



Center for Public
Representation

CPR Newsletter | September 2025
Updates on Litigation, Initiatives and Staff

Dear friends,

In recent months, we have lived through a turbulent mix of outrage and dismay amid unrelenting attacks on civil rights and the rule of law, tempered by resolve and inspiration drawn from our hard-won successes. CPR continues to respond to these threats with urgency through new initiatives, while remaining steadfast in our current litigation agenda.

We are advancing the work of Bringing People Home—an initiative created through the *Marsters v. Healey* Settlement Agreement— by working with the Commonwealth of Massachusetts to ensure that all individuals in nursing facilities receive culturally and linguistically competent services that empower them to make knowing and informed choices about whether they wish to transition to the community.

In June, a Texas federal judge issued a landmark decision in *Steward v. Young*, ruling the state is illegally confining people with disabilities in nursing facilities. In August, CPR and its partners filed their remedial order which includes specific outcome measures for all provisions, a timetable for implementation, and ongoing court supervision. In September, CPR and its partners filed a response to the State's objections and proposed a time-limited and focused method for gathering recent information to craft a remedial order.

As part of our Rapid Response initiative, CPR has joined allied groups and submitted comments aimed to protect anti-discrimination regulations, including comments opposing the Administration's planned rescission of certain Section 504 regulations and the Department of Health and Human Services' (HHS) harmful new interpretation of a "federal public

benefit” under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Additionally, we decried the appalling executive order stripping civil rights from individuals living with mental illness.

We filed an amicus brief challenging an HHS Final Rule that would jeopardize Affordable Care Act coverage for up to 1.8 million people in 2026 alone, and another one supporting the rights of individuals to choose and retain counsel in Massachusetts guardianship and conservatorship proceedings.

This month, CPR attorney, Morgan Whitlatch, testified as part of a broad coalition supporting Senate Bill 155 and House Bill 262, which would establish a legal framework for Supported Decision-Making (SDM) agreements in Massachusetts. CPR also contributed to an [OPC White Paper on Involuntary Outpatient Commitment](#), and published a [Roadmap for Transforming Employment Service Systems](#).

We are excited to announce that Max Lapertosa has joined CPR as a Senior Litigation Attorney. Max, who recently worked in the Civil Rights Division of the Department of Justice, brings with him years of litigation and advocacy experience on behalf of people with disabilities. We previously litigated our ADA supported employment case in Oregon with Max and know first-hand the caliber of his contribution. We are fortunate to have him and know his expertise will greatly advance our work.

We continue this work with a spirit grounded in perseverance, reinforced by determination and dedication and, as always, appreciate your support.

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The *Marsters v. Healey* Settlement Agreement Implementation Continues the Work of Bringing People Home

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.

With the support of our monitoring partners, CPR and its co-counsel helped the Commonwealth craft an informed choice policy memorializing, among other things, a robust in-reach program and principles of Supported Decision-Making, as referenced in the Settlement Agreement, and a presumption that everyone can live in the community. CPR is attempting to ensure that all core requirements for informed choice, as found by the federal court in its landmark decision in *Steward v. Young* (D.Tx), are incorporated in the final version of the policy.

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CPR Submits Proposed Remedial Order in Texas Nursing Facility Case

On June 17, 2025, Judge Orlando Garcia issued a landmark [decision](#), finding that the State of Texas violated the rights of thousands of people with intellectual and developmental disabilities (IDD) in Texas nursing facilities ([Steward, et al v. Young](#)). He ordered the parties to submit proposed remedial orders by August 1, 2025. CPR, and its co-counsel, Disability Rights Texas, Sidley Austin, and US DOJ filed their [remedial order](#) which would require Texas to: revise its nursing facility screening and evaluation program so that it complies with federal law (PASRR); provide specialized services to all people with IDD; ensure that every individual can make a knowing, informed choice in deciding whether to enter or remain in a nursing facility; substantially expand home and community based waiver residential services; and ensure that all individuals with IDD have prompt access to community alternatives and appropriate support services. The proposed order includes specific outcome measures for all provisions, a timetable for implementation, and ongoing court supervision.

The defendants, on the other hand, submitted over 100 [objections](#) to the Court's decision and argued that no remedial order could or should be entered.

In response to the State's objections, which claimed that the evidence at trial no longer was relevant and was insufficient to support a remedial order, CPR and its partners filed a [response](#) on September 12, 2025. The Response proposed a

focused, time-limited method for collecting recent evidence about Texas' service system for people with IDD that would allow the Court to craft an appropriate remedial order.

CPR Works to Protect Anti-Discrimination Regulation Protections

The Trump administration is attempting to eliminate important civil rights protections contained in federal regulations, and CPR is working to push back and delay these efforts by drafting, and joining allied groups', comments in response to proposed regulatory changes. When Congress passes a new law, it often delegates authority to an Executive branch agency to create regulations that implement the law. Agencies must typically publish regulation additions, changes, or removals, and give the public a chance to respond during a "notice and comment" period. This is an important opportunity for stakeholders—individuals and groups—representing various perspectives to share their views on the impact of the proposed regulatory changes by submitting comments. These comments become part of the public record, and the Executive agency must read each comment and address the covered topics when the final regulations are issued.

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CPR and NHeLP File Brief Supporting Litigation Challenging the U.S. Department of Health and Human Services Final Rule on ACA

On July 24, 2025, CPR and the National Health Law Program (NHeLP) filed a [friend of the court brief](#) in support of litigation challenging the U.S. Department of Health and Human Services (HHS) Final Rule titled "Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability" (June 25, 2025). *Amici* are individuals enrolled in the Affordable Care Act (ACA) Marketplace and other state and national organizations with an interest in maintaining access to quality, affordable health care coverage through the ACA. Their brief describes the positive impact of the ACA and the significant barriers to future health care coverage created by the Final Rule, including increased premiums and out-of-pocket expenses, shortened enrollment periods, and additional hurdles in securing advanced premium tax credits. These and other coverage limits imposed by the Rule are expected to cause up to 1.8 million people to lose health insurance coverage in 2026 alone.

The [complaint](#), brought by 21 states against Secretary Robert Kennedy and other administration officials, seeks to halt implementation of the Final Rule and to have it declared unlawful. A motion for preliminary injunction is still pending in the

federal court in Massachusetts but another court has enjoined the enforcement of the same rule in a parallel case in Maryland.

CPR and Partners File Amicus Brief in Support of Individuals' Right to Choose and Retain Counsel in Massachusetts Guardianship and Conservatorship Proceedings

CPR's work nationally, and in Massachusetts, continues to focus on expanding the legal rights of people with disabilities to make choices in their own lives, including the right of persons subject to guardianship and conservatorship proceedings to choose, retain and, in appropriate circumstances, discharge their own counsel. When a recent Massachusetts Appellate Court case invited briefing on this question, CPR took primary responsibility for the organization and development of an [amicus brief](#), in collaboration with local partners, Disability Law Center, Mental Health Legal Advisory Committee, and Committee for Public Counsel Services. The brief was filed on September 15th.

Given the fundamental rights at stake in guardianship and conservatorship proceedings, and the impingement of liberty resulting from such orders, Amici argued that neither alleged nor adjudicated incapacity should prevent people subject to guardianship and/or conservatorship from choosing and retaining counsel in proceedings to challenge, modify, or terminate those orders.

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CPR Testifies with Broad Coalition in Support of Massachusetts SDM Legislation

On September 9, 2025, CPR and a coalition of diverse advocates came out in force to show their support for Senate Bill 155 and House Bill 261, which would establish a legal framework for Supported Decision-Making (SDM) agreements in Massachusetts. At a hearing held by the Joint Committee on Children, Families and Persons with Disabilities, CPR testified alongside other members of the Massachusetts Advocates for Supported Decision-Making (MASDM) Coalition, including two other MLAC-funded organizations, Disability Law Center (DLC) and Massachusetts Advocates for Children (MAC).

People with disabilities and their supporters shared their experiences with how SDM can transform lives. As Jonathan Gardner, MASDM Co-Chair and cancer survivor, testified: "SDM allows me to choose people I trust to help me think

through my decisions, while I remain the decision-maker. It gives me dignity and the freedom to stay in control of my own life . . . SDM is not meant to replace guardianship. It is simply another option.”

As showcased in [CPR’s written testimony](#), at least 23 states and the District of Columbia have already passed comprehensive SDM agreement legislation. CPR strongly urges Massachusetts to join them. To learn more about the many States that have formally recognized SDM in their laws, visit CPR’s [new interactive map](#) on its SDM website.

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CPR’s Special Counsel Publishes Roadmap for Transforming Employment Service Systems

For almost two decades, CPR has led a legal initiative to dismantle segregated employment programs for people with disabilities and expand integrated employment services that allow people to do real work for real pay in competitive integrated employment (CIE). It filed the first class action lawsuit under the Americans with Disabilities Act (ADA) in Oregon that resulted in a landmark settlement agreement which eventually closed all sheltered workshops and dramatically expanded CIE. In lieu of similar litigation in other states, it is working collaboratively with state officials in Connecticut, Indiana, and North Carolina to transform their employment service systems.

Under the auspices of the federal Disability Employment Technical Assistance Center (DETAC), Steven Schwartz, CPR’s Special Counsel, just published a [paper](#) outlining the 14 components of an employment system transformation plan, and previously authored three seminal papers for DETAC on advocacy strategies for replacing segregated employment with CIE.

CPR Welcomes Senior Attorney, Max Lapertosa



CPR is delighted to announce the addition of Max Lapertosa to its staff! Mr. Lapertosa previously served for over 17 years as a senior attorney with the Civil Rights Division of the United States Department of Justice, where he litigated civil rights cases primarily on behalf of people with disabilities. Mr. Lapertosa received the Department's John Marshall Award and the Civil Rights Division's Maceo Hubbard Award in recognition of his work. Mr. Lapertosa also served as an attorney with Access Living, a disability rights organization in Chicago, where he led a litigation initiative to enforce the Supreme Court's decision in *Olmstead v. L.C.*, including *Ligas v. Eagleson*, which significantly expanded community services for persons with intellectual disabilities in Illinois. As an attorney with the Public Interest Law Center of Philadelphia, Mr. Lapertosa co-authored an amicus brief in *Olmstead* and litigated a trial on behalf of the residents of a large state institution in Connecticut. Mr. Lapertosa graduated from the University of Illinois and the University of Maryland College of Law and lives with his family outside Washington, D.C.

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Center for Public Representation

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