UCI SCHOOL OF LAW STANDS UP FOR VETERANS

by ANTOINETTE N. BALTA, SAMUEL HYAMS, and SEAN KAROL

After two years of intense lobbying and research, the student members of the Veterans Advocacy Society (VAS) at UCI School of Law were able to persuade the administration to fund a clinic specifically tailored to providing direct *pro bono* legal services for low-income veterans. They aimed to create a clinic that would provide desperately needed legal services to veterans and would enhance community understanding of veterans' issues. In August of 2015, the inaugural clinic started its journey serving local veterans.

Morgan McCombe, a UCI Law School alumnus and Marine Corps veteran himself, spent several months as a veteran advocate intern under the supervision of Antoinette Balta, now President and Co-Founder of the Veterans Legal Institute. McCombe was already familiar with the challenges military service members face as they transition into civilian society. Fueled with a strong sense of kinship to his fellow service members, he wanted to expand opportunities to assist veterans at UCI School of Law. McCombe teamed up with Alexis Federico, a former Marine officer herself who spent ten years flying helicopters, and Bree Oswald, a staunch military patriot. The three sought funding and development of a unique program to help local veterans. Per their vision, along with that of the leadership at UCI Law, the clinic served over sixty low-income and homeless veterans in its first year.

The clinic was a resounding success. Enrolled students were eager to serve their local veteran community by providing *pro bono* legal services directly to veterans. Energized by their passion for veterans' issues, members of the UCI Law clinic intended to not only provide direct *pro bono* support to veterans but also to foster the education of the community at large regarding issues faced by veterans. These students included advocates from a diverse range of backgrounds, some of them veterans themselves.

The mission of the Veterans Clinic is to help law students attain a keen understanding of a wide variety of veterans' issues. This includes an understanding of military cultural competency, mental health concerns, and service members' interactions with the Department of Veterans Affairs. Ultimately, the aim is to serve both former and active service members in need.

While most issues related to transitioning out of the military into civilian society largely were ignored during and after the Vietnam era, the recent Iraq and Afghanistan wars have shed light on the myriad of problems that commonly arise for those who have endured combat. The average enlisted service member signs up for four years. In those four years, the service member develops a familial relationship with his and her peers, learns military speak, embraces military structure and culture, learns to respect hierarchy and authority, dresses a certain way, and becomes part of a team. Since fewer than 1% of the American population serves in the military, and even fewer than that experience combat, the experience can be alienating post-service. Veterans separate from the military to a civilian society that does not fully understand the military experience. While many enlisted veterans separate from the military with a strong skill set and leadership attributes, they find their same-age civilian peers are just completing college. Many veterans find their lack of civilian experience to be a barrier to progression at the beginning of their transition.

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Further, veterans with mental health issues and physical ailments may have difficulty navigating the Veterans' Administration (VA) and getting "service-connected." In order to receive disability compensation, a veteran must prove that his or her ailment arose during, or as a result of, or was exasperated by their military service. A fractured nose or broken arm may be easy to trace back to service. However, the same does not always hold true for invisible wounds of war. Buzz words like Post Traumatic Stress Disorder (PTSD) may have emerged in mainstream media, but are still invisible and frequently difficult to prove. So, what happens when a veteran with a mental health issue, like PTSD, files for veteran benefits and is denied? These veterans struggle with their appeal and the difficult navigation of the VA system. The denial of a significant mental health benefit by the very organization meant to provide for your safety is frustrating at best, and may even contribute to the shameful statistic that twenty-two veterans per day commit suicide. The Veterans Clinic provides advocacy that removes the burden from the veteran, achieves the right results, and simultaneously educates students by providing practical advocacy in a law-school setting.

Veterans also struggle with homelessness at a higher rate than their civilian counterparts. The Orange County Bar Association President, Todd Friedland, correctly observed the homeless population at Civic Center in

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Santa Ana has increased, and has started a task force to help resolve this epidemic. Moreover, approximately 30% of the homeless population is composed of veterans. This strikingly disproportionate statistic shows the seriousness of veteran homelessness and begs for organizations like UCI School of Law and Veterans Legal Institute to carry on their honorable missions of providing *pro bono* legal services to remove barriers to housing and healthcare for homeless veterans.

The Veterans Clinic at UCI was developed to combat issues of homelessness and barriers to healthcare. In that light, students work directly with veterans on a number of issues, including discharge upgrades, initial VA claims, and VA appeals. Through direct client services, law students are exposed to the many issues facing low-income and homeless veterans beyond their interactions with the military and the VA.

Students gain practical experience in administrative law by evaluating cases, drafting legal memoranda, and providing direct client services. Students may also have the opportunity to draft and file an appellate brief in the U.S. Court of Appeals for Veterans Claims. In the first year that the Veterans Legal Clinic has been open, they have served over ninety local veterans.

Student Experience

Prompted by his interest in the JAG Corps and staunch patriotism, Sam Hyams enrolled in the Veterans Clinic at the start of his second year at UCI Law. During his first year in law school, Sam appreciated the practical legal training and felt excited and confident to start interacting with clients in the field. Sam sought out the Veterans Clinic to fulfill his desire to gain client interaction with a vulnerable yet noble population. Sam worked directly with disadvantaged veterans on a variety of legal issues and shared that, "Being able to hear the stories of many veterans and figure out creative ways to help them using the law was hugely satisfying." Further, Sam admits, "Working on these cases made me realize how difficult it can be to navigate through the VA without assistance. Many times clients told me how beneficial it was for them to simply have someone to vent to about their difficulties with the process, especially when it can take more than three months just to receive records." In fact, one of the most rewarding parts of the clinic for Sam was showing clients that someone was on their side when many felt that the system had given up on them.

Sam had direct experience working on a disability appeals case for a veteran who suffered a severe back injury while serving in the military but was unable to get medical benefits from the VA for his injury. The VA claimed that this veteran's injury was not connected to his military service and so he could not receive any compensation for it. Hearing about this veteran's difficulty in trying to work and do daily tasks with such a severe back injury and no monetary assistance, fortuned an extreme interest in Sam in helping him. Using the clinic's resources, Sam was able to document the veteran's injury and file an appeal to the VA for benefits. Without the Veterans Clinic, this veteran would have been unable to pay for the legal assistance necessary to work on his case.

Apart from the benefit to the veteran in need, Sam notes his own growth: "The Veterans Clinic was an invaluable piece of my legal education. It allowed me to use what I had learned about the law and apply it in real-world scenarios to better the lives of others. I would recommend to any law students who have a similar opportunity to take it."

One of Morgan McCombe's clients was a fellow former Marine with severe PTSD and traumatic brain injury (TBI). Likely as a result of his mental health issues, the veteran had separated from the military with a less than honorable discharge. Given his extreme mental health issues, the veteran desired VA healthcare but was ineligible due to his lack of proper discharge characterization. Feeling strongly that the veteran's mental health issues were a result of his military service, and for that reason the VA should provide the desired service, Morgan fought for his client's right to healthcare. He presented an argument to the Department of Veterans Affairs that his client's overall service *for purposes of VA healthcare* was, in fact, honorable. After reviewing the veteran's years of otherwise honorable service, the VA granted the veteran's request; he is now receiving the healthcare he needs for PTSD and his TBI.

UCI School of Law remains committed to public interest and to serving vulnerable populations. The Veterans Clinic is no exception, and UCI School of Law remains committed to serving those who need it most while providing an excellent educational experience to its students.

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