

VETERANS PRO BONO INITIATIVE

Veterans Pro Bono Program

April 2007

Federal Circuit Bar Association Program for Pro Bono Representation of Pro Se Appeals by Veterans from the U.S. Court of Appeals for Veterans Claims to the United States Court of Appeals for the Federal Circuit

Purpose

Given the number of pro se appeals by Veterans from the U.S. Court of Appeals for Veterans Claims (“Veterans Court”) to the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) has increased in recent years, and may increase further, the Federal Circuit Bar Association (“Association”) has created a program to facilitate pro bono representation by Association members. Set forth below are the procedures for this program.

Veterans Appeals Committee

The role of the Association’s Veterans Appeals Committee (“Committee”) is to provide administrative support for the program in conjunction with the Association’s professional staff.

Communications and Initial Review of Pro Se Appeal

The Association may receive notice of a veteran’s pro se appeal in one of two primary ways. The Clerk’s Office in either the Federal Circuit or the Veterans Court may notify the Association of a veteran’s pro se appeal. In the alternative, the veteran may contact the Association directly and request assistance. Following notification of a veteran’s pro se appeal, the appeal will be circulated to a review group comprised of 3 attorneys selected by the Committee. The review group will make an initial determination of whether (1) the Federal Circuit has jurisdiction to hear the appeal, and whether (2) there is at least one meritorious issue in the appeal. If at least two attorneys agree the Federal Circuit has probable jurisdiction and the pro se appeal presents at least one meritorious issue, then the appeal will be brought to the attention of an Association Member listed by the Committee as being interested in representing pro se veterans on a pro bono basis.

Pro Bono Attorneys List

The Committee shall maintain a list of Association members (“List”) who have expressed an interest in representing veterans in their pro se appeal to the Federal Circuit. Attorneys will be placed on the List on a “first come, first serve basis.” Initially, the Association shall conduct a survey of the Membership to determine which attorneys are interested in providing pro bono representation to pro se veterans. Association members who notify the Chairman of the Committee, or the Chairman’s designated representative on the Association’s professional staff, will be placed on the List following completion of the education requirement set forth below. The education requirement will be waived if the member has previously handled a veteran’s appeal to the Veterans Court or the Federal Circuit. Following the Association’s initial survey, Association members who volunteer will be placed on the List on a “first come, first serve basis.” Association members who have not previously represented veterans in either an appeal to the Veterans Court or the Federal Circuit are subject to the Veterans Law Education Requirement set forth below.

Following review, the Association member at the top of the List will be advised of an opportunity to represent the first pro se veteran whose case is selected by a review committee. If a member accepts the opportunity, the member becomes responsible for contacting the pro se veteran and making an offer of legal assistance, to be made in accordance with the rules of professional conduct governing solicitation that would apply to that member. In the event an Association member at the top of the list is unable or unwilling to accept an opportunity to represent a pro se veteran, the next member on the list will be advised of the opportunity.

Following completion of a pro se appeal, a member who represented a pro se veteran will be placed at the bottom of the List should they elect to continue their participation in the Program. A member will be removed from the List at any time at the member’s request.

Veterans Law Education Requirement

To be placed on the List, a member must first complete a veteran’s law education program such as that offered by the Veterans Pro Bono Consortium or an equivalent program. Members who have previously represented veterans in an appeal to the Veterans Court or the Federal Circuit are not subject to this requirement and will be placed on the List when the Committee is notified of their interest.

Professional Insurance

Participants in the program are required to certify they have professional insurance sufficient to cover representing a veteran.

Disclaimer For Veterans Seeking Legal Assistance

The purpose of the Federal Circuit Bar Association Veterans Pro Bono Program is to facilitate pro bono legal assistance by individual members of the Association for veterans who appeal from the U.S. Court of Appeals for Veterans Claims ("Veterans Court") to the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit"). The Association does not act as legal counsel, provide any legal work, or give advice to veterans who appeal from the Veterans Court to the Federal Circuit, nor does it guarantee the quality or performance, in whole or in part, of any pro bono legal assistance selected by the veteran. The Association also does not act as an intermediary or agent on behalf of any individual member of the Association with respect to the solicitation of representation of any petitioner in MSPB or ARB appeals to the Court.