

# 'Taking Care of Veterans First'

## VFW has entrusted two law firms to work with veterans and families who were exposed to contaminated water at Camp Lejeune

Jan 22, 2024

The passage of the Honoring Our Pact Act in 2022 included a provision known as the Camp Lejeune Justice Act (CLJA). The CLJA allows veterans, family members and contractors suffering from the effects of toxic exposure to contaminated water at Camp Lejeune, North Carolina, to file lawsuits for compensation.

The CLJA applies to people who worked for a period of at least 30 days between Aug. 1, 1953, and Dec. 31, 1987, at Camp Lejeune. It allows them to file lawsuits to obtain “relief for harm” caused by the Marine Corps base’s contaminated water.

To better serve veterans, two law firms dealing with Camp Lejeune cases have agreed to work with VFW and provide its services to veterans and families.

VFW General Counsel John Muckelbauer said that these law firms will provide their services at a reduced rate.

“These firms have agreed to work on these cases at a minimal cost to veterans and their families,” Muckelbauer said. “Many firms, particularly those spending significantly on advertising, are charging 40 percent plus all costs for each case.”

The VFW recommends that veterans harmed by the toxic water should contact a VFW accredited service officer to file a claim for VA disability benefits and compensation. These veterans should also pursue a federal lawsuit under the CLJA.

VFW’s entrusted law firms are:

- Bergmann & Moore (Provides services for 33 percent of the award, including costs for the case.)
- Baird, Mandalas, Brockstedt and Federico (Provides services for 25 percent of the

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award, plus costs for the case.)

Muckelbauer encourages veterans interested in filing a tort claim under the CLJA to contact each firm and discuss what options may be available to them. He added that picking between the two firms depends on a veteran's individual situation and preference of which team they feel more comfortable working with. Muckelbauer added that picking between the two firms depends on a veteran's individual situation.

### **'WE SUPPORT VFW AND ITS MEMBERS'**

Glenn Bergmann, an attorney with Bergmann & Moore, said he has recently seen a significant increase of "over-exaggerated" and "abusive" advertisements related to Camp Lejeune contaminated water cases. This, he said, is the reason he wanted to step in and help.

"We saw so many firms that previously had no interest in veterans suddenly become very interested because they saw an opportunity to make money," Bergmann said. "That is why we approached VFW to see what we can do to help veterans and their families."

Bergmann added that after screening many different law firms, Bergmann & Moore decided to work alongside Beasley Allen, a law firm known to represent plaintiffs and claimants in tort cases, much like ones related to the CLJA. Bergmann said his firm negotiated a "fair price" that will help veterans and others who are a part of the lawsuit.

"First and foremost, we support VFW and its members," Bergmann said. "I don't think it's right for lawyers to take away most of an award a veteran receives in a case. Many of these law firms historically charge a lot more money than we do. We just want to protect veterans."

Bergmann & Moore has a long-standing relationship with the VFW to assist VFW appellants with cases before the Court of Appeals for Veterans Claims.

### **HELP THROUGH THE PROCESS**

Baird, Mandalas, Brockstedt and Federico (BMBF Law) has extensive experience in litigating groundwater contamination mass tort cases. Attorney Jason Johns, a gold legacy Life member of VFW Post 328, Wisconsin's Mother Post, said he works on behalf of the firm to give as much information as possible to clients. Johns, an attorney with Johns Law Office, also is a past commander for the VFW Department of Wisconsin. He says veterans can expect attentive service.

"When you work with us, you are getting our direct office lines and cell numbers so that we can help you through the process," said Johns, an Army Iraq War veteran and Purple Heart recipient. "When you call, you are not getting a call center. You are getting me or someone else at BMBF Law who is directly involved in your case, and you know our first names."

Johns said that while speaking with veterans, families and former Camp Lejeune contractors that they have the VFW to thank for passage of the PACT Act.

“The VFW is the only national veteran service organization proactively out at events educating veterans and the public about the Camp Lejeune Justice Act,” Johns said. “This alone says a lot about VFW leadership and its members.”

Johns also said he always recommends veterans pursue VA claims from VFW’s service officers.

### **ANOTHER OPTION FOR VETS AND FAMILIES**

In September, the Departments of Navy and Justice announced a plan that would give those who have already filed a claim a voluntary “Elective Option.” This would allow claimants to “quickly resolve” their federal lawsuits related to the contaminated water at Camp Lejeune.

Claimants, however, only qualify for the Elective Option if they had been diagnosed with one of nine stated conditions less than 35 years after their last exposure at Camp Lejeune. If they meet the requirement of condition diagnosis during the latency period, a claimant could receive a \$100,000 to \$450,000 settlement from the government (based on the amount of time they were at Camp Lejeune). An additional \$100,000 could be given for cases involving death. (Learn more at <https://www.navy.mil/clja>.)

Johns recommends that if an eligible claimant is contacted by the Department of the Navy or Justice about the Elective Option, they should speak with their attorney before agreeing to accept any settlement offer. Johns added that while the elective option may be the best option for some, it is a “slap in the face” to most. The VFW has also expressed concerns with the elective option.

“To say that years of pain and suffering for those affected by this is only worth up to \$450,000 and that they will only give family members an additional \$100,000 for a case involving death is just wrong,” VFW National Veterans Service Director Mike Figlioli said. “The government needs to do better than that.”

### **TAKING CARE OF VETERANS**

VFW member and Vietnam War veteran Lenny Lazzara said he has been working with BMBF Law for his case. He was stationed at Camp Lejeune from 1968 to 1969. He served in the Vietnam War with the Marine Corps’ 1st Division near Da Nang. Lazzara, who also worked at Camp Lejeune as a civilian electrician through the 2000s, said that the whole process of working with BMBF Law has been an “easy” one.

“They make me feel like they really care about veterans they help,” Lazzara said. “Working with Jason Johns has been an easy process.”

Johns said that he is prouder of his work related to Camp Lejeune water contamination than any other case in his career. He added that hearing life stories from those affected by toxic exposure at Camp Lejeune “angers and motivates” him to do everything he can to help.

“These stories are going to stick with me for the rest of my life,” Johns said. “At the end of the day, we are in the business of taking care of veterans first. I am damn proud of doing it.”

*This article is featured in the January 2024 issue of [VFW magazine](#), and was written by [Dave Spiva](#), associate editor for VFW magazine.*