



Joe Surkiewicz: Center focuses on a vulnerable population

By: Joe Surkiewicz July 1, 2016

How can pro bono attorneys make a difference in the lives of young patients with neurodevelopmental and other disorders of the brain?

For Jennifer Brennan, it was by helping an 11-year-old girl with a major brain injury hospitalized at Kennedy Krieger Institute. Her stepmother, who only spoke Spanish, was at her bedside daily but didn't have legal authority to make critical medical decisions.

Brennan, a Spanish-speaking elder law attorney with Alisa K. Chernack LLC in Ellicott City, drew up advanced medical directives and provided a power of attorney for the stepmother as part of a new program targeting young people with disabilities.

"Then, the stepmother had a voice and was able to advocate on behalf of her child," Brennan said. "Imagine sitting there day after day with your child and not being able to help. It wasn't a language barrier, it was a legal barrier. There was no way they could have paid for a lawyer."

Brennan was one of the first to volunteer with the Maryland Center for Developmental Disabilities, a new joint initiative by Kennedy Krieger Institute and the University of Baltimore School of Law that will bring together law students, volunteer attorneys, and Kennedy Krieger students and patients—especially young adults with unique legal needs.

"The idea is to target the most vulnerable—young adults with disabilities who are transitioning to the adult world," said Maureen van Stone, the new program's director and the longtime director of Project HEAL (Health, Education, Advocacy, and Law), Maryland's only medical-legal partnership.

"No other nonprofit is doing this type of legal work," she added. "The young adult may need a legal guardian or other less restrictive legal alternatives. Young adults with disabilities are automatically assumed to be competent at 18, but they may need support. It spans the continuum, from significantly impaired to competent young adults."

Pilot event

The new program held a pilot event in April, bringing together 11 pro bono attorneys (including Brennan), 22 law students and the families of Kennedy Krieger patients and students. The hospital provides clinical services to more than 21,000 patients a year, of which 15 percent are young adults with disabilities.

"Kennedy Krieger is seeing more young adults with disabilities—over 3,000 turned 18 in 2015," van Stone said. "The question is how to tap them into legal services through the partnership with UB."

UB Law professor Angela Vallario, who teaches estate and trusts law, is working with van Stone to launch the project.

"I recruited former students who are now lawyers, and we broke up into small groups, just like Law Day," said Vallario about the April event. "We accommodated all the attendees on the spot. It was such a rewarding experience for the students. Who could not want to help? They got this warm feeling and were supervised by a lawyer."

A win-win

It's a win-win for law students, who get experiential learning outside the classroom by assisting clients with public benefits and estate planning (such as wills, special needs trusts, powers of attorneys, and advance medical directives). They can also get litigation experience by petitioning for the appointment of a guardianship, when necessary. The new project will also include student research projects.

"I teach all UB Law students trusts and estates," Vallario said. "I'm always thinking of ways to mesh service and education. In my classes, instead of hypotheticals, I bring in live people who get their wills done for free. But it's

hard to find sophisticated clients, and I want UB Law to be in a unique position.”

Van Stone will be working on a curriculum that she and Vallario will offer at UB Law (along with Mary O’Byrne, a special needs attorney with Frank, Frank and Scherr LLC in Lutherville), as well as the marketing of the next seminar for Kennedy Krieger patients, students, and their families.

“Lots of parents worry about what will happen to their child with a disability after they pass,” van Stone said. “It usually means difficult conversations with adult siblings. So we’re going to have a seminar for the adult siblings of young people with disabilities.”

Vallario said everyone knows someone with a disability or has a family member with a disability.

“It’s more widespread than you can imagine,” she said. “One client is a 50-something woman with a brain injury she sustained when she was a teenager. Her parents had always provided for her, but the last parent died and left her a small inheritance.”

‘It was overwhelming’

But there was no one who could help her with challenging issues — like the mortgage company calling her because the house was still in her mother’s name.

“It was overwhelming,” Vallario said. “Luckily, she has an aunt who could be a power of attorney. We got her that and an advanced medical directive. Now, we’re putting a plan in place that’s hers. We’re working with the aunt to fix some very complicated issues.

“Family members raising young adults with disabilities or their siblings don’t like to think about estate planning,” she added. “But if you can offer it for free, they step up to the plate. It’s a way to incentivize them.”

For more information or to volunteer, call the Maryland Center for Developmental Disabilities at (443) 923-9555.

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