

# **Autism and the Law**

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# **Autism and the Law**

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**Cases, Statutes, and Materials**

**Lorri Shealy Unumb**

ATTORNEY-AT-LAW

**Daniel R. Unumb**

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*For Ryan,  
with hopes that you will  
one day be capable of reading this book.*



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# Preface

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At the time we wrote this text, there was exactly one law school class being offered on Autism and the Law. As such, one might not think the effort of producing a comprehensive text on such a narrow matter worthwhile. However, given the increasing prevalence of autism and the complexity of legal and policy issues surrounding the disorder, we believe more law schools, as well as public policy and health schools, should and will begin to explore the topic. We hope this book will be valuable in a variety of academic settings, as well as for lawmakers, judges, regulators, health professionals, educators, and families who daily consider the legal dimensions of autism.

The material selected for reproduction is somewhat unusual for a law school textbook because it includes not only the traditional textbook fare of cases and statutes but also litigation documents (such as complaints, briefs, affidavits, and exhibits), bills, regulations, proposed rules, administrative bulletins, arbitration decisions, attorney general opinions, and other types of legal documents. We feel that the inclusion of these documents is important to convey the most up-to-date developments in autism policy and benefits law students by exposing them to real-world law practice documents.

For readability, we have sometimes omitted internal citations and footnotes, or portions of them, without noting the omission. Please don't take our deletion of citations and footnotes as disparagement of them. As former legal writing professors, we greatly value the strength added to legal analysis by judicious use of citations. And we firmly subscribe to a theory espoused by Professor James Blumstein of Vanderbilt: "Children of lawyers who don't read footnotes go hungry."

We have also chosen to use masculine pronouns throughout the book rather than alternating or gender-neutral pronouns, out of recognition that autism affects significantly more boys than girls.

Writing this book was a labor of love (with a heavy emphasis on labor), given our professional and personal connection to autism. We have come a long way from not knowing what autism was when our first-born child was diagnosed in 2003, and we are determined now to help spur needed legal reform, to educate future policymakers on the issues, and to make laws relating to autism more accessible to all families struggling with the disorder.

Many thanks are owed to all those who helped in the creation of *Autism and the Law*:

- First, a tribute to Lorri's brother, the brilliant political strategist Rod Shealy, who passed away as this book was going to press. The autism insurance reform movement would not be where it is today without his political genius.
- To University of South Carolina law students Julie Kate Keeney and Meg Goodwin and Centre College student Natalie Pope, without whose research, technical assistance, and babysitting this book would never have made it.

- To George Washington University Law School, for allowing Lorri to teach the first course on “Autism and the Law.”
- To Lorri’s government relations colleagues at Autism Speaks, who keep us inspired with their “glass half full” attitude: Peter Bell, Elizabeth Emken, Judith Ursitti, Shelley Hendrix, Sharon Boyd, and Rebecca Stelzner, and especially lawyer-colleague Stuart Spielman, a pioneer in this field on whose work and expertise we rely.
- To our parents, siblings, and especially our children—Ryan (9), Christopher (6), and Jonathan (2): may you someday understand why Mommy and Daddy spend so much time at the dinner table talking about things like reformation of out-dated and unjust statutory and regulatory schemes.

Please enjoy this first textbook in a new and burgeoning area of law.

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August 2010