

**Veterans and Service Members Legal Clinic
Fall 2023**

**Judy Clausen, Legal Skills Professor, Supervising Attorney, Veterans and Service
Members Legal Clinic (“Clinic”)**

Course Number: LAW 6940

Class Number: 18265

Office Location: 105K (in the clinical offices). If I am not in my office, and you need to reach me, please email, text, or call me.

Office Phone: Please use work cellular phone (904) 412-5999.

Email: jclausen@law.ufl.edu

Class Schedule: Mondays 10:00 AM to 12 o’clock noon

Class Location: MLAC 213

Office Hours: Please do not feel that you need to limit email, text, or telephonic questions to scheduled office hours. We are working cases together, so you may call, text, or email any time. In our first class, we will make a schedule for weekly telephonic conference calls for the Armed Forces teams.

In-person office hours: Mondays 3:30 PM to 4:30 PM, and you can call, text, or email me any time. Telephonic office hours: Tuesday’s 9:00 AM to 12:00 PM. Conference call line: dial-in number: (415) 376-6329; host PIN: 481476#; participant PIN: 926651#

Course Communications:

Students should feel free to email, text, or call any time or day or visit my office during my scheduled in-person office hours.

Required Course Materials:

Veterans Benefits Manual most recent edition, published by LEXIS-NEXIS, produced by National Veterans Legal Services Program, edited by Barton Stichman, Ronald Abrams, Amy Odom, and Richard Spataro. Info to assist you in obtaining this book for free is in the UF Law Veterans and Service Members Legal Clinical Guidebook.

Other materials are available through electronic legal research, on the course page, in client electronic records, on the U.S. Court of Appeals for Veterans Claims website by doing a docket search, and by email. On my canvas course page, I will post the initial syllabus, course training manual, and background references. But, during the semester, I will communicate regularly by email to provide you more info for your specific cases and for specific classes. This is because much of the info I provide involves client confidential information.

Course Description:

The Clinic offers students an opportunity to develop essential lawyering skills while serving military veterans, and, sometimes, active-duty service members, on a pro bono basis. Primarily, supervised students assist in representing clients in appeals to the US Court of Appeals for Veterans Claims. Students may also prepare legal memoranda for judge advocates, deliver Know Your Rights presentations, and assist in representing clients in: remands and appeals to the Board of Veterans' Appeals, claims to the VA Regional Office, VA character of discharge determination matters, and discharge upgrades with the Department of Defense. Depending on the needs of the clients, students may: (1) write appellate briefs and motions before the U.S. Court of Appeals for Veterans Claims or the U.S. Court of Appeals for the Federal Circuit, briefs before the Board of Veterans' Appeals and VA Regional Office, objective and persuasive legal memoranda, letters and emails to clients, witnesses, medical experts, and opposing counsel, (2) draft proposed legislation and commentary on proposed VA regulations or proposed legislation affecting veterans, draft white papers for DOD concerning service members' rights, (3) interview clients, material witnesses, and medical experts, and (4) assist in negotiating settlements on behalf of clients.

Course Purpose and Learning Outcomes:

Through classroom instruction, participation in programming with other law school veterans' clinics, and supervised Clinic work for clients, students will learn about practice and procedure in federal administrative law, appellate practice, evidence concepts, veterans' law, and the law and policy surrounding discharge upgrades. Students may also learn about active-duty service members' rights and the procedures for administrative discharges from the US military. Moreover, this Clinic will help students learn how to:

- advocate for clients before Article 1 tribunals and federal appellate courts generally,
- draft appellate briefs and briefs before administrative review boards,
- research, understand, and apply rules of appellate procedure,
- draft motions and proposed regulations and legislation,
- prioritize and shoulder a busy caseload,
- meet deadlines,
- develop evidence to present before administrative review boards and administrative agencies,
- interview and counsel clients,
- write persuasively on behalf of clients,

- prepare client letters and emails,
- work with expert witnesses and other material witnesses,
- navigate ethical issues,
- organize and maintain electronic client files,
- orally present to groups,
- research and analyze federal statutes, administrative regulations, and case law,
- evaluate clients' needs and identify potential solutions,
- negotiate settlements, and
- collaborate with other attorneys.

Grading:

The Clinic is pass/fail.

Grading Scale:

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Points</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

Although the Clinic is pass/fail, I include the grading scale as required by University policy.

Student Course Evaluations:

Students can provide feedback on the quality of instruction in the Clinic by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester. Students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Class Attendance:

Attendance is mandatory. Students who must be absent should notify me ahead of time. Attendance at Virgil Hawkins Speaker Series events is also mandatory, unless excused by the professor. Excused absences are consistent with University policies (<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>) and require appropriate documentation. Although the Clinic does not have a final exam, the University policy is that I provide the following exam-delay policy: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

Class Recording:

UF class recording policy states as follows: students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the University, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty member or lecturer during the class. This Clinic is a live client clinic and as such must adhere to the Florida Bar Rules of Professional Conduct. According to such rules, all information related to a client’s representation is confidential and may not be voluntarily disclosed by the lawyer without either the client’s consent or the application of a relevant exception to the confidentiality rule. **Because client information is frequently discussed during class, recording clinical classes is prohibited. However, in many instances, Virgil Hawkins Speakers Series events are recorded. Students must attend these events, live, during the zoom session, unless they have received an excused absence, and, in such instances of excused absences, students must review the recorded presentation.**

Religious Holidays:

The Florida Board of Education and state law govern University policy regarding observance of religious holidays. The following guidelines apply:

Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances. If a faculty member is informed of or is aware that a significant number of students are likely to be absent from class because of the religious observance, the faculty member should not schedule a major exam or other academic event at that time.

A student who is to be excused from class for religious observance is not required to provide a second party certification for the reason for the absence. Furthermore, a student who believes that they have been reasonably denied an education benefit due to religious beliefs or practices may seek redress through the student grievance procedure.

University Honesty Policy:

UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code.” On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” The Honor Code (<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, students are obligated to report any condition that facilitates academic misconduct to appropriate personnel.

Health and Wellness:

Being a part of this Clinic includes attention to and care of your physical, mental, and emotional health. If you need help, please see the resources below:

Cynthia Yanez, LCSW, Virgil Hawkins Civil Clinics, 352-363-1101 (call or text) or 352-273-0994.

U Matter, We Care:

Students who are in distress or know other students who are in distress should contact umatter@ufl.edu or 352-392-1575 so that a team member can reach out to the student.

Counseling and Wellness Center:

<http://www.counseling.ufl.edu/cwc/Default.aspx>, 352-392-1575, and the University Police Department: 352-392-1111, or 911 for emergencies.

Sexual Assault Recovery Services (SARS)

Sexual Health Care Center, 352-392-1161.

University Police Department

352-392-1111, or 911 for emergencies.

<http://www.police.ufl.edu/>

Professionalism, Punctuality, Preparation, and Participation:

Students should prepare for and actively participate in seminar sessions, the speaker series, status conferences, individual supervision sessions, client conference calls, and other Clinic events. Preparedness and active participation are key to success in the Clinic. Tardiness to seminar sessions, status conferences, supervision sessions, client conference calls, and other Clinic events is unprofessional. Most importantly, punctuality, professionalism, preparedness, and active engagement are key to effective client representation.

Workload Expectations:

There will be a classroom session on Mondays. Expect to work an average of 16 to 20 hours per week on Clinic work, including homework, legal research, online CLE, training programs with the nation's law school veterans' clinics, and, most importantly, client work. Please keep track of your hours. You must work 270 hours. Particularly for cases before the U.S. Court of Appeals for Veterans Claims, please record your hours on Clio. Also record your hours on the weekly timecard.

Accommodations for Students with Disabilities:

Students requesting accommodation for disabilities must first register with the Office of the Dean of Students (<http://www.dso.ufl.edu/drc/>). The Office of the Dean of Students will provide documentation to the student who must then provide this documentation to the law school's Office of the Dean of Student Affairs. Students must submit this documentation prior to submitting assignments. Accommodations are not retroactive. Therefore, students should make arrangements as soon as possible in the term for which they seek accommodations.

Course Website and Email Communication:

I will email important information. For example, students may learn through an email that I have changed the reading for a particular class or responded to commonly asked questions. Students should check email at least twice a day. Email communications will come through University email accounts and Gmail accounts. Client information in email communications will come through Gmail accounts. Please check both accounts multiple times daily. There will also be a Canvas course page. However, please note that our Clinic is very different than traditional skills or doctrinal classes. PowerPoint presentations and assigned reading are mere background information to help work cases. Your true work is your work on behalf of clients. This class is like an apprenticeship. We are working together as if we were in a law firm. I treat you like colleagues. Therefore, the most important information is not posted on the course page but is conveyed through our communications about the cases we manage together, and most of these communications occur over email and by telephone.

Virgil Hawkins Speaker Series:

In addition to our classes on Wednesdays, we will have a few speakers as part of our speaker series. Speakers will appear via Zoom. Please attend these sessions in real time unless you have an unmovable conflict. If you have an unmovable conflict, please see me to be given an excused absence.

Classroom Component of Clinic:

Students should consult the Schedule of Assignments distributed by email for assigned readings and an outline of topics to be explored in weekly seminar sessions. Your work for this Clinic will become a blurb on your resume as legal practice experience; therefore, this Clinic is different than your other classes. In this Clinic, you do real work for clients,

under my supervision. As in other busy law firms, it is impossible to adhere to a strict predictable schedule. Hence, I cannot give you an unchanging syllabus of readings for the semester. We devote substantial time in class to discussing and strategizing about cases. Thus, necessarily, the topics we explore constantly evolve, depending on our caseload, and the issues we identify in our appeals. Seminar instruction is designed to aid students in Clinic work. Accordingly, the Schedule of Assignments is fluid and is only a rough outline. Undoubtedly, the syllabus will change many times during the semester, and I will send these updates and changes to you over email. Please create your own electronic files of clinical materials so that you can easily revisit your materials.

It is important that you feel welcome and that you are comfortable participating in discussions and communicating on issues related to the Clinic. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by email or otherwise. I would like to acknowledge your preferred name and pronouns that reflect your identity. Please let me know how you would like to be addressed in class if your name and pronouns are not reflected by your UF-rostered name. Welcome to the Clinic.