

Sept. 19, 2011

Kathryn Ruemmler
White House Counsel
The White House
1600 Pennsylvania Ave. NW
Washington DC 20050

Dear Ms. Ruemmler:

We write as 105 national and state-based disability rights organizations, law firms, and individuals, together representing millions of individuals with disabilities, to ask that you make disability part of your efforts to achieve diversity in judicial nominations.

We appreciate your focus on the diversity of the federal bench and your efforts to clearly communicate that priority. It does not appear, however, that identifying nominees with disabilities is a serious part of those diversity efforts.

Recently, the White House Blog published an “infographic” describing the efforts to bring diversity to the bench.¹ While the infographic discusses efforts to nominate African Americans, Latinos, Asian Americans, Native Americans, women, and openly gay judges, there is no mention of disability. There are, of course, many qualified candidates who have disabilities or have spent significant portions of their career representing or working with individuals with disabilities. Yet nominations have not reflected this.

As you know, the makeup of the federal judiciary is extremely important to the rights of individuals with disabilities, as it is to other civil rights. Too often, court decisions have stripped individuals with disabilities of the rights that afford them equal opportunities in their workplaces and communities.

For example, for years, people with a wide array of disabilities who had experienced discrimination (including individuals with diabetes, epilepsy, cancer, bipolar disorder, post-traumatic stress disorder, intellectual disabilities, multiple sclerosis, muscular dystrophy, and other impairments) found themselves unable to invoke the protections of the Americans with Disabilities Act (ADA) because many federal courts interpreted the ADA to cover only a narrow group of “truly disabled” individuals. Large numbers of Americans who lost jobs because of their disabilities had no recourse because they were considered insufficiently “disabled” to sue. It took Congressional passage of the ADA Amendments Act of 2008 to correct these misinterpretations and restore the ADA’s broad coverage. We cannot and should not have to count on Congress, however, to correct most of the damage done by federal court decisions that erode the rights of people with disabilities.

¹ <http://www.whitehouse.gov/blog/2011/08/18/infographic-record-judicial-diversity-record-judicial-delays>.

It is as important to have judges who understand and respect the rights of people with disabilities as it is to have judges who understand and respect the rights of women and people of different racial and ethnic backgrounds, different sexual orientations and different experiential backgrounds. To this end, the federal bench must reflect the diversity of our country, including the millions of Americans with disabilities.

We hope that you will actively seek to nominate to the federal bench individuals with disabilities and individuals from the disability community.

Sincerely yours,

National Organizations:

American Association of People with Disabilities (AAPD)
American Association on Health and Disability
American Council of the Blind
American Counseling Association
American Pain Foundation
ADAPT
American Foundation for the Blind
The Arc of the United States
Association of Assistive Technology Act Programs
Association on Higher Education And Disability (AHEAD)
Autistic Self Advocacy Network
Burton Blatt Institute
Center for HIV Law and Policy
Center for Public Representation
Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD)
Council of Parent Attorneys and Advocates, Inc. (COPAA)
Council for Learning Disabilities (CLD)
Daniel Jordan Fiddle Foundation for Adult Autism
Disability Rights Advocates
Disability Rights Education and Defense Fund (DREDF)
Epilepsy Foundation
Judge David L. Bazelon Center for Mental Health Law
Legal Aid Society -- Employment Law Center
Mental Health America
National Association of Blind Lawyers
National Association of Councils on Developmental Disabilities (NACDD)
National Association of County Behavioral Health & Developmental Disabilities Directors
National Association of the Deaf
National Association of Law Students with Disabilities (NALSWD)
National Association of Rights Protection and Advocacy (NARPA)
National Association of State Head Injury Administrators
National Center for Law & Economic Justice

National Council on Independent Living (NCIL)
National Disability Institute
National Disability Rights Network (NDRN)
National Down Syndrome Society
National Employment Lawyers Association (NELA)
National Federation of the Blind (NFB)
National Health Law Program (NHeLP)
National MS Society
Paralyzed Veterans of America (PVA)
Physician-Parent Caregivers
United Cerebral Palsy (UCP)
United Spinal Association
Washington Lawyers' Committee for Civil Rights and Urban Affairs

State-Based Organizations:

Advocacy Center (Louisiana)
Alabama Disabilities Advocacy Program
Arizona Center for Disability Law
California Employment Lawyers Association
Center for Independent Living of Central Pennsylvania (CILCP)
Disabilities Law Program, Community Legal Aid Society of Delaware, Inc.
Disabilities Rights Center, Inc. (New Hampshire)
Disability Advocates Inc. (New York)
Disability Law Center (Massachusetts)
Disability Law Center (Utah)
Disability Law Center of Alaska
Disability Law Project, Vermont Legal Aid
Disability Rights California
Disability Rights Center (Maine)
Disability Rights Center of Arkansas
Disability Rights Florida
Disability Rights Iowa
Disability Rights Legal Center (California)
Disability Rights Mississippi
Disability Rights Network of Pennsylvania
Disability Rights New Mexico
Disability Rights North Carolina
Disability Rights Oregon
Disability Rights Texas
Disability Rights Vermont
Disability Rights Washington
Disability Rights Wisconsin
Equip for Equality (Illinois)
Everyone Reading, Inc. (New York)
Georgia Advocacy Office

Hawaii Disability Rights Center
Indiana Protection and Advocacy Services
The Legal Center for People with Disabilities and Older People (Colorado)
Maryland Disability Law Center
Minnesota Disability Law Center
Missouri Protection & Advocacy Services
Native American Disability Law Center
Nebraska Advocacy Services, Inc.
North Dakota Protection & Advocacy Project
Office of Protection and Advocacy for People with Disabilities (Connecticut)
Ohio Legal Rights Service
Protection and Advocacy for People with Disabilities, Inc. (South Carolina)
Public Justice Center (Maryland)
Quality Trust for Individuals with Disabilities, Inc. (District of Columbia)
South Dakota Advocacy Services

Law Firms and Individuals:

Barbosa, Metz & Harrison, LLP (Encino, CA)
Brown, Goldstein & Levy, LLP (Baltimore, MD)
Law Office of Lainey Feingold (Berkeley, CA)
Fox & Robertson, P.C. (Denver, CO)
Law Office of Stephen F. Gold (Philadelphia, PA)
Goldstein, Demchak, Baller, Borgen & Dardarian (Oakland, CA)
LaBarre Law Offices P.C. (Denver, CO)
Lewis Feinberg Lee Renaker & Jackson P.C. (Oakland, CA)
JoAnne Simon, P.C. (Brooklyn, NY)
Stein & Vargas, LLP (Baltimore, MD)
Law Office of Charles Weiner (Newtown, PA)

Tony Coelho (former chairman of the board of AAPD, board member of the Epilepsy Foundation, and original author of the Americans with Disabilities Act (ADA))
Carrie Griffin Basas (Visiting Associate Professor of Law, Case Western Reserve University)
Kelby Brick (former Director of the National Association of the Deaf Law and Advocacy Center)
Michael Waterstone (Professor, Loyola Law School Los Angeles)