ILLINOIS: A BLUEPRINT FOR HOW TO "WIN"
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A five year legal battle is finally wrapping up in Illinois where families with loved ones in larger facilities fought the state, the "advocates," and even the Court – and won. The *Ligas* case is a good lesson on how to win these battles.

The *Ligas* federal class action lawsuit was brought in 2005 by Equip for Equality (P&A), Access Living, and the ACLU against Illinois on behalf of about 6,000 severely disabled residents who live in the 240 privately-operated ICFs/MR with more than 9 residents, as well as those living at home with elderly parents awaiting placements. Included in the lawsuit was Misericordia in Chicago where President Obama's chief advisor – David Axelrod – has a daughter.

The plaintiffs alleged that ICF/MR residents were "warehoused, segregated, and deprived of their civil liberties." Instead, plaintiffs wanted the state to fund more placements in homes with less than 8 residents (called "CILAs" in Illinois).

In the first four years of the case, families, on behalf of their loved ones, unsuccessfully tried to intervene. As feared, in 2009, after four years of litigation, the parties reached a proposed settlement and submitted it to the court for approval. The settlement was troubling in that it would have required the state to reduce private "institutional" beds for each community bed it added.

In response, more than 2,000 families throughout the state for whom the settlement was suppose to help objected to the settlement. Teams of lawyers organized them and helped them file objections. At least 200 "objectors" attended the Fairness Hearing. In response, on July 1, 2009, Chief Judge Holderman rejected the parties' proposed settlement ***and*** decertified the class, effectively sending the case back to the beginning. Parties, however, persisted and in April 2010 tried to get a similar settlement approved and recertification of the class. Judge Holderman rejected their efforts and this time ordered the parties to instead negotiate directly with the family objectors, approving intervention.

Meet the *Ligas* Attorneys

William Choslovsky and **Scott Mendel**, represented Misericordia families (they have family members at Misericordia).

Jim Ducayet, represented nine residents of facilities across the state (the "Golden Interveners," named Anne and Sam Golden.

Judith Sherwin, represented VOR objectors at the fairness hearing that defeated the first settlement.

All these attorneys worked pro bono, fighting for families; fighting for choice.

THANK YOU!

Parties and objectors recently agreed to a settlement that require Illinois to fund at least 3,000 new community placements over five years, but also preserve the right of individuals to live in large facilities and the state's obligation to fund that choice.

"Though we always thought our legal arguments were correct, what turned the case was grassroots organizing, which in this case meant organizing thousands of families who knew their loved ones were not living dehumanizing, segregated lives as the complaint alleged," said William Choslovsky, counsel for Misericordia families and whose sister is a resident. "What makes these cases so dangerous is that they are brought by supposed 'advocates' who claim to speak for all disabled people. Viewed in this light, they are a Trojan Horse of sorts." He adds, "Let me be clear. We are not against CILAs. CILAs are wonderful . . . for some people. But just the same, so are large 'institutions.' True choice is a two way street, and when it comes for caring for the disabled, one size does not fit all. Why the 'advocates' use size as a proxy for quality is the real, underlying problem here."

Sister Rosemary Connelly who has run Misericordia for over 40 years sums it up this way: "Big can be bad. Small can be bad. Both can be good."