

12.6 ADA—Interacting with Others as Major Life Activity

When the major life activity under consideration is the ability to interact with others, the plaintiff must prove, by a preponderance of the evidence, that [he] [she] [other pronoun] was substantially limited compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity to be considered substantially limiting.

Difficulty getting along with others is not enough. A plaintiff must show that [his] [her] [other pronoun] interactions with others were characterized on a regular basis by severe problems, such as consistently high levels of hostility, social withdrawal, or failure to communicate when necessary.

Comment

The Ninth Circuit has recognized interacting with others as a major life activity. *Weaving v. City of Hillsboro*, 763 F.3d 1106, 1112 (9th Cir. 2014).

The wording of this instruction was taken from *McAlindin v. County of San Diego*, 192 F.3d 1226, 1235 (9th Cir. 1999) (“Recognizing interacting with others as a major life activity of course does not mean that any cantankerous person will be deemed substantially limited in a major life activity.”). *See also Weaving*, 763 F.3d at 1114 (noting that interacting with others is not the same as getting along with others: “One who is able to communicate with others, though his communications may at time be offensive, ‘inappropriate, ineffective, or unsuccessful,’ is not substantially limited in his ability to interact with others within the meaning of the ADA.”) (citation omitted). The definition of “substantially limited” is taken from 29 C.F.R. § 1630.2(j)(1)(ii).

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