

# Lawyers with Disabilities: Identifying Barriers to Equality

The Law Society  
of British Columbia



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# ACKNOWLEDGEMENTS

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## FOREWORD

On behalf of the Disability Research Working Group of the Equity and Diversity Committee, I am delighted to present you with this report. It is a true milestone within the Canadian legal profession.

The issue of disability in the B.C. legal profession first arose in 1995. A small group of lawyers with personal experiences of practising with a disability got together to see what could be done to improve accessibility to a conservative profession. In 1996, the Disability Advisory Committee was granted official status by the Law Society. It then began the long journey.

The Committee started by examining what was happening in other provinces with respect to lawyers with disabilities. Amazingly, the answer came back “absolutely nothing.” A literature search provided a similar answer — a few miscellaneous articles, but nothing substantive. It became evident that we were “on our own.”

The next task was to track down past and present members of the B.C. bar who have disabilities. This was a formidable challenge. With no central registry or association — and the reality that many lawyers have learned that identifying themselves as “disabled” is a faster way to job loss than employee theft — getting lawyers with disabilities to self-identify was extremely difficult.

In 1998 the Disability Advisory Committee merged with the Gender Equality Monitoring and Multiculturalism Committees to form the Equity and Diversity Committee. This move provided all involved with access to more resources and expertise. The Disability Research Working Group continued to both monitor relevant issues and search for lawyers with disabilities — whether their disabilities were hidden or visible.

In 1999 the Working Group received approval from the Benchers to begin a pilot study to determine what obstacles were faced by lawyers with disabilities. Two focus groups and several dozen questionnaires and interviews later, this is a summary of the results. While in part negative, this report identifies issues that need to be addressed. The Working Group hopes that this will be the stimulus for many positive changes in both the profession and the justice system. It is in this light that we present the report.

Halldor K. Bjarnason  
Chair, Disability Research Working Group  
Equity and Diversity Committee  
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## EXECUTIVE SUMMARY

The Law Society of B.C.'s Disability Research Working Group of the Equity and Diversity Committee has the long-term goal of developing awareness and effecting change in the legal profession on disability issues. The main purpose of this research project was to identify and discuss barriers to persons with disabilities entering and practising in the legal profession. A secondary purpose was to identify barriers to legal services for people with disabilities that might form the basis for further research.

Throughout society, there are many historically rooted access barriers, discriminatory practices and negative attitudes that have marginalized people with disabilities. Until very recently, it was considered appropriate to deal with disability differences by simply excluding those individuals who did not find ways to keep up with societal norms. Although many barriers are ingrained in the judicial system, disability was included in the Canadian *Charter of Rights and Freedoms* in 1982 thanks to a campaign by the Council of Canadians with Disabilities and other disability advocacy groups. As a result, Canadians with physical and mental disabilities are now guaranteed equal rights and freedom from discrimination. This constitutional change has been the main impetus for court decisions to make accommodations, remove existing barriers, end discrimination and facilitate full participation of persons with disabilities in society.

However, the legal profession has only recently begun to address barriers to participating in the judicial system faced by people with disabilities, including lawyers with disabilities. This research project appears to be the first systematic attempt to ask lawyers and law students with disabilities to identify and discuss the barriers to entering and practising in the legal profession. Twenty-four lawyers and law students with disabilities gave input into this qualitative research.

Almost half of the comments about law schools were positive. There was a marked difference between students who had attended law school before about 1990 and those who attended law school more recently. Individuals who attended law school prior to 1990 described many access barriers. Those who attended law school in the 1990s described efforts being made by universities to sensitively and respectfully accommodate students in what one student referred to as "a rights-expanding atmosphere." Currently, the major barrier is resentment expressed by fellow students about accommodations provided to students with disabilities. As well, there are some ongoing access issues, such as delays in providing printed materials in alternative formats and difficulties accessing some areas of campus (especially at UBC).

Upon leaving university and entering the legal profession, lawyers with disabilities face discrimination, prejudice and access barriers that make it very difficult to practise law. Discriminatory practices not only prevent career advancement, but produce such stress that a frequent result is overwork, burn-out and failure in both private firms and government departments. Lawyers with disabilities are seldom kept on after articling.

Finding employment is very difficult. Accommodating lawyers who have disabilities is considered to be too expensive, and there are very few financial incentives or tax breaks available. If a disability appears to interfere with the economic bottom line, the lawyer is likely to be let go. The common accommodation of working part time is now allowed, but is not yet well accepted within the legal profession. Since disclosure of disability generally leads to discrimination, there is a tendency for lawyers to hide their disabilities, or the extent of their disabilities. More than half of the lawyers who participated in this study spoke about how discrimination eventually led to loss of employment, marginalization into solo practice or early retirement.

Prejudice, devaluing and negative stereotypes that equate disability with incompetence appear to be widespread negative attitudes within the legal profession. Respondents talked about how this prejudice becomes internalized, resulting in an image of one's self being second rate and the feeling that asking for accommodations is a sign of weakness. Some respondents expressed concern about instances of judges and others showing impatience, intolerance and lack of awareness about disability issues. Respondents also identified access barriers in courtrooms and other parts of the legal workplace. These include communication, physical and print barriers, as well as social marginalization. Legal practice was described by several respondents as a very conservative profession that is resistant to change.

Despite these barriers, respondents identified a number of resources available to lawyers who have disabilities. Many lawyers with disabilities have had some positive career experiences. Respondents gave examples of situations where appropriate accommodations had been provided. Respondents identified mentors such as other lawyers with similar disabilities, supportive colleagues and court personnel and allies, such as disability advocates and other equity and diversity groups in the legal profession. Many respondents also identified their own self-initiative, hard work and self-advocacy (including disclosure of disability) as making a positive difference in a challenging profession, and told stories about transforming experiences of discrimination into new professional opportunities.

The main purpose of this research was to identify barriers, and so respondents were not specifically asked to make suggestions for addressing the barriers they identified. However, a number of respondents did make some suggestions, which are summarized here. The suggestions likely would be somewhat different if lawyers and law students with disabilities had been asked to make suggestions for addressing each identified barrier.

Respondents made the following suggestions about addressing barriers in law schools and in legal practice:

1. Continue to make structural changes to increase access and to provide individual accommodations to students in law schools. Examples of accommodations include tutoring, personal assistance, planning ahead, sensible examination

accommodations, physical renovations and sensitivity in meeting individual students' access needs.

2. Educate mainstream students about the rationale and scientific evidence behind accommodations so they understand that the purpose of accommodations is to level the playing field and not to give students with disabilities any unfair advantage.
3. Support students with disabilities to meet other law students who have disabilities and to meet practising lawyers who have disabilities.

Although research participants were not specifically asked for recommendations about addressing barriers in legal practice, a number of suggestions were made:

1. The most common suggestion was that the legal profession should acknowledge existing discrimination and seek solutions that will lead to the equity for lawyers with disabilities as guaranteed in the *Charter of Rights and Freedoms*. The solutions may involve policy changes, funding initiatives and political will.
2. Respondents gave a number of ideas for educating members of the legal profession through the internet, positive image advertising, workshops, articles in the *Benchers' Bulletin* and *Bar Talk* and other educational projects.
3. There were suggestions to continue to make structural changes to improve general access and provide individual accommodations for lawyers with disabilities, where needed, in courthouses, the Law Society building and other legal institutions.
4. There was some discussion about ways to provide peer support and mentoring to lawyers and law students who have disabilities.
5. Several respondents commented on the importance of confronting prejudice and negative attitudes through monitoring, complaints and legal action.

There were six types of suggestions made by research participants for future research into access to the justice system by people with disabilities:

1. Identify and address economic barriers;
2. Identify and address all other access barriers;
3. Identify and address discrimination and prejudice within the legal profession against people who have disabilities;
4. Identify and address difficulties people with disabilities have in finding sensitive, accommodating and knowledgeable lawyers;
5. Identify and address barriers related to legal definitions of "disability";
6. Identify and address barriers in legal aid.

# 1 Introduction

The Law Society of British Columbia is committed to eliminating all arbitrary barriers to historically disadvantaged groups who seek entry into the profession. Law students and lawyers who have disabilities are members of one such historically disadvantaged group. In 1995 a group of lawyers with disabilities initiated the Law Society of B.C.'s Disability Advisory Committee. In 1998 the Disability Advisory Committee became part of the Law Society's Equity and Diversity Program. The Equity and Diversity Program addresses all areas of equity and diversity, including multicultural, aboriginal, gender, sexual orientation and disability issues, by identifying barriers and suggesting ways of eliminating them.

This research is the first stage of a multi-stage project with the long-term goal of developing awareness and effecting change in the legal profession around disability issues. Lawyers and law students with disabilities were asked to describe barriers related to entering and practising in the legal profession. They were also asked to give their perspectives on barriers to legal services for members of the public with disabilities. The study took place from September, 1999 to February, 2000.

## 1.1 Historical perspective

In discussing barriers faced by Canadians with disabilities entering and practising in the legal profession, a background understanding of the relationship between people with disabilities and the law is important. Approximately one in every six people acquires a permanent disability at some point in life (Office for Disability Issues (ODI), 2000). This estimate includes one in every 12 people who grow up with a permanent disability acquired at birth or during early childhood (Premier's Advisory Council, 1992). Visible and invisible disabilities may affect any combination of mobility, strength, endurance, hearing, speaking, vision, information processing, learning, remembering, thinking, mood and emotions. The common historical thread joining members of this very diverse population is the marginalization they experience.

Throughout history, in every system in society, people with disabilities have come up against access barriers, discrimination and negative attitudes that prevent full and equal participation. Traditionally, access to mainstream organizations, structures and activities (such as school, work and the courts) depended on an individual's ability to conform to society's standards. Until very recently, it was considered appropriate to deal with disability differences by simply excluding people who did not find ways to keep up with societal norms. The judicial system, in particular, has immense power to exclude people with disabilities, as described by David Lepofsky, a widely recognized constitutional law lawyer and who himself has been blind since a young age:

*Persons with disabilities tend to be more dependent on and vulnerable to the judicial system than are the more advantaged in Canadian society.*  
(Lepofsky, 1996)

Courts have the power to consider disability issues when determining competence and fitness, appointing guardians, ordering incarceration or committal, or apprehending children from parents. Courts also have the power to factor disability issues into determination of guilt or innocence, sentencing decisions, or the amount and management of financial settlements:

*... There is no other segment of our society where the legal profession has such an amount invested in determination of whether or not the person belongs to that group ... A lot of people make a lot of money off of personal injury claims, and the legal system is very good at assigning blame with respect to disabilities. (Spilos, 2000)*

Segregationist attitudes began to shift in the 1970s as the result of the mobilization and lobbying efforts of several parallel disability rights movements, including:

- parents of children with cognitive disabilities who lobbied to close institutions and promote community living;
- individuals with mobility disabilities who lobbied for the right to live independently;
- former psychiatric patients who lobbied for mental health reform;
- Deaf advocates who challenged society to provide communication access.

One important consequence of these human rights movements was that disability rights were specifically included when the Canadian *Charter of Rights and Freedoms* was developed (Council of Canadians with Disabilities, 2000). In the *Charter*, proclaimed in 1982, equal rights are guaranteed and discrimination based on race, national or ethnic origin, colour, religion, gender, age, **or mental or physical disability** is prohibited.

In 1983, Judge Rosalie Abella studied access to legal services by people with disabilities in light of the new *Charter* and predicted that:

*Many of the Sections of the CHARTER will be critically important to the handicapped in coming years as they seek to advance their claims to equality and independence. (Abella, 1983)*

Indeed, during the last 15 or more years numerous court decisions have:

*... given clear guidance and legal authority to make accommodations, remove existing barriers to eliminate handicapping conditions, and revise all discriminatory requirements and restrictions to facilitate full participation of persons with disabilities. (Office of Disability Issues, 2000)*

Several landmark decisions demonstrate the impact of the *Charter* on advancing the equality of people with disabilities. For example, the decision in *Eaton v. Brant County*

*Board of Education* provides the key proposition that the accommodation process for people with disabilities is different than for other minority groups, in that it requires the accommodation of individual characteristics.

*Exclusion from the mainstream of society results from the construction of a society based solely on “mainstream” attributes to which the disabled will never be able to gain access. It is the failure to make reasonable accommodation, to fine-tune society so that its structures and assumptions do not prevent the disabled from participatio, which results in discrimination against the disabled. (Eaton v. Brant County Board of Education, [1997] 1 SCR 241)*

The decision in *Meiorin* emphasizes the need to focus on substantive equality when designing standards and policies:

*Employers designing workplace standards owe an obligation to be aware of both the differences between individuals and differences that characterize groups of individuals. (B.C. Public Services Employee Relations Commission v. B.C. Government and Service Employees’ Union (BCGSEU) (“Meiorin”), [1999] 3 SCR 3)*

The decision in *Grismer* states that all public services:

*. . . must adopt standards that accommodate people with disabilities where this can be done without sacrificing their legitimate objectives and without incurring undue hardship. (B.C. (Superintendent of Motor Vehicles) v. B.C. (Council of Human Rights) (“Grismer”), [1999] SCJ No. 73)*

These and several other decisions that have redefined substantive equality and determined society’s duty to accommodate disability differences are summarized in Appendix 1 to this report.

## **1.2 Access to the judicial system**

Despite legislative guidance and authority to make accommodations and remove barriers facing people with disabilities in society, most equity and diversity efforts initiated within the justice system have not considered disability issues. As noted by Lepofsky:

*Instead of exploring the extent to which there is equal access to justice for all disadvantaged groups in an inclusive way, recent equality seeking efforts in the judicial system have addressed primarily, if not entirely, the needs of only three groups, namely women, racial minorities and aboriginal persons . . . At the front of the line of those chronically left out of the debate over equality in the administration of justice are persons with disabilities. (Lepofsky, 1996)*

Lepofsky’s 1996 article appears to be the first article published in Canada since Abella’s 1983 report to discuss the wide range of barriers that make it difficult for people with disabilities to access and participate in the judicial system. More recent additions to this

small body of Canadian literature include the 1998 “Access to Justice” issue of *Transition Magazine*, published by the B.C. Coalition for People with Disabilities. Also in 1998, the Canadian Hard of Hearing Association (CHHA) published a policy paper on access to the judicial system for people who are hard of hearing or deafened. Taken together, these four documents describe various access, discrimination and attitudinal barriers that make it difficult for people with disabilities to participate equally in various fields of law, courtrooms, legal aid, law schools and other areas of the judicial system.

Suggestions for change that are found within these documents include:

- accommodations, such as architectural renovations, interpreters, technical aids and printed materials in alternative formats;
- education, such as training judges, including disability issues in existing courses at law school and informing people with disabilities about their rights;
- legislative revisions, such as changing laws that prohibit people with disabilities from sitting on juries;
- lawyer referral reform, so that people with disabilities can identify lawyers who are knowledgeable about specific disability issues and who are accessible and sensitive to people with disabilities;
- improving and expanding legal aid services.

### **1.3 Issues in the legal profession**

There has been even less consideration of issues facing law students and lawyers with disabilities entering and practising in the legal profession. There have been lawyers with disabilities practising law in Canada throughout the history of the profession. For example, MacLellan and MacLellan were two Deaf brothers who practised law in Upper Canada from the 1860s until the early 1900s (Carbin, 1996). At the same time, lawyers with disabilities are still uncommon. There are only a handful of news stories profiling individuals with disabilities who have been called to the bar. These stories depict lawyers with disabilities as exceptional individuals who are “breaking the barriers” and practising “against all odds” to unexpectedly provide “very able counsel” (e.g. Deaf Canada Today, 1999; Gallagher, 1998; Mucalov, 1991; Vaughn).

Lawyers with disabilities also tend to be viewed as exceptional oddities by their non-disabled colleagues as noted by Susan Vaughn from interviews with American lawyers with disabilities. Ms. Vaughn quoted a young San Francisco practitioner, Deborah Kaplan, on this latter’s experience as a mobility-impaired lawyer “... [E]verything you do is considered superhuman. Whether you’re taking a book down off the shelf or interpreting the law, it’s all considered inspirational.” Terry La Liberté, Q.C., a Bencher

and recent member of the Law Society's Equity and Diversity Committee, observed that lawyers with disabilities are considered to be geniuses by their non-disabled peers:

*There is a perception that the people with disabilities who got in there (to the bar) are the geniuses. These are people who have overcome things. These are really the brilliant people who have become part of the system.*  
(La Liberté, 2000)

On the other hand, La Liberté remembered that 15 years ago, when he first encountered Henry Vlug (a lawyer who is Deaf), he did not expect him to be able to do everything that lawyers do:

*I'm sitting in the coffee shop and somebody says, "They've got a deaf-mute prosecutor cross-examining a case in Room 101." I thought, "A cross-examination? Well, this is going too far. I'll go and watch." I went in and watched Vlug cross-examine as effectively, if not better, than a lot of people that I've seen. It was like a light bulb going on. I went in there with this preconception. I knew lawyers with disabilities could do many things, but cross-examine? I wasn't educated. I hadn't seen it. I didn't think it was possible. I was blown away.* (La Liberté, 2000)

As more and more students with disabilities graduate from law schools across Canada, these stereotypical preconceptions are changing. In 1991 Lepofsky wrote an article that made many practical recommendations to encourage law schools to widen their focus and be more inclusive of law students with disabilities. (An article analyzing similar access issues in American law schools appeared in the *Journal of Legal Education* several years later (Adams, 1998).) Lepofsky recommended that each law school should:

- adopt equality of access policies;
- appoint a senior-ranking faculty member to ensure accommodations;
- establish an access committee;
- develop mentoring systems to support students with disabilities;
- make ongoing efforts to identify and remove access barriers;
- integrate disability law issues into existing law school courses and practice programs.

He also made many recommendations about specific accommodations such as:

- removing physical barriers;
- providing communication access;
- implementing part-time programming;
- providing printed materials in alternative formats;

- developing equitable examination accommodations;
- providing accommodations to ensure the opportunity to participate fully in all aspects of student life.

In the nine years since this article appeared, many law schools have begun to implement these recommendations. For example, in April, 2000 the Faculty of Law at the University of Victoria approved the *Persons With Disabilities Equity Policy*. Students with disabilities now make up almost four per cent of the total student body of the University of Victoria law school (Foster, 2000).

Another place where people are addressing equity and diversity issues facing law students and lawyers with disabilities is in e-mail discussion groups. The internet links lawyers with disabilities from different countries around the world.

*We have an internet group for deaf lawyers. We e-mail each other and share ideas. I think there are currently 25 deaf lawyers within the world on the list.* (Vlug, 2000)

When members of the Law Society Disability Advisory Committee announced this research project to the American Bar Association LawTech newsgroup, an American student wrote an e-mail describing barriers she and others have encountered in the law school she is attending.

*I have been luckier than most because I have always been able to figure out a way to keep in the ring . . . I have seen many capable people, especially those with invisible disabilities, not make it to the finish line.* (Syden, 2000)

Disability, diversity and equity issues in the legal profession are also being addressed in several current research projects. A study sponsored by the Research Education and Advocacy Centre for the Handicapped (REACH) in Ottawa is focusing on accommodations for students with disabilities writing the bar examination in 2000. The federal Department of Justice has included disability issues along with gender, multicultural and aboriginal issues in researching departmental employment equity (Samuel, personal communication, 2000). This Law Society of B.C. research project is a third example of current research into disability issues within the legal profession. For perhaps the first time, lawyers and law students with disabilities have been asked to describe the barriers they experienced entering and practising in the legal profession.

#### **1.4 Summary**

In summary, there are many historically rooted access barriers, discriminatory practices and negative attitudes ingrained in the judicial system that marginalize people with disabilities. However, since the 1980s, the Canadian *Charter of Rights and Freedoms* has guaranteed equal rights and prohibited discrimination against people with mental or physical disabilities. In the past 20 years, the courts have directed employers and the

public service sector to adopt standards that consider the substantive equality of, and duty to accommodate, people of different abilities. This duty to accommodate people with disabilities extends to the entire judicial system and the legal profession.

Within the legal profession, there is a tendency to view lawyers with disabilities as surprising or inspirational exceptions to the pervasive stereotype that people with disabilities are incompetent. However, the stereotype is changing as more and more students with disabilities graduate from law school. This research project appears to be the first systematic attempt to ask lawyers and law students with disabilities to identify and discuss the barriers to entering and practising in the legal profession.

## 2 Method

### 2.1 Recruiting participants

The Advisory Committee attempted to invite potential participants in ways that were sensitive to disability access, equity and inclusion issues and to other barriers such as busy schedules, confidentiality and risks associated with disclosure of disability in the legal profession. Committee members personally and confidentially contacted lawyers and law students who are known to have disabilities and invited them to participate in this research. Articles describing the project and inviting lawyers and law students with disabilities to participate were published in the *Benchers' Bulletin* and *Transition Magazine* (see Appendix 2 for the Law Society letter and *Benchers' Bulletin* article). Faculty members and staff responsible for accommodating law students with disabilities at University of B.C. and University of Victoria were contacted, as well as a number of disability-related organizations, including employment services.

Potential participants were invited to participate in one or more of the following:

1. a focus group (two focus groups were held);
2. an individual telephone interview;
3. a confidential, open-ended survey through completion of a questionnaire.

The focus groups, interviews and questionnaire all asked similar open-ended questions that prompted participants to consider a wide range of areas in law school, legal practice and the judicial system where there might be barriers (protocols are listed in Appendix 3).

Focus group participants were provided with individual accommodations to ensure full access and participation. Several focus group participants brought attendants to provide physical assistance. Other accommodations included:

- holding the focus groups in a physically accessible location;
- providing reimbursement for transportation and out-of-pocket expenses;

- arranging for ASL interpreting;
- arranging for real-time captioning; and
- providing large print versions of written documents.

A court reporter attended the focus groups to record an uncertified transcript of the proceedings and to provide real-time captioning for anyone who required that access. The researcher typed interviewees' responses during the interviews. Respondents who participated in the survey could submit responses to the questionnaire by mail, fax, telephone or e-mail.

## **2.2 Data analysis**

The transcripts from each of the focus groups and interviews and the survey responses were entered into a database, one comment per line. A comment could be a short phrase or several sentences about the same topic. Introductions, small talk, banter, house-keeping information, questions and comments made by facilitators and observers were omitted from the analysis.

Each of the 1,404 remaining comments was then sorted into one of the following areas:

- comments about law school;
- comments about legal practice;
- comments about post-law school education;
- comments about general disability issues.

Comments within each area were further categorized as:

- statements about barriers and problems;
- statements about available resources;
- suggestions for change.

Comments within each area and category were coded into various themes and sub-themes and sorted so that all comments related to a similar theme and sub-theme were grouped together. The coding and sorting was comprehensive. No comments were left unsorted and no points of view were omitted.

The relative importance of themes and sub-themes was determined by counting the number of comments in that theme as well as the number of people who contributed comments to that theme. In other words, the highest ranking themes were those that were mentioned the most often by the most people.

The results have been written in a style that directly gives voice to the viewpoints of lawyers and law students with disabilities. A brief sentence or paragraph summarizes each theme and sub-theme, followed by a sampling of representative comments. To keep the focus on the words of the research participants, interpretation, editorial commentary or explanation is kept to a minimum. Care has been taken to select a sampling of comments from all the individuals who participated. To protect the anonymity of respondents, details that might identify specific individuals were omitted or changed slightly.

It is important to note that none of the institutions mentioned in this report have had the opportunity to respond to the results of this research. The Disability Subcommittee of the Law Society's Equity and Diversity Committee will be seeking the input of these organizations after Committee members formulate a plan of action and policy recommendations based on these findings.

### **2.3 Participants**

Approximately 50 lawyers and law students with disabilities were contacted and invited to participate in this study. Of that number, 24 lawyers and law students who have disabilities took part (approximately a 48% response rate). These included the three current members of the Disability Research Working Group, two past members of the Law Society's Disability Advisory Committee and 19 other individuals.

Ten people participated in one of the focus groups (three also completed written questionnaires), 12 individuals completed written questionnaires and two individuals participated in telephone interviews.

The 24 respondents included 16 men and eight women ranging in age from 26 to 65 (median age range was 36 to 50). Sixteen respondents were from the Vancouver/Lower Mainland area, four were from Vancouver Island, three were from the Interior of B.C. and one was from Northern B.C.

Sixteen of the 17 respondents who were practising law described the size of their workplace. Six respondents were in solo practice, five in small firms, one in a medium-size firm and four in large firms or government. Areas of practice listed included Aboriginal law, administrative law, advocacy, business law, civil litigation, corporate, criminal, estates, family law, general practice for the Deaf, human rights, labour, medical malpractice, personal injury, poverty, research and wills.

Three respondents were no longer practising. One respondent was articling. Two respondents were law students and one was a former law student. The former law student and the three lawyers who were no longer practising each said that disability was a reason for leaving their careers.

Respondents described their disabilities in the following ways: acquired head injury resulting in cognitive impairment, amputation, back problems (2), back problems caused

by polio, caring for a relative with a disability, C4 quadriplegia, cerebral palsy, chronic pain (2), deafness, effects of polio, fibromyalgia, hearing disability, in a wheelchair (2), learning – visual/spatial, legally blind (visual impairment), loss of senses, low vision, muscular dystrophy, paraplegia, profound hearing loss, quadriplegia due to post-polio, quadriplegia, scoliosis, severe hard of hearing, visual impairment.

The main barrier to participation in this research was difficulty in contacting lawyers and law students who have disabilities. Many lawyers who have disabilities do not disclose their disability. Other lawyers who have disabilities do not identify with disability groups and so are reluctant to participate in studies that would place them in that group. Further, although we suspect that disability issues are a major factor in giving up practice, the Law Society does not keep records about lawyers who are no longer practising, so it was not possible to directly invite former lawyers to participate.

Time was the second major barrier. One respondent found out about the research project too late to attend the focus groups and so only had the option of being interviewed or completing a questionnaire. Two more returned their questionnaires after the data analysis was finalized. Although these respondents were quoted, their comments could not be included in frequency counts of themes and sub-themes.

### 3 Overview of results

An overview of the results (based on the 22 respondents included in this analysis) is given in Table 1 below:

<b>Table 1 Overview of the results</b>			
	No. of comments	Per cent of comments	No. of respondents
<b>Total number of comments*</b>	<b>1404</b>		<b>22</b>
Comments about law school	301/1404	21.5%	22/22
Comments about legal practice	993/1404	70.7%	22/22
Comments about barriers to legal services for persons with disabilities	110/1404	7.8%	19/22

\* Note: Comments about the Professional Legal Training Course (PLTC) were included in the discussion about law school. There were fewer than 20 comments about post-law school continuing education. These were included with comments about legal practice.

As can be seen, most of the discussion about barriers entering and practising in the legal profession was centred on legal practice.

## 4 Discussion about law school

The themes and sub-themes about law school are summarized in Table 2 below.

<b>Table 2 Discussion about law school</b>				
	No. of comments	Per cent of comments	No. of respondents	Ranking
<b>Total comments</b>	<b>301/1404</b>	<b>21.5%</b>	<b>22/22</b>	
<b>Positive comments</b>	<b>139/301</b>	<b>46.2%</b>	<b>16/22</b>	
Accommodations were provided	83/139	59.7%	13/16	1
Staff and students were supportive	29/139	20.9%	11/16	2
Law school was a good experience	27/139	19.4%	11/16	3
<b>Comments about barriers</b>	<b>138/301</b>	<b>45.8%</b>	<b>19/22</b>	
Situation prior to 1990	73/138	52.9%	11/19	1
Situation in the 1990s	65/138	47.1%	7/19	2
<b>Suggestions for addressing barriers at law school</b>	<b>24/301</b>	<b>8.0%</b>	<b>10/22</b>	

### 4.1 Positive comments

(139/301 (46.2%) comments by 16 people)

Even though the survey and focus group questions were biased toward identification of barriers, almost half of the comments made about law school were positive comments.

#### 4.1.1 Accommodations were provided

(83/139 (59.7%) comments made by 13 people)

The most common positive theme was that appropriate accommodations were provided. More than half of the respondents commented on what law schools in B.C. are doing to sensitively address the equity and diversity issues facing law students who have disabilities. There were many comments about the atmosphere of acceptance and respect at the University of Victoria and University of B.C. where individualized accommodations are fairly readily provided:

*The university is rights-expanding atmosphere.*

*I think it's fair to say that, at the level of the law school, the level of the PLTC and perhaps the level of articling, there is a great deal of acceptance of disabled people.*

*I wrote with extra time throughout law school.*

*If you know the rules, the LSAT accommodates very well.*

*An interpreter was really the only accommodation that I needed.*

*The layout of the law school at UVic was terrific and I had no problem whatsoever in my years — with one exception: the library.*

*I couldn't imagine going to law school doing six courses full time. For me, I'm doing probably a 60 to 65% course load.*

#### 4.1.2 Supportive people

(29/139 (20.9%) comments by 11 people)

Almost half of the respondents commented on support from student support services, professors, fellow students and families:

*I know UBC has a great system in place that has a disability resource centre to deal with students in general and people through the law school.*

*Professors were very supportive and helpful.*

*Several of my professors used overhead projectors and the blackboard while teaching, but if I asked in advance, they would provide copies of their notes to me so that I could follow along in class.*

*All staff were very accommodating and there was great camaraderie among the students.*

*There are those (students with disabilities) who are married or who have family in the area who help with shopping, cleaning, cooking, etc. That support system is invaluable as it helps to ease the demand on the student's time.*

#### 4.1.3 Law school was a good experience

(27/139 (19.4%) comments by 11 people)

The third positive theme was that going to law school was a good experience. Almost half the respondents made general, positive comments about the law school environment. For example:

*I had a good time.*

*My experience, I think, mirrored non-disabled law students perfectly.*

*I think that both universities (UBC and UVic) are models for the outside community.*

*For me, PLTC was sort of a bridging for university, and I didn't experience any really big problem while doing PLTC.*

## 4.2 Comments about barriers

(138/301 (45.8%) comments made by 19 people)

Despite the positive tone of respondents' comments about law school, most of the respondents also described various barriers experienced during law school. Comparing the descriptions of barriers given by respondents who attended law school prior to 1990 to the descriptions given by more recent graduates and law students, it is clear that many of the barriers are now historical. Although barriers still exist, law schools have clearly become much more accessible and accommodating in recent years.

### 4.2.1 Situation prior to 1990

(73/138 (52.9%) comments made by 11 respondents)

Respondents who attended law school prior to 1990 were pioneers breaking new ground. In “the old days,” students with disabilities were discouraged from attending law school, and accommodations were virtually non-existent, unless students could make their own arrangements:

*I made the mistake of telling them I was planning to go into law school, to which they told me that it was a completely unrealistic expectation.*

*There was a fellow student who said “Why don’t you just quit, you will never be a lawyer.”*

*The yuppie students: their perception was, “What are you doing here?”*

*In those days (1989-92), it still wasn’t customary for people to be using computers. I was a bit pre-technology, and so there was a lack of assisting aids.*

*I couldn’t walk up the stairs to the second floor of the law school, and they didn’t have an elevator, and they didn’t have even a washroom on the main floor that was easily accessible for people with disabilities.*

*No interpreters were provided by the law school. They left it to others to do the accommodation.*

*I wonder how many people were prohibited from passing the LSAT because of the barriers?*

*I, being a student and short of funds, struggled through with no help and didn’t do as well on my exams and all written work as I could and should have.*

*There was no procedure in place for students who could not physically write for themselves.*

*If my disability had been any more severe, I may have been precluded from attending law school because at that time (1978-1981) one could not attend law school on a part-time basis.*

*Course content was almost totally silent in regards to people with disabilities.*

#### 4.2.2 The situation in the 1990s

(65/138 (47.1%) comments made by 7 respondents)

Students with disabilities who have attended law school since 1990 have experienced the benefits of major shifts toward access and accommodation. Now that equity and diversity policies are in place, the main barrier is resentment from fellow students about accommodations the universities are providing to students with disabilities.

*Many students resented the fact that I received extra time on exams and believed that my grades were inflated as a result. This led to me missing out on the benefits and synergy those relationships create for young law students.*

*You get this, "Well, you must have been given special benefits, because you couldn't possibly do it on your own." Like, "Why did they let you into law school?"*

*At the law school level there is little that is spoken about accommodation . . . I think that that can work against people; I know it's worked against me, because I have two invisible disabilities, and I don't like to go around explaining myself to everyone all my life.*

In addition to the problem of resentment from peers, several respondents pointed out that not all access barriers have been removed. Some areas of law school and the wider campus (especially UBC) remain physically inaccessible. Students who require print accommodations report that they still may wait weeks before receiving materials in alternate formats. Some professors still refuse to make classroom and examination accommodations. Despite the new option of part-time study, limited time continues to be a huge barrier for many students with disabilities. Some respondents also expressed concern that students with disabilities do not have enough access to advice from past and present students with disabilities. Some comments about current barriers at law school are listed here:

*The moot courtroom they've got at UBC is not wheelchair friendly, it's horrible.*

*They don't have a standard policy of making all areas and all activities accessible.*

*By the time students get everything in the alternate format they need (e.g. in large format, etc.), they're already three weeks behind in terms of reading, and that's been a real problem.*

*I explained the problem to my professor and he LAUGHED at me. I complained to the Dean of Students because of this. Eventually, I was allowed (some accommodation). In my view, this still did not place me on an equal footing with the other students.*

*Law students are taught, from the moment they first set foot in the law school door, that you are expected to work at top speed and top efficiency . . . Each weekend I would spend 10 hours a day on Saturday and Sunday trying to keep up with the work . . . By Christmas, I was completely exhausted and my Christmas exams were disastrous.*

*The time constraints for the PLTC exam and the amount of reading required made it very difficult for me to complete the PLTC exams.*

*It comes back to planning . . . I think selection of courses is really important and there's no one out there really that can tell you what to take.*

### **4.3 Suggestions for addressing barriers at law school**

(24/301 (8.0%) ideas given by 10 respondents)

At this early stage of identifying barriers, respondents were not specifically asked to make any recommendations for change. The suggestions that were made should not be interpreted as formal recommendations. The most frequent suggestion was that universities need to continue to address access barriers by making structural changes such as renovations, and by providing individualized accommodations as needed. For example:

*The lounge area at the UBC law school could have been ramped at little cost. \**

*I think a person with a physical disability could benefit from having a personal assistant with them.*

*People with disabilities, especially in the half-time program, should be given more notice (about upcoming changes) because their program of study is spread out over a longer period of time.*

*The LSAT should be more sensible for people who don't want to follow the set rules.*

*I think just as long as there's sensitivity along the process, everybody's goals are going to be met.*

\* Note: This renovation was done a number of years ago and the lounge area at UBC is now accessible to people who use wheelchairs.

The second most common suggestion was that law schools should take steps to educate mainstream students about the reasons behind accommodations. In the words of one recent graduate:

*I suggest that a public education campaign be started at law schools publishing scientific literature on how extra time does not raise the score of non-learning disabled students, but does for ones who are learning disabled. This will suggest that extra time brings the disabled students onto a level playing field but does not threaten or allow for the potential*

*of scores increasing for non-learning-disabled students who argue for extra time.*

Several respondents suggested that students with disabilities should have more opportunities to meet with other students who have disabilities as well as with lawyers who have disabilities.

*It could be as simple as hanging a sign on a billboard saying, “Well, such and such a group is meeting at such location. This is the idea of certain students, let’s get together.”*

## **5 Discussion about legal practice**

The questions that generated the most response in this study were questions about barriers to getting established and advancing in the legal profession. The categories, themes and sub-themes are summarized in Table 3 on the following page.

### **5.1 Barriers**

(552/993 (55.6%) comments made by 22 respondents)

Upon entering legal practice, law school graduates who have disabilities find that equity and diversity policies and accommodations provided by universities are not mirrored in legal practice. Lawyers with disabilities report that they experience ongoing discrimination, prejudice, negative attitudes and physical access barriers in a profession that is largely driven by the economic bottom line.

#### **5.1.1 Discrimination**

(320/552 (58.0%) comments made by 21 respondents)

Experiences with discrimination were reported by 21/22 respondents. Although a few lawyers with disabilities reported positive career experiences from the outset, most of the respondents reported that they have experienced great difficulty finding and keeping employment, mainly because accommodating lawyers who have disabilities is considered to be too expensive. In their motivation to have a career as a lawyer, respondents reported a pattern of hiding their disabilities if possible and putting up with lack of accommodation, lack of support and even harassment in both law firms and government offices. This strategy commonly fails, and sooner or later the individual burns out and/or is let go. The most common choice at this point is to set up in solo practice or withdraw from the profession.

<b>Table 3 Discussion about legal practice</b>				
	No. of Comments	Per cent of Comments	No. of Respondents	Ranking
<b>Total comments</b>	<b>993/1404</b>	<b>70.7%</b>	<b>22/22</b>	
<b>Barriers</b>	<b>552/993</b>	<b>55.6%</b>	<b>22/22</b>	
Discrimination	320/552	58.0%	21/22	
Lack of accommodation and support	103/320	32.2%	14/21	1
Difficulty finding employment	63/320	19.7%	16/21	2
Accommodations are considered to be too expensive	38/320	11.9%	11/21	3
Disclosure of disability leads to discrimination	47/320	14.7%	8/21	4
Lawyers with disabilities are marginalized into solo practice	34/320	10.6%	9/21	5
The discrimination is similar to treatment of other disadvantaged groups	24/320	7.5%	4/21	6
There are instances of harassment	11/320	3.4%	5/21	7
Prejudice	128/552	23.2%	14/22	
Prejudice from lawyers	63/128	49.2%	12/14	1
Prejudice from judges	24/128	18.8%	7/14	2
Lack of awareness about disability issues	20/128	15.6%	6/14	3
Conservatism in the legal profession	21/128	16.4%	4/14	4
Access barriers	104/552	18.8%	15/22	
Structural barriers	84/104	80.8%	14/15	1
Social barriers	20/104	19.2%	7/15	2
<b>Resources</b>	<b>228/993</b>	<b>23.0%</b>	<b>18/22</b>	
Mentors and allies	74/228	32.5%	15/18	1
Positive career experiences	50/228	21.9%	14/18	2
Accommodations to improve access	41/228	18.0%	16/18	3
Self-initiative	63/228	27.6%	13/18	4
<b>Suggestions for addressing barriers in legal practice</b>	<b>213/993</b>	<b>21.4%</b>	<b>17/22</b>	
Advocate for more equitable career opportunities	70/213	32.8%	13/17	1
Advocate for accommodations	43/213	20.2%	13/17	2
Educate for change	59/213	27.7%	10/17	3
Confront barriers	11/213	5.2%	10/17	4
Provide peer support and mentoring	30/213	14.1%	6/17	5

5.1.1.1 Lack of accommodation and support  
(103/320 (32.2%) comments made by 14 respondents)

Over half of the respondents reported that they worked in settings where required accommodations were not provided and where the atmosphere was not supportive of their need for accommodations. Their stories told a consistent pattern of putting up with the barriers, taking on too much with too little support and overworking to the point of failure or burn out.

*Many students with disabilities have a very difficult time finding articles, and when they do, they are unable to cope with the amount of work that they are expected to do.*

*They were okay with me working from six o'clock in the morning till midnight. It was awful, but I thought "I have to keep doing it, I have to prove I can do it."*

*They let me go and severed our relationship, because of my illness.*

*I have fallen from mid-level partner to senior associate in terms of billings and income.*

*An inability to work a normal workday on a regular basis poses a barrier for permanent employment and normal career prospects.*

*They may give you the job, but to be able to move up within the various levels of government, within the organization, would be pretty challenging.*

*Once they've made their publicity statement, you know, that "we've got someone disabled on staff and aren't we great?," the real attitude is that they don't have any use for that person, and they won't make the effort to accommodate or to integrate.*

*Unfortunately in my situation, the resources did not get provided to me and the result was exactly as I predicted: failure in that environment.*

5.1.1.2 Difficulty finding employment  
(63/320 (19.7%) comments made by 16 respondents)

No matter what their success has been at law school, lawyers who have a disability, or who acquire a disability later, report great difficulty finding employment in law firms or in government.

*I had the thought that when I went through law school, after I articulated, that I would be going to work for a firm, which didn't materialize.*

*The big rude awakening was when articling or during the transition between articles and finding employment.*

*I articulated with the federal Department of Justice. It was a great experience, but government's record after articling is very, very poor as far as retaining lawyers.*

*There is no affirmative action program.*

*I couldn't get hired by anyone as a lawyer, even though I had an "A" average.*

*I offered to work for free for the organization, but was paid for five days per month out of pity.*

*Not being able to work full time restricted the jobs available.*

*I didn't even look at the large law firms, ever. I already knew what would be waiting for me there . . . Probably being able to get a job, but just not fitting in after I was there, because of all the distinctions and differences.*

*I am finding it difficult lining up a law firm to work with.*

*I found it difficult to find work because there is almost no part-time work. It was a year and a half of absolute hell; dealing with my disability plus a low sense of self worth.*

5.1.1.3 Accommodations are considered to be too expensive  
(38/320 (11.9%) comments made by 11 respondents)

Almost half of the respondents identified the economic bottom line that drives the legal profession as one of the main reasons employers are reluctant to have a lawyer who has a disability on staff.

*A lot of firms are afraid of the requirements to accommodate, afraid of the expense, so right away they are hands off about the issue.*

*When your work is valued on units of billable time, first question in anyone's mind is "You can't be efficient."*

*I don't see where there's any benefit, tax breaks or anything, that a disabled person gets through the government that makes it worthwhile.*

*If there's an additional cost that's associated with bringing in that individual who may not have the ability to fit in, then there is a concern of whether or not it would be worthwhile from a profitability sense for the organization.*

*The federal government has a \$10 million fund there to help people with disabilities with equipment and assistance, but if I actually access that fund, I have all the people asking what's it for and what are the long-term career possibilities for this individual.*

*I expect you won't see changes in the private sector because there is no incentive. If you were to bring up caring at a meeting, they would think you were daft. The concern is not for well-being, it's the bottom line.*

*In government, it really is the same as large firms trying to protect its bottom line. It's really the same type of economic issue.*

5.1.1.4 Disclosure of disability leads to discrimination  
(47/320 (14.7%) comments made by 8 respondents)

Since disclosure of disability leads to discrimination, lawyers with disabilities often try to avoid disclosure, as described in this sampling of comments.

*I think had I disclosed the presence of my disability, I wouldn't have been hired in the first place.*

*I had to hide my disability for a long time. I made my own concessions to try to look like everyone else, e.g. stay late and work overtime.*

*I spent most of my time trying not to be different and to fit in. I wanted a job, I wanted to be kept on.*

*I actually think that it's none of their business until after they hire you. Then they will have to think about accommodation.*

*Given what I've been through, I wasn't about to tell them I have a disability.*

5.1.1.5 Lawyers with disabilities are marginalized into solo practice  
(34/320 (10.6%) comments made by 9 respondents)

The six respondents who are in solo practice and three other respondents commented that lawyers with disabilities are frequently pushed into solo practice because of discrimination.

*Instead of trying to compete with other people to be as productive in those early years, you end up striking out on your own.*

*When I started in law, I had no urge whatsoever to be in private practice, my own practice . . . I think I was forced or pushed into this because of an inability to get an opportunity during my initial years, which is vital to any lawyer who is starting out.*

*The only option I have is to have my own practice, taking on individual clients and work, which I didn't want to do because I'm not as efficient at doing all the jobs as I am doing the analysis and research.*

*It wasn't an opportunity, it was more of, "this is what you're going to do if you're going to practise law."*

*But the disadvantage [of solo practice], I think is that people with disabilities are already pretty isolated, and so going into practice alone is even more isolating.*

*I couldn't get any clients except those who were turned away by other firms as hopeless or unprofitable cases.*

5.1.1.6 The discrimination is similar to treatment of other disadvantaged groups  
(24/320 (7.5%) comments by 4 respondents)

A few respondents compared discrimination against lawyers with disabilities to the levels of discrimination experienced by other disadvantaged groups at earlier points in history.

*There have been a number of other reports that have been published on other types of groups, such as gender equality, aboriginal students, and we've always felt that disability has always been left out of the mix.*

*As a woman who is disabled, it was sort of like you're even lower than the men who are disabled . . . So being disabled was sort of like the third branch of, "Oh, no! You've got that too."*

*We used to have rules that we couldn't have Chinese lawyers or female lawyers, but never was it stated that you couldn't have disabled lawyers. It was simply assumed that people with disabilities would never think of becoming lawyers.*

*A number of people who were in the same-sex relations had gone to private law firms. They found that, in the private law firm, because of their different sexual orientation, they weren't able to advance.*

5.1.1.7 There are instances of harassment  
(11/320 (3.4%) comments made by 5 people)

Several respondents reported being the target of teasing, practical jokes and other types of harassment directly related to their disability differences.

*Someone made fun of my (technical aid) one day, and I just said, "Well, do you always make fun of disabled people?" And his face just dropped, and he didn't know what to say to me.*

*I would be made fun of regularly about it (my disability). In hindsight, it is really stupid and sick. Colleagues would test me all the time to see what I could do.*

*"She can hear if/when she wants to," is all too common.*

*In the court there have been personnel who demand that boxes be moved without help.*

### 5.1.2 Prejudice

(128/552 (23.2%) comments made by 14 respondents)

Discrimination against lawyers with disabilities is justified by concerns about the economic bottom line, and is fueled by prejudice and negative stereotypes. Over half of the respondents have experienced prejudice, devaluing and stigma within the legal profession.

#### 5.1.2.1 Prejudice from lawyers

(63/128 (49.2%) comments made by 12 respondents)

Negative attitudes about disabilities are so ingrained that many lawyers with disabilities (especially acquired disabilities) tend to devalue themselves.

*It comes down to attitudes and the presumption that, if you have any obvious disability, you are probably more or less incompetent.*

*I had lunch with a relative and a senior partner in her law firm just last week, and she was really embarrassed. She said, "Well, this is a little embarrassing, but I'll ask you how are you going to be able to do this?" (work as a lawyer).*

*Any discussion of disability must consider the lack of ability (i.e. ignorance) of many people, including lawyers and other professionals, to recognize and understand "mental" illness in their daily lives.*

*Trying to overcome people's view of the physically disabled was a real challenge.*

*It became obvious that people were critical of me working part time but they were never open about it. There was resentment because I was not profitable.*

*I still feel like having to ask for accommodation is a sign of weakness.*

#### 5.1.2.2 Prejudice from judges

(24/128 (18.8%) comments made by 7 respondents)

The occasions where judges showed prejudice in a public courtroom appeared to be especially embarrassing and distressing for several respondents.

*The judge flatly refused to talk to me; he would direct every question to the Crown.*

*The judge looked at me and said, "What are you doing there?" I told him I was a lawyer, but he said, you know, "Get back to where you should be." I couldn't believe that judge actually saying that.*

*There was one Provincial Court judge. They used to say, "He hates women, he hates his wife and he hates you." And they basically lumped*

*him in that category because of his perceptions of the disabled, and eventually it got to the stage where I just didn't appear in front of him.*

*There's a difference between a judge having a bad day and reaming you out in court, and then showing total disrespect.*

*Now that I am more established, the biggest discrimination is from judges who refuse to accommodate my disability.*

5.1.2.3 Lack of awareness about disability issues  
(20/128 (15.6%) comments made by 6 respondents)

Several respondents pointed out that, in the legal profession as elsewhere, ignorance is often the cause of negative attitudes.

*There is not enough education and understanding about people with disabilities. People don't have a comfort level as a result.*

*Continuing Legal Education instructors are always taken aback and most don't know what to do.*

*I think there's uncertainty on the part of employers because they don't really know what to expect.*

*It is obvious to me that my colleagues are both ignorant of and frightened by "mental" illness.*

5.1.2.4 Conservatism in the legal profession  
(21/128 (16.4%) comments made by 4 people)

The conservative nature of the legal profession was another common explanation for the existence of discrimination and prejudice against lawyers with disabilities.

*And I think that the legal profession is going to take a long time, or the legal system is going to take a long time, before it starts to treat people with disabilities as equal.*

*One problem with lawyers is that they think they're immune from it (prejudice) because they think they are so sensitive about it. And that's really the big, funny thing, because most lawyers are the most conservative people you're going to meet, especially in the larger organizations.*

*It's a very old profession, and it's resistant to change.*

### 5.1.3 Access barriers

(104/552 (18.8%) comments made by 15 respondents)

Significant access barriers exist in the shadow of the larger problems of discrimination and prejudice. One fifth of the comments about barriers were about physical, print, communication and social access barriers.

#### 5.1.3.1 Structural barriers

(84/104 (80.8%) comments made by 14 respondents)

Lawyers who have disabilities that affect mobility, hearing or vision encounter various structural barriers throughout the judicial system that make it difficult to move in and around buildings, understand what is being communicated or read small-print documents.

*Something as simple as parking is so basic and is not there.*

*The placement of elevators and ramps as such have been a problem.*

*Some courthouses are still not user friendly for persons with physical disabilities.*

*Law Society practice manuals are not available in alternative format (not Braille, not large print). No one ever sends updates on disk. I feel left out in that way.\**

\*Note: The manual is available on the Law Society website in several text formats for downloading and reformatting.

*I once tried to enrol in a CLE course and explained my disability. They said, “No big deal, people in wheelchairs can come to our course.” When I explained the accommodations I needed, CLE said “We don’t do that,” flat out.*

*Throughout the province, there is a real lack of any sort of standardization for access for all types of disabilities.*

*There is a real sense that I think the farther you get from the centre of a city or of a province, the less accessible it gets.*

*None of the courthouses have a TTY — there are lots of phones for use by the public, lots of other phones for use by lawyers, in barristers’ lounges, etc. Not one TTY.*

*Getting interpreters for hearings continues to be a problem. Years of efforts to get this solved have been fruitless and I have no real expectation of significant improvement. If an interpreter does show up, it is often one not suitable for the case.*

*One of the biggest problems is ceiling fans or air-conditioning, and they can’t turn off the noise from the ceiling.*

*Judges and witnesses from my experience do not like to speak into the microphones that are available.*

#### 5.1.3.2 Social barriers

(20/104 (19.2%) comments made by 7 respondents)

Several respondents commented on various barriers that make it difficult for lawyers with disabilities to participate socially and network during events, such as networking, conferences or parties.

*It's not anywhere that there is a pervasive desire to accommodate people with disabilities.*

*Often times you see people up in society set up things, set up protocols, and then forget about the inclusion of people with disabilities.*

*Socially, it was awkward but it never held me back. I don't do much socially with the legal profession anymore. Who wants to hang out with lawyers anyway?*

*I feel very uncomfortable in those kind of meat market settings that the law firms insist on.*

## 5.2 Resources

(228/993 (23.0%) comments made by 18 respondents)

As one respondent mentioned, “The profession, and certainly society, has made tremendous strides from what I have seen in the last 20 years of practice, and I think we have to keep that in mind when we talk about some of these negative aspects.” Most of the respondents made a number of comments about resources and support that are available, including supportive people, positive career experiences, progressive changes to improve access and their own self-initiative, hard work and advocacy efforts. “This is a profession that may be tough, but it is accessible,” noted one respondent.

### 5.2.1 Mentors and allies

(74/228 (32.5%) comments made by 15 respondents)

Other lawyers who have disabilities, people involved in equity efforts within the legal profession, most colleagues and members of the wider disability community were frequently mentioned as mentors and allies.

*I took a labour law course and the guy teaching it was a guy who had polio. And he took me aside and he said, “You should go to law school.”*

*I know a lawyer in Ontario who is a practising litigation lawyer who has the same disability that I do, so I know a person with this type of disability can be a litigation lawyer.*

*I find it thrilling to find that there are other people practising law who have disabilities.*

*I had two mentors as well. I continue to bounce things off them even today, I found they were a great resource.*

*The Benchers' Bulletin now does have at least one or two pages devoted to equity issues.*

*The judges in B.C. do have an Equality Committee, which we met with as a group a few months back.*

*Attitudes of my colleagues and the bench have been non-discriminatory and positive.*

*I am very active in the disability community.*

### 5.2.2 Positive career experiences

(50/228 (21.9%) comments made by 14 respondents)

Over half of the respondents reported that they have had positive experiences during their careers. Two of the respondents reported that their disability has not prevented them from advancing in their law career. A number of other lawyers reported that, in the course of dealing with discrimination, they eventually found creative solutions that have led to satisfying career paths.

*I can honestly say that my disability has not prevented me from advancing in my law career.*

*Eventually I got a job in government. It was pretty much a miracle. Initially they were not enthusiastic about me working part time, but I had the qualifications and there was another person who wanted part time and we submitted a joint proposal.*

*I currently sit on an administrative tribunal, and I've done that for the last seven years.*

*I switched my work to employment issues and protecting people from harassment. I have a wonderful career.*

*I got grants from the government and hired students to work for me!*

*They were community groups and they loved having a lawyer on staff that could give advice to the group on lawyering.*

*I found a situation where I'm working with four other lawyers and support staff, and I can get around some of these barriers.*

### 5.2.3 Accommodations to improve access

(41/228 (18.0%) comments made by 16 respondents)

The majority of respondents also gave examples of situations in which accommodations have resulted in improved access, equity and inclusion in court and in the office.

*I usually prepare a written outline of my submissions because the judges can follow and it's pretty easy.*

*Speaking into the microphones eliminates the disability in the court setting.*

*These (physical access) problems have improved as facilities have been rebuilt or renovated.*

*We have parking for people with disabilities where you actually can bypass the meter without paying a fee if you are in a registered and certified vehicle.*

*Both firms where I have worked have offered to purchase adapted equipment for me.*

*I was able to find a firm who accepted me for articles even though I had to leave the office soon after 2 p.m. most days.*

*Continuing Legal Education has been providing interpreters so far.*

### 5.2.4 Self-initiative

(63/228 (27.6%) comments made by 13 respondents)

More than half of the respondents attributed much of their success in their legal careers to their own self-initiative, hard work and self-advocacy. Several respondents expressed the opinion that an important way for lawyers with disabilities to overcome discrimination and prejudice is to disclose one's disability, advocate for needed accommodations and lodge complaints or take legal action if needed.

*I've always relied on myself, and my own industry has really been the thing that has got me this far.*

*You're essentially selling yourself to them. You're saying, "I'm worthwhile, here is what I can do for you," and that's how firms are going to look at you. If you can bring in that kind of work.*

*Every firm I applied to offered me an interview, and half I applied to ended up asking me back for a second interview, and most of them offered me a position.*

*After about six months I went there and I blew the socks off the place.*

*I am not less effective, I just do things a bit differently.*

*And when I went back to management and said, "This is available," they said, "Oh, okay, well, then we'll do it for you." But it was only after I pushed the issue.*

*I phoned the head of Continuing Legal Education and I met with someone who was displeased with how (the refusal to accommodate) had been handled.*

*So it just escalated and the final outcome was that someone from Crown said to the city, "You've got a real problem with this, deal with this."*

*My firm was aware I would be lodging a human rights complaint unless it got sorted out.*

*I had to file a human rights complaint against the Canadian Bar Association. I had to force them to change their practices.*

### **5.3 Suggestions for addressing barriers in legal practice**

(213/993 (21.4%) comments made by 17 respondents)

Although the main purpose of this research was to identify barriers, respondents made a number of constructive suggestions for action that could be taken to lift these barriers. These suggestions should not be interpreted as formal recommendations. The Disability Subcommittee of the Law Society's Equity and Diversity Committee will be seeking input about the results of this study before formulating formal recommendations.

#### **5.3.1 Advocate for more equitable career opportunities**

(70/213 (32.8%) comments made by 13 respondents)

Over half of the respondents suggested that, in addition to individual advocacy efforts, the legal profession needs to take responsibility for acknowledging existing discrimination and for seeking system-wide solutions that will lead to the equity that is guaranteed in the *Charter of Rights and Freedoms*. The solutions may involve policy changes, funding initiatives and political will.

*I think it's time that the system recognizes it has always treated disabled people very poorly, and it's time that it stepped up and started taking a look at that. We have a constitution in this country that says we're supposed to be equal.*

*We have to look at the history of the development of the section 15 in the Charter of Rights and say, "Yes, this is a tough process. This is going to call (us to think) beyond the way that we've thought."*

*I think we should look at that and say, "What do we want articulated students to be at the end, fodder?" . . . I believe the only effective way to do this is to amend the Articling Guidelines and add to the Professional Conduct Handbook.*

*It would seem that maybe a fund could be started or someone to champion soliciting the private sector for funding to develop some sort of, not necessarily a preferential loan system, but money could be available.*

*Negotiating with government to provide low-interest loans/HRDC funding for disabled lawyers to build their own practices would be immensely helpful.*

*If you can say, "There's funds available or there's tax incentives or something to do these things, and this is what I need, this is how you can access some of these incentives to take me on," then I think you've got a better chance.*

*Accommodations that the firm doesn't have to provide, that follow you around, that you can take with you when you move from firm to firm, or whenever you're seeking a job.*

*There should be a fund paid for by larger and wealthy firms who don't hire disabled lawyers.*

### 5.3.2 Advocate for accommodations

(43/213 (20.2%) suggestions made by 13 respondents)

As was suggested earlier in the discussion about law school, over half of the respondents in this study suggested that the legal system should continue to make structural changes to improve general access and to provide needed individual accommodations.

*I need good lighting, good acoustic environment, lots of carpet, so that the sound isn't bouncing off, and no background noise, if possible.*

*We have got wheelchair-accessible washrooms, but if you need a moment, for example, to get out of the chair, you need an area or a room or a facility.*

*All the materials need to be available in alternate formats, if needed . . . they should be available to the people as soon as they register for Continuing Legal Education courses.*

*Although my experience has been very good, I believe it is important to stress that law firms, the judiciary and registry staff do everything they can to make the practice of law a little easier for those with more complex disabilities.*

### 5.3.3 Educate for change

(59/213 (27.7%) comments made by 10 respondents)

Ten respondents suggested that education in the form of advertising and other public relations efforts, articles about disability issues and sensitivity training will help reduce barriers by changing outmoded attitudes and beliefs. Here are some examples of educational suggestions that were made:

*A web page is definitely another tool that we have to use more effectively.*

*Public education and advertising is key in the area of breaking down systemic attitudes and beliefs.*

*The Law Society should invest in positive image advertising, which consists of television spots, glossy advertising and the like, to tell the public that lawyers are effective, ethical and composed of a diverse group (including disabled persons).*

*It is important for the public to know that there are people out there in the profession who are disabled.*

*Lobby some of the regular columnists to write articles about related issues.*

*Judges need sensitivity training.*

#### 5.3.4 Confront barriers

(11/213 (5.2%) comments made by 10 respondents)

The fourth type of suggestion was for individuals to continue to confront discrimination, prejudice and access barriers instead of just putting up with these problems. For example:

*They are just going to have to force it, and people are just going to have to learn, because there's no other way.*

*Bullying behaviour, sarcasm, scathing demeaning conduct and psychopathic behaviour should be observed and monitored by the Law Society.*

*We should NEVER talk of "disabled persons" (we should say "persons with disabilities") — disability is something a person has, not who the person is.*

*Making changes in the way we perceive ourselves is one of the biggest steps forward.*

#### 5.3.5 Provide peer support and mentoring

(30/213 (14.1%) comments made by 6 respondents)

Several respondents suggested that lawyers with disabilities (and family members of people with disabilities) should provide support and mentorship to other lawyers who have similar disabilities. (This suggestion was also made above during discussions about law school.)

*The mentor should be someone with the same kind of disability because there's some understanding.*

*You learn more by being with others, you really do. Otherwise you're forced to try to reinvent the wheel all the time.*

*A parent of a child who has a disability may have lived with that person for a long period of time. They too could be a good mentor.*

## 6 Barriers to legal services for persons with disabilities

A secondary purpose of this research was to learn more about the main barriers to legal services for members of the general public who have disabilities. The categories, themes and sub-themes are listed in Table 4 on the following page.

<b>Table 4 Barriers to legal services for persons with disabilities</b>				
	No. of Comments	Per cent of Comments	No. of Respondents	Ranking
<b>Total comments</b>	<b>110/1404</b>	<b>7.8%</b>	<b>19/22</b>	
Economic barriers	23/110	20.9%	8/19	1
Access barriers	23/110	20.9%	7/19	2
Prejudice within the judicial system against people who have disabilities	20/110	18.2%	4/19	3
Accessing the right lawyer	14/110	12.7%	5/19	4
Defining "disability"	18/110	16.4%	3/19	5
Barriers in legal aid	12/110	10.9%	2/19	6

### 6.1 Economic barriers

(23/110 (20.9%) comments made by 8 respondents)

Financial barriers were mentioned most frequently.

*I think the biggest issue for people with disabilities is poverty.*

*I think there's a problem with funding for people with disabilities for access to legal services.*

*Access to legal services, except for those who qualify for very limited legal aid, are unfortunately almost totally dependent upon having sufficient financial resources to pursue legal remedies.*

*Many people with disabilities are unable to afford legal services for a multitude of reasons, and don't get treated with the respect and attention they require when they finally do get a lawyer.*

## **6.2 Access barriers**

(23/110 (20.9%) comments made by 7 respondents)

Systemic access barriers were mentioned almost as often. Here are some examples:

*There has to be a more immediate way for us to access the justice system instead of the gyrations that most disabled people go through.*

*Lawyer referral systems and information systems are often auditory-based and so are inaccessible to Deaf. Lawyer referral services have no TTY for deaf people.*

*It takes information to know when legal services are needed and more information to figure out how to get it.*

*Systems set up to help people needing legal services are usually set up for the able-bodied, and if any accommodations are made, it is as an afterthought.*

## **6.3 Prejudice within the judicial system against people who have disabilities**

(20/110 (18.2%) comments made by 4 respondents)

A few respondents expressed concern about how prejudice against and devaluing of people with disabilities impacts on access to and fair treatment in the judicial system.

*The system is going to have a lot of trouble coming to terms with their perceptions of what it means to be disabled.*

*In the legal system, and in the law itself, there is a strong prejudice against people with disabilities, particularly people with mental disability.*

*Within law firms, the stigma of “mental” illness is likely to lead to forms of discrimination.*

## **6.4 Accessing the right lawyer**

(14/110 (12.7%) comments made by 5 respondents)

A few respondents mentioned how difficult it is for members of the general public, especially people with disabilities, to access a lawyer who is a good match.

*When reaching a lawyer, even knowing that a lawyer out there also has a disability and might have first-hand knowledge of their issues as well, would be very helpful.*

*They don't have the knowledge of just even accessing a lawyer.*

*Do a better job of matching people with disabilities to lawyers who might know something about or be sensitive to their issues.*

## **6.5 Defining “disability”**

(18/110 (16.4%) comments made by 3 respondents)

Three respondents discussed difficulties related to defining “disability” as another barrier facing people with disabilities in accessing the legal system.

*Ignorance of “mental” disability is still reflected in our legal system.*

*Lawyers have for a long time made themselves and the legal system the arbiters of who is disabled and who is not disabled, and therefore they see themselves as sort of knowing more or being more than anyone else.*

*Many “disabled” people are clearly not disabled in many (and often the most important) aspects of their lives . . . Consideration of “disability” must take into account culture: for example, Professor Hawking may be considered “disabled” in the context of sports culture, but not in the culture of the academic community.*

## **6.6 Barriers in legal aid**

(12/110 (10.9%) comments made by 2 respondents)

Finally, two respondents expressed concerns about access to and operation of legal aid. People who do not qualify for legal aid go unrepresented. Deaf clients are often referred to lawyers who are not aware of Deaf issues and who do not know how to provide access. There is little incentive to work for legal aid because the system does not pay well.

*There is a systemic problem at legal aid. That barrier is a systemic barrier.*

*If they don’t qualify for legal aid, then they go in unrepresented.*

*Ongoing problems with legal aid.*

*Legal aid is not referring any clients to me; it’s been awhile since I’ve had referrals from them.*

## **7 Conclusion**

It is clear from the responses to this research that, although strides have been made in reducing barriers in law schools, graduates from these “rights-expanding” environments experience substantial discrimination, prejudice and access barriers throughout legal practice, beginning with the search for articles and continuing throughout their careers.

Discriminatory practices against lawyers with disabilities exist throughout the legal profession, despite court decisions since the Canadian *Charter of Rights and Freedoms* was passed that direct employers to consider diversity issues when designing standards and policies and to adopt standards that accommodate people with disabilities.

Barriers in the legal profession appear to frequently prevent career advancement and lead to over-work, burn-out and failure in both private firms and government departments. Lawyers with disabilities are seldom kept on after articling and finding employment seems to be very difficult. Accommodating lawyers who have disabilities is considered to be too expensive, and there are very few financial incentives or tax breaks available. Although the accommodation of part-time practice is now available, it does not seem to be well accepted as yet. If a disability appears to interfere with the economic bottom line, the firm is likely to let the lawyer go.

Since disclosure of disability generally leads to discrimination, there is a tendency for lawyers to hide their disabilities, or the extent of their disabilities, wherever possible and for as long as possible. A few respondents described incidents of harassment, such as teasing and not believing the extent of a person's disability. More than half of the lawyers who participated in this study talked about how discrimination eventually led to being loss of employment, marginalization into solo practice or early retirement.

Prejudice, devaluing, negative stereotypes that equate disability with incompetence and resentment about accommodations appear to be systemic negative attitudes within the legal profession. Respondents talked about how this prejudice becomes internalized and produces self-images of being second rate and weak. Respondents were especially concerned about instances of judges showing prejudice. There appears to be a lack of awareness about disability issues within legal practice, which was described by several respondents as a very conservative profession that is resistant to change.

Respondents also identified access barriers in courtrooms and other parts of the legal workplace. Respondents commented on communication, physical and print barriers, as well as social marginalization.

Despite these barriers, respondents identified a number of resources available to lawyers who have disabilities. There are mentors such as other lawyers with similar disabilities. There are allies such as others who are addressing equity and diversity issues in the legal profession. Many respondents pointed out examples of positive career experiences, including stories of how dealing with discrimination led to alternative, satisfying professional opportunities. Respondents also gave examples of situations where appropriate accommodations have been or are being provided.

Lawyers and law students with disabilities also identified their own self-initiative, hard work and self-advocacy (including disclosure of disability) as making a positive difference in a challenging profession.

As the main purpose of this research was to identify barriers, respondents were not specifically asked to make suggestions for addressing the barriers they identified. The suggestions that are summarized here should not be interpreted as formal recommendations:

1. Continue to make structural changes to increase access and to provide individual accommodations to students in law schools. Examples of accommodations include tutoring, personal assistance, planning ahead, sensible examination accommodations, physical renovations and sensitivity in the process of meeting individual students' access needs.
2. Educate mainstream students about the rationale and scientific evidence behind accommodations so they understand that the purpose of accommodations is to level the playing field and not to give students with disabilities any unfair advantage.
3. Support students with disabilities to meet other law students who have disabilities and to meet practising lawyers who have disabilities.

Although research participants were not specifically asked for recommendations for addressing barriers in legal practice, a number of suggestions were made:

1. The most common suggestion was that the legal profession should take responsibility for acknowledging existing discrimination and for seeking solutions that will lead to the equity for lawyers with disabilities that is guaranteed in the *Charter of Rights and Freedoms*. The solutions may involve policy changes, funding initiatives and political will.
2. Respondents gave a number of ideas for educating members of the legal profession through the internet, positive image advertising, workshops, articles in the *Benchers' Bulletin* and *Bar Talk* and other educational projects.
3. There were suggestions to continue to make structural changes to improve general access and provide individual accommodations for lawyers with disabilities where needed in courthouses, the Law Society premises and other legal institutions.
4. There was some discussion about ways to provide peer support and mentoring to lawyers and law students who have disabilities.
5. Several respondents commented on the importance of confronting prejudice and negative attitudes through monitoring, complaints and legal action.

Research participants made six types of suggestions for future research into access to the justice system by people with disabilities:

1. Identify and address economic barriers.
2. Identify and address all other access barriers.
3. Identify and address discrimination and prejudice within the legal profession against people who have disabilities.

## Lawyers with Disabilities: Identifying the Barriers

4. Identify and address difficulties people with disabilities have in finding sensitive, accommodating and knowledgeable lawyers.
5. Identify and address barriers related to legal definitions of “disability.”
6. Identify and address barriers in legal aid.

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## APPENDIX 1

### COURT DECISIONS RELATED TO EQUITY AND DUTY TO ACCOMMODATE PEOPLE WITH DISABILITIES

#### ***Eaton v. Brant County Board of Education*, [1997] 1 SCR 241**

As Sopinka, J. stated:

*The principal object of certain of the prohibited grounds is the elimination of discrimination resulting from the attribution of untrue characteristics based on stereotypical attitudes relating to immutable conditions such as race or sex. In the case of disability, this is one of the objectives. The other equally important objective seeks to take into account the true characteristics of this group which act as headwinds to the enjoyment of society's benefits and to accommodate them. Exclusion from the mainstream of society results from the construction of a society based solely on "mainstream" attributes to which the disabled will never be able to gain access. It is the failure to make reasonable accommodation, to fine-tune society so that its structures and assumptions do not prevent the disabled from participation, which results in discrimination against the disabled. The discrimination inquiry which uses "the attribution of stereotypical characteristics" reasoning is simply inappropriate here. It is recognition of the actual characteristics and reasonable accommodation of these characteristics which is the central purpose of s. 15(1) in relation to disability.*

*Disability, as a prohibited ground, differs from other enumerated grounds such as race or sex because there is no individual variation with respect to these grounds. Disability means vastly different things, however, depending upon the individual and the context. This produces, among other things, the "difference dilemma" whereby segregation can be both protective of equality and violative of equality depending upon the person and the state of disability.*

#### ***British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees' Union (BCGSEU) ("Meiorin")*, [1999] 3 SCR 3**

The *Meiorin* decision does away with the distinction between direct and indirect/adverse affect discrimination, and finds that it is often difficult to arbitrarily separate the two. Hence, it no longer matters how the discrimination arises, the remedial options are now the same. The decision sets out a clear series of questions to be used when analyzing standards or policies to determine whether they are discriminatory. The decision also emphasizes the need to focus on substantive equality when designing standards and policies. As Madam Justice (now Chief Justice) Beverley McLachlin noted:

*Employers designing workplace standards owe an obligation to be aware of both the differences between individuals, and differences that characterize groups of individuals. They must build conceptions of equality into workplace standards. By enacting human rights statutes and providing that they are applicable to the workplace, the legislatures have determined that the standards governing the performance of work should be designed to reflect all members of society, in so far as this is reasonably possible.*

The Court provides further that:

*In this way, accommodation seems to allow formal equality to be the dominant paradigm, as long as some adjustments can be made, sometimes, to deal with unequal effects. Accommodation, conceived of in this way, does not challenge deep-seated beliefs about the intrinsic superiority of such characteristics as mobility and sightedness. In short, accommodation is assimilationist. Its goal is to try to make “different” people fit into existing systems.*

***British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights) (“Grismer”), [1999] SCJ No. 73***

This decision follows the lead of *Eaton* in requiring that those governed by human rights legislation accommodate the characteristics of affected groups within their standards, based upon the individual member’s characteristics. Once a plaintiff establishes that the standard is prima facie discriminatory, the onus shifts to the defendant to prove on a balance of probabilities that the discriminatory standard is a bona fide occupational requirement or has a bona fide and reasonable justification.

The respondent claimed that it had a bona fide justification to exclude people with a visual disability from obtaining a driver’s licence. The Court, applying the reasoning from the *Meiorin* decision, rejected the respondent’s claim. In delivering the court’s ruling, Justice McLachlin agreed that, in certain circumstances, it is reasonable to impose standards or rules on the provision of services. However, these rules will not survive the *Meiorin* test if they are not carefully designed to accommodate people with disabilities.

*This decision stands for the proposition that those who provide services subject to [human rights law] must adopt standards that accommodate people with disabilities where this can be done without sacrificing their legitimate objectives and without incurring undue hardship.*

The Supreme Court of Canada analyzed the issue of the defence of applying a consistent standard to all people as being a form of systemic discrimination. The employer must establish that it cannot accommodate the claimant and others adversely affected by the standard without experiencing undue hardship. When referring to the concept of “undue hardship,” it is important to recall the words of Sopinka J. who observed in *Central Okanagan School District No. 23 v. Renaud*, [1992] 2 SCR 970, at p. 984, that “[t]he use of the term ‘undue’ infers that some hardship is acceptable; it is only ‘undue’ hardship

that satisfies this test.” It may be ideal from the employer’s perspective to choose a standard that is uncompromisingly stringent. Yet the standard, if it is to be justified under the human rights legislation, must accommodate factors relating to the unique capabilities and inherent worth and dignity of every individual, up to the point of undue hardship.

The defendant must prove that: (1) it adopted the standard for a purpose or goal rationally connected to the function being performed; (2) it adopted the standard in good faith, in the belief that it is necessary for the fulfilment of the purpose or goal; and (3) the standard is reasonably necessary to accomplish its purpose or goal, because the defendant cannot accommodate persons with the characteristics of the claimant without incurring undue hardship, whether that hardship takes the form of impossibility, serious risk or excessive cost. Accommodation ensures that each person is assessed according to his or her own personal abilities rather than presumed group characteristics.

***Gauthier v. Canada (Canadian Armed Forces), 10 CHRR D/6014 (Can. HRT)***

This case examines what constitutes a bona fide occupational requirement for excluding someone from a specific job.

***R. v. Morales, [1992] 3 SCR 711***

This case examines the relevancy of a psychiatric disability in making assessments with regards to bail. Issues respecting disability cannot be properly considered within the objective procedure for granting bail. Clause [providing for mandatory levels of fitness] is too vague to provide a bona fide reason for inclusion.

***Winko v. British Columbia (Forensic Psychiatric Institute) [1999] 2 SCR 625***

This case examines attitudes towards mentally ill offenders within the criminal law system. Individuals must be assessed on an individual basis to see whether they pose a “continuing threat to society.” It is not appropriate to assume that mental illness will permanently prevent a person from positively participating in society.

## APPENDIX 2

### RECRUITING PARTICIPANTS

#### Law Society letter

February 16, 2000

#### **Survey of Barriers Encountered by Persons with Disabilities in Entering and Practising in the Legal Profession**

**Thank you for agreeing to take part in this survey of barriers encountered by persons with disabilities in entering and practising in the legal profession.** You are contributing to a multi-stage research project aimed at developing awareness and effecting changes in the legal profession around disability issues.

**You will see that this survey contains only three open-ended questions.** This is because open-ended “qualitative” research is the method of choice during this exploratory stage of identifying the main issues. Each comment you make will be entered separately into a database for coding, sorting and analysis.

**You are welcome to respond to this survey in whatever way is most comfortable for you.** You may want to type, write or tape your answers, or you may want to make an appointment for our research consultant, Dr. Linda Hill, to interview you by telephone during the week of March 13 to 17, 2000. (Set up your appointment now by emailing her at bridges@island.net or phoning toll-free to 1-888-746-1529.)

**You are welcome to use as much or as little detail as you want in responding to each question.** You can respond in point form, or you can write in paragraphs. All your ideas are important whether you write a few phrases or fill several pages.

**The deadline for returning your completed survey is March 10, 2000.** You may return your comments in the enclosed self-addressed envelope or you may email Dr. Linda Hill at bridges@island.net. All identifying information, raw data and individual surveys will be kept confidentially in Dr. Hill’s office and will not be shared with the Law Society of B.C.

Thank you again for your participation in the Disability Research Project.

Halldor Bjarnason  
Chair, Disability Research Project  
Steering Committee

Kuan Foo  
Coordinator, Equity and Diversity

## **Article in the November-December, 1999 *Benchers'* *Bulletin***

*Call for participants*

### **Law Society to study barriers to lawyers and students with disabilities**

The Law Society of British Columbia is embarking on a study to identify barriers to people with disabilities in legal education and practice. The study, projected for February, 2000, will be conducted through a series of focus groups with law students, law graduates and lawyers with disabilities.

The project is led by a steering committee of Halldor Bjarnason, Ken Kramer and Henry Vlug, three practising lawyers with disabilities, and facilitated by Dr. Linda Hill, a registered psychologist and disability researcher.

The Society is interested in hearing from practitioners and graduates with a broad range of disabilities, whether visible or not. All information will be collected anonymously and will form the basis for a report that will be used to develop policy changes. The end goal is to ensure greater access and accommodation for people with disabilities entering the legal profession.

If you are interested in participating in this study or wish to find out more about it, please contact Kuan Foo at the Law Society office by telephone at (604) 443-5727 (toll-free in B.C. 1-800-903-5300), fax at (604) 660-5232, TTY at (604) 443-5700 or email to [kfoo@lsbc.org](mailto:kfoo@lsbc.org).

## APPENDIX 3

### RESEARCH PROTOCOLS

#### Focus groups

**Question 1:** In general, what are the barriers in the legal profession against lawyers and law students who have disabilities? What are the discrimination, access, attitudinal and other barriers?

**Question 2:** For individuals who have disabilities, what are the barriers related to deciding to enter, applying to and getting admitted to law school?

**Question 3:** What are the barriers facing law students with disabilities during their three years in law school?

**Question 4:** What are the barriers facing law students with disabilities associated with articles?

**Question 5:** What are the barriers associated with PLTC for law students with disabilities?

**Question 6:** What are the barriers related to getting established and advancing in a legal practice for lawyers who have disabilities?

**Question 7:** The following question will help us form the basis for future stages of research: What are the main barriers to legal services for persons with disabilities?

#### Questionnaire

**Question 1:** The purpose of this first question is to identify the barriers facing law students. What barriers did you face (or do you face) as a law student? You could write about any or all of these areas:

deciding to go to law school  
the application process  
LSAT  
admissions policies  
access barriers  
financial barriers  
attitude barriers  
support services

professors  
students  
courses  
sensitivity of courses  
moot process  
social life  
summer jobs  
articling

Lawyers with Disabilities: Identifying the Barriers

exams  
classrooms  
assignments

clerking  
PLTC  
other barriers in law school

**Question 2:** The purpose of this next question is to identify barriers related to your law career. What are the barriers you have faced in getting established and advancing in the legal profession? (If you are a student, please go on to Question 3.) You could write about any or all of these areas:

being kept on after articling  
going with another firm  
working for provincial government  
working for federal government  
hanging out your own shingle  
legal aid  
partnerships  
law firms  
access barriers  
financial barriers  
attitudes  
areas where there is more or less  
discrimination  
judiciary  
courthouses

other legal institutions  
judges  
clients  
colleagues  
support staff  
clients  
practitioners  
referrals  
payment  
contracts  
Continuing Legal Education  
Law Society of B.C.  
CBA  
other barriers

**Question 3:** This question will help us to plan future stages of research. What are the main barriers to legal services for persons with disabilities? You may write about any or all of these areas:

economic barriers  
physical barriers  
attitudinal barriers  
systemic barriers  
discrimination  
or any other barriers

in any area of law such as:  
family  
contract  
criminal  
administrative  
civil law, or  
advocacy

The following information will help us describe who participated in this survey:

1. Where do you live (check one)

- Vancouver/Lower Mainland  
 Vancouver Island/Sunshine Coast  
 Interior or South Eastern B.C. (East of Hope/South of Prince George)  
 Northern B.C. (Prince George or North)

2. What point are you at in your law career (check one)

Law student

Articling

Practising

Not currently practising but planning to return to work as a lawyer

No longer practising (former member of Law Society)

*If no longer practising, was disability a reason for leaving practice?*

Y  N

Other. *Describe:* \_\_\_\_\_

3. Describe your area of practice (or *interest* if you are a student) \_\_\_\_\_

4. What is (or was) the size of the firm your work in:  sole  small  medium  
 large

5. Did you also participate in a focus group?  yes  no

6. Are you  male  female

7. Are you  under 25 years of age

26 to 35 years of age

36 to 50 years of age

51 to 65 years of age

over 65 years of age

8. (Optional) Briefly describe your disability: \_\_\_\_\_

How long have you lived with a disability? Since age \_\_\_\_\_

Is your disability  visible or  invisible when others first meet you?

If your disability is invisible, do you:

let colleagues know you have a disability, or

keep your disability hidden?

You have now completed the survey. Thank you again for your participation. If you would like a copy of the final report, please contact Kuan Foo at 1-800-903-5300 or [kfoo@lsbc.org](mailto:kfoo@lsbc.org).



