

Delta Medical Legal Partnerships Priorities

PRIORITIES FOR DELTA MLPs

For clients who are not patients of our clinic partners but come to us through them, case acceptance decisions will be based strictly according to the general Legal Aid of Arkansas Case Acceptance Priorities. For clients who are patients of our clinic partners, we will apply the following considerations to guide decisions about extended representation.

General Factors

- Priority will be given to cases referred by physicians, nurses, therapists, social workers, and others acting in the capacity of health care provider and/or legal screener, especially where acceptance will augment the MLP's credibility.
- Priority will be given to cases involving a significant nexus with health, which, among other things, may include cases in which the patient's health status, access to healthcare, ability to thrive in a work or school-related environment due to health-related issues, or ability to pay healthcare-related costs are impacted by legal intervention. To guide this determination, Legal Aid staff will consult with appropriate health providers.
- Priority will be given to cases involving issues identified as potential systemic concerns in the areas served by ARcare, Mid-Delta Health Systems, Lee County Cooperative Clinic, and Mid-South Health Systems. For the year 2017, such concerns include access to Medicaid and related services (including home and community based "waiver" services) and education issues, including school discipline and special education issues (especially in areas served by Mid-Delta Health Systems).
- In settings where an MLP has been implemented for less than a year, some consideration may be given to a case's ability to demonstrate MLP impact or utility to our health partner's staff.
- Cases that do not meet Delta MLP or general Legal Aid priorities may be accepted by pro bono assets participating in the MLPs.

Specific Cases Involving Deviation from General LAA Case Acceptance Priorities

Although any case not falling within general Legal Aid priorities may be accepted in accordance with the general factors listed above, MLP experience has shown us that the following case types merit special consideration in accordance with the accompanying criteria:

- **Guardianship of Minors:** Where (1) there is an ongoing or immediate risk of violence to the child OR the parent/s OR primary physical custodian/s have left the care of the child to a relative; (2) there is clear indication that the guardianship is in the best interests of the child; and (3) proactively seeking guardianship would prevent possible foster care placement or likely denial of education, health care, or other basic necessities (including various types of government benefits).
 - Where possible, clients will be directed to use the pro se forms available on our website with ongoing assistance from Legal Aid staff. Extended representation is more compelling in cases where the potential guardian experiences barriers to

using the pro se forms, which may include limited literacy, recent domestic violence, caring for other minors, or difficulty meeting the law's notice requirements.

- **Denials of Foster Care Board Payments, Guardianship Subsidies, or Adoption Subsidies:** Where (1) benefits may have been available and (2) the potential recipients were either denied benefits or not told about them.
- **Guardianship of Adults (psychiatric reasons):** In cases where there is no immediate danger to the health, welfare, or residence of an incapacitated adult, where (1) a potential ward is homeless, is in danger of being homeless, has been voluntarily or involuntarily hospitalized for psychiatric reasons within the 12 months prior to the date of intake; (2) medical evidence supports a finding that the potential ward is incapacitated; (3) a professional with expertise appropriate for the potential ward's incapacity is willing to support the petition for guardianship; and (4) the potential guardian is likely to act in the best interests of the potential ward.
- **Guardianship of Adults (severely disabled minor reaching adulthood):** In cases where there is no immediate danger to the health, welfare, or residence of an incapacitated adult, where (1) either the potential ward or the potential guardian is a patient of one of our MLP partners; (2) medical evidence supports a finding that the potential ward is incapacitated; (3) a professional with expertise appropriate for the potential ward's incapacity is willing to support the petition for guardianship; (4) the potential guardian is likely to act in the best interests of the potential ward; and (5) there is a likelihood that the potential ward's health status will be negatively affected if a guardianship is not in place in a timely manner.
- **Education:** Where the case (1) has been referred by a health care provider OR presents an opportunity to further explore a potential systemic concern; and (2) involves access to special education services (whether initial eligibility, placement, or discipline), bullying, discipline, retention, or disability-related matters.
 - The UALR Bowen School of Law Special Education Mediation Project and Disability Rights Center will be used as resources where possible.

Augmented Pro Bono Participation

In light of increased knowledge of and interest in the MLPs, Legal Aid of Arkansas and the Friday Firm have received more requests to participate in the Delta MLPs. However, because of limited clinic days, there is not always the opportunity for interested individuals to come and participate meaningfully. A major goal of the Delta MLPs is to develop ways to integrate interested individuals into the work of the MLPs and Legal Aid. Initial ideas include:

- **Saturation Events.** For the past several years, the MLPs have coordinated saturation events involving Southern Bancorp in Helena and Lee County Cooperative Clinic in Marianna. At these events, attorneys assist attendees with the preparation of wills,

powers of attorney, and living wills. The events provide an opportunity for one-time, limited scope participation by volunteer attorney.

- **Research and Briefing.** In the past year, pro bono attorneys agreed to take an unemployment case to the Court of Appeals. The resulting brief was excellent and could augur increased collaboration between Legal Aid and private attorneys on issues of particular interest to them.
- **Co-Counseling.** In the Court of Appeals case mentioned above, the record had already been developed by the time the case was taken by the volunteer attorney. However, there may be cases, particularly those involving Medicaid, where the volunteer attorney and Legal Aid staff can co-counsel from the start of the case.
- **Expanded Clinic Participation.** No volunteer attorneys currently come to ARcare, Lee County Cooperative Clinic or Mid South Health Systems. The barriers to their participation are both scheduling instability and long driving times. If scheduling at these clinics stabilizes, a volunteer attorney may be able to meaningfully participate.
- **Regulation Monitoring.** Pro bono attorneys could choose an area of interest to the MLPs and Legal Aid, learn the regulatory scheme, and then monitor proposed regulations and help develop comments that reflect the proposed regulations' impact on our client community.