

LAW & DISABILITIES SEMINAR**UNIVERSITY OF BALTIMORE SCHOOL OF LAW
SPRING 2020**

Course: Law & Disabilities Seminar
LAW 861
Section 511

Instructor: Professor Donald Stone
Office AL 1116 – Phone 410.837.4651 – Email dstone@ubalt.edu
OFFICE HOURS – Monday 12 noon -1:00 pm by appointment

Days/Time: Monday / 9:00 am - 11:45 am

Location: Check the Law School class schedule for the room assignment

Course Description:

The course will study legal issues as they relate to persons with mental and physical disabilities. The primary focus will include the Americans with Disabilities Act, Individuals with Disabilities Education Act special education law, involuntary civil commitment, public and private employment discrimination, public accommodations, higher education, housing, architectural accessibility, access to services, and decision-making rights in the community (competency, consent to medical treatment, sterilization of the disabled, civil commitment of the mentally ill and guardianship). [Limited Enrollment]

Course Materials:

Disability Law: Cases, Materials, Problems 6th Edition, Rothstein & McGinley; and
Disability Law: Statutory Appendix: Federal Statutes and Regulations, 5th Edition, Rothstein and McGinley

Student Learning Outcomes:

Student Learning Outcomes: At the completion of the course, students will be able to:

- A. Explain legal concepts of disability law
- B. Identify legal issues for a client by applying the facts to the law
- C. Construct legal arguments on behalf of both the public accommodation and public entity as well as the person with a disability, including tactics and strategies to pursue
- D. As a judge, assess the strengths and weaknesses of legal claims and defenses in disability law
- E. Propose the legal resolution to a disability law dispute
- F. Write a detailed, well supported analysis of a disability law topic with recommendations for changes in the law
- G. Propose legislative changes
- H. Present a disability law topic to an audience, educating them on the law and persuading them to your point of view.

Grades:

Final paper	50%
Class presentation	30%

Student Response	→	
Class Participation	→	20%
Written class assignments	→	

Course Expectations:

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours. You are expected to complete all reading assignments and to consistently participate in class discussion in order to demonstrate that you have read and reflected on the issues raised in the assignment.

Attendance:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

Course Web Site:

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the LexisNexis page and for checking it regularly for course information.)

Computers:

Students may use laptop computers for class related purposes.

Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. [Reference to School of Law Honor Code, https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm]

Title IX Sexual Harassment and Sexual Misconduct Policy:

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Paul Manrique, Assistant Dean of Students, via email at pmanrique@ubalt.edu.

Assignments:

Week Overview of Disabilities & the Law; housekeeping

1 Chapter 1. Introduction:

p. 14 *Alexander v. Choate*

Explanation of student paper and presentation

Chapter 2. Who is Protected Under the Laws?:

p. 32 *City of Cleburne v. Cleburne Living Center*

p. 40 Definitional issues

2 Hand out Architectural Accessibility Survey

p. 48,73 *School Board v. Arline*

p. 49 *Bragdon v. Abbott (note case)*

p. 50 *Sutton v. United Air Lines, Inc. (note case)*

p. 53 *Toyota v. Williams (note case)*

p. 59 HYPOTHETICAL PROBLEMS

Americans with Disabilities Act- 42 U.S.C. §12101-12213, 29 C.F.R. Part 1630, 28 C.F.R. Part 35 and 28 C.F.R. Part 36 (the statute and regulations can be found in The Statutory Appendix: Federal Statutes and Regulations page 1-145)

Chapter 3. Employment:

p. 91 HYPOTHETICAL PROBLEM 3.1

p. 93 *Maddox v. University of Tennessee*

p. 101 HYPOTHETICAL PROBLEM 3.2

p. 109 *Leonel v. American Airlines*

p. 116 *Conroy v. New York State Dept. of Correctional Services*

p. 123 *Grenier v. Cyanamic Plastics, Inc. (note case)*

p. 124 *U.S. Equal Employment Opportunity Comm'n v. AIC*

p. 141 *Tyndall v. National Education Centers*

3 p. 156 *Johnston v. Morrison, Inc.*

p. 159 *Pandazides v. Virginia Board of Education (note case)*

p. 178 HYPOTHETICAL PROBLEM 3.5

p. 199 *Lyons v. Legal Aid Society*

P. 205 HYPOTHETICAL PROBLEM 3.6

p. 206 *US Airways v. Barnett*

p. 229 Relationship of ADA to Other Federal and State Laws

Chapter 4. Public Accommodations:

p. 252 HYPOTHETICAL PROBLEM 4.1

p. 260 *PGA Tour, Inc. v. Martin*

p. 274 *Anderson v. Little League Baseball, Inc.*

4 p. 278 *Breece v. Alliance Tractor-Trailer Training II, Inc.*

p. 295 *Fiedler v. American Multi-Cinema, Inc.*

Architectural Accessibility Survey due-outside of class assignment

Chapter 5. Government Services and Programs:

- p. 351 *Concerned Parents to Save Dreher Park Center v. City of West Palm Beach*
- p. 356 *Crowder v. Kitagawa*
- p. 373 *Bartlett v. New York State Board of Law Examiners*(note case)

- Outline due in class this week
- 5 Bar Application Review(outside of class assignment)
 - p. 373-378 Professional Licensing Exam Accommodations (D'Amico, Florida Bd. Of Bar Examiners, Enyart, Problems 1-3 page 375-6 *Medical Society of New Jersey v. Jacobs*) (note case)
 - p. 378 *Applicants v. The Texas State Board of Law Examiners*
 - p. 384 *Clark v. Virginia Board of Bar Examiners*(note case)
 - p. 387-391 Driving and Parking
 - p. 392 *Galloway v. Superior Court*
 - P. 397 HYPOTHETICAL PROBLEM 5.3
 - p. 411 *Tennessee v. Lane*

 - 6 Chapter 6. Higher Education:
 - P. 425 HYPOTHETICAL PROBLEM 6.1
 - p. 426 *Halasz v. University of New England*
 - p. 433 *Pushkin v. Regents of the University of Colorado*
 - p. 439 *Ohio Civil Rights Comm'n v. Case Western Reserve Univ.*(note case)
 - p. 443 *Wynne v. Tufts University School of Medicine*
 - p. 458 HYPOTHETICAL PROBLEM 6.2
 - p. 466 HYPOTHETICAL PROBLEM 6.3
 - p. 467 *McGregor v. Louisiana State University Board of Supervisors*
 - p. 470 *Guckenberger v. Boston University*

 - 7 Academic Standards Committee Discussion
 - p.479 HYPOTHETICAL PROBLEM 6.5
 Chapter 7. Education:
 Individuals with Disabilities Education Act- the statute and regulations can be found in the Statutory Appendix, pg. 199-253

 - 8
 - p. 522 *Smith v. Robinson*
 - p. 527 HYPOTHETICAL PROBLEM 7.1
 - p. 529 *Board of Education v. Rowley and Andrew F. v Douglas County*,137 S.Ct.988(2017)
 - p. 540 *Irving Independent School District v. Tatro*
 - p. 544 *Cedar Rapids Community School District v. Garret F.*
 - p. 549 HYPOTHETICAL PROBLEM 7.3
 - p. 550 *Sacramento City Unified School District v. Rachel H.*
 - p. 560 *Honig v. Doe*
 - p. 568 *Burlington School Committee v. Department of Education*
 - p. 573 *Florence County School District Four v. Carter*
 - p. 575 *Forest Grove School District v. T.A.*

Chapter 8 Housing and Independent Living
p. 645 Olmstead v. L.C.

- 9 Mental Health Law: Involuntary Civil Commitment, Out-patient Civil Commitment, Predicting Dangerous Behavior, Right to Refuse Treatment and Medications- Maryland Code Annotated Health General- S 10-601-633 which can be found on the TWEN Webcourse under Disability Statutes. Class reading assignments for this topic are **tentative**.

1. *In re Oakes*, 8 Law Rep. 123 (1845)
2. *Jackson v. Indiana*, 406 US 715 (1972)
3. *O'Connor v. Donaldson*, 422 US 563 (1975)
4. *Foucha v. Louisiana*, 112 S. Ct. 1780 (1992)
5. *Lessard v. Schmidt*, 413 F. Supp. 1318 (1976)
6. *State v. Krol*, 344 A.2d 289 (1975)
7. *Humphrey v. Cady*, 405 US 504 (1972)
8. *Matthew v. Nelson*, 461 F Supp 707 (1978)
9. *French v. Blackburn*, 443 US 901 (1977)
10. *Addington v. Texas*, 441 US 418 (1979)
11. *Parham v. J.R.*, 442 US 584 (1979)
12. *Johnson v. Solomon*, 484 F. Supp. 278 (MD. 1979)
(Maryland case)
13. *Williams v. Wilzack*, 573 A.2d 809 (1990) (Maryland case)
14. *Martin v. Dept of MD & MR*, 114 Md. App. 520, 691 A.2d 252 (1997)

Student conferences to discuss class presentation, student response & paper 30 min. each

*******SPRING BREAK MARCH 16-22, 2020*******

- 10 **No official class, however, student conferences to discuss class presentation, student response & paper 30 min. each**
- 11 Student presentation and student response (student nos. 1-3)
- 12 Student presentation and student response (student nos. 4-6)
- 13 Student presentation and student response (student nos. 7-9)
- 14 Student presentation and student response (student nos. 10-12)

HYPOTHETICAL PROBLEM STUDENT ASSIGNMENT-FOR EACH CHAPTER, STUDENTS WILL BE ASSIGNED ONE OR MORE HPOTHETICALS.

THOSE STUDENTS WILL LEAD THE CLASS DISCUSSION, TAKE A POSITION ON ADDRESSING THE HYPO AND SUBMIT A ONE PAGE TYPED RESPONSE TO ADDRESSING EACH OF THE HYPOS.

STUDENT #1-3	CHAPTER 2 HYPOS
STUDENT #4-6	CHAPTER 3 HYPOS
STUDENT #7-9	CHAPTER 4 HYPOS
STUDENT #10-12	CHAPTER 5 HYPOS
STUDENT #13-14	CHAPTER 6 HYPOS
STUDENT #15-16	CHAPTER 7 HYPOS

Class Presentation and Paper

1. Students must select paper and class presentation topic, submit a written proposal and outline by week 5
2. Student presenter and student respondent must meet with Professor Stone in a student conference to discuss presentation, response, and paper, as designated on the syllabus.
3. Student presenter (student doing class presentation) must place assigned readings such as cases/articles on the TWEN web course at least one week prior to your presentation. Each student is expected to read these materials prior to the student presentation.
4. Student respondent (student assigned to do student response) to the student presentation must critique the student's presentation, offering suggestions for additional areas of inquiry, offer constructive criticism of the presentation and lead any class discussion on the topic presented. Additional responsibilities to be assigned by student presenter.
5. First draft of paper due **in Week 11**.
6. Final paper due on the last day of class.
7. Student presentation 30 minutes
Student response, Q&A 10 minutes
8. Suggested Paper Length: 25 pages including footnotes or endnotes, double-space, Law Review format
9. Grading:

Final paper		50%
Class presentation		30%
Student Response	→	
Class Participation	→	20%
Written class assignments	→	
10. If any student requires audio-visual equipment, please make arrangements at least **one week** in advance of your presentation with Professor Stone's administrative assistant.