

University of Detroit Mercy School of Law  
651 East Jefferson Avenue • Detroit, MI 48226

Dear Pro bono Attorney:

As you may already know, the Veterans Administration (VA) regulations require attorneys to be accredited in order to represent veterans before the VA. Attorneys are able to receive their initial accreditation by completing VA Form 21a. VA should grant the accreditation within approximately 60 days from the date of submission.

Please be aware that to maintain VA accreditation, attorneys must complete at least 3 hours of qualifying continuing legal education (CLE) within 12 months following the date of the accreditation. **If you receive VA Accreditation prior to attending the Project SALUTE training you will have satisfied this requirement. However, if you attend the Project SALUTE training before receiving VA accreditation you must attend a second 3-hour CLE training to fulfill the accreditation requirement.** To comply with the regulations, we recommend volunteer attorneys complete and submit VA Form 21a which can be found online at <http://www.va.gov/vaforms/va/pdf/VA21a.pdf> as soon as possible. If you do not receive VA accreditation prior to attending our training we will offer a FREE 3 hour CLE to satisfy this requirement.

Please do not let the VA accreditation requirement prevent you from attending Project SALUTE training or accepting a pro bono case assignment. If you have not previously represented a claimant before the VA, attorneys are able to represent veterans under a “one time representation” provision found in 38 CFR sec. 14.630. This provision can be used while you are awaiting accreditation. This regulation allows any person to represent a veteran on a one time pro bono basis, if the person has not previously represented a claimant before the VA. The attorney would simply prepare and sign VA Form 21-22a and cover letter to indicate that he/she is representing the veteran under 38 CFR sec. 14.630. The letter must indicate that the attorney has not previously represented a veteran before the VA and that no compensation will be paid or charged for the services. Both the attorney and claimant must sign the letter. VA form 21-22a may be found online at <http://www.vba.va.gov/pubs/forms/21-22a.pdf>.

Thank you for participating in Project SALUTE, Students and Lawyers Assisting U.S. Troops Everywhere Exclusively with Federal Benefits. If you have any questions, please feel free to contact our office at your convenience.

Very truly yours,

Professor Tammy M. Kudialis  
Director, Project SALUTE

## ATTORNEY ACCREDITATION

On June 23, 2008, the Department of Veterans Affairs implemented new regulations regarding the representation of veterans before the VA and Board of Veterans Affairs.

The new regulation (38 C.F.R. § 14.629, et. seq.) requires attorneys as well as non-attorney agents to be accredited by the VA Office of the General Counsel. Attorneys can satisfy the initial accreditation requirement by completing VA form 21a. This is a short 3 page form which should take only a few minutes to complete. An attorney's character and fitness to practice before the VA is presumed, if the attorney applicant self-certifies membership in good standing in the bar. The application must be sent to the VA Office of the General Counsel at the address listed on the form. The completion of the form is the only requirement for the initial accreditation.

Although the VA has stated that the application process will take approximately 1 month, recent applications have taken about 60 days. Unfortunately under this provision, attorneys are prohibited from "assisting claimants in the preparation, presentation, and prosecution of claims". Generally an attorney may not assist a veteran in the VA benefits claim until the VA has accredited the attorney.

In order to maintain accreditation, attorneys must complete at least 3 hours of qualifying continuing legal education within 12 months following the date of the accreditation. CLE must be approved for at least 3 hours of credit in at least 1 jurisdiction and cover the following topics: representation before VA, claims procedures, basic eligibility for VA benefits, right to appeal, disability compensation, dependency and indemnity compensation, and pension. An additional 3 hours of CLE must be completed within 3 years from the date of the accreditation and every two years thereafter.

38 C.F.R. § 14.630 or “one time representation rule” is an exception to the accreditation requirement to practice before the VA. Any person, including an attorney, may “prepare, present, and prosecute one claim”. If the attorney has not previously represented a veteran before the VA, she may represent the veteran under this rule. This provision requires that the attorney and claimant sign VA form 21-22a “Appointment of Attorney or Agent as Claimant’s Representative” (Notice of Appearance), and a statement that no compensation will be paid or charged for the services. The form can be sent to the VA regional office adjudicating the claim. This provision enables the attorney to represent the veteran while waiting for accreditation. The attorney may withdraw representation by notifying the VA regional office in writing.

## **AGENDA**

### **FEDERAL VETERANS' BENEFITS LAW: AN INTRODUCTORY SEMINAR**

#### **DAY 1**

Welcome and Introductions (10 min.)

Overview of the VA System (20 min.)

Requirements of a VA Disability Compensation Claim (35 min.)

How the VA Rates Disabilities (20 min.)

Special Challenges of PTSD and Mental Health Claims (20 min.)

Responding to Denial of a Claim (30 min.)

Non-Service Connected Pensions (15 min.)

Survivor and Special Benefits (20 min.)

Q & A (10 min.)

#### **DAY 2**

Gathering Evidence to Support a Claim (30 min.)

Presumptive and Secondary Disabilities (30 min.)

Common Reasons Claims are Denied and What You Can Do About Them (30 min.)

Reviewing and Organizing the Claims File (30 min.)

Regulation Changes and Certification of Attorneys (20 min.)

Advocacy Tips and Resources (20 min.)

Final Questions and Answers and Conclude (20 min.)

THE END