



NEWS RELEASE

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PEOPLE WITH DEVELOPMENTAL DISABILITIES CELEBRATE AGREEMENT WITH STATE OF ILLINOIS IN LANDMARK LAWSUIT

*Sweeping reform will dramatically expand opportunities for community living
and create meaningful individual choice*

(CHICAGO, Nov. 13, 2008) – A groundbreaking agreement between Plaintiffs and State of Illinois officials in a class action lawsuit brought against the State for its ongoing violation of the civil rights of people with developmental disabilities was announced today. The agreement, when approved by the court, will bring justice to people with developmental disabilities, giving them the choice to receive long-term care services in integrated community settings. No longer will they be compelled to live in segregated institutions in order to receive the services they require.

Today, Illinois ranks 51st among all states and the District of Columbia in serving people with developmental disabilities in small integrated settings, and most people with developmental disabilities seeking residential services are only offered placements in institutions, in violation of their civil rights and the law. Under the terms of the proposed Consent Decree, however, people with developmental disabilities living in large private institutions will be given the opportunity to live in community-based settings. The proposed Consent Decree also requires the State to provide services to people with developmental disabilities who are at risk of institutionalization and currently living in the family home.

“This case is about choice, and now nearly 6,000 institutionalized individuals with developmental disabilities and thousands of others at risk of institutionalization will finally be able to choose community living,” said Zena Naiditch, President and CEO of Equip for Equality, which is serving as counsel in the case. “We commend the State for doing the right thing and we look forward to partnering with them to implement the agreement once it is approved by the court.”

“Through this agreement, we will achieve all of the goals we set out to accomplish when we filed the lawsuit,” said lead trial counsel John Grossbart, a partner with the law firm of Sonnenschein Nath & Rosenthal LLP. This is one of the largest pro bono cases ever handled by Sonnenschein.

“We are very proud to have made a difference in such a fundamental and profound way for the citizens of Illinois. Once the agreement is approved, the involuntary segregation and warehousing of people with developmental disabilities in private institutions in Illinois will finally come to an end.”

“Where I live now, I cannot choose my own roommate and I have no privacy,” said David Cicarelli, a 35-year old named plaintiff in the case. “I want to live with friends in the community and have my own room.” David’s father, Jim Cicarelli agrees, “We are so happy that our son, and many others with developmental disabilities, will be fully integrated into the community. For over ten years, David has waited to fulfill his dream to live in the community. We are thrilled that finally his dream will be realized.”

“For far too long, the State has relied heavily upon institutions to serve people with developmental disabilities,” said Barry Taylor, Legal Advocacy Director at Equip for Equality. “Under the proposed Consent Decree, Illinois will begin to fulfill the promise of the Americans with Disabilities Act to fully integrate people with disabilities into society.”

Nearly twenty years ago, Congress passed the ADA, and nearly ten years ago, the Supreme Court of the United States ruled that unnecessary institutionalization is discrimination under the ADA. Notwithstanding the Supreme Court’s ruling, Illinois has retained its antiquated policies, channeling people into a system of approximately 250 large, privately-run congregate care facilities where nearly 6000 of the state’s developmentally disabled residents are currently housed.

Under the proposed Consent Decree, all individuals with developmental disabilities living in private institutions will receive independent evaluations to determine the supports and services they need to live in a community setting. Following the evaluation, those who choose or do not oppose community placement will receive an individualized service plan and move into the community over a six-year period. “People with disabilities have waited too long for this day. However, we have always had faith that, as Martin Luther King, Jr. once said, ‘the arc of the moral universe is long, but it bends toward justice,’” said Marca Bristo, President of Access Living, which serves as co-counsel on the case.

“Experience around the country shows that when given a meaningful choice, people with disabilities thrive in community settings,” said Benjamin Wolf of the American Civil Liberties Union of Illinois, co-counsel in the case. “This agreement will truly change the lives of thousands of Illinois residents.”

Individuals can, of course, choose to remain in an institution. Those who choose to remain in an institution can later choose to move into the community. Additionally, people with developmental disabilities living in the family home who are at risk of institutionalization will have expanded options under the Consent Decree. All people who are determined to be in “Crisis,” as well as approximately 3,000 people who are determined to be in “Emerging Crisis,” will receive services from the State to meet their individual needs.

“The day has finally come when people with developmental disabilities have the opportunity to live in the communities of their choice and enjoy the independence and privacy that all of us consider rights but which, until now, have been denied,” said Ed Mullen of Access Living.

Equip for Equality and Sonnenschein Nath & Rosenthal LLP, which is providing representation on a *pro bono* basis, are serving as lead counsel on the case. The plaintiffs are also being represented by Access Living, the American Civil Liberties Union of Illinois and the Public Interest Law Center of Philadelphia. A copy of the Complaint, proposed Consent Decree, and other documents relevant to the case are available at www.equipforequality.org.

Reference: U.S. District Court, Northern District of Illinois, and Chicago

Case No. 1:05-cv-4331

Ligas et al v. Maram et al

About Sonnenschein Nath & Rosenthal LLP

With 700 lawyers and other professionals in 15 offices in the U.S. and Europe, and a global reach throughout the Americas, Asia and the Middle East, Sonnenschein serves the legal and public interest needs of many of the world's best-known and most admired businesses, nonprofits and individuals. Sonnenschein is representing the plaintiffs in this case on a *pro bono* basis. For more information, www.sonnenschein.com

About Equip for Equality

Designated in 1985 as the federally funded Protection and Advocacy System for people with disabilities in Illinois, Equip for Equality's mission is to advance the human and civil rights of people with all types of disabilities in Illinois. Equip for Equality provides self-advocacy assistance, legal services, and disability rights education while also engaging in public policy and legislative advocacy and conducting abuse investigations and other oversight activities. For more information, www.equipforequality.org

About Access Living

Access Living is a cross-disability, not-for-profit organization whose mission is to work toward the full equality, inclusion and empowerment of all people with disabilities. It is governed and staffed by a majority of people with disabilities. For more information, www.accessliving.org

About the ACLU of Illinois

The American Civil Liberties Union is a non-partisan, non-profit membership organization dedicated to protecting and extending freedom, liberty and equality to all in the United States. The work of the ACLU is based upon, but not limited to, protecting the liberties and freedoms guaranteed by the U.S. Constitution, especially the Bill of Rights. With a membership of more than 500,000 nationwide - more than 23,000 in Illinois - the ACLU accomplishes its goals through litigating, lobbying and educating the public on a broad array of issues affecting our liberties. For more information, www.aclu-il.org

About the Public Interest Law Center of Philadelphia

The Public Interest Law Center of Philadelphia (PILCOP) is dedicated to advancing the Constitutional promise of equal citizenship to all persons irrespective of race, ethnicity, national origin, disability, gender or poverty. PILCOP uses public education, continuing education of its 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. For more information, www.pilcop.org