

**BOARD OF TRUSTEES  
UNIVERSITY OF THE DISTRICT OF COLUMBIA**

**UDC Resolution No.**

**SUBJECT: Appointment of Professor Robert L. Burgdorf as Professor Emeritus**

**WHEREAS**, pursuant to 8 DCMR § 1412.1, the title of Professor Emeritus may be conferred by the Board of Trustees upon a retired member of the faculty who has rendered distinguished service to the University; and

**WHEREAS**, the Provost and the Dean of the School of Law have recommended that emeritus status be conferred upon Professor Robert Burgdorf in recognition of his range of contributions to the academic pursuits of the University, and to the community of the District; and

**WHEREAS**, Professor Burgdorf's more than twenty-five-year tenure on the faculty of the University of District of Columbia's David A. Clarke School of Law and its predecessor institution, the District of Columbia School of Law, was marked by distinguished contributions to the discipline of law and to the University as a researcher, author, professor, leader, and social activist, exemplified by (1) ground-breaking research, publications, teaching, legislative advocacy, and law reform activities related to the rights of people with disabilities and the Americans with Disabilities Act, of which he was the original author; (2) designing and inaugurating the School of Law's courses in Constitutional Law, teaching them for ten years, and producing scholarly writings addressing constitutional issues and doctrines; (3) co-founding, with Visiting Professor David A. Clarke, the School of Law's highly respected Legislation Clinic, which he directed for over twenty years; and (4) leadership and service in a variety of civic and professional activities, for which he was accorded numerous honors and awards, including a commendation from the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities, and a National Leadership Award of the National Council on Disability "[i]n appreciation of outstanding contributions to the improvement of disability policy in the United States";

**THEREFORE, BE IT RESOLVED** that in recognition of Professor Burgdorf's long and committed service to the University, the City, and his profession in the areas of teaching, research, and service, the Board of Trustees hereby confers upon Professor Robert L. Burgdorf the title and position of Professor Emeritus, with all the rights, privileges, and responsibilities pertaining thereto.

Submitted by the Academic Affairs Committee

August 21, 2014

Approved by the Board of Trustees

September 16, 2014

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Elaine A. Crider  
Chairperson of the Board




Office of the Chief Financial Officer

**Donald L. Rickford**  
Chief Financial Officer

### Fiscal Impact Statement

**TO:** The Board of Trustees

**FROM:** Donald L. Rickford   
Chief Financial Officer

**DATE:** August 21, 2014

**SUBJECT:** **Professor Emeritus Appointment for Academic Year 2014 for:  
Professor Robert L. Burgdorf**

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The proposed resolution is for the title of Professor Emeritus which may be conferred by the Board of Trustees upon a retired member of the faculty who has rendered distinguished service to the University. The Provost and Dean of the David A. Clarke School of Law of the University of the District of Columbia, along with faculty committees in each school or college who review and make such assessments, have recommended that Emeritus status be conferred upon **Professor Robert L. Burgdorf** in recognition of Professor Burgdorf's range of contributions to the academic pursuits of the University and to the community of the District.

Professor Burgdorf's recognition is justified due to his long and committed service to the University, the City, and his profession in the areas of teaching, research, and service, the Board of Trustees hereby confers upon **Professor Robert L. Burgdorf** the title and position of Professor Emeritus, with all the rights, privileges, and responsibilities pertaining thereto.

There is no monetary cost associated with these service recognitions. Therefore the University's Board of Trustees approval is requested on this action.



Office of Katherine S. Broderick, Dean

August 18, 2014

Dr. Rachel Petty  
Interim Provost and Vice President  
of Academic Affairs  
University of the District of Columbia  
Building 39, Room 301-D  
Washington, DC 20008

Dear Dr. Petty:

I am honored to recommend Robert L. Burgdorf, a retiring member of the School of Law Faculty, for the status of Professor of Law Emeritus. Professor Burgdorf joined our faculty in 1989, was awarded tenure in 1993, and has consistently demonstrated exceptional leadership, service, fervor, and academic distinction. He has played a strong role on the faculty, providing leadership on challenging faculty governance, curricular, academic standards, and promotion issues. He designed and inaugurated the School of Law's courses in Constitutional Law and taught them for ten years, and many of his scholarly writings over the years have addressed constitutional issues and doctrines.

In 1991, Professor Burgdorf teamed up with then Visiting Professor David A. Clarke to found the Legislation Clinic, a major and highly respected feature of our renowned clinical program. He has directed the Legislation Clinic for most of the years of its existence, and has taught hundreds of students the theoretical and practical fundamentals of the legislative process, as well as supervising their work with offices of the D.C. Council and of the U.S. Congress. This clinical legislative experience has not only prepared students to understand and deal with legislative issues, but often has led directly to legislative staff jobs upon graduation.

Equally impressive, throughout his professional career he has been a leading disability rights scholar, and is recognized as the primary original author of the Americans with Disabilities Act (ADA) (including by the U.S. Supreme Court). He has advocated for, and taught and written about, equal rights for people with disabilities for over forty years, and was involved in many of the formative court decisions establishing the legal rights of individuals with disabilities. His books, articles, and reports are frequently cited and relied on by courts and scholars.

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4200 Connecticut Avenue NW ■ Bldg 38, Room 201 ■ tel: 202-274-7332 ■ fax: 202-274-7441 ■ email:  
kbroderick@udc.edu

At the time former Dean Robinson and I selected Professor Burgdorf to join the faculty in 1989, he already had outstanding credentials. He had taught at both the University of Notre Dame and University of Maryland Schools of Law, offering courses on the rights of persons with disabilities and supervising clinical education programs in which law students provided assistance to clients with disabilities in administrative and court proceedings. And, he had written the first law school casebook on legal rights of people with disabilities and a number of seminal law review articles.

In the early 1970s, while still in law school, he helped start the first National Disability Rights Law Center and the National Center for Law and the Handicapped, whose legal staff he joined upon graduation. He was a leading lawyer in many landmark cases establishing the rights of people with disabilities, writing briefs and appearing in court, beginning even before there was a "disability rights movement." Later, while working in the General Counsel's Office of the U.S. Commission on Civil Rights and at the National Council on Disability, he wrote many groundbreaking reports on disability rights, prompting some disability rights leaders to refer to him as "the scribe of the Disability Rights Movement." In the years immediately preceding his joining our law faculty, Professor Burgdorf authored several pivotal documents in which he proposed the concept of an ADA, provided a statutory blueprint for such a law, and singlehandedly wrote the first-ever draft of the ADA.

Upon joining the faculty, Professor Burgdorf maintained his high level of professional and scholarly activity while very competently handling a full teaching load. Shortly after starting to work at the law school, he testified at a hearing of the Subcommittee on the Constitution of the Senate Committee on the Judiciary regarding the future of the U.S. Commission on Civil Rights, on a panel with such luminaries as Dr. Benjamin Hooks and Dean Erwin Griswold. He also continued to work with members of Congress and disability advocates toward passage of the ADA legislation, testifying before Congress numerous times as a disability rights law expert. He served as a key member of the "legal team" charged with representing the interests of the disability community in negotiations with affected industries, the Bush Administration, and congressional opposition. Upon passage of the ADA in 1990, he wrote several important articles offering analytical guidance on the new law. The Supreme Court relied on one of these, *The Americans with Disabilities Act: Analysis and Implications of a Second-Generation Civil Rights Statute*, published in the *Harvard Civil Rights - Civil Liberties Law Review* (1991), as authoritative commentary on the origins of the ADA.

Subsequently, Professor Burgdorf focused his research and writing skills on analyzing the court decisions in ADA cases. In 1995, he published an influential and comprehensive (over 1,100 pages) legal treatise titled *Disability Discrimination in Employment Law*, and he was general editor and principal contributing legal analyst for a report of the National Council on Disability on federal enforcement of the Americans with Disabilities Act (ADA), published in 2000. He also represented the National Council on Disability as *amicus curiae* in ADA cases before the United States Supreme Court, and represented Senators Robert Dole, Tom Harkin, James Jeffords, and Edward M. Kennedy, and Representative Steny Hoyer (sponsors and leading congressional advocates for enactment of the ADA) in *amicus curiae* participation in the Supreme Court case of *PGA Tour, Inc. v. Martin* in 2001.

Culminating several summaries he wrote of the holdings and the implications of the Supreme Court's decisions under the ADA (published on the website of the National Council on Disability) and a critical law review article discussing problematic ADA court decisions, Professor Burgdorf wrote the National Council on Disability's report *Righting the ADA* (2004), cataloguing ways in which the Supreme Court misinterpreted the ADA, and presenting an ADA Restoration Act bill for putting the ADA back on the right track. This proposal provided the basis for ADA Restoration Act bills introduced in the 109<sup>th</sup> and 110<sup>th</sup> Congresses, and ultimately led to the passage of the ADA Amendments Act of 2008. As this legislation was being considered, Professor Burgdorf testified at hearings in the House of Representatives in 2006, 2007, and 2008.

In the fall of 2007, Professor Burgdorf was appointed to serve on an "expert review panel" charged with reviewing and providing comments on draft legislation for updating DC's developmental disabilities laws. A revised version of the legislation, including some revisions suggested in written comments by Professor Burgdorf, was introduced by then DC Council Chair Vincent Gray and Councilmember Tommy Wells, Chair of the Committee on Human Services, as the Developmental Disabilities Reform Act (DDRA) – Bill 18-501 – on October 20, 2009. Prompted by frustrations with the existing laws, he wrote an article titled "*Long Overdue Reform of D.C.'s Antediluvian Developmental Disabilities Law: From Forest Haven to the 21<sup>st</sup> Century*," published in 2010 in the UNIVERSITY OF THE DISTRICT OF COLUMBIA LAW REVIEW, that discussed the antiquated developmental disabilities laws in the District of Columbia.

During his time on the law faculty, Professor Burgdorf has engaged in a variety of civic and professional activities, such as membership on the American Bar Association's Commission on Mental and Physical Disability Law and the Disability Rights Council (associated with the D.C. Lawyers Committee on Civil Rights). He has received numerous honors and awards, including a Mary E. Switzer Rehabilitation Research Distinguished Fellowship from the U.S. Department of Health and Human Services, a commendation from the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities, a Just Do It! award from the Commissioner of the Federal Administration on Developmental Disabilities, a National Leadership Award of the National Council on Disability "[i]n appreciation of outstanding contributions to the improvement of disability policy in the United States," and a da Vinci Lifetime Achievement Award presented by the National MS Society for "incredible and longstanding work on the Americans with Disabilities Act."

Even as he retires, Professor Burgdorf still has an ambitious scholarly agenda. He is currently at work on a book that will tell the largely untold story of the disability rights movement, the heroic efforts of disability rights advocates, and the inside account of the extraordinary and sometimes stormy events and process by which the Americans with Disabilities Act (ADA) was proposed, passed by the Congress, and signed into law. It clarifies who "wrote" the ADA, who named it, why it was needed, how it came to be proposed, what went wrong in the courts after it was enacted and how those problems were corrected, and the impact that the law has had since its enactment. It holds the prospect of being among the most important works on disability and disability rights ever written.

Dr. Rachel Petty  
August 18, 2014  
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During his 25 years of dedicated service to the law school, UDC, and the D.C. community, Professor Burgdorf has been a star; and I know he still has much more to offer. His national reputation as a thinker, scholar, prodigious writer, and activist has reflected very positively on the University and the School of Law, and it would serve us well to keep him on our roster of professorial talent. Because of his outstanding record of academic achievement and social contributions, and the distinctive intellectual dimension he provides to our educational institution, I wholeheartedly recommend the granting of Professor of Law Emeritus status to Professor Robert L. Burgdorf, an academic heavyweight and my esteemed colleague.

Respectfully,

A handwritten signature in black ink, appearing to read "Katherine S. Broderick". The signature is written in a cursive, somewhat stylized font.

Katherine S. Broderick  
Dean