

## **No Punitive Damages in Disability Cases**

The U.S. Supreme Court has resolved a dispute over whether plaintiffs are entitled to punitive damages for discrimination on the basis of a disability. In *Barnes v. Gorman*, --- S.Ct. ---, 2002 WL 1305773, 13 A.D. Cases 193 (U.S. Jun 17, 2002) (NO. 01-682), the Court held that punitive damages may not be awarded in lawsuits brought under the Americans with Disabilities Act of 1990 (ADA) or Section 504 of the Rehabilitation Act of 1973, the two primary mechanisms for bringing disability discrimination lawsuits.

In *Barnes*, the plaintiff, a paraplegic, suffered severe injuries after he was arrested by the Kansas City police and transported to the police station in a van that was not equipped to accommodate his disability. The jury awarded the plaintiff compensatory and punitive damages. The trial court judge vacated the punitive damages award, concluding that punitive damages were not available under the ADA or Section 504. The court of appeals reversed, concluding that punitive damages were available to the plaintiff. On June 17, 2002 the U.S. Supreme Court resolved the issue, and affirmed the trial court ruling that punitive damages were not available.

Because the remedies available under the ADA and Section 504 are interpreted by the courts to be similar to the remedies available under the Individuals with Disabilities Education Act (IDEA), it is likely that courts will apply the *Barnes* decision to IDEA cases.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.