

Speaker 1 ([00:00](#)):

This podcast episode reflects the opinions of the hosts and guests and not of Greenberg Traurig, LLP. This episode is presented for informational purposes only, and it is not intended to be construed or used as general legal advice nor a solicitation of any type.

Caroline Heller ([00:16](#)):

Hi, this is Caroline Heller, chair of Greenberg Traurig's Global Pro Bono Program and litigation shareholder in the New York office. I'd like to welcome you to Greenberg Traurig's pro bono podcast, Good In Practice, because everyone has a story.

Caroline Heller ([00:36](#)):

We're going to do something a little bit different today. Instead of interviewing a Greenberg Traurig attorney or team of attorneys who have worked on a pro bono matter, I am going to interview a former Equal Justice Works fellow who GT co-sponsored with Greystone & Company, Inc. from 2016 to 2018. Equal Justice Works, for anyone who is unfamiliar with the program, is a Washington DC based nonprofit that focuses on careers in public service for lawyers. One of its programs is fellowship program. Equal Justice Works works with law school students in their third year or law school graduates to create a two-year project for the fellow to implement at a nonprofit post organization to provide legal services to low-income individuals or communities. Many law firms, corporations, and private foundations fund these two-year fellowships through sponsorship.

Caroline Heller ([01:32](#)):

Greenberg Traurig is the largest single sponsor of Equal Justice Works fellows. The program is funded through Greenberg Traurig attorney donations to the Holly Skolnick Fellowship Foundation. Holly Skolnick was the chair of the firm's pro bono initiative, and president and founder of the Greenberg Traurig Fellowship Foundation. Following her death in 2013 from melanoma, the firm renamed the fellowship foundation in her memory. Through the foundation, Greenberg Traurig since 1999 has invested \$13.5 million to support in whole or in part over 180 Equal Justice Works fellows. These fellows are graduates of 63 law schools, have served over 54 cities across the United States, and have provided over 650,000 attorney hours on behalf of underrepresented populations. Through their two-year fellowships, they've delivered critically needed legal services at more than 108 nonprofit host organizations, working on 30 issue areas, ranging from community development and disability rights, to domestic violence and immigration populations, and a variety of other social, racial, and economic justice issues.

Caroline Heller ([02:45](#)):

One of those fellows was Samantha Kubek. From 2016 to 2018, Greenberg Traurig and Greystone co-sponsored Samantha Kubek as a fellow at the New York Legal Assistance Group. Samantha's project focused on assisting female veterans who were survivors of sexual assault or rape while in the military. She did this by representing them in their cases for VA benefits. After her fellowship concluded, Samantha stayed at the New York Legal Assistance Group as a staff attorney, pursuing the same work that she pursued during her fellowship. She is a fierce advocate for survivors of sexual trauma in the military. She speaks publicly about the issue, including providing testimony at a congressional hearing, concerning survivors of military sexual trauma and how and why it is difficult for these survivors to obtain benefits.

Caroline Heller ([03:40](#)):

I remember interviewing Samantha in 2015 for the Equal Justice Works fellowship, and she blew me away with her passion for the issues, and her commitment and devotion to men and women who are victims of sexual trauma in the military. But I could not be prepared for the incredible work that she's done since that time. So, in part one of what will be a two-part episode with Samantha, she's going to describe some of the work that she did during her fellowship and the work that she's currently doing, why it's difficult to build a case for benefits for a survivor, how she actually goes about doing it, and the extraordinary life-changing impact benefits can have for her clients.

Caroline Heller ([04:26](#)):

So Sam, can you tell us a little bit about how you started your career at NYLAG?

Samantha Kubek ([04:32](#)):

So, I started at NYLAG through an Equal Justice Works fellowship, and that fellowship was sponsored by Greenberg Traurig. I came to NYLAG with the goal of creating the first legal clinic for women veterans that would exclusively serve women veterans, and I wanted to do that within the medical legal partnership model that NYLAG had already established through its legal health division. They already had working relationships with the Bronx and Manhattan VA's, and so that is where we decided to base my clinic. And that is how I got started.

Caroline Heller ([05:14](#)):

Tell us a little bit about why you were interested in this as a career in helping female veterans particular.

Samantha Kubek ([05:23](#)):

Yeah, I sort of came to this work in a bit of a roundabout way. I went to law school knowing that I wanted to work with women who were survivors of domestic violence and sexual assault. I am a survivor of both myself, and that was something that I felt very strongly about in choosing my career path. And when I was in my first summer after law school, I was interning at the ACLU's women's rights project, working on a lot of issues around domestic violence. They knew that that was what I was really interested in, and my supervisor at the time said that she had an interesting assignment come in that was specific to the issue of military sexual trauma. And that was the first time I ever heard that term, that was the first time I ever heard of the concept of military sexual trauma. She asked if I was interested in working on it. I said, "Sure."

Samantha Kubek ([06:20](#)):

They were working on an amicus brief in a lawsuit that was going on relating to military sexual trauma, and I started looking into what that was, what was MST as I now tend to refer to it. I realized that there was this huge epidemic that was occurring in our military for decades, and I had never heard of it. I knew that I was someone who cared very deeply about issues around sexual assault, and I thought to myself, "Well, I don't know about this. And I'm someone who's very engaged in this topic area. There must be tons of people who don't know anything about this." And that's sort of just stuck in my head and was simmering in the background for the next year and a half of law school.

Samantha Kubek ([07:07](#)):

When it came time to figure out what I wanted to propose as a project for my fellowship, I knew I wanted to be at NYLAG. I was interning at NYLAG at the time, and I had fallen in love with the organization. And I was thinking of things that I could bring to the table, things that would be complimentary to what they were doing, but also something different that I could add and contribute. And I was throwing out a bunch of different [inaudible 00:07:34], one of which was this idea of this women veterans clinic. I felt drawn to this because of this connection between my passion in the sexual assault field and this new population that I had just never really worked with before of veterans. And when I mentioned the idea of a legal clinic for women veterans, the fellow that I was speaking to at the time, his eyes bugged out of his head, and he was like, "Yes, we need-

PART 1 OF 4 ENDS [00:08:04]

Samantha Kubek ([08:03](#)):

Out of his head, and he was like, "Yes, we need this, we need this. We are having trouble making a connection with that population. We're finding that women veterans are coming in and they're dropping off on their cases. They don't feel comfortable talking about it." He was someone who had a lot of experience working with veterans, but not necessarily with sexual assault survivors, which is a different type of trauma, and wasn't quite sure how to work with those types of clients. Sort of right after that conversation, we started having really substantive conversations about what this would look like and how it would go. That was really the indirect way that I got working with this population on this issue.

Caroline Heller ([08:46](#)):

In preparing for the fellowship, what did you learn about the need for legal services for female veterans who were survivors of sexual assault?

Samantha Kubek ([08:57](#)):

I think the most shocking thing that we learned was the fact that this was in fact going to be the first legal clinic in the country to exclusively serve women vets. The year at the time was 2015, and it still to me is unfathomable that that didn't exist before that. Women have been serving in our military since our military began, and so the fact that there was nowhere that was specifically reaching out to this population was stunning to me. What I realized was the women veteran population can be really challenging to make headway into, particularly if you're not a woman veteran yourself, and I did not serve in our military.

Samantha Kubek ([09:47](#)):

What was nice about the medic-legal partnership model was that it did give me an in into the community. I realized that I was able to find a population that already exists, that being the patients of these hospitals, but I still needed to create a space that they felt safe and comfortable, because for so many of them, unfortunately, their legal issue is tied to these experiences of trauma while they were in the service. Even if I wasn't necessarily dealing with the issue specifically of military sexual trauma, I was still potentially dealing with someone who was a survivor. The very act of going into the VA hospital was going to be, at times, difficult for them, because the VA can serve as a reminder of those experiences in the military. There was a lot of work we had to do to make the clinic feel like a safe space. Then, once we were able to do that, consistently the legal issues that are top of mind that come into my clinic are veterans compensation, anything with veterans benefits, family law, and a lot of questions around housing.

Caroline Heller ([11:03](#)):

You mentioned something that I think is particularly interesting, because I've heard this from attorneys who work with veterans, how important it is to be able to speak their language, to have some understanding about the military. Tied into that is also the idea that I've heard in pro bono circles more recently of cultural competency. How important it is, if you're not from the population that you're serving, how important it is that you listen and be sensitive to their needs. How did you prepare yourself for working with a population when you hadn't yourself served in the military?

Samantha Kubek ([11:38](#)):

Yeah, it was definitely something that was a bit intimidating to me. When I started, I remember in almost every conversation I had with someone about what I was setting out to do, the fact that I was not a veteran was raised as a concern of, would this work? Would the population I was trying to serve ever feel comfortable talking to me? What I found is what really matters is the ability to make a connection. Yes, if you yourself have served, you have a very easily accessible point of connection with the population. But, you can have another area, another pathway for that connection outside of just also being a veteran.

Samantha Kubek ([12:25](#)):

For me, I think the fact that I myself was a survivor of sexual assault gave me that connection, even though it wasn't a spoken connection. It wasn't as if I was saying to the clients, "Oh, I also have been through this," but it was a way of having a language we did both speak. We did both speak the language of a survivor, and I was able to understand at times when the words weren't coming easily to my clients, they weren't sure how to put into words what they'd experienced. I was often able to understand quickly what it was they were trying to say. But, I also did put a lot of work into just getting to know veterans. The Manhattan VA has a space in the hospital that's referred to as the clubhouse, where veterans who are receiving treatment for mental health conditions can come in and hang out. There's a pool table in there, there's a television. I spent time in that room, just talking to veterans and getting to know them. I read a lot of memoirs written by veterans about their experiences in the military.

Caroline Heller ([13:39](#)):

Now, I believe that during your Equal Justice Works fellowship, you set up not only the first legal clinic for female veterans, but the second as well. Is that right?

Samantha Kubek ([13:49](#)):

That is correct, yes. We started by setting up two legal clinics, one at the Manhattan VA and one at the Bronx VA. They were opened almost simultaneously. They were opened two days apart, but we did open both of them through the project.

Caroline Heller ([14:08](#)):

After your fellowship ended, you stayed on as a staff attorney at NYLAG. What kind of work are you doing there now?

Samantha Kubek ([14:15](#)):

My work now really looks a lot similar to the work that I was doing during my project, except that it's expanded a fair amount. When my fellowship project ended, we were able to secure funding to keep

the clinics that I had opened through a project open, and so those clinics still exist today, and I still on weekly basis am serving women veterans through those clinics. We also opened for a time period a post-9/11 veterans clinic to serve that population of vets. Unfortunately, the funding for that one ended, and so we no longer have a special clinic for that population.

Samantha Kubek ([14:59](#)):

But, now I also every week am staffing a legal clinic for male veterans as well. I split my time 50/50 between the women vets and the male veterans, and I'm now the coordinating attorney of our veterans initiative within the legal health practice. On top of my work with my clients directly, I'm also helping to facilitate the continued existence of our medical-legal partnerships, both the ones that we have at the Bronx and Manhattan VA, but we also do have a medical-legal partnership also with the North Port VA out in long island, and so making sure all of those clinics are running smoothly.

Caroline Heller ([15:43](#)):

The male population that you are working with, are those also survivors of sexual trauma, or are you serving their general needs as well?

Samantha Kubek ([15:54](#)):

Both. Certainly serving their general needs. Many of the clients are not survivors, and so helping them with the civil legal issues they-

PART 2 OF 4 ENDS [00:16:04]

Samantha Kubek ([16:03](#)):

Survivors and so helping them with the civil legal issues they come in with but I have now had too many male survivors as well come in through the clinics that I've worked with as well. So I've gotten to sort of see how the male population responds to that sort of trauma and how their symptoms might present and had to navigate working on the same issue that I work with my women clients on but now trying to navigate and see, "Okay, well what's similar and what's different when you're talking about the male veteran population?"

Caroline Heller ([16:39](#)):

So let's talk a little bit about the type of the legal work you're doing with a survivor of sexual trauma. Is there particular relief they're entitled to? Are they facing other issues that are resulting from their assault? Can you tell me a little bit about the legal issues and maybe even give us an example of a case.

Samantha Kubek ([16:58](#)):

Sure. So the most common issue that clients are coming in with when it comes to military sexual trauma is looking for what's called service-connected compensation or more casually VA comp or VA compensation. Survivors of sexual assault in the military are not entitled to compensation because they were assaulted. There is not some sort of reparation or justice in that sense of being able to get any sort of compensation because you were assaulted. The only way in which any veteran can receive compensation from the VA is when their injuries that they suffered in the military, such as having experienced sexual assault, rape, pervasive harassment, has led to a medical diagnosis that they still have today. What the veteran can do if that is true is they can apply for this service-connected

compensation and what that is it's a monthly tax-free payment from the VA that is paid out to a veteran who is currently suffering from an injury or illness that started or was made worse by their military service, and there's three elements to these claims. You have to first show that the injury or event occurred in the military. You then have to show that you do in fact have a current diagnosis and then you have to make that nexus between the injury or event in the service and the current diagnosis.

Samantha Kubek ([18:41](#)):

Veterans can do this for any type of health problem that they are having but mental health related claims and particularly mental health that stems from sexual trauma is sort of the hardest version of this claim. The reason for that is ... Well, there's a multitude of reasons for that. One is there's very rarely "proof" of the event having happened. If you were in a truck that got attacked by enemy fire or if you were in a car accident in the military, those are the types of things where there's going to be a record in your personnel file of that having happened. You probably then would have sought medical treatment. We could pull all of those records to show the VA, "Look, this happened." With sexual trauma, it's very common for survivors not to report anything. To not say anything about what happened to them at the time when they were in the military. So it's possible that their personnel file will be completely void of a reference to an assault. It's possible that they didn't get any medical treatment for what happened to them and so their medical file is also completely void in reference to a sexual assault. So in recognition of that fact, the VA has shifted the way they look at these cases and doesn't require a report of the sexual assault or something like that. They instead look at what they call markers, which are basically signs that something happened and these signs are signs that point to the thing that happened being of a sexual nature. So they look for things like asking to be transferred to a new assignment because maybe you were assaulted by someone in your duty assignment and you want to get away, so that points to that. Not surprisingly any sort of pregnancy test or STD testing, even if it didn't explicitly say why that was happening, would point to the sexual assault. Changes in behavior that are unexplained by anything else, all of these can sort of point to a sexual assault having happened.

Samantha Kubek ([20:54](#)):

The other thing is a lot of times veterans and particularly I found women veterans don't necessarily seek treatment for their resulting mental health condition for some time after the military. I found that with my women veteran clients, they often fall into one of two categories. One are really young veterans who recently got out of the service who want to file these claims right away. The other category are women veterans who got out at a time at which the VA didn't really understand sexual assault to the degree that they do now. They may have potentially put in a claim back then and it was denied, but then a lot of them had children and like many parents do, they put all of their energy into caring for their child and sort of put their health needs to the side and now as their children are aging out of the home, growing up, leaving the house, they now all of a sudden are forced to reckon with the mental health that they have been sort of pushing down for all of these years and so sometimes we have these really long gaps between when the incident occurred and filing the claim and so all of these can make the claim really hard to prove with the VA.

Samantha Kubek ([22:14](#)):

On top of that, you have the fact that this is a very emotionally charged issue. This is very difficult for people to talk about and the process unfortunately requires repeated retellings of the sexual assault or of the harassment. The veteran is compelled to need to tell the story over and over and over again throughout the process, which makes it very difficult emotionally for them to do this. So that's the main

type of claim that I'm working on with survivors and while these claims are very difficult, they can have really incredible outcomes for the veterans. They can really be life-changing benefits.

Samantha Kubek ([23:06](#)):

I had a client who had served back in the I want to say seventies or eighties, she had served in the Marines, and when she came into my office, it actually wasn't about service connected compensation. She was seeking Social Security Disability and I was speaking with her about her Social Security case and I just happened to say, "Are the injuries that are causing you to be unable to work and therefore apply for SSD, are those injuries from your time in the military?" She got quiet and kind of evasive and I just had this gut feeling that something was there, and I didn't push her too hard on it. But the next time I talked to her, I asked her about it again and she said, "Yes, it is from the military, but it doesn't count." I said, "Well what do you mean -"

PART 3 OF 4 ENDS [00:24:04]

Samantha Kubek ([24:03](#)):

... from the military, but it doesn't count. And I said, "Well, what do you mean, 'but it doesn't count?'" And she said, "Well, I was raped when I was in the military, and I haven't been the same person since." And at this point, she was in her mid-50s, so she had served about 30 years ago. And I said, "Well, that does count. That absolutely counts, and I want to help you put in a claim so that you can get compensation for this." And so over the next year, pretty much, of work together, we started to unravel her story. And she was someone who had really developed a coping mechanism with what had happened to her, such that she had forgotten most of the details of what happened. She remembered it happened, and she remembered snippets.

Samantha Kubek ([24:59](#)):

We would be talking and she would say something and I'd be like, "Oh, that's new. You hadn't remembered that before." In the very beginning, I believe the only details I she could remember was that she knew it had happened when she was outside. She remembered being on the grass, and she remembered that it was nighttime. That was it, that was all we had in the beginning. And we spoke repeatedly by phone. She was a client who her trauma was so severe that she really never left the house, and so after that first meeting that I had with her onsite at the VA hospital, we didn't meet in person again. Everything we did was via the phone or via email, because that was what was easiest for her. And eventually, we were able to... Based on some small and pieces of things she said to me, I was able to figure out where she was when this happened, what base she was on, and narrowed down to a much smaller time period.

Samantha Kubek ([26:02](#)):

And we put together her story for the VA, and we submitted her claim for compensation. And at the time that she came to see me, she was living on food stamps and public assistance. She was living in a studio apartment with her son and her granddaughter. She and her granddaughter were sharing a bed, because that was all there was space for, and she was struggling. She was really, really struggling to make ends meet and be okay. And we were able through her claim to get her the highest level possible of VA compensation, which the highest level of compensation is roughly \$3,100 a month.

Samantha Kubek ([26:53](#)):

But we were able to get her that compensation, and we were able to get her back pay of several years, and so that was well over \$36,000 just overnight deposited into her bank account. And then after we got her that, I let her know that because of the fact that she had gotten this compensation, she was also now eligible for a VA home loan at the best rate possible. And she and her son made the decision to buy a house, and they are now living in a house that very conveniently fits all of them. Everyone's got their own room. And it's out of the city, which is better for her when it comes to her post-traumatic stress disorder and the fact that some ways are really hard for PTSD survivors, and her life is just in a much better place than it was.

Caroline Heller ([27:59](#)):

Since opening her legal clinics for female veterans, Samantha has obtained \$2,609,088.57 for her clients in total annualized financial benefits. I hope you join us for part two to hear more about her extraordinary work. You've been listening to Good in Practice Greenberg Traurig's pro bono podcast. I'm your host, Caroline Heller, chair of Greenberg Traurig's global pro bono program and litigation shareholder in the New York office. Today, I interviewed Samantha Kubek, a current staff attorney at the New York legal Assistance Group and former EJW fellow, co-sponsored by Greenberg Traurig. Thanks for listening, and I hope you join us next time for another pro bono story.

PART 4 OF 4 ENDS [00:29:01]