

LSBA Legal Services for Persons with Disabilities Committee
Friday, October 5, 2018
New Orleans, LA

Participants:

Elena Perez, Southeast Louisiana Legal Services (co-chair)
Lauren Godshall, (co-chair), Morris Bart, LLC
Gwynne Mashon, Southeast Louisiana Legal Services
Debra Weinberg, The Advocacy Center
Parris Taylor, Louisiana Department of Education
Dayna Ryan, Theus, Grisham, Davis & Leigh, LLC
Jennifer Coco, New Pathways New Orleans
Garret DeReus, Bizer & DeReus, LLC
Stanley Bordelon II, Louisiana Department of Health
Rubye Noble, Advocate
Jessica Sawyer, Tulane Law School

ATJ Staff:

Michael Schachtman, Self-Represented Litigation Counsel
Monte Mollere, ATJ Director

1. Welcome and introductions

Elena Perez (eperez@slls.org) and Lauren Godshall (lgodshall@morrisbart.com) are this year's committee chairs. Please submit ideas and questions to them via email.

2. Service Provider Overview – (Legal Aid & Government Agencies)

A wide range of private attorneys, legal aid providers, state agencies, and other organizations provide direct and indirect services to people with disabilities. The goal of this committee is to aid in collaboration among these providers, and to educate the public about relevant legal topics and the rights of persons with disabilities.

- a. The Advocacy Center - protects, empowers, and advocates for people with disabilities throughout the state, and for adults over age 60 in Orleans Parish (<http://advocacyla.org/>).
- b. Southeast Louisiana Legal Services & Acadiana Legal Services – state civil legal aid providers. Offer range of legal, outreach and education services to people with disabilities, including assisting clients in relation to government benefits.
- c. Mental Health Advocacy Services – is an independent state agency which provides free legal services under Louisiana's Behavioral Health Law for Patients who are hospitalized due to mental illness or substance abuse. MHAS also protects patient's rights and provides information on behavioral health law to consumers, hospitals, and the public (<https://mhas.louisiana.gov/>).
- d. Developmental Disabilities Council – Conducts advocacy, capacity building, and systems change activities to promote self-determination, independence and inclusion for persons with developmental disabilities (<https://laddc.org/>).

- e. Louisiana Department of Health - state agency charged with administering Medicare Program in the state of Louisiana, which includes all services e.g. long-term care, disability, waivers. Works in conjunction with Development Disabilities Council for services that are provided through waiver or flexible family funds.

2. Disabilities Assistance Network (DAN) promotion

The Disabilities Assistance (DAN) is a directory (not a referral service) of private attorneys who are members of the Louisiana State Bar who provide legal assistance to persons with disabilities. The directory lists the parishes each attorney can provide services in.

Going forward, the goals for DAN are:

- a. To encourage Louisiana attorneys to sign up. Committee members can help recruit people. The LSBA can place an advertisement in the next edition of the Bar Briefs to help promote DAN. To sign up - <https://www.lsba.org/Members/Danjoin.aspx>;
- b. To promote DAN to the public and make them aware of it. LSBA has post cards that members can distribute through their networks to raise awareness; and
- c. To update DAN. The current list is out of date and includes attorneys who are no longer practicing in disability law. Attorneys on the DAN network should be contacted and asked to update their information.

3. Unmet needs and potential business opportunities for private bar

In addition to identifying the unmet legal needs of legally vulnerable and disabled people, Committee members are also asked to help promote unmet legal needs that produce attorney fees and could lure more Bar members into this field. For example, legal aid organizations have reported a shortage of attorneys willing to accept SSI referrals. Another area of need is VA disability appeals, particularly if there is not an honorable discharge. Many relevant issues provide attorneys' fees for successful claims.

4. Education subcommittee (Joint project with LSBA Children's Law Committee)

Especially in the age of charter schools, many parents and students report that individualized education plans (IEPs) are not being followed. Representing students in these causes of action provides attorneys' fees, but few attorneys know this area of the law. The education subcommittee would be formed in partnership with the LSBA Children's Law Committee and would look at (1) educating students and parents about their legal rights and (2) educating/training Bar members on connected topics.

In the past, a successful educational event was held at Southern University which included attorneys from the School Board, members from the Special Educators Association, and Children's law attorneys. Attorneys and members of the public were invited and there was a large turnout. Deborah Weinberg noted the importance of building capacity at the same time as

educating parents about IEPs so that there are people or organizations available to assist with this work.

The Committee discussed whether it was necessary to create an education subcommittee. Dayna Ryan, Parris Taylor, and Debra Weinberg were named as potential members of subcommittee if it is established.

5. A.B.L.E. Accounts Overview - Dayna Ryan

ABLE 529A Plans for Persons with Disabilities were federally enacted in 2014 and adopted by Louisiana in 2015. They are run through LOSFA and are designed for Louisiana Residents with disabilities that developed by the age of 26. Individuals are only allowed one account and the accounts are much less restricted than Special Needs Trusts. The accounts are intended to encourage individuals who are disabled but not incapacitated.

ABLE Accounts:

- Account owners are allowed to access and use their money for eligible expenses
- Account owners are allowed to save \$15,000 per year. The account owners personal income is excluded.
- SSI is not affected unless the account is more than \$100,000. Does not affect Medicaid.
- Account is capped at \$500,000
- There is probably a payback provision in Louisiana (but this needs to be clarified).

Dayna Ryan will circulate information about ABLE accounts to Committee members and the information will be uploaded on the Committee website.

8 Public Education Sessions/Survey Results

Survey results indicate that there is more geographic diversity on the Committee than ever before. Committee members are encouraged to prepare CLEs/ presentations in different areas across the state. The LSBA can help with logistical details and getting the event promoted.

9.. Law Student Outreach/Student Liaison

The Committee will start inviting law schools from all 4 law schools to participate in Committee. Jessica Sawyer from Tulane indicated that the Tulane Health Law Group is being reactivated. There is a similar Health Alliance Group at Loyola University. Committee members should encourage student participation as it cultivates professional interest and acts as a networking opportunity for students.

The Committee will conduct outreach to Louisiana law schools through “skills” courses and informal lunches. LSBA will get back to the Committee with specific dates, but the substantive courses are likely to be held early in the spring semester.

9. Louisiana Bar Journal Topics

Committee members are invited to submit Bar Journal articles, usually around 1500 words. If interested in writing an article for bar journal, please let the Committee know. Committee members are encouraged to prepare a short piece talking about the opportunities for practicing disability law in order to encourage new attorneys/ promote the work of the Committee.

10. Other Business

Public Benefits Taskforce

The Public Benefits Taskforce is coordinated by the Bar Association and is designed primarily for legal services and public interest attorneys to discuss substantive areas of law. The LSBA is happy to connect members interested in joining this taskforce.

Priorities for bar year

Committee Members should consider the main priorities for the year, including how the Committee presents itself. Committee members discussed different options to obtain Committee feedback, including using Google Form/Dropbox.

Website

The Committee aims to place more material on the LSBA website. The Committees is interested in providing information for the public & creating resources for attorneys. Committee Members are encouraged to circulate relevant materials.

Training Opportunities

Council of Parent Attorneys and Advocates (COPAA) is having its annual conference in New Orleans March 7-10, 2019. Committee members may be able to obtain discounts on conference registration - <https://www.copaa.org/page/Conference>.

Organizations

Disability Rights Bar Association is a federal online network of attorneys who specialize in disability civil rights law. To join - <http://disabilityrights-law.org/join>.