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## Tennessee v. Lane

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### ***Tennessee v. Lane***

The U.S. Supreme Court decision in *Tennessee v. Lane* (2004) upheld the constitutionality of lawsuits by disabled citizens under Title II of the 1990 AMERICANS WITH DISABILITIES ACT (ADA) to enforce the fundamental right of ACCESS to courts.

George Lane and Beverly Jones, paraplegic WHEELCHAIR users, together brought suit against the state of Tennessee and a number of its counties, alleging past and ongoing violations of their respective Title II rights to physically access that state's court system. An attorney, Lane was compelled to crawl up flights of stairs to answer criminal charges in a courtroom located on the second floor of a courthouse without an elevator. When he refused to either crawl or be carried up those stairs for a subsequent hearing, Lane was arrested and jailed for his failure to appear. Jones, a certified court reporter, asserted that she could not physically access several county courthouses, in consequence of which she had lost work opportunities and also been excluded from participating in the judicial process. They collectively requested monetary damages and injunctive relief. Tennessee sought to dismiss the plaintiffs' claim on the ground that the Eleventh Amendment of the U.S. Constitution barred the action due to sovereign immunity (a legal concept meaning that a government cannot be sued unless it grants permission to be sued). The federal district court denied Tennessee's motion, a court of appeals panel affirmed that decision, and the Supreme Court granted certiorari (a writ from a higher court to a lower one) to hear the case.

The Court was strongly divided, with a bare 5-4 majority issuing an equally narrow opinion in favor of Lane and Jones. Writing for the majority, Justice John Paul Stevens held that Congress had validly exercised its enforcement power under

Section Five of the Fourteenth Amendment when it abrogated Tennessee's sovereign immunity and permitted private monetary actions under ADA Title II to enforce access to court services. The Court reached this conclusion after finding that "congruence and proportionality" existed between the harm that was avoided or remedied and the means employed to achieve that end. Justice Stevens noted evidence presented before Congress while deliberating the ADA that some three-quarters of public services and programs, including access to courts located in state-owned buildings were inaccessible to people with disabilities. He cautioned, however, that Title II only required states to make reasonable modifications on behalf of qualified individuals with disabilities to existing programs and services. Such alterations, which could not fundamentally alter the nature of services, did not require states "to employ any and all means to make judicial services accessible to persons with disabilities."

In addition to the majority ruling, the Court issued two separate concurring opinions and three separate dissenting opinions. Most notable was the dissent written by Chief Justice William Rehnquist equating the case to *GARRETT v. UNIVERSITY OF ALABAMA* (2001). That decision, for which he wrote the 5-4 majority opinion, ruled that states were possessed of sovereign immunity from monetary claims for ADA employment-related violations because the plaintiffs had not demonstrated a pattern of employment-related constitutional violations by states. In *Tennessee v. Lane*, the chief justice was similarly unpersuaded that individuals with disabilities were systemically excluded by states from accessing court services and therefore argued that their ADA claims were likewise barred.

Although ostensibly a victory for people with disabilities (as well as for those who disagreed with the Rehnquist Court's federalism line of cases), the majority decision in *Tennessee v. Lane* was the by-product of a fractured Court and limited in scope. Despite the ADA's prohibition against excluding people with disabilities from the benefits of services, programs, or activities of a public entity, the Court confined its holding to the rights of two individuals to access courts. Moreover, Justice Stevens did not elaborate on what might involve access to courts. For instance, it is unclear whether the ruling extends to sign language interpretation, BRAILLE transcription, or sound-amplifying infrared hearing loops for parties, witnesses, or jurors. The majority ruling likewise left open the question of whether people with disabilities can gain monetary relief under Title II when denied access to other state facilities, programs, and services. Consequently, although *Tennessee v. Lane* was a victory for disability rights advocates, its significance as a precedent for ADA Title II claims is unclear.

#### Further Reading:

Americans with Disabilities Act, 42 U.S.C. §12101 (2000).

*Board of Trustees of University of Alabama v. Garrett*, 531 U.S. 356 (2001).

*Tennessee v. Lane*, 541 U.S. 509 (2004).

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