

After 10 Years, ADA Suits Still Struggle With Proving Disability

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Ten years after its passage, the Americans With Disabilities Act has a serious problem: Lawyers and judges are still arguing over how to prove that someone is "disabled."

While the Supreme Court this term has taken up cases on how the ADA applies to state governments and professional golf tournaments, lower courts are wrestling with the proof problem.

But Roy Englert, a Washington, D.C.-based partner at Mayer, Brown & Platt who argued the winning side in *Sutton*, says the proof question will come before the justices again.

"There are very deep conceptual difficulties," he says, about how the law defines -- and how plaintiffs must prove -- a disability.

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