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. 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.

 $^{^{1} \, \}underline{\text{http://www.whitehouse.gov/blog/2011/08/18/infographic-record-judicial-diversity-record-judicial-delays}.$

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)