

Now That You Know, What Are You Prepared to Do?

By KATHY FLAHERTY

I am so grateful to CBA President Cecil Thomas for inviting Kimberly Jacobsen, Michelle Duprey, and me to contribute to the Diversity, Equity, and Inclusion conversation in this magazine. Our profession too often ignores disability as an axis of diversity, despite the best efforts of a few of us over the last couple of decades. I hope that after reading my colleagues' commentaries you are now interested in joining the conversation, whether you identify as a disabled lawyer, a lawyer with a disability, an ally, or a co-conspirator.

What will you do differently, now that you know more about disability in our profession? Are you prepared to speak up about access issues even when there is no one with a visible disability in the room? If you are participating as a panelist on a Zoom webinar, or are hosting one, are you ensuring that you provide information to attendees about requesting accommodations? Do you know how to request ASL interpretation or arrange for live captioning (disabled people call automated captions "craptions" for a reason)? As we slowly return to in-person events, are you considering how to accommodate people who are unable to attend large events in person by arranging methods for hybrid participation?

We have been talking about lawyer and law student mental health and well-being for a number of years now. Are we making the fundamental changes necessary in the way we operate in order to proactively affect students, bar applicants, and lawyers in a positive way? I am not sure we have, or that our profession is ready for that con-



versation. What I observe is that too often, we continue to do things the way we have always done, and then decry the still-increasing numbers of lawyers and law students who cope by using alcohol and/or other substances, struggle with depression and anxiety, and die by suicide. We change nothing (or very little) yet expect different results. We must do better.¹

I am a member of the Lawyer Well-Being Committee. Connecticut Legal Rights Project is a signatory of the CBA's Diversity Pledge. Theoretically, I am part of the solution—but collectively we continue to perpetuate the problems. I have raised questions at various meetings over the years, only to get crickets in response. When presenters have asked those questions of other attendees in the room, the crickets only get louder. Here are among the questions for which I have yet to find satisfactory answers. If you would like to join me in the struggle to come up with solutions, please reach out.

- ▶ Are existing loan forgiveness programs enough to support young lawyers who graduate with six figures of law school debt to work in public service for the long term?
- ▶ Do employers provide health insur-

ance benefits that enable lawyers with disabilities to access the health care they need? Health insurance plans with high deductibles are not the way.

- ▶ Do employers provide enough paid leave to address the needs of lawyers with disabilities?
- ▶ Is passage of a bar exam the best way of determining whether a person has sufficient knowledge to practice law?
- ▶ Are our expectations of the number of hours a lawyer "should" work in a given week realistic, or is there a different way of achieving this mythical work-life "balance"?
- ▶ Is the legal profession prepared to accommodate law students and lawyers with disabilities? When will this profession start to consider that people requesting accommodations are not asking to be "coddled" but instead are seeking respect for our civil rights and for justice?

Change in the "Land of Steady Habits" is hard. I periodically remind people that it took nearly 20 years to change the rules for admission to acknowledge that the questions on the bar application need-

ed to comply with the requirements of the Americans with Disabilities Act, and another decade to remove the “mental health” questions altogether. I am hoping that this next dismantling of barriers for disabled law students and lawyers with disabilities does not take as long. The arc needs to bend. ■



Kathy Flaherty is the Executive Director of Connecticut Legal Rights Project; she combines her personal experience as a psychiatric and long COVID-19 survivor and her legal background to write about issues affecting people with disabilities. She tweets @ConnConnection and writes on a variety of topics, including politics, law, mental health, adoptee rights, and soccer.

NOTES

1. For one example of how we can do better, see Jonathan Todres, “Work-Life Balance and the Need to Give Law Students a Break,” University of Pittsburgh Law Review Online Edition, forthcoming April 2022, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4031849.



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