

DISABILITY (DISCRIMINATION) LAW
Law 617-1001
Syllabus, Policies and Procedures
Fall 2016

Mondays and Wednesdays, 9:00 to 10:25 a.m.
Room 110

COURSE DESCRIPTION

Examines the law of disability discrimination, focusing on the Americans with Disabilities Act of 1990, the ADA Amendments Act, and other federal and state statutes, case law, and regulations governing the civil rights of persons with disabilities with respect to education, employment, public accommodations, and housing.

LEARNING OUTCOMES

Students will become acquainted with the major federal and state laws governing disability discrimination in employment, education, and accommodation. These statutes include the Americans with Disabilities Act of 1990 (ADA), The American with Disabilities Amendments Act (2009), The Rehabilitation Act, and Nevada Revised Statutes 433.

Students will gain an understanding of and be able to analyze the statutory definitions of persons with disabilities, the rights accorded by the statutes to persons with disabilities, and different theories under which a plaintiff can bring a cause of action against an employer, an educational institution, or a public accommodation, as well as the defenses the defendants can assert.

Students will consider how, as lawyers representing clients, they can help their clients avoid liability and further the rights of persons with disabilities through alternate dispute resolution.

REQUIRED TEXTS:

Laura Rothstein and Ann C. McGinley, (5th
edition 2010) (referred to as "casebook" or "CB" in syllabus).

Laura Rothstein and Ann C. McGinley, (2016

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OPTIONAL TEXT:

Laura Rothstein and Ann C. McGinley,
(2013). **NOTE:** This is listed as optional on the booklist as portions of this text are no longer current.

REFERENCE BOOKS IN LIBRARY:

There are many books in the library dealing with the issue of disabilities. A few of them that are recommended are:

Lennard J. Davis,
(2015).
, (ed. Linda Hamilton Krieger)
(2003).

David M. Engel,
, (2003).

Nancy Lee Jones,
(2003).

John Parry, , (2003).

Henry H. Perritt, Jr., , (2003).

Lex Larson, , 2d ed. (Matthew Bender)(multi-volume treatise).

Barbara Lindemann & Paul Grossman, , 3d ed. (ABA Section of Labor and Employment Law)(multi-volume treatise).

VITAL INFORMATION:

Office Hours, Contacting the Professor

My office is located on the 4th floor of the Beverly Rogers Literature and Law Building in Room 456 (tucked away behind the library). I will have office hours from 4:00 - 6:00 p.m. on Mondays. I will also be in my office during these hours on most Wednesdays. Also, feel free to drop by to see me anytime except for the 45 minutes before class time. You can also call me for an appointment or send me an email. My office phone is 702-895-2436. My office phone is NOT the best way to contact me. You will have better luck if you email me. My email is ann.mcginley@unlv.edu. I try to respond to all emails within 24 hours, and often do so much sooner.

Class Attendance

Class attendance is mandatory. I will pass an attendance sheet in every class and you will sign it if present. There will be NO credit for attending if you do not sign the sheet. IT IS AN HONOR CODE VIOLATION TO SIGN THE SHEET ON BEHALF OF SOMEONE ELSE.

Your class attendance, as well as your class preparation and participation will be factored into your grade. Students with four or more absences may be dis-enrolled from the course.

Class Preparation

Class preparation is mandatory. I will call on students regularly to discuss the cases assigned and to participate in the class. I expect you to be prepared at all times. This is your class. You will learn more by participating than by avoiding participation. The frequency and quality of your preparation will count toward your final grade.

PROFESSIONALISM:

It is important that you act in professional school as professionals. This means that you need to treat other students, the professor, and yourself with civility and dignity. Here are the initial rules of professionalism that I have drafted for the class

Punctuality

Please arrive on time for class. The class starts promptly at 9:00 a.m. If for some reason—such as a car accident—you do arrive late, **enter the classroom quietly and please do not let the door slam behind you. (This is one of my pet peeves. People who are otherwise polite go in and out of classrooms, courtrooms, etc. and let the door bang.)**

Cell Phones, Computers and Internet Access

Please turn off your cell phones or any other devices that ring or record. There has been increasing research demonstrating that using computers in class can be distracting and problematic for students' learning. Because of this research, you are encouraged **not** to use your laptops or other electronic devices in class. Because this is such a small class, however, I will not impose an absolute ban on computers. So that you have a complete set of notes, I will have two volunteers for each class take notes on a computer and share the notes with the class within 24 hours of the class by putting them on the TWEN page. You will then be able to edit those notes to add the substance that will be useful to you. This should help you review the class when it is fresh in your mind and begin working on an outline for studying for the exam. During the first week of class, /P /6 be able d hb.Lathe exam. D0nes, ComputerTWENw1.2 ll I Tdosy puttin Pss,rPoistudkin the exW2 llosdi be,tory. I wosy tin Pss,rPoistudying 3 cess

CB pp. 69-89; 2016 Supplement; Statutes

Also, when you are walking or exercising or driving in the car, please listen to the following podcast: Invisibilia - NPR, "How to Become Batman." (This is about an hour long so I recommend that you do it while you are doing something else such as exercising, etc. I think you will find it really interesting). Here's the link:

<http://www.npr.org/programs/invisibilia/378577902/how-to-become-batman>. We will discuss this podcast in class.

CLASS #4, MONDAY, 9/12

3. Employment

- **Applicability of ADA and Rehabilitation Act**

CB pp. 91-107; 2016 Supplement; Statutes
Prepare Hypothetical Problem 3.1

CLASS #5, WEDNESDAY, 9/14

- **Qualification Standards**

CB pp. 107-127; 129-30; 2016 Supplement; Statutes
Prepare Hypothetical Problem 3.2

CLASS #6, MONDAY, 9/19

- **What Constitutes Discrimination?**

CB pp. 130-146; 2016 Supplement; Statutes
Prepare Hypothetical Problem 3.3

CLASS #7, WEDNESDAY, 9/21

- **Qualifications**

CB pp. 146-165; 2016 Supplement; Statutes

CLASS #8, MONDAY, 9/26

- **Direct Threat to the Health and Safety of the Individual and Others**

CB pp. 171-179; 181-185; 2016 Supplement; Statutes
Prepare Hypothetical Problem 3.4

- **Reasonable Accommodation and Undue Hardship**

CB pp. 185-188; 195-209; 2016 Supplement; Statutes
Prepare Hypothetical Problem 3.5

CLASS #9, WEDNESDAY, 9/28

CB pp. 209-230; (When reading Huber v. Howard County, Md, 849 F. Supp. 407 (D. Md. 1994), look up the first paragraph in the case. It will make more sense when you read what is in the casebook). 2016 Supplement; Statutes
Prepare Hypothetical Problem 3.6

CB pp. 230-235; 2016 Supplement; Statutes
Prepare Hypothetical Problem 3.7

CLASS #10, MONDAY, 10/3

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- **Defenses & Enforcement**

CB pp. 242-259; 2016 Supplement; Statutes

4. Public Accommodations

- **Overview**

CB pp. 265-287; 2016 Supplement; Statutes
Prepare Hypothetical Problem 4.1

CLASS #11, WEDNESDAY, 10/5

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! CB pp. 20-29116 09;30216 Supplement; Statutes

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CB pp. 440-449; CB pp. 466-480; 2016 Supplement; Statutes
Prepare Hypothetical Problem 6.3

CLASS #17, MONDAY, 10/31

CB pp. 489-497; 2015 Supplement; Statutes
Prepare Hypothetical Problem 6.5

7. Education

- **Historical Perspective**
- **Substantive Protections under the IDEA**

CB pp. 507-509; 515-529; 2016 Supplement; Statutes
Prepare Hypothetical Problem 7.1

CLASS #18, WEDNESDAY, 11/2

CB pp. 529-530; 534-539; 2016 Supplement; Statutes
Prepare Hypothetical Problem 7.2

CB pp. 539-545; 2016 Supplement; Statutes
Prepare Hypothetical Problem 7.3

CB pp. 550-558; 2016 Supplement; Statutes
Prepare Hypothetical Problem 7.4

Class visit by Dr. Kate Martin (Date is Tentative – we will reorganize the syllabus if we need to change this date.) Student projects related to this visit.

CLASS #21, MONDAY 11/14

9. Housing

CB pp. 599-620; 620-629
Prepare Hypothetical Problem 8.1

CLASS #22, WEDNESDAY, 11/16

CB pp. 634-653

CLASS #23, MONDAY, 11/21

Review problems. Prepare for Class. On TWEN.

CLASS #24, WEDNESDAY, 11/23

Finish review problems.

Some students will present class projects.

CLASS #25, MONDAY, 11/28

Remaining students will present class projects.

CLASS #26, MONDAY, DECc 9.365xO1tBTBER