

Evans, Berkley Introduce Legislation to Allow Veterans a Choice in Representation

Washington, DC – Congressman Lane Evans of Illinois, Ranking Democrat on the House Veterans’ Affairs Committee and Congresswoman Shelley Berkley of Nevada, Ranking Democratic Member on the Committee’s Subcommittee on Disability Assistance and Memorial Affairs, today introduced a bill (H.R. 4914) that would permit veterans to hire an attorney when they disagree with a benefits claims decision of the Department of Veterans Affairs (VA). Currently, veterans are not allowed to hire an attorney until the end of the administrative appeals process, specifically, after the Board of Veterans Appeals has rendered a decision.

“We recognize that many fine veterans service organizations have traditionally provided full representation to veterans and their families without cost and expect that these organizations would continue to represent most claimants. Nonetheless, we believe that in this day and age, veterans should not be prohibited from hiring an attorney if they choose to do so,” said Evans.

“I hear from Nevada veterans all the time who wish to hire an attorney to represent them in a VA matter, but cannot do so because of this needless restriction. There is no good reason why Congress should prevent veterans from exercising their choice to seek legal representation. We should have ended this outdated prohibition dating back to the Civil War ages ago,” said Berkley.

The restriction on attorney representation dates from the Civil War era when concern for attorneys preying on sick and disabled veterans resulted in legislation which limited the fee attorneys could charge to \$10.00. Although the \$10.00 limit no longer applies, veterans are currently prohibited from hiring an attorney to appeal an initial VA decision.

Evans and Berkley said the “Veterans’ Choice of Representation Act” responds to a January 22, 2006, Washington Post article which questioned: “If American soldiers are mature and responsible enough to choose to risk their lives for their country, shouldn’t they be considered competent to hire a lawyer?”