



DISABILITY RIGHTS ADVOCATES

ANNUAL REPORT 2010

Disability Rights Advocates (DRA) is a non-profit legal center whose mission is to advance equal rights and opportunity for people with all types of disabilities nationwide.



DRA clients Lori Gray, Adventures & Outings Program Coordinator, Bay Area Outreach and Recreation Program (BORP) with Dmitri Belser, Executive Director, Center for Accessible Technology (CforAT).

CONTENTS

Executive Director's Letter	2
Veterans Advocacy	2
Emergency Planning	3
Telecommunications	3
Health Care Access	3
Fellowship Attorneys	4
Technology Access	5
Education	5
Board Profiles	6
Transportation	7
Public Services	7
Business	7
Employment	7

LETTER FROM THE EXECUTIVE DIRECTOR



As this year marks the 20th Anniversary of the Americans with Disabilities Act (“ADA”) it is a time to reflect upon the progress we have made and the work still to be done. DRA has been a leader in securing equal rights to health care, emergency planning, telecommunications, education, technology, employment, transportation, and other key areas of life. DRA continues to achieve these successes by using impact litigation, structured negotiations, community education and collaboration, and other modes of advocacy.

Although we have prevailed in improving the daily lives of people with disabilities by removing numerous access barriers, there is still much work ahead of us. There are still profound barriers both physical and attitudinal, that limit the opportunities available to people with various types of disabilities throughout the United States. To better address these obstacles, DRA is marking the ADA Anniversary by expanding our model to the East Coast and establishing an office in New York City. We are looking forward to the challenge of providing New York’s disabled citizens with equal rights and opportunity in all areas of life.

With each passing year DRA’s work has grown to better meet the needs of people with disabilities in a host of key aspects of daily life. This year’s annual report features a sample of our many cases and projects seeking to ensure equal rights and opportunity for persons with disabilities throughout the country.

DRA wants to thank our donors, board of directors, co-counsel, and the many disability organizations we work with for their commitment of time, funds, and resources. DRA could not improve the lives of people with disabilities without your sacrifice and support. We acknowledge your dedication in this ongoing struggle; together we can make modern America more accessible for everyone.

- Laurence Paradis, Executive Director

ADVOCACY ON BEHALF OF VETERANS

Veterans for Common Sense et al., v. Shinseki et al., is the first lawsuit of its kind in the country. DRA is challenging numerous Veterans Affairs (VA) practices including inadequate suicide prevention services and the years-long delays in making benefits claims determinations. The case is on appeal to the 9th Circuit; the trial judge made extensive findings in our favor. DRA is co-counseling the case with Morrison & Foerster. Furthermore, DRA is expanding its help to veterans by creating a new position devoted to providing a mix of direct legal representation to individual veterans and developing more systemic litigation.

PLEASE CONSIDER DRA

IN YOUR WILL OR LIVING TRUST AS PART OF YOUR ESTATE PLAN.

CONTACT CAROLE SHEIN, DEVELOPMENT DIRECTOR AT CSHEIN@DRALEGAL.ORG.

EMERGENCY PLANNING FOR PEOPLE WITH DISABILITIES

The aftermath of Hurricane Katrina revealed that many American cities lack emergency preparation plans that consider the unique needs of people with disabilities. During disasters persons with disabilities, including seniors, are at extraordinary risk of being injured and/or left behind to die. In response to this critical issue DRA launched an Emergency Preparation Project with the goal of systemically improving emergency planning for people with hearing, mobility, and vision disabilities throughout California.

California Foundation for Independent Living Centers v. Oakland

This was the first case to emerge from DRA's Emergency Preparation Project. DRA is pleased to announce that we reached a settlement with the City of Oakland. Under the settlement, the City has committed to implementing an emergency plan which meets the needs of people with all types of disabilities. We hope the foundation of the new plan, known as the *Mass Care and Shelter Plan Functional Needs Annex*, can serve as a model for municipalities statewide.

Communities Actively Living Independent and Free v. Los Angeles

Leveraging DRA's success in the Oakland case, DRA has partnered with Disability Rights Legal Center (DRLC) to compel the City and County of Los Angeles to prepare an emergency plan which is inclusive of people with disabilities. L.A is home to half a millions residents with disabilities and its failure to address deficiencies in its emergency plan could result in devastating consequences for people with disabilities, including seniors.

LIFELINE SERVICES FOR PEOPLE WITH DISABILITIES

DRA is a leader in representing the needs of people with disabilities before the California Public Utilities Commission (CPUC). Part of this work includes emergency preparedness and telecommunications concerning people with disabilities. People with disabilities rely upon assistive devices for telecommunications. Unfortunately, many assistive devices do not work during a power outage. In addition, many emergency notification systems are not accessible to people with sensory disabilities. As a result of DRA's advocacy, the CPUC is finally taking steps to address these issues, including investigation and educational efforts statewide.

HEALTH CARE ACCESS FOR PEOPLE WITH DISABILITIES

DRA's work has been pivotal in securing equal rights to health care nationwide for people with mobility, vision, and hearing disabilities. The successes of previous landmark health access cases such as *Metzler v. Kaiser* and *Thompson v. Sutter* have led to significant improvements in health care for people with disabilities.

DRA continues to be at the forefront of health access and is pleased to have reached structured negotiations with Massachusetts General Hospital and Brigham & Women's Hospital in Boston, MA. The hospitals agreed to comprehensive plans to improve access by removing physical and programmatic barriers and through the acquisition of accessible medical equipment for people with disabilities. DRA co-counseled this case with Greater Boston Legal Services.

CHAMPIONING THE RIGHTS OF YOUTH WITH DISABILITIES



“I went to law school to practice disability rights law, so I am very grateful to begin my career as an LD Access/Ryder Foundation Fellow. I jumped right in to contacting our *Chapman* class members from the classes of 2008 and 2009 in light of a legal development that eliminated the requirement that certain students with disabilities in these classes pass the California High School Exit Exam in order to receive a high school diploma. Many of these students who left the school system without a diploma but met all graduation requirements except passing the Exit Exam are now reopening their IEPs or 504 plans and getting their diplomas. My advocacy on behalf of children with autism includes serving on the East Bay Autism Regional Taskforce, which is exploring and recommending legislative solutions to improve access to health insurance for children with autism.”

Rebecca Williford, LD Access/Ryder Foundation Fellowship Attorney

DEFENDING HOMELESS PEOPLE WITH MENTAL DISABILITIES IN L.A.



Persons with mental disabilities who are homeless in the City of Los Angeles are not receiving appropriate housing. L.A.’s shelter system excludes people with mental disabilities due to discriminatory policies and practices (e.g., prohibiting people from bringing in needed medications). However, shelters are an interim solution. DRA’s primary focus is providing more permanent supportive housing - the most effective housing option for people with mental disabilities who are homeless. Permanent supportive housing combines housing with services such as medical care, mental health care and life skills training.

Stephanie Enyart’s Skadden Fellowship project will assist with investigating how DRA can help this vulnerable population. “It is important to defend the civil rights of marginalized populations such as homeless people with mental disabilities. By addressing the systemic failures of L.A.’s shelter system and increasing available permanent supportive housing, we hope to end the discrimination that homeless persons with mental disabilities encounter on a daily basis.”

Stephanie Enyart, Skadden Foundation Fellowship Attorney

SECURING TECHNOLOGY ACCESS FOR PEOPLE WITH DISABILITIES

DRA is at the forefront of challenging technological barriers to business, education, and employment. Our precedent-setting work has improved access to key areas of life for people with disabilities in many areas of technology.

National Federation of the Blind v. Target

This landmark case established the first precedent in the country concerning the access requirements applicable to commercial websites, expanding e-commerce to millions of people with disabilities throughout the country. The court ruled that commercial websites such as Target.com are required to be accessible under the ADA and state laws. Target then agreed to a settlement under which its website is being made accessible to people with disabilities such as the blind, dyslexic, and those with mobility disabilities who rely upon screen reader software to navigate the Internet. This case raised national awareness of website accessibility. As a result, many commercial websites are now voluntarily complying with website accessibility guidelines. DRA co-counseled this case with Brown, Goldstein & Levy LLP and Schneider Wallace Cottrell Brayton and Konecky LLP.

Settlement with Hotels.com and Expedia.com

DRA reached a groundbreaking settlement with Hotels.com and Expedia.com as a result of which they have modified their websites to allow people with disabilities to book and reserve rooms with features such as accessible showers, Braille signage and assistive technology for the deaf. This victory means that millions of travelers with disabilities can acquire the accommodations they need. DRA co-counseled this case with Public Justice and Chavez & Gertler LLP.

National Federation of the Blind v. Law School Admissions Council

The Law School Admissions Council's (LSAC) website is the gateway for aspiring law students to register for the Law School Admissions Test (LSAT). LSAC's website is not accessible to people who use screen reader software. As a result, blind or low vision students currently cannot apply to law schools for the LSAT without the assistance of a sighted person. This case seeks to put an end to such unnecessary barriers to independent access. DRA is co-counseling this case with Brown, Goldstein & Levy LLP and LaBarre Law Offices.

Elder et al., v. National Conference of Bar Examiners

The National Conference of Bar Examiners (NCBE), which administers examinations to law school graduates for admission to the practice of law has systemically refused to provide certain testing accommodations on the Bar exam to blind law school graduates. Plaintiffs have requested assistive technology as an accommodation which they rely upon for reading. DRA aims through this case being brought in federal court in Maryland to compel testing entities nationwide to end the discriminatory practice of applying a one-size-fits-all model to accommodations on standardized testing. DRA is co-counseling this case with Labarre Law Offices; Brown, Goldstein & Levy LLP; and with the support of the National Federation of the Blind.

DRA'S SPOTLIGHT ON LEADERSHIP



Board Profile: Mike Stanley

Mike Stanley is an attorney and before retiring, a partner and litigator in an international law firm, specializing in product liability and mass torts. Mike has tried many cases to verdict in both state and federal courts throughout the country. Earlier in his career, he was Director of the Consumer Fraud Division of the Los Angeles City Attorney's Office bringing criminal and civil actions in health care, housing, deceptive business practices and civil rights.

Mike serves as the President of Disability Rights Advocates' Board of Directors and is the longest-serving member on the board. "It's been so rewarding to participate in the success of DRA and to witness the firm's growth. I especially look forward to expanding our endeavors in New York. As a person with a disability, I value DRA's dedication in advancing the civil rights of people with disabilities."



Board Profile: Bonnie Lewkowicz

Bonnie Lewkowicz is a nationally recognized leader in accessible tourism. She has been an advocate of accessible recreation and travel for persons with disabilities for over twenty five years. Bonnie is founder and director of Access Northern California, a non-profit organization that specializes in accessible recreation and travel. She has authored several publications on accessible travel in Northern California, including a book titled, *A Wheelchair Rider's Guide: San Francisco Bay and the Nearby Coast*. She is also a contributing writer for travel magazines.

Bonnie is a founding member of and dancer with AXIS Dance Company, an internationally acclaimed contemporary dance company of dancers with and without physical disabilities. Bonnie serves as the Secretary of Disability Rights Advocates' Board of Directors. "It's been a pleasure supporting DRA's work, which has led to advancements for people with disabilities in many fundamental areas of life."

CY PRES AWARDS

SUPPORT DRA BY DESIGNATING US AS A CY PRES RECIPIENT.

CONTACT CAROLE SHEIN, DEVELOPMENT DIRECTOR AT 510-665-8644.

TRANSPORTATION AND PUBLIC SERVICES

Californians for Disability Rights, Inc. v. California Department of Transportation

DRA achieved a landmark settlement with California's State Department of Transportation ("Caltrans") under which the State has committed to spend over 1.1 billion dollars to remove barriers. Under the settlement, Caltrans has agreed to a comprehensive plan for improving access to its sidewalks and Park and Ride facilities for persons with mobility and vision disabilities. This is a groundbreaking victory for Californians with disabilities and can serve as a model for public entities nationwide. DRA co-counseled this case with AARP Foundation Litigation and Jose Allen Esq.

Gray v. Golden Gate National Recreation Area

DRA has entered into a Memorandum of Understanding (MOU) with the National Park Service and Golden Gate National Recreation Area (GGNRA) for the removal of physical and programmatic barriers to parks. Equal access to public services is essential for the social integration of people with disabilities. DRA hopes that this case will set a model for parks nationwide concerning access to parks and recreation.

CHALLENGING DISPARITIES IN BUSINESS AND EMPLOYMENT

Davis v. KeyPoint Credit Union

Businesses often fail to accept relay calls thereby excluding deaf customers from conducting their business transactions. DRA recently settled a case brought against KeyPoint Credit Union under which KeyPoint has agreed to accept "relay" calls at its branch offices and customer service centers and provide disability awareness training to its staff. DRA is now working to expand this settlement to other financial institutions.

Jantz v. Social Security Administration

More than 2,000 federal employees with targeted disabilities, which include: deafness, blindness, missing limbs, paralysis, convulsive disorders, mental retardation, mental illness, and the distortion of limb or spine are part of a class action against the Social Security Administration (SSA). These employees have not been promoted on an equitable basis. Class certification was granted in October 2008. DRA is co-counseling this case with Berger & Montague, P. C.; Schneider Wallace Cottrell Brayton Konecky LLP; and Brown, Goldstein & Levy, LLP.

Garbacz, DHHSWU, et al. v. State of California, et al.

The State of California which is supposed to be a "model employer" regularly fails to accommodate its deaf employees who are often denied sign language interpreters, and left behind during emergency evacuations, and generally denied communication access in the workplace. DRA is representing these state employees in a class action lawsuit against the State of California. The suit seeks to improve the State's policies and procedures concerning accommodations for its deaf employees. DRA is co-counseling this case with Schneider Wallace Cottrell Brayton Konecky LLP.

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