Goal III
Report
2015

An Annual Report on the Participation of Persons with Disabilities in ABA Leadership Positions

Commission on Disability Rights
American Bar Association
GOAL III REPORT

The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.

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“Public trust requires that we forthrightly address the realities of implicit bias and support education and training to overcome these biases.”

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I. EXECUTIVE SUMMARY

For the 2014-15 bar year, the Commission on Disability Rights (CDR) reports:

- The number of leadership positions in Sections, Divisions, and Forums (SDFs) held by lawyers with disabilities more than doubled—from 65 in 2013-14 to 148 in 2014-15.
- 18 out of 34 (54%) of SDFs reported having lawyers with disabilities in leadership positions, slightly up from 50% in 2013-14.
- 2 lawyers with a disability held a primary leadership position, down from 4 in 2013-14.
- 81 lawyers with disabilities from 10 entities held Committee, Forum or Division Chair positions.
- 12 of 868 (1.3%) Presidential appointments went to persons who identified as having a disability, compared to 10 of 818 (1.2%) in 2013-14.
- None of the 40 members of the Board of Governors report having a disability.
- The number of presenters and faculty with disabilities for ABA continuing legal education programs (CLEs) more than doubled—from 15 in 2012-13 to 31 in 2013-14.
- Many SDFs lack knowledge on how to make their websites, CLEs, publications, and meetings/events accessible to persons with disabilities.
- The Business Law Section achieved the highest honor (Platinum) on the CDR’s Honor Roll.
II. RECOMMENDATIONS

In light of these survey findings, the CDR recommends that SDFs:

• Formulate a method to collect data on the number of lawyers with disabilities, both visible and non-visible, in membership and leadership
• Sign the CDR’s Pledge for Change: Disability Diversity in the Legal Profession
• Set specific, measurable, attainable, relevant, and time-framed (SMART) goals over a three-year period to increase disability diversity in membership, leadership, educational programming faculty/presenters, and publication authors
• Implement best practices from the CDR’s Planning Accessible Meetings and Events: A Toolkit
• Create a welcoming and inclusive environment where members feel comfortable self-disclosing their disability status

• Nominate and support lawyers with disabilities for ABA Presidential and committee/subcommittee appointments
• Actively recruit and promote lawyers with disabilities in membership and leadership
• Work with ABA staff to ensure that all websites, CLEs/other educational programming, publications, and meetings/events are accessible to persons with disabilities
• Solicit faculty/presenters and authors with disabilities for CLEs/other educational programming, events, and publications
• Raise disability awareness by featuring articles and hosting CLEs/other educational programming addressing elimination of bias, disability diversity and inclusion, and disability rights

• Integrate disability in diversity initiatives, activities, and programs
• Designate a liaison to serve on the CDR
• Adopt the strategies the CDR’s Honor Roll recipient employs to foster the recruitment and advancement of members with disabilities throughout the ABA, including in leadership
• Develop an orientation program and ongoing trainings for ABA leadership and staff that address Goal III and offer best practices for achieving its objectives
The American Bar Association (ABA), founded in 1878 by 100 lawyers from 21 states, is one of the largest voluntary professional associations in the world. Its primary mission is “[t]o serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession.” Stemming from its long history of promoting reform of the justice system, the ABA established in 1973 the Commission on the Mentally Disabled to focus on the advocacy needs of people with mental disabilities. Following the enactment of the Americans with Disabilities Act of 1990, the Commission broadened its mission to serve all people with disabilities, and therefore changed its name to the Commission on Mental and Physical Disability Law. In 2011, the name was changed to the Commission on Disability Rights (CDR) to better reflect its two-pronged mission: “promote the ABA’s commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and their full and equal participation in the legal profession.” Today, the CDR is the only entity within the ABA—and the legal profession—that addresses the needs of, and the challenges faced by, lawyers and law students with disabilities on a national level.

In 2008, the ABA adopted Goal III “[t]o eliminate bias and enhance diversity.” It has two objectives: (1) “Promote full and equal participation in the association, our profession, and the justice system by all persons” and (2) “Eliminate bias in the legal profession and the justice system.” Goal III was derived from its predecessor, ABA Goal IX, the aim of which was “to promote full and equal participation in the legal profession by minorities, women, persons with disabilities, and persons of differing sexual orientations and gender identities.” Each year, ABA staff conduct the Goal III survey, collecting data from the ABA’s Sections, Divisions, and Forums (SDFs) on the participation within the ABA of persons with disabilities, as well as women, racial minorities, and persons who are gay, lesbian, bisexual, or transgender. The CDR’s 2015 Report presents the survey findings with respect to the participation of lawyers with disabilities.
IV. Entity Honor Roll

Each year, the CDR names to its Honor Roll those SDFs that have demonstrated a commitment to the inclusion of lawyers with disabilities. Selection is based on four criteria: (1) leadership, i.e., entities that integrate lawyers with disabilities in leadership positions; (2) recruitment/promotion, i.e., entities that actively recruit individuals with disabilities and involve members with disabilities in their educational programming and events; (3) accessibility, i.e., entities that work to make their websites, CLEs/other educational programming, publications, and meetings/events accessible to persons with disabilities; and (4) education, i.e., entities that select faculty/presenters who have disabilities and/or cover disability-related topics. This year, the Honor Roll recipient is the ABA Business Law Section (BLS), chaired by Paul L. Lion III.

The BLS views diversity and inclusion as key to accomplishing its mission “to serve its members, the profession, and the public by providing educational resources to its members, assisting members in serving their clients ethically and competently, and furthering the development and improvement of business law.” In particular, the BLS makes a commitment to “encourage diversity in the Section by fostering a welcoming environment for all lawyers and promoting full and equal participation by all lawyers, including lawyers of color, women lawyers, gay and lesbian lawyers, and lawyers with disabilities.” Of 25,170 BLS members, 266 reported having a disability. Six individuals with disabilities held leadership positions—five subcommittee chairs and one committee chair.

The BLS has a Diversity and Inclusion Committee, which is specifically tasked with leading the Section’s efforts to recruit and retain diverse lawyers, young lawyers, and law students, including those with disabilities, for active involvement in the BLS’s work and leadership. Significantly, the Section has established a Lawyers with Disabilities Involvement subcommittee—currently chaired by a lawyer with a disability—that provides opportunities for business lawyers with disabilities to demonstrate their talents and share their diverse perspectives and raise awareness of the attitudinal barriers that they continue to encounter. The subcommittee has two goals: (1) greater participation and integration of lawyers with disabilities in the Section’s activities and the ABA and (2) increasing the number of lawyers with disabilities in leadership positions both within the Section and the Association.

In an effort to attract more lawyers with disabilities to the Section and develop future BLS leaders, the Business Law Diplomats Program selects one lawyer with a disability who is an ABA member and practices business law, to serve a two-year term. The diplomat serves on both a substantive committee to actively contribute to his or her practice area, as well as on an administrative committee to help shape the future of the Section. Each diplomat is assigned two mentors, one from the substantive committee on which the diplomat serves, and the other a fellow alumni mentor. The current diplomat serves on the Section’s Business and Corporate Litigation Committee.

The BLS includes in its diversity presentations speakers from each of the diversity groups (race and ethnic minority, gender, LGBT, and disability). The Diversity and Inclusion Committee’s CLE panels at its past three meetings included a speaker with a disability. At its 2014 spring meeting, the Section hosted a disability-specific presentation entitled Using Respectful Language When Talking About Disability. The presentation was based on an article of that same title by Jason Goitia, chair of the Lawyers with Disabilities Involvement subcommittee, which appeared in the Minority Corporate Counsel Association’s magazine Diversity & the Bar (May/June 2014). Jason also shared his article with the ABA Section Officers Conference on a diversity call. The Section has invited lawyers with disabilities to speak at its 2015 spring meeting in San Francisco.

In August 2014, the BLS adopted a new Diversity Plan, shifting the focus from increasing diversity to inclusion and providing access to the Section and the legal profession as a whole. Particularly
noteworthy, the plan identifies as action steps ensuring that the Section’s website, meetings and events, and materials are accessible to persons with disabilities. The BLS’s website offers accessible PDFs and captions all of its images. The Section plans to continue its efforts to make its website accessible. In preparation for its 2014 annual meeting, the BLS implemented many of the best practices set forth in the CDR’s Planning Accessible Meetings and Events: A Toolkit. BLS members are encouraged to request accommodations they need to fully and equally participate in Section activities. The Section provides its materials in alternative formats such as large print, accessible PDFs, and digital.

The BLS’s Diversity Plan also has as its goal to strengthen and increase communication between the Section and the Goal III entities. The BLS works with the CDR providing a liaison to the Commission to learn about current developments and initiatives, share resources, coordinate efforts, and host joint programs. The Section is a signatory of the Commission’s Pledge for Change: Disability Diversity in the Legal Profession, affirming its commitment to disability diversity and inclusion and encouraging others in the legal profession to make this commitment. The BLS can serve as a model of disability diversity and inclusion for all SDFs.
V. Survey Methodology

In the fall of 2014, the CDR surveyed SDFs as to the number of their members with disabilities in 11 categories: Membership; Additional Committee Leadership; Chair; Chair-Elect; Committee Chairs or Forum Division Chairs; Council or Forum Governing Committee; House of Delegates; Nominating Committee; Nominating Committee Chair; Primary Leadership Officers; and CLE Programming Faculty. Commissions and Committees were also surveyed, but only as to one category: CLE Programming Faculty. In addition to these quantitative questions, the CDR asked SDFs and Commissions and Committees qualitative questions regarding: the accessibility of their websites, CLEs, publications, and meetings/events to persons with disabilities; the inclusion of disability in their diversity statements; accommodations policies; and outreach efforts.

The ABA entities used varying methods for collecting the data. Some solicited their members or leaders directly, while others used the ABA census data collected as it particularly pertained to their membership. A handful of entities surveyed their entire membership regarding disability, while many other entities did not use any survey instrument.

For purposes of this year’s survey of leadership, entities were asked to define a “person with a disability” broadly to include:

a) Anyone who self-identifies as a person with a disability or
b) Anyone who has requested an accommodation for his or her disability.

Types of disabilities include, but are not limited to: Any sensory, physical, mental health, or intellectual/cognitive condition, including epilepsy; muscular dystrophy; multiple sclerosis; cerebral palsy; fibromyalgia; paraplegia; quadriplegia; missing or partially missing limbs; conditions requiring use of mobility devices; depression; anxiety; schizophrenia; bipolar disorder; obsessive compulsive disorder; personality disorders; post-traumatic stress disorder; behavioral or developmental conditions; autism; dementia; learning disabilities; communication disorders; AIDS or HIV; cancer; diabetes; heart disease; stroke; blindness and other visual conditions; deafness and other hearing conditions; substance abuse; and other age-related conditions.

The ABA’s 22 Sections, 6 Divisions, and 6 Forums focus on specific areas of law or career stage. Sections draw their membership from lawyers or judges with common professional interests and operate much like specialty bar associations with their own officers, dues, committees, and programming. They typically represent a substantive area of the law through their more than 3,700 committees and numerous publications. Sections contribute to policy-making, both within and outside the ABA.

There are two kinds of Divisions: specialized groups for members and internal ABA departments. The specialized groups are solo, small firm, and general practice; government and public sector; judicial; law students; and young and senior lawyers. The internal departments are bar, legal, and public services; public education; and communications and media relations.

ABA Forums explore and monitor new areas of the law as they develop. The topics covered are affordable housing and community development, air and space, and communication law, as well as franchising and the construction, entertainment, and sports industries. Forums are open to membership, as long as one is a member of an ABA Section or Division.

Other ABA entities, including Commissions, Special Committees, Standing Committees and Task Forces, consist of members appointed by the ABA President. They develop and implement policy and carry out activities that fall within their mandate.
VII. FINDINGS

A. ABA LEADERSHIP

Since 2004, the ABA President’s Office has ensured that applications for Presidential appointments include a question regarding disability status. For 2014-15, 12 of 868 (1.3%) Presidential appointments went to persons who identified as having a disability, marking a slight increase from last year, 10 of 818 (1.2%). Over the years, there has been a steady decline in the numbers—18 of 760 (2.4%) in 2009-10, 17 of 750 (2.3%) in 2010-11, 15 of 751 (1.9%) in 2011-12, and 10 of 732 (1.8%) in 2012-13. The highest number of Presidential appointments to persons who identified as having a disability was 46 of 693 (6.6%) in 2008-09 (see Figure 1). In 2013, in an effort to increase diversity (with respect to disability, as well as the other Goal III categories), the ABA formed the Section Officers Conference (SOC) Diversity Working Group, which requested from ABA Sections the names of their diverse members who should be considered for Presidential appointments.

Figure 1: ABA Presidential Appointees with Disabilities

- William H. Neukom (2007-08): 1.8%
- H. Thomas Wells, Jr. (2008-09): 6.6%
- Carolyn B. Lamm (2009-10): 2.4%
- Stephen N. Zack (2010-11): 2.3%
- Wm. T. (Bill) Robinson (2011-12): 2%
- Laurel G. Bellows (2012-13): 1.8%
- James R. Silkenat (2013-14): 1.2%
- William C. Hubbard (2014-15): 1.3%
Of the 40 ABA members who serve on the Board of Governors—the executive arm of the ABA—none reported having a disability.

B. ABA ENTITY LEADERSHIP

For 2014-15, 148 of the ABA’s SDFs leadership positions were held by lawyers who identified as having disabilities—a significant rise from last year’s 65 and the highest number in all previous years dating back to 1998-99 (see Figure 2).

Figure 2: ABA Entity Leadership Positions Held by Lawyers with Disabilities
Eighteen out of 34 SDFs (53%) reported having lawyers with disabilities in leadership positions, slightly up from 50% in 2013-14, and almost a ten point increase from 44% in 2011-12 and 2012-13 (44%) (see Figure 3). The entities that contributed to this increase were: Section of Administrative Law and Regulatory Practice; Business Law Section; Section of Dispute Resolution; Section of Environment, Energy, and Resources; Health Law Section; Section of Intellectual Property Law; Section of International Law; Section of Labor and Employment Law; Section of Litigation; Section of Real Property, Trust and Estate Law; Section of Science & Technology Law; Tort Trial, and Insurance Practice Section; Government and Public Sector Lawyers Division; Judicial Division; Law Student Division; Senior Lawyers Division; and Solo, Small Firm and General Practice Division.

Figure 3: Percentages of Responding Entities with Lawyers with Disabilities in Leadership Positions
For 2014-15, two people with disabilities held primary leadership roles, a decrease from last year’s four but the same number as in 2010-11, 2011-12, and 2012-13 (see Figure 4). The highest number was 20 in 2003-04. Beginning in 2006-07, the numbers dropped to the single digits and has continued. This year, no Chairs or Chair-Elects identified as people with disabilities, a decline from last year’s two Chairs and one Chair-Elect.
In an encouraging upward movement, 81 lawyers with disabilities from ten entities held Committee, Forum or Division Chair positions within their entities in 2014-15—almost five times the number (17) in 2013-14 (see Figure 5). These entities were: the Section of Administrative Law and Regulatory Practice; the Business Law Section; the Section of Environment, Energy and Resources; the Health Law Section; the Section of Litigation; the Section of Public Contract Law; the Section of Real Property, Trust and Estate Law; the Section of Science & Technology Law; the Government and Public Sector Lawyers Division; and the Solo, Small Firm and General Practice Division.

Figure 5: Number of ABA Leadership Positions Held by Lawyers with Disabilities, 2014-15
(iii) ADDITIONAL COMMITTEE LEADERSHIP

Furthermore, the following seven of 34 SDFs reported having Additional Committee Leadership positions (52 total) held by lawyers with disabilities: the Business Law Section; the Section of Dispute Resolution; the Health Law Section; the Section of Litigation; the Tort Trial and Insurance Practice Section; the Senior Lawyers Division; and the Solo, Small Firm and General Practice Division.

Initiatives to increase disability diversity in membership are critical to having lawyers with disabilities assume a greater leadership role in the coming years.

C. CLE PROGRAMMING & FACULTY

For 2014-15, 29 presenters at ABA CLE programs were identified as having a disability, almost double from last year’s 15, but still less than the 37 presenters with disabilities in 2011-12. These CLEs were offered by the following 12 entities: the Business Law Section; the Section of Dispute Resolution; the Section of Intellectual Property Law; Section of Labor and Employment Law; Section of Litigation; the Section of Real Property, Trust and Estate Law; the Section of Science & Technology Law; the Section of State and Local Government Law; the Tort Trial and Insurance Practice Section; the Government and Public Sector Lawyers Division; the Law Practice Division; and the Solo, Small Firm and General Practice Division.

D. ACCESSIBILITY & ACCOMMODATIONS

All SDFs were asked if their websites and publications are accessible to persons with disabilities, and to describe their policies for providing accommodations for meetings/events and CLEs/other educational programming. The survey results demonstrate a lack of knowledge by SDFs regarding how to make website content accessible. Respondents expressed a need for guidance and training from the ABA and a concern about the availability of staff resources. Many entities responded that their websites are accessible to the same extent that the ABA’s website is. Several entities provide alternative text for all images and ensure that their PDFs are accessible. Particularly noteworthy, the Health Law Section’s website is compliant with the Web Content Accessibility Guidelines. Resources on web accessibility can be found on the CDR’s “Resources” webpage. As with websites, SDFs lack knowledge about how to ensure that their publications are accessible.

With regard to meetings/events and CLEs/other educational programming, all SDFs provide accommodations upon request. Almost all of the entities publicize the availability of accommodations upon request in their registration and promotional materials and/or on their websites.

E. DIVERSITY PLANS

To date, 28 SDFs include persons with disabilities in their diversity statements, slightly up from last year’s 25. However, only a handful of entities set disability diversity and inclusion goals that are specific, measurable, attainable, relevant, and time-based (SMART). Most SDFs do not actively engage in the recruitment, retention, and advancement of lawyers and law students with disability within their entities and the legal profession as a whole. All entities are encouraged to support the ABA’s Goal III by integrating disability in their diversity plans, and most importantly, to set and implement goals to achieve greater disability diversity and inclusion in membership and leadership.

F. PLEDGE FOR CHANGE

In 2009, the ABA, through the CDR, introduced the Pledge for Change: Disability Diversity in the Legal Profession. To date, 178 legal employers (e.g., law firms, corporations, state and local bar associations, law schools, etc.) have signed the Pledge, demonstrating their commitment to the employment of persons with disabilities. Twenty-two ABA entities are signatories: Section of Business Law; Criminal Justice Section; Section of Dispute Resolution; Section of Family Law; Individual Rights and Responsibilities Section; Section of International Law; Section of Labor and Employment Law; Section of Legal Education and Admissions to the Bar; Section of Litigation Council; Section of Real Property, Trust and Estate Law; Section of Science & Technology Law; Section of State and Local Government Law; Tort Trial and Insurance Practice Section; General Practice, Solo and Small Firms Division; Government and Public Sector Lawyers Division; Law Practice Division; Senior Lawyer Division; Young Lawyers Division; Forum
VII. CONCLUSIONS

The collection of demographic data of our ABA members is a critical step in evaluating how well the Association is doing with regard to enhancing diversity and inclusion and eliminating bias pursuant to Goal III. The CDR acknowledges the inherent difficulties associated with collecting data on the number of ABA members with disabilities. Many types of disabilities may be non-visible, such as mental health conditions, learning disabilities, cognitive impairments, and chronic conditions. Unlike race, ethnicity, and gender, persons with disabilities are less likely to self-identify due to concerns about confidentiality, stereotyping, bias, stigma, prejudice, and misuse of the information. Others may not consider themselves to have a disability due to the ameliorative effect of corrective measures such as medications, mobility devices, and other auxiliary aids.

The SDFs continue to struggle with the collection of disability data. Many entities do not survey their members with regard to disability status. The primary reason given is discomfort in asking the question, “Are you a person with a disability?” This discomfort stems from the belief that the question intrudes on individuals’ privacy, thereby perpetrating the misconceptions, stereotypes, and bias about persons with disabilities. Until these attitudinal barriers are discussed and addressed, the disability data will not reflect the actual diversity of the ABA.

Accessibility is essential to creating a welcoming and inclusive environment for members with disabilities. SDFs should make accessibility of their meetings/events, publications, CLEs/educational programming, and websites a top priority. Members with disabilities must be able to participate equally and fully in all SDF activities.

Particularly noteworthy, in November 2014, Jack L. Rives, ABA Executive Director, appointed a staff task force to examine current accessibility practices across the ABA, identify best practices, and develop recommendations to enhance accessibility for our members with disabilities in the following areas: meetings and other events, technology, educational programming, publications, and digital communications.
2015 Disability Honor Roll

Platinum
Business Law Section
Paul L. Lion, Chair

ABA Commission on Disability Rights