



HELPING THE DISABLED: An ADA Primer and Case Procedural Manual

Beverly Lyles

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This book is geared toward the helping professional who works with the disabled population. It is a step-by-step guide to the process and policy of disability discrimination in the workplace. If your client is disabled and suffering discrimination in the workplace, or was demoted or terminated (even though they had satisfactory job performance) this book is a resource for you. You will be led to evaluate with your client, the possibility of filing a lawsuit, through filing procedures and settlement of the case. The ADA laws were enacted to protect the seriously disabled and those individuals whom are "perceived as" disabled by their employer, but are trying to work. Reading these laws, you may find your client falls into the gap between "disabled", "seriously disabled" and being "too disabled to work". You must know where you stand legally, before you begin this journey. Here are some things you must be aware of: All Federal claims of disability discrimination must first be filed with the Equal Employment Opportunity Commission (EEOC), for investigation before a plaintiff can file suit in the courts. The EEOC will not investigate if the company worked for is not a large, well known employer--due to a "lack of manpower". Nearly all attorneys are over their limit of contingency (no money up front) cases. Be very wary of free advice, or paying \$25 for a half hour consultation with a lawyer—your client may end up both educating and paying the attorney for your time. If the plaintiff lives in an outlying area and files a complaint in a State court, the defense can and will remove the case to Federal court where the discrimination took place. Even though a plaintiff filed the complaint, they will spend all their waking hours defending themselves. Attorneys do not have time to research new information, and no one will know this case better than you and your client! This publication is intended to be a research tool for Legal Document professionals, paralegals and others who help advocate for the rights of the disabled. The content is not to be relied upon as law or legal advice. Legal professionals and others may earn continuing education credits by submitting the exam at the end of the book, or online. You will receive a Certificate of Completion which represents 5 CEU self-study hours from the following State Bar Associations: Connecticut, Georgia, Idaho, Maine, Missouri, Montana, Texas (3 hours), and the North Mariana Islands.

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Kristen Zamora:

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