

PUBLIC JUSTICE E-LERT

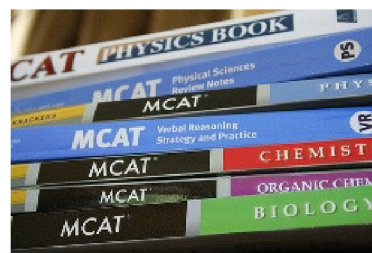
AMERICA'S PUBLIC INTEREST LAW FIRM

March 29, 2011

All the students were asking for was a level playing field to take their med school admissions test. What they nearly got was bankruptcy.

Late last week, as we urged in an *amici* brief, the California Court of Appeals held that the defendant in [Turner v. Association of American Medical Colleges](#) is not entitled to a single penny in attorneys' fees from the plaintiffs who lost the case.

In 2004, four college students with dyslexia were planning to take the Medical College Admission Test (MCAT). Each had requested extra time and/or a private room in which to take the test. When they were denied those accommodations, the students sued the [Association of American Medical Colleges](#) (AAMC), the group that administers the MCAT. The students won at trial, and eventually lost on appeal, but the story doesn't end there.



Citing statutory directives on "prevailing party" fee awards, AAMC asked the court to force the plaintiffs -- the four students and two disability rights organizations -- to pay \$1.6 million to cover all of AAMC's attorneys' fees.

The trial court flatly denied that request, however, and now the California Court of Appeals has affirmed. To hold otherwise, the court explained, would hinder the enforcement of civil rights laws and "impose a crushing fee award on civil rights plaintiffs who did not even seek damages from the defendant."

We joined in on an *amici* brief to help resist AAMC's fee request. Click [here](#) to read it.

This decision is enormously important for protecting civil rights in California: if AAMC had prevailed, future plaintiffs might have hesitated to assert their rights for fear of financial ruin. Click [here](#) to read the court's decision.

Congratulations to the plaintiffs' attorneys: Anna Levine of [Disability Rights Advocates](#); Linda Dardarian of [Goldstein, Demchak, Baller, Borgen & Dardarian](#); Joshua Konecky of [Schneider Wallace Cottrell Brayton Konecky, LLP](#); and Brad Seligman of the [Impact Fund](#).

Congratulations and thanks to Paula Pearlman of the [Disability Rights Legal Center](#) and Peter Roan and Jade Chien of [Locke Lord Bissell & Liddell LLP](#) for authoring the *amici* brief on behalf of Public Justice, the Disability Rights Legal Center, the [Disability Rights Education and Defense Fund, Inc.](#), and the [Legal Aid Society-Employment Law Center](#).

Finally, congratulations and thanks to you for helping preserve [access to justice](#) for all.

Arthur Bryant

Executive Director

Public Justice and the
Public Justice Foundation