



**An Examination of the Professional  
Experiences and Challenges Faced  
by Attorneys with Disabilities Who  
Work at Large Law Firms**

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# **An Examination of the Professional Experiences and Challenges Faced by Attorneys with Disabilities Who Work at Large Law Firms**

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Earlier this year, the Minority Corporate Counsel Association (MCCA) released a groundbreaking research report on the professional experiences of attorneys at Top 200 law firms, finding that while there have been commendable improvements to diversity programs in large law firms since MCCA's earlier studies completed in 2002 and 2003, there is much work to be done before this sector of the legal profession becomes truly inclusive of all groups.

The research study, the ninth one conducted by MCCA, is titled *Sustaining Pathways to Diversity: The Next Steps in Understanding and Increasing Diversity & Inclusion in Large Law Firms*<sup>1</sup>. Reporting on the views of more than 4,400 practicing attorneys from more than 120 of the nation's top 200 most profitable law firms, MCCA's research is the most comprehensive and credible study to date about the professional experiences of big law firm attorneys.

Reflecting a broad sector of the legal profession, the respondents were diverse in terms of gender, race/ethnicity, sexual orientation, disability status, age, experience, geographic location, and academic background. In fact, an outside statistician determined that the response rate gives MCCA's survey a confidence level of 99%, with a potential deviation of less than 2% for any one question.

The research analyzed the experiences and comments of a diverse group of law firm attorneys from a variety of academic backgrounds and in various stages of their law careers and compared these responses across the different demographics of the lawyers. The questions sought to measure experiences and perspectives in four key areas:

- Strategic Leadership and Commitment

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<sup>1</sup> This paper was prepared in supplement to the MCCA research report titled: "Sustaining Pathways to Diversity: The Next Steps in Understanding and Increasing Diversity & Inclusion in Large Law Firms." A free copy of the full report is available at [www.mcca.com](http://www.mcca.com) – "Research"

- Recruiting and the Myth of the Meritocracy
- Inclusion and Work Environment
- Professional Development and Retention

While progress is apparent and the majority of attorneys reported that their law firms are making strides to advance diversity, MCCA believes that some of the key findings from the research analysis signal areas of concern that necessitate spotlighting and problem-solving.

Of the more than 4,400 attorneys from AmLaw 200 law firms who responded to the MCCA survey, approximately two percent self-identified as a person with a disability. The survey did not request clarification about the nature of the disability.

### ***Strategic Leadership and Commitment***

Consistent with the views of all other respondents, attorneys with a disability gave their law firms high marks regarding the firms' strategic leadership and commitment to diversity. However in all cases, the responses by the women with disabilities suggest that law firms may need to focus more intently on making sure they strongly communicate their diversity values and work being done by the diversity committee. It appears that these messages may have been diluted or simply not communicated as strongly to the disabled women.

For example, disabled women were slightly less positive (86%) than their male counterparts (92%), although the overwhelming majority of both groups responded that their firms' leaders had done a good job communicating the importance of diversity. In addition, both groups felt generally well informed about the work of the diversity committee, although the men (92%) felt much more informed than the women (82%).

Yet although most attorneys with disabilities gave their firms overall high marks for leadership and diversity committee activity, one area where firms appear to be falling short is the level of support that attorneys with disabilities have in place to discuss concerns or complaints they may have about the work environment. In addition, there was an underlying concern that while the firm is making strides with respect to diversity, the firms are not doing as well as they could to include and address the concerns of attorneys with disabilities. Many of the open narrative comments submitted by attorneys with disabilities along with their more objective survey

responses underscored this sentiment. Thus, MCCA recommends that law firms audit their existing diversity efforts and initiatives with a view to making sure that they are broad and inclusive of the concerns and challenges faced by lawyers with disabilities. It also must be clearly communicated that as with race/ethnicity, gender, and sexual orientation, the firm is equally committed to providing a workplace that is open and inclusive of attorneys with disabilities.

Only 76% of disabled women and 83% of men reported that they had someone at the firm to whom they could turn to seek resolution of a workplace concern. Thus, while overall leadership and commitment were viewed positively, the translation down to the day-to-day work lives of attorneys with disabilities showed room for improvement.

This finding supports MCCA's recommendation that all law firms designate at least one person in each office to serve in the role of an "ombudsperson" and to widely communicate who that person is to all members of the firm. Not all attorneys, particularly young lawyers, may feel that they have a mentor or sponsor at the firm to whom to turn with questions or concerns. Thus, through the appointment of an ombudsperson, the firm makes it clear to all attorneys that someone has been designated as a person to whom all attorneys may turn to discuss their experiences or concerns. This ombudsperson should be a senior member of the firm who is well-regarded and well-informed and he/she possesses the interpersonal skills and empathy required of someone to whom others will turn for guidance.

### ***Recruiting and the Myth of the Meritocracy***

Diversity was an important issue for both the men and women with disabilities. Both groups responded identically regarding their firms' recruitment efforts at diverse law schools (60% said the firm does). But just as with non-disabled men and women, the men and women with disabilities had contrasting views about what mattered most in the hiring process. The women tended to place a higher value on interview performance, GPA and prior work experience, but were less inclined to place a high value on factors such as a judicial clerkship, class rank, law review or community service. The men tended to place a very high value on interview performance, GPA, and prior work experience in addition to class rank, federal clerkships, and law review. Neither considered community service records to be particularly relevant.

However, when asked how important should diverse backgrounds be in recruitment/hiring decisions at their firms, equal percentages of the men and women felt it should be irrelevant, but 57% of men said it should be relevant and 52% of women said it should be relevant.

### ***Inclusion and Work Environment***

The only survey question to enjoy a 100% positive response concerned whether the women respondents preferred to work in a diverse and inclusive law firm. All of the women with disabilities said that they did, with the majority (64%) strongly agreeing so. While none of the men with disabilities disagreed with the preference in favor of working in a diverse and inclusive law firm, only 88% agreed (71% strongly agreed and 16% agreed), with the remaining 12% being neutral/unsure.

Yet although the women with disabilities overwhelmingly wanted to work in a diverse and inclusive law firm, they were not as inclined as their male counterparts to support their firm's efforts to recruit and hire a diverse group of attorneys.<sup>2</sup> Moreover, men and women with disabilities responded virtually identically regarding whether they actively participate in the firm's diversity-related events and initiatives – only a little more than half do so<sup>3</sup>. In addition, when asked if they would be comfortable voicing disapproval if they overheard a bigoted comment, only 58% of women said that they would be, whereas, 77% of men stated they would voice disapproval.

When asked whether they felt they were treated as equals by their law firm peers, the results for attorneys with disabilities were quite disappointing, particularly for the women. While 86% of the men reported positively (*i.e.*, that they were treated as equals), only 55% of women with disabilities responded that they were treated equally by their law firm peers.

With such a disappointing experience regarding equality reported by women with disabilities, it is important to attempt to discern whether their “unequal” treatment is largely the result of issues around having a disability or something else, like gender or race/ethnicity. Closer examination of

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<sup>2</sup> 80% of males said they actively support their firms efforts to recruit and hire a more diverse group of attorneys, but only 71% of the women said that they did.

<sup>3</sup> 52% of men and 52% of women said that they do.

this data however, reveals that the issue is more likely to be a combination of disability status and gender.

When asked whether they felt their race/ethnicity resulted in their being treated differently by their peers, 78% of the women said this was not a concern<sup>4</sup>. But when asked the same question with respect to their gender, only 43% said this was not a concern. The majority (57%) were either neutral/unsure or responded that they felt they had been treated differently (18%) by their peers because of their gender.

A more illuminating theme emerged through the answers to one simple statement: “I believe that my gender will not hinder my advancement in this firm.” Not surprisingly, 98% of the men felt that their gender was not a hindrance. But only 41% of women with disabilities responded that they felt the statement was true. In fact, almost one-third of the women (31%) reported in the negative – meaning that they felt their gender *will* hinder their advancement at the firm, and 28% of the women were neutral or not sure how their gender would impact their ability to advance.

### ***Professional Development and Retention***

Nearly all attorneys with disabilities reported confidence in their professional presentation, interpersonal skills and substantive abilities, including possession of the necessary technical skills to succeed at their law firms. They further reported that they generally found the formal and informal feedback about their research/writing ability and technical lawyering skills to be accurate, and the women with disabilities (91%) were slightly more pleased than their male counterparts (85%) with the accuracy of feedback received regarding technical lawyering skills. But the women were more inclined to report that the timing of the feedback was not as timely as needed to understand what to do to improve – only 44% felt they were receiving timely, constructive feedback.<sup>5</sup>

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<sup>4</sup> The percentage of women with disabilities who responded that they felt they had been treated differently because of their race was 4%; however, this was likely due to the fact that the majority of respondents in this category were not members of a racial/ethnic minority group. The remainder (18%) were neutral/unsure.

<sup>5</sup> 61% of the men with disabilities reported that their feedback was timely received and useful to understanding what they needed to do to improve.

When it came to coaching and mentoring, again the men with disabilities reported a superior experience to the women. 93% of the men reported that they had at least one mentor in the firm who supported their careers, but only 74% of the women did. And, it appears that the mentors the men have are doing a better job assisting them to obtain high-visibility assignments and assistance with conflict resolution. Only 35% of the women said their mentors help them obtain key assignments, but 61% of the men said their mentors were helping them with this.

However, it was clear that like most women attorneys, those with disabilities felt the pressure of the billable hour and it had the result of clouding their level of commitment to their career at the firm. In fact, almost a quarter of the women reported that they had received less than positive feedback about their time management skills (translation: their billable hours) and only about half of the women with disabilities reported receiving the assignments they needed in order to meet the firm's billing requirements. In contrast, a little more than two-thirds of the males with disabilities expressed no concern about sufficiency of assignments and billable hours. Male attorneys with disabilities reported a high degree of commitment to their careers and to the firm (94%), but this declined significantly for females with disabilities (76%). Moreover, although the men were highly committed, only 79% of the men felt positive regarding the formal and informal feedback they had received regarding their client relationships skills and a sizable percentage expressed some personal reservations or self doubt about whether they possessed and exhibited the necessary client relationship skills they would need to succeed at their firms. .

The percentage of women with disabilities who felt uncertainty about this was likewise fairly high (26%), however the women felt even less positive about the accuracy of the informal and formal feedback they were receiving about their client relationship skills (33% not positive).

Thus it would appear that both male and female attorneys with disabilities expressed concerns about the feedback they had received regarding client relationship skills, and a good number expressed self doubt about their own abilities in this area. This finding underscores the need for law firms to focus more intently on providing appropriate training and mentoring in this area for attorneys with disabilities so that they are empowered to approach client relationships more confidently and skillfully. In addition, law firm managers should receive training to ensure that they have the ability to provide honest, constructive feedback and take the additional step of developing plans of action to address and fill any professional development gaps experienced by attorneys with disabilities.

On the issue of adequacy of training for the work that they do, there was a sharp contrast between the experiences of males with disabilities and females with disabilities. By and large,

most of the men felt that the training they were receiving was appropriate for the work that they do (71%). In contrast, less than half of all women with disabilities (only 46%) responded that they were receiving appropriate levels of training to do their work!

Another factor which serves as an indicator of who will advance professionally at the firm versus who will not is whether the attorney understands the “unwritten” rules of the game. When queried about whether they understand the criteria for advancement at their law firms, the men with disabilities reported being much better clued in than their female counterparts. Almost three-quarters of the men with disabilities felt they had a good knowledge of what it takes to advance and it is interesting to note that this number is roughly on par with the finding for men who are not disabled. Females with a disability share the same lack of knowledge about what it takes to get ahead as their fellow women who are not disabled. Only about half (52%) of women with disabilities responded that they understood the rules, while the other half either admitted they did not the rules or they were not sure.

Yet although the rules of the game may be clearer to some than to others, one thing that was equally clear for women and men with disabilities is that they have identical aspirations to advance into leadership positions in their law firms. The responses to this were virtually identical: 74% of men and 75% of women aspired to leadership. Similarly, the numbers who clearly did not so aspire were identical: 10% of men and 11% of women do not seek to advance to leadership levels, and the numbers unsure were the same (16% unsure/neutral men and 14% unsure/neutral women).

Overall, MCCA’s findings regarding the professional development that women with disabilities receive in AmLaw 200 law firms should sound an alarm bell for the profession. On all indicators, women with disabilities reported very serious concerns, which included the timeliness of feedback received, understanding of the rules of the game to advance, receipt of appropriate training to do the work, exposure to client relationships, adequacy of coaching and mentoring, and sufficiency of assignments to meet the firm’s billable hour requirements. Add to this a desire for greater flexibility and related concerns that by seeking flexibility one may damage her career, women with disabilities paint a bleak picture of their place in today’s AmLaw 200 firm.

### ***Special Findings re Work/Life Balance Concerns of Attorneys with Disabilities***

Attorneys with disabilities are no different from their peers on issues of work/life balance; they are encountering some challenges, with the women expressing a higher degree of concerns.

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A whopping 43% of all attorneys with disabilities responded that if they chose to work a reduced hours schedule or telecommute, they believed the result would be negative career consequences.<sup>6</sup>

However, an overwhelming percentage of women with disabilities (85%) replied that if their firm were to establish effective formal policies for reduced/alternative work arrangements, the impact on their careers would be significantly positive.<sup>7</sup> The women also suggested that the workplace policies that currently exist may not be consistently applied and as a result, greater consistency in implementation would positively benefit their careers.

Both men and women with disabilities reported that their firms' policies regarding alternative work arrangements/schedules were not as easy to access, understand, and utilize as ideally they should be. In fact, 41% of the women with disabilities said their firm's policies were inaccessible and unclear.

Finally, when asked what effect greater flexibility in order to accommodate their personal lives would have upon their careers, high numbers of men and women with disabilities responded that more flexibility would definitely be a positive benefit. In fact, 64% of men and 76% of women appeared to crave greater flexibility to address the challenges of their personal lives.

### *In Their Own Words . . .*

The MCCA survey instrument offered multiple opportunities to submit comments and several of the respondents contributed their thoughts about the survey itself and the status of diversity efforts in law firms generally as it relates to attorneys with disabilities.

Some felt MCCA could have done a better job with the survey itself, and we admit with regret that it is true:

*“Should show more consideration of disability in your survey.”*

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<sup>6</sup> It's interesting that exactly 43% of the men and 43% of the women reported this concern about negative career impact.

<sup>7</sup> This was admittedly, less of a concern for the men with disabilities (only 64% replied affirmatively).

*“I have a disability and wish you would have inquired about that aspect of law firm life.”*

And other comments underscored the depth to which the diversity efforts of law firms and the profession in general are failing to address the challenges faced by attorneys with disabilities:

*“While the firm seems to be aware of and address to some degree gender, racial, and sexual orientation diversity, it does not appear to have any focus whatsoever on those with disabilities. It appears to be something the firm has not even considered.”*

*“I think law firms have barely begun to think about persons with disabilities as contributing to diversity goals, and have certainly not developed mechanisms for dealing with attorneys having mental/emotional disabilities. It’s a complex question, heavily tied in to the pressure for billable hours.”*

*“In advance of new hires arriving at the firm, the firm should actively seek information as to whether the hiree [sic] has any disabilities. If so, then the firm should have ADA accommodations ready to go when that person begins work – not several weeks or months thereafter.”*

*“Accepting diversity means accepting alternative manners, expressions, views, and appearances which many more senior members of the firm expressly do not accept in their actions.”*

But perhaps the quote that best captures what we all need to keep top-of-mind was also the most succinct:

*“Don’t forget to include disabled people in diversity inclusion efforts.”*

## **MCCA Checklist of Special Tips & Recommendations Based Upon Research Regarding Male and Female Attorneys with Disabilities Who Work in AmLaw 200 Law Firms**

- ✓ Audit current diversity programs and initiatives to closely examine whether the way they are designed, offered, or implemented could result in attorneys with disabilities being left out (even inadvertently) or overlooked.
- ✓ Communicate strongly, clearly, and frequently that the firm is as committed to its attorneys with disabilities (as it is to those of a diverse race/ethnicity or gender) to build a workplace free of tangible or intangible barriers to the professional development of attorneys with disabilities.
- ✓ A firm can assist its diverse attorneys to achieve equal treatment by their peers through better education that increases the level of understanding of the non-disabled lawyers at the firm regarding the challenges faced by their peers with disabilities. Through greater education, understanding, and opportunities for interaction, they will appreciate that they share many similarities with their peers with disabilities. Understanding and familiarity will contribute towards achieving equality.
- ✓ Be alert and vigilant to instances (intentional or not) where attorneys with disabilities are left out of business development efforts with important clients and take active steps to remedy it in favor of their inclusion.
- ✓ Think about whether the standard ways your firm approaches training its lawyers may need to be adapted to better meet the needs of any of your attorneys with disabilities. Be inquisitive and open to their suggestions for improvement.
- ✓ Be sure that your firm establishes a clear and widely known process whereby attorneys with disabilities who have workplace concerns know how and to whom to raise such concerns for resolution. It is recommended that an internal ombudsperson role be established so that attorneys who want to discuss their concerns have a well-trained, well-informed, and well-regarded person to whom they can turn for guidance.
- ✓ All attorneys who care about diversity should be willing to lend their active support in furtherance of the firm's diversity initiatives, including the recruitment and hiring of diverse

attorneys, participation in firm-sponsored diversity events, and standing up to voice disapproval of bigoted comments.

- ✓ Address Work/Life balance concerns. Strive for open, transparent application of policies to all employees. Take steps to reduce the stigma associated with taking advantage of these policies. Consider opportunities to offer greater flexibility in employees' work schedules to allow more leeway to address personal life concerns.
- ✓ Formal mentoring program - pay particular attention to mentor assignments for all women, especially for women with disabilities as mentees and train mentors to be better advocates for their women mentees by helping to seek out plum work assignments for women with disabilities in particular.
- ✓ Pay attention to work assignments to assure equal access to opportunities to work on matters involving key client relationships. Recognize that women with disabilities may experience a harder time obtaining the necessary work required for them to meet their billable hours target.
- ✓ Ensure timeliness of feedback provided to attorneys with disabilities to better enable their ability to timely adapt and address any concerns expressed regarding their work.
- ✓ Work to ensure that women with disabilities are not shut-out from understanding the "unwritten rules of the game" that are essential to their personal career advancement.