

Metro Volunteer Lawyers CLE
Mastering your insecurity...representing clients in social security matters..
CLE General Outline

Introduction

- 1) Purpose of CLE (**10 minutes**)
 - a) General overview / Basic Understanding of the law and the process Kyle
 - b) 5 Parts
 - i) The Law (**30 minutes**)
 - ii) Procedure (**30 minutes**)
 - iii) The Hearing (**30 minutes**)
 - iv) Decision + after decision (**10 minutes**)
 - v) Questions (**remaining time**)

- 2) The Law (**30 minutes**)
 - a) Titles II and XVI
 - i) At a glance
 - ii) Title II
 - (1) Entitlement factors
 - (2) Significance of insured status/DLI
 - (3) Period of disability/alleged onset date/application date/related issues
 - (4) Benefits not based on disability
 - iii) Title XVI
 - (1) Eligibility factors
 - iv) Key differences between T2 and T16
 - b) Disability
 - i) Statutory definition (distinct from other statutes/programs)
 - ii) Five-Step sequential evaluation
 - (1) SGA
 - (2) Medically determinable + severe impairment
 - (3) Meet or equal a listing
 - (4) Past work
 - (5) Other work

iii) Miscellaneous/practical things to know

- (1) Sources of law
- (2) Reopening
- (3) Rules of conduct for representatives
- (4) Other (?)

3) Procedure (30 minutes)

a) General Order

i) Application

- (1) SSI/SSDI (How to: Different ways to apply)
- (2) forms
- (3) Timing (waiting / what happens meanwhile)
- (4) Attorney role

ii) Denial / Request for Reconsideration Appeal

- (1) Timing (60 days / what if late?)
- (2) Forms
- (3) Behind the scenes (waiting / what happens meanwhile)
- (4) Attorney role

iii) Denial / Request for Hearing Appeal

- (1) Timing (60 days / what if late?)
- (2) Forms
- (3) Behind the scenes (waiting / what happens meanwhile)
- (4) Attorney role

iv) Hearing (Defer to ALJ – section D)

- (1) Preparing for hearing
 - (a) updating records (forms)
 - (b) brief /OTR decision request
 - (c) preparing claimant for hearing

v) When does the attorney rep enter?

- (1) Any time (explain nuances of entering in different stages, i.e. may have to postpone hearing, etc.)
- (2) Intake documents needed
- (3) What if there is another attorney already assigned to the claim?

vi) Generalities with MVL claimants

(1) Title II v. Title XVI

(2) Issues / Problems (i.e. homelessness/ disconnected phone numbers / unsure of status / mental illness (so communication hurdles and strategies (texting is good))

4) The Hearing (**30 minutes**)

- a) Participants (ALJ, monitor, Rep, VE, ME, witnesses?)
- b) Order of hearing
- c) Evidence
 - i) 5 day rule / post for records
- d) 5 steps in hearing / roles of participants in relation to these steps
- e) Timeline after hearing
 - i) Post (if something outstanding)
 - ii) Supplemental hearing / interrogatories
 - iii) Decision
 - iv) Fee Petition (reasons for)

5) Decision + After decision (**10 minutes**)

- a) Fully Favorable / Partially Favorable
- b) Fees (petition versus agreement)
- c) Unfavorable
 - i) A/C review versus new application
 - ii) Timeline
 - iii) Court review

6) Questions