Case Studies for Students with Disabilities in Law School

Instructions for this workshop:

The goal of this interactive workshop is to brainstorm solutions for common situations unique to the law school environment. Because every law school has unique procedures and policies, please understand that what works well for one law school may not work well for others. The main idea is to walk away with best practices that you can tailor to your law school.

This workshop will be conducted similar to a law school class, utilizing the Socratic Method. Because a law professor would not be asking law students if they have accommodations, I cannot ask you the same. If I call on you and you feel uncomfortable responding, please simply say “PASS.” Of course, volunteers are much appreciated! Please feel free to ask questions during our discussion.

For all case studies, unless otherwise stated, you may assume that each student is an otherwise qualified student with a disability impacting one or more major life activities with granted accommodations for the current semester under the Americans with Disabilities Act as amended in 2008.

Discussion Questions:

What are the barriers/concerns?

Who are the key players?

What additional information should I consider?

What are the possible outcomes/solutions?

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1. **Formative Assessments:** Before classes begin every semester, your office sends the faculty a questionnaire to complete regarding any formative/in-class assessments they plan to give this semester to make the logistical testing arrangements. Prof. Kingsfield is scheduled to teach Evidence every Tuesday and Thursday night this semester. After his first class on Tuesday evening, he responded,

“*I plan to give several pop quizzes at the beginning of the class and review the answers immediately within the same class period, beginning this Thursday. Any student who does not pass at least 3 pop quizzes by the midterm must meet with [Prof. Kingsfield] for additional help.*”

# You have a dozen 2L & 3L students with testing accommodations enrolled in Prof. Kingsfield’s Evidence course with differing class schedules. Although the pop quizzes are not anonymous (the students place their name at the top), several students have come to you with concerns about Prof. Kingsfield knowing they have testing accommodations. What steps do you take to ensure that the students with testing accommodations have access to their legal education in their Evidence course?

# **Closed Universe Exam:** Dwight is a second-career student who recently suffered a stroke resulting long-term physical and cognitive limitations, specifically diminished comprehension and memory recall. Dwight’s Torts examination is a “closed-universe” examination, no outside materials or internet access is permitted. Upon learning the nature of the Torts final examination, Dwight is timely requesting an accommodation for an agreed upon memory aid during the examination. You’ve identified this will be a reoccurring issue if the student enrolls in a class where the assessments are closed book. You have engaged in the interactive process with the student and professor (preserving anonymity) and the professor objects to the use of a memory aid on the final examination. What are some possible solutions?

In addition, recognizing that it is common for law school examinations to be “closed-universe,” you realize that this will be a reoccurring issue for the next few years Dwight is enrolled. What is the best way to navigate Dwight’s concern about future access to his legal education?

# **Skills and Experiential Courses:** Alex is a self-described non-neurotypical student. He is performing a mock client interview in a skills/experiential learning course. While participating, Alex’s disability manifests as aphasia (difficulty translating thoughts into verbal communication) and apraxia (the inability to perform learned routine movements despite the general ability and desire to do so). As a coping mechanism to “reboot” himself during these experiences, Alex often says, “Excuse me, I’ve lost my word.” Pausing silently is ineffective for him as he reverts to being non-verbal.

# After the mock interview, the professor provides a critique in front of the entire class. The professor’s feedback to Alex included, “a more professional approach would be to silently take a moment, gather your thoughts, and then reengage the client in conversation.” Alex feels that his coping mechanisms will negatively affect his grade in that the professor will perceive her continued use of effective coping mechanisms as an “inability to take feedback.” Because this course is not graded anonymously, Alex does not want the professor to know he has a disability. How do you resolve Alex’s concern?

# **Accessible Classroom Policies:** Prof. Keating teaches 1L Criminal Law. She has several classroom policies in her syllabus:

# *“Current research shows that in-class learning and engagement tend to be more effective when students take handwritten notes. Therefore, the use of laptops or other electronic note-taking devices is prohibited during this course.”*

# *“This course will be conducted using the Socratic Method. Any student who is unprepared for class may receive a .25 deduction related to class participation.”*

# “*Any student who arrives late, leaves early, or needs to leave the classroom during class must sign in and out at the door. Excessive absences may result in a .25 deduction in the student’s final grade.”*

# Prior to attending law school, Kerri served in the U.S. Army. While stationed in Afghanistan, her unit struck an IED. She suffered a traumatic brain injury resulting in several cognitive and physical deficits. For example, Kerri is unable to hold a writing utensil for extended periods of time; her hand becomes easily fatigued and tremors ensue. Her TBI has also caused her to have an overactive bladder. In addition, she has also been diagnosed with PTSD and severe anxiety and “freezes” she’s startled or singled out.

# Kerri is concerned about Prof. Keating’s classroom policies. She reports, “I’m just trying to fit in like everyone else; I am not asking for special treatment and I do not want to be singled-out in class for receiving any, but I don’t know how I can make it through this class without being able to use a laptop to take notes.” Kerri has requested “Use of a Laptop,” “Advanced Notice of Class Participation,” and “Flexible Classroom Attendance” accommodations.

# How do you resolve Kerri’s concerns to ensure meaningful access to legal education?

# **Appellate Brief and Oral Argument:** Due to a traumatic childhood event, Rachel was diagnosed with severe anxiety with agoraphobic tendencies and panic attacks. Rachel is enrolled in R&WII, and the deadline for her to submit her Appellate Brief to another classmate, her “opposing counsel,” is swiftly approaching. Although Rachel has been working diligently on the brief, the issue revolves around a dependency case, which is a very difficult topic for Rachel. Rachel is realizing that she will not be able to finish and submit the appellate brief on time. Worse, one week after exchanging appellate briefs, Rachel and her “opposing counsel” are scheduled for their oral argument. Rachel confides in you that she doesn’t feel like she can discuss the topic of the brief in front of her class, appellate judges, and opposing counsel. She is asking if she can have an extension on the appellate brief and to be excused from participating in the oral argument, which is 30% of her grade. How do you address Rachel’s requests? What reasonable accommodations, if any, could be implemented?

# **Bar Application and Bar Examination:** You have an initial intake meeting with a 2L student named Barry, who has been diagnosed with ADHD. Although Barry received accommodations since high school, he did not apply for accommodations on the LSAT. Barry did not request accommodations during his first year of law school, and his performance has put him on academic probation. Barry believes that if he had accommodations his first year, he might not be on academic probation. Barry is hesitant to request accommodations because he “has heard from several individuals on campus that receiving accommodations in law school will put me at a severe disadvantage on the bar exam because the board of bar examiners is not likely to grant the student testing accommodations.” How do you respond to Barry concerns? What opportunities might this situation present for your office?