

MASSACHUSETTS LAWYERS WEEKLY

Bombing victims, MBA protest latest One Fund protocols

By: Brandon Gee June 20, 2014

One Fund Boston, the victim compensation program set up in the wake of the 2013 Boston Marathon bombings, is under fire again from the Massachusetts Bar Association and victims who suffered what are being called "invisible injuries."



The MBA, along with some victims and neurologists, scheduled a news conference for noon today "to voice their displeasure about the OneFund's draft protocol for the second distribution," according to MBA spokesman Jason Scally.

One Fund Boston distributed \$61 million to 232 claimants within three months of the bombings. Some lawyers and the MBA criticized the fund, accusing it of insensitivity toward sensory and cognitive injuries and an overreliance on hospitalization and length of hospital stays as measures of injury severity in determining the size of payments. While victims who spent at least one night in the hospital received at least \$125,000, those who suffered harder-to-quantify hearing loss and brain damage received up to \$8,000 and sometimes nothing, according to the MBA.

The new "draft protocol" for a second round of distributions addressed such concerns to an extent, but continues to be found lacking by the MBA and other critics including Partners International Foundation, The Global Campaign against Improvised Explosive Devices and the Hearing Loss Association of America.

"While we are encouraged that the One Fund has more directly acknowledged the class of survivors living with sensory impairment, traumatic brain injury and other invisible wounds," MBA President Douglas K. Sheff says in a statement, "we believe its proposed solution to provide medical programming in lieu of direct One Fund distributions to individuals in this community unfairly excludes many worthy survivors from the financial lifeline they so desperately need."

Back in April, One Fund Boston President James D. Gallagher told Lawyers Weekly that he was unwilling to spend donor dollars on hiring staff with the expertise necessary to scrutinize brain injury claims and the advanced diagnostic tests that would accompany them.

One Fund's new "draft protocol" calls not only for additional cash gifts to survivors, but also the endowment of "a medical collaborative designed to provide care for the invisible wounds of the Boston Marathon bombings including tinnitus, hearing loss, mental health, PTSD and traumatic brain injury (TBI)," according to a news release. The cash gifts contemplated as part of this round will be the last, and "all other future remaining funds will be directed toward supporting this community through programs and services."

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