

## Medicine on the big and small screen: *Rule of Law*



George Lane, plaintiff in the Tennessee Supreme Court case *Tennessee v. Lane*.

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### Therese Jones, PhD, and Les Friedman, PhD, Movie Review Editors

Written, directed, and produced by Dan Iacovella

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Reviewed by Craig A. Meyer, PhD

With more than 5,000 hospitals in the United States, and a public leaning toward single-payer health care, the justice system's interpretation of what constitutes access to medical care will inevitably become a contentious issue for those in medically-related fields, as well as a crucial concern for all Americans. The documentary *Rule of Law* confronts this complex issue by focusing on the 2004 Supreme Court case *Tennessee v. Lane* that developed in a small county where disabled individuals were physically unable to gain access to courtrooms on the upper floors. The courthouse had not been updated, and as a result, did not have proper means of entrance, such as elevators. According to the 1990 Americans with Disability Act (ADA), no person may be denied access to "services, programs, or activities" because of a disability.

*Rule of Law* provides insight into how the judicial system understands the concept of access to medical services, particularly for people with disabilities.

The case's key plaintiff, George Lane, labeled an "out-law" by the filmmaker, lost his leg in an accident because he fell asleep at the wheel after working several double-digit shifts (that accident also killed another person). After recovering from the accident, he went to his court appearance and found no access to the courtroom other than a staircase. Warned by the court that he should appear immediately or be held in contempt, he saw no option but to crawl up the stairs to the courtroom as people, including police officers, jeered at him. Once there, he was ignored, and at the end of the day, he was informed that his case would be recalled at a future time. Left with no choice, he crawled back down the stairs and went home.

On the later date, Lane arrived and demanded reasonable accommodation to the second floor to avoid the humiliation that he had previously suffered. None was provided. In response, he refused to crawl up the stairs, or have police officers—the same ones who earlier mocked him—carry him to the courtroom. As a result, he was held in contempt and placed under arrest—roughly 30 feet from the courtroom that was inaccessible to him.

Sensing an injustice, Lane set up an appointment with



The stairs in the Tennessee courthouse that Lane had to climb to get to the courtroom.

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William J. Brown, a local attorney and former prosecutor against him. Lane believed that Brown had always treated him fairly even when they were on opposing sides of the law. During the meeting, Lane asked, “Now, Bill, isn’t there a law that says they can’t do this to me?” Brown responded, “I don’t think they can do it to you, but the question is whether or not they can get away with it, ’cause they have already done it to you.”

Although he had little experience with disability legalities or the ADA, Brown agreed to represent Lane in a suit seeking that the courthouse provide reasonable access/accommodation to people with disabilities. Brown then wrote to the judge, informed him of the discriminatory treatment by the court, and requested a postponement until an elevator (or other access) was provided for his client. The court responded, saying that it didn’t have the funds to install an elevator or other means of access. Not willing to concede, Brown persisted, and after several failed attempts in other courts for a simple postponement until compliance with the ADA was secured, he wrote the state’s Attorney General petitioning for the same. There was no response.

Curious about how systemic this problem might be, Brown discovered that roughly 25 percent of Tennessee courthouses had inadequate or no accommodations for those with disabilities. Realizing the gravity of the problem, and the state’s unwillingness to address it, he decided to sue the original county, and all the other non-compliant counties.

Throughout the course of the trials, the state filed appeal after appeal. For viewers, it is important to recognize that the state failed to acknowledge the importance of

ADA and to comply with it. People with disabilities were on their own.

The case went to the United States Supreme Court where Tennessee argued that because of the 11th Amendment—the sovereign immunity doctrine—they could not be sued. This doctrine asserts that the king or state cannot be sued because it can do no wrong; thus, they cannot be sued for monetary compensation even if they are not compliant with the ADA. If the state lost, Lane and others would have the right to sue for monetary damages because they were unable to access state services, such as a courtroom. If the state won, the ADA would be meaningless, and those individuals with disabilities would have no recourse should a state or employer choose not to comply.

Brown, having never tried a case before the Supreme Court, scrambled to research the court, the justices, and the argument he could make. He met with experts to work through a series of questions set up in a mock trial. The experts indicated that he had little chance of success, so he called the plaintiffs telling them that he had serious misgivings about his ability to plead their case effectively. In response, Lane told Brown that no one else could do the job because no one else knew him, what he had endured, what he felt, and what it meant to him and the millions of others with a disability. Lane’s faith inspired Brown to carry on.

During the hearing, Justice Sandra Day O’Connor asked if there was any relief under Tennessee law to provide access to the courtroom, and if any citizen of the state had the right to sue for damages if a state building was not compliant with the ADA. The answer was no, which



**William J. Brown represented George Lane in his case against the state of Tennessee.**

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meant that a citizen of the state would have no recourse or ability to gain access or accommodation to a state building if the state decided not to provide it, and then once denied, he/she could not sue for damages. Thus, the only way to gain access would be through the Supreme Court's action.

The state of Tennessee lost 5-4, with Justice O'Connor casting the deciding vote. After the decision, the state wrote specific requirements for judicial buildings, and several of the non-compliant counties went beyond those basic requirements to make courtrooms more accessible and accommodating. The entire process took nine years.

The film takes viewers on a history of the case with interviews of Brown, support counsel, Lane, a legal scholar, and one of the county's attorneys. With the exception of the appearance of one opposing attorney, viewers only get the Lane perspective. There is a thorough explanation of how this type of change does not come from the state or national level, but from the local level and the people who deal with struggles like this every day. Their hard work makes its way through the system to create, or to enforce, law.

Although Lane is represented as fighting the good fight for others with disabilities, he describes himself as "uneducated," and a "redneck" who suffered from addiction. No stranger to the criminal justice system, Lane had appeared more than 20 times on drug and alcohol charges. However, in all those previous appearances before the judge, he was able to climb the stairs on two legs.

Brown and co-counsel describe Lane as a kind and gracious person in contrast to the state of Tennessee's attack on his character during the legal wrangling.

Lane died in 2014 before the film was completed. Whatever his true character, the focus of the film is

appropriately on disability issues and rights, on how the case changed the court's understanding of disability, and on how it provides a precedent for future cases.

As for the production, all of the in-film text (including closed captioning) can be difficult to read. For those with hearing issues who use closed captioning, there are times in which the text is unreadable. Although it is Subtitles for the Deaf and Hard of Hearing (SDH) captioned, other text sometimes mixes behind the captioning, which makes for a hodgepodge of letters and missed information. From a visual perspective, the text and captions are pixelated and look somewhat outdated (circa 1980) with camera shots of talking heads, and an occasional shot of a nondescript judicial-looking building, which gets repetitive. The music is ominous in nature, probably more appropriate for a horror film than a documentary about disability.

Despite the unsophisticated filming and the technical problems, the information about the case is important. The film provides a historical context for how people with disabilities are often forgotten and neglected. The film reminds viewers of how only through the enforcement of laws and other legal means will people with disabilities achieve the equal status they justly deserve.

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