

Have you signed the VOR Choice Petition yet? Nearly 2,600 individuals from across the country have. Join them, sign the online petition, show strong and growing support for CHOICE. Visit, <http://www.vor.net> and click on the Petition link on the home page.

VOR Weekly E-Mail Update
July 10, 2009

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BREAKING LEGAL NEWS

1. ILLINOIS: Judge sides with choice; rejects proposed settlement and decertifies class

VOR and You

2. VOR says goodbye to long time supporter, Les Abbott; A memorial fund is established

H.R. 1255: Cosponsors top 50! Amazing Results!

3. VOR AUGUST DISTRICT INITIATIVE:
H.R. 1255 COSPONSOR OPPORTUNITY: Meet with your U.S. Representative

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BREAKING LEGAL NEWS

1. ILLINOIS: Judge sides with choice; rejects proposed settlement and decertifies class

Background: Residents of Illinois' private facilities for persons with developmental disabilities and their families learned about *Ligas v. Maram*, filed by Illinois' Protection & Advocacy, after it was filed in 2005 on behalf of a class of 6,000 people. The parties (plaintiffs and the state) proposed a settlement in December 2008. Notice was sent to class members and their representatives this Spring with written objections due in mid-June. Nearly 2,500 objections were submitted and 250 people showed up in court on July 1 to register their objections with the judge. VOR objectors were blessed to be represented pro bono at the Fairness Hearing by Judith Sherwin, an attorney from the law firm of Shefsky & Froelich (Chicago, IL).

One week later, the judge issued an opinion rejecting the proposed settlement AND decertifying the class, relying, in part, on the Olmstead decision. Objectors could not have asked for more.

The 3 page decision is attached and a note from the attorney for one group of objectors follows:

From: Bill Choslovsky, Esq., attorney for Misericordia families, a private ICFs/DD

Some good news to share. In short, we won in Ligas. Judge Holderman not only denied the proposed settlement, he also decertified the class. Attached is a copy of his written decision.

By decertifying the class, we believe the judge recognized that the disabled community -- like any community -- is too varied to be treated as one monolith. It also recognizes that when it comes to

caring for our most vulnerable members of society, one size does not fit all, and true choice is a two way street. Though some self-proclaimed "advocates" may claim this decision hurts the disabled, it does not, we believe. Instead, it recognizes that the disabled are too varied to be shoe-horned into a settlement against their will that might help only some at the expense of others. All said, on some level the decision demonstrates that what is lacking most in Illinois is not choice, but rather funding for all the existing choices, be they for small homes (CILAs), large homes (ICF-DDs), or something in between.

Though we'd like to celebrate, we can't given the state's current budget crisis which threatens services to all disabled people. That's where the true focus should be: funding all existing services and making the disability pie bigger for all (not robbing Peter to pay Paul).

Thank you to you all for what has proven to be a tremendous team effort. It was the voices of the thousands of objectors that the judge heard.

Of course, we will continue to monitor and keep all abreast, but in the meantime, enjoy today. A good day, a very good day.

VOR and YOU

2. VOR says goodbye to long time supporter, Les Abbott; A memorial fund is established

Dear VOR Friends,

Sadly, long time VOR friend and supporter, Les Abbott from Norfolk, VA, passed away on June 17 after a short battle with pancreatic cancer. Les was a close friend to Caroline Walsworth and a friend to VOR.

Board Member David Swain has generously donated and started a memorial fund in Les' Memory. Please take a moment and consider sending a gift to VOR in memory of Les; he was a very good friend and supporter to VOR.

All gifts can be sent to -
VOR
836 S. Arlington Heights Rd, #351
Elk Grove Village, IL 60007

Les supported VOR's advocacy for many years. Les had a special relationship with Caroline's sister, Betty, for many years until her passing in 2004. Over the years, he came to know about VOR through his visits with Caroline. More recently in 2007 and 2008, at Caroline's urging, he attended the VOR Annual Conference and Washington Initiative. In 2009, his health prevented him from attending, but he did sponsor the event with a generous contribution. Les leaves behind his stepson (Caroline's nephew), Michael Davis and his wife, Susan.

For those of you who were fortunate to have met Les, you'll remember him as a kind, sweet man.

Thank you,

Julie Huso
Executive Director

? VOR welcomes Memorial and Tribute Donations

? Remember to share VOR information with your family members as you know, we speak much more effectively in numbers. To obtain additional support and membership material about VOR contact Julie Huso at husoj@sio.midco.net or at 605-370-4652

H.R. 1255:

Cosponsors top 50! Amazing results! Help keep up the momentum

3. VOR AUGUST DISTRICT INITIATIVE:

H.R. 1255 COSPONSOR OPPORTUNITY: Meet with your U.S. Representative

Since the VOR Washington Initiative in June, VOR secured at least 25 more H.R. 1255 cosponsors. There are currently 54 cosponsors, with additional cosponsors coming on board almost daily. These amazing results point to the effectiveness of constituent contact, especially face-to-face meetings, and proactive, regular follow-up. (See below for an updated list of cosponsors). AUGUST provides an excellent opportunity for face-to-face meetings. From August 3 - September 4, Members of the U.S. House of Representatives will be working from their District offices near your home. This is an incredible opportunity for you to share information about H.R. 1255 with your U.S. Representative and to ask him/her directly to COSPONSOR H.R. 1255.

ACTION STEPS

1. Identify your U.S. Representative and find his/her District office locations and contact information:

Go to <http://www.congress.org>.

At the top right of the screen there is a window for you to type your zip code. Information about your elected officials will come up (note: some of you may have to enter a street address if your Congressional District spans more than one zip code).

Click on the name of your U.S. Representative, and choose "Contact" from the tabs above his/her picture.

The D.C. office location will come up and usually one District office location, with a link here to "more district offices."

2. Today, call the Washington, D.C. office number and ask to speak to the Health LA (Legislative Assistant). Share information about H.R. 1255 and ask that Rep. _____ COSPONSOR H.R. 1255

3. Today (it is NOT too early) call the District office closest to your home and ask to speak with the scheduler. Request a meeting!

BACKGROUND INFORMATION ABOUT H.R. 1255

See, <http://vor.net/HR1255positions.htm>.

Contact, Tamie327@hotmail.com for questions or position papers for your meetings or to e-mail to the Health LA. Materials can also be sent for your meetings in August.

TEMPLATE MESSAGE

(The following can be sent "as is," however, personalizing the letter makes the message far more effective. Consider adding a paragraph about your loved one with mental retardation/developmental disabilities and his/her significant needs).

I am your constituent and am writing to ask that you cosponsor H.R. 1255.

H.R. 1255 was introduced on March 3, 2009 by Rep. Barney Frank (D-MA) and as of July 10, had 54 cosponsors, with nearly equal numbers of Democrats and Republicans.

H.R. 1255 would require that before federally-financed class action lawsuits against certified ICFs/MR can proceed, residents and their legal representatives must receive notice of the proposed class action and be given a time-limited opportunity to opt out of it, or do nothing and become part of a consenting class.

H.R. 1255 addresses the serious infringement on the civil rights of individuals displaced from their homes by federally-financed class action lawsuits filed typically for the sole purpose of "community integration." The attorneys filing these actions have never met the majority of class members, do not know their individual needs, disregard the reality that facility residents are very much involved and integrated in the happenings in and around the community in which the facility is located, and consider families/guardians as "clueless" (as written in a letter to Congress in opposition to H.R. 1255).

The injustice and resulting tragedies will be addressed by passage of H.R. 1255. Please contact Pilar Faló, Legislative Counsel to Rep. Barney Frank, to support H.R. 1255 as a COSPONSOR. Thank you very much for your prompt consideration and action.

Sincerely,

NAME, CONTACT INFO

H.R. 1255 Cosponsors

July 10, 2009

Total so far: 55

Democrats (26)

Rep. James Moran (D-VA)*
Rep. Steve Cohen (D-TN)*
Rep. Paul Kanjorski (D-MI)*
Rep. Debbie Wasserman Schultz (D-FL)*
Rep. Michael Capuano (D-MA)
Rep. John Olver (D-MA)
Rep. John Barrow (D-GA)
Rep. Luis Gutierrez (D-IL)
Rep. John Larson (D-CT)
Rep. James McGovern (D-MA)
Rep. Pete Stark (D-CA)
Rep. Charles Gonzalez (D-TX)
Rep. John Lewis (D-GA)
Rep. Lynn Woolsey (D-CA)
Rep. Niki Tsongas (D-MA)
Rep. Sam Farr (D-CA)
Rep. John Sarbanes (D-MD)
Rep. Bobby Rush (D-IL)
Rep. Sheila Jackson-Lee (D-TX)
Rep. Richard Neal (D-MA)
Rep. Mike Quigley (D-IL)
Rep. Richard Neal (D-MA)
Rep. Gwen Moore (D-WI)
Rep. Al Green (D-TX)
Rep. Lacy Clay (D-MO)
Rep. Russ Carnahan (D-MO)
Rep. Charles Melancon (D-LA)

Republicans (29)

Rep. Ted Poe (R-TX)*
Rep. Ron Paul (R-TX)*
Rep. Bob Goodlatte (R-VA)*
Rep. David Dreier (R-CA)*
Rep. Dan Lungren (R-CA)*
Rep. Frank Wolf (R-VA)
Rep. John Culberson (R-TX)
Rep. Charles Boustany (R-LA)
Rep. Peter Roskam (R-IL)
Rep. John Boozman (R-AR)
Rep. Anh "Joseph" Cao (R-LA)
Rep. Pete Olson (R-TX)
Rep. Christopher Smith (R-NJ)
Rep. Judy Biggert (R-IL)
Rep. Brett Guthrie (R-KY)
Rep. Bill Cassidy (R-LA)
Rep. Gary Miller (R-CA)
Rep. Michael Burgess (R-TX)

Rep. Devin Nunes (R-CA)
Rep. Phil Gingrey (R-GA)
Rep. Sam Johnson (R-TX)
Rep. Steve King (IA)
Rep. John Fleming (R-LA)
Rep. Pete Sessions (R-TX)
Rep. Steve Scalise (R-LA)
Rep. Erik Paulsen (R-MN)
Rep. Kenny Marchant (R-TX)
Rep. Rodney Alexander (R-LA)
Rep. Randy Neugebauer (R-TX)

Editor: Tamie Hopp, VOR Director of Government Relations & Advocacy

THANK YOU FOR YOUR SUPPORT!

TO JOIN OR CONTRIBUTE: \$25 per individual, \$150 per family organization, or \$200 per provider/professional organization. Extra donations are welcome!

You may pay by check or credit card
VOR (Voice of the Retarded)
836 S. Arlington Heights Rd., #351
Elk Grove Village, IL 60007
847-253-0675 fax (for referrals or credit card payments)
Tamie327@hotmail.com (for referrals or credit card payments)

Name

Address (if paying by credit card, use billing address). All forms must include complete address including zip code)

City St Zip

Phone Fax

E-Mail

Family/Professional Organization Affiliation (if applicable)

If paying by credit card, please provide the following information:

Amount to charge to card: \$ _____

Card Type: ____ Mastercard ____ Visa

Card Number: _____

Expiration Date: _____

Cardholder's Signature: _____

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