

Change Service Requested

## Social Security Disability Benefit Update

Annually, the National Organization of Social Security Claimants Representatives (NOSSCR) publishes statistics concerning the approvals and denials of claims for social security disability benefits. Teel, McCormack & Maroney attorney Jerome Teel is a member of NOSSCR.

The organization's statistics show that, initially, most individuals are denied benefits when they apply and again on reconsideration. However, more than 60% of the individuals who continue to pursue their claim with an administrative law judge will receive benefits.

The social security

disability process usually involves three steps. First, the individual must file an initial application. If the application is denied by the social security administration, then the individual must ask for that denial to be reconsidered. The reconsideration request must be filed within 60 days of the date of the denial as stated on the denial letter. If the claim is denied again at the reconsideration stage, then a request for a hearing must be filed within 60 days of the date of the reconsideration denial letter.

We have had the pleasure over the last couple of years to help more than 100 people navigate this process and obtain disability benefits.

These are people who suffer from a disability and cannot work.

The process often takes several months and it sometimes takes more than a year, but in approximately 95% of the cases, we have been able to get disability benefits for our clients.

One such individual is a lady who is married and has two children. She suffered from a mental disorder that prevented her from being able to work. When she came to see us she had already been denied twice by social security.

Our attorneys filed the necessary paperwork to request a hearing with the administrative law judge and we began to put

together the medical evidence that was needed to support her case.

At the hearing we were able to show the judge that she met the requirements of the Social Security Act and was entitled to benefits. The judge agreed with us.

After she was approved for disability benefits, the client sent a note that said both her life and the lives of her children had been changed for the better. We were glad we could help.

The Social Security Administration has proposed changes to the rules in considering age as a factor in evaluating disability. Those proposals are under review and if adopted, we will update you on that change.

## Allow us to introduce ourselves

This is our first issue of *My Lawyers* and we are excited to deliver it to you. Our hope is to publish it every quarter to help keep you up-to-date on legal happenings.

Each issue will have informative articles about legal topics that are of interest to you, articles about community events, and articles about happenings around the office. In this first issue we want to give you an overview of our law firm, and highlight one charitable organization that we support.

Our practice began on February 1, 1995, and we have seen a few changes over the years. In July, 2001, we relocated our office to its current location of 87 Murray Guard Drive in Jackson, Tennessee. Murray Guard Drive intersects with Oil Well Road in north Jackson and is easily accessible



Teel, McCormack & Maroney partners from left to right: Steve Maroney, Jerome Teel, and Clay McCormack.

from the interstate and the Highway 45 Bypass. In the summer of 2004, we revamped our corporate logo and adopted a position

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Before Teel, McCormack & Maroney, P.L.C. represents a client, we will need to spend time with you reviewing and analyzing the entire circumstances surrounding the potential legal matter.

This newsletter is designed to assist individuals for informational purposes only and does not constitute legal advice nor does it constitute the establishment of an attorney client relationship.

We hope *My Lawyers* is helpful and informative. If you have suggestions on how to improve this service, please contact us. Our website is [www.tennesseefirm.com](http://www.tennesseefirm.com).

This newsletter is also available in an PDF format. If you would like to receive it electronically, please email [jteel@tennesseefirm.com](mailto:jteel@tennesseefirm.com).

## Annual Blue Suede Dinner & Auction raises funds and prevention awareness

West Tennesseans had a rare opportunity to tap their toes to the beat of "Restless Heart" at the 12th Annual Blue Suede Dinner and Auction on February 25 at the Carl Perkins Civic Center in Jackson.

The event included a silent auction, dinner by Rafferty's, and coffee and specialty beverages by Starbucks. Teel, McCormack & Maroney was a sponsor of the event.

All proceeds benefit the Exchange Club-Carl Perkins Center for the Prevention of Child Abuse. The Carl Perkins Center has been helping families in West Tennessee since 1985 and is a model facility for child abuse prevention organizations across the United States.

All funds raised at the dinner, silent auction, and live auction are used to fund the many free programs and services offered through the Center for the



'Restless Heart' headlined at the 2006 Annual Blue Suede Dinner & Auction on Feb. 25 at the Carl Perkins Civic Center in Jackson.

Prevention of Child Abuse throughout West Tennessee, except Shelby County.

For more information about the Center and the many ways it can help in treating or preventing child abuse, call 731-668-4000.

## Employee Spotlight: Matt West

Matt West is an associate with Teel, McCormack & Maroney. He started with the firm in Dec. 2003.



Matt West

Matt is a graduate of Union University and received his law degree from Samford University in Birmingham. Matt is involved in all practice areas of the law firm, but focuses on corporate work, trial practice, estate planning and probate.

Call Matt if he can help you in any way.

## Exchange Club-Carl Perkins Center for the Prevention of Child Abuse

In the past year... 2,226 children in 1,219 families were served by the Center. The mission: to provide support to families in preventing and dealing with child abuse in West Tennessee and to help both parents and children meet the practical needs of preserving and improving the quality of family life.

The Center's services put families back together and literally save the lives of children. The Center's services are available to anyone who requests them, and no fee is ever charged. Its many services help to break the cycle of abuse now and for future generations by treating the cause of abuse rather than the symptoms of the problem.

The Exchange Club-Carl Perkins Center for the Prevention of Child Abuse has 13 locations across West Tennessee. Its services are available for all counties in West Tennessee except Shelby County. For more information about the Center and its services, call, 731-668-4000 or its toll-free, 24-hour crisis hotline at 1-800-273-4747.

## NEW BANKRUPTCY LAWS TAKE EFFECT

On October 17, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act went into effect and significantly changed several provisions of the United States Bankruptcy Code.

Although not an exhaustive list, some of the changes are listed below:

- ◆ Individuals with primarily consumer debts must now obtain a credit briefing certificate from a credit counseling agency before they are eligible to file bankruptcy.
- ◆ The ability of an individual in a chapter 13 bankruptcy to "cram down" the debt owed to a creditor to where the debt is the same as the value of the collateral has been limited.
- ◆ An individual who obtained a discharge in a chapter 7 bankruptcy previously is not entitled to another chapter 7 discharge for eight years compared to six years under the old law.
- ◆ An individual can't obtain a discharge in a chapter 13 bankruptcy if that individual received a chapter 7 discharge in the last

four years or a chapter 13 discharge in the last two years.

◆ The new law requires means testing to determine whether one qualifies for a chapter 7 or a chapter 13 bankruptcy.

The new law has been in effect for over three months. We have seen that it really has not had a significant impact on people living in west Tennessee. Persons that need to file bankruptcy because of mounting credit card debts, medical bills or who are behind on mortgage or car loan payments can still obtain bankruptcy relief.

We have helped several people navigate the new requirements. The credit briefing certificate can be obtained by contacting an approved credit counseling agency. We have an account set up with an agency and our clients are able to obtain the required certificate by contacting the agency from our office.

All lawyers are learning to navigate the new law, but we've already seen that it's not too complicated.

## Partners at 'the firm' introduce themselves

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statement of "Attorneys dedicated to family, community and professionalism." We selected this slogan because we think it describes our office precisely. We are dedicated to family – ours and yours. The lawyers and staff at our office are actively involved in the local community and contribute countless time and resources to churches, civic clubs and charitable organizations. We strive daily to treat our clients, other lawyers and judges professionally.

Teel, McCormack & Maroney is a general practice law firm but focuses its practice in the areas of personal injury, workers' compensation, social security disability, bankruptcy, real estate, probate, wills, estate planning and family law.

The firm is dedicated to serving clients and to supporting the community through involvement in civic and charitable causes. It is a member of the Jackson Area Chamber of Commerce.

Jerome Teel is a member of the board of directors for The Exchange Club-Carl Perkins Center for the Prevention of Child Abuse, is a past president of the Union University National Alumni Association and



Jerome Teel helps coach his son's basketball team. Clay McCormack and Steve Maroney also coach athletic teams for their children.

is the Madison County Attorney.

Clay McCormack is in the Kiwanis Club and is a member of the board of directors of the Kiwanis Center for Child Development. He is a past president of the board. He is also active at his church and with his children's school.

Steve Maroney is the past chairman of the Madison Co. Republican Party and is a past president of the Union University National Alumni Association. He has served on the board for the Fellowship of Christian Athletes. In addition, he hosts a weekly radio show discussing current events on 88.7 FM and is co-host of *Shades of Gray* on Charter Cable television.

## Tennessee Workers Comp

There have been a number of changes in Tennessee's Workers Compensation Law since reform legislation was passed in 2004. Many of these changes have been introduced in stages beginning with injuries on or after July 1, 2004.

One of the more significant changes is that prior to any workers compensation lawsuit being filed in court, a Benefit Review Conference (BRC) must be held. BRCs are designed to explore settlement possibilities. Under previous law, these BRCs were also required, but they typically occurred after suit had been filed. Also, under the old law the parties could agree to waive the BRC requirement.

Under the new law, for any injury occurring on or after January 1, 2005, a BRC must be held before suit can be filed. Previously, the deadline for filing a workers compensation lawsuit was one year from the date of injury. Now it is the filing of the BRC, not the lawsuit, which must take place within that one year period. If the

case does not settle at BRC, either party has 90 days after filing of the final BRC report to file suit.

There are both positives and negatives created by this change. On the positive side, forcing the parties to attend a BRC before suit is filed may result in some cases being settled at an earlier time. Negatively, forcing the BRC to take place prior to suit being filed may mean that neither side has enough information about the claim to reach an agreement. Under the old system, the BRC usually took place after suit was filed and some discovery had taken place, which allowed both sides to better understand the merits of the claim.

As more cases affected by the new law emerge, there will likely be other consequences that are as yet unforeseen. It is important to seek legal advice to fully understand how the new changes may affect a workers compensation claim. Our office

## Farewell to Tomlin: Counsel and Friend

Our friend, Judge Hewitt P. Tomlin, Jr., passed away on Friday, February 10, 2006.

After retiring from the Court of Appeals, Judge Tomlin became Of Counsel with our office. He was a gracious man and we enjoyed his friendship and advice.

Our heartfelt condolences go to his wife, Joan, and his family. He was a leader in the community, his church, and helped to shape the law in West Tennessee – both during his time in private practice and when he served on the bench. He will be greatly missed by everyone who knew him, but he will be especially missed in our office.

endeavors to handle these claims in a professional and discreet manner. We are always pleased to answer your litigation questions as a part of our service to you.

## Wills and Estates: A plan for the inevitable

Many people wonder if they really need a will. They may think that they don't have enough assets to bother with a will or even erroneously believe that a will causes heirs to have to go through probate, leading to unnecessary expenses. However, a will is a good idea for just about everyone. Read on for some of the reasons to have a will.

A will is a document in which a person declares what he or she wants done with his or her property at the time of death. A will has no effect until the person who wrote it, known as the testator, dies. The testator can also revoke a will at any time prior to death.

If you die without a will, the state of Tennessee will distribute your property to your heirs according to Tennessee's intestacy statutes. The statutes might call for a distribution that is similar to what you want. Then again, maybe the statutes won't.

State intestacy laws will provide how the sum total of your property is to be divided among your heirs. It can't

provide for who will get certain specific items of your property. This can lead to many problems. Often, your heirs may not agree on who will get certain items of your personal property.

For example, if you inherited your grandmother's wedding ring and intend to pass it on to your daughter and you die... without a will stating that is what you want, then your son may feel very strongly that his wife should have it. The result is a family conflict and, possibly, your daughter not receiving the ring.

So, even if you don't have a lot of assets, you may be concerned about making sure that certain items of your property go to the people that you want it to go to. You can do this with a will.

Another misconception about having a will is the idea that it causes your heirs to have to go through probate and that it will be difficult and expensive. If you die without a will, the court may still have to oversee the distribution of your assets to your heirs.

There is absolutely no reason to think that this process is made easier or less

expensive by your not having a will. In fact, it could be more expensive.

For one thing, whoever administers your estate will probably have to post a surety bond – if you don't have a will. If you do have a will, not only can you choose the person who will administer your estate, you can provide that he or she will not have to post a surety bond.

Do you have minor children? If so, you really need a will. Without a will, the probate court will have to set up a guardianship to manage your children's share of your property. A judge will decide who manages the money.

When each child turns 18, he or she will get his or her share – whether they can handle it or not. If you have a will, you can decide who will manage your children's inheritance on their behalf and you can choose the age at which you want it to be distributed to them.

Thus, even if your estate is small, there are good reasons to have a will.