

Go Back to School With the Post-9/11 GI Bill: A Lawyer's Story

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With the last U.S. forces being pulled out of Iraq in December 2011 and troops expected to leave Afghanistan by 2014, over 1 million members of the armed forces will come off active duty and transition back to civilian life over the next five years. Some will have jobs waiting for them and others will join the crowded ranks of the unemployed.

While the unemployment rate for these post-9/11 veterans is improving, dropping from 12.5 percent in February 2011 to 7.6 percent in February 2012, their options extend beyond going to work or standing on the unemployment line (or recovering from battlefield injuries). Depending on their length of service, many who served in the military after Sept. 10, 2001 can have the U.S. Department of Defense pay for some or all of their tuition and fees and other expenses at institutions of higher education, including law school.

This unprecedented level of education assistance has been available since Aug. 1, 2009, when the Post-9/11 G.I. Bill went into effect. Through fiscal year 2011, the U.S. Department of Veterans Affairs (VA), which administers the program, has paid for an estimated \$8 billion in education expenses for service members, veterans and their dependents. During the next fiscal year, 606,000 veterans, service members, survivors and family members are expected to have the Post-9/11 G.I. Bill pay for education expenses.

Some of these veterans will be aspiring attorneys attending law school, and others will be established lawyers looking to round out their education or to equip themselves with knowledge so they can better run their firms. I fell into the second category, and after two years of juggling work, family and school responsibilities, I received my M.B.A. in May 2011.

I was among the first wave of veterans who took advantage of the Post-9/11 G.I. Bill and enrolled in classes. Here is my story of using the Post 9-11 G.I. Bill, along with my insights into this government program's advantages, setbacks and quirks. Consider the following a survival guide for the Post-9/11 veteran who wants to be a lawyer or is already one and wants to go back to school.

Getting In

Going back to school was the last thing on my mind in 2008. In April of that year, my law firm, Tully Rinckey, opened its first office outside Albany in Washington, D.C. So it's understandable that I did not pay much attention to the news when President George W. Bush signed the Post-9/11 Veterans Education Assistance Act of 2008 on June 30, 2008. The significance of this law sank in a few months later when I received a letter from the VA notifying me of my eligibility for Post-9/11 G.I. Bill benefits. The law substantially sweetened the education benefits that the federal government had provided under the Montgomery G.I.

Bill.

The Army had already paid for my undergraduate education in the 1990s while I served in the Reserve Officers' Training Corps (ROTC). After graduating from Hofstra University in 1995 with a B.B.A. in business management, I went to Touro Law School, receiving my juris doctorate in 1998. A year later, I started my service with the Army's Judge Advocate General's Corps, in which I served as a trial attorney, defense counsel, appellate defense attorney and a special assistant U.S. Attorney for the Eastern District of Virginia. After being honorably discharged in 2004, I partnered with a college friend and fellow veteran, Mathew B. Tully, to found Tully Rinckey in Albany.

Due to my ROTC service, I was ineligible for the Montgomery G.I. Bill's education benefits. However, the VA letter informed me that under the Post-9/11 G.I. Bill, because I served in the armed forces after Sept. 10, 2001, the federal government would not only pay for graduate school tuition and fees but also for books and housing expenses. It was an offer I could not refuse, and within two months of receiving the VA letter I was enrolled in the University at Albany School of Business' executive-level Weekend M.B.A. Program for the fall 2009 semester.

Getting into an undergraduate or graduate school under the Post-9/11 G.I. Bill is probably the easiest part of the program. After obtaining from the VA a certificate of eligibility that details how much funding the agency will provide, the veteran must submit the certificate along with his or her application for enrollment to the institution of higher education. Education benefit levels range from 40 percent for veterans who served at least 90 days but less than six months to 100 percent for those who served at least 36 months or at least 30 days and were discharged due to a service-connected disability.

Once enrolled, the VA will directly pay tuition and fees to the institution, and a book stipend and housing allowance will be directly deposited into the student's personal bank account. Under the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, which was enacted on Jan. 4, 2011, the amount of private school tuition and fees the government will cover per school year is capped at \$17,500. The book stipend for books, supplies and equipment is capped at \$1,000 annually. The housing allowance varies from state to state because it is based on the Department of Defense's E-5 housing allowance for military personnel with dependents.

In situations where the funds necessary to cover the tuition and fees exceed the annual cap, prospective students should apply for education benefits under the Yellow Ribbon Program. Under this program, veterans can still attend expensive private schools at no cost, because costs beyond the annual capped amount covered by the Post-9/11 G.I. Bill are covered by institution and matching Department of Defense contributions.

Yellow Ribbon schools must identify maximum contribution amounts and identify how many Yellow Ribbon students it will pay for each year. During the 2011-2012 school year, for example, Albany Law School was providing a maximum contribution of \$8,750 per student for two students and Columbia University School of Law was providing a maximum contribution of \$4,500 per student for 20 students.

Time Management

Going back to school while managing a rapidly growing firm, practicing law and tending to family affairs was undoubtedly a challenge. However, by utilizing the time management and leadership skills I learned while serving in the military, graduate school seemed less like an impossible mission.

Regardless of whether a veteran uses his or her Post-9/11 G.I. Bill benefits to go to law

school or any other institution of higher learning, it will be a commitment. Being enrolled in a weekend M.B.A. program exclusively for business executives, I spent six hours on Fridays and eight hours on Saturdays in the classroom. I usually used Tuesdays to study in the library. On top of that, there was a class trip to China.

Given that I was already established in my legal career, with a business and a family, I went to classes with the mindset that I was there to learn. I placed a greater premium on professional development—on gaining a stronger grasp on the business side of the law to which most lawyers are often inept—than on getting the highest grade point average. Veterans' Post-9/11 G.I. Bill benefits should not be a source of stress, so it's all right for them to get a B. The chief exception, though, applies to veterans who go to law school, because their grades will greatly influence the jobs they get. Had I used the Post-9/11 G.I. Bill to obtain my law degree, I definitely would have devoted significantly more time to my studies. It is not something I would have been able to do over weekends, like an M.B.A.

Veterans who go back to school may find their military training provides them with an advantage lacking in many undergraduate and even graduate students. Backwards planning—the Army's main task-setting method—will be invaluable for anyone attempting to juggle school, business and family responsibilities. With backwards planning, the student starts with the end goal (e.g., completing a project by a certain date) and then goes backwards and sets all the deadlines so that objective can be achieved.

Veterans may also benefit from the project management skills they acquired from the military. Veteran students, whether they are attending law school or business school, often have a different approach to group projects than non-veteran students. Students with military backgrounds are inclined to assign tasks that are conducted independently of the group, and then everyone circles back to assess the project. Contrarily, based on my observations, students without military backgrounds tended to do all group work together. The latter approach is usually more cumbersome and time consuming, though the former approach could suffer setbacks if there is a slacker in the group.

If anything, whether the veteran attends law school or business school, it will be a great networking experience. Being enrolled in an executives-only program, I made many excellent connections at school—some that have helped bring business to my firm.

Patience

Even though the federal government has been providing veterans with education benefits since 1944, it has not mastered the payment process. I experienced payment delays and mistakes in calculating benefits. In fact, one of my appeals of a VA mistake from late 2010 is still pending. Veterans receiving education assistance will just have to be patient as the VA works out many kinks in the Post-9/11 G.I. Bill payment processing systems.

I was among the early Post-9/11 G.I. Bill students who served as the VA's guinea pigs as the agency transitioned its education benefit payment systems. Compared to the multi-channeled payment systems demanded by the Post-9/11 G.I. Bill, the Montgomery G.I. Bill's payment system was simple. Basically, the VA would just cut checks to veteran-students on a monthly basis. The VA's old information technology systems, which remained in use until June 2010, were overwhelmed by Post-9/11 G.I. Bill claims. It took the VA six times longer to process these claims compared to other education benefit claims, and by December 2009 there was a backlog of 51,000 claims.

According to a March 2011 Government Accountability Office (GOA) report, the VA has made gains in administering Post-9/11 G.I. Bill benefits. For example, between the fall 2009 and fall 2010 semesters, the average processing time for original Post 9/11 G.I. Bill claims declined

from 49 days to 26 days. Further, while the VA met its target of accurately paying about 96 percent of claims in the 2010 fiscal year, the amount of improper payments grew substantially, mostly due to course load adjustments, deaths and dropouts. The VA made \$712.8 million improper payments last fiscal year, with about half that amount stemming from underpayments.

However, lawyers and prospective lawyers will find little comfort in this GOA report when they learn the VA is late in making tuition and fee payments to their schools and, consequently, their monthly living stipend has not been issued. That was the case earlier this winter for some veterans attending east coast universities. According to a March 9, 2012 Army Times report, the VA's Buffalo regional processing center was up to seven weeks behind on processing G.I. Bill benefits claims.

Regardless of the headaches the processing of Post-9/11 G.I. Bill payments may cause, it is still a benefit of which veterans should take advantage. They earned this education benefit through their service to their country, and they need to remember they can lose it, too. Veterans' eligibility for Post-9/11 G.I. Bill education assistance expires 15 years after they are last discharged from the military.

On Nov. 23, 1943, President Franklin D. Roosevelt told Congress:

[w]hat our servicemen and women want, more than anything else, is the assurance of satisfactory employment upon their return to civil life... The goal after the war should be the maximum utilization of our human and material resources.

Roosevelt reiterated this message when he signed the original G.I. Bill on June 22, 1944. Now that the war in Iraq is over and operations in Afghanistan are winding down, veterans who want to become lawyers or who want to enhance their legal careers should utilize their Post-9/11 G.I. Bill benefits to the maximum and go back to school.