Congratulations to AHLA’s 2014 Pro Bono Champions!

Since 2011, AHLA has been recognizing members who have devoted a significant amount of their pro bono hours to cases involving health law-related issues. Some of our members devote hundreds of hours each year to providing pro bono legal services in general. Given client emergencies, complex litigation, and rapidly emerging industry-wide issues, this is not an easy task. In addition, many Pro Bono Champions juggle the demands of operating a law firm, an in-house legal department or – in the case of some of AHLA’s past Pro Bono Champions – teaching full-time at law schools.

AHLA is extremely proud to honor 30 Pro Bono Champions for the pro bono services they have provided in the health law field during calendar year 2014. Congratulations to the following members whose commitment to providing pro bono legal services has impacted individuals and communities in significant and meaningful ways.

**Julia Bienstock**
Proskauer Rose LLP
New York, NY

Since September 2014, Ms. Bienstock has helped New Women New Yorkers (NWNY) incorporate, obtain tax-exempt status, and launch its first campaign efforts. NWNY is a non-profit organization dedicated to empowering young women immigrants from underserved communities in New York City, especially first-generation high school and college students; recent, undocumented, low-income young women immigrants; and single mothers. NWNY’s key goal is to provide young women immigrants with the knowledge, skills, and support they need to recognize and achieve their potential, pursue better educational and professional opportunities, and become agents of change in and for their communities. While NWNY is a young organization, it has a strong message and Ms. Bienstock looks forward to working with the organization further.

In addition, Ms. Bienstock has provided ongoing support to GMHC (formerly Gay Men’s Health Crisis), a New York City-based non-profit community-based health and social services organization. GMHC is a leading provider of HIV/AIDS prevention, care and advocacy. Ms. Bienstock began assisting GMHC shortly after the organization announced that it would be expanding its comprehensive service delivery model to include new and innovative mental health services by opening a state-of-the-art mental health center. Ms. Bienstock continues assisting GMHC in drafting and negotiating managed care contracts for the new mental health clinic.

Finally, Ms. Bienstock has helped many new nonprofit organizations with formation and governance issues, including helping these organizations to obtain tax-exempt status, preparing governance documents, and providing advice on best practices for board members, including conflicts of interest and financial controls. For example, she provided guidance to Rethink the Conversation on an array of formation and governance issues. Rethink the Conversation is a new not-for-profit corporation that seeks to address the stigma around and indifference towards mental illness and suicide. By increasing public awareness of suicide and mental illness through the gathering and dissemination of accurate information, Rethink the Conversation destigmatizes these important issues and makes a real difference in the lives of those who may contemplate suicide and survivors of suicide loss.

**Ross Burris**
Polsinelli PC
Atlanta, GA

Mr. Burris worked with the Health Law Partnership (HeLP), a community collaboration among Children’s Healthcare of Atlanta, Atlanta Legal Aid Society, Inc., and Georgia State University College of Law that assists needy children
and their families on legal matters that affect their health. HeLP’s primary premise is that attorneys can intervene to improve the physical, social, and economic environments in which many low-income children live, resulting in their improved health and quality of life. HeLP’s goals are to address health-harming legal problems in order to improve health outcomes for low-income families through the establishment of on-site public health legal services offices at Children’s three hospital campuses; to foster knowledge, understanding, and a cooperative spirit between the health care and legal professions to promote children’s health through interdisciplinary educational programs, including in-service education for healthcare professionals at Children’s and student education for law students and graduate professional students; to improve low-income children’s access to healthcare and the conditions that affect their health through a program of legal and policy systemic advocacy, including advocacy at the legislative, policy-making, and government agency levels; and to serve as a model demonstration program for interdisciplinary community collaborations that seek to promote the public’s health. As proud as Mr. Burris is to receive this selection, he is more proud of the great work being done by HeLP.

Court of Appeals for the Fourth Circuit and U.S. Supreme Court and Halbig v. Burwell in the U.S. Court of Appeals for the District of Columbia Circuit. These two matters involved the issue of whether IRS-authorized tax credits to low-income individuals for the purchase of health insurance under the ACA were permissible in all states or only in those states that established their own health insurance exchanges under the ACA. Because a large majority of states (36) chose to rely on a federally-facilitated health insurance exchange rather than establishing their own, and because the vast majority of low income individuals purchasing insurance coverage on the exchanges have taken advantage of tax credits to make coverage affordable, disallowing tax credits in the states using the federally-facilitated exchange would—according to most observers—eviscerate the goal of the ACA to achieve near-universal health insurance coverage.

In both Halbig and King, Mr. Collier and McDermott represented a group of 34 deans, chairs, and faculty members from public health schools across the country, arguing that disallowing premium subsidies (i.e., tax credits) in the 36 federally-facilitated exchange states would have devastating public health consequences for the low income residents who likely would lose insurance coverage. When the Supreme Court agreed to hear King, the public health amici swelled to 102 deans, chairs, and faculty members and were joined by the American Public Health Association. The case, which received broad media attention, was argued on March 4, 2015 and a decision is expected in June.

During 2014, Mr. Collier served as lead counsel on amicus briefs in two critical cases interpreting the Affordable Care Act (ACA): King v. Burwell in the U.S. Court of Appeals for the Fourth Circuit and Halbig v. Burwell in the U.S. Supreme Court. Ms. Compton worked on multiple pro bono projects in 2014 related to health care regulatory advice. Ms. Compton’s work included significant HIPAA and health information privacy advice for nonprofit health care providers, patient organizations, youth organizations and veteran’s organizations, including Veteran’s Village of San Diego (VVSV), an organization dedicated to helping homeless and at-risk veterans to get off the streets and fight addiction. DLA Piper LLP (US) works with VVSD as part of our national signature project, Serving Those Who Serve Our Country. We have helped them with lease and contract revisions, compliance with the ADA and health care regulatory requirements, and various other legal matters for the nearly a decade. We also work closely with VVSD in their role as lead sponsor of San Diego Stand Down, a three-day event for homeless veterans.

Mr. Earl maintains an active pro bono practice dedicated to assisting individuals with mental and physical disabilities secure disability benefits from the Social Security Administration or the Veterans’ Administration. In 2014, Mr. Earl continued his representation of a Vietnam War veteran in his claim for service-connected disability benefits, related to the veteran’s post-traumatic stress disorder and tonsil cancer. Mr. Earl began his representation at the U.S. Court of Appeals for Veterans’ Claims after the Veterans Consortium Pro Bono Program referred the case to him. Prior to Mr. Earl’s representation, the veteran had pursued his claim unsuccessfully for years and the Board of Veterans’ Appeals had rejected both the PTSD and tonsil cancer claims.

With respect to the PTSD claim, the veteran sought an increase from a 30% to a 50% disability rating on the grounds that his symptoms were sufficiently severe to support the higher rating. The veteran argued that his tonsil cancer was caused by his exposure to Agent Orange.
while in Vietnam. Mr. Earl worked with a medical expert who reviewed the veteran's medical records and was able to provide medical support linking the veteran's Agent Orange exposure to his tonsil cancer.

Following extensive briefing and the presentation of medical evidence, the Court of Appeals recently issued a fully-favorable decision on the veteran’s tonsil cancer claim. The Court of Appeals also remanded the PTSD claim for further review on the grounds that the Board of Veterans’ Appeals failed to sufficiently consider certain evidence that was favorable to the veteran. Mr. Earl is continuing to represent the veteran in his remanded case for increased PTSD benefits.

Ms. Hance, a partner in McDermott’s Washington office, actively provides pro bono service in addition to her robust practice advising health insurers, health maintenance organizations, pharmacy benefit managers, and other industry stakeholders on federal and state regulatory matters as well as providing counsel on issues relating to the Affordable Care Act (ACA) and state insurance requirement. Ms. Hance most recently provided support to the National Health Law Program (NHeLP) on health care reform and related projects.

NHeLP is a non-profit organization that addresses the health rights of low-income and underserved individuals and families. Established in 1969, NHeLP advocates, educates, and litiates at the federal and state levels. Health care reform offers the opportunity to substantially reduce the number of uninsured and improve access to care, including through the law’s expansion of the Medicaid program. NHeLP fights to give at-risk populations a voice in federal policy making, promote the rights of consumers in emerging managed-care systems, and advocate for creative solutions that preserve the government’s responsibility as the provider of last resort.

In 2014, Ms. Hance and other attorneys at McDermott assisted NHeLP by providing legal research and analysis on issues relating to coverage mandates under the Public Health Service Act. For example, Ms. Hance and McDermott addressed the scope of the first-dollar coverage requirement for preventive services, including contraceptive items and services, adopted under the ACA. They also assisted NHeLP in understanding the statutory and regulatory framework for compliance with, and enforcement under, the Public Health Service Act.

Ms. Helak represented NHeLP in its assessment of potential legal avenues for seeking Medicaid expansion in the states that declined to take advantage of expanded federal funding available under the ACA. This involved a state-by-state assessment of state constitutions, statutes, and regulations. This analysis supported NHeLP’s mission of protecting and advancing the health rights of low income and underserved individuals throughout the United States.

Ms. Helak, an associate in McDermott’s Washington office, focuses her practice on health care transactional and regulatory matters. She also maintains an active pro bono practice, leveraging her health law expertise. Most recently, Ms. Helak advised the National Health Law Program (NHeLP), a nonprofit organization dedicated to protecting and advancing the health rights of low-income and underserved individuals and families, as they assessed issues arising under the Affordable Care Act (ACA).

The ACA made billions of dollars in federal funding available to states that expanded their Medicaid programs to cover non-elderly individuals in families with incomes below 133 percent of the Federal Poverty Level. The federal government estimates approximately 8.6 million people have gained access to Medicaid or Children’s Health Insurance Program coverage since 2014 as a result of this expansion in federal funding. However, almost half of the states have opted not to expand Medicaid and take advantage of these federal funds, including some states whose citizens would have benefited most.

Mr. Higdon maintains a strong commitment to pro bono practice, leveraging his knowledge of state and federal health care programs to advise nonprofits working with underserved communities on regulatory and tax-exempt matters. For example, Mr. Higdon advised a nonprofit provider of diagnostic and screening mammography services based in the Mid-Atlantic concerning reimbursement and billing issues. Mr. Higdon counseled the provider, which exclusively serves under and uninsured women who otherwise have few options for care, on whether a provider may bill certain Medicaid and other state health care programs for mammography services if some of the equipment used to perform the service is obtained at no cost or below-cost. Mr. Higdon further advised the provider concerning implications for reimbursement due to recent proposed changes to U.S. Preventive Services Task Force guidelines concerning breast cancer screening.

Mr. Higdon also helped a nonprofit
company that offers entertainment and gifts to patients at a California children’s hospital secure tax-exempt status. Specifically, the company operates holiday-themed events for patients and their families who would otherwise be unable to afford such activities on their own. Mr. Higdon informed the company about particular application criteria given the type of services the company provided and discussed differences in state and federal requirements for tax-exempt status.

In 2014, Mr. Iwrey continued his dedication to pro bono services and turned his attention to the anti-bullying effort. Mr. Iwrey partnered with Marlene Seltzer, M.D., Director of the Beaumont Children’s Hospital NoBLE Anti-Bullying Program, and the Oakland County Medical Society to develop informational materials to assist health care providers in recognizing the signs of bullying, clarifying their obligations under applicable laws, and identifying the resources available to their patients who are victims of bullying. Mr. Iwrey devoted a considerable amount of time to researching the laws and policies that impose duties on health care providers and public school districts in Michigan to report and respond to incidents of bullying.

The product of Mr. Iwrey’s efforts is “A Healthcare Provider’s Guide to Bullying,” which was published in the Oakland County Medical Society’s March/April 2015 Bulletin. This practical guide can be incorporated into a health care provider’s everyday practice and will be useful to the many health care providers who are unaware of their legal rights and duties when treating a patient who is a victim of bullying. The guide includes information about “Matt’s Safe School Law,” which requires all Michigan public school districts to implement policies and procedures to prohibit bullying (including cyberbullying) and to respond to incidents of bullying.

The publication also discusses the mandatory reporting requirements applicable to health care providers under Michigan law, including a discussion of physician-patient privilege issues. The guide even includes an “Alleged Violent Injury Report” template that health care providers may use in their practice to report injuries resulting from bullying. Most importantly, Mr. Iwrey’s dedication to this cause will undoubtedly benefit victims of bullying in Michigan. The health care providers who read the guide will be better equipped to identify symptoms of bullying and the resources available to help their patients.

In 2014, through the Veterans Consortium Pro Bono Program (VCPBP), Mr. Jackson successfully represented his client in his appeal before the U.S. Court of Appeals for Veterans Claims. The client sought representation to appeal the decision by the Board of Veterans’ Appeals (Board), an administrative tribunal within the U.S. Department of Veterans Affairs (VA), to deny his VA benefits for service connected disabilities of asbestosis, asthma, and chronic obstructive pulmonary disease. Mr. Jackson was able to successfully argue that the Board did not provide a proper basis for denying his client’s benefits, that the Board failed in its obligation to assist his client in recovering medical evidence to support granting his VA benefits, and that there was actually enough medical evidence to show service connection to his disabilities. The VA agreed to remand its decision on all of the client’s claims. The VA rarely remands its decisions at this stage and, if it does, will rarely remand on all claims without some caveats. This is the best decision that the client, or any other veteran at this stage, could ask for.

The VCPBP was created in 1992, with a dual mission to provide assistance to unrepresented veterans or their family members who have filed appeals at the U.S. Court of Appeals for Veterans Claims, and to recruit and train attorneys in the then-fledgling field of veterans’ law. For volunteer attorneys, the VCPBP teaches a one-day class in veterans’ law, and every attorney who receives training accepts a case. This is a matter that is a special cause for Mr. Jackson as before law school and following his graduation from West Point, Mr. Jackson served as a Medical Services Corps Officer in the United States Army.
management and investment policy work, a member substitution, and employment assistance. Ms. Kaderabek also advised another tax-exempt entity on post-dissolution matters.

Mary Emma Karam
Jackson Walker LLP
Dallas, Texas

Ms. Karam serves as counsel to the Board of St. Joseph’s Residence, a non-profit assisted living facility for the indigent and underserved. In this volunteer capacity since 2008, she worked with the Board in 2014 to handle legal matters enabling it to expand its license and double the size of the facility to increase the availability of its services, including taking in a number of persons from homeless facilities. Her legal work at no charge for this facility included revision of its bylaws and assisted living policies, compliance with state regulations, responding to resident inquiries, and legal compliance with health care issues.

Additionally, Ms. Karam provides pro bono legal services to Catholic Charities of Dallas, which provides programs that serve the poorest and most vulnerable people throughout North Texas. In the past year, Ms. Karam has worked extensively to help the organization with its broker and insurance company in addressing legal issues related to its health care plan and compliance with regulations under the Affordable Care Act and other health care benefit issues.

Ms. Karam has also spent many pro bono hours advising this non-profit organization and its church employer benefit plan on various issues under health care regulations and laws in the area of compliance.

Mark Kadzielski
Pepper Hamilton LLP
Los Angeles, CA

Pepper attorneys Mark Kadzielski, Jee-Young Kim, and Dayna Nicholson were at the forefront of the efforts in Los Angeles to establish My Health LA (MHLA), a partnership program that will strengthen primary care access, promote coordination, and improve health outcomes for approximately 150,000 of LA County’s remaining uninsured.

The MHLA program evolved from a decades-long partnership between the Los Angeles County Department of Health Services (LADHS) and local community clinics and health centers. The program kicked off on October 1, 2014 with more than 10,000 LA residents already enrolled. Under the newly-minted MHLA, these safety-net providers will receive funding of up to $61 million annually to provide a range of services including primary care, dental care, chronic disease management, and prescription medications to the uninsured patients enrolled in the program.

The Community Clinic Association of Los Angeles County (CCALAC), a long-time pro bono client of Mr. Kadzielski, Ms. Kim, and Ms. Nicholson, led key negotiations with LADHS on behalf of its member community clinics. Founded in 1994, CCALAC represents the interests of fifty-five community clinics and health centers that operate over 200 primary care sites throughout the county.

CCALAC’s members serve as the medical home for over one million patients per year. “LA’s health centers are deeply committed to this program, their ongoing partnership with LA County, and most importantly, the patients they serve,” CCALAC President and CEO Louise McCarthy said. “Our joint efforts to build and implement My Health LA will create a strong foundation for the continued development of a world-class system of care for all residents of LA County.”

The Pepper pro bono team provided CCALAC significant assistance in negotiating the MHLA master agreement and all of its attendant exhibits—totaling over 150 pages. The MHLA program is just the latest project that the Pepper team has handled for CCALAC. At a recent 25-year Anniversary Celebration, Mr. Kadzielski, Ms. Nicholson, and Ms. Kim were recognized for their outstanding efforts in support of LA’s community clinics. According to Ms. McCarthy, the Pepper team has “had a profound impact on the health care landscape of LA County. Without their support, hundreds of thousands of underserved patients would not have access to high quality, cost effective services.”

Mr. Kadzielski was also instrumental in his contributions to AHLA’s latest Public Interest publication, Legal and Operational Guide for Free Medical Clinics (coming in July 2015), which will provide valuable guidance to health care providers, community leaders, and pro bono counsel who want to build and operate a free medical clinic in underserved communities.
Peter Leone continues to devote substantial pro bono hours to representing young children (generally under eight years old) and their families in seeking appropriate individualized special education services from public school districts. These pro bono special education cases may involve children with diagnoses such as autism spectrum disorder, attention deficit hyperactivity disorder (ADHD), and physical disabilities. Often, the cases can entail disciplinary matters and require added resources to ensure the child’s effective educational development and growth.

In 2014, Mr. Leone worked on such cases identified and screened by the Children’s Law Center of Massachusetts and by the Medical-Legal Partnership/Boston. In one case, a seven-year-old second grade student was eligible to receive special education in a regular classroom under an individualized education program that was to provide him with behavioral supports to address neurological and emotional disabilities, developed from birth, which could make it difficult for him to access the regular classroom curriculum. However, the behavior plan that the school devised was not tailored with rewards that would be effective with the boy. With the school unwilling to expend funds for the needed in-classroom support, the school district sought an administrative order placing the boy in a self-contained special education classroom that was not appropriate for his educational program.

When the school proved unwilling to modify the boy’s program, the attorney for the school district initiated a formal administrative hearing seeking a judicially enforceable order that would have placed the boy in the inappropriate self-contained special education classroom. Mr. Leone continued his representation of the boy and his family in contesting the appeal, which the school was subsequently forced to withdraw. Mr. Leone then advised the family on the options available for continuing education in a classroom better suited for his son’s educational needs.

Cornerstone Recovery, Inc. is a charitable organization with a mission to promote wellness and address the health care needs of at-risk adolescents. Over half of its clients receive some form of financial assistance. Cornerstone Recovery, Inc. developed an innovative model for outpatient adolescent chemical dependency treatment services that combined traditional treatment methods with adventure activities and family support. The average one-year sobriety rate has historically been 89%, which is well in excess of the 38% industry standard. The majority of its clients move on to attend college or become productively employed. DLA Piper LLP (US) originally accepted Cornerstone as a pro bono client to assist with correcting certain documentation matters identified during a routine inspection. Karen Nelson has continued to work with Cornerstone in developing best practices for documentation and, ultimately, restructuring to mitigate potential legal risks. DLA Piper has collaborated with the client and the state licensing agency throughout the restructuring efforts to ensure that the new business model satisfies regulatory guidelines while continuing to support the types of professional services that have proven to be so effective.
Ms. Neuman has actively engaged McDermott’s lawyers and summer associates in the Boston office in undertaking a broad range of pro bono matters. She also has an active pro bono practice focused on representing mentally and physically disabled children and their families in seeking special education services to ensure their educational development and growth.

Ms. Neuman has worked closely with McDermott attorney Peter Leone on special education cases referred by the Children’s Law Center of Massachusetts. In 2014, Ms. Neuman and Mr. Leone represented the family of a four-year-old boy in need of special education services. The boy’s public school district devised an Individualized Education Plan (IEP) that, while placing the boy in a self-contained special education classroom, fell short of meeting the legal standard for services required in light of the boy’s diagnosis of autism spectrum disorder and global developmental delay. More specifically, the school district’s services in the special education classroom fell far short of what was specified in the specialized and extensive pediatric medical and developmental evaluations and recommendations that the family obtained from a specialized teaching hospital.

Ms. Neuman, working with Mr. Leone, has advocated for over a year on behalf of the boy and his family. As detailed in multiple advocacy submissions and school meetings, the boy’s family and professionals all believed that an out-of-district placement into a small, highly specialized school program qualified in working with children with autism spectrum disorder and co-occurring global developmental delays was the optimal result for the child, and such a placement was consistent with the special education program recommendations contained in the most recent hospital evaluations.

In light of McDermott’s submissions that were supported by the health professionals’ evaluations, the child’s current school acknowledged that it could not adequately provide the range of appropriate special education services required by law in this instance, and it agreed to fund an out-of-district placement at a specialized school. The family was extremely pleased with this result and Ms. Neuman and Mr. Leone’s representation continues, with a shift in focus to ensuring that the placement chosen and funded is an available and appropriate one.

Mr. Ortman has devoted significant pro bono time to advocating for LGBT rights. He leads, organizes, and regularly volunteers for McDermott’s legal clinic advising LGBT individuals at the Center on Halsted, one of the nation’s largest LGBT community centers. Through the legal clinic, Mr. Ortman has assisted LGBT individuals with navigating insurance coverage restrictions and understanding the impact of the Affordable Care Act (ACA). He also works with the Broadway Youth Center of the Howard Brown Health Center, advising at-risk LGBT youth on obtaining birth records necessary to address employment, housing, and health-related issues.

In 2014, Mr. Ortman participated in the Second Chance Clinic, organized by the Association of Pro Bono Counsel (ABPCo) IMPACT program. Mr. Ortman assisted individuals with criminal records obtain Illinois Health Care Waivers, which allows eligible individuals with criminal records to demonstrate to employers and others that they are “rehabilitated,” and health care employers are relieved from certain criminal and civil liabilities if they hire such individuals. Such criminal records often stem from isolated, long-past incidents, but because adult felony convictions cannot be expunged in Illinois, they result in the routine denial of jobs, housing, and educational opportunities.

Mr. Ortman was also an integral member of a team that worked with the Legal Aid Society of Metropolitan Family Services’ anti-trafficking initiative to investigate the possibility of expanding the civil remedies available to formerly sex-trafficked individuals under the Illinois Predator Accountability Act (IPAA) to individuals who were formerly labor trafficked. Sex and labor trafficking victims are subjected to deplorable conditions, impacting their mental and physical health. Mr. Ortman and his colleagues liaised in a working group comprised of various legal, advocacy, and community groups with an interest in human trafficking to secure and expand civil remedies for victims.

Mr. Ortman also serves as chairperson of the LGBT Committee of the Chicago Bar Association (CBA). In that role, Mr. Ortman organizes and hosts weekly presentations addressing various topics, including the impact of the ACA for the LGBT community and health issues unique to transgender individuals.

Ms. Park, who focuses her practice on transactional and regulatory matters affecting a wide range of clients in the health care industry, continues to maintain a robust pro bono practice. During 2014, Ms. Park represented four separate organizations on health care-related issues. She assisted Bet Tzedek Legal Services in preparing an Advanced Health Directives seminar for senior residents.
served by the organization; advised Claris Health with respect to its sexual health education program; advised a nonprofit provider of diagnostic and screening mammography services based in the Mid-Atlantic concerning reimbursement and billing issues; and assisted KHEIR – Imaging Center in a matter relating to its 340B program.

Rene Quashie
Epstein Becker & Green PC
Washington, DC

In February 2014, the District of Columbia’s La Clinica del Pueblo won a $425,000 grant from CareFirst BlueCross BlueShield to implement a telemedicine behavioral health initiative that will expand remote access to its bilingual counselors and health care providers through telemedicine to approximately 650 patients in the DC area. Mr. Quashie led a team of attorneys at Epstein Becker Green who aided La Clinica del Pueblo with its grant application and Mr. Quashie continues to provide pro bono legal services as La Clinica implements the program.

In a February 20, 2014, article, CareFirst said it will offer $1.3 million in grants to four initiatives meant to help medical providers develop telemedicine-based ways to increase access to behavioral health services. CareFirst is planning to grant money over three years to seed projects that use video conferencing or other technologies to allow doctors and others to diagnose and treat patients remotely. The grants were meant to expand access to behavioral health care for patients in both urban and rural areas of the District of Columbia and Maryland.

For five years, Bass, Berry & Sims devoted more than 4,400 pro bono hours across 30 team members to the defense of a local ambulatory service company facing charges of Medicare and Medicaid fraud in the case of USA v. Medlock. As leader of the firm’s Healthcare Fraud Task Force, Mr. Roark served as the firm’s lead counsel for the case alongside the appointed counsel Barry Tidwell of Bullock Fly Hornsby & Evans.

In January 2010, Woody Medlock, owner of Murfreesboro Ambulance Service, was indicted on charges of Medicare and Medicaid fraud. The indictment was a result of a joint federal and state investigation into fraudulent billing practices by the company to Medicare and Medicaid for transportation of dialysis patients who were not qualified to receive ambulance transportation. In the initial trial, held in U.S. District Court, Middle District of Tennessee, Medlock was found guilty and sentenced in January 2014 to a 75-month prison sentence. The Bass, Berry & Sims team donated 442 hours of billable time during 2014 preparing for the appeal. On May 13, 2015, the Sixth Circuit Court of Appeals overturned the aggravated identity theft conviction of Woody Medlock. The Sixth Circuit held that the Medlock did not “use” the identifying information of the Medicare beneficiaries within the meaning of the aggravated identity theft statute merely by lying about how the beneficiaries had been transported.

Mr. Roark devoted nearly 600 hours throughout the trial and 2014 appeal and was instrumental in preparing and delivering an extensive oral argument before the court. Since the beginning of this case in 2010, Brian has provided extensive guidance and counsel to the client and other team members.

Ms. Rutherford maintains an active pro bono practice dedicated to assisting health-based nonprofit organizations, as well as mentally and physically disabled children and their families seeking special education services to ensure their educational development and growth. In a matter referred by Children’s Law Center, Ms. Rutherford and her colleagues represent an aunt and her six-year-old niece in securing special education services from the District of Columbia Public Schools (DCPS). Ms. Rutherford compiled and reviewed records and prior evaluations of her client’s niece, and successfully petitioned DCPS to obtain independent educational, speech-language, and occupational evaluations. She has also worked with the student’s Individualized Education Program (IEP) team at the elementary school to secure appropriate services, and continues to advocate on her client’s behalf to ensure the student obtains a quality education informed by her specific learning needs.

In 2014, Ms. Rutherford also contributed significant pro bono hours to counseling the Solve ME/CFS Initiative (SMCI), the nation’s leading charitable organization dedicated to conquering chronic fatigue and immune dysfunction syndrome. Ms. Rutherford specifically assisted SMCI in the preparation and negotiation of research agreements that navigated complex regulatory requirements related to human subjects research and data privacy.
Ms. Smith spent approximately two years developing the structure for a medical-legal partnership between Children’s Hospital of Orange County (CHOC) and the Public Law Center, a pro bono law firm, to provide free legal services to CHOC patients who cannot afford to pay for legal services on their own. The clinic, Family Legal Assistance at CHOC Children’s, launched in January 2014 and focuses specifically on guardianships and conservatorships. Many families are in need of this service yet lack the proper information or financial resources to obtain the service. The hospital sees many children who do not have parents or legal guardians involved in their lives or their care, as well as pediatric patients who are developmentally disabled and will continue to need care from another adult throughout their lives. In 2014, the clinic served over 90 families, with more than 90% of the cases ending in an approved guardianship or conservatorship.

The clinic also offers a service for guardians or conservators to have a will drafted to designate care of the patients if they pass away or become unable to continue care. Ms. Smith and the Public Law Center successfully found two sponsors to provide volunteers for the project: the Hyundai Motor America in-house legal department and the Shepard, Mullin, Richter & Hampton LLP Orange County, California office. Ms. Smith was instrumental in putting together presentations to train the volunteer attorneys and continues to have an active role in the monthly clinics. With Ms. Smith’s efforts, CHOC was named Community Partner of the Year by the Public Law Center at their 2014 annual award dinner.

Additionally, Ms. Smith has taken several pro bono cases on direct representation from the Family Legal Assistance at CHOC Children’s clinic. A recent case involved a 19-year-old patient who was diagnosed with several conditions including cerebral palsy, global developmental delay, epilepsy, and cognitive impairment. These conditions left the patient wheel-chair bound, without the ability to speak, and in need of his family’s close care to assist daily necessities. Ms. Smith represented the parents in obtaining a conservatorship for their son so that they would continue to have the legal authority to make decisions for his care and well-being, even though he is now legally an adult. After five months of work submitting paperwork, meeting conservatorship requirements, and a court appearance, the court issued Letters of Conservatorship to the parents granting them the legal ability to continue to make decisions for their adult son. Ms. Smith also filed the necessary paperwork to prevent the family from having to re-appear for the 90 day review hearing.

Mr. Saling, who focuses his practice on health care mergers and acquisitions and regulatory matters, maintains an active pro bono practice. In 2014, Mr. Saling advised the National Health Law Program (NHlp), a non-profit organization working to protect and advance the health rights of low-income and underserved individuals. Mr. Saling and a McDermott team analyzed a state’s ability to collect Medicaid debt against individuals under Medicaid expansion laws. The team’s research and analysis was used by NHlp in its advocacy efforts to correct the inequities present in the health care system and pursue legal strategies to improve health care access.

Mr. Saling also works with Miami’s Institute for Child & Family Health on the All-Aboard Tutoring/Mentoring Program, which targets pre-k, kinder-

garten, first, and second grade students who are academically at-risk in Miami-Dade County Public Schools. All-Aboard recruits, trains, places, monitors, and supports volunteers to tutor one-on-one during the regular school day and at after school care programs.

Mr. Tichner is a Partner in McDermott Will & Emery’s Health Industry Advisory Practice Group, where his practice has involved the merger, acquisition, and affiliation of over 20 U.S. hospitals in the past 5 years. Continuing his year-to-year commitment to pro bono work in 2014, Mr. Tichner devoted over 80 pro bono hours to two entities in the health care field: Families for Depression Awareness (FFDA) and American Healthcare Professionals and Friends for Medicine in Israel (APF).

FFDA is a nonprofit charity dedicated to helping families recognize and cope with depression and bipolar disorder. Working with other McDermott attorneys, Mr. Tichner helped FFDA launch a Care Consultation pilot program dedicated to providing free Care Consultation services to low income families in Massachusetts. Services include conducting screenings and in-person meetings to assess family needs, developing family action plans, and helping to connect families with available mental health resources in and around Massachusetts.

Mr. Tichner’s pro bono work for FFDA included providing advice with respect to the development of engage-
Mr. Weinstein is an associate in McDermott’s Washington office, where he maintains a strong commitment to pro bono work. During 2014, Mr. Weinstein assisted two clients with appeals of their social security disability determinations. He performed legal research for both cases, gathered medical evidence, performed client interviews, prepared a letter brief, and represented one of the clients at an administrative hearing. Both clients were seeking listings relating to mental health disabilities, and had been incarcerated during parts of their application process. Mr. Weinstein navigated the complexities surrounding these cases in forming arguments for these clients’ appeals.

Mr. Weinstein also assisted two non-profit entities with health regulatory compliance questions. The first, Cape Moments, Inc. d/b/a My Moments (in partnership with the Dana-Farber Cancer Institute), sought to offer art therapy classes for patients in psychiatric hospitals. Mr. Weinstein helped the client determine its compliance needs under the Health Insurance Portability and Accountability Act, and developed privacy and security policies and procedures for their services. Mr. Weinstein additionally drafted Business Associate Agreements for the client.

The second non-profit sought to establish a position on requesting medical record evidence from hospitals and medical providers for social security disability cases in which law firms were providing pro bono representation. Mr. Weinstein assisted the non-profit in determining what steps it would need to take in order to request medical records on behalf of a social security disability client and his/her pro bono attorney. He researched the requirements for patient authorization under federal and state law and proposed potential options for the client to provide this service.

Mr. Weinstein provided representation of the parent of an adult with a cognitive disability seeking guardianship and representation of the aunt of a minor seeking guardianship for medical decisions.

As a long-term pro bono advocate in the area of autism, Ms. Whites has dedicated over 50 hours a year on legal advocacy for persons with autism, their families, caregivers, and schools or employers. This includes outreach to courts and public advocates to aid them with an understanding of autism spectrum issues, as well as education for families and persons with autism so that they can understand their legal rights and the services and supports available to them as a matter of law.

In 2014, the Office of Autism was established to address Kentucky’s lack of a coordinated system of service provision and to link public, private, and educational institution services related to autism spectrum disorders. Ms. Whites assisted in the creation, implementation, and overall support for the Office of Autism which will facilitate the coordination between the Kentucky Cabinet for Health and Family Services, the Kentucky Department for Community Based Services, the Kentucky Commission for Children with Special Health Needs, the Governor’s Committee for Autism Spectrum Disorders, private and public autism support groups, the University of Kentucky, and the University of Louisville. Ms. Whites advocated to ensure that the Office of Autism has office space at no charge and drafted Memorandum of Agreements, sample legislation, contributed to the Executive Order to implement the program, and engaged with affected entities in the mutual effort to create and support the Office of Autism.