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THE 2016 CLAY AWARDS

The 20th Annual California Lawyer Attorneys of the Year

Public Interest

Negotiating
for justice for
U.S. veterans

The knotty problem of care for hard-up U.S. military veterans in Los Angeles got a strong push toward a solution from name partner Ronald L. Olson of Munger, Tolles & Olson LLP and lawyers at Public Counsel, Arnold & Porter LLP, the ACLU of Southern California and others.

The team achieved a favorable settlement in a suit against the U.S. Department of Veterans Affairs that promised to reverse decades of misuse of a slice of West Los Angeles real estate deeded in 1888 for the specific purpose of housing disabled vets. Known for decades as the Old

Soldiers Home, it had fallen into decline and was largely no longer there for veterans.

Instead of helping those for whom it was intended, the suit alleged that department officials wrongly leased nearly 30 percent of the 387-acre site, called the West L.A. Campus, to private entities, while other parts remained vacant or underused. There was a laundry for Marriott hotels, parking lots for school buses and rental cars and baseball facilities for UCLA, but no permanent veterans' housing.

The suit was a class action on behalf of homeless veterans with severe



Photo by Alex Drecun | Special to the Daily Journal

John C. Ulin, Gary Blasi, Ronald Olson, Mark Rosenbaum, O'Malley M. Miller



The campus will become a showcase for how vets are to be treated nationwide.

– RONALD L. OLSON



Valentini v. Shinseki

INITIAL TEAM

- Ronald Olson**, Partner, Munger, Tolles & Olson LLP, Los Angeles
- Gary Blasi**, Special Counsel, Opportunity Under Law project, Public Counsel, Los Angeles
- Mark Rosenbaum**, Director, Opportunity Under Law project, Public Counsel, Los Angeles
- Elisabeth Layton**, Senior Counsel, U.S. Department of Justice, Washington, D.C.
- David B. Sapp**, Staff Attorney, American Civil Liberties Union, Los Angeles
- Laurence H. Tribe**, Professor, Harvard Law School, Boston
- Melissa Tyner**, Director, Homeless Veterans Project, Inner City Law Center, Los Angeles
- John C. Ulin**, Partner, Arnold & Porter LLP, Los Angeles

POST-SETTLEMENT TEAM

- O'Malley M. Miller**, Partner, Munger, Tolles & Olson LLP, Los Angeles
- Kathy Ku**, Partner, Munger, Tolles & Olson LLP, Los Angeles
- Jesse M. Creed**, Associate, Munger, Tolles & Olson LLP, Los Angeles
- Beth Loughton**, Litigator, Munger, Tolles & Olson LLP, Los Angeles

disabilities. It alleged that the VA's benefits program discriminates against class members because they cannot access the medical, mental health and other services to which they are entitled. *Valentini v. Shinseki*, 11-CV-04846 (C.D. Cal., filed June 8, 2011).

In 2013, U.S. District Judge S. James Otero of Los Angeles ruled that the VA broke federal law when it leased part of the site to 11 businesses and organizations for purposes unrelated to providing medical care or treatment for homeless and disabled veterans.

Yet a positive outcome remained elusive. The breakthrough in the face of U.S. Department of Justice's strong legal pushback came a few days before Christmas 2014 when Olson got a call from the new chief of the Veterans Administration. The named defendant, former VA boss Eric K. Shinseki, had been replaced by Olson's business world acquaintance, Robert A. McDonald.

"It was surprising to get that call," Olson said. Department of Justice lawyers had refused to settle, even though Olson tried unsuccessfully to reach Shinseki directly and even to President Barack Obama and his wife to resolve the case outside of court, based on their shared concern for veterans' welfare.

McDonald had a different take. "He said, 'I don't know why we're litigating this, we ought to be on the same side,'" Olson recalled. "He sounded serious, so our team went back to D.C. and met with him." Accompanying Olson

were Gary L. Blasi of Public Counsel and Bobby Shriver, a former Santa Monica mayor who helped organize the lawsuit and recruited Olson to take the lead.

"I probably said no three or four times to Bobby," Olson said of the lawsuit's origin. "He wouldn't quit, and I finally got in with both feet."

The meeting in Washington went well. "In an hour and a half we had a basic outline of a settlement agreement," Olson said. "He disagreed with nothing we wanted." Even so, Olson was cautious. "I challenged him," Olson said. "I asked, 'How can we be certain the next secretary won't walk away?'"

McDonald promised to create what he termed "irreversible momentum" for the project. Olson wanted a concrete assurance. "We created on the spot something more," Olson said, "a public-private partnership between the VA and a yet-to-be-formed nonprofit."

Just weeks later, on Jan. 28, 2015, the VA and Olson's team announced they had agreed to develop a new master plan for the site to serve veterans in need. Los Angeles is home to about 4,200 homeless veterans, the nation's largest such population.

"We've got a long way to go, but we've done a lot," Olson said. "I'm very appreciative of [McDonald] reaching out to make that call. Of course, if our lawsuit hadn't come across his desk, he would have had no cause to pick up the phone. The campus will become a showcase for how vets are to be treated nationwide."