

Attorneys with Disabilities: A Forgotten Diversity Issue

When discussing attorneys with disabilities, The Office for Diversity has been met with the response that this is not a pressing problem faced by legal employers. In part, this is due to the perception that few attorneys have disabilities. In the 2005 Diversity Benchmarking study, participating law firms reported only 17 attorneys with disabilities in their New York area law offices (or 0.1% of all attorneys). When contemplating disabilities, many people envision observable, physical disabilities, such as those who have vision impairments or use a wheel chair. However, there are more “invisible” disabilities, such as learning disabilities and mental illness also to be considered.

There can be a fear that hiring an attorney with a disability will be a financial burden for the employer. However, the U.S. Department of Labor data asserts that 80% of people with disabilities seeking work require no special equipment to do their jobs. In addition, 15% of accommodations cost nothing and 50% cost less than \$500 (U.S. Department of Labor, Office of Disability Employment Policy - Myths and Facts About People with Disabilities, 1994).

Recommendations

At the October 20, 2005 diversity working group session, the City Bar’s Committee on Legal Issues Affecting People with Disabilities chair, Loren Gesinsky emphasized the need to focus on *abilities* rather than *disabilities*. The panel recommended the following:

- ❖ **Actively Recruit Attorneys with Disabilities.**
 - Solicit anonymously the number of employees with disabilities and report on the NALP and NYC Bar diversity benchmarking forms.
 - Participate in the IMPACT Career Fair for Law Students and Attorneys with Disabilities on September 15, 2006 in Washington, D.C. Make the firm’s Web site accessible to individuals with vision impairments.

- ❖ **Think outside the box.** Employers have a tendency to pigeonhole people with disabilities by making assumptions about what people can and cannot do. As panelist Anne Davis pointed out, if people cannot do things in the conventional way, they have probably developed creative ways of doing them.

Panel Members

Shari B. Fallek Assistant General Counsel, Deloitte & Touche USA LLP

Gihan Fernando Assistant Dean for Career Services, Georgetown University School of Law

Harilyn Rousso Lead Trainer of the 7th Sense Program, Center for Independence of the Disabled, NY (CID-NY)

Stuart Smith Director of Legal Recruitment, New York City Law Department

Anne Davis Founder and Director of Legal Services, National Multiple Sclerosis Society, New York City Chapter

- ❖ **Accommodate ‘invisible’ disabilities as well as ‘visible’ ones.** Provide flex-time to accommodate dietary restrictions, medicine schedules, and the need for rest. Provide information through the organization’s Employee Assistance Program or the NYC Bar’s Lawyers Assistance Program for individuals dealing with mental illness or substance abuse problems.

- ❖ **Let the person with the disability take the lead.** Ask employees with disabilities what they need, as far in advance as possible before their arrival.
 - Stuart Smith described how six months before the start date of an incoming employee with a wheelchair, he brought her in to identify any needed accommodations. Her greatest challenge was opening the heavy doors to the restrooms. When Mr. Smith found out that each door would cost \$30,000 to replace, he had to think creatively to come up with a more cost-effective solution – in the end, both parties agreed to leaving the restroom doors on her floor open during the day.

- ❖ **Set a tone of inclusion from the beginning.** As Harilyn Rousso emphasized, disability awareness should be included in orientation, job training and other diversity training programs. Employers should ensure that persons with disabilities are included in the firm’s diversity statements.

- ❖ **Accommodations need to extend beyond the formal workplace.** Keep in mind when planning office gatherings, holiday parties and other informal networking opportunities whether they are accessible for all staff.

With respect to the business case, Shari Fallek advocated staying ahead of the curve. “Clients are going to start demanding representation of individuals with disabilities in the same way that they have already demanded firms’ representation of other minority groups.”

For more information about attorneys with disabilities or upcoming diversity working group sessions, please contact the New York City Bar’s Office for Diversity: Meredith Moore, Director at mmoore@nycbar.org, or Elizabeth Kowalczyk, Assistant, at ekowalczyk@nycbar.org.