

GOVERNMENTAL AFFAIRS  
OFFICE

AMERICAN BAR ASSOCIATION

**Governmental Affairs Office**

740 Fifteenth Street, NW  
Washington, DC 20005-1022  
(202) 662-1760  
FAX: (202) 662-1762

DIRECTOR  
Robert D. Evans  
(202) 662-1765  
rdevans@staff.abanet.org

DEPUTY DIRECTOR  
Denise A. Cardman  
(202) 662-1761  
cardmand@staff.abanet.org

SENIOR LEGISLATIVE COUNSEL  
R. Larson Frisby  
(202) 662-1098  
frisbyr@staff.abanet.org

Lillian B. Gaskin  
(202) 662-1768  
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL  
Kristi Gaines  
(202) 662-1763  
gainesk@staff.abanet.org

Kenneth J. Goldsmith  
(202) 662-1789  
goldsmithk@staff.abanet.org

Kerry M. Lawrence  
(202) 662-1766  
lawrenck@staff.abanet.org

Ellen McBarnette  
(202) 662-1767  
mcbarnee@staff.abanet.org

E. Bruce Nicholson  
(202) 662-1769  
nicholsonb@staff.abanet.org

DIRECTOR GRASSROOTS  
OPERATIONS/LEGISLATIVE COUNSEL  
Julie M. Strandlie  
(202) 662-1764  
strandlj@staff.abanet.org

INTELLECTUAL PROPERTY  
LAW CONSULTANT  
Hayden Gregory  
(202) 662-1772  
gregoryh@staff.abanet.org

STATE LEGISLATIVE COUNSEL  
Rita C. Aguilar  
(202) 662-1780  
aguilarr@staff.abanet.org

EXECUTIVE ASSISTANT  
Julie Pasatiempo  
(202) 662-1776  
jpasatiempo@staff.abanet.org

STAFF DIRECTOR FOR  
INFORMATION SERVICES  
Sharon Greene  
(202) 662-1014  
greenes@staff.abanet.org

EDITOR WASHINGTON LETTER  
Rhonda J. McMillion  
(202) 662-1017

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Dear Representative:

On behalf of the American Bar Association ("ABA") and its more than 400,000 members, we ask that you end an historic penalty faced by veterans who seek the benefits to which they are entitled. Currently, veterans are not permitted to hire a lawyer to represent them in hearings before the Department of Veterans Affairs ("Department") - a right all other Americans enjoy when issues relating to their health and property are at stake. The ABA strongly supports our nation's veterans and supports lifting this restriction. Accordingly we respectfully request your support in passing legislation such as S. 2694 (Section 101), H.R. 5549, or H.R. 4914.

This Civil War era prohibition against lawyer representation is archaic. The prohibition was written when claims were simpler, claimants were defrauded by persons who did not attend law school, and there was no organized bar to regulate legal representatives. Things have changed dramatically in the last 140 years. Veterans' cases have become increasingly complex and the Department itself has numerous staff lawyers to assist it in the administration of these cases. Also, a federal court reviews appeals from Department decisions and legal precedent is set. While we appreciate that not every claimant will require formal legal representation, some veterans whose cases are more complex, or that may involve a prolonged process, may benefit from a lawyer's assistance. Ultimately, the decision of whether to hire a lawyer in a particular case should reside with the veterans whose rights are at stake and not be precluded by the government.

Furthermore, state bars have been organized since the Civil War, which promote competence and ethical law practice. Each state government has a mechanism to monitor its lawyers and to punish those who fail to meet its code of ethics. The ABA, founded in 1878, has among its primary goals "to achieve the highest standards of professionalism, competence and ethical conduct in lawyers." In 1908, the ABA adopted its Canon of Ethics, a document with which we have had nearly 100 years of experience. Our veterans deserve the benefit of this tradition.

Section 101 of S. 2694 and companion bill H.R. 5549 would lift this restriction on attorney compensation subject to special powers which it would bestow on the Secretary of Veterans Affairs. We are not opposed to this and

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would look forward to any opportunity to assist the Secretary in its implementation. We would respectfully request a technical amendment to the language, however, to address a possible, unintentional meaning. Section 101(a)(4)(B) includes the language "...and in conducting oversight of agents or attorneys." In lieu of this, we propose "...and in *overseeing the professional conduct* of agents or attorneys."

H.R. 4914, alternatively, would lift the prohibition on lawyer compensation for all but the initial appearance. We believe that lawyers often have an integral role to play from the initial stage of a case, but we would also support enactment of H.R. 4914 as a step in the right direction.

Currently, the Department is facing a backlog of cases. We would welcome the opportunity to work both with it and veterans' service organizations to address the best interests of veteran clients, promote the administration of justice, and develop recommendations aimed at reducing backlog. We have worked in a similar fashion with other federal agencies including the Social Security Administration and bring a breadth of experience and expertise in administrative law and procedure. The ABA is an umbrella group whose membership includes military law attorneys, retired military officers, administrative law judges, regulatory attorneys, academicians and others.

We are committed to justice for America's veterans and want them to have the best choices available. One of those choices may be to work both with an attorney on legal issues as well as a service group. Accordingly, we urge you to support enactment of legislation to allow veterans the opportunity to retain legal representation when they seek the benefits to which they are entitled. Thank you for your consideration and please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Evans".

Robert D. Evans