

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2003/2004

Exam Code(s)	2BL1, 2BL2, 2CW1, 3BA6, 3BL1, 3BL2, 3CW1, 4BA8, 4BL2
Exams(s)	2 nd 3 rd & 4 th LL.B. 2 nd & 3 rd Bachelor of Civil Law 3 rd & 4 th Bachelor of Arts (Public & Social Policy)
Module Codes(s)	LW370
Module(s)	Comparative Disability Law
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Prof. P. Fennell
Internal Examiner(s)	Professor Gerard Quinn Ms. Carol Rasnic
Instructions	Answer THREE questions
Duration	TWO Hours
No. of AnswerBooks	
Requirements:	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
Department(s)	Law

1. John, who is legally blind, applied for a position as computer analyst with a small private company (somewhat more than 10 employees) in Atlanta, Georgia (U.S.A.). John is unquestionably qualified for this work.

He was informed just after the interview that he would have to submit to a physical examination before the company could make him a job offer. John refused, and he was thus denied the position.

Point out *each* issue, giving the applicable law for each, and reach a conclusion as to whether John will likely prevail in his Americans with Disabilities Act action against the company.

Assuming that this business is covered by the ADA, suppose that accommodating John would have required the installation of Braille instructions at the copy machines, on elevators, vending machines, etc. and that this would entail considerable expense. Compare current Irish law [1998 Employment Equality Act and *In re Article 26 and the Employment Equality Bill 1996*, taken to the Supreme Court of Ireland by then-President Mary Robinson on the constitutional issue of property rights] with the ADA. How might the business' duty to accommodate differ under American and Irish law?

2. Explain what the Individuals with Disabilities Education Act (IDEA--U.S. federal law) assures for each child with regard to public education. Further, explain the school district's (either state or local) statutory duty to a child with a disability.

Briefly tell the facts of two IDEA cases covered in class, one in which the student and his parents were successful, and one in which the school board was found to have fulfilled its duty under the statute. Tell whether you agree with each, explaining your legal reasons.

In your opinion, does Irish law provide more for a child with a disability regarding public education than does the IDEA in the U.S.A.? Very briefly explain your answer.

3. Write an essay on the approach of the United Nations to disability and on the current proposal to draft a new Convention on the Rights of Persons with Disabilities.
4. How useful, in your view, are the various Council of Europe instruments in the context of disability
5. Write an essay on the past and future of EU anti-discrimination law in the context of disability.
6. The Disability Legislation Consultation Group (DLCG) approach you for an opinion whether the Government's objections to rights-based disability legislation can be challenged.

Please advise the DLCG.

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