

Q11 Do you have any other additional comments for senior leadership concerning our performance standards?

Answered: 248 Skipped: 130

#	RESPONSES	DATE
1	I am rarely "green" each pay period because all of my pending cases are rarely signed each pay period - unless we are at a mandatory check point for mid-year and year end. We are all stretched thin, including the VLJ's and we do the best we can. If we add my pending cases to those signed each pay period, I would be green nearly 100% of the time. I cannot control my VLJ's schedule and whether he can sign everything each pay period. The current system is unfair and it needs to change to create a more positive work environment for all.	9/19/2024 12:31 PM
2	I believe management believes that we are unaware that they are receiving pressure from outside stakeholders to get more cases done. This is not true, this is something I think about each day that I am working, i.e, that a Veteran has been waiting for so long for me to review his, her, or their case. However, burning out your workforce is not a sufficient answer. There should be an attorney group that specifically screen each case for administrative issues before the case is received to drafting attorneys. There are too many mislabeled FOIA requests or even issues with identifying the correct representatives that cause work stoppage on cases because there is an outstanding administrative actions. Therefore, if you allocated may be 20 attorneys to stream for administrative issues, I believe that this would help get cases adjudicated faster. The issue with timeliness factor, is that I have had cases be considered untimely that are returning from an administrative action. This seems ridiculous to create an additional standard, as if attorneys are not working diligently move cases along. The rating criteria for cases is very VLJ specific. I believe that every VLJ is not spending the time to actually teach their attorneys how to write for them, which may cause issues with ratings. Also, to penalize attorneys for having a case returned for rewrite seems counterintuitive. The attorney should have the opportunity to be corrected in this manner, and the VLJ benefits from the attorney learning how to navigate that issue, as to stop similar mistakes from happening in the future. Removing the issue count as a productivity standard is alarming. I have made production using the issue count for the last two years because 15 issue cases, 20 issue cases, and even 10 issue cases slow you down. I also make it my job to comb through each contention to ensure each issue is fully adjudicated, which takes more than a day. We continue to receive feedback from CAVC indicating that we are not fully adjudicating issues or contentions, but how can you fully adjudicate a case when it has so many issues and you only have 13.33 hours to adjudicate this case.	9/18/2024 1:02 PM
3	When I have fallen behind in a pay period, it is because there are not sufficient signed cases - there have always been 4-6 cases pending at those times. We can only produce what our VLJs can sign and they have many responsibilities in addition to signing cases, so that fact should be considered in any "accounting" system for cases. As well, please consider the effect on morale of tightening the screws, or even any perceived tightening of the screws.	9/18/2024 8:08 AM
4	Not at this time.	9/17/2024 12:20 PM
5	I do not understand why there is a need for stricter quotas. Every year the attorneys meet and/or exceed the goal set by management. A new quota does not boost morale or create a positive working environment to reward retention	9/17/2024 11:52 AM
6	Don't get rid of the issues track. It is a terrible idea.	9/17/2024 11:51 AM
7	Untimeliness is subjective, and must account for leave and administrative delays.	9/17/2024 11:37 AM
8	Attorneys have been meeting (or exceeding) the annual goals set by senior leadership. Implementing trimester check ins only creates more work for judges, more stress for attorneys, and will likely decrease overall production because attorneys will be slowing case production down every 4 months (why would we want to "work for free" if the cases done in a prior trimester do not matter once it is over?) A mid year check in is the max needed. That would weed out attorneys simply doing nothing--if that is the concern.	9/17/2024 11:30 AM

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9	Terms and conditions of employment should further goal of securing a "just and speedy decision" in every appeal.	9/17/2024 11:29 AM
10	No; thank you to the individuals in the union who are working on this!	9/17/2024 11:28 AM
11	As you stated earlier, quality is subjective and different from judge to judge. I currently do not have a low grading judge so it is difficult to answer questions 9 and 10. AS GS-14, I am afraid of a being assigned to a low grading judge in the future (My VLJ is considering retirement next spring).	9/17/2024 11:23 AM
12	This constant change of production standards seems akin to management "seeking to develop for negative evidence." Nothing is ever good enough, and if too many people find that a system actually works or is manageable, then it is "too easy" and management changes it. For no reason other than to not allow people to be happy. Certainly not for the benefit of the Veterans, or there would be more focus on turning out high quality decisions instead of just numbers. Obviously management has not heard the old saying, "Happy workers are productive workers!" I have yet to hear one justification from management for a change that made sense FOR ATTORNEYS. Or wait, I have never heard a justification for a change. Did soooo many attorneys the last few years, when we (the Board) met our numbers goals, meet theirs by submitting untimely decisions? Who cares if they and we met the goal. Did soooo many attorneys the last few years, when we (the Board) met our numbers goal, do so by submitting decisions rated 2 or below? If so, maybe that tells you that something is wrong with the numbers!! Or training. Why are supervisors not involved in these decisions? Some people are simply slower but still do quality work. Some people have a bad week or month. Let a supervisor decide if someone is actually performing or not, with some guidance. And, until management wants to start rewarding people for the number of 4s and 5s (and NOT JUST QUOTA NUMBERS) and timeliness, it seems wrong to punish people for untimely and the 1s and 2s. Why do we even have a quality element? It literally counts for nothing. High quality takes more time and that has never been taken into consideration. There is no incentive to produce high quality work. I have been compiling a list of decisions that have gone out that have spelling errors, grammatical errors, factual errors, legal errors, including ones signed by GREAT attorneys and GREAT VLJs and reputed high producers, no doubt for the sake of "NUMBERS!" And it is not a small list. Also, management needs to stop pretending they are "one of us" or know what is best for us. You have not been in my shoes, you have not been a decision writing attorney, and most of you do not know Veterans Law. Military service and military law do not equal Veterans Law. Government service elsewhere does not make you qualified to make decisions for this niche area of government. Learn to trust your supervisors and trust your attorneys.	9/17/2024 11:21 AM
13	As a senior GS-14, my VLJ has relied on me to do the hardest cases on our team, which means I do fewer cases. Getting rid of the issues track will likely mean my VLJ will have to parse those cases out to less experienced attorneys, which will result in lower quality work. Either that or I will have to do a less thorough job or face not meeting the quota and getting fired. I think getting rid of the issues track is very short-sighted.	9/17/2024 10:19 AM
14	Cases are not getting easier, they are getting more complicated. New caselaw is further complicating the cases as well. Both attorneys and judges are struggling to get through the cases at the current pace. We could write more quality cases with a less numerical demand.	9/17/2024 9:44 AM
15	The timely requirement is more onerous than the quality requirement because it is binary versus a range of 5. Particularly because it doesn't allow for adjustments for part-time workers, for veterans who turn 75 the day before case submission, and/or for personal emergencies that might result in missed days of work.	9/17/2024 8:07 AM
16	I believe the annual quota continues to be unreasonable and unattainable without working outside of tour of duty hours/unpaid over-time	9/17/2024 7:52 AM
17	I think the constant need to change performance standards to become more difficult is ridiculous. I acknowledge that the performance standards as they are currently have issues. However, our job is to help the Veterans and constantly worrying about numbers, rather than quality of decisions is why so many cases get appealed/have errors and negatively impact the Veterans we are supposed to help. If we focus more on the actual quality of decisions and less on numbers, we will become more effective. Further, senior leadership seems to forget that every case is vastly different. The number of easy straight forward cases, does not equal the amount of complex complicated cases we receive. The amount of time for each type of case varies and with the constant changes in case law, statutes, and our procedures we have to add	9/17/2024 7:32 AM

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additional time to updating language used. Thus, senior leadership needs to consider more than just the numbers.

18	Why are they trying to "fix" a system that is working fine? It seems to me that things are humming along well, and we are posting record numbers. The new proposed standards will do nothing except further lower morale, cause anxiety, and lead to burnout.	9/17/2024 7:10 AM
19	Stop making it harder to do our job. Make it easier.	9/17/2024 7:08 AM
20	The responses to the questions regarding production are based on the cases signed by my VLJ. However, any time my production did not meet standards I had enough pending cases that, if signed, would have put me in the "green." There should be a better way for the DOC to account for pending claims. Personally, I have found it discouraging to receive my DOC for the pay period and not be in the "green" but have multiple claims pending, none of which go on to be returned for correction, etc.	9/17/2024 6:35 AM
21	As a new hire coming from extensive private practice in this area of law, these standards are a cake walk in a 40 hour week. If I were unfamiliar with veterans/disability law or medical evidence, I can see how it would be a rigorous task to meet the current production goals without working additional unpaid hours. I would also support a production scale based on years of service where for the first 3 years, fully successful has a sliding grace period based on a specific number of cases. Also, the above questions didn't account for not being green in one period for the period case count, while also still being green in total cases (ahead on the year, behind on the period).	9/17/2024 12:49 AM
22	I believe some of the management's changes would absolutely lead to low key abuse, retaliation, harassment, etc. of employees if the supervisory doesn't like you for whatever reason. I don't understand why productivity can't stay the same especially if the Board is putting out more cases than ever. We, as attorneys, have worked hard to get where we're at, to include it being a huge financial investment, and many of us support families. These changes are playing with people's lives and livelihoods. I wish we could for once have management professionals who don't feel the need to move the goal posts around particularly in ways that ultimately punish or hurt attorneys. The performance standards are constantly in flux it seems, and it's just exhausting having to go through this every few years in some form.	9/16/2024 11:05 PM
23	Quality scores are extremely subjective. They should be evaluated in the context of the individual VLJ's scores and not in the context of the scores overall. Timeliness calculators do not currently account for admin time, etc. and it is up to the individual VLJ to take admin time into account. They do not all do that consistently.	9/16/2024 10:31 PM
24	I'm old enough to remember when a decision-remand got 1.5 credits and Travel Board remands were a thing. "Box cases" would be handed out along with an easy remand to make up for it. This no longer is the case, yet the quota is higher now! Serious consideration should be given to assigning more than 1 credit for multi issue and difficult decisions. As far as this "trimester" thing, it will add needless stress to everyone including the judges. Twice a year would make more sense if they really feel the need to check in more than once a year.	9/16/2024 7:03 PM
25	For Case Management, before the proposed untimely criterion is implemented management needs to fix the issues with legacy cases that do not reset the clock each time they are assigned to the attorney (such as after being returned from admin), as the AMA cases do. The legacy cases are reset in CaseFlow, but not when the case ultimately is submitted to the VLJ.	9/16/2024 4:52 PM
26	no	9/16/2024 4:25 PM
27	I tend to work the harder cases with multiple issues. If I am given a 21 issue case with 740 documents, and a 17 issue case with 802 documents, that it going to take several weeks for those 2 cases alone, leaving little time to get out the other five or so cases given to me during this time frame within the 60 day time limit. While I don't think I had any late cases this year, I was significantly stressed meeting the deadline several times - despite working very hard. Management by raw quota is not management at all.	9/16/2024 4:13 PM
28	The way the quality element is drafted it means a rating of a 2 and a 1 are the same. These should be differentiated. Also, some VLJs are very free with 1s and 2s, while other are not. There may be something to be said for a VLJ's average similar the the rating average of a commanding officer in the military. The untimely issue is going to get worse with AMA cases as there is no satisfactory way of putting them on hold when there are issues so that is going to come and bite people even when they have done everything possible.	9/16/2024 2:59 PM

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29	My VLJs have always been very timely in signing cases and very communicative about assigning cases, which has made caseload management and meeting goals very easily. As for the grades and timeliness suggestions above, this does not seem to account for subjectivity and variability of grading among judges or other administrative reasons affecting timeliness.	9/16/2024 2:27 PM
30	Why are they making this more complicated? They said only a very small percentage of attorneys were not meeting their annual goal, so why would they make everyone jump through extra hoops when it's not necessary?	9/16/2024 2:23 PM
31	I currently do all of my team's big issue cases. I average 7.5 issues per case. I have completed 4 cases between 10-19 issues and 6 cases with 20 or more issues. My VLJ can assign lower issue cases to each of the other members of the team, and they don't have to worry about having their production slammed with high issue cases. I am able to work through the adjudicative histories and evidence for each of the issues. I have been able to take the time to decide a high percentage of these issues. I think that is a valuable service to my team and the Board.	9/16/2024 2:22 PM
32	No	9/16/2024 1:53 PM
33	The computer system seems to sometimes mark cases as untimely when they are completed within the timeframe given on Caseflow (I think this might be for cases that went in abeyance, etc.). This needs to be fixed so that cases done within the 30 or 60 day period from assignment are not marked untimely before anyone can rely on that metric. It's ridiculous that if we rely on the time period given in Caseflow we can be penalized. I only find out when my judge tells me during mid and annual reviews because nothing I turn in has been after the 30- or 60- day periods I see while working the case.	9/16/2024 1:00 PM
34	I don't understand my Doc Report b/c they send me a document with yellow b/c I only completed 3 cases that week but my production is far in excess of where I should be. Stop micromanaging and leave me alone.	9/16/2024 12:49 PM
35	I think the quality proposal would make more sense if there were more options than scoring something on a scale of 1-5. There is just so much discretion. What one judge rates a 2, another could rate a 3, depending on how generous they are. If the scale were from 1-10, the differences would not be as great. What one judge would rate as being below a 3/10 probably wouldn't get another judge rating it as a 5/10.	9/16/2024 12:33 PM
36	Time would be better spent by focusing on fixing the known and reoccurring technological issues which affects our ability to complete our work timely and efficiently. It is my understanding that the Board has exceeded its yearly goal for decisions so these proposed standards come across as unnecessary and punitive. It would be more beneficial to focus on improving resources- such as Caseflow and IDT instead of adding unwarranted layers to performance standards.	9/16/2024 12:09 PM
37	The time runs on cases the same for part-time attorneys and full time attorneys so 50% part time employees only have half the time to process cases as full time attorneys and only 15 days to process an AOD case - with no adjustments for their off duty time and no consideration for the amount of cases already assigned with time running on all of them, giving part time attorneys less time to process all their cases overall. Therefore part-time attorneys and all attorneys that any amount of time off (even if they are caring for children or elderly parents) are set up by management to be marked as untimely before they even submit a case	9/16/2024 12:05 PM
38	Stop trying to constantly change things, everything seems to be working great from my perspective. The changes such as getting rid of the issues-track and creating quarterly quotas is unnecessary and stressing employees out.	9/16/2024 11:55 AM
39	The timely element is punitive. There are so many administrative issues that delay drafting and issues with the Clerk of the Board this element is unrealistic and creates an undue burden on attorneys. These delays are necessary to deliver accurate and legally sound decisions to Veterans.	9/16/2024 11:51 AM
40	After a record-setting year for the Board in cases, it was disappointing to see that the significant proposed changes, that if left in proposed form, generally leave little to no room for error before individual failure. It had been a refreshing change to start receiving a bonus for all exceptional except for production in critical elements - but it feels like that possibility could be affected if the changes go into effect as proposed. Working with the union to at least meet in the middle would be evidence of the reported commitment to continuing to work towards work/life balance for those that keep the lights on at the Board - not to mention a meaningful	9/16/2024 11:47 AM

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way to address our rank in the federal government best places to work rankings. Aside from morale concerns, we are still awaiting fixes for CF latency that affects our productivity (aside from being able to view only our tabs in CF for which I have given up any hope), for which we only got meaningful proration in one FY while the issue continues. It seems like the attorneys are continually asked to do more with the same resources, as the case work becomes harder. I do not oppose the quality check measure, because I am a quality-driven attorney who does not have high production for that reason. I understand there may be individual circumstances for truly hard working individuals that make this measure problematic. I checked the 3-6 behind box, but there are times I have been slightly higher than that (7-8), with the goal of avoiding 10 behind. For other measures like untimeliness, it seems like mgmt is creating a solution for a problem that does not exist (to my knowledge). The current standards leave a reasonable buffer without unreasonably delaying results for claimants, and I know the colleagues I routinely collaborate with and I do not abuse that buffer. There are a number of factors outside of our control in terms of working cases in the (arbitrarily determined?) 30 and 60 day windows. I recall when I started, my Chief VLJ's unofficial window for non-AOD/CAVC cases was 75 days. I understand the need to manage individuals that become significantly behind, and I do not oppose officially setting a reasonable hard number in that regard (like the unofficial 10 behind that had been used in the past, but make it in the measures). My overall disappointment, however, is that, as Board usual, the proposals in large part seem to manage to the small number of lowest performing individuals, rather than recognizing the general good and hard work that exists among the attorney group.

41	If the case quality is low, the judge should not sign it. Work with the attorney until it is better. The timeliness metric seems to impose a rigidity in process between the judge and attorney that does not seem necessary given the fact that the Board is on track to exceed its production goal this year.	9/16/2024 11:33 AM
42	Removing the issues-track without a way to give credit for larger issue count cases is likely to result in more attorneys falling behind and discourage more senior attorneys from staying at the Board, not to mention prioritize quantity over quality. I don't have strong opinions about the proposed performance standard changes for quality and case management because I write for a very fair judge and don't think those changes will impact me, but I think it is important to acknowledge that this change may disproportionately impact certain judge teams and that seems unfair. Unfortunately, due to the unpredictability and variability in case complexity and wide range of number of issues per case, the nature of the work is very variable, so while I think it makes sense to try to create objective standards as much as possible, ignoring the variable nature of the work will impact people unevenly based on how much their judge is keeping track of case assignments and screening cases. As a result, I think some of the proposed changes will negatively impact the judges as well as the decision-writing attorneys. Further, forcing more frequent check ins renders the higher issue/more complex cases more immediately impactful as far as production and reduces the sense that "it will all work out" over time which is something that has been expressed by both SSCs and VLJs to minimize uneven case assignments. In discussions with other Board attorneys, none of us understand why they keep seeking more cases when the Board is consistently meeting goals and breaking records.	9/16/2024 11:32 AM
43	The current standards should be kept in place.	9/16/2024 10:56 AM
44	Mgmt has not put forth metrics on how a 1 to 5 is assigned. Specific guidance needs to be published and additional information needs to be published on appealing the numbers even if you get a 5.	9/16/2024 10:52 AM
45	My answer to the question #7 was based solely on meeting the productivity goal based on issues. If I was only able to rely on cases, I would not be green and I would be unlikely to make up the deficit, because I had a large number of high issue cases and I was able to meet the exceptional level based on issues.	9/16/2024 10:44 AM
46	In order to solve the problem of having high-issue cases interfere with meeting a cases-only standard, cases with X number of issues (say 10+) could be assigned to special teams on the grounds that the case is as complex as an esoteric-issue case, such as CUE.	9/16/2024 10:37 AM
47	I didn't think timeliness was a factor any more unless you keep a case over 60 days. I've never done that in my life and don't understand people who do that. I don't think timeliness should be a factor unless an attorney routinely takes more than 60 days to complete a case (and then there should be additional supports or remediation training offered to him or her to get them back on track because keeping cases over 60 days indicates a serious problem with efficiency or other serious remedial training needs on the part of the attorney.)	9/16/2024 10:31 AM

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48	Including the rating is not ok without VERY SPECIFIC criteria the judges would need to use to rate our cases. If it is at all subjective, it will be abused by some of the judges	9/16/2024 10:31 AM
49	We are already at our productivity capacity for a balanced work life. You are getting more productivity out of us than ever. Leave it the way it is.	9/16/2024 10:29 AM
50	I have heard a rumor that they are trying to count admin time against us, so if a case sits in admin for 60-90 days then it is automatically late no matter how quickly we do it.	9/16/2024 10:29 AM
51	I don't understand the reason for this new approach when the current standards are adequate and still difficult to meet at certain times and would be especially difficult to meet if the issues track were to be eliminated	9/16/2024 10:21 AM
52	It's completely dependent on the actions of one's VLJ (how many AODs and other priority cases are assigned, if too many cases are assigned immediately b/4 vacation, etc). I don't keep track, but I've had untimely cases. The untimeliness was never because of work delay on my part. Most had to do with me having to prioritize later assigned cases. A few were assigned immediately before a long vacation or sickness.	9/16/2024 10:21 AM
53	Remember that attorneys cannot control their judge, to include the time it takes for signature, equity or inequity in assignments, and other factors. These justify softening standards for acceptable performance. Use a carrot, not a stick, to achieve the upper level performance goals that management desires.	9/16/2024 10:19 AM
54	no.	9/16/2024 10:17 AM
55	Performance standards and the production quota have been extremely inconsistent and variable for as long as I have been at the Board. My performance has been rated entirely differently depending on who I am writing for, who my supervisor is, etc. I don't think that my writing or production have been inconsistent or have changed significantly throughout my career; however, my evaluations and production have fluctuated throughout.	9/16/2024 10:13 AM
56	Quality ratings are totally subjective. Some VLJs never give 2s while others set 2 as the baseline and look for additional effort for higher ratings. There needs to be a more objective standard for the Quality element.	9/16/2024 10:09 AM
57	We have proven time and time again that we will not only meet our numbers and the Board's goals, but we can and will exceed them. This has occurred by meeting our standards and with appropriate incentives for extra work performed not contemplated by our annual salary. There is no need to have more strict/oppressive mechanisms in place that will do nothing more than create discontentment and interrupt work flow.	9/16/2024 10:06 AM
58	While it may be helpful to have markers to check in on throughout the course of the year, I think the employees performance throughout the whole year is more important than one trimester	9/16/2024 10:05 AM
59	Without standardized rubrics for VLJs to rate decisions, there's way too much left to the whims of VLJs that could harm attorneys unfairly	9/16/2024 10:03 AM
60	Even if we have 60 days to do a case, it still shows up as untimely in Attorney Check-in after 30 days. I cannot control timeliness when it is tracked inaccurately.	9/16/2024 10:00 AM
61	As a new attorney, it appears to me that our Union leadership is well versed and zealously advocates for our attorneys at the Board. I have felt a great deal of pressure to meet my quota and it has been difficult.	9/16/2024 10:00 AM
62	With regards to the Quality element, it seems the 8% is derived from the 92% quality review goal for the Board. However, judges don't use the same standard when assigning quality scores. Hence, that is an inappropriate parallel to determine the percentage of cases. As for the timeliness proposal, it seems odd to me that you could get an unsat in one trimester and pass the others, but overall still be under the 6 for the entire year and get an unsat because of the one period.	9/16/2024 9:57 AM
63	If you are going to require a standard based on case ratings (1 to 5) then there needs to be a STRICT grading scale that all Judges must ALWAYS follow. Judges have too much leeway to give poor scores for things other Judges give 5s for. Also, some Judges will give all 3s all the time because they don't care about the score as long as the decision is legally correct and signed. It just seems unfair to enforce a standard on attorneys when the standard is completely different from Judge to Judge. Second, for the quarterly checks, leadership either	9/16/2024 9:51 AM

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needs to base this on cases submitted or require the Judges to sign based on the same quarterly goals. It is INSANE to me that leadership continually tries to enforce standards that the attorney cannot control. I understand rewrites are at times necessary. However, for attorneys like me, I get a rewrite once every 3 months maybe? A minor error change once every 2 months, if that? It's not significant enough of an issue that cases submitted should not be considered. An attorney can submit 100 decisions but if a Judge never gets around to signing them or can't sign them in a timely manner, the attorney gets put on a PIP? Or fired? HILARIOUSLY unfair. You cannot ask attorneys to meet goals they have no power to control without offering some solutions on how it can be done FAIRLY.

64	I think they are currently decent	9/16/2024 9:48 AM
65	I strongly disapproved of the 8% quality issue because there is and always has been a vast difference in the way VLJs rate cases and it seems completely arbitrary and unfair. I approved of the 2 cases untimely issue under the current rule of 30 days for AOD/CAVC and 60 days, that would not be reasonable if 30 days became the rule for all cases. If an attorney is responsible for managing their caseload and can work ahead for admin issues. I truly think management is sitting in a room thinking of ways to "stick it" to us, the hundreds of attorneys that write these decisions that they seem to only pretend to encourage and thank in emails. If we continue to be more and more productive, why change what seems to be a wildly popular program (the issue track)? I've been here many years and while there was always a divide between management and workers, it seems to be getting worse every year, the distrust comes from precisely these plans. Some brains like to work on big projects all week like a 10+ issue case and get the credits to reward that attention, some brains like to work on smaller more numerous projects all week and get the credits to reward that attention. To return to a time when a 10+ issue case took all week and then the attorney is literally behind in their quota was miserable, we can't rely on VLJs to find cases to "pair" with 10+ issue cases anymore as you never know how complicated those smaller cases can really be once you open them and it doesn't make up for the fact that the attorney literally "fell behind" due to doing their job. I write good decisions, enough to meet my goal, and I take it seriously. To return to the old way of measuring production would drastically change my be a reason to leave the job that I've done for many years, taking my experience with me. We can't have hundreds of new attorneys, we need the more experienced attorneys, the decisions don't lie.	9/16/2024 9:47 AM
66	Eliminating the issue track will result in lower decision quality for Veterans. I have completed the issue quota for a few FYs and I have been able to take the time necessary to appropriately work through large issue cases. With the elimination of the issue quota, the appropriate amount of time will not be available to spend on larger issue cases and the quality of those cases will decrease, which will harm Veterans. Eliminating the issue track is a functional increase in workload. Large issue cases are extremely time consuming and these cases will now be spread around more broadly to all attorneys, resulting in functionally more work for all (including the VLJs who will have to spend more time managing workflow). It is also demoralizing for all cases to be counted equally, such as a 1 issue withdrawal and a 20 issue decision counting the same. Overall, eliminating the issue track will harm Veterans and make employees jobs harder. A lose/lose situation.	9/16/2024 9:45 AM
67	As a new attorney, anything that makes it harder for us to be successful makes me worried over my job security and worrying about having to look for other work, which is counterproductive to the mission.	9/16/2024 9:42 AM
68	Veterans appeal to the Board for a decision, not a remand. High quality, well-supported decisions require time to write. Higher quotas reduce time, reduce decision quality, and incentive remands, which are easier to write. Thus, higher quotas degrade our service to veterans. To increase non-remand decisions: 1) increase hiring, 2) decrease the quota, 3) incentivize decisions that adjudicate rather than remanding claims. Only TIME allows attorneys to write high quality well-supported decisions. As long as time is too little, attorneys will be motivated to write remands whenever possible, in the AMA as well as in Legacy.	9/16/2024 9:42 AM
69	I am lucky and have not had a judge who gave a lot of 2s. I have none this year so far. So, I have no strong feelings about that issue. Untimely would need a button that a judge can excuse. For example, I have a case sitting with me right now waiting for a DVC to sign a memo about whether the rep can withdraw. I am otherwise ready to submit it. i was told it would be done for the DVC to sign last pay period. They have not signed it or uploaded it. I am almost at 30 days for that case. If I could tell my judge what is happening and they could mark it as timely/override an untimely then I have no problem about having rules about timeliness. You should be communicating with your judge anyways. But if it's automatic, then you will see	9/16/2024 9:42 AM

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people just sending cases to admin to hold for a week or something, just to stop the clock while they wait for something to be done. It's gonna create more work for admin, because I would be doing that in this case which could also delay the Veteran's claim. Just please get something for those of us who do all the big cases and who are the most senior attorneys. I have no problem doing the harder cases, but you don't suddenly type or read faster just because you're a GS14. There isn't some exponentially faster way to get through giant high issue cases. You get faster in that you don't have to research, but I still have to read through/scan through hundreds, sometimes thousands, of (often not-searchable when private) medical records.

70	If the issues track is eliminated, while the idea of assigning two credits for 10-19 issue cases and three for 20+ issue cases is good, I think it would be even more fair to assign two credits for 5-12 issues and three credits for 12+ issues	9/16/2024 9:38 AM
71	I do wish there was a way to make the "quality" element less judge-dependent, but I'm not sure how it could be done efficiently. (It would theoretically be possible to compare an attorney's ratings with the average of all ratings assigned by their judge, but that would risk penalizing teams where all attorneys provide high-quality work. Plus, who would have time to run those numbers?)	9/16/2024 9:37 AM
72	Attorneys' opinions and suggestions should have been solicited and used to implement work standards. Standards should not be developed by a leadership team that is primarily composed of individuals who have never been decision writing attorneys.	9/16/2024 9:37 AM
73	Too much subjectivity on Case Management Element, unless they set strict parameters on how to evaluate. I ALWAYS complete my cases in a timely manner but I one time submitted an SCT case to a VLJ with 30 plus issues and he unfairly marked me untimely on a case that required at least 3 admin actions, from my memory. This was out of my control due to change in rep, then a motion for a time extension, and then an issue withdrawal clarification, but the VLJ totaled up the amount of time that the case was in my possession over the 4 periods and said that it exceeded 60 days. Even though it was probably in my queue much less than 30 days on each. It even ended up in my queue on two occasions during what happened to be times that I had taken vacation, but I still never held on to it more than 30 days. This is the stupid part about our job. I obviously got the case out of my queue in a timely manner each time, but the VLJ, who I believe was not happy that I unloaded a 30 plus issue case on him, had to find something to take out on me. He obviously could not say that the case did not meet quality standards, so he looked for something where he could ping me. Completely ridiculous!	9/16/2024 9:34 AM
74	The loss of the issue track will decrease the Board's overall production. VLJs will need to provide their senior attorneys with more frequent "smaller" cases to allow them to meet the case quota (assuming an issue track is not offered). Therefore, more issues will trickle down the seniority ladder of each VLJ team. The entire team will slow down, and so will the entire Board. Please consider how the loss of issues will negatively impact the veteran population we are serving.	9/16/2024 9:30 AM
75	I do think that if management is going to rely on VLJ discretion when it comes to rating cases based on quality, they need to make sure that rogue judges (one I wrote for would wield giving a 4 rating based on whether a case was cited, rather than overall quality) stop their tactics of having their own ridiculous system for rating. I will say that this only happened with 1 judge in my long career at the Board.	9/16/2024 9:29 AM
76	This work can be hard, and depending on the case, emotionally draining. Most in management have never had to do the work, so they do not understand it. While some of us are capable of exceeding expectations on a regular basis, that is for other factors, and that ability should not be used to judge the majority of Board attorneys who struggle to meet quota.	9/16/2024 9:27 AM
77	NO	9/16/2024 9:26 AM
78	isn't the system working now? Isn't the Board as a whole making its numbers? So the system, including incentives, is working.	9/16/2024 9:23 AM
79	With respect to number 4, 5 and 7, it has not been because of a decline in my production but unexplained delays from my VLJ to sign them. As of the last DOC emailed on 9/10/24, I had "12 cases" pending signature. My VLJ is one of the outside hires from last year and it is likely he is having a hard time keeping pace with the influx of decisions from 6 attorneys. This delay	9/16/2024 9:22 AM

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accounts for 99% of the periods on which according to the DOC, I fell behind on production "yellow."

80	I wish there was meaningful engagement with the decision writing attorneys and union leadership prior to proposals concerning performance standards. Even a survey such as this would be a step in the right direction before dictating new standards.	9/16/2024 9:21 AM
81	Senior leadership has admitted and embraced they do NOT know how to do our jobs. As they said, they were not hired to draft. They are in no position to establish standards as they only look at outcomes and not how those outcomes are reached. Arguably, they don't know VA law, what is required or how decisions are reached. Also, so much of what was described above is subjective - difficulty, timeliness, etc., that it is inherently unfair. Either put judges on a production standard or eliminate the attorney production standard.	9/16/2024 9:19 AM
82	Focusing on cases being rated 3 or higher will not change the quality of attorneys' work. VLJ ratings for cases are arbitrary, so a 2 means different things to different VLJs. Also, the VLJs could easily get around this by simply never giving below a 3.	9/16/2024 9:13 AM
83	If we are producing records of numbers of cases, doesn't that mean that the current system is working? Why change it? People are fiddling with productivity for the sake of fiddling with productivity. What management never understands is that, for an employee to do the same work, day in and day out, over the course of their career, erosion occurs. There is no FY production; its produce x number of cases every week for the entirety of your stint at the Board. If you want to keep seasoned, informed, productive talent, don't drive them away by running them into the ground. Squeezing every last drop of productivity out of people disregards long-term value of a low attrition rate, and appears (cynically) as intentional decision knowing that many people would be available to fill the vacated positions. The fall back response from management cannot always be, "it is best for the Veterans." If that were so, we should be working 24-7, 365. Management forgets to ask, "what is best for our employees?" (As an aside, I indicated that I was 18 or more cases behind at certain points during the FY, but that is only because I am on the issues track. I never failed to make my quota regardless of the metric used, and have been exceptional since issue tracking was offered.)	9/16/2024 9:09 AM
84	I'm currently in the New Atty Training Program, so am watching this discussion!! Want what takes into account the real life of a decision-writing atty, and accounts for various VLJ differences in standards, ratings, and timeliness.	9/16/2024 9:09 AM
85	Why are all attorneys on the same performance standard regardless of grade level? If we are held to the same standard, why are we not all getting paid the same? There should be staged performance expectations based on grade level or management should pay us all the same full performance level pay. Why are there no defined quality standards for each assigned level? Why are all of the standards subjective based on individual VLJ discretion rather than objective, specific, measurable, achievable, relevant and timebound (SMART) standards? With regard to question 9, no percentage should be assigned until each level of quality is specifically defined. Leaving quality levels to individual VLJs to decide is unfair and unequitable. There has to be some baseline definition for each quality level. You can't achieve the standard if it is different depending on who is signing the decision. Why is attorney performance based on cases signed and not cases submitted? Not fair! Will there be any consideration given on timeliness standards when either the VLJ is slow signing or on vacation for a month, or the case is held up at the Clerk or an admin action? Also, not fair if there isn't some concession for cases not being completed timely if the delay is beyond the attorney's control.	9/16/2024 9:08 AM
86	Again, please do not eliminate the issue track. I'm a GS-14 decision writer and I routinely take my VLJ's most complex cases, so I depend on the issue track to meet my annual quota. This FY, 70% of my cases were "hard," 30% "moderate" (and 0 easy ones). I'm on target for an "exceptional" EOY rating based on issues, but I haven't hit "fully successful" for cases since the first pay period. Don't penalize--and demoralize--the experienced attorneys like me who volunteer for the exceptionally difficult cases. It's unfair to us, to the VLJs who rely on our expertise and attention to detail, and most importantly, to the Veterans who deserve careful appellate review of their (often quite difficult) cases.	9/16/2024 9:08 AM
87	What is the perceived that management is trying to remedy? If you have a quota, then let us worry about how we get that done. If you want to get into the weeds, then abolish the quota and set individualized standards.	9/16/2024 9:06 AM
88	We should also be given some sort of credit for writing letters (that could clearly be handled by	9/16/2024 9:02 AM

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admin but they are putting this on the attorneys), like the Williams and Edwards.

89	I would like to understand where the 8% metric comes from. Perhaps it is reasonable or an average but without additional information, it seems random and without merit. Regarding the untimeliness, until the systems are changed, cases will be reported as untimely through no fault of the attorney. It adds yet another layer to the attorneys' job that they need to go back through and make sure nothing was marked untimely. Management keeps stating that unwarranted untimelies no longer happen, but that is just not the case.	9/16/2024 8:59 AM
90	VLJs are too varied and subjective to tighten up objective standards for all attorneys.	9/16/2024 8:58 AM
91	I've only been here a year and my assigned judge has been great, easy to work with and get along with. However, I worry about being assigned to a judge that would give out low quality ratings frequently or distribute work less fairly (an increasing concern if the issues track would be eliminated). Additionally, I hear from my peers that some judges can be very difficult to work with, such as always using a condescending tone or being very petty and difficult with small changes or corrections and assigning quality scores much less generously. I understand different personalities and work style, especially in a creative discipline like writing, is a normal part of any workplace. However, it does not seem like there is any recourse for attorneys assigned to a difficult judge. At least two people in my starting cohort have left for other jobs and told me that having an abrasive/tedious judge played a significant role in that decision (though obviously I cannot comment on the quality of their work, to be fair). At any rate, the more things like assigned quality scores are factored in to job performance ratings the more things like a judge's average score, personality/knowledge level regarding veteran's law, and even general attitude directly impact an attorneys career success. Some consideration or scoring system might have to take that sort of thing into account. Additionally I think a system has to be in place to account for many issue cases. If the issue track is eliminated and a point system or something is not instituted to replace it, the only fair alternative is to constantly consider requests for prorated time for very long cases which would result in a potentially very uneven outcome and make things less consistent across judges and for different attorneys.	9/16/2024 8:57 AM
92	Regarding untimeliness, time spent with cases can snowball if you're assigned too many cases before a vacation or illness. A limit of 2 untimely cases seems unreasonable in those situations.	9/16/2024 8:55 AM
93	Quality standard needs better inter-rater reliability. Right now, it's too discretionary with significant differences in how different VLJs rate their attorneys. If we are rating people based off "quality", then some effort needs to be made to ensure that the quality standards bear some resemblance across VLJs.	9/16/2024 8:55 AM
94	The proposed standards appear to seek solutions to problems that don't exist and feel like a punishment for working hard to serve our Veterans and the Board.	9/16/2024 8:54 AM
95	I don't understand why we cant just stick with what works and wish they'd give us some reasons why they consistently want to make changes year after year. If our output this year was so high with the current goals in place, why change it? Does management just want to justify their salaries by showing the Secretary that their getting things done? "Look sir, we're implementing something!" If they have some data that suggests why people need to be kept on track every "trimester" then show us. Otherwise it just seems like micro-managing, meddling nonsense. Fiscal year goals, mid-year evaluations, FY quarters, and now trimesters....it all just seems so stupid.	9/16/2024 8:52 AM
96	I would like if the issue track can stay. We are still getting large enough issue cases that two people in my VLJ team are on issue track. The two doing the issue track allow the others to work on smaller issue cases and get more cases out overall.	9/16/2024 8:44 AM
97	case management dates are often incorrect if you have admin hold them. when they check them back to you to wait the necessary period, it sometimes maintains the original date; thus, making the submission untimely. Therefore, the new criteria would restrict the VLJ from hearing arguments of timeliness that was out of your control.	9/16/2024 8:44 AM
98	timeliness and quality are subjective. i have never received less than 3 and routinely receive 4s and 5s from my judge, other judges whose cases i write for SCT, SSCs who sign my OT cases, etc. and, yet, one of my cases got assigned to one particular judge who gave me a 2 without even a chance for a rewrite. it's so subjective that until all judges are on the same page, it's absurd to try to impose a clear standard.	9/16/2024 8:39 AM
99	Unless judges are going to be held to similar standards, these proposed standards are	9/16/2024 8:38 AM

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unenforceable and will reduce the quality of decisions. Requiring people to hit a high volume of work at multiple checkpoints throughout the year without accounting for high-issue cases only produces a sloppy work product. If something is not broken, don't fix it. These proposals are a solution in want of a problem.

100	VLJs should be held to some sort of standard when it comes to timely signing cases. I've had cases sitting with my judge for over 1 month, sometimes 2 months on occasions.	9/16/2024 8:37 AM
101	The proposed changes to the performance standards place additional burdens on attorneys, seemingly due to a lack of trust from leadership. The attorneys are working hard to meet the production quotas as they are, and this erodes trust and minimizes flexibility for attorneys to manage their cases.	9/16/2024 8:36 AM
102	If attorneys are functioning at 90% of their goals including accuracy, quality level, and timeliness, they should be rated as fully successful otherwise they are not provided enough room for natural errors. It is not realistic to expect employees to perform at near-perfection levels.	9/16/2024 8:35 AM
103	the quality score is subjective and judge dependent. Some judges have told their attorneys that they rarely score anything above 3 (1-5 scale)... so the score can also be arbitrary. If the quality score is made to weigh more heavily for performance reasons... then objective criteria must be implemented and must be made available to both the attorneys and the judges... and a review mechanism for scores should be implemented so that a third party (panel of both judges and 14 attorneys) can ensure fairness in the process. Also, how are they defining "untimely" ? no more than 2 cases per 4 months? that seems too little. Numbers may be important... but people matter too. Few who have done the job of attorneys would find the proposals advanced reasonable. The proposals advanced place a great deal of weight for performance on numbers attorneys do not have any real control over. We can only do so much with the cases assigned to us... and once we submit a case to admin or to our Judge... the case is out of our control.	9/16/2024 8:35 AM
104	It is imperative that there be some standardization of quality grades. There is too much leeway in how the judges apply the grading system and so attorneys are held to different standards depending on which judge they serve. Management must determine appropriate quality guidelines and then REQUIRE the VLJs to follow it.	9/16/2024 8:33 AM
105	Adding more quota requirements affects the quality of decisions. Management could invest more time on creating ways to improve quality in the decisions given the amount of changes in VA law and complexity of the decisions.	9/16/2024 8:32 AM
106	I think we've hired a significant number of attorneys such that we do not need to increase the performance standards in order to meet the Board's yearly goals. If you want to prevent frequent turn over, you need to foster a healthy work environment. That means preventing burn out.	9/16/2024 8:31 AM
107	no	9/16/2024 8:29 AM
108	The reason I take issue with the case management element being based upon cases marked as untimely is because sometimes Caseflow will automatically mark something as untimely because it had to go to admin, or it has to sit and wait for action by the Clerk etc. I think the case management element needs to take things like that, which are beyond our control, into account.	9/16/2024 8:28 AM
109	when we go on vacation or are sick for an extended period, are we going to be placing all cases in abeyance or somewhere that stops the timeliness clock?	9/16/2024 8:27 AM
110	Proration should be available (without discretionary approval) for all mandatory trainings that were attended by the attorney. I do not disagree with the timeliness issue per se, but it should be clear how timeliness is determined (e.g., is it attorney check in, which is usually wrong now that Caseflow is how cases are assigned? if it's Caseflow, there should be an easy way for attorneys to place in and take it out of abeyance w/o admin potentially assigning it to another attorney -- asking OCOB for advice and then following through can take a lot of time with, e.g., docket switches that keep it in the decision writing attorney's queue while the timer continues; if assigned to admin for abeyance, there is a chance that admin will just release the case for regular redistribution and all that time spent on a case is now wasted.). For quarterly awards, if part time employees get "prorated," then annual/sick leave should be prorated as well. Management should produce a clear rubric that it is mandatory for VLJs to apply for assignment of ratings to maximize objectivity.	9/16/2024 8:26 AM

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111	Because cases in our queue do not toll when we are out on leave, where we are otherwise prorated, some cases can get lost in the mix and close/become untimely in our docket. If someone takes extended leave and cases are left in their queue, that one mistake could ruin the "lateness" successful factor.	9/16/2024 8:20 AM
112	I think removal of the issue track would be misguided. It's my understanding that counting issues was long desired as a performance track, which was finally added to fairly compensate the attorneys who take on the demanding task of handling appeals with extreme issue counts. I understand management wants a higher number of decisions written so that they can bring a higher number to Congress. But that doesn't make the high-issue-count cases go away; those veterans still need their appeal given due consideration (that is, an attorney willing to spend the right amount of time on it), and the issue track enables that.	9/16/2024 8:20 AM
113	The incentive awards are highly unfair as leave is not considered/prorated. For example, an attorney who always hits the incentive has a child and takes leave, upon return there is no time to earn the award. So the attorney is essentially "discouraged" from working hard for the remaining quarter. Attorneys who start their quarter working exceptionally hard, producing a high number of cases, are punished drastically if they have to suddenly take leave at any point during the quarter. Since the highest level incentive reward requires 6 cases per week, if a week of leave is taken, it becomes impossible to make up the time. Unless of course you work outside of work hours...	9/16/2024 8:19 AM
114	Regarding question 10, Caseflow has yet to take into account any time a case spends in admin (which is often months), so the attorney is deemed at fault for the case being untimely when, in fact, it has not been in the attorney's queue. This needs to be fixed.	9/16/2024 8:18 AM
115	Please note participant is recently hired & not on production, can't provide answers to most questions	9/16/2024 8:18 AM
116	It would be helpful to have someone who has actually written opinion and done this job to determine the pitfalls of a quota and burn-out that occurs.	9/16/2024 8:17 AM
117	I feel that one of the main reasons I joined the union is to resist an increase in the annual case quota. I do not currently feel like this is being done	9/16/2024 8:04 AM
118	The quality element is too discretionary to be used as a standard across the Board. What is a 5 for one VLJ might be a 3 for another. Some VLJs give out 2s regularly, others try to avoid giving out 2s. Concerning periodic quotas - this really doesn't allow a buffer for when VLJs or attorneys are off work (whether reg. leave or PPL, etc). If the end goal is the same - a certain number of cases per year per attorney - why add extra hoops to jump through by adding these additional requirements?	9/16/2024 8:01 AM
119	I agree with the idea behind the issues track (or the old 1.5 decision valuation for a decision/remand hybrid), that production quotas should consider complexity, but there needs to be some other method because number of issues doesn't necessarily correlate to complexity. Maybe some sort of point system taking into account variables like number of issue, type of issue, number of documents, length of period on appeal, number of past remands (for legacy cases), etc? Probably too complicated to implement, just trying to think of something that would accurately reflect case complexity.	9/16/2024 7:59 AM
120	The attorneys are tired. There is no way that the current leadership cares about the morale of the Attorneys.	9/16/2024 7:53 AM
121	Some of these changes appear to be made by people who have no idea what we do. The idea that we choose to make cases untimely is not based in reality	9/16/2024 7:52 AM
122	I have been on an issue track for the last several years because my VLJ relies on my ability to handle the larger cases. I am unable to answer some of the questions above as they pertain to being behind on cases and being able to make it up because I am often quite far behind on cases, but always meet or exceed the EOY issue goal, and for the times when I fell short of the issue goal during the FY, it was generally no more than a few issues and was always made up by the next pay period when it occurred. The proposed case management element concerns me to the extent that, at least in VACOLS, cases would be marked untimely whenever they needed to be sent out for admin actions.	9/16/2024 7:52 AM
123	Since the Board has produced a record number of cases, there does not appear to be any reason to change the standards at this point. Additionally, a lot of factors including types of cases assigned and quality ratings, are judge dependent. Standards need to be create for	9/16/2024 7:51 AM

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VLJs to ensure that no attorney is being penalized for having an inexperienced or unreasonable judge.

124	It would be nice if the quotas were as the cases were turned in rather than when the judge signs them.	9/16/2024 7:49 AM
125	Don't get rid of the issue track.	9/16/2024 7:48 AM
126	Taking away issue quota will hurt everyone, not just those who do issue quota, for reasons that I would think are obvious (then people who do case quota will get harder/longer/more complex cases; everyone will have less time to put into each case, which will lead to more errors; etc.)	9/16/2024 7:44 AM
127	There needs to be some method to account for the time spent on cases which are lost to the attorney due to finding administrative issues. I am a new attorney, just past 1st year. I have had several weeks entirely lost to time spent discovering administrative issues on multiple cases that were then lost to me entirely or lost to me for months. I went on production in February and have never been green - I will finally catch up this week, one week before end of year, and be green for the first time. I've found a lot of routine, unanswered Privacy Act requests, representative issues, address verifications, and procedural issues requiring a 20.104 letter, but also, extension or hearing requests that were multiple years old. Also, missed appeals, filed but never docketed and one case with a five year old BVA decision that should never have issued due to a missed AMA opt-in. I've seen several of these issues in cases that have been to the Board, and even CAVC, before, sometimes multiple times. To me, it seems that many of these issues would be resolved more timely if there was not the sometimes draconian quota that does not account for any time spent finding these issues. Another issue with quotas, and high production, is that it seems some high producers have a higher percentage of remand cases, which are much much quicker to draft. I have gotten cases post-remand that did not need to be remanded, i.e., one was remanded for records that had been in the claim file since the 1960s. Just a quick look in research tools for cases by attorneys who presented panels as high producers showed their percentage of remand was 60+%. Comparing to my own record, my remand rate is less than 50%. If the goal is to resolve cases, there should be some mechanism to account for this measure, or a new standard recognizing actually resolving cases.	9/16/2024 7:43 AM
128	for 13 out of 22 pay periods last year (i was on non-production status until after thanksgiving), my doc showed that I was not "in green"; for every one of those, I had submitted the requisite number of cases, but my judge was slow in signing. I have concerns that a judges' inability to timely sign decisions will have a greater impact on attorney performance if quarterly performance standards are implemented, especially in quarters when judges take vacation and/or have judge school. On top of that, the elimination of the issue track, will create significant obstacles to maintaining green status, especially if you encounter a quarter where you have a judge vacation plus a large issue case. Given the number of holidays and likely vacation time in the proposed first quarter, attorneys are being set up for failure. Finally, the elimination of the issue track will disproportionately effect the 14s, and it is easy to see how it will drive them to other government agencies where either they have no quota or where management is loss overtly hostile to the attorney corps. In short, the current management proposals seem designed to create a race to the bottom between the Board and the Bureau of Prisons on the AES results, and little else.	9/16/2024 7:41 AM
129	"Fairness" here is ultimately in the hands of the VLJs. I have a VLJ who almost never grades at a "2" for quality. I have written for a VLJ who happily assigned a "2" for work she did not find up to standard, without allowing the attorney to fix that draft. So the biggest problem with all of this is pretending that these standards will be applied as "standards," rather than subjective, individual measurements.	9/16/2024 7:41 AM
130	A reduction in cases is necessary if the issue track is removed. 125 cases seems more fair once the large issue cases are more evenly distributed.	9/16/2024 7:39 AM
131	It seems management is just trying to set up a system that makes it easier to PIP/fire underperforming attorneys, without considering the effect on average performers.	9/16/2024 7:37 AM
132	I believe that quarterly goals should take in account the number of cases that have been submitted for VLJ approval. The untimely finding for case management should take in account the amount of time the case is pending in Caseflow minus weekends.	9/16/2024 7:36 AM
133	I'm mostly confused as to why they're implementing any changes in the first place. The Board is on track to exceed the goal for this year - by setting more benchmarks (i.e. making it easier	9/16/2024 7:28 AM

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to fire people) it seems like they're just incentivizing more turnover which costs the Board more money in training, etc.

134	The current lack of consistency between VLJ ratings on quality make that an inappropriate standard to measure successfulness, and this also applies to untimeliness.	9/16/2024 7:25 AM
135	We have set and met multiple goals and records over the past FY. Why are you (management) insistent on changing the status quo now? If it's not broke don't fix it, you're only risking failure and the creation of issues in the near future and worse, risking the loss of employees the VA relies on the most (senior, experienced attorneys and staff).	9/16/2024 7:25 AM
136	Candidly I don't know why any of these changes are being implemented at this point. None of the proposed changes seem to be any benefit to anyone. It seems like change for the sake of or the appearance of change without consideration of the consequences or actual areas that need improvement. If efficiency and productivity are the focus, I would focus on faster hiring (e.g. it was six months from my application to my TJO - that's way too long), retention, and technological changes. For instance, implementation of advanced e-discovery tools using machine learning so we can identify the relevant material much faster and triage more difficult cases. E.g. a single issue case might take far longer than a ten issue case because the single issue case is an increased rating for PTSD over a 17 year period and the Veteran withdrew the appeal in the ten issue case. Machine learning or other sophisticated tools can help identify this type of difficult case. Also consider having a dedicated team to screen cases for administrative action issues so attorneys are focused on drafting instead of spending time, e.g., identifying how many Privacy Act requests have been requested and fulfilled in a case. I would also allocate more resources / personnel to the administrative action staff, especially for address verification and Privacy Act requests. Those actions seem to be taking 90+ days to action.	9/16/2024 7:18 AM
137	There has to be some consideration of the issues track. It is, in part, what lead to extreme burnout and attrition in 2018	9/16/2024 7:18 AM
138	No hard numbers for the untimely and ratings of cases---demoralizing and counterproductive to improvement. 14s should not be 'graded' on cases at all.	9/16/2024 7:13 AM
139	There are many more ways to get more production than simply raising the production standards. The continued reliance on raising the production standards is the sign of a dull wit. For example, process improvement alone, if properly implemented, could more than make up for the extra production. I alone can get medical opinions from the various RO's in just a day or two, which would reduce remands by months. If you keep increasing standards, you get lower quality, to the point where we end up similar to the hospitals that were faking their standards by having a secret appointment system. Use process improvement, NOT raising the standard.	9/16/2024 7:11 AM
140	Senior leadership should provide objective standards when providing the quality rating for cases (i.e., definitions for "meets expectations," "exceeds expectations," "needs improvement," etc.), as VLJs seem to rate cases based on subjective criteria. If objective criteria is noted, there will be a lower chance for PIPs based on quality rating of cases.	9/16/2024 6:59 AM
141	I disapprove for #9 & #10 unless they created clear rubrics for such markings by VLJs. Right now there is no such thing rendering these ratings largely irrelevant.	9/16/2024 6:49 AM
142	The Board met its annual goal early this year. The Board met its annual goal last year. Both goals were met despite difficult cases, changing case law, and two systems (legacy and AMA). Decision writing attorneys work hard and care about the Veteran mission. The fact that senior leadership is attempting to implement unnecessary performance standards is an insult to the hard work and dedication of these attorneys. It would be helpful for senior leadership to be on production for a quarter every single time they want to increase performance standards. Until they do this work at the current standards, their attempts to change the standards and their platitudes are hollow.	9/16/2024 6:46 AM
143	cases coming back from admin show up as untimely on the DAS after they are signed unless a VLJ changes the due date this is not fair considering the case was sitting for months in admin; also grading of cases is too subjective one VLJ could assign a 5 to a case that another VLJ marks it as 3. Using grading as a marker for whether you are successful or exceptional is unfair. There are no standards even available to tell someone whether to mark a case is a 3 or a 4 or a 5. Its too subjective. some VLJs give an automatic 3 just because a case is a remand, regardless of whether it is highly complex. In fact I think grading should be abolished. Either mark it as satisfactory or not.	9/16/2024 6:20 AM

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144	Yes, with the exception of Bob Scharnberger, NONE of them know what it's like to be in the trenches, day after day, week after week, year after year. We have kids, we have families, we work sick, we work tired, and most importantly, we work under the constant threat that our work will be returned for revisions, scored lower, and left unsigned by a growing number of VLJs who also have never served as a decision-writing attorney at the Board.	9/16/2024 6:17 AM
145	Stop trying to fix something that is not broken! Leave it alone or people will leave.	9/16/2024 5:16 AM
146	I feel strongly that issues have to be recognized in the production credit scheme. It just makes no sense to give the same credit for a 2 issue case and a 20 issue case. If we do that, our credit system becomes a cruel joke for the drafting attorneys at the Board.	9/16/2024 12:25 AM
147	I have been on the issues track and well behind on cases throughout this year and last year, but I have met the end quota. I routinely work on the most complex cases and receive 4-5 level quality ratings (very few 3s) with no untimeliness. My judges has noted several times that I catch issues and concerns that others would miss. It would be extremely difficult, likely impossible, to devote adequate time to serve Veterans and claimants with such high quality if the issues track is eliminated and not incorporated with a similar ratio of issues per case in new standards.	9/15/2024 11:30 PM
148	It was bad enough to tie promotions to highly subjective performance standards. The addition of bonuses is beyond all logic.	9/15/2024 10:19 PM
149	Senior Leadership needs to stop trying to find ways to get rid of attorneys	9/15/2024 8:47 PM
150	If the annual quota is not reduced, every attorney should get a blanket "administrative" proration equal to at least one pay period, to account for all required TMS training, referring cases for administrative actions, and aspects of actual work does not always translate into a signed decision. Simply because management elects to gauge production by number of cases does not mean that the actual production process entails many other necessary tasks that apparently are overlooked.	9/15/2024 3:24 PM
151	I think there should be an objective system in place to rate attorney's performance. It should not be based on one supervisor's subjective judgement.	9/15/2024 2:45 PM
152	On paper I have been "behind" at approximately eight points during the past fiscal year; however I am currently on track to meet the "Exceptional" standard for both case count and issues. Every case is unique, and even single-issue cases may present procedural oddities requiring research and follow up as Veterans and the private bar test the limits (purposely or otherwise) of the AMA system. To be fair and constructive, any productivity tracking scheme must account for natural ebbs and flows in raw case numbers, or else production numbers will only increase at the expense of quality and employee attrition. Further, low-quality decisions will have a long term productivity impact as such cases are more vulnerable to JMR and/or vacation by CAVC.	9/15/2024 2:22 PM
153	There need to be uniform standards for timeliness because Casflow can be inconsistent. --- Under the proposed standard, an attorney is required to have 3 cases signed per week. In a 40-hour week, this means an attorney has, on average, 13.33 hours (13 hours, 20 minutes) to complete a case. First, it is critical to note that this assumes an attorney has no distractions, e.g., responding to emails. This is unrealistic. Second, this assumes no rewriting, administrative issues, etc. for every case. This is unrealistic. Third, this assumes an attorney can immediately – with no break – transition from one case to the next. This is unrealistic. A case-only standard is not intrinsically bad. The critical part is what the expected level of performance is. 3 cases per week (absent some method to equalize the difficulty of cases, especially for senior attorneys) is unfair, demoralizing, and has failed in the past.	9/15/2024 1:00 PM
154	Please stop messing with us. We have been meeting the organizational quota and you are still trying to find ways to harass us. For the most part we love just doing our jobs and being professionals. We can meet the quota and have it reduced by taking our vacation/leave. Stop changing things. You are not helping Veterans by making this a horrible place to work.	9/15/2024 12:45 PM
155	Cases with more issues tend to be placed on the back burner in favor of shorter cases to remain green. I'm sure most attorneys work on these intermittently while completing other cases. If untimely cases will be counted against the "fully successful" designation, management should consider the reason for untimeliness.	9/15/2024 12:25 PM
156	There needs to be some discretion and flexibility afforded to the VLJs in these standards. Every rule has an exception. The Board made their goals without these draconian measures.	9/15/2024 10:45 AM

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Don't fix something that is not broken or you risk alienating those attorneys who are high producers.

157	These standards are far too reliant on the whims of the VLJ. The VLJ may fall behind on signings, may be a harder rater than others, etc.. Places attorneys further at the whim of a VLJ.	9/15/2024 8:27 AM
158	I would suggest doing a 2-week period drafting cases for random VLJs so they can really understand what people on the ground are dealing with.	9/15/2024 12:17 AM
159	The most important thing to me is that issues not under our control do not impact our evaluations. For example, cases being marked untimely due to waiting for responses from the Clerk's office or other admin issues where the case remains in the attorney's queue; or cases being counted only when signed and not when they are submitted for signature.	9/14/2024 7:55 PM
160	This job is hard enough. We don't need management to make it any tougher than it already is. In fact they should reduce the quota just because we are moving from legacy to AMA, where remands are less possible due to no Board Duty to Assist.	9/14/2024 5:58 PM
161	Why don't VLJ's have timeliness standards and enforced quotas? Decision writers are at the mercy of the VLJ they are assigned to and if they write for a slow signer, the trimester checks will be a nightmare. Cases should at least be counted when submitted.	9/14/2024 4:26 PM
162	N/a	9/14/2024 3:19 PM
163	I'm new to the Board and am on production, but still in my probationary period. The proposed standards are terrifying. My judge is a slow signer and harsh rater - I don't think I've been "green" since starting production a few months ago. I have over 10 weeks worth of cases pending with my VLJ. My SSC is meeting with me regularly to help ensure I'm on target and "catching up" - but I'm not the one that is falling behind. My signed plus pending numbers put me above fully successful. My ratings are evenly split with 3s and 4s, plus a handful of 5s. No one has been able to provide an answer as to what happens if I wind up in the situation of a stack of cases that have been pending for weeks at the end of the FY. My SSC is saving me by sending me cases to write for them - and they sign them within a week. Not 9+ weeks later. Having a quota based on something completely out of the control of decision-writing attorneys is absurd. Why aren't VLJs accountable for falling significantly behind on signing? Why are we held accountable for their failure? I feel VLJs should have some level of accountability in this. The lag in signing is extremely stressful. There is nothing a decision-writing attorney in my situation can do, except stalk the Doc, continue to write, and hold our breath hoping for a signature to happen in time. It is terrible for mental health. The Board can't do what it does without us. We shouldn't be punished when our VLJ doesn't timely perform.	9/14/2024 3:16 PM
164	Quality determinations are too subjective and depend largely on the whims of the VLJ. If the Board wants to enforce quality, there should be a three member panel, comprised of at least one attorney, to make that determination should discipline be sought.	9/14/2024 1:27 PM
165	Given the fact that we are easily going to exceed our goal for this fiscal year, I don't understand the preoccupation with getting rid of the issues component. I'm a GS-14, I'm going to make it on issues, but I'm not that far behind in cases either. It's not like I just do a few 40 issue cases and call it a day. Given the complex nature of cases that GS-14s work, it could be very hard to make it on cases.	9/14/2024 12:53 PM
166	I strongly disapprove about the proposal that to be deemed fully successful no more than 2 cases can be marked untimely. My rationale for this is that when I send a case out for administrative action (such as for an IHP) and the case is then returned to me, the case is automatically past the original decision date. In other words, the case is already untimely upon being returned to me from administrative action before I have even started working the case. Under the new system, I would have to spend extra time (not writing cases) to get the date for each case that has been returned from administrative action changed. Approximately 50% of the cases initially assigned to me by my VLJ are sent out for administrative action. Thus, this would be quite a bit of time getting dates changed so that I am not marked untimely by cases being returned from administrative action. I am also opposed to this change in the untimely standard because it does not account for the fact that when I take leave/holidays/weekends/government closures, the days on my case count still accrue. For instance, this fiscal year, I took 3 weeks off for surgery. When I returned, I only had 3 days to complete several AOD/CAVC cases (since these cases are assigned 30 days to complete). I	9/14/2024 12:37 PM

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was not able to complete all of the cases in those 3 days and some of the cases were untimely. The 30/60 days on the cases does not stop tolling when the employee is not working.

167	The only times I was ever ""not green," was due to cases pending signature, or I was working on a 40+ issue case that took more than one pay period - as it should have. For untimely cases, there needs to be a way to mark cases that are in the queue because the clerk's office is sending a letter or there is some admin reason. I have found it is more veteran friendly for me to keep a case and keeping checking on it (i.e. has a letter been sent, etc.) than to send it off - sometimes it is months before it comes back that way.	9/14/2024 11:23 AM
168	It is important for senior leadership to realize that VLJs are asked to perform subjective assessments (case difficulty, case timeliness, proration request worthiness, nominations for writing awards, etc.) and that to assign objective standards to any of those subjective assessments is unfair to attorneys as we are behind held to different standards depending on who are VLJ is.	9/14/2024 10:56 AM
169	Not at this time, thank you.	9/14/2024 10:56 AM
170	Unless they can update Caseflow to remove any periods a case has been sitting with Admin in calculating whether a case is timely or not, as well as any periods the case has been sitting with a judge, timeliness should not be a consideration	9/14/2024 10:19 AM
171	Senior leadership appears to be upset that they do not have the ability to simply fire attorneys they do not like. The attempt at imposing an inherently subjective quality standard where it would be impossible to ever objectively prove whether a cases was or was not good is simply a way for management to denigrate the work of attorneys they don't like before firing them.	9/14/2024 10:15 AM
172	In my experience, cases that are sent for admin action are marked as untimely. If management implements the previously mentioned Case Management element, a new method of determining whether a case is timely would also need to be implemented.	9/14/2024 10:02 AM
173	As an attorney who very frequently works more difficult cases, an adjustment to the quota for harder/longer/more issue cases would be very beneficial to me.	9/14/2024 9:19 AM
174	I have always submitted my cases on time but my judge never signs any cases. As of right now, I have 11 cases pending signature. No attorney can be "green" under these circumstances	9/14/2024 8:16 AM
175	Cases appear untimely due to admin requests, and other issues wholly outside of the attorney's control. If the case is written w/in 30 or 60 days from when it was placed in (or back in) the attorney's queue, it should be timely.	9/14/2024 7:41 AM
176	My biggest complaint is the credited when signed concept. I find it ludicrous that I can regularly submit 7 or 8 cases per pay period and still have OT/fully successful status threatened because my VLJ falls behind in signing. Also, with respect to the issue of untimeliness, they should find some way to ensure a case is not considered untimely when time spent sitting in admin is factored in. I don't like seeing anything hinting at being untimely when I myself have met every single benchmark. To be fair, I don't know whether that is an issue, but I used to see Legacy cases noted as untimely in VACOLS for this reason and it annoyed me each and every time. My bottom line is that I find it appalling that we are held accountable for things beyond our control - highlighted by these two particular issues I've described. How management cannot see that these issues are a problem - and affect morale - is beyond me.	9/14/2024 7:10 AM
177	End of quarter or end of FY should be given a few day buffer period for the submission of cases and the signing of those cases. That would give both attorney's and judges a few extra days to meet the Attorney's goal. It shouldn't be held against the attorney that the VLJ didn't sign a case in time if all the cases needed have been submitted prior to the deadline.	9/14/2024 6:29 AM
178	I would like more crystallization of what the grading system is. Every judge grades differently. A case for one judge is a 3 but the same case for another is a 5. I would prefer we move to an "either or" grading system, i.e., "Acceptable" v. "Unacceptable." Or just get rid of the grading system, what's the point?	9/14/2024 5:45 AM
179	Why doesn't management try to do our job for a pay period. I'd have a lot more respect for their positions if more than one of them had ever actually done this work instead of sitting in meetings and telling us we should just be grateful to be here at all.	9/14/2024 1:11 AM
180	The individual judges are getting too much power over attorneys without oversight. We need	9/13/2024 10:17 PM

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anonymous surveys and check ins. A judge can threaten 2s for the same exact quality work another judge would give a 3+ for. It's increasing the opportunity for power abuse.

181	I don't understand why the Board plans to impose more onerous standards given that Board attorneys are turning out record numbers of cases?	9/13/2024 9:53 PM
182	The timeliness standards are arbitrary. Beyond that I have no concerns concerning performance standards.	9/13/2024 9:01 PM
183	Have them undergo training and write decisions for a week. Just one week.	9/13/2024 8:41 PM
184	I think cases should simply be marked as unsatisfactory, satisfactory, or outstanding. As for the timeliness, it is becoming increasingly difficult to get AOD cases out in 30 days when there are multiple attorneys tabbing the file for simultaneous dockets at the same time. 30 days is simply not long enough anymore. We need more than 30 days for AOD cases so that we can better manage our overall workload most efficiently. 60 days would be more appropriate. 90 for a non-AOD. I don't even want to touch a file that has one or more attorneys adding 500+ bookmarks, each with multiple issue tags used as personal notes. In that regard, I implore the union to beg management to have a feature added to Caseflow that allows us to limit our view of bookmarks, tabs, and comments by author. So we and judges can chose whose markings to see, and so that other attorneys are not deleting my bookmarks or comments while I am reviewing the file for my case.	9/13/2024 8:38 PM
185	Reducing the annual goal, at least somewhat, would make the greatest difference.	9/13/2024 8:02 PM
186	They need to look and see that some people on the issues track are doing a lot of cases. I have made my goal on issues, with 435 issues, and also currently have 107 cases signed or submitted. I am on track to have 120 cases and approximately 500 issues. It is a lot of work to do the high issue cases, and I don't know anyone who can do a 25-issue case in one day. If they are doing that they are not reading the file and they are guessing. This just ends up with more Court remands and bigger files. Then the case comes back to the Board and someone has to write a decision for the second, third, or fourth time.	9/13/2024 7:41 PM
187	I believe the change in standards removing the issues option is incredibly short sighted. The attorney handling to more complicated cases are usually the ones that need that approach to reach the quota required for annual goal.	9/13/2024 7:21 PM
188	Performance evaluations by judges are subjective, and some judges may choose to grade harsher, just as some judges may not allocate cases fairly. To penalize attorneys with unsatisfactory ratings based on unfair assignment allocations or harsher grading by judges is not reasonable, particularly since there are no mechanisms in place to protest assignments or grading or to request re-assignment based on unfairness or bias in these factors.	9/13/2024 7:15 PM
189	Timeliness of case submission is largely out of the attorneys control so any penalty for late cases is not fair.	9/13/2024 7:02 PM
190	NO	9/13/2024 6:52 PM
191	No.	9/13/2024 6:50 PM
192	They do not grant CLEs, good-cause, etc., and there is no way to appeal. Really the main quota is what matters (if they continue to disregard the MOU). Cases are incredibly complex and VLJs do not just accept snippets. With a new focus on Quality, there is even more pressure to spend more time per case. So eliminating Issues or not adding approved prorations trends in the other direction from where we should be going. Also, for Issues, the average Issues per case is now lower, so that quota was raised around 2018, and has still gotten progressively more difficult... Overall, we met our FY goal, so why are we acting like we failed? Hopefully we also get another "goal day" for this achievement. Also, the PDs for the Front Office require them to contribute signing cases as VLJs. Are they going to follow their own quotas as VLJs? (See DVC posting). I hope we can come up with something fair. Thank you.	9/13/2024 6:34 PM
193	I don't have strong feelings about the quality requirement (ie, Level 2 or below). I have stronger feelings about the untimeliness requirement. In the Attorney Check-in app, I am able to see whether my decisions were timely. When they were not, it was usually because of an admin issue. I did not really think anything of it because it never was an issue. I am not aware of how to check whether my AMA decisions are timely. My main concern about the timeliness requirement is whether the clock resets when a case is returned from admin. Many cases in	9/13/2024 6:29 PM

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admin, particularly regarding FOIA, exceed the time guidelines. I don't think we should be penalized for the time in admin.

194	I don't understand why they continually feel the need to change things, usually to the detriment of attorneys. The Board is meeting and exceeding goals so why make things harder for attorneys?	9/13/2024 6:28 PM
195	It's stupid that the quality number is now between 2 and 3, and you can get exceptional with only 3s and a couple of 2s. My VLJ is never going to give me a 4 or 5 ever again.	9/13/2024 6:28 PM
196	Please do not take proration away. The trainings we are have so critical. No longer offering proration will compel employees to multitask and work on decisions during these sessions, rather than be fully focused on what is being presented.	9/13/2024 6:28 PM
197	It is difficult to understand how the proposed performance standards are fair and equitable when we operate in a system with a subjective rating criteria, where the individual attorneys cannot control the complexity of their assigned cases, the judges cannot determine that complexity before assigning a case, and attorneys have no control over which judge signs their decisions, or when their decisions are reviewed or signed. The current system, which allows attorneys to choose to accept and work the most difficult and time consuming cases on an issues track, and a system that allows attorneys an entire fiscal year to meet production goals is the most fair way to adjust for the inherent varied level of difficulty between cases assigned, the judicial discretion allowed regarding when to sign completed cases, and judicial discretion in what rating to assign to an attorney's efforts when a decision is signed. Targeted individual performance improvement plans implemented at the discretion of the attorney's rating judge, with the oversight of senior leadership, focused on assisting individual attorneys on staying on track to meet their end of year production goals, and working on ways to improve an individual attorney's work quality within their judge's quality standards seems to be a more fair method of improving overall performance standards at the Board. Additionally, the benefit of allowing individual judges to implement interim performance standards and initiate an individual improvement plan allows the judge and their attorney the ability to work together to solve performance issues at the root, while also allowing senior leadership the ability to oversee any types of inequity inadvertently applied against an individual attorney. High morale in a high stress work environment is a difficult goal to achieve. Fair and equitable standards, enforced in a manner that allows for the most transparency, maximum flexibility, and the highest accountability shared between individual attorneys, their assigned judges, and senior leadership seems the more appropriate method to achieve quality decisions at an appropriate production pace. A system that allows for maximum flexibility for an individual attorney and their judge to identify and work through any performance issues over an entire fiscal year would be more effective than implementing inequitable production targets to be enforced within shorter time periods.	9/13/2024 6:24 PM
198	"Timeliness" is often out of our control. When we need assistance from the Clerk, letters signed, etc, those cases sit in our queue awaiting someone else's pleasure. Just like getting items signed, we have no control over that process. Add the new auto-AOD process, and a case that would have been completed early can be come untimely in an instant.	9/13/2024 6:05 PM
199	SCT cases often have one issue, and sometimes are rated as level 1 by Judges who may not understand the legal complexities, issues with the record and jurisdiction. So, if the proposal above regulating cases below a 2 in complexity went forward, it would unfairly penalize SCT attorneys who were competitively selected for SCT, and whom Judges rely on for hearing consults.	9/13/2024 5:57 PM
200	Senior leadership is making arbitrary changes without empirical evidence to support such changes would result in higher production. SL needs to review the history of the Board before implementing changes. No SL has a hx of decision writing except Bob, and he was a mentee of Ron Garvin who was the least attorney friendly person to be in Board leadership in its history.	9/13/2024 5:56 PM
201	There should be reduced standards (ex 1 less case a pay period) for training level attorneys (GS 11/12)	9/13/2024 5:55 PM
202	I fear that the quality element is subjective and could be used to target an employee for reasons unrelated to case quality, not by current VLJs or Board management, but by potential future executives. Timeliness is more objective.	9/13/2024 5:48 PM
203	ABA Model Rules - Rule 1.3 Diligence - Comment "[2] A lawyer's work load must be controlled	9/13/2024 5:47 PM

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so that each matter can be handled competently."

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_3_diligence/comment_on_rule_1_3/ We have a 40 hour work week. 5 U.S.C § 6101. Our workload should reflect that. It is clear that many attorneys work more than this to meet the current overly burdensome quota. The quota needs to be reduced to comply with the law. This will benefit staff moral, and in turn the Veteran's we serve. This will give attorney's the opportunity to get more things right the first time. Despite senior leadership's insistence that we have very good quality, CAVC's remand rate would suggest otherwise. In essence our goal is 25% higher than it was seven years ago. This increased goal does not take into account that in the years since that time our jobs have not gotten 25% easier. To the contrary, many of our "easy" cases no longer exist, e.g. hearing remands, or are not distributed en masse, e.g. they are instead given to attorneys for overtime work. While there may be strategic or tactical reasons for such processes, our production goal should reflect these realities. Harder cases take more time. Furthermore, the requirements imposed on the Board by the Court of Appeals for Veterans Claims (CAVC), and other appellate bodies, require more work to be done. There is consistently new case law to consider, and more reasons and bases to write about. Again, this takes more time. Furthermore, to get a good grasp of the ever evolving law, time for training or simply to read CAVC, Fed. Circ. and Supreme Court decisions is required. This time does not appear to be adequately reflected in our production goals. However, the lack of time to adequately study the law and write decisions is reflected in the amount of Joint Motions for Remand that are granted by CAVC. "In 76% of the conferenced cases in FY 2023, VA agreed with the appellant that the Board's decision contained error necessitating remand of the matter to the agency for readjudication." See CAVC Fiscal Year 2023 Annual Report, page 7. This does not even include cases that made it to a judicial decision and were remanded or vacated on the merits. We are burned out. We have been so for years. We have seen this. We have said this. Now it's past time for senior leadership and Congress to acknowledge this AND act accordingly. This does not mean creating more programs that add to our burden without prorating our goal. It means significantly lowering our goals, even if that means employing even more attorneys and Judges. We are attorneys. Let us ethically do our job in the 40 hours we are supposed to be able to do it in. Show us you care. Not only will this benefit Board employees, but it will benefit the veterans we serve. Demonstrate the I CARE values.

204	I hope the Union can come up with a fair contract that makes allowances for the nature of our work. For example, that some cases are harder and longer than others, that vacations and time off interrupts the amount of signed cases that can be done at a certain period, and that there is more to a good decision writer than the number of cases they dispatch. Quality, veteran friendly writing, and years of service at the Board, should be taken into account as well. Ideally, after an attorney has been made counsel they shouldn't be quotas for their work as they have proven their work over time.	9/13/2024 5:45 PM
205	Yes- leadership has burdened us and in return decision writing employees appeared to have gained little to no benefit. The Board used to not have an issue track and that became problematic when assigning higher issue cases. Management will be walking right into a fire if they decide to remove the issue track. - From someone who is on track to meet the exceptional category in both case count and issue count.	9/13/2024 5:44 PM
206	When I heard of their proposal the next day I was looking at usajobs for the first time since i joined the board five years ago. I can meet their new requirements but It is not sustainable so I have started looking elsewhere. Many of the senior attorneys utilize the issue track because they get the large issue cases. It seems lots of the top "performers" (based on the parade of top performers according to the cases submitted) are people who have been at the board a year or two so they get all of the small issue cases and do a bunch of them thereby ensuring even less small issues cases for the experienced attorneys. If the proposed standards were applied retroactively to FY 24 I would be on a PIP. I would not meet the case or the quality elements. I currently have 13 cases and 96 issues pending. My VLJ will sign a 1 issue case within a day or two. Cases with more than 10 issues could take 2-3 months for VLJ signature. If those were all signed I would be 5 cases short of the case production standard. So close but not there, and they will not be signed in two weeks by the end of the fiscal year. But I cannot predict when my VLJ will sign those. So having several weeks worth of work pending would make meeting the trimester requirements very hard. About 10% of my cases are rated 2 or below. In addition to waiting 2-3 months to review a case with more than 10 issues my VLJ, from my perspective, just sends the high issue cases back for revisions rather than spend much time reviewing the case. Last year his advice for meeting production to our team was to do the single issues cases first. That does not work well for me. So in summary the trimester	9/13/2024 5:38 PM

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issue is a challenge as I have more than a months worth of work pending with no clear date when it will be signed. I do not meet the quality requirements cause my judge finds reasons to return high issue cases and then has to justify the return with a low rating. I could increase either the amount or the quality but to keep my job I have to increase both. I cannot do both. I've been here five years and I understand my abilities. So I am actively looking for a new job cause I will have to work extra to keep my job, but I cannot sustain that. I will take my 5 years of VA law knowledge and leave. Even at 5 years there are things I don't know so all of the high performers that think they are excellent cause they get lots of bonuses will have to do the hard cases and realize it sometimes takes a week to do a 35 issue case. So I am spending my lunchtime looking at USAjobs. For now I am looking to promotions, as time goes on I imagine I'll look for laterals or even demotions. I have not even looked on USAjobs for promotions in the last 5 years.

207	the quality ratings need to be revamped or done away with all together; or there needs to be a uniform standard for rating decisions	9/13/2024 5:38 PM
208	Do not implement the trimester system. This is a bizarre concept. Every few months, I will be starting from 0 to build up my case count. It is like restarting on October 1st every 4 months. Do not punish the vast majority of your attorneys just because you want more tools to remove a couple slow producers. In general, all the new performance standards just smack of new management tools to remove weaker attorneys. How about helping those attorneys become solid performers on quality and numbers, instead of playing games? At the end of the day, these standards are arbitrary and capricious, and will incentivize the least-compassionate judges, SSCs, and DVCs to be even worse to their attorneys. A terrible system that needs to go back to the drawing board!	9/13/2024 5:33 PM
209	If they want higher quality cases, reduce the case quota so attorneys do not cut corners and can slow down properly review the record, conduct legal research, and draft a quality opinion. When using Research Tools, I do see some poor writing at times, but I understand the demand everyone is under so things get rushed. If they reduced the quota to 5 per pp, then I would fully support the proposal related to quality. I have never had a 2 rating in quality, but I choose to not cut corners at the expense of my efficiency, which my adherence to quality then causes extra stress in meeting the quota. The Veteran's deserve a quality written opinion after a full and thorough review of their records without corners being cut to get the draft out.	9/13/2024 5:32 PM
210	I have a judge who is incredibly slow signing my cases. I turn them in and then she takes a full pay period to review and sign. She also returns cases for things that are questionable; she uses the DAS to communicate perceived problems, rather, than direct communication; she is incredibly difficult to write for; most of the time I am not sure if I am being sand-bagged because when I write for other judges there are zero problems. I think there should also be a rotation in writing for different people - I don't think I'm burned out from this job, more like it's my judge.	9/13/2024 5:27 PM
211	the timeliness element worries me because we dont have control over how long admin takes to take care of admin issues.	9/13/2024 5:26 PM
212	Mama always said if it ain't broke, don't fix it.	9/13/2024 5:26 PM
213	No.	9/13/2024 5:25 PM
214	It is entirely possible for us not to be "green" but have submitted all of our cases in a timely matter (and not have any returned to us). Whether we are "green" or not is beyond our control. If they want to put in extra checkpoints, it should be based on submitted cases. That is a truer and fairer check on whether we are more or less keeping up with our caseload. If they are worried about the quality of cases (that submitted cases will be returned to an attorney for some reason), than they should be thinking about lessening the quota / reducing the IT issues/changes to afford us more time to produce quality decisions, specially when it comes to more complex cases or multi-issue cases which are expected to be done in the same amount of time as a regular run of the mill case. Regarding the assignment of a grade, these are too arbitrary to serve as a metric. And, regarding timeliness, this too depends on what they mean. How is timeliness determined? When we submit the case? Even then, we might be at the whim of waiting weeks for answers to questions from Judges, the Clerk's office. When you admin a case does that stay the time limit?	9/13/2024 5:25 PM
215	No	9/13/2024 5:24 PM
216	I wish that leadership showed more respect to the fact that we are all professionals and do not	9/13/2024 5:24 PM

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need to be micromanaged. Things come up in life and as professionals we should be trusted to manage our own time and meet the production standard given.

217	I am only in NATP and therefore I haven't yet been on production, but the new standards make me very nervous about my career going forward, especially not knowing my judge assignment and what kind of judge they will be and what kind of feedback they will give. I am concerned because, still being in NATP, I have not had cases with more than two issues, and already I find those take up way more time than the one issue cases. I worry, with issue production going away, that I will not meet production in my first year.	9/13/2024 5:24 PM
218	I like the more objective criteria for quality and case management. I may have a good judge though; I've never gotten less than a 3. And I've never turned in a case late, assuming that admin action time is properly accounted for.	9/13/2024 5:23 PM
219	I think that trimesters are a great improvement from an annual quota, but not all VLJs are as prompt in signing and there still is no rubric across the Board for assessing difficulty or assignment of a numerical assessment. It would be beneficial for all stakeholders to know, and conform, to transparent expectations.	9/13/2024 5:22 PM
220	Senior leadership should consider how new performance standards will impact attorney burnout.	9/13/2024 5:21 PM
221	I think the 3 case per week expectation is too much. I've heard lots of grumbling about terrible decisions being put out there, and more time with a case would help. These cases are so nuanced and usually conducted by pro se Veterans -scouring the file for small mentions of things is required most of the time. No wonder the Board is missing things. These Veterans deserve our time and attention, not use rushing through cases to meet a quota. There are plenty more attorneys who have been onboarded this year. The Board will catch up its backlog. We don't need to continue at warp speed. This is unfair to the attorneys and especially unfair to the Veterans.	9/13/2024 5:21 PM
222	I think there should be something in place where people that are not submitting cases until the end of the year can be timely removed. However, those that are only behind by a pay period or two should be given some grace. In terms of mistakes, management should consider how many mistakes they make in a month, before trying to assess such a stringent level on the attorneys. Management should also require judges to sign all decisions in the pay period they are submitted, or give attorneys grace. The higher level person should always be held to a higher standard, at the Board it is the opposite. Removing issues really is a bad idea, instead of having one or two people working the longer cases, everyone will have to be given the exact same amount of issues, otherwise, it is discriminatory. This will pose more stress on Judges to be equitable.	9/13/2024 5:20 PM
223	The last two standards are too subjective. There needs to be a process for someone to appeal a low rating. Some judges give way more cases and way worse ratings. Also, if the average is a 3 should be fully successful no matter how many 1 or 2s someone gets.	9/13/2024 5:20 PM
224	Determining untimely is like analytics you can make the numbers say what you want and depending on who is reading them decides how to best interpret. I disagree with being dinged for cases marked untimely.	9/13/2024 5:20 PM
225	If we are currently producing the projected number of cases (and more), why change the performance standards?	9/13/2024 5:19 PM
226	Case ratings are extremely subjective; certain judges are hard graders, some are easy. Quality should be assessed by neutral third party. Timeliness of case completion is gamed by attorneys currently, and is also a factor that depends entirely on factors such as the assigning judge, vacation time, emergencies, etc. The "solutions" set forth in the case management training that an employee has an "ethical obligation" to work unpaid OT to complete cases that will otherwise be untimely is absolutely absurd.	9/13/2024 5:17 PM
227	A lot of the proposed standards turn on factors that are outside of the attorneys' control. For example, VLJ's score decisions completely differently, without any guidance, and completely outside the control of the attorneys because we don't know how/why they score. Also, I've regularly had chunks of time on my DOC that showed no signed cases because, although I'd turned in enough cases for my quota, my VLJ was behind in signing due to hearing obligations, leave/vacation, or other reasons that had nothing to do with me. Further, cases show up as 'untimely' often, even when we've been waiting for admin action in the 'on hold' queue, and even if, once returned from admin, we complete the case within the 30 days for AOD/CAVC or	9/13/2024 5:17 PM

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60 days for other cases. Obviously, admin issues are not within our control and, until the system fixes those showing up as 'untimely,' that shouldn't be a factor in evaluating attorneys' performance. Lastly, I've been on issues track this FY and can 100% predict that the Board's case output will decrease by eliminating the issues track (my team members and I who did high-issues cases were able to free up our other team members to crank out lower-issue cases, which they could do faster and easier because they weren't bogged down by high-issue cases). It's totally unreasonable to count the 20 plus issue cases I was doing regularly with the same quota metrics as a 1, 2, 5, or even 10 issue case-- they are simply not the same.

228	The proposed timeliness standard neglects the many reasons why a case may be "late" including administrative actions, requiring feedback or guidance from the Clerk of the Board etc, or having it assigned right before the weekend. There should not be such a stringent timeliness standard lest the Board risk inaccurate and incomplete decisions at the detriment of the writing attorney, admin staff, the judges, and most importantly, the Veterans.	9/13/2024 5:16 PM
229	Given that grades are given from subjective VLJ perspectives and standards, and as timely case management depends entirely upon the cases we receive not having admin issues or other time draining matters (like having to inquire with the BVA clerk for docketing issues, for example), the proposed standards seem to be nothing but means for management to put people on PIP. It will not incentivize higher work quality or numbers, rather, it will only create an oppressive mood to prevent attorneys from producing high quality work as people focus more on meeting more meaningless numbers. It might be more meaningful to demand a meeting with the VLJ and Union if the attorney's cases are rated at 2 or below or if 2 or more cases are marked as untimely during each of the four-month period, but given that I had a particularly difficult year, and I am slowly making everything up and will ultimately meet the year end quota this year, the current proposal would put me as unsatisfactory. That is punishing the employee for being human and having to experience the ups and downs of life while employed at the Board.	9/13/2024 5:15 PM
230	Stop inventing solutions for problems that don't exist	9/13/2024 5:15 PM
231	It would be great to have only those in management who have actually ever written a decision weigh-in on performance standards. The ignorant and cavalier attitude of those who have no idea how to do this work is offensive.	9/13/2024 5:14 PM
232	Cases should be counted if submitted but unsigned for more than a pay period.	9/13/2024 5:14 PM
233	I just feel that management keeps trying to make our jobs difficult. As is widely known, a lot of the folks in management have not reviewed or drafted cases, and don't know the type of pressure we are under. It feels really demoralizing and disrespectful for them to keep burdening us with new unreasonable requirements. We always reach the end of the year goals for the Board so it is unclear why they keep stressing us out or making our work more difficult. It kind of makes you wonder whether it was better to have the former Chairwomen back given that she rose from the ranks and kind of knew the work we do and could empathize.	9/13/2024 5:13 PM
234	Yes, increase specialization groups in terms of areas of specialization because specialization renders attorneys more efficient and efficiency breeds better production	9/13/2024 5:13 PM
235	Look at the Judges, its all dependent on who your VLJ is at the Board.	9/13/2024 5:11 PM
236	If issues are removed there needs to be a change in the counting structure. The proposal offered is inadequate as it has no basis in the current structure. As previously stated, every 3 issues should count toward a case because as it stands now 18 issues equals FS. Also, if management wants productivity to improve, the simplest thing to do is to improve Casflow. Casflow accounts for nearly all of the delays for every attorney. The slow load times in Casflow creates more time lost than anything else.	9/13/2024 5:11 PM
237	It is problematic that the decision writing attorney's outcome is measured using something the attorney has no control over. I am also disheartened that management has chosen to spotlight changing the rules about accountability instead of celebrating that it apparently has worked-- individuals have earned incentive awards, goals are being met and surpassed, and the Board has overall outperformed itself. If management is struggling with managing talent they perceive to be under-performing, the solution is to address that individual directly. It really seems like they're trying to fix something that is not broken instead of becoming more proficient at using the rewards and consequences available to them.	9/13/2024 5:10 PM
238	Board attorneys should not be briefing Board hearing cases without proration as a lot of times there are no shows/last minute cancellations for Board hearings and a lot of the time, when	9/13/2024 5:10 PM

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there are cancelled hearings, the case does not stay with the reviewing attorney's assigned judge. Thus, the attorney doesn't even have the opportunity to work on the case that they had done review on.

239	years ago, we had a 156 quota, weekly checks, and NO proration, and it was doable. While computer issues and the AMA may slow things down, proration for leave is great, and the quotas are still doable.	9/13/2024 5:09 PM
240	The quality standards are VLJ subjective. To my knowledge, there are NO objective or standardized suggestions as to what constitutes a 2,3,4, etc. Therefore, it is completely unfair to tie attorney production goals to a subjective measure that can vary widely between judges. If Management wants to institute such a policy as discussed in #9 and #10 of this survey, a uniform, objective standard for VLJ ratings should also be imposed.	9/13/2024 5:07 PM
241	If there purposes standards were to go into effect then a universal rubric for ratings would need to be used by the judges and applied equally.	9/13/2024 5:06 PM
242	My main concern is with the elimination of the issues track.	9/13/2024 5:05 PM
243	I feel like the new performance standards are unnecessary and would make the job more stressful. The Board as a whole meets the annual quota, so I do not think we need these new performance standards. The standards should be kept the same as they were in FY2024 and FY2023.	9/13/2024 5:04 PM
244	Why can't we figure these things out before September?	9/13/2024 5:03 PM
245	Issues category is not properly addressed in the current criteria.	9/13/2024 5:01 PM
246	Management needs to understand that some judges are real hardasses and this will seriously hurt some people. They need to figure out how to make application uniform	9/13/2024 5:01 PM
247	Thank you for all you do	9/13/2024 4:59 PM
248	These new standards seem like a solution in search of a problem, we are meeting or exceeding targets - over 90 percent of employees work very hard	9/13/2024 4:04 PM