

***Poverty, Health and Law:
The Medical/Legal Collaborative
LA 731
Fall 2009***

Professor Liz Tobin Tyler
Director of Public Service and Community Partnerships
Lecturer in Public Interest Law
Feinstein Institute for Legal Service
Suite 243
ltyler@law.rwu.edu
254-4634

Course Description

Interdisciplinary collaboration between lawyers and other professionals such as social workers, doctors, and mental health professionals is becoming increasingly common as a way to address the complex and multidimensional social problems faced by disadvantaged and vulnerable clients, particularly poor families. This seminar will explore one example of such interdisciplinary practice: the medical/legal collaborative. In the medical/legal collaborative, doctors and lawyers work together to improve the health and long-term outcomes of low-income individuals and families through legal and systemic advocacy.

Through such topics as poverty and public benefits, safe and affordable housing, family violence and child safety, the rights of special needs children, and obesity and public health law, we will explore how lawyers can engage in creative problem-solving with doctors to promote justice for families and improve child health. What are the benefits to clients/patients of interdisciplinary practice? What types of legal problems are better addressed through interdisciplinary practice? What are the professional ethical concerns for lawyers and doctors when practicing in an interdisciplinary setting? What values should legal and medical professionals draw on when advising their clients? What happens when an attorney or doctor perceives that a parent is not acting in the best interests of a child?

Joint Sessions with Brown Medical School

Over the course of the semester, six class sessions will be held jointly with medical students taking a seminar entitled, "Law, Medicine and Ethics," taught by Dr. Patricia Flanagan and Dr. Jay Baruch at Brown Medical School. At these classes, law and medical students will work together to explore ethical issues and effective communication between lawyers and doctors through case simulations. Guest lecturers and facilitators, both legal and non-legal, will be used to explore the interdisciplinary nature of the topics. In addition, at the end of the semester, law and medical students will be trained together to provide guidance to low-income families facing utility shut-offs at a clinic to be held at Hasbro Children's Hospital.

Public Interest Externship Students

Students participating in a public interest externship at the Rhode Island Medical-Legal Partnership for Children, a medical/legal collaborative at Hasbro Children's Hospital, will be able to share their practical experience working in an interdisciplinary setting.

Course Meeting Time

To accommodate the time needed for the joint classes with Brown Medical School, class will meet from 6-8pm for the joint classes. All other classes will be held from 6-7:25 pm.

Course Readings

All course readings are available on the course TWEN site.

Office Hours

Wednesdays, 12 – 2 pm or by appointment. Please sign up through TWEN.

Course Requirements

Class participation: 20%

Cases: 30%

Final Project: 50%

Class Participation (20%)

The goal of this course is to encourage students to think more broadly about their role as lawyers, how they might advocate for disadvantaged clients, and ways to collaborate with other professionals. The format of the class will be primarily discussion-based; therefore, thoughtful preparation and active participation is required. The joint sessions with Brown Medical School will involve interdisciplinary problem-solving with medical students. Students should prepare well for these sessions, since they will need to draw on the assigned readings when working through the problems.

In addition, to encourage continued dialogue about the topics discussed in joint classes, law and medical students will be asked to write short reflections on the TWEN website. These reflections will be included in the participation grade.

Absences from class must be excused in advance. A student missing more than two class sessions will not receive credit for the course.

Cases (30%)

For the class sessions indicated on the syllabus, there will be a short case assigned. These cases are designed to get students thinking about the substantive legal issues involved in the topic for the week and to help prepare them for interdisciplinary problem-solving in the joint session with Brown Medical School. Students will use the course readings to address the issues raised in the case in a 4-5 page response.

Project 50%

Students will partner with another student in the class (and in some cases also with a medical student) to develop educational materials on a particular medical-legal subject. These materials will include a power point presentation, handbook, and pamphlet. The project requirements will be discussed in more detail in class.

Syllabus

August 26: Poverty & Health: What's Law Got to Do with it?

- What are the connections between health and poverty?
- How do views about the causes of poverty influence legal and policy responses?
- How has the issue of SES been understood in the health care context?

Readings:

Rank, *Toward a New Understanding of American Poverty*, 20 Wash. U. J.L. & Pol'y 17 (2006)

Blacksher, *Healthcare Disparities: The Saliency of Social Class*, 17 Cambridge Quarterly of Healthcare Ethics 143 (2008).

September 2: New Ways to Practice Law and Medicine: Prevention, Collaboration & Interdisciplinary Problem-Solving

- Are lawyers trained to collaborate with other professionals?
- What is preventive law?
- Why are lawyers critical to improving poor children's health outcomes?

Readings:

Weinstein, *Coming of Age: Recognizing the Importance of Interdisciplinary Education in Law Practice*, 74 Wash. L. Rev. 319 (1999).

Morton, et al, "Advancing the Integrated Practice of Preventive Law and Preventive Medicine" in *Preventive Law and Problem-Solving: Lawyering for the Future* (2009).

Zuckerman, *Why Pediatricians Need Lawyers to Keep Children Healthy*, 114 Pediatrics 224 (2004).

September 9: The Role of Doctors and Lawyers in Addressing the Social Determinants of Health

JOINT CLASS WITH BROWN MEDICAL SCHOOL AT BROWN, ROOM TBA

**Film: PBS Documentary: Unnatural Causes: Is Inequality Making Us Sick?
Episode One: In Sickness and in Wealth**

- What is meant by the “social determinants of health?”
- Why do health disparities exist based on race, ethnicity and social class?
- Do doctors and lawyers have an obligation to address social and health inequality?
- What can doctors and lawyers do to address the social determinants of health?

Readings:

Lawton, et al, “Disparities in Health, Disparities in Law: The Global Potential of Individual Advocacy” in *Health Capital and Sustainable Socioeconomic Development*, 2008. 419-439.

Kenyon, et al, *Revisiting the Social History for Child Health*, 120 *Pediatrics* 724 (2007).

Rhode, Chapters 2 & 4 in *Pro Bono in Principle and Practice: Public Service and the Professions* (2005).

Cruess, et al, *Professionalism for Medicine: Opportunities and Obligations*, 177 *MJA* 208 (2002).

September 16: Poor Families: Navigating the System – A Poverty Simulation

JOINT CLASS WITH BROWN MEDICAL SCHOOL AT RWU, ROOM 283

PLEASE NOTE: THIS CLASS WILL RUN FROM 6:00 TO 9:00 PM.

- What barriers do low-income families face in trying to survive day to day?
- How effective are government programs in assisting poor families?

Readings:

Shipler, *The Working Poor: Invisible in America*, Introduction and Chapter 8 (2004).

Pollack, *An Introduction to Temporary Assistance for Needy Families*, *Poverty Law for the New Lawyer*, National Center on Poverty Law (2002).

Center for Budget Policy and Priorities, *Introduction to the Food Stamp Program* (2009).

Rhode Island Poverty Institute, *Help for Low-Income Families & Monthly Income Limits* (2009)

CASE #1 DUE BY 5:00 PM TO TWEN.

September 23: No Class

September 30: Client/Patient Narratives: Listening and Interpreting

- How do doctors and lawyers interpret and respond to a client's or patient's story?
- How should a lawyer "translate" a client's story into legal narrative?
- What is the role of race, class, and culture in lawyer-client or doctor-patient communication?

Readings:

Gilkerson, *Poverty Law Narratives: The Critical Practice and Theory of Receiving and Translating Client Stories*, 43 *Hastings L.J.* 861, 894-911 (1992).

Bryant & Peters, "Six Practices for Connecting with Clients Across Culture" (183-208) in Silver, *The Effective Assistance of Counsel: Practicing Law as a Healing Profession* (2007).

Charon, *Narrative Medicine: A Model for Empathy, Reflection, Profession and Trust*, *Journal of the American Medical Association*, Vol. 286, No. 15 (October 17, 2001).

Excerpt from Fadiman, *The Spirit Catches You and You Fall Down* (1997).

October 7: Finding a Place to Live: Affordable Housing & Health

- What housing options do low-income families have?
- Why are these options insufficient?
- What is the connection between affordable housing and health?

Readings:

Center on Budget & Policy Priorities, *Introduction to Public Housing* (December 17, 2008)

Ashley, *An Introduction to Fair Housing Law*, *Poverty Law for the New Lawyer*, National Center on Poverty Law (2002).

Currie, "A Long Way Home: Danette Tucker's Desperate Search for an Affordable Place to Live," *The Washington Post* (December 17, 2006).

The Positive Impacts of Affordable Housing on Health: A Research Summary, Center for Housing Policy (2007).

October 14: Children Living in Unsafe Housing: The Problem of Lead Poisoning

JOINT CLASS WITH BROWN MEDICAL SCHOOL AT BROWN, ROOM TBA

- How do children get lead poisoned?
- What is the connection between lead poisoning, eviction, and tenants' rights?
- How can doctors and lawyers partner to better serve families with lead poisoned children or to prevent lead poisoning?

Readings:

Cherayil, et al, *Lawyers and Doctors Partner for Healthy Housing*, Clearinghouse Review, Journal of Poverty Law and Policy (May-June 2005).

RI Department of Health, *Childhood Lead Poisoning in Rhode Island: The Numbers, 2009*.

Richardson, *The Cost of Being Poor: Poverty, Lead Poisoning, and Policy Implementation*, p. 1-9, 40-45 (2005).

Tobin Tyler, *Safe and Secure: Enforcing the Right of Low-Income Tenants to Lead-Safe Housing* (June 2002) (excerpts).

CASE #2 DUE BY 5:00 PM ON TWEN.

Use: Rhode Island Department of Administration, *Rhode Island Landlord-Tenant Handbook*.

October 21: Professional Ethics: Issues for Lawyers in Interdisciplinary Practice

- What rules of professional responsibility constrain lawyers' ability to practice in an interdisciplinary setting?
- What are the specific problems that arise in the medical-legal collaborative?
- How can these problems be addressed?

Readings:

Rhode Island Rules of Professional Conduct (Rules 1.6, 1.7, 5.3 & 5.4).

Privacy Rights of Patients under HIPAA: Review -

<http://www.hhs.gov/ocr/privacy/hipaa/understanding/index.html> (web link on TWEN)

Brustin, *Legal Services Provision through Interdisciplinary Practice – Encouraging Holistic Advocacy While Protecting Ethical Interests*, 73 U. Colo. L. Rev. 787 (2002) (Excerpts).

Tames, et al, *The Lawyer Is In: Why Some Doctors Are Prescribing Legal Remedies for Their Patients, and How the Legal Profession Can Support Their Effort*, 12 Boston Univ. Pub. Int. L.J. 504 (2003).

October 28: Protecting Victims or Destroying Families: Mandatory Reporting and Domestic Violence

JOINT CLASS WITH BROWN MEDICAL SCHOOL AT RWU, BAY VIEW ROOM

- When should a pediatrician report suspicion of child abuse or neglect to authorities?
- Should a child's exposure to domestic violence be considered child abuse or neglect?
- How effectively do the child protection and domestic violence systems work together?
- How can doctors and lawyers partner to better serve victims of domestic violence and their children?

Readings:

“Child Protection from Abuse,” in Fellmeth, in *Child Rights and Remedies: How the U.S. Legal System Affects Children* (2002).

Kalichman, “Mandatory Child Abuse Reporting Laws: Origins and Evolution,” in *Mandatory Reporting of Suspected Child Abuse: Ethics, Law and Policy* (1993).

Holden, *Children Exposed to Domestic Violence and Child Abuse: Terminology and Taxonomy*, 6 Clin. Child Family Psych. Rev. 151 (2003).

Christian, *Children's Exposure to Domestic Violence: Is it Child Abuse?* 27 NCSL State Legislative Report (2002).

CASE #3 DUE BY 5:00 PM ON TWEN

November 4: Children with Disabilities: Enforcing Educational Rights

- How are children with disabilities identified?
- What rights do children with special needs have in the educational setting?
- What barriers exist for families in enforcing their rights?

Fellmeth, “Children with Special Needs,” in *Children's Rights and Remedies, How the U.S. Legal System Affects Children* (2002).

Ordoover, “The Basic Framework: IDEA, Section 504, the ADA and Related Laws,” in *Education Rights of Children with Disabilities: A Primer for Advocates* (2001).

Losen & Orfield, Introduction from *Racial Inequality in Special Education* (2002).

Guest: Veronika Kot, Education Attorney, Rhode Island Legal Services

November 11: Training for Utility Clinic
JOINT CLASS WITH BROWN MEDICAL SCHOOL STUDENTS
AT BROWN MEDICAL SCHOOL

- How are utilities related to the health of children and families?
- What are the protections and programs available to assist families with utility payment and to prevent utility shutoffs?

Readings:

Fuel for Our Future: Impacts of Energy Insecurity on Children's Health, Nutrition and Learning, C-SNAP (2007).

Cook, et al, *A Brief Indicator of Household Energy Security: Associations with Food Security, Child Health, and Child Development in US Infants and Toddlers*, 122 Pediatrics 867 (2008).

Energy Clinic: A Toolbox for Helping Families Heat AND Eat (Medical-Legal Partnership for Children, February 2008)

Review - Rhode Island Poverty Institute, *Help for Low-Income Families and Monthly Income Limits*

November 18: Utility Clinic
JOINT WITH BROWN MEDICAL SCHOOL
AT HASBRO CHILDREN'S HOSPITAL

Review readings and handouts from utility training.

November 25: No Class – Thanksgiving Holiday

December 2: Childhood Obesity: Lawyers and Public Health

- What is the role of the law in promoting health?
- Should the obesity epidemic be addressed through legal action and legislation?
- What are the concerns with using law to address obesity?

Readings:

Paxson, et al, *Obesity: Introducing the Issue*, The Future of Children (Spring 2006).

Mello, et al, *Obesity — The New Frontier of Public Health Law*, 354 N.E. J Med 2601 (June 15, 2006).

Alderman, et al, *Applying Lessons from Tobacco Litigation to Obesity Lawsuits*, 30 American Journal of Preventive Medicine 82 (2006).