



# EQUAL JUSTICE AMERICA

## SUMMER 2024

### EJA FELLOWSHIP RECIPIENT



<b>NAME</b>	Sinjita Bhattacharya
<b>LAW SCHOOL</b>	University of Washington School of Law
<b>ORGANIZATION</b>	Disability Rights, Education, and Defense Fund (DREDF)

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**Update 1:** I'm excited to share my first EJA Fellow update! Today I had orientation for my EJA Fellowship at Disability Rights Education & Defense Fund (DREDF). Throughout the day, I learned about the widespread impact DREDF has in protecting and expanding the rights of the disabled community; through the work of the policy team on amplifying the experiences of disabled folks on a national scale, the education and training for families and caregivers facilitated by the Parent Training and Information Center, and of course, the impact litigation that the legal team spearheads to change precedent surrounding the rights of disabled people.

I got the opportunity to learn about the various disability rights laws that provide the baseline for novel claims to be brought: Sections 504 and 508 of the Rehabilitation Act, the Americans with Disabilities Act, Individuals with Disabilities Education Act, Fair Housing Amendments Act, and Section 1557 of the Affordable Care Act. It was also enlightening to learn about the state laws specific to California, and to compare their broader protections to the federal laws which are more conservative. Moreover, I learned about the importance of regulations in interpreting disability law, as compared to laws that affect other protected classes, due to the federal laws being passed following 1974. I'm excited to apply what I've learned thus far in law school – particularly in Civil Procedure and Constitutional Law – amongst amazing legal thinkers to come up with creative solutions to systemic issues impacting multiply marginalized folks.

I look forward to conducting legal research and writing about issues pertaining to the rights of disabled people who are detained, facing barriers to accessible education, and experiencing discrimination in healthcare on the basis of their disabilities. I am very glad to have the opportunity to work with DREDF this summer, thanks to the EJA fellowship!

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**Update 2:** This past week has been packed with different projects, trainings, and writing. I've gotten to try my hand at drafting a motion based on research I conducted for a memo and to learn a lot about the world of amicus briefs. It's been so incredible to get to absorb from the brilliant attorneys and advocates who work at DREDF on the intersections of disability and



# EQUAL JUSTICE AMERICA

homelessness, particularly as it pertains to the criminalization of unhoused folks through sit/lie ordinances. I've gotten to see firsthand how legal interpretations in motions to dismiss and motions for summary judgment can wield intense power to change precedent, if unchallenged. I also had the opportunity to attend a training about trauma-informed practices for client interviewing, which was very informative and taught me skills that will help me tremendously in the future!

I also attended a training that focused on the intersections of reproductive justice and disability rights, which taught me about the history of reproductive justice for disabled folks. Moreover, I got to learn about the myriad of obstacles to seeking abortion care, from federal insurance barriers through the Hyde Amendment, inaccessible clinics, and bias from providers.

I feel confident that the knowledge I've gained so far in my internship will be invaluable for the rest of the summer and for my future career in disability rights work.

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**Update 3:** These past two weeks have been packed with exciting opportunities to learn. I've been most excited about getting to assist with DREDF's response to mask bans that have grown in popularity across the country.

Mask bans have been proposed in various states, and implemented already in North Carolina, under the pretense that mask wearing conceals criminals' identities, particularly in the context of protests. Mask bans endanger disabled people by encouraging harassment of their mask wearing. Disabled people are at higher risk for severe outcomes from COVID-19 infection and are increasingly relying on masks to protect themselves as many public health protections have been rolled back in the past few years. Given the COVID-19 surge right now, a mask ban is detrimental to disabled people's right to exist in public safely and also makes it difficult for them to exercise their First Amendment rights to protest, if they desire.

Getting to write a statement on this issue which is deeply personal for me was an incredible experience that made me appreciate the power and gravity of the impact a disability rights organization like DREDF could have in educating lawmakers and hopefully curbing implementation of these bans. I'm so grateful to work for an organization that continues to do COVID-19 protection advocacy and recognizes its impact on disabled people and other marginalized communities.

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**Update 4:** Time is flying by, and it's time for another EJA Fellow update! These past few weeks have included opportunities to learn about accessible education law and ways to support disabled unhoused folks following the Grants Pass decision. (Note: I don't use the term "special education" out of respect for disabled folks to dislike the term "special needs." The idea is that access needs aren't "special" — the word "special" holds an infantilizing and charity/pity connotation — access needs are just tools/practices disabled folks need to participate in a space or activity!)

I've gotten to be part of and learn about what the early investigative stage of impact litigation can look like. It's been really eye-opening to see all that goes into choosing a plaintiff, assessing



# EQUAL JUSTICE AMERICA

the potential consequences of each litigation strategy, and how nonprofits collaborate with one another (and pro bono partners) to make formative change. It has also been really interesting to dive into the case law that helps the attorneys decide the best course of action!

Moreover, I've gotten to try my hand at statutory interpretation, as it pertains to holding schools accountable for their legal duties to give disabled students a free and appropriate public education (FAPE) in the least restrictive environment. I've been learning a ton about how to put the skills I was taught in my legal writing class into practice, with reviewing legislative history, modes of construction, and the various ways to craft legal arguments based on just a few words in a statute.

I also got to have an awesome experience meeting filmmaker Jim LeBrecht, known for his award-winning documentary "Crip Camp," which chronicles the disability rights movement and protests in the 70s/80s at an event that DREDF organized for interns to attend. It was incredible to get to talk to LeBrecht and to hear firsthand about his experiences being a part of the movement and protests he documents in the film.

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**Update 5:** This summer at Disability Rights Education and Defense Fund has been incredibly eye opening and packed with opportunities to grow. I'm so grateful to the attorneys who gave me the opportunity to try new things; like writing parts of motions, writing press releases, and getting to be in the room for strategy conversations when a case is at its earliest stages.

I learned a tremendous amount about impact litigation this summer. It has been really interesting to participate in various stages: intake, legal research, statutory interpretation, legal strategy, and the many obstacles that arise when a case is in motion. I've learned that when pursuing litigation, an organizational plaintiff can back out unexpectedly, discovery can reveal that a particular argument is less effective, and that a client's assessment of facts might not align with the law in a way that is actionable. Lawyers have to pivot and be quick on their feet. I learned that consulting with co-counsel to brainstorm together can be an effective way to move forward through these many obstacles. Sometimes a case needs to simmer on the sidelines until new facts or organizational plaintiffs can be uncovered, and that sometimes unfortunately means that the harm seeking to be remedied continues. Impact litigation seeks to make a big change that affects many, but it also requires things to line up more perfectly than they might otherwise need to for direct services work. It can be gratifying to get a win for the community, and deeply frustrating to not be able to do more within the constraints of impact litigation.

I also got to learn so much this summer about issues in disability rights and law that I hadn't engaged with prior to the internship. I got to dive into work on the family regulation system and the ways that it disproportionately harms disabled people of color. Reading the laws on the books in this area helped me realize where policy change is still needed and where the law creates room for challenges. Specifically, it was interesting to see the parallels between the family regulation system and the institutionalization of many people with mental health diagnoses (something I was more familiar with); in both groups, behavior that is related to disability is used as justification to deprive someone of particular rights — their parental rights and/or their right to be in the community. I learned about strategies to engage with practitioners who make determinations about capacity that aren't necessarily tied to litigation,



# EQUAL JUSTICE AMERICA

but rather, using the law as a way of promoting education and the dismantling of systems that are harmful.

In my future work, I will take with me a deep appreciation for learning from activists in the disability justice movement and letting that direct the choices I make as an attorney. When I don't know enough about something, I will consult with those directly impacted by the issue and better understand how it relates to other systems I am familiar with. I will continue to think critically about my research and writing strategy, being mindful of what's best for the community and not just what's best for litigation. I've learned so much at DREDF this summer, both about myself and the work I'd like to do. I'm so grateful for the opportunity and look forward to continuing to learn and contribute to the disability rights space in the future.