

Full Circle: From Disabled Law Student to Law Professor

Katherine Pérez

When I decided to apply to law school, I channeled my experiences seeing disabled people treated as second-class citizens. I believed the law would equip me to make change. I quickly discovered that legal institutions have much work to do as well. Law school, legal academia, law practice, and even the law itself are mired in legal ableism. Ableism is the widely held belief that nondisabled people are superior to disabled people. Legal ableism describes ableism that is formalized through legal institutions. Law schools, for example, shut out people with disabilities. Through the education cycle and up to the process of applying to law school, disabled people confront barriers nondisabled people do not, resulting in low numbers of disabled law students and legal professionals.¹ Those of us who make it constitute a privileged minority—many of whom have endeavored to change the status quo. Often this comes at great cost.

Katherine Pérez is Visiting Professor of Law at Loyola Law School and Director, Coelho Center for Disability Law, Policy, and Innovation. She is a doctoral candidate in disability studies at the University of Illinois at Chicago.

- 1 Disabled people deal with educational, medical and accessibility issues like poorly funded special education, insufficient or a total lack of access to medical care, and physical and mental barriers to programming. Disabled law school applicants routinely confront lack of accommodations in testing and admissions programming. Perhaps encompassing of all this is that disabled people have to combat negative stereotypes and attitudes, low expectations and lack of encouragement.

As a law student with psychiatric disabilities,² I learned this lesson quickly. While sitting through and navigating my law courses, my madness³ shaped my experience. While making it more difficult at times, my madness also enriched how I viewed the law and legal practice. I could have easily not made it through my first year. There were so many points at which I could have mentally or physically broken down from exhaustion. However, I decided by my second year that survival wasn't enough. I would challenge the system (and I have not stopped since then). Little did I know during my first year of law school that I would end up full circle less than ten years later as a law professor and legal center director at a law school working toward a more inclusive legal education. More on that later.

A nightmare struck reality a week before I started my legal education back in 2010. My younger sister, who also has multiple disabilities, was sexually assaulted. As a coping mechanism, she stopped talking and went into a deep depression. I had never seen anyone so distraught. Her cry was guttural. To understand my relationship with my sister is to know that we share a deep bond and emotional reliance out of necessity (stemming from a lack of available resources), which I consider with the utmost care at all times. As she sat on my graduate housing bed sobbing, I went into overdrive to put her at ease while my heart shattered in despair. Since we visited with each other only on the weekends, I was overcome with worry during the week wondering at every moment how she was coping.

This type of excessive worry was not new for me. I grew up with major depression, anxiety and obsessive-compulsive disorder. However, in addition, I started experiencing symptoms of post-traumatic stress disorder which precipitated continually disturbed sleep. During class, I would have anxiety and panic attacks. My heart raced, my body felt as if it were heating up, my face started to sweat, my arms and legs tingled and my head went dizzy. The only thing I could do was drop my head down on the table in front of me and pray I wouldn't pass out. I'd try to regulate my erratic breathing and calm my thoughts, but they were already out of control. The lights in the classroom were always too bright and the air stifling. The professor would be drilling our first-year law class in the Socratic method, while I prayed I was rendered invisible. There were so many students in my section. They all seemed engaged, raising their hands in unison. When the period was over, a hundred books and laptops were slammed into backpacks, feet marched

2 I intentionally use the identity “psychiatric disability” in line with the work of Margaret Price, who argues that using the term “disability” for people who have mental disorders binds us in coalition to the larger disability community. Additionally, it rejects the well/unwell model of phrases like “mental illness.” I use “psychiatric,” as my disability is inextricably tied to my participation in psychiatric institutions. MARGARET PRICE, *MAD AT SCHOOL: RHETORICS OF MENTAL DISABILITY AND ACADEMIC LIFE* (2011).

3 My use of madness ties myself to a larger “mad pride” community. My understanding of the symptoms of my psychiatric disabilities is complex. While they pose challenges to my life, they provide a unique perspective that shapes who I am, and for that I have an unapologetic if not reverential acceptance.

over to the professor or out the room, and everyone's voices rose to discuss the law or social happenings. Everything seemed out of focus. I would make a beeline to the restroom. In those moments, I knew I had failed to perform like a typical law student. I couldn't keep my executive function in check, and I failed miserably to make any friends in my first-year courses. Study groups would form, and I'd be left out.

Maybe it was all in my head and no one was noticing? Wrong. My property professor e-mailed to ask me to come to her office. I had no idea what I was walking into. As I sat there ready to explain that I had done all the reading, she admonished me for looking distraught in class. For almost an hour, she lectured me without pause about who she thought I was and who she thought I would become. She viewed me as someone who would not succeed. I didn't blame her there, except her reasoning alarmed me. My defeatist attitude was the culprit, according to her, and I just needed to try harder.

"I have to help my students, even if I don't like them," she told me. Those words stung so much that I made a record of them, along with a recording of how she had made me feel deflated. By not letting me talk (or creating an open and safe space), she didn't recognize me as a multidimensional person who needed academic supports and accommodations. Instead, I was just a law student who was inexcusably unenthusiastic about and lacking the capacity to understand property law. As I was only a month or so into law school, our power imbalance informed my decision to just apologize and tell her I would do better. I think I even thanked her for being so generous in reaching out to me. I would never have dreamed of disclosing that I was having symptoms of my psychiatric disabilities in her class nor even imagined there were accommodations I could have requested.

Suffice it to say, my first year was difficult. I was lucky that I had so many good professors through the Public Interest Law Program, of which I was a part, as well as my comrades from La Raza Law Students Association. Though most of my best friends came from La Raza, I still didn't feel my entire self was represented, because I could not be open about my disabilities. Thus, I found my fellow disabled peers and allies, and we launched the Disability Law Society. As a group, we shared our frustrations. We found our power. We went on to advocate for ourselves and others. We organized a symposium titled "Including Disability: How Legal Discourse Can Shape Life's Transitions," calling on the legal academy and institutions to include disability more in their discussions. Our keynote speaker, Professor Michael Waterstone,⁴ delivered a devastating critique of legal education: The Americans with Disabilities Act was the most significant civil rights legislation of the past thirty years, but it was not being taught to the very people who would be the purveyors of the law (law students!). I remember feeling that deeply, since over the two-year period in which I could take electives, no disability civil rights courses were offered.

4 He later became the dean of Loyola Law School, where he hired me in my current position to teach disability rights law and become the inaugural director of a disability law center. I am indebted to people like him who have the vision to create places where all can belong.

Instead, I created my own disability law course, which I taught to undergraduates as a UCLA teaching fellow. The Collegium of University Teaching Fellows is a program open for application to all graduate students at UCLA. Though it's not typical for UCLA Law students to apply, as most law students are not interested in teaching, I found great support from my law school mentors who wrote recommendations for me. Though law school has a way to go, disability studies programs are growing throughout the nation; ten years ago when I became a teaching fellow there was already a disability studies minor at UCLA, which greatly supported me. The faculty and staff through that program helped identify students who had an interest and incentive to take my course. My course gave those students the opportunity to come over to the law school once a week. It gave me an opportunity to feel what it was like to stand on the other side of the lectern in the same classroom I had for property law. It was exhilarating to be given a chance to not only imagine but practice what an inclusive classroom at the law school could look like.

If my second and third years brought empowerment and community, they also made me appreciate the intransigence of the problems I was fighting. My deepest lessons during law school came during a yearlong writing course with the indomitable Professor Eugene Volokh. For this class, I wrote a term paper arguing that housing laws and policies affecting people with disabilities should have a higher level of constitutional scrutiny, critiquing the decision in *City of Cleburne, Texas v. Cleburne Living Center, Inc.*⁵ In Volokh's small class, we would go around one student at a time and workshop our papers. Even though I used person-first language,⁶ Volokh constantly referred to my subjects as "the handicapped." It was almost humorous. I would say something about "people with disabilities" and Volokh would question why "the handicapped" deserved more than a rational basis test. I would look around wondering if anyone else thought this strange. I'd say "disability," then he would reply with "handicap."

One day in class, I corrected him in a glorious moment of conviction. "Excuse me. In our community we say 'people with disabilities' and not 'the handicapped.'" I had done it. I had spoken up to *the* Professor Volokh. Even if he could tear apart every one of my constitutional arguments, he couldn't argue with me on this, I thought. He would have to claim defeat.

Instead, Volokh quickly responded that he would refer to "the handicapped" as he chose and continued to do so accordingly. If I ever wanted to be challenged on my ideas about disability rights and justice, he was the professor to do

5 473 U.S. 432 (1985).

6 Our community uses both person-first and identity-first language. Person-first recognizes the person before the disability, such as "person who uses a wheelchair," whereas identity-first language centers on the disability, such as "wheelchair user." In some communities, there is greater consensus between the two, such as in the autistic self-advocacy community, or in the community of "people with intellectual disabilities." When I was in law school, I used person-first language across the board in my academic work, though I now move back and forth between the two to acknowledge the varied ways our community identifies.

it. His searing comments questioning my term paper's analysis of disability discrimination provided me the predominant ableist views I have needed to acknowledge throughout my academic career.⁷

Luckily my critical race studies courses encouraged me to think critically about the intersection of law and ableism. UCLA Law is the only law school that offers a specialization in CRS, which I earned when I graduated with my J.D. in 2013. We are fortunate that some of the foremost scholars of CRS taught us, including Kimberlé Crenshaw and Devon Carbado. Professor Carbado taught me introduction to CRS using the textbook *Race Law Stories*,⁸ and throughout his course I was the student in the room always asking (often to myself), “But what about race *and* disability?” This course set me on the trajectory to pursue my Ph.D. in disability studies, and I knew then that I wanted to draw on the methodology from *Race Law Stories* in my dissertation. In *Race Law Stories*, Rachel Moran and Devon Carbado (2008) introduced a race law canon through a methodology of storytelling, “the sort of richly textured, highly contextual accounts that can be used to interrogate formal legal principles.”⁹

One day in Professor Carbado's class we did an exercise that ranked the importance of several examples of civil rights issues. One was an accommodation of a comfort animal on a flight. Most students put what ended up being the only disability example at the bottom of their lists. Although the activity was meant to provoke discussion, and Professor Carbado would not qualify what was right or wrong, I inferred an acceptance of the comfort animal example to represent the new frontier of disability rights claims. I protested that this exercise perpetuated a false notion that disability rights were not as important as other rights. It's true that “comfort animals” rather than “service animals” do not afford the same level of civil rights protections, but it still invoked the disability community, who routinely confront systemic barriers with travel. Today I can reflect and appreciate that the point of the exercise was likely to demonstrate how far beyond the traditional civil rights claims

7 Like so many, my professor understood disability through a medical model rather than a social model. A medical model of disability purports that there is something inherently wrong with disabled people and that the main problems of the disability community should be addressed through medical intervention. The social model posits that the main problem of disability is that society creates the disabling conditions and therefore we must seek to change its structures. Though the disability movement has moved beyond embracing a pure social model of disability, the foundation of the movement rejects the medical model. See Arlene S. Kanter, *The Law: What's Disability Studies Got to Do with It or An Introduction to Disability Legal Studies*, 42 COLUM. HUM. RTS. L. REV. 403, 403-79 (2011), <https://ssrn.com/abstract=1822439>.

8 RACE LAW STORIES (Rachel F. Moran & Devon W. Carbado eds., 2008).

9 Moran and Carbado argue that “[c]mbedded within every legal case is a story—about winners and losers, about justice and injustice, and about heroes and villains.” Depending on what narrative you are told, you get a different account. In *Race Law Stories*, “some of the stories focus on litigants; others on political figures; still others on lawyers; and others still on judges.” The four sections of the casebook represent the beginning of a canon of case law that demonstrates how race was constructed in U.S. law. *Id.* at 8.

meant to address our history of racism and slavery have gone. If anything, this story is an example of how I was so desperate as a student to discuss disability rights that I clung so forcefully to this one moment in class. I am grateful for Professor Carbado, and all my CRS professors, and ultimately I'm glad that disability was part of a class that discussed disability rights at all.

A final experience from my third year taught me that even as the law school excelled at academic discussions of difference, it did not respond empathetically. In my last semester, a Black man walked into a large classroom that was in session and the professor and students stopped their lecture and note-taking in confusion. The man declared that he had just left a psychiatric institution and needed legal support. Many students in the class felt frightened and got up and left, and several e-mailed the academic dean from their seats out of panic. The professor, also highly panicked, canceled class and rushed to go tell the dean. The resolution was that the man was escorted off campus by school police. When he was presumably off-campus, the dean sent an e-mail to the entire school to be aware of a "clearly mentally disturbed, African American male."

I've always thought, from the moment I received that e-mail and students started approaching me in the hallway asking me to do something about it, that it seemed completely logical for someone needing legal help to come to a law school. Unfortunately, this man found what I had learned: Law school is a place where fear and stereotypes of disabled people (and especially disabled Black people) prevail. Because I had built a good relationship with the academic dean by my third year as a leader on campus, I felt comfortable going directly to her to discuss why her e-mail was problematic. However, I shouldn't have had to in the first place.

Our Disability Law Society spent the rest of the day crafting a letter that we sent to the entire school as an effort to raise awareness about disability discrimination. It was in those teachable moments I felt hope and pride in the small but mighty group of students dedicated to changing how we view madness (and disability in general) in law school. It also was one of many examples that taught me how race and disability are inextricably linked.

When I graduated, I took and passed the bar (proving that my struggles during "bar courses" in my first year did not indicate any lack of capacity to succeed). In fact, I thrived the summer that I studied for the bar. Since there was an option to watch the lectures from home, I spent the entire summer studying by myself, watching the lectures virtually.¹⁰ My sister was in a better place, and talking again, and I could visit her and my family when I wanted to. I was thrilled to have a break from the pressures at law school and just study on my own.

¹⁰ Virtual instruction can be a good accommodation for students with disabilities, and through the pandemic we have learned that it is feasible. It remains to be seen whether this interest convergence will lead us to change practices on virtual instruction.

Only a few weeks after I took the bar I went back to graduate school to study for my Ph.D. in disability studies. I had found Professor Arlene Kanter's law review article *The Law: What's Disability Studies Got to Do with It*¹¹ and was determined to become a disability legal scholar. I had cultivated a new passion during my time in law school to critically analyze the law and push its boundaries, and I wanted to do so with disability law. Throughout my Ph.D. studies, I've learned about disability critical race studies (dis/crit),¹² which acknowledges the interconnected nature of racism and ableism. I have become one of a few dis/crit legal scholars in the nation.¹³ Both Arlene Kanter and Subini Annamma (the founding dis/crit scholar) are my mentors and sit on my dissertation committee.

Perhaps most affirming in my career thus far has been teaching my disability rights law course as a visiting professor of law at Loyola Law School and starting the Coelho Disability Law Fellowship. As the inaugural director of The Coelho Center for Disability Law, Policy and Innovation, I have been able to develop a mission centered on the disability community (and disabled people of color in particular) and promote innovative policies to advance the lives of people with disabilities. U.S. Representative Anthony "Tony" Coelho, one of the primary authors of the Americans with Disabilities Act, founded the center in 2018. For over two years I've had engaging conversations with Tony about the future of disability rights. Something for which both Tony and I have a shared passion is growing the pipeline of law students with disabilities who will go on to become attorneys, scholars, judges, and public leaders. If we are ever going to effectively enforce and expand protections for people with disabilities, we need representation in these positions of power. Tony knew this as a disabled congressman, and I learned it during my time in law school.

The idea for the Coelho Law Fellows program came in part from my experience as a mentor during my years at UCLA Law with the UCLA Law Fellows Program. The Coelho Law Fellowship is like many of the pipeline programs across the nation, but is unique in that it is the only program designed by and for disabled individuals. I am currently with my third group of law fellows, and I couldn't be happier about this work. During the nine-month program, my fellows learn about the admissions process, law school, and careers in the law. My fellows learn about barriers in legal education and hear from a number of guest speakers who were once navigating law school as people with disabilities. They all receive a disability law textbook, and I teach

11 Moran and Carbado, *supra* note 8, at 7.

12 In 2010, Professors Subini Annamma, Beth A. Ferri, and David J. Connor coined dis/ability critical race studies (dis/crit). Dis/crit simultaneously engages disability studies and critical race studies, acknowledging the interconnected nature of racism and ableism. DISCRIT: DISABILITY STUDIES AND CRITICAL RACE THEORY IN EDUCATION (David J. Connor et al. eds., 2016).

13 Katherine Pérez, *A Critical Race and Disability Legal Studies Approach to Immigration Law and Policy*, UCLA L. REV. (2019), <https://www.uclalawreview.org/a-critical-race-and-disability-legal-studies-approach-to-immigration-law-and-policy/>.

them a truncated version of my disability law course. My fellows engage in projects on disability issues important to them. For better or worse, disabled people, especially disabled people of color, often cannot just be regular students experiencing higher education. We often experience struggles through our own self-advocacy, become frustrated with the system, and try to change it for future generations. In this way, we do double duty as student and leader. My law fellows, many of whom already have this experience throughout their education, know this, and our fellowship seeks to equip them for this reality.

Through this program, I work directly with people who identify as disabled. As a law professor, I have had some students disclose their disabilities to me, but there is no obligation that they do so, as disability is still very much relegated to the realm of disability services. Thus, when I am in class, I always make sure that I am asking myself how I can make my course more accessible to honor the various ways students learn and to honor their varied lived experiences. Last year, a group of students at Loyola Law School created the Disability Law Society and asked me to be their faculty advisor. This semester I will host the second annual Law School Access Workshop for law schools across the nation to convene to learn about and discuss how to make law schools more belonging places for disabled students. Our first year we had over twenty law schools participate, and this year we will have over forty.

Even though only a short time has passed from my years in law school, I am in awe of the strides that have been made and am excited to be among those within the legal institution making change. Essential through it all are the new generations of disabled students, including students with psychiatric disabilities, who continue to fight to belong. While I wouldn't have dreamed of disclosing my disability or asking for an accommodation, students today know it is their right. It continues to be a great badge of honor for me to be able to make sure that fewer students experience the powerlessness and alienation that I experienced as a law student. I can only imagine what legal education will look like for disabled students ten years from now!