

An Innovative Model For Collaborative Pro Bono



Law360, New York (May 06, 2014, 2:20 PM ET) -- Wal-Mart. Legal Aid. A children's hospital. BigLaw attorneys. Perhaps that sounds like a lawsuit gone bad, but in fact those strange bedfellows came together to create an innovative medical-legal partnership (MLP) serving disabled children and their families in Arkansas. The Advisory Board Company — a global technology, research and consulting firm — was later added to the mix as the children's hospital MLP network has grown across the country.

The collaboration began in 2010, when Wal-Mart asked Akin Gump Strauss Hauer & Feld LLP to help it create a pro bono program that could engage the company's 150+ attorneys and have a substantial impact on legal needs in Arkansas. Wal-Mart and Akin Gump, along with Legal Aid of Arkansas and the Pro Bono Institute, explored a variety of potential areas of focus, and, with the help of the National Center for Medical-Legal Partnership at the George Washington University (NCMLP) and the ABA Medical-Legal Partnerships Pro Bono Support Project, they settled on the idea of creating a medical-legal partnership at Arkansas Children's Hospital in Little Rock. Wal-Mart had previously supported the hospital financially and through the donations of its associates, customers and Sam's Club members through the Children's Miracle Network Hospital fundraising campaign.

A medical-legal partnership involves the staff of a medical facility collaborating with lawyers to help identify and resolve the legal needs of their patients, thereby helping to resolve a medical need. The paradigmatic example of an MLP is a doctor working with an asthmatic child, recognizing that the family's moldy apartment is aggravating the child's condition and then referring the case to a lawyer who will pursue legal remedies against the landlord. A successful MLP requires health care champions — the doctor and other health care team members who invest the time to learn what information is needed to identify legal needs — and lawyers who have both the necessary expertise and the ability to provide initial consultations at the medical facility.

In 2011, Wal-Mart's legal department, Akin Gump, and Legal Aid of Arkansas began working with the medical team at Arkansas Children's Hospital to establish the first corporate-sponsored MLP. Ellen Lawton from NCMLP, Legal Aid, Disability Rights Center of Arkansas, and a local children's disability rights lawyer, Dana McClain, began training the medical team and Wal-Mart attorneys on relevant areas

of the law, and Akin Gump counseled Wal-Mart on the formation of a memorandum of understanding that established the roles of the various legal and medical participants.

The team initially identified two specific legal needs of the pediatric patients and their families at Arkansas Children's Hospital: insurance reimbursement (Medicaid) and special education. Last year, the team added another area of focus: guardianships for developmentally disabled children. Since it began, the MLP has helped low income children with disabilities get access to proper services like motorized wheelchairs and home accommodations.

For instance, one of the first children helped was a 7-year-old girl who suffered from cerebral palsy and seizures. The wheelchair that she had at the time did not allow for her to recline when she became tired and could no longer sit up, nor did it properly restrain her during times of seizures such that her head and legs would bang against the chair and its head restraint and become bruised. Sometimes, she would shake so much during seizures that her wheelchair would tip, causing her to fall. When the lawyers got involved, they were able to determine what additional documentation was needed to get Medicaid approval for the new wheelchair, and they worked closely with her doctor to get it. Within a day of submitting the additional information, the wheelchair was approved.

In other cases, the MLP represented a teenage boy who suffers from encephalopathy, seizures, kyphosis and scoliosis, and as a result, does not have ability to walk, talk or move. In order to prevent brittle bone disease, he needed to be able to stand and have the ability to bear weight on his bones. Medicaid had repeatedly denied his claims for a specialized piece of equipment, called a sit-to-stand stander, which would allow him to bear weight on his legs, while keeping him safe and stable. These denials dragged on for almost four years after the initial claim was submitted. His case was referred to the MLP, and the lawyers were able to work with the medical equipment supply company and the team at Arkansas Children's Hospital to provide the needed information for the claim to be approved.

In September 2013, the Wal-Mart-Akin Gump partnership expanded to include the joint sponsorship of an Equal Justice Works fellow. Recent Suffolk Law graduate Krista Selna is funded by Wal-Mart and Akin Gump to work at Legal Aid of Arkansas in support of the MLP, housed at Arkansas Children's Hospital three days per week. Selna recently won Social Security disability benefits for a young hemophiliac patient at the hospital who needed to re-establish his qualifications after turning 18.

Wal-Mart, Akin Gump and NCMLP used the success in Arkansas as a springboard for a national initiative for similar programs in other children's hospitals, including Texas Children's Hospital. This, in turn, led to the formation of Better Team for Child Health, a national learning network of six leading children's hospitals to develop best practices for spreading the model in other children's hospitals.

The pro bono contributions expanded to include The Advisory Board Company, which is utilizing its health care expertise working with over 3,600 hospitals and health care organizations to lead the development of core MLP analytics and best practice recommendations for ongoing program development and demonstrate the flexibility and potential for impact and return on investment for health care institutions that integrate medical-legal partnership.

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