

2022 Annual Conference

Austin, TX | Hilton Austin | May 11-14, 2022

WEDNESDAY, MAY 11

10:00am - 5:00pm Conference Registration

1:00pm - 5:00pm Exhibit Hall Open

12:00pm - 12:30pm First Timers' Session

If this is your first NOSSCR conference or if you are a new member, you are cordially invited to learn about NOSSCR and how to make the most of your conference experience. Meet your Board representative, NOSSCR's President, and Executive Director.

12:45pm - 1:45pm Welcoming Remarks

Barbara Silverstone, Executive Director

David Camp, President

PAC Circuit Challenge winners announced

SSA initiative updates by Acting Commissioner of the Social Security Administration Dr. Kilolo Kijakazi

1:45pm - 2:15pm Coffee with Exhibitors

2:15pm - 3:45pm Choose from one of the following sessions:

A. Social Security Disability, The Journey Begins

Bruce Billman, Esq.

Alan Polonsky, Esq.

Two very experienced practitioners will be taking you through a tour of the basic concepts of what it means to be considered disabled under the Social Security Act and the process that the Social Security Administration uses to make that determination. We will explore the different types of benefits under Title II and Title XVI of the Act. We will go through each of the steps of the sequential evaluation process. We will discuss the application process and the appeals process and provide basic guidance on case presentation.

B. Demise of the Treating Physician Rule

Jacques Farhi, Esq.

Craig Jarvis, Esq.

Michael Stretton, III, E.D.P.N.A.

A discussion of the origin and importance of the Treating Physician Rule with a careful look at how it came to an end for applications filed after March 27, 2017. For more than 20 years this rule was the most frequent reason for remands from the Federal Courts and the best shield against abusive and capricious decisions, we will discuss what can be done to bring it back. This session will also cover recent challenges in federal courts to the Commissioner's regulations that abrogates the treating physician rule.

C. Developments in Case Law. 2021-2022 – Ethics

Prof. Jon Dubin, Esq.

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 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. Because many of these decisions guide the way we practice at all levels of appeal, representatives have an ethical obligation to ensure they know and understand the holdings.

3:45pm - 4:00pm Coffee Break

4:00pm - 5:00pm [Choose from one of the following sessions:](#)

A. Returning to Work Before an Award of Benefits: Don't Give Up!

Thomas Krause, Esq.

It can be years from the time your client applies for disability benefits, until the time benefits are awarded, especially in cases remanded for a supplemental hearing. Sometimes, the client will return to work. What do you do then? This presentation will look at several alternatives, including how to determine if the work is substantial gainful activity, whether it is an unsuccessful work attempt, and whether a trial work period is available.

B. What's Good for the Goose...

Luis Gracia, Esq.

This workshop will discuss arguments and tactics to effectively use C.F.R. 404.1520c and 416.920c "How we consider and articulate medical opinions

and prior administrative medical findings for claims filed on or after March 27, 2017" to neutralize unfavorable medical opinions by Social Security doctors.

C. Taking the Long View: Preparing Your Case for a Difficult Hearing and Beyond

Sarah Frederick, Esq.

Christopher Grover, Esq.

The speakers will present an overview of preparing a case for an Administrative Law Judge hearing, addressing topics including:

- *Hearing evidence and construction*
- *Handling VE testimony considering a possible appeal*
- *The importance of submitting additional evidence at the Appeals Council*
- *How to submit additional evidence in USDC cases*
- *Do you even want to appeal? Practical considerations to getting your client's case approved as quickly as possible*

5:15pm - 6:15pm [Choose from one of the following sessions:](#)

A. Build a Stronger Argument for Clients with Mental Diagnoses

Ann Biddle, Esq.

Emilia Sicilia, Esq.

Learn how to pull relevant signs, symptoms, and findings from medical and other records and how to use it in the sequential evaluation. We will focus on how to create a solid and detailed residual functional capacity (RFC) form and then how to use it at the hearing.

B. File Mining: Digging for Hidden Gems to Win the Case

J. Blair Biser, Esq.

A claimant's electronic file can be a treasure trove of information to help evaluate our client's disability claim. This session will provide tips in identifying interpreting and leveraging documents in the file to evaluate, support, and win the case.

C. Transition Planning, Law Firm Succession and Exit Opportunities for the Social Security Disability Practitioner

Moe Greenberg, Esq.

Tom Lenfestey, Esq.

Most successful Social Security disability law firms have members who have spent their working years representing thousands of clients. In so doing, they have created firms which are valuable assets that can continue to attract clients even after departure of the principals. Few of these practitioners, however, have given enough thought to the complicated transition issues

that they will face in deciding their exit strategy. The choice of whether and how to “take down the shingle” is fraught with complexities no matter whether a practitioner decides to “simply” close the practice, wind the practice down, transfer the firm or employ some other hybrid solution. In this session you will learn to make difficult personal assessments regarding your mental and physical health, stress tolerance, financial needs, and desired risk exposure.

7:00pm Dine-Arounds

No need to eat alone! Join other attendees for a night of casual dining and fun with some new and some familiar faces. NOSSCR will make reservations at a few local restaurants for evening dinner. *Sign-up sheets will be posted on NOSSCR’s message board in the registration area during check in on Wednesday afternoon.* Meet new people, try a new cuisine, and explore Austin! Each attendee will be responsible for paying for his or her meal costs.

Thursday, May 12

7:00 am-5:00 pm Conference Registration

7:00am - 5:00pm Exhibit Hall Open

7:30am – 8:30am Networking Breakfast

Enjoy your continental breakfast while networking with your colleagues.

8:45am – 10:15am [Choose from one of the following sessions:](#)

A. Looking for Evidence in All the Right Places

Kevin Liebkemann, Esq.

Richard Weishaupt, Esq.

We all know to request our client’s medical records and to get opinion reports from treating sources in disability claims. However, sometimes that convincing piece of evidence that sways the adjudicator in your client’s favor comes from less obvious sources. Join Kevin Liebkemann and Richard Weishaupt, who combine for over 60 years of experience in Social Security Disability practice, for their advice on where you can look for and find such evidence in all the right places.

B. Connecting the Dots: How to get from diagnosis to SSA Adult Listings to Supporting Evidence

Barbara Bush

Natalie Montfort, Ph.D.

In this session, we will use case examples to cover several DSM-5/ICD-10 diagnoses and discuss how their symptoms correlate to the SSA Adult Listings. Examples for effectively gathering evidence to document the individual's disability will also be reviewed.

C. Cross-Examination Clinic

James Auffant, Esq.

Sarah Jacobs, Esq.

Ted Norwood, Esq.

Cross the VE and the ME! We hear it constantly and it is good advice. If you aren't used to performing a tradition cross examination, we'd like to help you get comfortable with it. It is hard to take time during your practice to practice this skill, and trust me, cross examination is a skill. This is a safe place to learn an important practice tip.

10:15am – 10:45am Coffee with Exhibitors

10:45am – 11:45am [Choose from one of the following sessions:](#)

A. Do The App!: Grow Your Practice and Increase Your Chances for Success

Vicki Dempsey, Esq.

Terrell Dempsey, Esq.

Many Social Security attorneys advise potential clients to do applications on their own and return to the attorney if they are denied. This can be a huge mistake. In our presentation, we will detail all the legal and business benefits that have accrued to us by doing applications.

B. Overpayments, Avoiding Them and Best Kept Secrets

Edwin Lopez-Soto, Esq.

Debora Wagner, Esq.

The most common reason for an overpayment of disability benefits is work activity on the part of the disability beneficiary. Many disability beneficiaries find that living on the disability benefits are difficult, so they find a job to supplement their income. The problems begin there. Learn how to avoid them the difficulties between reconsideration and waiver of the overpayment and about the best kept administrative waiver secrets.

C. SSDI/SSI: Beyond the Basics

Joanna Suyes, Esq.

You understand the basic similarities and differences between SDDI and SSI, now learn some common problems that arise and how to handle them. We will discuss early retirement, Workers' Compensation offsets, unemployment benefits, short- and long-term disability and what to do when your client's earnings after onset are higher than Substantial Gainful Activity.

12:15pm – 1:30pm President's Luncheon

Join your colleagues for a festive luncheon celebrating our return to an in-person conference! The Eileen P. Sweeney Distinguished Service Awards will be presented. Please note, only registered attendees may attend this luncheon.

1:30pm – 2:30pm Choose from one of the following sessions:

A. Pre and Post Hearing Briefs- Professionalism

Scott Smith, Esq.

A pre and post hearing brief is essential for any proper case presentation. Preparing these briefs are professionally important and those who so do show a higher degree of care for the client, which judges will recognize. Here we will discuss how a prehearing brief should be organized, the content, length, and how to deal with bad evidence. We will discuss post hearing briefs when they are needed and what to include. Get ready for hearings!

B. The Ethics of a High Case Load Practice: Preserve Your Happiness, Stay Organized, and Help More People- Ethics

Randi Johnson, Esq.

This presentation will validate the overwhelm nearly every Social Security Disability practitioner faces when thinking about a growing case load – we want to help more people, but we can't fathom working more hours or taking on so many of the administrative headaches. Will we drop the ball and miss a deadline? What if I hire the "wrong employee" and they mess up big time? We will explore the low-tech and low-cost methods to build smarter, not harder!

C. Spotting Winning Cases: Tips for Interviewing Clients, Training Staff, and Referral Sources

Paul McGrath, Esq.

Asha Sharma, Esq.

While there is no sure-fire way to screen out unwinnable cases, it is possible to minimize the unwinnable cases from those that have a fair chance of success. Presenters will discuss their criteria for spotting winnable cases – and how to train staff to spot winnable cases. Presenters will also discuss how to train referral sources to send better, winnable referrals.

2:45pm – 3:45pm Choose from one of the following sessions:

A. Common Pitfalls in the Transferability of Skills Assessment (TSA)

Nathan Craig, Esq.

Jaime Nobis, Esq.

The Transferability of Skills Assessment (TSA) is a common issue with claimants who have skilled past relevant work. TSA, as found in the Program Operations Manual System (POMS), is misunderstood by many representatives, and misapplied by most vocational experts and lower-level decision makers. Understanding what is a "skill" and how it "transfers" along with using TSA to your advantage can make the difference in a favorable decision.

B. Discussing the Steigerwald Class Action

Ira Kasdan, Esq.

Jon Ressler, Esq.

The Steigerwald Class Action caused SSA to recalculate back benefit payments to over 130K disabled beneficiaries and uncovered that SSA owed 70K of them over \$100 million in back payments. This session will discuss the problem that the case corrected and how representatives can know their clients are being paid correctly), how the case came into being, and the highlights of the litigation on the merits and as to the applicability of 406b fees.

C. Fee Petitions for Administrative Work– Ethics

Mary Kay Fowler, Esq.

Overview of fees and fee petitions for administrative services performed. This session will include information on when and how to file a fee petition, appropriate follow up with Social Security Administration to get paid or approval to get paid, and the ethical management of fee requests and collection. This session will also cover the ethical requirements of the rules of conduct representatives must follow when seeking to be paid on Social Security cases.

4:00pm – 5:00pm Choose from one of the following sessions:

A. Hearing Brain vs. Federal Court Brain: Practical Strategies to Tackle Common Case Issues

Elizabeth Haungs, Esq.

Zachary Zabawa, Esq.

As we face rule changes, harder ALJs, and lower approval ratings nationwide, it is more important than ever to look at every case for how to win at the hearing level—and how to win at a federal appeal later if you exhaust the administrative remedies and things don't go your client's way. This session will look at the top, common issues that come up at both appeal levels, and how to handle them at the hearing and in your federal court briefs. Integrating your Hearing Brain and your Federal Court Brain to look at issues from both sides will help your clients win the benefits they deserve—and make you an even better representative in the process!

B. Is Success at the Appeals Council Possible?

Sarah Bohr, Esq.

Linda Cosme, Esq.

The answer is...YES! As you will hear from an advocate and former Appeals Council officer, winning is indeed possible. This session will review SSA's own data regarding the most successful issues to raise and the criteria the Appeals Council follows for selection cases to review; how to get the Appeals Council's attention, and a list of top ten winning arguments. The material will also include samples of winning letter briefs.

C. Prepping the Client from Intake Through Hearing

Michael DeYoung, Esq.

Joshua Matejczyk, Esq.

Thomas Scully, Esq.

In this session, the speakers will walk you through everything you need to do to prepare your client for their hearing, from initial consultation through final hearing prep. They will discuss when and how to address gaps in treatment, changing doctors, and obtaining medical source statements. They will also review how to advise your client on what to expect at the hearing and how to tailor their testimony to ensure success.

5:15pm – 6:15pm Circuit Roundtables

First Circuit

Third Circuit

Fifth Circuit

Seventh Circuit

Tenth Circuit

6:45pm – 8:45pm NextGen Nightcap: Join Us at Cidercade!

Join your NextGen colleagues for a private party on the lakeside patio of [Cidercade Austin!](#) Your first drink and entrée are on us. Get to know people who understand your work from around the country over pizza and wings and throughout the arcade.

This event is brought to you by the generous sponsorship of The Disability Mastermind.

Additional food and drink are available for purchase. NOSSCR NextGen events are for representatives who are age 40 or younger or who have 10 years or less experience in representing Social Security Disability claimants.

Friday, May 13

7:00am - 5:00pm Exhibit Hall Open

7:30am - 8:30am Networking Breakfast

Enjoy your continental breakfast while networking with your colleagues.

8:30am - 9:30am Circuit Roundtables

Second Circuit

Fourth & DC Circuits

Sixth Circuit

Eight Circuit

Ninth Circuit

Eleventh Circuit

9:45am - 10:45am Choose from one of the following sessions:

A. The A,B,D, and E of Winning: How to Win Your Case Before Getting to the Medical Records

David Gerson, Esq.

Hector Ramirez-Rivera, Esq.

As disability advocates, we focus virtually all of our attention on exhibits in the "F" section to win our cases. But what about the rest of the file? There are hidden gems and potential landmines in the other sections that are often overlooked. The purpose of this session is to identify those parts of the file, aside from the medical records, that can both harm and help our clients and address how to deal with them in pre-hearing prep and at the hearing itself. These areas include work history reports, earnings records, DDS assessments and function reports, among others.

B. Administrative Law Judge Bias—How Do I Address It? – Professionalism

Benjamin Feld, Esq.

While most ALJs are neutral and objective arbiters of fact, sometimes objectivity goes out the window. At this stage, your role as representative goes beyond presenting a case, but morphs into defending our client and yourself. In this session you will learn how to address concerns that your ALJ is biased and the professional way to handle it for you and your client.

C. A Guide to Making Migraine Cases Less of a Headache

Stephen Sloan, Esq.

The World Health Organization recognized that migraines on their own were the sixth highest case of years lost due to disability. Headaches disorders collectively were the third highest. Yet very few disability allowances are made based upon headache disorders. This session will give you a comprehensive guide to SSR 19-4p, teaching how to identify migraine cases, and develop evidence that will help you win these cases.

11:00am – 12:00pm [Choose from one of the following sessions:](#)

A. Common Fact Patterns Involving the SSI Resources Rules and Strategies for Dealing with Them

Mark Bronstein, Esq.

Linda Landry, Esq.

Unchanged since 1989, the SSI resource limits (\$2,000 for individuals, \$3,000 for couples), vague and confusing POMS provisions on what resources are countable and when, and claimant lack of information and understanding of the rules all too often result in SSI benefit denials, terminations, and overpayments. In this session we will review the regulations and especially the POMS, which act as a framework for determinations in this area, and discuss proven strategies which may be helpful in dealing with these fact patterns and others.

B. Often Overlooked Appealable Issues

George Piemonte, Esq.

Laura Beth Waller, Esq.

At first glance, you may think the ALJ has done just enough to make appealing your client's unfavorable decision unlikely to succeed. But even good ALJs make mistakes. Are you overlooking uncommon errors that could get your case remanded at the Appeals Council or in Federal Court? This presentation will provide real-life examples of overlooked issues, a process to identify these issues in your own cases, and techniques to set up some of these issues at the hearing level for successful appeal.

C. Best Practices for Diversity and Inclusion When Representing People with Disabilities – Diversity/Inclusion/Bias

Christina Garcia, Senior Paralegal

Charlene Moring, Esq.

While most ALJs are neutral and objective arbiters of fact, sometimes objectivity goes out the window. At this stage, your role as representative goes beyond presenting a case, but morphs into defending our client and yourself. In this session you will learn how to address concerns that your ALJ is biased and the professional way to handle it for you and your client.

12:00pm – 1:30pm Lunch (on your own)

1:30pm – 3:00pm [Choose from one of the following sessions:](#)

A. A Second Bite at the Apple: Overcoming Administrative Res Judicata

Sara Rose Carroll, Esq.

Kevin Kerr, Esq.

Learn how to overcome the doctrine of res judicata through practical examples. Many of our clients give up on their applications after the first or second denial. Many of them do not have a good understanding of how to properly appeal a case or the mental capacity to do so properly. For many reasons, SSA may not have had the whole picture when working up the medical determination. When clients come to us it's important to analyze how those prior determinations can affect a new application. Sometimes, these prior applications may be re-opened, resulting in huge amounts of past due benefits. Sometimes, we will at least be able to argue that the circumstances are different this time and get a second chance to prove disability before the date last insured. Even when a client was represented on a prior application there could be ways around res judicata or administrative finality. Mastering the art of overcoming res judicata can lead to big wins for both you and your client.

B. Diagnosing COVID-19's Effects on SSD Programs

Kevin Liebkemann, Esq.

Alyssa Scher, MD

The pandemic has had multiple impacts on Social Security disability programs. In this session attorney Kevin Liebkemann and Dr. Alyssa Scher will focus on how the pandemic has affected medical treatment and documentation, and in turn how that has created additional challenges in disability claims. The presentation will include practical tips for addressing these challenges.

C. Reverse Engineering Vocational Expert Testimony

Lawrence Rohlfing, Esq.

Amelia Shelton, VE

*This session will explore the use of occupational resources to establish job numbers including Job Browser Pro, the Occupational Employment Quarterly, the Occupational Outlook Handbook, and the Occupational Employment and Wage Statistics, and County Business Patterns. This session will examine the use of occupational resources to explore the demands of work including the DOT, SCO, O*NET Online, the Occupational Requirements Survey.*

3:15pm – 4:15pm Choose from one of the following sessions:

A. Overcoming the issue Exhaustion Doctrine on Routine Issues in Federal Court SSD Appeals After Carr v. Saul

Jon Dubin, Esq.

Thomas Sutton, Esq.

This session will include a presentation of Professor Jon Dubin's latest law review article: Why Carr v. Saul Should Signal the End of Common Law Issue Exhaustion in Inquisitorial Proceedings, 29 Geo. Mason L. Rev. ___ (forthcoming May, 2022); discuss the issue exhaustion doctrinal implications of the April 2021 Carr v. Saul decision and its footnote five (reserving the applicability of ALJ issue exhaustion on routine issues); identify the federal court most common routine fact patterns when SSA raises issue exhaustion, such as raising new impairments on Appeal (Anderson-8th Cir), challenging vocational evidence for the first time in federal court (Shaibi-9th Cir./Donohue 7th-Cir), and miscellaneous issue exhaustion assertions (Mills-1st Cir); and presenting approaches to defeat the issue exhaustion assertion in each context through analysis of and reliance on the rationales of Carr v. Saul and Sims v. Apfel.

B. Strategies for Working with Clients with Mental Illness

Laura Melnick, Esq.

Nicole Mourgos, Esq.

This session will offer strategies for dealing with noncooperative clients, providers, and Medical Experts. Strategies for getting clients to share their information and experiences will be explored. The speakers will discuss the most difficult mental health cases and how best to approach them. They will also talk about secondary trauma. Finally, they will talk about what happens when a hearing goes awry.

C. VA Service—Connected Disability Compensation: A Beginner's Guide to Understanding Eligibility and Process for Benefits

Michael Quatrini, Esq.

The Veterans Administration provides monetary and medical benefits to honorably discharged Veterans who have been injured or sickened as a result of their military service. These tax-free benefits can be a much-needed source of income and free medical treatment for clients awaiting final adjudication of their Social Security claim. The presentation will cover the basic standards for receiving benefits, the application and appeal process, and how the VA rates each disability/disease...and how you can use the VA evidence to strengthen your Social Security claims!

4:30pm – 5:30pm Choose from one of the following sessions:

A. Facing Case Weaknesses Head On

Ronald Belluso, Esq.

Our clients often present less than ideal fact patterns, including post onset work, lack of treatment, young age, or alcohol and drug use. Rather than hide bad facts this session will give you creative ways to ethically face them head on and win the case.

B. Updates from SSA: Centralized Scheduling and the Representative Availability Process

ALJ Melissa Santiago, SSA

ALJ Tanya Garrigan, SSA

Harriette Perry, SSA

Scheduling hearings is a complex process involving multiple hearing participants who provide availability for hearings. Hear from SSA about the centralized scheduling process and how OHO is hoping to enhance the process by which representatives provide their availability.

C. Representing Veterans: How to Find and Identify VA Medical Evidence to Enhance Your Client's SSA's Claim and How to Use Your Client's SSD Evidence to Enhance Their VA Claim for Total Unemployability (100%) Veteran's Benefits

Fritzie Vammen, Esq.

Veterans who have service-connected compensation benefits or claims with the VA often have favorable medical evidence in their VA files that should be submitted to SSA. Although a VA finding of service-connected disability is not binding on SSA (and vice versa), the supporting evidence must be addressed by the ALJ. Find out how to best obtain the VA's evidence and review it for relevancy. Likewise, if your Veteran clients have been approved for SSD benefits, learn how to use evidence from their SSD electronic folder to help them obtain VA total disability individual unemployability (TDIU) benefits which is the equivalent to 100% VA compensation benefits.



NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS'
REPRESENTATIVES

ESTABLISHED 1979

5:30pm – 6:30pm Concluding Session

Stop the Wait Act with Representative Lloyd Doggett (TX-35)

NOSSCR Government Affairs updates with Stacy Cloyd

Stay for the concluding session of our 2022 conference to hear important updates that will affect your practice.

Saturday, May 14, 2022

Coffee & Conversation: Continental Breakfast with Learning

8:00am -9:30am

Registrants and their guests are invited to join us for a continental breakfast with a special presentation by Jolene Keene, Executive Director of Accessible Housing Austin.

Founded by members of ADAPT, Accessible Housing Austin (AHA!) provides affordable, accessible, integrated housing for low-income people with disabilities. AHA! is the only housing non-profit in Austin led by members of the disability community.

As a part of our partnership, and in thanks for sharing their time and expertise, NOSSCR is raising \$2,500 to repaint two of AHA!'s duplexes in South Austin. [Donate \\$50 directly to this project](#) and NOSSCR will match it until we reach our goal.

Join us to learn about:

- AHA!'s founding and amazing work, including a new 27-unit building;
- What goes into creating accessible housing;
- How representatives can reach clients like the ones AHA! serves;
- And tenant's rights as a part of civil rights.

Followed by time for your questions and free-flowing conversation.

See you at our next Annual Conference
on May 3-6, 2023 in Washington, DC
www.nosscr.org/events