



APPEAL WON: NINTH CIRCUIT RULES FORMAL “CERTIFICATION” OF SERVICE DOGS IS NOT REQUIRED UNDER LAW

For Immediate Release
March 31, 2021

Los Angeles, California – On March 30, 2021, the Ninth Circuit Court of Appeals ruled in favor of C.L., an Orange County speech-language pathologist with PTSD and other disabilities who relies on her psychiatric service dog, Aspen, to live independently. The unanimous decision overturns a federal trial court ruling denying C.L.’s discrimination claims brought against a psychiatric hospital that repeatedly refused to allow her to bring her service dog during her voluntary admissions to the hospital for trauma-related treatment. The trial court dismissed these claims because the dog did not meet a private service dog training company’s “certification standards” for service dogs. C.L had trained the service dog herself, with the help of the service dog training agency.

The Ninth Circuit opinion, written by Judge Ronald M. Gould, held that the district court was wrong to require that C.L.’s dog be formally “certified” to be qualified as a service animal. The ruling discusses at length the reasons why the Americans with Disabilities Act does not require certification of service animals and allows such animals to be trained by their owners, people with disabilities, to do tasks or work to benefit the person with a disability. The decision discusses the negative consequences that a certification requirement would have for people with psychiatric disabilities who rely on service animals—including the high cost of fully trained service animals—as well as the important role that service animals can play in the lives of individuals with psychiatric disabilities. The Ninth Circuit remanded the case to the trial court for further proceedings.

“I’m grateful that the judges addressed the time, effort, and consideration I used in getting and training my service dog, Aspen.” **our client C.L. says.** “They recognized that Aspen has a significant role in helping me manage PTSD and participate in everyday life...Hopefully, this ruling will encourage Del Amo Hospital, and others, to become better informed about both service dogs and the barriers people with disabilities face in trying to have equal participation.”

“The court’s decision confirms the public policy of this country that people with disabilities tremendously benefit from service dogs, and that there are legitimate means of training dogs to perform tasks that help people live full, independent lives,” states **DRLC Director of Litigation Christopher Knauf.** “That this decision can help tens of thousands of people living in fear and isolation benefit from a trained service dog is immensely gratifying.”

“Today’s decision is an important and welcome development for people who use service animals to help with a psychiatric disability. Too often, misconceptions about the legitimate use of psychiatric service animals have needlessly restricted people’s lives and prevented them from using what is often the most effective intervention for a mental health disability,” states **Jennifer Mathis, Deputy Legal Director of the Bazelon Center for Mental Health Law**, in Washington D.C., co-counsel in the case.

“The history of the ADA is clear: people with disabilities should be able to train their own service animals, and the test for a service animal is a functional, individualized one,” said **Attorney Celia McGuinness of California’s Derby, McGuinness & Goldsmith LLP**. McGuinness served as co-counsel. The law firm of Munger Tolles & Olson represented national disability rights groups who filed an amicus curiae brief in support of C.L.

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About the Bazelon Center for Mental Health Law: The Bazelon Center advocates across the country for the civil rights of adults and children with mental disabilities, through litigation, federal and state policy, public education, and technical assistance to states and localities. Formerly the Mental Health Law Project, the Bazelon Center has been involved with seminal special education litigation, including *Mills v. District of Columbia* and *Jose P. v. Ambach*, and has appeared in the U.S. Supreme Court to advance disability rights, including in *Olmstead v. L.C.*, which established that the unnecessary segregation of people with disabilities is discrimination under the ADA, and *Andrew F. v. Douglas County School District RE-1*, which raised the bar for what public schools must do to educate students with disabilities.

Disability Rights Legal Center: Founded in 1975, Disability Rights Legal Center (DRLC) is a 501C-3 non-profit, public interest advocacy organization that champions the civil rights of people with disabilities as well as those affected by cancer. DRLC is a leader in bringing cutting-edge cases to court and in winning victories to protect and to expand the rights of people to help eliminate discrimination and other legal barriers.

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