

**National Organization of Veterans'
Advocates
&
Public Counsel's
Center for Veterans Advancement**

Advocate Pro Bono Program



®



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

A PROJECT OF PUBLIC COUNSEL

Table of Contents

	Page
Introduction.....	1
NOVA/CVA Advocate Pro Bono Program.....	3
a. Qualifications for Advocate Pro Bono Program Participation.....	3
b. Benefits of Program Participation.....	3
c. The Process.....	4
i. Advocate Requests A Pro Bono.....	4
ii. Advocate Has A Potential Client, But Requests Development.....	4
iii. The Advocate Has A Case Already.....	5
Advocate Monthly Accounting.....	5
Off and Running.....	5
Q&A.....	7
Exhibits.....	

Introduction

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

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

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

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

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

Thank you for your participation and congratulations on your choice to help end poverty among our homeless veteran population.

Sincerely,

Katrina Eagle, Esq.

The Veterans Law Office of Eagle & Wildhaber, LLP/
Vice-President, NOVA, Inc. /

Co-founder and Co-Chair of NOVA/CVA Advocate Pro Bono Program
Chair-NOVA's Committee on Homeless Veterans

Rick Little

Accredited VA Claims Agent/

Director, Public Counsel's Center for Veterans Advancement/

Co-founder and Co-Chair of NOVA/CVA Advocate Pro Bono Program /
Member-NOVA's Committee on Homeless Veterans

NOVA/CVA Advocate Pro Bono Program

Qualifications for Advocate Pro Bono Program (“Program”) Participation

1. Advocates desiring to participate in the Program must be a NOVA member in good-standing.
2. Advocates must have at least one (1) year of experience in the practice of VA law.
3. Advocates can be either a bar-licensed, lawfully-accredited attorney or VA accredited Agent.

Benefits of Program Participation

Program participants receive the ultimate benefit, which is to provide needed assistance to the most vulnerable of our veteran population.

Program participation will generate needed data, which may be forwarded to members of Congress or the media as documentation of the assistance competent counsel has provided to poorer communities. Such statistics may counter mounting opposition to attorneys now being permitted to charge fees for representing veterans earlier in the VA appeals process, a recent amendment which CVA, NOVA, and participants of this Program fully embrace and support. As such, this Program is not meant to supplant or replace an attorney’s opportunity to earn a fee while representing a veteran’s meritorious claim. Rather, this Program is intended to complement an attorney’s efforts by providing competent pro bono legal counsel to qualified veterans who otherwise may not be able to retain an attorney.

Program participants will be recognized at each NOVA conference by receiving a “recognition ribbon” which will be attached to their name-badges. These ribbons will identify the NOVA member as a Program participant.

At the completion of EACH PRO BONO CASE (where benefits are awarded) a

mutually drafted NOVA/CVA Letter of Recognition will be mailed to the participant's respective state bar, the VA's Office of the General Counsel, the Secretary of Veterans Affairs, respective Congressperson and local news media. This letter will identify the program participant as having successfully obtained benefits for a homeless veteran.

Participants winning \$50,000 in VA benefits, in the aggregate, will receive special recognition at an assigned NOVA conference.

All participants are eligible to be nominated for "Pro Bono Member of the Year," where special accolades and recognition will be presented at the most appropriate NOVA conference.

The Process

An advocate desiring to participate in the Program need only contact either Katrina Eagle or Rick Little to become enrolled in the program. Once enrolled, the advocate can choose three avenues in which to begin their pro bono participation:

1. Advocate Requests A Pro Bono Case

A Program advocate may request that a case be assigned to him/her. This request is sent directly to Rick Little, CVA Director and member of NOVA's Committee on Homeless Veterans.

Upon receiving the advocate's request, a case will be prepared and sent to the advocate. The advocate will receive a copy of the client's VA claims file, a cursory over view of the case, and an evidence log (see exhibit 1).

2. Advocate Has A Potential Client, But Requests Development

A program advocate has been contacted by a homeless veteran and wants to assist him/her. However, the advocate may lack the time

needed to obtain the claims file and develop the case. In this situation, the advocate then contacts the CVA and provides the CVA with the veteran's pertinent information (name, social security number). CVA will work closely with the advocate and/or the homeless veteran, to obtain a copy of the veteran's VA Claims file.

After CVA obtains the C-file, the case will be developed for pro- bono advocacy. The advocate will then receive a copy of the client's claims file, a cursory over view of the case, and an evidence log.

3. The Advocate Has A Case Already

In some cases, an advocate has met with a homeless veteran and has chosen to represent hi/her, pro bono. If this is the case, the advocate needs only to contact CVA and provide them with the Program Participant Data Sheet (PPDS). (See exhibit 2). Upon receiving the PPDS, CVA will input the data into the Program Participant Log (PPL) for future, pro bono accounting. (See exhibit 3).

Advocate Monthly Accounting

The Program is designed to minimize the administrative process for the pro bono advocate. Therefore, the PPDS & PPL forms are provided for the advocate's benefit. The advocate need use only one form per month to track his/her hours. At the end of each month, the PPL form is either e-mailed to RLittle@publiccounsel.org or faxed to (213) 385-9089, attention Rick Little.

All Program advocate data will be compiled by the CVA and forwarded to the Chair of NOVA's Committee on Homeless Veterans, NOVA's Executive Director and NOVA's President.

"Off and Running"

Demographic analysis shows there are an insulting number of

homeless veterans in our country today. Present inventory of beds, including long-term housing is inadequate to meet present demand, let alone future demand. Moreover, with the onslaught of returning OEF/OIF military personnel, demand on local services and community-based organizations are certain to be overwhelmed.

NOVA's active involvement in legislative initiatives, individual representation of homeless veterans' cases, and collaboration with Public Counsel's Center for Veterans Advancement demonstrates the organization's commitment to fixing this unacceptable, tragic national problem. Your individual participation is a start to that commitment. Thank you and congratulations on becoming a partner!

Q & A

- Q. What happens if I represent a veteran throughout the administrative process and the case ends up at Court; can I collect EAJA fees?**
- A. Yes. However, time spent at Court cannot be counted as pro bono.**
- Q. What happens if I want to participate in the Program, but I have been practicing VA law for less than 1 year?**
- A. The one year minimum will be waived if a NOVA member, with at least five years of VA law experience accepts to mentor you through the adjudication process. If you need a mentor, one will be assigned to you.**
- Q. If I mentor a newer member, am I eligible to receive pro bono credit?**
- A. Yes. But only for the time spent developing either the case or the newer member. A PPL form must be submitted each month in order to obtain credit.**
- Q. What happens if my client either withdraws or I am unable to locate him?**
- A. You are entitled to pro bono credit up to the date you decide to close the file.**
- Q. What happens if I prevail in my client's case and she insists on giving me a cash donation?**
- A. If the client simply refuses to accept your desires not to accept the gift, you may request that she send it directly to NOVA.**



Program Participant Data Sheet

Date _____ Date Sent (if assigned by CVA) _____

Name of Veteran _____

Address _____

City _____ State _____ Zip _____

Telephone number _____ Claim Number _____

Date of Birth _____ Age _____ Social Security Number _____

Pro-Bono Attorney's Name _____ Mentor _____

Pro-Bono Attorney's Address _____

Telephone: _____ Email _____

City Where Claim Is Filed _____ State _____

Monthly Income Pre-Program_\$ _____ Source _____

Monthly Income Post-Program_\$ _____ Source _____

Circle one: WWII Korean War Vietnam War Desert Storm OEF OIF Peace-Time

Homeless? _____ How long? _____

Veteran's Period of Active Military Duty ___/___/___ to ___/___/___

Send to RLittle@publiccounsel.org or via fax to (213) 385-9089

Attn: Rick Little-Director of Public Counsel's CVA



Volunteer Mentor Application



Date _____

Name of Mentor _____

Name of Firm _____

Address _____

City _____ State _____ Zip _____

Telephone number _____ Years In VA Practice _____

I Need To Be Assigned A Program Advocate _____ I Am Available _____
(Check Here) (Date when available)

I Can Provide _____ Hours to A Program Advocate
(Number of hours)

Pro-Bono Attorney's Name (if already assigned) _____

Pro-Bono Attorney's Address _____

Telephone: _____ Email _____

(Please check applicable choice(s))

I Agree To Mentor a Program Advocate at the ___ RO ___ BVA ___ Court

NOTE: In order to be credited for pro bono hours, at the end of each month, please return the Program Participant Data Sheet to the contact person shown below.

Send to RLittle@publiccounsel.org or via fax to (213) 385-9089
Attn: Rick Little-Director of Public Counsel's CVA
