



## Look to Your Left, Look to Your Right

by Lesley Pate Marlin

AS RECOUNTED IN NOVELS such as Scott Turow's *One L* and John Jay Osborn's *The Paper Chase*, the dean of a well-known law school welcomed incoming students by telling them, "Look to your left, look to your right — one of you won't be here next year." That admonition seemed entirely fictional to me until several years ago, when I found myself facing the harsh reality of cancer.

The next time you are among a group of people, take a moment to look to your left and to look to your right. One of you will eventually be diagnosed with cancer. That's essentially the statistic. In the United States, one in three women and one in two men will be diagnosed with cancer during their lifetimes. More than 1.4 million Americans will be diagnosed with cancer this year. More than 12 million Americans are currently living with cancer.

A cancer diagnosis turns a person's life inside out and upside down, raising many questions and answering few. Imagine that you have just been told you have cancer. What now? How are you going to pay for necessary treatments? Do you have health insurance? What is covered by insurance, and what is not? What are your options if you don't have health insurance? As you become accustomed to new faces and new words, you sort through all available information. You carefully consider the options, weighing the risks of each possible course of action. Do you want an advance medical directive? Should you have a power of attorney? Do you have a will?

You decide on surgery followed by chemotherapy and radiation. What will the recovery from surgery involve? How long will you be unable to work? Can you take paid or unpaid leave from work? Do you have short-term disability benefits? Are you eligible for family and medical leave? What paperwork will you need to complete? Will you lose your job? Do you qualify for Social Security disability benefits? The doctor recommends genetic testing. How much does it cost? What will it tell you? Is it covered by insurance? What about possible discrimination if the results indicate a genetic predisposition to cancer?

As you recover from the surgery, you begin to prepare for chemotherapy and radiation. Should you take any preemptive action to deal with fertility concerns, and what are the associated costs? Can you return to work while undergoing chemotherapy and radiation? If so, do you need any accommodations at work, and are you entitled to accommodation under the Americans with Disabilities Act? If not, do you have long-term disability benefits? What happens to your health insurance if you have lost your job, are not working, or are unable to work?

A couple of months later, you receive a bill from the hospital for thousands of dollars, purporting to charge you for services rendered by an out-of-network physician during your surgery. Unbeknownst to you, the physician became part of your surgery team, even though you never requested or authorized care from an out-of-network provider. What do you do with

the bill? How do you appeal the denial of insurance coverage?

With all of your medical expenses, you have fallen behind on paying some of your bills and now are struggling to pay your mortgage. Creditors are starting to call, after sending you delinquency notices that you never responded to because you were too tired to go through your mail. How should you respond to the creditors? What are your options?

To help cancer survivors navigate many of these legal issues, the Young Lawyers Conference is partnering with the Legal Information Network for Cancer (LINC) to develop an up-to-date legal resource handbook for cancer survivors in Virginia. The handbook will cover legal issues related to paying for medical care with and without insurance; employment; and planning for the future with health care decisions, financial decisions, and decisions regarding the care and custody of children. The handbook will also include a comprehensive resource list. The handbook will be distributed to cancer survivors throughout the commonwealth. The Young Lawyers Conference will sponsor a continuing legal education program on some of the legal issues at the 2010 Virginia State Bar Annual Meeting.

Cancer survivors need the help of doctors as they fight such a terrible disease, but they also need the help of lawyers. So the next time I look to my left or right and find myself next to someone fighting cancer, I will offer to help them as best I can with any legal issues. I hope that you will do the same.