NAELA
National Academy of Elder Law Attorneys

Social Security in Your Practice

Day 1 – November 2, 2023
Deep Dive into Social Security Titles II and XVI

2:00 – 2:15 (Eastern)	Welcome/ Housekeeping		Maureen Lester, Esq.
2:15 – 2:45	Session 1	**Broad Overview Social Security Act** • Brief history, many Titles, and Comparison of Title II vs Title XVI • Different materials needed for elder law attorneys and for trial attorneys – elder law vs trial attorney	Bryn Poland, Esq.
2:45 – 3:45	Session 2	**Retirement and Survivors Benefits- Benefit Calculation, Insured Status, and Eligibility Factors** The non-disability eligibility requirements for all Retirement and Survivors benefits, including CDB: • Insured Status • Non-disability Eligibility Factors • How to calculate benefits • How to calculate the family maximum.	Avram Sacks, Esq.
3:45 – 4:00	Break		
4:00 – 5:30	Session 3	**Deep Dive – Financial- Title XVI SSI-Elderly and SSI-Disability** • Asset test – Exempt assets per SSA list – ABLE, ISM Contracts, PSC contracts, standard items- home, car, contents of home, personal effects, life insurance, burial plots, irrevocable funeral service contracts • Income test – the four income types; exempt income items per SSA list. • ISM and the PMV – the workarounds, 2nd and 7th U.S. Circuit Court's exceptions, and Texas Class Action, and practical ways around reductions for ISM • Three-year transfer penalty – but new exception for 65+ in pooled trust Fixing financial eligibility problems NOT using d4A SNTs – spend-down, purchase assets, prepay Food and Shelter for lifetime, etc.	John Whitelaw, Esq.

Day 2 – November 9, 2023
What can go wrong? Figuring it out and how to fix it – or prevent it

2:00 – 3:30	Session 4	**How much Social Security is received? Can it be more? Should it be less?** **Scenario – start simple, go complex.** <u>Client makes a mistake:</u> • Client doesn't respond on time • Fail to report income • Think SSA is their friend • Don't document properly • They're in appeal hell <u>There was a planning mishap along the way:</u> • Poorly drafted SNT • On the wrong benefits stream • Improper reporting • Choosing the wrong trustee • Confusing Trustee role with case management • Parents get divorced • Decanting and revisions – fixing the "broken" trust <u>There is an administration/user error:</u> • Paying for care as 1099 out of Trust • Not using an ABLE account (for rent, e.g.) • Calculating whether minor can be eligible based on family situation	Michele Fuller, Esq.
3:30 – 3:45	BREAK		
3:45 – 5:15	Session 5	**Deep Dive – Termination of Benefits and the Ubiquitous Overpayment** Involuntary termination of benefits: • Medical improvement standard – cessation of disability cases, keeping benefits pending final determination causing fee difficulties with claimant's selection • Subsequent Financial ineligibility – defeating the greatest SSI financial planning- marrying well, leaving the country, entering nursing home, etc. • Voluntarily stopping SSI as part of financial planning (it's not that easy) • Reasons why you would want to do this • Impact on other benefits / programs/ pitfalls of voluntarily stopping SSI and how recipient can find the info needed to determine the future impact • Overpayments- avoiding, defending, reducing, and destroying them • Calculation of the ISM reduction now that Food is not a consideration	David Lillesand, Esq.

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Day 3 – November 16, 2023
Practical Day! How to use your knowledge in practice

2:00 – 3:00	Session 6	**When the Client Presents the Hypo…** • Walk through the forms / procedural process / timeline so attorney could help set expectations for client • Attorney can understand *where* in the process the client is based on their description of steps taken • Issue spotting – when to refer the work out to a litigator • What preliminary steps might the average elder law attorney be able to do before referring it out, and what should they *not* handle? What is the threshold for litigation, and when to pass the baton	John Whitelaw, Esq.
3:00 – 4:00	Session 7	**Case Study #1** – e.g. young person and show how if finding of disability for SSI made before age 22 preserves eligibility for CDB and danger of working over the SGA destroying CDB	Avram Sacks, Esq.
4:00 – 4:15	BREAK		
4:15 – 4:45	Session 8	**Case Study #2 –** e.g. mom who exits the workforce to raise children and becomes disabled 5+ years later	David Lillesand, Esq.
4:45 – 5:15	Session 9	**Stump the Chumps Panel**	Avi Sacks, Esq. John Whitelaw, Esq.
5:15 – 5:30	Wrap Up		Maureen Lester, Esq.