

Social Security Practitioners Committee provides education in complex field

By Susan Jacobs Jablow

When a person is unable to work for a long period of time because of a serious medical or mental health condition, he/she can turn to the Social Security system for assistance. But it can take months or even years to receive approval for benefits. Most initial applications are not found eligible for assistance.

"The large majority of clients get denied," said Kelle Schneider, an attorney with Robert Peirce and Associates.

Schneider is among a relatively small group of local lawyers who represent clients seeking Social Security benefits. The Allegheny County Bar Association Social Security Practitioners Committee was formed in 1984 to provide support to those who practice disability law. Currently, there are 54 members.

"We started it to act as a sounding board for attorneys representing claimants in Social Security cases," said Cynthia Berger, a founding partner of Berger and Green and the chair of the Committee. Through monthly meetings and periodic educational events, the Committee helps members deal with problems that may arise in their cases and also acts as a liaison between the lawyers and local Social Security offices.

"We are dedicated to education, how to be better lawyers, how to help claimants," said Berger, who has been practicing disability law for some 35 years. The Committee's most recent educational event, titled "Anatomy of a Disability Claim," was held on October 20 and showed members how to handle filing claims electronically. The forum "brought us together to educate us on the electronic processes Social Security is moving toward—how we can use them to better help our clients," said Berger.

The presenters were local Social Security representatives from various offices, and they took members through each step of the process of filing a claim and a subsequent appeal. Berger said the attorneys who represent claimants and local Social Security officials work well together. "Everyone comes together to do the best we can for clients," she said. If an application is denied, a claimant can appeal the decision and eventually have a hearing before an administrative law judge at a local Office of Disability Adjudication and Review (ODAR).

The ODAR office in Pittsburgh conducts an outreach meeting with local attorneys at least once a year to educate them about any changes in laws or procedures.

"It's a really technical area of the law," said Berger.

Schneider, who was admitted to the Pennsylvania bar in 2009, first became involved in the Social Security Practitioners Committee in 2007 while she was a second-year law student at the University of Pittsburgh. Her interest in disability law was sparked by her participation in a low-income legal clinic.

"My eyes were really opened," she said. "I was drawn toward Social Security disability. I saw a need. I realized these clients were impoverished."

The appeals process to receive Social Security benefits can be extremely protracted. After an application is denied, in most states a claimant has to then ask for a reconsideration. In Pennsylvania, however, the claimant instead may immediately request a hearing. After that request is filed, the waiting time for the hearing is often 12 to 18 months, said Schneider.

"It's an incredibly long wait until we can get clients their day in court," she said.

That would be frustrating and difficult for anyone, but is especially so for those who have serious health conditions.

Social Security benefits are extended to those who qualify as having a medical diagnosis that makes it impossible for them to hold any sort of full-time job for at least 12 months.

"A lot of clients will have both physical and mental impairments," said Schneider. While they wait for a hearing, their conditions may worsen or become more complicated.

"We encourage them to seek medical help to get the treatment they need," said Schneider. The person's medical records, including doctors' notes about their physical and mental limitations, may become part of the case that is presented in the hearing.

The Committee has been a source of helpful connections and advice, said Schneider.

"It's been a great help to me and my office," she said. "We've had positive results addressing problems."

The Committee is open to members already practicing in the field and those interested in doing so.

"I would encourage anybody who wants to represent Social Security claimants to become a member of the Committee," said Berger. "Take advantage of the education opportunities to learn how to be a good practitioner. It's a very rewarding area of the law." ■