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EXECUTIVE SUMMARY

This analysis aims to describe the perceived gaps in legal services among Louisiana Veterans and how the legal community can promote an increased access to the legal system through continued state, nonprofit and philanthropic partnership. This paper focuses on three present gaps in legal services and benefits-related programs that commonly serve as barriers to Veterans in Louisiana. This paper recognizes concerns among Veterans with a history of military or war-time exposures and highlights the importance of continuously developing ongoing community-based approaches to improve the outcome for veterans in the community.

I. GAPS IN LEGAL RESOURCES

Veterans face a unique set of challenges that arise due to the separation from military service and the transition back into civilian life. The loss of cultural and structural support that service in the Military offered can create re-adjustment related issues that may compound physical and mental health trauma experienced during service. This population group shares similar legal issues experienced with the civilian population, including unemployment, family law disputes, criminal justice encounters and housing stability. Additionally, they may face challenges with their discharge status and benefit related claims that directly impact their financial and housing stability.

In 2023, seven out of the top ten highest unmet needs of homeless veterans were legal issues including:

- Legal assistance for credit issues/debt collection;
- Legal assistance to expunge a criminal record;
- Family law matters;
- Legal assistance for tax issues;
- Legal assistance for Child Support Issues;
- Legal assistance for court fees/court fines;
- Administrative assistance with discharge upgrade appeals.¹

In 2021, 76% of low-income Veteran households reported a civil legal problem and 44% experienced at least five civil legal problems.²

Legal issues have a direct compounding effect on the wellbeing, overall health, and stability of Veterans. Veterans have an increased risk for homelessness due to risk factors unique to them including problematic military discharges, low military pay grade, social isolation and increased risk for substance abuse.³ Veterans experiencing housing instability and struggling with access to

¹ U.S. Dep't of Veterans Affairs, *Fact Sheet: Community Homelessness Assessment, Local Education and Networking Groups* (CHALENG) (2023)

² Legal Services Corporation, *The Justice Gap: The Unmet Civil Needs of Low-Income Americans* 10, 41, 55 (April 2022).

³ Tsai J, Rosenheck RA. Risk factors for homelessness among US veterans. *Epidemiol Rev.* 2015;37:177–195. doi: 10.1093/epirev/mxu004. https://europepmc.org/abstract/MED/25595171_mxu004 - DOI - PMC - PubMed

mental health services, substance abuse treatment and legal assistance can worsen the cycle of instability and isolation. Veteran suicide mortality is another area of concern among this population.⁴

Although federal and state resources exist to provide services for Veterans, the unmet legal needs are services that the federal and state government are unable to provide directly. This emphasizes the importance of collaboration between nonprofit and philanthropic organizations in bridging some of these identifiable gaps.

Why do gaps exist?

Limitations in funding for nonprofit and philanthropic organizations aimed at serving underrepresented populations directly impact the ability of these organizations to provide essential legal services. Whether this comes from the inability to hire and retain legal staff or expand services in areas with less access to resources, this ultimately leads to an exhaustion of already strained services. Veterans are part of low-income groups that legal assistance organizations aim to support.

There is no doubt that legal resources exist in Louisiana, but the relationship between federal and state government resources serve more as intermediaries to connect Veterans with nonprofit and philanthropic organizations to handle specific legal issues. As nonprofit legal organizations rely on funding from federal, state and community fundraising, these financial sources can be inconsistent and fluctuate year to year. These groups are vital in addressing the needs of low-income Veterans, continued support and funding are necessary to improve overall Veteran outcomes.

The COVID-19 pandemic exacerbated the needs for legal services and highlighted the need for continuous development and access to legal aid programs in Louisiana.⁵ There is value in continuously evaluating and identifying gaps in resources. Identification of gaps and building on the programs and services in place to develop veteran specific approaches will only serve to improve the outcome for Veterans in Louisiana.

Louisiana Veteran Demographics

Current data from the United States Census Bureau estimates that Louisiana is comprised of 211,067 Veterans making up approximately 6% of the population in the state. The figures below illustrate the breakdown for the period of service.

⁴ The “2023 National Veteran Suicide Prevention Annual Report” provides information regarding suicide mortality among Veterans from 2001 through 2021, with data since the onset of the COVID-19 pandemic in March 2020. The report documents an increase in Veteran suicides rates in 2021 while putting into context the data obtained after the COVID-19 pandemic.

⁵ “LSC Survey Finds Major Impact of COVID-19 Pandemic on Legal Aid” (July 24, 2020)

Figure 1: Louisiana Service Members

<i>Period of Service</i>	<i>Estimate</i>
<i>Gulf War (9/2001 or later) veterans</i>	55,486
<i>Gulf War (8/1990 to 8/2001) veterans</i>	53,275
<i>Vietnam era veterans</i>	73,044
<i>Korean War veterans</i>	7,513
<i>World War II veterans</i>	649

A significant aspect of this population group is related to their disability status. More than 1.5 million of the nearly 3.8 million Veterans in the U.S. Armed Forces since September 2001 have a service-connected disability.⁶ The number of disabled veterans has risen due to medical advances increasing the likelihood of survival for once-fatal injuries.⁷

The U.S. Department of Veterans Affairs classifies a disability as service-connected, if it determines service in the armed forces caused or aggravated an injury or illness.⁸ The effects of these disabilities can extend to areas where legal intervention occurs such as navigating housing stability issues, unemployment disputes, disability benefits and access to physical and mental health services.

The intersection between military service-related disabilities and economic hardship leading to Veterans living below the poverty line are shaped by various factors often related to the re-integration into civilian life. Veterans and non-Veterans with a disability (i.e., a physical or mental condition that limits a person's movements, senses, or activities) are more likely to be among the working-poor than those who are non-disabled.⁹

As depicted in Figures 2 and 3, the latest data broken down by parish shows a significant portion of the Veteran population living below the federal poverty line.

⁶ *Who Are the Nation's Veterans?* (census.gov)

⁷ *Id.*

⁸ <https://www.benefits.va.gov/compensation/>

⁹ U.S. Dep't of Veterans Affairs, *The Veteran Working-Poor: The Relationship between Labor Force Activity and Poverty Status* (November 2017)

Figure 2: Percentage of Louisiana Veterans living in poverty

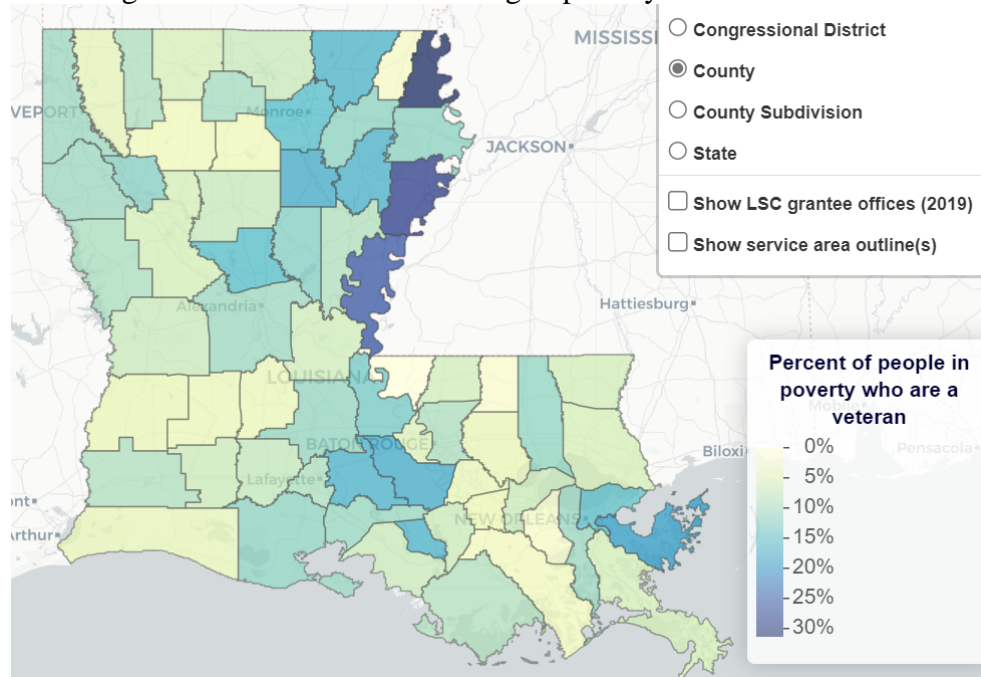


Figure 3: United States Census Bureau¹⁰

Census Data American Community Survey 2021: Louisiana				
Parish	Number of veterans	Number of veterans with income below poverty	Number of veterans with a disability	Percent of veterans with a disability
Acadia Parish, Louisiana	2,006	165	768	38.3%
Allen Parish, Louisiana	833	28	210	25.2%
Ascension Parish, Louisiana	5,825	276	1,684	28.9%

¹⁰ Original data collected from data.census.gov.

Veteran Status: U.S. Census Bureau; 2021 American Community Survey 5-year Estimates, [Table S2101: Veteran Status](#).

Veteran Poverty: U.S. Census Bureau; 2021 American Community Survey 5-year Estimates, [Table S2101: Veteran Status](#).

Veteran Disability: U.S. Census Bureau; 2021 American Community Survey 5-year Estimates, [Table S2101: Veteran Status](#).

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Assumption Parish, Louisiana	1,180	91	391	33.1%
Avoyelles Parish, Louisiana	1,769	121	546	30.9%
Beauregard Parish, Louisiana	3,210	139	1,201	37.4%
Bienville Parish, Louisiana	562	19	274	48.8%
Bossier Parish, Louisiana	9,858	502	2,480	25.2%
Caddo Parish, Louisiana	15,103	1,609	4,415	29.2%
Calcasieu Parish, Louisiana	12,725	1,207	4,202	33%
Caldwell Parish, Louisiana	430	71	178	41.4%
Cameron Parish, Louisiana	263	13	50	19%
Catahoula Parish, Louisiana	442	40	174	39.4%
Claiborne Parish, Louisiana	708	39	187	26.4%
Concordia Parish, Louisiana	984	238	483	49.1%
De Soto Parish, Louisiana	1,433	153	485	33.8%
East Baton Rouge Parish, Louisiana	18,906	1,863	6,092	32.2%
East Carroll Parish, Louisiana	300	77	130	43.3%
East Feliciana Parish, Louisiana	850	55	211	24.8%
Evangeline Parish, Louisiana	1,248	56	542	43.4%
Franklin Parish, Louisiana	620	95	174	28.1%
Grant Parish, Louisiana	1,393	202	570	40.9%
Iberia Parish, Louisiana	3,061	336	1,215	39.7%
Iberville Parish, Louisiana	1,072	161	325	30.3%
Jackson Parish, Louisiana	907	29	400	44.1%

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Jefferson Davis Parish, Louisiana	1,597	125	592	37.1%
Jefferson Parish, Louisiana	19,768	2,132	6,104	30.9%
Lafayette Parish, Louisiana	11,510	1,125	2,994	26%
Lafourche Parish, Louisiana	3,698	122	1,203	32.5%
LaSalle Parish, Louisiana	614	73	197	32.1%
Lincoln Parish, Louisiana	2,460	248	703	28.6%
Livingston Parish, Louisiana	8,203	360	2,377	29%
Madison Parish, Louisiana	418	48	154	36.8%
Morehouse Parish, Louisiana	1,095	183	425	38.8%
Natchitoches Parish, Louisiana	1,683	111	649	38.6%
Orleans Parish, Louisiana	14,882	2,223	3,900	26.2%
Ouachita Parish, Louisiana	8,203	1,246	2,490	30.4%
Plaquemines Parish, Louisiana	1,332	89	358	26.9%
Pointe Coupee Parish, Louisiana	815	109	460	56.4%
Rapides Parish, Louisiana	9,072	948	3,518	38.8%
Red River Parish, Louisiana	228	27	103	45.2%
Richland Parish, Louisiana	769	83	213	27.7%
Sabine Parish, Louisiana	1,277	122	620	48.6%
St. Bernard Parish, Louisiana	1,624	317	652	40.1%
St. Charles Parish, Louisiana	2,619	60	707	27%
St. Helena Parish, Louisiana	369	6	136	36.9%
St. James Parish, Louisiana	632	25	183	29%

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St. John the Baptist Parish, Louisiana	1,833	137	566	30.9%
St. Landry Parish, Louisiana	3,116	347	1,138	36.5%
St. Martin Parish, Louisiana	2,624	443	759	28.9%
St. Mary Parish, Louisiana	2,032	159	672	33.1%
St. Tammany Parish, Louisiana	15,016	992	4,770	31.8%
Tangipahoa Parish, Louisiana	6,492	737	2,339	36%
Tensas Parish, Louisiana	104	30	36	34.6%
Terrebonne Parish, Louisiana	4,959	459	1,578	31.8%
Union Parish, Louisiana	1,167	91	365	31.3%
Vermilion Parish, Louisiana	3,216	370	1,124	35%
Vernon Parish, Louisiana	5,360	421	1,891	35.3%
Washington Parish, Louisiana	2,708	186	578	21.3%
Webster Parish, Louisiana	2,129	204	458	21.5%
West Baton Rouge Parish, Louisiana	1,011	60	261	25.8%
West Carroll Parish, Louisiana	472	11	78	16.5%
West Feliciana Parish, Louisiana	852	0	150	17.6%
Winn Parish, Louisiana	742	54	277	37.3%

Identifiable Gaps

When discussing the gap in legal resources, discussions were held with various Veteran focused groups and the Louisiana Department of Veterans Affairs to identify areas where the legal community has a direct impact and can assist in improving Veteran specific outcomes.

Three identifiable gaps include:

- The lack of Veteran Treatment Courts in Louisiana.
- Veterans becoming ineligible for legal assistance due to income exceeding the federal poverty guideline threshold.

- The lack of pro-bono attorneys in Louisiana specializing in Veteran disability ratings and appeals.

The lack of Veteran Treatment Courts in Louisiana

The Louisiana Veterans Court Program is governed by R.S. 13:5366. Veteran Treatment Courts function to avoid criminalization of mental illness and substance abuse, and to keep eligible Veterans from experiencing unnecessary incarceration through direct peer mentorship and “early” intervention. As substance abuse and mental illness are consistently ranked as prevalent issues experienced in this population group, the creation of these courts are vital to reduce negative encounters with law enforcement in the community and prevent overall recidivism. These courts are unique in that they acknowledge the many complications that Veterans face as a result of service-related conditions like Post-Traumatic Stress Disorder and other psychological and physical challenges often not experienced by the general public.

Veteran Treatment Courts help incorporate a community-based approach to offenses, and the lack of these courts in Louisiana exacerbates an already strained justice system. This court model is based off of drug and mental health courts, where participation in the program is offered as an alternative to incarceration. Veteran Treatment Courts are considered a hybrid of the drug/mental health court system and they also aim to connect Veterans with mental health and/or substance abuse treatment directly with Veteran focused resources designed to build trust and encourage participation in treatment. With 64 parishes in Louisiana, few have implemented this program.

Active treatment courts include:¹¹

- 34th Judicial District Court (Orleans Parish)
- 19th Judicial District Court (East Baton Rouge Parish)
- 1st Judicial District Court (Caddo Parish)
- 14th Judicial District Court (Calcasieu Parish)
- 4th Judicial District Court (Ouachita Parish)
- 15th Judicial District Court (Lafayette Parish)

Over qualification of income for Veterans to qualify for existing legal aid programs

While the Internal Revenue Service (IRS) does not consider Veterans disability benefits taxable income, Veteran disability payments are considered a form of income when determining financial eligibility for legal aid assistance.¹² In Louisiana, most legal aid services use the federal poverty guidelines to determine whether an individual qualifies for free or reduced-cost legal assistance for criminal and civil matters.

¹¹ The listed Courts are the identified Veteran Treatment Courts pursuant to each parish court’s website as identification of all active Veteran Treatment Courts in Louisiana is difficult to find online.

¹² Organizations that receive federal funding from The Legal Services Corporation are required to set financial eligibility requirements for legal assistance to qualify for grant funding. LSC is an independent nonprofit established by Congress in 1974 to provide financial support for civil legal aid to low-income Americans. The Corporation currently provides funding to 130 independent nonprofit legal aid organizations in every state, the District of Columbia, and U.S. Territories.

While legal aid providers exist in Louisiana, the household income requirement can serve as a barrier for Veterans to receive legal assistance as it requires individuals eligible for legal assistance to have a maximum income level equivalent to 125% of the Federal Poverty Guidelines but less than 200% of the Guideline amount.¹³

2024 Income Eligibility Standards¹⁴

Family Size	125% of Poverty Guidelines	200% of Poverty Guidelines
1	\$ 18,825	\$ 30,120
2	\$ 20,550	\$ 40,880
3	\$ 32,275	\$ 51,640
4	\$ 39,000	\$ 62,400
5	\$ 45,725	\$ 73,160
6	\$ 52,450	\$ 83,920
7	\$ 59,175	\$ 94,680
8	\$ 65,900	\$ 105,760
For each additional member of the household in excess of 8, add;	\$6,725	\$10,760

Since Veteran disability payments are considered income in relation to eligibility for legal assistance, these limitations can exclude Veterans for direct qualification of services aimed to help low-income individuals.

The lack of pro-bono attorneys in Louisiana specializing in Veteran disability rating appeals

A critical gap was identified with the lack of pro-bono attorneys representing Veterans and other claimants applying for VA benefits and appealing decisions made by a VA regional office, medical center, or National Cemetery Administration office. The Board of Veterans Appeals make decisions on behalf of the Secretary of Veterans Affairs and Claimants can file their claim for benefits through attorneys or agents. Appeals on benefit claims can be made at administrative board hearings before an Administrative Law Judge. A final decision by the Board of Veterans' Appeals may be appealed to the United States Court of Appeals for Veterans Claims, a court not part of the Department of Veterans Affairs.

Appealable issues include: disability compensation, pension, education benefits, recovery of overpayments, reimbursement for unauthorized medical services, and denial of burial and memorial benefits. The process to apply for benefits and appeal decisions issued by the Board of Veterans' Appeals can be complex and require legal assistance, as navigating through an administrative court can be confusing for self-represented litigants.

¹³ 42 U.S.C. 2996(f)(a)(2), Section 1007(a) of the Legal Services Corporation Act.

¹⁴ Data is based on the 2024 Federal Poverty Guidelines effective January 24, 2024. Chart provided by Federal Register "Income Level for Individuals Eligible for Assistance"

Specific areas related to Claimant application for disability ratings and disability rating appeals are critical areas that emphasize a lack of pro-bono attorney participation in Louisiana, as most civilian attorneys are not familiar with this claims process. The U.S. Department of Veterans Affairs requires all attorneys who assist Claimants with VA benefits to be accredited with the VA. Accreditation refers to authority granted by the VA to assist Claimants in the preparation, presentation, and prosecution of claims for benefits under 38 C.F.R. § 14.627(a). Attorneys interested in providing pro-bono services may not realize this additional criterion for their representation. Unaccredited individuals may provide other services to Veterans if the representation does not involve the preparation, presentation, and prosecution of claims for benefits.

While various legal aid organizations offer legal assistance to Veterans for these issues, the financial eligibility requirement often serves as a barrier for those seeking legal assistance.

II. OPPORTUNITIES FOR THE LEGAL COMMUNITY TO HELP FILL THE GAPS

Addressing the above-mentioned gaps requires coordinated efforts to increase awareness of Veteran specific issues, increase funding and support for legal aid organizations and encourage the expansion of pro-bono and low-cost legal services specifically for Veterans. The creation and support of legislation to Congress that would exempt Veteran disability benefits as consideration for income in the determination of financial eligibility for legal assistance would open access to legal services and ultimately help bridge the gap.

The Louisiana Department of Veterans Affairs offers a list of resources and groups directed towards Veterans, but this department does not offer legal advice or assistance with Veteran specific legal issues. The identified gap in pro-bono attorneys can be alleviated with the creation of a specified network of accredited attorneys in Louisiana that specialize in VA related claims, and work in direct support and partnership with the Louisiana Department of Veterans Affairs. The relationship would ideally consist of attorneys and law firms that pledge to offer either pro-bono services or reduced rates based on the Veterans' ability to pay, all with the goal to make legal services more accessible to this population group. It would ultimately serve as a resource the Louisiana Department of Veterans Affairs can confidently offer to Veterans that seek assistance with Veteran specific issues.

Nonprofit civil legal aid providers, legal clinics, Specialty Bar Associations, and philanthropic partnerships all serve to meet the civil legal needs in Louisiana. The creation of the Veterans Justice Fellowship with The New Orleans Bar Association (NOBA) and New Orleans Bar Foundation (NOBF) is an excellent example of a powerful way the legal community can come together to address Veteran specific issues.¹⁵

¹⁵ The Fellow serves veterans as a Southeast Louisiana Legal Services attorney in the New Orleans VA hospital.

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There are four law schools in Louisiana, Loyola University New Orleans College of Law, Tulane University Law School, Louisiana State University Law School and Southern University School of Law. Each school has experiential learning law clinics designed to meet the needs of the surrounding community (pursuant to applicants meeting the financial eligibility requirements) by providing supervised legal representation in various areas of law. Louisiana State University has a specific law clinic dedicated to serving active members and veterans of the U.S. Armed Forces, Reserves, and National Guard, who are appealing claims before the federal Board of Veterans' Appeals. The creation of additional law clinic programs specifically dedicated to Veteran specific issues can help bridge the gap.

Additional opportunities to increase Veteran specific outcomes:

- *Mobile legal clinics*
 - Rural or underserved areas can benefit from mobile legal clinics to support outreach and educational programs directed at Veterans who might have difficulty accessing services.
- *Legal Education and Outreach*
 - Workshop/Seminars: Lawyers and law firms can conduct workshops and seminars to educate Veterans about legal rights, VA benefits, appeals and the overall claims process.
 - The distribution of informational materials about legal rights and resources can help Veterans understand their options and navigate the legal system more effectively. Creation of a “Veterans Resource Guides for the Louisiana State Court System” or similar educational materials related to the VA claims and appeals process for distribution can help increase awareness on the administrative process.

Overall, Veterans need a coordinated response that provides additional resources for access to legal assistance. While this brief only discusses three identifiable gaps, the continued involvement and support of the legal community is necessary to support the mission of serving our Veterans in Louisiana.