



GOAL III

Report

— 2009 —

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

with a disability on their leadership team, a 4 percent increase from 2007-08. These entities are Administrative Law and Regulatory Practice Section; Air and Space Law Forum; Judicial Division; General Practice, Solo and Small Firm Division; Government and Public Sector Lawyers Division; Individual Rights and Responsibilities Section; Public Contract Law Section; Real Property, Trust and Estate Law

Section; Science and Technology Law Section; and Senior Lawyers Division. Thirty-three of the 48 surveyed entities reported having no lawyers with disabilities in their leadership, which is 1 entity more than last year. The entity with the most lawyers with disabilities in its leadership was the Government and Public Sector Lawyers Division with 8 (18%) of its total leadership.

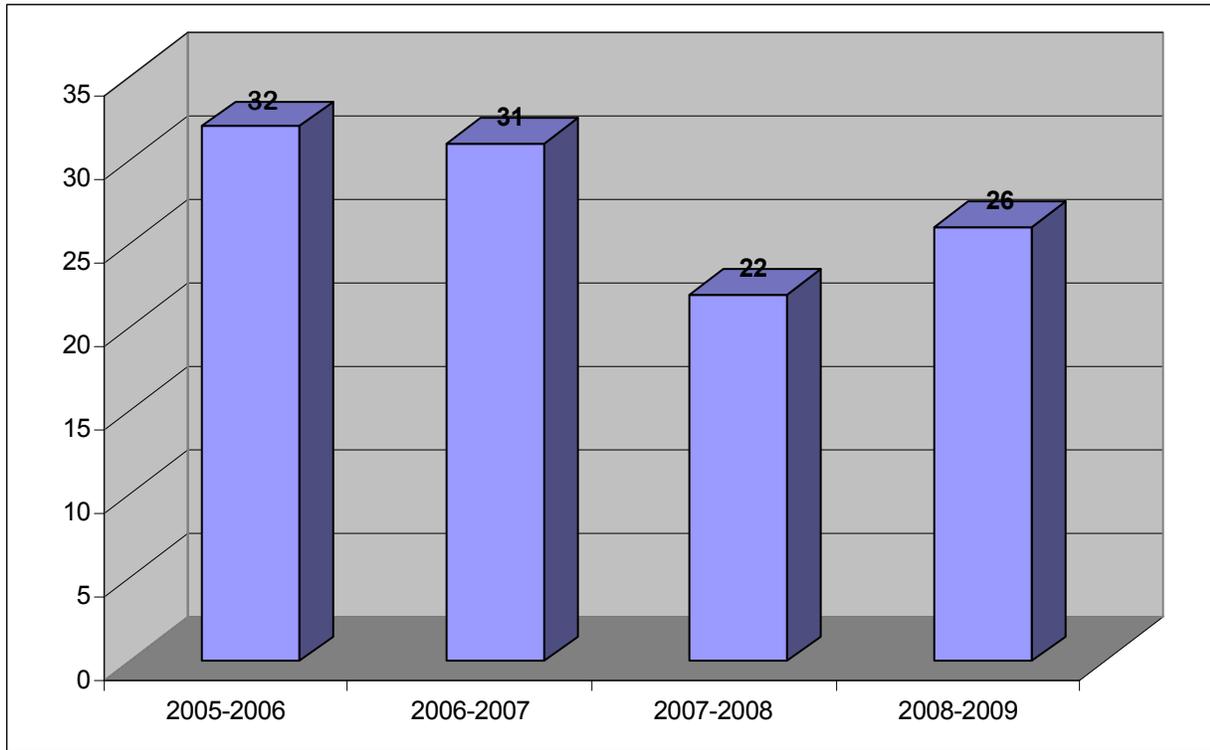


Figure 2: ABA entity leadership positions held by lawyers with disabilities.

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 2008-09, 4 lawyers with disabilities held primary leadership positions—up 1 from 2007-08, but

considerably lower than the 8 and 14 lawyers in 2006-07 and 2005-06, respectively. The Government and Public Sector Lawyers Division, Judicial Division’s Appellate Judges Conference’s Council of Appellate Staff Attorneys, and Judicial Division’s National Conference of State Trial Judges had primary leaders with a disability, demonstrating their

commitment to the full and equal participation of lawyers with disabilities.

For 2008-09, 10 lawyers with disabilities held committee chair positions, 2 more than for 2007-08, but two less than for 2006-07. Only 6 of 48 entities reported having committee positions held by lawyers with disabilities:

Administrative Law and Regulatory Practice Section; General Practice, Solo and Small Firm Division; Judicial Division’s Lawyer Conference; Public Contract Law Section; Real Property, Trust and Estate Law Section; and Science and Technology Law Section.

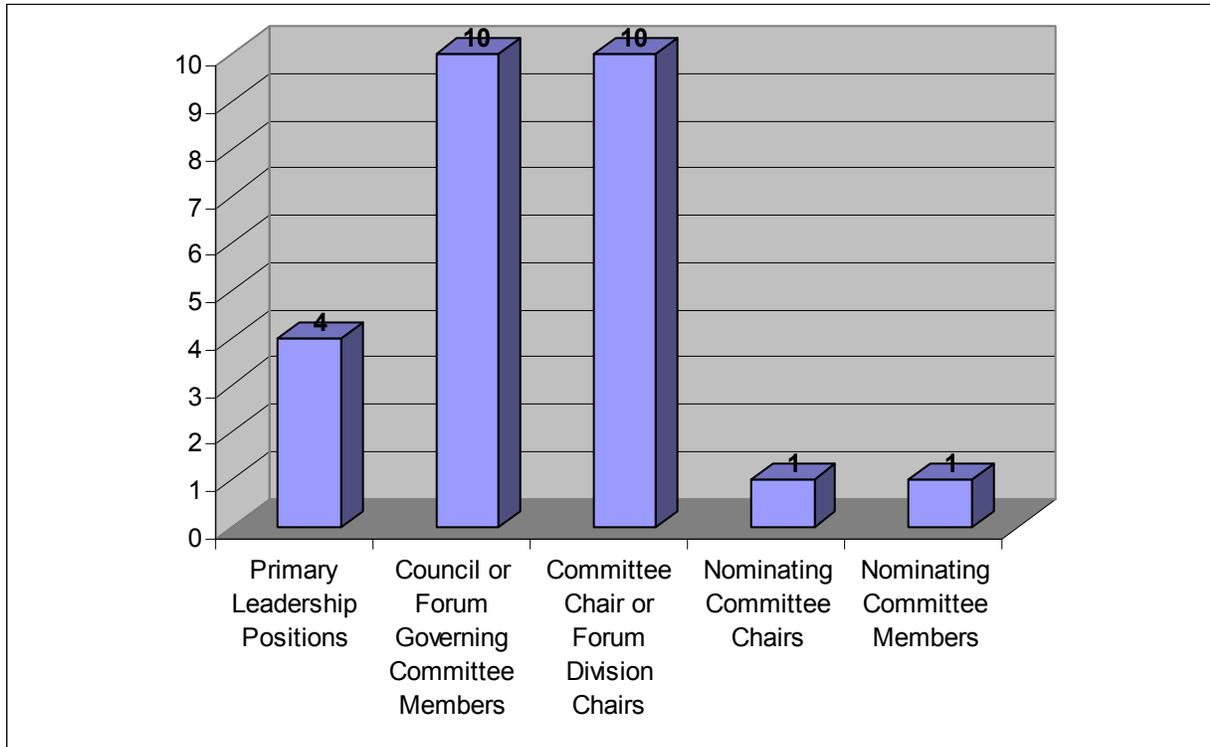


Figure 3: Types of entity leadership positions held by lawyers with disabilities.

ii. CLE Programming

Each ABA entity chooses its faculty in the appropriate fields for the CLE program. For 2008-09, only 8 presenters at ABA CLE programs were identified as having a disability, compared to 27 in 2007-08, and 3 in 2006-07. Six entities included lawyers with disabilities in CLE programming: Criminal Justice Section; Commission on Domestic Violence; Environment, Energy, and Resources Section;

General Practice, Solo and Small Firm Division; Labor and Employment Law Section; and Standing Committee on Specialization. The Commission on Domestic Violence and the Environment, Energy, and Resources Section each had two CLE faculty members with disabilities.

The Commission on Mental and Physical Disability Law held a CLE program at the 2008 ABA Annual Meeting in New York City, entitled “United Nations Convention on the

A. HIGHEST HONORS

For 2008-09, the Commission found no entity that achieved this status.

B. HONOR ROLL

For 2008-09, the following 5 entities have achieved “Honor Roll” status:

i. Business Law Section

Each year, this Section’s Committee on Diversity sponsors a Diversity Networking Reception the evening before its spring meeting. For its spring 2008 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 included lawyers with disabilities from the area bar associations.

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.

Finally, two members of the Commission on Mental and Physical Disability serve on its Council, and as both Chair of the Section’s Subcommittee on Lawyers with Disabilities Involvement, and editor for the Section’s *Business Law Today*.

ii. General Practice, Solo and Small Firm Division

Four percent (1 of 23) of the Division’s governing committee and 3% (2 out of 60) of its Chairs identified as having a disability. The Division’s Diversity Fellows Program is designed to promote disability diversity within its Division and the ABA, and to provide leadership development opportunities. One fellow is chosen per year, and attends the Division’s fall and spring meetings, as well as the ABA Annual Meeting.

iii. Government and Public Sector Lawyers Division

Overall, the Division has 18% of its total leadership indentified as having a disability. Two of the its 8 primary leadership positions, 2 of its 23 governing committee members, and the chair of its 3-person nominating committee are lawyers with disabilities.

iv. Judicial Division

The Division’s Lawyers Conference has one person out of 12 on its governing committee (8%) and one committee chair out of 11 (10%) with a disability. The Appellate Judges Conference has 1 governing committee member out of 9 with a disability (11%), and this

Conference's Council of Appellate Staff Attorneys has 1 of its 2 primary leaders with a disability. In addition, the Division has had a diversity plan since 2004 that includes lawyers and judges with disabilities.

v. Senior Lawyers Division

Fourteen percent of persons on this Division's governing committee identified as having a disability, up from 6% in 2007-08. Because most of the Division's members are over age 70, the Division is sensitive to their physical limitations, and makes its meetings and materials accessible for members with mobility and hearing impairments.

VI. CONCLUSION 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 22 in 2007-08 to 26 in 2008-09. Additionally, the percentage of primary leadership positions held by lawyers with disabilities slightly increased from 3 in 2007-08 to 4 in 2008-09, as did the number of chairs with disabilities—8 in 2007-08 to 10 in 2008-09. 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, and action plans.

Nonetheless, the overall progress with regard to lawyers with disabilities has been relatively slow when compared to minority and women lawyers. Certain qualitative measures of the participation of ABA lawyers with disabilities have proven to be disappointing. A handful of entity programs state that they promote all types of diversity, but lack programs aimed at specifically attracting and retaining lawyers with disabilities. Moreover, in answering substantive questions for the Goal III survey, a large number of entities gave no information concerning their efforts to attract lawyers with disabilities and to make their events, publications, and website accessible. Furthermore, after 9 years of having disability diversity included in the ABA's goals, a number of ABA entities still have not incorporated lawyers with disabilities into their diversity statements, action plans, and goals. In fact, some entities, after noting a deficiency, did not implement plans to address those deficiencies. These results are cause for concern, particularly given the estimated 27,280 ABA members who self-identify as having a disability.

The percentage of lawyers with disabilities remains quite low as compared to the percentage of persons with disabilities in the general population. Relatively few people with disabilities go to law school. Accordingly, the ABA should work to increase the number of persons with disabilities who attend law school. 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.