Disabled Perspectives on Legal Education: Reckoning and Reform

Lilith Siegel & Karen M. Tani

The idea for this symposium took shape in 2020, a year of contradictions. As national media outlets celebrated the thirtieth anniversary of the Americans with Disabilities Act of 1990, the two of us—a newly minted lawyer and a law professor—talked about how many of that year’s law school graduates were “post-ADA.” Never having known a time before this landmark civil rights law, this generation recognized disability discrimination as a problem worth addressing, but the nondisabled students, at least, could slot that problem into comfortable narratives of progress and inclusion. Simultaneously, the COVID-19 pandemic was making those narratives untenable. As the virus raged in institutional settings and policymakers talked of healthcare rationing, it was clear that disabled people remained vulnerable, excluded, and, in the eyes of many decision-makers, expendable. A disability lens remains conspicuously absent from most discussions of how to respond to, and rebuild from, the virus’s social and economic wreckage.

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1 Disabled activist Rebecca Cokley popularized the notion of the “ADA generation” and helped make this framing salient to us. See Andrew Pulrang, 31 Years Later, 31 Things About The Americans With Disabilities Act, Forbes (July 31, 2021), https://www.forbes.com/sites/andrewpulrang/2021/07/31/31-years-later-31-things-about-the-americans-with-disabilities-act/?sh=7bdac4769368 (crediting Cokley with coining the phrase).


This contradiction—between the nation’s inclusive, progressive self-image and its neglect of disabled Americans during times of crisis—demands a reckoning. One important place for that reckoning to occur, we urged the editors of this journal, is with the legal profession itself and with the disabled people who have struggled to gain entry to it. This symposium brings you their voices, alongside commentaries from law professors who have served as mentors for disabled students and who have elevated the perspectives of disabled people.


See, e.g., Michele Stolls, A Feminine Perspective of Law School, 59 N.Y. ST. B.J. 30 (1987); Catherine Weiss & Louise Melling, The Legal Education of Twenty Women, 40 STAN. L. REV. 1299 (1988); Suzanne Homer & Lois Schwartz, Admitted but Not Accepted: Outsiders Take an Inside Look at Law School, 5 BERKELEY WOMEN’S L.J. 1 (1986); Lani Guinier, Michelle Fine & Jane Balm, Becoming Gentlemen: Women’s Experiences at one Ivy League Law School, 143 U. PA. L. REV. 1 (1994); Paula Gaber, Just Trying to Be Human in This Place: The Legal Education of Twenty Women, 10 YALE J.L. & FEMINISM 165 (1998); Autumn Mesa, A Woman’s Climb Up the Law School Ladder, 9 CARDOZO
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orientation,7 indigeneity,8 class,9 and, of course, the intersections of these characteristics—teach us that, historically, legal education has been far from neutral and that many law students today do not experience it that way. They remind us that being invited into the room is not the same as having a seat at the table. They show us how getting a law degree can simultaneously fill aspiring lawyers with a sense of power and instill in them lasting feelings of inadequacy and alienation. Professor Angela Gilmore’s reflections on her law school experience as a Black (then closeted) lesbian capture a theme of the first-person accounts that we build on: She describes a “sense of dissonance, of being an outsider, of not connecting.”10 She writes from a position of professional success, showing that success is possible for people from historically marginalized backgrounds, but she is candid about the costs of that success—in her case, fear, loneliness, anger, silence. Which aspiring lawyers bear these kinds of costs? Gilmore and other first-person narrators have encouraged us to ask. Which, instead, are allowed to march into the legal profession oblivious and free?

The disabled lawyers who have contributed first-person essays to this symposium—Matthew Cortland, James Fetter, Shain M. Neumeier, Katherine Perez, Lilith Siegel, and Britney Wilson—capture similar themes and questions, while also exposing some of the under recognized ways in which legal education can be exclusionary (or, on the other hand, can be inclusive) with respect to disability. Contributors emphasize the lack of acknowledgment

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9 See, e.g., John Goodyear, Traveling Down an Unpaved Road: My Experience as a First Generation College Graduate, 89 J. KAN. BAR. ASS’N. 66 (2020).
11 Gilmore, supra note 10, at 77.
of disability in the academic curriculum, and what it felt like to perceive a
problem that few classmates seemed to notice. They document how, through
informal learning, organizing, and community-building, they were able to
make their legal educations feel more complete and affirming. But they raise
questions about whether they should have had to work so hard to supplement
and enrich their law school experiences, and whether law schools themselves
ought to have shouldered more of that burden.

A theme running across these essays is the significant under-acknowledged
labor required to navigate the inaccessible built and social environments of law
school and the legal profession. Contributors cite buildings with frequently
broken elevators; inflexible expectations around classroom engagement;
lesson plans that ignored disability or normalized its devaluation; professors
and administrators who handled accommodation requests ineptly or with
skepticism; and nondisabled peers who blithely centered their own needs and
perspectives. Contributors also describe laboring to navigate job placement
and career services opportunities that were not designed with them in mind.
In many instances, experiences with disability enhanced their skills as lawyers,
but contributors did not feel institutionally supported in leveraging those
abilities in their search for permanent employment. The eventual successes of
these contributors do not diminish the hardships they encountered or obviate
the need for a more inclusive approach to job placement.

Disability, of course, is not a monolith. And although these authors provide
a diverse set of perspectives, they do not represent the full breadth of the
disabled experience. We encourage readers to supplement these essays with
other recent first-person accounts of disability in legal education and the legal
profession, as well as to educate themselves about activism happening at their
own institutions. Professor Katherine Macfarlane, for example, has written
powerfully about the “exhausting and time-consuming process” of obtaining
disability-related accommodations in law school, the shame of admitting that
one needs them, and the harmful misperceptions of nondisabled classmates.12
Lawyer, author, and speaker Haben Girma has eloquently chronicled her
journey to become the first deaf-blind person to graduate from Harvard Law
School.13 Law professor Adam Samaha, who lives with a disabling neurological
condition, has offered nuanced reflections on the unequal experience of
pandemic “lockdown” and the opportunities it has offered for questioning
the workings and boundaries of our social worlds (including within legal

12 Katherine Macfarlane, Making Peace with Testing Accommodations, Ms. JD (Jan. 28, 2018), https://
ms-jd.org/blog/article/making-peace-with-testing-accommodations; Katherine Macfarlane,
Testing Accommodations Are Not a Gift of Extra Time, Ms. JD (Jan. 10, 2019), https://ms-jd.org/blog/
article/testing-accommodations-are-not-a-gift-of-extra-time.

education). These authors follow trails blazed by Paul Steven Miller, Bonnie Tucker, Harriet McBryde Johnson, Carrie Anne Lucas, Elyn Saks, and other disabled legal professionals who have written and spoken candidly about their experiences.

This symposium also includes essays by Professors Ruth Colker, Katie Eyer, Jasmine Harris, and Jamelia Morgan, who explore other facets of disability in legal education. Professor Colker describes how we can make law school classrooms more accessible to everyone through the use of a universal design framework. Professor Eyer builds on her recent work on “Claiming

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15 Paul Steven Miller, Note, Coming Up Short: Employment Discrimination Against Little People, 22 Harv. C.R.-C.L. L. Rev. 231, 232 n.8 (1987); Paul Steven Miller, Dear Rising Lawyer with a Disability, 165 LAWYERS, LEAD ON: LAWYERS WITH DISABILITIES SHARE THEIR INSIGHTS (Rebecca S. Williford, Carrie A. Basas & Stephanie L. Enyart, eds., 2012).


Disability to argue that one important way to deconstruct disability bias within law schools and the profession is for law professors with impairments to openly embrace disability identity. Professor Harris explores the tension between modern notions of privacy and the values underlying disability antidiscrimination law. For aspiring lawyers, this tension manifests in various ways, including classroom rules that “out” disabled students and Character and Fitness applications that require mental health disclosures. Professor Morgan illustrates the value of a disability lens to her teaching of criminal law and criminal procedure. She also offers concrete examples of how to incorporate disability into the teaching of those subjects. These essays are welcome additions to the growing body of work on how law schools and other institutions of higher education should, and could, accommodate disability. They also showcase the exciting ways in which insights from disability studies are infusing legal academia.

Disabled lawyer Victoria Rodríguez-Roldán rounds out the symposium with a review of the edited collection Disability Visibility: First-Person Stories from the Twenty-First Century. Edited by disabled activist and media maker Alice Wong, this anthology of essays by disabled authors explores disabled identity, activism, and community from a wide range of perspectives and has much to offer legal thinkers, administrators, and practitioners.


We close this introduction with expressions of gratitude: first, to the Journal of Legal Education for its support for our vision, and, second, to all of our contributors for their efforts and openness. As these essays make clear, to speak candidly about one’s disability in a professional forum is a consequential and vulnerable decision. We appreciate the trust our contributors have shown in us by sharing their stories, and we sincerely hope that we have done them justice.

We are also grateful to our readers. To nondisabled readers: We thank you for wanting to broaden your understanding of what legal education is and could be. To disabled readers: We know that a single collection cannot encompass every disabled experience that is worthy of our attention, but we hope that you will see some aspect of yourself represented in these pages. We also hope that this symposium will spur further efforts to consider what it means to experience disability in law school. Our law schools, and the legal profession, will be better for that. Lead on!