

Mass. Bar Association says One Fund is under-paying some Marathon bombings victims



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The Massachusetts Bar Association and President [Doug Sheff](#) came out swinging Friday against One Fund Boston for the protocol the organization recently released for its second round of distributions to victims of the Marathon bombings.

At issue is how the One Fund is handling victims suffering from what are known as "invisible injuries" – head injuries, hearing loss and the like. These victims – backed by the Mass Bar – want to be recognized as equal to victims with more visible injuries, such as limb injuries, and to see greater cash distributions from the fund.

What precipitated the concern is the protocol the One Fund released on June 13, detailing how the organization plans to distribute an additional \$19 million. The bulk of the money would go to people who face a life of high medical costs and the most severe physical injuries.

And for those with invisible injuries, the One Fund will provide cash distributions, though lesser amounts, and create a medical program to help them and their families.

The Mass Bar hosted a news conference Friday in its Boston office on behalf of victims, with panelists that included a neurologist and a doctor from Alabama who ran the Marathon and sustained hearing loss from the blast, and members of the Hearing Loss Association of America.

The protocol for the first One Fund distribution gave much more weight to victims who lost limbs and spent more time in the hospital and far less to people who were seen as outpatients, as most head injured and hearing loss victims were, said [Paul White](#), an attorney with Sugarman, [Rogers](#), Barshak & Cohen in Boston. White has chaired a Mass Bar Committee that has coordinated nearly 90 lawyers to provide pro bono services to Marathon bombing victims.

White said that the protocol for the first One Fund distribution gave much more weight to victims who lost limbs and spent more time in the hospital and far less to people who were seen as outpatients, as most head injured and hearing loss victims were. The most anyone with an invisible injury received was \$8,000, said Sheff.

Sheff and White said they met last year with former One Fund administrator [Kenneth Feinberg](#) at the Mass Bar's offices, and voiced concerns about the way the first protocol was written. More recently, Sheff said, he met with [James Gallagher](#), president of the One Fund, and gave a power point presentation to him that provided details about head injuries.

As a personal injury attorney, Sheff said, he has experience with clients who have sustained head injuries. He said he offered Gallagher resources and legal assistance on these types of cases.

"We've been patient. We didn't want to make this a public issue," Sheff said.

But when the protocol for the second round of One Fund distributions still did not provide anything additional for people with invisible injuries, Sheff said, the Mass Bar decided to make the debate public.

"That tells us that they are not going to listen to us on this issue," White said.

In a statement, the One Fund said, "The One Fund Boston's second and final cash distribution to survivors and victims of the Marathon tragedy will provide cash gifts to everyone in the community who chooses to apply. In addition to the cash gifts to individuals, the One Fund plans to invest in a unique medical collaborative that will offer evaluation, treatment, care coordination and support for members of this community. This collaborative is designed to help address the unique ongoing medical needs of the survivors and their family members – with a specific focus on the invisible injuries such as tinnitus, hearing loss, mental health and post-traumatic stress and traumatic brain injury."

What the Mass Bar and victims want, Sheff said, is for the One Fund to review the medical records of victims who have these invisible injuries to determine the extent to which they are damaged from the bombings.

"They want to go through a claims process and we are not an insurance company," said [Dot Joyce](#), spokeswoman for the One Fund.