

NO. _____

SUPREME COURT OF THE UNITED STATES

Teresa Maria Harmon

Petitioner,

v.

Louis I. Waterman and Goldberg Simpson, PLLC

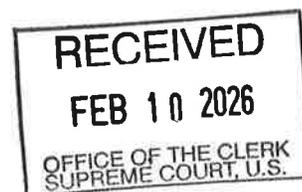
Respondents.

On Petition For A Writ Of Certiorari To
The Sixth Circuit Court Of Appeals

PETITION FOR A WRIT OF CERTIORARI

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February 6, 2026



QUESTION PRESENTED

Whether the Americans with Disabilities Act permits categorically exempting private attorneys from liability under Titles II and III when they interfere with a disabled litigant's access to courts, and whether such attorney conduct is actionable when it obstructs or retaliates against a request for disability accommodations.

PARTIES TO THE PROCEEDING

Petitioner is Teresa Maria Harmon, plaintiff in the United States District Court for the Western District of Kentucky and appellant in the United States Court of Appeals for the Sixth Circuit.

Respondents are Louis I. Waterman, an attorney, and Goldberg Simpson, PLLC, the law firm operating a place of public accommodation under 42 U.S.C. § 12181(7)(F).

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PETITION FOR A WRIT OF CERTIORARI

To the Honorable, the Justices of the Supreme Court of the United States: Petitioner Teresa Maria Harmon respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Sixth Circuit is unpublished and reproduced at Appendix 1a to 7a. The order denying rehearing en banc appears at Appendix 8a to 9a.

The opinion of the United States District Court for the Western District of Kentucky appears at Appendix 10a to 16a.

JURISDICTION

The judgment of the court of appeals was entered on June 6, 2025. A timely petition for panel rehearing and rehearing en banc was denied on July 16, 2025. Justice Kavanaugh granted Petitioner's application for an extension to file this petition by December 15, 2025. This petition is timely filed under Supreme Court Rules 13 and 30.

Jurisdiction exists under 28 U.S.C. 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Americans with Disabilities Act of 1990, Title III – Public Accommodations (42 U.S.C. § 12181 et seq.) provides that “[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods and services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” 42

U.S.C. § 12182(a).

The Anti-Retaliation and Anti-Interference provisions, 42 U.S.C. § 12203(a)-(b), state that “[n]o person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter...” and that “[i]t shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.”

Title II – Public Services, 42 U.S.C. § 12131 et seq., provides that “[n]o individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

INTRODUCTION

The Americans with Disabilities Act (“ADA”) promises equal access to the institutions of public life, including the courts. Yet the decision below creates an unprecedented, categorical exemption that leaves disabled litigants unprotected when the very actors they interact with most—opposing counsel—use their role to obstruct, intimidate, or retaliate against requests for ADA accommodations. By holding that attorneys cannot be liable under either Title II or Title III for conduct that interferes with a disabled person’s ability to participate in judicial proceedings, the Sixth Circuit has carved out a sweeping “litigation exception” nowhere found in the text, structure, or purpose of the ADA.

That rule deepens an existing division among the courts of appeals over the reach of the ADA’s interference and retaliation provisions, which broadly prohibit “any

person” from obstructing a disabled individual’s exercise of rights under the statute. 42 U.S.C. § 12203. Multiple circuits, including the Ninth and Fourth, have applied the ADA to private actors whose services function as gateways to public accommodations or public programs. The Sixth Circuit, by contrast, adopted the narrowest interpretation to date: private attorneys, so long as they are opposing counsel, are categorically exempt from Titles II and III regardless of how directly their conduct impedes a disabled litigant’s participation in a state-court proceeding.

The implications are profound. The ADA defines disability as having either “a physical or mental impairment that substantially limits one of more major life activities of such individual,” “a record of such an impairment,” or “being regarded as having such an impairment.” 42 U.S.C. § 12102(1)(A)-(C). Many trauma survivors fall within this definition. Decades of clinical research confirm that trauma produces substantial limitations in major life activities affecting concentration, memory, sleep, neurological functioning, immune response, and physical and emotional regulation. ADA accommodations are often essential for meaningful participation in custody hearings, civil trials, protective order proceedings, and other court processes.

Under the Sixth Circuit’s rule, however, the individuals whose disabilities most directly impair their ability to navigate the justice system are left without ADA protections at the very moment when they need them most. Where opposing counsel deliberately undermines, interferes with, or obstructs disability accommodations, disabled litigants have no remedy under either Title II or Title III. The decision below, therefore, places a vulnerable class of individuals at heightened risk of exclusion from judicial proceedings that determine parental rights, safety, and access to the courts

themselves.

Nothing in the ADA supports such an exception. Congress wrote Titles II and III broadly, the implementing regulations apply to “any person,” and the DOJ has long recognized that lawyers and law offices may be liable when they impede disabled individuals’ access to services affecting court participation. The Sixth Circuit’s contrary rule not only conflicts with the text and purpose of the ADA but threatens to destabilize nationwide uniformity in one of the statute’s most sensitive contexts: access to justice.

This case presents an ideal vehicle to resolve that conflict. The question is purely legal, cleanly presented, and outcome-determinative. The petition arises from facts illustrating the acute harm caused when attorneys exploit disability-related barriers to affect the outcome of judicial proceedings affecting parental rights. Unless this Court intervenes, disabled litigants in the Sixth Circuit—particularly in parental rights contexts—will remain uniquely vulnerable to obstruction and retaliation that Congress expressly forbade. The rule will have nationwide ramifications, affecting fundamental parental rights under the constitution.

The Court should grant certiorari to restore uniformity, to reaffirm that the ADA protects disabled people in the courtroom no less than elsewhere, and to make clear that no private attorney is above the statute’s reach.

STATEMENT OF THE CASE

A. Legal Background

The Americans with Disabilities Act prohibits discrimination against individuals with disabilities in public services (Title II) and places of public accommodation (Title III). 42 U.S.C. §§ 12131–12134,

12181–12189. The ADA also contains a separate interference and retaliation provision that applies to “any person” who obstructs or retaliates against an individual’s exercise of ADA rights. *Id.* § 12203.

Courts must provide reasonable modifications to ensure that individuals with disabilities can participate in judicial proceedings, including through remote appearance, electronic filing, modified scheduling, and communication accommodations. These provisions form the backdrop for the facts and proceedings below.

B. Factual Background

Petitioner is a mother and service-connected disabled veteran whom the Department of Veterans Affairs (VA) determined to be permanently and totally disabled, unemployable, and homebound. In state custody proceedings in Kentucky, Respondent Louis Waterman, an attorney with Respondent law firm Goldberg Simpson, represented the opposing parties, first, in a domestic relations case and, after Petitioner requested ADA accommodations, in a second case for termination of parental rights.

In December 2020, Petitioner left Kentucky to work as a traveling COVID-19 registered nurse in various hospitals throughout the United States. During her absence, and without service or notice to Petitioner, Respondents obtained a non-emergency order prohibiting Petitioner from contacting her minor child. In 2021, the Veterans Affairs Administration (“VA”) issued its permanent and total, unemployable, and homebound disability determination. Petitioner received notice of the VA determination in June 2022.

In August 2022, the court resumed proceedings on allegations that Petitioner violated the order for no contact, which had also not been served. In February 2023, Petitioner formally requested disability

accommodations under the ADA—basic measures such as electronic filing and remote appearance¹—and submitted the VA disability determination to substantiate her disability, in addition to VA physician recommendations in support of the requested accommodations. The motions were also properly served on Respondents.

Respondents did not simply oppose the ADA disability accommodation requests. They asserted that Petitioner fabricated her disability, accused her of “weaponizing” the ADA, alleged Petitioner was seeking an “ADA-based free pass” on the best interest of the child standard, demanded Rule 11 sanctions and approximately \$28,000 in attorney’s fees, and moved to terminate her parental rights. Several of their filings expressly stated that their actions were in response to the ADA requests.

Respondents then sought and obtained, without evidentiary hearing, another civil no contact order against Petitioner on behalf of themselves, citing the federal ADA lawsuit as justification. Although they represented to the court that the order would apply only in the termination proceeding where Petitioner had court-appointed counsel, the pleadings and proposed order show they pursued the order in the *pro se* domestic relations case, which was at that time on appeal² regarding the denial of ADA accommodations. Most interactions with Respondents occurred through modern hybrid court mechanisms (Zoom hearings, electronic filings, electronic service, and e-mail) emanating from, controlled by, and integrated into Respondents’ physical law office and the services they provide to the public.

¹ Petitioner’s only non-administrative ADA accommodation request was the presence of a support person, which the court denied and ruled that only a licensed attorney could be present with Petitioner.

² The appeal was later dismissed as interlocutory without briefing, foreclosing any opportunity for judicial review.

C. Proceedings Below

Petitioner filed suit in the U.S. District Court for the Western District of Kentucky alleging discrimination, interference, and retaliation under the ADA, 42 U.S.C. § 12132, § 12182, and § 12203. Respondents did not assert the statutory defense Congress provided: that the requested modifications would fundamentally alter the services they provided.

The district court dismissed the complaint under Rule 12(b)(6), holding that Titles II and III do not apply to private attorneys acting as opposing counsel in state-court litigation. The court treated the alleged interference and retaliation as “normal litigation conduct.”

On June 6, 2025, the Sixth Circuit affirmed, holding that attorneys are categorically exempt from Titles II and III when representing clients in litigation. Petitioner timely filed a petition for panel rehearing and rehearing *en banc*, which the Sixth Circuit denied on July 16, 2025. Petitioner then sought and received an extension of time from Justice Kavanaugh, extending the filing deadline for this petition to December 15, 2025.

This petition follows.

REASONS FOR GRANTING THE PETITION

I. The Decision Below Conflicts with This Court’s Precedents and Deepens Circuit Splits on ADA Interference, Retaliation, and Hybrid Access.

The decision below squarely conflicts with this Court’s ADA jurisprudence, including *Tennessee v. Lane*, 541 U.S. 509 (2004), and *Pennsylvania Department of Corrections v. Yeskey*, 524 U.S. 206, 210-12 (1998), and it deepens multiple circuit splits concerning (1) who is subject to § 12203’s broad anti-interference mandate and (2) whether Title III covers hybrid or remote access systems when

interacting with public accommodations, such as law firms.

The Sixth Circuit held that private attorneys acting as opposing counsel are categorically exempt from Titles II and III, even when their conduct obstructs or retaliates against ADA accommodation requests—an outcome no other circuit endorses, and one inconsistent with the statutory text, regulatory structure, and functional analysis required by this Court’s decisions.

Title II ensures meaningful access to court proceedings. In *Lane*, 541 U.S. at 522, this Court held that Title II guarantees “meaningful access” to court proceedings, prohibits public entities from excluding qualified individuals from participation in or denying them the benefits of public services, and validly abrogates state immunity to ensure access to the courts. Access must be real, not theoretical. In *Yeskey*, 524 U.S. at 210-12, the Court unanimously held that Title II applies broadly to all public entities and is not limited to the specific examples enumerated by Congress. The Sixth Circuit’s rule conflicts with both decisions by allowing state courts to deny meaningful access through attorney-controlled procedural obstacles and retaliatory maneuvers.

Title III prohibits discrimination by “any person who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. § 12181(a). Congress expressly defined a public accommodation to include the “office of an accountant or lawyer.” 42 U.S.C. § 12181(7)(F). In *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 679 (2001), this Court rejected the argument that Title III duties apply only to “clients or customers.” This Court held that entities operating places of public accommodation must provide full and equal enjoyment to *any individual who interacts with them* in the ordinary

course of their operations. Title III's text, the Court explained, "contains no express 'clients or customers' limitation." *Id.*

The Sixth Circuit's approach, which disregards functional interference with meaningful access to and participation in court proceedings, contradicts *Lane's* core holding. Further, the Sixth Circuit's attorney exemption is incompatible with *PGA Tour's* functional analysis.

By holding that opposing counsel is categorically beyond the reach of the ADA, the Sixth Circuit revived the very limitation that *PGA Tour* rejected and disregarded the statutory text that expressly includes law offices as public accommodations. *See PGA Tour*, 532 U.S. at 678–83; 42 U.S.C. § 12181(7)(F). It created a role-based exemption for lawyers that no statute or precedent supports.

Beyond conflicting with this Court's ADA precedents, the Sixth Circuit's rule deepens multiple circuit conflicts concerning both ADA interference under 42 U.S.C. § 12203 and the scope of Title III in hybrid or remote-access contexts. Courts of appeals are divided on (1) whether § 12203 permits interference and retaliation claims against non-employers or individuals, and (2) whether Title III applies to digital or hybrid services when they are integrated with or facilitate access to a covered place of public accommodation, including law offices.

On the interference provision, several courts of appeals interpret § 12203 (and materially identical provisions under Title II and § 504) broadly to permit claims against non-employers or individuals, including where the defendant is not the disabled person's employer. *See, e.g., Barker v. Riverside County Office of Educ.*, 584 F.3d 821, 825-28 (9th Cir. 2009) (holding that Title II and § 504 retaliation claims may be brought by non-disabled advocates and are not limited to the employee-employer

context); *Shotz v. City of Plantation*, 344 F.3d 1161, 1164-65 (11th Cir. 2003) (holding that § 12203(a) creates a private right of action against “any person,” including individuals, and is not limited to employers).

By contrast, the Sixth Circuit has limited § 12203 outside the employment context. In *Post v. Trinity Health-Michigan*, 44 F.4th 572 (6th Cir. 2022), the Sixth Circuit confined § 12203 to the employer-employee relationship and rejected an interference claim against a non-employer hospital. The Eleventh Circuit has taken a similar narrow view in the employment setting. *See Albra v. Advan, Inc.*, 490 F.3d 826, 829-30 (11th Cir. 2007) (holding that individuals are not liable under § 12203 in the employment context).

Likewise, on Title III coverage of hybrid and digital services, the First and Second Circuits (and courts applying their reasoning) have held that Title III is not limited to brick-and-mortar sites and applies to services offered through insurance, websites, and online platforms when tied to, or substituting for, a covered business. *See, e.g., Carparts Distrib. Ctr., Inc. v. Auto. Wholesalers Ass’n of New England, Inc.*, 37 F.3d 12 (1st Cir. 1994); *Pallozzi v. Allstate Life Ins. Co.*, 198 F.3d 28 (2d Cir. 1999); *Nat’l Ass’n of the Deaf v. Netflix, Inc.*, 869 F. Supp. 2d 196 (D. Mass. 2012); *Andrews v. Blick Art Materials, LLC*, 268 F. Supp. 3d 381 (E.D.N.Y. 2017); and *Robles v. Domino’s Pizza, LLC*, 913 F.3d 898 (9th Cir. 2019). The Eleventh Circuit, by contrast, adopted a much narrower view in *Gil v. Winn-Dixie Stores, Inc.*, 993 F.3d 1266 (11th Cir. 2021) (opinion later vacated as moot), concluding that Title III does not reach stand-alone website barriers.

Section 12203 makes it unlawful for any person to retaliate against or coerce, intimidate, threaten, or interfere with an individual because that individual opposed an ADA violation or exercised ADA rights.

42 U.S.C. § 12203(b). The implementing regulation under Title II mirrors that mandate and prohibits public entities from discriminating against “any individual” for asserting or assisting in the assertion of ADA rights. 28 C.F.R. § 35.134.

Several circuits interpret the ADA’s anti-interference and retaliation provisions to reach *any* person who impedes protected rights, even when the defendant is not the disabled person’s employer. In *Barker*, 584 F.3d at 825-28, the Ninth Circuit held that the anti-retaliation provisions of § 504 of the Rehabilitation Act and Title II of the ADA grant standing to non-disabled advocates. The court emphasized that the statutes use broad phrases like “any person aggrieved” and “any individual” and contain no language limiting protection to people with disabilities. It therefore reversed a dismissal and held that a teacher who advocated for disabled students could sue her public employer for retaliation.

The Eleventh Circuit likewise held in *Shotz*, 344 F.3d at 1164-65, that § 12203(a) creates a private right of action, allowing “[n]o person” to retaliate against “any individual” for opposing ADA violations. The court explained that § 12203 is unique among the ADA’s anti-discrimination provisions because it uses the unqualified term “person”—a term that includes individuals—and that the statute’s “rights-creating” language expressly confers protection on people who aid others in exercising ADA rights. Consequently, it allowed a retaliation claim against individual city officials who ordered a background investigation of an ADA consultant after he reported code violations.

These decisions align with the First Circuit’s view that Title III’s coverage is not confined to a brick-and-mortar establishment. In *Carparts*, 37 F.3d at 14-15, the court held that the term “public accommodation” encompasses

providers of services that do not require physical entry—such as travel services, insurance offices, and professional offices of lawyers and health-care providers. 37 F.3d at 14. It reasoned that limiting coverage to places with walls “would be irrational” because Congress intended to ensure disabled people can access the same goods and services offered to the nondisabled. This interpretation has allowed courts in the First, Second and Ninth Circuits to apply Title III to digital and remote services.

Other circuits have adopted a far narrower view. In *Post*, the Sixth Circuit confronted § 12203(b), which makes it unlawful to “interfere with” any individual’s exercise of ADA-protected rights. The court acknowledged that the provision is written in the passive voice but held that a nearby subsection, § 12203(c), incorporates Title VII’s remedial scheme and therefore authorizes suits only against employers. Reasoning that Title VII allows suits only against employers or similar entities, the court concluded that § 12203(b) does not permit claims against non-employer third parties. In *Post*, the Sixth Circuit suggested in dicta that interference claims might be possible against third parties in non-employment contexts but declined to recognize such a claim.

Divergence also exists regarding Title III’s application to online services. In *Robles*, 913 F.3d at 905, the Ninth Circuit held that a restaurant’s website and mobile app were subject to Title III because they connect customers to the goods and services of the physical restaurants. 913 F.3d at 905. The court explained that imposing liability did not violate due process and that Title III regulates online portals that “connect customers to the goods and services” of a public accommodation. Conversely, the Eleventh Circuit in *Gil v. Winn-Dixie Stores* held that a grocery chain’s website was *not* a public accommodation and did not constitute an “intangible barrier” to store access. The court emphasized that the statutory definition

of “public accommodation” lists physical locations and that websites are not included, rejecting the argument that inaccessible digital platforms violate Title III.

The decision below nullifies § 12203 by relabeling interference and retaliation as “ordinary adversarial litigation.” The Sixth Circuit held that these acts were outside the reach of § 12203 because they were carried out through litigation filings. Treating litigation-based retaliation as categorically exempt rewrites the statute and contradicts the ADA’s explicit protection of “any individual.” The Sixth Circuit’s interpretation strips § 12203 of meaning and creates a circuit split.

Increasingly, courts employ hybrid and remote systems—electronic filing, virtual hearings, remote evaluations, and attorney-mediated communication. The circuits are divided over whether ADA obligations apply to remote systems and hybrid access mechanisms.

The Ninth, Fourth, and First Circuits recognize ADA coverage of remote and hybrid systems that facilitate access to covered services. *Robles*, 913 F.3d at 905; *Laufer v. Naranda Hotels*, 60 F.4th 156 at 160 (4th Cir. 2023); *Carparts*, 37 F.3d at 14-15; *Andrews*, 268 F. Supp. 3d at 393. The Sixth Circuit took the opposite approach when the hybrid system involved barriers to access to the courts created by one class of attorneys.

This divergence will only grow as courts nationwide continue relying on digital and remote systems. Under the decision below, private attorneys may: (1) usurp ADA requests to justify parental rights termination, (2) disparage a disabled litigant’s disability status, (3) obstruct participation in judicial proceedings, (4) retaliate against ADA-related requests, (4) secure orders that exclude disabled litigants, or (5) block communications with court professionals and processes—all without ADA accountability.

Congress enacted the ADA precisely to prevent such barriers. The Sixth Circuit’s rule threatens disabled litigants in the very settings where procedural rights are most critical—custody, dependency, protective-order, and parental rights termination proceedings.

II. The Question Presented Is Important and Recurring, Affecting Due Process, Fundamental Parental Rights, and the Administration of Justice Nationwide.

Meaningful access to the courts is a fundamental constitutional guarantee. *Lane*, 541 U.S. at 522. Equally fundamental is a parent’s right to the care, custody, and control of her child—“far more precious than any property right.” *Troxel v. Granville*, 530 U.S. 57, 65–66 (2000); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). Because proceedings affecting parental status “possess extraordinary significance,” States must ensure that parents can participate in them meaningfully. *M.L.B. v. S.L.J.*, 519 U.S. 102, 113–15 (1996). These principles lie at the intersection of the question presented.

Disability is widespread and increasing. Recent Centers for Disease Control and Census-linked reports show that 28.7% of U.S. adults report a disability and 13.9% report a cognitive disability—figures that have risen steadily over the last decade. Disabled Americans disproportionately rely on civil and family courts for matters involving custody, protective orders, and access to safety-related services³. The Department of Justice has long recognized that people with disabilities are overrepresented in the justice system and encounter persistent barriers to full participation.

³ Centers for Disease Control and Prevention (CDC), *Disability and Health Data Report* (2024).

Those barriers are increasingly well-documented. A multi-court study of online civil proceedings found that more than 20 percent⁴ of litigants self-identified as disabled—an undercount, given the prevalence of undiagnosed conditions and the stigma surrounding disclosure. Meanwhile, as many as two-thirds⁵ of litigants appear *pro se* in civil and family matters. In these settings, practical access to court processes often runs through counsel and other service providers who manage communications, scheduling, and access to mandatory programs and the children themselves.

Congress enacted the ADA to eliminate precisely the types of administrative, procedural, and communication barriers at issue here. The Sixth Circuit's categorical exemption for attorneys directly undermines that architecture and statutory purpose by stripping protections at critical points where disabled litigants depend on accommodations to participate meaningfully in judicial proceedings. By holding that opposing counsel can never be liable under Titles II or III, even when their conduct obstructs or retaliates against a disabled litigant's efforts to secure accommodations, the court below removes ADA protections from the very actors who serve as functional gatekeepers to justice. That rule all but ensures disabled litigants will encounter barriers at precisely the procedural chokepoints most capable of determining substantive outcomes.

The consequences are nationwide because hybrid proceedings and attorney-mediated access are standard across all state courts. The question presented, thus, has consequences far beyond this case. It affects the

⁴ Indiana University Maurer School of Law, *Accessing Justice With Zoom: Experiences and Outcomes in Online Civil Courts* (2023).

⁵ Gough, *Unchanging Rates of Pro Se Litigation in Federal Court*, *Law & Social Inquiry* (2020).

administration of justice in every U.S. jurisdiction that hears cases involving domestic abuse and trauma, or relies on hybrid proceedings, and affects millions of disabled Americans whose ability to participate in critical state-court proceedings depends on accommodations Congress expressly protected. And it affects fundamental rights of constitutional dimension.

These concerns are neither hypothetical nor isolated. They mirror issues currently under legislative investigation. The Arizona Legislature's Joint Legislative Ad Hoc Committee on Family Court⁶ Orders conducted extensive hearings—more than 40 hours of testimony from more than 6,000 parents, practitioners, and experts—detailing systemic failures in court-ordered services, therapeutic programs, evaluator practices, and attorney oversight.

Witnesses described a recurring pattern: private professionals, including attorneys, acting as *de facto* administrators of judicial processes, with inadequate oversight and no meaningful accountability. Many reported that attorney-controlled bottlenecks in communications, scheduling, and access to court-ordered services effectively determined parental outcomes and deprived parents and children of procedural and substantive due process.

The Sixth Circuit's rule undermines the ADA's core design and fundamental constitutional rights: Congress enacted Titles II and III to eliminate procedural and administrative barriers that prevent disabled individuals from accessing public programs and services, often times affecting parental rights. This Court's review is urgently warranted.

⁶ Arizona State Senate Joint Legislative Ad Hoc Committee on Family Court Orders, *Committee Analysis Report* (Oct. 2025).

III. The Decision Below Is Incompatible With The ADA's Text, Structure, and Implementing Regulations.

Titles II and III contain no attorney exemption or litigation exception. The Title II regulation is explicit: "No person, public or private, shall... interfere with any individual in the exercise of any right" under the ADA. § 35.134. Title II applies to state courts and all judicial services, programs, and activities. 42 U.S.C. § 12132. The implementing regulation prohibits courts from employing "methods of administration" that have the effect of defeating the rights of individuals with disabilities, including through private entities that administer services for the court. 28 C.F.R. § 35.130(b)(3). This Court has confirmed that Title II protects functional, not merely physical, access to judicial processes. *Lane*, 541 U.S. at 522–23.

The Sixth Circuit ignored § 35.134 altogether. Rather than asking whether Respondents interfered with Petitioner's access to the court's programs and services, the court asked whether Respondents were "public entities." That is not the Title II inquiry. The question is whether access to a public entity's program was obstructed—not whether the interfering person is a government employee. This error alone warrants review.

Title III applies to private entities operating a "place of public accommodation," including "professional office[s] of a... lawyer." 42 U.S.C. § 12181(7)(F). Title III imposes nondiscrimination obligations on law firms, including the duty to provide accessible services and refrain from policies that deny disabled individuals equal participation. Respondents are Title III entities. The Sixth Circuit's conclusion that the ADA categorically "does not apply" to private attorneys acting as opposing counsel is contrary to the statute's text.

Section 12203 prohibits any person from coercing, threatening, or interfering with the exercise of ADA rights, regardless of the Title under which the underlying right arises. Courts have consistently recognized § 12203 claims against Title III entities, including private universities, hotels, and professional service providers. *See, e.g., Disabled Patriots of Am., Inc. v. Taylor*, 401 F. Supp. 2d 1298, 1305 (M.D. Fla. 2005); *Amir v. St. Louis Univ.*, 184 F.3d 1017, 1025–26 (8th Cir. 1999).

The Sixth Circuit’s categorical exclusion disregards § 12203’s text and long-standing case law applying interference liability to private entities. Nothing in Titles II or III exempts attorneys from ADA accountability when they discriminate or obstruct access to judicial processes. The rule below creates a statutory carve-out for an entire professional class—one that Congress expressly included under Title III.

This error conflicts with the ADA’s structure, text, and implementing regulations, and warrants review.

IV. This Case Presents an Ideal Vehicle for Resolving The Question.

The Sixth Circuit issued its judgment on June 6, 2025, denied rehearing on July 16, 2025, and Justice Kavanaugh granted an extension to December 15, 2025. The question presented was preserved at every stage. The Sixth Circuit rested its decision exclusively on a legal conclusion—its categorical attorney exemption, or litigation exception, under Titles II and III—leaving no alternative grounds to complicate review. The record is complete, and the case cleanly presents a nationally consequential ADA question that has divided the circuits. This petition is an excellent vehicle for resolving those conflicts and restoring uniform interpretation of Title II, Title III, and § 12203.

CONCLUSION

The petition for writ of certiorari should be granted to resolve the conflict among the circuits, reject the Sixth Circuit's role-based exemption, reaffirm that Titles II, III, and § 12203 protect disabled litigants' meaningful access to the courts in both physical and virtual environments, and preserve the ADA's core guarantee of full and equal participation in the nation's courts.

The Sixth Circuit's rule creates a broad and unjustified exemption that threatens disabled litigants' access to justice and parental rights nationwide. Only this Court can restore uniformity and ensure that the ADA's protections extend to the very actors who most directly influence disabled individuals' ability to participate in judicial proceedings.

Respectfully submitted,



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