



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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STATE SEEKS HIGH COURT REVIEW

On Friday, October 4, 2002, the State of Hawaii asked the United States Supreme Court to review a recent federal appeals court decision concerning Hawaii's Quest medical coverage program. In *Lovell v. Chandler* and three related cases, the Ninth Circuit Court of Appeals held that Hawaii was liable for money damages for discrimination against disabled persons in a Medicaid pilot program.

The Ninth Circuit rejected Hawaii's claim that Congress, in enacting the remedy portions of the Rehabilitation Act and of Title II (public services) of the American with Disabilities Act, improperly revoked Hawaii's Eleventh Amendment immunity from suit for money damages.

Nationwide, the federal courts of appeals have given differing answers to the constitutional questions concerning the scope of Congress' powers to expose the states to money damages under the ADA and Rehabilitation Act. The State of Hawaii seeks a definitive answer from the highest court to these important constitutional questions that affect not only Hawaii but all other states as well.
