DEVELOPMENTS IN DISABILITY DISCRIMINATION LAW

PRESENTED BY:

AMBER K. DODDS
LAURA M. MERRITT

University of Texas School of Law, Continuing Legal Education
June 1-2, 2023

- *After almost 30 years, Jim Kizziar passes the ADA torch!*

  o One or the other of us has been involved with this presentation since 1995

  o Keeping the spirit of the epic ADA outline going

THE OUTLINE: Comprehensive Overview, Addressing Topics in Detail

- Impairments
- Major Life Activities
- Substantial Limitations
- QUID Definition
- Essential Job Functions
- Actionable Discrimination
- "Regarded As" Claims
- Misconduct

- Direct Threat
- Interactive Process
- Reasonable Accommodation
- COVID
- Hostile Work Environment
- Medical Exams
- Association Discrimination
- Procedural/Litigation Issues

Welcome to our podcast-style, immersive experience!

Disability Law Talk

with
Amber and Laura

ADA TRENDS: CHARGES FILED

- 2016:   Highest level (28,073)

- 2017:   Decline begins (26,838)

- 2018-20:   Lower still (3-year avg: 23,489)

- 2021:   Lowest in over a decade (22,843)

Mathing the math:

In the past five years, there has been an approximate **19% drop** in ADA charges

ADA TRENDS: MENTAL HEALTH

- Legal trends mirroring societal trends

- Mental health: Statistically significant majority of 2021 charges

  - Anxiety Disorder: 11%
  - Depression: 7.5%
  - Post Traumatic Stress Disorder: 6.0%

- These three conditions alone = top three, collectively almost 25% of total charges
  - Other psychological, neurological, cognitive conditions = another 10.6%

Title search: Developments in Disability Discrimination Law

Also available as part of the eCourse
[2023 Federal Employment Law Updates](#)

First appeared as part of the conference materials for the
30th Annual Labor and Employment Law Conference session
"Developments in Disability Discrimination Law"