

From: Julie Reiskin [<mailto:jreiskin@ccdconline.org>]
Sent: Sunday, April 24, 2016 5:55 PM
To: ABA Issues Paper Comments
Subject: Comments on civil legal service providers

Hello

I am writing in response to your request for comments about what kind of legal services are out there--- one that was not mentioned in your brief are non-attorney advocates. At my organization we coined that phrase but the kind of advocacy that we do is done by disability rights organizations and likely other organizations throughout the country. We assist people with things that non-attorneys can do such as representing people in front of administrative law judges for benefits cases, file complaints, grievances etc., and assist with navigation of a plethora of bureaucracies. We also help people file civil rights complaints. Organizations such as Certified Centers for Independent Living and Arc chapters do this work (or they are supposed to do this work). People doing this work do not charge clients though more nonprofits are signing up to represent social security clients and they often will take 1/3 of the back pay as a fee.

We have also run into people who learn these systems and hire themselves out as private advocates. This is most common in the special education realm where any sort of help is very difficult to find. Some of these advocates are good, some are not. They charge an hourly fee. There are also some people out there that act as an "authorized representative" for clients. Some of these people are providers of services. For example, someone I know is a host home provider, meaning he is paid to have two individuals with developmental disabilities live in his home and he takes care of them. This individual says he is an authorized representative for 30 other people. We know of another woman in the Denver area who is an authorized representative and manages care for more than 30 people as well. This is leaning more on the side of casework and not legal services but these individuals do assist with some legal matters.

There are also prepaid legal services that are often advertised and they are not always clear about what they do and do not cover.

In terms of what should be regulated, this is challenging. I would have grave concerns about the government regulating advocacy because the government is the entity we fight the most. On the other hand, one can do a lot of damage to people if one does not know what they are doing. We end up cleaning up a lot of damage done by other people giving our clients inaccurate information. We provide extensive training and supervision and require recertification every two years, but this is not required. Individuals working on their own report to no one.

If you have additional questions let me know.

Sincerely,

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