

**Remarks by Paula Pearlman, Executive Director,
Disability Rights Legal Center
August 9, 2010
2010 ABA Annual Meeting, Commission on Physical and Mental Disabilities Law
Reception, San Francisco, CA**

Thank you very much for the warm introduction from President-elect of the ABA, Bill Robinson.

I am Paula Pearlman, and it is my privilege to be Executive Director of the Disability Rights Legal Center.

On behalf of the Disability Rights Legal Center, I want to thank the ABA Commission on Mental and Physical Disability Law for awarding the DRLC the 2010 PAUL G. HEARNE AWARD.

I want to thank the sponsors of this evening's reception, Wal-Mart and Starbucks.

We are so pleased that past honorees are present tonight, including our co-counsel from Disability Rights Advocates, Sid Wolinsky and Larry Paradis.

We would like to thank our nominators for this award:

Dean Victor Gold of Loyola Law School Los Angeles;

Dean Erwin Chemerinsky of UC Irvine School of Law; and

Professor Carolyn Young Larmore of Chapman University School of Law in Orange, CA.

We are very grateful for their support and confidence in our work.

We are truly honored to accept this award.

We are the nation's oldest cross-disability organization. Founded 35 years ago in memory of A. Milton Miller, a polio survivor and a lawyer who used a wheelchair.

The DRLC is a non-profit, public interest law firm for people with disabilities including people who are affected by cancer.

The DRLC believes that social change, while slow change, is possible and there is no better way to get the “ball rolling” than to use the power of the law to change the way people, through the systems we use, act.

We use the tools of advocacy, education and outreach to create systemic change.

We have ensured that parents with disabilities can retain custody of their children, that courts will not separate children based on their sibling’s disability, that parents can be their children’s in home health service provider.

We have ensured that courts in Los Angeles and San Bernardino counties are accessible for people with physical disabilities.

We have ensured that law enforcement agencies provide sign language interpreters for people who are deaf, and that they do not discriminate against people with disabling medical conditions through policies and practices.

Through our litigation we are ensuring that people with disabilities are not be excluded from the City and County of Los Angeles’ emergency planning. Learning from the experiences of Hurricane Katrina, where the majority of people who died were people with disabilities and seniors, we want to avoid this from happening again during natural disasters with this groundbreaking litigation.

We recently tallied the impact of our class action litigation and we have reached over one million people with disabilities through our litigation.

Litigation can only go so far. We utilize legislative advocacy and outreach and education to ensure that people are aware of their rights and that government systems are responsive to the rights of people with disabilities.

Locally, in 1968 California legislature guaranteed that the Bay Area Rapid Transit (BART) would be the first rapid transit system in the U.S. to accommodate wheelchair users.

In 1970, the Physically Disabled Students Program (PDSP) was founded by Edward Roberts, John Hessler, Hale Zukas, and others at UC Berkeley. With its focus on

community living, political advocacy and personal assistance services, it became the nucleus for the first Center for Independent Living, founded in 1972.

And we recently celebrated the 20th Anniversary of the Americans with Disabilities Act. The ADA is a powerful tool to use to change how people act as it is designed to promote integration and eliminate exclusion based on disabilities regardless of the type of disability.

According to Justin Dart, one of the activists responsible for the passage of the ADA,

The ADA provides ...for “the inalienable right of all people with disabilities to participate equally in the mainstream of society.”

The historical and present exclusion and segregation of people with disabilities is inexcusable. It is a shameful waste of human potential and resources and violates our civil rights. We deprive ourselves of the richness of human experience by institutionalizing discrimination and permitting bias to perpetuate discrimination against people with disabilities.

Disability is part of the human condition and diversity of experience is meaningful to us as a society.

As we see the progress of the ADA with ramps, Braille in the elevators and on signs, the presence of sign language interpreters at public events, schools that include students with disabilities, and employers who provide accommodations to retain employees who have disabilities, we also see that the employment of people with disabilities hasn't improved with the passage of the ADA.

We also see that despite best efforts frequently state and local government exclude access for people with disabilities to essential government programs, services and activities.

We also see that we fail to provide for the public's use of the facilities in areas such as transportation, voting, access to courts, independent living and emergency preparedness.

In a July 2010 study by Harris Interactive conducted for the Kessler Foundation and the National Organization on Disability, it was found that only 21% of working-age (18-64) disabled persons were employed full-time or part-time, compared to 59% of working-age people without disabilities. While the unemployment rate can be partly explained by the recession in 2008, 73% of those unemployed disabled persons cited their disability as one of the reasons why they could not secure employment, and 37% explained that they were unable to get accommodations needed to effectively perform in the workplace. (*Id.* at p. 10.)

Almost half of the disabled persons surveyed (43%) stated that they have encountered some form of job discrimination throughout their lives.

We remain vigilant as it is necessary to assure disability rights in these times of proposed cut-backs in government support for those with disabilities, such as In Home Supportive Services and health benefits.

Dick Thornberg, who has been honored by the DRLC, recently wrote, “We must assure that “those shameful walls of exclusion” which President Bush referred to at the signing of the ADA do not re-emerge under the guise of austerity programs at the [city,] state and federal level.”

As a community, we must stop the loss of these civil rights gained through struggle and bi-partisan support.

Disability civil rights aren't about the civil rights for some of us; it is about the freedom and equality for all of us.

We celebrate 20 years of progress and look forward to the next 20 years of activism and achievement. The DRLC has worked for the past 35 years to achieve these possibilities and we will continue into the future to work towards freedom and justice for all.

Thank you.