THE VETERANS CONSORTIUM PRO BONO PROGRAM

STRATEGIC PLAN

2022-2026

FACILITATED BY
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FEBRUARY 4, 2022
INTRODUCTION

The Veterans Consortium Pro Bono Program provides free legal services for veterans in need on behalf of The U.S. Court of Appeals for Veterans Claims. Veterans denied benefits from their military service are represented in appeal by volunteer attorneys trained by the TVC. The organization also operates the Discharge Upgrade program to provide legal assistance to veterans seeking to upgrade their less than honorable discharges.

This document is the Executive Summary version of the Consortium’s first 5-year Strategic Plan. Capacity Partners was contracted by TVC to facilitate the creation of this plan; a complete version, detailing the process and discussion points, is also available.

From September 2021 through January 2022, the strategic planning process has allowed for discussion of the relevant issues and opportunities facing the organization in the years ahead. A summary of the 24 interviews, along with a list of interviewees and questions, are in the attached appendix. What follows is the charted course that will set the organization’s direction in the next five years.

STRATEGIC PLANNING TEAM
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The Veterans Consortium Pro Bono Program
5-Year Strategic Plan
February 4, 2022

Mission
We believe that our veterans – our nation’s defenders – deserve the care, benefits, and compensation they were promised, and the best legal services, free of charge, to meet their challenges.

Goals
1. Ensure an effective working relationship with the Court of Appeals for Veterans Claims.

2. Expand training and education of volunteer attorneys.

3. Build internal staff teamwork.

4. Establish an effective process for evaluating and delegating non-core mission services.

5. Be recognized as the expert organization in veterans pro bono legal services.

Support Requirements
1. Revise future budget projections and organizational structure to expand staff attorneys, marketing, and administrative support.

2. Establish strategic communications systems and processes.

3. Build a formal development operations program.
Rationale for the Goals

1. **Ensure an effective working relationship with the Court of Appeals for Veterans Claims.**

   *Rationale:* The leadership consensus of the organization has underscored the priority of maintaining and deepening its partnership with the Court. It is currently a healthy relationship. TVC’s founding goal was to train attorneys to represent veterans before the Court, to significantly reduce pro se representation, and to serve ultimately veterans in need as they seek to secure the benefits they deserve. During the interview process, we learned that the Court is pleased with the facilitation of pro bono legal representation. The Court is further pleased that improvements in the system could be provided through TVC. For example, the Pro Se Helpline was established to initiate the legal process and to filter and qualify veterans concerns. Additionally, the Rule 33 program was initiated to streamline cases. These improvements have added significant value to the TVC-CAVC partnership. Reflected in this value is the interest of all parties to develop further the components of partnership that make the relationship meaningful and effective. Since this working relationship represents at least 80% of TVC’s productivity, it is of highest importance to strengthen and expand the professional relationships, dialogue and processes that result in effective service.

2. **Expand training and education of volunteer attorneys.**

   *Rationale:* One of the great strengths of The Consortium staff is its training of volunteer attorneys. This is a hallmark of the pro bono service. Approximately 5,000 attorneys have been educated in the process of veterans appeals. Many of the trained attorneys are provided through law firms who wish to augment their pro bono services. They also view the training as an ideal opportunity for young attorneys who need the experience of representing clients before the Court. This system has worked exceptionally well. The challenge resulting from this successful program is the need for continued education and training. Attorneys have used this opportunity as a springboard for their careers, and new attorneys have stepped in to take cases. But education needs to be strengthened in order for the litigation process to be smooth and efficient. Through recommendations with the senior staff and the CAVC, the opportunity for deeper training in this area has become a strategic priority.

3. **Build internal staff teamwork.**

   *Rationale:* Although the mission of the organization is succeeding, and the processes in place to secure positive legal outcomes for veterans is proceeding well, a
priority for internal morale has become a priority. This strategic review has uncovered a systemic discontent within the TVC staff that must be reversed. The staff is committed to the mission, and the length of service of many of the senior staff reflects the dedication that has propelled the organization forward over many years. There are, however, needs within the staff that require professional, facilitated organizational development. It is additionally recommended that staff be provided a grievance process which will include accountability measures. Areas of concern include prolonged overwork, a negative culture, and a lack of senior-level strategic focus, among others. Through review with the senior staff and Board, we are recommending an internal facilitated Values exercise, with the accountability that validates progress.

4. **Establish an effective process for evaluating and delegating non-core mission services.**

   *Rationale:* The success of the Consortium has opened doors to additional services, called “non-core” because they are aside from the founding mission of pro bono legal appeals representation before the Court. The non-core services provide additional benefits for veterans. They include discharge upgrade, women’s legal issues (especially military sexual trauma), immigration and naturalization assistance, and remand services. Again, these are positive activities on behalf of veterans. Some of them are funded for two years to validate need and formulate effective processes. There is however the potential for distraction from the core mission of the organization. There is a growing distinction among these non-core services between services that could “stick” at TVC versus those that should be moved to other veterans organizations. The strategic priority of the Consortium is to establish criteria and partnerships that can evaluate and, if necessary, delegate to others the continuation of these services. Not all non-core services should be moved elsewhere. The evaluation process will absorb data, establish a metric of service improvement, and consider the fit of each service. This will allow TVC to consider veterans needs while maintaining its focus of serving the Court.

5. **Be recognized as the expert organization in veterans pro bono legal services.**

   *Rationale:* Through the interview process, it was determined that the expertise of the organization in veterans pro bono services was likely the best available. Although there are competitors in this space, TVC is highly regarded. The training, screening of cases, facilitation of representation and the win rate all point to high efficacy. It is of strategic value that the organization be recognized throughout the sector. This recognition will strengthen continued partnerships, expand grant funding, establish
stronger partnerships with other VSOs and result in better collaboration and effectiveness. The recommendation to seek recognition is to both validate its current work and incent future stakeholders in potential partnerships. This will serve the Consortium for years in the future.

Goals and Strategies

1. Ensure an effective working relationship with the Court of Appeals for Veterans Claims.
   a. Expand the number of TVC senior staff who regularly interact with the CAVC.
   b. Develop informal gatherings to collaborate on needs and services and to deepen connections.
   c. Periodically consider recommendations to partner on services that could streamline processes on behalf of the Court and veterans.

2. Expand training and education of volunteer attorneys.
   a. Strengthen continuing education for trained attorneys in order to ensure efficient facilitation of cases.
   b. Lengthen education for lesser-trained attorneys.
   c. Educate law firms on veterans needs.

3. Build internal staff teamwork.
   a. Establish a staff task force, approved by the Executive Board, to receive, monitor and recommend policy improvements including whistleblower, grievance, and other policies.
   b. Establish an active and accountable internal values program to be approved by the Executive Board.
   c. Engage an organizational development consultant to strengthen teambuilding and morale.

4. Establish an effective process for evaluating and delegating non-core mission services.
   a. Encourage grant funding and short-term service opportunities to provide enhanced pro bono benefits to veterans.
   b. Develop needs assessment and gap analysis for continued services.
   c. Identify and cultivate potential non-profit or for-profit organizations that can absorb and grow relevant services.
5. Be recognized as the expert organization in veterans pro bono legal services.
   a. Identify the community of national veterans pro bono 501c3 organizations. Evaluate their content and services.
   b. Develop strategies for content, marketing and communications, including survey mechanisms. Report findings.
   c. Measure thought leadership and veterans services effectiveness.

The 5-Year Strategic Vision

The Veterans Consortium Pro Bono Program is recognized as an effective and meaningful legal support system for our nation’s veterans. With a case win rate of over 85% and Pro Se representation having been reduced from 90% to approximately 15% now, these strong numbers point to unequivocal success. More can be done. In five years, TVC will serve the Court as a model of collaboration and will provide better training and wider educational resources for volunteers. Because of its commitment to its greatest asset – its people – the Consortium will strive to empower its dedicated team of mission-driven staff to become a resource that is recognized throughout the military community for its expertise and care on behalf of veterans in need.

Implementation and Support Requirements

Strategy requires implementation; implementation requires systemic support structures, effectively initiated and managed throughout the term. Future plans will follow either the success or failure of this Plan with perhaps new and more visionary goals. If this Plan is successful, it will be due to the dedicated commitment of the organization’s leadership to implement strategies completely.

The support requirements are:
1. Revise future budget projections and organizational structure to expand staff attorneys, marketing and administrative support.
2. Establish strategic communications systems and processes.
3. Build a formal development operations program.

Resources to be raised are for the purpose of recruiting appropriate staff hires for Court support and volunteer continuing education, building a strategic communications function that targets priorities and stakeholders with strategic content, and investing the funds needed to build an internal team that is empowered and appreciated. These support requirements are unique in that they build capacity within the organization’s current operations to allow the organization to achieve its goals.
PROCESS

Capacity Partners facilitated, with the guidance of the Executive Director, a deliberate, responsive and detailed strategic planning process. Initiated in dialogue with the Legal Services Corporation, from which a strategic plan was recommended, the process followed a course of overview, research, analysis, interviews, summary recommendations and review. This strategic plan follows traditional models, and the extensive conversations reflected through the Appendix demonstrate that the priorities herein are representative of the organization’s best current thinking.

A chronology of planning activities follows:

**Early September 2021**
Initial meeting with Executive Director, review of TVC documents, background on LSC

**Late September 2021**
Meeting with TVC senior staff, development of initial challenges, goals of the process
Identification of interview objectives and candidates
Development and approval of interview questions

**Mid-October through November 2021**
24 Interviews conducted
Development of major themes
Meeting with TVC Executive Board

**December 2021**
Development of interview summaries
Review of strategic questions and organizational objectives

**January 2022**
Development of five strategic priorities with support requirements
Meeting with TVC Executive Board, approval of strategy

**Early February 2022**
Finalization of plan
STRATEGIC QUESTIONS

MISSION AND VALUES
- Is the Consortium true to its mission
- Has TVC nearly accomplished its mission
- Is the mission statement in need of revision; is it too narrowly- or broadly-defined – are the bylaws adequate
- What aspects of the mission – explicit or implied – are not being met
- What is the 5-year vision of the Consortium

TVC-CAVC RELATIONSHIP
- Does TVC provide outstanding value to the Court
- Does TVC ensure that the Court realizes the value
- Should the value be measured
- This is a strong partnership -- how can it be improved
- What is a 5-year vision for the Consortium-Court partnership

VALUES AND MORALE
- What should be TVC’s values and how should they be adopted and articulated
- The staff feels they are doing important work --- is there reciprocal value
- There is a morale issue – recommendations needed
- Is team-building enough

ADDITIONAL NON-CORE SERVICES
- Is TVC best positioned to explore additional legal services or non-legal services given their mission and operations
- To what extent are additional non-core services valued by the Court and by the Consortium board
- Discharge Upgrade appears to be a keeper – how about the others
- Post-funding strategy for non-core services
- How would a portfolio of non-core services change the organization

DEVELOPMENT
- Does TVC have a sustainable business model
- TVC needs additional revenue sources – for what
- Does the Board support (unanimously?) development and are there enough staff and board resources to structure a strategic development function
- The pace, breadth and depth of fundraising requires strategy
- Will a development function change (or distort the mission of) the organization
Additional Concerns - may not have the same urgency as the above questions

**ORGANIZATIONAL STRUCTURE**
- The Court was concerned about TVC when it became a 501c3
- Would TVC strategy require a bifurcated structure – one for CAVC and one for “other”
- Is the current org chart the most effective at cultivating its most important relationships

**OFFICE CONFIGURATION**
- Everyone agrees that a hybrid office is the office of the future
- Likely TVC will or should provide shared offices for staff
- Should the office square footage prepare for a smaller or larger TVC staff – depends on strategic plan
- How to build teamwork and morale in hybrid setting; this is a current issue
- More of a cost and operations issue than a strategic issue? Downtown DC location required? Not sure.

**DIVERSITY EQUITY AND INCLUSION**
- Connected to Values exercises and priorities
- Would require leadership participation, not simply an employee committee
- Would need more information to determine if there is an issue
- If there is an issue, must deal with
- Staff level and board level – if it is needed
IMPLEMENTATION

This five-year plan will depend on the successful first-year implementation of strategies and tactics. This is not an exhaustive list, but it is a beginning set of tasks that, when accomplished in Year 1, will establish the momentum necessary to reach the organization’s goals.

CAVC and TRAINING/EDUCATION
Strategies 1 and 2 are combined here. These are the most important strategies because they support the Consortium’s highest priority of strengthening the relationship with the Court. It was the Court’s strong recommendation to expand continuing education of attorneys, to educate law firms in the veterans pro bono space, and to ensure that new volunteer attorneys are provided adequate training. Thus the implementation of tactics to support these strategies are the most important of the Strategic Plan.

1. Expand the number of TVC senior staff who regularly interact with the CAVC. The Court prefers to work with more than one or two senior staff and bringing more to the relationship is a priority. This step is already in place and should be continued.

2. Develop informal gatherings to deepen connections. Three or four times yearly, a social or informal update is needed. Schedule these events in partnership with the Court and develop an informal agenda through which relationship cultivation is primary and content is secondary.

3. As Rule 33 and the Helpline were developed through the Court’s interaction with TVC staff, so also additional recommendations can surface as a result of collaborative steps taken above and also within more formal structures.

4. The education and training of law firms and attorneys is a high priority, but it is merely an expansion of current training, which is going well. An internal task force within TVC should develop a program, regardless of staff availability, that can demonstrate a commitment to the Court of this priority.

5. Further, a needs assessment of staff capacity should be brought to this implementation. Adding training, expanding education, and communicating these services will require additional staff resources, both in the legal content area and in communications.
6. Separately identify an evaluation process for the end of this first year of implementation that can review and recommend processes.

INTERNAL STAFF TEAMWORK

1. Set up an internal task force or committee that can hear and resolve internal pressure. This must first be independent of hierarchy, but it must also involve leadership accountability. Policies to recommend internal improvements can be aired either anonymously or in this task force setting. Leadership is not required to fix every complaint, but leadership is expected to hear grievances and recommend any possible solutions. This will provide a forum for complaints.

2. With this structure in place, staff overtime must be managed appropriately. If program effectiveness is perceived as being accomplished only by periods of prolonged overtime, senior staff must address the concern and consider hiring additional staff. This recommendation is already in process, and new staff has been recruited. If additional new hires are to be recommended, revenues will need to be enhanced for the next budget process to preserve staff retention and quality of work-life.

3. We recommend a Values exercise to be initiated to involve all staff. This can be facilitated by an organizational development consultant, who should also recommend additional measures to improve morale. Internal values should be approved internally, presented to the Executive Board and included on the TVC website and annual reports.

4. With teamwork processes in place, every effort should be made to both establish a positive work culture and to adhere to the mission-critical operations that have secured TVC’s accomplished reputation for excellence.

NON-CORE MISSION PROGRAMS
Discharge upgrade, women’s legal issues, naturalization and immigration, and other non-core programs have become a significant part of the Consortium’s work. Other non-core services are possible, given the shifting nature of veterans needs. All should be evaluated for effectiveness and “fit” within the mission of the organization. These are outstanding programs for the benefit of veterans. Protecting the 80% focus of the organization on the Court will provide allowance of some programs. Evaluating other opportunities will require a consistent, disciplined approach to need and efficacy.
1. Preserve and grow the Discharge Upgrade program, as underscored throughout the interview process.
2. Consider a permanent role for the women’s legal program which includes military sexual trauma, spousal support and other concerns.
3. Evaluate the other current non-core programs as to mission fit.
4. Develop a business cost structure for evaluation and recommendation. Equal Justice Works fellowships are adequate for initiating non-core programs. But additional resources may be needed to evaluate, perhaps delegate and transition certain programs to other organizations. Increased scrutiny and evaluation may require enhanced revenue generation.
5. Partnerships to identify and cultivate may include area law schools, other VSOs, and perhaps pro bono departments of law firms. These should be developed for future opportunities.

EXPERT RECOGNITION
The benefits of expert recognition have been outlined above, and implementation strategies to secure recognition in future years can start in the first year.

1. Develop a strategic communications group that builds on the current adequate communications and marketing function of the Consortium. Strategic consulting proactively writes, distributes, advertises, and builds support for the organization’s priorities. It is not a sales function. This communications system can begin the process of developing TVC’s reputation among its most important stakeholders.

2. Establish a measurement system for receiving media coverage, telling stories, connecting sponsors and other tactics that will start the process for building expert recognition.

REVENUE DEVELOPMENT
Throughout this strategy, resources to be developed are a consistent theme. Although it was determined that a complete revenue development process was not a strategic priority, it would be a source of structural improvement to have some additional resources available for possible hiring, evaluation, communications and other needs. TVC should consider expanding its current revenue development program with one that can utilize board support and additional corporate opportunities.
INTERVIEW QUESTIONS

1. How do you see the role of TVC in supporting the CAVC in helping veterans receive benefits?

2. How would you characterize the value of the Veterans Pro Bono Program on behalf of today’s veterans? Are these services necessary given the availability of online resources?

3. In what ways does The Consortium excel and in what areas does the organization need improvement? And how could The Consortium strengthen its effectiveness for veterans in need of pro bono services?

4. Why is it preferable to facilitate veterans pro bono appeals work through the 501c3 framework rather than to pro bono departments of leading law firms?

5. How has the demand for services changed over time, and what do you see as recent shifts in veterans’ needs that The Consortium could address?

6. If The Consortium were to receive long-term funding for expanded services beyond legal, do you feel their core CAVC work would be compromised?

7. What is the big picture for TVC? How should the organization evolve? What is your vision for the organization?

8. What would you consider to be barriers to accomplishing this vision?

9. What else would you like us to know?
INTERVIEWEES

1. Anais Taboas, Program Counsel, Pro Bono Initiative Fund, Legal Services Corporation, interviewed 9/17/21
2. Jim Carlsen, Esq., Director, Business Operations, TVC, interviewed 10/13/21
3. Sandy Peterson, Director, Client Services, TVC, interviewed 10/18/21
4. Courtney Smith, Esq., Senior Director, Volunteer Outreach and Education, TVC, interviewed 10/19/21
5. Claudia Daley, Director, Communications and Development, TVC, interviewed 10/19/21
6. Judy Donegan, Former Deputy Director, TVC, interviewed 10/20/21
8. Giovanna Copat, Paralegal, Client Services, TVC, interviewed 10/26/21
9. Sama Martinez-Villarreal, Esq., Staff Attorney, TVC, interviewed 10/26/21
11. Cate Jackson, Outreach and Communications Manager, TVC, interviewed 10/28/21
12. Samantha Higgs, Esq., Acting Director, Case Evaluation and Litigation, TVC, interviewed 10/28/21
13. Peter Gregory, Outreach and Education Coordinator, TVC, interviewed 10/29/21
14. Aniela Szymanski, Esq., Board Vice Chairman, interviewed 11/1/21
15. Mario Marquez, Board Member, interviewed 11/3/21
16. Lanita Morgan, Esq., Board Member, interviewed 11/5/21
17. Chief Judge Margaret Bartley, U.S. Court of Appeals for Veterans Claims, interviewed 11/5/21
18. Roy Spicer, Board Member, interviewed 11/8/21
19. Greg Block, Clerk, U.S. Court of Appeals for Veterans Claims, interviewed 11/9/21
20. Len Selfon, Esq., Board Secretary, interviewed 11/9/21
21. Rick Spataro, Esq., Board Member, interviewed 11/9/21
22. Lee Gardner, Esq., Board Member, interviewed 11/10/21
23. John Muckelbauer, Esq., Board Member, interviewed 11/12/21
24. William S. Foster, Jr., Esq., Board Chairman, interviewed 12/3/21
INTERVIEW SUMMARY REPORT

Mission Impact

There used to be no court oversight of veterans affairs. Reagan administration created this court of appeals. Prior to TVC, a veteran who appealed their declined benefit came to the court of appeals unrepresented. He would be opposed by a veterans affairs lawyer. In 1991, they took a chunk of the CAVC budget to give as a grant to an organization that would help with appeals (TVC).

Is there a threat to the mission of TVC from existing online resources? No. The online information for the veteran is rudimentary. It does not explain what they need. I know lawyers, CEOs, even a Deputy Undersecretary of Defense – they can’t figure out the online system.

There was a need early on for recruiting and training attorneys. Now, the weight is not on creating the bar – that is successful. But also there appears to be room for the Consortium’s continued work. Now there should be a focus on educating the group. Educating the corporate legal world with the potential to do pro bono work that is not veterans-specific.

The mentoring aspect is very important. Tons of young smart lawyers who need to do this work. This is where TVC can give value. Law firms do not want young attorneys who have not cut their teeth. And this type of pro bono work also enhances a firm’s reputation.

The work of the Consortium keeps getting better. Created the help line. Created a program for physicals. Equal Justice Works grants are going well. $1M grant from DAV.

The 85%+ win rate is bullshit. This means the appeal is won. It doesn’t mean that money is in the veteran’s pockets. The remand program could expand. It is beyond core mission, but it is something to explore because it is hard for law firms to deal with.

Very necessary. Online resources are difficult to understand/navigate.

Role is essential, even though now there are more lawyers. More lawyers in the private bar means fewer cases for TVC to assign. Consortium training of lawyers is vital.
Purpose is to train pro bono attorneys to provide pro bono legal representation. TVC was founded in 1989 to do that. The funding for the Consortium is to train attorneys.

TVC is the CAVC’s conduit to law firms. But law firms are for-profit. They won’t take a case unless they can win it. They can then file for the EAJA fee which is about 20% of their normal price. That works for them.

Social Justice is at the heart of the TVC mission: to ensure that our nation’s veterans, their care givers, and survivors, receive the benefits they were promised in exchange for their active-duty service. We’re able to put them in a better position than they would have been without legal counsel, at a rate higher than the average outcome at the Court.

The grant from LSC is limited. It is only to find attorneys to train and represent vets. Also, LSC prefers to deal with nonprofits.

Before the 501c3 designation, the pro se rate before the Court was over 90%. There was a huge need. Now it is down to between 15 and 20%. Our grant from LSC is to train attorneys. Now we have so many attorneys trained, soon the pro se rate will be zero.

Organizational Strengths

We have an 85+% success rate in our cases. Our grant is to screen cases and give them to lawyers – works well, and it’s a great benefit to the veteran.

We have been fairly successful in raising extra money for additional services in areas of women’s health, naturalization, etc.

Strong focus on the Court of Appeals. Very good at this work. Judy is great.

Board is getting better. It’s one of the most involved boards.

Law firms don’t have the depth of experience in veterans law. Consortium trains smaller firms and independent solo practitioners.
Just learning. Have talked with Steve. Organization is mission oriented. Steve is solid in board meetings, presents well.

TVC does excellent work on benefits for veterans. Their core mission is their primary focus. Must keep TVC focused on core mission.

Proud of their diligence in bringing new cases. Vets have a true resource. Proud of results – as seen in board packets, especially DU program. Training/mentoring going well.

TVC is very efficient. Staff highly respected.

Programs for CAVC are very well done. DU is now an appendage of TVC. It can be very successful.

TVC is mission-driven. All of us care about the veterans. Love the times when we work together – does not happen often. Rewarding work.

Strong in maintaining goals and deadlines. Court is strict.

Good at what we do. Experienced staff from the ED on down. We have a great relationship with the Court and the Clerk of the Court. Trained over 1000 attorneys in veterans law.

Good at communications to volunteers; getting better with clients. Lots of social media. We are good at responding to opportunities. Listed in Catalog for Philanthropy.

TVC provides a great opportunity for young lawyers. The Rule 33 – negotiating the issues, writing the compelling case, etc. We help them develop this skill set that might otherwise take years to develop within a big law firm.

Organization is well rounded. Quality of work is high. Excellent relatability with volunteers.

Organizational Weaknesses/Areas for Improvement

To improve: the pay. We recruit young lawyers and pay $63/hour. They could get $180/hour in private practice.
We take about 5% of the cases that are before the board (BVC). The other 95% are taken by private practice firms.

Board is not involved in fundraising.

The Board. It’s better than it was. But it is not very good. They do not provide oversight or raise money. The board is less than enthusiastic about doing additional programs. Because the board members that represent the founding organizations do not want us competing in their space.

Our marketing and messaging is weak. Are we getting the message out.

People may not know that the Consortium is available to help. Interns help find email addresses. Sent 6,000 outreach emails. Many don’t reply.

Training and mentoring is good, but now it is a half-day, before it was full-day.

Screening could be better.

There needs to be improvement in screening memos. There are no written procedures, like SOP.

People in leadership don’t say where we’re headed. We get different answers from different people. There are different ideas about what’s happening. No strategy.

Need need improvement maintaining engagement in a fun way that does not always come with an ask. Would like assistance to help with volunteers.

We need more efficient ways of scaling information. Like companies who have a chat box, this would be similar – automated answers through chat – because newer veterans are more tech savvy. There are technical grants for this. Would be good for TVC.

To improve, timeframe in screening could be better, but that gets to the staffing issue. Screeners must have experience in VA law and go through lots of data.

We could use greater depth in appeals to the Federal Circuit and in our Discharge Upgrade Program.
TVC should do better at weeding out lesser volunteers. We have too many. Cut off the source of their work and get rid of mediocre attorneys.

Would like to do better for cases that are remanded.

There are enough volunteers for the women’s clinics. There are not enough for the women’s cases. Next step is to get volunteer attorneys to help. For women in military, huge opportunity to help. One in two women are sexually assaulted in the military.

There is no strategy. No big picture. No development plan. No plan for development, marketing, communications. No guidance from the board.

CAVC

We may not be clear on what the Court wants. It’s their money. LSC just administers the grant. It’s very important that we convey to CAVC that what we are trying to do is what they want; but they don’t tell us what they want. Could be worthwhile to establish a joint task force on what they would like the program to do --- and then change to match the needs and expectations.

For CAVC, there is no direct peer. Other organizations – VSOs – take on initial claims or lobbying or direct service (mental health, education, etc.). We are the only ones doing appellate work. Only organization training practitioners. This is the only place an attorney can be trained to do veterans claims. Even law schools don’t have this.

I hope the Consortium will maintain the vital relationships. The Court is worried about personal relationships. If anything breaks, there could be a problem.

TVC is all about representation at CAVC.

We started a help line. The Court loves this.

CAVC is very favorable toward TVC. TVC is different from the private bar. CAVC can ask TVC to do things it would not ask a law firm to do. CAVC will ask TVC to look at a case to see if it would help. For example, amicus brief – can ask if TVC can speak on behalf of the veterans community. We haven’t done one in a while. We were asked to do one but said no because leadership didn’t like the topic.
Court was concerned about the intent of the 501c3 designation. That this independence would create additional costs. After 501c3, next big thing was diversification of revenue. Court is confused by this. Mostly the organization exists for the Court. With events and a CFC number, the 501c3 performs under multiple functions. But Court is most important.

Maybe competition for the grant is okay.

There have been 2 things not specific to the mission but have been helpful to the Consortium-Court relationship: 1) Pro Se Help Line. Courtney started. This helps people who want to stay pro se and then they feel comfortable being represented. Because it is very difficult to appeal pro se. If you want to jam up the Court, give them a bunch of unrepresented veterans. And 2) Rule 33 pilot program. We are about to have a 6-month review of this. Mediation is not open to people that are not represented. This program is good, but there have not been as many takers as I thought there would be. About 1/3 are getting actual help.

TVC is willing to meet any needs the Court has. Rule 33 for example. TVC stepped in to help resolve cases before they get to Court. Judy Donegan took it on. Judy is valuable. Now they are working on increasing the response rate. Now it is 30%. To improve: Direct experience with TVC staff is not as strong as it used to be.

TVC is the offspring of the Court. The Court was overwhelmed by pro se cases, so the Court is deeply attached to TVC.

There is high demand for the CAVC core work.

The Court has a Judicial Advisory Committee. Bartley’s predecessor set it up. Consists of VSOs, attorneys from the VA, other judges. They get the full perspective. Really great. When the Court is smooth, TVC is smooth. CAVC/LSC/TVC = great.
Shifts in Veterans Needs

We learn about the veterans needs in conversations that happen, sometimes in a meeting or roundtable discussion. For example, one of our sessions was about toxic substances. The Court can’t look at the case if there is no presumption or evidence. So this is failing the veteran.

Discharge Upgrade Program is a good example of shifts in veterans’ needs. We get this as a grant from DAV. Impacts around 2,000 people. They contribute $1M per year for 4 years; will probably continue.

Since Vietnam there has been a shift. Background: only 3 things have to be proven for a veteran claim:

1. Did something happen in the military that caused this?
2. Is what they have now a result of something that happened in the military?
3. What’s the severity of the condition?

During Vietnam, there was bad record-keeping. Now it is better. But #2 is hard to prove. Takes a lot of medical advising. These are shifts in the demand for services that are systemic and require the continued work of TVC and its trained attorneys. The military will continue to abuse bodies and will continue to poison people.

Demand is still high. We started at zero. In 2010, we had 4,600 appeals. In 2020, 9,000 appeals. At 9,000 there is a residual pool. Now, 2-3 firms take on many of the cases. But the Consortium can take on this residual. There is more than enough work. And the 501c3 structure is more manageable than the prior structure of 4 corners of the founding organizations who have different systems and terms.

We have to understand the transformation in the type of veteran we are serving. We have gone from primarily a Vietnam vet to a modern vet that understands representation and online services. We get people who are marginalized.

The demand for services has only increased over time. The benefits being sought are no different than they have always been.

TVC has been involved in the remand process, through a 2-year grant. This is hard work, and the board does not want us involved in this. We don’t have the
bandwidth, but it would be nice if we could be more helpful. This turns into too many cases becoming a hamster wheel.

A needs assessment may be needed. Where are the gaps.

Not much shift in needs. Veterans law is getting more complicated. It is too difficult for the vet to navigate. Always some new type of disability, e.g., was agent orange, now burn pits, now military sexual trauma.

Needs are changing. Was Vietnam. Now OEF (Operation Enduring Freedom) and OIF (Operation Iraqi Freedom). NPRC (National Personnel Records Center) closed since last year for COVID. Open only for emergency, so nothing older than that can be accessed.

There are more health problems for vets. They encounter airborne particles, burn pits, etc. There will be more and more vets who can’t afford legal support.

Climate and Culture and DEI

Those of us who do intake for CAVC also do internal operations, we do office managing along with the core work. It feels like we are not getting support from others. We are also aware of keeping the place running.

Have heard no complaints. The issues Steve brings before the Board show that he cares about the employees; he cares whether they are happy.

Lots of discontent. Lack of understanding between groups. Someone always has to pick up the slack. Plus, the pandemic wears on you – we need to see people. But the virtual working is not the problem. We used to have all-staff meetings that were fun, would boost our energy. Now, they are dry, tight, miserable.

Staffing is not enough. And some staff are being paid but not doing the work.

We do not have a healthy work environment. Our team is quite diverse. Board just recently added women. But hierarchy is white men. But staff consists of mostly women.

DEI no problem. Women are well-represented. Internal teamwork seems fine.
Cohesion will be better when staff return to the office. Staff needs to be cross-trained so they can serve as each other’s’ backups.

DEI is important but not a big issue. Revisit if it becomes an issue.

DEI, respectful. No issue.

DEI has changed somewhat. Issues related to race and gender may need some focus. There was a DEI Committee. We had a wrench thrown into the committee: someone was added that pushed back. Thought we should change our focus. That person said that the equity part is a Marxist theory, that it is critical race theory. So the brakes were put on the DEI Committee. We did a little presentation. But that person’s challenge made it impossible.

Gender, also a problem. The men run the place. There was a change in the dress code. Singled out women of color: braids. Nothing about how the men should dress. When it was told to Steve, he said, OMG, can’t have this. So we must fix. Our leadership overlooks the fact that there are women veterans; we are pushed to the background.

DEI – could be helpful, but it should be done by someone on the outside. There is a DEI committee, but I don’t know if it’s good. They gave one presentation.

People are passionate about the mission, but they are not motivated.

How do we find out the disparities of underrepresented people. Would need more data. Our role is to figure it out – IF there is a problem, and then if there is, must do something about it.

Negative, unhealthy culture. There are hurdles I have not been able to overcome notwithstanding significant effort on my part.

We have a Diversity, Equity, and Inclusion committee. Unfortunately, this is another instance where I believe we would be banging our head against a proverbial wall [to provide more training].

It would help, with all of our internal issues, to have everyone in the office on occasion. Steve was hired a couple of months before the shutdown.

We need a vibrant culture, where imagination can thrive. People are generally happy doing their work. But we need to inspire people.
There is a benefit to being together. Attorneys provide direction, discussion. Attorneys now do their work from home. Before, we had attorneys and non-attorneys; everyone got along so well; didn’t have elites; everyone was either here or reachable. Before, anybody would empty the dishwasher. Now with so many people remote, I keep thinking “Why can’t you come in a check your own mail.”

There is tension between ED and the program directors. They don’t feel respected. We feel the tension, but we can’t do anything about it. Tough to work under these conditions.

TVC does have a respectful culture. There was a small issue with the dress code. As a white female, it is hard to say what problems there might be with dress code and/or racial equity issues.

We need a strategy for teamwork.

Pretty good work culture. Would love to eventually see a person of color in leadership and on the board.

Non-Core Programs

Must beware of mission creep. Happens to many nonprofits. The Board needs to be cognizant of the challenge of focus. Be willing to say, “This is not our job” – too many irons in the fire confuses people on our mission.

Additional missions – not distracting. Those additional missions were unmet needs. Benefits were not happening. These needs stood in the way of getting benefits.

Private attorneys charge $10,000 per DU case. Vets can’t afford this.

Clinics are very limited. Naturalization – nobody doing it. We get the EJW fellows – eventually the funding ends. But we are planting the seeds for some other organization to replicate. Someone can then take it on because we have shown how to do it. We get it started, and then it becomes a ready-made product. Can then go to a law school which has the donor pool to fund the continued work.

The Consortium can see a need, address it, initialize it, then hand it off. This is a good model for the strategic plan.
For example, LGBTQ. These vets are not part of the veterans community. Claims are denied regularly. Maybe this is a future clinic.

DU is good but needs staff. DU is always swept under the rug. Naturalization won’t go anywhere because staff is overworked. Women’s program not in our future.

TVC needs to differentiate between their work for the Court and their work for others. If they lose the grant – and they could – if they want to be an umbrella organization – then LSC is going to have to ensure that the money is being spent effectively.

The remand program is a classic example of how non-core services should work. Remand means the case goes back to the VA. Should the TVC continue to represent them? Probably not. The vet that won the case on appeal should probably continue to represent them during remand and get paid for it. The vet might have to give up part of the benefit that the lawyer will win for him/her. But that’s okay.

Remand cases are not good for volunteers. It’s better at the point of remand for the vet to get a fee-based attorney because there is so much involved, and it can take years (maybe 10?) to be resolved. Complicated because the attorney needs to get fingerprinted, then to get access to all their files. Why would they want to do all that when the VSO (the veterans service officers) can do it at the VA. Besides, they likely need a medical advisor, not an attorney.

Remand: Our goal is NOT to represent the vet. It is to train attorneys to represent the vet. That’s our mission. The solution to the remand problem (it’s not a huge problem, and there is lots of help for it) – the Consortium has resources and if the case is remanded to the VA, they can come to PVA or DAV or VFW who can do it for free. The Consortium can leverage the attorney relationships they have to take the remand, or they can give them to the VSOs for free representation.

Remand is an opportunity for future improvement of services. The remand means the “won case” for the veteran gets remanded to the VA to be fixed. But at that point, the TVC work is done. And the vet is left to sort of figure it out. The remand program that Eq Justice funded has wrapped up, but since it is still a difficult area for the vet, I would like to see us continue to help.
EQW and DU programs – all good. All these are 2-year funded programs and then they are over. But I worry that these things take away from our core main function. Focus is a big question: what more can we do. We have expanded beyond representation at the Court. Like through Equal Justice Works – helping veterans through remand. We have helped, but we can’t continue. There is now MST, military sexual trauma. But not core work. But we give resources.

Should the Consortium branch into other service areas? It is already happening. It’s what they’re doing. But so far, okay. Just continue to keep your eye on the Court. This was the historical founding grant.

The Consortium is in a great spot to take on the Equal Justice Works grants. After the funding term, then farm out the work to other organizations.

TVC should expand its work. There are shifts in demand. The Court’s work is not compromised when TVC takes on these additional services. DAV good example. The DAV grant for Discharge Upgrade did not result in a dilution of services.

The challenge is how to remain focused on core while considering how to diversify and broaden our work. Must diversify because the case load at VA will decrease over time.

Equal Justice Works grants are somewhat recurring. Some of them last for 2 years. Some can be recompeted. DAV’s grant for DU is a 2.5 year program. Other programs, like women’s clinics, are good, respected, and good PR for TVC.

We should handle all the types of cases we can. Should get extended funding from other sources. Be creative, entrepreneurial.

We learn through panel discussions and finding out what is on the minds of veterans. The clinic started before the EJW grant. We did not ask permission. We kept wondering where are the women’s services – maybe we should try at the VA hospital where only women are allowed. Then started. Then we wrote up the program. Got the grant.

**Development/Fundraising**

Board needs to fundraise. The grant is huge. But we need additional funding sources. But we do NOT need to grow significantly.
Raising money for reserves is appropriate. Evaluate fundraising firms; understand the risks – the costs and benefits. This should happen. A professional firm can scale the fundraising to meet the needs.

We can’t keep adding things. Just retool staff as needed. EAJA fees contributions are very helpful. Get more. Maybe add more emphasis to getting these particular contributions. Also the training we provide is an opportunity to get donations from the law firms who benefit from the training. Be overt: this is the value we provide to you.

Funding is going well. Reserves are up to $600k. And improving. This is one reason we hired Steve.

One of Steve’s marching orders is to raise additional funds. Would like to see a more technological approach.

Should we fundraise. It would uncomfortable if we overlap with VSOs. Figure out what we want first, our specific focus, and then farm out the rest of it.

Development is important. We must engage in this on a bigger scale.

We are currently aligned with the Court and their needs. Everything else has to be funded through grants. Donations are becoming more important.

Sponsorships work because of the mission. Also, partners from law firms get their firms to sponsor.

TVC must find other revenue sources. TVC is at a disadvantage to VSOs – they have so much development. Wounded Warriors spends $30M in advertising. There should be an effort to build up the communications department and the Gala. These are good but could develop. The Consortium can fundraise. It could benefit from having a professional fundraiser on staff – or a firm – that can help with strategies and other grants. Because the better we get – if the grant doesn’t change – we can only increase by 2 or 3% -- so we need to diversify, and must be more proficient. The majority of the board would favor a development function. Some old board members – we know who they are – will resist it.

I don’t see the Consortium venturing into fundraising; that would take it outside it’s core mission. If it goes into fundraising, it is then competing with the other VSOs. Event sponsorships are good. And getting the EAJA fees donated is good. Otherwise must be careful.
More emphasis should be placed on finding additional sources of revenue through grants, endowments, and the like.

We should be seeking alternative funds, writing more grants. Have seen improvement in development through the work of Claudia and Mike Kail.

Maybe VSO partners on our board could help fund our work. DAV has deep pockets, but they protect their own budget.

We are increasing our revenue through donated EAJA fees. The volunteer law firm can apply for EAJA fees and then donate them to us, or at least a portion. We are educating our volunteer firms to see this as a benefit to TVC and to the veteran. This is due to Mike and Claudia.

Need to be good at getting funding from other sources.

We have discussed creative ways to raise money. Should have more marketing at DOD. When I was discharging vets, I had not heard of TVC. Would love to have known about TVC then. Would like TVC to get increased budget to get more lawyers to handle more cases. The backlog is immense.

Risks and Threats

Risk: If we don’t get the grant – we are out of business.

Risk: Some board members think the grant will never have to be recompeted. But they are not in reality.

Risk: Board is anti-growth. But we could be vulnerable. If we want to go beyond our current core work, the board will be against it. And also, if we decide we need to grow, and get into other services, we are going against the big boys, with deep pockets and experience...tough to compete.

Threat from competing VSOs?
Could one of the founding organizations, or some other similar organization, unseat us? Should we dissolve and become a subsidiary of one of them? None provide this service. Although the NVLSP (National Veterans Legal Services Program) does provide discharge upgrade service. And they are allowed to keep the EAJA fees. The others, not so much. But if we move out beyond core services,
we begin to encroach on their turf; everything beyond core moves in to their services.

Does NVLSP compete with TVC? There are some areas we compete. We can peacefully coexist. We have different types of veterans cases before the Court. We do not reach out to vets who need pro se representation. So not much crossover.

There is no competition with PVA – everything at PVA is pro bono. But for PVA the biggest department is fundraising. TVC’s prior ED thought there was competition.

Risk: Board is told that everything is okay. But case numbers are lowering, even though the case load is growing, so we should be growing.

Threat: IPO being raised for a for-profit veterans law company. Trajector. Raising $100M. If veterans claims are going “for-profit” then who will help them – then money will be driving veterans claims.

Some are concerned about dwindling numbers. But the military is not necessarily shrinking – it is smaller than during Vietnam, but still significant. We will never be a nation at peace. We have never gone a generation without being at war.

Threats from law firms?
TVC is expert. Big firms don’t know this area.

Now law firms are becoming our competition. Chisholm, Chisholm. Also Bergman & Moore. Also NVSLP.

One large veterans law firm, Chisholm Chisholm and Fitzpatrick filed a bid the last time the grant was recompeted. Another firm, Bergman & Moore, is interested (not publicly). And there are law schools – 2 or 3 university law school clinics – that got together to put in a bid. That’s the competition for TVC. This time when LSC recompetes, we’ve heard that they’re not going to recompete it.

This grant has to be competed. It’s likely we will get it, but it could go to a law firm that wants this business. Could the Court give the 5% of the cases that we handle directly to law firms? There are a number of private firms who do nothing but veterans appeals. They would love the big grant, and they can underbid, or give their office space. Also some law schools could bid.
With TVC we entered into agreements with law firms, eg, Finnegan Henderson – various offices around the country and could establish a pro bono practice. Also used Chisholm Chisholm & Fitzpatrick. At the time, they had 4 attorneys. Now have grown to 36+ attorneys, just veterans law. But law firms are for-profit. They won’t take a case unless they can win it. They can then file for the EAJA fee which is about 20% of their normal price. That works for them. Why not go direct to law firms: TVC IS the conduit to the law firms.

Big Picture

Not sure. Core business is core business forever.

Our focus is on CAVC, not sure how much growth is available to us. We will have fellowships with new programs. Maybe we can extend the programs if we have extended funding.

In five years: expert in veterans law. Consortium has always been the gold standard for veterans law. Continue to excel. TVC is a place where high level legal issues cross paths.

At the end of the day, do they work themselves out of a job? Maybe. We have 5,000+ people capable of handling these cases.

Can’t tell. CAVC should continue. It’s going well. Some say it will go away in a few years because we are out of the Middle East, but I don’t agree. Mental health needs will continue. DU will grow.

We should get more involved in law school clinics. It is part of our core mission (training lawyers).

We are at only 11% pro se now. It should be 1 to 2%. TVC should continue to help vets over hesitancy to use a lawyer. Continue to sign on to amicus briefs.

Continue as we are doing, maybe be able to do a little more. More holistic. Help veterans with other needs.

More is better. More attorneys. Would like to do amicus briefs.

Would love to do a law school clinic. Get the 5 law schools in DC to come together and build a veterans law clinic specializing in military sexual trauma.
Continue doing what we’re doing. Maybe have bigger impact. Encourage volunteer lawyers to continue with the vet at the agency.

Continue the core mission. Expand the number of cases placed. Keep the same success rate. Ancillary programs should continue as long as there is sufficient revenue. TVC should not become a classic VSO, never. Never be in competition with a VSO.

We could provide better training, additional mentoring, and lighten everyone’s workload. As long as our core mission were being executed flawlessly, we could expand our services.

We could add more depth and provide a warm handoff to other organizations to help the veteran navigate additional services.

Need to see if services continue or decline. Otherwise, important to not have an arduous process but seamless in integrating services and training.

Big picture: put itself out of business. In 15 years, the pro se rate went from 90% to 15%. It’s a foregone conclusion that the LSC grant will be significantly reduced, simply because there are fewer cases. As cases decline, LSC money will dwindle, unless Congress changes the terms of the grant. So we must fundraise and offer additional services. And there is plenty of other work to do. Non-VA issues like bankruptcy, divorce, tort, etc. This is not what the Consortium wants to hear, but it is the reality within the next five years.

Grow the volunteer base. Do things outside the core mission but keep the core mission central to everything we do. Be opportunistic; don’t be stagnant.

Would like to see 2 – 3 attorneys and a paralegal. It is quick work, but too many cases. Would also love marketing help.
What Else

Non-core could be a distraction from the core mission.

There should be an annual get-together (wine & cheese or something more substantive) between Court and TVC to discuss roles and acquaint new judges.

This model works very well. The model of educating and providing cases to the law firms has worked very well. I wish it could be a model for services at other federal agencies.

Day-to-day interactions with a few key people. The Court used to interact with 5 people. Now it is 2 – Judy and Courtney. If that changes, things become more difficult.

Should the name change? Probably. Not a branding expert, but we are not a Consortium.

Doing a strategic plan to check the box and have it sit on the shelf collecting dust would be a significant mistake. We must assess the strategic objectives and articulate them. Then develop a tactical plan. The steps needed to reach those objectives are the more important.

If we had more staff, we could provide more training and mentoring. Historically, we have subcontracted out both our training and mentoring. We now do most of our own training but still rely on NVLSP for the vast majority of our mentoring, which is very time consuming.

The Board should require a 360 evaluation for the ED. We know LSC has pushed for this. LSC wants a mechanism for anonymous complaints to the Executive Board.

The Board does not support the staff. They are in some ways competitors. So we can’t do anything. We tried to post scholarly articles, but then we were told not to.

LSC is working on a board governance program for TVC for Spring, 2022.
Strategy – Interview Notes

The organization is experiencing strong growth. Does this growth align with our population?

There are three main elements to accomplish a strong strategic plan:
1. 90% of what we should do is to maintain the grant. We have done it a long time, and we get along well with them, so we should be okay. But don’t lose focus.
2. Execute the continued success of the discharge upgrade program
3. Whatever else is minor

But we have to be careful and aware of non-core mission services. If we steer too boldly into non-core mission, we could be viewed as shifting focus away from legal services and jeopardize the federal grant.

Keep the big grant, that’s the most important thing. Keep the discharge upgrade program, going well. The rest is gravy. Write it like, “We will look into this or that and get back to the board for review.” Low impact of potential change. Board will like that. BUT don’t forget: it’s more important to please the Court and LSC than it is to please the Board.

Keep our eye on the bread and butter. We serve the Court. We need to ensure that the CAVC is first in the Strategic Plan, that the reason we exist is not lost.

We are planting the seeds for some other organization to replicate. Someone can then take it on because we have shown how to do it. We get it started, and then it becomes a ready-made product. Can then go to a law school which has the donor pool to fund the continued work.

Steve knows the danger of distraction. He needs to be careful. Every time he has an idea and uses a current TVC staff member to work on it, that’s a distraction from the core mission. If the Consortium says “We’ll go in a different direction” – then maybe there is a problem.

Do an assessment of the network – the 6,000+ attorneys – is it sufficient to meet the needs going forward; if yes, focus on training; if no, focus on recruiting.