

# Providing Effective and Supportive Legal Career Guidance for Neurodivergent Law Students and Attorneys

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## A. Introduction

For a certain kind of neurodivergent person, the academic aspects of law school are far less difficult than what comes after taking and passing the bar exam. Common traits and experiences among members of this community, which includes people with developmental, learning, and psychosocial disabilities, among others,<sup>1</sup> can help to explain this phenomenon. Unfortunately, law schools' career services offices, on-campus accessibility programs, and outside organizations designed to help law students and young lawyers start their careers are largely unequipped to address the needs of this growing population. While it would be unreasonable to expect such bodies to become experts in any one disability, let alone all of them, there are steps that they could take to better serve autistic students, students with disabilities more broadly, and even the law school population as a whole.

## B. My story

As part of Suffolk University Law School's student orientation, my classmates and I attended what was jokingly referred to, even by the presenters, as the "scary talk." It not only went over most of the things we'd all heard from lawyers and nonlawyers alike about how stressful law school and the bar exam would be, but it warned us that the practice of law would not necessarily be any easier. Attorneys, we learned, were more likely than members of many

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<sup>1</sup> See Rachel Thompson, *Disability Justice Advocate and Writer Lydia X. Z. Brown on Autism and Neurodivergence*, ROOM (2020), [https://roommagazine.com/disability\\_justice\\_advocate\\_and\\_writer\\_lydia\\_x\\_z\\_brown\\_on\\_autism\\_and\\_neurodivergence\\_2/](https://roommagazine.com/disability_justice_advocate_and_writer_lydia_x_z_brown_on_autism_and_neurodivergence_2/) (defining neurodiversity and neurodivergence).

other professions to develop mental health conditions and addictions. One horror story that stood out was about an attorney who became so stressed that he made it all the way to the office one day without realizing he'd left the house without putting his pants on. The recommendations for avoiding death, disbarment, and public indecency charges were largely what one would expect: meditate, take a yoga class, see a therapist, talk to your friends and family. The contact information for the statewide lawyer assistance program featured prominently in the slideshow. The other option, they told us, was to just not become attorneys.

For the most part, I was pleasantly underwhelmed by the level of difficulty involved in law school and bar exam preparation. If anything, I was one of the apparently small number of strange people who enjoyed law school and even found it to be a way of escaping what would have otherwise been the crushing effects of a series of personal crises that occurred at that time. While I can't say quite the same for the bar exam—in fact, I was pretty sure I had failed the first time I took one—it still wasn't enough of a bad experience to deter me from taking and passing two more states' exams in as many years.<sup>2</sup>

Part of the reason I did well in these contexts is that I am autistic. Legal education involves memorizing large amounts of information structured into various explicit rules, tests, legal standards, and exceptions to all of the above. Students internalize and then demonstrate this information by applying it to countless hypothetical situations, identifying which facts are relevant and why, and forming a conclusion based on their analysis. The writing style used for this process has such a distinct and consistent format that there are widely used acronyms - CRAC (for Conclusion, Rule, Analysis, Conclusion) or CREAC (for Conclusion, Rule, Explanation, Analysis, Conclusion) - for the steps involved. The well-known autistic skills of memorization, repetition, and pattern recognition lend themselves particularly well to this process. Though less recognized and understood (and therefore frequently undervalued),<sup>3</sup> the autistic tendency toward concrete thinking pairs well with pattern recognition in sorting information according to an established standard; recognizing even minor discrepancies and potential flaws; and then building a clear yet thorough argument to support one's conclusion.

As much as these skills helped me in my studies and in extracurricular activities such as law review, they did not translate into post-law school job opportunities or career success. In some cases, these traits made finding and then fully succeeding in a job harder than it might have otherwise been. This

- 2 In fact, when I later had to apply to yet another state's bar through the process of admission on motion, I wished that I had the choice to just take the exam itself instead of having to complete a mountain of paperwork.
- 3 Neurotypical people often misinterpret and mischaracterize autistic people's concrete cognitive style as simply "being too literal" or "black and white thinking." This framing prevents neurotypical people, including many professional researchers and service providers, from grasping the far-reaching implications of this trait and extent of its influence in our lives.

was not the only reason; being an openly queer person with a rare but highly visible craniofacial condition trying to find a position in the immediately post-recession job market would have been challenging all on its own. Nonetheless, I strongly suspect that autism (or rather, anti-autistic ableism) was a major contributing factor to why, as of the beginning of my second semester of 3L, I was not among the lucky third of my class who had a position waiting on the other side of the bar exam. I felt panicked, frustrated, and hopeless. I had done everything I was supposed to and then some – making the dean’s list every semester, working on a law journal, participating in the school’s trial team, working as a volunteer or legal intern for all but one semester, and more – but it seemed not to count for anything.

Up until this point, both my professors and the various offices on campus, including the public interest center, the externship coordinator, and on one desperate occasion the dean, had been not just supportive but actually helpful.<sup>4</sup> The career development office had also helped prepare me for internship applications through resume reviews and mock interviews. In my third year, however, neither career development staff nor anyone else on campus seemed able to offer assistance in securing a job offer. Instead, both the law school and other organizations serving the legal community repeatedly insisted that I focus on my least favorite aspect of job hunting:

*Networking.*

Stereotypes about autistic people having poor social skills obscure the aspects of networking that I (along with many other autistic people) struggle with most. For instance, I never received any negative feedback in trial team practice, moot court, or mock interviews about my eye contact or lack thereof. Nor was I prone to going off on long lectures about obscure subjects that my neurotypical conversation partners were obviously uninterested in but too polite to leave.

My real difficulty with networking was that I fundamentally could not understand it as a process. It lacked an explicit structure, a consistent direction, and therefore a known or even knowable path from effort to outcome. From what I could gather through various tense, frustrating conversations with career advisors, friends, and family, the very attempt to understand it in such a systematic way would all but guarantee failure. I tried anyway, and as predicted, the resulting set of steps did not provide much help:

1. Attend crowded, noisy events with slightly inebriated classmates and future colleagues, avoiding “intense” (read: substantive) conversations while making repeated polite refusals of food that I could almost never eat. Alternatively, accost important-looking strangers in elevators for sixty-second brag sessions.

4 With the notable exception of the university’s counseling service, which turned me away after my first session because I told them I was autistic.

2. Collect business cards as if they were trading cards, and treat them as if I might sell them for a large amount of money one day to prevent their ending up somewhere in the endless void that was (and still is) my book bag.
3. Select some of these cards in deciding whom to e-mail about meeting for coffee or an informational interview.
4. Attend said meetings, dressed and prepared as if I were going to a job interview, even though there is no actual job for which to interview.
5. Follow up with these contacts every month for the vague purpose of “checking in.”
6. Absolutely never openly ask for a job. Yes, everybody knows that finding (someone to hire for) a job is the main purpose of networking, but being direct about it would ruin the facade of building meaningful relationships through purposefully superficial interactions.
7. Repeat this process until someone offers me the job for which I was allegedly not looking.

Surprising exactly zero neurotypical people, my inability to make sense of the apparent magic of networking enough to effectively use it counted for a lot more than my actual legal skills, much less my academic performance. Unfortunately, my would-be mentors – including advisors at the campus career center, a counselor at the Massachusetts lawyer assistance program, future colleagues, and nonattorney advocates with physical disabilities – not only continued to insist on an approach that played to my weaknesses but framed my frustration with it as the reason I was struggling so much. The very fact that I had gotten into and then excelled in law school, without formal accommodations no less, was taken as proof that I was “high functioning,” and that therefore my difficulties were more a matter of confidence and willpower than of (dis)ability. There were no attempts to understand the reasons their one-size-fits-all advice was not working for me, nor any effort to reframe or customize the job search process in a way that would have made use of my strengths. This reflected a lack of cultural competence around autism and disability as a whole,<sup>5</sup> and it only made my frustration worse.

5 A core part of being autistic is having uneven skills, or excelling in one area while having sometimes severe impairments in another area that neurotypical people believe to be similar or comparable in difficulty. See Gail A. Alvares et al., *The misnomer of ‘high functioning autism’: Intelligence is an imprecise predictor of functional abilities at diagnosis*, AUTISM (19 Jun. 2019). To some degree, this is common knowledge, but largely in a distorted and narrow sense based on ableist ideas about “idiot savants” and caricatures such as in the movie *Rainman*. Unfortunately, a binary view of disability is not unique to the autism context. Disabled advocates and writers have sought to address this in various ways, and many of these attempts are publicly available. See, e.g., Christine Miserandino, *The Spoon Theory*, BUTYOU DONT LOOK SICK.COM (2003), <https://butyoudontlooksick.com/articles/written-by-christine/the-spoon-theory/>; Cara Liebowitz, *This Is What Disability Binarism Looks Like*, THAT CRAZY CRIPPLED CHICK (2013), <http://thatcrazycrippledchick.blogspot.com/2013/12/this-is-what-disability-binarism-looks.html?m=1>.

Thankfully, I eventually found work without ever having to work a room. However, I found myself completely unprepared to recognize and effectively navigate toxic employment situations. Like membership in any marginalized group, my status as an autistic person automatically puts me at risk of employment discrimination. This is as much or more because of employers' implicit biases about what qualifies as normal (and therefore respectable and acceptable) than because of overt and conscious bigotry. As a result, even organizations whose very purpose is to protect and advance disability and other civil rights can be and too often are extremely ableist toward their disabled employees.

Autistic people are also uniquely vulnerable to workplace bullying for several interrelated reasons. Our innately atypical cognitive and communication styles can lead us to miss early warning signs, especially if recognizing them requires knowing the unspoken rules that neurotypical people generally learn without explicitly being told. At the same time, sensations and situations that would be only minimally stressful for the average neurotypical person are often immensely painful or distressing to us. Most of us have spent the majority of our lives hearing (often from the people closest to us) that we have "poor social skills," that we are "oversensitive," and that therefore we are at fault when other people decide to hurt us. The resulting shame and self-doubt that too many of us carry into adulthood primes us for abuse in the workplace as much as in interpersonal relationships.

My past experiences with ableism were therefore counterproductive in coping with the problems I faced at work. Meanwhile, my legal education was not all that helpful in identifying and responding to discrimination as I subjectively experienced and tried to process it in real time. Still, in place of being able to trust my own feelings and perceptions of events, I fell back on a variation of the same approach that had served me well in law school: Identify a consistent standard for what counted as That Bad - the point at which I would be undeniably justified in reporting misconduct or even just leaving a job - and apply it to specific incidents.

The few clear external reference points available to use in developing such a standard, though, involved things like physical abuse, outright slurs, sexual advances, threats, and other examples of extreme misconduct. I therefore ended up with a very high bar for proving to myself that a situation really was That Bad. Among other problems, this standard did not adequately account for the cumulative impact of many relatively minor incidents over time. For instance, it took three and a half years and a sixty-item written list of reasons I wanted to quit my job at Disability Rights New York before I could convince myself that all of it put together really was That Bad, and that it was therefore okay for me to leave.

In retrospect, it is hard for me to understand how I could have convinced myself that specific incidents by themselves did not meet my own criteria. For instance, my internship supervisor at the Massachusetts Disability Law Center told me not to shake hands with clients confined in a long-term psychiatric

facility because they might give me AIDS, and commented on a hospital employee's clothing by saying that "you couldn't look at her without sexually harassing her." During the same internship, he mocked me for my answer to his vague question, while later using that answer as if it were his own idea in a conversation with another person. He later yelled at me and accused me of being lazy when I was unable to read the handwriting in a document after thirty minutes of trying, and then demanded to know why I was upset while he stood directly in the doorway of my office. Later, during both an informational interview and a meeting about a potential project, the president of Disability Rights International repeatedly invalidated my sexual identity by claiming it was a result of internalized ableism and disability-related trauma.

There were many smaller, less overt incidents, each of which was easy to dismiss in isolation as "just" ignorance, jokes, misguided attempts to help, constructive criticism, different communication styles, not wanting to rock the boat, or any number of other relatively benign explanations. Though I frequently spoke up during many of the inappropriate or uncomfortable discussions, often to the point of insubordination, I rarely if ever reported what happened to anyone else at work other than those who I knew were facing the same mistreatment or worse. My past traumatic experiences suggested that authority figures would not only side with the nondisabled aggressors (or at least those who could pass better than I can) but invalidate my understanding of the situation and treat me as the real problem. I strongly wanted to believe that organizational leadership would be helpful or at least sympathetic, but the material and emotional consequences of misplacing my trust were too high for the risk to seem worth it.

Meanwhile, the job search process had not become any easier over time; if anything, my increasing distrust - in many of my colleagues and in myself - compounded the difficulties I already experienced in that realm as an autistic person. As is common in abusive relationships, the very workplace conditions from which I wanted to escape made me feel as if I were not good enough to get hired anywhere else, and that even if I did find another job, it might end up being just as bad, if not worse. There seemed to be few resources available for attorneys in my situation. Most other attorneys and counselors at the lawyer assistance programs and organizations to which I did reach out gave me the same generic advice as always, which at this point came across as a particularly infuriating combination of "have you tried turning your computer off and on again?" and "thoughts and prayers": Just do more networking. A few people from whom I sought help, such as a counselor at the Oregon lawyers' assistance program, were outright dismissive of what I was experiencing and its effects on me, which did not toughen me up so much as make my depression a more formidable opponent.

So I stayed in jobs that gave me acid reflux, jobs that made my jaw clench up so badly that I couldn't speak clearly, jobs that made taking a day off for dental surgery feel like a vacation, jobs that made me want to jump off a bridge, for months or even years after many of my nonautistic colleagues moved on



from the same organizations. While I eventually went into and for a time even excelled in solo practice, I was able to stave off full-on burnout only until the American (so-called) healthcare system caught up to me, and I lost access to the mental healthcare I had increasingly come to rely on over the previous ten years.

If nothing else, I can still say I never became the kind of lawyer my law school warned us about - I have never shown up to work without my pants.

### **C. The failure of law schools and legal professional organizations to effectively assist neurodivergent law students and graduates**

It would be neither fair nor reasonable to blame all or even most of the problems I faced on either my law school or outside organizations on the legal profession. Nor do I think there was any conscious ableism or malice involved in how they sought to advise me. In fact, I do not think that their approaches had much of anything to do with me - or any other specific law student, disabled or otherwise - at all. This by itself, however, undermined and will continue to undermine their effectiveness.

Where it comes to post-graduation employment, my guess would be that neither career advisors nor law schools as a whole were any more prepared than my classmates and I had been for the changes brought on by the Great Recession. They had not yet figured out effective strategies for navigating a much different, and much less promising, legal job market. I suspect that the increasingly singular focus on the vague quasi-solution of networking was (and possibly still is) a placeholder for a more definite and reliable path to employment that they could no longer even claim to offer. Unfortunately, they settled on an approach that necessarily relies on luck as much as or more than it does on the skills taught at law school, to the exclusion of assistance tailored to either individual students and graduates or outside material conditions.

Meanwhile, Suffolk University is hardly the only law school to warn incoming students about the risks of becoming an attorney, and neither Massachusetts nor Oregon is particularly unique for having a lawyer support program. This suggests that law schools and the legal profession as a whole were and are well aware of widespread problems that endanger attorneys' careers, health, and lives. Generic self-care advice, short-term counseling services, and periodic wellness programs are well-intended responses, but once again they are insufficient, especially when they are not personalized and do not take the broader context into account.

The alternative would have required law schools and the legal profession as a whole to recognize how changing circumstances were negatively affecting law graduates, and to take steps to adapt to and even affirmatively shape the new job market. By failing to directly respond to the immediate crisis of the recession, law schools and professional associations also missed a valuable opportunity to discuss and try to address long-standing systemic problems such as employment discrimination and exploitative labor practices in the

legal field. This failure is particularly egregious where the legal profession was becoming increasingly, visibly (if still insufficiently) diverse. Acting as if nothing had meaningfully changed or needed to change inevitably hurt disabled and otherwise marginalized law students and graduates more than most, where we were (and still are) disproportionately affected by both poor employment conditions and worsening career prospects.

#### **D. Recommendations**

Law schools and professional associations must take a more active approach in helping future attorneys build a career in the face of what may be an even worse economic downturn than before. Doing so is even more essential today than it was a decade ago, where the pandemic has fundamentally and possibly permanently changed the format and functioning of both legal education and practice. As my experience illustrates, an effective strategy cannot be one-size-fits-all; if anything, it should be intentionally more inclusive of people with disabilities and members of other marginalized groups than existing approaches have been.

Potential steps that law schools and other organizations could take to improve employment outcomes for both students with disabilities and the general student population include the following:

1. Deliberately hire lawyers with disabilities, including autistic and otherwise neurodivergent people, into on-campus accessibility and career development services programs, with an emphasis on recruiting disabled people of color and members of the LGBTQ+ community.
2. Ensure that various offices and programs that serve students with disabilities collaborate and share resources. The result should be a coordinated response both to individual student needs and to systemic problems that affect the work of all offices and programs involved. For instance, an office that focuses on providing career services would be prepared to work with the disability services office to learn more about an individual student's disability and identify an accessible, strengths-based approach to finding a post-graduate position, so long as the student consented.
3. Engage with individual students during their first year of law school to identify their particular areas of strength and interest. Provide ongoing, voluntary opportunities at specified intervals over the next several years to explore and reevaluate how best to use and further develop their individual skills to find a job and succeed in the workplace.
4. Hire both lawyers with disabilities and attorneys with experience in disability law to act as consultants in developing a variety of resources and programming opportunities related to people with disabilities in legal education and professional settings. Such resources and opportunities should:



- a. Be designed to include and therefore connect a variety of stakeholders such as law students and recent graduates with disabilities; lawyer support program staff; and representatives from government anti-discrimination agencies.
  - b. Take an explicitly intersectional approach that recognizes how other systems of oppression such as race, class, immigration status, sexual orientation, and gender identity interact with ableism in the lives of lawyers with disabilities.
  - c. Include hands-on opportunities for people with disabilities to practice self-advocacy skills, and for advocates and advisors to practice providing individualized assistance, with scenarios tailored to participants' concerns and experiences.
5. Structure on-campus or virtual recruitment events to allow students to directly demonstrate their legal skills to potential employers as an alternative to more traditional hiring practices that prioritize the appearance of success over actual ability to do a job. Periodically follow up with both graduates and employers who participate in these programs, both to improve future recruitment events and to increase interest among a broader range of employers.
  6. Protect law students and graduates from exploitative and discriminatory employers and employment practices. Collect information from current and former law students about current or past employers' hiring process, compensation package, and working conditions in a confidential setting or format. Make this information available to students or alumnae. Screen employers with multiple complaints of misconduct out of recruitment events; participation in school-funded externship and fellowship programs; and referral lists.
  7. Ensure that university and lawyer assistance program staff are well informed and experienced in assisting a range of neurodivergent people. In particular, all counseling staff should have a deep understanding of trauma (including complex, generational, and vicarious forms) and the extent of its effects throughout a person's life. Such programs should also be prepared to assist adults with learning and developmental disabilities, such as autism and attention deficit hyperactivity disorder, in part by consulting with self-advocacy organizations serving the populations in question.
  8. Contact recent graduates to learn about their experiences entering the legal workforce, including the length of time it took to find employment; their employer's hiring process; the compensation offered; workplace conditions; and the quality of any relevant services available through their law school or professional organizations. Collect demographic data on race, nationality, sexual orientation, gender identity and disability from respondents on a confidential and voluntary basis. Analyze the data to identify any correlations between job search experiences, workplace

conditions, and membership in marginalized communities. Supplement the findings from these data with confidential in-depth interviews with a representative sample of paid participants. Incorporate the findings of this research into both individual career counseling and programming decisions.

9. Collaborate with other law schools and professional organizations, both regionally and nationally, to develop consistent practices and share resources that would help disabled and otherwise marginalized students obtain jobs on fair terms, and thus shape the legal job market in favor of the people who have had to overcome the most to enter it.

### **E. Conclusion**

Atypical traits common among autistic and otherwise neurodivergent people, whether innate or developed as coping strategies, can make us excellent if unconventional attorneys. Even so, employers hold these differences against us more often than not, regardless of our skills or performance. The results can be devastating to our careers, health, and overall well-being.

Law schools and other programs designed to help future attorneys do not take the unique circumstances we face into consideration in designing their programs or providing individual guidance, and therefore leave many of us at a further disadvantage in finding or succeeding in employment after graduation. While they do not control the state of the job market, the practices of other organizations, or the decisions of individual legal professionals, they may still have a role in upholding or reshaping it. If nothing else, they can work to become more effective in helping their students and graduates to navigate it. It is therefore their obligation to do so, not just for the average member of the student body, but also (especially!) for the rest of us, so that we can make the best use of both our legal training and personal, unconventional excellence.