Conference Program

Wednesday, October 28, 2015

11:00 am-5:00 pm
Conference Registration

First Timers Meeting
12:30-1:00 pm
If this is your first NOSSCR conference or if you are a new member, you are cordially invited. You will learn more about the conference and about NOSSCR.

1:30 pm-2:30 pm

Workshops: Choose one from the following.

A. All You Wanted to Know About Social Security Practice and Did Not Know Where to Turn
Shelley Davidson, Esq.
Kevin Hall, Esq.

This presentation will center on the oddities of Social Security practice. Many practitioners, even seasoned ones, have problems finding what to do in novel situations. Some examples of things we will discuss: what to do when your client died or is dying; your client finally admits he is working and now you have to figure out if it is substantial gainful activity (SGA); filing appeals on fee petition decisions/fee agreements not approved, and many more.

LEVEL: BEGINNER

B. The Remarkable Brief
Tracy Bishop, Esq.
Andrew Kinney, Esq.

Loathe writing briefs? Don’t. We will outline keys to efficient and effective brief writing.

LEVEL: ALL

C. Credibility: Everyone Talks About it, But How Do You Obtain It
Ann Atkinson, Esq.
Ira Mendelson, Esq.

This session will describe how to consistently evaluate a client’s credibility at the initial telephone call, the initial office interview, pre-hearing conference, and conference immediately before the hearing, with an emphasis on preparing the client at the pre-hearing conference.

LEVEL: ALL
Workshops: Choose one from the following.

A. Social Security Basics—Part 1
Robert Petruzelli, Esq.
Alan Polonsky, Esq.

In Part 1, we will discuss the programs administered by the Social Security Administration that may provide benefits to the client.

LEVEL: BEGINNER

B. Childhood Disability: How to Develop and Present a Winning Childhood Disability Case—It Can be Done!
Kevin Linder, Esq.

This session on SSI childhood disability cases will include: case law review; childhood medical listings; the six domains of functioning and how to successfully argue impairments; developing medical evidence and evidence from collateral sources, such as schools, counselors, relatives, etc.

LEVEL: INTERMEDIATE

C. Record and Extra-Record Evidence
Eric Schnaufer, Esq.

This workshop addresses what is record evidence and what is extra-record evidence at the ALJ level, at the Appeals Council, and in court. Topics include whether assumptions are record evidence, whether an ALJ may close a record, how the Appeals Council considers additional evidence, part two of sentence six of 42 U.S.C. section 405(g), and the consideration of Appeals Council evidence on judicial review of an ALJ’s decision as the final decision of the Commissioner.

LEVEL: ALL
Workshops: Choose one from the following.

A. Social Security Basics—Part 2
   Robert Petruzzelli, Esq.
   Alan Polonsky, Esq.

   In Part 2, we will focus on the establishment of “disability” through Social Security’s “Sequential Evaluation.”

   LEVEL: BEGINNER

B. Beyond Boilerplate: Evaluating Obesity and Its Impact on Disability
   Christopher Pashler, Esq.

   For many obese applicants for Title II and Title XVI benefits, obesity by itself may not be disabling. However, a client’s obesity should not be overlooked as obesity can increase the severity of certain impairments and aggravate symptoms such as pain. This presentation will be useful to practitioners who have obese clients because the presentation will discuss: 1) points at which obese claimants are vulnerable in the sequential evaluation process; 2) how obesity impacts co-morbid impairments; and 3) how obesity impacts functional limitations. This session will also discuss ways in which claimants can better develop the record for an obese client through the use of alternative methodologies for measuring the impact of obesity on health.

   LEVEL: ALL

C. Top Twenty Supreme Court Cases Every Representative Should Know
   Eric Schnaufer, Esq.

   This workshop will identify and describe twenty U.S. Supreme Court cases that every representative should know for use during administrative proceedings and on judicial review. Among other cases, the workshops will address Perales and Mullane (due process), Sims (issue exhaustion), Cleveland Policy Management (accommodation), Melkonyan (sentence four 42 U.S.C section 405(g) and the EAJA), and Gisbrecht (42 U.S.C. section 406(b)).

   LEVEL: INTERMEDIATE
The circuit roundtables are informal meetings organized by your circuit representatives to the NOSSCR Board of Directors. They are an opportunity to meet with representatives from your circuit to discuss issues that are more local, such as a particular ODAR or recent court cases.

### 5:15 pm-6:15 pm

**CIRCUIT ROUNDTABLES**

**Focus on Practice:**
- Third Circuit
- Fourth & DC Circuits
- Sixth Circuit
- Seventh Circuit
- Eighth Circuit

### 6:15 pm-7:15 pm

**Focus on Practice:**
- First Circuit
- Second Circuit
- Fifth Circuit
- Ninth Circuit
- Tenth Circuit
- Eleventh Circuit
Conference Program

Thursday, October 29, 2015

7:00 am-5:00 pm
Conference Registration

7:30 am-9:00 am
Networking Breakfast
Enjoy your continental breakfast while networking with your colleagues.

8:45 am- 9:00 am
Welcoming Remarks
Angela Davis-Morris, Esq, NOSSCR President

9:00 am-9:45am
A Study of Social Security Disability Adjudication in Federal District Court with Some Thoughts on Future Program Restructuring
Harold J. Krent, Dean and Professor of Law
Chicago-Kent College of Law

9:45 am-10:45 am
Theresa Gruber, Deputy Commissioner, Office of Disability Adjudication and Review, SSA
Nicholas LoBurgio, Regional Chief Administrative Law Judge, Region 8 (Denver), Office of Disability Adjudication and Review, SSA

10:45 am-11:15 am Coffee with the Exhibitors

11:15 am-12:00 noon
The Advocate’s Perspective
Barbara Silverstone, Executive Director, NOSSCR

12:00 noon-1:30 pm Lunch (on your own)
1:30 pm-3:00 pm

Workshops: Choose one from the following.

A. Building a Watertight Theory of the Case
Sarah Bohr, Esq.
Charles Martin, Esq.

Winning cases starts with having—and proving—a watertight theory of the case. This session will explore a process of finding a theory of the case and making it watertight by avoiding common errors and oversights. Two experienced appellate attorneys will reveal common flaws that cause cases to be lost, and show how to maximize the strength of your cases by building and developing support for a cogent and effective theory of the case. Objectives: 1) avoid oversights that lose cases, and 2) find creative ways to win more cases.

LEVEL: ADVANCED

B. A Representative’s Duty to Submit Evidence: Complying with New Evidence Submission Rules, Fulfilling Ethical Obligations and Avoiding Sanctions ETHICS
Jennifer Fisher, Esq.
Timothy Tripp, Esq.
Ann Trzynka, Esq.

New regulations effective April 20, 2015 clarify the duty of representatives to submit evidence in disability claims. This presentation will address what is required under the new regulations and will examine ABA model ethics rules and SSA’s Rules of Conduct for Representatives relevant to the submission of evidence. Ms. Fisher, a former Administrative Appeals Judge and SSA Office of General Counsel attorney who handled representative sanctions, will discuss the sanctions process and likely hot-button areas of concern for SSA and OGC. The presenters will also explore scenarios encountered under the new rules and will share practice tips.

LEVEL: ALL

C. The Psycho Pathology of the Medical Expert
Karen Fukutaki, MD
Joshua Potter, Esq.

Insights on how to cross-examine medical experts who testify beyond their medical training, skills set or aptitude. What to do when neither the carrot nor stick works. An appreciation of the psychiatric forces at play will provide the tools necessary to effectively and politely challenge, correct or demolish inexpert medical testimony. Dr. Fukutaki is a forensic psychiatrist in the Denver area with a great sense of humor and keen insights into the human condition.

LEVEL: ALL
Thursday, October 29, 2015

3:15 pm- 4:45 pm

Workshops: Choose one from the following.

A. Examining Evidence to Meet/Equal the Diabetes Listings
Katie McClure, Esq.
Jane Reusch, MD

This session will discuss consequences of diabetes that might be expected to cause disability, using documentation that enables a case examiner to make a finding in favor of disability based on diabetes.

Level: ALL

B. Administrative Fees
Abraham Melamed, Esq.
Lawrence Rohlfing, Esq.

Getting paid means complying with HALLEX under the fee agreement process and the fee petition process. This session will walk through the processes that have traps for the unwary.

Level: ALL

C. Winning at the Appeals Council—Tips from a Judge and an Advocate
Sarah Bohr, Esq.
The Honorable Deana Lombardi, Administrative Appeals Judge

An Appeals Council Administrative Appeals Judge and an experienced advocate team to provide helpful information from their years of experiences on the inner workings of the Appeals Council and how to make your best case for reversal.

Level: INTERMEDIATE

6:00 pm-7:00 pm
President’s Cocktail Reception
Friday, October 30, 2015

7:00am-8:30am
Networking Breakfast
Enjoy your continental breakfast while networking with your colleagues.

8:00am-8:30am
Business Meeting--Open to NOSSCR members only

8:30am-9:30am
Workshops: Choose one from the following.

A. Validating Mental Disability Claims Under DSM-5: Part 1
Robert Pelc, Ph.D.

The change from DSM-IV to DSM-5 will create many challenges for validating mental disability claims. These challenges will affect initial determinations, administrative law judge hearings and appeals decisions. This session will address the nature of these changes, the challenges that these changes present, and the continuing importance of objective mental health evidence in mental disability cases. This workshop continues at 9:45 am.

LEVEL: ALL

B. Why Represent Veterans? An Exploration of the Reasons to Add VA Law to Your Practice
Jeffrey Bunten, Esq.
Katrina Eagle, Esq.

This session will review the reasons Social Security advocates should consider adding VA representation to their practice. The session will focus on the “why represent veterans” from the advocate’s point of view. This session along with “What is VA Law? Parts 1 and 2” will explore the opportunities that exist to expand a Social Security practice into a VA/Social Security practice.

LEVEL: ALL

C. Social Media: The Things You Did Not Realize You Need to Know
Benjamin Burton, Esq.
Abraham Melamed, Esq.

This session will address a number of issues arising from claimants’ use of social media, and how it can affect a claim. We will describe a number of popular social media sites and how they track claimants’ movements. We will discuss and analyze the SSA’s official policy regarding social media as well as the Office of General Counsel and particularly Cooperative Disability Investigation units’ use of social media as a “tool” or “clue” in conducting investigations. We will touch on potential constitutional issues that may arise in relation to OIG’s use of social media during criminal fraud investigations, and we will conclude with a brief examination of some ethical concerns representatives face in advising claimants about how their use of social media may affect their claim.

LEVEL: ALL
Workshops: Choose one from the following.

A. Validating Mental Disability Claims Under DSM-5: Part 2
Robert Pelc, Ph.D.

The change from DSM-IV to DSM-5 will create many challenges for validating mental disability claims. These challenges will affect initial determinations, administrative law hearings and appeals decisions. This session will address the nature of these changes, the challenges that these changes present, and the continuing importance of objective mental health evidence in mental disability cases.

This workshop is continued from 8:30 am.

LEVEL: ALL

B. What is VA Law? The Basics of Representing Veterans before the Veteran’s Administration--Part One
Jeffrey Bunten, Esq.
Katrina Eagle, Esq.

This session will cover an overview of basic veterans’ law including discussions of the major veterans’ disability programs: Compensation and Pension; the VA adjudication process; a review of recent decisions; initiatives undertaken by the Secretary of VA in the past 2 years; and a discussion of the VA rating table, Diagnostic Codes, DBQ’s, C&P’s “VA Math.” It will also include a review of similarities/differences between veterans’ law and Social Security Disability for those considering adding this as a practice area, and for advocates’ understanding how to better help veterans in their Social Security disability practice.

LEVEL: ALL

C. Incorporating Homeless Outreach into Your Practice
Jeremy Flaming, Esq.
Mary Hoefer Esq.

People with disabilities constitute over 40% of the homeless population, yet homeless individuals often find it difficult to prove disability because they lack access to medical care as most frequently live a transient lifestyle. Those of us who specialize in Social Security Disability have a unique opportunity to help this population, and our help can make a lasting difference. In this presentation, we will 1) discuss the practical aspects of setting up and maintaining a homeless outreach program; 2) explore Social Security’s program for the homeless (SOAR); and 3) address special problems unique to the homeless population.

LEVEL: ALL
Friday, October 30, 2015

10:45am-11:00am BREAK

11:00am-12:00 noon

Workshops: Choose one from the following.

A. Attorneys’ Fees in Federal Court
   Carolyn Kubitschek, Esq.

   Attorneys who win Social Security cases in federal court may be entitled to legal fees from the government under the Equal Access to Justice Act. They may also be entitled to legal fees from their clients under 42 U.S.C. 406(b). This session will discuss the interplay of the two laws. It will provide basic information regarding the legal requirements for both types of fees and how to file for fees under both statutes.

   LEVEL: INTERMEDIATE

B. What is VA Law? The Basics of Representing Veterans before the Veteran’s Administration—Part Two
   Jeffrey Bunten, Esq.
   Katrina Eagle, Esq.

   This is a continuation of Part 1. It will conclude with a review designed to help advocates who want to explore representation of veterans further understand the resources and planning necessary to add this as a practice area. Areas covered will include business planning, the accreditation process, attorney’s fees in VA law, and resources to get you started.

   LEVEL: ALL

C. Medical Marijuana: The Facts
   Ann Atkinson, Esq.
   Edward Maa, MD

   As of April 2015, the use of cannabis or cannabis derived products for medical purposes was legal in 23 states and the District of Columbia. What does the medical research show about the effectiveness of cannabinoids in treating seizures and other disorders? Dr. Maa, a clinician and researcher at the University of Colorado and Denver Health, will report on his research into the use of cannabinoids in the treatment of seizure disorders and other impairments. Ms. Atkinson will discuss how the client’s use of cannabinoids (still considered a Schedule 1 drug by the federal government) affects the presentation of a disability claim.

   LEVEL: ALL

12:00 noon-1:30pm   Lunch (on your own)
Friday, October 30, 2015

1:30pm-2:30pm

Workshops: Choose one from the following.

A. Cross-examination Vocational Expert: Getting to the Truth
   Andrew Kinney, Esq.

   VE got you down? Andrew Kinney tackles common issues that vex VE cross-examination and offers ways to hone your skills.

   LEVEL: ALL

B. Similarities and Differences Between Social Security Disability and Private Disability—Using Your Knowledge of Social Security Disability to Win Private Disability Claims
   Mark DeBofsky, 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. 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).

   LEVEL: INTERMEDIATE

C. Medicare 101: The A, B, C & D of Medicare
   Mark Snihurowych

   This session will explain who is eligible for Medicare, what original Medicare does and doesn’t cover, as well as what other health and prescription options your clients are eligible for through Medicare. Generally, your clients won’t know anything about Medicare, so you need to know the basics.

   LEVEL: ALL

2:30pm-2:45pm BREAK
Conference Program

Friday, October 30, 2015

2:45pm-3:45pm

Workshops: Choose one from the following.

A. POMS—Useful Tools and Practice Pointers
Patricia McCabe, Esq.
Debra Shifrin, Esq.

This session will focus on how to utilize the Policy Operating Manual System (POMS) as supportive arguments in disability claims for both Disability Insurance claims and Supplemental Security Income benefits. This session will discuss recent changes to the POMS, as well as key POMS involving reopening of claims, res judicata, evidence, medical consultants and other key topics.

LEVEL: INTERMEDIATE

B. The Past is Prologue: Evidence from Prior Applications
Kate Callery, Esq.
Louise Tarantino, Esq.

How often have you reviewed your client’s evidence file and learned that your client had applied before? Or maybe has been awarded benefits previously, but the benefits—particularly SSI benefits—were discontinued for nonmedical reasons? Or faces termination of benefits after a medical CDR? Yet the evidence from the prior claim is nowhere to be seen? This session will cover SSA’s obligation to provide evidence from prior claim files, and will discuss strategies for getting the evidence when SSA does not comply.

LEVEL: ALL

C. Trends from the Trenches: Practical Ways to Adapt and Respond to Recent Challenges in Social Security Representation through New Practices and Procedures at Each Phase of the Disability Case
Tiana Hinnant, Esq.

In this session we will discuss a variety of topics which relate to each stage of a Social Security case, such as screening and initial intake criteria, new approaches to initial and reconsideration phases as well as strategies at the hearing phase and promoting your practice.

LEVEL: ALL

3:45pm-4:00pm BREAK
4:00pm-5:00pm

Workshops: Choose one from the following.

A. Setting up Your Client for the Win: Commonly Overlooked Techniques for Obtaining Favorable Evidence
Adriana de la Torre, Esq.
Andrew Sheff, Esq.

In this session, learn how to set up your client for the win either at the hearing level or beyond. First, you will learn how to get the Agency to pay for the medical records that you need using a number of Agency regulations to save time and money as well as lay the groundwork for a win for your client. Second, you will learn how to get the best possible medical source statement from treating physicians, including when to use the Agency’s standard medical source opinion forms and when to avoid them. You will also learn how to get the post-hearing evidence you need to counter problematic vocational expert testimony. Equipped with Agency regulations that permit post-hearing evidence—even if the judge doesn’t like it—you’ll learn how to craft interrogatories to help you attack unhelpful vocational expert testimony.

LEVEL: ALL

B. Tales of the Weird—Strange and Obscure Social Security Issues Which Can Trick or Treat Your Clients
Constance Somers, Esq.

This session will cover arcane marriage issues, quirks in childhood disability benefit (CDB) cases, special needs trust peculiarities, devilish restrictions or parent-child employment quarters of coverage, and other unlikely and unknown regulations which may trick or treat your clients.

LEVEL: ALL

C. Hearing Prep
Scott Smith, Esq.

This session will help you get ready for hearings. This session will cover how to prepare a pre-hearing brief, medical source statements, client preparation and how to know when to dismiss a case or recognize closed periods.

LEVEL: BEGINNER
Saturday, October 31, 2015

7:00am-8:30am
Networking Breakfast
Enjoy your continental breakfast while networking with your colleagues.

Workshops: Choose one from the following.

8:00am-9:00am

A. Title II Work Incentives
Raymond Cebula, Esq.
Returning to work for an SSDI recipient can be a daunting task. The maze of rules and regulations concerning return to work, the impact of earnings on cash and health benefits, and the sometimes illogical nature of this process can diffuse the best intended work effort. However, with knowledge, planning and counseling, almost all SSDI recipients can successfully make a safe and comfortable transition back into the work force without any loss of income or healthcare. Learn how these incentives work, learn what you can do for your clients who pose work related questions to you, and learn where these clients can receive professional, free, planning assistance and follow along services focusing on their return to work.

LEVEL: ALL

B. Exploring Issues of Language and Culture in Social Security Cases
Sengthiene Bosavanh, Esq.
Dan McCaskell, Ph.D.
Jeffrey Milam, Esq.
This presentation will explore a variety of language and cultural issues that can have an impact on Social Security Disability cases. General cultural and language differences will be and their potential effects on the relationship with the representative and eventual outcome of the case will be discussed. Learn how to redirect the ALJ’s boilerplate techniques to reject credibility of culturally different clients. Presenters will go over how to reduce the number of jobs at Step 5 based on limited English proficiency.

LEVEL: ALL

C. Ethics—What Can We Discuss About Ethics That You Haven’t Heard Before
Gayle Troutman, Esq.
Steve Troutman, Esq.
You have probably been to so many ethics sessions that you probably wonder how you could learn anything new about ethics. In this interactive session, with feedback from the attendees, we will determine the most problematic ethical issues and possible solutions.
Workshops: Choose one from the following.

Saturday, October 31, 2015

9:10 am-10:10 am

A. SSI Work Incentives
Raymond Cebula, Esq.

SSI work incentives will be used by individuals with disabilities returning to work or entering the workforce for the first time. Counseling and planning are necessary elements to a successful transition from dependence to financial stability. Learn how to assist your SSI clients by gaining knowledge of the available work incentives, become familiar with the tools available to assist both you and your client to track progress and ensure benefits are properly paid and reduced, and locate local resources that can provide follow along assistance with both SSI work issues as well as transition or work entry issues.

LEVEL: ALL

B. Which Grounds on Appeal Work, and Which Do Not Work and Why?
George Piemonte, Esq.
James Williams, Esq.

This session will alert the attendee on which specific issues to develop at this hearings if they do not do appeals and will also highlight specific issues to appeal with some chance of success.

LEVEL: ALL

C. Equaling the Listings: Providing Presumptive Disability When Your Client Does Not Meet the Listings
Thomas Krause, Esq.

The rules are very clear that a claimant must meet all of the criteria of a Listing to meet a Listing. But there are ways to equal the Listings. This session will discuss generally the ways a claimant can equal the Listings. We will also look at three examples: equaling Listing 12.05 in cases involving intellectual disability (formerly mental retardation/borderline intellectual functioning); equaling Listing 4.11 for lymphedema; and equaling Listing 11.03 for migraine headaches.

LEVEL: ALL