

**PARALYZED VETERANS OF AMERICA
LEGAL WRITING COMPETITION
2004-05**

Entries should address the topic:

***Should a Veteran be Entitled to Retain a Lawyer for Adjudication of Claims
before the Department of Veterans Affairs?***

The Department of Veterans Affairs has traditionally been viewed as a nonadversarial, ex parte adjudicator of veterans benefits claims. The system was designed so that veterans could represent themselves or be represented without cost by veterans service organization officers who are specially accredited by the agency. See, e.g., *Hodge v. West*, 155 F.3d 1356, 1362-63 (Fed. Cir. 1998). Attorney representation has always been strictly limited. Originally, Congress imposed a \$10.00 fee cap. See 38 U.S.C. §§ 3404, 3405 (1988). Now a veteran may not retain an attorney until there is a final Board of Veterans' Appeals decision, and any fee agreement is subject to agency review. 38 U.S.C. § 5904(c), (d) (2004).

When the restrictions were originally put in place, the Department of Veterans Affairs was not subject to judicial review, but this is no longer the case. See generally Veterans' Judicial Review Act of 1988, Pub. L. No. 100-687, 102 Stat. 4105 (1988). These limitations on representation are unique to veterans; other claimants before the government are entitled to the counsel of their choice. This situation raises the question:

***Should a Veteran be Entitled to Retain a Lawyer for Adjudication of Claims
before the Department of Veterans Affairs?***

Entrants should address this question and support their conclusions with appropriate legal authority.

The competition is open to law students enrolled in ABA-accredited law schools and law school graduates.

A First Prize of \$1,250.00 and a Second Prize of \$750.00 will be awarded as determined by a panel of qualified judges. In addition, the winners will receive active assistance from PVA in publishing the paper in appropriate professional publications and/or presenting the paper at appropriate professional association gatherings.

Submissions must be received no later than March 1, 2005.

RULES FOR THE PARALYZED VETERANS OF AMERICA

LEGAL WRITING COMPETITION

1. Students enrolled for the current school year in any law school accredited by the American Bar Association, law professors, and law school graduates are eligible to enter. Employees of the Paralyzed Veterans of America are not eligible to enter.
2. Co-authors are permitted, although only one cash prize will be awarded per entry. Submissions shall be the sole work product of the entrants. For student submissions, papers must be prepared during the current school year; normal comment and guidance by law school faculty is permitted.
3. Papers should be a minimum of 15 pages in length and shall not exceed 40 pages, including footnotes. They must be typed, double-spaced, on 8-1/2 x 11 inch paper, preferably in a 12-point or larger serifed font, such as Times New Roman. All citations and footnotes should conform to the current edition of The Bluebook: A Uniform System of Citation.
4. An original and four copies of each entry must be submitted. Papers are judged anonymously, and no identifying information should appear on either the original or copies of the paper. Entrants must submit a separate cover letter listing any author's name, address, and telephone number and a brief biographical sketch. For law students, the letter must list the law school and graduation year. Each entry shall also be accompanied by a letter from the author or authors certifying that the article submitted has not had prior publication and is original work.
5. Papers will be judged generally on their substance, clarity, logical force, support of argument, and quality of research. Grammar and stylistic details may be taken into consideration.
6. Submissions must be received no later than March 1, 2005, to ensure review. Entries and any questions regarding the Writing Competition should be addressed to:

Ronda Whichard, Legal Executive Assistant
Office of General Counsel
Paralyzed Veterans of America
801 18th Street, NW
Washington, DC 20006

Facsimile or emailed submissions are not permitted. Late submissions will not be considered.

7. The judges anticipate awarding two prizes, a First Place prize of \$1,250.00 and a Second Prize of \$750.00, to the papers deemed best in the judges' discretion. No

prizes will be awarded in any category if no qualifying entries are submitted. Winners will be notified by March 30, 2005. All decisions of the judges are final.

8. Submissions will not be returned to the authors. Submission of a paper grants the Paralyzed Veterans of America the right to publish the paper in its own publications or any other appropriate forum and to publicize biographical information about the author, and entries must be accompanied with a fully completed and executed consent form (attached). If there are co-authors, each author must submit a consent form. Submissions may not be previously published. PVA reserves the right to publish the paper first, after which the author may proceed with publication elsewhere upon notice to PVA. Failure of the author to preserve this grant may result in disqualification.

**CONSENT FOR PARALYZED VETERANS OF AMERICA TO PUBLISH IN
PRINTED OR ELECTRONIC FORMAT**

I, _____, am the author or co-author of the attached original work, titled _____, and I have entered this work in the Paralyzed Veterans of America Legal Writing Competition for 2004-05. I recognize that the Paralyzed Veterans of America may wish to publish this work or information about me in a printed or electronic format, including publications not owned by the Paralyzed Veterans of America, and I grant permission for the work or information to be used or excerpted in any format or forum deemed appropriate by the Paralyzed Veterans of America. I also agree to cooperate in any publishing undertaken by the Paralyzed Veterans of America.

This is a nonexclusive grant; I retain the right to seek other publishers for my work (1) after Paralyzed Veterans of America has initially published the work and (2) if I notify Paralyzed Veterans of America in advance or (3) if Paralyzed Veterans of America has informed me in writing that it does not intend to publish the work.

Signed

Date

Printed Name