impressions, susceptibility, and sensitiveness’ that allows” change based on interactions and experiences “with people from different cultural backgrounds.”<sup>73</sup> The cultural context within which we should teach and our students should learn “includes not only the values, norms, experiences, and beliefs that stem from one’s culture, ethnicity, race, religion, nationality, gender, sexual orientation, and other identity markers, but also . . . one’s life experiences.”<sup>74</sup> Cultural competency includes cultural knowledge, cultural sensitivity, and cultural skill, all of which can enhance the comfort level of service providers to veterans, and veterans’ responsiveness to service providers.<sup>75</sup>

As discussed, it is likely that the number of student veterans enrolled in our law schools will increase as a result of more veterans taking advantage of Post-9/11 GI Bill benefits, particularly when one considers that the post-9/11 military is made up of proportionately more high school and college graduates than prior generations.<sup>76</sup> Given declining law school applications nationally, and a desire among law schools to enroll students with “leadership and teamwork skills, character, structure and discipline, expertise, ability to perform and make decisions in a dynamic environment,

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72. Mary A. Lynch et al., *Teaching the Newly Essential Knowledge, Skills, and Values in a Changing World, Section E: Intercultural Effectiveness*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 1–2 (forthcoming 2015), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2558863](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2558863).

73. Andrea A. Curcio et al., *A Survey Instrument to Develop, Tailor, and Help Measure Law Student Cultural Diversity Education Learning Outcomes*, 38 NOVA L. REV. 177, 188 (2014) (quoting Niranjana S. Karnik & Nisha Dogra, *The Cultural Sensibility Model: A Process-Oriented Approach for Children and Adolescents*, in 19 CHILD AND ADOLESCENT PSYCHIATRIC CLINICS OF NORTH AM. 719, 723 (2010)).

74. Lynch et al., *supra* note 72, at 5.

75. *Id.* at 6.

76. TAYLOR ET AL., *supra* note 11, at 4.

the ability to ‘get the job done,’ resiliency and loyalty,”<sup>77</sup> law schools are likely to have more veterans in their midst as troop drawdown continues.<sup>78</sup> James Fallows reports in his article, “The Tragedy of the American Military,” that universities consider military students “a better version of foreign students,” because they are hard workers, often pay full tuition, and have no language difficulties,<sup>79</sup> so recruitment of veterans is likely to increase as higher education seeks to meet enrollment goals.

As veterans join our student population and diversify our classrooms in a new way, faculty will need to “honor and demonstrate the value of diversity and support the caring inclusion of all students’ relevant experiences and perspectives,” as well as “build trust and connection with each student . . . to navigate the often messy conversations that arise at the intersection of different lived-experiences and corresponding worldviews.”<sup>80</sup>

Law schools should infuse cultural competency into classes in order to ensure an inclusive and non-threatening learning environment that enriches the learning experience for all students, including our veteran and other non-majority students. Cultural competence towards veterans is increasingly important when considering that more than one-third of all active-duty personnel in 2009 were minorities,<sup>81</sup> and 16% of our active-duty military today are women.<sup>82</sup> As a result, our student veterans are more likely to be minorities than they were two decades ago, and more likely to be women, further evidence that our law school classrooms will need continued focus on embracing diversity and being culturally sensitive to this population.

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77. Jeffrey Cropsey, *Our Country's Best Deserve Nothing Less: Five Elements to Effectively Meet the Higher Education Needs of Veterans*, EVOLLUTION, [http://www.evollution.com/community\\_programs/our-countrys-best-deserve-nothing-less/](http://www.evollution.com/community_programs/our-countrys-best-deserve-nothing-less/) (last visited Apr. 3, 2015).

78. At William & Mary Law School, 2013 saw the highest number of active duty and student veteran enrollment in the last five years. Email from Faye F. Shealy, Assoc. Dean for Admission, William & Mary Law Sch., to author (Jan. 26, 2015, 8:41 AM) (on file with author).

79. James Fallows, *The Tragedy of the American Military*, ATLANTIC (Jan./Feb. 2015), <http://www.theatlantic.com/features/archive/2014/12/the-tragedy-of-the-american-military/383516/>.

80. Lynch et al., *supra* note 72, at 11–12.

81. TAYLOR ET AL., *supra* note 11, at 4.

82. OFFICE OF THE DEPUTY ASST. SEC. DEF., *supra* note 3, at 6.

Law schools should include cultural competency in their curricula to prepare students to work with future clients, some of whom are likely to be veterans. For some law students, representation of military or veteran clients may happen before graduation because an increasing number of law schools are starting clinics that provide legal services to veterans and service members.<sup>83</sup> Whether law faculty and students encounter veterans in the classroom, in the clinic, or as clients after graduation, it is necessary for those of us who did not serve to be culturally competent and compassionate towards those who did:

In preparing students for the world in which they will live and practice, faculty should assist students in developing a career-long commitment to engaging in efforts to enhance their awareness and sensibilities around real and perceived differences. . . . [T]he core value at the heart of effective functioning across cultures and geographic space is that of universal human dignity: a basic, foundational appreciation for the common humanity of oneself with and among all others . . . .<sup>84</sup>

“[S]ociety must be ready to accept the realities of war, listen to veterans’ stories, and . . . ‘embrace the real stories of our American heroes.’”<sup>85</sup> By being sensitive to the unique needs and

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83. See Terry Carter, *ABA House Urges Law Schools to Create Veterans’ Law Clinics*, ABA J. (Aug. 11, 2014, 9:51 PM), [http://www.abajournal.com/news/article/aba\\_house\\_urgues\\_law\\_schools\\_to\\_create\\_veterans\\_law\\_clinics](http://www.abajournal.com/news/article/aba_house_urgues_law_schools_to_create_veterans_law_clinics). More than 40 law schools now have clinics that focus on assisting service members or veterans according to information compiled by the Puller Clinic in February 2015 (results on file with author), and the American Bar Association House of Delegates adopted a policy urging all law schools to create veterans law clinics. Brock Vergakis, *Law School Clinics Help Veterans Escape Benefits Backlog*, HUFFINGTON POST (May 27, 2013, 7:27 PM), [http://www.huffingtonpost.com/2013/05/27/law-school-clinics-veterans-backlog\\_n\\_3343559.html](http://www.huffingtonpost.com/2013/05/27/law-school-clinics-veterans-backlog_n_3343559.html); see also Carter, *supra*.

84. Lynch et al., *supra* note 72, at 6.

85. Holly Seesel et al., *Consequences of Combat*, 1 VETERANS L. REV. 254, 264 (2009) (internal quotation marks omitted) (reviewing DARYL S. PAULSON & STANLEY KRIPPNER, HAUNTED BY COMBAT: UNDERSTANDING PTSD IN WAR VETERANS INCLUDING WOMEN, RESERVISTS, AND THOSE

issues of veterans, professors, lawyers and other service providers can improve the efficacy of their efforts at aiding this population.<sup>86</sup> President Obama recently called on the Departments of Defense, Veterans Affairs, and Health and Human Services to collaborate on the education of community-based providers in cultural competency in order to familiarize them with the unique needs of the military, veterans, and their family members.<sup>87</sup> This emphasis on cultural competency further underscores the importance of service providers, arguably including higher education professionals and lawyers, in developing the skills necessary to meet the needs of members of this distinct culture, and the necessity to earn their trust.

#### IV. MILITARY AND VETERAN CULTURE

The following excerpt from the Soldier's Creed states important military values for all branches of the military, not just the Army, demonstrating the Warrior Ethos of those who serve: "I will always place the mission first. I will never accept defeat. I will never quit. I will never leave a fallen comrade."<sup>88</sup> This ethos offers a view into military culture that distinguishes it from civilian life, and it demonstrates one of the reasons that veterans and civilians may have difficulties integrating successfully. While the integration may prove challenging, successful integration of veterans on our campuses, in our classrooms, and in our practice of law will enrich the experiences of veterans and non-veterans alike.

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COMING BACK FROM IRAQ (2007); ILONA MEAGHER, MOVING A NATION TO CARE: POST-TRAUMATIC STRESS DISORDER AND AMERICA'S RETURNING TROOPS (2007)).

86. TERRI TANIELIAN ET AL., RAND CORP., READY TO SERVE: COMMUNITY-BASED PROVIDER CAPACITY TO DELIVER CULTURALLY COMPETENT, QUALITY MENTAL HEALTH CARE TO VETERANS AND THEIR FAMILIES 2 (2014).

87. *Id.* at 22; Press Release, Office of the Press Sec'y, White House, FACT SHEET: President Obama Announces New Executive Actions to Fulfill our Promises to Service Members, Veterans, and Their Families (Aug. 26, 2014), available at <http://www.whitehouse.gov/the-press-office/2014/08/26/fact-sheet-president-obama-announces-new-executive-actions-fulfill-our-p>.

88. *Warrior Ethos*, U.S. ARMY, <http://www.army.mil/values/warrior.html> (last visited Apr. 7, 2015).

“As a country, America has been at war nonstop for the past 13 years. As a public, it has not. . . . [A]bout 2.5 million Americans, roughly three-quarters of 1 percent, served in Iraq or Afghanistan at any point in the post-9/11 years, many of them more than once.”<sup>89</sup> The current conflicts require deployments in combat areas, resulting in the shared experience of combat for a significant number of our veterans, an experience which shapes their culture. As a result of discussions with veterans who served in Vietnam, one author described combat veterans as focused on “finding meaning and justification in having survived, and in having fought and killed. That is, as [survivors they] must, consciously or unconsciously, give some form to the extreme experience of war, in order to be able to find meaning in” their civilian lives afterwards.<sup>90</sup>

While combat can be a source of trauma that informs veteran culture, additional traumatic events, such as military sexual trauma or losing a fellow soldier, can become threads in the fabric of the veteran shared experience. Regardless of whether veterans experience trauma while serving, there is “an unspoken understanding that [a veteran] frequently find[s] among other veterans.”<sup>91</sup> Keynan Hobbs, a combat veteran and psychiatric/mental health clinical nurse, notes that “[v]eteran culture exists according to established definitions and the behavior of its members. It is . . . a culture . . . that crosses ethnic and socioeconomic boundaries;” veterans have their own language, symbols, and shared systems of belief.<sup>92</sup>

The ever-increasing military-civilian cultural divide creates obstacles to achieving the cultural competence necessary to maximize our effectiveness at supporting student veterans and veteran clients. Whether or not one agrees with the values, rules, world view, and functionality of the military, or the politics behind the

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89. Fallows, *supra* note 79.

90. *Testimony Before S. Subcomm. on Veterans Affairs* (1970) (statement of Dr. Robert Lifton, Prof. of Psychiatry, Yale Univ. Sch. of Med.), *as reprinted in* DEP'T MED. & SURGERY, VETERANS ADMIN., THE VIETNAM VETERAN IN CONTEMPORARY SOCIETY: COLLECTED MATERIALS PERTAINING TO YOUNG VETERANS IV-29 (1972).

91. Keynan Hobbs, *Reflections on the Culture of Veterans*, 56 AM. ASS'N OCCUPATIONAL HEALTH NURSES J. 337, 338 (2008) (emphasis omitted).

92. *Id.* at 337, 339.

current conflicts, one needs to understand military culture in order to effectively engage those who were a part of it.<sup>93</sup> This is especially true because veterans may continue to consider themselves as part of the military and have a lack of trust of civilians.<sup>94</sup>

Higher education faculty and students and civilian attorneys, must work to bridge this military-civilian divide by being culturally competent in their interactions with veterans; this cultural competence requires engagement, informed study, and “an appreciation for the human cost” of those who serve.<sup>95</sup> The widening gap between those who served and civilians can be further explained when one considers that while 2.5 million have served in Iraq or Afghanistan, 8.7 million served in Vietnam, and the majority of those who served in Vietnam had mothers and fathers who served in some way in World War II, Korea, or both.<sup>96</sup> A senior Navy fellow at the Atlantic Council, Mark Seip, concludes that “[t]he disconnect [between the military and civilians] is real but not irreversible. . . . [A] renewed focus on the nuances of each side and the values that underpin service will create a better understanding and bridge the gap between the military and those it serves.”<sup>97</sup>

Military culture enables the military to effectively engage and succeed in combat; the military absolutely requires “codes of conduct, values, methods, procedures, and organizations characterized by what we might . . . term the ‘military virtues,’ including Duty, Honor, Patriotism, Courage, Discipline, Commitment, Strength, Integrity, Trust, and Resolve.”<sup>98</sup> “The military is a hierarchical system based on rank and respect;” rank is clearly visible as a result of uniforms, and rank affects the level of authority, scope of responsibility, and rules and punishment that are possible.<sup>99</sup> Military culture is the antithesis of the higher education environment, where there is no clear chain of command, no one giv-

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93. See generally Schell, *supra* note 2, at 39–40.

94. *Id.* at 39.

95. Mark Seip, *What Falls Missed About the Military-Civilian Gap*, DEF. ONE (Jan. 15, 2015), <http://www.defenseone.com/ideas/2015/01/what-falls-missed-about-military-civilian-gap/103014>.

96. *Id.*

97. *Id.*

98. John Hillen, *The Future of American Military Culture: Must U.S. Military Culture Reform?*, 43 ORBIS 43, 45 (1999).

99. Schell, *supra* note 2, at 25.

ing orders or charting the path forward, no prescribed social system, and a great deal of autonomy. Because of this stark contrast between the military culture and the higher education environment, law schools should make sure student veterans have the support necessary to succeed in the starkly different academic setting.

## V. MEETING THE NEEDS OF OUR STUDENT VETERANS

Student veterans are at risk, and higher education institutions must support them as they would other at-risk populations.<sup>100</sup> Without “military virtues” and the clues that uniforms and rank provide to behavior and navigating interaction with others, veterans may find it difficult to integrate with students who are younger and less experienced than they are, who are potentially more self-absorbed, and who thrive in the “unstructured, sometimes frivolous, college [and law school] atmosphere.”<sup>101</sup> Unlike the period after World War II, when veterans in 1947 made up 49% of U.S. college enrollment,<sup>102</sup> in a 2011-2012 study, veterans constituted just 4% of the undergraduate population.<sup>103</sup> In the classroom, faculty and fellow students may be unaware of the students who are veterans, as many higher education institutions do not know how many student veterans they have on campus,<sup>104</sup> and veterans may be wary of self-disclosure.<sup>105</sup> Student veterans are typically older and more experienced than their student peers, and they often sup-

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100. JENNIFER L. STEELE ET AL., SERVICE MEMBERS IN SCHOOL: MILITARY VETERANS' EXPERIENCE USING THE POST-9/11 GI BILL AND PURSUING POSTSECONDARY EDUCATION 48 (2010).

101. Boodman, *supra* note 36.

102. *History and Timeline*, U.S. DEP'T VETERANS AFF., <http://www.benefits.va.gov/gibill/history.asp> (last visited Apr. 7, 2015).

103. AM. COUNCIL ON EDUC., HIGHER ED SPOTLIGHT: UNDERGRADUATE STUDENT VETERANS (2014), *available at* <http://www.acenet.edu/newsroom/Documents/Higher-ed-spotlight-undergraduate-student-veterans.pdf>

104. Boodman, *supra* note 36.

105. Higher education institutions are being encouraged to track this data in an effort to measure outcomes for veterans under the Post-9/11 GI Bill and Department of Defense Tuition Assistance Grants. *See Tracking Veterans, TOOLKIT FOR VETERAN FRIENDLY INSTITUTIONS*, <https://vetfriendlytoolkit.acenet.edu/create-a-successful-program/Pages/Tracking-Veterans.aspx> (last visited Apr. 7, 2015).



port themselves or a family.<sup>106</sup> They are adjusting to being students rather than wage earners, and they are likely concerned about the recession and their opportunities for employment.

They are also typically reluctant to seek help when they need it, a characteristic of military culture and the warrior mentality that follows them into their post-military education.<sup>107</sup> Student veterans describe “feeling both conspicuous and isolated, put on the spot when they are singled out in class by well-meaning faculty members who solicit their views on foreign policy,” and they often “want it both ways: [They] don’t want to be singled out, but want respect, and for people to know what they’ve been through.”<sup>108</sup> They are self-sufficient, wary of the stigma of being in need, and sometimes have a distrust of those who did not serve or those agencies and offices tasked with providing them assistance. They are anxious about the questions that may come from their classmates—questions that evoke memories of traumatic events that already burden their hearts and that they do not want to talk about, or that underscore the inability of their peers to understand the gravity of their experiences. In addition to their difficulties adjusting to the more relaxed culture of higher education and the alienation many feel amongst non-student veteran peers, post-9/11 veterans are also likely to be experiencing injuries or disabilities from service that further complicate their success on campus.

In considering how best to address the challenges faced by student veterans returning to education, the VA has identified “8 Keys to Success” for veterans, and they request that education institutions pledge to implement those practices.<sup>109</sup> As of March 2015, 1,542 colleges and universities made the commitment.<sup>110</sup>

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106. STEELE ET AL., *supra* note 100, at 48.

107. Boodman, *supra* note 36.

108. *Id.* (alteration in original) (quoting Paul Tschudi, a Vietnam veteran and faculty adviser to George Washington University Veterans) (internal quotations omitted).

109. *8 Keys to Success: Supporting Veterans, Military and Military Families on Campus*, U.S. DEP’T EDUC., <http://www.ed.gov/blog/2013/08/8-keys-to-success-supporting-veterans-military-and-military-families-on-campus/> (last visited Apr. 8, 2015).

110. *8 Keys to Veteran’s Success Sites*, U.S. DEP’T EDUC., <http://www.ed.gov/veterans-and-military-families/8-keys-success-sites> (last visited Apr. 8, 2015).

There are also “Principles of Excellence” listed to serve as guidelines of best practices for those institutions receiving funding from the VA.<sup>111</sup> The 8 Keys will serve as a framework for the remainder of this section of the Article in order to provide undergraduate and graduate institutions, including law schools, suggestions for maximizing the success of their student veterans.

*A. Create a Culture of Trust and Connectedness Across the Campus Community to Promote Well-being and Success for Veterans*

A combination of the recommendations noted will serve as an excellent foundation for trust and connectedness, including suggestions such as individual advisors for student veterans, designated spaces for veterans to study or socialize, counseling services, and cultural competence training for law school administration, faculty and staff. Additionally, programming to introduce non-veteran law students to military culture and law, as well as events and activities that instill in them a sense of appreciation for those who served, can aid this trust and connectedness.

Institutions seeking to give student veterans the academic skills they will need to succeed in higher education might consider

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111. See *8 Keys to Veterans' Success*, U.S. DEP'T EDUC., <http://www.cvent.com/events/8-keys-to-veteran-s-success/event-summary-9d85142eae7e422786691f9a4c0f3c50.aspx?RefID=8%20Keys%20to%20Success> (last visited Apr. 8, 2015). The “Principles of Excellence” guidelines are as follows:

1. Provide students with a personalized form covering the total cost of an education program.
2. Provide educational plans for all military and Veteran education beneficiaries.
3. End fraudulent and aggressive recruiting techniques and misrepresentations.
4. Accommodate Service members and Reservists absent due to service requirements.
5. Designate a point of contact to provide academic and financial advice.
6. Ensure accreditation of all new programs prior to enrolling students.
7. Align institutional refund policies with those under Title IV, which governs the administration of federal student financial aid programs.

*Id.*

hosting the Warrior-Scholar Project on their campus for veterans returning to the classroom. This intensive workshop of either one or two weeks started at Yale University in 2012 and now includes Harvard and the University of Michigan.<sup>112</sup> The academic boot camp prepares veterans for the academic challenges of elite universities while easing their transition from the military to the classroom by providing them an early social network of fellow student veterans.<sup>113</sup> The curriculum is taught by a different professor every day, and it focuses on reading, writing, and discussion skills centered on themes of democracy, freedom, and equality.<sup>114</sup> There are ten additional universities considering adoption of the Warrior-Scholar Project that shadowed the program in 2014;<sup>115</sup> such early indoctrination and assimilation for student veterans can significantly increase their chance of succeeding in higher education.

In an effort to build connectedness in campus communities between those who served and those who did not, law schools can integrate military and veteran topics throughout the curriculum, whether in courses devoted exclusively to military-related topics or including military related issues in existing courses. For instance, in an elder law or disability course or clinic, veterans benefits could be among the topics addressed; in an employment law course, the rights of deployed service members could also be explored; when discussing the impact of domestic violence on victims, the topic of military sexual trauma could be explored.

Additionally, higher education institutions should consider providing opportunities for engaging veterans in extracurricular activities that can aid their integration on campus and often, help them to heal. For instance, the College of William & Mary established the Center for Veterans Engagement, a nonprofit organization that “enables . . . students and faculty to create, launch, and execute initiatives for veterans and military families throughout

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112. Amabel Karoub, *Warrior-Scholar Project Helps Vets Transition from Military to Academic Life*, MICH. DAILY (July 26, 2014), <http://michigandaily.com/news/warrior-scholar-project-helps-vets-transition-military-academic-life>.

113. *Id.*

114. *Id.*

115. *Id.*

Virginia.”<sup>116</sup> This includes “[p]rogramming that focuses on creative activities, such as writing, music, and stand-up comedy classes,” and “[p]rogramming that assists veterans with their transition into civilian life, such as professional development and personal finance classes.”<sup>117</sup>

Law schools and universities should support establishing a Student Veterans of America chapter as a way to encourage interconnectedness among the veteran population. There are 950 chapters nationally, and their “mission is to provide military veterans with the resources, support, and advocacy needed to succeed in higher education and after graduation.”<sup>118</sup> Law schools can encourage creation of a military and veterans law society to sponsor programs of interest to its members by bringing in service members to discuss leadership characteristics or veterans who can discuss their transition from active-duty service to civilian employment. Similar groups comprised of student veterans or students who have family members serving can operate as a support group to alleviate some of the loneliness and isolation student veterans sometimes feel when they return to the classroom.

Law schools can also encourage connections with university ROTC chapters to offer student veterans the opportunity to serve as mentors to the officers-in-training; such a connection can also offer student veterans opportunities to re-engage the familiar military culture they may be missing as civilian students. Additionally, mentorships can be arranged with new student veterans as mentees. Peer advising by experienced student veterans can increase the likelihood of a new student veteran’s success and improve his or her comfort level as a student and member of the law school community.

Veterans Day offers a time every year for law schools to stop and consider the sacrifices our men and women in uniform make for our nation and to plan programming that helps the entire law school community reflect on those sacrifices. For instance,

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116. *About William & Mary Center for Veterans Engagement*, FACEBOOK, [https://www.facebook.com/wmcve/info?tab=page\\_info](https://www.facebook.com/wmcve/info?tab=page_info) (last visited Apr. 13, 2015).

117. *Id.*

118. *FAQs*, STUDENT VETERANS AM., <http://www.studentveterans.org/index.php/chapter/faqs> (last visited Apr. 13, 2015).

each year William & Mary Law School gathers mid-day for remarks from the Dean and various military leaders. Festivities conclude with cake and a sparkling cider toast to those who have served and those who have fallen. William & Mary also has a tradition of service member and veteran students and faculty wearing their military uniforms on Veteran's Day for an official photo.<sup>119</sup> This year, William & Mary Law School also held a Thanksgiving food drive for a local veteran family facing financial struggles.<sup>120</sup> These types of activities and events raise awareness of the sacrifices of those who served or are serving, hopefully helping to lessen the isolation of student veterans and the cultural divide between them and civilian members of the campus community.

In addition to the workshops, organizations, mentorships, activities, and events already discussed, law schools can create pro bono opportunities to assist student veterans and veterans from the community with their legal needs by creating clinical opportunities, externships, pro bono programs, and attorney training programs.<sup>121</sup> Taking away the stress of unmet legal needs for veterans, while also teaching student veterans and their non-veteran peers how to meet these needs, is another way to create a campus culture of trust and connectedness between veterans and their non-veteran peers and help ensure veteran success.

### *B. Ensure Consistent and Sustained Support from Campus Leadership*

The recommendations in this article for supporting student veterans will all take a sustained commitment from campus leadership, particularly in those areas that require funding. Whether it is

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119. For a photo from the 2014 Veterans Day event, see <https://www.facebook.com/VeteransBenefitsClinic/photos/a.383157855035268.94959.117000394984350/942649955752719/?type=1>. The author has attended all of the Veterans' Day commemorations at William & Mary Law School since 2008.

120. Hayley Geiler, *Law Students Collect 4,114 Food Items to Help Local Community*, WM. & MARY L. SCH. (Nov. 24, 2014), <http://law.wm.edu/news/stories/2014/law-students-collect-more-4,114-food-items-for-local-community.php> ("This year, the school's Puller Veterans Benefits Clinic also hosted a food drive to collect holiday food items for the family of a local veteran.").

121. See *supra* Part II.B (discussing veterans' commitment to service and their legal needs).

providing relief time for a faculty or staff member to serve as an individual advisor to veterans, or hiring a new staff member for that purpose, or creating dedicated student veteran space, or hiring additional counseling staff and ensuring that the campus community is trained in military and veteran culture, the decision to make systemic rather than isolated changes in support of veterans will require campus leadership willing to devote resources to this population of students. Campus leadership will also be instrumental in the coordination and centralization of available support services for veterans, so that they can be seamlessly provided rather than provided on an ad hoc and less effective basis.

*C. Implement an Early Alert System to Ensure All Veterans Receive Academic, Career, and Financial Advice Before Challenges Become Overwhelming.*

1. Advising

Assignment of an individual advisor to each accepted student veteran would serve as an ideal start to ensuring that struggling veterans are assisted quickly and efficiently. Studies have shown that academic advising improves retention and graduation rates, noting that “[a]dvisors teach students to negotiate the higher education maze, to make effective and thoughtful decisions about their futures, to adapt their life skills to the new academic world, and to cultivate the academic skills and knowledge needed to succeed.”<sup>122</sup> A pilot study of 200 veterans demonstrated that veterans with access to on-campus support systems and services, including advising, have higher grades and retention and graduation rates than their non-veteran peers.<sup>123</sup> Advisors can be particularly useful to veterans who no longer have people telling them what to do; an advisor can provide more structure, guidance, and a defined path

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122. Jayne K. Drake, *The Role of Academic Advising in Student Retention and Persistence*, ABOUT CAMPUS, July–Aug. 2011, at 8, 9, 11 (emphasis omitted).

123. WENDY A. LANG ET AL., PAT TILLMAN FOUND. & OPERATION COLL. PROMISE, *COMPLETING THE MISSION: A PILOT STUDY OF VETERAN STUDENTS' PROGRESS TOWARD DEGREE ATTAINMENT IN THE POST 9/11 ERA* 11 (2011), available at [http://www.operationpromiseforservicemembers.com/Completing\\_the\\_Mission\\_Nov2011.pdf](http://www.operationpromiseforservicemembers.com/Completing_the_Mission_Nov2011.pdf).

towards degree or training completion.<sup>124</sup> Ideally, an institution's advisor would work with a veteran after acceptance, but prior to enrollment, to ensure that the institution will meet the veteran's educational and career goals before a veteran's limited GI Bill or Yellow Ribbon funding is exhausted.

The Council for Adult and Experiential Learning recommends a comprehensive career and education advising program for veterans that includes skill and interest assessments, review of military training and experience for potential academic credit or career prerequisites, career exploration and planning, evaluation of learning style and potential need for accommodations, and knowledge about educational benefits.<sup>125</sup> In addition, having a one-on-one advisor meet regularly with student veterans will enable the advisor to monitor how the student veteran is doing academically, emotionally, and socially in their transition to higher education.

An advisor for student veterans can serve as a "home base" for the veteran, ensuring that they stay on track for degree requirements and career pathways and coordinate with other offices on campus, including the Dean of Students and disability services. Given that veterans are generally resistant to seeking help and less engaged in the campus community than their civilian counterparts, having an advisor that they must see at regularly scheduled intervals to help them meet educational and career goals serves the added purpose of alerting the institution when a veteran is at risk in any way. With permission from veteran advisees, an advisor can also keep in touch with family members or ask that family members alert the advisor in the event there are signs of distress or changes in behavior off-campus. An advisor can then encourage the veteran to seek assistance from the counseling or health center when appropriate, and he or she can intervene with specific administrators or faculty when and if a veteran is struggling academically.

Law school is traditionally an educational program that lacks advisors. While some guidance may be provided regarding coursework, and an office of career services aids in employment matters, law students are, after their first-year of required courses, left largely to their own planning. Law schools enrolling veterans

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124. CAHILL ET AL., *supra* note 27, at 7.

125. *Id.* at 7-8.

should appoint a faculty or staff member to serve as an advisor for all enrolled veterans or appoint several advisors across the student veteran population. This advisor could help with academic support, coordination of accommodations in the classroom or on exams, curricular and career planning, and help ensure that the veteran can achieve graduation within the prescribed three years. If possible, the assigned advisor should be a veteran, in order to achieve the immediate connection shared by all who served. If not, the advisor(s) should receive cultural competency training in veteran culture,<sup>126</sup> and establish checklists, guidance and clearly defined procedures that will provide confidence to each veteran, and ensure all veterans receive the same level of support while working towards their law degree.

## 2. Counseling

Nationwide, counseling centers at higher education institutions already face limited resources and capacity, which means delays in appointments, waitlists, and more limited treatment available to students.<sup>127</sup> A 2011 National Survey of Counseling Center Directors noted that 91% of directors reported a trend towards a greater number of students with severe psychological problems and 77% or more saw increases in immediate crises, and more students arriving to campus already taking psychiatric medication.<sup>128</sup> In a study of Midwest universities considering students' increased demands, researchers found that "many counseling pro-

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126. See, e.g., *Understanding Military Culture*, COMMUNITY PROVIDER TOOLKIT, [http://www.mentalhealth.va.gov/communityproviders/military\\_culture.asp#sthash.7drrHVVR.dpbs](http://www.mentalhealth.va.gov/communityproviders/military_culture.asp#sthash.7drrHVVR.dpbs) (last visited Apr. 13, 2015) (providing access to the "Military Cultural Competence Online Course" and the "Understanding Military Cultural Course" that were developed by the National Center for PTSD).

127. See Martha Anne Kitzrow, *The Mental Health Needs of Today's College Students: Challenges and Recommendations*, 41 J. STUDENT AFF. RES. & PRAC. 167, 170 (2003), available at <http://sites.harvard.edu/f-s/docs/icb.topic920416.files/mental%20health-%20counseling-1.pdf> ("The increased demand for services without a corresponding increase in resources is a major challenge and concern . . .").

128. ROBERT P. GALLAGHER, AM. COLL. COUNSELING ASSOC., NATIONAL SURVEY OF COUNSELING CENTER DIRECTORS 4 (2011), available at <http://collegecounseling.org/wp-content/uploads/2011-NSCCD.pdf>.



grams are failing to meet the nationally accepted standards for counselor-to-student ratios,” and that many had not implemented the recommendations made following the 2007 and 2008 campus tragedies at Virginia Tech and Northern Illinois University, respectively.<sup>129</sup> “There are more students presenting to college mental health centers year by year, and those students have more severe mental health issues at a time that budgets are shrinking and cost savings are being implemented,” noted Chris Brownson, Associate Vice President of Student Affairs and Director of the Counseling and Mental Health Center at the University of Texas at Austin.<sup>130</sup>

In addition to this increased demand on campus counseling centers from traditional-aged students, with the influx of veterans to higher education institutions with the Post-9/11 GI Bill benefits, “many colleges and universities are struggling to find appropriate means of responding to the . . . veterans.”<sup>131</sup> This is troubling in light of the high incidence of post-traumatic stress, TBI, depression, and suicidal ideation that may accompany some post-9/11 veterans to campus. Counseling center staff at higher education institutions should be trained in cultural competency to support their work with veterans, as well as more advanced training in evidence-based practices for treating post-traumatic stress and suicide prevention.<sup>132</sup> In 2013, the American Council on Education and the Center for Deployment Psychology collaborated to provide workshops to train as many as 750 college and university counse-

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129. Pam Dempsey & Brant Houston, *Stressed: Demands, Counselor Shortages Strain Midwest Campus Mental Health Systems*, INVESTIGATIVE JOURNALISM EDUC. CONSORTIUM (Feb. 4, 2012), <http://ijec.org/2012/02/04/stressed-demands-counselor-shortages-strain-midwest-campus-mental-health-systems/>.

130. Boodman, *supra* note 36.

131. CAHILL ET AL., *supra* note 27, at 11.

132. Evidence-based practices are defined as “interventions that have undergone rigorous evaluation and demonstrated positive outcomes.” *Section I: Evidence-Based Programs*, SUICIDE PREVENTION RESOURCE CENTER, <http://www.sprc.org/bpr/section-i-evidence-based-programs> (last visited Apr. 14, 2015); *Section 4: Evidence Based Approaches for Prevention, Outreach, Assessment, Diagnosis, and Treatment*, NAT’L COUNCIL ON DISABILITY, <http://www.ncd.gov/publications/2009/March042009/section4> (last visited Apr. 14, 2015).

lors.<sup>133</sup> Training included military culture and service to student veterans in recognition of the fact that “[t]he availability of mental health resources on college campuses can play a vital role in helping veterans achieve their education goals that in turn lead to successful futures.”<sup>134</sup>

Veterans may first seek assistance in the counseling center for difficulties they are having with coursework or feelings of being overwhelmed in the classroom environment. A counselor trained in TBI and post-traumatic stress will know that a veteran’s academic performance might be impacted by cognitive difficulties such as attention and concentration difficulty; information processing challenges; memory or learning problems; slowed abstract reasoning; and executive functions, such as problem solving, planning, and sequencing.<sup>135</sup> Veterans may also experience difficulties with sleeping or time management and experience panic attacks or flashbacks.<sup>136</sup> A counselor trained for work with veterans will also be vigilant about exploring such things as potential depression, suicidal ideation, and the heightened stress that can occur for student veterans on campus when they may be faced with, for instance, unexpected loud noises, or the anxiety of windowless classrooms.<sup>137</sup>

Counselors can also ensure that veterans are aware of any accommodations that they may be entitled to as a result of disabilities—such as physical, learning, or cognitive disabilities or psychological health injuries<sup>138</sup>—by working closely with the campus office of disability services and the veteran’s advisor to help veterans accept any warranted accommodations and to come to terms

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133. ACE, *CDP to Train College Mental Health Counselors to Aid Student Veterans*, AM. COUNCIL ON EDUC. (Feb. 27, 2013), <http://www.acenet.edu/newsroom/Pages/ACE-CDP-Train-College-Mental-Health-Counselors-Aid-Veterans.aspx>.

134. *Id.* (quoting Anne Marie Dougherty, Executive Director of the Bob Woodruff Foundation).

135. *See* AM. COUNCIL ON EDUC. ET AL., *supra* note 63, at 3.

136. *Id.*

137. *Id.* at 4.

138. For two federal disability antidiscrimination laws that are applicable to colleges and universities and which would apply to those veterans meeting the definition of an individual with a disability, see Americans with Disabilities Act of 1990, 42 U.S.C. § 12132 (2012) and Rehabilitation Act of 1973, 29 U.S.C. § 794 (2012).

with their new challenges. The counseling center staff should also work closely with the university health center in the event there are injuries or illnesses that would benefit from medical, as well as psychological, treatment. Law students already avail themselves of campus counseling centers in significant numbers; the Socratic method and single exam grading, recession in the legal employment market, high debt loads, quests for clerkships, selectivity and membership on competitive teams and journals, and class rank all combine to raise the anxiety level and depression of law students.<sup>139</sup> “Although law students enter school with fairly normal rates of depression (about 8-9 percent), upon matriculation, the rate of depression more than quadruples (to about 40 percent) . . . .”<sup>140</sup> Given that the law school population is already prone to increased depression, veterans who attend law school may be even more at risk due to the additional challenges they face when compared to their more traditional-aged civilian law school peers. Law schools should undertake intentional efforts to prepare counseling center staff to respond adequately to the needs of law school students who are veterans in light of the stress of the current legal recession and the influx of post-9/11 veterans to higher education.

*D. Coordinate and Centralize Campus Efforts for All Veterans,  
Together with the Creation of a Designated Space  
for Them (Even if Limited in Size)*

1. Veterans Center

An on-campus veteran center, even a modest one, can allow student veterans a space to study or gather socially with other veterans. Given the alienation and loneliness veterans can feel on campus, this can be a place where they can relax with others who may also feel overwhelmed by the lack of structure and the young-

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139. See Kate Mayer Mangan, *Law School Quadruples the Chances of Depression for Tens of Thousands: Some Changes That Might Help*, HUFFINGTON POST (Aug. 28, 2014, 2:40 PM), [http://www.huffingtonpost.com/kate-mayer-mangan/law-school-quadruples-dep\\_b\\_5713337.html](http://www.huffingtonpost.com/kate-mayer-mangan/law-school-quadruples-dep_b_5713337.html).

140. *Id.*

er student population.<sup>141</sup> It can also offer a place for a Student Veterans of America chapter to operate,<sup>142</sup> which can provide additional peer support to newer student veterans. Having a dedicated veteran space can also be helpful to those veterans who live off campus, perhaps some distance away, as a result of family obligations.

Arizona State University opened the Office for Veteran Military Academic Engagement two years ago, coordinating with the existing Pat Tillman Veterans Center and academic departments from a variety of disciplines throughout the campus.<sup>143</sup> While the existing Pat Tillman Veterans Center focused on one-stop advising, the more expansive initiative encourages veterans to tell their stories to faculty who then use those stories in their research and teaching throughout the campus in different departments, schools, and colleges.<sup>144</sup> In addition, student veterans are being brought together to study arts and humanities in creative ways, such as discussion of literature involving wartime narratives or through music, films, and writing.<sup>145</sup> The assistant to the director of the Office for Veteran Military Academic Engagement, Nancy Dallett, hopes that “in the long term both veterans and non-veterans will have a better sense of how to engage with one another and understand military culture” through communication and breaking down barriers.<sup>146</sup> This increased level of engagement benefits not only the veterans but also enriches the campus community as they get to know more about veterans and their experiences.

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141. *About Us*, STUDENT VETERAN HOUSE, <http://studentveteranhouse.org/about-us/> (last visited Apr. 14, 2015) (noting that 85% of student veterans are at least twenty-four years old).

142. *See FAQs*, *supra* note 118. The mission of Student Veterans of America is “to provide military veterans with the resources, support, and advocacy needed to succeed in higher education and after graduation.” *Id.*

143. Joey Hancock, *New ASU Office Helps Transition, Use Veterans in Classroom*, ST. PRESS (Jan. 14, 2015, 5:26 PM), <http://www.statepress.com/2015/01/14/new-asu-office-helps-transition-use-veterans-in-classroom/>.

144. *Id.*

145. *Id.*

146. *Id.*

A designated veteran space can also be effective at law schools. For those law schools that are located on a university campus where a veteran center or lounge could be shared by all students of the university, a separate law school veteran space may not be needed. But for those law schools located away from the main university, having a dedicated space for veterans within the law school is recommended.

In addition to establishing a dedicated veteran center on university and law school campuses to encourage peer support, exploration of veteran topics, and a respite from the unstructured nature of the educational environment, higher education institutions might consider creating student veteran designated housing.<sup>147</sup>

## 2. Coordinated Services

Higher education institutions, including law schools, should consider, if their veteran enrollment warrants, some veteran-only orientations and open houses. These distinct sessions automatically give veterans access to peers with whom they may feel more comfortable and who can later serve as a support system, particularly if more experienced student veterans are included in the sessions. Veteran-focused sessions also allow the diverse needs of veterans to be considered, such as financial aid matters through the GI Bill and Yellow Ribbon Program, academic support issues related to learning or disability challenges, credit transfer issues either from other institutions or for military experience, and career services that will take into account their military experience and translate it into skills that are desirable in the civilian workforce. Additionally, veteran-specific programming can be offered in such areas as résumé and cover letter drafting, study skills, and academ-

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147. See, e.g., *About Us*, Student Veteran House, *supra* note 141 (“Our mission is to provide accessible living environments on college campuses that enable veterans with disabilities to excel as they pursue higher education.”); *OSU Veterans House*, OHIO ST. U., <http://veterans.osu.edu/future-students/locating-housing/osu-veterans-house/> (last visited Apr. 14, 2015); *Veteran Student Housing*, SAN DIEGO ST. U., [http://arweb.sdsu.edu/es/veterans/stud\\_housing.html](http://arweb.sdsu.edu/es/veterans/stud_housing.html) (last visited Apr. 14, 2015).

ic advising (that could then be followed up with an individual advisor).<sup>148</sup>

In the law school setting, designating a particular career services counselor, utilizing individual advisors to aid curricular decisions, and familiarizing the law school registrar with issues related to translation of credits and military experience can all assist law school student veterans in reaching graduation. The curriculum, career services, and credit transfer issues are all unique enough at the law school level to require services apart from the university. Disability and financial aid services are most likely centrally located on the main university campus and could be shared with law school student veterans rather than duplicated at the law school. Nonetheless, it would be ideal for someone at the law school—for instance a dedicated student veteran advisor—to provide veterans with a checklist of instructions for which offices to visit on main campus for particular purposes, along with any applicable deadlines. In these university-wide offices, one individual could be tasked with handling all veteran inquiries so that the person responding to student veteran issues is familiar with veteran culture and can readily respond with answers, and can also be familiar with VA procedures related to educational benefits.

*E. Collaborate with Local Communities and Organizations, Including Government Agencies, to Align and Coordinate Various Services for Veterans*

In 2010, the Office of the Chairman of the Joint Chiefs of Staff published *Sea of Goodwill: Matching the Donor to the Need*.<sup>149</sup> The white paper called for community action teams to address the “reintegration trinity” of education, employment, and access to health care, and identified these areas as the most dominant needs for veterans and their families in successful reintegration.<sup>150</sup> A follow-up white paper to the *Sea of Goodwill* noted that “[n]ow is the time to create a national structure—characterized by functional cooperation, cross-sector collaboration, and an integrat-

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148. See *supra* Part V.C.2 (discussing the need for veteran counseling).

149. JOHN W. COPELAND & DAVID W. SUTHERLAND, SEA OF GOODWILL: MATCHING THE DONOR TO THE NEED, available at [http://www.jcs.mil/Portals/36/Documents/CORE/SOGW\\_donor\\_to\\_need.pdf](http://www.jcs.mil/Portals/36/Documents/CORE/SOGW_donor_to_need.pdf).

150. *Id.* at 4–5.

ed network—to establish a no-wrong-door capacity that allows our country to reintegrate effectively veterans and their families as a matter of course.”<sup>151</sup> The “no-wrong-door” approach helps veterans and their families avoid sorting through the thousands of organizations created to support veterans by encouraging organizations initially contacted about services they do not perform to provide a “warm-handover” to another organization with a complementary or different purpose.<sup>152</sup>

While law schools and universities can meet some of the needs of student veterans, there are many governmental and community organizations that can complement and supplement the services offered by educational institutions. Educational institutions should establish contacts at these organizations and become familiar with the wealth of services offered in their communities in order to provide informed recommendations to student veterans.<sup>153</sup> Because colleges and universities typically have leadership roles, convening power and credibility in their communities, they can “cultivate early support and resources from, and conduct effective outreach to, the community.”<sup>154</sup> Often they also have pre-existing relationships with community service providers, which can speed up the responsiveness when particular student veterans need help and a referral off campus.<sup>155</sup> In order to streamline the educational benefits, educational institutions should also work closely with the VA, so the student veteran is not without funds, and if needed, will

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151. OFFICE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF, *AFTER THE SEA OF GOODWILL: A COLLECTIVE APPROACH TO VETERAN REINTEGRATION* 2 (2014) (emphasis omitted), available at [http://www.veteranscorp.org/wp-content/uploads/2014/12/After\\_the\\_Sea\\_of\\_Goodwill.pdf](http://www.veteranscorp.org/wp-content/uploads/2014/12/After_the_Sea_of_Goodwill.pdf).

152. *Id.* at 2 n.5.

153. A new resource that can aid higher education institutions in finding veteran service providers is the National Association of Veteran-Serving Organizations, created to provide a national collaborative association for the Nation’s more than 40,000 veteran-/military-serving organizations. For a detailed overview of this organization, see *About*, NAVSO, <http://www.navso.org/about> (last visited Apr. 14, 2015).

154. NANCY BERGLASS & MARGARET C. HARRELL, CTR. FOR A NEW AM. SEC., *WELL AFTER SERVICE: VETERAN REINTEGRATION AND AMERICAN COMMUNITIES* 29 (2012), available at [http://www.cnas.org/files/documents/publications/CNAS\\_WellAfterService\\_BerglassHarrell.pdf](http://www.cnas.org/files/documents/publications/CNAS_WellAfterService_BerglassHarrell.pdf).

155. *Id.*

have access to medical care or evaluation beyond the capacity of the university health and counseling centers.

Another way law schools and universities can aid their student veterans is to get them involved with organized community service events. Our post-9/11 veterans are part of an all-volunteer force, and for many of these veterans, “service is core to their identity and the way they define purpose in their lives.”<sup>156</sup> Redeployment of veterans into community service “provides them with a renewed sense of purpose in life, a stronger social network, professional development support and the broader health benefits of serving others by volunteering.”<sup>157</sup> Such service opportunities can also provide veterans with confidence in the civilian workforce and leadership and networking opportunities, while also offering them the camaraderie they miss from service.

Recognizing the interest in service for veterans, law schools can make sure to include student veterans in organized community service or pro bono efforts of faculty, staff, and students. In addition, law schools can encourage student veterans to initiate their own community service projects for the benefit of other veterans—for instance, helping build a Habitat for Humanity house for the family of a veteran. Students may find ideas and assistance with community service projects through The Mission Continues, a national nonprofit organization that provides opportunities for veterans to assist a nonprofit of their choice as a funded fellow or as part of a service platoon where a team of veterans helps solve local community challenges.<sup>158</sup> Providing law school support for such an endeavor, planned by student veterans, allows those students to exercise leadership in giving back to others who served and encourages their interaction with their civilian student peers who also seek to volunteer.

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156. GOULD ET AL., *supra* note 1, at 7; see also *supra* notes 45–48 and accompanying text.

157. GOULD ET AL., *supra* note 1, at 7.

158. *Id.* at 6–7. Recognizing that recent veterans sought to continue their service at home, former Navy SEAL Eric Greitens founded The Mission Continues. *Id.* at 6.



*F. Utilize a Uniform Set of Data Tools to Collect and Track Information on Veterans, Including Demographics, Retention, and Degree Completion*

As more of our post-9/11 veterans utilize the generous GI Bill and Yellow Ribbon Program and the country continues to support these well-deserved and costly benefits to those who served and their families, it is important that institutions collect data to determine the efficacy of this investment of federal funds in aiding successful reintegration of veterans. With supporting data, institutions can be transparent with veterans regarding their retention and degree completion rates, enabling veterans to make informed decisions about the institution or program in which to enroll. Such data would also allow veterans to consider the size of an institution's veteran population when deciding where to attend. In addition, data that tracks the success of the veterans who are receiving these federal education benefits will allow for their continuation into the future at a time when the government is looking for cost-cutting measures. In order to assist veterans in making decisions, the VA created the GI Bill Comparison Tool,<sup>159</sup> and the Iraq and Afghanistan Veterans of America created the GI Bill Benefits Calculator,<sup>160</sup> both of which calculate the amount of benefits a veteran may be eligible for after answering a series of questions about their service and the program they wish to attend. These, and similar tools, along with institutional transparency in veteran retention and completion, will help veterans choose the right educational pathway.

*G. Provide Comprehensive Professional Development for Faculty and Staff on Issues and Challenges Unique to Veterans*

This key can be met by providing training in cultural competence as previously discussed. Institutions of higher education should make available to their faculty and staff training regarding military and veteran culture, the challenges faced by student veterans when they return to campus following service, and ways in

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159. See *About this Tool*, U.S. DEP'T VETERANS AFF., [http://www.benefits.va.gov/gibill/comparison\\_tool/about\\_this\\_tool.asp](http://www.benefits.va.gov/gibill/comparison_tool/about_this_tool.asp) (last visited Apr. 14, 2015).

160. See *New GI Bill Benefits Calculator*, NEWGIBILL.ORG, <http://www.newgibill.org/calculator/> (last visited Apr. 14, 2015).

which they can support student veterans. One creative initiative started at Virginia Commonwealth University is the “Green Zone.”<sup>161</sup> “The Green Zone program identifies faculty and staff volunteers . . . who have received special training and are knowledgeable about student veteran issues and resources,” and whose outward identification as a member of this supportive group encourages student veterans and others on campus to seek assistance they know will be informed and culturally sensitive.<sup>162</sup> A “Green Zone” could easily be established at other universities and law schools, demonstrating an institution’s commitment to student veterans and increasing the competence with which faculty and staff respond to student veterans.

When teaching veterans, faculty should be aware that there might be undiagnosed or invisible injuries, some of which may be impacting a student veteran’s performance in the classroom. Faculty members may be the first ones to notice challenges, such as memory issues or organizational difficulties, the need for frequent breaks, lethargy in class, excessive absences, or incomplete assignments. Anxiety can also be a challenge for veterans returning from combat; they may experience anxiety during the discussion of particular topics, while seated in windowless classrooms or with assigned seating that is located far from an exit, in the event of loud and unexpected noises, or at crowded events. Some veterans with post-traumatic stress exercise vigilance even when there is no actual threat. Such veterans then engage in a protection strategy against nonexistent threats, which further raises their anxiety, re-

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161. See *Green Zone*, VA. COMMONWEALTH U., <http://www.enrollment.vcu.edu/rar/veterans-certification/green-zone-program/> (last visited Apr. 14, 2015). Participants in the Green Zone:

Attend a workshop that provides information and resources related to issues faced by student veterans[;]

Display the Green Zone sticker outside their office door to let others know they are available to provide support and information about resource[s] for student veterans[;]

Be a resource to other faculty, staff or students who may have questions about student veteran issues.

*Id.*

162. *Id.*

sulting in heightened vigilance again.<sup>163</sup> Faculty who notice veterans in distress can make sure that they get to the appropriate support services, on or off campus.

Faculty should also be intentional about not taking political positions regarding current or past wars or military engagement when discussing such topics as national security, our current conflicts, international war crimes, mental health issues, and other areas that may skirt issues of military service or veteran experiences. Faculty should avoid singling out veterans for questions or comments related to military service or war unless the veterans choose to self-identify and proactively comment to the class or the faculty member gets the student's permission in advance.

As with all students, faculty should be conscious of signs of academic struggle, distress, or depression, and communicate any such signs to the Dean of Students for his or her follow-up. Allowing tape recording of class sessions, laptops, and using adequate volume when teaching can help those veterans who returned with hearing problems or now experience cognitive difficulties. Also posting notes, outlines, or PowerPoint slides can be useful, not just to student veterans, but other students who may have learning disabilities or differing learning styles.

Finally, as more veterans are in our law school classes, we should be sensitive to the fact that they may have unexpected triggers in our classes that raise their anxiety or frustration. Whether it is a guest speaker who addresses the war or national security, a lecture on mental health issues, or a discussion about sexual trauma, faculty may wish to warn veterans who have self-identified in advance of such events so that they are prepared, or, alternatively, notify the entire class when it is anticipated that potentially sensitive topics will be addressed. The faculty member could then recommend that students contact the faculty member privately if they feel unable to attend the particular class or event. Faculty might also consider developing ground rules for classroom discussion in the event there are potentially hot-button topics for student veterans or others in the class. "A useful strategy is to invite students to co-create a learning community by agreeing on rules, such as let-

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163. DARYL S. PAULSON & STANLEY KRIPPNER, HAUNTED BY COMBAT: UNDERSTANDING PTSD IN WAR VETERANS INCLUDING WOMEN, RESERVISTS, AND THOSE COMING BACK FROM IRAQ 27 (2007).

ting each speaker finish, giving each other both full attention and the benefit of the doubt, staying calm . . . and listening respectfully.”<sup>164</sup> All of these rules can help model civil discourse so that students learn how to engage controversial topics.

*H. Develop Systems That Ensure Sustainability of Effective Practices for Veterans*

Recognizing the expertise and value of the military experience that veterans bring to higher education, institutions of higher education should carefully consider how they might develop curricula and provide credit for competencies across disciplines that align with military competencies, “such as leadership, cross-cultural awareness and communication, inter-cultural communication, fluency in multiple languages, written and oral communication, [and] quantitative reasoning,” among others.<sup>165</sup> Allowing for maximum transfer credit for prior college courses and military training can also help veterans to complete their degree more efficiently, and it helps compensate for the fact that “[t]he average service member attends multiple institutions of higher education before completing a degree.”<sup>166</sup> Finally, offering flexible courses such as evening and weekend opportunities is particularly useful to the student veteran, given that 48% of them are married and 47% are raising children.<sup>167</sup>

Law schools should track the efficacy of any of the foregoing recommendations they choose to adopt, as discussed in relation to the VA’s 8 Keys to Veteran Success. For those practices and strategies that help improve student veteran success, law schools should incorporate them into the law school culture, curriculum, and administration, and they should work to ensure their sustainability.

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164. Lynch et al., *supra* note 72, at 13.

165. Kelly Otter, *How Higher Education Needs to Change to Better Serve Veterans*, EVOLLUTION, [http://www.evollution.com/community\\_programs/how-higher-education-needs-to-change-to-better-serve-veterans/](http://www.evollution.com/community_programs/how-higher-education-needs-to-change-to-better-serve-veterans/) (last visited Apr. 15, 2015).

166. Cropsey, *supra* note 77.

167. *Id.*

## VI. VETERANS AS CLIENTS

A. *Legal Needs of Veterans*

The VA has identified legal needs as among the most significant unmet needs of homeless and poor veterans.<sup>168</sup> Multiple deployments can result in financial and housing matters that require legal assistance,<sup>169</sup> as well as legal matters such as divorce, custody, estate planning, accessing public benefits, guardianship, and criminal record expungement.<sup>170</sup> The top unmet needs among homeless veterans were found to be legal in nature, and they include eviction or foreclosure proceedings, child support issues, restoring driver's licenses, and outstanding warrants and fines.<sup>171</sup> There are studies that "have found a significant association between [post-traumatic stress disorder] and arrest and incarceration."<sup>172</sup> This is an alarming statistic because among the 900,000 post-9/11 veterans treated at VA hospitals and clinics, 31.8% were treated for post-traumatic stress disorder.<sup>173</sup>

Although the Legal Services Corporation began an initiative focused on improving access to justice for low-income mili-

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168. *Veterans Legal Corps to be Largest Deployment of Lawyers Serving Veterans*, EQUAL JUST. WORKS, <http://www.equaljusticeworks.org/news/06-26-13-Veterans-Legal-Corps> (last visited Apr. 15, 2015).

169. See U.S. DEP'T VETERANS AFF., PROJECT CHALENG—IDENTIFYING AND MEETING THE NEEDS OF HOMELESS VETERANS 2 (2014), available at [http://www.va.gov/homeless/docs/CHALENG\\_2013\\_Fact\\_Sheet\\_05072014.pdf](http://www.va.gov/homeless/docs/CHALENG_2013_Fact_Sheet_05072014.pdf)

170. Will A. Gunn et al., *Serving Those Who Served: Meeting Veterans' Unmet Legal Needs*, 23 EXPERIENCE, 2014, at 8, 10.

171. See CATHERINE ABSHIRE ET AL., COMMUNITY HOMELESSNESS ASSESSMENT, LOCAL EDUCATION AND NETWORKING GROUPS (CHALENG) FOR VETERANS FISCAL YEAR (FY) 2011, at 12 (2011), available at [http://www.va.gov/HOMELESS/docs/chaleng/2011\\_CHALENG\\_Report\\_FINAL.pdf](http://www.va.gov/HOMELESS/docs/chaleng/2011_CHALENG_Report_FINAL.pdf).

172. Gunn et al., *supra* note 170, at 9. One study found that 45.7% of Vietnam veterans with current post-traumatic stress had been arrested or jailed more than once, compared with 11.6% for those veterans without post-traumatic stress. *Id.*; see also RICHARD A. KULKA ET AL., TRAUMA AND THE VIETNAM WAR GENERATION: REPORT OF FINDINGS FROM THE NATIONAL VIETNAM VETERANS READJUSTMENT STUDY 186–87 (1990).

173. Gunn et al., *supra* note 170, at 9.

tary veterans and for military families in 2010,<sup>174</sup> there are limitations on the types of cases they can take. The American Bar Association, through their Military Pro Bono Project and ABA Home Front,<sup>175</sup> and Veterans' Claims Assistance Network,<sup>176</sup> are tapping into the generosity of private attorneys willing to provide pro bono assistance to veterans, as are many state and local bar associations. Equal Justice Works, through its Veterans Legal Corps, has undertaken funding three years of fellows and law students who will assist veterans with their civil legal issues, including disability claims.<sup>177</sup> Despite these generous and organized efforts to aid veterans in need of legal assistance but unable to afford it, there remains a significant unmet need in a variety of legal issues facing veterans, some of which are detailed below.

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174. *Serving Veterans and Military Families*, LEGAL SERVICES CORP., <http://www.lsc.gov/about/about-legal-aid/serving-veterans-and-military-families> (last visited Apr. 16, 2015).

175. Am. Bar Ass'n, MILITARY PRO BONO PROJECT, <http://www.militaryprobono.org/> (last visited Apr. 16, 2015) ("The ABA Military Pro Bono Project accepts case referrals from military attorneys on behalf of junior-enlisted, active-duty military personnel and their families with civil legal problems, and it places these cases with pro bono attorneys where the legal assistance is needed. The Project is also the platform for Operation Stand-By, through which military attorneys may seek attorney-to-attorney advice to further assist their servicemember clients."). In addition, ABA Home Front keeps (1) a directory of programs with a state-by-state guide of legal resources available to service members, veterans, or military family members and (2) an information center to find information on legal topics. *Id.*

176. *For Attorneys*, AM. BAR ASS'N, [http://www.americanbar.org/portals/public\\_resources/aba\\_home\\_front/Military\\_Pro\\_Bono/aba-veterans-claims-and-assistance-network/attorneys.html](http://www.americanbar.org/portals/public_resources/aba_home_front/Military_Pro_Bono/aba-veterans-claims-and-assistance-network/attorneys.html) (last visited Apr. 17, 2015). The ABA works in coordination with the VA to connect veterans with legal service providers and lawyers who will help the veterans complete their claims packages pro bono for expedited review by the VA. *Id.*

177. *See Veterans Legal Corps to be Largest Deployment of Lawyers Serving Veterans*, *supra* note 168 ("Veterans Legal Corps Fellows and law students will provide legal assistance to low-income and homeless veterans with issues related to disability benefits claims, barriers to housing and employment, debt, family law, and other legal issues.").

### 1. Disability Claims Are Increasingly Complex

As of March 31, 2014, there were over 970,000 disability claims registered with the VA from post-9/11 veterans with post-traumatic stress disorder and TBI being the “signature wounds” of the current conflicts.<sup>178</sup> In addition, veterans from our prior wars are aging, and disability is more likely; “45% of World War II veterans, 24.8% of Viet Nam [sic] veterans, and 16.3% of the Gulf and Iraq War veterans are disabled.”<sup>179</sup> Only about half of veterans who are disabled apply for VA benefits, which—when one considers that disability significantly increases the veteran poverty rate to nearly twice that of the non-veteran disabled population—is distressing.<sup>180</sup>

The complexity of the VA disability compensation process for those veterans suffering from an injury or illness resulting from their active duty service causes many veterans to seek out legal assistance in obtaining the benefits they earned. In order for an agent, attorney, or representative to provide assistance to veterans in seeking their disability benefits, that person must be accredited by the VA,<sup>181</sup> which requires completion of a detailed form, review and approval by the VA’s Office of General Counsel, and completion of three hours of qualifying continuing legal education (CLE) “during the first 12-month period following the date of initial ac-

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178. ROSEMARY R. FRENCH & NORMA BAYES, *GUIDE TO VETERANS LEGAL ISSUES* 7–8 (2nd ed. 2014), available at [http://www.benchmarkinstitute.org/t\\_by\\_t/substantive/guide\\_to\\_veterans\\_legal\\_issues.pdf](http://www.benchmarkinstitute.org/t_by_t/substantive/guide_to_veterans_legal_issues.pdf).

179. *Id.* at 8.

180. *Id.* at 7–8.

181. 38 U.S.C. §§ 5901–5902, 5904 (2012); 38 C.F.R. § 14.629 (2014); 38 C.F.R. § 14.636(c).

By law, no person or organization may charge claimants a fee for assistance in preparing applications for VA benefits or presenting claims to VA. VA-accredited agents and attorneys may charge fees for assistance on a claim for VA benefits only after VA has issued a decision on a claim, a Notice of Disagreement has been filed initiating an appeal of that decision, and the agent or attorney has complied with the power-of-attorney requirements in 38 C.F.R. § 14.631 and the fee agreement requirements in 38 C.F.R. § 14.636(g).

*Accreditation*, U.S. DEP’T VETERANS AFF., <http://www.va.gov/ogc/accreditation.asp> (last visited Apr. 17, 2015) (citations omitted).

creditation by VA,” and “follow-up CLE not later than 3 years from the date of the initial accreditation and every 2 years thereafter.”<sup>182</sup>

Because the VA considers the claims process non-adversarial in nature, attorneys and agents accredited by the VA may only charge fees after the Agency of Original Jurisdiction (the Regional Office) issues an initial decision on a claim and the veteran files a Notice of Disagreement.<sup>183</sup> As a result, veterans must typically prepare their initial claims regarding eligibility and compensation and resultant notices of disagreement without legal assistance. Pro bono assistance may be provided at the initial claims level, but fees are prohibited.<sup>184</sup> The fee prohibition, along with the additional VA accreditation requirements, serve as a disincentive to many attorneys. The attorney fee prohibition in the initial stages of a claim arises out of the VA’s historically paternalistic system where the agency has a “duty to assist” claimants in obtaining evidence to substantiate their claims.<sup>185</sup> This paternalistic approach is significantly less tenable given the increasing complexity of veteran claims resulting from multiple deployments to combat zones, increased incidence of PTSD and TBI, the extraordinary delays in the VA’s adjudication of claims,<sup>186</sup> and the overly burdened regional offices adjudicating an unprecedented number of claims.<sup>187</sup>

Without attorney assistance at the initial stages of a VA claim, veterans are often unaware of the evidence necessary to

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182. *Accreditation Frequently Asked Questions*, U.S. DEP’T VETERANS AFF., [http://www.va.gov/ogc/accred\\_faqs.asp](http://www.va.gov/ogc/accred_faqs.asp) (last visited Apr. 17, 2015) (quoting 38 C.F.R. § 14.629(b)(1)(iii)).

183. *Id.*

184. *Id.*

185. 38 U.S.C. § 5103A.

186. As of February 21, 2015, 45.9% of the initial entitlement claims for service-connected disability have been pending at the VA for more than 125 days. *Veterans Benefits Administration Reports*, U.S. DEP’T VETERANS AFF., [http://benefits.va.gov/REPORTS/detailed\\_claims\\_data.asp#](http://benefits.va.gov/REPORTS/detailed_claims_data.asp#) (download the “February 23, 2015” spreadsheet; then choose the “Transformation” tab at the bottom of the spreadsheet to find the “Compensation and Pension Rating Bundle Totals” data table).

187. *Id.* (“VBA employees are completing more compensation claims than ever before. More than three million claims were processed in the past three fiscal years, three times the amount completed in 2000.”).



support their request for benefits. Compounding this, the VA has less capacity to provide assistance in claims development given the backlog and increase in claims.<sup>188</sup> When veterans are unaware of the evidentiary requirements or type of evidence necessary for a successful claim, or, as a result of their disabilities, are unable to effectively acquire appropriate evidence in support, their claims are more likely to be denied. With a VA national average of 204 days to complete a rating claim,<sup>189</sup> there is an extraordinary delay before a veteran even has the opportunity to hire an attorney and begin the long road to appealing an initial entitlement or ratings decision.

Veterans need pro bono legal assistance to ensure they are aware of the benefits to which they may be entitled and the evidence necessary to support a claim for such benefits. In addition, they often need assistance in filing their initial claims and when necessary, assistance in preparing the notice of disagreement and potential appeal to the Board of Veterans' Appeals or the Court of Appeals for Veterans Claims ("CAVC"). William & Mary Law School's Lewis B. Puller, Jr. Veterans Benefits Clinic ("Puller Clinic") provides pro bono legal assistance at the initial claims level for complex claims and at each subsequent phase, including appeals through the CAVC.<sup>190</sup> The Puller Clinic focuses the majority of its efforts on the signature wounds of the current conflicts and in other difficult to prove claims, for instance military sexual trauma, where legal and factual investigation and persuasive advocacy are necessary.<sup>191</sup>

Although veterans will continue to need attorney assistance at the CAVC, veterans have more options for attorney representation at that level because attorneys can obtain fees for such cas-

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188. The VA instituted mandatory overtime to deal with the backlog. Jackie Maffucci, *VA Backlog Drops ~2,500 Claims in the First Week of 2015*, IAVA (Jan. 12, 2015), <http://iava.org/blogs/va-backlog-drops-2500-claims-in-the-first-week-of-2015/> ("Disability compensation claims processors work 20 hours of overtime per month in addition to their regular work week.").

189. See *Aspire Benefits*, U.S. DEP'T VETERANS AFF., <http://www.app.hospitalcompare.va.gov> (expand the "Compensation" cell) (last visited Apr. 4, 2015).

190. See *Lewis B. Puller, Jr. Veterans Benefits Clinic*, WM. & MARY L. SCH., [www.law.wm.edu/veterans](http://www.law.wm.edu/veterans) (last visited Apr. 17, 2015).

191. See generally *id.*

es.<sup>192</sup> By utilizing pro bono legal assistance earlier in the process, veterans can submit a more comprehensive and persuasive initial claims package or first-level appeal, reducing the likelihood that their claims will be denied or improperly rated. If claims are decided more accurately at the initial stages, it will reduce the burden on the appeals process, veterans will have access to their compensation benefits years earlier, and the backlog in claims will not just be kicked down the road, to later become part of an increasing appeals backlog.

## 2. Education Challenges

With the proliferation of for-profit institutions readily available to veterans with the generous Post-9/11 GI Bill, veterans can use assistance with eligibility and in comparing benefits, institutions, and training programs to find those institutions with the highest completion and graduation rates. Once enrolled, veterans may need assistance in navigating the accommodations to which they may be entitled under the Americans with Disabilities Act and the Rehabilitation Act,<sup>193</sup> and, in those unfortunate circumstances where veterans are taken advantage of through their post-9/11 GI bill benefits, veterans will need legal assistance obtaining relief from usurious debts and unregulated programs intent on profit rather than veteran success.<sup>194</sup>

## 3. Employment Obstacles

The Uniformed Services Employment and Reemployment Rights Act (“USERRA”) requires that employers of National Guard and Reserve service members continue to employ them

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192. See 38 C.F.R. § 14.636(b)–(c) (2014). Fees are available from the VA to pay veterans’ attorney fees for cases won on appeal at the CAVC. Stacy L.Z. Edwards, Comment, *The Department of Veterans Affairs’ Entitlement Complex: Attorney Fees and Administrative Offset After Astrue v. Ratliff*, 63 ADMIN. L. REV. 561, 563 (2011) (citing 28 U.S.C. § 2412(b), (d) (2006)).

193. See Rehabilitation Act of 1973 § 504, 29 U.S.C. § 794 (2012); Americans with Disabilities Act of 1990 § 202, 42 U.S.C. § 12132 (2012).

194. The University of San Diego Law School Veterans Clinic focuses on veterans who were taken advantage of through their post-9/11 GI benefits. See *Veterans Legal Clinic: Defending Your GI Bill*, *supra* note 39.

once they return from active duty.<sup>195</sup> Despite this legal protection, Post-9/11 Reservists and National Guard members returning from deployment are finding their employers are violating these statutory protections. In fact, nearly 11,000 were denied prompt reemployment; more than 22,000 lost seniority, pay, and other benefits; more than 15,000 did not receive training required for their former jobs; almost 11,000 were denied the return of health insurance; and 23% of Reservists and National Guardsmen surveyed in 2006 said that they were unemployed because their prior employer did not follow USERRA and rehire them.<sup>196</sup> Reservists and National Guard members returning from deployment can use legal assistance when their prior employment is not reinstated with the same seniority, status, and pay rate as they had before deployment.<sup>197</sup> Veterans and those covered under USERRA may also need assistance in obtaining unemployment benefits.<sup>198</sup>

Just as veterans with disabilities may need legal assistance in obtaining the accommodations they require under the Americans with Disabilities Act while pursuing their education, they may also need assistance with accommodations at their place of employment, where “employers must make ‘reasonable accommodations’ for [veterans] with disabilities.”<sup>199</sup>

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195. 38 U.S.C. § 4311 (2012).

196. FRENCH & BAYES, *supra* note 178, at 12.

197. See *infra* Part IV.B. While current service members have access to legal counsel about these issues through Judge Advocate Generals (“JAG”) at their respective service’s Legal Service Centers, veterans using their post-9/11 GI Bill benefits are not entitled to legal services provided by JAG officers on base. See *infra* Part IV.B.

198. See FRENCH & BAYES, *supra* note 178, at 13. The Unemployment Compensation for Ex-service members program provides benefits for those formerly on active duty and who left under honorable conditions. *Id.* The law of the state where the claim is filed governs benefits. *Id.*

199. CIVIL RIGHTS DIV., U.S. DEP’T JUSTICE, ADA: KNOW YOUR RIGHTS 3 (2010), available at [http://www.ada.gov/servicemembers\\_adainfo.pdf](http://www.ada.gov/servicemembers_adainfo.pdf).

The ADA uses different standards than the military and the Department of Veterans Affairs in determining disability status. The ADA covers people with a physical or mental impairment that substantially limits one or more major life activities such as walking, speaking, lifting, hearing, seeing, reading, eating, sleeping, concentrating, or working. Major life activities also include the operation of major bodily functions such as brain, immune system, respiratory, neurological, di-

#### 4. Health Benefits

Veterans and their families may need assistance in obtaining health benefits, either from the VA if they are eligible, or through Medicaid or the Children's Health Insurance Program. Over a million veterans—or one in 10 under age 65—and nearly a million of their family members lack health insurance coverage; a Harvard/Cambridge Hospital Study Group found there were 1,700,000 veterans with no health coverage.<sup>200</sup> Even for those with health coverage, they may find the wait for evaluation and treatment to be too great,<sup>201</sup> or that they require a second opinion or a medical opinion that can be used to support their disability compensation claim.<sup>202</sup> In addition, indigent, disabled, senior veterans may be eligible for a VA pension, and for those receiving a pension, they may also be entitled to aid and attendance or household benefits for care provided to the veteran by others.<sup>203</sup> A lawyer can assist veterans in obtaining these additional benefits when warranted.

Medical treatment is particularly difficult to obtain for veterans with mental health issues because those disabilities are traditionally more difficult to diagnose and manage, as well as more time-consuming and resource-intensive to treat.<sup>204</sup> Some veterans

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gestive, and circulatory functions. Businesses and State and local government agencies must take reasonable steps to make it possible for people with disabilities to be their employees or customers.

*Id.* at 2.

200. FRENCH & BAYES, *supra* note 178, at 15.

201. See Matthew Daly, *VA Medical Facilities Audit Finds More Veterans Forced to Wait 30 Days than Previously Reported*, HUFFINGTON POST (June 19, 2014, 8:42 PM), [http://www.huffingtonpost.com/2014/06/19/va-medical-facilities\\_n\\_5513464.html](http://www.huffingtonpost.com/2014/06/19/va-medical-facilities_n_5513464.html). More than 56,000 veterans waited more than 90 days for an initial appointment, while 46,400 never received an appointment at all. *Id.*

202. William & Mary's Puller Clinic has had numerous veteran clients report that their VA physician would not write a letter of opinion in support of their claim due to an alleged conflict of interest between the Veterans Health Administration and the Veterans Benefits Administration, despite no record of any such conflict in existing regulations and directives.

203. FRENCH & BAYES, *supra* note 178, at 17–18.

204. *Id.* at 15.

are able to receive assistance through medical-legal partnerships, often between law school clinics and healthcare providers. As previously discussed, William & Mary's Puller Clinic has, since its inception, partnered with graduate psychology clinics at other Virginia institutions so that veteran clients can get the legal assistance needed in their disability compensation claims, but also the psychological evaluation, diagnosis, and treatment necessary to support their claim and recovery. Virginia Commonwealth University's Center for Psychological Services and Development, the Center for Psychological Services at George Mason University, and the Center for Assessment and Psychological Services at Radford University have all been instrumental in providing low-cost comprehensive evaluations and diagnostic reports that serve as evidence in complex psychological claims for disability compensation for the Puller Clinic's veteran clients.<sup>205</sup> Attorneys assisting veterans in need of health care or medical evidence in support of claims should consider collaborating with medical professionals or graduate-level clinical programs at higher education institutions, where veterans may be able to receive the evaluation, diagnosis, and treatment they require more quickly and potentially at a reduced rate.

### *B. Meeting the Needs of Veteran Clients*

Both lawyers and law schools can aid veterans in meeting their legal needs and should be encouraged to do so. Although active-duty military members and their family have access to free legal help for some personal civil legal matters, many of the legal needs of our veterans remain unmet, particularly because "the VA has no statutory authority to provide or directly pay for legal services for veterans."<sup>206</sup> There are numerous ways that pro bono attorneys and law schools can assist our veterans with their legal needs. In addition to noting many of these opportunities, this section will go on to make recommendations regarding the cultural

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205. See generally *Center for Psychological Services*, GEO. MASON U., <http://psyclinic.gmu.edu/> (last visited Apr. 17, 2015); *Center for Psychological Services and Development*, VA. COMMONWEALTH U., <http://www.cpsd.vcu.edu/> (last updated Apr. 8, 2015); *Program Resources*, RADFORD U., <http://www.radford.edu/content/chbs/home/psychology/programs/school/resources.html> (last visited Apr. 17, 2015).

206. Gunn et al., *supra* note 170, at 10.

competency and client relationship skills that should be utilized when representing veterans.

### 1. Volunteer Services in Lawyer's Area of Practice

Lawyers seeking to provide pro bono services to veterans can start by registering with one of the American Bar Association initiatives,<sup>207</sup> or with their state and local bar association referral networks, many of which now include an emphasis on veterans.<sup>208</sup> A practicing or retired attorney can provide legal services on a pro bono or reduced fee basis and can do so in the areas of law in which they are already experienced. The National Veterans Legal Services Program,<sup>209</sup> any legal aid office, or a Veterans Justice Outreach (“VJO”) specialist<sup>210</sup> can help a lawyer identify those legal areas for which nearby veterans are in need and facilitate a referral to the volunteer attorney.<sup>211</sup> In addition, lawyers can offer their pro bono services to the ever-increasing number of law school veteran clinics, being available for referrals of veterans with legal needs outside of the scope of the clinic.<sup>212</sup>

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207. See *supra* notes 174–77 and accompanying text.

208. Organizations like Swords to Plowshares focus on veterans issues within a particular community. See *About*, SWORDS TO PLOWSHARES, [www.swords-to-plowshares.org/about](http://www.swords-to-plowshares.org/about) (last visited Apr. 17, 2015); see also Linda Seely, *MALS' Responds to Needs of Veterans*, MEM. LAW., Nov.–Dec. 2014, at 22, 22–23, available at <http://www.flipsnack.com/MemphisBar/memphis-lawyer-november-december-2014.html>.

209. See *About Us*, NAT'L VETERANS LEGAL SERVICES PROGRAM, <http://www.nvlsp.org/about-us> (last visited Apr. 17, 2015).

210. See *Homeless Veterans*, U.S. DEP'T VETERANS AFF., <http://www.va.gov/homeless/vjo.asp#contacts> (last visited Apr. 17, 2015). There is a VJO Specialist assigned to each VA Medical Center. See *id.*

211. See James T. O'Reilly & Donald D. Black, *What You Can Do for Your Country: Cross-Generational Support for Today's PTSD Veterans*, 23 EXPERIENCE, 2014, at 14, 17.

212. For instance, in conjunction with the Puller Clinic, a graduate of William & Mary Law School recently started an initiative to get family law attorneys in Virginia to each agree to take one veteran family law case at a reduced fee or on a pro bono basis. See generally Patty Roberts, *Welcome!*, VETERANS L. & BENEFITS BLOG (Oct. 30, 2014, 10:09 AM), <http://vetlawandbenefits.org/2014/10/> (“In short, the law school veterans’ clinic community, working together, is creating an army of volunteer attorneys . . .”).

## 2. VA Medical Center Legal Clinics

Since 2008, VA Medical Centers have provided space for pro bono legal service providers to work with veterans on-site. As of 2014, there were forty-six legal service providers in forty-three different VA healthcare facilities; they include services provided by legal aid organizations, law school clinics, law firms, and volunteer attorneys.<sup>213</sup> Another opportunity for volunteer attorneys to assist veterans, particularly those who are homeless, is for the attorneys to volunteer to provide advice and counsel at homeless shelters or take part in “Homeless Stand Downs.”<sup>214</sup> Stand downs are one- to three-day events that provide services to homeless veterans through collaboration between VA medical centers, other government agencies, and community agencies, and they typically provide homeless veterans with food, counseling, clothing, health screenings, benefits counseling, employment and housing assistance, substance abuse treatment, and, when volunteer attorneys are available, legal services.<sup>215</sup>

## 3. Veteran Treatment Courts

Founded in 2008, Veteran Treatment Courts<sup>216</sup> emphasize helping veterans obtain treatment rather than be incarcerated, particularly when substance abuse or mental health issues are involved, and utilize interdisciplinary teams that assist the courts.<sup>217</sup> Judges, prosecutors, and defense counsel can all play a part in establishing or supporting veteran treatment courts as a way to help veterans recover from the wounds of serving, and thereby, more successfully reintegrate into their families and communities. There are more than one hundred formal veteran treatment courts or vet-

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213. Gunn, et al., *supra* note 170, at 10.

214. *Events/Stand Downs*, U.S. DEP'T VETERANS AFF., <http://www.va.gov/homeless/events.asp> (last visited Apr. 17, 2015).

215. Gunn et al., *supra* note 170, at 11.

216. *The History*, JUST. FOR VETS, <http://www.justiceforvets.org/vtc-history> (last visited Apr. 17, 2015). Veterans treatment courts were modeled initially after mental health and drug courts that use an interdisciplinary collaborative approach that offers treatment options and alternatives to incarceration in order to help defendants rehabilitate and avoid recidivism. *Id.*

217. *Id.*

eran specific dockets nationwide, and that number is rapidly growing.<sup>218</sup>

#### 4. Disability Compensation Benefits

For those attorneys in good standing with a state bar who are willing to step into the challenging area of disability benefits, they can apply for accreditation with the VA utilizing Form 21a and, once certified, complete three hours of continuing legal education in the area of veterans benefits law within twelve months and at least two additional hours every two years thereafter.<sup>219</sup> While there are non-attorney veteran service organizations that can also be very helpful to veterans in pursuing their disability compensation claims, “they lack a lawyer’s insight to push the system for personal attention to the special needs of the one individual veteran whom [the lawyer] will be helping at any particular moment.”<sup>220</sup> In addition, while many veteran service organizations are well versed and experienced in traditional disability compensation claims, some of the more complex claims that require extensive medical evidence and legal and factual analysis, such as claims involving PTSD, TBI, and military sexual trauma, can benefit significantly from the skills of an attorney.

Recent news has focused on the backlog of disability compensation claims at the VA awaiting an initial decision at the regional office level.<sup>221</sup> For those appealing initial decisions, or seeking an increased rating or additional benefit, the opportunity exists to go to the Board of Veterans’ Appeals. “There are now more than 250,000 of those claims before the Board of Appeals. These may take an average of four years to decide, said Glenn Bergmann, a former VA lawyer who now represents veterans seek-

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218. *See id.*

219. Gunn et al., *supra* note 170, at 12.

220. O’Reilly & Black, *supra* note 211, at 17.

221. *See* Leo Shane, III, *2015 Goal for VA Claims Backlog Appears out of Reach*, MIL. TIMES (Dec. 31, 2014, 12:10 PM), <http://www.militarytimes.com/story/veterans/2014/12/31/2015-va-claims-backlog/21097689/>. The “backlog” is defined as the number of first-time benefit claims unresolved for more than four months; at the end of 2014, that figure was reported as 245,000. *Id.* This figure does not include administratively appealed claims or claims appealed to the federal courts. *See id.*



ing compensation from the department.”<sup>222</sup> Causing further delay to veterans is the fact that a tremendous number of decisions at the Board of Veterans’ Appeals involve a remand; in 2012, “almost half of the 44,000 Board decisions issued were remands . . . . The VA estimates that the average additional wait time in a remanded case is 445 days, or a little over a year.”<sup>223</sup> Those veterans who take their appeal beyond the Board of Veterans’ Appeals, to the U.S. Court of Appeals for Veterans Claims, will wait 321 days for a decision, many of which will also include a remand to the regional office, taking even more time.<sup>224</sup>

The extraordinary increase in pending disability compensation claims and resultant delays in VA decisions demonstrate the need for attorney involvement at the beginning, when the initial claim is filed or disagreed with, at the regional office level. In the event someone with legal skills and training can not only assert a veteran’s claims, but also provide the requisite factual and medical evidence in support of those claims, the VA can make their decisions more quickly and efficiently. Thus, the veteran can receive a decision more promptly. Volunteer attorneys can be a part of the solution to the backlog, by “making the case” for the veteran in the most persuasive and comprehensive manner initially, in order to increase the speed and accuracy of the resultant decision. Having attorneys help veterans navigate the complex disability compensation process and increase their likelihood of success would go a long way toward alleviating the stress, depression, and frustration that can accompany the claims process, and ameliorate the current attitude among veterans that the VA is trying to “[d]elay, deny, wait till I die.”<sup>225</sup>

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222. Bryant Jordan, *Congress to Press VA on Claims Appeals Process*, MILITARY.COM (Sept. 5, 2014), <http://www.military.com/daily-news/2014/09/05/congress-to-press-va-on-claims-appeals-process.html>.

223. Amy F. Odom, *Navigating the VA Disability Claims Process*, 23 EXPERIENCE, 2014, at 19, 22.

224. *Id.* at 19–20.

225. Aaron Glantz, *Number of Veterans Who Die Waiting for Benefits Claims Skyrockets*, CENTER FOR INVESTIGATIVE REPORTING (Dec. 20, 2012), <http://cironline.org/reports/number-veterans-who-die-waiting-benefits-claims-skyrockets-4074>.

## 5. Law Schools Serving Veterans

In 2008 there were approximately half a dozen law schools with clinics, programs, or initiatives focused on the legal needs of service members and veterans; in 2012 there were 25.<sup>226</sup> Now there are more than forty.<sup>227</sup> Although they represent a variety of models—some are volunteer efforts, others are for academic credit, some are in partnership with other legal services organizations, and others are in partnership with medical centers or schools—they are all taking advantage of the time, talent, and passion of our nation's law students. Law students today are eager to learn to work with

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226. K.N. BARRETT ET AL., FINAL REPORT: LEWIS B. PULLER, JR. VETERANS BENEFITS CLINIC app. at 9 (2012).

227. As of the date of this article, the author is aware of a clinic, public service initiative, program, or externship that focuses on the needs of the military or veterans either in operation or in development at the following law schools: James E. Rogers College of Law at the University of Arizona; University of Baltimore School of Law; Baylor Law School; UC Berkeley School of Law; Case Western Reserve University School of Law; Chapman University School of Law; Chicago Law School; University of Detroit Mercy School of Law; Duquesne University School of Law; Emory University School of Law; George Mason University School of Law; Georgetown University Law Center; Golden Gate University School of Law; Harvard Law School; Marquette University Law School; The Maurice A. Deane School of Law, Hofstra University; University of Missouri School of Law; North Carolina Central University School of Law; NOVA Southeastern University Shepard Broad Law Center; Ohio State University Moritz College of Law; Phoenix School of Law; University of Pittsburgh School of Law; University of San Diego School of Law; UC Davis School of Law; UCLA Law; Southern Illinois University School of Law; Stetson University College of Law; SUNY Buffalo Law School; Syracuse University College of Law; The University of Texas at Austin School of Law; Thomas Jefferson School of Law; Touro Law Center; Vermont Law School; Washburn University School of Law; West Virginia University College of Law; Widener Law School; William & Mary Law School; William Mitchell College of Law; University of Miami School of Law; University of Wisconsin Madison Law School; University of Wyoming College of Law; and Yale Law School. The number of law school clinics are expected to continue to increase, partially in response to the August 2014 American Bar Association House of Delegates' Resolution 104(A), which adopted a policy urging all law schools to create veterans law clinics. See Terry Carter, *ABA House Urges Law Schools to Create Veterans' Law Clinics*, ABA J. (Aug. 11, 2014, 9:51 PM), [http://www.abajournal.com/news/article/aba\\_house\\_urges\\_law\\_schools\\_to\\_create\\_veterans\\_law\\_clinics](http://www.abajournal.com/news/article/aba_house_urges_law_schools_to_create_veterans_law_clinics).

clients and find working with those who served or are serving our country to be rewarding and fulfilling. William Burke, a third-year student in William & Mary Law School's Lewis B. Puller, Jr. Veterans Benefits Clinic, noted:

Already in the short time I've been a part of the Puller Clinic, three veterans have explained how much it means to them to have someone on their side. This is especially meaningful to me because I am a veteran: helping other vets helps me get back a pride of service I haven't felt since I left the Navy.

Another student wrote in their evaluation of their Puller Clinic experience:

It has impacted me on a personal level by connecting with my clients and learning of the injustices/battles that our veterans face in their disability claims. It also impacted me professionally by increasing my confidence working with clients and learning a new area of law and being able to become comfortable strategizing and working on real cases.

While the Puller Clinic<sup>228</sup> and numerous other law school clinics focus on disability compensation claims, appeals, and discharge upgrades related to a veteran's disabilities,<sup>229</sup> any of the ways that attorneys can volunteer to work with veterans would benefit from student involvement as well, so long as the students are working under a licensed attorney or professor with expertise in the field. Some law school clinics help active duty service

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228. See Lewis B. Puller, Jr. *Veterans Benefits Clinic*, WM. & MARY L. SCH., <http://www.law.wm.edu/veterans> (last visited Apr. 17, 2015).

229. See, e.g., Michael Wishnie et al., *Veterans Legal Services Clinic*, YALE L. SCH., <http://www.law.yale.edu/academics/veteranslegalservicesclinic.htm> (last visited Apr. 17, 2015); *Veterans Advocacy Clinic—Legal Help for Veterans*, STETSON L., <http://www.stetson.edu/law/veterans/legal-help-for-veterans.php> (last visited Apr. 17, 2015); *Veterans Clinic*, U. MO. SCH. L., <http://law.missouri.edu/jd/skills/veterans-clinic/> (last visited Apr. 17, 2015).

members with their civil legal needs,<sup>230</sup> are involved in veteran treatment courts,<sup>231</sup> or aid veterans in other unmet legal needs;<sup>232</sup> there are also law schools that take a more systemic approach to improving the VA's treatment of veterans through litigation or legislation and policy drafting.<sup>233</sup> From one-day advice, counsel sessions, and participating in a local stand down,<sup>234</sup> to visiting homeless shelters or a VA healthcare center to offer legal services,<sup>235</sup> to working with a volunteer attorney<sup>236</sup> or a legal aid organization in the community who works with veterans,<sup>237</sup> there are limitless ways for students to get involved, showing one veteran at a time that we are glad they are home and we are eager to help.

In an effort to further encourage law schools to develop programs aiding veterans, and to "provide a unified voice to identify and advance the needs of the law school veterans' clinics and, more importantly, the veterans they serve," the National Veterans Law School Clinic Coalition was created.<sup>238</sup> The Coalition's mission statement states:

Law schools across the nation are tasked with equipping future attorneys with the skills necessary

230. See, e.g., *Mason Veterans and Servicemembers Legal Clinic*, GEO. MASON U. SCH. L., <http://mvets.law.gmu.edu/> (last visited Apr. 17, 2015).

231. See, e.g., *Veterans Legal Support Center & Clinic*, J. MARSHALL SCH., <http://www.jmls.edu/veterans/clients/index.php> (last visited Apr. 17, 2015).

232. See, e.g., *Clinic Descriptions*, TOURO L., <http://www.tourolaw.edu/Academics/clinics-descriptions> (last visited Apr. 17, 2015).

233. See, e.g., Wishnie et al., *supra* note 229.

234. See, e.g., *About Project SALUTE*, U. DET. MERCY SCH. L., <http://www.law.udmercy.edu/index.php/component/content/article/20-project-salute/172-who-we-are> (last visited Apr. 17, 2015).

235. See, e.g., *Health Rights Clinic*, U. MIAMI SCH. L., <http://www.law.miami.edu/clinics/health-rights/?op=5> (last visited Apr. 17, 2015).

236. See, e.g., *Veterans Law Institute*, STETSON L., <http://www.stetson.edu/law/veterans/> (last visited Apr. 17, 2015).

237. See, e.g., *Veterans Law*, NOVA SOUTHEASTERN U., <https://www.nsulaw.nova.edu/clinics/vlc.cfm> (last visited Apr. 17, 2015).

238. Nat'l Veterans Law Sch. Clinic Coal., *Mission Statement* (2015) (unpublished mission statement prepared by Duane Morris LLP, Holland & Knight, and Nixon Peabody) (on file with the author).

to zealously represent their clients' interests as well as instill a sense of service for the greater good. As a result of this distinct background, law schools and its students are uniquely suited to serve U.S. military veterans in a way that distinguishes them from the vast majority of other types of organizations serving veterans. At this point in our nation's history, the need among veterans for legal services is overwhelming and will remain so for the foreseeable future.<sup>239</sup>

## VII. WORKING WITH VETERANS AS COLLEAGUES AND CLIENTS

Whether we are educating veterans in our law school classrooms, representing them as clients through law school programs, or training our non-veteran law school students and volunteer attorneys how to work with veteran clients, our veterans are a population that require cultural competency, understanding, and respect. They are warriors, not victims, and they are used to hierarchy and rank and a level of order and discipline to which civilians are unaccustomed. This section is intended to help non-military legal educators or service providers in providing culturally competent education and representation.

It is appropriate and respectful to refer to someone who is currently serving or formally retired by their rank; veterans who did not formally retire are not addressed by their rank and can instead be called "sir" or "ma'am," as a way of showing respect. Familiarizing oneself with the branches of service and ranks in the military before meeting with a service member or veteran will help to understand their role as part of the broader military service, and may provide useful insight to their challenges in the classroom or obstacles to effective representation. Finding out the service member's or veteran's military specialty can also help provide

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239. *Id.* The Coalition is a collaborative effort of the nation's law school legal clinics dedicated to addressing the unique legal needs of U.S. military veterans. The Coalition's mission is to gain support and advance common interests with the U.S. Department of Veterans Affairs, U.S. Congress, and other federal entities for the benefit of veterans throughout the country. *Id.* The Coalition is assisted on a pro bono basis by the law firms of Duane Morris LLP, Holland & Knight, and Nixon Peabody.

context to challenges in reintegration or service-related injuries, which may be impacting the student veteran or veteran client.

When representing veterans it is important to see their actions “through the lens of conditioning;” for instance, “empathize with a veteran without excusing unacceptable behaviors.”<sup>240</sup> In addition, it is critical to be ready for the service member or veteran to tell their story, in their time. Whether serving as a teacher or as a lawyer for a veteran, be prepared when a veteran does speak freely, to “constructively react to hearing about killing, death, racism, sexism, or other situations and attitudes that are uncommon or unacceptable in society. Never ask, ‘Have you ever killed anyone?’”<sup>241</sup> Listen carefully and empathetically, and be prepared that with the prevalence of military sexual trauma,<sup>242</sup> one may find that a service member or veteran student or client is the victim of a sexual assault, a crime that in military culture is devastating not only in its violent defilement, but in its emotional harm because the perpetrators are the victim’s fellow service members, or brothers-and sisters-in-arms. The Department of Defense reported that sexual assaults in the military are up 97% since 2006;<sup>243</sup> sexual assault in the military is likely to result in post-traumatic stress for the victims, among other injuries.

In some ways, attorneys may be in the position of “first responders” because veterans seeking legal help may be unaware of their own symptoms of post-traumatic stress or TBI, and stress and anxiety resulting from upcoming legal matters or the delay of

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240. LAUREN PEACH & LEO FLOR, REPRESENTING WASHINGTON VETERANS: BASIC LEGAL AND CULTURAL CONCEPTS 20 (2012).

241. *Id.*

242. See generally Helene Cooper, *Pentagon Study Finds 50% Increase in Reports of Military Sexual Assaults*, N.Y. TIMES (May 1, 2014), [http://www.nytimes.com/2014/05/02/us/military-sex-assault-report.html?\\_r=0](http://www.nytimes.com/2014/05/02/us/military-sex-assault-report.html?_r=0) (“In 2012, a confidential Pentagon survey estimated that 26,000 men and women were sexually assaulted. Of those, 3,374 cases were reported. In contrast, 5,061 cases were reported [in 2013].”).

243. See John Lasker, *Military Sexual Trauma: Is This How We Treat Women in the Military?*, COLUMBUS FREE PRESS (Sept. 27, 2013), <http://columbusfreepress.com/article/military-sexual-trauma-how-we-treat-women-military>.

compensation benefits may trigger these symptoms.<sup>244</sup> This “first responder status arises from the legal counselor’s uncommon access to the client’s decision processes, personal history, and behavior, a combination of which can easily reveal PTSD symptoms or influence the client’s evaluation of the attorney’s advice.”<sup>245</sup> In addition, the legal matters themselves may aggravate or reveal post-traumatic stress symptoms.<sup>246</sup> Those working with veterans must familiarize themselves with the symptoms of mental health issues and other prevalent disabilities experienced by this population as well as the signs of suicide and resources to contact if a veteran is at risk of suicide. Law school professionals, peers, or attorneys representing veterans may end up being a “first responder” to a veteran’s signs of suicidal ideation. It is not uncommon for veterans to tell their attorneys things they do not even tell their family members, so attorneys have a unique view into a veteran’s state of mind and should be trained to recognize an impending risk of harm to their veteran clients or others when a veteran is struggling significantly.<sup>247</sup>

Those who are working closely with service members or veterans who suffered trauma, something more likely with our post-9/11 veterans, some of whom are repeatedly deployed into combat zones, should familiarize themselves with the symptoms of PTSD and TBI. Some of these symptoms include: difficulty concentrating or processing information; challenges in learning or with memory; sluggish abstract reasoning; and slowed problem solving, planning, and insight/awareness sequencing.<sup>248</sup> Once the symptoms are recognized, the law school professional, peer, or attorney

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244. Evan R. Seamone, *Attorneys as First-Responders: Recognizing the Destructive Nature of Posttraumatic Stress Disorder on the Combat Veteran’s Legal Decision-Making Process*, 202 MIL. L. REV. 144, 147, 151 (2009).

245. *Id.* at 147.

246. *Id.* at 162.

247. In the event a veteran you are working with is in crisis, contact the VA’s Veterans Crisis Line, which connects veterans and their families and friends with qualified, caring VA responders through a confidential, toll-free hotline, online chat, or text. Veterans and their loved ones can call 1-800-273-8255 and Press 1, chat online at <http://www.veteranscrisisline.net>, or send a text message to 838255 to receive confidential support 24 hours a day, 7 days a week, 365 days a year.

248. See AM. COUNCIL ON EDUC. ET AL., *supra* note 63, at 3.

can recommend that the veteran seek medical assistance. Any impact on the service member or veteran's law school studies or ability to participate in his or her legal representation should also be considered, with steps taken to address any deficiencies, preferably in concert with a mental health professional.

For veterans facing legal and medical challenges, law schools and attorneys can seek out possibilities for medical-legal partnerships where "doctors and attorneys work together to achieve better outcomes for their patients/clients."<sup>249</sup> Such initiatives are succeeding on behalf of veterans at the Miami Medical-Legal Partnership, a collaboration between the Miami VA Healthcare System, the University of Miami School of Law, and the Miller School of Medicine, and at the West Haven Medical-Legal Partnership, a collaboration between the VA Connecticut Healthcare System's Errera Community Care Center and the Connecticut Veterans Legal Center, among others.<sup>250</sup> Legal service providers can aid veterans by connecting them with health care providers who can opine as to a veteran's medical condition and recommended treatment and can help support a comprehensive claim for disability compensation benefits by providing evidence of disabilities and a connection to active duty service.

William & Mary's Puller Clinic was the first legal clinic in the country to address veterans needs holistically by combining legal and psychological assistance in representation of veterans in their disability compensation claims. This is accomplished by working with higher education partners such as Virginia Commonwealth University's Center for Psychological Services and Development and George Mason University's Center for Psychological Services.<sup>251</sup> Working under attorney supervision, Puller

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249. Gunn et al., *supra* note 170, at 10.

250. *Id.* at 10–11.

251. Suzanne Seurattan, *General Assembly Includes Funding for W&M's Puller Clinic in State Budget*, WM. & MARY L. SCH. (Mar. 3, 2015), <https://law.wm.edu/news/stories/2015/general-assembly-includes-funding-wm-puller-clinic-in-state-budget.php>. Inspired by these successful collaborations and their positive impact on veteran client representation, in 2015 the Puller Clinic will have a part-time psychologist on staff to supervise doctoral psychology students from VCU and GMU in-house as they provide assessments to veteran clients, as well as at least one doctoral student utilizing the Puller Clinic as their practicum placement for the year. See Mike Gooding, *Senate Urges V.A.*



Clinic law students interview veterans, analyze medical records, communicate with health care providers, and craft strategies to help clients obtain their benefits. Working with the psychologists and other medical professionals, the Puller Clinic obtains the medical evaluation, diagnosis, treatment, and evidence necessary for a comprehensive benefits claim. In pairing law and psychology students, the Puller Clinic is cross-training them in veterans benefits law and the injuries suffered by veterans, but also encouraging learning and collaboration across disciplines. Approximately 400 pro bono hours are provided by legal and psychology professors and students in each PTSD or TBI claim.

Those working with veterans should also consider whether a student veteran or veteran client needs assistance with employment, housing, or finances in order to “durably improve their overall stability,”<sup>252</sup> and refer veterans to community service providers or social workers who may be able to provide assistance with those resources.

Finally, while many have embraced the idea of thanking our service members and veterans for their service, “[f]or recently returned veterans, ‘Welcome home,’ or ‘Glad to have you back,’” may be more suitable;<sup>253</sup> veterans often feel uncomfortable when being thanked for what they consider was their fulfillment of their duty to serve. “For any veteran (or person), ‘I’d like to learn about your experience if you feel comfortable discussing it,’ may more effectively connect an advocate and client without expressing judgment. Most veterans would rather be heard than thanked.”<sup>254</sup>

## VIII. CONCLUSION

It is critical that we “show the next generation of Americans that military service is noble and worthwhile—and that when you sacrifice for your fellow citizens, you will find strong support

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*to Work More Closely with Law School Clinics Over Vets Benefits*, 13 NEWS NOW (Mar. 20, 2015, 8:18 PM), <http://www.13newsnow.com/story/news/military/2015/03/20/senate-urges-va-to-work-more-closely-with-law-school-clinics-over-vets-benefits/25108481/>.

252. PEACH & FLOR, *supra* note 240, at 21.

253. *Id.*

254. *Id.*

when you come home.”<sup>255</sup> Our post-9/11 veterans often have decades of employment ahead of them, and many of them are taking advantage of the generous educational benefits under the Post-9/11 GI Bill to pursue additional education and training in order to improve their post-military employment opportunities. “Among those [post-9/11 veterans] under age 30, more than one-third (37%) are full-time students, and 8% go to school part time.”<sup>256</sup> As law schools teaching student veterans to be lawyers and teaching non-veteran students the skills they will need to adequately represent the unmet legal needs of our nation’s veterans, we have an obligation to infuse military and cultural competence into our pedagogy. This increased awareness of the specific needs of service members and veterans—and our efforts to meet those needs for student veterans and for veteran clients—will help to ensure their success in reintegrating to civilian life.

Our efforts at successfully integrating veterans on our campuses and in our communities will reap rewards not just for veterans but also for those of us who will work alongside them. As Harvard University President Drew G. Faust told the inaugural class of veterans in the Warrior-Scholar Project, “[y]ou have such important messages and lessons to bring to our communities in your role as warrior-scholars.”<sup>257</sup> President Faust continued, “I hope that as you become scholars, you don’t entirely abandon your role and your experiences as warriors, but that you bring the richness of that experience to the communities which you will be entering.”<sup>258</sup>

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255. George W. Bush, Remarks at the Bush Institute’s Empowering Our Nation’s Warriors Summit (Feb. 19, 2014) (transcript available at <http://www.bushcenter.org/remarks-president-george-w-bush-bush-institute’s-empowering-our-nation’s-warriors-summit>).

256. See TAYLOR ET AL., *supra* note 11, at 57.

257. Ivan B.K. Levingston & Tyler S.B. Olkowski, *Warrior-Scholar Project Hosts Inaugural Program at Law School*, HARV. CRIMSON (Aug. 18, 2014), <http://www.thecrimson.com/article/2014/8/18/warrior-scholar-program-inaugural/?page=single>.

258. *Id.*

