

Chicago Daily Law Bulletin

Volume 158, No. 210

Lawyers make a 'new person' out of WWII vet

DLA Piper helps local man get PTSD benefits through pro bono efforts

BY PAT MILHIZER
Law Bulletin staff writer

While sitting in his San Diego office in July 2009, James Garrett received an e-mail from a Chicago law school asking him to help veterans get benefits from the U.S. Department of Veterans Affairs.

Garrett, a lawyer at DLA Piper at the time, read the list of five cases of troops who served in Vietnam, Iraq and Afghanistan.

"Then the last one said, 'World War II,'" Garrett said. "And I was like, 'how do we have veterans who are still in need of assistance from World War II?'"

Stanley Friedman, 92, served in the Army during World War II and suffers from post-traumatic stress disorder. For years, the Department of Veterans Affairs (VA) rejected his requests to pay for treatment because nobody could confirm his stories about combat situations.

The e-mail Garrett received from The John Marshall Law School became the turning point.

Garrett took Friedman's case on a pro bono basis. Three lawyers worked a total of about 350 hours in San Diego and Chicago, unearthing evidence that gave Friedman more than money.

"Piper," Friedman said, referring to the firm, "made a new person out me."

Going to war

Born in 1920, Friedman grew up in Brooklyn with his mother and brother. His father left the family when Friedman was a boy.

"It didn't affect me," he said about his father's absence. "I didn't know him and I didn't see him. I took care of my mother."

By 1941, Friedman gained experience as a toolmaker and enlisted in the Army to serve as an instrument repairman. His ship headed for the Strait of Gibraltar, where Europe meets Africa.

As the ships approached land, he said, they took fire from bombers and submarines. Friedman's ship wasn't hit.

Friedman described the horrors of war. He said he saw the aftermath of a truck explosion that killed 24 people.

"They hit a land mine and they're all killed," Friedman said. "I grabbed

one guy; his hand was hanging over and he died in my arms. And that was it. Four days later, we had to go to the funeral. We buried him right there."

He also said he joined a group of troops who searched for scrap metal. He said he went inside tanks that remained from the Battle of the Kasserine Pass in Tunisia and found dead Americans.

"The Germans slaughtered them. Every tank was knocked out. The bodies were all decomposed," Friedman said.

He left the Army in 1945 and came to Chicago in 1951. After he suffered a heart attack in the 1960s, a doctor asked him why he didn't get treatment at a VA.

Friedman visited the VA in North Chicago. He gave a clerk his eight-digit serial number, which he can still recall without hesitation. But he couldn't get benefits because the VA lacked records that he served in combat.

Friedman and his wife, Minna Rae, eventually found a clinic that John Marshall established in 2008 to help veterans.

Garrett took the case in 2009 and recruited Veronica Jackson of DLA Piper's San Diego office to help draft briefs and find records to support Friedman's stories.

The lawyers learned that Friedman spent time with the Army Air Corps, which is today's Air Force.

"Once we started looking at Air Force records rather than Army records, we were able to really track it down," Garrett said about the Internet research.

After ordering microfilm from the National Archives and Records Administration, Garrett found references to "Mr. Friedman" and "Sgt. Friedman" in war diaries. The daily diaries, filed by unit captains and lieutenants, revealed some accounts of Friedman's stories.

The reports confirmed that at least one soldier died and several others suffered injuries in the truck explosion that Friedman talked about. Garrett also confirmed the attack on his ship convoy.

Garrett couldn't confirm Friedman's story about the aftermath of the Battle of the Kasserine Pass.

"That's one of those ones that I believe he experienced something extremely disturbing," Garrett said.

In a legal brief that exceeded 800 pages, DLA Piper requested benefits for Friedman from the VA.

In January 2011, the Board of Veterans' Appeals in Washington,



DLA Piper represented Stanley Friedman, a World War II Army veteran, on a pro bono basis to obtain benefits for his post-traumatic stress disorder. Friedman stood this week with his wife, Minna Rae, in the couple's Lake Bluff home. Ben Spectmann

D.C., vacated a prior judgment that denied benefits. The appeals board ruled that because the VA didn't find the war diaries that Garrett located, Friedman's due process rights were violated.

But even after the appellate ruling, Friedman didn't immediately receive the money.

That prompted Oksana Koltko of DLA Piper's Chicago office to visit the VA office on West Taylor Street last year to ask officials to expedite Friedman's case.

There, several veterans lacked attorneys and approached Koltko for help.

"It was heartbreaking to see," Koltko said. "Some of them were saying that they hadn't received benefits for a long time."

After some legal wrangling about the size of Friedman's payments, he got approval in April for monthly checks of \$1,380. For Garrett, the case provided personal and professional rewards.

"I have become close with Stanley and Minna Rae. If you ask them, they'd probably say they adopted me," said Garrett, who now works as vice president of legal affairs at NuVasive Inc. in San Diego.

"The opportunity to serve our veterans in a very small way, help kind of resolve this issue, has been incredibly rewarding for me. And I would do it again in a heartbeat."

Steve Novak, staff attorney at John Marshall's Veterans Legal

Support Center & Clinic, said Friedman's case shows how "our system should work."

"VA cases can kind of take a long time; some VA appeals can take years," Novak said. "Even though it's kind of a delayed payoff ... this is an example of what we do at the clinic working perfectly."

'Grow old along with me'

A father of three daughters, Friedman keeps his military records in two boxes in his Lake Bluff home.

Friedman and his wife celebrated their 59th wedding anniversary this year. A decoration on the couple's living room wall states, "GROW OLD ALONG WITH ME, THE BEST IS YET TO BE."

Friedman said he couldn't survive without his wife.

"Who," Friedman rhetorically asked, "do you think helps me get dressed in the morning?"

Tears flowed down Friedman's face when he talked about the doctors who helped him. More tears followed when he talked about the lawyers.

"I've traveled all over the United States. I've met people halfway around the world," Friedman said. "And I can't believe that a man like (Garrett) existed in this world. And the girls in the office can't do enough for me. They spent 350 hours searching through my records. Can you believe that?"

"They deserve a blessing from God. And that's what kept me alive."