

NOVA 2019 Fall Conference



September 12-14, 2019
Hilton Portland Downtown
Portland, OR





NATIONAL ORGANIZATION OF VETERANS' ADVOCATES, INC.

Providing Training for Those Who Represent America's Veterans and Their Dependents Since 1993

A MESSAGE FROM THE SEMINAR COMMITTEE

We are excited to be hosting NOVA's 2019 Fall Conference on September 12-14 at the Hilton Downtown in Portland, Oregon!

Based on attendee feedback, we will continue with the format started in fall 2017. The conference is designed to build from basic to advanced topics, with plenty for both the new and experienced practitioner on each day. The first day, formerly known as our New Practitioners' Session, is now our Basic Session. The Basic Session will cover important foundational concepts critical to a successful practice, such as the basics of service connection and ensuring that your client is properly rated. Experienced practitioners can also find useful information in our Basic Session, e.g., fee agreements under the new appeals structure and evidence gathering.

The second and third days, also known as our General Session, will cover intermediate and advanced topics respectively, building on the themes of the Basic Session. Topics include more in-depth discussions on appeals reform, TDIU, factual development and legal strategies in mental health claims, and electronic access. We are pleased to offer two concurrent sessions as well, so attendees may enjoy an experience suitable to the needs of their practice.

Please review the enclosed schedule to learn more about all the sessions and our invited guests. The seminar will increase your knowledge, confidence, and expertise in representing veterans before the Department of Veterans Affairs, Board of Veterans' Appeals, and the United States Court of Appeals for Veterans Claims. In addition, your time may be credited to your jurisdiction's CLE requirements.

To maintain the professional atmosphere of the seminar, we ask the attendees to wear business casual attire throughout the three days of the conference. Please respect the rights of all attendees. A high standard of public decorum is expected at all times. Your support of this policy is greatly appreciated.

Please register today for NOVA's 2019 Fall Conference and energize your practice! We look forward to seeing you in Portland!

Your 2019 Seminar Planning Committee:

Zachary Stolz (Chair)

Chris Attig

Kenneth Carpenter

Glenda Herl

Matthew Hill

Bob Goss

Daniel Smith

John Tucker

Michelle Wolf



Greetings from Portland

ABOUT PORTLAND

A little bit creative, a little bit counter-culture, **Portland** has become one of America's favorite cities. This friendly and laid-back place is packed with so much character you will not be bored here! Check out one of Portland's many breweries or pubs and don't miss lunch at one of the food cart pods - huge collections of eateries banded together in one spot, where food vendors offer everything from authentic Thai and Lebanese fare to Korean comfort food.

Sprawling Washington Park, set right in the city, is a destination in its own right. There, you will find Hoyt Arboretum, a beautiful, forested place full of flora from around the world, as well as the Rose Garden and the Japanese Garden. For kids, there's the Oregon Zoo and the Children's Museum. To get even further into nature, head to Forest Park's 70 miles of trails, just minutes from downtown.

Portland's arts and culture institutions are also highly regarded. Hear a performance at the Oregon Symphony or the Portland Opera. Visit the Portland Art Museum to see 42,000 works of art.

Just to the northwest of downtown is the Pearl District, a trendy neighborhood on the streetcar line. It is an excellent place to grab a drink, dine in fine restaurants, and visit the famous Powell's Bookstore.

The NOVA 2019 Fall Conference will be held at **Hilton Portland Downtown**. The NOVA Room Block Rate is \$199 plus tax, per night, single or double occupancy, and is available three days prior and three days after the conference based upon room availability. Room reservations must be made by Sunday, August 11, 2019, for this rate to be honored.

To book your room at the Hilton, please click [HERE](#).

In anticipation of the Hilton room block filling, we have secured a small room block at the Heathman Hotel, two blocks from the Hilton. The Room Rate is \$219 plus tax. To make a reservation at the Heathman Hotel, please click [HERE](#).



CONFERENCE SCHEDULE - BASIC SESSION - THURSDAY, SEPTEMBER 12

7:30 AM **Continental Breakfast & Registration**

8:00 AM **Welcoming Remarks** - Glenda Herl, *NOVA President*

8:15 AM
(90 mins) **Basics of Service Connection** - Drew Early, Esq., *The Law Firm of Drew Early*
Drew will address the elements of direct service connection, secondary service connection, service connection by aggravation, service connection by legal presumption, and obtaining benefits under 38 U.S.C. 1151.

9:45 AM
(15 mins) **Break**

10:00 AM
(60 mins) **Ensuring Your Client Is Properly Rated** - Christine Clemens, Esq., *Chisholm Chisholm & Kilpatrick*
Disability ratings are important because they reflect the severity of the veteran's disability and dictate the amount paid by VA. Christine will cover the various aspects of ratings, including the statutory basis, rating schedule, combined ratings, and diagnostic codes. She will also explain how to assess whether the rating is correct, achieve the proper rating, and consider the effect of the AMA on these issues.

11:00 AM
(60 mins) **Understanding Effective Dates** - Jonathan Greene, Esq., *Greene & Marusak*
This presentation will cover the basic rules for establishing effective dates for entitlement to service-connected compensation. Jonathan will discuss the effective date rules governing cases decided in the legacy system and under the AMA. He will also review strategies for obtaining earlier effective dates, including a discussion of 38 C.F.R. 3.114, 3.156(b), and 3.156(c).

12:00 PM
(90 mins) **Lunch (on your own)**

1:30 PM
(60 mins) **Factors to Consider in the Decision to Represent** - Alexandra Curran, Esq., *Attig Steel*
Alexandra will focus on the information needed and the assessment required to decide whether you can offer representation to a potential client. She will cover intake (e.g., what documents you need to review, what information you need from the veteran), whether to request the claims file prior to making a decision to represent, and how to assess the claim based on your review.

2:30 PM
(60 mins) **Evidence Gathering - Development and Collection** - Daniel Smith, Esq., *Bosley & Bratch*
Developing strong supporting evidence is critical to achieving a favorable outcome for your client and one of the most important jobs of an advocate. VA often denies claims based on gaps in the record. Dan will focus on the kinds of evidence needed to support a VA claim and where you can go to find it.

3:30 PM
(15 mins) **Break**

3:45 PM
(75 mins) **Fee Agreements Under the AMA** - Amy Kretkowski, Esq., *Law Office of Amy B. Kretkowski*
AMA implementation brings changes to when an advocate can charge fees. Amy will review the current statutory provisions, and discuss both withholding and non-withholding agreements. In addition, she will discuss recent case law relating to fees.

At the conclusion of the conference, the NOVA staff will calculate your CLE credit hours based on whether you signed in at the registration desk each morning and you will receive an email with necessary forms that you will then have to submit to your state bar or the VA.

CONFERENCE SCHEDULE - INTERMEDIATE SESSION - FRIDAY, SEPTEMBER 13

7:30 AM **Continental Breakfast & Registration**

8:00 AM **Welcoming Remarks/Announcements** - Zachary Stolz, *NOVA Seminar Committee Chair*
(15 mins)

8:15 AM **Decision Matrix 2.0** - Kenneth M. Carpenter, Esq., *Carpenter Chartered*
(90 mins)
As a result of the new appeals process, advocates will need to make a number of adjustments, e.g., understanding a new notice format for VA decisions, a new point in the process for when a fee can be charged, and a new process for filing an appeal to BVA. In this presentation, Ken will expand on the discussion started at the spring 2019 conference and offer suggestions for adopting a new decision matrix.

9:45 AM **Break**
(15 mins)

10:00 AM **Appeals Reform Panel With VA Guests** - Cheryl Mason, *BVA Chairman*, David McLenachen, *AMO Director* & Jackie Imboden, *VACO* (invited); Moderator: Matthew Hill, Esq., *Hill & Ponton*
(120 mins)

12:00 PM **Lunch (on your own)**
(90 mins)

1:30 PM **Conversation with CAVC Judges** - Chief Judge Robert Davis and Judge Mary Schoelen, *United States Court of Appeals for Veterans Claims*; Moderator: Zachary Stolz, Esq., *Chisholm Chisholm & Kilpatrick*
(45 mins)

2:15 PM **Break**
(15 mins)

2:30 PM **TDIU Update** - Amanda Mineer, Esq., *The Veterans Law Group*
(60 mins)
Amanda will provide an update on the latest developments regarding individual unemployability, focusing on the evidence needed for success and recent TDIU cases.

OR

Advocating for MST Survivors - Renee Burbank, Esq., *Yale Law School*
Survivors of military sexual trauma (MST) experience unique challenges in obtaining VA benefits and, if they have a less-than-honorable discharge, health care. This session will discuss how to approach these cases - from developing evidence and handling misconceptions about MST, to minimizing MST survivors' retraumatization in interactions with VA personnel. Renee will also briefly discuss the implementation of the Honor Our Commitment Act for veterans who experienced MST.

At the conclusion of the conference, the NOVA staff will calculate your CLE credit hours based on whether you signed in at the registration desk each morning and you will receive an email with necessary forms that you will then have to submit to your state bar or the VA.

CONFERENCE SCHEDULE - INTERMEDIATE SESSION - FRIDAY, SEPT 13 - CONTINUED

3:45 PM (60 mins) **Factual Development and Legal Strategies in Mental Health Claims** - Barbara Saavedra, Esq., *Swords to Plowshares*

This session will cover legal and factual variations for claims based on PTSD, depression, psychotic disorders, and/or other mental health conditions, and will discuss strategies for developing these claims for success. Advocates will better understand clinically significant differences between mental health conditions and how to use that information to partner effectively with mental health experts, prepare clients for C&P examinations, and develop lay and record evidence to support claims.

OR

How to Obtain and Use VA Quality Assurance Records in 1151 Claims - Michael Sepanik, Esq., *Law Office of Michael J. Sepanik*

VA has the advantage in 1151 claims, including control over most records and witnesses, as well as the resources to retain experts who are shielded from cross examination. VA quality assurance records serve to level the playing field as they help undermine VA opinions and close the evidentiary gaps created by one-sided adverse event disclosures. This presentation explains where quality assurance records might exist, strategies for obtaining them, and ideas on how to use them to your advantage in an 1151 claim.

5:00 PM **Social Hour**

*At the conclusion of the conference, the NOVA staff will calculate your CLE credit hours **based on whether you signed in at the registration desk each morning** and you will receive an email with necessary forms that you will then have to submit to your state bar or the VA.*

CONFERENCE SCHEDULE - ADVANCED SESSION - SATURDAY, SEPTEMBER 14

7:30 AM **Continental Breakfast & Registration**

7:45 AM **Membership Meeting & Board of Directors Election** - Glenda Herl, *NOVA President* & Christine Clemens, Esq., *NOVA Secretary*
(30 mins)

8:15 AM **Outreach, Regulatory, and Legislative Update** - Diane Boyd Rauber, Esq., *NOVA Executive Director*
(45 mins)
Diane will discuss the latest legislative developments on Capitol Hill, regulatory/policy changes at VA, and NOVA's engagement with other organizations.

9:00 AM **Recent Cases** - Barbara Cook, Esq., *Chisholm Chisholm & Kilpatrick*
(90 mins)
Barb will review recent cases decided by the CAVC and Federal Circuit. She will examine these cases in depth and discuss how you can use these cases to more effectively represent your clients.

10:30 AM **Break**
(15 mins)

10:45 AM **Electronic Access for Attorneys and Agents** - Kelsey Craviero, Esq., *Rob Levine and Associates & Bradley Hennings, Esq., Chisholm Chisholm & Kilpatrick*
(75 mins)
Brad and Kelsey will discuss the range of VA electronic systems currently available to attorneys and agents. They will walk through the steps for obtaining access to programs such as VBMS, CAPRI, MAP-D, and SHARE, and discuss important updates. They will also provide an overview of the newest programs, Caseflow Queue and eFolder Express. Learn why these programs are critical to successful representation of your clients.

12:00 PM **Lunch (on your own)**
(60 mins)

1:00 PM **Ethics: Mental Health and Practice Before VA** - Chris Attig, Esq., *Attig Steel*
(60 mins)
Managing a busy practice while trying to help veterans with disabilities can lead to compassion fatigue, depression, and substance abuse. These issues in turn can lead to ethical lapses and decrease an advocate's effectiveness. Join Chris as he explores the warning signs of trouble and outlines practical steps you can take to get help and prevent problems before they impact your clients and practice.

2:00 PM **Case Study** - Ashton Habighurst, Esq. & Thomas Polseno, Esq., *Bergmann and Moore*
(60 mins)

At the conclusion of the conference, the NOVA staff will calculate your CLE credit hours based on whether you signed in at the registration desk each morning and you will receive an email with necessary forms that you will then have to submit to your state bar or the VA.

William G. Smith Scholarship

WILLIAM G. SMITH SCHOLARSHIP

Scholarships have been created in memory of NOVA Founding Member William G. Smith, Esq., who provided leadership and support to countless practitioners in veterans law. Scholarships cover the cost of registration only, and are available to individuals who would not otherwise be able to attend the seminar due to financial hardship.

These scholarships are designated for attorneys, non-attorney practitioners, law students, and accredited veterans' service representatives. To be considered for a scholarship, please complete the application. The granting of scholarships, as well as the number of recipients, shall be at the sole discretion of NOVA.

The deadline to submit a request for scholarship consideration is **July 12, 2019**. To apply for the William G. Smith Scholarship, the following information is required: your name, address, and email; year of graduation from law school, if applicable; current employer and position; a brief explanation of how you intend to use this training; and your VA accreditation date, if applicable. You must also explain why you need financial assistance to attend a NOVA conference, and indicate if you have the financial resources to cover the related expenses of attendance (i.e., travel, lodging, food) should you be awarded a scholarship. Please fill out **this form** to be considered.

Questions and requests for scholarships may also be submitted to:
Meghan McNamer
Membership & Conference Planning Director
(202) 587-5708
mmcnamer@vetadvocates.org



FALL CONFERENCE REGISTRATION FORM

Send completed registration form and payment to:

NOVA - Fall Conference 2019
1775 Eye Street, NW Suite
1150 Washington, D.C. 20006
Phone: (202) 587-5708
Fax: (202) 587-5601

Email: mmcnamer@vetadvocates.org
kwhalen@vetadvocates.org

OFFICE USE ONLY

Received _____

Check # _____

Registration is also available on our website: www.vetadvocates.org.

Please provide a **unique** email address for each attendee that is their own, not that of their organization. The email address provided below will be used for **all** conference communication including materials & CLE distribution and we want to ensure proper receipt. **Registrations containing duplicate emails will NOT BE ACCEPTED.**

REQUIRED INFORMATION ****Please complete the information below as you would like your name badge at the conference to read.****

NAME: _____ ORGANIZATION: _____

STREET: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ E-MAIL: _____

SEMINAR MATERIALS

SEMINAR MATERIALS WILL BE PROVIDED PRIOR TO THE CONFERENCE VIA INTERNET DOWNLOAD. AN EMAIL WILL BE SENT TO THE ADDRESS PROVIDED ABOVE WITH INSTRUCTIONS TO DOWNLOAD THE MATERIALS. WIFI AND POWER OUTLETS MAY NOT BE AVAILABLE. PLEASE PROVIDE A UNIQUE EMAIL FOR EACH ATTENDEE, AS DUPLICATE EMAILS WON'T BE ACCEPTED BY THE SYSTEM.

REGISTRATION FEES (See Attached Fee Schedule On The Next Page)

Multi-registration fee discount: Organizations that register two or more individuals at the same time can apply the multi-registration discount. The discount is 10% off your final amount, or each registration. **Please note this discount does not apply to single registrations and can only be used if registering from the same firm at the same time.**

Credit card payments: You may pay by credit card (VISA, MC, AMEX or Discover) by completing the credit card payment form.

Please indicate below which sessions you plan to attend:

- BASIC SESSION ONLY (THURSDAY)
- GENERAL SESSION ONLY (FRIDAY & SATURDAY)
- BASIC SESSION & GENERAL SESSION (ALL THREE DAYS)

Is this your first time attending a NOVA Conference?

YES

NO

If you have a disability and require assistance, please inform Meghan McNamer by attaching your requirements to this form or call 202-587-5708.

PAYMENT ENCLOSED \$ _____

CLE CREDITS AND VA ACCREDITATION

In order to apply for CLE credits for your attendance at this seminar, please provide the following:

STATE AND BAR#: _____ STATE AND BAR#: _____

REGISTRATION FEE SCHEDULE

PLEASE NOTE* The student rate is reserved for active full-time law students. If you possess a Law School/Student NOVA Membership as a Law Professor, please register under the NOVA Member rate.*

Cancellation Policy

BEFORE August 23, 2019 75% of fee paid will be returned
ON OR AFTER August 23, 2019 NO REFUND (SEMINAR MATERIALS WILL BE PROVIDED)

	EARLY BIRD RATE Postmarked On or Before 6/28/2019	REGULAR RATE Postmarked On or Before 8/23/2019	LATE REGISTRATION AFTER 8/23/2019 <small>Registrations Must Be Made by Phone or Online and Paid by Credit Card</small>
BASIC SESSION ONLY			
NOVA MEMBER	\$350	\$450	\$650
NON-NOVA MEMBER	\$450	\$550	\$750
STUDENT	\$100	\$125	\$150
GENERAL SESSION ONLY			
NOVA MEMBER	\$495	\$645	\$845
NON-NOVA MEMBER	\$645	\$745	\$945
STUDENT	\$170	\$195	\$220
BASIC SESSION & GENERAL SESSION (ALL THREE DAYS)			
NOVA MEMBER	\$695	\$895	\$1295
NON-NOVA MEMBER	\$945	\$1095	\$1495
STUDENT	\$220	\$245	\$270

Credit Card Payment Form

(Complete the form and submit with your registration)

DATE: _____ YOUR NAME: _____

CARD #: _____ / _____ / _____ / _____ EXP. DATE: _____ SECURITY CODE: _____
(VISA, MC, DISCOVER, AMEX)

AMOUNT: \$

ITEM PURCHASED: _____

NAME (as it appears on the card): _____

CREDIT CARD BILLING ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ EMAIL: _____

(PERSON TO RECEIVE RECEIPT)