

Chicago Daily Law Bulletin®

VOLUME 167, NO. 21

LAW BULLETIN MEDIA.

Biden taps Chicago disability lawyer to head national council

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Andrés J. Gallegos, a Chicago disability rights attorney, was appointed by President Joe Biden to lead the National Council on Disability, a federal agency that advises the White House and Congress on disability issues.

Gallegos was appointed as board chair by Biden on Jan. 20, hours after the inauguration. The NCD board is comprised of five presidential appointees and four congressional appointees.

"I was surprised and incredibly humbled by the appointment," said Gallegos. "I had spoken to members of the transition team in December, and I was told it was a possibility I would be appointed as chair, but I wasn't certain."

A partner at Robbins Salomon & Patt Ltd., Gallegos created and spearheads the firm's disability rights practice, which represents clients with disabilities seeking equal access to health care.

Gallegos was first appointed to the NCD's board in 2018 by Sen. Chuck Schumer, then the minority leader, at the recommendation of Illinois Sen. Tammy Duckworth.

At that time, Duckworth touted Gallegos' work as the board president of Access Living, a nonprofit in Chicago that provides housing and other services to people with disabilities.

Gallegos turned his law practice toward disability law 24 years ago, after a car crash injured his spinal cord and left him paralyzed below the chest. He said he quickly discovered medical offices lacked accessibility for wheelchair users.

"It started because I went to an eye doctor near my office, and in order to use the examination chair patients had to be able to transfer themselves from

their wheelchairs. I couldn't do that," Gallegos said. "I thought it was just that office, but I discovered that it was a pervasive problem."

Gallegos, who was practicing corporate law at the time, filed a class-action lawsuit for discrimination, which led to the installation of movable examination equipment in optometry offices.

Anne Sommers McIntosh, who became executive director of the NCD earlier this month, said Biden's appointment of Gallegos on Inauguration Day signals that disability issues are a high priority for the new administration.

"We viewed the appointment on Day One as keeping with the president's commitment to the needs of people with disabilities," McIntosh said. "It's a pretty bold statement, and we think it bodes well for the disabled community."

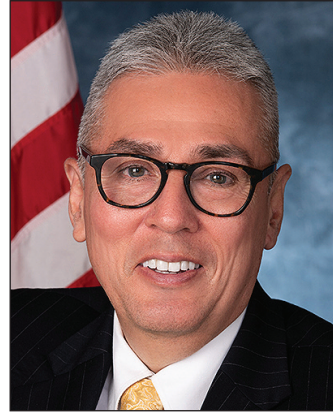
RSP partner Jennifer M. Sender, who works with Gallegos in the disability practice, said her colleague is a natural fit for his new role.

"It's no surprise to anyone at our firm this appointment was made," Sender said. "Andrés is a passionate, committed, creative advocate for people with disabilities, and we're extraordinarily proud for him."

Together Gallegos and Sender have represented clients to ensure medical facilities have accessible examination tables and diagnostic equipment. In other cases, they've worked to secure sign language interpreters or alternatives to written materials for deaf and blind patients in hospitals.

"He's humble, but we are one of the only firms doing this kind of work in the Midwest, and he really spearheaded this practice," Sender said. "He's made a lot of change in the area."

The NCD has no regulatory or policy authority, but has played



Andrés J. Gallegos

a central role in shaping the law. In a 1986 report, the agency drafted the language that ultimately became Americans with Disabilities Act of 1990. Today, NCD has 12 full-time staffers in addition to its board.

In his three years on the council, Gallegos said the organization has focused on bioethics, pressed officials to address discrimination against disabled people in organ-transplant decisions and in legal-guardianship cases, worked with dental schools to train students about intellectual disabilities, and pushed for improved Medicaid coverage for those with intellectual and developmental disabilities.

That focus may shift, Gallegos said, as the nation faces the short- and long-term effects of the COVID-19 pandemic.

"Today we are facing significant challenges in the light of a public health and economic catastrophe," he said.

The pandemic "disproportionately impacts the health and well-being" of people with disabilities because underlying medical conditions leave them more susceptible to infection, he said. They also face double the unemployment rate and triple the poverty rate of non-disabled individuals.

As a result, Gallegos said as the NCD begins work with the

Biden administration, "the focus will be all things COVID, the lessons we've learned from it, and all things health care."

He said the NCD plans to engage policymakers to revise "crisis standards of care developed by systems receiving federal assistance," noting that policies early in the pandemic de-prioritized individuals with disabilities from receiving limited supplies of protective equipment, ventilators, and vaccines.

He also has sights set on ending sub-minimum wages for the blind and people with intellectual disabilities, allowed under the Fair Labor Standards Act since 1938.

"At the time, people with disabilities were viewed as being in need of charity to integrate into society and be part of the work force," he said.

The law hasn't been changed, allowing many disabled workers to be paid as little as \$3 or \$4 per hour.

"If you substituted people with disabilities for any other minority group, there would be public outrage," Gallegos said. "What we need is the same level of outrage when people with disabilities face that same discrimination as there would be if it was a racial or religious group being targeted."

Zena Naiditch, president of Equip for Equality, a non-profit legal advocacy group for the disabled community in Illinois, called Gallegos a "terrific choice" to shape policy nationally.

"He has a keen understanding of how to implement broad systematic reforms, and he's someone who is able to be persuasive and bring people together," she said. "I think that's what we need. He has a remarkable combination of skills, a unique background, and is a very nice man. I think we'll see disability rights get much stronger under his leadership."