

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 Professors Drake or Rives and the Associate Dean of Students know as soon as possible. Please let us these same individuals know if you need any disability related accommodations.

For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.

Veterans Clinic

Fall 2021

Wednesdays 8:00-9:40 am

Room 109

Supervising Attorneys: Angela K. Drake and Julia E. Rives

Veterans Benefits Specialist: Eugene O'Loughlin

Thomas Fellow: Martha Bradley

Veterans Clinic Location: Hulston Hall, Room 120

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I. Course Description

This course concentrates on serving veterans and their dependents in disability related claims administered by the Department of Veterans Affairs (VA). The course will also address discharge upgrades which are adjudicated by the appropriate branch of service in the Department of Defense. Work will be conducted in a law firm type atmosphere. Each student will participate in actual cases and will be required to do work in the assigned files. 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 our symposium and/or writing educational pieces on veterans issues in amicus briefs or otherwise.

Specifically, students will learn fundamentals of effective advocacy in the following ways:

- learn and apply the legal aspects of veterans benefits law and discharge upgrades;
- learn client relationship and interviewing skills necessary to represent clients;
- develop writing skills, from letter writing to brief writing;

- seize opportunities to deliver presentations on veterans related topics to the public and other groups to enhance public speaking skills;
- appreciate the value of providing pro bono representation, and apply other ethical rules to their work; and
- develop skills necessary to the legal practice including effective time management, professional collaboration and courtesy.

II. Course Materials

The resource book for this class will be:

Veterans Benefits Manual (Lexis Nexis) (available online and in the Clinic Office)
Federal Veterans Laws, Rules and Regulations (available online and in the Clinic Office)

III. Attendance and Assignments

Class Attendance. Face-to-face class sessions will occur on Wednesdays from 8:00-9:40 a.m. in Room 109. You are required to attend class. Except in emergency situations, you are required to notify both Professors Drake and Rives via email or text 24 hours in advance of class if you intend to miss class.

Class Preparation. Please come to each class fully prepared to discuss the status of your cases and projects upon request. We have four classes dedicated to case rounds this semester. At case rounds, you will provide an oral brief and demonstratives of your choosing (i.e. PowerPoint) to the class on your cases and the issues involved. Your Supervising Attorney will likely direct you to discuss some particular aspect or issue in your case(s). You will receive more directions and instructions from your Supervising Attorney as the case rounds draw near.

Written Assignments. Written assignments are due as assigned by your Supervising Attorney. Your Supervising Attorney is available to answer questions if you need direction. If you need additional help, our Veterans Benefits Specialist, Eugene O'Loughlin, is available to make sure you stay on target. Late assignments will hurt your grade and could be detrimental to the case that you are working on. Please remember that you will be working on real cases with real clients. Timeliness is essential!

Hours Requirements. In addition to attendance in our weekly class, you will be required to work 150 hours on Clinic matters outside of class, which equates to approximately 11 hours per week. The billing period for the semester runs from August 16, 2021, to December 17, 2021, the last day of finals. You will record your time in CLIO, a legal billing software program that is used by many law firms. If you bill time before you learn CLIO, track your hours in some manner and you can add these hours to CLIO after the training. 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. Alternatively, some weeks may require less. Please note this is a weekly commitment. You cannot wait to do all your work until the end of the semester.

Weekly Meetings, Quizzes, and Memos. You will also meet with your Supervising Attorney individually once per week and prepare a weekly Memo. The time spent preparing these memos as well as these meetings count as billable hours. The Memos are due no later than one hour before your meeting with your Supervising Attorney. There will also be weekly quizzes on material that we cover

in our weekly class. These quizzes are not a part of your overall grade but you can bill .2 hours (or twelve minutes) for every correct answer. Each quiz will have five questions. If you get every answer right, you can bill for one hour of time.

IV. Grading

At the end of the semester, you will write a self-assessment using an assigned template. An example assessment is in our Classroom folder and you may bill up to 5 hours on CLIO for the time you spend preparing your self-assessment. Note, your Weekly Memos will be a helpful guide when you self-assess at the end of the semester. Your grade will be based upon three factors: 1) the quality of your work for the client and Clinic (75%); 2) your self-assessments (5%) and 3) your attitude, willingness to work, overall effort and contributions to the Clinic (20%).

V. Communication and Meetings

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, as it is in everyday law practice. Check your email DAILY! Respond to all email, even if it is as simple as “got it,” within 24 hours of the email. It is imperative 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 Weekly Memos but email throughout the week is welcome. Again, 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.

VI. COVID-19 Policy

All students, faculty, staff and visitors, regardless of vaccination status, will be required to wear masks in classrooms, as well as meeting spaces where social distancing is not possible. This temporary requirement will be reviewed by Sept. 15.

For the remaining indoor spaces on campus, if you are not fully vaccinated, you are **required** to wear a mask. Even if you are fully vaccinated, the university **recommends** wearing a mask in these other indoor spaces, which is aligned with latest CDC recommendations.

Online office hours will be available for all students. Face-to-face meetings are also acceptable, as long as all safety measures as described above are followed.

If you have tested positive for COVID-19 or have been identified as someone who needs to quarantine, do not attend class in person until the mandated period for isolation or quarantine has passed. We will work with you on arrangements to access class material while you are in isolation or quarantine.

Additionally, if you are experiencing any COVID-related symptoms, or are otherwise feeling unwell, do not attend in-person classes and contact your health care provider and/or student health immediately. COVID-19 symptoms include: fever greater than 100.4 or chills; cough, shortness of breath or difficulty breathing; fatigue; unexplained muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; diarrhea.

If you need to attend class via Zoom, **notify Professors Drake and Rives at least 12 hours before class so that the Zoom session can be set up.**

If we are unable to teach class in person due to COVID-19 symptoms or quarantine, the class may be taught via Zoom or we may set up a hybrid Zoom session with some in person attendance and some remote. If we do so and you attend class remotely, be prepared to participate in the class as if you were present in the classroom. Class sessions are highly interactive and involve a great deal of discussion about your assigned cases and projects.

Safety Policies. In the event of a change of circumstances, in order to provide safe, high-quality education amid COVID-19, we will follow the campus policies in accordance with the advice of the Center for Disease Control and Boone County health authorities. Compliance with these guidelines is required for all; anyone who fails to comply will be subject to the [accountability process](#), as stated in the University's [Collected Rules and Regulations](#), Chapter 200 Student Code of Conduct. The guidelines above apply to class sessions and working in the Clinic spaces and may be revised as information changes throughout the semester.

Pivot Plan. If it is necessary to move the course to fully online because of the pandemic, all class sessions will be conducted via Zoom. Materials for each class will be in separate folders in Box/Teams. Recordings of each class will be available in Canvas. All meetings with Supervising Attorneys, Clinic Staff, clients, and witnesses will be conducted remotely. You will also be notified as to whether access to Clinic spaces is curtailed or prohibited. Fortunately, much of our work is based on our cloud-based document system. If we pivot to an entirely online class, the clinical experience will remain the same.

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 Friday, August 27, 2021. 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 or office outside of the Clinic, the Supervising Attorneys must be advised, and we must handle conflict checks. 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 in Box/Teams, unless otherwise noted.

Lecture/Class Schedule: [please note that assignment material is also contained in each Class's folder on Box/Teams]

Class 1 – August 25- Drake, O’Loughlin, and Rives (Guest speaker Jessica Hensley)

Lecture Topics: Do’s and Do Not’s (including key ethics rules); How to Work a File; Overview of Clinic Cases; Military Basics and Justice; New Opportunity for Advocacy for Veterans undergoing medical treatment: “My Life My Story”

Assignments Due:

- Complete the pre-first class requirements set forth in the Student Guide (page 2) and emailed to you. The Student Guide was emailed to you and is on our Cloud platform (Box/Teams). **Please not that there will be a quiz on the Student Guide and Syllabus on the first day of class.** This quiz is to ensure you are ready for a semester of hard work.
- Peruse the Box/Teams files relating to your clients in order to get generally familiar with the location of the file. There is no need to read every medical record or memorize the contents of the entire file.
- Read the Missouri Rules of Professional Responsibility

Class 2 – September 1- Drake/O’Loughlin

Lecture Topics: Overview of Federal Veterans Benefits Law;

Assignments Due:

- Review the My Life My Story Review of Power Point (in Folder)
- Sign up for My Life My Story visit times at VA
- *Skim* Chapters 2, 3, 5 (up to Section 5.3) of the Veterans Benefits Manual and Chapter 6 of the VBM so you are familiar with the language

Class 3 – September 8- Drake/O’Loughlin

Lecture Topics: Continued Overview of Federal Veterans Benefits Law and the Appeals Modernization Act (AMA); PTSD, TBI, MST claims; and Federal Tort Claims Act v. Section 1151 Claims

Assignments Due:

- Skim overview of the AMA at <https://benefits.va.gov/benefits/appeals.asp>
- PTSD, TBI and MST: Read Nicole Fuller Case Study

Class 4 – September 15 – Drake (Guest Speaker Heather Brown)

Lecture Topics: Presentation on VA Healthcare and Truman VA Medical Center by Heather Brown and VA Character of Discharge Reviews and Discharge Upgrades (Drake)

Assignments Due:

- VA Character of Discharge Reviews: Read the Diggs NOD Requesting Character of Discharge Review and Calisti Discharge Upgrade Brief
- Military Discharge Upgrades: Read the Hagel, Kurta and Wilkie Memos; Read the Shine brief and 32 C.F.R. § 70.

Class 5 – September 22 - Case Rounds

Be prepared to brief the class on your cases and raise issues for discussion. You will get more detailed instructions on the briefing format and issues to address from Professors Drake and Rives.

Class 6 – September 29- Case Rounds Continued

Class 7 – October 6- Drake (Guest Speaker Cindy Bassett)

Lecture Topics: Medical Research Training, Total Disability based on Individual Unemployability (TDIU) and Special Monthly Compensation (SMC)

Assignments Due:

- TDIU and other SMC Benefits: Read the Reed BVA decision and the Gillespie May 2018 NOD Supplement as well as Pracht's Coding Sheet.

Class 8 – October 13- Drake

Lecture Topics: How to Work with Experts

Assignments Due:

- Read the expert referral letters and expert reports in the Rogers case
- Review the Expert Checklist in the Student Guide.

Class 9 – October 20- Case Rounds

Be prepared to brief the class on your cases and raise issues for discussion.

Class 10 – October 27- No class but required to attend Symposium October 29

Symposium assignments TBD

Class 11 – November 3- Case Rounds

Be prepared to brief the class on your cases and raise issues for discussion.

Class 12 – November 10 – Rives

Lecture Topics: Appellate Advocacy

Assignment Due:

- Read CAVC handout on Appellate Advocacy in Box/Teams folder.

Class 13 – November 17- Drake, O'Loughlin, Rives

Lecture Topics: Class Jeopardy

Assignment Due:

- Review materials from prior classes to prepare for Jeopardy

Using the following headings, write out in narrative form how you have shown the listed skills during your time in the Veterans Clinic. The bulleted items are guidelines for things you can discuss. Examples of good self-assessments are in the Box/Teams classroom folder under Fall 2021 Veterans Clinic Class and the subfolder Administrative Materials

Legal Analysis and Reasoning

- Identifying and formulating legal issues
- Formulating relevant legal theories
- Elaborating legal theory
- Evaluating legal theory
- Criticizing and synthesizing legal argument

Legal Research

- Knowledge of the nature of legal rules and institutions
- Knowledge of and ability to use the most relevant tools of legal research
- Understanding the process of devising and implementing a coherent and effective research design

Factual Investigation

- Determining the need for factual investigation
- Planning a factual investigation
- Implementing the investigation strategy
- Memorializing and organizing information in an accessible format
- Deciding whether to conclude the process of fact gathering
- Evaluating the information that has been gathered

Communication

- Assessing the perspective of the recipient of the communication
- Using effective methods of communication

Counseling

- Establishing a counseling relationship that respects the nature and bounds of a lawyer's role
- Gathering Information relevant to the decision to be made
- Analyzing the decision to be made
- Counseling the client about the decision to be made
- Ascertaining and implementing the client's decision

Litigation and Alternative Dispute Resolution Procedures

- Litigation at the RO and BVA levels
- Litigation at the appellate level
- Advocacy in administrative v. judicial forums
- Proceeding in dispute resolution before the CAVC

Organization and Management of Legal Work

- Formulating goals and principles for effective practice management
- Developing systems and procedures to ensure that time, effort and resources are allocated efficiently
- Developing systems and procedures to insure that work is

- performed and completed at the appropriate time
- Developing systems and procedures for effectively working with other people
- Developing systems and procedures for efficiently administering a law office
- Time management

Recognizing and Resolving Ethical Dilemmas

- The nature and sources of ethical standards
- The means by which ethical standards are enforced
- The process for recognizing and resolving ethical dilemmas

Professional Self-Development

- Seeking out and taking advantage of opportunities to increase his or her knowledge and improve his or her skills
- Selecting and maintaining employment to pursue his or her professional and personal goals.
- Networking and building professional relationships