

2011

Kicking Down the Door to Employment II: Resources and How to Access Them

Paula Nailon

Sheri Denkensohn

Andy Imparato

Isaac Lidsky

Follow this and additional works at: <http://digitalcommons.wcl.american.edu/jgspl>



Part of the [Legal Education Commons](#)

Recommended Citation

Nailon, Paula, Sheri Denkensohn, Andy Imparato, and Isaac Lidsky. "Kicking Down the Door to Employment II: Resources and How to Access Them." American University Journal of Gender Social Policy and Law 19, no. 4 (2011): 1125-1159.

This Symposium is brought to you for free and open access by the Washington College of Law Journals & Law Reviews at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in Journal of Gender, Social Policy & the Law by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact fbrown@wcl.american.edu.

KICKING DOWN THE DOOR TO EMPLOYMENT II: RESOURCES AND HOW TO ACCESS THEM

BEGIN TRANSCRIPT*

PAULA NAILON: Good morning everyone. I'm Paula Nailon from the University of Arizona and I'm really glad to be here. The University of Arizona is one of the co-creators, along with Georgetown, of the Impact Career Fair for Law Students and Lawyers with Disabilities, and after hearing the statistics and some of the conversation from the earlier panel, Impact is in its fifth year, I think we can still all agree that we need to do a lot to increase employment opportunities for folks with disabilities to get jobs quicker and to increase the job range. We used to say it was easy to get into federal government perhaps for law students with disabilities. We just heard in the last panel that maybe it isn't even as easy there as we thought.

The Impact Career Fair will be on August 5 this year. I've got flyers upstairs and we'll be sending out e-mails, but we're hoping for an event that is going to offer a wide array of employment opportunities for students from all around the country. This panel is very apropos on that topic. Collectively their employment experiences range the gamut from federal government, from the courts, big law, public interest, and just many, many different aspects. They've each made various transitions in their careers since law school and they have some wonderful experiences to share. I'm going to keep my introductions brief because you've got good biographies of everyone in your packet materials.

We're going to start with Sheri down here at the end. Sheri Denkensohn is Special Assistant Counsel to the Inspector General, US Department of

* Panel: Paula Nailon, Assistant Dean for Professional Development, The University of Arizona James E. Rogers College of Law (moderator); Sheri Denkensohn, Special Assistant Counsel to the Inspector General, U.S. Department of Health and Human Services; Andy Imparato, Senior Counsel and Disability Policy Director, U.S. Senate Health, Education, Labor & Pensions (HELP) Committee; and Isaac Lidsky, Associate, Akin Gump Strauss Hauer & Feld LLP.

Health and Human Services. Sheri has always been in federal government from the time that she graduated from Georgetown. She's been with three agencies in various capacities. The GSA, General Services Administration; OPM, Office of Personnel Management, which hopefully is remaking the entire federal hiring system; and the Department of Health and Human Services.

From that point, we'll move to Isaac Lidsky. Isaac is with big law and he is an associate at Akin Gump. But prior to that time, he graduated from Harvard; he clerked at the US Court of Appeals for the Third Circuit; he worked for the DOJ in the Civil Division; clerked on the US Supreme Court for the power duo of Justices O'Connor and Ginsberg; and he also has founded a public interest organization that's a non-profit called Hope For Vision that funds research into treatment for folks with blinding diseases.

He has a long list of accomplishments but the one that fascinated us during our preliminary planning discussions is he is the dad of natural triplets, identical; (Laughter), identical, except for two are identical by them being boys and then a girl.

(Laughter)

ISAAC LIDSKY: Five months old.

PAULA NAILON: Five months old. He looks a little sleepy, (Laughter), but I hope we'll keep him awake.

ISAAC LIDSKY: We'll see if it works.

(Laughter).

PAULA NAILON: I know many of you are familiar with Andy Imparato and that he's done so much since his graduation to work for folks with disabilities, both apparent and hidden. He is in a new position, which we'll be excited to hear about, he is Senior Counsel and Disability Policy Director for the US Senate Health, Education, Labor & Pensions Committee.

Andy is a Stanford Law grad; he also clerked after graduation for a Federal District Court judge; he had a fellowship advocating for children with disabilities; worked on a Senate Subcommittee; and for the last 11 years has been President and CEO for the American Association of People with Disabilities; was one of the first people that I called when we wanted to plan and see if it was actually feasible to create the Impact Career Fair,

and of course he said, “Absolutely, and what can I do to help?”

So with that I’m going to turn it over to Sheri. They’re going to share their experiences transitioning into the first job and other jobs as well. Sheri.

SHERI DENKENSOHN: Thank you Paula. Thanks to all of you for coming. This is just such a great opportunity for all of you, and a benefit to all of your students when you go back, so what a great resource this is and I’m really pleased to be able to share my experience. Before I talk a little bit about my background and my experience, I just want to tell you I’m going to give you three takeaways today. First of all, I think that career counselors are just one tool for students in the toolbox of finding a job, so I believe that students shouldn’t be relying on you for everything.

But the three takeaways are, first of all, the student needs to be his or her own advocate. Ironically, students are in law school to become advocates for others, advocates for policies, advocates for special types of interests that they have, but they also need to learn to be an advocate for them and apply those same skills to advocating for what they need, and that’s specifically for all students and definitely for students with disabilities.

The second takeaway is that students really need to have a realistic examination of the type of job and job environment that fits them, and I think that that’s where you can really play a key role. And third, students need to also have a system of networking, knowing how to network, and also, having a mentor is incredibly important, and I’ll talk about each of the three of those during my brief presentation.

First, just a little discussion about me. I am now forty-three; oh my God, I have to check the upper box when I, (Laughter), think. And I was injured at sixteen years old in a diving accident in the summer between my sophomore and junior year of high school. I was in rehab for my entire junior year; those were the days when insurance let you stay in rehab for over eight months. I came back, got tutored, graduated high school with my class, and did my undergraduate work at the University of Albany; I got a major in finance and a minor in political science.

My sister is my biggest mentor; she is fifteen years older than I am. She went to GW Law School at night, and she worked on Capital Hill during the day for Congressman Dingell from Michigan; she worked for him for many years. And she was really my mentor, as far as getting me interested in law school; and during college, I knew I wanted to go to law school. And I knew that I wanted to get the heck out of Albany, New York because there was way too much snow until April and I couldn’t get around.

And from coming to visit my sister, I realized that the environment, the

accessibility in Washington, D.C., that it was the place for me. So I applied to all the law schools in D.C., including American, with Georgetown being my first choice. My friends said it was just because their basketball team was my favorite, which is true, (Laughter), but I did wind up getting in and I was absolutely thrilled, so I started my career at Georgetown. I went to the night program because it was spread over four years and I felt that I could handle the course load better if it was more spread out. Ironically, it turned out to be an amazing decision for my job career. So let me move on to my career path.

When I was at Georgetown, nothing against—if there's a career counselor here from Georgetown, please don't take this personally—(Laughter), but at that point, in 1989, there was a huge focus on big firms. There really was not a major focus on government. And the second issue was law schools were loaded. Because of the Wall Street crash in '87, no one went to MBA School, everybody went to law school. In my year of applying at Georgetown, they got 18,000 applications, which is the most that they had ever received, so there was a real competition.

So it was a concentration on big firm life. I did a couple of interviews. At that point Georgetown had their interviews at a local hotel, so you'd meet with someone sitting in a bedroom; it was a very weird experience. (Laughter). I really probably wasn't very into it because I knew that going into a law firm, and this is my realistic examination takeaway, was way too many hours for me and I didn't think that I could physically handle it.

I additionally needed health benefits. At the time, there was no way to get benefits if you had a pre-existing condition, unless you worked for the government, so another issue of realism that I wanted to work for the government, and I had a real passion for public service. So I did have a good experience at Georgetown in the advocacy realm. I was on the Dean's Taskforce for making sure that the new residents' hall being built was accessible, and that was a really good opportunity for me to hone my advocacy skills on issues related to individuals with disabilities and share that with people at the school.

So what happened? I went to school at night. I applied my first summer, after my first year—my 1L—there was a booklet that doesn't exist anymore called "Summer Jobs in the Federal Government," and you'd fill out one application and then you can check off boxes, and it goes all over the federal government, and I wound up getting a call from the Inspector General's Office at the General Services Administration.

I went for an interview and I got the job and I began working part-time. They told me they only had six months worth of funding. They gave me a going away party and found out the same day that they did have funding to keep me on. (Laughter). So I said to them, "I hope that's the way the rest

of my career goes; if they'd say 'goodbye, they have no money', and then they'd hire me back." (Laughter). So I worked there thirty hours a week during the day, while I was in law school at night—and I think you've got to do it in your early 20s, I could never do it now—and I used to go to lunch right on the corner, and this gets into networking or talking to anybody, as my father always taught me.

So I was having lunch on the corner, on a nice summer day, and I asked the person next to me if they could help me open my soda. I struck up a conversation with this very nice gentleman, just talking about where I lived, at the time I was buying a condo, and at the end of the conversation I said, "Well where do you work?" He said, "Oh, I work at the Office of Personnel Management." And I said, "Oh, I work right here at General Services Administration in the Inspector General's Office. What do you do at OPM?" And he said, "Well I'm the Inspector General." (Laughter). "Well I have to say, you never know in Washington." I smiled and I said, "That's interesting." And I found out that my boss, the Inspector General at GSA, was very good friends with this gentleman, Mr. McFarland, and I went back to my job.

And then about two months later, I came into work and there was a phone message to "please call Fran at OPM"; I didn't know who Fran was. I made the phone call and I found out that Mr. McFarland remembered me, Inspector General McFarland, and he needed a lawyer and he remembered me and he called GSA, so I went for an interview. And it was to be a law clerk, as I was still in school, with his one attorney, and I got the job, and I moved down the street. So you know, talk to anybody, you never know. (Laughter).

I worked at OPM through law school, during the day, and then when I got my law degree in '93 they brought me on full-time as an attorney, so they just transitioned my job. It was a wonderful experience. And then in the Inspector General community, throughout government every federal agency has an Inspector General, there is a group called the Council of Counsels, which is where all the lawyers in the IG community get together monthly for meetings. Through those meetings, I networked with lawyers at all of the federal agencies, and became quite friendly with a couple of the lawyers from the Department of Health and Human Services.

And then when the time came to pass the Health Insurance Portability and Accountability Act, there was a huge amount of money that went to HHS, and they had a lot of funding for lawyers, I got a call from my friends over there. "Why don't you come for an interview?" I interviewed and I moved over to HHS—the importance of networking. I worked in the Office of Counsel at HHS for a number of years, and about seven years ago, I was asked and moved up to be the Special Assistant to the Inspector

General, where I now am. I absolutely love my job.

One of the things that I found in the federal government, I've had absolutely no trouble with reasonable accommodations but I have needed to tell folks what I need. They ask me what I need, and they expect me to tell them what I need; they can't read your mind. And so I was very upfront that I needed a voice-activated computer system, I use Dragon Naturally Speaking; I needed furniture that I could get under; I needed a way to get into the bathroom with a pushbutton; and all of those happened. And, in fact, the federal government, as you might have heard, has a program called PAT so agencies can get assistive technology for free through this system; so it doesn't even cost them anything.

The most interesting accommodation was in the building where I worked, which was the original Social Security Administration that opened in the '30s. I could not reach the elevator buttons on the fifth floor to call it to get down to the first floor, and so I spoke to my boss. He spoke to the facilities people, and they said, "No, no, no. This is a historical building. We can't move the buttons." And my boss really advocated for me, and they moved the buttons on the fifth floor, and they moved the buttons down in one of the elevators; so, I call it the Sheri elevator, and it still is to this day.

(Laughter).

So what are some lessons learned from all of this? Well first of all, as I said earlier, learning to be an advocate for others means you need to learn to advocate for yourself. You have to be confident in your abilities. You need to present yourself professionally. That means dressing professionally, that means acting professionally, that means arriving on time, and for many people with disabilities that's an effort. It takes me a long time to get ready in the morning, I have to get up at six to get ready for today, but you need to be on time and be prepared at any interview. And you need to be upfront about your accommodations for the job. I strongly believe that people should not expect employers or their bosses to be mind readers. You know telling people upfront what you need is going to make it easier for them and relieve some of their concerns that may not be realistic.

Second of all, you can really help in having a student be realistic about their job options and how it fits with what's realistic for them. Talk about hours; talk about "can you travel"; talk about necessary benefits; those were critical in my choice to work for the government. And then, you try to match those needs with the subject matter interest, and try to hone down where the individual could basically focus their efforts so they're not all

over the place. The bottom line is the student wants to be in a situation where they can achieve success. If they're applying for a job that is going to be a stretch or not realistic for them to perform, they're setting themselves up to not be successful. And that's really the key to starting a job in one place and potentially moving on to other opportunities.

And then finally, find a mentor and also network; that is critical in anyone's success. You have to have proven ability but networking helps get you in the door. My sister was my mentor, continues to be my mentor, I call her up to bounce off ideas about things. Pat McFarland, the IG that I met on the corner, you know pure luck, but he helped me get in the door and has been a source of support, and the IG community was a great source of networking for me, my colleagues; look to the folks around you.

So that's my story. That's how I got where I am. I hope that those things help you. One thing, I'd just like to do a shout out before I close, there are some fliers up above and a card about a book called, "Prove Them Wrong: The Kids Who Refused to Quit." It was written by a woman who became blind at eight years old. I gave one to Andy because I want Senator Harkin to read it; he's holding it up as a prop. (Laughter). I'm featured as an excerpt in the book. Eighteen individuals were chosen, they all have different disabilities, they either were born with a disability or achieved it during their youth, and they all became successful.

So I think it's a great tool for students to read to see how different people with different barriers achieved success. Education was the key, many of them are lawyers, and I think it's a great tool for you, as counselors, to read because I think the story is very inspirational and may give you the inspiration to work with different students with all kinds of disabilities. It also helps you realize how far we've come. It's available on Amazon. Nancy, the author, is passionate about it, and I told her I'm passionate about it as well. I'm excerpt lucky number 13, if you'd like to read more about my life. (Laughter). And that's it for me.

PAULA NAILON: We're saving plenty of time at the end of the program for questions. So with that, I think we'll go ahead and move straight to Isaac and hear about his path, his transitions, and what advice he would have for you to share with your students.

ISAAC LIDSKY: So, unfortunately, I'm not going to have a tremendous amount to add to what Ollie said earlier, which I thought was remarkable the way he put things and shared it as well, but I'll do my best to add my own perspective.

One of the things that Ollie stressed, which I think is sort of the critical kind of big-picture starting point, is that disability should no more be a

defining characteristic for law students seeking employment than any other characteristic. In an ideal world maybe it's not true for some folks but that's, I think, an opportunity for progress.

For me, I was very blessed to have a lot of folks in my life who helped me deal with the mental challenge of going blind. I sort of grew up with vision, and when I was thirteen I was diagnosed with a retinal degenerative disease, and from about thirteen to twenty-five actually, I kind of slowly lost my sight. And then also, along the way some angels in my life helped me to get comfortable with the idea that I was a human being who happened to have a disability, not a disabled human being.

So that plays itself out in several ways that, again, I think Ollie put much better than I could and there is sort of upside and downside to that. (Laughter). The upside, I think, is to me, the question of "what do you want to do, disabled law student sitting in my office?" should be no different than the question "what do you want to do, not disabled law student sitting in my office?" I don't think.

You know Ollie said that there shouldn't be an assumption that disabled students want to go into advocacy for the disabled. I often feel like an imposter when I'm speaking to groups like this because I didn't, right, I have not made my professional career in any way about advancing the rights or the experiences of those with disabilities.

For me really, more than anything else, I went to law school because I had a dream of clerking for the Supreme Court and I was kind of obsessed with the institution. But so, again, Ollie put it better you know, don't assume that someone's disability informs what they want to do, and it shouldn't limit what they want to do.

And the flip side is, and again when I start telling this, I sound like a broken record, I've sort of very much forced myself in my life to try to separate out disability-related stuff from non-disability-related stuff. And I have found times in my life where I have been confronted with a challenge, and you know the immediate inclination is to think that this is unique to my experience with going blind, and often times when I really explore it, it's not.

You know law school is hard, people get discouraged. When people work jobs with incredibly long hours they tend to get exhausted. Triplets aren't very good for your sleep schedule. (Laughter). So I think that's very important; that was, for me, a very important thing to sort of keep myself honest. Now, obviously, there were times when an aspect of something that was challenging or difficult or prohibitive was you know my vision. So, anyway, so that's kind of the first point about it, it's just a characteristic.

So the second point is just sort of what to do with that characteristic. I

think though that kind of, for me, the most productive way to deal with losing my vision and now living as a blind guy is to think not about huge picture-ominous stuff but think about tangible, specific, concrete problems, and they're often very small problems, and in my experience they've all had solutions; so solve the problems.

Technology is an incredible thing. I am able to interact with my computer you know, I think, as effectively as any of my sighted colleagues through software that I use. I get the newspaper in an audio format via e-mail every morning at four in the morning. And when I wake up, or I'm already awake, (Laughter), I can throw it on a gadget and listen to it. I listen to a couple of papers every day. I think I get through the paper ten times faster than a sighted person would. Stuff like that, when there's technology, so there are solutions to every problem.

I mean there are blind golfers, right, who are good, phenomenally good, so writing briefs isn't all that hard compared to golfing, I think, without vision. (Laughter). I don't know if you know, for a sighted person, maybe it would be so hard. (Laughter). There are blind skiers. I've skied as a blind man. My wife basically made me do it, because I used to love skiing when I was a kid and then just kind of assumed that was not going to be part of my life anymore, but that wasn't true. You know there's a blind guy who has climbed Everest; Weihenmayer, I think, is his name.

MALE SPEAKER: Yeah, he's in the book.

ISAAC LIDSKY: Oh, he's in the book.

SHERI DENKENSOHN: He writes the preface to the book.

MALE SPEAKER: Yeah, another question of . . .

(Laughter and overlapping voices)

SHERI DENKENSOHN: I didn't pay him to say that.

(Laughter)

MALE SPEAKER: That's right.

(Laughter)

ISAAC LIDSKY: That guy is outrageous, by the way. Climbing

Everest is like, it sounds like the easiest physical challenge he's surmounted. He does these like 7,000-mile challenges that involve trekking and biking and all this stuff; it's unbelievable. I got an award once from an organization that the year before they had given it to him. (Laughter). And then you know I'm supposed to stand out there and tell everybody, "Oh, you know I'm a blind lawyer, isn't that amazing." And I just sat there and I said "You guys got to be kidding right; I'm an off year apparently."

(Laughter)

Anyway, but so solve the problems, and that's easier said than done. I mean in an ideal world you would say, "This is my disability," and you'd type into a website and it would give you a list of all the tools out there to help you. That wasn't my experience, so I mean I'll give you an example.

When I moved from Boston to D.C., I had to work for the—you know actually I moved from Philadelphia to D.C.—to work for the Justice Department. I had a solution to read the *New York Times*; it was then I would read the *New York Times* every day. And I was going to be moving to D.C. and live the one thing that was really bothering me more than anything else about this transition was how am I going to read the *Washington Post*, because you can't be a government lawyer in D.C. and not read the *Post* sort of; I don't know if that's true. (Laughter). Anyway, so it sounds like a silly example, but it really drove me nuts.

And eventually I happened to be having lunch, this is you know network and meet people and try to learn what you can from folks, Judge Tatel, who is one of my heroes, a blind judge on the D.C. Circuit Court of Appeals, very generously invited me over and he mentioned this service *Newsline*. And I said, "*Newsline*, what's that?" And he showed me, on his phone he could dial in and they have 7,000 newspapers, and it wound up being a better solution than what I was using, and that was a big experience for me.

So I've since then tried to become a lot more proactive about trying to find these solutions. And, again, there's always a solution. It's maybe not the best, it's maybe not super elegant, but there's always a solution. But it takes a lot of work, so I think you might encourage your students and help them, but maybe try to make the assumption be that there is a solution out there that works, at least to some extent, for whatever minor problem it is. And you know you solve all the minor problems, and then the next thing you know you've got no more problems.

And then I guess the third thing that I wanted to say—I'm sorry if I'm going way over time yapping and all that but . . .

PAULA NAILON: You're not, you're fine on time.

ISAAC LIDSKY: Okay, cool. So the third thing I wanted to sort of talk about was I genuinely believe that with one and two accomplished, you know points one and two or whatever, disability really can become a huge asset in any number of ways. So I would not live the quality of life that I live now, and have the perspective that I have about my life, had I not gone blind. So in a lot of ways my life has been enriched immeasurably by the experience of going blind. I just wouldn't think about things the way that I do.

Some of that translates, I think, directly into my maybe being a better lawyer or employee or thinker or whatever. Certainly and ability to confront challenges and obstacles and maybe work a little harder or work a little differently is an asset, right; perseverance and creative thinking and all of that. And then you know on a sort of more, I guess tangible or tactical level, for me, the approach, with respect to interviewing, as I was losing my vision there was a time before I started using a cane and all that, where it wasn't an—is it obvious or non-obvious, is that the distinction, obvious disability or non-obvious?

MALE SPEAKER: Non-apparent.

ISAAC LIDSKY: Apparent, apparent, sorry. There was a while where it was non-apparent, unless I walked into a fire hydrant, which happened many times; (Laughter), but no, but my distraction was always to try to talk about it, to bring it up, to try to make it an asset for me, to talk about ways in which I've tried to turn it into a productive thing in my life, raising awareness and funds for vision research or finding solutions, you know just turn it into an asset.

And yet, to this day, there are partners where I work where you know I will work on a brief for six weeks and I send them a brief and I'm convinced this is just the greatest piece of work ever written in legal history and all the research and all the footnotes and all the everything, and the response I get is, "How do you do e-mail? You can, you do e-mail?" (Laughter). You know, incidentally, the brief is, that's not hard, (Laughter), it's totally obvious to him how I write the brief, but e-mailing him the file that's, that's the real amazing thing.

(Laughter)

I joke about it but I sort of kind of try to turn that into a positive with this incident. You know that's an opportunity to ask the guy to stop by my

office and show him. And when you're blind, by the way, you get to ask the partners to stop by your office. "Why don't you come by my office?" (Laughter). You know show him my software, show him how it works, and talk about it. And you know I work with a lot of people who are convinced that I am a superhero, and I'm not. It's really, I mean day to day, again, it's harder to climb Everest being blind, but it's not that hard to be a lawyer being blind, I find, when you solve all the small problems. So, anyway, you know it's an asset, and I think it was an asset in hiring, and I think it helped me get to where I got, frankly. Okay.

PAULA NAILON: Before we move to Andy, because we do have a tiny bit of time, Isaac, I want to ask you a question specifically.

ISAAC LIDSKY: Okay.

PAULA NAILON: You talked about following Ollie; that he had made a lot of the comments that you would have. I see Ollie as the, he's the perfect optimist, always positive and always in really great humor, and you seem to have many of those same characteristics. So for you, having labored over a very complex brief, and then being asked about e-mail, you can see the humor in that and you can turn that into an opportunity to show someone how you're able to do e-mail.

In Arizona, we have a committee on persons in the professions with disabilities, and we had a very complicated discussion about different personalities. One of our Supreme Court Justices has just retired, a wonderful individual, but he is very private, and so to ask him how he would do e-mail, or to be able to approach him with an honest question about "could I get you coffee?", might be stepping over a line; whereas, another person on our committee is very comfortable, like you, like Ollie, and would certainly be open to questions.

How do you grapple with helping each student learn how to make folks comfortable with the issues that might come up during an interview or during a job, or passing a brief off, those kinds of things? Because we are different individuals and we have different personalities, how do we advise?

ISAAC LIDSKY: That's a phenomenal question. I will say, my comfort and optimism and humor, I think humor is the best tool to deal with a lot of stuff, is in many ways it's that they are acquired traits that result from a decision that, early on, this would be the best way to—I don't even want to say confront this challenge—to live my life, you know enjoy my life.

So I do think you can try to commit yourself, you might advise students that they can endeavor to commit themselves to this. So they may not enjoy the first conversation, or the first one hundred conversations, the humor may come a little stilted or you know whatever, but trying is definitely step number one. But then with respect to different personalities, (Laughter), there's no doubt about it, I'm lucky to have, and even well before I was diagnosed with a blind disease, a personality that is well suited to this whole kind of thing.

But there are different ways, so if you are someone who is not going to be so comfortable talking about it in a job interview, you might write a one-pager about your disability and your experiences with it, and you might hand it to the person at the beginning of the interview, or try to e-mail it to them before the interview, or you know whatever, and it doesn't have to be gregarious and good humor and all that.

I mean you can just literally say to the person at the beginning of the interview, "Hey, I want to put you at ease. All questions are fair game. You know don't worry about it. I'd rather you ask a 'dumb' question, than not ask any questions because I'd rather talk to you about who I am and my life and all this stuff. And if I happen to play basketball, we might talk about my basketball at college, but you know I didn't play basketball." I was going to say it's because I'm blind, but it's really because I'm Jewish. (Laughter). Anyway, so you know there are solutions. The key problem is to develop the approach and the strategy and sort of get your head in the right place; and it's hard, it's difficult.

Obviously, when I was going blind I had times that were challenging and more difficult, and to this day sometimes, you know like getting in a cab. Cab drivers in New York, they seem convinced that any question they want to ask any passenger is completely fair game, however they want to ask it. (Laughter). I mean you can be on the phone and crying and juggling a baby and hemorrhaging blood, and you know they are going to just scream back through the little divider a question, the most intrusive question. Anyway, so generally you try to meet it with good a spirit and cheer when you talk to anyone else but you know, obviously, there are times when it drives me nuts. But the question is, where are you trying to go, and what's the best way to get there and, again, how are you going to enjoy your life along the way? So I guess figure it out is short answer.

PAULA NAILON: Great, thank you. Andy.

ANDY IMPARATO: Thanks. I'm glad to be here. I think I've been, David, to each one of these conferences, and I want to just acknowledge you and your colleagues here for your leadership in keeping this thing

going.

You know I think some of the conversations that have happened here have been difficult conversations, and some of them have been inspirational, but I think the fact that it keeps happening, and you keep getting the kind of turnout that you do, is a sign that there's a desire on the part of the legal education world to get better and to recognize that. I mean just looking at your agenda today, it seems like you're getting into new issues with each conference, and I'm sure some of that is response to feedback you get. So I appreciate your leadership and the opportunity to be here.

I agree with a lot of what's been said. I'm going to kind of reinforce a lot of what's been said. My personal experience with disability is a little bit different. I have bipolar disorder, manic depression, so my disability is not as apparent and it's not consistent, though in a weird way, my version of bipolar disorder is actually pretty consistent but I'm not always in the same state. I have about six months of the year where I have a lot of energy, a lot of self confidence, not a lot of patience, not always easy to be around, followed by six months where my energy goes down and my self confidence goes down, and for me it's been pretty predictable. But, obviously, there are a lot of people with the bipolar disorder label where it's not as predictable and they can go through several cycles in one day.

I graduated law school in 1990, close to when Sheri did, and I graduated in May and Congress passed the Americans with Disability Act in July, so it was good timing for me. I've been very open about my bipolar disorder throughout my legal career and I think it's helped me. I guess I would echo Isaac's assessment that there are ways that we can leverage our experience with disabilities to help us advance faster and connect with people in a deeper way in our careers, and I think all three of us have done that, and certainly, Ollie has as well. And I just want to take credit, I'm the person that hired Ollie . . .

(Laughter and overlapping voices) . . .

MALE SPEAKER: Nice.

ANDY IMPARATO: . . . and brought him from Los Angeles to Washington, D.C. to work for the American Association of People with Disabilities.

In my case, I was dealing with the onset of my disability during the period when I was transitioning from law school to law practice. I had my first serious episode of depression during my last semester of law school, and I had already lined up a judicial clerkship, and in some ways, I was on

a conveyor belt that helped me finish law school and start my career. I think if it had kicked in earlier, and I wasn't on that conveyor belt, it might have been harder to keep my expectations high and to not assume that I wouldn't be as good a lawyer as somebody who was not depressed on a regular basis.

And I think one of the characteristics of depression is you tend to lose your perspective on what you can do and how well you can do it. So I could have the same thoughts when I'm depressed or when I'm hypomanic, and when I'm depressed I generally discount them, and when I'm hypomanic I think every thought is brilliant, even when it may not be. So there's something about that conveyor-belt experience that worked for me. I recognize it's a difficult employment environment for people graduating from law school right now and I'm not sure those conveyor belts are as strong.

When I was at Stanford, it was relatively easy to get a job with a big law firm; I don't know that that's true anymore. And I don't know that it's relatively easy to get a job anywhere right now, so I think that can then make somebody's depression worse, so I think those are some dynamics that are a reality for some of your students. And just having opportunities for students to come together and commiserate with each other may be an important resource you can provide as people are dealing with a very difficult job market.

I wanted to share a story of something that happened earlier in my career because I think it helps illustrate some of the unique challenges around non-apparent or non-visible disabilities. I was doing a fellowship up in Boston at a disability advocacy organization, and I applied for a job in D.C. as a staff attorney with an organization that advocated on behalf of people with mental disabilities; and, I self identified in my cover letter as being a mental health consumer.

And they talked to one of my references, who was the woman that ran the fellowship program, and said, "Andy describes himself as being a mental health consumer. Is there anything you can tell us about it?" And she said, "Well you know it's probably something that's better for you to talk to him about." But the organization that asked that question was violating the Americans with Disabilities Act, and they had as a mission to advocate on behalf of people with mental disabilities under the ADA.

I was not a civil rights lawyer. At the time I was doing SSI and Medicaid-related advocacy, so I talked to the people in my office who were civil rights lawyers and they explained to me kind of how the ADA worked and how Title I worked. They suggested that I bring it up at the end of the interview, if it didn't come up in the interview, which I did. I was in D.C. actually interviewing with Senator Harkin's Chief Counsel for the

Disability Policy Subcommittee, and I asked them while I was in town if they wanted to talk to me and they said they did.

So the lawyer that had asked the reference was in the interview and then there was another lawyer, both nationally recognized advocates for people with mental disabilities. We went through the whole interview and it never came up. I brought it up at the end of the interview. I said, "I know you talked to one of my references about this and I want to take this opportunity to answer any questions you might have."

The lawyer who had asked the question of the reference just looked kind of nervous, (Laughter), and the other lawyer, who I don't think realized it had happened, looked even more nervous. (Laughter). And she said, "Well you know, Andy, is there anything you want to tell us?"—which was probably the only legal thing she could say at that point. So I talked a little bit about my experience and why I thought it was relevant for the mission of the organization and could give me some insight to what they did.

And her initial reaction was, "Oh come on, Andy, we all see a therapist, why is that relevant?" I think she had an image in her mind of what a real . . . (Overlapping voices). . . .

MALE SPEAKER: She said that?

ANDY IMPARATO: Yeah, the attorney did, yes. (Laughter). And she had an image in her mind of what a real person . . . (Overlapping voices). . .

FEMALE SPEAKER: Oh my God.

ANDY IMPARATO: . . . with a psychiatric disability looked like, in terms of their client constituency, and I didn't fit the pattern. So I took that as a challenge that I was neurotic or my condition wasn't serious. (Laughter). So I talked about some of the uglier aspects of my disability, to just get over that hoop. And then it was like a light bulb went off and she got that I was bipolar, and she talked about a staff person who they'd had who was bipolar, who was inappropriate at staff meetings. (Laughter).

And I think that experience is not uncommon when you have a non-apparent disability. It can happen to you as a student when you're dealing with a faculty member and trying to get an accommodation, and it can happen to you in a work environment or other settings. There's a tendency to assume that either it's not that big a deal, so stop trying to use to get something you don't deserve or trying to kind of position yourself with it, or, in fact, it is a big deal and you're no longer desirable or qualified for the particular thing that you're trying to do.

And I think one of our challenges is to create a space where people can

be comfortable owning that disability label as a person with a non-apparent disability, and be viewed as capable and qualified and able to do whatever it is that they're trying to do. And I think that dynamic is something we dealt with in the Supreme Court, in terms of how they thought about the definition of disability in the ADA. It was hard for them to embrace a definition that was broad enough to include people that might not experience a lot of discrimination.

And we had this "Catch 22," where the evidence that people submitted to get over that hurdle that they were really disabled was then used against them on the hurdle of whether they were qualified, and the evidence they submitted to show they were qualified was used against them on the issue of whether they were entitled to civil rights protection. So I think that's a challenge that we've dealt with in the law and it's a challenge that we're still dealing with in society.

So I mean in terms of what's worked for me, I would echo a lot of what's been said. Mentors have been critically important for me. My wife has been very important. I got married the summer between my second and third year of law school, so my first episode of depression was as a new husband, and luckily, I married the right person. We've been married 21 years now and she has been my most important mood stabilizer. (Laughter). She definitely can put me in my place when I have my high energy, and she helps to keep the conveyor belt moving when I'm depressed, so I feel very blessed to have her in my life. And I think a lot of people find the right partners to help them get through life with a disability, and many don't, but that's certainly been an important part of my success.

Building and cultivating circles of support has been important for me. I've always encountered people that it was depressing for me to be around or they would make me more depressed when I was around them, (Laughter), so I've tried to counterbalance that by having people that, just being with them is an antidepressant, and just being aware of that. And having people that I could go to for honest feedback on stuff, when I wasn't sure whether I was undervaluing something I had just done or overvaluing it.

And I've also tried to think, and this is something I've learned as I've moved on in my career, when I'm in an important situation and I have my high energy, I try to think about, "What's the outcome I want coming out of this situation, and how can I try to control my behavior so that I maximize the chance that I'm going to get this outcome?" And earlier in my career, I think that was harder for me. I enjoyed kind of attacking authority figures and it just felt good.

(Laughter and overlapping voices)

MALE SPEAKER: Hmm!

(Laughter)

ANDY IMPARATO: But it wasn't always going to get the outcome that I wanted; and that's something I've tried to counsel folks about who have similar disabilities.

So just quickly, what can you do to prepare folks, while they're in law school, to have a successful career as a person with a disability after they leave? One, and I don't know that it's been said explicitly but I really want to underscore, is to support the development of a disability culture on your campus. And what I mean by that is, obviously, disability is a very diverse category.

You're going to have students who are very comfortable self identifying as people with disabilities and explaining their disabilities to their classmates, their professors, and others. You're going to have others, like me, who are dealing with the onset of a disability while they're in law school. And I think if you can create a culture on campus where you have speakers come in, you've got connections between different schools, you've got films that people are looking at and having discussions around, and you're talking about disability from a legal standpoint but also from a lot of other standpoints; there's a growing society for disability studies that's kind of a subset in some ways of American studies, so tapping into those networks.

I've done a lot of speaking on campuses, and it amazes me how often I'll go to a campus and there will be professors with disabilities who aren't really networked with the people at the law school who teach about disability law, and there just doesn't seem to be as much of a community-building activity on the campuses. I'm very excited about the National Association of Law Students with Disabilities. I don't know if there are folks here representing NALSWD, but from my perspective that's something that should be cultivated on law school campuses. And if there are ways to get NALSWD Chapters to connect with disabled student organizations that are broader and campus wide, I think all of that is very healthy.

And, for me, a reason why that culture stuff is important, is I don't know that you're going to be as successful owning your status as a person with a disability if you don't have a cultural context to put it in. For a lot of folks with disabilities, they are the only person in their family that has their disability or that has any disability. So if, as part of their education, they're not learning about the history of the Disability Rights Movement, about

how discrimination plays out for this community, about disability pride, and disability cultural identity, it's a missed opportunity. And, again, I think it's the kind of education that all students will benefit from, just in terms of broadening their perspective and changing the way they think about disability, and they may find that that's helpful when they have the onset of a disability or they have a child or a sibling or a spouse that acquires a disability.

Another thing that I think you can do that I think is valuable for all law students but is particularly valuable for law students with disabilities, is encourage them to take an entrepreneurial approach to their career. For me, at least half of the jobs that I've had, I created; the job didn't exist. I figured out what I wanted to do and then I sold that job to the employer and made it happen. Particularly if you're interested in public interest law, where having entrepreneurial skills, being willing to go out and raise the money to do what it is that you want to do, building networks, trying to learn from other people, all of those are valuable skills that I think people can cultivate while they're in law school. And I don't know that law students get exposed to how you can be a successful entrepreneur as much as they should while they're in law school.

And another thing that I think is something that can be cultivated in law school, but I agree with the point that it's not, the point that Sheri made that it's not necessarily the career counselor that does this, but I do think it's important while people are in law school for them to learn how to talk about their disabilities in a way that makes other people comfortable; that is a skill that you can acquire. And if you're not comfortable when you're talking about your disability, there's a good chance that the person you're talking to is not going to be comfortable. So using humor, using kind of self-effacing strategies, you know just trying to make it real is an important thing, even if you have a disability like mine, where you don't necessarily need an accommodation on day one.

I find it's very helpful for me to be out at work as a person with bipolar disorder because I don't have to kind of dwell on it, but it's something that people know and it's not something that I feel like I'm hiding and then I have stress around hiding it. And I think there are parallels between being out as a person with a disability at work, and being out as a member of the LGBT community or other constituencies where it's not as readily apparent.

So lastly, we were asked to tell you about keys to success, and I just want to mention some things that I try to emphasize when I'm giving career advice for folks, whether they're lawyers or in other professions. One is to try to find a calling. And the way I think you can tell if what you're doing is a calling is you ask yourself the question, "When I'm at work am I

energized by what I'm doing? Do I derive energy from the work that I'm doing?" And if you don't feel energized by what you're doing, you're probably not in the right job for you and it's probably not a calling.

And that's a relatively simple concept, but I think a lot of lawyers don't always get told, "This is really important. You only have one shot here and life's too short to be miserable in a job for 20 years." And I have a lot of colleagues from law school who I think are still trying to find their calling, and I think that's something you can encourage folks to think about while they're in law school.

Another thing that's worthwhile for me is to try to create ways to work with the best people in your field. So when I was doing SSI and Medicaid advocacy in Boston, I was on the phone on a regular basis to the top national advocates at the Children's Defense Fund, the Bazelon Center for Mental Health Law, and a lot of other places that were doing that advocacy, and I built a relationship with them over the phone that was helpful to me in my career. It helped me be better in Boston, but it also started to create a national network for me that helped me later on.

So I think having people think about it, you know if you want to be a Supreme Court advocate, "Who are the best Supreme Court advocates and how can I build relationships with them? Who are the best patent lawyers, who are the best inspector general people, and how can I be part of that community?" And most of the folks that are really good, that are masters in what they do, they have a need to teach, they have a need to pass that on and to mentor. So you'd be surprised how many people are willing to pick somebody early in their career, to take on that role, and actually enjoy it. But I don't know, I think sometimes people feel like, "Well who am I and why should I demand this person's attention?" And in reality, you're doing them a favor in a lot of circumstances; they enjoy playing that role.

Another thing that's worked for me, particularly early in my career, is to move around and not get stuck at a particular level in an organization. I think sometimes when you're in a work setting you get a brand in that setting; you're the young lawyer, you're the smart aleck, whatever it is. (Laughter). And if you want to rise above whatever brand you've established in your first job, you have to move in order to establish a new brand. And I think sometimes people, particularly people with disabilities, they appreciate having a job and they're reluctant to kind of get out and test themselves and kind of build their skill set.

And I just want to echo, definitely learn how to leverage your disability as a positive differentiator. I think that is very doable. It requires some skill, it requires some comfort level, and some willingness to take risks. But I do think, as a lawyer with a disability, you have advantages associated with your status as a person with a disability, but if you don't

leverage them you miss those opportunities; and we can talk more about that in the Q&A.

And then the last thing, for me, is to make time to mentor folks who are coming after you. I think, again, it's gratifying and it's fun. If you're interested in changing the legal profession, a way to do that is to spend time mentoring folks who are going to be creating the culture of the legal profession for the next twenty or thirty years. So I've spent a lot of time doing that from very early in my career, and I think if people can get that message while they're still in law school that that's an important role that they can play for the profession. I think they'll enjoy it and the profession will benefit from it. So thank you for the opportunity.

PAULA NAILON: I want to add a comment to Andy's thoughts about community building in your law school. Something that we've been very cognizant of in Arizona, through our State Bar and also through our three law schools, is that when you think about community building and discussing disabilities, we make it a very broad discussion.

There are people who need access to the courthouses. As an attorney, your clients may come to you with disabilities, victims, witnesses, families; the community is huge and it extends. We certainly are focused on it, in terms of working with our law students and helping them find positions, but when they are out in the profession, it will be a huge community, whether they have a disability or they are working with a client who has a disability. And so developing an ease, learning how to communicate with each other, work with each other, and navigate.

Sheri, we had to work about the elevators in our courthouses around Arizona as well; they were impossible to get to. Getting into restrooms, opening doors, things that, theoretically, for buildings that should've been able to accommodate the disabled, really weren't. And so when many of us who have no disabilities began to visit with folks who did, it opened our eyes, and we began to learn; so think about community building in the broadest sense.

We've got at least thirty minutes for questions. We felt like this would be a very vibrant part of the panel. So if you've got questions, please come down.

FEMALE SPEAKER: This isn't really a question but this is (Overlapping voices).

PAULA NAILON: Okay, (Overlapping voices), okay, say your name?

JOY SCHWARTZMAN: This is very short Joy Schwartzman.

PAULA NAILON: Got ya.

JOY SCHWARTZMAN: I finished a year of law school, part-time, in a New York area school, developed carpal tunnel, and not being able to write or type I haven't finished law school, I need to go back. Isaac, in the 1930s there were a lot of Jewish basketball players and they were the stars! (Laughter and clapping). And today they would be looked on as disabled because they were short, almost all of them.

(Laughter).

ISAAC LIDSKY: One of my favorite lines from any movie is from the movie *Airplane*, when the stewardess is coming down the aisle offering people reading material and the woman says, "I'd like something short and light." And the stewardess says, "How about great, Jewish athletes?"

(Laughter)

JOY SCHWARTZMAN: Also, one of them was my relative; that's how I know this.

ISAAC LIDSKY: All right.

JOY SCHWARTZMAN: His name was Rip Kapruski, from Brooklyn.

ISAAC LIDSKY: Oh yeah, all right.

JOY SCHWARTZMAN: Well all right.

PAULA NAILON: Next question. (Laughter). I have one that I'll ask while the rest of you are kind of conjuring up your thoughts. For us in Arizona, always, and we've had our committee for about ten years now, the discussion comes up of "to disclose or not to disclose" in that initial cover letter or that outreach to the employer and, Andy, you talked about that issue as well, and I wonder what our panel thinks? In Arizona, our committee comes down divided on the issue, still, and I just wonder your thoughts about it?

SHERI DENKENSOHN: I'll start. I mean, obviously, my disability is apparent once I get in the room. So, to me, I think it's almost deceitful not

to put it in a cover letter when you're going to potentially meet with someone. I think it also starts to break down the barrier and make the individual feel comfortable, and give them a chance to maybe think about some questions that they might have.

I never had to write cover letters, because I went from job to job through interviewing and through people that knew me, but I did go through a similar situation when I first went to college. I was going to live with four other women. I got their names and e-mails and everything—no, no e-mail at the time—I just got . . . (Overlapping voices) . . .

FEMALE SPEAKER: (Inaudible).

SHERI DENKENSOHN: . . . their names, and I called them on the telephone, I didn't text them. And I didn't know whether I should disclose or non-disclose to the people that I was going to live with. And I made the decision, at that point it was very early in my disability, and I didn't disclose and I think I should have. It went swimmingly, I lived with all of them for all four years of school, all of them became my attendants when I was in school, and it was a learning opportunity for all of them and they all say that they grew through knowing me, even probably more than I grew through knowing them, ironically.

But I would, if I had to write a cover letter today to get a new job, and I don't want to leave my job unless I have to, I would disclose. I would say that I'm a quadriplegic; I've been working for the federal government for "X" number of years; I utilize a variety of assistive technology; and I've been very successful throughout my career, etc. But I would advise your students to disclose; they don't need to disclose every blessed detail.

You know thinking about what do people ask you, you know no one has asked me how do I go to the bathroom, not that it's any of their business.

(Laughter)

MALE SPEAKER: They ask me.

(Laughter)

SHERI DENKENSOHN: But I'm sure they wonder, and some of my very close friends know but otherwise, no one else needs to know; so there are certain things you don't need to disclose. But the basics you know just to give them a flavor of who you are and what you might need, and then turn to your experience and your strengths, just like any other student would do in a cover letter; but I would disclose.

ISAAC LIDSKY: I mean I'm not surprised, and I'm sure you will not be surprised to hear my philosophy is, disclose early and often, but productively. (Laughter). With respect to the specific question of a cover letter, I'm not sure that that would be the, you know it would depend how to do it.

So I mean, for me, for example, being involved in fund raising to fund vision research and all that work, that was something I could put on my resume and kind of describe it in a way that sort of got across the fact that I was blind or partially sighted or you know depending on where I was. I think maybe talking about it in a cover letter in that respect, if you can kind of tie it into something, but I mean it all depends on how you do it but, generally, I think, disclose early and all.

ANDY IMPARATO: Yeah, and I would just go back, I think if you can make it a positive differentiator. Particularly in a difficult employment time, when people are kind of scanning resumes and trying to figure out who to interview, I think if you can talk about your disability in a compelling way that helps you get over the first cut, and you don't do that, it's a missed opportunity. If the job you're applying for relates to disability, another good reason to disclose. If your disability is an important part of your identity, another good reason to disclose. So I mean I would generally err on the side of disclosing; although, I do think when people have non-apparent disabilities, they have the choice.

And I think for some people, what works well for them is to develop their brand, particularly if they don't need an accommodation on day one, to develop their brand in a particular work environment that they're a good worker and they're a team player or whatever, and then disclose after their brand has been developed so that everything they do doesn't get tainted by that status. So I understand why your committee is divided on it, but I tend to be more on the side of the value of being out.

PAULA NAILON: Question?

FEMALE SPEAKER: Hi, I'm with the Justice Department. I'm working on hiring people with disabilities with them and this is what I'm finding. Andy, it's really for the whole panel, but one of the things I'm finding is that younger people, meaning younger than me, which is lots of people, but people coming out of law school, that next generation that who are coming up, they really, really do not want to be branded as a Schedule A applicant or as a Schedule A hire, and that is making what I'm trying to accomplish even more difficult.

So do you have suggestions? So I think I know why that is, but if people can inform why that is it might be helpful to us in figuring out a way to sort of re-brand or remarket Schedule A hiring in a way that's more welcoming to people or in which they would be willing to be more participatory. Because this is really, it's really becoming difficult to get people into a Schedule A pool, at least I'm finding.

SHERI DENKENSOHN: What I would say about that is, and being in the federal government I understand, I'm Schedule A and I've been very, very involved in working on committees within my own department at HHS. You would think HHS would be like the model where the numbers are so low we're towards the bottom of the list, it's really embarrassing.

So I've been working very hard within my own organization and within HHS itself to be on committees to educate the people that are there about Schedule A. I think they're getting more training from OPM. It's unfortunate that it's got a label as Schedule A. The way that I would try to do it is to flip it as an asset. Yes, it's terminology that is government speak, and there're all kinds of terminology when you're in the government.

If you're a lawyer you're accepted service; if you're you know this you're blah, blah, blah, you're the GS 301 Schedule, you're the GS whatever schedule, so the government has all kinds of labels. I would say being a Schedule A is an asset because, as a person who has actually gone through interviewing folks and getting the certs and doing everything, it is a pain in the butt; it takes a lot of time, there are all kinds of issues related to the certs and when they expire and whatever.

If you're a Schedule A, you are in the door. The boss does not even have to interview other people. It is a time saver. It is a good thing today, in the government, to be a Schedule A employee, and so just try to help the students understand that. As an interviewer, working with whoever, your pool of law schools or whatever coming in, just try to get across that this is actually an advantage. You get to be hired by someone, it makes their life easier, you can get in the door, and it doesn't mean that you're wearing an A overhead or a scarlet letter around your neck for the rest of your career.

You have to have the qualifications; it's not just the disability. The disability is just an aspect of your application that puts you in a different pool that makes it easier for you to get the job. Don't you want any advantage you can get? And then once you get there, yes, the first year is probationary, that's the case for most individuals, but then you can convert immediately and if you're a good employee, you've got a job.

So I would try to flip it around and just get them over the whole misnomer that this is a bad label. There are all kinds of labels in the government and all kinds of acronyms with this, and think of this as a ticket

to success, and a fast ticket, and nothing in the government regarding HR is fast. This is a golden opportunity, it's a golden A; it's not a Schedule A.

FEMALE SPEAKER: Yeah, I like that.

PAULA NAILON: I think getting some success stories behind you will be helpful as well. We really don't have a climate. I think we're at a moment of opportunity right now, with President Obama's mandate for increased hiring, and I think we may begin to actually see some change. That will make a difference as well, because when the hiring numbers are still down I think it's difficult to make a case that Schedule A gives you an advantage.

SHERI DENKENSOHN: You know it's quite funny, OPM, when the same executive order was passed by President Clinton I was on the government-wide Reasonable Accommodation Committee, and they actually put success stories in the government up on the website. If you Google my name I think you'll still find me, and God only knows what the picture looks like, (Laughter), and it's hopelessly out of date, but that's . . . (Overlapping voices) . . .

FEMALE SPEAKER: It's nice.

SHERI DENKENSOHN: . . . how the woman who wrote the book found out about me . . . (Overlapping voices) . . .

FEMALE SPEAKER: Yeah.

MALE SPEAKER: Oh.

SHERI DENKENSOHN: . . . is through that. And so I think OPM also needs to do a better job of marketing folks. Whatever they have up I don't think they've updated and it's not up to date. But I've gotten calls from people around the country, not necessarily in law school, who are moving to Washington and use me as a resource, and I can help direct them to places they would need to go for funding, a place to live, etc.; so the government needs to do a better job, in my opinion, as well.

ANDY IMPARATO: Let me just ask, Paula, a question, in terms of then where you think the discomfort is coming from. Do you think that people are not comfortable identifying around disability status, not

comfortable taking advantage of a non-competitive hiring authority, or a little bit of both?

SHERI DENKENSOHN: Well really my experience with people coming out of law school and after say their first year of practice, these are all kids that have been, or maybe not all, but largely kids that have been mainstreamed. I think there's a lot of parental influence around competing on an equal basis with everyone, and the kids that I've talked to see Schedule A as a scarlet letter and that they are afraid that they are going to be viewed as not qualified or not as qualified. And for the kids that I've talked to, their parents are very discouraging of them using any kind of special method for hiring, they just are.

Even in our re-surveying of our workforce, people who were not hired under Schedule A, but would now be qualified under Schedule A, they don't even want to identify that way, even though it's anonymous, and so this is becoming a real barrier to getting enough applications in the database. We're having good results on the training of the manager side, it's getting the certain number of applicants who are willing to go into the Schedule a database that we're really struggling with, and so I mean that's just been my experience.

PAULA NAILON: Well I want to get to the next question, but this is a generation that is very willing to take advantage of a connection or a way of making a contact through someone they know, via a family or through another means. If you're a career counselor right now, you're probably seeing this with your 1L class or your 2L class, that if there is a perceived advantage or a perceived connection that can be used to an end, it's viewed very favorably.

SHERI DENKENSOHN: Okay.

PAULA NAILON: So, again, I think if you can just change the way that Schedule A is viewed that's going to go a long way, at least for this new generation, in being viewed as a positive.

SHERI DENKENSOHN: Okay.

PAULA NAILON: Next question.

DAVID BOND: Thank you. I'm David Bond from the University of Michigan. I want to say first, I've really enjoyed listening to all four of you this morning, thank you. I am blessed to be at a university that has a

tremendous Disability Services Office with whom I work. I'm the Dean of Students there so I work a lot with our disabled student community and work very specifically on accommodations. And because I have these great resources and a very supportive faculty, we have got a great policy in place. It's actually relatively easy to have the right thing happen, in terms of accommodations at our school, so I feel very lucky about that. I do know that there's a fair amount of angst among our students with disabilities about, "Okay, so this works really well in the law school, getting accommodations; how's it going to work in the workplace?"

And here I'm going to display some of my own naiveté. I don't know a lot, perhaps because I don't do a lot of career services counseling, with a capital "C," but I don't know what kind of infrastructures there are out in the private sector and the public sector. I'd love to think that there are similar structures in place for students or new employees; I should say new lawyers, to go get accommodations. So my question really is, what advice do you have about how students should go about seeking accommodations as new lawyers in the workplace? I guess I'll stop there.

PAULA NAILON: That's a relevant question. In preparation for this panel I was reviewing transcripts from some of the recent passed years ABA conferences, and one of the issues that has come up over and over is that statistics show folks are out there trying to find their own accommodations, many times rather than asking. And so I think the question is relevant, and I'd be interested to hear from anybody in the panel on what advice you might have.

SHERI DENKENSOHN: I can do it from the government perspective, and then I don't know anything about the private perspective. Very quickly, and I think I mentioned it within my remarks, most federal agencies have what's called a "memorandum on understanding" for the CAP Program, and it's known about at most agencies. I'd encourage any student, when they come onboard their own, individual office may not know about it but, they should find out who within their agency in the HR Department is sort of the CAP coordinator. Because the boss may not know that any assistive technology that this new employee needs can be gotten for free; it won't come out of their budget.

And you know computers are a different world. When I was in law school, I wrote all my notes by hand. I don't know how I did it; I just kept up at the time. I mean it's a new world with laptops, and most of the accommodations are not expensive, so that would be like a desk or a computer, etc. As far as the automatic doors and the elevator and all that, I raised that with my boss and it was able to get done. I found that most

federal buildings are relatively accessible and do need some modification; that's an advantage of being here. As far as the external environment and getting around, I mean that's going to have to be a personal choice on behalf of the individual regarding where they decide to live.

And then finally, what I would say is there are other sorts of unique accommodations that are just going to be part of an office culture. For instance, how do I eat my lunch, right? I mean if I went to the cafeteria and bought my lunch, I would go usually with colleagues, and if I needed help opening my soda or something someone would do it. In my office, we have two secretaries; you know you become very friendly with them. I'm a friendly person anyway; it's not that I have to force it.

You know I would bring my lunch, they'd warm it up in the microwave for me, they would help me get my pills out when I needed to, I could pretty much do everything, except staple things and copy things and they would do it for me. So you know you make sure you buy them a nice card and flowers, and take them out to lunch on Administrative Professional's Day, and they love doing it.

So there're the legal accommodations, which I have found the government is very good about, and then there are the personal accommodations, which I think depends on your personality and also being willing to ask people to help you, which a lot of people with disabilities don't. But people, they love to help, they want to help, they want you to ask them to help because they want to help you and they don't know how.

So I think you're lucky to have a great campus. I think the ADA has made things much, much better, but there are things that aren't going to be perfect. And folks just need to speak up and find out who they need to talk to, and work the angles and be an advocate sometimes. You know when I was told, "this building is too old, and the elevators can't be done," you don't just say "okay" and you go back to your office you know, use the skills you learned in law school.

ISAAC LIDSKY: I think . . . (Overlapping voices) . . .

ANDY IMPARATO: Yeah. I guess I would just add—did you want to go Isaac?

ISAAC LIDSKY: It doesn't matter.

ANDY IMPARATO: I would just add something that Sheri said in her presentation, which is the importance of being a good self advocate. For people who have disabilities in childhood, sometimes it's an adjustment from the IDEA system where schools are obligated to do things for the

kids, to then when they get to higher ed where they really for the first time have to ask for the things that they need, and then it's another adjustment when you leave a relatively supportive higher ed setting and go into a work environment that may not be the federal government or may not be supportive.

So the best thing you can do while people are still in law school is help them learn how to be affective self advocates and help them learn how to think about all of the accommodations that they need, including things that may not be required by the ADA, and how they can get those things done using informal networks and informal strategies.

ISAAC LIDSKY: Yeah, I mean, sort of echoing what they've both said, for me, my advice to a student kind of transitioning into a job would be to do his or her homework to figure out exactly what they need; think very critically about it. You know try to walk through the different aspects of the job, what it will look like, what it will entail, and maybe go meet with future colleagues kind of thing ahead of time.

But when I transitioned though you know I had transitions early on where I kind of thought, "Oh, this is great because everyone's super welcoming and supportive" and, just in my experience, they generally are and they want to help. And you know the IT people are great, and you show up and you say, "Okay, this is awesome, let's sort it all out." And the assumption that they are going to know more than I do, about how to adapt the workflow and the technology and whatever to a blind person, which was the assumption that I made, is just totally false.

So when I clerked at the Supreme Court, for example, to me it was really very, very important that from day one I would not have practical obstacles, where accommodations kind of make me less productive or less able to get involved and that kind of thing; it's a grueling pace and all. So a month before I started I went and met with the librarians, the IT people, and with different folks I actually went back a second time and I talked to them about all the different software that I use.

I actually had, even before that meeting, a month out, them install JAWS, which is the screening software that I use, on one of their computers, and have me come in and sit down and use some of the internal tools that are available and see are they were accessible to using JAWS, does it work? And in some cases it was yes, and in other cases it was no; and "this is pretty critical, so we're going to need to tweak the HTML of this internal webpage." And in other instances, it was, "No it doesn't work, but I don't really need a fancy website to do this, I'll just e-mail you when I need this or that or a phone call."

So I mean it was a long process and a lot of work, but you know you've

got to do it. And then when I showed up we had stuff ready and, obviously, it wasn't all magic. We had to change things and whatever, back and forth, but that's definitely the way to do it, in my experience, to figure it out you know.

PAULA NAILON: One of the issues that we talked about discussing in this panel was that having that discussion about accommodations can be done in a very informative, problem-solving way, verses viewing it as a negative conversation that you dread having. And I think just going in with the right attitude, and kind of being a problem solver and taking the time to work through it step-by-step is helpful. Question?

MIKE WALKER: Hello, I'm Mike Walker, and I'm with one of these federal agencies that isn't doing so good either, but we're working at it.

PAULA NAILON: Come to the Impact Career Fair, we'll have a lot of candidates for you.

MIKE WALKER: Well I . . . (Overlapping voices) . . .

PAULA NAILON: I know you have.

MIKE WALKER: That was among the things I wanted to encourage . . . (Overlapping voices) . . .

PAULA NAILON: Yeah. (Laughter).

MIKE WALKER: . . . everyone to pay attention to. We hired seven people last year through Impact. And among my other duties, I am the Special Emphasis Program Manager for Persons with Disabilities for my department, which includes 200 lawyers, but many of our managers are very reluctant to, I'll put "waste a position" in quotes, on a person with a disability.

And people have said to me, off the record, "Well what if they have to go on a trip? What if they have to go to a meeting? What if they can't open the door?" And these seven people that we had last summer, none of them wanted any special accommodations; going back to the comment made earlier about how this newer generation doesn't necessarily want to brand themselves as having a disability. And one of our students last summer, our law clerks, had a congenital deformity—no hands—and I still don't know how she did her work or got dressed, but that's between her

and whoever else was helping her.

But the thing is, what I have been trying to do is bring in law students, and if I can identify them as having a disability that's a plus for me. Because I'm trying to educate the 203 lawyers in our department that they're not going to catch something from a wheelchair, or a hearing disability is not contagious, and that people can do the work. And, unfortunately, this is taking longer than I wish it would to educate people, but it's the sort of thing that, with the law school's help, identifying candidates is really what it takes for us.

The last thing I just want to mention is, we don't use the term "Schedule A" for any of our lawyer hiring, we use the term "accepted service." And I think Schedule A, because it sounds similar to the dreaded Schedule C appointment for political operatives, does have an air of negativity to it a bit that we have to overcome. But I just want to applaud the efforts that are going on. This is one of the best conferences I've been to in my government career, and I started when Carter was president, so there. (Laughter).

PAULA NAILON: Thank you. Well I think we have time for another short one, and then we'll move on to the break, if anybody has a last question. Sir?

CARLTON COLEMAN: Hi, can everybody hear me? I don't like these things. (Laughter). My name is Carlton Coleman, and I'm also from the Department of Justice; Ollie is one of my main advocates. But I just want to, at least, share with the students that have disabilities; I myself have a disability. I'm DHHS, but I'm sorry I went to Justice.

(Laughter)

If you have a situation, you need to seek out somebody like myself and this gentleman here, the Disability Employment Program Manager. We deal with reasonable accommodations up and down the tree. We're the ones, supposedly trained experts in helping manager and employees understand, as well as applicants to understand, what they need to be productive in their jobs. With that being said, you said something about CAP, I'm the CAP Coordinator. Most disability-program managers are those CAP Coordinators, so you have a direct line on who you need to go see. It's a shame if you have to go running here and running there to find out who you need to see, who you need to talk to, to get what you need to do your job.

In response to the Schedule A, I like that scarlet letter thing, I've got to use that. In reference to the Schedule A with the federal government, I strongly recommend that you disclose because managers need to know

what you need to do your job. If you throw a shock to them, they'll think that you're trying to hide something. They've got all kinds of perceptions; able-bodied people think of the weirdest things sometimes. So if you know what you need to do your job, let them know up hand at first, and that's pretty much all you need to say.

SHERI DENKENSOHN: Can I just add one thing to you? You are right, most folks in a lot of offices in government don't know there's an individual like you in the office; although, I think it's getting better with all the training. One thing that I've found, from networking and actually mentoring a law student right now, who left a private law firm and is doing a fellowship at EPA and wants to stay at EPA, hopefully, after this, is the fact that if you could let people know that within almost every federal building there's an Office of Federal Occupational Health . . . (Overlapping voices) . . .

CARLTON COLEMAN: Yeah, I see.

SHERI DENKENSOHN: . . . that they can go to, for free, to get whatever they need done that they might not want to talk about in their interview. This individual that I am mentoring, his father was coming down to EPA every day at lunchtime to help this individual take care of some of his needs that could've been taken care of at Federal Occupational Health, for free, with a doctor's order. And when I told them about it, it was like a new world.

So I think if you could just add that to your repertoire and let students know about that, if you have the chance to talk to them, and let law school counselors know that that's yet another perk of working for the government. "You know you have a nurse, and if you need to take drugs or need help emptying a leg bag or whatever, you have someone in your building that will do it, for free, for you, and you can leave and go do your business and come back and no one knows what happened." But many folks don't even know about that.

CARLTON COLEMAN: Well the worst part about that is, because you're not from NIH, DHHS had those kind of things, but the Department of Justice, at this time, doesn't really have that entity, but we're trying to get something done like that for it; we don't have an OMS.

SHERI DENKENSOHN: Oh you don't? I thought it was . . . (Overlapping voices) . . .

CARLTON COLEMAN: No we don't.

SHERI DENKENSOHN: Okay.

PAULA NAILON: One of . . . (Overlapping voices) . . .

FEMALE SPEAKER: (Overlapping voices) . . .

FEMALE SPEAKER: Oh boy.
(Laughter)

PAULA NAILON: Back to the mic.

CARLTON COLEMAN: That's all right. My name is Carlton Coleman. You want the phone number, too? (Laughter). So okay, it's

FEMALE SPEAKER: Thank you.

CARLTON COLEMAN: M-hmm.

PAULA NAILON: One thing I was going to mention, and, again, in Arizona, our committee, we have a mentoring program for law students and for new lawyers, but we also have a situational mentoring program for employers. And so if you're an employer and you're considering hiring a certain candidate, or you just want to, in general, talk about other employers' experiences hiring folks with disabilities and how the accommodations issues have gone, usually the answer is, "So much easier than was expected."

We have a whole group of folks there who are willing to take calls from other employers and just chat about their experiences. So if you are in a law school, and if you're working with your State Bar, or if you're not, you might broach the idea to your State Bar and start a committee, but consider situational mentoring for employers to talk to each other, as well as for students.

SHERI DENKENSOHN: Well is our contact information on the bios that you handed out?

PAULA NAILON: Is it David?

DAVID JAFFE: No, but we can make it available to them.

SHERI DENKENSOHN: Because I just want to offer myself to any of you in the room as a resource, to any of your students or to you.

ISAAC LIDSKY: I was hoping to do the same thing

PAULA NAILON: And actually what I was hoping to do is, for all of you and for you know any available employers or folks in attendance, I think it's time for us, through Impact and through our connection with NALSWD, the National Association For Law Students with Disabilities, I know the ABA has a lot of great information on their website, but I think that we can begin to do some mentor building, and to put some e-mail buddies, and resources; and so I will commit to doing that this year for us through Impact. And so I know how to reach you three and anybody else who is here in the room who would like to be a part of that, let me know and we'll add it to Impact.

So thank you all very much. This has just been a great panel and I thank you for coming.

(Applause)

END TRANSCRIPT