VETERANS’ ADVOCACY TOOLKIT

2008
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2008-2009 Chair
ABA Law Student Division
Stetson University College of Law
J.D. anticipated Spring 2009

Vilma Martinez
2008-2009 Liaison
ABA Law Student Division
ABA Standing Committee,
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Military Personnel (LAMP)
Stetson University College of Law
J.D. anticipated Spring 2009
Former U.S. Army Servicemember

Florida's Viet Nam Veterans' Memorial in Tallahassee, Florida. Then-Governor, Bob Graham, dedicated the memorial on Veterans' Day, November 11, 1985.
“These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman. …”

—Thomas Paine, *The Crisis*, 1776
Acknowledgements

*If you see no reason for giving thanks, the fault lies in yourself.*

—Native American Proverb
This veterans’ advocacy toolkit is the product of a much individual and collective thought, dedication, and expertise. We would like to thank the following people for their support and individual contributions toward making this effort possible.

The following administrators and faculty members’ keen insight and probing questions helped us tailor a well-crafted message: Darby Dickerson, Dean and Vice President, Stetson University College of Law; Theresa J. Pulley Radwan, Associate Dean of Academics, Stetson University College of Law; Michael Farley, Assistant Dean, Stetson University College of Law; and Michael P. Allen, Professor of Law, Stetson University College of Law.

The following students contributed their time, comments, as well as research, writing and editorial skills to this project: Adam Nate, former U.S. Marine Corps servicemember, Stetson University College of Law; Chris Surmeier, Ninth Circuit Governor, ABA Law Student Division, University of San Diego School of Law; Lorin Kline, Fourteenth Circuit Governor, ABA Law Student Division, University of California School of Law; Caitlin Fitzgerald, Representative-Elect to the ABA Board of Governors, ABA Law Student Division, Loyola University Chicago School of Law; Lindsay Wickham, Stetson University College of Law; Elvis Santiago, U.S. Army servicemember, University of Florida Frederic G. Levin College of Law; and Sanjanette Scott, former U.S. Air Force servicemember, Florida A&M College of Law.

We also give special thanks and recognition to The John Marshall School of Law Veterans Legal Support Center and University of Detroit Mercy School of Law Veterans Clinic Project Salute for sharing information and best practices with us.
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Welcome
Dear New Veterans’ Advocacy Clinician:

On behalf of the ABA Law Student Division, we welcome you to clinical veterans’ advocacy and to *Duty Bound: Serving Those Who Served Us*, a national veterans’ service initiative. You have chosen what may be the perfect job. It permits the pursuit of social justice, the fostering of young lawyers, and a deeply satisfying and reflective law practice: all from the same office.

The range of administrative and legal hurdles injured servicemembers face when they return home is unacceptable. Timely access to accurate, useful, and critical information is seldom available making service delivery a frustrating and sometimes life-altering endeavor. We are pleased to assist you on your way to changing the lives of our nation’s bravest- the veterans and active duty members of our armed services.

To be sure, you will encounter challenges and obstacles as a clinician, but you have also set yourself on the path to a unique form of professional and personal fulfillment. The clinical world offers an enormous range and depth of support, encouragement and professional development. Remember, we’re here to help.

Welcome to the world of people engaged in solid, engaging work. We are very excited that you’ve decided to join us in improving the lives of American servicemembers and veterans. We look forward to getting to know you, and to working with you in the months and years to come.

Sincerely,

Chris Sprowls
Dear Colleagues:

This We’ll Defend— it’s the Army motto, which appears on the Department of the Army Emblem, which was adopted in 1974. The motto signifies the Army's constant readiness to defend and preserve the United States.

I have personally adopted the “This We’ll Defend" motto to represent LAMP’s commitment to serving military personnel and veterans. I also believe the motto captures the plan, intent, and mission to provide low- and moderate- income veterans with zealous, competent representation at no cost to the veteran. In 2008, the ABA Standing Committee on Legal Assistance for Military Personnel (LAMP) will figure prominently in many Law Student Division activities. The ABA Law Student Division Chair, Chris Sprowls, has made veterans affairs the ABA Law Student Division priority for the 2008 -2009 year.

In our own backyard, Chris and I—with the support of several fellow law students—are diligently working with our administration and faculty to create a pro bono Veterans’ Advocacy clinic at Stetson University College of Law. With a population totaling 1,746,539, Florida’s veterans’ population is second only to California’s, with 2,131,939 veterans. Our state is expected to have the largest veterans’ population in the nation by the year 2020.

On the national level, we are seeking to bring together existing efforts made on behalf of U.S. veterans and military servicemembers into a single, focused mission, which we’ve named Duty Bound: Serving Those Who Served Us. The goal of this national veterans’ service initiative is to make Duty Bound the keystone of a national service network comprised of pro bono attorneys and law students who are committed to providing free legal services to the women and men who have served in uniform.

We are happy you have chosen to join us honor our service personnel through advocacy. I am confident that together, This We’ll Defend.

Warm regards,

Vilma Martinez
Introduction

Law clinics provide a high-quality, low-cost legal aid solution for veterans and servicemembers. In addition to promoting veterans’ advocacy law at the university level, clinics also help to prepare the next generation of legal practitioners, decision makers, lobbyists, activists, and civil servants. Finally, clinics help to bring together different actors in the legal, administrative, and service communities. This kind of team-building has unlimited promise and immeasurable results.

We hope to provide you with the necessary background to understand the nature of a veterans’ advocacy clinic and give you the adequate foundation to propose and to create a successful veterans’ law clinic at your law school.
Summary

Thousands of veterans benefit claims are filed every year. In 2006 alone, the Veterans Benefits Administration (VBA) received over 800,000 claims.¹ 1.6 million additional claims are anticipated in the next two years. These claims are processed, in part, by overworked VA regional offices, Congressional offices, and veteran service organizations. Each year, thousands of veterans’ claims are denied. Once veterans have exhausted the administrative remedies that are available to them, they are often left with no other recourse other than to appeal these decisions in court. Many of these veterans are forced to pursue these appeals without legal assistance. Many lawyers turn away appeals on veterans’ claims because it is not economically beneficial for lawyers to take these kinds of cases. In 2007, 4,644 appeals were filed with the U.S. Court of Appeals for Veterans Claims. Of those claims 53 percent (2,461) of the litigants were unrepresented at filing.

In 2007, the Board of Veterans Appeals (BVA) received, 817 appeals claims.² With 43,000 appeals claims expected in the 2008 fiscal year,³ an estimated 2,279⁴ individuals may stand alone in the fight to recover the benefits to which many of them are legally entitled. Thankfully, there is something that we can do to help these deserving men and women.

The creation of a Veterans’ Advocacy Clinic would fill a void in most communities. Veterans who would ordinarily have a limited ability to seek legal representation would work with attorney-supervised law students and receive the level playing field they deserve. Our government has given us the tools necessary to accomplish this goal. Specifically, 38 U.S.C. Part 20.606 allows law students under the supervision of an attorney to represent veterans. Unfortunately, this regulation is largely underused and its potential remains unrealized.

This toolkit will help you demonstrate how a Veterans’ Advocacy Clinic would benefit veterans in your community, showcase your law school’s commitment to vigorous pro bono work, and give law students the benefits of a rich and rewarding legal experience.

¹Bilmes, Linda J., Professor, Kennedy School of Government, Harvard University, Statement to the House of Representatives Veterans Affairs Committee, Subcommittee on Disability (March 13, 2007). http://ksghome.harvard.edu/~lbilmes/paper/bilmes%20TESTIMONY%20House%20vets%2006.doc (accessed June 30, 2008). Professor Bilmes stated that these numbers “include both new claims from returning Operation Iraqi Freedom/Operation Enduring Freedom veterans as well as claims from veterans who are already service-connected, mostly for conditions that have worsened since their initial claim.”

²Department of Veterans Affairs, Board of Veterans Appeals, Report of the Chairman, FY 2007 at 19, Table: Cases Received at BVA FY 04 – FY 07 http://www.va.gov/Vetapp/ChairRpt/BVA2007AR.pdf (accessed June 30 2008).

³Id.

⁴This number is derived from the average number of unrepresented veterans between the 2006 and 2007 fiscal years.
Historical Overview

During the Civil War, President Abraham Lincoln affirmed our nation’s commitment “to care for him who shall have borne the battle, and for his widow and his orphan.” His eloquent words live on today as the mission of the Department of Veterans Affairs, the federal agency responsible for honoring our nation’s debt of gratitude to America’s patriots.⁵

From 1863 through 1988, a span of 125 years, no judicial recourse for veterans who were denied benefits existed.⁶ The Department of Veterans Affairs (DVA), formerly the Veterans Administration, was virtually the only administrative agency that operated free of judicial oversight.

Veterans whose claims for benefits were denied by the Veterans Administration were afforded no independent review of DVA decisions and were denied the right afforded many other citizens to go to court and challenge similar agency decisions. The Board of Veterans’ Appeals provided the final decision of what could be a long, arduous adjudication process for a veteran's claim. The United States Court of Appeals for Veterans Claims website explains:

The status quo of no judicial review of veterans claims persisted until an influx of post-Vietnam claims in the 1970s and 1980s directed the spotlight on an adjudication process that was in obvious need of reform. Individual veterans and advocacy groups increasingly pressed for some sort of judicial review of DVA agency decision-making. The House Committee on Veterans' Affairs consistently resisted efforts to alter the DVA’s unique status and noted that the Veterans Administration stood in “splendid isolation” as the single federal administrative agency whose major functions were explicitly insulated from judicial review.⁷

This left veterans and veteran advocacy groups feeling frustrated and powerless in their cause. After nearly three decades of debate, a veterans' court was finally created under Article I of the Constitution by the Veterans' Judicial Review Act on November 18, 1988. This Act eliminated the bar to judicial review and allowed lawyers to represent veterans, for a reasonable fee, after the claimant's case was initially decided by the Board of Veterans' Appeals (BVA). Once a claim has been decided by the BVA, veterans may hire lawyers and be represented in their appeal. Recent congressional legislation lifted the bar to paid legal representation while the claim is before the VA.

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⁵ Department of Veterans Affairs, Office of Budget, Our Mission


⁷ Id.
VA Adjudication

Over the years, federal benefits for veterans have evolved to meet their changing needs. For example, VA has established a “seamless transition” program to ensure that servicemembers returning from combat in Afghanistan and Iraq receive the information they need about VA benefits and services before they leave the military and begin the transition to civilian life.

Veterans of the United States armed forces may be eligible for a broad range of programs and services provided by the federal Department of Veterans Affairs. These benefits are articulated in Title 38 of the United States Code.

Eligibility for most VA benefits is based upon discharge from active military service under other than dishonorable conditions. Active service means full-time service, other than active duty for training, as a member of the Air Force, Army, Army National Guard, Navy, Marine Corps, Coast Guard, or as a commissioned officer of the Public Health Service, Environmental Science Services Administration or National Oceanic and Atmospheric Administration, or its predecessor, the Coast and Geodetic Survey. Generally, speaking, veterans with similar service are entitled to the same VA benefits irrespective of gender.

Dishonorable and bad conduct discharges issued by general courts-martial may bar VA benefits. Veterans in prison and parolees must contact a VA regional office to determine eligibility. VA benefits will not be provided to any veteran or dependent wanted for an outstanding felony warrant.

Veterans seeking to make a claim for VA benefits for the first time must submit a copy of their service discharge form, which documents service dates and type of discharge, provides personal information (full name, military service number), branch, and dates of service. The service discharge form should be kept in a safe location accessible to the veteran and next of kin or designated representative.

Veterans and other claimants for VA benefits have the right to appeal decisions made by a VA regional office or medical center. Typical veterans issues appealed are denials of disability compensation, pension, education benefits, and reimbursement for unauthorized medical services. See Figure 1 for a graphic representation of the veterans’ disability claim process.

A claimant has one year from the date of the notification of a VA decision to file an appeal. The first step in the appeal process is for a claimant to file a written notice of disagreement with the VA regional office or medical center that made the decision.

Following receipt of the written notice, the VA will furnish the claimant a “Statement of the Case” describing what facts, laws and regulations were used in deciding the case. To complete the request for appeal, the claimant must file a “Substantive Appeal” within 60 days of the mailing.

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8DD-214, DD-215, or WD Form (World War II veterans).
Figure 1. Veterans’ Disability Claims Process
Board of Veterans’ Appeals (BVA)\textsuperscript{9}

The Board of Veterans’ Appeals (also known as “BVA” or “the Board”) is a part of the VA, located in Washington, D.C. The Board was established in 1933 and operates by authority of, and functions pursuant to, Chapter 71 of Title 38, United States Code. The Board makes the final decisions on behalf of the Secretary for appeals from decisions from local Department of Veterans Affairs offices.

The Board is under the administrative control and supervision of a chairman directly responsible to the Secretary of the Department of Veterans Affairs. The Board also consists of a Vice Chairman and as many members as necessary in order to conduct hearings and dispose of appeals properly before the Board in a timely manner. Additionally, the Board employs as many professional, administrative, clerical, and stenographic personnel necessary to conduct hearings and consider, and dispose of appeals properly before the Board.

The Board’s current composition consists of 56 Veterans Law Judges (VLJs), 8 Senior Counsel, 240 staff counsel, and other administrative and clerical staff. The Board is comprised of four Decision Teams with jurisdiction over appeals arising from the VA Regional Offices (RO) and Medical Centers in one of four geographical regions: Northeast, Southeast, Midwest, and West (including the Philippines).\textsuperscript{10}

The Board’s mission is “to conduct hearings and dispose of appeals properly before the Board in a timely manner.” 38 U.S.C. § 7101(a). The Board’s function is to make final decisions on behalf of the Secretary on appeals from decisions of local Department of Veterans Affairs (VA) offices. The Board reviews all appeals for entitlement to veterans’ benefits, including claims for service connection, increased disability ratings, total disability ratings, pension, insurance benefits, educational benefits, home loan guaranties, vocational rehabilitation, dependency and indemnity compensation, and health care delivery.

To accomplish this, the Board reviews all appeals for entitlement to veterans’ benefits, including claims for service connection, increased disability ratings, total disability ratings, pension, insurance benefits, educational benefits, home loan guaranties, vocational rehabilitation, dependency and indemnity compensation, and health care delivery. Its decisions contain findings of fact, conclusions of law, provide the reasons for the decision, and result in an orders granting or denying relief. Although the Board is primarily an appellate body, it has de novo fact-finding authority.


\textsuperscript{10} United States Department of Veterans Affairs, Board of Veterans’ Appeals, Report of the Chairman, Fiscal Year 2007 at 2.
Although the Board has jurisdiction over a wide variety of issues and matters, the vast majority of appeals considered (about 96 percent) involve claims for disability compensation or survivor benefits. Examples of other types of claims that are addressed by the Board include: fee basis medical care, waiver of recovery of overpayments, reimbursements for emergency medical treatment expenses, education assistance benefits and vocational rehabilitation training, attorney fee matters, and insurance benefits.

Only the claimant may appeal a BVA decision. On appeal, the Board reviews decisions of the Agency of Original Jurisdiction (AOJ)\textsuperscript{11} that have been appealed. The Board generally renders a decision, although it may also direct further development of the evidence and re-adjudication of the claims at issue by the AOJ. The Board’s ultimate goal is to issue quality decisions in compliance with the requirements of the law, including the precedential decisions of the United States Court of Appeals for Veterans Claims (USCAVC) and other federal courts.

The first step in the appeal process is for a claimant to file a written appeal with the local VA regional office or medical center that made the decision. This is not a special form; it is simply a written statement that states the claimant disagrees with the local VA office's claim determination and that the claimant wants to appeal it.

After receiving the appeal, the VA will mail the claimant a Statement of the Case describing what facts, laws and regulations were used in deciding the case. A VA Form 9 (Appeal to the Board of Veterans Appeals)\textsuperscript{12} will be included with the Statement of the Case.

If the claimant wishes to continue the appeal, the claimant must complete and submit the VA Form 9 within 60 days of the mailing of the Statement of the Case, or within one year from the date the VA mailed its decision, whichever is later. A completed VA Form 9 is sent to the local VA office handling the case; the office will file this and all related information in a claims folder, and will eventually forward it to the Board of Veterans Appeals for review.

The regional VA office will send the claimant a letter when they receive the claims folder. The claimant has 90 days from the mailing date of this letter, or from the date of the Board’s decision on the case (whichever comes first), to add more evidence to a file, request a hearing, or to select or change a representative.

Generally, the Board processes appeals files in the order received. It will assign a docket number to each case. For example, if a claimant’s appeal is the very first appeal to be reviewed in the year 2008, it would have docket number 08-00001. Thus, the larger the docket number, the longer a claimant may have to wait for the case to be reviewed. See Figure 2 for a graphic representation of the appeals process.

\textsuperscript{11} The AOJ is usually the Department of Veterans Affairs regional office, medical center, or clinic that notified the claimant of the action taken. \textit{See generally} 38 U.S.C. § 19 (2008).

\textsuperscript{12} Department of Veterans Affairs Form 9, Appeal to the Board of Veterans’ Appeals, OMB No. 2900-0085. \url{http://www.va.gov/vaforms/va/pdf/VA9.pdf} (accessed July 1, 2008).
Figure 2. The Appeals Process.

1. NOTICE OF DISAGREEMENT
   VA REGIONAL OFFICE
   Filed with VA Regional Office (RO) handling the original claim.

2. STATEMENT OF THE CASE
   After receiving the appeal, the VA will mail the claimant a Statement of the Case describing what facts, laws and regulations were used in deciding the case. VA Form 9 (Appeal to the Board of Veterans' Appeals) will be included with the Statement of the Case.

3. APPEAL (VA FORM 9)
   VA Form 9 is filed with the local RO handling the claim within 60 days of the mailing of the Statement of the Case, or within one year from the date the VA mailed its decision, whichever is later. The RO forwards this to the Board of Veterans' Appeals for review.

4. BVA DECISION

5. BOARD OF VETERANS' APPEALS

6. VETERAN
   Initiates appeals process

7. CAVC
U.S. Court of Appeals for Veterans Claims (CAVC)\textsuperscript{13}

Originally named the United States Court of Veterans Appeals, the Court’s name was changed effective March 1, 1999, by the Veterans’ Programs Enhancement Act of 1998 (Pub.L. No. 105-368). The seven active judges on the Court are appointed by the President, and confirmed by the Senate to serve either thirteen or fifteen year appointments. The law that created the Court is in chapter 72 of title 38, United States Code.

The CAVC is quite unique in that very few federal courts have been created since the ratification of the Constitution. For the sixth time in our nation’s history, Congress established a court of national jurisdiction without geographical limits. Congress created the CAVC under Article I of the Constitution by the Veterans’ Judicial Review Act (Pub.L. No. 100-687) on November 18, 1988.

The Court reviews certain BVA decisions, but it is not part of the VA. It does not hold trials, receive new evidence, or hear witnesses. It reviews BVA decisions, the written record, and the briefs of the parties. Appellants do not need to come to Washington, D.C. for appeals.

U.S. Court of Appeals for the Federal Circuit\textsuperscript{14}

Both the veteran and the Secretary may appeal CAVC decisions to the United States Court of Appeals for the Federal Circuit (Federal Circuit) and, ultimately, to the United States Supreme Court. The Federal Circuit was established under Article III of the Constitution on October 1, 1982 and by merger of the United States Court of Customs and Patent Appeals and the appellate division of the United States Court of Claims.

The Federal Circuit is unique among the thirteen Circuit Courts of Appeals. It has nationwide jurisdiction in a variety of subject areas, including international trade, government contracts, patents, trademarks, certain money claims against the United States government, federal personnel, and veterans' benefits. Appeals to the court come from all federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Appeals for Veterans Claims. The scope of the Federal Circuit’s review of a CAVC decision is limited by statute.\textsuperscript{15}

\textsuperscript{13} http://www.vetapp.uscourts.gov/ (accessed June 30, 2008).

\textsuperscript{14} See footnote 12, supra.

\textsuperscript{15} 38 U.S.C. § 7292 describes the various points in which a decision becomes final. If no appeal is taken, the original decision becomes final once the time allotted to appeal has expired. If notice is filed within the time allotted, then the decision becomes final when the time allowed for filing a petition for certiorari with the Supreme Court of the United States ends, if the decision of the Court of
Under § 7292(a), the Federal Circuit may review a decision by the CAVC with respect to the validity of “any statute or regulation . . . or any interpretation thereof (other than a determination as to a factual matter) that was relied on by the [CAVC] in making the decision.” The Federal Circuit must affirm a CAVC decision unless it is “(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations, or in violation of a statutory right; or (D) without observance of procedure required by law.” Further, absent a constitutional issue, it may not review challenges to factual determinations or challenges to the application of a law or regulation to facts. Federal Circuit review of CAVC’s interpretation of statutes and regulations is *de novo*.

Appeals for Veterans Claims is affirmed or the appeal is dismissed by the United States Court of Appeals for the Federal Circuit and no petition for certiorari is filed; The denial of a petition for certiorari is denied; or 30 days have passed from the date of issuance of the mandate of the Supreme Court, if that Court directs that the decision of the Court of Appeals for Veterans Claims be affirmed or the appeal dismissed.

National Data

The aggregate data and findings about veterans for this section were obtained from the Department of Veterans Affairs Veteran Data and Information website, managed by Department of Veterans Affairs Office of Policy. The information provided includes socio-economic data, the demographic characteristics of veterans, the geographical distribution of the veteran population, and other statistical data and information by veteran program. The Office of Policy continually updates its site based on the most recent data from veterans’ surveys and other research. For more information, please visit http://www1.va.gov/vetdata/ (last accessed June 30, 2008).
### VA Benefits & Health Care Utilization

Updated 05/02/08

<table>
<thead>
<tr>
<th>Metric</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Veterans Receiving VA Disability Compensation (as of 03/31/08)</td>
<td>2.9 M</td>
</tr>
<tr>
<td>Number of Veterans Rated 100% Disabled (as of 03/31/08)</td>
<td>272,425</td>
</tr>
<tr>
<td>Number of Veterans Receiving VA Pension (as of 03/31/08)</td>
<td>318,801</td>
</tr>
<tr>
<td>Number of Spouses Receiving DIC (as of 03/31/08)</td>
<td>319,408</td>
</tr>
<tr>
<td>Number of Total Enrolees in VA Health Care System (FY 07)</td>
<td>7.8 M</td>
</tr>
<tr>
<td>Number of Total Unique Patients Treated (FY 07)</td>
<td>5.5 M</td>
</tr>
<tr>
<td>Number of Veterans Compensated for PTSD (as of 12/31/07)</td>
<td>308,402</td>
</tr>
<tr>
<td>Number of Veterans in Receipt of IU Benefits (as of 03/31/08)</td>
<td>242,483</td>
</tr>
<tr>
<td>Number of VA Education Beneficiaries (FY 07)</td>
<td>523,344</td>
</tr>
<tr>
<td>Number of VA Veteran Life Insurance Beneficiaries (as of 09/30/07)</td>
<td>1,695 M</td>
</tr>
<tr>
<td>Number of VA Voc Rehab (Chapter 31) Trainees (as of FY 07)</td>
<td>52,477</td>
</tr>
<tr>
<td>Number of Home Loans Guaranteed by VA (cumulative as of 03/31/08)</td>
<td>2.1 M</td>
</tr>
<tr>
<td>Number of Health Care Professionals Rotating Through VA (FY 07)</td>
<td>101,404</td>
</tr>
<tr>
<td>Number of OEF/OIF Ampuettees (as of 12/31/07)</td>
<td>744</td>
</tr>
</tbody>
</table>

Source: DVA Information Technology Center, Health Services Training Report, VBA Education Service; 1 VHA (10A5); DOD; 2 Statistic is only available through 12/31/07

### Veterans Demographics

<table>
<thead>
<tr>
<th>Metric</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Projected U.S. Veterans Population</td>
<td>23,816,000</td>
</tr>
<tr>
<td>Projected Number of Living WW II Veterans (as of 9/30/2007)</td>
<td>2,911,900</td>
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<tr>
<td>Percentage of Veteran Population 65 or Older</td>
<td>39.1%</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Race</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>80.0%</td>
</tr>
<tr>
<td>Black</td>
<td>10.9%</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>1.4%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>5.6%</td>
</tr>
<tr>
<td>American Indian/Alaska Natives</td>
<td>0.8%</td>
</tr>
<tr>
<td>Other</td>
<td>1.3%</td>
</tr>
</tbody>
</table>

### About VA

<table>
<thead>
<tr>
<th>Metric</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of VA Employees</td>
<td>263,350</td>
</tr>
<tr>
<td>Number of VA Medical Centers</td>
<td>153</td>
</tr>
<tr>
<td>Number of VA Community-Based Outpatient Clinics (CBOC)</td>
<td>732</td>
</tr>
<tr>
<td>Number of VA Vet Centers</td>
<td>209</td>
</tr>
<tr>
<td>Number of VBA Regional Offices</td>
<td>57</td>
</tr>
<tr>
<td>Number of VA National Cemeteries</td>
<td>125</td>
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#### FY08 Appropriations

<table>
<thead>
<tr>
<th>Appropriations (actual)</th>
<th>VA: $73.6B</th>
<th>VHA: $31.0B</th>
<th>VBA-GOE: $1.08B</th>
<th>NCA: $150M</th>
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<tr>
<td>FY07 Appropriations (enacted)</td>
<td>VA: $50.0B</td>
<td>VHA: $35.3B</td>
<td>VBA-GOE: $1.33B</td>
<td>NCA: $190M</td>
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</tbody>
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Source: Office of Policy and Planning National Center for Veterans Analysis and Statistics (GOBA3); Veterans Population as of 09/30/07: VA Employ Pay Status Count 03/31/08; Veterans Affairs Site Tracking (VAST) 12/31/07; NCA as of 03/31/08; Office of Budget; Health Services Training Report FY07; 1 Includes MCCF; 2 Includes DOD

Medical care with MCCF
Current Representation
38 U.S.C. § 5904. Recognition of agents and attorneys generally

This section recognizes the power of the Secretary to evaluate an agent or attorneys competence, moral character, and reputation before allowing that person to represent the claimant. It also authorizes the Secretary to take away that recognition if a situation arises where it would be appropriate. This section also outlines when certain fees can be paid to agents or attorneys in connection with a complaint. When a claimant and an attorney have entered into a fee agreement as outlined in this section, the total fee payable to the attorney may not exceed 20 percent of the total amount of any past-due benefits awarded on the basis of the claim.20


This section subjects a person to fine, imprisonment or both if the person attempts to charge a fee to a claimant besides what is described in §5904. Anyone who attempts to wrongfully withhold any benefits or claim from a rightfully owed claimant will also be subject to fine, imprisonment, or both.


This section establishes a veteran’s right to representation when appealing to the Board of Veterans’ Appeals the decision of an activity or administration within the Department of Veterans Affairs. The right to representation vests in the veteran immediately upon the denial of benefits by any agency of original jurisdiction, which includes the Veterans Benefits Administration, Veterans Health Administration, or National Cemetery Administration. Service organizations and persons certified by Veterans Affairs and designated by the veteran, as well as attorneys-at-law in good standing with a State bar, and other authorized personnel may represent the veteran before the Board of Veterans’ Appeals.


This section provides three different means by which an attorney-at-law may represent a veteran appealing to the Board of Veterans’ Appeals.

First, the veteran can designate an individual attorney, but not a firm or partnership, as a representative for a specific claim, a portion of, or all claims with some or no restrictions—no restrictions being the default in the absence of instructions to the contrary. The methods of designation can be pre-printed Veterans Affairs forms or powers of attorney drafted by the attorney bearing the signature of the veteran, or in the case of a single

20 Although this section provides that an attorney may be paid fees to represent a veteran, it is Duty Bound’s mission to ensure that veterans receive competent pro bono representation in order to maximize benefit to the represented veteran and enrich the law student practice program and foster a commitment to pro bono practice in this area of the law.
claim, the attorney’s own statement on letterhead will gain access to pertinent records. Legal interns, law students and paralegals cannot be designated under this provision.

Second, an attorney in the employ of a recognized service organization can represent a veteran who designated that organization. If the attorney is not accredited with that organization, a written authorization from the veteran must acknowledge the substitution of the attorney for an accredited agent.

Third, if the veteran had designated an attorney for the appeal, the veteran may also authorize another affiliated or associated attorney to assist the attorney of record, subject to restrictions imposed by the presiding member of the Board. All letters of designation are valid upon receipt by the entity collecting evidence in the appeal, and remain so until rescinded.
Law Student Representation
Local Rules Affecting Law Student Representation

A majority of states have implemented “third-year practice” acts, which permit law students (sometimes known as Certified Legal Interns, or CLIs) under lawyer supervision to represent indigent or low-income clients. Obtaining the client’s informed consent in writing is a mandatory condition precedent to law-student representation. Contact your local state and county bar associations to ensure compliance rules and regulations regarding law-student practice.

For example, Florida has implemented “The Law School Practice Program,” which is governed by Rule 11 of the Rules Regulating the Florida Bar. An excerpt from Rule 11 is provided below.

**RULE 11-1.3 REQUIREMENTS AND LIMITATIONS**

In order to make an appearance pursuant to this chapter, the law student must:

(a) have registered with the Florida Board of Bar Examiners as a certified legal intern registrant; have paid the $75 fee for such registration if the registration is completed within the first 250 days of the registrant's law school education or $150 if the registration is filed after the 250-day deadline; and have received a letter of clearance as to character and fitness from the Florida Board of Bar Examiners; any fee paid under this subdivision shall be deducted from the applicable application fee should the certified legal intern registrant subsequently decide to apply for admission to The Florida Bar;

(b) be duly enrolled in the United States in, and appearing as part of a law school practice program of, a law school approved by the American Bar Association;

(c) have completed legal studies amounting to at least 4 semesters or 6 quarters for which the student has received not less than 48 semester hours or 72 quarter hours of academic credit or the equivalent if the school is on some other basis;

(d) be certified by the dean of the student's law school as being of good character and competent legal ability and as being adequately trained to perform as a legal intern in a law school practice program;

(e) be introduced to the court in which the student is appearing by an attorney admitted to practice in that court;

(f) neither ask for nor receive any compensation or remuneration of any kind for the student's services from the person on whose behalf the student renders services, but this shall not

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prevent a state attorney, public defender, legal aid organization, or state officer or governmental entity from paying compensation to the eligible law student (nor shall it prevent any of the foregoing from making such charge for its services as it may otherwise require); and

(g) certify in writing that the student has read and is familiar with the Rules of Professional Conduct as adopted by this court and will abide by the provisions thereof.

Federal Regulations and Rules Affecting Law Student Representation of Veterans’ Claims

The following summaries from the Code of Federal Regulations and excerpt from the Rules of Practice and Procedure for the U.S. Court of Appeals for Veteran Claims lay out the procedure by which a law student can represent a veteran in an appeal or hearing.


This section provides the authority for “[a]ny competent person [to be] recognized as a representative for a particular claim...” Designating an individual to act as an appellant's representative may be made by executing a VA Form 22a, "Appointment of Attorney or Agent as Claimant's Representative." This form gives the individual power of attorney to represent the appellant in all matters pertaining to the presentation and prosecution of claims for any and all benefits under laws administered by the Department of Veterans Affairs. The designation of a representative may also be made in writing, such as a letter, signed by both the appellant and the individual representative. The writing must include certain specifics, such as the name of the veteran; the name of the appellant if other than the veteran (e.g., a veteran's survivor, a guardian, or a fiduciary appointed to receive VA benefits on an individual's behalf); the applicable Department of Veterans Affairs file number; the name of the attorney-at-law; the consent of the appellant for the use of the services of legal interns, law students, or paralegals and for


This section allows a legal intern, law student, or paralegal will assist in the appeal with written consent from the appellant. The written consent must include the name of the veteran; the name of the appellant if other than the veteran (e.g., a veteran's survivor, a guardian, or a fiduciary appointed to receive VA benefits on an individual's behalf); the applicable Department of Veterans Affairs file number; the name of the attorney-at-law; the consent of the appellant for the use of the services of legal interns, law students, or paralegals and for
such individuals to have access to applicable Department of Veterans Affairs records; and the names of the legal intern(s), law student(s), or paralegal(s) who will be assisting in the case.

In order to prepare and present cases before the Board of Veterans’ Appeals, this section also requires direct attorney supervision of legal interns, law students and paralegals.

This section also provides authority for legal interns, law students and paralegals to participate at a hearing before the Board in Washington, DC. The section limits the number allowed to participate and make oral arguments and permission to participate must be made in advance in writing. Most importantly, the section prevents legal interns, law students or paralegals from presenting oral arguments at hearings either in the field or in Washington, DC, unless the recognized attorney is present.

U.S. Court of Appeals for Veterans Claims Rule 46(f)-Appearance by Law Students.\(^{22}\)

(1) General. An eligible law student, with the written consent of the appellant and the attorney of record, who must be a member of the bar of the Court, may appear in the Court as provided in this subsection.

(2) Participation defined. An eligible law student may participate in the preparation of briefs and other documents to be filed in the Court, but such briefs or documents must be signed by the attorney of record. The student may also participate in oral argument with leave of the Court, but only in the presence of the attorney of record. The attorney of record must assume personal professional responsibility for the law student's work and for supervising the quality of his or her work. The attorney must be familiar with the case and prepared to supplement or correct any written or oral statement made by the student.

(3) Conditions of appearance. In order to make an appearance pursuant to this rule, the student must --

(A) be duly enrolled in a law school approved by the American Bar Association;

(B) have completed legal studies amounting to at least four semesters, or the equivalent if studies are scheduled on other than a semester basis;

(C) be certified, by the dean of the law school in which the law student is enrolled, as being of good character and competent legal ability (this certification must be filed with the Clerk and may be withdrawn at any time by the dean, upon written notice to the Clerk, or by the Court, without notice or hearing and without any showing of cause);

(D) be introduced by the attorney of record in the case;

(E) neither ask for nor receive any compensation or remuneration of any kind for his or her services from the person on whose behalf such services are rendered, but this will not prevent an attorney, legal aid bureau, law school, a state, the District of Columbia, or a United States territory or commonwealth

within the meaning of 48 U.S.C. § 1904(e)(5), or the United States from paying compensation to the eligible law student, nor will it prevent any agency from making such charges for its services as it may otherwise properly require;

(F) certify in writing that he or she has read and is familiar with the code of professional responsibility or rules of professional conduct in effect in the state or jurisdiction in which the student's law school is located and with the rules governing practice in the Court (see Rule 4 of the Rules of Admission and Practice.
Before You Begin

Authors' Note:

Does my law school need a veterans’ advocacy clinic?

This is a great question. In order to answer it, there are some additional questions you first need to consider:

1. Is there a professor from the university law department and a trained lawyer interested and willing to assume full responsibility for the clinic?
2. Are students interested?
3. Is there a client base that will benefit from the work of the clinic? In other words, is there a high-veterans’ population in your area? If not, might you consider partnering with law schools in other areas that have a broader reach?
4. Does your state bar association have a law-student (third-year) practice regulations? If so, what do the regulations say about who can provide legal aid (attorneys, advocates, lawyers, counselors, paralegals, students)? Under what circumstances can these individuals provide this aid?
5. What are the existing veterans’ organizations in your area and how can they help you establish a client base? How can you help them meet their service needs?
6. Will your clinic focus on the VA benefit claim process or the Appeals process or both? These are different processes that would require and build different skill sets.
7. Will this be a bricks-and-mortar clinic (on campus or some other location)? If so, how will veterans access it?
8. Do you have a one- to five-year budget plan?
9. What are your sources of short- and long-term funding?
10. Is your law school administration and faculty on board? This is possibly the most critical element of consideration in making your proposal for establishing a veterans’ advocacy clinic at your school.

Of course, these are the minimum considerations you should begin discussing with your faculty, staff, student organizations, board of directors, and law school leadership. We have outlined the steps we believe are critical to helping you find answers to these questions.
Starting, sustaining and growing a veterans’ advocacy law clinic

What clinical legal education does

In clinical legal education, students combine research, advocacy, policy, and practice to improve life in their communities. The clinic experience allows students and faculty to blend theoretical and practical aspects of law practice to sharpen their expertise while providing much-needed legal assistance. Students work with lawyers, government officials, and community representatives on cases and projects, meet with clients, conduct research, take part in government forums, and develop policy.

What a veterans’ advocacy clinic does

A veterans’ advocacy clinic provides a unique experience and forum in which student-lawyers to apply their skills to solve complex problems for their clients. Clinical projects consist of practical tasks and structured opportunities that will lead to enlightened career planning.

The clinic is designed to orient veterans to the rights and benefits they might have under the Veterans Bill of Rights and to provide legal representation to veterans in their claims before the United States Court of Appeals for Veterans Claims Federal Administration. The clinic also refers its clients to the corresponding agencies who provide services not provided by the clinic and follows up with the veteran to ensure continuity of care and efficient delivery of services.
The first steps

Step 1: Community Assessment

In order to begin developing your clinic, you need to evaluate the needs of your local veteran community and the legal, legislative and institutional structures providing them services support.

A veterans’ law clinic might not be feasible in if:

1. Little to no interest on the part of professors, lawyers, or students exists
2. Prohibitive laws regarding law student practice (information, counseling and representation) exist
3. No client base exists
4. No funding base exists

These potential issues should be carefully considered when you begin to look toward investing resources in a clinic project, but they do not necessarily operate as a total bar to establishing a veterans’ advocacy clinic. For example, a lack of interest might be a matter of a lack of information and education. To generate interest, we suggest having veterans’ law primer for professors, lawyers and students or holding a panel on veterans’ health and benefits, homelessness, foreclosure, or debt reduction. Invite the community to participate.

If the number of veterans and service personnel in your community is negligible, it might not be a good idea to introduce an additional actor into the mix. A full-fledged clinic might also be poor distribution of your school’s resources. Coordinate with school administrators, Veterans of Foreign Wars (VFW) Posts, VA Hospitals, Veterans Service Organizations (VSOs), and local homeless shelters to offer legal and non-legal pro bono opportunities to students interested in veterans’ law.

Step 2: Human Resource Needs Assessment - The “Clinic Team”

Any law clinic's strength—the clinic's “engine”—rests with the director, advising law professor, and the supervising lawyer(s). If you have found capable persons (or if they have found you) willing to invest their time and energy in the clinic, you are halfway there.

The most difficult part of clinic development is to find a director, professor, and lawyer(s) with the skills and time to continually energize the clinic and its students. If you have not found these persons, the clinic cannot succeed.

The director need not be a lawyer, but should be intimately familiar with the veterans’ advocacy process and have had some experience with the administrative processes. If this individual is a lawyer, the ideal candidate will have practiced in administrative law and veterans’ appeals and should have some experience with
managing a clinic or law office. The director should also be aware of the national obligations regarding data protection, and should be willing to share experiences with other members of the clinic. The director will also be responsible for the policy making of the clinic, for example making students aware of the ramifications to the clinic of a lost file or three-hour long distance phone call or failure to properly respond to client inquiries.

The advising professor need not be a veterans’ law expert, but must, at least a professor of law, and willing to learn the basics of veterans’ advocacy law before the clinic opens its doors.

The supervising lawyer(s) should be familiar with the national administrative procedures and have several years of practical and teaching experience.

Veterans’ advocacy law clinics are ultimately for the students and the veterans they represent. We stress, however, that the motivation and ownership of the clinic needs to rest with the Clinic Team. This has a great deal to do with the accountability, consistency, and quality control of the clinic. As an actor in the veterans’ advocacy system, a successful clinic can provide high quality service and broaden the field of legal aid providers for those in need. However, a clinic that is poorly managed, or not managed at all, can poison community relations, damage the law school’s reputation, and further embroil veterans in the tangle of the administrative system.

This can be avoided with a competent and responsible Clinic Team.

**Step 3: Developing a “Mission Statement”**

Once you have identified your Clinic Team, the next step is to determine the identity of the clinic. The Mission Statement should be a brief overview of the purpose of the clinic and should be seen as a guide throughout the development stages of your clinic. The Mission Statement should be referred to when questions arise.

We recommend that you sit with your Clinic Team to develop a Mission Statement and brainstorm and discuss the type of veterans’ law clinic you would like to establish. Remember that a Mission Statement that is too broad or too detailed will not serve its purpose. Focus on the following elements:

1. Target group of your clinic (e.g. local or national, serving disabled veterans, veterans needing appellate representation, veterans making a first-time claim for benefits, veterans seeking state benefits and Social Security Disability benefits, etc.);

2. Nature of services (high quality, low cost);

3. Type of services provided (e.g. legal information counseling, representation); and

4. Goal of your clinic (e.g. unique learning experience for students, legal aid for those in need, expanding social and legal services for veterans).
Think about the needs of your veterans’ community and the delivery systems in place. This will help in the Mission Statement development process. Your Mission Statement becomes your most valuable outreach and public relations tool; therefore, it should be accessible and clear.

More concrete details about the clinic should come in the form of internal guidelines and regulations.

**Sample Proposed Mission Statement, Stetson University College of Law:**

The Veterans’ Law Clinic at Stetson University College of Law seeks to provide law students with comprehensive clinical experience before a federal administrative agency and the U.S. Court of Appeals for Veterans Claims, while simultaneously serving low-income veterans by providing pro bono, zealous representation by students from our nation’s top trial advocacy school.

**Sample Mission Statement, University Detroit Mercy (UDM) Law School:**

To maximize the reach and impact of UDM Law’s national MLO tour, a number of local attorneys and legal support groups will be assisting low-income veterans exclusively with federal benefits in a pro bono capacity in each city. During the tour, UDM Law will provide training on federal benefits issues to attorneys around the nation who are willing to donate time to assist veterans on a pro bono basis. The law school is also asking additional law firms and attorneys across the country to volunteer providing pro bono assistance to veterans.

**Step 4: Internal Guidelines and Rules of Procedure**

Your Mission Statement gives you direction. Your internal guidelines and your rules of procedure provide you with the day-to-day game plan. We recommend a general set of internal guidelines at first, based on the following principles:

1. The quality of the legal aid provided to asylum seekers will depend on record-keeping, confidentiality and case management; therefore, the clinic should be managed as if it were a professional law office.

2. The clinic should provide a service to the asylum seeker as well as be a valuable educational experience for the student. Therefore, students in the clinic should receive credit towards graduation.

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3. Legal aid provided by the students through the clinic must be free of charge.

4. No legal aid should be administered by the students of your clinic without supervision from a licensed attorney familiar with the veterans’ advocacy process.

5. The clinic should seek to be financially independent from the law school, exercising its own managerial controls and organizing its own fundraising.

Issues such as student profiles, student supervision, developing lawyering skills, case selection-rejection, office regulations, etc. will develop as the clinic grows and attracts students and clients. Do not rush to lay down all regulations. Allow the Clinic Team to develop these guidelines together, based on your own practice and lessons learned from other clinics.

Step 5: Logistical, Managerial and Technical Needs

Once the Mission Statement is written, the Clinic Team should conduct a comprehensive overview of the logistical, managerial and technical needs of the clinic. Once your needs have been established, take stock of your existing resources and acquire the ones you still need. Look to local or national sources of support. There might be a law office or computer firm which has an interest in supporting the work of the clinic or consider requesting donations from large retailers in the local area.

At a minimum, the Clinic Team should consider the availability of the following resources:

- Office space and separate client in-take/interview room (both lockable)
- Telephone(s) and answering system
- Work table(s) and chairs
- Files and filing cabinets (with locks)
- Electronic Storage
- Computer(s) with Internet connection (consider leasing versus buying)
- Printer(s)
- Fax machine or Internet-based fax service
- Copy machine(s)
- Overview of national legislation and procedures
- Copies of relevant forms, documents and requirements
- Software and licensing (e.g. Microsoft Office)
- Technical Support (e.g. contract, as needed/on-call, or dedicated staff person)
- Office Supplies (e.g. pens, notepads, etc)
- Website
**Step 6: Developing the Theoretical Course Curriculum**

What your clinic includes in the theoretical course depends very much on your Mission Statement. We would like to suggest the following basic elements for any veterans’ law theoretical course curriculum:

- Introduction: Mission Statement, terminology, historical overview (part of the clinic training session).
- Client Confidentiality, Pro Bono Ethics, and Professional Responsibility
- Interviewing, Counseling, and Negotiation
- Veterans’ Law I: This type of course should provide an overview of veterans benefits; administration of veterans’ benefits; overview of veterans’ eligible service; medical concepts and terminology; and making a claim for veterans’ benefits.
- Veterans’ Law II: This course should build on the teaching in Veterans’ Law I with more advanced concepts, including an introduction to administrative law and remedies, introduction to the Department of Veterans Affairs system, the Board of Veterans Appeals, provide an overview of the military compensation scheme, judicial review and the appellate process.

Each section or element of the curriculum will naturally include a reading list, resource material, teaching and classroom aids, guest lecturers and seminars. It is also recommended that the clinic have various roles (administrative and advocate roles), which involve second- and third-year law students. Having students commit to the clinic improves client relationships and provides continuity of representation to your clients.

Again, how your curriculum develops depends very much on your Mission Statement. Your curriculum will no doubt carry with it certain costs (copies, subscriptions to law journals, textbooks, etc.). These costs need to be calculated and included in the overall budget of the clinic.

**Step 7: Budgeting**

Once your needs assessment (Step 5) is complete and you have assessed the managerial and classroom needs, you should demonstrate those needs in a budget. Your clinic budget serves not only as a list of the clinic’s costs and revenue (if any) but also serves as an effective fundraising tool.

Your budget should be a one-year/two-year cost break down of all needs. Determine which needs are on-going or overhead costs such as rent, utilities, subscriptions, text books, computer paper, maintenance contracts for equipment, insurance, etc., and which costs are “one-shots” or non-reoccurring such as computers, printers,
hardware and software. Be mindful of keeping a contingency fund in mind when preparing your budget so that you can maintain a certain degree of flexibility.

Be sure to give careful consideration to “fixed costs”—such as rent (if applicable) and the salaries for the director, lawyer, professor, and staff. Even if this work is done on a volunteer or reduced-fee basis, include these in your projected costs. This shows commitment and a willingness on the part of your Clinic Team to invest time and energy in the clinic.

Important Note: The financial responsibility of the clinic should rest with the clinic executive director. You will need to develop guidelines to ensure that the clinic spends its money wisely and is accountable to its funders and donors.

Step 8: Fundraising and Financing

The university that hosts your clinic should contribute the space for the clinic as well as cover some of the fixed costs associated with running the clinic. In this regard, the host university is known as your clinic’s “parent organization.” A good relationship with your parent organization is most important and should be maintained for the benefit of both the clinic and the university.

Raising funds from sources outside of your parent organization is both a challenge and a necessity. One hint is to look for those organizations that share your interests or have a similar mission. Lawyers’ associations, legal aid groups, government agencies, private donors, and foundations should all be considered.

Remember that the first financial concern is to raise funds for those necessary costs associated with running a professional law office. Your time resources will be limited, and you will not be able to contact every possible donor. Networking with other clinics may save you time and resources.

Step 9: Recruitment and Outreach

Having the clinic as an element of the law school curriculum is the best way to promote your clinic. As mentioned above, a veterans’ law clinic teaching or information session is one way to reach students. Proposing the clinic idea to a law students’ association is another possible way to reach out to potential clinic students.

Professors are also a good source of recruitment support. It is important that the professors are aware of the clinic, that they know its Mission Statement, and what it does. Regular briefings for faculty members should be encouraged, especially for those departments which complement the mission of the clinic (family law, labor law, healthcare law, elder law, etc.). If your law school is part of a larger university system, inviting undergraduate students to participate in clinic exercises may also provide additional outreach opportunities.
Regarding clients, it is important to approach the local and state bar associations, veteran service organizations, VA hospitals and medical clinics, nursing homes, and legal aid clinics to inform them of your clinic plans. This should help to create a client base. In addition, the government agency or agencies responsible for handling benefit claims applications should be made aware of your clinic. You should provide these contacts with posters or pamphlets explaining your clinic’s Mission Statement and goals. This material should be updated and redistributed when necessary.

You should also inform the actors in the national legal aid structure, in particular those international organizations working in your country. They represent a potential source of clients as well as a potential source of funds.

Contact physicians and social service providers in your area to determine whether they provide or would consider providing services to veterans. Inform these providers that you are considering keeping a “referral list” of medical and social service agencies to provide prospective clients and would like to include them on the referral list.

**Step 10: Assessment and Quality Control**

Having a diligent executive director and thorough supervisory lawyer is the best way to maintain control over the quality of the clinic and the work of its students.

Each prospective client should have the opportunity to meet with the supervisory lawyer and no case should leave the clinic without the supervisory lawyer’s agreement regarding intake decisions. This also protects the reputation of the clinic in addition to providing the veteran with professional and competent legal aid.

Supervision of the clinic students and their case load is an excellent form of assessment and quality control. Supervision should include a feedback session where the students as a group, or on an individual basis, discuss the issues and complexities of a case with a lawyer. The lawyer should have the opportunity to review the case in order to point out potential problems and recommend solutions. The clinic supervisory lawyer might also consider supervision as a means to increase the quality of her or his work.

An additional element of quality control will develop once the clinic is networked into the legal aid community and the community at large. Other organizations will have the opportunity to observe, comment on and learn from the work of the clinic.

Receiving repeat referrals from an organization is one means of assessing the quality. In addition, cases taken by clinic students that overturn decisions or set legal precedents may be considered another indicator for assessing quality.
Clinic Plan & Structure
Clinic Plan

Oversight

In order to secure that the program is operating efficiently, the Clinic structure should include a board of advisors to make independent recommendations to the clinic’s Executive Director and to keep the law school apprised on the current status of the Clinic as well as. The Board should consist of professors, leaders in local veteran service organizations, legislators, and other civic leaders with a vested interest in the success of the Clinic. A diverse Board will ensure that the Clinic is adequately addressing the complex needs of veterans within the community.

Participation

The Clinic should partner with local veterans service organizations and legislative offices to coordinate advocacy efforts and inform local veterans about the clinic and the service that it could provide for them. Partnering with these entities will ensure that the message that there is help for veterans in our community is reaching those individuals who will benefit from it the most.

Budget

The law school should seek funds from The State Department of Veteran Affairs, veterans service organizations, as well as federal grants. For example, the Illinois Department of Veteran Affairs provided John Marshall with a $100,000 grant to begin their veterans’ advocacy clinic. The department was aware of the expanding need for legal representation within the veteran community as well as the high quality representation that veterans could receive from law students.

State and Federal legislators have a compelling reason to financially support such a program. Legislative offices and government agencies are overworked with veteran claims and can do little once the administrative remedies have been exhausted.

Review and Assessment

The Clinic should publish an annual report to be drafted and completed by the board of overseers and any staff that is employed by the clinic. The report will outline how the Clinic is meeting the needs of veterans in the Tampa Bay area; provide statistical data as to how many veterans were assisted in the reporting period as well as a comprehensive analysis of the Clinic’s efficiency and any changes that need to be implemented.

24 Smaller institutions must consider whether grant funding is cost-effective to administrate with limited resources. Private donations and other funding sources and logistical considerations of each are currently being evaluated, particularly because grants under $1M can be administratively burdensome on institutions with limited personnel and financial resources.
Mission Statement

Generally speaking, a veterans’ advocacy Clinic mission is to serve the veterans of The United States Armed Forces in their legal needs. The Clinic work should concentrate on facilitating benefit claims, including medical and education benefits, along with any other legal needs that may be required. The clinic should seek to serve it clients by providing legal services, expediting applications, and claim processes at no cost.

Value Proposition

The Clinic should be established as a free, not-for-profit entity that is ready and capable to represent veterans free of charge. The purpose of the Clinic is to aid veterans who are unable to locate, afford, or otherwise qualify for representation.

Target Consumer Segments

The Clinic should serve a niche market sharing a few common characteristics—namely, veterans and active military personnel who (1) cannot afford or do not have access to legal resources, (2) are in need of representation and (3) are located in a clearly delineated geographic area.

Distribution Channels

The clinic should have a number of channels available to contact service members and veterans in need of assistance. Primarily, legal aid and social service providers your area can redirect inquiries in instances where they are unable to assist with regards to legal matters. Veterans service organizations and VA facilities and hospitals in your area that can assist with outreach and referrals to your clinic. The Veterans Pro Bono Consortium Program recruits and trains volunteer attorneys to help veteran-appellants, free of charge, with their appeals before U.S. Court of Appeals for Veterans Claims. Finally, the American Bar Association has a contact network of clients in need of assistance in their national campaign of Operation Enduring LAMP. Building relationships and contacts with these facilities will increase your potential client base.

Value Configurations

The knowledge base available to the Clinic through the Faculty and Alumni should provide Clinic students with the ability to research and address the concerns of its clients with the backing of law school faculty and Alumni.

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26 Operation Enduring LAMP is a consortium of state and local bar associations that have made a commitment to recruit volunteer attorneys, and in many cases offer training and facilities to volunteers, in order to assist military legal assistance providers with civil law matters affecting service members. ABA Standing Committee on Legal Assistance for Military Personnel (LAMP) web page at http://www.abanet.org/legalservices/helpservists/ (accessed June 30, 2008).
Core Capabilities

The combination of the fundamental understanding of military law, agency law, and professional oversight will allow the Students of the Clinic to effectively advocate for the clients. This combination will also provide valuable work and advocacy experience for student participants.
Proposed Clinic Structure

- NATIONAL SUPPORT CENTER
  - VETERANS LEGAL CLINIC
    - BOARD OF ADVISORS
    - EXECUTIVE DIRECTOR
      - Supervising Attorney
    - FACULTY ADVISOR
    - BOARD MEMBERS
    - DIRECTOR
      - STUDENT ADVOCATE(S)
    - STUDENT ADVOCATE(S)
Duty Bound: A National Veteran’s Service Initiative

*Duty Bound*, a national veterans’ service initiative of the ABA Law Student Division (ABA-LSD), seeks to partner law students with lawyers across the country that are willing to do pro bono work for veterans. This initiative will charge the Law Student Division by connecting lawyers with an invaluable resource needed to do pro bono work: law students. Law students have access to a wealth of resources, including law libraries and free research databases. The vision of the initiative is that lawyers that are willing to do pro bono work for veterans will be more likely to take on cases if they have law students who are willing to do the research and writing for them. This serves a dual purpose: (1) it allows lawyers to be more inclined to do pro bono work for veterans and (2) it exposes law students to a rich legal experience, making it more likely that they will continue their service to veterans while they are in practice.

*Duty Bound* recognizes the vast amount of information that exists to help veterans, servicemembers and their loved ones educate themselves to meet the many legal, social, and health challenges they face. Navigating the varied terrain of information can be daunting and, for many veterans and servicemembers obtaining help is sometimes an impossible task.

Timely access to accurate, useful, and critical information is seldom available making service delivery a frustrating and sometimes life-altering endeavor. In March 2007, the Subcommittee on Disability Assistance and Memorial Affairs asked the Government Accountability Office (GAO) to conduct a study of Veteran’s disability benefits. GAO found that in 2006 compensation-related claims remained pending an average of 127 days while appeals resolutions remained pending for an average of 657 days. Another commissioned study reported that “hundreds of battle-injured servicemembers were pursued for repayment of military debts through no fault of their own, including at least 74 servicemembers whose debts had been reported to credit bureaus and private collection agencies. Resulting debt collection actions prevented some servicemembers from obtaining loans to pay off debt, buy houses or automobiles and sending some into “financial crisis.”

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27 38 C.F.R. §3.7 prescribes the individuals and groups considered to have performed active military, naval, or air service who are eligible for veterans’ benefits.


29  *Id.* *Highlights of GAO-07-562T.*


31  *Id.* at 9.
Still others forfeited final separation pay to cover their military debt, leaving them without financial means to cover their immediate expenses.32

*Duty Bound* ultimately strives to serve as the primary liaison between pro bono veterans’ law attorneys and law students, thus helping veterans achieve a better quality of life and attain a more successful transition into the private sector. *Duty Bound* will partner with a major veterans’ pro bono organization that will provide access to a preexisting structure that directs pro bono veterans cases to lawyers volunteering their time.

The Law Student Division’s chief role in this endeavor would be to provide the program with access to law student volunteers who are willing to assist the pro bono program’s attorneys with an individual veteran’s case or appeal. The Law Student Division will gather the law student volunteers’ information on the ABA-LSD webpage33 and work with the pro bono organization to synergize the efforts of their pro bono attorneys with the available law students. Case management will be accomplished both locally in the attorney’s and veteran’s community, and by using Internet and other forms of electronic communication. (Figure 3).

**Figure 3 - Duty Bound’s proposed workflow.**

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32 Id.

Duty Bound and its partner(s) will provide a grassroots approach to veterans’ pro bono work, ensuring that lawyers have the access to the help that they need to take on more veteran cases and achieving the desired result for the veterans we represent. This grassroots endeavor will gain momentum within the legal profession: As law school graduates become young lawyers, they will enter the profession with an understanding of veterans’ law, develop a passion for helping our nation’s veterans, and experience a renewed commitment to pro bono work. It is Duty Bound’s desire to inspire a generation of lawyers who will possess an even greater sense of responsibility beyond that owed to themselves and to their profession.

To assist other law schools in joining the initiative or to create stand-alone clinics within their schools, Duty Bound will also offer a toolkit, complete with links to documents, directories, and other necessary resources integral to the development of a successful Veterans’ Advocacy Program.
Local Clinic Structure

Board of Advisors

The Board of Advisors would be responsible for fundraising on behalf of the Clinic. The Board should include representation from major law firms that focus on pro bono work or lawyers with a strong commitment to the university. These individuals will help ensure that the financial resources required to sustain the Clinic are acquired.

Faculty Advisor

The Faculty Advisor would supervise the Executive Director and overall clinic function to ensure that students make satisfactory progress toward successfully fulfilling clinic requirements. Additionally, the Faculty Advisor will help students define and develop realistic goals, to perceive their needs accurately, and to match these needs with appropriate clinic and institutional resources.

Executive Director

The Executive Director would oversee the operations of the Clinic, act as the “supervising attorney” and therefore the counsel of record for the Veteran(s). Other than overseeing the operation of the Clinic the executive director will be responsible for applying for grants or other funding available to sustain the clinic.

Director

The Director may be a second- or third- year student or law school graduate fellow, selected in a highly competitive process by the Board of Advisors. The Director should serve in the position for at least one academic year (2 Semesters). The Clinic should provide the Director with a scholarship and academic credit or stipend to compensate for their work.

Student Advocate(s)

Student Advocates should be selected in a highly competitive process by the traditional clinic selection process utilized by the law school. The students should receive (4-5) credits for their work with the Clinic. A (1-2) credit course component taken simultaneously with service to the Clinic should be required.
Success Stories:
Veterans’ Law Clinics
University of Detroit Mercy School of Law: Project Salute (Mobile Law Office)\textsuperscript{34}

Working with pro bono lawyers, University of Detroit Mercy School of Law (UDM Law) students ride the Veterans Mobile Law Clinic to locations throughout Michigan, where they conduct initial interviews and provide as much immediate legal assistance as possible. When further help is needed, cases are referred to the clinic or sent to an appropriate agency.

UDM Law is the only law school in the country with a Mobile Law Office (MLO), a Recreational Vehicle that has been outfitted as a law office. Through the MLO, volunteer attorneys and UDM Law faculty and students counseled and/or otherwise assisted over 800 people during the past year. The MLO has made numerous stops at regional senior centers, churches, and other similar facilities, as well as regular stops at facilities where veterans congregate.

To maximize the reach and impact of UDM Law’s national MLO tour, a number of local attorneys and legal support groups will be assisting low-income veterans exclusively with federal benefits in a pro bono capacity in each city. During the tour, UDM Law will provide training on federal benefits issues to attorneys around the nation who are willing to donate time to assist veterans on a pro bono basis. The law school is also asking additional law firms and attorneys across the country to volunteer providing pro bono assistance to veterans.

General Motors donated a specially designed, custom built, state-of-the-art RV to UDM Law’s Project Salute, which serves communities throughout the United States.

The clinical program at John Marshall Law School (Chicago) offers its students the unique experience to develop the core principles needed to become an effective advocate in the legal community.

Coursework includes the study of federal, state and local laws pertaining to veterans advocacy. Through examining the historical origins of veterans’ advocacy law and the procedural and substantive texts used by the courts and attorneys, students learn federal agency litigation practice, sharpen their analytic skills and become confident in their ability to deal with clients, federal agencies and the courts.

In addition to dealing with the theoretical legal problems presented by veteran status, the clinical program emphasizes the practical aspects of handling Veteran Benefits Administration claims from the initial factual intake to the technical aspects of representation at the appellate level. The clinical program affords law students the exciting opportunity to work in-person with veterans while under the direct supervision of licensed clinical attorneys and professors. The clinical program also adds to a student's legal education by emphasizing the practical skills and ethical values of working with clients' real-life legal issues.

The VLSC recruits, trains, and manages a network of pro bono attorneys in partnership with the Illinois Supreme Court Commission on Professionalism. These volunteer attorneys assist veterans in filing VA claims and in appeals representation. The VLSC supports these attorneys by providing their training, matching them with veterans in need of legal aid, and assisting with research and information support.
Conclusion
At the end of the Civil War, veterans came to Washington D.C. in search of the benefits that their government had promised them. They searched for the benefits they were entitled to in light of the military service to their country during one of its darkest hours.

What they found in our nation’s capital was a government whose military records were in disarray. Veterans had to sift through the documents on their own, in hopes of possibly finding the proof they needed to get the benefits they had been guaranteed. The needed documents were bound with red tape — rules and regulations and formalities that have today become the very symbol of confusing government bureaucracy.

The unfortunate troubles these veterans experienced are as real today as they were at the conclusion of the Civil War. The reality of the bureaucracy surrounding veterans’ benefits and claims, and the adjudication related to those benefits and claims, is not in harmony with America’s commitment to those who served in uniform and the clear directives of Congress.

Like that faced by their Civil War counterparts, the range of administrative and legal hurdles injured servicemembers face when they return home is unacceptable. Timely access to accurate, useful, and critical information is seldom available, making service delivery a frustrating and sometimes life-altering endeavor. For many reasons, including but not limited to financial ones, veterans on a large scale face their legal obstacles without the aid of legal counsel.

Much of the confusion, delay, and injustice experienced by veterans making benefit claims can be avoided if more legal counsel was available to make certain a veteran’s case is reviewed and developed at the earliest possible stage of the claims-making and appellate processes. The ABA reports that several Court of Appeals for Veterans Claims judges recognize the importance of veterans having legal representation throughout the claims process. Judge Holdaway summarized the need in this manner:

If you get lawyers involved at the beginning, you can focus in on what is the case. I think you would get better records, you would narrow the issue, there would be screening… I think if we had lawyers involved at the beginning of these cases, it would be the single more fundamental change for the better that this system could have.

A veteran making claims for benefits before a Court without a legal representative can be loosely compared to his going into battle without a weapon. The fight is not a fair one and is fatally flawed. One of the only ways to ensure the that the claims process is just is to provide competent and zealous pro bono legal representation to the veteran.

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37 Id.
The name of American, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism.... It should be the highest ambition of every American to extend his views beyond himself, and to bear in mind that his conduct will not only affect himself, his country, and his immediate posterity; but that its influence may be co-extensive with the world, and stamp political happiness or misery on ages yet unborn.

—George Washington
Glossary of General Clinical Legal Education Terms
Clinic: In law schools, a program that teaches through direct experience of lawyering, under the supervision of practicing attorneys / teachers, characteristically in work that advances social justice or the public interest.

Live-client clinic: A clinic in which students form lawyer-client relationships directly with clients, exercising legal judgment and performing legal services for those clients. Also known as a “direct service” clinic.

Externship clinic (field placement clinic): A clinic in which students work under the supervision of non-clinician attorneys in practices outside (external to) the law school, with separate supervision from a law school clinician. Externship clinic students may work as those in live-client clinics, but may also perform more limited tasks, and do work other than representation (e.g. judicial clerks, legislative advocacy) and may spend more time in observation than in direct performance of lawyering behaviors.

Hybrid clinic: Clinics involving a blend of externship, direct service models and other approaches; e.g., a clinic where students work in a law office external to the law school, but under direct case supervision by a law school clinician.

In-house clinic: A clinic housed in and / or funded (in whole or in part) by a law school. Contrast with an externship or hybrid clinics.

Simulation: A class exposing students to various behaviors and methods of lawyering, often in isolation from legal work, using fictional fact and supervised performance as the primary experience. Examples include trial practice, interviewing, counseling and negotiation or legal drafting. Simulation methods also appear in the seminar portion of many clinics.

Practicum: A seminar which integrates analytical inquiry into a discrete area of law and policy with opportunities for student experience practical problem-solving in that field. Typically does not include litigation, but may include planning, community organizing or informal advocacy.

Classroom (or “standup” or “podium”) teaching: A teaching / learning methodology through which students learn from lecture, discussion and / or question & answer, typically in medium to large groups.

Experiential learning: A teaching / learning methodology through which students learn from personal performance of a job or task, either in work contexts (e.g. a clinic) or in a classroom setting (e.g. a simulation class). Usually refers to structured programs operating from an academic base, and includes closely-related classroom, discussion, and supervisory elements.

Reflective Learning: A teaching / learning methodology in which students think, talk and write about their experience so as to identify and broaden the learning it has prompted. Reflective learning often occurs with the guidance of a mentor / clinician, but may be self-guided. Tools to encourage reflection include journals, personal interviews, case supervision and group discussion.

Case Supervision: Discussion and appraisal by student and clinician of the legal, strategic and behavioral dimensions of client representation.
Clinical Supervision: Includes case supervision, but may also include discussion and appraisal of student learning arising from the entire clinical experience.

Directive vs. Non-directive Teaching (or supervision): In directive teaching, the teacher provides answers to student questions in a more-or-less direct manner. In non-directive teaching, the teacher assists the student to realize answers through questions, suggestions or further experience.

Student Practice: A form of legal practice through which a state bar grants a limited license to law students to represent clients, typically: in litigation, in a law school clinical program, and during a student’s third year (“third-year practice”). These requirements and others (e.g. types of cases or clients) vary between states.

Tenure: Guaranteed employment, usually as a right granted to a teacher after a probationary period, protecting against dismissal for most reasons.

Promotion: The process through which a teacher proceeds from one level of employment status to the next. A traditional path includes assistant professor, associate professor, full professor, and lastly chaired professor. Each promotion can bring increases in salary and in scope of governance rights.

Tenure-track: An employment status under which a teacher is guaranteed consideration for eventual tenure, usually within a stated number of years. Failure to meet the conditions of the tenure probationary period can result in termination.

Clinical tenure: A form of tenure in which probationary requirements may include a wider range of work than traditional scholarship, but where salary and governance rights may or may not be less than those for traditional tenured faculty.

“Tenure in the position”: Tenure granted for a particular job or position, but terminable when the law school terminates the job or position.

Long-term Contract: Contract employment for periods typically in excess of one year, renewable on terms intended to provide right comparable to tenured status. See A.B.A. Standard for Approval of Law Schools, Standard 405 (c), Interpretation 405-6.

Short-term Contract: Contract employment for periods typically of one or two years, with no job security, or other requirements if “reasonably similar” perquisites. See A.B.A. Standard for Approval of Law Schools, Standard 405 (c), Interpretation 405-6.

Hard Money: Funding drawn directly from within an academic institution’s internal operating budget, generated from traditional, long-term financial sources such as tuition, state support, or alumni giving.

Soft Money: Funding drawn from outside an institution’s internal budget, typically from short-term grant sources and typically of limited duration.

Governance / voting rights: The right of a law school employee to serve on committees or to vote on internal issue (e.g. hiring, promotion, curriculum, etc.) in whole or in part.
Internet Resources &
Links to Forms
The following Internet sites and links have been provided to assist you in obtaining necessary information for your clinic. Where possible, we have provided page-specific, direct links to documents and information. **These links were last updated on July 5, 2008.**

Many documents and some Internet web pages require viewers and helper applications for certain file types you may encounter. Installing a viewer on your computer will allow you to view files (with filename extensions like .doc, .ppt, .xls, .pdf, etc.) when you don't have the software that was used to create the files. [http://www.va.gov/viewers/viewer.htm](http://www.va.gov/viewers/viewer.htm).

### Department of Veterans Affairs (VA)

**United States Department of Veterans Affairs (Main)**


General information about the VA; links to other resources

**VA Benefits (General Information)**


General information about the VA Benefits; forms; links to other resources

### VA Benefits Summary (Fact Sheet)


VA Benefits at-a-glance

Adobe® Acrobat® Reader™, is required to view and print the fact sheet. To obtain a free copy of Adobe® Acrobat® Reader™, click on the link below to download.


### VA Benefit Fact Sheets

[http://www.vba.va.gov/VBA/benefits/factsheets/#BM1](http://www.vba.va.gov/VBA/benefits/factsheets/#BM1)

Adobe® Acrobat® Reader™, is required to view and print the fact sheets. To obtain a free copy of Adobe® Acrobat® Reader™, click on the link below to download.


**Specific Fact Sheet Links:**

- General Benefit Information
- Veterans with Service-Connected Disabilities
- Veterans with Limited Income
- Education and Training for Veterans
- Home Loans
- Dependents and Survivors’ Benefits
- Burial and Memorial Benefits
- Insurance
- Miscellaneous
### VA Benefit Frequently Asked Questions (FAQs)

### VA Disability Compensation and Pension Payment Rates

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Adobe® Flash™ Player is required to view this page. To obtain a free copy of Adobe® Flash™ Player, click on the link below to download.
### VA Forms

Find a VA form (8 pages—links at bottom of page)

If you are unable to find your form here, you may want to visit:

- Request for DD 214 or other Military Records [NARA SF 180](http://www.archives.gov/regs/sf180.html)
- [GSA Library of Standard and Optional Forms](http://www.gsa.gov/forms)
- [DD Forms Department of Defense Forms Program](http://www.defenseforms.mil/forms)
- [SGLI/VGLI Insurance Forms (including SGLV8286)](http://www.sgli.org)

### VA Legislation

Search of the Federal legislative files maintained by Thomas, an on-line service of the Library of Congress, for significant legislation of interest to veterans

### VA Testimony
[http://www.va.gov/oca/testimony.asp](http://www.va.gov/oca/testimony.asp)

VA Testimony at Congressional Hearings

### VA Regulations
[http://www1.va.gov/orpm/page.cfm?pg=41](http://www1.va.gov/orpm/page.cfm?pg=41)

Office of Regulation Policy and Management regulations published by year; significant Federal Regulation notices relevant to VA and veterans from the [Federal Register](http://www.gpoaccess.gov/cfr/index.html)

### Federal Register
[http://www.va.gov/oca/Fed_Reg_index.asp](http://www.va.gov/oca/Fed_Reg_index.asp)


Search the Code of Federal Regulations online
National Center for Veterans Analysis and Statistics
http://www1.va.gov/vetdata/

Board of Veterans Appeals (BVA)
http://www.va.gov/vbs/bva/

“How Do I Appeal?” Pamphlet
http://www.va.gov/vbs/bva/pamphlet.htm

Pamphlet (Download)
http://www.va.gov/vbs/bva/010202A.pdf

See also

United States Court of Appeals for Veterans Claims:
How to Appeal
http://www.vetapp.uscourts.gov/about/how_to_appeal/

United States Court of Appeals for Veterans Claims:
How to File an Appeal
http://www.vetapp.uscourts.gov/about/how_to_appeal/Howt oAppealWithoutHowtoFile.cfm

Board of Veterans’ Appeals Decisions Search
http://www.index.va.gov/search/va/bva.html

Congress

House Committee on Veterans’ Affairs
http://veterans.house.gov/

Senate Committee on Veterans’ Affairs
http://www.senate.gov/~veterans/public/index.cfm?pageid=0
### United States Court of Appeals for Veterans Claims (CAVC)

**CAVC**  

The Court reviews certain BVA decisions. The Court is not part of the VA. It does not hold trials, receive new evidence, or hear witnesses. It reviews BVA decision, the written record, and the briefs of the parties.

| **CAVC Court Rules and Procedures** |  
| [http://www.vetapp.uscourts.gov/court_procedures/](http://www.vetapp.uscourts.gov/court_procedures/) | Applications must be submitted via e-mail to [esubmission@vetapp.gov](mailto:esubmission@vetapp.gov) |

#### Rules of Practice and Procedure
- Internal Operating Procedures
- Rules of Admission and Practice
- Practitioner's Notes

#### Electronic Filing (eFiling)
- EFiling Checklists - how to get started
- Forms - registration and exemption
- Training Modules - videos and manuals
- Docketing Events - list of pleadings and motions
- Newsletters - frequently updated
- Frequently Asked Questions
- EFiling Participant Registration
- EFiling Participant Exemption

#### CAVC Forms
[http://www.vetapp.gov/court_forms/CourtForms.cfm](http://www.vetapp.gov/court_forms/CourtForms.cfm)

- Application to Practice for Non Attorney
- Bar Application for Attorneys
- Declaration of Financial Hardship
- Informal Brief - please call the court for details
- Notice of Appearance Form
- Notice of Appeal Form
- PRO HAC VICE Application
- Recertification of Nonattorney Practitioner
United States Court of Appeals for the Federal Circuit (Federal Circuit)

Federal Circuit (Home Page)

Federal Circuit Local Rules and Forms


Rules for Judicial Conduct and Judicial Disability Proceedings

Top Ten Reasons why briefs are rejected

Top Ten Reasons why motions are rejected

The Guide for Motions Practice answers common questions about motions

Supreme Court of the United States
http://www.supremecourtus.gov/

Veterans Service Organizations (VSOs) and Other Associations

American Legion
http://www.legion.org/

The American Legion was chartered by Congress in 1919 as a patriotic, war-time veterans organization, devoted to mutual helpfulness. It is a not-for-profit community-service organization which now numbers nearly 3 million members, men and women, in nearly 15,000 American Legion posts worldwide.
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<td>With more than 1.4 million members, Disabled American Veterans is an organization of disabled veterans who are focused on building better lives for disabled veterans and their families.</td>
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<tr>
<td>Disabled American Veterans</td>
<td>The National Veterans Legal Services Program (NVLSP) is an independent, non-profit, charitable organization acting to ensure that the U.S. government honors the pact made with our 25 million veterans.</td>
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<tr>
<td>Paralyzed Veterans of America</td>
<td>Paralyzed Veterans of America works to maximize the quality of life for its members and all people with SCI/D as a leading advocate for health care, SCI/D research and education, veterans’ benefits and rights, accessibility and the removal of architectural barriers, sports programs, and disability rights.</td>
</tr>
<tr>
<td>Veterans Consortium Pro Bono Program</td>
<td>The Veterans Consortium Pro Bono Program provides free attorneys to veterans and their qualifying family members who have an appeal pending at the U.S. Court of Appeals for Veterans Claims (Court). If an appellant has filed an appeal with the Court, he or she can request assistance from The Veterans Consortium.</td>
</tr>
<tr>
<td>Vietnam Veterans of America's Veterans Benefits Program</td>
<td>Vietnam Veterans of America is the only national Vietnam veterans organization congressionally chartered and exclusively dedicated to Vietnam-era veterans and their families. VVA is organized as a not-for-profit corporation and is tax-exempt under Section 501(c)(19) of the Internal Revenue Service Code.</td>
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LexisNexis Veterans Advocacy Resource
http://www.lexisnexis.com/veteranslaw/

A comprehensive training resource and a complete package of practice tools for your veterans’ benefits practice.

Professional Responsibility
ABA Model Rules of Professional Conduct
http://www.abanet.org/cpr/mrpc/mrpc_toc.html

ABA Compendium of Client Protection Rules
http://www.abanet.org/cpr/clientpro/contents.html

ABA State-by-State Pro Bono Service Rules
http://www.abanet.org/legalservices/probono/stateethicsrules.html
Tomb of the Unknown Soldier at Arlington National Cemetery, Washington, D.C.