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Your Social Security Disability Law Firm

Who Will Be Present at My Disability Hearing?

By Sharon A. Christie, Esq.

If you have ever been in court, you probably noticed that it can be a bit chaotic – especially traffic court! There are many people walking into and out of the courtroom. It is open to the public so some of the people are there simply to see what is going on. For bigger cases there is usually a jury.

Disability hearings are very different. These hearings are private, which means they are closed to the public. Your hearing will be held in a small courtroom with the Administrative Law Judge (ALJ), the judge's assistant (who runs the tape recorder), you, your lawyer and, in most cases, a vocational expert. Witnesses are usually not necessary. This may surprise you, but remember that the purpose of the hearing is for the judge to hear directly from you about your problems and why you cannot work. You are the best person to answer those questions, in most cases.

Sometimes, however, a client may have significant difficulty expressing himself or remembering important details. In those instances, I will ask a family member or close friend, who is familiar with the client's limitations and problems, to testify at the hearing. In this case most judges will have the witness stay outside of the courtroom until the client has testified. This way the witnesses' testimony is more credible because the witness cannot be influenced by what the client has said to the judge.

You may feel that you want to be present if friends or family testify on your behalf during your hearing. If your case is one involving a mental impairment, though, this will probably not be the case judge may require you to wait outside of the hearing room. Why? The reason for this is that in mental impairment cases I, as your attorney, will have to elicit testimony from your friends and family that may upset you. Generally it is better if you are not present for this testimony. This also makes it easier for your friends and family to testify in a meaningful way. They can relax and be more candid because they do not have to worry that their testimony will upset you.

For more information about Social Security disability claims and to order a FREE copy of my book, Unofficial Guide to Social Security Disability Claims, visit my website:
www.SharonChristieLaw.com