

Navigating the Legal Challenges of a Cancer Diagnosis: Tim's Story

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Note: Reviewed by Lindsay Flint, Director of Legal Services at Cancer Legal Care, and client.

Abstract

Cancer Legal Care is a non-profit that offers free legal services to cancer patients around the state of Minnesota. While their unique niche is assisting middle class people who find themselves with no income or extremely low income, they also provide support to people who were struggling financially before their cancer diagnosis. Tim is one such patient: a 49 year-old Hispanic man who was diagnosed with Stage IV rectal cancer in spring 2017. Before his diagnosis, he was working for the Minnesota Department of Transportation making about \$50,000 per year. He owned his own home and supported his four small children. Lindsay Flint, Director of Legal Services at Cancer Legal Care, provided legal advice to Tim on his mortgage, vehicle, will, and insurance. She was able to help him increase his income from \$9,000 a year on his employer's disability insurance to \$14,400 a year on Social Security Disability Insurance. Tim also got assistance from the Angel Foundation to help him continue to make payments on his home while he figured out what to do with it. While Tim ultimately ended up selling his home and moving into an apartment, advice and referrals from Cancer Legal Care allowed him some time to make that decision. By avoiding foreclosure, Tim was able to preserve his credit rating and ability to rent, or potentially purchase a home again in the future. The money he received from the sale of his home also helped him to keep his car. Lindsay also referred Tim to some family law services, though Tim has not been able to follow-through on all of them. With all that Tim is managing, determining his eligibility and keeping track of the various resources has been somewhat overwhelming for him. Cancer Legal Care's ability to do follow-up with clients is limited, so they are reliant on Tim reaching out for help rather than being able to proactively check in to see if he has been able to follow-through with resources. Still, given that Tim is going through a very difficult time in his life physically, emotionally and economically, having the support of someone to guide him through the legal aspects was invaluable for Tim's peace of mind as well as his financial situation.

Background

Cancer Legal Care is a non-profit that offers free legal services to cancer patients around the state of Minnesota. Their focus is on building relationships. They build relationships with clients so that they feel comfortable coming back to them as new needs arise over the course of their cancer experience. They also build relationships with community organizations that provide services to their clients and help them through a difficult time. While Cancer Legal Care does provide help to people who were struggling financially before they were diagnosed with Cancer, a large number of their clients are middle class and would not qualify for other legal aid services. Lindsay Flint, Director of Legal Services at Cancer Legal Care, described the unique niche they serve this way:

“Our patients are, for the most part, from the middle class families who find themselves with no income or extremely low income. They’re a very unique population. We just found that they are really comfortable with calling us and getting their answers and resources or whatever it is they happen to need. Another group we serve are those who were struggling financially before their cancer diagnosis.”

Tim is one such patient: a 49 year-old Hispanic man who was diagnosed with Stage IV rectal cancer in spring 2017. Before his diagnosis, he was working for the Minnesota Department of Transportation making about \$50,000 per year. He owned his own home and supported his four small children. A visual timeline of Tim’s interaction with Cancer Legal Care can be found in Appendix I.

Legal Request

Tim learned about Cancer Legal Care through a psychotherapist at his hospital. He was specifically looking for information about employment concerns. In his words, “I had some questions about my work and returning to work after I was diagnosed with cancer.”

He first contacted Cancer Legal Care in June 2017 and spoke with Lindsay over the phone. During that call, they discussed Social Security Disability Insurance (SSDI) as well as other issues he was facing, including his mortgage, vehicle, will, and insurance.

Employment

Because of his cancer diagnosis, Tim was not able to work. He was only making \$750 a month from his employer’s disability insurance until Lindsay helped him get on SSDI. On SSDI, he receives \$1,200 a month with his family benefit but no longer receives any money from his employer.

Tim considered doing a trial work period earlier this year, but was worried he was not strong enough and did not want to lose his SSDI if he went back. Lindsay helped to advise him about his options and, ultimately, he did not end up going back to work because his health was still a barrier. Lindsay noted that Tim clearly wanted to get back to work and many people like him think, “Okay. I

feel like I can go back to work,' and they do and they start making money and they don't report it. Then they end up having to pay back all of these benefits." With Lindsay's help, Tim was able to avoid that issue.

Foreclosure Prevention

Foreclosure is a major challenge facing many cancer patients because they can no longer afford their mortgage. Many clients do not initially come to Cancer Legal Care with concerns about foreclosure, but the staff there know that it will likely become an issue and try to avoid it by providing patients with enough resources up front to keep up with payments. Lindsay shared,

"They might not call us because they're like 'Right now I'm worried about losing my house,' but we know that's down the path. That's what's coming. We see it and they kind of know it now and it hinges on that ability to either keep your job even if you need more time off or if you lose your job, what other income supports might you have. From that point it's really this whole array of legal issues that come up."

While Tim was not getting any foreclosure notices, he could see that he was not going to be able to stay in his home long-term, so he was trying to find a solution. Lindsay referred him to the Angel Foundation, which helped him make one payment on his home in the spring. Tim recalled,

"The Angel Foundation - they helped me make one payment on my house last year before I was—without that, I would've had to move out right away, but they worked and we got a couple month leeway there, so that was okay."

Tim contacted Cancer Legal Care again in May 2018 because he had found another house he thought he might be able to afford. Unfortunately he was not approved for the new mortgage. Lindsay referred Tim to a volunteer lawyer to help him iron out the details of the housing situation, though Tim shared, "There was nothing you can do. I couldn't afford to live there. I can't work. It's pretty simple." Ultimately, he ended up moving into an apartment and selling his home in the summer of 2018. He shared,

"I was on a first time home buyers program, so whatever profits I made I had to pay all that stuff back. I only got—I wasn't in the house for making money. I was trying to live there, but that didn't work out. So, the money that I made I was able to pay back the loans that I took out and the leftover stuff—I had five grand leftover that I put on my truck, and I was able to pay the other six grand off. So, I guess that's the only way that benefited me."

Lindsay added, "From the legal perspective, by avoiding foreclosure, Tim was able to preserve his credit rating and ability to rent, or potentially purchase a home again in the future."

Family Support

Tim and Lindsay also talked about his family, specifically his four children and how to ensure that they were taken care of. He mentioned that when his father passed away, he did not have a will and it was very challenging. He did not want to leave his children in the same situation. He shared,

“I asked her if she had information on how to set up the living will¹, and she gave me some information and I talked to a couple different lawyers.”

Lindsay indicated that she connected Tim to a volunteer lawyer who drafted a will for him, but he has not yet followed through to sign it. Lindsay also referred him to family law services at Tubman, but Tim said indicated that they were not able to help him. He was not sure why, but thought perhaps it was because of where he lived. Lindsay believes Tim is, indeed eligible, so she is unsure whether Tim has actually contacted them.

Insurance Issues

Beyond those indicated above, Tim mentioned that he also got some general help with insurance questions related to his car. Lindsay gave him some information and a couple of names of people to help him through this process. He shared,

“My vehicle, I ended up keeping it. There was some insurance issues. I took out extra insurance when I first bought the vehicle and it covered me while I was sick. I don't know. I was able to pay off my vehicle with the last of the money that I had after paying off everybody else. I got to pay off 90 percent of my vehicle, and I've since paid it off since then. So, it's probably one of the benefits of it.”

Challenges

As noted above, most of the people who come to Cancer Legal Care are not accustomed to relying on assistance to make ends meet. Much of what Cancer Legal Care does is help identify the services that will benefit the clients and make referrals; however, they do not have the capacity to follow-up with clients to see if they actually used the referrals. Lindsay shared,

“I'm going to honestly say that one of the things that we continue to need more money for is the follow-up. Tim calls us, but it would be wonderful if we had the resources to follow up with our clients and to make sure. ‘Were you able to follow through with this?’”

In Tim's case, there were a number of resources that Lindsay indicated she gave Tim that he did not use. In some cases, he believed he was ineligible for the services, noting, “I made too much money for them to help me.” Lindsay is sure that this is not the case, but believes that perhaps he

¹ Note, attorney indicated this was actually a will, not a living will.

did not contact them because he was overwhelmed. With all that Tim is managing, following through on some of these resources seems to be a challenge. He did access the food support from Open Arms, but mentioned that the food they provided was not suited for his diet and his kids did not like it, so they stopped getting it. He did not use the tax help from Prepare and Prosper and did not believe he qualified for the family law services from Tubman. Overall, it was difficult for Tim to track all of the various moving parts. He shared that all of the organizations have different guidelines and it is hard to figure out what services he can use. He wanted to make it clear that he was not getting rich from any of this assistance. In his words, “it doesn’t pay to get sick.”

Appendix II provides a visual map of the various actors and organizations involved in or impacted by Tim’s case and their connections to Tim and to one another.

Impact & Importance

All told, Lindsay estimates she spent 12-15 hours on Tim’s case, both direct time spent talking with him as well as outside time finding resources. As noted, most of the clients that come to Cancer Legal Care would not otherwise be eligible for legal aid services but also cannot afford a paid lawyer because of all of the other costs of their diagnosis. For Tim, it was invaluable to have someone to provide him with information that he needed to make decisions and access necessary resources. He described the benefit this way:

“Well, some information’s invaluable, and also she helped me with stuff that I didn’t know. I got to say information is priceless. I don’t know how you can put a value on that.”

It was difficult for Tim to think about what would have happened had he not gone to Cancer Legal Care. He is not one to gush or get emotional, but it is clear that he really valued the help he got:

“I don’t know what would’ve happened. I just had a few issues and she was able to answer a few questions for me. I guess if she wouldn’t have answered them, I would’ve got through somehow. I don’t know.”

Later, he suggested that beyond the information he received, he also benefited emotionally from the relationship he built with Lindsay: *“She was great. She just really was and she was very kind and emotionally supportive.”* He went on to explain that the emotional support he received helped him feel less alone and to “keep fighting.” It also inspired him to donate his time to the hospital. He shared, “I wish there were more people like Lindsay.”

These comments suggest that the focus on relationships is indeed an important part of Cancer Legal Care’s model. Lindsay described her approach this way:

“Talking to these people who—especially guys like Tim. They don’t talk about—they don’t go to a support group and talk about what’s going on in their life, but over the phone he doesn’t have to look in my eyes, but he can talk about “Dealing with my kids.” My

background happens to be that I was a social worker before I went to law school, so I like to meld those two together in talking to our clients. It really is building that relationship so that they feel like—sometimes it is them talking about—“Treatment was really hell this week,” or “I’m really feeling rotten.” Maybe at the end of that—“Oh, by the way, this thing is going on. Can you—“It is a unique kind of legal practice we have here.”

Beyond the emotional support, Lindsay described the benefit she believes Cancer Legal Care had for Tim this way:

“I believe that we helped him to understand how to maximize whatever public benefit he was entitled to...making sure that we directed him to all of the potential financial resources that he could get.”

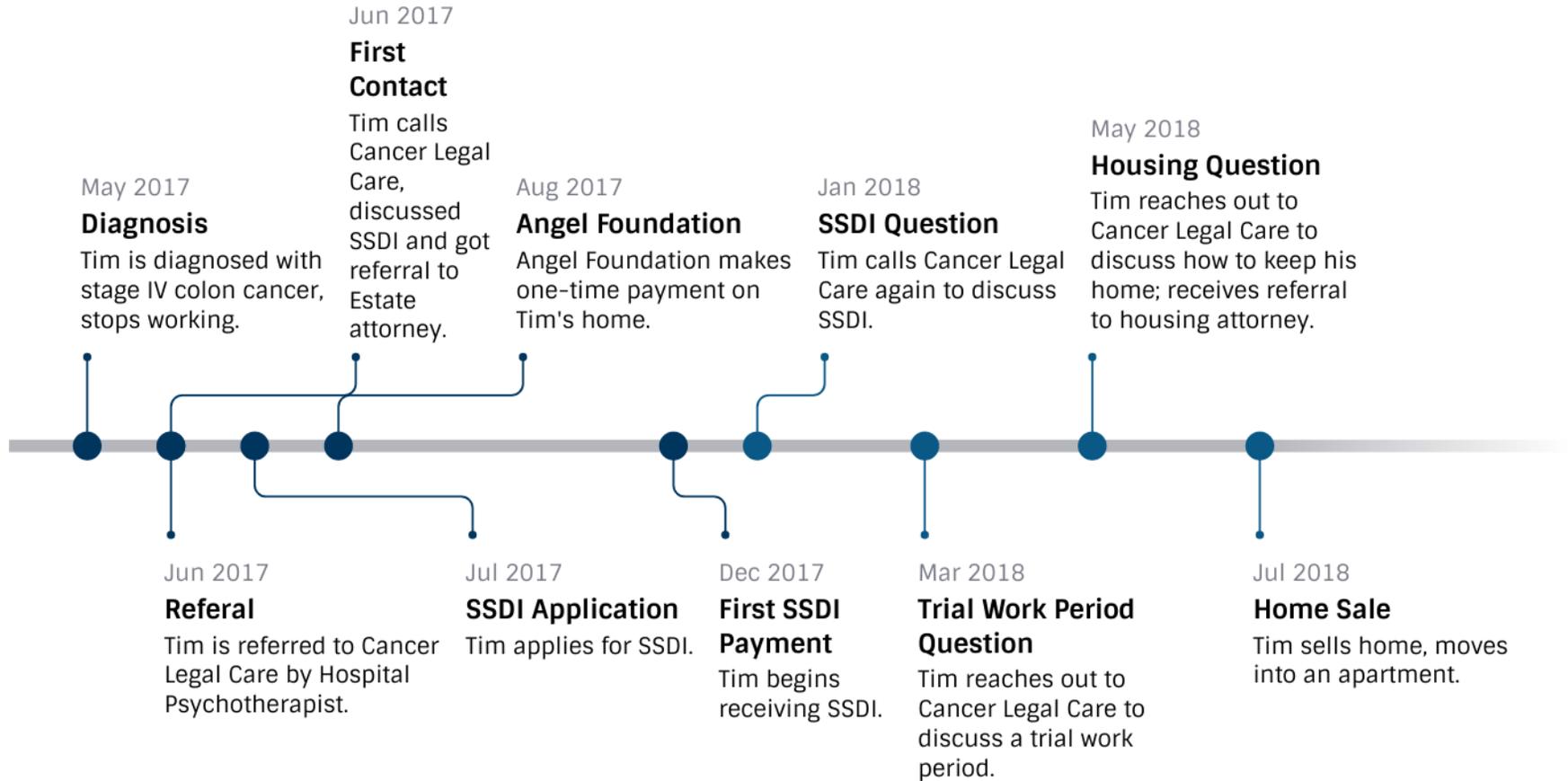
Appendix III provides a logic model that outlines the activities, outputs and outcomes of Tim’s interaction with Cancer Legal Care.

Summary

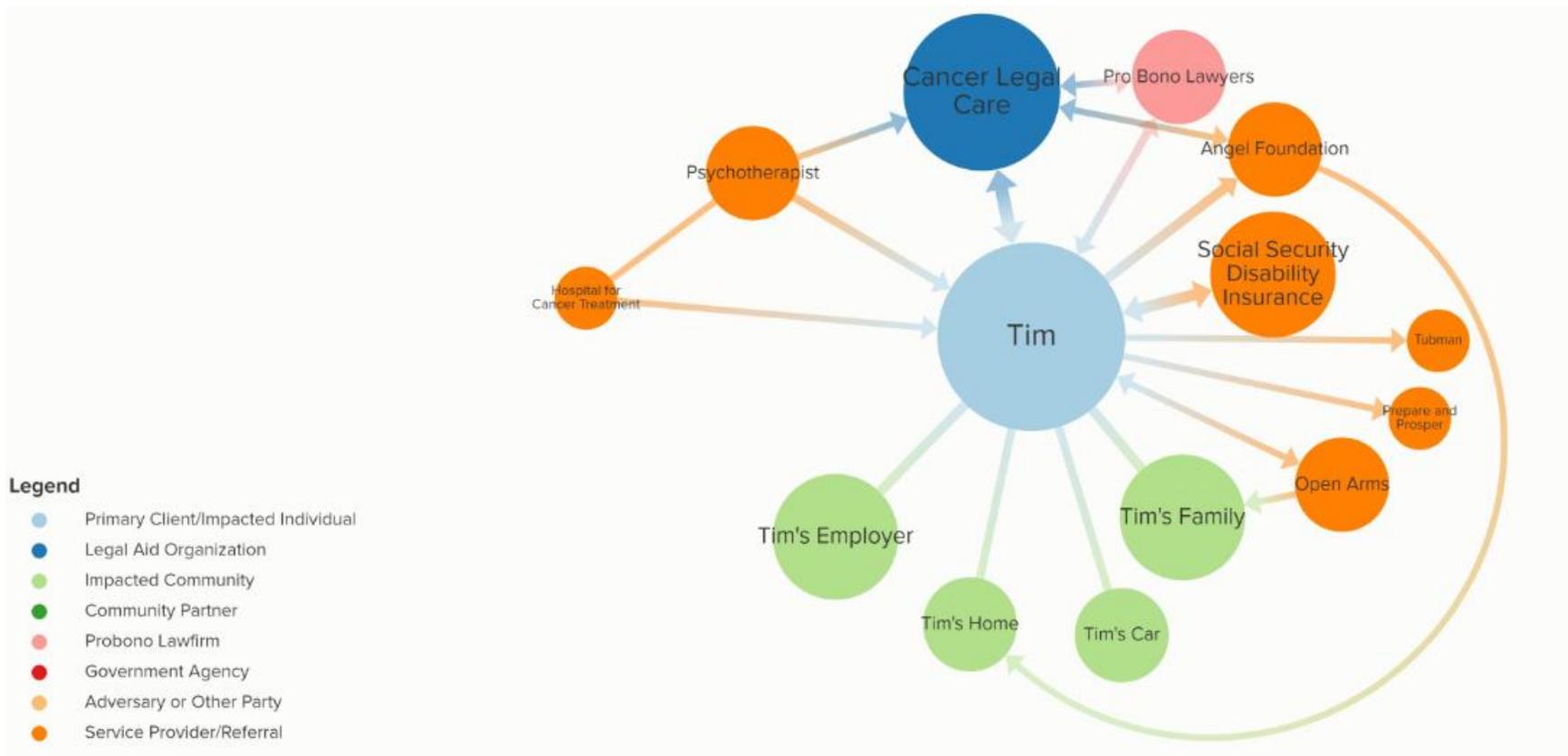
After his diagnosis with Stage IV rectal cancer, the support Tim received from Cancer Legal Care helped him get on Social Security Disability Insurance, access support from the Angel Foundation to defer losing his home, and provided him with invaluable information and options around preventing foreclosure in his home and addressing legal issues related to his family. Beyond the direct economic benefits of the \$1,200 a month Tim receives from Social Security Disability Insurance and the payment made by the Angel Foundation, Cancer Legal Care’s help also provided Tim with emotional support as he navigated a very complicated and difficult experience. He also gained access to resources to plan for his family, though he has not yet been able to take advantage of those resources. Given that Tim is going through a very difficult time in his life physically, emotionally and economically, having the support of someone to guide him through the legal aspects was invaluable for Tim’s peace of mind as well as his financial situation.

Appendices

Appendix I: Case Timeline



Appendix II: Case System Map



Appendix III: Case Logic Model

| Inputs | Activities | Outputs | Short-term Outcomes | Mid-term Outcomes | Longer-term Outcomes |
|------------------------------------|---|---|--|---|--|
| Bank of America Funding | Staff build relationship with Tim over the phone. | Continued contact between client and Cancer Legal Care. | Tim has a resource he can use as he navigates the collateral consequences of his cancer diagnosis and treatment. | Tim trusts Cancer Legal Care and feels supported. | Tim and his family have the resources and support they need during Tim's cancer treatment. |
| Cancer Legal Care Attorney Time | | | Staff provide client with information and referrals. | | |
| | Staff build relationships with community-based organizations that can provide referrals and services to client and other clients. | | | | |
| Client (Tim)'s Time and Initiative | Client calls Cancer Legal Care for help. | | | Tim is able to prevent foreclosure of his home. | Tim's credit integrity is preserved. |
| | Client follows-up on resources. | \$1300 / month received from SSDI. | Tim has a stable source of income that allows him to support his family. | | |
| | | Free food received from Open Arms One-time house payment received from the Angel Foundation. | Tim and his family have access to nutritious food. | | |
| Pro Bono Attorney Time | Pro Bono Attorneys provides free legal advice to client. | Draft will completed. | Tim and his family have a sense of security during his treatment. | | Tim's family is taken care of if he passes away. |