

THE NORTH CAROLINA STATE BAR

JOURNAL

FALL
2015



A SPECIAL ISSUE DEDICATED TO ACCESS TO JUSTICE

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Providing *Pro Bono* Services in Rural North Carolina *page 29*

THE
NORTH CAROLINA
STATE BAR
JOURNAL

Fall 2015
Volume 20, Number 3

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Access to Justice for North Carolina's Veterans, Service Members, and Their Families

BY CHARLOTTE STEWART AND KIRK WARNER

In the past few years, there have been exciting developments in serving the legal needs of North Carolina's veterans. With the third-highest population of active-duty military in the nation, as well as almost 800,000 veterans in the state,¹ North Carolina's legal community must be equipped to address the needs of this specific client population. While nonprofit legal aid providers such as Legal Services of Southern Piedmont, Pisgah Legal Services, and Legal Aid of North Carolina have expanded legal services available to veterans in recent years, engaging private attorneys in *pro bono* and public service work is critical to ensuring that no veteran's legal needs go unmet in North Carolina.

There are three principle groups working to increase private attorney participation in this worthy effort: the State Bar's Standing Committee on Legal Assistance to Military Personnel (LAMP), the North Carolina Veterans *Pro Bono* Network (VPBN), and the North Carolina Bar Association's Military and Veterans Affairs Committee (MVAC). LAMP's activities primarily focus on the legal needs of active duty personnel, whereas the VPBN is primarily (though not entirely) concerned with veterans. MVAC

was designed from the beginning to encompass both. Together, these groups comprise a formidable network of attorneys and advocates making a difference for our military and veteran population.

The State Bar's Standing Committee on Legal Assistance to Military Personnel (LAMP)

LAMP is a standing committee of the NC State Bar, formed to support military legal assistance attorneys assigned within



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North Carolina who are typically unfamiliar with state law practice.² LAMP connects these professionals rendering services to active duty personnel and their families with experienced North Carolina practitioners who can provide advice.

Currently chaired by Lonnie Player of Fayetteville, LAMP meets quarterly to share information about legal issues facing military personnel. Members report on developments in legislation and case law affecting members of the military, particularly in the areas of employment law, family law, and consumer protection. Reports by Mike Archer, legal assistance director at Camp Lejeune, often feature high-profile takedowns of entities engaged in predatory lending and other consumer fraud perpetrated against service

members and their families. Mark Sullivan of Sullivan & Tanner, PA, provides in-depth updates on legal developments that impact military families in matters such as pension division, child custody, and civil procedure. The Legal Assistance Office chiefs and representatives from the major military commands located in the state provide critical input to the LAMP committee.

For years, LAMP has put on an annual CLE to train attorneys in various aspects of North Carolina law affecting active duty personnel and their families. This training makes expanded representation in state court possible by JAGs and other military legal assistance personnel who would otherwise have inadequate familiarity with state practice. In 2015, LAMP partnered with MVAC to put on this training in partnership with the North Carolina Bar Association. An NCBA Foundation Endowment Grant enabled active and retired military personnel to receive this training at no cost.

LAMP publications such as “Take-1” handouts and co-counsel briefs provide invaluable guidance for attorneys and the public. These are available at nclamp.gov.

Access to Justice Partners: Wake Forest University School of Law's Veterans Legal Clinic

By Kate Helin, Class of 2015, Wake Forest University School of Law

In the fall of 2015, third-year law students will be enrolled in the Wake Forest Veterans Legal Clinic. This first-ever class of student clinicians is the culmination of a student-led effort to create a Veterans Legal Clinic. In the fall of 2013, a group of students noted the limited legal services available to active-duty service members, reservists, and veterans. The students proposed a business plan for establishing a permanent Veterans Legal Clinic. In the spring of 2015, as part of the Community Law and Business Clinic, students began offering legal services to veterans throughout North Carolina. The Veterans Legal Clinic provides the following services:

- discharge upgrades,
- employment assistance under the Uniformed Servicemembers Employment and Reemployment Rights Act,
- resolution of landlord and tenant issues,
- combating of predatory lending practices, and
- expungements.

These services are all provided at no cost to the veteran.

The NC Veterans *Pro Bono* Network

In 2012, representatives from the National Legal Aid & Defender Association³

and the National Veterans Legal Services Program⁴ approached stakeholders in North Carolina to develop a collaborative model of



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addressing the unmet legal needs of veterans. The result is the North Carolina Veterans *Pro Bono* Network, a joint effort of the NCBA and NC Equal Access to Justice Commission.

In fall 2014 these organizations hired the VPBN's first coordinator, Charlotte Stewart of Chapel Hill, to initiate pilot projects and establish VPBN presence statewide. Network initiatives center on two main strategies: increasing the involvement of private attorneys and law students in *pro bono* projects serving veterans, and implementing solutions that utilize existing resources to meet specific needs in North Carolina communities.

One of the first projects of the VPBN was the development of an online clearinghouse of veterans-related information, with specific North Carolina legal information and resources for both veterans and practitioners, made possible through a grant from the American Bar Association. The website ncvetslegal.org serves as an important communication hub and as a portal for recruitment and placement of *pro bono* attorneys who want to serve veterans.

Central to the VPBN's founding was the need to address a backlog of claims for VA disability and compensation. Continued involvement with LAMP and MVAC has enabled the network to engage additional

stakeholders critical to realizing this goal, including the NC Division of Veterans Affairs, the Winston-Salem VA Regional Office, and the North Carolina VFW. Ultimately, the coordinator will work to match *pro bono* attorneys⁵ with individuals seeking legal help, and to track case progress and outcomes.

Another early goal of the VPBN is to ensure that legal services are available in some form at every Stand Down⁶ event in the state.⁷ Local Stand Down steering committees are ideal initial stakeholders to approach when seeking to serve veterans in a specific community. To date, access to civil legal services at Stand Downs has been provided by staff attorneys from legal services providers, members of the NC VetsCorps,⁸ and students from law school clinics and *pro bono* projects.

Access to Justice Partners: NC LEAF Helps Lawyers Pursue Careers in Public Service

North Carolina Legal Education Assistance Foundation (NC LEAF) provides loan repayment assistance for eligible attorneys in public service, including attorneys that work for non-profit providers of civil legal aid. Ryan Stage, staff attorney at Safe Alliance in Charlotte who graduated from Charlotte School of Law in 2012, shares his story.

My first day of law school I had no idea what type of law I wanted to practice. I was interested in the law and I wanted to help people. It was my second semester of my 1L year when someone from United Family Services—now Safe Alliance—came to speak on campus about volunteering for their agency and assisting victims of domestic violence. As the semester was drawing to a close, I shadowed the supervising attorney in court. It was not a specific case that particularly resonated so strongly with me, but the total experience of that day that I will never forget.

I met with the attorney outside of the courtroom and we spoke to her client. She was nervous and so grateful we were there to help—not just to represent her in attempting to get a protective order from her ex-boyfriend, but to just be there. To listen to her. To just sit with her. She had been through a lot, and walking through those courtroom doors I realized she was not alone. The courtroom on the 4th floor of the Mecklenburg County Courthouse that deals primarily with domestic violence on this day was full. It was like this most days, I was told. I sat there and listened to victim after victim tell their stories to the judge. I did not realize what some of these victims had to live through every day. After court I went back to the attorney's office so we could talk about the court session. Walking through the lobby of her office, I saw more victims, and they had looks on their faces I could not forget.

I decided that summer after my 1L year I was going to volunteer at United Family Services with anything they needed. When I received my legal practice certification, I started to represent victims of domestic violence under the supervision of the licensed attorney in the office. I was offered a job out of law school with a private family law firm in Charlotte where I worked my 3L year, and worked there for over a year. In February the staff attorney position became open at Safe Alliance. I applied and was offered the position. I quit my job in private practice and have been in the nonprofit world since February. I have never had a job in my life that has been as fulfilling as what I do every day. I would not change anything about it. The money is not what I used to make. Not even close. But just being there for someone and helping them through such a difficult time in their life is important to me. That is the reason I am committed to public interest law.

The North Carolina Bar Association's Military and Veterans Affairs Committee (MVAC)

Chaired by Kirk Warner of Smith Anderson in Raleigh, and currently in its third year of operation, MVAC was founded to serve as the coordinating body for all NCBA activities impacting the military and veterans. It is a nexus for initiatives addressing employment, housing, consumer, financial, family law, and other needs, with the greatest focus being on legal issues. Success requires a willingness to share ideas and resources with groups in North Carolina, and to learn from groups in other states. To date, Mr. Warner has represented MVAC at the National Association of Bar Executives and at a multi-state symposium hosted by the Georgia State Bar. MVAC also meets quarterly, scheduled in tandem with LAMP to facilitate collaboration.

Despite being relatively new, the NCBA MVAC is ahead of the curve in trying out new ideas in a variety of areas. Subcommittees work to support the hiring of veterans within the legal field, conduct outreach to housing authorities with the power to give preference to HUD-VASH voucher holders, advocate for the expansion of Veterans Treatment Courts, and develop *pro bono* in the area of family law and disability appeals. One of MVAC's proudest accomplishments was a CLE program in February 2015 to increase the number of VA accredited attorneys in North Carolina and to educate the legal profession about PTSD in combat veterans.

Key Initiatives

Cooperation among members of LAMP, MVAC, and the VPBN has given rise to several initiatives that are changing the way the legal profession serves North Carolina's military and veteran population. These include regular legal clinics at VA Medical Centers, the NCBA Family Law Section's *pro bono* project for low-income veterans, and special court projects inspired by Veterans Treatment Courts.

Legal Clinics at VA Medical Centers

Monthly legal clinics at VA Medical Centers, staffed by legal aid providers and facilitated by Veterans Justice Outreach specialists,⁹ are one of the most collaborative projects of the VPBN. Since September 2013, Legal Aid of North Carolina and Legal Services of Southern Piedmont have staffed a monthly civil legal services clinic at the Hefner VA Medical Center in Salisbury. In spring of 2014, attorneys from Legal Aid of North Carolina's Durham office recruited and trained law students to address re-entry and income-maintenance needs of homeless veterans at the Durham VA Medical Center. In spring 2015 the VPBN piloted a wills and advanced directives clinic in conjunction with the monthly clinic in Salisbury to address the expressed needs of elderly and disabled veterans; due to technological and other limitations, this project will be further developed off-premises.

Though they operate on different models and focus on different areas of the law, the success of these initiatives demonstrates the viability of community-based volunteer legal services at the local bar level, as well as the value of working with the VA health system to reach our most vulnerable veterans.

Serving Those Who Served

NCBA President Shelby Benton of Goldsboro is a member of the LAMP Committee and was a member of the NC Veterans *Pro Bono* Network when it identified family law as a critical services gap for low-income veterans. She worked with the NCBA's Family Law Section to develop "Serving Those Who Served," the section's signature *pro bono* project that matches private attorney volunteers with low income veterans and service members with family law issues. The project is managed by Ms. Stewart of the VPBN, and officially launched during *Pro Bono* Week in October

2014. Assistance ranges from brief advice and phone consults, to ongoing representation. To date, over 40 individuals have received some form of assistance in matters such as custody, child support, divorce, and adoption.

Notably, the project has assisted several wounded warriors whose military service contributed to their family struggles. One client is a veteran escaping domestic violence while trying to protect her child. The adverse party attempted to use her service-connected disability status against her in court proceedings. Another client is a veteran who received a default judgment while in residential treatment for PTSD and consequently struggled to find employment so that he can meet his child support obligations. Another is a decorated combat veteran whose ex-spouse used his service-connected PTSD to deny him unsupervised visitation with his daughter.

Phase two of the project, set to launch during *Pro Bono* Week 2015, will incorporate law student participation and mentorship that will hopefully serve as a model for other NCBA sections wishing to serve veterans with needs in other areas of the law. If you would like to partner with law students to serve veterans' family law needs, email vets@ncbar.org for more information.

Veterans Treatment Courts

NC's first Veterans Treatment Court (VTC) began in 2013 in Harnett County; a year later, the Cumberland County VTC opened just as Harnett was graduating its first participants. The Buncombe County VTC opened in Spring 2015, and more are on the way. While neither MVAC nor the VPBN are involved in decision-making or funding of the VTCs, these groups have provided technical assistance on an informal basis to court personnel as well as to communities wishing to establish innovative projects serving the criminal legal needs of veterans, service members, and their families.

VTCs are usually organized by a local steering committee before being formally established via funding from the Governor's Crime Commission. These courts are welcome entities providing structure and peer support for veterans with serious offenses related to untreated substance use and mental health issues. Despite their limited scope, these courts have planted a seed allowing for additional innovative efforts in communities with large military and veteran populations.



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Chief among these efforts are special court sessions designed by members of the VPBN in cooperation with local court officials and other stakeholders to meet the needs of veterans in specific communities through innovative and cost-effective court practices.

One such project was "Veterans Amnesty Day," piloted in New Hanover County on May 8, 2015, in tandem with the local annual Stand Down event. At this special session of district court, veterans, service members, and spouses with outstanding warrants, traffic tickets, or missed-court fines for nonviolent misdemeanors could have these matters dealt with without fear of arrest, confinement, or debilitating fines. In just two hours on a Friday afternoon, 60



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Parker Poe and Duke Energy are proud to partner with the Access for Justice Pro Bono Partners Program to provide legal services to the underserved. Through this program, Parker Poe and Duke Energy have handled over 125 criminal expunction cases that open opportunities for housing and employment to North Carolina residents. Recently, this work was recognized by receipt of the Mecklenburg County Bar's Outstanding Collaborative Project Pro Bono Award.

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individuals were able to dispose of about 100 matters¹⁰ from the five-county area covered by the 5th and 13th Judicial Districts¹¹ (New Hanover and Pender Counties, and Bladen, Brunswick, and Columbus Counties, respectively).

Critical to the success of this event was a special commission from the NCAOC that allowed charges from other counties to be disposed of in the New Hanover County location, with judges, prosecutors, and defense attorneys from both districts on hand. Most importantly, clerks from all five counties were present with at least some level of remote access to court records as needed. The project will likely be replicated in other judicial districts later in 2015. It should be noted that in areas with limited access to technology, the full potential of cross-district dispositions will remain unfulfilled.

Call to Action

In summer 2015 the VPBN worked with MVAC and LAMP to build a strong volunteer infrastructure to better serve individuals with matters that are beyond the scope of what nonprofit legal services and NCBA *pro*

bono projects can provide. Through the MVAC's Disability Subcommittee, the network has been able to engage North Carolina attorneys who are accredited to handle claims before the VA in taking on *pro bono* cases, sometimes in other areas of the law. Additionally, MVAC and LAMP attorneys have helped the VPBN establish relationships with organizations serving veterans at the county and state level with a view to coordinating efforts among local attorneys to provide *pro bono* service to veterans in their own communities. If you are interested in assisting these efforts, sign up at nbar.org/giving/volunteer

now/veterans-pro-bono-network. Contact Charlotte Stewart at vets@nbar.org with questions. ■

Charlotte Stewart is the assistant director of public service and pro bono activities at the North Carolina Bar Association. She coordinates all activities of the North Carolina Veterans Pro Bono Network, a coalition of stakeholders serving veterans' legal needs statewide.

Kirk Warner is a partner at Smith Anderson in Raleigh. In 2013 Warner retired from the United States Army after 33 years of military service including as the deputy legal counsel to the chair of the joint chiefs of staff at the Pentagon. Warner is a member of the North Carolina Equal Access to Justice Commission.

Endnotes

1. ncdps.gov/NewsReleases/2015/sotsmilitaryfact.pdf.
2. nclamp.gov.
3. nlada100years.org.
4. nvls.org.
5. Information about volunteer opportunities is available at ncvetslegal.org/volunteer.
6. A Stand Down is a one-stop service fair for homeless veterans, offering a range of services including dental,

housing counseling, and health screenings, as well as clothing and a hot meal. nchv.org/index.php/service/service/stand_down.

7. Information about upcoming Stand Down events is available at ncvetslegal.org/calendar.
8. mdcinc.org/projects/nc-vetscorps.
9. va.gov/homeless/vjo.asp.
10. starnewsonline.com/article/20150508/ARTICLES/150509760.
11. wwaytv3.com/2015/05/04/first-veterans-amnesty-day-announced-in-north-carolina.

Celebrate Pro Bono: October 25-31, 2015

As part of our professional responsibility, Rule 6.1 encourages lawyers to give time and money to provide legal services to those unable to pay.

Join us in celebrating National Pro Bono Week, October 25-31, 2015. The National Pro Bono Celebration focuses the nation's attention on increased need for *pro bono* services, and celebrates the outstanding work of lawyers who volunteer their services throughout the year.

During Pro Bono Week, North Carolina legal aid programs, bar associations, law firms, law schools, and others will celebrate *pro bono* by recognizing volunteers, offering training, providing *pro bono* legal services at clinics, hosting events to raise money for legal aid, and raising awareness of the need for *pro bono*. For more information about events in your area, visit probono.net/celebrateprobono/events.

There is only one legal aid attorney for every 13,170 low-income people in North Carolina. There is one private attorney for every 562 North Carolinians. In 2014, lawyers across North Carolina gave more than 18,000 hours to help legal aid programs provide critical assistance to low-income North Carolinians struggling with civil legal problems ranging from domestic violence to foreclosure. The total value of the *pro bono* volunteer contributions exceeded \$3.6 million in 2014. Thank you for your commitment to providing *pro bono* to ensure access to justice for those in need!