

FJE RAISING THE BAR

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Health and the Law

Health care is a topic of national debate. New legislation may transform the delivery of health care and inevitably will raise numerous legal questions for the public. Regardless of your position on

health care reform, as lawyers we share the same goal – to enhance the quality of life for all Americans.

Although many illnesses have a medical cure, many require

more than a doctor's assistance. Lawyers play an integral role in helping people navigate the complex and often unfamiliar legal implications that come along with the diagnosis of a disease. Whether tackling access to health care or defending the indigent from unhealthy, substandard tenements, the American Bar Association is striving to expand the number of legal professionals serving our communities in need.

"Without a lawyer's help, many children cannot access health benefits for which they qualify and that they need to be healthy and strong," observed ABA President Carolyn Lamm. "Without a lawyer's help, many survivors of domestic violence cannot get the protection to which they are entitled, putting their lives at risk. Without a lawyer's help, many families wrongly lose their homes and are put out into the street. These legal issues can mean the difference between life and death."

Thanks in large part to the

support generated by the ABA Fund for Justice and Education, the American Bar Association has implemented numerous programs and initiatives to improve the health and well-being of those in need. Although not all are highlighted in this newsletter, examples of FJE-funded programs expanding access to legal assistance on health matters include the activities of the Center for Pro Bono, the Section for Individual Rights and Responsibilities, the Commission on Lawyer Assistance Programs, and the Health Law Section.

For nearly 50 years, the ABA Fund for Justice and Education has served as the link between the Association's commitment to public service and its ability to address the growing legal needs of our communities, here and abroad. Supporting over 200 ABA programs each year, the ABA Fund for Justice and Education aids the Association in its efforts to improve the profession, serve the indigent, and defend our human rights.



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A Diagnosis Requiring Legal Treatment

ABA Breast Cancer Task Force

Several years ago, Mary survived her first battle with breast cancer.* Like many women who undergo a full breast mastectomy, she opted for reconstructive surgery to help heal emotionally and regain her sense of femininity. When her breast cancer returned, Mary found herself needing both an oncologist and a plastic surgeon familiar with her silicone breast implants. Although it is federally mandated that health insurers who provide coverage for a mastectomy must also provide coverage for breast reconstruction, her health plan would not approve the plastic surgeon and her insurer was not responding to her numerous appeals.

Unfortunately, Mary is not alone in her struggles. According to the American Cancer Society, one in eight women will be diagnosed with breast cancer during her lifetime. When a woman is diagnosed with breast cancer, many of her most important questions cannot be answered by a doctor. Will I be able to take time off of work for treatment? Do I risk losing my

benefits if I am not working full time? And, like Mary, what if my insurance will not cover a certain procedure?

The ABA Breast Cancer Task Force strives to help lawyers answer these important questions by providing educational programs that train attorneys on the legal issues related to the diagnosis and treatment of breast cancer. Many breast cancer patients find themselves fighting more than their disease. They often face an array of cancer-specific legal problems, including employment discrimination, access to adequate health care and estate planning. When these legal issues are not addressed, people may survive the disease only to find that they lost their job, health insurance, and sometimes their home.

In 1993, the ABA Commission on Women in the Profession successfully initiated its first program on breast cancer advocacy. After receiving a grant from the Susan G. Komen Foundation, the Commission expanded its programs and

materials to target a wide range of legal issues related to breast cancer advocacy. Over the years, with support through the ABA Fund for Justice and Education, the initiative has evolved into one that draws upon the expertise of lawyers in a variety of disciplines.

In 2008, the ABA Health Law Section joined the Commission in its work and assumed responsibility for the project. Together, they formed the Breast Cancer Advocacy Task Force, a group of 70 volunteer members dedicated to providing extensive resources to lawyers and consumers dealing with breast cancer. Led by an executive committee with members from both the Health Law Section and the Commission, the Breast Cancer Task Force has become the Section's premier pro bono effort.

To help address legal issues and reduce the stress during an already difficult time, the Task Force developed the Breast Cancer Legal Advocacy Workshop. Held across the country, these workshops



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are designed to provide attorneys, regardless of their areas of legal expertise, with the resources and training needed to help counsel breast cancer patients on those areas of the law they are most likely to confront as a result of their illness.

Expanding on the Workshop, the Health Law Section developed the Breast Cancer Legal Advocacy Workshop Toolkit to assist other organizations interested in conducting a workshop in their community. The Toolkit is a practical guide that covers the full range of issues in developing a three or six-hour workshop, including how to secure CLE credit, sample materials, and how to promote attendance.

"The number of women affected by breast cancer

underscores the need for more advocacy workshops," stated Shelley Hubner, Chair of the Breast Cancer Task Force. "By developing this Toolkit, we have tried to make it as easy as possible for an organization interested in assisting breast cancer patients to hold a workshop for local attorneys."

This February, the Health Law Section partnered with the Arizona Women Lawyers Association to host a Breast Cancer Legal Advocacy Workshop during its 11th Annual Conference on Emerging Issues in Healthcare Law. The three-hour Workshop provided CLE credit and was offered free of charge to attorneys in the local Phoenix area and conference attendees. To date, the Health Law Section has sponsored nearly fifteen Breast Cancer Legal

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IN THE SPOTLIGHT

Together at Last

Medical-Legal Partnerships Pro Bono Support Project

Not every illness has a biological remedy. For three-year-old Refnely, no amount of medication could prevent the pneumonia, rashes, and unexplained weight loss. Living in a vermin-infested building, Refnely's mother described to her doctor the trash piling up around her building and brought pictures of the mice under her daughter's crib. Knowing that Refnely's problems related to her poorly maintained housing, the doctor referred her mother to the Medical-Legal Partnership in Providence, Rhode Island.

Medical-Legal Partnerships integrate lawyers into the health-

care setting to help patients navigate the complex legal system that often holds the solution to social determinants of health – utility shut-off protection during cold winter months or mold removal from the home of asthmatic children. Today, doctors and lawyers are partnered at over 185 hospitals and health centers nationwide, serving children, the elderly, patients with cancer, pregnant women, and other vulnerable populations.

The ABA Medical-Legal Partnerships Pro Bono Support Project, a program of the Center for Pro Bono, is developing a national support center to further extend

the reach of this exciting legal services delivery model. Recently, the Project created an online directory listing detailed information about the medical-legal partnerships located across the country, allowing lawyers and the general public to learn more about the services in their local area. In addition, the Project is educating bar associations and law firms about the success of these programs and encouraging them to provide pro bono services to individuals and families in need of support.

Dr. Barry Zuckerman, Chief of Pediatrics at Boston Medical Center, understood that lawyers could

do more than a pediatrician to address the social factors affecting child health and stability. He appreciated that lawyers could help to ensure access to food stamps, fight illegal evictions, and protect children from malnutrition, homelessness and exposure to violence. Moved by the plight of his patients, he began the first medical-legal partnership program in the United States.

With an attorney advocating on Refnely's behalf, the landlord was compelled to bring the building up to code. Within no time, thanks to the improved living conditions, Refnely's health was restored.

TAKING ACTION

Legal Prescription

AIDS Coordination Project

Every nine and a half minutes, someone in the United States contracts HIV. Those affected by the disease not only face a battle for their lives, they also face a complex array of legal issues that can shape the impact of the disease. That is why the Centers for Disease Control and Prevention (CDC) issued a statement recommending an immediate referral to legal services after the discovery of a person's HIV status. Never before in its history has the CDC proclaimed a need for legal services based upon the diagnosis of a disease.

The ABA AIDS Coordination Project is working with organizations across the country, as well as around the world, to help bridge the gap between the

CDC's recommendation for legal services and the delivery of legal services to those living with HIV/AIDS. Under the auspices of the ABA Section of Individual Rights and Responsibilities, the AIDS Coordination Project serves as a national clearinghouse for HIV/AIDS-related legal information, and it has been instrumental in educating lawyers that are unfamiliar with the disease and its impact.

Overwhelmed by the diagnosis and unaware of the legal ramifications of the disease, individuals living with HIV/AIDS must find counsel to help them identify and confront potential problems. From employment discrimination and access to health care to bankruptcy and privacy issues, individuals living with HIV/AIDS often

struggle to maintain their rights and place within society.

However, despite the rapidly growing HIV/AIDS population, many within the legal profession are unfamiliar with the disease and its impact. For over 20 years, the Project has offered legal workshops and produced numerous publications that have been instrumental in educating the legal community on the unique legal issues facing those with HIV/AIDS.

In conjunction with the ABA 2010 Midyear Meeting, the Project hosted a conference that brought lawyers together with physicians and social workers to discuss innovative solutions to such problems as discrimination, confidentiality, and access

to adequate healthcare. This summer, the Committee will represent the ABA at the 18th International AIDS Conference, where more than 25,000 stakeholders are expected to converge for ten days of programs exploring cutting-edge issues in HIV-related science, policy and law.

Instead of sympathy, HIV/AIDS often arouses contempt; instead of compassionate care, it encourages fear and neglect. As the AIDS epidemic approaches 30 years with no cure in sight, the need for legal support will remain in high demand. The AIDS Coordination Project will continue to do its part to educate lawyers about the legal ramifications of the disease and train them to assist those overwhelmed by their diagnosis.

EDUCATIONAL OPPORTUNITIES

Addressing Depression

Commission on Lawyer Assistance Programs

Stress. We all feel it. But the practice of law, with the pressure to increase billable hours and work around the clock, is taking its toll. On average, lawyers suffer greater levels of depression and substance abuse than the general population, and the current economy is adding to their daily demands. Law students cannot find jobs, thousands of associates are being laid off, and older lawyers are unable to retire due to investment losses. During these difficult times, more lawyers are seeking assistance to help improve their mental and physical health.

Lawyer Assistance Programs (LAP's) exist in all 50 states and are

designed to help lawyers with all types of quality of life issues, including drug abuse, alcoholism, stress management, and mental health issues such as depression. The ABA Commission on Lawyer Assistance Programs helps coordinate efforts with state and local LAP's to develop new services and expand existing programs designed to improve the health and well being of judges, lawyers and law students.

For the Honorable Robert L. Childers, Chair of the Commission, recognizing the need for Lawyer Assistance Programs began early in his judicial career after a colleague committed suicide. "My friend had shown few outward signs that anything was wrong. He was an

extremely bright and competent attorney and an accomplished musician with a brilliant mind and quick wit. It came as a complete shock to most everyone when he took his own life."

Statistics suggest that the rate of suicide attempts among attorneys is increasing as the effects of the recession widen. Responding to the need for increased suicide prevention, the Commission developed *What Lawyers Need to Know About Suicide During a Recession*. This free MP3 audio download is available to the public and addresses the ethical responsibility employers have to assist attorneys in their employ that may be suicidal. Participants of the program also receive train-

ing to help them identify the signs of depression and suicide. To access your copy of this complimentary download, visit www.abanet.org/legalservices/colap/.

As part of its coordinating efforts among LAP's, the Commission offers a toll-free helpline (1-866-LAW-LAPS) and online directory where concerned colleagues or those in need of services can locate a program in their area. Most LAP's use intervention, peer counseling, and referrals to 12-step programs to assist in the recovery process. Today, with increased education and understanding, lawyers, judges and law students are being helped earlier and often before they can harm a client or themselves.

RECOGNITION & CELEBRATION

Spirit of Excellence Awards

Commission on Racial and Ethnic Diversity in the Profession

The American Bar Association is proud to recognize the efforts and accomplishments of lawyers who work to promote a more racially and ethnically diverse legal profession. This February, the Spirit of Excellence Awards Luncheon honored five exemplary lawyers for their achievements and commitment to helping racially and ethnically diverse lawyers advance in their careers.

For 15 years, the ABA Commission on Racial and Ethnic Diversity in the Profession has been celebrating the dedication, perseverance, and leadership of those individuals who have strived for a more representative legal profession. From diversifying powerful corporations to founding organizations that promote civil rights, these award winners, through their hard work and diligence, have contributed to and vastly improved the diversity within the legal profession.

Francisco Angones
Co-Founder and President,
Angones, McClure & Garcia

Justice Bernette Joshua Johnson
Associate Justice,
Louisiana Supreme Court

Raymond L. Ocampo, Jr.
President and CEO,
Samurai Surfer LLC



Spirit of Excellence Award winners, from left to right: Francisco Angones, Raymond L. Ocampo, Jr., Justice Bernette Joshua Johnson, Louis Stokes, and Brad Smith.

Louis Stokes
Senior Counsel,
Squire, Sanders & Dempsey LLP

Brad Smith
General Counsel and
Senior Vice President,
Legal and Corporate Affairs,
Microsoft Corporation

The Spirit of Excellence Awards distinguish only those legal professionals whose tireless efforts have advanced not only their own careers, but helped other struggling minorities. The motto of the

award, "*Ad Astra per Aspera – To the Stars through Difficulty*," symbolizes the struggle of racially and ethnically diverse lawyers as they travel the road to personal and professional success.

"It is hugely important that each person in this country believes that the legal profession and the justice system operate with respect and understanding for all," stated Commission Chair Fred W. Alvarez. "The Spirit of Excellence Awards celebrate the achievements of diverse lawyers

who lead by example and who demonstrate that brilliance and leadership benefit us all."

Held annually at the ABA Mid-year Meeting, the Spirit of Excellence Awards represent just one of the ways the ABA is fulfilling its long-standing commitment to diversity within the profession. With support from the ABA Fund for Justice and Education, the Commission hopes to serve as a catalyst for change by helping the profession understand and eliminate racism, bigotry and discrimination.

The Profession in Action

Continued from page 1

Advocacy Workshops, authored a comprehensive training toolkit, updated the Breast Cancer Legal Advocacy Training Guide, and initiated a project to assemble and host an online library of attorney breast cancer survivor stories.

To expand its breast cancer legal advocacy goals, the Health Law Section partnered with the Cancer Legal Resource Center (CLRC), a national, joint program of the Disability Rights Legal Center and Loyola Law

School in Los Angeles. The CLRC provides free and confidential information and resources on cancer-related legal issues to cancer patients, survivors, caregivers, employers, health care professionals, and others coping with cancer. The Health Law Section chose to partner with the CLRC based upon its impressive 12-year history during which it has served over 155,000 people through its conferences, seminars, workshops, outreach programs, and other community activities.

When Mary could not resolve her health insurance issues on her own, she called the CLRC's national, toll-free Telephone Assistance Line (866-THE-CLRC). Every year, the CLRC receives over 4,000 calls from people across the country seeking cancer-related legal assistance. For this reason, the CLRC created its Professional Panel of Lawyers to provide a critical service for people with cancer. The CLRC often refers callers to an attorney on the CLRC's Professional Panel who are licensed in their state and practice in a relevant legal field such as family law, estate planning, government benefits, and health and disability insurance.

The ABA cannot refer requests for legal services to specific lawyers; however, the partnership created by the Breast Cancer Task Force with the CLRC is one of the best ways for workshop-trained attorneys to connect to people in need of their services. Through its comprehensive breast cancer legal advocacy training and the opportunity to join the CLRC's Professional Panel, the Breast Cancer Task

Force effectively is connecting attorneys with those in need of counsel.

Mary knew she was fortunate to have health insurance and doctors she could trust. But she was tired of wasting precious energy researching her options and fighting with her insurance carrier. The day Mary called the CLRC, she was immediately connected with a volunteer attorney in New York. Relieved to have a legal ally, Mary worked with her lawyer who contacted the insurance carrier on her behalf and fought to secure the right to her plastic surgeon. With the help of her attorney, two days before her scheduled surgery, the

carrier reversed its position and approved coverage for Mary's plastic surgeon.

The need for legal services among breast cancer patients far exceeds the available resources. The Breast Cancer Task Force is playing an integral role in expanding the number of lawyers trained to help those diagnosed with the disease. For Mary, and for thousands of others like her, knowing she had an advocate on her side helped overcome her legal frustrations and allowed her to focus on the most important thing – recovering.

**The patient's name has been changed for privacy reasons.*



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Support the ABA's Efforts

Help the American Bar Association expand its public service and educational programs that serve the legal needs of our communities. Discover for yourself how your contribution to the ABA Fund for Justice and Education helps the ABA make a difference in the lives of those we serve.

www.abanet.org/fje

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RECENT AND UPCOMING EVENTS

April

April 29-30, 2010
Women in Law Leadership (WILL) Academy
Commission on Women in the Profession
Philadelphia, Pennsylvania
www.abanet.org/women

May

May 1, 2010
Law Day 2010 – Law in the 21st Century
Division for Public Education
Nationwide
www.abanet.org/publiced



May 13 – 15, 2010
2010 Equal Justice Conference
Division for Legal Services
Phoenix, Arizona
www.abanet.org/legalservices/ejc

June

June 2-5, 2010
National Conference on
Professional Responsibility
Center for Professional Responsibility
Seattle, Washington
www.abanet.org/cpr

July

July 18-23, 2010
18th International AIDS Conference
AIDS Coordination Committee
Vienna, Austria
www.abanet.org/AIDS

August

August 5-10, 2010
2010 ABA Annual Meeting
American Bar Association
San Francisco, California
www.abanet.org/annual/2010

August 8, 2010
Margaret Brent Women Lawyers of
Achievement Awards Luncheon
Commission on Women in the Profession
San Francisco, California
www.abanet.org/women

August 7, 2010
Pro Bono Publico Awards Assembly Luncheon
Standing Committee on Pro Bono
and Public Service
San Francisco, California
www.abanet.org/legalservices/probono



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