

# **Florida Lawyers with Disabilities**

## **A Survey Report**

The Disability Independence Group

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## Preface

“Disability is not a barrier to being successful in our profession. Keep your minds open. Even though you might not believe that you could practice law if you were blind, if you were deaf, or if you used a wheelchair, you must begin the process of considering how you might in fact do so. If you don’t open your mind to the possibility, it is likely that you will never give a lawyer with a disability a meaningful chance....You must be welcoming to new ideas and new thoughts. What is required of us is creativity and commitment...

It is all a matter of perspective, of changing your beliefs about what disability means. Being disabled simply means conducting ones life in a different manner, not in an inferior way. But the stereotype is that a blind or a deaf lawyer, for example, will be slower and do less work. It’s not true. With my JAWS for Windows, I can listen to over 400 words a minute. How many of you can do that reading print? ... Am I any less of a lawyer because I do things differently? That’s the question I leave you with.”

Scott C. LaBarre, Chair  
American Bar Association  
Commission on Mental and  
Physical Disability Law

First National Conference on the  
Employment of Lawyers with  
Disabilities, May 2006

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### The Florida Bar

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### The State Bar of California

The State Bar of California's 2003 Online Poll of California Attorneys with Disabilities,  
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And, all survey respondents, for taking the time to complete the survey and providing valuable  
information about their personal experiences.

# Executive Summary

## Introduction

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“Individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society.”

The Americans with Disabilities Act of 1990

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It has been 43 years since the passage of the Civil Rights Act, 42 years since the passage of the Voting Rights Act, and 39 since the Fair Housing and Architectural Barriers Acts were passed. Thirty-four years ago, in 1973, the Rehabilitation Act was enacted, linking disability to the mainstream of civil rights law. In 1975, the Individuals with Disabilities Education Act became law. And then, in 1986, the Air Carriers Access Act. And it has been 17 years since the United States Congress, in 1990, passed the landmark legislation that is the Americans with Disabilities Act, to provide opportunity and access in employment, state and local government services, public accommodations, telecommunications, and transportation, both public and private.

Many positive outcomes occurred during this history. Yet still, Florida lawyers and other legal professionals with disabilities undergo a host of challenges, many on a daily basis – among them: unemployment, refusal and resistance to reasonable requests for accommodation, shortages of services, and, on whole, a surplus of skepticism that, in the final analysis, serve to preclude full participation of the disabled in their chosen profession.

In 2005, The Disability Independence Group, a private, non-profit 501 C-3 organization, conducted The Disability-Diversity Initiative, a statewide study project of 44 lawyers with disabilities to identify and discuss barriers to participation in professional and bar activities. Of the significant recommendations that developed, the Initiative signaled the need for a far more comprehensive survey to provide better documentation for the conclusions and recommendations of the Initiative.

In May 2006, the Disability Independence Group, with assistance from The Florida Bar and the Florida Bar Foundation, set course to survey Florida lawyers with disabilities. The purpose was to gather demographic information, analyze barriers for lawyers with disabilities in their profession, collect information on accommodations and technical assistance; and, ultimately, create a forum for the exploration of issues, strategies, and recommendations to enhance the

participation of attorneys with disabilities in Florida’s legal communities, in court and out of court.

The full report represents the interpretation of the survey results by the Disability Independence Group. A separate report of the survey data results, published by the Florida Bar, is referenced throughout the full report. We encourage readers to review the entire report.

## Survey Design and Methodology

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“Why did you decide to pursue a career that was so challenging, given your disability?”

Employer Question to Respondent

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The survey questionnaire was accessible to all members of The Florida Bar who have disabilities – both on-line, via the Bar’s website, and upon request, by printed copy as well. More than 111 attorneys responded. Not all respondents answered all questions. Eighty-six were complete, finishing the sixty-nine question survey entirely. Twenty-five others completed half, making their surveys usable. A total of 111 responses were catalogued. The data was collected, coded, and categorized by The Bar’s Department of Research, Planning, and Evaluation, and the results then analyzed by the Disability Independence Group.

Participation was anonymous and all information kept confidential.

Attorneys with disabilities were asked to answer questions in ten general categories: Nature and Impact of Disability; Accessibility; Vision-related Communication Barriers to the practice of law; Hearing-related Communication Barriers; Accessible Information Technology or Equipment Barriers; Policies, Practices or Procedures Barriers; Bar Admission, Membership and Activity; Demographics of survey participants, including type of practice, years in practice, location, gender, age, race, ethnicity, and earnings; and, Opinions and Attitudes.

Throughout the survey, respondents were offered the opportunity to provide more detail, descriptive information and personal experiences. This was significant, as the survey was designed to gather confidential, anonymous and, importantly, candid comments in sensitive areas. These responses have provided rich commentary that is infused throughout this report.

In opinion questions, respondents were asked to indicate their thoughts regarding a number of recommendations which had been made by participants in the earlier Disability-Diversity Initiative, their willingness to participate in future projects and committees which would reduce barriers, and to identify areas for future research. Respondents also had the opportunity to comment on positive changes that have occurred in their professional environments in recent years.

Technically, the survey was not a pure random sample, since, to this day, there is not a viable database of Florida attorneys with disabilities to sample from. However, based upon research

performed by The Florida Bar’s Department of Research, Planning, and Evaluation in their 2006 Economics & Law Office Management Survey, a random sampling of Florida lawyers has measured the percentage of Bar members with disabilities. That survey was a random sample of The Florida Bar’s in-state membership. It revealed that approximately 3% of Florida Bar attorneys have recognized disabilities. Considering all 80,000 Florida Bar members, it is estimated that approximately 2,400 attorneys have disabilities. The margin of error for the Survey of Lawyers with Disabilities is between 9 and 10% at the 95% level of confidence for this survey. However, the margin of error is even higher for a number of questions that had fewer responses.

Survey results need to be interpreted through dual lenses – of not being perfectly random and having a relatively small population sample by survey research standards. As such, cautious use of exact percentages of the survey results is recommended. This is especially true in the analysis of (even smaller) sub-populations, such as those attorneys with vision-related disabilities. Since a smaller percentage of those interviewed fall into such categories, responses to these questions should be viewed not as definitive but, at least for now, more as potential areas for further research.

With that said, the cumulative weight of the survey results should not be discounted. While not a perfect gauge of issues facing Florida attorneys with disabilities, the consistency of responses suggests that these are issues that affect a significant number of attorneys with disabilities.

## Key Findings

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“[E]mpathy [is] not a billable event. It [is] therefore in very short supply, even among those who represent the catastrophically injured. Education is the key. Teach people about disabilities. Teach people about how people overcome them. Teach people about how to accommodate them. And when you have done that, the profession will be that much better for it.”

Respondent comment

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Survey results provide valuable information about the challenges which lawyers with disabilities face on a daily basis as they pursue their careers and involvement with the legal profession. The survey also provides valuable information regarding positive changes they have been experienced in the last ten years. Respondents note that the Florida Bar has become more sensitive to the needs of members who have disabilities, that courthouse accessibility has improved, and that many employers treat persons with disabilities the same as others. Significant numbers of respondents note the need and value of disability awareness training throughout the legal system in order to reduce perhaps the most systemic barriers to the profession- attitudinal misconceptions, misinformation and stereotypes.

A number of respondents stated their appreciation for the work done on this survey, by the Bar and by the Disability Independence Group as reflected in the following statement by one respondent: “(this survey)...shows sensitivity towards lawyers with disabilities. The results can only be positive for lawyers with disabilities.”

## Nature of Disability and Other Demographics

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List the greatest barrier concerning your employment:  
“Only the visibility of my disability.”

Respondent Comment

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- ◆ The majority of respondents are 50 years of age or older (54%), with 34% from 36-49 years of age.
- ◆ The largest number (61 respondents) reported physical disabilities and sensory disabilities (39 respondents), vision and/or hearing.
- ◆ Fifty-one percent (51%) of all respondents report that their mobility is affected by their disability;
- ◆ Thirty nine percent (39 %) report sensory effects, either vision (24%) or hearing (19%) being affected.
- ◆ One-third (33%) report their physical health being affected; and,
- ◆ More than a quarter (27%) report their mental health being affected by their disability.
- ◆ Twenty-two percent report that their fine motor skills and manual dexterity are affected.
- ◆ Thirty-eight percent (38%) of all respondents report that the onset of their disability occurred while they were between 31 and 50 years of age, with eighteen percent (18%) reporting that the onset occurred at birth. Half of all respondents report that the onset of their disability occurred before they attended law school. Just over two-fifths (41%) report their disability to be visible or apparent, with an additional 19% reporting that it is sometimes apparent, depending on the circumstances.
- ◆ Nearly three-fifths (59%) of all respondents are male.
- ◆ A total of 63% of the respondents practice law in Miami-Dade, Broward, Leon, Hillsborough, Pinellas and Orange counties, with respondents from a total of 23 counties.
- ◆ A significant majority of respondents (91%) report being White/Caucasian; 6% Hispanic/Latino; and 2% African-American/Black.
- ◆ Nearly three-quarters (73 percent) of all respondents have over 10 years of experience with The Florida Bar, and over two-fifths (42 percent) have over 20 years of experience.

## Employment Demographics

- ◆ Eighty-four percent report being currently employed.
- ◆ Of those employed, considerable more than half (65 percent) work in private practice, with 42 percent employed in solo practice; 17 percent work in government.
- ◆ Including those respondents who are not employed at this time, 13 percent work as associates or partner/shareholders; 4 percent work as “other” private practitioners.
- ◆ Very few of all respondents work as managing partner or of counsel (less than 1 percent).
- ◆ Five percent work in legal aid or legal services.
- ◆ Two percent work as corporate counsel.
- ◆ Nearly three-quarters (72 percent) of all respondents are employed in firms or legal offices that contain 10 or fewer attorneys.
- ◆ Nearly half (46 percent) are employed in firms or legal offices that contain five or fewer attorneys.
- ◆ When considering those respondents who reported a legal income in 2005, the median salary is \$62,000, with 74 percent earning \$100,000 or less.

## Law School Experiences

Respondents reported few barriers during their law school careers. The barriers mentioned included interaction with the Law School Admissions Council (LSAC), application for the Law School Admission Test (LSAT), experiences within the law school admissions process, law school classes, library use and other activities.

Key findings include:

- ◆ One-fifth of applicable respondents experienced negative comments from law students (22%) and law school admissions staff/professors/or administrators (19%).
- ◆ Refusal or resistance to make reasonable accommodations for their disability were experienced by applicable respondents in law school classes and activities (17%); and with the LSAC/ application and the LSAT (14%).
- ◆ Physical (architectural) barriers in law school were experienced by 16% of applicable respondents with the fewest experienced in the LSAT preparation courses or LSAT;
- ◆ Hearing-related communications barriers in law school classes, library use, and other activities were experienced by 14% of applicable respondents;

- ◆ Vision-related communications barriers in law school classes, library use, and other activities were experienced by 8% of applicable respondents;
- ◆ Policies, practices or procedural barriers related to Law school classes, library use, and other activities were experienced by fifteen percent (15%) of all applicable respondents; and, thirteen percent (13 %) with the LSAC.

### **Board of Bar Examiners Experiences**

Although three-quarters of applicable respondents report that application for admission to the Florida Bar was adequate and fair to persons with disabilities, a number of problems still persist in the Bar Examination and Bar Admission process.

- ◆ One-third of all applicable respondents believe that the documentation to obtain testing accommodations for the Bar examination and the application for admission to the Florida Bar are unfair;
- ◆ Nineteen percent (19%) of applicable respondents experienced difficulties in the accommodations process for the Bar examination; and
- ◆ Twenty-one percent (21%) of all applicable respondents reported policies, practices or procedures that created barriers in the Bar examination process.

### **Bar Association Experiences**

Three-fifths (60%) of all respondents report that The Florida Bar has become more aware of the needs of lawyers with disabilities over the last five years, although a number of barriers continue in relation to their involvement in Bar association participation and activities.

- ◆ A large majority of respondents (70%) report that they have not attended any of the primary Florida Bar meetings in the past five years;
- ◆ Approximately one-fifth of applicable respondents reported encountering one or more barriers while participating in Bar activities;
- ◆ Cost to attend meetings or activities, accessibility of the meeting location, and disability-related time commitment are factors influencing decisions to join a voluntary bar association or a Florida Bar committee.

## Employment Experiences

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The vast majority of employers are ignorant as to the effect and scope of a disability with regards to job performance. Most employers think that a disability will result in sub-standard performance, when, in reality, most individuals with disabilities work harder to prove their "worth". Employers are also unaware of the distinct advantages which go along with employing the disabled.

Survey Respondent

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- ◆ For those whose disability is not immediately evident, whether to disclose their disability is always challenging. Frequently, based on their experience or the experience of others, their assumption is that if they do so, they will be less successful in the employment arena. According to one respondent:

“Mental disorders, especially anxiety disorders, are poorly understood by the public and I believe the Bar is hostile to those of us who have such a disability.”
- ◆ Many lawyers with disabilities, report positive employment experiences. They note that with regard to their disability, their current employer treats them the same as other staff in the workplace (88%); that their work environment is supportive for a person with a disability (62%); and that their employer has not asked inappropriate questions about their disability (72%);
- ◆ For the sixteen percent (16%) of all respondents who reported a hostile work environment, it most often involved co-workers or supervisors (30%);
- ◆ Twenty-six percent (26%) of all respondents do not request accommodations on their job;
- ◆ Almost two-fifths (39%) of respondents receiving accommodations report that the approximate annual cost for their workplace accommodations is \$500 or less, with 26% reporting \$100 or less.
- ◆ Thirty-five percent (35%) of all respondents indicated that they have used various technologies to enhance or perform job function. It is worthy of note that technology which enhances accessibility is now commonly used for productivity and efficiency by most lawyers, whether or not they have a disability.
- ◆ Twenty-six percent (26%) of all respondents do not request accommodations on their job, compared to forty-two percent (42%) who do.
- ◆ Respondents report being denied employment opportunities in various aspects of employment, most frequently in the recruitment or hiring phase (31%) and during the retention or promotion phase (22%).
- ◆ Teleconferencing and telecommuting were identified as beneficial to lawyers with disabilities; and,

- ◆ A significant majority (64%) of all respondents believe that employers perceive or fear that the cost of health insurance would increase if they hire persons with disabilities.

## **Court and Community Accessibility Experiences**

- ◆ Two-thirds (67%) of all respondents report that Courthouse accessibility has improved in the last 5 years;
- ◆ Barriers to the practice of law were reported to be most common in court environments;
- ◆ Seventy-seven percent (77%) of all respondents believe that there should be a statewide courthouse accessibility project (which actually commenced in June, 2006);
- ◆ Sixty-four percent (64%) of all respondents believe an accommodation rule is important, creating a centralized, statewide, and confidential registry for lawyers with disabilities, designating the accommodations they require in employment, court, administrative or Bar settings, and accepted by all entities;
- ◆ Approximately one-third of applicable respondents experienced: policy, practice or procedural barriers in the courts; negative comments about their disability by judges and court personnel; and a refusal or resistance to make reasonable accommodations for their disability related to court hearings. One-quarter reported experiencing negative comments about their disability by court personnel and non-judicial officers.

## **Recommendations**

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If only people's perceptions were as easy to retro-fit as buildings.  
Survey Respondent

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The Disability Independence Group recommends:

### **Law Schools**

- ✓ A statewide committee of law school administrators be established to address issues identified in this survey. This Committee should also communicate issues to the Law School Admissions Council.
- ✓ Law schools should require on-campus interviewers to comply with the ADA, which would include accessible locations and materials, and non-discriminatory interviewing practices.
- ✓ Law schools should incorporate training covering disability awareness, ADA and accessible information technology training for staff and faculty.

## Board of Bar Examiners and the Bar Admissions Process

- ✓ A review of all policies, practices and procedures related to applicants with disabilities be undertaken by the Florida Board of Bar Examiners.

## Courthouse and Community Accessibility

- ✓ A statewide courthouse accessibility project should be conducted. It is recommended that communication accessibility and program access should be addressed as well as structural issues. (The Chief Justice of the Florida Supreme Court and the Florida Supreme Court's Standing Committee on Fairness and Diversity in the State Courts initiated a statewide Courthouse Accessibility Project, June, 2006. This project is currently underway.)
- ✓ An accommodation rule creating a centralized, statewide, and confidential registry for lawyers with disabilities, designating the accommodations they require, should be explored.
- ✓ The court system should incorporate training covering disability awareness, ADA and accessible information technology training for all court personnel, including members of the judiciary.

## Employment

- ✓ Employers should increase employment opportunities for persons with disabilities in private mid to large size law firms, and employment diversity recruitment programs should target lawyers with disabilities.
- ✓ Florida law firms and state agency human resource departments should include persons with disabilities as an integral component of the definition of diversity.
- ✓ Employers should incorporate training covering disability awareness, ADA and accessible information technology training for all employees, including office management staff in both public and private settings.

## Bar Associations

- ✓ One committee of the Bar should be established to review and address all policies, practices, and procedures related to disability issues. This committee would make recommendations to individual departments and entities. Ad Hoc Sub-Committees should be appointed for specific issues. All Committees should include lawyers with disabilities.

The following are a few of the issues to explore:

Policy requiring all CLE providers to commit to accessibility as an essential element for their seminar to be certified for CLE credits;

Group health insurance policy;

Requiring Bar-sponsored diversity training to include specific information regarding disabilities;

Clarification and publication of policies and procedures regarding services for persons with disabilities and the person or persons designated on Bar staff for disability services;

Continued excellent coverage of disability topics by the Florida Bar News;

- ✓ The Florida Bar's Equal Opportunity and the Law Section's Lawyers with Disabilities Committee should explore tasks or projects in the following areas: Accessibility issues including courthouse, web sites and communication; Training/education/awareness for members of the Bar, Judiciary and legal profession; and, projects related to mental health issues.

- ✓ Other Committees of the Bar should :

Assist in formulating and implementing disability and accessibility policies and procedures;

Monitor accessibility projects that are ongoing including the Statewide Courthouse Accessibility Initiative;

Develop and implement disability, ADA, accessible information technology and other relevant training throughout the legal system (public and private);

Review the Rules of Professional Conduct to ensure compliance with existing civil rights laws thereby guaranteeing non-discrimination of persons with disabilities;

- ✓ The Florida Bar should incorporate training covering disability awareness, ADA and accessible information technology training for all Bar employees and Bar leadership.

#### Disability Awareness and Other Training

- ✓ Training covering disability awareness (including physical, sensory and mental health disabilities), ADA and accessible information technology for individuals throughout the legal system, including law school faculty and staff, judges, placement staff, judges, employers, new lawyers, lawyers with disabilities, Florida Bar leadership, office management staff (public and private settings), and Court personnel;
- ✓ Training for lawyers with disabilities covering the Americans with Disabilities Act; The Florida Constitution, Article I, Section II; Rehabilitation Act of 1973, Sections 504 and 508 and Florida Voluntary State Telecommuting Program (Statute 110.71).

## Conclusion

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“The legal system can force open doors, and sometimes – even knock down walls, but it cannot build bridges. That job belongs to you and me.... [W]e can run from each other, but we cannot escape each other. We will only attain freedom if we learn to appreciate what is different, and muster the courage to discover what is fundamentally the same. America’s diversity offers so much richness and opportunities. Take a chance, won’t you? Knock down the fences which divide. Tear apart the walls that imprison you. Reach out. Freedom lies just on the other side. We shall have liberty for all.”

Thurgood Marshall, upon accepting The Liberty Bell Award  
Philadelphia, July 4, 1992

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Without question, our legal profession, and our legal systems, will be enriched once Florida’s lawyers with disabilities are permitted the full participation in their chosen profession to which they are entitled.

This survey provides us with excellent indicators of typical experiences of lawyers with disabilities. The qualitative data, experiences described by the respondents, is rich with information, insights, and suggestions. Many of these comments are included in the text of this report. The qualitative data was not published in its entirety in order to protect the privacy of the respondents.

The primary issues raised by respondents are the importance of reducing barriers to the practice of law; the need to expand employment opportunities for lawyers with disabilities; the need to improve courthouse and community accessibility; the importance of increasing participation in Bar activities and services; and, an overarching need for the removal of myths and stereotypes about disability.

The Disability Independence Group is truly appreciative of the commitment the Florida Bar has made to address concerns of its members who have disabilities as mentioned earlier. A number of respondents also stated their appreciation for the work done on this survey, by the Bar and by the Disability Independence Group.

In addition to the work being accomplished in Florida, a number of State and national Bar Associations and organizations across the country are beginning to address issues of importance to lawyers with disabilities. Among them are the California Bar’s Office of Legal Services, Access & Fairness Programs, Committee on Legal Professionals with Disabilities; the American Bar Association’s First National Conference on the Employment of Lawyers with Disabilities, May 2006; and, the U.S. Access Board’s Courthouse Accessibility Advisory Committee. It is hoped that this Survey Report in combination with earlier Disability Independence Group project reports, the Florida Bar’s Survey Data Report, and activities throughout the country, will serve as catalysts for change, leading to the removal of barriers and providing opportunities for increased participation of legal professionals with disabilities in all environments.

# Introduction

## Background

The Disability Independence Group is a private, non-profit organization committed to expanding opportunities for participation, education, employment and acceptance of persons with disabilities in legal professions. Their mission is accomplished through advocacy, education and training.

The Disability-Diversity Initiative, a statewide study project of 44 lawyers with disabilities, was conducted by the Disability Independence Group (DIG) during 2005. This initiative was designed to enable attorneys with disabilities to identify and discuss disability issues and barriers to participation in professional and bar activities.

The initial work found that despite the passage of the landmark Americans with Disabilities Act in 1990, and the Rehabilitation Act of 1973 (Sections 503 and 504 in particular), Florida legal professionals with disabilities continued to face significant challenges and barriers, including: challenges in accessing appropriate accommodations in both pre- and post- law school examinations (LSAT and Bar exams); appropriate accommodations during law school; unemployment and under-employment; refusal and resistance to reasonable accommodation requests; extraordinary barriers to courthouses, administrative offices, and law firms; barriers to Bar Association activities (although there has made a concerted effort to reduce or remove these barriers); and, significant attitudinal barriers, including within the judiciary, to full participation in their profession. Many of these challenges and barriers are undoubtedly the result of ignorance, and not of intention.

In order to fully represent the experiences of lawyers with disabilities in Florida, it was determined that a more formal and comprehensive survey should be conducted. The experiences and input of the committee members provided meaningful data. Yet, the experiences of an even larger population of attorneys with disabilities should also be represented. The data collected by a formal survey would document the experiences of a large number of respondents, validate the work of the committees, and contribute in a significant manner to identifying outcomes and recommendations that might otherwise be overlooked.

The Florida Bar and DIG have since collaborated to develop and implement this statewide survey of lawyers with disabilities.

The Florida Bar and the Disability Independence Group (DIG) initiated this statewide survey of Florida lawyers with disabilities in May, 2006. The survey instrument was developed by DIG and the Florida Bar's Department of Research, Development and Evaluation. The survey instrument was accessible to all Florida Bar members who have disabilities and was made available both online via The Florida Bar's Web site or by request of a printed copy through the

Bar's Department of Research, Planning & Evaluation. Measures were taken to assure that only one survey could be obtained by each participating Florida Bar member.

The purpose of the survey was to obtain demographic information on attorneys who have disabilities; explore the nature and impact of disability on the practice of law; explore issues, strategies and recommendations related to disabilities; to gather information on accommodations and technical assistance that would enhance the participation of attorneys with disabilities in the Florida legal community; and, to obtain demographic information on those attorneys who have disabilities.

A total of 111 survey responses were placed into a database for analysis. It is important to note that not all respondents answered all questions.

A second part of the survey research initiative took place within The Florida Bar's Economics & Law Office Management Survey, released in Fall, 2006. That survey was a random sample of The Florida Bar's in-state membership. It revealed that approximately 3% of Florida Bar attorneys have recognized disabilities. Considering all 80,000 Florida Bar members, it is estimated that approximately 2,400 attorneys have disabilities.

This survey report was compiled by the Disability Independence Group. The Florida Bar will publish the data report separately.

## **Sample**

A total of 111 survey responses were placed into a database for analysis. Of those 111 responses, 86 were completions and 25 were past the half-way mark of the survey and considered usable. It is important to note that not all respondents answered all questions.

A second part of the survey research initiative took place within The Florida Bar's Economics & Law Office Management Survey, released in Fall, 2006. That survey was a random sample of The Florida Bar's in-state membership. It revealed that approximately 3% of Florida Bar attorneys have recognized disabilities. Considering all 80,000 Florida Bar members, it is estimated that approximately 2,400 attorneys have disabilities. The margin of error for the Survey of Lawyers with Disabilities is between 9 and 10% at the 95% level of confidence for this survey. However, the margin of error is even higher for a number of questions that had fewer responses.

That signifies, that if we had interviewed all members of The Florida Bar who have disabilities, we would be confident that 95 percent of the time, the results would be within plus or minus 9 percent of what this sample found. If, for example, a question achieved a percentage of 80% in favor, it can be interpreted that between 71 and 89 percent of Florida Bar attorneys with disabilities are in favor of that issue. Note that the margin of error will be even higher for those questions with even fewer responses.

In reporting the results, all percentages were rounded to the nearest whole percent (example: 74.5% equals 75%). For this reason, totals may vary from 99% to 101%. Note that several

questions are "Multiple Response Questions." This means that respondents were encouraged to check all responses which apply to a given situation. Thus, multiple response questions will not total 100 percent. Several measures of central tendency are mentioned throughout the data report:

- mean:** the average for all values given for the total sample of each question. The mean is calculated by adding all of the responses and then dividing by the total number of responses received.
- median:** the middle value of a series of numbers which are initially rank ordered. Half the numbers will be greater than the median and half the numbers will be less than the median.
- mode:** the point for which most values are given for the entire sample.
- range:** the highest and lowest values given for the total sample for each question.
- “n”:** the number of responses that were received for a particular question or response category.

Please note that the median value is usually the most reliable value to consider for the tables involving financial compensation due to the wide range and extremely high income values. Other values are occasionally listed, however, to provide the reader with a full scope of information.

Data was collected, coded and categorized by The Florida Bar’s Department of Research, Planning and Evaluation. The data will be published by the Florida Bar in a separate report. DIG has reviewed the data and developed this final report.

In the opinion of the authors of this report, the low number of responses may have been affected by the historic lack of participation of persons with disabilities in a project of this nature, an historic unwillingness to identify oneself as a person with a disability, or by the time required to complete the survey. Despite the low number of respondents, the survey provides us with excellent indicators of typical experiences of lawyers with disabilities although inferences to the entire population are not necessarily supported by these results.

## Other Relevant Studies and Projects

A number of State and National Bar Associations and organizations across the country are beginning to address issues of importance to lawyers with disabilities. Some relevant studies and projects include:

- ◆ The California Bar's Office of Legal Services, Access & Fairness Programs, Committee on Legal Professionals with Disabilities conducted an excellent survey in 2003 and gave permission to the Disability Independence Group and the Florida Bar to utilize its design in developing the Florida Survey.  
[http://calbar.ca.gov/calbar/pdfs/reports/2004\\_Attorneys-with-Disabilities-Report-Exec-Sum.pdf](http://calbar.ca.gov/calbar/pdfs/reports/2004_Attorneys-with-Disabilities-Report-Exec-Sum.pdf)
- ◆ American Bar Association's First National Conference on the Employment of Lawyers with Disabilities, May 2006. [http://www.abanet.org/disability/docs/conf\\_report\\_final.pdf](http://www.abanet.org/disability/docs/conf_report_final.pdf)
- ◆ Florida Bar Economic and Law Office Management Survey 2006  
[http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/7544AC974A2935F38525723C0064F310/\\$FILE/2006%20Economics%20Survey%20Report.pdf?OpenElement](http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/7544AC974A2935F38525723C0064F310/$FILE/2006%20Economics%20Survey%20Report.pdf?OpenElement)
- ◆ U.S. Access Board's Courthouse Accessibility Advisory Committee <http://www.access-board.gov/caac/report.htm>
- ◆ Disability Independence Group, 2005 and 2006 Project Reports (email [ddsdig@bellsouth.net](mailto:ddsdig@bellsouth.net) for further information or copies of these reports).

It is hoped that this Survey Report in combination with earlier DIG project reports, the Florida Bar's Survey Data Report, and activities throughout the country, will serve as catalysts for change, leading to the removal of barriers and providing opportunities for increased participation of legal professionals with disabilities in all environments.

## The Nature of Disability and Other Demographics

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My experience as an attorney with a disability is not that  
I am met with hostility, rather, I am treated as an invisible entity.  
Survey Respondent

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Many of the respondents report more than one disability and/or multiple skills of function areas affected by their disability.

The number of individuals by disability type, in descending order of frequency are reported below. The largest number reported physical disabilities (61) and sensory disabilities, vision or hearing (39) Please note that it is common for individuals to report more than one disability type.

**Table 1 Number of individuals by disability type**

Type of Disability	# of Respondents
Physical/Mobility/Ambulatory Disabilities*	61
Sensory Disabilities: Vision and Hearing	31
Mental Health (Bipolar, Anxiety, Depression, Substance Abuse)	19
Chronic Disease and Immune Deficiency	14
Learning Disability/Attention Deficit Disabilities	10
Chronic Pain	9
Neurological/Seizures/Traumatic Brain Injury	9
Cognitive functioning/Memory Disabilities	6
Speech	6
Stroke	3

\* Includes Amputations, Spinal Cord Injuries, Arthritis, and Degenerative conditions such as Multiple Sclerosis and Muscular Dystrophy

(See Question 2 in the Florida Bar Survey Report and Appendix A of this report).

The largest number of respondents report that their mobility is affected by their disability. (See Question 3 in the Florida Bar Survey report).

- ◆ Fifty-one percent (51%) of all respondents report that their mobility is affected by their disability;
- ◆ Thirty nine percent (39 %) report sensory effects, either vision (24%) or hearing (19%) being affected. This was a “multiple response question” and several respondents checked both the vision and hearing categories.

- ◆ One-third (33%) report their physical health being affected;
- ◆ More than a quarter (27%) report their mental health being affected by their disability; and
- ◆ Twenty-two percent (22%) report that their fine motor skills and manual dexterity is affected.

Nearly three-fifths (59%) of all respondents are male (See Question 65 in the Florida Bar Survey Report);

A significant majority of respondents (91%) report being White/Caucasian; 6% Hispanic/Latino; and 2% African-American/Black (See Question 66 in the Florida Bar Survey Report).

A total of 63% of the respondents practice law in Miami-Dade, Broward, Leon, Hillsborough, Pinellas and Orange counties, with respondents from a total of 23 counties (See Question 64 in the Florida Bar Survey Report).

Eighty four percent (84%) report being currently employed. Of those who are employed, considerably more than half (65%) work in private practice positions and seventeen percent (17%) work in government practice positions. Forty-two percent (42%) of respondents who are employed are in solo practice (See Question 1 in the Florida Bar Survey Report);

Percentages below reflect all respondents, which includes those who are not employed at this time (See Question 1 in the Florida Bar Survey Report):

- ◆ Thirteen percent (13%) of all respondents work as associates, partner/shareholders; and four percent (4%) as “other private practitioner”;
- ◆ Very few of all respondents work as managing partner or of counsel (<1%); five percent (5%) work in legal aid or legal service, and two percent (2%) as corporate counsel.
- ◆ Nearly three-quarters (72%) of all respondents are employed in firms or legal offices that contain ten or less attorneys;
- ◆ Nearly half (46%) are employed in firms or legal offices that contain five or less attorneys.

When considering those respondents who reported a legal income in 2005, the median salary for respondents is \$62,000, with 74% earning \$100,000 or less (See Question 69a in the Florida Bar Survey Report).

Thirty-eight percent (38%) of all respondents report that the onset of their disability occurred while they were between 31 and 50 years of age, with eighteen percent (18%) reporting that the onset occurred at birth. And, half of all respondents report that the onset of their disability occurred before they attended law school. Just over two-fifths (41%) report their disability to be visible or apparent, with an additional 19% reporting that it is sometimes apparent, depending on the circumstance (See Questions 4, 5 and 6 in the Florida Bar Survey Report).

The majority of respondents are 50 years of age or older (54%), with 34% from 36-49 years of age (See Question 67 in the Florida Bar Survey Report).

Nearly three-quarters (73%) of all respondents have over ten years of experience with the Florida Bar; and, over two-fifths (42%) have over 20 years of experience (See Question 68 located in the Florida Bar Survey Report).

## Greatest Barriers

Findings confirm that lawyers with disabilities face physical and architectural barriers; vision and hearing related communication barriers; barriers to accessible information technology and equipment; barriers created by policies, practices and procedures; and barriers to employment. In this section, we will highlight the most significant barriers to full participation in their profession, as reported by respondents when asked to identify the greatest barriers in particular categories. More detail about their experiences is provided in other sections of the report.

Additionally, in the opinion of the authors, lawyers with disabilities face attitudinal barriers in all educational and professional environments. Attitudinal barriers were mentioned in comments by respondents throughout the survey. A significant number of respondents found that the lack of knowledge of the needs of persons with disabilities and the lack of experience with colleagues with disabilities to be the greatest cause of attitudinal barriers. In the opinion of the authors, such lack of knowledge and experience often lead to negative stereotypes and the failure to provide the easiest and most inexpensive solutions for accessibility or accommodations for lawyers with disabilities

Unless otherwise noted, responses in this section are for respondents for whom the question was applicable.

### Physical/ Architectural Barriers

Between one-third and one-half of all respondents stated that the various categories within this question did not apply to them.

For applicable respondents,

- ◆ Physical/Architectural Barriers, occur most frequently in courts/administrative offices or agencies (29%); client offices/colleague offices (25%); opposing counsel office/co-counsel office (23%); state or local bar activities (21%); and employment opportunities/interviews/employment setting (19%); and, least frequently in law school (8%), bar exam (6%), Bar prep course 5% and LSAT prep course 3%). (See Question 24a in the Florida Bar Survey Report).
- ◆ When asked about the most common physical or architectural barrier that they face in the practice of law, more than half of all respondents identified at least one. Twenty-two respondents (22) identified barriers caused by interior accessibility, including but not limited to bathroom accessibility, entrances, signage, height of podiums, location of elevators, stairs, curbs, slope of ramps, poor signage and lighting, narrow corridors and office doors, arrangement of courtroom and telecommunication equipment cords, and the weight/pressure of doors. Twenty (20) identified barriers caused by lack of adequate accessible parking, the distance from parking to buildings, and problems with the

accessible path of travel. And, six (6) individuals commented on barriers in the area of acoustics, sound or telecommunications. (See Question 28 in the Florida Bar Survey Report).

### **Survey Respondent Comment**

A primary problem is the lack of handicapped parking in close proximity to courthouses coupled with rough streets between curbs or on sidewalks. At best, these are dangerous situations for people with mobility and balance issues, and almost impassable during those times when I am using my wheelchair. I recognize that a portion of this concern is controlled solely by the city/county and not the courthouse, but I can't tell how much attention is paid to this issue by court administration so they can discuss it with city/county officials.

### **Vision-related Communications Barriers**

Few respondents reported encountering vision-related barriers across a variety of categories.<sup>1</sup> Of those who did,

- ◆ Vision-related communications barriers were experienced most frequently in accessing court documents (18%); documents produced or distributed by their office, opposing counsel or parties, or distributed by clients (16%); with electronic communication such as e-mail and Internet access (15%); and in courthouses (11%). The least frequently reported categories were: LSAT and Bar examination preparation course and application process (6 %) and Law School admission process (4%) and Bar examination (4%). (See Question 29a in the Florida Bar Survey Report).
- ◆ When asked to identify the most common vision-related communications barriers, 23 respondents identified at least one example. The most frequently mentioned categories were: problems with small lettering/typeface/text (11); five (5) reported problems with signage or lighting including glare or low resolution; and three (3) indicated problems with computer monitors. Other examples include, but are not limited to: materials not being available in alternate formats such as large print; time required to review materials, particularly those presented for immediate review, thereby requiring a reader; and, inaudible elevator signals. (See Question 30 in the Florida Bar Survey Report).

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<sup>1</sup> In addition to those with vision or hearing disabilities, vision and hearing related communication barriers might be experienced by those with learning, cognitive or neurological disabilities.

## Hearing-related Communication Barriers

Few respondents reported encountering any hearing-related barriers across a variety of categories. Of those who did,

- ◆ Hearing-related communication barriers were experienced most frequently in Court hearings, conferences, administrative or non-judicial hearings or proceedings (33%); and, in Courthouses (26%) in general. Fewer, although still meaningful, found such barriers in meetings/depositions with opposing parties/ witnesses (22%); and, in meetings with opposing counsel, clients or colleagues and also in State or local bar activities (20%). Those least mentioned were: Bar exam (10%), Bar examination preparation course, application, and application process (7%), LSAT preparation course (7 %) and its application and test (5%), and the law school admissions process (5%). (See Question 31a in the Florida Bar Survey Report).
- ◆ The most common hearing-related communications barriers identified by thirteen respondents (with some listing more than one barrier) were: Acoustics/background noise (9 responses); sound amplification/microphones (6); people not speaking clearly (5); attitudes and knowledge (4); phone communication (2); and, the practice of side-bar bench conferences. One respondent commented on the unwillingness of courts and employers to pay for interpreters. (See Question 32 in the Florida Bar Survey Report).

## Accessible Information Technology or Equipment Barriers

- ◆ Few respondents report encountering barriers to accessible information technology<sup>2</sup> or equipment. For applicable respondents who have encountered these barriers, they have most frequently experienced them in courts, including internet access to court filings, wireless access, and multi-media technology (18%). Additionally, accessible information technology barriers occurred in accessing web sites (17%); in employment settings (15%); State or local bar activities (12%); and on Bar examinations ( 11%). The fewest of these barriers were noted in Law school classes, library use, and other activities (8%), the LSAT and Law School Admissions process (7%). (See Table 33a on Page 30 of the Survey Results).
- ◆ When asked to identify the most common accessible information technology or equipment barrier that they face in the practice of law, nineteen respondents provided the following examples:

- Lack of Internet access at law-related facilities;

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<sup>2</sup> “Information Technology (IT) is technology used to acquire, store, manipulate or transmit information, such as telephones and telecommunications products, video equipment, websites, message systems, computer hardware, and more. Accessible information technology (Accessible IT) is designed with special built-in features and properties that make it more usable for individuals with a variety of disabilities. Examples include: computer software that works with text-to-speech software; Web pages with resizable fonts; desktop computers with front-mounted audio and USB ports; printers and copiers with simple layouts and easy-to-reach controls; message systems with text captioning options”. Southeast Business and Technical Assistance Center. “(www.sedbtac.org).

- Other parties lack of knowledge;
- Finding reasonable costs for captioning and transcription services;
- Some web sites and online materials are not user friendly in relation to screen reading programs such as JAWS;
- Individual's resistance to utilize accessible information technology or equipment; and,
- Too much emphasis on physical travel when meetings could be done by videoconference, etc.

## **Policies, Practices or Procedural Barriers**

Policies, practices and procedures which create barriers for persons with disabilities might be viewed as 'attitudinal barriers put into practice'. In the opinion of the authors, many schools, testing organizations, courts, employers, or bar associations perpetuate these barriers when they do not modify policies, practices and procedures to accommodate a person with a disability.

- ◆ Between 70% and 90% of applicable respondents did not report encountering barriers caused by policies, practices or procedures. (See Question 36a in the Florida Bar Survey Report).
- ◆ For those respondents who have encountered policies, practices or procedural barriers, these were most common in Court hearings, conferences, administrative or non-judicial hearings /proceedings (30%); Meetings/depositions with opposing parties/witnesses (22%); Employment opportunities, interviews or employment settings (22%); in Bar examination preparation courses, application, application process or Bar exam (21%); and in State or local bar activities (19%). (See Question 36a in the Florida Bar Survey Report).
- ◆ Most common examples by twenty-one respondents were: Holding events in inaccessible locations (5 responses); policies requiring the practice of standing in court/ sidebar conferences/ and refusal to pay for interpreters (5); lack of opportunity to attend meetings or even court hearings by phone or by videoconference (4); and, documentation requirements (3). Some respondents listed more than one example. (See Question 36b in the Florida Bar Survey Report).

## Employment Barriers

Respondents to this survey identified a number of employment barriers that may have limited opportunities to their profession.

Although a majority of applicable respondents (from 67% to 89%) have not encountered a refusal or resistance to make reasonable accommodations for their disability across a variety of different areas, several respondents have experienced such barriers in employment settings. The highest percentage was with court hearings (33%), with approximately a quarter of applicable respondents experiencing such barriers in interactions with opposing counsel (26%); conferences and professional meetings (25%); employment (24%); depositions and mediations (23%); and colleague interaction (23%). These barriers were identified least frequently in client interaction and LSAT preparation courses (13%); and, Bar examination preparation courses and Law school admission application process (12%). (See Question 17 in the Florida Bar Survey Report). Some respondent comments were:

In court, required to stand up for long periods, not allowed to sit during questioning and cross examination. Not always allowed to sit on back row so that I could stand or sit as required.

...there has been resistance or refusal to provide additional clerical support, specifically readers.

When asked about the greatest barriers to employment, eighty-four respondents identified at least one. The most frequently mentioned categories and number of responses were:

**Table 2 Employment barriers identified by respondents.**

<b>Description</b>	<b>Number</b>
Lack of Knowledge of Disabilities and Accommodations/ Perceptions/Prejudice	38
Disability Related issues including Health, Physical Cognitive, Memory, and Communication Issues	28
Issues Related to Travel/Transportation	13
Problems with Accessibility/Parking/Acoustics/Amplification/Lighting	7
Lack of insurance and Medical Costs	3

(See Question 23 in the Florida Bar Survey Report.)

## Respondent Comments

Prejudice by prospective employers, particularly State agencies, to hiring me because of my disability;

The vast majority of employers are ignorant as to the effect and scope of a disability with regards to job performance. Most employers think that a disability will result in sub-

standard performance, when, in reality, most individuals with disabilities work harder to prove their "worth. Employers are also unaware of the distinct advantages which go along with employing the disabled.

A lack of willingness to pay for interpreters;

Other people's perceptions of persons with disabilities. Though some may be willing to give us jobs, they perceive that we "can't do much" or we can only do the minimum. I, and most disabled attorneys I know, are consistently top performers in our workplaces. We try harder because we really want to work and make a contribution.

The workplace ... (supervisors, co-workers, support staff, and judges) have a strong discriminatory bias against mental and psychiatric disability... (and) workers compensation claims.

Participating in meetings or events (e.g., business lunches in large groups) at acoustically unfriendly locations. I do not hear well in large settings where a lot of people are talking.

The need for health care coverage and stable employment as a person with a medical disability has hindered career options. Rather than accept offers from private small firms or to start private practice, I have to stay with a state agency, to maintain needed benefits. The result is a diminished employment bearing capacity that affects my standard of life and happiness professionally. The choice is one that many Americans make to obtain health insurance.

Judges that mumble in Court; acoustically bad courtrooms; horrible PA systems at CLE sessions;

The false perception that because I cannot drive a car, I am incapable of doing other tasks that actually require nothing more than mental dexterity.

## **Barriers to Participation in the Florida Bar and Voluntary Bars**

More than 55% of the respondents identified at least one issue that poses the greatest barrier to their participation in Florida Bar or local bar activities and services. The following are the most frequently mentioned categories: No time/too busy (30 responses); Expense/economics, which was often related to disability (12); Disability related/often related to time and energy (20); and Accessibility/including travel, transportation, and fragrance free environments (10). (See Question 50 in the Florida Bar Survey Report).

### **Respondent Comments**

Lack of sponsorship. The costs are difficult to absorb as a primary breadwinner sole practitioner.

Due to my physical limitations, in terms of ability and lack of endurance, I would not want to make a commitment that I would not be able to honor.

Inaccessible locations by public transportation.

Feeling that members do not believe my mental and psychiatric disabilities.

Being a sole practitioner, it's the time away from practice.

The failure to consider the needs of individuals with disabilities and have representatives who specialize in assisting those with disabilities become active and participating members of the Bar.

...my time commitments have been given to (other disability organizations in the legal field)... which (have) provided more meaningful assistance to me in my being the "best" lawyer I can be.

## **Attitudinal Barriers**

Three-fifths (60%) of all respondents report that The Florida Bar has become more aware of the needs of lawyers with disabilities over the last five years, compared to 11% who believe that the Bar has not become more aware (See Question 56 in the Florida Bar Survey Report).

Several respondents report encountering attitudinal barriers in a variety of settings which have impacted their professional lives.

- ◆ When asked to rank order four causes of attitudinal barriers in terms of importance, respondents identified "lack of knowledge" with the most frequency (81%), followed by "lack of experience" (59%), "fear of cost" (39%) and "fear of lawsuits"(22%). Twenty-nine percent (29%) reported there to be "Other" causes. Examples provided included a lack of empathy, irrational bias, stigma and prejudice, and a "just don't care about your problems" attitude. (See Question 53 in the Florida Bar Survey Report.)
- ◆ Attitudinal barriers may cause individuals to make negative comments about a person's disability. Respondents indicate that encountering negative comments has occurred across all environments. For applicable respondents, this has been most frequent with opposing parties and opposing counsel (32%), members of the judiciary (32%), Colleagues or co-workers (29%), Court personnel and non-judicial officers (25%), Clients (25%), and Employers or supervisors (24%). Negative comments about their disability were also reported to a lesser extent by Law school students (22%), co-counsel (21%), office management staff (19%), Law school admissions staff/professors/administrators (19%), Board of Bar Examiners Staff (12%) and Law School Admission Council staff (6%). (See Question 15a in the Florida Bar Survey Report.)

## **Respondent comments**

Jokes made that they thought should not be offensive but were.

...other employees could be inconvenienced by my (multiple chemical sensitivity disorder).

And, attitudinal barriers may cause individuals to refuse or resist making a reasonable accommodation to a person with a disability. This is reported to occur across all environments. Of all applicable respondents for each category, 67% to 89% report that they have not encountered a refusal or resistance to make reasonable accommodations for their disability. (See Question 17a in the Florida Bar Survey Report).

**Table 3 Refusals/resistance to make reasonable accommodations**

<b>Activity</b>	<b>Percent</b>
Court hearings	33%
Opposing counsel/parties interaction	26%
Conferences and professional meetings	25%
Employment	24%
Colleague interaction	23%
Depositions and mediations	23%
State or voluntary bar activities	22%
Bar exam application, process and Bar exam	19%
Law school classes and activities (including study groups, exams, academic or social functions)	17%
Non-Judicial and administrative proceedings	15%
Law School Admission Council (LSAC)/application and test (LSAT)	14%
Client Interaction	13%
LSAT preparation course	13%
Bar examination preparation courses	12%
Law school admissions application and process	12%
Other	11%

## Law School Admissions and Law School Experiences

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Going to law school is the best thing I ever did after damaging my spinal cord and becoming a quadriplegic.

Survey Respondent

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Respondents reported a number of barriers during their law school careers, including in their interaction with the Law School Admissions Council (LSAC), during the Law School Admission Test (LSAT), the law school admissions process and during law school classes, library use and other activities. It should be noted, however, that respondents reported the least amount of incidences in law school or LSAC throughout the survey when compared to opposing parties and counsel, judges, colleagues/co-workers, court personnel, clients, employers and supervisors and more.

The following provides some detail on the barriers faced by law students for whom each question was applicable:

- ◆ Negative comments from law students (22%) and law school admissions staff/professors/or administrators (19%), compared to 78% and 81% who did not experience negative comments, respectively. (See Question 15a in the Florida Bar Survey Report.)
- ◆ Refusal or resistance to make reasonable accommodations for their disability, in law school classes and activities (17%), including study groups, exams, academic or social functions; Law School Admission Council/ application and LSAT (14%); during LSAT preparation courses (13%); and, in application process to Law School (12%). Such refusal or resistance was not experienced by between 83% and 88% of applicable respondents. (See Question 17a in the Florida Bar Survey Report.)
  - Survey respondent comment: Law school and Bar exam prep course companies have refused to prepare study materials in large print.
- ◆ Physical (architectural) barriers in law school were experienced by 16% of applicable respondents, compared to 85% who did not. (See Question 24a in the Florida Bar Survey Report.)
  - Survey respondent comment: Most law school seating resulted in being required to sit in the back or on a far side of the room...My law school was built many years ago and several areas were only accessible by staircase or required one to travel out of the way to get from class to class.
- ◆ Vision-related communications barriers in law school classes, library use, and other activities (8%); and, in LSAT preparation courses and LSAT application, and the LSAT

(6%); Ninety-two percent (92%) of applicable respondents did not encounter any vision-related communications barriers in law school classes, library use and other activities and 94% in LSAT preparation courses and application. (See Question 29a in the Florida Bar Survey Report.)

- Survey respondent comment: At one time, all books and other materials were available only in print... (not in an accessible format). The law school provided a reader with pay, so the barrier was greatly diminished.
- ◆ Hearing-related communications barriers in law school classes, library use, and other activities (14%); in LSAT preparation courses (7%); and, in law school admission process (5%). Eighty-six to ninety-five percent (86% to 95%) of applicable respondents report having no hearing related communications barriers pertaining to law schools and the LSAC. (See Question 31a in the Florida Bar Survey Report.)
- ◆ Accessible information technology or equipment barriers in LSAT preparation courses (9%); in law school classes, library use, and other activities (8%); and, on the LSAT and the law school admissions process (7%), compared to ninety-three to ninety-five percent (93% to 95%) of applicable respondents who did not experience accessible information technology related communications barriers pertaining to law schools). (See Question 33a in the Florida Bar Survey Report.)
- ◆ Policies, practices or procedural barriers related to Law school classes, library use, and other activities (15%); application for the LSAT, the LSAT and the law school admissions process (13%); and, 9% on LSAT preparation courses as compared to 85% to 87% of applicable respondents who report having no policies, practices or procedural barriers pertaining to law schools or the LSAC. (See Question 36a in the Florida Bar Survey Report).
  - Survey respondent example: Extensive documentation (was) required to prove the existence of a vision impairment.

## **Board of Bar Examiners and Bar Association Experiences**

This section provides detail on experiences with the Florida Board of Bar Examiners, Bar admissions and participation and leadership roles in Bar associations, including voluntary Bars and the Florida Bar. Unless otherwise noted, the following reports for those of whom the question was applicable.<sup>3</sup>

Three-fifths (60%) of all respondents report that The Florida Bar has become more aware of the needs of lawyers with disabilities over the last five years (with 11% disagreeing) although a number of barriers continue in relation to their involvement in Bar association participation and activities as described in this section. (See Question 56 in the Florida Bar Survey Report.)

- ◆ Forty-one respondents identified at least one significant step that the Florida Bar has taken to encourage the participation of lawyers with disabilities. Most frequently mentioned were: Conducting this survey (15 responses); increased awareness (10); and, Improved Accessibility and Accommodations (4). (See Question 52 in the Florida Bar Survey Report.)
- ◆ Two-thirds (66%) of applicable respondents report that the documentation to obtain testing accommodations for the Bar examination is adequate and fair to persons with disabilities. (See Question 40a in the Florida Bar Survey Report.)
- ◆ Three-quarters of applicable respondents report that the application for admission to the Florida Bar was adequate and fair to persons with disabilities. (See Question 42a in the Florida Bar Survey Report.)

### **Board of Bar Examiners and Admission to the Bar**

- ◆ One-third of applicable respondents reported that the documentation to obtain testing accommodations for the Bar examination is excessive and unfair to persons with disabilities, with the following comments by respondents: (See Question 40a in the Florida Bar Survey Report.)

...too much documentation required; ...more electronic submission of documentation should be allowed; ...excessive time; ...documentation is not always appropriate, relevant, or easy to access. Other comments include: the requirement that the documentation be within the prior three years should be clearly stated to all applicants... Denials of accommodations... should be accompanied by specific reasons for denial... If the Bar feels it can deny any

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<sup>3</sup> More than half of the respondents attended law school and were admitted to the Bar before having a disability. Therefore, some questions related to admission to the Bar were answered by less than half of all respondents.

accommodations, it should be made to make its case ...with sufficient time for the applicant to respond and correct any deficiencies.”

- ◆ Of the twenty-five percent (25%) who found the application for admission to the Florida Bar excessive or unfair, six individuals provided examples. They mentioned invasive or irrelevant questions, particularly regarding mental health status, and excessive documentation. (See Question 42b in the Florida Bar Survey Report.) Survey respondent comments include:

I went to law school without knowing that having a mental illness, even controlled, could keep me from practicing law. Day one, someone from the Board of Bar Examiners explained that people with mental illnesses could not be lawyers. I spent the next three years attempting to now be perfect while the BBE went through all of my doctor's records etc, some of which were difficult and expensive to get. I didn't know until the day the bar results came out whether I was going to have a hearing or not, even though I had been fine for over four years. This kind of stress is not what someone with mental illness needs.

I believe I was unduly scrutinized and had to provide significant amounts of personal information due to my admission that I am treated for depression.

Very cumbersome, personal, intrusive, invasive and irrelevant questions which are public record I believe.

- ◆ Eighty-eight percent (88%) of applicable respondents reported that they did not encounter negative comments about their disability from Board of Bar Examiners staff, compared to twelve percent (12%) who did; (See Question 15a in the Florida Bar Survey Report.)
- ◆ Eighty-eight percent (88%) of applicable respondents reported that they did not encounter arefusal resistance to making reasonable accommodations for their disability from the Bar exam preparation courses; and, eighty-one percent (81%) from the Bar examination application or process. Nineteen percent (19%) reported encountering refusal or resistance to making reasonable accommodations for their disability on the Bar examination application, process or Bar exam, and, twelve percent (12%) for the Bar examination preparation course. (See Question 17 in the Florida Bar Survey Report).

Respondent comment: Not being able to obtain large print Bar examination preparation course materials and CLE outlines and materials in alternative format.

- ◆ Ninety-one percent (91%) of applicable respondents reported that they did not encounter physical barriers to Bar preparation courses and eighty-eight percent (88%) encountered none on the Bar exam, compared to twelve percent (12%) reporting physical barriers on the Bar examination, and nine percent (9%) for Bar preparation courses; (See Question 24a in the Florida Bar Survey Report.)
- ◆ Ninety-four percent (94%) and ninety-six percent (96%) of all applicable respondents did not encounter vision-related communications barriers in Bar examination preparation courses, the application, and the application process (94%), and the Bar examination

itself (96%), compared to six percent (6%) and four percent (4%) who did; (See Question 29a in the Florida Bar Survey Report.)

- ◆ Ninety-three percent (93%) and ninety percent (90%) of all applicable respondents did not encounter hearing-related communications barriers in the Bar examination and for Bar examination preparation course, application, and application process, compared to seven percent (7%) and ten percent (10%) who did experience barriers in these areas. (See Question 31a in the Florida Bar Survey Report.)
- ◆ Ninety-two percent (92%) and eighty-nine percent (89%) of all applicable respondents did not encounter accessible information technology or equipment barriers with the Bar examination and Bar examination preparation course, application, and application process, compared to nine percent (8%) and eleven percent (11%) who did experience barriers in these areas. (See Question 33a in the Florida Bar Survey Report.)
- ◆ Seventy-nine percent (79%) of all applicable respondents reported not encountering policies, practice or procedural barriers on Bar examination preparation courses, application, application process or Bar exam, compared to twenty-one percent (21%) who did experience such barriers. (See Question 36a in the Florida Bar Survey Report.)
- ◆ A total of 22 respondents provided at least one suggestion for improving access for persons with disabilities to the Bar admission process. Suggestions from respondent comments:

...have people with disabilities review the application; ...(have) a diverse group of those affected by disabilities in the rule making process will help immensely; there needs to be an ADA coordinator to address all of the accommodation issues and needs of people with a disability; flexibility is key; draconian or ironclad rules need to yield when necessary; there are many forms of disability, and imposing a "one size fits all" approach is, I would suggest, counter-productive; information and or training on ALL aspects of disability including AIDS and illnesses that are not readily noticeable; ...More coordination between the Bar and law school ADA staff on documentation requirements.

## **Bar Associations**

- ◆ Refusal or resistance to making reasonable accommodations for their disability for State or voluntary Bar activities, twenty-two percent, (22%). (See Question 17a in the Florida Bar Survey Report.)
- ◆ Physical or architectural barriers to state or local bar activities, twenty-one percent (21%). (See Question 24a in the Florida Bar Survey Report.)

Parking for local bar luncheons is inadequate for vehicles with wheelchairs; too great a distance from parking lot to the activity area for manual wheelchair users; non-ADA compliant hotels; and, most social activities do not take into account the limitations associated with a wheelchair.

- ◆ Vision-related communications barriers in state or local bar activities, nine percent (9%), compared to ninety-one percent (91%) of all applicable respondents who did not encounter any barriers in this environment. (See Question 29a in the Florida Bar Survey Report.)
- ◆ Hearing-related communications barriers in state or local bar activities, twenty percent (20%), compared to eighty percent (80%) of all applicable respondents who did not encounter such. (See Question 31a in the Florida Bar Survey Report.)
- ◆ Accessible information technology or equipment barriers in state or local bar activities, twelve percent (12%), while eighty-eight percent (88%) of all applicable respondents did not encounter such. (See Question 33a in the Florida Bar Survey Report.)

Respondent examples: barriers to web sites, although not specifically identifying the Florida Bar site; Websites which have a lot of graphics are difficult to access through computer speech; (and) some web sites and online materials are not user friendly in relation to screen reading programs such as JAWS. (Note: in 2006 The Florida Bar has taken steps to ensure access to its web site). (See Question 33b in the Florida Bar Survey Report.)

- ◆ Policies, practices or procedures that create barriers in state or local bar activities, nineteen percent (19%), compared to eighty-one percent (81%) who did not experience such. (See Question 36a in the Florida Bar Survey Report.)
- ◆ A large majority of all respondents (70%) report that they have not attended any of the primary Florida Bar meetings in the past five years. Nearly one-fifth (18%) have attended two or more meetings during that time. Nearly half of all respondents (45%) report that they are a member of either a section or a committee. (See Question 44 in the Florida Bar Survey Report.)
- ◆ Although a large majority of respondents report not playing leadership roles in Bar associations, there is more participation in local or voluntary bars.

Eighty nine percent (89%) of all respondents report that they have not served in a leadership role in the Florida Bar (See Question 46 in the Florida Bar Survey Report); and,

Seventy-six percent (76%) of all respondents report not having served in a leadership role in a local or voluntary bar. (See Question 48 in the Florida Bar Survey Report.)

- ◆ The most frequently mentioned categories for lack of participation or not serving in leadership roles in the Florida Bar and voluntary Bars were: No time/too busy; Expense; Disability related; Lack of interest or relevance to one's own practice.
- ◆ When asked to indicate the importance of certain factors in determining whether or not the respondent will join a voluntary bar association or a Florida Bar committee or section, a large majority of respondents favored:

Cost to attend meetings or activities (73%) and accessibility of the meeting location (64%). Additionally, a significant number identified their disability-related time commitment (51%); and the use of accessible information technology in order to attend or participate either in person or by telephone (48%) as important factors. (See Question 49 in the Florida Bar Survey Report).

Other factors listed by the percentage of respondents who indicated importance are: Accessible transportation is available between meeting and activity locations (43%); Attitude of membership toward lawyers with disabilities (42%); Attitude of Florida Bar staff toward lawyers with disabilities (40%); Site of seminar/meeting has ADA compliant hotel rooms, (39%); Designated staff person responsible for disability related services and on-site assistance (29%); Written materials for seminar/meeting are available in alternative formats (e.g. large print, Braille, or tape/CD) upon request, (29%); Sign language interpreters and other methods for accessible communication are available upon request (e.g. CART – Computer Assisted Real Time Captioning) (21%); Site of seminar/meeting is accessible by public accessible by public transportation (21%); and, Existence of another lawyer with a disability in a leadership role (17%).

## **Respondents Suggestions**

- ◆ Twenty-nine respondents provided at least one suggestion identifying services or types of assistance that, if made available at Bar meetings or seminars, would increase their attendance and participation. Examples of respondent suggestions are:

The ability to attend via a live Web cast and/or teleconference would eliminate the problems that I would face such as having to deal with parking and walking a distance in the heat, which by the time that I would get to the meeting, would pretty much have wiped me out from making meaningful participation;

Video conferencing for meetings out of town; better sound quality and camera service so I could log in from home;

Braille literature and more audio communication;

Real time captioning would be fantastic;

Limitation of costs; making sure the location of the meeting and the hotel are accessible; smaller venues which are easier to get to; appropriately accessible facilities to include meeting rooms, restrooms and overnight accommodations; and parking availability; and (if)

Bar had one or two employees specifically designated to ensure that I had accessible transportation to the meetings. (See Question 51 in the Florida Bar Survey Report.)

## Employment Experiences

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My current employer is extremely accommodating with regard to my disability and considers the life experiences associated with the disability an asset.

Survey Respondent

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This section highlights employment experiences reported by respondents including positive experiences, barriers in employment settings, reasonable accommodations, denial of employment opportunities, and employment benefits. Eighty-four percent (84%) of the respondents are currently employed. Respondents were asked to confine their responses to the last ten years. Unless otherwise indicated, the following details experiences for those respondents for whom the question was applicable.

### Positive Experiences

Despite a number of barriers identified by respondents in employment settings, a large majority (88%) of all respondents who are currently employed in law firms or legal offices of two or more report that, with regard to their disability, their current employer treats them the same as other staff in the workplace (See Question 7a in the Florida Bar Survey Report.)

More than three-fifths (62%) of all respondents report that their work environment is supportive for a person with a disability. (See Question 10 in the Florida Bar Survey Report.)

### Respondent comments

My main problem is mobility and my partners and staff are accommodating.

Did everything to help and keep me in the work force.

Anything I need to make my work environment completely accessible has been done upon request, from raising my desk height so that my wheelchair fits underneath to providing me with my own printer.

Almost three-quarters (74%) of applicable respondents report that their employer has not asked inappropriate questions about their disability.

## Disclosure of Disability

For those whose disability is not immediately evident, whether to disclose their disability is always challenging for lawyers with disabilities. Frequently, based on their experience or the experience of others, their assumption is that if they do so, they will be less successful in the employment arena.

Applicable respondents indicated that they are considerably more likely to disclose their disability to co-workers (78%), employers or supervisors (70%), clients (66%), and Judges, administrative personnel and other court personnel (56%). They are less likely to disclose their disability to opposing counsel (49%) or opposing parties (27%). (See Question 8 in the Florida Bar Survey Report.)

Some reasons that respondents mention for not disclosing their disability to their employer are:

Mental disorders, especially anxiety disorders, are poorly understood by the public and I believe the Bar is hostile to those of us who have such a disability.

I don't ever tell anyone I have seizures because they are afraid of them. I do not have Grand Mal seizures, but just the word is frightening because it conjures up frightening images in people's minds. I would never tell a potential employer I had seizures in fear they would not want to assume liability for a seizure at work or while driving.

## Barriers

- ◆ Between one-quarter and one-third of applicable respondents indicated that they had encountered negative comments about their disability in the following employment settings: comments from Judges (32%); Opposing parties/opposing counsel (32%); Colleagues/co-workers (29%); Clients (25%); and, Court personnel and non-judicial officers (25%). (See Question 14 in the Florida Bar Survey Report) (See Question 15 in the Florida Bar Survey Report).

### Respondent comments

Jokes made that they thought should not be offensive but were.

I have been told I have a psychological disorder...Other employees could be inconvenienced by my multiple chemical sensitivity disorder.

- ◆ Of the 26% who indicated that their employer asked inappropriate questions about their disability, seventeen respondents provided examples. Over half (53%) of those respondents report that instances occurred post job offer, while just over one-third (35%) state that instances occurred during the accommodations process; 29% during the interview and 29% during a performance review. This was a multiple response question

and several respondents checked several categories. (See Question 14c in the Florida Bar Survey Report.) A few respondent examples follow:

Questioned my ability to interact with clientele and be an advocate based on my gait/appearance;

Was the challenge of my disability serious enough to affect my personal intimacy life?

Asked for details of treatment, even though I was not requesting any accommodation whatsoever. Asked for details in front of an employee I supervised.

Can you live a normal life with the epilepsy?

I occasionally stumble or trip or fall over otherwise obvious objects or obstacles because I fail to see them or because of my gait abnormality, or both. "Are you drunk"? is a question I've been asked on more than one occasion.

"Are we going to be able to count on you, or are you going to get another headache?" (Yet), I have never missed an appointment, calendar call, or deadline because of my disability.

Why did you decide to pursue a career that was so challenging, given (your blindness)?"

- ◆ Of the 16% of all respondents indicating a hostile work environment, 30% experienced problems involving co-workers or supervisors and 10% with courts or judges. (See Question 10 in the Florida Bar Survey Report). Examples of hostile environment from respondent comments include:

Glowing reviews with raises vanished immediately upon supervisor's knowledge of condition, as if A student to F student overnight. Despite continued favorable feedback from clients and staff and court victories, my judgment has been constantly questioned, even on the most clear issues with objective measurements. I have been denied a raise.

...people become impatient having to repeat or clarify themselves.

People in the legal community generally don't care about those with disabilities – this includes judges and law enforcement individuals.

There seems to be a lack of confidence in my abilities, and it is true that I am not able to accomplish tasks quickly due to very slow reading.

Treatable mental illness is viewed differently than physical ailments and there is a stigma associated with it.

Having worked in the same office for a substantial number of years, I'm regularly amazed by the lack of sensitivity and misperception expressed or acted out by

those who work in my office but not with me. There are still a number of people who don't believe I'm a capable lawyer, don't understand I do a job just like they do, believe I can't do many basic functions of daily lives which have obviously colored their impressions and perceptions.

...there are some colleagues, court personnel, etc. who do not really seem to care about my condition and at times do not want to provide me with necessary assistance.

- ◆ Physical/ architectural barriers were reported by approximately one-fifth (19%) of applicable respondents in employment opportunities/interviews/ or employment settings; more than one-quarter experienced architectural barriers in Courts/administrative offices or agencies (29%); 25% in Client offices/Colleague offices; and 23% in opposing counsel office/co-counsel offices. (See Questions 24a and 24b in the Florida Bar Survey Report.)
- ◆ Applicable respondents experienced vision-related communications barriers in employment settings as follows: Documents produced or distributed by their office, by opposing counsel or parties, or distributed by clients (16%); Electronic communication (e-mail and Internet) (15%); Courthouses (11%); Colleague offices (9%); and in Employment applications, interviews, employment settings (8%). The size of print was the most commonly mentioned example. (See Question 29a in the Florida Bar Survey Report.)
- ◆ Applicable respondents encountered hearing-related communications barriers in employment settings as follows: Court hearings, conferences, administrative or non-judicial hearings or proceedings (33 %); Courthouses (26 %); Meetings/depositions with opposing parties/witnesses (22 %); Meetings with opposing counsel, clients or colleagues (20 %); Employment opportunities, interviews or employment settings (11%). (See Question 31a and 31b in the Florida Bar Survey Report.)
- ◆ Of the 13 respondents who identified at least one hearing-related communications barrier that they encountered, the most frequently mentioned categories were: Difficulty with hearing in crowds or with background noise; poor acoustics (particularly in courtrooms); and persons that mumble.
- ◆ Nearly three-quarters (72%) of applicable respondents report that they have not experienced resistance or refusal to use alternatives to traditional methods of gathering case information in employment settings. (See Question 34a in the Florida Bar Survey Report.)
- ◆ For those applicable respondents who encountered barriers to accessible information technology or equipment in employment settings, 18% experienced these in the courts; 17% with web sites; 15% in employment settings; and 10% in non-judicial proceedings. (See Question 33a in the Florida Bar Survey Report.)
- ◆ And, of the twelve respondents who described encountering at least one accessible information technology or equipment communication barrier, the most frequently mentioned categories were: Expense/ Prohibitive Costs (4); Flat Refusal (3); Resistance

due to unfamiliarity/ignorance/fear (3); and Technology difficulties (2). (See Question 34b in the Florida Bar Survey Report.)

- ◆ The highest percentage of refusals/resistance to make reasonable accommodations in employment settings occurs with court hearings (33%), with approximately a quarter of applicable respondents reporting such in interactions with opposing counsel (26%), conferences and professional meetings (25%), employment (24%), depositions and mediations (23%), and colleague interaction (23%). (See Question 17a in the Florida Bar Survey Report.)

### **Respondent comments**

In court, required to stand up for long periods, not allowed to sit during questioning and cross examination. Not always allowed to sit on back row so that I could stand or sit as required.

...there has been resistance or refusal to provide additional clerical support, specifically readers. (See Question 17a in the Florida Bar Survey Report.)

- ◆ Policies, practices or procedural barriers were identified in many settings. For applicable respondents, 30% experienced these barriers in employment settings such as court hearings, conferences, administrative or non-judicial hearings/proceedings; 22% in meetings/depositions with opposing parties/witnesses, 22% in employment opportunities, interviews or employment setting; and 17% in meetings with opposing counsel. (See Question 36a in the Florida Bar Survey Report.)

Lack of flexibility in scheduling ...

Automatic refusal to pay for interpreters.

Refusal to have a fragrance-free policy. Refusal to accommodate me by allowing me to participate in activities via videoconferencing.

Policies requiring face-to-face meetings or driving to meetings.

- ◆ A majority (88%) of respondents are unaware of employment or legal settings that have a fragrance-free environmental policy. (See Question 26 in the Florida Bar Survey Report.)

### **Reasonable Accommodations**

- ◆ Twenty-six percent (26%) of all respondents have not requested reasonable accommodations at their job, and thirty-two percent (32%) indicated it did not apply to them. (See Question 16 in the Florida Bar Survey Report.)
- ◆ Over three-fifths (62%) of applicable respondents report that they have requested reasonable accommodations at their job. (See Question 16 in the Florida Bar Survey Report.)

- ◆ Almost two-fifths (38%) of all respondents who need accommodations within their legal work place/office report that the expense associated with the accommodation is a one-time only expense, and one-quarter (26%) report the expense to be ongoing. Thirty-six percent (36%) report that the expense is partially ongoing and partially a one-time expense. (See Question 18a in the Florida Bar Survey Report.)
- ◆ Almost two-fifths (39%) of all respondents receiving accommodations report that the approximate annual cost for their workplace accommodations is \$500 or less, with 26% reporting \$100 or less. Just over one-quarter (26%) report that it is over \$10,000, annually. The median is \$1,000. (See Question 18b in the Florida Bar Survey Report.)

The following identifies the most frequent types of accommodations identified by forty-six respondents, with respondent comments in italics:

- ◆ Flexibility in work schedule/time away from office

*Permission to keep medical appointments; Time off/request to work from home during recuperation from surgery, when in acute pain or for medical or physical therapy appointments.*

- ◆ Changes in office furniture/furnishings:

*Lowering of certain sets of books in the library; work surface raised; Better chair/ Padded bench to support my leg/ Ergonomic chair with lumbar support; Adapt furniture to wheelchair use/ raise desk; Reposition monitor on floor; Barstool height seat for teaching.*

- ◆ Staff assistance

*More assistance to type dictation; Transcriber; Reader assistance competent supportive secretarial assistance; Driver.*

- ◆ Adaptations to office equipment/software

*Dragon Dictate voice dictation; JAWS screen reading computer program and print enlarger; Wireless headset or adaptive equipment for the phone; TDD(telecommunication device for the deaf); Larger computer monitor.*

- ◆ Accessibility of physical/structural environment

*Electric/automatic door openers; Bathroom modifications; Constructing a ramp at the back entrance to the building; Ramp to access (courtroom) bench area; Parking.*

- ◆ Thirty-five percent (35%) of all respondents indicated that they have used various technologies to enhance or perform job functions such as video-conferencing, telecommuting, conference calls, adaptive computer technology, Net Meeting, and file sharing for remote computer use. However, it is important to note that technology which

enhances accessibility is now commonly used for productivity and efficiency by many lawyers, whether or not they have a disability

- ◆ Teleconferencing and telecommuting were identified by some respondents as accommodations for lawyers with disabilities. (See Question 62 in the Florida Bar Survey Report.)

An issue that was not addressed directly is the need for many people with disabilities to work from home, to telecommute. I think if more firms and workplaces allowed this it would help lawyers with disabilities be able to work in more positions in the legal profession and to get more work done more comfortably for them.

Limitations on mobility can hinder a legal practice and curtail availability of attorney to out of town clients and courts. Teleconference technology in the civil and small claims courts would help set the foundation for lawyers who have trouble traveling.

## **Employment Opportunities**

- ◆ Slightly less than one-third (31%) of all respondents report being denied employment opportunities in the recruitment or hiring phase because of their disability. Just over one-fifth (22%) report being denied employment opportunities during the retention or promotion phase; sixteen percent (16%) in training, job assignments or evaluations; and, twelve percent (12%) related to leave, layoff or termination. (See Question 19 in the Florida Bar Survey Report.)
- ◆ When asked about their perceptions, more than a quarter of all respondents (27%) indicate they might have been denied access to other benefits and activities of employment (such as training and social functions) because of disability, lack of accommodations or accessibility. (See Question 20 in the Florida Bar Survey Report.)
- ◆ Thirty percent (30%) of all respondents indicate that travel requirements might have limited their career development. (See Question 20 in the Florida Bar Survey Report.)
- ◆ Nearly three-quarters (73%) of all respondents report that they do not have transportation barriers that affect their work. The 27% who have transportation barriers (most of whom were persons with vision or mobility disabilities) identify transportation barriers related to driving (difficulty in driving/needing a driver) and lack of parking (See Question 25 in the Florida Bar Survey Report.)
- ◆ A considerable majority (69%) agree they have received equal employment benefits such as health insurance, vacation or sick leave, compared to 19% who disagree.
- ◆ A significant majority (64%) of all respondents agree that employers perceive or fear that the cost of health insurance would increase if they hire persons with disabilities, compared to 17% who disagree. (See Question 20 in the Florida Bar Survey Report.)

Nearly half (45%) of all respondents who have recently used the Consolidated Omnibus Budget Reconciliation Act (COBRA) to purchase health insurance report having difficulty purchasing health insurance afterwards.

Forty-six respondents listed at least one specific comment relating to being denied employment opportunities because of their disability. The following highlights these comments: (See Question 19a in the Florida Bar Survey Report.)

◆ Recruitment or hiring:

I know that several employers have refused to hire me because of the accommodations I would need to use, either because they were concerned with their image to their clients or because they were concerned about the cost of paying for interpreters in court or the difficulty of providing interpreters.

State position interview. Most questions asked were related to mobility. Few, if any, questions regarding law and position interviewing for.

I have been denied interviews when I have asked for a fragrance-free environment.

I believe that I was largely not hireable because I did not fit the image that larger firms wanted to project.

I believe my qualifications for nomination to the county court bench were equal to all names selected as finalists, but I was not selected either time.

As a litigator, I believe other litigators fear (my disability) will be perceived as a sign of weakness by clients, juries, and opposing counsel and parties.

◆ Retention or Promotion:

I spoke with a colleague about the possibility of a lateral partner level position. He seemed troubled and he never followed up...Odd for a person like me who generated over a million dollars a year for my firm as far back as 1995.

Because I am not able to work 200 hours per month, I have been passed over for promotion.

◆ Training, job assignments or evaluations:

On at least one occasion, the employer gave me a negative evaluation, although it was acknowledged that, at times, clerical support was "inconsistent or non-existent."

References in evaluations to my disabilities...

I was on several occasions told that I could not participate in training opportunities that were previously available to everyone because it was not "strictly necessary" to my job after I made a request for an interpreter.

Denial of CLE training at employer expense (unlike other attorneys).

◆ Leave, layoff or termination:

After working for a firm for over 5 years, my employment was terminated...I was having health issues and was not able to work the long hours that I had previously worked.

◆ Benefits:

The need for health care coverage and stable employment as a person with a medical disability has hindered career options. Rather than accept offers from private small firms or to start private practice, I have to stay with a state agency, to maintain needed benefits. The result is a diminished employment bearing capacity that affects my standard of life and happiness professionally. The choice is one that many Americans make to obtain health insurance.

## **Court and Community Accessibility Experiences**

Two-thirds (67%) of all respondents report that courthouse accessibility has improved in the last five years, with one-third (33%) disagreeing (See Question 24 in the Florida Bar Survey Report). One-fifth of all respondents indicated that they have experienced physical/architectural barriers in courts, administrative offices or agencies (See Question 38 in the Florida Bar Survey Report). Applicable respondents identified some communication barriers within courts and the legal community as a whole, whether or not they are individuals who have hearing or vision disabilities. Throughout the survey, respondents identified several barriers caused by behaviors and attitudes of court personnel, including members of the judiciary. (See Questions 27a, 27b, 29a and 31a in the Florida Bar Survey Report.)

### **Attitudinal Barriers in Court Environment**

- ◆ Of the respondents who had encountered negative comments about their disability, 32% indicated that these comments were made by judges; and 25% by court personnel and non-judicial officers (e.g. magistrates, hearing officers). (See Question 15a in the Florida Bar Survey Report.)
- ◆ Of the respondents who have encountered a refusal or resistance to make reasonable accommodations for their disability, 33% experienced this related to court hearings. (See Question 17a in the Florida Bar Survey Report.)

### **Physical/Architectural Barriers to Courthouses**

- ◆ In courthouses, the greatest number of applicable respondents indicated problems with parking (46%), path of travel and distance from parking to entrances (45%), interior and exterior paths of travel (44%), entrances (37%), elevators, escalators and stairs, including detectable warning strips (34%).
- ◆ A lower percentage, although still significant, of applicable respondents indicated that service counters (23%), security booths (22%), communication such as buzzers, intercoms and TDD's (telecommunication devices for the deaf) (16%), lighting (14%), and signage (including audible and tactile signage) create barriers (13%). (See Question 27a in the Florida Bar Survey Report.)

### **Physical/Architectural Barriers to Courtrooms**

- ◆ In courtrooms, the greatest number of applicable respondents identified barriers at the point of entry to the courtroom (including opening force of door, door swings, width of door, and bottom elevation of viewing window)(28%); accessible routes throughout courtrooms (27%); lecterns/ audio or video carts (including adjustable height and reach provisions for electronics and other built-ins) (25%); Judge's benches (including

adaptable access for the judge, the height from the floor and accessible sidebar for conversations with lawyers) (26%); and Counsel tables (including accessible route to pull up to the table and reach provisions for electronics and other built-ins) (25%).

- ◆ Other physical/architectural barriers identified include: to Judges' chambers (23%) and Gallery (size/placement of wheelchair space, companion seating, wheelchair space overlapping aisle and/or aisle access way, tiered seating) (22%). Between 8% and 14% identified barriers in Clerks' station (including adaptable access for clerk, and accessible sidebar for interaction with lawyers; lighting (14%); Assisted listening systems (11%); Witness waiting area (11%)(including assisted listening, accessible route to room from public area and courtroom and access to table); and, Courtroom holding cells (8%). (See Question 27c in the Florida Bar Survey Report.

## **Communication Barriers in Courts**

- ◆ Vision-related communications barriers exist when accessing court documents for 18% of the population for whom it was applicable, and in courthouses, 11%. (See Question 29a in the Florida Bar Survey Report.)
- ◆ Vision related communication barriers with electronic communication (email and Internet) were reported by 15% of applicable respondents. (See Question 29a in the Florida Bar Survey Report.)
- ◆ Of the respondents who had encountered hearing-related communications barriers, 33% experienced those barriers in court hearings, conferences, administrative or non-judicial hearings or proceedings; and 26% in courthouses in general. (See Question 31a in the Florida Bar Survey Report.)
  - Comments include: "Older courthouses are acoustically terrible...; Judges mumble; ... personnel do not speak slowly and distinctly; the noise levels in most courtrooms is such that you cannot hear the proceedings... This is especially true in motion and docket hearings. The court needs to demand that conversations be taken outside the courtroom... In some courtrooms, the utility services can be loud and...the room is not (designed) for acoustics from counsel table...People talking in the courtroom while proceedings are taking place... The courts ... lack of willingness to pay for my interpreters."
- ◆ Of the respondents who encountered barriers to accessible information technology or equipment in a variety of settings, 18% identified these barriers in courts, some indicating difficulty with internet access to court filings, wireless access, and a lack of multi-media technology. (See Questions 33a and 33b in the Florida Bar Survey Report.)

## **Policies, Practices or Procedural Barriers**

- ◆ Thirty percent (30%) of applicable respondents experienced policy, practice or procedural barriers in court hearings, conferences, administrative or non-judicial hearings/proceedings. (See Question 36a in the Florida Bar Survey Report).

- Examples cited include: judges not allowing attendance by telephone; lack of flexibility in scheduling; refusal to pay for interpreters; the general practice of requiring a lawyer to stand in court; refusal to have a fragrance-free policy and refusal to accommodate a chemical sensitivity disorder with participation via videoconferencing; judges using side bar bench conferences; courts requiring a driver's license (for) quasi-judicial positions.
- ◆ A total of 40 respondents that have learning, neurological, cognitive, vision or hearing disabilities listed at least one accommodation that would better enable them to present their case during an administrative hearing, court proceeding or trial. The most frequently mentioned categories for accommodations include additional time/more breaks/slowing down (17 respondents); improved sound systems/acoustics/reduction of background noise (7); Real Time Captioning/Interpreters/Assistive Listening Systems (5); Having an assistant (3); and Attitude (2). (See Question 37 in the Florida Bar Survey Report.) In the opinion of the authors, these accommodations would resolve some barriers caused by policies, practices, or procedures in court or administrative proceedings.
- ◆ Only thirteen percent (13%) of all respondents report having used the services of a county or court Americans with Disabilities Act Coordinator. (See Question 39 in the Florida Bar Survey Report).

## Other Legal Venues

Barriers similar to those described above are reported in other legal venues, including opposing counsel offices, co-counsel offices, depositions, meetings with witnesses etc.

- ◆ Twenty three percent (23%) of applicable respondents experience physical/architectural barriers in opposing counsel and co-counsel offices. (See Question 24 in the Florida Bar Survey Report.)
- ◆ Sixteen percent (16%) of applicable respondents have encountered vision-related communication barriers in documents produced or distributed by opposing counsel or parties or distributed by clients.) (See Question 29a in the Florida Bar Survey Report). Twenty-two percent (22%) have encountered hearing-related communications barriers in meetings/depositions with opposing parties/witnesses, and twenty-percent (20%) in meetings with opposing counsel, clients or colleagues. (See Question 31a in the Florida Bar Survey Report.)
- ◆ And, twenty-two percent (22%) of applicable respondents encountered policies, practices or procedural barriers in meetings/depositions with opposing parties and witnesses. (See Question 36a in the Florida Bar Survey Report.)

## Specific Courthouse Data

Qualitative data collected from individual respondent comments provided some relevant information regarding specific courthouses.

- ◆ Miami Dade County Courthouse: ramp is too long and too steep to be able to maneuver by myself. Always had to ask someone to push me up the ramp.
- ◆ Miami-Dade County Courthouse and ... Palm Beach County Courthouse: need to insure that there is ample and accessible disabled parking at courthouses with a safe, clearly marked walkway to get into the courthouse;
- ◆ Leon County Courthouse: The use of the elevator in the parking garage at the Leon County Courthouse is forbidden except by employees.
- ◆ Orange County: Going in and out of courthouses, especially Orange County where you have to wait in line with the public and people are constantly smoking in the walkways.
- ◆ Tampa Federal Courthouse: Steps at the point of entry where exhibit materials are carried in and ...inadequate storage of these materials;
- ◆ Duval County Courthouse: Insufficient disabled parking places ...If I don't get there at 7:00 a.m. or pay to park in a nearby hotel parking garage, the closest parking may be too far away. When I have to go down on personal business, I have a friend drive me, then call them to pick me up. And there's not enough seating outside the courtrooms or judges chambers...
- ◆ Broward County Courthouse: ...virtually impossible to navigate, from the inadequate handicapped parking, to the very long lines for metal detectors. And, of course, I set off metal detectors, causing further delay and embarrassment. The airport, believe it or not, is easier.

## Key Findings and Recommendations

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Recognize a basic maxim of life. You really don't know what it's like to walk in the shoes of another until you experience the other's situation. My job requires me to be familiar with a good deal of disability law and I've had a few friends with disabilities. Until I had to learn to walk again, I had no idea what this area is about and there are plenty of specific areas within it of which I am still ignorant.

Survey Respondent

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Survey respondents strongly supported several policies and recommendations put forth in the survey that would be helpful to reduce barriers to the practice of law; to increase the participation of lawyers with disabilities in Bar activities and services; to improve Courthouse and community accessibility; to address training needs; and, for projects to be conducted by current or future Bar Committees.

A number of respondents stated their appreciation for the work done on this survey, by the Bar and by the Disability Independence Group. This was reflected in the following statement by a respondent: "...shows sensitivity towards lawyers with disabilities. The results can only be positive for lawyers with disabilities".

This section summarizes the key findings and highlights opinions and recommendations by environment or area of impact:

### Key Findings: Demographics

- ◆ The majority of respondents are 50 years of age or older (54%), with 34% from 36-49 years of age. (See Question 67 in the Florida Bar Survey Report.)
- ◆ Thirty-eight percent (38%) of all respondents report that the onset of their disability occurred while they were between 31 and 50 years of age, with eighteen percent (18%) reporting that the onset occurred at birth. Half of all respondents report that the onset of their disability occurred before they attended law school. Just over two-fifths (41%) report their disability to be visible or apparent, with an additional 19% reporting that it is sometimes apparent, depending on the circumstances. (See Questions 4, 5 and 6 in the Florida Bar Survey Report.)
- ◆ Fifty-one percent (51%) of all respondents report that their mobility is affected by their disability;
- ◆ Nearly three-fifths (59%) of all respondents are male. (See Question 65 in the Florida Bar Survey Report.)

- ◆ A total of 63% of the respondents practice law in Miami-Dade, Broward, Leon, Hillsborough, Pinellas and Orange counties, with respondents from a total of 23 counties. (See Question 64 in the Florida Bar Survey Report.)
- ◆ A significant majority of respondents (91%) report being White/Caucasian; 6% Hispanic/Latino; and 2% African-American/Black. (See Question 66 in the Florida Bar Survey Report.)
- ◆ Thirty nine percent (39 %) report sensory effects, either vision (24%) or hearing (19%) being affected. This was a “multiple response question” and several respondents checked both the vision and hearing categories.
- ◆ One-third (33%) report their physical health being affected; and,
- ◆ More than a quarter (27%) report their mental health being affected by their disability.
- ◆ Half of all respondents report that the onset of their disability occurred before they attended law school.

(See Questions 3, 4, 5 and 67 in the Florida Bar Survey Report.)

### **Key Findings: Law Schools**

Respondents reported few barriers during their law school careers. These barriers were experienced in their interaction with the Law School Admissions Council (LSAC), during the Law School Admission Test (LSAT), the law school admissions process, and during law school classes, library use and other activities. There were fewer barriers identified in the law school environment than in other areas throughout the survey.

Key findings for law school experiences are:

- ◆ One-fifth of applicable respondents experienced negative comments from law students (22%) and law school admissions staff/professors/or administrators (19%). Ninety-four percent (94%) of applicable respondents reporting that they did not receive negative comments from the LSAC. (See Question 15a in the Florida Bar Survey Report.)
- ◆ Refusal or resistance to make reasonable accommodations for their disability were experienced by applicable respondents in law school classes and activities (17%); and with the LSAC/ application and the LSAT (14%). Eighty-eight percent (88%) of applicable respondents did not encounter a refusal or resistance to make accommodations in the law school admissions application and process. (See Question 17a in the Florida Bar Survey Report.)
- ◆ Physical (architectural) barriers in law school were experienced by 16% of applicable respondents with the fewest experienced in the LSAT preparation courses or LSAT; 94% of applicable respondents reported they did not encounter physical barriers in the LSAT preparation course/LSAT. (See Question 24a in the Florida Bar Survey Report.)

- ◆ Hearing-related communications barriers in law school classes, library use, and other activities were experienced by 14% of applicable respondents; 95% of applicable respondents did not encounter a hearing related barrier in either the law school admissions application and process or the LSAT and LSAT application. (See Question 31a in the Florida Bar Survey Report.)
- ◆ Vision-related communications barriers in law school classes, library use, and other activities were experienced by 8% of applicable respondents compared to 96% who did not encounter vision related barriers in the law school admissions process and 94% who did not encounter same with the LSAT. (See Question 29a in the Florida Bar Survey Report.)
- ◆ Policies, practices or procedural barriers related to Law school classes, library use, and other activities were experienced by fifteen percent (15%) of all applicable respondents; and, thirteen percent (13 %) with the LSAC, compared to eighty-seven percent (87%) of all applicable respondents who did not encounter any policies, practices or procedural barriers in the law school admissions process and ninety-one percent (91%) who did not encounter any in the LSAT preparation course. (See Question 36a in the Florida Bar Survey Report.)

## **Recommendations**

- ✓ It is recommended that a statewide committee of law school administrators be established to address issues raised by survey respondents, thereby reducing existing barriers and ensuring the provision of appropriate and adequate support for applicants and students with disabilities in law school. This Committee should also communicate issues to the Law School Admissions Council.
- ✓ Law schools should require on-campus interviewers to comply with the ADA, which would include accessible locations and materials, and non-discriminatory interviewing practices. This recommendation was supported by a significant majority (67%) of all respondents. (See Question 57 in the Florida Bar Survey Report).
- ✓ Law schools should incorporate training covering disability awareness, ADA and accessible information technology training for law placement staff. (See Question 58 in the Florida Bar Survey Report).

## **Key Findings: Board Of Bar Examiners and Bar Admission Process**

Although three-quarters of applicable respondents report the application for admission to the Florida Bar was adequate and fair to persons with disabilities, a number of problems still persist in the Bar Examination and Bar Admission process.

- ◆ One-third of all applicable respondents believe that the documentation to obtain testing accommodations for the Bar examination and the application for admission to the Florida Bar are unfair, compared to sixty-six (66%) and seventy-five percent (75%) respectively

who did not find them unfair. (See Question 40 and 42a in the Florida Bar Survey Report.)

- ◆ Nineteen percent (19%) of applicable respondents experienced difficulties in the accommodations process for the Bar examination and twelve percent (12%) experienced this with the Bar examination preparation course, compared to eighty-eight percent (88%) who did not experience difficulty. (See Question 17a in the Florida Bar Survey Report.)
- ◆ Twenty-one percent (21%) of all applicable respondents reported policies, practices or procedures that created barriers in the Bar examination process (preparation course through the examination itself), compared to seventy-nine percent (79%) who did not. (See Question 36a in the Florida Bar Survey Report.)
- ◆ Fifty-three percent (53%) of all respondents report that it is important that the Florida Board of Bar Examiners include at least one member who is a person with a disability, while 27% believe it is not important. (Effective 12/05, a person with a disability has been appointed to the Florida Board of Bar Examiners although this is not an established policy). (See Question 57 in the Florida Bar Survey Report.)

## **Recommendations**

- ✓ Respondents made a number of suggestions for improving access for persons with disabilities to the Florida Bar admission process, some of which may already be in place. It is recommended that a review of all policies, practices and procedures related to applicants with disabilities be undertaken by the Florida Board of Bar Examiners.

## **Key Findings: Courthouse and Community Accessibility**

- ◆ Seventy-seven percent (77%) of all respondents believe that there should be a statewide courthouse accessibility project. (See Question 57 in the Florida Bar Survey Report.)
- ◆ Sixty-four percent (64%) of all respondents believe an accommodation rule is important, creating a centralized, statewide, and confidential registry for lawyers with disabilities, designating the accommodations they require in employment, court, administrative or Bar settings, and accepted by all entities, while 24% believe it is not important. (See Question 57 in the Florida Bar Survey Report.)
- ◆ Barriers to the practice of law were reported to be most common in court environments.
- ◆ The most significant physical and architectural barriers reported in court settings were related to parking, including distance from the courthouse (46% of applicable respondents) and path of travel (44% of applicable respondent). More than a third of applicable respondents (34%) reported barriers related to entrances, elevators, escalators and stairs. More than a quarter of applicable respondents reported barriers in courtrooms, including access to Judge's benches (26%) and counsel tables (25%). Hearing related communication barriers in court hearings, conferences, administrative or non-judicial hearings or proceedings were reported by one third of applicable respondents. And,

nearly one-fifth of applicable respondents reported both vision-related barriers in courts in accessing court documents (18%) and barriers to accessible information technology or equipment in courts (18%). (See Questions 27 a, b, c; 29a and 31a in the Florida Bar Survey Report.)

- ◆ Additionally, approximately one-third of applicable respondents experienced: policy, practice or procedural barriers in court hearings, conferences, administrative or non-judicial hearings/proceedings (30%); negative comments about their disability by judges and court personnel (32%); and a refusal or resistance to make reasonable accommodations for their disability related to court hearings (33%). One-quarter reported experiencing negative comments about their disability by court personnel and non-judicial officers. (See Questions 36a, 17a and 15a in the Florida Bar Survey Report.)
- ◆ Accessibility issues including courthouse, web sites and communication was one of the most frequently mentioned categories recommended for future projects for the Florida Bar's Equal Opportunities Law Section's Disabilities Committee. (See Question 60 in the Florida Bar Survey Report.)

## **Recommendations**

- ✓ A statewide courthouse accessibility project should be conducted. Based on the findings of this survey, structural, communication accessibility and program access should be included. (See Question 57 in the Florida Bar Survey Report.)

(After this survey was conducted, the Chief Justice of the Florida Supreme Court and the Florida Supreme Court's Standing Committee on Fairness and Diversity in the State Courts initiated a statewide Courthouse Accessibility Project, June, 2006. This project is currently underway.)

- ✓ An accommodation rule creating a centralized, statewide, and confidential registry for lawyers with disabilities, designating the accommodations they require, should be explored. (See Question 57 in the Florida Bar Survey Report.)
- ✓ The court system should incorporate training covering disability awareness, ADA and accessible information technology training for all court personnel, including members of the judiciary. (See Question 58 in the Florida Bar Survey Report.)

## **Key Findings: Employment**

- ◆ When considering those respondents who reported a legal income in 2005, the median salary for respondents is \$62,000, with 74% earning \$100,000 or less. (See Question 69a in the Florida Bar Survey Report.)
- ◆ Eighty-four percent (84%) report being currently employed. Of those who are employed, considerably more than half (65%) work in private practice positions and seventeen percent (17%) work in government practice positions. Forty-two (42%) of respondents

who are employed are in solo practice. (See Question 1 in the Florida Bar Survey Report.)

- ◆ Forty-two percent (42%) are in solo practice; and, nearly half (46%) are employed in firms or legal offices that contain five or less attorneys. (See Question 1 in the Florida Bar Survey Report.)
- ◆ A large majority (88%) of all respondents report that, with regard to their disability, their current employer treats them the same as other staff in the workplace. (See Question 7a in the Florida Bar Survey Report.)
- ◆ More than three-fifths (62%) of all respondents report that their work environment is supportive for a person with a disability, compared to 16% who report it is hostile. (See Question 10 in the Florida Bar Survey Report.)
- ◆ Almost three-quarters (74%) of applicable respondents report that their employer has not asked inappropriate questions about their disability. (See Question 14a in the Florida Bar Survey Report.)
- ◆ Nearly three-quarters (72%) of applicable respondents report that they have not experienced resistance or refusal to use alternatives to traditional methods of gathering case information. (See Question 34a in the Florida Bar Survey Report.)
- ◆ Sixty-six percent (66%) of all respondents believe it is important to have a commitment by law firms and state agency human resource departments to include persons with disabilities as an integral component of the definition of diversity. (See Question 57 on Page 41 of the Survey Results.)
- ◆ Fifty-eight percent (58%) of all respondents believe it is important to increase employment opportunities for persons with disabilities in private mid to large size law firms and that employment diversity recruitment programs should target lawyers with disabilities. (See Question 57 in the Florida Bar Survey Report.)

## **Barriers**

- ◆ Between one-quarter and one-third of applicable respondents indicate that they had encountered negative comments about their disability in various employment settings. (See Question 15a in the Florida Bar Survey Report.)
- ◆ Of the 26% who indicated that their employer asked inappropriate questions about their disability, seventeen respondents reported specific instances. Over half of those reported the occurrences to be post job offer, most frequently during the accommodations process and during interviews and performance reviews. After reviewing comments by respondents, the authors believe that examples reflect employers' lack of knowledge about disability and related attitudinal barriers. (See Question 14b in the Florida Bar Survey Report.)

- ◆ Sixteen percent (16%) of all respondents reported a hostile work environment, most often involving co-workers or supervisors (30%), compared to eighty-four percent (84%) of all survey respondents who did not report a hostile work environment. (See Question 10 in the Florida Bar Survey Report.)
- ◆ The highest percentage of refusals/resistance to make reasonable accommodations in employment settings occurs with court hearings (33%) and, approximately one-quarter of applicable respondents reporting such in interactions with opposing counsel and parties (26%), conferences and professional meetings (25%), employment (24%), depositions and mediations (23%) and colleague interaction (23%). (See Question 17a in the Florida Bar Survey Report.)
- ◆ Physical and architectural barriers were reported by approximately one-fifth (19%) of applicable respondents in employment opportunities, interviews, or employment settings; and, one-quarter in other environments (client offices, colleague offices) where they conduct business. (See Question 24a in the Florida Bar Survey Report.)
- ◆ Significant numbers of applicable respondents encountered hearing-related communications barriers in court hearings, conferences, administrative or non-judicial hearings or proceedings (33 %); and in Courthouses (26 %). (See Question 31a in the Florida Bar Survey Report.)
- ◆ Eighteen percent (18%) of applicable respondents report that they have experienced resistance or refusal to use alternatives to traditional methods of gathering case information in courts; 17% with web sites; 15% in employment settings; and, 10% in non-judicial proceedings. (See Question 33a in the Florida Bar Survey Report.)
- ◆ Policies, practices or procedural barriers were identified by 30% of applicable respondents in employment settings such as court hearings, conferences, administrative or non-judicial hearings/proceedings. (See Question 36a in the Florida Bar Survey Report.)

## **Reasonable Accommodations**

- ◆ Twenty-six percent (26%) of all respondents do not request accommodations on their job, compared to forty-two percent (42%) who do. (See Question 16 in the Florida Bar Survey Report.)
- ◆ Almost two-fifths (39%) of all respondents receiving accommodations report that the approximate annual cost for their workplace accommodations is \$500 or less, with 26% reporting \$100 or less. (See Question 18b in the Florida Bar Survey Report.)
- ◆ Thirty-five percent (35%) of all respondents indicated that they have used various technologies to enhance or perform job function, compared to 12% who have not. Technology which enhances accessibility is now commonly used for productivity and efficiency by most lawyers, whether or not they have a disability. (See Question 20 in the Florida Bar Survey Report.)

## Employment Opportunities and Benefits

- ◆ Respondents report being denied employment opportunities in various aspects of employment. Approximately one-third (31%) of all respondents report being denied employment opportunities in the recruitment or hiring phase; just over one-fifth (22%) during the retention or promotion phase; and, others in training, job assignments or evaluations (16%). (See Question 19a in the Florida Bar Survey Report.)
  - Respondents listed employer concerns about image, cost of accommodations, inappropriate questions during an interview, and denial of benefits provided to other attorneys when commenting on the denial of employment opportunities because of their disability.
- ◆ Teleconferencing and telecommuting were identified as beneficial to lawyers with disabilities, reducing barriers to their employment and enabling them to work productively and effectively. (See Question 62 in the Florida Bar Survey Report.)
- ◆ Although a considerable majority (69%) indicate they have received equal employment benefits such as health insurance, vacation or sick leave, a significant majority (64%) of all respondents believe that employers perceive or fear that the cost of health insurance would increase if they hire persons with disabilities. (See Question 20 in the Florida Bar Survey Report.)
- ◆ A significant majority, over three-quarters (78%) of all respondents, indicate the possibility of purchasing group health insurance from The Florida Bar, if it were offered. (See Question 22 in the Florida Bar Survey Report.)
- ◆ Nearly a third of all respondents report that not traveling to meetings or other events away from the community in which they live and work may have affected their career development, although few lawyers with disabilities have transportation problems traveling to and from work (See Question 25 in the Florida Bar Survey Report.)

## Recommendations

- ✓ Florida law firms and state agency human resource departments should include persons with disabilities as an integral component of the definition of diversity.
- ✓ Employers should increase employment opportunities for persons with disabilities in private mid to large size law firms, and employment diversity recruitment programs should target lawyers with disabilities. (See Question 57 in the Florida Bar Survey Report.)
- ✓ Employers should incorporate training covering disability awareness, ADA and accessible information technology training for all employees, including office management staff in both public and private settings. (See Question 58 in the Florida Bar Survey Report.)

## Key Findings: Bar Associations

- ◆ Three-fifths (60%) of all respondents report that The Florida Bar has become more aware of the needs of lawyers with disabilities over the last five years, compared to eleven percent (11%) who disagreed. (See Question 56 in the Florida Bar Survey Report.)
- ◆ A large majority of respondents (70%) report that they have not attended any of the primary Florida Bar meetings in the past five years. Although a significant majority of respondents report not playing leadership roles in Bar associations, there is more participation in local or voluntary bars. (See Questions 44, 46 and 47 in the Florida Bar Survey Report.)
- ◆ Approximately one-fifth of applicable respondents reported encountering one or more barriers while participating in Bar activities. (See Questions 17a, 24a, 31a and 36a in the Florida Bar Survey Report.)
- ◆ A number of important factors were identified which determine whether respondents will join a voluntary bar association or a Florida Bar committee:

Cost to attend meetings or activities;

Accessibility of the meeting location;

Disability-related time commitment;

Other factors include: videoconferencing, accessible transportation; attitude of membership and Florida Bar staff toward lawyers with disabilities; ADA compliant hotel rooms; Designated staff person responsible for disability related services and on-site assistance; materials provided in alternative formats (e.g. large print, Braille, or tape/CD) upon request; Sign language interpreters and other methods for accessible communication; lawyers with a disability in a leadership role.

## Recommendations:

- ✓ One committee of the Bar should be established to review and address all policies, practices, and procedures related to disability issues. This committee would make recommendations to individual departments and entities. Ad Hoc Sub-Committees should be appointed for specific issues. All Committees should include lawyers with disabilities. The following are a few of the issues to explore:

Policy requiring all CLE providers to commit to accessibility as an essential element for their seminar to be certified for CLE credits, which more than three-quarters (77%) of all respondents support. (See Question 57 in the Florida Bar Survey Report).

A group health insurance policy (54% report they "might" purchase group health insurance from the Bar, 24% report they would purchase, compared to 22% who report they would not). (See Question 22 in the Florida Bar Survey Report).

Requiring Bar-sponsored diversity training to include specific information regarding disabilities (supported by a significant majority [69%] of all respondents). (See Question 57 in the Florida Bar Survey Report).

Clarification and publication of policies and procedures regarding services for persons with disabilities and the person or persons designated on Bar staff for disability services (supported by a significant majority [65%] of respondents).

An increase in the number of already excellent articles featured in the Florida Bar News on disability topics supported by a significant majority [64%] of all respondents. (See Question 57 in the Florida Bar Survey Report).

- ✓ Other committees should be considered by the Bar to address issues identified in this survey. Respondents have strongly indicated their willingness to serve on other Committees of the Bar which would address disability issues, as described below:

The Florida Bar's Equal Opportunities Law Section's Disabilities Committee was recently established. Nearly three-quarters (72%) of all respondents who are not currently members of this committee state that they would consider joining the committee in the near future; recruitment of new members is recommended. (See Question 59 in the Florida Bar Survey Report).

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The Florida Bar's Equal Opportunity and the Law Section has recently established a Lawyers with Disabilities Committee. The three most frequently mentioned categories for projects were: Accessibility issues including courthouse, web sites and communication (11 responses); Training/education/awareness/attitudinal for members of the Bar, Judiciary and legal profession (13); and, Projects focused on mental health issues (4); (See Question 60 in the Florida Bar Survey Report).

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- ✓ Committees that would assist The Florida Bar in formulating and implementing disability and accessibility policies and procedures (supported by 43% of all respondents; (See Question 61 in the Florida Bar Survey Report).
- ✓ Statewide Courthouse Accessibility Project Committee (supported by 41% of all respondents); (See Question 61 in the Florida Bar Survey Report).
- ✓ A committee to develop and implement disability, ADA, accessible information technology and other relevant training throughout the legal system (public and private) (supported by 35% of all respondents); (See Question 61 in the Florida Bar Survey Report).
- ✓ A committee to review the Rules of Professional Conduct to ensure compliance with existing civil rights laws thereby guaranteeing non-discrimination of persons with

disabilities (supported by 34% of all respondents); (See Question 61 in the Florida Bar Survey Report) and,

- ✓ A committee to draft a rule establishing a statewide registry for lawyers with disabilities that designates the accommodations they require for employment, court, administrative or Bar settings (supported by 24% of all respondents); (See Question 57 in the Florida Bar Survey Report).
- ✓ The Florida Bar should incorporate training covering disability awareness, ADA and accessible information technology training for all employees and Bar leadership (See Question 57 in the Florida Bar Survey Report).

## Key Findings: Disability Awareness and Other Training Needs

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...If you cannot change people's attitudes, things really won't change. The legal profession has such an attitude of independence, especially among judges and attorneys. They feel that they cannot be disciplined for the way they treat people.

Survey Respondent

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Throughout the survey, respondents indicated a variety of training needs which, if addressed, in the opinion of the authors, would significantly reduce barriers which currently impede lawyers with disabilities in their profession. The following is recommended:

- ✓ Training covering disability awareness, ADA and accessible information technology training, for individuals throughout the legal system including law school placement staff, judges, employers, new lawyers, lawyers with disabilities, Florida Bar leadership, office management staff (public and private settings), and Court personnel should be incorporated in these settings. Eighty-seven percent (87%) of all respondents report that there should be either mandatory or voluntary disability awareness training (over half [52%] of all respondents report that there should be mandatory training; just over one-third [35%] believe it should be voluntary, while 13% believe this type of training is not necessary). (See Question 58 in the Florida Bar Survey Report).

Of the thirty-five respondents who provided at least one suggestion for tasks or projects that the EOLS Disabilities Committee could undertake, thirty-seven percent (37%) recommended training. (See Question 60 in the Florida Bar Survey Report).

- ✓ More than half (55%) of all respondents indicate at least one area where they would like to receive additional training themselves. Of those areas, training in the Americans with Disabilities Act (39%) was the most frequently selected. Other training areas include: The Florida Constitution, Article I, Section II (32%); Rehabilitation Act of 1973, Sections 504 and 508 (29%); and Florida Voluntary State Telecommuting Program (Statute 110.71) (28%). (See Question 54 in the Florida Bar Survey Report).

### Respondent Comments on Training

When I was in private practice, empathy was not a billable event. It was therefore in very short supply... Education is the key. Teach people about disabilities. Teach people about how people overcome them. Teach people about how to accommodate them. And when you have done that, the profession will be that much better for it.

Acquaint judges, etc. with invisible problems for those with disabilities.

Offer seminars, write articles in the Bar News, provide online information about disabilities and access to workplace issues.

Training for the General Bar on (Post Traumatic Stress Disorder). With the crop of newly disabled veterans from Iraq and Afghanistan, there will be more attorneys, clients and

staff who will have PTSD...With early intervention and treatment; it need not be a barrier to a productive career or to a happy life.

Depression should be explained better and be a more recognized disability. With some accommodation and treatment, it too is controllable. And, people with depression should not be discriminated against for a biological disorder.

A strong focus on mental illness and usually attendant dependency problems should be a high priority.

More awareness through stories and profiles of successful lawyers with disabilities would help break down attitudinal barriers.

## **Closing Comments**

The Disability Independence Group, in collaboration with the Florida Bar, has accomplished its goal of completing the first comprehensive survey of Florida Lawyers with Disabilities. This report is the work of the Disability Independence Group. The Florida Bar's Survey Data Report is published separately by the Florida Bar.

We are truly appreciative of the commitment the Florida Bar and the Florida Bar Foundation have made to address concerns of its members who have disabilities. Many respondents stated their appreciation for the work done on this survey, by the Bar and by the Disability Independence Group. And, many respondents recognize that the Florida Bar has shown more awareness of the needs of its members who have disabilities in the last five years.

The survey results need to be interpreted through dual lenses – of not being perfectly random and having a relatively small population sample by survey research standards. As such, cautious use of exact percentages of the survey results is recommended.

With that said, the cumulative weight of the survey results should not be discounted. While not a perfect gauge of issues facing Florida attorneys with disabilities, the consistency of responses suggests that these are issues that affect a significant number of attorneys with disabilities.

The primary issues raised by respondents are: the importance of reducing barriers to the practice of law; the need to expand employment opportunities for lawyers with disabilities the need to improve courthouse and community accessibility; improvement in courthouse and community accessibility; the need to increase participation in Bar activities and services; and, an overarching need for the removal of myths and stereotypes about disability.

The survey provides us with excellent indicators of typical experiences of lawyers with disabilities although inferences to the entire population are not necessarily supported by these results. As evidenced throughout this report, the qualitative data, experiences described by the respondents, is rich with information, insights, and suggestions. The qualitative data was not published in its entirety in order to protect the privacy of the respondents.

It is hoped that this Survey Report in combination with earlier Disability Independence Group project reports, the Florida Bar's Survey Data Report, and activities throughout the country, will serve as catalysts for change, leading to the removal of barriers and providing opportunities for increased participation of legal professionals with disabilities in all environments

Without question, our legal profession, and our legal systems, will be enriched once Florida's lawyers with disabilities are permitted the full participation in their chosen profession to which they are entitled.

## Appendix A

Complete listing of respondent disabilities and the nature and extent of their disability.

- ADD. Bipolar disorder. Anxiety disorder.
- Asthma, severe; various injuries to legs and back, thus standing and walking is difficult.
- Attention Deficit Hyperactivity Disorder.
- Below the knee, right foot amputation with prosthesis.
- Bipolar II Disorder.
- Cancer.
- I am physically disabled and confined to a wheelchair.
- I have an anxiety disorder, related to agoraphobia.
- Over 100% nerve deafness in left ear.
- Speech impediment - Stuttering. Fluency varies from day to day from somewhat influent to fluent.
- T5/6 paraplegic. Confined to wheelchair, paralysis of lower extremities. Have full use of arms and hands.
- Bipolar Illness – I have had a history of mental illness since birth. This particular illness is the most serious of a combination of mental illnesses that I have. I have a severe to very severe case of this illness with the element of depression being more prevalent than the mania. It runs on a two year cycle like clockwork, but I can and do also experience tremendous highs and lows on a monthly, weekly and sometimes even a daily basis. It is an extremely difficult burden to deal with because it has such a wide array of emotions. One of the most undesirable aspects of my illness is impulse control problems in terms of behavior, especially verbally.
- Attention Deficit Hyperactivity Disorder – It is very uncommon to be Bipolar and have ADHD as well. It is a very difficult combination to treat medicinally because the treatment for each one is almost exactly the opposite of the other. I have also had this disorder since birth. It went undetected until I brought it up to my psychiatrist about three years ago. It causes me to have problems focusing and paying attention on a daily basis even with the medication. Combined with Bipolar Illness, it can be mentally excruciating, exhausting and disillusioning.

- Bipolar II Disorder
- C5/C6 quadriplegia.
- Cerebral Palsy – limited ambulation.
- Compression fracture in lumbar with a pointed protrusion. Bone fragments lodged in soft tissue. Anxiety disorder.
- Congestive heart failure (LVEF 20<) and Type II diabetes.
- Encephalitis related.
- Hearing loss.
- Herniated discs which make standing for extended periods painful.
- I have a crushed L1 vertebra which has left me disabled.
- I have Multiple Sclerosis. I have heat sensitivity, which makes the symptoms that I experience temporarily worse when exposed to heat. I also experience extreme MS related fatigue, which is only partially alleviated by medication. I also experience weakness and numbness in my legs, making walking any distance difficult, if not impossible. This is made worse by my balance and equilibrium problems, making walking over uneven surfaces dangerous for me. I also have vision issues (the loss of ability to focus on fine print) which are made worse by heat, as well as cognitive issues. I also have numbness and weakness in my hands, making things like typing difficult, if not impossible, for any length of time.
- I have trouble walking due to two bad knees. I need knee replacements, but I have not been able to take time from my practice to have the surgeries. I also have asthma which leaves me out of breath when I have to walk long distances.
- I was born with a shortened right arm. Almost six inches shorter than my left.
- Migraine – daily head pain of mild to moderate with weekly (2-3 times per week) severe head pain. Depression – well controlled with medication – depressive episode every 5-6 months. ADD – well controlled with medication – rare – inability to concentrate, skip from one task to the next.
- Moderate hearing loss.
- Multiple Sclerosis. Have had for fourteen years. I have been very lucky, but my speech is slurred, not terribly, but definitely noticeable and my writing is slow and I must concentrate on it.
- Spinal cord injury, c4-5, which limits the use of my arms and I have no use of my legs and must use a power wheelchair all the time for mobility.
- Stage IV cancer.

- Organic Brain Syndrome due to traumatic head injury, PTSD, Obsessive-Compulsive Disorder, major depression, left hand weakness due to torn ligament injury and problematic surgical repair (auto accident), left knee injury due to torn ligaments, right upper extremity weakness after arthroscopic surgery to repair torn labrum of right shoulder (auto accident), right ulna nerve injury and numbness after ulna transposition following right elbow injury (auto accident), right spinal accessory nerve injury with winging of scapula (auto accident).
- Paraplegia – I use a wheelchair to ambulate.
- Torn and detached retinas - required multiple surgeries. Poor vision in both eyes.
- Totally blind.
- Club foot - one foot is size 12 and the other is a 6.
- Descending aorta rebuilt. Sitting, standing difficult.
- Hearing.
- Other – long term sitting or standing.
- Ovarian and Uterine Cancer Stage 4.
- Severe mobility problems with left leg - allograft due to cancer surgery some years ago. Must walk with cane all the time. Cannot walk very far, problems with bending, etc. Also, chronic pain problems related to the original injury.
- Spinal cord injury requiring two fusion and continuous medical care since accident in 1984. Passed bar in 1993; certified mediator 2002. Re-injured in 2000 by semi-truck hitting and dragging my car. Some brain damage that has been treated, but have occasionally short term memory difficulties when very tired. Chronic pain requiring epidurals twice a year; multiple medications for the injuries and hospital grade whirl pool in my home. Unable to stand or sit in chairs common in law firms for more than 2 hours at a time. Was a litigator who could still do most work at home on such or bed if propped by sport pillows; some time could be spent at firm. When flying, need wheelchair to get to airplane because I cannot stop and stand repeatedly as required by security and other check points.
- Attention Deficit Disorder – ADD.
- Deaf in left ear.
- I am severely hearing impaired. I can hear most things in a quiet room when people intentionally speak up and speak clearly. I can hear practically nothing when there is background noise or two people speak at once or a person mumbles.
- Mental Illness – Bipolar.

- Reflex Sympathetic Dystrophy from an on the job injury that nearly cost me my left leg and led to two back surgeries, a bladder rebuild, retinal scarring in one eye, clotting problems, chronic pain, beginning neuropathy from diabetes. Damaged lymph system in the left leg. Partial numbness in the right. Atrophied muscles in parts of the left leg and back from nerve damage. Inability to sit or stand for extended periods of time. Requirement that I repeatedly raise my left leg above my heart to permit the fluid to drain. Assorted neurological damage. Motor cuff damage to the left shoulder from a fall taken while on crutches. Depression from being house bound much of the time. Chronic & perpetual pain.
- Amputee – right leg above the knee.
- Addiction/substance abuse diagnosed many years ago.
- Attention Deficit Disorder (ADD). Some impairment on the ability to concentrate on things happening in Court. Bothered by other stimulae in the court room. Diabetes – impacts on how well I feel, energy levels. Too low of sugar in blood can cause clouded thinking.
- Bipolar Disorder.
- Bipolar Disorder: The disability is also known as manic/depressive disorder. Its primary characteristic is mood shift from mania to severe depression.
- Bipolar. ADHD. Commonly known as manic depressive. ADHD is attention deficit hyper-activity disorder.
- Blind.
- Broke my back which has left my legs less than 100 percent. I have numbness, weakness and balance problems, mostly in the lower legs.
- Cervical & shoulder injury chronic pain.
- Chronic Plantar Fasciitis – unable to walk or stand for extended periods of time.
- Claustrophobic. Feel closed in at times; need open space.
- Crohn's Disease.
- Dysgraphia.
- Epilepsy. Neurological disease resulting in grand mal seizures.
- Full AIDS diagnosis for over 10 years.
- Hearing disability. Even with hearing aids, I can have difficulty hearing what is said during meetings or in court when the individuals speaking are not facing me, are a distance away, or

- are speaking too fast or too softly.
- Hearing Impaired – Nerve deafness, inability to distinguish words and separate background noise and conversation from speaker or source. Also, arthritis in spine.
- Hearing impaired.
- Hearing impairment – severe.
- Hemiparesis of right side from injury to left side of brain, resulting in slow, painful walk with limp, poor handwriting, no vision in right eye, and deficits in brain function (concentration, processing information, emotional liability).
- HIV/AIDS. Infected 20 years – asymptomatic.
- I am a quadriplegic requiring the use of an electric wheelchair.
- I am blind, and have been blind since I was 11 years old.
- I am completely blind in one eye, and half blind in the other, thus resulting in my being 3/4 cortically blind, with approximately 50 degrees of sight remaining. I have epilepsy, a gait abnormality, residual hemiparesis, and a loss of proprioception and coordination incident to a stroke.
- I am legally blind, born with cataracts and glaucoma. I am totally blind in my right eye and I have 20/400 vision in my left eye.
- I have a spinal cord injury at the c5-6 level. I use a power wheelchair and have limited use of my hands.
- I have Dyslexia and Multiple Sclerosis. Because of Dyslexia, I have difficulty spelling and read slowly, but my reading comprehension is very good. Because of MS, I get fatigued easily, but have very few other symptoms.
- I have had bipolar disorder since I was in college, but not diagnosed until 1986. Initially, I had long periods of hypomania which allowed me to be super Mom, super lawyer, super volunteer, etc. Before 1983 I had only short periods of depression, but beginning then I fell into severe depression, I was unable to complete the simplest task. I would agonize over every little decision, no matter how minor. I would lock myself in my office and refuse to see clients, lawyers, etc. My secretary would cover for me. I finally got competent medical help in 1986 and filed for disability later that year.
- I have ulcerative colitis, which is a chronic condition that causes inflammation in the colon and digestive issues.
- Incomplete spinal cord injury.
- Incomplete spinal cord injury.

- Learning Disability, Auditory Dyslexia. Affects the rate at which a process spoken and written material. Other: Concentration.
- Leber's Congenital Amaurosis – no vision.
- Limited walking and mobility. Utilization of a cane. Limited mobility of numerous joints, including wrists and neck.
- Listed in order of severity and pervasiveness: Bipolar Illness, Attention Deficit Hyperactivity Disorder, Generalized Anxiety Disorder, and Obstructive Sleep Apnea. (Disability: Bipolar, ADHD, Anxiety Disorder).
- Liver disease that has resulted in a lack of ability to handle physical stress, a loss of memory functions, a lack of physical dexterity/steadiness, and a need to monitor and reduce level of
- ammonia in blood supply.
- Mild, ambulatory-related.
- Multiple Chemical Sensitivity: I am allergic to low levels of chemicals such as pesticides, perfume, air freshener, scented personal care products, paints with VOC's in them, cleaning chemicals, floor wax, furniture polish, many types of soap, especially, scented soaps, etc.
- Multiple Sclerosis – failure to walk (total lack of mobility), tire easily, have incontinence problems, muscle rigidity, lack of sleep, double vision, mumbling words.
- Multiple Sclerosis – use a wheelchair. Congenital double cleft lip and palate.
- Muscular Dystrophy - rare form of muscular dystrophy affecting mostly strength and muscle development in extremities. Makes climbing stairs, steep inclines, standing, and carrying any weight of substance difficult. Blindness - blind in left eye, though right eye is correctable to 20/20.
- Paralyzed left arm; partially paralyzed left leg; some vision impairment; memory loss; cognitive impairment – these are all due to a stroke.
- Paraplegia – use a wheelchair to ambulate.
- Post stroke speech difficulties. Difficult to pronounce certain words or to speak at any rate other than slowly. Left side (arm /leg) still are degraded, re: motor skills.
- Post Trauma Stress Disorder.
- Reflex Sympathetic Dystrophy Syndrome. This condition causes chronic pain, and had necessitated the use of drugs whose long-term use and side effects has an adverse impact on general health and well-being.

- Rheumatoid Arthritis with Ankylosing Spondylitis, numerous hip arthroscopies (replacements).
- Shoulder injury that limits my writing and typing ability.
- SMA III. Spinal Muscular Atrophy III – a type of Muscular Dystrophy.
- Some cognitive functions such as concentration when pain level is high.
- Speech impairment.
- Spinal cord injury. Confined to a wheelchair.
- Spinal Muscular Atrophy Type II. Progressive neuromuscular disorder resulting in severe,
- overall muscle weakness in the body. I am confined to an electric wheelchair and need
- significant assistance in day-to-day activities.
- Systemic Lupus and Fibromyalgia. Relatively mild forms of both. Results in pain and mobility limitations. There are spells of fatigue and digestive problems.
- Temporary partial seizures. When they occur, I have no awareness of my surroundings. I do not regain orientation for about two minutes.
- Tinnitus – ringing/noise in the ears. It effects my ability to hear when more than one person is speaking, or in a crowded room. It interferes with my ability to concentrate, think and analyze very quickly.
- Totally blind.
- Typical hearing loss, recently diagnosed, but evident for the last two years. Requires a hearing aid and is progressive.
- Very low vision.
- Vision impairment (diplopia – double vision).
- Visual disability. Blind in one eye and near-sighted in the other eye.
- Visually Impaired/Legally Blind.
- Walk with a cane, sometimes use two canes. Reason: Nerve damage to left leg and damage to left hip and joint.