

FSU College of Law
Medical/Legal Partnership
Spring 2012 Syllabus
Prof. Wendi Adelson

Office Hours (location R212): By appointment.

Telephone: (850) 644-2722

Email: wadelson@law.fsu.edu

Class: Tuesdays and Thursdays: 9:30-12:30, Room in new Advocacy Center

6 Credit hours

Pass/Fail

Medical/ Legal Partnership

Welcome to the Medical/Legal Partnership! In this course, we will be examining the social determinants of health through representing impoverished and immigrant individuals in administrative and immigration proceedings. Many of our clients are ill, disabled, abused, abandoned, neglected or otherwise victimized. We will be helping these clients attain stable living situations, better access to health care, and/or lawful immigration status by taking a holistic approach to assessing and meeting our clients' needs.

Through participation in this course, you are now an important member of an exceptional team of law students, medical students and medical providers. As one of the first students participating in this course, you have a unique opportunity to not only gain lawyering skills and respond to health disparities in our community, but to *trail blaze*. You will play an integral role in developing the Medical/Legal Partnership. The foundation we will lay over the course of the semester will enable future students and pro bono attorneys to make a tangible difference in the lives of low-income people in North Florida. As this is a building semester, we invite you to operate at a staff attorney level and to take personal responsibility for the quality and future of the Medical/Legal Partnership and its clients.

Class responsibilities: You are expected to actively participate in the class seminars. Please complete the assigned reading before class. The readings are not lengthy and are carefully chosen.

Goals: The Medical/Legal Partnership aspires to:

- Provide students with practical skills training
- Expose law students and the legal profession to medical students and the health professions through their interactions at the intersections between law and medicine
- Represent clients in a person-centered and holistic fashion
- Instill a sense of professionalism in accordance with the rules of Professional Responsibility
- Broaden the pool of skilled advocates for impoverished individuals and immigrants
- Provide students with an opportunity to develop confidence in their capacity to advocate in a real-life setting

Objectives:

- Interview clients/patients and other case-related individuals and/or professionals
- Create documents and draft pleadings
- Represent clients in juvenile, administrative and immigration court

SUBSTANTIVE AREAS OF LAW

Each student will be responsible for several cases in one or more substantive areas of law.

Students will represent clients in the following substantive areas of law:

- 🚦 **Immigration**
- 🚦 **Disability**
- 🚦 **Social Security**
- 🚦 **Health Care Access**

MANDATORY COURSE REQUIREMENTS

- ✓ **ATTENDANCE:** attend all scheduled classes, court and administrative hearings, and

professional appointments on time.

- ✓ **PROFESSIONAL RESPONSIBILITY:** follow the ideals and rules of professional responsibility.
- ✓ **OFFICE HOURS (8 hrs. per week):** during office hours you will physically be inside the Johnson-Caldwell House; you will be available for clients' visits and telephone calls; you will meet each week with your supervising attorney to discuss case developments and strategy, interview clients, research legal issues, draft pleadings, and work on various class assignments.
- ✓ **OBSERVATION HOURS:** observe 10 hours of legal proceedings involving the subject matters addressed this semester.
- ✓ **JOURNALS (double-spaced, 1" margins, one page):** submit a typed journal (every other week) containing your reflections on assigned cases; to receive credit for journal submissions, upload journals to Blackboard every other Monday (**no later than Tuesday by Midnight of deadline week**)
- ✓ **RECORD KEEPING:** all time spent and all actions taken should be entered in PIKA for each client; complete a **TICKLER** form for **ALL** appointments, court dates, legal deadlines, and legal proceedings.
- ✓ **WEEKLY PIKA ENTRIES:** once a week, place an entry in PIKA summarizing important developments in each of your assigned clients' cases.
- ✓ **TIME LOGS:** submit time logs every Monday (**no later than Tuesday by Midnight of the deadline week**). There is a 7-day grace period to submit time logs. After the grace period, time logs will **NOT** be accepted and the hours for that week will **NOT** be counted toward fulfilling the total hour requirement for the course.
- ✓ **END-OF-SEMESTER REQUIREMENT:** close out assigned cases at the conclusion of the course. If a case is not ready for closure, a transfer memorandum must be prepared and enclosed in the case file. See the Public Interest Law Center's Manual for case closure and case transfer information and instructions.

Failure to meet any one of these requirements constitutes a failing grade for the course. During mid-term week, interns will receive an update of their total hours.

All requests to be excused from class, office hours, or any other mandatory requirement must be in writing and approved by me. Three (3) unexcused absences constitute an automatic failure in the course.

I) CLASS MATERIALS REQUIRED FOR PURCHASE

1. KRIEGER & NEUMANN , ESSENTIAL LAWYERING SKILLS, ASPEN PUBLISHING (3RD ED . 2007)
2. Additional readings to be posted on Blackboard

II) CLASS MATERIALS PROVIDED

1. Public Interest Law Center, Professionalism, Ethics and Law Office Management.

III) RECOMMENDED REFERENCE MATERIALS

The following recommended resources are available for use in the Public Interest Law Center Library:

1. **TRAWICK**, Florida Practice and Procedure
2. **ABRAMS**, Florida Family Law - also on reserve in the library.
3. **CHARLES HALL**, Social Security Disability Practice

Americans with Disabilities Act

Students with disabilities needing academic accommodation should: (1) register with and provide documentation to the Student Disability Resource Center; and (2) bring a letter to the instructor indicating the need for accommodation and what type. This syllabus and other class materials are available in alternative format upon request. For more information about services available to FSU students with disabilities, contact:

Student Disability Resource Center, 97 Woodward Avenue, 108 Student Services Building,
Florida State University; Tallahassee, FL 32306-4167

(850) 644-9566 (Voice)
(850) 644-8504 (TDD)

sdrc@admin.fsu.edu
<http://www.disabilitycenter.fsu.edu/>

Syllabus

Week 1: Introduction and course overview; Social Determinants of Health

Class A: (Jan 10th)

- What does it mean to be poor? How does poverty affect health?
- How do views about the causes of poverty influence legal and policy responses?
- How has the issue of socioeconomic status been understood in the health care context?
- What is meant by the “social determinants of health”?
- Should there be a right to health?

- File maintenance, professionalism, lawyering skills, grading

Assignment:

- Read Chavkin, Clinical Legal Education: a textbook chapters 1-3.
- Chapter one, (including the two forwards) of Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership

Class B (Jan 12th): Meet with Dr. Jose Rodriguez, Associate Professor, FSU College of Medicine, field trip to NHS

Week 2: The Medical-Legal Partnership: A Response to Social Determinants of Health?

Class A (Jan 17th): (circulate memo on how to do case rounds for next week)

- 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?
- Where should doctors and lawyers focus their efforts?
- Health care system overview: federal, state and local

Guest Speaker David Abrams, RN/JD

Assignment:

- Cohen, et al., *Medical-Legal Partnership: Collaborating with Lawyers to Identify and Address Health Disparities*, 25 (Supp. 2) *JOURNAL OF GENERAL INTERNAL MEDICINE* (2010).
- Chapter Four, Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership

Class B (Jan 19th): student meetings: 9:30; 10:15; 11:00; 11:45

Week 3: Writing Medical Summaries for Disability Clients and Lobbying government for changes in public health law

Class A: (Jan 24)

9-11AM Tamara Yang Demko, State Agencies and Public Health, APD

11-12:30 Dr. Ken Brummel-Smith comes to answer medical questions

Class B(Jan 26th): student meetings

Week 4:

Interviewing and introduction to the client-centered approach; **Cross Cultural Lawyering & Client/Patient Narratives**

Class A(Jan 24th): Do case rounds: We'll go over the 5 habits of cross-cultural lawyering in class

- 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?
- What do you have to be aware of in order to accurately listen and interpret?
- Can you lawyer effectively through a translator?

Assignment:

- Chapter Five, Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership.

- Charon, *Narrative Medicine: A Model for Empathy, Reflection, Profession and Trust*, 286 JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, 15 (October 17, 2001).
- Bryant and Koh Peters, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 Clinical L. Rev. 33 (2001).

Week 5: Interviewing II; Case Selection; Interdisciplinary Work: Why Partner with Social Workers, Doctors and Public Health Experts (among others)? Why partner with each other? (including readings on partners in clinics, etc.)

Class A(Jan 31st) Guest Speaker Zaid Haynes: 9:30-12:30 AM

- Are lawyers trained to collaborate with other professionals?
- What is preventive law?
- Why are lawyers critical to improving health outcomes for people who experience poverty?
- What is the importance of collaborating with other disciplines?
- How can lawyers and doctors integrate the practice of law and medicine?

Assignment:

- Zuckerman, *Why Pediatricians Need Lawyers to Keep Children Healthy*, 114 Pediatrics 224 (2004).
- Bryant, *Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession*

Class B(Feb 2nd): student meetings

Week 6: Domestic Violence and Case Rounds

Class A(Feb 7th)

11-12:30 Guest speaker Dr. Ricardo Gonzalez-Rothi; to address Medical summary questions

Assignment:

- Culross, *Health Care System Responses to Children Exposed to Domestic Violence*, in *The Future of Children: Domestic Violence and Children*, Vol. 9, Number 3 (Winter 1999).
- Campbell, "Health Consequences of Intimate partner Violence," *The Lancet*, April 13, 2002, 359, 9314; Research Library p. 1331.
- Chapter Eleven, *Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership*

- Discuss self-evaluation for next week

Class B(Feb 9th): student meetings

Week 7: Case Rounds and Reflection

Class A(Feb 14th)

- case rounds
- Chapter Two, Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership

Class B(Feb 16th): student meetings

Week 8: Professional Ethics: Issues for Lawyers in Interdisciplinary Practice

Class A(Feb. 21)

- 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?

11-12:30 Dr. Ken Brummel-Smith comes to answer medical questions

Assignment:

- Chapter Six, Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership
- Boumil, et al., *Multidisciplinary Representation of Patients: The Potential for Ethical Issues and Professional Duty Conflicts in the Medical-Legal Partnership Model*, 13 J. Health Care L. & Pol'y 107 (2010).
- *Privacy Rights of Patients under HIPAA at <http://www.hhs.gov/ocr/privacy/hipaa/understanding/index.html>* (browse)

Class B(Feb. 23): student meetings

Week 9: Case Theory & Fact Investigation I; Navigating the System: Public Benefits, Disability and Medical Insurance

Class A(Feb. 28)

- What barriers do low-income families face in trying to survive day to day?
- How effective are government programs in assisting poor families?
- What barriers do your clients face?
- What should be done to assist low-income individuals and families?

Assignment:

- Krieger & Neumann, Chapters 10-14
- Punishing Poverty in the New York Times
- Review Social Security Administration Policy Interpretation on Functional Equivalence: SSR 09-1p: www.ssa.gov/OP_Home/rulings/ssi/02/SSR2009-01-ssi-02.html
- Review Centers for Medicare & Medicaid Services: [//www.cms.gov/MedicaidEligibility](http://www.cms.gov/MedicaidEligibility)
- Review Kaiser Family Foundation Medicaid/CHIP: www.kff.org/medicaid
- [Video on welfare system](#)

Class B(March 1): student meetings

Week 10: Case Theory & Fact Investigation II; Client Interaction

Class A(March 13)

Assignment:

- Krieger & Neumann, Chapters 15-17
- Binder, Bergman and Price, Lawyers as Counselors, chapters 5 (“Active Listening”) and 14 (“Gathering Information from Atypical and Difficult Clients”).
-
- **11-12:30 Dr. Ken Brummel-Smith comes to answer medical questions**

Class B(March 15): student meetings

Week 11: Case Theory & Fact Investigation III; Public Policy & Legislation

Class A(March 20)

Assignments:

- Krieger & Neumann, Chapters 18 (pp. 221-223,227-229 only), 20-21
- Chapter 16, Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership
- Statement of Senator Tom Harkin, Introducing the Medical Legal Partnership for Health Act (July 29, 2010).
- S. 3668, Medical-Legal Partnership for Health Act (111th Cong.)

Class B(March 22): student meetings

Week 12: Immigration and Health

Class A (March 27) GUEST SPEAKER—Vania Llovera

Assignments:

- Chapter ten, Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership
- Saslow, Amid New Guidelines, Virginia Woman's Deportation Case Comes Down to the Last Minute, Washington Post.
- ILRC Manual on VAWA, U Visas, T visas, SIJ and asylum
- Why Immigrants Lack Adequate Access to Health Care and Health Insurance, Leighton Ku (September 2006), <http://www.migrationinformation.org/Feature/display.cfm?id=417>

Class B(March 29)

Week 13: Children's issues

Class A (April 3): case rounds

Assignments:

- Tough, “The Poverty Clinic: Can a Stressful Childhood Make You a Sick Adult?”, *The New Yorker* (3/21/11).
- Food Stamps and Immigrant Families: How Health Care Workers Can Promote Child Health
- Doctors/Lawyers Team Up to Help Special Needs Children
- MLP for Children: Energy Clinic, A Toolbox for Helping Families Heat AND Eat
- **11-12:30 Dr. Ken Brummel-Smith comes to answer medical questions**

Class B (April 5): student meetings

Week 14: Navigating the System: Finding a Place to Live – Homelessness, Affordable Housing & Health

Class A(April 10): wrap up (what I learned, what I wish I/we had done differently)?

- What housing options do low-income families have?
- Why are these options insufficient?
- What is the connection between affordable housing, homelessness and health?
- What environmental factors cause health problems?
- 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?

Assignments:

- Center on Budget & Policy Priorities, *Introduction to Public Housing* (December 17, 2008)
- Currie, “A Long Way Home: Danette Tucker’s Desperate Search for an Affordable Place to Live, *The Washington Post* (December 17, 2006).
- Cherayil, et al, *Lawyers and Doctors Partner for Healthy Housing*, *Clearinghouse Review, Journal of Poverty Law and Policy* (May-June 2005).
- Chapter 8, *Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership*

Class B (April 12): student meeting

