



CENTER FOR PUBLIC REPRESENTATION

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Tribute to Judge Janice Stewart

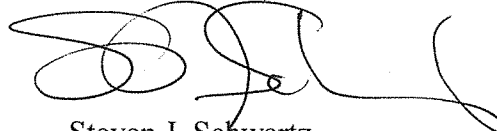
Over the past forty years, there have been a few federal judges and magistrate judges who have issued rulings and presided over cases that recognize the pernicious impact of the unnecessary segregation of individuals with disabilities in state developmental disability institutions, public psychiatric hospitals, nursing facilities, and public schools. As Justice Ginsberg explained, this segregation also affects society at large, by perpetuating unwarranted assumptions and negative stereotypes about individuals with disabilities. These select judges have had the courage and compassion to direct States to revise their laws, reform their systems of care, and provide supports in integrated settings. I have been privileged, as part of the Center for Public Representation, to represent persons with intellectual and developmental disabilities in many of these cases throughout the United States.

In her management and rulings in the recently-resolved case of *Lane v. Brown*, Judge Stewart has joined these few jurists and extended the promise of integration to employment for individuals with disabilities in Oregon and throughout the Nation. It has been an honor to witness this rare and extraordinary event, and to appear before Judge Stewart as counsel in this case.

Lane involved a challenge to the unnecessary segregation of persons with developmental disabilities in sheltered workshops, and the State's failure to provide employment services in the most integrated setting. The case was filed in January 2012; Judge Stewart issued her last ruling within a few days of her retirement in February 2016. As Judge Stewart found, sheltered workshops are segregated employment facilities where workers have no contact with non-disabled peers and are paid sub-minimum wages that often are less than a dollar/hour. Sheltered workshops reflect a long and misguided history that people with disabilities cannot work in competitive employment and do not deserve competitive wages and benefits. Her landmark ruling, substantially denying the State's motion to dismiss, is the first in the Nation to apply the American with Disabilities Act, and particularly its integration mandate, to segregated employment facilities. In later rulings in the case, she certified the class, and recognized that, although the State cannot guarantee that every individual with a disability will obtain a real job, it is entirely appropriate to measure compliance with the ADA by the number of persons who are working in integrated employment, at competitive wages, most of the working week. She respectfully considered the pragmatic challenges facing the State of Oregon in transforming its segregated employment services system to one that offers the opportunity for competitive employment to all interested persons. But she, like her pioneer predecessors on the federal bench before her, left no doubt that separate can never be equal, that segregation cannot be countenanced, and that citizens with disabilities are, above all, equal citizens under the law.

On behalf of the class and their counsel, and the thousands of persons with developmental disabilities who now will have the opportunity to work in real jobs and meaningfully participate in their communities, we wish her a joyful retirement.

With Gratitude,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Steven J. Schwartz