

SURVEY OF DELAWARE STATE BAR ASSOCIATION MEMBERS TO ASSESS THE PRESENCE OF CONDITIONS THAT HINDER THEIR PRACTICE OF LAW*

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I. EXECUTIVE SUMMARY

A. Introduction

In order to understand the extent to which Delaware attorneys face barriers, impediments, or disabilities that hinder their practice of law, the Delaware State Bar Association (DSBA) contracted with the University of Delaware Center for Community Research and Service (CCRS) to survey DSBA members regarding these challenges. The project, undertaken with guidance from the DSBA Advisory Committee, was funded by DSBA and by CCRS through support it receives from the State of Delaware to carry out important public service projects.

For DSBA members who reported that they do face barriers, impediments, or disabilities that hinder their practice of law, the project specifically investigated the following:

- The extent to which the respondent believes his or her condition has hindered professional success;
- The specific obstacles faced in professional practice;
- The extent to which the respondent believes reasonable accommodations have been provided to enhance his or her ability to practice law; and
- What DSBA can do to enhance the respondent's ability to successfully practice law.

* This research project was conducted on behalf of the Delaware State Bar Association in February 2013 by the Center for Community Research and Service of the School of Public Policy and Administration at the University of Delaware.

** The University of Delaware Center for Community Research and Service (CCRS) would like to acknowledge and thank the following members of the Delaware State Bar Association (DSBA) project Advisory Committee for their input and assistance: Santino Ceccotti (chair); the Honorable Andrea L. Rocanelli; Melissa R. Allman; Ross A. Flockerzie; Timothy L. Hitchings; the Honorable James G. McGiffin, Jr.; and Theresa V. Brown-Edwards. The project was initiated under the leadership of the Judge McGiffin during his term as President of the DSBA, and throughout the process he and the members of the Advisory Committee provided many valuable insights and suggestions. Funding was provided by DSBA and by CCRS through a grant it receives from the State of Delaware to carry out important public service projects.

B. Methodology

To solicit this information, CCRS researchers developed an online self-administered survey instrument using Qualtrics software. The DSBA Advisory Committee was very helpful in providing guidance regarding the kinds of questions to be asked and how to word them. On April 9, 2012, an email message was sent from DSBA President James G. McGiffin, Jr. inviting all 4,388 DSBA members to complete the survey. The email included an embedded link that, when clicked, would take the respondent directly to the survey instrument, which could be completed entirely online. However, a prospective respondent could also elect to receive a printed copy of the survey instrument or complete the survey over the telephone. Participation was entirely voluntary and anonymous. Individual responses have been kept confidential by the University of Delaware and have not been shared with DSBA or other outside parties. Only aggregated data is presented in the final report.

C. Findings

Of the 4,388 DSBA members, 22% (960) responded to the survey. Of those responding, 11% (103) indicated that they experience a condition that hinders their ability to engage in the professional practice of law. Of those reporting some type of condition, the most common categories of conditions were *other* (30%), followed by *problems with attention/self-regulation* (25%), *mental health problems* (23%), and *social or emotional disorders* (22%). Limitations of mobility, limitations of manual dexterity, and hearing impairments were conditions that each affected at least ten percent of the population experiencing some type of hindering condition.

A majority of respondents that reported hindering conditions believed they negatively affected their employment opportunities, and almost one-third reported they had experienced negative comments regarding these conditions, most commonly at the hands of co-workers, supervisors, and colleagues. Many of these conditions are imperceptible to others, and comments provided by respondents suggest that there is reluctance to reveal the nature and existence of such personal conditions for fear of negative professional repercussions. Stigmatism, particularly regarding mental health and substance abuse, is an example of an intangible barrier thought to impede professional engagement.

When those who experience hindering conditions request reasonable accommodations, requests are usually granted. However, only 25% of these respondents report requesting such accommodations, which suggests the possibility that some attorneys may be unaware of potential accommodations or may fear drawing attention to a personal condition.

D. Conclusions and Recommendations

Respondents recognize the role that DSBA has played in supporting attorneys who experience hindering conditions. A number of recommendations may expand and enhance the organization's role:

- 1) In order to increase disabilities awareness and sensitivity among employers and colleagues across sectors, DSBA may wish to offer professional, complementary continuing legal education for *all* practitioners. Continuing legal education on rights and protections, as well as resources for practitioners who experience hindering conditions, is also likely to be beneficial. Training that can be delivered at work sites, via the internet, and through other electronic means will likely improve participation rates.
- 2) Provide links on the DSBA website to relevant disabilities legislation, resources for assistance, and government entities with authority to address employment discrimination.
- 3) To promote a more robust utilization of accommodations, provide education and a centralized information source to identify accommodations designed to address specific conditions.
- 4) Lead an awareness campaign to reduce the stigma associated with mental health conditions and substance abuse, and to promote awareness of available resources.
- 5) Consider the feasibility of establishing a peer support system for Delaware attorneys experiencing disabilities and other conditions that hinder professional practice.
- 6) Consider the feasibility of establishing an immediate response system to advise attorneys when they encounter discrimination and other barriers.
- 7) Provide additional seating, dietary options, and other accommodations at DSBA events for members with special needs.
- 8) Establish a working group to explore recommendations for balancing professional and personal responsibilities with particular sensitivity to gender inequality.

II. INTRODUCTION AND PURPOSE OF THE STUDY

The Americans with Disabilities Act (ADA) was enacted in 1990 to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.”¹ The act specifically provides civil rights protections in the domains of employment, public entities, transportation, public accommodations and commercial facilities, and telecommunications.² The ADA applies to people who meet the statute’s definition of disabled; that is, if he or she has (or is regarded as having) a physical or mental impairment that substantially limits his or her ability to perform what the ADA terms a major life activity (a basic task undertaken during the course of daily life, such as walking, talking, seeing, hearing, thinking, concentrating, or caring for oneself).³

Despite the protections afforded by the ADA, legal practitioners in the state of Delaware who have disabilities report facing everyday challenges that impact their ability to fully participate in professional activities. These include challenges in obtaining employment, refusal and/or resistance to fulfilling reasonable requests for accommodation, and insufficient services. In order to understand the extent to which Delaware attorneys face barriers, impediments, or disabilities that hinder their practice of law, the Delaware State Bar Association (DSBA) contracted with the University of Delaware Center for Community Research and Service to conduct an online survey to explore the challenges encountered while attempting to conduct professional activities and obtain necessary technical assistance. The survey, open to all members of the Association, was also designed to generate recommendations as to how the organization can help reduce or eliminate these obstacles and facilitate a greater degree of participation in professional practice among attorneys with disabilities.

For DSBA members who reported that they do face barriers, impediments, or disabilities that hinder their practice of law, this project specifically investigated the following:

- The extent to which the respondent believes his or her condition has hindered professional success;
- The specific obstacles faced in professional practice;
- The extent to which the respondent believes reasonable accommodations have been provided to enhance his or her ability to practice law; and
- What the DSBA can do to enhance the respondent’s ability to successfully practice law.

¹ 42 U.S.C. § 12101(b)(1) (2015).

² See 42 U.S.C. § 12101(a) (2015).

³ 42 U.S.C. § 12102(1)-(2) (2015).

This report provides an analysis and discussion of the survey's findings and recommendations for future action.

III. SURVEY DESIGN AND METHODOLOGY

The research project was undertaken with guidance from the Advisory Committee, established by the DSBA. After reviewing similar types of studies conducted in other parts of the country, especially by the California and Florida Bar Associations, CCRS researchers developed an online self-administered survey instrument using Qualtrics software. Researchers consulted with the DSBA Committee on Disabilities regarding the nature and wording of questions to be included, though final decisions about the content and format of the instrument were made by CCRS. The project was then submitted for review to the University's Institutional Review Board and was determined to be in compliance with regulations governing research on human subjects. While the online instrument was the primary method for fielding the survey, respondents with special needs were also provided the opportunity to request and complete a mailed, paper copy of the questionnaire (an option exercised by two respondents) or to complete the survey by telephone (which was not selected by any respondent).

The survey was fielded to the entire DSBA membership (4,388). Invitations to participate were posted in the organization's March 2012 newsletter. Following the newsletter advertisement, an email message was sent from DSBA President James G. McGiffin, Jr. on April 9, 2012 to all members inviting them to participate in the survey. Members were encouraged to participate whether or not they felt that they had some type of condition that hinders their practice of law. The email included an embedded link that, when clicked, would take the respondent directly to the survey instrument, which could be completed entirely online. (The email also included information on alternate methods for participation.) The survey was posted and available online for approximately six weeks, and over this period reminder emails were periodically sent encouraging DSBA members to participate. Participation was entirely voluntary. All individual survey responses have been kept confidential by the University of Delaware and will never be shared with DSBA or other outside parties. Only aggregated data is being reported. This was particularly important for the respondents to understand because the survey was designed to elicit personal information of a sensitive nature.

All respondents were initially asked if they thought they experienced a mental, physical, or emotional condition that hindered their ability to engage in the professional practice of law; whether they believed their employers were up to date about laws relating to persons with a disability; and, finally, questions regarding demographic characteristics and professional practice (such as the participant's gender, age, ethnicity, type of law practiced, years in practice, and annual income). Attorneys who self-identified as experiencing a condition that hindered their ability to engage in professional

practice were asked more specific questions regarding the nature of the condition(s), which included physical, cognitive, psycho-social, and/or mental health issues. Further questions focused on policies, practice or procedural barriers, and participation in DSBA activities. Incorporated within the survey was a skip pattern so that respondents were automatically taken to the next appropriate question based on their answers to previous questions. The respondent was also given the opportunity to provide more detailed, descriptive information and additional comments regarding personal experiences.

An overarching goal of the research was to not only explore the impact of disabilities on the level of professional engagement, but the impact of *all* conditions that hinder professional practice among DSBA members. Therefore, categories of hindering conditions also included issues such as sleep disorders, problems with gender or sexual identity, problems with drugs or alcohol, or “other.”

IV. FINDINGS

A. Demographic and Professional Characteristics

A total of 960 people responded to the survey, which represents 22% of the total DSBA membership. Respondents were fairly evenly distributed across the age span, with 25% aged 35 and under; 26% aged 36 through 45; 23% aged 46 through 55; and 26% aged 56 and older. Fifty-six percent of respondents were male and 44% were female. The sample was predominantly white/Caucasian (96%).

Responses from completed as well as partially completed surveys were included in the analysis. Eleven percent of the sample, or 103 respondents, indicated that they experience a condition that hinders their ability to engage in the professional practice of law; 89% (856 respondents) reported they did not experience such a hindrance. Because the number of all DSBA members who experience a disability is unknown, we are unable to determine if the sample is reflective of the rate of disability among the organization’s total membership. However, according to data from the U.S. Census Bureau’s American Community Survey (ACS), 14.8% of adults living in Delaware experience some type of disability.⁴ This suggests that the rate of disability among survey respondents is probably somewhat lower than in the general population, especially given the broad definition of disability used in the survey.

There was little variation among demographic characteristics when comparing respondents who reported experiencing a hindering condition with those who did not. In terms of professional practice characteristics, respondents ranged from having less than 5 to more than 30 years’

⁴ See *American Community Survey*, UNITED STATES CENSUS BUREAU (2011), <https://www.census.gov/programs-surveys/acs/data/summary-file.2011.html> (last visited Mar. 19, 2016).

experience, with approximately two-thirds of the sample having more than 11 years' experience. Generally, in terms of professional experience, there was little difference between respondents who did and did not report a hindering condition.

Results suggest that there may be an association between having a hindering condition and size of workplace. A higher percentage of respondents reporting a hindering condition worked in solo practices and firms employing 30 or fewer attorneys (nearly 61% compared to 47% of other respondents). There was also a higher rate of unemployment among respondents reporting hindering conditions (7.4% compared to 3.8%).

There may also be a relationship between experiencing a hindering condition and annual earnings. As the following table indicates, 11% of respondents reporting a condition also reported earning under \$50,000 annually, compared to only 5% of those who did not report such a condition. Further inspection of this table shows that differences were most notable at the extremes of salary categories. Except for respondents with less than five years' experience, attorneys reporting a hindering condition were more likely to earn less than \$50,000 annually and less likely to earn over \$350,000. Female attorneys reporting hindering conditions were also more likely than their male counterparts to be earning less than \$50,000 dollars annually.

**Annual Earnings by Presence
or Absence of Hindering Conditions**

Annual Earnings	Hindering Condition	No Hindering Condition
< \$50,000	11.0%	5.0%
\$50,000 - \$100,000	41.5%	25.2%
\$100,001 - \$200,000	37.8%	45.3%
\$200,001 - \$350,000	7.3%	13.0%
> \$350,000	2.4%	11.6%
Totals	100.0%	100.0%

More than half (56%) of all respondents participated in at least one DSBA meeting within the past five years, including 62.4% of respondents reporting and 55.4% of those not reporting hindering conditions.

*B. Perceptions Regarding Employers' Knowledge of Current Disability
Laws*

All respondents were asked whether they believed their employers were up-to-date on current laws related to persons with disabilities. Almost three-fourths of the total sample (73.6%) indicated they felt that their employers were up-to-date on disability law. However, and as shown in the table below, there are differences between those reporting a hindering condition and those

who did not report one. Only 59% of those with a hindering condition said that their employer was up-to-date on disability law, compared to 75.1% of those with no hindering condition. Conversely, 18.1% of those with a hindering condition said that their employer was not up-to-date on disability law, compared to 5.9% of those with no hindering condition. About 23% of those with a hindering condition and 19% with no hindering condition said that they did not know whether their employer was up-to-date on current laws related to persons with disabilities.

**Employers' Knowledge of
Disability Law by Presence or Absence of Hindering Conditions**

Employer Up-to-Date on Disability Law?	Hindering Condition	No Hindering Condition
Yes	59.0%	75.1%
No	18.1%	5.9%
Don't Know	22.9%	19.0%
Totals	100.0%	100.0%

C. Nature of Conditions Hindering Professional Practice

The following graph details the nature of conditions respondents reported as impeding their ability to practice law. Respondents were asked to indicate all conditions that they experience, and were given the option to write in other conditions that did not appear on the checklist. A number of respondents indicated more than one such limiting condition. The most commonly reported categories of conditions were *other* (30%, including various chronic physical conditions and diseases, migraines, age, side effects of medications, family issues, and burnout), followed by *problems with attention/self-regulation* (25%), *mental health problems* (23%), and *social or emotional disorders* (22%). Limitations of mobility, limitations of manual dexterity, and hearing impairments were conditions that each affected at least 10% of the population experiencing a hindering condition. Reported, but not as common, were sleep disorders, visual impairments, diabetes, problems with substance abuse, learning disabilities, seizure disorders, cognitive dysfunction, speech impairments, and problems with gender/sexual identity.

Most respondents said they believe their conditions are imperceptible to those who do not know them. Two-thirds of the sample indicated their conditions are not apparent to strangers, 13% think their conditions are apparent, and 19% are unsure. Seventy percent reported co-workers are the most likely professional contacts to be aware of hindering conditions, followed by supervisors (42%), other attorneys (34%), clients (30%), judges (24%), and court personnel. Note that respondents were asked to check all conditions that apply. Therefore, percentages do not sum to 100.

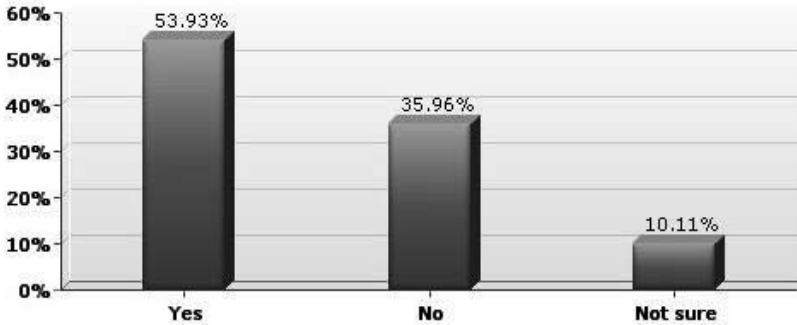
Conditions Hindering Professional Practice

Answer	Response	%
HIV/AIDS	0	0%
Respiratory limitation	0	0%
Problems with gender or sexual identity	1	1%
Speech or language impairment	2	2%
Cognitive dysfunction	3	3%
Seizure disorder	3	3%
Learning disability	4	5%
Blindness or visual impairment	5	6%
Diabetes	5	6%
Problems with drugs or alcohol	5	6%
Sleep disorder	7	8%
Limits to manual dexterity (due to arthritis, carpal tunnel or a variety of other conditions)	9	10%
Deafness or hearing impairment	10	11%
Limits to physical mobility	12	14%
Social or emotional disorder	19	22%
Mental health problems	20	23%
Problems with attention and self-regulation	22	25%
Other [please specify]	26	30%

D. Perceptions Regarding Equitable Employment Conditions

Respondents who reported experiencing a condition that hindered their ability to practice law were asked if they believed the condition affected their employment and compensation. As can be seen in the graph below, a majority of the respondents (53.9%) reported that their employment opportunities were limited due to their condition(s); 36% did not believe such opportunities were limited; and 10% were unsure. However, 78% did not believe they were receiving unequal pay due to their condition(s), and 87% did not believe they were receiving unequal employment benefits.

Does Hindering Condition Affect Respondent’s Employment Opportunities?



Respondents reporting hindering conditions were asked the following:

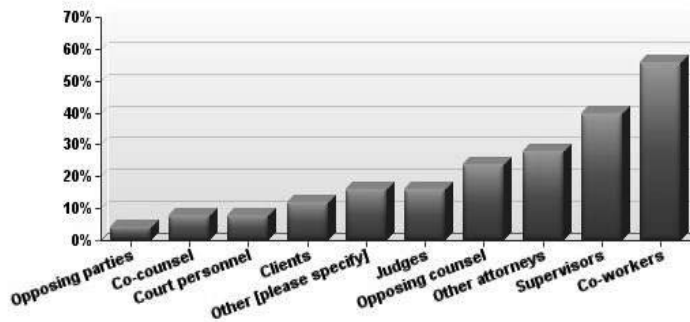
With regard to your condition, does your current employer treat you the same as other staff in the workplace?

More than two-thirds (67%) of respondents felt they were treated the same as others in the workplace; 7% did not believe they were treated the same; 10% believed they were treated the same sometimes but not always; and, because 15% were self-employed, the question was not applicable to this group. In addition, respondents were asked:

Over the past 12 months, have you encountered any comments about your condition that have made you feel uncomfortable?

Thirty-one percent of respondents indicated that they had encountered such comments, most frequently made by co-workers, supervisors, and other attorneys.

Sources of Comments that Made Respondents Feel Uncomfortable



E. Requests for Reasonable Accommodations

A majority of respondents experiencing hindering conditions had not requested reasonable accommodations during the previous two years. Of the 25% who indicated that they had requested reasonable accommodations for their condition at locations where they practiced law, 55% reported the accommodation was readily provided. Forty percent of respondents reported the accommodation was provided but with some resistance. Five percent indicated that their requests had been denied. No participant reported that an accommodation had been provided after they had strenuously pursued it; it is unclear if no one had strenuously pursued an accommodation or if some had and were among the 5% whose requests was denied. The most common setting in which accommodation requests were denied or resisted were the respondents' place of employment. Court hearings, conferences, meetings with opposing counsel, employment-seeking, and organizational events were other settings in which resistance to and/or refusal of requests occurred.

F. Experiences Related to Specific Types of Conditions

Respondents were asked a series of questions based on their specific type of hindering condition(s).

1. Mobility or Dexterity Limitation

Fifteen respondents indicated they experienced a limitation relating to mobility or dexterity. Five of these respondents reported experiencing a physical access or architectural barrier during professional practice, most commonly in their own place of employment. Physical barriers were also encountered at DSBA events, court hearings, conferences and continuing legal education events, when seeking employment, and other organizational events. Awkward layout, walking distances (including from parking space to hearings), and workspace ergonomics were the most commonly reported physical barriers. Lack of sufficient seating or ergonomic office supplies (for example, hole punches) were also reported.

2. Vision-related Conditions

Five respondents reported having vision-related conditions, and three of these respondents reported experiencing vision-related barriers that were experienced in multiple settings, most commonly at their own place of employment, dealing with clients, continuing legal education events, and also at court hearings, DSBA events, and when seeking employment. One participant reported limited access to methods to read or understand documents produced or distributed by clients or opposing counsel or parties.

3. Hearing-related Conditions

Of the ten respondents reporting hearing-related conditions, seven encountered hearing-related barriers in locations where they practice law, with the most common setting being court hearings or conferences. Dealings with clients, continuing legal education events, non-judicial proceedings, organizational events, DSBA events, places of employment, and dealings with opposing counsel were also reported as settings in which hearing-related barriers were experienced.

G. Communications and Assistive Technology

Eighty-four percent of respondents reporting hindering conditions indicated that they had not encountered inaccessible technology or equipment. Of those experiencing such barriers, 11% had encountered barriers in their own office, 4% in courtrooms, 4% in non-judicial proceedings, and 1% in court-related administrative offices. Twenty-three percent of respondents have used one or more assistive technologies to enhance their professional performance, 47% have not, and 27% found this not applicable to their needs.

Half of respondents reporting conditions indicated that they have found teleconferencing or telecommuting useful for managing activities related to the practice of law. Forty percent indicated they do not use teleconferencing or telecommuting because they do not need or want to, 6% have not pursued these options with their employer but would like to, and 5% would like to use these options but their employer will not permit it.

H. Favorability of the Establishment of a Centralized, Statewide, and Confidential Registry for Lawyers with Conditions

Respondents reporting conditions that hindered their ability to practice law were then asked the following:

Would you be in favor of the establishment of a centralized, statewide, and confidential registry for lawyers with conditions like yours that would identify what accommodations they require in employment, court administrative or Bar Association settings?

Respondents were almost equally divided on this question, with 52% indicating that they would not be in favor of the establishment of such a registry, while 48% of respondents said they would be.

I. Additional Themes and Comments

Finally, all respondents were asked the following:

Please provide any additional comments you feel would help the Delaware State Bar Association assist members of the Delaware Bar in dealing with a condition that hinders their ability to engage in the professional practice of law.

Several themes were identified among the comments offered. A number of respondents noted the significant value of the Lawyers Assistance Program, which provides confidential assistance to judges and attorneys with substance abuse, mental health, and/or physical health problems. However, the persistent perception that it is necessary to hide such problems or else forfeit job security or opportunities for advancement remains strong, and some respondents believe this tendency significantly limits people from accessing these and other available resources. Stress was noted as a contributing factor to the development and exacerbation of these conditions. Efforts to reduce the stigma regarding disabilities, including mental health issues and substance abuse, through awareness and education were suggested as potential strategies for DSBA intervention.

Several respondents noted that flexibility (to schedule work assignments according to personal needs, to telecommute, etc.) provided by their employers was a critical factor to their ability to succeed professionally despite potentially hindering conditions.

Another theme that emerged was the ongoing challenge of juggling professional and personal responsibilities, and its association with increased stress, in addition to workload stress. A related theme was the need to provide reasonable guidelines for professional success for expecting and new mothers, and to better accommodate family caregivers.

Several respondents noted that the costs of technology in general (including assistive technology) might be prohibitive, which deterred at least one respondent from asking for such an accommodation. Personal costs borne by respondents (such as those needing to purchase hearing aids which were not covered by insurance) presented additional barriers.

Some respondents noted that ageism, sexism, and racism also inhibit the ability of some to practice law.

Respondents also recommended: a source for immediate assistance, such as a 24-hour support line, when barriers are encountered; peer assistance or counseling for those experiencing hindering conditions; and continuing legal education regarding disabilities, disabilities rights and resources, and sensitivity training related to diversity. Among the more practical recommendations made were the need to provide options for dietary restrictions at DSBA and other professionally-sponsored events; privacy for those needing to routinely manage medical conditions (such as diabetes) while working; and encouraging judges to use the microphones provided in

Delaware courts to help reduce hearing-related barriers during court proceedings.

Finally, a number of respondents commended DSBA on its efforts to learn about and address issues that hinder the ability of attorneys to maximize their successful practice of law.

V. DISCUSSION AND IMPLICATIONS

The purpose of this survey was to cast a wide net to identify the nature and extent of hindering conditions, including personal disabilities as well as external barriers that inhibit professional engagement among Delaware attorneys. Respondents reported a broad range of such conditions. It is interesting to note that the most commonly identified conditions were “invisible” in nature: problems with attention/self-regulation; mental health problems; and social or emotional disorders.

Comments offered by a number of respondents suggest that there is a perceived need to hide hindering conditions, despite their nature, in order to succeed professionally. Such secrecy may limit the likelihood of an individual to seek help. The fact that only 25% of respondents who reported having hindering conditions sought reasonable accommodations to enhance professional performance may also reflect this tendency towards secrecy (although this may also be due to a lack of awareness regarding disabilities rights). This is unfortunate, since most accommodations requested by respondents were provided, though often not without resistance.

Flexibility to manage one’s time, the ability to telecommute and teleconference, and assistive technologies were considered important tools for reducing the impact of hindering conditions on professional success. However, if lawyers experiencing such conditions are afraid to raise awareness of their conditions with employers, they will not be able to take advantage of these options. This is especially significant because respondents identified their own places of employment as the setting in which they often encountered barriers.

The desire to not draw attention to what could be considered a personal and/or professional limitation may also explain the dichotomy of responses for establishing a statewide registry for lawyers with hindering conditions and the accommodations needed to ameliorate these conditions. If DSBA were to pursue the development of such a registry, in order for such an effort to be successful, it will be necessary to chip away at this resistance by educating practitioners regarding the nature of information to be collected, how confidentiality would be maintained, and how the information would be used. However, as an alternative to maintaining a registry for lawyers with disabilities, it may be more feasible to collect information on specific types of accommodations that address specific conditions. Such information could be published and disseminated, electronically and in hard copy, through DSBA and other professional channels. A robust effort to publicize potentially beneficial accommodations may result in a higher percentage of

professionals seeking and obtaining resources to overcome barriers to practice and thus enhance professional engagement.

A majority of respondents believed that having a condition such as a disability negatively impacted their employment opportunities. However, a majority of those employed believed that they were equitably compensated and generally treated the same as other staff by their employers. Yet a higher rate of respondents who reported hindering conditions were earning less than \$50,000 annually when compared to respondents who did not report experiencing hindering conditions. There may be a number of factors for this, including practice size, particularly since respondents reporting conditions were more likely to work in smaller firms. The question of equitable compensation may be one for further investigation. The fact that a higher percentage of lawyers reporting hindering conditions work in smaller firms may also be worthy of further investigation.

In addition to physical and psycho-social-emotional conditions, respondents reported themes such as balancing personal and professional obligations as major barriers to professional engagement. These comments further reflect issues concerning gender inequality in terms of opportunity for advancement. Stress, both work-related as well as the byproduct of efforts to juggle personal and professional demands, was also observed by commenters as being linked to substance abuse and mental health issues.

VI. RESEARCH LIMITATIONS

There are a number of limitations associated with this study. Despite a robust participation rate (22% of the total DSBA membership), it is unknown whether the study sample is reflective of the organization's general membership. Similarly, it is unknown if the subsample of respondents who reported experiencing hindering conditions is reflective of all Delaware attorneys experiencing hindering conditions. Although 103 respondents reported having a disability or experiencing another condition that hindered their ability to practice law, there were too few respondents reporting specific categories of conditions to make valid comparisons across types.

Cross tabulation of various characteristics revealed potential associations between a participant's reporting of a hindering condition and variables of income earnings and employment setting. Further exploration of these associations may provide valuable insights; however, the data currently available is insufficient to determine the validity of these associations. In an effort to capture a wide range of information, the survey instrument listed a broad spectrum of categories of conditions that may hinder one's professional practice, and asked respondents to select all they had experienced. However, the categories of conditions were not defined in the instrument, and overlapped in some instances, which may have led to confusion for some respondents that could muddy responses.

Respondents were asked the nature of the barriers they experienced in relation to mobility/dexterity limitations, vision-related limitations, and hearing limitations, but did not ask respondents to describe the nature of barriers experienced related to the more commonly reported “invisible” conditions. Additional exploration will be important in order to address these needs.

Finally, the intention of the study was to cast a wide net to explore not only disabilities but other conditions that hinder professional engagement. While this generated a wealth of information, the findings pertain to factors that are broader than traditionally-defined disabilities.

VII. CONCLUSIONS AND RECOMMENDATIONS

This study was designed to explore the following questions:

- The extent to which the respondent believes his or her condition has hindered professional success;
- The specific obstacles faced in professional practice;
- The extent to which the respondent believes reasonable accommodations have been provided to enhance his or her ability to practice law; and
- What DSBA can do to enhance the respondent’s ability to successfully practice law.

Eleven percent of all respondents indicated that they experienced a condition that hindered their ability to practice law in Delaware. A majority of these respondents believed that reported conditions negatively impacted their employment opportunities, and almost one-third reported that they had experienced negative comments regarding these conditions, most commonly at the hands of co-workers, supervisors, and colleagues. Many of these conditions are imperceptible to others, and comments suggest that there is reluctance to reveal the nature and existence of such personal conditions for fear of negative professional repercussions. Stigmatism, particularly regarding mental health and substance abuse, is an example of an intangible barrier that impedes professional engagement.

When those who experience hindering conditions request reasonable accommodations, requests are usually granted. However, only 25% of these respondents report requesting such accommodations, which suggests the possibility that some attorneys may be unaware of potential accommodations or may fear drawing attention to a personal condition.

Respondents recognize the role that DSBA has played in supporting attorneys who experience hindering conditions. Yet, a number of recommendations may expand and enhance the organization’s role:

- 1) In order to increase disabilities awareness and sensitivity among employers and colleagues across sectors, DSBA may wish to offer professional, complementary continuing legal education for *all* practitioners. Continuing legal education on rights and protections, as well as resources for practitioners who experience hindering conditions, is also likely to be beneficial. Training that can be delivered at work sites, via the internet, and through other electronic means will likely improve participation rates.
- 2) Provide links on the DSBA website to relevant disabilities legislation, resources for assistance, and government entities with authority to address employment discrimination.
- 3) To promote a more robust utilization of accommodations, provide education and a centralized information source to identify accommodations designed to address specific conditions.
- 4) Lead an awareness campaign to reduce the stigma associated with mental health conditions and substance abuse, and to promote awareness of available resources.
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