

Nomination of Chai R. Feldblum for the Paul G. Hearne Award for Disability Rights

“First out lesbian EEOC Commissioner w/hidden disability of anxiety disorder; former
Georgetown law prof; tweets on civil rights; discrimination buster.”¹

Twitter Biography, Chai Feldblum

As her Twitter biography demonstrates, Commissioner Chai Feldblum embodies and shares the values of the namesake of this award. In recognition of these traits and her unyielding efforts and service to uniform access to justice and full legal rights for people with disabilities, we join together to nominate Chai for the Paul G. Hearne Award for Disability Rights.

Throughout her rich career, Chai has repeatedly demonstrated leadership, passion, advocacy, mentorship, and a desire to train the next cadre of disability rights change makers. She is probably best known for the development of thoughtful and comprehensive public policy that transformed the way vulnerable populations—particularly people with disabilities—are treated in society. In her words, her life’s work is “committed to making this world a better place—for poor people, for people with disabilities, and for workers and their families.”²

Among her legacies is the achievement of comprehensive civil rights protections for individuals with disabilities. From 1988 to 1991, Chai was Legislative Counsel to the American Civil Liberties Union, where she was the lead attorney on the team drafting the groundbreaking Americans with Disabilities Act (ADA), which became law in 1990. In this role, she worked closely with disability rights lawyers and advocates like Paul Hearne, and with members of the business community, across party lines, to build consensus for the law, and work to eliminate discrimination against individuals with disabilities.

Following the ADA’s passage, Chai founded Georgetown Law’s Federal Legislation and Administrative Clinic. Over the years, the Clinic represented a number of disability groups—like the David Bazelon Center for Mental Health Law, the National Disability Rights Network, and the National Association of People with AIDS—to ensure the successful implementation and application of the ADA. When the Supreme Court unduly narrowed the scope of the law’s protections in the late 90’s and early 2000’s, Chai led a successful team of advocates and negotiators on behalf of the Epilepsy Foundation of America and the Consortium for Citizens with Disabilities to restore the law to its full potential through the enactment of the bipartisan ADA Amendments Act, which passed in 2008. Thanks in large part to Chai’s leadership and stewardship, people with disabilities who experience discrimination now have comprehensive legal protections. One cannot overstate Chai’s contributions to human and civil rights for this community.

Chai’s social policy work reaches beyond the disability advocacy for which she is well known. In 1993, she served as the director for the Campaign for Military Service, a group that lobbied to overturn policies forbidding gay and lesbian people from serving openly in the U.S. armed forces. Through a longtime Clinic partnership with Catholic Charities, Chai spearheaded the

¹ <https://twitter.com/chairfeldblum>

² Statement of Chai R. Feldblum, Nominee For Commissioner, Equal Employment Opportunity Commission, Before The Committee On Health, Education, Labor And Pensions, U.S. Senate, Nov. 19, 2009.

development of progressive policies on issues ranging from TANF to Social Security to immigration reform. In 2003, she became the founding director of Workplace Flexibility 2010 (WF2010), a policy enterprise focused on making workplace flexibility a compelling national priority and a standard of the American workplace. WF2010 sought to find common ground and develop consensus based solutions that increased access to flexible work arrangements, time off, and career maintenance and reentry in a way that worked for employers, employees, and the community. Through Chai's leadership, WF2010 helped transform the national dialogue on these issues, and brought the needs of low-wage workers, labor, small business, military families, mature workers, and others to the forefront of the conversation.³ WF2010 also consistently, and strategically, highlighted the workplace needs of people with disabilities, and included outreach to this community at all stages of its work. In her every effort, Chai develops a vision and thoughtful, targeted strategy to achieve it. Her approach and ideas do not always make her the most popular woman in the room, but, ultimately, she is the one that spurs necessary (and successful) movement on these issues.

Chai also developed the Employment Nondiscrimination Act (ENDA), which would prohibit workplace discrimination on the basis of sexual orientation or gender identity. Chai tirelessly advocated for ENDA and continues to advance LGBT rights as the first openly lesbian Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC).

President Obama first appointed Chai as a Commissioner in 2010, a position she accepted because it would allow her to develop the regulations implementing the ADA. After releasing the regulations in 2011, Chai continued to improve the law, bringing enforcement and education to the forefront. As a Commissioner, Chai has broadened the reach of the ADA and other civil rights laws under the EEOC's jurisdiction. She spearheaded the development of the EEOC's current Strategic Enforcement Plan (including its targeted outreach to the disability community) and is, among other things, vital to current education and voluntary compliance efforts relating to the ADA, as amended by the ADA.

In order to carry out this agenda and fulfill her commitment to equality, Chai did something many would never consider—she gave up tenure at Georgetown Law Center.

This did not surprise those of us that know Chai. It is in line with what some of us call the Feldblum Principle. Once Chai is convinced something is right for an issue or community she cares about, she works tirelessly to make it happen if at all possible. The Feldblum Principle sometimes involves Chai flexing her text and policy muscles to creatively draft or enforce a new disability law or advocacy strategy; other times it comes to bear with Chai's passion at promoting her colleagues, staff, and students, and by inspiring them to continue work for this community. One way this passion has taken flight is in the form of training the next cadre of law professors, legislators, administrators, and advocates on disability and social justice issues, including how to be effective legislative lawyers that understand law and policy for this community. Time and time again, the people she has trained have gone on to support and fight for the rights of people with disabilities.

Chai's passion extends to her training of a new generation of progressive lawyers, policymakers, and educators. The majority of law school policy clinics across the country follow her legislative

³ See <http://workplaceflexibility2010.org/>.

lawyering model, almost all of which assign Chai's articles about the disability movement and development of the ADA as a model policy effort. As a faculty member at Georgetown, she trained thousands of students on some aspect of disability law, and dozens of teaching fellows, many of whom have gone on to high level positions in the federal and state government, non-profit and business communities, and some of whom have entered the legal academy (and join together for this nomination). She is an exemplary mentor, generous with her time, guidance and advice. The results of her mentorship and thoughtful legislative lawyering include: the development of an innovative medical-legal partnership litigation and policy clinic in Illinois; law clinics that engages in disability advocacy in Connecticut and support the reentry of returning service members with disabilities into civilian life in Arizona; the integration of people with disabilities and women into the national labor movement; and local and state level transgender inclusive anti-discrimination laws. Not to mention, Chai has spent a significant amount of time writing about and providing feedback to others on hundreds of articles and other research that advanced the conversation and advocacy on disability rights and disability law.

For these reasons, and in recognition of her exemplary career creating, improving, and now enforcing our nation's disability and other social justice rights, we enthusiastically join together to nominate Commissioner Chai Feldblum for the Paul G. Hearne Disability Rights Award.

Kevin Barry, Professor of Law & Co-Director, Civil Clinic, Quinnipiac School of Law

Kim Bart Mullikin, Assistant Dean of Public Interest and Pro Bono, Duke Law School

Emily Benfer, Clinical Professor of Law & Director, Health Justice Project, Loyola University Chicago School of Law

Nan Hunter, Professor of Law & Associate Dean, Graduate Programs, Georgetown University Law Center

Marcy Karin, Clinical Professor of Law & Director, Work-Life Law and Policy Clinic, Arizona State University Sandra Day O'Connor College of Law

Robin Runge, Professorial Lecturer in Law, George Washington University Law School

Colleen Shanahan, Visiting Associate Professor of Law & Director, The Community Justice Project, Georgetown University Law Center

Michael Teter, Associate Professor, College Of Law, University of Utah