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

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. EXECUTIVE SUMMARY</td>
<td>6</td>
</tr>
<tr>
<td>II. RECOMMENDATIONS</td>
<td>7</td>
</tr>
<tr>
<td>III. INTRODUCTION</td>
<td>8</td>
</tr>
<tr>
<td>IV. ENTITY HONOR ROLL</td>
<td>9</td>
</tr>
<tr>
<td>V. SURVEY METHODOLOGY</td>
<td>10</td>
</tr>
<tr>
<td>VI. FINDINGS</td>
<td>11</td>
</tr>
<tr>
<td>A. ABA LEADERSHIP</td>
<td>11</td>
</tr>
<tr>
<td>B. ABA ENTITY LEADERSHIP</td>
<td>12</td>
</tr>
<tr>
<td>(i) PRIMARY &amp; COMMITTEE LEADERSHIP</td>
<td>14</td>
</tr>
<tr>
<td>(ii) COMMITTEE, FORUM OR DIVISION CHAIR</td>
<td>15</td>
</tr>
<tr>
<td>(iii) COUNCIL OR GOVERNING COMMITTEE MEMBERS</td>
<td>16</td>
</tr>
<tr>
<td>(iv) ADDITIONAL COMMITTEE LEADERSHIP</td>
<td>16</td>
</tr>
<tr>
<td>C. ACCESSIBILITY</td>
<td>16</td>
</tr>
<tr>
<td>VII. CONCLUSIONS</td>
<td>17</td>
</tr>
</tbody>
</table>
“Won’t it be great when we get to the point where we won’t be talking about diversity and inclusion efforts? That will be part of the fabric of everything we do.”

—ABA President Paulette Brown
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Acknowledgments
The Commission thanks the Goal III entities, as well as the ABA entities that contributed data for this report.
For the 2015-16 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 dropped from 148 in 2014-15 to 104 in 2015-16.
- 16 out of 34 (47%) SDFs reported having lawyers with disabilities in leadership positions, slightly down from 53% in 2014-15.
- 2 lawyers with disabilities held a primary leadership position, the same number as in 2014-15.
- 17 lawyers with disabilities from 13 entities held Committee, Forum or Division Chair positions.
- 58 lawyers with disabilities from 8 entities held Additional Leadership positions.
- 9 of 733 (1.2%) Presidential appointments went to persons who identified as having a disability, compared to 12 of 868 (1.4%) in 2014-15.
- Many SDFs lack the knowledge on how to make their meetings/events, CLEs and webinars, website and other technology, videos, publications, PDFs, and email communications accessible to persons with disabilities.
- The Law Practice Division is the recipient of this year’s Honor Roll certificate.
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 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 and other technology, videos, publications, PDFs, email communications, and meetings/events, CLEs and webinars 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 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
III. Introduction

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: to “promote the ABA's commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and their full and equal participation in the legal profession.” Today, the CDR is the entity within the ABA that advocates for the equal rights of persons with disabilities in society and the inclusion of lawyers and law students with disabilities in the legal profession.

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.” The CDR is one of four Goal III entities. 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 ABA leadership of persons with disabilities, as well as women, racial minorities, and persons who are gay, lesbian, bisexual, or transgender. The CDR’s 2016 Report presents the survey findings with respect to the participation in ABA leadership of lawyers with disabilities.
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 and other technology, videos, CLEs/other educational programming, publications, PDFs, email communications, 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 Law Practice Division (LP), chaired by Tom Bolt.

LP has a Diversity & Inclusion Committee that is committed to setting division-wide expectations for an inclusive culture; supporting inclusion and retention efforts that focus on traditionally underrepresented groups; learning from and applying best practices in law firms and other legal organizations; measuring the division’s successes and shortcomings, assessing the Diversity & Inclusion’s own impact; challenging the status quo when necessary; and communicating its mission, the actions required, and the success promised.

Each year, LP offers two positions within its Fellows Program to talented diverse attorneys. The program is designed to attract, retain, develop, and provide leadership opportunities for attorneys in underrepresented groups, including women, racial and ethnic minorities, persons with disabilities, and lesbian, gay, bisexual and transgender persons. The objective is to foster a culture of diversity and inclusion; further demonstrate the Division’s commitment to ensuring equal opportunity for all individuals in the profession; and create a pipeline of future LP leaders. Fellows are provided opportunities to meet and network with some of the foremost experts in the business of practicing law, including marketing, management, technology, finance, and career and work/life balance issues.

As LP Chair, Tom set a goal to increase the participation of individuals with disabilities in the division. Early on he committed to actively recruiting individuals with disabilities. Tom scheduled a meeting with the CDR to share his commitment with its members, and thereafter worked with the CDR to encourage individuals with disabilities to join LP. As a result of this collaboration, LP went from having no leaders with disabilities in 2015 to having six leaders with disabilities—a significant achievement in only four months.

Tom’s commitment extended beyond LP itself to the legal profession as a whole. At CDR’s meeting, Tom heard from members that lawyers with disabilities need law practice management software that is accessible to do their job effectively and independently. However, only a handful of vendors’ software is accessible. To implement change, Tom invited CDR to develop a program for the March 2016 ABA TECHSHOW that would increase the awareness of both law firms and vendors of the importance of accessible software for lawyers with disabilities.
V. Survey Methodology

In fall of 2016, the CDR surveyed SDFs as to the number of their members with disabilities in 10 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; and Primary Leadership Officers. Commissions and Committees were also surveyed. In addition to these quantitative questions, the CDR asked SDFs and Commissions and Committees qualitative questions regarding: the accessibility of their websites and other technology, videos, publications, PDFs, email communications, meetings/events, CLEs and webinars 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; 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 21 Sections, 7 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 practice; 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. Each forum committee has a governing committee selected by the forum.

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.
VI. 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 2015-16, 9 of 733 (1.2%) Presidential appointments went to persons who identified as having a disability, marking a slight decrease from last year, 12 of 868 (1.4%). 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 in 2011-12 (1.9%), and 10 of 732 in 2012-13 (1.8%). 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%
Paulette Brown (2015-16) 1.2%
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 2015-16 104 of the ABA’s SDF’s leadership positions were held by lawyers who identified as having disabilities—a decrease from last year’s 148, but the second highest number in all previous years dating back to 1998-99 (see Figure 2).
Sixteen out of 34 SDFs (47%) reported having lawyers with disabilities in leadership positions, down from 53% in 2014-15, and slightly down from 44% in 2011-12 and 2012-13 (see Figure 3). The entities that contributed to this increase were: Section of Administrative Law and Regulatory Practice; Business Law Section; Section of Civil Rights and Social Justice; Section of Environment, Energy, and Resources; Health Law Section; Section of Intellectual Property 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; Law Practice 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

<table>
<thead>
<tr>
<th>Year Interval</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>1998-2000</td>
<td>20%</td>
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<tr>
<td>1999-2001</td>
<td>26%</td>
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<tr>
<td>2000-2001</td>
<td>32.5%</td>
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<tr>
<td>2001-2002</td>
<td>34%</td>
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<tr>
<td>2002-2003</td>
<td>32%</td>
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<tr>
<td>2003-2004</td>
<td>42%</td>
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<tr>
<td>2004-2005</td>
<td>47%</td>
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<tr>
<td>2005-2006</td>
<td>41%</td>
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<tr>
<td>2006-2007</td>
<td>35%</td>
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<tr>
<td>2007-2008</td>
<td>31%</td>
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<tr>
<td>2008-2009</td>
<td>41%</td>
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<tr>
<td>2009-2010</td>
<td>44%</td>
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<tr>
<td>2010-2011</td>
<td>44%</td>
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<tr>
<td>2011-2012</td>
<td>44%</td>
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<tr>
<td>2012-2013</td>
<td>40%</td>
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<tr>
<td>2013-2014</td>
<td>50%</td>
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<tr>
<td>2014-2015</td>
<td>53%</td>
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<tr>
<td>2015-2016</td>
<td>47%</td>
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(i) PRIMARY & COMMITTEE LEADERSHIP

Primary leadership positions (Section Officers or Forum Chairs, Chairs-Elect, Immediate Past Chairs, and appointed leadership) are the most senior leaders within SDFs. For 2015-16, two people with disabilities held primary leadership roles, the same number as in 2010-11, 2011-12, 2012-13, and 2014-15 (see Figure 4). The highest number was 20 in 2003-04. Beginning in 2006-07, the numbers dropped to the single digits and this trend has continued. This year, just as last year, no Chairs or Chair-Elects identified as people with disabilities, a decline from two Chairs and one Chair-Elect in 2013-14.

Figure 4: Primary Leadership Positions Held by Lawyers with Disabilities
Seventeen lawyers with disabilities from 13 entities held Committee, Forum or Division Chair positions within their entities in 2014-15—the same number in 2013-14, but a decline of almost five times the number (81) in 2014-15 (see Figure 5). These entities were: the Section of Administrative Law and Regulatory Practice; the Business Law Section; the Section of Civil Rights and Social Justice; the Section of Environment, Energy and Resources; the Health Law Section; the Section of Intellectual Property Law; the Section of Labor and Employment Law; the Section of Real Property, Trust and Estate Law; the Section of Tort Trial and Insurance Practice; the Government and Public Sector Lawyers Division; the Law Practice Division; the Law Student Division; and the Solo, Small Firm and General Practice Division.

Figure 5: Number of ABA Leadership Positions Held by Lawyers with Disabilities, 2015-16
(iii) COUNCIL OR FORUM GOVERNING COMMITTEE MEMBERS

Thirteen lawyers with disabilities from seven entities were members of Council or Forum Governing Committees, more than double the number last year (6). These entities were: the Health Law Section; the Section of Labor and Employment Law; the Section of Real Property, Trust and Estate Law; the Section of Science & Technology Law; Law Practice Division; the Senior Lawyers Division; and the Solo, Small Firm and General Practice Division.

(iv) ADDITIONAL COMMITTEE LEADERSHIP

Furthermore, the following eight of 34 SDFs reported having Additional Committee Leadership positions (58 total) held by lawyers with disabilities: the Business Law Section; the Health Law Section; the Section of Litigation; the Section of Real Property, Trust and Estate Law; Tort Trial and Insurance Practice Section; the Law Student 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. ACCESSIBILITY

All SDFs were asked if their meetings/events, CLEs and webinars, website and other technology, videos, publications, PDFs, and email communications are accessible to persons with disabilities. The survey responses demonstrate a lack of knowledge by SDFs regarding how to make website content accessible. Respondents expressed a need for training from the ABA, as well as a concern about the availability of staff resources. Several entities do provide alternative text for all images and ensure that their PDFs are accessible. Particularly noteworthy, the Tort Trial and Insurance Practice Section's website is compliant with the Web Content Accessibility Guidelines. SDFs also lack knowledge about how to ensure that their publications are accessible. With regard to meetings/events and CLEs/webinars, the good news is that 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.

Recognizing the general lack of knowledge about accessibility among ABA staff, the CDR requested that ABA Executive Director and Chief Operating Officer Jack Rives appoint a staff taskforce to examine the current accessibility practices across the ABA, identify best practices, and develop recommendations on how to enhance accessibility for ABA members with disabilities. Jack appointed staff from the following ABA Departments: Meetings and Travel, Center for Professional Development, Publishing, Design Department, Digital Marketing, Communications and Media Relations, Membership and Marketing, Professional/Specialty Services Group, and the CDR.

The task force drafted its report with recommendations on how to improve accessibility of technology (e.g., ABA website, mobile apps, webinars, videos), in-person meetings, events and CLEs, digital publications (e.g., books, periodicals, newsletters), and digital communications (e.g., press releases, emails, registration and membership forms). Currently, a staff working group is focusing on implementation of the recommendations set forth in the report. In many cases, the ABA has the technology and resources available to provide accessibility, but staff lacks requisite awareness and knowledge. Accordingly, the working group is working with the ABA's Human Resources department to develop staff trainings in all of these areas.
The collection of demographic data of our ABA members is critical 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 hidden or non-apparent, 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. With upcoming staff trainings, SDFs will be able to make their meetings/events, publications, email communications, CLEs/webinars, and websites and other technology accessible. Members with disabilities must be able to participate equally and fully in all SDF activities.

VII. Conclusions
2016 Disability Honor Roll

Platinum
ABA Law Practice Division
Tom Bolt, Chair