

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE: SOCIAL SECURITY CASES

:
:
: **STANDING ORDER**
: **NUMBER 4**
:
:

The following procedure shall apply to all actions seeking a review of a decision of the Commissioner of Social Security:

1. The Commissioner of Social Security shall file an answer, together with a transcript of the administrative proceedings, within ninety (90) days after service of the complaint.

2. Motions for judgment on the pleadings or summary judgment are not required and shall not be filed without leave of Court. This does not preclude either party from seeking leave to file any motion deemed necessary pursuant to the Federal Rules of Civil Procedure.

3. Within thirty (30) days of the filing of the transcript and answer, counsel for plaintiff must file, and serve on opposing counsel, a Brief and Fact Sheet which lists the specific errors upon which plaintiff seeks reversal of the Commissioner's decision (see sample Brief and Fact Sheet, Attachments A and B). Plaintiff's Brief shall not exceed twenty (20) pages in length.

4. Within forty-five (45) days of the filing of plaintiff's Brief and Fact Sheet, counsel for defendant must file, and serve on opposing counsel, a Brief which specifically addresses the errors identified by plaintiff. Defendant's Brief shall not exceed fifteen (15) pages in length.

5. The Briefs shall reference the pertinent portions of the transcript in support of all factual statements and cite all statutes, regulations, and cases used in the conclusions of law that are presented. If reference is made to a particular regulation, Social Security Ruling, recently-

enacted statutory amendment, or unpublished opinion, which is not readily available by internet legal websites, a copy shall be attached as an Appendix. This Appendix should also contain a copy of any referenced materials that are not specifically mentioned herein which could not be reasonably expected to be immediately available to the Court.

6. Unless waived by the parties, each action will be scheduled for oral argument upon twenty (20) days' notice unless it is determined that oral argument is not necessary.

7. At oral argument, each party will be given fifteen (15) minutes to present arguments to the Court. Additional time will be permitted for good cause shown. Counsel for plaintiff shall set forth the procedural history of the action and specific errors about which plaintiff complains. Counsel for defendant will then have an opportunity to set forth reasons why the Commissioner's decision should be affirmed.

8. In all actions referred to a magistrate judge for report and recommendation, the magistrate judge shall, after a review of the entire record and consideration of the reasoning presented by the parties at oral argument, prepare a report and recommendation as soon as possible after oral argument. If either party desires to object to the report and recommendation, that party shall file a transcript of the oral argument with the objections unless, on proper motion, it obtains a waiver of this requirement.

9. A scheduling order shall be entered by the Clerk of the Court in each Social Security action immediately upon receipt of the complaint and filing fee.

10. The effective date of this standing order shall be April 23, 2008. It supersedes all previous standing orders governing the procedures to be employed by this Court to resolve appeals of decisions of the Commissioner of Social Security.

DONE this 23rd day of April, 2008.

/s/
WILLIAM E. CASSADY
UNITED STATES MAGISTRATE JUDGE

/s/
BERT W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE

/s/
SONJA F. BIVINS
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

JOHN DOE, :
 :
 Plaintiff, :
 :
 vs. : CIVIL ACTION 00-0000-XX-X
 :
 COMMISSIONER OF SOCIAL :
 SECURITY, :
 :
 Defendant. :

(Sample)

PLAINTIFF’S/DEFENDANT’S BRIEF

Procedural History

[Briefly and succinctly discuss the procedural history at the administrative level. Provide a description of the type of claims (DIB/SSI), and alleged impairments (note: only those impairments properly raised at the administrative level will be considered on appeal), and list filing and hearing dates. Summarize the relevant findings of the ALJ and Appeals Council and provide the dates of these decisions.]

Claims on Appeal

- [List all non-frivolous claims reviewable on appeal, e.g.:
1. Plaintiff asserts that the ALJ/Commissioner committed error by...
 2. Etc.
 3. Etc.]

Findings of Fact and Conclusions of Law

[For each separate claim, identify the relevant facts relied upon to support the claim and relate the facts to a record citation (the Court will not give any weight to facts which are not supported by a record citation). Then, for each separate claim, briefly and succinctly discuss the law as it applies to the claim and the facts related to that claim.]

Conclusion

[State the recommended conclusion, e.g.:

Based upon the foregoing, the decision of the Commissioner should be affirmed/reversed/ remanded for]

Submitted this _____ day of _____, 2008.

Counsel for Plaintiff/Defendant

Certificate of Service

I hereby certify . . .

Counsel for Plaintiff/Defendant

ATTACHMENT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

FACT SHEET FOR SOCIAL SECURITY APPEALS: PLAINTIFF

(For each item, cite specific page of record)

Case Name: _____

1. Type of application: _____

2. Date of application: _____

3. Disability onset date: _____

4. Date of expiration of insured status: _____

5. Vocational Factors: _____

Age: (At time of hearing)

Education: (last grade completed) _____

Past work experience: _____

Last date worked and job held: _____

6. Basis of ALJ's decision: _____

(nonsevere impairment, *prima facie* case, Grid, vocational testimony, etc.)

7. If claim is based on specific injury, specify injury: _____

8. If claim is based on disease, specify disease: _____

9. List those specific medical reports relied upon as clinical support for disability: