

The Commission on Mental and Physical Disability Law

# GOAL IX

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



AMERICAN BAR ASSOCIATION



# GOAL IX

## About the American Bar Association, the Commission on Mental & Physical Disability Law and Goal IX

The American Bar Association (ABA) was founded in 1878 by 100 lawyers from 21 states. As of December 2004, the ABA has over 350,000 lawyer members and is the largest voluntary professional association in the world. The ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges, and initiatives to improve the legal system for the public. The ABA's primary mission is "to be the national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence and respect for the law." The ABA's goal is "to promote full and equal participation in the legal profession by minorities, women and lawyers with disabilities." In 1999, the ABA House of Delegates voted to expand Goal IX to include persons with disabilities along with women and minorities. The year 2005 marks five years since Goal IX was amended to include lawyers with disabilities.

Stemming from the ABA's long history of promoting reform of the justice system, in 1973, the ABA established the Commission on the Mentally Disabled to focus on the advocacy needs of people with mental disabilities. After the passage of the Americans with Disabilities Act of 1990, the Commission broadened its mission to serve all people with disabilities and therefore changed its name to the Commission on Mental & Physical Disability Law. The Commission's mission is to "promote the ABA's commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and their full and equal participation in the legal profession." The Commission is composed of lawyers and other professionals, many of whom have disabilities. The Commission's Subcommittee on Lawyers with Disabilities focuses on issues of importance to the lawyers with disabilities community. The Commission also recently created a Subcommittee on the Employment of Lawyers with Disabilities to provide greater emphasis on employment related issues. The Commission through these two subcommittees and other programs is the only entity within the ABA and within the legal profession that broadly focuses on lawyers with disabilities on a national level.

### INTRODUCTION

The 2004-2005 *Goal IX Report* reports the Commission's findings from the *Goal IX Survey*, on lawyers with disabilities in ABA leadership positions during the 2004-2005 bar year.

Throughout the *Report*, you will find trends and statistics that provide indications on how and to what degree lawyers with disabilities have been integrated into ABA leadership.

The *Goal IX Survey* gathers information about the participation of persons with disabilities, as well as women and minorities, in ABA Section, Division and Forum leadership positions. The 2004-2005 *Commission on Mental and Physical Disability Law Goal IX Report* presents the findings of the *Survey* with respect to lawyers with disabilities, and conclusions and recommendations. In the *Report*, the Commission recognizes those ABA entities that have demonstrated the ABA's commitment to lawyers with disabilities, by including these entities on an annual Honor Roll. In addition, the *Report* includes an update on the status of lawyers with disabilities in the legal profession, information about the Commission's publications and special projects, and introduces you to the Commission's members, many of whom are themselves lawyers with disabilities.

This summer, the ABA President's Office modified the appointment process to ensure that applications for presidential appointment positions include a question regarding disability status. The Office will also begin to maintain statistics on the number of presidential appointees who are lawyers with disabilities, as it does for racial and ethnic minorities and women, which will be reported in the Goal IX 2006 report. Currently, there are an estimated 639 presidential appointments.

In addition, there are 39 ABA members who serve on the Board of Governors. According to ABA staff in the Division of Policy Administration, in 2004-2005 there was one member of the Board of Governors who was identified as having a disability. Currently, the House of Delegates does not maintain statistics on the number of lawyers with disabilities who are members of the House of Delegates.

In January 2005, the ABA Section Officers Governance Committee recommended in its report to section, division and forum officers, that a Disability Lawyer Member-at-Large be added to the ABA's Board of Governors and to the Nominating Committee. The ABA's leadership was following up on the recommendations in last year's Goal IX report, and taking proactive steps to address the importance of appointing lawyers with disabilities to leadership positions. The SOC report concluded,

While the Sections have seen an increased number of persons with disabilities in leadership positions, consistent with

the efforts to increase women and minority representation, more needs to be done. Efforts in this area are even more critical because the “overwhelming percentage of disabilities are not visually apparent,” making recruitment more difficult... Furthermore, “stigmas and/or perceived stigmas attached to being disabled may discourage individuals with disabilities from identifying as such.”

## **UPDATE ON THE STATUS OF LAWYERS WITH DISABILITIES**

This section of the Goal IX Report examines the current status of lawyers with disabilities in the legal profession by utilizing U.S. Census data of persons with disabilities, statistics provided by the American Bar Association, and other information.

### ***Persons with Disabilities in the United States***

According to the latest published U.S. Census in 2000, there are 49.7 million people, ages five and older, in the United States with some type of long lasting condition or disability. This represents nearly one in five (19.3% of 257.2 million) U.S. residents. The Census found that 9.3 million people have sensory disabilities involving sight or hearing and 21.2 million more have a condition limiting basic physical activities such as walking, climbing stairs, reaching, lifting, or carrying.

The Census also revealed 12.4 million people with a physical, mental, or emotional condition that caused difficulty in learning, remembering, or concentrating. Also, 6.8 million people with physical, mental, or emotional conditions had difficulty dressing, bathing, or getting around inside the home. The Census indicated that 18.2 million people aged 16 and older had a condition that made it difficult to go outside the home to shop or visit a doctor. Finally, 21.3 million of those aged 16 to 64 had a condition that affected their ability to work at a job or business.

### ***Persons with Disabilities in the Workplace***

According to the 2004 National Organization on Disability/Harris Survey of Americans with Disabilities, only 35% of people with disabilities report being employed full or part-time, compared to 78% of people who do not have disabilities. Also, individuals with disabilities are three times more likely to live in poverty than those individuals who do not have disabilities.

A Washington Post article from July 2004 entitled “Federal Jobs for Disabled Drop” concludes that over the past decade, the number of federal employees with severe disabilities has declined by almost 20%. Although no one knows for sure why this has occurred, experts cited in the article from both inside and outside government hypothesized that trends such as government downsizing, retirement of employees, a move to the private sector, lack of recruitment, and lack of disclosure of disabilities, might be contributing to the decline.

### ***Lawyers with Disabilities in the Legal Profession***

The American Bar Association’s (ABA) most accurate accounting of total lawyer members with disabilities can be found in the ABA data warehouse calculations from October 31, 2003. As of that date, there were 344,757 lawyer members, and of those, only 1,126 identified themselves as having disabilities (approximately .33%).

The 2004 Goal IX report stated that there were 4,665 lawyer members with disabilities. This higher figure, which was based on unofficial estimates, overstated the actual number as reflected by the more recent and accurate warehouse calculations. In evaluating the new lower figure, however, readers should keep two things in mind. First, based on anecdotal evidence and the experience of Commission staff in trying to compile such data independently, it seems clear that the 1,126 figure is considerably less than the actual number of lawyers with disabilities in the Association. Many lawyers with disabilities do not choose to identify themselves as such because: they do not trust that the information will remain absolutely confidential; their impairments arose after they became lawyers and they do not consider themselves as having a disability; or they do not fill out the ABA’s census data (or skip over the question having to do with disability) inadvertently or to save time.

Second, the low percentage of lawyers in the ABA, whatever the actual number may be, reflects two different trends: as indicated below, relatively few college students with disabilities attend law school and not everyone who attends graduates or passes the bar; and due to economic and social pressures and concerns, it appears that a lower percentage of lawyers with disabilities decide to join the ABA than lawyers in general.

Statistics on the employment of recent law graduates indicate a significant disparity in the employment status of lawyers with disabilities. The National Association of Law Placement (NALP) reported in its study, *Jobs & J.D.’s: Employment and Salaries of New Law Graduates—Class of 2003*, that 78.7% of law graduates with disabilities were employed, as compared to 90.2% of all non-minority law graduates and 85.6% of all minority graduates. In addition, 4.9% law graduates with disabilities indicated that they were seeking a job, whereas 3.6% of all non-minority law graduates indicated that they were seeking jobs and 4.7% of all minority law graduates indicated such.

In addition, the study found that there is a small but significant difference in starting salaries between recent law graduates with disabilities and those who do not have disabilities. For example, the mean salary of full-time law school graduates was \$69,562, whereas the mean salary of law graduates with disabilities was \$64,738. In addition, the median salary for full-time law school graduates was \$55,000, whereas the median salary of law graduates with disabilities was \$50,000.

Some or perhaps all of the salary disparity is due to the fact that lawyers with disabilities are more apt to find employment in government and with private nonprofit organizations, which

have lower salaries. Law graduates with disabilities were less likely to obtain employment in private practice than the graduating class as a whole, and were more likely to find government and public interest positions, as compared to the class of law graduates as a whole. Yet, some 52% of law graduates with disabilities did accept employment opportunities in private practice, as compared to 13.6% of law graduates with disabilities who accepted government positions and 4.4% that found employment in public interest work. Additionally, the study demonstrated that 16.4% of law graduates with disabilities obtained employment in the business sector, 10.4% accepted judicial clerkships, and 2% went into academia.

The American Bar Association Office of Legal Education & Admissions to the Bar indicated in 2004, there were 3,052 JD students that were provided accommodations out of a total of 140,376 JD students. Law schools typically request that students needing accommodations for disabilities self-identify with their deans of student affairs offices or their schools' disability support services offices. Thus, while not conclusive information, the number of students who were provided accommodations nevertheless provides useful insights on the number of JD students with disabilities in law school, even though the figure does not account for JD students with disabilities who do not request accommodations.

Over the past three years, there has been a slight increase in both the actual number and percentages of JD students that were provided accommodations in ABA accredited law schools.

### Law Students with Disabilities Who Requested Accommodations

YEARS	LSD*/ABA**	PERCENT
2004-2005	3,052/140,376	2.17%
2003-2004	2,804/137,676	2.04%
2002-2003	2,655/132,885	1.99%

\* # of Law Students with Disabilities Who Requested Accommodations  
 \*\*# of Law Students in ABA-Accredited Law Schools

### Disability Diversity in the Legal Profession

In 2003, the State Bar of California's Committee on Legal Professionals with Disabilities conducted a special online survey to assess the different challenges that lawyers with disabilities face by legal professionals in practice. A total of 150 attorneys responded to the survey. Approximately half of all attorneys surveyed stated that they felt they had been denied employment opportunities due to their disability. This was the case even with attorneys who graduated in the top 10 – 20% of their class. In addition, individuals with visible disabilities expressed the most dissatisfaction with the employment opportunities available to them. A significant number of those

surveyed also indicated their perception that law firms did not want to employ lawyers with disabilities. On the other hand, those individuals who were able to obtain legal employment felt that they had received equal pay and equal benefits in comparison with their non-disabled colleagues.

In addition to problems obtaining employment, many attorneys reported difficulties in being provided reasonable accommodations for their disabilities. Specifically, attorneys encountered the most resistance to being provided accommodations in their legal employment setting and at court hearings or conferences. Other areas where attorneys encountered resistance were with opposing counsel, clients, law schools, bar examinations, and bar preparation courses.

These California findings and the other findings detailed earlier, indicate that there are substantial obstacles in the way of persons with disabilities becoming lawyers. Moreover, there are additional obstacles in the way of lawyers with disabilities finding legal employment. As expressed by Equal Employment Opportunity Commission Chair, Cari M. Dominguez, at an ABA diversity conference held in October of 2003, "[m]isunderstandings about disability from concerns about the cost of reasonable accommodations to unfounded fears about performance and reliability have prevented many qualified lawyers with disabilities from even being considered for jobs within the legal profession." The legal profession therefore has the opportunity and the responsibility to demonstrate the value of diversity and the ease with which reasonable accommodations can be provided.

The Commission embraces diversity on all fronts, understanding that diversity encompasses lawyers with disabilities along with women and minorities. It is the commitment to diversity that is behind the ABA Commission on Mental and Physical Disability Law's issuance of its annual Goal IX report. Yet, the Commission also recognizes that when most people hear the term "diversity", they think only of racial, ethnic, and gender diversity. Thus, the ABA, through the Commission on Mental & Physical Disability Law [and other ABA entities concerned with disability diversity, is working to change that notion. Indeed, the ABA's Goal IX policy strives "to promote full and equal participation in the legal profession by minorities, women and lawyers with disabilities."

## I. SURVEY METHODOLOGY

Surveying ABA sections, divisions, and forums each year requires a collaborative effort by the Commissions on Mental & Physical Disability Law, Racial & Ethnic Diversity, and Women in the Profession. Each commission contributes to the content of the survey instrument, and the Commission on Racial & Ethnic Diversity has spearheaded the move away from the traditional paper survey to a clear and concise online version. The substantive nature of the survey has remained substantially the same.

Each commission separately utilizes the data that is submitted by the ABA entities, and separately drafts its own version of the *Goal IX Report* focusing on minorities (the Commission on Racial & Ethnic Diversity), women (the Com-

mission on Women in the Profession), and lawyers with disabilities (the Commission on Mental & Physical Disability Law).

The Commission recognizes the inherent difficulties in accurately collecting data on the numbers of lawyers with disabilities due to a variety of factors. For example, many types of disabilities may not be obvious, as is the case with many learning disabilities. In addition, respondents may not have a clear understanding of exactly what constitute “disabilities.” Appreciating the challenges faced by Survey respondents, the Commission strives to assist entities by providing some guidance in this regard. Thus, the survey instrument instructed staff directors that for the purposes of this Survey, disabilities could be inferred from their direct observation, from members’ self-identifications, or from other reliable data. Moreover, the Survey provided a common definition of disability, which was described as “[a] mental or physical impairment or condition that limits one or more major life activities such as seeing, hearing, walking, caring for oneself, learning, breathing or working. Examples include epilepsy, muscular dystrophy, multiple sclerosis, AIDS, cancer, diabetes, heart disease, stroke, visual and hearing impairments, mental retardation, emotional or mental illness, and specific learning disabilities. Alcoholism is included, although the current use of illegal drugs is not included.”

The survey instrument consisted of 76 quantitative questions regarding four main areas of ABA leadership: Primary Leadership, Committees, Publications, and Programming. These areas will be discussed in more detail in this Report’s “Findings” section. Second, respondents were asked four qualitative questions regarding whether a portion of their budgets were spent on efforts to support or develop programs to assist people with disabilities in different legal settings. Finally, respondents were asked to contribute responses to three qualitative questions regarding Diversity Initiatives. ABA entities were invited to submit narratives and information addressing their long-range diversity goals and initiatives. Many respondents submitted copies of their diversity plans, goals, and strategies, in order to supplement their answers. The Commission on Mental & Physical Disability strongly relies upon the diversity information submitted in response to these questions, in making its determinations for inclusions on our *Goal IX Report* Honor Roll.

## II. FINDINGS

This section reports on the Commission’s findings with respect to the number of ABA Section, Division and Forum Leadership positions that were held by lawyers with disabilities in 2004-2005. In addition, in this section the Commission reports on the number of such entities that had at least one lawyer with a disability in a leadership role in 2004-2005.

*ABA Sections* are generally open to membership, and range in size from about 3,000 members to over 100,000 members. Section memberships are comprised of lawyers and judges with common professional interests, and address professional development, improvement of laws, and continuing education through its committees and publications. Examples of ABA

Sections include the Business Law Section, and Section of Labor & Employment Law. *ABA Divisions* are also generally open to membership, but differ from Sections in their internal structure. Examples of ABA Divisions include the Law Student Division, the Senior Lawyers Division, and the Young Lawyers Division. *ABA Forums* are open to membership, as long as one is a member of an ABA section or division. The Forums explore and monitor new areas of the law as they develop. Examples of ABA Forums include the Forum on Affordable Housing and Community Development Law, and the Forum on Air and Space Law.

Finally, this section of the *Report* examines the diversity goals and initiatives of ABA entities, and attempts to discern the extent to which entities are striving to increase leadership opportunities for lawyers with disabilities in the legal profession pursuant to Goal IX.

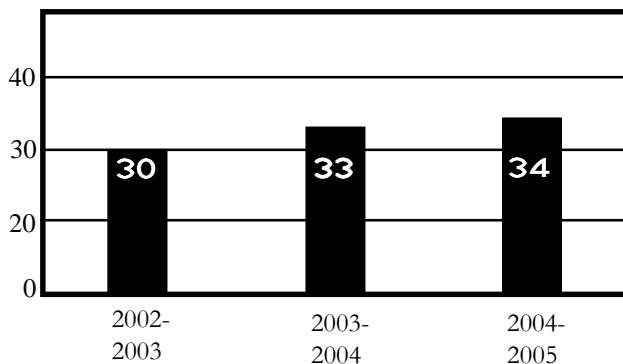
### 1. *The Number of ABA Section, Division and Forum Leadership Positions Held by Lawyers with Disabilities*

This year, the Commission finds that there were a total of 34 ABA leadership positions held by lawyers with disabilities, representing an increase from 33 from last year.<sup>1</sup> Nevertheless, the percentage based on the 15,000 leadership positions at the ABA (.2%) remains low, even acknowledging that only 2% of lawyers who answered the census this year identify themselves as having a disability<sup>2</sup>.

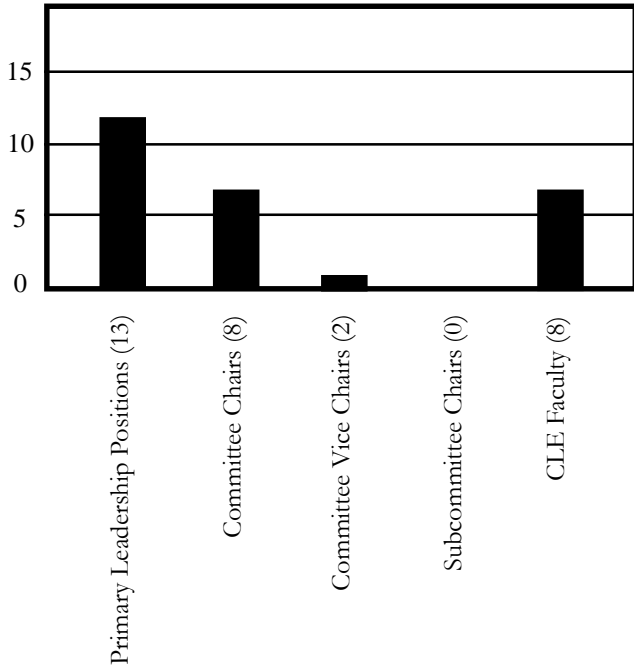
The number of primary leadership positions (“Elected Officers”, “Chairs”, “Chairs-Elect”, “Appointed Leaders” “Council Members” & “Nominating Committee Members”) held by lawyers with disabilities was 13, down from 20 last year, but which is the same number as in the 2003 report. Primary Leadership positions are considered the most influential within the Sections, Divisions, and Forums. The degree of involvement by lawyers with disabilities in these positions helps demonstrate the commitment of ABA entities to the full and equal participation by lawyers with disabilities in the legal profession.

Turning to Committees and Subcommittees, we find that there

### Number of Leadership Positions Held by Lawyers with Disabilities



## Leadership Positions Held by Lawyers with Disabilities



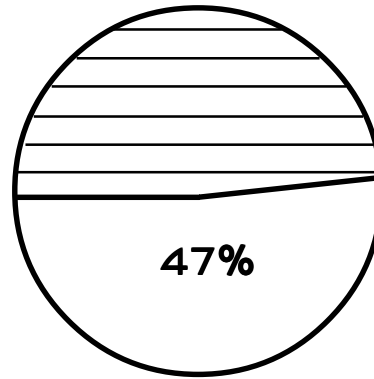
were 8 Committee Chair positions held by lawyers with disabilities, as compared with 4 Committee Chair positions last year. The Commission also found that there were 3 Committee Chairs appointed by the current chair. For 2004-2005, the survey data also indicated that there were 2 Committee Vice Chairs<sup>3</sup>, representing a decrease from 3 in 2003-2004. As was the case last year, there were 0 Subcommittee Chair positions held by lawyers with disabilities. The Section of Individual Rights & Responsibilities, the Public Contract Law Section, the Business Law Section, the General Practice Section, the Section of Real Property, the Administrative Law Section and the Senior Lawyers Division were the ABA entities that had Committee positions held by lawyers with disabilities.

Finally, turning our attention to ABA Continuing Legal Education (CLE) programming, we find an increase in the number of CLE faculty positions held by lawyers with disabilities, from 3 last year to 8 this year. The Commission notes that in 1992, the ABA House of Delegates resolved that each ABA entity that provides CLE programming must provide an annual report to the Standing Committee on Continuing Legal Education in its effort to ensure a diverse CLE faculty. The entities that included lawyers with disabilities in CLE programming this year were: the Section of Science and Technology, the Section of Labor & Employment Law and the Young Lawyers Division.

### 2. The Number of ABA Entities with Lawyers with Disabilities in Leadership Roles

There were a total of 34 ABA Sections, Divisions, and Forums responding to this year's Survey. Sixteen out of the

## ABA Entities with Lawyers with Disabilities in Leadership Roles 2004-2005



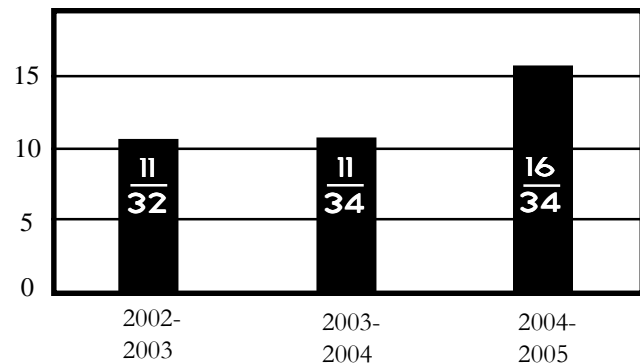
16/34 responding entities included lawyers with disabilities in leadership roles

34 entities (47%) had at least one leadership position held by a lawyer with a disability. This number substantially exceeds the 11 entities that had at least one leadership position held by a lawyer with a disability from last year.

The following ABA entities included lawyers with disabilities in leadership positions this year: the Criminal Justice Division; the Section of Individual Rights & Responsibilities; the Litigation Section, the Labor & Employment Law Section; the Administrative Law Section; the Family Law Section; the Law Student Division; Gen-

### 3-Year Trend: Entities with Lawyers with Disabilities

(Bottom number represents # of respondents)



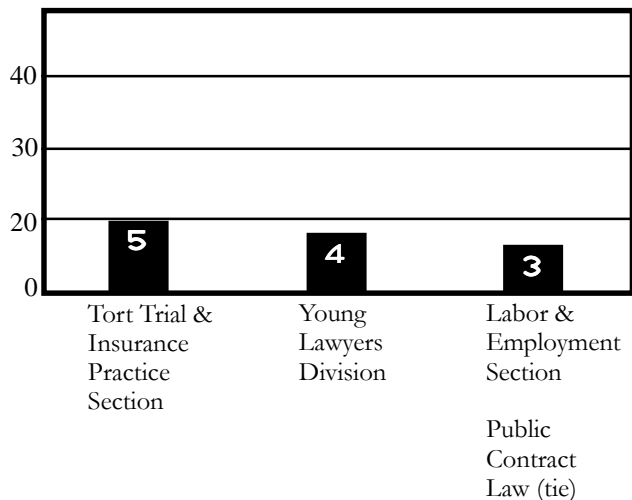
eral Practice, the Section of Science and Technology, the Tort & Insurance Practice Section; the Young Lawyers Division; the Government & Public Sector Lawyers Division; the Senior Lawyers Division; the Public Contract Law Section; the Business Law Section; and the Health Law Section.

### Three-Year Trend

Over the past three years, we have seen an increase in the number of ABA entities that have at least 1 leadership position held by lawyers with disabilities. This suggests that the inclusion of lawyers with disabilities in the ABA's Goal IX policy is beginning to influence the degree to which lawyers with disabilities are recognized for leadership positions within the ABA. The trend over the past three years in terms of percentages of responding entities with leadership positions held by lawyers with disabilities reveals slight variations from year to year, due primarily to slight fluctuations in the number of responding entities each year.

For 2004-2005, the top four entities with the highest number of leadership positions held by lawyers with disabilities were the Tort Trial and Insurance Practice Section (5), the Young Lawyers Division (4), and the Labor and Employment Law Section and Public Contract Law (tied at 3). The Tort Trial Insurance Practice Section has 22,650 lawyer members, the Young Lawyers Division has 130,137 lawyer members, and the Labor and Employment Law Section & Public Contract Law have 19,273 and 2,930 members respectively.

### ABA Entities with Highest Number of Leadership Positions Held by Lawyers with Disabilities



### 3. Disability Diversity Initiatives Among ABA Entities

In addition to the quantitative data analyzed above, *Survey* respondents were asked whether their entities have stated long-range diversity statements and plans to increase the participation of minorities, women, and persons with disabilities. In addition, the Commission on Mental & Physical Disability Law asked the *Survey* respondents to provide any information on special work, programs, projects, goals and initiatives pertaining to lawyers with disabilities and/or disability law, to be highlighted in this *Report*. This section of the

Goal IX Report highlights efforts of ABA entities in striving to obtain disability diversity at the ABA.

This year, of the 34 Survey respondents, the Commission has received information regarding long-range diversity goals and plans from 19 of the 34 Survey respondents, which is a significant decrease when compared with the 29 out of 34 that we received last year. This year, of those that submitted long-range data, 15 entities (79%) specifically mentioned lawyers with disabilities in their diversity goals, initiatives and programs, representing an increase from last year where 69% of the entities that provided long-range data specifically mentioned lawyers with disabilities. Six of the 19 entities also made the Commission's Honor Roll—the Business Law Section, the General Practice Solo and Small Firm Section, the Section of Individual Rights and Responsibilities, the Section of Labor and Employment Law, the Tort Trial and Insurance Law Section and the Young Lawyers Division. In addition, seven other ABA entities described below deserve recognition for their disability diversity efforts.

### DISABILITY DIVERSITY IN 2004-2005

#### Section of Dispute Resolution

The Section of Dispute Resolution explicitly includes “persons with impairments or disabilities” in its diversity goal, which is to increase the recognition and participation of underutilized or underrepresented ADR professionals. Proposed objectives to achieve the Section's diversity goal include: identifying and mentoring persons with impairments or disabilities; sponsoring diverse panels and networking/social events with persons with impairments or disabilities; and supporting efforts by organizations, corporations and ADR administrators which improve the employment opportunities for lawyers with disabilities and impairments.

#### Section of Family Law

The Section of Family Law adopted its diversity plan on October 18, 2003 at the Fall Council Meeting of the Section of Family Law. In its plan, the Section states its goals of trying to actively recruit lawyers with disabilities, foster an atmosphere of inclusion, seek the participation of lawyers with disabilities as speakers and authors for section programs and publications, and provide opportunities and training to encourage participation in leadership positions. The Section aspires to increase diversity in membership by developing recruitment/retention materials that focus on lawyers with disabilities.

#### Health Law Section

The Health Law Section supports the ABA's Goal IX initiative “to promote full and equal participation in the legal profession by minorities, women and persons with disabilities”, and works to achieve that goal within the Section. The Section's Diversity Plan states that “its programs and activi-

ties at every level must not only be maintained without regard to race, national origin, religion, age, sex, disability, or sexual orientation, but also must be proactively inclusive.”

***Law Student Division***

The Law Student Division is committed to promoting diversity in the profession. Each year, the Division distributes the Dean Henry J. Ramsey Diversity Award, which recognizes excellence in activities that have contributed toward the achievement and advancement of women, minorities and person with disabilities in the profession. In addition, in August 2004, the Division hosted the 1<sup>st</sup> Annual Law Student Division Diversity Reception. This event was created as a way to recognize the important contributions that women, minorities and person with disabilities have made to the study of law and the future of the law profession as a whole. The Division also promotes “Diversity Day” at law schools across the country.

***Section of Real Property, Probate and Trust Law***

The Section of Real Property, Probate and Trust Law recognizes that “diversity” encompasses more than racial, ethnic, and gender concerns. The Section’s diversity plan “is a road map to assist and encourage the members and leaders of the Section to ensure full and equal participation for lawyers of color, women lawyers, younger lawyers, lawyers with disabilities, and lawyers from diverse ethnic backgrounds..”

***Senior Lawyers Division***

The Senior Lawyers Division’s Goal 12 strives “[t]o increase the participation of lawyers of color, women lawyers, and lawyers with impairments or disabilities in membership on the Committees and in the leadership of the Division.” Specifically, the Division nominates lawyers with disabilities for division awards, compiles a list of lawyers with disabilities willing to appear in Division programs, and encourages lawyers with disabilities to describe their experiences for Division publications. Long-range goals include recruiting additional members with disabilities by distributing targeted recruitment/retention materials and by reaching out to local and national minority bar associations to involve more lawyers with disabilities in Division activities.

***Section of Taxation***

The Section of Taxation’s Diversity Plan states that the Section recognizes that diversity involves more than just racial, ethnic and gender concerns. The Section is committed to recruit and retain lawyers with disabilities and to provide them with training and opportunities to take on leadership roles at both the Committee and Section levels. The Section’s long-range diversity goals include: increasing diversity in leadership and membership, and raising awareness about the value of diversity.

**HONOR ROLL**

The Commission believes an increase in the number of ABA entities that include lawyers with disabilities in their leadership and diversity helps to fulfill the ABA’s commitment under Goal IX of ensuring the full and equal participation by lawyers with disabilities. The Commission is pleased to recognize six ABA entities for their outstanding contributions in having more than one leadership position held by lawyers with disabilities, and in including lawyers with disabilities in their diversity plans, goals and initiatives. The following entities have demonstrated the ABA’s commitment to lawyers with disabilities in the legal profession, and serve as models for other entities to emulate.

***Business Law Section***

The Business Law Section continues to make diversity a priority for the section. In the past year, all programs were screened for diversity. If a program did not have diversity, the program chair had to provide an explanation to the Section Chair, and because of the accountability, this screening has been very effective. In addition, the Section’s Committee on Diversity has created the new Business Law Diplomat Program that will fund one lawyer with a disability to participate in section activities. The Section will reimburse the Diplomat’s attendance to the Spring and Annual Meetings and a stand-alone committee meeting of the Diplomat’s choice. The Chair of the committee to which the Diplomat has been appointed will provide responsibilities and speaking assignments for the Diplomat. The Diplomat will also receive a Committee mentor to encourage participation and potential for leadership in the section. The Section worked closely with its liaison to the ABA Commission on Mental and Physical Disability Law to implement this program. The Section had two leadership positions held by lawyers with disabilities.

***The General Practice, Solo & Small Firm Section (GPSSFS)***

The October/November 2004 edition of the General Practice, Solo and Small Firm Section’s magazine, GPSolo, is entitled “Bumps in the Road II” (a follow-up to Bumps in the Road I – July/August 2001). The Bumps in the Road II issue is dedicated to addressing the issue of lawyer impairment. Articles cover the following topics: twelve-step recovery meetings, preventing burnout, ethical obligations with respect to a mentally impaired lawyer in one’s firm, holistic lawyering, specific problems of senior lawyers, internet addiction, grieving, suicide, stress, sexual addiction, eating disorders, gambling dealing with the impaired client, and lawyer assistance programs. Importantly, the Section had so much success with the first issue in 2001 (the Section still receives requests for copies of this issue), that the Section felt that it was important to take a new look at these issues facing lawyers today. The Section had two leadership positions held by lawyers with disabilities.



**Section of Individual Rights and Responsibilities**

The Section of Individual Rights and Responsibilities long has promoted diversity within the profession and society as a whole. The Section noted that although all of its work generally involved enhancing diversity in the legal profession and beyond, the Section significantly furthered that goal with respect to persons with disabilities in FY04-05, by continuing to work as the primary sponsor of a multidisciplinary task force to examine the feasibility of policy development opposing the execution of persons with mental illness. The Section had two leadership positions held by lawyers with disabilities.

**Section of Labor & Employment Law**

The Section of Labor & Employment Law promotes inclusion of lawyers with disabilities throughout its Diversity Plan. One of the Section’s noteworthy diversity initiatives includes its “Basics and Beyond” program which seeks to make the Sections Regional Basics and Bundled programs (one day and multi-day programs) available to a greater number of new attendees, and in particular, lawyers with disabilities, among others. The Section will also provide up to five fee waivers for each program, targeted specifically to disability rights groups, minority groups, etc. In addition, the Section’s Committee on Equal Opportunity in the Legal Profession has closely devised a reporting system for monitoring the progress of the Standing Committees. The top three committees to increase diversity within their committee and their meetings were given awards and recognized at the Annual Meeting. Finally, one other program being developed is the Leadership Opportunity Clearinghouse in which a full listing of available opportunities for involvement will be developed and then used as a recruiting tool to attract lawyers of color and lawyers with disabilities. The Section had three leadership positions held by lawyers with disabilities.

**Tort Trial and Insurance Practice Section**

The Tort Trial and Insurance Practice Section (TIPS) recently adopted a new Long Range Plan. Part of this plan emphasizes TIPS commitment to expand and diversify its membership. Some of the methods that TIPS will employ to achieve this goal are: 1) increase membership through partnerships with outside organizations and associations; and 2) recruit and retain lawyers with disabilities by recommending and appointing them to leadership positions and providing them with opportunities to speak and publish. In addition, TIPS Fidelity and Surety Law Subcommittee on Diversity initiated a mentoring program that promoted the participation of traditionally underrepresented professionals in subcommittee activities. Finally, TIPS’ Committee on Diversity in the Profession continues its “ending Lip Service to Diversity” program which encourages outside entities to sign on to demonstrate their commitment to diversity. Those entities that make this commitment are featured on the Section’s

website. The Section had five leadership positions held by lawyers with disabilities, all of which were primary leadership positions.

**Young Lawyers Division (YLD)**

In its diversity plan, the Young Lawyers Division has committed to creating a special position of “Diversity Director” to address the needs of lawyers with disabilities. This director shall be part of a diversity team composed of chairs of other entities dedicated to promoting diversity in the ABA and national affiliate representatives. Specifically, the director is responsible for overseeing that Goal IX is being accomplished, focusing on goals such as 1) keeping Goal IX in mind when selecting speakers/writers for programs; 2) ensuring Council make-up reflects diversity; 3) keeping track of lawyer members with disabilities; 3) working to recruit more lawyer members with disabilities 4) promoting individuals with disabilities contributing to publications; 5) developing a mentoring program; 6) funding lawyers with disabilities to attend programs; 7) holding CLE programs on lawyers with disabilities; and 8) making additional outreach to the community. Particularly noteworthy this year are two CLE programs sponsored by the YLD, “Making Your Practice and Bar Association Comply with the Law and How to Reach Out to Lawyers and Clients with Disabilities”, and “How You and Technology Can Accommodate Lawyers with Disabilities.” The YLD had four leadership positions held by lawyers with disabilities and also spent the most money from its budget on activities benefiting lawyers with disabilities (\$15,000/.84% of budget).

**HONORABLE MENTION**

The Commission believes that both the Criminal Justice Section and Public Contract Law are deserving of Honorable Mention recognition for including lawyers with disabilities in leadership positions. Notably, the Criminal Justice Section had the only Section Chair for 2004 – 2005 who is a lawyer with a disability. Public Contract Law included lawyers with disabilities in three leadership positions.

**CONCLUSIONS AND RECOMMENDATIONS**

The Commission on Mental & Physical Disability Law applauds the ABA for supporting the rights of persons with disabilities in the legal profession, as demonstrated by its Goal IX policy “to promote full and equal participation in the legal profession by minorities, women, and lawyers with disabilities. In 2004-2005, the Commission witnessed a slight increase in the actual number of ABA section, division, and forum leadership positions held by lawyers with disabilities. Also, as noted earlier, the Section Officers Committee has recommended that a disability lawyer member-at-large be added to the Board of Governors and the Nominating Committee.

Despite this progress, the percentage of leadership positions at the ABA occupied by lawyers with disabilities re-

mains low overall, and some ABA entities have not yet incorporated lawyers with disabilities into their diversity statements, plans, and goals. Part of the problem is that relatively few persons with disabilities graduate from law school and become lawyers. There are indications, however, that the number of law students with disabilities may be increasing somewhat, and, if so, this should help at least incrementally to increase the available pool of lawyers and ABA members who could be nominated for leadership positions. Increasing the number of persons with disabilities who attend law school should be part of any comprehensive solution to the problem of under-representation of lawyers with disabilities in the legal profession.

In 2004-2005, the number of ABA sections, divisions and forums that had at least one leadership position held by lawyers with disabilities increased compared with the previous year. The Commission commends ABA entities' additional efforts to embrace the ABA's Goal IX policy as it applies to lawyers with disabilities. On the other hand, in 2004-2005, the Commission saw a decrease in the number of ABA entities that included lawyers with disabilities in their diversity statements, goals and plans, but this may reflect the fact that fewer entities overall submitted their plans for review.

Over the past 5 years since Goal IX was amended in 1999 to include lawyers with disabilities, the Commission has strived through its programs, projects and publications to serve as a role model to all ABA entities and the legal profession by fully manifesting the ABA's policy of Goal IX "to promote full and equal participation in the legal profession" by lawyers with disabilities. Over time, the Commission has seen increases in the number of leadership positions held by lawyers with disabilities, the number of ABA entities that include lawyers with disabilities in leadership positions, and in the number of ABA entities that specifically include lawyers with disabilities in their diversity statements, goals and plans. The Commission continues to strive for increases in all three areas over the next five years and beyond, continues to encourage ABA entities to fully embrace Goal IX, and commends those ABA entities which have indeed served as role models for the rest of the ABA and for the legal profession as a whole.

The Commission also appreciates and acknowledges the efforts of the ABA in the past year to increase the visibility of lawyers with disabilities. For example, the President's Office has revised the nomination form for presidential appointments to include a question about whether one has a disability. Moreover, the Section Officers have recommended that a lawyer with a disability be included as a member-at-large on the Board of Governors and Nominating Committee. Despite these efforts, however, the Commission also believes that much work remains to be done in order to increase the participation by lawyers with disabilities both in the ABA and in the legal profession. Therefore, we provide the following recommendations:

1. ABA entities are encouraged to actively recruit and include lawyers with disabilities in leadership posi-

tions in sections, divisions, and forums.

2. ABA entities are encouraged to maintain long-range diversity goals and plans that specifically include lawyers with disabilities.
3. ABA entities that did not provide any long-range diversity information are encouraged to do so in the future.
4. ABA entities are encouraged to coordinate with the Commission on Mental and Physical Disability Law in section, division, and forum programs, projects, and CLEs.
5. ABA entities are encouraged to include lawyers with disabilities as speakers and panelists for their Annual and Mid-Year Meetings programs and CLEs.
6. ABA entities are encouraged to provide funding to lawyers with disabilities to attend Annual, Mid-Year, and Committee meetings in order to increase exposure to ABA activities.
7. ABA entities are encouraged to use the Commission on Mental and Physical Disability Law as a resource to obtain better understanding and knowledge about how to include and recruit lawyers with disabilities.

## **COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW SPECIAL PROJECTS**

### ***Subcommittee on Employment of Lawyers with Disabilities***

The Commission's Subcommittee on Lawyers with Disabilities is working in partnership with the Equal Employment Opportunity Commission (EEOC) to develop projects which further the professional opportunities of lawyers with disabilities. A major project is an ABA national conference on the employment of lawyers with disabilities to be held in 2006, which will be co-sponsored by the ABA's Office of the President when Mike Greco is the ABA's President. The conference will focus on obstacles law students with disabilities face in becoming lawyers, and difficulties law school graduates have in finding employment once they graduate. Also, legal employers attending the conference will be asked to sign a pledge indicating specific steps they will take to hire more lawyers with disabilities and accommodate their special needs. Another employment-related project is to help the EEOC prepare a handbook on reasonable accommodations that focuses on legal employers. Also, the Commission is working with the EEOC to collect data on how many lawyers with disabilities are employed in government and the private sector.

### ***Subcommittee on Lawyers with Disabilities***

The Commission's Subcommittee on Lawyers with Disabilities focuses on issues of concern to lawyers with disabilities, and on ensuring full and equal participation in the legal profession by lawyers and law students with disabilities. The Subcommittee coordinates a Mentor Program for Law Students with Disabilities and organizes the annual meeting reception for lawyers with disabilities. In addition, in past years, the Subcommittee has planned Roundtables and Conferences for lawyers and law students with disabilities, and has worked to establish a scholarship program for law students with disabilities. Finally, the Subcommittee has co-sponsored ABA Annual Meeting Diversity programs with the ABA Commissions on Racial & Ethnic Diversity, and Women.

### ***Mentor Program for Law Students with Disabilities***

In 2003, the Commission's Mentor Program for Law Students with Disabilities received the Nation's Capital Area Disability Support Services Coalition's Award for "the Outstanding Commitment and Contribution by an Organization that Supports Students with Disabilities." The Commission's mentor program for law students with disabilities pairs law students with practicing attorneys who serve as mentors. The mentors may or may not have disabilities, depending on the preferences of the mentees. The mentors can provide a source of guidance concerning law school, careers, and issues such as reasonable accommodations. The Commission works directly with individual law schools, and also welcomes students from around the country to contact the Commission directly if they are interested in being paired with mentors. In 2003, the Commission began a major initiative to partner with ABA accredited law schools in this program. Currently, there are over 55 law schools participating in the program. There are also 46 mentors who are paired with 88 students.

### ***The Paul G. Hearne Award for Disability Rights***

Each year, the Paul G. Hearne Award for Disability Rights is awarded to an individual or organization that has performed exemplary service in furthering the rights, dignity, and access to justice for people with disabilities. Paul G. Hearne was an activist, a philanthropist, and a leader for all people with disabilities, and the Commission awards the honor to one who carries on Hearne's vision and life work. The 2004 award recipient was Anil Lewis, a blind advocate employed by the Law Offices of Martin and Jones as the Georgia Client Assistance Program Counselor/Advocate.

### ***The Awards Ceremony and Reception***

Each year, the Commission sponsors an award ceremony to honor the recipient of the Paul G. Hearne Award, and a reception for lawyers with disabilities. The reception is held during the ABA Annual Meeting, and is attended by ABA lead-

ers, lawyers with disabilities, and other disability rights lawyers and advocates. The 2004 reception was held during the Annual Meeting in Atlanta, GA. The Commission received a last minute grant from Westlaw to provide eight disabled law students with a scholarship to attend the annual conference.

### ***The Roundtable Programs***

In 2003, the Commission was the primary sponsor of a roundtable program for lawyers and law students with disabilities, a program that was co-sponsored by the ABA Public Services Division. The program featured attorneys with disabilities and law school professionals, and addressed issues faced by law students with disabilities in law school, the bar exam, and in their legal careers. In 2004, the Commission co-sponsored a Disability Law Conference with the Washington College of Law—American University. The conference included national disability experts, attorneys, and professionals, and focused on assistive technology issues, accommodations, and featured a case studies roundtable discussion.

### ***Commission Co-Sponsors Amicus Briefs***

The Commission co-sponsors other ABA entities, such as the Section on Individual Rights and Responsibilities, in amicus briefs in cases involving substantive areas of disability rights. In 2003, the Commission joined IR&R in successfully recommending that the ABA submit an amicus brief to the U.S. Supreme Court in *Tennessee v. Lane*. The ABA brief, which was written with the assistance of IR&R and the Commission, urged the Supreme Court to uphold the Americans with Disabilities Act Title II against claims that it unconstitutionally impinges the states sovereign immunity rights under the Eleventh Amendment. The Supreme Court ultimately ruled in favor of this recommendation.

### ***Task Force on Persons with Mental Illness and the Death Penalty***

In 2003, the Commission joined the Section on Individual Rights and Responsibilities Task Force on Persons with Mental Illness and the Death Penalty. The Task Force was created to formulate standards to prohibit the execution of persons with severe mental illnesses, similar to the constitutional prohibition that the ABA, the Commission, and other ABA entities supported in the U.S. Supreme Court's Atkins decision, which prohibited the execution of persons with mental retardation. A Task Force subcommittee has prepared draft formulations that have been approved by the full Task Force. Currently, the draft is being circulated to outside interest groups for comment, and will eventually be sent to the ABA House of Delegates for Approval.

### ***Bar Association Committees and Lawyer Groups***

The Commission strives to establish relationships with state and local bar associations that have disability law com-

mittees, and lawyer groups that focus on disability law. The Commission actively encourages state and local bar associations to establish disability law committees. We currently maintain a list of state and local bar association disability law committees, and national and state lawyer groups that focus on disability law. The list serves as a valuable resource to anyone who is interested in learning about what bar associations and lawyer groups are doing in the area of disability law.

### ***Scholarship for Law Students with Disabilities***

The Commission maintains a list of scholarship opportunities for law students with disabilities that are provided from sources outside of the ABA. This is a valuable resource for law students with disabilities who are in need of financial assistance to attend law school.

### ***Commission on Mental & Physical Disability Law Publications and Products***

Since 1976, the Commission has published the *Mental & Physical Disability Law Reporter*, books, and articles. A complete list of the Commission's publications is available online at [www.abanet.org/disability](http://www.abanet.org/disability).

### ***Mental & Physical Disability Law Reporter***

For more than 25 years, the Reporter (six issues annually) has provided analyses of key disability law developments, coverage of leading state and federal court decisions, legislation, and regulations in 22 topics under three categories (civil mental disability law, criminal mental disability law, and disability discrimination law), and feature articles written by disability experts. The Reporter is an invaluable resource for advocates, lawyers, judges, disability professionals, universities, and libraries. Topics in each bi-monthly issue include access, education, housing/zoning, ADA, Rehabilitation Act issues, employment, insurance/private disability coverage, mental health rights & services, confidentiality/privacy, FMLA, Social Security, Medicaid and Medicare, civil/criminal commitment and competency, and sexually dangerous persons.

### ***Mental & Physical Disability Law Digest***

Used in conjunction with the *Reporter* or alone, the *Digest*, a loose-leaf publication, provides a comprehensive summary and analysis of federal and state disability laws (with citations to cases, statutes, regulations, and books/periodicals) using the same 22 topics and 3 categories as the *Reporter*. Subscribers receive annually updated sections reflecting legal developments and emails of key federal/state cases and legislation six times a year.

### ***Monograph on State Disability Discrimination Laws—With 50-State Charts on Employment, Public Services, Public Accommodations, Housing, and Education***

Intended for lawyers, judges, disability professionals, disability organizations, advocates, law schools, law firms, and libraries, the *Monograph* is the first publication to provide a concise summary and analysis of all the state laws that define disability discrimination in the areas of employment, public services (state and local government), public accommodations, housing, and education. The charts identify and briefly explain, with citations, the key provisions in each of the 50 states and the District of Columbia.

### ***Website***

The Commission's website includes a listing of all available Commission publications, as well as excerpts from the current issue of the Reporter. In addition, the Commission's state-by-state directory of lawyers practicing disability law is available on-line, and referrals to disability lawyers, law firms, federal agencies, and organizations. The website also highlights Commission news and special projects, and the recent activities of the Subcommittee on Lawyers with Disabilities.

### ***Directory of Lawyers Practicing Disability Law***

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

### ***Handbook on Disability Discrimination Law 2003***

This handbook provides a comprehensive analysis of federal and state statutes and case law with a disability discrimination focus. Topics include disability discrimination in employment, public services, public accommodations, housing, education, and telecommunications and the internet. The book also includes a history of disability rights, pre-ADA disability rights legislation, and ADA and state law.

### ***Handbook on Mental Disability Law 2002***

Intended for attorneys and judges new to mental disability law practice, mental health professionals, advocates, and law students, this handbook covers 1) mental disability terms and definitions; 2) ADA-related mental health issues involving employment, housing, education, health, and insurance; 3) institutional rights and de-institutionalization; 4) liability of mental health professionals; 5) sexually violent predators; 6) civil and criminal commitment; 7) diminished culpability; 8) rights in institutions; 9) attorneys' fees; and 10) treatment related privileges.

**Handbooks on Psychiatric and Psychological Evidence and Testimony**

Provides lawyers, judges, and forensic experts with comprehensive, in-depth treatment of psychiatric and psychological evidence and testimony keyed to specific civil and criminal mental health law standards. The *Civil Law Handbook (2001)* addresses incompetency and informed consent, dangerousness to self and others, care and treatment standards, and mental impairment and mental harm. *The Criminal Handbook (2000)* addresses incompetency to stand trial and testify; diminished culpability, including the insanity defense; dangerousness; and criminal commitment proceedings. Both handbooks discuss mental health law concepts and principles; and clinical dimensions.

**Disability Law and Policy: A Collective Vision (1999)**

This publication presents recommendations to guide policy-makers in formulating a disability rights agenda for the new millennium. Part I reviews the disability rights movement from the 1960s to the present day. Part II presents recommendations and commentary on issues related to employment, health, housing and community support, treatment/habilitation, education, criminal justice, and court access.

**Technical Assistance and Referrals**

For technical assistance and referrals, or if you are a lawyer who wants to register for the databases, a lawyer with a disability, or a lawyer who practices disability law, email [cmpdl@abanet.org](mailto:cmpdl@abanet.org) or call (202) 662-1571.

**THE ABA COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW**

**Scott LaBarre, Chair**

Scott LaBarre owns and operates LaBarre Law Offices P.C. (LLO). LLO specializes in employment law, disability rights, Social Security appeals, personal injury claims, estate planning, and some business law. Mr. LaBarre was general counsel for the National Federation of the Blind of Colorado from 1994 – 1998. From 1996 until June 2002, he served as President of the National Federation of the Blind of Denver. He currently serves as the President of the National Association of Blind Lawyers. Mr. LaBarre has served as the Committee/Liaison Director to the ABA’s Young Lawyers Division, and as Vice Chairman and Member of the ABA-YLD Bar Leadership Team. Currently, Mr. LaBarre is a practice group coordinator for the G.P. Solo Small Firm Section. Mr. LaBarre received his Juris Doctorate from the University of Minnesota in 1993.

**Robert Burgdorf, Member**

Professor Burgdorf is a professor of law at the University of the District of Columbia, David A. Clarke School of Law. He directs the school of law’s Legislation Clinic and teaches Disability Rights Law and Constitutional Law. Professor Burgdorf is a long-time activist in disability policy, and was an author of the original draft of the Americans with Disabilities Act which was enacted in 1990. He is the author of the treatise, *Disability Discrimination in Employment Law*. Professor Burgdorf received his law degree from the University of Notre Dame School of Law.

**Harold J. Bursztajn, M.D., Member**

Harold J. Bursztajn, M.D., maintains an active patient practice, consults nationally, and is currently a senior clinical faculty member at Harvard Medical School and co-directs the Harvard Medical School Program in Psychiatry. Dr. Bursztajn is a Harvard Medical School (1977) honors graduate. Among his many collegial recognition honors are being a principal mentor for Harvard Medical School students, a book reviewer for the Journal of the American Medical Association and the American Psychiatric Association, as well as a blind second medical & mental health opinion reviewer for nonprofit patient care organizations.

**J. Michelle Childs, Member**

Michelle Childs is a Commissioner of the South Carolina Worker’s Compensation Commission. She was recently appointed by the governor to serve a six-year term. Michelle was formerly the Deputy Director for the South Carolina Department of Labor, Licensing and Regulations Division. She received her J.D. from the University of South Carolina.

**Marguerite Downing, Member**

Marguerite D. Downing is a Deputy Public Defender with the Los Angeles County Public Defender’s Office. Her appointment to the ABA Commission on Mental and Physical Disability Law follows a lengthy involvement with State Bar of California and local bar associations. Marguerite is a member of the Board of Governors of the State Bar of California. She is also President of California Women Lawyers, having previously served as president of the California Association of Black Lawyers and Black Women Lawyers Association of Los Angeles.

**Eric Drogin, Member**

Eric Drogin is a Fellow at the American Academy of Forensic Psychology (AAFP), and a Diplomate of the American Board of Professional Psychology (ABPP) and the American Board of Forensic Psychology (ABFP). Eric is an Associate Clinical Professor of the Department of Psychiatry and Behavioral Sciences, University of Louisville School of

Medicine, and an Adjunct Professor of Law and Mental Health of the Franklin Pierce Law Center. He has co-authored the ABA's Criminal Law Handbook on Psychiatric and Psychological Evidence and Testimony. Eric received his Ph.D. degree in Clinical Psychology from Hahnemann University, and his J.D. degree from Villanova University.

***Joan Durocher, Member***

Joan Durocher is a staff attorney at the National Council on Disability, an independent federal agency that makes recommendations to the President and Congress regarding ways to promote equal opportunity for all people with disabilities. She is also Vice-chair of the Committee on Diversity for the ABA Section of Business Law. Ms. Durocher received her J.D. from the University of Maryland School of Law and her BA from Michigan State University.

***Eve Hill, Member***

Eve Hill is a nationally known expert on disability rights law. Since 1998, Ms. Hill has been the Executive Director of the Western Law Center for Disability Rights, which advocates for the civil rights of people with disabilities. Ms. Hill is the co-author of the treatise "Disability Civil Rights Law and Policy" published by Thomson-West. She also teaches Disability Rights Law at various law schools. Ms. Hill was Chair of the California Bar's Standing Committee on Legal Professionals with Disabilities from 2001 to 2002. Ms. Hill received the State Bar of California's first Diversity Award in 2002 for her efforts to open the legal profession to people with disabilities. She also received the Southern California Employment Round Table's 2002 Carol F. Schiller Award for outstanding civil rights efforts.

***Alex Hurder, Member***

Alex Hurder is a clinical professor of law at Vanderbilt Law School. He graduated from Harvard College in 1967 and Duke Law School in 1975. He directs a clinic that represents clients in special education and Social Security disability cases, and is an expert on the Americans with Disabilities Act. He has a particular interest in the rights of individuals with mental disabilities. He is co-chair of the Committee on Rights of Persons with Disabilities of the ABA Section of Individual Rights and Responsibilities, as well as a member of the ABA Commission on Mental & Physical Disability Law.

***Bernard Hurwitz, Member***

Bernard R. Hurwitz is a Senior Attorney Editor with Thomson West in Rochester, New York. While in private practice, he represented various educational institutions, including public school districts, private and parochial schools, and charter schools, with respect to a broad range of educational and administrative concerns, including the educational placement of children with disabilities. Mr. Hurwitz, who is hard of

hearing and was mainstreamed throughout his educational career, comes from a deaf family and also serves on the Executive Committee of the Board of Directors of the Rochester School for the Deaf.

***Eric W. Iskra, Member***

Eric W. Iskra is an attorney in the Charleston, West Virginia office of the law firm of Spilman Thomas & Battle, PLLC, where he is on the firm's management committee and in charge of client relations. Mr. Iskra's primary areas encompass trial work and litigation, including employment, ERISA, health care and complex litigation matters. Mr. Iskra is a frequent national and regional lecturer on the legal, ethical and practical aspects of litigation and employment law. He has co-authored several articles on labor and employment issues. He is also a former ABA Fellow to the Section on Labor and Employment Law and a Liaison to the Section on Individual Rights and Responsibilities. Mr. Iskra received his BA from the College of William & Mary and received his law degree from Wake Forest University School of Law.

***Arlene Kanter, Member***

Professor of Law Arlene Kanter recently completed her 16th year as the Director of Clinical Legal Education at Syracuse University College of Law. Arlene teaches disability law courses, and is the co-director of Syracuse University's new Center on Disabilities Studies, Law and Human Policy. She also began the first joint degree program in law and disabilities studies at SU last year. Previously, Arlene served as a teaching fellow at Georgetown University's Institute of Public Representation, and as a staff attorney at the Mental Health Law Project (the Bazelon Center for Mental Health) in Washington, D.C. She received her law degree from NYU Law School, and her LL.M. from Georgetown University Law Center. She lectures and writes extensively on disability law topics, particularly international human rights and disability law and policy.

***Charles Lamb, Member***

Charles W. Lamb is an associate with the law firm of Beauchamp & Associates in Albany, Georgia. Mr. Lamb is a member of the ABA's Young Lawyers Division, the ABA Litigation Section, and the General Practice, Solo & Small Firm Section, within which he serves on the Diversity Committee. He is also on the Disability Issues and Children With Special Needs Committees of the Georgia State Bar Association Young Lawyers Division. Mr. Lamb sustained a C6-7 incomplete spinal cord injury (quadriplegia) as a result of a 1989 diving accident. Mr. Lamb is a graduate of the University of Georgia School of Law.

***Andrew Miller, Member***

Andrew S. Miller is a partner in the litigation department of the Philadelphia office of Duane Morris LLP. Mr. Miller's

practice focuses primarily on litigation relating to corporate governance disputes, litigation arising from mergers and acquisitions and other complex business transactions. He has served on the boards of a variety of legal and non-legal community service organizations and is currently a member of the governmental affairs committee of the National Down Syndrome Society.

**Andrew E. Weis, Member**

Andrew Weis is Senior Counsel for the U.S. House of Representatives Select Committee on Homeland Security and team leader of its Subcommittee on Emergency Preparedness and Response. He currently sits on the partnership development board for the Disability Rights Education & Defense Fund. Andrew has worked on disability issues as a Legislative Assistant to Senator Bob Dole. He received a Dean's Public Service Award for his work with the Disability Resource Center as an undergraduate at Stanford University, where he graduated Phi Beta Kappa. In addition, he has authored several law review articles on disability issues, and is a frequent speaker on disability issues. Andrew graduated Order of the Coif from Stanford University Law School.

**COMMISSION LIAISONS**

***Catherine Richardson, Liaison to the Board of Governors***

Catherine Richardson serves as the Commission's liaison to the ABA Board of Governors. She is a Fellow of

the New York State and American Bar Foundations, and a member of the American Law Institute. She is also the Past President of the New York State Bar Association. Currently, Catherine serves on the corporate boards of the St. Camillus Health and Rehabilitation Center, the Hiscock Legal Aid Society, and the State of New York University Hospital at Syracuse Ethics Committee. Catherine is a magna cum laude graduate of the Syracuse University College of Law.

***Gregory Metzger, Liaison to the Young Lawyers Division***

Gregory Metzger is Operations Counsel for Atria Senior Living Group, Inc. where he is responsible for litigating and managing various civil litigation matters as well as matters arising before federal, state and local administrative agencies. He is a member of Leadership Louisville, Louisville Chamber of Commerce, and a volunteer for JCPS Champions Children Project. Greg is a University of Kentucky College of Law graduate.

***Cynthia Smith, Liaison to the Law Students Division***

Cynthia attends Syracuse Law School and is in a joint program involving disability policy.



## ACKNOWLEDGMENTS

The Commission thanks the Commissions on Racial & Ethnic Diversity, and Women, for their collaborative effort with the ABA's Goal IX initiative. Thank you to all of the Sections, Divisions, and Forums that contributed data for this report.

### **Chair**

Scott LaBarre

### **Members**

Robert Burgdorf  
Harold J. Bursztajn  
J. Michelle Childs  
Marguerite Downing  
Eric Drogin  
Joan Durocher  
Eve Hill  
Alex Hurder  
Bernard Hurwitz  
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Arlene Kanter  
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### **Board of Governors Liaison**

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### **Young Lawyers Division Liaison**

Gregory Metzger

### **Law Student Division Liaison**

Cynthia Smith

### **Commission Staff**

John Parry, Director  
Jamie Hochman Herz  
Amy Albright  
Letty Brown  
Phil Gilliam

## NOTES

1. Figures from 2002-2003 do not include the number of Program Chairs and Program Faculty occupied by lawyers with disabilities. For 2003-2004 and 2004-2005, there were no non-CLE Program Chairs and Faculty positions occupied by lawyers with disabilities.
2. For the year 2004, 48,153 attorney members of the ABA have responded to the census thus far, and of that number, 994 attorneys indicate that they have some type of disability.
3. Unlike last year, there were 0 Committee Vice Chairs appointed by the Committee Chair.



## PAUL G. HEARNE AWARD FOR DISABILITY RIGHTS

The American Bar Association Commission on Mental and Physical Disability Law, in conjunction with the National Organization on Disability is pleased to announce that nominations for the sixth annual **Paul G. Hearne Award for Disability Rights** are now being accepted.

The award, named after a devoted leader and advocate of disability rights, annually presents a certificate and a commemorative plaque to an individual who, or an organization that, has performed exemplary service in furthering the rights, dignity, and access to justice for people with disabilities. The 2004 award went to Anil Lewis. The other past award recipients were: Disability Rights Advocates, Mr. Robert Perske, Professor Stan Herr, Marylou Breslin and the Disability Rights Education and Defense Fund, and Professor Jim Ellis.

The Commission's Award Committee administers the nomination process and then selects the most suitable candidate. A nomination form with a statement of the selection criteria can be downloaded from our site. Please note that although anyone can make a nomination, self-nominations by an individual or a member of an organization will not be accepted.

Join us in recognizing outstanding public service to some of the 54 million Americans with disabilities.

Please SEND your original nomination form (found at [www.abanet.org/disability](http://www.abanet.org/disability)) and attachments to:

PAUL G. HEARNE AWARD  
JAMIE HERZ  
ABA COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW  
740 15TH STREET, NW  
WASHINGTON, DC 20005-1022

**ALL FORMS MUST BE POSTMARKED BY APRIL 15, 2005.**

Please contact Jamie Herz at [Herzj@staff.abanet.org](mailto:Herzj@staff.abanet.org) with any questions.

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