



Center for Public
Representation

CPR Newsletter | June 2025

Updates on Litigation, Initiatives and Staff

Dear friends,

Despite ongoing federal threats to the rights of people with disabilities, CPR has achieved impressive outcomes and dramatic progress in both our litigation and advocacy efforts.

Just last week, we obtained a stunning decision in [Steward v. Young](#) on behalf of almost 4,000 individuals with disabilities who are unnecessarily institutionalized in Texas nursing facilities and denied both specialized services and informed choice about transitioning to the community. On June 18th, we celebrated the one-year anniversary of [Marsters v. Healey](#), our cross-disability class action case that resulted in a landmark settlement agreement, and the launch of our [Bringing People Home Initiative](#).

CPR also pledged support for the City of Louisville's People's Consent Decree, following DOJ's withdrawal from its proposed consent decree in the Kentucky case, and served as a subject matter expert in two Supported Decision-Making initiatives. Additionally, we joined partners in filing amicus briefs in two courts of appeals, and led key conversations at both local and national events.

CPR remains steadfast in resisting ongoing attacks on [federal disability rights](#) and [opposing harmful cuts](#) to essential services for people with disabilities.

Now, more than ever, CPR needs and appreciates your support so we can maintain our commitment and address the ongoing threats to the disability community.

Court Issues Landmark Disability Decision for People with Intellectual and Developmental Disabilities in Texas' Nursing Facilities

On June 17, 2025, a Texas federal judge ruled that State officials are violating federal law, causing irreparable harm to thousands of Texans with intellectual and developmental disabilities (IDD) who are segregated in nursing facilities without mandated services or opportunities for community living. After presiding over a multi-week trial in the class action lawsuit [Steward v. Young](#), US District Court Judge Orlando L. Garcia from the Western District of Texas issued a 475-page [opinion](#) requiring the parties to submit a proposed remedial order by August 1, 2025.

For decades, the State has unnecessarily institutionalized up to 4,000 Texans with IDD in nursing facilities and denied them specialized services which are required by federal law. More than a decade ago, twelve individuals with IDD, together with two state-wide disability organizations, filed a class action case asking the federal court to halt these federal law violations. CPR, together with its partners Disability Rights Texas and Sidley Austin LLP, represented the plaintiff class. Shortly thereafter, the United States Department of Justice (DOJ) intervened to support the people with disabilities.

In his comprehensive opinion, Judge Garcia ruled in favor of the plaintiffs and DOJ on all claims. The judge meticulously reviewed the facts, relying in significant part on the testimony of the plaintiffs, their families, disability providers, organizational leaders, and national experts. The decision detailed the harm and deprivations suffered by plaintiffs due to the state's systemic failures and longstanding violations of federal laws, including the Nursing Home Rehabilitation Act, the Americans with Disabilities Act, Section 504 of the federal Rehabilitation Act, and the Medicaid Act.

[Read the Press Release](#)

[Read a Summary of the Decision](#)

The Marsters v. Healey Settlement Agreement and the Bringing People Home Initiative Celebrate their One-Year Anniversary

After the federal court approved the comprehensive Settlement Agreement in [Marsters v. Healey](#) on June 18, 2024, CPR launched its Bringing People Home implementation initiative. This month, Bringing People Home turns one, as the implementation of the [Settlement Agreement](#) completed its first year.

The [Bringing People Home](#) initiative includes the named plaintiffs, their families and supporters, the [Dignity Alliance](#), and six workgroups (ASAPs, Independent Living Centers, families and guardians, attorneys and advocates, behavioral providers, and cultural competency advocates) that assist in monitoring implementation of the Agreement. Their expertise and direct knowledge continues to inform CPR's advocacy. Quarterly data reports and implementation meetings with the Commonwealth are critical to ensure compliance with the Agreement.

Within the past year, named plaintiff, Sheri Currin, has settled into a new group home after languishing in a Marlborough nursing facility for three years. Another named plaintiff, Richard Caouette, has recently been approved for the residential waiver program and will be transitioning to the community by summer's end. Another named plaintiff is awaiting placement.

People are coming home!

On April 29, 2025, CPR, its co-counsel, and state officials met for the third quarterly meeting required by the Agreement. Secretaries, Commissioners, and senior staff from all relevant agencies presented status updates on each program required by the Agreement. The Commonwealth's data documented that CTLP teams have conducted over 8,000 visits to nursing facilities to provide in-reach and information, over 600 people with SMI were provided behavioral health care coordination and case management in the last quarter, and 1,134 people have enrolled in the Money Follows the Person Demonstration since the start of the Agreement in June of 2024.

CPR Supports Louisville People's Consent Decree Following DOJ's Departure from Initial Agreement

Several weeks ago, the arc of justice bent in the wrong direction. In response to the murder of Breonna Taylor by Louisville, Kentucky police, the Department of Justice (DOJ) conducted a lengthy investigation into the City's police practices. It negotiated sweeping reforms to ensure that all citizens are treated with respect and fairness, and that people with mental illness receive prompt, professional responses to 911 calls in mental health emergencies. CPR, together with the Bazelon Center and Baker Hostetler LLP, organized a coalition of 19 mental health experts, advocates, and service providers which filed an *amici* brief in support of the proposed consent decree. But the day before the court hearing to approve the consent decree, DOJ abandoned the agreement and even repudiated its own investigation. Remarkably, the City issued its own People's Consent Decree, which adopted all key provisions of the proposed DOJ decree.

With assistance from CPR and Bazelon, several of the local *amici* organizations met with City officials to pledge their support for the City's courageous efforts, offer their assistance to reform the police response to people with behavioral health conditions, and commit to monitoring the implementation of the People's Consent Decree. CPR will provide ongoing support and technical assistance to this local coalition in order to ensure that the goals and behavioral health provisions of the Decree are fully achieved.

CPR Serves as Subject Matter Expert in State and National Rule Reform Initiatives Involving Supported Decision-Making

In May 2025, CPR submitted comments on two initiatives that would recognize Supported Decision-Making (SDM) as a reasonable accommodation in national model rules of professional conduct and state court rules.

CPR Staff Attorney, Megan Rusciano, was invited to serve as a subject matter expert in both initiatives and helped shape the proposed amendments.

CPR submitted detailed comments in support of the American Bar Association’s proposed amendments to Model Rule of Professional Conduct for Attorneys, Rule 1.14: (Clients with Diminished Capacity). The proposed amendments are a critical step to dismantling the bias people with disabilities face in accessing legal counsel to exercise their legal rights. The proposed amendments recognize the pivotal role SDM plays as an accommodation to address perceived decision-making limitations and ensure effective communication. They would also clarify that attorneys can ethically represent people with disabilities who seek to modify or terminate their guardianships.

CPR also submitted testimony in support of proposed amendments to Maryland Court Rule 1-332, which will create a streamlined process for Marylanders with disabilities to request reasonable accommodations, including SDM. By naming SDM as an example of a reasonable accommodation, the now-adopted amendments signal to people with disabilities that they have a right to effective communication and should have meaningful access to the court.

[Read More](#)

CPR Presents on At-Risk Claims, SDM, Aging and the Administration's Threats against Disability Rights

CPR Legal Director Kathryn Rucker presented at three sessions of the March 2025 Jacobus tenBroek Disability Law Symposium. These sessions addressed emerging challenges to disability rights after the Supreme Court’s decision in *Loper Bright*, and the benefits and risks of litigating *Olmstead* ‘at risk’ claims. Morgan Whitlatch also presented at this symposium on ‘[The Right to Choose Home](#): The Use of Supported Decision-Making as a Tool for Deinstitutionalization.’ In April, Steven Schwartz recorded a [broadcast for American Public Media, ‘The Aging Mind,’](#) on *Marsters v. Healey*. In June, he presented a webinar for Dignity Alliance of Massachusetts, *The Administration’s Campaign to Erase Disability Rights, Protections and Protectors*. CPR attorneys, Morgan Whitlatch and Megan Rusciano, presented two NDRN virtual training events, including an annual conference session on promoting the right to retain P&As in modifying or terminating guardianships and conservatorships and, with CPR litigation fellow Mia Fry, a webcast on using SDM to promote competitive integrated employment and informed choice.

CPR Files Multiple Amici Briefs

On April 3rd, CPR [supported the right to voter assistance for Texans with disabilities](#) in an amici brief to the Fifth Circuit Court of Appeals; joined multiple organizations filing friend of the court briefs on April 11th, [supporting two private law firms](#) subject to Executive Orders filed in March of 2025, including the revocation of their security clearances and termination of existing contracts; and, on May 20th, partnered with national and local amici asking the Fourth Circuit to overturn the dismissal in the West Virginia class action child welfare case, [Jonathan R. v. Morrissey](#).

CPR Welcomes Summer Intern, Katie-Ann Miller



Katie Miller is a third-year J.D. candidate at Penn State Dickinson Law. Born and raised in Kingston, Jamaica, Katie graduated *magna cum laude* from Rhodes College in Memphis, Tennessee, earning her Bachelor of Arts in International Studies and Political Science. While in Memphis, Katie served as the Student Director of Engagement for the Rhodes Liberal Arts in Prison Program, an experience that has fostered her commitment to prison reform and civil rights law. Last summer, she was a legal intern at the American Civil Liberties Union of Tennessee where she developed a passion for structural change through impact litigation. She is excited to continue her

legal career at CPR learning about and participating in disability rights advocacy!

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Center for Public Representation

5 Ferry Street, #314 | Easthampton, Massachusetts 01027
413-586-6024 | communications@cpr-ma.org

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