

Most lawyers will tell you that as a rule, the sooner you retain counsel to assist you with a legal matter, the better. Certainly this is true if you have been charged with a crime and I believe it is also true for workers' compensation claims as well as personal injury matters.

In Social Security disability, however, there is no real benefit to hiring lawyer prior to actually filing your claim. In fact, most people hire disability lawyers after their claims are denied (about 4 or 5 months after the claim was filed) or even after their first appeal - called reconsideration - comes back denied, which can be a full year into the claim.

Why Most People Wait to Hire a Lawyer

As a practical matter there is not all that much a lawyer can do to win your case prior to your administrative law judge hearing. When you first file your claim, a Social Security claims representative, called an adjudicator, requests medical records and presents those records to an in-house medical or mental health consultant.

Social Security does not encourage outside contributions to this information gathering process and if you or your lawyer do submit information it might have the effect of slowing down the claims processing.

Claim re-evaluation after the reconsideration appeal also involves in house record gathering. While you or your lawyer can submit records and medical evaluation forms at reconsideration, my experience has been that these submissions rarely do much good.

When Should You Hire a Lawyer?

From my perspective as a lawyer, I suggest that the best time to hire a lawyer is upon your receipt of your first denial letter. Hiring me to prepare and file your reconsideration appeal makes sense because I am familiar with the process of filing this appeal electronically and I can make sure that all of your claimed impairments are included in the appeal.

Further, by making an entry of appearance when I file the reconsideration appeal, I will also get a copy of the reconsideration denial. Since Social Security sometimes fails to send out notices, we increase the odds that one of us will actually receive the notice of denial.

Very, very few cases, by the way, are approved at reconsideration. If your case is going to be approved administratively it will most likely be approved at the initial adjudication phase. In the unlikely event that a case is approved at reconsideration, your back benefit payment - of which I get 25% as my fee - will usually be quite small.

So, to start your claim, I see no reason to involve a lawyer formally although I am always happy to speak with potential clients who are starting to think about filing. You can start your claim by calling SSA at 800-772-1213 or by filing online at <http://www.ssa.gov/applyfordisability>.