



NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS' REPRESENTATIVES

ESTABLISHED 1979

EXPANDING THE VISION

NOSSCR's Annual Social Security Disability Conference
October 26-November 6, 2020 | Virtual/Online | #NOSSCR2020

SSI Pre-Conference Bootcamp Supplemental Security Income: A Vital Benefit for People with Disabilities

Monday, October 26, 2020 | 10:30 am – 4:30 pm ET

The Supplemental Security Income (SSI) program is more critical than ever for the financial security of millions of our nation's most vulnerable individuals. Join experts from leading advocacy organizations for a special pre-conference designed for advocates who focus on establishing and maintaining clients' eligibility for SSI. This optional add-on to the conference is \$150 and CLE-eligible. [Separate registration required](#) so secure your spot today.

10:30 am – 12:00 pm

Overpayments, Appeals, and Waivers

Kate Lang, Justice in Aging

John Whitelaw, Community Legal Aid Society, Inc. (DE)

An overpayment of SSI benefits occurs whenever an individual receives money that SSA later claims he or she was not entitled to. This presentation will review overpayment options and steps advocates can take to enforce clients' due process rights.

12:00pm-12:30pm

Break

12:30 pm – 2:00 pm

Cessations: Continuing Disability Reviews and 18-Year-Old Reviews

Jennifer Burdick, Community Legal Services (PA)

Richard Weishaupt, Community Legal Services (PA)

In recent years, SSA's administrative funding has required the agency to complete an increased number of Continuing Disability Reviews (CDRs) and 18-year-old reviews. We will examine the sequence of review, the burden of proof required under a CDR and SSA's duties in conducting CDRs, as well as cover what is included in an "age 18" review for those who started receiving SSI benefits as children. We will also discuss the recent Notice of Proposed Rule-Making (NPRM) on CDRs and its implications for SSI recipients.



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2:00pm-2:15pm

Break

2:15 – 3:15 pm

Special Needs Trusts and ABLE Accounts

Presenter: Caitlin McAndrews, McAndrews, Mehalick, Connolly, Hulse and Ryan P.C.

On far too many occasions, our clients receive funds from various sources (personal injury settlements, inheritances, lottery winnings) that threaten their eligibility for SSI. Special Needs Trusts and ABLE Accounts are two mechanisms that can avoid these problems. In this session, we will cover the basics of both of these options as a means of preserving SSI for vulnerable clients.

3:15pm-3:30pm

Break

3:30 – 4:30 pm

Immigrant Eligibility for SSI

Presenter: Carrie Chapman, Legal Council for Health Justice (IL)

SSA rules for determining non-citizen eligibility are complex and frequently confusing to potential claimants. Recent changes to immigration rules regarding use of benefits add another layer of issues to address when working with non-citizens. In this session, we will cover basic non-citizen eligibility rules, frequently asked questions in this area, and how we can advise claimants on the changes to the “public charge” immigration test and their choices about benefits use.



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TUESDAY, OCTOBER 27, 2020

10:00am-11am

Opening Networking Session

Join fellow attendees from all over the country for our opening networking session! You will have the opportunity to chat with and get to know fellow practitioners in small breakout rooms.

11:00am-12:15pm

General Opening Session

Presidential transition. George Piemonte, NOSSCR President: Opening Remarks
Barbara Silverstone, NOSSCR Executive Director: The Advocate's Perspective
Stacy Cloyd, NOSSCR's Office of Government Affairs: Washington Update

12:15pm-1:15pm

Workshops: Choose one from the following:

Social Security Disability Law for Beginners

Jessica Davis, Esq.

David Kapur, Esq.

This presentation seeks to provide the basic information, tools, and resources needed for new attorneys or seasoned practitioners who are considering, or have recently begun practicing in, the area of Social Security Disability law. We will provide an overview of the most significant rules and regulations (where to start), the administrative process/timeline, the 5-Step Sequential Evaluation, and the common forms and filings needed throughout the course of the claim. Finally, attendees will have an opportunity to ask questions and obtain information from the perspectives of a practitioner with over 40 years of experience in representing claimants, and new attorney.

ERISA and Long-Term Disability: What Every Social Security Law Practitioner Needs to Know

Mark DeBofsky, Esq.

Martina Sherman, Esq.

This session will highlight similarities and differences between the Social Security disability program and private disability insurance focusing on medical criteria, vocational issues, and the interplay between Social Security and private disability benefits. The emphasis is on utilizing practice experience gained from handling Social Security claims to presenting and winning claims under private disability policies (group and individual disability).



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1:15pm-1:45pm

Break

1:45pm-2:45pm

Administrative Fees: How to Get Paid for Winning Your Case at the Administrative Level When the Fee Agreement Isn't Enough

Mary Meadows, Esq.

There is more to getting paid than using the statutory fee agreement in Social Security cases. What happens when circumstances such as a prior representative, a remand from federal court (if you used a two-tier fee agreement), or objections to the fee by the client prevent your fee agreement from being approved? This program will focus on helping you obtain and keep the fee you earned.

2:45pm-3:45pm

Break with Sponsors

Take a break from sessions and peruse the offerings of our fantastic sponsors with effective and innovative ways to enhance your practice.

3:45pm-4:45pm

Federal Court Attorney Fees

Heather Freeman, Esq.

Cody Marvin, Esq.

Avoid Traps for the unwary in seeking federal court attorney fees. This session will cover fees under the Social Security Act and the Equal Access to Justice Act, including: necessary documents, contract language, EAJA offsets, recent case law, district/circuit specific issues, EAJA seizures, interaction with administrative level fees, determining the available attorney fee, difference between determining the EAJA fee and a reasonable attorney fee under the Social Security Act, and getting payment issued.

5:00pm-6:00pm

NextGen Happy Hour

Michael Liner, Esq.

Cheers! Join NOSSCR's NextGen Committee Chair Michael Liner, with your drink of choice in hand, for a casual meetup with fellow attendees who have less than 10 years of practice in this field or are under the age of 40. This is a great way to meet fellow practitioners across the country, share tips, and ask for advice in an informal setting.



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WEDNESDAY, OCTOBER 28, 2020

10:00am-11am

Networking Session by Practice Type

Join fellow attendees for a special networking session by the type of practice you work in and/or run. You will have the opportunity to chat with and get to know fellow practitioners in small breakout rooms based on your specific setup and concerns. Advance registration will be required.

11:00am-12:00pm

SSA Opening Session

We are honored that the following members of the Social Security Administration will be part of our conference. There are many updates throughout the administration that will be shared with our attendees.

Social Security Commissioner Andrew Saul or Deputy Commissioner David Black will provide an update on the Social Security Administration's activity during the pandemic. Deputy Commissioner, Hearings Operations, Theresa L. Gruber, Jebby Rasputnis, Executive Director and Florence Felix-Lawson, Deputy Executive Director for the Office of Appellate Operations will also be joining the session to discuss the updates.

12:15pm-1:15pm

A Blueprint for Winning! Using Strategies and Techniques Provided by Social Security Ruling 16-3p to Win at Hearings

Luis Gracia, Esq.

Tina Ehrenkaufner, Disability Advocate

This presentation will provide attendees with specific strategies, techniques and methods to successfully apply the principles behind Social Security Ruling 16-3p at hearings. From preparing clients to cross-examining Medical Experts and crafting legal arguments to present to ALJs, this seminar is dedicated to helping practitioners make the most of their representation at hearing.

1:15pm-1:45pm

Break

1:45pm-2:45pm

Best Ethical and Professional Practices for Representation of Clients with a History of Substance Abuse *Ethics & Professionalism*

David Camp, Esq.

Steven Weiss, Esq.

Current or recent drug or alcohol use can make a disability claim more challenging, but this session will consider the code of conduct (20 CFR 404.1740(b)(3)(i) and state bar ethics requirements of zealous advocacy to focus on best practices for representation of clients with a history of drug or alcohol use, with tips for maintaining effective attorney-client relationships, developing the record, making effective arguments, cross-examining medical experts, and using of SSR 13-2p to win



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cases. Hear from both private and legal services attorneys who accept and wins cases with active substance use.

2:45pm-3:45pm

Break with Sponsors

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3:45pm-4:45pm

The Broad Scope of “Moderate” under the Paragraph B Criteria and Ensuring Appropriate Consideration/Articulation of the Paragraph B Criteria Findings in the RFC

Katie Brinkmeyer, Esq.

The classification of “Mild” or “Moderate” with respect paragraph B criteria for the applicable listings in Section 12.00, Mental Disorders can make or break your case because moderate classification of any of the paragraph B criteria earns a corresponding limitation in the RFC. However, moderate is much broader in scope that most of us realize. Moreover, once an element in the B criteria gains “moderate” status, it warrants a corresponding limitation in the RFC. Come to this session to learn how to ensure your client’s mental impairment is properly classified.

5:00pm-6:00pm

Networking Break

Join fellow attendees from all over the country for a networking session! You will have the opportunity to chat with and get to know fellow practitioners in small breakout rooms.

6:15pm-7:15pm

Regional Updates for Circuits 5 and 7

These sessions will focus on local areas of concern. Led by your circuit board representative, participants will learn about case law and recent policy updates that affect their practice and discuss ways to implement these changes into their practice. Topics may include how hearings are being scheduled in your area, how SSA is conducting phone or video hearings, how the ALJs implement SSA’s rules, as well as relevant local federal court decisions. Practice tips to speed processing of cases can also be discussed.

THURSDAY, OCTOBER 29, 2020

9:30am-10:30am

Regional Updates for Circuits 1, 2, and 11

These sessions will focus on local areas of concern. Led by your circuit board representative, participants will learn about case law and recent policy updates that affect their practice and discuss ways to implement these changes into their practice. Topics may include how hearings are being scheduled in your area, how SSA is conducting phone or video hearings, how the ALJs implement SSA’s rules, as well as relevant local federal court decisions. Practice tips to speed processing of cases can also be discussed.



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10:30am-11:00am

Break

11:00am-12:30pm

Defeating the Top 10 Vocational Witness Alternative Facts

George Piemonte, Esq.

Charles Martin, Esq.

This presentation is designed to teach how to cross examine the vocational witness to expose and combat their favorite misstatements, fabrications, and untruths about jobs and the requirements of jobs. Additionally, this presentation will provide sample cross examination questions and how and when to use them.

12:30pm-1:00pm

Break

1:00pm-2:00pm

Be Practical: Dealing with Step 4 in Real Life

Kevin Kerr, Esq.

Sara Rose Smith, Esq.

Do you know how much common workplace items weigh? Neither does your client, yet the ALJ will often expect them to know how many pounds they can lift. Come join us to learn practical skills to prepare for Step 4 well before the hearing. We will discuss key things to consider when filling out work history reports and preparing your client to testify. How do you steer the DDS analyst, and later the vocational expert, toward the most advantageous DOT title? What is the most advantageous DOT title? How do you fill out the work history report in a way that will set you up for a finding that the prior work was a composite job? What's better, more detail or less detail? What's the best strategy for addressing the title of "supervisor?" By the end of this session you will be able to answer these questions, and more!

2:00pm-3:00pm

SSA's New Rules on Inability to Communicate in English

Stacy Cloyd, Esq.

On February 25, 2020 SSA released a final rule removing inability to communicate in English as an education category in the grids. SSR 20-01p, which covers similar topics, was published in April. This session will discuss SSA's policies and practical tips for gathering evidence, writing briefs, and questioning vocational experts in cases where claimants are unable to communicate in English.

3:00pm-3:15pm

Break



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3:15pm-4:15pm

Children's Disability Cases: How to Handle Claims and Appeals for Children and Young Adults

Janna Lowenstein, Esq.

Patricia McCabe, Esq.

This program will discuss the different types of children's claims available, the sequential evaluation for determining disability, and how to properly develop the limitations of the child from medical or educational sources. It will also cover how to handle and develop evidence for age 18 redeterminations and Childhood Disability Benefits under Title II.

5:00pm-6:00pm

Special Guest: Patient Advocate Peter Morley!

We are excited and honored to welcome Peter Morley to our conference for a live speech about his advocacy and the impact of every voice, as well as a live Q&A session!

Peter Morley is a disabled patient advocate, a two-time cancer survivor and a healthcare activist who lives with chronic illness. He has worked closely with elected officials including his Congresswoman from NY-12, Carolyn Maloney and Senate Minority Leader Chuck Schumer; members of the Senate HELP Committee, including Senators Patty Murray, Doug Jones, Jacky Rosen, Chris Murphy; leaders of the House of Representatives including, Speaker Pelosi, Congressman Swalwell, Congressman Cummings, Congressman Kennedy. He has held over 450 meetings in Congress sharing his own journey and the health care stories of people across the United States. He has testified three times before Congress in 2019.

In December 2016, he joined Twitter and created the handle [@morethanmySLE](https://twitter.com/morethanmySLE) that led to his working with US Congresswoman Carolyn Maloney to advocate for healthcare that is accessible and affordable to people with Lupus and other chronic illnesses.

He states that no one should ever have to worry about having their healthcare taken away from them simply because they became ill. "Before the Affordable Care Act (ACA) guaranteed health insurance coverage to those with preexisting conditions, many people with Lupus could be denied health insurance policies by many providers.

He is passionate about protecting those with pre-existing conditions, encouraging, and teaching others to advocate for themselves at the local, state, or federal levels. From July 2017 – March 2020 Peter has traveled to Washington, DC 32 times to advocate.

6:15pm-7:15pm

Regional Updates for Circuits 8, 9, and 10

These sessions will focus on local areas of concern. Led by your circuit board representative, participants will learn about case law and recent policy updates that affect their practice and discuss ways to implement these changes into their practice. Topics may include how hearings are being scheduled in your area, how SSA is conducting phone or video hearings, how the ALJs



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implement SSA's rules, as well as relevant local federal court decisions. Practice tips to speed processing of cases can also be discussed.

FRIDAY, OCTOBER 30, 2020

9:45am-10:45am

Regional Updates for Circuits 3, 4/DC, and 6

These sessions will focus on local areas of concern. Led by your circuit board representative, participants will learn about case law and recent policy updates that affect their practice and discuss ways to implement these changes into their practice. Topics may include how hearings are being scheduled in your area, how SSA is conducting phone or video hearings, how the ALJs implement SSA's rules, as well as relevant local federal court decisions. Practice tips to speed processing of cases can also be discussed.

10:45am-12:15pm

Morning Activity/Break

12:15pm-1:15pm

Being Professional when Establishing a Claimants' Credibility

Professionalism

Nancy Mogab, Esq.

This program is designed to help the beginner and intermediate practitioner build and establish the claimant's credibility using prehearing and post hearing briefs that lay out medical and vocational evidence that is supported by the exhibits and your client's testimony. Assisting your clients in understanding their medical conditions and providing a language they can use to convey their symptoms to medical providers helps obtain better medical documentation and testimony at the hearing. It also builds a positive working relationship with the client. The program will also touch on similar techniques in presenting vocational testimony. The pre and post hearing briefs will provide a strong foundation for trust with the ALJ that addresses the concerns presented in the evidence.

1:15pm-1:45pm

Break with Sponsors

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1:45pm-2:45pm

How to use COVID-19 to win additional Social Security Benefits for our clients

Richard Neuworth, Esq.

COVID-19 does not affect only people who currently have the virus, but also those at high risk for developing Covid, or whose underlying mental or physical conditions may be aggravated by it. Is it safe for someone who is at high risk to work outside of the home? What jobs allow for social



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distancing? Advocates should also consider what side effects of Covid-19 are likely to last for more than 12 months and how to use that to turn a marginal case into a winner.

3:00pm-3:30pm

Learning Break with Ann Atkinson

Medicare: Maybe Not For All, But For More Than You May Have Realized

Ann Atkinson, Esq.

Claimants who, because of work for a governmental entity, may not qualify for DIB under Title II they may still qualify for Medicare if they are a "Medicare Qualified Government Employee" (MQGE). Unfortunately, SSA's website and many field office employees do not realize this, leading to many of these claims being mishandled and incorrectly denied.

Knowing about MQGE eligibility is the first step, and persevering with the field office is the second. Don't take no for an answer! Learn more about how in this short primer.

3:45pm-4:45pm

The Utility of Vocational Evaluations in Social Security Claims for Individuals with High Functioning Autism

Ellyce Anapolsky, Esq.

Theresa Kopitzke, MA, CRC, LPC

Individuals with high functioning autism experience vocational challenges that are not always conveyed within the bounds of hypothetical questions posed to vocational experts. A vocational evaluation can provide specific information regarding a claimant's ability to meet competitive standards of work speed, on-task behavior, and the situations/temperaments required for competitive employment. This presentation will provide information of the utility of vocational evaluations in Social Security claims.

5:00pm-6:00pm

Magician - Jason Silberman

With over two decades of performing experience, Jason's brand of magic and mind-reading has quickly made him one of the top performers in New Jersey and the surrounding area. He developed a love for magic at a very young age and what started as a hobby became a lifelong passion. After experiencing his first magic show at age 5, Jason was obsessed with magic. In 2010, he turned his passion into a profession and began to perform at private and corporate events all over the Tri-State. Since then, Jason has designed magic for well-known companies and organizations Jason's personality and high energy make him perfect for an interactive experience.



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MONDAY, NOVEMBER 2, 2020

11:00AM-12:30PM

7 or More Principles: Ethics in the World of Social Security Disability (and some bonus strategy tips, too!) *Ethics*

Paul Burkhalter, Esq.

Timothy Tripp, Esq.

Advocating for Social Security Disability claimants is becoming more complicated as SSA changes the Rules of Conduct for Representatives, while at the same time the ABA ethics rules require zealous advocacy for your clients. In a multimedia and interactive session, Paul and Tim will explore basic principles from both the Social Security Administration and the American Bar Association require for ethical representation. In addition, practical strategies for zealously representing claimants while complying with SSA rules of conduct will be examined.

12:30pm-1:30pm

Break with Election Theme

1:30pm-2:30pm

Smart, Prepared and in the Way: How to Make it Hard for SSA to Deny Your Client's Disability Claim

Kevin Liebkemann, Esq.

Richard Weishaupt, Esq.

This session will focus on ADLs, treatment, behaviors and character issues that are often seized upon to deny claims and reject medical evidence. It will address common beliefs that adjudicators rely upon to cast doubt on credibility of claimants and provider reports, how to anticipate them and counter them at hearings and attack them on appeal.

2:30pm-3:00pm

Break

3:00pm-4:00pm

How to Handle Your Appeals Council Appeals

Stephanie Imbesi, Esq.

This presentation will help practitioners who are not currently handling Appeals Council appeals to identify the best cases for appeal. The presenter will walk you through the appeal process, including drafting the Appeals Council brief.

4:00pm-5:00pm

Beyond the Basics: "Dealing with Common SGA Fact Patterns and Strategies for Dealing with Them"

Mark Bronstein, Esq.

Linda Landry, Esq.

This session will assume basic familiarity with the regulations and POMS on SGA and its impact on SSDI benefits. We will focus on situations that advocates may encounter in several contexts: initial



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claims with recent work activity; advising clients on back to work efforts; and dealing with SSA initiated work reviews and terminations that often result in overpayment. We will work through case examples that illustrate problems and potential solutions.



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5:00pm-6:00pm

PAC Information Meeting

NOSSCR Members Only

NOSSCR members may hear from NOSSCR's PAC Board and Office of Government Affairs about how NOSSCR PAC educates, supports, and elects candidates for Congress who advocate for Social Security disability programs and ensure that all Americans have access to highly qualified Social Security representatives.

TUESDAY NOVEMBER 3, 2020 ELECTION DAY – NO DAYTIME SESSIONS

HAVE YOU VOTED?

5:30pm – 6:30pm

Election Night Review with Michael Linskey

Join us for a special attendee-only review of election day in real-time with an eye towards Social Security and disability concerns.

WEDNESDAY, NOVEMBER 4, 2020

10:00am-11:00am

Networking Session

Join fellow attendees from all over the country for a networking session! You will have the opportunity to chat with and get to know fellow practitioners in small breakout rooms.

11:00am-12:30pm

Professional Considerations to Help Understand Dementia and Related Impairments

Professionalism

Sarah E. White Park, Esq.

Heather Snyder, Ph.D.

When a claimant suffers from dementia symptoms, cannot always remember even yesterday, and struggles to communicate, building a case is hard. Practitioners should have a basic medical understanding about conditions that cause dementia symptoms and know what medical tests are used for diagnosis. This program will provide medical background to gain such understanding, ideas how to involve the claimant's family and/or caregiver to help articulate the claimant's allegations and other strategies to build the best case for your claimant.

12:30pm-1:30pm

Break with Sponsors

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1:30pm-2:30pm

50 Things Every Claimant's Representative Should Know

Tom Krause, Esq.

There are hundreds of things that every representative should know. We will cover some of the most important ones here. In addition, a representative must continuously relearn what he or she learned before. This session will cover as much material as possible in as short a time as possible. This session is part review of the basics and part clarification of common misunderstandings.

2:30pm-3:00pm

Networking Session

Join fellow attendees from all over the country for a networking session! You will have the opportunity to chat with and get to know fellow practitioners in small breakout rooms.

3:00pm-4:00pm

What You Should Know About the Ins and Outs of Medicare

Paula Muschler, Insurance Branch

Navigating Medicare can be overwhelming and confusing, especially for our clients who qualify due to disability. And explaining this critical portion of the SSDI award to your clients can be almost as challenging. In this session, we will simplify the complex rules and regulations of Medicare, provide you with easy-to-understand explanations of the parts of Medicare, including entitlements, enrollments and benefits, and a knowledge of Medicare that will allow you to confidently meet this important ethical obligation.

4:00pm-5:30pm

It's Not My Job... Right? Examining Your Ethical and Professional Responsibility Regarding Medicare Entitlements

Ethics & Professionalism

Barry Johnson, Esq.

Once you've won a SSDI award for your clients, what do you do to help them understand their Medicare entitlement? Does an obligation to explain Medicare exist? This session will breakdown these questions and help you understand your professional and ethical obligations related to your clients' Medicare eligibility and answer important Medicare-related questions including scope of professional responsibility, sharing information, and receiving compensation.

THURSDAY, NOVEMBER 5, 2020

10:00am-11:00am

Networking Session

Join fellow attendees from all over the country for a networking session! You will have the opportunity to chat with and get to know fellow practitioners in small breakout rooms.



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11:00am-12:30pm

Apples to Apples: A Review of Functional Capacity Evaluations

Angela Wilson Pennisi, PT, MS

William Reynolds, Esq.

Functional Capacity Evaluations (FCEs) offer an objective assessment of a client's ability to perform physical work. Learn how to differentiate among proprietary programs, how your evaluators can correlate the results with additional objective examination data, as well as how to assess the strengths and weaknesses of an FCE report.

12:30pm-1:30pm

Break with Sponsors

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1:30pm-2:30pm

Seila Law Objections - Preserving Issues in the Event of a Denial

David Chermol, Esq.

This session will focus on very specific things you can include in your pre-hearing and post-hearing letters to preserve issues for subsequent review. The Agency is aggressively pursuing forfeiture and waiver rules in federal court. You need to have a strategy to counter that. Included in this session will be how to use the Supreme Court's recent decision in Seila Law to possibly obtain relief for many of your clients.

2:30pm-3:00pm

Break

3:00pm-4:00pm

Turbocharge Your Federal Court Briefs to Victory

Lisa McNair Palmer, Esq.

This session will provide you with tactics for writing and polishing your federal court briefs to maximize your chances of winning. Learn how to spot arguments that will win and how to spot arguments that are a waste of time. We will also discuss using forms and checklists to improve your writing, so your briefs are as persuasive as possible.

4:00pm-5:00pm

Winning the Headache Claim

Patricia McCabe, Esq.

Kathleen Melez, MD, J.D.

This program will discuss key strategies for winning the headache case. Participants will learn the hallmark characteristics of chronic migraine headaches, chronic daily headaches and cluster headaches. The discussion will focus on SSR 19-4, documentary evidence, diaries and third-party witness statements.



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5:00pm-6:00pm

NextGen Post Election Happy Hour

Michael Liner, Esq.

Cheers! Join NOSSCR's NextGen Committee Chair Michael Liner, with your drink of choice in hand, for a casual meetup with fellow attendees who have less than 10 years of practice in this field or are under the age of 40. This is a great way to meet fellow practitioners across the country, share tips, and ask for advice in an informal setting.

FRIDAY, NOVEMBER 6, 2020

10:30am-11:00am

Business Meeting

Open to All NOSSCR Members

Hear from NOSSCR's president about several initiatives for the future.

11:00am-12:30pm

Fibromyalgia and Auto-Immune Clients: How to Get Past ALJ Immunity!

Jeffrey Rabin, Esq.

Lori Siegel, MD

This session will focus on the various rheumatological conditions that are hard to diagnose and hard to prove for disability purposes. Discussion will include SSRs 12-2p and 16-3p along with how to work with these often-challenging clients.

12:30pm-1:30pm

Lucia and Appointments Clause Claims

Tom Sutton, Esq.

Dave Chermol, Esq.

In 2018, the Supreme Court held in Lucia that ALJs at the SEC are Officers of the United States and must be appointed as required by the Appointments Clause of Article II of the U.S. Constitution. SSA conceded that its ALJs are also subject to the Appointments Clause and reappointed them on July 16, 2018. However, SSA has insisted that claimants who did not raise this issue during administrative proceedings cannot raise it for the first time in federal court. In Cirko v. Comm'r of Soc. Sec., 948 F.3d 148 (3d Cir. 2020) and Ramsey v. Comm'r of Soc. Sec., ___ F.3d ___, 2020 WL 5200979 (6th Cir. Sept. 1, 2020), the Third and Sixth Circuits held that issue exhaustion is not required in Social Security cases with respect to the Appointments Clause issue. The attorneys who argued these cases will discuss the implications of these rulings, including the contrary decisions in the 8th and 10th Circuits, and the imperative to raise this issue in every pending case at any level of review.



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1:30pm-2:15pm

Networking Session

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2:15pm-3:45pm

Developments in the Case Law: 2019-2020

Jon Dubin, Professor of Law

Carolyn Kubitschek, Esq.

The workshop will examine at recent developments in the case law during the last 12 months, providing a thorough analysis of the most important decisions. The workshop will identify trends in the case law, issues that have surfaced repeatedly in different circuits, arguments that the government appears to be raising systematically throughout the country, and the latest developments in EAJA. There will also be a discussion of ethics, as related to appeals.

4:00pm-5:00pm

How to Effectively Cross Examine a Medical Expert

Neil Good, Esq.

Shawn Good, Esq.

The purpose of this course is to demonstrate different techniques to cross-examine medical experts in light of the changes to Social Security rulings. We will focus on cross-examination techniques in light of SSR 16-3p: Evaluation of Symptoms in Disability Claims and the rescinding of SSR 96-2p: Titles II and XVI: Giving Controlling Weight to Treating Source Medical Opinions, SSR 96-5p: Titles II and XVI: Medical Source Opinions on Issues Reserved to the Commissioner and the Superseded SSR 96-7p. The course will start out with a review of the rescinded and superseded Social Security rulings, then evaluate how SSR 16-3p has acted to replace them. Then we will review cross-examination techniques to assist attorneys in eliciting testimony favorable to their client's case in light the changes to the Social Security Rulings.

5:00pm-6:30pm

Finale!

Details coming soon.

SEE YOU ON APRIL 7-10, 2021 AT THE GRAND HYATT HOTEL IN WASHINGTON, DC!