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# **Impact of lawyers' invisible disabilities on their professional challenges and their perception of their performance**

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## **Impact of lawyers' invisible disabilities on their professional challenges and their perception of their performance**

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The aim of the current study was to learn about the difficulties stemming from invisible disorders in the practice of law, what do lawyers with invisible disorders do to cope with their disorders, what are their considerations in choosing their job specialty, what is their motivation to choose law as their profession and practice it, and how do they define their professional success and failure.

Practicing law is challenging in many aspects. First, one is at a position to be knowledgeable about legislation, which has a dynamic nature. There is a constant need for recognizing the issues at hand, while acting fast to find proper legislative solutions to represent the client as best as possible. To do this, a lawyer is ought to be able to properly analyze the case, be knowledgeable about relevant laws and legislation, be detail-oriented, be able to multi-task and manage large amount of information, to properly assess what the main issue at hand is, and efficiently manage the case. Practicing law also requires proper communication and having the ability to connect between details - all of which must be accomplished within a strict timeline. Therefore, to succeed as a lawyer, one should be focused, be able concentrate on a high level, and have good organizational and time management skills.

Some lawyers are struggling with invisible disabilities, such as attention deficits and hyperactivity disorders, as well as learning disabilities, and for them practicing law is a double-challenge. Similarly to their colleagues, they are required to practice law as demanded by their profession, but (and mainly) cope with their invisible disorder to professionally succeed.

Often individuals with invisible disabilities are unaware of their situation and to the fact that these may have been the source for their difficulties in school or at work. For example, they may have difficulties to carry through assignments from beginning to end, to focus on one task, and they may unsuccessfully try to concurrently engage in many tasks. During school they may overcome their disorder by creating coping mechanisms, such as studying in groups,

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rewriting assignments, and reading class' notes taken by classmates, to compensate for their disabilities. Usually such coping strategies masked their disorder from them and their surroundings. Nevertheless, other individuals with such disorders are aware of their situation, thereby they have been getting accommodations to their disabilities while in school (e.g. time-adjustment during exams, fitting the type of exams to their capabilities, and tutoring). Like other students with invisible disabilities, law students with these kinds of difficulties may eventually do very well in school.

The main challenge for these lawyers is in the workforce. Practicing law is a very competitive occupation. The institution of law, the clients and colleagues, and the community – all have high expectation from lawyers. In Israel there is not enough awareness for the possibility that professionals who practice law may be struggling with invisible disabilities.

**Keywords:** lawyer, invisible disabilities, performance

### **Population and Sample**

The population of lawyers in Israel contains more than 70 thousand lawyers: one lawyer per 125 inhabitants. But till now there is no database with information about how many of them have disabilities, and moreover, how many of them have invisible disabilities. The situation in Israel is very different from the United States, in which there is cultural openness and recognition of the phenomenon of invisible disabilities in the general population (the legislation of the ADA) and among the lawyer population in particular (there are publications making it legitimate for lawyers to speak about their disabilities explicitly and frankly (see for example: Williford, Basas, and Enyart, 2012). One manifestation of this lack of openness of Israeli society to the existence of lawyers with disabilities was the difficulty in finding subjects for the study.

### **Method**

The research tools—Interviews

The research data was collected by means of semi structured interviews. A semi-constructed in-depth interview guide was created for the purpose of the study, containing 46 questions which survey the respondents' general background, specific difficulties they face, their experiences of their study and qualification periods, their considerations for sharing/concealing their disability from others, considerations involved in the choice of a

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professional track, ways of coping with invisible disabilities in a professional context, self-conception (ability, coping, definition of success, definition of failure) and interaction with their environment.

### **Content Analysis**

Qualitative content analysis is intended to draw conclusions about human behavioral patterns and examine their impact on processes, phenomena, and the interactions between them (Miles & Huberman, 1994).

Analysis was performed in five stages, including a return to examine previous stages following new insights obtained at various stages. At first, the transcripts were read and reread until the words, thoughts, conceptions and feelings of the respondents were deeply recognized (Shkedi, 2007). At the second stage, relevant ideas and motifs were marked and coded in order to identify the theme representing categories among the individual units of data. Categorization at that stage was initial and based on external categories (categories relating to themes that emerged from the literature review), but also allowed for the creation of new categories (such as choosing the most challenging profession in order to prove high ability) and even a change of categories where the data demanded it. The names of the categories were noted on the margins of the pages, so as to point out their original context (Burnard, 1991).

At the third stage, a mapping analysis was performed, in which all the initial categories were sorted according to related categories, while focusing on the relationship between each category and the others. This mapping analysis aims to rearrange the initial categories while making connections between categories and sub-categories on a vertical axis and among categories on a horizontal axis. At this stage, categories were disconnected from their original location and a new conceptual order was formed. The product of this state was a category tree containing the categories and sub-categories (Shkedi, 2007). The analysis of individual units ended with this new conceptual order.

At the fourth stage, a focused analysis was performed, which aims to focus the “details of information into a coherent explanation surrounding a central category or categories” (Shkedi, 2007, p. 143). The focus analysis was used for the construction of central categories, which allowed me to look for the central theme, issue, or problem in the studied phenomena (Charmaz, 2003; Elo and Kyngas, 2008).

At the fifth stage, a theoretical analysis was performed according to the constructivist theoretical approach, aiming to provide a theoretical meaning to the categories and sub-categories, in order to construct theoretical explanations of the studied phenomena (Shkedi,

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2007). At this stage, a theoretical analysis was performed, composed of a categorical analysis and the production of theoretical conceptualizations while combining existing theoretical knowledge (Givton, 2001). The product of this stage is the translation of the focused categories into a theoretical language. This expresses, according to the inductive approach (Skedi, 2007), my conceptualization of the manner in which the respondents had experienced the studied phenomena.

### **Discussion**

A lawyer with invisible disability will be able to perform the essential functions of being a lawyer by using various coping skills and self-accommodation. The DSM-IV states: Tasks that require sustained mental effort are experienced as unpleasurable and markedly aversive as a result, these individuals typically avoid or have a strong dislike for activities that demand sustained self-application and mental effort or that require organizational demands or close concentration. If an individual with an invisible disability graduates from law school, passes the bar exam, and genuinely wants to be a lawyer, clearly that individual has not avoided and does not have a strong dislike for the legal profession. If anything, the individual is determined to be a competent lawyer.

Coping with concentration at work can include; Reducing distractions in the work area, providing space enclosures or a private office, allow for use of white noise or environmental sound machines, increase natural lighting, plan for uninterrupted work time, allow for frequent breaks, divide large assignments into smaller tasks and goals, restructure job to include only essential functions (A report from the American Bar Association for the legal profession, 2009: 48).

Various coping skills and strategies will let him to perform the essential functions of his job. Examples of basic coping skills include: keeping a "Things to do" list, "not billing" [clients] for the additional time it [takes] to complete tasks, using a white noise machine to cover distracting conversations, and effectively using a system to remind yourself of crucial deadlines.

Another type of coping skill is called "coaching" which requires someone to help the disabled lawyer reach his daily goals (Familton, 1998). Perhaps the best coping skill for a lawyer with an attention deficit disorder is to specialize in an area of law. Specializing in a specific area of law which he feels passionately about should enable the lawyer with ADD to efficiently and confidently handle cases (Lathamp&Lathamp, 2000).

Accommodation Ideas: reading from a paper copy: to convert text to audio, provide larger print, double space the text of print material, use color overlays to help make the text easier

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to read, provide materials that are type-written, in a font that is not italicized, scan the documents into a computer and use Optical Character Recognition which will read the information aloud, Use an on-screen "ruler" or strip or screen highlighting software to help focus and read from a computer screen. Alter color scheme and font on computer screen to suit visual preferences. Allow buddy, coworker, or supervisor to proofread written material.

Cognitive process of writing: lawyers with invisible disabilities might have difficulty organizing a written project, identifying themes or ideas, structuring sentences or identifying and/or correcting grammar errors. Use Inspiration software, a computerized graphic organizer.

Time Management: A lawyer with invisible disabilities may have difficulty managing time. This can affect the employee's ability to organize or prioritize tasks, adhere to deadlines, maintain productivity standards, or work efficiently.

Work success can be by using make to-do lists and check items off as they are completed, Use calendars to mark important meetings or deadlines, divide large assignments into smaller tasks and goals. (JAN 2013).

Not to deal/ to quit: The barriers of entering and staying in the legal profession were: discrimination, lack of accommodation and support, difficulty finding employment, disclosure of disability leads to discrimination, lawyers with disabilities are marginalized into sole practice, and there are instances of harassment, positive career experiences, self-initiative. (Chapman & Bowering, 2001)

Exposure and sharing: Workers also are often justifiably reticent to disclose their ADHD diagnosis out of concern that they will be treated differently or will not be hired in the first place. While there has not been a legal precedent of an employee with ADHD obtaining workplace accommodations, there are anecdotal reports of workers with ADHD negotiating informal accommodations (e.g., modified work hours, use of a reduced distraction room) or implementing accommodations on their own (e.g., using scheduling software) (Mapou, 2009; Ramsay, 2010).

Clearly, it is damaging for persons with invisible disabilities to have to shoulder the extra burden of trying to teach others about their condition and having to rebut the able-bodied paradigm's presumption that "what you see is what you get." Even when people succeed in making their case, thus proving to others' satisfaction that they are disabled, and they may be able to claim to the "special" services that they need to function at work. But in being perceived as people who need these accommodations, they are likely to be more prominently marked by the stigma that attaches to being designated as disabled. This, of course, provides considerable disincentive. Those whose disabilities are invisible will often have more

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motivation to “pass” than to “come out,” which may imperil their well-being, exacerbate their disability, and deepen their invisibility (Davis, 2005).

Interaction with the environment: The mind quickly learns about itself through the eyes of others, and forgets very slowly, if at all, to which the other person has projected significant. Response to environmental exudes a person with an invisible disability may develop confusion due to gaps in performance capabilities, and cause misleading and confusing in the environment (parents, teachers, coworkers, friends) because they “do not see” and do not understand all the consolidated invisible eclipse (Einat, 2009).

The lack of a critical mass of identifiable attorneys with disabilities creates difficulties in a number of ways. Studies have shown that mentorship plays a key role in career success for younger lawyers, and the scant number of attorneys with disclosed disabilities makes it difficult for this to occur. Because few attorneys with invisible disabilities are openly employed, there necessarily are fewer opportunities for collaboration and advice between senior and junior attorneys with invisible disabilities. To the extent that attorneys with invisible disabilities are not present in corporate settings, moreover, there may be insufficient market pressure to demand that more attorneys with invisible disabilities and disabilities be present on client teams, a tact that has been successful in the context of women and minorities (Hensel, 2008).

Disclosure: Disclosure of a disability to other people is often a significant decision because of the stigmas attached to such labels. Olney and Kim (2001) found that for participants in their study, this decision depended largely on the degree of comfort and closeness experienced in relationships with others. Self-esteem is a widely used construct for indicating internal positive or negative feelings about oneself (Quinn et al, 2004). Self-determination measures outward, self-advocating behaviors that promote academic, social, and occupational success in persons with invisible disabilities (Anctil et al, 2008).

Qualified individuals with invisible disabilities are entitled to reasonable accommodations, but only if they are willing to inform their employers of their disabilities. And although coping skills and self-accommodation can add further support for a lawyer with an invisible disability in the modern legal market, the ADA is the ultimate safeguard against discrimination in the workplace (Familant,1998). Persons with invisible disabilities must often point out the existence of their disability to other people and are subject to forms of rejection, humiliation, and social disapproval that are importantly similar. People whose disabilities are invisible are regularly put in the position of having to challenge the adequacy of our society’s human paradigm head on, and of having to confront the wall of denial that surrounds and upholds our subscription to this paradigm. In many cases, revealing one’s invisible disability to others

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involves a running of the gauntlet when individuals are not “seen” as disabled, it can be more difficult for them to secure the assistance or accommodation they need to function effectively. Because they are not identified as disabled, those whose disabilities are invisible must often bear the burden of securing the assistance they require. This may require them to inform that they are disabled and to explain what sort of help is needed. Often, it is not sufficient for “invisibly disabled” persons to reveal that they are disabled and provide information about their “special needs.” Those whose disabilities are invisible may also have to convince other people that they really are disabled, not seeking some special—unfair—advantage. The revelation of invisible disability can often be greeted with a skepticism that can be both difficult and painful to dispel.

The ADAAA provided a number of changes to guarantee better implementation of the original civil rights act, including for people with disabilities generally and people with invisible disabilities specifically. The amended law broadened the protected class, or rather, clarified the definition to explain the broad range of the protected class. For instance, it added reading, concentrating, communicating, and thinking to the list of major life activities. The ADAAA also removed the mitigating measures requirement, meaning someone taking medication for disability no longer is excluded from the definition of being disabled. In addition, courts have clarified that self-accommodation does not remove one from the protected class. The new interpretation of the definition of disability has lowered the threshold for individuals with respect to the amount of proof or evidence they must offer to establish they have a disability. (Sampat& Grant, 2012).

Revealing that one has an invisible disability is thus, in some respects, like “coming out of the closet.” The invisibly disabled person is not viewed simply as providing neutral information, but as providing startling information, and information that contradicts the beliefs of those to whom it is being revealed.

Professional considerations choosing a career path: The literature on why people choose to study law at university, and their motivations and expectations, attributed a strong role to class status and the importance of gaining a professional qualification for the purpose of maintaining social status. Students' choice to study law was not always a rational or even a conscious decision (Castan, Paterson, Richardson, Watt & Dever 2010).

Many attorneys with invisible disabilities were working in disability rights and in legal aid settings, but not in firms regarded as highly selective. Had well-intentioned firms steered them in that direction and away from their doors, or had the experience of discrimination based on disability left them committed to the disability rights fight (Basas, 2010). In considerations choosing a career path for many the decision was solely based on the likelihood of



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employment, the degree of accommodations available, and attitudinal climate for individuals with a invisible disability in the carrier path (McChesney, Nolan &and Schmieg, 2001).

The responsibility lawyers with disabilities have to educate the invisible disabled people around them and to sell themselves. "Bottom line, it comes down to the individual's attitude toward their particular condition, how they handle it 'Selling yourself' is particularly important for disabled law students to develop interviewing skills and how to put the other person at ease with the fact that you have a disability. These highlight the continuing struggles faced by disfavored groups to bring diversity to the practice of law. The ABA and the federal Equal Employment Opportunity Commission (EEOC) brought together purposes: to facilitate the hiring of lawyers with disabilities including invisible disabilities, and to help promote them in the legal profession. Regrettably, lawyers with invisible disabilities continue to face discrimination, and believe that they were denied employment opportunities because of their invisible disabilities. Many of them indicated that they were denied jobs even though they graduated in the top 10 to 20 percent of their law school classes at higher-ranked schools than those who eventually received job offers once the firms discovered an individual's invisible disability.

Law students appear to be very reluctant to disclose their disabilities to potential employers, since reasonable accommodation will not be available to those who choose to keep their disabilities a secret. The rate of non-disclosure reminds the decisions of gay and lesbian attorneys to stay in the closet because the stigma of being gay puts them at a competitive disadvantage. It would seem that a large number of law students with invisible disabilities believe that disability carries a stigma that would disadvantage them more than the legal rights created by the ADA would help (JAN, 2011).

## **Results**

### **Interactive challenges with the environment**

The interaction of lawyers with un-seen disorders are apparent within their social support networks, with their families, their friends their colleagues and within their work environment. Their interaction with their family members could be bi-polar. At one pole we find feelings of being a victim and the inability to succeed which are expressed by the need for continuous support and backup from their family. At the other pole we find the desire to prove to the family that lawyers with non-visible disorders can succeed as lawyers despite the message broadcast by their families that, due to their disorder, they will not succeed in coping with examinations and will most definitely not succeed as regular lawyers.

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Their interaction with friends and colleagues is characterized by social connection which leads to a state where social reclusion is used as a defense mechanism, to the creation of defensive walls and to them acting as "lone wolves". The challenge of interaction also occurs in the work environment and shows itself in general difficulties shared by most and in difficulties specific to them as both independent and hired lawyers.

Social support also includes the help the individual receives from their nuclear family, their expanded family and their friends. Social support is measured in three ways: emotional support including intimacy and acceptance, tangible social support including direct support and information services and support including counseling with regard to problem solving and behavioral feedback. (Uchino 2009)

When a person with a non-visible disorder reaches a decision to study law and to become a lawyer, the support and the interaction with their family members are far more significant for them. The legal profession is seen as a challenging profession intellectually and is a significant challenge to the population in general and to a person with learning, attention and concentration disabilities in particular. When a person with such disabilities decides to study law, at one pole, some of the family will stand by them and provide them with support and backup in order to help them to successfully complete their legal studies. However, at the other pole, there will be family members who broadcast a lack of faith in the person's ability to successfully complete their studies because of their disorder.

Success – the desire to prove: Most of those interviewed stated that after family members had cast doubts on their ability to cope with the challenges involved when studying the law and who had passed on their feeling that they were incapable, their decision to succeed at whatever cost became even stronger. During the interviews, the interviewees described the difficulties they faced in light of the challenge from a desire to prove, in advance, and first and foremost to themselves that they can and are able to cope with the challenge.

Victimization – support and backup: The legal profession is a prestigious one. People with disabilities chose to learn this profession in the hope that, should they succeed in finishing their studies with the aid of support and encouragement throughout the process of obtaining their license to practice law - this will help them overcome their low self esteem. From the research: "All of sudden I was hit from all sides and then my wife said that I should also go and that both of us would do it. So, it chose me more than I chose it. In a situation like this, you don't say to yourself that you have a learning disorder and won't study law..." "My wife would try to help me in my studies. She'd bring me a summation and the actual material".

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In Einat's research (Einat, 2009) a lawyer describes the importance of family support and backup: "I need somebody to set boundaries for me because I find it very difficult to do this for myself. That's why I joined forces with a partner, who is also wife. She manages everything concerned with money and everything connected to arranging and managing our time. She writes the materials for me... my wife prepares everything for me. I dictate to her from my head, it flows easily, and she corrects me if there are grammatical problems or sentences that are badly constructed ... When I'm focused, when everything is in place, when I know what I'm doing every day, when the time available to me is arranged then I am more successful. This is all thanks to my wife. The truth, even when I get the maximum help, I'm all the time in a battle for survival".

#### Friends and Colleagues:

Those with non-visible disabilities and difficulties experience, during their lifetime, many difficulties and are alienated from those around them. One claim that haunts them throughout their life is that they don't fulfill their inherent potential. They are seen as lazy or weak and are rejected by society. In light of their experiences, people with non-visible disabilities or difficulties develop various defense mechanisms in order to hide their disability. Many of those interviewed described how they "wore a mask" when they came into contact with "healthy people". During the interviews, a number of defense mechanisms developed by the interviewees were encountered.

#### Sharing Difficulty:

Since, by definition, non-visible disabilities cannot be immediately seen by society, they are still seen as negative paradigms, a stigma associated with the mind, a lack of ability etc. This inability to see the disability results in a narrow awareness in Israeli society today regarding the nature of the challenges faced by those with non-visible disabilities and even more so with regard to lawyers suffering from a non-visible disability who must stand behind the cloak of professional prestige and must cope with the reaction of their clients to their disability.

But in the absence of a limp, a wheelchair, prosthesis, a Seeing Eye dog, or some other physical proof of disability, society may not readily believe that a person with a non-visible disability is truly disabled. This is the "you look fine to me" attitude... non-visible disabilities carry an aura of suspicion because they are not considered "traditional" disabilities. Despite not being visible, however, non-visible disabilities are clearly "genuine" disabilities, and more significantly, non-visible disabilities can affect a lawyer's core function - the ability to process information or to concentrate (Famulant, 1998).

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Non-visible disabilities such as ADHD and PTSD are, in the eyes of the law, mental disabilities (The Law for Equality for Disabled Persons, Section 5). As a result, a person with a non-visible disability in general and particularly a lawyer may find it difficult to share with others their disability for fear of being seen as mentally ill. In Israeli society, the term "mental" is seen as a deterring paradigm

The majority of the people with disabilities either do not disclose or are reluctant to disclose their impairments to an employer, even when these individuals experience job performance problems due to their disabilities (Dong 2012: 2)

Lack of sharing is a defense mechanism. Lawyers suffering from a disability are afraid that sharing this could harm them and cause their friends and colleagues to draw away from them. They fear that their weaknesses will be exploited and cause them harm.

Additionally, those with a narrow point of view in relation to non-visible disabilities do not, for the most part, believe that this is really a disability; they are incapable of accepting the ramifications of non-visible disabilities and will view the sharing of this information as an attempt to gain points and easier conditions for tasks.

the quality of their lives may be no less profoundly or adversely impacted by these conditions than is the quality of life of those whose disabilities are more obvious: something can "substantially limi[t] one or more of the major life activities" of an individual even if other people cannot easily identify the source of such limitations in casual interactions with that person.... persons with invisible disabilities are subject to forms of rejection, humiliation, and social disapproval that are importantly similar. When individuals are not "seen" as disabled, it can be more difficult for them to secure the assistance or accommodation they need to function effectively... Often, it is not sufficient for "invisibly disabled" persons to reveal that they are disabled and provide information about their "special needs." Those whose disabilities are invisible may also have to convince other people that they really are disabled, not seeking some special—unfair—advantage: thus, what they must do is meet a burden of proof. (Davis 2005).

In addition, the in sharing results from a lack of trust in society, in its ability to accept, its empathy and sensitivity to the real needs of a lawyer with a non-visible disability and who doesn't fit into the normally accepted mold for those practicing the law. Trust is a basic ingredient upon which social relationships are founded. Trust can be compared to glue, social glue. Just as the human brain connects events to ideas, ideas to thoughts and thoughts to behavior, so to the person, as a social animal, connects with others through the trust that he has (or does not have) for others. Without trust, people act as individuals. They differentiate

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themselves from others. With trust, individuals become part of a group, of an environment, of a family (Axelrod B. 2012). In a case where society is still far from understanding the challenges facing a lawyer with non-visible disabilities, the belief that society will understand following sharing become minor which makes it even harder to share.

Creating Defensive Barriers:

Another defense mechanism is the creation of imaginary defensive barriers against the environment, barriers that the lawyer with non-visible disabilities creates around himself. He does not show his real difficulties in order not to exacerbate feelings, weaknesses, lack of control that could be taken by those around as a mental problem. He therefore builds a defensive barrier that hides from those around him the storm raging inside him and the real challenges he experiences. He will also avoid developing open, personal relationships that could harm him.

Lone Wolves:

As a result of the defensive barriers erected by lawyers with unseen disabilities, they often develop into "lone wolves". They choose to keep away from deep social relationships and make do with superficial relationships. As a result, they find themselves in situations where they change their friends and acquaintances often and maintain the new relationships for short periods of time. As a person, a lone wolf is an individual who prefers solitude, is introverted

or who works alone. In literature, lone wolves are aloof and emotionally unable or unwilling to directly interact with other characters in the story. A stereotypical lone wolf will be dark or serious in personality; they are often taciturn, and will distinguish themselves through their reserved nature. A similar concept is the lone wolf of a particular group, who spends enough time with a group to be considered a member but not enough time to be very close to the other members. Such people tend to not take part in the group activities or "get-togethers" (Mech L.D., et al. 1998).

Difficulty maintaining social relationships:

Alongside the non-visible disability there are other functional consequences in emotional and social areas. Emotions constitute a source of power or of weakness and they influence our ability to cope with the disability. As a source of power they provide the lawyer with a non-visible disability feedback with regard to their progress towards the goals they have set themselves or of the need to avoid or retreat from this goal. The lawyer with a non-visible disability is more driven than others by emotions. The social relationships he creates around

him are important to him; they provide him with feedback regarding the importance of social goals for him and of his chances to get from those around him the feedback he expects. At the same time, the lawyer with a non-visible disability is considered to be a dissonance within society. His rate and way of thinking are different and characterized by "out of the box" thought processes that lead to creative solutions but also, on the other hand, lead to raised eyebrows on the part of his professional colleagues.

Difficulty maintaining social availability:

Due to the non-visible disability, lawyers are susceptible to mood changes; they have days when they can be relaxed, open and can maintain external connections with their friends, can be partners to their stories and socially involved. However, as well as days such as these, there are also cold, depressed days; days in which they are cut off from those around them, try to cope alone with the challenges and the pressures facing them. All these situations lead to an emotional overflow which causes them to temporarily cut themselves off from their social circles. Because of this, their social availability is subject to fluctuations. On the one hand, they are available and open to social interaction and involvement and, on the other, may be closed off and detached from their social environment. These fluctuation stages result in a difficulty in maintaining and retaining social relationships and thus, the majority of interviewees described their meticulousness when choosing their social circle and the fact that this is usually very restricted in order to allow for changing states of social availability

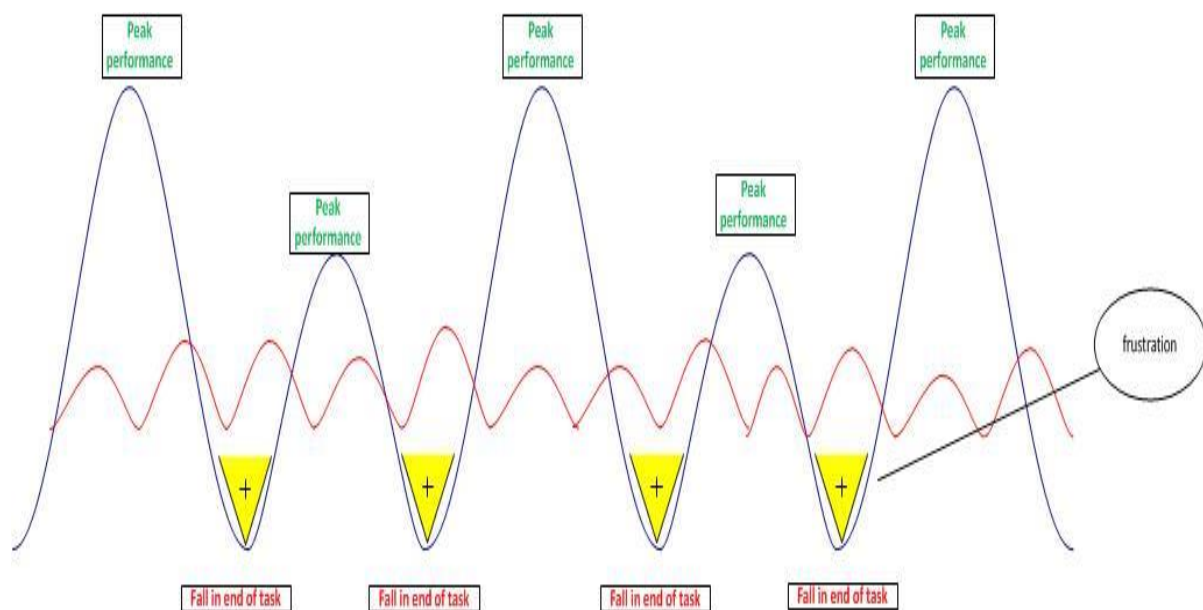
Most of the interviewees reported that, apart from one or two friends, they create available social circles since their pace is faster than the dynamics of those around them. The interviewees stated that they create social circles according to the time and location that can accept them for that specific period of time. The importance of the social circles lies in the individual's ability to advance and progress. Every time when the progress or change direction, which is characteristic of most, also change their circle of friends at the same time as their former circle of friends advances at a slower pace and, for them, the interaction has become boring.

Difficulty in reading the social map:

Most of the interviewees described difficulties in their understanding of social mapping and in the creation of interpersonal relationships (Kravets et al., 2006). People with a non-visible disorder are less sensitive to the social significance of movements and facial expressions and find it difficult to differentiate between vocal tones. Thus their ability to interact socially is adversely affected. People with difficulties whose source is in their non-visible disorders, which creates difficulties with those around due to an incorrect understanding of social

messages, of situations that demand a specific response in real time and even behavioral patterns such as breaking into a conversation can lose clients and even be seen in a negative light by others.

### Successive Success and Failure Cycles



A person with a non-visible disability has difficulty in maintaining continuous work (the blue line, this, as opposed to others, the "healthy" people (the red line). The work of the average person is continuous and follows a stable line throughout the work day. The person with an unseen disability, on the other hand, is prone to changing modes, to get carried away, changing emotional and physical states all of which affect his ability to maintain his work continuity (Biederman, 2006). This person work consists of intervals of very high production that far outstrips the average percentage over a given time. However, after such a period, there is a need for release and a slump. During this period the person must take a break, detach himself from his work and recharge his batteries so that he will once again be able to focus on his work and his next high period. The slump is in functional efficiency and is an unseen process that creates a negative interaction with an environment that is not aware of the difficulty. This sharp move between poles creates a false illusion of instability and unprofessionalism. However, if we examine the results of that same person over a period of time we will discover that they exceed by many percentage points those of a "healthy" person. All the interviewees described this work situation and of the need for flexible work hours, the need for breaks etc. Many also said that this was one of the central reasons for choosing a specific work place and function – one that suited their needs – even if, in most cases, the job

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specifications were lower than their capabilities and actual potential. This was a conscious choice made because of their functional difficulties and their preference for work that is below their actual capabilities in order that they be able to maneuver between the provision of maximum output at top levels and then, later, the need to step back, relax and then return to their tasks. This preference results from the fact that the time lost will not constitute a barrier as they know that they will be able to complete the task by increasing output and production levels. However, without these intervals, they will not be able to reach the next high point. Additionally, both from that related by the interviewees and from research, it can be seen that those with an unseen disability are absent from their place of work for longer periods than others during the year due to illness and impromptu vacations (Graaf, et al. 2008).

#### Diversification

An individual with a non-visible disability finds it difficult to maintain continuity in their work, their work place, the issues they deal with within their work framework. When choosing their area of work, they will choose a job that suits them and which allows for moves and changes within the job, and not just regular office work. Diversity within a job constitutes one of the main considerations of their choice. An area which presents a challenge, which isn't monotonous or regular will be preferred over the job status.

#### Unrealized perfectionism

Most of the research interviewees finished their studies with honors despite the objective difficulties posed by their disorder and thanks to their determination, the adoption of helping techniques and the desire to prove, primarily to themselves, their ability to cope and to succeed in their field of study. At the same time, in the employment world there is difficulty in overcoming normative barriers without revealing a disorder and to then be faced objective difficulties. As a result, a decision needs to be made as to whether to reveal the disorder and to ask for the work environment to be adapted accordingly.

All those participating in the research displayed a gap between realization of work performance and their actual capabilities with their perception of their high independent capabilities with regard to their potential for operational functionality which is lower. This gap creates mental stress and feelings of frustration.

#### My way or the high way



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A lawyer with a disability, working at a law firm, will also prefer to do things in their own way. He'll prefer being given a task and then executing it as he sees fit, he prefers to work by results and output rather than hours. As a result, many conflicts are created between the disabled lawyer and his employer or supervisors who find it difficult to accept that he is capable of a high output in a relatively short period of time – unlike the "healthy" population.

### Dealing with the Challenges

Lawyers with disabilities who have come a long way in dealing with the challenges they were faced with have, essentially, undergone their own, personal, mental Iron Man contest. In order to cope, they pushed themselves forward to meet the challenges whilst utilizing various learning systems, technological resources, discipline and also by working on themselves. Many also had the aid of a mentor, of friends and family. All this was in order to prevent any possibility of them giving in to the challenges and dropping out from their studies and chosen path.

"Don't make excuses. Although a diagnosis of ADHD may be a life-changing explanation for you, it is not an excuse in the real world. The real world requires behavior change, not behavior explanation. People in that world set timetables, make plans, and carry out tasks on schedule. You can make your life easier by accepting this truth early on". (Lynn, 2006).

One argument against specializing is that a lawyer with ADD may lose interest in his field; however, this argument only emphasizes that a lawyer with ADD must select an area of law which he feels passionately about. Also, having a structured family life can further benefit a lawyer with an invisible disability (Familant, 1998: 555).

The choice of occupation within the legal world in general and the specific choice of the field of real estate was also the way to leave the world of shyness as the profession requires meeting others where contracts are made and signed every day.

We see that lawyers with disabilities who dealt with the disabilities of others and the challenges they faced, chose the field of law, a profession made especially difficult by the need to learn vast amounts of material, in order to prove to themselves that they are at least as capable and talented as the "healthy" population. Success in law raises the self value and esteem of the disabled lawyer in his own eyes and in those of his family who consist of the first and closest support circle required by any individual and especially those with a disability.

### Synergy – complementary group work:

The group has a great influence on the behavior of the individual within the same group. It provides them with the social needs of honor, esteem, connectivity, belonging and security.

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Each group, over a period of time, builds its own norms and values in accordance with the needs of the group. The deeper entrenched the norms and values, so it is more difficult for the individual to infringe upon them and be different. Those with a disability create their own defense barrier but, when they meet others who also suffer from disabilities similar to their own so a feeling of a shared destiny is created where there is no need to provide explanations and excuses. In situations such as these, defensive barriers are toppled and the individuals manage to work in cooperation and synergy.

Knowing how to exploit the benefits of the disability:

Lawyers with non visible disabilities have unique abilities. Most of those interviews for the research are people who are, in their day to day lives, full of energy, easily get enthusiastic, know how to improvise and solve problems and so can manage crises situations well and are always seeking new projects and challenges. Thus their choices are made based on the advantages that their unseen disabilities provide them in the field of law which requires creativity, entrepreneurship, and the ability to deal with changing situations.

#### Conclusions and Recommendations

Over the years, many laws have been passed in Israel for the advancement and integration of the disabled. These laws were passed by "healthy" acting out of a sense of paternalism and the believe that they were the servants of justice sent to defend the weak. However, in the recent past, a new concept began to take root amongst lawyers with non visible disabilities, lawyers who experience, on a day to day basis, the difficulty of coping with the challenges that their disability sets them.

Since they have the personal experience of their own struggles and dealings when trying to obtain the rights due them by virtue of their non visible disability, lawyers with non visible disabilities have become the flag bearers for change and they are the best possible ambassadors for such change as, because of their own experience and knowledge, they understand which issues are critical and assist in paving the way for others.

As a pluralistic society which aspires to acceptance of those different from the norm and the encouragement of equality, the integration of lawyers with disabilities in law offices and their acceptance as equals in the legal environment is a predominant value.

Attorneys are the holders of the public trust, and that trust demands the equal application of laws to the profession. Lawyers have been critical in enabling civil-rights advancements across society over the last several decades. It now remains for the profession to turn that same

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dedication and energy inward in order to maximize opportunities for all attorneys (Hensel, 2008: 651)

This research is both innovative and the first of its kind in Israel as, until this research no one had considered the needs, the challenges and the struggles facing lawyers with disabilities. This research is of immense value as it has the power to bring the challenges facing the disabled lawyer to the awareness of the Israeli public in general and specifically the struggles facing the lawyer with an unseen disability. The research details what motivates a person to choose the legal profession as an occupation, the benefits to be gained from the integration of lawyers with a non visible disability into the legal system and the importance of the provision of accommodations and adaptations as a positive factor contributing to the lawyer's success and acceptance as an equal amongst equals.

The start of this research was accompanied by a significant difficulty in locating lawyers who were willing to expose the "shame" and to admit that they suffer from a disability. The legal profession is a highly prestigious profession and the revelation of a non visible disability to the public constitutes one of the principal fears of lawyers with such disabilities. After lawyers with unseen disabilities were located, and who agreed to participate in the research, it became clear that the majority were faced with challenges and with difficulties. However, those who choose to see these difficulties as a challenge and deal with them, they are the successful lawyers. They learn to exploit the advantages of their disabilities and, use coping tools to successfully overcome the challenges and their disability in the most effective manner.

During the interviews, participants were asked, amongst other questions: What is their definition of success? What is their definition of failure? From their answers it can be seen that those who chose to deal with their disability and the challenges and to reject feelings of victimization, for them success is the desire to leave behind a mark, to change, to influence and to prove their ability.

Lawyers with unseen disabilities who participated in this qualitative research represented a wide spectrum of the difficulties arising from disabilities in the legal field. These included: professional competitiveness, legal language and the dynamics between professional colleagues, long meetings and the writing of legal arguments, the need to read vast amounts of material, time management difficulties, resource management difficulties, prioritization, social difficulties and the desire to prove to their families and to themselves that they are capable. They chose to work in a profession about which they are passionate, a profession which gives them renewed strength every day; a profession that they see as a calling, a career and not just an 8 to five job.

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They learned to deal with the challenges thrown at them by the profession and to exploit the advantages of their disabilities as well as to use different study and work techniques. Using technology, social networks and also with the aid of friends in order to overcome their difficulties and to make their abilities more effective.

"It may help to consider a quotation that Dr. Jane E. Jarrow often uses to analogize a learning disabled student to the flightless kiwi bird. Although Dr. Jarrow uses this quotation when referring to learning-disabled students as "the human kiwi birds of our society, it not only demonstrates the limitations, abilities, and determination of lawyers with non-visible disabilities, but it also can be a mantra for the many lawyers with non-visible disabilities:

"I see, Kiwi, that you have wings, but do not fly."

"Yes, that's true."

Then what do you do?"

"Everything else... (Famillant, 1998: 574).

One of the biggest discoveries in life, one of the biggest surprises, is when the individual discovers that he can do what he thought was beyond his power (Henry Ford)

A look to the future and recommendations:

This initial research addressing the area of lawyers with disabilities has laid the foundation that will bring this issue to the public's attention and awareness and the development of a public debate in the State of Israel. Now publicity and information campaigns plus projects, in the future, for the integration of these lawyers, as equals, in large legal offices.

Further work and additional research is required in the area of lawyers, interns and law students with disabilities in order to evaluate the numbers, the trends and the distribution of the various disability types (visual, hearing, paralysis, unseen disabilities etc.) as well as the adaptations and concessions required for each specific case. Also required are comparative researches of the numbers of students with disabilities who complete their academic studies and those who successfully pass the Bar Examination. Figure pertaining to trends, demographics and causes must be cross checked. Ruling given in relation to this population segment must be evaluated and legislative changes must be put forward in order to increase the employment possibilities available to lawyers and other academics with disabilities. The issue of appropriate representation must also be examined in light of legislation, implementation and the attitudes expressed in the rulings.

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In light of the conclusions presented by this research, it would be appropriate to suggest amendments to laws relating to equality and equal opportunity as they refer to people with disabilities in Israel such as the amendment to US law in 2009 (ADAAA) which included a wide interpretation of those with a disability and which between cognitive disabilities and mental disabilities and also detailed those areas in which those with disabilities are restricted.

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