

**Legal Representation in Disability Claims**

HILARY HOYNES, NICOLE MAESTAS &amp; ALEXANDER STRAND

**Key Findings and Policy Implications**

This paper investigates the impact on SSDI case outcomes, when a claimant representative is engaged from initial review. It uses data from the SSA Management Information Electronic Disability Folder (MEDIB), which identifies representatives appointed at the initial and appellate levels and contains application intake forms and administrative information about the claim. The paper finds that:

- The rate of representation in initial disability claims nearly doubled between 2010 and 2014, rising from 8 to 15 percent nationally. There are wide geographic variations; in some areas of the country, initial representation rates are as high as 25 percent.
- Disability representatives are highly selective about the cases they accept; not surprising given the contingency-fee structure of representative compensation.
- Initial representation improves case outcomes and administrative efficiency across several metrics. Legal representation increases the probability of initial award by 23 percentage points, reduces the probability of appeal by 60 points, and induces no change in the ultimate probability of award.
- Legal representation in the initial stage leads to earlier disability awards to individuals who would otherwise be awarded benefits only on appeal. By securing earlier awards and discouraging appeals, representation reduces total case processing time by nearly one year.
- Representatives are particularly effective at obtaining decisive, early decisions for claimants with mental impairments, in large part by arguing that their clients' conditions are on the listing of impairments, and thus automatically qualifying.

Legal representatives play a large and growing role in the SSDI adjudication process, earning fees totaling \$1.2 billion in 2019. But there is little past evidence on the value of legal representation. This study suggests that earlier legal representation improves productive efficiency for both the claimant and SSA. Claimant representatives enable adjudicators to make better justified disability awards at a much earlier point in the process; and they help to screen out claimants who are less likely to meet SSA's eligibility criteria.

HILARY HOYNES is Professor of Public Policy and Economics and the Haas Distinguished Chair in Economic Disparities at the University of California, Berkeley and an NBER Research Associate.

NICOLE MAESTAS is Associate Professor of Health Care policy at Harvard Medical School, the Director of NBER's Retirement and Disability Research Center, and an NBER Research Associate.

ALEXANDER STRAND is an economist at the Social Security Administration.

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