

Notes May 23 NLSVCC Webinar on Clinic Design & Curriculum (5-slide PowerPoint attached)

Guest: Ann Vessels – University of Denver (students receive 6 credits, 3 for seminar & 3 for clinic work) (all clinics at U of Denver are 6 credit courses; clinic handles veterans benefit appeals, and discharge upgrades and helps homeless veterans)

The Clinic has a 1-day orientation as one form of training before the semester begins. Other training includes guest speakers. Examples include a VA rater, private practitioners & mental health psychologist experts from U of Denver's graduate school (the latter also perform assessments for clinic clients). Parts of a veterans claim file (c-file) are discussed as part of the training in the seminar course; each student learns to complete VA forms such as the SF-180 (for obtaining military records for a discharge upgrade) and 21-22a (to indicate representation of a client).

Prior to orientation, clinic students & attorneys prepare an autobiography (covering social, economic and other cultural background to get to know each other) & share it at orientation. The Clinic uses Clio's case management software (for email, recording phone calls, and storage of client files) and students learn the Clio software during orientation. To train students about the need to record everything they do and everything that happens to a file in Clio, the Clinic adopted this motto, "if it's not in Clio, it does not exist." The Clinic stores client records in Clio as storage of hard copy files would be too voluminous due to their large, ongoing caseload since beginning operation. Students also sometimes learn firsthand about the importance of thoroughness in their documentation approach in Clio when they monitor an older case that another student worked on where they wish the student had recorded more information.

The Clinic is located off-site from the law school to be closer to veterans; Volunteers of America provides space which the clinic pays for; the space is at their Veteran Services Center. Students and attorneys travel to another Veterans Services Center location in Colorado Springs as part of their rural outreach, and they have access to Clio in the cloud from there and everywhere they travel. The Clinic also uses Ring Central for their phone and fax. Ring Central has a phone app that can be used remotely from the clinic offices.

Students each receive 6-10 cases as assignments during Class 2 (but these cases vary in stage). Two adjuncts and one very reliable, retired volunteer attorney help Ann to supervise cases and teach the clinic seminar. Other volunteers may join occasionally but that varies widely on availability.

The seminar course meets approximately 2.5 hours per week and has a final exam. During approximately 1.5 hours of the seminar, students give presentations about the clinic work they completed the week before. (Note for any new clinicians: some clinicians refer to this part of a course as "case rounds" and it can take various forms.) During this meeting, the student presenter must access client documents and forms in Clio and display them on screen so that every student and attorney working in the clinic can follow the discussion, learn from it, and see the work of the student presenter. The attorney supervisors ask detailed and challenging questions about the student's work and the client file (which the attorneys have reviewed in

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advance), so the student presenter needs to be very prepared. The class votes on whether to accept each case. In addition to student presentations, one clinic student per week is “on call” for the assigned clinic reading to be prepared and answer questions about it.

One grade is given for the seminar and clinic and is based on percentages (part for the final, class participation, quality of clinic work, etc.).

With the help of adjuncts, the Clinic has created its own manual with links to VA forms and samples of completed forms. This manual covers training for the different stages of an appeal, beginning with the initial client interview.

Guest: Hillary Wandler – University of Montana (4-credit clinic class; students can sign up for more than one semester as long as they do not exceed the school’s co-curricular cap; all students since the clinic started in 2016 have signed up for a 2-semester rotation; clinic handles veterans benefit claims and appeals, discharge upgrades and helps homeless veterans)

The Clinic also has a 1-day orientation as one form of training before the semester begins to front-load the learning, and students attend a weekly meeting that includes training or case rounds, sometimes with guest speakers. For example, a law librarian has given training on finding non-legal sources and services.

Students and the clinic director attend a full-day PLI seminar on veterans law each semester as another form of training. These sessions are free to clinics, of excellent quality, and can be live-streamed. A variety of topics are often covered in the full-day session; one session, for e.g., covered military cultural awareness. This PLI training is often for attorneys seeking accreditation to practice before the VA so they are open to the bar. Students are appreciative of the training and the chance to learn together with practitioners, and to see what a CLE course will be like in practice. Here is an example link to veterans law offerings by PLI at this time:

[https://www.pli.edu/Content/ /N-/Term-veterans law?fromsearch=true&Ntk=RelevancySearch&Ntt=veterans+law&Ntx=mode%2bmatc hall%2brel%2bNterm%2cMaxfield%2cGlom%2cPhrase%2cStatic\(is seminar%2cascending\)&Nty=1&q=veterans+law](https://www.pli.edu/Content/ /N-/Term-veterans law?fromsearch=true&Ntk=RelevancySearch&Ntt=veterans+law&Ntx=mode%2bmatc hall%2brel%2bNterm%2cMaxfield%2cGlom%2cPhrase%2cStatic(is seminar%2cascending)&Nty=1&q=veterans+law)

Hillary has taught an intensive 1-week, 1-credit Veterans Law elective since 2009 in the winter and summer sessions. Students in that course have covered a variety of topics over the years. In some of those classes, students published articles for the state bar journal, the Montana Lawyer, to educate the bar about veterans law issues.

Other discussion with attendees

-A few recommendations for new clinics who may be approached by volunteer attorneys who want to help supervise students: (1) check with your HR department as your university may have a policy about background checks for volunteers, and you may want to place the

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volunteer on the university's malpractice insurance; and (2) until you know the volunteer's capacity to help over time, Michele Vollmer would recommend not taking on additional work for the volunteer to handle alone with students because if the volunteer has a conflict or emergency, you may not be able to find another volunteer and your own workload can suddenly increase without warning as a result.

-Michele Vollmer shared that Penn State Law has a 4-credit clinic class (seminar & clinic client work are graded together without a final); we use a weekly memo, based on a form created and shared by Hugh McClean at Baltimore, to track what students have done and plan to do on a client file. Students also record questions and reflections in the memo. Timeliness of submission of the memo, and thoroughness and clarity of communication, as well as class participation, are graded to help to make the clinic class grade more objective. Michele Vollmer plans to create some client simulation exercises during the summer and fall 2018 and is willing to share them with other members.

-A question was asked about how to best train students to review medical records. Penn State Law has trained its students with the help of a volunteer retired doctor and a semi-retired former Army nurse, and while useful, their perspectives were different enough from an attorney's perspective to lead the clinic to consider other ways to provide this training. From working with these volunteers, and treating physicians and even expert physicians, it's good for new clinicians to know that some doctors and nurses have a very narrow view of a valid VA claim, and may not understand the difference between the preponderance of the evidence in a civil malpractice action and the 50-50, as likely as not, VA service-connection standard, coupled with the benefit-of-the-doubt doctrine.

-Ed Olsen, M.D., from Miami also suggested that a guest speaker from a practitioner who handles social security or worker's compensation or other disability work could address how they train lawyers and paralegals to review medical records.

-Penn State Law's research librarians have provided guest lectures on finding and accessing medical research articles through the University or library loans (without the need to pay for the articles); retired military medical personnel have taught military cultural awareness seminars for our clinic as well and students very much appreciate learning about those topics from a veteran's perspective.

-Yelena Duterte mentioned that her Veterans Law course covers the administrative law process, promulgation of regulations and the rule commenting process. Students comment on a mock proposed regulation as part of their coursework. Students are also taught how to overturn a regulation based on deference under the Chevron, Auer, etc. decisions. Students also prepare for and present at a mock hearing. While the course is not true preparation for the detailed clinic work, there is some overlap and students do learn policy and doctrine in the course. The administrative law concepts are transferable to many other administrative law practice areas.