

LSBA Legal Services for Persons with Disabilities Committee
Friday, August 23, 2019
New Orleans, LA

Participants:

Garret DeReus, Bizer & DeReus, LLC
Lauren Godshall, Morris Bart, LLC (co-chair)
Margot Hammond, Attorney at Law
Kenneth Human, Attorney at Law
Gwynne Mashon, Southeast Louisiana Legal Services
Sean Morrison, Attorney at Law
RUBY Noble, Advocate
Elena Perez, Southeast Louisiana Legal Services (co-chair)
Laura Picard, Mental Health Advocacy Service
Steven Reed, Southeast Louisiana Legal Services
Nicholas Russell, Louisiana Guardianship Services
Gwender Sterling, Attorney at Law
Dayna Ryan, Theus, Grisham, Davis & Leigh, LLC
Debra Weinberg, The Advocacy Center

Guests:

Jessica Sawyer, Tulane Law School
Vincenzo Pasquantonio, City of New Orleans

ATJ Staff:

Joanna Laidler, Projects Counsel

1. Welcome and introductions

Minutes from April 12, 2019 were adopted by the Committee. Committee members introduced themselves and new committee members welcomed.

2. Disability Law CLE

This committee wanted to hold a 4-hour CLE at the end of the year as they think 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. Date for CLE will be **Friday November 22, 2019 from 10am-2pm in the Eastern District of Louisiana Federal Court (500 Poydras).**

Topics:

- *Garret DeReus: Practice Management/Professionalism* – Obligations for attorneys under ADA and broad overview of regulations, obligations for attorneys in relation to employment issues

- *Dayna Ryan: Ethics session relating to clients & capacity* – how to spot capacity issues; ethical guidelines for determining capacity; and responsibilities when representing people who are lacking capacity.
- *Steven Reed and Gwynne Mashon (SLLS): Part 1: Different types of public benefits (SSI, SDI, Medicare, Medicaid, VA)* – overview
- *Part 2: How to account for public benefits in personal Injury Settlements/ workers compensation/special needs trusts for plaintiffs and defendants* –still looking for speakers for this topic.
 - Panel of speakers may be most appropriate
 - Sean Morrison – can provide information about special needs trusts.

Title ideas:

- Practicing disability law 101– general ethical and professional responsibilities
- Representing clients with Disabilities - what you don't know can hurt you
- Making your practice accessible
- Don't hurt your practice by ignoring people with disabilities

Costs: Intend to charge nominal fee to make it accessible for people. Money can be used to pay for the costs for the CLE. Committee decided that appropriate cost for CLE would be \$40. Free for committee members.

Filming: Discussion about whether we had budget/technological capacities to be able to film CLE. Elena agreed to investigate technological capacities of court. Margot noted that if we filmed the CLE, people are usually charged a fee to view it.

CLE: Joanna will apply for CLE as soon as possible.

Location: Could also host at LSBA. Would prefer to host at Federal Court to attract Federal Bar attorneys, (will ask FBA to send out promotion).

Moderator: Ask Judge Zainey if he is available to moderate CLE. If not, worth seeing if we can attract another person from the Federal Bar. Committee members asked to provide suggestions.

Promotion: Committee members will be asked for help promoting event. Vincenzo offered to promote event on social media/Mayor's social media.

3. **Special Education CLE**

LSBA Special Education Workshop at Southern University Law Center on **Saturday, Oct 19th from 9am to 1pm**. 3.5hr CLE available for free. Open to the public.

- Speakers:
 - Debra Weinberg (Managing Attorney, The Advocacy Center of Louisiana) - Basic rights in relation to special education.
 - Debra agreed to circulate Special Education training for CINC Attorneys

- Wayne Stewart (Partner, Hammonds, Sills, Adkins & Guice, LLP) - There are only so many hours in the day: FAPE and the Intersection of Parent Preferences for Outside Services/Providers
- Victor Jones (Senior Supervising Attorney, Southern Poverty Law Center) - Accessing mental health services for children with intensive behavioral health needs who also require special education
- Cynthia Chesterfield (Program Director of Inclusive Education, Families Helping Families of Greater Baton Rouge) - Families Helping Families Services and Parent support for IEP meetings
- Parris Taylor (General Counsel Attorney, Louisiana Department of Education) - Dispute resolution when there is a disagreement, or it all goes wrong.

4. LSBA Mid-Year Meeting

Committee discussed whether they would like to hold LSPD CLE for mid-year meeting. Currently, there is availability for Thursday January 16, 2020 from 8am-10am. Would attract difference audience as it is in Baton Rouge. Committee thought 9am-10am would be preferable & Ethics/Professionalism ideal. Suggestion that Garret DeReus provide same CLE for professionalism/practice management. Garret said he would be willing to provide additional CLE subject to availability.

5. University Outreach – Interview Skills Training

Student representatives from Tulane’s Public Interest Law Foundation and the Disability Rights and Health Law Society are working with members of the LSPD Committee (Margot Hammond, Parris Taylor and Deborah Weinberg) and Luz Molina to plan practical skills based ‘interview bootcamp’ for students. Training will take place at Tulane Law School on September 18, 2019 from 4-6.30pm. The interview training will focus on working with children, indigent clients, clients requiring an interpreter and clients with disabilities. The training will be offered to other Law Schools once the format has been finalized.

6. Policy/Legislative Updates

Margot Hammond compiles a summary of relevant amendments for each legislative session. She has previously circulated summaries and asked committee members to provide her with anything additional. Dayna Ryan noted that as of June 25, 2019 the Social Security Administration (SSA) will now require attorneys to get attorney fees approved in advance for some special needs trusts. Criminal penalty and fine associated with it. Debra Weinberg noted that the Mental Health Advocacy Services (MHAS) has brought legal action against terrorism in school laws and have raised constitutional issues with the legislation.

Margot Hammond – If there is legislation coming up that this Committee wants the LSBA to comment on, then we send this to a special committee at the LSBA, they decide whether LSBA should comment on it and how, it has to clear the house of delegates, then it goes to the

legislature. Individuals can comment on bills but cannot do it on behalf of the LSBA unless it goes through this process.

Vincenzo Pasquantonio, City of New Orleans

- (1) In the Mayor's Office we wanted to update our rules for Transportation Network Companies (TNCs) to increase the number of accessible vehicles. Unfortunately, the legislature passed statewide regulations relating to TNCS during the last legislative session. This has prevented the Mayor's Office from making proposed changes.
- (2) In the November 16th Ballot, the Mayor's Office is going to propose a charter amendment to create a Human Rights Commission in the city charter. There was previously a Human Relations Commission, which was not properly established and so couldn't function as a Human Rights Commission. Objective is to create a local mechanism and administrative process stop enforce anti-discrimination in our local anti-discrimination ordinance. If the charter amendments is passed we are looking to rewrite local discrimination laws (Chapter 86) and strengthen them, resolve constitutional issues, create meaningful enforcements (e.g. possible revocation of permits/licenses for ordinance violations)
- (3) The Mayor has created a temporary Office of Human Rights and Equity by executive order. One of their roles is informing the Mayor on policy issues. In addition, this Office needs to start providing training and technical assistance to the community and City Hall. Vincenzo is currently compiling curriculum on different subjects. If you have curriculum on different subjects that you think city officials need to learn e.g. anti-discrimination, cultural competency, please reach out to Vincenzo. The Office has a small budget to compensate presenters. Gwynne Mashon noted that SLLS need a written request to be able to comment on ordinances/legislation.

7. Other Business

Margot has been contracted by the Department of Children and Family Services to prepare a kinship care handbook, which is for people who are taking care of non-biological children. The handbook will be in hard copy and online. She is requesting assistance from committee members to review sections of the handbook prior to next Tuesday, particularly social security. Margot circulated a list of the 14 different topic areas and said she would circulate an electronic copy to committee members.

Gwynne Mashon also noted:

- Proposed regulation at the Federal level to remove 'broad-based categorical eligibility' for SNAP benefits, which enables states to raise SNAP income eligibility limits in certain circumstances. This will affect 67,000 people in Louisiana. Written comments can be submitted prior to September 23, 2019.