Tentative Syllabus
Disability and Discrimination
Spring 2006
Professor Ani B. Satz

Seminar Description
This seminar will examine disability and discrimination through legal and philosophical lenses. We will read the Americans with Disabilities Act of 1990 (“ADA”) and supporting regulations, federal cases construing the Act, and secondary legal literature about the ADA, focusing on Title I (Employment). In addition, we will read narratives of persons living with disabilities and analyze philosophical works about disability.

The seminar is divided into nine topics; I estimate that we will spend ten to eleven weeks on the topics and three to four weeks on class presentations. We will spend more than one week on some topics and may not address all of the topics listed. Please do not read more than one topic ahead of time, as readings are subject to change. There will be no assignments or work due during reading week, and the seminar will not meet during that time.

Assigned Texts


Photocopied Materials (required)

EVA FEDER KITTAY, LOVE’S LABOR: ESSAYS ON WOMEN, EQUALITY, AND DEPENDENCY (1999). (optional)

ANITA SILVERS, DAVID WASSERMAN, & MARY B. MAHOWALD, DISABILITY, DIFFERENCE, DISCRIMINATION (1998). (optional)

EUGENE VOLOKH, ACADEMIC LEGAL WRITING: LAW REVIEWS ARTICLES, STUDENT NOTES, SEMINAR PAPERS, AND GETTING ON LAW REVIEW (2d ed. 2005). (on reserve and recommended)

Contact Information
My office is Room G527. My office telephone number is (404) 712-9505, and my email address is asatz@law.emory.edu. Marianne D'Souza is my administrative assistance. She may be reached at (404) 712-4558, mdsouza@law.emory.edu, or in Room G568. You may stop by my office anytime to see if I am available, though my official office hours are Tuesdays and Thursdays from 3:30-5:00 and Wednesdays from 2:00-4:00.
Expectations
I take class attendance very seriously, and it is required, absent compelling reason. Should your attendance become a problem, I will discuss future attendance with you and what penalty will be imposed if your attendance does not improve.

Assessment
Your assessment will be based on a research paper (60%), an oral presentation on your research (20%), and class participation (20%).

In order to fulfill the Emory writing requirement, your paper should be thirty to thirty-five pages, double-spaced, and follow the formatting and other requirements discussed at http://www.law.emory.edu/cms/site/index.php?id=660. (If you have already fulfilled the writing requirement and would prefer to write several, shorter papers, please come speak to me.) Paper topics are due February 22. I will meet with each of you briefly to discuss your paper topic. An annotated outline of no longer than five pages is due March 8. Writing workshops on your papers will be held the week of March 22. Paper topics and outlines should be turned in at the beginning of class on the day they are due. Your oral presentations should be approximately twenty-five minutes, including a ten to fifteen minute discussion period. The final paper is due the last day of the exam period, that is, May 5, by 5.00 p.m.

Topics
Topic One: General Definitions and Conceptions of Disability
- ADA, Title I: 42 U.S.C. §§ 12102(2), 12111(8), 12114, CFR §§ 1630.2(g)-(m), 1630.3. [review]
- Ron Amundson, Biological Normality and the ADA, in AWD 102-10 (2000).

Topic Two: Mitigation of Disability
- Susan Wendell, Unhealthy Disabled: Treating Chronic Illnesses as Disabilities, 16 HYPATIA 17 (FALL 2001), excerpts.
Topic Three: Reasonable Accommodation

General
- ADA, 42 U.S.C. § 12111(9); CFR § 1630.9; ADA Title I EEOC Interpretive Guidance, §§ 1630.2(o), 1630.9.

Interactive Process
- ADA Title I EEOC Interpretive Guidance, § 1630.9.

Undue Hardship
- ADA, 42 U.S.C. § 12111(10); CFR §§ 1630.2(p), 1630.9(a), 1630.15(d); ADA Title I EEOC Interpretive Guidance, § 1630.2(p).

Direct Threat
- ADA, 42 U.S.C. §§ 12111(3), 12113(b), CFR § 1630.15(b)(2), ADA Title I EEOC Interpretive Guidance, § 1630.2(r).

Topic Four: Disability and Health Care Justice
- Selected Readings on the ADA and Health Insurance (including excerpts from the EEOC Compliance Manual (2003); *Krauel v. Iowa Methodist Medical Center*, 95 F.3d 674 (8th Cir. 1996)).
Topic Five: Rights and Interests of Family Members as Caretakers of the Disabled

- Bucks County Department of Mental Health v. De Mora, 379 F.3d 61 (3d Cir. 2004) (compensation under IDEA).

Topic Six: Genetic Disability

Misc.


Workplace

- Norman-Bloodsaw v. Lawrence Berkeley Laboratory, 135 F.3d 1260 (9th Cir. 1998).
HR REPORTER, Aug. 16, 2002.


**Topic Seven: ADA and State Sovereign Immunity**

- ADA Title II: 42 U.S.C. §§ 12131-33.

**Topic Eight: Disability Accessibility Audit**


**Topic Nine: Conceptions of Disability Revisited**