



Profile: Guy Wallace

Life-altering accident is driving force behind lawyer's fight for rights of people with disabilities

BY STEPHEN ELLISON

Few plaintiffs' lawyers are able to truly appreciate a client's predicament. They'll listen. They'll learn. They'll empathize, no doubt. And, of course, they're more than happy to do whatever is within their power to help. But, in the end, they can only imagine what it feels like to be in the exact situation as the person sitting across from them.

Guy Wallace knows.

A partner with Schneider Wallace Cottrell & Konecky, San Francisco, Wallace has been representing people with disabilities for the past 20 years – and, for the most part, he has not had to imagine. Wallace has been a wheelchair user since he was 16, the result of a spinal cord injury he suffered while playing sports that left him paralyzed from the chest down.

"My official diagnosis was C8/T1 quadriplegia," Wallace explained. "I'm right on the border of quadriplegia and paraplegia. I have most of my hands, but not all of them."

The accident itself was life-altering, to say the least. But it was during the days, months and years after his injury that Wallace discovered many other real-life tragedies endured by people with disabilities. Those revelations became the driving force behind his decision to pursue a career in law.

"The main thing was, I wanted to go to school so I would be a better advocate for people with disabilities," he said. "We have a lot of problems in our society regarding people with disabilities: the unemployment rate is around 60 or 70 percent – and hasn't changed much over the years; physical inaccessibility is an ongoing problem – all sorts of locations, public accommodations, public buildings



Wallace

... are not accessible for people with disabilities, including those with vision or hearing disabilities. "There's a wide range of things," Wallace continued. "People with disabilities are overwhelmingly poor and excluded from social participation, education, employment. These are fundamental things – all the problems that Congress found in defining the purpose for the ADA."

Before the Americans with Disabilities Act passed in 1990, the problems Wallace described above had been much worse. In those days, the term "accessible" was not understood in the context of accommodating people using wheelchairs. Wallace found that out the hard way growing up in the 1980s. In the Boston area, where he was raised, there were no curb ramps, and sidewalks were not accessible, so wheelchair users rolled in the street with the traffic, he said. At Harvard, as a freshman, there was literally one room in the entire dormitory that was accessible for wheelchair users. With no other options, that's where he stayed – and, thus, he spent a lot of time being carried in and out of buildings on campus.

"After I got out of the hospital in 1983, when you went somewhere, you called ahead to find out if it was accessible or not. Oftentimes, people didn't even know what that meant," he said. "One time we called a restaurant to

find out if we could get in there, and the guy says, 'Yeah we're very accessible – the public transit is just a couple of blocks away.' We got down there, and there's a big flight of marble stairs going up to the front door of the restaurant. He didn't even know what accessible was."

Things weren't much different by the time he reached college. Wallace said he was always trying to push the Harvard administration to make things more accessible and provide better services for students with disabilities.

"It was a strange time," he said. "Harvard undergrad had about 6,500 students. I think there were three or four of us who were wheelchair users. So you made a big impression wherever you went; you stood out because you were sitting down."

In the years since the birth of the ADA, accessibility for wheelchair users and others with disabilities has grown leaps and bounds. Wallace has seen it, even helped it, and has made it his mission to keep fighting for the rights of those individuals.

Going West

The quest essentially began after law school, when Wallace applied and received a Skadden fellowship with the Disability Rights Education and Defense Fund in Berkeley. After four years there, he worked as a staff attorney with Disability Rights Advocates in Oakland for five years, then for the Legal Aid Society in San Francisco for a couple of years before joining forces with his current partner, Todd Schneider, in 2000.

"I came out here because this is sort of the birthplace of disability rights, with DREDF and DRA," Wallace



explained about his decision to move west to the Bay Area. “It’s kind of ground zero for people who started even talking about people with disabilities having civil rights. I came out here to work at those places and to learn.”

A leading advocate

Wallace proved to be a quick study and soon became one of the leading advocates for people with disabilities. One of his most important and memorable cases in that area came in a class action against San Francisco public schools for violating the new construction alteration requirements of the ADA. In *Lopez v. San Francisco Unified School District* (2005) 385 F.Supp.2d 981, Wallace was lead counsel and won partial summary judgment. After five years of litigation, he recalled, the case settled for \$400 million of injunctive relief. “We got a stipulated judgment against the district that ultimately made about 100 out of 130 schools fully accessible to students with disabilities,” Wallace said. “That was about a 10-year stipulated judgment, and over that time, the school district was transformed.” Wallace got similar results in class action suits against San Francisco State University (\$6-7 million) and City College of San Francisco (\$20 million).

While disability cases are his specialty, Wallace has worked class actions in other areas. In a recent wage-and-hour case, he landed a \$28 million settlement for a group of workers who weren’t being paid for the time it took them to put on the equipment required of their jobs. The settlement for the class of about 70,000 nationwide included back pay and injunctive relief, wherein the employer was required to change its policies going forward.

In another case, this one involving workplace discrimination, Wallace represented a class of African-American workers against FedEx. The company’s

basic skills test for driver positions contained a prejudicial element to it that tended to screen out African-Americans and prevent them from getting promotions and higher-compensation jobs, Wallace said. The result was a \$55 million settlement for the class, including injunctive relief that required a revised basic skills test.

Working class actions

Because of the nature of Wallace’s cases, most of them result in settlements. But that’s not to say he is averse to going to trial. In fact, while he admits trials can be stressful, he enjoys that aspect of his work. He has done bench trials and jury trials, and the frequency of those cases tends to be every two or three years, he said.

“That’s what we’re here for,” Wallace said. “If you can’t settle your case and get your clients most of the relief they need, then you need to try your case. People talk about having their themes and their stories and marshaling the evidence and integrating that to the law – I like doing all those things.”

There is, however, an approach a class action plaintiffs’ lawyer must adhere to that’s quite different from one who represents individual clients, Wallace said. With a class-action suit, the theme centers around the institution in question and how its practices affect the group of clients as a whole, whereas with a single plaintiff case, it’s about a specific incident that impacted one person.

“With class actions, there’s a story there, but you tell the story about the institution as a whole – here’s what’s wrong with the policy that we’re challenging or here’s what’s wrong with the practice that we’re challenging and how it impacts our class of clients,” Wallace explained.

Rather than focusing on the details of one incident and one person’s story, “we’re stepping back and trying to see

the big picture,” he added. “What is it that’s taking place that’s bad for this group of people, and what causes it? That’s the big thing. How is the policy, the practice of the defendant entity impacting the group of people at issue overall, and how can the court fix that? You try to present that as effectively as you can.”

“Not a 9-to-5 job”

In his “limited” leisure time, Wallace enjoys wine, listening to music – classical or jazz – and being outdoors, places such as Tilden Park, where he can just push his wheelchair and enjoy the views of San Francisco Bay, he said.

He admits his work hours are long, and he sometimes feels burned out, but in the end, he still enjoys the job. “I like what I do. I haven’t really thought about retiring,” Wallace said. “I’d like to go another 15 years if possible.”

The biggest thing for Wallace: He was prepared to put in the time and work commitment in order to reap the rewards. That, he believes, would be the most important question for aspiring plaintiffs’ lawyers to ask themselves.

“Know what you’re getting into,” Wallace said he would advise young attorneys. “I consider myself to have a great job, but this is not a 9-to-5 job. The cases have a ton of clients, a ton of facts, a ton of issues, many of which are novel – so that means a ton of work. ... You better really want to do this and for the right reasons.”

But ... “When you achieve a good result, like we’ve had the privilege of doing in some of the cases we’ve worked on here, it makes you feel really good,” he added. “It makes you want to go out and do it again.

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