



JUNE 2003

Law Center Works to Increase Citizen Access to Public Information

Public access to information on the internet is the 21st Century equivalent of the Carnegie library. Consequently, attempts to prevent access to information which can be put on the internet is a real threat to citizen empowerment. For that reason PILCOP has been working with Ed Goppelt and his web site "Hallwatch" (www.hallwatch.org) to get inexpensive access for citizens to basic public records through his web site, without having to leave their homes.

The City Department of Records provides title companies, large law firms and a select few other organizations on-line access to real estate transactions recorded with the City without charge. Although these are undisputedly public records, the department was denying access to them for "Hallwatch" which is a web site available to the general public. Indeed, it was seeking to charge Hallwatch \$4,800/year for monthly access to less information and refusing to disclose who were the favored recipients.

At the same time the City Department of Revenue was denying Hallwatch lists of delinquent taxpayers with their names and addresses.

And the Board of Revision of Taxes which sets assessments of each property in the City and the amount of real estate taxes owed was denying Hallwatch the protocols used in setting the assessments, and refusing to supply in convenient electronic form the classifications it set for each property so that easy comparisons could be made.

And the Board of Elections has been denying Hallwatch easy access in electronic form to the voter registration lists.

Perhaps the reason why is because Hallwatch has made a reputation by placing on line the financial disclosure forms of politicians, or perhaps because it clearly is making it easier for citizens to find out vital information which used to be hard to find, like comparative assessments. Perhaps it is the public spirited non-commercial nature of the enterprise which so confounds City Hall.

The Law Center has been actively helping Goppelt and Hallwatch since January, appearing five times so far at Common Pleas hearings, filing briefs and helping in negotiations. So far we can report great success:

- *The Department of Records has agreed to reduce its price 90% for the deed extracts.*
- *The Department of Records has made the Philadox real estate transactions available to Hallwatch. It is reconsidering its "fee" for having someone watch Goppelt "ala the Iraqi minders" observing "foreign inspectors" as he looks at records at their office.*
- *The Department of Revenue finally provided a list of delinquent taxpayers. Once posted on the Hallwatch web site the Inquirer was able to reveal tax delinquencies of numerous candidates for public office.*

...continued on page 2

PILCOP Receives \$300,000 Gift

The Public Interest Law Center last year received the largest individual gift in its 28 year history – \$300,000 from William and Lotte Copeland. The Copelands' gift is in honor of the work of Thomas K. Gilhool and other lawyers at the Law Center in advancing the equal citizenship and civil rights of people with developmental disabilities and other disadvantaged persons.

Mr. Copeland is a partner in Copeland Glenn & Associates, Inc. of Tucson, Arizona, a firm which assists states and municipal governments around the country to maximize their federal revenues. He was formerly a faculty member at the University of Minnesota's Hubert H. Humphrey Institute of Public Affairs.

...continued on page 2

Roosevelt Hairston Jr. To Head the Law Center Board

Roosevelt Hairston Jr., Associate General Counsel at the Children's Hospital of Philadelphia (CHOP) has been elected Chair of the Law Center's board. In his present capacity, Mr. Hairston supervises all litigation matters at CHOP, including the representation of the institution and its physicians in medical malpractice cases, labor and employment matters and health care related litigation. He succeeds David Smith, a litigation partner at Schnader Harrison Segal & Lewis who served for three years during which time the Law Center operated at a profit and reduced its debt in half.

Hairston is the first attorney from a position as a corporate counsel to chair the Law Center's board. Hairston's selection from a new sector of the community expresses the widening support for the mission of the Law Center.

Hairston, in addition to supervising all litigation at CHOP, is an adjunct professor at Temple University's School of Business and a lecturer in law at its School of Law. He has been a member of the Law Center's board since 1996 and serves on the boards of the Philadelphia Bar Foundation, the West Philadelphia YMCA and Eagleville Hospital.

Hairston has received numerous legal and community service awards and most recently was profiled in the Journal of the American Bar Association for his community service efforts.

He has a demonstrated record of success in raising funds for organizations with which he is affiliated. He played a critical role in helping the Law Center increase law firm support for its 25th Anniversary celebration which yielded over \$200,000. Hairston's goal as Chairman of the Board will be to increase total funding from all revenue streams by \$100,000 and to put the Law Center on a long-term path to success.



Just last fall Roosevelt Hairston, Jr. was called "a must for your list" by the Legal Intelligencer in a feature story on The Top 50 on the Fast Track.

Citizen Access

Continued from page 1...

- ***The Bureau of Revision of Taxes has started putting up more information on its web site since Goppelt began his requests and now furnishes him 75 fields of information it uses in the assessment process. Unfortunately, we are still fighting in court over whether it will furnish two additional fields.***

The Bureau of Revenue still has not agreed to provide the addresses of delinquent tax payers. For the Law Center this is deja vu. In 1977 it fought the Rizzo Administration on behalf of neighborhood organizations and obtained a ruling from Commonwealth Court that lists of delinquent taxpayers were accessible under the Right to Know Act. Twenty-five years later, we are back in court again on the same issue! Ironically, the strong support of current Councilman Rizzo, along with Councilmembers Cohen, Nutter, Ortiz and Tasco for Hallwatch was an important factor in Records Commissioner Decker's decision to stop seeking exorbitant fees.

Stalling tactics of City departments are very frustrating to most citizens who give up when faced with such obstacles. Fortunately, the Law Center can provide experienced and free help on these matters and Hallwatch can publicize the victories on a web site that has 7,000 hits a day. With this partnership we will accomplish a lot for citizen access to public information.

\$300,000 Gift

Continued from page 1...

The Board has declared \$100,000 of the Copeland gift may be used for an operating capital revolving fund and the remaining \$200,000 is restricted for long term endowment and growth of the Law Center. Mr. Copeland stated that he intends his gift to be a challenge and stimulus to the Law Center to raise twice that amount for those purposes.

Combined with a \$100,000 gift received from Robert Wolf several years ago and contributions from Bernie Borish's family and friends, the Copelands' contribution to the endowment will greatly strengthen the Law Center's ability in the 21st Century to provide quality legal services which will secure full and equal citizenship for people historically denied equality – people with disabilities, minorities, women and the poor.

In making the gift Mr. Copeland said: "Tom Gilhool and his colleagues at the Law Center are known throughout the country for their work in creating quality community services for people with developmental disabilities and for their leadership in opening public school systems to children with disabilities and getting an effective education for them there.

"The Law Center is also doing equally innovative and nationally important work to advance children's health care and environmental justice. I hope this gift will be a challenge and inspiration to others to similarly help the Law Center continue its important work which has improved the lives of so many people."

U.S. Supreme Court Denies Cert in Poor Children's Health Care Case

On Monday, December 2, 2002 the Supreme Court of the United States announced that it had denied a writ of certiorari sought by Michigan's James K. Haveman, Jr., Director of the State of Michigan, Department of Community Health in the case of *Westside Mothers v. Haveman*.

This decision leaves Title XIX of the Social Security Act, the Medical Assistance title and particularly its very important children's health care requirements alive and well and enforceable in the federal courts. The Law Center's Chief Counsel, Thomas K. Gilhool, represents the Michigan Chapters of both the American Academy of Pediatrics and the American Academy of Pediatric Dentists as well as several children, their families and several family organizations in the case. Jennifer Clarke of the Dechert office is participating in the case pro bono as lead counsel.



Gilhool Honored by Pediatricians

Tom Gilhool (pictured above) receiving President's Certificate for Outstanding Service from American Academy of Pediatrics' President, Louis Z. Cooper, MD.

The American Academy of Pediatrics honored Tom Gilhool for his outstanding service and personal dedication to protecting our nation's most vulnerable children with the President's Certificate for Outstanding Service at a dinner this past winter.

The Supreme Court action leaves standing the decision of the unanimous Sixth Circuit Court of Appeals' panel written by Chief Judge Gilbert S. Merritt and joined by Circuit Judges Danny J. Boggs and Karen Nelson Moore. That panel "reverse[d] on all issues presented" a district court opinion which had held that statutes of the United States enacted by Congress under the Spending Clause, Article 1, Section 8 of the Constitution of the United States, were merely contracts between states and the federal government and therefore not laws at all, not Supreme law of the land under the Constitution's Supremacy Clause, Article VI, Section 2. The District Court also held Title XIX was not a law of the United States within the meaning of the 1871 civil rights statute giving any person aggrieved the right to enforce the Constitution and laws of the United States.

This case attracted an unusual score of Amicus briefs in the Sixth Circuit, sixteen supporting the Law Center's clients; four supporting Michigan.

The case is an important victory for children throughout the country. "The EPSDT benefit is in effect, the nation's largest preventive health program for children." More than 800,000 children are enrolled in Medical Assistance in Michigan. But in FFY 2000, 47% of the children to whom Michigan was legally obligated to furnish at least one comprehensive medical examination received none, 75% of infants. Michigan's poor record in delivering children's health care has been chronic since at least 1989 when Congress significantly expanded the health care services participating states are required to furnish to all eligible children. In that same year Congress extended health care eligibility to all children in families with incomes ranging up to 185% of the poverty level and in some states, 250%.

Nationally some 20.7 million children are enrolled in medical assistance, and at least another six million are eligible but not enrolled. Yet many millions of these children – in most of the states more than half – do not get the healthcare the law requires the states to deliver.

In addition to Michigan, the Law Center filed a similar enforcement action in Pennsylvania which resulted in the state tripling the number of children served, from 300,000 to more than 900,000. In addition we have a suit pending in Oklahoma and are considering filing a lawsuit against the state of Florida.

Law Center Conducts National Disabilities Study

Judith Gran has completed and sent to the National Council on Disabilities a 477 page report comprehensively reviewing each state's progress in implementing the Supreme Court's 1999 decision in *Olmstead v.L.C.* which held that unnecessary institutionalization is a form of discrimination under the Americans with Disabilities Act. The Law Center received a grant of \$50,000 from the NCD to conduct this national study which will be published this coming fall.

The report identifies housing as the most important barrier to community living, and the lack of adequate jobs and support services as other significant barriers. It reviews the state of the case law since *Olmstead* and compares the states' responses to the standards emerging in that law.

Calling the extent of unnecessary institutionalization "daunting", the report concludes, based on the research literature, that of the 106,000 persons with developmental disabilities living in public and private institutions, the more than 1.3 million elders and persons with disabilities who are in nursing homes, and even the 58,000 persons confined in psychiatric institutions, most could be living in the community.

The report contains an extensive analysis of the efforts of advocates to convince state and federal officials to promote integration under *Olmstead*. It reviews federal implementation efforts to date and makes sixteen recommendations for improving federal enforcement activities.

Series of Exchanges to Advance the Rights of Persons with Disabilities in United States and Japan Concludes

In April 2001 the Law Center began a collaborative partnership with members of the Japanese Federation of Bar Associations' Human Rights Protection Committee (JFBA-HRPC) in an effort to strengthen the disabilities rights movements in each nation. A series of six exchanges was planned to allow for an in-depth, mutually beneficial exploration of each nation's system of protecting the rights of persons with disabilities and including them in mainstream society. The project was funded by the Japan Foundation Center for Global Partnership.

The final Law Center staff member to travel to Japan was Barbara E. Ransom who this fall shared her expertise on the rights of persons with disabilities within the criminal justice system. Ms. Ransom spent two weeks traveling throughout Japan where she exchanged information and ideas with a diverse array of self-advocates,

parents, lawyers and professionals on the treatment of persons with disabilities in both nations, and conducted training for advocates and self-advocates alike. A focal point of Ms. Ransom's discussions centered around the difference that the federally enacted Americans with Disabilities Act and Section 504 of the Rehabilitation Act



The Law Center's Barbara E. Ransom (far left) with disabilities rights advocates and self-advocates.

have made in some U.S. jurisdictions and the impact created by local and state laws. Ms. Ransom's training sessions centered around strategies to ensure the fair and just treatment of persons with disabilities by judges, lawyers and police officers, and to help self-advocates remain safe in the community.

The exchanges wrapped up this past December when HRPC member Takehiko Nisimura attended the annual conference/meeting of TASH, an international advocacy organization of some 6,000 members. Mr. Nishimura presented an overview of the current status of inclusion of persons with disabilities in Japanese society. The conference held in Boston was attended by 2,500 persons.

Fulbright Awarded to Thomas K. Gilhool to Study Japan's Disabilities Rights

The Law Center's Thomas K. Gilhool will depart for Japan this June on a Fulbright scholarship to study and write comparatively about the varied uses of the law to advance the exercise of citizenship of persons with disabilities in Japan and the United States. Mr. Gilhool anticipates that the project will result in law review and numerous disability professional journal publications, here and in Japan, and in a report to be widely circulated through the human rights and disability bars and among disability organizations in both countries, and otherwise internationally.

Law Center Ends Year with Surplus

For the third year in a row the Law Center has balanced its budget. In 2002 it ended the year with a surplus of \$178,500.

In just three years the Law Center has reduced its accumulated deficit nearly in half, from \$1 million at the end of 1999 to \$550,000 at the end of last year. These annual surpluses have been accomplished by both increasing revenue and decreasing operating expenses.

The Law Center has begun several important campaigns to further increase its revenues in 2003. In an effort to capture support from major donors we will host a fundraiser in Washington, D.C. in the early fall. We have commitments for \$10,000 a head contributions from five persons including a former Solicitor General of the United States and a former Clinton Trade Representative. We also are enlisting the support of respected leaders of the Philadelphia Bar to raise the support level of the legal community back to the real dollar levels of contributions in the early nineties. On the foundation front, an emphasis is being placed on increasing total support and leveraging grant awards, as well as individual contributions, to match the \$300,000 gift received last year from William and Lotte Copeland.

And, more creative fundraising strategies are being employed including the raising of funds by our clients to underwrite the salaries and expenses incurred for handling specific cases. In 2002 clients in our California wage equalization case, *Sanchez v. Johnson*, contributed to us \$85,000, a portion of which enabled the hiring of a full-time paralegal. For 2003, we expect the figure to be nearly \$100,000.

In the long term, the Law Center is looking to the pipeline of its potential fees in its very large cases which will be completed to pay off its remaining accumulated deficit. Those cases include the Connecticut community service case, the Pennsylvania special education class action, the California wage parity case, and the Michigan children's health care case. The Law Center estimates that it has potential fees in excess of \$3 million in work which has been done in these cases. Although not all of this work will result in collectible fees, the Law Center is confident that its fees from these cases will exceed the outstanding debt and enable the Law Center to expand its capabilities and propel its extraordinary work well into the 21st century.

School Funding At Critical Stage

Governor Rendell submitted to the General Assembly a school funding proposal that addresses many of the problems identified by the Law Center over the last ten years.

In a nutshell his proposal would replace \$1.5 billion of local school funding with state money, and would add \$1 billion of new funding targeted to schools with high levels of poverty which expand pre-school, full day kindergarten, reduce class size K to 3, increase teacher mentoring and increase tutoring.

Unfortunately, this program needs support in the General Assembly which is reluctant to raise the state taxes necessary to carry it out. Historically, Pennsylvania has been described as a low cost, low tax state. As a consequence, it is also a low growth state. Nevertheless, many legislators, in particular suburban ones, have been asking what their constituents would get and have been looking solely at whether the plan would cost them more than currently, rather than whether it would lead to increased student achievement.

In an attempt to assure legislators that the increased funding would be well spent the Governor did not attempt to realign the school subsidy formula into some rational pattern which would increase districts' overall funds, as the Successful Schools Bill of Rep. Micozzie did. Instead the Governor has taken the list of reforms which everyone agrees have successful track records and which are long overdue in many districts.

The school funding changes proposed by Rendell are the most extensive in a generation. Pennsylvania has fallen to the bottom of the list since the Shapp Administration when the state funded 55 percent of the cost of schooling; today the state share is 35 percent. Currently, only 3 states in the country have more unequal funding between districts than Pennsylvania, ranging from below \$6,000 to \$15,000 per student.

To help get this important legislation passed which means so much to the 210,000 students in Philadelphia and to another million children attending underfunded schools in the urban and rural sections of the state, the Law Center has been working with an active coalition. Shelly Yanoff of PCCY and a Law Center board member has provided important leadership to the coalition, along with Good Schools Pennsylvania founded by board member David Hornbeck. On May 6th the Inquirer published a Commentary piece on this issue by Michael Churchill.

As in any legislative matter, the amount of attention from constituents is important. The coalition is urging everyone to contact their own legislators and the legislative leadership, particularly Speaker John Perzel. This is a once a generation chance. The state's children can't afford us to not get it right.

UpDates...

- The Law Center's clients Bonnie Sanders, Phyllis Holmes and Vanessa Woods of South Camden Citizens in Action (SCCIA) traveled to Washington D.C. in March 2003 to participate in a press conference organized to bring attention to the nominations of reactionaries to the federal appellate courts. The press conference was arranged by Senator Tom Harkin, a Democrat from Iowa. Representatives of the community group were invited last year by Senator Edward Kennedy to speak about the impact of federal court decisions on real people and communities. The Law Center is representing SCCIA in a matter which alleges that the New Jersey Department of Environmental Protection Agency's policy for issuing permits to polluting facilities is discriminatory.

- Klaas Hoekema, a 2002 graduate of Calvin College in Grand Rapids, Michigan was hired in the fall to assist with trial preparation in the Law Center's California wage equalization case, *Sanchez v. Johnson*. Mr. Hoekema has a BA in Philosophy and a BS in Physics/Computer Science.

- The Law Center would like to welcome its summer legal interns:

John McArdle graduates from Seton Hall Law School this spring. He will complete his doctorate at the University of Pennsylvania Graduate School of Education in August. Mr. McArdle is interested in special education advocacy.

Brian Faerstein is a first year student at the University of Pennsylvania. Mr. Faerstein interned at the Department of Justice in the Environment and National Resource Division.

Anne Armistead is a first year student at Temple University Beasley School of Law. She spent three years working for the Arizona Attorney General's Office, Civil Rights Division, investigating civil rights complaints.

- The Law Center will officially launch its web site this fall (www.pilcop.org). Funding for the site was made possible by the generous donations of several members of our Board of Directors. Their gifts also enabled the Law Center to network its office and install a DSL line, dramatically increasing our overall efficiency. Special thanks to members B. Ewing, R. Freeman, M. Gutt, P. Haddon, J. Hagele, C. Haines, D. Joseph, M. Lehr, M. Mattleman, D. Richman, P. Temple-West and S. Vance.

- The field guide for police officers for dealing with "Mental Illness and Behavioral Health Assessment" developed by our clients and adopted by the Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission as a result of our lawsuit in the Parks case has been adopted by the F.B.I. for use in its training program.

- Margaret C. Colon, development coordinator, will resign in the summer to pursue other professional goals. Ms. Colon worked at the Law Center for nearly four years, first as a development assistant and then as a replacement for the development director.



PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

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40th Anniversary Celebration of the National Lawyers' Committee for Civil Rights Under Law to Take Place in June

On June 21, 1963 President John F. Kennedy hosted a meeting of 250 lawyers at the White House to urge the private bar to “work toward an environment in which the resolution of the injustices long suffered by blacks would end in legislatures and courts instead of in the streets.” As a result, the national Lawyers’ Committee for Civil Rights Under Law was formed. In 1968 several local affiliates were created throughout the country, including in the city of Philadelphia. In 1974 the Philadelphia Lawyers’ Committee was incorporated as PILCOP.

Since that time the national committee and its local affiliates have been at the cutting edge in terms of protecting the rights of individuals of color, people with disabilities, children and persons with low income, and their organizations, in their pursuit of full and equal citizenship.

To celebrate forty years of groundbreaking and precedent setting work in promoting civil rights and equal justice, The Lawyers’ Committee for

Civil Rights Under Law will host a major symposium, The Quest for Equal Justice: Advancing a Dynamic Civil Rights Agenda for Our Times, on June 18. Several PILCOP lawyers will participate in a series of substantive panels which seek to examine the state of the law and the ongoing struggle to secure and protect the civil rights of our citizens. In addition, a Gala Dinner will take place on June 19.

This year the Law Center’s Tom Gilhool will receive the Edwin D. Wolf award. This award honors a past or present staff member of the Lawyers’ Committee for Civil Rights Under Law, or one of the independent local committees who has exhibited outstanding service and commitment to civil rights. The award is named in honor of Edwin D. Wolf who overcame a personal battle with cancer to mobilize the local bar and establish the Public Interest Law Center of Philadelphia, serving as Counsel from 1968 until his death in 1976.