



AN HONORABLE CHARGE

Denver Law students fight for those who have served our country

By Andrew **Faught**

As the sister of a Navy pilot, Maggie Toth, JD'17, long has been sensitive to challenges facing America's military veterans, whether those challenges involve securing benefits or receiving timely medical care.

Headlines point to the frustrations at hand. Denver's new Veterans Affairs (VA) hospital has been beset by construction delays and expensive cost overruns—just one example of a national system criticized as unwieldy and, in many cases, unresponsive to the needs of veterans.

But the Veterans Advocacy Project (VAP) at the University of Denver Sturm College of Law is working to bring relief. Launched in August 2015 and housed at the Volunteers of America Bill Daniels Veteran Services Center in Denver, the VAP is a student-run, pro bono clinic that helps veterans appeal benefits rejections and seek discharge upgrades—from dishonorable discharge to a general discharge, for example—that would make them eligible for medical care and federal loans. Students see clients on a walk-in basis.

“Veterans came to me anxious, angry, frustrated and confused,” says Toth, who took on 10 cases when she served at the clinic this past fall. “They don’t know what they don’t know. They don’t know what resources are available to them. The good intention is there with the VA, 100 percent, but you can see why people need help going through a very convoluted system.”

Many of the VAP’s clients are low-income or homeless veterans who don’t know where to turn for help. Second and third year law students work on two fronts: with various service branches to appeal a discharge designation, and also with the VA, which uses the designations to determine whether to provide care.

Students aren’t allowed to dispense legal advice to their clients, but they can appeal benefits decisions to the review boards of service branches.

Getting Its Start

VAP is the brainchild of Ann Vessels, professor of the practice and director of the VAP. Her son, Sean Irwin, 2L, is a Marine veteran who served three tours in the Middle East in the 2000s. Because of an appointment backlog at the VA, Irwin, who now works for the VAP, struggled to get his VA benefits when he returned home.

“It became pretty clear to me that if he didn’t have my husband and me, he would have been on the streets like so many other veterans,” Vessels says. “It took him nearly a year to get benefits. I started taking a look at what was going on around the country with law schools and clinics, and thought, you know, maybe there’s something that I can do to help people have a better life.”

While an honorable discharge is conferred on veterans because of service injuries, a general discharge (“maybe you were late to formation a couple times—it can be pretty minor,” Vessels says) permits medical benefits, but exempts a veteran from receiving GI Bill benefits, which pay for college tuition.

An other-than-honorable discharge (“somebody gets out of the service, they have PTSD [post-traumatic stress disorder], and they may be drinking and get a DUI,” Vessels says) can eliminate a veteran’s access to benefits altogether.



Professor of the Practice Ann Vessels, who directs the Veterans Advocacy Project, reviews case documents at the project’s office near downtown Denver.

“Our students will go back and argue, ‘Here’s what happened in service. This is what’s in his record,’” Vessels says. “Or we’ll get statements from commanding officers, from the veteran or from people who served with him or her. With PTSD, we’ll argue that the person shouldn’t be penalized. It’s more saying, ‘It doesn’t make sense. This is somebody who served our country, and for this reason you’re throwing them out when this isn’t something that should have resulted in a person being separated this way.’”

Giving Back

As of mid-February, the VAP was working 80 cases. Students have helped more than 250 veterans. Each semester, eight students—working in pairs—staff the clinic.

Participating law students often feel a higher calling, Vessels says.

“A lot of them just want to serve the country in some way,” she notes. “They haven’t had a chance to do it in the military, and they think this is a good way to give back.”

Up to 40 law schools around the country provide services for veterans, Vessels says. If it’s not a benefits or discharge upgrade case, VAP staff will refer clients to the Colorado Bar Association, which offers a monthly two-hour clinic that addresses issues involving housing and criminal records.

The DU effort is funded by the Sturm Family Foundation, the Colorado Bar Foundation, the Veterans Consortium Pro Bono Program and individual donors to the Sturm College of Law.

VAP students meet once a week in the classroom, where they discuss their caseload. They spend the bulk of their time at the Volunteers of America Bill Daniels Veteran Services Center, where they are required to log 150 hours during the semester. Their work is overseen by a pair of adjunct professors: Mike Shea, JD’80, and Timothy Franklin, JD’08, a Boulder, Colo., attorney who works exclusively on veterans benefits. Shea and Franklin teach the veterans law class at Denver Law.

At the clinic, there’s little time for reflection. Students are expected to immediately jump into their duties.

“We’re probably the most immersed clinic program you can get,” Franklin says. “Students are, day one, knee-deep in the s---, as the veterans say. And they have to be, because I don’t have time to babysit. When you’re in law school, you think you have all of this time to be mentored. But in the real world, it doesn’t work that way.”

Amanda Marston, 3L, can attest to the program’s rigors. Marston, who was drawn to the program because multiple generations of her family have served in the military, is in her second semester working at the clinic.

“When you first start out, it’s kind of like drinking from a fire hose,” she says. “I had a lot to learn about the military culture. But you muddle your way through, and at some point it all clicks.

“A lot of the discharge upgrades we see are veterans who are coming home from overseas and they’ve experienced some kind of traumatic event,” Marston adds. “They aren’t dealing with it or even acknowledging it right away, so they end up lashing out in different ways. Sometimes they might go AWOL, or there’s substance abuse. Those things are compounded by their PTSD or other issues, which ends up getting them a dishonorable discharge or other-than-honorable discharge. All they really need is help they didn’t even know they needed.”



(l) Kaylyn Peister, 2L, interviews a veteran with a dishonorable discharge. (r) The VAP is housed in the Volunteers of America Bill Daniels Veteran Services Center, which opened in 2015 and provides 12 different programs that serve veterans, all under one roof.

Award-Winning Moot Court Team

In November, Marston and Toth competed in the National Veterans Law Moot Court Competition at George Washington University in Washington, D.C. Marston teamed with Suzanne Marsh, 3L, while Toth paired with Morgan Hamrick, 2L, to prepare briefs for a fictional case, arguing that the VA should provide a veteran with marijuana to address his epilepsy since he is allergic to all other drugs.

Helping the students prepare for the competition were Sean Kendall, a veterans benefits claims attorney in Boulder, and assistant attorneys Jillian Price, Paul Koehler and Patrick Withers from the Colorado Attorney General's Office.

Of the 24 teams that competed, the Hamrick-Toth team was one of eight to advance to the quarterfinals. They received the runner-up award for best respondent's brief. Additionally, Toth was rated the fifth best advocate of the 48 students who competed.

"It's probably one of the best experiences I've had in law school, if not the best," Toth says. "Not only did we get to travel, which is fun, but we really got to see veterans advocacy in a whole new light and realize that there is an entire system set up just for these processes."

The Marston-Marsh team did not advance, but Marston called the experience "amazing."

"We got to prepare a full brief, which is something we don't do very often," she says.

While she hasn't dealt with real-life cases resembling the moot competition example, Toth says she sees many clients at the VAP whose medical claims have been denied for tinnitus, a ringing in the ears that is common to many veterans. One of the causes of tinnitus is exposure to loud noises.

"Pretty much anyone who's been in combat has tinnitus," Toth says. "It really shouldn't ever be denied. It's not hard to prove, and if something like that were denied, we could easily fill out a notice of disagreement (the NOD form), attach all of their information, and then I used to write an advocacy letter to send along with it to push for them."

When Marston was 9, she aspired to be the first woman president. But instead, she has found her passion in the law. While she plans to practice intellectual property law, "I have absolutely adored working in this clinic. Veterans laws will be something that I continue to do and advocate for once I graduate. The VAP is a great opportunity for students who want to learn and grow in an environment that is very similar to a small law firm.

"People just need some extra help," she says of the clients at the VAP. "I was happy to see something come along at DU that gave me the opportunity to do just that." 🏠

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Denver Law students working in the VAP: (l-r) Kaylyn Peister, Sean Irwin, Brian Litzinger and Suzette Reed