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Returning From War

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The newest entry into an emerging nexus of legal work on behalf of military personnel and their families affected by wars in Afghanistan and Iraq is the Veterans Rights Project, set to open in April at the Urban Justice Center in lower Manhattan.

Rachel Natelson, 33, a family law specialist with the Queens office of Legal Services, is director of the new initiative. She recently was named winner of the center's "Innovations in Social Justice Award," which carries with it \$100,000 in seed money.

In a mission statement, Ms. Natelson said today's veterans have been "abandoned by the very system of government they defend in battle." She vowed to advocate on their behalf in matters such as "the unjust and abuse-ridden claims application process, the lack of accountability for recruiting irregularities and sexual

harassment and the persistence of the ill-conceived 'Don't Ask, Don't Tell' policy."

Ms. Natelson's project joins a handful of like-minded initiatives around the country, including the Veterans Legal Clinic at the New York City Bar Association. That program, announced in October, involves 10 commercial firms in pro bono service to low-income service members returning from the Middle East, some of whom are suffering profound physical injuries and/or grave mental health conditions that can result in homelessness ([NYLJ, Oct. 26, 2007](#)).

The severity of problems faced by today's returning soldiers is not disputed in Washington, D.C., where the U.S. Department of Veterans Affairs is mandated by statute to "ensure that the provision of care to enrollees is timely and acceptable in quality."

In recent years, for instance, the Government Accountability Office, the nonpartisan investigative arm of Congress, has issued reports based on U.S. Defense Department data showing that military recruiters have engaged in irregularities such as coercion and document falsification leading to substantial spikes in civil and criminal violations. In 2006, the GAO reported a 50 percent increase in sexual assault and harassment directed against female cadets at The Citadel military academy in South Carolina.

And last June, the Defense Department's Task Force on Mental Health published a report that found psychological needs of combat service members and their families was "daunting and growing."

Working with bipartisan congressional staff members and Pentagon officials, the Washington-based Veterans for America (formerly the Vietnam Veterans of America

Foundation) published a report titled "Fort Drum: a Great Burden, Inadequate Assistance." It dealt with the U.S. Army base in upstate New York, whose soldiers rank as the most deployed in the nation.

Last year's returnees experienced "severe stress, emotional, alcohol or family problems" at a rate 85 percent higher than that of 2005, according to the report, which cited 2006 statistics gathered by the U.S. Army Medical Command.

According to a joint statement from the city bar committees on mental health and veterans affairs, service members experience high rates of post-traumatic stress disorder due to "lengthy and multiple tours of duty, decreased mortality rates and traumatic brain injuries."

The groups claim that accessing available treatments and assistance seems now to require that service members engage legal counsel. But counsel is also limited, due largely to Civil War-era federal statutes prohibiting lawyers from accepting fees from veteran clients until late stages of a claims process administered by Veterans Affairs.

The fee prohibition, according to Ms. Natelson's mission statement, "virtually eliminates the ability of claimants to retain paid counsel early enough to ensure that their case records are fully and fairly developed."

As a practical matter, service members must rely on a few law campus clinics around the country offering legal help to veterans or initiatives such as the city bar program and the soon-to-launch Veterans Rights Project.

Word Is Spreading

William M. Bagliebter, a Reed Smith partner and a participant in the city bar's Veterans Legal Clinic, said an increase in veterans watchdog agencies, along with campus clinics and other legal initiatives for veterans, constitute good news.

"There does seem to be a number of [legal] projects springing up, and that's great," he said.

Last November, the city bar held its first intake session for about 20 veterans. Two successive sessions, one of which was held early this month, have involved about 50 more.

"With each one, we're getting more calls," said Mr. Bagliebter. "The word seems to be spreading."

Michael Taub, staff attorney with the Homeless Advocacy Project of Philadelphia, works with the city bar program. He said that "overworked employees" at Veterans Affairs and other federal bureaucracies welcome the development, betting that more lawyers involved in submitting claims will reduce wrongful denials and eliminate errors and misunderstandings that bog down the system.

Ms. Natelson, acknowledging that she and many of her colleagues in public service law are political progressives generally opposed to current administration policy, nevertheless said in an interview earlier this week that it is important to "put aside the issues of how we got into war and consider the matters of human rights and worker rights" to effectively represent veterans and their families caught up in an "overloaded and antiquated system" of benefits administration.

"Shunned equally by conservatives wary of entitlements and progressives disheartened by military spending," she wrote in her mission statement, "the

veteran population . . . contends with a frayed social safety net [and a lack of] political will to repair it."

However, a number of bills have been introduced in both houses of Congress during the past several years, variously sponsored by Democrats and Republicans, that would see a "21st Century G.I. Bill of Rights" to provide post-9/11 veterans with educational, entrepreneurial, disability and health benefits. None have passed yet.

'A Huge Need'

Last October, the Urban Justice Center's executive director, Douglas Lasdon, invited practitioners and graduating law students to compete for the \$100,000 grant by submitting proposals for "extraordinary ideas" that "I could not imagine myself." Ms. Natelson's proposal, one of a dozen, met that call.

"It's a great idea. It's an important idea," said Mr. Lasdon. "I was bowled over. There's a huge need. Even though a number of groups exist to help service men and women, and veterans, very few have legal resources."

Mr. Lasdon said the center's project would seek to dovetail its work with the city bar's pro bono program, as well as reach out to veterans groups that lack legal components.

Ms. Natelson's grant came from funds won in the Southern District matter of *Roe v. City of New York*, 00 Civ. 9062, in which the justice center, with pro bono help from Debevoise & Plimpton, successfully claimed violation of constitutional rights involving the arrests of participants in a hypodermic needle exchange program authorized by the New York State Health Department. In settling the case, Southern

District Judge Robert W. Sweet awarded the center attorney's fees of \$100,000, which Mr. Lasdon directed to Ms. Natelson's winning idea.

Beyond the first year to 18 months, said Mr. Lasdon, "we'll need to do some fundraising" to sustain the Veterans Rights Project, which might require a name change by April in order to encompass anticipated representation for active-duty service personnel.

By whatever label, Ms. Natelson will have to navigate a federal maze she said "routinely erects obstacles to access" and "systematically undermines meaningful review" throughout all three levels: initial inquiry through the Veterans Benefit Administration, the appellate stage at the Board of Veterans Appeals, and finally the U.S. Court of Appeals for Veterans Claims.

Art Background

An art history major during her undergraduate years at Yale University, Ms. Natelson worked at a number of cultural institutions, including the Metropolitan Museum of Art and the Museum of Modern Art, before going off to New York University School of Law, where she graduated in May 2006.

She said she first thought she might apply the law to her art background, but that "I had no affinity for transactional legal work."

Ms. Natelson's father and step-mother, as it turned out, inspired her to apply for the justice center grant.

Benjamin Natelson is a neurologist at the University of Medicine and Dentistry of New Jersey, in East Orange, where his wife and colleague, Gudrun Lange, is a

psychologist with the War-Related Illness and Injury Study Center.

Ms. Natelson said of her step-mother, who works in part for the Veterans Affairs office, "She goes on troop deployments. She tells me how outraged she is about these really young people becoming ill."

Ms. Natelson added, "Mental illness is especially difficult. It's not like you can point to your leg and say, 'I'm wounded.' The longer mental illness goes untreated, the worse it gets."

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