



THE VETERANS CONSORTIUM
PRO BONO PROGRAM

Free LEGAL REPRESENTATION

AT THE U.S. COURT OF APPEALS FOR
Veterans Claims

FOR QUALIFIED VETS AND THEIR FAMILIES

Veterans Consortium Pro Bono Program

The Pro Bono Program is dedicated to providing every qualified veteran or their family with free legal representation before the U.S. Court of Appeals for Veterans Claims. **Our services are 100% free. No one from the Pro Bono Program will ever ask you for money or any portion of your benefits.** If you have a legally viable claim, qualify financially and you wish to have a lawyer represent you, we will provide a lawyer trained in veterans law — completely free of charge.

Since the creation of our grant by Congress in 1992, the Pro Bono Program has matched more than 3,600 veterans with lawyers to assist them with their appeals. We have recruited and trained almost 3,000 volunteer lawyers all over the country.

Consortium Partners



They fought for us, now we'll fight for them.

If you are assisting a veteran or family member who has been denied VA benefits by the Board of Veterans' Appeals (BVA), they have the right to appeal that decision to the U.S. Court of Appeals for Veterans Claims (Court). The Pro Bono Program can assign a volunteer lawyer to help qualifying veterans and their families navigate the Court's rules and procedures—completely free of charge.

Our services are 100% free. No one from the Pro Bono Program will ever ask your clients or their families for money.

As you may know, the appeals process can be confusing. Appellants have plenty of questions prior to filing their appeal: How do they file an appeal? Is there a deadline? Do they need a lawyer? What if the case is turned down for being too small — or too big?

The grant for the Veterans Consortium Pro Bono Program (Pro Bono Program) was created by Congress for the sole purpose of identifying veterans and their families who qualify and providing them with **free** legal representation before the U.S. Court of Appeals for Veterans Claims.

This brochure provides current information about the entire appeals process. If you or your client prefer to contact a member of our staff, please call us toll free at **888-838-7727**, or email mail@vetsprobono.org.



I gave my life for the country, and if another vet is out there and has a kid in the same condition, I want them to know that help exists.

-[Vietnam Veteran]



**“Wonderful—
there are so many
veterans that are
not able to afford
attorneys and
this program
is truly a
blessing.”**

—[US Army Veteran
who served during

Whom Does the Pro Bono Program Help?

Eligibility

It is important for you and your clients to understand who qualifies for free representation through the Pro Bono Program. The list below outlines our eligibility guidelines.

All of the following criteria must be met:

- Veteran or a qualifying family member of a veteran with an honorable discharge;
- Received an adverse decision from the Board of Veterans' Appeals (BVA);
- Appealed that BVA decision to the U.S. Court of Appeals for Veterans Claims (the Court);
- Does not have a lawyer;
- Meets our financial eligibility guidelines; AND
- Has at least one viable issue to be argued before the Court

Who is NOT Eligible?

- Veterans who haven't been denied benefits by the BVA
- Veterans who have not yet filed an appeal with the U.S. Court of Appeals for Veterans Claims (though we can help them file their appeal)
- Veterans whose case is still under review by the Board of Veterans Appeals
- Veterans whose case is still under review or has

FILING AN APPEAL

When should the veteran or family member file an appeal?

If the BVA has recently denied a veteran's claim for benefits, their case doesn't have to be over. A veteran has the right to appeal the BVA's decision to the U.S. Court of Appeals for Veterans Claims, a special Federal court for veterans and their families. The Court is a separate, independent body. It is NOT part of the VA. Note: *They only have 120 days from the mailing date of their BVA decision to file an appeal. (In very rare circumstances there are exceptions to this deadline.)*

How do they file an appeal?

Your client doesn't need a lawyer to file an appeal. They can do it themselves, or with your help, simply by filling out the Court's Notice of Appeal Form (Form 1). There's a \$50 filing fee, but they can request the Court to waive the fee by filing a Declaration of Financial Hardship Form (Form 4). They may also request the forms from the Court or from the Pro Bono Program. (See page 9 for more information on filing an appeal.)

Why do they need a lawyer?

There's no requirement to have legal representation during an appeal. However, the likelihood of success increases tremendously if the veteran has a lawyer and they will be at a significant disadvantage without one. A lawyer will guide them through the system and help make the best arguments for their case. The Court has specific rules and procedures unfamiliar to many. Additionally, they will be facing a lawyer from the VA who is an expert in veterans' benefits law.

We strongly recommend that appellants take advantage of a lawyer's services, whether the veteran chooses a Pro Bono Program lawyer or a private lawyer.

If your client has not yet filed an appeal and it has been less than 120 days since they received a denial of benefits decision from the BVA, see Page 9 for step-by-step instructions for filing an appeal.

To order free *About Your Appeal* booklets for your clients, please call us at **888-838-7727** or email mail@vetsprobono.org.

We are not a “last resort,” and there is no requirement that other lawyers turn them down before the veteran contacts us. We will evaluate their case at their request, whether other lawyers have turned them down or not.

How the Pro Bono Program can help veterans and their families

If you know a veteran or qualified family member of a veteran who had a claim that was denied by the BVA, we will try to help them. At their request, we will review their case, determine its merits, and then we may assign a volunteer Pro Bono Program lawyer to represent them at the U.S. Court of Appeals for Veterans Claims.

We will take a case of any size. There is no case that is too large or too small.

Even if the case seems very complex, we can still help. We have lawyers with a variety of experience and will match the veteran with a lawyer who is well-trained in the legal issues regarding the Veteran's benefits.

If the veteran has been told their case has no merit, we will evaluate the case for them (still at no charge), and determine how we can help. If we cannot identify an issue that makes it a viable case, we will still try to give the veteran information or suggestions about their case.

It is important for your clients to know that Pro Bono Program services are not automatically assigned. They must request, and then qualify for, assistance.

Is the Pro Bono Program experienced with veterans' law appeals?

YES! The Pro Bono Program staff is experienced with veterans' law appeals.

Our volunteer lawyers receive specific training to handle veterans' law appeals.

Will the appellant be charged a fee?

NO. The Pro Bono Program will **never** charge a fee and will never ask for a portion of a veteran's benefits.

Will the Pro Bono Program take their case?

Probably. If a veteran or family member meets our eligibility requirements, we will refer their case to a volunteer lawyer who will represent them at the Court.

Are you affiliated with other veterans' organizations?

YES! We were founded by four national veterans service organizations: The American Legion, the Disabled American Veterans, the National Veterans Legal Services Program, and the Paralyzed Veterans of America. Representatives from each VSO are active on our Executive Board.



“This is an outstanding service. I can't believe that it is really free. My attorney is a very professional gentleman...I don't know what I would have done without him.” -[U.S. Army Veteran]

How the Pro Bono Program Works

If your client is a veteran or a qualified family member of a veteran and has had a case denied by the Board of Veterans Appeals, we will try to help them.

If your client files a case at the U.S. Court of Appeals for Veterans Claims, they can request a volunteer lawyer from the Pro Bono Program. Please refer to our website at www.vetsprobono.org/veterans-family-members/apply-for-services/. There they can download the three forms to fill out:

A. Engagement Agreement and Power of Attorney — This gives us legal permission to review the case and potentially represent them. We can't review the case until this form is received.

B. Financial Disclosure — This enables us to determine their financial eligibility for free representation.

C. Demographic Information — This allows us to better serve more veterans in the future but is not required, nor does it affect our decision to provide representation.

After the forms are received, the case is read by our experienced lawyers and if it is determined to contain a viable claim, the Pro Bono Program will assign a free lawyer to represent them. This person will be with them throughout the appeals process at the Court.

If we assign the case to a lawyer, the lawyer will contact him or her directly. The lawyer may or may not be located in the same area, but your client will be able to speak to them by phone or contact them by mail/email.

If their case is sent back to the BVA, the veteran may find it helpful to have someone assist them with their remand. They may ask the Pro Bono Program lawyer if he/she will continue with the case. If he/she doesn't, which is often the case, the Pro Bono Program recommends that the veteran contacts you, as the veteran's service officer, to continue the representation at the VA levels.

If your client has already spoken to a lawyer, the Pro Bono Program can still evaluate the case UNLESS they have signed a retainer agreement — a contract — with the lawyer. If they have already retained a lawyer, the Pro Bono Program cannot evaluate the case, or even discuss it with them. Their lawyer will represent them unless they decide not to continue with him/her and if so, they must talk to their lawyer about canceling their agreement.

If we cannot find a viable claim in the case that will allow the Pro Bono Program to assign a volunteer lawyer to represent them, someone on our staff — a case management lawyer or a veterans law specialist — will still be available to answer questions about the case.

If you or your client have questions about the process, how to get started, or evaluating their case, you are both welcome to call us at 888-838-7727 or email us at mail@vetsprobono.org. Or you can go to www.vetsprobono.org for more information and to obtain forms needed to apply for our services.

"Thanks very much for your **diligence and care** on my case. I'm sure I speak for all veterans in thanking the Pro Bono Program for the **great job they do.**"


-[Veteran who served in the late 1960s]



Your client can Apply for Services or get more information at our website: vetsprobono.org, call us at 888-838-7727 or email mail@vetsprobono.org.

**The Pro Bono Program
does NOT provide legal
assistance with:**

- Original claims at a local VA Regional Office
- Appeals pending before the BVA
- Military justice (criminal) matters or civilian criminal matters
- Military discharge upgrades
- Military or naval correction board cases
- Physical disability evaluation cases
- Federal Tort Claims Act cases (e.g., medical malpractice)
- Domestic relations issues
- Foreclosures
- Landlord-tenant disputes
- USERRA cases (e.g., reemployment rights)
- Americans with Disabilities Act (ADA) cases
- Class actions



"I am so very grateful to [my lawyer].... I think the Veterans Consortium Pro Bono Program is a **great pro bono program. Continue the good work...[I]f I did not have your representation, I don't know how it would have turned out."**

- Widow of Cold War Veteran

HOW TO FILE AN APPEAL

1. Go to the Court's website

www.uscourts.cavc.gov/appeal.php (or call the Court at 202-501-5970 and request Forms 1 and 4).

2. Complete the Court's Form 1—"Notice of Appeal."

www.uscourts.cavc.gov/documents/Rules_of_Practice_and_Procedure_effective_Sept_15_2011_-_Form_1.pdf

3. There is a \$50 filing fee.

The Veteran can ask the Court to waive the fee by filing the Court's Form 4—"Declaration of Financial Hardship."

4. Mail the completed form(s) to:

Clerk of the Court

U.S. Court of Appeals for Veterans Claims

625 Indiana Avenue, N.W., Suite 900
Washington, DC 20004-2950

Phone: 202-501-5970

Fax: 202-501-5848

Email: e-submission@uscourts.cavc.gov

(Note: Forms 1 and 4 must be attached as separate PDF files if you file both at the same time.)

SPECIAL CASE.

If the deadline is getting close, the claimant can simply print their name, address and telephone number on a piece of paper and write: "I want to appeal my BVA decision dated _____."

Then mail or fax that paper to the Court. (The postmark will be the filing date, so don't use FEDEX or UPS.)

Don't forget to include "Suite 900." If the Postal Service delivers your appeal to the wrong address, you can lose your chance to appeal!



Getting Started with the Pro Bono Program

If you'd like the Pro Bono Program to review your case, you will need to fill out and return our forms.

Form		Purpose	Do I need to fill out this form?	What do I do with the forms after they are filled out?
A	Engagement Agreement and Power of Attorney	Gives us your legal permission to review your case and potentially represent you. We can't review your case until we receive this form.	Yes if you'd like the Pro Bono Program to review your case to see if you qualify for a volunteer lawyer.	<i>Mail, fax, or email the forms to:</i> The Veterans Consortium Pro Bono Program 2101 L Street, NW Suite 420 Washington, DC 20037 FAX 202 628 8169 EMAIL intake@vetsprobono.org
B	Financial Disclosure	Enables us to determine your financial eligibility for representation.	Yes if you'd like the Pro Bono Program to review your case to see if you qualify for a volunteer lawyer.	
C	Demographic Information	Allows us to better serve more veterans like you in the future.	No filling out this form is optional and will not affect the outcome of any decision.	

The Veterans Consortium Pro Bono Program is dedicated to providing every qualified veteran or their family with free legal representation before the U.S. Court of Appeals for Veterans Claims. *Our services are 100% free. No one from the Pro Bono Program will ever ask you for money or any portion of your benefits.* If you have a legally viable claim, qualify financially and you wish to have a lawyer represent you, we will provide a lawyer trained in veterans law — completely free of charge.

The Veterans Consortium
 Pro Bono Program
 2101 L Street, NW
 Suite 420
 Washington, DC 20037
 FAX 202 628 8169
 EMAIL intake@vetsprobono.org
 Find us online at:
www.vetsprobono.org

Consortium Partners





THE VETERANS CONSORTIUM
PRO BONO PROGRAM

Engagement Agreement and Power of Attorney

I wish to be represented by a lawyer before the U.S. Court of Appeals for Veterans Claims through The Veterans Consortium Pro Bono Program (the "Program"). I understand that to find out if I qualify for a pro bono (free) representative under the Program, my case must first be evaluated. I agree to be represented by the Program for the limited purpose of evaluating my case. I understand that I will not be charged a fee and I can withdraw from the Program in writing at any time.

Consent to Release of Information: I give my consent for the Program, or a lawyer(s) participating in the Program as my representative, to review, and make copies of any material contained in my claims file in the custody of the Department of Veterans Affairs; and/or the custody of the U.S. Court of Appeals for Veterans Claims. I also authorize the aforementioned persons participating in the Program to obtain copies of documents or files maintained by the national veterans service organization (if any) that assisted me with my claim(s) at either the VA Regional Office or the Board of Veterans' Appeals. I further authorize my representative to accept such materials and documents in any format, to include computer discs and other digital or electronic formats. If this material includes information (protected under 38 U.S.C. § 7332) about drug abuse, infection with the human immunodeficiency virus (HIV), alcoholism or alcohol abuse, or sickle cell anemia, I specifically consent to that disclosure as well. To permit this, and for no other purpose, I waive my rights under the Privacy Act, 5 U.S.C. § 552a(b), and under any other federal or state law or regulation that controls access to my records.

MAIL, FAX, OR EMAIL
THE FORMS TO:

**The Veterans
Consortium
Pro Bono Program**

2101 L Street NW
Suite 420
Washington, DC 20037

FAX
202 628 8169

EMAIL
intake@vetsprobono.org

FIND US ONLINE AT:
www.vetsprobono.org

Signature _____ Date _____

Printed Name _____

Veterans Service Organization I was assisted by at the Board (Use DAV, TAL, PVA, VVA to designate organization or enter full name if not listed)

Representative's Name (if known) _____

Six-Digit Court of Appeals Docket Number: -

Your Street Address _____

City/State/Zip Code _____

Home Number _____ Cell Number _____

Your E-mail Address (Optional) _____

Preferred method of contact: _____ Phone _____ Email _____ Mail

**DO NOT SEND THIS
FORM TO THE COURT**

Form A



Financial Disclosure

If you'd like the Pro Bono Program to review your case you must financially qualify for assistance from the Program. Please indicate your choice below.

Note: Filing a Declaration of Financial Hardship with the Court constitutes a request for waiver of the \$50.00 filing fee.

OPTION 1: I have already sent a Declaration of Financial Hardship (DFH) to the Court.

Please sign and date at the bottom and submit this form to The Pro Bono Program.

OPTION 2: I will send the Declaration of Financial Hardship (DFH) to the Court.

The DFH form can be found at
http://www.uscourts.cavc.gov/forms_fees.php

Please sign and date at the bottom and submit this form to The Pro Bono Program.

To qualify you and your dependents must live on less than double the poverty level based on your current employment income.

OPTION 3: I have paid or will be paying the \$50 filing fee at the Court.

Please answer the following questions. We do not need to know the value of your assets or the amount of any disability, welfare, pension, social security, or other federal, state, or local benefits you receive. They are not considered in determining your financial eligibility. It is based only on your employment income.

Are you now employed?

YES, my gross income is \$ _____ monthly.

My employer is _____

NO, my last date of employment was _____

If your last employment ended less than a year ago, what was your gross monthly salary or wage? \$ _____ monthly

Do you have family living with you or for whom you provide financial support?

YES, I've listed the information below

Name/Relationship/Age

Name/Relationship/Age

Name/Relationship/Age

Name/Relationship/Age

NO

Mail, fax, or email the forms to:

The Veterans Consortium
Pro Bono Program
2101 L Street, NW
Suite 420
Washington, DC 20037

FAX 202 628 8169
EMAIL intake@vetsprobono.org

Find us online at:
www.vetsprobono.org

DO NOT SEND THIS FORM TO THE COURT

I state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date

Signature

Print Name

Form B



Demographic Information

In response to requirements of our federal grant, the Veterans Consortium Pro Bono Program requests the following demographic information from those appellants who seek our assistance. This data is collected and compiled for grant purposes only.

This information is *optional* and *will not be used to determine eligibility for Program services*. You will not be denied the Pro Bono Program services on the basis of race, color, sex, sexual orientation, creed, national origin, age, religion, political affiliation or belief, or disability.

Please provide the following information:

1. Are you the appellant: Male Female
2. What is your age at the present time:
 under 18 between 18-59 60 or over
3. Describe your ethnic background:
 Caucasian (white; non-Hispanic origin)
 Black (non-Hispanic origin)
 Hispanic origin
 Native American
 Asian/Pacific Islander
 Other/Mixed Race

*Mail, fax, or email
the forms to:*

**The Veterans Consortium
Pro Bono Program**
2101 L Street, NW
Suite 420
Washington, DC 20037

FAX 202 628 8169
EMAIL intake@vetsprobono.org

Find us online at:
www.vetsprobono.org

**DO NOT SEND THIS
FORM TO THE COURT**

Form C