

LSBA's Legal Services for Persons with Disabilities Committee

September 4, 2020 Meeting

Minutes

Attendees:

- Melanie Bray, Disability Rights Louisiana
- Garret DeReus, Bizer & DeReus, LLC
- Chris Edmunds, Attorney at Law
- Lauren Godshall, Tulane University Law School
- Margot Hammond, Attorney at Law
- Sophia Mire, SPLC
- Wendra Moran, Attorney at Law
- Sean Morrison, Attorney at Law
- Elena Perez, SLLS (co-chair)
- Derek Warden, Attorney at Law
- Debra Weinberg, Disability Rights Louisiana
- Monte Mollere, LSBA
- Stephanie Beagh, LSBA

1. Welcome & Introductions

- Minutes from 5/29/2020 meeting approved without objection.

2. COVID-19 Issues & Updates

- Notarization Issues in Group Homes – Dayna previously mentioned issues with accessing clients and notarizing documents that fall outside of those permitted by the recently passed remote notarization laws. In some cases, lawyers are not permitted to enter and if so, staff aren't allowed to act as witnesses. Contact Disability Rights Louisiana for assistance with group home issues.
- Court Access Cases & Issues – A few different organizations (Disability Rights Louisiana, SLLS, CrescentCare) have been working on this, particularly in eviction cases.
 - Garret DeReus had a case against City Council of Alexandria on behalf of a council member who is 98 years old with disabilities, because they were not allowing him to participate by Zoom. They filed a motion for preliminary injunction and won.
- COVID in Facilities - Disability Rights has also been working on ensuring COVID testing and proper medical treatment for people in facilities. There was recent litigation regarding OJJ and secure care facilities that SPLC was involved in.

- Special Education – Some are seeing issues regarding virtual school Orleans. Some districts are not even providing accommodations. Contact Disability Rights Louisiana.
- Election Litigation – Chris Edmunds and SPLC are bringing a case against the LA Secretary of State because there are no exceptions in the election plan for caretakers of high-risk individuals.
- Hurricane Laura updates –
 - Acadiana Legal Service Corporation is routing its Lake Charles office line to its Lafayette office.
 - Text Service: If you would like to receive free legal information about housing, public assistance, contractor fraud, insurance, and more in the coming days and weeks, subscribe to the Louisiana Disaster Legal Tip Line to receive helpful texts on disaster legal issues. Text "subscribe" to 318-405-4185 to sign up for this service provided by the Lagniappe Law Lab. This line is established to assist storm survivors. Legal advice is not provided, and you will not be solicited. Normal texting charges apply.
 - [Free Legal Answers](#) is a platform where survivors can ask questions and volunteer attorneys will answer them.
 - Contact Debra at Disability Rights Louisiana for any Hurricane Laura-related issues, including prescription issues, lack of wheelchairs or medical devices, etc.

3. Bar Journal

- Former LSPD co-chair Lauren Godshall put together an article highlighting the recent work of our committee members. The article was in the August/September edition of the LSBA's Bar Journal:
<http://files.lsba.org/documents/publications/BarJournal/Feature4-Godshall-Aug-Sept-2020.pdf>. Thanks Lauren!

4. Disability Law CLEs

- 2020 - Will be virtual, potentially during the week of November 23rd, and free for this committee. Committee prefers a 1-Day CLE but asks that people can sign up for sessions individually.
- Topics being discussed include:
 - Communicating with clients with disabilities, including compliant websites
 - IEP vs 504 plans
 - Medicaid & Medicare
 - Special Needs Trusts

- A new session could focus how to work with people with disabilities and ensure your practice is accessible and we could invite the new bar admittees.
- Obligations of attorneys to accommodate clients and what costs are recoverable
- Guidance on support animals and housing. This may be a good opportunity to partner with Louisiana Fair Housing Action Center.
 - Wendra Moran’s husband is on the Governor's Committee for Housing for Individuals with Disabilities.
- Curatorships and Interdictions
- Justice Community Conference – LJCC is an annual conference for civil legal aid attorneys who provide legal services to low-income and vulnerable populations. The attorneys eligible to attend work for a qualified legal aid agency or organization. This committee agreed to endorse or “sponsor” a conference session, which essentially means committee members (that aren’t otherwise attending) would be able to attend the CLE for free. We are working with LSPD member Derek Warden on a session, based on his publications, *The Americans with Disabilities Act at Thirty*, and will likely take place on December 2nd in the 10:20 – 11:20AM slot.
- Law Students – This Committee does invite and encourage participation from law students. Feel free to invite students to our meetings.

5. Policy/Legislative Updates

- Margot Hammond provided updates, which were previously circulated. Please review.
- Chris Edmunds inquired about advocating for Louisiana to waive of immunity under Title 1 of ADA. Derek Warden mentioned a publication of his on the issue: *Four Pathways of Undermining Board of Trustees of the University of Alabama v. Garrett*.
- Derek Warden inquired about advocating for the repeal of the forced sterilization law. Under the construct of the LSBA, anything that a Committee of the Bar proposes to take a position on would have to work its way up through the House of Delegates for approval. Sophia Mire mentioned a case in the Eastern District she worked on regarding this issue. Service of process issues around this may be better to look at.
 - Community education around interdictions may be needed.

6. Adjournment – Next meeting is November 13, 2020 at noon.