Course and Objectives

This course explores the law surrounding physical and mental disabilities. Primarily civil aspects are covered, including but not limited to the definition of “disability” and disability discrimination in the workplace, government services, housing, public accommodations, and education. Students will select a topic and execute a research paper. At the conclusion of the course, students should be able to: (1) demonstrate knowledge of basic legal rules relating to disability; (2) develop an expertise on one topic in this area; and (3) analyze critically the policies and rules relating to disability.

Administrative Items

Classes: Class will be held in Room 275 on Thursday from 3:30-5:20 pm.

Office Hours: Room 334, 1:00-3:00 pm Thursday, as well as by appointment. Email (fvars@law.ua.edu) is the best way to contact me. Also drop by whenever my door is open.

Class Performance: Regular, punctual class attendance and participation are course requirements along with a final research paper. Class participation will be a very important element in determining your final grade. Indeed, participation has in past years often been decisive---students have very rarely received A or A- grades without frequent, meaningful participation. Included in participation is emailing to me by noon on the day of class two comments or questions for discussion related to that week’s reading.

Please record your presence on distributed attendance sheets. I will comply with the law school’s policy on attendance (with one additional requirement). Accordingly, if you miss more than 3 classes for any reason, you will have to explain all your absences to the dean of students and may receive no credit or a failing grade for the course. Because participation is critical to this seminar, any non-emergency absence after the first must also be pre-approved by me.

Research Project: There will be a 20-page maximum research paper due the last day of exam period, May 10 (12-point font text (double-spaced); 10-point font footnotes (single-spaced); 1-inch margins). You will need to bring a proposed paper idea(s) to a 20-minute meeting with me to be scheduled for Wednesday, February 8. I expect the idea to reflect some research beyond the course materials. A draft of your paper will be due on Friday March 10. Individual feedback sessions will be scheduled for Wednesday, March 22. The final grade will be based primarily on the quality of the final paper and classroom participation, but I may adjust grades upward or downward somewhat for level of preparation for paper idea meeting and timeliness and quality of the draft.

Recording Devices: The use of recording devices is prohibited without my prior permission.

Accommodations: Students with disabilities are encouraged to contact Associate Dean Grace Lee, at 348-7190 or glee@law.ua.edu so that the individual’s needs for support services can be evaluated and accommodated in a timely manner. Please let me know if I can be of assistance as well.

Tentative Reading List

January 5---Disability Rights Movement; Statistics; Pregnancy
Casebook pp.1-7
CDC, Prevalence of Disability and Disability Type Among Adults — United States, 2013, https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6429a2.htm
Jeannette Cox, Pregnancy as “Disability” and the Amended Americans with Disabilities Act, 53 B.C. L. REV. 443 (2012)

January 12---What Is a Disability?
Casebook pp. 9-63

January 19---Reasonable Accommodations
Casebook pp. 65-107

January 26---Qualified Individual with a Disability
Casebook pp. 107-140

February 2---Direct Threat and Other Employment Issues
Casebook pp. 140-183

February 8---- Paper topic meetings

February 9---NO CLASS (Prepare for topic meeting instead)

February 16---Government Services
Casebook pp. 185-215

February 23---Olmstead (James Tucker, ADAP)
Casebook pp. 215-259
March 2------Public Accommodations
          Casebook pp. 457-495

March 9----NO CLASS (Draft paper)

March 10---Draft due by 5:00 pm email to fvars@law.ua.edu

Spring Break

March 22---Draft feedback meetings

March 23---Education
          Casebook pp. 639-684

March 30----NO CLASS (Revise papers; prepare presentations)

April 6, and April 13---Student presentations

April 28----Final paper due by 5:00 pm email to fvars@law.ua.edu