



Client Profile:

Barry Long

By Ilinca Slabu, Legal Intern

Barry Long has always lived an adventurous life. Though he grew up in the Seattle area, after high school, he split his time between the Alaskan Wilderness and Mexico. It was during this time that his life changed forever: While riding his motorcycle one day, he was struck by another vehicle, leaving him with incomplete quadriplegia.

Despite his injuries, Barry has not let the accident stop him from seeking out life's thrills—including bungee jumping, water skiing, and even skydiving.

He also got his marketing degree and became a motivational speaker. He decided to start his own public speaking company and has traveled to many businesses to speak on leadership and goal setting.

At a keynote for real estate agents, he poked fun at the lack of accessibility in housing, which led to a position as a real estate accessibility specialist. After getting his license, Barry became a full-time realtor—and in January of last year, he launched a national program that trains realtors to work with individuals with disabilities.

Barry has done incredible things to help his community. Among other contributions, he worked with the Northwest Multiple Listing Service to change how their listings are posted.

Continued on Page 2

TABLE OF CONTENTS

Client Profile: Barry Long.....	1
Disability Law in the Supreme Court.....	3
Winter Weather Preparedness.....	5
WACDA Annual Update.....	6

Client Profile: Barry Long

Continued from Page 1

As a result of his hard work, Northwest MLS became the first listing service in the country to highlight features that make homes more accessible to people with disabilities. Through his work with another broker, Barry also created “Able Environments,” a partnership program that aims to pair accessible homes with those who need them.

Throughout his incredible journey, Barry has also faced disappointment and challenges. He deals with these by visualizing his life as a map. He encourages people to ask themselves, “How often have you not gotten to where you want to go? When have you not gotten to work because there was traffic? Nothing has ever gone exactly according to plan, and we change direction every single day.” He reiterates that life is not a series of checklists or lists to fulfill, but rather a map with many ways to reach a single destination.

If there is one thing that Barry wants his kids to learn, it is that “it is your choice.” He says that no one can make him have a bad day. “My life is what I make it, and no one else can impact the way I feel. I can control my feelings, my emotions, and my actions. I deal with it, and I get back up.” As a constant forward thinker, he firmly believes that every step you take should be better than the last.

When asked about his next adventures, Barry says he is always excited to travel. While in a wheelchair, he has been to 19 countries and about one third of the states in the US—and has plans to visit many more.



Though he still occasionally goes skydiving and mountain biking, these days he derives the most pleasure from a glass of wine with his wife or from visiting a new restaurant with his kids. He continues to keep things exciting and adventurous—but his main priority is to pass on the torch to the next generation, teaching children who have faced similar injuries and circumstances to always live their lives to the fullest.

“Have fun,” Barry said when asked for advice. “There is no limit to the amount of happiness that you experience in life, so go out there and just have fun. Life is exactly what you make it.”

Disability Law at the Supreme Court in 2025

By Zachary Blinkinsop, Legal Intern

In 2025, the United States Supreme Court issued a number of opinions addressing the rights of individuals with disabilities in education, employment, and the criminal justice system.

A Win for the Rights of Students with Disabilities to Sue Unaccommodating School Districts.

In A.J.T. v. Osseo Area Schools, the Court unanimously directed lower courts to apply the deliberate indifference standard in lawsuits seeking relief for discrimination related to a child's education. Ava Thorpe (A.J.T.) is a teenager with epilepsy who tends to have seizures in the morning. Her school district in Kentucky accommodated her by allowing her to attend classes in the afternoon and providing a teacher to continue instruction at home in the evenings. When the family moved to Minnesota, however, Osseo Area Schools permitted AJT to attend afternoon classes but refused to provide a teacher for evening instruction. As a result, A.J.T. received only two-thirds of the instructional hours her peers received.

The core issue in A.J.T. was the standard that plaintiffs must prove to recover compensatory damages in educational disability suits. The Third and Ninth Circuits applied the less stringent deliberate-indifference standard, which requires students to show only that a school consciously disregarded their need for accommodations. By contrast, five circuits—including the Eighth Circuit, which encompasses Minnesota—applied the bad faith or gross misjudgment standard, requiring proof of malicious or dishonest

intent by the school district. The district court ruled in favor of the school district, and the Eighth Circuit affirmed.

Thankfully, the Court unanimously held that the Eighth Circuit's application of the bad faith or gross misjudgment standard conflicted with Congress's amendments to the Individuals with Disabilities Education Act (IDEA). In 1986, Congress amended IDEA to clarify that nothing in the statute "shall be construed to restrict or limit the rights, procedures, and remedies available under" other federal laws protecting children with disabilities, which now includes the Americans with Disabilities Act (ADA). By imposing a higher burden of proof for educational claims, the Eighth Circuit had effectively read IDEA as restricting rights guaranteed under other federal disability laws. The Supreme Court corrected this error, reinforcing Congress's intent to ensure that students with disabilities do not face greater legal barriers than other plaintiffs with disabilities when pursuing discrimination claims.

A Loss for the Rights of Retired Employees with Disabilities to Sue Former Employers.

In Stanley v. City of Sanford, Florida, the Court held that a firefighter who retired after developing Parkinson's disease could not bring an ADA suit challenging a change to her post-employment health benefits. Karyn Stanley served as a firefighter for the City of Sanford for nearly two decades before being forced to take an early disability retirement due to her health. When she was hired in 1999, the city offered health insurance to employees who retired early due to disability. In 2003, however, the city revised its policy to limit such insurance coverage to two years.

Continued on Page 4

Continued from Page 3

After her benefits were denied, Stanley sued the city, and alleged that the policy change unlawfully discriminated against people with disabilities in violation of Title I of the ADA. The Eleventh Circuit disagreed with Stanley and ruled in favor of the city.

Unfortunately, the Supreme Court affirmed the Eleventh Circuit, holding that Stanley lacked standing because she was not a “qualified individual” covered by Title I. Writing for the majority, Justice Gorsuch interpreted the statute’s text to exclude retirees. “In other words,” he wrote, “the statute protects people, not benefits, from discrimination.” Accordingly, the Court held that plaintiffs must be currently employed and have a disability at the time of an employer’s alleged discriminatory conduct in order to bring a claim under Title I.

Undecided: How to Determine Whether a Death Row Inmate Has an Intellectual Disability.

On December 10, the Court heard oral arguments in Hamm v. Smith, a case concerning whether and how courts may consider the cumulative effect of multiple IQ scores when determining if a death row inmate has an intellectual disability. The Supreme Court held in Atkins v. Virginia that the Eighth Amendment bars the execution of people with intellectual disabilities. Under Atkins, states may establish their own criteria for determining whether a person has an intellectual disability. Alabama law requires an IQ test with a result of 70 or lower.

Joseph Smith, a death row inmate in Alabama, has taken five separate IQ tests over the last forty years with scores of 78, 75, 74, 74, and 72. Smith argues that he has an intellectual disability because the margin of error associated with his lowest score could place his IQ at 69, under Alabama’s limit. Alabama, however, contends that courts should consider the full range of scores, along with other relevant evidence and expert testimony, instead of focusing on a single adjusted score.

The justices appeared divided at oral argument as to which approach is correct. Chief Justice Roberts and Justices Sotomayor, Kavanaugh, and Jackson questioned the use of IQ scores as a determinative factor in establishing a diagnosis of intellectual disability. Justice Gorsuch suggested articulating a clearer rule under Atkins, while Justice Alito wondered whether more deference should be afforded to legislative judgments. Although no consensus is yet divivable among the justices, one thing is clear: the Court is likely to take the opportunity to clarify its precedent on the relationship between IQ testing and intellectual disability.





Winter Weather Preparedness

By Ilinca Slabu, Legal Intern

With winter upon us, Seattleites may have to deal with more than just rain! For individuals with disabilities, inclement weather can present a notable challenge, so it's important to be prepared. Here are some things to consider for making your plan:

The first step to staying warm is clothing. In the winter, layers are key, including items like scarves, hats, lined boots, multiple pairs of socks, and thermal gloves. Outerwear, such as jackets and waterproof coats, also plays a key role. And don't forget your pets! Coats and sweaters for service animals can be just as essential as those for humans.

Heat sources and alternative methods of staying warm can make a substantial difference in emergency situations. A fireplace will need adequate wood, and a space heater will need power. Make sure to follow spacing and venting instructions to prevent fires or carbon monoxide poisoning.

Emergencies do not always mean evacuation, and sometimes the best choice is to shelter in place. This requires a mix of shelf stable food, including canned goods, dried foods, and processed items.

The most important thing is water. It is recommended to have at least one gallon of water per person per day. Make sure you have enough food and water—for you and your pets—to last at least three days.

Medicine is also a necessity when considering an extended indoor stay. Plan to have at least several days of prescription and over-the-counter medications available. Having a first-aid kit for injuries is also key. For power wheelchairs, keep an alternative power source or a lightweight manual backup wheelchair on hand for emergencies.

A number of household gadgets and items are particularly useful to keep on hand. Flashlights, candles, and lanterns will help with navigation if the power goes out (make sure to have a lighter or matches too). A can opener will help open food for you and your pets. Backup batteries and chargers for daily items such as hearing aids, wheelchairs, radios, and flashlights are critical but often overlooked. Also, make sure to install carbon monoxide and smoke detectors!

Consider your transport needs as well, and keep some emergency supplies inside your vehicle. A shovel and sand or salt are useful to clear snow and ice from walkways. Keeping Braille or text communication cards on hand and wearing medical alert tags or bracelets can help make communication easier in emergency situations. Finally, for electronic items, it's helpful to keep model information and instructions, and to note where your equipment came from.

Emergency situations are inevitable. However, taking the time and effort to implement precautions can prevent a tough situation from becoming even worse. We hope you stay warm and dry this winter!

WACDA Annual Case Update

By Noah Moskat, Legal Assistant

2025 was a big year for WACDA! As the calendar turns to 2026, we have taken some time to reflect on our successes over the last twelve months. Here are some highlights of what we achieved over the last year:

Parking Accessibility Cases: Over the course of 2025, WACDA opened more than 40 new parking compliance cases—a record for the firm! Through these cases, WACDA ensures that places of public accommodation remain accessible to the disability community in Seattle and beyond.

Accessibility in Ticketing: WACDA is currently working with several national ticketing services to ensure their web platforms accommodate people searching for accessible seating for events. This work enables people with disabilities to purchase event tickets in the same manner as anyone else—a right afforded under the ADA.

PCA Admission Cases: WACDA successfully represented a number of individuals with disabilities who use personal care assistants (PCAs). In many instances, venues required these individuals to purchase an additional event ticket for their PCA, even when the assistant was only attending the event to care for the client, which violates the ADA and constitutes a “disability surcharge.” The firm worked with numerous organizations, including several local music venues and a national movie theater chain, to offer free admission for PCAs.

Key Facts from 2025

Number of cases opened: **60+**

Number of settlements reached: **20+**

Value of free legal services provided to clients with disabilities: **Over \$100,000**

Picciano vs. Clark County: This fall, after successful mediation and negotiations, WACDA reached a settlement agreement that brought this matter to a close. In a case that stretched over five years, WACDA represented Gaven Picciano, an individual with celiac disease who became profoundly ill due to a lack of safe food during a 22-day stay in jail.

Seattle Harbor Restaurant: Over the summer, WACDA negotiated a settlement with the owners of Seattle Harbor Restaurant. WACDA represented Sam Bridgman, an individual with a mobility disability that necessitates the use of a wheelchair, who encountered issues when attempting to enter the restaurant, interior routes, and restrooms. The property owners will remediate the restaurant entrance, interior routes, and restrooms to comply with the ADA.

University Professional Building: This past spring, a settlement agreement was executed with the owners of the parking lot facility at the University Professional Building in North Seattle. WACDA represented Barry Long, an individual with a mobility disability that necessitates the use of a wheelchair and access to accessible parking. The facility owners began remediation of the parking lot within 30 days of the settlement agreement.

Continued on Page 7

Continued from Page 6

Legislative Advocacy: Among other efforts this year, on July 14th, WACDA was proud to host a Seattle City Council candidate forum focused on disability issues and priorities in our community. We invited every candidate running for three open seats (Districts 2, 8, and 9). We invited 12 candidates in total, and nine attended the forum, including all the front-runners. WACDA put on the forum with the assistance and support of a coalition of local disability organizations, along with our national sponsor, the American Association of People with Disabilities.

Inside the Firm

Good Luck Isabelle! In July, we bid goodbye to our paralegal, Isabelle Spence. Isabelle received her bachelor's degree in Law, Societies, and Justice before joining us. At WACDA, she handled not only case management and administration, but she also organized our successful City Council Candidate Forum. Isabelle is now pursuing her master's degree at Trinity College Dublin in Ireland. We wish Isabelle the best of luck!

To the New Year!

Look for plenty of exciting things from WACDA in 2026! January marks the beginning of a new legislative session and presents more opportunities for WACDA to work toward increased accessibility and inclusion throughout Washington state.

We will continue to advocate for free PCA admission for small and large businesses across Washington, to ensure that no one is forced to pay a disability surcharge. We will hold parking management companies to the ADA requirements, ensuring that valuable members of our community can access businesses and venues. And we will continue to make sure every part of our community is accessible to all.

To keep up with WACDA outside of this newsletter, please follow our social media accounts!

Facebook: @WACDA.Law

Instagram: @wacda_

YouTube: @washingtoncivildisabilitya3048



*Happy
New Year*

from all of us here at WACDA!