

LSBA Legal Services for Persons with Disabilities Committee

February 26, 2021

Attendees

Melanie Bray, Disability Rights Louisiana
Lauren Godshall, Attorney at Law
Sean Morrison, Attorney at Law
RUBY Noble, Attorney at Law
Elena Perez, Southeast Louisiana Legal Services
Steven Reed, Southeast Louisiana Legal Services
Dayna Ryan, Wright Abshire
Jessica Sawyer, Southeast Louisiana Legal Services

Staff

Stephanie Beaugh, ATJ Projects Counsel

Minutes

1. Welcome & Introductions

- a. 11/13/2020 Minutes – Ruby moved to approve. Steven seconded. Minutes were approved without objection.

2. COVID-19 & Disaster-related Issues & Updates

- a. Ruby Noble reported that the IDD advocacy community has been working to ensure that providers and clients are prioritized for vaccines. The Louisiana Office of Behavioral Health is supporting these efforts.
- b. Dayna Ryan suggested that elder law/disability attorneys should be considered for the vaccine, given their contact with these immunocompromised groups. Jessica Sawyer said that Debbie Weinberg with Disability Rights Louisiana had written to the Department of Health and received approval for vaccines for their staff. Stephanie noted that legal services were originally excluded from FEMA's definition of "essential services" when the COVID-19 disaster was declared, which may have impacted the vaccine rollout.
- c. Steven Reed reported that a client of his was having trouble accessing his medication, which can only be administered in person at a health clinic. Steven accompanied the client to the clinic to ensure he would not be stopped by security.

3. Disability Law CLEs

- a. **Legislators' CLE** – Elena reported on the presentation that she and Lauren Godshall gave on December 4th, 2020 to Louisiana legislators and staff attorneys. The presentation covered the work of the LSPD Committee and associated disability rights agencies. The reception was very positive and several attendees expressed interest in joining the committee or being in further contact.
- b. **Louisiana Justice Community Conference** – The Committee sponsored two events at the 2020 Justice Community Conference, "Uplifting the ADA: 30 Years Later" with Derek Warden and Keri Gray, a founder of the National Alliance of Multicultural Disabled Advocates; and a workshop with Keri Gray entitled

“Accommodating Measures: A conversation on understanding exclusion and getting towards inclusion.” The CLE was well attended, with about 65 participants, and provided insight into the past, present, and future of the ADA. It was recorded and will be made available on the redesigned Probono.net site. The virtual workshop was also very popular, to the extent that attendance had to be expanded to allow those from the waitlist to attend.

- c. **2021 CLE Ideas** – The Committee discussed possible CLE topics for 2021, with an eye towards programming that would appeal to the general bar membership and raise awareness of the committee’s work. Elena noted that a previous CLE on the basics of Social Security was well attended by staff from Ochsner Health, State Farm, etc.
 - i. **Alternatives to Interdiction** – Dayna noted that in Texas, there is a big push to make guardianship the last resort. Alternatives include powers of attorney, assisted decision-making (a contract where someone agrees to accept assistance from another person in certain types of decision-making), and limited guardianship
 - ii. **CARES Act vs. SECURE Act** – Dayna suggested covering these acts and how they affect key groups, such as the disabled, elderly, and veterans.
 - iii. **Special Education during COVID-19** – Steven expressed interest in information on special education rights during COVID-19. Disability Rights Louisiana were suggested as presenters.
 - iv. **Audience?** – Sean noted that the committee’s 2019 CLE series was targeted towards attorneys not specializing in disability rights law, while the 2020 series was geared towards attorneys who do specialize. Who is our audience for 2021? The marketing needs to be tailored to a specific audience.
 1. Stephanie suggested a brown bag lunch series which gets progressively more detailed.
 2. Steven noted that anything related to COVID-19 or the CARES Act would appeal to a general audience.
 3. Next steps: Stephanie agreed to circulate a survey to the committee to determine the audience and topic(s) for future CLEs.
4. **Bar Journal Publications** – Elena Perez suggested that the committee commit to yearly publications in the LSBA Bar Journal. Sean mentioned that he has an article in an upcoming publication on special needs trusts and ABLE accounts; the group suggested he plug the Committee within the article to direct readers who are further interested in LSPD issues. Dayna expressed interest in organizing a CLE to accompany the release of the article. Sean noted that the Committee might also consider submitting articles to an ABA Journal.
5. **Engaging Law Students** – Stephanie shared that she and Disability Right Louisiana, in conjunction with the Children’s Law Committee, are planning a virtual training session on March 12 for Tulane students taking an interview skills course. Students will take turns practicing hypothetical interviews with children and people with disabilities. Stephanie will reach out to Hector to see if Loyola students can also attend. Stephanie has also been working with Hector to develop a similar interview training session with Loyola in the fall.

6. **Policy/Legislative Updates** – Rubye noted that 2021 is a fiscal session. Policy issues that may come up include the cleanliness and safety of group homes (following issues in Baton Rouge), legislation regarding the impact of the criminal justice system on people with mental illness (following the ban on use of solitary confinement for pregnant women), budget increases for BDC, and the use of cameras in the courtroom. The prefiling deadline is April 2; the session starts April 12.
7. **Upcoming Trainings** – Melanie Bray is putting together a CLE with ArcGNO on supportive decision-making and interdiction. Stephanie will share the materials with the group.
8. **Other Business**
 - a. Sean Morrison said that he was looking for an attorney in DeRidder to assist with elder law issues. Dayna Ryan agreed to send attorney recommendations to Sean.
9. **Adjournment** – Next meeting is **May 20, 2021 at noon**. *Please note this is a Thursday.