

**Department of  
Veterans Affairs**

# Memorandum

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From: Assistant Chief Counsel, Court of Appeals for Veterans  
Claims Litigation Group (CALG)

Subj: TEF Training Plan – CALG

To: Assistant Director, Management, Planning, & Analysis

1. Initial Onboarding and Training Period: Experience demonstrates that it takes at least one year of training for attorneys to become proficient at litigating cases before the U.S. Court of Appeals for Veterans Claims (CAVC or Court). This is true for cases involving the PACT Act and Toxic Exposure Fund (TEF) matters.

2. Nature of Work: Litigating cases involving TEF matters requires a broad understanding of both the VA benefits system and the Court's rules of practice and procedure. As a result, attorneys are required to handle a wide variety of legal matters related to VA benefits and programs such as disability and compensation, nonservice-connected pension, dependency and indemnity compensation, domestic-relations issues, burial benefits, and a variety of health-care benefits-related issues. This also includes claims related to toxic exposure. The work includes, but is not limited to, the following:

- Reviewing and understanding complex, and often voluminous, Records Before the Agency (RBA);
- Preparing and filing motions, pleadings, briefs, and other related actions with the CAVC;
- Representing the Department in mediation conferences before the CAVC;
- Presenting oral argument on behalf of the Department before Federal judges in open court;
- Initiating and responding to settlement negotiations with sophisticated opposing counsel and following those efforts through resolution;
- Preparing appeal recommendations which contain detailed analysis of the facts, issues, and application law, and recommending the strategy and action(s) to be employed;
- Coordinating with program officials on matters involved in litigation and ensuring compliance by affected components of the Department.

3. Complex Issues: Issues related to toxic exposures and VA benefits are often complex, raising a combination of legal, scientific/medical, and procedural questions.

Adequately addressing such issues requires not only strong legal research, analysis, and writing skills, but also more than a basic understanding of the laws and procedures governing entitlement to VA benefits, as well as the rules of practice before the Court.

4. Nature of Training: Attorney training is multi-faceted with both formal and informal components.

- Formal training – Shortly after onboarding, new attorneys attend a multi-week program that is broken into multiple sessions. Taught by experienced attorneys, this training provides a general overview of the relevant subject matters and includes operational and foundational legal topics. Attorneys are subsequently required to attend monthly office-wide training sessions focused on particular legal topics, as well as quarterly office-wide trainings related to recent precedent and changes in law. As needed, additional training is assigned in VA's Talent Management System or through other supplementary training programs or workshops.
- Informal training – the bulk of the learning is experiential on-the-job training acquired through supervised assignments of progressive complexity designed to provide a foundation in the law and procedures governing VA benefits and the CAVC's operational requirements. Supervisors provide guidance and tailored feedback to ensure progression. At least one experienced attorney is assigned as a peer mentor during the first year in the position, to further aid in knowledge and skill development. Additional informal training is provided through relevant reading materials (including statutes, regulations, case law, and treatises) and observation of moot courts and oral arguments. Through this process, attorneys generally are expected to develop the knowledge and skills necessary to handle most of the basic matters relating to VA benefits, to include those based on toxic exposure within approximately one year from onboarding.

David L. Quinn