



# TENNESSEE JUSTICE CENTER

## Advocates for Families in Need

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Dear Friend:

Late Friday afternoon often turns into the witching hour, when crises erupt and we dread the phone's ring. A couple of weeks ago I got an ominous message to call Chris B.'s mom about "problems getting him treatment". I put off calling back, sure that I would hear his treatment plan had fallen apart. I just couldn't face it till the next day.

Chris has been a client of TJC's since we began. At age 11, he was an intelligent but desperately miserable child with no friends, a laundry list of psychiatric diagnoses, and a thick medical record charting half a dozen "revolving door" hospitalizations. In a recurring cycle of deterioration, he would first revert to a fetal position in the back of the classroom. Then, within a few days, the mere mention of school would cause uncontrolled vomiting. Michele Johnson had worked tirelessly to get the local school district and his managed care plan to collaborate in addressing Chris's needs, but instead the two agencies just passed the buck back and forth. The onset of adolescence made him more volatile, and he became increasingly violent towards himself and others. Chris was a tragedy waiting to happen.

Finally, two years ago, aided by a gifted private trial attorney, we filed suit against Chris's managed care plan and the complex skein of corporations that controlled its operations. The prosecution of the suit prompted the plan to take Chris's needs seriously and finally place him in a specialized treatment program out of state. The suit afforded us access to the internal processes of the plan, and gave us invaluable insights that greatly aided our advocacy on behalf of other children. In fact, because of Chris's case, advocates at the national level now have new and uniquely valuable information on the way some plans cut corners on managing mental health care for severely disturbed kids.

The court refused to dismiss the case, and it was referred to mediation. We finally settled the case a few months ago. Now 16, Chris will continue in his present program until he finishes high school, and the settlement money has been placed in trust. It seemed that Michele's tenacity had paid off at last.

That was why the recent message from his mom provoked such dread. I couldn't stand to hear that this success story had gone sour. But I needn't have been such a coward. Chris had broken his finger playing football, and there was a paperwork problem getting the x-ray paid for. Chris B.

playing football?! That would have been unthinkable a year ago. He is thriving at school, and even talking of using the settlement proceeds for college. It was such a relief to learn that Chris had a broken finger – but also now has friends, pleasures and hopes for a future. I'll settle for that.

At TJC, we cling to these successes when, despite our best efforts, clients' lives are blighted, and we question whether the law does any good. We often seem to move one step forward, then two steps back:

- Last year, in a long running suit against the state, TJC won a major victory for 1.3 million beneficiaries of TennCare, the state's Medicaid managed care program. A negotiated settlement established the strongest appeal protections for managed care patients anywhere in the country, strengthening their ability to appeal HMO denials of care. Then, a group of the state's largest law firms joined forces on behalf of the HMOs to try to overturn the order. We became bogged down this year in a grueling struggle in the trial and appellate courts.
- After a four year effort, TJC concluded an agreement with state officials to improve care for children in state custody, only to have the state repudiate the agreement a few months later.
- In 1998 we obtained an injunction barring the state from illegally terminating health coverage for uninsured working families. The state claimed to have fixed the problems and the injunction was lifted. Several months ago, we learned that the claimed reforms had never taken place, and that thousands of uninsured children had been wrongfully terminated.

Even so, justice will out. The Court of Appeals rejected the HMOs application for a stay, and the new managed care patient safeguards took effect the first of this month. The state has again been enjoined from terminating TennCare beneficiaries' health coverage, and tens of thousands of people have been reinstated. We are pressing on in the litigation on behalf of children in custody, and have already forced the state to clean up abusive conditions in several of its worst facilities.

Systems change is never easy. The march to social and economic justice does not follow an unbroken path. Tenacity and a long attention span are essential requirements for reformers. That is why the American legal system, for all of its limitations, is such an important instrument of reform: it has a staying power that few other social institutions or movements can sustain. But the law only serves justice when the victims of injustice have advocates to make it do so.

It is therefore gratifying to reflect that TJC is approaching its fifth anniversary. Thanks to your help and the help of so many other people, we have been able to muster the staying power to sustain the fight for poor families, for children with special needs, for the elderly and infirm. The victories don't come as fast as they are needed, but they do come. We daily confront suffering and injustice in their starkest forms. Fortunately, we also have those regular reminders, as in the case of the call from Chris's mom, that justice is attainable, that compassion can prevail. Sometimes, those reminders even come to us during the Friday afternoon witching hour.

Thank you so much for being a part of it all. Best wishes for the holidays.

Sincerely yours,

Gordon Bonnyman