



# GREATER BOSTON LEGAL SERVICES

... and justice for all

## Landmark Settlement Agreement Improves Access to Benefits for People with Disabilities



Attending the *Harper v. DTA* fairness hearing required for approval of class action settlements, were: (front row) GBLS clients Anthony and Rhonda Marchese and (back row, l-r) GBLS client Anne Fracht, GBLS attorney Lauren Song, GBLS Director of Litigation Dan Manning, and GBLS attorneys Sarah Levy and Lizbeth Ginsburg.

Photo by Lisa Bradley

In 2007, GBLS on behalf of three individuals with disabilities filed a federal class action lawsuit against the Department of Transitional Assistance (DTA), the welfare department, for disability discrimination. *Harper v. DTA* advanced two core claims: DTA (1) didn't have adequate systems for providing reasonable accommodations, even when the agency agreed they were warranted; and (2) used everyday practices that screened out people with disabilities from SNAP (Food Stamps) and cash assistance programs, in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

After years of litigation followed by years of mediation between the parties with a court-

*Please visit [www.gbls.org/news/welfare/settlement-agreement-harper-vs-dta](http://www.gbls.org/news/welfare/settlement-agreement-harper-vs-dta) for more information.*

pointed mediator, the parties reached a settlement agreement that was approved by the court in August 2013. Welfare Law Unit attorneys did extraordinary work in litigating and settling the lawsuit. Their efforts were built on years of work by both unit paralegals and attorneys representing clients with disabilities who had been harmed by DTA.

The landmark agreement realizes the goal of the case, namely to improve access for individuals with disabilities through systemic change. However many of the changes, such as improving readability and content of all written notices and forms, will benefit all clients, not just those with disabilities. The key provisions of the agreement include:

- Screening for disability-related barriers;
- Explanation of disability rights;
- Improved policies regarding accommodation;
- Revision of written materials to be easier to understand;
- Improvements to systems for providing auxiliary aids;
- Designation of staff to troubleshoot and provide additional assistance;
- Guidance to address the problem of "over-verification", when clients are required to provide documentation that they have already provided or are required to provide more documentation than necessary;
- Pilot to examine the efficacy and efficiency of taking steps prior to stopping

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When no one else can help, GBLS provides free assistance on civil (noncriminal) legal matters to poor people living in Greater Boston who need help obtaining food, income, shelter, and safety.

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# Thank You, Skadden Foundation and Fellows!

Every year, GBLS and our clients greatly benefit from the work of several attorney Fellows. Skadden Fellows Alexa Rosenbloom and Rachel Smit assist the Elder, Health and Disability and

Employment Law Units, respectively. The Skadden Foundation's two-year Fellowship Program was established "in recognition of the dire need for greater funding for graduating law students who

wish to devote their professional lives to providing legal services to the poor, the elderly, the homeless and the disabled, as well as those deprived of their civil or human rights."

## Rachel Smit



Skadden Fellow and GBLS Employment Law Unit attorney Rachel Smit, after discussing the Temporary Workers Right to Know law on a radio show hosted by Centro Presente.

*Photo by Ivonne Moreno*

**When did you start your fellowship?** September 2013.

**Please describe the work of your project at GBLS.** My project is focused on the new Temporary Workers Right to Know law and advocating for the rights of immigrant workers in temporary jobs. GBLS represented community partners working on the legislative campaign to enact the new law, and now I provide legal support to a coalition of worker centers focused on implementing it. I collaborate with them to do community-based legal education and administrative advocacy as well as directly representing individual workers.

**Please describe a case (or types of cases) that have been particularly memorable for you.** One of my first clients

worked for a temp agency for a day but was never paid. I was able to help him recover his unpaid wages just by writing a demand letter. I wish every case was that simple! Seriously though, my initial focus has been on making certain that workers are aware of their new rights under the law and supporting individuals facing ongoing exploitation.

**What are the biggest challenges you've faced?**

Many of my clients have recently lost their jobs and so they are being crushed by other problems, such as paying their rent. Confronting the gaps in our safety net for immigrant workers is incredibly frustrating. But my clients are courageous and that inspires me.

**What are some of the things you've learned, working with the other legal staff in your unit/at GBLS? What have you enjoyed most about the experience?**

Dealing with the systematic abuse of workers in temporary jobs requires coordination with our community and government partners. I am so lucky to be working with the very smart and very dedicated staff in the Employment Law Unit. Their experience and expertise help me to learn how to use every resource available to successfully meet our clients' needs.

## Alexa Rosenbloom



Skadden Fellow and GBLS Elder, Health and Disability Unit attorney Alexa Rosenbloom.

*Photo by Linda Lank*

**When did you start your fellowship?** October 2012. I actually formerly worked at GBLS as a paralegal. The idea for my project came out of work that I did during my first go-around here.

**Please describe your project.**

People with disabilities tend to be in poorer health and need healthcare at a significantly higher rate than people who do not have disabilities. But despite extensive federal and state laws mandating equal access to healthcare, people with disabilities frequently face significant barriers to medical care. These barriers, such as inadequate facilities, interpersonal discrimination, and lack of training result in drastically inferior medical care for people with disabilities, especially women and low-income individuals. My project aims to ensure that people with disabilities have access to integrated, culturally sensitive, and respectful healthcare that accords with the requirements of the Americans with Disabilities

and other laws. I do this through a number of means, including providing legal representation and advocacy on behalf of individuals denied accessible care and collaborating with others within the disability and medical community to develop model policies and training programs to improve access for people with disabilities.

**Please describe work of which you have been proud to be a part.**

We recently developed and formalized a comprehensive plan with leadership at Boston Medical Center (BMC) to address the accessibility concerns that our clients had at the hospital. In doing so, we and our clients developed a great relationship with key hospital staff with whom we will continue to work. Everyone involved is committed to improving care and services for patients with disabilities there and making BMC a model hospital when it comes to the accessibility of its services. We, along with our clients, BMC staff, and disability community members, even celebrated our collaboration with an event at the hospital in January 2014!

**What are the biggest challenges you've faced?** We can compel hospitals to make architectural changes and even to purchase accessible medical equipment, but changing the culture of medicine is extremely difficult! Doctors, nurses, and other medical staff are well-intentioned but most have never been taught to be culturally competent around disability. Finding effective training is extremely difficult.

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## GBLS Helps Chelsea Homeowner to Successfully Fight Foreclosure and Obtain Fair Loan Modification

Gianfranco Giavazzi, a Chelsea homeowner who worked as a taxi driver and now is an owner-driver for the Uber transportation system, lost his home to foreclosure after trying unsuccessfully to refinance. At a meeting of tenants and homeowners who fight bank evictions, he explained his situation to GBLS Housing attorney Zoe Cronin who was at the meeting to do outreach and provide advice. Zoe's colleagues, attorneys Dick Bauer and Liliana Ibara, then took the case for full representation and after

litigating, negotiated a settlement from the lender that rescinded the foreclosure and reinstated the mortgage under fair terms. The resulting loan modification reduced the principal from \$280,000 to \$80,000, and cut the mortgage payment to a very affordable \$506 per month.

Gianfranco, who has been a leader in both the Chelsea and Northside organizing groups for homeowners and tenants impacted by foreclosure, often comes to court with other homeowners fighting foreclosure. Even after the bank agreed to settle his case,



From l-r: GBLS Housing attorneys Dick Bauer and Liliana Ibara (standing), client Gianfranco Giavazzi, and Chelsea Collaborative advocate Eliza Prasad.

*Photo by Zoe Cronin*

Gianfranco initially refused to accept the settlement because the bank was insisting on a confidentiality clause. The bank eventually relented and Gianfranco retains the

right to speak openly about his victory, so that he can continue to inspire other people in the community who also face losing their homes through no fault of their own.

## GBLS and Chelsea Collaborative Provide Vital Support in Major USDOL Lawsuit Resolved on Behalf of Underpaid Chelsea Workers

In September 2013, the U.S. Department of Labor (USDOL) resolved a major wage and hour case in which GBLS and the Chelsea Collaborative, a grassroots community-based organization, worked closely with 15 severely underpaid and mistreated workers. As a result of the federal court consent agreement reached in the case, the employer paid \$925,000 in back wages, liquidated damages, and compensatory and punitive damages to the immigrant workers, plus \$50,000 in civil money penalties.

GBLS and the Chelsea Collaborative gathered evidence and worked closely with the workers to support them in bringing forward their allegations of abusive treatment, major wage violations, and retaliation by their employer, Boston Hides & Furs Ltd. The workers described their 60-plus hours per week doing the dirty and backbreaking work of processing animal hides for shipping to tanneries, while constantly being subjected to threats, mockery, profanity, and insults. For this, most of the workers received a flat salary of \$50 per day — far below the minimum wage — without

time-and-a-half for overtime hours as required by law. Shortly after the initial visit to the worksite by USDOL investigators, the underpaid workers were fired.

Throughout the litigation of the case, GBLS continued to work closely with USDOL. With GBLS' support and assistance, USDOL argued that because of the egregious threats and mistreatment, the usual limits on the recovery period should not apply. As a result, the workers ultimately were paid back wages and damages for a time period substantially longer than the law typically allows.

As Wage and Hour Division District Director George Rioux described in the USDOL press release on the case, "For several years, these workers performed hard, dirty work for long hours without being paid overtime or even the legally required minimum wage. They did so for an employer who then fired most of them after we started our investigation." USDOL Regional Solicitor of Labor Michael Felsen described the treatment of the workers as "unconscionable." Rioux

and Felsen specifically praised "the cooperation and assistance provided by both the Chelsea Collaborative and Greater Boston Legal Services in reaching this favorable resolution for the workers involved."

### Agreement Improves Access to Benefits

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- Transitional Aid to Families with Dependent Children, for clients known to have disabilities; and
- Extensive monitoring provisions to ensure compliance with the agreement.

GBLS is now focused on the challenges of making sure the settlement is fully implemented so that people with disabilities will no longer be denied assistance because of those disabilities.



GBLS attorneys and Attorney General HomeCorps Partnership Grant Fellows in the Consumer Rights and Housing Units met with Senator Elizabeth Warren at the National Consumer Rights Conference in November 2013. HomeCorps Fellows Amanda Loring and Liliana Ibara and attorney Nadine Cohen are the first three women, respectively, on the Senator's right, with Fellow Juan Lopez behind them; attorney Todd Kaplan is at the far right of the picture. With them are HomeCorps Fellows stationed at other legal services organizations throughout Massachusetts.

*Photo by Jonah of Kochfoto photography*



Listening to Senator Warren during a break in the conference are, l-r: GBLS Consumer Rights Unit attorney Todd Kaplan, National Consumer Law Center Executive Director Willard Ogburn, HomeCorps Fellow Amanda Loring (Consumer Rights Unit), GBLS Consumer Rights Unit Managing Attorney Nadine Cohen, and HomeCorps Fellow Liliana Ibara (Housing Unit).


*Photo by Jonah of Kochfoto photography*

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