

US Law Week

How Lawyers Can Tailor Representation to Veterans' Unique Needs

By James Perry

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Navy veteran and Skadden attorney James Perry describes how law firms can help veterans navigate bureaucracy and get the employment and health benefits they earned while serving the country.

On a sunny Memorial Day in 2022, members of my scout troop and I visited the graves of three military personnel buried at Arlington National Cemetery.

Commander Dan Shanower died in the Pentagon during the Sept. 11, 2001, terrorist attacks. Lt. Col. Chris Raible was killed in action in Afghanistan in September 2012. And Lt. Col. Greg McSween survived tours in Iraq and Afghanistan only to pass away in November 2021.

For the boys, ages 11 to 17, the 9/11 attacks are something they have only read about. The wars in Iraq and Afghanistan were but vague and distant conflicts. I brought them to lay flowers at the graves so they could try to make a personal connection with at least a few of the thousands of men and women buried around us and reflect on their lives and their sacrifices.

The Sacrifices

It's easy to forget. As a veteran myself, the sacrifices of service members can fade from memory, and the unique challenges faced by veterans is often hidden.

Veterans face a multitude of issues, including post-traumatic stress disorder and the denial of earned benefits. Lawyers, especially those who have served, can help veterans navigate the complicated bureaucratic processes.

In the legal world in particular, veterans can be few and far between and then isolated from one another. It takes work to stay connected, not only to other veteran attorneys, but also veterans in the community, many of whom desperately need good legal representation.

I became a lawyer late in life. After serving in the Navy and in government service for nearly 20 years, I transitioned to law in my early forties. I observed that it can be difficult for veterans to transition to the legal field, particularly into law firms where a veteran may be much older and have significantly different life experiences than his or her peers.

Military Intangibles Are Assets

Yet, veteran lawyers, paralegals, and support staff can be a huge asset. Intangibles gained in the military--discipline, organization, collaboration, cool under fire--are perfect for high pressure and dynamic legal situations. Veterans also bring with them a spirit of service instilled from day one of their military training.

Since transitioning to the law, I have challenged myself to stay connected to veterans-related issues. Several years ago, I had the opportunity to help establish the veterans affinity network in Skadden's Washington, D.C., office.

Since then, we have worked to increase the firm's focus on veterans-related legal issues. Although the practice is diverse, our focus has been to help with discharge upgrades and veterans' benefits.

Related Health Challenges

The challenges faced by veterans are both unique and universal. Disabilities, mental health issues, legal difficulties, drug addiction, and alcoholism, while not unique to service members, are compounded by, and often caused by, physical and psychological trauma experienced while in the military.

Combat-related PTSD can shatter lives and have lasting effects. Yet combat is not the only source of military trauma. Accidents, sexual assault or harassment experienced during military service, exposure to noise and chemicals, and hazing can have lasting effects on the mind and body.

Service-related conditions like PTSD and sexual trauma can alter personalities and derail careers. Service members who previously had stellar records suddenly face declining performance, disciplinary issues, and may turn to drugs and alcohol. Young service members who should have received treatment instead find themselves caught up in the military disciplinary system and are quickly kicked out with less-than-honorable discharges.

This so-called "bad paperwork" has a life-long impact. Veterans are refused jobs and denied important benefits because of a dishonorable discharge or similar characterization.

Disabled veterans also face numerous challenges. Veterans seeking benefits arising from military-related disabilities, particularly the unseen injuries like those caused by psychological trauma, face a labyrinth of paperwork and examinations and appeals to receive benefits. They can be, and often are, rejected in the first instance, forcing them to struggle, sometimes for years, to receive compensation and benefits they deserve.

Attorneys Are Essential

Lawyers, particularly those with military experience, are well-positioned to help. Processes are in place to allow veterans to seek an upgrade of their discharge characterization, especially if they suffer from service-related PTSD or sexual trauma. Veterans denied VA disability benefits can file appeals.

Most veterans who seek discharge upgrades or veterans' benefits proceed pro se, and many are denied. Their chances improve dramatically if they are represented by an attorney.

Having an attorney who can decipher regulations and manage bureaucracies is an invaluable resource, yet the need is more fundamental. For many veterans, the trauma they experience in the military also prevents them from being an effective self-advocate. They may not be able to make their own case because the memories are too painful.

In other cases, conditions like PTSD or other psychological conditions may literally prevent them from presenting their thoughts or arguments in an orderly manner. A thoughtful and patient third party, like a lawyer, can help a veteran tell their story in a clear and compelling way.

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