Veterans Legal Assistance Program Clinic
Law 678; §001
1-3 Credit Hours
Wednesdays, 10:30-11:45, Room 103
Syllabus – Fall 2022

**Professor:**
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**Course Description:**
Welcome to the Veterans Legal Assistance Program ("VLAP") Clinic at SIU School of Law. VLAP provides legal assistance to area veterans who cannot afford or do not have access to legal representation in the appeals of claims for compensation for service-connected disabilities. VLAP also assists in submitting petitions for the upgrade of other-than-honorable or bad conduct discharges for military members with post-traumatic stress disorder or victims of military sexual trauma. In special circumstances, VLAP may assist with some civil legal matters not involving litigation. VLAP is a member of the Illinois Armed Forces Legal Aid Network (IL-AFLAN).

**Course Objectives:**

1. The student will become familiar with *Title 38, USC, Veterans*, and apply various sections in research, writing, and advocacy for veterans filing appeals in disability compensation claims and petitions for discharge upgrades.

2. The student will have the opportunity to assist veteran clients in appeals of disability compensation claims before various levels of the Department of Veterans Affairs.

3. The student will expand research and writing skills by drafting comprehensive memoranda covering the factual and legal issues presented in a disability claims appeal, coordinating the administrative forms to pursue the appeal, and outlining a course of action to succeed in the appeal.

4. The student will improve the ability to learn from face-to-face interaction with clients and gain experience in representing a client in a claims appeal.

5. The student will participate in "round table" discussions concerning classmate case assignments.

5. The student will learn practical skills required for success in the practice of law.
Student Performance Evaluation:

The Clinic is graded on a modified Satisfactory/Unsatisfactory scale (S+, S, S-, U). To complete the course for 3 academic credits, students must complete 127.5 class/clinic hours; and for 2 credits, 85 class/clinic hours.

We will spend one 75-minute block of time (1.25 hours) together each week. The amount of assigned reading and out-of-class preparation satisfy the ABA standard for one credit hour.

Additionally, depending on whether you are taking this course for two or three credits, you will need to spend additional time on “clinic hours.” If you are taking it for 2 credit hours you need to complete 42.5 clinic hour (slightly over 3 hours per weeks). If you are taking it for 3 credit hours you need to complete 85 clinic hours (slightly over 6 hours per week).

Clinic Hours. Hours spent meeting with or talking to veterans about claims or potential claims; researching a potential client’s claim; reviewing and organizing a client’s records; researching a client’s claim; drafting briefs and memos; observing court proceedings; planning and preparing intake/clinic days; assisting at intake/clinic days; planning and preparing CLEs or other attorney training; and staffing the VLAP office all count toward your clinic hours. Other work may also be credited toward clinic hours with instructor approval.

Clinic hours will be tracked in increments of .1 hour and documented in Clio. Students will email a weekly total of hours to the instructor via email by noon each Monday for the preceding week.

Course Materials:

Veterans Benefit Manual, 2017-18 Edition (“VBM”) (Hard copy or online.)

The VBM is available for reading in the VLAP office or on LexisNexis.

Mandatory Course Assignments:

1. Case work product: As assigned by the instructor.
2. Weekly in-person meeting with instructor.
3. Client memo for assigned case(s).
4. Clinic Hours updated in Clio Activities weekly, and at the end of the course must total the number of Clinic hours for registered credits. You will receive an Unsatisfactory grade or an Incomplete if you do not complete the required hours.
6. Final brief/memo on status of assigned case(s).
7. Course reflections/critique/suggestions for improvement memo.
Class attendance:

VLAP students are expected to attend all classes and complete all course work during the semester.

Attendance will be taken at each class period. You will be allowed two (2) absences. If you have more than two (2) absences, you may be withdrawn from the class. The in-class lectures are designed to summarize reading or research topics for the week. Completion of the reading assignments (apart from week 1) prior to class is required to understand the lecture and participate in the classroom discussions.

Schedule and assignments:

Schedule a half-hour meeting with me every other week to discuss your cases. I am flexible when these meetings occur and I will work with your schedule as necessary.

All reading assignments should be completed before class date, in preparation for class discussion. Any additional reading will be assigned, and the syllabus updated, as necessary. We may deviate from this syllabus with assignments taken from current events, new cases, or to accommodate guest speakers, scheduling conflicts, etc. Although I try to adhere to the schedule, we may occasionally jump ahead or fall behind. In such case, we will begin the next class where we left off, unless told otherwise.

Class 1, August 24 Intro to VLAP

Topics: Overview of the VLAP.
- Syllabus review and discuss Clinic hour requirements.
- Overview of Clio practice management software.
- Intake and phone procedures.
- Calendar and scheduling process.
- Tour and discussion of VLAP offices.
- Discuss first case assignment.

Class 2, August 31 Who Is a Veteran

Read: Read: VBM, 2.1-2.2.4; 2.3 (Who is a Veteran?)

Topics: Other Considerations for eligibility

Class 3, September 7 Introduction to Veterans Advocacy – VA Procedure

Read: 1. VBM – 17.1, 17.5, 17.8, 16.1, 16.2, 16.3, 18.1, 18.2, 18.3

Topics: Overview of the Department of Veterans Affairs
- Veterans Benefits
- Legal effect of regulations, GC opinions, Manual 21-1MR
- United States Department of Veterans Affairs (VA): administrative review levels
Filing an Initial Claim
Segmented Lanes/Fully Developed Claims
Regional Office Decision
Notice of Disagreement (NOD)
Statement of the Case (SOC)
Appeals to the Board of Veterans Appeals (BVA)
Appeals to the Court of Appeals for Veterans Claims (CAVC)

Class 4, September 14  The Basics of Service Connection
Read: VBM – Ch. 3.1-3.3

Topics/Cases: Three Requirements to Establish Service Connection
- In-Service Injury or Disease
- Relaxed Standard for Combat Veterans
  38 USC 1154
- The Presumption of Soundness
  38 USCS 1111
  38 CFR 3.304
- The Line of Duty Presumption
  38 USC 105

Class 5, September 21  Adjudication of Claims
Read: VBM – 12.1, 12.2, 12.3, 12.4, 12.10, 12.11, 13.1, 13.2

Topics/Cases: Filing a Claim
- Rodriguez v. West, 189 F.3d 1351 (1999)
- Rating Decision
- Appealing an Initial Decision
  Gallegos v. Principi, 283 F.3d 1309
- Statement of the Case
- Formal Appeal to the Board of Veterans Appeals (BVA)
- Appealing a BVA Decision to Court of Appeals for Veterans Claims (CAVC)
  Graves v. Principi, 294 F.3d 1350
Class 6, September 28

Client Counseling and Interviewing

Read: Required: *Client Science: Advice for Lawyers on Initial Client Interviews* (Article)
Optional: *Interviewing and Counseling Clients in a Legal Setting* (Article)

Topics:
- Observation, memory, facts, and evidence.
- Client interviewing as problem solving.
- Purposes in interviewing clients.
- Interviewing dynamics.
- Organizing the interview.
- Preparing for the interview.
- Beginning the interview.
- Information gathering.
- Ascertaining the client’s goals.
- Considering a strategy during the interview.
- Closing the interview.
- Questions. (What to ask about. Organizing and formulating questions.)
- Special problems in client interviewing.

Class 7, October 5

VA’s Duties to Claimants

Read: VBM – 12.5

Topics/Cases: Duty to Assist
- 38 USC 5103A – VCAA
- 38 CFR 3.103
- Duty to Develop Veteran’s Claim
- Benefit of the Doubt Rule
  - *Epps v. Gover*, 126 F.3d 1464 (1997) superseded by Bernklau

Class 8, October 12

Establishing Nexus for Service Connection

Read: Required: VBM Ch. 3.4

Topics/Cases: Evidence of a Qualifying Present Disability

Direct Service Connection

Aggravation

Secondary Service Connection

Presumptive Service Connection
*Procopio v. Wilkie*, 913 F.3d 1371 (2019)

**Class 9, October 19**

**Introduction to Post Traumatic Stress Disorder**

Read: VBM 3.6
Handout – What is PTSD?

Review of PTSD related cases and service-connection applicability to VA Claims.

**Class 10, October 26**

**Discharge Upgrades**

Read: VBN – Ch. 21
Veterans Discharge Upgrade Manual & Supplement by Conn. Veterans Legal Center
Recorded video.

**Class 11, November 2**

**Disability Evaluations, Increases, & TDIU**

Read: VBM 5.1, 5.5, 5.8-5.9

Topics/Cases: Rating Schedule
38 CFR 4.25
Rule Against Pyramiding
*Amberman v. Shinseki*, 570 F.3d 1377 (2009)
Analogous Ratings
Requirements for TDIU
38 CFR 4.16

**Class 12, November 9**

**Court of Appeals for Veterans Claims**

Read: VBM 15.1; 15.2.1 to 15.2.3; 15.4

Students will watch an assigned CAVC case. Prior to reading the Court’s decision the student will write a short paper about which side should prevail and why. Upon completion of the first part of the paper, the student will read the decision and add a second part to the paper about the actual decision and whether they were correct in their analysis or not. If so, were there arguments they missed or did they get it all? If not, what did they miss in their analysis? In additional, the student will discuss any other observations about the process generally or specifically. The
completed paper should be 2-3 pages long and will be “graded” for proper punctuation, grammar, and word usage.

**Class 13, November 16  Effective Dates**

Read: Required: VBM 8.1-8.6  
Optional: VBM 8.1-8.6

Topics/Cases: General Rule

Staged Ratings

Clear and Unmistakable Error
- 38 USC 5109A
- 38 USC 7111

Reopened Claims

**Class 14, November 30  Case Round-Table and Wrap Up**

**Policies**

**Independent Work; Ban on Collaboration.** You are allowed to discuss assignments with any other student, but you are not allowed to rely on any written materials from another student. If you fail to comply with this requirement for independent work, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt, ask your professor.

**Notice of Recording.** Primarily to assist our students with disabilities or other health issues, SIU School of Law routinely records all classes at the law school. Audio and video recording of classes by students themselves (as opposed to recording by the IT Department) is prohibited. It is an Honor Code violation to create or distribute such recordings when the instructor has prohibited either action (Honor Code I.E.1.g). If you require an accommodation to record this course yourself, please work with Associate Dean Buys to request the appropriate accommodation.
EMERGENCY PROCEDURES: We ask that you become familiar with Emergency Preparedness @ SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit http://emergency.siu.edu/.

DISABILITY POLICY: SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

SALUKI CARES: The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, https://salukicares.siu.edu/. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618-453-3135.

COVID-19. SIUC’s policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC’s COVID website (https://siu.edu/coronavirus), which includes the Saluki Safety Plan. People can also send email to pandemicinfor@siu.edu.
STUDENT CERTIFICATION

I have read the syllabus for the fall 2022 semester of LAW 678, Veteran' Legal Assistance Program Clinic.

I understand the number of hours required to complete the clinic component of the course. To complete the clinic component for the course, I must complete _____ clinic hours. These hours are in addition to preparation for, and attendance of, the classroom component.

I understand the requirement for independent work as listed on page 7 of the syllabus. This includes the use of notes or other work product of another student for any work turned in for credit, graded or ungraded.

Date

Print Name

Signature
SYLLABUS ATTACHMENT

FALL 2022

IMPORTANT DATES
Semester Classes Begin: .................................................. 08/22/2022
Last day to add full-term course (without Dean’s signature): 08/28/2022
Last day to withdraw from the University with a full refund: 09/02/2022
Last day to drop a full-term course for a credit/refund: 09/04/2022
Last day to drop a full-term course (W grade, no refund): 10/30/2022
Final examinations: .......................................................... 12/12-16/2022

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at http://Registrar.siu.edu/calendar. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at http://Registrar.siu.edu/schedule/index.php.

FALL SEMESTER HOLIDAYS
Labor Day 09/05/2022
Election Day 11/08/2022
Veterans Day 11/11/2022
Thanksgiving Break 11/19-11/27/2022

DIVERSITY
Southern Illinois University Carbondale’s goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: http://diversity.siu.edu. Additional informational flyer.

DISABILITY SUPPORT SERVICES
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MILITARY COMMUNITY
There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at http://veterans.siu.edu/.

STUDENT MULTICULTURAL RESOURCE CENTER
The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at: https://smrc.siu.edu/

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SAFETY AWARENESS FACTS AND EDUCATION
Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: http://safe.siu.edu

COVID-19
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WITHDRAWAL POLICY – Undergraduate only
Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar’s office. For the proper procedures to follow when dropping courses and when withdrawing from SIU visit: http://Registrar.siu.edu/students/withdrawal.php.

SIU’S EARLY WARNING INTERVENTION PROGRAM (EWIP)
Students enrolled in courses participating in SIU’s Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the Core Curriculum’s webpage: https://corecurriculum.siu.edu/for-faculty/

EMERGENCY PROCEDURES
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CATALOGS
catalog.siu.edu
gradcatalog.siu.edu
Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES
Tutoring: http://tutoring.siu.edu/
Math Labs: http://math.siu.edu/courses/course-help.php
WRITING CENTER: http://write.siu.edu/

PLAGIARISM
See the Student Conduct Code: http://srr.siu.edu/student-conduct-code/

INCOMPLETE POLICY – Undergraduate only
http://Registrar.siu.edu/grades/incomplete.php

REPEAT POLICY
http://Registrar.siu.edu/students/repeatclasses.php

MORRIS LIBRARY HOURS: http://libguides.lib.siu.edu/hours

ADVICEMENT: https://advisement.siu.edu/

SIU ONLINE: https://online.siu.edu/

Need help with an issue? Visit: SALUKI SOLUTION FINDER at http://solutionfinder.siu.edu/