

U.S. Law Firms and Lawyers Play Key Roles in Supporting the U.S. Military and Veterans*

By: Julie Savarino, Attorney and Managing Director, Business Development Inc.



This article highlights just *some* of the numerous law firms and lawyers throughout the United States who represent, support and/or help the people who help create, protect and defend freedoms - for Americans, their allies, friends and citizens of other nations worldwide.

The key people who are so critical to the freedoms and way of life U.S. citizens enjoy are the military – past, present and future. The U.S. military consists of current troops and service members: Army, Navy, Marines, Air Force, Coast Guard, National Guard and all Reservists; veterans and veterans' organizations such as The American Legion, Veterans of Foreign Wars (VFW), and others; POWs (Prisoners of War); those still MIA (Missing in Action); past and present Judge Advocate General's Corps members (JAGs); and all the other civil servants who are employed by the military and those who support active military service members and veterans worldwide.



Without these millions of people and their commitment, effort, work, sacrifice, service and dedication – as well as the loving support of their spouses, children, parents, friends and other backers – our Republic and democracy as we know it and our cherished freedoms would not exist as they do today. As one member of The Patriot Guard (a group of veterans and other volunteers who honor fallen military heroes nationwide) perfectly summarizes: “America is the land of the free, because of the brave.”

Throughout history, lawyers have played integral roles at many levels to help shape, build, deploy, maintain, manage and support the U.S. military and veterans. For example, in the highest elected role within the U.S. government, President of the United States (POTUS) – who is also the Commander in Chief of the United States Armed Forces – approximately 26 holders of that office were or are lawyers and 21 of them served in the U.S. military (not to mention POTUS Cabinet members, counsel and advisors over the years, many of whom have been or are lawyers).

Today, approximately 20% of the members of the U.S. Congress have served in the military, and approximately 35% are lawyers. Many Senators and Congressmen who are lawyers have worked in outside law firms or as in-house counsel either before being elected to serve or after their government service ends. In addition, many who currently serve or have served in the administrative branches of government (at federal, regional, state and/or local levels) are also lawyers. According to Todd Bresseale, Lt. Colonel (LTC), U.S. Army, who currently serves as a member of the Department of Defense's Office of the Assistant Secretary of Defense at the Pentagon, “Lawyers in the military have always been an invaluable resource but today, more

than ever, they are highly valued advisors to commanders at the tactical, operational, and strategic levels. For instance, in our current efforts in Afghanistan, judge advocates guide our Rule of Law mission, working in the areas of 'courts, cops and corrections' to encourage the development of professional institutions consistent with a healthy democracy."

Private law firms of all sizes and lawyers of all types also help support the military. This may not be in any official governmental capacity, but through formal representation, pro bono representation and efforts, charitable contributions, employment assistance, employee volunteer programs and other ways.

The majority of law firms that formally represent members of the military, veterans and their families are in the small to mid-size range, which allows them to maintain a lower hourly rate structure and more flexibility regarding flat and fixed fees for certain types of legal work needed.

One Michigan-based law firm named Legal Help for Veterans PLLC represents veterans and their families in disability claims such as Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), orthopedic issues, surviving spouse pensions and other issues. Managing Partner Jim Fausone says, "We are a national law firm currently helping almost 1,000 veterans in all 50 states with VA disability claims." Legal Help for Veterans PLLC is unique in that Brigadier General (ret.) Carol Ann Fausone, who served in the U.S. Air Force for 34 years in various capacities, assists in the practice. General Fausone notes, "As a nurse and a veteran, I believe it is critical that the nation keep its commitment to protect those who have protected us by their service." Similar law firms operate in almost every other U.S. state and are organized through the National Association of Veterans' Advocates, among other groups.



Gordon Thomas Honeywell, a Pacific Northwest law firm with offices in Seattle and Tacoma, often represents veterans in employment and discrimination cases. The Uniformed Services Employment and Reemployment Rights Act (USERRA) prohibits harassment, discrimination and retaliation against military members related to their service. In a recent case, a federal jury in Seattle awarded over \$900,000 to a U.S. Army

National Guard member and found that her employer had engaged in willful discrimination and harassment based on her military service. The sergeant was fired from her position of 10 years when it was learned that she was set to deploy for active service in Iraq. The sergeant's attorneys, James Beck and Andrea McNeely (partners at Gordon Thomas Honeywell), were pleased with the verdict. "This is a vindication of the rights of our client and those like her who make sacrifices in their civilian lives to serve our country," says McNeely. "Our firm is proud to support our veterans, and we achieve that through our quality legal representation, community involvement and philanthropic contributions," says Kathleen Carlson, Director of Marketing at Gordon Thomas Honeywell.

For lawyers whose practice already includes representing members of the military and/or veterans or for those lawyers/law firms interested in doing so, the American Bar Association (ABA) website offers over 7,000 resources which can be accessed by visiting the site and typing "Veterans" in the search bar. According to the Chairman of the Military Committee of the ABA's Family Law Section, Phillip Tucker (founder of the Tucker Law Firm, based Edmond Oklahoma), "Also, many state bars have developed either heroes' and/or heroes' and veterans' assistance programs, such as the state bars of Oklahoma, Georgia, Texas and North Carolina, to name a few."



Pro bono representation opportunities to help veterans and their families abound. For example, the case of *Snyder v. Phelps*, which was heard by the Supreme Court of the United States (SCOTUS) in 2009, was undertaken completely pro bono by the Pennsylvania law firm of Barley Snyder. The case originated in 2005, when Albert Snyder, the father of deceased Lance Cpl. Matthew Snyder, approached the firm asking if they would help him sue Fred Phelps, his family and their "church" for their vile, vicious and cruel protest of his son's military funeral. "Once this case was accepted by SCOTUS, I and many other veterans were quick to fully support Al Snyder and his

lawyers in their efforts to protect the sanctity of military funerals," says Larry L. Twitchell, Major General, USAF (ret.). In 2010, while SCOTUS found against Al Snyder on First Amendment grounds, he was ultimately victorious because on August 6, 2012, POTUS signed a new law containing a provision prohibiting all military funeral protests nationwide two hours before and two hours after any such service.

Larger law firms also represent veterans. For example, Steptoe & Johnson partner Stephen Fennell, Chair of the firm's Litigation Group, serves as lead counsel for his firm which since 2002 has represented Gulf War POWs in a contentious, high-profile lawsuit against Iraq for damages arising out of the torture of the POWs while they were in captivity. In 2003, in the U.S. District Court, District of Columbia, Judge Richard Roberts ruled that the Iraqi defendants were liable for almost \$1 billion U.S. dollars in damages, stating in his ruling, "No one would subject himself for any price to the terror, torment, and pain experienced by these American POWs," and "there must be a premium on protecting POWs [because] POWs are uniquely disadvantaged and deterring torture should be of the highest priority." This ruling in favor of the POWs and their families was unfortunately challenged at length by the Department of Justice (DOJ) and other government agencies and officials. Finally, in mid-2011, after extensive negotiations between the U.S. and Iraq, and meetings with and between POWs' counsel and members of Congress, a settlement agreement was reached for Saddam Hussein-era claims against POWs. Stephen Fennell, lead counsel for the POWs in this case states: "This settlement allows the POWs families finally to achieve closure and sends a message of deterrence against the torture of future American POWs."

At the grass roots level, law firms around the country participate in Adopt the Troops/Solider/Platoon campaigns. For example, the Pacific Northwest-based law firm of Cairncross & Hempelmann had a firm employee whose family member was serving as a Marine with a platoon stationed in Iraq. The firm informally “adopted” the platoon for the holidays (and beyond), which included contacting local military organizations to learn what they could send in “care packages,” how to send them and where. Also, over the years, the firm has had a number of veterans and/or U.S. reserve members as employees. In addition to ensuring that those employees are accommodated for their annual service time, the firm has also shown its support for military personnel and their families by providing financial help to organizations that support them. For example, in 2006, the firm made its annual holiday donation to Army Family Services, a program administered out of the Lewis/McCord USA-USAF Base. Their donation helped active-service military families with financial, housing and other assistance such as the purchase and delivery of holiday meals.

Law schools around the country also support veterans. A number of law schools (including Harvard) provide scholarships and/or tuition assistance for veterans, and several law school clinical programs provide training to help veterans handle VA benefits claims and appeals.



Every lawyer, law firm, law firm and legal industry employee can help support U.S. troops and veterans if they so desire. There are many great ways to do so, and many efforts/charities/groups exist. In addition to those mentioned above, another solid veterans’ organization is Team Red White & Blue (www.teamrwb.org), which works to transform the way wounded veterans reintegrate into society when they return from combat and leave the service. Other excellent and bona fide pro bono and/or volunteer programs that support veterans can be found by contacting: The American Legion (<http://www.legion.org/troops/volunteer>); the VFW (<http://www.vfw.org/Community/Get-Involved/>); the ABA (www.americanbar.org) and/or state bars. To volunteer and/or donate in the most productive manner, be sure to first verify the group/organization (because not all veterans’ charities/organizations use/apply their donations legitimately). Websites to visit to verify charities’ track records include: the American Institute of Philanthropy, Charity Navigator and/or GuideStar.

*This article is not intended to be 100% complete or exhaustive. It contains representative information known to the author at the time of publication and as space allowed.

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