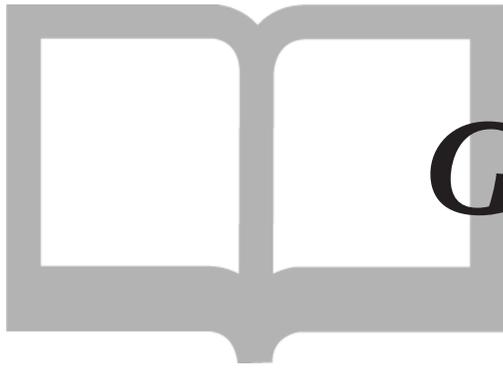




GOAL IX

A report on the status of the participation of persons
with disabilities in ABA Division, Forum, and
Section leadership positions





GOAL IX

About the American Bar Association, the Commission on Mental and Physical Disability Law and Goal IX

The American Bar Association (ABA) was founded in 1878 by 100 lawyers from 21 states. As of August 2006, it had about 413,108 lawyer members, making it the largest voluntary professional association in the world. The ABA provides law school accreditation, continuing legal education, legal information, programs to assist lawyers and judges, and initiatives to improve the legal system for the public. Its primary mission is “to be the national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence and respect for the law,” and its goal is “to promote full and equal participation in the legal profession by minorities, women and lawyers with disabilities.” In 1999, the ABA House of Delegates voted to expand Goal IX to include persons with disabilities along with women and minorities.

Stemming from its long history of promoting reform of the justice system, the ABA in 1973 established the Commission on the Mentally Disabled to focus on the advocacy needs of people with mental disabilities. After the passage of the Americans with Disabilities Act of 1990, the Commission broadened its mission to “promote the ABA’s commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and their full and equal participation in the legal profession” and, thus, changed its name to the Commission on Mental and Physical Disability Law.

The Commission is composed of lawyers and other professionals, many of whom have disabilities. Its Subcommittee on Lawyers with Disabilities focuses on issues of importance to lawyers with disabilities. Its Subcommittee on the Employment of Lawyers with Disabilities focuses on employment-related issues. Through these subcommittees and other programs, the Commission is the only entity within the ABA and the legal profession that focuses on all lawyers with disabilities on a national level.

INTRODUCTION

The 2006-2007 *Goal IX Report* discusses the Commission’s findings, conclusions, and recommendations

from the *Goal IX Survey* which gathers information about the participation of persons with disabilities, women, and racial and ethnic minorities in ABA Division, Forum, and Section leadership positions during the 2006-2007 bar year, as it pertains to lawyers with disabilities. The *Report* includes an Honor Roll of those ABA entities that have demonstrated the ABA’s commitment to lawyers with disabilities, as well as an update on the status of lawyers with disabilities in the legal profession, information about the Commission’s publications and special projects, and bios of the Commission’s members, many of whom are lawyers with disabilities. Recognizing that diversity encompasses people with disabilities, women, and racial and ethnic minorities, the Commission points out that most people who hear the term “diversity” do not think of people with disabilities. The ABA, through the Commission and other ABA entities, is working to change this notion.

In the summer of 2004, the ABA President’s Office included in its applications for presidential appointment positions a question regarding disability status. Of the estimated 736 presidential appointments, 6 persons are identified as having a disability. However, none of the 38 ABA members who serve on the Board of Governors are identified as having a disability; last year there was one such member. 508 ABA members serve in the House of Delegates, but the ABA does not maintain statistics on how many delegates have a disabilities.

Update on the Status of Lawyers with Disabilities

This section of the *Goal IX Report* examines the current estimated population of lawyers with disabilities in the legal profession by using U.S. Census data of persons with disabilities, statistics provided by the ABA, and other information. Although an imperfect measure, currently this is the best information available to us.

People with Disabilities in the United States

According to the most recent published U.S. Census (2000), 49.7 million people, ages 5 and older, have a disability—nearly one in five (19.3% of 257.2 million). 9.3 million people have sensory disabilities involving sight or

hearing, and 21.2 million have a condition that limits basic physical activities such as walking, climbing stairs, reaching, lifting, and carrying. 12.4 million people have physical, mental, or emotional conditions that cause learning, memory, and/or concentration problems, while 6.8 million have physical, mental, or emotional conditions that make it difficult for them to dress, bathe, and/or get around their homes. 18.2 million people, ages 16 and older, have conditions that make it difficult for them to leave their homes to shop or visit a doctor. Finally, 21.3 million of people ages 16 to 64, have a condition that affects their ability to work.

People with Disabilities in the Workplace

According to the 2004 National Organization on Disability/Harris Survey of Americans with Disabilities, 35% of people with disabilities report being employed full- or part-time, compared to 78% of non-disabled people. Also, individuals with disabilities are three times more likely to live in poverty than non-disabled individuals.

A July 2004 *Washington Post* article, entitled “Federal Jobs for Disabled Drop,” concludes that over the past decade the number of federal employees with severe disabilities has declined by almost 20%. Experts from inside and outside the government who were cited in the article stated that government downsizing, employee retirement, a move to the private sector, lack of recruitment, and non-disclosure of disabilities may be contributing to the decline.

Lawyers with Disabilities in the Legal Profession

The ABA estimates the number of lawyer members with disabilities based on its annual census. According to the August 31, 2006 census, 41,913 of 413,108 ABA members completed the census questionnaire, with 2,180 indicating that they have a disability. However, the Commission staff believes the 2,180 figure to be less than the actual number of lawyers with disabilities in the ABA. Many lawyers with disabilities may choose not to answer the question relating to disability status due to confidentiality concerns, while others do not consider themselves as having a disability. This low figure reflects two trends: (1) relatively few college students with disabilities attend law school, and not everyone who attends graduates or passes the bar and (2) due to socioeconomic factors, it appears that a lower number of lawyers with disabilities join the ABA than non-disabled lawyers.

Statistics indicate that lawyers with disabilities are employed at a lower percentage than are non-disabled lawyers and lawyers from ethnic and/or racial backgrounds. The National Association of Law Placement (NALP) reported in its study, *Jobs & J.D.’s: Employment and Salaries of New Law Graduates—Class of 2005*, that 79% of law graduates with disabilities were employed,

compared to 90.9% of all non-minority law graduates and 86.5% of all minority law graduates. 6.6% of law graduates with disabilities indicated that they were seeking a job, compared to 2.8% of all non-minority law graduates and 3.1% of all minority law graduates. Of graduates who attended law school full-time, those with disabilities had a mean salary of \$60,989 and a median salary of \$50,500, compared to \$72,369 and \$60,000 for graduates as a whole. Graduates with disabilities were less likely (50.5%) to obtain jobs in private practice than the class as a whole (55.8%) and more likely to obtain government (11%) and public interest positions (9.8%) than the class (10.5% for government positions and 4.8 % for public interest positions).

For 2006-07, the ABA Office of Legal Education and Admissions to the Bar indicated that of 148,697 law students in ABA-accredited law schools, 3,803 (2.56%) were provided accommodations—up from 2.17% for 2004-2005 and 2.47% for 2005-2006. Since 2004-2005, the number of law students who were provided accommodations has risen by 24.61%.

Law Students with Disabilities Who Were Provided Accommodations

YEARS	LSD*/ABA**	PERCENT
2006-2007	3,803/148,697	2.56%
2005-2006	3,464/140,376	2.47%
2004-2005	3,052/140,376	2.17%

* # of law students with disabilities who were provided accommodations
 ** # of law students in ABA-accredited law schools

Disability Diversity in the Legal Profession

In 2003, the State Bar of California’s Committee on Legal Professionals with Disabilities conducted an online survey to assess the challenges lawyers with disabilities face in the legal profession. Of 150 respondents, about half—including those who graduated in the top 10 to 20% of their class—felt they had been denied employment due to their disabilities. Respondents with visible disabilities expressed the most dissatisfaction. However, those respondents who obtained legal employment felt they had received pay and benefits equal to those received by their non-disabled colleagues. Respondents also reported difficulty receiving accommodations in the workplace and described the common misperception among colleagues that their requested accommodations constituted an unfair advantage.

I. SURVEY METHODOLOGY

Annually surveying ABA Divisions, Forums, and Sections requires a collaborative effort between the Commissions on Mental and Physical Disability Law, Racial & Ethnic Diversity in the Profession, and Women in the Profession. The 2006-2007 survey has been changed from its previous online form to a Microsoft Excel workbook, but its substantive nature has remained the same. Each commission drafts its own questions and its own *Goal IX Report*. In many respects, however, the questions asked and the data sought are similar for all three groups.

The Commission on Mental and Physical Disability recognizes the inherent difficulties associated with collecting data on the numbers of lawyers with disabilities. Many types of disabilities, such as learning disabilities, may not be obvious. Also, respondents may not understand what constitutes a disability. As a result, the Commission defined “disability” as “[a] mental or physical impairment or condition that limits one or more major life activities such as seeing, hearing, walking, caring for oneself, learning, breathing or working. Examples include epilepsy, muscular dystrophy, multiple sclerosis, AIDS, cancer, diabetes, heart disease, stroke, visual and hearing impairments, mental retardation, emotional or mental illness, and specific learning disabilities. Alcoholism is included, although the current use of illegal drugs is not included.” In addition, the Commission instructed staff directors that disability status may be inferred from members’ self-identifications and direct observation.

The statistics that follow are greatly impacted by entities’ difficulty tracking members with disabilities. Accordingly, the Commission encourages the ABA to develop a more comprehensive membership resource to assist entities in obtaining and maintaining this critical information.

II. FINDINGS

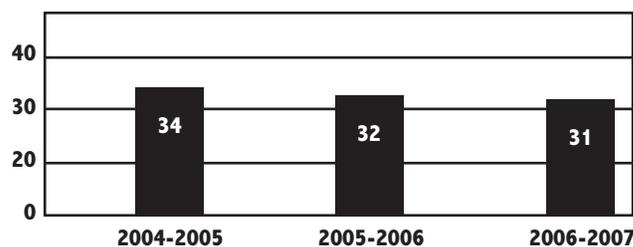
ABA Sections range in size from about 3,600 members to more than 60,000. The Sections draw their membership from lawyers or judges with common professional interests, and operate much like independent bar associations with their own officers, dues, and committees. They address professional development, improvement of laws, and continuing education through their more than 3,700 committees and their publications. Sections also contribute to policy-making, both in their subject areas and association-wide. ABA Divisions are also generally open to membership, but differ from Sections in their internal governing structure. ABA Forums are open to membership, as long as one is a member of an ABA Section or Division. The Forums explore and monitor new areas of the law as they develop.

ABA Leaders with Disabilities

For 2006-2007, 31 of about 15,000 ABA leadership positions were held by lawyers with disabilities—a slight decrease from 32 for 2005-2006 and 34 for 2004-2005. As previously noted, 2,180 lawyers who answered the ABA’s census reported having a disability.

Eleven of 34 ABA entities had a member with a disability on their leadership team: Air and Space Law Forum; Criminal Justice Section; Section of Environment, Energy, and Resources; Government and Public Sector Lawyers Division; General Practice, Solo and Small Firm Division; Section of Individual Rights and Responsibilities; Section of Labor and Employment Law; Public Contract Law Section; Senior Lawyers Division; Tort Trial and Insurance Practice Section; and Young Lawyers Division. Twenty-three entities reported having no lawyers with disabilities in their leadership. Three entities reported having the most lawyers with disabilities in their leadership: Government and Public Sector Lawyers Division (6); Tort Trial and Insurance Practice Section (6); and Section of Environment, Energy, and Resources (5). Government and Public Sector Lawyers Division has 6,702 members; Tort Trial and Insurance Practice Section, 37,218 members; and Section of Environment, Energy, and Resources, 10,717 members.

Number of Leadership Positions Held by Lawyers with Disabilities



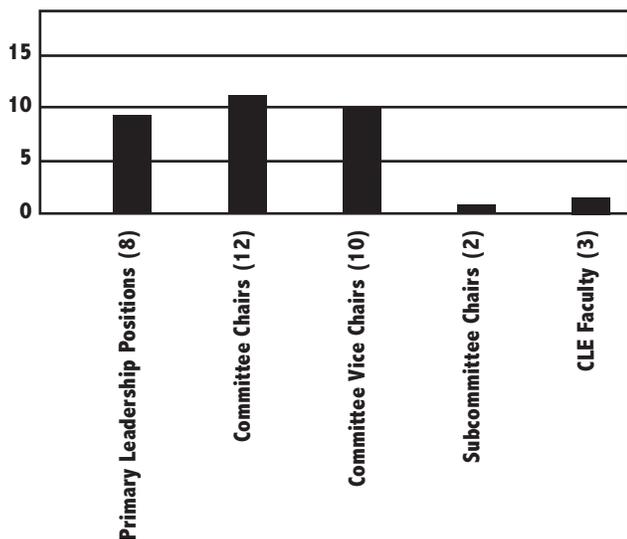
Primary Leadership

Primary leadership positions (“Elected Officers”, “Chairs”, “Chairs-Elect”, “Appointed Leaders,” “Council Members,” and “Nominating Committee Members”) are considered the most influential within the Divisions, Forums, and Sections. For 2006-2007, 8 lawyers with disabilities held primary leadership positions—down from 14 for 2005-2006. The degree of involvement by lawyers with disabilities in these positions demonstrates the entities’ commitment to the full and equal participation of lawyers with disabilities in the legal profession.

For 2006-2007, 12 lawyers with disabilities held Committee Chair positions, compared to 9 in 2005-2006 and 8 in 2004-2005. Ten lawyers with disabilities held Committee Vice Chair position in 2006-2007—an increase from 1 in 2005-2006. Two Subcommittee Chair positions

were held by lawyers with disabilities in 2006-2007; only 4 entities reported using Subcommittees. Only 10 of 34 entities reported having Committee positions held by lawyers with disabilities: Forum on Air and Space Law; Criminal Justice Section; Environment, Energy, and Resources Section; Government and Public Sector Lawyers Division; General Practice, Solo and Small Firm Division; Section of Individual Rights and Responsibilities; Section of Labor and Employment Law; Section of Public Contract Law; Senior Lawyers Division; and Tort Trial and Insurance Practice Section.

Leadership Positions Held by Lawyers with Disabilities



Committees

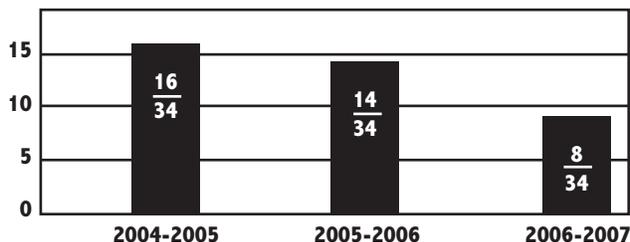
Furthermore, survey responses showed that in 2006-2007 3 lawyers with disabilities presented at Continuing Legal Education (CLE) programs-down from 5 in 2005-2006 and 8 in 2004-2005. In 1992, the ABA House of Delegates resolved that each ABA entity that provides CLE programming must provide an annual report to the Standing Committee on Continuing Legal Education in its effort to ensure a diverse CLE faculty. Three entities included lawyers with disabilities in CLE programming: General Practice, Solo, and Small Firm Division; International Law Section; and Section of Labor and Employment Law.

The Commission on Mental and Physical Disability Law held two CLE programs in 2006-2007, using 14 presenters with disabilities. The following ABA entities cosponsored at least one of the Commission's CLE programs: Office of the President, Michael S. Greco; Criminal Justice Section; Dispute Resolution Section; Section of Individual Rights and Responsibilities; Judicial Division; General Practice, Solo and Small Firm Division; Government and Public Sector Lawyers Division; Section

of Labor and Employment Law; Science and Technology Law Section; Senior Lawyers Division; State and Local Government Law Section; and Young Lawyers Division.

3-Year Trend: Entities with Lawyers with Disabilities

(Bottom number represents # of respondents)



III. HONOR ROLL

This year, the Commission on Mental and Physical Disability Law changed its process of awarding Honor Roll status. Now included are entities that: have more than 1 member with a disability in their leadership positions; have at least 1 member with a disability in their primary leadership; or have made an extra effort to include lawyers with disabilities in their activities. By recognizing these entities, the Commission hopes to encourage them to expand their recruitment initiatives aimed at lawyers with disabilities and, thus, serve as role models for other ABA entities.

For 2006-2007, the following 11 entities have achieved Honor Roll status: Forum on Air and Space Law; Section of Business Law; Criminal Justice Section; Section of Environment, Energy, and Resources; General Practice, Solo and Small Firm Division; Government and Public Sector Lawyers Division; the Section of Individual Rights and Responsibilities; Section of Labor and Employment Law; Senior Lawyers Division; Tort Trial and Insurance Practice Section; and Young Lawyers Division.

Forum on Air and Space Law

This is the only Forum with a leadership position (Committee Chair) held by a member with a disability. It has 1,579 members.

Section of Section of Business Law

This Section demonstrated its steady commitment to involving lawyers with disabilities in its activities. It worked with the Commission on Mental and Physical Disability Law to market the application for its new Diplomat Program, which was created to involve a member with a disability in the Section's activities. The first Diplomat, who is partially paralyzed, finished his term at

the conclusion of the 2006 Annual Meeting and had participated in two panels sponsored by the Committee on Bankruptcy. The Section ensured that all meetings and programs he attended—including Section-wide events—were accessible. In 2007, the Section will be sponsoring (prior to its Spring Meeting) a networking reception targeting lawyers of color, lawyers with disabilities, and GLBT lawyers.

Criminal Justice Section

This Section has two members with disabilities that serve on its leadership team. Also, the Section cosponsored both the Commission's National Conference on the Employment of Lawyers with Disabilities and the Annual Meeting 2006 CLE program.

Section of Environment, Energy, and Resources

This Section has 5 members with disabilities who serve in leadership positions—1 Committee Chair and 4 Committee Vice Chairs.

General Practice, Solo and Small Firm Division

This Division has 1 Committee Chair with a disability and 1 Committee Vic Chair with a disability, as well as a member with a disability on its Governing Council. The Division was the only ABA entity to have a person with a disability participate in its CLE programming and author one of its publications, and cosponsored (\$5,000) the National Conference on the Employment of Lawyers with Disabilities and released the third edition of the Division's *GPSolo* magazine, titled *Bumps in the Road III*. The Division also co-sponsored the Commission's CLE program at the ABA 2006 Annual Meeting.

Government and Public Sector Lawyers Division

This Division tied with Tort Trial and Insurance Practice Section for having the most members with disabilities among its leadership (6), and was the only ABA entity to have more than one member with a disability in its primary leadership (4). Two Section Committees are chaired by a member with a disability. Finally, the Section is 1 of 3 ABA entities to have a person with a disability author a publication. The Division co-sponsored the Commission's CLE program at the ABA 2006 Annual Meeting.

Section of Individual Rights and Responsibilities

Special commendation goes to this Section, which has taken the lead in creating the nation's first organization for law students with disabilities. A planning conference was held in Washington, DC, on January 27 and 28, and attended by dozens of students from around the country.

The Section utilized the skills and knowledge of the Commission on Mental and Physical Disability, which is looking forward to working with the Section on this project in the future. The section co-sponsored the Commission's CLE program at the ABA 2006 Annual Meeting. Finally, two of the Section's Committee Chairs have disabilities, and one of the Section's Committee is devoted to disability issues.

Section of Labor and Employment Law

This Section has 1 Committee Chair with a disability and 1 Subcommittee Chair with a disability. The Section is 1 of 3 ABA entities to have a lawyer with a disability participate in its CLE programming. The section also co-sponsored the Commission's CLE program at the ABA 2006 Annual Meeting.

Senior Lawyers Division

The Senior Lawyers Division has 1 primary leadership position held by a member with a disability, 1 Committee Chair with a disability, and 1 Committee Vice Chair with a disability. The Division co-sponsored the Commission's CLE program at the ABA 2006 Annual Meeting.

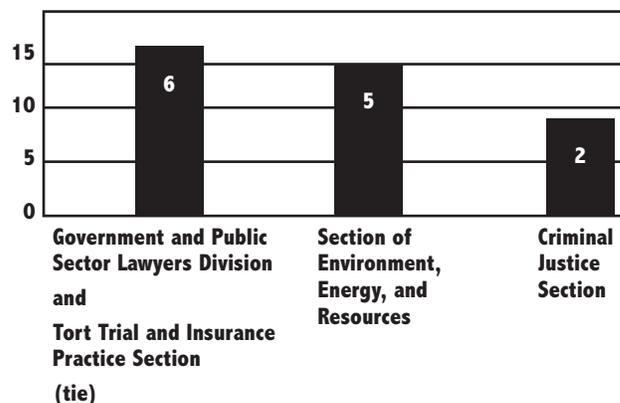
Tort Trial and Insurance Practice Section

This Section tied with the Government and Public Sector Lawyers Section for having the most members with disabilities among its leadership (6): 1 primary leadership position; 2 Committee Chairs; and 3 Committee Vice Chairs.

Young Lawyers Division

This Division has one member with a disability in its primary leadership and a liaison to the Commission on Mental and Physical Disability Law. The Division had one lawyer with a disability author one of its publications. The Division also co-sponsored the Commission's CLE program at the ABA 2006 Annual Meeting.

ABA Entities with Highest Number of Leadership Positions Held by Lawyers with Disabilities



IV. CONCLUSION AND RECOMMENDATIONS

For 2006-2007, the Commission reported—for the second consecutive year—a slight decrease in the actual number of ABA Division, Forum, and Section leadership positions held by lawyers with disabilities. The percentage of leadership positions held by lawyers with disabilities remains low overall. Some ABA entities have not yet incorporated lawyers with disabilities into their diversity statements, plans, and goals. In addition, the number of ABA Divisions, Forums, and Sections that have at least one leadership position held by lawyers with disabilities has decreased for the second consecutive year.

Part of the problem is that relatively few people with disabilities graduate from law school and become lawyers. However, the number of law students with disabilities may be increasing somewhat. This should help increase, at least incrementally, the available pool of lawyers and ABA members who could be nominated for leadership positions. Increasing the number of persons with disabilities who attend law school should be part of any comprehensive solution to the problem of under-representation of lawyers with disabilities in the legal profession.

Since Goal IX was amended in 1999 to include lawyers with disabilities, the Commission has strived through its programs, projects, and publications to serve as a role model to all ABA entities and the legal profession by fully manifesting the ABA's Goal IX policy. Over time, the Commission has seen increases in the number of leadership positions held by lawyers with disabilities and of ABA entities that include lawyers with disabilities in leadership positions and specifically include lawyers with disabilities in their diversity statements, goals, and plans.

The Commission is appreciative of the ABA for supporting the rights of persons with disabilities in the legal profession, as demonstrated by the ABA's Goal IX policy "to promote full and equal participation in the legal profession by minorities, women, and lawyers with disabilities." The Commission particularly applauds Greco's efforts to increase the visibility of lawyers with disabilities by making them a priority during his presidential year. In May 2006, he hosted the first ever National Conference on the Employment of Lawyers with Disabilities, which was cosponsored by the Commission, the Office of the President, and the Equal Employment Opportunity Commission. Also, when he was President-Elect, he ensured that the President's Office revised the nomination form for presidential appointments to include a question about whether nominees have a disability.

Nonetheless, progress has been slow, particularly when compared to minorities and women. The Commission is concerned that several critical indicators of the involvement of lawyers with disabilities within the ABA have decreased in consecutive years, and many of the other indicators have remained flat or declined since 2003-2004. Much work remains to be done. As Immediate Past President of the ABA, Michael S. Greco, noted:

We have taken significant steps in making our profession more open to women, to persons of color, and to those who come from racially and ethnically diverse backgrounds. We must now take similar first steps on behalf of lawyers with disabilities.

Greco told participants at the National Conference,

If lawyers with disabilities are not provided with the opportunity not only to serve on a committee but to chair a committee, their abilities are not going to shine Advancement in the ABA and advancement in the profession have to begin with appointment to leadership positions.

In light of this challenge, the Commission makes the following recommendations:

1. The ABA is encouraged to develop better ways to identify and track the progress of lawyers with disabilities within the Association and all of its entities.
2. ABA entities are encouraged to actively recruit and include lawyers with disabilities in leadership positions in Divisions, Forums, and Sections. Efforts for recruitment might include reaching out to law students to inform them at the beginning of their careers about entity activities and creating specific networking opportunities for lawyers with disabilities at Annual and Mid-Year meetings and CLEs.
3. In carrying out Goal IX, ABA entities are encouraged to maintain long-range diversity goals and plans that specifically include lawyers with disabilities, to update these plans on a regular basis, and to include lawyers with disabilities in their formation and review.
4. ABA entities are encouraged to develop mentoring/diplomat programs so that lawyers with disabilities can receive support and mentoring within entities, be provided with potential leadership opportunities, and be encouraged to maintain long-term relationships with the entities.
5. ABA entities are encouraged to coordinate with the Commission on Mental and Physical Disability Law in Division, Forum, and Section programs, projects, and CLEs. This is especially important in regards to follow-up activities in response to the Commission's National Conference on the Employment of Lawyers with Disabilities.
6. ABA entities are encouraged to invite members of the Commission on Mental and Physical Disability Law to speak at their directors meetings, committee meetings and meetings open to members to "get the word out"

about Goal IX and provide information and suggestions for how the entities might best develop programs to encourage members with disabilities to become leaders.

7. ABA entities are encouraged to include lawyers with disabilities as speakers and panelists for their Annual and Mid-Year Meetings programs and CLEs.
8. ABA entities are encouraged to include lawyers with disabilities as authors in their publications and to promote the writing of articles about lawyers with disabilities or issues that might be particularly pertinent to this group.
9. ABA entities are encouraged to provide funding to lawyers with disabilities to attend Annual, Mid-Year, and Committee meetings, perhaps through the use of a fellowship program, in order to increase exposure to ABA activities

V. COMMISSION ON MENTAL AND PHYSICAL DISABILITY

Law Projects

Subcommittee on Employment of Lawyers with Disabilities

This Subcommittee worked in conjunction with the Equal Employment Opportunity Commission (EEOC) to host the ABA National Conference on the Employment of Lawyers with Disabilities. This event was hosted by ABA President Michael S. Greco and co-sponsored by other National Disability Organizations. The Conference focused on what employers can do to increase the employment of lawyers with disabilities and successfully integrate them into the workplace. The other employment-related project was to assist the EEOC in preparing a fact sheet on reasonable accommodations that focused on legal employers.

Subcommittee on Lawyers with Disabilities

This Subcommittee focuses on issues of concern to lawyers with disabilities, and on ensuring full and equal participation in the legal profession by lawyers and law students with disabilities. It coordinates a Mentor Program for Law Students with Disabilities and organizes the Annual Meeting reception for lawyers with disabilities. In addition, in past years, the Subcommittee has planned Roundtables and Conferences for lawyers and law students with disabilities, and has worked to establish a scholarship program for law students with disabilities. Finally, the Subcommittee, through the Commission, has co-sponsored diversity programs with the ABA Commissions on Racial & Ethnic Diversity, and Women.

Subcommittee on Criminal Issues

This Subcommittee focuses on lawyers and clients in the criminal justice system that have disabilities. It sponsored a CLE at the 2006 Annual Meeting, entitled “*Effectively Representing Defendants with Disabilities*.” The Subcommittee also participated on the Task Force on Mental Disability and the Death Penalty, which submitted a recommendation to bar the execution of certain categories of defendants with severe mental disabilities, which was adopted by the ABA’s House of Delegates

Mentor Program for Law Students with Disabilities

In 2003, this Program received the Nation’s Capital Area Disability Support Services Coalition’s Award for “the Outstanding Commitment and Contribution by an Organization that Supports Students with Disabilities.” The Program pairs law students with practicing attorneys, who may or may not have disabilities, depending on mentees’ preferences. Mentors can provide a source of guidance concerning law school, careers, and issues such as reasonable accommodations. The Commission works directly with individual law schools and welcomes students from around the country to contact the Commission directly if they are interested in being paired with mentors. As a result of the Commission’s outreach efforts, a majority of law schools are involved in the mentor program.

The Paul G. Hearne Award for Disability Rights

Each year, this Award is given to an individual who or organization that has performed exemplary service in furthering the rights, dignity, and access to justice for people with disabilities. Paul G. Hearne was an activist, a philanthropist, and a leader for all persons with disabilities. The Commission awards the honor to one who carries on Hearne’s vision and life work. The 2006 Award recipient was Louise A. McKown, the Public Awareness and Systems Change Advocate and Analyst for the East Tennessee Technology Access Center (ETTAC).

The Awards Ceremony and Reception

Each year, the Commission sponsors an award ceremony to honor the recipient of the Paul G. Hearne Award, and a reception for lawyers with disabilities. The reception is held during the ABA Annual Meeting and is attended by ABA leaders, lawyers with disabilities, and other disability rights lawyers and advocates. The 2006 reception was held during the Annual Meeting in Honolulu.

Commission Co-Sponsors Amicus Briefs

The Commission co-sponsors other ABA entities in amicus briefs in cases involving substantive areas of

disability rights. In 2003, the Commission joined the Section on Individual Rights and Responsibilities (IR&R) in successfully recommending that the ABA submit an amicus brief to the U.S. Supreme Court in *Tennessee v. Lane*. The ABA brief, which was written with the assistance of IR&R and the Commission, urged the Supreme Court to uphold the Americans with Disabilities Act Title II against claims that it unconstitutionally impinges the states sovereign immunity rights under the Eleventh Amendment. The Supreme Court ultimately ruled in favor of this recommendation.

Law Publications and Products

Since 1976, the Commission has published the *Mental & Physical Disability Law Reporter* and *Law Digest*, books, and articles. A complete list of publications is available at <http://www.abanet.org/disability>.

Mental & Physical Disability Law Reporter

For more than 30 years, the *Reporter* (six issues annually) has provided analyses of key disability law developments; coverage of leading state and federal court decisions, legislation, and regulations in 22 topics addressing both mental disability law and disability discrimination law; and articles by experts in the field. Topics include civil/criminal commitment and competency; Social Security, Medicaid, and Medicare; sexual offenders; Americans with Disabilities Act; employment; public services; public accommodations; housing/zoning; and education. The *Reporter* is available in print and online.

Mental & Physical Disability Law Digest

Used in conjunction with the *Reporter* or alone, the *Digest* provides a comprehensive summary and analysis of federal and state disability laws (with citations to cases, statutes, regulations, and books/periodicals) using the same 22 topics as the *Reporter*. Subscribers receive semi-annual updated sections reflecting legal developments of key federal/state cases and legislation six times a year. The *Digest* is available in print and online.

Online Services

The Commission offers subscriptions to a database containing all the cases and legislation that have been summarized in the *Reporter* from January 2003 forward. The database is searchable by key words, case name, topic, jurisdiction, date, and key numbers. Other online services include 50-state charts of statutory compilations covering key areas of disability law, as well as online updates of breaking disability law developments and an online version of the *Law Digest* and the *Monograph on State Disability Discrimination Laws—With 50-State Charts on*

Employment, Public Services, Public Accommodations, Housing, and Education.

Mental Disability Law, Evidence, and Testimony: A Comprehensive Reference Manual for Lawyers, Judges, and Mental Disability Professionals

The *Reference Manual* guides lawyers, judges, law students, and forensic and other mental disability professionals through the maze of laws, standards, evidentiary pitfalls, and forensic practices that define mental disability law and explains what empirical evidence exists to support or raise concerns about these practices when they are introduced into the courtroom.

Monograph on State Disability Discrimination Laws—With 50-State Charts on Employment, Public Services, Public Accommodations, Housing, and Education

Intended for lawyers, judges, disability professionals, disability organizations, advocates, law schools, law firms, and libraries, the *Monograph* is the first publication to provide a concise summary and analysis of all the state laws that define disability discrimination in the areas of employment, public services (state and local government), public accommodations, housing, and education. The charts identify and briefly explain, with citations, the key provisions in each of the 50 states and the District of Columbia.

Website

The Commission's website includes a listing of all available Commission publications, excerpts from the current issue of the *Reporter*, a state-by-state directory of lawyers practicing disability law, and a listing of disability lawyers, law firms, federal agencies, and organizations. The website also highlights Commission news and special projects, in particular the activities of the Subcommittee on Lawyers with Disabilities. <http://www.abanet.org/disability>.

Directory of Lawyers Practicing Disability Law

This first-of-its kind online directory is a must-have resource for referrals and networking. It provides listings of lawyers, law firms, and organizations for individuals seeking representation on disability law-related claims. It covers all 50 states plus the District of Columbia and Puerto Rico.

Handbook on Disability Discrimination Law 2003

This *Handbook* provides a comprehensive analysis of federal and state statutes and case law with a disability discrimination focus. Topics include disability discrimination in employment, public services, public accommodations, housing, education, and telecommunications and the

internet; a history of disability rights; pre-Americans with Disabilities Act (ADA) disability rights legislation; and ADA and state law.

Technical Assistance and Referrals

If you are a lawyer who wants to register for the databases, a lawyer with a disability, or a lawyer who practices disability law, email cmpdl@abanet.org or call (202) 662-1570.

Commissioners

Scott C. LaBarre, Chair

Scott C. LaBarre owns and operates LaBarre Law Offices P.C. (LLO). LLO specializes in employment law, disability rights, Social Security appeals, estate planning, and some business law. He was general counsel for the National Federation of the Blind of Colorado (NFBC) from 1994 – 1998. In October of 2005, the membership of the NFBC elected LaBarre as their President, and from 1996 until June 2002, he served as President of the NFB of Denver. He currently serves as the President of the National Association of Blind Lawyers. LaBarre has served as the Committee/Liaison Director to the ABA's Young Lawyers Division, and as Vice Chairman and Member of the ABA-YLD Bar Leadership Team. Currently, he is a member of the governing council for the G.P. Solo Small Firm Division. LaBarre received his J.D. from the University of Minnesota in 1993.

Lori D. Ecker, Member

Lori D. Ecker is an experienced trial attorney, and an arbitrator and mediator. She represents employees in discrimination, harassment, and wrongful discharge cases, and with noncompete and severance agreements and employment contracts. Ecker is on the AAA's Employment Arbitration Roster and is a Certified Mediator for the Circuit Court of Cook County. She is a fellow of the College of Labor and Employment Lawyers. Ecker is the plaintiff's co-chair of the Membership for the Employee Rights and Responsibilities Committee of the ABA's Section of Labor and Employment Law.

William J. Edwards, Member

William J. Edwards is a Deputy Public Defender with the Los Angeles County Public Defenders Office, and has served in that position since 2001. Since 1996, he has specialized in the representation of people with mental retardation/developmental disabilities in the criminal justice system. Previously, Edwards worked with the Office of the Public Defender in San Diego and Riverside County, California. From 1999 to 2001, he worked as a staff attorney for the Office of the Capital Collateral

Counsel in Tallahassee, Florida. Edwards represented inmates under sentence of death in state and federal court. Since 1996 on a *pro bono* basis, he has represented inmates with mental retardation or mental illness on death row nationwide, including inmates in Texas, Nebraska, Mississippi, Louisiana and Florida.

Eve L. Hill, Member

Eve L. Hill is a nationally known expert on disability rights law. Since 1998, she has been the Executive Director of the Western Law Center for Disability Rights, which advocates for the civil rights of people with disabilities. Hill is the co-author of the treatise and casebook *Disability Civil Rights Law and Policy* (Thomson-West). She also teaches Disability Rights Law at various law schools. Hill was Chair of the California Bar's Standing Committee on Legal Professionals with Disabilities from 2001 to 2002. She received the State Bar of California's first Diversity Award in 2002 for her efforts to open the legal profession to people with disabilities. Hill also received the Southern California Employment Round Table's 2002 Carol F. Schiller Award for outstanding civil rights efforts.

Bernard R. Hurwitz, Member

Bernard R. Hurwitz is Coordinator of Labor Relations for the Genesee Valley Board of Cooperative Educational Services, which covers 22 school districts across Western New York State. He holds an A.B. from Princeton University and a J.D., magna cum laude, from the State University of New York at Buffalo School of Law. Prior to joining the Genesee Valley BOCES, he practiced education and nonprofit tax law with Nixon Peabody, LLP and Harter, Secrest & Emery, LLP, and also served as a Senior Attorney Editor at Thomson West. Hurwitz currently chairs the Commission's Subcommittee on Lawyers with Disabilities and is an officer of the board of directors of the Rochester School for the Deaf. He is one of the founders of <http://www.DeafAttorneys.com>, a website and message board that serves approximately 115 deaf and hard of hearing lawyers and law students.

Alex J. Hurder, Member

Alex J. Hurder a clinical professor of law at Vanderbilt Law School. He graduated from Harvard College in 1967 and Duke Law School in 1975. Hurder directs a clinic that represents clients in special education and Social Security disability cases, and is an expert on the Americans with Disabilities Act. He has a particular interest in the rights of individuals with mental disabilities. He is co-chair of the Committee on Rights of Persons with Disabilities of the ABA Section of Individual Rights and Responsibilities.

Andrew D. Levy, Member

Andrew D. Levy is a trial lawyer from Baltimore, Maryland. He handles both civil and criminal cases, and is listed in Best Lawyers in America in both the “Criminal Defense” and “Commercial Litigation” categories. Levy has frequently acted as counsel in efforts to establish group homes for persons with disabilities in the face of active community resistance, and was lead counsel in the landmark case, *Potomac Group Home Corp. v. Montgomery County, Md.* He obtained the first judgment in the country under the design & construction requirements of the Fair Housing Amendments Act in the *Baltimore Neighborhoods v. Rommel Builders* series of cases. Levy is also an adjunct professor at the University of Maryland School of Law. Among the courses he has taught are Torts, Criminal Law, Evidence, and Trial Practice.

Andrew S. Miller, Member

Andrew S. Miller is counsel in the commercial litigation department of the Philadelphia office of White and Williams LLP. His practice focuses primarily on litigation relating to corporate governance disputes, litigation arising from mergers and acquisitions, insurance coverage disputes and other complex business transactions. He has served on the boards of a variety of legal and non-legal community service organizations and is currently a member of the governmental affairs committee of the National Down Syndrome Society and several committees of the Down Syndrome Research and Treatment Foundation.

Noel J. Nightingale, Member

Noel J. Nightingale received degrees from Whitman College in Walla Walla, Washington, and the University of Washington School of Law, *cum laude*, in Seattle. She is a member of the Washington State Bar Association, and practiced environmental law with Heller Ehrman in Seattle. Noel served as an Assistant Director of the Washington Department of Services for the Blind. She then served as the Regional Commissioner for the federal Rehabilitation Services Administration for two regions in the far Western United States. Noel is now an attorney with the Office for Civil Rights in the U.S. Department of Education in Seattle.

Wendy E. Parmet, Member

Wendy E. Parmet is Matthews Distinguished University Professor of Law at Northeastern University School of Law and Program Director of the law school’s dual degree J.D.-M.P.H. program with Tufts University School of Medicine. She teaches Public Health Law, Health Law, Disability Law, Bioethics and Torts. Professor Parmet has recently co-authored, with Patricia Illingworth,

Ethical Health Care, published by Prentice Hall and has published widely in medical journals and law reviews on health care access and disability law. In 1998, she served as co-counsel for the plaintiff, Sydney Abbott, in the Supreme Court first case construing the Americans with Disabilities Act, *Abbott v. Bragdon*, 524 U.S. 624 (1998). She is on the Board of Directors of Health Law Advocates and the Public Health Law Association. She received her J.D. from Harvard Law School.

Michael A. Stein, Member

Michael A. Stein holds a J.D. from Harvard Law School and a Ph.D. from Cambridge University. Currently the Cabell Research Professor of Law at William & Mary Law School, he has also taught at Harvard, New York University, and Stanford Law Schools. Before joining William & Mary Law School in 2000, Stein clerked for U.S. Supreme Court Justice Samuel A. Alito Jr. (while on the Third Circuit Court of Appeals), and practiced law with Sullivan & Cromwell in New York. During that time, he served as president of the National Disabled Bar Association, and pro bono counsel for the United States Department of Justice’s Environmental Division and the Legal Aid Society’s Juvenile Rights Division. Professor Stein also is participating in the drafting of a United Nations disability human rights treaty, and serves on several disability rights advisory boards and blue ribbon panels advising disability-related empirical studies. He also acts as a legal advisor to Rehabilitation International and to the Special Olympics.

Mildred A. Rivera, Member

Mildred A. Rivera is a General Attorney in the Equal Employment Opportunity Commission’s Office of Federal Operations. She graduated from Cornell University’s School of Industrial and Labor Relations in 1986 and from the University of Pennsylvania School of Law in 1989. In 1991, Mildred began work as a Trial Attorney with the Baltimore District Office of the Equal Employment Opportunity Commission. From 2003 until 2006, she served as a Special Assistant to EEOC Chair Cari Dominguez on the President’s New Freedom Initiative.

Michael E. Waterstone, Member

Michael E. Waterstone was raised in Los Angeles, California. He went to UCLA for undergrad and Harvard for Law School. After law school, he clerked for the Honorable Richard S. Arnold on the Eighth Circuit Court of Appeals. He then practiced law for 3 years with the law firm of Munger, Tolles, & Olson in Los Angeles. Currently he is an associate professor of law at Loyola Law School. His teaching and research interest focus on civil rights and disability law. Amongst other writings, he is a co-author of a casebook and treatise on disability law.

Randi B. Whitehead, Member

Randi B. Whitehead is a lawyer in Sarasota, Florida and has been an active member of the ABA for almost 15 years. She has served on the ABA Working Group on Health Care Reform, as well as on the Publications Board of the Law Practice Management Section, in addition to her current roles as Deputy Chair of the General Practice/Solo Division's Diversity Committee, Chair of the Young Lawyers Division Law Practice Management Committee, and Chair-Elect of the Tort and Insurance Practice Economics of Law Committee. She received her B.S. in Public Relations from the University of Florida and her J.D. from the University of Florida College of Law.

David B. Wolfe, Member

David B. Wolfe is a member of Skoloff & Wolfe's Real Property Valuation Group, Litigation Group, and Family Law Group. He represents commercial taxpayers and municipalities in real property tax appeals, high net worth matrimonial clients, and corporate and individual clients in civil litigation and criminal prosecutions. Wolfe also is a frequent lecturer for the New Jersey Institute for Continuing Education. Additionally, he, at the invitation of the New Jersey Commission on Professionalism, has lectured on Professionalism to newly admitted attorneys.

Carol E. Dinkins, Liaison to the Board of Governors

Carol E. Dinkins is a Partner in the Houston office of Vinson & Elkins, where she has served as a member of the Management Committee and is section head of the Environmental and Administrative Law practice. She also

served as the Deputy Attorney General of the United States in 1984-85, having previously served as the head of one of the six litigating divisions in the Justice Department. Dinkins chaired President Reagan's Task Force on Legal Equity for Women and Governor Bush's Conservation Task Force. She has served in the ABA House of Delegates for over a dozen years and been a member of the Nominating Committee most of that time. Dinkins chairs the ABA *Journal* Board of Editors and is past chair of the ABA Standing Committee on the Federal Judiciary and of two sections (Section of Environment, Energy, and Resources and State and Local Government Law Section).

Jennifer A. Knee, Liaison to the Young Lawyers Division

Jennifer A. Knee is an Oregon native who graduated from the University of Oregon School of Law in 2002. After graduating, she practiced in legal and other arenas, eventually leading to her current work conducting disability appeals at the Social Security Administration Office of Hearings and Appeals in Long Beach, California.

Esmé V. Grant, Liaison to the Law Student Division

Esmé V. Grant is the National Student Liaison for CMPDL for the 2006-2007 term. She is currently finishing up her JD program at Golden Gate University School of Law in San Francisco and is planning to practice disability law. Esmé has interned for over a year at the San Francisco Mayor's Office on Disability, is a member of San Francisco's Disability Disaster Preparedness Committee, and serves as the Law Student Division's 14th Circuit Lieutenant Governor of Diversity.

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Chair

Scott C. LaBarre

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