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COMMENTARY AND OPINIONS

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By: Eric Gang
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A veteran seeking disability benefits can now generate a polished legal argument in minutes. The language may sound authoritative, the reasoning reassuring, and the conclusion certain. But a convincing document can still contain an unsupported argument. When benefits depend on establishing what happened and how it affected someone's health, that difference matters.

AI offers an appealing way to navigate an unfamiliar process. Yet its ability to produce professional language creates a temptation to mistake confidence for accuracy. I believe veterans' claims need a straightforward safeguard. AI should support understanding and preparation, while qualified professionals remain responsible for legal analysis and medical conclusions.

This concern extends beyond veterans' benefits. The American Bar Association's guidance on generative AI warns that these tools can produce

plausible but inaccurate information. A legal argument may sound coherent while overlooking the facts or requirements that determine whether it applies. Adding pages of polished explanation does not repair that gap.

Medical evidence presents a particularly sensitive problem. A nexus letter explains a medical connection between a condition and military service. Software can draft language resembling such an opinion, but it cannot supply the professional assessment behind it. A document presented as a clinician's conclusion needs that clinician's independent review, approval, and authentication.

In my veterans' law practice, I have become concerned about submissions whose apparent sophistication exceeds their evidentiary support. If a report's authorship or basis cannot be established, attention may shift from the veteran's underlying condition to questions about the document. That can create avoidable difficulties for someone pursuing an otherwise legitimate claim.

AI use alone does not establish fraud, however. Formatting, repeated phrases, or polished prose should never substitute for examining evidence fairly. My concern is that questionable submissions may encourage broader skepticism, leaving other veterans facing additional questions. Safeguards against unreliable evidence should protect the benefits process without turning technological assistance into a presumption of dishonesty.

There is also a practical burden. Lengthy, generic arguments can obscure the relevant facts. Resolving questions about an unauthenticated report may require additional correspondence and review. Where an unsupported argument leads to an avoidable dispute, the resulting work can extend into an appeal. These are reasons to prioritize relevant, verifiable submissions over volume.

The same principle should guide the relationship between veterans and their attorneys. A client deserves to understand the strategy and question advice. The ABA's Model Rule 1.2 commentary recognizes the client's authority over objectives and the lawyer's obligation to consult about how to pursue them. That relationship works better when an AI response begins a question rather than ends the discussion.

Lawyers must meet the same standard themselves. They should verify AI-generated research and citations, exercise diligence, protect confidential information, and charge reasonable fees. The ABA's guidance makes clear that technology does not remove professional responsibility. An attorney cannot reasonably criticize a client's reliance on unchecked output while submitting unchecked output of their own.

Veterans should also examine who is offering assistance. Unaccredited businesses promising special access or unusually quick results deserve

scrutiny. The VA's representative guidance explains that accredited attorneys and claims agents may charge representation fees only after an initial decision and after appointment and fee-agreement requirements are met. Accredited Veterans Service Organization representatives provide claims assistance free of charge. Payment demands for preparing an initial claim should prompt careful checking.

Used with oversight, AI may help organize questions or simplify unfamiliar terminology. Those explanations should be checked against the original material. Any proposed medical language must return to the qualified professional responsible for the opinion. This approach could leave veterans better prepared for conversations while preserving the accountability their claims require.

Before filing, veterans should verify a representative's VA accreditation, clarify fees, and review proposed submissions with counsel where retained. Attorneys should explain their strategy, welcome informed questions, and confirm the legal and evidentiary basis of their work. Veterans seeking legal help should look for accredited attorneys with relevant experience. The goal is a clearer path to a supported claim. Presentation can help explain evidence. It cannot replace it.

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