



# TEXAS LAWYERS FOR TEXAS VETERANS

## ★★★ PURSUING VA ACCREDITATION ★★★

BY LAURA A.W. PRATT

As the State Bar's *Texas Lawyers for Texas Veterans* initiative continues to expand across the state, the importance of assisting veterans should remain an ongoing focus for Texas lawyers. I am the proud granddaughter of two U.S. veterans, Bernard Anthony Orel, who served in the U.S. Army during the height of World War II, and Myron Wayne Wilson, Sr., who served in the U.S. Air Force during the Korean War. While neither made a career out of the military, their willingness to sacrifice their lives, to serve their country, to protect their homeland, and to preserve liberty overseas are inspiring qualities. Perhaps that is why I have always viewed giving service back to veterans an important function of my professional career.

While there are many common legal issues facing veterans that any licensed attorney can address, assisting veterans with benefits claims, denials, and appeals requires a lawyer to jump through a few more procedural hoops and seek accreditation with the U.S. Department of Veterans Affairs (VA). In the past, official representation before the VA was an area of frequent abuse and manipulation. Through the more recent accreditation procedure, the VA has sought to ensure that veteran claimants receive qualified assistance in preparing, presenting, and prosecuting their claims.<sup>1</sup> As an attorney who has just made it through this process, I thought it was a good idea to make others aware of the procedure and encourage them to pursue accreditation. Similar to seeking admittance in other jurisdictions, it is beneficial to seek this accreditation before the need arises.

First of all, knowing when accreditation is necessary for representation is an important distinction. If an attorney's practice consists of solely advising clients about the potential for eligibility of benefits and referring them to an accredited attorney or recognized service organization, then as a general rule, this attorney does not need to seek accreditation. However, according to the rules established by the VA, as soon as the attorney begins working to prepare, present, or prosecute a claim for benefits, the attorney needs to seek accreditation before advising his or her clients.<sup>2</sup> This accreditation requirement also applies to pro bono representation. The VA does not accredit interns, paralegals, and law students. Assistance from these individuals can only occur under the direct supervision of the attorney of record and with the specific written consent of the claimant.<sup>3</sup> Additionally, in a law firm setting, even though attorneys affiliated or associated with a single VA-accredited attorney may assist in the representation of a claimant without the direct supervision of the attorney of record, each attorney involved in the process or representation must seek accreditation.<sup>4</sup>

To obtain accreditation status, attorneys are required to formally apply by completing and filing a VA Form 21a. The form is very straightforward but requires employment information for the past five years, education information, and criminal or

disciplinary background disclosures. The form also requires contact information for three character references. According to the form, attorney applicants must be in good standing with a state bar, but they are not required to take an examination by the VA as a prerequisite to accreditation. After receiving accreditation approval, an attorney must regularly complete CLE to maintain accreditation.<sup>5</sup> CLE approved by a state other than the one in which an attorney is licensed or admitted is acceptable.<sup>6</sup> It is important to mention that CLE to maintain accreditation status must be completed *after* receiving approval; CLE obtained before this date will not be accepted by the VA. Veterans Affairs regulations require accredited attorneys to self-certify in writing that they have completed the qualifying CLE to the VA's Office of the General Counsel, including the title of the CLE, the date and time of the CLE, and identification of the CLE provider.

Despite the specific federal regulations tied to this procedure, obtaining accreditation with the VA is not an overly complicated process for attorneys. Furthermore, this accreditation allows attorneys to be involved at all levels of the VA claims process in order to better represent veteran clients. When the benefits of accreditation are contrasted with the minor inconvenience of applying and maintaining this status, seeking accreditation becomes an option completely worth the effort.

### NOTES

1. 38 C.F.R. §14.627(a).
2. *Id.*
3. *Id.* at §14.629(c)(3).
4. *Id.* at §14.629(c)(2).
5. *Id.* at §14.629(b).
6. *Id.* at §14.629(b)(1)(iii) and (iv).

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TexasBarCLE ([texasbarcle.com](http://texasbarcle.com)) offers a three-hour Veterans Benefits Law webcast, which qualifies for the accreditation requirement.

#### [VA WEBSITE LINKS REGARDING THE ACCREDITATION PROCESS](#)

##### **General Information:**

<http://www4.va.gov/ogc/accreditation.asp>

**FAQ:** [http://www4.va.gov/ogc/accred\\_faqs.asp](http://www4.va.gov/ogc/accred_faqs.asp)

##### **VA Accreditation Form 21a:**

<http://www4.va.gov/OGC/docs/Accred/VA21a.pdf>

For additional information on assisting and representing veterans both in a general capacity and in an official capacity before the VA, visit [texasbar.com/veterans](http://texasbar.com/veterans) or [va.gov/ogc/accred\\_faqs.asp](http://va.gov/ogc/accred_faqs.asp).