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BULLETIN

THE NEWSLETTER OF VETERANS UNITED FOR TRUTH, INC.

#29

“VETERANS STANDING UP FOR EACH OTHER”

6 AUGUST 2009

Morrison & Foerster and DRA to Present Appeals Argument Against Department of Veterans Affairs on Behalf of 900,000 Veterans

SAN FRANCISCO [August 10, 2009] – Attorneys from Morrison & Foerster LLP and Disability Rights Advocates (DRA) on Wednesday will present arguments in the U.S. Ninth Circuit Court of Appeals in a landmark lawsuit demanding reform of the Department of Veterans Affairs (VA), a system now backlogged with 900,000 disability claims—400,000 of which have been filed by Iraq war veterans (*Veterans for Common Sense, et al. v. Shinseki, et al.*).

Non-profit group Veterans for Common Sense (VCS) and co-plaintiff Veterans United for Truth (VUFT) are asking Court of Appeals judges to reverse the lower court’s ruling, which lacks the authority to order VA to provide timely medical care and disability benefits to hundreds of thousands of waiting veterans. The lawsuit was filed in July 2007 on behalf of all veterans suffering from post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI), conditions impacting more than 600,000 U.S. service members sent to the Iraq and Afghanistan wars.

The case forced VA to admit publicly for the first time that the Iraq and Afghanistan wars have overwhelmed the VA’s healthcare and disability benefits systems. Veterans wait an average of six months for an answer to a disability claim, and they are forced to wait another four years if they appeal a VA decision. One in four veterans waits more than 30 days to see a doctor, which is a very serious obstacle in cases of PTSD where immediate attention is often critical to suicide prevention.

Paul Sullivan, executive director of VCS, said, “The lower court found that VA is causing some serious problems for our veterans by delaying and denying healthcare, including emergency healthcare to suicidal veterans. We are here today to demand justice, to see that the judicial system and executive branch are held accountable for VA’s failure to properly and promptly treat our sick veterans.” Bob Handy, head of VUFT, added, “VA’s failure to provide timely care is a national disgrace.”

Gordon Erspamer, Morrison & Foerster partner and co-lead counsel on the case, said, “The appeal presents the issue of whether the federal courts are powerless to act when a huge federal bureaucracy fails to fulfill its legal duty to our retiring heroes. This is not an abstract question—the stakes are high for millions of veterans who have served our country.” Sid Wolinsky, co-lead counsel from DRA, added, “Unless the Court acts now, the backlog of claims will continue to swell, the suicides will continue, and our veterans will suffer horribly.”

The Ninth Circuit has granted C-SPAN access to broadcast the oral argument on Wednesday, August 12, 2009 in San Francisco. The veterans’ appeal brief can be viewed at: <http://www.mofo.com/docs/pdf/081210PTSDAppealBrief.pdf>.

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