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Helping Veterans With Mental Illness Overcome Civil Legal Issues: Collaboration Between a Veterans Affairs Psychosocial Rehabilitation Center and a Nonprofit Legal Center

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This article describes the collaboration between a Department of Veterans Affairs (VA) community-based psychosocial rehabilitation center and a nonprofit legal center that primarily addresses the civil legal issues of veterans who have mental illness and/or are homeless. The legal center is located on-site at the VA psychosocial rehabilitation center and serves veterans who receive VA mental health treatment and other social services. Once veterans establish contact with the legal center and authorize the release of their health information, legal center staff members work closely with VA clinicians to help veterans address legal issues that may be obstacles to recovery. Development of this collaboration is described, along with the legal center's funding, clientele, and operations. The most common types of civil legal matters the legal center handles are also briefly described. Experiences of the legal center suggest that professional aid for civil legal problems provided within VA facilities may be beneficial for veterans and warrants empirical study.

Keywords: civil legal issues, veterans, psychosocial rehabilitation, legal centers

More than 1 million veterans who sought services at Department of Veterans Affairs (VA) facilities in a 1-year period (Petrakis, Rosenheck, & Desai, 2011) and a quarter of

veterans who served in Iraq and Afghanistan (Seal, Bertenthal, Miner, Sen, & Marmar, 2007) had a mental illness diagnosis, including severe mental illness, posttraumatic stress disorder, and substance use disorder. These mental illnesses are associated with various psychosocial and functional difficulties, including homelessness, unemployment, and legal problems (Bond, Drake, Mueser, & Becker, 1997; Clark, Ricketts, & McHugo, 1999; Fazel & Danesh, 2002; Tsai, Stroup, & Rosenheck, 2011). Many adults with severe mental illness, including veterans, come in contact with the legal system—not only for criminal activities, but also for civil issues—but many have limited access to legal services (Nelson, Schmidt, & Miller, 1982; Vingilis & Fuhrman, 2007). Among homeless veterans,

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many of whom have mental illness, legal assistance for child support issues, outstanding warrants and fines, and restoration of driver's licenses have been identified as three of the top-10 highest unmet needs (Kuhn & Nakashima, 2011).

The concept of therapeutic jurisprudence (Seamone, 2009) points to the potentially beneficial effects of resolving legal issues for people with mental illness (Wexler, 1990), and legal problems can represent barriers to clinical recovery and community integration (Hartwell, 2004; McNeil & Binder, 2007; Rowe & Pelletier, 2012). Basic-level needs such as shelter, a sense of stability, and security to which legal issues can prevent access may need to be achieved before higher level needs, such as long-term recovery, can be achieved (Anthony, 1993; Maslow, 1943). Helping clients deal with legal issues also may facilitate greater clinical engagement. One study of 438 clients in a residential drug abuse treatment program found that clients who expressed concerns about legal problems at program admission were less likely to drop out of treatment early, that is, in the first 40 days of treatment (Vickers-Lahti et al., 1995). There may be many reasons for this, which were not elucidated in the study; however, the findings suggest that clients with legal problems may stay more engaged in mental health services than those with no legal problems.

Various studies have consistently found relationships between severe mental illness, homelessness, and incarceration (Diamond, Wang, Holzer, Thomas, & Cruser, 2001; Hawthorne et al., 2012; Lamb & Weinberger, 1998; Steadman, Osher, Robbins, Case, & Samuels, 2009). In response, various models for jail diversion programs (Steadman & Naples, 1995) and post-release reentry programs for people with mental illness (Draine & Herman, 2007) have been developed. The VA has developed the Veterans Justice Outreach (VJO) Initiative, which aims to prevent the incarceration of veterans who have committed nonviolent crimes by ensuring timely access to mental health treatment (U.S. Department of Veterans Affairs, 2012).

In contrast to the VJO Initiative for criminal justice-involved veterans, there has been less focus by the VA on the civil legal issues faced by many veterans with severe mental illness. Civil legal issues can critically interfere with and possibly impede access to needed mental

health, housing, and employment services. For example, a veteran with severe mental illness whose driver's license has been revoked or suspended may not have the knowledge or resources to take the required legal actions to obtain restoration of his or her license, thereby preventing him/her from driving to the hospital or a job interview. Similarly, it is difficult for a veteran who faces potential incarceration for unpaid child support or unpaid taxes to focus on recovery, sobriety, and a healthy lifestyle. Veterans with debt issues may not know how to check their credit, refinance their debts, deal with identity theft, or file for bankruptcy. Moreover, many veterans apply for service-related VA disability compensation and Social Security disability entitlements (Frueh, Grubaugh, Elhai, & Buckley, 2007; Wright, 2009), for which they may need legal representation.

Previous in-hospital legal aid projects have found that making legal services directly available to patients is useful (Brakel, 1981; Vingilis & Fuhrman, 2007) and can improve access to such services (Deinard, Martin, Lindemann, & Haynes, 1997). Although there are many resources for veterans who are in need of legal assistance (see American Bar Association, 2011), legal services accessible to veterans on-site at VA facilities are limited. There are some programs created by law schools to give their students opportunities to provide legal assistance to veterans who are homeless and/or have mental illness (Margolin, Berenson, Martin, Raab, & Zavez, 2010), although only a few provide legal assistance to veterans at VA locations (Idzikowski, 2009; West Virginia University, 2011; Yale Law School, 2012). There are also a few pro bono programs sponsored by state and county bar associations that conduct legal clinics on-site at VA facilities (Dallas Bar Association, 2010; Houston Bar Association, 2012).

The VA does not provide direct professional legal services to veterans. Assistance that VA employees may provide to veterans who request help with legal issues is authorized under VA Directive, 2011-034, which allows and encourages VA staff to provide veterans who are homeless or at risk of homelessness with a list of local legal resources and to provide office space to legal service providers when possible, but prohibits staff from "endors[ing] any partic-

ular provider” (U.S. Department of Veterans Affairs, 2011).

In this article, we describe the collaboration between the Errera Community Care Center (ECCC) of the VA Connecticut Healthcare System, a community-based psychosocial rehabilitation/recovery center, and the Connecticut Veterans Legal Center (CVLC), an independent nonprofit legal center colocated on-site that primarily helps veterans with mental illness with their civil legal problems. The objective of this article is to call attention to the various civil legal needs faced by veterans with mental illness because such issues may constitute barriers to recovery, and to encourage other VA psychosocial rehabilitation centers to adopt similar collaborative relationships with legal centers to assist veterans who have civil legal issues. First, a description of the CVLC, the ECCC, and the development of their collaboration is provided. Second, the CVLC’s funding, its clientele, operations, and the types of cases it handles are detailed. Finally, potential future directions are discussed. It should be noted that the relationship with the CVLC was created before the September 6, 2011 VA Directive, 2011-034 Homeless Veterans Legal Referral Process (U.S. Department of Veterans Affairs, 2011) and most of the activities described herein predate the directive; the CVLC’s client referral process both before and after the directive are described below.

Program Description and History

The CVLC is an independent nonprofit legal clinic, and its mission is to help veterans recovering from homelessness and mental illness overcome legal barriers to housing, health care, and income (<http://ctveteranslegal.org>). The CVLC provides free legal advice, referral, and representation to veterans with a wide variety of legal issues, including family, housing, criminal, bankruptcy/consumer debts, Social Security, VA benefits, employment, estate planning, and military discharge upgrades.

VA Connecticut’s ECCC is a comprehensive psychosocial rehabilitation/recovery center located in West Haven, Connecticut, that is devoted to the mental health care and psychosocial needs of veterans with severe mental illness and substance use disorders, many of whom struggle with homelessness, unemployment, and

other functional problems. The ECCC provides a continuum of psychosocial, medical, and educational services that range from acute to long-term rehabilitation. Services provided include crisis intervention, housing, case management, education/skills training, recreation/creative arts therapy, and vocational rehabilitation. In 2010, more than 4,200 veterans received services and support through the ECCC.

In September 2007, an attorney began providing free legal assistance to ECCC clients on a volunteer basis and found that there was a need for legal assistance with common civil legal issues at this treatment facility. Although the VA’s extensive care network provides medical, mental health, and social services to struggling veterans, the system offers limited services to assist veterans with solving legal problems that could potentially affect their recovery. As a result, in September 2009, the CVLC was formally created with a seed grant (Initiative for Public Interest Law at Yale, 2011) to offer legal assistance to veterans.

The CVLC’s collaboration with the ECCC allows CVLC staff and volunteers to serve mentally ill, homeless, and recovering veterans, many of whom may have difficulty transporting themselves to the offices of legal service organizations, recognizing and communicating their legal needs, and following up with appointments and documentation without assistance. Pursuant to a Memorandum of Understanding between the VA Connecticut Healthcare System and the CVLC, the CVLC is currently located within the ECCC facility, giving veterans easy access to legal advice in close proximity to their VA rehabilitation and recovery services. The CVLC does not have access to VA computers or medical records. VA policy, in compliance with the Health Insurance Portability and Accountability Act (HIPAA), requires VA employees to obtain a signed release from a veteran before discussing confidential client information.

Funding

The CVLC is a Section 501(c) (3) tax-exempt corporation and currently operates without any federal or state funding. The organization currently receives 54% of its funding from charitable foundations, 38% from sponsorships by corporations and law firms (many of which provide pro bono legal services to CVLC clients),

and 8% from individual donors. The CVLC staff devotes a portion of its time to grant writing, and most of the individual and corporate donations are pledged in connection with the CVLC's annual fundraiser held around Veterans Day. Future fund-raising goals of the legal center include the maintenance of current funding sources and more diversified funding from federal grants, national foundations, family foundations, corporate sponsorships, and increased outreach to individual donors through a new mail campaign.

Clientele

In its first 30 months of operation, the CVLC has provided free legal services to 435 individual veterans with 564 distinct legal issues. A review of the legal center's client statistics showed that the mean age of clients was 50.6 years ($SD = 13.9$; range = 21–97) and 40% were racial minorities. Fourteen percent of issues were opened on behalf of female veterans. In addition, 48% of CVLC clients were combat veterans and 22% served in the wars in Iraq and Afghanistan. It is important to note that 54% of CVLC clients either were homeless at the time of intake or formerly had been homeless, 34% were living below the federal poverty line, 39% were classified as low income, and 24% were living in some form of subsidized housing.

The vast majority of the CVLC's clients were receiving VA mental health services (including substance abuse services) during initial contact and 11% percent of CVLC clients reported receiving service-related VA disability compensation for posttraumatic stress disorder. Thirty-five percent of CVLC clients were referred by ECCC clinicians and social workers, and the CVLC also served clients who were referred by other VA clinicians, VA-funded vet centers, Connecticut's Department of Mental Health and Addiction Services, the Connecticut Department of Labor, the Connecticut Department of Veterans Affairs, U.S. congressional offices, veteran transitional shelters, and other legal service and social service organizations.

Operations

To deliver comprehensive legal assistance to veterans, the CVLC collaborates with two distinct groups: mental health and social service providers for the veteran community and legal

service providers in the general community. The CVLC is currently staffed by three full-time lawyers. The CVLC has been able to leverage the effectiveness of its small staff through multiple collaborations and often acts as a liaison between health and social service providers and legal service providers. The organization continues to expand its network of connections to provide more full representation to clients as its capacity grows.

Collaborations with mental health and social service providers. Prior to VA Directive, 2011–034, VA staff contacted the CVLC directly when clients under their care faced legal issues that appeared to require legal assistance. CVLC staff held initial meetings with clients on-site at the ECCC when possible. When appropriate, the CVLC obtained information releases from its clients to enable its staff to communicate and work closely with VA staff to address client legal issues in the context of the client's treatment and recovery plans. Because the CVLC chose to direct its limited resources to veterans who were actively engaged in recovery, it did not take "walk-ins" or veteran self-referrals.

Since the effective date of the VA Directive, 2011–034, VA clinicians have been instructed to provide clients who are interested in or in need of legal services help with a list of local legal service providers. The CVLC is one of the listed providers, and is currently the only listed provider that is located within a VA facility. A client who is interested in obtaining services from the CVLC may either contact the CVLC directly or authorize his or her VA clinician to initiate contact with the CVLC on his or her behalf. The CVLC continues to receive direct client referrals from Connecticut's Department of Mental Health and Addiction Services, the Connecticut Department of Labor, U.S. congressional offices, veteran transitional shelters, and other legal service and social service organizations. As most of the work and successes of the CVLC occurred before VA Directive, 2011–034, the full impact of the directive on the CVLC's ability to reach its target client population remains undetermined at this time.

CVLC staff and volunteers conduct initial in-person client interviews at the ECCC whenever possible to best serve clients who may be wary of attorneys and the legal process. Meeting veterans in person allows CVLC staff to

determine whether they can provide the necessary services directly, whether the veteran should be connected with a pro bono attorney, whether the veteran should be referred to other service providers, or whether the CVLC is unable to assist the veteran.

Meeting veterans on-site at the ECCC gives CVLC staff and volunteers ready access to VA clinicians who work with these veterans on their mental health, housing, and employment issues. This collaboration is very useful to the CVLC's clients in numerous ways. First, it makes the intake and assessment of clients' legal issues easier, as CVLC staff can quickly be informed of a client's history, issues, records, and options that have already been explored (so long as authorization for the release of confidential information has been obtained from the client). Second, it allows for comprehensive planning for CVLC clients that includes consideration of clients' health and social care goals. For example, a VA social worker may work to secure new housing for a veteran while CVLC staff delays an eviction, or a VA social worker may file a hardship waiver for a denial of benefits while CVLC staff works to appeal the benefits denial. Third, meeting veterans on-site makes follow-up visits easy to coordinate. Being physically located within the ECCC means that there are fewer missed appointments because clients often need to come to the ECCC for other services and extensive scheduling over the telephone or through the mail is often not required. Finally, caseworkers see clients frequently and, if authorized to do so, provide client updates to CVLC staff.

The CVLC's collaboration with VA staff to solve client issues requires the institution of policies to safeguard client privacy and confidentiality. VA staff members are subject to HIPAA, which restricts disclosure of confidential information about veterans. VA staff use VA HIPAA forms, which authorize disclosure to the CVLC of health or medical information related to the client's legal issues. Clients of the CVLC are also protected by attorney-client privilege, which applies to confidential communications between the CVLC and its clients. Although CVLC client meetings are usually held with the client alone, on occasion, with the consent of the client and based on the professional judgment of the attorney, a VA clinician may attend a client meeting when his or her

presence facilitates effective communication between the CVLC and the client. In these instances, the client is advised that the communications that take place in the presence of the VA staff member may not be protected by attorney-client privilege.

Collaborations with legal service providers. Approximately 25% to 35% of CVLC clients are referred to volunteer attorneys, usually in the community. The CVLC has forged collaborations with other nonprofit legal organizations, the state bar association, local bar associations, the local legal aid office, law school clinics, private law firms, volunteer corporate lawyers, and individual attorneys. More than 150 individual attorneys have generously donated their time and pro bono legal assistance to clients of the CVLC, and their dedication has contributed greatly to the successes of the CVLC to date. The CVLC also works with the Connecticut Bar Association and Yale Law School's Veterans Legal Services Clinic to train volunteer attorneys to assist with veteran-specific legal matters, including veterans' benefits and amending military records. Local law school students perform legal research that assists the CVLC in advising its clients, and local business school students help to improve the budget and strategic plan for the CVLC. The CVLC has had eight law school interns, and currently hosts a law school intern and a high school intern.

Types of Legal Cases

The CVLC provides legal advice, referral, and representation to veterans for a wide variety of legal matters, including criminal and civil matters. Of the 564 distinct legal issues the CVLC has handled so far, issues related to criminal law make up 16% of the CVLC's matters, and civil matters make up the remaining 84%. Most indigent veterans facing criminal charges qualify for free legal assistance from the Division of Public Defender Services in Connecticut, but the CVLC may provide criminal legal assistance for veterans who do not meet the public defender income requirements. The CVLC also handles criminal-related matters such as pardon applications, motor vehicle violations, and probation issues.

The general categories of civil matters handled by the CVLC are described below, arranged by frequency of cases.

Family. Family cases make up 18% of the CVLC's matters. The types of cases handled by the CVLC include divorce, child support, alimony, and custody. Many veterans encounter child support issues when they lose their jobs or suffer significant decreases in income because they do not seek to modify their child support orders to reflect decreased income. If significant child support arrearages accumulate and remain unpaid, the veteran may have his or her income garnished, be subject to a financial institution execution or levy, be held in contempt and potentially jailed, or have his or her driver's license suspended. Family matters can sometimes be difficult to place with a pro bono attorney because many cases that involve custody or divorce battles can be protracted, and require a lengthy commitment and frequent client communication and court appearances. The CVLC also provides advice to some divorce clients on proceeding with *pro se* representation.

Public entitlements. Public entitlement cases make up 17% of the CVLC's matters. The CVLC handles many initial applications and appeals cases for various VA programs, including medical, educational, service-related VA disability compensation, and non-service-connected VA pension. The CVLC also handles VA overpayments (overpayments to veterans by the VA, often a result of receiving concurrent Social Security entitlements) and fee-basis cases (where the VA refuses to reimburse non-VA medical care costs). The CVLC has usually been successful in placing VA benefits matters with pro bono attorneys because of great interest in these types of cases. The CVLC also refers many Social Security benefits cases, including initial applications, appeals, and overpayments. Social Security cases are usually handled by practicing attorneys in the private bar who are paid on a contingency basis.

Housing. Housing cases make up 14% of the CVLC's matters. Typical housing issues include landlord-tenant disputes, evictions, foreclosures, and preforeclosure mortgage modifications. Legal representation in an eviction situation can greatly increase the veteran's ability to stay housed or to access stable housing in the future. An attorney may be able to negotiate an agreement with the landlord that will allow the veteran to maintain his or her current housing, or work out an arrangement whereby the landlord withdraws the eviction action after

the veteran vacates the premises, thus keeping the veteran's record clear of evictions for nonpayment of rent. A record clear of evictions for nonpayment is important because landlords may use that record as a reason not to enter into a lease with the veteran in the future.

Bankruptcy/consumer debts. Bankruptcy and consumer debt cases, including credit issues, make up 11% of the CVLC's matters. Many of the CVLC's clients are "judgment proof" because the type of income they receive (e.g., service-related VA disability compensation or Social Security disability benefits) cannot legally be attached or garnished by creditors, or the amount of wages they earn is below the legal limit for garnishment. An attorney can often help to negotiate decreased payments or waivers based on the veteran's financial circumstances. If the veteran is a good candidate for bankruptcy, the CVLC will refer the client to a volunteer attorney for pro bono representation when appropriate, and otherwise to a bankruptcy attorney who may be paid out of assets in the veteran's bankruptcy estate.

Discharge upgrades. Discharge upgrade cases make up 9% of the CVLC's matters. Military personnel who receive a discharge from the military that is characterized as "other than honorable" are often not eligible to receive VA medical services and benefits. In addition, their discharge record may limit their civilian employability and may stigmatize them among their peers and diminish recognition of sacrifices they made during service. Discharge upgrade is an area in which a successful outcome can have a dramatic impact on a veteran's life. The CVLC worked with Yale Law School's Veterans Legal Services Clinic to create a discharge upgrade training manual (available from authors on request) and has held several training sessions for volunteer attorneys and advocates to help veterans pursue military discharge upgrades.

Employment, estate planning, and tax. Estate planning, employment, and tax cases make up 5%, 4%, and 3%, respectively, of the CVLC's matters. The CVLC and the Connecticut Bar Association have collaborated to produce a series of estate planning events for veterans and their families across the state, during which pro bono attorneys assist veterans with preparing wills, health care proxies, and advance directives. Employment matters handled by the CVLC include unemployment issues,

recovery of unpaid wages and equipment, and unfair labor practices. Tax matters handled by the CVLC include negotiations for manageable payment plans or waivers for back taxes owed.

Future Directions

The CVLC currently does not have empirical data on client outcomes to measure and report the impact of legal services on its clients' lives; it only has anecdotal evidence from veterans and clinicians attesting to the positive impact of the legal center's work. The CVLC hopes to develop these metrics and collect data to evaluate its legal services, assess client satisfaction, and examine the effects of legal services on the mental health outcomes of clients.

The anecdotal successes of the CVLC encourage expanding access and research on legal services for indigent veterans and for those with mental illness. The CVLC model of services may be duplicated by other organizations through seeking similar sources of funding and forging similar relationships with VA facilities, as well as other social service and legal service providers in the community.

Conclusions

This article has described the collaboration between a VA psychosocial rehabilitation program and a nonprofit legal center, located within the VA facility, to assist veterans with mental illness primarily with their civil legal problems. The legal center works closely with VA clinicians and social workers to help eliminate legal barriers that may impede a veteran's recovery and prevent access to stable housing, health care, and income. Experiences of the legal center and the VA psychosocial rehabilitation program suggest that professional assistance with civil legal issues that is available within VA facilities for veterans with mental illness may be beneficial and that this collaboration may serve as a model for others. Future research should examine the extent to which legal issues experienced by veterans with mental illness impact their mental health and recovery, and how mental health programs can most effectively help clients connect to legal services.

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