

The Edward Mott Moore Layperson Award Winner

Bryan Hetherington, Esq.

When many people heard Dr. Martin Luther King Jr.'s intense, passion-filled speeches, they felt uplifted, hopeful and inspired to change the world. Many talked about it, some contemplated it, and few were inspired enough to make major life choices that would allow them to do it. Bryan Hetherington, Esq. is one of those few. "Dr. King's vision of who we are and who we are called to be, has become a very powerful force in my life. I decided to do this by becoming a lawyer," says Hetherington. He always knew he wanted to help the less fortunate.

When Hetherington was attending his undergraduate studies at LaSalle College (now, La Salle University) in Philadelphia, he had the opportunity to hear two lawyers and a judge speak about their careers and how they were using their skills to benefit others. "I thought I was going to college to be a political science professor, but instead, found this more interesting," laughs Hetherington. Interesting, indeed. He soon earned his law degree from Cornell Law School and found himself working in Legal Services in the Hudson Valley.

In 1980, he made Rochester his home when he was tapped to serve as Litigation Director of Monroe County Legal Assistance Corporation, a legal services program that received \$20,000 demonstration grant from the Legal Services Corporation (LSC) to develop a project to increase private attorney participation in the delivery of civil legal services to low-income clients. In the mid-1990's congress put restrictions on receivers of federal funds. "If you took any funds, you couldn't do certain types of advocacy on behalf of your clients with ANY of your money, not just federal. We could no longer do class actions, legislative or administrative actions. We couldn't do cases to try to reform the welfare system. We couldn't represent classes of people they didn't like," says Hetherington. These new limitations forced him to be creative. Because of the challenges,

MCLAC split in half and he started the Public Interest Law Office of Rochester (PILOR). They were able to take the grants with them to serve their under privileged clients. In 2004, PILOR morphed into the Empire Justice Center. Hetherington was chief counsel until his retirement last fall. Currently, the Empire Justice Center boasts 70 lawyers in four offices throughout New York State.

Most of Hetherington's career has involved complex litigation and other non-litigation advocacy regarding social services programs, education, housing and civil rights. Some of the best examples of his talent as a problem solver include:

- Requiring fair treatment for close to 140,000 recipients of food stamps, while winning \$75.5 million in retroactive benefits.
- Assisting 27,000 families with a member receiving Supplemental Security Income benefits by challenging regulations and receiving over \$100 million in payments and \$36 million in annual payments.
- Compelling Rochester Genesee Regional Transit Authority to provide improved service to people with disabilities;

In the many cases he has been a part of, two stand out the most. The first is when he brought a case to federal court that pushed the Social Security Administration to value the opinion of the treating physicians above the opinions of consulting physicians (whom they may have only met for mere minutes). This change alone allowed more than 10,000 disabled people each year to win claims they would otherwise lose. The second is co-leading the effort to end childhood lead poisoning in Rochester. "It was a community wide effort where everyone played a role. The medical community tried to up the rate of testing. Community organizations and agencies tried to make sure housing was tested (and that it was safe for people to allow them to test). That was really gratifying," says



Hetherington. As of 2017, the number of lead poisoning cases in Rochester dropped from 1,600 to 137. "Everyone brought their own privileged knowledge. Physicians, nurse practitioners, educators, community people, lawyers, landlords- everyone brought their knowledge. It was that collective coming together of all that knowledge that led to the solutions that worked for the vast majority of people," says Hetherington.

Currently, he is finalizing work on another collaborative case with the Rochester School board consent decree. Though it is common with securities law, federal/state governments and attorneys general, this is the first time in public interest law that they've pre-negotiated a consent decree. It's another example of Hetherington's ability to combine creativity and collaboration in problem solving. Along with Hetherington, members of the committee include former students who received special education services, parents, parent advocates- and even his wife, Dr. Susan A. Hetherington. Dr. Hetherington is the Director and PI of the UCEDD at the Strong Center for Developmental Disabilities. Bryan credits his wife with helping him to understand the issues of people with disabilities in this world, this nation and this community. This view also expands to the medical community. He believes the biggest challenge in the health care industry will be to move from "providers of service" to keeping people healthy. "Because of what we know about the social determinants of health, we will have to move money from the "treatment system" to the "wellness system" and how do we think about "wellness" systematically so that populations stay well and fewer people have the need for intensive medical treatment from preventable causes," states Hetherington. He also believes that this issue is larger than can be summed up in a few sentences.

Though newly retired, Hetherington has no plans to slow down. He has recently launched a consulting business to assist area not-for-profits and funders who want to have a greater impact. At one point he was asked if he needed to be a lawyer to do what he really likes. "What I came to understand about myself is what really intrigues me is solving difficult problems, but not just any problems. Ones that are going to make life better for people. That's why I went into the law, right?" Hetherington says.

When he's not working as a humanitarian, Bryan finds great joy in cooking. He and his wife have chosen their travel destinations based on much-loved recipes they have experimented with from cookbooks. They've also traveled then came home to immerse themselves in that country's regional cuisine. As if that isn't enough, he is also a part of a men's cooking group that meets bi-monthly. "What I like about it is that it isn't people trying to show off. It's a communal cooking experience. We're all talking and sharing stories in the kitchen," laughs Bryan.

No matter what his future holds, we know Hetherington will give it his optimum effort. "This notion that we all put our hands over our hearts and we say that we believe in liberty and justice for all, "all" really means everybody and most particularly those people left behind. There needs to be intentionality around what we do," believes Hetherington. When Dr. Martin Luther King, Jr., challenged the crowd by saying, "Every man must decide whether he will walk in the light of creative altruism or in the darkness of destructive selfishness," Hetherington took it to heart and you can bet he'll continue to live his life with kindness and decency.



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¹ McNeill SH, et al. The evolution of lean beef. Identifying lean beef in today's U.S. marketplace. *Meat Sci.* 2012; 90(1):1-8.

² Roussell MA, et al. Beef in an Optimal Lean Diet study. effects on lipids, lipoproteins, and apolipoproteins. *Am J Clin Nutr.* 2012; 95(1):9-16.

³ O'Connor LE, et al. A Mediterranean-style eating pattern with lean, unprocessed red meat has cardiometabolic benefits for adults who are overweight or obese in a randomized, crossover, controlled feeding trial. *Am J Clin Nutr.* 2018;108 (1):33-40



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