



## From the Chair...

by Mark I.  
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### Chair of the ABA Standing Committee on Pro Bono and Public Service

Though our profession is at the forefront of protecting the rights of others, in times of crisis it is only natural that we tend to think of ourselves. As the legal marketplace experiences unprecedented stress it is not surprising, then, to see private law offices focusing inward, minimizing, maintaining and retooling the business aspects of their practices. One by-product of this retrenchment that must be watched closely is to what extent law firms might be cutting back on their charitable giving and pro bono commitments.

Even though there is not yet any hard data on this question, anecdotally there is evidence that law firms have reduced their charitable contributions and are rethinking how those funds will be spent. Added to the steep decline in IOLTA funds, this has put great financial strain on an already overburdened legal services delivery system.

While some have suggested that pro bono hours are higher than ever as firms are diverting underutilized lawyers into pro bono work, that trend is not clear. Rather, pro bono partners are reporting that, as lawyers are laid off, they are returning their pro bono caseload into inventory. These cases must either be referred to others in the firm or returned to the referring agency. The first instance creates the challenge of moving cases to other lawyers who are understandably under

*(continued on page 4)*

## Pro Bono as a Healing Art

by Kelly Scott, Staff Attorney, ABA Center for Pro Bono  
Medical-Legal Partnerships Pro Bono Support Project

### Medical-Legal Partnership

It can not be disputed that our health is greatly affected by our social circumstances. No amount of medication will help a child with asthma when she continues to live in an apartment overgrown with mold that the landlord refuses to remove. Nor will a child thrive without proper nutrition and access to health care. However, there is hope when doctors and lawyers work together. An innovative legal services delivery model is gaining momentum: medical-legal partnerships. The medical-legal partnership is an interdisciplinary approach to solving health issues that are rooted in social circumstances and can be alleviated with the intervention of a lawyer on the medical team. Two professions, typically at odds, work collectively to ensure the best outcomes for patients.

The first medical-legal partnership was founded in 1993 by Dr. Barry Zuckerman, a pediatrician at Boston Medical Center. It was a local program created to complement the work of doctors by providing a different set of skills to pediatricians to keep patients and their families healthy. The medical-legal partnership model proved to be a success and in 2006 a national center was established to promote the model. Earlier this year, the national center expanded to serve all vulnerable populations and is now called The National Center for Medical-Legal Partnership.<sup>1</sup> The National Center for Medical-Legal Partnership assists medical-legal partnership sites already in formation, provides training, conducts research and creates policy. Today there are over 80 medical-legal partnerships that improve the health and well-being of vulnerable populations across the United States. Lawyers represent patients on a number of issues including housing, access to utilities, immigration, education, public benefits and family law.

In the past, patients were generally on their own to navigate the legal system or referred to a legal services office that is already overburdened by clients in need. In a medical-legal partnership, doctors are trained to recognize legal issues that may have a detrimental effect on a patient's health since they are uniquely situated to catch these issues before they reach a point of crisis. After a potential legal issue has been identified, the doctor refers the patient to a lawyer at the medical-legal partnership in conjunction with that hospital or clinic. The lawyer can be a medical-legal partnership staff attorney at the hospital, an attorney at a collaborating legal services office, or a pro bono attorney. While there are several different models of medical-legal partnerships, all aim to provide legal services that improve the lives of patients and address the issues that burden a patient's health.

### Pro Bono Opportunities and Medical-Legal Partnerships

Medical-legal partnerships have created unique opportunities for pro bono services. In addition to the traditional case-by-case referral method, pro bono attorneys can provide valuable services to medical-legal partnerships in a number of ways. For example, law firms can adopt hospital or community clinics or pro bono attorneys can participate in clinics set up by medical-legal partnership staff.

In the adoption model, a law firm agrees to provide its expertise and skills to the patients of a specific hospital or clinic. This model eliminates the need for patients to travel to a number of places to

*(continued on page 5)*

## Healing Art

(continued from page 3)

travel to a number of places to receive assistance for their basic needs. The only model of this kind was created by the Medical-Legal Partnership Boston. In this model the law firm agrees to staff a weekly legal clinic, attend trainings, and represent patients on legal matters while absorbing any out-of-pocket expenses. Doctors will refer the patient to the medical-legal partnership pro bono attorney for intake. Upon the discovery of an unmet legal need, the patient schedules an appointment during the law firm's weekly clinic hours. The attorney will evaluate the legal problem, give advice, or represent the patient on one or multiple issues. A law firm typically averages 700 hours of pro bono work during the first year of involvement with the adoption model. There are currently 5 law firms that have adopted clinics in the Boston area. Each firm will provide legal services to an average of 29 families a year.<sup>2</sup>

Another way of utilizing pro bono services is through a pro bono clinic setting where pro bono attorneys can give advice on specific issues. An example of a clinic supported by pro bono attorneys and a medical-legal partnership is a utility clinic. The Medical-Legal Partnership Project in Hartford, Connecticut started the "Keep the Power On" utility clinic.<sup>3</sup> The clinic was created in response to a law in Connecticut, similar to those in most states, that guarantees utility service during the coldest months of the year. Unfortunately, in the spring, many of these customers are left with an extremely large utility bill and no protection from discontinuation of services. There is an exception made if a medical condition exists in the household that would put the individual's life at risk if the utilities were disconnected. The clinic serves families who do

not fall within this exception. Pro bono attorneys are recruited and trained by the medical-legal partnership to provide budget counseling. The medical partners provide the clinic information to the patients, and utility company representatives attend the clinic to enroll the patients in affordable payment plans. The patients are educated about budgeting on a very limited income and prioritizing expenses with the goal of avoiding a yearly crisis. The result is a balanced budget that can provide for electricity, gas services, rent and groceries to keep their families healthy.

As a part of the national movement towards medical-legal collaboration and the new pro bono activities it provides, the ABA Center for Pro Bono is now home to the Medical-Legal Partnerships Pro Bono Support Project (MLP Project). The MLP Project's goal is to expand the current landscape of medical-legal partnerships by engaging the private bar as a consistent provider of legal services in hospital, clinic and other health care settings. The MLP Project will provide guidance to medical-legal partnerships as they initiate and develop their programs. To accomplish this objective, the MLP Project will provide support and training to pro bono attorneys through a variety of resources on the website as well as workshops at conferences.<sup>4</sup> The MLP Project will assist medical-legal partnerships in establishing pro bono programs, securing pro bono participation, and ensuring quality service delivery in their communities by developing a compendium of best models and best practices. And, the MLP Project will educate both lawyers and health care providers about the enhanced medical outcomes to medical-legal partnership clients.

### Everyone Benefits

Medical-legal partnerships rely on the collaboration of

professionals to ensure the best possible outcomes for patients, and the benefits from them are far reaching. Medical-legal partnerships help put to rest the stereotypes that often cloud the relationships between doctors and lawyers. Additionally, attorneys are given the opportunity to form collegial relationships with doctors and participate in interdisciplinary work. Doctors learn of legal issues affecting their patients and gain the ability to treat their patients with tools outside the world of medicine. Doctors finally have the resources not only to improve the health of their patients but to alleviate some of the chronic social burdens that face vulnerable populations.

The patient and their families, however, receive the ultimate benefit. They are provided with a group of professionals that act as a team to remove the social impediments affecting their health. With the help of their pro bono lawyer, they can navigate the persistent social conditions that contribute to chronic, often debilitating medical conditions, and lead healthy and productive lives.

### Endnotes

- <sup>1</sup> Please see The National Center for Medical-Legal Partnership website at [www.medical-legalpartnership.org](http://www.medical-legalpartnership.org)
- <sup>2</sup> The Adoption Model was created by Samantha Morton, Executive Director, Medical-Legal Partnership Boston. Information on the Adoption Model was provided by Jennifer Stam Goldberg, Staff Attorney and Pro Bono Manager, Medical-Legal Partnership Boston.
- <sup>3</sup> The "Keep the Lights On" Clinic information was provided by Bonnie Roswig, Senior Staff Attorney at the Medical-Legal Partnership Project, Center for Children's Advocacy, Connecticut Children's Medical Center, Hartford, CT.
- <sup>4</sup> To learn more about the ABA MLP Project, please visit [www.medlegalprobono.org](http://www.medlegalprobono.org)