>> Operator: Good afternoon laerj laerj and thank you for waiting. Welcome to the
housing partnerships conference call. All lines have been placed on listen only mode: Without
further ado it is my pleasure to turn the call over to Mr. Fuchs. The floor is yours.
>> Tim: Good afternoon. I apologize for these audio problems. If you have been on the
phone the whole time you may not be aware that we have been do dealing with some serious
technical issues in the webinar room. We did our best to correct them. And ultimately it was
unsuccessful. We have been using this platform for I guess three and a half years now with a
lot of success and I hope for those of you that are repeat participants you know that this isn't
typical. So I truly apologize for what we are dealing with. The audio has now gone out on the
webinar again. So if you can, please do dial in to the teleconference. If you know of anyone
participating say at your center or in another room, if you could give them the teleconference
number, of course, for participants that's 866-901-2585. So I want to get started. We have
already delayed the call enough. I want to thank you again for your patience. I am Tim Fuchs
with the National Council on Independent Living and I want to welcome to this second
webinar. It is forging legal alliances to ensure fair housing enforcement. Part I was last week
and that was a great call on housing partnerships. If you missed that that for any reason and
you can access an archive copy on ILRU's website. I want to thank you for your patience and
apologize for the audio problems. As always we will have a full archive copy of this
presentation. So if the delay forces you to miss say the end of the call you will always be able
to go back free of charge and access it on ILRU's website after the fact. That will be posted
within 48 hours. Thanks so much for your patience. These webinars are being presented by
the new community opportunity center, a national training and technical assistance program
of ILRU. This webinar was organized and facilitated by those of us here at the national council
on independent living and support of these presentations was provided by RSA. Moving on to
the logistics today's call is being recorded. We will break several times during the
presentation to answer your questions. For today's call we are also going to break to take
your comments and feedback. You will see from a slide show this is an interactive webinar
and a little experimental for us. We want to encourage you all to let us know your thoughts so
as we move through the presentation we are going to be giving you some ideas, some advice
on doing this work and making an impact and we want to hear your ideas, too. As we move
through the slide show we will be asking you to press 7 on the telephone to respond or you
can type your responses in the public chat on the webinar screen. You can engage the
webinar, the public chat by typing in the text box under the emoticons on the webinar screen
or you can press 7 on the phone to indicate you have a comment or question during our Q and
A sessions.
And then I want to ask you to take a moment after today's call to fill out the evaluation
form at the end of the presentation we will have a live link on the webinar or you can access it
in the confirmation e-mail that was sent to you. This is a separate evaluation from the one
that you filled out on Tuesday for part I. So please do fill that out and let us know what you
thought.
I want to thank our presenters both for putting together such a great presentation. I had a
lot of fun working with you guys developing the training. And I want to thank you, too for
your patience today, really outstanding. We have with us today Kim Borowicz, Kim is a
disability rights advocate working as the staff attorney at access living. And also we have Ken
Walden. He is a managing attorney in metropolitan Chicago. Kim and Ken thanks for being
with us.
>> KIM BOROWICZ: Thanks Tim. So I want to get started by letting you all know that
we will be providing a handout after the webinar is open. Don't feel like you have to take
really involved notes as we are going through. I also want to reiterate that we are going to
make it as interactive of a webinar as possible. And I wanted to note that the title of the
webinar does focus on fair housing issues but I want to note that when you are working with
attorneys that working with attorneys can be used to work on many disabilities issues. So
that can range from employment law, education, transportation issues. So keeping that in
mind as we go forward as maybe you don't specifically work on housing issues but maybe you
can use the things that we are talking about in terms of partnering with lawyers for other
issues that are worked on at your center. I want to start out with the first question. Please
let us know if your center for inld inned pent living has attorneys on staff. You can post in the
chat section or on the phone by pressing 7. Press 7 if you do have attorneys on staff at your
center for independent living.

>> Tim: We have gotten a few nos on the webinar and a no but wish we did. Rachel, do
we have anybody that's cued in on the telephone?
>> Operator. No one in the queue at this time.
>> KIM BOROWICZ: Here at access living I guess we are a bit unique in that we have
four attorneys on staff and like Tim said Ken and I are both attorneys that are on staff here at
access living and Ken and I do focus on fair housing issues. So the next question is please let
us know if your center for independent living has ever worked with attorneys. It is not asking
if attorneys are on your staff but asking if your center has ever worked with attorneys. Press
7 if the answer is question. Press 7 if you are on the phone or you can record your answer in
the online chat.

>> Tim: Rachel, tim Fogerty. And Joyce Alan have responded yes, their centers have
worked with attorneys and Brian Peters responded that they have indirectly through other
organizations.
>> KIM BOROWICZ: That's great to hear that some people on the webinar have had
some interaction with attorneys.
>> Tim: (Inaudible) also worked with attorneys at her center.
>> KIM BOROWICZ: Great. Do we have anyone on the phone queue?
>> Operator: Appears that no one is in the phone queue at this time.
>> KIM BOROWICZ: How can lawyers help your center for independent living. This slide
we will be on the slide for a little while. I want to encourage people if you have ideas as we
are going through you can press 7 to get in the phone queue or you can put your opinions in
the chat box and then Tim and I can address as we go through the presentation.
So how can lawyers help out your center? Well, they can help out with advocating for
passage of disability rights laws or policy changes. So that would be like the passage of the
Americans with Disabilities Act. They can also help out with legislate tiffed a voe kasy. This
can be on the federal, state or local level. That can include lobbying legislators which could be
state level legislators or legislators in D.C.. and they can help testify at committee hearings
and either help put together written testimony or help due the actually verbal testimony at a
committee hearing. Every regulation has to go through a proposed comment period. It is
part of the administrative procedures act. Attorneys can help draft responses to proposed
regulations that have to do with disabilities. They can help draft legislation. Here recently we
have been having an attorney draft legislation on safe lifting which is about making sure that
hospitals are accessible so that people are able to be moved from their wheelchair and
transferred on to examination tables.
Attorneys can help develop position statements on a hot topic issues and help draft opinion
or white papers. Attorneys can also negotiate with government entities. We negotiate a lot
with our public housing authority. If you never work with a public housing authority there is
definitely at least one in every state. Ours here is Chicago housing authority but you can find
housing authorities that are for an entire can't or a larger part of the state. Here at access
living we were able to lower the age for senior housing so that it could include more people
disabilities. Here in Chicago there are a lot of senior units that were being unused because of
age limits. We were able to get Chicago housing authority to lower the age limit for people to
live in the buildings. It was a policy issue that attorneys were able to help with. I am going
to turn over to Ken that can talk about other ways that attorneys be help fill.
>> KEN WALDEN: Let me follow up with what Kim said. You can always advocate for
passage of disability rights laws and policy changes. A second thing that you can have and we
use for lawyers to do and that we do ourselves at access living, use lawyers to educate or
train or teach oriented folks about the law, consumers, housing providers, government
entities, et cetera. You might have lawyers provide a training on a legal topic. Might be a
disability or a nondisability. So you might set up a program at your CIL where lawyers come
in to provide training on fair housing or landlord tenant law or Social Security law or some
other type of legal issue that you find your consumers confront frequently and for which
conference or training on that topic would be useful.
Another way you can have lawyers educate the public about the law is to have the lawyers
staff a legal help desk or walk-in clinic at the center for independent living. So perhaps if you
can leverage this help from some attorneys in private practice or if you are fortunate enough
to have lawyers on staff which we again know is a rare thing for centers foir independent
living you can set up a particular time in the evening or a day on the wekd end where lawyers
would be at your CIL and folks could come and present a particular legal problem to them and
get some legal advice on the spot. So you might set up a program where every Friday from 2
until 4 we will have lawyers here from a firm or from a legal service organization, et cetera,
and they are going to provide legal information, legal advice to folks who are confronting
evictions who have disabilities and are confronting evictions. If you do set up a clinic or a
walk in legal desk or something of that type, it is very, very helpful and I stress this, we will
stress it later, ensure it its success you have to identify a focus area for the help desk for the
clinic. If you just have an open-ended come in for legal advice type of clinic, that's going to
be very difficult to manage and you are not going to find really any attorneys who are going to
be adept or expert in every single area of the law and you might be inundated with too many
consumers consuming your CIL. It would be focused on a particular area of urgent need for
your consumers. And really hone in on that particular area of the law. Be it whatever it is.
>> KIM BOROWICZ: Can I say something quick on that?
>> KEN WALDEN: Go ahead.
>> KIM BOROWICZ: Here at access living we do focus on fair housing discrimination for
people with disabilities and we get a lot of calls with other issues. We get calls from who need
help with guardianship or Social Security denials. We try to have really thoroughly thought
out referral lists and have good relationships with outside legal agencies so we can refer
consumers out because sometimes consumers will have four or five issues going on at once
and maybe I can only help them with one issue or maybe help them with their housing
discrimination issue but if I could some good referrals for those four other issues but that's a
good way to work it out. Having specific focus is so important.
>> KEN WALDEN: Other way to think about this is less is more. Rather than try to bite
off a thousand pieces of bread just pick one slice, one little piece of that piece of bread and
focus in on that issue. Less is definitely more if you are setting up a help desk or a walk-in
clinic. A third way that lawyers can help you educate the public or consumers or housing or
others about the law is to have lawyers who you have recruited to draft user friendly, reader
friendly understandable materials for consumers on legal topics. For example, here we have
developed handbooks and user friendly materials on fair housing laws to proteblgt people with
disabilities against discrimination. But you can have a lawyer design and draft a handbook on
any number of legal issues that are important to your consumer base. They might develop
fact sheet, memorandum, might even develop self-ed a voe kasy forms. You might have
lawyer draft forms that folks can use on their own to bring their own form or a form with a
person with a disability to provide housing for a reasonable accommodation. We use those in
our office as well. So when folks call us needing assistance with asking their landlord, for
example, for reasonable accommodation we can send the materials that explain the law and
also a sample letter they can use to ask the landlord for reasonable accommodation. In terms
of education lawyers can help provide trainings, they can staff a legal help desk at your CIL or
they can draft user friendly materials that you can distribute to your consumers on a particular
legal topic or topics and then I will turn it back to Kim.
>> KIM BOROWICZ: So now I am going to talk about how attorneys can help centers for
independent living enforce the law. I am sure working at a center that you have ran in to
certain issues where you are banging your head against the wall. Why won't this person do
the right thing and that's a great place where attorneys can come in. Attorneys can advise
you on what the rights are of the consumer, what the boundaries are of the law and then they
can enforce the law. So in our process here a lot of times when we get a case the consumer
has already asked for reasonable accommodation, maybe verbally. So like Ken said we have
sample reasonable accommodation letter. We can help them draft. If that doesn't help them
get what they want we can write a demand letter. The demand letter will explain what the
person is asking for and then have a section explaining the Fair Housing Act which is the main
law that we use here because the Americans with Disabilities Act doesn't cover housing for the
most part. Will explain the Fair Housing Act and then put those two things together. It will
put together the request for the reasonable accommodation and how that fits in with the fair
housing. How that fits in with the law and then this important piece at the end as I always
put a deadline for response on the letter, I think this is really important and this could work in
other areas of your work but give them about two weeks to respond. So I will say please
respond by December 20th as to whether you will provide the reasonable accommodation and
then I put my contact information on there. So then you know if you don't get a response by
then you can take that as a denial and keep working on it from there. Now if I am still not
hearing back from them I am giving them calls or if they say no, then I can draft the
complaint. There is multiple places that a complaint can be filed. So we can file complaints in
federal court, we can file complaints with the U.S. department of housing and urban
development which is an administrative agency. There is a state here in the state of Illinois
Illinois department of human rights. We decide as a department where the best place to file a
complaint would be for this specific client. We can draft settlement agreements. Usually after
we file a complaint we can get the other side to talk. We can also draft contracts. And we can
negotiate with the other side. And we can litigate. We can file lawsuits if needed. We can
provide full representation either on an individual level or on a class action level. We
oftentimes we have to interview the client or maybe their family members or other people
involved with the issue. Sometimes we will actually interview the other side when we are in
our fact finding stage. We do legal research and writing. So no legal issues the same as the
another legal issue. So just because I might have done 30 service animal cases in the past,
the next service animal case that comes through the door is probably going to be a little
different. Maybe this person in is it condominium instead of an apartment building. We have
to do newly specific research on a specific case. We can appear at hearings for clients and we
can draft Amicus briefs which another way of putting that is a friend of the corporate brief.
There is a large case going up through the court system maybe even at the U.S. Supreme
Court level we can file our brief saying hey this is access living's opinion on this issue. I have
two examples of individual cases we have worked on. One is an individual case I am working
on right now is a woman who had a stroke a few years ago and she now uses a power
wheelchair and she lives in an apartment that has four steps. She doesn't have the money to
move. So we are arguing with the landlord to allow them to install a lift at the front entrance
and to pay a portion of that lift. So we have had -- we have gone through the process of
sending them a demand letter but we have also had to file a complaint on that case. Another
case I had involved a section 202 building for those you who are not familiar. Section 202
buildings are senior housing and sometimes housing for people with disabilities. In this
building everyone in the building is required to pay for a me plan that was provided by the
building. Our client didn't want to pay for a meal plan. She had a son and wanted to cook
meals in they are home and it was cheaper to cook meals for them. I was able to negotiate
that case after sending a letter to the other side. Ken will talk a little bit more about how CILs
can use attorneys to help enforce the law.
>> KEN WALDEN: All right. So in the area of ways lawyers can help you, so far we have
talked about three different areas. Lawyers can advocate, advocate for passage of disability
rights laws and policy changes, they can educate, educate consumers about the law.
Advocate and educate and Kim just spoke about enforcing. Advocate, educate and enforce
and finally there is researching, the researching the law and this could be a situations where
you have a consumer contact your CIL. And he or she presents with a legal question. And
you have no idea what the answer is. So you might of need a lawyer. If you are inclined to
try to answer this question for the consumer you might ask a lawyer to do some research for
you and get back to you so you can provide the information or share the information with the
consumer who has contacted you. So, for example, if someone calls you, they are living in a
building that's not accessible or they are thinking of moving in to a building that's not
accessible, you are wondering what the requirements are for accessibility in buildings of
certain ages. You might have a lawyer do the research for you and provide an answer that
you can then share with your consumer.
You might have a question from a consumer about what the eviction process is like how
long it takes, what notices are required. What court hearings are involved. At what point if at
all does the sheriff get involved and you can have a lawyer address those questions for you
and you can share those answers with your consumer. You might have a question about
whether a public housing authority in your neck of woods has to provide a sign language
interpreter or notices in Braille or accessible parking for consume who has contacted you
about questions about the obligations of a public housing authority or another housing
provider to provide certain accommodations for certain things. You may not know the answer
off the top of your head. If you are inclined to try to get some information to the consumer so
he or she can make decisions about certain things. You might have a lawyer do the research
and get back to you with some answers that you can share with the consumer.
So there is a world of ways, a world of ways that lawyers can really compliment the suite of
services that your CIL provides and in order to do that, of course, you need to figure out how
to recruit attorneys. How do you get them involve #d, how do you get them enthusiastic
about doing some work for your CIL and we are going to turn this over to Kim now to talk
about some strategies for recruiting your attorneys in to the movement.
>> KIM BOROWICZ: So the next question is where do you find attorneys to work with.
There is a number of places that you can find attorneys. So there is many public interest
organizations or legal services organizations many times this is referred to as legal aid. Legal
aid is available in every state. And they will have different focus areas. So legal aid
oftentimes will do evictions. And sometimes they will have a disability specific department.
So here in Chicago the legal aid here we partner a lot with the couple of attorneys there who
focus on disability specific issues. So some of the disability specific departments that some
legal aid places might have they might have a Social Security department. A department on
guardianship or the department or special education. There are some legal aid places they are
funded by the legal services corporation and those can be found in every state.
Legal services agencies they have managing attorneys and supervising attorneys and staff
attorneys on staff. These are just different levels of attorneys that you might work with at
those organizations and generally centers for independent living should try to recruit an upper
level attorney at those organizations and the upper level attorney can bring in other attorneys
to help out. The second place you can look for attorneys is through protection anded a voe
kasy organizations. Oftentimes this is shortened to PNAs and in the handout we are going to
send you afterwards there is a link of all the PNAs throughout the country. So every state has
a PNA. Now some states like Illinois have one PNA with multiple locations. And PNA have
very different names. So here in Illinois it is called Equip for Equality. The name doesn't have
PNA in it. So it is kind of helpful to look through the list that we will send you so then you
could be able to find out where the PNA is in your state. PNAs focus on disability issues. A
wide range of disability sh us. And disability law is all that they do there. So a lot of times
they will focus on Americans with Disabilities Act law or special education law. But the main
difference between PNAs and CILs is consumer involvement, right? So you could partner with
a PNA and the PNA could provide legal advice to the CIL whereas the CIL can provide the
consumer voice for the PNA. I think that that could form a really interesting and great
thriving partnership. Third place is law firms and they come in all different shaiPs and size z.
They can be general practice, focus on specific issues.
And law firms they have an attorneys at different levels. So they have attorneys who are
partners or associates. And they also often have paralegals. Law firms usually assign at least
one partner to a particular matter, maybe with an associate. Large firms often have probono
partner coordinators that can help link you with attorneys at their law firm. Pro bono it is a
term used when attorneys work for no fees at all to help in public interest civil rights type
issue. Another place to find attorneys are law schools. Look at the different law schools that
are in your state. A lot of law schools have something called legal clinics which is where
students get to represent clients. So there is a class component where the student is taught
the area of law and then then there is another component where the student can work with
clients and I have seen clinics in the areas of health law, disability law and housing law.
Law schools have great expertise in a particular legal area and centers can recruit
professors who are interested in collaborating. We have had some collaboration with
professors at nearby law schools here which has connected us to legal clinics and connected
us to students that can come on board and do research and connected us to finding interns.
Can be paid internships or for credit or as volunteers and they usually have to be supervised
by an attorney. The interns can be a great, great, great way to get students involved in your
CIL or in your legal issue.
The fourth place where you can find attorneys is at bar associations. So bar associations
are in every state. Can be a state level bar association. So here in Illinois we have an Illinois
bar association. There can be a county level bar association and/or a city level bar
association. Most attorneys are members of their local bar and can be a great way to find
attorneys that can help with the specific area that you are working on.
And I want to note here that even here at access living have attorneys on staff we often
partner with attorneys from other organizations or from law firms. Or from law schools just to
make our prominence known. To make ourselves stronger as an organization. So I just want
to reiterate the different places that I said where you can find attorneys. So you can find
them at public interest, legal aid organizations, you can find them at law firms. You can find
them at bar associations or through law schools.
And now I can turn it to Ken to talk about once you have met attorneys how to manage
that lawyer relationship.
>> KEN WALDEN: All right. So good news. You have decided on some things that you
need some lawyers to do that can help your consumers. And you have recruited a lawyer or
lawyers or a firm or a legal aid organization or a law school to help you with those particular
issues. And the next thing we want to discuss is how as a CIL what are some good strategies
how to manage that relationship with the lawyers after you have recruited some folks to help
you. What are some things that you can do. And the webinar can switch pages. In fact, you
can go to the next page. How do you initiate or maintain positive relationships with lawyers?
Initially you are going to have your first contact. You have identified some folks who are
interested in helping and on your first contact we recommend to be very clear, very concise,
and very to the point.
Limit your inquiry or your request or your specific issue to just two or three paragraphs or if
it is on the phone to maybe a minute or two explanation. And this is because if you present a
lawyer with a 30 page or a 20 page or a 10 page statement about why something is important
or what the issue is, that's going to probably tend to keep people away. So be very brief and
very concise when describing the problem that you want them to work on. This way it will feel
like it is doable. It will present issues in a clear way if you take your time to really carefully
construct your inquiry. And it is more likely that you are going to get a lawyer who you have
already identified who is interested in helping you really jump on board and join you in the
cause. So be clear, concise and to the point. And also be very specific about whatever
deadlines you are dealing with. Time constraints related to the matter. If something that
needs to be done urgently you need to say that. It is something that has -- doesn't have kind
of a time pressure connected to it. You should say that. And then this will also help the
attorney kind of assess whether or not he or she really has the time to work on it. Obviously
things that need to be addressed urgently are going to be harder for the lawyer to just jump
in to right away. But things where there is not a lot of time pressure, you probably more
likely to get some lawyers to help you with that. So, for example, if you are having a lawyer
draft a pamphlet or a handbook on how people with disabilities should address issues domestic
violence or apply for or appeal a denial of Social Security benefits.
Or if you want to have a lawyer help with a case you got to call from a consumer who may
have a discrimination case, there may not be a super super time constraint on that. So that's
important to share with the lawyers so they know what's going on. If someone has been sued
and there are court related deadlines and you want a lawyer to help with. You need to put
pressure on the lawyer and be honest with the lawyer what the time constraints and then the
lawyer can decide if he or she can jump and help with this issue. We are getting a lot of lead
time. A lot of lead time is critical. Again for the reasons I said whereas typically pretty busy.
If you give them a lot of lead time to prepare something and give them a good deadline it is
more likely you are going to have success in managing that relationship but also it takes a
long time, it takes a long time for lawyers to analyze the merits of the case. To research the
law. To draft careful documents. It can take a considerable amount of time. If you want to
know that going in to it that typically speaking it is going to take the lawyer a long time to
address some complicated legal issues it is simply not going to happen in a day or two. It is
going to take weeks or months. But also the lawyer is going to ask a lot of questions. To
clarify the issue for him or herself to make sure that he or she is forging down the right path.
So be prepared for lots of questions. Lawyers tend to like to cross their Ts and dot their Is
and make sure they have a full handle on what is expected. So be prepared for lots of
questions. And then be prepared to provide some kind of document or support regarding the
issue. Again, you know, if someone, if you receive a call from a consumer who has exchanged
some correspondence with landlord or has been sued or filed a complaint on his or her own
you want to share those documents with the lawyer again so that he or she can carefully and
completely assess the situation. So be prepared for the lawyer to ask you to send documents
to him or her that help flush out the issue or issues that you are wanting the lawyer to help
with. So again your first contact after you have recruited someone, you have got an entity
that's interested in helping the CIL in some area of the law. Just try to be careful about how
you frame the issue be very clear and concise. Giving a lot of lead time is critical. But also
stating what if any deadlines exist, et cetera, and if you do that you will have your foot well
inside the door and then Kim is going to talk about okay, once you have got the lawyer or
lawyers on your team, how do you continue thereafter to maintain a positive relationship with
that attorney.
>> KIM BOROWICZ: So a few tips for maintaining a positive relationship is just
remembering that the attorney has legal expertise but the center for independent living staff
have disability expertise. I want to emphasize that one of those pieces of expertise is not
more important than the other. So do not deal around by the attorneys. We have so much
knowledge working at a center for independent living we have so much knowledge of people
with disabilities that attorneys don't have. So I really want folks to think about this as a
reciprocal relationship. So whether lawyers might have legal knowledge in my experience a
lot of them don't have background in disability. Aren't familiar with language around
disability. They might stumble over their words talking about disability. They might feel
afraid talking about disability issues. Some of the attorneys I work with this is first time that
they are meeting a person with a disability. Be aware of that and make an effort to train the
lawyer about disability awareness and independent philosophy. People with disabilities have
to be involved in process. Lawyer can't just go off and do their own thing and really want to
note that when we work with attorneys here we always partner with them. We never just
hand them a case file and tell them to go figure out the issue on their own. We are always
partnering to make sure that that disability voice is at the table.
If a lawyer is conductinged a voe kasy on the center's behalf the center must insist that it is
consulted on a consistent and meaningful basis. If the lawyer is conducting advocacy, plays a
major role in the decision making process.
This partnership can be extremely meaningful and beneficial to the attorneys. I know
especially with younger attorneys I have worked with at law firms usually their job is sitting at
desk research and writing day in and day out. Once they are able to work with us at the
center for independent living on a case this is their first time going out and meeting with the
client is their first time interviewing a client. It is the first time doing fact finding with the
client and they really really get energized and excited about it.
The lawyer has the opportunity to do very important and sometimes very cutting edge
work. Sichl rights work is very cutting edge work. Partnering with attorneys gives them the
opportunity to do that with the center for inld pent living. If there is a media component to
the work the center staff just assume the role of chief spokesperson on the issue rather than
the attorney and this just reaffirms the important voice that the consumer and center have in
the legal process.
I want to turn now to Ken to talk about what challenges might arise when working with
attorneys.
>> KEN WALDEN: And one other thing I want to add to what Kim mentioned. Only the
slide that's on the webinar you will see -- a number of our kind of printed answers to some of
these questions are tongue and cheek but in this one there is D which take the lawyer to lunch
of a the relationship is established with the lawyer, what should CILs do, take the lawyer to
lunch. It is a great opportunity at that point to take the lawyer or the lawyers to lunch to talk
about independent living philosophies, to talk about the disability rights movement and as Kim
said outside of attorneys who do disability rights work, lawyers who don't do that work are
going to be absolutely fundamentally outside the range of clued in, in other words, going to be
very clueless about what disability rights is about, what independent living is about. They are
going to come with out sorts of stereotypes and prejudices that you see in the general public
about disability. Be prepared to handle those issues when presented and take lawyer to lunch
and talk about what your CIL represents and your what CIL works on and what issues are
important to you. It a critical critical, just one way to educate that lawyer about the
movement and hopefully will help maintain a real positive relationship with that lawyer. All
sorts of nice opportunities just to get to know the person you are going to be working with in a
little more personal way so that as things move forward you have a personal connection which
is very helpful and any type of situation.
One of challenges -- what are some of the challenges of working with lawyers? One thing
simply be aware of is that lawyers have to do conflict checks. And that means they have to
ensure that whatever they are going to be working on doesn't present a conflict of interest to
them with respect to clients they currently are helping or representing or formerly
represented. Let's say you are working at a CIL and you contact a lawyer about suing, filing a
lawsuit against a large property management company that has discriminated against
residents with disabilities. Or one of your consumers with a disability. And you contact a
lawyer who has indicated an interest in handling that type of a matter. You recruited that
person and that person is very interested in helping in fair housing issues for people with
disabilities. So you contact that person. That lawyer is going to have to make sure that he or
she or her firm hasn't represented that large property management company in the past. If it
has the lawyer has what is called a conflict of interest and will not be able to handle the case.
So if you get a call from John Doe, he claims he was discriminated against by the ABC
property management company, you as the CIL staff person you contact the lawyer. The
lawyer is very interested in the case. You share with him the name of the entity that's
discriminating or allegeded to be discriminating, ABC property management property. Lawyer
is going to check to see if he or the in the past anyone in the firm has represented the ABC
property management company in the past if they have, they are going to have to bow out of
handling that case because that presents a conflict of interest to them. That's just something
to be aware of but that can be one of challenges of working with the attorneys and in most
instances and many instances there won't be any conflict at all but something to be aware of.
You can go to the next slide. Maintaining -- so what are some other challenges of adding a
legal component to the CILs work. As we mentioned before you can go to the next slide,
maintaining a focus for the legal work is critical. Again less is more. Establish a focus and a
purpose of a legal component or establishing a particular niche is critical. As Kim mentioned
before we focus ex-cluively on access issue and discrimination issues. Access to housing and
access to government services, programs, and activities. Communicate that focus to others.
So that means communicate that focus to consumers, staff, service providers, fundors, et
cetera. Again less is more. Establish a focus for the legal work and you are well on your way
to having a strong legal component.
In addition to establishing a focus, be very patient. Legaled a voe kasy in the form of
representation or class action or policy work can take a very, very long time. So you have to
recognize that the center for independent living has to be in it for the long haul. Several
policies of local housing authority that you think need to be addressed because they work to
the disadvantage of people with disabilities. It could be part of their application process, part
of their yearly redetermination of what rent is due. It could be any number of issues related
to housing. You might have some other policy improvements that you think your local city
government has to implement in terms of housing, in terms of zoning in terms of health care,
any number of things. That type of work to kind of change people's minds and meet with
government official and meet with public housing government officials, negotiate with them,
educate them, send correspondence to them it takes a very long time to get big entities,
especially bureaucratic entities to move in the direction that you think. When you get involved
in some heavy duty stuff like policy work and class action work and sometimes individual case
it can take years. Be prepared for that. And lastly, not lastly by third in addition to
maintaining a focus and being patient be mindful that lawyer most follow a set of
comprehensive ethical rules. For example, confidentiality rules. Their model rules that
lawyers have to comply with in every state. So be mindful of that. So occasionally a lawyer
might mention that he has got to look up an ethical rules. You don't have to know what the
ethical rules are but those ethical rules, present challenges for lawyers doing certain things. I
will turn it back to Kim to talk about an additional challenge to adding a legal component to
the CILs work.
>> KIM BOROWICZ: Funding the that legal work, especially in the times that we are
now, finding funding for any type of CIL work is very difficult. So you want to give you some
ideas of how a center for independent living can fund legal work and one way I mentioned
before is pro bono. Pro bono is the best way to go for this. Pro bono like I said before
attorney working for free. You will find pro bono attorneys through law firms and law firms
will have a pro bono coordinator especially if they are a large firm and you can go through
that person to see if sl is an attorney on staff that is willing to give a certain amount of time to
work on the case. Litigation can be especially expensive and CIL might not be able to bring
certain cases unless they have get co-counsel from certain firms. Large firms can underwrite
costs of like if you need an expert witness or if you need depositions taken. Law firms can
cover those costs.
Other resources to support legal work include grants from foundations, bar associations or
the government. They are also lawyers, trust funds in every state that can provide funding.
CILs can also get financial support from law firms. And attorneys fees are another way to get
financial support. So oftentimes if we win a case or if we settle a case we can ask for our
attorney fees and we are able to multiply out how many hours of work took us to work on that
issue, what comparable attorneys make in that area and multiply that out and make the other
side pay it if we have won the case or settled the matter. There are different fellowships that
just graduated law students can get called equal justice work. There is scaton fellowships and
those fellowships can pay those people who graduated from law school to work for one or two
years in a specific field. Fund raising is definitely a way to increase fungds for legal work and
NC pray awards. A CPria award is. When a class action is going on and certain people,
certain members of the class have not opted in to the class. So they could potentially get
money from the class action but for whatever reason certain members of the class haven't
opted to do that. That extra money can be put in to what is called a Cprai award and provide
it to public interest organizations or public interest entities.

>> KEN WALDEN: So let me summarize real quick and then we will go to the questions.
So we finished up more quickly than we thought but in terms of establishing or forging legal
allies to ensure fair housing enforcement there are a hand full of ways that lawyers can help.
They can advocate for passage of civil rights laws and policy changes they can educate folks
about the law. They can enforce the law and kinl talked at length about filing suit, drafting
demand letters, settlement agreements and they can research the law for consumers who
have questions about the law and you can share those answers with your consumers. So you
have decided on a set of things you want some lawyers to help you with and then you have to
recruit them. You can find them at public interest organizations or legal services
organizations. Including protection anded a voe kasy organizations. You can try to recruit
lawyers from law firms, from law schools and from bar associations.
And assuming you are successful in finding some lawyers who want to help out in a
particular area or areas, some strategies for managing their relationship are initially when you
make that first contact with them about a particular consumer issue or a CILLed a voe kasy
initiative. Give a lot of lead time and be prepared for a lot of questions and to provide a lot of
documentation. Once you have established that first contact and you have got the lawyer on
board to help, maintaining a positive relationship is very, very key. Make sure it is a
reciprocal relationship as Kim mentioned. Lawyers have legal expertise but CIL staff have
disability expertise and you should never let them for get that. You don't want them running
off handlinging an issue without your significant control and influence and then we talked
about some challenges and challenges to setting up a legal program. One is to maintain a
focus. Second is to be patient. Third is a that lawyers have to follow ethical rules. And finally
and this can't be stressed enough there is a the funding aspect and there are some strategies
to create funding for your program. Litigation is very expensive. So unless you have lawyers
who are willing to front or underwrite the cost. It is going to be virtually impossible to take on
cases and Kim identified some resources to support legal work, grants, attorneys fees, law
firms, et cetera. Fellowships, et cetera. So that concludes the kind of lecture portion of the
webinar. But we will be delighted in the remaining time to answer any questions if we can
that you may have or address any statements you want to make about this topic.
>> Tim: Thank you. I ask Rachel to go to the introduction for asking questions over the
phone and before she does I will remind folks if you are on the webinar you can ask questions
in the public chat, that's the text box under the emoticons.
>> Operator. The floor is open for questions. If you have a question press 7 on the
telephone keypad. If your question has been answered you can press 7 again to disable your
request. While posing your question you pick up your handset to provide favorable sound
quality. Please hold while we wait for the first question.
>> Tim: So while we are waiting for folks to get in the queue on the telephone we had a
couple of questions come in during the presentation on the webinar screen. And the first one
that I see here is from Alexa at the independent center in Northern Virginia. She asks Kim
from your presentation how do you create those referral lists that you mentioned?
>> KIM BOROWICZ: So I started by -- so our local bar association the Chicago bar
association puts out a guide called where to go for legal services in Cook County and it
organizes the referrals by the topic. So if you have someone who calls needing a guardianship
I look for guardianship as a header and then beneath that it has different referral agencies I
can send them to. I would start out by checking with your bash association to see if they
have a list of what the general legal services are in your area. That was the best way for me
to get started and then I started filling in the gaps. In addition to that document I also
started creating my own document who I give to people who are doing referrals here and we
started filling in the gaps based on what people were calling about. I got a call about
something that wasn't on the list we already had, we would start by Googling. A lot of times I
will coordinate with the referral person at the PNA. So your local PNA probably has a pretty
great list of legal referral agencies just because they can't work on every legal issue either.
So I often coordinate with them to get -- to fill in the gaps of where to refer people to. That's
a very -- that document always recreating it and always adding to it. It is never stagnant. So
yeah, I would just sum it, I start out with the PNA and I would start out with the bar
association that's in your local area. And possibly to the legal aid place that's in your local
area because none of those places are going to be able to do every legal issue. So they
probably have some type of list that they use for referring folks.
>> Tim: Okay. Thanks Kim. I am going to ask a second question pending on the
webinar and then we will just switch over to the phone. So a conflict of interest concern from
Susan Reff. If a law school clinic is approached for assistance in a civil rights case but the law
school has professors sitting on the board of trustees being sued --
>>.
>> KEN WALDEN: That could very well be. First it will be up to the law school itself to
figure out whether it is a conflict and and if not -- and if it is then they will share that with you
and tell you we can't handle this case because we have professors sitting on the boards of
trustees. If they don't dr a conflict or they figure out some way to handle the case
notwithstanding the fact that they have got some professors on the board for the site being
sued --
>>.
>> KIM BOROWICZ: They can do that by walling people off.
>> KEN WALDEN: But if that's the case you might feel a little squimish about having the
law school handle the case for. You doefrnt want them to be influenced or pressured by
anyone handling the case. Even if the entity doesn't think there is a conflict that figures out a
way to handle it, you just might want to figure out it makes sense for the law school clinic to
handle it. Might be perfectly fine but if not so sure you can ask them questions about how
they are going to handle it about being influenced by anyone else. But it will be up to the
entity to decide if is there a conflict. If the entity decides that is there is a conflict you are not
going to convince them to take the case. So best that it is just to move on and find another
entity if you can that can handle the matter.
>> Tim: Okay. Thanks Ken. Rachel anybody on the queue on the telephone?
>> Operator: Nobody is in the queue at the time. But if you do have a question please
press the number 7 on your telephone keypad.
>> Tim: We may be facing this as a new TNA and partially at the university.
>> KEN WALDEN: Yes.
>> Tim: And for those of you on the web bin nar or in the chat, the CART chat you can
type your questions in the chat box and I will voice them on the phone. Someone has
indicated that they are having trouble getting in to the phone queue. But I wonder if you
could identify the line for Alexa or the independent center of Northern Virginia it is a 703
number.
>> Operator: Okay. Alexa the floor is now yours.
>> Okay. This is Alexa Ray at independent center of Northern Virginia. Ooim most
interested in how you are going about financing paying for staff attorneys because and how
many you have, you know, and what kinds of things you are doing because that seems to me
an important option we are in a metropolitan area that's a try state and because we are a
suburb of washington D.C. a lot of the clinics are in washington or Maryland and it is
sometimes hard to tap them and our PNA is in Richmond and they only have a few attorneys,
something like six for the whole state. And so that seems like an option and the other thing is
utilizing a law school or law school interns, we actually did have two staff people who were
attorneys that just happened to have JDs and were barred but they were looking in to some
options but one of the things that they told us before this one particular person had graduated
law school was that in order for us to exercise the option of making arrangement with the law
school we would have to have a supervising attorney. So those are two kinds of things that I
was wondering about is if we don't have an attorney on staff, and we want to utilize a law
school how we do that and how you funding on staff attorneys at the center.
>> KEN WALDEN: Kim, Kim and I can probably address the funding issue. I will let Kim
start. We can probably both address how to handling or if to handle legal interns in your
office.
>> KIM BOROWICZ: We have a -- a lot of our legal work is funded by the U.S.
department of housing and urban development. So a lot of that comes from our focus on
working in housing discrimination for people with disabilities and we have a fair housing
testing coordinator. She is not an attorney but she sends folks out in to the community to try
to rent apartments and is aibl to see if they are discriminated against based on their disability.
So in terms of getting, you know, you would definitely -- if you only have one attorney on staff
you would want possibly a higher level attorney than maybe a staff attorney so they can do
that type of supervisory work with law students.
>> KEN WALDEN: Also regarding law students, if you have legal interns in your office,
law students from a local law school they will not be able to provide advice to your consumers
unless they are in fact, supervised by a lawyer. And maybe is there a creative way to
establish that supervision through the law school where they go to school or the law clinic
where they work so that they have that supervision but without it, they won't be able to
provide legal advice because they would be otherwise practicing law without kind of the right
to or the license to practice law. And that could get them and you in kind of hot water. So
they certainly have to be supervised in some way, shape or form and again there may be
some creative ways to make that happen if you are not going to be able to staff a lawyer in
your office. In term of funding --
>> I am talking about the legal liability.
>> KEN WALDEN: What's na?
>> I also for got to ask about legal liability.
>> KEN WALDEN: Sure. That's a good follow-up question. In our office we have
malpractice insurance. So access to living pays for insurance for our lawyers. So in the event
that someone claims that we gave them bad advice or messed up their case, or did something
that was harmful to them, and was inappropriate, we have malpractice insurance that covers
us. Knock on wood that's never happened to date that we have been presented with a claim
like that. But could happen in the future. And in most states in order to practice law, not in
every state but in most states in order to practice law the lawyer has to have malpractice
insurance. Our malpractice insurance covers the attorneys on staff but it also covers
attorneys who are agreed to volunteer for us. So there is kind of a blanket or umbrella
coverage for everyone who is doing legal work on our behalf. I hope that answered your
question. On the issue of funding as Kim mentioned we get a sizeable grant from the U.S.
department of housing and urban development and we get some foundation money, for
example, we get money from the Polk brothers foundation and we get money from the impact
fund which is based in California and we get money from Chicago bar foundation which is
arrange of our Chicago bar association. We kind of have a variety of sources to fund our work
but I should mention that funding legal work is very challenging. It is not easy to find
foundation that want to fund lawyers. Just not inclined to fund people who sue other people.
So just something to be aware of but it is a significant challenge having lawyers on staff to
find the funding to do it as you probably already know.
>> Thank you.
>> KEN WALDEN: Sure.
>> Tim:
>> Operator. If you do have a question please press the No. 7 on your telephone
keypad.
>> Tim:
>> Operator. It appears we have to questions in the queue at this time.
>> Tim: All right. Well, that's the end of the questions on the webinar as well. So let
me begin to wrap up and I will check one more time to see if we have any questions before we
break. Of course, it is 4:30 but because of the delay certainly wanted to make sure that
people had time to ask questions. And to continue as needed. Here it looks like we have a
question from the independent center of Northern Virginia. Let's see. Are there situations in
which lawyers can work with a consumer but refuse to speak with the center staff? Is that
just something they can decide or something based on the rules? I sometimes find I toent get
contact the back. I am not sure if is there is a more efficient release of information process or
if there is reasons that lawyers can't or won't communicate with the center of independent
living. Any tips? Either of like to respond.
>> KIM BOROWICZ: You can take it.
>> KEN WALDEN: Okay. I mentioned earlier that there are ethical rules that lawyers
are bound by. So I can't speak to your specific instances when lawyers have not wanted to
follow up with you. That consumer now becomes a client of the lawyer. And the lawyer is
bound by the ethical rules to keep information about that case confidential to the extent that
has nothing to kind of do with the case. So hypothetically if you refer a client to lawyer John
Doe and that lawyer is going to help that person file a fair housing complaint against his or
her housing provider, the conversations that the client, the consumer has with the attorney
John Doe kind of are protected by confidentiality and the theory being that consumers
wouldn't be wholly willing, wholly willing to provide information to the lawyer if they knew the
lawyer might air their stuff to other people. It is a way of helping kind of solidify the trust that
a client has with a lawyer knowing that he or she won't reveal information to the outside
world. Of course, there are exceptions to that. If the lawyer is going to file a lawsuit he or
she is going to have to share information about the compliant and about the case, et cetera,
with the court and with other parties and frankly with the public. But it could be that the
lawyers who have referred cases to are trying to respect the confidentiality the confidential
relationship they have with the consumer.
>> KIM BOROWICZ: Can I say something quick? The confidential is held by the client.
So the client can choose, you know, to share information with you. Sometimes the attorney
might be a little bit appear prehencesive to share information. If a complaint is filed in court
that is public information. Communications between the client and lawyer would not be
communicated to you.
>> KEN WALDEN: Certain basic things that the lawyer should be able to share with you.
Did you file a complaint. Were you successful with the case. Can you share anything that is
not confidential with me. I would be surprised if they couldn't answer some general questions
and also you can try to get the consumer's permission to have the lawyer speak to you and
then you probably be okay. The lawyer probably feel comfortable sharing stuff with you as
long as some other ethical rules would kind of comply. I don't want to get too deep in to it.
But there are ways to kind of have the lawyer present some information to you that won't run
afoul of the ethical rules.
>> Tim: Okay. Thanks so much.
>> KEN WALDEN: Sure.
>> Tim: Okay. Rachel one last time, anybody in the queue on the telephone before we
break?
>> Operator: It appears that there is nobody in the queue at this time.
>> Tim: Okay. Thanks. Let' go ahead and wrap up and as part of our conclusion I will
give you all a way to ask questions if you think of something whether it be in the next 30
minutes or the next few weeks. So I am going to go ahead here to slide 19, and if you are on
the webinar, this is an active link. You can click on that link right now. Please do let us know
what you thought of today's call. Again I want to apologize for the technical problems that we
had at the beginning of the call. We test these presentations again and again. We join early
to make sure that everything is working well and we lost Internet connectivity not only on our
computer but on our backup computer and that happened both on Tuesday and today. I do
apologize for this. I hope you will give us another shot next year as we advertise new
trainings. Those will be coming out in the next few weeks. But nonetheless, I -- I am telling
you that so that you know how aware we are of the frustration that you all had at the
beginning of the call. But do let us know what you thought of the content of today. We really
are interested in your opinion. Since we do still have a few minutes I got a note the folks the
ECMV have one more question. Can you open up the line for Alexa.
>> Operator: The floor is yours.
>> Okay. My question is what if anything are you doing about the problem of attorneys,
particularly attorneys outside of a CIL that you might be working with, not providing
interpreters sign language interpreters for deaf consumers in the middle of an or having a
prospective case. So we have had that problem. In fact, we are even thinking about some
kind of deaf law center idea but hadn't gotten off the ground yet. So I was wondering what
you do about that.
>> KEN WALDEN: Yes, that is a great question. Because unfortunately and sadly even
public interest organizations sometimes fail to get it so to speak in terms of what
accommodations they should be providing for the consumers with disabilities. And like the
general public lawyers are no different, there are lawyers who work for legal services
organizations who don't understand the obligation to provide accommodations to folks with
disabilities be it providing information in Braille, talking slowly to someone who reads lips.
Providing a sign language interpreter to ensure effective communication on complicated
matters. Allowing a guide dog in to an office. Modifying a ramp in to a building, all sorts of
things. What we have done is we have participated in some educational seminars and
trainings for folks on the obligations of lawyers to provide accommodations. A few years ago I
spoke to a group of legal services attorneys on this issue. But it is a slow process just like
anything else and there is still -- I will still be in meetings with folks and still collaborating with
folks and something will come up and it is just strikes me that folks are still rather in the dark
about what their obligations are. So, you know, the provision of providing sign language
interpreters is key. What we would look at is whether or not the communication could occur
without a sign language interpreter. The legal standard is that you have to have effective,
effective communication with someone. And if you have to have effective communication with
someone, a sign language interpreter is needed then it is the obligation of at lawyer to provide
that sign language interpreter and, you know, it just kind of depends on the situation. One
example I like to give is if you go in to a bank and you deposit money or make a withdrawal,
simply cash a check and you are a person who is deaf or hard-of-hearing who relies on sign
interpretation you don't need one for that type of brer action. If you go in to a bank and
talking to some loan officers about obtaining a loan for a business startup and you are a
person who is deaf, that type of conversation probably does require a little more in-depth
communication or a lot of in-depth communication. So a sign language interpreter would be
appropriate. It is not in all instances but when a lawyer is talking to a client for the first time
regarding his or her case, sign language interpreter in my view most of the time would be
appropriate. Yeah. It is an ongoing problem with lots of lawyers and it is just taking some
time to get in addressed. But I think, you know, one other thing I have seen it is kind of
dated now, I saw a few years ago our attorney general's office prepared a pamphlet on the
obligations of lawyers to provide accommodations for deaf or hard-of-hearing. Maybe your
local bar association can conduct a seminar on the issue. They can distribute the pamphlet to
some folks but I completely agree it is a pretty significant issue.
>> Tim: All right. Great question. Thanks Ken.
>> KEN WALDEN: Sure.
>> Tim: Okay. So I am going to go back to slide 19 again. That is a live link. So you
can click on that link on slide 19 to go to the evaluation survey. If you filled it out Tuesday
you know it is very brief and easy to complete. If you on the phone you can access the
evaluation link in the confirmation e-mail that was sent to you and again interest there is a
separate evaluation for each call. Please do fill it out. If you are participating in a group
today, that's great. Please do take the time to fill out the evaluation individually. We P want
to know what each of you thought.
Here on slide 20, we have got contact information for Kim and Ken. They were generous
enough to provide that. In addition to theirs I am going to let you know that my e-mail is
Tim@ncil.org. So if you have a question about our programs about today's call or if it is in a
few weeks and you don't have their e-mails handy you can always e-mail me and I can't
answer the question then I will forward it along to them and get an answer for you. So please
don't hesitate to use that information. That's why we are sharing it with you. Thanks again
everyone for your patience with us on today's call. As I said we will be releasing some new
trainings for our 2013 programs in the next few weeks. I hope you will get us another shot.
We will be using a webinar platform. I am confident that we won't have any experiences that
we have today. If you or any of your colleagues missed any of today's content because of the
delay, this presentation as well as Tuesday's and all of our trainings are fully archived as they
happen with the slides and conversation. So please dor check that out it is on ILRU's website
and Ken and Kim thank you so much. A great presentation. Much like the panel in Chicago
found it tremendously interesting and helpful and great content. You guys are excellent
presenters and thank you and to our audience thanks to you. Have a wonderful afternoon and
this is the end of our call. Take care.