

August 28, 2012

Honorable Christine Gregoire  
Governor  
PO Box 40002  
Olympia, WA 98504-0002

Dear Governor Gregoire:

On behalf of the undersigned national disability rights and aging organizations representing millions of Americans with disabilities, we strongly urge you not to file a petition for certiorari to the U.S. Supreme Court in the case of *M.R. v. Dreyfus*.<sup>1</sup> Filing a petition for certiorari could place at risk one of the most fundamental civil rights of individuals with disabilities: the right to avoid needless institutionalization. Without that right, people with disabilities cannot be full participants in their communities and have the same kinds of lives as people without disabilities.

In *Olmstead v. L.C.*,<sup>2</sup> the Supreme Court ruled that institutionalizing people with disabilities who could be served in integrated settings is a form of discrimination under the Americans with Disabilities Act (ADA). The *Olmstead* decision, often referred to as the *Brown v. Board of Education* for people with disabilities, has made it possible for many individuals with disabilities across the country to thrive in their own homes and communities. As a result of the decision, state service systems across the country have begun to recognize the need to reorient services to afford people with disabilities the chance to live in integrated settings.

Washington should not seek certiorari in *M.R. v. Dreyfus*. As the Ninth Circuit concluded, the twelve plaintiffs in *M.R.* demonstrated that Washington's planned cuts to in-home personal care services would mean that they would be unable to get the help they need to bathe, dress, prepare meals, manage their medication, get to medical appointments, and perform other basic activities and, as a result, would likely experience significant deterioration that would require them to enter institutions.

We do not believe it is necessary for the state to place at risk the most important civil right of people with disabilities in order to avoid providing at-home personal care services for twelve people.<sup>3</sup> Furthermore, if the plaintiffs did enter nursing homes or other institutional settings as a result of the cuts to their in-home personal care services, it would cost Washington far more to serve them in institutional settings than to restore the service hours that would be cut.

---

<sup>1</sup> 663 F.3d 1100 (9<sup>th</sup> Cir. 2011), *reh'g en banc denied*, 2012 WL 2218824 (June 18, 2012).

<sup>2</sup> 527 U.S. 581 (1999).

<sup>3</sup> To date, no class has been certified. The Ninth Circuit remanded the case to the district court to determine whether class certification is appropriate.

While Washington may intend to craft narrow arguments that it believes will not place *Olmstead* in jeopardy, the state will have little control over what the Supreme Court says concerning the ADA's integration mandate. Seeking certiorari could result in a ruling that significantly diminishes the right of people with disabilities to live in integrated settings and be full participants in their communities. You have been an important leader on disability issues, and we assume that you would not wish to set that in motion.

People with disabilities want to live in their own homes and communities. Please do not invite the Supreme Court to revisit their right to do so.

Sincerely,

ACCSES

ADAPT

Addus HealthCare

American Association of People with Disabilities

American Association on Health and Disability

Association of Persons Supporting Employment First

Association of University Centers on Disabilities

Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Brain Injury Association of America

Center for Public Representation

Council of Parent Attorneys and Advocates, Inc.

Council of State Administrators of Vocational Rehabilitation

Disability Rights Education and Defense Fund

Disability Rights Legal Center

Easter Seals

Epilepsy Foundation

Joseph P. Kennedy, Jr. Foundation  
Mental Health America  
National Alliance on Mental Illness  
National Association for Rights Protection and Advocacy  
National Center for Law and Economic Justice  
National Council on Independent Living  
National Council on Aging  
National Disability Rights Network  
National Down Syndrome Congress  
National Federation of the Blind  
National Multiple Sclerosis Society  
National Senior Citizens Law Center  
Paralyzed Veterans of America  
Project Inform  
United Cerebral Palsy  
United Spinal Association