

**State Bar of Michigan, Open Justice Commission  
Disabilities Committee  
Law School Forum  
Summary of Group Discussions  
Oct. 17, 2002**

**1. Introduction**

On October 17, 2002, a Law School Forum was held and sponsored by the State Bar of Michigan Open Justice Commission – Disabilities Committee with funding support from Howard & Howard. Participants included representatives from all Law Schools in Michigan, the State Bar of Michigan Disabilities Committee, Michigan Protection and Advocacy Service, Inc., the State Board of Bar Examiners and University based Centers and Programs with responsibilities for students with disabilities. Featured speakers included Richard J. Landau, Member, Dykema Gossett PLLC, who spoke on recent case law relating to students with disabilities, John Braccio, Ph.D. and Bruno Giordani, Ph.D. who spoke on students with cognitive and psychological disabilities, and Dennis Donohue, Michigan State Board of Bar Examiners who spoke on accommodations for students with disabilities taking the bar exam. Each law school also gave an update on its various programs and policies for students with disabilities. Last but not least, the Forum featured break out sessions focused on the broader area of “reasonable accommodations and fundamental alteration issues” along with specific accommodations issues for sensory and physical disabilities, cognitive and psychological disabilities and accommodations for testing in law school and for the bar exam. The following sections detail participant responses to key issues raised in the break out sessions.

**2. Recruiting and Admissions**

**Challenge: Applicants with Disabilities Who Do Not Self-Identify.** Although most applicants with disabilities self-identify before a campus visit, some, especially those with hidden disabilities, such as hearing impaired, do not. As a result, these persons may receive a less than optimal impression of what the law school has to offer. They also may not be assessed as optimally as they might be, especially in an interview process, since the law school has no opportunity to make reasonable accommodations.

**Participant Response:** Law school recruiters should encourage applicants with disabilities to self-identify, so that the recruiting process and on-campus visitation may be as optimal as possible for both the applicant and the law school.

**3. Model Policy**

**Challenge: Law School personnel seek guidance in providing accommodations without fundamentally altering the law school process.** Law schools have an affirmative duty to reasonably accommodate known disabilities of students in the educational program. Sometimes the requested accommodation threatens to change the nature of the educational process, i.e., extended time for testing. Law school administrators are often unaware of their duty to accommodate or lack the resources or knowledge of particular disabilities in order to provide reasonable accommodations.

**Participant Response:** A flexible model policy from the State Bar would provide needed guidance and allow for adaptation to unique circumstances. It is difficult to define what the “essential functions” are of a law student which makes accommodations problematic. Resources should be made available on the State Bar web site. Prospective students should be urged to contact a school in advance and discuss possible needs. The goal of the policy is to provide a reasonable accommodation to students who require services. There should be assistance in transitioning from the law school environment to sitting for the State bar examination. The policy should be a model policy, and should be created with input from the various stakeholders, such as the students, professors, and student service personnel, key members of the administration (registrar), experts and staff from the State Bar Examiners.

#### 4. Accommodations for Physical and Sensory Disabilities

**Challenge: Campus Accessibility.** Most law schools have gone to great lengths to make the campus accessible for people with disabilities; however, there are external impediments not wholly within the law school’s control, particularly parking, which is often administered by a larger campus security or parking office or by a municipality. **Participant Response:** The law schools should act as advocates for students with disabilities on issues related to adequacy and availability of parking, location and size of parking spaces, snow-plowing, sidewalk clearing and snow placement in inclement weather, and ease of procedures for processing parking violations.

**Challenge: Faculty Sensitivity.** Individual faculty members may have varying habits and attitudes as to the nature and type of accommodations that should be provided for persons with disabilities. These range from a lack of timely preparation of syllabi to facilitate any extra time or special preparation that a student requires, to alternate formats for teaching materials, to extra time for testing and other similar issues.

**Participant Response:** Faculty should be made aware of special needs of students, encouraged to provide syllabi and other course material in a timely manner and discouraged from acting individually on personal views about accommodations that differ from established law school policy.

**Challenge: Providing Resource Guides for Commonly Encountered Individual Disabilities.** There are many excellent resource guides available for persons with particular disabilities, including nonprofit organizations with excellent materials and websites. There are also support groups of practicing attorneys who assist each other in identifying and accessing the most appropriate equipment, devices and techniques relevant to the practice of law. These may not be well known to the general disability community.

**Participant Response:** Law schools should share information and collaborate in developing common resource guides for students so that they can easily locate the equipment, devices and techniques most appropriate to their respective disabilities. These should be tailored as much as possible to the needs of persons practicing law or preparing for a career in law or law related fields.

**Challenge: Providing Scarce, Expensive or Unusual Adaptive Aids.** Most accommodations are relatively simple and inexpensive to provide, or are at least readily available. Often it is a matter of directing the student to the resources the student needs to access. Some other accommodations are more taxing or difficult to provide. These occur most often with relatively expensive and rarely used equipment, with complex equipment

that requires a help desk function, or with disabilities that have not previously been encountered or if encountered have not been accommodated successfully. **Participant Response:** Law schools should work collaboratively to create a bank or compendium of resources that they can share with each other about the most rarely used equipment that might be shared over time. This also could be accessed when a student needs to test whether particular equipment will be effective. Law schools should consider establishing a common help desk function for the most commonly used electronic assistive devices.

## 5. Accommodations for Cognitive & Psychiatric Disabilities

**Challenge: There are a growing number of students requesting cognitive and psychiatric-type disability accommodations.** Students are presenting with ADD, ADHD, LD, emotional disabilities and others. In deciding how to accommodate these disabilities, it is important to find a way to keep the students in the equation. The students need to find coping mechanisms to be able to function effectively with their disabilities. Psychiatric Diagnosis Reports are too generic and non-specific. They don't always relate well to the Law School Environment.

**Participant Response:** Law schools should know what resources are on campus and in the community that can be helpful to the school and student about specific disabilities. There are effective formats for psychiatric reports that are helpful for the school and student in making decisions about accommodations. MSU has a good one that can be shared. Others may also but the consensus was -- don't reinvent the wheel. Part of any accommodation is the responsibility of the student. Students may need help in finding ways to cope with their disabilities beyond the school accommodation. Education of law professors about disabilities and accommodations would be very helpful.

## 6. Law School Examinations, The LSAT & The Bar Exam

**Challenge: Should there be a model accommodation policy for students with disabilities when taking a law school examination?** The participants in the break out session believed that all of the law schools in Michigan had a similar policy concerning accommodations for law students with disabilities in the area of exam taking. The student must self identify as a person who needs an accommodation in taking an exam. This claim for a need for an accommodation must be supported by documentation from a professional after an examination of the student, along with other historical documentation supporting the claimed need for accommodation. Further the administration of the law school would determine whether an accommodation should be given, and what that accommodation should be. It would not be up to the individual professor to make that decision.

**Participant Response:** The participants agreed that a model policy to determine whether an accommodation in taking exams should be granted would be helpful, but all of the participants from the law schools agreed that such a model policy should not be mandatory. This is because each law school is different, and several law schools are under policies of a university. These factors may make a mandatory policy difficult to adhere to. The participants agreed that accommodations in taking exams for students with a physical disability, such as blindness, have been in place for many years. The more difficult area of accommodation involves students with cognitive disabilities. The usual accommodation for those students is to allow more time in which to take the exam. The difficult issue is to determine how much extra time should be allowed. All agreed that a standard extension of

time, such as fifty percent more time, should not be adopted. Each accommodation should be determined for the individual student.

**Challenge: Should there be a waiver of the LSAT test for all blind students who apply to law school?** A blind student is at a disadvantage in taking the LSAT test, particularly in the section that deals with spatial logic. Being unable to see a diagram or to draw out a diagram to assist one in answering a question makes it difficult for a blind student to score well on that part of the LSAT.

**Participant Response:** The representatives of the law schools doubted that the law schools would give a waiver to blind students from taking the LSAT when applying to law school. There was discussion concerning the possibility of giving less weight to that section of the LSAT which is more difficult for blind students to score well. Further the law school admissions policy could be changed to give more weight to the under graduate record of the blind student as an indication of the blind applicant's abilities. There are some law schools which have adopted a policy of waiving the LSAT exam for blind applicants, but no Michigan law school has adopted that policy at this time. This is an issue which will generate further discussion and inquiry into the experience of schools that do not require the LSAT.

**Challenge: Promoting interaction between State Board of Bar Examiners, the State Bar of Michigan and the Michigan Law Schools concerning accommodations for students with disabilities when taking the Bar examination.** Dennis Donohue and Corbin Davis, representing the State Board of Bar Examiners, expressed a willingness to meet with representatives from the law schools to discuss mutual issues concerning accommodations for students with disabilities.

**Participant Response:** All agreed that similar policies involving the accommodations for both law school exams and the Bar exam would be advantageous. All of the participants in the break out session agreed that the ability to discuss the issues concerning accommodations for students with disabilities regarding taking law school and bar exams was most beneficial. Hopefully there will be further dialogue.

## 7. Mentoring Needs of Students

**Challenge: Preparing Students for Clinical Experience.** Clinical experience may be the first time that a student with special needs encounters the public in a service-providing, as opposed to a service receiving, mode.

**Participant Response:** Law schools should assist students in making this transition by identifying internal personnel who may have particular insight, and by assisting students in forming support groups and accessing aids appropriate to their respective needs.

**Challenge: Preparing Students for Placement and the Post Law School Experience.** Many larger law firms, public agencies and large employers are well attuned to the needs of people with disabilities and the requirements of the Americans with Disabilities Act. Smaller employers often are not aware. As jurisprudence interpreting the ADA evolves, students may not fully understand what they can realistically expect.

**Participant Response:** Law schools should assist students in determining what is realistic from the standpoint of their own needs and from the standpoint of varying types of prospective employers, and should assist students in forming support groups to help students prepare for the placement process.

**Challenge: Preparing Students for Bar Examination and Bar Admission Process.**

Most students with disabilities know they should timely requests for accommodations related to actually taking the bar examination. They may need the school's assistance in processing their requests or in advocating for a particular type of accommodations. Students are less aware of barriers they may encounter in the admission process, such as if the bar examiners determine that a particular disability has implications related to character and fitness (e.g., persons with psychological issues). Some students who have used the law school experience to make a transition from public assistance (necessitated initially because of the disability) may also encounter questions about whether having been on public assistance while completing an educational program has implications for character and fitness.

**Participant Response:** Law schools should initiate dialog with the bar examiners in order to identify issues of which students should be aware as they begin law school, and to identify areas where the schools can advocate on behalf of individual students or groups of students. This would assist students in planning for the bar examination and admission process, and avoiding unnecessary disappointment.

**8. Transition from Law Student to Employment**

**Employer Understanding of ADA.** Many prospective employers have no experience with employees with disabilities (or may be unaware that they have employees with hidden disabilities). They may not understand the requirements of the ADA or may have overly pessimistic views about the difficulty or cost of accommodations.

**Participant Response:** Law schools should collaborate with each other to provide educational materials for prospective employers on the ADA, the availability and cost and/or low cost in some cases of particular types of aids or accommodations, and on the benefits of employing persons with disabilities as highly motivated, dedicated, accomplished and talented individuals.

**9. Opportunities for the State Bar of Michigan**

**Continuing Dialog with Law Schools**

Collaborate to develop the model policy and provide a continuing information-sharing opportunity for directors and administrators that serve students with disabilities such as a future law school forum or a joint breakfast at the Annual State Bar Meeting.

**Web site Development**

**Public section:** Publish resources for law students and graduates with disabilities including information about devices, organizations, associations, and support groups.

**Private section for law schools:** Publish resource guides and equipment banks for law schools; facilitate having law schools post their best resource information on the site for access by other schools; facilitate having law schools share their best practices with each other.

**Publish information for prospective employers**

Publish information about ADA, the responsibilities of employers and the cost and availability of commonly used accommodations and devices, including information developed by law schools.