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NCLH [National Center for Law and the Handicapped] Conference '76

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# ASSESSMENT

'76 Perspectives on  
Legal Advocacy

May 26-29, 1976  
Claremont Hotel  
Oakland/Berkeley, California



A conference  
sponsored by The National Center  
for Law and the Handicapped

# CONFERENCE PROGRAM

## WEDNESDAY, MAY 26

4:00 P.M. - 8:00 P.M. — **Registration**  
Hotel Lobby

8:00 P.M. - 10:00 P.M. — **Informal Reception**  
Horizon Room

## THURSDAY, MAY 27

8:30 A.M. - 9:00 A.M. — **Coffee and Danish**  
Horizon Room

9:00 A.M. - 9:15 A.M. — **Welcome**  
Horizon Room  
Harvey Bender and Kathleen Ursin

9:15 A.M. - 12:30 P.M. — **Awareness-Building**  
Horizon Room  
Peter Leech, Coordinator

Designed to open up the "mystical" world of disability, this session will address the myths and assumptions about disability that inhibit relationships among individuals, and provide for more effective communication and participation among all conferees.

12:30 P.M. - 1:30 P.M. — **Lunch**

1:30 P.M. - 4:30 P.M. — **OPTION I**  
**Policy Negotiation: Game Strategies**  
Board Room  
Fred Goodman, Coordinator

It is felt that those who design a game that simulates some aspects of a social system stand to gain considerable insight into the system they are modeling. Therefore, we have arranged to offer small groups of participants the chance to engage in such an activity.

This will first involve a "priming game," and then the actual design of a game focused upon some aspect of advocacy for the handicapped. Hopefully, games designed during the Conference will be shared with others in the future.

1:30 P.M. - 3:00 P.M. — **OPTION II**  
**Affecting Change Through Litigation**  
Horizon Room

Presentation: Frank Laski

The conceptualization of a lawsuit will be described, including the process used by an attorney in deciding appropriate action to be taken in a case, obligations and responsibilities of attorneys and plaintiffs in litigation, and practical problems to be considered when bringing suit, such as cost and time.

Panel:

Sy Dubow  
Donald Galvin

Eunice Fiorito  
Barbara Scheiber

Margaret Fraser

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## STATEMENT OF PURPOSE

The "movement" to provide legal advocacy services for the disabled, formulated in the 60's and 70's, has grown very quickly. The people, and the organizations who have worked to shape this "movement," have been many and have often worked independently of one another. We at this Conference are representatives of that group. Sometimes our goals have been the same; often, not. Our expectations have been high and have come to varying levels of realization. Our "movement" is entering a critical period of development and the time for assessment has come. It was with an appreciation of this need that the National Center for Law and the Handicapped began to organize this conference - Assessment 76: Perspectives on Legal Advocacy.

In deciding who should do this assessment, we first looked to the consumer of legal advocacy services - persons with disabilities. In setting goals and establishing priorities, the "client" has not always been fairly represented in the decision making process. This situation cannot be allowed to continue. And, indeed, the increasing organization among persons with disabilities to speak for their own interests and to articulate their own needs will make it impossible to plan for the future without giving full consideration to these expressed goals.

However, to include only this group in any assessment process would be shortsighted. In evaluating progress and planning for the future, we must include not only legal advocacy groups and consumer groups, but those groups which represent the interests of disabled people. In addition, it is necessary to include representatives from various parts of the business, education, and lay community who are interested in the problems of disability. All of these groups play a significant role in the realization of the ultimate objective - equal rights and responsibilities for persons with disabilities.

Bringing these three groups together is not an easy task. Although we are all "in the field" in one way or another, we are all subject to prejudice, and often our lack of knowledge about one another is high. Barriers to understanding, to working together, are not only "out there" in the larger society, but among and between individuals who work in the "movement." At the Center, we have realized that in order to work effectively we must communicate with and especially listen to other legal advocates, consumers, and the lay public. But this is not our need alone. To help this "legal advocacy movement" grow and mature, we must appreciate not only its capacities, but also the future that each of us sees for it.

In our assessment process, we must be aware of the total environment in which this "movement" must grow. To ignore those factors which make up our "social climate" would jeopardize not only our success but also our survival. We must bring into perspective the significance of a number of these factors. For example, litigation strategies, in both concept and practice, are not easily understood and/or appreciated. They are often technical in wording, complex in

design, and specific in outcome. Further, the process of change initiated by employing these strategies has shown itself to be, what we all knew on an intellectual level it would be - a long and slow one. However, for those who expect immediate results, this is often difficult to accept and understand.

Another concern focuses on resources - both financial and human - which are scarce. Initial funding sources for legal advocacy programs are evaporating. Continued funding of programs in the broadly defined area of social services is uncertain. Although some substantial gains have been made, the proposed block funding programs in HEW and the serious financial problems of the social security system, to cite only two examples, could cause enormous changes in funding patterns.

These, among many others, are concerns which face NCLH, and which we believe affect all of us here. We will begin to address these concerns in the course of this Conference. During the next two and a half days we plan to accomplish the following:

1. To open up a communication process among and between the groups who are represented here. To begin to know each other as people, and to appreciate the needs and concerns of each other.
2. To identify the accomplishments of legal advocacy in past years, and areas which will require special attention in the future.
3. To identify and seek solutions to problems that confront legal advocacy groups. To address the questions of organization, goal setting, funding, and attainment of power, from the perspective of not only how it should be done, but who should do it.

In selecting conferees we chose a representative, but by no means, all inclusive sample of persons, from the groups mentioned previously. We limited registration to approximately 20 from each of these groups in order to enhance discussion and communication and to insure that the interest of no one group would overwhelm that of the others.

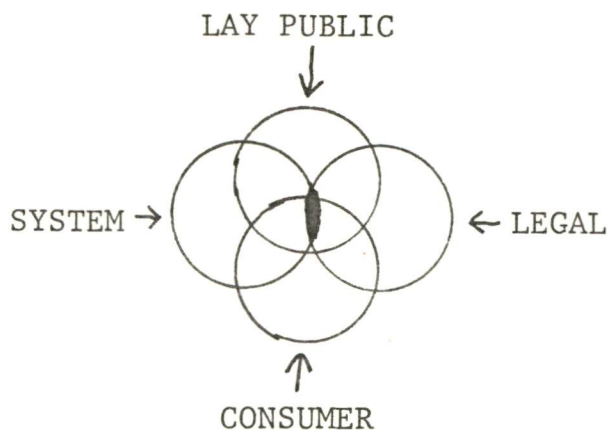
Each of you has been invited to participate with us here for a variety of reasons. It is not only because of who you are, who you represent, what you have done, and your commitment to working in this area, but also because of your ability to take what you learn here to your colleagues and your constituency and share it constructively. We thank you for agreeing to participate and look forward to a productive meeting.

May, 1976

SATURDAY, MAY 24

Review of Issues: Strategy Development

During the past two days, we have examined the characteristics, the accomplishments, and the deficits of using a legal advocacy approach to achieve the goal of equal rights and responsibilities for persons with disabilities. We have had highlighted for us the problems, the concerns that face the legal advocate, the consumer, the parent and/or professional organization, and the lay community as each works, today and in the future, for effective implementation of this ultimate and common goal. In this process each group impacts on and influences or is influenced by the other whether or not this contact is formally established or recognized. This interaction can be diagrammed in the model below:



Given the common goal described above and recognizing some level of interdependence needed to achieve it; and given the economic, political and social realities that confront us in moving toward that goal; the small groups are asked to begin their discussions with the following question:

Should some acknowledged relationship among groups be established to facilitate the coordination of individual efforts?

If it is determined that a relationship should not be established, list in detail the reasons for this decision. If, however, it is determined that some type of relationship should exist, then groups should address at least the following areas in their responses:

- 2 -

Review of Issues (continued)

1. What groups, organizations, individuals should be involved in this relationship? Should it be "disability specific"? or include all types of disabilities?
2. On what level(s) should it occur? ( i.e. national, regional, state, local, or any combination)
3. What should be the purpose of this relationship? (e.g. establishing priorities, sharing information, assigning areas of responsibility)
4. What should be the character of this relationship? (e.g. formal coalition, loose association), and how should it be structured? (e.g., an independent corporation, equal representation on advisory boards, etc.)
5. Who should take responsibility for implementation of any proposed cooperative relationship?

Each group is asked to select a group leader and a scribe. Easel Boards are available to record your conclusions. We will re-assemble at 11:00 a.m. for your reports.

In your conference packets is a roster for each group. Please attend the group to which you were assigned.

Room assignments are as follows:

GROUP I - HORIZON  
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GROUP IV - LANAI III

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- Avenues to Change: Books I-IV. Arlington, Texas: National Association for Retarded Citizens (P.O. Box 6109, 2709 Avenue E East; 76011), 1974.
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A SELECTED LIST OF LEGAL ADVOCACY PROGRAMS

ASSISTING THE HANDICAPPED

Legal Services for the  
Developmentally Disabled  
Arizona Association for  
Retarded Citizens  
Thriftown Building  
5610 South Central Avenue  
Phoenix, Arizona 85040

California Association for the  
Retarded  
1225 Eighth Street  
Suite 312  
Sacramento, California 95814

Western Legal Center  
for the Disabled  
Eastern Columbia Bldg.  
Suite 208  
849 South Broadway  
Los Angeles, California 90014

Legal Services Office  
Colorado Association for  
Retarded Citizens  
Suite 702, Hampden East  
8000 East Girard Avenue  
Denver, Colorado 80231

Iowa Association for Retarded  
Citizens  
1707 High Street, D.  
Des Moines, Iowa 50801

Maryland Developmental  
Disabilities Law Clinic  
University of Maryland Law  
School  
500 West Baltimore Street  
Baltimore, Maryland 21201

Patients' Rights and  
Advocacy Programs  
National Institute of Mental Health  
Room 1105  
5600 Fishers Lane  
Rockville, Maryland 20852

Massachusetts Association  
for Retarded Citizens  
381 Elliot Street  
Newton-Upper Falls, Massachusetts 02164

Massachusetts Center for Public  
Interest Law  
2 Park Square  
Boston, Massachusetts 02116

Mental Health Legal Advisors  
Committee  
73 Tremont Street, Ste.901  
Boston, Massachusetts 02108

Michigan Association for Retarded  
Citizens  
416 Michigan National Tower  
Lansing, Michigan 48933

Legal Advocacy for the  
Developmentally Disabled  
in Minnesota  
Legal Aid Society  
501 Park Avenue  
Minneapolis, Minnesota 55415

National Juvenile Law Center  
St. Louis University  
School of Law  
3642 Lindell Boulevard  
St. Louis, Missouri 63108

Education Law Center, Inc.  
Suite 800  
605 Broad Street  
Newark, New Jersey 07102

Division of Mental Health Advocacy  
Department of the Public Advocate  
214 South Broad Street  
Trenton, New Jersey 08625

System of Advocacy for the Retarded  
175 Fifth Avenue  
New York, New York 10010

Untapped Resources, Inc.  
60 First Avenue  
New York, New York 10009

Law Reform Project  
Developmental Disabilities Law  
Ohio State University  
College of Law  
1659 North High Street  
Columbus, Ohio 43210

Ohio Legal Rights Service  
Nisonger Center  
1580 Cannon Drive  
Columbus, Ohio 43210

American Bar Association  
Model Advocacy Project  
319 DeKalb Pike, 3rd Floor  
Norristown, Pennsylvania 19401

Public Interest Law Center  
of Philadelphia  
1315 Walnut Street - 16th floor  
Philadelphia, Pennsylvania 19102

Advocacy for the Legal and Human  
Rights of Mentally Retarded  
Citizens  
119 Spring Street, Suite 4  
Charleston, South Carolina 29403

Western State Hospital Legal  
Aid Society  
% Prof. Laurence Gaughan  
School of Law  
Washington and Lee University  
Lexington, Virginia 24450

American Bar Association  
Commission on the Mentally Disabled  
1800 M Street, N.W.  
Washington, D.C. 20036

National Center for Law  
and the Deaf  
Gallaudet College  
Seventh and Florida Avenues, N.E.  
Washington, D.C. 20002

Mental Health Law Project  
1220 19th Street, N.W.  
Suite 300  
Washington, D.C. 20036

Mental Health - Retardation Legal  
Services Project  
Legal Services Center  
618 Second Avenue  
Seattle, Washington 98104

West Virginia Legal Services Plan  
State Capitol  
Charleston, West Virginia 25305

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## CLASSROOM GAMES INFORMATION (revised, November, 1974)

### BOOKS

(Brevity dictates the exclusion of many fine articles in education journals; this is a listing of several readily-available books)

☆ Books by Abt Associates staff authors.

[NOTE: This fact sheet is a courtesy publication of Games Central which welcomes specific correspondence with teachers. For classes, workshops, conferences, etc., this sheet *may* be reproduced in quantity via your local copy service or photo offset printer — for nonprofit distribution *only*.]

☆ Abt, Clark C., *Serious Games*, 1970, hard cover @ \$5.00 (includes shipping) from: Games Central, 55 Wheeler Street, Cambridge, Massachusetts 02138.

Belch, Jean, ed., *Contemporary Games Directory*, 1973, oversized hard cover @ \$35.00 from: Gale Research Company, Book Tower, Detroit, Michigan 48226.

Boocock, Sarane S., and E.O. Schild, eds., *Simulation Games in Learning*, 1968, hard cover @ \$8.95 from: Sage Publications, Inc., 275 South Beverly Drive, Beverly Hills, California 90212.

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Inbar, Michael, and Clarice S. Stoll, *Simulation and Gaming in Social Science*, 1972, hardcover @ \$10.95 from: The Free Press, A Division of the Macmillan Company, 866 Third Avenue, New York, New York 10022.

Tansey, P.J., and D. Unwin, *Simulation and Gaming in Education*, 1969, hard cover @ \$5.00 from: Harper and Row, Keystone Industrial Park, Scranton, Pennsylvania 18512.

Taylor, John L., and Rex Walford, *Simulation in the Classroom*, 1972, paperback @ \$1.95 from: Penguin Books Inc., 7110 Ambassador Road, Baltimore, Maryland 21207.

Twelker, Paul A., ed., *Instructional Simulation Systems*, 1969, paperback @ \$6.75 from: Continuing Education Publications, Waldo Hall 100, Corvallis, Oregon 97331.

Zuckerman, David W., and Robert E. Horn, *The Guide to Simulation/Games for education and training*, oversize paperback @ \$15.00 from: Information Resources, Inc., P.O. Box 417, Lexington, Massachusetts 02173.

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*Simulation/Gaming/News* (published six times a year @ \$6.00 per year by: S/G/N, Box 3039, University Station, Moscow, Idaho 83843)

## JOURNALS

## EDUCATIONAL GAMES DEVELOPMENT CENTERS

Academic Games Associates, Inc.  
(formerly at Johns Hopkins University)  
430 East 33rd Street  
Baltimore, Maryland 21218

Games Central  
c/o Abt Associates Inc.  
55 Wheeler Street  
Cambridge, Massachusetts 02138

Academic Games Project (Nova)  
Div. of S. Florida Education Center  
3600 S.W. 70th Street  
Fort Lauderdale, Florida 33310

Instructional Simulation Design, Inc.  
P.O. Box 3330, Leon Station  
Tallahassee, Florida 32303

Creative Studies Inc.  
167 Corey Road  
Boston, Massachusetts 02146

Project Simile II  
(formerly part of W.B.S.I.)  
1150 Silverado  
La Jolla, California 92037

Board of Cooperative Ed. Services  
Cen. for Educational Services and Res.  
845 Fox Meadow Road  
Yorktown Heights, New York 10598

Teaching Research  
Oregon State System of Higher Ed.  
Monmouth, Oregon 97361

Learning Games Associates  
Research and Development Office  
1490 South Boulevard  
Ann Arbor, Michigan 48104

Instructional Simulations Inc.  
2147 University Avenue  
St. Paul, Minnesota 55114

## COMMUNITY ORGANIZATION

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PERCEPTIONS OF NEEDS AND PROBLEMS OF THE DISABLED  
A SUMMARY OF THE 1976 NCLH SURVEY

BACKGROUND

In February, 1976, the National Center for Law and the Handicapped conducted a mail survey of approximately 200 individuals and 200 groups and organizations. Those surveyed were taken from a list of organizations, groups, and individuals, known to the Center, which are in some way working with/for the disabled. Therefore, this was only a representative, not an all inclusive list of those who could have been contacted.

The questionnaire mailing had several purposes, among them an initial assessment of the respondents' perceptions of problems and needs of the disabled, and the updating of the Center's "library" of resource people and materials. In the several pages that follow, a summary of some of the findings from the "needs and problems" part of the questionnaire are presented.

DESCRIPTION OF INDIVIDUAL RESPONDENTS

Of the several hundred questionnaires mailed, 80 individuals and 79 groups and organizations returned forms suitable for analysis. Since a specific population was not defined and sampling procedures were not utilized, the generality of results are necessarily restricted to descriptions of only those organizations and individuals that responded.

Before examining the responses on problems of the disabled, let us construct a brief profile of the individuals who responded (n = 80). They were middle age (the average age was 41), and were extremely well educated as 96% had obtained some education beyond high school and 67% held an advanced degree (M.A., Ph.D., J.D., M.D.). In comparison, the average education for the adult population of the United States is slightly more than a high school diploma.

This was also the case for the socioeconomic status of the occupations held by the 80 individual respondents. The average status score for this group was 76, when using a standard social science status scale (e.g., had all the respondents been physicians or lawyers the average would have been 92; or all secretaries - 61; or all machine operators in a factory - 19). In contrast, the average score for the 88 million members of the U.S. labor force is about 40.

Additionally, these respondents were largely urban as 89% either lived in a large city or were within a one-hour commuting distance of a large urban area. About half (39) were handicapped or disabled, 30 of which reported having physical disabilities other than visual or hearing impairment. Finally, of those not disabled, 68% reported the origin of their interests in the problems of the disabled as being in their job, occupational activity, or professional contacts.

## DESCRIPTION OF ORGANIZATIONS/GROUPS

From the organizations and informal groups surveyed, 79 useable questionnaires were returned. In general, the organizations/groups were recent in their inception (52% were formed in the last seven years) although a sizeable minority (30%) have been in existence for more than 20 years. The organizations and groups spanned the range of geographical scope (25% citywide or local, 33% statewide, and 42% national or international) and major activities (33% reported legal advocacy as a major activity, 39% cited non-legal areas as major activities, and the remainder reported both legal and non-legal activities as the foci of their group/organization). The respondent groups and organizations ranged in membership size from as few as four members to more than 100,000. The groups and organizations were very diverse in: the percentages of their members or clientele that were disabled (ranging from none to all); the types of disabled served by the group/organization; and the types of publics they served (ranging from specific groups of disabled, to specific groups of professionals, to the general public).

In summary, the 80 individual respondents tended to be professional and upper white collar (86%), middle age, urban, well-educated, and about evenly divided in being disabled or not disabled. The 79 organization and group respondents tended to be very diverse in "age", size, geographical scope, clientele served, and size and type of membership.

## PERCEPTIONS OF PROBLEMS OF THE DISABLED

All respondents, both individuals, and groups and organizations, were asked to make three evaluations for each of 10 problem areas affecting the disabled. The 10 problem areas are listed in Table 1. First, all respondents scored the problems as to their importance on a 1-5 scale (the higher the score, the more important the problem area). Second, the respondents scored the problem area as to the extent to which the legal system (executive, judicial, and legislative) has adequately addressed the problem area, again using a 1-5 scale (a low score indicating the legal system has NOT adequately addressed the problem area). Finally, each respondent scored the problem area on the extent to which they felt the legal system should ideally be used to address the problem area (a 1-5 scale with a high score indicating the legal system SHOULD be used to a great extent to address a problem area).

The average scores for the three evaluations for each of the problem areas can be found in Table 1. Each column of numbers refers to the average rating given to the problem areas by a group of respondents. Upon close evaluation, several interesting patterns, some obvious and others not so obvious, can be found in this seeming maze of numbers.

Before discussing the results, two points of caution need be stated and kept in mind throughout. First, these results are most appropriately interpreted as descriptions of only those organizations and individuals that re-

sponded. The patterns may more or less accurately describe the state of affairs for larger populations, but there is no basis for making such a statement, given the lack of a systematic sampling design. Second, the position expressed by the respondent for groups and organizations was not clearly restricted to that of spokesperson for the group. Individuals ranging from executive secretaries to executive directors responded for groups and organizations. Their responses may or may not accurately reflect the actual organizational or group stance.

### Individuals

Let us first summarize the findings for individuals. Overall, both disabled and non-disabled individuals felt: (a) all of the problem areas carried high importance, although on the average the disabled felt the problems were slightly more important than did the non-disabled; (b) in general, the legal system has not adequately addressed any of the problem areas (average rating = 2.19), and (c) the legal system could be utilized to do a good deal more in addressing each of the problem areas (average rating = 3.97). While the disabled and non-disabled generally agreed that all of the problem areas were important, they did not agree on the order of importance. Perhaps the most striking of these differences is in the importance attributed to use of public facilities and the inability to find employment. The disabled in this survey felt the most important problem confronting them was use of public facilities and the second most important problem was employment. Non-disabled individuals in this survey felt employment was the most important problem confronting the disabled, while they placed use of public facilities second. This "switch" of priorities would have been statistically reliable had these same results been obtained using a random sample. On the other hand, there was a fairly consistent agreement between the disabled and non-disabled on the relative importance of the other eight problem areas.

Consistent with the high importance attributed to use of public facilities and employment, individual respondents taken as a whole felt those two problem areas held the most efficacy for resolution by the legal system (ideal minus actual). In other words, in two problem areas (use of public facilities and employment) individuals felt the legal system had fared poorly in addressing the problem and should be used to a much greater extent. In the other eight areas, the individuals felt the legal system to be less effective, either because it had already been used to a certain extent (education and medical care), or because it was limited in the extent to which it could address the problem (depression, loneliness, and isolation).

### Organizations/Groups

The responses given by organizations and groups are generally similar to those of individuals, but with some interesting differences in emphasis. Like individuals, the organization responses showed all the problems to be of generally high importance, the legal system doing a fair to poor job of addressing the problems and ideally should be used to a much greater extent to resolve the problems. When taken as a whole, disabled and non-disabled individuals rated the problems slightly (but consistently) more important than organizations and groups.

Unlike the individuals, the respondents for organizations/groups felt that "poor public attitudes toward the disabled" was the most important problem facing the disabled, with financial support programs and employment following closely behind. Somewhat surprisingly, "use of public facilities" placed 6th on the "importance" priority list of organization and group responses, but was 1st and 2nd for disabled and non-disabled individual respondents respectively. Again, these differences should be interpreted in light of the high overall importance attributed to all of the problem areas. Nonetheless, the above mentioned differences, while not large, were consistent across individuals. In sum, the differences are best interpreted as relative priorities.

Finally, like the individual responses, organizations and groups rated "use of public facilities" and "employment" as the most fertile areas for the legal system, but the latter group of respondents added "financial support programs" to their list of areas for effective legal system involvement.

#### CONCLUSION

In conclusion, one other consistent pattern in the data should be noted. For both individuals and organizations/groups, although more for individuals, there was a fairly strong positive relationship between their perception of the importance of a problem area, and the extent to which they felt the legal system could ideally address the problem area. In other words, the more importance an individual attributed to a problem area, the more likely he or she was to rate the ideal involvement by the legal system as high. The interpretation? The possibilities include the following: (1) the things we think most important are in fact most amenable to solution through legal channels; (2) we tend to believe that the things we care most about can be "solved" through existing means; (3) our definitions of importance derive, in part, from the extent to which the problem area can be addressed through existing political system channels (the reverse of #2).

[The analysis of data and summary of results was completed by Kenneth L. Spenner, University of Wisconsin.]

May, 1976

TABLE 1. AVERAGE SCORES FOR  
THE PROBLEM AREAS  
FOR SEVERAL SUBGROUPS

NCLH Survey - May, 1976

PROBLEM AREA	INDIVIDUALS				ORGANIZATIONS/GROUPS		
	Importance of Problem Area	Non- Disabled	Legal System-- ACTUAL	Legal System-- IDEAL	Importance of Problem Area	Legal System-- ACTUAL	Legal System-- IDEAL
	Disabled	Disabled	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
(1) Inability to use public facilities	4.79	4.49	2.09	4.58	4.18	2.24	4.32
(2) Inadequate or non-existent financial support programs	4.30	4.13	2.44	4.21	4.45	2.34	4.53
(3) Lack of contact between "able bodied" and "disabled"	4.21	4.15	1.97	3.48	3.77	1.86	3.56
(4) Depression, loneliness, isolation, lack of self-confidence	4.11	4.23	1.66	2.94	4.21	1.62	3.00
(5) Inability to find employment	4.64	4.71	2.17	4.50	4.52	2.12	4.61
(6) Lack of adequate education	4.49	4.37	2.75	4.49	4.35	2.82	4.64
(7) Inaccessibility of public officials	3.95	3.68	2.09	3.67	3.57	2.00	3.52
(8) Inadequate medical care	4.34	4.05	2.48	4.19	4.10	2.39	4.22
(9) Inadequate counseling services	4.13	4.08	2.32	3.95	4.04	2.19	3.83
(10) Poor public attitudes toward the disabled	4.45	4.48	1.92	3.64	4.55	1.67	3.47
Number of respondents	39	41	80	80	79	79	79
Average across all problem areas	4.34	4.24	2.19	3.97	4.17	2.13	3.97

METHOD OF SCORING: In the first category, respondents scored the problems as to their importance on a 1-5 scale (the higher the score, the more important the problem area). Second, respondents scored the problem area as to the extent to which the legal system (executive, judicial, and legislative) has adequately address the problem area, again using a 1-5 scale (a low score indicating the legal system has NOT adequately addressed the problem area). In the third category, each respondent scored the problem area on the extent to which they felt the legal system should ideally be used to address the problem area on a 1-5 scale (a high score indicating the legal system SHOULD be used to a great extent to address a problem area).

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## NATIONAL CENTER FOR LAW AND THE HANDICAPPED

### PROJECT OVERVIEW

Established in July of 1972, the National Center for Law and the Handicapped has been jointly funded by the Bureau of Education for the Handicapped, Office of Education, and as a project of national significance, by the Division of Developmental Disabilities, Office of Human Development of the U.S. Department of Health, Education, and Welfare. NCLH was established to protect and insure equal protection under the law for all handicapped individuals in our country through provision of legal assistance, legal and social science research activities, and programs and processes of public education and professional awareness. Assistance for disabled individuals is provided through direct legal intervention in selected cases and indirectly through consultation with attorneys, organizations, and individuals considering or involved in litigation. NCLH has been admitted to serve in court cases in the capacity of counsel and co-counsel, but primarily serves in an amicus curiae (friend of the court) role. The NCLH legal and social science staff also provides assistance to attorneys and legislators working in areas involving the disabled through consultation, legal research, and the drafting of model pleadings and briefs.

Research activities of the NCLH legal and social science staff are broad-based and multi-disciplinary in nature. They have been designed to facilitate legal reform and to allow a fuller realization of the legal rights of the handicapped. Providing education about disabilities and heightening awareness of professionals to the problems of the disabled have always been paramount NCLH objectives. Thus, the Center has conducted a wide range of activities aimed at advancing public understanding and creating greater concern for disabled citizens among professional groups. Members of the NCLH professional staff have been active participants in state and national conferences, seminars and workshops sponsored by consumer organizations, academic institutions and governmental agencies. More importantly, the Center has itself organized workshops, programs and consumer conferences focusing upon such key issues as education, legal advocacy, medical care and treatment, accessibility and transportation, and

equal employment opportunity. In November of 1975, the Center inaugurated publication of a bi-monthly magazine, Amicus, designed to monitor and report developments in the law as they relate to the rights of the disabled, specifically significant court cases and legislation. Amicus is disseminated to both the legal and lay public.

Recognizing the need and impact of training advocates in the newly emerging field of law and the handicapped, the Center has, since its inception, maintained an active clinical intern program with the University of Notre Dame/Notre Dame Law School. NCLH is concerned about the establishment and development of similar programs in other law schools, as well as the formation of legal advocacy programs in various communities, and, therefore, actively seeks to support them through any of the Center's various professional resources. Such programs and activities offer the promise of amplifying the impact of the National Center for Law and the Handicapped upon the quality of life of the disabled of our country.

Panel members will describe, from their viewpoint and that of their constituency, perceptions and expectations of the "LAW," attorneys and their role, and the legal process in securing rights of the disabled.

3:00 P.M. - 3:30 P.M. — **Break**

3:30 P.M. - 4:30 P.M. — **Discussion: Reactions to Panel**

4:45 P.M.

**OPTION I**

**Building Awareness Through Experience: Dining Out**

Panorama Room

Peter Leech, Coordinator

Conferees who would like to continue the awareness-building process which began in the morning session, will be dining as a group in a local restaurant. Barriers to understanding, participating, and communicating are internal and external, and we invite you to identify, confront, and explore them with one another.

5:00 P.M. - 7:00 P.M. — **OPTION II**

**Talk Shop**

Panorama Room

One benefit of any conference is the making of new acquaintances and the sharing of ideas and information. This session "formalizes" that process and provides the opportunity to learn about the programs and interests of other conferees "in the field."

All Conference participants were invited to bring informational material for distribution at this time.

**FRIDAY, MAY 28**

8:30 A.M. - 9:00 A.M. — **Coffee and Danish**

Horizon Room

9:00 A.M. - 12:00 P.M. — **OPTION I**

**Policy Negotiation: Game Strategies**

(Alternate Session)

Lanai III

9:00 A.M. - 10:15 A.M. — **OPTION II**

**Economic Impact of Legislation and Litigation**

Horizon Room

Michael Burns and Richard Emery

Litigation "victories" and "progressive" legislation can require new funding and/or a new distribution of existing monies in order to secure their implementation. The speakers will discuss 1) the federal legislation funding process and outlook, and 2) the ability of the court to impact on this process.

10:15 A.M. - 10:45 A.M. — **Break**

10:45 A.M. - 12:00 P.M. — **Financing the Cause: Traditional and Alternative Sources of Funding**

Horizon Room

William Bean

Susan Leviton

Bill Sommerville

Identifying sources of funding for legal advocacy programs is an urgent concern to many conferees. Speakers will present the "future funding picture" from three different perspectives: 1) federal government sources; 2) foundations — both family and community; 3) potential new sources, such as pre-paid legal insurance.

12:00 P.M. - 1:00 P.M. — **Lunch**

1:00 P.M. - 3:30 P.M. — **Coalition vs. Separatism**

Horizon Room

Overview of Issues: Kathleen Ursin

Point/Counterpoint:

Robert Hansen Dennis Haggerty Judy Heumann Durward McDaniel

These two strategies for groups working to achieve goals will be juxtaposed — the advantages and disadvantages of using each method will be highlighted in the point/counterpoint format. Conferees are asked to discuss the issues following the presentations.

3:30 P.M. - 4:00 P.M. — **Break**

4:00 P.M. - 5:30 P.M. — **State of the Art: Information Fair**

Horizon Room and Lanai III

Education — Greig Siedor

Transportation — John Lancaster

Architectural Barriers and Housing — Kent Hull

Employment — Thomas Clark

Institutionalization — Joel Klein

"Round tables" will be staffed by attorneys who will have on display current data on significant litigation and legislation in the above areas. Conferees are asked to circulate among the tables, gain knowledge of what has happened and what is currently happening, and identify problems which should concern legal advocates in the future.

6:00 P.M. - 7:00 P.M. — **Political Organization and Political Moxie**

Horizon Room

Lisa Walker, Coordinator

Professional staff person(s) from Capitol Hill will provide other conferees with a unique understanding of "how to get things done" in Washington.

7:30 P.M. - 9:00 P.M. — **OPTIONAL**

Reception hosted by the Center for Independent Living at their facilities — 2539 Telegraph Avenue, Berkeley.  
Performance by CIL drama group.

## **SATURDAY, MAY 29**

8:00 A.M. - 8:30 A.M. — **Coffee and Danish**

8:30 A.M. - 9:00 A.M. — **Review of Issues: Strategy Development**

Horizon Room

9:00 A.M. - 10:45 A.M. — **Small Work Groups**

10:45 A.M. - 11:00 A.M. — **All participants reassemble**

11:00 A.M. - 11:45 A.M. — **Group Reports**

11:45 A.M. - 12:00 P.M. — **Closing Remarks — Harvey Bender**

---

*We would like to thank the staff of the Center for Independent Living for their encouragement and technical assistance.*



June 15, 1976

Lex Frieden  
New Options Transitional  
Program Research Director  
Texas Institute for Reha-  
bilitation and Research  
105 Drew  
Houston, Texas 77005

Dear Lex,

On behalf of the Center staff, we would like to express to you our appreciation for your participation in the conference, ASSESSMENT '76: PERSPECTIVES ON LEGAL ADVOCACY, held May 26-29 in Berkeley, California. Your involvement contributed greatly to the success of this meeting.

As we indicated at the conference, formal proceedings will be prepared for publication and sent to you upon their completion. Prior to their distribution, however, we would like to provide you with some resource material that a number of participants indicated would be of value to them immediately. Enclosed is a list of significant legislation and litigation in five major areas relating to disability which were prepared for discussion during the "Information Fair". Many of the materials which Bill Sommerville from the San Mateo Foundation brought with him can be obtained free of charge from The Foundation Center, 888 Seventh Avenue, New York, New York 10019. Therefore, we are providing references to these rather than copies of them. They include:

- 1) "Foundations Grant Index: Subjects 1975, Microfiche Order Form"; and
- 2) "Foundation Annual Reports on Film".

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Lex Frieden  
June 15, 1976  
Page 2

In addition, he sent to the Center a bibliography on "Resources for Grant Writers". If you would like a copy of this seven page list, please write to us.

If you have not already done so, we would appreciate your returning to us the completed conference evaluation form which was included with your registration materials. Your perceptions of and comments on the format and content of this working meeting are extremely important to us.

Thank you again for your participation and we look forward to seeing and working with you in the future.

Sincerely,

*Kathleen Ursin*

Kathleen Ursin  
Director of Education

*Barbara Robinson*

Barbara Robinson  
Assistant Director of Research

KU/BR:bev



June 1, 1976

Mr. Lex Frieden  
9667 Meadowvale  
Houston, Texas 77042

Dear Mr. Frieden:

Thank you for your meaningful participation in the National Center for Law and the Handicapped conference, Assessment '76: Perspectives on Legal Advocacy.

In our letter of March 26, 1976, the Center made arrangements with you to help defray expenses of your attendance at this conference in the amount of \$750.00. Enclosed is a draft for that sum.

The Center staff would like to express our appreciation for your joining us during the conference.

Sincerely,

*Kathleen Ursin*

Kathleen Ursin  
Director of Education

*Barbara Robinson*

Barbara Robinson  
Assistant Director of Research

KU:BR/bev

cc: Harvey Bender  
Phyllis Jacox

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April 23, 1976

Lex Frieden  
9667 Meadowvale  
Houston, Texas 77042

Dear Mr. Frieden:

This is to inform you of final plans for the Conference on developing legal advocacy systems being sponsored by the National Center for Law and the Handicapped. As you will note on the enclosed schedule, registration will take place from 4:00 P.M. to 8:00 P.M. on Wednesday, May 26 in the lobby of the Claremont Hotel (Berkeley, California), followed by an informal gathering for all participants. Our final meeting will conclude at approximately 1:00 P.M. on Saturday, May 29.

As mentioned in previous correspondence, we are asking that all hotel and travel arrangements be made directly by you. In making reservations with the Claremont Hotel, you must specify that you are attending this Conference to be eligible for the government discount of \$20.00 nightly. If you have any questions regarding this matter, please call the Hotel directly (415/843-3000). Transportation services to the hotel are available at this same number for those arriving at the Oakland Airport.

We also ask that you complete the biographical data sheet included in this letter and return it to us at your earliest convenience. This information will aid in our preparation of news releases and other possible publicity materials.

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Lex Frieden  
April 23, 1976  
Page 2

If you would like to share information about programs, projects, research, etc. you are involved with, please bring brochures, literature, films and any other materials with you to the Conference. On Thursday evening from 5:00 P.M. - 7:00 P.M. we will have space available for you to display these materials and meet with individuals from other programs.

Thank you for your interest and we look forward to meeting with you in Berkeley.

Sincerely,

*Kathleen*

Kathleen Ursin  
Director of Education

*Barbara Robinson*

Barbara Robinson  
Assistant Director of Research

KU/BR:bev

Encls.

cc: File No. 75/0253

## SCHEDULE OF EVENTS

Wednesday, May 26th

- 4:00 p.m. - 8:00 p.m. - Registration
- 8:00 p.m. - 10:00 p.m. - Informal Gathering - no-host bar

Thursday, May 27th

- 8:30 a.m. - 9:00 a.m. - Coffee and rolls
- 9:00 a.m. - 12:15 p.m. - Awareness-Building Session
- 12:15 p.m. - 1:30 p.m. - Lunch
- 1:30 p.m. - 4:30 p.m. - OPTION I  
Game-Development
- 1:30 p.m. - 3:00 p.m. - OPTION II  
Achieving Change Through Legal Action
- 3:00 p.m. - 3:30 p.m. - Break
- 3:30 p.m. - 4:30 p.m. - Discussion: Reactions to Panel
- 4:45 p.m. - OPTION I  
Building Awareness Through Experience:  
Dining-Out
- 5:00 p.m. - 7:00 p.m. - OPTION II  
Information/Talk Shop  
Open to all participants

Friday, May 28th

- 8:30 a.m. - 9:00 a.m. - Coffee and rolls
- 9:00 a.m. - 12:00 p.m. - OPTION I  
Game-Development (Alternate Session)
- 9:00 a.m. - 10:15 a.m. - OPTION II  
Economic Impact of Legislation and  
Litigation
- 10:15 a.m. - 10:45 a.m. - Break
- 10:45 a.m. - 12:00 p.m. - Financing the Cause: Traditional and  
Alternative Sources of Funding
- 12:00 p.m. - 1:00 p.m. - Lunch

Schedule of Events  
Page 2

Friday, May 28th (cont'd.)

1:00 p.m. - 3:30 p.m.	-	Coalition vs. Separatism
1:00 - 1:15	-	Overview of Issues
1:15 - 2:15	-	Point/Counterpoint
2:15 - 3:30	-	Discussion
3:30 p.m. - 4:00 p.m.	-	Break
4:00 p.m. - 5:30 p.m.	-	Information Fair - Open to all Participants
6:00 p.m. - 7:00 p.m.	-	Political Organization and Political Moxie
7:30 p.m. - 9:00 p.m.	-	OPTIONAL: Reception hosted by CIL at their facilities

Saturday, May 29th

8:30 a.m. - 9:00 a.m.	-	Coffee and rolls
9:00 a.m. - 9:30 a.m.	-	Presentation of Problem
9:30 a.m. - 9:45 a.m.	-	Break into Small Groups (4) for Problem Resolution
9:45 a.m. - 11:45 a.m.	-	Work Group Sessions
11:45 a.m. - 12:00 p.m.	-	Reassemble
12:00 p.m. - 1:00 p.m.	-	Group Reports

CLOSING



March 29, 1976

Mr. Lex Frieden  
9667 Meadowvale  
Houston, Texas 77042

Dear Mr. Frieden:

We are pleased that you will be available to attend the conference on developing consumer oriented systems of legal advocacy which NCLH is sponsoring May 26-29, 1976, in Berkeley, California.

As indicated in our initial invitation, we polled our participants to determine those persons who could not attend unless some of their expenses were defrayed by the Center. Based on this survey, and given the very limited funds available to us, we have allocated to each person requiring some funds, an amount which we hope will enable them to attend.

We are pleased that we can offer you \$750.00. This amount will be mailed to you by check shortly after the conference.

We ask that you handle personally all arrangements for and payment of bills for air travel, hotel, and meals. Since we have guaranteed rooms at the Claremont and obtained a special rate for participants, we must ask that you stay at the conference hotel in order to receive any coverage of expenses. No other conditions are set and it will not be necessary to submit any receipts or bills to us.

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Mr. Lex Frieden  
March 29, 1976  
Page 2

If you have any questions about these arrangements please call us at the Center (219/288-4751). We look forward to seeing you in Berkeley in May.

Sincerely yours,

*Kathleen*

Kathleen Ursin,  
Director of Education

*Barbara Robinson*

Barbara Robinson,  
Assistant Director of Research

KU:BR/bev

cc: File No. 75/0253

10. Affirmative Action Legislation
  - A. Section 503
  - B. Section 504
  - C. HEW Regulations of 6/4/75
11. Status of American Coalition Disabled Voters
12. White House Conference on the Handicapped
13. Policy on Distribution of ACCD Mailing List
14. Future Activity on SSI
15. Testimony on Transportation Regulations
16. Participation and Involvement of ACCD Member Organizations in Hearings on Federal Legislation and Issues
17. Amtrak - Model car Review
18. Status of Agnes Whitney
19. 1980 Census
20. Future Board Meetings
21. New/other Business

8-10-76

Bar, Robinson called and said that  
NCLH could prob. pay my transportation  
plus room & board for cattle meet & d.



February 13, 1976

Mr. Lex Frieden  
9667 Meadowvale  
Houston, Texas 77042

Dear Mr. Frieden:

The National Center for Law and the Handicapped would like to take this opportunity to invite you to attend a by-invitation only Conference which we will be conducting in Berkeley, California, May 26th through May 29th, 1976. This Conference will be convened at the Clairmont Hotel, a completely accessible facility.

Our purpose in sponsoring this Conference is to develop a national legal advocacy network which will be responsive to the self-expressed needs of handicapped individuals. To this end, disabled consumers affiliated with an organized advocacy group are being invited, in addition to representatives from legal advocacy agencies and related professions serving the handicapped.

The Conference, in bringing together individuals from various areas of advocacy, will hopefully provide a forum for the exchange of ideas and strategy in formulating the components for such a network. It is intended to be a working meeting for those present, thus we are requesting that they be available for the entire Conference. The format will be varied and will include traditional seminars, awareness-building sessions, and game development planning for advocacy groups. Participants will be encouraged to build upon the suggestions offered at the Conference for the development and implementation of a legal advocacy system for the disabled within their regional areas.

We ask that you confirm your participation in the Conference by mailing the enclosed form in the business reply envelope provided to the Center at your earliest convenience. All forms must be returned to the Center by March 1, 1976. Further details concerning the schedule will be provided at that time. If it is impossible for you to make a confirmation by that date, please call the Center (219/288-4751) to discuss the matter with us.

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Mr. Lex Frieden  
February 13, 1976  
Page 2

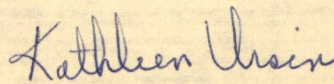
Since the Conference budget is extremely limited, the Center is not able to fully reimburse each participant for expenses. However, if you are unable to attend because of funding difficulties, please contact us.


Included in this letter is a hotel registration which should be mailed directly to the Clairmont at the time you make your confirmation with the Center. As noted on the card, participants are being asked to arrive the evening of Wednesday, May 26, 1976 for an informal social gathering. The concluding session will end at approximately noon on Saturday, May 29th. All single occupancy rooms will be available at the government discount of \$20.00 per night. Please indicate on the card whether you will need special assistance, i.e., attendant service, special medical assistance, etc.

We suggest that in making your travel arrangements you secure a flight into Oakland Airport. The Clairmont provides free shuttle service to and from the Oakland Airport and Emeryville Heliport. T.W.A. and American Airlines offer free helicopter service between Oakland and San Francisco Airports. The regular cost for this service is \$15.00 each way.

We look forward to hearing from you soon.

Sincerely,

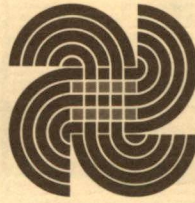
  
Kathleen Ursin,  
Director of Education

  
Barbara Robinson,  
Assistant Director of Research

KU:BR/bev

cc: File No. 75/0253

Enclosures



February 6, 1976

The National Center for Law and the Handicapped is a federally funded project created to help establish and ensure equal protection under the law for all disabled persons. As a national organization, however, the Center faces a major challenge in determining the real needs of those whom it seeks to serve. Only through communication with the handicapped and other concerned individuals such as yourself, can the Center establish valid priorities and assure its effectiveness. The purpose of the enclosed survey is to assist the Center in determining consumer needs and problem areas.

We hope you will help us in this effort by completing the enclosed survey. The information you provide will be discussed in an upcoming conference of disabled persons and concerned individuals in the field. Please be assured, however, that all responses will be kept anonymous.

Please return the completed survey and any additional comments or suggestions in the enclosed stamped/self-addressed envelope by February 27.

Thank you very much for your time and cooperation. If you have any questions regarding this survey, please contact me at (219) 288-4751.

Sincerely,

Kathleen G. Ursin  
Director of Education

KGU/bev

Encl.

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March 12, 1976

Mr. Lex Frieden  
9667 Meadowvale  
Houston, Texas 77042

Dear Mr. Frieden:

The National Center for Law and the Handicapped announces an opening on its professional staff for Director of Legal Services and seeks your assistance in identifying potential applicants for this position. The successful candidate will also serve as the Deputy Executive Director of the Center.

The primary functions of this position will be responsibility for directing and coordinating all legal activities, and aiding in the integration of these endeavors with the research and educative programs of the agency. Currently, the NCLH legal staff is composed of five attorneys and twelve legal interns. It is critical that the Director of Legal Services be an individual with a broad professional background and proven skills which include leadership ability, maturity, and the capacity and sensitivity to communicate effectively and forcefully the mission of the Center to its staff, supporting councils and bodies, and to the public. The salary will be predicated upon background and experience and can extend to the \$30,000 level. The Center also provides significant fringe benefits for its staff.

Established in July of 1972, the National Center for Law and the Handicapped has been jointly funded by the Bureau of Education for the Handicapped, Office of Education, and as a Project of National Significance, by the Division of Developmental Disabilities, Office of Human Development of the U.S. Department of Health, Education and Welfare. The purpose of NCLH is to establish and insure equal protection under the law for all handicapped individuals in our country through provision of legal assistance, legal and social science research activities, and programs and processes of public education and professional awareness. Assis-

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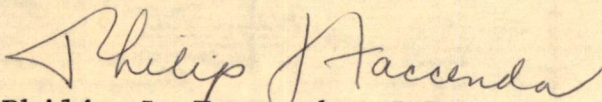
Mr. Lex Frieden  
March 12, 1976  
Page 2

tance for disabled individuals is provided through direct legal intervention in selected cases and, indirectly, through consultation with attorneys, organizations, and individuals considering or involved in litigation. NCLH has served in certain cases in the capacity of counsel or co-counsel, but primarily serves in an amicus curiae role. The NCLH legal and social science staff also provides assistance to attorneys and legislators working in areas involving the disabled through consultation, legal research and the drafting of model pleadings and briefs.

Recognizing the need and impact of training advocates in the newly emerging field of law and the handicapped, the Center has, since its inception, maintained an active clinical intern program with the University of Notre Dame/Notre Dame Law School. NCLH is concerned about the establishment and development of similar programs in other law and graduate schools, as well as the formation of legal advocacy programs in various communities, and, therefore, actively seeks to support them through the Center's various professional resources. Such programs and activities offer the promise of amplifying the impact of the National Center for Law and the Handicapped upon the quality of life of the disabled of our country.

We hope to complete the search process and appoint the Director of Legal Services by the end of April. I am certain that I speak for the entire staff in expressing appreciation for your assistance.

Sincerely,



Philip J. Faccenda, J.D.  
President, Board of Directors

PJF/bev

Encls.