

2020 FOSSCR CONFERENCE

Hilton New Orleans Riverside 2 Poydras St, New Orleans, LA 70130
The First Ever Virtual and Live SIMULFOSSCR - COVID EDITION

The yearly conference providing attorneys and non-attorney representatives in the Fifth Circuit relevant, important and timely continuing legal education to inform and enhance their practice and advocacy for the disabled community.

Friday, September 25, 2020

8:00 - 9 Continental Breakfast

8:10 - 8:15 **Opening Remarks and Welcome**

Vanessa Greenbaum
Law Offices of Matt Greenbaum
New Orleans, Louisiana

8:15-9:15 **Update on Legislative Activities & New SSA Policies and Regulations**

Barbara Silverstone, Esq.
Executive Director, National Organization of Social Security Claimants'
Representatives (NOSSCR)
Englewood, New Jersey
Moderator: Josh Wexler

In this session, you will learn about recent changes within Social Security, including the new SSA Commissioner and his agenda for changing the Social Security program, procedures and regulations. You will also learn about new SSA regulations and administrative policies, with an emphasis on recent procedural changes to our practice caused by the COVID pandemic and their legal implications and potential future trends.

9:15-10:15 **Vocational Expert Testimony in a Post-COVID World**

Todd S. Capielano, M.Ed., LRC, CRC, LPC, CLCP, CCM
Stokes & Associates
New Orleans, Louisiana & Houston, Texas
Moderator: Vanessa Greenbaum.

Vocational Expert Todd Capielano will draw upon his thirty-four year career in vocational rehabilitation to share Best Practice Tips on formulating hypotheticals, addressing job numbers, identifying and challenging transferable skills, performing work as described by the claimant, and addressing the 'simple, repetitive work' RFC. VE Capielano will also offer a brief look at whether

job numbers are affected by the consequences of the COVID pandemic, and discuss the benefits and barriers to conducting an effective telephonic hearing from a vocational expert perspective and detail the pros and cons of that technology.

10:15-10:30 BREAK

10:30-11:30 **Effective and Equitable Practice in the age of COVID**

Matthew Stewart
Kraft & Associates
Dallas, Texas
Moderator: Clara Van Horn

Matthew will examine the practical and legal consequences of the changes to our practice wrought by the ongoing COVID pandemic. Specifically, Matthew will address the challenges that the current scheduling practices are causing us and our clients. He will delve into whose and which cases are being continued and why, and how to manage and develop a case when your client has been diagnosed with and suffers from COVID. Matthew will address current administrative practices regarding paper, cessation and overpayment cases as well as fee petition procedures, and discuss the legal implications of the delays caused by COVID in these matters. Finally, share your concerns and insights in Matthew's segment on the Long View: how to get back to in person hearings, and do we want to?

11:30-1:00 LUNCH ON YOUR OWN

1:15-2:15 COVID - Pandemic trends, vulnerable populations and long-haulers

Dr. Jennifer Avegno
Director, City of New Orleans Health Department
New Orleans, Louisiana
Moderator: Wiebke Breuer

Dr. Avegno will address the city's COVID response and trends that are becoming increasingly evident in the pandemic. As Director of the New Orleans Health Department, Dr. Avegno was instrumental in identifying and addressing the incidence of COVID in our local vulnerable populations, including our communities of color, homeless population and patients with comorbid conditions. Dr. Avegno will address special concerns that these populations encounter when ill with COVID in an effort to inform our practice in representing these populations. Additionally, she will speak to any current trends in diagnosing and treating COVID 'long-haulers'. We will discuss the Social Security Listings that are appropriate for COVID cases, as well as regulations and Rulings at the intersection of law and COVID.

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| 2:15-3:15 | Tips from the Hall: Disability for Children and Widow/ers | Medicare Set Asides |
| | Monica Ferraro Workers Compensation, LLC Metairie, Louisiana | Suzette Tagesen Murphy Workers Compensation, LLC Metairie, Louisiana |

Monica will present the special rules and regulations governing applications for SSI for children. She will discuss the child listings, as well as functional equivalence of a child listing, and address how to best document a kids' case based on her many years of experience in advocating for disabled children. Monica will also address common pitfalls in representing children in an ALJ Hearing. Additionally, Monica will discuss the special eligibility rules governing widow/ers benefits.

Suzette will address Medicare Set Asides and conditional payment requests and the interplay of those for claimants with simultaneous disability and workers compensation claims. She will address the special requirements set out by the federal government in these two areas of practice.

3:15-3:30 Refreshment Break

3: 30-4:30 **Federal Issues Update**

William Fouché
Law Office of William Fouché
Dallas, Texas
Moderator: Josh Wexler

Bill will present his always popular and extremely informative survey of the major cases decided in the federal courts in our Circuit in recent years. He will analyze issues and trends in 5th Circuit case law, point out recent winning arguments and will address strategies for effective brief-writing in federal court.

5:30-6:30 Reception
Riverside Hilton/Virtual Happy Hour SIMULCAST

Saturday, September 26, 2020

8:00 - 9 Continental Breakfast

8:00-8:15 Business Meeting - Election of Officers

8:15-9:15 **2020 - Year of Trauma and Psychosis**

Kate Cowhey, Md.
George Washington University, Psychiatry Resident
Washington D.C
Moderator: Vanessa Greenbaum

Dr. Cowhey will examine case studies involving trauma, substance abuse and schizoaffective disorder to assist us in understanding the symptoms and treatment of these disorders, explain techniques and instruments used to obtain a diagnosis, and describe appropriate medical intervention. She will relate her experience to the regulatory and legal requirements at Step 2 and Step 5 of the sequential evaluation process, and will also discuss issues of materiality of DAA. Additionally, Dr. Cowhey will address the effect of the pandemic on the mentally ill.

9:15-10:15 **Back to the Future: Tips for Navigating the Unknown
(Professionalism and Law Office Management in the Time of Covid)**

Angela Davis-Morris
Davis-Morris Law Firm, P.A.
Hattiesburg, MS
Moderator: Charmaine Sykes-Hilton

Feel like you have been in a time warp over the past several months? This presentation of practical tips will help you learn to navigate this strange terrain more efficiently and effectively. Angela will provide you with tips and helpful insight to manage clients, staff, and hearings remotely; as well as considerations regarding reopening your practice. She will even provide some 2020 technology tips. The goal of this presentation is to empower you to not only survive but to thrive in this trying time.

10:15-10:30 BREAK

10:30-11:30 **Ben's Top Ten: Important reminders and updates to our practice.**

Benjamin Misko
The Law Offices of Benjamin Misko
New Orleans, Louisiana

Ben will provide a survey of important regulatory updates and always timely practice tips, including: arguing the borderline age situation, a representative's responsibility of informing SSA when we encourage our clients to go to the doctor, the end of HITECH, a discussion of SSR 20-01p, and SSA's changes to the medical-vocational guidelines, an analysis of the efficacy of the new 1696/5s and many more.

11:30-12:30 **Virtual Ethics**

Paul Burkhalter
Morgan & Weisbrod
Dallas, Texas

Social Security has specific ethics rules governing fees and conduct for attorneys and non-attorneys who represent claimants in proceedings before SSA. Paul will explore how these rules, as well as our state bar professional responsibility codes, guide and limit our practice in the new reality of 'virtual representation'. A special emphasis will be given on ethical advocacy in telephonic hearing settings and remote representation.