



Levin College of Law  
Veterans and Servicemembers Legal Clinic

# University of Florida Veterans and Servicemembers Legal Clinic

## Training Manual

## Table of Contents

<b>Helpful Resources</b> .....	3
<b>How to write a white paper</b> .....	3
<b>Veterans Benefits Manual</b> .....	3
<b>The Veterans Consortium</b> .....	4
<b>National Law School Veterans Clinics Consortium</b> .....	4
<b>Montana Law Veterans Law CLE</b> .....	5
<b>Swords to Plowshares</b> .....	5
<b>CCK Veterans Law Firm</b> .....	5
<b>US Court of Appeals for Veterans Claims</b> .....	5
<b>VA website</b> .....	6
<b>University of Missouri, Veterans Clinic CLE</b> .....	6
<b>General Items</b> .....	7
<b>MEMO: Guidance for initial review of the RBA</b> .....	Error! Bookmark not defined.
<b>Links to lectures Veterans Clinic Spring 2024</b> .....	11
<b>Email Communication</b> .....	11
<b>Books about Veterans' Experiences for Clinical Hours</b> .....	12

## **Helpful Resources**

### **How to write a white paper**

[https://en.wikipedia.org/wiki/White\\_paper](https://en.wikipedia.org/wiki/White_paper)

<https://www.wikihow.com/Write-White-Papers#:~:text=A%20white%20paper%20is%20a%20one-to%20five-page%20document,It%E2%80%99s%20commonly%20used%20in%20government%20and%20corporate%20settings.>

Please note that the clinic is typically so busy that you will likely not have time for a Navy judge advocate white paper. Students often do these white papers for pro bono hours. Students have asked how to write a white paper. I found these resources to help you get started. Remember, you are writing for a governmental office. Writing white papers will prepare you for corporate or governmental in-house positions. You do not have to adhere to this guidance. You can write an objective memo with a purely legal question (usually the case, but not always) in the form you learned in law school. I have taught Legal Writing, so reach out if you would like a reminder as to the format for objective memoranda. I am happy to review and provide feedback on your chosen format. It is best to start with research to get your arms around the question and the answer. Then, you can choose formatting. For these judge advocate projects, you are not persuading an audience with a thesis. Rather, the papers are informative guides. Of course, research questions vary. Moreover, when you submit your white paper to the Navy, after my review and feedback, you should also provide electronic copies of helpful secondary sources and key primary sources. Plus, your white paper should have appropriate legal citation; you are writing to lawyers.

As to do-it-yourself guides, many legal aid offices issue such guides, so, with research, you can find examples online. For example, Jacksonville Area Legal Aid provides do-it-yourself guides to many common client problems.

<https://www.jaxlegalaid.org/covid/>

Each of you will be assigned cases with live clients. Of course, these live client cases, whose cases have deadlines, take priority. However, these research projects for the U.S. Navy are a great way to do added legal work when you have pauses in live client work. Plus, they count for pro bono hours because you are doing these projects for the Navy.

### **Veterans Benefits Manual**

Always start your research by looking in the index of the Manual, and then read sections relevant to your case, or the procedural posture in which you are working in your case. For example, if your claim involves hearing loss, read the Manual section on hearing loss. If your claim involves

presumptive service connection, read that section from the Manual. If your claim involves TDIU, read that section. Moreover, use the Manual for skills/procedural information. For example, if you are about to file a reply brief, read the Manual's section on reply briefs and the rule of procedure that can be found on the website of the US Court of Appeals for Veterans Claims. The Manual will provide citations to helpful primary sources, and then find those sources on Westlaw or Lexis. Those sources will connect you to others. Begin identifying relevant primary sources by looking to the primary sources cited in the screening memo and Board decision. You can buy a physical copy of the Manual, and there is also a publication of key primary sources (rules of procedure for the Veterans Court, regulations concerning veterans' benefits, relevant veterans' statutes) in a separate book published by the NVLSP. You can find a free version of the Manual on Lexis at this website. Please note there is also a chapter about discharge upgrades in the Manual.

<https://signin.lexisnexis.com/laccess/app/signin?back=https%3A%2F%2Fplus.lexis.com%3A443%2Ftoc%2F%3Fpdmfid%3D1530671%26crd%3D1e6de61d-2d6f-4ce6-ad34-55d9550bf403%26pdtocfullpath%3D%252Fshared%252Ftableofcontents%252Furn%253AcontentItem%253A5B7R-WCM1-F0HM-11PM-00000-00%26ecomp%3Dcywk%26earg%3Dsr0%26prid%3D59172d2d-2a8c-4b08-a7fa-6ac66ab710b3&aci=lp>

### **The Veterans Consortium**

You will receive online training on appeals to the Veterans Court, discharge upgrades, and remands to the Board of Veterans' Appeals (Board) through the TVC. You will find on my course page a TVC book for: (1) remands to the Board and (2) discharge upgrades. TVC has helpful materials, including sample: (1) briefs, (2) rule 33 conference memoranda, (3) motions, (4) representation agreements, and (5) close out letters. Also, I wrote an article entitled *Top 10 Discharge Upgrade Tips* with Colleen Miller and Danica Gonzalves, and I have posted that article on my course page; it concerns VA character of discharge and discharge upgrades. By looking in Clio client files, for various clients I will identify in class, you can find sample: (1) discharge upgrade briefs for mental health cases and don't ask don't tell cases, (2) query letters to medical experts, (3) lay statements from veterans, family members, and service buddies, and (4) character of discharge briefs for mental health cases.

<https://www.vetsprobono.org/library/>

### **National Law School Veterans Clinics Consortium**

This is the organization that puts on the Boot Camp and does so many semesters. You can review multiple daylong Boot Camps that provide great practice-oriented training. There are several available on the website. Our clinic is heavily involved in this organization's Amicus Advocacy Committee and Policy Advocacy Committee. Through the Amicus Advocacy Committee, we draft amicus brief before the Federal Circuit and Supreme Court. Through the Policy Advocacy Committee, we comment on proposed VA regulations and congressional legislation and draft petitions for VA rulemaking. There is

a database for topics for petitions for VA rulemaking, and these can serve as student projects. Students will be assigned to meet with these committees, and we will accept projects from these committees during the semester. Visit <https://nlsvcc.org/member-login/> to log in to find helpful materials. You will have to enter the username and the password. That information is as follows username: Corporate. Password: Corp4NLS2019. This may change, so if you struggle accessing the materials, contact me, and I will help you resolve the issue. You can find all the PowerPoint materials as well as the recordings of the sessions from the Boot Camps as well as other helpful materials on the nlsvcc website.

### **Montana Law Veterans Law CLE**

In the last few years, the University of Montana School of Law put on a CLE about discharge upgrades and character of discharge matters. On the link below you will find helpful videos about discharge upgrades and character of discharge matters as well as PowerPoint presentations corresponding to the videos. Also, you will find DOD policies for discharge upgrades and citations to primary sources governing discharge upgrades and character of discharge matters.

<https://www.umt.edu/law/newsevents/events/vetclaims.php>. I have posted these policies on my course page, and you can easily find them online. Plus, there is a discharge upgrade manual from the ABA that is available in our library in the clinic. That will prove to be a great resource for discharge upgrades. And remember that there is also a chapter concerning discharge upgrades in the Veterans Benefits Manual.

### **Swords to Plowshares**

This nonprofit organization supports veterans. On the website, you can find helpful information. For example, you can find guidance on preparing a stressor statement for a PTSD claim, preparing an application for a character of discharge matter, helping a doctor prepare a nexus opinion in support of a claim, and all sorts of other materials.

<https://www.swords-to-plowshares.org/>

### **CCK Veterans Law Firm**

<https://cck-law.com/veterans-law-resource-center/> This law firm is one of the preeminent firms serving veterans, and it provides helpful resources. You can find advice on assisting medical experts provide expert statements, preparing a PTSD stressor statement, and supporting a TDIU claim, for example.

### **US Court of Appeals for Veterans Claims**

You can find helpful material on this website. First, you can find the rules of procedure for the Veterans Court. Those rules tell you the specifics about preparing briefs, filing

motions, extending deadlines, etc. Also, by entering the veteran appeal number or the last name of the veteran, you can do a docket search. By doing docket searches in our cases, you can find sample initial briefs, reply briefs, opposition briefs, and motions including joint motions for remand and extension motions. In class, I can give you client names so that you can do a docket search and find samples. However, the rule 33 conference memo is not posted on the Veterans Court website because it is confidential, so you will have to find sample conference memoranda by looking in Clio client files. I can give you names of similarly situated clients in class. Also, you can watch live and recorded oral arguments. [Http://www.uscourts.cavc.gov/](http://www.uscourts.cavc.gov/)

### **VA website**

When you are searching for scientific materials relevant to health conditions your clients experience or concerning exposures your clients endured (such as noxious air during Desert Storm), consider visiting VA's webpage and searching for VA's scientific studies. <https://www.research.va.gov/services/csrd/> Also, when you are filling out forms, such as initial claim forms for disability compensation, VA powers of attorney, or supplemental claims forms, visit the VA website. <https://www.va.gov/disability/how-to-file-claim/> Plus, when you are working with medical experts, you can visit the VA webpage to find DBQs. [https://www.benefits.va.gov/compensation/dbq\\_disabilityexams.asp](https://www.benefits.va.gov/compensation/dbq_disabilityexams.asp) Moreover, the VA telephonic helpline has proven helpful to student clinicians. Representatives will not talk with you about an individual veteran's case but will give you general guidance. Representatives are trained. That number is 1-800-827-1000 <https://benefits.va.gov/benefits/offices.asp#:~:text=Veterans%20can%20continue%20to%20get%20information%20about%20benefits,%26%20Information%20System%20%28IRIS%29%20or%20telephone%20at%201-800-827-1000.>

### **University of Missouri, Veterans Clinic CLE**

The University of Missouri hosted the 11<sup>th</sup> Annual Veterans Clinic Symposium where they spoke about efforts to reduce Veteran Homelessness. Use the link below to access a recording of the presentation.

[11th Annual Veterans Clinic Symposium - Veterans Clinic](#)

## General Items

Types of cases:

- Discharge upgrade (DoD)
- Character of discharge determination (VA)
- Appeals to CAVC
- Remands to Board/initial claims to RO
- JAG research
- Amicus briefs for the US Court of Appeals for the Federal Circuit and US Supreme Court
- Reports to DOD advisory committees
- Comments to proposed VA regulations and proposed legislation
- Petitions for VA rulemaking
- Know your rights presentations to ROTC students and veterans struggling with homelessness. If you are interested in these, contact me, and I can get you started with previous PowerPoint presentations, direct your research, and help you choose topics.

Required hours: 270 (count everything!) Fill out timecards every week and submit them as instructed.

- Appeals to USCAVC- can recover attorney fees
- Meticulously log hours on CLIO (before clio use word doc); keep a backup record on word
  - Name of person
  - Specific about activity (review record? Incl. pg. #)
  - Bill in three hours or less segments
  - If you are reviewing the RBA, specify the page numbers reviewed
  - If you are researching or writing an argument, specify the argument
- Count everything – time spent researching background info, time preparing for client interview, time reviewing the RBA, everything in connection with case.

### **How to Approach Case – appeals to the Veterans Court.**

- **Veterans Benefits Manual Ch. 14.5**
- First: review RBA for completeness & legibility
  - This is the search for all of the important info: read Board decision and other VA decisional documents and look for all of the VA decisions and evidence cited therein.
  - Make sure it's all there!
- Interview the client. The client can help you understand the record.
- Begin reading/researching/writing conference memo
  - Strict formatting requirements – 10 pages, 13 point font; argumentative point headings; first explain the law; then apply it; record citations after every sentence in which you discuss the facts; legal citations after every sentence in which you make a point of law; for the application section,

strive to have both a record citation and a legal citation after every sentence; consult the Veterans Court rules of procedure.

- Rule 33 Staffing Conference. If you are third-year student, you can be admitted to the Veterans Court and conduct the staffing conference. Lindsay and Michael can help you process the forms.

If remand not granted, write full appellate brief. Look to sample conference memoranda relevant to the issues implicated in your case and look to sample initial briefs relevant to the issues presented in your case.



## **MEMORANDUM FOR RECORD**

TO: Student Clinicians  
FROM: Professor Clausen  
RE: Guidance for initial review of the RBA

Review the Veterans Benefits Manual chapter entitled “Reviewing VA Claims File.”

Also, in the Boot Camp from the National Law School Veterans Clinic Consortium from the fall of 2021, there is an excellent video on how to review the RBA.

Please follow the following guidance.

- (1) Calendar the deadline for your dispute to the RBA. Share that deadline with your team and the professor.
- (2) Submit your document log to the professor at least one week before the deadline. Calendar that professor submission deadline. Share that deadline with your team and the professor.
- (3) Review the RBA to determine whether there are any missing pages (i.e. page numbers – any missing?).
- (4) Review the Board’s decision and list all evidence it cites as well as all adjudicative actions it mentions. Make a list of these items. You will search for these items with the goal of ensuring they are in the RBA and with noting the page number on which they begin and conclude.
- (5) According to Rule 10(A), the RBA must include “a list of any record matter that cannot be duplicated.” Notably, this might include x-rays or other such material that could not be included in the RBA. (This may be implicated but probably will not.)
- (6) If you need more time to review the RBA, notify the professor who will contact VA General Counsel and request consent to a Motion for Extension of Time to review the RBA. Authority for this extension comes from Rule 26(B).
- (7) In addition to listing all evidence and adjudicative actions referred to in the Board’s decision, list all evidence and adjudicative actions referred to in the Statement of the Case and Supplemental Statement of the Case which you will find in the RBA. In these documents, there is an itemized list – this makes it easy.
- (8) The RBA should be divided, equally in the order in which the names of the team are listed on the case assignments between the members of the team. One method designates one of the student clinicians to list all evidence and adjudicative actions referred to in the Board decision, Statement of the Case, and Supplemental Statement of the Case. The team should ensure all these items are in the RBA. The team should record in the document log the page number for the beginning and end of each piece of evidence and adjudicative decision referenced in the Board decision, the Statement of the Case, and the Supplemental Statement of the Case. Please note that in some instances there may be two Statements of the Case, and there may or may not be a Supplemental Statement of the Case. This all depends. During the review of the entire RBA, the

team will undoubtedly uncover other documents, and the team should date, name, and note the beginning and end page of these documents as well in the document log. Include key quotes in your document log.

(9) With your portion of the RBA, without reading every word, search for each of the items listed in this list of evidence and adjudicative actions mentioned in the Board decision, Statement of the Case, and Supplemental Statement of the Case. When you find the document, confirm the date, confirm that every page is in the document, and confirm that it is for this veteran.

(10) After you have done this for your portion, you can make a comprehensive document log for your portion of the RBA, listing date, page number of beginning of document and end of document, and title for each document found. If the document is a doctor's note, indicate the doctor's name.

(11) Another method allows each student to list each document, in chronological order, in that student's portion of the RBA. Then, one or more members of the team should create a list of all evidence and adjudicative actions from the Board decision, the Statement of the Case, the Supplemental Statement of the Case and ensure that each of these documents is in the RBA and record the page numbers.

Please let me know if you have questions.

### **Links to lectures Veterans Clinic Spring 2024**

1. [Disability compensation basics.](#)
2. [Board of Veterans' Appeals errors – Chapter 14.5 of Veterans Benefits Manual.](#)
3. [Toxic exposures including Agent Orange and Gulf War exposures.](#)
4. [PTSD and mental health claims generally](#)
5. [Total disability based on individual unemployability and representation before the Board of Veterans' Appeals.](#)

### **Email Communication**

Once you received access to your Clinic email, please add the following to your email signature.

“This communication may contain information that is legally exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone, or by return email, and delete the message. For the University of Florida Privacy Statement, see <http://privacy.ufl.edu/informationprivacy.html>. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to the University. Instead, contact the specific office or individual by phone or in writing. This message may also contain information protected by the attorney client privilege and is therefore confidential and the exclusive property of the intended recipient or the Clinic. This information is solely for the use of the individual or entity that is the intended recipient. If you are not the designated recipient, or the person responsible for delivering the communication to its intended recipient, please be aware that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please notify the sender and promptly destroy the original transmission. Thank you for your assistance.”

### **Books about Veterans' Experiences for Clinical Hours.**

For clinical hours, you can read or listen to one of the following. I also encourage you to listen or read others, but only one can count for hours. I surveyed lawyers in the veterans' clinics listserv. I asked them for one great book to describe veterans' experiences. I wanted the book to be powerful, and I wanted it to allow you to better understand the experiences of the clients you serve. Here is the list. It is constantly growing, so if you have a recommendation, please let me know.

1. *What It Is like to Go to War*. Karl Marlantas.
2. *Bloods: Black Veterans of the Vietnam War: An Oral History*. Wallace Terry.
3. *Lethal Warriors*. David Phillips.
4. *Soul Patrol: The Riveting True Story of the First African American LRRP Team in Vietnam*. Ed Emanuel.
5. *War*. Sebastian Junger.
6. *Disposable Heroes: The Betrayal of African American Veterans*. Benjamin Fleury-Steiner.
7. *Down Range – to Iraq and Back*. Bridget C. Cantrell & Chuck Dean
8. *It's Not About the War*. Richard Ingelido.
9. *The Things They Carried*. Tim O'Brien.
10. *No Coincidences: Reflections of the First Black Female Graduate of the United States Naval Academy*. Janie L. Mines.
11. *Navigating the Seven Seas: Leadership Lessons of the First African American Father and Son to Serve at the Top in the U.S. Navy*. Master Chief Melvin G. Williams Senior, Vice Adm. Melvin G. Williams Junior.
12. *See Me for Who I Am: Student Veterans' Stories of War and Coming Home*. David Chrisinger.
13. *Shade it Black: Death and After in Iraq*. Jessica Goodell.
14. *We Were Soldiers Once and Young*. Harold Moore.
15. *My Detachment*. Tracy Kidder.
16. *Black Men and Blue Water*. Chester A. Wright.
17. *Hue 1968*. Mark Bowden.
18. *Black Hearts*. Jim Frederick.
19. *Duty – Memoirs of a Secretary at War*. Robert M. Gates.
20. *The Vietnam War*. Documentary. Ken Burns – 10 part television documentary series, premiered on PBS in September 2017.
21. *What Have We Done: The Moral Injury of Our Longest Wars*. David Wood.
22. *Caged Eyes*. Lynn Hall.
23. *First Blood*. David Morrel.
24. *On Killing: The Psychological Cost of Learning to Kill in War and Society*. Dave Grossman.
25. *Black Officer, White Navy*. Keith Green.
26. *Withdrawal: Reassessing America's Final Years in Vietnam*. Gregory Daddis.
27. *The Seven Pillars of Wisdom*. TE Lawrence.
28. *The Last Detail*. Darryl Ponicsan.

29. *Tribe*. Sebastian Junger.
30. *Outlaw Platoon*. Sean Parnell.
31. *The Fighters*. C.J. Chivers.
32. *Charlie Mike*. Leonard Scott.
33. *Thank You for Your Service*. David Finkel.
34. *Chasing Ghosts*. Paul Rieckhoff.
35. *The Hidden Legacy of World War II: A Daughter's Journey of Discovery*. Carol Schultz Vento, the daughter of a decorated World War II veteran who was the advisor on *The Longest Day* and *Saving Private Ryan*. You can read either of these as well.
36. *What It Is Like to Go to War*. Karl Marlantes.
37. *Achilles in Vietnam*. Jonathan Shay.
38. *Odysseus in America*. Jonathan Shay.
39. "Carrier" available from PBS  
at [https://www.pbs.org/weta/carrier/full\\_episodes.htm](https://www.pbs.org/weta/carrier/full_episodes.htm). The description is "Filmed aboard the USS Nimitz, this character-driven 10-part miniseries takes viewers inside the high-stakes world aboard a nuclear aircraft carrier as chronicled through the experiences of her crew, ranging from the admiral of the strike group to the youngest sailors on the ship."
40. "Carries at War" available from the Smithsonian Channel  
at <https://www.smithsonianchannel.com/shows/carriers-at-war/ready-to-launch/1005309/3459169>. The description is "For every F/A-18 leaving the air wing of a U.S. Navy aircraft carrier, there's a hardworking team onboard making the war machine run. Witness life aboard the USS George H.W. Bush and see what it takes to successfully operate a carrier. From the command master chief, who is equal parts guidance counselor and taskmaster to 4,500 sailors, to the air boss directing flight deck operations from the control tower, these are the men and women working around the clock to ready the supercarrier for war, whenever and wherever it's needed most."
41. *Forgotten: The Untold Story of D-Day's Black Heroes, at Home and at War*. Linda Hervieux.
42. *The Lonely Soldier: The Private War of Women Serving in Iraq*. Helen Benedict.
43. *Love My Rifle More Than You: Young and Female in the US Army*. Kayla Williams.
44. *Ashley's War: The Untold Story of a Team of Women Soldiers on the Special Ops Battlefield*. Gayle Tzemach Lemmon.
45. *Undaunted: The Real Story of America's Servicewomen in Today's Military*. Tanya Blank.
46. *The Good Soldiers*. David Finkel.
47. *The Outpost*. Jake Tapper.
48. *Generation Kill*. Evan Wright.
49. *One Bullet Away*. Nathaniel Fick.
50. *Black Hawk Down*. Mark Bowden.
51. *The Forever War*. Dexter Filkins.

52. *Honor Bound: an American Story of Dreams and Service* Amy McGrath with Chris Peterson.
53. *They Called Us Lucky: the Life and Afterlife of the Iraq war's Hardest Hit Unit* Ruben Gallego with Jim DeFelice
54. *Redeployment* Phil Klay
55. *The New Agent Orange* by John Siegfried
56. *Burn Pits* by Joseph Hickman
57. *The Long Reckoning* by George Black
58. *It Shouldn't Be This Hard to Serve Your Country* by David Shulkin
59. *All Secure* Tom Satterly
60. *Modern Warriors* Pete Hegseth