Wake Forest Veterans Legal Clinic

By Chris Salemme

The Wake Forest Veterans Legal Clinic provides pro bono legal representation to veterans who received a "bad paper" discharge despite having Post-Traumatic Stress Disorder ("PTSD"), Traumatic Brain Injury ("TBI"), or another mental health condition. The clinic also represents veterans who unjustly received a "bad paper" discharge and now have a remedy as a result of a change in the law.

The Veterans Legal Clinic was founded by Brandon Heffinger when he was a law student at Wake Forest, and with the assistance of a founding partner, Professor Steve Virgil, the law school launched the program in 2015. As the newest clinical program at Wake Forest, the clinic continues to grow and expand its reach to veterans throughout North Carolina. Heffinger, a captain in the U.S. Marine Corps Reserves, now serves as the director of the Veterans Legal Clinic and an adjunct faculty member, and Chris Salemme, a first lieutenant in the U.S. Army, is serving as the clinical fellow.

One of the clinic's clients, Kevin Webb, a Navy veteran, describes its services as a God-send. "For several years I have tried to get my legal matters resolved with the VA (Veterans Administration) to no avail," Webb says. "But once I was accepted into the program at Wake Forest Law, I have been thoroughly pleased with the entire process. I am now optimistic about my situation being resolved."

Heffinger says Webb is not alone. "Approximately 125,000 post-2001 veterans cannot access basic VA services. For most of these veterans, a bad-paper discharge is the roadblock."

Because some discharges are improperly or unfairly classified, the military allows former service members to apply for a discharge upgrade. Each branch of the military has both a Discharge Review Board and a Board for Correction of Military (or Naval) Records. Former service members can assemble applications and attempt to convince a review board that their discharge characterization meets the legal standard to be considered "inequitable" or "improper" and should be upgraded. This is a complicated process, and an applicant's chances of success increase significantly if they are assisted by an attorney.

Students enrolled in the clinic work directly with veteran-clients to prepare extensive legal briefs in support of their clients' discharge upgrade petitions to submit to the appropriate boards. Additionally, students learn about a variety of military and veteran law issues throughout the semester from expert guest lecturers.

Veterans seeking assistance with a discharge upgrade should complete and submit an Application for Legal Services and a copy of their DD-214 to the Clinic. Prospective clients may contact the clinic, Monday through Friday, at (336) 758-2431.

The Veterans Legal Clinic is also seeking assistance from the North Carolina legal and veteran communities. Because its practice is limited to only discharge upgrade cases, the clinic is continuously looking for attorneys to whom veterans can be referred for other legal issues on a pro bono basis. Additionally, the clinic is always looking to expand its ability to assist veterans. Those in the veteran community are encouraged to help spread the word about what the Wake Forest Veterans Legal Clinic does and how veterans can benefit from its services.

Chris Salemme serves as the clinical fellow for the Wake Forest Veterans Legal Clinic. He earned his juris doctorate in 2017 from Wake Forest University School of Law and a bachelor of arts in political science from Furman University in 2014. An officer in the United States Army, Chris will begin active duty service in the Army Judge Advocate General's Corps in May 2018.

Carolina Law: The Veterans Legal Assistance Project

By Jessica Marsden

The Veterans Legal Assistance Project at Carolina Law launched in 2016 and enrolled its first students in spring 2017. The project is led by Jessica Marsden, an Equal Justice Works fellow sponsored by Raytheon Co. and Kirkland & Ellis LLP. Students primarily represent veterans seeking discharge upgrades from the Discharge Review Boards and Boards for Correction of Military/Naval Records. Students have also worked on federal litigation in the Western District of North Carolina and the Court of Appeals for Veterans Claims. In addition, UNC has collaborated with Sylvia Novinsky and the North Carolina Pro Bono Resource Center to run in-person advice-and-counsel clinics at VA medical facilities in Fayetteville and Durham.

A successful discharge upgrade application can change a veteran's life. In fall 2017, the clinic secured a discharge upgrade for an indigent Vietnam veteran from central North Carolina. The client had been promised a general discharge when he left the Navy, and agreed to forego an administrative hearing on that basis. Instead, he received an Undesirable discharge that disqualified him from VA benefits. Multiple prior discharge reviews failed to correct this glaring procedural error. Thanks to the clinic’s representation, the client is now eligible for VA health care and disability benefits, finally rectifying a 40-year-old injustice.

The need for pro bono representation in discharge upgrade cases far outstrips the clinic’s resources. North Carolina attorneys could fill this access-to-justice gap if they volunteered to be trained in preparing discharge upgrade applications and agreed to accept pre-screened cases from the clinic or another source.

Jessica Marsden is an Equal Justice Works fellow at the University of North Carolina School of Law and the supervisor of the school’s Veterans Legal Assistance Project. She is a graduate of Yale Law School, where she represented veterans and veterans organizations in the Veterans Legal Services Clinic.