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## Letter from the Chair

Dear Section Members,

As I write this note, I reflect on a year that felt much longer than twelve months. It began with an insurrection and ends with the discovery of yet another COVID-19 variant. People with disabilities continue to be disproportionately impacted by the pandemic while governors make political theater out of life-saving mask mandates. People with disabilities like Engracia Figueroa, a disability rights activist who died after United Airlines lost her wheelchair, still cannot access all the spaces the Americans with Disabilities Act was intended to open.

Members of this section have not stood silent, but instead served as leading voices on behalf of people with disabilities. In the last year alone, our section members spoke to countless national media outlets about disability law, from the New York Times to the Chronicle of Higher Education. Their disability law scholarship influenced landmark mask mandate litigation. Our section secretary Doron Dorfman even testified about vaccine mandates before the U.S. House of Representatives.

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“Members of this section have not stood silent, but instead served as leading voices on behalf of people with disabilities.”

*Katherine Macfarlane*

Our members also continue to support their colleagues and students with disabilities. Former Disability Law Section Chair Katie Eyer led the Law Professors with Disabilities and Allies affinity group during its first year as an AALS section. Arlene Kanter has worked closely with the National Disabled Law Students Association. Arlene also organized the *Syracuse Law Review's* Americans with Disabilities Act Symposium, commemorating the ADA's 30th anniversary. The symposium featured several section members, including Samuel Bagenstos, Natalie Chin, Doron Dorfman, Elizabeth Emens, Jamelia Morgan, Prianka Nair, and Mark Weber.

Our section members engage in influential interdisciplinary scholarship, incorporating disability law into their health law and criminal procedure work, for example. Section member Nicole Porter, a leading disability law scholar, also writes cutting-edge scholarship about employment discrimination. Her article “#MeToo and the Process That's Due: Sexual Misconduct Where We Live, Work, and Learn” is forthcoming in the *University of Illinois Law Review*.

This summer, Chair-Elect Jamelia Morgan organized our section's second Work-in-Progress workshop. I was inspired by the papers themselves and the supportive mentorship provided by our senior scholars. We hope to make the summer workshops a yearly tradition. Jamelia is herself a prolific and award-winning scholar. Her article “Rethinking Disorderly Conduct,” published this year in the *California Law Review*, won the Criminal Justice Section's Junior Paper Competition.

In connection with the upcoming annual meeting, we have planned two section-sponsored programs that we hope you will attend. Our first program, ***The Future of Accommodations***, will examine recent developments in the law of disability accommodations and modifications and predict how the law will or should develop in the near future. The program features Jeannette Cox, Doron Dorfman, Elizabeth Emens, Shirley Lin, and Nicole Porter. Our second program, ***Incorporating Disability into the Law School Curriculum***, will present ideas about how to discuss issues relevant to individuals with disabilities, both in required courses and clinical offerings. The program features Doron Dorfman, Jasmine Harris, Jamelia Morgan, Blake Reid, and me. Our presenters include professors with disabilities and allies who teach across the law school curriculum.

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We have also co-sponsored programs organized by the following sections: Law Professors with Disabilities and Allies, Criminal Justice, Clinical Legal Education, Aging and the Law, and Law and Mental Disability.

It has been a true honor to serve as chair of this section. I joined it in 2018 as a civil procedure scholar interested in writing about the procedural hurdles people with disabilities face in bringing claims under the Americans with Disabilities Act. Not only did section members support my scholarship, but they also supported me as a person with disabilities, turning my desire to create a modest affinity group for professors with disabilities into a formal AALS section. I hope to continue to encourage and uplift this section's members in the same way.

Katherine Macfarlane, Chair

## **2022 Disability Law Section Programs**

### **Program #1: The Future of Accommodations**

Wednesday, January 5, 11 AM-12:15 PM EST

Participants: Jeannette Cox, Doron Dorfman (moderator), Elizabeth Emens, Shirley Lin, and Nicole Porter.

### **Program #2: Incorporating Disability into the Law School Curriculum**

Friday, January 7, 4:45-6 PM EST

Participants: Doron Dorfman, Jasmine Harris, Jamelia Morgan, Blake Reid, and Katherine Macfarlane (moderator).

## New Members Spotlight

Twenty-six members joined our section this year! Meet two of our rising stars

### Adrián Alvarez

#### What school are you affiliated with and what do you teach?

I started teaching as an Assistant Professor at St. John's University School of Law in Queens, New York, in December 2020. I've developed a course for the law school called Disability and the Law. I taught it this fall and hope to teach it in subsequent years. In addition, I teach Professional Responsibility (and truly love it!) and have taught a course on lawyering skills. In the next year or so, I hope to pick up one more course teaching first-year students.



#### How does your teaching and/or scholarship incorporate disability law?

My scholarship is rooted within Disability Studies, looking to how the law treats unaccompanied immigrant youth with disabilities.

#### Tell us one fun fact about yourself.

During the pandemic, I started taking jarana jarocho lessons with an online tutor from Veracruz, Mexico. The jarana jarocho is a stringed instrument used to play son jarocho, the traditional folk music of the Sotavento region of Mexico.

### Jessica R. Gunder

#### What school are you affiliated with and what do you teach?

I am at University of Idaho College of Law. This year I am teaching Legal Writing & Analysis and directing our upper-division Advanced Advocacy program. In the past, I've taught Criminal Procedure, Professional Responsibility, and Pretrial Litigation.



#### How does your teaching and/or scholarship incorporate disability law?

I wrote my first article last summer, which considers the interplay between the Americans with Disabilities Act and vaccine scarcity, and is forthcoming in the *Indiana Journal of Law and Social Equality*. I love incorporating disability law into problems for my legal writing students. For example, Advanced Advocacy students wrote appellate briefs last spring concerning (1) whether a plasma donation center was a public accommodation, and (2) whether the plaintiff's dog was a service animal.

#### Tell us one fun fact about yourself.

I went to 16 polling places on election day in 2016, but only voted once. (I worked for the U.S. Attorney's Office at the time, and was reviewing polling places for physical access issues).

## Disability Section Publications and Honors, 2021

### Cheryl L. Anderson

#### PUBLICATIONS

*No Disability if You Recover: How the ADA Short-Changes Short-Term Impairments*, 59 SAN DIEGO L. REV. \_\_\_ (forthcoming 2022)

### Rabia Belt

#### PUBLICATIONS

*Mass Institutionalization and Civil Death*, 96 N.Y.U. L. REV. 857 (2021)

### Doron Dorfman

#### PUBLICATIONS

*Suspicious Species*, 2021 U. ILL. L. REV. 1363 (2021)

*Pandemic "Disability Cons,"* 49 J. L. MED. & ETHICS 401 (2021)

*The Treatment of Disability Under Crisis Standards of Care: An Empirical and Normative Analysis of Change Over Time During COVID-19*, 46 J. HEALTH POL. POL'Y & L. 831 (2021) (with Ari Ne'eman, Michael Ashley Stein & Zackary D. Berger)

*Afterword: The ADA's Imagined Future*, 71 SYRACUSE L. REV. 927 (2021)

#### COMMENTARY

*Students with Disabilities Could Sue Their Schools to Require Masks*, THE WASHINGTON POST (August 19, 2021) (with Mical Raz)

### Katie Eyer

#### PUBLICATIONS

*The "But For" Theory of Anti-Discrimination Law*, 107 VA. L. REV. \_\_\_ (forthcoming 2021)

*Claiming Disability*, 101 B.U. L. REV. 547 (2021)

*Am I Disabled? Disability Identity, Law Faculty, and Social Change*, \_\_\_ J. LEGAL EDUCATION \_\_\_ (forthcoming 2022)

#### HONORS

Katie's 2019 Article, *Statutory Originalism and LGBT Rights* was honored with a Dukeminier Award for Best Legal Scholarship in LGBTQ Law (2020, announced in 2021)

### Jessica R. Gunder

#### PUBLICATIONS

*Last in Line: Vaccine Scarcity and the Americans with Disabilities Act*, 10 IND. J.L. & SOC. EQUALITY \_\_\_ (forthcoming 2022).

### Arlene S. Kanter

#### PUBLICATIONS

*Remote Work and the Future of Disability Accommodations*, 107 CORNELL L. REV. \_\_\_ (forthcoming 2022)

### Shirley Lin

#### PUBLICATIONS

*Bargaining for Integration*, 96 N.Y.U. L. REV. \_\_\_ (forthcoming 2021)

### Shirley Lin (Continued)

#### PROFESSIONAL NEWS

In July 2022, Shirley will be joining Brooklyn Law School as an Assistant Professor of Law to teach employment courses, race and the law, and contracts

### Elizabeth Pendo

#### PUBLICATIONS

*What U.S. Practicing Physicians Know About the Americans with Disabilities Act and Accommodating Patients with Disability*, 38(4) HEALTH AFFAIRS (forthcoming 2021) (with Lisa I. lezzoni, et al.)

*Discrimination against People with Disabilities in Organ Transplantation*, THE HASTINGS CENTER REPORT (2021)

*Substance Use Disorder Discrimination and The CARES Act: Using Disability Law to Inform Part 2 Rulemaking*, 52 ARIZ. STATE L. J. 1143 (2021) (with Kelly K. Dineen)

*Protecting the Rights of People with Disabilities, Part II*, in ASSESSING LEGAL RESPONSES TO COVID-19: LESSONS LEARNED AND RECOMMENDATIONS (Scott Burris, et al, eds.) (Boston: Public Health Law Watch) (2021)

*The Americans with Disabilities Act in the COVID-19 Workplace*, in WORK LAW UNDER COVID-19 (Jeffrey M. Hirsch and Sachin S. Pandya, eds.) (Feb. 4, 2021)

## Disability Section Publications and Honors, 2021

### Jamelia Morgan

#### PUBLICATIONS

*Why Disability Studies in Criminal Law and Procedure?*, 69 J. LEGAL ED. (forthcoming 2022)

*Disability's Fourth Amendment*, 122 COLUM. L. REV. (forthcoming 2022)

### Katherine Macfarlane

#### PUBLICATIONS

*Disability Without Documentation*, 90 FORDHAM L. REV. 59 (2021)

*Using Health Justice to Dismantle Workplace Ableism*, PETRIE-FLOM CENTER AT HARVARD LAW SCHOOL BILL OF HEALTH BLOG (October 2021)

#### COMMENTARY

*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

*So Sorry to Bother You, But I Might Die If You Don't Wear a Mask*, INTIMA, Nov. 2020

### Nicole Buonocore Porter

#### PUBLICATIONS

DISABILITY LAW CASES AND MATERIALS (West Academic, 2nd Ed., 2021) (with Stephen Befort)

### Nicole Buonocore Porter (Continued)

*Disclaiming Disability*, UC DAVIS L. REV. (forthcoming 2022)

*Special Treatment Stigma in Higher Education*, REGULATORY REV. (Oct. 27, 2021)

*Working While Mothering During the Pandemic and Beyond*, 78 WASH & LEE L. REV. ONLINE 1 (2021)

#### HONORS

Elected as a Fellow, College of Labor and Employment Lawyers (2021)

### Robyn M. Powell

#### PUBLICATIONS

*Achieving Justice for Disabled Parents and Their Children: An Abolitionist Approach*, 33 YALE J.L. & FEMINISM \_\_ (forthcoming 2022)

*From Carrie Buck to Britney Spears: Strategies for Disrupting the Ongoing Reproductive Oppression of Disabled People*, 107 VA. L. REV. ONLINE 246 (2021)

*Applying the Health Justice Framework to Address Health and Health Care Inequities Experienced by People with Disabilities During and After COVID-19*, 96 WASH. L. REV. 93 (2021)

### Robyn M. Powell (Continued)

*Confronting Eugenics Means Finally Confronting its Ableist Roots*, 27 WM & MARY J. RACE, GENDER, & SOC. JUST. 607 (2021)

*Becoming a Disabled Parent: Eliminating Access Barriers to Health Care Before, During, and After Pregnancy*, 96 TUL. L. REV. \_ (forthcoming 2022) (with Erin E. Andrews and Kara Ayers)

### Blake E. Reid

#### PUBLICATIONS

*Copyright and Disability*, \_\_ CALIF. L. REV. \_\_ (forthcoming 2021)

#### HONORS

Appointed to the fourth term of the Federal Communications Commission's Disability Advisory Committee (2021)

### Mark C. Weber

#### PUBLICATIONS

SPECIAL EDUCATION LAW: CASES AND MATERIALS (Carolina Acad. Press 5th ed. 2021)

*Program Access Under Disability Discrimination Law*, 71 SYRACUSE L. REV. (forthcoming 2021)

*Taking Disability Discrimination Out of the Public Charge Rule*, REGULATORY REV., Oct. 28, 2021

## Disability Section Publications and Honors, 2021

### Deborah Widiss

#### PUBLICATIONS

*Chosen Family, Care, and the Workplace*, 131 YALE L.J. FORUM 215 (2021).

*Proving Discrimination by the Text*, 106 MINN. L. REV. 353 (2021).

### Megan S. Wright

#### PUBLICATIONS

*Resuscitating Consent*, 63 B.C. L. REV. \_\_ (forthcoming 2022).

*Legal Issues in Dementia*, in THE BEHAVIORAL NEUROLOGY OF DEMENTIA (Bruce Miller & Brad Bouve eds., forthcoming 2022) (with Jalayne Arias and 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.)

*Implementing Ethical and Legal Supported Decision Making: Some Unresolved Issues*, 21 AM. J. BIOETHICS 40 (2021)

*Equality of Autonomy? Physician Aid in Dying and Supported Decision-Making*, 63 ARIZ. L. REV. 157 (2021).