

MASSACHUSETTS Lawyers Weekly

Through new nonprofit, lawyers seek to aid COVID-19 caregivers

By: Kris Olson ⚒ May 14, 2020

In Massachusetts in particular, law and medicine have always been intertwined — and not always in adversarial ways.

For example, Dr. William Whiting, one of the charter members of the country's oldest continuously operating medical association, the Massachusetts Medical Society, went on to become chief judge of the Court of Common Pleas in Berkshire County.



And Dr. Oliver Wendell Holmes Sr., the father of a U.S. Supreme Court justice, in 1843 helped determine and remedy what was causing Puerperal Fever, a contagion that had been killing women in childbirth.

Now, with a new deadly epidemic severely testing the medical community, along with other first responders, a group of distinguished Massachusetts attorneys is hoping to forge another positive connection.

Boston trial lawyer Clyde D. Bergstresser says that, "like everyone else," he had been watching with horror as the death count due to COVID-19 began to mount, intensive care units began to fill up, and nurses and doctors began to put their physical and mental health at risk to treat the infected.

Yes, a good chunk of the business at his firm, Bergstresser & Pollock, comes from suing health care providers for malpractice. But he also has a niche practice serving as counsel to physicians whose personal assets are in jeopardy due to the reluctance to settle cases by the hospitals who employ them.



But his work has also helped forge some close professional relationships, and besides, the current crisis transcends any residual ill will from past courtroom clashes, Bergstresser says.

"The real impact on people who are providing services to coronavirus victims is obvious and immediate," says Bergstresser, who has lost an elderly relative to the virus and had a brother-in-law hospitalized for treatment.

Bergstresser began calling around and, in short order, found a number of other prominent attorneys also feeling a strong pull to lend a hand. Lawyers Honoring COVID Caregivers was not only born, but it quickly assembled an all-star board of directors.

Joan A. Lukey of Choate, Hall & Stewart is chair of the board; Bergstresser its president; Christopher A. Duggan of Smith, Duggan, Buell & Rufo serves as treasurer; and Bergstresser's law partner, Russell X. Pollock, is clerk.

Pollock has already been put to work filing the fledgling 501(c)(3) organization's articles of incorporation with the secretary of state.



Other directors include Walter B. Prince of Prince, Lobel, Tye; former federal Judge Nancy Gertner of Harvard Law

School; and Jonathan M. Albano of Morgan, Lewis & Bockius.

Retired Supreme Judicial Court Justice Margaret H. Marshall will chair an Honorary Advisory Committee composed of additional attorneys, along with C-suite professionals and other leaders in the health care industry.

Lukey says that she, too, had been trying to figure out how she could best contribute to the battle against coronavirus when Bergstresser's call came.

"As a profession, lawyers are in a pretty fortunate position," she says. "For the most part, our jobs can be done remotely, and we are not losing our jobs."

The first order of business for the new organization is to spread the word about its existence. But once the funds start rolling in, they hope to disburse the money collected to address unmet needs and unexpected expenses related to the pandemic, such as a nurse who may need to check into a hotel to avoid bringing the virus home to family members, particularly those at heightened risk for severe complications from the disease.

Lawyers Honoring COVID Caregivers is planning to make Boston Medical Center one of its initial grantees after Bergstresser reached out to a professional acquaintance, BMC Chief Risk Officer Scott Friedman, and learned of the dire need of the staff there.

Duggan says the group has also contacted UMass Memorial Medical Center in Worcester and will generally lean toward supporting staff at hospitals that "take all comers," including the homeless and poor.

The organization further hopes to expand access to mental-health counseling that first responders, in particular, may have a need for. To that end, the group has also reached out to Boston EMS, Bergstresser says.

Now, it's just a matter of, as Bergstresser says, "dialing for dollars" and also directing people to the group's website, lawyershonoringcovidcaregivers.org.

Lukey says that the response from friends and business associates has been "very enthusiastic."

"I hope that translates when they click on that donation button," she says with a laugh.

As board members are all donating their time and work, every dollar given to Lawyers Honoring COVID Caregivers, minus some minor fees associated with online donations, will be passed along to those in need, Lukey notes.

To all, lending such a helping hand, one profession to another, just seems natural.

"We are more allies than enemies," Duggan says.

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