



VETERANS FACE MOUNTING

LEGAL NEEDS AMIDST THE

COVID-19 PANDEMIC

AN UPDATE FROM THE

MEDICAL-LEGAL PARTNERSHIP FIELD

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ABOUT

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Background

The COVID-19 pandemic has often been referred to as the great equalizer, yet reality has borne out a much harsher truth. With no end, vaccine or significant treatment in sight, the direct and indirect impacts of the pandemic are disproportionately falling upon vulnerable Americans, including those among the 18 million Veterans who have bravely served this country. As of July 20th, [over 26,000 Veterans have been reported to the VA as diagnosed with COVID-19](#) and nearly 1,890 Veterans have lost their lives to the disease. Already tragic, these numbers do not begin to reflect the additional, widespread fallout from the pandemic such as the effects of delayed health care, the mental health impacts of social isolation and increased stress, and the severe economic consequences that continue to unfold. Additionally, Veteran communities of color that are being [disproportionately impacted by the pandemic](#) are also shouldering the emotional toll of the most recent heinous acts emblematic of this country's systemic racism. Unfortunately, Veterans have long faced unique challenges to their health and well-being prior to the COVID-19 pandemic, and not surprisingly experts have already [predicted an increase](#) in their economic, social, and mental health needs.



Gaps in addressing the legal issues that impede Veterans from accessing better health care services, stable income, secure housing, and other foundational contributors to well-being had been [well documented before the pandemic](#). Too often, the supports and services in place to help Veterans are wrongfully denied or parsimoniously funded, and even small matters can amount to major barriers to well-being—especially during transitions to civilian life and when coping with the complex physical and mental health conditions that can result from military service. The effects of COVID-19 threaten not only to exacerbate the legal issues underlying these problems, but also the availability of legal assistance necessary to remedy them.

Fortunately, over the past decade, medical-legal partnerships (MLPs) have increasingly been embraced by Veterans Health Administration (VHA) facilities as an intervention for providing legal services to at-risk Veterans at the point of health and social care. [VA-based MLPs embed lawyers specializing in civil law into the health care setting](#) to work directly with Veterans, consult with clinicians on how to help patients, and provide training to health care staff on how to identify potential legal issues. However, approximately only 30 VA facilities house MLPs out of [a total of 170 VA Medical Centers and hundreds of other VA outpatient sites](#). VA-based MLPs have demonstrated that they can be a powerful intervention in improving the psychosocial health outcomes of Veterans and, due especially to the likely increase of both clinical and legal needs resulting from COVID-19, more of these partnerships are needed. Collaboration between health care, social and legal services providers is needed to tackle the multidimensional crisis that faces the Veteran community, military caregivers, and their families.

Increased Unemployment, Housing Challenges, and Mental Health Issues are Setting the Stage for a Rise in Veterans' Legal Needs

As a [recent report from the Bob Woodruff Foundation](#) details, for younger Veterans, including post-9/11 service members, the economic challenges posed by the COVID-19 downturn are perilous. Among the roughly 18 million Veterans in the U.S., half are under the age of 65 years, and of those [77 percent are a part of the workforce](#). Though increases in the unemployment rate have recently slowed, April 2020 saw an [unemployment](#)

[rate among Veterans](#) of 11.8%—up from 2.3% in April 2019. Though [stimulus payments from the CARES Act](#) and other financial assistance programs have attempted to provide a lifeline to Veterans, caregivers, and families experiencing income loss, the extent of the assistance needed to stabilize Veteran incomes is unknown—particularly since [7 percent had incomes below the poverty level](#) prior to the pandemic, and many others had limited savings. Addressing consumer issues, such as debt and unemployment compensation, unpaid wages, social security and disability benefits, and important income supplements like food stamps will be critical to this community and is core to the mission of most VA-based MLPs.

Maintaining stable housing is also expected to be an increasingly difficult challenge for Veterans. Unemployment and significant loss of income are major predictors of homelessness. Many Veterans were vulnerable prior to the pandemic, with over [40,000 Veterans experiencing homelessness](#) in 2019 and an additional [1.4 million more at-risk](#). While courts are re-opening or turning to virtual hearings, many state-enacted eviction moratoriums (prompted by the pandemic) [have already expired or will expire within the coming months](#), setting the stage for an onslaught of eviction cases. Additionally, millions of mortgages have gone into forbearance and credit scores are in jeopardy. The legal community is preparing to see an unprecedented influx of Veterans who are not only at imminent risk of losing their homes, but are also sacrificing other essential needs like food, medication, and car loan payments. While the VA recently received [\\$300 million through the CARES Act](#) to help shelter and prevent evictions of at-risk Veterans, these programs do not cover all Veterans. As Emily Benfer, a well-known health justice advocate and former founder of one medical-legal partnership put it, [“eviction is a jagged downhill slide, with no ladder back up.”](#) Many civil legal aid attorneys, including those at VA-based MLPs, are working vigorously not only to directly assist Veterans facing eviction, but are also looking upstream to influence state and local jurisdictions to advocate for widespread change.

Older and disabled Veterans are particularly vulnerable to COVID-19 due to their pre-existing conditions, especially the many Veterans living in close quarters in congregate care facilities. It is not known how many Veterans have fallen ill or died in VA community living centers, state-run facilities, and the public and private community nursing homes that collectively serve Veterans, but [news stories have depicted](#) just how devastating these outbreaks can be.

Additionally, residents of these facilities have faced isolation from their families and friends due to strict visitor policies that aim to keep them safe from COVID-19 transmission. With only [one-third of Americans having some form of an advanced directive](#), the pandemic has put fears about medical autonomy and end of life care into focus for many Veterans. In order to protect Veterans' autonomy in their care as they face end of life or decreased mental capacity, VA-based MLPs like the Medical-Legal Partnership for Seniors at the San Francisco VA Medical Center are providing advance care planning and guardianship services to clients, while sharing their lessons learned and [evidenced-backed resources](#) with other MLPs.

The toll on Veterans' mental health as a result of this period in American history is also likely to be significant. Crisis hotlines and online resources serving Veterans during mental health emergencies have seen [significant increases in callers and web-site visitors](#) within the past few months. The VA also reported that mental health care check-ins and consultations [increased dramatically at the onset of the pandemic](#), with 40,000 appointments in February compared to 154,000 appointments in March. Adverse social determinants may continue to worsen this trend—[another recent study](#) found that when a Veteran faces legal problems, s/he has a 1.9 times greater likelihood of suffering suicidal ideation and 1.6 greater chance of attempting suicide than those who are not Veterans. It is not an understatement to say that mitigating the mounting legal issues associated this crisis is critical to Veteran health and well-being.

Legal Services Providers are Facing a Formidable Challenge, but Medical-Legal Partnerships can be Part of the Solution

The forecasted increase in legal needs among Veterans and other vulnerable Americans is in many ways already coming to fruition. The [American Bar Association recently surveyed](#) their members and other providers of legal services and found that approximately 56 percent of respondents have already seen an increase in demand for all legal services, while 91 percent of respondents anticipate additional legal needs arising from the COVID-19 pandemic in the future.

Medical-legal partnerships are poised to help tackle the legal harms that this pandemic is predicted to continue to aggravate. Though currently only present in a subset of VA facilities, MLPs collaborate with clinical teams—such as the Homeless Patient Aligned Care Team (H-PACT), the Transition and Care Management (TCM) program, and many others—within the Veterans Health Administration that care for Veterans most vulnerable to COVID-19-related legal issues. Empirically, Veterans who access legal services through VA-based MLPs have been shown to [secure housing and income, and demonstrate improvements in mental health](#).

Having legal services conveniently available on-site in VHA settings, where 9.5 million Veterans receive health care services, is a key feature of the MLP approach and is one reason why many VA clinicians and MLP attorneys think the model is so successful. However, during the past few months, VA-based MLPs—and the legal organizations that supply their attorneys—have had to rapidly alter the way that they provide services to Veterans. As a result of the pandemic, all VA-based MLPs had to discontinue their physical presence at VHA sites and close their offices, losing valuable face-to-face time with clinical teams and Veteran clients alike. Attorneys quickly pivoted to remote work, using video or telephonic modes to connect with existing clients. They have had to establish or expand legal intake hotlines and online applications for new clients, and re-think the way that they make Veterans aware of their services. Though many VA-based MLPs reported a drop in referrals while working remotely—perhaps due to the decrease in patient volume at the VHA or a deprioritization of legal needs at the height of the COVID-19 outbreak—remarkably, most VA-based MLPs report that they've been able to remain in regular contact with existing clients as well as staff at their partner VHA facility. Many have also sought creative ways to assist clients who do not have access to or the ability to use technology to, among other things, sign legal documents and complete important forms.

Indeed, many VA-based MLPs are not only sustaining their work but are also looking ahead to legal threats posed by the pandemic, aided perhaps by their already well-established relationships with their VHA partners and Veteran clients (see page 4 for examples).

HOW VA-BASED MLPS ARE RESPONDING DURING THE PANDEMIC

01: LOS ANGELES

Inner City Law Center, the legal partner at the West Los Angeles VA MLP, and the Tibor Rubin Medical Center VA MLP immediately got to work to keep Veterans informed on COVID-19 related legal issues by disseminating several resources for their clients and VA partners, such as a form letter that clients can give to their landlords regarding COVID-19-related impacts on income and guidance on public benefits changes. The lead VA MLP attorney stays connected with the VA by attending weekly virtual huddles with the VA's Homeless Patient Aligned Care Team (H-PACT) to facilitate referrals and answer any emergent legal questions. The VA MLP attorney is also working with an H-PACT social worker to develop a training for the entire clinic on legal issues clients may be facing during the pandemic and how to access legal services virtually.

02: SAN FRANCISCO

The Medical-Legal Partnership for Seniors Clinic (MLPS) is staffed by UC Hastings College of Law faculty & students, in partnership with UCSF and the San Francisco VA Medical Center. In response to COVID-19, the MLP developed a resource for clients that tracks changes to benefits in their service area. Many clients have a disability or limited digital literacy that prevents them from a successful transition to telelegal services amidst the pandemic. Fortunately, the VA Community Living Center that works with MLPS has purchased iPads for patients to use and providers have been able to coordinate virtual Zoom meetings with patients in need of legal services. MLPS also found that the pandemic has highlighted the need for greater advocacy and community and home-based supportive services in order to keep Veterans safe in their homes and in response, the team has begun to educate their medical partners on these issues.

03: WEST HAVEN, CT

For the Connecticut Veterans Legal Center (CVLC) and its MLP with the Errera Community Care Center, the transition to remote services was seamless, thanks to CVLC services being "paperless" and cloud-based prior to the pandemic. CVLC continues to meet regularly with VA staff to provide legal updates, such as the latest information on rent moratoriums, and answer questions. CVLC has

also engaged in advocacy on behalf of its Veteran-serving mission by tracking and issuing regular COVID-19 policy alerts—for example, by submitting policy recommendations to protect homeless Veterans to the US Department of Housing and Urban-Development VA Supportive Housing (HUD-VASH) program, and issuing a joint letter to the Connecticut governor requesting that they safely reduce Connecticut's prison population to avoid future COVID-19 outbreaks like the one in Connecticut's only prison with a Veterans' Services Unit.

04: NEW YORK CITY

New York Legal Assistance Group (NYLAG), a non-profit organization that works with several MLP sites located in VA facilities across New York, is keeping VA clinicians and Veteran clients aware of their remote service offerings due to COVID-19. NYLAG has always had a dedicated intake phone line for new clients, but they are heightening awareness through flyers shared widely throughout partnering VAMCs and community organizations. In addition to assisting clients with direct legal assistance, NYLAG has been at the forefront of advocacy efforts that anticipate Veteran legal needs in light of the pandemic. In a letter to Secretary Wilkie (US Department of Veterans Affairs), NYLAG proposed several approaches to providing assistance for Veterans such as suspending deadlines on VA benefit claims, extending housing subsidies for student Veterans, and free access to VA healthcare for all Veterans experiencing COVID-19 symptoms, regardless of discharge status. Shortly after, the VA announced changes and policies that mirrored many of these asks.

05: NEW YORK CITY

Also in New York is the partnership between the Bronx Vet Center and the Veteran Advocacy Project at the Urban Justice Center. While the Veteran Advocacy Project normally relies on reaching Veterans on-site, the counselors at the Vet Center have been directly referring Veterans and family members to an intake advocate, who is reachable to them by phone, email, or via video chat. The intake advocate follows up with Veterans and has been able to reach every potential client that their VA counterparts have referred. Attorneys are still available virtually during the MLP office hours that used to be offered in-person at the Vet Center.

It is not known how long legal services will continue to be delivered remotely as a result of the pandemic. The connections and relationships that VA-based MLPs have already forged within VHA facilities will serve them well as they partner with clinicians, mental health professionals, and social workers to tackle a likely continued surge in legal, social, and health needs. Support for telework services will be vital in keeping these organizations running during this time, and the pandemic may present an opportunity to look for ways that patients, VA health care staff, and VA MLP attorneys can collaborate remotely for the future.

The increase in Veteran legal needs highlights the need for steady funding streams to ensure Veteran access to health care, job and income supports, and stable housing—and the availability of crucial legal supports when that access is threatened. Currently, a majority of states are without a VA MLP in any VHA facility, and with few exceptions VA-based MLPs receive no formal funding from the VA. Instead, they are sustained by a patchwork of inadequate funding flowing to the legal organization partner via federal and state funds, and private grants. While the CARES Act has provided an infusion of funding for social and legal supports, these avenues of funding are subject to the economic volatility of this unprecedented time with exceptional social need. For example, the Legal Services Corporation (LSC), an independent nonprofit that provides financial support for civil legal aid to low-income Americans, is a critical source of funding for many MLPs. LSC has documented a [significant gap](#) between the need for legal services and the supply of attorneys. LSC [received \\$50 million by the CARES Act](#) to help its grantees continue to assist low-income clients facing unemployment, evictions, and other issues due to the pandemic, and it has used this money to distribute over \$2 million in grants for organizations to build greater telework capacities. In spite of these new funds, LSC anticipates that emerging legal needs related to unemployment, housing, and other income and benefits issues will exceed available legal resources. The Interest on Lawyers Trust Accounts (IOLTA) is another sig-

nificant funding source for civil legal aid services and MLPs. However, IOLTA funding is [expected to plummet](#) due to the Federal Reserve's reduced interest rates in response to the pandemic. Private grant funding and fundraising efforts also frequently contribute to MLP budgets. While many non-profit organizations have had to rethink their resource strategies and cancel in-person fundraising events this year, it remains to be seen whether the initial fervor of COVID-related philanthropy and individual donations will wane as the recession rolls on.

The COVID-19 pandemic has placed a new spotlight on long-standing vulnerabilities among Veterans, as well as the critical importance of strengthening a safety net of VA and community assistance that exists to serve them. This time calls for collaborative interventions that can be scaled to confront mounting legal issues of complexity brought about by a dangerous virus, extended social isolation, widespread systemic disparities, and an economy in peril. VA-based MLPs offer a tested, multi-disciplinary model to assist Veterans where their health, social, and legal needs intersect. Rarely do these needs exist in isolation, and even more uncommonly can the resolution of just one problem improve an individual's overall health. Collaboration between dedicated professionals is necessary to stem the tide, and to go the extra mile to reach Veterans who will be difficult to reach, though help may be needed now more than ever.