DEAR DISABILITY LAW CENTER FRIENDS,

The Disability Law Center (DLC) employs every style of advocacy to advance the rights of people with disabilities in our state. Lawyers have always played an important role in civil rights movements by helping raise awareness of rights violations and fighting legal battles aimed at inciting systemic reform.

During this past year, the DLC engaged in class actions and other cases of broader significance in areas including employment, housing, education and access to healthcare, striving to put an end to disability discrimination in Utah. As we continue to drive extraordinary social change, we are grateful for the support and partnerships that have made our work possible. Together, we will continue to challenge disability discrimination in our community and win social justice for all Utahns.

— Adina Zahradnikova, Executive Director

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NEW INDIVIDUALS CONTACTED THE DLC

INDIVIDUALS WERE REPRESENTED IN LEGAL PROCESSES OR RECEIVED SELF-ADVOCACY SUPPORT

INDIVIDUALS LEARNED ABOUT DISABILITY RIGHTS AT DLC PRESENTATIONS

CITIZENS, INCLUDING HOSPITAL PATIENTS, VETERANS, YOUTH WITH INTELLECTUAL DISABILITIES, AND OTHERS WITH DISABILITIES, RECEIVED ASSISTANCE WITH VOTER REGISTRATION.

BILLS WITH THE POTENTIAL TO IMPACT PEOPLE WITH DISABILITIES WERE TRACKED. THE DLC TESTIFIED BEFORE ELEVEN COMMITTEES DURING THE GENERAL AND INTERIM SESSIONS.

4,290 INDIVIDUALS RECEIVED SERVICES

2,855 NEW INDIVIDUALS CONTACTED THE DLC

1,218 INDIVIDUALS WERE REPRESENTED IN LEGAL PROCESSES OR RECEIVED SELF-ADVOCACY SUPPORT

2,139 INDIVIDUALS LEARNED ABOUT DISABILITY RIGHTS AT DLC PRESENTATIONS

158 CITIZENS, INCLUDING HOSPITAL PATIENTS, VETERANS, YOUTH WITH INTELLECTUAL DISABILITIES, AND OTHERS WITH DISABILITIES, RECEIVED ASSISTANCE WITH VOTER REGISTRATION.

34 BILLS WITH THE POTENTIAL TO IMPACT PEOPLE WITH DISABILITIES WERE TRACKED. THE DLC TESTIFIED BEFORE ELEVEN COMMITTEES DURING THE GENERAL AND INTERIM SESSIONS.
“We work with the Disability Law Center because we believe in the Center’s mission and because our collaboration with the Center allows us to answer the highest calling of our profession. We believe there is no more important work than to represent people whose fundamental rights—in our case, the fundamental right to individual liberty—have been infringed solely as the result of a disability. We at Snell & Wilmer hope to have a long and rewarding relationship with the Center.”

— Alan Sullivan, Partner, Snell & Wilmer

HIGH IMPACT LITIGATION

2016 was an exceptional and exciting year for the DLC! From complex class action lawsuits vindicating the constitutional rights of hundreds of vulnerable prisoners with mental illness, to numerous individual lawsuits where frontline civil rights battles placed personal dignity and independence in opposition to corporate power and profit. Among the many highlights:

Disability Law Center, et al. v. State of Utah, et al.: In this federal class action challenging the State’s failure to provide reasonable and timely competency restoration treatment to defendants languishing in county jails, the DLC and its incredibly generous pro bono partner, Snell & Wilmer, LLP, successfully repelled every attempt by the defendants to dismiss or limit the lawsuit. After more than a year of hard-fought litigation, the plaintiff class has been certified, discovery has concluded and productive settlement discussions are ongoing.

Levorsen v. Octapharma Plasma, Inc., 828 F.3d 1277 (10th Cir. 2016): On behalf of a client turned away from a plasma donation center solely because he had a mental illness, the DLC successfully appealed the district court dismissal of his ADA discrimination claim, and achieved a landmark decision by the U.S. Court of Appeals for the Tenth Circuit. This ruling, the first on this issue, rejected the multi-billion-dollar plasma industry’s position that donation centers may freely turn away people with disabilities or otherwise discriminate with impunity. While binding only on Tenth Circuit states, the decision is likely to alter the plasma industry’s discriminatory behavior around the country.

EEOC v. PJ Utah, LLC, Case No. 15-4079, 10th Cir; 2016 U.S. App. LEXIS 9046: On behalf of a client with down syndrome who was fired from his job as a pizza box folder solely because he used a “job coach,” the DLC successfully appealed the district court’s denial of his motion to intervene in a lawsuit initiated by the EEOC. In another important ruling, the appeals court confirmed that the DLC client had an unconditional statutory right to intervene under the ADA and Title VII of the Civil Rights Act of 1964. After remand, the DLC was able to represent its client in the trial court proceedings and is close to securing a very favorable settlement of his discrimination claims.
PRESERVING EMPLOYMENT RIGHTS

DLC employment law experts push back against disability discrimination and protect clients whose Social Security benefits are unfairly impacted by employment. Following a legal clinic model, we consult with individuals, providing advice about their legal rights and options available.

This year, 54 employment discrimination clinics were held resulting in legal representation for 43 clients. Representation included: conducting negotiations with employers, filing charges of discrimination with an appropriate administrative agency then representing clients through the process, and/or filing a lawsuit and representing the client in Federal court. We held legal clinics for 14 individuals whose Social Security benefits were impacted by their work and represented a total of 21 clients before the Social Security Administration.

Although we are experienced and successful in litigating disputes, when practical, we seek to resolve disputes directly with employers. In 2016 the DLC successfully negotiated dozens of reasonable accommodations for clients in the workplace—such as a sit/stand workstation, job leave for periods of recovery following disability-related flare-ups, and modified assignments/scheduling for clients who needed them because of their disabilities. We obtained approximately $150,000 in monetary relief for our clients with individual client settlements ranging from $500 to $56,000. We also successfully recovered important non-monetary relief for clients, including continuation of health coverage and other employment benefits; neutral/positive letters of reference from former employers; and the opportunity to resign from a position rather than face employment termination. Our goal this past year and moving forward is to keep individuals with disabilities employed, productive, and appreciated in the workforce.

ADVANCING COMMUNITY INTEGRATION

This year, we stood up for services that preserve dignity and facilitate integrated living by advocating for: adequate nursing hours, transition from an intermediate care facility to a placement in the community, choice of service provider, and halting cuts to an individual’s DSPD budget. We also helped clients get needed medical items like: a wheelchair, nutritional formula, and incontinence briefs.

Systemically, the DLC shed light on the considerable changes the State must make before 2019 to comply with Medicaid’s Home and Community Based Settings (HCBS) rule. We began by releasing a report: “HCBS Settings Rule: Evaluating Utah’s Transition process, An Opportunity for Inclusion.” Recognized in Utah and nationally, the report summarized our year-long investigation. It detailed the State’s current efforts and shortcomings in working toward employment and residential services that are integrated. Our knowledge and leadership led providers, consumers, their families and other professionals to us for educational presentations or technical assistance. We’ve participated in stakeholder meetings with the State, educated legislators, and testified before the interim Human Services committee. Each time the State released an iteration of the transition plan, we provided public comment and encouraged others to do the same. We’ve witnessed positive changes and will continue our advocacy in the coming year.
**TOPICS OF INQUIRY**

- Access to public places, programs, and services: 22%
- Housing: 17%
- Rights Violation: 16%
- Public Services & Benefits: 8%
- Employment: 7%
- Non-gov’t Services: 6%
- Education: 5%
- Healthcare: 4%
- Abuse/Neglect: 3%
- Rehabilitation Services: 3%
- Guardianship/Conservatorship: 2%
- Non-gov’t Services: 6%

**Service Requests Received in FY2016**

- Total: 4,290

**FINANCIALS**

**Total Revenue**

- $2,560,205.93

**Total Expenditures**

- $2,317,957

**Program Services**

- $2,091,742 (90%)

**Management & General**

- $208,889 (9%)

**Fundraising**

- $17,326 (1%)
With DLC advice, CINDY AND CLARON ALLDREDGE were able to advocate for an integrated educational environment for their daughter, Aubry.

“For years Aubry was segregated. Her fifth grade program was heartbreaking. I wondered how they [her classmates] could sing about discrimination being behind us while my daughter was not allowed to speak, wear a costume, or even hold a prop. After just six weeks [in an integrated classroom] we’ve seen a huge leap in independence. We’ve also seen an improvement in her academics. It’s been a really great year so far.”

Our housing team got justice for TIKA TIMSINAS who’d experienced discrimination by his landlord.

“I think the DLC is a reason to smile. They resolved this case. I’m happy now. I’m proud to say that the DLC has done a wonderful job for people like me.”

Medicaid denied CAROL SCHOLES’S adult children the specialized food that they needed to survive. The DLC intervened and the decision was overturned.

“Nate was awesome. Medicaid gave us the run-around and he waded through 300-pages of medical records to find the three that would help us with our case. He went above and beyond, even accompanying us to an appointment with the nutritionist to gather information to prove the liquid food is specialized and serves a medical purpose.”

The DLC helped JORGE MORALES get back to work.

“Bueno después de algún tiempo estoy muy contento de saber que hay una institución, el Disability Law Center, que vela por nuestros derechos y nos defiende, y estoy contento porque pude retomar mi vida laboral, mi vida normal gracias a ellos. Estoy en tratamiento, sigo en tratamiento del riñón pero estoy trabajando, estoy contento y agradecido, muy agradecido con esta institución.”
DEAR FRIENDS AND SUPPORTERS,

We are pleased to present our 2016 Annual Report. Our organization and our advocates work hard to ensure that, in every aspect of life, people with disabilities have the same opportunities and rights as any other member of our community. Along the way, we have been guided by the committed members of our Board of Trustees and of the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Council, and we are grateful for their wisdom and support.

While we are proud of all that we have accomplished, we still have much more to do—now is not the time to lose momentum. As we look to the next year and beyond, we hope you will add your voice to ours and continue to support us in advocating for change that truly matters in people’s lives—that proudly includes equal rights, dignity, choice and self-determination, as well as freedom from abuse, neglect and discrimination.

— Juliette P. White, Board President

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