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Letter from the Chair

Dear Section Members,

I have been truly honored to serve as the Chair of the AALS Disability Law section this year. The dedication of our Executive Board and our membership more generally is unmatched. I would like to express particular gratitude towards our Chair-Elect, Katie Eyer, and our Secretary, Katherine Macfarlane, who have worked so tirelessly this year on behalf of our section. I am extremely proud of the work we have done as a section this year. Putting together a program for the annual AALS meeting is never easy, but Katie, Kat, and the rest of our Executive Board made clear from the beginning their intent to do more than simply assemble a panel of speakers. Long-term, meaningful change within the AALS has dominated our Executive Board's agenda this year, and I am happy to report that we have made real, positive strides forward towards that goal.

As members of our section are all too well aware, the academy can be unfriendly for members of all historically disadvantaged groups. But the academy can be especially unfriendly for individuals who live with a disability.

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“[T]he academy can be especially unfriendly for individuals who live with a disability.”

Jennifer Bennett Shinall

As early as the hiring stage, individuals applying for an academic job in a law school are greeted with an unaccommodating environment. Our hiring conference is notoriously difficult to navigate, even for individuals without mobility issues. For the lucky individuals who escape being shut out of the law school academic market altogether (despite our hiring process), unbending expectations of frequent travel and standing while presenting as part of the promotion and tenure processes are not always compatible with living with a disability. Not to mention that the AALS's annual meeting lacks a thorough, systematic structure for providing accommodations for our colleagues with all types of disabilities.

The result is that many of our colleagues living with a disability are unable to participate fully (if at all) in our Association's annual meeting.

Current and former members of our Executive Board are working diligently to ameliorate this unfortunate reality within the AALS. In particular, we have undertaken two initiatives to support the inclusion of our colleagues.

First, during the annual meeting, we will meet with AALS leadership to discuss the implementation of permanent oversight structures at all AALS-sponsored events to ensure that individuals with disabilities have access to the support and accommodations they need.

Second, we will have an informational session for a new affinity group for AALS members with disabilities and their allies at this year's annual meeting. We hope you can join us at 5:30pm on January 2, 2020 in Virginia Suite B for this formative event. For those of you who are unable to attend—especially those of you who are unable to attend due to the physical realities of your disability—we are committed to making this affinity group virtually inclusive.

We also hope you can join us earlier in the afternoon on January 2 at 1:30pm for our annual section program, entitled, “Reconsidering Disability Benefit Programs,” in Maryland Suite C. The program will explore current challenges facing social benefit programs offered to individuals facing physical and mental limitations, with an eye towards how to innovate, expand, and improve these programs in the future. I am delighted to be moderating a panel of incredible speakers, who include lawyer and activist Matthew Cortland, Dr. Jennifer Erkulwater (author of Disability Rights and the American Social Safety Net), and Professor Katherine L. Moore.

Finally, if you are interested in becoming more involved with any of our section's initiatives, I encourage you to contact me and, if possible, to attend the Executive Board meeting before our section program. With the active participation of our section membership, we are confident that we can bring meaningful, more inclusive change to the AALS.

Jennifer Bennett Shinall
Chair

114th AALS Annual Meeting Washington, DC *Disability Law Section*

Reconsidering Disability Benefit Programs

January 2, 2020

1:30-3:15 PM

Marriott Wardman Hotel

Maryland Suite C, Lobby Level

Panelists

Mr. Matthew Cortland, Esq.

Accessible Advocacy

Dr. Jennifer Erkulwater

University of Richmond

Political Science Department

Professor Katherine L. Moore

Seton Hall University School of Law

Moderator

Professor Jennifer Bennett Shinall

Vanderbilt University Law School

Professors with Disabilities Affinity Group

January 2, 2020

5:30-6:30 PM

Marriott Wardman Hotel

Virginia Suite B, Lobby Level

All are welcome.

Interested in becoming more involved?

Join us for our executive meeting immediately before the Benefit Programs panel.

Disability Section Publications and Honors, 2019

Bradley A. Areheart

PUBLICATIONS

Organizational Justice and Antidiscrimination, 104 MINN. L. REV. (forthcoming 2020)

Valarie Blake

PUBLICATIONS

Ensuring an Underclass: Stigma in Insurance, 41 CARDOZO L. REV. (forthcoming 2020)

Regulating Care Robots, 92 TEMPLE L. REV. (forthcoming 2020)

Seeking Insurance Parity During the Opioid Crisis, 2019 UTAH L. REV. 811 (2019)

Valarie K. Blake & Mark L. Hatzenbuehler, *Legal Remedies to Address Stigma-Based Inequalities and Improve Health Equity in the U.S.: Challenges and Opportunities*, MILBANK QUARTERLY (forthcoming 2019)

Rewritten Opinion, Doe v. Mutual of Omaha Insurance Co., in FEMINIST JUDGMENTS: REWRITTEN HEALTH LAW OPINIONS (Seema Mohapatra and Lindsay F. Wiley, eds.) (Cambridge University Press forthcoming)

Katie R. Eyer

PUBLICATIONS

The Return of the Technical McDonnell Douglas Paradigm, 94 WASH. L. REV. 967 (2019)

Statutory Originalism and LGBT Rights, 54 WAKE FOREST L. REV. 63 (2019)

The New Jim Crow is the Old Jim Crow, 128 YALE L. J. 1002 (2019)

Animus Trouble, 48 STETSON L. REV. 215 (2019) (symposium article)

AMICUS BRIEF

Brief of Statutory Interpretation and Equality Law Scholars as Amici Curiae, *Bostock v. Clayton County*, *Altitude Express v. Zarda*, R.G. & G.R. Harris Funeral Homes v. EEOC and Stephens (2019) (co-authored)

HONORS

Professor of the Year, Rutgers Law School (Camden Campus)

Joshua Jones

PUBLICATIONS

Title IX's Substantive Equity Mandate for Transgender Persons in American Law Schools, 44 NYU R. L. SOCIAL CHANGE (forthcoming 2020) (selected for AALS LWRR New Scholars Showcase)

Katherine Macfarlane

PUBLICATIONS

Procedural Animus, 71 ALA. L. REV. (forthcoming 2020)

Prisoner Procedure, in A CRITICAL GUIDE TO CIVIL PROCEDURE (forthcoming 2020)

Rewritten Opinion, Kulko v. Superior Court, in FEMINIST FAMILY LAW JUDGMENTS (Rachel Rebouché, ed.) (Cambridge University Press forthcoming 2020)

Foreseeable Police Shootings, 119 COLUM. L. REV. F. (forthcoming 2019)

Flying into Jerusalem, in PERSONAL NARRATIVES ON ILLNESS, DISABILITY, AND MEDICINE (Erin Murphy, Dinty Moore, and Renée K. Nicholson eds., 2019)

HONORS

University of Idaho College of Law Diversity Award (2019)

Idaho Business Review Accomplished Under 40 (2019)

Jamelia Morgan

PUBLICATIONS

Reflections on Representing Incarcerated People with Disabilities: Ableism in Prison Reform Litigation, 96 DENV. L. REV. 973 (2019)

Disability Section Publications and Honors, 2019

Michael Perlin

PUBLICATIONS

"A World of Steel-Eyed Death": An Empirical Evaluation of the Failure of the Strickland Standard to Ensure Adequate Counsel to Defendants with Mental Disabilities Facing the Death Penalty, U. MICH. J. L. REF. (forthcoming 2019) (with Talia Roitberg Harmon and Sarah Chatt)

"There's Voices in the Night Trying to be Heard": The Potential Impact of the Convention on the Rights of Persons with Disabilities on Domestic Mental Disability Law, 84 BROOK. L. REV. 873 (2019) (with Naomi Weinstein)

"The Strings in the Books Ain't Pulled and Persuaded": How the Use of Improper Statistics and Unverified Data Corrupts the Judicial Process in Sex Offender Cases, 69 CASE W. RES. L. REV. 637 (2019) (with Heather Ellis Cucolo)

Remembrances of Steve Ellmann, Still Present, 26 CLINICAL L. REV. 13 (2019) (with Prof. Susan Abraham and others)

Therapeutic Jurisprudence and Problem-Solving Courts, in 4 THE SAGE ENCYCLOPEDIA OF CRIMINAL PSYCHOLOGY 1552 (Robert Morgan ed., SAGE) (2019)

A TJ Approach to Mental Disability Rights Research: On Sexual Autonomy and Sexual Offending, in THE METHODOLOGY AND PRACTICE OF THERAPEUTIC JURISPRUDENCE 129 (Nigel Stobbs, Lorana Bartels & Michel Vols, eds. 2019) (Carolina Academic Press) (with Heather Ellis Cucolo and Alison J. Lynch)

"Changing of the Guards": David Wexler, Therapeutic Jurisprudence, and the Transformation of Legal Scholarship, 63 INT'L J. L. & PSYCHIATRY 3 (2019)

"Some Things are Too Hot to Touch": Competency, the Right to Sexual Autonomy, and the Roles of Lawyers and Expert Witnesses, 35 TOURO L. REV. 405 (2019) (with Alison J. Lynch and Valerie McClain)

HONORS

Board of Trustees, International Society for Therapeutic Jurisprudence

Appointed adjunct professor, Emory University School of Law

Appointed instructor, Loyola University New Orleans, Department of Criminology & Justice

Nicole Porter

PUBLICATIONS

Explaining "Not Disabled" Cases Ten Years After the ADAAA: A Story of Ignorance, Incompetence, and Possibly Animus, 26 GEO. J. ON POVERTY L. & POL'Y 383 (2019) (symposium article)

Disabling ADA Retaliation Claims, 19 NEVADA L. J. 823 (2019)

A New Look at the ADA's Undue Hardship Provision, 84 MISSOURI L. REV. 121 (2019)

Mixed Signals: What Can We Expect from the Supreme Court in this Post-ADA Amendments Act Era?, 35 TOURO L. REV. 435 (2019) (symposium article)

Jessica L. Roberts

PUBLICATIONS

In Favor of Genetic Conversion, in CONSUMER GENETIC TECHNOLOGIES: ETHICAL AND LEGAL CONSIDERATIONS (I. Glenn Cohen, Nita Farahany, Henry T. Greely, and Carmel Shachar, eds.) (Cambridge University Press forthcoming 2020)

Disability Section Publications and Honors, 2019

Roberts (continued)

Reclaiming Rights in the Body: Commentary on Moore v. Regents of University of California, in *FEMINIST JUDGMENTS: HEALTH LAW REWRITTEN OPINIONS* (Seema Mohapatra & Lindsay F. Wiley, eds.) (Cambridge University Press forthcoming 2020)

GINA, Big Data, and the Future of Employee Privacy (with Bradley A. Areheart), 128 *YALE L.J.* 710 (2019)

Housing, Healthism, & the HUD Smoke-Free Policy (with Dave Fagundes), 113 *NW. U. L. REV.* 917 (2019) (selected for print edition from online edition)

Forensic Genealogy and the Power of Defaults (with Natalie Ram), *Correspondence*, 37 *NATURE BIOTECH.* 707 (2019) (peer-reviewed)

Who Owns the Data in a Medical Information Commons? (with Amy L. McGuire, Sean Aas, & Barbara J. Evans), 47 *J.L. MED. & ETHICS* 62 (2019) (peer-reviewed)

A Nudge Toward Meaningful Choice (with Leah Fowler), *Open Peer Commentary*, 19 *AMER. J. 5 BIOETHICS* (2019)

Sex, Religion, and Politics, or the Future of Healthcare Antidiscrimination Law (with Elizabeth Sepper), 19 *MARQUETTE BEN. & SOC. WEL. L. REV.* 217 (2019) (invited symposium contribution)

HONORS

Awarded Leonard Childs Professorship, University of Houston Law Center

Received joint appointment with University of Houston College of Medicine

Laura Rothstein

PUBLICATIONS

Would the ADA Pass Today? Disability Rights in an Age of Partisan Politics, 12 *ST. LOUIS UNIVERSITY HEALTH L.J.* 271-330 (2019) (symposium article)

Jennifer Bennett Shinall

PUBLICATIONS

When Equitable is Not Equal: Experimental Evidence on the Division of Marital Assets in Divorce (with Joni Hersch), *REV. ECON. HOUSEHOLD* (forthcoming 2020)

Anticipating Accommodation, 105 *IOWA L. REV.* (forthcoming 2019)

Settling in the Shadow of Sex: Gender Bias in Marital Asset Division, 40 *CARDOZO L. REV.* 1857 (2019)