

March 2012



DRC NEWS

Save The Date - 10/12/12



*Attorney General William Schneider
to Keynote*

DRC 12th Annual Membership Dinner

On October 12, 2012, at the Hilton Garden Inn in Freeport, DRC will hold our 12th Annual Membership Dinner. DRC is excited to celebrate 35 years of legal advocacy on behalf of Maine citizens with disabilities.

DRC is pleased to welcome Attorney General William Schneider as our keynote speaker and to present awards recognizing those who have made significant contributions to improving rights, access and inclusion for Mainers with disabilities.

Attorney General Schneider is a career prosecutor, a retired U.S. Army officer, and a

former Assistant Republican Leader in the Maine House of Representatives. His public service career began at the United States Military Academy at West Point, from which he graduated in 1981. He served with distinction in the U.S. Army, earning his Special Forces Tab, Ranger Tab, and Senior Airborne Wings, and being awarded the Meritorious Service Medal. He retired due to a service-connected injury.

After working for an engineering company as a Project Manager on Defense Department physical security programs for several years, Mr. Schneider attended the University of Maine Law School, graduating with honors in 1993. He served for the next five years as an Assistant Maine Attorney General and prosecutor on the Maine Drug Task Force, bringing cases against drug traffickers in Maine Superior Courts around the state. Bill received several commendations for his work.

In 1998, Mr. Schneider ran for and won the seat in the Maine House of Representatives, representing Durham and parts of Brunswick and Lisbon. He served on the Joint Standing Committee on Judiciary and several special committees. In his second term, he was elected Assistant Republican Leader, serving on the Legislative Council, House Elections Committee, and several task forces.

Mr. Schneider's other community involvement includes, among other things, service on the Maine Board of Bar Overseers, teaching at Harvard Law School's Trial Advocacy Workshop, and his work on several Boards of Directors of community service organizations.



*Commissioner
Feldblum
Keynotes
DRC 11th Annual
Membership Dinner*

Chai R. Feldblum, a Commissioner on the Equal Employment Opportunity Commission, is a leading advocate and scholar in the areas of disability rights, health and welfare rights, lesbian, gay, bisexual and transgender rights, and workplace issues. The Disability Rights Center was extremely fortunate to welcome Commissioner Feldblum as the keynote speaker at our 11th Annual Membership Dinner.

A former law clerk for First Circuit Court of Appeals Judge Frank M. Coffin and Supreme Court Justice Harry A. Blackmun, she played a leading role in the drafting and negotiating of both the Americans with Disabilities Act and the ADA Amendments Act of 2008. She also helped draft and negotiate the Employment Nondiscrimination Act and various medical privacy bills and regulations. Commissioner Feldblum is the author of numerous articles and book chapters on morality and the law, disability law, and legislative lawyering. Beginning on page 3 is a selection of her comments from the DRC dinner.

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Comments of Commissioner Chai Feldblum at DRC's 2011 Annual Dinner

I have an abiding faith in the goodness of trying to seek common ground and honorable compromise. That was the role I played from 1987 to 1990 while serving as a lawyer to the disability community as Congress enacted the Americans with Disabilities Act. During that time, I was privileged to work with heroes of the disability community, including Senators Harkin and Kennedy. During enactment of the ADA, both the business and disability community were able to have a serious dialogue about what would make the law work well. The trust and bipartisan effort of crafting the original ADA enabled many of those same players to come

And the answer to that type of prejudice and discrimination is also straightforward. We need a strong enforcement agency in the EEOC, we need assertive attorneys general, and we need tough penalties for wrongdoing. And we need a message from employers that prejudice and harassment will not be tolerated in the workplace.

I believe our civil rights laws reflect a deep and rich view of equality. In many cases, equality is achieved by treating everyone the same. But equality is not just about treating everyone the same - because we are not all the same to begin with! Equality also means treating others "as equals" - with equal dignity and respect. And that means treating them in a way that fully acknowledges the integrity and fullness of who they are. We need to embrace the idea that civil rights laws require that we treat people "as equals" - and the equity part of equality requires that we provide exceptions to the

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together and enact the ADA Amendments Act and to restore many of the crucial protections to the ADA that had been eroded by the courts.

My efforts to seek common ground and to compromise, do not mean that I lose sight of my core values. Those are strongly-held values about equal opportunity and justice. In my work at the EEOC, it has been sobering to see the extent of blatant discrimination on the basis of sex, race, religion, disability, age, and gender non-conformity that is still happening in our country - everything from egregious harassment to failure to hire to different terms and conditions of employment. These are not situations in which one thinks - hmm, this is a complex situation.

These are cases of straight-out prejudice.

various background rules and biases and hurdles that exist - because we are not all the same to begin with. The reasonable accommodation provision of the ADA enshrines this belief in policy and practice.

Let me give an example of a case before the Commission: You are a person with diabetes and blood sugar levels are very difficult to control. You need to do your daily blood sugar tests and insulin injections. The amount of insulin you need depends on how much you eat and how active you have been that day. Now also imagine that you work for a bank and your new boss tells you that you may not eat at your desk. One day your blood sugar becomes dangerously low. You tell your boss you have diabetes and ask him if he can make an



exception and allow you to eat something at your desk. He tells you to come back “when you have an intelligent question to ask.” Eventually you pass out in the lobby of the bank building.

Now, diabetes did not define this woman. This was not her identity, but it was certainly an integral part of her. So if she is to be treated “as an equal,” her diabetes had to be acknowledged and the reasonable accommodation of allowing her to eat at her desk had to be provided, if it was not an undue hardship on the bank. That is because she needed the exception in order to remain qualified for her job.

One of the key misperceptions that Congress sought to correct in the ADA and the amendments act of 2008 was the idea that people who are “truly disabled” are not capable of contributing to the workforce. Thanks to these amendments to the ADA, many more people with a wide variety of disabilities will now be more clearly protected under the ADA’s guarantees of equal treatment in the workplace, removal of barriers, reasonable accommodations to job duties, policies and practices and other employment protections.

As a result, employers, unions and human resource professionals should be focusing their

attention less on whether workers have disabilities and more on how to support workers with disabilities, including the range of reasonable accommodations that may be needed to help us do our jobs effectively.

The ADA became possible only after a hard-fought struggle waged by the disability rights movement. Over the last four decades, thousands of disability rights advocates - community organizers, business leaders, politicians, and average citizens – have joined together in earnest to protest, lobby, march, litigate, and vote for equal rights for individuals with disabilities. For our part, the EEOC will enthusiastically continue its robust enforcement efforts as the ADA, newly invigorated, enters its third decade. As President Obama recently noted, even “as we mark the 20th anniversary of the Americans with Disabilities Act, we must renew our commitment to uphold the civil rights of those living with disabilities and to fully include all our people in the life of our nation.” I am honored and grateful to be a part of this work.

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Eric Hughes
2011 DRC Advocacy Award
Recipient

I want to thank the Disability Rights Center for this award. I am very proud to receive it. The last two years have been very exciting. I attended Strive University and graduated this July. I am living in my own apartment in Portland and I love it.

Since I was very little I have always had an interest in amusement parks and fairs. It started with going to Funtown and the Cumberland Fair and checking out web sites from around the country. If there is a fair or amusement park in the United States I probably know about it. That led me to an interest in food carts.

I was very lucky to have a great circle of people around me that really encouraged me to "go for it". My parents, my sister, teachers, Boy Scout leaders all supported me to get involved in things growing up. When I was moving on from high school I had to try and decide

what I was going to do. I knew I would like to go to Strive if I could get in. I went to Vocational Rehabilitation and had a great case manager named Monica. Monica helped me explore jobs while I was in high school including Funtown and Pineland Farms. They were great jobs but she also always talked to me about my dream of having my own food cart. Peter Brown from Strive knew about my interest and connected me with Tony Barrasso from Anthony's Italian Kitchen. Tony listened to my story and said he was interested in doing business with me and we went from there. I knew it wasn't going to be easy. Just like with my eagle scout project my Dad asked me if it was something I really wanted to do because it wouldn't always be easy or fun. I knew I wanted to do it so off we went. Just like my eagle project we used the circle that I had around me. Mr. Divinsky from PATHS, John Bryant a friend of mine's father from Gray made the cart, Dan Maloney a friend and mentor, Peter Brown from Strive made a lot of things happen, Mark from Marks Hot Dog Stand let me work with him to learn the business, my family was there all the way and of course Tony, who let me into his family business. Without him this wouldn't have happened.

I am telling you all this to give a message both to people with disabilities and those of you who could be in people's circle. People should not be afraid to follow their dreams. It takes hard work and some luck but if you are willing to work hard it can happen. And for those of you in the room who do not have a disability, join someone's circle. You can really make a difference and get a lot out of it as well. Look at what Tony Barrasso did for me and himself just by being open to a new idea.

I want to again thank the Disability Rights Center. It is my hope that not long from now no one will think to give someone like me an award for starting a business or getting a good job because it won't be any big deal. That will mean a lot of people with disabilities will be working.