

**Louisiana State Bar Association's  
Legal Services for Persons with Disabilities Committee  
Hybrid In-Person & Virtual Meeting**

Meeting Date: Thursday, May 19, 2022

Time: 12:00 – 1:00 p.m.

Location for In-Person: 601 St. Charles Avenue  
New Orleans, La 70130-3404

Join Zoom Meeting

<https://us06web.zoom.us/j/83514385969?pwd=YU5ybElvc245Y1VYLzNpSFlrS0ZVQT09>

Meeting ID: 835 1438 5969

Passcode: 170836

**Attendees:**

- Debra Weinberg, *Disability Rights Louisiana – Co-Chair*
- Elena Perez, *Southeast Louisiana Legal Services – Co-Chair*
- Chris Edmunds, *Attorney at Law*
- Josef Ventulan, *Louisiana Law Institute*
- Melanie Bray, *Disability Rights Louisiana*
- Garret DeReuse, *Attorney at Law*
- Blake Allen, *Southeast Louisiana Legal Services*
- Sean Morrison, *Attorney at Law*
- Kathryn Lafrentz, *The ProBono Project of New Orleans*
- Sarah Bacot, *Disability Rights Louisiana*
- Kate Thorstad, *Disability Rights Louisiana*
- Jessica Sawyer, *Louisiana Fair Housing Action Center*
- Parris Taylor, *La. Department of Education*

**LSBA Staff:**

- Mariarenee Contreras – Access to Justice Projects Counsel

**AGENDA**

**1. Welcome & Introductions:**

- 3.17.2022 Meeting Minutes

Brief introductions were made by all existing and new members of the LSPD Committee. Elena P. moved for the 3.17.2022 Meeting Minutes to be approved. Parris T. seconded the motion for approval.

**2. Policy/Legislative Updates:**

- **Governor's Office of Disability Affairs (GODA) – Bill Tracking Spreadsheet:** ['22 GODA Bill Tracking Master list - Google Sheets](#)

Brief updates were provided about a few bills proposed in the 2022 legislative session:

- i. Interdicts/Sterilization Abortion Bill did not pass this legislative session.

- ii. Cameras in classrooms for special education students has passed through the legislature.
- iii. There was a recent bill that removed the availability of accessibility accommodations for poll workers needing these services. DRLA provided information and amended the bill which is now going through the legislature.

Lauren Godshall is helping track the bills for the Committee and can provide more information at the next meeting.

### 3. Committee Workgroups:

- Judges Training Planning Group – *General Update & Next Steps*
  - i. Judges Spring Conference – Friday, April 8<sup>th</sup>, 2022

Melanie B. provided an update about the training. The training was well attended despite competing with an Ethics CLE. The Judges were interested in the topic of Supportive Decision Making as an alternative legal status option for individuals needed assistance and persons with disabilities. 13-15 Judges attended the CLE and the LSPD Committee provided a “Tip Sheet” for the Judges to have a quick and easy guide for interdictions and alternatives for legal status. The “Tip Sheet” was shared with the Committee and will be circulated again for the Committee’s feedback. At the training, the Judges recognized that there is a great need for additional support and expertise on interdiction proceedings to ensure proper procedures and decisions.

Following the presentation, Melanie was asked by Jennifer Eagan from the Louisiana Supreme Court to do a whole day training in the Fall on the topic. Melanie and the Committee will also be helping to improve the “Tip Sheet” and forming it into a “Bench Card” that will provide a step-by-step chart for interdictions and tutorships.

Committee Members shared an interest in improving the list of curators that our local courts may have. Some of the attorneys may not have the expertise or knowledge to assist individuals needing assistance or attorneys are not aware of resources that can help improve their skills. Providing a CLE training could help with this issue.

- Court Website and Services Accessibility Workgroup – *Next Steps*
  - i. The Justice Department’s Recent Website Accessibility Guidance - [Link](#)

Derek W. and Mariarenee C. spoke with Judge Scott Schlegel to assist with the development of the new State court websites. Judge Schlegel is on board with helping once the group is ready to start working.

Some of the Committee members shared their concerns that the DOJ guidelines are vague and are not as effective as they should be. A uniform court filing system would also be a helpful way of promoting more accessibility features. Other members spoke that the DOJ has been able to promote accessible features, but through mandated orders when the department is forced to intervene.

Some ideas that were shared: Providing information to the courts about technology options from the WCAG standards already available and encourage the use of those programs. Parris T. provided an example of a Louisiana district receiving a complaint about their website being inaccessible to students with disabilities. After receiving the complaint, the school district was able to work with their programming vendor to help fix any problems that were causing for the website's inaccessibility.

The Courts are down to 3 filing program systems in Louisiana, but there is still room for improvement. Josef V. provided that there is a push for uniformity in state courts. The 19<sup>th</sup> J.D.C recently changed their court website to model the 24<sup>th</sup> J.D.C's website. So, it may be an easy ask for other courts to adopt similar models, but there is always pushback from the Courts to adopt universal filing systems. Right now, it is a voluntary system, but most courts are signing up with a specific system.

There is also contention on how clerks are filing their reports, various clerks have different systems or procedures on how they file their records because of the legal implications that come with verifying legal documents. Some of the questions they have are whether documents can be converted properly into an electronic system and how to recognize original documents. The workgroup will be meeting this summer.

#### 4. Disability Assistance Network:

- Updating DAN:
  - i. Bar Journal Publication – *To Provide General Education about the Committee and the DAN.*

The Committee is working on updating DAN's directory by writing a short article that explains what DAN is and how to sign up to be listed as an attorney with disability law expertise. If any committee member would like to join in writing the article, please let Mariarenee C. know.

#### 5. **Engaging Law Students:**

- Cultural Competency Law Skills Training at Loyola – March 18<sup>th</sup>, 2022 – *General Update*  
Debra W. provided a brief update about the skills training.
- Law Skills Training at Tulane/Loyola for Fall Semester  
Debra W. provided an update that any member can help with putting together a skills training for law students. The skills training can touch on any basis issues relating to disability law or advocacy. The Committee's goal is to reach out to Southern and LSU to expand its outreach to Baton Rouge.

#### 6. **Upcoming CLES/ Events:**

- **Justice Fridays Training:**
  - i. *Cultural Competency Training - Baton Rouge Bar Association* – May 20, 2022
  - ii. *Disaster Training – Immediate Recovery Needs - LSBA Bar Center* - June 10, 2022
  - iii. Registration Link: <https://forms.gle/tcTEWUNxCQQDRWYr8>

- **Disability Law Training Series – December 2022**

- i. Volunteers for Planning Group
- ii. Training Topic Ideas

Prior to COVID-19, the committee would help put together a mini training series that focused on disability law topics. We are looking for folks that will be part of the Committee's Planning group for this year's training series of 3 CLEs.

Members who showed interest in being part of the planning group.

- Debra Weinberg
- Garret DeReuse
- Kathryn Lafrentz
- Parris Taylor
- Josef Ventulan

Topics that were presented last year were, public benefits and their impact on litigation. Kathryn mentioned that one topic of interest could be the evaluation of capacity amongst older clients. Pro Bono attorneys have been reluctant in the past to help with cases because they are often unaware on how to identify capacity. Kathryn will look out for other topics as well. Debbie W. shared about a guide that was recently published by the ABA that provides guidance on how to test competency. Though there is no one guide, but a CLE could provide practical tips that are not always easily explained through guides.

- **CLE Training Idea:** Attorney Amber Sheppard has material for a CLE on assistance dog laws (service, ESA, therapy dogs).
  - i. Ms. Sheppard's law practice focuses on small business, nonprofit, and service dog laws at Sheppard Law PLLC. She has utilized costumed photographs of Tubbs to illustrate legal concepts to the community. When she stepped away from her high-conflict family law practice in 2021, Amber made sure she spent time each day answering questions through Free Legal Answers. She also serves on the Board for East St. Tammany Habitat for Humanity, Black Women Do Heal, and Mississippi Barbell. She is currently working alongside the 22nd Judicial District Court through her nonprofit Be Fierce & Kind Canine to implement a landmark therapy dog program in Child in Need of Care, Juvenile Delinquency, and Mental Health courts.

The Committee shared that they are open to have this CLE and that it is a topic that comes up even in housing and evictions cases. Melanie has been updating the Pro Bono Desk Manual and put together a chapter on services animals. The CLE could easily be tied in with the updated manual. Debbie W. reminded folks that any other topics that members want to present on to please share with the Committee.

- *Other Events – Open Discussion*

7. **Other Business – Open Discussion**

- Garret D. provided an update that on April 28, 2022, the Supreme Court issued a decision for the case of Cummings v. Premier Rehab Keller. The decision stated that emotional distress damages are not available under the Rehabilitation or Affordable Care Act and a few other statutes. The decision likely applies to Title II of the ADA. Chris E. had some thoughts as to how the decision will not apply to Title II, but there are some approaches that could help navigate around the recent decision for other types of damages. For example, reliance damages or expectation interests under contract claims.
- Debra W. also updated that the Supreme Court has taken the issue as to whether there is private right of action under the Medicaid Act again which could gut the rights of persons who have Medicaid.
- Chris E. reminded folks that Louisiana has state laws that provide people with damages so the State is in better shape than others, but those laws have not been tested as much. Garret might have some experience from his previous litigation under Louisiana’s Human Rights Act, but whether emotional damages can apply is not yet clear under State law. It has not been conclusively resolved by the Louisiana Supreme Court or any appellate court.
- Chris E. provided about a case that he has with the collaborating from DRLA. He will be drafting an Amicus Brief about whether exhausting your administrative remedies under the IDEA, the Individual with Disabilities and Education Act is a jurisdictional requirement that must be raised *Sua sponte* by a Court or if it is a mandatory claims processing rule that can be waived if not timely raised by a school district. Disability Rights Texas is also filing an Amicus Brief before the 5<sup>th</sup> Circuit. If anyone is interested in learning more, please reach out to Chris.

8. **Adjournment:** Please be on the lookout for our new 2022-23 Bar Year Meeting Dates!