

**Veterans' Advocacy Law Clinic  
SYLLABUS**

**Course:** Veterans Advocacy Law Clinic (VALC)  
**Date:** Fall 2018  
**Credit Hours:** 4 units=14.3hrs/wk; 3=10.72hrs/wk; 2=7.15hrs/wk; 1=3.57hrs/wk

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**Course Description:** The Veterans' Advocacy Law Clinic is a hybrid, multidisciplinary legal clinic. By hybrid, we mean that some of the legal work will be supervised by in-house attorneys (faculty) and some by volunteer attorneys. By multi-disciplinary, we mean that you will work with social workers, behavioral healthcare providers, and others in order to better represent and assist our clients.

The course will be taught by Clinic Director, Kristine Huskey and Clinic Fellow, Lori Lewis. Supervising attorneys may include Matt Randle (veteran and Professor of Practice, UA College of Law), Michelle Moore (veteran, UA alum), Angie Menard (veteran, UA alum), Dayna Michael (veteran, UA alum), Jessie Pringle (former Prosecutor, Tucson City Court), and Paul Bennett (Clinical Professor, UA College of Law).

During the Fall 2018 semester, you will perform various types of legal/advocacy work:

1. You may represent and assist military veterans in the Veterans Treatment Courts (VTC)—the Regional Municipalities Veterans Treatment Court (RMVTC) and/or the Pima County Justice Court. **Please check CLIO for schedules for both courts.**
  - a. Starting on August 21, 2018, the RMVTC holds sessions every other week: Tuesday from 1:15 pm to 5:00 pm and Wednesday from 8:15 am to 11:45 pm and from 12:45 to 5:00 pm.

- b. Starting on September 12, 2018, the PCJC *generally* meets once a month on Wednesday afternoons starting at 1:15 pm.
2. You may have the opportunity to represent or assist military veterans in administrative, civil or criminal legal matters outside of the Veterans Treatment Courts—for example, discharge upgrade or benefits cases.
3. You may have the opportunity to perform intake and provide referrals to veterans and/or service members seeking legal assistance.
4. You may have the opportunity to work on an advocacy/policy project or report.
5. You may also be asked to speak at a conference or participate in a continuing legal education program for lawyers to learn about the legal needs of veterans.

### **Learning Goals:**

Your work in the Clinic is not theoretical or doctrinal. It is practical and experiential and involves real people. This is not to suggest that doctrine and theory are unimportant, rather the opposite. You are expected to draw on your work in law school and apply it in practice on behalf of your clients.

Clinic introduces you to the lawyer/client relationship directly. You will represent clients and they will rely on you to represent them well. Experiencing this reliance is one of the best ways to appreciate the implications of the role of the lawyer and the foundations of professional responsibility. You will need to draw on your law school experience, your life experience, and your common sense in order to perform well.

A clinic course puts you in regular, sometimes daily, contact with a faculty member. Much of the contact is spontaneous and informal. You may feel some awkwardness about this relationship. That is to be expected. Nevertheless, be assertive and take advantage of the clinic faculty's presence. Clinic faculty is expected to be accessible to you (within reason), but it is up to you to initiate the informal contact.

In the Clinic, we work collaboratively. Because we represent real people, we have to put their needs ahead of our egos. What that means is that there is no embarrassment. There are no dumb questions, only the questions we did not ask. There is a need for a frank and honest exchange of views. Importantly, there is a need to be forthcoming about mistakes, missed deadlines or failure to act. Being forthcoming allows you to work with faculty to ensure there is no adverse impact on the client and the opportunity to discuss how to improve.

Ultimately, our overall goal is to create a specialized learning laboratory where law students can develop their legal skills and professional values while providing quality legal services to veterans facing criminal and civil legal problems and/or engaging in advocacy projects that benefit veterans, their families and, indeed, all of us. Many of our clients will have substance abuse or other mental health problems. As such, our **learning goals and outcomes** in the Veterans' Advocacy Law Clinic include, but are not limited to:

1. Learn how to work with clients who may have diminished capacity or are vulnerable due to military service.

2. Gain some understanding of the needs—both legal and non-legal—of veterans and/or service members.
3. Understand and be able to exercise the ethical and professional responsibilities owed by attorneys to clients and the legal system.
4. Develop and use skills in interviewing, investigating, counseling, and oral advocacy.
5. Develop and use skills in working with professionals from other disciplines, such as social workers, physicians and mental health workers.
6. Develop and use advocacy skills in the context of both criminal and civil representation of veterans.
7. Develop and use factual investigation, legal research and writing skills.
8. Learn about issues and processes associated with diversion courts.
9. Learn how to advocate (outside the context of a case) for a particular group or community, such as veterans.
10. Learn how to manage time.
11. Reflect on both systemic insights and personal development in the context of a quality clinical experience.

### **Classroom:**

The students will attend a weekly seminar. The seminar will address both skills and the relevant substantive, procedural and administrative law. We will be utilizing outside experts in the classroom. For example, we may have a neurological expert or psychologist help the class understand the effects of Post-Traumatic Stress and Traumatic Brain Injury. We may have VA behavioral health workers help us understand what they and the VA are trying to accomplish.

During some classes, we will make time to have Rounds, that is, to talk about our cases and clients.

### **Field Work:**

All students will perform field work by representing clients in the two local Veterans Treatment Courts, representing clients in other criminal or civil matters, and/or engaging in community outreach, an advocacy project or other work related to veterans. Credit hours are based on the College of Law's expectation of **fifty hours per clinic credit**, which includes time spent for the classroom seminar.

All students are required to **dress professionally** when attending court, client meetings, or any event outside the law school in which you are representing the Clinic. Professional attire means business suits or business casual (*e.g.*, dresses, skirts, button-down shirts, ties, slacks, dress shoes, *etc.*). No jeans, sneakers, stretch pants, t-shirts, club wear, or other casual wear.

We will utilize well-developed clinical pedagogy with ample amounts of supervision and feedback, and an emphasis on life-long, transferrable lawyering skills, specifically:

1. Basic Lawyer Skills: Through practical experience in the field and in classroom simulations, we expect students to develop their skills and learn the relevant law.

- Students will interview clients and witnesses; investigate facts; research the law; write pleadings and memos; negotiate; stand up and advocate in a real courtroom.
2. Learning how to learn from experience: Students will begin to master the lifelong skill of learning from experience—not only about the law, but also about themselves. We want our students to become reflective lawyers who are not only highly skilled professionals, but who care about the quality of the justice, ethics, and morality of the profession.
  3. Developing good lawyer judgment: In the process of (1) and (2) and drawing on lessons from all other classes, we hope to mature our students’ sense of lawyer judgment. By “lawyer judgment” we mean accepting responsibility for and making the kinds of decisions—both practical and ethical—that lawyers are called upon to make, regardless of their area of practice.

**Grading:** If you are taking the Clinic for a grade, you will be graded without a curve. If you all do “A” work, you all get an “A”.

The following skills and activities will be assessed:

1. Problem solving
2. Legal analysis and reasoning
3. Legal interviewing
4. Fact investigation
5. Counseling
6. Knowledge of court procedure
7. Litigation skills
8. Collaboration
9. Cooperation
10. Organization and time management
11. Accepting constructive criticism
12. Self-reflection
13. Learning from experience
14. Responsibility
15. Participation in class
16. Professionalism
17. TIMELINESS

**Seminar Class Topics [by class]:**

Readings are to be completed before the class under which the Reading is listed. Readings will be located on D2L. Written assignments are due the previous day before class by 5pm unless otherwise noted.

**Class One (8/23/2018)**

Introductions, Overview of the Clinic, Docket Review & Assignments, Tour of Clinic Office

***Readings:***

- 1) "After War, a Failure of the Imagination" by Phil Klay (NYT op-ed 2014)

- 2) Excerpts from A SHORT & HAPPY GUIDE TO BEING A LAWYER by Kenney Hegland & Paul Bennett

**Boot Camp (Friday 8/24/2018) (10:30am-3pm)**

VTC Boot Camp—Practicing in the RMVTC

**Readings:**

- 1) “Reconceptualizing the ‘Crime’ in Veterans Treatment Courts,” by Kristine A. Huskey
- 2) “Coming Home: Accommodating the Special Needs of Military Veterans to the Criminal Justice System,” by Judge Michael Daly Hawkins
- 3) “A New Hope,” by Eddie Celaya (Tucson Local Media, Aug. 11, 2017)
- 4) Regional Municipalities Veterans Treatment Court New Participant Orientation Guide

**Class Two (8/30/2018)**

Interviewing; Counseling/Advising

**Readings:**

- 1) “Multicultural Lawyering” (Ch. 6) and “Interviewing the Client” (Ch. 8) in ESSENTIAL LAWYERING SKILLS by Stefan H. Krieger and Richard K. Neumann, Jr.
- 2) “Counseling” in A SHORT & HAPPY GUIDE

**Class Three (9/6/2018)**

PTSD, TBI and other similar challenges for clients and counsel

(Guest lecturer: Dr. Michael Marks)

**Readings:**

- 1) “Echoes of War: The Combat Veteran in Criminal Court” by Brock Hunter
- 2) “Moral Injury in Veterans of War,” by Shira Maguen, PhD and Brett Litz, PhD in *PTSD Research Quarterly*, Vol 23. No. 1, 2012
- 3) “Moral Injury: The Recruits, When Right and Wrong are Hard to Tell Apart” by David Wood (Huffington Post March 19, 2014)

**Class Four (9/13/2018)**

The Role of Defense Attorney and Prosecutor in Veterans Treatment Court

(Guest lecturers: Bethany Graham, Assistant Public Defender; Kevin Franklin, Assistant Prosecutor, City of Tucson; Judge Michael Pollard, Tucson City Court)

**Readings:**

- 1) “What Does It Mean to be a Good Lawyer? Prosecutors, defenders and problem-solving courts,” John Feinblatt and Derek Denckla, eds.

**Class Five (9/20/2018)**

VA eligibility and enrollment issues to include discharge status impact; Intake & Referrals; CLIO

(Guest lecturer: Gary Ochoa, Southern Region Manager, ADVS)

**Readings:**

- 1) “Who is a Veteran? Basic Eligibility for Veterans Benefits,” by Congressional Research Service (CRS)

**Class Six (9/27/2018)**

Discharge Types and Courts Martial

(Guest lecturer: CAPT Kaylee Gum, USAF)

**Readings:**

- 1) “The Military Criminal Justice System” (Ch. 6) in NATIONAL SECURITY AND MILITARY LAW by Charles A. Shanor and L. Lynn Hogue
- 2) “Discharge and Administrative Separation” (Ch. 8) in NATIONAL SECURITY AND MILITARY LAW by Charles A. Shanor and L. Lynn Hogue

**Class Seven (10/4/2018)**

Correction of Military Records

**Readings:**

- 1) “Discharge Review Boards & Boards of Correction to Military Records,” (Ch. 6) in MILITARY AND VETERANS LAW by Kyndra Rotunda
- 2) “Veterans Discharge Upgrade Manual,” and Supplement by Connecticut Veterans Legal Center
- 3) “Missed Treatment: Soldiers With Mental Health Issues Dismissed For 'Misconduct,’” NPR, Dec. 4, 2015

**WRITING ASSIGNMENT [ALL STUDENTS]:** 2-3 page informal reflection paper addressing your role as a lawyer (*e.g.*, skills, client relationships, professionalism, court, future goals in clinic); **Due by 5pm on Wednesday, October 17, 2018 via email to Profs Huskey and Lewis**

**FALL STUDY BREAK—October 8-12, 2018**

**Class Eight (10/18/2018)**

**ROUNDS—ALL STUDENTS**

**Class Nine (10/25/2018)**

**TBA**

**Class Ten (11/1/2018)**

Benefits

**Readings:**

- 1) “Veterans benefits” (Chapter 6) by Robert Goldstein, Steven Vargo, and Mark Visger in SERVICEMEMBER AND VETERANS RIGHTS (eds., Clauss and Simcox)
- 2) REREAD/REVIEW: “Who is a Veteran? Basic Eligibility for Veterans Benefits,” by Congressional Research Service (CRS)

**Class Eleven (11/8/2018)**

Fact Development; Case Theory

**Reading:**

- 1) Chapters 11-14 in ESSENTIAL LAWYERING SKILLS

**Class Twelve (11/15/2018)**

Clients; Collaboration

**Readings:**

- 1) “Lawyering For and With the Client” (Ch.3) in ESSENTIAL LAWYERING SKILLS
- 2) “Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession” by Susan Bryant
- 3) “US Veterans Need to Share the Moral Burden of War,” by Sebastian Junger in THE WASHINGTON POST

THANKSGIVING HOLIDAY 11/22 & 11/23/2018

**Class Thirteen (11/29/2018)**

TBA

**Class Fourteen (Tuesday, 12/4/2018)**

**LAST CLASS—FINAL ROUNDS—ALL STUDENTS**

**Classes end on Wednesday, December 5, 2018**

**Additional Vet Court Dates (volunteers needed):** Recovery Meeting 12/10/2018; RMVTC 12/11/2018 and 12/12/2018; PCJC 12/12/2018

**Law School Finals: 12/10/2018 through 12/19/2018**

***Accessibility and Accommodations:***

***It is the University’s goal that learning experiences be as accessible as possible. If you anticipate or experience physical or academic barriers based on disability or pregnancy, please let me know immediately so that we can discuss options. You are also welcome to contact Disability Resources (520-621-3268) to establish reasonable accommodations.***

***Please be aware that the accessible table and chairs in this room should remain available for students who find that standard classroom seating is not usable.***