

Marissa Ditkowsky
August 11, 2017

Dan Ruben, Executive Director
Equal Justice America
13540 Boundary Rd # 204B
Midlothian, VA 23112

Mr. Ruben:

I want to begin by thanking you and Equal Justice America for allowing me the opportunity to work at the Quality Trust for Individuals with Disabilities in Washington, D.C. this summer. The Quality Trust assists clients with disabilities, generally under a threshold income level, with a range of issues that impact individuals with disabilities, including education, transition, accessing services, guardianship, and alternatives to guardianship. Individuals with disabilities are an underserved and often overlooked community. Poverty runs rampant in the disability community, and individuals with disabilities often require government services, income, and health care. A resource like the Quality Trust in Washington, D.C. is vital.

Due to confidentiality concerns, I cannot go into too much detail surrounding my clients. However, many of the details are not identifying because they are so common. Guardianship is a major civil rights issue within the disability community. Every day, individuals with disabilities are placed under guardianship even though they can make their own decisions and express their own preferences. One client suffered a physical injury, but the incident resulted in no loss of cognitive function. The client is smart, capable, and fully able to communicate and make decisions. Nonetheless, the court found this client incapacitated and appointed a guardian.

D.C. law includes several procedural safeguards and requirements to prevent individuals from being placed under such a restrictive regime—so restrictive that guardians can decide where individuals under guardianship live, what they do, with whom they associate, and other everyday activities and decisions. However, all of these safeguards failed in this client's case. This client received no notice or service, had inadequate counsel, and the judge waived a visitor, examiner, and this client's present at the guardianship hearing. Unfortunately, the failing of such safeguards is not uncommon due to a misunderstanding of disability and deeply engrained paternalism and ableism. I had the opportunity to meet with this client, perform extensive research on guardianship regulations, statutes, and requirements, and help to draft letters and court documents for this client. Hopefully, the Quality Trust can assist this client in removing the guardianship. The Quality Trust works on these cases to ensure the civil rights and autonomy of individuals with disabilities are not unfairly infringed upon, and that individuals with disabilities receive the due process protections they are guaranteed under law.

The Quality Trust encourages individuals to seek less restrictive alternatives to guardianship, such as powers of attorney and advance directives, and helps clients to draft and execute such documents. Sometimes, individuals with disabilities want the help of a parent or trusted individual, and wish to sign such forms so they can receive that help. In these cases, however, it is the choice of the individual what he or she would like assistance with, and the individual can note preferences on these forms to guide their agents. Additionally, the individual retains capacity. In contrast, under guardianship, the court decides that the individual needs a

guardian and does not have capacity, and the court decides in which areas the individual lacks capacity.

I had the opportunity to work with several clients in drafting and executing both powers of attorney and advance directives. It is important to ensure that individuals with disabilities understand the documents and their consequences prior to having them sign such documents. In some cases, this process requires several meetings, explaining complicated concepts in a simple framework, and connecting the concept to the individual's interests, whether that is cars, Star Wars, video games, sports, music, or any other potential hobby. It is also important to determine whether the individual even wishes to sign such a document, or wants assistance in particular areas from certain trusted individuals. I also researched different rules, regulations, and requirements for powers of attorney and advance directives in surrounding states, such as Maryland, to assist clients.

Also along these lines, the Quality Trust is supporting D.C. legislation that would enable individuals with disabilities to make supported decision-making agreements. In these contracts, individuals with disabilities are able to select a few trusted individuals from whom they wish to receive assistance in making decisions in outlined areas. With supported decision-making, the individual with a disability is ultimately able to make his or her own decision. This model more accurately replicates the way all individuals, with or without a disability, make decisions. I have had the opportunity to research supported decision-making laws and statutes across the country, and to draft suggestions and opinions on proposed D.C. legislation and rules that incorporate supported decision-making. Ultimately, such changes would assist our clients, ensure our clients the utmost autonomy, prevent abuse and neglect that can occur under guardianship, and allow Quality Trust to assist in drafting supported decision-making agreements.

The Equal Justice America fellowship allowed me the opportunity to work on all of these important issues and assist clients with limited resources in need of representation. I hope to continue to use my legal skills and knowledge to help those in need, particularly within the disability community. Thank you so much again for the incredible opportunity and valuable learning experience.

Sincerely,
Marissa Ditkowsky
American University
Washington College of Law



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VIA EMAIL (katie@equaljusticeamerica.org)

August 25, 2017

Dan Ruben
Executive Director
Equal Justice America
Building II, Suite 204
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Midlothian, Virginia 23112

Dear Mr. Ruben:

I am pleased to be write this evaluation letter for Marissa Ditkowsky as part of her Equal Justice America fellowship. I supervise the legal internship program at Quality Trust for Individuals with Disabilities (Quality Trust), and I had the pleasure of working with Ms. Ditkowsky during this summer, when she interned for Quality Trust's legal department.

Quality Trust is an independent, non-profit organization that has been advancing the interests of people with intellectual and developmental disabilities (IDD) since 2001. We monitor the quality of services provided and advocate for changes and improvements to enable people with IDD to live full, healthy, and meaningful lives. Quality Trust attorneys provide legal advocacy, advice, and referrals on a variety of civil law issues, including those involving access to disability-related services and public benefits; capacity, consent, alternatives to guardianship, and the right to self-determination; community integration; and living free from abuse and neglect. We also regularly comment on proposed federal and local policies, regulations, and laws affecting people with disabilities, and we provide trainings and technical assistance to other attorneys who represent people with disabilities in court, including the D.C. Superior Court.

During her time at Quality Trust, Ms. Ditkowsky demonstrated excellent work ethic and professionalism with our clients, as well as a genuine enthusiasm for learning more about civil rights law. While with us, Ms. Ditkowsky gained practical experience working with and on behalf of people with IDD and their families on a variety of legal issues that impact their lives. She was exposed to legal work in areas involving litigation, legislative and regulatory activities, and legal trainings, and she showed strengths in each. For example:

- Ms. Ditkowsky was responsible for fielding new intakes and other requests for assistance from the public, assisting attorneys in identifying meritorious cases, and facilitating appropriate referrals.
- She provided excellent support in several cases involving the exploration of less restrictive alternatives to adult guardianship as a way to promote the decision-



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making rights of people with IDD. Her work included client and investigative interviews, preparation of drafts of legal documents, and legal research on a wide variety of topics.

- Ms. Ditkowsky conducted detailed, thorough, and high-quality legal research to assist with a guardianship case before the D.C. Superior Court.
- She assisted Quality Trust in our work for a National Council on Disability (NCD) report examining adult guardianship and alternatives through the lens of the Americans with Disabilities Act. Her assignments for this project included editing and fact-checking the draft chapters of the report, finding relevant sources, and creating citations.
- Ms. Ditkowsky researched and prepared memoranda on a variety of topics related to guardianship, including the role of consent in guardianship proceedings and the termination of parental rights of people under guardianship.
- She supported the attorney's efforts in drafting legal documents, including powers of attorney, advance medical directives, and psychiatric advance directives. Much of her drafted language was incorporated into the final versions.
- Ms. Ditkowsky admirably supported our regulatory and policy work. For example, she not only conducted detailed analysis of local special education regulations impacting the decision-making rights of people with disabilities, but she took the initiative to develop recommendations for systematic improvements. She also assisted Quality Trust legal staff with preparing a report on the human rights reviews of restrictive controls, including psychotropic medications that impact people with IDD in DC.

In summary, Ms. Ditkowsky was a real asset to our office during her internship with us. If you have any questions or need further information, please feel free to contact me at 202-448-1448 or jbronson@dcqualitytrust.org.

Sincerely,

Jessica A. Bronson
Staff Attorney