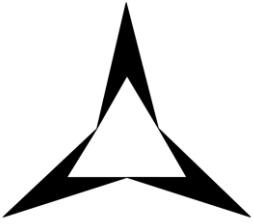


# VETERANS' JUSTICE PROJECT

*A Service of Metropolitan Public Defenders*



December 12, 2016

Senate and House Interim Committees on Veterans and Emergency Preparedness  
900 Court Street NE  
Room 347  
Salem, Oregon 97301

Re: Written Testimony for December 14, 2016 Committee Hearing

Dear Chair Boquist and Chair Lively:

It is with the greatest pleasure that we offer the following written testimony for the Committees' consideration. This testimony is in two parts:

- Section A of this testimony represents the consensus of the Veterans' Advocacy Community in Oregon and centers on informing the Committees – and through you, the larger Legislature – of the reason why prioritizing Veterans' Services through the budgeting and appropriations process is good for Oregon, Oregonians, and Oregon's Veterans and Veteran Families.
- Section B of this testimony provides information to the Committees of the panoply of legal services that Oregon's Legal Veterans' Advocacy Community has developed. We hope that this information will be useful to the panel as examples of the great good we can do for our Veterans with relatively modest allocation of government money.

We hope that our testimony will be useful to your Committees as you develop law and policy to better care for our Veterans and Veteran Families while also improving the economic prospects of Oregon.

I am proud to have been given the opportunity to draft up this testimony in our efforts to capture the consensus of our organizations. As the Lead Advocate in the Veterans' Justice Project working for homeless Veterans under a VA grant which covers 34 of our 36 counties; as the Chair of the Military and Veterans Law Section of the Oregon State Bar working to ensure Veterans are cared for properly under the law in Oregon; and as the founder of Oregon Veterans Legal Services and the father of the Oregon Veterans Legal Clinic at Willamette Law School, I have developed a

comprehensive vision of the capabilities and limitations of our Veterans' Services throughout Oregon.

## Section A

### Executive Summary

Oregon's more than 322,000 Veterans have sacrificed for America and for Oregon, and we are determined that their sacrifices will be appropriately addressed.

We understand that some of your colleagues, especially in the face of limited resources for the upcoming biennium, will be tempted to underfund Veterans' Services, as has been traditionally the case here in Oregon. We believe that this would be the wrong move, both politically and morally.

Happily you, the members of both the Senate and House Committees on Veterans and Emergency Preparedness, have been steadfast allies in our efforts to better care for Veterans and Veteran Families. First and foremost, we must thank all of the members of both Committees for your leadership and care for those who have defended America.

Similarly, our partners in the Oregon Department of Veterans Affairs (ODVA) are dedicated, competent professionals who have earned the respect and esteem of our Veterans' Advocacy Community.

It is with the best interests of every Oregonian in mind, as well as our moral obligations to our Veterans and Veteran Families, that we respectfully recommend that Oregon's Veterans' Services Budget be supplemented by \$51,948,051.95 per year, to include the roughly \$9M per year that will be Constitutionally allocated for Veterans' Services pursuant to passage of Measure 96.

Therefore, for the reasons stated herein, the consensus position of Oregon's Veterans' Advocacy Community is that the Legislature should fund Veterans' Services in an additional amount of \$42,948,051.95 per year from the General Fund.

The stakes could not be higher: As the incoming head of the American Bar Association observed in dedicating her term to addressing Veteran Legal Challenges: "Veterans make up 20 percent of the male homeless population, while the fastest-growing homeless population in America is women veterans. And more than 13 percent of our nation's heroes live near or below the poverty line." Oregon's Voters want more to be done, and they want it done now.

### Background

For decades, Oregon's Veterans' Advocacy Community has worked – albeit in a disjointed and uncoordinated manner – to point out the overwhelming willingness on the part of Oregon's voters to prioritize Veterans' Services. In our lack of disciplined communication, we have allowed special interests to advance a false narrative to our partners in the Legislature: That Oregonians care about Veterans' Services in the abstract, but that – when push comes to shove – Oregon's voters wouldn't vote to prioritize Veterans' Services.

This General Election has put the lie to that false narrative.

In the previous biennium, the Legislature approved a Veterans' Services budget of \$9,952,212 total funds, and 30 positions (29.90 FTE).<sup>1</sup> "Veterans' Services" includes "in-house" as well as "grantee" expenditures for National Service Organizations (NSOs), in order to ensure a proper and cost-effective mix of assistance is provided to Oregon's Veterans and Veteran Families.

At the moment, Veterans' Services in Oregon focus very heavily on providing Oregon Veterans assistance in presenting their cases before the Veterans Benefits Administration (VBA), a part of the federal Veterans Affairs Administration, or VA. This is a critical priority, largely because the VBA is not nearly as "customer friendly" as it should be.

By providing support, Oregon aims to obtain equitable treatment from the BVA for Oregon's Veterans and Veteran Families. Without assistance, Oregon will continue to "leave money on the table," as measured by continuing underperformance of Oregon Veteran and Veteran Family requests for federal benefits.

By providing Oregon's Veterans and Veteran Families help in petitioning for federal Veterans' Benefits, Oregon reaps the rewards. In federal Fiscal Year 2015, Oregon received \$2,627,979,000 in federal Veterans' Assistance. \$1,281,055,000 of this assistance was provided in the form of cash payments to Veterans and Veteran Families under the "Compensation and Pension" category, also known as "Comp & Pen." The remaining \$1,346,924,000 is spread across several other categories: Construction, Education & Vocational Rehabilitation/Employment, (federal) VA Home Loan Guaranty, General Operating Expenses, Insurance & Indemnities, Medical Care, and Unique Patients.<sup>2</sup>

During passage of House Joint Resolution (HJR) 202, your Resolution by which Measure 96 was referred to the people, the proposed funding level was originally envisioned as 5% of net lottery proceeds, subsequently reduced to 1.5%. 1.5% of net lottery proceeds are expected to amount to approximately \$18M per biennium, or \$9M per year. Although a decrease from the planned 5% to 1.5% of net lottery proceeds was a bitter pill to swallow at the time; our community rallied around HJR 202, fully supported it, and worked hard to ensure Measure 96's overwhelming victory. We saw any Veterans' Services Bill as a critical first step in validating the level of public support for Oregon's Veterans and Veteran Families, as well as an opportunity for our community to deploy those additional resources in a manner which returned value for money for Oregon's investment.

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<sup>1</sup> "Veterans' Services," for our purposes, are presented in contrast to other ODVA responsibilities, like the Home Loan Program and the Oregon Veterans Home Program. These programs can create the illusion that Oregon government spends a lot more on Veterans' Services than we actually do.

<sup>2</sup> Unique patients are patients who received treatment at a VA health care facility.

## The Results of Measure 96 Shows the Priorities of Oregon's Voters

Measure 96's 66-point margin of victory (83-17) constitutes the closest thing to unanimity that is possible in a democracy. Measure 96 won in every one of Oregon's 36 counties, but what is noteworthy is that the margins crossed political lines: The "lowest-performing" county in the state was Benton (with "only" a 54-point margin of victory, 77-23); but Multnomah (with an almost 70-point margin, 85-15) provided the ninth-highest margin in the state. In the Portland Metro counties *alone*, the measure passed by an 84-16 margin, 707,803 to 133,673, almost exactly reflecting the statewide vote totals.

We believe the results of this most recent General Election will greatly strengthen your hand in dealing with anyone tempted to "balance Oregon's budget on the backs of our Veterans" for three broad reasons:

1. As far as we have been able to determine, the winning margin of Measure 96 is the largest for any Measure in Oregon history and speaks powerfully to our people's priorities.
2. The amount of money spent on Veterans Issues in Oregon is still very limited, especially in terms of "Veterans' Services" for which Measure 96 is earmarked.<sup>3</sup>
3. Oregon Taxpayer money that is spent on Veterans' Services is one of the few areas of government spending where substantial and immediate returns on investment are demonstrably achievable.

Judging by the results of the General Election, caring for Veterans is one of the rare public policy issues on which there is broad, almost universal, support across the Oregon political spectrum. It is an area in which the moral case and the fiscal case are aligned.

To put it a slightly different way: On November 8<sup>th</sup> of this year, Oregon Voters resoundingly voted to supplement funds available in Oregon for Veterans' Services. Although the Yes on 96 Campaign spent almost nothing, there is clearly a broad consensus amongst our people that we need to *do more* for Oregon's Veterans and Veteran Families.

## Governor Brown's Proposed Cuts for Veterans' Services is Mistaken

December 1, 2016 marked the release of Governor Brown's proposed budget for the next biennium. Given Measure 96's 66-point margin of victory, our community was optimistic that the Governor would prioritize Veterans' Services, over and above Measure 96's Constitutional allocation. We were confident that everyone saw the results of the election as clearly as we did: Oregonians want to prioritize government help with our Veterans and Veteran Families.

Instead, our Governor proposes slashing Oregon's General Fund contribution to Veterans by almost \$10M over the next biennium, thereby gutting the entire purpose of Measure 96. Instead

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<sup>3</sup> By our calculations, Oregon governmental spending on Veterans' Services currently represents less than .8 of 1% of total governmental spending in Oregon, a shockingly low number.

of adding the dozens of positions our people demanded to truly take care of our Veterans and Veteran Families, Gov. Brown proposes adding four positions. This means hollowing out Oregon's commitment to expanding Veterans' Services. In fact, the Governor wants more than 89% of Veterans' Services funding to come from Lottery Funds.

In the face of a resounding and unmistakable command by Oregonians across the political and geographic spectrum to **supplement** Veterans' Services in Oregon, the Governor instead set out to **substitute** one set of funds for another, completely ignoring the problem which our people directed her to solve.

We are frustrated but resolute: On November 8th, across the State and across the political spectrum, Oregon's Voters made it perfectly clear to our leaders that the chronic underfunding of Veterans' Services needed to stop.

Some numbers might bring things into focus:

- Like so many of the things that unite us here in Oregon, the vote for Measure 96 crossed party, racial, ethnic, and geographic lines: In Portland Metro, Measure 96 won by 84-16, same as in Deschutes, Polk, and Lake Counties.
- Throughout our State, Oregon went for Measure 96 by an 83-17 margin, more than 5:1.
- Measure 96 earned more than 700,000 votes in Portland Metro alone while winning all 36 counties.
- There was only an 8-point difference between Oregon's highest (Crook, at 85.87%) and lowest (Benton, at 77.14%) performing counties for Measure 96.

Getting HJR 202 unanimously passed was the first big victorious battle in this fight.

Similarly, when the Attorney General suggested flawed ballot titling to Measure 96, we closed ranks and ensured a balanced ballot title went to our people, including critically important arguments provided by members of your Committees to our Secretary of State. That was the second smashing victory.

On Election Day, Oregon let its voice be heard loud and clear, the third victorious battle.

This de-prioritization of Veterans' Services by our Governor is painful, but all is not lost. Time and again, you have shown us that our Legislators are loyal to our fighting men and women. The Governor may propose, but the Legislature will dispose.

## Our Veterans

America has learned through bitter experience that the cost of stigmatizing and failing our Veterans is felt throughout society for decades after the guns have fallen silent. Unlike their peers in the civilian world, Veterans tend to either follow a downward or upward spiral in their post-service life. Each Veteran's "trendline" can be altered, but we know that arresting a Veteran in downward spiral becomes progressively more difficult the further down the spiral they travel before assistance is provided. Similarly, an upward trendline becomes more and more secure over time.

In Oregon, just as in the rest of our country, the need is obvious. We know that:

- the incidence of PTSD and suicide rates among Veterans is high and climbing: Veterans represent about 8% of the Oregon population, but account for 27% of all Oregon suicides;
- approximately 33% of homeless males in the U.S. are Veterans;
- Every single night almost 58,000 Veterans in America are homeless, which equals the number of service members who died in the Vietnam War;
- Veterans are twice as likely as other Americans to become chronically homeless;
- more than 20,000 Veterans were wounded during service in Iraq and Afghanistan;
- about 70% of homeless Veterans suffer from substance abuse problems, many because of drug use that commenced during treatment of combat injuries;
- 45% of homeless Veterans suffer from mental illness, including Post-Traumatic Stress Disorder (PTSD);
- 19% of Iraq Veterans report a mental health problem, and more than 11% of Afghanistan Veterans;
- the risk of women Veterans becoming homeless is four times greater than for male Veterans; and
- one of every five female Veterans has been the victim of military sexual trauma, and about 26% of female Veterans seeking VA medical care report experiences of sexual assault.

Conversely, we know that Veterans:

- 65% of Veterans abstain from drug and alcohol use for at least six months while in a Housing Program;
- are more likely to successfully complete educational and vocational programs than their civilian peers;
- are less likely to be fired or dismissed from a job once employed than their civilian peers;
- make more, on average, than their non-Veteran counterparts (by \$6,642 for males and \$12,517 for females);
- are less likely to live in poverty than non-Veterans;
- are less likely to be incarcerated (and less likely to recidivate if incarcerated); and

- vote and participate civically at higher rates than non-Veterans.

In other words, the lows are lower and the highs are higher. All of this data argues persuasively for societal investment in Veterans' Services.

### Where is Federal VA Money Going to in Oregon?

Following the lead of our Governor, we understand that some of your colleagues, especially in the face of limited resources for the upcoming biennium, could be tempted to underfund Veterans issues, as has been traditionally the case. We believe that this would be the wrong move, both politically and morally.

In simple point of fact, ODVA estimates that every \$1 we spent on Veterans' Services in Oregon generates \$77 in additional federal benefits for Oregon Veterans and Veteran Families. According to the [Eugene Register-Guard](#), Oregon Veterans and Veteran Families leave \$4,000,000,000 per year in unclaimed Veterans' Benefits "on the table."

The VA collects statistics on all federal VA spending per county in America. Here are the counties which comprise the Senate Members' Districts, and the total VA contributions into those counties (source, <https://www.va.gov/vetdata/Expenditures.asp>):

Senate Interim Committee On Veterans and Emergency Preparedness			
Position	Name	Counties	VA \$ for Counties
Chair	<a href="#">Senator Brian Boquist</a>	Washington, Yamhill, Polk, Benton, Marion	\$521,837,411.84
Vice-Chair	<a href="#">Senator Laurie Monnes Anderson</a>	Multnomah	\$394,884,716.76
Members	<a href="#">Senator Alan Olsen</a>	Clackamas, Marion	\$360,041,704.66
	<a href="#">Senator Kevin Talbert</a>	Jackson, Klamath	\$304,584,675.44
	<a href="#">Senator Peter Courtney</a>	Marion	\$161,194,643.58

Similarly, here are the total cash payments into each House Member's Counties:

House Interim Committee On Veterans and Emergency Preparedness			
Position	Name	Counties	VA \$ for Counties

Chair	<a href="#"><u>Representative John Lively</u></a>	Lane	\$247,841,958.38
Vice-Chair	<a href="#"><u>Representative Deborah Boone</u></a>	Clatsop, Tillamook, and Washington	\$284,493,715.45
Vice-Chair	<a href="#"><u>Representative Sal Esquivel</u></a>	Jackson	\$231,428,751.73
Members	<a href="#"><u>Representative John Huffman</u></a>	Wasco, Wheeler, Jefferson & Deschutes	\$136,168,948.18
	<a href="#"><u>Representative Julie Parrish</u></a>	Washington, Clackamas	\$429,191,095.03
	<a href="#"><u>Representative Carla Piluso</u></a>	Multnomah	\$394,884,716.76
	<a href="#"><u>Representative Paul Evans</u></a>	Marion, Polk	\$204,643,751.91

The “[economic multiplier rule](#)” states that for every \$1 introduced into an economic area, the recipient will tend to spend 90% and save 10%; the recipient of the spending will tend to spend 90% and save 10%; & etc. etc. A conservative “multiplier effect” is 5x. Thus we can see that the economic activity generated by total payments from federal VA in, for example, Representative Esquivel’s Jackson County is \$1,157,143,758.65, per year. For point of comparison, according to the U.S. Census Bureau, total retail spending in Jackson County for 2012 was \$3,202,716,000. Obviously, for many counties, federal VA spending represents the largest “employer” in that county.

In order to determine the break point for Legislative spending on purely economic grounds, we would therefore take the unclaimed Veterans’ Benefits every year, divide by 77, and that number would indicate the point at which additional spending on Veterans’ Services would reach the point of “diminishing returns.”

That number is \$51,948,051.95. In additional spending.

In other words, if Oregon spends an additional \$51M per year on Veterans’ Services, we would expect an additional \$4,000,000,000 of money to come into Oregon from federal Veterans Benefits. This, in turn, would be expected to generate at least \$20,000,000,000 in additional

economic activity in Oregon. By comparison, according to the U.S. Bureau of Economic Statistics, [Oregon's total economic activity](#) (GDP) in 2015 was \$213,381,000,000.

Political Professionals too rarely give credit to voters for making sophisticated decisions with their votes, and political consultants and other “experts” seek to credit themselves with a greater level of perspicacity. However, it is clear from the overwhelming vote of Oregonians that our people understand that there are moral *and* fiscal reasons to greatly expand spending on Veterans’ Services in Oregon.

For decades, Oregon’s Veterans’ Advocacy Community has worked to point out an overwhelming willingness on the part of Oregon’s voters to prioritize Veterans’ issues. Happily, the members of both the Senate and House Committees on Veterans and Emergency Preparedness have been reliable allies in our efforts. We thank all of the members for their leadership and care for those who have defended America.

Similarly, our partners in the Oregon Department of Veterans Affairs (ODVA) are dedicated, competent professionals who have earned the respect and esteem of our Veterans’ Advocacy organizations, as well as Oregon’s more than 322,000 Veterans.

### **Under the Radar: Additional Veterans Services in Oregon**

In addition to the more commonly known Veterans’ Services provided through Oregon governmental spending, Oregon’s Veterans and Veteran Families have been well served by federal programs which fund Oregon Veterans’ Services, but those programs are confronted with a decrease in federal benefits. First amongst those programs are the [Supportive Services for Veteran Families](#) (SSVF) Program.

Under the SSVF program, the VA awards grants to private non-profit organizations and consumer cooperatives which can provide supportive services to very low-income Veteran families living in or transitioning to permanent housing.

Grantees provide eligible Veteran families with outreach, case management, and assistance in obtaining VA and other benefits, which may include: Health care services, Daily living services, Personal financial planning services, Transportation services, Fiduciary and payee services, Legal services, Child care services, Housing counseling services.

In addition, grantees may also provide time-limited payments to third parties (e.g., landlords, utility companies, moving companies, and licensed child care providers) if these payments help Veteran families stay in or acquire permanent housing on a sustainable basis.

With apologies to Rep. Huffman, 34 of 36 Oregon Counties are covered by SSVF Grantees, with the exceptions being Wheeler and Gilliam Counties. The following chart indicates the coverage areas for Oregon’s SSVF Grantees:

Organization Name	Area Served	Grant Amount
<a href="#"><u>Transition Projects, Inc.</u></a>	Multnomah, Clackamas, Washington, and Clark (Washington State) Counties	\$2,000,000 (Priority I)  \$1,384,014
Organization Name	Area Served	Grant Amount
<a href="#"><u>Easter Seals Oregon</u></a>		\$412,000
<a href="#"><u>Mid-Willamette Valley Community Action Agency (MWVCAA)</u></a>	Marion and Polk Counties	
<a href="#"><u>Community Action Team, Inc.</u></a>	Columbia, Clatsop, Tillamook, and Washington Counties	\$723,256
<a href="#"><u>St. Vincent de Paul Society of Lane County, Inc.</u></a>	Lane, Benton, Linn, and Lincoln Counties	\$1,000,000 Priority I  \$282,000
<a href="#"><u>Community Action Partnership of Oregon</u></a>	Wasco, Hood River, Sherman, Yamhill, Malheur, Harney, Klamath, Lake, Baker, and Grant Counties	\$2,000,000 Priority I
<a href="#"><u>Central Oregon Veteran's Outreach</u></a>	Deschutes, Crook, and Jefferson Counties	\$313,000
<a href="#"><u>Access</u></a>	Coos, Curry, Douglas, Jackson, Josephine	\$1,000,000 Priority I  \$693,538

<a href="#"><u>Blue Mountain Action Council</u></a>	Morrow, Umatilla, Union, and Wallowa Counties	\$874,437
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As you can see, the SSVF Program pours \$10,682,245 per year into assisting our most vulnerable Veterans and Veteran Families.<sup>4</sup> However, up to \$6,000,000 of that money was awarded on a non-recurring basis as so-called “Priority I” grants. \$4,000,000 of this “Priority I Money” is set to expire at the end of this federal fiscal year (September 30, 2017), jeopardizing the tremendous success Oregon has experienced in reducing Veteran and Veteran Family homelessness over the past several years.

It is equally noteworthy that the services provided by the SSVF Grantee organizations are provided within a framework of extreme fiscal discipline by Oregon Nonprofits which have extremely deep connections within your communities. These are organizations which truly make every penny count.

It is also critically important to note that Oregon’s management of SSVF Grants has been presented as a model to other SSVF Grantees throughout the country. On July 8<sup>th</sup> of this year, Alex Glover of Transition Projects and I had the great privilege of presenting “Legal Services and the Supportive Services for Veteran Families (SSVF) Program” at the National Legal Aid & Defender Association Conference in Utah. Our experiences in integrating holistic services to Veterans and Veteran Families who struggle with housing stability are taught throughout the country as a model of efficiency and effectiveness.

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<sup>4</sup> It is also important to note that the \$10,682,245 committed per year to the SSVF Program is not captured in the VA’s statistics on federal VA spending in Oregon.

## Section B

### **The Oregon Veterans Care Plan – A Way Ahead in Caring for Oregon’s Veterans and Veteran Families**

In terms of moving forward and devoting resources in the most effective and socially-responsible manner, we have therefore formulated the following recommendations.

We have approached this discussion with an eye toward creating a holistic framework for an Oregon Veterans’ Care Plan (OVCP) which can be deployed to address the most emergent challenges to Oregon’s Veterans’ Community, while also serving as a proof of concept for further expansion as successes are accumulated.

Our vision of the OVCP is one in which Oregon’s Veterans and Veteran Families are managed holistically throughout their post-military-service “life cycle.” Effectively, the OVCP envisions ODVA acquiring Veterans at End of Term of Service (ETS) or during a break in service for members of the Reserve and Guard components, providing each Oregon Veteran with information about accessing Veterans benefits, assisting Veterans and Veteran Families in accessing those benefits to which they are entitled, providing advocacy and assistance for Veterans confronting legal challenges in Oregon (including homelessness and criminal charges for which Veterans Courts may be an appropriate venue), facilitating purchase of a home, transitioning into old-age care in one of Oregon’s Veterans Homes, and ensuring burial with appropriate honors in an appropriate resting place.

This holistic vision of Veteran Care is in keeping with the state of the art concerning Veterans’ Advocacy throughout our country and has proven to be an effective mechanism in transforming Veterans and Veteran Families from net-consumers of public assistance into fully productive members of society. The OVCP builds on Oregon’s already-established reputation for innovation and excellence in Veterans’ Care while at the same time leveraging best practices from other successful Veterans’ Advocacy endeavors throughout our country.

#### **Part I: VSOs—Sustaining and Expanding Success**

It is the consensus of the Veterans’ Advocacy Community in Oregon that the most critical leg of Veterans’ Services at the moment is maximizing Oregon Veteran success before the Veteran Benefit Administration. As your Committees already know and which we have previously discussed, Oregon’s more than 322,000 Veterans leave more than \$4B of federal Veterans’ Benefits on the table *every year*. This exceeds the \$2.5B in Veterans’ Benefits Oregon’s Veterans and Veteran Families receive every year. Conversely, investment in Veteran Services Officers (VSO) results in a net benefit to Oregon, as each \$1 that is invested for VSOs has historically resulted in \$77 of additional federal benefits for Oregon’s Veterans and Veteran Families.

Consequently, we are in favor of devoting  $\frac{1}{3}$  of the total (or \$17,316,017.32) to expansion of VSOs, both through ODVA’s existing programs with state, county, and NSOs and through bringing on

board legal specialists who can serve as “combat multipliers” for our VSOs throughout the state. However, none of the  $\frac{1}{3}$  which we propose for supplementing VSO work is envisioned to displace any resources currently being used. NSOs that currently provide matching funds for their VSOs will be expected to continue their contributions, allowing more VSOs to be brought on board and avoiding the “moral hazard” of encouraging other stakeholders to make the same mistake of substitution which the Governor’s advisors made.

In our work advising Social Workers under the SSVF Program, we have determined that a handful of legal specialists serve as effective “combat multipliers” to social workers assisting Veterans and Veteran Families. Although lawyers and legal specialists are more expensive than social workers, their presence allows social workers to dramatically increase their productivity. By bringing legal specialists on board who are conversant in Veterans’ Benefit work, ODVA will close a critical capability gap which currently exists.

At the moment, VSOs are non-lawyers, and there is no mechanism to assist Veterans with legal assistance when lawyers are required. Providing non-lawyer VSOs is a cost-effective baseline strategy, as initial preparation of a Veterans’ Benefit Claim does not require a lawyer. However, technical challenges frequently arise in Veteran Benefits issues. Returning legally-trained expertise to the VSO process will allow further training of VSOs, as well as offering VSOs technical experts to facilitate success on technically challenging claims. At the same time, having lawyers available to VSOs will mean that technically-challenging cases will no longer have to be “farmed-out” to private lawyers for action.

## **Part II: Powering Veterans Services Down to Higher Education**

In addition to expanding the number and bolstering the capabilities of our VSOs at the State, County, and NSO ranks; we envision that  $\frac{1}{3}$  of the supplemental resourcing available (or \$17,316,017.32) be earmarked for further Veterans’ Services within the context of Oregon education. This both advances the stated purpose of HJR 202 and addresses a critical capability gap in Oregon at the moment.

This “Veterans Education” capability gap manifests itself in the tremendous challenges our Veterans and Veteran Families have in accessing federal educational benefits, whether they are from the G.I. Bill or from Vocational Rehabilitation Programs administered by the federal Veteran Affairs (VA) Administration.

At the moment, federal VA educational and vocation rehabilitation spending in each county in Oregon (in \$1,000s) is as follows:

County	Education & Vocational Rehabilitation/ Employment
BAKER	\$332,000

BENTON	\$4,805,000
CLACKAMAS	\$13,523,000
CLATSOP	\$1,041,000
COLUMBIA	\$1,769,000
COOS	\$1,681,000
CROOK	\$440,000
CURRY	\$249,000
DESCHUTES	\$10,545,000
DOUGLAS	\$2,928,000
GILLIAM	\$33,000
GRANT	\$110,000
HARNEY	Data unavailable
HOOD RIVER	\$378,000
JACKSON	\$6,400,000
JEFFERSON	\$692,000
JOSEPHINE	\$2,601,000
KLAMATH	\$4,013,000
LAKE	\$237,000
LANE	\$16,283,000
LINCOLN	\$881,000
LINN	\$4,947,000
MALHEUR	\$572,000
MARION	\$9,105,000
MORROW	\$70,000
MULTNOMAH	\$30,063,000
POLK	\$2,812,000
SHERMAN	\$68,000
TILLAMOOK	\$416,000
UMATILLA	\$1,375,000
UNION	\$819,000
WALLOWA	\$71,000
WASCO	\$485,000
WASHINGTON	\$22,796,000
WHEELER	Data unavailable
YAMHILL	\$3,382,000
<b>Total</b>	<b>\$145,921,000</b>

Like other federal VA benefits, this money is a critically important source of funding for Oregon's institutions of higher education. Sadly, it is also underutilized, which supports devoting additional resources to maximizing it. The \$145,921,000 spent in Oregon on federal Education & Vocational Rehabilitation/Employment represents both a source of approximately \$729,605,000 worth of economic activity, and also represents a sizable percentage of all money spent on higher education in Oregon.

Placing Veteran Advocates at Oregon's institutions of higher education will allow those advocates to more closely ties in with local VSOs, and it will also facilitate the acquisition and service of Veterans from the Iraq and Afghanistan Wars whom currently programs are currently challenged to address.

### **Part III: New Programs**

Lastly, our groups envision  $\frac{1}{3}$  of the total (or \$17,316,017.32) be used for developing new programs for Veterans Services and supplementing current programs which are working effectively but which face budget shortfalls in the near future due to projected federal defunding.

#### **Veterans Courts**

Oregon's Veterans Courts provide a model of rehabilitative, restorative justice which has proven both more cost effective than traditional models of justice and also more merciful. Unfortunately, legacy models of criminal defense support for Oregon's Veterans Courts are unsuitable to the different realities of practice in this unique form.

At the moment, Oregon's four Veterans Courts use public defenders to provide representational services for Veterans treated therein. We believe it would both be more useful to allocate specialist Veterans' Advocates to each Veterans Court, who would also be available to assist VSOs on technical challenges to Veterans Benefit Issues.

Veterans Courts have a demonstrated track record of decreasing recidivism and rehabilitating and restoring Veteran accused to productive and law-abiding members of society. By focusing resources on providing specialized advocacy within the Veteran Court System, Oregon encourages the further development of Veterans Courts in other counties and provides effective service to Veterans in order to return them to more productive usefulness to society.

Because our Veterans Advocates will be deployed throughout the State, we also envision that they will be given regional responsibility for assisting VSOs on technically-challenging areas of Veteran Benefit Law. Adding 5.0 FTE Attorneys and 5.0 FTE Social Workers for our four Veterans Courts (as well as 1.0 FTE Lawyer and 1.0 FTE Social Worker in Deschutes County to cover Central and Eastern Oregon) will ensure adequate coverage throughout the state for both Veterans Advocacy within the Veteran Court system as well as technical advice for Veterans Benefit work from our VSOs. By doing so on a grant basis in the same manner that the NSOs provide their support, we can also minimize the cost of legal services in a cost-effective manner.

## Oregon Veterans Legal Clinics

In addition, our group envisions allocating funding support for Veterans Legal Clinics in Oregon's law schools. At the moment, the only Veterans Legal Clinic is at Willamette Law School, which was itself developed as a proof of concept for Oregon Veteran Legal Clinics. The University of Oregon and Lewis & Clark law schools are both exploring adding Veterans Legal Clinics. As a preliminary measure, we envision allocating a 1.5 FTE Attorney slot to the Oregon Veterans Legal Clinic, currently at Willamette Law School in anticipation of expanding our Veteran Legal Clinic program throughout Oregon, whereupon we would add an additional 3.0 FTE lawyer slots for the other two Veteran Legal Clinics.

Over the past several decades, law schools have made significant strides in pairing law students with a number of communities in need. Yet the Veteran community—a community in crisis—has been underserved. Throughout our Country, more and more Veterans Legal Clinics, in various forms, have been created; but the growth of Veterans Legal Clinics has not kept pace with the more than 2 million veterans who have returned or are returning from the wars in Iraq and Afghanistan.

Most importantly, Oregon has only no active duty military presence. Consequently, the more than 322,000 military Veterans living in Oregon have very few ready legal resources to assist them in resolving legal challenges. Consequently, Oregon Veterans, Service Members, and their Families continue to struggle with civil legal barriers to stable and permanent family housing, often stemming from their military service.

In other words, we know that Veterans are at significant risk of getting trapped in downward spirals precipitated by civil legal challenges, and that supporting Veterans in avoiding or managing civil legal challenges results in highly productive, successful, value-adding citizens. There is an inarguable business case to be made that supporting Veterans has a positive rate of return on investment, a fact which few other charitable endeavors can claim.

In Oregon, outside of the Portland Metro Area, Veterans confronted with civil legal challenges usually go completely unrepresented. For many of them, their service has rendered them vulnerable to accelerating downward spirals of homelessness, loss of employment, hopelessness, substance abuse, and ultimately suicide. Tragically, many of the civil legal challenges that begin those downward spirals are easily resolved. Often, even the slightest legal intervention can transform those downward spirals into self-sustaining upward spirals, resulting in productive and law-abiding citizens.

By creating the Oregon Veterans Legal Clinic, Oregon Veterans Legal Services introduced law students to the practice of law while serving an at-risk, underserved population present in every community in Oregon in a highly cost effective manner.

The Clinic's Client Coordinator was originally funded through levies taken from Oregon's eight Supportive Services for Veteran Families (SSVF) grantees; however, that funding mechanism was

inadequate to provide the support the clinic required because of funding limitations within the individual grants.

In operation, the Clinic centrally collects requests for assistance from contractors already working under a contract with the National Guard Bureau and currently operating throughout Oregon in National Guard Armories. These positions are called Family Assistance Specialists (FAS), and they are contractually obligated to screen Veterans, Service Members, and Military Family Members in six crisis areas, to include self-identified legal challenges. The FAS screener confirms that the applicant is indeed affiliated with the military and then refers to the OVLC Client Coordinator. At that time, the OVLC Client Coordinator screens the referred candidate and determines whether the candidate is well-suited for direct representation by the law students currently participating in the Clinic, including determination of need. If yes, then the student is assigned the case and works under the supervision of the Clinic Director. If not, then the Client Coordinator screens the applicant and makes an appropriate referral to either (a) the OSB Modest Means or Military Assistance Panel, (b) a suitable legal aid provider in the geographical area in the geographical area wherein the candidate resides, (c) a suitable attorney in the geographical area in the geographical area wherein the candidate resides who is willing to take the case on a *pro bono* or “low-bono” basis, who is willing to take the case on a *pro bono* or “low-bono” basis, or (d) a Veteran-assistance organization like the local SSVF Grantee.

The goal of the OVLC is to provide legal coverage for the entire state so that no impoverished Oregon Service Member, Veteran, or Military Family Member is made homeless or remains homeless because of a civil legal barrier which could be reduced or overcome through adequate representation.

### **SSVF Grantee Legal Services**

Any SSVF Grantee, upon application, was able to add a legal services module to its grant application. Surprisingly, the only SSVF Grantee in Oregon which built legal support into its grant was Transition Projects. At present, the total legal support budget from the Veterans’ Justice Project, supporting the Transition Projects SSVF Grant in the Portland Metro area (including Clark County, Washington) is \$244,961.73 per year. The Project provides hundreds of interventions for homeless Oregon Veterans and Veteran Families per year, as well as providing both technical assistance to social workers throughout Oregon on a space-available basis and training and consultation for SSVF Grantees throughout America.

As indicated above in the discussion on the Oregon Veterans Legal Clinic, there are substantial funding challenges to Oregon’s other SSVF Grantees in terms of provision of legal services. This, in turn, has resulted in sub-optimal management of homeless Veterans and additional, unnecessary expenditures to overcome legal barriers to stable and permanent housing for SSVF Participants. Although the Oregon Veterans Legal Clinic was envisioned to relieve some of the statewide pressure from non-Metro SSVF Grantees, lack of funding and the necessary pedagogical limitation of Law School Legal Clinics have resulted in unmet needs amongst Oregon’s other SSVF Grantees. Therefore, we encourage the Legislature to explore supplemental funding for the other

seven SSVF Grantees in Oregon which have no built-in legal support in order to provide stably-funded support to those SSVF Grantees which do not enjoy legal support.

Because of Oregon's central role in developing new doctrine for the SSVF Program nationally, we have been informed that supplemental funding for legal services for all SSVF Grantees throughout the U.S., although a point of emphasis at SSVF National, will not be forthcoming. States are being asked to step into the capability gap in order to produce better outcomes for Oregon's homeless Veterans and Veteran Families.

### **Conclusion**

On November 8<sup>th</sup> of this year, Oregon Voters overwhelmingly asked you, our elected leaders, to do more for our Veterans.

In Section A of this testimony, we believe we have clearly made the case for substantial additional investment in Veterans' Services by Oregon's government. We believe this is an eminently responsible use of Oregon Taxpayer resources, as it is one of the very few expenditures of government resources which promises immediately and substantial "return on investment" in the form of additional federal benefits into the hands of Oregon's Veterans and Veteran Families, for certain and immediate expenditure in Oregon's economy soon thereafter. This increase in economic activity promises to greatly enrich all of Oregon and is the most responsible use of Taxpayer resources imaginable.

Section B of this testimony provides contextual information on legal services in Oregon and describes the manner in which these services are "value-adding" for the provision of Veterans' Services. The OVCP lays out a comprehensive framework for building on Oregon's nation-leading success in caring for our Veterans and Veteran Families; provides additional resources for our already-successful VSOs at the State, County, and NSO level, along with supplemental technical expertise; and allows us to allocate resources to previously-ignored areas of need in our student populations, in our Veterans Court programs, and in our Veterans Legal Clinics.

We thank you for the work you are doing to build a better tomorrow for our Veterans and Veteran Families in Oregon, and we pledge that we will continue to work alongside you to defend those who have defended America.

Sincerely,

Daniel Zene Crowe

### **2 Enclosures**

1. Federal VA Spending in Oregon – 2015
2. Results of Measure 96