

Transcript “Disability Inclusion Introduction” & “Disability Inclusion I: Introduction to Language, Definitions & Self Identification”

Welcome to Diversity Labs Disability Inclusion Knowledge Sharing series. We are thrilled that you've chosen to join us to learn more about this important and often overlooked aspect of DEI. In this four-part series, you will hear from incredible speakers about their lived experiences and what organizations can do to create more inclusive cultures and spaces for people with disabilities.

Thank you to all of those who shared their insights and stories with us to enrich our learning about disability inclusion, including Diversity Labs Disability Inclusion Advisory Group, who helped us to create the Disability Inclusion Commitments List, a list of 10 actions that organizations can take to advance disability inclusion.

Visit Diversity Lab's website for more information on the Disability Inclusion Commitments List and find out which legal organizations have already committed to taking action. We hope that you enjoy this discussion and share these insights across your organization.

Hi, everyone. Welcome to today's knowledge-sharing call. We're very thankful that you're here. I'm Courtney Munnings. And this is our Disability Inclusion One, Introduction to Language Definitions and Self ID. Could you please rename your Zoom square so that we can see your name and your organization. If you need to use closed captioning, that has been activated. And if you want to see it on your end, please go to more captions and show. So, you can use them for yourself.

I want to remind you; this is a combined call with all of our Mansfield cohorts. Our large mid-sized UK and legal departments are here. We're very thankful. The chat for this call is limited so that you can only speak directly with us if you have a question with us, the co-hosts. And this call will be recorded for future viewing. I'm going to turn it over to Caren.

Thanks, Courtney. Good morning, good afternoon to everyone. I'm Caren Ulrich Stacy, CEO of Diversity Lab. And I'm thrilled to be joined today by Courtney, my colleague who you all know already but also by David Cross, and Janice Ta. And I will tell you who those two amazing people are in just one moment. But before I do so, I want to give you a little bit of background on why this is so important, not only as a knowledge-sharing call, but as a topic in the legal profession. So many of you know that over 20% of the US workforce identify as having a disability. But when you look at our stats from a law firm perspective because the ABA tracks that information, well, less than 1% of our lawyers and law firm's settings identify as having a disability.

So, there's a mismatch. Either individuals with disabilities are choosing to not come into our profession, or, and the more likely reason is that our lawyers with disabilities, and people with disabilities are not identifying, and aren't feeling comfortable identifying. And so, part of what we want to do with Mansfield and part of what we want to do as a community is create a culture of inclusivity for people with disabilities, definitely, in the legal profession and beyond. And because you're all with us today as legal departments and law firms, we're starting with you.

So, we're thrilled to welcome David Cross. David is the head of Antitrust at Morrison Foerster. And I was going to say MoFo, David. So, I'm still getting used to saying the whole name. So, David and Janice-- and Janice Ta is a partner at Perkins Coie in the intellectual property space.

And I've been lucky enough to know Janice and David for a while now, particularly because they agreed to help US as part of a disability inclusion advisory group. And that's how this webinar came about. It's how this list, the disability inclusion commitments list, which we'll talk about in just a minute came about. But let me give you a little bit of background on the disability inclusion advisory group. So, we approached 12 or 13 amazing lawyers, and legal department leaders, and said, if we were to take action-- Diversity Lab in combination with the 350 law firms we work with and the 200 legal departments we work with, what would we ask them and tell them to do in order to create a culture of inclusivity for people with disabilities?

And it turned into as Janice and David will tell you-- and I believe, Kareem Dale is joining us as well. So, if we want to bring him on-screen, that would be great. And they will tell you, it was a very lively, inspired, emotional-- there's a lot of adjectives I could use for the discussion that took place over-- Janice and David can keep me honest, I think, nine months about what are the activities, and actions that law firms, and legal departments can take?

We settled on 10. There's a lot more. But we settled on 10 that we thought would make the biggest impact the fastest, and started to create that culture of inclusion for those firms that maybe hadn't been tracking, and including lawyers with disabilities in their broader diversity efforts until now.

And I will tell you one stat because you know I love data. Of the 350 firms that we work with on Mansfield, less than 10% were tracking their lawyers with disabilities and documenting their paths. Now as a result of Mansfield, and some of the hard work that David, and Janice, and their firms have done, 80% of Mansfield law firms are now tracking, and starting to think about what they're doing for their lawyers with disabilities, in addition to some of their underrepresented groups.

So, I'm really thrilled to see how far the profession's moved on this topic in just a few short years. But there's a lot more that we need to do. There's a lot more that we can be doing. And I'm thrilled that Kareem, and David, and Janice, and Courtney are going to host this session today-- one of many, going forward to talk about what we can be doing and should be doing to create a culture of inclusivity. So, Courtney, I will hand it back to you and let you all take it from there. But thank you all so, so much.

Thank you, Caren. So, Disability Inclusion-- this series will be different from our traditional knowledge-sharing series about practices, or tracking, and data. I mean, we do plan to get you information about those things so don't worry. But this series will be more about the stories, and perspectives, and needs of people themselves. And so, we hope that you all receive it as the gift that it's meant to be.

And today we'll discuss language, and definitions, and self ID, and what we wish employers would do, or knew in this context. And in December, we'll discuss removing physical and digital barriers to accessibility because candidates, and employees are still arriving to appointments, and events, and having to say, I can't access this space. And the same is true about documents and things that we're sharing. And so, we need to discuss that.

In 2024, we're going to discuss establishing affinity groups, and ERGs, and other programming, and what that signals to employees, and what it provides to organizations. And then in June, we'll combine

professional development and neurodiversity. Because people learn, and socialize, and develop differently. And their support needs may differ. And we all should have opportunities to participate fully even in leadership. And so, I'm really looking forward to discussing that.

And of course, you will be hearing from individuals. And the disability community is not a monolith. But we think that conversations will help increase awareness, and empathy, and understanding of when you need to consult people with disabilities in your decision making. Because nothing about us without us is the principal. And the more you know about what affects members of the group, the better you can recognize when you need to ask questions. And so, I'm going to start our questions today with David.

So, David Cross, thank you so much for being with us today. Can you first please discuss your background a little bit and your connection to disability advocacy?

Sure. Thanks, Courtney. And thanks, Caren for setting this up today. I think it's an important dialogue and indigenous. And everyone appreciates that we're able to do this. And particularly, thanks to everyone that's here. It looks like we've got a couple of hundred folks, which is mind blowing.

Quickly on the background, born and raised in Charleston, South Carolina, grew up in South. I got interested in the field of law when my fourth-grade teacher told me I should be a lawyer. I think I'd probably spent the better part of 10 minutes arguing with something. I don't think she meant that to be a compliment, but it stuck.

And I've loved the 20-plus careers I've had as a lawyer doing predominantly antitrust work, mix of intellectual property, commercial litigation. We've been able to help folks in a lot of ways, both through the pro bono practice with civil rights cases, voting rights cases, then of course in the cases for which we get paid helping folks in that space as well. So, it's been a fun career where I've got to do a lot of interesting, exciting things.

Excellent. So how do you define disability?

I guess, the lawyer in me wants to say, we'll just look at the ADA. It seems to be an easy way to do it. I will say, though, that I think that's probably not the best answer only because I think disabilities can affect people in broader ways than we think about from an ADA perspective where the ADA focuses on something that impedes, like, a major life function.

And disabilities can have an impact that aren't at that level, but that still impact the way that we go through the world, and the way we interact with others, and the way that we do things that might be quite mundane, but could be challenging for folks.

And so, for me, it's something where there's some ability that you need to operate in the world, operate in the job force, interact with others in ways. And there's some trait or aspect of who you are that presents challenges for that in some significant way.

Agreed. Do you have a personal preference between identity first or person first language?

I don't. It's funny. I had never even really thought about that issue until I had an associate, I worked with a few years ago who had a sibling with a disability. And she was the first who flagged for me. I think I had referred to a disabled person. And she said, you know better to say a person with a disability. I think that's personal preference.

And I get the perspective on both sides. I think, folks with disabilities, we don't want to be defined by the disability. Well, that's how people look at us. And I think that's one of the biggest challenges we have is

that is how often how people look at us that the disability is front and center. And there are negative stigmas, and assumptions, and stereotypes that come with that but then limit opportunities.

But at the same time, I also think the disability-- speaking for myself, has defined me in some ways that are helpful. I was born without a left hand. I've spent the entirety of my life having to devise solutions to things that are not problems for other people-- tying your shoes, not hard for most people.

For me, all the ways they wanted to teach me did not work. And so, for me, the disability has developed certain traits, and strengths, and skills. And so, I think, how somebody thinks about it is really a personal preference.

So, do you feel a way about phrases like differently abled, or special needs, or other euphemisms used to talk about disability?

Again, I don't. I think, again, that comes down to personal preference. And I also think it's how it's used. Special needs is a term that's been-- I'm older than a lot of folks. So, I grew up with that as a term that was regularly used. But it's also a term that sometimes is used pejoratively. And so, for me, it really depends on what's the intention behind it. How is it being used? And how does somebody feel, individually, about how they think it characterizes them?

So, from your perspective, what do you know about reasons that lawyers might decline to disclose their disability status?

That, I can speak from my own experience and from lots of folks that I've connected with recently. I did not become vocal on this issue until very recently. And the reason for that is I have spent almost the entirety of my life and my career not wanting to be seen as disabled, not wanting people to think of me that way because of the negative stigmas that I think come with that.

And I've confronted that both implicitly and overtly during the course of my career opportunities. On one occasion, in particular, that I didn't get, or someone literally said, it may be off putting to these people that you have a disability. And so, we're not going to include you in something. But don't worry, we'll include you down the road when they're no longer making decision of whether to hire us. Because once they see your work, they'll love it.

And so, I just lived with those things over the years. And my thought was, well, if I can convince people that I'm not disabled in any meaningful way, then I won't run into those problems. But what I've come to realize is people see what they see, and they think what they think. And that drives actions. And it drives decision making.

And not being-- not having a dialogue about it just makes it worse. It allows those marginalizing forces to fester. Even at implicit levels, you have people who I've been able to have a really good conversation with who-- but it never really hit them on a conscious level that they were acting in that way. I now understand it and appreciate it.

And when I started the disability affinity network at my firm-- and then as part of that, I had a very open and a pretty raw dialogue that I would never thought I would have done in my entire life but in front of the entire firm with our diversity chair.

He brought a lot of associates and others out of the woodworks wanting to talk about their own challenges and their experiences. And the biggest driving force for why folks do not identify as disabled is

fear of hitting a ceiling, setting a limit on what they're going to be able to do. And unfortunately, that ceiling is real.

Absolutely. Thank you for bringing that to our attention. There are explicit ways that you've been discriminated against. But there's also that unconscious bias that we know is there. And it's a real problem. What is something that organizations or individuals can do to create inclusive and disability-affirming workplaces, in your opinion?

I think there are a few things. One is just more top of mind. So as firms invest in what we call DEIA, the A, I think is important part of that. The accessibility component of the diversity, equity, inclusion efforts to put a spotlight and make sure that those of us with disabilities are thought about in a conscious way.

Just being conscious about anything helps a lot because it sends the message that folks recognize that there are these stigmas, and that there are these hurdles that exist, and that they're being confronted. I think that's one.

Another is, I think, being more granular on the way we approach diversity, equity, inclusion, and accessibility. I think the more that we look at things at an aggregate level, the more obscures that there are certain underrepresented categories or communities that continue to be underrepresented at a disproportionate level.

If you look across our industry, Black, and Brown lawyers, lawyers with disabilities I think are underrepresented at a disproportionate level than some other diverse communities. We need to embrace all the underrepresented groups and continue to make strides for each. But I think the more granular we get in terms of what our objectives are and how we're looking to help folks, it will make sure we're not leaving folks behind inadvertently.

And the last is leadership. It's well established that people hire, and promote, and work with folks who look like they do. There's lots of studies that establish that that is an implicit bias that we have. And in 20 years, I've never seen a single person who identifies as disabled. They may be there. I've not met them in big law.

And that sends a bad message to folks that says, there's no one in those critical decision-making moments, no one in the room who really understands what it's like to live in the world and work with a disability. And you need those folks in the room to share their insights, and their experiences, and to have that empathetic understanding. And to have someone who then thinks to themselves, I need to make sure I'm not the only one who's here-- and reaches down the ladder, and pulls people up who have similar life experiences, and similar struggles, and insights.

Thank you. That is very insightful. I appreciate that response. And I want to do something different and ask that same question to our other speakers while we're on that topic. First, I'll go to you, Janice. Can you take the same question? What is something that organizations or individuals can do to create inclusive and disability affirming workplaces?

Thank you so much, Courtney. And thank you, David, and Caren. I really appreciate this opportunity. I've had a disability since I was six months old. I had polio because I was born in a refugee camp in Malaysia before we came out to the United States, and never ever imagined that I would have been an attorney, or have a life that I have, or have a family that I have.

My disability was something that really drove me to-- I think a lot of people with polio, actually, are known to be very type A-- kind of drove me because I knew I had to support myself and my family. And so, I became very, very independent, very early.

And it's something that when we think about what law firms-- why law firms should even be hiring people with disabilities, you think about all the things that come with having had a life where you've had to learn to think more about empathy, tenacity, and resilience in a really different way.

For me-- so I've been an advocate in my law firm. I'm really happy to be at a law firm of Perkins that has had a long history of diversity, inclusion, and consciousness from-- it's a very top-down, bottom-up approach always. I mean, I feel so supported and so seen at the firm.

And my experience here has shown me ways that firms can do more in this space. We've had-- it's the first firm that I've been at that has a disability affinity group and has had one for a very long time. And the way we do it is really; it takes into consideration how community building has three goals.

One is a safe place. So, we do it-- we don't do it like other affinity groups. Nobody has to identify and the list of people who are in the group to feel-- can feel a safe place to discuss their disabilities, discuss the accommodations they need, and find mentoring, and support.

And so, our group doesn't list membership. And part of that is not because people are embarrassed about it. But we want to be able to build community and have people feel safe. So, one is to build a safe space.

The other thing that we do with our affinity group is we try to do community building. And what that means, from our perspective, is being able to do pro-bono work not just amongst the group but encourage pro-bono work. That encourages attorneys to work more with veterans, for example, or with organizations that support persons with disabilities.

And so that's the second goal. There's the safe place. There's also community building so that people can have, not just in our group, but throughout the firm to have raised awareness about what it means to live day-to-day with a disability.

And I think the third goal is really to be able to make connections with the firm and be change agents within the firm so that the people who do choose to identify can have places to have influence and be able to influence.

So, our firm, for example, when we do-- whether it comes to pay, whether it comes to promotions, or a lot of very critical decisions that the firm has to make about recruiting, the firm is very conscientious about bringing our group and other affinity groups into those conversations.

So that is one. It's something that is a top-down thing, but something that the firm very consciously does, and comes from having Jenny Gibbons Bailey, who is one of our-- who is our disability officer be very conscientious about how those things-- for example, attorney reviews, all of those attorney reviews at our firm are also-- somebody from the disability, or not disability, but the diversity group sits there, and considers whether feedback is given with a lens that's appropriate.

And that makes a real difference. So just talking about those three things. But those are three things, I think, that firms can really do is empower their employees to really be able to make a difference on a day-to-day basis.

Thank you. So, Kareem Dale from Discover, I'd like to bring you up too now to talk about some of these questions for you. So first, can you just give us your background too, including your disability advocacy connection?

Sure. Thank you, Courtney. My name is Kareem Dale. And by the way, I am on the phone today and not on video. I sometimes do these on phone as a matter of-- it's interesting we do these virtual calls, and everybody's on video. But I'm blind. So, I can't see y'all. So, it's good for y'all not to be able to see me and just listen to me.

Sometimes I do it on video. But sometimes I choose not to do it on video. And I thought this was a good opportunity. So, as I said, my name is Kareem Dale, an attorney at Discover Financial Services where I've been for 10 years.

I am blind. I have been blind since birth. Well, I've had my eye diseases since birth. They get worse as you get older. So, I used to see really well. And as I grew older, they continued to get worse. So, I have a little bit of sight now. But I'm mostly blind so that's how I come to the disability advocacy world.

Prior to being at Discover, I was President Obama's top advisor on disability policy, holding the highest-ranking position on disability ever to be held by an individual. I worked in the White House as his top advisor, coordinating disability policy and outreach throughout the entire administration, which I did that for five years. So that's my background.

Excellent. So, can you talk to us about whether disability stigma or ableism have had an impact in your professional career as far as you know?

Yes, it definitely has. I mean, it's had an effect throughout my life. But I won't tell you every time, it's had an impact. I would say the most prevalent for this particular conversation is I started my career at a large firm in Chicago when I came out of law school.

I got a JD/MBA, and graduated in 1999, started at a large firm in Chicago in general commercial litigation, which I ended up doing for about 7 and 1/2 years. And my experience was that big firms, particularly back in that time, they just weren't welcoming and open for folks with disabilities.

And the firm-- the large firm that hired me, obviously, they were right. They gave me an opportunity. I worked there as a summer, worked at a couple of-- one other firm during another summer. Actually, I worked at my firm two summers because I was JD/MBA. So, I was three summers-- total, four years. And they gave me an opportunity. And the first couple of years, it goes good right because you are assigned to cases. You're doing doctor review. You're doing memos-- research memos. You're not really-- you don't have to really hustle to get partners to put you on your cases. You just automatically put on cases in your first one, two, or three years even.

But despite the fact that for-- but my first many years, I got great reviews, worked for legendary partners at the firm. It became increasingly evident that as an African-American and a blind person, I could not simply get people to assign me to their cases.

And I think this was touched on a little bit earlier in some of the earlier comments. But when you have partners, and you have a law firm structure where partners are basically companies unto themselves-- they have their own fiefdoms. If you're bringing in millions of dollars of business, it's hard for anybody managing partner not to tell you what to do.

And so those individuals are putting people on their cases who look like them, who they're comfortable with, who they don't have to ask, how can this blind guy read 10,000 documents? How is he going to get that done?

Now, I know he's got good reviews. And I know he's been here three, four, five years. And he must be doing OK. But I don't know how he's going to read 10,000 documents. So instead of that, I'm going to go down here to this person who looks like me, who I'm comfortable with, who I don't have to ask that question.

So, as you get older in the law firm world and you need-- you're just not automatically on cases and you need people to put you on cases, that becomes a real barrier. And it became a barrier for me. And so, after seven years, I left and decided to start my own firm, which I did for a couple of years before going into the White House.

And so that type of societal barrier-- that's not my barrier. That's society, and companies, or firms putting those barriers in place based on stigma, based on prejudice, based on discrimination. And so, it's something you have to deal with.

And I think firms, obviously, in the 15 years since I left the large firm, they-- firms have gotten a lot better with their focus on diversity, and inclusion, and including disability. I still think there's a long, long, long way to go though.

Well, definitely. I like what you said about, "That's not my barrier. That's society." With the social model of disability, you'll hear people say, I'm fine. There are some people that will speak that they were born maybe without legs. And they're wheelchair users. And they might get somewhere. And they're fine. But that place has stairs and no elevator.

And so, they're disabled by the environment, even though within themselves, they are able to do everything they need to do when people remember that people like them exist. And so, it is really important to be creative and use your mind because we are aware of all the different types of people. We are champions of diversity.

And so, when we create events, and we create documents, and we create assignments, we need to remember that we are doing this for humans. And it's not just people who are exactly like us. So, thank you so much. I want to ask you another question, this question about, what is it that you think organizations and individuals can do to create inclusive and disability-affirming workplaces, Kareem? I would echo the previous comments by the other speakers who made great points. And my spin on it would be just simply one of the things is you have to have leadership from the top. And any organization, whether it's a law firm-- you hear me talking about law firms, the companies I work in now.

There's got to be leadership from the top. And there's got to be buy in. And there's got to be actual leadership, meaning that the leadership has to actively speak about disability, actively engage with whether it's an ERG, whether it's disability-related events, whether it's sponsorship of disability things in their core business. Whatever it is, the leadership has to be visible, present, and actively leading on it. And once you get buy in-- active buy in from the top, then that needs to filter down through the senior level management and making sure that we're doing all the things that make disability a welcoming-- make our company, our law firm a welcoming place for folks with disabilities.

You heard Janice talk about ERGs, making sure those-- there's a disability ERG, and that it's able to be successful, making sure that the policies, the things you put in place are focused, or have a component of disability.

So, if you're thinking about your accommodations policy, do you have a good accommodations policy? The model that's best these days is the centralized accommodations model where you're not burdening managers for their budget to make disability accommodation decisions.

Are you doing all the things that you need to do to make sure-- so if you have a CDO, if you have a chief diversity officer position, do they have people on their team that are focused on disability that have expertise in disability so that the things that your chief diversity officer or your diversity office is running have a disability focus, a disability component?

Are you engaging in the Disability Equality Index measurement, the Disability [INAUDIBLE], or any other organizations might be doing-- making sure your environment is open and inclusive for folks with disabilities. So, there's a number of those things that you should be and can be doing to make sure that you have a good environment for folks with disabilities. And you should be doing them for companies. Firms should be doing them.

Agreed. Kareem, do you have a preference between person first or identity first language?

Yeah, definitely. Person first, I believe, is the appropriate. I'm a lawyer. And before I started working for President Obama, I wouldn't say I was heavily involved in the disability movement. I've been blind all my life but wasn't heavily involved in it.

So, for me with the disability broader movement, my thing is always, does what we're saying make sense? Is it the right analysis, not just because we say it, but it actually makes sense? Just like we shouldn't be using handicap because of what it symbolizes-- hand holding a cap, asking for money. For folks who don't know, that's why we don't like handicap.

Special needs, I don't like special needs because I don't-- special needs has a connotation of some intellectual developmental disability, a school bus-- there's a whole connotation behind that that's I think a bad connotation.

So, I wasn't a big person first language. But it makes sense that I want to be defined as a person because that's who I am first. I am a person who happens to live with a disability. And I think when people say, well, does it really matter?

I think the examples and the things I try to explain to people are that what we face as folks with disabilities every day is that people look at our disability first. And so, for example, when I'm out with my wife or with a friend, and that person at the cash register, or the waiter at the restaurant, or whomever looks at my-- the person I'm with and says, does he want to order? Does he want to give me his credit card?

The reason that they do that is because they look at my disability first. And that's all they can see. And they don't know what to do. And so, they just focus on that disability. The person first language really shifts that to say I'm a person.

Deal with me as a person first, then we'll figure out the disability. And I think that it drives a lot of that thinking in society where people treat us and think about disability first. And so, I'm a big person first language person.

Thank you. I really appreciate that explanation. Do you have any feelings about the differently-abled language?

That's newer. I don't particularly love it. I don't know that I'm opposed to it. I haven't done a lot of digging to see what the different opinions are in the broader disability community, obviously, on that one. I don't really like it though, differently-abled.

Here's the thing. There's a lot of time that people spend on, what are you going to name me? And what are you going to call me? If we just say, call me-- I'm a person. I happen to live with a disability. Going through all the machinations around, what are you going to call me? Let's come up with a new cool name for our ERGs or a new cool name for-- what are you going to call people with disabilities this week or this month?

Really, you know what I want? I want you to focus that energy on making sure I have supports and services that I need, making sure that when we talk about disability-- diversity we're including disability, making sure that I can go into a company or a law firm, making sure that websites are accessible.

That's what I really want you to be focused on. And this endless conversation about let's come up with a new cooler name, I just-- I don't have a lot of time for it. I'm much more interested in other stuff that are practical life things that I need each day.

Understood and appreciated. Thank you so much, Kareem. I want to go back to Janice. I want to ask you, for employers, from that kind of vantage point, how should employers be defining disability?

I think it's really interesting. First, I have to just say completely, Kareem, I couldn't have said it better. I have the same feelings about how those terms are used. How do employers define disabilities? I think the pandemic, really, which I hope changed the lens that people could view what barriers be, not just for people with disabilities, but for everybody.

I mean, to the extent, I define-- I tend to define disability pretty broadly. I mean, I know there's legal definition but it's-- I define disability in a way that's not so central to just me but one of the reasons that-- the things that make my life, me, be able to do what I do.

I wear a leg brace. I wear glasses-- reading glasses to read. I have to-- in order for me to communicate with other people, I have to look really far away. I have to use Zoom. There are things that make my life easier. And a lot of that is technology-based.

But I define disabilities in a way where I think about the environmental, the physical barriers. There's cultural, the social barriers. And what can we do to remove those? Because when think about it that way, it's not just people who have disabilities that suffer from that or have to deal with that.

When we all lived through the pandemic, I mean, we were all pulled in all different directions. We had to find a way to do work. We had to find a way to communicate. We had these barriers as people. And I hope that-- I think when we think about what companies had to do to overcome those barriers, to reflect a little bit on what that meant, we had to give grace to everybody, thinking about what their situations were. How do we make an individual succeed when they're a mom with kids and they have to deal-- they couldn't find childcare. So, I want to-- I don't want to diminish disability but, I think, having that broader context that there are barriers that everybody has to face. And we need-- when we can remove some of those barriers for people with disabilities, they could actually have downstream effects for everybody else.

Agreed. Part of the disability conversation is just accessibility more broadly. And you'll hear many people say they can hear better with captions, for example. And it's not only people who just-- who can't hear the content, it's just about understanding.

And I think when we talk about accessibility for someone, it's that includes everyone. Everyone would benefit if you thought about where the tables in a room were, and the height of the tables, not just a certain group of people. And so that is really important. I thank you for saying that. So how should employers invite employees to self-identify as individuals with disabilities, Janice?

That is a hard thing. I have to say, I have a completely very visible disability. I can't run away from it. I can't hide from it. I walk with a limp. You see my leg brace. I only wear dresses and skirts because it's the only way that I can-- I don't have to. It's like wearing-- if you wear a cast all day, you know how itchy it gets. I have to wear-- I basically wear a cast every day.

I don't have the same embodied experience that other people have where-- and I have to be very conscientious. People who may be more neurodiverse or people who don't want to have hidden disabilities that they don't want to disclose, that is actually the forefront of a lot of our conversations about disclosure. I don't have to deal with that.

So how do we have-- especially in a stable [INAUDIBLE] culture as we have in the law firm, how do we get that to happen? For me, it's been a slow process. We have our Disability Resource group. A large number of the people who join, I'm very proud to say, are people who have hidden disabilities or neurodiverse.

And they were only able to join, and have that mentoring, and have that community because of the way we dealt with our affinity group. We invited people. We told them. And we made the firm think through disclosure.

We talked to HR about, how do we form a group that allows people to have that without feeling that they-- without feeling the pressure? I think disclosure is a very personal decision. And I don't want to hold people to disclosing or not disclosing. It's a very individual, very, very personal decision. And we should let people make that on their own. I really believe firmly in that.

I don't want to encourage disclosure just for disclosure sake because I don't think we are in a social or cultural environment that necessarily-- where everybody is the same awareness about how people's disability can affect their work.

But what does that mean? We do things at our firm that encourage disclosure. We don't make disclosure-- we do take disability as something that is category just like we do with other affinity groups. But I would encourage firms to have something, like, an asterisk.

Like, look, this disclosure is completely-- we know it's a personal decision, no pressure. This is the reason why we collect this information. I think it's really helpful when firms outside counsel encourage you too.

We have several partners in town, for example, Amazon who have metrics. And they want firms to disclose disability statistics. Not all in-house groups have that as part of their-- and I think that having that carrot from clients is, actually, really encouraging. I've also heard backlashes. There are people who say, well, when there's that disclosure, I feel required to feel like I have to. And so that's the fine line that we have to walk.

So, have disability stigma or ableism had an impact in your professional career as far as you know?

That's so hard. That's a hard question. For me, yes, I have to say I haven't had as explicit a story as David had. I mean, David, I'm so sorry that happened to you. It's really disappointing to hear. Look, I'm a litigator. I go in front of courts. I go to hearings. I have to convince juries that I'm right and other people are wrong.

And to the extent, I get a lot of, Janice, seem too nice to be an attorney. There are studies, psychological studies that have studied social capital of people who have disabilities. When you have a disability, you are not viewed as alpha. You're not viewed as somebody who has very high social capital. And in their implicit biases that go along with that are very contrary to people's images of what a litigator is.

And I'll give you some examples. People who meet people with disabilities, they tend to think they're dumber or they-- I'm sorry, didn't mean to use that word. But they're not as intelligent. And literally, they will have terms that you can-- and the word dumb comes from speaking, not being able to write.

So, a lot of the terms that we identify with intelligence are tied to intellect and tied to disabilities. And that is harmful. There's also been studies about how people with disabilities tend to be viewed as nicer. That is not-- assertiveness is something that's actually really important in my profession. And when you are viewed as somebody who is not going to be able to represent or fight for your client, that's troubling.

The third thing is even our partners, the people who associate with us, like my husband-- people think, oh, you must be so nice to be able to take care of somebody who has a disability, to live with them, to care for them in good health and bad for the rest of your life. And those things permeate.

And I will never ever know-- for me, like having the Zoom call, when the pandemic happened, that was taken away. I passed for an able-bodied person to most people that I interacted with. And I thought that was the weirdest thing just completely.

My day-to-day is to let people know who I am. But then suddenly, people think I'm able-bodied because they need me only over Zoom. And I thought that was a really interesting social experiment, things that when people meet me in-person, they become so surprised at who they-- and it's interesting because I don't know what your first impressions are when you first meet me either over Zoom, or on a street.

Thank you for that. So, does anyone have-- or for the speakers, David, Janice, Kareem, do you all have any additional insights that you want to share on this topic of the Introduction to Language Definitions and Self ID?

I'm happy to but Kareem, or Janice, do you want to go first?

You can go first. I'll think about this a little bit.

I mean, I guess the key takeaway for me is that there just has to be more of an overt dialogue and spotlight on this issue and on this particular group. I mentioned before, when we talk a lot about DEIA, the A often gets dropped in that terminology. And the terminology evolves over time. But it is important.

And I think too often people see the A component of that as the scarlet letter A that folks don't want to be branded with for all the reasons we've talked about, the negative stigmas that come with that. And I think we've got to foster an environment where folks feel like it's not a negative stigma.

And in fact, as Kareem talked about, we want people to focus on is how do we help each other? How do we make sure people get the resources that they need to do the job that they can do? Because my view at a fundamental level is whatever dreams and ambitions anybody has, there should be no hurdle to

pursuing those based on things like skin color, and race, and sexuality, and gender, and disability as long as you are able to do the job, and to meet the needs of clients, and employers, and others.

And we can do that when we work together and support each other. But unfortunately, we're still in an environment where exactly as Kareem described that the first thought is this person has a disability. It's an inconvenience. And I don't want to deal with that. I don't want to have to figure out how I'm going to have to deal with that and how that's going to affect me because there's 100 other associates in my firm I can turn to. They don't have that issue and make my life easier.

And that is a place where we just can't be. And we've got to have more empathy, more inclusivity, and it's got to be overt. It's got to be a discussion point on this particular group of underrepresented folks. Or we're just going to continue to get left behind.

Agreed.

I don't have a-- oh. Go for it, please.

I would echo on those comments. And I would just say, I think the thing that people get caught up in is we talk about this a lot. And people want to ask a lot of-- you got to start by doing something. And so, taking action is really important. And you can start somewhere, and take some action, and then work to improve on that action.

And then also I would say we always said in the Obama administration when we were working on different regs and stuff-- and this is not-- we didn't create this. But what gets measured, gets done. And so, if you're trying to make improvements on disability, you need to measure it. You need to start setting goals.

Of course, we're lawyers. So, we're not talking about quotas. But if you're not measuring what you're doing, then you're probably not making good success because you're not being honest with yourself about whether or not-- what you are actually doing, how many people with disabilities you're hiring, et cetera, et cetera.

Yes. I think measuring is really important. And I think day-to-day, consider the things that you could do for a person when you think about disability awareness and making things more accessible. It benefits everybody, not just your employees or staff who have disabilities.

So, we have-- I'll give you one small example. When we do law firms, we do a lot of events. I am in a lot of cocktail events we're in standing room only. And to have to stand up for three hours is really, really hard. And you have a disability like mine. And I have to deal with the fatigue.

Just being conscious about stuff like that. I'm able to-- when we have support marathons, I can't run a marathon. But I can be there. And I can be on the sideline. And my law firm tries to find ways to have inclusive activities even when-- and along with the activities where everybody can still participate.

And I really appreciate things like when my firm does events that even though I can fully walk the stairs and I can deal with-- I don't have that. I'm not in a wheelchair. I don't have to-- I can go on a lift. I can use elevators and escalators-- everything.

But I love that my law firm thinks about where the events-- they want to hold events at accessible places because they don't know whether their guests-- anybody might hop in when there's so many choices.

Why choose to host an event at places not accessible to everybody?

Just like you wouldn't host a place that discriminates against people of color or LGBT employees. So being conscientious about those small things shows that you're really listening and thinking about-- paying attention to those types of details.

Very good. So, we have a question. How do we educate our non-disabled employees without burdening our disabled employees?

Good question. Well, I mean, I think for me if you're really trying to show your non-disabled employees the right way to do things, the right way to engage, and learning-- I don't know. For Discover, I've been here 10 years.

I mean, I do probably two or three different speaking engagements every year from different parts of the organization that want me to come talk about disability. And it's probably increased as we have become more advanced, and better about talking about disability, and diversity. So, I don't mind if we're trying to really educate our employees, particularly the place I work. And I like where I work. It doesn't matter to me. I'll do as many as I can.

[INTERPOSING VOICES]

I don't see it as a burden. I do think that firms can do more maybe to make-- I think that there's room to recognize that this does take time, that there is time involved, and that there is-- and I don't know if it comes from compensation, or comes from bonuses, or anything.

But just recognize, and having a thank you, or having some recognition is just-- I think is really nice to encourage more people to want to engage. So, I don't think of it as a burden. It generally feels like it's a way for me to build community.

And I would just say the same thing. I think the key is just look for volunteers. There are going to be folks like Janice, myself, and others who are happy to speak, and be vocal, and to support programs, and initiatives, and training, and education.

We don't do it as a burden at all because the payoff is huge. There may be others who are less comfortable with that. So, if you're asking for volunteers, I think you'll find people that you need to move programs forward.

And also show them that you're supplementing that volunteer work with bringing in experts and consultants to train and speak because it is an investment that you're making too. Everyone can benefit. There are people who are talking about their lived experience. And that is labor too. But there are also people who've done research, and work around this, and that maybe your organization can benefit from those products that are available out on the market that are going to give you the state of the art and improve you in ways that you might really need.

So, I just want to thank everyone. To the speakers, David, Janice, Kareem, you are really amazing.

Thank you, Caren. Thank you too, Lisa, and Alisa, and Kavita, and everyone here at Diversity Lab for allowing us to do this. I think that you are all great. I hope that everyone learned something. And I hope you come to our next one. And stay tuned. Bye, everyone. Thank you.

Thanks so much. Thanks, everyone.