

Stories from the brainreels Transcript

October 4, 2013

[music]

CHERYL: Welcome to Blog Talk Radio's "Stories from the brainreels." I'm your host, Cheryl Green, from StoryMinders coming to you live from Portland, Oregon, as I do every first Friday and some third Fridays at 1:00 pm Pacific Time to share stories, news, art, comedy, and discussion on brain injury and disability culture.

Introduction

Welcome. It is October 4th. And the sun is out, which is really rare because it's been raining non-stop for several days. So it's a beautiful day out there. And I have a few announcements before I get to my guest, a few artsy announcements. The first is, locally, a big handful of us here in Portland made a new short film last weekend, sort of out of the blue on a whim of mine. And I'm just super impressed and grateful for everyone who showed up with absolutely no rehearsal. And everyone put on wonderful performances. The film is called "DisAbled Anonymous." It's a satire looking at disability discrimination. And really, it's based on the history of society asking--or demanding--that people with impairments either go to rehab so they can stop being so disabled, or stay home and out of the public eye. Or both. And often much worse. So that film will be coming out sometime early next year. I have to put it on the editing backburner at the moment. But early next year, I'll start editing that. So stay tuned.

And then less locally, but still West Coast, on October 11th and 12th, anyone that's in the Oakland, California area needs to get on down to the Crip Soiree and Speakeasy. This is an event hosted by Sins Invalid. And just to tell you a little bit about them, Sins Invalid is a disability justice-based performance project that celebrates the power of disability, embodiment, and sexuality to offer a vision of beauty that includes all bodies and communities. Their work incubates and celebrates artists with disabilities, centralizing artists of color and queer and gender-variant artists as communities who have been historically marginalized. Conceived and led by disabled people of color, they develop and present cutting edge work where normative paradigms of normal and sexy are challenged, offering instead a vision of beauty and sexuality inclusive of all individuals and communities. So that was part of their mission and vision from their website, SinsInvalid.org. And this event that's going on is an evening of poetry, song, and a preview screening of their new documentary film. So this is happening October 11th and 12th at 7:00 pm. The venue is wheelchair accessible. The presentations will be ASL interpreted, and there'll be visual description. The organizers ask that you refrain from using scented products, although they cannot guarantee a scent-free space. And funnily enough, because I'm not in Oakland, I did not think to write the address down. But if you are on Facebook, you can find the Crip Soiree and Speakeasy hosted by Sins Invalid. If you're not on Facebook, you can go to SinsInvalid.org and find the address. I apologize, I didn't look that up.

So lastly, a little piece of news is I want folks to go visit the National Black Disability Coalition's website. You can find them at BlackDisability.org. This is a group I've been volunteering with for a while. And recently, Jane Dunham from the Coalition put together a short article that's reviewing a newly released PBS documentary. The documentary's called "Best Kept Secret." So Jane Dunham, Leroy Moore of Krip-Hop Nation, and I all weigh in, very briefly, about our experiences with this documentary film. So if you'd like to read that short review of the film, you can find it. It's the very top post on the Homepage of the Coalition, which is BlackDisability.org. It's a great site and a great organization. You can also find this article on my blog on WhoAmItoStopIt.com posted just this morning. But I would love for you to also go to BlackDisability.org. So those are my tidbits of news.

My guest, Cheryl Coon

And now, to get on with today's guest. This is a pre-recorded interview, and I did the interview live. They're usually done over the phone, but I did this one live. So the sound quality should be much better. The person who I interviewed, my guest, is Cheryl Coon. And she is a lawyer here in town specializing in Social Security. So just a little bit of info about Cheryl: She served on the Board of the Brain Injury Alliance of Oregon and is a supporter of BIRRDsong. She's a lawyer with Swanson, Thomas, Coon, & Newton, which is a Portland, Oregon law firm that represents injured and disabled people. The firm's been around since 1982. And from their brochure it says that they "represent people rather than property rights, workers rather than employers, individuals rather than insurance companies or government agencies." Sounds pretty nice! Now, Cheryl Coon's focus is specifically on helping people who are applying for SSI and SSDI from the time of application all the way through federal court appeals, if necessary. So these two sets of benefits are for folks who are too disabled to work full-time and support themselves financially. Now, one reason I wanted to have Cheryl on the show to talk about these things is that 5.3 million people in this country have a long-term disability from brain injury. And I would bet you that that statistic does not include everyone who has a brain injury disability. There are tons of people who are experiencing homelessness and houselessness who have brain injuries, and I'm not sure if they're counted in this number of people with long-term disability or not. So with that number that high--5.3 million--a lot of us, not all, but a lot of us end up applying for benefits and needing a lawyer to help navigate the application process. Because it's a very long, very confusing process with a ton of steps. Cheryl has a big focus on working with people with brain injuries. And I learned from my own very negative experience with other lawyers--I never worked with Cheryl, but I learned from other lawyers--that having a lawyer who understands brain injury and understands people with brain injury is extremely important. I just wanna encourage folks: do not call the first number you see on TV or on that magnet on the front of the phone book, if you still get the phone book, or even go with someone just because a friend recommended them, even if they had a good experience. Because if that lawyer, no matter how good they are, if they don't understand brain injury, they're not going to be able to serve you and make the process doable for you. And that's why you hire a lawyer, so that the process is doable. So we really need lawyers like Cheryl who are familiar with brain injury. And for those of you who are interested in maybe getting a lawyer, or you just wanna understand what this process is about applying and what someone like Cheryl can do to assist you, that's what we're gonna be talking about today. So I will turn it over to the interview. Thanks so much for listening.

Interview with Cheryl Coon

CHERYL GREEN: Thank you for being on my show today. I really appreciate it.

CHERYL COON: Well, it is my huge pleasure.

C. COON: So first of all, if you would just tell me a little bit about the work that you do around Social Security benefits claims.

C. COON: Sure. I'd be glad to. So, I represent people who for a whole variety of reasons have found themselves no longer able to work. And they're people who either are thinking about applying for benefits and want our help with the actual beginning of the process--applying--to people who've already applied and been denied and need help going from there. I represent people who are trying to access their Social Security Disability Insurance benefits--sometimes called SSD, sometimes called DIB, also sometimes called Title II--and people who are trying to access benefits that are the last remaining safety net. Cuz we no longer have a safety net in Oregon. And those are SSI, or the full name for it is Supplemental Security Income.

C. GREEN: That was more names than I'm used to. With those different things you named, how does somebody know which one to apply for?

C. COON: Well, they shouldn't have to really figure it out themselves. And that is one reason why I tell people don't use the online application that Social Security is trying to push us all to use. Refuse to use it until they make it user friendly, cuz it isn't. So what happens to people is they don't know what they should apply for. I didn't even list to you all the potential program that a person might be eligible for. For example, a spouse who's eligible for benefits on their deceased or retired spouse's income level, which is, let's say, higher than theirs would be. Or a child who is applying for benefits. So there's more than I even said. You shouldn't have to figure it out. You should either be able to ask Social Security--which is why you should apply in person. Or if someone is helping you apply, like our office or like Independent Living Resources, they should be able to help you figure out which benefits you're eligible for.

C. GREEN: Oh, that's good. Cuz I was working to help a friend apply. And we kept getting confused over which application she was supposed to do.

C. COON: Of course.

C. GREEN: But it didn't occur to us to just call somebody and ask which one she should do. So we did both of them.

C. COON: And you know, when it doubt, there's nothing wrong with that. But it's just extra work.

C. GREEN: And there's something wrong with that!

C. COON: Yeah, well, we'll talk about that.

C. GREEN: [laughs] Yes. Ok. So just to reassure my peers and friends with brain injury out there listening that it really is hard to get through the whole application and appeals process. I think people sometimes feel like they're dumb if they can't do it. And it's not. So would you run down just the basic steps to applying and appealing decisions?

C. COON: Well, it's very difficult. And frankly, that is one reason why I've started what I call my own personal pilot project proving you do not have to be a government agency to have a pilot project! So my pilot project is I believe that it is so darn difficult to figure out how to do this that you absolutely need help. And my pilot project is to help people apply. So I am not doing it for everyone. My target population, frankly, is people who are brain injured and people who have mental health or cognitive issues that is gonna make it even harder for them. Kinda makes sense, right? If you don't do that, then I really urge you to use the route where you call Social Security, and you set up an interview. And you do it with a Social Security person. You may get a great person, or you may get a person in a grumpy mood. And I've heard about both happening. But either way, you will get someone who knows more than you do. And there is no reason for you to become an expert in something that other people are expert in.

C. GREEN: That's great. I didn't even know you could go. Argh!

C. COON: Yes, yes. It's free. It's available.

C. GREEN: It's free. So if you want to go to the Social Security office and do the interview to have them fill out this application with you, that is free for people.

C. COON: That is free for people.

C. GREEN: All right.

C. COON: There are definitely tips I would give people who choose to do that. And also let me say that they are posted on my website. [If you go to my website](#), I have on it tips for people who are going through the process. If you go to Social Security and have them help you with the application, go with your information as organized as possible.

C. GREEN: So the brain-injured person has to organize their papers! [giggles]

C. COON: If they can't, then a friend or bring everything you've got. Because basically, what you want them to have, you want them to have a readable list of the doctors and healthcare people who have seen you and where they can be reached. Social Security's responsibility is to contact them and get your medical records. You aren't supposed to have to pay for that to be done. But if you don't write somebody down, they don't know about that person. And I have seen numerous brain-injured people get turned down simply because the right doctors weren't listed.

C. GREEN: That's what I did.

C. COON: Ok!

C. GREEN: I forgot to list them. Forgot. And uh, um, I had a doctor write me a note saying "she can't work." And it listed like 13 restrictions. I forgot to mail it to Social Security.

C. COON: Yeah.

C. GREEN: So I got denied.

C. COON: Yeah.

C. GREEN: But that letter was there. I just sort of thought, well, once he wrote it and saved it in his computer--

C. COON: It magically got there!

C. GREEN: Yeah.

Working with their law firm to apply for Social Security benefits

C. COON: So, a huge part of your responsibility--and again, something we've discovered with helping people is we say to people, "Bring us everything. We'll organize it for you. Bring us the bag of meds. We'll turn that into a list." Whatever it is. But it has to get into that application because here's how to think of it: If you don't do the application right, you start the whole thing off on the wrong foot. And that's serious because once you head in that--think of it as the road taken and the road not taken. If the road you take is the road of an incomplete, inaccurate application, your road is going to last way longer than the road where you start with everything fully documented, and you make it easy. Because they're only gonna work so hard at Social Security. They're not gonna put your application together for you with information you forgot to tell them.

C. GREEN: Right. That makes sense. So, ok, so it would be free for someone to go do the interview at Social Security. But if they want to come to your office and work with you, how much is that gonna cost?

C. COON: That is also free. The thing to understand is that anybody outside of the Social Security office, whether it's a lawyer or a non-lawyer, who assists a person is not allowed to charge a fee--this is by law--unless they win benefits for that person. So coming in, having us help you with your application, having somebody else help you, there is no charge, by law. If anyone tells you they're doing something special for you, that's not true. They're following the law. And if they try and charge you, they're not following the law. When anybody who's helped you is entitled to be paid is after they've won. And then they get paid in a very special, restricted way. So you only get paid, as a lawyer or a non-lawyer, out of back benefits. So that's from the time you applied--with some technical exceptions--till the time that you start getting benefits. Everything in there is called a "back benefit." Your representative is paid 25% of that or \$6,000, whichever is less. So you cannot be paid more than \$6,000 even if you work on the case for two years. Now, what does that not cover? If your lawyer or non-lawyer rep gets medical records for you and gets charged for that, they're entitled to ask you to pay that back. If they consult with your doctor, and your doctor charges them, they're entitled to ask you. Those are called "costs." But that's how it works.

C. GREEN: Yeah. So that's good. So people should not fear contacting you for help because they feel like, well, gosh, I don't have the money to have a lawyer help me with this. Well, you don't need money at the outset.

C. COON: Exactly.

C. GREEN: And then the lawyer is paid from the benefits you receive. So you're still not pulling out of your own pocket.

C. COON: You never are, except for at the end, paying back costs, which should not be much. The postage and the medical records, normally under \$50, unless you are somebody who has thousands of pages of medical records that go back for 10 years.

C. GREEN: Yeah, ok. Good. So people should not be scared off by that cost.

C. COON: Right.

C. GREEN: Or the fee. Cuz there is no fee until you get benefits, yeah.

C. COON: Right.

C. GREEN: So you talked about the road you don't wanna go down where you have an incomplete application, you're missing things, it's just not well put together. And you might get denied because of that, right?

C. COON: Yes.

C. GREEN: How often do people with brain injuries get denied their first time applying?

C. COON: Oh, I would guess at least as much as the general population, if not more. They're probably less likely to have understood and been able to organize themselves into putting together a good application. And they're probably more likely to unintentionally commit one of the big mistakes people make, which is being inconsistent. So somebody is asked, "What is your pain level?" for example. Maybe this isn't applicable to a brain-injured person, or maybe it is. They have something that hurts. And some kinds of people will say, "It's huge. It's a 10 out of 10." Other kinds of people will say, "It's a 1 out of 10," when in fact it is a 10 out of 10. Some people will say, "It's a 14 out of 10." And I try and point out to them that I think science shows that unless you're burned, there's no pain that's comparable. So inconsistency happens when then you report on another form being able to do things that on a first form you said you couldn't do. Inconsistency also happens when you give what they call a third-party report to somebody who knows you, and they report things that are inconsistent with what you've said. So a really challenging thing for a brain-injured person is to go through the forms before turning them in and make sure they're consistent. And that's challenging for anyone. But it's even more challenging if you're brain-injured.

C. GREEN: Right. Because you're having to read this, process it, remember what you just read, match it up, decide if these things are matching or not. And this is not about, you're not talking about changing the story or lying.

C. COON: No.

C. GREEN: You're talking about be sure that you're honest. If your pain is a 10 out of 10, and you really can't lift heavy objects, make sure you put, "I can't lift heavy objects."

C. COON: And make sure you don't--And here's the part that makes it even harder. It may not be real obvious. It might be something like you said, "My pain's a 10 out of 10. I can't lift heavy objects." And then when you list the things you do around the house, let's say you push a lawnmower. Or it might get even more subtle. Something you've described is that you can't use your shoulders, but you report that you ride a motorcycle. Well, you'd have to know a little bit about motorcycles to know there's a lot of shoulder action or tension that would preclude it. So it's subtle sometimes. And it's hard to see these things. And objective reader can sometimes see it better than a person himself. But these are traps out there. So I would say to you, the average of people who are denied at the initial stage is 65%. That's the average. So I would add extra for brain-injured people. I wouldn't be surprised if 75% of brain-injured people are denied initially.

C. GREEN: Yeah, wow. Now, I've talked to at least one person with a brain injury who said, "Ok, I got denied. Social Security thinks I'm faking my disability. That's why I got denied." If you get denied on your application, does that mean Social Security thinks you're faking or lying?

Inconsistencies can get you denied for benefits

C. COON: No, not necessarily at all. There are lots of reasons. There's the inconsistencies. There's the failure to list all of your providers, so the important medical evidence didn't get in. Gosh, there are technical reasons. There're all kinds of reasons. And you have some opportunities to cure those problems that can be done early in the process. For example, if you left out a key medical provider, and you get that first denial, you don't wanna wait to put in the information. Or contact Social Security and say, "I'm sorry. I looked at the list--" Because you will get a list in that denial. "Here are the medical sources we looked at." It's usually on the third page. And you look at it, and you think, "Is that everything? Oh, my gawd! Dr. Black isn't on there, and he's my main doctor." Now you have a chance to get hold of Social Security fast and let them know. And that might result in a favorable decision for the next stage, which is reconsideration. However, you only have a set amount of time to ask them to reconsider. And one thing to know is that they change their opinion only 10% of the time. But the reason I just gave you, that you didn't give them the right medical evidence, that's a major reason they change their opinion.

C. GREEN: Right.

C. COON: Most people, though, who've gotten denied the first time have now gotten directed down the wrong road. And they're gonna have to go through some steps before it turns around. So they have to

apply in time for the next decision/reconsideration and not lose hope and not give up. Cuz if they give up and start again later, they have written off all those back benefits.

C. GREEN: Right. So it sounds like if you get denied, you don't start up a whole new application.

C. COON: No!

C. GREEN: So what you do is when you get your denial letter, you flip it over to the back.

C. COON: Yes!

C. GREEN: And see that it says you can appeal this.

C. COON: And you run, don't walk, to a lawyer to help you.

C. GREEN: So if they didn't hire you at the very beginning on the first application, they could still come to your office for the reconsideration.

C. COON: Absolutely, absolutely. And in fact, I don't know of very many lawyers at all who are doing the initial applications. Most lawyers expect to see clients after they've been denied for one simple reason: there's very little money to be made in helping people with initial applications. It's a huge amount of work. And if you do it right, you're gonna get those people hopefully approved--you're not gonna get it every time--much faster. And so there're very few back benefits to get paid out of. So unfortunately, the system is set up to provide no incentive for a lawyer to wanna help you at the initial stage. But yes, don't file a new application. Instead, follow the rules. And I say, better to go get a lawyer and let the lawyer do it for you.

C. GREEN: My friend filed three separate applications.

C. COON: Oh!

C. GREEN: And I just--

C. COON: I groan when somebody comes in and tells me that. Because there are even some other bad consequences. Worse than losing back benefits, there is a technical legal term called "res judicata." And it means "the thing has already been decided." Sometimes Social Security will say to a person who the only thing they did was file an application and get turned down, and then they gave up: "Your case has been decided." It's kinda like you can't stand trial for murder twice. At least that's what they tell us in the movies. It's kinda like that. They say, "We already decided you're not disabled. You are forever barred from ever applying again."

C. GREEN: Oh, so that's why getting in the reconsideration on the first application is so important.

C. COON: It's why not giving up and starting a new application is so important. Stick with it. Get legal help. Appeal, which is the same as asking for reconsideration. People get really confused. I have had people who come in and say, "I filed three applications." But when I look at what they've done, that's

not what they did. They filed their initial application, they asked for reconsideration, and they asked for a hearing. But they called it three applications.

C. GREEN: Yeah.

C. COON: Just terminology.

C. GREEN: That's a good point, yeah.

C. COON: Yeah.

Application steps brochure is available

C. GREEN: And all of these steps, you have this brochure.

C. COON: I do! And it's on my website.

C. GREEN: It's on your website. It's also on the BIRRDsong website.

C. COON: Awesome.

C. GREEN: I put it up there.

C. COON: And it also is on my website in Spanish, in Russian, in Somali, in Burmese, and in Arabic. Because I represent people who speak a whole lotta different languages. So you can find it in lots of languages. It's a free download from BIRRDsong's website (www.BIRRDsong.org) or Swanson, Thomas, Coon & Newton's website (www.stc-law.com).

C. GREEN: Oh, fantastic. I love it. So is there anything different about the way that you work with a brain-injured client compared to people with other types of disabilities, maybe like a physical disability?

C. COON: Well, I'll be honest and say I think patience and compassion and understanding of brain injury, which I feel like I will never know from the inside because I'm not brain-injured. But having served on the Board of a brain injury organization and having good friends who are brain-injured and spending time with folks who are working on BIRRDsong--yeah. I think I have a little more understanding. And it's fascinating because it's different for every person. And a lot of people will tell you they're brain-injured, and you would never know it. But then it comes out in other ways that you didn't expect that seem, well, even inconsistent with how they present. And you have to be alert to these things. I think you also have to consider the need for quality documented testing and documentation of the brain injury. I had a client I represented who, when he was 7 years old, he was riding his bicycle, and he was hit by a car. He had a brain injury. It was open-head, closed-head, it was the whole thing, right? He grows up, and you don't necessarily know he's brain-injured. He also doesn't proceed to have a whole lot of medical care after that because there's nothing to treat, right? But when he tries to have a job, his behavior is like he's frozen at 7 years old. He's really impulsive, really risk-taker. He's socially inappropriate at times. He doesn't really understand it, and his family doesn't really understand it. And he is, of course, turned down by Social Security. When we were able to turn his case around is when we got a complete neuro-

psychological evaluation of him by a person who's actually licensed as a Neuro-psychologist. Because there is a difference. And we got a fantastic report that explained everything. I put that in front of the judge. So sometimes I think with people who are brain-injured, there are additional challenges because you can't just look to their doctors' regular treatment of them. They don't have that. And why should they? Nothing can be done by their doctor.

C. GREEN: Right. And so just going back a little bit, if somebody goes in to Social Security, gets the interview with one of those staff people, they might not get someone who understands what a brain injury is.

C. COON: They might not.

C. GREEN: And that would make the application process really an awful experience. And I've seen it with when I went to Social Security with a friend of mine. The staff person seemed very competent, like a really good worker. But she spoke fast. And then when my friend asked her to slow down and repeat herself, she was frustrated with my friend. And she wouldn't even repeat the right parts. I could see, on my friend's face, where she was getting lost. But the staff person couldn't. And so that's another reason why it might be really a wise choice to come to a place like this where you know. Well, first of all, you speak really nice and slow already. [giggles] But you can recognize when someone's struggling, and you know what to do to be supportive rather than crank the person through so you get to the next person.

C. COON: Yes, that's a great insight. And it's really true. You need to be very patient when you're doing these with people. And that is probably even more true when you're doing it with brain-injured people because they need the speed of your response. They need your watching them for cues that they're not getting it because they may be embarrassed to say they're not getting it. You need to not be in a hurry. And you need to be very committed to not embarrassing them.

C. GREEN: Yeah. And that's what happened with my friend. When that Social Security person didn't know how to accommodate my friend, then my friend was blaming herself.

C. COON: Yes.

C. GREEN: "Oh, I'm stupid. Oh, I think too slow." And then she's stressed out. Then she can't answer the questions. It's a terrible--talk about going down the wrong road.

C. COON: Yeah.

C. GREEN: Ooh!

C. COON: Yeah, well she's gonna want that to be over as fast as possible in that case. And so she's going to neglect to provide vital information.

C. GREEN: Excellent point, yeah. Absolutely. And you might have something where somebody seems to do better in writing than listening?

C. COON: Yes! I mean I have learned a lot, actually, from brain-injured people. I've learned about my own styles of learning too. It's so true. I mean, they say that we all have preferred and more effective styles of communication and of learning. Brain-injured people that's even more true of. And you have to be prepared to accommodate that. And it's one reason I have lots of different written materials that I try to keep simple, short, and well organized in case there are people who are going to hear it better that way.

C. GREEN: Yeah, and they can review it later, remind themselves.

C. COON: Exactly.

C. GREEN: Yeah. And if somebody came in, and they just couldn't stand this process, and they said, "You know what? Talk to my family member instead," would you do that?

C. COON: Sure. There's no reason you can't do that. There are some things in the end, which the person is gonna have to sign unless somebody has a Power of Attorney for them. But you can get a lot of information from a spouse or a parent or a close friend or a partner. So you use that. In fact, I prefer when people come in with someone because I often find that that person is able to supplement the information.

C. GREEN: Oh, that's good. Cuz we always--in our support groups--we always talk about always take a friend or someone to doctor's appointments because you might not remember what the doctor tells you to do. You might not remember to explain all the struggles you're having. But this is the same thing. That person who knows you well can help with the process.

C. COON: Cheryl, that is excellent advice.

C. GREEN: Oh, but you said it! [laughs]

C. COON: Well, but you said it too! It's what you tell people.

C. GREEN: Yeah, but I never thought of it. I know about that for doctor's offices, but it never occurred to me that in this application process--

C. COON: Yes.

C. GREEN: My mom had to step in because I was screwing up so much in my application process. She stepped in. But it would've been so much better to have her or someone who knows me well step in at the very beginning--

C. COON: Yes.

C. GREEN: --so I didn't make so many mistakes.

C. COON: And think of it as getting on a train that's going down that road. It's not a car. You don't get to stop it once you're on the train to a slow decision.

C. GREEN: [laughs] There's the title of my next movie: "A Train To A Slow Decision."

C. COON: Yes, I think we could use that one.

C. GREEN: Oh, that's great. It's so funny I hadn't even thought of that. Now, this is really exciting. Your law firm's website is a nice website. It's easy to read, easy to find things.

C. COON: Good.

Cheryl Coon's blog

C. GREEN: That's good. But you also keep a blog, which is cool because it's easy to forget that lawyers are people. You are humans.

C. COON: Yes!

C. GREEN: I think all of you are.

C. COON: I believe so, although there are a few I think may be aliens. I'm not sure.

C. GREEN: [laughs] But they pass very well.

C. COON: They pass very well, yes.

C. GREEN: Yes, they have some human qualities. [Your blog is so great](#) because you share actual scenarios. This client came in with this set-up, and here's how we won their case. I read your blog, and I thought, "Oh my gawd, yeah. Me too. Oh, I didn't think of that!" Really cool. So do you wanna talk at all about why you keep that sort of personal/professional blog?

C. COON: Yeah, I mean I am a huge believer in the power of story to clarify things for people. There's something about learning through a story that works for many. And so I make the assumption there's a sizable number of people out there who also learn best through story. And I remember a lotta things I learned about marriage, for example, I learned by reading a column in the Ladies' Home Journal called "Can This Marriage Be Saved?" I used to just love that column! I think my mom must've subscribed to the magazine. And they always started by a little bit of each person's side, and then they had the counselor speak. So when I decided to kind of make a story out of what happened in individual cases-- because of course, the fascinating thing about what I do, I could write a short story about every single person who I meet. I get to know things about them and who they are, and they're fascinating. So I thought what if I made each one into a story. Now, I can't do it for every client, but what if I turned some of the ones that have really important lessons into stories and kind of set it up like "Can This Marriage Be Saved?," which is why it's titled "Can This Case Be One?"

C. GREEN: Oh!

C. COON: Same rhythmic cadence, you know. And I add little details. It often starts with a quote, with one of the people speaking. So, "I don't know what to do about John. Every job he has, he ends up

getting in trouble. But he's not sick. So what is it that's going on with him?" And then that becomes a place, for example in that one, to explore that's the story of the little boy who was hit by the car when he was bicycling when he was seven and how the seven year-old behavior is what's coming out in a work setting. And you need different evidence than you do for a person who has Fibromyalgia to prove why he can't work. So that's what I'm using the stories for.

C. GREEN: Yeah, it's nice because the technical information, it doesn't really stick in your brain. But then when you read--I read all these stories on your blog. And they contain all the same technical information.

C. COON: Yeah.

C. GREEN: But because it's a story, you sort of put yourself in the story and act it out in your head. And then all the sudden you're learning and remembering this really valuable information.

C. COON: Oh, I'm glad to hear that. It's working.

C. GREEN: Yeah! I had fun. I had fun reading the blog.

C. COON: Good.

C. GREEN: And of course it was one of those, "Oh, I wish I'd found that two years ago. Ugh." [laughs] So speaking of stories, you wrote a book.

C. COON: I did.

Cheryl Coon's book about children's books representing disability

C. GREEN: You wrote a book called "Books to Grow With: A Guide to Using the Best Children's Fiction for Everyday Issues and Tough Challenges." It sounds like you might've written that book for the reason you told me about learning through story. But this isn't about disability law.

C. COON: Well, in a way it is. And in a way, it's part of what brought me here. Because what the book does is it assumes something I believe, which is that people, including children learn through stories better than they do through being lectured by their parents. "Sally, you have to share that toy." That kind of thing goes in one ear and out the other. But when you read Sally stories about a child who's having trouble sharing, and it's not a bad child or a good child. It's an ordinary child. And then it may be that in the book the child resolves the issues, finds some techniques, says to her brother, "I'm gonna share it with you but only for 10 minutes, and then I get it back." Whatever it is, that message is gonna stick with that child. And it's a self-taught message in a way. No lecture from Mom and Dad. It's going to stick with that child better than anything Mom and Dad say. So I thought well, what if parents and teachers and counselors of children could easily lay their hand on a really well-written children's fiction book on any issue they needed? Well, then I decided to limit it to 100 issues, and I read 3,000 children's books, which was so much fun, I can't say. And I picked, with the help of a group of librarians and

looking at lists of award winners and other kinds of things, sort of the three or four best in every category. Well, it was right about that time that I decided I should also include books in which the character is struggling with a chronic illness or disability and find fiction in which that person is portrayed as an ordinary human being who is not defined by you know, "Hello Cheryl with a brain injury" right? Here's, "Hello Cheryl, beautiful, vibrant young woman who along with the different things she deals with in life happens to have a brain injury." That was what I was looking for. And those were hard to find.

C. GREEN: Yep!

C. COON: Cuz there's a lot of earnest, preachy books. And for example, juvenile diabetes, the only books I found where there was a kid with juvenile diabetes who was a perfectly normal kid was the character of Sarah in The Babysitter series.

C. GREEN: So not even a younger kids' book.

C. COON: Right, right. So it sometimes was hard to find them. But I felt like it was important that we find these books, identify them, and make use of them to normalize situations and yet provide guidance for kids. So that was what the book was about.

C. GREEN: That is fascinating! Like you said, you included books that dealt with chronic illness and disability. And you also do disability law. So you wanna talk about how that became an interest of yours?

C. COON: Sure. I mean, I have been practicing law for 37 years, and the first part of the career was all environmental law. Had what many young lawyers dream of with the pro-environment, big federal court litigation and other kinds of environmental policy job. And yeah, it was fascinating. Blah, blah, blah. But it didn't really, really make me feel like I was doing something important. And it was not until my own child was unexpectedly diagnosed with two chronic illnesses, one after the other, and then that I embarked on the project of the book, which was very much a response to what had happened to her, that it began to be clear to me that there was a way to practice law that incorporated this. And I began to gravitate towards what I now do, which is far and away the most fascinating and satisfying legal practice I've ever done. Yeah.

C. GREEN: Oh, that's great. That's great.

C. COON: That was my journey. And I sometimes liken it to being inducted into a club you did not wanna join. There is not a silver lining. I do not say things like, "Gee, you know, in the end it was really great that my daughter was diagnosed." No, it will never be great. It will never be my preference. But I can accept that I learned a lot because of it. And I think I'm a more informed, even maybe more compassionate person because of it. But no, I wouldn't choose it. It just is.

C. GREEN: Sure. And I don't actually know anyone who chose their brain injury.

C. COON: No! [laughs]

C. GREEN: I suppose it is possible. Anything is possible.

C. COON: Yes.

C. GREEN: But you do get inducted into a club.

C. COON: I think it's when you have access to the resources, you're further along. You're still in the club, but you've been given some training manuals and even maybe some benefits that go with club membership. You would still leave the club if you had a choice. But hey, the club is not as bad as it was before.

C. GREEN: Yeah.

C. COON: Best I can say.

C. GREEN: One thing I heard in what you said is that you accept that it's true.

C. COON: Yes.

C. GREEN: You didn't choose it. If you could somehow go back, you might erase it.

C. COON: I would.

C. GREEN: But you accept that it's there. And then you become more resilient. And probably your daughter had to learn quite a bit of resiliency.

C. COON: No doubt about it.

C. GREEN: And you've taken it somewhere professionally and personally.

C. COON: Right. And I think we all have to find meaning in the things that happen to us, which doesn't mean we're required to talk about it as a blessing or a silver lining.

C. GREEN: Right, yes.

Partnering with Ray Thomas, bicycle lawyer

C. GREEN: So one of your colleagues here, Ray Thomas--

C. COON: Ray Thomas.

C. GREEN: --he wrote the "Pedal Power" book, which after my bike wreck in 2010, I looked over it and decided, "Well, there's no reason I should call him!" Which makes no sense.

C. COON: No, cuz he is an awesome, awesome bike and pedestrian lawyer. So he represents people who've been injured in really bike, car, pedestrian, that range of things. And he is so passionate about it. He goes to bike clinics, he travels around, he promotes bicycles and walking. But he also really knows

how to show the flip side when someone's been injured. Cuz he isn't just a bike advocate; he's a really awesome personal injury lawyer. So yeah, that's Ray.

C. GREEN: Yeah, so if somebody let's say like, oh, me three years ago, who got a brain injury in a bike wreck. If I came to him for the bike wreck and the injury, or I came to you for disability, would the three of us work together?

C. COON: Oh, that's such a great question! And I'll tell you why. Tomorrow, I am giving a talk to the Oregon Trial Lawyers Association on how Social Security Disability and a personal injury case fits together. And the answer is it fits together more than people appreciate. And it's a really good idea if you have a personal injury case and are even thinking--maybe haven't even begun to think--about the possibility that as a result you won't be able to work again, or that you won't be able to work for at least a year--cuz you can get benefits for just a one-year period--you want your lawyer for the PI case, as it's called, to work with your Social Security lawyer so that your Social Security lawyer doesn't say things or knows how to counsel not to say things in your application that will hurt your personal injury case and vice versa.

C. GREEN: And it sounds like, I mean if you already had a file with one lawyer in this office, and then you start working with another one, well your file's already here. Things are already started, things are already organized.

C. COON: Right. I have a colleague who does worker's comp, and we have a lot of crossover and collaboration. Same thing with the PI section because things you do in one can affect the other. But you can also prevent that from happening by thinking of it ahead of time. Which is why we try to think of ourselves not as individual specialties but kind of a holistic approach to somebody's case.

C. GREEN: Aw, that's great. And you are also a bike commuter yourself.

C. COON: I am!

C. GREEN: Which is great.

C. COON: I am a recent bike commuter, as of September. Actually, the anniversary of my bicycle commuting is this month.

C. GREEN: Oh! Happy anniversary! That's great.

C. COON: Thank you, thank you. And I have lost 19 pounds as a result and am way stronger.

Cheryl Coon's free legal clinics

C. GREEN: Your free legal clinics. Would you like to mention that?

C. COON: Oh, so let me explain what they are. Because they're not actually for individuals so much as they are for the people who are helping those individuals. So what I'm doing is I'm putting together a short but detailed manual for those who like to read things on those nasty reports and documents you

have to fill out for Social Security Disability regardless of what type of disability benefit you're seeking. And I'm going around, and I'm teaching case managers, social workers, therapists who help their clients how to do them and what the common mistakes are. So some of the things we've talked about: the consistency issue, the failure to include, and then much more that people do wrong. And so I've gone around and talked to folks at the VA, at Central City Concern, at Cascade AIDS Project, at Lutheran Family Services, at the Immigrant and Refugee Community Organization, basically anyone who will hear me out. I wanna share with them that we don't have to have as many people denied at the initial stage as is happening. We can't, apparently, reform the Social Security system. But we can at least do a better job of information we send them, which I have proven through my personal pilot project can result in more applications being approved at that stage. So that's my little mission right now. I had various missions I set up for myself every year. This is how I'm going to change a tiny piece of the world this year. This is that one.

C. GREEN: So, if you're going around and you're talking to all these folks and helping them to fill out these applications more effectively, aren't you gonna lose business if people are getting benefits on their first application?

C. COON: There was a point at which that was pointed out to me here in my law firm. People said, "Let's see. Um, the thing you're spending a lot of time on. Um, if I've got that right, it will result in less business for us." And I was like, "Yes!" Here's the thing: there are so many people out there who are disabled that I'm not worried about that issue.

C. GREEN: What is the best way for people to reach you to either find out more or actually hire you.

C. COON: Go to the website, www.stc-law.com has contact information or call me: 503-228-5222. Either one works.

C. GREEN: Great. Thank you so much for the interview. It was a lot of fun, and actually really informative. I was such a badass. I thought I knew all this stuff. But I actually learned a lot more! And it was such a pleasure to talk to you and get your take on this work and on the people you work with.

C. COON: Well, it has been just so much fun. Many more times of talking ahead.

C. GREEN: Excellent, wonderful.

Join us the 1st and 3rd Friday of the month at 1:00 pm. This has been Cheryl Green of StoryMinders. Email me at info@storyminders.com if you've got topics you'd like to hear on an upcoming show.

[music]