

The U.S. Supreme Court on Disability Law

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The U.S. Supreme Court on Disability Law

Sixteen Modern Cases

Edited by

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This one's for Lois! – C.T.I.

For Bill, in thanks and admiration. – E.M.

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Editors' Note

We selected these cases because they have significant impacts on people with disabilities and their advocates. While we could have chosen dozens of cases, we prioritized those that create great classroom discussion. We have found it difficult to teach these cases from short excerpts in casebooks, and wanted to produce a text that features full opinions, including concurrences and dissents. Full cases provide a better view of the Court's decision-making process, leading students to a greater, more integrated understanding of the legal principles and policy concerns underlying the opinions.

Initially we considered *Buck v. Bell*, 274 U.S. 200 (1927), for the opening case. We decided instead to start with the first case that seemed, to us, to take a really modern view of disability: *Jackson v. Indiana*, 406 U.S. 715 (1972). Thereafter we selected cases that, ordered chronologically, illustrate trends in the Court's most significant disability-related decisions. We have omitted certain admittedly important decisions, such as *United States v. Georgia*, 546 U.S. 151 (2006), and *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, 565 U.S. ___, 132 S.Ct. 694 (2012), because they implicate legal principles outside the scope of this book.

The questions following each selection are designed to elicit responses from students with a variety of backgrounds, learning styles, and interests. They are also designed to help students make connections between individual cases and broad principles of constitutional law and civil rights. Many are questions that have sparked good debate and analysis in our classes.

We hope you will enjoy the collection.

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