If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share, or if you need to make arrangements in case the building must be evacuated, please let Associate Dean Mitchell and/or Denise Boessen know as soon as possible.

If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please let Associate Dean Mitchell and/or Denise Boessen know and they will help us make sure you are accommodated. For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.

**Veterans Clinic**  
Spring 2019  
Tuesdays 5:45-7:05 PM  
Room 224F

Instructors: Angela Drake & Brent Filbert

Meetings: (drop in and by appointment), Clinic Space  
Email: drakea@missouri.edu & filbertb@missouri.edu  
Cell phones:  
Drake: 417-276-1218  
Filbert: 913-375-4539

Office Assistant Dawn Klempke  
klempked@missouri.edu  
Cell phone: 573-424-8635

**SYLLABUS**

**I. Course Description**

This course concentrates on serving veterans and/or their dependents pursuing disability related claims with the Veterans Administration and with discharge upgrades. Work will be conducted in a law firm type atmosphere. Each student will participate in actual cases and do work required by the files they are assigned. Some cases will be in the development stage, some cases will be at the first administrative level and some will involve appellate practice. In addition, students will assist with general clinical work as well, including helping with the symposium and/or writing educational pieces on veterans issues in amicus briefs or otherwise.

Specifically, students will:
- learn the legal aspects of veterans benefits law and understand the basics of discharge upgrades;
- learn client relationship and interviewing skills necessary to represent clients;
- develop writing skills, from letter writing to brief writing;
- be given opportunities to deliver presentations on veterans related topics to the public;
- learn about the value of providing pro bono representation, and apply other ethical rules to their work;
- develop skills necessary for time management as an attorney

Assessment: formative and summative
II. Course Materials

The casebook for this class will be:

These books are available in the clinic office.

III. Attendance and Assignments

Attendance is mandatory. Please come to class fully prepared to discuss the status of your case upon request. As a general rule, there are no excused absences. We will reconsider this general rule on a case by case basis. Every absence will reduce your grade by 5 points unless an exception is made by Professors Drake or Filbert. If there is an emergency or illness, contact the professors by phone or email; they will not ask private details but do need to hear from you if you will be absent.

Written assignments are due as noted on the weekly task lists. Late assignments hurt grades. Please remember that you will be working with others, and for real clients. Timeliness is essential!

In addition to attendance in our weekly class, you will be required to work 10 hours per week on clinic matters. You will record your time on CLIO, our software program. Given the nature of the clinic, some weeks may require more than ten hours of work. Efforts will be made to lighten the load in subsequent weeks. Please note, this is a weekly commitment. You cannot wait to do all your work until the end of the semester. You will also meet with the supervising attorney individually once per week and prepare a weekly “Monday memo.”

IV. Grading

Grading will be based on the Veterans Clinic Matrix attached hereto. You will self-assess according to the Matrix at the end of the semester. You should consider keeping a journal during the course of the clinic that will help you with your self-assessments. Note, your weekly memo will be a helpful guide when you self-assess at the end of the semester.

Your grade will be based upon the quality of your work for the client (50%) and your self-assessments (25%). The remaining 25 percent of the grade will be based upon your attitude, willingness to work, overall effort and contributions to the work of the clinic.

V. Communication and Meetings

We will have class once a week as a group. In this class, we will spend a portion of the time discussing substantive aspects of veterans’ law, and a portion of the time we will review and discuss case files. Sometimes we may have guest speakers.

We are always available to discuss your work for the clinic and on our files throughout the week by phone, email or in person.
Email is an important means of clinic communication. Check it DAILY! Respond to all email, even if it is as simple as “got it” within 24 hours of the email. It is imperative to the supervising attorneys that we are assured you are reading your email.

We expect to hear from you at least once a week outside of class, via email or otherwise, with a report on the tasks accomplished. This is usually done in the Monday memos but email throughout the week is welcome. We will also have weekly one-on-one meetings during the semester. By all means, feel free to contact us as often as needed – this is a law practice after all. Again, mark your calendars: you are required to prepare “Monday memos” which highlight the work you will accomplish in your ten hours that week. We will also make comments each week on your memos to make sure we are communicating and you stay on track. You need to use the memos to guide your work through the semester. Plan accordingly.

VI. Academic Integrity

Academic integrity is important. Follow the Honor Code. If you have any questions about your work as it relates to the Honor Code, consult us immediately.

VII. Drop Policy

Because the course involves work with real clients, students wishing to withdraw from the class must do so by 3 p.m. on January 30, 2018. Absent extraordinary circumstances, students dropping the course after that date will receive failing grades.

VIII. Additional Information about Your Obligations to the Clinic

Remember the covenants that you will sign on the first day of class. Among other things, if you work for a law firm outside of the clinic, the supervising attorneys must be advised and we must handle conflict checks. You must read the rules of Professional Responsibility. You must respect the privacy interests of our clients, and hold their information confidential.

IX. Assignments/Class Schedule: Please note that this is a general overview of the topics we will cover; topics may change as our cases require. We will remain flexible on the substantive law.

Class 1 – Assignment Due: Follow instructions emailed by Clinic admin assistant and read the Rules of Professional Responsibility and the Student Guide on Box (there will be a quiz on the Student Guide);

Lecture Topic: Intro to the VC; Do's and Don'ts; Initial client assignments; pictures for Blog; cell phone sign up and other sign ups; quiz on procedures discussed in the Student Guide.

Class 2 – Assignment Due: Read the Box files relating to your clients

Lecture Topic: Military Culture; How to Work a File

Class 3 – Assignment Due: Skim Chapters 2 and 3 (through 3.4) of the VBM
Lecture Topic: Key Ethics and Overview of Federal Veterans Benefits Law

Class 4 – Assignment Due: Skim remainder of Chapter 3, Chapter 5 up to Section 5.3 and Chapter 6

Lecture Topic: Continue Overview of Federal Veterans Benefits Law

Class 5 - Assignment Due: Read the Kurta memo and the Calisti brief; skim VBM Chapter 21 and read 38 C.F.R. 3.12

Lecture Topic: Discharge Upgrades

Class 6 – Assignment Due: skim the Aguilar-Parks Paper 4.25.16 found in her “In-house or Consultant memos” file and read Pracht's Coding Sheet

Lecture Topic: PTSD, TBI and MST

Class 7 – Assignment Due: skim VBM Chapter 7

Lecture Topic: Survivor and Dependents Benefits and Pension

Class 8 - Assignment Due: read the Draughon opinion

Lecture Topic: VA Medical Malpractice – Section 1151 v. FTCA claims;

Class 9 – Assignment Due: read the Rule 33 Memo in Gildersleeve; find the Albert Wiley case on the CAVC website and read the docket and appellant's brief

Lecture Topic: The VA Adjudication Process; Rules of Practice and Procedure of the CAVC

Class 10 - Assignment Due: read the Reed BVA decision and the Gillispie NOD Supplement

Lecture Topic: TDIU and other SMC Benefits

Class 11- Assignment Due: read the Reagan letter to Dr. Daniel and the Daniel report

Lecture Topic: How to Work with Experts/IMEs

Class 12 – Assignment Due: read the Penning EAJA app and email from OGC

Lecture Topic: Fee/EAJA Applications; Federal Circuit Court of Appeals

Class 13 - Assignment Due: Identify VA errors in your cases and skim VBM Chapter 14

Lecture Topic: Common Errors in VA Adjudication

Class 14 - Final day for Class
Transition memos and self-assessments are due by the last day of finals.