



Who Will Be Present at My Disability Hearing?

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. 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 told the judge.

You may feel that you want to be present if friends or family testify on your behalf during your hearing. However, the judge will likely require you to wait outside of the hearing room. Why? The testimony from your friends and family that may upset you. They may see things that are important to your case but are not easy to discuss. 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.