



GOAL IX

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



2006



GOAL IX

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

The American Bar Association (ABA) was founded in 1878 by 100 lawyers from 21 states. As of December 2005, the ABA has approximately 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 2006 marks seven 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 2005-2006 *Goal IX Report* reports the Commission's findings from the *Goal IX Survey*, on lawyers with disabilities in ABA leadership positions during the 2005-2006 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. New to the survey this year, you also will find comments of lawyers with disabilities, who are leaders within the ABA, regarding the ABA's efforts to reach out to other lawyers with disabilities.

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 2005-2006 *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.

In the summer of 2004, the ABA President's Office modified the appointment process to ensure that applications for presidential appointment positions include a question regarding disability status. Currently, there are an estimated 639 presidential appointments.

In addition, there are 37 ABA members who serve on the Board of Governors. According to ABA staff in the Division of Policy Administration, in 2005-2006 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.

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%).

In evaluating this low figure of lawyer members with a disability, however, readers should keep two things in mind. First, based on anecdotal evidence and the experience of Commission staff, 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 chose 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, 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 as compared to all lawyers and lawyers from ethnic and racial minorities. As The National Association of Law Placement (NALP) reported in its study, *Jobs & J.D.’s: Employment and Salaries of New Law Graduates—Class of 2004*, 77.8% of law graduates with disabilities were employed, as compared to 90.1% of all non-minority law graduates and 84.9% of all minority graduates. In addition, 4.5% law graduates with disabilities indicated that they were seeking a job, whereas 3.2% of all non-minority law graduates indicated that they were seeking jobs and 4.4% of all minority law graduates indicated such.

In addition, the study found that there is a 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 \$70,188, whereas the mean salary of law graduates with disabilities was \$58,400. 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 48% of law graduates with disabilities did accept employment opportunities in private practice, as compared to 14.9% of law graduates with disabilities who accepted government positions and 6.1% who found employment in public interest work. Additionally, the study demonstrated that 15.6% of law graduates with disabilities obtained employment in the business sector, 10.5% accepted judicial clerkships, and 2.7% went into academia.

The American Bar Association Office of Legal Education & Admissions to the Bar indicated in 2005, there were 3,464 JD students that were provided accommodations out of a total of 140,298 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 an increase in both the actual number and percentages of JD students that were provided accommodations in ABA accredited law schools. Since 2002, requests for JD accommodations have increased 31.9%.

Law Students with Disabilities Who Requested Accommodations

YEARS	LSD*/ABA**	PERCENT
2005-2005	3,464 /140,298	2.47%
2004-2005	3,052 /140,376	2.17%
2003-2004	2,804 /137,676	2.04%

* # 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 lawyers reported difficulties in being provided reasonable accommodations for their disabilities in the workplace. Lawyers also described the common misperception among colleagues that they were seeking an unfair advantage and trying to get things that other attorneys could not. However, once a lawyer with a disability had entered the legal field, people associated with that lawyer in their work environment were generally supportive.

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 to lawyers with disabilities finding legal employment and receiving the help they need once employed. 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 on-line 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 Commission 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.”

This year, the survey instrument consisted of 120 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. Several additional questions were added to the survey instrument this year, in order to better ascertain the meaning of the data and the types of efforts that the ABA entities were making in the respective diversity areas. For example, a question was added about how many lawyers actually held the leadership positions within each entity, to supplement the question about how many leadership positions were held. Questions were also added to the Publications section to determine how many authors with disabilities published within an entity’s publication and how many articles were written about lawyers with disabilities.

In addition to the above questions, 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. 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*.

Finally, interviews were conducted with an identified small sample of attorney leaders with disabilities within the ABA, to ascertain their perceptions about the ABA’s efforts to reach out to individuals with disabilities, whether these efforts were having their intended effects, and to obtain any recommendations for how these entities could best reach out to this group. Although these views cannot be said to be representative of the entire sample of lawyers with disabilities who are leaders within the ABA, they provide a window into how ABA leaders with disabilities are experiencing various diversity efforts.

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 2005-2006. 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 2005-2006.

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 the 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.

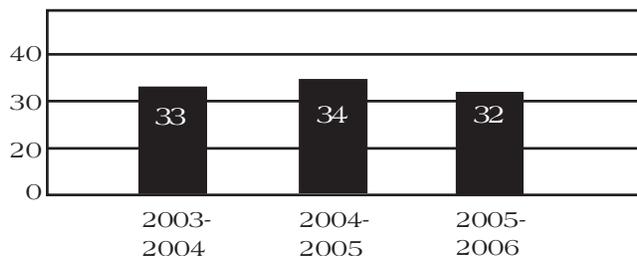
Finally, this section of the *Report* examines the diversity goals and initiatives of ABA entities, and attempts to discern the extent to which entities are striving to increase leadership opportunities for lawyers with disabilities in the legal profession pursuant to Goal IX.

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

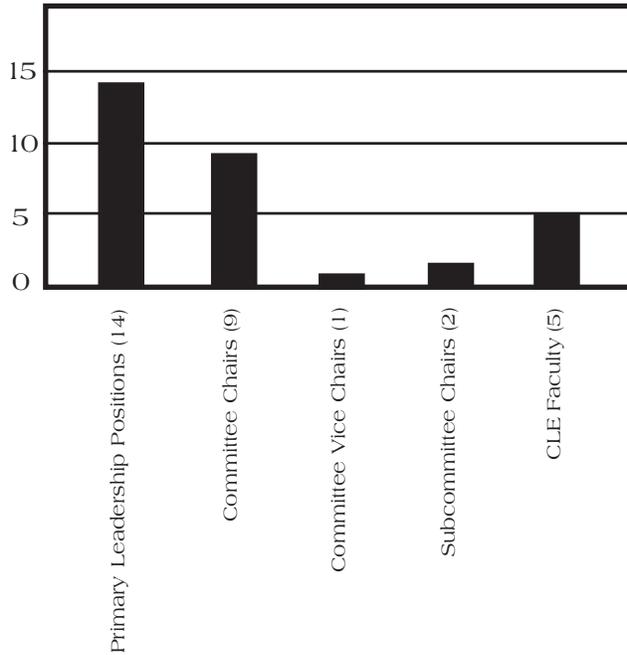
This year, the Commission found that there were a total of 32 ABA leadership positions held by lawyers with disabilities, representing a decrease from 34 positions last year.¹ Correspondingly, the percentage based on the 15,000 leadership positions at the ABA (.2%) remains low, even acknowledging the relatively small number of individuals who complete the census and identify themselves as having a disability.

The number of primary leadership positions (“Elected Officers”, “Chairs”, “Chairs-Elect”, “Appointed Leaders” “Council Members” & “Nominating Committee Members”) held by lawyers with disabilities was 14, up slightly from 13 last year. 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.

Number of Leadership Positions Held by Lawyers with Disabilities



Leadership Positions Held by Lawyers with Disabilities



This year, entities were asked whether they actively sought members with disabilities for nomination/election to their Council. Those entities answering in the affirmative were: the Dispute Resolution Section, the General Practice Section, the Government & Public Sector Lawyers Division, the Health Law Section, The Individual Rights and Responsibilities Section, the Intellectual Property Section, the Labor and Employment Section, the Law Practice Management Section, the Law Student Division, the Section on Legal Education, the Public Contract Law Section, the Public Utility Section, the Section of Real Property, the Science & Technology Section, the Senior Lawyers Division, the Tort Trial and Insurance Practice Section and the Young Lawyers Division.

Turning to Committees and Subcommittees, we find that there were 9 Committee Chair positions held by lawyers with disabilities, as compared with 8 Committee Chair positions last year. For 2005-2006, the survey data also indicated that there was 1 Committee Vice Chair, representing a decrease from 2 in 2004-2005. Increasing from last year, there were 2 Subcommittee Chair positions held by lawyers with disabilities. The Labor and Employment Section, the Family Law Section, The Tort Trial and Insurance Practice Section, the Individual Rights and Responsibilities Section, the Public Contract Law Section, the Section of Real Property, the Senior Lawyers Division, the Business Law Section and the Section of State and Local Government were the ABA entities that had Committee positions held by lawyers with disabilities.

Finally, as to ABA Continuing Legal Education (CLE) programming, we found a decrease in the number of CLE faculty positions held by lawyers with disabilities, from 8 last year to 5 this year, despite there being an increase in the number of CLE programs offered. 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 Business Law Section, the Environment, Energy & Resources Section, the Labor and Employment Section, the Section of Real Property and the Senior Lawyers Division.

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

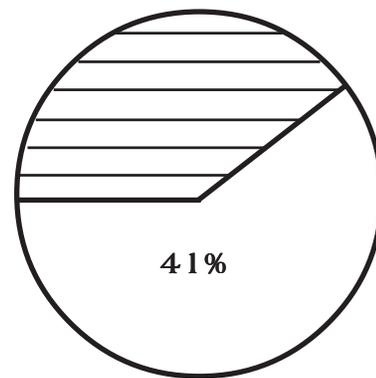
Thirty-four ABA Sections, Divisions, and Forums responded to this year’s Survey. Fourteen out of the 34 entities (41%) had at least one leadership position held by a lawyer with a disability. This number is less than the 16 entities that had at least one leadership position held by a lawyer with a disability 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 Labor & Employment Law Section; the Family Law Section; the General Practice Section; the Tort Trial and Insurance Practice Section; the Government & Public Sector Lawyers Division; the Senior Lawyers Division; the Public Contract Law Section; the Section of Real Property; the Judicial Division; the Section of State and Local Government Law; the Business Law Section; and the Environment, Energy & Resources Section.

Three-Year Trend

Over the past three years, the number of ABA entities that have had at least 1 leadership position held by lawyers with disabilities has fluctuated. This suggests that the

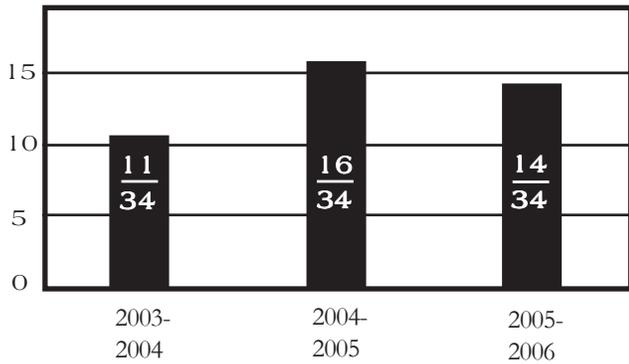
ABA Entities with Lawyers with Disabilities in Leadership Roles 2005-2006



14/34 responding entities included lawyers with disabilities in leadership roles

3-Year Trend: Entities with Lawyers with Disabilities

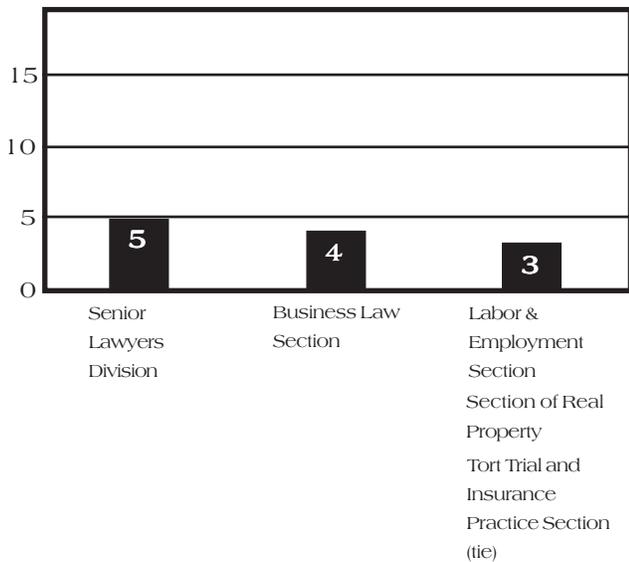
(Bottom number represents # of respondents)



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 to some degree, although an upward trend has not been sustained. There have been slight variations year to year in this trend due primarily to small differences in the number of entities that have responded to the survey.

For 2005-2006, the five entities with the highest number of leadership positions held by lawyers with disabilities were the Senior Lawyers Division (5), the Business Law Section (4), the Labor and Employment Law Section, the Section of Real Property and the Tort Trial and Insurance Practice Section (tied at 3). The Senior Lawyers Division has 6,748 lawyer members, the Business Law Section has 43,785 lawyer members, and the Labor and Employment Law Section, the Section of Real Property and the Tort Trial and Insurance Practice Section have 18,811, 26,119, 22,617 members respectively.

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



3. Interview Results

For the first time, a small subset of lawyers with disabilities, who were leaders in the ABA in 2004-2005, were interviewed to determine perceptions regarding their entities' efforts to recruit and retain lawyers with disabilities. Although all of the lawyers were aware of their entities' long-range diversity plans or goals, they indicated that these plans were not the reason why they became involved with their respective entities. Rather, most lawyers reported being recruited for their individual positions, which speaks to the importance of the entities reaching out to prospective/new members with disabilities.

Interestingly, all of the lawyers interviewed did not feel that lawyer members with disabilities are aware of ABA activities targeting lawyers with disabilities, although half of the attorneys surveyed were able to cite specific outreach efforts that their respective entities were making to this group. There also was a perception of a disparity between how the ABA reaches out to lawyers of different racial backgrounds and how the association reaches out to lawyers with disabilities. One lawyer stated, for example, that "on the scale of the involvement [of the ABA] and in terms of importance and recognition, disabilities aren't even on the map." Another lawyer suggested that the entities need to start with the law student and young lawyer groups, as these are the entities that historically have had more involvement in these issues.

Lawyers also described the importance of reaching out to lawyers with disabilities who identify with their specific practice areas. For example, one lawyer stated that it's important for each entity to reach out to persons with disabilities who practice in their specialties in order to get individuals to accept leadership positions. He also encouraged the entities to ascertain how these individuals' disabilities affect their work and how the entities can best assist these individuals in regard to the specialties within which they practice.

Finally, it was also clear from the survey that many of the lawyers involved in specific entities that were beginning to make good outreach efforts towards individuals with disabilities were doing so as a direct result of the lawyers' participation in leadership roles within the entities. This trend further supports the idea that individuals with disabilities who are involved in ABA leadership can have a direct effect on their entities positive steps towards creating supportive environments for prospective lawyers and current lawyer members with disabilities.

4. Disability Diversity Initiatives Among ABA Entities

In addition to the data 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 20 of the 34 Survey respondents, which is a slight increase from last year when 19 out of 34 responded. This year, of those that submitted long-range data, 14 entities (70%) mentioned lawyers with disabilities in their diversity goals, initiatives and programs, representing a decrease from last year when 76% of the entities that provided long-range data mentioned lawyers with disabilities. Six 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 President's Office, the Senior Lawyers Division and the Young Lawyers Division. In addition, six other ABA entities described below deserve recognition for their disability diversity efforts.

DISABILITY DIVERSITY IN 2004-2005

Section of Family Law

The Section of Family Law adopted a Diversity Plan in the Fall of 2003. In its Diversity 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.

Judicial Division

The Judicial Division in its Diversity Plan recognizes the importance of not discriminating on the basis of disability. The Division also includes a statement in its call for nominations for open positions on its Conference executive committees that recognizes the importance of diversity and encourages minorities, females and those with disabilities to apply. In addition, the Judicial Division has included a question regarding disability status on its membership applications, having sought the assistance of the Commission on Mental and Physical Disability Law in its construction.

Section of Labor & Employment Law

The Section of Labor & Employment Law promotes inclusion of lawyers with disabilities throughout its diversity plan. The plan's focus is to actively recruit minority lawyers, women lawyers, lawyers with disabilities, and newer lawyers and foster an atmosphere of inclusion to assist in retaining these groups. In addition, the Section seeks the participation of these groups on panels, task forces and working groups

and is committed to providing these groups with opportunities and training to take on leadership roles at both the Committee and Section levels. The Section is also committed to coordinating and using the resources of the Commission on Women, the Commission on Race and Ethnic Diversity, and the Commission on Mental and Physical Disability Law, evidenced by its use of Section liaisons, for example. Finally, the Committee on Equal Opportunity in the Legal Profession is committed to developing recruitment/retention materials with a focus on lawyers with disabilities, among other diverse groups. The Section had three leadership positions held by lawyers with disabilities.

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 to the achievement and advancement of women, minorities and persons with disabilities in the profession. In addition, in August 2005, the Division hosted the 2nd 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..." In 2005, its Diversity Committee began comprehensively reviewing its Diversity Plan to identify goals and objectives that have been achieved, those in which progress is being made, and those which have yet to be addressed. The Section expects to complete this evaluation and adopt a revised Diversity Plan during the 2005-2006 year. 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. The Section had three leadership positions held by lawyers with disabilities.

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 implemented the new Business Law Diplomat Program, a Section-funded position designed to involve a lawyer with a disability in the substantive work of the Section. The Section's first Diplomat has participated in one of the panels for the Committee on Business Bankruptcy at the 2005 Annual Meeting. The Section worked closely with its liaison to the ABA Commission on Mental and Physical Disability Law to implement this program. In addition, the Committee on Diversity annually hosts a free Business Card Breakfast during the Section's Spring Meeting and plans are in place for the Committee to expand its invitations to the meeting to bars that serve lawyers with disabilities. Also, for the first time in 2005, the Committee held its Business Card Breakfast during the Annual Meeting and sought co-sponsorship with the ABA Commission on Mental and Physical Disability Law, among other entities. Finally, the Section contributed \$1500 towards the Commission on Physical and Mental Disability Law's Spring 2006 National Conference on the Employment of lawyers with Disabilities. The Section had four leadership positions held by lawyers with disabilities.

The General Practice, Solo & Small Firm Section (GPSSF)

This past year, the General Practice, Solo & Small Firm Division increased its efforts in placing a renewed importance on reaching out to lawyers with disabilities. The three major

efforts that were made by the Section were the addition of a lawyer with a disability as a member of its Council, a monetary cosponsorship (\$5000) of the upcoming Commission on Mental and Physical Disability Law's National Conference on the Employment of Lawyers with Disabilities, and the dissemination of a special issue of the Division's GP Solo magazine focused on disability issues entitled "More Bumps in the Road." 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. In 2005, the Section created its diversity plan that states that two Council positions have been added to increase diversity on the Council. These positions are reserved for identified under-represented groups and/or representatives of minority bar associations. In addition, the diversity plan requires regular reporting (twice each year) by each Section committee on its current levels of diversity and both short and long-term goals for increasing diversity within each committee. Furthermore, in 2005, the Section was the primary sponsor of the ABA amicus curiae brief in *Goodman v. Georgia*, the U.S. Supreme Court case regarding whether Title II of the Americans with Disabilities Act of 1990 ("ADA") applies to state prisons. The Section had two leadership positions held by lawyers with disabilities.

The President's Office

The Commission would like to specifically recognize President Mike Greco's commitment to lawyers with disabilities during his president-elect and presidential year. In particular, President Greco along with the Commission and the EEOC are sponsoring the ABA National Conference on the Employment of Lawyers with Disabilities. In addition, President Greco has shown his support for the Commission's other efforts by serving as a speaker at the Commission's annual Hearne Award Presentation that took place at the 2005 Annual Meeting.

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. The Section

had five leadership positions held by lawyers with disabilities, the most of any section.

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 is that a CLE program— sponsored by the YLD in 2005-2006 entitled, “What does it really mean to be a Diverse Young Lawyer Today”— includes a panelist who is blind and has held numerous appointed positions within the YLD.

HONORABLE MENTION

The Commission believes that the *Section of Dispute Resolution* is deserving of Honorable Mention for its efforts regarding individuals with disabilities. The Section 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: encouraging those identified to join and to take an active role in the Section so that they can have the opportunity to advance to leadership positions, providing mentoring to facilitate individuals taking leadership roles at both the committee and section levels, and providing reports on achievements in the diversity area in the Section’s and other publications. In addition, in 2005, the Section conducted CLE programming on the topics of mediating ADA claims and elder care and spent \$6000 on issues pertaining to lawyers with disabilities.

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 2005-2006, the Commission witnessed a slight decrease in the actual number of ABA section, division, and forum leadership positions held by lawyers with disabilities.

Correspondingly, the percentage of leadership positions at the ABA occupied by lawyers with disabilities remains 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 2005-2006, the number of ABA sections, divisions and forums that had at least one leadership position held by lawyers with disabilities decreased compared with the previous year. On the other hand, in 2005-2006, the Commission saw an increase 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 more entities submitted their plans for review.

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, President Michael Greco made lawyers with disabilities a priority in his presidential year. 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. For example, a recommendation to House of Delegates to place a lawyer with a disability on the Nominating Committee was defeated, along with a number of other recommendations to increase the size of that Committee. In light of certain problem areas that need to be addressed, we make the following recommendations:

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 the ABA National Conference on the Employment of Lawyers with Disabilities to be held in May 2006, that will also be sponsored by ABA President Mike Greco and other National Disability Organizations. The Conference will focus on what employers can do to increase the employment of lawyers with disabilities and why they must do so. Another employment-related project is to assist the EEOC in preparing a fact sheet on reasonable accommodations that focuses on legal employers.

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. As a result of the Commission's outreach efforts, a majority of law schools are involved in the mentor program. There are currently 74 mentors who are paired with 92 students.

1. ABA entities are encouraged to actively recruit and include lawyers with disabilities in leadership positions in sections, divisions, and forums. Efforts for recruitment might include reaching out to law students to inform them at the beginning of their careers about entity activities and creating specific networking opportunities for lawyers with disabilities at Annual and Mid-Year meetings and CLEs.
2. In carrying out Goal IX, ABA entities are encouraged to maintain long-range diversity goals and plans that specifically include lawyers with disabilities, to update these plans on a regular basis, and to include lawyers with disabilities in their formation and review.
3. ABA entities are encouraged to develop mentoring/diplomat programs so that lawyers with disabilities can receive support and mentoring within entities, be provided with potential leadership opportunities, and be encouraged to maintain long-term relationships with the entities.
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. This is especially important in regards to the Commission's National Conference on the Employment of Lawyers with Disabilities to take place in Spring, 2006 and Conference follow up activities thereafter.
5. ABA entities are encouraged to invite members of the Commission on Mental and Physical Disability Law to speak at their directors meetings, committee meetings and meetings open to members to "get the word out" about Goal IX and provide information and suggestions for how the entities might best develop programs to encourage members with disabilities to become leaders.
6. ABA entities are encouraged to include lawyers with disabilities as speakers and panelists for their Annual and Mid-Year Meetings programs and CLEs.
7. ABA entities are encouraged to include lawyers with disabilities as authors in their publications and to promote the writing of articles about lawyers with disabilities or issues that might be particularly pertinent to this group.
8. ABA entities are encouraged to provide funding to lawyers with disabilities to attend Annual, Mid-Year, and Committee meetings, perhaps through the use of a fellowship program, in order to increase exposure to ABA activities

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 2005 award recipient was Rhonda Brown, a Review Judge for the Washington State Employment Security Department and a disability rights advocate for over 25 years.

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 leaders, lawyers with disabilities, and other disability rights lawyers and advocates. The 2005 reception was held during the Annual Meeting in Chicago, IL.

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 committees, 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.

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 addressing both mental disability law and disability discrimination law, and articles by experts in the field. Topics include civil/criminal commitment and competency; Social Security, Medicaid and Medicare; sexual offenders; ADA; employment; public services; public accommodations; housing/zoning; and education. The *Reporter* is available in print and online.

Mental & Physical Disability Law Digest

Used in conjunction with the *Reporter* or alone, the *Digest* 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 as the *Reporter*. Subscribers receive annually updated sections reflecting legal developments and emails of key federal/state cases and legislation six times a year. The *Digest* is available in print and online.

Online Services

In addition to the online *Reporter* and *Digest*, the Commission offers subscriptions to a database containing all the cases and legislation that have been summarized in the *Reporter* from January 2005 forward. The database is searchable by key words, case name, topic, jurisdiction, date, and key numbers. Other online services include 50-state charts of statutory compilations covering key areas of disability law, as well as online updates of breaking disability law developments and an online version of the *Monograph on State Disability Discrimination Laws—With 50-State Charts on Employment, Public Services, Public Accommodations, Housing, and Education*.

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, excerpts from the current issue of the *Reporter*, a state-by-state directory of lawyers practicing disability law, and a listing of disability lawyers, law firms, federal agencies, and organizations. The website also highlights Commission news and special projects, in particular the 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 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, estate planning, and some business law. Mr. LaBarre was general counsel for the National Federation of the Blind of Colorado (NFBC) from 1994 – 1998. In October of 2005, the membership of the NFBC elected LaBarre as their President, and from 1996 until June 2002, he served as President of the NFB 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 member of the governing council for the G.P. Solo Small Firm Division. Mr. LaBarre received his Juris Doctorate from the University of Minnesota in 1993.

Ollie Cantos, Member

Olegario "Ollie" D. Cantos VII serves as Special Assistant to the Acting Assistant Attorney General for Civil Rights in the U.S. Department of Justice. Having been a disability rights leader for more than 15 years, he has devoted his career to the advancement of civil rights at a cross-disability level. He is former General Counsel and Director of Programs for the American Association of People with Disabilities and started his career as an attorney at the Los Angeles-based Western Law Center for Disability Rights.

J. Michelle Childs, Member

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

Downing is a member of the Board of Governors of the State Bar of California. She is also the immediate past-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. She also serves on the ABA Aids Coordination Committee.

Eric Drogin, Member

Eric Drogin is a Fellow at the American Academy of Forensic Psychology (AAFP), and a Diplomat of the American Board of Professional Psychology (ABPP) and the American Board of Forensic Psychology (ABFP). Mr. Drogin 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. Mr. Drogin received his Ph.D. degree in Clinical Psychology from Hahnemann University, and his J.D. degree from Villanova University.

Lori Ecker, Member

Lori D. Ecker is an experienced trial attorney, and an arbitrator and mediator. She represents employees in discrimination, harassment, and wrongful discharge cases, and with noncompete and severance agreements and employment contracts. She is on the AAA's Employment Arbitration Roster and is a Certified Mediator for the Circuit Court of Cook County. She is a fellow of the College of Labor and Employment Lawyers. Ms. Ecker is the plaintiff's co-chair of the Membership for the Employee Rights and Responsibilities Committee of the ABA's Section of Labor and Employment Law.

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 and casebook "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.

Arlene Kanter, Member

Professor of Law Arlene Kanter co-directs Syracuse University's new Center on Human Policy, Law, and Disability Studies, and she directs the College of Law's Disability Law and Policy Program, for which she established the nation's first joint degree program in law and disability studies. She has a courtesy appointment at the School of Education and teaches courses in disability law and policy, education law, and ethics. In 2005, she was awarded Syracuse University's Laura J. and L. Douglas Meredith Award for Excellence in Teaching, and from 1989-2005, she was the director of Clinical Legal Education at the College of Law. She also established and directs the College of Law's Externship Program. Prior to joining the law faculty, Professor Kanter taught at Georgetown Law Center and worked as an attorney at the Mental Health Law Project, now known as the Bazelon Center for Mental Health Law. Professor Kanter publishes and lectures extensively on domestic, comparative, and international disability law. She received her J.D. from NYU School of Law, and her LL.M. from Georgetown University Law Center.

Andy Levy, Member

Andy Levy is a trial lawyer from Baltimore, Maryland. He handles both civil and criminal cases, and is listed in Best Lawyers in America in both the "Criminal Defense" and "Commercial Litigation" categories. He has frequently acted as counsel in efforts to establish group homes for persons with disabilities in the face of active community resistance, and was lead counsel in the landmark case, *Potomac Group Home Corp. v. Montgomery County, Md.* He obtained the first judgment in the country under the design & construction requirements of the Fair Housing Amendments Act in the

Baltimore Neighborhoods v. Rommel Builders series of cases. He is also an adjunct professor at the University of Maryland School of Law. Among the courses he has taught are Torts, Criminal Law, Evidence, and Trial Practice.

Andrew Miller, Member

Andrew S. Miller is counsel in the commercial litigation department of the Philadelphia office of White and Williams LLP. Mr. Miller's practice focuses primarily on litigation relating to corporate governance disputes, litigation arising from mergers and acquisitions, insurance coverage disputes 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 and several committees of the Down Syndrome Research and Treatment Foundation.

Wendy Parmet, Member

Wendy E. Parmet is Matthews Distinguished University Professor of Law at Northeastern University School of Law and Program Director of the law school's dual degree J.D.-M.P.H. program with Tufts University School of Medicine. She teaches Public Health Law, Health Law, Disability Law, Bioethics and Torts. Professor Parmet has recently co-authored, with Patricia Illingworth, *Ethical Health Care*, published by Prentice Hall. She has also published widely in medical journals and law reviews on public health law, bioethics, constitutional law, health care access and disability law. In 1998 she served as co-counsel for the plaintiff, Sydney Abbott in the Supreme Court first case construing the Americans with Disabilities Act, *Abbott v. Bragdon*, 524 U.S. 624 (1998). She is on the Board of Directors of Health Law Advocates and the Public Health Law Association and is a member of the ABA's Commission on Mental and Physical Disability Law. She received her J.D. from Harvard Law School.

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. Mr. Weis 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. Mr. Weis graduated Order of the Coif from Stanford University Law School.

Michael Waterstone, Member

Michael Waterstone has been an assistant professor of law at the University of Mississippi Law School since 2003. His teaching and research interests focus on civil rights and disability law. Amongst other writings, he is a co-author of a casebook and treatise on disability law. Prior to his tenure as a professor, he practiced law for three years with the law firm of Munger, Tolles, & Olson in Los Angeles. He also served as a clerk for the Honorable Richard S. Arnold on the Eighth Circuit Court of Appeals. Mr. Waterstone received his J.D. from Harvard Law School.

Commission Liaisons

Carol Dinkins, Liaison to the Board of Governors

Carol E. Dinkins is a Partner in the Houston office of Vinson & Elkins, where she has served as a member of the Management Committee and is section head of the Environmental and Administrative Law practice. Prior to this, she served as the Deputy Attorney General of the United States, the number two position at the Justice Department, in 1984-85, having previously served as the head of one of the six litigating divisions in the Justice Department. She chaired President Reagan's Task Force on Legal Equity for Women and Governor Bush's Conservation Task Force. She also chaired two Gubernatorial task forces prior to her Federal service. In 1997, Governor Bush appointed her Commissioner of the Texas Parks & Wildlife Commission. In the 80's she served on the Texas Legislature's Task Force on

the Judiciary and a Legislative Joint Select Committee on Judicial Selection. Ms. Dinkins has served in the ABA House of Delegates for over a dozen years and been a member of the Nominating Committee most of that time. She chairs the ABA *Journal* Board of Editors and is past chair of the ABA Standing Committee on the Federal Judiciary and of two sections: the Environment, Energy and Resources Section and the State and Local Government Law Section.

Jennifer Knee, Liaison to the Young Lawyers Division

Jennifer Knee is an Oregon native who graduated from the University of Oregon School of Law in 2002. After graduating, she practiced in legal and other arenas, eventually leading to her current work conducting disability appeals at the Social Security Administration Office of Hearings and Appeals in Long Beach, California.

Katie Pennell, Liaison to the Law Students Division

Katie L. Pennell is a second year law student studying at Widener University School of Law in Wilmington, D.E. She is a native of New Jersey, and hopes to practice in her home state as well as in Pennsylvania in the future. She has a Bachelor of Arts degree in English and Political Science and a minor in Women & Gender Studies from The College of New Jersey. While she has not decided conclusively on the field of law she would like to practice, she is leaning heavily in the direction of disability law.

ACKNOWLEDGEMENTS

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.

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Law Student Division Liaison

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NOTES

1. Figures from 2004-2005 do not include the number of Program Chairs and Program Faculty occupied by lawyers with disabilities. For 2005-2006 there was one non-CLE Program Chair and Faculty position occupied by lawyers with disabilities (Senior Lawyers Division).