

SIXTH CIRCUIT SOCIAL SECURITY MANUAL

8th EDITION

By David Ettinger

January 2, 2008

Dear Social Security Advocates,

The Legal Aid Society is pleased to publish this the Eighth Edition of the Sixth Circuit Social Security Manual. This edition updates the Seventh Edition published in January 2004. The manual is now current for decisions issued through December 31, 2007. The manual summarizes selected Sixth Circuit Social Security decisions issued before 1984, all published Sixth Circuit Social Security decisions issued since 1984, and selected Sixth Circuit District court decisions issued since 2000.

I hope that the manual will remain a useful tool for attorneys working on federal court Social Security cases within the Sixth Circuit. Please let me know if you find any errors or have suggestions for improving the manual.

This brochure is being sent primarily to those who have purchased past editions of the manual. Please help spread the word by sharing this brochure with your colleagues who handle Social Security cases at the federal court level.

Sincerely,

Dave Ettinger

Attorney

Legal Aid Society

The Manual . . .

The 2008 Eighth Edition of the Sixth Circuit Social Security Manual reviews over 350 Social Security decisions from the Sixth Circuit Court of Appeals and from district courts within the Sixth Circuit. It includes references to selected decisions issued before 1980, to significant decisions issued from 1980 to 1984, and to all published Sixth Circuit decisions issued since 1984. The manual summarizes decisions, but does not comment on them.

Its Use . . .

The manual is designed to assist attorneys with brief writing for federal court Social Security cases in the Sixth Circuit. Its primary purpose is to assist attorneys in identifying potentially relevant authority. Cases should not be cited in reliance on the Manual without first being fully reviewed.

What's new . . .

In recent decisions, the Court held that adverse hearing decisions will not be affirmed even if supported by substantial evidence when an ALJ fails to give good reasons for rejecting the opinion of a treating physician, Bowen v. Comm., 478 F.3d 742 (2007); that a claimant's ability to perform daily activities — drive, clean, read, exercise, watch TV — did not support an adverse credibility finding; and that claims based on fibromyalgia need not be supported by objective evidence. Rogers v. Comm., 486 F.3d 234 (2007).

ORDER FORM

Each Sixth Circuit Social Security Manual, 8th Ed., includes a bound printed copy and an electronic copy on a compact disk. The cost is \$100.00 for one or \$95.00 per copy for multiple copies sent to one address. Please complete this form and send it to:

**Sixth Circuit Manual
Legal Aid Society
300 Deaderick Street
Nashville, TN 37201**

If you have questions, call Ms. Melba McNairy at (615) 780-7115.

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From those who have used it . . .

“I have been using the Sixth Circuit Manual for several years. It is the first research tool that I turn to for any question. Ninety-five percent of the time I find the answer to the question I have.”

Alvin D. Wax
Attorney at Law
Louisville, KY

“This [manual] is, as I would have expected, comprehensive and well-organized. This is a wonderful resource.”

Nancy Shor, Executive Director
National Organization of Social Security
Claimants’ Representatives