

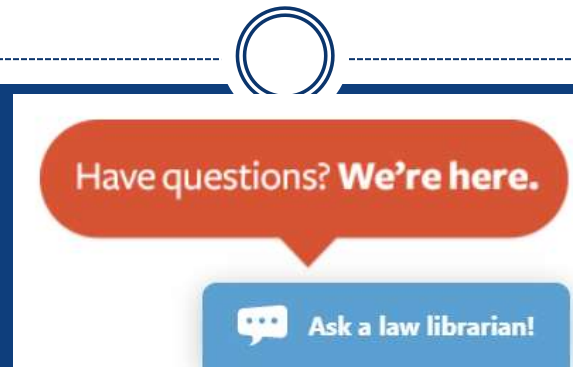
Legal Research Center



Veterans Clinic Research Training

Liz Parker
Publication Services Librarian
eparker-10@sandiego.edu

Introduction



- ❖ Librarians are available to help with clinic research
- ❖ You can reach us via chat: sandiego.edu/law/library
- ❖ or email: lrcrefer@sandiego.edu
- ❖ Resources you use in the clinic will differ from those used in LWR

Research Training



- ❖ Resources
 - ❖ LRC Databases
 - ❖ Government websites
 - ❖ Other online resources
- ❖ Gather background information on individuals – clients & witnesses
- ❖ Conduct a litigation search to research potential defendants
- ❖ Research past discharge upgrade cases
- ❖ Additional resources from other veterans advocates

Resources



Useful LRC Materials



- ❖ Civil practice
- ❖ Pre-trial procedure
- ❖ Trial procedure
- ❖ Appeals & writs
- ❖ Rules of court
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- ❖ Jury instructions
- ❖ Arbitration
- ❖ Client communications

California Court Materials



- ❖ [California Rules of Court](#)
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Pardee Legal Research Center

The law library exists to support the educational and scholarly activities of the USD law community.

For the safety and well-being of the USD community, the LRC building is closed until further notice. See our [Remote LRC Services Due to COVID-19 Guide](#) for more information about LRC services and online resources that are available to support remote teaching, learning, and research.



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Contact the law library's reference desk for any questions. [more...](#)

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Fee Agreements: Say What You Won't Be Doing

Julie Brook June 12, 2020

Many times you can anticipate related services that you don't intend to provide under the existing fee agreement with the client, but that the client might want provided. Like when you're retained to negotiate a dispute, but not to litigate it. Or a settlement may have tax consequences for the client,...

Court Errs in Denying Petition to Consider Mitigating Factors in Resentencing of Marine Corps Veteran

David Saunders June 12, 2020

From time to time, a trial court will either fail to be aware of important changes in the law or understand how they might work. This can arise when resentencing petitions are filed after the enactment of ameliorative legislation. This problem was illustrated in the recent case of *People v. Bonilla-Bray*...



Law Alerts

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California Supreme Court Considers Pushing Bar Exam to October

Katherine Proctor June 12, 2020

In a Wednesday letter to the State Bar of California, the California Supreme Court said it is considering pushing the state's 2020 bar exam date to October. The high court had already ordered in April that the exam be postponed to Sept. 9-10. The exam had originally been scheduled for the end of July,...

NLRB Adopts New Test to Determine Jurisdiction Over Religious Educational Institutions

Matt Mandelbaum June 11, 2020

The National Labor Relations Board issued a decision Wednesday declining to exercise jurisdiction over a self-identified religious institution of higher education. In so doing, the Board adopted a three-prong test to determine when the Board's exercise of jurisdiction over such institutions is appropriate...



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Law Practice Management

- ▶ California Basic Practice Handbook
- ▼ California Client Communications Manual: Sample Letters and Forms
 - Contents
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 - Selected Developments
 - Cutoffs and Citation
 - ▶ 1 Initial Contact With Prospective Client
 - ▶ 2 Nonengagement: Letters Declining Representation
 - ▶ 3 General Attorney-Client Fee Agreements
 - ▶ 4 Consent to Representation After Disclosing Conflict of Interest
 - ▶ 5 Status Reports and Notices About Case to Client
 - ▼ 6 Requests for Documents From Client
 - ▶ I. HANDLING DOCUMENT REQUESTS
 - ▼ II. FORMS
 - §6.6 A. Form: Letter Requesting That Client Provide Documents for

6 Requests for Documents From Client

California Client Communications Manual: Sample Letters and Forms

**§6.7 B. Form: Letter Requesting That Client Provide Documents for Attorney's Review in Litigation Matter—General Form**[Click to Download Form](#)

_ _[Date]_ _

_ _[Client name and address]_ _

Re: _ _[Client's case name and number]_ _

Dear Mr./Ms. Client:

I am in the process of investigating the facts of this matter and need to review any documents in your possession that relate to your _ _[claim/defense]_ _ . In particular, I would like to review the following documents: _ _[specify document(s) needed, e.g., a copy of all canceled checks and credit card statements or insurance receipts showing payments for medical treatment to Dr. Jones]_ _ . Please mail or bring the documents to my office by _ _[date]_ _ .

If you are unable to locate the document(s) or have any questions regarding this request, please call me. [Also, if you have or know of other documents that you feel would be helpful to an understanding of your position in this matter, please let me know immediately.]



U.S. Department of Veterans Affairs



- ❖ Veterans Benefits Administration
- ❖ Veterans Health Administration
- ❖ National Cemetery Administration



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Robert N. Davis
Clerk of the Court
Gregory O. Block

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Board of Veterans' Appeals Response to COVID-19


The Board of Veterans' Appeals (Board) is making changes to keep Veterans safe from exposure to COVID-19 while continuing its mission of providing hearings and deciding appeals.

1. The Board temporarily suspended all in-person (travel board, video and Central Office) hearings. Virtual hearings remain available. The Board continues to assess the situation in partnership with Veterans Service Organizations and representatives and will resume in-person hearings as soon as possible.

We ask Veterans to work with their representatives to elect a virtual hearing or to reschedule hearings. Veterans who prefer to wait for travel board, video or central office hearings to resume will receive top priority in hearing rescheduling.

[Click here](#)  for information on virtual hearings.

2. The Board will consider Advance on Docket (AOD) motions on appeals for Veterans impacted by COVID-19; [Click here](#) to find out how to file for AOD and what documentation is required.

3. During this National emergency, the Board will now accept typed signatures on AMA Notices of Disagreement (NOD) [VA Form 10182](#) , in lieu of a wet signature.

4. VA's current regulations provide flexibility for VA to extend filing deadlines for good cause on a case by case basis. The Board understands that each Veteran/appellant has unique circumstances and the current situation may create challenges for many in meeting some deadlines, therefore the Board will consider requests to extend timelines for good cause. The Veteran or representative can file an extension request in advance or explain it at the time of filing the notice of disagreement or substantive appeal.

For updates on COVID-19 Click [here](#)

RESOURCES

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Background on Individuals



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Fictitious Business Names
Texas Sales Permit
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FAA Aircraft

Real Property

Real Property
Foreclosures
Property History



Licenses

DEA Registrants
FAA Pilots
FCC Licenses
Hunting & Fishing Licenses
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Health Care Provider Sanctions
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Street Address		
<input type="text"/>		
City	State	Zip Code
<input type="text"/>	<input type="text" value="All Available States"/>	<input type="text"/>
Date of Birth		
<input type="text" value="06/01/1953"/>		

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No.	Full Name	Address	SSN	Date of Birth	Case Information
View Source Documents		Click for Additional Searches			
<input type="checkbox"/> 1.	BERKOWITZ, DAVID	NY		06/1953	Source: Department of Corrections
<input type="checkbox"/> 2.	BERKOWITZ, DAVID	NY		06/1953	Source: Department of Corrections

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New York Department Of Corrections

Offender Information

Name: BERKOWITZ, DAVID
Address: NY
Case Type: Department Of Correction
Party Status: UNDER CUSTODY
DOB: 06/1953
Race: WHITE
Sex: Male



Offenses

Offense #1
Case Type: Department Of Correction
Offense Type: F
Offense: ATTEMPTED MURDER 2ND
Level: FB

Offense #2
Case Type: Department Of Correction
Offense Type: F
Offense: MURDER 2ND
Level: FA1

Offense #3
Case Type: Department Of Correction
Offense Type: F
Offense: MURDER 2ND
Level: FA1

Offense #4
Case Type: Department Of Correction
Offense Type: F
Offense: CRIM POSS WEAP 2ND
Level: FC

Offense #5
Case Type: Department Of Correction





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The San Diego County Sheriff's Department strives to help keep the public aware of public safety issues and related matters in San Diego County. Our hope is to strengthen our partnership with our communities so that we can better fulfill our mission of providing the highest quality public safety services in an effort to make San Diego the safest urban county in the nation.

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 - ❖ Free to USD Law users
 - ❖ Not all documents are available
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State Litigation Resources

CORDOVA VS. UNITED EDUCATION INSTITUTE, Docket No. 201200083573 (Cal. Super. Ct. Oct 15, 2012), Court Docket



RACHEL CORDOVA

Plaintiff/Petitioner

ROSALINDA MENDOZA

Plaintiff/Petitioner

MARTHA YATES

Plaintiff/Petitioner

UNITED EDUCATION INSTITUTE

Defendant/Respondent

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<input type="checkbox"/> BL-2	Oct 15, 2012	Request	Original Summons filed by Cordova, Rachel; Mendoza, Rosalinda; Yates, Martha.
<input type="checkbox"/> BL-3	Oct 15, 2012	Request	Civil Case Cover Sheet filed by Cordova, Rachel; Mendoza, Rosalinda; Yates, Martha.
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<input type="checkbox"/> BL-6	Oct 15, 2012	Request	Case initiation form printed.
<input type="checkbox"/> BL-7	Nov 19, 2012	Request	Motion Hearing (Civil) scheduled for

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CORDOVA vs. UNITED EDUCATION INSTITUTE, Docket No. 201200083573 (Cal. Super. Ct. Oct 15, 2012), Court Docket

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4	A Law Corporation	* 2012 OCT 15 P 3 32 *
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8	Robert W. Thompson (Bar No. 106411)	
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10	CALLAHAN THOMPSON SHERMAN & CAUDILL LLP	
11	2601 Main Street, Suite 800	
12	Irvine, California 92614	
13	(949)261-2872; (949)261-6060 fax	
14	Attorneys for Plaintiffs	
15	RACHEL CORDOVA, ROSALINDA MENDOZA,	
16	and MARTHA YATES	
17		
18	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
19	COUNTY OF SAN DIEGO	
20		
21	RACHEL CORDOVA, ROSALINDA MENDOZA, and MARTHA YATES	CASE NO.: 37-2012-00083573-CU-BT-CTL
22	Individually and on behalf of the general public,	CLASS ACTION
23	Plaintiffs,	COMPLAINT FOR DAMAGES, INJUNCTIVE RELIEF AND RESTITUTION
24	v.	1. Deceptive Practices (Violation of Consumers Legal Remedies Act, Cal. Civil Code §§ 1750 et seq.)
25	UNITED EDUCATION INSTITUTE, a California corporation, and DOES 1 through 50, inclusive	2. Unfair Business Practices (Violation of Cal. Bus. & Prof. Code § 17200 et seq.)
	Defendants.	3. Misleading and Deceptive Advertising (Violation of Cal. Bus. & Prof. Code § 17500 et seq.)
		4. Fraud
		Action Filed:
		Trial Date: None set

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Docket Number
201200083573

Court
California Superior Court,
San Diego County

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Discharge Upgrades



How to Apply for a Discharge Upgrade

Answer a series of questions to get customized step-by-step instructions on how to apply for a discharge upgrade or correction. If your application goes through and your discharge is upgraded, you'll be eligible for the VA benefits you earned during your period of service.

All branches of the military consider you to have a strong case for a discharge upgrade if you can show your discharge was connected to any of these categories:

- Mental health conditions, including posttraumatic stress disorder (PTSD)
- Traumatic brain injury (TBI)
- Sexual assault or harassment during military service (at VA, we refer to this as military sexual trauma or MST)
- Sexual orientation (including under the Don't Ask, Don't Tell policy)

The information you enter on the next page is completely confidential.

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Can I get VA benefits without a discharge upgrade?

Even with a less than honorable discharge, you may be able to access some VA benefits through the Character of Discharge review process. When you apply for VA benefits, we'll review your

Military Review Boards



Army

- ❖ [Discharge Review Board](#)
- ❖ [Board for Correction of Military Records](#)

Navy & Marine Corps

- ❖ [Discharge Review Board](#)
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Air Force

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- ❖ Lexis (Practice Area: Military and Veterans Law)
- ❖ Westlaw (Practice Area: Military Law)



Boards of Review Reading Rooms

This is the Department of Defense Electronic Reading Room for the Military Departments' Boards for the Corrections of Military/Naval Records (BCMR) and the Discharge Review Boards (DRB). The reading room contains the decisional documents for each of the Boards from October 1998 for public research. The personally identifiable information and non-public information has been redacted (removed) from these documents. A number of the documents have been temporarily removed to conduct a quality assurance review. Reposting of those decision documents is in progress. Decisions on applications to these boards are sent directly to the applicants as soon as the board issues the decision. This website is not intended for applicants to obtain the decision on their application or obtain the status of their application. If you wish to request specific decisional documents or have questions on current applications, please use the following links to contact the appropriate military department.

Army:

BCMR/DRB - email: usarmy.pentagon.hqda-arba.mbx.webmaster@mail.mil

Navy/Marine Corps:

BCNR - https://www.secnav.navy.mil/mra/bcnr/Pages/Contact_Us.aspx

NDRB - <https://www.secnav.navy.mil/mra/CORB/Pages/NDRB/default.aspx>

Air Force:

BCMR - email: usaf.pentagon.saf-mr.mbx.saf-mrbc@mail.mil

PDBR - email: usaf.pentagon.saf-mr.mbx.PDBRPA@mail.mil


DRB - email: usaf.pentagon.saf-mr.mbx.drb-workflow@mail.mil


Coast Guard:

BCMR - email: cgbcmr@hq.dhs.gov

DRB - email: drb@uscg.mil

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Veteran Discharge Upgrade Database

Upgrade.Vet is a searchable database of decisions from the U.S. Department of Defense (DoD) Boards for the Corrections of Military/Naval Records (BCMR) and the Discharge Review Boards (DRB). The files on this site were published by the DoD at the [Boards of Review Reading Rooms](#).

Note: these files comprise the entire database of the DoD Reading Rooms as published in late 2015. As of this writing (January 2020), the DoD Reading Rooms have removed access to this information. The decisions are provided here as a convenience for veterans and their representatives who are seeking to understand the decisional history of the DoD BCMR and DRB boards. With few exceptions, each file has been converted from its original format into HTML to enable search and preview. Links to the original documents are provided. Please contact upgrade.vet@gmail.com with any questions or issues.

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Other Sources



- ❖ Uniform Code of Military Justice (UCMJ),
10 U.S.C. §§ 801-946
- ❖ JAG Guides (Judge Advocate General's Corps)

Other Resources



Additional Resources



- ❖ Yale Veterans Legal Services Clinic
 - ❖ [Forms & Resources for Veterans Seeking Discharge Upgrade](#)
 - ❖ [Veterans Discharge Upgrade Manual](#)
- ❖ [Nolo Press](#)

Additional Resources



[OCBA Veterans & Military Committee](#)



[LACBA Veterans Legal Services Project](#)

Additional Resources



[ABA Veterans Legal Services Initiative](#)

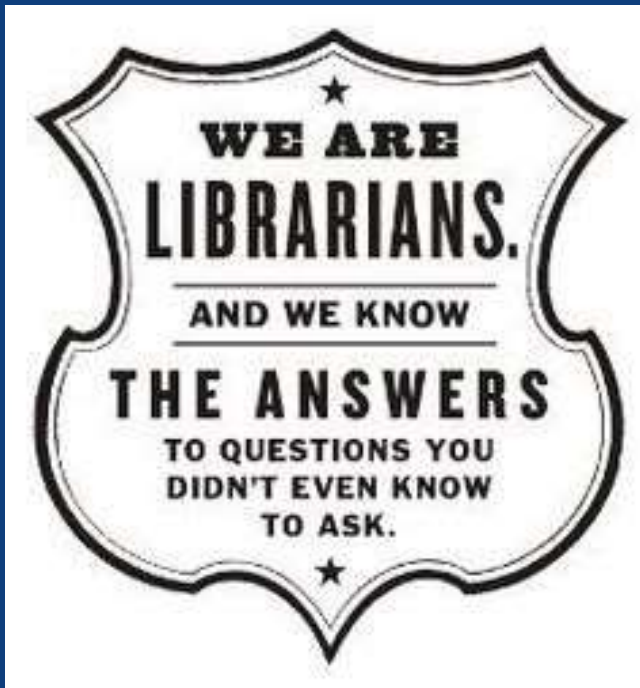


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Questions?



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- ❖ Slides will be posted at
www.sandiego.edu/law/library/research-trainings/clinics.php