

## **PGA Tour, Inc. v. Martin**

532 U.S. 661 (2001)

Authored by David I. Wallack

Casey Martin ("Martin"), an aspiring professional golfer afflicted with Klippel-Trenaunay-Weber Syndrome, a degenerative circulatory disease impairing his ability to walk, brought suit against PGA Tour, Inc., ("PGA") under Title III of the Americans with Disabilities Act of 1990 ("ADA") after PGA denied Martin's request to ride in a golf cart during PGA tour qualifying events. At issue in the case was whether the entrants in PGA events were part of the class of persons protected by the statute and whether allowing Martin to employ the use of a golf cart would fundamentally alter the nature of the event. Both the Circuit Court of Oregon and the United States Court of Appeals for the Ninth Circuit found for Martin. The Supreme Court granted certiorari and affirmed.

The ADA requires an operator of public accommodations to make reasonable modifications in its policies when necessary to afford such accommodations to individuals with disabilities. The ADA specifically mentions golf courses as places of public accommodation. PGA asserted, however, that golfers competing in the events were not part of the class of persons protected by the act because Title III is primarily concerned with "clients and customers" seeking to obtain "goods and services" at places of public accommodation. PGA argued that only the spectators of the event should be classified as customers. The court found that Martin was, in fact, a customer of PGA because he was required to pay \$3,000 to enter the PGA event and PGA offered the privilege of competing in the event for a fee to the general public, thus qualifying the event's entrants as customers.

The ADA provides an exception to the above rule for entities that can demonstrate that making modifications to accommodate disabled persons would fundamentally alter the nature of the event. The act still requires that an individualized inquiry be made to determine if the accommodation can be made in limited circumstances without such an alteration. The crux of PGA's argument was that by allowing Martin to ride in a golf cart during PGA events, Martin would gain an unfair advantage over other competitors because he would not be subject to the same fatigue of walking the course. PGA elicited expert testimony from noted golfers, such as Jack Nicholas, stating that shot making becomes increasingly difficult as fatigue sets in from walking a golf course over the period of a four day tournament. Nicholas testified that fatigue could very well influence the outcome of the tournament because those golfers who were more severely impacted from fatigue would be more likely to miss shots during the final stages of play. The Court found that allowing Martin to ride in a golf cart would not fundamentally alter the nature of the game because of the incontrovertible evidence that Martin expended far more energy than the average golfer by simply walking from his cart to his ball. The Court noted that by even walking such a short distance Martin was subjecting himself to the possibility of serious injury or death, and that this must certainly have been the mental and physical equivalent of the stress and fatigue placed on fully able golfers. The Court held that an inquiry into Martin's individual circumstances supported the finding that a waiver of the rule in these limited circumstances would not fundamentally alter the nature of the event.

The Supreme Court found that Martin was member of the class of persons protected by Title III of the ADA, and that allowing a limited waiver of the rule

barring golf carts during PGA events in order to accommodate Martin would not fundamentally alter the nature of those events. The holding expands the class of persons protected by the ADA and diminishes the significance of the "fundamentally alter" clause in the act.