



NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS'
REPRESENTATIVES
ESTABLISHED 1979

Administrative Conference of the United States
Ad Hoc Committee on Regulation of Representatives in Agency Proceedings

November 9, 2021

Dear Committee Members,

Thank you for the opportunity to comment on your recommendation about Regulation of Representatives in Agency Proceedings. These comments are from the National Organization of Social Security Claimants' Representatives (NOSSCR), whose thousands of members represent Social Security disability claimants before the Social Security Administration (SSA) and in federal courts.

We suggest that wherever appropriate (for example, in the first line of paragraph 4 of the draft recommendation) the recommendation refer to a "representative" rather than an "attorney."

In paragraph 5, we encourage the Committee to recommend that agencies should also attempt to harmonize their rules for representatives whenever possible with existing codes of attorney conduct, such as the ABA Model Rule of Professional Conduct. That change will also assist with paragraph 10's recommendation that agencies consider how they will refer disciplinary violations to entities outside of the agency.

In paragraph 12, we encourage the Committee to remove the word "significant" and instead recommend that agencies publish all rules of conduct in the Federal Register and the Code of Federal Regulations. It is not reasonable to expect representatives to follow rules of which they are unaware, and allowing agencies, representatives, and their clients to all have access to rules of conduct will reduce misunderstandings.

We encourage the Committee to amend draft paragraph 16 to indicate that personally identifiable information about representatives should not be shared unless the disciplinary process and all appeals have concluded and the representative is found to have violated a rule of conduct. Additionally, the recommendation should state that a representative's clients should never be identified in any public discussion of representative conduct and discipline.

Thank you again for this opportunity to comment. NOSSCR staff and board members would be happy to share additional information if it would be helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Silverstone".

Barbara Silverstone
Executive Director