

Questions & Answers with Gary Mayerson, Director of FLAP

Q: *What does FLAP stand for?*

A: FLAP stands for the "Federal Legal Appeal Project"

Q: *What is an IDEIA appeal?*

A: An IDEIA appeal is a federal appeal brought pursuant to the (federal) Individuals with Disabilities Education Improvement Act.

Q: *To be considered for assistance by the FLAP Project, my child's case needs to already be pending at the "federal" level. What exactly does that mean?*

A: Autism Speaks is looking to create or maintain judicial precedent so that families do not have to constantly "reinvent the wheel" at the administrative level. You need not even be the appealing party. Perhaps you *won* below and it is the school district that is appealing. However, to be considered by the Project, your case must already be pending in a federal court forum i.e. at the very least, filed and pending in a federal district court, a federal court of appeals, or the U.S. Supreme Court.

Q. *If my child's case is accepted by the Project for assistance, how do lawyers get assigned?*

A: The Project has developed relationships with some of the leading law firms in the nation to dedicate significant *pro bono* resources. As part of the acceptance process, we make efforts to ensure that there will be a good "fit" between the particular issue(s) of your case, and the particular law firm being considered. In virtually every instance, the participating law firm will provide assistance at both the partner and associate level.

Q. *If my child's matter is accepted for assistance by the Project, will I be charged anything by Autism Speaks or the attorneys who are assigned to help us?*

A: Not a dime. The entire purpose of the Project is to provide quality legal assistance on a *pro bono* basis. The participating law firms absorb and assume the costs and fees that you would otherwise be paying.

Q. *We already have an attorney who won our case at the administrative level, and now the school district is appealing. Is there any way that we can keep our current attorney but still get some assistance from the Project?*

A: The Project accepts matters for *full* representation, but also, in appropriate cases, will accept a matter where your local counsel will continue to act as "lead counsel" and where the Project's role will be limited to preparing and filing an "amicus" (friend of the court) brief. An amicus role, however, is most appropriate where your child's case is pending before one of the circuit courts of appeal, or the U.S. Supreme Court.

[Disclaimer]

While the Project cannot answer every question, we encourage families to submit questions of general application that can be answered without reference to the particular facts of your child's case. In that manner, your question (and a response) can be reprinted for the benefit of all.