

**AMERICAN BAR ASSOCIATION
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
INFORMATIONAL REPORT TO THE ABA HOUSE OF DELEGATES**

Mission

In 1973, The American Bar Association (ABA) established the Commission on the Mentally Disabled to promote the humane treatment of persons with mental disabilities and safeguard their basic rights. In 1991, with the landmark enactment of the Americans with Disabilities Act (ADA), the ABA House of Delegates changed the Commission's name to the Commission on Mental and Physical Disability Law to reflect the ABA's longstanding commitment to serve all persons with disabilities. Today, the Commission's mission is "to promote the ABA's commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and their full and equal participation in the legal profession." The revised mission incorporates the language of the ABA's Goal IX, which was amended in 1999 to include persons with disabilities. This year marks the Commission's 30th anniversary.

Justice and Rule of Law

In *Atkins v Virginia*, the U.S. Supreme Court declared the execution of persons with mental retardation unconstitutional. The ABA filed an *amicus* brief supporting the Court's position. Commission member James Ellis, who argued the case before the Supreme Court, was recognized as the "lawyer of the year" by the *National Law Journal*. Ellis also prepared detailed guidance for the states on how to implement *Atkins* entitled "Mental Retardation and the Death Penalty: A Guide to State Legislative Issues." This guide was published in the January-February issue of the Commission's *Mental and Physical Disability Law Reporter*.

Goal IX

This year's Goal IX survey and report confirms what was reported in a February 2002 *ABA Journal* article: That much work remains to be done with respect to incorporating lawyers with disabilities into leadership positions within the ABA. In part, this is due to the fact that relatively few persons with disabilities attend law school. In addition, many ABA entities still have not made lawyers with disabilities part of their diversity initiatives. However, the Young Lawyers, Senior Lawyers and sections on Business Law, Dispute Resolution, Health Law, Individual Rights & Responsibilities, and Labor and Employment all made our honor roll for taking constructive actions to create professional opportunities for lawyers with disabilities.

Earlier in the year, the Commission sent letters to ABA entities encouraging them to do more to include lawyers with disabilities in leadership roles, programs, and activities, while thanking entities whose contributions led to their being included in the Commission's 2002 honor role.

ABA Web Site Accessibility

The Commission has worked with the ABA's Information Systems department to make the ABA's web site accessible to persons with disabilities, particularly those with visual, hearing,

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and manual impairments. Currently, neither the Commission's portion of the ABA's web site, nor the ABA's web site in general, are accessible.

Subcommittee on Lawyers with Disabilities

The Subcommittee helps to implement Goal IX with four programs. First, a mentor program has been established for law students with disabilities at Washington area law schools, and also on-line at other law schools nationwide. The program has matched 30 law students with lawyer-mentors who have similar disabilities. This year the program was given an award from the Nation's Capital Area Disability Support Services Coalition. Second, the Commission is seeking funds to establish a scholarship program for persons with disabilities to attend law school. Third, the Commission, in conjunction with the ABA's Public Services Division, sponsored a roundtable at Catholic University Law School on legal careers for law students with disabilities. The program drew students from Washington area law schools. Fourth, the Subcommittee has developed data bases of lawyers with disabilities and organizations and bar association groups that represent the interests of lawyers with disabilities, which now include over 4,500 entries.

Annual Meeting Programs in Washington

The Commission will hold an Annual Meeting reception for lawyers with disabilities and the presentation of the Paul G. Hearne Award for disability rights on Monday evening August 11, 2003.

Law Reporter and Other Publications

The Commission publishes the *Mental & Physical Disability Law Reporter*, which has provided the most comprehensive coverage of disability law developments since 1976..

In September, the Commission published the *Mental Disability Law Handbook*. This August, the Commission's *Disability Law Handbook on Discrimination* will be released. The information from these two handbooks will become part of a loose-leaf service that will be launched in January 2004 and updated on a regular basis.

On-line Resources

The Commission provides services on-line through its web site (abanet.org/disability), including descriptions of key programs and activities; a state-by-state directory of lawyers who practice disability law with more than 6,000 entries; a catalog of services and publications; *Reporter* highlights; and a publication and product development survey. In addition, the Commission's publications are featured on Westlaw.

Respectfully submitted,

Justice Richard Teitelman, Chair

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