April 2015

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Important Dates

Business Law Section Spring Meeting
April 16-18, 2015
San Francisco, CA

Business Law Section Annual Meeting
September 17-19, 2015
Chicago, IL

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Natalie Bassler
Sylvia Fung Chin
Jason Goitia
Daiquiri Steele
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Mark Wade
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Message from the Chair

Happy Spring … Meeting! We have a fabulous array of activities noted below including our program on Women in the Law, a premiere showing of the video "Kicking Glass" at our Saturday Committee meeting and guest speakers at the Lawyers with Disability Involvement subcommittee, Women's Business Law Network and LGBT subcommittee meetings. This issue of the Business of Diversity also highlights our Diplomat Anat Maytal and provides guidance on 'Using Respectful Language.'

Kudos to the Business Law Section for achieving the highest honor (Platinum) on the honor roll of the Commission on Disability Rights.

Sylvia Chin, Chair

Diversity Clerkships

Congratulations to law students listed below who will be serving in Diversity Clerkships this year.

Program: From Women in the Law: From Visible Invisibility to Visibly Successful-Strategies for Women Attorneys
Friday 4/17/2015 2:30PM - 4:30PM
InterContinental
InterContinental Ballroom B, Fifth Floor

It is clear that much work remains to be done to create a level playing field for women lawyers. We know that the compensation tends to be lower for women lawyers (and even more so more women of color) and that the attrition rate tends to be higher than men. We also know that women lawyers are often denied mentoring, and sponsorship opportunities, and receive fewer promotions. Recent studies have also shown that these disparities extend to lawyers with disabilities, LGBT lawyers and to lawyers of different ethnicities.

We have assembled women lawyers with a broad range of backgrounds and perspectives to shed some light on their pathways to success. How were they recruited? What was their experience during the hiring process? Who helped in their retention and promotion? What steps did they take to further their pathways to success? What words of wisdom would each of them share with young female lawyers? Come and participate in our discussion.

Kicking Glass, from the Courtroom to the Boardroom, Two Decades and Counting: How Far Have APA Women Attorneys Come?
Diversity and Inclusion Committee Meeting
Saturday 4/18/2015 11:00AM - 12:30 PM
Marriott Marquis
Foothill F, Second Level

"Kicking Glass: Two Decades and Counting" is a follow-up program to a video that was first presented by the Asian Pacific American Bar Association at the 1995 National Asian Pacific American Bar Association Convention. In the 1995 video, APA women attorneys discussed the hurdles they faced, the successes they achieved, and what success meant to them. In "Kicking Glass: Two Decades Later" we revisit these important questions with an updated 30 minute video and a panel discussion, featuring women from the 1995 video and a new group of women. Together, we examine whether APA women attorneys have
finally broken the glass ceiling, identify what challenges remain, and explore real-world solutions for such challenges.

Come to hear a special interview with Jessica Refuse, President of Starbucks Employee Resource Group, Starbucks Access Alliance, Thursday, 4/16/2015 from 2 to 3 pm at the joint meeting of our Lawyers with Disabilities Involvement and Women's Business Law Network subcommittees.

**Lawyers with Disabilities Involvement**
Thursday 4/16/2015 1:30PM - 2:30PM
Marriott Marquis
Pacific J, Fourth Level

**Women's Business Law Network**
Thursday 4/16/2015 2:30PM - 3:30PM
Marriott Marquis
Pacific J, Fourth Level

Join the conversation with John Hendricks and Andrea Shorter at the LGBT subcommittee meeting.

**Lesbian, Gay, Bisexual and Transgender Involvement**
Saturday 4/18/2015 12:30PM - 1:30PM
Marriott Marquis
Foothill F, Second Level

- John Hendricks - founder of a successful LGBT-owned practice, John will discuss how he has developed and leveraged his LGBT network to grow his law firm to one that represents Fortune 500 companies and their management. John has been recognized as an outstanding LGBT professional who has distinguished himself in his filed and has demonstrated a profound commitment to LGBT equality.
- Andrea Shorter - accomplished public official, a cutting edge public policy leader, political strategist and civil and human rights advocate. Andrea is currently the Chief Executive Political Coach and Consultant with Atlas Leadership Strategies, a political coaching and consulting firm specializing in promoting advanced political leadership skills and development. Andrea will discuss how we can best use our skills to promote ourselves, our business and our careers.

**Lawyers of Color Involvement**
Thursday 4/16/2015 3:30PM - 4:30PM
Marriott Marquis
Pacific J, Fourth Level

This year we've added a breakfast

**First-timer Welcome Breakfast**
Thursday 4/16/2015 7:30 AM - 9:00 AM
Marriott Marquis Golden Gate Ballroom, C1, B2 Level

And come applaud the recipient of the Jean Allard Glass Cutter Award at the Section Luncheon (ticket required)

**Section Luncheon**
Friday 4/17/2015 12:30PM - 2:15PM
Marriott Marquis
Salon 8, Yerba Buena Ballroom, Lower B2 Level

And don't forget our fun receptions:

**Diversity Networking Reception**
Wednesday 4/15/2015 6:30PM - 8:00PM
InterContinental
InterContinental Ballroom, Fifth Floor

**WBLN Sweet Endings Dessert Reception**
Thursday 4/16/2015 10:00PM - 11:30PM
InterContinental
Union Square, Third Floor

**Law Student Speed Networking Program**
Thursday 4/16/2015 3:00PM - 4:30PM
Marriott Marquis
Club Room, Second Level

**Icebreaker Reception**
Thursday 4/16/2015 5:00 PM - 6:00 PM
Marriott Marquis
Foothill G, Second Level

**Women in the Law Reception**
Friday 4/17/2015 4:30 PM - 6:00 PM
InterContinental
Union Square, Third Floor

In its seventh year, the Diversity Clerkship Program places nine outstanding diverse law students with business court judges across the country to participate in an eight-week program. Participants for the 2014 program are:

- Anita Alexander, Pennsylvania State University Dickinson School of Law, Carlisle, PA
- Kwesi Atta-Krah, The University of Iowa College of Law, Iowa City, IA
- Alton Bradley, University of Illinois, Urbana, IL
- Jeffrey Dorough-Lewis, Barry University - Dwayne O. Andreas School of Law, Orlando, FL
- Daniel Knudsen, University of Montana School of Law, Polson, MT
- Amanda Reasoner, University of South Carolina, Columbia, SC
- Waleed Ahmed, University of Minnesota, Minneapolis, MN
- Samantha Hsieh, The George Washington University Law School, Washington, DC
- Peggy Liu, DePaul University College of Law, Chicago, IL

Additional information on the Diversity Clerkship program can be found [here](http://apps.americanbar.org/buslaw/committees/CL360000pub/newsletter/201504/).

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**Using Respectful Language When Talking about Disability**
*By Jason Goitia*

"The difference between the right word and the almost-right word is the difference between lightning and a lightning bug." - Mark Twain

As lawyers, we know that words and phrases are very powerful, and should be chosen and used thoughtfully to make the most of opportunities and talents. It is with that in mind that we know that we need to choose the words we use to discuss disabilities carefully.

Disrespectful language can make someone feel excluded, and that person may end up contributing less than his or her potential.

Many people may not have a disability right now, but may have a disability in the future. Plus, coworkers or clients may have a disability themselves, or they have a family member or a friend who has a disability. Disability affects all people. So, we should learn to use respectful language, and teach others to do the same. This article lays out a few guidelines to use when discussing disability. However, while you should always be respectful, the impacted person is a better guide on his or her own preferences.

As an over-arching principle, you should refer to the person first (you may sometimes see references to "people-first" language). That way, you acknowledge the person before the disability; the language we use influences the way we see people, and we want the language we use to acknowledge that we see the person before the disability.
For example, use the phrase "person with a disability" instead of "disabled person." Using the term "disabled person" implies that it is a broken person who is less than a whole person. You want your words to reflect that the disability is a feature of who he or she is, but it is not a defining characteristic.

Similarly, refer to a person's disability only when it is related to what you are talking about. For example, you should not ask "What's wrong with you?" when you see someone who has a disability. Also, do not refer to people in general or generic terms such as "the girl in the wheelchair." Always call a person with a disability by his or her name, and you avoid this issue.

Use the term "accessible" rather than "handicapped." For example, calling a bathroom stall an "accessible stall," a parking space an "accessible space," or seating as "accessible seating" reflects that you are talking about a stall, a parking space, or seating, and not a person. I have had people who use wheelchairs tell me they had to wait to use the bathroom because someone without a need for the accessible stall was using it. If we start to refer to bathroom stalls as accessible stalls (rather than handicapped stalls), hopefully people will opt for that particular stall last (instead of first), as they should.

Say that a person uses a wheelchair, not that he or she is wheelchair-bound. That way, you talk about a wheelchair as a mobility aid, not a feature that defines the person.

Use the phrase "little person" instead of dwarf or midget. This will emphasize that you are talking about a person, and not a condition.

Do not refer to people who are blind as "The Blind" (like they're a block of wood). Just say the person is blind or has a vision issue.

Use "deaf" or "hard of hearing" instead of "hearing-impaired." A lot of people who are hard of hearing do not like the word "impaired."

You should say that someone has a learning disability or dyslexia, not that he or she is slow or dim-witted. Again, you are talking about a person, and do not want to define that person by his or her challenges. Saying that a person is slow or dim-witted just mocks those challenges (it should go without saying that you should never say someone or something is "retarded," even if joking).

You cannot see every disability; there is a whole category of disabilities called invisible disabilities (also called hidden disabilities). While they can be very serious, many can be overcome very successfully. For example, prosopagnosia, or face blindness, is a condition where people cannot recognize other people by their faces. Dr. Oliver Sacks, who was portrayed by Robin Williams in the movie Awakenings, is someone who has this condition (meaning he is unable to recognize his patients by looking at their faces). He has an entire career of doing path-breaking work. Imagine if he, or someone who supervised his work, used that disability to mock, exclude, or limit him.

Underdogs can come out ahead by compensating for their perceived weaknesses, oftentimes through creative and innovative thinking. Similarly, people with disabilities must often use creative and innovative strategies to accomplish the same things as those who do not have disabilities (although, in a manner that does not look the same). We all can use many of these strategies to maximize our own performance.

Parents of children seem to prefer the term "special needs." Again, you should always be respectful, and use the terminology the person (in this case, the parent) prefers.

Choosing the words we use to discuss disabilities carefully allows us to make the most of opportunities and talents. Disrespectful language can make someone feel excluded, and that person may end up contributing less than his or her potential. Disability affects all people. We should always use respectful language, but recognize that the impacted person is a better guide on his or her own preferences.

While it can be difficult at first, it quickly becomes habit, and can shape the way
everybody sees people with disabilities (and the way people with disabilities see themselves). Being respectful is not only important on its own, but it can also develop a pool of talent and opportunity for everybody.

Jason Goitia is chair of the Lawyers with Disabilities Involvement Subcommittee of the Diversity and Inclusion Committee of the ABA Business Law Sections. This article first appeared (with a few changes) in the Minority Corporate Counsel Association’s publication, Diversity & the Bar.

Meet Our Diplomat - Anat Maytal
Interview by Mark Wade

What is your disability and were you born with your disability?

I am hard of hearing, with a severe to profound hearing loss. I was not born with my disability, but at the age of eight months I had viral meningitis and was very lucky to get away with only hearing loss. Before acquiring my hearing disability, I was a healthy baby listening and learning how to speak at an early age. According to my parents, I even knew more words in my family’s native Hebrew language than English, my first language. After I became ill, my parents noticed I was not picking up any new words and that’s when they decided I needed to get my hearing tested.

Currently, I wear a digital hearing aid in my left ear and as of November 2013, had surgery for the cochlear implant in my right ear (which is my “worse” ear, i.e. the hearing aids were not very beneficial, I could barely hear anything with them).

Where are you from?

I am from New York. I grew up in Queens.

Read more...

Meet your Diversity and Inclusion Committee Leaders

Diversity and Inclusion Committee
Chair Sylvia Fung Chin
Vice-Chair Christine Young

Lawyers of Color Involvement
Chair Doneene Damon
Vice Chair Juan Sempertegui

Lawyers with Disability Involvement Subcommittee
Chair Jason Goitia
Vice-Chair Betty Boyd

Law Student and Young Lawyer Involvement Subcommittee
Chair Mauricio Videla
Vice-Chair Shazia Ahmad

Lesbian, Gay, Bisexual and Transgender Involvement Subcommittee
Chair John Clifford
Vice-Chair Adonica-Jo Wada

Women’s Business Law Network
Chair Joan Durocher

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Meet Our Diplomat – Anat Maytal

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Currently, I wear a digital hearing aid in my left ear and as of November 2013, had surgery for the cochlear implant in my right ear (which is my “worse” ear, i.e. the hearing aids were not very beneficial, I could barely hear anything with them).

Where are you from?

I am from New York. I grew up in Queens.

What was it like growing up for you? What did growing up with your disability teach you about people and yourself?

Well, my family and friends were not deaf and never encouraged me to think I was different or disabled and always encouraged me to pursue any dreams I aspired to realize. The biggest challenges I’ve faced were learning to adapt with my hearing disability and adjust to different environments. After receiving hearing aids, I had speech therapy sessions at least three times a week to improve my speech so that it would sound “normal” and be easily understood by others. This is a tremendous obstacle to overcome because when hearing people first meet me, I am concerned not only that they will notice my language difficulties, but also that they will not associate these difficulties with my hearing impairment. They might notice that I mispronounce certain words, repeat something that someone else already said but I did not hear, or say something irrelevant to the conversation, for example. People may not realize this is because I cannot hear and may attribute it to something else, i.e., being aloof or rude.

This is why hard of hearing/deaf people withdraw from conversations especially those that take place in loud rooms with unfamiliar people who do not know of your disability – and it’s that anti-social tendency I have had to push through to be able to meet new people (and in turn, opportunities), to network, and work against my imposed limits. For example, I would have to utilize strategies to help maximize my ability to understand everyone around me, i.e. focusing on the person who is speaking in order to read their lips, reducing the distance between the speaker and myself, concentrate more on the
substance that the speaker is expressing than getting frustrated over not being able to catch every word, be conscious of social/conversational cues, and so forth.

This is especially important in our profession. After all the ability to communicate with others is the very foundation of being lawyers and especially business litigators like myself since I do interviews, depositions, and attend court hearings and the like. Being a lawyer is a particularly challenging profession for a deaf and/or hard of hearing individual to pick!

As I was growing up, I had to learn to shed my fears of embarrassment and shyness and push myself to be assertive in different environments. In school, I had to educate teachers about the complexity of my hearing impairment, I did not need a sign language interpreter but I did need them to provide a front row seat, wear a small microphone that transmits sound to my hearing aids, and be available to answer follow-up questions if I missed anything in class. I often requested copies of other students’ notes to fill in the gaps in my own since I was mostly focused on hearing the teachers as they taught and the other students as they participated in the classes. I wanted to excel in anything and everything and it was exhausting at times, but it taught me a lot about hard work and perseverance. I knew that if I wanted to succeed, it would be up to me to do so, and it is that mindset that I’ve carried from school to my legal career as well.

*What was your experience like at Harvard?*

Harvard was an amazing experience. It had its share of challenges, as would any college, but I knew how hard I worked to achieve that level of success, and I was truly appreciative of it.

That said, among the different issues I had to face, I remember I had to deal with the language requirement that every incoming freshman must fulfill. On its face, this is a straightforward obligation for the average student. But as a student with a hearing disability, learning a new language would be more difficult since learning English, a language most of my peers take for granted, required years of speech therapy and to this day, I make the effort to hear words and understand their meaning from their context on a daily basis. Even so, I did take Spanish in middle school and high school—I refused to believe that I could not learn foreign languages. However, in college, I wanted to take Hebrew. The problem was that the class curriculum was focused on listening to cassette tapes (remember those?!) of Israeli songs—the students would listen to the tapes, and break down the vocabulary words as derived from those tapes. Obviously, as someone who is hard of hearing, this would be way too difficult and I was not prepared to fail a course before even trying it. As a result, I worked with the administration to find a solution that would be mutually acceptable, and worked with a Hebrew professor to create a one-on-one course that would exclude cassette tapes, and focus on sharpening my reading and writing skills in Hebrew. That process made me realize how important it is to never accept things as they are, and to try to think creatively, or outside the box if you will, for reasonable accommodations that could be provided instead. The best part
was that I learned a year later, another hard of hearing/deaf student was able to take the very course I created so that was rewarding in itself.

*What did you major in?*

I graduated cum laude with a double major/joint concentration in Government and Women, Gender and Sexuality Studies.

*Did you always know that you wanted to be an attorney?*

I was always passionate about the law and very interested in it but decided to take a year off before jumping back into my studies. I wanted to explore working further in politics as I did in college, and eventually worked in Washington DC to see if I wanted to pursue a career in public service, either working on Capitol Hill or later to pursue a PhD in political science.

*What type of work did you do between undergrad and law school?*

Right after college, I volunteered and worked for the Eliot Spitzer gubernatorial campaign and was an editorial intern for the Village Voice. By the fall, I moved to Washington DC and was a legislative intern for Senator Charles Schumer on Capitol Hill and then moved off the hill to work for the National Women’s Law Center, a national non-profit organization, that strives to improve the lives of women and their families via litigation and policy initiatives (reproductive health, employment issues, education, and the like).

*How was your experience at Boston University School of Law?*

BU Law was a great experience, and one that was very different from undergraduate life at Harvard. I truly loved BU Law, my classmates, and most of all the professors who were passionate, creative, and truly cared about their students. During my time at BU Law, I was a member of the Criminal Clinic for two semesters, from January 2008 to December 2008. For my first semester, I assisted on defense-side criminal cases in the Suffolk County Juvenile Court and the Boston Municipal Court. For my second semester, I managed my own caseload as a student prosecutor with the Quincy District Court. I handled all aspects of case preparation which included conducting legal research, interviewing police officers and witnesses, and plea bargaining with defense attorneys. The criminal clinic gave me the hands-on experience that I couldn’t get in my classes.

*What obstacles did you face in undergrad and law school due to your disability?*

BU Law was very accommodating and understanding of my hearing disability. They provided me with CART reporting (the equivalent of a court reporter typing in the
courtroom, but here someone was sitting in my classrooms and providing live transcription of the class) which was very helpful in making sure I caught everything anyone was saying should it be the professor, other students participating, or any videos/tapes being listened to. They made sure I was able to use it in my classes, any lectures held outside the classroom, and even in my criminal clinic where needed.

At both Harvard and BU Law, my professors were happy to wear a FM microphone system – and usually had a great attitude about it, one in fact joked that it made them feel more important than they really were and wanted to wear it all day - and I always made sure to have a front row seat in all my classes.

*What obstacles did you face finding a job out of law school?*

I graduated in 2009, which was among the worst years to graduate law school. Law firms were deferring incoming first years and laying off more and more associates. The availability of positions available in the DA offices and legal aid were cut down due to budgetary issues. So I was coming into a job market that was already in trouble.

*Did you have trouble getting hired due to your disability?*

It was an obstacle for some potential employers because they could not look past the disability and actually see my resume for all my qualifications and proof that I could handle the position just as well as anyone else. Since my disability is “hidden” in some ways (you can’t see my hearing aids/cochlear implant unless my hair is up in a ponytail), I did not always reveal my disability in the initial interviews, unless the interviewers were talking too fast or I missed the question and needed it to be repeated – and had I revealed my hearing loss, I always wonder if things could have gone better or not. Yet, I do have a bit of an accent some misinterpret as a “New Yawker” accent but is really just a “deaf” accent so some employers will pick up on it right away. It’s a bit of a catch-22, because if I reveal it, I will understand the questions better and may pull off a better interview, but at the same time, I do run the risk of running into some biases and unwarranted concerns on the part of the employer – I certainly know at one interview, once the interviewer learned I wore hearing aids, he (illegally) spent the rest of the interview asking about the impairment, and never asked me once about my law school classes, grades, or all the legal work listed on my resume. Obviously, I did not get a call back but if the potential employer can’t see what I can offer them, then they were not the right employer to begin with.

That said, I have been very privileged to have worked for employers that saw how much I had overcome, and saw that I could bring real value to their firms. Right after law school, I was very lucky to work at a trials/investigations law firm, Balestriere Fariello in downtown NYC. There, I was able to gain the necessary hands-on experience, and just hit the ground running right after law school. At the firm, I wrote motions, briefs, and complaints in a wide variety of cases, including but not limited to a civil rights case on police misconduct, a contracts/partnership dispute, a long-running financial services antitrust matter, and a class action against one of the nation’s largest
social networking companies. I also attended court hearings, depositions, as well as participated in meetings with clients and opposing counsel.

After working there for a year, I was able to use that experience as a springboard into my current position as a litigation associate at Baker Hostetler LLP, where I have been for the last five years. The firm has been incredible when it comes to accommodations, providing me with a captioned phone, using LiveNote in depositions, and helping me to coordinate with the courts for permission to use an FM microphone system, or real time captioning services (only available in federal court.) It also helps that the firm utilizes an internal instant messaging system that allows for more communication with my colleagues -otherwise, I usually try to schedule in-person meetings instead of relying on the phones, which only helps build relationships within and outside the office. Partners often encourage me to bring my FM microphone to large conference room discussions. In fact, I remember when I first started here, I felt uncomfortable asking a judge to wear my microphone, and relayed my concerns to a partner, who did not hesitate to tell me to stop handicapping myself and just go up to the bench and ask the judge — after all, if a federal judge refused to accommodate a deaf lawyer, it would certainly be heard in our legal circles!

**What do you wish you knew before you entered the legal profession?**

I wish I was not so nervous about becoming a lawyer! I definitely had my concerns about whether I could be a practicing litigator given my hearing disability because before the ADA (Americans with Disabilities Act) was enacted, the very idea of a hard of hearing/deaf attorney seemed so out of reach. But thanks to the ADA, and more importantly all the technology advances made in just the last 15-20 years (at a rapid speed too!), becoming a lawyer became more within reach.

**How can the legal profession improve diversity and inclusion? How can the legal profession specifically improve the effort it makes to provide equal opportunities to those with disabilities?**

The real problem when it comes to “diversity and inclusion” efforts in the legal profession, is that while lawyers with disabilities are often mentioned under the so called banner of diversity, they are overlooked and ignored too often. Employers need to see lawyers with disabilities as a crucial component of their diversity and inclusion efforts – which can in turn prove to be beneficial on a business front, as many potential clients — individuals, various types of entities, or corporations are made up of executives and/or leaders, that are family members of the disabled community and may be very active in that community.

As a result, potential employers should be more willing to hire lawyers with disabilities and/or try to recruit them during law school. The problem there is that disabled individuals may face direct and indirect job discrimination – direct discrimination, where employers simply decline to hire disabled individuals outright, and indirect
discrimination, where because of accessibility issues or other environmental constraints that employers may think are not feasible or just too costly (this could range from software programs for the visually impaired, or captioning services for the deaf, or doors/drop down counters to allow access for those in wheelchairs).

Employers need to be educated and open-minded in their hiring practices – I certainly do not view myself as a disabled lawyer, but simply a lawyer who happens to have a disability.

That said, the number of disabled lawyers is small so progress will take sometime – I am the President of the Deaf and Hard of Hearing Bar Association and we have about 120 people who identify as deaf, hard of hearing, or late-deafened attorneys. It has never been fully calculated as to how many deaf attorneys are there in the U.S. – some estimate it to be 200 but that number is outdated and will continue to grow with the increased visibility of disabled lawyers practicing (providing those thinking about law school with potential role models to break the ceilings and serve as mentors), and with the growth of accessible (and affordable) technology (to encourage those thinking about law school to open their horizons as to what’s possible for their careers).

On a more technical front, as I mentioned before, federal courts now use real-time court reporting (also known as CART) – and allow those with hearing disabilities to have access to the court reporter’s live transcript to read it on a separate laptop screen – while many state courts are still behind with the electronic times, and that needs to change as soon as possible.

Who is your mentor/ role model and why? What motivates you? Any tips for any readers who may have a disability and a struggling to reach their goals?

For those readers with disabilities – I realize I sound very positive but you have to stay positive. I admittedly have my moments of frustration, I always have to fight my way through and take on many challenges – such as forcing people to rethink their way of thinking, addressing way too many incidents of unkindness and simple ignorance, and a constant refusal to accept “No. You can’t” as an answer.

But you have to stay positive, and keep yourself on the right path to achieve your goals and dreams. And most importantly, do not be afraid to take initiative, do your research, ask questions (there are no stupid questions as cliché as it sounds), and ask for help - utilize the people around you whether it’s teachers in school, speech/hearing therapists, or partners/colleagues at work – they can be there as a guide and/or mentors that can help you figure out what needs to be done to achieve your goals.