The Minnesota Stand Down Model: Bringing Stand Down Courtsto Rural Communities

Sara Sommarstrom

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THE MINNESOTA STAND DOWN MODEL: BRINGING STAND DOWN COURTS TO RURAL COMMUNITIES

Sara Sommarstrom†

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Sara is a 2005 graduate of the University of Minnesota Law School, where she received the Excellence in Public Service Award, given to one member of the graduating class annually. After graduation, she served two years as an Equal Justice Works/AmeriCorps Fellow with the Minnesota Justice Foundation (MJF) before joining the staff of MJF full-time as a staff attorney and ultimately program director. Sara teaches as an adjunct professor at the University of St. Thomas School of Law and has received the University of St. Thomas School of Law Mission Award for Excellence in Professional Preparation, 2009 Staff Woman of the Year Award, and 2010 Faculty Woman of the Year Award. Sara is a member of the ABA Veterans Legal Services Initiative, co-chair of the ABA Coordinating Committee on Veterans Benefits and Services, a liaison to the ABA Commission on Homelessness and Poverty, and an active member of several state and local bar association committees. Sara was honored to receive recognition as a 2014 Unsung Hero from the National Coalition for Homeless Veterans for her work on addressing legal barriers to housing and employment stability for homeless veterans.

The author would like to thank everyone who is involved with the provision of legal services to Minnesota’s veteran community. A special thanks to those judges, attorneys, and legal professionals who developed the original Minnesota Stand Down Court model or volunteer their time at Stand Down events. Likewise, the lessons learned and support provided by the originators of Stand Down Court, particularly San Diego Public Defender Steve Binder, were invaluable to the development of the Minnesota Model and the writing of this article. This work could not be done without the tremendous volunteer efforts of Minnesota’s legal community. A final thanks to those Americans who chose, or were selected, to wear the uniform of the United States Armed Services and were willing to put their lives on the line to protect our country. Thank you.
I. INTRODUCTION

Melvin,1 a Vietnam War veteran, approached the small room tucked at the back of the Army National Guard Armory in Fergus Falls, Minnesota, a town of 13,000 in the northwest of the state. Melvin’s social worker at the Department of Veterans Affairs (VA) told him to check it out; she heard veterans could request help with legal issues. A van from the Fargo VA, where he was part of an in-patient treatment program, ferried him and a handful of other homeless veterans the sixty miles from Fargo to the event.

Greeting Melvin was a small team of three attorneys and one program coordinator. The three attorneys were from the public defender’s office, legal aid, and a statewide nonprofit serving homeless and at-risk veterans. Two of the attorneys were at a table consulting with a veteran and her husband, and the program coordinator was going through an intake form with another veteran in the far corner. Melvin helped himself to some coffee and took a seat against the wall; there was just one other veteran waiting to be helped.

When it was his turn for an intake interview, Melvin explained that he was looking for some information and help with his child support; he had been homeless on and off for years, moving to find work and staying with relatives for short stretches—Melvin didn’t

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1. This story is an amalgamation of two veterans’ experiences used to illustrate the legal services available at Stand Down legal sections in Minnesota. Names have been changed.
want to be a burden on his family and never stayed more than a few days with anyone. In between, he slept in his van or outside, when the weather allowed. Melvin had not held down a steady job for a while and had lost track of his child support case. He hoped to come out of the treatment program with a job, available housing, and a way to take care of his child support obligation while he had the support of the treatment team. He said that he was tired of running from it.

While Melvin discussed his child support case with the legal aid attorney, she identified that his case was based out of Saint Paul, Minnesota, in Ramsey County (a mere 190 miles from Fergus Falls). The attorney was able to reach the Ramsey County child support office to determine the basis for the current order so that she had the information necessary to advise Melvin on his options through the court. To everyone’s surprise, the child support officer informed Melvin that he had overpaid his child support due to an error on the office’s end, and they had been unable to reach him to refund the overpayment. Not only was Melvin finished with his child support obligation, but he would be receiving a check from child support for several hundred dollars.

Throughout this process, Melvin had been chatting with the rest of the team, sharing his story and goal to return to full-time employment once he completed his treatment program. He expressed concern that his lack of a driver’s license, in addition to his criminal record, would make it difficult, if not impossible, to find employment in a rural area.

A few years earlier, Melvin was convicted of drunk driving, and his van had been impounded; he was sentenced to ninety days in jail. Before his release, Melvin connected with a Veteran Justice Outreach worker at the Fargo VA Medical Center. She helped him enroll in treatment programs for Post-Traumatic Stress Disorder (PTSD) and substance abuse, and he was just three months away from graduation when he attended the Stand Down event in Fergus Falls. He did not have the money to get his van back and owed over a thousand dollars in unpaid fines and fees before the court would release its hold on his license.

Melvin had noticed the advertisement for the Stand Down Court on an event flyer but had not been quite sure what it could do to help him. The on-site team was successful in reaching the case’s prosecutor, who agreed to waive all remaining fines and fees upon Melvin’s completion of the treatment program. Within an hour, the
public defender drafted a proposed order and emailed it to the Stand Down Court judge, who signed off on the agreement and emailed the on-site team the executed order. Melvin’s social worker agreed to provide the court with progress reports and inform it when Melvin completed the program requirements. Melvin successfully completed the program and had his fines and fees waived, and the court sent a reinstatement request to the Department of Public Safety. He has neither been charged nor convicted of a crime in Minnesota since the Stand Down event.

Melvin was just one of hundreds of veterans served by the Stand Down Legal Section and Stand Down Court at nine events across the state that year. The Minnesota model for Stand Down legal services continues to develop and gain information from other successful programs around the country, but it has several unique aspects that Melvin’s story illustrates. This article will highlight Minnesota’s Stand Down Legal Section, with a focus on the Stand Down Court, as a practical model for addressing the unmet legal needs of our nation’s homeless and at-risk veterans.

II. HOMELESS VETERANS, THEIR LEGAL NEEDS, AND OUR NATION’S RESPONSE

Despite recent positive trends, our nation’s military veterans remain overrepresented in the population that experiences homelessness.\(^2\) Statistics about this highly transitory population are imperfect, but government, service provider, and policy sources provide data useful to understanding the characteristics and needs of homeless and at-risk veterans.\(^3\) Increased attention and funding to resolve veteran homelessness has brought awareness to the impacts that legal barriers have on veteran stability and the lack of resources available to address and resolve these legal needs. Stand Down events and their legal components are part of a comprehensive effort to provide veterans with access to the programs and services that will prevent and end veterans’ homelessness.

\(^2\) Jamison Fargo et al., U.S. Dep’t of Veterans Affairs, Prevalence and Risk of Homelessness Among US Veterans: A Multisite Investigation 3 (2011), http://repository.upenn.edu/cgi/viewcontent.cgi?article=1161&context=spp_papers.

\(^3\) See id. (collecting and comparing data from Homeless Management Information Systems, Continuums of Care, “with aggregated American Community Survey (ACS) data provided by the U.S. Census Bureau for matching geographies”).
While veterans are over-represented in the population of Americans experiencing homelessness, it is incorrect to extrapolate from this that all veterans are struggling. In fact, veterans are more likely to be employed, be educated, earn more than their civilian peers, and be successful small business owners. But for veterans living in poverty, the likelihood that they will experience homelessness is greater than amongst the civilian population. Only one in 150 veterans is in poverty, but of those living below the poverty line, one in nine will experience homelessness in any given year.

In late 2009, the VA announced the demanding goal of ending veteran homelessness. Opening Doors, launched in 2010 as the first comprehensive federal strategic plan to prevent and end homelessness, set ending veteran homelessness by 2015 as one of four key goals. While many efforts predated this initiative, including Stand Down events, funding and increased collaboration...

4. Id.


9. PROFILE OF VETERANS IN POVERTY 2014, supra note 7, at 3–14 (presenting multiple fact charts comparing the veteran population to civilian population).


are leading to dramatic results in getting our veterans off the streets.\textsuperscript{14} Since 2009, veteran homelessness has decreased by 46%.\textsuperscript{15} As of December 9, 2016, three states and thirty-four cities have reported ending veteran homelessness in their communities.\textsuperscript{16}

To understand Stand Down and Stand Down Courts, it is important to have a sense of the population served and the common legal needs. According to the United States Department of Housing and Urban Development’s (HUD) Point in Time estimates, as recently as 2009, one-fifth of all homeless adult males served in the armed forces, while the VA estimates that only 6.9\% of the country’s population served in our military.\textsuperscript{17} Veterans experiencing homelessness come from all military branches and represent the entire spectrum from active combat participants to peacetime service members.\textsuperscript{18}

One key finding of the federal agencies that study veteran homelessness is the impact of social ties and isolation on incidents of homelessness. Compared to the civilian population, more veterans live alone (one in five), and a lack of support networks stemming from this isolation can be a determinant of housing stability.\textsuperscript{19} Other factors linked to veteran homelessness include

\begin{itemize}
\item \textsuperscript{14} See, e.g., VA Is Working to End Homelessness Among Veterans, supra note 11 (“[A] result of the VA’s close collaboration with local and national stakeholder organizations, success in ending homelessness among Veterans is happening community by community.”).
\item \textsuperscript{17} FARGO ET AL., supra note 2, at 3.
\item \textsuperscript{18} See FAQ About Homeless Veterans, supra note 10.
\end{itemize}
physical disabilities, mental health issues, and substance abuse.\textsuperscript{20} Specifically, veterans with a diagnosis of PTSD or Traumatic Brain Injury (TBI) are at a higher risk for experiencing homelessness.\textsuperscript{21}

Not every person who served in the U.S. Armed Forces is counted as a veteran. The federal definition of veteran, codified in 38 U.S.C. § 101(2), is “a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.”\textsuperscript{22} Members of the reserves and National Guard may meet the federal definition of veteran only if they have qualifying active duty time. Those who served in the military and received dishonorable discharges are not included in the homeless veteran count.

There are many definitions of homelessness, but the one used by government programs that fund housing solutions for homeless veterans is contained in the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, a reauthorization and modification of the McKinney-Vento Homeless Assistance Act of 1987.\textsuperscript{23} The HEARTH Act defines homelessness to include both unsheltered individuals and those sheltered in a place not designed for, or ordinarily used as, a regular sleeping accommodation—or those in shelter only available on a temporary basis.\textsuperscript{24} It also includes those individuals and families in danger of losing their housing within fourteen days with no housing plan or resources to afford permanent housing.\textsuperscript{25}

Project CHALENG (Community Homelessness Assessment, Local Education and Networking Group) is a collaborative effort of the VA and community service providers to gather data and support programs that address the needs of veterans experiencing homelessness.\textsuperscript{26} Since 1994, Project CHALENG has collected survey data from homeless veterans, formerly homeless veterans, and service providers to identify the needs of homeless veterans.\textsuperscript{27}

\begin{itemize}
  \item \textsuperscript{20} FAQ About Homeless Veterans, supra note 10.
  \item \textsuperscript{21} Jack Tsai & Robert A. Rosenheck, Risk Factors for Homelessness Among United States Veterans, \textit{37 EPIDEMIOLOGIC REV.} 177, 179, 188 (2015).
  \item \textsuperscript{22} 38 U.S.C. § 101(2) (2012).
  \item \textsuperscript{23} 42 U.S.C. § 11302 (2012).
  \item \textsuperscript{24} \textit{Id.} § 11302(a)(1)–(3).
  \item \textsuperscript{25} \textit{Id.} § 11302(a)(5).
  \item \textsuperscript{27} \textit{Id.}
\end{itemize}
Project CHALENG survey identifies the highest met and unmet needs of homeless veterans by gender:

Table 2.1: Highest Unmet Needs for Male Homeless Veterans 28

<table>
<thead>
<tr>
<th>Need</th>
<th>Mean Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing for Registered Sex Offenders</td>
<td>2.09</td>
</tr>
<tr>
<td>Child Care</td>
<td>2.20</td>
</tr>
<tr>
<td>Legal Assistance to Prevent Eviction or Foreclosure</td>
<td>2.30</td>
</tr>
<tr>
<td>Legal Assistance to Help Restore a Driver’s License</td>
<td>2.33</td>
</tr>
<tr>
<td>Legal Assistance for Child Support Issues</td>
<td>2.33</td>
</tr>
<tr>
<td>Family Reconciliation Assistance</td>
<td>2.37</td>
</tr>
<tr>
<td>Legal Assistance for Outstanding Warrants and Fines</td>
<td>2.37</td>
</tr>
<tr>
<td>Financial Guardianship</td>
<td>2.39</td>
</tr>
<tr>
<td>Credit Counseling</td>
<td>2.43</td>
</tr>
<tr>
<td>Discharge Upgrade</td>
<td>2.43</td>
</tr>
</tbody>
</table>

Table 2.2: Highest Unmet Needs for Female Homeless Veterans 29

<table>
<thead>
<tr>
<th>Need</th>
<th>Mean Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing for Registered Sex Offenders</td>
<td>2.08</td>
</tr>
<tr>
<td>Child Care</td>
<td>2.32</td>
</tr>
<tr>
<td>Credit Counseling</td>
<td>2.49</td>
</tr>
<tr>
<td>Family Reconciliation Assistance</td>
<td>2.49</td>
</tr>
<tr>
<td>Legal Assistance for Child Support Issues</td>
<td>2.49</td>
</tr>
<tr>
<td>Legal Assistance to Help Restore a Driver’s License</td>
<td>2.49</td>
</tr>
<tr>
<td>Dental Care</td>
<td>2.51</td>
</tr>
<tr>
<td>Legal Assistance to Prevent Eviction and Foreclosure</td>
<td>2.53</td>
</tr>
<tr>
<td>Legal Assistance for Outstanding Warrants and Fines</td>
<td>2.53</td>
</tr>
<tr>
<td>Discharge Upgrade</td>
<td>2.54</td>
</tr>
</tbody>
</table>

29. Id. at 6.
The legal system impacts every unmet need on the list. While four items state a specific need for legal assistance, the remaining items can also involve attorneys and legal advocacy or are a result of interaction with the justice system. Attorneys can play a key role in obtaining and maintaining benefits, including child care and dental care. Federal and state laws regarding debt collection protections, bankruptcy, and the treatment of certain types of income and benefit sources are integral to a veteran’s plan to get out of debt. The need for family reconciliation assistance implicates the need for legal services when reconciliation is not possible, whether in divorce actions or establishing custody and parenting time terms for unmarried parents. National and local efforts connect veterans seeking discharge upgrades with pro bono attorneys.30

The past decade has brought increased attention and resources to the fight against veteran homelessness, including funding and policy changes to support the provision of legal services. In direct response to the effort to end veteran homelessness, models for providing funding and legal services to homeless veterans are growing. The following is a brief description of the major funding and programmatic efforts that have developed in coordination with the Opening Doors initiative to end veteran homelessness.

In partnership with HUD, the VA has provided vouchers under the Housing and Urban Development-Veterans Affairs Supportive Housing (HUD-VASH) program since 2008.31 As of 2015, 78,000 HUD-VASH vouchers were allocated to homeless and chronically homeless veterans and their families.32 In addition to housing vouchers, the HUD-VASH program provides supportive services for veterans, including healthcare, mental health treatment, and substance abuse counseling.33 The program adheres to the Housing First Model, which promotes placing chronically homeless veterans in housing immediately and providing the services necessary to maintain housing.


33. Id.
individuals and families in permanent housing and then facilitating their ongoing housing stability with supportive services.  

The VA’s Supportive Services for Veterans Families (SSVF) grant program was the first federal funding source aimed at ending veteran homelessness to include legal services in the list of wrap-around services eligible for support.  

Launched in 2011, SSVF funds homeless prevention programs that cover all fifty states, and the VA has actively prompted grantees to include legal components in their service models.  

Today, legal services are on the list of supportive services funded by the VA’s Grant and Per Diem program and the Department of Labor’s Homeless Veteran Reintegration Program (HVRP).  

Around the same time, the VA issued Directive 2011-034 to provide VA staff with guidelines on making referrals to non-VA legal resources to address the legal needs identified by the CHALENG report. A memorandum from the office of the VA General Counsel, issued in June 2012, further outlined new procedures for allowing non-VA legal service providers access to VA facilities to provide direct legal services to veterans.

Within the legal community, the American Bar Association (ABA) has played a leadership role in providing technical assistance and convening service providers to identify best practices in several of the areas mentioned in the CHALENG report. Long a champion of the San Diego Homeless Court at Stand Down, the ABA’s Commission on Homelessness and Poverty works to promote this

36. Id.  
37. See 38 C.F.R. § 61.2(a)(8) (2016) (“Providing housing assistance, legal assistance, advocacy, transportation, and other services essential for achieving and maintaining independent living”).  
model and others for incorporating legal components into Stand Down events. A partnership between the ABA, VA, and Department of Health and Human Services (HHS), the Child Support Initiative involved ten pilot sites across the country, including the Twin Cities in Minnesota. The ABA also launched a pro bono initiative to address the backlog of VA service-connected disability claims.

In 2016, ABA President Linda Klein announced the creation of the Veterans Legal Services Initiative (VLSI) as one of the priorities of her one-year term. The initiative supports a holistic and sustainable effort to ensure that veterans, their families, and caregivers have access to justice and legal services. The VLSI identified three goals to address the legal needs of veterans: the creation of centralized resources, policy development, and support for the delivery of legal services.

Ending veterans’ homelessness is not a pipe dream. Through collaboration and targeted funding, massive gains have been made since Opening Doors launched in 2010; but the fight is not over. Tens of thousands of veterans still experience homelessness every year, and it is the responsibility of every community to ensure that


43. See ABA Veterans’ Claims Assistance Network, A.B.A., http://www.americanbar.org/portals/public_resources/aba_home_front/Military_Pro_Bono/aba-veterans-claims-and-assistance-network.html (last visited Mar. 22, 2017) (explaining that the Veterans Claims Assistance Network (VCAN) is a collaboration between the ABA, VA, and Veteran Service Organizations). The VA identified claims already pending in their system that were not compiled with the assistance of service officers or attorneys; these veterans were notified of the option to receive assistance from volunteer attorneys trained by the ABA to review and improve where possible. Id.


45. Id.


47. See supra notes 11–16 and accompanying text.
veterans have access to the supportive services, including legal assistance, that will help them overcome instability and gain permanent and sustainable housing.

III. A BRIEF HISTORY OF STAND DOWN EVENTS

A. Stand Down’s Beginning

The first Stand Down event was in San Diego in 1988, the creation of Robert Von Keuren and Jon Nachison, Ph.D., of Veterans Village of San Diego (VVSD). The name “Stand Down” comes from a military term referring to troops’ removal from battle to a place of relative safety, giving combatants the chance to rest, relax, and take care of their basic needs. Likewise, Stand Down events provide homeless veterans with a secure temporary community to connect with a wide range of services. Key to the founders’ vision was creating a sense of community and security. Through addressing the basic needs of the veteran participants, Stand Down provides a much-needed respite from the daily effort necessary just to survive on the streets.

To this end, the San Diego Stand Down model is a three-day event that includes assigned on-site housing in communal tents. Further, Stand Down provides veterans with ample opportunity to build relationships with their peers and service providers throughout the event. Homeless veterans are screened and registered by service providers prior to the event, and all participants must be verified as a homeless veteran or family member. All veteran participants reside in the tent community for the entire event, building remarkably strong bonds during a short—but intense—

48. Stand Down Meaning & History, supra note 13 (explaining that Veterans Village of San Diego is a non-profit provider of housing and recovery resources to homeless veterans, established in San Diego County in 1981).
49. Id.
50. Id. (noting that the “[p]rimary emphasis was placed on the creation of a community in which homeless veterans are treated with respect and given the opportunity to relax”).
52. See id. at 40.
53. See id.
54. See id.
shared experience. Each tent has a tent leader and elects two veteran participants as squad leaders, assisting the team leader in managing the groups’ needs. Putting veterans in positions of leadership supports the founders’ mission to make Stand Down more than just another service fair—at Stand Down’s core is the goal of creating a sense of community, empowerment, and accountability.

Services offered at Stand Down vary by event but typically include community and governmental providers of housing, employment, medical, dental, mental health, substance use recovery, emotional health, and support for basic needs. Many provide military surplus gear, including boots, sleeping bags, tents, clothing, and backpacks, to verified homeless veterans through a partnership with the VA. The event meets hygiene needs through access to showers, haircuts, hygiene kits, and new civilian clothing. Veterans can also receive help applying for a broad range of benefits and obtaining valid identification.

Veterans Village of San Diego created an enormously successful model to help homeless veterans connect with supportive services, combat isolation, and make meaningful and sustainable improvements in their lives. Today, San Diego’s Stand Downs involve 150 service providers and over 4000 volunteers, serving approximately 1000 homeless veterans annually. The model has been adopted by dozens of cities around the country and has been called “the most valuable outreach tool to help homeless veterans in the nation today.”

55. See id. at 40–41.
56. Id. at 41.
57. Id.
58. See, e.g., id. at 2 (explaining that the Veterans Village of San Diego in particular provides services “including employment, housing, medical, legal (civil and criminal), physical and mental health treatment, and numerous social services”).
61. About Stand Down, supra note 59.
B. The Growth of Stand Down

As the Stand Down model spread across the country, communities have modified the San Diego model to fit local needs and resources. Since 2002, the National Coalition for Homeless Veterans (NCHV) has provided leadership to the national Stand Down movement, offering guidance and support for emerging and existing events. The VA is also an active collaborator in Stand Downs, providing surplus military supplies and medical, dental, housing, and mental health services for many of the events.

Today, over 200 Stand Down events are held throughout the United States. Many follow the San Diego model of a multi-day event where veterans live on-site in a temporary community, while others have co-opted the Stand Down moniker to refer to one or two-day resource fairs that may be open to the civilian homeless population or veterans who are not homeless. The common denominator amongst Stand Down events is the coming together of service providers and the community to provide coordinated access to programs and resources in a culturally competent manner for homeless veterans in need.

NCHV classifies events into five categories based on the scope of services, target population, and length of the event. The categories are: Stand Down, Homeless Veteran Resource Fair (Modified Stand Down), Homeless Veteran Health Fair, Homeless Veteran Job Fair, and Other Events. Per NCHV classifications, in order to qualify as an official Stand Down, events must last three or more days, must be limited to homeless veterans and their families, and must provide a broad scope of services, including on-site housing. Two-day events offering on-site housing and a broad

66. Id.
67. Id. at 2–4.
68. Id. at 3.
range of services are considered “Homeless Veteran Resource Fairs.” When there is no on-site housing, or the event lasts one day, it is categorized as a “Resource Fair,” “Health Fair,” or “Job Fair,” depending on the scope of services provided. Events open to all veterans or non-veteran homeless are classified as “Other Events.”

NCHV recognizes that not all communities can support such large-scale events but challenges communities to include as many components of the original Stand Down model as feasible. This article uses the term “Stand Down” generically to refer to service events aimed at homeless veterans, whether or not they necessarily comply with the requirements of NCHV’s definition.

C. Bringing the Court to Stand Down

The legal component of San Diego’s Stand Down developed in response to an exit survey at the inaugural Stand Down event that identified legal issues as the highest area of unmet need by the veteran participants. Specifically, veterans requested help with outstanding warrants and fines, many related to status offense crimes such as littering, trespass, public urination, and petty theft. Richard McCue, a Deputy District Attorney in San Diego, discusses his perspective in Homeless Court and the Stand Down Court:

Mala prohibita crimes are not public safety crimes, they are bad things because we said they are bad, they are crimes of social regulation. They are crimes such as just walking through neighborhoods without having a destination, having a smoke outside, riding a motorcycle without a helmet, sleeping rough, illegal camping, or even eating ice cream on a public street in Carmel.

... So by definition the thing that drives me as a prosecutor—public safety—has already been handled.
Riding the trolley without a ticket is not a violent crime. Sleeping under a bridge is not a present danger to the society I am dedicated to protecting.\textsuperscript{75}

In 1989, San Diego County established the first Homeless Court Program, a special project of the superior court held at local homeless shelters.\textsuperscript{76} This mobile court is entirely voluntary and seeks to resolve misdemeanor cases for homeless individuals engaged in reclaiming their lives, removing a barrier to stability while rewarding defendants for addressing the underlying causes of their criminal behavior.\textsuperscript{77} The courts benefit from the reduction in cases and hearings on outstanding misdemeanor matters, while ensuring that defendants have taken the first steps towards reducing repeat involvement with the justice system.\textsuperscript{78}

Before the Homeless Court Program operated at a homeless shelter, a committee of local attorneys convinced the Homeless Court Program to hold its first session on the handball courts on the Stand Down grounds, thus creating the first Stand Down Court in 1989.\textsuperscript{79} Designed to assist homeless veterans engaged in taking steps towards stability by participating in the Stand Down event, the Stand Down Court is an amalgamation of the ideologies behind the Homeless Court Program and Stand Down.\textsuperscript{80} While it maintains the formality of the court, participants recognize they are part of something special. But veterans themselves explain it best:

The Homeless Court Program has been extremely beneficial in helping me iron out my legal issues. In the past, I’ve been apprehensive about appearing in court on certain charges, always seeming to fear the worst possible outcome . . . (the attorney) does a professional job in informing and gaining the trust of those he’s representing. I can honestly admit that given the responsibility of

\begin{itemize}
\item \textsuperscript{75} Richard McCue, \textit{A Personal Perspective}, in \textit{A.B.A. COMM’N ON HOMELESSNESS & POVERTY & NAT’L COAL. FOR HOMELESS VETERANS}, supra note 51, at 22.
\item \textsuperscript{76} Binder, supra note 73, at 2.
\item \textsuperscript{77} \textit{See id.} at 2, 4.
\item \textsuperscript{78} McCue, \textit{supra} note 75, at 19; \textit{see also} Binder, \textit{supra} note 73, at 2–3.
\item \textsuperscript{79} Binder, \textit{supra} note 73, at 3.
\item \textsuperscript{80} \textit{See id.} at 2 (“In 1989, San Diego started the first Homeless Court Program in the nation, a special Superior Court session held at local shelters for homeless defendants to resolve outstanding misdemeanor criminal cases. . . . [T]he HCP worked with providers to find solutions that came closer to resolving those issues that lie at the heart of why a person might find themselves without a home, a job, or the support of a family.”).
\end{itemize}
handling my cases without the HCP, the charges against me would still be at ground zero.  

The courts screen registered veterans in the weeks leading up to Stand Down, identifying cases for potential resolution. When a veteran checks into the court, his or her case file is forwarded to the prosecution for review. Defense attorneys counsel the veterans regarding plea agreements, alternate sentencing terms, and probation conditions. Cases that cannot be resolved at Stand Down Court may have future hearings or reviews referred to the Homeless Court Program or courthouse calendar, as appropriate.

The first Homeless Court at Stand Down brought resolution to 451 cases for 130 veteran defendants. Participation by veterans at Stand Down continued to grow as word spread amongst the homeless veteran community in San Diego that the court could be trusted. Over the first four years of operation, the court at Stand Down resolved 4895 cases for 942 homeless veterans. The Stand Down Court in San Diego continues to go strong today, and between 2008 and 2012, 706 veterans had 2941 cases resolved. The Stand Down Court model proved that the courts could bridge the gap between veterans and the court system that the veterans have long-held distrust for by engaging homeless veterans and reducing outstanding matters for courts while providing life-changing outcomes for veterans.

The value of the Stand Down Court is broader than the impact on individual clients. The model has been replicated nationwide, and additional court services have been added to the San Diego

81. From the Participant’s Perspective, in A.B.A. COMM’N ON HOMELESSNESS & POVERTY & NAT’L COAL. FOR HOMELESS VETERANS, supra note 51, at 56 (alteration in original).
82. Binder, supra note 73, at 4.
83. Id. at 4–5.
84. Id. at 5.
85. Id.
86. Urry, supra note 74, at 12.
87. Id. at 10.
88. Binder, supra note 73, at 3.
Stand Down Court based on the success of San Diego’s Homeless Court at Stand Down. San Diego added a child support court to Stand Down. The child support office in San Diego County processes Stand Down registrants through its database to find matches with open cases and reviews cases to determine if services may be needed to help the veteran manage his or her child support obligation. The child support office provides obligor veterans with notice of a hearing at Stand Down and has entered into an agreement with Veterans Village of San Diego that "it will not serve Summons and Complaints or show cause orders without the agreement of the veteran, and it will not take enforcement action that would alienate the veteran."

The child support court at Stand Down has resulted in modifications of current orders and arrears orders, reinstatement of driver’s licenses, and review of default orders. In 2012, the child support court reviewed 127 cases and set hearings for fifty-seven veterans. There were a total of fifty-eight modifications of both ongoing support and of arrears made in these cases, with hundreds of thousands of dollars of child support debt resolved. In addition to modifications, the court resulted in a release of thirty-six license revocations, and within a month, the child support office received payments on nineteen cases addressed at Stand Down. Much like the other adjudicated categories within the Stand Down Court, the child support court results in tangible positive outcomes for homeless veterans in San Diego County.

San Diego has led the way for homeless prevention efforts nationwide to collaborate with Stand Down events that provide legal support to our homeless and at-risk veterans. But as Stand Down events expand across the country, the development of legal components lags behind. Courts and the legal community as a

91. Id. at 2.
92. Id.
93. Id.
94. Id.
95. Id.
96. Id.
whole need to band together and join in the effort to provide homeless veterans with courts like Stand Down that provide tangible positive outcomes for homeless veterans and the legal system.

IV. MINNESOTA STAND DOWN EVENTS

Minnesota’s first Stand Down event came just four years after San Diego developed the model.98 Today, there are fourteen Minnesota communities that host Stand Down events, which vary in frequency and scope.99 Every region of the state hosts at least one event, some rotating between cities annually. Attendance ranges from a hundred veterans to over one thousand. Each event has its own personality and is informed by its community: there are therapy horses that saunter through the events in northern Minnesota, visiting dignitaries in the Twin Cities, and exhibitions of modified off-road wheelchairs for hunters in the southern region.

All veterans and their families are invited to participate in the Minnesota Stand Down events. With a relatively small homeless veteran population spread across a largely rural state, connecting homeless veterans to other veterans in their community is one way to ensure that those in need are aware of the services available. Sometimes it is not the veteran herself that reaches out for help, but the veteran’s spouse, parent, or child.

Minnesota’s homeless veteran population is significantly smaller than and has different characteristics than the homeless veteran population of San Diego County. San Diego County has the second-highest number of homeless veterans of any major urban area in America, with almost 3% of the nation’s homeless veteran population.100 California is home to almost a quarter of all homeless veterans.101 Minnesota ranks thirty-third on the list, with less than 1%

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100. See U.S. DEP’T OF HOUS. & URBAN DEV., 2016 ANNUAL HOMELESS ASSESSMENT REPORT, supra note 15, at 1, 59.
of the nation’s homeless veteran population. Additionally, Minnesota’s homeless veterans are more likely to live in shelters or transitional housing programs than on the streets.

The stigma of homelessness can prevent veterans from accessing the services they need. As discussed earlier in this article, the definition of “homeless” used by most state and federal programs is not limited to the common understanding of someone living on the streets. In rural areas, there are frequently no homeless shelters or transitional housing programs to assist veterans who struggle with maintaining stable housing. A veteran staying with family or friends, involved in a transitional housing program, or exiting the corrections system may qualify for help through programs aimed at ending veteran homelessness. One reason for the program choices made in developing the Stand Down events in Minnesota is to better identify those veterans who may qualify for additional assistance from community and government programs. Rather than expecting individuals and communities to understand these definitions, providers screen veterans in order to match them with programs to assist in their transition out of homelessness and into stable and permanent housing.

In 2006, the Minnesota Assistance Council for Veterans (MACV) took over coordination of almost all of the Stand Down events in the state. Previously run by community volunteers, the growth and increasing complexity of the events demanded organizational capacity that ad-hoc community volunteers were hard-pressed to meet. Central coordination has led to an increase in events held in the state and uniform access to services across all Stand Down events in Minnesota.

In Northern Minnesota, several of the events are held back-to-back so that service providers from other regions can more efficiently participate. Many of the providers at Stand Down are present at all of the events managed by MACV, and they travel from the Twin Cities to events as far as six hours from their home bases. Local providers are also involved, but many of the resources available

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102. Id.
103. Id. (explaining that the 2016 PIT estimates found 11.1% of Minnesota’s homeless veterans were unsheltered compared to an almost 58.3% unsheltered rate for California’s homeless veterans).
104. See supra notes 23–25 and accompanying text.
105. See History, MINN. ASSISTANCE COUNCIL FOR VETERANS, supra note 13.
through state and federal agencies do not have a physical presence in more rural areas of the state.

Unlike the San Diego Stand Down, Minnesota’s events do not pre-register veterans, although they do collect basic screening information upon entering the event and recently have provided a more in-depth screening for those veterans experiencing homelessness. Required registration, therefore turning veterans away from the event who failed to register, is antithetical to the goals of Minnesota’s Stand Down events.

There are several ways to measure the success of the Minnesota Stand Down events. Attendance has doubled in many regions over the last few years, with average attendance at the Minneapolis event growing from 400 to 800, peaking at over 1000 in 2015. The number of events has grown too, up to ten from seven in the last four years. But numbers do not tell the whole story. At every event, past participants frequently volunteer, whether by helping with set-up, distributing surplus military gear, or handing out ice cream sandwiches to volunteers and guests. Now stably housed, they seek to give back to the community and programs that helped them when they needed it the most.

V. MINNESOTA’S STAND DOWN LEGAL SERVICES

Legal services at Stand Down events across Minnesota have evolved over the last two decades. The involvement of legal services in Minnesota Stand Downs is not new; for years, communities across the state have included some legal component in their Stand Down events. This ranged from including a legal aid office among the outreach providers to a coordinated homeless court. Today, all Minnesota Stand Downs provide veterans with access to a Stand Down Court, as well as a legal clinic with attorneys able to advise veterans and provide brief services on-site.

106. E-mail from Nathaniel Saltz, Interim Exec. Dir., Minn. Assistance Council for Veterans, to author (Dec. 6, 2016).
107. Id.
108. StandDown, supra note 99. There is a Stand Down event in Saint Cloud, Minnesota, that is coordinated by a local committee. Legal services are provided at the event but are not coordinated by MACV’s Vetlaw program. This article limits itself to explaining the legal practices at Stand Downs managed by MACV and the Vetlaw program.
In 2009, MACV partnered with the Minnesota Justice Foundation\textsuperscript{109} to start a series of legal clinic events to serve homeless veterans. When MACV became a grantee of the VA’s SSVF grant, which included funding for legal services, this collaboration led to the creation of a staffed Veterans Employed Through Legal Advocacy Work (Vetlaw) program within MACV.\textsuperscript{110} Vetlaw coordinates the provision of legal services to homeless and at-risk veterans across the state, both in conjunction with and independently of Stand Down events.\textsuperscript{111} The Vetlaw program provides leadership on logistics, marketing, staffing, and volunteer coordination for the legal sections at events outside of the Twin Cities and the civil legal section of the Twin Cities Stand Down.\textsuperscript{112}

Minnesota’s Stand Downs range from a two-day event in the Twin Cities serving up to a thousand veterans to one-day events in towns with total populations hovering around 6000. The primary goal of Stand Down legal sections is to provide access to the legal system, ensuring that all veterans understand their legal rights and responsibilities. Minnesota’s Stand Downs are noteworthy because of their efficient model for providing comprehensive legal services at events of all sizes, offering a template for diverse communities to replicate or modify to meet their needs. This Part will provide a brief history of this model’s development, a detailed discussion of the Stand Down Court component and how it is scaled for smaller events, and an overview of the legal clinic component.

A. The History and Development of Minnesota’s Stand Down Courts

Stand Down courts in Minnesota are similar in many respects to the San Diego Homeless Court at Stand Down. The Minnesota Stand Downs encourage veterans to seek the non-legal services they need while resolving outstanding warrants, fines, and fees that often


\textsuperscript{111} See Vetlaw, supra note 110.

\textsuperscript{112} Cf. The Minnesota Assistance Council for Veterans’ Vetlaw Program, supra note 110.
prevent them from obtaining stable housing and employment. Court staff work together to provide a positive experience for veterans, as judges often ask those in front of the court to share their stories, both about their current situation and their past military service. The court gives careful consideration to engaging veterans in the court process and creating a trusting environment for participants. Throughout its development, the Minnesota Stand Down Court model has built on its experience to create new tools to respond to the needs of Minnesota’s homeless veteran population.

The first Minnesota Stand Down event to include court involvement was in Minneapolis. In the early 1990s, a team of local public defenders, legal aid attorneys, prosecutors, and judges collaborated to provide Stand Down participants with access to the court and civil legal services. Shortly thereafter, the Saint Cloud Stand Down added a court component as well. But it was not until MACV took over coordination of Stand Down events statewide, and developed an in-house legal program, that Stand Down courts were a consistent component at every event.

Much like in San Diego, the initial program was a grass-roots effort of the local legal community to address the legal needs of veterans experiencing homelessness. The Minneapolis Stand Down event was originally held on a sports field abutting the University of Minnesota’s law school, with services provided in military tents. Judges from the Hennepin County District Court presided over the first Stand Down Court in Minneapolis. In the event’s second year, Judge Lynn Olson of Anoka County joined and helped to coordinate the court team until her retirement in 2004. In an interview, she recalled that a dozen veterans signed up her first year, but by the second year ninety veterans requested the services of the Stand Down Court. This mirrors the experience in San Diego; it takes developing trust with the veteran community to prove that the court team is truly there to help.

During her decade of involvement, Judge Olson was instrumental in developing many of the practices still in place today and recruiting many of the attorneys who would play leadership roles in the development of the Stand Down Court. Judge Olson

114. Telephone Interview with The Honorable Lynn Olson, Retired Judge, Anoka Cty., Minn. (Jan. 13, 2017).
115. Id.
116. Id.
encouraged the involvement of court administration, city attorneys, and defense attorneys to support the provision of legal services at Stand Down. A team from Hennepin County was also deeply involved in the early years, as were a handful of judges and attorneys from other jurisdictions.

In the beginning, the court team had difficulty getting prosecutor approval for case resolutions at Stand Down. Recognizing that prosecutors may respond more positively when approached by other prosecutors, Judge Olson reached out to Coon Rapids Assistant Attorney Tammi Fredrickson, who became part of the coordination team until her appointment to the bench in Anoka County in 2006. Having the right conduit paid off, and prosecutor’s offices around the state became more amenable to having the Stand Down Court resolve outstanding misdemeanor matters. Anoka County’s Chief Public Defender, Jenny Walker Jasper, became a member of the Stand Down coordinating committee in 1998. In 2013, Judge Walker Jasper and Judge Fredrickson partnered to help create and launch the Anoka County Veterans Treatment Court.

The team’s next challenge addressed the difficulty of resolving cases outside of the on-site judges’ judicial districts. Minnesota has ten judicial districts, and it is implausible and inefficient to have judges from every district travel the state to attend Stand Down events. Judge Olson overcame this barrier by obtaining an order from the Minnesota Supreme Court that gave her jurisdiction in every Minnesota judicial district. Removing prosecutorial and jurisdictional barriers allowed the court team to more effectively and efficiently resolve legal matters for participating veterans, which remain key components of Stand Down courts in Minnesota today.

After Judge Olson’s retirement from the bench in 2004, the Coon Rapids City Attorney’s office took over the lead coordination

118. Id.
120. Telephone Interview with The Honorable Lynn Olson, supra note 114.
role until Judge Fredrickson’s ascension to the bench in 2006. In 2010, Minnesota Court of Appeals Judge Renee Worke, a former public defender and district court judge in Rochester, Minnesota, took the lead role for the courts in coordinating Stand Down Court and obtaining the statewide jurisdictional order. In addition to Judge Worke, the current Stand Down Court committee includes city and county attorneys, court administration, the Attorney General’s office, the Vetlaw program, defense attorneys (both public defenders and private attorneys), and representatives from the child support office.

B. The Minnesota Stand Down Court Model

Today, Minnesota’s Stand Down Courts are built on the model developed over two decades ago and are typified by a statewide jurisdictional order, community service alternatives, and scalable logistics. In more rural communities, this flexible model allows veterans access to the justice system even when event turnout may not warrant an on-site court component. Using technology to bring the necessary parties together may lack some of the emotional value of watching veterans address a court that came to them to help, but it nonetheless offers resolution of misdemeanor matters, fines, and fees.

One challenge to providing legal services on a statewide basis is explaining to clients that legal issues often have to be addressed in the county of origination. Whether a civil or criminal issue, geographic separation from the court with jurisdiction can create real barriers to resolution for homeless veterans, many of whom lack transportation resources. Statewide jurisdictional orders allow the participating judge to sign orders resolving issues outside of their jurisdiction. The Chief Justice of the Minnesota Supreme Court has the authority to assign a judge of any court to serve and discharge the duties of a judge in another judicial district. Judges at all levels of the judiciary have supported Stand Down courts by volunteering their time and space on their court calendars to help veterans resolve outstanding warrants, fines, and fees.

121. Id.
123. MINN. STAT. § 2.724, subd. 1 (2016).
The legal section has to be responsive to the chosen venues of the Stand Down event. Previously held outside, the Minneapolis Stand Down moved to the current location at the Boy Scout Base Camp at Fort Snelling in 2011. National Guard Armories, community and convention centers, hockey rinks, American Legion halls, and community colleges are common locations for other Stand Down events around the state. Legal advice has been given on locker room benches, and Stand Down court orders have been signed on pool tables. At one memorable event in Duluth, Minnesota, the legal section utilized the space between exhibits at a train museum housed on the ground floor of the historic Depot building. The flexibility and scalability of the Minnesota Stand Down Court model allows it to be incorporated into venues of practically any size.

Minnesota Stand Down courts are just one portion of the legal section at these events. All veterans seeking legal assistance, whether related to civil or criminal matters, go through an initial screening process. The screening obtains demographic information along with a basic description of legal needs and a signed Client Acknowledgement Form that includes a release of information.

124. From 1992 to 2006, the Stand Down event was held on baseball fields adjacent to the University of Minnesota Law School. From 2007 to 2010, the Minnesota Army National Guard hosted the event on an open field at their facility at Fort Snelling.


126. The Client Acknowledgement reads:

The Minnesota Assistance Council for Veterans Veteran’s Legal Clinic offers you a short meeting with an attorney, free of charge, to discuss a legal matter. The volunteer attorney can provide information on most legal matters along with brief advice about the next steps you may wish to take.

I understand and agree to the following: The attorney I meet with today will give me brief legal advice. The attorney will not give me ongoing legal service after today’s clinic. If I wish to consult with the attorney after today's clinic a separate representation agreement is necessary. I remain responsible for all parts of my case. The party on the other side may now or in the future be represented by this attorney’s law firm. What I tell the attorney today is confidential, although my information can be shared with others in a good faith effort to assist me in this matter.

Legal Clinic Intake Form 2.
Many veterans request help with multiple legal issues and will consult with attorneys in the civil section while awaiting an outcome from the court. Constant communication between the teams ensures that veterans receive all the legal assistance they need to get back on their feet. In addition to resolving misdemeanors, misdemeanor warrants, fines, and court fees, the judges at Stand Down review fee waiver requests and other civil motions as appropriate.

C. The Twin Cities’ Stand Down Court Procedure

The Twin Cities’ Stand Down legal section occupies the second-floor balcony space at the Boy Scout Base Camp at Fort Snelling. Two small rooms, a lounge, and a conference room house the court component. Court is held in the conference room with space for a makeshift bench, court reporters, and clerks. The lounge contains the rest of the team: prosecutors, defense attorneys, and court administrators. A small table serves as a point of intake for veterans seeking the services of the Stand Down Court. Inevitably, many from the court team overflow to tables on the balcony as needs exceed the available space.

After initial screening determines a need for court involvement, the veteran is escorted to the court by a volunteer and completes an initial screening with a defense attorney. Both private defense attorneys and public defenders volunteer their time to participate. The defense attorney will identify the cases needing resolution and will work with the appropriate prosecutor and court administrator to pull the court files and identify matters that the Stand Down Court can resolve. If the case is not within the jurisdiction of an on-site prosecutor, the defense attorney will contact the prosecutor assigned to the case to discuss settlement. All city attorneys in the state are notified of the Stand Down event schedule so that they are aware they may receive a request from the Stand Down Court team.

Cases fall into two basic types within the Stand Down Court model: those that require a court hearing and those that can be resolved administratively. While judges have the authority to waive, reduce, or otherwise modify fines or fees owed directly to the court without prosecutor approval, it is the practice of the Stand Down defense team to seek approval from the appropriate prosecuting authority whenever possible. Petty misdemeanors are processed administratively by agreement with the prosecutor and do not require going on the record; although, in some cases hearings are
held to allow the defendant to address the court. For all other misdemeanor cases, the case must be presented to a judge for final approval.

For cases limited to resolving fines and fees on closed cases, the defense attorney works with the court administration team to identify all of the fines and fees owed to the courts. When possible, the court waives monetary payments for community service or its equivalent. Minnesota adopted the practice from the San Diego event of giving community service credit to veterans at Stand Down for accessing the services and benefits on-site. Instead of assigning community service to be done in the future, Stand Down courts provide veterans with the option of seeking and making appointments with a wide range of social services to help stabilize their housing and employment. Veterans are assigned services on a case-by-case basis, in agreement between the judge, prosecutor, and defense counsel. Veterans receive a form with the services they need to access in order to have their case resolved. Veterans obtain signatures after consulting and making appointments with the requisite service providers. Defense counsel submits the completed service forms for entry by court administration.

Both Hennepin and Ramsey Counties have a city attorney at the event who is authorized to resolve cases for their office. In recent years, a prosecutor representing some of the suburban counties around Ramsey has also been on-site at the event and receives authorization from various city attorney’s offices to handle cases on their behalf. For all other jurisdictions, the defense counsel or a prosecutor will contact the assigned prosecutor to negotiate resolution.

The ability to assign community service alternatives on-site allows the court team to record compliance contemporaneously, reducing the need for veterans to provide proof of compliance after the event. At the Twin Cities event, court administration provides on-site staff to update court records through a secure web portal. In some matters, local court administration cannot access records in another jurisdiction. In those cases, the court order resolving the

128. Id.
129. Id.
130. Id.
matter is submitted to the appropriate jurisdiction with a copy of the order giving the signing judge jurisdiction over the matter.

Since 2013, the Twin Cities Stand Down Court has resolved 657 cases and citations for 171 veterans.\textsuperscript{131} Many more veterans have had cases screened but prosecutorial agreements were not reached or jurisdictional issues precluded resolution. On average, the legal section serves one-quarter to one-third of total Stand Down attendees, and the Stand Down Court screens one-fifth of those who attend the legal section. In 2016, the Twin Cities Stand Down Court team included over forty volunteers—including seven judges, three prosecutors, three dispositional advisors, two court administrators, and over twenty defense attorneys.

The Twin Cities Stand Down event, and our community’s homeless veterans, benefit greatly from the time and effort dedicated by the members of the Stand Down Court team. In addition to the individual success stories, the court session gives veterans a positive impression of the court system, something they may not have experienced in their past interactions with the justice system.

The court team consistently exceeds the expectations of even the most ardent supporters. At the 2013 event, Minnesota Supreme Court Justice Russell Anderson addressed the crowd during the brief presentation preceding lunch on the first day of Stand Down. After his remarks, a veteran approached Justice Anderson and asked for help. Justice Anderson directed the veteran to the legal section, where the Stand Down Court screened him. The veteran had racked up dozens of minor traffic violations while living in rural southern Minnesota and did not have the funds to pay the tickets. It seemed impossible that he would ever regain a valid license or get ahead of the fines. But by the end of the day, the court team had identified over thirty citations for resolution and had connected the veteran to housing resources that ultimately led to his placement in permanent supportive housing. In disbelief, the veteran asked if he could thank the judge who helped connect him to the Stand Down Court. Justice Anderson had left the event, but a week later the veteran received a letter embossed with the seal of the Minnesota Supreme Court, thanking him for his military service and wishing him success in the future.

\textsuperscript{131} Kerri Mackenthun, \textit{Summary of 2016 Stand Down Court in the Twin Cities} (2016).
D. Scaling the Stand Down Court for Outstate Events

In 2012, Minnesota Court of Appeals Judge Renee Worke led an effort to bring the Stand Down Court to Rochester, Minnesota, where she previously served as a district court judge before her nomination to the Minnesota Court of Appeals in 2005. Judge Worke set to work pulling together a court team on the model of the Twin Cities event, ultimately building a team of over a dozen judges, prosecutors, defense attorneys, and court administrators on-site at the Rochester Convention Center. Judges came from as far away as Cass County, Minnesota—almost 300 miles to the northwest—to participate and educate themselves on the services available through the Stand Down Court model.

While the event was undeniably a success, total attendance was much lower than the Twin Cities event and the legal section saw just over a dozen veterans. Judges heard the cases presented in a courtroom set up for the afternoon in a room adjoining the main Stand Down event, with intake and civil legal counsel held in a private area of the main room. It was a great opportunity for the judges and attorneys to witness Stand Down in action, but it was not the most efficient use of court resources. As other outstate Stand Down courts developed, the planning team’s experience at the Rochester event helped to push them to find alternates to make more efficient use of the court and local bar’s time.

Many of the counties that have Minnesota Stand Downs have three or fewer judges assigned to their courts; without pre-registration there is no way to know how many veterans may need the services of the court. Rather than monopolize the time and energy of dozens for an unknown need, outstate Stand Down events are now composed of an on-call basis. In counties with only a handful of judges, prosecutors, and public defenders, the use of technology ensures that the time commitment is commensurate with the number of cases presented. Most events have a bare-bones court team, much like the one described in the introduction to this article. There is usually a public defender on-site, but prosecutors, court administration, and judges may participate remotely. In 2016, judges performed their Stand Down duties on-site at three of the

133. See supra note 1 and accompanying text.
events outside of the Twin Cities. At the remaining five events, judges participated remotely.

The structure is similar to that of the Twin Cities Stand Down Court. Veterans go through an initial intake process once they enter the legal section of Stand Down. Once a veteran identifies as having a case for the court, defense counsel performs a secondary screening by searching the online court records to identify all cases, fines, and fees eligible for resolution. The defense counsel also begins learning more about the veteran’s current situation in order to better advocate for the veteran during negotiations with the prosecutor or presentation of the case to a judge for dismissal of fines and fees.

Obtaining prosecutor approval remotely can be challenging at the outstate events. Many city attorneys are under contract and also have a private practice in addition to their prosecutorial duties. Due to the limited time available at Stand Downs and the fact that the statewide jurisdictional order is only valid for the day of the event, inability to reach the prosecutor may prevent resolution of the case. At the 2016 Stand Down Court in Grand Rapids, a veteran currently on probation for a misdemeanor offense in Itasca County had unresolved issues related to an earlier offense in Saint Anthony Village, a small community in Hennepin County with its own contract city attorney. The Itasca County Court Administrator pulled the veteran’s records and informed the judge who was on call of the case. The judge contacted the veteran’s probation officer to seek her approval, which she granted. But the court team was unable to reach the city attorney in Saint Anthony Village, and the veteran was ultimately unable to resolve the case through the Stand Down Court.

Assuming the prosecutor and defense reach an agreement, the defense counsel drafts an order for approval by the on-call Stand Down judge(s). Most orders are approved via electronic submission to the court, without the veteran ever meeting the judge; but if a hearing is necessary, Vetlaw will arrange transportation for the veteran to the local courthouse after the event. Most outstate Stand Downs in Minnesota end by 3:00 p.m.; the judge granted statewide jurisdiction sets aside an hour on his or her calendar in the late afternoon to give time for any hearings that are necessary.

By scaling the Stand Down Court model to fit smaller communities, Minnesota’s events provide access to services across regions where the total number of veterans needing these services may not warrant a full court staff. Use of a statewide jurisdictional order amplifies the reach of Stand Down Court services and helps to
remove geographic barriers to resolve minor offenses. With planning and a small on-site team, veterans are encouraged to take, and are rewarded for taking, the concrete steps that they need to in order to connect with supportive services.

E. Stand Down Courts in the Context of Emerging Judicial Trends

Problem solving courts emerged in the late 1980s and 1990s as a model for addressing underlying issues that led to involvement with the criminal justice system and impacted a defendant’s risk of recidivism. In the same year that San Diego launched the Homeless Court Program and Stand Down Court, the first drug court session was held in Dade County, Florida. In 1993, New York City started the Midtown Community Court, a model designed to address quality-of-life crimes in and around Times Square. Building off the drug court model, the first DWI/DUI Court was piloted in 1996, although many DWI/DUI cases were already being handled by drug courts. Mental health courts appeared in 1997. Problem solving courts have also been established to deal with domestic violence, truancy, gambling, gun offenses, prostitution, juvenile offenses, and sex offenses. Judge Robert Russell launched the first Veterans Treatment Court in Buffalo, New York, in 2008. Judge Russell presided over the Drug and Mental Health Court

135. Id.
136. Id.
dockets and started noticing more veterans coming through his court.\footnote{Robert T. Russell, Veterans Treatment Courts Developing Throughout the Nation, in Nat’l Ctr. For State Courts, Future Trends in State Courts 2009, at 130, 130 (Carol R. Flango et al. eds., 2009).}

Much like the emergence of the Homeless Court Program in San Diego, these courts grew out of frustration with the traditional way of handling these cases—punishing, while doing little to reduce or prevent recidivism.\footnote{See Urry, supra note 74, at 10.} Leveraging targeted services based on the offense or the accused offender, these programs seek to provide therapeutic services to address underlying causes for criminal behavior, thereby reducing recidivism of participants.\footnote{Specialized Courts, Nat’l Inst. Just., https://www.nij.gov/topics/courts/pages/specialized-courts.aspx (last visited Mar. 22, 2017).} Specialty courts are popular for a reason: they reduce costs and produce better outcomes for individual defendants while maintaining public safety as a priority.\footnote{Id.}

\textbf{F. Other Legal Services at Stand Down Events}

In addition to the Stand Down Court, veterans who visit the legal sections of Stand Down events anywhere in Minnesota have access to advice and counsel, brief services, and referral to representation services on a wide range of legal issues.\footnote{See Free Legal Clinic for Veterans, PROJUSTICE MN, https://www.projusticemn.org/calendar/event.616470-Free_Legal_Clinic_for_Veterans_and_Stand_Down_Court_at_MACVs_Marshall_Stand (last visited Mar. 22, 2017); see also The Minnesota Assistance Council for Veterans’ Vetlaw Program, supra note 110.} The goal of the legal section is to provide analysis on the legal issue presented in order to match the veteran with representation resources or to assist the veteran in filling out pro se forms or drafting letters on their behalf. Veterans with civil and administrative legal issues, like those with criminal matters, also benefit from the co-location of social services and government agencies.

The Vetlaw program relies on a team of dozens of volunteer attorneys, coming from legal aid offices, private practice, and corporate in-house counsel departments. Non-attorney volunteers, including law students, paralegals, and legal secretaries, also participate and take on intake and drafting tasks so that the
attorneys’ time is efficiently used. Vetlaw recruits attorneys from those who participate in monthly legal clinic events throughout the year, but it also forges partnerships specific to Stand Down events with groups including the Volunteer Lawyers Network, the Minnesota chapter of the Association of Corporate Counsel, and the Minnesota Corporate Pro Bono Council.

The capacity of the Twin Cities Stand Down legal section benefitted greatly from the move indoors in 2011. Most attorneys working in an urban area have relatively narrow areas of expertise, so covering all of the common legal issues raised was impossible under one tent. With additional space, the Twin Cities legal section has grown to include just over one hundred volunteers, not including members of the Stand Down Court team. It is significantly easier to staff events in outstate Minnesota, where attorneys often practice in more than one area of law and just a few volunteers can advise veterans on a broad range of legal issues.

While the Boy Scout Base Camp at Fort Snelling is an improvement from the days of providing legal services in tents, the limited space available to the legal section requires careful planning to ensure that all common issues have coverage throughout the event. Volunteer attorneys are either assigned to a subject matter expert table or to a pro se assistance table depending on practice area and expertise. Once a subject matter expert screens the case and provides advice, the pro se assistance volunteers help veterans fill out court forms and draft letters or assist with other tasks as assigned by the subject matter expert.

Two of the most common issues raised in the legal section are child support and driver’s licenses. Representatives from the Attorney General’s office attend all of the Stand Down events coordinated by MACV to provide support on driver’s license issues, as well as other matters under the purview of their office. Likewise, every event has access to the local child support office, either on-site in the legal section or remotely. Both have access to records from the child support office through secure connections or a phone call to colleagues and are able to provide the information necessary to identify the best path forward for the veteran.

146. See Free Legal Clinic for Veterans, supra note 145.
147. See The Minnesota Assistance Council for Veterans’ Vetlaw Program, supra note 110.
Specialized services are also available in criminal expungement and simple will drafting, with experts and trained volunteers working together to screen and provide brief services. A criminal expungement specialist from Volunteer Lawyers Network screens the expungement requests for merit and supervises volunteers assisting with the pro se forms. A team of private attorneys draft simple wills for veterans who meet requirements set in consultation with volunteer estate planning attorneys.

Other common issues include family law, landlord-tenant issues, employment, debt collection, and benefits. Attorneys do not need expertise in veterans law to participate, as most of the questions presented are not legally impacted by the veteran’s military service, and those that do implicate military service are handled by attorneys with expertise in the field. What attorneys do need is empathy and respect for those who have served. Many veterans find out that the statute of limitations has run on their case or that their desired outcome is otherwise unavailable; volunteers take the time to explain the law and alternative remedies or resolutions. Upon exiting the legal section, veterans are asked to complete a voluntary survey. In response to the question, “What was most helpful to you at the clinic?” veterans answered: “Getting done in 10 minutes what I could not get done in a year and a half. So yes very good”; “Knowledge and sincerity”; and “The fact that it was here to start with and somebody took time to listen.”

VI. CONCLUSION

Stand Down events provide the legal system with an existing and effective outreach tool to help address the unmet legal needs of homeless and at-risk veterans. Creating a legal component that provides direct, on-site services through a Stand Down Court and legal section helps remove and reduce legal barriers for individual veterans and provides relief to overburdened court systems. The tenets underlying Stand Down Courts reflect a shift in our judicial culture to support nontraditional models to resolve misdemeanor offenses stemming from underlying social issues such as homelessness, addiction, and mental health disorders.

148. Minn. Assistance Council For Veterans, Exit Surveys by the Vetlaw Program of the Minnesota Assistance Council for Veterans from the 2016 Twin Cities Stand Down Event (2016) (unpublished surveys) (on file with author) (surveys are confidential and do not include veterans’ names).
No community is too small for Stand Down Court. Whether judges or attorneys remain busy all day or are only called to serve when needed, they can be part of creating a safe and culturally competent path for veterans in order to address legal barriers to housing and employment stability. As shown by the Project CHALENG survey, legal issues remain amongst the highest unmet needs for homeless veterans. Adding a legal section component to provide legal information and advice on civil matters, or direct services on-site, provides additional benefits to the veterans attending Stand Down and further draws the legal community and courts into the national effort to end veteran homelessness.

149. See supra notes 26–29 and accompanying text.
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