

*Pursuing Social Justice through Interdisciplinary Practice:  
The Medical/Legal Collaborative  
LA 731  
Fall 2003*

**Wednesday 6:00-7:50 p.m.  
Room 276**

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**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 children through legal and systemic advocacy.

Through such topics as access to justice, welfare reform and public benefits, safe and affordable housing, family violence and child safety, and the educational rights of disabled children, 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, three class sessions will be held jointly with medical students taking a seminar entitled, "Crossing Borders: Practicing Socially Responsible Medicine in Complex Communities," taught by Dr. Alicia Monroe and Dr. Jay Baruch at Brown Medical School. At these classes, law and medical students will work together to explore ethical concerns 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.

## ***Public Interest Clerkship Students***

Students participating in a public interest clerkship at the Rhode Island Family Advocacy Program, a medical/legal collaborative at Hasbro Children's Hospital, will be able to share their practical experience working in an interdisciplinary setting.

### **Course Readings**

Required course readings will be distributed in class.

### **Course Requirements**

***Class participation: 20%***

***Joint Class Case Preparation: 15%***

***Discussion Questions 10%***

***Course Paper: 45%***

***Presentation: 10%***

### ***Class Participation***

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 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 you will need to draw on the assigned readings when working through the problems. *Absences from class must be excused in advance.*

### ***Joint Class Case Preparation***

Before each joint session with Brown Medical School, a short case will be assigned. This case is designed to get students thinking about the legal issues involved in the topic and to prepare you for the joint session. Students will use the course readings to discuss the case in a 2 page response which should be submitted by email or in hard copy no later than 12:00 noon on the Wednesday of the joint session.

### ***Discussion Questions***

Each student (along with another classmate) will prepare three discussion questions for one of the class sessions during the semester. The questions will be based on the readings and topic for the week. They should be thought-provoking questions that encourage not only discussion of the issue but also encourage discussants to draw on the assigned readings. Students assigned for the class will email the questions to the professor and classmates by 12:00 noon on the Wednesday of the assigned class. The two students assigned for the week are welcome to collaborate.

## ***Course Paper***

Each student will write a 10-12 page paper which explores a health care problem and discusses the social, cultural, and economic factors contributing to the problem, the legal issues which impact or are impacted by the problem, and interdisciplinary strategies for addressing the problem. Specific content to include:

1. Present a brief description of the medical problem. (You are not medical students -- so this can be brief, but you should use outside sources to provide an accurate description of the problem.)
2. Discuss the factors (cultural, social, and economic) that contribute to the impact of the problem on individuals, their families and/or their communities.
  - a. Does this problem disproportionately affect a certain population?
  - b. Are there access barriers that directly impact an individual or family struggling with this problem?
3. Discuss the legal issue(s) that impact or are impacted by this medical problem.
  - a. What are the legal issues that contribute to this problem?
  - b. What are the legal issues that arise out of this problem?
  - c. Briefly describe the legal rights of the client and/or the family struggling with this problem for one of the legal issues you discuss. Use Rhode Island Law.
4. Discuss strategies for using interdisciplinary advocacy to serve the individual and/or his or her family (i.e. partnerships among legal, medical, and other community-based and social service organizations). Are there any barriers to interdisciplinary advocacy (logistical, ethical concerns?)
5. Discuss systemic, policy or legislative changes that may be necessary to improve the ability of advocates (lawyers, doctors, and others) to effectively advocate for their clients/patients.

## **Sources**

Sources for the information you include in your paper must be cited. You should use at least five appropriate sources to do your background and legal research. In addition, you should interview at least 2 sources who you think will be helpful in preparing the paper (i.e. lawyers, medical providers, community-based advocates).

## **Grading**

Your paper will be graded on your depth of understanding of the issue and its context, the strength of your analysis of the legal issues and policy framework, and the thoughtfulness of your advocacy strategy. Your paper should be well-organized and carefully edited. Papers will be graded down for poor writing and editing.

## ***Class Presentation***

Our final three classes will be reserved for class presentations. Each student will present his/her paper. Students should not simply read or describe your paper. You should use your presentation to engage the class in the issue you are presenting. You may wish to use a problem or simulation or develop a discussion format that will engage your classmates. Each student will have 20-25 minutes for your presentation.

# Syllabus

## August 20: Introduction: Overview of Course

## August 27: Why Interdisciplinary Practice? Lawyers and Doctors as Advocates

- Overview of the benefits of interdisciplinary education and practice and discussion of models.
- Guests: Dr. Patricia Flanagan, Hasbro Children's Hospital  
Mike Burch, Director, Rhode Island Family Advocacy Program

### Readings:

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

Zotter, *A Holistic Approach to Helping Families*, ABA Child Law Practice 19.6 (2000).

Goldberg, "Boston Medical Center Turns to Lawyers for a Cure," *New York Times*, May 16, 2001

Materials from the Rhode Island Family Advocacy Program.

## September 3: Professional Ethics: Issues for Lawyers in Interdisciplinary Practice

- What are the benefits of interdisciplinary practice for disadvantaged clients?
- 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:

Norwood & Paterson, *Problem Solving in a Multidisciplinary Environment? Must Ethics Get in the Way of Holistic Services?* Clinical Law Review, Vol. 9 (Fall 2002).

Sicklick, *Confidentiality and Ethics: Issues for the Medical-Legal Collaborative*, Medical-Legal Partnership Project, Connecticut Children's Medical Center (October 2002).

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

## **September 10: Access to Justice: The Role of the Lawyer**

- Why are low-income people underrepresented by the legal system?
- Why are low-income and minority people alienated from the legal system?
- What causes poverty and homelessness? Who is to blame?
- How do our assumptions shape the way we advocate on behalf of our clients?

### Readings:

Rhode, *Access to Justice*, 69 Fordham L. Rev. 1785 (2001).

Lopez, *The Work We Know So Little About*, 42 Stan. L. Rev. 1 (1989).

Blasi, *Advocacy and Attribution: Shaping and Responding to Perceptions of the Causes of Homelessness in Representing the Poor and Homeless*, ABA Commission on Homelessness and Poverty (2001).

Jacobs, *People from the Footnotes: The Missing Element in Client-Centered Counseling*, 27 Golden Gate U. L. Rev. 345 (1997).

## **September 17: Welfare Reform and Child Well-Being**

- Who deserves to receive government assistance?
- What benefits are available to help poor children?
- Who is entitled to the benefits – parents or children?
- How has welfare reform affected child well-being?
- What alternatives exist to reduce child poverty?

### Readings:

Handler, “*Constructing the Political Spectacle*”: *The Interpretation of Entitlements, Legalization, and Obligations in Social Welfare History*, 56 Brook L.Rev. 899 (1990).

Fellmeth, “*Child Poverty and Safety Net Assurance*,” in *Child Rights and Remedies: How the U.S. Legal System Affects Children* (2002).

Czapanskiy, *Parents, Children, and Work-First Welfare Reform: Where is the C in TANF*, 61 Md. L. Rev. 308-385 (2002)

## **September 24: Is Childhood Hunger a Social, Medical or Legal Problem? (Joint session with Brown Medical School - at Brown)**

### Readings:

Williams, *Race, Rat Bites and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate*, Fordham Urban Law Journal, Vol. 22 (1995).

Smith, et al, "Implications of Welfare Reform for Child Health: Emerging Challenges for Clinical Practice and Policy," *Pediatrics* 106 (5): 1117-1125.

Rhode Island College School of Social Work Poverty Institute,  
*RI Standard of Need*  
*Help for Low-Income Working Families*

\*Short case to be handed out.

### **October 1: Housing: Tenants' Rights to Safe, Stable Housing**

- Why is there an affordable housing crisis in the U.S. (and in RI)?
- What rights do tenants have to safe housing (under RI law)?
- What remedies do they have to enforce those rights?
- How does substandard housing affect children's health?
- What is the role of the lawyer in addressing these concerns?
  
- Guest: Jeffrey Dana, Esq., Rhode Island Legal Services, Eviction Defense Unit

#### Readings:

Ammann, "Housing Out the Poor," in *Representing the Poor and Homeless*, ABA Commission on Homelessness and Poverty (2001).

Rhode Island Department of Administration, *Rhode Island Landlord -Tenant Handbook*

Sandel & Zotter, "How Substandard Housing Affects Children's Health," *Contemporary Pediatrics* 17 (10): 134-148 (2000).

### **October 8: Children Living in Unsafe Housing: The Problem of Lead Poisoning (Joint Class with Brown Medical School - at Brown)**

#### Readings:

Lord, *Another Generation Caught in a Sad Cycle – Public Health Crisis – Poisoned*, Providence Journal (2001).

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

Izzo, *Making the New Lead Law Work*, Providence Journal (Friday, January 3, 2003).

\*Short case to be handed out.

## **October 15: Protecting Battered Women and Abused Children**

- What is the legal system's role in addressing the effects of partner violence on children?
- Does exposure to domestic violence constitute child abuse or neglect?
- What is the relationship between the child protective system and the systems designed to protect battered women?
- What is the effect of reporting of child abuse on battered women?
- What is the effect of reporting domestic violence on child well-being?

### Readings:

Readings from "Child Abuse" in Mnookin & Weisberg, *Children, Family and the State*. (p. 348-361, 372-383, 385-390)

Readings from "Battered Women as Mothers" in Dalton and Schneider, *Battered Women and the Law* (2001). (p. 250-261, 281-285, 293-304, 319-325)

## **October 22: Protecting Victims or Destroying Families: Mandatory Reporting and Domestic Violence (Joint Session with Brown Medical School - at RWU)**

### Readings:

Groves, *Children without Refuge: Young Witnesses to Domestic Violence*, Zero to Three, Vol. 16, No. 5 (1996).

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).

RIGL 40-11: Abused and Neglected Children (Mandatory Reporting Law)

\*Short case to be handed out.

## **October 29: Educational Rights of Children with Disabilities**

- How are children with disabilities identified?
- What rights do children with disabilities have to educational services?
- How might doctors and lawyers collaborate to best protect the rights of children with disabilities?

### Readings:

Reschly, "Identification and Assessment of Students with Disabilities," and Martin, et al, "The Legislative and Litigation History of Special Education," in *The Future of Children: Special Education for Students with Disabilities* (David and Lucile Packard Foundation, 1996)

**November 5: Paper Presentations**

**November 12: Paper Presentations**

**November 19: Paper Presentations & Final Wrap-up**