



Medical-Legal Partnerships: Practicing Preventative Law

By Kelly A. Scott, Staff Attorney, ABA Center for Pro Bono, Medical-Legal Partnerships Pro Bono Support Project, Chicago, IL



Medical-Legal Partnerships

Our health is greatly affected by social circumstances. No amount of medication will help a child that suffers from chronic asthma when she continues to live in an apartment overgrown with mold. Nor will a person be able to stay healthy without access to healthcare or living in a home without heat. To deal with these issues doctors and lawyers have come together for the greater good by creating an innovative legal services delivery model that continues to gain momentum; the medical-legal partnership. A 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, sometimes at odds, work collectively to ensure the best outcomes for patients and their families.

Today there are over 80 medical-legal partnerships across the United States that improve the health and well-being of vulnerable populations including children, people with HIV/AIDS, cancer, and the elderly. Medical-legal partnerships can be found at 73 hospitals and 112 health centers across the country.¹ Through the partnerships, lawyers represent patients on a number of issues including housing, access to utilities, immigration, education, public benefits, education and family law.

The Practice of Preventative Law

In the past, patients were generally on their own to navigate the legal system or referred to a legal services office that was already over burdened by clients in need. One of the distinguishing factors between a medical-legal partnership and a traditional legal services office is the ability to identify and address legal problems before the point of crisis. In the traditional legal services model, a case is not typically taken unless it has reached a certain point, such as the receipt of an eviction notice or the denial of social security disability benefits. In contrast, medical-legal partnership enables the practice of preventative law. Just like preventative medicine, preventative law catches problems before they escalate.

In a medical-legal partnership, doctors and their healthcare colleagues are trained to recognize legal issues that may have a detrimental effect on a patient's health. The basic idea is that medical professionals 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 a children's hospital, an attorney at a collaborating legal services office, or a pro bono attorney. Some models consist of only one attorney, while others may have a

staff of two or three. Medical-legal partnerships are also found at law schools as a part of law school clinical programs. Some law school clinics are partnered with medical schools and teaching hospitals. While there are various 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.

Educating the healthcare providers is critical to the practice of preventative law. The success of a medical-legal partnership largely relies on the ability of the healthcare provider to identify the need for a lawyer to address an issue, and the healthcare provider's ability to make referrals to lawyers as part of the medical team. Ultimately, doctors should view the attorney as a type of specialist and make referrals to attorneys just as they would another medical specialty such as a cardiologist. However, the referral cannot be made without the recognition of a legal issue. Physicians, medical residents, nurses, and social workers must all be trained to spot legal issues. The training must include information about medical-legal partnerships in general as well as substantive legal issues that the lawyers can address. The training is an integral part of the medical-legal partnership because the medical professionals must be able to do a quick screening for legal issues that impact health outcomes. A number of medical-legal partnerships have an Advocacy Code Card² or a similar reference for medical professionals to use as a guide. These reference guides provide quick screening questions, legal issues, and referral information specific to a medical-legal partnership. Training can also take place at workshops by the medical-legal partnerships at hospital, clinics and medical schools. In fact, there are even a few medical schools and law schools that offer joint medical-legal partnership courses.³

New Opportunities for Pro Bono Attorneys

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 hospitals or community clinics, and 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 legal services to the patients of a specific hospital or clinic. This model eliminates the need for patients to travel to a number of places to receive assistance with their basic needs. The first and so far only model of this kind was created by the Medical-Legal Partnership Boston. In this model the participating 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 evaluates the legal problem, gives advice, or represents 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 five law firms that have adopted clinics in the Boston area. Each firm will provide legal services to an average of 29 families a year.⁴

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 Harford, Connecticut started the "Keep the Power On" utility clinic.⁵ The clinic was created in response to a law in Connecticut, similar to 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. 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 and 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 is a joint collaboration of the ABA Center for Pro Bono, the ABA Center for Children and the Law, the ABA Health Law Section, and the ABA AIDS Coordinating Committee. 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 ABA MLP Project's website⁶ as well as workshops at conferences. The MLP Project will assist medical-legal partnerships in establishing pro bono programs, securing pro bono participation, and ensuring quality service delivery in their community by developing a compendium of best models and best practices. In addition, the MLP Project will educate both lawyers and health care providers about the enhanced medical outcomes to medical-legal partnership clients.⁷

The Benefits

Medical-legal partnerships rely on the collaboration of professionals to ensure the best possible outcomes for patients, and the benefits are far-reaching. Medical-legal partnerships help break down the stereotypes that often cloud the traditional 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 patients and their families, however, receive the ultimate benefit. They are provided with a team of professionals that act as a team to remove the social impediments affecting their health. With the help of their lawyer, families can navigate the persistent social conditions that contribute to chronic, often debilitating medical conditions, and lead healthy and productive lives.

¹ Medical-Legal Partnership Network Annual Partnership Site Survey – March 2009.

²

Advocacy Code Cards contain general screening questions for legal issues and as well as screening questions for substantive areas such as social security, housing, food stamps and special education. The cards are specific to each medical-legal partnership and usually contain information about local resources for patients. Examples of Advocacy Card Cards are available on the National Center for Medical-Legal Partnership website at www.medical-legalpartnership.org.

³ Medical-legal partnership joint courses are available at Roger Williams University School of Law and Brown Alpert Medical School and Stanford Law School and Stanford School of Medicine.

- ⁴ 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.
- ⁵ 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.
- ⁶ Please see www.medlegalprobono.org.
- ⁷ To learn more about the ABA MLP Project, please visit www.medlegalprobono.org.

The ABA Health eSource is distributed automatically to members of the [ABA Health Law Section](#). Please feel free to forward it! [Non-members may also sign up to receive the ABA Health eSource.](#)