



GOAL III

Report

– 2010 –

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

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I. EXECUTIVE SUMMARY

The American Bar Association, through its Commission on Mental and Physical Disability Law, issues an annual report on the status of lawyers with disabilities within the organization and its leadership. For the 2009-2010 bar year, the Commission reports that with only a few exceptions, progress continues to be slow, especially when compared to other diversity groups within the Association. Highlights of the report include:

- ❖ National statistics show that attitudinal and economic barriers for individuals with disabilities lead to extremely low employment rates, especially when compared to individuals without disabilities. The current economic crisis exacerbates the low rate of employment of individuals and lawyers with disabilities.
- ❖ The ABA reports that 6.76% of its members identify themselves as having a disability.
- ❖ Only 18 of 760 appointments by the ABA President went to lawyers with disabilities, compared to 46 of 693 last year.
- ❖ None of the 38 members of the Board of Governors report having a disability; and there is no data collected on the disability status of the 561 members of the House of Delegates.
- ❖ The percentage (3.2%) and number (4,941) of the 154,549 law students at ABA-accredited law schools who requested accommodations has increased notably from last year (2.7% and 4,111 respectively).
- ❖ The number of lawyers who hold leadership positions in ABA entities increased from 26 for 2008-2009 to 31 this year.
- ❖ Forty-four percent of ABA entities report having a lawyer with a disability in a leadership position, a large increase from 31% in 2008-2009; however only one primary leadership position is filled by a lawyer with a disability.
- ❖ The number of presenters and faculty for ABA continuing legal education programs increased nearly six times from only eight in 2008-2009 to 47 this year.
- ❖ Only 9 of the 34 eligible ABA entities track disability status for their members.
- ❖ The Business Law Section, Dispute Resolution Section, Government and Public Sector Lawyers Division, Individual Rights & Responsibilities Section, and Young Lawyers Division made the Commission's "Honor Roll," demonstrating a commitment to obtaining and retaining lawyers with disabilities in both their membership and leadership.
- ❖ The Commission notes that ABA entities still do not comply with the 2007 House of Delegates resolution urging the legal profession to take steps to ensure that law-related website content is accessible to individuals with disabilities.

II. INTRODUCTION

The American Bar Association (ABA) was founded in 1878 by 100 lawyers from 21 states. Today, the ABA has over 380,000 members making it the largest voluntary professional association in the world. The ABA provides law school accreditation, continuing legal education (CLE), 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 "[t]o serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession."

To accomplish its mission, the ABA adopted a new set of goals at the 2008 ABA Annual Meeting. Goal III is "[t]o eliminate bias and enhance diversity." An objective of Goal III is to "[p]romote full and equal participation in the association, our profession, and the justice system by all persons." The tenets of Goal III were drawn from its predecessor, the old ABA Goal IX, which was "to promote full and equal participation in the legal profession by minorities, women persons with disabilities, and persons of differing sexual orientations and gender identities." This 2010 report on the status of lawyers with disabilities in ABA leadership positions is an effort to advance Goal III and its ideals.

Stemming from the ABA's long history of promoting reform of the justice system, the ABA established in 1973 the Commission on the Mentally Disabled to focus on the advocacy needs of people with mental disabilities. 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 and Physical Disability Law (Commission). 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 legal professionals, many of whom have disabilities. These members serve on several subcommittees (see Section VIII). Its Subcommittee on Lawyers with Disabilities focuses on issues of importance to those who may have a disability in the legal community. The Commission's Subcommittee on ABA Goal III prepared this report. Through these subcommittees and other programs, the Commission is the only entity within the ABA—and the legal profession—that has a comprehensive focus on all lawyers with disabilities on a national level.

The Goal III survey gathers information about the participation of persons with disabilities, as well as women, racial minorities, and persons who are gay, lesbian, bisexual, or transgender in ABA Division, Section, and Forum leadership positions.

The Commission's 2009-2010 *Report* presents the survey findings with respect to lawyers with disabilities, along with observations, conclusions and recommendations for the ABA, its leadership, and its staff. In addition, the *Report* also recognizes ABA entities that have demonstrated the ABA's commitment to lawyers with disabilities by including them on an annual

“Honor Roll.” Also included is information about the Commission’s publications, special projects, and members, many of whom are lawyers with disabilities.

III. THE STATUS OF AMERICANS WITH DISABILITIES

This section estimates the number of people with disabilities in the United States, in the workplace, and in the legal profession.

A. PEOPLE WITH DISABILITIES IN THE UNITED STATES

According to the most recent and comprehensive data from the U.S. Census Bureau, in 2005, 54.4 million Americans reported having a disability—nearly one in five (19%)—with 6.5 million reporting a severe disability. For 2007, Cornell University’s Rehabilitation Research and Training Center on Disability Demographics and Statistics (Cornell University)—which uses the U.S. Census Bureau’s American Community Survey (ACS) data (an interim report for the decennial census)—reported 14.9% of the U.S. population over the age of five as having a disability, with the largest represented type of disability being a “physical disability” (9.4%).

B. PEOPLE WITH DISABILITIES IN THE WORKPLACE

i. Recent figures

Recent statistics and attitudinal barriers in society regarding the employment of persons with disabilities help explain the small number

of lawyers with disabilities who are employed in the legal profession. Based on the most recent 2008 ACS numbers, the Rehabilitation Research and Training Center of Disability Statistics and Demographics (Center) reported that there were 18,995,085 Americans with disabilities of working age (18 to 64). However, only 39.1% were working, compared to 77.7% for non-disabled persons. This leaves a large employment gap between the disabled and non-disabled of 38.6 percentage points, with approximately 11,576,000 Americans with disabilities out of work.

For 2007, Cornell University reported that for full-time/full-year jobs 21.2% of working-age persons with disabilities were employed, compared to 56.7% for non-disabled persons. Median annual salaries for disabled workers were 16% less than those for non-disabled workers.

Unfortunately, when individuals with disabilities have lower-than-average incomes, they struggle economically. Shawn Fremstad of the Center for Economic and Policy Research concluded in September 2009 that “[d]isability is both a fundamental cause and consequence of income poverty.” He reports that (1) around 50% of all working-age adults who experience income poverty have a disability; (2) nearly 66% of adults experiencing long-term income poverty have a disability; and (3) individuals with disabilities experience income poverty more than those in any other single minority, ethnic, or racial group. Fremstad noted that people with disabilities have a more difficult time retaining income for necessities due to the substantial cost associated with having a disability (e.g., extra

medical bills, purchasing assistive devices) and that these costs rise as the severity of the disability rises. Cornell University, citing the ACS, finds the poverty rate for workers with disabilities was significantly higher (24.7%) than the rate for non-disabled workers (9%).

Statistics regarding employer attitudes and activities are also worth noting. The U.S. Department of Labor's Office of Disability Employment Policy, in a November 2008 report, surveyed a sample of American companies in various industries and of various sizes. The survey found that only 19.1% of the companies surveyed employed individuals with disabilities, and only 13.6% actively recruited people with disabilities. In addition, only 8.7% of the companies surveyed had hired someone with a disability within the past year. Moreover, 72.6% of those companies cited the "nature of work being such that it cannot be effectively performed by a person with a disability," as a hiring challenge.

ii. The economic crisis of 2009-2010

The current recession has only exacerbated problems for individuals with disabilities. For November 2009, the U.S. Bureau of Labor Statistics (BLS) shows an employment-to-population ratio of 18.4%, the lowest percentage since monthly tracking of this figure began in 2008. The actual employment rate for individuals with disabilities for that month was a staggering 18.4%.

As Joseph Shapiro reported for National Public Radio, during the current job crunch the unemployment rate for those with disabilities is

nearly double that of those without disabilities. Moreover, this number may be on the conservative side, because the current data does not consider how many people with disabilities have given up looking for work—a number not even counted in the current data. Finally, the recession's effect on state budgets has led to cuts in the areas typically important to those who are unemployed and have a disability, namely vocational training, post-secondary education assistance, and social services.

C. LAWYERS WITH DISABILITIES IN THE LEGAL PROFESSION

i. Recent figures

To begin with there is a pipeline problem: individuals with disabilities are less likely to apply and be admitted to law school. As described above, there is a strong disability-poverty correlation. Therefore, many of those with disabilities are not even able to finance law school, let alone sustain the burden of its debt. Moreover, Cornell University reports that for 2007 only 12.5% of working-age persons with disabilities held a Bachelor's degree or higher, compared to 36.9% of non-disabled persons. This education disparity helps explain why so few persons with disabilities become lawyers, as many individuals with disabilities lack the educational background and academic prerequisites to apply to law school.

The ABA conducts an annual census of its lawyer members. According to August 2009 figures, 36,000 of the approximately 383,000 ABA members completed the census questionnaire. Of the 24,524 respondents who

answered the query “Do you have a disability?,” only 1,658, or 6.76%, answered affirmatively. This number is a slight increase from the 2008 census at 6.69%, but still a decrease from 2007’s 7.18%. This percentage is far lower than one would expect given the national statistics on the percentage of Americans with disabilities. Extrapolating this figure to the entire ABA membership, approximately 25,900 members would report having a disability for 2009, a decrease of 1,380 from last year and a decrease of 2,800 from 2007.

Dr. Douglas Kruse of Rutgers University and the National Bureau of Economic Research, using the 2007 ACS microdata, reports an even lower number citing, out of the 1.08 million Americans who are lawyers or judges, magistrates, and other judicial workers, only 3.8% have a reported disability. BLS has its own figure, reporting that for the third quarter of 2009 (July, August, and September), 2.6% of those employed in the legal occupation (e.g., lawyers, judges, magistrates, law clerks, court reporters, paralegals) had a disability. This figure was slightly lower than the second quarter’s 2.9%.

The ABA’s Market Research Department attempted to collect relevant statistics on lawyers with disabilities for its National Lawyer Population Survey, but the meager results underscored the need for more comprehensive efforts by the ABA and state and local bar associations. According to the ABA, only 3 of 54 American jurisdictions that license attorneys collect information on lawyers with disabilities. Colorado estimates 0.15%, or approximately 29 lawyers, had a disability; Delaware estimates less

than 1%, or 25 lawyers; and South Dakota estimates 1%, or 17 lawyers.

In addition, the Commission believes all of these numbers may be substantially less than the actual number of lawyers with disabilities in the ABA and the profession. Many choose not to answer the question relating to disability status due to confidentiality concerns, while others do not consider themselves as having a disability. These low figures reflect at least four trends: (1) relatively few college students with disabilities attend law school due to factors ranging from lack of funds to problems with attaining accommodations for the Law School Admissions Test; (2) not everyone with a disability who attends graduates or passes the bar; (3) due to socioeconomic factors, it appears that a lower percentage of lawyers with disabilities join the ABA than non-disabled lawyers; and (4) a greater percentage of law school graduates with disabilities do not find employment as lawyers. Ultimately, however, these figures also reflect the need to have a comprehensive national effort to collect information on lawyers with disabilities.

For 2009-2010, the ABA Section of Legal Education and Admissions to the Bar indicated that of 154,549 law students in ABA-accredited law schools (both J.D. and LL.M students), 4,941 (3.2%) were provided accommodations—up noticeably from 4,111 (2.7%) for 2008. Yet despite such increases, it is worth noting that these figures do not reflect an actual estimate or figure as to how many law students in ABA-accredited law schools have a disability.

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ACADEMIC YEAR	LSD*/ABA** *number of law students with disabilities provided accommodations ** number of law students in ABA-accredited law schools	PERCENT
2009-2010	4,941/154,549	3.20
2008-2009	4,111/152,005	2.70
2007-2008	4,229/149,745	2.82
2006-2007	3,803/148,697	2.56
2005-2006	3,464/140,376	2.47

Figure 1: Law students with disabilities who were provided accommodations

The National Association for Law Placement (NALP) conducts an annual survey and study, entitled *Jobs & J.D.'s: Employment and Salaries of New Law Graduates*, on the employment rates of law graduates by gender, minority, and disability. For the class of 2008, 84.4% of 565 law graduates with disabilities were employed, compared to about 90.9% of 28,891 non-minority (men and women) law graduates and 87% of 8,395 minority law graduates. Although the employment rate has decreased for both those with disabilities and those without disabilities, it is important to note that for the class of 2008 there is an overall decrease in the number of 2008 graduates with disabilities compared to the class of 2007: the percentage of law school graduates who are represented in the survey increased 0.6% (from 41,707 to 41,951), yet the number of graduates with disabilities surveyed decreased by 11% (from 638 to 565).

In the same survey, 8.1% of disabled law graduates indicated that they were unemployed and seeking a job—a small rise from the 7.4% reported for 2007—compared to 5.1% for all

non-minority law graduates and 6.7% for all minority law graduates. Of the 263 salaries reported by graduates with disabilities, the mean salary was \$80,748 and the median salary was \$60,000. These salaries were considerably lower than the mean and median salaries computed by NALP for men and woman graduates: \$89,540 and \$67,500 (10,463 salaries reported) for women, and \$94,217 and 75,000 (11,803 salaries reported) for men. As in the past two years, NALP again found that “disabled graduates were less likely to obtain jobs in private practice than the class as a whole—and more likely to obtain government and public interest positions.” Yet what is still not known from statistics on law students is what percentage of students with disabilities graduate as opposed to students with no disabilities.

ii. The economic crisis of 2009-2010

In addition to these woeful statistics is the current economic crisis; and the legal profession is not immune from the recession. According to

the *ABA Journal*, in 2009 large law firms experienced the largest amount of layoffs in history with over 4,600 lawyers laid off. In the past year the legal services industry lost approximately 41,800 jobs.

For law graduates of the class of 2008, NALP reported that the employment of new law graduates dropped to 89.9%, the first decline since 2003. Also, the legal community saw many of the larger law firms defer the hiring of new associates and overqualified attorneys apply for positions traditionally held by recent law school graduates.

D. DISABILITY DIVERSITY IN THE LEGAL PROFESSION

The last four ABA presidents have made disability diversity a priority. Past ABA President Michael S. Greco (2006-2007) hosted the first national conference on employing lawyers with disabilities, a groundbreaking event for the legal and disability communities. Past ABA President William H. Neukom (2007-2008), in his *ABA Journal's* President's Message of November 2007, recognized that, although it is difficult to determine the exact degree that the disabled community is underrepresented in the legal community, it is evident that "[l]awyers with disabilities, too, have greater difficulty getting a job after law school and have higher rates of unemployment than lawyers who do not have disabilities." He called on the legal profession to embrace the objectives of then-Goal IX in order to root out invidious discrimination.

Continuing the ABA's commitment to include lawyers with disabilities, Immediate-Past ABA President H. Thomas Wells, Jr. (2008-2009)

hosted a series of programs with ABA leadership on Goal III. The programs culminated at his diversity summit in Washington, DC on June 18-20, 2009. That same week he hosted—along with this Commission, the Association of Corporate Counsel, and the Minority Corporate Counsel Association—the Second ABA National Conference on the Employment of Lawyers with Disabilities. More information about the employment conference, including the event's official report, can be found at:

<http://www.abanet.org/disability/conferences/reports.shtml>. After the employment conference, at the ABA Annual Meeting, President Wells held a follow-up meeting to discuss the transitional steps for promoting diversity in the legal profession.

Current ABA President Carolyn B. Lamm (2009-2010) took the baton passed on from President Wells, and announced that diversity would be a central focus of her term. Under her Presidential Diversity Initiative, President Lamm created the Presidential Diversity Commission. The Diversity Commission's purpose is to help, among other groups, lawyers with disabilities "navigate the cultures and practices in law firms and corporations to pierce the glass ceiling." The Diversity Commission has a learning program series for diverse lawyers that has been held throughout the 2009-2010 bar year.

IV. SURVEY METHODOLOGY

Annually surveying ABA Divisions, Sections, and Forums requires a collaborative effort between the four Goal III entities: the Commissions on Mental and Physical Disability Law, Racial & Ethnic Diversity in the Profession,

Sexual Orientation and Gender Identity, and Women in the Profession. Each Commission drafts its own questions and its own Goal III report. In many respects, however, the questions asked and the data sought are similar for all four groups. The accuracy of the data depends in large measure on the staff of the entities designated to report the data. The 2009-2010 survey is completed as a workbook in Microsoft Excel. The survey solicits qualitative and quantitative information. The larger ABA entities, Divisions, Sections, and Forums, are required to answer both sets of questions; the smaller entities, such as Committees and Commissions, only submit qualitative information and numbers regarding the disability status of their CLE programming faculty.

ABA Divisions are centered on different groups of professionals in the legal community. They differ from Sections in that they usually have boards of governors.

ABA Sections draw their membership from lawyers or judges with common professional interests, and operate much like independent bar associations with their own officers, dues, committees, and programming. They typically represent a substantive area of the law through their more than 3,700 committees and various publications. Sections, with officers and council members as leaders, contribute to policy-making, both in their particular subject areas and association-wide.

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.

Other ABA entities, including Commissions, Special Committees, Standing Committees, and

Task Forces, advise and implement policy for specific areas and causes related to the legal profession and have a relatively small number of members.

The Commission on Mental and Physical Disability Law recognizes the inherent difficulties associated with collecting data on the numbers of lawyers with disabilities. Many types of disabilities, such as learning disabilities, may not be apparent. Moreover, a sizable percentage of law school graduates with disabilities do not find employment as lawyers. Also, respondents may not understand what constitutes a disability. The Commission broadly defines “disability” as “[a] significant mental, sensory, or physical impairment or condition such as epilepsy, muscular dystrophy, multiple sclerosis, mental illnesses, dementia, learning disabilities, AIDS, cancer, diabetes, heart disease, stroke, blindness and other visual impairments, deafness and other hearing impairments, and alcoholism.” Disability status may be inferred from members’ self-identifications, direct observation, requests for accommodations, and appointments data. To deal with any identification difficulties, the Commission does make available to ABA entities a frequently asked questions document that addresses these issues and offers advice.

V. FINDINGS

A. ABA LEADERSHIP

Since 2004, the ABA President’s Office ensures that applications for presidential appointments include a question regarding disability status. For 2009-2010, 18 out of 760 presidential appointments went to persons identified as

having a disability, compared to 46 out of 693 in 2008-2008. None of the 38 ABA members who serve on the Board of Governors, the executive arm of the ABA, reported having a disability. Currently, 561 ABA members serve in the House of Delegates, the ABA’s policy-making body, but the ABA does not maintain statistics on the number of lawyers with disabilities who are members of the House of Delegates.

B. ABA ENTITY LEADERSHIP

For 2000-2010, 31 of approximately 11,000 ABA leadership positions were held by lawyers identified as having disabilities—a significant increase from 26 in 2008-2009. Nonetheless, only a fraction of 1% of ABA leadership identified as having a disability. The more encouraging news is that 44% of the ABA entities surveyed have a

lawyer with a disability on their leadership team, a 13 percentage point increase from 2008-2009, and the highest percentage in recent history. These entities are Air and Space Law Forum; Business Law Section; Dispute Resolution Section; Health Law Section; Judicial Division (Lawyer’s Conference); Government and Public Sector Lawyers Division; Individual Rights and Responsibilities Section; Labor and Employment Law Section; Litigation Section; Public Contract Law Section; Real Property, Trust and Estate Law Section; Science and Technology Law Section; Senior Lawyers Division; Tort, Trial and Insurance Practice Section; and Young Lawyers Division. The entity with the most lawyers with disabilities in its leadership was the Young Lawyers Division with five.

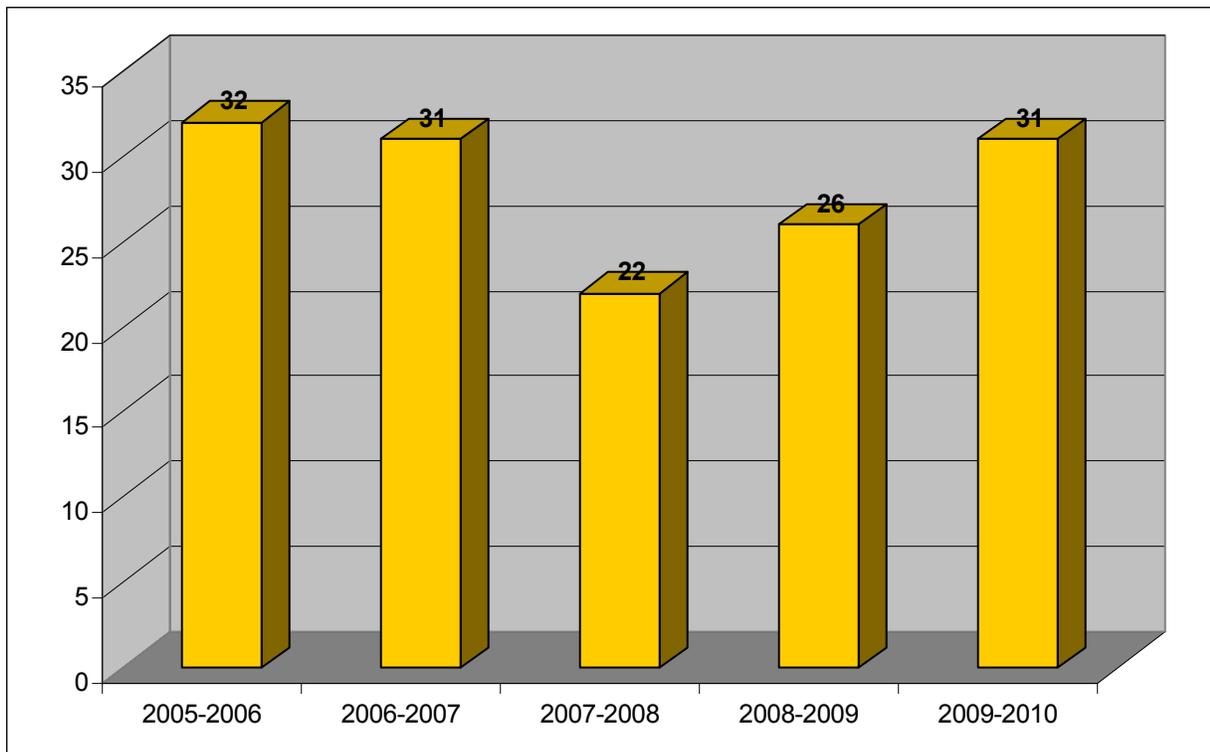


Figure 2: Total ABA entity leadership positions held by lawyers with disabilities.

i. Primary & Committee Leadership

Primary leadership positions (Section officers or Forum Chairs, Chairs-Elect, Immediate Past Chairs, and appointed leadership) are considered the most influential within the Divisions, Sections, and Forums. For 2009-2010, 1 lawyer with a disability held a primary leadership position, the Chair of the Government and Public Sector Lawyers Division. This number is down from four for 2008-2009, and considerably lower than the eight and 14 lawyers in 2006-2007 and 2005-06, respectively. The Government and Public Sector Lawyers Division deserves applause for electing as its chair a lawyer with a disability.

For 2009-2010, 14 lawyers with disabilities held committee chair positions, 4 more than 2008-2009. Twelve of the 34 eligible entities reported having committee positions held by lawyers with disabilities, a number that has

doubled from last year. Those entities are: Dispute Resolution Section; Government and Public Sector Lawyers Division; Health Law Section; Individual Rights and Responsibilities Section; Judicial Division's Lawyer Conference; Labor and Employment Law Section; Litigation Section; Public Contract Law Section; Real Property, Trust and Estate Law Section; Science and Technology Law Section; Tort, Trial and Insurance Practice Section; and Young Lawyers Division.

New for this year, the Commission gathered data on how many additional committee leaders have a disability. This new category includes vice chairs, subcommittee chairs, and subcommittee vice chairs. As shown in Figure 3 below, eight lawyers with disabilities have leadership support positions on committees.

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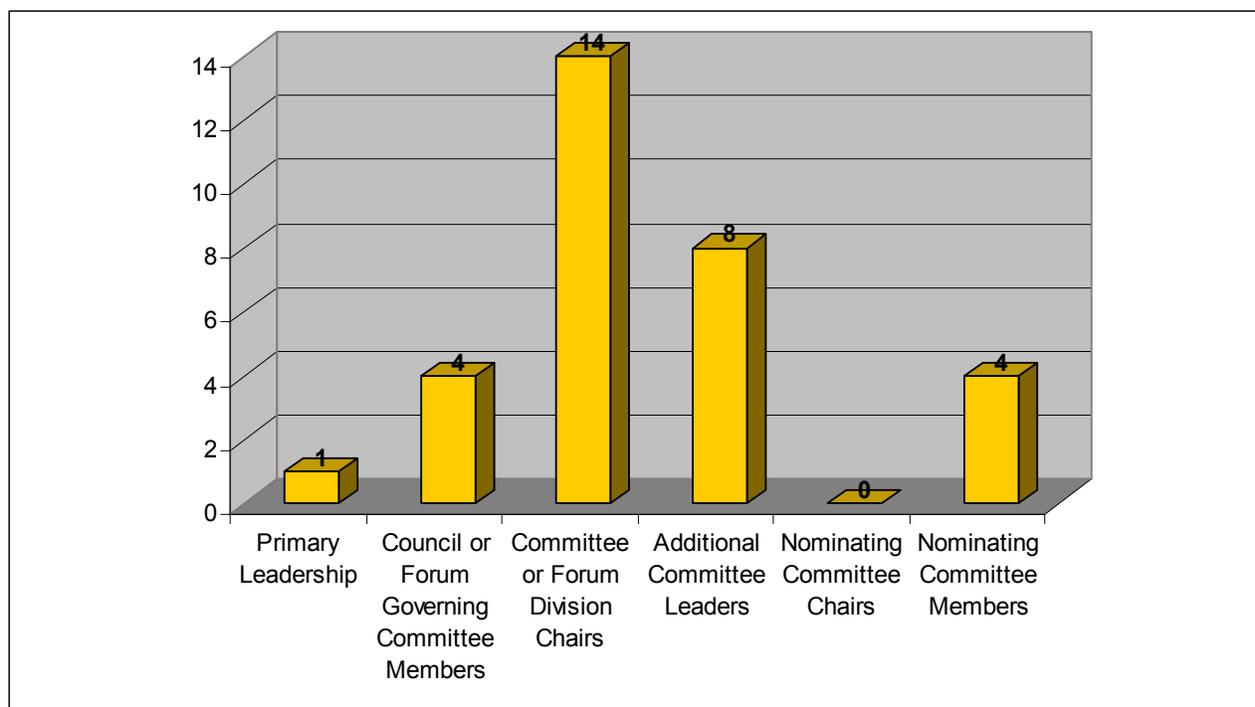


Figure 3: Types of entity leadership positions held by lawyers with disabilities.

C. CLE Programming

Each ABA entity chooses its faculty for its CLE programs. For 2009-2010, 47 presenters at ABA CLE programs were identified as having a disability, a large increase from eight in 2008-2009, 27 in 2007-2008, and three in 2006-2007. In addition to Divisions, Sections, and Forums, the smaller ABA entities submit tallies on programming faculty. Aside from the Commission, 10 entities included lawyers with disabilities in CLE programming: Administrative Law and Regulatory Practice Section; Commission on Domestic Violence; Dispute Resolution Section; Environment, Energy, and Resources Section; General Practice, Solo and Small Firm Division; Labor and Employment Law Section; Public Contract Law Section; Real Property, Trust and Estate Law Section;

Standing Committee on Pro Bono and Public Service Law; and Taxation Section.

The Commission on Mental and Physical Disability Law held a CLE program at the 2009 ABA Annual Meeting in Chicago, Illinois, entitled "Veterans and Posttraumatic Stress Disorder: Issues for the Legal Practitioner." The event was co-sponsored by: Administrative Law and Regulatory Practice Section; Commission on Homelessness and Poverty; Commission on Racial and Ethnic Diversity in the Profession; Commission on Sexual Orientation and Gender Identity; Commission on Women in the Profession; Criminal Justice Section; General Practice, Solo, and Small Firm Division; Government and Public Sector Lawyers Division; Individual Rights and Responsibilities Section; International Law Section; Judicial Division; Standing Committee on Armed Forces

Law; Standing Committee on Legal Assistance for Military Personnel; State and Local Government Law Section; and Young Lawyers Division.

D. Entity Membership

For the first time the Commission asked entities for the number of their members that have a disability. Data collection at this micro-level not only shows an entity's commitment to disability diversity and Goal III (so they can track and better address the needs of members with disabilities), but it also can assist the ABA as a whole by showing what areas of the law

and demographics need help in recruiting and retaining members with disabilities.

Nine out of an eligible 34 ABA entities track disability status for their members. They are: Business Law Section; Family Law Section; Intellectual Property Law Section; International Law Section; Litigation Section; Public Contract Law Section; Science and Technology Law Section; Tort, Trial and Insurance Practice Section; and Young Lawyers Division. Family Law Section has the highest percentage of their members reporting a disability with 0.79%, or 79 out of 9,971. Young Lawyers Division had the highest total number of members with disabilities at 633.

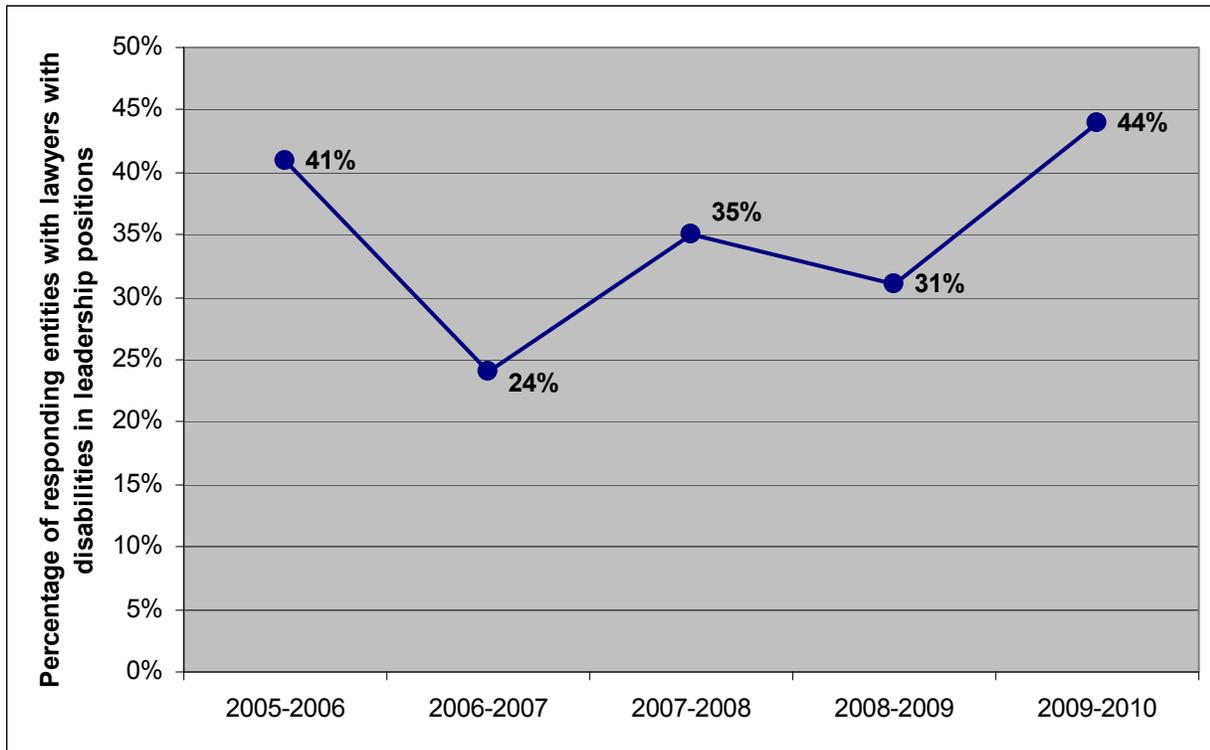


Figure 4: 5 year trend of percentage of ABA entities with lawyers with disabilities as leaders.

VI. ENTITY HONORS

The Commission on Mental and Physical Disability Law has an “Honor Roll” for those Divisions, Sections, and Forums that have demonstrated the ABA’s commitment to lawyers with disabilities. Primary factors considered include whether the entity (1) has more than 1 lawyer with a disability in a leadership position (i.e., primary entity leader or committee chair); (2) has at least 5% of their committee population (i.e., governing committee or nominating committee) consist of lawyers with disabilities; (3) has at least 5 CLE faculty with a disability; and (4) has demonstrated a concerted effort to include lawyers with disabilities in entity activities.

In addition, the Commission gives “Highest Honors” to those entities that have performed exceptionally well in efforts to “eliminate bias and enhance diversity,” particularly those for lawyers with disabilities. By recognizing ABA entities that make the “Honor Roll” and “Highest Honors,” the Commission hopes to encourage their efforts to expand their recruitment and accommodation initiatives aimed at lawyers with disabilities and, thus, serve as role models for other ABA entities.

A. HIGHEST HONORS

For 2009-2010, the Commission awarded no entity this status. This is the second consecutive year that no entity was awarded “Highest Honors.”



B. HONOR ROLL

For 2009-2010, the following five entities have achieved “Honor Roll” status:

i. Business Law Section

Encouraged by its success in previous years, this Section’s Committee on Diversity sponsors a Diversity Networking Reception the evening before its spring meeting. For its spring 2009 event, the Committee reached out to local groups and associations representing lawyers with disabilities, and over 200 people attended. At that same meeting, the Section’s Committee on Diversity Women’s Business Law Network held a dessert reception, which also reached out to lawyers with disabilities from the area bar associations. The Diversity Committee also has a subcommittee that is specifically focused on the involvement of lawyers with disabilities in the Section.

In addition, the Section’s Business Law Diversity Clerkship Program, which encourages students to pursue business court clerkship opportunities and careers in the practice of business law, gives special consideration to individuals who have overcome challenges such as economic hardship or disability. Moreover, the Section’s Business Law Fellow, Ambassadors and Diplomat Program specifically targets law students with disabilities, among other diversity groups, to be more involved with the Section’s leadership and programs. The program offers financial resources and participation opportunities. The Diplomat for 2008-2010 is a current Commission member.

Finally, a member of the editorial board for the Section's main periodical, *Business Law Today*, includes a lawyer with a disability. The Section is one of the handful of ABA entities that tracks disability status for its members. The Section has over 58,000 members.

ii. Section of Dispute Resolution

Nearly 5% (3 of 58) of the Section's committee chairs identified as having a disability. Additionally, nine of its 396 CLE faculty reported having a disability.

iii. Government and Public Sector Lawyers Division

Overall, the Division has 8% of its total leadership indentified as having a disability. Its Chair is a female attorney with a disability; and one of its 11 committee chairs (or 9%) has a disability.

iv. Section of Individual Rights & Responsibilities

This Section continues to provide support for the National Association of Law Students with Disabilities (NALSWD). The Section helped in establishing NALSWD, and still offers support for financing, marketing, and membership recruitment. Specifically, the Section helped NALSWD with its 2009 annual meeting in Washington, DC. One of its 20 council members has a disability, and one of its 41 chairs has a disability.

v. Young Lawyers Division

Four of the Division's additional committee leadership, or 6%, have a disability, and one of its 35 chairs has a disability. The Division also tracks the disability status of its more than 154,000 members. The Division was extremely helpful for the Goal III data collection process this year; it created the member data collection form that was made available to ABA entities. This form was a simple one page PDF that enabled members to submit information on their disability status, gender, sexual orientation, and race/ethnicity.

VII. OBSERVATIONS, CONCLUSIONS, AND RECOMMENDATIONS

The Commission reported a slight increase in the total number of ABA Division, Section, and Forum leadership positions held by lawyers with disabilities from 26 in 2008-2009 to 31 in 2009-2010. Yet, the percentage of primary leadership positions held by lawyers with disabilities decreased from four in 2008-2009 to one for 2009-2010. The most hopeful statistic is that, overall, the percentage of ABA entities reporting a lawyer with a disability in a leadership position increased significantly from 31 to 44—and to the highest percentage in the past four years. It should be stated, however, that this figure accounts for breadth within the ABA and not depth; in other words, a sizable portion of the ABA entities reporting lawyers with a disability in a leadership position only had one.

Since 1998, the Commission has seen incremental increases and decreases in the number of: leadership positions held by lawyers with disabilities, ABA entities that include lawyers with disabilities in leadership positions, and ABA entities that specifically include lawyers with disabilities in their diversity statements, goals, action plans, and programming.

Nonetheless, the overall progress with regard to lawyers with disabilities has been slow—especially when compared to minority and women lawyers. Additionally, recent ABA Presidents have been making diversity a focus of their terms, yet at the lower levels of the organization, there have not been substantial increases in either the number of lawyers with disabilities in leadership positions or members who have a disability. To put the shortage of lawyers with disabilities in a different context, the percentage of lawyers with disabilities still remains extremely low as compared to the percentage of persons with disabilities in the general population.

The qualitative results of this year's Goal III survey also are disappointing. After 10 years of having disability diversity included in the ABA's goals, 10 relevant ABA entities still either do not have a diversity statement or have not incorporated lawyers with disabilities into their existing diversity statements: Administrative Law and Regulatory Practice Section; Antitrust Law Section; Commission on Law and Aging; Forum on Affordable Housing and Community Development Law; Forum on Air & Space Law; Forum on Communications Law; Forum on the Entertainment and Sports Industries;

Intellectual Property Law Section; Public Utility, Communications and Transportation Law Section; and Taxation Section. In fact, some entities, after noting a deficiency, did not express plans to address those deficiencies in the future. These results are cause for concern, particularly given the estimated 25,900 ABA members who self-identify as having a disability.

There were two additional concerning trends in this year's survey regarding accessible content. First, when asked if they keep their website compliant with the Web Content Accessibility Guidelines (WCAG)—a universal standard for website accessibility—numerous entities believed that they do not have control over whether the content they put on their website is accessible. They believe that the general ABA template, controlled by ABA Interactive Services Division, determines if their website is accessible. This is not true. Whether it is adding alternate text to images or making sure a PDF is tagged, entities have control over the accessibility of most of the content on their webpage. Second, several entities admitted to not providing their materials in accessible formats.

According to the American Foundation for the Blind, approximately 1.5 million Americans with vision loss use computers. There are also hundreds of thousands of individuals who are deaf or hard of hearing who use the internet. Many of these individuals depend on assistive technology and knowledgeable web designers to access website content. Therefore, it is important to ensure that the ABA website is accessible, specifically under the WCAG, so that

these demographics—whether ABA members, lawyers and law students, or the general public—are able to participate in ABA activities and reach our content, resources, and products.

Looking at the data regarding the amount of individuals with disabilities who hold undergraduate degrees, how many accommodations are requested at ABA-accredited law schools, and how many students of the class of 2008 reported having a disability, it can be said that relatively few people with disabilities go to a college or university, and even less go to law school. The legal profession must make sure that the pipeline for diversity—in this case disability diversity—does not dry up. Accordingly, The Commission, the Individual Rights and Responsibilities Section, and the National Association of Law Students with Disabilities (<http://www.nalswd.org>) are working together to make sure that persons with disabilities enter and remain in law school.

Finally, the Intellectual Property Section, when asked about including lawyers with disabilities in their diversity statement, answered:

The approach to lawyers with disabilities is of a slightly different nature to the approach to minorities, gender, or orientation. While the goal for those latter three is to increase participation and membership in the diversity categories, this is not necessarily the goal as regards disabilities. Rather the primary goal for disabilities is to make sure we accommodate and provide access to those who have disabilities.

Under Goal III, the approach to identifying, obtaining, and retaining lawyers with disabilities should not be any different than for

lawyers in other minority-demographic categories. When striving to fulfill Goal III, lawyers with disabilities should be actively included and recruited into the leadership and programming of the ABA and its entities, just like women attorneys, lawyers of racial and ethnic minorities, and gay, lesbian, bisexual and transgender (GLBT) lawyers.

Since 1999, when the ABA first included lawyers with disabilities as part of its commitment to diversity, the Commission has strived through its programs, projects, and publications to serve as a role model to all ABA entities and the legal profession. The Commission applauds ABA President Carolyn B. Lamm, as well as Past Presidents H. Thomas Wells Jr., Michael S. Greco, and William H. Neukom, for their efforts to increase the number of lawyers with disabilities in ABA leadership position and the profession as a whole. The Commission further applauds those ABA entities that made the “Honor Roll” and, thus, serve as examples for all ABA entities.

In light of these developments, the Commission encourages the ABA and its entities to:

1. Continue to develop better ways to identify and track the number and progress of lawyers with disabilities within the ABA and all of its entities. It is still urged that entities ask its members if they have a disability when enrolling or surveying its membership. On a broader scale, the ABA should develop plans to determine how many lawyers have disabilities.

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2. Realize that under Goal III disability status is a diversity category no different than gender, race/ethnicity, or GLBT status.
3. Recruit *actively* and include lawyers with disabilities in leadership positions in Divisions, Sections, and Forums. Efforts for recruitment should include informing law students at the beginning of their careers about entity activities and creating specific networking opportunities for lawyers with disabilities at Mid-Year and Annual meetings, as well as CLE training.
4. Maintain long-range diversity goals and plans that specifically include lawyers with disabilities, update these plans on a regular basis, and include lawyers with disabilities in their formation and review.
5. The ABA and its entities should work to help increase the number of persons with disabilities who attend law school.
6. When publishing (whether in print or on the web), make sure there is an accessible copy available upon request (e.g., digital, Braille, audio tape, or script of a video).
7. Work with the proper technology staff at the ABA to make sure their website is accessible, and any future materials they place on the website are accessible.
8. Support the Commission's Mentor Program, *infra*, to promote participation from both lawyers and law students with disabilities.
9. Use the Commission's resources in identifying speakers and participants with disabilities for their programs, projects, and activities.
10. Sponsor, if funds are available, a lawyer-member with a disability to represent disability diversity at all of their meetings and the ABA meetings. The Business Law Section's Diversity Clerkship Program and Business Law Fellow, Ambassadors and Diplomat Program, as well as General Practice, Solo and Small Firm Division's Diversity Fellows Program are good examples.
11. Invite Commission members to speak at their events about Goal III, Commission programs, and Commission efforts to increase ABA membership.
12. Include lawyers with disabilities as speakers and panelists for their Mid-Year and Annual Meetings, programs, and CLE training.
13. Solicit lawyers with disabilities to write for their publications and promote articles about lawyers with disabilities or issues particularly pertinent to this group.
14. Track the number of their members with disabilities in a manner that is not intrusive, but still allows for a reasonably accurate count.
15. Seek the Commission's cooperation when attempting to secure grant money for disability diversity projects in the legal profession.

VIII. ABOUT THE COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW

A. LAW PROJECTS

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 2009 reception was held during the Annual Meeting in Chicago, Illinois. The 2010 reception will be in San Francisco, California.

For more information visit:

<http://www.abanet.org/disability/about/award.shtml>

Commission Co-Sponsorship of Amicus Briefs

The Commission joins other ABA entities, such as the Section on Individual Rights and Responsibilities (IR&R), in asking the ABA to submit amicus briefs in cases involving substantive areas of disability law and 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* (2004). 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 of the U.S. Constitution. The Supreme Court's decision supported the ABA's position.

The Commission also co-sponsored a request that the ABA submit an amicus brief to the Supreme Court in *United States v. Georgia* (2006) urging the Supreme Court to find a private right of action against the state for monetary damages under ADA Title II for violating rights covered by the Fourteenth Amendment of the U.S. Constitution. The Court's decision supported the ABA's position.

Finally, the Commission co-sponsored requests that the ABA file amicus briefs to the Supreme Court in the case of *Panetti v. Quaterman* (2007) regarding the competency of defendants with severe mental disorders to be executed and in *Indiana v. Edwards* (2008) regarding the competency of a defendant to waive his right to counsel and represent himself in a criminal trial.

National Mentor Program for Lawyers and Law Students and with Disabilities

Since 2000, the Program has been pairing law students with disabilities with practicing attorneys (who may or may not have disabilities) based on mentees' preferences. In 2003, the Commission's Mentor Program 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 Program has recently reached

the milestone of 100 active mentor-mentee relationships. Mentors are sources of guidance concerning law school, careers, and issues such as reasonable accommodations. The Commission welcomes students and lawyers from around the country to participate.

For mentor information visit:

<http://www.abanet.org/disability/mentorprogram/mentor.shtml>

For mentee information visit:

<http://www.abanet.org/disability/mentorprogram/mentee.shtml>

The Paul G. Hearne Award for Disability Rights

Each year, this Award is given to an individual who 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 persons with disabilities. The Commission awards the honor to one who carries on Hearne's vision and life work. The 2009 Award recipient was Claudia B. Center, Esq., Senior Staff Attorney at the Legal Aid Society – Employment Law Center in San Francisco, California. The Commission has a subcommittee to help determine the recipient of the Award.

For more information visit:

<http://www.abanet.org/disability/award/>

Subcommittee on the Employment of Lawyers with Disabilities

This Subcommittee addresses issues related to attaining, employing, and retaining lawyers

with disabilities. The Subcommittee worked in conjunction with the U.S. Equal Employment Opportunity Commission (EEOC) to host the First ABA National Conference on the Employment of Lawyers with Disabilities in 2006,

In 2009, the Subcommittee worked with then-ABA President H. Thomas Wells, Jr., the Association of Corporate Counsel, and Minority Corporate Counsel Association to host the Second ABA National Conference on the Employment of Lawyers with Disabilities. This conference focused on employing lawyers and law students with disabilities in corporate law departments and law firms.

To follow up on the Second Conference, the Subcommittee oversees the program asking legal organizations to sign the disability diversity pledge. More information on the pledge and the program can be found at:

<http://www.abanet.org/disability/pledge>.

There is also a report that was published by the Commission after the Second Conference. It contains material and speeches from the Second Conference and important information for law students and lawyers with disabilities. You can download the report at:

<http://www.abanet.org/disability/conferences/reports.shtml>.

Subcommittee on Lawyers with Disabilities

This Subcommittee 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. It coordinates the National Mentor

Program for Lawyers and Law Students with Disabilities and organizes the ABA Annual Meeting's reception for lawyers with disabilities (see above). 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. This Subcommittee also maintains a relationship with the National Association of Law Students with Disabilities.

Subcommittee on Mental Disability Issues

This newly created subcommittee is to respond to the mental disability-related issues that affect individuals including detainees, children, criminal defendants, and war veterans. The Subcommittee is involved in the planning of the Commission's CLE program at the 2010 ABA Annual Meeting on *Miranda* rights and persons with mental impairments and other disabilities.

B. LEGAL PUBLICATIONS AND PRODUCTS

Since 1976, the Commission has published the *Mental & Physical Disability Law Reporter* and *Mental & Physical Disability Law Digest*, books, and articles. A complete list of these numerous publications is available at <http://www.abanet.org/disability/publications>. A select few are mentioned here.

Mental & Physical Disability Law Reporter

For more than thirty 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 twenty-two 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; Americans with Disabilities Act; employment; public services; public accommodations; housing/zoning; and education. The *Reporter* is available in print and online.

For more information visit:

<http://www.abanet.org/disability/publications/lawreporter/home.shtml>

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 twenty-two topics as the *Reporter*. Subscribers receive semi-annual updated sections reflecting legal developments of key federal/state cases and legislation six times a year. The *Digest* is available in print and online.

For more information visit:

<http://www.abanet.org/disability/publications/lawdigest/home.shtml>

Civil Mental Disability Law, Evidence and Testimony: A Comprehensive Reference Manual for Lawyers, Judges and Mental Disability Professionals (2010)

Civil mental disability law touches on many distinct subject areas. Accordingly, this comprehensive reference manual is divided into seven parts with 27 chapters. The extent to which each of these legal matters involving the rights of persons with mental disabilities is covered depends largely on how much litigation and legislation a particular subject has generated, as well as its historical importance. The book concludes with a glossary of key terms, definitions, and U.S. Supreme Court cases; an index; and a table of cases.

For more information visit:
<http://www.abanet.org/abastore/index.cfm?fm=Product.AddToCart&pid=4410210>

Criminal Mental Health and Disability Law, Evidence and Testimony: A Comprehensive Reference Manual for Lawyers, Judges and Criminal Justice Professionals (2009)

This Reference Manual examines two interrelated aspects of criminal law—mental health and disability discrimination—from the points of view of lawyers, judges and other professionals within the criminal justice system. The manual builds on established resources within the ABA, including the *Mental & Physical Disability Law Reporter*, *Mental Disability Law, Evidence and Testimony* and *Disability Discrimination Law, Evidence and Testimony*. It synthesizes the best and most recent information at the ABA on mental health

and discrimination law that specifically pertains to criminal justice matters. It also references the ABA's *Criminal Justice Mental Health Standards*.

For more information visit:
<http://www.abanet.org/abastore/index.cfm?fm=Product.AddToCart&pid=4410209>

Disability Discrimination Law, Evidence and Testimony: A Comprehensive Reference Manual for Lawyers, Judges and Disability Professionals (2008)

This Reference Manual analyzes federal and state disability discrimination laws in six major areas (i.e., employment, public services, public accommodations, telecommunications and the Internet, housing and zoning, and education); summarizes the history of disability discrimination law; examines the relationship between attorneys and disabled clients; discusses expert evidence and testimony in disability discrimination cases; and includes appendices of the laws in the fifty states plus D.C. covering the six major areas of disability law, as well as a listing of Supreme Court cases addressing disability law.

For more information visit:
<http://www.abanet.org/abastore/index.cfm?section=BestSellers&fm=Product.AddToCart&pid=4410202&added=1>

C. ONLINE PROJECTS AND FEATURES

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.

For more information visit:

<http://www.abanet.org/disability>

Directory of Lawyers Practicing Disability Law

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

For more information visit:

<http://www.abanet.org/disability/disabilitydirectory/home.shtml>

National Law School Disability Programs Directory

This first-of-its-kind online directory contains the best available information collected by the Commission from ABA-accredited law schools concerning their disability related programming, such as disability support services, curricular and co-curricular options for disability law and disability rights, and relevant clinical programs.

For more information visit:

<http://www.abanet.org/disability/lawschools/>

Online News and Social Media Tools

The Commission hosts several online tools to help keep lawyers and law students with disabilities connected and up-to-date on recent developments in disability law and news. There is a live Twitter feed, summaries and analysis on ground-breaking legal developments by staff, and groups to join on Facebook and LinkedIn.

ABA Lawyer Spotlight

Each month the Commission highlights an attorney with a disability who is an asset to the profession. Each attorney interviewed provides a unique point of view for those with disabilities in the profession.

For more information visit:

<http://www.abanet.org/disability/spotlight/previous.shtml>

Online Research Services

The Commission offers subscriptions to a database containing all the cases and legislation that have been summarized in the *Reporter* from January 2003 forward. The database is searchable by key words, case name, topic, jurisdiction, date, and key numbers. Other online services include fifty-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 *Digest* and a monograph on state disability discrimination laws.

Technical Assistance and Referrals

If you are a lawyer or law school 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 202-662-1570.

D. COMMISSIONERS

Alex J. Hurder, Commission Chair

Alex J. Hurder is a clinical professor of law at Vanderbilt Law School. He graduated from Harvard College in 1967 and Duke Law School in 1975. Professor Hurder 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 Individual Rights and Responsibilities Section.

Joan M. Durocher, Chair, Subcommittee on ABA Goal III

Joan M. Durocher is a Senior Attorney/Advisor at the National Council on Disability in Washington, DC, an independent federal agency charged with advising the President and Congress about the broad spectrum of issues of importance to people with disabilities. Ms. Durocher is also the Designated Federal Official for International Watch, a Federal Advisory Committee tasked with advising on the

development of policy proposals that will advocate for a foreign policy that is consistent with the values and goals of the ADA. Ms. Durocher has a Bachelor of Arts degree from Michigan State University and received her law degree from the University of Maryland, where she was awarded an Asper Fellowship and received the BARC Community Service and Leadership Award for her work at the Maryland Disability Law Center in Baltimore. She is a member of the State Bar of Michigan and lives in Vienna, Virginia.

Carrie G. Basas, Member

Carrie G. Basas is an assistant law professor at the University of Tulsa in disability rights, advanced constitutional law, criminal law, and professional ethics. Before coming to Tulsa, she was a visiting assistant professor at Penn State-Dickinson School of Law and a visiting researcher at the University of Virginia. Her research interests include disability law, employment discrimination, the legal profession, food and animal law, and feminist legal theory. In addition to publications in national law journals, she is currently writing a disability rights law textbook for Carolina Academic Press. She is one of the first women in the U.S. with a visible disability to hold a tenure-track position teaching law. In 2001, the Ethel Louise Armstrong Foundation recognized her for "changing the face of disability" and in 2002, the American Association of People with Disabilities named her as an emerging leader in disability rights. In 1998, she became a national Truman Scholar.

Charles S. Brown, Member

Charles Brown currently administers the Volunteer Lawyers for the Blind project sponsored by the American Action Fund for Blind Children and Adults. Mr. Brown also serves as a legal advisor to the President of the National Federation of the Blind. He took on these two tasks after completing a 36-year legal career with the United States Government. During his Federal service, Mr. Brown was the Ethics Official for the National Science Foundation and played a major role in assuring the integrity of the NSF's merit review process. He previously worked for the Solicitor's Office at the US Department of Labor, in its Legislation and Legal Counsel Division, where he was the Department's Special Projects Counsel. While serving the federal government, Mr. Brown received numerous awards,

Honorable Judge Richard S. Brown, Member

Chief Judge Richard S. Brown sits on the Wisconsin Court of Appeals, District II, located in Waukesha. He was first elected to the Court of Appeals in 1978. He was chairperson of the American Bar Association Commission on Physical and Mental Disability Law from 1995 to 1998 and was also co-chair of the ABA Section of Individual Rights and Responsibilities Committee for the Rights of Persons with Disabilities. He was a member of the Board of Directors of the American Judicature Society from 1997 – 2003. He has held various committee memberships within the National

Center for State Courts, the ABA and the Wisconsin State Bar. He has been a faculty member of the National Judicial College since 1991 and presently teaches Decision Making Skills.

Eric Y. Drogin, Member

Eric Y. Drogin is a Fellow of the American Academy of Forensic Psychology, a Diplomate and former President of the American Board of Forensic Psychology, and a Diplomate of the American Board of Professional Psychology. Dr. Drogin is a former Chair of the American Psychological Association's Committee on Professional Practice and Standards, a former Chair of the APA's Committee on Legal Issues, a former Chair of the APA's Joint Task Force with the American Bar Association, and a former President of the New Hampshire Psychological Association. He serves on the faculties of the Harvard Medical School (as a member of the Program in Psychiatry and the Law, and on the staff of the Forensic Psychiatry Service, in the Department of Psychiatry at Beth Israel Deaconess Medical Center), the Harvard Longwood Psychiatry Residency Training Program, and the University of Louisville School of Medicine. Dr. Drogin received his Doctor of Philosophy (Ph.D.) degree in Clinical Psychology from Hahnemann University and his J.D. from the Villanova University School of Law. He has authored or co-authored over 150 legal and scientific publications to date and has lectured around the world on related topics.

Margaret M. Foran, Member

Margaret M. Foran is Executive Vice President, General Counsel and Corporate Secretary of Sara Lee Corporation. From July, 1997 until July, 2008, she was Senior Vice President-Corporate Governance, Associate General Counsel and Corporate Secretary of Pfizer Inc. Prior to joining Pfizer in July 1997, she was an Associate General Counsel and Assistant Secretary of ITT Corporation from July 1996 until July 1997 and a Vice President, Assistant General Counsel and Assistant Secretary for J. P. Morgan & Co., Inc., as well as Secretary of Morgan Guaranty Trust Company of New York, where she was employed for approximately 12 years. Previously, she was an associate with Reid & Priest. Ms. Foran received B.A. (Magna Cum Laude) and J.D. degrees from the University of Notre Dame. She is admitted to the New York and Pennsylvania Bars. She is a member of the Disclosure Task Force and Co-Chair of the Director Voting Task Force of the ABA's Committee on Corporate Laws and Chair of the ABA Committee on Corporate Governance. She has also served as a speaker and panelist for various professional associations, has written several articles on corporate governance and securities law issues and has served on several regulatory task forces and organization boards.

William H. Grignon, Member

William H. Grignon is a blind lawyer now practicing in St. Petersburg, Florida. Prior, he worked as an associate for Kirkland & Ellis LLP.

He is an Advisory Member of the National Association of Law Students with Disabilities and a Diplomat for the ABA Business Section

P. Faye Kuo, Member

P. Faye Kuo is an attorney with Advocacy, Incorporated, the state of Texas' protection and advocacy agency. Located in Austin, Texas, her primary focus is on improving communication access through advocacy and litigation efforts for Texans who are deaf or hard of hearing in the areas of employment law and access under Titles II and III of the Americans with Disabilities Act, as well as under other federal and state law. She is currently a member of several legal and non-legal disability organizations. Her previous experiences include working with the Illinois Attorney General's Disability Rights bureau on general access issues and clerking for an Illinois state judge.

Richard W. Nenno, Member

Richard W. Nenno is a Managing Director and Trust Counsel in Wealth Advisory Services at Wilmington Trust Company, Wilmington, Delaware. Mr. Nenno has over three decades of estate planning experience, is admitted to the practice of law in Delaware and Pennsylvania, and is a Distinguished Accredited Estate Planner and a Registered Trust and Estate Practitioner. Prior to joining Wilmington Trust in 1982, he was an associate in the Estates Department of the Philadelphia law firm of Ballard, Spahr, Andrews & Ingersoll. Mr. Nenno is recognized as a national speaker and published authority on

estate planning issues. He is a member of the American Bar Association, Section of Real Property, Trust & Estate Law (Chair: Non-Tax Estate Planning Considerations Group) and Section of Taxation; Delaware State Bar Association (Past Chair: Estates and Trusts Section); Estate Planning Council of Delaware, Inc. (Past President); Philadelphia Bar Association.

Alan S. Rachlin, Member

Alan S. Rachlin is a Principal Attorney in the Office of General Counsel of the New York State Insurance Department, primarily dealing with health insurance. Prior to joining the Office of General Counsel, in March 1976, Mr. Rachlin was an Insurance Examiner in the Insurance Department. Mr. Rachlin is presently a Vice Chair, having previously served as Chair, of the Insurance Regulation Committee of the Tort Trial and Insurance Practice Section (TIPS) of the American Bar Association (ABA), a member of the Task Force on Federal Involvement in Insurance Regulation Modernization of TIPS, and a member of the Health Law Committee of the New York City Bar Association. He is also a member of the New York State Bar Association and the New York County Lawyers Association. Mr. Rachlin received a B.A. in 1965 from City College of the City University of New York, a MPA in 1971 from Baruch College of the City University of New York, and a J.D. in 1975 from New York Law School.

Adele Rapport, Member

Adele Rapport is the Chief Attorney for the U.S. Department of Education Office for Civil Rights in Chicago. She is a 1980 University of Michigan law school graduate. Ms Rapport worked in the private sector specializing in employment discrimination law for 15 years. In addition, she served as the Regional Attorney for the Detroit District Office of the EEOC for 13 years, where she developed a specialty in disability and religious discrimination law. Ms Rapport has held leadership positions in the American Bar Association Section on Labor and Employment Law and the CLE section. She is currently a Commissioner on the ABA Commission on Mental and Physical Disability Law. Ms. Rapport also serves as a Governor on the Board of Governors for the College of Labor and Employment Lawyers. From 1994-2006 she was an Adjunct Professor of Law at the University of Detroit Mercy School of Law where she taught employment discrimination and disability rights courses.

Angela J. Scott, Member

Angela Jean Scott is a Civil Rights Attorney, a dedicated public servant and an avid community volunteer. For over five years Ms. Scott has served as Attorney-Advisor for the Office of the General Counsel at the United States Department of Health and Human Services. In this capacity, she helps to ensure that individuals are not discriminated against on the basis of race, color, national origin, age, disability, sex and religion. As a student, she

founded her college NAACP chapter and served as a volunteer with the American Civil Liberties Union. Ms. Scott is very active in bar and professional organizations. She is currently a 2009-2019 American Bar Association Young Lawyers Division Scholar. She has served as Secretary of the Maryland Black Women's Bar Association and she sits on the Judicial Appointments Committee of the Women's Bar Association of Maryland. Additionally, she is a past Fellow and serves on the Advisory Committee of the Leadership Academy of the Maryland State Bar Association for the past three years. In 2007, she became a Maryland Bar Foundation Fellow.

Walter T. Smith, PharmD., Member

Walter T. Smith graduated from the Saint Louis College of Pharmacy in 1994 with a Doctor of Pharmacy degree. Upon graduation, Tommy served as the Director of Operations for Corum Health Services, Inc., a long-term care pharmacy in Saint Louis, Missouri. In order to expand his interests in the areas of healthcare regulation and policy and disability law, Tommy went back to school to study law. Tommy earned his J.D. in 2005, along with a Certificate in Health Law, from the prestigious Center for Health Law Studies at Saint Louis University School of Law. Tommy joined the faculty of the University of Florida College of Pharmacy in

July 2008. Tommy's areas of interest include federal pharmacy regulations, clinical ethics, pharmacists and other healthcare professionals with disabilities, and ethical behaviors in students and healthcare professionals.

Rebecca S. Williford, Member

Rebecca S. Williford is a disability rights activist and native of Rocky Mount, NC. During law school at University of North Carolina at Chapel Hill, she helped found and served as president of the National Association of Law Students with Disabilities. She also served as the External Communications Editor of the *First Amendment Law Review*. Rebecca joined Disability Rights Advocates in Berkeley, CA as the LD Access/Ryder Foundation Fellow in 2009. Her fellowship work focuses on advancing equal rights and opportunity for people with learning disabilities and autism. She uses a wheelchair due to a chronic neurological and cardiovascular disorder called dysautonomia. She has spoken at state, national, and international conferences on topics in disability rights ranging from reasonable accommodations in law school to leadership by youth with disabilities.

ACKNOWLEDGEMENTS

The Commission thanks the Commission on Racial & Ethnic Diversity, the Commission on Sexual Orientation and Gender Identity, and the Commission on Women in the Profession for their collaborative effort with the ABA's Goal III initiative. Thank you to all of the ABA departments, Divisions, Sections, and Forums that contributed data for this report. A special word of appreciate to the Young Lawyers Division who helped develop the Goal III data collection sheet for this year's process.

ABA COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW

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Young Lawyers Division Liaison

Alexander P. Ryan

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Carrie G. Basas

Charles S. Brown

Hon. Judge Richard S. Brown

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Richard W. Nenno

Alan S. Rachlin

Adele Rapport

Angela J. Scott

Walter T. Smith, PharmD.

Rebecca S. Williford

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