

Week 1 Reaction Paper: Disability Rights

In August of 2004 attorney Richard Bernstein filed a class-action lawsuit against the Detroit and US departments of transportation on behalf of five wheelchair users. Their claim was that the Detroit public bus system was not complying with the federal American's with Disabilities Act in maintaining wheelchair lifts in all buses. Nearly a year and a half later, the suit was settled and his clients were guaranteed access to city buses, with mechanisms in place to ensure that wheelchair lifts would remain functional. This case was certainly a remarkable victory for Bernstein and his clients against an incredibly large and powerful opponent but this case, like most social change law suits, followed a particular paradigm.

The process began with strong legal advocacy by a determined attorney, who seemed to truly believe in the validity and importance of the case. Bernstein recognized the actions of the Detroit Department of Transportation (DDOT) as blatant discrimination against disabled people and an infringement on their rights. Even with the obvious illegality of the situation, Bernstein and his clients did not ask for any monetary compensation for their trouble but simply wanted a solution to the problem. Bernstein mounted his legal front against the City of Detroit like a political campaign. He tried to build grassroots support for his case, knowing that politicians would support his efforts if he could win over their constituents.

Bernstein turned his clients' case into an issue that personally affected all Detroit residents by involving the Federal Transit Administration and prompting the state to withhold millions of dollars in funds from the City for the bus system's failings. Furthermore, Bernstein rallied support in the community by contacting numerous media outlets in order to publicize his issue. In effect, he created a political liability for Mayor Kilpatrick's reelection campaign. Soon

local politicians, such as state representative Marc Shulman of West Bloomfield, began to publically side with Bernstein's clients in the case in order to remain favorable in the eyes of their own constituents.

As the case gained popularity in local communities, major media outlets, such as *The Detroit Free Press*, *WWJ* Newsradio 950, and *The Oakland Press* began covering the story. Bernstein was fortunate to win the attention and support of journalist Jerry Wolffe of *The Oakland Press* who used his column to generate more public attention and support for the case. Through the successful media coverage a lawyer at the US Department of Justice became aware of the case and contacted Bernstein to help in the negotiations between the two parties. The combination of strong legal advocacy, grassroots support, and effective media coverage eventually resulted in significant social change as the class-action suit was finally resolved just days before the Detroit mayoral elections. The agreement was a substantial victory for disabled citizens and recently, after the final negotiations were complete, a similar case was also won by a group of disabled citizens in Boston.

Just as Ravitz and Stamler learned in their class-action suit against the DDOT in the late 1980's, cases such as Bernstein's cannot be won in a federal court system without external pressures forcing the issue. It was Bernstein's manipulation of grassroots organizing and media coverage which gave strength and power to his argument, and ultimately brought about social change.