

■ Arizona Center for Disability Law

Protection and Advocacy System for Arizona

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Statement of the Arizona Center for Disability Law on the Retirement of Supreme Court Justice Sandra Day O'Connor

Tucson, Arizona...Following is a statement by Leslie Cohen, Executive Director of the Arizona Center for Disability Law (Center), regarding Justice Sandra Day O'Connor's resignation from the United States Supreme Court.

“Justice O'Connor has been a critical swing vote, both expanding and narrowing the rights of people with disabilities. Justice O'Connor has voted with the majority in recent cases to narrow the definition of disability under the Americans with Disabilities Act (ADA) and limit the ability of plaintiffs to seek monetary damages for discrimination. In 2001, O'Connor joined four other justices in Board of Trustees of the University of Alabama v. Garrett to find that employees are not entitled to recover monetary damages in employment discrimination claims against a state agency. In 2002, O'Connor wrote the opinion in Toyota Motor Manufacturing v. Williams. Williams significantly limited plaintiffs' ability to prove that work is a major life activity under the definition of disability. However, O'Connor was the swing vote in Tennessee v. Lane, a 2004 case that solidified the rights of people with disabilities to have full public access to court house buildings. She was also part of the majority in 1999 in Olmstead v. L.C., ruling that disabled persons have the right to live in the most integrated setting under the Americans with Disabilities Act, meaning that states may not relegate our most vulnerable citizens to nursing homes or institutions.”

“A whole range of laws that protect people with disabilities continue to be challenged in court. These laws protect people in employment, housing, education, public accommodation, and health care. We urge President Bush to replace Justice O'Connor with a jurist who will uphold the rights of people with disabilities under key laws such as the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.”

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The Arizona Center for Disability Law is a not for profit public interest law firm, dedicated to protecting the rights of individuals with a wide range of physical, mental, psychiatric, sensory and cognitive disabilities. The Arizona Center for Disability Law is authorized under various federal statutes to ensure the protection and advocacy of all individuals with disabilities in the state.