Straw v. ABA, 1:14-cv-5194 (N.D. Ill. 2015)

ALTERNATIVE FINAL ORDER

This Court incorrectly dismissed Straw's case against the ABA based on standing. Standing is a very low bar for excluding cases where there is no controversy under law.

Here, Straw at a minimum has the right to proceed as ***a tester*** in order to increase disability access at all public and private law schools. The excuses given are not legitimate when the 7th Circuit and other circuits have provided tester standing in civil rights cases. Even the Supreme Court has set the standing bar very low in such cases. *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982)

Straw also could have relied on longstanding law in other circuits allowing standing based on disability under Titles II and III of the ADA. *Tandy v. City of Wichita*, 380 F.3d 1277, 1286 (10th Cir. 2004); *Nanni v. Aberdeen Marketplace, Inc.*, 878 F.3d 447, 457 (4th Cir. 2017). Hundreds of federal district and circuit ORDERs across the country have confirmed that ADA tester standing is available.

It is good, solid policy supporting increased disability access to law schools (and then, the profession of law itself) if those schools have to

provide the same level of disclosure on disability as they do for **gender and race**.

Straw's case against the ABA should have gone forward and the ABA should have been ***forced to explain*** why gender and race get statistics, but disability does not. This is especially important given a national conspiracy to discrimination in law school admissions concerning LSAC and the Law School Admission Test was ongoing when Straw sued. Millions of dollars were paid to those on the receiving end of the discrimination.

This Court can think of no reason to favor certain civil rights groups, but not disability. The U.S. Supreme Court has allowed states to discriminate based on gender. Bradwell v. Illinois, 83 U.S. 130 (1872). It is precisely this kind of discrimination that led to the ABA gathering data on gender and race in the first place. But this civil rights issue does not end with gender and race.

At least one state supreme court bans all disabled people from being lawyers: the Indiana Supreme Court. ***Harvard Law School*** considered Straw's demand after being sued by him so publicly and started gathering the disability data as Straw requested. If Harvard Law does

it, this is an indication that Andrew U. D. Straw was dead right, and his demands were ***critical, not frivolous***. What did Harvard Law find? 60% of its students have mental health problems. How would anyone know this without asking? On its face, the ABA's Form 509 shows Straw is correct that **the ABA is discriminating** and making it more difficult for disabled people to know which schools are admitting more disabled students, and which are below par in such admissions.

The Indiana Supreme Court is attacking Straw because it has a longstanding policy (Adm. & Disc. Rule 23, Sections 2(c) & 3(b)) of allowing NO disabled person to be a lawyer in that state and the way Straw was attacked shows that this policy takes shape in many different ways.

In short, Straw was right, the ABA was wrong, the Indiana Supreme Court was wrong, and these major entities need to comply with the ADA instead of attacking those like Straw ***merely enforcing the Act***.

Straw's case against the ABA was not frivolous in any way and attempted to address ***a major civil rights question facing disabled people who want to be lawyers***.