

THE U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Washington, DC

April 11-12, 2019



FOURTEENTH JUDICIAL CONFERENCE

NATIONAL PRESS CLUB

AN INVITATION

Chief Judge Robert N. Davis 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 National Press Club, for the Fourteenth Judicial Conference of the United States Court of Appeals for Veterans Claims, to be held April 11 and 12, 2019, in Washington, D.C.

THE PROGRAM

JUDICIAL CONFERENCE

The Conference theme is “Celebrating 30 Years.” 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 Nina Totenberg, National Public Radio
- Legal Trends
- Appeals Reform: Reinventing VA Adjudication
- Class Actions: Primer, Updates, and What’s Next
- Ethics Presentation

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 Chad E. Moos, representing Disabled American Veterans, National Service & Legislative Headquarters; Karen A. Kennerly, representing the Board of Veterans' Appeals; Betsy Gwin, representing Legal Services Center of Harvard Law School; Diane Boyd Rauber, representing National Organization of Veterans' Advocates; Megan C. Kral, representing the CAVC Bar Association; and Shereen M. Marcus, representing the VA Office of General Counsel. Three of the Court's Judges, the Honorable Mary J. Schoelen, the Honorable Coral Wong Pietsch, and the Honorable William S. Greenberg co-chair the Committee.

CAVC BAR ASSOCIATION

Friday Half-Day Program

The CAVC Bar Association will conduct a half-day program on April 12, 2019, immediately following the conclusion of the Court's Judicial Conference. The program will feature a brief introduction to Judge Joseph L. Falvey, Jr., followed by a discussion by representatives from the Department of Veterans Affairs about recent and ongoing developments, as well as what is on the horizon.

GENERAL INFORMATION

LOCATION

National Press Club
529 14th Street, NW
13th Floor
Washington, D.C. 20045

REGISTRATION

Registration Fees

Early Bird Registration:

Through February 20th (Midnight)

Regular Registration:

February 21st through March 18th (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:
http://www.uscourts.cavc.gov/judicial_conference.php.

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:
http://www.uscourts.cavc.gov/judicial_conference.php.

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 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 to note restrictions.

EVALUATIONS

Evaluation forms for all sessions and for the overall conference experience will be available electronically. Please take the time to let us know your feedback on this Judicial Conference.

FOR MORE INFORMATION

Visit the Court's website at http://www.uscourts.cavc.gov/judicial_conference.php or call Diane Fulton at (571) 233-6941.

PROGRAM

APRIL 11, 2019

7:00 a.m.

REGISTRATION / CONTINENTAL BREAKFAST

8:15 a.m.

CALL TO ORDER

**Judges Mary J. Schoelen, Coral Wong Pietsch,
and William S. Greenberg**

U.S. Court of Appeals for Veterans Claims
Judicial Conference Co-Chairs

PRESENTATION OF THE COLORS

American Legion Post 171

Damascus, Maryland

NATIONAL ANTHEM

Laura Collins

8:30 a.m.

WELCOMING REMARKS AND

STATE OF THE COURT

Chief Judge Robert N. Davis

U.S. Court of Appeals for Veterans Claims

9:00 a.m.

LEGAL TRENDS

PANELISTS:

David J. Barrans

Chief Counsel, Benefits Law Group

Office of General Counsel

U.S. Department of Veterans Affairs

Amy F. Odom

Attorney

Chisholm Chisholm & Kilpatrick LTD

Stacey-Rae Simcox

Associate Professor of Law

Director, Veterans Law Institute

Director, Veterans Advocacy Clinic

Stetson University College of Law

10:30 a.m.

BREAK

10:45 a.m.

BREAKOUT SEMINARS

PROGRAM Continued

11:45 a.m.

LUNCHEON

12:30 p.m.

A CONVERSATION WITH NINA TOTENBERG
AND THE HONORABLE MICHAEL P. ALLEN

Nina Totenberg

Correspondent, Legal Affairs
National Public Radio

Judge Michael P. Allen

U.S. Court of Appeals for Veterans Claims

1:15 p.m.

BREAK

1:30 p.m.

BREAKOUT SEMINARS

2:30 p.m.

BREAK

2:45 p.m.

APPEALS REFORM:
Reinventing VA Adjudication

MODERATOR:

Bradley Hennings

Attorney

Chisholm Chisholm & Kilpatrick LTD

PANELISTS:

Brianne Ogilvie

Deputy Executive Director

Appeals Management Office

Veterans Benefits Administration

U.S. Department of Veterans Affairs

Rachel Sauter

Counsel for Legislation, Regulations and Policy

Board of Veterans' Appeals

U.S. Department of Veterans Affairs

4:15 p.m.

BREAK

PROGRAM Continued

4:30 p.m.

DISCUSSION WITH THE CAVC AND BVA

MODERATORS:

Mary Ann Flynn

Chief Counsel

Office of the General Counsel

Court of Appeals Litigation Group

U.S. Department of Veterans Affairs

Robert V. Chisholm

Partner

Chisholm Chisholm & Kilpatrick LTD

PANELISTS:

Chief Judge Robert N. Davis

Judge Michael P. Allen

Judge Joseph L. Toth

U.S. Court of Appeals for Veterans Claims

Cheryl Mason, Chairman

Tanya Smith, Veterans Law Judge

Ryan T. Kessel, Veterans Law Judge

Board of Veterans' Appeals

U.S. Department of Veterans Affairs

5:30 p.m.

RECEPTION

Sponsored by CAVC Bar Association

APRIL 12, 2019

7:00 a.m.

CONTINENTAL BREAKFAST

8:00 a.m.

CALL TO ORDER

8:10 a.m.

CLASS ACTIONS:

Primer, Updates, and What's Next

PANELISTS:

Judge William S. Greenberg

U.S. Court of Appeals for Veterans Claims

The Honorable Robert M. Dow, Jr.

United States District Court

Northern District of Illinois

PROGRAM Continued

Michael Sant'Ambrogio

Professor of Law and Associate Dean for Research
Michigan State University College of Law

Adam Zimmerman

Professor of Law and Gerald Rosen Fellow
Loyola Law School, Los Angeles

Amy B. Kretkowski

Adjunct Professor, Veterans Benefits Law,
University of Iowa College of Law
Law Office of Amy B. Kretkowski

9:40 a.m.

BREAK

9:50 a.m.

COMMITTEE REPORTS

Amy B. Kretkowski

Chair, Rules Advisory Committee

Theodore C. Jarvi

Chair, Committee on Admission and Practice

Gregory O. Block

Chair, Judicial Advisory Committee

10:20 a.m.

ETHICS

PANELISTS:

Catherine Mitrano SES

Senior Counsel to the General Counsel
Office of General Counsel
U.S. Department of Veterans Affairs

Michael S. Frisch

Ethics Counsel and Adjunct Professor of Law
Georgetown University Law Center

12:20 p.m.

LUNCH

1:30 p.m.

CLOSING REMARKS

BAR ASSOCIATION PROGRAM

1:45 p.m.

MEET JUDGE JOSEPH L. FALVEY, JR.

MODERATOR:

Chris Wysokinski

Clerk, Chambers of Judge Joseph L. Falvey, Jr.
Secretary, CAVC Bar Association

PANELIST:

Judge Joseph L. Falvey, Jr.

U.S. Court of Appeals for Veterans Claims

2:00 p.m.

VA BEHIND THE SCENES:

A Panel Discussion

MODERATOR:

Amy F. Odom

President, CAVC Bar Association

PANELISTS:

Cheryl Mason, Chairman

Board of Veterans' Appeals

U.S. Department of Veterans Affairs

Richard J. Hipolit

Deputy General Counsel for Veterans Programs

Office of General Counsel

U.S. Department of Veterans Affairs

Mary Ann Flynn

Chief Counsel

Office of the General Counsel

Court of Appeals Litigation Group

U.S. Department of Veterans Affairs

David McLenachen

Director

Appeals Management Office

Veterans Benefits Administration

U.S. Department of Veterans Affairs

BREAKOUT SEMINARS

Appeals of VHA Decisions: Issues and Adjudicators

PANELISTS:

Richard J. Hipolit

Deputy General Counsel for Veterans Programs
Office of General Counsel
U.S. Department of Veterans Affairs

Linda Blauhut

Deputy General Counsel
Paralyzed Veterans of America

Toxic Exposure and Disability Compensation: What We Know and Where We're Headed

MODERATOR:

Brian Griffin

Deputy Chief Counsel, Benefits Law Group
Office of General Counsel
U.S. Department of Veterans Affairs

PANELISTS:

Barton F. Stichman

Executive Director
National Veterans Legal Services Program

Ralph L. Erickson MD, DrPH

Chief Consultant for
Post Deployment Health Services
Patient Care Services
U.S. Department of Veterans Affairs

Shane Liermann

Assistant National Legislative Director
Disabled American Veterans

BREAKOUT SEMINARS Continued

Substantiating MST Claims & 3rd Party Records: VA's Duty To Assist vs. Privacy Obligations

MODERATOR:

Shereen Marcus

Senior Appellate Attorney of Policy
Office of General Counsel
Court of Appeals Litigation Group
U.S. Department of Veterans Affairs

PANELISTS:

Stacey Pollack, Ph.D.

National Director of Program Policy Implementation
Office of Mental Health & Suicide Prevention
U.S. Department of Veterans Affairs

Thomas Polseno

Attorney
Bergmann & Moore, LLC

Brian P. Tierney

Staff Attorney
Office of General Counsel
Information Law Group
U.S. Department of Veterans Affairs

Bad Paper Facts vs. Myths: Discharge Upgrades and VA Eligibility

PANELISTS:

Robert Powers

President
Naval Discharge Review Board

Dana Montalto

Clinical Instructor, Veterans Legal Clinic
Legal Services Center
Harvard Law School

Laurine J. Carson

Assistant Director, Compensation Service
Veterans Benefits Administration
U.S. Department of Veterans Affairs

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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
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