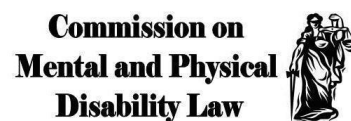


The Commission on Mental and Physical Disability Law

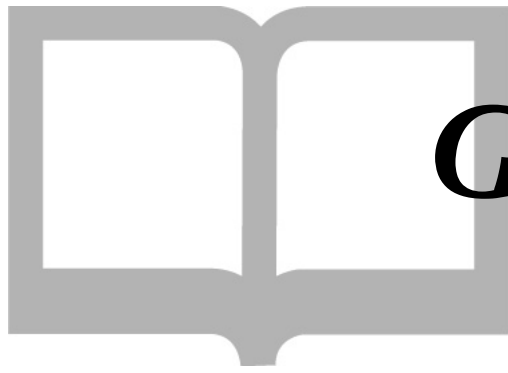


GOAL IX REPORT

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



2008



GOAL IX

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

The American Bar Association (ABA) was founded in 1878 by 100 lawyers from 21 states. The ABA has over 413,000 members, which makes it the largest voluntary professional association in the world. The ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges, and initiatives to improve the legal system for the public. The ABA's primary mission is "to be the national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence and respect for the law." One of the ABA's central goals, Goal IX, is "to promote full and equal participation in the legal profession by minorities, women and lawyers with disabilities." In 1999, the ABA House of Delegates voted to expand Goal IX to include persons with disabilities along with women and minorities. In 2007, the ABA House of Delegates further expanded Goal IX to include persons with "differing sexual orientations and gender identities."

Stemming from the ABA's long history of promoting reform of the justice system, in 1973, the ABA established the Commission on the Mentally Disabled to focus on the advocacy needs of people with mental disabilities. After the passage of the Americans with Disabilities Act of 1990, the Commission broadened its mission to serve all people with disabilities and therefore changed its name to the Commission on Mental & Physical Disability Law (Commission). The Commission's mission is to "promote the ABA's commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and their full and equal participation in the legal profession."

The Commission is composed of lawyers and other legal professionals, many of whom have disabilities. The Commission's Subcommittee on Lawyers with Disabilities focuses on issues of importance to those who may have a disability in the legal community. The Commission's Subcommittee on the Employment of Lawyers with Disabilities provides greater emphasis on employment related issues. The Commission also has a Goal IX Report Subcommittee whose duties include the preparation and publication of this report. Through these subcommittees and other programs, the Commission is the only entity within the ABA, and the legal profession, that has a comprehensive focus on all lawyers with disabilities on a national level.

I. INTRODUCTION

The 2007-2008 Commission on Mental and Physical Disability Law's *Goal IX Report* presents the Commission's findings from the Goal IX survey, a questionnaire on lawyers with disabilities in ABA leadership positions during the 2007-2008 bar year. Throughout the *Report*, are trends and statistics that indicate how and to what degree lawyers with disabilities have been integrated into ABA leadership positions. This *Report* also contains information on the ABA's efforts to reach out to lawyers with disabilities.

The Goal IX survey gathers information about the participation of persons with disabilities, as well as women and racial minorities in ABA Division, Section, and Forum leadership positions. The survey will be expanded next year to include those with differing sexual orientations. Other entities, such as Commissions, participate if they perform Continuing Legal Education programming. The 2007-2008 *Goal IX Report* presents the findings of the survey with respect to lawyers with disabilities, along with conclusions and recommendations. In the *Report*, the Commission recognizes those ABA entities that have demonstrated the ABA's commitment to lawyers with disabilities, by including them on an annual "Honor Roll." In addition, the *Report* includes an update on the status of lawyers with disabilities in the legal profession, information about the Commission's publications and special projects, and introduces you to the Commission's members, many of whom are themselves lawyers with disabilities.

In the summer of 2004, the ABA President's Office modified the appointment process to ensure that applications for presidential appointments include a question regarding disability status. For 2007-2008, there are an estimated 705 presidential appointments, 13 of which went to persons whom were identified as having a disability; six lawyers with disabilities were appointed in 2006-2007. The current numbers indicate a 1 percentage point increase of those with disabilities who are appointed by the ABA President from last year. In addition, there are 40 ABA members who serve on the Board of Governors, the executive arm of the ABA, none of whom identified as having a disability. Currently, the ABA has 554 ABA members that serve in the House of Delegates, the ABA's policy-making body, but the ABA does not maintain statistics on

the number of lawyers with disabilities who are members of the House of Delegates. It is important to note that attaining a definite figure of lawyers with disabilities is difficult. Concerns over confidentiality for those with hidden disabilities, the presence of those who do not consider the effects of aging to be a disability, and the fact that a sizable percentage of law school graduates with disabilities do not find employment as lawyers all inhibit accurate data collection.

II. THE STATUS OF LAWYERS WITH DISABILITIES

This section of the *Goal IX Report* examines the current estimated populations of Americans with disabilities, those employed with disabilities, and disabled individuals in the legal profession by using U.S. Census data of persons with disabilities, and various statistics provided by the ABA and other sources.

People with Disabilities in the United States

According to the most recent published U.S. Census data in 2000, there are 49.7 million people, ages five and older, in the United States with a disability. This represents nearly one in five (19.3% of 257.2 million) U.S. residents. The decennial Census found that 9.3 million people have sensory disabilities involving sight or hearing, and 21.2 million more have a condition limiting basic physical activities such as walking, climbing stairs, reaching, lifting, or carrying. The Census also revealed 12.4 million people with a physical, mental, or emotional condition that caused difficulty in learning, remembering, or concentrating. In addition, 6.8 million people with physical, mental, or emotional conditions had difficulty dressing, bathing, or getting around inside the home. The Census indicated that 18.2 million people aged 16 and older had a condition that made it difficult to go outside the home to shop or visit a doctor. Finally, 21.3 million of those aged 16 to 64 had a condition that affected their ability to work at a job or business.

Also, the 2005 U.S. Census Bureau's American Community Survey (ACS), an interim assessment of the American population, estimates that for people between the ages of 18 and 34 who are enrolled in school (i.e., less than a high school graduate through post-graduate studies), only 6% have a disability; moreover, concerning higher education (i.e., schooling necessary to attain a law degree) only 0.9% of those enrolled in school, who are seeking a Bachelor's degree or higher, have a disability. The number increases to 2.6% when including those who are disabled and once attended school, but not enrolled in school at the time of the survey.

People with Disabilities in the Workplace

According to the 2004 National Organization on Disability/Harris Survey of Americans with Disabilities, only 35% of people with disabilities report being employed

full or part-time, compared to 78% of people who do not have disabilities. Also, individuals with disabilities are three times more likely to live in poverty than those individuals who do not have disabilities.

Working with the ACS numbers, Cornell University reports that only 22.6% of those who are of working age with a disability are working full-time. Moreover, median annual salaries for full-time workers are 17% less if the employee has a disability. The ACS survey also reveals that 62% of those with disabilities in the 16 to 64 year old age group are not employed. Cornell University reports that 12.8% of those who are able to work and have a disability have a Bachelor's degree or higher.

Finally, the National Council on Disability (NCD), in an October 2007 report, stated that two thirds of those who are disabled without a job would prefer to be employed. As outlined by the NCD, employment for disabled Americans is important for their economic, social, and psychological well-being.

Lawyers with Disabilities in the Legal Profession

The ABA estimates the number of lawyer members who self-identify as having a disability based on its annual census. According to the 2007 census, 14,242 of 410,182 ABA members completed the census questionnaire. Of the 11,784 respondents who answered the query "Do you have a disability?" only 833 (or 7% of ABA membership) indicated that they have a disability, which is far lower than one would expect given the national statistics on the percentage of Americans with disabilities. This figure represents a 2 percentage point increase from 2006. If extrapolated to the entire ABA membership, approximately 28,700 members would report as to have a disability for 2007. Nonetheless, the Commission believes this number may be substantially less than the actual number of lawyers with disabilities in the ABA. As noted earlier, many lawyers with disabilities may choose not to answer the question relating to disability status due to confidentiality concerns, while others do not consider themselves as having a disability. Nonetheless, this low figure reflects at least three trends: (1) relatively few college students with disabilities attend law school, and not everyone who attends graduates or passes the bar, (2) due to socioeconomic factors, it appears that a lower percentage of lawyers with disabilities join the ABA than non-disabled lawyers, and (3) a greater percentage of law school graduates with disabilities do not find employment as lawyers.

For 2007-2008, the ABA Office of Legal Education and Admissions to the Bar indicated that of 149,745 law students in ABA-accredited law schools, 4,229 (2.82%) were provided accommodations—up from 2.47% for 2005-2006 and 2.56% for 2006-2007. In the past few years, there has been a slow but steady increase in the percentage of law students who request accommodations.

Lack of employment for lawyers with disabilities is reflected in national statistics. The statistics indicate that lawyers with disabilities are employed at a lower percent-

age than are non-disabled lawyers and lawyers who are racial/ethnic minorities. The National Association of Law Placement (NALP) reported in its study, *Jobs & J.D.'s*:

Law Students with Disabilities Who Were Provided Accommodations

YEARS	LSD*/ABA**	PERCENT
2007-2008	4,229/149,745	2.82%
2006-2007	3,803/148,697	2.56%
2005-2006	3,464/140,376	2.47%

* # of law students with disabilities who were provided accommodations
 ** # of law students in ABA-accredited law schools

Employment and Salaries of New Law Graduates—Class of 2006, that 81.1% of law graduates with disabilities were employed, compared to about 90% of all non-minority law graduates and 87.6% of all minority law graduates. 4.5% of law graduates with disabilities indicated that they were unemployed and seeking a job, compared to about 2.7% of all non-minority law graduates and 3.1% of all minority law graduates. Those graduates with disabilities had a mean salary of \$66,049 and a median salary of \$55,750 compared to around \$77,939 and \$62,500, respectively, for graduates as a whole. The report concluded that “disabled graduates were less likely to obtain jobs in private practice than the class as a whole—and more likely to obtain government and public interest positions”—a trend evident for the past several years.

Disability Diversity in the Legal Profession

ABA President William H. Neukom, in his *ABA Journal's* President’s Message of November 2007, drew attention to the need for lawyers to work together in order to fight discrimination in the legal profession. President Neukom recognized that although it is difficult to determine the exact degree that disabled community is under-represented in the legal community, it is evident that “[l]awyers with disabilities, too, have greater difficulty getting a job after law school and have higher rates of unemployment than lawyers who do not have disabilities.” President Nuekom calls on the legal profession to embrace the objectives of Goal IX in order to root out invidious discrimination. This *Goal IX Report* identifies the ABA’s efforts to mitigate the exclusion of those with disabilities from the legal profession.

III. SURVEY METHODOLOGY

Annually surveying ABA Divisions, Sections, and Forums requires a collaborative effort between the Commissions on Mental and Physical Disability Law, Racial and Ethnic Diversity in the Profession, and Women in the Profession. The 2007-2008 survey is completed as a

workbook in Microsoft Excel. Each commission drafts its own questions and its own Goal IX report. In many respects, however, the questions asked and the data sought are similar for all three groups. The accuracy of the data depends in large measure on the staff who are designated to report the data for their particular entity.

The Commission on Mental and Physical Disability Law recognizes the inherent difficulties associated with collecting data on the numbers of lawyers with disabilities. Many types of disabilities, such as learning disabilities, may not be obvious. Also, respondents may not understand what constitutes a disability. As a result, the Commission defined “disability” as “[a] significant mental, sensory, or physical impairment or condition such as epilepsy, muscular dystrophy, multiple sclerosis, mental illnesses, dementia, learning disabilities, AIDS, cancer, diabetes, heart disease, stroke, blindness and other visual impairments, deafness and other hearing impairments, and alcoholism.” In addition, the Commission instructed staff directors that disability status may be inferred from members’ self-identifications and direct observation.

IV. FINDINGS

There are different entities within the ABA which took Goal IX survey, namely Divisions, Sections, and Forums. ABA Divisions are centered around different groups of professionals in the legal community. Additionally, they differ from Sections in their internal governing structure in that they usually have boards of governors. ABA Sections draw their membership from lawyers or judges with common professional interests, and operate much like independent bar associations with their own officers, dues, committees, and programming. They typically represent a substantive area of the law through their more than 3,700 committees and their publications. Sections, with officers and council members as leaders, contribute to policy-making, both in their particular subject areas and association-wide. ABA Forums are open to membership, as long as one is a member of an ABA Section or Division. The Forums explore and monitor new areas of the law as they develop.

Other ABA entities, which did not participate in the general survey, did provide information about their CLE programs. This would include Commissions, Standing Committees, and Task Forces. All of these entities are both advisory and policy-implementing entities for specific areas and causes related to the legal profession and have a relatively small number of members. This Commission, for example, has 15 members.

ABA Leaders with Disabilities

For 2007-2008, only 22 of about 11,000 ABA leadership positions were held by lawyers identified as having disabilities—a significant decrease from 31 for 2006-2007 and 32 for 2005-2006. As previously noted, estimates show there are approximately 28,700 members

