

Wiley Files *Amicus* Brief in Fourth Circuit in Article III Case

February 26, 2026

Wiley filed an *amicus* brief in *SC NAACP v. SC Department of Juvenile Justice*, urging the U.S. Court of Appeals for the Fourth Circuit to grant a petition for rehearing en banc of a panel decision that held that the Protection and Advocacy (P&A) organization for South Carolina lacks standing under Article III of the U.S. Constitution to undertake legal action on behalf of disabled individuals. This case has significant implications for disabled individuals and P&A organizations across the country.

The brief, submitted on behalf of The National Disability Rights Network, Disability Rights Maryland, Disability Rights North Carolina, Disability Law Center of Virginia, and Disability Rights West Virginia, argues that the panel's decision violates federal law, including the Protection and Advocacy for Individuals with Mental Illness Act, which expressly authorizes P&As to bring legal action in a representative capacity on behalf of individuals with disabilities. Additionally, the brief asserts that the panel's decision misinterprets U.S. Supreme Court precedent and notes the cost of the panel's decision for people with disabilities.

Wiley Pro Bono Partner, Theodore A. Howard, acted as counsel of record for the brief. The Wiley team also included Pro Bono Counsel Kathleen Cooperstein and associate Myron Zhang, with help and support from paralegal Kristine Lynch.

Related Professionals

Theodore A. Howard
Partner
202.719.7120
thoward@wiley.law

Kathleen Cooperstein
Special Counsel
202.719.4043
kcooperstein@wiley.law

Myron Zhang
Associate
202.719.3440
mzhang@wiley.law

Practice Areas

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