

The U.S. Court of Appeals for Veterans Claims

Washington, DC

April 14-15, 2016

THIRTEENTH JUDICIAL CONFERENCE

A NEW GENERATION OF VETERANS, A NEW GENERATION OF CHALLENGES

Pursuant to section 7286 of title 38 of the U.S. Code, Chief Judge Lawrence B. Hagel has summoned the judges of the United States Court of Appeals for Veterans Claims to the Court's 13th Judicial Conference. The conference is titled "A New Generation of Veterans, A New Generation of Challenges." According to the Chief Judge, the conference theme reflects an understanding that today's service members confront unique conditions and face new and different challenges of recovery and integration as they adjust to civilian life.

During the conference, stakeholders from all facets of the veterans law community will gather to consider a variety of legal, medical, and other issues facing today's veterans who pursue claims for VA benefits. Conference speakers will focus

on topics relevant to this new generation of veterans, including National Guard and Reserve issues, toxin exposure claims, disability benefit questionnaire issues, extraschedular evaluation, and claims based on traumatic brain injury, military sexual trauma, and muscle injury due to improvised explosive devices. Justice Sonia Sotomayor will deliver the keynote address of the event.

Veterans of recent conflicts are the subjects of more and more U.S. Court of Appeals for Veterans Claims decisions. In *Ausmer v. Principi*, No. 26 Vet. App. 2, 34 (2013), the Court considered a previously late-filed appeal from a decorated U.S. Army veteran who honorably served stateside in Operation Desert Storm, in Iraq during Operation Iraqi Freedom, and in Afghanistan and Qatar during Operation Enduring Freedom. The Court found the appeal timely, holding that the hardships of Mr. Ausmer's "deployment and military service materially affected his ability to protect his legal rights."



THE KNIGHT CONFERENCE CENTER AT THE NEWSEUM

AN INVITATION

Chief Judge Lawrence B. Hagel of the United States Court of Appeals for Veterans Claims (CAVC) summons the Judges of the Court, all persons admitted to practice before it, and all persons interested in the practice of veterans law to the Newseum, Knight Conference Center, for the Thirteenth Judicial Conference of the United States Court of Appeals for Veterans Claims, to be held April 14 and 15, 2016, in Washington, D.C.

THE PROGRAM

JUDICIAL CONFERENCE

The Conference theme is “A New Generation of Veterans, A New Generation of Challenges.” The program will address many of the challenging issues veterans law practitioners face as veterans of the current conflict pursue benefits from VA. The program will focus on the changing landscape of veterans law and will offer sessions that appeal to all who practice or have an interest in veterans law. Highlights include:

- Luncheon Speaker U.S. Supreme Court Justice Sonia Sotomayor
- Professor Michael Allen’s Trends at the CAVC and CAFC
- A Discussion of Extraschedular Evaluations
- Finding National Guard and Reserve Records
- Challenges of Blast Injury Claims: TBI
- Ethics Presentation by Veterans Law Clinical Professors

THE PROGRAM Continued

JUDICIAL CONFERENCE PROGRAM COMMITTEE

The Judicial Conference Program Committee, an advisory group responsible for formulating the legal content of the Court's Conference, developed this year's program. The Committee is composed of representatives from all areas of veterans law practice. In addition to several members of the Court's staff, current Committee members include Kathy Lieberman, Lieberman & Mark, representing the National Organization of Veterans' Advocates, Inc.; Simone Krembs, representing the Board of Veterans' Appeals; Sarah Fusina, representing the VA Office of General Counsel; Verna Jones and Edward Lilley, representing The American Legion; Zachary Stolz, Chisholm, Chisholm & Kilpatrick, representing the Court of Appeals for Veterans Claims Bar Association; Jeremy Bedford, of the U.S. Court of Appeals for Veterans Claims, formerly of the Veterans Consortium Pro Bono Program; and Stacey-Rae Simcox, Stetson University College of Law, representing veterans law clinical professors. Two of the Court's Judges, the Honorable Mary J. Schoelen and the Honorable Margaret Bartley, acted as Co-Chairs of the Committee.

CAVC BAR ASSOCIATION

Friday Half-Day Program

The CAVC Bar Association will conduct a half-day program on April 15, 2016, immediately following the conclusion of the Court's Judicial Conference. The program will feature remarks from Secretary of Veterans Affairs Robert A. McDonald and a panel discussion on petitions for writs of mandamus. The panel will include Judge William S. Greenberg of the U.S. Court of Appeals for Veterans Claims, as well as experienced representatives from VA and the appellants bar. Look for updated information at www.cavcbar.net.

GENERAL INFORMATION

LOCATION

Newseum
Knight Conference Center
555 Pennsylvania Avenue, N.W.
Washington, D.C. 20001
(Please use 6th Street entrance)

REGISTRATION

Registration Fees

Early Bird Registration:
Through February 29th (Midnight)

Regular Registration:
March 1st through March 15th (Midnight)

Late registration may be available at an increased cost.

Student/Hardship rate throughout registration.	\$290
Early Bird rate for Government, Academics, and VSOs.	\$325
Regular rate for Government, Academics, and VSOs.	\$385
Early Bird rate for Practitioners.	\$385
Regular rate for Practitioners.	\$420
Late registration, if available.	\$480

To register, please complete the Registration Form at www.uscourts.cavc.gov.

CAVC Bar Association Registration

Registration for the Bar Association's component of the Judicial Conference is *free* to all *current* members. The cost for nonmembers is \$95, which includes membership for the remainder of the membership year.

To register for the CAVC Bar Association program, please see the Judicial Conference Registration Form at www.uscourts.cavc.gov.

GENERAL INFORMATION Continued

SEMINAR PREFERENCES

Please note the topics for the breakout seminars on pages [10](#) and [11](#) of this program. There will be time for each attendee to attend only two breakout seminars, one in the morning and one in the afternoon. On your Registration Form, please select in order of preference the two seminars you wish to attend. Kindly also select your third and fourth alternate choices. We will make every effort to accommodate your choices. Register early!

CLE ACCREDITATION

The Court will seek accreditation from any State requested by attendees. Please complete the appropriate section on the Registration Form.

DIETARY RESTRICTIONS

Lunch will be served on both days of the Conference. There are options for dietary restrictions. Please see the appropriate section on the Registration Form.

OVERFLOW ROOM

Plenary sessions will be held in the main ballroom of the Newseum's Knight Conference Center. Space is limited in the ballroom and will be assigned based on registration date. Once capacity in the main ballroom is reached, registrants will be assigned to an overflow room with a live video stream to the main ballroom. Participants in the overflow room will receive the same meals and attend the same breakout seminars as those in the main ballroom. During registration, you will be notified if you are likely to be in the overflow room. Register early!

EVALUATIONS

Evaluations for all sessions and for the overall conference experience are available both electronically and in hard copy format. Please take the time to give us your feedback on this Judicial Conference.

FOR MORE INFORMATION

Visit the Court's website at www.uscourts.cavc.gov or call: (202) 418-3459.

PROGRAM

APRIL 14, 2016

- 7:00 a.m.** REGISTRATION / CONTINENTAL BREAKFAST
- 8:15 a.m.** CALL TO ORDER
Judges Mary J. Schoelen and Margaret Bartley
U.S. Court of Appeals for Veterans Claims
Judicial Conference Co-Chairs
- PRESENTATION OF THE COLORS
- NATIONAL ANTHEM
Herb Feemster
Court Security Officer
U.S. Court of Appeals for Veterans Claims
- 8:30 a.m.** WELCOMING REMARKS AND
STATE OF THE COURT
Chief Judge Lawrence B. Hagel
U.S. Court of Appeals for Veterans Claims
- 9:00 a.m.** TRENDS AT THE U.S. COURT OF APPEALS FOR
VETERANS CLAIMS AND THE U.S. COURT OF
APPEALS FOR THE FEDERAL CIRCUIT
- Michael P. Allen**
Associate Dean
Stetson University College of Law
- 10:30 a.m.** BREAK
- 10:45 a.m.** BREAKOUT SEMINARS
- 11:45 a.m.** LUNCHEON
- 12:30 p.m.** A CONVERSATION WITH JUSTICE SOTOMAYOR
Justice Sonia Sotomayor
Associate Justice
Supreme Court of the United States
- FACILITATOR:** **Judge Robert N. Davis**
U.S. Court of Appeals for Veterans Claims
- 1:15 p.m.** BREAK

PROGRAM Continued

1:30 p.m. BREAKOUT SEMINARS

2:30 p.m. BREAK

2:45 p.m. WAIT! THERE'S AN EXTRASCHEDULAR EVALUATION?

MODERATOR: **Cynthia Brandon-Arnold**
Chief Staff Attorney, Central Legal Staff
U.S. Court of Appeals for Veterans Claims

PANELISTS: **Zachary Stolz**
Attorney
Chisholm, Chisholm & Kilpatrick

Brad Flohr
Senior Advisor
Compensation Service
Veterans Benefits Administration

Brian Griffin
VA Office of General Counsel

Ronen Morris
VA Office of General Counsel

4:15 p.m. BREAK

4:30 p.m. JUDGES CHATROOM: AN EXCHANGE BETWEEN ATTENDEES AND JUDGES

MODERATOR: **Michael P. Allen**
Associate Dean
Stetson University College of Law

JUDGES: **Chief Judge Lawrence B. Hagel**
Judges Bruce E. Kasold, Alan G. Lance, Sr.,
and Coral W. Pietsch
U.S. Court of Appeals for Veterans Claims

5:30 p.m. RECEPTION
Sponsored by CAVC Bar Association

PROGRAM Continued

APRIL 15, 2016

7:00 a.m.

CONTINENTAL BREAKFAST

8:00 a.m.

CALL TO ORDER

8:10 a.m.

EXAMS, DBQs & OPINIONS: COMPARING VIEWS

MODERATOR:

Douglas Rosinski

Attorney

Office of Douglas J. Rosinski

PANELISTS:

Alan Dinesman, M.D.

Office of Disability and Medical Assessment
Veterans Health Administration

Leticia Flores, Ph.D.

Associate Professor, Department of Psychology
University of Tennessee

Bradley Hennings

Board Member

Board of Veterans' Appeals

9:40 a.m.

BREAK

10:00 a.m.

COMMITTEE REPORTS

Kenneth A. Walsh

Chair, Committee on Admission and Practice
U.S. Court of Appeals for Veterans Claims

Linda E. Blauhut

Chair, Rules Advisory Committee
U.S. Court of Appeals for Veterans Claims

PROGRAM Continued

10:15 a.m.

ETHICS
VIDEO VIGNETTES AND DISCUSSION OF
ETHICAL ISSUES IN VETERANS LAW

MODERATOR:

David Myers
Director, Case Evaluation & Placement
Veterans Consortium Pro Bono Program

**LAW SCHOOL
MODERATORS:**

Stacey-Rae Simcox
Director, Veterans Advocacy Clinic
Stetson University College of Law

Patricia Roberts
Director, Clinical Programs
William & Mary Law School

Angela K. Drake
Director, Veterans Clinic
University of Missouri School of Law

Yelena Duterte
Director, Veterans Legal Clinic
Syracuse University College of Law

PANELIST:

Megan Kral
VA Office of General Counsel

12:15 p.m.

LUNCH

1:30 p.m.

CLOSING REMARKS

1:45 p.m.

CAVC BAR ASSOCIATION PROGRAM

BAR ASSOCIATION PROGRAM

1:45 p.m.

Remarks from Secretary Robert A. McDonald
Secretary
Department of Veterans Affairs

PETITIONS FOR WRITS OF MANDAMUS:
HOW THEY ARE PREPARED, ADJUDICATED,
AND IMPLEMENTED

MODERATOR:

Zachary Stolz
Attorney
Chisholm, Chisholm & Kilpatrick

PANELISTS:

Judge William S. Greenberg
U.S. Court of Appeals for Veterans Claims

Brianne Ogilvie
Chief of Litigation Support
Board of Veterans' Appeals

Edward Cassidy
Deputy Chief Counsel
VA Office of General Counsel

Sean Kendall
Attorney
Kendall Law

BREAKOUT SEMINARS

ACDUTRA and INACDUTRA: Finding National Guard and Reserve Records

RM 802

MODERATOR: **Jeremy Bedford**
Staff Attorney, Central Legal Staff
U.S. Court of Appeals for Veterans Claims

PANELISTS: **Andrew Bodyk**
External Liaison
VA Compensation Service

Thomas A. Moore
Program Manager
Lawyers Serving Warriors®, a project of the
National Veterans Legal Services Program

Challenges of Blast Injury Claims: TBI **RM 704**

MODERATOR: **Sonia Mezei**
Staff Attorney, Central Legal Staff
U.S. Court of Appeals for Veterans Claims

PANELISTS: **Joel Scholten, M.D.**
National Director
Physical Medicine and Rehabilitation
Veterans Health Administration

Alan Dinesman, M.D.
Office of Disability and Medical Assessment
Veterans Health Administration

Rick Spataro
Director of Training and Publications
National Veterans Legal Services Program

BREAKOUT SEMINARS

Military Sexual Trauma

RM 806

MODERATOR:

Tiffany Kelley

National Veterans Legal Services Program
Equal Justice Works Fellow
Sponsored by Raytheon Company and
Kirkland & Ellis, LLP

PANELISTS:

Stacey Pollack, Ph.D.

National Director of Program Policy Implementation
Mental Health Services
VA Central Office

Kyndra Rotunda

Executive Director, Military and Veterans Law Institute
Chapman University

James Sampsel

Policy Staff, Legislative Liaison
Compensation Service
Veterans Benefits Administration

Exposing Exposure Issues:

RM 807

An In-Depth Look at Deployment-Related Exposures and the Resulting Respiratory Conditions

MODERATOR:

Amy Kretkowski

Attorney
Hoefer Law Firm

PANELISTS:

Diane Johnston, M.D.

Compensation and Pension Department
Jack C. Montgomery VA Medical Center

Brad Flohr

Senior Advisor
Compensation Service
Veterans Benefits Administration



SUBMIT YOUR QUESTIONS & IDEAS

HELP WANTED

Judicial Conference Planning Committee
seeks curious canny conferees to
submit questions and ideas for
discussion at two conference sessions.
Complete sentences optional.
Promptness a plus.

ASK JUSTICE SOTOMAYOR

U.S. Supreme Court Justice Sonia Sotomayor invites questions in advance of the conference, and will address as many of them as possible during her luncheon presentation. Please submit them during registration, or email them by March 15, 2016, to conference@uscourts.cavc.gov.

ASK THE CAVC JUDGES

The moderator will present your questions and suggestions to the CAVC Judges during “Judges Chatroom: An Exchange Between Attendees and Judges.” Although some questions may be taken from the floor, attendees are encouraged to develop questions or suggestions in advance and submit them during registration, or email them by March 15, 2016, to conference@uscourts.cavc.gov.

THIRTEENTH JUDICIAL CONFERENCE



UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

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Washington, DC 20004-2950

www.uscourts.cavc.gov