

**Veterans and Military Law Section (VMLS) Executive Committee Conference Call
November 10, 2016 at 3pm ET**

In Attendance—Bob DeSousa, Frank McGovern, Alan Goldsmith, Pete Masterton, Jim Richardson, Ray Bily, Josh Albertson

Chair's Report—Bob DeSousa called the meeting to order at 1505. He reported that VMLS is doing fine financially, although we would not be getting a formal treasurer's report. He also noted the need for new chairs of the Communications and Continuing Legal Education committees. Josh Albertson will do a blast e-mail to the membership soliciting applications for these positions.

Membership Committee—Bob DeSousa suggested that Ray Bily schedule a conference call with his committee to brainstorm ideas to further increase membership. Ray said he will call Josh Albertson for ideas.

Vice-Chair—Jim Richardson advised on developments for the CLE in Puerto Rico in the Spring. He also noted ongoing plans for training seminars on VA practice, discharge upgrade and cultural competency with veterans. Bob DeSousa asked that Jim prepare something for the newsletter on the recent Baltimore event. Jim suggested an admission ceremony at the FBA midyear meeting at the Court of Appeals for the Armed Forces (CAAF) or the Court of Appeals for Veterans Claims (CAVC). Alan Goldsmith suggested an outreach session of CAAF at the 2018 FBA annual meeting in New York. Jim Richardson suggested this might be a better idea for the midyear meeting.

Veterans Task Force – Jim Richardson said that there would be a conference call later in the day with FBA President Judge Newman on the FBA Veterans Task Force. They are looking to Lexis/Nexis for possible assistance.

Secretary—Alan Goldsmith said that the Judge Advocates Association (JAA) is still planning on a Jobs for JAGs seminar, but the target date has been moved back to early 2017. He also noted that the Military and Veterans Legal Network (MVLN) met in October and formulated criteria for requests for proposals to create pilot programs at the state and local level. He will report back if there are further developments on Jobs for JAGs and MVLN.

Military Justice Committee—Pete Masterton submitted the following written report:

1. Nelson Van Eck submitted an excellent article on the National Guard TDS that was published in our fall section newsletter.
2. My "column" on recent developments in military justice was published in the October/November edition of the Federal Lawyer.
3. A long-awaited executive order was issued on 16 September that clarifies many of the new sexual assault statutes. Adam Hill has volunteered to write an article on the order for publication in our section newsletter.
4. It is unclear what impact Trump's election will have on military

justice. In the past it has always taken much longer to get changes implemented under a new administration.

CLE Committee—Hillary Wandler submitted the following written report:

The PR Chapter is leading this event with VMLS's partnership. VMLS is providing planning assistance, as well as leg-work on recommending and obtaining speakers. VMLS has also committed to providing some financial assistance and marketing. Mariano is our PR POC, and he has been communicating with the Caribe Hilton regarding rooms and conference facilities. The Caribe would provide a block of rooms for attendees (estimated block of 15 rooms secured at this time), as well as a conference room for the event itself. The dates are blocked for April 27-29, which avoids the FBA's Capitol Hill Day and Leadership Training on April 20-22. Jim spoke with Dave Myers about presenting a good portion of the CLE, and he is interested. Jim and Dave recommended that the PR Chapter advertise the event to Veterans Service Officers in PR as well as organizations like the American Legion and VFW. (Another idea on the table is supporting a clinic connected with the event, but it is not yet clear whether that clinic would be an intake clinic in conjunction with the actual event, or a long-term veterans legal services clinic in a local law school kicked off at the same time as the event. Jim could clarify this more.) Any help from the greater section regarding speakers, topics, and marketing would be greatly appreciated, of course!

Legislative and Regulatory Committee—Carol Scott submitted the following written report:

ABA Summit – a work in progress. There was a two day meeting to which I was invited with a small number of representatives from the larger summit in June. The program now is to refine a skeleton network of organizations including clinics, organizations such a Pine Tree Legal (a resourcing database, the Consortium, etc. I was not included in the second day, but that group was very small and included large organizations and LSC. Their report should be out next month, and then the third stage of this will begin. I discussed the lack of diversity (everyone around the table was white) and the need for grass roots outreach to African American, Hispanic and Indian communities.

NCAI Annual convention. Phoenix. The total lack of understanding of the very nature of tribal government on the part of VA in attempting to implement changes to 38 C.F.R. to allow for the certification of Tribal VSOs consumed most of the Veterans Committee meetings during the convention. I took some items with me for the table I had, including copies

of the newsletter I printed out and took with me (forwarded what was left to Maria for use in Harrisburg tomorrow) . The major issues for our Veterans Comm meetings was the inability of the Office of Tribal Government Relations to interact with the tribes. There is some rather unpleasant interaction going on and the up shot was the decision to request that the **Sec'y pull the regs, convene a proper Tribal Consultation during the winter leadership council** and include in the Consultation someone from BIA who understands tribal law. I am in the process of attempting a sit-down with someone from OGC who will listen to the essence of the problem and how to cure it.. I am still working on the possibility of a seminar in OK in October of 2017. A visit to the Census booth led to the discovery tha the 2010 census identified 1,858,478 Indian / Alaska Native, Hawaiian Native and Pacific Islander veterans. Many more than anyone thought.

VSO/VBA briefing Nov. 7 – This was an all day affair. The primary topic was the changes in the claims system and particularly the C& P exam. The issue of C&P exams and the competence of the examiners is currently on appeal from the FedCir. for Cert. The challenge is to the presumption of regularity as it is applied to competence of any examiner the VA assigns to perform a C&P exam. i.e. it is perfectly OK for the exam for a complex cancer case to be performed by as nurse practitioner from OB/GYN as long **as the VA sez that person is “qualified.”** I am in the process of getting an appointment with Danny Devine, the new Deputy Director of Policy and Procedures to address the considerable issue of cultural competence in mental health assessment – Indians, Puerto Ricans and other Hispanic groups, even African Americans.

Old Business--None

New Business--None

The meeting was adjourned at 3:25 pm.