



PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA

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Thomas K. Gilhool

AN **EXTRAORDINARY**
LEGACY OF
SERVICE AND VISION

May 14, 2008
The Down Town Club
Philadelphia, PA

**CELEBRATING THOMAS K. GILHOOL'S
LEGACY OF SERVICE AND VISION**

MAY 14, 2008

PROGRAM

- 4:45 Registration
- Cocktails*
- 6:45 Welcome: **Roosevelt H. Hairston, Jr., Chair,**
Board of Directors of the Public Interest Law Center of Philadelphia
- Dinner*
- 7:30 Introduction of clients and colleagues: **Judith A. Gran, Director,**
Disability Project, Public Interest Law Center of Philadelphia
- **Pat Clapp**
 - **Elias Cohen**
 - **James Wilson and Quincy Abbot**
- 7:50 Introduction of Keynote Speaker: **Jennifer R. Clarke, Executive Director,**
Public Interest Law Center of Philadelphia
- 8:00 Keynote address: **Drew S. Days, III**
Alfred M. Rankin Professor of Law, Yale Law School
United States Solicitor General 1993-1996
- 8:20 Introduction of Thomas K. Gilhool: **Sheilah Vance, Executive Director,**
Institute for Educational Equity and Opportunity
- 8:40 **Thomas K. Gilhool, Esq.**
- 8:50-9:00 Concluding remarks

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The Public Interest Law Center of Philadelphia

Our Mission: *The Public Interest Law Center of Philadelphia is dedicated to advancing the Constitutional promise of equal citizenship to all persons irrespective of race, ethnicity, national origin, disability, gender or poverty. We use public education, continuing education of our clients and client organizations, research, negotiation and, when necessary, the courts to achieve systemic reforms that advance the central goals of self-advocacy, social justice and equal protection of the law for all members of society.*

The Public Interest Law Center of Philadelphia was founded in 1974 by the Philadelphia Bar Association and is one of eight local affiliates of the Lawyers' Committee for Civil Rights Under Law. The Lawyers' Committee was established in 1963 by the leadership of the American Bar Association at the request of President John F. Kennedy.

The Law Center believes that full and equal participation in our social, economic and political systems is possible only when all members of the community have access to the full resources of the legal system so that they have the power to deal on equal terms with public and private institutions.

A principal focus of our work is to secure systematic reforms through impact litigation. Towards this goal, we primarily represent individuals and organizations in Philadelphia and throughout the nation in civil rights cases that will benefit significant numbers of persons. The victories we secure in the courtroom result in policy changes and reforms that end abusive and discriminatory practices against thousands of minorities, children, persons with disabilities and other historically disenfranchised groups.

Attorneys:

Jennifer R. Clarke, *Executive Director*
Judith A. Gran, Esq., *Director, Disabilities Project*
James Eiseman, Jr., Esq.
Barbara E. Ransom, Esq.
Michael Churchill, *Of Counsel*
Thomas K. Gilhool, *Retired, Of Counsel*

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The Public Interest Law Center of Philadelphia extends a sincere thank you to the following individuals and organizations for their extra efforts to help make this evening a success:

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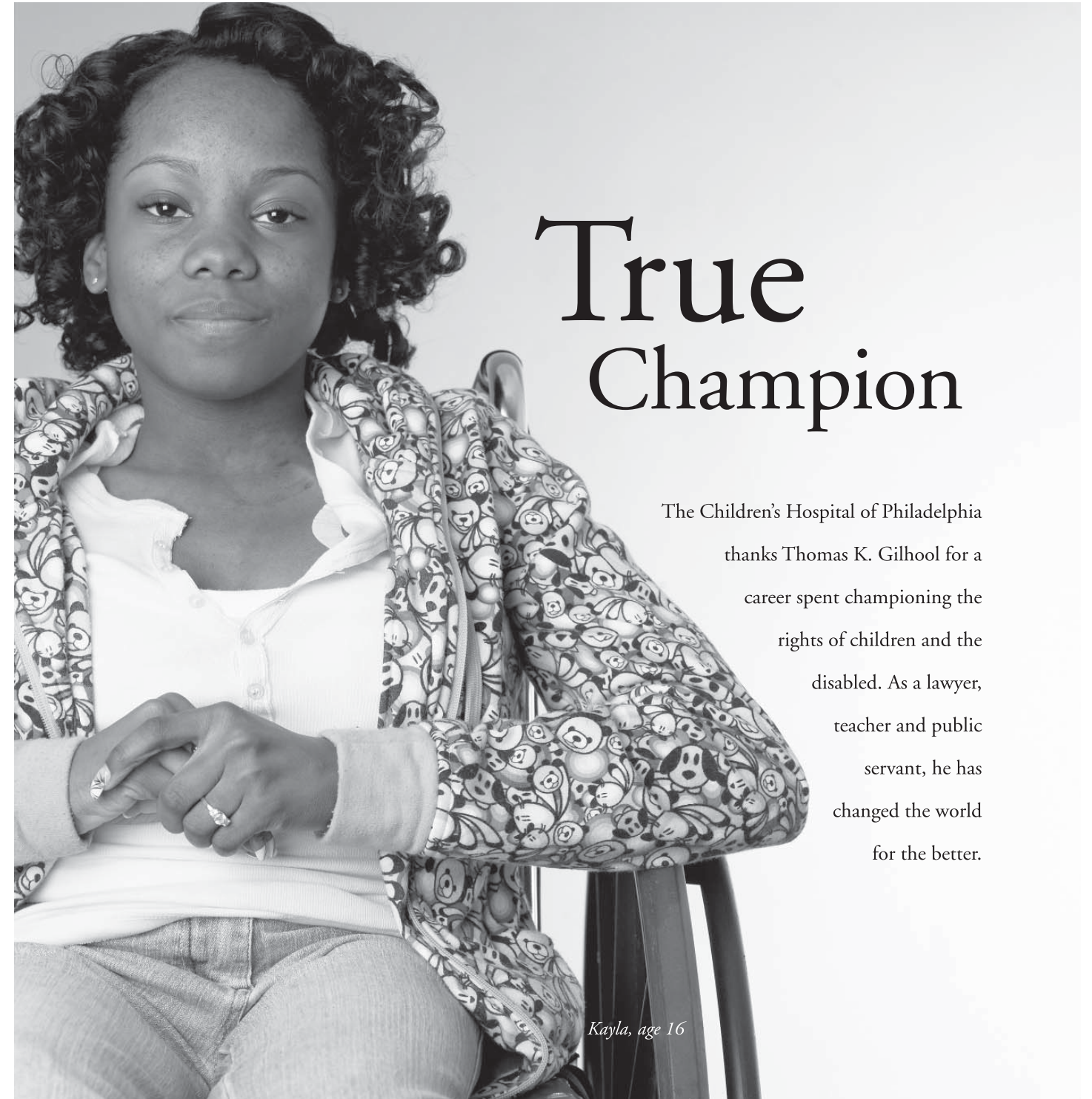
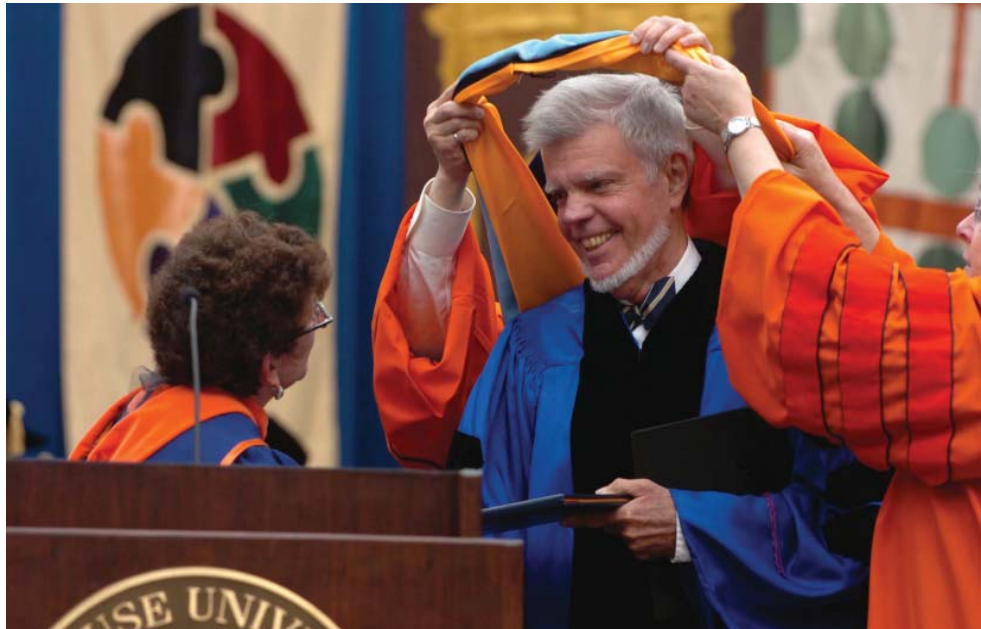
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Tom Kain, Keyboard

Paul Sipio, Bass



True Champion

The Children's Hospital of Philadelphia thanks Thomas K. Gilhool for a career spent championing the rights of children and the disabled. As a lawyer, teacher and public servant, he has changed the world for the better.

Kayla, age 16



The Children's Hospital of Philadelphia®

Hope lives here.



To Dad, Pa, Grandpa Tom and Grandfather Gilhool,

We're very proud of you and we love you.

Your family,

Bridget, Don, Max and Erika

&

Nick, Marian and Milo

OXOXOXO

Dechert's Ad [HERE](#)



Equity, Opportunity, and Inclusion for People with Disabilities since 1975.

Pennsylvania TASH honors Tom Gilhool today, because his life's work as an attorney helped massively and indispensably to create a national environment in which TASH could thrive. His achievements, from the Right to Education to the closing of institutions, reads like a paraphrasing of the TASH Mission Statement. Thank you, Tom, for opening our schools, improving health care, emptying institutions, and always continuing to fight the good fight. Some of these issues will still need your brilliant attention for a long time to come.

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Congratulations

Thomas K. Gilhool

**Upon retirement from the
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A lifetime legacy of vision, advocacy and public service, speaking to the nation's conscience on behalf of children and families

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TOM

YOU HAVE SERVED THE PUBLIC GOOD AND

MAGNIFIED OUR PROFESSION

MAY YOU GO

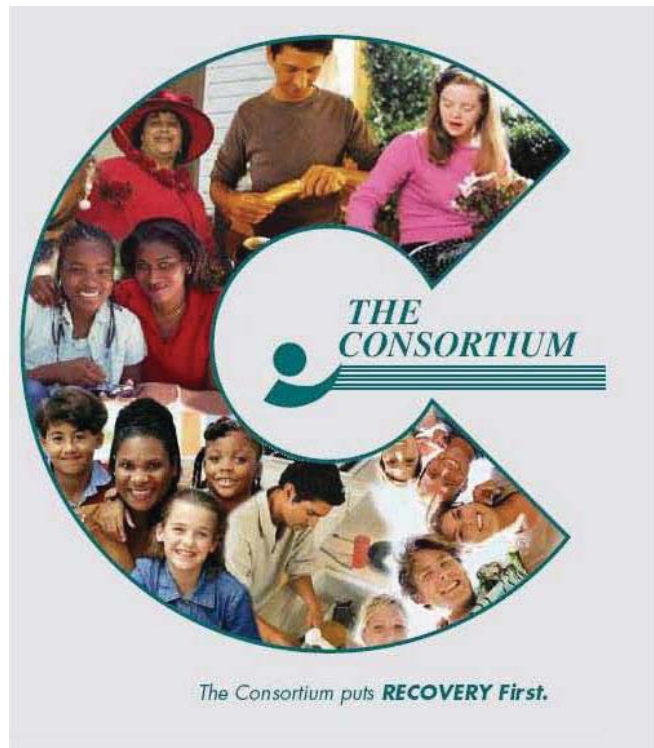
FROM STRENGTH TO STRENGTH

JERRY SHESTACK

Congratulations Tom!

A Proud Classmate,

Luis Schuchinski



**WE CONGRATULATE
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HONORING THOMAS K.
GILHOOL FOR HIS MANY
YEARS OF SERVICE TO
THE PUBLIC**

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Thomas K. Gilhool

ON HIS RETIREMENT



*Proud to be the regional leader in
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Cliff and Julie Haines congratulate
Tom Gilhool
on this wonderful evening and
thank him for his leadership, vision
and dedication to
the Public Interest Law Center
of Philadelphia



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*Community
empowers us.*

PECO believes in the power of
community. We support a world
of diverse values and abilities,
where each one of us can belong.

*PECO salutes Thomas J. Gilhool for 41 years
of excellent public service and dedicated work at
The Public Interest Law Center of Philadelphia.*



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*Congratulations on your retirement, Tom
and many heartfelt thanks
for your tireless efforts on behalf of
children and their health care.*

We salute you!

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



Thank you, Tom

*for your unwavering
dedication and extraordinary
lifelong work
to advance the rights of
individuals with disabilities!*

Thomas Gilhool
Was never a fool
Oh, he was a lawyer with smarts!
He pursued all his cases
Wearing glorious braces
And won all the best jurists' hearts!

Best Wishes
and
Endless Thanks
from



Bill and Anne Ewing



C | A | R | I | E

Salutes Tom Gilhool and the Public Interest Law Center of Philadelphia for its efforts to improve the lives of vulnerable Philadelphians and others throughout the region, the state and the nation.

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How do you tell a brilliant, remarkable, enthusiastic, annoying, loveable and fun leprechaun happy retirement?*

From,
Mrs. E

*Leprechauns never retire!

Congratulations to
Tom Gilhool

A superb career
devoted to the public
service

Much admiration,
Claire and Sam Fagin

TO A MAN WHO EXTRACTS FROM HISTORY THE INSPIRATION
AND IDEAS THAT SHAPE A VISION FOR THE FUTURE:

WE JOIN THE LONG LINE OF THOSE WHOSE LIVES WERE
IRREVOCABLY ALTERED BY THE BRILLIANCE OF THAT VISION.

THANK YOU TOM

JENNY CLARKE AND AL BARSTOW

Thank you, Tom,
for the doors
you've opened.

Emmet Linn &
Dawn Ang

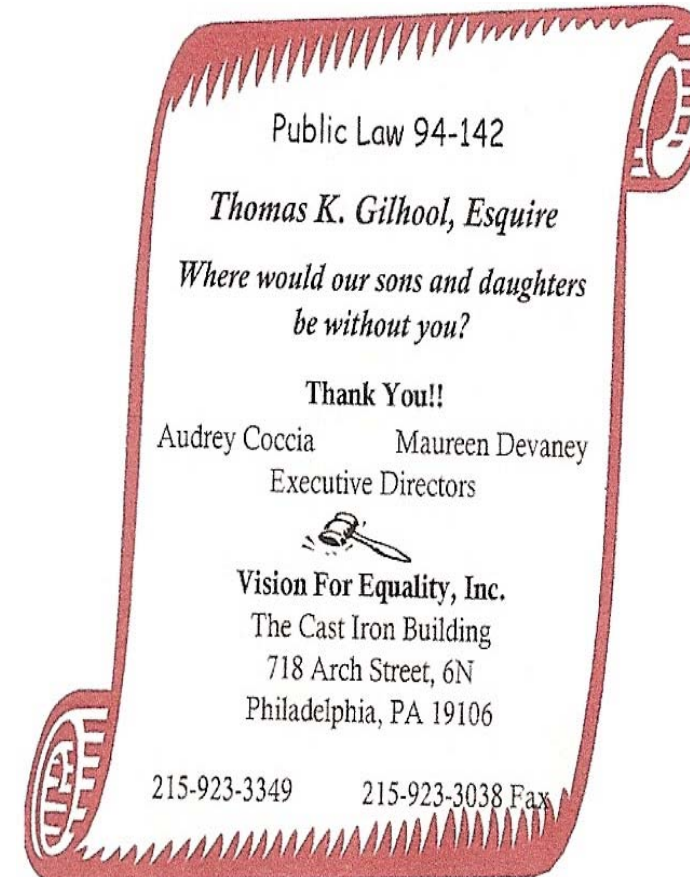
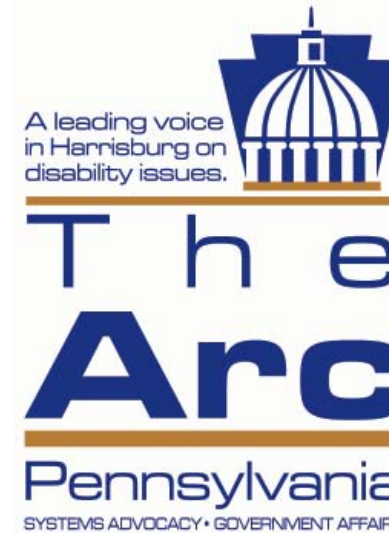
On behalf of Ian

The Law Firm of
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is proud to salute
**The Public Interest Law Center
of Philadelphia**
and to honor
Thomas K. Gilhool
**For Their Outstanding
Contributions
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Tom -- Thank you for your
extraordinary
service to Pennsylvanians with
intellectual
disabilities and their families!
The Arc of Pennsylvania
www.thearcpa.org



WELCOMING CENTER FOR NEW PENNSYLVANIANS

Congratulates the great work of
Thomas Gilhool

His 41-years of public service have helped to improve the
lives of so many families and communities.



Thomas Gilhool is a founding
board member for the
Welcoming Center for New
Pennsylvanians, a nonprofit
organization that works to
promote immigrant
participation in the region's
economic, political, and social
life.

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phone 215-557-2626
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www.welcomingcenter.org

WELCOMING CENTER FOR NEW PENNSYLVANIANS

AM I GLAD HE
LOST HIS BID FOR
CITY COUNCIL –
HE WAS
AVAILABLE.

DENNIS E.
HAGGERTY

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THANKS
THOMAS GILHOOL

—ONE WHO BELIEVES IN EQUALITY
ON THE SCALES OF JUSTICE AND
IN THE EYES OF GOVERNMENT—

FOR A CAREER SPENT
WALKING THE WALK FOR THOSE WHO CANNOT
AND LEADING US ALL TO A BETTER PLACE.

ROGER J. DENNIS, FOUNDING DEAN



Community service is deeply ingrained in our culture and in the lives of our lawyers and staff. We support a wide range of organizations that play a vital role in strengthening the communities in which we live and work.

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Salutes

Tom Gilhool

for 41 years
of extraordinary service
to the public interest.



Delaware Florida Hong Kong New Jersey New York Ohio Pennsylvania Washington, DC



Continuing the commitment of
improving the lives of children,
their families, and their communities.



Congratulations to Tom and PILCOP

**We have received much more
than we have given**

Donald and Harriet Joseph

TOM

SPECIAL CHILDREN

LOVE

REVOLUTIONIST

ACHIEVEMENT

COMRADESHIP

THANK YOU

ALLEN
BOSTON

**DERFNER
ALTMAN &
WILBORN**

of Charleston, S.C.

Salutes

TOM GILHOOL

BEST WISHES

**ALAN H.
SILBERMAN**

YALE LAW '64

We thank Tom Gilhool, Esq. for his
heartfelt support and expert advocacy
on behalf of
Pennsylvania's autism community.



Autism Support and Advocacy in
Pennsylvania (ASAP)

Tom:

Dear Tom,
Thank you for
making so
many people's lives
worth living.
Fondly,
Jim and Marianne
Roche

The guy who became the
standard for us all.

Jonathan Stein
George Gould

and

Friends at
Community Legal Services



The Arc of Massachusetts
congratulates *The Public Interest
Law Center* and
Tom Gilhool for the legal
accomplishments that created

- The right to education and
- The right to community
services

that we continue to vigorously
protect.
Leo Sarkissian, Executive Director

Congratulations Tom!

Your accomplishments have
been extraordinary and
monumental to the lives of
people with disabilities --
including being the guiding
light behind the community
system of services in
Connecticut.

On behalf of all -- thank you
and all the best!

The Arc of Connecticut

CONGRATULATIONS
AND BEST WISHES
TO TOM GILHOOL
Friend...

Mentor...

Board Member...



Sheilah D. Vance, Esq.
Executive Director
Institute for Educational
Equity and Opportunity
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Washington, DC 20005
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Philadelphia, PA 19110
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We salute Tom Gilhool – whose lifelong
commitment to human rights and passion
for social justice embody what Martin
Luther King, Jr. called: “*The fierce
urgency of now.*”

With warmest wishes to both Tom and
Gillian,

Harris Wofford & Dan Wofford

“Best regards to Tom... –Timothy Potts”

Dear Tom:

To a man who speaks in the most beautifully constructed sentences, who knows every stanza of “Lift Every Voice and Sing,” who conceives legal principles that uplift our society by embracing our ideals and not our limitations, and who has been a steadfast friend and confidant, congratulations and thank you. For my late father, Charles, and myself, we are forever grateful that your life touched ours.

With deepest appreciation,

Christopher A. Lewis

Please give Tom my congratulations and love... An admirer, Michelle Osborn

“Tom Gilhool confirmed my belief in my son’s ability. It was a cool winter day when I came to the Law Center to speak with Barbara Ransom about my son Adam Butler’s case. Adam was a short, wiry little boy of about ten years old. He was fascinated with the office and with the people there. Tom was going out to mail some packages and he asked Adam to go with him. I was concerned because of the traffic and the fact that Adam would dart out onto the street. Barbara encouraged me to let him go with Tom, a former teacher. When they returned, Adam was very happy. He told me that Tom had mailed the packages. He also told me that while he was outside he and Tom had talked about his becoming a lawyer for people with disabilities. Tom told him that he would help him get a job at the Law Center if Adam finished his law degree. Later, Tom told me that Adam had discussed the election, the candidates and the issues with him. Adam was in favor of Clinton. Adam had repeated most of what he read from his weekly readers and from discussions held among family members. I knew my son was of normal intelligence, despite the fact that his school had given him intelligence tests and told me he had an IQ of 57. But that conversation with Tom proved to me again that he was capable and that he was listening despite his ongoing battle with autism. Thanks to Tom Gilhool, I never saw Adam as quite as disabled as I had previously. Thanks, Tom.
Jean White-Butler”

Drew S. Days, III

Biography

Drew S. Days, III, has been the Alfred M. Rankin Professor of Law since 1991. He joined the faculty in 1981. At Yale, his teaching and writing have been in the fields of civil procedure, federal jurisdiction, Supreme Court practice, antidiscrimination law, comparative constitutional law (Canada and the United States), and international human rights. From 1988 to 1993, he was also the founding director of the Orville H. Schell Jr. Center for International Human Rights at Yale Law School. He is a 1963 honors graduate in English Literature of Hamilton College in Clinton, New York. He received his LL.B degree from Yale University in 1966. After practicing briefly with a labor firm in Chicago, he entered the Peace Corps, serving as a volunteer in Honduras from 1967-1969. After the Peace Corps he joined the staff of NAACP Legal Defense Fund in New York City, litigating cases in the areas of school desegregation, police misconduct, and employment discrimination until 1977. In 1973, Professor Days took a two-year leave from the Legal Defense Fund to teach at the Temple University School of Law. From 1977 to the end of 1980, Professor Days served as the Assistant Attorney General for Civil Rights in the Carter Administration. In that capacity, he was responsible for enforcement nationwide of federal civil and criminal civil rights laws. From 1993-1996, Professor Days served as the Solicitor General of the United States, the Government’s lawyer before the United States Supreme Court, in the Clinton Administration. Professor Days is the author of two volumes on United States Supreme Court jurisprudence, practice, and rules: *Moore’s Federal Practice*, Third Edition, and most recently, of “‘Feedback Loop’: The Civil Rights Act of 1964 and Its Progeny”, 49 *St. Louis U.L.J.* 981 (2005).

CURRICULUM VITAE OF THOMAS K. GILHOOL

EDUCATION

- London School of Economics and Political Science, Fulbright Scholar in Town Planning, 1964-65.
- Yale Law School, LL.B. (J.D.) 1964; Member, Editorial Board, Yale Law Journal.
- Yale University, M.A. in Political Science, 1964.
- Yale University, Woodrow Wilson Fellow in Philosophy, 1960-1961.
- Lehigh University, B.A., International Relations, 1960; Phi Beta Kappa, *cum laude*, College Honors; Bosey Reiter Leadership Cup, Dean's Service Award, Class President.
- Georgetown University and the University of Scranton, philosophy and French, and philosophy, respectively, Summers 1958 and 1957.
- St. Paul's High School, Scranton, Pennsylvania, National Merit Scholar (1st set, 1956).

PERSONAL EXPERIENCE

Public Interest Law Center of Philadelphia (1975-1986; 1990-present)

For twenty-six years—with leaves to serve as Secretary of Education for Pennsylvania and to teach in an inner city middle school—I have practiced civil rights law at the Law Center, twelve years as its first Chief Counsel. The Law Center is a non-profit law firm specializing in the long-term representation of civil rights organizations and three members in pursuit of full and equal citizenship, particularly including effective public education and universal children's health care, the benefit of community services, jobs and a decent income, the enhancement of the urban environment, and responsive public institutions. Ranging in size over the years from 6 to 19 lawyers, up to ten other professionals (educators, environmental biologists, gerontologists and statisticians), four to ten support people and budgets from \$315,000 to \$1.7 million, our practice, which has reached into thirty-six states is characterized by close continuing client relationships; the ground-breaking use of the courts, legislatures and administrative processes to achieve concrete lasting changes of significant magnitude in the real every day lives of our clients and their constituents; education, training, technical support to empower our clients to make systematic use of the law in all public forums; and command of state-of-the-art knowledge in each of the societal areas in which we work. Our clients include national, state and local disability organizations; the American Academies of Pediatrics and Pediatric Dentistry; parent, teacher and principals' organizations; environmental, union, neighborhood, clergy, and police officer organizations.

With our urban, environmental and union clients, for example, the Law Center created the first toxic-right-to-know laws and pioneered their adoption throughout the country; we secured two court victories—the first in the country; one “the most important environmental case bar none, ever” (N.Y. Times, 2001)—against “environmental racism the over loading of minority and poor neighborhoods with toxic facilities. With the Guardian Civil Association, we opened police department hiring and promotion to African-Americans, Latinos and women, (in 2003 a larger proportion of the Philadelphia police are African American and women than in any other city) and strongly diminished epidemic violence by the police force of the country's fourth largest city.

By our legal, work, our collection of school data and organizing of several family, professional and citizens coalitions, we have framed for resolution in federal and state courts, in the public media, and now, with the election of Governor Rendell, in the Legislature—resolution pending, not yet achieved—the radical inequality, fourth worst in the nation, of resources for 300 Pennsylvania urban and rural school districts, including the Philadelphia school district.

My disability work, Fred Pelka's 1997 history, “The ABC-CLIO Companion to the Disability Rights Movement: (ABC-CLIO Press) says, “Thomas K. Gilhool is the attorney most responsible for the rise of community services for people with developmental disabilities, allowing for their deinstitutionalization beginning in the 1970s. His work was pivotal in establishing the constitutional right of children with disabilities to a public education and a major impetus toward passage of Section 504 of the Rehabilitation Act of 1973 and the Education for all Handicapped Children Act of 1975.”

Our brief on the history of state-imposed segregation of people with disabilities contributed to Mr. Justice Marshall's opinion in *City of Cleburne, Texas v. Cleburne Living Center*. I represented a national coalition of disability organizations seeking the Transbus-low floor, fully accessible.

Secretary of Education of the Commonwealth of Pennsylvania (1987-1989)

Appointed by Governor Robert P. Casey, confirmed by the Pennsylvania Senate, I was, unusually among chief state school officers, responsible for both Basic Education and Higher Education, as well as the State Library System and job training. I administered an annual budget of \$6 billion and a Department of 1100 employees; I formulated with the Governor three state education budgets, for fiscal years 1987-88, 1988-89 and 1989-90.

My contributions to school reform nationally include: publishing school-by-school performance reports (the first large state to do so); establishing money awards for strong gains in performance (the first state of any size to do so); changing the funding formula for educating children with disabilities to encourage integration (adopted by Congress in 1977), and, as Council of Chief State School Officers designee to first Chapter I negotiated rule making, strongly encouraging adoption of powerful systems of instruction. Otherwise:

In *Basic Education* I initiated and established during 1987-89; the Pa. Principals' Academy for Instructional Leadership; systematic new-teacher professional development; instructional support teams; state grants for quality instruction initiatives; classroom and pedagogically-focused Chapter I oversight; service learning; and restructured district professional development councils to focus them upon evoking, diffusing and supporting knowledge about, and the use of, powerful pedagogies.

In *Higher Education* a 10% appropriations increase each year for PHEAA, focused upon students from families under \$22,000; the use of *Adams* and gubernatorial expectations raised statewide college-going-rate from 12 percentage points below surrounding states to above the national median and increased minority college-going to significantly above the proportion of minority basic education students; loan-forgiveness program for graduates of Pennsylvania Universities choosing to teach in high-poverty school districts. Within 1987, Penn State, Pitt, Penn and the School Employees' Retirement System divested holdings in South Africa-engaged companies.

In the *State Library* and *Pa. Library System*, statewide borrowing was established and the library system focused upon support of schools, students and families, particularly in high poverty, high minority communities.

As Secretary, I served actively as a member of the Board of Trustees of: Lincoln University, the Pennsylvania State University, Temple University, the University of Pittsburgh, and the State System of Higher Education; the Pennsylvania Public Television Network; the Pennsylvania Historical and Museum Commission; the Pennsylvania Higher Education Assistance Agency; and the School Employees' Retirement System; the Public School Building Authority; the Higher Educational Facilities Authority. I served the Council of Chief State School Officers as a member of the Testing and Evaluation Committee (vice chair), the Legislation Committee, the School Restructuring Committee, and the Work Group on School Success for All Children, as a primary drafter of the Chiefs' model statute for the effective of education at-risk children.

As instrument of Governor Casey's determination I lead the efforts which secured the divestment of South African holdings by Penn State University, the University of Pittsburgh, the University of Pennsylvania and the Teachers' and State Employees' Pension Funds.

TEACHING (Outside Courtrooms)

Throughout my practice life, I have sought and found refreshment in formal teaching. In the early seventies, teaching courses in "Reorganization of the City: Neighborhood, Decentralization and City Services" and "Poverty, Distribution and the Law" in the Honors Programs of LaSalle College and Temple University and in the University of Pennsylvania's Graduate School of Fine Arts, City Planning Department. In the late nineties my daughter Bridget, then a union organizer and I designed and taught a course in the Corney Labor Institute at St. Joseph's University entitled "Social Ethics: Distribution, Equality and Democracy."

In the year after I was Secretary of Education, for reflection, to complete my formal experience of basic education, and to knit thought for the further uses of the law, I taught eighth grade in the Roberts Vaux Middle School in inner-city, high-poverty Philadelphia, 32 youngsters, five major subjects, and with Professor Ralph Smith taught a seminar on law and education for graduate students at the University of Pennsylvania focusing particularly upon the constitutional histories of public education and the use of federal and state statutes to evoke effective teaching in urban schools.

In the middle seventies I was member of the faculty of the University of Southern California Law Center in Los Angeles as Associate Professor and director of the Clinical Semester. I taught Civil Procedure, the Lawyering Process, Investigation; co-taught Law and Social Change with Jesse Unruh, then recently Speaker of the California House, and for two years chaired the Dean's Advisory Committee. I founded in Los Angeles the Western Center on Law and Handicapped and was faculty liaison to the to the Western Center on Law and Poverty.

Poverty Law and Early Practice

I learned how to practice law at the Philadelphia law firm Dilworth, Paxson, from William T. Coleman, Jr., Richardson Dilworth and Harold Kohn in such work as the Girard College Case and *Southeastern Pennsylvania Transit Authority v. Philadelphia Transit Co.* (enforcing rights to purchase private transit companies over the Rule against Perpetuities).

As Consumer Advocate and director of law reform at Community Legal Services, Inc., I was a member of the originating generation of legal service lawyers. I represented and, with my clients, organized and trained the Philadelphia Welfare Rights Organization, the Residents Advisory Board (public housing tenant councils), and many low-income neighborhood organizations seeking significant change in the situation of poor people with regard to income, school, jobs, housing and urban renewal. I argued, and won, the first legal services case in the United States Supreme Court.

My administrative complaints led to recognition agreements between the State and PWRO, and the Housing Authority and RAB, both replicated throughout the country. This law reform work, in one of the first urban legal services programs, significantly shaped the substance and style of representation around the country. I was Chair of the Law Reform Committee of the National Project Advisory Group; a member of the National Advisory Committee on Legal Services to the Poor, U.S. Office of Economic Opportunity; a member of the Selection Committee for three directors, and a member of the Work Group of the American Bar Association and the National Legal Aid and Defender Association which formulated the Legal Services Corporation.

In 1971-72 I was founding co-director of the National Legal Services Training Program and as such designed, established and for many years thereafter participated in training of legal services lawyers. The Training Program used simulation and cross-disciplinary insights (e.g. hypothesis formation, model building, decision theory and cognitive dissonance) to teach client relationships, interviewing, discovery and investigation, organizing, negotiation and litigation.

AWARDS AND HONORS

- Syracuse University Honorary Degree of Doctor of Education, 2007.
- Holy Family University, Doctor of Humane Letters, 2007.
- Philadelphia Bar Association, Public Interest Section, The Andrew Hamilton Award, 2006.
- The Society for Developmental and Behavioral Pediatrics, Special Recognition Award, 2006.
- American Academy of Pediatrics, the President's Award for Outstanding Service, 2002.
- The John N. Patterson Award of the Citizen Committee on Public Education in Philadelphia for Excellence in Public Education, 1997.
- The Barrister's Association of Philadelphia Equal Justice Award, 1997.
- The 1997 TASH Collaboration Award bestowed upon twenty-three people for "Standing Together to Advance the Voices of Families and Protect the Rights of Children with Disabilities Through the Shaping of IDEA 1997."
- Inclusion Champion Award of the National Center on Educational Restructuring and Inclusion, the Graduate School and University Center, the City University of New York, 1996.
- Learning and Leadership Award, Lehigh University, Bethlehem, Pennsylvania, 1992.
- The Leon H. Obermayer Award of the Philadelphia Bar Association of Distinguished Service in Education, 1991.
- LL.D. (Hon.), Hahnemann University, Philadelphia, Pennsylvania, 1989.
- National Service Award, United Cerebral Palsy Associations (U.S.A.), 1977.
- Hon. National Board, National Association for Children with Autism, 1974.
- Hon. Life Member, Associations for Retarded Citizens, USA and PA, 1973.
- Professional Advisory Boards of the National Easter Seal Society (1975-82) and the Association for Children and Adults with Learning Disabilities (1981-1984).

SELECTED CASES

Since very much of the Law Center's work involves the enforcement of federal laws against state officials, we have inevitably been brought foursquare into the battles over the Eleventh Amendment and state "sovereignty," probably litigating more such cases than any other non-profit public interest law firm.

Westside Mothers v. Haveman, 133 F.Supp. 2nd 549 (E.D. Mich. 2001) reversed "on all issues presented," 289 F.3d 852 (6th Cir. 2002) *cert denied* 2002 US. Lexis 8694. The Sixth Circuit Court of Appeals "reverse[d] on all issues presented." The United States Supreme Court declined to hear the case. A federal district court in Michigan had held contrary to 36 and 96 years of precedent that a Spending power statute-the children's health care provisions of Title XIX of the Social Security Act- is not supreme Law of the Land under the Supremacy Clause, the US. Const. Art. 6., that this law is not a law but a contract and, therefore, it may not be enforced by children, their families or their doctors and dentists under 42 U.S.C. §1983 the (post-civil war statute providing that anyone acting under color of state law who deprives a citizen of any right secured by the Constitution and laws of the United States shall be liable to suit for redress) or *Ex parte Young* (a century old case providing for the vindication of Supreme law against offending state officials) to require state officials to deliver prompt, complete continuous preventive health care to the 800,000 Michigan children covered by Title XIX. On the district court proceedings, see, National Public Radio, July 26,2001 (Nina Totenberg)

Eighth Circuit Trilogy 1999-2000: (1) *Jim C. v. Arkansas Dept. of Educ.*, 235 F.3d 1079 (8th Cir.2000) (*en banc*, reversing a panel) *cert. denied* 2001 U.S. Lexis 4975, held Section 504 of Rehabilitation Act of 1973, the first disability civil rights set to be a valid Spending power Act enforceable against a state notwithstanding the 11th Amendment; (2) *Bradley v. Arkansas Dept. of Educ.*, 189 F.3d 745 (8th Cir. 1999), did the same for the Individuals with Disabilities Education Act (IDEA); (3) *Birmingham v. Omaha Sch. Dist.*, 220 F.3d 850 (8th Cir. 2000) reversed district courts' 30 day statute of limitations on IDEA in favor of 3-year limitation, as befits a civil rights act, and held that a student "graduated at 18"—i.e., forced out of school—despite the districts failure to provide a full education and without parent's participation is entitled to 3 years of compensatory education.

Other Children's Health Care Cases. In California, Delaware, Florida, Indiana, New Jersey, Oklahoma and Pennsylvania, I have counseled state chapters of the American Academy of Pediatrics in their efforts to secure actual delivery of prompt, complete, continuous health care to all eligible children; I have trained the leadership of all of the state chapters in the uses of Title XIX. Litigation is pending in Oklahoma, against the Oklahoma Health Care Authority (N.D. Okla) and will be filed shortly in two other states. The Pennsylvania case, *Scott v. Snider* (E.D. PA 1995)(settled) resulted in enrollment of an additional 300,000 children, creation in most counties of primary care case management systems which have delivered the required periodic examinations to more than 75% of eligible children, adoption of RBRVS fee system, and establishment of twenty performance standards for delivery of such care as asthma, iron anemia, and diabetes treatment, dental sealants, and the enrollment of very low birth weight and high blood lead children in Early Intervention (education) Programs.

U.S. Supreme Court Amici Briefs. In *Alsbrook v. Arkansas Dept. of State Police* (2000) our brief for Amici People First Organizations resulted in a grant of certiorari to review a decision holding the Americans with Disabilities Act unenforceable against states because of the 11th Amendment. Certiorari was subsequently dismissed when the case was settled. For People First, we filed amicus in *Olmstead v. Lois Curtis* (1999) where the Supreme Court held that unnecessary segregation of people with disabilities into large, isolated public institutions was unlawful discrimination prohibited by Title II of the Americans with Disabilities Act. In

Alabama Univ. Hos. v. Garrett, (2000) despite our amicus brief filed for People first, the court held Title I of the ADA unenforceable against states, but allowed (n.9) that suit for future injunctive relief, but not damages, would lie against state officials.

Powell v. Ridge, 189 F.3d 387 (3rd Cir. 1999), *cert. denied*, 528 U.S. 1046 (1999) held that our suit under Title VI of the Civil Rights Act of 1964, and its regulation, challenging the racially differential effects of Pennsylvania's school funding formula—Philadelphia and 15 other majority minority districts, controlling for poverty, receive significantly less state funds per pupil than majority districts—must go forward to discovery, trial and judgment. We represent children and families, Black Clergy of Philadelphia and Vicinity, the NAACP, Philadelphia Branch; Aspira of Pennsylvania and Parents Union of Philadelphia. This decision was vitiated by the Supreme Court's *Sandoval* decision.

Sanchez v. Johnson, 416 F.3d 1051 (9th Cir. 2005) sought to end the large differential between wages and benefits paid by California to workers in community services for people with developmental disabilities as compared with its institution employees, a differential of some 300% which causes very high turnover, undercuts the quality of community services and their availability. The case concerned some 150,000 community direct care workers, most black or brown. The suit was based upon Title XIX of the Social Security Act which requires states "to assure that payments for care and services be consistent with quality and sufficient to enroll enough providers so that the needed care and services are available [to those who need them]" as well as Section 504, the Americans with Disabilities Act. The wage-benefit differential is most aggravated in California but exists in nearly every state; if this case is successful it will be replicated elsewhere. With my Law Center colleagues I represented eight disabled people stuck in institutions or at risk of being sent there for want of quality community services and seven family and service provider organizations. The district court dismissed the case on the grounds that the Social Security Act provisions relied upon were not enforceable and the Ninth Circuit affirmed. In so holding, the Ninth Circuit stands alone among the courts.

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