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Top firm donates time to advocate for kids

Allison Kelso

Nestled in the bustle of Downtown Crossing resides the offices of Massachusetts Advocates for Children (MAC), a small advocacy group dedicated to helping disadvantaged children. With more than 800 phone calls for help coming into the office each year, the nonprofit and its staff of 16 has been overwhelmed by the amount of Massachusetts families in need.

But as of last month, MAC has a new partner dedicated to its cause.

International law giant DLA Piper's Boston branch will donate a base 1,000 hours of its lawyers' time for the Education Rights Project, an initiative to tackle the challenges facing low-income children with disabilities.

"We're able to expand our capacity to help kids," MAC Executive Director Jerry Mogul said. "We're very grateful to them."

MAC currently takes on 40 to 50 cases each year, with approximately one-fifth of those handled by pro bono attorneys.

Mogul said the project will enable the nonprofit to exponentially increase its caseload, helping more families and making larger changes to the system.

"It's just really exciting," he said.

According to their 2006 study, "Transforming the Boston Public Schools," nearly 20 percent of BPS students are enrolled in special education.

Since its inception in 1969, MAC has pioneered reform and was a driving force behind the enactment of Chapter 766, the main Massachusetts special education law. The agency also assists individual families that seek to obtain the services for their child from the state.

According to Matt Iverson, manager of DLA Piper's Education Rights Project, the initiative is the Boston office's first "signature project," where a branch teams up with a nonprofit as they have with MAC. This is part of DLA Piper's larger pro bono commitment, to which they have pledged over 150,000 hours for 2009.

This particular project is divided into four areas of focus, each of which has a team of lawyers dedicated to its goals.

One team will focus on the BPS system, particularly on issues relating to the translation of information for parents. Another will analyze statewide special education issues, with an emphasis on how children with disabilities transition out of high school.

The third team will advocate for children with Autism Spectrum Disorder,

DLA Piper: Pro Bono Signature Projects

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Massachusetts Advocates for Children

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which MAC previously identified as a significant issue. It launched an ASD Legal Support Center in 2003. Additionally, a synergy team is being developed to focus on the relationship between insurance, national health care and financial corporate sponsors.

To date, approximately half of the lawyers on staff are already working on the project, with six cases in the works.

In addition to cases of client advocacy, where MAC refers an individual to the firm for assistance, the project members will work on systemic change, making strides to ameliorate special education policy, Iverson said. He stressed, however, that cases will not be chosen simply for their policy implications.

"If someone needs our help, we're going to provide it," Iverson said. "We're not going to cherry-pick cases that we think are going to provide ... court precedent. [But] we are going to keep an eye out for cases that might do that."

Iverson is one of a handful of attorneys who offered MAC his services on a pro bono basis prior to the project's launch. After attending an information session at MAC about two years ago, he was inspired to get involved in the organization. He now serves on their board as its treasurer.

"I got a sense of the need that's out there, and the need for folks with some legal experience to really get involved on behalf on some of these parents who are being confronted by a bureaucracy that they don't understand Those rights aren't clear and no one's out there telling [the parents] about them and how to assert them," he said.

BPS spokeswoman Melissa Duggan said the school system did not have enough information to comment on whether the new partnership will improve parent services or the special education process within the district.

MAC Children's Law Support Project Director Tom Mela said the lack of support available for parents is a flaw in the current special education system.

Team meetings — where parents gather with psychologists, teachers and school officials to discuss how to best serve their child's interests — can be more overwhelming than helpful, he said. Attorneys and advocates not only advise parents of their rights and traverse the school's bureaucracy, but they also offer support.

"By herself is Mom, [facing] something as important as the future and education of her child," Mela said. "It's such an imbalance."

Mela said another concern that the BPS team at DLA Piper will focus on is the quality and confidentiality of translation.

"It's not uncommon for schools to grab an office secretary [to translate] 10 minutes before the meeting," he said.

Schools also have to translate special education documents in a timely and accurate fashion. Of these, the most important is the IEP, or individualized education program, which lays out how the school will accommodate the child's particular needs.

Although the state provides copies of most documents in a variety of languages, the individual school is still responsible for filling in more personalized information. Mela said in one recent case, a school had translated the generic form, but had failed to do so for the most important part: specifics about the student.

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Besides the issue of translation, the Education Rights Project will focus on Medicaid waivers for autistic families, which the state has to request and of which there are a limited number, and the availability of updated, translated versions of the Parent's Notice of Procedural Safeguards, which informs parents of their rights.

For the first year, training of DLA Piper's lawyers is another focus. Mela said DLA associates attended an initial two-hour training session, watched a public event on the testing process and shadowed advocates at team meetings. A member of MAC also serves as an adviser on each case DLA handles.

"We hope, over time, that will diminish," Mela said.

DLA Piper associate and assistant BPS team leader Zach Coseglia said the mentoring program has been beneficial.

"For me, it's not really about the systemic change. My focus is on helping one family at a time," he said. "It's knowing that you can help them through."



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