

PRO BONO **HOT LIST** | A SPECIAL REPORT

“Faster, higher, stronger,” may be the Olympic creed, but it could also serve as the battle cry of the law firms on our 2016 Pro Bono Hot List. Lawyers volunteered their services to fight for voting rights, for veterans and to protect free speech across the globe. They bolstered efforts against human trafficking, advocated for prisoners, for students and for transgender people seeking health care. These are their stories.



JENNER & BLOCK

Fighting for Upgraded Discharges for Vets

Jenner & Block partner Jeremy Creelan was watching “The Daily Show with Jon Stewart” one night in the spring of 2014 when he was struck by a tragic catch-22 spotlighted in a segment.

For years, Vietnam War veterans have been seeking to upgrade less-than-honorable discharges based on behavior that can now be attributed to post-traumatic stress disorder—a medical condition that was only recognized in 1980. In the vast majority of cases, military review boards were denying applications based on PTSD diagnoses, citing a lack of documented evidence that the veterans suffered from the disorder when they were discharged.

As the Daily Show’s Jason Jones said on the show, “these guys went to Vietnam, where they got PTSD, which led to them getting a less-than-honorable discharge, now they can’t get treatment for their PTSD, on account of the discharge they got from Vietnam.”

The segment featured the Veterans Legal Services Clinic at Yale Law School, which was representing Vietnam War veterans in pursuit of upgraded discharges. Just like that, Creelan, a New York partner at Jenner & Block, had an idea for pro bono work.

“It struck me as an incredible injustice. These veterans who had been put through

hell were suffering from a less-than-honorable discharge just because of that hell,” said Creelan, who worked on the case with fellow Jenner & Block partner Susan Kohlmann.

The firm partnered with the Yale Law School clinic to represent five veterans in their class action against the secretaries of the Army, Navy and Air Force. Chuck Hagel, the defense secretary at the time, issued a memorandum later that year in which he instructed military records boards to give liberal consideration to discharge upgrade applications based on a Vietnam War veteran’s service-related PTSD. A Defense Department spokesman cited the “recent attention” on Vietnam War veterans’ petitions for upgraded discharges.

Two months after Hagel issued the memo, the claims of the veterans named in the class action were remanded to their respective record-correction boards for reconsideration.

Under the new guidance, the boards granted upgrades in all five cases in 2015, making the veterans eligible for services they were previously denied.



RICK KOPSTEIN

“In many cases, the upgrade is important not only to obtain veterans services but also to remove the stigma that the veterans feel,” Creelan said.

Hagel’s memo has already had sweeping consequences for veterans. Since the memo was issued in September 2014, the Army has granted two-thirds of discharge upgrade applications from Vietnam veterans with a PTSD diagnosis, according to a report prepared for the Vietnam Veterans of America and the National Veterans Council for Legal Redress. In the previous two decades, the Army granted 4.5 percent of such applications.

—C. RYAN BARBER