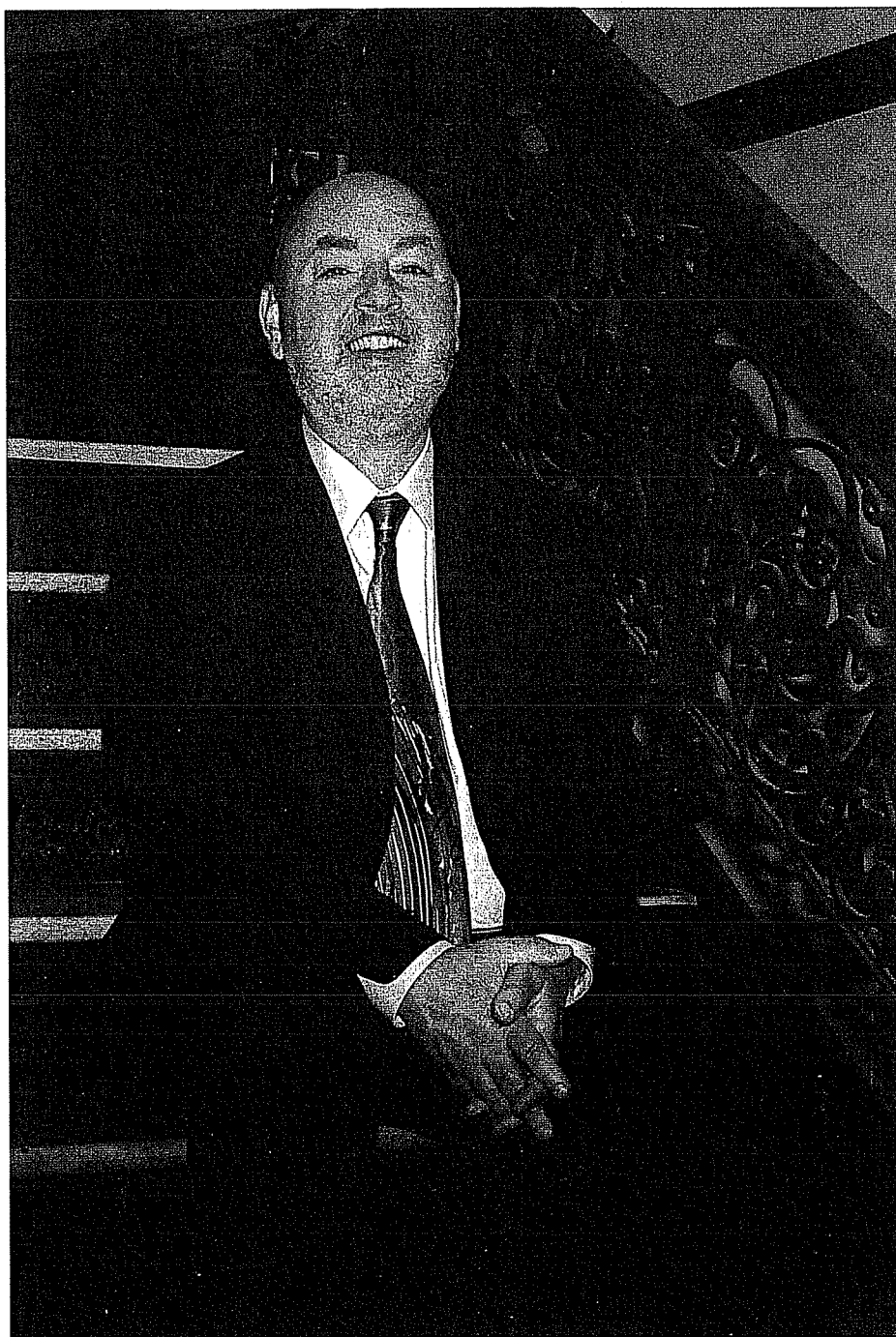


JAN KODNER

Mastering Social Security Law with Humor, Hard Work

by Olivia Clarke



There's a one-word reason for why Jan L. Kodner became a lawyer: Watergate.

After President Nixon refused to turn over the Watergate tapes, citing *Marbury v. Madison* as justification, a 20-year-old Kodner became so outraged that he researched the case. But he couldn't understand a word of what he was reading. His curiosity, combined with a desire to save the world, led him to law school and to an eventual career as a lawyer.

"A lot of people went to law school back then for social activism," says Kodner, who started at Chicago-Kent College of Law in 1975.

Today, he owns **Jan L. Kodner & Associates**, and his practice focuses on Social Security and supplemental security income disability cases. His firm wants to help its clients through the Social Security disability benefits claim process. He has practiced in this area for 27 years, and for the past 10 years, the firm has won about 90 percent of its cases, he says.

The 55-year-old lawyer keeps a spiral notebook that lists every client, the case, and the outcome. Covering up the clients' names, he often uses the notebook as a marketing tool when meeting with new clients. He shows them that he wins cases and can help them.

"You really do help people at the time of their greatest need," he says. "Many, many of our clients are desperate. They've lost their ability to work, to provide for their families. They're often close to homelessness. Health insurance is an issue, and healthcare is a problem. A lot of them don't know where to go for treatment. We are able to suggest places. When all is said and done, we are winning the vast majority of our cases. Usually, we get a happy result."

Passion for the Unrepresented

Kodner worked for a legal assistance foundation for about a year and a half while in law school, but the full-time positions typically went to Ivy League law school graduates, he says. *(Continued on Page 130)*

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He graduated in 1978 from law school and went to work at a small business firm, Pitler and Mandell, but it wasn't the type of legal career he saw himself doing. After two years at Pitler and Mandell, he decided in 1980 to open a firm with a colleague.

During the first couple years, they handled a little bit of everything, but people started referring Social Security cases to him. No one really covered this area, and around that time, the Reagan administration terminated about a half million people's benefits, he says.

"There were maybe one or two other people practicing in the field, so I realized I liked it," Kodner says. "I was able to help people. I was able to usually succeed, usually win, and I didn't have to deal with other attorneys."

His partner in the firm didn't really understand why Kodner took on this type of work, and resolving these cases took a great deal of time. They ended their partnership in 1984.

He operated as a solo practitioner until 1987, but due to the increasing workload, he brought in additional lawyers.

Kodner hired James Leeny as a clerk in 1988. Leeny worked at the firm while attending graduate school. He eventually went to law school at The John Marshall Law School, graduated in 1994, and became an associate at the firm.

Kodner inspired him to become a lawyer and do this type of work, Leeny says.

"He's a great guy," he says. "He is clearly in this line of work because he feels passionately about underrepresented claimants. ...It's a rare lawyer who becomes this passionately involved in his clients. It's amazing that he's been able to keep it up for as long as he has. It's very taxing work. You are talking to very desperate and sad people every day.

"He meets with each client individually, each one of them for about an hour when he opens the case. Obviously, he has to understand what the person's disabling condition is. But he goes beyond that. He tries to understand their background story, to get to know them on a personal level. He makes himself little notes to remind himself of the intricacies so he can handle hundreds of cases at once."

Breaking the Tension

Hanging behind Kodner's desk are the faces of several pinball machines. He and some of his oldest and best friends met while playing pinball at the University of Illinois, and many of them today have pinball games in their homes.

Also hanging on his door are various comic strips and funny sayings.

While these things have seemingly little to do with his practice, they represent his style and approach to life.

Kodner likes to employ humor to help soothe his clients' worries. It often makes them feel more comfortable and at ease talking about their situations.

"Today, a young lady was sitting where you are, and she said she was very anxious, and she said, 'Stop me if I ramble because I ramble a lot.' I said, 'I will just kick you,' and that broke the tension.

"They come into my office; it's not a telephone interview," he says. "They generally get pretty relaxed because I'm very low key. They can just see that we work hard because there are always a million files. They know that we are working, but it's not a buttoned-down-collar type of office.

"The main theme is usually humor. We always try to keep people relaxed and understand that, as serious as things are, we want them to see the good, see that things don't have to be so drastic."

He's seen the practice change in some ways over the years.

For example, there are more claimants, and it's harder to qualify now if a person is not a citizen. In the '80s and '90s, substance abuse used to be grounds for qualifying for disability; now, it's grounds to deny a claim, he says.

One thing that hasn't changed is the civility among those lawyers who practice in this area, he says.

"People in this field don't steal from each other," he says. "The clients will be very frustrated that it is taking so long to get their day in court, which is out of the lawyer's control. And sometimes, they will come here saying, 'This other lawyer is not doing anything for me.' Sometimes, it's true. We will listen and ask, 'Did he do this? Did he do that?'"

When he discovers the lawyer did everything right, he will tell the client, "This person is a good lawyer. They are not doing anything wrong. They are doing the same thing we would be doing. You should stick with them."

"Every so often, I get a call from a lawyer who did the same thing for me," he says. "It's very old-fashioned. It's just a lot of courtesy and respect between the practitioners."

Beth Alpert, of Beth A. Alpert & Associates, has shared an office with Kodner for about 20 years—even though they have competing practices.

He's wonderful to bounce ideas off of, and he knows the ins and outs of Social Security, she says. He consistently demonstrates compassion for each claimant and has a great knowledge of the law.

They both face the challenge of trying to get a decision for their clients as quickly as possible.

"Most of these claimants are in dire straits," she says. "They've lost their livelihoods, and they have no way to survive, and there are

great backlogs of Social Security. It is about developing the case and pushing it through the system as quickly as possible. Jan has a staff that does that. He keeps track of his cases. He doesn't let anything sit there, and he makes sure it moves through the system as quickly as possible."

Kodner "is well respected by his peers. He's well respected by the administrative law judges that he practices in front of," Alpert says.

He is, she adds, "a very upbeat person. And he treats the claimants very respectfully. If I needed a Social Security lawyer, since I wouldn't be able to represent myself, I would have Jan represent me."

Kodner finds it difficult to point to any one case that means more than another because each one is so unique to each client. But common threads exist.

"There is really no typical impairment," he says. "It always boils down to how severe whatever the problem is, whether it's back pain, depression, a heart disease. ...That is the essence of a disability claim."

Smart, Quirky, Funny

Kodner has been married for 29 years to Roberta Levin, and they have two children, 21-year-old Rachel and 19-year-old Matt.

"I would describe him as smart, quirky, funny, and let's add kind and caring," Levin says.

She says her husband has excellent communication skills that he uses to encourage his clients to tell him the information he needs to represent them.

"He's very serious about it," she says about his practice. "The thing that impresses me most is he handles so much information every day and seems to keep tabs on everything. He's been doing this practice for so long that he certainly has an amazing grasp of the knowledge he needs to run it, and he also has the skills to keep the practice moving."

His humor extends beyond the office. For the last 10 years, he's written and produced remakes of songs for the annual parent-run, student-performed productions at Haven Middle School in Evanston. While he's retired from doing this, the students manage to recruit him back every once in awhile.

For example, last year, he wrote "Addicted to Gum" to the melody of Robert Palmer's "Addicted to Love." The music video, which he wrote and directed, can be found on YouTube under "Addicted to Gum."

When asked what he hopes people understand about him and his practice, Kodner gets serious.

"I take what I do very seriously," he says. "I want to win. I want to help my clients. ...It's life or death issues for a lot of these clients, and I really, really take it hard when we can't win." ■