**Martie Lafferty ADA Oral History Interview Transcript**

SHELLIE MICHAEL: Hello, my name is Shellie Michael and today I am here interviewing Martie Lafferty for the ADA in Tennessee Oral History project. The date is May 27th 2025 and we are in Nashville Tennessee. Martie I’m happy you're here. The major goal of the project is to contribute to an historical understanding of disability experience and the ADA in Tennessee. So, let's get started. Please tell me a little bit about yourself.

MARTIE LAFFERTY: Sure. Right now, I’m an executive director of the Tennessee Fair Housing Council. I’m also an attorney and I’ve been practicing law for, gosh, 26 years now. I kind of fell into public interest law. I knew I wanted to do something public interest but my law school did not really help in that regard at the time. it was Vanderbilt. And so I wasn't sure what kind of public interest, and I got started off in fair housing and then ended up doing a lot of ADA work throughout my career.

SHELLIE MICHAEL: Thank you. So do you identify as a person with a disability?

MARTIE LAFFERTY: I do not, but I know many, many people with disabilities. Friends and family members and of course lots of clients.

SHELLIE MICHAEL: Okay so what brought you into the world of disability advocacy?

MARTIE LAFFERTY: Great question. I, so I started my career as I mentioned in the world of fair housing and most of our clients at the Tennessee Fair Housing Council back then and still today were people with disabilities, so over 50%. And so through working with folks in the housing context that really got interested in knowing more about disabilities and doing more disability work. The Fair Housing Council does broader work with other protected classes as well and so I worked there about four years as a staff attorney had done some referrals to a place that was at that time called Tennessee Protection and Advocacy. And when the Council had some funding issues I decided to apply to this Tennessee Protection and Advocacy. They did a lot of, their whole focus was, disability discrimination. They are now called Disability Rights Tennessee. And so when I hopped over from the Fair Housing Council to what's now Disability Rights Tennessee, I’d been, my focus area that I was assigned was the Americans with Disabilities Act. I think partially because it was related to the Fair Housing Act. But I think also it's just because that's what they needed. And I took to it very well. it's kind of funny, I uh remember at my interview for for that job, um they kind of told me about a case that I might be able to get and it wasn't our case yet uh but they told me uh about a man named George Lane who had difficulty accessing a courthouse and had to crawl up the steps. And they told me there was this litigation going on uh and it was a solo practitioner uh out in Cleveland Tennessee and that if I came on board we would try to get that case. And we did. And I'll tell you more about that, but that was that was one of my incentives for going over uh was let's try to get this great case.

SHELLIE MICHAEL: And we definitely need to talk about that Lane case, but 50% of clients in the housing world that's a really high number what are the kinds of issues that people are facing?

MARTIE LAFFERTY: It's probably over 80. It's gone anything probably 50 to 70% over the years uh the whole time. So Fair Housing Council has been open for 30 years and the whole time that has been true; that most of the calls we get uh or contacts we get are for people with disabilities, and that's true nationally uh as well. Lots of different issues. Tthe majority of them are reasonable accommodation or reasonable modification issues which basically means somebody with a disability either needs a rule or policy change or uh a change to their physical environment, like maybe a ramp. So that's the majority of cases. Other reasonable accommodations can include needing to use an assistance animal. So, a service animal or an emotional support animal. We also got some some calls about uh design and construction issues. So, some newer housing might not be accessible. So those are the majority of the issues uh for people with disabilities. And, and like I said, it led really well into the Americans with Disabilities Act work.

SHELLIE MICHAEL: Interesting. So, do you want to talk about the Lane case and give us some background?

MARTIE LAFFERTY: Sure, sure. So, so I'll go back to I was kind of lured a bit to what's now Disability Rights Tennessee by this promise of possibly uh the Lane case and I was told a little bit about uh the facts. And, like I said, George, George Lane was going to criminal court in Polk County and, at the time, uh he, he was an amputee, and at the time he used a wheelchair and the courthouse, the courtroom he needed to go to was only accessible upstairs. And so he was told he had to go upstairs to this courtroom. Nobody offered him any other option - like maybe the judge would come down uh and he's like "but I can't get there." they're like "you have to get there or you're going to go to jail." and so he had to climb the steps, crawl up the steps, in order to get to his court hearing. Now George did not know anything about the Americans with Disabilities act and this was in, it happened, kind of in the the mid to late 80s. This actual court date, I think, it was around 1998 um and so he didn't know anything about the Americans with Disabilities Act even though it had been passed in 1990. But after this experience and so he had to crawl up he had to crawl back down. It was painful it was humiliating. People were making fun of him in the courthouse as he did this and so he decided to go visit an attorney he had heard about named Bill Brown who was an attorney in Cleveland Tennessee uh and George went in and told what happened and he said "This just isn't right. Can we do something about it?" uh and Bill said "You know, you’re right. It's not right and I’ve heard about this law called the Americans with Disabilities Act. I wonder if it might apply?” Because Bill didn't practice ADA law uh but he looked into it and lo and behold it did apply. As he was working up George's case he learned of other people who were having these problems with Tennessee courthouses. One of them was Beverly Jones who's a court reporter. She has paraplegia and she was in um she was in um she was, she works in court reporting and so her issue was people were wanting to carry her up and down the stairs to do her job. She has a spinal injury so that was very dangerous not to mention embarrassing and obviously people with disabilities want to be able to do things uh on their own. So George and Beverly were the first plaintiffs. Some other folks got added over time but all of them were people who had difficulty accessing the courthouse due to mobility disabilities. One of them was an attorney. He often gets left out. Russell Larson, who was also having difficulty getting in and out uh of the courthouse. So there ended up being I think five or six different plaintiffs. Beverly and George are the ones who people think about because it's “Lane & Jones” um and the lawsuit ended up getting filed against the state of Tennessee, because they run the state court program, and 25 counties in Tennessee. in all of these counties at least one plaintiff had had difficulty getting to court because of mobility disability. And so, the litigation went back and forth for a bit. Ultimately the state of Tennessee said "you know what you can't sue us under the ADA, you can't get money damages because we have something called sovereign immunity." The 11th amendment to the US Constitution talks about sovereign immunity of states um and typically, under most circumstances, you can't get money damages from a state. Well this all went up to ultimately the Supreme Court. I wasn't involved in that part until shortly before it got to the supreme court. So, I heard about the case. Our legal director at Disability Rights Tennessee at the time, Gary Hausipian, and I got in the car after I got on staff. Probably a couple weeks later took a trip to Cleveland Tennessee to visit with Bill Brown uh and talked about the case and talked about how if at all we could be helpful um and because of this one issue going all the way to the Supreme Court a lot of the other pieces of the case hadn't really been developed yet. For example, none of the courthouses had been surveyed to see exactly how they didn't comply because it wasn't just the stairs there were a whole bunch of other things uh wrong. So, we got involved uh at the district court level. I did get to go hear the Supreme Court argument, which was awesome, and I I'll go back to that. But we got involved at the district court level -helped uh pay for experts helped develop the district court litigation so that we could really see what all was going on with the courthouses. uh We found some courthouses had horribly frightening uh elevators that were like cages and I remember I think it was Trousdale county, uh Beverly Jones would get into this little cagey elevator and it was tiny and it would go up and it would be this very difficult maneuvering for her to try to get back out because the elevator opened behind her on the other side. uh and it was rickety and it was scary. issues - people from people getting from the parking lot uh into the courthouse because there wasn't accessible parking or accessible path of travel. So we found a bunch of other things that were going on and then not only the physical conditions but policies and practices in the whole court program because obviously George Lane should have been allowed to do his court hearing downstairs. uh Beverly Jones should not have been forced to uh go to proceedings and and yeah and and do her court reporting up upstairs. There should have been some other arrangements. And so, we looked at a lot of the policies and procedures of the state of Tennessee and so I'll tell you about that part and then I'll go back to the Supreme Court. So ultimately the whole case ended up settling after the Supreme Court said “yes state you can be liable for money damages” uh and we got to uh the part about the all the settlements. We got a bunch of changes to courthouses. Physical changes, but I think even more importantly than that we got the policies and procedures changed so that if there was an issue there could be things uh like for example if somebody in the jury uses a wheelchair and the jury box isn't accessible, everybody's going to sit outside the jury box together. uh There are now reasonable accommodation forms so that people with disabilities can request accommodations in the process um and there's a whole bunch of guidelines that we helped helped to write about all of those all those things. So, you know, now we're in 2025. The settlement happened in like two so about 20 years ago uh and all of these things are still in place. The courthouses are more accessible but the court program is more accessible uh and hopefully always will be. So to go back to the Supreme Court piece. um Bill Brown argued uh at the Supreme Court. I got to go watch that argument which was fascinating um and a little piece of backstory is this. There's a a bar of people there are attorneys who make a practice of arguing at the United States Supreme Court and they tend to be a little bit cliquish uh so when Bill Brown from Cleveland Tennessee wanted to take his case and argue it, these attorneys pushed back and they were like "no you should let one of us argue it." um We actually, my office got a call uh from some of these attorneys saying "why don't you convince him to let us argue this case?" And we said "no we're not going to do that." We did tell Bill about it but we said "you should do it. You know George. You know the situation. You should argue the case." uh And so Bill did a really good job really making it clear and getting a picture of this situation and the horror of having to climb upstairs and being carried and all of those kind of things. The Supreme Court asked some rather interesting questions. uh “Would this be different if a hockey rink” etc. etc. And ultimately the court said that because this involves due process and equal protection courts do, that's why sovereign immunity did not protect the state of Tennessee and so once that got done A) the state had a lot of pressure on it to settle and it had been holding up kind of the counties from settling because, why would they? They were just kind of stuck in this limbo. And so, they all started wanting to resolve the case as well. I remember we were all in a conference room at one of the bigger law firms downtown. I think it was Baker Donaldson but I’m not sure about that. And we spent like two days uh at that firm going from county to county and having conversations about specific things they needed to do to the courthouse, specific policies they needed to change. And we spent a lot of time talking with administrative office of the courts about the policies and writing the policies uh and writing the forms. But even though all that had been settled and there were payments to the to the clients for damages from the counties as well from the state, even though all that had been settled, there's something else that has to be done to make sure that there's follow through and so there were many years of monitoring of the settlement agreements. And I don't think Bill will mind me telling this part. He comes to visit me at my office. it's probably 6 months after the settlements and he says "I think I might need some help monitoring the settlements." And so we went to lunch. We come back and he opens the trunk of his car and there's just these stacks of papers in the trunk of his car so we get them all out we take him into my office and he's like "can you can you take this on?" So he was involved, but our office did, and I did, the bulk of it along with a paralegal. And it was interesting because we were negotiating the settlements with litigation attorneys for the other side and so now it was people with the actual county that were having to implement this stuff. So sometimes they just didn't understand what the agreements were even talking about uh or there would be enough time passing that that something had changed. I remember getting questions. I get calls, like for technical assistance, “what is? it says we're going to build an area of rescue assistance what on earth is that?” Well it's a place where a person in a wheelchair or mobility disability can wait- if they're upstairs and the only way to get down is an elevator- can wait for help. I would get building plans mailed to my office. That wasn't really particularly helpful, but I had to find places to put them when they would when they would come. And so we monitored that- probably took about 10 years. it was a lot. it was a long time of just monitoring making sure it all got put together. And that's true for the state policies as well, because the devil’s in the detail on those kinds of things. And so it's like “well this is what our form says” this is what somebody asked for. How do we how do we make that work. So that that's the quick story Lane versus Tennessee. it, I'll add this, I mean particularly the clients I got to know the best with that were George Lane and Beverly Jones and to have the courage to address his problem and then go through that case for years uh was just really admirable and particularly George. George and I became, I would almost say best friends. Very good friends. He he always was able to just stop by my office anytime and I'd be like "just send him in. if he comes, send him in. I'll stop what I’m doing." Unfortunately, he passed away a few years ago, so we we miss George, but we thank him for standing up. And he was also he was very humble he would always be surprised if he said his name and people were like "oh you're that George Lane." and be like "how do you know about this?" and it was like "everybody knows about this George." uh So that that's his story.

SHELLIE MICHAEL: So, did that case set precedent that helped people in other states, too?

MARTIE LAFFERTY: Absolutely, yes. The Supreme Court part uh absolutely did because other court other cases that were similar in the court arena had similar results about sovereign immunity. it also got uh applied to other areas like prisons, for example, because prison cases involve due process and equal protection. um it it's analogous to the Lane case. in addition, the other pieces of what we did have been copied by other states as far as the policies and also the changes to their courthouse. So yeah, it's had a big effect uh across the country and I kind of lucked into it. And I’m really happy that I lucked into it. I’m happy that I went over to Disability Rights Tennessee, embraced the ADA work and particularly took that little trip to Cleveland Tennessee because I had no idea what it was going to lead to.

SHELLIE MICHAEL: And do you think ultimately it strengthened the ADA because it put states on notice?

MARTIE LAFFERTY: Absolutely, absolutely. I think before that time it was just a law that was on the books and nobody completely understood exactly what was going to happen with it. Laws aren't laws aren't any laws don't do anything by themselves and particularly states, I think, thought “well maybe somebody could make us comply if they were really, really persistent”. And these folks were. But they didn't think they were going to have to pay any kind of money and sometimes it takes the stick of the money.

SHELLIE MICHAEL: So, to talk about the ADA you were practicing law both before the ADA was enacted and afterward.

MARTIE LAFFERTY: So, no. I was still in college when the ADA was passed in 1990. I do remember hearing about it. At that point it didn't really mean that much uh to my to my direct life, but if I knew about it, it seemed like a good thing um growing up in Eastern Kentucky and we certainly had people with disabilities, people with disabilities are everywhere. it, that, that Eastern Kentucky community tends to be very accepting of everybody and so I learned to kind of embrace those kinds of differences early. And that's not to say that some of the people I went to school with didn't suddenly go off to a special class. So, I knew that there could be issues, uh but the ADA came. I knew about it. I ended up, you know, starting my practice with the Fair Housing Act uh and then picked up the ADA in about 2003. So, it had been around for about 13 years, and honestly not a whole lot had been enforced during that first 10 years except maybe some of the physical disability stuff. The ADA has evolved over the years to include people, all kinds of people with disabilities, and it always did in fact. But I think the the myth was it's for people with physical disabilities and so people with mental illness, people with epilepsy, and invisible disabilities, all of those kinds of things,

SHELLIE MICHAEL: And so, what have you seen, what are you seeing now? What do you think? Do you think the ADA is under threat? Or is it getting stronger, getting weaker?

MARTIE LAFFERTY: Oh, it's under, it's definitely under a threat. I guess it may potentially always be under a threat. But I think with the current administration uh any kind of civil rights laws, and the ADA is a civil rights law, is under attack. There there's a lot of talk about dealing with only intentional discrimination and not rules that may have a disparate impact on people with disabilities so that's a that's a concern uh certainly. So, I think, I mean, it's as strong as it ever has been the law is. uh Those of us who practice it are certainly continuing to push and so are people with disabilities. But yeah, I think, I mean there are threats that somebody could try to weaken it. um Something else that happens sometimes is different states will push and sometimes our own state of Tennessee will enact something into the law that maybe even conflicts with or tries to weaken uh the ADA. I’ve actually worked with the Tennessee Disability Coalition on helping make state law be more like federal law in some context. For example, in the service animal context, I was able to do that. Several years ago, I worked with The ARC Tennessee to help change some of the old language in the Tennessee code to be more more current. So getting rid of terms like handicapped, for example.

SHELLIE MICHAEL: And I noticed that you do a lot of work with service animals and advocacy, so there are other kinds of cases you've been involved in.

MARTIE LAFFERTY: Yes absolutely. Yeah so, I think I’ve been involved in almost every kind of disability rights issue at this point -lot lots of different kinds and that's one of the things I really like about the Americans with Disabilities Act is the variety uh of issues uh that it gives you. So yeah, I’ve worked with plenty of people with service animals uh who were trying to take them to restaurants or hospitals a few several hospital cases with service animals. I remember one in particular where our client wanted to go, needed to go, to the emergency room and they didn't want her to come in with her service animal and then once she got admitted , they tried to say that, I don't know, somehow having the service animal in the room like made the room uninhabitable for other people for some bizarre period of time. At any rate we filed a lawsuit and I think that one resolved to the resolved to the satisfaction of the parties. You can you can take from that what you will, but I tell you that hospitals and emergency rooms have to allow service animals in them, so yeah, lots of lots of service animal kinds of cases both in the ADA context and in the housing context. A lot of times businesses and in governments we'll see an animal come in; it might not have on, I don't know, any kind of label that it's a service animal. Well it doesn't have to. um Over the years I’ve actually had defense council try to tell us that the animal would be fine if it just wore a cape. We don't know what that means. We think it wasn't Halloween and we had to explain that they did not need a cape or any other kind of uh kind of label. But yes, I’ve met lots of different nice service dogs. Certainly, I’ve helped people with like emergency emotional support cats be able to do things like fly with them and also be able to have them in a housing. I really want to meet a little little horse - one of those miniature horses. I haven't met one yet- wonder if I'll be allergic because I’m allergic to big horses but I would take the chance uh for the miniature horse who I I think they call them mini winnies. So I'd like to meet a mini Winnie, uh but yes and the whole thing about service animals is people with disabilities have the right to move around in daily life freely like the rest of us and shouldn't be like asked all the time show us your papers for your service animal.

SHELLIE MICHAEL: Interesting, so you talked about a variety of issues that being in this field of law lets you branch out. So, what are other kinds of issues that you?

MARTIE LAFFERTY: Sure, I’ve done so I’ve obviously done a lot of work with people mobility disabilities, people who use service animals, and that can be people with physical disabilities or mental illness. I’ve done quite a bit of work with people who are deaf and hard of hearing um in in multiple contexts. Several cases involving doctors or hospitals that did not provide sign language interpreters. One of the most egregious happened in in Upper East Tennessee several years ago and actually that one resulted in at least a public Department of Justice settlement and I think our settlement was private - it's not a secret though. I’m trying to think of what the name of that case was. well it's not coming to me right this second, however the facts of the case are this. A person without a disability got very very ill and was a young person in her 20s and was dying. Her parents, who were deaf, came to the hospital and the hospital would not provide a sign language interpreter. Of course their daughter who's dying spoke sign language and she ended up having to be the one to tell them about what all was going on with her and she was the person who told them that she was going to pass away and it was horrible for so many reasons. They had difficulty giving her the support that she needed because they didn't have the appropriate communication tools and that's not obviously uh not a situation where you want your child who's dying to have to tell you that. So that's one of the most egregious I think in the in the hospital setting. We've also seen a lot of communication of discrimination in in jails and prisons not only in Tennessee but I’ve done some work in other areas of the country as well. And so it's pretty pretty broad uh that there there are these problems with jails and prisons not wanting to provide effective communication and so imagine you're you're deaf you're arrested you may not be told why. You get to go through the intake process and you're not told why, and then you're in prison and you can't communicate about things like, I don't know, when you might be paroled or you can't go to the same classes other people go to you and get that information. So, I’ve done a lot of work in that situation and it's been it's been nice getting to know people in the deaf community and know teeny tiny bit of sign language. I would know more if I applied myself but that's okay.

SHELLIE MICHAEL: Well that leads to my next question. What's ahead for you as an activist? What do you have your eyes on?

MARTIE LAFFERTY: There you go. Well, right now my my big focus is fair housing work since I’m at the Tennessee Fair Housing Council. However broadly, and like I said, fair housing does tie in so much with disability rights so I I can't imagine a time when I would not be a disability rights advocate. Want to make sure that the world continues to become more and more welcoming to people with disabilities. And I heard this at a conference recently and I absolutely agree with it - it's not the disability that's the barrier it's the way the world is set up that's the barrier. And so I want to keep helping make the world um just just you just be able to move around it uh and communicate in it with disability just like anybody else and so that's kind of what I want to want to see happen. Certainly in the fair housing context we'll continue to push for our clients to, you know, get any kind of remedies that they need and and I really want to see more accessible housing built because and it needs to be affordable too so and that's that's one of the problems is making sure the accessible housing is affordable. So we'll be looking and advocating for that to happen, and also, you know, looking around to see what is being built to make sure that it is accessible. so I I intend to continue doing the same kind of work I’ve always done primarily in the housing context but just keep on keep on doing it keep on fighting for the rights of people with disabilities and in my fair housing work uh for other folks uh in protected classes as well.