

**MOTION GRANTED**

August 19, 2020



Joseph L. Falvey, Jr.  
Judge

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE***

**IN THE UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS**

Vet. App. No. 19-1136

KENNETH M. CARPENTER  
and  
ROBERT V. CHISHOLM,

Appellants,

ROBERT WILKIE,  
SECRETARY OF VETERANS AFFAIRS,

Appellee.

**YELENA DUTERTE**  
Assistant Professor of Law and  
Director, Veterans Legal Clinic  
UIC John Marshall Law School

**MATT WILCUT**  
Attorney  
Deuterman Law Group

**On Behalf of Amicus Curiae**  
**National Law School**  
**Veterans Clinic Consortium**  
**(NLSVCC)**

**IN THE UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS**

**KENNETH M. CARPENTER** )  
                                  **and** )  
**ROBERT V. CHISHOLM,** )  
                                  ) )  
                                  Appellants, )  
                                  ) )  
v. )  
                                  ) )  
**ROBERT WILKIE,** )  
Secretary or Veterans Affairs, )  
                                  ) )  
                                  Appellee. )

Vet. App. No. 19-1136

**MOTION BY NATIONAL LAW SCHOOL VETERANS CLINIC  
CONSORTIUM FOR LEAVE TO FILE BY AUGUST 6, 2020, A BRIEF OF  
*AMICUS CURIAE* NOT EXCEEDING FIVE PAGES IN SUPPORT OF  
APPELLANT**

Pursuant to Vet. App. R. 2, Vet. App. R. 27(a), and Vet. App. R. 29(a), the National Law School Veterans Clinic Consortium (“NLSVCC”), respectfully moves for leave to file, by August 6, 2020, a brief of amicus curiae not exceeding five pages in support of Mr. Carpenter and Mr. Chisholm and responding to each of the Court’s questions in its July 16, 2020, Order (the “Briefing Order”).

NLSVCC is a 501(c)(3) organization and the nation’s 93<sup>rd</sup> Accredited Veterans Service Organization (“VSO”). NLSVCC is a collaborative effort of the nation’s law school legal clinics dedicated to addressing the unique legal needs of U.S. military veterans on a pro bono basis. NLSVCC’s mission is, working with the U.S. Department of Veterans Affairs, the U.S. Congress, state and local VSOs,

court systems, educators, and all other entities for the benefit of veterans throughout the country.

NLSVCC is uniquely-situated to help the Court review the parties' responses to the questions of the Briefing Order. The Court previously permitted NLSVCC to participate as amicus curiae in the current case, in support of the Appellants, prior to the Secretary's publication of the proposed rule related to remote access (the "Proposed Rule"). NLSVCC took the opportunity to submit comments to the Proposed Rule. Cmts. of NLSVCC to Proposed Rule (Apr. 20, 2020).

Given those previous efforts, as well as a vested interest in the accurate development of training programs for the next generation of practitioners and protecting veterans' access to justice through assurances of full representation, NLSVCC proposes that the Court would be aided through additional analysis. NLSVCC respectfully moves for leave to respond as amicus curiae to the Briefing Order. Its brief would be in support of Appellants.

NLSVCC files this Motion pursuant to Rule 2 as well as Rules 27(a) and 29(a) to request that this Court consider it without NLSVCC being required to file the intended brief simultaneously. The Briefing Order does not address participation by amicus curiae or limitations to briefing by such entities, such as whether all questions may be addressed, a deadline, or a page limit. NLSVCC requires no more than five pages to assist the Court and it requests such a page limit. NLSVCC requests ability to address each of the Briefing Order's questions. NLSVCC

requests a deadline in seeming adherence with the Briefing Order's briefing schedule of August 6, 2020.

Counsel for Appellants advised the undersigned that they are unopposed to this motion while Counsel for the Secretary takes no position and desires to reserve the opportunity to respond.

Respectfully submitted,

**/s/ Yelena Duterte**

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**/s/ Matthew Wilcut**

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**Certificate of Service**

I hereby certify that on August 3, 2020, the foregoing Motion for Leave to File Amicus Curiae Brief was e-filed and served by electronic means on the following parties or counsel:

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