>> Good afternoon and welcome, we will get started in a minute here. We are waiting for the room to fill up.

>> Good afternoon, everyone. We are very excited that you are here with us this afternoon for this panel which is called COVID-19 remote learning and working for law students and lawyers with disabilities. This is a program that is co-sponsored by NALP, the national association for law placement, ABA placement on disability rights and ABA section on civil rights and social justice. This work is part of a project that came together under the leadership of ABA President Judy Perry Martinez who is particularly interested in supporting law students and lawyers with disabilities.

Today's program will be about an hour of content and then we will have about 15 minutes of time for your questions.

We encourage you to ask questions to our panelists through the Q&A, not the chat function.

And we will take time at the end to respond to as many questions as
We have time.

We will be sharing a recording of this program when it's done so everyone who has registered will get a link to that recording. It's also being live streamed on YouTube.

And with those preliminary logistics, we are going to get underway. I will introduce you to each of our panelists and let them say something about themselves. Jennifer Braden is the assistant director of counseling and student support at Columbia law school.

Robert Dinerstein is a Professor of Law and acting dean at American -- and Michael Sabella is an associate at baker Hostetler, a Commissioner with the ABA commission on disability rights and the chair of the ABA business sections lawyers with disability involvement subcommittee. My name is James Leipold and I'm the expectative director at NALP and I'm very happy to be here. And my --

So what I would like to do is each panelist a moment to introduce themselves and say a little bit about the work that they do and their connection to disability work and disability issues, maybe Jennifer we can start with you if that's okay.

>> I'm the assistant director of counseling. I work in the world of education for over a decade.

I'm the JD but not a practicing attorney and my primary professional interest has been accessibility, accommodation from a pragmatic standpoint working with students really of all ages.

>> That's great. Michael?

>> I'm Michael Sabella. I'm a senior associate. I'm in the restructuring group. I am a Commissioner on the ABA commission for disability rights and
chair of the American Bar Association and business law section attorneys for disabilities involved in subcommittees and my disability is I'm hard-of-hearing.

>> Thank you, and Bob.

>> Thank you, Jim.
Good afternoon, my name is Robert Dinerstein. I'm the acting dean of American University Washington College of Law.

Before that, I have been a professor law at American for a number of years. I also have been -- I founded and direct our disability rights law clinic which will represent clients and families with disabilities in wide range of areas of our substantive area of interest is disability rights over many years, ADA, U.N. convention support decision making and a wide range of issues. I also am a commissioner on the ABA commission on disability rights and I'm happy to be here today.

>> Thank you.

So this move to remote working and remote teaching was something that happened suddenly and on an emergency basis in mid-March. Now here we are midway July. I think it would be a good way to start if we can take time to reflect on what the challenges were in making that emergency transformation and also what are the lessons we learned over the last three or four months of doing that and maybe Michael starting with you from a work perspective and hear your thoughts on that.

>> Sure.

So what went well?

It all happened very, very fast. Everyone had to go remote and a lot of states had quarantine orders. The industry didn't want to lose the work being done so what was initially done by people on a case by case basis, whole firms had to go potentially remote. What happened there was you had rapid acceleration of technology being disseminated for people to work remotely such as Zoom, teleconferencing, access to records in the office.
That was great and gave people the chance to continue doing the work they were doing in the office but able to do at home. Some firms said stay at home for as long as you want and some companies said the same thing. And it was nice to see firms trying to adapt to the current environment we see ourselves in.

It didn't come without any bumps. One thing that happened was technology that while being rapidly disseminated suffered a bit, too. You would have calls that would drop in the middle of meetings and people trying to call into particularly my office you would call in and couldn't connect with the system because so -- system because so many were accessing the system at the same time. The system hadn't been designed at that time to handle the amount of people who were telecommuting and working in this manner. There were other considerations. Zoom was being used and there were security concerns initially with the access to that system which were being addressed by firms and companies around the country and being more and more readily accessed by people such as this panel.

What lessons?

We learned remote work can be done. Fortunately -- unfortunately for people who have a disability and requested access to this work before they suffered because they were not permitted -- they were considered -- we want you in the office. The accommodations that are made on a mass scale to a lot of people for those in the disability community they weren't given to us initially. It's great to see -- moving this way but frustrating for some in the community that it took this long to get there. And on top of that, people do have families at home because of COVID.

So if you are working and have children or elderly parents or someone that needs care, that's also playing a factor how people are accessing and doing their work.

>> Michael, did you find -- I mean, do you know either from your work or personal experience where people who had disabilities and maybe had accommodations at work as we transitioned to remote working, were
there additional accommodations needed?

Were those accommodations still in place?

Was it more difficult or actually easier?

I know it probably depends on the disability and the accommodation.

>> It does.
And the type of disability may -- some could be hard-of-hearing, some could be Deaf and the accommodation needed for that person or persons could be different based on the specific disability and what they are personally dealing with.

So it's been nice to see that access has been given.
It's just taken a little while to get there and so it's just a matter of degrees as to what needs to be done.
A lot of firms are trying mostly because it's not for people who are disability community but because they have to.

They need to give us access to the employees for the attorneys and staff if they want the work to be done on behalf of the clients.

You should down, nothing to get done and the client will go to a competitor.

>> The accommodation was compulsory for everyone.

>> Kind of.

>> Bob, I'm going to start with you on the school side and remote teaching.

You were part of implementing this on an emergency basis.

How did that go?

What went well?

What would you do differently?

And you are muted, Bob.
There we go.

>> Yes, thank you.

I'm compiling a list of Zoom rookie mistakes and that's one of them.

Yeah, I want to start with something that Michael said because I think to me one of the important things we learned here is that accommodations that prior to the pandemic were thought of as impossible are now inevitable and part of it is because circumstances changed.

I think allows us to have insight as to the way we think about accommodations and one of the important things about the period we have been through is because everybody has been limited in certain ways.

Things that might have before seemed as elements of special pleading are things everyone needs.

It could have the effect over time of actually destigmatizing the accommodation discussions that we had.

I wanted to make that point.

I would say that I was pleasantly surprised by our ability that as teachers and students to turn very quickly.

To be with almost no notice to be told okay in ten days you will go -- no, no.

You have to change what you are doing.

We said developed curricula that were not designed for on-line teaching.

So we had to adjust what we were doing to fit that.

Like anything else, design it in one way and have to change it later is something we well know in the disability world there were some things that were possible to redesign and work well and some things that were not.

I was surprised for example that again as I mentioned earlier I teach a clinical program and one.

The things we were planning to do in the weeks that were subject to on-line teaching was to have students conduct direct and cross-examinations in class.

One student would be questioning a witness and another student would be objecting and cross examining and we would critique it we wondered how we would do that when all we have are people on a screen.

I was surprised it went as well as it did.

We had to change things a little bit but example of how we were looking
now is if Jim were the direct questioner and Jennifer was the witness and Michael was the opponent that you could ask your question and deal with a delay that comes from dealing with video and audio.

But somebody could object and somebody could answer and there was a semblance of the kind of class we wanted to put together. That was the good thing.

What I learned about the challenges in addition to some of the one thanks have to do with the technology that we have is that at the end of the year when we talk to students and said, how was it for you?

How did this transition go?

A number of students said I found it hard to maintain my attention span working on -- being on a Zoom screen for more than half an hour at a time.

There was a point I couldn't pay attention. I must say as a teacher we depend a lot on looking at the class and seeing how people are responding if you are making eye contact or nodding their heads or whatever and you can't tell that from Zoom because someone may be looking at you or you think they are when they are on e-mail and kind of got you on in the background.

So I learned from talking to students that, you know it was a little difficult. They would lose the concentration.

Also we learned from students with non-visible disability particularly with anxiety and tendency to depression. One of my students lived alone in a studio apartment and when we did the kind of beginning of class check in how are you doing, it was clear she was suffering. The good news was that that class was an opportunity for her to connect.

Something that she missed being able to do in person because of the COVID virus. But the bad news is that, you know, we were there with her to be supportive but also intrusive.

We are used to a physical space where everybody is there and people aren't wearing shirts and ties to the class, but people are going about their business.
Well, now you have someone sitting in their bedroom and their dog walking across the screen and different things going on, and it's at some level fun and actually humanizing people and at another level it could be a bit intrusive. Folks who are struggling with their own health or in family situations where there is somebody that was struggling, that was a bit of a challenge. I think we got the benefit I thought of people saying, well, in the short term we have to get through this. The challenge I will get to later on in this webinar is what do we do now when we have time to plan?

I think the expectations appropriately will be higher for teachers and we are going to have to step up.

>> Jennifer, your perspective working directly with students with disabilities at Columbia, what went well for them in this emergency remote semester and what was more challenging or problematic?

>> I worked a lot with students and with professors.

Of course, the biggest challenge was transitioning the modality of teaching that was unfamiliar to most educator and most learners. And that in many ways seemed opposite of what we think of when we think of a typical law school classroom.

For generation after generation.

I think for the biggest challenge was adjusting to that new technology and navigating that technology and the pragmatics.

And settling upon a bundle of default settings that removed barriers to education that were created by transitioning to this new mode of instruction.

And some of those were simple fixes.

So for example and this is really something that I walked a lot of professors through is this idea that saving to the cloud sometimes streamlines the process of actually getting recordings to students as opposed to saving those recordings locally.
Others required huge chips in how we think about -- huge shifts how we think about learning and how we think about how law students learn. For example, what does student engagement look like in this new environment and how do we maintain engagement in a learning environment that is not purely synchronous any more. And how do we measure the level of student engagement without those visual cues that Bob referred to.

The cues that cited professors and lecturers rely upon to guide a course meeting.

So what degree we have to ask ourselves is relying on those cues actually student centered. For example if I'm a student that's blind, and I'm reliant on what I hear in order to access content, then who are we really having the student log on to a device that has video capability for?

How does that really respond to how he is learning?

Or if I'm a student that requires software or hardware to access the instruction and I'm actually using that software within the course of a course meeting.

I don't appear to be engaged but I may actually be engaged. So those cues can sometimes deceptive as Bob referenced. We also as a learning community have to think critically about things from an equity perspective.

And from that perspective some things that were initially reviewed as challenges are also simultaneously win for other students. Big example for me as an administrator who works with students with disability is the availability of course recordings on the Zoom platform providing that on a blanket basis for all students removed a number of barriers to access that we had to grapple with in an ad hoc basis. For example, one of the big ones that I hear students complain about and ordinary circumstances did my students in a lecture hall. This is something we don't always think about. So often people responding in a law school classroom or even the professor will say I'm projecting and hear me. For a person with limited hearing this isn't always so. And if you are a person who rely on recordings to access instruction, it's really problematic because you will miss the entire portion of the lecture where this person has been projecting. That recording is useless because the recording didn't pick it up and
the post COVID environment that is eliminated. Everyone on Zoom is by definition using their mic.

Another example of something like that is say you're a student who is experiencing exacerbation of a disability either an existing disability or a temporary disability that impacts attendance. And your professor doesn't ordinarily record your courses. Many pro-- courses. Many professors are resistant but this is a time sensitive issue for those students who fall into that category. This is something that needs to be addressed with urgency.

The effort is not spent in the post COVID environment.

And at the end of date it worked out fine. Professors taught and the students learned and the world continued to turn. Just as Bob and Michael alluded to earlier, when you have that experience, you have to ask yourself, how much of this stuff could we have been doing all along?

>> Jennifer, how about something like closed captioning, were you able to implement that quickly with the Zoom feature?

>> Right. So one of the hiccups we experienced was that you can access captioning in a number of different ways and one of those ways the student has to have a separate window opening for captioning.

And in another way you can have the captions embedded in realtime but it requires a little bit of tech savvy.

So there was a pragmatic aspect to that was in terms of navigating and coordinating individuals who were tech savvy to implement those sorts of solutions with professors who were not necessarily as tech savvy.

>> So that's a good transition. I think it's becoming clear to all of us that what we started out doing on an emergency basis is going to be required of us for sometime and certainly some portion of learning this fall across the country,
undergraduate, graduate, professional, will have to be done mostly and maybe in -- remotely and maybe in hybrid form and increasing number of workers will be working from home including in law firms well beyond the summer regardless of what happens with the virus. So I think my next set of questions are: What can we do better?

What does remote learning and remote learning 2.0 after the virus look like and what are some of the goals you all have to do it better the second time around?

I guess we will start with you, Jennifer, as we ended with you and go back around the circle the other way.

>> I was talking about normalizing course reporting that you can view it if we all had to make our way over together last term. I would love to see other accessibility related best practices become normalized and see them interwoven as a pedagogy going forward and that's where concepts like universal design for learning principles come into play and that's when you start to ask professors and learning communities to approach course planning and instruction as -- with a more flexible framework that considers and are responsive to more diverse set of student needs that may have traditionally been considered during those stages. And from a pragmatic standpoint what that ends up looking like is accommodation occurs at the planning stage and is not something that we sort of fix and post and that's exactly what happens with course reporting. It became something that was a default that occurred in the planning stage.

And not something we arranged after the fact. Beyond that, beyond recording courses as a default, other steps that sort of achieve a similar goal including making sure that recordings are captioned or as a bare minimum to include auto transcription as a default in Zoom setting so transcripts could be generated after the fact.

The event the course is not necessarily synchronous.

It seems like providing accessible PDF for students as opposed to relying on an assistive technology specialist to do so whenever those -- when those are incrementally provided during the course of the term, the texts. Things like providing DOIs or digital object identifiers in a syllabus so that students can have access of the best quality version of a
material as opposed to a copy of a copy of a copy which is sometimes what students get. And those sorts of things they are beneficial to everyone. Not just students with a disability.

Providing accessible course materials including things like presentations and the instruction that’s helpful for everyone to frame their learning but particularly helpful for students with certain disabilities. Describing information that’s provided in a graphical format, I would love to see things like that normalized because you are a student with limited sight and you can’t necessarily access that information until after the fact.

And, of course, from a student engagement standpoint, that perhaps means relaxing certain standards and expectations. For example a big one with requiring that video be on during a course. And doing so if you relax that here sort of recognizing that in an on-line course environment students who may be experiencing illness or the exacerbation of a disability and who might have ordinary circumstances foregone attendance all together may actually be in the course environment.

And they are able to attend that course in realtime and that digital environment but they are still visibly ill. They may need medical breaks. They may need comfort breaks and they still may be actually experiencing the symptoms of their disability. And you don't necessarily need to bring attention to that student who is participating in that manner. And that lends the idea that should we or should we not sort of -- students using their camera. That's where the question comes into place.

Another thing that I hope is cold calling. And I know this is how we are all sort of raised in the legal profession. Cold calling but I noticed that some of the professors at Columbia have taken up what I think is a fantastic practice which is sort of modified cold calling where students are on call and on a schedule. So you know that if you are a part of this particular group you are more likely to be cold called on this particular day. So you have the opportunity to prepare.

You have the opportunity to give the heads up.
It's something is wrong.
If you are experiencing an exacerbation.

If the camera use is important to that professor, they could require that students that are on call for that particular day to have that camera on, not necessarily putting all of that pressure on the remainder of the student.

I think that as a community of educator we are all sort of discussing what these norms could look like.

And I think as we discuss those norms we are sort of in a very intuitive and organic way becoming more accessible environment.

>> That's great.

Super helpful, Jennifer.

Bob, how about as you lead a law school, what are you hoping 2.0 will include that it didn't on an emergency basis?

>> So I will stick up an example that something that Jennifer was saying that actually happened for us which is not about a disability.

We had a student who gave birth in October.

So at that point she was out on leave and came back in the spring.

And we got a notice that she was going to need an accommodation which I -- although not said, I think it was clear there was going to be times when she would need to take a break from class in order to breast-feed her child that was fine.

We were fine with that.
Then we went remote.

And what we found was that she could participate in the class and when she needed to feed the baby, she just muted her screen and muted the audio and was able to listen.

So she was able to participate even though -- of course, it was completely appropriate that it be blank during that period.

So for me that was an example of something where there are some -- and
as Jennifer says, there are people who could participate in some fashion even if not everything was not kind of going on all cylinders in a way that normally they would not be able to.
I think it's important in saying that as a teacher you may say that you might want to address cues that say that students, I want your camera on because I need to see your faces so we can have an interactive class.
But that might expose inadvertently a student because of a disability or in an otherwise is not in a position to be seen and I think it is very careful not to be overly curious which is a tendency that law professors may have.
They have to rein in because it has implications of the ADA and other kind of discrimination purposes.
So that's one thing.

We did some very quick training last spring with our folks who do on-line education about how to use Zoom.

Where -- how to make sure your lighting is good.
But it was all just seat of the pants.
Now we have an opportunity first of all what facilities do if you use another type of platform.
One important one is there is an opportunity to have breakouts. Instead of just everybody in a big classroom, you can put people into breakout rooms and have them have discussions which can then simulate the kind of thing you might do in a large class and maybe make it easier. There are limitations what that is.
But I think that's one possibility that's there.
Another is going along with the idea that too much time sitting and staring at a screen is too difficult is do some recording of asynchronous content and let people watch -- don't make it too long. Give them sort of bite-sized opportunities to review things.
Have ways of making sure they have done it prompts and feedback that you will get from them and use the time of the in-person class which is now on-line to have the kind of interactive discussion that we take as key to legal education.

When I talk to my dis-- when I taught the disability seminar I used to get to the point about reasonable accommodation.
All right, here we are in class and what if we had a student that says I want to take a class but I can't come to class.
You have to make -- permit me to do it and we would talk for a law school class interactive discussion is essential function.

We were treating this as an employment context.
Over time technology said, but what if you aren't in the room but you can participate remotely?

What if you are getting the lecture timelecast that you can -- simulcast and see the lecture realtime. We got to the point where you can simulate something that's a in-person type of education. Now being forced to do that, we are able to do things that we could have done before but we didn't feel the need to do it.

So that's really important. And I also want to second what Jennifer said about recording. You know, some level we should say we should always have been making recordings available for those who might have needed it. Faculty had real resistance to that. Part lease because some had concerns about intellectual property and somehow the pearls of wisdom would be disseminated.

Not sure they were properly thinking about how important those were but that's the way they thought of it or if people got recording, they wouldn't need to come to class because they could just get the recording after.

But now that it's needed or even automatic in some fashion I think there is less of a barrier to that and that's important.

So I think as we look at the kinds of things we need to be doing and again it's more -- I think it's an opportunity in this moment to be looking at more universal design kinds of things and not get so hung up in a sense on is this on the ADA level reasonable accommodation and all of the documentation you need but say this is just something we ought to do because broadly speaking a lot of people are facing different levels of challenges and it's very difficult for us to know what people's individual challenges are and we don't need to know in a way that could be seen as intrusive.

What we do know is that everyone is not in the same situation so that we have people who are particularly vulnerable, people are of color vulnerable and people of color with disabilities are doubly vulnerable and we want to be attentive to those kinds of things and not fall into the trap of creating the new normal and worrying about what do people participate.

And last thing I will say is in some sense it was easier in the spring because at least for us and for many schools everything was on-line. Our building -- couldn't be in the building.
Now we face the particular challenge which is many schools mine included are coming back in sort of hybrid way. There will be some in-person education. Most of it will be on-line.

Then we will get into the situations well who is here and who is not here?

Well, why is so and so not in class. I wonder what's going on?

So in a sense we will get to this a little later.

Concern about the individual potential for stigma and other things that might be happening that I think we have to be careful about. And not in the law student level but I have seen it in for example the special education work we are doing as some -- for elementary and up to high school are re-opening some kids will come back and some are not and some who are not may fall further behind and particular pressure on them.

And I think the possibilities are interesting. I think we can be more creative. I think legal education post pandemic will look very different from what it was like pre-pandemic if we get to that point.

But there is definite risks we are facing as well

>> Thanks, Bob.
I want to come back to that last point you raised in a minute but I want to turn to Michael and say, on the work front, so as this extends now longer term what are some of the things that law firms in particular and employers in general can do better. What have we learned over the last four months.

>> So I will start with what Bob just said.
The interaction for attorneys in the office is almost as important as the interactions between professor and the students.

And in the classroom being that junior associates have the chance to network with mid-level senior associates and partners when they are in their office, when they walk by and you are in the kitchen. And it's a chance to say hello and get to know someone who may have just started. Now in COVID, you are not having those communal experiences any more.
How does that junior associate get exposure to those above who will then give that associate work to do.

And that's something that I think the firm wrestle with to figure out how that will happen. For example, we have summer associates this year but it's all remote. Prior summers you would have events with the summer associates and they will work with you. You don't have that anymore and now you have to figure out well, how will I meet the summer associates and how will we figure out how to work on a case and sort of have to get used to the idea of doing these Zoom meetings. Having a coffee break with a summer associate or first year associate to give them that chance to meet these people because you meet your mentors in the workplace a lot of times and meeting your mentors when you network in events after work. And those are things that aren't happening. So I think attention needs to be paid for those entering the profession and currently in it.

And they are losing out on those personal connections that were made in person and now they no longer have. I think it's one thing that firms need to be actively trying to address and making sure that they don't lose people along the way.

And old adage was the part we want -- the partner wants to see you in the office after the partner left which we can Facetime but now no Facetime any more and we are all remote. And it's not as accessible for them to access these people and get this kind of feedback they would want and I have junior associates that I have worked with personally but I know them from my past years of working but I don't know the summer associates coming in or the first years coming in. It's harder to make that connection. It's easier for me to say I will give this assignment to "X" because I know "X" versus "Y" because I never met "Y." It would be great at his or her job. And it's just -- you don't know any more. So that's one thing I think firms need to be aware and grapple with how to handle.

The other thing is for again with what Jennifer and Bob says, I'm a litigator by trade.
I'm used to mediations, depositions, trials and I'm used to them all being in person. Now I have to get used to the fact that if I'm doing a deposition, usually if I'm doing a deposition I want to be able to see the witness in person so I can see their visual ticks to show if they are nervous, lying or a lawyer is not sending them a message across the table.

And now if I'm doing a deposition like, this and I'm asking Bob a question, Jennifer could be texting him saying don't respond to this and say this instead.

I don't know.

And it comes back to that understanding that everyone is on the honor code with how you perform and it seems a little naive and this is the practitioners and we have to do what we have to do and it's just -- more comfortable understanding with what you do.

Another thing is trials. I'm in New York and we haven't had trials in quite sometime. They are starting jury trials next week and trying to start the first one back up again. What do you do with juries?

What if there is an outbreak?

The legal system ground to a halt in this area and it starting to come back in certain states, but that's only subject to how fast the virus diminishes or accelerates rapidly again and what do you do there and what happens to those who are waiting for their day in court. That's something us that as a community as a hole in the judicial sis -- as a whole and judicial system has to figure out. There is a judge behind a giant glass enclosure wearing a giant face mask like she was in a hospital and maybe that's the way forward for the future, I don't know and no one seems to know and we will try to figure it out together. That's one thing that I hope as we move forward that people who are actively involved in the space keep that in consideration and try to get a way to keep justice progressing. Keep peep -- their day in court which hasn't happened in quite sometime and more it progresses, the more it delays things further.

And also the idea that you need to be able to as a partner or
your associate or organization, be respectful of the fact that while someone is home that does not mean they are always available. We all know we aren't going anywhere for the most part.

If you are in a state you can move more freakily by all means. Because it's 9:00 at night and you decide you want something, it shouldn't be incumbent on the associate to not answer an e-mail or have time for themselves. Now they are at home and I can roll out of bed and start working immediately.

But then have no time for myself there is no commuting to the office any more. There is no taking time to have dinner or go to the gym because you are always accessible. It's very hard to say no when you are a junior associate and you are trying to make your bones in a firm and you can't say no because you feel awkward. It's a matter on the partner and the management to pull back a little bit and give the understanding to their associates that just because you are near a computer does not mean you should be accessible 24/7. That's another way to burn out associates and partners and staff.

I can go from a Zoom meeting from 9:00 in the morning until 5:00 in the afternoon but not in the office and no one knows to schedule or get a break for lunch because we are working at different schedules and I'm worn out. Which is fair. It will happen to everybody. Disability or not.

Professionally we need to come to terms with. How do we allow our attorneys and law students to success three thrive and not burn them out as we move forward with this unfortunately time.

>> I think there is a consensus that in some ways our sudden move to remote working has had some net positive for many people with disabilities and caused some of these accommodations to become universal. Certainly there have been difficulties and barriers for individuals with certain kinds of disabilities. Could you talk -- any of you, Michael I will start with you, what are issues you have become aware of that other people might not be aware
of that were barriers for people with disabilities notwithstanding the net good that came of some of the remote working?

>> Absolutely.

I'm hard-of-hearing.

So Zoom has been great because I'm able to have conversations and see people faces and read their lips.

But you can also -- you are someone who is Deaf and cannot hear at all and there is no closed captioning -- rely on the interpreter on the other end so now what do you do?

And that's something that the firm and companies where you work have to figure out.
It's not expensive things to provide.
But they are things that have to be discussed and provided to give people that access to the workplace.

You don't want someone shut out because they can't access the information that's on the screen or that things that are there for everybody else.

If you are on a Zoom call and may seem small and everyone not talking should be muted.
What you hear in the background is background noise.
It's hard for people who are hard-of-hearing to focus on the speaker.
If you are blind, videos return successful because you have trouble seeing.
Someone doing a Zoom presentation and not describing the slide because they are assuming the slide is doing the work for them.
The person on the other end who has -- who is blind and low vision is not going to be able to see it.
What do you do there?

You have to make sure that you are using -- the presentation you are using with the presentation to do the best you can.
Make the font big.

Don't do huge slides with very small details and small pictures.
Share the slides in advance so people can see them and go over them in advance of the call if they can.

Describe what's on the slide.
Don't assume someone standing near the screen.

You could be on a Zoom call but not staring at the screen.

And that's something -- could be breast-feeding or something else happening and seg else to be aware of.
I mentioned earlier about physical impairments, Zoom calls are exhausting.
Just constantly working is exhausting.
I don't have access to my standing desk in my office.
So that's -- now I'm sitting a lot.

Which is fine but I need to move.
My back hurts after awhile and so do my legs.
Not conducive to the workplace being in pain while you are trying to work.
Those are considerations that need to be given to have a break between.

If you are doing a meeting that's a Zoom call or a meeting otherwise, have five minute or ten minute break.
It doesn't cost much and what people would do in a normal meeting or in the office.

Now you have to be aware to build that in.

Another thing is in the issue of mental health, I have had many people say to me I'm going, quote-unquote, crazy at home right now or these are crazy times or I'm going insane.
What's problem with the comments is it's disrespectful for people who have a mental issue and then they may feel embarrassed to talk about it or share their issue with you and sort of putting them in the proverbial closet because you are using the terms that are fine to you but carry incredibly negative connotation and not fun to anyone else on the other side.

I ask friends who-- I ask how are you doing and their response is do you want my honest answer or the one I give to everybody else.
And I say give me your honest answer.
Not that great.
This is draining.
Exhausting.
I'm tired all of the time.
I'm watching the news.
These are things that need to be taking into consideration and as we move forward the mental health should be a prime focus for companies and firms.
These are not ordinary times and in addition to COVID we had the George Floyd murder.
We had other situations like that and it's a lot that's been going on in the community as a whole that people have to process.
And it's tiring and care needs to be given by companies and by employers.

>> Thanks, Michael.
Super helpful.

Jennifer, what have you seen for students with disability or professors with disability that haven't worked so well?

>> Michael did a really stellar job of highlighting some of those issues.
And Bob and I have alluded to some of them but I wanted to bring everyone's specific attention to a couple of others.
Firstly you have to really remember and keep in mind what a broad spectrum of conditions that you are discussing when you talk about ADA coverage, disabilities.
Anything that has substantial impact on your day to day life.
And that would include things that people do think of as disabilities.
Things like mobility, physical, sensory disabilities, but also other physical disabilities that we don't always think of, emotional disabilities.
Intersystems disability and many of those are made worse and exacerbated by COVID itself.
But also by the social changes as Michael alluded to that we've made to protect ourselves from that physical illness.

So immediately autoimmune diseases come to mind.
Asthma, other pulmonary diseases, even obesity.
These things come to mind.
In addition to that, things like substance abuse, anxiety disorders, trauma and stress related disorders, eating disorders, sleep related disorders.
Things like chronic fatigue syndrome.
Those challenges, they are very multi-facetted.

And firstly because a lot of students don't even recognize these
conditions to be disabilities for which they may receive accommodation. And certainly the students who are grappling with those disabilities don't understand them to be challenges that are appropriate or require accommodation.

A lot of times the professional that they are working with, the professors don't necessarily recognize those conditions as disabilities that may require accommodations.

So what happens traditionally is a lot of these students are going to self-accommodate or worse they will receive no support whatsoever for themselves, from their community, from the professors or friends and staff.

And approach that would create problems if ever there is an exacerbation of the underlying condition. So what we have seen in the immediate past and this ongoing is just that.

The exacerbation of these conditions.

The dean of students at Columbia, really is a very empathetic and effective leader, oftentimes discusses what happened this summer that is happening to all of us. So we all can feel the effects.

For example, one thing that I think of is being up at 2:00 a.m. talking to my daughter who is 13 years old on a random Thursday and realizing my sleep schedule is completely -- or hear people taking a nightcap who wouldn't ordinarily take one.

Or you may think of people who reached a wall -- breached a wall in terms of social distancing and are starting to experience cabin fever.

Those experiences are happening to students with the disability but the effects are potentially less more -- much more harmful to them than other people who don't experience those conditions and worse, something that's happening simultaneously, a lot of the students became effectively transient during the spring term. They didn't have a permanent home.

And that's a scenario that we possibly could anticipate going into the fall with so many schools choosing to end the academic calendar around fall break or Thanksgiving.

Students may make different housing decisions than they ordinarily might. We ask ourselves what does this mean pragmatically. It means for a lot of students interruptions and treatment.
Particularly in an environment where you have difficulty finding an in-person provider or finding a person who is continuing to see with a client or patients or are seeing them remotely that's a barrier that I walked a number of students through. For institutions that have very stringent accommodation processes that may for instance require a student to produce documentation term after term in order to receive accommodations for students who have overcome that initial challenge of not having accommodations at all. They have the accommodations and now they need to reproduce this documentation but they don't necessarily have that ongoing relationship with the provider. Or perhaps they experienced an unprecedented exacerbation of their disability and for the first time they understand or they feel that they really and urgently need help but they cannot acquire the documentation that might be required for that disability. That's a consideration as well that I think we don't necessarily always think about.

And that's why I think universal design is a powerful tool because it really undercuts how problematic some of those things are. I would encourage everyone, the entire community to address these concerns about implementing very flexible and common sense accommodation processes that gives trust in students as adults with integrity as the professionals that they are training to be so that they can manage their needs appropriately and we can manage their needs with grace and introspection and providing accommodations by default is an incredibly important first step.

And why one of the reasons for me universal design for learning is such a beautiful and pragmatic pedagogical framework particularly someone who works with students with disabilities.

>> Super helpful and that provides a good bridge to our last conversation that we wanted to have. And I will ask Bob to start on this one. I think it's pretty clear that COVID itself has changed the way we think about disabilities and how we define disability. We talked about the fact that not everyone is going to come back to school or back to work at the same time and immune compromised people might be some of the last to come back to the classroom or come back to work. There are issues around that. Will they be disadvantaged in some ways, stigmatized?

How should the ongoing issue of the unevenness of all of this shape
the way we are thinking about accommodations and planning as we go forward.

Bob start with you and you can throw anything else you wanted to say and haven't had a chance to say yet into this one.

>> Luckily have two great co-pilots that covered a lot of the things that need to be said. I want to say something that comes out as kind of the standard playbook of people who do disability rights and disability justice work which is we look at anything is that involving what we should be doing as a society. Our mantra should start with nothing about us without us. We should be looking to people with disabilities themselves to help us figure out what works especially as we use a form that's new for many of us. Some of the things we have been talking about, we don't realize that if we aren't putting stuff -- if we have someone that's a visual learner and not using PowerPoint and normally in a class the student will get what they needed from a PowerPoint and not making the slides available it will be more difficult. One thing I would say from a professor standpoint is the need to reach out and test and asking whether or not someone is able to access the information they need it. If not, if there are ways to make changes. There should be no kind of pride of the professor who can't show vulnerability.

And vulnerability I think for me is one of the key points here that we think we -- we tend to think of vulnerability as an individual characteristic of somebody. Not able in certain ways to do certain things. I think that's a false sense generally but particularly true now. Everybody now is vulnerable in some way or another and even those who are managing reasonably well. As we think about that as a universal condition and certainly there are those who will argue for us generally and then we need to think about how to respond to it in a more destigmatized way, a differentiated type of way. That is difficult that many people to kind of integrate into the way they think about themselves in the world.
One thing that one could say is students with disabilities who have worked up to or understood their need to request accommodations and work through the process and Jennifer says that could be very cumbersome at some schools, they have that sense.

They have disability as part of their identity. They understood as they get to the graduate school level what they need to do well.

What they need to show what they know.

For people who were thrown into a COVID world who didn't think of themselves as part of the disability club and all of a sudden think that I need stuff that I didn't know I needed before. There is an attitudinal adjustment.

For those providing the accommodations and people asking for it and asking for it not as something like, please, sir, would you do me this favor. But as really a right.

As an obligation that institution has to the people so that we can deliver the product we want, for a law school we train and educate our students and for a law firm to do the legal work the firm has been assigned.

So those are I think important.

The third thing is people who will not come back as quickly because of conditions and make other people wonder what's going on and then there are the people who have had COVID and recover and come back. And whether people will look at them and say, well, wait a second.

You may think you are fine but we don't know if you had it if you are immune now.

You could be infecting other people. We don't want you in our environment.

And given how dynamic the situation is, our knowledge about this COVID virus changes every day in terms of what we know nobody is really going to say I know with servitude that if I had it, I had it and that's it and we don't know.

I fear we might see -- ugly kinds of confrontations where people just aren't sure whether -- because like maybe on the line.
And then lastly, I would say because nothing is ever uncomplicated. With very already seen and maybe others have not -- the sort of pretends to be a Department of Justice statement of policy that the ADA says that people don't need to wear masks.

The justice department has had to come out and say that's not us.

We are not saying that.

And mask raises a whole other issue as we know is that we are seeing now and science are saying people need to be masked and their interactions when they are close to people and that's great. What about people with disabilities for whom cannot wear masks who have respiratory kinds of conditions?

What about people who need to lip read and can't therefore understand people who are wearing masks?

So we need to look at that way we would look at disability accommodations generally. Well, are there other ways to achieve the goals of the employment setting or the public accommodation where we don't need the mask and other kinds of ways.

And we go into more detail of that. The main point is that everything we are doing to adapt we have to think about how does this work for the general population and as Jennifer says, that general population is not a specks group of people who need particular things. It is part of the general community that has to be considered and universal design.

>> Thanks, Bob.

Your mask reference is a perfect opportunity to turn to Michael and you had some personal experiences and struggles with the mask world and maybe I could ask you to just say a few words about that.

>> Yeah.

It's terrible.

So as I'm hard-of-hearing and Deaf or hard-of-hearing, lip reading is very important to communicate and me understand what someone is saying.
Everyone who lip reads to a certain extent. If you are around deaf or hard-of-hearing, you don't realize but you do it. Now to masks are up and I can't make out what someone is saying. I have been at the store and I have been to the pharmacy and someone starts talking to me behind the counter and I have to beg them to yell. Because I cannot hear what they are saying and the mask makes it impossible. Or I turn to my brother and say, what did that person say?

And sometimes they will pull the mask down. Make sure we are distance apart, six feet apart. And very tough to communicate effectively when I'm out and about as a result.

And it's understandable that the mask has to be up. And the masks aren't coming with screens that you can see someone's lips.

There are shops or small producers who are making masks with that intention in mind but those are by far the except and not the norm. And so for myself it's very difficult when I'm out to communicate with people. So that's why it's a whole new world.

>> And Michael, does that feel like in some ways you're forced to out yourself? Is there stigma?

In the ordinary world you would read someone's lips and you would get your prescription from the pharmacy and off you would go. Now you are in a position where you have to self-identify as someone who needs to communicate differently with the person behind the counter.

>> Exactly.

I will literally take my hearing aids and go, look -- this is my hearing aid. I am being difficult.
I'm not, I'm trying to have a conversation.  
I have to constantly, I have to apologize which by itself is infuriating.  
But I have to say I'm sorry, but I'm hard-of-hearing and try to get the conversation going that way.  

For the most part that works.  
I am having to out myself and it's just -- sure, why not.  

>> Yeah, I mean, again, if you don't bring a lot of self-awareness about lip reading, it's an issue that could be lost on many parts of the world here.  

In the few minutes before we turn to questions, Jennifer, I wanted to give you an opportunity in terms of stigma and the question of COVID and people coming back are not coming back, what are the issues you have seen starting to manifest themselves on campus as you plan for fall, if any.  

>> I will just say that based upon my own observed and lived experience, difference is stigmatized period.  
And even a different business legitimately exists it feels like people will create it.  

So I think a lot of the conversation that we are having simultaneously with these conversations about race can also be applied here.  

We discussed disability related difference and I immediately think of a lot of the racism discussions that are being had at all levels with education.  
I think a lot of strategies employed there in many ways also can apply here.  
And I think that having conversations like this one are an important first step because it indicates the legal community acknowledges there may be problems that we selectively wish to address them that we are assessing the situation and we are planning, goal setting to address those issues.  
But we just need to continue to go down that road.  
We need to make sure that the games that sort of we were forced to -- the gains we were forced to make during this world of COVID continue, and
that we keep in mind that there is no fixed target and this journey is a legitimately moving target and our standard of sufficiency and appropriateness are going to continue to change as best practices and accommodations change, as sort of the underlying basis of the approaches we are making change. As you mentioned earlier what we did on the fly in March as opposed to what we are doing now with the entire summer's worth of preparation. The work is truly ongoing and I just think that at the end of the day it's something that must be constantly evaluated and reevaluated.

>> Thanks, super helpful.

At this point I'm going to turn to Amy. And I'm going to ask you if there are questions that have come in for the panel that you would like to share with us.

>> Hello, everyone.
I wanted to thank our esteemed panelists and our moderator. I think this is an amazing conversation that one that needs to continue.

First question, what are schools doing for students who require an isolated quiet place as part of exam accommodations while exams are remote?

I know we have been hearing this question a lot.

It's concerning a lot of students.

>> Bob or Jennifer, either one want to jump in on that?

>> All I can say, one thing that we are doing and I think many schools are doing, all of our exams are going to be on-line in the spring and -- or in the fall. And that was true in the spring. Some of the kinds of accommodations that you would normally do may not be that hard to do if a student is in a situation in their home where they may have that isolation.
If they are not and many would not be, but one of the things they would be able to do with us is our building will be open and we will have some students that will be there.

We have a much more capacity for the building than normally but we would make rooms available for them with the appropriate computer hook up for them to be able to participate and take their exams that way.

We are going to make the exams open book and my colleagues want to be on closed book but we want to not -- the situation that are problematic and difficult for us is to provide.

>> Jennifer, how about at Columbia?

Has that issue come up?

>> I don't think that particular issue has come up, but the idea generally there may be accommodations that are needed that are not traditionally even considered by students is a conversation that I've had with a number of students that are proactively thinking about what it is I will need in the fall to be successful and then taking the impetus of making that ask.

I think that falls into that category.

This will be effectively an accommodation if you are talking about a quiet space even within the context of a remotely conducted exam.

>> It's true.

The fact patterns are endless in their novelty.

What else, Amy?

>> This is another very good question.

What do we do to provide equity in education when schools offer in-person classes but many disabled students are high risk and can only attend on-line?

How do we keep that balance?

How do we keep that equity and have we begun to think about that?
Let me jump in to start with an answer there. One is that what we will be doing in the fall is that our first year students and I think somebody earlier said -- I think it was Michael talking about the first year so one of the challenges will be facing is it's one thing to go on-line in March when you had a whole class in connection and -- it's another when there is no pre-existing community and that's something which all schools are -- and so in our case we will have every first year section, one class in that section like torts or contract. It will be in-person. Not the usual 80 people in a section. It will be divvied up into 25 or 30 or so and then kind of vary that way. What we are doing to through to equalize because we said that any student that does not want to be in the building doesn't have to be. Are not required to be there. Any classes that are being taught in person in part will be simulcast with other people who are able to participate remotely.

I would say the job of us as educator is the same way we would about accessibility for people with disabilities generally to make sure that alternative we are offering in on-line is put the person in as equal a situation as we can with regard to the people in-person. Finally I would say this is not going to be your mother or father's in-person education. You are going to be socially distanced. You will be wearing masks. Probably not going to be satisfying. This is not to say we shouldn't do all of the things I just said. It just means the sense of the comparetory is not what you imagined in-person education was like before hand. That will be different.

Some might say better and some might say worse.

And it will have to be as approximately and closely as we can what's going on in the classroom. Finally, since one of the things we want to do to make opportunities for students to gather informally consistent with the CDC guidelines we want to make sure that's available to people who are going to be
with us remotely.
If there is small group gatherings or study groups and all of that, we will make sure that people who are participating on-line have an equal access to that as people are in person.

>> Thank you so much, Bob.
Jennifer, have you had the equity conversation and raised other issues that might come about as we enter the hybrid phase of this?

>> I think that's been an ongoing conversation and pragmatic what that step looks like and it's even more pressing with simultaneous issues with the regulations and the cases that were just pushed through from I.C.E. and things of that nature, we found all of these things just increasingly -- and I think the entire community is trying to make sure that we are ignore options that we may not have necessarily considered before in terms of what these modalities will look like.

And in terms of how students are able to participate.

And those modalities and I have my own individual ideas what that will look like if I were to switch from my administrative hat to my teacher hat, but that's not necessarily relevant.
But I do think it's a continuing conversation and it's something that I think it changes week by week as all of these new factors come into play.
And, of course, we are limited by city and state guidance in New York City.

Just by virtue of where we are.

>> Amy, are there any questions to touch on employment or law firms.

We can drum Michael into this.

>> Yeah, so with regard to newer attorneys, any suggestions for hope building structure, particularly those with ADHD or other focus issues, some staff have reported the office gives them a structure and really that's beyond just people with ADHD.

So working at home doesn't give you that structure.

So any thoughts on that for people that are floundering for people
that are struggling with this issue of structure. Many of us even without a disability structure is tough when you are home all the time.

So I try when I get up in the morning exercise, maybe watch an hour of the news and then work out and then start working and around 12:00, 12:30 have lunch, and then back to work and 5:00 stop. I have to set up for myself an internal schedule and even written out schedule so I can manage my own time and I -- I'm building myself in a break. Look at my calendar and see if I have calls or meetings that need to be handled or deposition, mediation, what have you.

But if I can't get that structure at the office, then I have to create it myself.

I used to commute into the city for work. I live on long island and I would have to be at the train by a certain time. Get on the train. Get into Penn station at a certain time and walk to my office. I knew that schedule and you have to do it for yourself.

And it's easier said than done.

It helps to break up the day and also not every day feels like a never ending one.

The day ends in Y but there has to be a break for yourself just because you need it there isn't -- no going to office and no after work networking or meeting friends. So you have to build it for yourself.

Are there things that you think that supervisors can do to help their new attorneys build in that kind of structure?

You know, to be very proactive with new attorneys?

In my firm we are assigned mentees which are first and second year associates. Those mentors as well as the informal ones that the mentees have in their practice need to step in and say this is what you have to do
for yourself and take some time here and time there. I will talk to a senior partner or if you feel uncomfortable doing it reach out to those people because they will be the ones to help you out and that's a way you can do it.

It's awkward I know from personal experience but you have to do those things and have people looking out for you which is what the firm can do to ensure you can do the work that you need to do.

>> And my sense is that anyone who has a supervisor role in any sort or is responsible for a team has a heightened responsibility during this time to check in on them and check on their mental and emotional health check on how their schedule is going and making sure they are maintaining some structures and support systems for themselves and if they are floundering with that, working with them, stepping outside of the supervisor role and becoming the mentor or sponsor in the moment and trying to help them build those structures for themselves.

Some people have transitioned super well and some have struggled.

The different problem solves skills and different pre-dispositions and different levels of need for instruction, have seen it in my own team the need to -- again the insight from the disability accommodation world, every employee in some ways needs to be accommodated in a different way in a way that that's personal to work for them and some folks more junior in their career may just need some help getting there.

So I think we all have that responsibility.

>> I would add in addition to being in a mentor mentee relationship modeling -- mentee relationship modeling that behavior --

>> Oh, Bob

>> Taking time to take self-care. I will say this, I have been pretty -- my wife and I -- our kids are grown so it's just the two of us. We have been pretty good about not having very much interaction but one thing we do every day is we take a long walk in the neighborhood.
And the length of the walk that's built up over time and I look forward to it and it's a way to be able to make sure that I'm taking care of not just the head but the rest of me as well. In some ways I'm doing better than that now than I would normally when I would be rushing off and trying to get in the car and get to work on time and grabbing lunch on the fly.

>> I agree.

I have fall in love with D.C. all over again. I have walked streets I have never walked and that time walking whether it's in the morning or after work has been super important to me as well.

I know we are just about at time here. Jennifer, do you have any last words or reflections that you wanted to share?

>> Just that I've really enjoyed participating and I hope that our experiences are able to support students with disabilities as they continue through law school and embark on their careers and they make sure that they add their voices to the conversation and continue to advocate for themselves and for others to whatever degree they are comfortable with.

>> I deeply appreciate the participation of all three of you. I want to thank Jennifer, Bob and Michael for your time both in preparing for this webinar and spending time in this conversation this afternoon. As I said at the beginning this has been recorded. We will be making the link to the recording available both through the ABA and through NALP. The section for civil rights and social justice has an ongoing webinar series and there is more information available about that on their web page within the ABA and we encourage you to check that out. We thank Amy for her support in porting this together and we thank Alli for her support and Judy Perry Martinez for setting this in motion. We wish everybody the best of luck in getting through this period of time we are in stay safe and be well, everybody.
It's been a pleasure.
Thank you.

>> Bye.