

LSBA Legal Services for Persons with Disabilities Committee
Friday, April 12, 2019
New Orleans, LA

Participants:

Garret DeReus, Bizer & DeReus, LLC
Lauren Godshall, Morris Bart, LLC (co-chair)
Margot Hammond, Attorney at Law
Gwynne Mashon, Southeast Louisiana Legal Services
RUBY Noble, Advocate
Elena Perez, Southeast Louisiana Legal Services (co-chair)
Steven Reed, Southeast Louisiana Legal Services
Jessica Sawyer, Tulane Law School
Debra Weinberg, The Advocacy Center

ATJ Staff:

Amy Duncan, Training and Projects Counsel
Linda Johnson, Technology Counsel
Joanna Laidler, Projects Counsel
Rachael Mills, Projects Counsel

1. Welcome and introductions

Minutes from the previous two meetings on October 5, 2018 and February 1, 2019 were adopted by the Committee.

2. Law School Outreach

- a. On March 27, Ariel Test, Kellie Johnson, Rebecca May-Ricks provided a successful presentation on special education law to the LSU Juvenile Defense Clinic run by Madalyn Wasilczuk. The presentation included an interactive component. Parris Taylor also attended to answer questions.
- b. Student representatives from Tulane's Public Interest Law Foundation and the Disability Rights and Health Law Society are working with members of the Children's Law & LSPD Committees (Margot Hammond, Parris Taylor and Deborah Weinberg) to plan practical skills based 'interview bootcamp' for students in the fall semester. Training will be held in Mid-September. The training will be offered to other Law Schools once the format has been finalized. The interview training will focus on working with children, indigent clients, clients requiring an interpreter and clients with disabilities.

3. Disability Law CLE

Last meeting, Committee members discussed ideas for CLEs that could be undertaken by the Committee. It was noted that there is a need for attorneys practicing in other areas to have a general understanding of disability law, as issues relating to social security benefits, disability

education can affect other practice areas including family law, contracts, and workers compensation. Committee wants to plan CLE later in the year that would include ethics component. Interested committee members scheduled an additional planning meeting after the main meeting to discuss CLE content, timing, and logistics.

4. Unmet Legal Needs Report

Linda Johnson provided a summary of the Unmet Legal Needs Report, 2018. The LSBA commissioned researchers David Yarbrough and Steve Gruesbeck to collect data and undertake a formal survey. Yarbrough and Gruesbeck focused on a target population of persons at or below 200% of the Federal Poverty Level (200% = \$24,980 for household of 1), a population that would likely qualify for Legal Services Corporation (LSC) services. The survey made it clear how difficult it is to measure unmet legal needs due to factors including, poverty, remoteness, disability, and knowledge. Disabled populations have additional barriers, including access to housing, public transportation, and public buildings. About 33.6% of Louisiana residents with a disability live below 125% of the federal poverty level.

Linda provided a summary of Louisiana's efforts to address the needs of poverty populations, including programs designed to assist people that earn above the income thresholds to qualify for LSC services, but not enough to afford a private attorney. Amy Duncan from the LSBA provided an overview of the modest means directory, which is a listing of attorneys who provide limited scope legal services, or services at a reduced or flat rate for people earning below 400% of the Federal Poverty Level. It was noted that the Advocacy Center has a limited scope of practice but does not have income eligibility requirements.

The most prevalent legal needs identified were consumer and finance, employment, family law, and disaster relief. However, the issues that had the highest percentages of unmet legal need (each over 60%) were healthcare, juvenile, housing, immigration, education, government benefits, and individual rights. 44% of people surveyed did not know where to get legal help. Recommendations from the report include education to increase awareness, development of coordinated funding requests, development of a collaborative triage system, and a follow-up study. Committee members discussed the findings, including ways to increase outreach in rural communities e.g. clerks of court, libraries, local businesses and community organizations.

5. Disabilities Assistance Network (DAN)

Joanna explained that the Disabilities Assistance Network (DAN) is a directory of private attorneys who are members of the Louisiana State Bar who provide legal assistance to persons with disabilities. The LSBA has contacted all the attorneys registered on DAN and asked them to update their contact information, including whether they are still practicing disability law. The LSBA is also working with the LSBA communications department to design a logo and advertisement, which can be placed periodically in bar briefs/email blasts to promote DAN.

6. Policy/Legislative Updates

Margot Hammond compiles a summary of relevant amendments for each legislative session. She will circulate summaries to the committee later. For this session, she noted the following amendments:

- HB427 - A bill to require healthcare facilities to provide interpreter services for people who are hearing impaired.
- HB507 - Levies a 7% tax on medical marijuana that will go to the NOW Waiver
- HB193 - An amendment to the Safe Schools Act, which was enacted in the last legislative session.
- SB137 - An disciplinary amendment, which is 70 pages long but designed to better organize the Act

Debra Weinberg explained that HB193 does not fix issues with constitutionality of the School Safety Act, which has serious consequences for students e.g. cannot return to school until they are evaluated. She advised committee members to contact her if they require more information.

Gwynne Mashon also noted:

- Work requirements for Medicaid not on table & Governor piloting voluntary EMP
- Two bills for pre-existing conditions

7. Upcoming Trainings

Amy Duncan from LSBA stated that the Criminal Justice Committee is hosting their annual Criminal Justice Summit, which this year is on Mental Health and the Criminal Justice System. The Summit is being held in Baton Rouge on April 26, 2019 from 9am-4.30pm. This year's Summit is focused on the issues arising from people with mental health conditions ending up in the criminal justice system. The Summit is intended to be interactive and will cover a wide array of topics including Crisis Intervention Team Programs, identification and communication strategies, innovative mental health programs in the criminal justice system, and court programs and available resources for people with a mental health condition. Members of the Committee are invited to attend. Amy provided details on the agenda and advised that she will circulate details on how to register for the Summit.

8. Other Business

The Committee will organize dates for next Committee meetings as soon as possible. If committee members have people that are interested in joining the committee, please advise them to contact Joanna or the LSBA.