

POVERTY HEALTH AND LAW
AT THE UNIVERSITY OF LOUISVILLE BRANDEIS SCHOOL OF LAW
Presentation at AALS Law, Medicine & Health Care and Poverty Law Joint Program

Laura Rothstein
Professor and Distinguished University Scholar
University of Louisville, Brandeis School of Law
laura.rothstein@louisville.edu

January 4, 2020

Overview and History

Medical-Legal Partnership programs operate in a variety of ways nationally, many involving law school clinics or other law school connections. These programs allow individuals in poverty with health concerns (particularly children), who present themselves for health treatment to also resolve legal issues that are related to these health concerns – both individual and systemic.

Louisville’s Medical-Legal Partnership is the Doctors and Lawyers for Kids (a program established in 2011 by the Louisville Bar Association, the Louisville Legal Aid Society, and the University of Louisville Department of Pediatrics). After learning about the clinical program, I created a course related to the partnership and began teaching it in fall 2013. The course -- Poverty Health and Law -- has evolved to what it was in fall 2017, the most recent year in which the course was taught. It will be taught again in 2020-2021, with the format from 2017.

Key elements of the current course are that it:

- Includes an **interdisciplinary** approach (including speakers and graduate students from disciplines other than law)
- Focuses on learning **collaborative** work and problem solving
- Focuses on addressing poverty, health and law issues from the perspective of social determinants and **systemic** change (as compared to resolving individual problems)

Goals and Outcomes of Poverty Health and Law

This course provides substantive, practical, and ethical context for redressing health disparities of poor and vulnerable populations through an interdisciplinary, collaborative, problem solving approach that seeks to address a systemic issue. Students learn:

problem-solving where the case presents initially as a medical or health problem in a clinical setting by applying the “force field analysis” and other techniques.

basic principles of how to strategically advocate on behalf of an individual client and how to identify when such a client presents systemic issues that would benefit from advocating for systemic change from guest lecturers.

the basic substantive law regarding safe and affordable housing, family violence and child safety, special education and disability rights, immigration, public health law, and public benefits.

to see the world from the perspective of an individual living in poverty

skills of strategizing to achieve policy outcomes.

about ethical issues including confidentiality and privacy in context of health issues in the legal system. Other ethical issues include conflict of interest, such as conflict between parent and child and between parents.

to work in an interdisciplinary setting with professionals from medicine, nursing, social work, education, public health, and government benefit programs and students from other disciplines.

how to apply knowledge and integrate theory and practice to identify and address community issues relating to health and policy that affect individuals in poverty.

to work collaboratively in problem solving for systemic issues affecting health.

Course Materials

Tyler, et al, *Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership* (2011)
Scallen, Sparrow, & Zimmerman, *Working Together in Law: Teamwork and Small Group Skills for Legal Professionals* (2014)

Supplemental materials on force field analysis technique for strategic implementation of social justice ideas, power points from speakers on local issues.

First class includes presentation on the “Parable of the River” presenting concept of **systemic** change as a means of making change to issues of poverty and health.

Evolution of course makeup and approach

– students always were required to focus on **systemic** change

2013 -- 22 law students, primarily reading and lectures. Individual papers

2014 -- included 5 graduate students from other departments (sociology, public health, education); 21 law students. Individual papers ***Introduction of interdisciplinary student enrollment.***

2015 -- included five graduate students from other departments and 21 law students. ***Introduced concept of collaborative work***, students presented group projects (approximately 5 students to a group) Papers were required to present strategy for making proposed change.

2016 -- class size was 12 students. Two groups presented group topics

2017 – class size was 24 law students and topics all related to housing; group topics and presentations

Course Coverage in 2017
(highlights the combination of substantive, perspectives, and skills
learning during class sessions)

- Class 1 – Introduction; topic ideas; individual versus systemic advocacy – 24 students gave 3 minute elevator talks about an issue of current attention in the local media related to poverty, health and law
- Class 2 – (focus on collaborative work) -- Storming, strengths & weaknesses, working style
- Class 3 – Substantive coverage -- INCOME/BENEFITS (guest lecture)
- Class 4 –Substantive coverage -- HOUSING (guest lecture – Director of Metropolitan Housing Coalition – focus on affordable housing); Group topics to be decided – sticker exercise used to select group projects – based on 3-minute elevator talk presentations by all class members about current issues in Louisville
- Class 4 Community engagement – class meets at Louisville Central Community Center – presentation on West Louisville changes; group assignments given out
- Class 5 Guest Speaker LEGAL AID SOCIETY DIRECTOR (clarifying the difference between individual advocacy and advocacy related to a systemic change); Skill introduction - - Force Field Analysis
- Class 6 IMMIGRATION (guest lecture – faculty member who teaches immigration law)
- Class 7 DOMESTIC AND FAMILY VIOLENCE (guest lecture by faculty member teaching in law school clinic that focuses on domestic and family violence)
- Class 8 EDUCATION (lecture – relationship of special education/disciplinary issues – Laura Rothstein); Making Decisions (skill as part of collaborative work)
- Class 9 INCOME AND BENEFITS (guest lecture)
- Class 10 MEDICAL LEGAL PARTNERHIPS (guest presentation by doctors and lawyers from Doctors and Lawyers for Kids Medical Legal Partnership); Skills exercise -- Conflict Resolution within collaborative work
- Class 11 – Groups of 5 or 6 – working together on their group project – written presentation and oral presentation
- Class 12 – Field research/Perspectives activity substituted for class time
- Classes 13/14 – “TED” talk presentations (18 minute presentations) by groups and submission of written paper

Grades and Evaluation

Evaluation of students is based on both individual performance and the group project (written report and class presentation). A group project on a systemic policy change that would improve the health for individuals in poverty is required and constitutes 30 percent of the grade (additional individual work contributing to the group project will be graded individually). The portfolios include individual assignments as noted below.

Basis for grade for assignments:

A – demonstrated effort and product going well above and beyond the basic minimum assignment in both quality and quantity

B – demonstrated effort going well above and beyond the basic minimum; product itself above average, but not excellent; or excellent quality, but very limited in amount

C – demonstrated effort to meet the minimum expectations

D – only cursory preparation and effort

F – failure to turn in the assignment or participate

INDIVIDUALLY GRADED (all require turning in a short written assignment)

- 1) Preliminary paper on housing or economic development issues – media/news (5 points)
- 2) Short paper indicating strengths and weaknesses (5 points)
- 3) Short paper indicating working style (collaborative, etc.) (5 points)
- 4) Force field analysis contribution to group product (10 points)
- 5) Data/research contributed to group product (10 points)
- 6) Perspectives requirement (15 points)
- 7) Class participation during assigned day; including written assignment (10 points)

GRADES GIVEN TO GROUP AS A WHOLE (e.g., everyone in the group will receive the same grade)

- 8) Written product for group (20 points)
Grade will be affected by effort and timely submission of first draft. Drafts are not graded and are required in order to receive feedback, but the effort and timeliness of the drafts can affect the final grade
- 9) Presentation for group -- including handouts, etc. (10 points)

Other Coursework and Service Opportunities That Relate to and/or Build on Poverty Health and Law

Law students at the Brandeis School of Law are required to complete 30 hours of public service work to graduate. Many of the placements are also placements where students can do internships or externships for academic credit. Related course work/service opportunities includes: Poverty Law (focusing on individual advocacy), Doctors and Lawyers for Kids (medical/legal partnership), Legal Aid Society, Metropolitan Housing Coalition, Center for Women and Families, Law School Clinic (focusing on domestic violence), Immigration Law placements

Bio Summary -Laura Rothstein, Professor of Law and Distinguished University Scholar, University of Louisville, Louis D. Brandeis School of Law, email laura.rothstein@louisville.edu

Laura Rothstein has been in legal education since 1976 at 5 different law schools, including several administrative positions (Dean, University of Louisville 2000-2005). Inspired by the activism of the 60s and early 70s while she was in college at the University of Kansas (the Berkeley of the Midwest), she decided to go law school to address civil rights issues. During law school at Georgetown University Law Center, she participated in the first Street Law program. Her area of scholarship is primarily disability discrimination generally (including focused work on special education). She has written several books, book chapters, and articles on these topics. She has long had a commitment to racial and gender equity. Her regular teaching assignment has included property law (since 1976).

As Dean at the Brandeis School of Law in 2001, she facilitated a partnership between the law school and Central High School Law and Government Magnet program and has served as liaison to that program since then.

In 2013, she combined her interests in several areas to develop the Poverty Health and Law course. She has taught and evolved the course each year. She is inspired by Louis D. Brandeis, whose social justice progressive activism through the use of the Brandeis Brief and other techniques sought to address systemic issues and ensure social justice through governmental policy. She is also inspired by Dorothy Height, and her quiet and effective activism and leadership.

Power Point Content

{includes Image Descriptions}

SLIDE 1

Advancing Health Equity by Advancing Social Determinants of Health Poverty and Racial Disparities

AALS Joint Program – Health Law and Poverty Law Sections – January 3, 2020

Poverty Health and Law

“Traditional” Classroom Course

With Lots of Bells and Whistles

© 2020

Professor of Law and Distinguished University Scholar | University of Louisville Louis D. Brandeis School of Law

SLIDE 2

Why this course?

{Images – Street Law description, law magnet classroom at Central High School in Louisville, image of Mark and Laura Rothstein in 1974, image of Special Education textbook}

SLIDE 3

Goal – Systemic Problem Solving in Public Interest

To provide substantive, practical, and ethical context for redressing health disparities of poor and vulnerable populations

{Image – Louis Brandeis, The People’s Attorney}

SLIDE 4

Goal – System Problem Solving in Public Interest

through an interdisciplinary, collaborative, problem solving approach that seeks to address a systemic issue

{Image – Louis Brandeis, The People’s Attorney}

SLIDE 5

Opening Class – Systemic Issues/Social Determinants

Parable of the River

{Images – pictures of rivers – “you can’t solve upstream problems downstream”}

And “going upstream”

SLIDE 6

Presenting Issues to Address Through Elevator Talks –1- 3 minutes

{Image – 2 people on an elevator}

SLIDE 7

Selecting Issues for Collaborative Work Through Sticker Exercises (Dot Voting)

{Image – sticker exercise board}

SLIDE 8

Substantive Content of Poverty Health and Law (particularly those related to racial disparities)

Focused Content

Immigration

Family and Domestic Violence

Education

Benefits

{Image – textbook titled Poverty Health and Law, edited by Elizabeth Tobin Tyler, et al.}

SLIDE 9

Other Areas of Content in the Text

HIV

Elder Law

Homeless

Veterans

{Image – cardboard sign being held – “Homeless War Veteran, Anything Helps, God Bless”}

SLIDE 10

Skills

Collaborative work

Strategic advocacy through elevator talks

(pitching an idea quickly)

and TED talks

(explaining and persuading in 18 minutes)

{Image – Bryan Stevenson giving a TED talk}

SLIDE 11

Interdisciplinary

Including speakers and students from various disciplines

Public Health

Sociology

Education

Could include Medicine, Social Work, Nursing

SLIDE 12

Ideas to Action

{Images – two former law students who taught Street Law at Central High School who are now in the Kentucky State Legislature}

SLIDE 13

Channel into other coursework or social justice employment

{Image – Brandeis Law students in court as part of Domestic Violence Clinic program}

SLIDE 14

Collaborative Work

{Image – textbook – Working Together in Law: Teamwork and Small Group Skills for Legal Professionals, by Eileen Scanlan, Sophie Sparrow, and Cliff Zimmerman}

SLIDE 15

Collaborative Work

Difference between collaborative and cooperative

Barriers

Benefits

Self-awareness to do collaborative work

Strengths & weaknesses

Personality

Preferences

SLIDE 16

Collaborative Work

Listening skills –

Power in small groups –

Effective groups –

SLIDE 17

Collaborative Work Applied Throughout the Semester

Four stages of Legal Team work

- Forming
- Storming
- Norming
- Performing

Decision Making in Groups

Conflict Management

Logistics

SLIDE 18

In closing -- Poverty Health and Law as I teach it in a “traditional” classroom course -- seeks to:

provide substantive, practical, and ethical context

for redressing health disparities of poor and vulnerable populations

through an interdisciplinary, collaborative, problem solving approach that seeks to address a systemic issue

For my syllabus, email me at laura.rothstein@louisville.edu