



GOAL III

Report

— 2009 —

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

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I. INTRODUCTION

The American Bar Association (ABA) was founded in 1878 by 100 lawyers from 21 states. Today, the ABA has over 400,000 members making it the largest voluntary professional association in the world. The ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges, and initiatives to improve the legal system for the public. The ABA's primary mission is "[t]o serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession."

To accomplish its mission, the ABA adopted a new set of goals at the 2009 ABA Annual Meeting. Goal III is "to eliminate bias and enhance diversity." An objective of Goal III is to "promote full and equal participation in the association, our profession, and the justice system by all persons." The tenets of Goal III were drawn from its predecessor, the old ABA Goal IX, which was "to promote full and equal participation in the legal profession by minorities, women persons with disabilities, and persons of differing sexual orientations and gender identities." This 2009 report on the status of lawyers with disabilities in the profession is the first report under Goal III.

Stemming from the ABA's long history of promoting reform of the justice system, the ABA established in 1973 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 serve all people with disabilities, and therefore changed its name to the Commission on Mental and Physical Disability Law (Commission). The Commission's mission is 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."

The Commission is composed of lawyers and other legal professionals, many of whom have disabilities. Its Subcommittee on Lawyers with Disabilities focuses on issues of importance to those who may have a disability in the legal community. The Commission's Goal III Subcommittee prepared this report. Through these subcommittees and other programs, the Commission is the only entity within the ABA, and the legal profession, that has a comprehensive focus on all lawyers with disabilities on a national level.

The Goal III survey gathers information about the participation of persons with disabilities, as well as women, racial minorities, and persons with differing sexual orientations and gender identities in ABA Division, Section, and Forum leadership positions. Other ABA entities, including Commissions, Standing Committees, and Task Forces, provided information about the participation of these groups in faculty positions for their Continuing Legal Education (CLE) programs.

The Commission's 2008-09 *Report* presents the survey findings with respect to lawyers with disabilities, along with conclusions and recommendations for the ABA, its leadership, and its staff. In addition, the *Report* also recognizes ABA entities that have demonstrated

the ABA's commitment to lawyers with disabilities by including them on an annual "Honor Roll." Also included is information about the Commission's publications, special projects, and members, many of whom are lawyers with disabilities.

II. THE STATUS OF AMERICANS WITH DISABILITIES

This section estimates the number of people with disabilities in the United States, in the workplace, and in the legal profession.

A. PEOPLE WITH DISABILITIES IN THE UNITED STATES

According to data from the U.S. Census Bureau for 2005, which was released in December 2008, 54.4 million Americans were reported as having a disability—nearly one in five (19%)—with 6.5 million reporting a severe disability. For 2007, Cornell University's Rehabilitation Research and Training Center on Disability Demographics and Statistics (Cornell University)—which uses the U.S. Census Bureau's American Community Survey (ACS) data (an interim report for the decennial census)—reported 14.9 percent of the U.S. population over the age of five as having a disability, with the largest represented type of disability being a "physical disability" (9.4%).

B. PEOPLE WITH DISABILITIES IN THE WORKPLACE

Recent statistics and attitudinal barriers in society regarding the employment of persons with disabilities in general help explain the small number of lawyers with disabilities who are employed in the legal profession. Based on the

ACS numbers, Cornell University reported that in 2007 there were 22,295,000 Americans with disabilities of working age (21 to 64). However, only 36.9% were working, compared to 79.7% for non-disabled persons. Accordingly, approximately 14 million persons with disabilities were not employed, an estimate that is consistent with the statistic that 14.5 million of those with disabilities and of working age are actively looking for work.

For full-time/full-year jobs 21.2% of working-age persons with disabilities were employed, compared to 56.7% for non-disabled persons. Median annual salaries for disabled workers were 16% less than those for non-disabled workers. The poverty rate for workers with disabilities was significantly higher (24.7%) than the rate for non-disabled workers (9%).

Furthermore, only 12.5% of working-age persons with disabilities held a Bachelor's degree or higher, compared to 36.9% of non-disabled persons. This education disparity helps explain why so few persons with disabilities become lawyers.

Also, statistics regarding employer attitudes and activities are worth noting. The U.S. Department of Labor's Office of Disability Employment Policy, in a November 2008 report, surveyed a sample of American companies in various industries and of various sizes. The survey found that only 19.1% of the companies surveyed employed individuals with disabilities, and only 13.6% actively recruited people with disabilities. Recently, however, only 8.7% of the companies surveyed had hired someone with a disability within the past year. Moreover, a high percentage of companies, 72.6%, cited the "nature of work being such that it cannot be

effectively performed by a person with a disability,” as a hiring challenge.

C. LAWYERS WITH DISABILITIES IN THE LEGAL PROFESSION

The ABA conducts an annual census of its lawyer members. According to August 2008 figures, 39,505 of 407,776 ABA members completed the census questionnaire. Of the 30,400 respondents who answered the query “Do you have a disability?,” only 2,033, or 6.69%, answered affirmatively, compared to 7.18% in August 2007. This percentage is far lower than one would expect given the national statistics on the percentage of Americans with disabilities. Extrapolating this figure to the entire ABA membership, approximately 27,280 members would report having a disability for 2008, a decrease of 1,420 from last year. However, the Commission believes this number may be substantially less than the actual number of lawyers with disabilities in the ABA. Many 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. Nonetheless, this low figure reflects at least three trends: (1) relatively few college students with disabilities attend law school, and not everyone who attends graduates or passes the bar, (2) due to socioeconomic factors, it appears that a lower percentage of lawyers with disabilities join the ABA than non-disabled lawyers, and (3) a greater percentage of law school graduates with disabilities do not find employment as lawyers.

For 2008-2009, the ABA Office of Legal Education and Admissions to the Bar indicated that of 152,005 law students in ABA-accredited law schools, 4,111 (2.7%) were provided accommodations—down from 4,229 (2.82%) for 2007-08 and 3,803 (2.56%) for 2006-07. In the past few years, overall, there have been increases in the number of law students who are given accommodations; however the actual percentage of students who are given accommodations has decreased slightly in the past year.

ACADEMIC YEAR	LSD*/ABA** *number of law students with disabilities provided accommodations ** number of law students in ABA-accredited law schools	PERCENT
2008-09	4,111/152,005	2.70
2007-08	4,229/149,745	2.82
2006-07	3,803/148,697	2.56
2005-06	3,464/140,376	2.47

Figure 1: Law students with disabilities who were provided accommodations

The National Association for Law Placement (NALP) conducted a study, entitled *Jobs & J.D.'s: Employment and Salaries of New Law Graduates—Class of 2007*, of the employment rates of law graduates by gender, minority, and disability. 86.1% of 638 law graduates with disabilities were employed, compared to about 92.4% of 28,715 non-minority (men and women) law graduates and 90.3% of 8,548 minority law graduates. 7.4% of disabled law graduates indicated that they were unemployed and seeking a job—almost a 3 percent increase from 2007—compared to 3.8 percent for all non-minority law graduates and 5.3% for all minority law graduates. Of the 321 salaries reported by graduates with disabilities, the mean salary was \$75,096 and the median salary was \$57,000. These salaries were considerably lower than the mean and median salaries computed by NALP for non-disabled men and woman graduates: \$83,425 and \$62,500 (11,162 salaries reported) for women, and \$89,060 and 70,000 (12,045 salaries reported) for men. NALP also found that “disabled graduates were less likely to obtain jobs in private practice than the class as a whole—and more likely to obtain government and public interest positions.”

D. DISABILITY DIVERSITY IN THE LEGAL PROFESSION

Immediate Past ABA President William H. Neukom, in his *ABA Journal's* President's Message of November 2007, recognized that, although it is difficult to determine the exact degree that the disabled community is underrepresented in the legal community, it is evident that “[l]awyers with disabilities, too,

have greater difficulty getting a job after law school and have higher rates of unemployment than lawyers who do not have disabilities.” He called on the legal profession to embrace the objectives of then-Goal IX in order to root out invidious discrimination.

Continuing the ABA's commitment to include lawyers with disabilities, current ABA President H. Thomas Wells, Jr., will host at the 2009 ABA Midyear Meeting a workshop with ABA leadership on Goal III in order to prepare for diversity summit in Washington, DC on June 18-20. That same week, he will also host—along with this Commission, the Association of Corporate Counsel, and the Minority Corporate Counsel Association—the Second ABA National Conference on the Employment of Lawyers with Disabilities. More information about this conference can be found at

<http://new.abanet.org/calendar/2nd-National-Conference-on-Employment-of-Lawyers-with-Disabilities>

III. SURVEY METHODOLOGY

Annually surveying ABA Divisions, Sections, and Forums requires a collaborative effort between the four Goal III entities: the Commissions on Mental and Physical Disability Law, Racial & Ethnic Diversity in the Profession, Sexual Orientation and Gender Identity, and Women in the Profession. Each Commission drafts its own questions and its own Goal III report. In many respects, however, the questions asked and the data sought are similar for all four groups. The accuracy of the data depends in large measure on the staff of the Divisions, Sections, and Forums designated to report the data. The

2008-09 survey is completed as a workbook in Microsoft Excel.

ABA Divisions are centered around different groups of professionals in the legal community. They differ from Sections in that they usually have boards of governors.

ABA Sections draw their membership from lawyers or judges with common professional interests, and operate much like independent bar associations with their own officers, dues, committees, and programming. They typically represent a substantive area of the law through their more than 3,700 committees and various publications. Sections, with officers and council members as leaders, contribute to policy-making, both in their particular subject areas and association-wide.

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.

Other ABA entities, including Commissions, Special Committees, Standing Committees, and Task Forces, advise and implement policy for specific areas and causes related to the legal profession and have a relatively small number of members.

The Commission on Mental and Physical Disability Law 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 apparent. Moreover, a sizable percentage of law school graduates with disabilities do not find employment as lawyers. Also, respondents may not understand what constitutes a disability. The Commission defines “disability” as “[a] significant mental, sensory, or physical

impairment or condition such as epilepsy, muscular dystrophy, multiple sclerosis, mental illnesses, dementia, learning disabilities, AIDS, cancer, diabetes, heart disease, stroke, blindness and other visual impairments, deafness and other hearing impairments, and alcoholism.” Disability status may be inferred from members’ self-identifications and direct observation.

IV. FINDINGS

A. ABA LEADERSHIP

Since 2004, the ABA President’s Office ensures that applications for presidential appointments include a question regarding disability status. For 2008-09, 46 out of 693 presidential appointments went to persons identified as having a disability, compared to 13 out of 705 in 2007-08. However, none of the 38 ABA members who serve on the Board of Governors, the executive arm of the ABA, identified as having a disability. Currently, 554 ABA members serve in the House of Delegates, the ABA’s policy-making body, but the ABA does not maintain statistics on the number of lawyers with disabilities who are members of the House of Delegates.

B. ABA ENTITY LEADERS

For 2008-09, 26 of approximately 11,000 ABA leadership positions were held by lawyers identified as having disabilities—a significant increase from 22 in 2007-08, yet a decrease from 31 in 2006-07. Nonetheless, only a fraction of 1% of ABA leadership identified as having a disability. The more encouraging news is that 31% of the ABA entities surveyed have a lawyer

with a disability on their leadership team, a 4 percent increase from 2007-08. These entities are Administrative Law and Regulatory Practice Section; Air and Space Law Forum; Judicial Division; General Practice, Solo and Small Firm Division; Government and Public Sector Lawyers Division; Individual Rights and Responsibilities Section; Public Contract Law Section; Real Property, Trust and Estate Law

Section; Science and Technology Law Section; and Senior Lawyers Division. Thirty-three of the 48 surveyed entities reported having no lawyers with disabilities in their leadership, which is 1 entity more than last year. The entity with the most lawyers with disabilities in its leadership was the Government and Public Sector Lawyers Division with 8 (18%) of its total leadership.

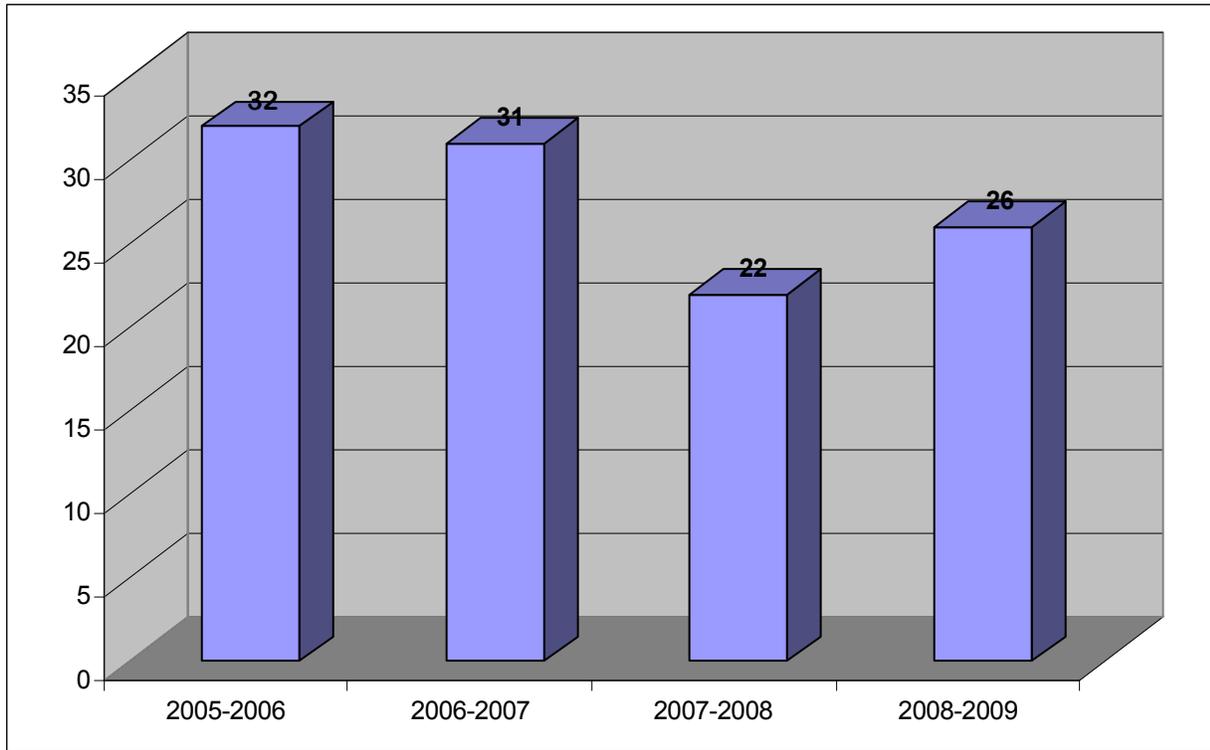


Figure 2: ABA entity leadership positions held by lawyers with disabilities.

i. Primary & Committee Leadership

Primary leadership positions (Section officers or Forum Chairs, Chairs-Elect, Immediate Past Chairs, and appointed leadership) are considered the most influential within the Divisions, Sections, and Forums. For 2008-09, 4 lawyers with disabilities held primary leadership positions—up 1 from 2007-08, but

considerably lower than the 8 and 14 lawyers in 2006-07 and 2005-06, respectively. The Government and Public Sector Lawyers Division, Judicial Division’s Appellate Judges Conference’s Council of Appellate Staff Attorneys, and Judicial Division’s National Conference of State Trial Judges had primary leaders with a disability, demonstrating their

commitment to the full and equal participation of lawyers with disabilities.

For 2008-09, 10 lawyers with disabilities held committee chair positions, 2 more than for 2007-08, but two less than for 2006-07. Only 6 of 48 entities reported having committee positions held by lawyers with disabilities:

Administrative Law and Regulatory Practice Section; General Practice, Solo and Small Firm Division; Judicial Division’s Lawyer Conference; Public Contract Law Section; Real Property, Trust and Estate Law Section; and Science and Technology Law Section.

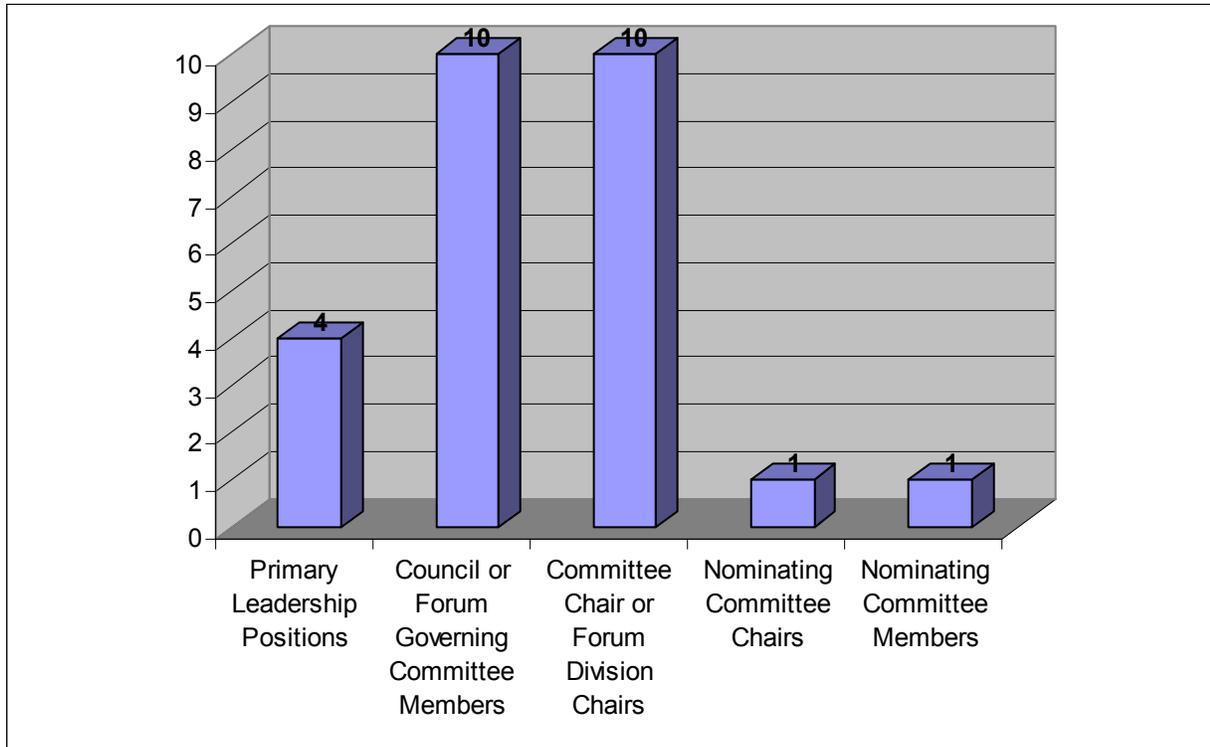


Figure 3: Types of entity leadership positions held by lawyers with disabilities.

ii. CLE Programming

Each ABA entity chooses its faculty in the appropriate fields for the CLE program. For 2008-09, only 8 presenters at ABA CLE programs were identified as having a disability, compared to 27 in 2007-08, and 3 in 2006-07. Six entities included lawyers with disabilities in CLE programming: Criminal Justice Section; Commission on Domestic Violence; Environment, Energy, and Resources Section;

General Practice, Solo and Small Firm Division; Labor and Employment Law Section; and Standing Committee on Specialization. The Commission on Domestic Violence and the Environment, Energy, and Resources Section each had two CLE faculty members with disabilities.

The Commission on Mental and Physical Disability Law held a CLE program at the 2008 ABA Annual Meeting in New York City, entitled “United Nations Convention on the

Rights of Persons with Disabilities and the Americans with Disabilities Act: Similarities and

Differences.” The program’s moderator, who also was a speaker, has a disability.

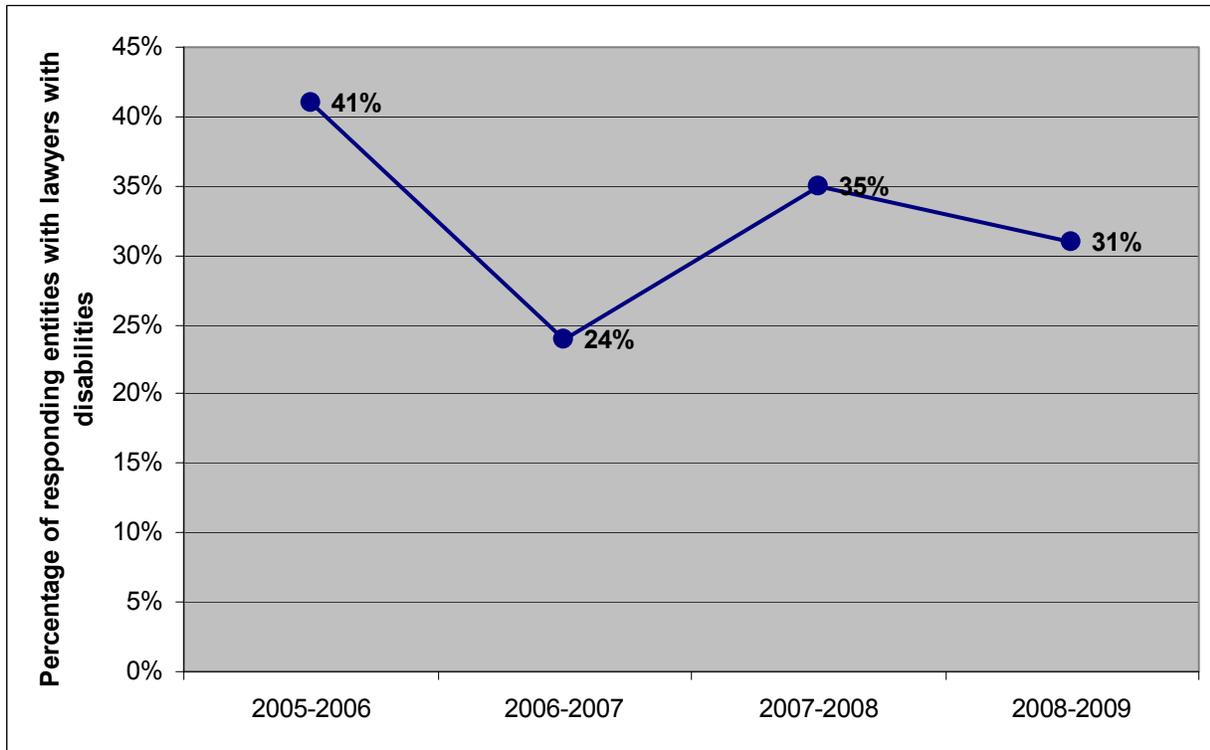


Figure 4: 4 year trend of percentage of ABA entities with lawyers with disabilities as leaders.

V. ENTITY HONORS

The Commission on Mental and Physical Disability Law has an “Honor Roll” for those Divisions, Sections, and Forums that have demonstrated the ABA’s commitment to lawyers with disabilities. Primary factors considered include whether the entity (1) has more than 1 lawyer with a disability in a leadership position (i.e., primary entity leader or committee chair); (2) has at least 5% of their committee population (i.e., governing committee or nominating committee) consist of lawyers with disabilities; (3) has at least 5 CLE faculty with a disability; and (4) has

demonstrated a concerted effort to include lawyers with disabilities in entity activities.

In addition, the Commission gives “Highest Honors” to those entities that have performed exceptionally well in efforts to “eliminate bias and enhance diversity,” particularly those for lawyers with disabilities. By recognizing ABA entities that make the “Honor Roll” and “Highest Honors,” the Commission hopes to encourage their efforts to expand their recruitment initiatives aimed at lawyers with disabilities and, thus, serve as role models for other ABA entities.

A. HIGHEST HONORS

For 2008-09, the Commission found no entity that achieved this status.

B. HONOR ROLL

For 2008-09, the following 5 entities have achieved “Honor Roll” status:

i. Business Law Section

Each year, this Section’s Committee on Diversity sponsors a Diversity Networking Reception the evening before its spring meeting. For its spring 2008 event, the Committee reached out to local groups and associations representing lawyers with disabilities, and over 200 people attended. At that same meeting, the Section’s Committee on Diversity Women’s Business Law Network held a dessert reception, which included lawyers with disabilities from the area bar associations.

In addition, the Section’s Business Law Diversity Clerkship Program, which encourages students to pursue business court clerkship opportunities and careers in the practice of business law, gives special consideration to individuals who have overcome challenges such as economic hardship or disability. Moreover, the Section’s Business Law Fellow, Ambassadors and Diplomat Program specifically targets law students with disabilities, among other diversity groups, to be more involved with the Section’s leadership and programs. The program offers financial resources and participation opportunities.

Finally, two members of the Commission on Mental and Physical Disability serve on its Council, and as both Chair of the Section’s Subcommittee on Lawyers with Disabilities Involvement, and editor for the Section’s *Business Law Today*.

ii. General Practice, Solo and Small Firm Division

Four percent (1 of 23) of the Division’s governing committee and 3% (2 out of 60) of its Chairs identified as having a disability. The Division’s Diversity Fellows Program is designed to promote disability diversity within its Division and the ABA, and to provide leadership development opportunities. One fellow is chosen per year, and attends the Division’s fall and spring meetings, as well as the ABA Annual Meeting.

iii. Government and Public Sector Lawyers Division

Overall, the Division has 18% of its total leadership indentified as having a disability. Two of the its 8 primary leadership positions, 2 of its 23 governing committee members, and the chair of its 3-person nominating committee are lawyers with disabilities.

iv. Judicial Division

The Division’s Lawyers Conference has one person out of 12 on its governing committee (8%) and one committee chair out of 11 (10%) with a disability. The Appellate Judges Conference has 1 governing committee member out of 9 with a disability (11%), and this

Conference's Council of Appellate Staff Attorneys has 1 of its 2 primary leaders with a disability. In addition, the Division has had a diversity plan since 2004 that includes lawyers and judges with disabilities.

v. Senior Lawyers Division

Fourteen percent of persons on this Division's governing committee identified as having a disability, up from 6% in 2007-08. Because most of the Division's members are over age 70, the Division is sensitive to their physical limitations, and makes its meetings and materials accessible for members with mobility and hearing impairments.

VI. CONCLUSION AND RECOMMENDATIONS

The Commission reported a slight increase in the total number of ABA Division, Section, and Forum leadership positions held by lawyers with disabilities from 22 in 2007-08 to 26 in 2008-09. Additionally, the percentage of primary leadership positions held by lawyers with disabilities slightly increased from 3 in 2007-08 to 4 in 2008-09, as did the number of chairs with disabilities—8 in 2007-08 to 10 in 2008-09. Since 1998, the Commission has seen incremental increases and decreases in the number of: leadership positions held by lawyers with disabilities, ABA entities that include lawyers with disabilities in leadership positions, and ABA entities that specifically include lawyers with disabilities in their diversity statements, goals, and action plans.

Nonetheless, the overall progress with regard to lawyers with disabilities has been relatively slow when compared to minority and women lawyers. Certain qualitative measures of the participation of ABA lawyers with disabilities have proven to be disappointing. A handful of entity programs state that they promote all types of diversity, but lack programs aimed at specifically attracting and retaining lawyers with disabilities. Moreover, in answering substantive questions for the Goal III survey, a large number of entities gave no information concerning their efforts to attract lawyers with disabilities and to make their events, publications, and website accessible. Furthermore, after 9 years of having disability diversity included in the ABA's goals, a number of ABA entities still have not incorporated lawyers with disabilities into their diversity statements, action plans, and goals. In fact, some entities, after noting a deficiency, did not implement plans to address those deficiencies. These results are cause for concern, particularly given the estimated 27,280 ABA members who self-identify as having a disability.

The percentage of lawyers with disabilities remains quite low as compared to the percentage of persons with disabilities in the general population. Relatively few people with disabilities go to law school. Accordingly, the ABA should work to increase the number of persons with disabilities who attend law school. The Commission, the Individual Rights and Responsibilities Section, and the National Association of Law Students with Disabilities (<http://www.nalswd.org>) are working together to make sure that persons with disabilities enter and remain in law school.

Since 1999, when the ABA first included lawyers with disabilities as part of its commitment to diversity, the Commission has strived through its programs, projects, and publications to serve as a role model to all ABA entities and the legal profession. The Commission applauds ABA President H. Thomas Wells Jr., as well as Past Presidents Michael S. Greco and William H. Neukom, for their efforts to increase the number of lawyers with disabilities in ABA leadership position and the profession as a whole. The Commission further applauds those ABA entities who made the “Honor Roll” and, thus, serve as examples for all ABA entities.

In light of these developments, the Commission encourages ABA entities to:

1. Continue to develop better ways to identify and track the number and progress of lawyers with disabilities within the ABA and all of its entities. In some cases entities are urged to ask its members if they have a disability when enrolling or surveying its membership.
2. Recruit *actively* and include lawyers with disabilities in leadership positions in Divisions, Sections, and Forums. Efforts for recruitment should include informing law students at the beginning of their careers about entity activities and creating specific networking opportunities for lawyers with disabilities at Mid-Year and Annual meetings, as well as CLE training.
3. Maintain long-range diversity goals and plans that specifically include lawyers with disabilities, update these plans on a regular basis, and include lawyers with

- disabilities in their formation and review.
4. Support the Commission’s Mentor Program, *infra*, to promote participation from both lawyers and law students with disabilities.
 5. Use the Commission’s resources in identifying speakers and participants with disabilities for their programs, projects, and activities.
 6. Sponsor, if funds are available, a lawyer-member with a disability to represent disability diversity at all of their meetings and the ABA meetings. The Business Law Section’s Diversity Clerkship Program and Business Law Fellow, Ambassadors and Diplomat Program, as well as General Practice, Solo and Small Firm Division’s Diversity Fellows Program are good examples.
 7. Invite Commission members to speak at their events about Goal III, Commission programs, and Commission efforts to increase ABA membership.
 8. Include lawyers with disabilities as speakers and panelists for their Mid-Year and Annual Meetings, programs, and CLE training.
 9. Solicit lawyers with disabilities to write for their publications and promote articles about lawyers with disabilities or issues particularly pertinent to this group.
 10. Take steps to implement within the ABA the Resolution and Report on Website Accessibility, which was passed by the House of Delegates at the 2007 Annual Meeting. Several ABA entities

surveyed did not know whether their website is accessible and believed it is not their responsibility—but rather the ABA’s Interactive Services Division—to ensure accessibility. Although the general architecture of the ABA website may not be under the control of a particular entity, each entity can take steps to make sure all of the content it places on its own web pages are accessible.

11. Track the number of their members with disabilities in a manner that is not intrusive, but still allows for a reasonably accurate count.
12. Seek the Commission’s cooperation when attempting to secure grant money for disability diversity projects in the legal profession.

VII. ABOUT THE COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW

A. LAW PROJECTS

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 2008 reception was held during the Annual Meeting in New York, NY.

For more information visit:

<http://www.abanet.org/disability/about/award.shtml>

Commission Co-Sponsorship of Amicus Briefs

The Commission joins other ABA entities, such as the Section on Individual Rights and Responsibilities (IR&R), in asking the ABA to submit amicus briefs in cases involving substantive areas of disability law and disability rights. In 2003, the Commission joined IR&R in successfully recommending that the ABA submit an amicus brief to the U.S. Supreme Court in *Tennessee v. Lane* (2004). 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 of the U.S. Constitution. The Supreme Court’s decision supported the ABA’s position.

The Commission also co-sponsored a request that the ABA submit an amicus brief to the Supreme Court in *United States v. Georgia* (2006) urging the Supreme Court to find a private right of action against the state for monetary damages under ADA Title II for violating rights covered by the Fourteenth Amendment of the U.S. Constitution. The Court’s decision supported the ABA’s position.

Finally, the Commission co-sponsored requests that the ABA file amicus briefs to the Supreme Court in the case of *Panetti v. Quarterman* (2007) regarding the competency of defendants with severe mental disorders to be

executed and in *Indiana v. Edwards* (2008) regarding the competency of a defendant to waive his right to counsel and represent himself in a criminal trial.

Mentor Program for Law Students with Disabilities

In 2003, the Commission's Mentor 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." Since 2000, the Program has been pairing law students with disabilities with practicing attorneys (who may or may not have disabilities) based on mentees' preferences. Mentors can provide a source of guidance concerning law school, careers, and issues such as reasonable accommodations. The Commission welcomes students and lawyers from around the country to contact the Commission directly if they are interested in participating.

For mentor information visit:

<http://www.abanet.org/disability/mentorprogram/mentor.shtml>

For mentee information visit:

<http://www.abanet.org/disability/mentorprogram/mentee.shtml>

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 2008 Award recipient was Lester T. Pritchard, Chairperson of the Illinois Council on Developmental Disabilities and a disability rights advocate. The Commission has a subcommittee to help determine the recipient of the Award.

For more information visit:

<http://www.abanet.org/disability/award/home.shtml>

Subcommittee on the National Employment Conference

This Subcommittee addresses issues related to attaining, employing, and retaining lawyers with disabilities. The Subcommittee worked in conjunction with the U.S. Equal Employment Opportunity Commission (EEOC) to host the First ABA National Conference on the Employment of Lawyers with Disabilities in 2006. The Commission will hold a second national conference on June 15 and 16, 2008. It will focus on having corporate law departments and law firms make a pledge to interview and hire more lawyers with disabilities. It will be hosted by ABA President H. Thomas Wells, Jr. and co-sponsored by the Association of Corporate Counsel and the Minority Corporate Counsel Association.

For more information visit:

<http://new.abanet.org/calendar/2nd-National-Conference-on-Employment-of-Lawyers-with-Disabilities>

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 national Mentor Program for Law Students with Disabilities and organizes the ABA Annual Meeting's reception for lawyers with disabilities (see above). 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. This Subcommittee also maintains a relationship with the National Association of 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 in the Profession.

Subcommittee on Veterans Issues

This newly created subcommittee is to respond to the mental and physical disability-related issues that have emerged as a result of the many injured soldiers who have returned from Afghanistan and Iraq. The Commission is planning to hold a CLE program at the 2009 Annual Meeting in Chicago on legal issues involving soldiers with post-traumatic stress syndrome.

B. LAW PUBLICATIONS AND PRODUCTS

Since 1976, the Commission has published the *Mental & Physical Disability Law Reporter* and *Mental & Physical Disability Law Digest*, books,

and articles. A complete list of these numerous publications is available at <http://www.abanet.org/disability>. A select few are mentioned here.

Mental & Physical Disability Law Reporter

For more than thirty 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 twenty-two 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.

For more information visit:

<http://www.abanet.org/disability/publications/lareporter/home.shtml>

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 twenty-two 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.

For more information visit:

<http://www.abanet.org/disability/publications/lawdigest/home.shtml>

Criminal Mental Health and Disability Law, Evidence and Testimony: A Comprehensive Reference Manual for Lawyers, Judges and Criminal Justice Professionals (2009)

This Reference Manual examines two interrelated aspects of criminal law—mental health and disability discrimination—from the points of view of lawyers, judges and other professionals within the criminal justice system. The manual builds on established resources within the ABA, including the *Mental & Physical Disability Law Reporter*, *Mental Disability Law, Evidence and Testimony* and *Disability Discrimination Law, Evidence and Testimony*. It synthesizes the best and most recent information at the ABA on mental health and discrimination law that specifically pertains to criminal justice matters. It also references the ABA's *Criminal Justice Mental Health Standards*.

For more information visit:

<http://www.abanet.org/abastore/index.cfm?fm=Product.AddToCart&pid=4410209>

Disability Discrimination Law, Evidence and Testimony: A Comprehensive Reference Manual for Lawyers, Judges and Disability Professionals (2008)

This Reference Manual analyzes federal and state disability discrimination laws in six major areas (i.e., employment, public services, public accommodations, telecommunications and the Internet, housing and zoning, and education);

summarizes the history of disability discrimination law; examines the relationship between attorneys and disabled clients; discusses expert evidence and testimony in disability discrimination cases; and includes appendices of the laws in the fifty states plus D.C. covering the six major areas of disability law, as well as a listing of Supreme Court cases addressing disability law.

For more information visit:

<http://www.abanet.org/abastore/index.cfm?section=BestSellers&fm=Product.AddToCart&pid=4410202&added=1>

Mental Disability Law, Evidence and Testimony: A Comprehensive Reference Manual for Lawyers, Judges and Mental Disability Professionals (2007)

This Reference Manual is a guide for lawyers, judges, law students, and forensic and other mental disability professionals through the maze of civil and criminal laws, standards, and evidentiary pitfalls, and forensic practices that characterize this area of the law. Moreover, it summarizes what empirical evidence exists to support or raise concerns about these legal standards and forensic practices when they are introduced in the courtroom.

For more information visit:

<http://www.abanet.org/abastore/index.cfm?section=NewBooks&fm=Product.AddToCart&pid=4410201>

C. ONLINE PROJECTS

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.

For more information visit:

<http://www.abanet.org/disability>

Directory of Lawyers Practicing Disability Law

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

For more information visit:

<http://www.abanet.org/disability/disabilitydirectory/home.shtml>

National Law School Disability Programs Directory

This first-of-its-kind online directory contains the best available information collected by the Commission from ABA-accredited law schools concerning their disability related programming, such as disability support services, curricular and co-curricular options for disability law and disability rights, and relevant clinical programs.

For more information visit:

<http://www.abanet.org/disability/lawschools/>

Online Research 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 fifty-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 *Digest* and a monograph on state disability discrimination laws.

Technical Assistance and Referrals

If you are a lawyer or law school 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.

D. COMMISSIONERS

Alex J. Hurder, Commission Chair

Alex J. Hurder is a clinical professor of law at Vanderbilt Law School. He graduated from Harvard College in 1967 and Duke Law School in 1975. Professor 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

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Randi B. Whitehead, Chair, Subcommittee on Goal III Report

Randi B. Whitehead is a lawyer in Sarasota, Florida and has been an active member of the ABA for over 15 years. She has served on the ABA Working Group on Health Care Reform. She also serves as the Group Chair and Newsletter Editor for the Real Estate Law Group and Vice Chair of the Diversity Committee of the General Practice Solo & Small Firm Division, Chair of the Law Practice Management Committee of the Young Lawyers Division, Chair of the Law Practice Management Committee of the Tort, Trial & Insurance Practice Section and as a member of the Publishing Board and Member Development Committee of the Law Practice Management Section. 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.

Carrie G. Basas, Member

Carrie G. Basas is an assistant law professor at the University of Tulsa in disability rights, advanced constitutional law, criminal law, and professional ethics. Before coming to Tulsa, she was a visiting assistant professor at Penn State-Dickinson School of Law and a visiting researcher at the University of Virginia. Her research interests include disability law, employment discrimination, the legal profession, food and animal law, and feminist

legal theory. In addition to publications in national law journals, she is currently writing a disability rights law textbook for Carolina Academic Press. She is one of the first women in the U.S. with a visible disability to hold a tenure-track position teaching law. In 2001, the Ethel Louise Armstrong Foundation recognized her for "changing the face of disability" and in 2002, the American Association of People with Disabilities named her as an emerging leader in disability rights. In 1998, she became a national Truman Scholar.

Eric Y. Drogin, Member

Eric Y. Drogin is a Fellow of the American Academy of Forensic Psychology, a Diplomate and former President of the American Board of Forensic Psychology, and a Diplomate of the American Board of Professional Psychology. Dr. Drogin is a former Chair of the American Psychological Association's Committee on Professional Practice and Standards, a former Chair of the APA's Committee on Legal Issues, a former Chair of the APA's Joint Task Force with the American Bar Association, and a former President of the New Hampshire Psychological Association. He serves on the faculties of the Harvard Medical School (as a member of the Program in Psychiatry and the Law, and on the staff of the Forensic Psychiatry Service, in the Department of Psychiatry at Beth Israel Deaconess Medical Center), the Harvard Longwood Psychiatry Residency Training Program, and the University of Louisville School of Medicine. Dr. Drogin received his Doctor of Philosophy (Ph.D.) degree in Clinical Psychology from Hahnemann University and

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Joan M. Durocher, Member

Joan M. Durocher is a Senior Attorney/Advisor at the National Council on Disability in Washington, DC, an independent federal agency charged with advising the President and Congress about the broad spectrum of issues of importance to people with disabilities. Ms. Durocher is also the Designated Federal Official for International Watch, a Federal Advisory Committee tasked with advising on the development of policy proposals that will advocate for a foreign policy that is consistent with the values and goals of the ADA. Ms. Durocher has a Bachelor of Arts degree from Michigan State University and received her law degree from the University of Maryland, where she was awarded an Asper Fellowship and received the BARC Community Service and Leadership Award for her work at the Maryland Disability Law Center in Baltimore. She is a member of the State Bar of Michigan and lives in Vienna, Virginia.

David M. English, Member

David M. English is the W.F. Fratcher Missouri Endowed Professor of Law at the University of Missouri-Columbia, where he has taught since 1998. Professor English is an expert in the fields of estate planning and elder law. For the ABA, he is a member of its House of Delegates and a member of the Executive

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Stephanie L. Enyart, Member

Stephanie L. Enyart was Co-Chair of the Steering Committee that launched the National Association of Law Students with Disabilities (NALSWD) and served as the first president of the organization. She currently serves as the Chair of the Advisory Board of NALSWD and is organizing the launch of the first national organization for lawyers with disabilities. She recently won the Paul J. Hearne award given to emerging disability rights leaders. Ms. Enyart will begin a Skadden fellowship this fall with Disability Rights Advocates. Ms. Enyart graduated from UCLA School of Law in December 2008 where she was enrolled in the Epstein Program in Public Interest Law and Policy. At UCLA, Ms. Enyart was an Editor-In-Chief of Recent Developments for the Women's Law Journal, Chair of the Disability Law Society and was elected by the student body to UCLA's Student Bar Association where she served as the UCLA American Bar Association representative. She has a B.A. in English and a secondary major in Feminist Studies from Stanford University. Stephanie has a form of macular degeneration called Stargardts and grew up in Nipomo, California.

Margaret M. Foran, Member

Margaret M. Foran is Executive Vice President, General Counsel and Corporate Secretary of Sara Lee Corporation. From July, 1997 until July, 2008, she was Senior Vice President-Corporate Governance, Associate General Counsel and Corporate Secretary of Pfizer Inc. Prior to joining Pfizer in July 1997, she was an Associate General Counsel and Assistant Secretary of ITT Corporation from July 1996 until July 1997 and a Vice President, Assistant General Counsel and Assistant Secretary for J. P. Morgan & Co., Inc., as well as Secretary of Morgan Guaranty Trust Company of New York, where she was employed for approximately 12 years. Previously, she was an associate with Reid & Priest. Ms. Foran received B.A. (Magna Cum Laude) and J.D. degrees from the University of Notre Dame. She is admitted to the New York and Pennsylvania Bars. She is a member of the Disclosure Task Force and Co-Chair of the Director Voting Task Force of the ABA's Committee on Corporate Laws and Chair of the ABA Committee on Corporate Governance. She has also served as a speaker and panelist for various professional associations, has written several articles on corporate governance and securities law issues and has served on several regulatory task forces and organization boards.

William H. Grignon, Member

William H. Grignon was a senior associate in the litigation group of Kirkland & Ellis LLP. His areas of practice included securities and shareholder litigation, commercial contracts and restructuring. Mr. Grignon participates

in the Trial Advocacy Prosecutors Program for the cities of Hermosa Beach and Redondo Beach, California. He is an adjunct professor of law at Pepperdine University. Mr. Grignon has a B.A. from Mount Saint Mary's College, M.F.A. from UCLA and his J.D. from Pepperdine University School of Law.

Noel Nightingale, Member

Noel 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. Ms. Nightingale 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 western United States. Noel is now an attorney with the Office for Civil Rights in the U.S. Department of Education in Seattle.

Alan S. Rachlin, Member

Alan S. Rachlin is a Principal Attorney in the Office of General Counsel of the New York State Insurance Department, primarily dealing with health insurance. Prior to joining the Office of General Counsel, in March 1976, Mr. Rachlin was an Insurance Examiner in the Insurance Department. Mr. Rachlin is presently a Vice Chair, having previously served as Chair, of the Insurance Regulation Committee of the

Tort Trial and Insurance Practice Section (TIPS) of the American Bar Association (ABA), a member of the Task Force on Federal Involvement in Insurance Regulation Modernization of TIPS, and a member of the Health Law Committee of the New York City Bar Association. He is also a member of the New York State Bar Association and the New York County Lawyers Association. Mr. Rachlin received a B.A. in 1965 from City College of the City University of New York, a MPA in 1971 from Baruch College of the City University of New York, and a J.D. in 1975 from New York Law School.

Adele Rapport, Member

Adele Rapport is the Chief Attorney for the U.S. Department of Education Office for Civil Rights in Chicago. She is a 1980 University of Michigan law school graduate. Ms Rapport worked in the private sector specializing in employment discrimination law for 15 years. In addition, she served as the Regional Attorney for the Detroit District Office of the EEOC for 13 years, where she developed a specialty in disability and religious discrimination law. Ms Rapport has held leadership positions in the American Bar Association Section on Labor and Employment Law and the CLE section. She is currently a Commissioner on the ABA Commission on Mental and Physical Disability Law. Ms. Rapport also serves as a Governor on the Board of Governors for the College of Labor and Employment Lawyers. From 1994-2006 she was an Adjunct Professor of Law at the University of Detroit Mercy School of Law

where she taught employment discrimination and disability rights courses.

Mildred A. Rivera-Rau, Member

Mildred A. Rivera-Rau 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.

Walter T. Smith, PharmD., Member

Walter T. Smith graduated from the Saint Louis College of Pharmacy in 1994 with a Doctor of Pharmacy degree. Upon graduation, Tommy served as the Director of Operations for Corum Health Services, Inc., a long-term care pharmacy in Saint Louis, Missouri. In order to expand his interests in the areas of healthcare regulation and policy and disability law, Tommy went back to school to study law. Tommy earned his J.D. in 2005, along with a Certificate in Health Law, from the prestigious Center for Health Law Studies at Saint Louis University School of Law. Tommy joined the faculty of the University of Florida College of Pharmacy in July 2008. Tommy's areas of interest include federal pharmacy regulations, clinical ethics, pharmacists and other healthcare professionals

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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 participated in the drafting of a United Nations disability human rights convention, 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.

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