

AALS Disability Law Section

Newsletter 2017



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Letter from the Chair

Dear Section Members,

It is my pleasure to serve as the Chair of the Disability Law Section this year. Many thanks to our Vice-Chair Valarie Blake, our Secretary Jennifer Shinall, and the members of the Executive Board for their assistance and hard work throughout the year in getting our programming together.

Now is a divided time in our nation, when finding common ground and looking past our differences can seem difficult or impossible. While many are hoping and fighting for change, there are sharp divides about how that change should proceed and what ends it should achieve.

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Unlike so many other issues, concern for disability has often triumphed over partisanship.

In this political and social climate, the study of disability holds special importance. Unlike so many other issues, concern for disability has often triumphed over partisanship. The Americans with Disabilities Act and other disability legislation typically passed with wide margins of approval, and sponsorship from both sides of the aisle. Understanding the political history of disability law promises to help us think about how we might advance other important social causes in politically

divided times. It may also help us to ask whether such bipartisan efforts are still possible in Congress, in disability law, or in other arenas.

Our panel at the 2018 meeting, *Could We Pass the ADA Today? Disability Rights in an Age of Partisan Polarization*, will address these issues. We are honored to have Tony Coelho, a former U.S. Representative from California and the primary sponsor of the ADA, join us. He'll be joined by Professors Mary Crossley, Elizabeth Pendo, Laura Rothstein, and Michael Waterstone. Jasmine Harris will moderate.

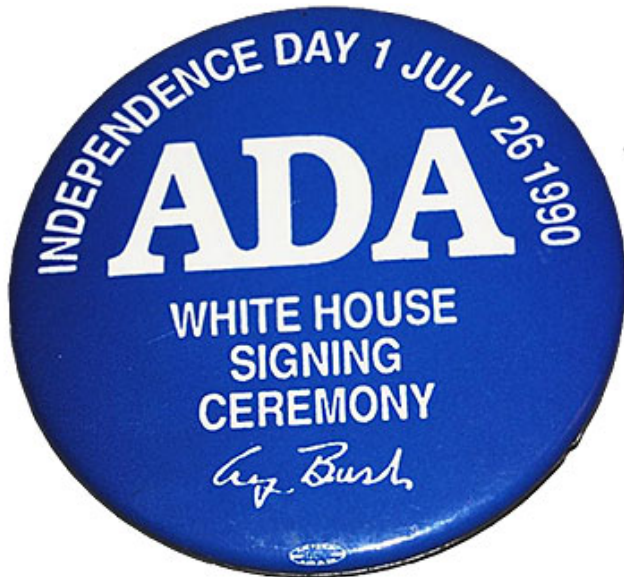
Co-sponsored by the Sections on Election Law, Legislation & Law of the Political Process, and Law & Mental Disability, this topic not only demonstrates the importance of the ADA in its own right but also as a vehicle for understanding the political process. The theme of the 2018 AALS Annual Meeting is *Access to Justice*, and studying disability is an excellent way to consider this issue both for people with disabilities as well as other groups seeking footholds for change in the legislature. It will be an excellent and timely panel discussion, and we

hope you will be able to join us.

For anyone who may be interested in getting more involved in the section, we will be holding an executive meeting after our panel, and you are welcome to join us.

I wish you all safe travels to San Diego.

Jessica L. Roberts, Chair
University of Houston Law Center



112th AALS Annual Meeting

January 3, 2018

3:30-5:15 PM

Featured Speaker

Representative Tony Coelho

Primary House Sponsor of the 1990 Americans with Disabilities Act, 101st U.S. Congress

Panelists

Professor Laura Rothstein

University of Louisville Brandeis School of Law
Review of Enabling Acts: Are the ADA's Supportive Elements Still in Place?
(selected from call for papers)

Professor Mary Crossley

University of Pittsburgh School of Law

Professor Elizabeth Pendo

Saint Louis University School of Law

Professor Michael Waterstone

Loyola Law School, Los Angeles

Moderator

Professor Jasmine E. Harris

University of California Davis School of Law

Could We Pass the ADA Today?

*Disability Rights in
an Age of
Partisan
Polarization*

Disability Section Publications and Honors, 2017

Bradley A. Areheart

PUBLICATIONS

The Symmetry Principle, 58 B. C. L. REV. 1085 (2017)

HONORS

Michael J. Zimmer Memorial Award, 2017 Colloquium on Current Scholarship in Labor and Employment Law (awarded to “a rising scholar who values workplace justice and community, and who has made significant contributions to labor and employment law scholarship”)

Valarie K. Blake

PUBLICATIONS

Engaging Health Insurers in the War on Prescription Painkillers, 11 HARV. L. & POL’Y REV. 485 (2017)

Remedying Stigma-Driven Health Disparities in Sexual Minorities, HOUSTON J. HEALTH L. & POL’Y (Symposium 2017)

Rethinking the Americans with Disabilities Act’s Insurance Safe Harbor, 6 LAWS 25 (Special Issue 2017)

HONORS

Chair-Elect, AALS Disability Section (2017)

Member, WV Substance Abuse Task Force (2017)

Wendy F. Hensel

PUBLICATIONS

Squaring State Child Vaccine Policy with Individual Rights Under the Individuals with Disabilities Education Act: Questions Raised in California, 132 PUBLIC HEALTH REPORTS 593 (2017) (with Ross Silverman)

HONORS

Interim Dean, Georgia State University College of Law (July 2017 – Present)

Arlene S. Kanter

PUBLICATIONS

The Right to Inclusive Education Under International Human Rights Law, in THE RIGHT TO INCLUSIVE EDUCATION UNDER INTERNATIONAL HUMAN RIGHTS LAW, Gauthier de Beco, Shivaun Quinlavan, & Janet Lord, eds. (Cambridge University Press 2018)

Article 35 of the Convention on the Rights of People with Disabilities, COMMENTARY ON THE CONVENTION ON THE RIGHTS OF PEOPLE WITH DISABILITIES, Ilias Bantekas, ed. (forthcoming Oxford University Press 2018)

The Fight for Personhood, Legal Capacity, and Equal Recognition Under Law for People with Disabilities in Israel and Beyond, CARDOZO L. REV. (forthcoming 2017) (with Yotam Tolub)

Marcy Karin

PUBLICATIONS

“Other Than Honorable” Discrimination, 67 CASE WESTERN L. REV. 135 (2017)

Rights of National Guard and Reserve Members Under the Uniformed Services Employment Rights and Reemployment Act (USERRA), SERVICEMEMBER AND VETERANS RIGHTS (Lexis 2017) (with Brian Clauss)

HONORS

Promoted to Jack & Lovell Olender Professor of Law and Director of the Legislation Clinic

Disability Section Publications and Honors, 2017 (Continued)

Elizabeth Pendo

PUBLICATIONS

Guest editor, *Special Issue: Health Care Law and the Rights of Individuals with Disabilities*, *LAWS* (2017)

HONORS

Appointed Member, American Bar Association, Commission on Disability Rights

Chair, AALS Section on Law, Medicine and Health Care (2017)

Member, SEALS Inclusiveness Committee, Beginning & Newer Law Teachers Committee, Prospective Law Teachers Committee, & Disability Law Liaison for Programming (2017)

Nicole B. Porter

PUBLICATIONS

DISABILITY LAW, CASES AND MATERIALS (West Academic 2017) (with Stephen Befort)

Cumulative Hardship, *GEORGE MASON L. REV.* (forthcoming 2018)

Mothers with Disabilities, *BERKELEY J. OF GENDER, LAW & JUSTICE* (forthcoming 2018)

Jessica L. Roberts

PUBLICATIONS

Evaluating NFL Player Health & Performance: Legal & Ethical Issues, *165 UNIV. PENN. L. REV.* 227 (2017) (with I. Glenn Cohen, Christopher R. Deubert, & Holly Fernandez Lynch)

Fit to Play in the NBA? Reconciling the NBA Collective Bargaining Agreement with the Americans with Disabilities Act, *166 UNIV. PENN. L. REV. ONLINE* --- (forthcoming 2017) (with Brittainie Zinsmeyer)

How Assuming Autonomy Undermines Wellness Programs (with Leah Fowler), *27 HEALTH MATRIX 101* (Symposium 2017)

HEALTHISM: HEALTH-STATUS DISCRIMINATION & THE LAW (forthcoming Cambridge University Press 2018) (with Elizabeth Weeks Leonard)

Introduction: Four Views on Healthism, *18 MARQUETTE*

BENEFITS & SOC. WELFARE L. REV. 189 (Symposium 2017) (with Elizabeth Weeks Leonard)

Negotiating Commercial Interests in Biospecimens, *43 J.L. MED. & ETHICS* 138 (2017)

Nudge-Proof: Distributive Justice & the Ethics of Nudging, reviewing *CASS SUNSTEIN, ETHICS OF INFLUENCE* (Cambridge University Press 2016), *116 MICH. L. REV.* (forthcoming 2018)

Progressive Genetic Ownership, *93 NOTRE DAME L. REV.* (forthcoming 2018)

Religious Rights & Healthcare Discrimination, *19 MARQUETTE BENEFITS & SOC. WELFARE L. REV.* (forthcoming symposium 2017) (with Elizabeth Sepper)

Should You Profit from Your Genome? (with Amy McGuire & Stacey Pereira), *Correspondence*, *35 NATURE BIOTECH.* 18 (2017)

Stigmatizing the Unhealthy, *43 J.L. MED. & ETHICS* (forthcoming 2017) (with Elizabeth Weeks Leonard)

Disability Section Publications and Honors, 2017 (Continued)

HONORS

Chair, AALS Disability Section (2017)

Laura Rothstein

PUBLICATIONS

DISABILITY LAW: CASES & MATERIALS (6th ed.) (Carolina Press 2017) (with Ann C. McGinley)

How Genetics Might Affect Real Property Rights, 41 J. L. MED. & ETHICS 44 (2016) (with Mark Rothstein)

The Use of Genetic Information in Real Property Transactions, 31 PROBATE & PROPERTY, ABA No. 17 (2017) (with Mark Rothstein), Reprinted in ABA SOLO EREPORT (June 2017)

Time, Place, Manner (and Messenger): Michael Olivas as Storyteller, in LAW PROFESSOR & ACCIDENTAL HISTORIAN: THE SCHOLARSHIP OF MICHAEL OLIVAS, Ediberto Roman, ed. (Carolina Press 2017)

Ani B. Satz

PUBLICATIONS

Animals as Living Accommodations, 24 ANIMAL

L. REV. (forthcoming symposium 2017)

Protecting Injured Workers' Medical Privacy: HIPAA's Privacy Rule, Workers' Compensation, and "Symbiotic Federalism," EMORY L. J. (forthcoming 2018)

HONORS

Appointed, Emory Global Health Institute Fellow (2017)

Appointed, University Senate Governance Committee (2017)

Elected, Emory University Senate (2017)

Elected, Emory Faculty Council (2017)

Hosted National Symposium Exploring New Technologies in Biomedical Research (with Health Law, Policy & Ethics Project & the Human Toxicology Project Consortium)

Jennifer B. Shinall

PUBLICATIONS

Intersectional Complications of Healthism, 18 MARQ. BENEFITS & SOC. WELFARE L.

REV. 255 (Symposium 2017)

Something to Talk About: Information Exchange under Employment Law, 165 U. PENN. L. REV. 49 (2017) (with Joni Hersch)

The Substantially Impaired Sex: Uncovering the Gendered Nature of Disability Discrimination, 101 MINN. L. REV. 1099 (2017)

HONORS

Secretary, AALS Disability Section (2017)

Guest Editor, *Special Issue on Sexual Harassment in the Economics Profession*, Committee on the Status of Women in the Economics Profession, American Economics Association (forthcoming 2018)

Mark C. Weber

PUBLICATIONS

Foreword: The Special Education Cases of 2017, 47 J. L. & EDUC. (forthcoming symposium 2018)

Intent in Disability Discrimination Law: Social Science Insights and Comparisons to Race and

Disability Section Publications and Honors, 2017 (Continued)

Sex Discrimination, 2016 U. ILL.
L. REV. 151 (2016)

*Meaningful Access and
Disability Discrimination: The
Role of Social Science and
Other Empirical Evidence*, 39
CARDOZO L. REV. (forthcoming
symposium 2018)

*Protection for Privacy Under
the United Nations
Convention on the Rights of
Persons with Disabilities*, 6
LAWS 10 (2017)