DISABILITY LAW, Spring 2016

Course Description

The law has not always been friendly to people with disabilities. It was once legal to force “feeble-minded” people to be sterilized. In addition, many cities used to have “ugly laws,” making it illegal for a person who was “…diseased, maimed or mutilated or in any way deformed…to expose him or herself to public view.”

As society has evolved, so has the law. The Americans with Disabilities Act and other landmark legislation have done much to provide equality and a level playing field for this ever-expanding population. There is still a large gap, however, between what the law requires and what is actually happening. This course will therefore focus on two (often competing) themes: 1. The statutes, regulations and caselaw, and 2. How it works in the real world.

Our textbook is The Law of Disability Discrimination, 8th Edition, by Ruth Colker and Paul Grossman. We will also be occasionally assigning reading material from the Internet.

There will be a midterm, and you are also required to submit a paper that explores some aspect of disability law (more details will be provided).

The paper must be at least 15 pages long (12-point font, typewritten, double-spaced), and it is due on April 14. That will be the last night of class, and every student will give a short presentation to the class that evening about their paper.

Your grade will be based on the midterm (30%), paper (60%) and class participation (10%).
Tentative Class Schedule and Reading Assignments

January 14, 2016
Text: pp 1 – 19

Evolution of Disability Law: From Institutionalization and Segregation to Civil Rights

*Buck v. Bell*, 274 U.S. 200 (1927)

*Southeastern Community College v. Davis*, 442 U.S. 979

Handout: *City of Cleburne v Cleburne Living Center*, 473 U.S. 432 (1985)

January 21, 2016
Text: pp 19 – 54

Defining “Disability”

*School Board of Nassau County v. Arline*, 480 U.S. 273 (1987)


How the ADAAA changed everything
January 28, 2016

Text: pp. 59 – 79, 103 – 116

Disability in Employment – Hiring and Recruiting


*Grenier v. Cyanamid Plastics, Inc.*, 70 Fed 3rd. 667 (1st Cir. 1995)

February 4, 2016

Text: pp. 74 – 84, 88 – 100

Reasonable Accommodation

*Van Zandt v. State of Wisconsin*, 44 F.3rd 538 (7th Cir. 1995)


February 11, 2016

pp. 119-135, 137-144

Defenses to ADA Employment Claims


*Den Hartog v. Wasatch Academy* 129 F3rd 1076 (10th Cir. 1997)

Guest Speaker: Dennis Westlind
Counsel, Labor and Employment
Providence Health and Services

February 18, 2016
pp. 151 – 154

Juggling (literally!) the ADA, FMLA and Workers’ Compensation Laws

Guest Speaker: Dan Grinfas, Of Counsel
Buchanan Angeli, Altschul & Sullivan, LLP

Additional reading materials will be supplied by Mr. Grinfas.

February 25, 2016
Midterm
March 3, 2016

pp. 167 – 195

State and Local Governments: Title II, General Principles

Galloway v. Superior Court
Supp 12 (D.D.C. 1993)


Guest Speaker: Erik Van Hagen, Tri-Met Attorney

March 10, 2016

Pp 231 – 233, 252 -258, 260 - 267

Title II: Public Accommodation Requirements of State and Local Governments

Barden v. City of Sacramento
292 F.3rd 1073 (9th Cir. 2002)

United States v. Georgia
546 U.S. 151 (2006)

Ellen S. v. Florida Board of Bar Examiners
March 17, 2016

Student Meetings with Scott to Discuss Papers

Mar 24, 2016

Spring Break

Mar 31, 2016

pp. 325 – 345, 370 - 376

Title III: Public Accommodations

*PGA Tour, Inc. v. Martin*
532 U.S. 661 (2001)

*Aikins v St. Helena Hospital*
843 F. Supp 1329 (N.D. Cal. 1994)

630 F3rd 1153 (9th Cir. 2011)

**Guest Speaker:** Bob Joondeph, Executive Director
Disability Rights Oregon
April 7, 2016

Text: pp. 608 – 612, 630 - 637

Fair Housing Amendments Act of 1988

City of Edmonds v. Oxford House, Inc.
514 U.S. 1995

Jankowski Lee and Associates v. Cisneros
91 Fed. 3rd 891 (7th Cir. 1996)

United States v. California Mobile Home Management Park Management Co
29 Fed, 3rd (9th Cir. 1994)

April 14, 2016

Paper Presentations in Class