



NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS' REPRESENTATIVES

ESTABLISHED 1979

SPRING AHEAD: Our 2021 Annual Social Security Disability Conference

May 24-26, 2021 | Virtual/Online | #NOSSCR2021

Monday, May 24

**All times are in eastern time. Please adjust for your time zone.*

9:15am - 10:15am

Regional Updates

Circuits 1,3,11

This session 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.

10:30am - 11:15am

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.

10:30am - 11:15am

Survival Skills for Lawyers: Tips for Managing Stress

Patricia McCabe

The impact of COVID19 on our practices has led to new routines, new technology and shifting schedules. Like the juggler who can keep all the balls in the air, lawyers are juggling the demands of case management, new clients, decreased revenue, staffing, billing, and the demands of their personal life. When stress rises, it decreases our focus and productivity. Chronic stress can lead to physiological changes, irritability, lawyer burnout, anxiety and exacerbate mental health issues. The program will help you identify how stress is affecting you mentally and physically. Participants will learn simple strategies that can be implemented to reduce stress. The program will discuss mindfulness, meditation and coping strategies to reduce stress.

11:15am - 12:00pm

Welcoming Remarks

Barbara Silverstone, Executive Director

George Piemonte, President of the Board of Directors

Congressman Lloyd Doggett (D-TX-35)

Presentation of the Distinguished Service Award

12:00pm -12:15pm

Break



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CHOOSE ONE:

12:15pm - 1:15pm

How to Use the DOT to Win Your Next Hearing

Hudson Ellis, Esq.

The DOT is old as dirt, but it is full of tools you can marshal to win your clients' cases if you know how. Knowing how to read the DOT and its companion publications can give you a real and immediate edge in your hearing preparation and in cross examining VEs. This program will teach you how to identify the relevant jobs before the hearing so you can be prepared for the VE's Step 4 testimony. You will also learn how to quickly and easily identify weak points in identified Step 5 jobs at the hearing, through the DOT definitions, data in the Selected Characteristics of Occupations, SVP, Work Force Requirements, industry groups, and more. Also, you will learn how to use the information in the Work Fields, MPSMS, and Occupational Groupings to attack a VE's transferability analysis.

12:15pm - 1:15pm

Getting Started in Federal Court: Complaints, Opening and Reply Briefs

Ann Atkinson, Esq.

Get over your anxiety about taking a meritorious claim to the US District Court by learning the nuts and bolts of how to draft complaints and briefs. Develop a systematic approach by breaking the tasks down into manageable parts for efficient and successful federal court advocacy.

1:15pm - 1:30pm

Break

CHOOSE ONE:

1:30pm - 2:30pm

Beyond the Basics: 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 encounter in several contexts: initial claims with recent work activity; clients seeking advice on back to work efforts; and SSA initiated work reviews and terminations that often result in overpayment. We will illustrate the rules and potential solutions by working through case examples.

1:30pm - 2:30pm

Is Receiving Compensation for My Referral Ethical? What you need to know about adding to your bottom line

Barry Johnson, Esq.

Can an attorney receive compensation from a third-party specialist for referring work to that specialist? In this session we will explain what the general rule of thumb is when it comes to referral fees, best practices when



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it comes to informed consent, and when its ethical to receive payment in exchange for a referral.

2:30pm - 2:45pm

Break

CHOOSE ONE:

2:45pm - 3:45pm

Social Security Disability and Student Loans: How You can Save Your Clients Thousands of Dollars

Jeffrey Scholnick, Esq.

When obtaining benefits for our clients, outstanding student loans is the further issue from our minds. We are fixated on present medical and vocational issues not loans incurred 20 or 30 years ago. Yet many of our clients incurred hundreds of thousands of dollars in student loans. Understanding the interrelationship between approval of Disability and student loans can bring a real benefit to our clients and even a possible additional fee for the perceptive attorney.

2:45pm - 3:45pm

Show Me the Money

Rebecca Cervenak, Esq.

Michael Liner, Esq.

With fee withholding, getting paid in a disability case should be easy, right? But it is not. In this session, Rebecca Cervenak and Michael Liner will navigate requirements for fee agreements and fee petitions as well as strategies for getting paid in many of the complex situations that drive practitioners crazy, such as: continuing disability reviews, overpayments, when your client had a previous representative, and how to handle 1099s for multiple attorneys in one office.

3:45pm - 4:00pm

Break

CHOOSE ONE:

4:00pm - 5:00pm

Disability Work as Race Equity Work

Alissa de Vogel, Esq.

Tyler Sutherland, Esq.

This session will explore how race impacts claimant's experiences obtaining disability benefits and will provide practice tips on how to combat issues of racial bias experienced by claimants on a systemic and individual basis. We will address how claimants of different racial and cultural backgrounds approach medical and mental health treatment, and the disparities in the treatment received. We will also explore how issues like education attainment, a history of incarceration, and drug use cut across racial lines and impact a Social Security claim. We will also include a discussion of our own implicit biases, and how we can work through those biases and our privilege as advocates. Understanding these complex issues will help attendees leverage their disability work as race equity work.



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4:00pm - 5:00pm

Case Studies in Ethics: Ethical Issues in Working with Clients

Paul McGrath, Esq.

Asha Sharma, Esq.

Presenters will discuss real-life examples of ethical dilemmas they and others have encountered in their practice such as clients who are: delusional, lying in court, making racist comments, or presenting other ethical challenges to attorneys - and how they resolved these dilemmas. Presentation will be interactive, with attendees encouraged to share their strategies for dealing with these kinds of situations.

5:00pm - 5:15pm

Break

5:15pm - 6:15pm

Special Guest Speaker: Rebecca Vallas

Rebecca Vallas, Senior Fellow, Center for American Progress

Rebecca Vallas will be speaking about her policy work that focuses on economic justice, income security, and the Clean Slate Initiative.

6:15pm - 6:30pm

Break

6:30pm -7:30pm

Regional Updates

Circuits 5 and 7

This session 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.

Tuesday, May 25

9:15am -10:15am

Regional Updates

Circuits 2, 4/DC and 6

This session 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.

10:15am -10:30am

Break

CHOOSE YOUR TRACK!

*Today, you can choose between **two specialized tracks: the hearing track and the Covid-19 track**. The times of the sessions in the corresponding tracks do not align, so please carefully review*

each track before making your session choices. And remember, anything you do not hear live will be available to you for on demand viewing after the conference.

HEARING TRACK

10:30am- 11:30am

Client Selection and Intake

Scott Smith, Esq.

Which cases do I want? This presentation will guide practitioners on what type of cases to take, what cases to avoid, and what cases may need a little work. Dealing with potentially bad cases at intake and how to improve them or show them the door. Cases such as Fibromyalgia, DA&A issues, no treatment, also how to handle hard to deal with claimants. In addition, what evidence do I need to make a good case even better.

11:30am - 11:45am

Break

11:45am -12:30pm

Don't Have Wasted Testimony: Techniques to Improve Client Preparation for Hearing

Christina Ehrenkauffer

This presentation will help attendees learn how to make the most of client preparation for the upcoming hearing and avoiding common pitfalls.

12:30pm - 12:45pm

Break

12:45pm - 1:45pm

The Rulings Rule! Effective Use of Key Rulings to Win Cases

Sarah Bohr, Esq.

Robertson Wendt, Esq.

Even with the rescission of some of our favorite rulings over the past three years, there are many great rulings that can be used to win cases. We now have key rulings addressing many impairments included headaches, fibromyalgia, CFS, Interstitial Cystitis, RSD and sickle cell anemia. We also have rulings addressing the education category, failure to follow treatment and onset dates. And with the repeal of the treating physician regulations, SSR 96-8p addressing REF still requires consideration of these opinions. This session will provide an overview of key rulings and suggestions for effectively using rulings to win cases.

1:45pm - 2:00pm

Break

2:00pm -3:00pm

Proving Your Theory of the Case and Preserving the Issues for Appeal

Charles Martin, Esq.

George Piemonte, Esq.

This session will teach you how to develop and then prove a winning theory of your case but also how to preserve the issues for appeal to the Appeals Council or the Court.

3:00pm - 3:15pm

Break

3:15pm - 4:15pm

Guerrilla Tactics to Cross-Examine Experts



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David Chermol, Esq.
Luis Gracia, Esq.
This presentation will provide attendees with "out of the box" and targeted techniques to obtain favorable VE & ME testimony regardless of whether the expert has given unfavorable testimony on direct examination by an ALJ.

4:15pm-4:30pm

Break

4:30pm - 5:30pm

Mock Hearing

The mock hearing allows you to see in practice everything you've learned about in the earlier hearing track sessions. Learn about all aspects of an Administrative Law Judge (ALJ) disability hearing from start to finish, including how to give an effective opening statement with your theory of the case, how to question your client and make the most out of his/her testimony, how to effectively question the vocational expert to rule out any suitable jobs based on your client's specific impairments, and how to give a persuasive closing statement based on the Social Security rules and regulations that will leave the ALJ with no choice but to find your client disabled!

COVID-19 TRACK

10:30am- 11:30am

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.

11:45am -12:45pm

Remote Representation of Homeless Clients During Covid

Ann Rubinstein, Esq.
Heather Freinkel, Esq.

The Homeless Action Center has been representing homeless and marginally housed clients for over 30 years. This presentation will explore how HAC has adapted our usual intake and ongoing representation practices to the current remote world. This presentation will have useful tips for staying in contact with and representing all clients during these remote times. We will focus on how to represent clients who have no (or often changing) phone number or address. We will discuss the ethical obligations to stay in touch with clients, as well as strategies to build trust with clients, get clients engaged with medical care and treatments, and win cases when you don't have the opportunity to meet the clients in person.

1:00pm -2:30pm

COVID-19 Long Haulers

Brian Bronson, Esq.
Patrick Carone, MD, MBA
Patricia McCabe, Esq.
Kathleen Melez, MD, JD



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Presenters will discuss the current understanding of the medical problems and disabilities caused by Covid-19. Discussion will focus on the common long-term symptoms and serious complications from Covid-19 including our current understanding of the effect of the different organ systems. The emerging picture of Chronic Covid-19 symptoms, the "Long Haulers", will be discussed with detail regarding the severe disabling symptoms that can last for several months both after severe initial disease and mild or even unrecognized initial infection. Presenters will also discuss what to look for in medical records and how to successfully present a Social Security disability case using the Listing of Impairments, key Social Security Rulings, and physician opinions to win a long-term Covid-19 case.

2:30pm - 3:00pm

Break

3:00pm - 4:00pm

Trauma-Informed Benefits Advocacy: What it is, Why it Matters, and How to do it

Karen Sherman, LSW, JD

This session begins with an overview of the neuroscience behind trauma and a discussion of the connection between trauma and disability. It then examines trauma-informed approaches to SSDI/SSI representation that should strengthen the advocate/client relationship, lead to more effective advocacy, and reduce attorney/staff secondary stress.

4:00pm - 4:15pm

Break

4:15pm - 5:30pm

How to Win an Overpayment Case (Even During a Pandemic)

Abraham Arnold, Esq.

Raymond Cebula, Esq.

James Schiff, Esq.

This presentation will focus on how practitioners can select appropriate cases for appealing an overpayment, counseling clients, documenting expenses and income, and will provide an overview of the appeals process, from reconsideration and request for waiver through the ALJ level. In addition, we will provide a "COVID update," which will set up COVID protocols for overpayments, SSA's actions on these cases, and what we can expect from SSA in the future.

5:30pm - 6:30pm

Special Add-On Event: Chocolate Bomb Making Class

This class required pre-registration.

6:30pm - 7:30pm

Regional Updates

Circuits 8, 9, and 10

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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.

7:30pm-8:30pm

NextGen Happy Hour

Join NOSSCR NextGen for a virtual happy hour! If you have less than 10 years of experience in this field or are under 40-years old, we'd love to see you there. Bring a cocktail, tea, or beverage of choice and get to know your colleagues from around the country.

Wednesday, May 26

CHOOSE ONE:

10:30am - 11:30am

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.

10:30am - 11:30am

Kind Counsel: Creating a Client Relationship that Makes Both of Your Lives Easier!

Mindy Yocum, Esq.

Guy Patton, Founder of Kind Counsel

Learn how to create successful client relationships and gain more referrals by learning techniques which will help you to better identify client problems, set client expectations, and manage difficult clients and situations.

11:30am - 12:00pm

Break

CHOOSE ONE:

12:00pm - 1:00pm

So You Want to Teach: A Guide to Teaching a Law School Course on Social Security

Frank Bloch, Professor of Law Emeritus, Vanderbilt Law School

Jon Dubin, Professor of Law, Rutgers School of Law

This session will describe in detail how to teach a law school course on Social Security using a course book written by the session presenters. The session will begin with an overview of the contents of the book, *Social Security Law, Policy, and Practice* (published by West Academic in 2016, with annual updates), and the authors' general approach to teaching the material. The book focuses primarily on disability law and practice, but it also includes sections on old age and survivors benefits and current policy issues. Model syllabi will be presented that demonstrate different ways to teach the course, ranging from an introductory course on social security law and policy to a specialized course on disability practice. Examples of selected class sessions will be presented as well, drawing on excerpts from the book and a Teachers Manual available to teachers using the book.



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12:00pm - 1:00pm

How to Succeed at the Appeals Council Without Really Trying

Sara Rose Carroll, Esq.

Kevin Kerr, Esq.

The Appeals Council denies or dismisses 87% of cases. Despite these horrible odds, there are ways both at the hearing and after you file your appeal to increase the odds for your client. Our presentation will focus on real life examples of how to succeed.

1:00pm - 1:15pm

Break

CHOOSE ONE:

1:15pm- 2:15pm

Developments in the Case Law 2020-2021

Jon Dubin, Professor of Law, Rutgers School of Law

Carolyn Kubitschek, Esq.

The workshop will look at recent developments in the case law during the last 12 months, focusing primarily on decisions of the Supreme Court, if any, and on the leading decisions from the courts of appeals. The session will provide 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.

1:15pm- 2:15pm

Your Doctor Knows Best!

Kevin Liebkemann, Esq.

Richard Weishaupt, Esq.

We will discuss questions and recent developments around treating medical source and opinion evidence like: How are courts interpreting SSA's new regulation on weighing treating source opinion evidence? How has the pandemic affected the quality and quantity of medical records available in adult and child disability claims? More importantly, what can representatives do to adapt to these changes and increase their client's chance of success?

2:15pm - 2:30pm

Break

CHOOSE ONE:

2:30pm - 4:00pm

Panel of Past Social Security Commissioners

More information coming soon.

2:30pm - 4:00pm

Expanding on School Records and Education Plans to Prove Psychological and Cognitive Disabilities

Shelley Davidson, Esq.

Janna Lowenstein, Esq.

Patricia McCabe, Esq.

Sarah Park, Esq.



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This program will focus on establishing disability for anyone from childhood to adult with psychological/cognitive issues from either a physical or mental impairment. One example will describe individual who suffer from autism or autism spectrum diagnoses. We will make an in depth look at IEP's, 504 plans, and IPP's and address what they mean and how can they help prove either a child or adult case. We will breakdown the various aspects of these plans to show how they provide a wealth of information to show a child's functional deficits and supports needed to succeed in a school or community setting and how this can prove your case. We will also make suggestions on how to use these deficits, etc. once the child reaches adulthood. In addition to the school information, we will include actual case studies with examples of supporting evidence, briefs, and decisions. We will also address the importance of early planning and development in cases such as autism where medical and educational support is paramount. We will include good examples of other evidence to support the claim, suggestions to overcome preconceived ideas about autism or other complicated impairments, and touch on who can and cannot function sufficiently in a work setting.

4:00pm - 4:15pm

Break

CHOOSE ONE:

4:15pm - 5:15pm

Recommendation for Challenging Finds in Psychological IMEs

Daniel Marston, Ph.D., ABPP

Tereasa Rerko, Esq.

Psychological IMEs are very often limited in terms of information they provide and these limitations tend to lean against individuals who are seeking disability. These limitations include, no (or very little) information about how much psychological symptoms impact on functioning, details about how the person presents during the evaluation (as opposed to just what they report) and minima consideration given to how much the person's psychological symptoms may have impacted on how well they cooperated during the evaluations. Details limited in these evaluations based on reviews of previous records include no consideration given to how limited therapy progress notes can be, no weight given to how much progress notes have to stress progress if the therapist expects to be paid, minimal recognition of limitations to psychological testing and the time limitations often associated with psychiatric visits. These are all issues that will be covered in this presentation along with recommendations about how to challenge them when fighting for a disability client who suffers from a psychological disorder. The presenters will provide correlation to the Mental Health Listings, and offer insight into ways to present Claimant testimony to supplement these challenges of the IMEs.



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4:15pm - 5:15pm

Successfully Addressing the Materiality of Drug Addiction and Alcoholism in Hearings, at the Appeals Council and in Federal Court

Nyla Moujaes, Esq.

David Waggoner, Esq.

In cases involving drug and alcohol addiction (DAA), ALJs will frequently deny the claim on the basis that that DAA is material to the finding of disability. While some practitioners may be hesitant to take on such cases, the evidentiary bar set by SSR 13-2p is high in that it generally requires affirmative evidence of materiality independent of a claimant's other impairments. We will review SSR 13-2p and the applicable case law and discuss how to preserve the hearing record for appeal and/or get favorable outcomes at ALJ hearings, as well as various lines of direct examination of the client and cross-examination of the medical expert. Finally, we will review successful arguments to reverse unfavorable ALJ materiality determinations at the AC level and in federal court.

5:15pm - 6:15pm

Closing Special Event

In Carr v. Saul the US Supreme Court unanimously held that "the Courts of Appeals erred in imposing an issue-exhaustion requirement on petitioners' Appointments Clause claims." At our closing session, you will have the opportunity to hear from Sarah Harris, who successfully argued this case at the Supreme Court. She will discuss how she prepared for a case like this, what questions were more challenging to answer, and what she thought after the argument. Live questions from the audience will be moderated by the authors of NOSSCR's amicus brief, Thomas Sutton, Carolyn Kubitschek, and Jon Dubin. This is a rare opportunity to get a behind the scenes look at presenting a Social Security case to the US Supreme Court.

Following this presentation and discussion, enjoy a fun trivia game about NOSSCR, Social Security, and surprise topics. Prizes awarded!

See you at our next conference in Austin, TX in 2022!