NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS' REPRESENTATIVES
(NOSSCR)

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Executive Director
Barbara Silverstone

July 31, 2018

Nancy Berryhill
Acting Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235-6401

Submitted on www.regulations.gov

Re: Agency Information Collection Activities: Proposed Request and Comment Request, 83 Fed. Reg. 26732 (June 8, 2018), Docket ID Number [SSA–2018–0025]

Dear Acting Commissioner Berryhill:

These comments are submitted on behalf of the National Organization of Social Security Claimants' Representatives (NOSSCR). NOSSCR is a specialized bar association for attorneys and advocates who represent Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) claimants throughout the adjudication process. Since 1979, NOSSCR has been providing continuing legal education to its thousands of members, and public policy advocacy on behalf of its members and the people with disabilities they represent. NOSSCR's mission is to advocate for improvements in Social Security disability programs and to ensure that individuals with disabilities applying for SSDI and SSI benefits have access to highly qualified representation and receive fair decisions.

Thank you for the opportunity to comment on these agency activities, specifically the revised SSA-1693, "Fee Agreement for Representation Before the Social Security Administration," which was originally published on November 22, 2017 at 82 Fed. Reg. 55707.

NOSSCR appreciates SSA's incorporation of many of our comments and suggestions that were submitted in response to the original publication of the SSA-1693. However, we have the following suggestions for improving the revised fee agreement form.

<u>Fee Agreement for Representation Before the Social Security Administration</u>

General Information

NOSSCR strongly suggests adding the (current) specific dollar figure ($6,000) in this section (and to the earlier **"What you have to pay"** section of the form's instructions as well as the later **"STANDARD FEE AGREEMENT"** section on page 4 of 5 of the fee agreement) after stating that there is a statutory maximum dollar amount that can be authorized under the fee agreement process. The form's instructions indicate that it is written with the claimant as the intended audience (e.g. "*'you' means the claimant, beneficiary, auxiliary beneficiary or spouse.*"), yet lacks critical details that most claimants do not know. Although this added language will require this form to be revised whenever the statutory maximum fee amount is increased, inclusion of the specific dollar figure is crucial to promoting claimants' understanding and minimizing the risk of confusion. This is consistent with ABA Model Rule 1.5(c), which states that a contingent fee agreement "shall state the method by which the fee is to be determined…" Although the revised SSA-1693 does include the percentage that will be used to calculate the authorized fee under the fee agreement (25 percent), the fact that the fee cannot currently exceed $6,000 is a vital part of the "method" used to determine the authorized fee and thus should be clearly communicated to the claimant in writing.

Representative's Information

As we had originally suggested, the top right corner of each page of the revised fee agreement form now asks for the "Principal Appointed Representative's Rep ID," except for the first page (page 3 of 5). As such, for consistency and clarity, this section should also ask for the *Principal Appointed* Representative's Rep ID.

<u>Conclusion</u>

NOSSCR appreciates the opportunity to comment on the revisions to the optional fee agreement form, which we hope will streamline the fee agreement process.

Thank you for considering our comments.

Sincerely,

Barbara Silverstone
Executive Director