

# **Judicial Threats to Olmstead and the Americans with Disabilities Act**

**February 21, 2024  
12:00pm-1:00pm**

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- Today's webinar is being recorded.
- All participants have been muted upon entry.
- Please send your questions in the Q&A function throughout the discussion. The Q&A feature will be monitored by the foundation staff. The Q&A text file will be shared with participants after the webinar.
- You will receive a follow-up email with recording link and all materials.

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**Jean Goetz Mangan, J.D.**  
**University of Georgia\***



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**University of Georgia\***



**Jane Mogavero, ESQ**  
**Patrick P. Lee Foundation**

The speakers in today's webinar are not providing legal advice.

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Webinar: Think Bigger Do Good Policy Series

Judicial Threats to *Olmstead* and  
the Americans with Disabilities  
Act

Professor Jean Mangan

Professor Andrea L. Dennis

University of Georgia, School of Law



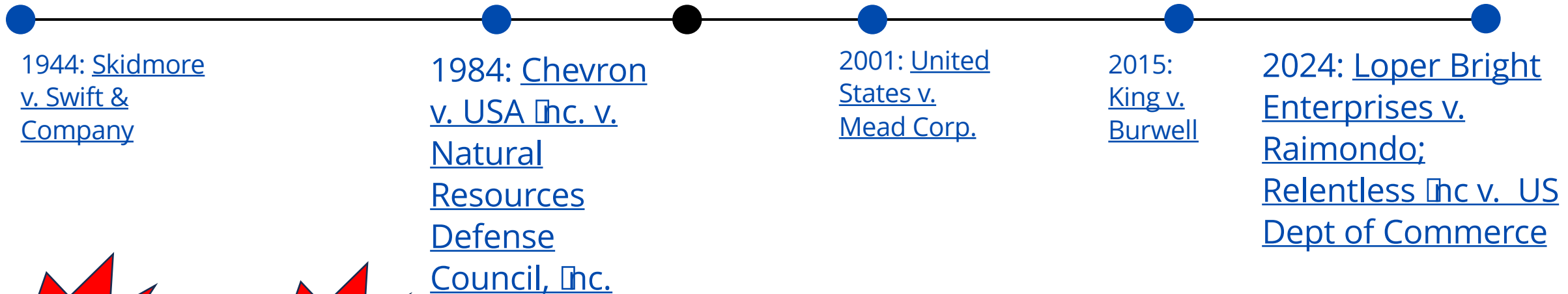
Not  
Legal  
Advice



Not  
Views  
of UGA

# Deference to Agency Decisions

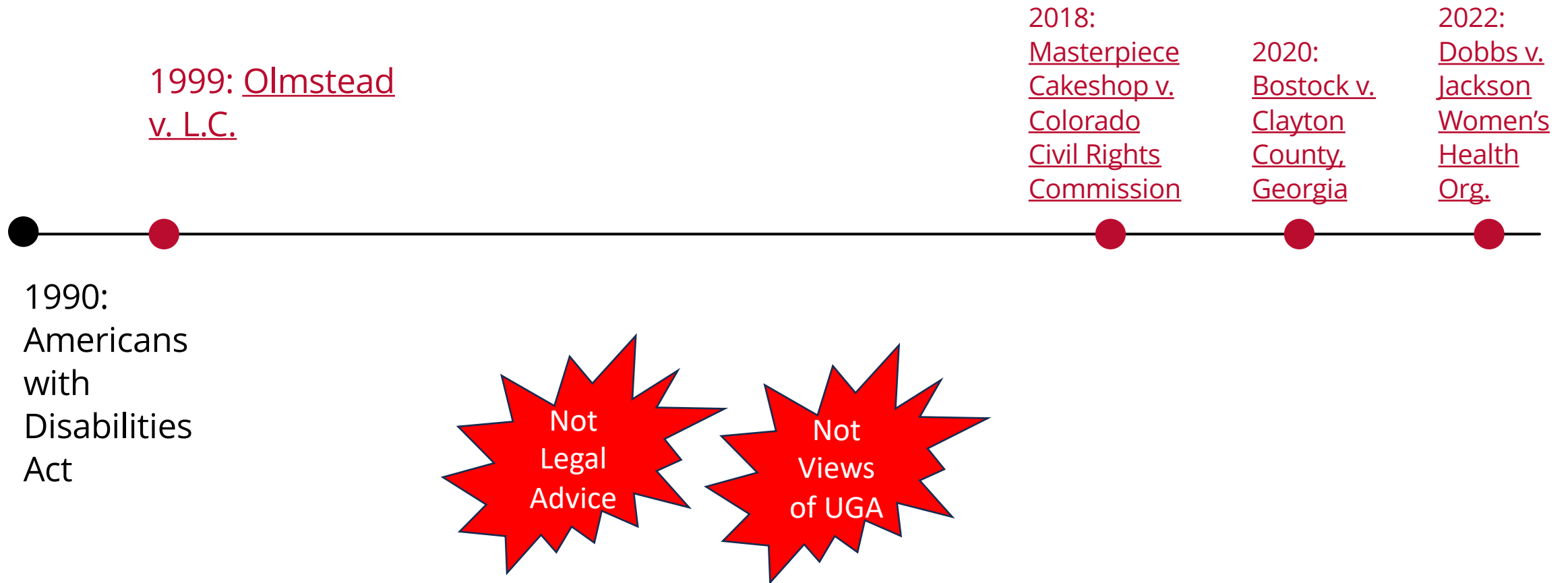
1990:  
Americans  
with  
Disabilities  
Act



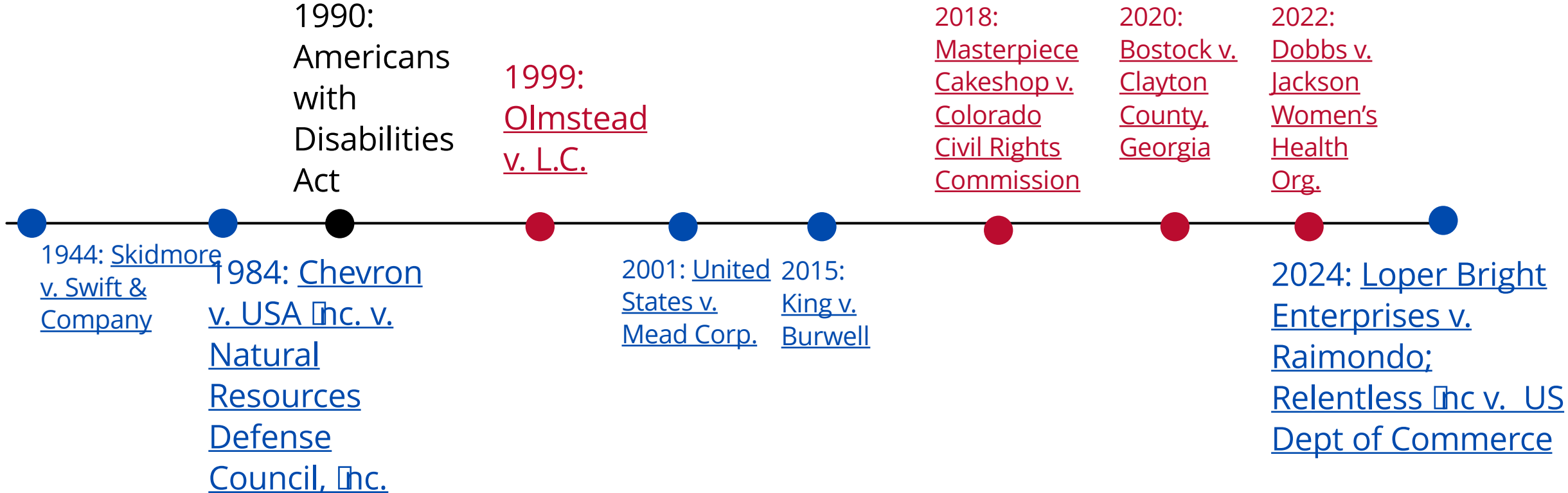
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# Agency Decisions' Application Challenged



# Timeline

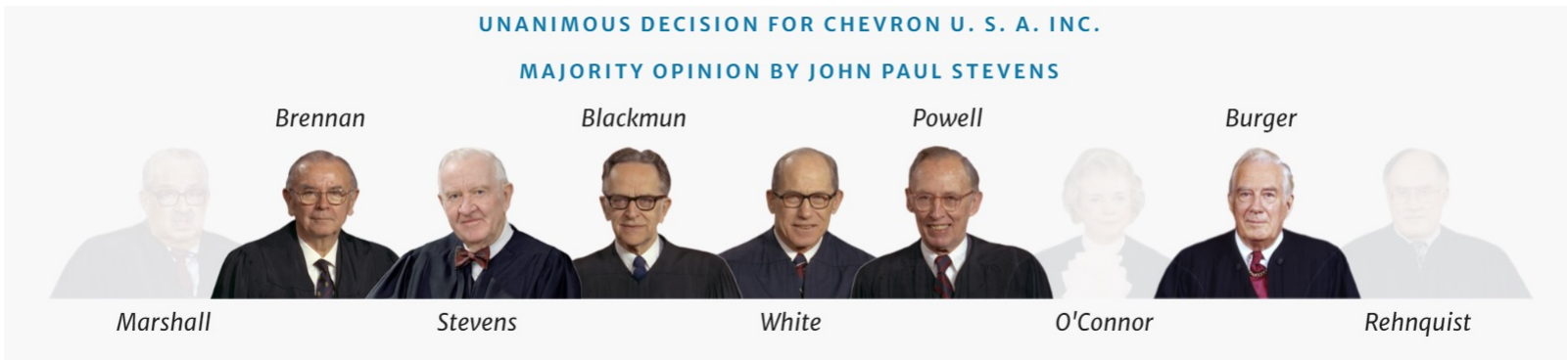




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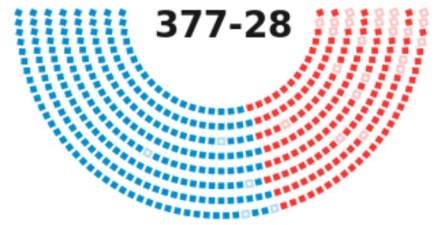
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### Chevron (1984)



### ADA (1990)

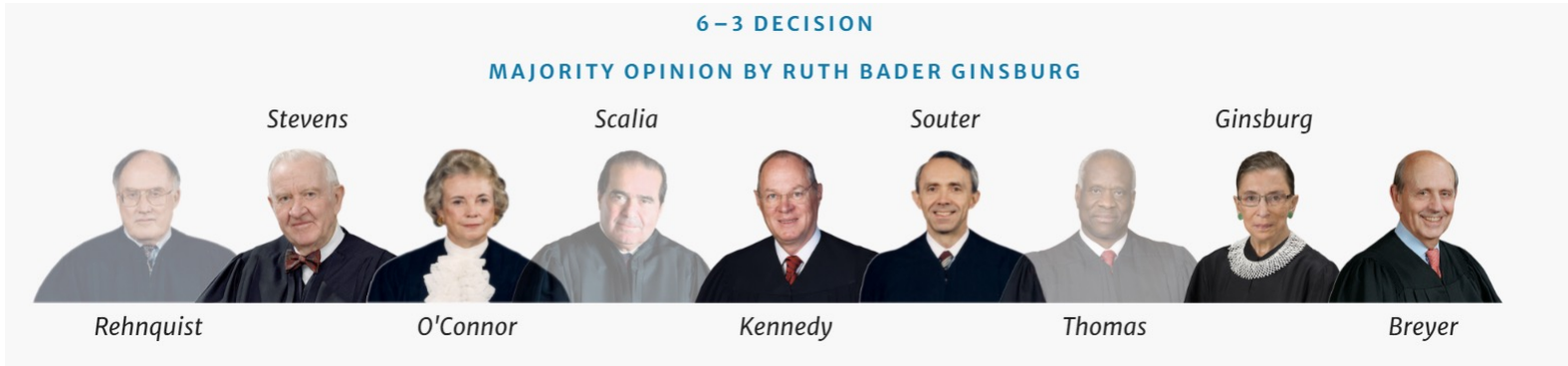
	All Votes	Democrats	Republicans
Aye	93%  377	232	145
No	7%  28	5	23
Not Voting	27	19	8



Passed. Simple Majority Required. Source: [house.gov](http://house.gov).



### Olmstead (1999)



## Masterpiece (2018)

7-2 DECISION FOR MASTERPIECE CAKESHOP, LTD.

MAJORITY OPINION BY ANTHONY M. KENNEDY

The Colorado Civil Rights Commission's conduct in evaluating a cake shop owner's reasons for declining to make a wedding cake for a same-sex couple violated the Free Exercise Clause.

Ginsburg

Kagan

Roberts

Alito



Sotomayor

Breyer

Kennedy

Gorsuch

Thomas

## Bostock (2020)

6-3 DECISION FOR BOSTOCK

MAJORITY OPINION BY NEIL GORSUCH

Title VII prohibits an employer from discriminating against an individual on the basis of sexual orientation.

Roberts

Breyer

Kagan

Thomas



Gorsuch

Ginsburg

Sotomayor

Alito


Kavanaugh



## Dobbs (2022)

10 TAMPA BAY  
OVERTURNING ROE V. WADE  
**HOW THEY VOTED**

**VOTED TO OVERTURN**

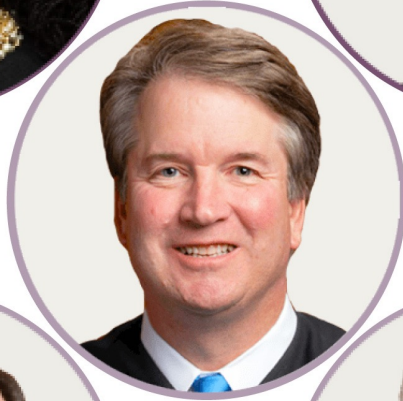
 SAMUEL ALITO	 JOHN ROBERTS	 CLARENCE THOMAS
 NEIL GORSUCH	 BRETT KAVANAUGH	 AMY CONEY BARRETT

**VOTED TO UPHOLD**

 ELENA KAGAN	 SONIA SOTOMAYOR	 STEPHEN BREYER
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PHOTOS: ASSOCIATED PRESS





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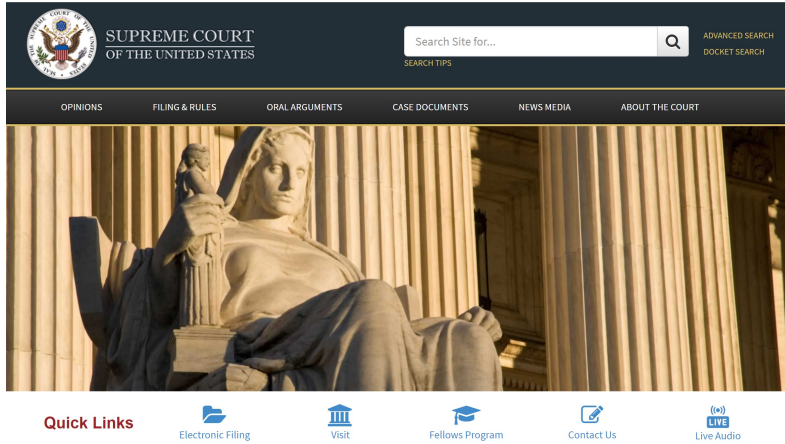
Not  
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Advice

*Relentless (2024) (KBJ will participate)*  
*Loper (2024) (KBJ recused)*

Not Views of UGA

### Keep Learning

supremecourt.gov



### Educate and Ally



The below statement is on behalf of the American Cancer Society, Cancer Action Network, American Heart Association, American Lung Association, American Public Health Association, American Thoracic Society, Bazon Center for Mental Health Law, Epilepsy Foundation, Physicians for Social Responsibility, National Health Law Program, Truth Initiative, The Leukemia & Lymphoma Society, Campaign for Tobacco-Free Kids, Muscular Dystrophy Association.



### Consult Legal Counsel

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