

**Syracuse College of Law
Veterans Legal Clinic
Fall Semester 2018
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Tentative Syllabus: We may deviate from the tentative syllabus with assignments taken from current events, new cases, to accommodate guest speakers, scheduling reason, etc. Although we will try to stick to the schedule, we may occasionally jump ahead or fall behind. In such case, we will begin the next class where we left off.

Grading:

Written Work Product (Memorandum, Case Plans, Status Updates, Briefs, Letters) 60%

- Must follow the basic CRAC (conclusion, rule, application, conclusion) format
- Citations for all facts and rules

Attendance & Participation (Class, Clinic, Individual Meetings, VA Medical Center, Utica/Rome) 20%

- Student Attorneys are required to do a total of four off-site intake days in Utica/Rome (2) and Syracuse VA Hospital (2).
- This is a six-credit course. Pursuant to ABA Standard 310, that means that in addition to the time you spend in class and prep time, you are expected to spend at least an additional 20-25 hours per week on course related work.
- Of the 20-25 hours, students are expected to do 18 hours of client work each week. 10 hours must be done on-site at the clinic. The remaining hours may be done remotely.
- Regular and punctual attendance during scheduled class time is required to earn academic credit and to satisfy residency requirements.
- In addition to ad hoc meetings, students must schedule a 30 minute weekly meeting regarding case management, strategies, and updates.

Client & Time Management (Letters, Emails, Phone Calls, Tracking) 10%

- Every contact or attempt of contact must be saved into TimeMatters (Notes Section) and/or G Drive.

Timesheets 10%

- Timesheets are due the **Wednesday** following each work week.
- *For example: hours for Sunday, August 19th - Saturday, August 25th will be due on Wednesday, August 29th.*
- Please submit these timesheets in class or electronically by 5pm Wednesday.

Learning Outcomes:

Learning how to represent veterans who are seeking benefits from the Department of Veterans Affairs; learning how to represent veterans before the various military branches, in order to change their military records, including discharges; learning the substantive area of the U.S.

veterans law and military law; and learning the basic procedural rules at the Department of Veteran Affairs and the various military discharge boards.

- A. Students will apply principles of statutory interpretation to construe statutes and regulations;
- B. Students will, when analyzing legal problems, identify relevant issues, apply relevant law, anticipate contrary arguments, evaluate potential outcomes, and formulate coherent strategies;
- C. Students will listen actively, be respectful in their professional interactions, and collaborate when appropriate;
- D. Students will explain legal issues understandably orally and in writing;
- E. Students will, when advocating, communicate persuasively;
- F. Students will write legal and other types of documents that are accurate and well-organized, follow accepted rules of grammar and citation, and use appropriate tone;
- G. Students will efficiently find governing law and relevant secondary sources;
- H. Students will identify relevant facts, ascertain methods for discovering those facts, and evaluate the facts obtained;
- I. Students will propose solutions to problems that take into account applicable law, client interests, changed circumstances, alternative options, and practical constraints;
- J. Students will manage their time to meet deadlines;
- K. Students will identify and resolve ethical issues consistent with the profession's ethical standards;
- L. Student will assess other student's cases and help formulate alternative case plans;
- M. Students will demonstrate commitment to the profession by helping to meet the legal needs of their communities and by promoting the fair administration of justice; and
- N. Students will recognize differing perspectives in resolving legal issues.

All reading assignments should be completed before class date, in preparation for class discussion. Additional readings may be assigned, and the syllabus updated as necessary. Attendance is not only required for scheduled class times, but also clinic time and intake hours at the VA Medical Center, Rome VA Clinic, and Oneida County Building.

Class 1: Organizing a File Chantal Wentworth Mullin & Katie Becker	August 20, 2018, 8:55-10:10 am
Class 2: VLC Crash Course Part I	August 22, 2018, 8:55-10:10 am
Optional Class: Friday Case Rounds	August 24, 2018, 1:30pm - TBD
Class 3: VLC Crash Course Part II	August 27, 2018, 8:55-10:10 am
Class 4: VLC Crash Course Part III	August 29, 2018, 8:55-10:10 am

Optional Class: Friday Case Rounds August 31, 2018, 1:30pm - TBD

~~**Class 5: Case Rounds & Interviewing** September 3, 2018, 8:55-10:10 am
For All Case Rounds, be prepared to speak about your cases.
Interviewing Articles~~

Class 6: Military Justice September 5, 2018, 8:55-10:10 am
Guest Lecturer, James Baker
Case Plans Due

Optional Class: Friday Case Rounds September 7, 2018, 1:30pm - TBD

Class 7: Discharge Upgrades September 10, 2018, 8:55-10:10 am
Veterans Discharge Upgrade Manual, Connecticut Veterans Legal Center
Active Duty Enlisted Administrative Separations

Class 8: ~~Debt of Honor~~ Crash Course IV September 12, 2018, 8:55-10:10 am
Case Plans Due

Optional Class: Friday Case Rounds September 14, 2018, 1:30pm - TBD

Class 9: Interviewing & Counseling September 17, 2018, 8:55-10:10 am
Interviewing and Counseling Articles

Class 10: Who is a Veteran? September 19, 2018, 8:55-10:10 am

Gardner v. Shinseki, 22 Vet. App. 415 (2009)
Spencer v. West, 13 Vet. App. 376 (2007)
VA General Counsel Precedent Opinion, 6-2004
Allen v. Nicholson, 21 Vet. App. 54 (2007)
Allen v. Principi, 237 F.3d 1368 (Fed. Cir. 2001)
Thomas v. Nicholson, 423 F.3d 1279 (2005)

Optional Class: Friday Case Rounds September 21, 2018, 1:30pm - TBD

Class 11: VA Procedure September 24, 2018, 8:55-10:10 am
Rodriguez v. West, 189 F.3d 1351 (1999)
Gallegos v. Principi, 283 F.3d 1309 (2002)
Graves v. Principi, 294 F.3d 1350 (2002)

Class 12: Case Rounds & Fact Investigation September 26, 2018, 8:55-10:10 am

Optional Class: Friday Case Rounds September 28, 2018, 1:30pm - TBD

Class 13: The Basics of Service Connection October 1, 2018, 8:55-10:10 am
Palczewski v. Nicholson, 21 Vet. App. 174 (2006)

Rose v. West, 11 Vet. App. 169 (1998)
Buchanan v. Nicholson, 451 F.3d 1331 (2006)
Stone v. Nicholson, 480 F.3d 1111 (2007)

Class 14: Establishing Nexus for Service Connection October 3, 2018, 8:55-10:10 am

Lyles v. Shinseki, 2012 U.S. App. Vet. Claims LEXIS 2437 (2012)
Jones v. West, 12 Vet. App. 383 (1999)
Haas v. Peake, 525 F.3d 1168 (2006)
Gray v. McDonald, 27 Vet. App. 313
Nehmer v. Dept of Veteran Affairs, 494 F.3d 846 (2007)
Wagner v. Principi, 370 F.3d 1089 (2004)

Optional Class: Friday Case Rounds October 5, 2018, 1:30pm - TBD

Class 15: Case Rounds & Theory of the Case/Client October 8, 2018, 8:55-10:10 am

Class 16: PTSD October 10, 2018, 8:55-10:10 am

Guest Lecturer

First Status Report Due

Optional Class: Friday Case Rounds October 12, 2018, 1:30pm - TBD

Class 17: PTSD Cases October 15, 2018, 8:55-10:10 am

Pentecost v. Principi, 16 Vet. App. 124 (2002)
Sizemore v. Principi, 18 Vet. App. 264 (2004)
Moran v. Principi, 17 Vet. App. 149 (2003)
National Organization of Veterans' Advocates v. Secretary of Veterans Affairs, 669 F. 3d 1340 (2012)

Class 18: Military Sexual Trauma October 17, 2018, 8:55-10:10 am

Guest Speaker

Class 19: Case Rounds - Ethics October 22, 2018, 8:55-10:10 am

Class 20: Disability Ratings October 24, 2018, 8:55-10:10 am

Mauerhan v. Principi, 16 Vet. App. 436 (2002)
Amberman v. Shinseki, 570 F.3d 1377 (2009)
Green v. West, 11 Vet. App. 472 (1998)
Faust v. West, 13 Vet. App. 342 (2000)

Optional Class: Friday Case Rounds October 26, 2018, 1:30pm - TBD

Class 21: Effective Dates October 29, 2018, 8:55-10:10 am

Butler v. Shinseki, 603 F.3d 922 (2010)
Ellington v. Peake, 541 F.3d 1364 (2008)
Meeks v. West, 216 F.3d 1363 (2000)
Cook v. Principi, 318 F.3d 1334 (2002)
Beraud v. McDonald, 766 F.3d 1402 (Fed. Cir. 2014)

Class 22: Case Rounds October 31, 2018, 8:55-10:10 am

~~Second Status Report Due~~

Optional Class: Friday Case Rounds November 2, 2018, 1:30pm - TBD

Class 23: Pension & Survivor Benefits November 5, 2018, 8:55-10:10 am

Grantham v. Brown, 8 Vet. App. 228 (1995)
VA General Counsel Precedent 8-00
Tarver v. Shinseki, 557 F.3d 1371 (Fed. Cir. 2009)
Barela v. Shinseki, 584 F.3d 1379

Class 24: VA Procedure II November 7, 2018, 8:55-10:10 am

~~Second Status Report Due~~

Optional Class: Friday Case Rounds November 9, 2018, 1:30pm - TBD

Class 25: SCRA & USERRA November 12, 2018, 8:55-10:10 am

Class 26: Cognitive and Implicit Bias November 14, 2018, 8:55-10:10 am

THANKSGIVING BREAK

- All are welcome to Thanksgiving at my home November 22, 2018

Class 27: Case Wrap Ups November 26, 2018, 8:55-10:10 am

Class 28: Case Wrap Ups November 28, 2018, 8:55-10:10 am

Final Memos, letters, and checklists Due by December 14th

Students with disabilities contact the contact Office of Disability Services or Zack Kelley, Assistant Dean of Student Affairs.

No recording allowed in class, due to client confidentiality. Use of the internet during class is permitted, if this will assist you in your learning.