

U.S. Supreme Court rules that states are not immune from ADA Title II lawsuits

On May 17, 2003, the U.S. Supreme Court ruled that States are not immune from lawsuits under the Americans with Disabilities Act of 1990 (ADA) which was created by Congress to eliminate discrimination against individuals with disabilities.

Title II of the ADA says that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation or denied the benefits of the services, programs or activities of a public entity.” The ADA specifies that states are not immune from prosecution for violations of this act under the Eleventh Amendment of the U.S. Constitution.

The Case

In August 1998, George Lane and Beverly Jones, who are both paraplegics and who use wheelchairs for mobility, sued the State of Tennessee and a number of Tennessee counties under Title II of the ADA. They alleged that they were denied access to, and the services of, the state court system because of their disabilities.

Lane claimed that he was summoned to answer criminal charges on the second floor of the county courthouse. Because the courthouse had no elevator, Lane had to crawl up two flights of stairs to reach the courtroom. Later, when Lane returned to the courthouse for a hearing, he refused to crawl up the stairs and refused to be carried to the courtroom by officers. Consequently, he was arrested and jailed for failure to appear.

Jones, a certified court reporter, claimed that she was unable to access a number of county courthouses and, consequently, had lost work and the opportunity to participate in the judicial process.

The state tried to get the case dismissed claiming governmental immunity under the Eleventh Amendment which renders states immune from citizen lawsuits. The district court denied the state’s motion to dismiss.

The state appealed. The Sixth Circuit Court agreed with the district court, stating that Lane and Jones’ claims were allowed because they were based on due process principles which protect the right of access to the courts. The court explained that “the evidence before Congress when it enacted Title II established that physical barriers in courthouses and courtrooms have had the effect of denying disabled people the opportunity for such access.”

The state then appealed to the U.S. Supreme Court claiming that Congress did not have the power to override the Eleventh Amendment when it enacted the ADA. The Supreme Court affirmed the circuit court’s opinion explaining that people have a fundamental right of access to the courts and that Title II “constitutes a valid exercise of Congress’ authority.” The case has been sent back to district court for further proceedings.

How this Decision Affects Counties

Counties should heed this decision because it implies that they will not be able to use governmental immunity in the event of a Title II lawsuit. Although this lawsuit was primarily aimed at a state court system, the alleged incidents occurred at county courthouses. In order to avoid possible lawsuits, counties should ensure that their courthouses and other governmental buildings are accessible to individuals with disabilities.

For more information, contact CTSI at 303-861-0507.

County Technical Services, Inc.

800 Grant St., Suite 400
Denver CO 80203

303.861.0507
FAX: 303.861.2832

Technical Updates are available online at: www.ctsi.org