The Americans with Disabilities Act (ADA) is designed to protect persons with disabilities from discrimination. Until recently, the vagueness of the Act’s definition of disability left much to courts’ interpretations. Consequently, very few courts recognized mental impairments as qualifying disabilities. In addition, following Sutton v United Airlines (1998) courts examined impairments in their corrected state, resulting in a number of case dismissals for those whose impairments were largely mitigated by medication or therapeutic efforts. The 2008 amendments to the Act resolve some of these issues by providing a more detailed definition of disability, which also dictates that mitigating measures are not to be considered.

This study was concerned with public perceptions of disability, and how these perceptions differ from the pre-amendment ADA. Participants read a failure-to-hire case in which we varied the type and severity of the complainant’s impairment, and also the presence or absence of mitigating measures. Results demonstrated that participants were more certain of the complainant’s status as disabled when the impairment was mental as opposed to physical. Presence or absence of mitigating measures had no influence on participants’ judgments of disability. These results suggest that public perceptions of disability do not agree with post-Sutton jurisprudence. However, the recent amendments to the ADA may help to address this disparity between public definitions of disability and that provided in the Act itself.