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GREATER BOSTON LEGAL SERVICES

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NEWS

Winter/Spring

2008

Helping Clients Untangle Medicare's Prescription Drug Coverage

January 1, 2008 marks the second-year anniversary of the Medicare prescription drug program known as Part D.

Throughout the early years of Part D's implementation, the mandate of GBLS' Medicare Advocacy Project (MAP) has been to help thousands of Medicare beneficiaries who have become entangled in the program's complex regulations. MAP advocates have witnessed the flaws in Part D and their repercussions, especially on the poorest, sickest, and most impaired elders and people with disabilities.

Take the case of 75-year-old Maria Rosa-Cruz. After moving to Randolph from out of state, Mrs. Rosa-Cruz, a diabetic, had promptly signed up in a local Part D plan, disenrolling from her former Medicare managed care plan. But when she tried to fill her insulin prescription, the new plan denied coverage, saying that she was still covered under the old plan. Unable to get her insulin, Mrs. Rosa-Cruz fell into a diabetic coma and was hospitalized. After repeated attempts to resolve the problem on their own, her daughters asked GBLS' MAP for help.

Maria Mendonca-Costanzo, GBLS MAP paralegal, took Mrs. Rosa-Cruz's case, helped her



photo by Sarah Peck

secure a 30-day emergency supply, then helped her through a maze of bureaucratic and legal obstacles to get her permanent coverage straightened out. Paralegal Mendonca-Costanzo addressed innumerable issues raised by both the old and new plans and produced reams of

evidence. Finally both plans recognized that Mrs. Rosa-Cruz qualified for benefits under the new plan.

Throughout Part D's first 2 years, MAP advocates have provided the legal expertise for

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Greater Boston Legal Services is the primary provider of free civil legal assistance to poor people living in the City of Boston and 31 surrounding cities and towns.

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Manisha Bhatt
photo by Linda Lank



Nancy Kelly
photo by Linda Lank



John Willshire-Carrera
photo by Linda Lank



Nadine Cohen
photo by Pamela Haran



Elizabeth Toulan
photo by Blanca Ruiz



Pauline Quirion
photo by Blanca Ruiz

Immigration Unit Acting Managing Attorney **Nancy Kelly** and Senior Attorney **John Willshire-Carrera** were named **2007 Lawyers of the Year** by Massachusetts Lawyers Weekly.

Family Law Unit Attorney **Manisha Bhatt** received the first annual **Member of the Year 2007** and **Board Member of the Year 2007** awards from the South Asian Bar Association of Greater Boston in December 2007. She was honored in recognition of her outstanding work on behalf of clients and of the organization.

Nancy Kelly was one of three recipients presented with the Women's Bar Association **Lelia J. Robinson Award** in October 2007. This award honors women attorneys who have captured the spirit of Lelia J. Robinson, the first woman admitted to the Bar in Massachusetts, through professional excellence, mentoring other women, and performing exemplary public service on behalf of women.

In October 2007 Law & Politics and Boston Magazine announced the selection of the following GBLS staff members as **Super Lawyers 2007**:

- **Nadine Cohen**, Consumer Rights Project Senior Attorney (awarded for her work in the

areas of civil rights and the First Amendment—freedom of religion, press, expression)

- **Nancy Kelly**, Acting Managing Attorney (for her immigration law work)

- **Pauline Quirion**, Family Law Unit Senior Attorney (for her family law work)

Welfare Unit Family Economic Initiative Coordinator **Elizabeth Toulan** received the **Eleanor Roosevelt Award for Civic Engagement** from Survivors Inc. in October 2007 for her “tireless commitment and expertise in advocating for families on TAFDC”. Survivors Inc. is “a group of low-income women and their allies who organize and educate about poverty, welfare and low-income survival issues.”

RESPOND, a domestic violence prevention group, presented **Greater Boston Legal Services** and the Community Legal Services and Counseling Center with the **Marie Siraco Community Activism Award** at its Autumn Awakening Gala in October 2007. GBLS was honored for its “tireless commitment to supporting survivors of domestic violence by providing free, civil legal services to low-income women, including many RESPOND program participants and their children.”

The Massachusetts Statewide Independent Living Council presented **GBLS** with its **Organization Advocacy Award** in October 2007, for GBLS’ “outstanding advocacy efforts in making the MBTA accessible to all persons with disabilities within our Commonwealth.”

Organization Maya K’iche (a New Bedford, MA community organization), honored **GBLS** and other groups and individuals in November 2007 for their support of the Michael Bianco, Jr. factory workers detained in the ICE raid in March 2007.

Online Giving

Use a modern invention to support a timeless ideal!

You can help ensure access to justice for low-income people in Boston without leaving your computer! Make a donation online to help support our services to clients.

Find us online @ www.gbls.org, and click on DONATE.

Helping Clients Untangle Medicare's Prescription Drug Coverage

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people like Mrs. Rosa-Cruz to obtain the medications they desperately need. Advocates have sorted out enrollment problems, including involuntary disenrollments; compared plans to ensure proper coverage; applied for low-income subsidies; and navigated the lapses in communications

among federal and state agencies and the plans. They have pursued appeals to win coverage of medications, to obtain prior approval for specific drugs and to overcome quantity limits. In addition to assisting hundreds of individual clients, they have conducted 125 presentations and seminars on Part D for consumers and human

service providers, legislators, doctors, and Councils on Aging across the state.

Sadly, Mrs. Rosa-Cruz passed away recently in her native Puerto Rico. GBLS’ MAP staff and their fellow advocates will continue fighting for other elders who, like Mrs. Rosa-Cruz before GBLS came to her res-

cue, face potentially life-threatening problems regarding their Medicare prescription coverage. While the number of people in crisis may have diminished as certain Part D issues have been addressed, there is still a significant number of individuals facing major challenges accessing this critical program.

A Client's Thanks

The following is an excerpt from the letter a Health & Disability Unit client sent to Executive Director Bob Sable, following the successful intervention of the client's GBLS advocate after an initial denial of Supplemental Security Income benefits. The client suffers from serious health conditions and a permanent disability caused by a surgery that went wrong. This letter is just one example of the letters appreciative clients send to GBLS staff every year after their cases are successfully resolved.

... I am writing to letter to you personally because I strongly feel that you should know that the lawyers who do voluntary work for people like me, do an outstanding job. They should be commended for their time and most of all the service they provide. Eneidia Sanchez volunteered to help me with my S. S. case and because of her time, energy, sufficiency and the service I was granted my benefits, her work was so extraordinary we didn't even have to attend the hearing. It's a time in my life that could never be forgotten. Before I turned to legal services for help, I was denied and without her services, I'm sure yet again I would have been denied. They are an asset to the legal system and proud you should be...

Above and Beyond— Outstanding Support from Members of Our Community

- Mr. Daniel Rothenberg made a \$100,000 gift to help GBLS renovate the reception area, creating a safe, welcoming space for clients.
- An anonymous donor made a grant of \$100,000 to GBLS to establish the Children's Disability Law Project.
- Attorney James G. Sokolove renewed his \$100,000 donation to support GBLS' expanded development efforts.
- Mr. Robert Hildreth contributed over \$130,000 to create The Nancy Kelly and John Willshire-Carrera Immigrant Fund to help GBLS assist detainees and fund collaborative projects that support immigrants.

David Kluff: GBLS' 2007 Associates Drive Captain

Being the captain of the GBLS Associates Drive at a big firm is a major addition to an already-significant workload. But when David Kluff at Foley Hoag was asked to take on this task, he didn't hesitate. "GBLS is my top priority charity, so I jumped at the chance. I think it's important that lawyers do as much as possible to make the system equitable. [Legal representation] isn't a constitutional right but it's morally right."

Sheila O'Leary and Katherine Fick, Dave's predecessors, say that drive leaders at Foley Hoag give careful thought to choosing their successors. Sheila noted Dave's "stellar representation of clients [who are referred by GBLS] to Foley Hoag's *pro bono*



David Kluff

photo by John Kennard

domestic violence program". Adds Katherine, "He just personified everything about attorneys who integrate *pro bono* with their practice—his attitude, his commitment to his clients—that would translate well

"I think it's important that lawyers do as much as possible to make the system equitable. [Legal representation] isn't a constitutional right but it's morally right."

into getting people excited about the GBLS fund drive." Sheila says, "I knew from the very first meeting with Dave and Jen (Stam) and Courtney (Peters-Manning) that the drive was in good hands." It certainly was. Foley Hoag associates raised more than \$14,000—the single largest donation among 32 firms—and the firm fully matched that donation.

Dave's enthusiasm about GBLS goes back to law school, when he interned here for three years. Now on Foley's 209A panel, he interacts with staff from our

Family Law unit. "They are always top notch and on par with lawyers I interact with in any other part of my practice."

Dave takes pains to point out that the success of Foley's Associates Drive is a team effort. Dave may also have a leg-up as a fundraiser. Before law school, David was a film maker, television producer, film festival director and nonprofit arts administrator. His advice? "Sure, it's awkward to ask [for money] but it's a good way to get to know and build relationships with other people who are like-minded."

Thank You, Boston's Legal Community!

Boston's legal community set another record in its support of GBLS by contributing more than \$2,750,000 in 2007. This support allows us to provide thousands of clients—victims of domestic violence, homeless families, people denied health care or unemployment benefits, elders living in poverty, people with disabilities, and so many others—with the legal assistance they desperately need.

On Being a Legal Aid Lawyer, from GBLS Executive Director Bob Sable

Being a legal aid lawyer is a great job. What could be better than being a lawyer for the poor, the vulnerable, and the dispossessed? Leveling the playing field for them by invoking the power of the law, the court, and ultimately the state on their behalf. Advising and helping them shape institutions, laws, and regulations that will improve their lives.

I became a legal aid lawyer because I thought that lawyers had an important part to play in the fight

against poverty. I also thought we could abolish poverty in this country in my lifetime. The last decade has been discouraging, when poverty and income inequality have grown, not decreased, when xenophobia against the most vulnerable is on the rise. But I still think the goal of abolishing poverty is the right one.

(excerpted from Bob's Massachusetts Bar Association 2007 Legal Services Award acceptance speech)

Preserving Low-Income Renters' Tenancies: Oak Foundation Awards 3-Year Grant to GBLS

The Oak Foundation, a philanthropic organization based in England, has awarded GBLS a \$240,000 grant, (\$80,000 a year for 3 years) to support the Affordable Tenancy Preservation Project. The grant will fund legal representation to preserve the tenancy of low-income renters who are facing eviction for minor infractions of the tenant or mistakes by management.

Visit us at www.gbls.org, and click on DONATE.

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