

THE INTERSECTION OF BIOETHICS AND COMMUNITY LAWYERING

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I. INTRODUCTION

There are numerous examples of community-wide initiatives that address bioethics concerns.¹ In addition, there are also significant examples of community lawyering actions targeted at a local community.² This paper will examine and discuss the intersection between bioethics topics and community lawyering initiatives and strategies.

A. Bioethics

Bioethics is “the study of the ethical and moral implications of practices and discoveries in biology and related fields, [like] medicine and genetic research.”³ It includes the discussion of topics like abortion, cloning, human-subject research, gene editing technology, and reproductive technology.⁴ Examination of these topics analyzes

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1. *Overview*, CENTER FOR PRACTICAL BIOETHICS, <https://practicalbioethics.org/about-us/overview.html> (last visited Jan. 7, 2021) (describing “Thirty-Six Years of Accomplishments”) [hereinafter *Overview*, CTR. FOR PRACTICAL BIOETHICS].

2. See generally David Dominguez, *Community Lawyering*, 17 UTAH B.J. 31, 31 (2004) (discussing how community lawyering helped residents fight to keep a bus stop).

3. *Bioethics*, BLACK’S LAW DICTIONARY (11th ed. 2019). “Ethics is a philosophical discipline pertaining to notions of good and bad, right and wrong—our moral life in community. Bioethics is the application of ethics to the field of medicine and healthcare.” *What is Bioethics?*, CENTER FOR PRAC. BIOETHICS, <https://www.practicalbioethics.org/what-is-bioethics> (last visited Jan. 7, 2021). Bioethics has also been defined as a “reflective, careful examination of issues that arise in biology and medicine, such as end-of-life decision making, DIY biology, biohacking, genetic testing, and the new possibilities of gene editing.” Margaret McLean, *What is Bioethics?*, MARKKULA CENTER FOR APPLIED ETHICS, <https://www.scu.edu/ethics/focus-areas/bioethics/> (last visited Jan. 7, 2021).

4. See AM. HEALTH LAWYERS ASS’N, HEALTH L. PRAC. GUIDE §§ 15:2, 15:21 (2d ed. 2019); Heather Zeiger, *On-Call Ethics Consultants in Human-Subject Research*, BIOETHICS.COM (May 4, 2015), <https://bioethics.com/archives/27236> [hereinafter *On-Call Ethics Consultants*]; Heather Zeiger, *Gene Editing Technology*, BIOETHICS.COM (April 14, 2014), <https://bioethics.com/archives/19551> [hereinafter *Gene Editing Technology*]; Heather Zeiger, *Mighty Mitochondria and Reproductive*

bioethics considerations such as safety, autonomy, human dignity, and moral considerations.⁵ Some individuals use the terms bioethics and public health interchangeably; however, it is important to note that these are two distinct topics.⁶ Bioethics and ethical dilemmas of public health are interrelated concepts, but they significantly differ in that ethical dilemmas of public health include a tension between individual rights and the needs of a whole community.⁷ As a contrast, such tension is irrelevant to bioethics scholars because the focus is more on individual rights, rather than balancing the individual against the community as a whole.⁸ However, some bioethics scholars have recently begun to apply social justice principles “in response to problems such as universal access to health care and social disparities in health.”⁹

Another consideration that arises during the examination of the aforementioned controversial topics is that “ethically gray area[s]” exist where the law might not match up to the technology being used.¹⁰ As a result, public policy surrounding bioethics faces difficulty in implementation because of ethical uncertainties and technological advancements.¹¹

1. *The Center for Practical Bioethics*

The Center for Practical Bioethics (CPB) is a prominent national institution that addresses bioethics concerns in local communities throughout the United States.¹² The CPB targets certain groups and institutional levels in a community while specifically focusing on three areas: (1) serious illness support; (2) emerging issues and systems change; and (3) ethics education and consultation.¹³ The institution provides educational trainings, initiatives, resources, materials, and events that aim to promote bioethics awareness and solutions.¹⁴

Technology, BIOETHICS.COM (Nov. 18, 2013), <https://bioethics.com/archives/16365> [hereinafter *Mighty Mitochondria*].

5. *Gene Editing Technology*, *supra* note 4.

6. Lawrence O. Gostin & Lindsay F. Wiley, *Public Health Ethics and Law*, THE HASTINGS CENTER, <https://www.thehastingscenter.org/briefingbook/public-health/> (last visited Jan. 7, 2021).

7. *Id.*

8. *Id.*

9. *Id.*

10. *On-Call Ethics Consultants*, *supra* note 4.

11. HEALTH L. PRAC. GUIDE, *supra* note 4, § 15:22.

12. *Overview*, CTR. FOR PRACTICAL BIOETHICS, Nov. 3, 2020, *supra* note 1.

13. *Id.*

14. *Id.*

Over the past thirty-six years, the CPB has had successes in their endeavors to tackle bioethics concerns.¹⁵ These impact stories have affected members of various professions in the community, such as doctors, journalists, attorneys, religious leaders, social workers, students, business professionals, and many others.¹⁶ These success stories range from individuals who experienced end-of-life care for their loved ones, where the care was exemplary due to the CPB's assistance and advocacy work, to a couple, who struggled with conceiving and was counseled by the CPB regarding cryopreserved embryos.¹⁷ The CPB provides unparalleled assistance and guidance on a large range of bioethics topics to varying professionals and individuals throughout a community.¹⁸

2. Bioethics in Health Care

A prominent area that involves bioethics concerns is the health care industry.¹⁹ The health care industry involves many different bioethics challenges, including biotechnology, end-of-life care, and vulnerable patient populations.²⁰ Different communities may experience different bioethics issues because health disparities “vary greatly by race, sex,

15. *Id.* (specifically referring to the “Thirty-Six Years of Accomplishments” subsection).

16. *Impact Stories*, CENTER FOR PRACTICAL BIOETHICS, <https://practicalbioethics.org/about-us/impact-stories.html#fera> (last visited Jan 7, 2021). Cathy Lynn Grossman, a *USA Today* journalist, created the “Religion, Ethics, and Spirituality” beat at *USA Today* after she noted that *USA Today* did not have any journalists covering religious topics. *Id.* Dr. Robert Lee Hill, a senior minister at Community Christian Church, promotes advance care planning and co-chairs an initiative that aims to improve end-of-life care. *Id.* Sean Hogan, a co-founder and account director of an advertising agency, joined the CPB's board of directors after observing his beloved grandmother's end-of-life care. *Id.*

17. *Id.*

18. *Overview*, CTR. FOR PRACTICAL BIOETHICS, *supra* note 1 (specifically the “Thirty-Six Years of Accomplishments” subsection).

19. McLean, *supra* note 3.

20. *Id.* One such topic, medical decision-making, is a prominent area of bioethics scrutiny, particularly in communities with defenseless or impoverished residents. *Id.* Nov. 3, 2020. A “public guardian” is a mechanism used to promote the health care decisions of a susceptible patient. A public guardian is a person designated to “protect[] the interests of the most vulnerable in society—those who cannot care for themselves and have no friend or family willing to care for them.” *Medical Decision Making for Publicly Conserved Individuals*, MARKKULA CENTER FOR APPLIED ETHICS, <https://www.scu.edu/ethics/focus-areas/bioethics/resources/conserved-patient/medical-decision-making-for-publicly-conserved-/> (last visited Jan. 7, 2021). The Markkula Center for Applied Ethics (Markkula) is an organization similar to the CPB and studies and promotes a number of different focus areas, such as bioethics. *About the Center*, MARKKULA CENTER FOR APPLIED ETHICS, <https://www.scu.edu/ethics/about-the-center/> (last visited Jan. 7, 2021). Markkula received funding to “examine health care decision making for the publicly conserved and to develop policy recommendations.” *Medical Decision Making for Publicly Conserved Individuals*, *supra* note 20.

socioeconomic status, and geographic location.”²¹ In fact, life expectancy varies among different regions.²² In addition to health disparities, there are rising concerns about corporate misbehavior toward vulnerable groups and local communities.²³ Examples of such misconduct include “irresponsible opiate marketing, misrepresentation of research data, price gouging, [etc.]”²⁴ These practices are particularly problematic because health care has substantial lingering effects on patients beyond those of normal consumer products.²⁵ In fact, the long-lasting, systematic effects of the health care system, pharmaceutical companies, and insurance companies arguably affect patients more than the individual physicians who treat the patients.²⁶ Many physicians do not even know how much their patients pay for the treatment that the physicians provide.²⁷ This goes to show that physicians’ roles have been reduced in a system where the health care giants—pharmaceutical companies, insurance companies, and the government—rule over physicians and patients.²⁸

B. Community Lawyering

Some describe community lawyering as “collaborative justice.”²⁹ The focus is on a community, particularly poor or oppressed groups with little to no power, that creates social change by organizing, building power, and establishing leadership.³⁰ Social change occurs through grassroots mobilization and organization.³¹ This collaboration involves lawyers who work *with* their clients, rather than *for* their clients.³²

21. *The Five Biggest Bioethical Issues of the Next Five Years*, COLUMBIA U. SCH. OF PROF. STUD. (Sept. 28, 2018), <https://sps.columbia.edu/news/five-biggest-bioethical-issues-next-five-years>.

22. *Id.*

23. Brian R. Jackson, *Patient-Centered Capitalism: Redefining Ethics in the Medical Industry*, STAT (Sept. 24, 2019), <https://www.statnews.com/2019/09/24/patient-centered-capitalism-redefine-ethics-health-care/>.

24. *Id.*

25. *Id.*

26. *Id.*

27. Caroline Yao & David Kulber, *Patients Can't Afford for Doctors to Misunderstand the Healthcare Business*, QUARTZ (Jan. 22, 2020), <https://qz.com/1788778/doctors-need-to-pay-more-attention-to-healthcare-costs/>. “In 2013, 87% of graduating doctors felt uncomfortable with their knowledge of the business of medicine; 81% felt they lacked an understanding of healthcare legislation.” *Id.*

28. *Id.*

29. David Dominguez, *Community Lawyering*, 17 UTAH B.J. 31, 31 (2004).

30. Charles Elsesser, *Community Lawyering – The Role of Lawyers in the Social Justice Movement*, 14 LOY. J. PUB. INT. L. 375, 384 (2013).

31. *Id.*

32. Monika Batra Kashyap, *Rebellious Reflection: Supporting Community Lawyering Practice*, 43 N.Y.U. REV. L. & SOC. CHANGE 403, 407 (2019).

Community lawyering aims to reduce the traditional role of the lawyer-client relationship and allows the lawyer and the client to share in knowledge and power.³³ By disrupting the traditional power imbalance between lawyers and clients, community lawyering creates the formation of a partnership between the lawyer and the community while promoting social justice.³⁴ Additionally, this type of lawyering encourages lawyers to act as advocates and help the community instill leadership and organizational power.³⁵

Community lawyering is growing in prominence among legal clinics around the United States.³⁶ The faculty of these legal clinics are known as community lawyers, who engage in a number of different practice areas, including “workers’ rights, immigration, children’s rights, public benefits, environmental rights, community economic development, and intellectual property.”³⁷ In addition to different practice areas, community lawyers also practice in a variety of different ways. For example, lawyers engage in litigation, mediation and dispute resolution, administrative work, transactional practice, negotiation, and legal advocacy.³⁸ Examples of the type of work that community lawyers perform are:

[C]onduct[] know-your-rights trainings; present[] at public forums to advance campaign demands; work[] with members to develop their public-speaking and writing skills; litigate[] individual cases on behalf of workers and residents; litigate[] actions on behalf of classes of workers, tenant associations or the base-building organizations themselves; assist[] groups in drafting or wording policies or legislation; research[] and provide[] technical assistance to develop a campaign strategy; and provide[] transactional and corporate advice to new and existing organizations.³⁹

Community lawyers often set up shop and organize in specific geographic locations because a community is often defined, in part, by

33. *Id.*

34. *Id.* at 407–08. “[S]cholars and activists have proposed an alternative form of social justice advocacy that places less importance on traditional litigation-based strategies and more importance on organizing, mobilizing and empowering individuals and community groups.” Rose Cuison Villazor, *Community Lawyering: An Approach to Addressing Inequalities in Access to Health Care for Poor, of Color, and Immigrant Communities*, 8 N.Y.U. J. LEGIS. & PUB. POL’Y 35, 49 (2004).

35. Elsesser, *supra* note 30, at 377.

36. Karen Tokarz et al., *Conversations on “Community Lawyering”: The Newest (Oldest) Wave in Clinical Legal Education*, 28 WASH. U. J.L. & POL’Y 359, 359 (2008).

37. *Id.* at 362.

38. *Id.* at 362–63.

39. Elsesser, *supra* note 30, at 390.

its geographic location.⁴⁰ Often times, this makes the allocation of scarce resources easier because the community lawyers are geographically central and more easily accessible by the community.⁴¹ Additionally, leaders and organizations in a particular community already know each other, which makes it easier for these groups to collaborate and create “significant synergy.”⁴²

C. Partnerships with Local Organizations

Some community lawyering groups choose to partner with local campaign groups and organizations to maximize the lawyers’ potential and impact on the community.⁴³ Examples of local groups include churches, unions, and school-related organizations.⁴⁴ Carefully choosing which organizations and campaigns to partner with is equally as important as choosing a geographic location.⁴⁵ To “maxim[ize the] utility of... legal work[,]” community lawyers should partner with organizations who have a “clear sense of the dynamics of an organizing campaign.”⁴⁶ More sophisticated organizations are more likely to work best with lawyers.⁴⁷ New groups may have skepticism toward the legal assistance or may be unsure how to best interact with the community lawyers in a way that leads to successful solutions.⁴⁸

Equally as important, lawyers need to have a clear understanding of how community organizations work to maximize their potential for legal assistance.⁴⁹ Depending on the focus area of the community lawyers, community lawyering specifically involves face-to-face contact with clients, as well as community members and leaders.⁵⁰ Rather than mobilizing, community lawyers need to focus their efforts on organizing

40. Tokarz et al., *supra* note 36, at 363–64.

41. PENDA D. HAIR, *LOUDER THAN WORDS: LAWYERS, COMMUNITIES AND THE STRUGGLE FOR JUSTICE: A REPORT TO THE ROCKEFELLER FOUNDATION* 24 (2001).

42. Elsesser, *supra* note 30, at 388.

43. *Id.* at 386.

44. *Id.* at 387.

45. *Id.* at 386.

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.* at 392. In contrast to community lawyers, public interest lawyers have varying levels of personal contact with clients and community leaders and members. *Id.* For example, public interest lawyers in class action lawsuits may only interact one or two members of the class action throughout the course of the lawsuit. *Id.* Landlord and tenant lawyers might have slightly more interaction with their clients and community leaders and members. *Id.*

with the local groups.⁵¹ Through outreach efforts—townhall meetings, door knocking, face-to-face meetings, consultation services, training, and other grassroots efforts—community lawyers can focus on organizing.⁵²

II. ANALYSIS

A. Who Should Bioethics Community Lawyers Partner With?

To maximize the impact of community lawyers who are working on a bioethics concern, lawyers should consider partnering with a local organization or group.⁵³ The lawyers should target specific groups based on the bioethics concern at issue.⁵⁴ Partnership with a local hospital or medical clinic is one example.⁵⁵ Collaboration between medical and legal groups helps “ensure ease of patient access to legal services or advocacy that may enhance care.”⁵⁶ Another important aspect of partnerships between health centers and legal centers is the ability for lawyers to receive training to effectively help patients by learning the medical terminology and assisting with tasks like filling out medical paperwork.⁵⁷ For a community lawyer to effectively partner with a health center, while still providing effective advocacy to clients, it is important for the lawyer to get a better grasp of hospital policies and procedures.⁵⁸

Community lawyers in a legal clinic may decide to have community organizers in-house, where the organizers work with the lawyers from the very outset.⁵⁹ An example of the efficiency of this approach is the Bread for the City project in the District of Columbia.⁶⁰ Bread for the City is a non-profit group that has a legal clinic where community lawyers and community organizers work closely together to provide social and

51. *Id.* In contrast to organizing, mobilizing means “a term used to describe efforts to get a number of people to attend an event.” *Id.*

52. *Id.* at 392–93; *Overview*, CTR. FOR PRACTICAL BIOETHICS, *supra* note 1.

53. Elsesser, *supra* note 30, at 386.

54. Amy T. Campbell et al., *How Bioethics Can Enrich Medical-Legal Collaborations*, 4 J.L. MED. & ETHICS 847, 848 (2010).

55. *Id.* at 848.

56. *Id.*

57. *Id.*

58. *Id.* at 852.

59. Taylor Healy & Aja G. Taylor, *Making the Case for Community Lawyering*, CLEARINGHOUSE ARTICLE (Nov. 2016), <https://dredf.org/wp-content/uploads/2019/08/Materials-CommunityLawering-HealyAndTaylor-Clearinghouse-2016Nov.pdf>.

60. *Id.*

legal services to low-income individuals in the city.⁶¹ This organization employs in-house community organizers alongside its lawyers to improve “power building” of its clients, to encourage and empower them to create independent leadership and institutions.⁶² The approach used by Bread for the City stresses the importance of utilizing community organizers from the outset because “evidence supports the idea that when organizers are involved from the beginning of strategy development, they help ensure that the strategies and policies are accountable to the communities they intend to help.”⁶³

Another potential partnership that community lawyers may form are local libraries.⁶⁴ A public library in a local community provides a “safe, comfortable, and accessible environment in which to offer legal services to the community.”⁶⁵

61. *About Us*, BREAD FOR THE CITY, <https://breadforthe.city.org/about/> (last visited Jan. 7, 2021).

62. Healy & Taylor, *supra* note 59. Bread for the City provides practical advice on how to find community organizers to bring onto a team:

Great places to start looking for organizers with whom you can build relationships are local civic meetings, community events, and public hearings. Like a moth to a flame, community organizers are drawn to the places where their people are. Being in places and spaces where community members are coming together to voice discontent or talk about issues that affect them is a great opportunity to begin a relationship with an organizing group. Lawyers should not be afraid to go up and introduce themselves, start a conversation, and request a meeting to learn more about how their legal aid organization and the community organizer can work together.

Id.

63. *Id.*; MARSHALL GANZ, *WHY DAVID SOMETIMES WINS: LEADERSHIP, ORGANIZATION, AND STRATEGY IN THE CALIFORNIA FARM WORKER MOVEMENT* 3–21 (2009).

64. Amy L. Petkovsek, *A Fresh Approach to Community Lawyering: A Lawyer in the Library*, MD. LEGAL AID (July 2016), http://www.mdlab.org/wp-content/uploads/A-Fresh-Approach-to-Community-Lawyering_July-2016.pdf.

65. *Id.* In Maryland, Maryland Legal Aid started a community lawyering program called “Lawyer in the Library,” where the lawyers “partner[ed] with Maryland’s Enoch Pratt Free Library system to offer[] and build[] support, trust, and legal power for those most in need of immediate, life-changing assistance.” *Id.* The lawyers gave advice to walk-in clients regarding a variety of different subject matters, like landlord-tenant disputes, bankruptcies, and consumer fraud. *Id.* The Lawyer in the Library program has experienced many successful stories. *Id.*

The Lawyer in the Library has shown that some clients need only 15 minutes of legal advice to move toward a solution that has been eluding them for years. For instance, a client recently came to discuss a dispute with her landlord over poor living conditions and her subsequent failure to pay rent. The case was on the next day’s court docket, and no attorney could be assigned in court on such short notice. The client was given brief advice on what to say in court the next morning, and how to defend her actions. A few days later the client contacted Maryland Legal Aid with great appreciation for the brief advice that led to her success in court against a landlord who was represented by counsel. Her decision to come to Lawyer in the Library led her to stay in her home, improve her living conditions, and relieve the intense stress of a court case against her landlord.

Id.

Libraries are no longer places where people go just to borrow books. Libraries prepare people for jobs. Libraries are cultural centers. Libraries are community centers. Libraries are places of education. Libraries meet people's basic needs of shelter and even food; libraries serve as distribution centers for free meals when school is not in session. Libraries could also be where people could learn about their legal rights and have their civil legal problems handled.⁶⁶

Regardless of who a community lawyer chooses to partner with, there will still be obstacles to overcome.

B. Challenges of Community Lawyering in the Bioethics Field

There are a number of different challenges community lawyers face when approaching concerns and building solutions in any field, including bioethics.⁶⁷ Although one of the main goals of community lawyering is to encourage "power building" of community members, this is not always the outcome after a legal clinic works with a group of individuals.⁶⁸ For example, Bread for the City worked closely with tenants of one apartment building who were charged for water usage in their unit despite the lease obligating the landlord to pay for it.⁶⁹ After Bread for the City and the tenants collaborated to send letters and documents to D.C.'s housing authority, the tenants were victorious and the landlord began paying the water bills again.⁷⁰ Despite this collaboration, the tenants' victory "did not lead to the sustained participation and momentum that [Bread for the City] had hoped for the tenant association."⁷¹ In the context of bioethics and health, community lawyers will be challenged to provide needy patients with the tools and the means to continue "sustained participation"⁷² and become "vital actors in the justice system, rather than ... its victims or passive beneficiaries."⁷³

66. *Id.*

67. *See, e.g.*, Healy & Taylor, *supra* note 59, at 2.

68. *Id.*

69. *Id.* at 6.

70. *Id.*

71. *Id.*

72. *Id.* at 6.

73. Tamar Ezer, *Medical-Legal Partnerships with Communities: Legal Empowerment to Transform Care*, 17 *YALE J. HEALTH POL'Y L. & ETHICS* 309, 314 (2017) (quoting Ryan Quinn & Tamar Ezer, *Justice Programs for Public Health: A Good Practice Guide*, OPEN SOC'Y FOUND. 7 (2015), https://www.opensocietyfoundations.org/uploads/7af19455-93f3-4717-8131-60764b4fd475/justice-programs-public-health-20150701_1.pdf).

In addition to issues with sustained participation, timing also poses a problem for community lawyering.⁷⁴ First, individuals in a community may experience “community fatigue,” in which people are initially excited to attend local meetings and to work to attain goals.⁷⁵ However, when the actual development or realization of the plan begins, community members are tired from all the work that was done in the beginning and they lack the momentum to move forward.⁷⁶ Additionally, these individuals may even become distrustful of the community organizers and community lawyers and lose faith in the process.⁷⁷ A second problem with timing relates to the timelines, deadlines, permitting schedules, etc. and their effect on the moment at which a project or plan can even begin.⁷⁸ The same timing issues that affect community lawyering in the housing context can affect all community lawyering projects, including those pertaining to bioethics.⁷⁹

Potential conflicts of interests and ethical issues can arise when bioethics community lawyers decide to partner with a health center or hospital.⁸⁰ Confidentiality and conflict of interest problems can surface in the context of medical-legal partnerships for several different reasons.⁸¹ Although the relationship between community lawyers and hospitals is not one that would normally invoke ethical rules, this partnership poses a potential conflict of interest because a patient-client might have interests that conflict with those of the hospital.⁸² This potential problem jeopardizes the continuation of the medical-legal partnership in a way that will present challenges to bioethics community lawyers.⁸³

74. Healy & Taylor, *supra* note 59, at 6.

75. *Id.*

76. *Id.*

77. *Id.* at 4.

78. *Id.* at 6.

79. *Id.*

80. Campbell et al., *supra* note 54, at 851. “Confidentiality is a . . . term that encompasses . . . the ‘ethical duty of confidentiality’ defined in . . . rules of professional conduct and the ‘attorney-client privilege.’ . . . [C]onfidentiality not only refers to . . . the oral statements made by the client . . . but [also] ‘information relating to representation of a client’ (implicating the lawyer’s ethical duty of confidentiality).” *Id.* at 850 (footnote omitted). In contrast, conflict of interest details how a “lawyer must be attuned to the traditional rules governing conflicts of interest, making sure that present client matters do not conflict with the lawyer’s other existing client matters, a lawyer’s responsibilities to a third party, or the same or substantially related matters in which the lawyer represented previous clients.” *Id.* (footnote omitted).

81. *Id.* at 850–51.

82. *Id.* at 850.

83. *Id.*

Confidentiality obligations present similar problems to bioethics community lawyers who partner with hospitals and health centers.⁸⁴ Potential issues may arise during meetings between the parties, such as whether a lawyer needs to inform the medical team that she is representing a certain patient.⁸⁵ Additionally, there are difficulties in how the attorney-client privilege intersects with the physician-patient confidentiality.⁸⁶ A bioethics community lawyer is not only acting in the legal realm but also the medical one.⁸⁷ If a community lawyer and a health professional are discussing a patient that the lawyer is representing, the community lawyer is bound by attorney-client privilege and may be unable to divulge information that is “critical” to the health professional’s decisions.⁸⁸ As such, a community lawyer will certainly face many privilege issues.⁸⁹

Another major challenge that a bioethics community lawyer will endure is community stigma and general distrust of the healthcare system and lawyers.⁹⁰ Community members may view health professionals and hospitals as “merely ‘proprietors of expertise.’”⁹¹ In areas that are particularly impoverished, the challenge of overcoming community distrust toward the “medical establishment” will be even greater because members of those communities often have medical and legal needs that are more critical than others.⁹² In addition to a general distrust of hospitals, lawyers may have problems establishing trust with patients and community members in need.⁹³

III. CONCLUSION

Bioethics is a field that has a high need for community lawyers.⁹⁴ The field involves medical rights and implications; invoking topics like abortion, cloning, human-subject research, gene editing technology, and

84. *Id.* at 851.

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. Ezer, *supra* note 73, at 315.

91. *Id.* (quoting Stephen Golub, *Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternate 6* (Carnegie Endowment for Int’l Peace, Working Paper No. 41, 2003), <http://carnegieendowment.org/files/wp41.pdf>).

92. *Id.* at 315–16.

93. *Id.* at 324.

94. Campbell et al., *supra* note 54, at 847.

reproductive technology.⁹⁵ In the bioethics field, community lawyers may act as a collaborative force to promote change on behalf of impoverished and oppressed groups.⁹⁶ To be as effective as possible, community lawyers may choose to partner with community groups, companies, or organizations like hospitals or local libraries.⁹⁷ Community lawyers will face significant challenges in their endeavors of serving individuals with bioethics needs.⁹⁸ Issues with timing, sustained participation, general distrust of the healthcare industry and lawyers, and ethical issues all pose challenges that lawyers will need to be overcome to successfully serve a local community with bioethics needs.⁹⁹ However, if community lawyers are able to effectively provide their services and overcome the challenges, the impact will be monumental.¹⁰⁰

95. See HEALTH L. PRAC. GUIDE, *supra* note 4, §§ 15:2, 15:21 (abortion and cloning); *On-Call Ethics Consultants*, *supra* note 4 (human-subject research); *Gene Editing Technology*, *supra* note 4 (gene editing); *Mighty Mitochondria*, *supra* note 4 (reproductive technology).

96. Dominguez, *supra* note 2, at 31; Elsesser, *supra* note 30, at 384.

97. Campbell et al., *supra* note 54, at 848; Petkovsek, *supra* note 63.

98. See, e.g., Healy & Taylor, *supra* note 59, at 6.

99. Campbell et al., *supra* note 54, at 850-51; Ezer, *supra* note 73, at 314-15 (quoting Quinn & Ezer, *supra* note 73, at 8).

100. Dominguez, *supra* note 2, at 33; Elsesser, *supra* note 30, at 384.