

AMICUS BRIEF FILED TO PROTECT SAFETY OF THOSE IN PSYCHIATRIC INSTITUTIONS

For Immediate Release

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Washington, DC – On March 25, 2020, the Bazelon Center of Mental Health Law filed an amicus brief along with the American Association of People with Disabilities (AAPD), National Council of Independent Living, and Mental Health America in a case against the D.C. Department of Behavioral Health and Saint Elizabeth’s Hospital to address the risks to and protect the rights of psychiatric patients at Saint Elizabeth’s Hospital. Pandemic or not, the Constitution requires that psychiatric institutions provide safe conditions and adequate medical care in accord with professional norms. The Bazelon Center urged the U.S. Court of Appeals to uphold the federal trial court’s decision that Saint Elizabeth’s without justification failed to follow CDC standards.

"DC is arguing that it may ignore the CDC's guidelines if it chooses," said **Ira Burnim, Legal Director at the Bazelon Center for Mental Health Law**. "That is irresponsible, and it is contrary to well-established constitutional protections."

The oral argument is scheduled for May 13, 2021.

The law firm of Sidley Austin LLC co-authored the brief with the Bazelon Center and generously supported this legal effort.

About the Bazelon Center for Mental Health Law: The Bazelon Center advocates across the country for the civil rights of adults and children with mental disabilities, through litigation, federal and state policy, public education, and technical assistance to states and localities. Formerly the Mental Health Law Project, the Bazelon Center has been involved with seminal special education litigation, including *Mills v. District of Columbia* and *Jose P. v. Ambach*, and has appeared in the U.S. Supreme Court to advance disability rights, including in *Olmstead v. L.C.*, which established that the unnecessary segregation of people with disabilities is discrimination under the ADA, and *Endrew F. v. Douglas County School District RE-1*, which raised the bar for what public schools must do to educate students with disabilities.

About American Association of People with Disabilities: The American Association of People with Disabilities works to increase the political and economic power of people with disabilities, and to advance their rights. A national cross-disability organization, the Association advocates for full recognition of the rights of over 60 million Americans with disabilities.

About Mental Health America: Mental Health America is the nation’s leading community-based nonprofit dedicated to addressing the needs of those living with mental illness and promoting the overall mental health of all Americans. Mental Health America’s programs and initiatives fulfill its mission through advocacy, education, research, and services. Its national office and its

200-plus affiliates and associates around the country work every day to protect the rights and dignity of individuals with mental health conditions and advocate for increased access to mental health services and supports.

[About the National Council on Independent Living](#): The National Council on Independent Living is the oldest cross-disability, national grassroots organization run by and for people with disabilities. The Council's membership comprises centers for independent living, state independent living councils, people with disabilities and other disability rights organizations. It advances independent living and the rights of people with disabilities. The Council envisions a world in which people with disabilities are valued equally and participate fully.