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 Profs Drake or Filbert and 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 me make sure you are accommodated. For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.

**Veterans Clinic**

Fall 2019  
Thursday 10:30-12:30  
Room 109  

**Supervising Attorneys/Instructors:** Angela K. Drake and Brent G. Filbert  

**Meetings:** (drop in and by appointment): Veterans Clinic, Room 120  

**Email:** drakea@missouri.edu & filbertb@missouri.edu  
**Cell phones:**  
Drake: 417-276-1218  
Filbert: 913-375-4539  

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

**I. Course Description**

This course concentrates on serving veterans and/or their dependents pursuing disability related claims with the Department of Veterans Affairs (VA) 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, 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:

Veterans Benefits Manual (available in Clinic Office)
Federal Veterans Laws, Rules and Regulations (available in Clinic Office)
LexisNexis

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 the Professors make an exception. 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 before class if you are unable to attend.

Written assignments are due as assigned by your supervising attorney (Profs Drake or Filbert). Late assignments will hurt your grade. Please remember that you will be working on real cases with real clients. Timeliness is essential!

In addition to attendance in our weekly class, you will be required to work 150 hours on clinic matters outside of class. The billing period for the semester runs from the first day of class to the last day of finals. You will record your time in CLIO, our software program. Given the nature of the clinic, some weeks may require that you bill more time than the approximately 11 hours per week necessary to meet 150-hour requirement. 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 Grading 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. We will have guest speakers throughout the semester. We may also visit destinations, including courthouses, the hospital and attorney offices.

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 twenty 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.*

Dr. Dennis Velez will be available in the clinic spaces to consult on cases every Wednesday from 1:00-3:00 pm throughout the semester. Dr. Velez is a neurosurgeon who has great experience in VA cases. Your supervising attorney will coordinate meetings with Dr. Velez. You should plan to attend meetings with Dr. Velez (or any other consulting expert), unless such a meeting conflicts with one of your other classes.

**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 August 30, 2019**. 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; the schedule and topics may change based on the work of the clinic and as our cases require. All assignment materials are in the folder for that particular class, unless otherwise noted.
Lecture/Class Schedule:

Class 1 – August 22

Lecture Topics: Do’s and Don’ts; How to Work a File; Overview of Clinic Cases; Military Basics and Justice

Assignments Due:

- Follow all instructions emailed by the Clinic Admin Assistant and complete the pre-first class requirements set forth in the Student Guide (page 2). The Student Guide is in the Fall 2019 Class Materials folder in Box as well as on the Electronic Bulletin Board. Please note there will be a quiz on the Student Guide on the first day of class. This quiz is to ensure you are ready for a semester of hard work.
- Peruse the Box files relating to your clients in order to get familiar with status. Ensure you read the most recent transition memo in the client file, if one has been prepared. There is no need to ready every medical record or memorize the contents of the entire file.

Class 2 – August 29

Lecture Topics: Overview of Federal Veterans Benefits Law; Key Ethics Rules in Veterans Law

Assignments Due:

- Benefits Law: Skim Chapters 2, 3, 5 (up to Section 5.3) and Chapter 6 of the VBM
- Read Nashiri decision

Class 3 – September 5

Lecture Topics: Veterans Appeals Modernization Act; Medical Research Training

Assignments Due:

- Skim overview of the AMA at https://benefits.va.gov/benefits/appeals.asp

Class 4 – September 12

Lecture Topics: Military Discharge Upgrades; VA Character of Discharge Reviews

Assignments Due:

- Military Discharge Upgrades: Read the Kurta and Wilkie Memos, and Shine and Topolski briefs and 32 C.F.R. 70.
- VA Character of Discharge: Read Diggs character of discharge brief, 38 C.F.R. 3.12 and skim VBM Chapter 21

Class 5 – September 19

Lecture Topics: Military Disability System; PTSD, TBI and MST
Assignments Due:

- PTSD, TBI and MST: Skim the Aguilar-Parks Filings and Pracht’s Coding Sheet

**Class 6 – September 26 - Visit to Truman VA Medical Center**

Lecture Topics: Total Disability Individual Unemployability (TDIU) and Special Monthly Compensation (SMC); Processes to Obtain and Organize Medical and Other Records

Assignments Due: TDIU and other SMC Benefits: Read the Reed BVA decision and the Gillespie May 2018 NOD Supplement

**Class 7 – October 3**

Lecture Topics: How to Work with Experts; Guest lectures by Dr. Daniel Slawski (orthopedic surgeon) and Dr. Dennis Velez (neurosurgeon) will address their work as experts in VA and other types of cases, Independent Medical Exams (IMEs) and Disability Benefits Questionnaires (DBQs)

Assignments Due: Read the Reagan letter to Dr. Daniel and the Daniel report, Dr. Velez DBQ and narrative attachment in Rogers; Sample letter to Doctor requesting opinion (from VBM)

**Class 8 – October 10 - Visit to Truman VA Medical Center**

**Class 9 – October 17**

Lecture Topics: VA Adjudication Process; Common Errors in VA Adjudication; Roundtable discussion among students regarding their cases

Assignments Due:

- Common Errors in VA Adjudication: Skim VBM Chapter 14 and identify VA errors in your cases

**Class 10 – October 24**

Lecture Topics: Survivor and Dependents Benefits; VA Medical Malpractice – Section 1151 v. FTCA claims

- Survivor and Dependents Benefits: Skim VBM Chapter 7; review Nancy Jones DIC submission
- VA Medical Malpractice: Read the Draughon verdict and news article

**Class 11 – October 31**

Lecture Topics: Appellate Practice before CAVC, Federal Circuit Court of Appeals, and Supreme
Court

- Appellate Practice: Skim the CAVC Counsel Guide; Read the Rule 33 Memo in Gildersleeve; Read the Federal Circuit opinion in Procopio

Class 12 – November 7 – No Class – Symposium Preparations

Plan to attend the Symposium Cocktail Party at The Vault (evening), and the Symposium itself on Friday, November 8

Class 13 – November 14

Lecture Topics: Veterans Class Actions Practice; Representation Before VA, Including Fee/EAJA Applications

Assignment Due:

- Read the Godsey, Manker and Kennedy decisions
- Fee/EAJA Applications: Read the Penning EAJA application and email from OGC

Class 14 – November 21

Lecture Topics: Class Jeopardy

Assignment Due:

- Review materials from prior classes to prepare for Jeopardy