

Americans with Disabilities Act Seminar Syllabus Spring 2011

Professor David A. Larson Hamline University School of Law

dlarson@hamline.edu 651-523-2128

Meeting Schedule: Tuesday 9:00 – 10:50 a.m.

Room: Law 240A

Required Reading: 1) Disability Civil Rights Law and Policy: Cases and Materials, Blanck, Hill, Siegal, Waterstone, 2nd Edition (West – American Casebook Series 2009) ISBN: 9780314194626

2) Disability Civil Rights Law and Policy: Cases and Materials, Documentary Supplement Blanck, Hill, Siegal, Waterstone, 2nd Edition (West – American Casebook Series 2009) ISBN: 9780314907738

Syllabus revisions that are made during the semester will be posted on TWEN, so please always refer to TWEN for the most up-to-date copy of the syllabus.

Goals and Objectives: When the Americans with Disabilities Act (ADA) was enacted in 1990, it represented a historic milestone in our nation's commitment to equal opportunity. The ADA prohibits discrimination on the basis of disability in public and private employment, state and local government provided services, public accommodations provided by private parties, and telecommunication access. Although it now is twenty years old, the ADA continues to generate substantial controversy and confusion. This seminar will explore the types of disabilities protected by the ADA; the duties imposed on employers, businesses, and governments; the defenses and exceptions to the ADA; and the ways in which the protections provided by the ADA compare to those provided by other nondiscrimination statutes (such as the Civil Rights Act of 1964). The majority of time will be spent examining Title I, the employment section, but we also will discuss the other Titles in the ADA. Additionally, we will discuss the Americans with Disabilities Act Amendments Act of 2008 (effective January 2009), focusing on the specific ways in which the ADA has been revised and the United States Supreme Court cases that prompted Congress to enact these amendments.

An additional goal is to improve students' ability both to analyze and apply judicial opinions and to read legislative statutes closely and critically. Accordingly, students should expect that they will be called on to discuss the cases and statutes during the class sessions. Students will write a seminar paper and, because students will be expected to use technology and multimedia in their professional careers, will make presentations to the class at the end of the semester.

Attendance Policy: Fourteen class sessions are scheduled. **Two or more absences will be considered excessive.** Attendance will be taken by circulating the Registrar's attendance sheet. If a student misses two classes, that student will be required to submit a written assignment that discusses one of the issues covered in the classes from which the student was absent. The topic of that paper will be determined by Professor Larson. **Three or more absences will be brought to the attention of the Associate Dean and may result in a course withdrawal (W) or a failing grade (F).**

Technology Policy: In order to facilitate focused interactive class discussion, there will be occasions when the class will be asked to close their notebook computers and/or turn off technology they have been using. If a student uses classroom time to read or send e-mail messages, visit web sites that the class has not been instructed to visit at that particular time, or engage in any other online or technology based activities (including cellular telephones, text messaging, or social networks) not directly related to the current classroom discussion, then that student will be reminded that his or her conduct is disruptive both to other students and to the classroom in general. If that student subsequently engages in such conduct in spite of the previous request to refrain from such conduct, then he or she will be asked to drop the course and thus will not receive academic credit for the course.

Testing and Grading: Each student will submit a written paper (at least 4,000 words in length including footnotes) and make a formal presentation to the class at the end of the semester. The student may select a particular subject that he or she finds interesting (subject to the approval of Professor Larson).

Students will be graded primarily based upon their written paper and presentation. Additional credit will be given for students who make significant substantive contributions during our weekly class meetings. Although no changes are anticipated, if the grading criteria does change then any change will be brought to the students' attention during class and also posted on TWEN.

Papers must be at least 4,000 words in length and must be turned in as instructed by 4:00 p.m. on the last day this class meets. **If a paper is submitted after the deadline, the grade will be reduced as follows.** Late paper grades will be reduced one grade level for each day the paper is late. For example, a B+ will become a B if it is one day late. If a paper is two days late, then a B+ paper will be given a B-.

Jan 18: pp. 1 - 68, American conceptions of discrimination, limits of constitutional protection, ADA precursors, ADA basics

Jan. 25: pp. 69 – 119, “Actual Disability” – Physical or Mental Impairment, Substantially Limits, Major Life Activity