



Linda Markowsky, JD 2005 *Social Security Disability Attorney*

Linda Markowsky had been an emergency room nurse for many years and thought she had seen everything. But when she took a part-time job working as a sexual assault nurse examiner she began to feel she was on the set of CSI. “The legal aspect of working for the special victim’s unit was so interesting, and when our assistant DA told me she’d indicted a serial rapist’s DNA, I was hooked and wanted to learn more about the law,” says Linda. After a bit of research, she found Concord and let her husband talk her into trying for a JD degree.

“I could never have attended a local law school and still been able to keep both my jobs had it not been for Concord,” she says. “Yet, I took the quality of the legal education I was receiving for granted until I compared notes with a few local law students I met. They told me that the only tests they had were their midterm and final exams, so they had no idea of how they were doing all year. We had periodic quizzes and essays all year long so we had a pretty good idea of our strengths and weaknesses. Also, the quality and subject matter of their lectures depended on which professor taught their class, while we at Concord all heard the same lectures and were assigned the same quizzes and essays.

What’s more, several told me that their legal writing class only involved learning to write an appellate brief, while ours was much more useful and taught us to write letters, briefs, and motions. Even today, several of the judges I practice before have commended me on my legal writing. Concord’s program forced me to become more organized in both thought and delivery.” At Linda’s graduation ceremony she met an attorney, a fellow Concord alumnus, who worked for a national social security disability law firm. She suggested Linda look into social security disability law as a field where her nurse’s training would be valuable, given that it’s focused on physical impairments. She explained that, because social security disability law is federal administrative law, a person only needs to be licensed (in any state) to practice it. Shortly thereafter, she helped Linda get a position at her firm where Linda practiced for about 18 months. Since then, Linda has opened her own small social disability law practice in New York, while continuing to work part-time as a nurse to help pay the bills. “I have won fifteen or sixteen social security disability claims so far, which I don’t think is too bad of a record for only being in business for one year!”

Her background as a nurse has enabled her to interpret her clients’ medical records and be able to advise them as to what kinds of tests, reports and doctors would be most helpful to proving their claims. “I have had a few clients who wanted to apply for disability who obviously had severe mental problems but who were not in any kind of mental health treatment, usually because they had no insurance. I bullied them into getting into treatment by telling them that they would lose their cases unless they started seeing a therapist, and that I would not take their case unless they agreed to start therapy. I have compiled a whole list of free and low cost clinics in my county, and have been successful in getting quite a few folks set up in mental health therapy, with food stamps, medications, and a stable place to live. They’re not exactly productive members of society, but they’re doing a whole lot better than they were. These kinds of cases don’t pay a lot because the claimants are usually only eligible for SSI, and sometimes I feel more like a social worker, but I find it very satisfying!”

“Another way my nursing background helps me is that the medical experts cannot fool me at hearings. The Social Security Administration hires doctors who are usually retired older practitioners as medical experts to assist the judges in interpreting the claimant’s medical records at the hearings. The doctors are usually dedicated, honest and hard-working, but some of them are very anti-claimant, and make some really inane statements regarding the claimant’s medical records and impairments. I am able to make a persuasive argument because I know the true meaning of the test results, records, etc., that the doctor is supposedly interpreting. For example, one medical expert claimed that one of my clients had absolutely no medical problems at all. She had many problems caused by her lupus, like arthritis and kidney problems, but the medical expert claimed that she didn’t even have lupus and that her own doctor had misdiagnosed her because her ANA blood test was negative. I know that it is not unusual for an ANA to be negative in any kind of auto-immune disease, and was able to point out other tests that were positive like her LA Latex and elevated ESR. The medical expert had to admit that was true, and the judge granted the claim.”

Linda hopes to grow her business so that she can eventually quit her nursing career. “The end result and reward for me is the same in nursing and in lawyering—helping people,” she explains.