

INFORMANT

The Law Enforcement and Public Entity newsletter of Phelps Dunbar

Mark Fijman, Editor-in-Chief

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SUPREME COURT TO RULE ON LIABILITY FOR DISABLED INMATES UNDER THE ADA

The Supreme Court today said it will decide if states and counties can be sued for not accommodating disabled prisoners under the Americans with Disabilities Act ("ADA"). The high court has previously ruled that the landmark federal civil rights law protects people being held in state prisons. Lower court judges, however, have disagreed whether states can be sued by inmates for money damages under the law. The case has major implications for states and local governmental entities because of the costs of retrofitting old prisons and jails to accommodate people with disabilities.

In the appeal filed by the Bush Administration, Justices will consider the case of Tony Goodman, who claims he has been held for more than 23 hours a day in a cell so narrow

he cannot turn his wheelchair. Goodman, who was injured in a car accident, is serving a sentence for aggravated assault and a cocaine conviction. He claims that because the Georgia prison is not equipped for people in wheelchairs, he cannot go to the bathroom or bathe without help, and does not have access to counseling, classes and religious services.

States have repeatedly clashed with the federal government over their liability under the 1990 law, seeking immunity from lawsuits because the Constitution says a state government cannot be sued in federal court without its consent. Justices have sharply disagreed on when states are immune. Just last year, the Supreme Court ruled 5-4 that states can be sued over inaccessible courthouses.

A MESSAGE TO ALL INFORMANT SUBSCRIBERS

Phelps Dunbar will be holding its 28th Annual Employment Law Seminar on August 18-19, 2005 at the Pearl River Resort in Philadelphia, Mississippi. In light of the interest shown by our government and law enforcement clients and *Informant* subscribers, this year we will feature a workshop on Law Enforcement Developments and Litigation Strategies. We will also offer a Public Employer's workshop to address special employment law issues faced by every Sheriff, Police Chief, Court Clerk, City Clerk and County Administrator. In addition, we will cover employment law issues affecting all employers, such as overtime issues under the Fair Labor Standards Act, the Family and Medical Leave Act, and employee benefits updates. Please be on the lookout for your invitation and be sure to register early. We look forward to seeing you there!

INFORM US

This newsletter is a service of Phelps Dunbar. It is intended to provide you with late-breaking developments in law enforcement and public entity law. To receive this newsletter electronically, please e-mail prenticm@phelps.com or complete this form and fax or mail it to the address below.

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