

Association of American Law Schools
Section on Law Professors with Disabilities and Allies

2021 Newsletter

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SECTION LEADERSHIP

Chair	Katie Eyer Rutgers Law School
Chair-Elect	Megan S. Wright The Pennsylvania State University – Penn State Law
Secretary	Stacey A. Tovino University of Oklahoma College of Law
Exec. Committee	Pamela Foohey Benjamin N. Cardozo School of Law Katherine Macfarlane Southern University Law Center Nicole Buonocore Porter University of Toledo College of Law

MESSAGE FROM THE CHAIR

Dear Section Members,

It is with great joy and gratitude that I welcome you to the new AALS Section for Law Professors with Disabilities and Allies! Thanks to all of you, we launch in our first year with over 225 members across the legal academy. We are represented in every part of the legal academy, from NTT faculty to law school Deans. We come from over 100 different law schools, spread across every corner of the country. Together, I look forward to taking on the important work of making sure that people with disabilities in legal academia are welcomed, supported and celebrated.

To that end, our inaugural Section program, *The Forgotten Demographic: Law Professors with Disabilities in Legal Academia* asks the question: In what ways can we do better in making legal academia a place in which disability is visible, supported and welcomed? Today, disability is too often the forgotten demographic in legal academia, with schools taking few steps to ensure meaningful disability diversity on their faculty. Even when disabled law faculty are hired, schools often treat such faculty as (as Doron Dorfman puts it) “fakers,” as opposed to valued members of the community—making obtaining reasonable accommodations a difficult and stigmatized process. Beyond reasonable accommodation, disability disparate treatment and outright exclusion continue to be very real, and troubling, phenomena both in legal academia and in the wider profession.

The Forgotten Demographic takes place on Thursday January 6, 2022 from 11 AM-12:15 PM Eastern, and brings together a distinguished group of panelists to discuss the experiences of law professors with disabilities and to articulate concrete strategies for how our institutions can do better. Together, we will imagine what it would look like for legal academia to take seriously its commitment to disability diversity, and to fully recognize and support the contributions of its disabled members. Panelists are national leaders in this area, and include disabled law faculty from varied stages of their careers and allies, including Kaaryn Gustafson, Kat Macfarlane, Katherine Perez, Robyn Powell and Michael Waterstone. Please join us for what I expect to be a very exciting and important conversation!

Our next Section session, an Informal Networking Session taking place on Thursday, January 6, 2022, from 2-3 PM Eastern, provides what I hope will come to be the heart of this Section: opportunities for those of us with disabilities to find community with each other and with our allies. Too often in the legal academy, those of us with disabilities are invisible even from each other. We may fear being stigmatized or discriminated against—or we may question whether we are really “disabled enough” to claim disability as an identity. Finding ways for us to connect and share both our struggles and our successes is one of the core missions of this Section. All Section members (disabled and non-disabled) are warmly welcomed at our inaugural informal networking session, which will be moderated by Section members Jasmine Harris, Kat Macfarlane, and Robyn Powell.

I am delighted to announce that our annual Section Award Ceremony, honoring Chai Feldblum, will take place on Friday, January 7, 2022, from 2-3 PM Eastern. The Chai Feldblum Award is intended to recognize exceptional work within the legal academy or in the legal profession toward the full inclusion of people with disabilities, and also offers an opportunity to honor Section members whose scholarly, teaching, clinical or service work (whether or not disability-related) shows exceptional promise or has made exceptional contributions. This year's honoree (and award namesake), Chai Feldblum, exemplifies all of the values that this award seeks to recognize. A person with a mental health disability herself, Chai has had an exceptional career moving forward the rights of people with disabilities and the LGBTQ community. From her work early in her career as one of the primary drafters of the Americans with Disabilities Act, to her work as a scholar and director of Georgetown's Legislative Clinic, to her important role as a Commissioner of the EEOC, Chai's work throughout her career has been deeply impactful for people with disabilities of every kind and in every walk of life. We could not be more thrilled to have the opportunity to honor her at this year's conference with the award named in her honor. Please join us Friday, January 7, 2022, from 2-3 PM Eastern for the Awards Ceremony!

Finally, I hope you all will extend your gratitude when you see them to the many people whose work made the launching of this Section possible. Kat Macfarlane, who serves on our inaugural Executive Committee, deserves particular credit as the principle visionary of why this Section was so important to bring to fruition, and the primary person to keep the vision of this Section afloat during the time it took to get here. The other members of the inaugural leadership, including Megan Wright (Chair-Elect), Stacey Tovino (Secretary), Pamela Foohey (Executive Committee) and Nicole Porter (Executive Committee) have also played a critical role in the work of launching this Section this year. Finally, many others also deserve credit for their work to sustain the vision of this Section and bring it to fruition, including Jasmine Harris, Jamelia Morgan, and Heather Varinini. Thank you to all for making this Section a reality!

Katie Eyer, Chair

AALS ANNUAL MEETING
SECTION PROGRAMMING

Date: Thursday, January 6, 2022, 11:00 a.m. to 12:15 p.m.
Panel: The Forgotten Demographic: Law Professors with Disabilities in Legal Academia
Panelists: Kaaryn Gustafson, Kat Macfarlane, Katherine Perez, Robyn Powell, Michael Waterstone, and Katie Eyer (moderator)

Date: Thursday, January 6, 2022, 2:00 to 3:00 p.m.
Event: Informal Networking Session for Section Members
Facilitators: Jasmine Harris, Kat Macfarlane and Robyn Powell

Date: Friday, January 7, 2022, 2:00 to 3:00 p.m.
Event: Awards Ceremony Honoring Chai Feldblum
Speakers: Katie Eyer, Bob Williams, and Chai Feldblum

MEMBER NEWS

KATIE EYER, Professor of Law, Rutgers Law School, Rutgers University.

Professor Eyer reports the following publications: *The “But For” Theory of Anti-Discrimination Law*, 107 VA. L. REV. __ (2021) (forthcoming) • *Claiming Disability*, 101 B.U. L. REV. 547 (2021) • *Am I Disabled? Disability Identity, Law Faculty, and Social Change*, __ J. LEGAL EDUCATION __ (2021) (forthcoming).

Professor Eyer reports the following presentations: *Textualism Revisited*, Loyola University Chicago/George Washington University Constitutional Law Colloquium, November 2021 • *The Equal Protection of the Text*, Invited Keynote Speaker, Center for Constitutional Law, University of Akron School of Law, September 2021 • *Claiming Disability*, South Texas College of Law Faculty Colloquium Series, March 2021 • *The But-For Theory of Anti-Discrimination Law*, AALS 2021 Annual Meeting, January 2021.

Professor Eyer reports the following honors and awards: Dukeminier Award for Best Legal Scholarship in LGBTQ Law (2020, announced in 2021) • Honoree, Remarkable 31 Women’s History Month (2021).

PAMELA FOOHEY, Professor of Law, Benjamin N. Cardozo School of Law, Yeshiva University.

Professor Foohey reports the following publications: *Portraits of Bankruptcy Filers*, 56 GA. L. REV. __ (forthcoming 2022) (with Robert M. Lawless and Deborah Thorne) • *Steering Loan Modifications Post-Pandemic*, 85 LAW & CONTEMP. PROBS. __ (forthcoming 2022) (with Dalié Jiménez and Christopher K. Odinet) • *Bursting the Auto Loan Bubble in the Wake of COVID-19*, 106 IOWA L. REV. 2215 (2021) • *Changing the Student Loan Dischargeability Framework: How the Department of Education Can Ease the Path for Borrowers in Bankruptcy*, 106 MINN. L. REV. HEADNOTES 1 (2021) (with Aaron S. Ament and Daniel A. Zibel) • *Fintech’s Role in Exacerbating or Reducing the Wealth Gap*, 2021 U. ILL L. REV. 459 (with Nathalie Martin).

Professor Foohey reports the following presentations: *The Texas Two-Step of Tort Liability*, American Bankruptcy Institute, November 2021 • *Competition and Consumer Welfare – Subprime Auto Buyers*, Fourth Biennial Conference on AutoLending, Federal Reserve Bank of Philadelphia, July 2021 • *Academics and Social Media: The Revolution Will Not Be Televised*, Berkeley Judicial Institute, Berkeley Law, June 2021 • *Portraits of Bankruptcy Filers*, Connecticut Bankruptcy Conference, October 2021, Minnesota Bankruptcy Institute, October 2021, Law and Society Association, May 2021, Boston

University Consumer Law Seminar, February 2021, Rutgers Law School, February 2021, Villanova University Charles Widger School of Law, February 2021 • *The Pandemic's Economic Impact: Exploring Commercial and Consumer Finance Issues*, University of Oklahoma College of Law, April 2021 • *Bankruptcy Law and the Problems of Democracy*, AALS 2021 Annual Meeting, January 2021.

MARCY KARIN, Jack and Lovell Olender Professor of Law & Director, Legislation/Civil Rights Clinic, David A. Clarke School of Law at the University of the District of Columbia.

Professor Karin reports the following publications: *Addressing Periods at Work*, 16 HARV. L. & POL'Y REV. (forthcoming 2022) • *Menstrual Dignity and the Bar Exam*, 55 UC DAVIS L. REV. 1 (2021) (with Elizabeth B. Cooper and Margaret E. Johnson) • *Menstrual Justice in Immigration Detention*, 41 COLUM. J. GENDER & L. 123 (2021) (with Valeria Gomez).

Professor Karin reports the following presentations: *Periods at Work*, Mid-Atlantic Clinical Workshop (virtual, Oct. 29, 2021) • *Menstruation and Incarceration*, Columbia University Menstruation and Society Series (virtual, Sept. 22, 2021) • Roundtable Discussant, Menstruation and the Law, Law and Society Meeting (virtual, May 27, 2021) • *Periods at Work*, 12th Feminist Legal Theory Conference (University of Baltimore School of Law, April 22, 2021) • *Menstrual Justice in Immigration Detention*, Symposium: Are You There, Law? It's Me, Menstruation (Columbia Law School, April 9, 2021) • *Menstrual Dignity for Bar Examinees*, New England Clinical Conference (March 26, 2021) • *Menstrual Dignity for Bar Examinees*, Mid-Atlantic Clinical Workshop (Feb. 19, 2021).

Professor Karin reports the following honors and awards: 2021 Community Champion Award, Domestic Violence Legal Empowerment and Appeals Project, October 2021.

NICHOLAS D. LAWSON, M.D., J.D., Georgetown Law Scholar.

Dr. Lawson reports the following publications: “*To Be a Good Lawyer, One Has to Be a Healthy Lawyer*”: *Lawyer Well-Being, Discrimination, and Discretionary Systems of Discipline*. 34 GEO. J. LEGAL ETHICS 65 (2021) • *Suicide Screening and Surveillance of Students, Discrimination, and Privacy: The Garrett Lee Smith Memorial Act*, 51 J.L. & EDUC. (forthcoming 2022) • *Disability Affirmative Action Requirements for the U.S. HHS and Academic Medicine Centers Under the Rehabilitation Act*, HASTINGS CTR. REP. (forthcoming 2022).

Dr. Lawson reports the following presentations: *A Discussion on Ableism: Acknowledging Privilege, Oral Presentation at Diversity, Equity, and Inclusion Summit*, Lawline online (Dec. 13, 2021) (with Jamelia Morgan).

KATHERINE MACFARLANE, Associate Professor, Southern University Law Center.

Professor Macfarlane reports the following publications: *Disability Without Documentation*, 90 FORDHAM L. REV. 59 (2021) • *Using Health Justice to Dismantle Workplace Ableism*, PETRIE-FLOM CENTER BILL OF HEALTH BLOG (October 2021) • *Employers Have the Power to Make Workplaces More Accessible*, BLOOMBERG LAW, Oct. 22, 2021 • *Vaccinate High-Risk People with Disabilities, Now*, MS. MAGAZINE, March 4, 2021

NICOLE BUONOCORE PORTER, Distinguished University Professor and Professor of Law, University of Toledo College of Law.

Professor Porter reports the following publications: *#MeToo and the Process That's Due: Sexual Misconduct Where We Live, Work, and Learn*, U. ILL. L. REV. (forthcoming 2022) • *Disclaiming Disability*, UC DAVIS L. REV. (forthcoming 2022) • *Special Treatment Stigma in Higher Education*, THE REGULATORY REVIEW (Oct. 27, 2021) • *Working While Mothering During the Pandemic and Beyond*, 78 WASH. & LEE L. REV. ONLINE 1 (2021) • *DISABILITY LAW: CASES AND MATERIALS* (West Academic, 2nd edition, 2021) (with Steve Befort).

Professor Porter reports the following honors and awards: Elected as a Fellow, College of Labor and Employment Lawyers, 2021 • Selected for the University of Toledo President's Award for Excellence in Creative and Scholarly Activity, 2021.

STACEY A. TOVINO, Professor of Law and Director of Healthcare Law Programs, University of Oklahoma College of Law.

Professor Tovino reports the following publications: Stacey A. Tovino, *Distilling the Language of Law* (forthcoming 2022) • Stacey A. Tovino, *Not so Private*, 71 DUKE L. J. ___ (forthcoming 2022) • Stacey A. Tovino, *Health Privacy, Security, and Information Management*, in LAWS OF MEDICINE: CORE LEGAL ASPECTS FOR THE HEALTH CARE PROFESSIONAL __ (Springer Nature Switzerland forthcoming 2022) (invited book chapter) • Stacey A. Tovino, *On Language and Substance Use Disorders in West Virginia*, W. VA. L. REV. __ (forthcoming 2022) • Stacey A. Tovino, *Stigma and Florida Health Law*, NOVA L. REV. __ (forthcoming 2022) • Stacey A. Tovino, *Grateful Patient Fundraising: Stories from Physicians*, NARRATIVE INQUIRY IN BIOETHICS __ (forthcoming 2022) • Stacey A. Tovino, *At a COVID Crossroads: Public Health, Patient Privacy, and Health Information Confidentiality*, ST. LOUIS U. L.J. __ (forthcoming 2021) (invited symposium) • Stacey A. Tovino, *An Update on Gambling Disorder, Neuroscience, and the Law*, ST. THOMAS J.L. & PUB. POL'Y __ (forthcoming 2021) (invited symposium) • Stacey A. Tovino, *The United States*, in PRIVACY AND HEALTH: A COMPARATIVE ANALYSIS __ (Nicola Glover-Thomas & Thierry Vansweevelts eds., Edward Elgar Publishing forthcoming 2021) (invited book chapter) • Stacey A. Tovino,

HIPAA's Strengths and Limitations, U. PENN. REG. REV. Aug. 20, 2021 (invited short opinion) • Stacey A. Tovino, *HIPAA Compliance*, in CAMBRIDGE HANDBOOK OF COMPLIANCE 895-908 (Daniel Sokol & Benjamin van Rooij eds., Cambridge University Press 2021) (invited handbook chapter) • Stacey A. Tovino, *COVID-19 and the HIPAA Privacy Rule: Asked and Answered*, 50 STETSON L. REV. 365 (2021) (invited symposium).

Professor Tovino reports the following presentations: July 3-8, 2022, “Telehealth, Substance-Related and Addictive Disorders, and COVID-19,” International Association of Law and Mental Health (IALMH) XXXVII Congress, Jean Moulin Lyon University, Lyon, France • March 12, 2022, “On Language and Alcohol: 1875 to Present,” Southern Association for the History of Medicine and Science Annual Meeting, Emory University, Atlanta, Georgia • March 11, 2022, “Under Pressure: Legal and Systemic Responses to the Psychological Trauma Associated With COVID-19,” *Nova Law Review* Symposium, Nova Southeastern University Shepard Broad College of Law, Davie, Florida • October 22, 2021, “Telehealth Law: Post-Pandemic and Beyond,” *Indiana Health Law Review* Symposium, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana • October 15, 2021, “Patient Privacy and Health Information Confidentiality at a Crossroads,” American Society for Bioethics and Humanities (ASBH) Annual Meeting, Indianapolis, Indiana • October 13, 2021, “Substance Use Disorders and the Law,” 2021 Xtreme CLE, Mercer County (New Jersey) Bar Association, Hamilton, New Jersey • September 30, 2021, “Health Insurance Coverage of Treatments and Services for Substance Use Disorders,” Program on Regulation, Therapeutics, and Law (PORTAL), Division of Pharmacoepidemiology and Pharmacoeconomics, Harvard Medical School and Brigham and Women's Hospital, Boston, Massachusetts • September 28, 2021, “On Language and Alcohol,” Faculty Exchange Program, Georgia State University College of Law, Atlanta, Georgia • September 24, 2021, “On Language and Alcohol,” Central States Law Schools Association (CSLSA) 2021 Annual Scholarship Conference, Washburn University School of Law, Topeka, Kansas • September 10, 2021, Commentary on “Normalizing Reproductive Genetic Innovation” by Myrisha Lewis, Wiet Life Sciences Junior Law Scholars Conference, Loyola University Chicago School of Law, Chicago, Illinois • October 12, 2020, “Health Law Careers,” Health Law Student Association, The University of Oklahoma College of Law, Norman, Oklahoma • July 30, 2021, “On Language and Alcohol,” Trending Topics in Health Law and Health Policy Panel, Southeastern Association of Law Schools (SEALS) Annual Meeting, Amelia Island, Florida • July 26, 2021, “Time Management,” Newer Law Professors Workshop, Southeastern Association of Law Schools (SEALS) Annual Meeting, Amelia Island, Florida • June 18, 2021, “HIPAA Deep Dive Session,” Data and Security Compliance Program, Seton Hall University School of Law, Newark, New Jersey • June 14, 2021, “HIPAA Privacy and COVID-19” Guest Lecture, Bioethics and the Law course, Albany Law School, Albany, New York • June 8, 2021, “Evidence-Based Drug Policy for 21st Century America,” 44th Annual Health Law Professors Conference, sponsored by the American Society for Law, Medicine, and Ethics, Northeastern University School of Law, Boston, Massachusetts • May 13, 2021, “Barriers to Evidence-Based Health Care for People with Substance Use Disorders,” American Bar Association (ABA) Opioid Summit II, Chicago, Illinois • April 12, 2021, “Going Rogue: Mobile Research

Applications and the Right to Privacy,” Guest Lecture, Bioethics and the Law course, Saint Louis University School of Law, St. Louis, Missouri • April 8, 2021, “Not so Private,” Faculty/Paper Workshop, University of Oklahoma College of Law, Norman, Oklahoma • March 12, 2021, “Privacy in a Pandemic: From HIV/AIDS to SARS-CoV-2/COVID-19,” Southern Association for the History of Medicine and Science Annual Meeting, Emory University, Atlanta, Georgia • March 8, 2021, “Not so Private,” Medical Ethics and Issues Discussion Panel (MEIDP), The University of Oklahoma, Norman, Oklahoma • March 8, 2021, “Not so Private,” Guest Lecture, Bioethics Class, Nova Southeastern University Shepard Broad School of Law, Davie, Florida • February 11, 2021, “Not so Private,” Faculty Speaker Series, Syracuse University School of Law, Syracuse, New York • February 2, 2021, “COVID-19 and Health Law,” Continuing Legal Education presentation, Cleveland County Bar Association, Cleveland County, Oklahoma. • January 19, 2021, “Not so Private,” Center for Law and Biomedical Sciences Colloquium, University of Utah S.J. Quinney College of Law, Salt Lake City, Utah • January 8, 2021, “Tribute to John Jacobi: The 2021 Elyn R. Saks Lifetime Achievement Award Winner,” AALS Section on Law and Mental Disability, AALS Annual Meeting, San Francisco, California.

Professor Tovino reports the following award: The University of Oklahoma College of Law, Institutional Impact Award (2021).

MEGAN S. WRIGHT, Assistant Professor of Law, Medicine, and Sociology, Penn State Law and Penn State College of Medicine.

Professor Wright reports the following publications: *Resuscitating Consent*, 63 B.C. L. REV. (forthcoming 2022) • *Inside the Black Box of Prosecutor Discretion*, 55 U.C. Davis L. Rev. (forthcoming 2022) (with Shima Baradaran Baughman & Christopher Robertson) • *Prosecutors and Mass Incarceration*, 94 S. CAL. L. REV. (forthcoming) (with Shima Baradaran Baughman) • *Legal Issues in Dementia*, in THE BEHAVIORAL NEUROLOGY OF DEMENTIA (Bruce Miller & Brad Bouve eds., forthcoming) (with Jalayne Arias & Ana Tyler) • *Designing An Americans with Abilities Act: Consciousness, Capabilities, and Civil Rights*, 63 B.C. L. REV. (forthcoming 2022) (with Zachary E. Shapiro et al.) • *Regulating Post-Trial Access to In-Dwelling Class III Neural Devices*, in THE FUTURE OF MEDICAL DEVICE REGULATION: INNOVATION AND PROTECTION (I. Glenn Cohen et al. eds., forthcoming) (with Joseph J. Fins) • *Implementing Ethical and Legal Supported Decision Making: Some Unresolved Issues*, 21 AM. J. BIOETHICS 40 (2021) • *Cracking the Black Box*, INQUEST (Sept. 13, 2021) (with Shima Baradaran Baughman & Christopher Robertson) • *Equality of Autonomy? Physician Aid in Dying and Supported Decision-Making*, 63 ARIZ. L. REV. 157 (2021) • *Olmstead Enforcements for Moderate to Severe Brain Injury: The Pursuit of Civil Rights through an Application of Law, Neuroscience, and Ethics*, 95 TULANE L. REV. 525 (2021) (with Zachary E. Shapiro et al.) • *In Pursuit of Agency ex Machina: Expanding the Map in Severe Brain Injury*, 12 AJOB NEUROSCIENCE 200 (2021) (with Joseph J. Fins et al.).

Professor Wright reports the following presentations: *Reconsidering Capacity Assessments*, 23rd Annual American Society for Bioethics and Humanities Meeting, Oct. 2021 • *Resuscitating Consent*, Drexel University Thomas R. Kline School of Law Faculty Workshop, Sept. 2021 • *Resuscitating Consent*, Virtual Health Law Workshop, July 2021 • *Resuscitating Consent*, 44th Annual Health Law Professors Conference, June 2021.

Professor Wright reports the following honor: Penn State Law Dean's Faculty Fellow 2021-22.