A. Clinic Hours and Schedule

A. Introductory Intensive Seminar: Thursday, January 8, 2014 9:00 AM - 4 PM and Wednesday, January 14 9:00 AM – 10 AM
B. Weekly Seminar: Wednesdays 10:10 AM-12:00 PM, January 14 – April 22
C. Weekly Supervision Session: to be scheduled by student teams and professor, additional supervision or office hours to be scheduled as needed
D. Mt Sinai Queens Hospital Legal Clinics, Thursdays, 12-4 PM, biweekly, beginning January 15, 2015
E. Elder Presentations: Dates in February and March, TBA
F. Project work: 20-25 hours per week


C. Learning Goals and Objectives. The Health Law & Policy Clinic (HLP Clinic) experience will be a challenging and exciting opportunity to practice as a lawyer and legal advocate in public health. As we set out to develop a health law practice team that assists low income individuals in accessing healthcare, we can expect a steep learning curve as we strive to master complex health regulatory issues and to learn how to best manage and serve our clients. In this dynamic and fast paced environment, it is important to keep in mind broad learning goals and objectives so that you can focus your learning and, on reflection, appreciate all that you will have learned in the course of the semester. You are invited to develop additional learning aims and objectives for yourself or to share with your team in the HLP Clinic.

1. Learning Goals. Students in the HLP Clinic should strive to develop:

- an understanding of the basic structure and function of the federal and New York State public health system and the interplay of statutory and regulatory health law in the public health arena

- a basic familiarity with substantive health law relating to a specific area of work for low-income clients, for example, managed care law for those dually eligible for Medicaid and Medicare

- a basic understanding of one or more legal processes used to assist clients in accessing healthcare or paying for healthcare in the public health arena

- proficiency in certain essential practice skills, including, for example, skills in client interviewing,
counseling, communication, drafting advice memoranda, and collaborative advocacy.

-an understanding of the principles of professional ethics as they apply in health law practice and advocacy

**2. Learning Objectives.** By the end of the semester, students in the Health Law & Policy Clinic should be able:

- to articulate the basic legal structure of the federal and New York State public health system and navigate in that system as a lawyer

- to perform basic lawyering functions related to representing clients in certain health related matters

- to articulate a lawyer’s professional responsibility to healthcare clients and identify what it means to practice law reflectively and with integrity

- to demonstrate at least a beginner level proficiency in certain essential practice skills, including, for example, skills in client interviewing, counseling, communication, drafting advice memoranda, and collaborative advocacy.

- to articulate meaningful ways for promoting healthy self-care in balance with robust personal/professional growth

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**D. Assessment**

1. **Framework for Assessment.** Our HLP Clinic functions as a law firm and assessment is similar to that found in a law practice environment. Assessment will be based on your ability to perform as a team player, to adequately perform project work, to demonstrate your commitment to professional growth and learning, demonstrate an understanding of your professional responsibilities, to interface appropriately with clients and collaborators, and to participate in clinic seminars and trainings.

2. **Process for Evaluation.** I will be making assessments of your work and progress throughout the semester and encourage you to talk with me at any time about your progress. You must complete the minimum number of project clinic hours. You must attend all scheduled supervisory meetings, seminar classes, and scheduled trainings unless excused by me for good cause. Your final grade will be based on an evaluation of your work and progress as follows:

   a. **Team Player.** 25% of your grade. Assessment will be based on your ability to effectively (1) communicate with your team; (2) coordinate and manage work deadlines and coverage; (3) coordinate work distribution and production; (4) model full accountability as a team member; (5) demonstrate respectful and supportive behavior with your team and class.

   b. **Practice Skills and Work Product.** 25% of your grade. Assessment will be based on (1) the level of competency that you demonstrate in (1) practicing essential legal skills relating to
documentation/record-keeping, timeliness, communication, counseling and problem-solving; (2) producing accurate and well written or presented work product, as assigned or required for your projects.

c. Commitment to Professional Growth. 20% of your grade. As a beginner law practitioner, your ability to respond appropriately and positively to instruction and guidance and your ability to persevere in perfecting your work product and your practice skills are key to your growth and success as a professional. Assessment will be based on your ability (1) to respond positively and appropriately to instruction and guidance; (2) to persevere in efforts to perfect your work product or practice; and (3) to engage in reflective analysis of your lawyering.

d. Professionalism. 15% of your Grade. Assessment will be based on your ability (1) to engage and interact with clients and collaborators in a professional manner and (2) to understand and to conduct yourself in accordance with the New York Rules of Professional Responsibility as they apply to Clinic interactions with clients and collaborative partners.

e. Participation in Clinic seminars and required trainings. 15% of your grade. Assessment will be based on your attendance and level of participation in the clinic seminars and required trainings.

E. Clinic Intensive: January 8, 2015 9:00 AM – 4:00 PM
January 14, 2015 9:00 AM – 10:00 AM

F. The Clinic Seminar: Schedule and Reading Assignments

1. January 14, 2015 Seminar 1 Introduction to Lawyering
In Seminar 1 we will explore the many concepts of what it means to be a lawyer for the individual, for the organization, and within a medical legal partnership.

Read Krieger & Neumann pp. 1-45
Musumeci, MB, Augmenting Advocacy: Giving Voice to the Medical-Legal Partnership in Medicaid Proceedings and Beyond, pp. 885-900 only (repositorylaw.umich.edu/mjlr/vol44/iss4/3). Link: http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1083&context=mjlr
Review Rules of Professional Conduct (RPR)1.1 – 1.4, 1.13, 3.9

In Seminar 2 we will explore the value and process for creating and delivering effective client presentations. Students will be developing and delivering several presentations over the course of the semester. Student created presentations will be performed in a final trial run to the full Clinic during Seminar Class 5.

Read David Dempsey, Legally Speaking: 40 Powerful Presentation Principles Lawyers Needs to Know (2009), Part III Build with a Blueprint, pp. 59-113. I have 4 copies of Dempsey’s book which will be available for
3-day loan throughout semester.

Watch Brene Brown, The Power of Vulnerability, TED: IDEAS WORTH SPREADING (Dec 2010)

Watch Ann Cuddy:
http://www.ted.com/talks/amy_cuddy_your_body_language_shapes_who_you_are?language=en

3. January 28, 2015 Seminar 3 Communication & Multicultural Lawyering
In Seminar 3 we will explore the challenges of communication with its inherent fallibilities, assumptions, prejudices and cultural biases and begin to identify techniques and strategies for effective client communication, especially with the elderly client.
Read Krieger & Neumann, pp. 48-68
Review RPR 4.1 – 4.4

In Seminar 4 we will, through simulation exercises, practice interviewing and identify various techniques for interviewing and fact gathering

Read Krieger & Neumann, pp. 89-114, 139-157
Review RPR 1.16, 1.18

5. February 11, 2015 Seminar 5 Client Presentations
In Seminar 5, Teams will present their client presentation to be critiqued and revised by the full Clinic.

6. February 18, 2015 Seminar 6 Fact Analysis and Client Counseling
In Seminar 6 we will discuss the process of fact analysis and the mechanism for developing options and solutions for counseling the individual client and our corporate client.

Read Krieger & Neumann, pp. 273- 293 233-241, 249-271
Review RPR 2.1, 1.14

7. February 25, 2015 Seminar 7 Rounds: Focus on Medicaid Issues in current Elder Client Matters
In Seminar 7 we will discuss as a firm our client projects for our individual elder clients. Each team will present current cases and discuss Medicaid law and processes related to their individual representation.

In Seminar 8 we will welcome a guest speaker who will speak about elder law representation and advance planning, including advance directives.
9. **March 11, 2015**  **Seminar 9**  **Problem Solving and Collaboration**

In Seminar 9 we will discuss the principles and practice skills of problem solving and effective collaboration in our Clinic team work, with community partners and within our medical legal partnership. Read “The Importance Of Emotional Intelligence in Law Firm Partners”
http://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v33_is5_an22.html


10. **March 18, 2015**  **Seminar 10**  **Community Health Law & Policy**

In Seminar 10 we welcome Kelly Ann Murray, Director of Healthcare Programs at the Health & Welfare Council of Long Island. Ms. Murray will be describing the work of the Council in providing assistance to the elderly, field student questions on elderly and Medicaid/Medicare and advance planning and guide Clinic in problem solving in elderly health access issues.

11. **March 25, 2015**  **Seminar 11**  **Rounds: Focus on Elder Issues**

In Seminar 11 each team will present their current cases with a focus on elder law issues, including issues related to competency, “assisted” counseling, and other issues impacting the representation of the elderly in connection with healthcare or advance planning.

12. **April 1, 2015**  **Seminar 12**  **Confidentiality and Legal Rounds- focus on professional ethics**

In Seminar 12 we will explore through case studies the primary confidentiality requirements that apply to lawyers and to medical practitioners, the special requirements relating to confidentiality of information gathered in the representation of health care providers, he issues of confidentiality that emerge in the context of medical-legal partnerships, and special issues of confidentiality relating to elder law practice.

Assignment: Each team will prepare a 10-15 minute presentation in focused on 2 ethical issues that surfaced in their team project work, client meeting, client representation or 2 other ethical issues that are of interest relating to medical-legal partnerships.
Read New HIPAA liability for Lawyers, ABA GP Solo, Vol. 30, No 4
http://digitalcommons.law.umaryland.edu/jhclp/vol13/iss1/7.  PDF Link:
http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1264&context=jhclp
Review RPR 1.6

13. **April 15, 2015**  **Seminar 13**  **Health Law Policy in Practice & the Telling of a Story**

In Seminar 13 we will explore the fundamentals of health policy and advocacy and work through the steps
in structuring a coherent public health policy analysis. We will use in-class simulations to identify essential steps in policy development and to experiment with best practices for articulating policy goals and objectives in an effective way.

Each student will identify a public health issue that s/he has encountered in his or her health regulatory or individual representation work and create a story to present to a policy maker with the goal of advancing a health policy goal. Each team will submit a 3-4 page written story and will read or present their story in the seminar class.

*Read Chapters 1 and 13, Teitelbaum, JB and Wilensky, SE, Essentials of Health Policy and Law (2d ed.) Jones & Bartlett Learning (2013).*
Read Krieger & Neumann pp 169-186
Read ©

14. April 22, 2015 Seminar 14 Reflective Lawyering and Final Legal Rounds

In our final seminar we will reflect on our lawyering experience with our client projects. Each project team will present and submit a 3-4 page reflective paper and 15 – 20 minute oral presentation that reflects on their health regulatory project work and their individual client representation.