



# ABA VCAN Volunteer Attorney: Accreditation, Training, and Readiness Pledge Form



Thank you for your interest in volunteering through the ABA Veterans' Claims Assistance Network (VCAN) to help a veteran prepare and complete his or her benefits claim pending with the U.S. Department of Veterans Affairs (VA). After you complete and submit this form, VCAN will deem you ready and able to provide pro bono assistance to a veteran, and you should expect that VCAN will likely contact you by email requesting that you undertake representation of a veteran client.

Please complete and submit this form.

I, \_\_\_\_\_ (attorney name), **affirm the following:**  
(Please initial each of the following and sign at the bottom)

\_\_\_\_\_ **I have registered with VCAN through [www.ABAVCAN.org](http://www.ABAVCAN.org).**

\_\_\_\_\_ **I am accredited by the VA.**

\* Attorneys must be accredited by the VA before they can prepare, present, and prosecute claims for VA benefits. (See 38 C.F.R. §14.629(b)).

\_\_\_\_\_ **I have completed the ABA VCAN VA Benefits Claims Training Webinar.**

- \* All attorneys volunteering through VCAN must complete this free webinar, available on [www.ABAVCAN.org](http://www.ABAVCAN.org), even if they have completed any other qualifying CLE on veterans' benefits elsewhere.
- \* The ABA VCAN VA Benefits Claim Training Webinar is a qualifying CLE for VA accreditation purposes. Visit [http://www.va.gov/ogc/accred\\_faqs.asp](http://www.va.gov/ogc/accred_faqs.asp) for information about ongoing CLE requirements to maintain VA accreditation.
- \* After completing a qualifying veterans' benefits CLE, send to the VA Office of General Counsel written certification that you have completed the qualifying CLE training. The form for this purpose is attached, along with instructions for submission to VA.

\_\_\_\_\_ **I have read, understand, and agree to follow the terms in the "ABA VCAN Instructions and Agreement for Volunteer Attorneys" on pages 2 through 4 of this form.**

\_\_\_\_\_ **For the purpose of getting best matched with a case, please answer the following:**

- I have the following previous experience working with VA benefits claims:  
None Some Extensive
- I anticipate that I will be available to accept my first case within the next (check all that apply):  
30 days 60 days 90 days Anytime  
Your selection does not obligate you to accept any case, and there is no guarantee that a case will be available to you within your selected timeframe(s).

\_\_\_\_\_  
(Attorney Signature) (Date)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Submit this form to VCAN by one of the following:

- Email scanned copy to [ABAVCAN@americanbar.org](mailto:ABAVCAN@americanbar.org)
- Fax to ABA VCAN at 312-932-6433
- Mail to:  
American Bar Association  
Veterans' Claims Assistance Network (VCAN)  
321 N. Clark Street, Floor 19  
Chicago, IL 60654

# ABA VCAN Instructions and Agreement for Volunteer Attorneys

*All Attorneys accepting a pro bono case on behalf of a veteran client through the American Bar Association Veterans' Claims Assistance Network (VCAN) to help the veteran prepare and complete his or her benefits claim with the U.S. Department of Veterans Affairs (VA) must read, understand, and agree with all of the terms below. (You also may find this form to be a useful checklist tool while volunteering with VCAN.)*

## **I. Development of Attorney-Client Relationship and Access to Veteran's Claim Information**

- After I agree with VCAN to assist a veteran client, I will promptly contact the veteran.
- I will provide to the veteran the (1) Pro Bono Representation Agreement,<sup>1</sup> and (2) pre-filled VA Form 21-22a. As described in these forms, I will explain and make clear to the veteran:
  - (1) The nature and duration of my pro bono representation;
  - (2) I am providing limited representation that will terminate upon the VA's initial claim decision, unless the veteran and I agree to extend representation;
  - (3) By law, I cannot charge a fee for services provided prior to the filing of a Notice of Disagreement (NOD) on the claim after the VA's initial decision on the claim; and
  - (4) I may hold the veteran responsible for any and all costs related to acquisition of documents and records necessary to substantiate his or her claim (e.g., medical record fees), though I may exercise discretion in deciding whether to collect such fees based on the veteran's individual financial circumstances.
- Within 5 days after I agree to represent a veteran through VCAN, or as soon as possible thereafter, I will return fully filled and executed copies of the Pro Bono Representation Agreement and VA Form 21-22a to VCAN by email to [ABAVCAN@americanbar.org](mailto:ABAVCAN@americanbar.org).
- I understand that after submitting to VCAN the Pro Bono Representation Agreement and VA Form 21-22a, VCAN will (1) submit these forms to the appropriate VA Regional Office, upon which my representation of the veteran will actually commence, and (2) provide me with electronic copies of the veteran's intake information and VA claim file.

## **II. Veteran Representation and Claim Development**

- By agreeing to represent a veteran, I affirm I will comply with all attorney rules of professional conduct in my jurisdiction, as well as the following:
  - (1) Use my veteran client's information for representation purposes only, and
  - (2) Not disclose my veteran client's information other than as authorized by law and/or by the veteran.
- In representing the veteran, I will (1) consult with the veteran on his or her benefits claim, (2) evaluate the veteran's claim and existing or needed evidence to support the claim, (3) modify or withdraw the claim as necessary, and (4) prepare and submit evidence to support the claim.
- I will gather as much necessary evidence as possible from both the veteran and third parties to submit in support of the claim, which includes (when possible and/or appropriate) the following:

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<sup>1</sup> All VA and VCAN forms noted in this form can be downloaded through the VCAN website, [www.ABAVCAN.org](http://www.ABAVCAN.org).

- (1) Disability Benefit Questionnaires (DBQs);
- (2) Federal and state records (e.g., any receipt of Social Security benefits for a claimed condition, any military records and/or military personnel records, any relevant medical records held by a federal agency, such as the Social Security Administration);
- (3) Non-Federal records (e.g., relevant private medical treatment records from private medical providers, statements in support of claim from persons who have knowledge of claimed medical condition and how/when it occurred); and
- (4) Any additional information to substantiate the claim.

### III. Claim Submission and 60-Day Deadline

- I will make a good faith effort to submit to VCAN any and all information and evidence in support of the veteran's claim **within 60 days** from the date I provide fully executed copies of VA Form 21-22a and the Pro Bono Representation Agreement to VCAN.
- When ready to submit all of the veteran's claim materials, I will email them to VCAN, along with the VCAN Case Submission Acknowledgement Letter, to [ABAVCAN@americanbar.org](mailto:ABAVCAN@americanbar.org). I understand that VCAN will then upload my materials into the Veterans Benefits Management System (VBMS). Once uploaded, they will become a part of the veteran's VA file for purposes of rating and adjudication.
- I understand the following responsibilities and outcomes related to *when* and *what* evidence I submit to VCAN for the veteran's claim:
  - If I complete *all* development on the veteran's claim, including Disability Benefit Questionnaires (DBQs), prior to the end of the 60 day period, I must (i) submit the materials via email to VCAN within the 60 day period, and (ii) affirm in the VCAN Case Submission Acknowledgement Letter that there is "no more evidence to submit." With this information, VA will treat the claim as ready to rate.
  - If I submit evidence *without* DBQs, but I identify all outstanding evidence needed prior to the 60 day period, I must (i) submit the materials via email to VCAN within the 60 day period, (ii) identify in writing for the VA any outstanding evidence needed, and (iii) affirm in the VCAN Case Submission Acknowledgement Letter that there is "no more evidence to submit." With this information, VA will resume action on the claim and give it expedited treatment.
  - If I am unable to submit all evidence within 60 days, VA will not give the claim expedited review and it will resume action on the claim. However, *I can and should continue to work with the veteran* to obtain and submit any additional supporting evidence. I may still affirm in the VCAN Case Submission Acknowledgement Letter that there is "no more evidence to submit" after the 60 day period. If I have provided evidence after a VA decision was made but within a year from the 5103(a) notice, VA will adjudicate the claim based on this new evidence received with the claim's original effective date.
- I will represent the veteran at least until a rating decision has been issued by VA on the veteran's claim.
- If I find that I can no longer represent the veteran, I must notify the veteran and VCAN immediately.

- I may withdraw from representation of the veteran if such withdrawal will not adversely impact the veteran's interests or for good cause, consistent with the attorney rules of professional conduct, and 38 C.F.R. § 14.631(c). Also, the veteran may discharge me as his or her representative at any time.

#### **IV. Representation After the VA's Rating on the Claim**

- I understand that once a decision has been issued by VA on the veteran's claim, VA will notify both the veteran and me. At this point, I will discuss with the veteran the VA decision and whether my representation will continue or end.
- At this juncture, I will inform the veteran that Veterans Service Organizations (VSO) are available to provide free assistance on the veteran's claim at any time.
- I understand and will explain to the veteran that the pre-filled VA Form 21-22a limits my representation to the scope of the VCAN initiative and my representation will terminate upon receipt of VA's initial claims decision.
- If the veteran and I agree that I will continue representation with the veteran's claim after the VA's initial decision on the claim, I understand that my representation will be outside of the VCAN program, but may continue under one of the following conditions:
  - (1) Representation on a pro bono basis by submitting a new VA Form 21-22a with my individual POA code<sup>2</sup> not associated with VCAN, or
  - (2) Representation by charging the veteran a fee for my services provided after the filing of a Notice of Disagreement (NOD) based on a fee agreement that meets the requirements of 38 C.F.R § 14.636 and under a new VA Form 21-22a with my individual POA code not associated with VCAN.
- Upon completion of the representation associated with VCAN, I will submit case-closing information to VCAN using the VCAN Case Closure Letter.

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<sup>2</sup> Find your individual POA code on your VA accreditation letter or on <http://www.va.gov/ogc/apps/accreditation/>.