



We are back on the 15 yard line, 3rd down. Cards fake, and he fires right down the middle!  
TOUCHDOWN! TOUCHDOWN! TOUCHDOWN!

## *Are you ready for some football ...with CAPTIONS?*

When the Arizona Cardinals moved from Sun Devil Stadium to the University of Phoenix Stadium it was supposedly a move into a modern stadium with all the luxuries one could think of. However, the Arizona Cardinals forgot to include a key accessibility feature in its new stadium, captioning. That was until Michael Ubowski, a lifetime Deaf advocate, educated the Cardinals about the importance of open captioning by filing a lawsuit against them with the help of the Arizona Center for Disability Law.

The Arizona Cardinals provided open captions on their videoboards when they played their games at Sun Devil Stadium, in large part because of Ubowski's advocacy, an ASU student at the time. However, the Cardinals failed to provide open captioning at their new stadium. Ubowski made numerous attempts to educate the Cardinals on the need and benefit of open captioning. The Cardinals largely ignored his attempts and instead provided ineffective captioning.

Initially, the Cardinals provided a deaf seating section that featured a limited number of seats with small monitors that displayed text captioning. "This was inadequate because it segregated people who are deaf and limited our seat choice,

even limited families who may have one or more deaf relatives," Ubowski said.

A second system involved hand-held devices that featured captioning, but that system had a number of problems, he said. "Additionally, it did not allow me to fully enjoy the game. Imagine holding a device in your hand all game while trying to enjoy a beverage or talking and using sign language with both hands with

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# Letter from the Executive Director



Greetings and I hope you all are enjoying the summer in Arizona. In April, I was appointed by the ACDL Board of Directors to serve as the Interim Executive Director, replacing Peri Jude Radevic. I am thankful to our Board for entrusting me to head the agency during this interim period. This appointment means much more to me than a new

job title. I view my time in this position as an opportunity to continue to advance the disability rights movement in Arizona and fulfill the mission of the ACDL.

Prior to being appointed Interim Executive Director, I served as the ACDL's Litigation Director. My career at the ACDL actually began in 2001 when I was hired as a staff attorney where I focused my legal work in the areas of employment and public accommodation accessibility. During my time as a staff attorney and most recently as the Litigation Director, I represented individuals with disabilities before courts and administrative agencies such as the Equal Employment Opportunity Commission and the Arizona Civil Rights Division. Over the years, I provided numerous presentations to people with disabilities and advocacy groups about the employment and accessibility provisions of the Americans with Disabilities Act.

The opportunity to serve in the role of Interim Executive Director has incredible personal meaning for me. I am the proud parent of two boys, one of whom is a child with Cerebral Palsy. As the parent of a child with a disability, I am acutely aware of the daily challenges that he faces and the challenges that lie ahead. However, my hope for my children is that they

will have every opportunity to be educated and employed as they so desire, regardless of their different abilities.

Please know that during this interim period the ACDL continues to do great work and can provide assistance in many ways:

- Provide self-advocacy information, referrals, outreach, and training on disability rights.
- Advocate one-to-one with clients and provide representation when rights are violated.
- File lawsuits on behalf of individuals or groups to remedy systemic issues.
- Investigate charges of abuse and neglect.
- Educate lawmakers and advocate for policy changes.

I look forward to our future together at the ACDL. I hope that you are inspired by the work and outcomes achieved by the ACDL staff that are described within this newsletter.

With your help we will continue to work in partnership to build an Arizona that focuses not on disability, but on the abilities of our fellow Arizonans.

A handwritten signature in black ink that reads "J.J. Rico". The signature is fluid and cursive.

J.J. Rico  
Interim Executive Director

## Our Mission

*The Arizona Center for Disability Law advocates for the legal rights of persons with disabilities to be free from abuse, neglect and discrimination and to gain access to services, maximizing independence and achieving equality.*

## Are you ready for some football...

### Continued From Cover

your friends. The smartphone was not adequate, as the captions were delayed and small, the battery life was weak and the signal strength was inconsistent.”

In September 2012, more than eight years after Ubowski first approached the Arizona Cardinals (2004) about displaying open captions in the stadium, the Cardinals began showing open captioning in the stadium on ribbon boards underneath two of the largest videoboards.

Ubowski, the Cardinals, the Arizona Sports and Tourism Authority and the state Attorney General’s Office settled the lawsuit before the current NFL season started. The parties reached a settlement on June 28, 2013, with the Cardinals agreeing to provide open captioning. Football fans who have difficulty hearing the public-address system can read the play-by-play information as games are in progress. Everyone in the stadium can turn to them when crowd noise becomes so loud that the public-address system can’t be heard. The boards with captioning are also available for the Fiesta Bowl, the upcoming Super Bowl and other sporting events. Ubowski said it best, “captioning benefits more than just individuals who are deaf and hard of hearing as everyone wins with open captioning.”

Also as part of the settlement agreement with the state Attorney General’s Office, the Cardinals agreed to donate \$5,000 and 20 game tickets each to five organizations that benefit individuals who are deaf. “Michael’s perseverance for open captioning is a testament to his character and it was an honor to represent him during the lawsuit,” said ACDL Interim Executive Director, J.J. Rico.

Ubowski wishes to thank the Arizona Center for Disability Law’s grantors and its lawyers who keep the ACDL available for individuals with disabilities who retain its services when the need arises. Also, he expresses his gratitude for all the people who shared their experiences with the captioning systems. Ubowski’s advocacy continues as he now intends to work with Arizona’s legislators to improve weaknesses in the laws that are not in favor of the public and are more pro-business. As he notes, “The laws should be equal and balanced by truth and justice for all.”



## Arnold v. Sarn Settlement Agreement Announced

The Arizona Center for Disability Law joins the Arizona Center for Law in the Public Interest and the Center for Public Representation in announcing the landmark settlement in *Arnold v. Sarn*, the historic class action filed in 1981 to require a full continuum of care in mental health services in the community in Maricopa County by the State of Arizona. ACDL has been part of the collaborative legal team in this lawsuit since the beginning.

### Key components of the settlement include:

- 1 **Assertive Community Treatment** - up to 800 individuals served.
- 2 **Supported Housing** - up to 1,200 additional supported housing units.
- 3 **Supported Employment** - significantly expand opportunities.
- 4 **Peer and Family Support Services** - increase in services.

The litigation will officially end in 2014 if all of the goals are met.

The agreement was approved by Judge Edward Bassett after the members of the class had the opportunity to file comments and objections.

*Michael’s perseverance for open captioning is a testament to his character and it was an honor to represent him during the lawsuit.*

## Update: Lawsuit to Improve Mental Health Care at State Prisons

In 2012, the Arizona Center for Disability Law was part of a team that filed suit against the Arizona Department of Corrections (“ADC”) claiming its failure to provide adequate medical, mental, and dental care and its confinement/isolation practices violated the constitutions prohibition against cruel and unusual punishment.

The class was certified to include ADC inmates that are or will need medical, mental health, or dental care from ADC. The court also certified a subclass that includes all ADC inmates that are or will be placed in solitary confinement.

ADC lost its appeal to the 9th Circuit to have the class certification struck down. The Court of Appeals identified examples of ADC’s misconduct. The Court specifically listed “failing to hire enough medical staff, failing to fill prescriptions, denying inmates access to medical specialists, ..., and depriving suicidal and mentally ill inmates access to basic mental health care.

Trial is set for October of 2014.

## The 3rd Annual African American Symposium on Disabilities



The 3rd Annual African American Symposium on Disabilities was held on February 28, 2014 at the Desert Willow Conference Center in Phoenix. The Symposium was attended by more than 200 participants, including individuals from California, Nevada and Washington D.C. Symposium participants had an opportunity to attend

more than 20 workshops, covering topics such as Cardiovascular Care, Mental Health, Sickle Cell Treatment, Assistive Technology, Positive Behavior Supports, Education and Employment Law and much more. The 4th Annual African American Symposium has been scheduled for February 27, 2015 and we look forward to seeing you there.



## National Commission on Voting Rights

The National Commission on Voting Rights held a fact-finding hearing in Arizona to take testimony on voter discrimination as well as election administration challenges and successes.

ACDL's former Executive Director Peri Jude Radecic, represented the disability community at the hearing and testified to stunning evidence of continued voter accessibility barriers at polling places across Arizona, including the Navajo and Hopi Nations. She also provided examples of the failure of accessible voting systems to work on Election Day which leaves voters with disabilities without a private and independent ballot.

"Arizonans with disabilities deserve to have an election system which can be accessed and functioning on Election Day," said Radecic. "Anything less is discriminatory and denies voters with disabilities the most fundamental right accorded to all United States citizens."

*Peri Jude Radecic, former ACDL Executive Director, testifies on disability access issues at National Commission on Voting Rights.*



## New Attorney Joins Arizona Center for Disability Law



Jessica Jansepar Ross is a newly licensed attorney, graduating cum laude from the University of Arizona, James E. Rogers College of Law in May 2013. During law school, she was an executive note editor on the Arizona Law Review. Jessica has a demonstrated commitment to public service. She participated in the College of Law's Immigration Law Clinic and Immigrant Workers' Rights Project, assisting individuals seeking U-Visa status and informing workers

of their rights under the law. She was also a member of the Human Rights Committee for the DES Division of Developmental Disabilities from 2010-2014. Jessica is no stranger to the Arizona Center for Disability Law as she served as a law clerk in the Tucson office during the summer of her first year in law school and briefly as a contract attorney before becoming a full-time staff member this year.

## Protect Your Right To Vote Take Action

### STEP 1

Be involved! Register to vote and vote in every election.

### STEP 2

Call the Arizona Center for Disability Law at (602) 274-6287 to ask questions about your right to vote, your right to access your polling place, your right to accommodations, and your right to a private and independent ballot.

### STEP 3

Ask for an accommodation, if needed.

### STEP 4

Call the Arizona Center for Disability Law at (602) 274-6287 to report barriers to voting.

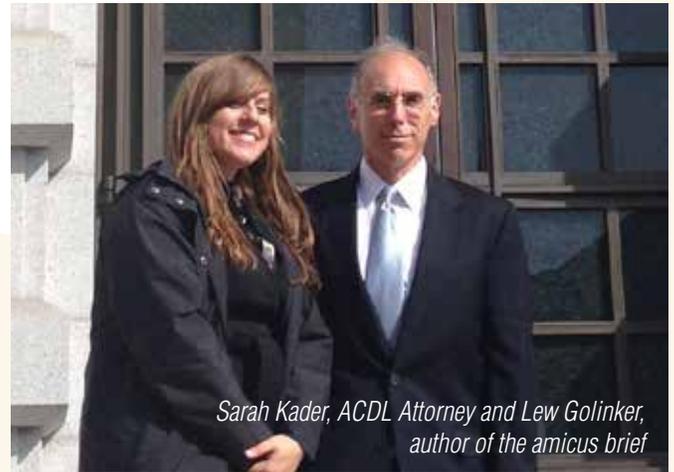
Keep us informed about your voting experience!

# Update: Arizona Incontinence Briefs Case moves to Ninth Circuit

On May 13, 2014, The United States Court of Appeals for the Ninth Circuit (Court) ruled that AHCCCS (Arizona's Medicaid program) must pay for incontinence briefs for adults over the age of 21 when medically necessary. The court said that AHCCCS's policy to deny them went against federal law.

In its ruling, the Ninth Circuit overturned a state Medicaid regulation and policy that barred coverage of incontinence briefs to prevent skin breakdown and infection for adults age 21 and over. The Ninth Circuit affirmed a lower court decision holding that "AHCCCS therefore may not refuse to cover incontinence briefs that are medically necessary." AHCCCS is the Arizona Health Care Cost Containment System, Arizona's Medicaid program. AHCCCS currently covers preventive incontinence briefs for children between ages 3 and 21. "This policy was bad medicine and bad law," said Sarah Kader, staff attorney at the Arizona Center for Disability Law, who is the lead attorney on the lawsuit and argued the case in the Ninth Circuit Court of Appeals. "It was unreasonable and it denied people medical supplies that their doctors say were medically necessary."

The case, *Alvarez v. Betlach*, was filed in 2009 by the Arizona Center for Disability Law for 11 individuals with disabilities against AHCCCS. All plaintiffs in the *Alvarez* suit are AHCCCS members age 21 and over who are incontinent because of their disabilities. Each Plaintiff's doctor had prescribed incontinence



*Sarah Kader, ACDL Attorney and Lew Golinker, author of the amicus brief*

briefs to prevent skin breakdown and to allow the person to participate in activities. Even so, AHCCCS denied coverage. "We are so gratified that the court did what is right," said Kader. "The Ninth Circuit Court of Appeals put an end to this unreasonable practice and we could not be happier."

Since the Ninth Circuit Court's decision, the State petitioned for a rehearing, which was denied, and filed a motion saying the State is going to appeal to the United States Supreme Court which puts the positive decision on hold for now. We will update the community as soon as we have any new information.



## We Value Your Opinion

Arizona Center for Disability Law (ACDL) is in the process of preparing our priorities for Fiscal Year 2015. Let us know what issues are important to you. Go to our website home page: [www.azdisabilitylaw.org](http://www.azdisabilitylaw.org) and click on the Priorities button for more information on how to complete our priorities survey online.

Complete the survey by August 27, 2014. Alternative formats are available by e-mailing [lfreyer@azdisabilitylaw.org](mailto:lfreyer@azdisabilitylaw.org) or by calling 602-274-6287.



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