

SNAP SHOT



Presidential Ramblings

10 REASONS WHY I ENJOY BEING A SNAP MEMBER AND/OR BOARD MEMBER

I have been a SNAP member for approximately 20 years, during which time I have been a board member eight years. The following are the reasons why I enjoy being a SNAP member and/or board member:

1. During our luncheon meetings, I almost always learn something new from the speakers that I can use in my job or in my personal life.
2. I have gotten to know many people, including attorneys, paralegals, and students.
3. Since I have developed relationships with other SNAP members, I feel comfortable contacting them when I have a question in a certain area of law.
4. During the years I have been a board member, I have worked with amazing men and women on the various boards. They are fun and enthusiastic people.
5. I have made lasting friendships, and look forward to seeing those people at our meetings.
6. Being a board member has helped me with my public speaking skills.
7. While being a board member, on two separate occasions SNAP has covered the majority of my expenses to attend NALA conferences – once in Tampa, Florida; and the other time in Omaha, Nebraska. I learned a lot during the conferences, met many paralegals from other states, and had fun at the same time.
8. Being a SNAP member and/or board member lets others, including potential employers, know that I am dedicated to my profession.
9. I look forward to attending and joining SNAP members at our annual parties. We have an After the Holidays Party planned for

This Issue:

President's Note.....	1
Executive Committee Minutes.....	2
General Meeting Minutes.....	2
Article.....	3
Treasurer's Report.....	4
Job Bank.....	5
Tips and Tidbits.....	8
Meet the SNAP Board.....	10
Speaker Biography.....	11
Holiday Party Information.....	12
General Meeting Flyer.....	13

GENERAL MEETING **SNAP Calendar 2013**

SNAP General Meetings Every Third Tuesday at Noon (see flyer)

ZoZo's Restaurant @ 3446 Lakeside Drive

January 22, 2013:

Speaker: Joe Becker

Topic: Constitutional Infringements

January 24, 2013:

After the Holidays Party

Officers and Chairpersons

President: Susan Sunday, ACP

1st VP/Education: Amy Hodgson, ACP

2nd Vice President/Membership/Job Bank:

Kate Cline, ACP

Treasurer: Erin Tieslau, CP

Parliamentarian: Susan Davis, CP, PLS

Secretary: Crystal Huss

NALA Liaison: Anna Buchner

Student Liaison: Rachael Chavez

Activities/Social Chair: Christine Lamia

Newsletter & Web Site Editor: Lynda Traves

<http://www.facebook.com/groups/154903284632632/>

Social Security benefits as income while disabled, you know that a disabled person does not want to be on disability and certainly cannot live comfortably on these meager benefits.

There are many myths that have surfaced in the last year about the Social Security disability program. These include, but are not limited to, the following:

1. An increasing number of people are taking advantage of the SSDI program and therefore accelerating the insolvency of the Social Security system.

Fact. According to the Social Security Administration (SSA), the Disability Insurance Trust Fund's share of the overall annual cost of the Social Security program peaked in 2003, not 2011. In fact, SSA projects that the number of workers per disability beneficiary is expected to be relatively stable in the future. This means that restoring sustainability for SSDI will not require continually greater benefit cuts or revenue increases. A one-time change to offset the drop in birth rate will sustain the program into the foreseeable future.

2. The high unemployment rate is the primary reason that more Americans are seeking SSDI benefits. The program is becoming an extension of unemployment insurance.

Fact. It is a misrepresentation to claim that a surge in unemployed applicants is looking to get on the public dole through SSDI. Applications are higher than they were years ago because the population has increased, Baby-Boomers are getting older and having more disabilities, more women are working so they are more likely to be insured and to be injured, and medical advancements are saving the lives of people with serious medical conditions that used to be fatal.

3. The current SSDI program is set up so that it keeps able-bodied people out of the workforce when they are employable.

Fact. Disability benefits are so low compared even to minimum-wage work that it cannot reasonably be considered an incentive not to work. And benefits do not start right away, even for those who successfully complete the difficult application process. Furthermore, the

program has many incentives built in for those who want to return to work, including trial work periods, insurance continuation, and even retraining.

4. It has never been easier to obtain Social Security disability benefits.

Fact. Getting disability approval is harder than ever. Undocumented pain, alcoholism and drug abuse have been disqualified as qualifying disabilities. Mental retardation and HIV standards are tougher. Diabetes and obesity are no longer distinct disabilities. In addition, applicants must now present objective medical evidence of disability before ever receiving a single dollar in SSDI benefits.

5. Undeserving claimants are creating a backlog that prevents the most disabled Americans, including the terminally ill, from getting the SSDI benefits they need to survive.

Fact. The Social Security Administration has taken a series of steps to ensure that severely ill applicants, including those with cancer, get an immediate review and their applications are processed before other claimants. In addition, claimant's representatives are increasing their efforts to expedite appeals and make the entire process more efficient to help eliminate the backlog.

6. Administrative Law Judges are bankrupting the Social Security Disability Insurance program by rubber stamping every disability claim that they hear.

Fact. Despite sensational media reports, the average ALJ approval rate for 2011 was 58 percent, down from 63% in 2009 and from 72.3% in 1994. In 2011, one ALJ had an approval rate as low as 12.7 percent. Furthermore, more than three-quarters of all decisions favoring the disability claimant are made by state agencies before ever reaching an ALJ. In all, ALJ decisions comprise less than 25 percent of all SSDI awards.

7. Administrative Law Judges do not examine the individual merits of each case; instead, they just approve every disability case that they review.

Fact. ALJs approve only a small percentage of the overall claims approved, and they apply strict standards

that have led to them approving a lower percentage of claims than they did a few years ago. But they do approve some claims that previously were denied, because ALJ hearings are most claimants' first opportunity to actually explain why they are disabled, and to bring witnesses. ALJs also often get help from expert witnesses to help them make the right decision. Even though delays are becoming shorter, many people get worse waiting for a hearing, and they continue to receive medical treatment so that ALJs have more evidence than existed before their hearings.

8. Social Security attorneys and non-attorneys get rich by helping undeserving applicants cheat the system.

Fact. Social Security claimant's representatives' fees are highly regulated by the courts for attorneys, and the Social Security Administration for all representatives. Federal court appeals are so difficult and time-consuming, and the fees are so limited, that few lawyers want to handle them. The fees approved both in and out of court are lower than in almost any field of law, so the representation of claimants tends to attract people committed to public service who are motivated to discourage frivolous claims that could overload an already burdened system.

In conclusion, I proffer my viewpoint as a non-attorney who has been representing the disabled for about 16 years. Any experienced representative will refuse to accept cases that are not credible. The reason is that representatives are paid on a contingency fee basis only—if the claimant does not win their case, the representative receives no fee. I will never represent a claimant who is not credible.

With the maturing of the baby boomers and more women in the workforce, the numbers are not unreasonable. In fact, as stated above, it is much more difficult to obtain SSDI than it was just a few short years ago.

When America has a period of near full employment such as during the “dot.com” years, employers will frequently overlook and put up with a good employee's limitations, i.e., missing 3 days of work per month because good workers can be difficult to find. But in our current economic climate, employers will not keep disabled workers. Therefore, many workers who have been disabled for some period of time, now find themselves filing for state disability benefits and/or Social Security disability benefits because they are unable to meet the demands of a 40-hour competitive work environment.

This year is a very political year, but the facts must be known. With all of the myths, half-truths and untruths, I would like to see those who know little about the Social Security disability system or have never worked with disabled persons to take Abraham Lincoln's famous quote as their motto in life: *“It is better to remain silent and be thought a fool than to speak up and remove all doubt”*.

I acknowledge and thank the National Organization of Social Security Representatives (NOSSCR) and Mr. Charles Martin, Esq, former President of Nossr, for assistance with the facts contained in this article.

Melvin E. Irvin is a Non-attorney Disability Claimants Representative representing persons who are applying for, and appealing denials of Social Security (SSDI) and Supplemental Security Income (SSI) disability benefits. His offices are in San Jose and San Mateo, California. Mel may be reached at mel@melirvin.com

Fun Tidbits of the Month

Hot Tips is a column in which paralegals submit practical advice and suggestions to other paralegals. We encourage each of you to submit your “hot tips” on a regular or irregular basis. Many of us have acquired skills over the years that have made our jobs easier, and we encourage you to share that knowledge with your fellow paralegals. You are welcome to include your name or not.

Hot Tip from Laura Carlson:

While working in our estate and tax planning department, along with assisting many who have lost love ones and have had to move some money around, and yes, planning for my own retirement, I have discovered a couple of interesting tidbits that are so buried you might just miss them. Both of these interesting items could be costly with your finances if you are not aware of their existence.

The first one I discovered late one night as I was surfing around the net trying to figure out the best option on a specific retirement date/age. The second one I discovered by accident, while assisting a client.

Tidbit No. 1: Avoiding the 10% tax penalty for 401(k) withdrawals.

There are a few ways to avoid the 10% penalty for 401(k) withdrawals, so I've included the information provided on the IRS website below. Some of them are pertinent to many situations with the recent recession, economic conditions and hardships. However, the exception to this penalty that I was unaware of until recently, states: “if separation occurred during or after the calendar year in which the participant reached age 55.” This detail was pretty important in my situation as my husband is already retired and, after 40 years of a wonderful career in the legal field, I'd like to join him. I was concerned that we would be facing 4.5 to 5.5 years of inability to access our funds without facing that 10% penalty. I stumbled across this “exception” by accident. I was quite surprised that this hadn't landed in my knowledge center earlier! In any event, my retirement date moved to a later date – in the year I turned 55. Yippee 2013 – I have arrived. Not certain if that is good or bad ☺. As it turned out,

this year-long extension was beneficial to both my employer and me as we just completed the craziest year-end tax planning of our careers. Thank you “Fiscal Cliff.”

“Tax on early distributions. If a distribution is made to a participant before he or she reaches age 59½, the participant may be liable for a 10% additional tax on the distribution. This tax applies to the amount received that the employee must include in income.

Exceptions. The 10% tax will not apply if distributions before age 59½ are made in any of the following circumstances:

- Made to a beneficiary (or to the estate of the participant) on or after the death of the participant.
- Made because the participant has a qualifying disability.
- Made as part of a series of substantially equal periodic payments beginning after separation from service and made at least annually for the life or life expectancy of the participant or the joint lives or life expectancies of the participant and his or her designated beneficiary. (The payments under this exception, except in the case of death or disability, must continue for at least 5 years or until the employee reaches age 59½, whichever is the longer period.)
- Made to a participant after separation from service if the separation occurred during or after the calendar year in which the participant reached age 55.
- Made to an alternate payee under a qualified domestic relations order ([QDRO](#)).
- Made to a participant for medical care up to the amount allowable as a medical expense deduction (determined without regard to whether the participant itemizes deductions).

Continued on page 9

Latest Editor News

Happy New Year.

For those that have food allergies or intolerances, the holidays are even harder than normal days. I am gluten and lactose intolerant. For me, this means I have to always bring something I can eat or drink to someone's home. I have to read the labels of everything I purchase.

For example, soy sauce and white distilled vinegar are big gluten no nos. This means I can't have a salad that already has the dressing on it or go to Chinese or other Asian restaurants. Even restaurants that say their selections are gluten free, may end up being cross-contaminated with other items from the establishment. French fries are naturally gluten free but are a great

example of cross-contamination. If the fries are put into oil that fried any item that was breaded may cause a gluten reaction.

The picture is me baking gluten free

Russian Tea cookies, snickerdoodles, and the short bread cookies from last month's recipe. Next month I will give you a great recipe for lactose free whipping cream (it's great).

If you have any **Hot Tips** or fun/educational pictures or stories, please email them my way to: lynda@brync.com.





- Timely made to reduce excess contributions.
- Timely made to reduce excess employee or matching employer contributions.
- Timely made to reduce excess elective deferrals.
- Made because of an IRS levy on the plan.
- Made on account of certain [disasters](#) for which IRS relief has been granted.

Reporting the tax. To report the tax on early distributions, a participant may have to file [Form 5329](#), Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts. See the [Form 5329 instructions](#) for additional information about this tax.”

[NOTE: There is some confusion about “on or after age 55” or “in the calendar year you turn 55.” The IRS Code, IRS Regulations, and IRS reporting forms, appear to have different language re same. Please make certain you seek advice from your accountant and/or attorney.]

Item No. 2: Keep your 401(k) or 403(b) assets with your employer’s plan, or roll them over to your IRA?

If you leave your employment in the year you turn 55 or older, you should think twice about rolling over your assets to an IRA. If you roll them over into your IRA, you will be penalized for any withdrawals from then until your 59 1/2 birthday. If you keep them with your employer, you can withdraw them free of penalty, so long as you left your employment during the year you turn 55 as mentioned in Item No. 1 above. You never know what life can throw at you – so it may be prudent to keep the funds where they can be withdrawn penalty free during this 4-5 year period. As an example, if you withdraw \$100,000.00 from an IRA holding rollover assets, you will pay a \$10,000 penalty, in addition to income taxes on the withdrawn funds. That can be quite a bite.

My last little tidbit – if possible, start contributing to your 401(k), Roth 401(k), IRA or Roth IRA as soon as possible. Then each time you receive a raise or bonus, contribute half and enjoy the remainder. This will build up your savings and help with your retirement. The sooner the better so the assets can start to multiply. In the meantime, enjoy your career. Working in the legal field has been a wonderful occupation. It taxes your mind daily and provides you with more day-to-day skills and abilities than one could hope.

In closing, I absolutely have to include this disclaimer. I am not an accountant, CPA, attorney, or licensed professional able to provide financial and/or legal advice. I am merely sharing with you some information I obtained from the IRS website which might be helpful as you discuss your financial and legal matters with your own accountant and counsel.

Hot Tip from Christine Lamia:

A couple of updates to the bankruptcy information from last month:
<http://news.abi.org/press-releases/total-bankruptcy-filings-down-14-percent-in-calendar-year-2012-commercial-filings-dow#.UOdgiQteDjs.mailto>

http://www.nvb.uscourts.gov/downloads/rules/local-rules-2012_redlined_12-12-12.pdf

Washoe County Law Library

75 Court Street, Room 101, Reno, NV
 (775) 328-3250

<http://www.co.washoe.nv.us/lawlib/hoursloc.htm>

Nevada Legal Resources

Class at Washoe County Law Library

http://www.co.washoe.nv.us/index/display_outreach.html~details=8895

Washoe Legal Services

299 South Arlington Avenue
 Reno, NV 89501

Telephone: (775) 329-2727

Fax: (775) 324-5509

Free legal services in Washoe County, Nevada

<http://washoelegalservices.com/>

State of Nevada Bar

<http://www.nvbar.org/>

Meet the SNAP Board

Amy Hodgson, ACP
1st VP/Education



Erin Tieslau, CP
Treasurer



Kate Cline, ACP
2nd Vice President/
Membership/Job Bank



Anna Buchner
NALA Liaison



Susan Sunday, ACP
President



Crystal Huss
Secretary



Rachael Chavez
Student Liaison



Christine Lamia
Activities/Social
Chair



Susan Davis, CP, PLS
Parliamentarian



Lynda Traves
Newsletter &
Web Site Editor

Speaker Biography

SPEAKER: Joe Becker

TOPIC: Constitutional Law

Chief Legal Officer and Center Director

Mr. Becker was born to U.S. Air Force parents stationed in France. He grew up in North Dakota and, in 1990, received his Bachelor of Science Degree in Social Science and Economics from Troy State University Europe, completing much of his undergraduate studies while serving in the U.S. Air Force in Madrid, Spain. He received a Master of Arts degree in Economics from the University of Nevada, Las Vegas, where he studied extensively under Austrian School economists Dr. Murray Rothbard and Dr. Hans Hermann-Hoppe. In 1995, Mr. Becker received his Juris Doctor *cum laude* from Northern Illinois University College of Law. While at NIU College of Law, Mr. Becker was co-founder and President of the NIU chapter of the Federalist Society, was an editor on law review, and received the West Publishing Company award for *Most Significant Contribution to Legal Scholarship* for an article he published criticizing the artificial separation of so-called personal and economic liberties under the post-twentieth century courts.

Prior to joining the Center for Justice and Constitutional Litigation, Mr. Becker served as Chief Legal Counsel and Policy Director for the Ron Paul 2008 Presidential Campaign Committee from its inception and practiced

constitutional law with Mountain States Legal Foundation from 2001 until 2007. Earlier, Mr. Becker was U.S. Congressman Ron Paul's Legislative Director and Deputy Chief of Staff from 1997 until 2001. He has also consulted and taught university-level classes in the areas of law, economics, planning and philosophy.

In addition to being admitted to practice law in Nevada, Mr. Becker has been a licensed attorney in Colorado since 1996 and is also admitted to practice before the U.S. Supreme Court, U.S. Court of Federal Claims, U.S. District Court for the District of Nevada, U.S. District Court for the District of Colorado, Ninth Circuit Court of Appeals, 10th Circuit Court of Appeals and the Circuit Court of Appeals for the District of Columbia. He enjoys tennis, music and scholarship in the Austrian School of Economics.

<http://justice.npri.org/about-us/staff/>



OUTLINE FOR

SIERRA NEVADA ASSOCIATION OF PARALEGALS

PRESENTATION ON JANUARY 15, 2013

I. What is Constitutional Law

- [1 Functions of constitutions](#)
- [1.1 State and legal structure](#)
- [1.2 Human rights](#)
- [1.3 Legislative procedure](#)
- [2 Study of constitutional law](#)
- [3 The Rule of Law](#)
- [4 The Separation of Powers](#)

II. Discuss briefly

- Sovereign Immunity Solid Rock v U.S. Fish & Wildlife, et. al
- Separation of Powers NPRI v. Mo Dennis, et al.

III. QUESTION TIME

TIME PERMITTING

IV. NPRI - and what it does



SNAP After the Holidays Party

January 24, 2013

R.S.V.P. By January 17, 2013

Email to Christine Lamia christinelamia@kernltd.com

Or meeting@snapreno.com OR Evite

SNAP members are asked to bring 2-4 nonperishable food items which will be donated to a local food bank.

If you forget to bring the food items, there will be a charged of \$10.00 to attend.

Guests will be charged \$15.00 to attend.

Door Prizes:

SNAP is donating one annual SNAP seminar for 2013

SNAP is donating two monthly lunches for 2013

Six tickets to the auto museum: three, two-packs for three separate prizes

A bottle of wine

Two hand knit scarves

Book: *Waking Up at Rembrandt's*

Massage certificate

A gift basket

SNAP General Meeting Luncheon Tuesday, January 15 at Noon

SPEAKER: Joe Becker

TOPIC: Constitutional Law

PLACE: ZoZo's
3446 Lakeside Drive
Reno NV

COST: \$18.00 – Members & Guests \$15.00 – Student Members

Name: _____

Office: _____

Phone/Email: _____

Member

Student

Guest

Menu - Italian Family Style

**Please mail your reservation form and payment to:
SNAP, P.O. Box 2832, Reno, NV 89505-2832**

**ALL RESERVATIONS WITH PAYMENT MUST BE RECEIVED
BY FRIDAY, January 11, 2013**

**RSVP via
Email to Christine Lamia christinelamia@kernltd.com
Or meeting@snapreno.com OR Evite**