
Interviewing Tips

*for Law Students
with Disabilities*

*and Employers
Who Recruit Them*

NALP
THE ASSOCIATION
FOR LEGAL CAREER
PROFESSIONALS

According to the latest available information from the ABA's Commission on Mental and Physical Disability Law GOAL IX 2006, there were 1,126 lawyers with disabilities out of 344,757 in October 2003. However, the ABA Section of Legal Education and Admissions to the Bar reported there were 3,464 JD students in 2005 who were provided accommodations out of a JD population of 149,298.

While these statistics under-represent the true population of lawyers and law students with disabilities (some individuals do not disclose this information), the numbers portend dramatic changes for the legal marketplace. Students entering the workforce and their potential employers need to prepare for those changes. Both job applicants and employers must become knowledgeable of specific essential functions in all relevant jobs and use that information to meet the challenging staffing requirements of the 21st Century and beyond.

This booklet is not intended as legal advice but rather raises issues for both law students or graduates with disabilities and their potential employers to consider during the job interview process.

What are disabilities as defined by the ADA?

Title I of the Americans with Disabilities Act of 1990, which took effect July 26, 1992, prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

Disabilities are major physiological disorders or mental or psychological disorders that significantly limit or restrict major life activities such as hearing, seeing, speaking, walking, breathing, doing manual tasks, caring for yourself, learning, or working.

Under the ADA, you have disabilities if (1) you have a *physical or mental impairment* that substantially limits a *major life activity*; or (2) you have a history of such a disability; and/or (3) an employer believes that you have such a disability, even if you do not.

What is reasonable accommodation?

The ADA states: "Reasonable accommodation is any modification or adjustment to a job or work environment that will enable a qualified applicant or employee with a disability to participate in the job application process or to perform essential job functions. Also, it includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those enjoyed by employees without disabilities."

For example, reasonable accommodation may include the following actions:

- providing or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials, or policies,
- providing readers and interpreters, and
- making the workplace readily accessible to and usable by people with disabilities.

The ADA requires an employer to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an *undue hardship* (significant difficulty or expense).

However, fears of high accommodation expenses appear unfounded based on comments made by W. Roy Grizzard, Ed. D. Assistant Secretary U.S. Department of Labor on June 20, 2006. He said, "... almost half of the accommodations that are needed actually cost nothing, and those accommodations that do have a cost typically cost \$600.00." (<http://www.dol.gov/odep/media/speeches/diversitynyc.htm>)

The following pages offer tips for both law students with disabilities and employers on every stage of the interview process:

1. Pre-interview preparation
2. The actual interview
3. Post-interview follow-up

you can develop answers that show your abilities, skills, and experience and be prepared to be an advocate for yourself.

In addition to reviewing information about the position, you will need to learn about the organization. Obtain and study the organization's résumé or recruitment literature. Review their web site. Develop talking points that reflect your "fit" in the organization. Do not stop there. You should also:

- Conduct informational interviews with knowledgeable people.
- Find out if the firm employs any people with disabilities. One of many places to look for this information is in the *NALP Directory of Legal Employers*, available at <http://www.nalpdirectory.com>. You should ask your career services office if your school participates in the Workforce Recruitment Program for College Students with Disabilities (WRP) because WRP is a source of information on employers who may be interested in you. (Log on to <http://www.dol.gov/odep/programs/workforc.htm>.) Also, register to attend the annual IMPACT Career Fair for Law Students and Attorneys with Disabilities in Washington, DC (<http://www.law.arizona.edu/Career/Impact/welcome.cfm>).
- Visit the on-campus interview space. Ask your law school career office for a tour. Inform them of any accommodations you may need. Some career offices provide accommodations through the campus disability services office.
- Do a "dry run" if an interview will be conducted off-campus. What is the parking and public transportation situation? Is the office accessible? Can you really use the restroom, a company cafeteria, or coffee shop? Does the building have an emergency evacuation plan?
- If you will need some form of accommodation, determine what it is. How much does it cost, and is it available? Visit the adaptive technology center on your campus, if available, and familiarize yourself with ways to use technology for research and/or oral and written communication.
- Practice answering questions in a mock interview.
- Review your résumé.
- Review your choice of clothing for the interview.

Finally, talk to knowledgeable people about your disclosure issues. Some career services offices and most disability services offices have resources you may use.

location accessible for persons with disabilities? Will the setting be difficult for a person with a hearing impairment because of the background noise?

- Are planned activities accessible for summer clerks with mobility impairment?
- Have you interviewed a person with a visible disability? Assess ways to ensure mutual comfort levels.
- Visit the law school or university disability services office to learn about their efforts to help students with disabilities find employment.
- Conduct a mock interview with a lawyer/employee with a disability to gain experience. Contact your local bar association or the Commission on Mental and Physical Disability Law at (202) 662-1570 for assistance in this effort.

*What should **employers** do?*

- Ask questions that determine the person's ability and/or experience. For example, you may say, "This position requires you to draft pleadings, agreements, and other documents. Tell me about a time when you had to perform such work or how you would do such work."
- Consider the person and not the disability.
- Recognize that typical interview cues may not apply while interviewing some people with disabilities. For example, some students may be unable to return a firm handshake or make eye contact. If these are not essential functions of the job, then they are not relevant.

The Office of Disability Employment Policy of the U.S. Department of Labor offers the following advice to employers on preparing for and conducting an effective job interview. (These guidelines may also be found at <http://www.dol.gov/odep/pubs/ek99/jobinter.htm>.)

Accommodating Persons with Disabilities

Hiring the right person for the right job starts with conducting an effective job interview. As in any interview, you are interviewing a person with skills and abilities to determine if that individual is the best fit for your job opening. The following guidelines ensure that persons with disabilities are afforded a fair and equitable opportunity to present their job qualifications.

Preparing for the Interview

1. Your company's application and interviewing procedures should comply with the Americans with Disabilities Act (ADA). The ADA

Conducting the Interview

1. Relax and make the applicant feel relaxed. Don't be afraid of making mistakes. At the same time, remember that candidates (particularly those applying for professional positions) are expected to assume an equal share of the responsibility for making your interaction with them successful.
2. Do not speculate or try to imagine how you would perform a specific job if you had the applicant's disability. The person with a disability has mastered alternate techniques and skills of living and working with his or her particular disability. If the applicant has a known disability (either because it is obvious or was revealed by the applicant) the employer may ask an applicant to describe how he or she would perform a certain job function if it is an essential part of the job. In addition, the employer may ask the individual if he or she needs reasonable accommodations and if so what type of accommodation. Remember, all questions should be job-related and asked in an open-ended format.
3. Concentrate on the applicant's technical and professional knowledge, skills, abilities, experiences, and interests, not on the disability. Remember, you cannot interview a disability, hire a disability, or supervise a disability. You can interview a person, hire a person, and supervise a person.
4. Disability related questions and medical examinations are prohibited under ADA at the pre-employment offer stage. After a real job offer is made, the offer may be conditioned on the results of disability related questions and/or medical examinations, but only if the examination or inquiry is required for all entering employees in similar jobs and only if all medical information is kept confidential. Disability related questions and medical examinations at the post-offer stage do not have to be related to the job. However, if the offer is withdrawn,

How do I know if a work site is accessible?

The following are some questions to keep in mind when determining physical accessibility:

- Are there designated parking spaces for persons with disabilities that are close to the entrance of the work site?
- Is there a pathway without abrupt level changes or steps that leads from the parking area to the entrance?
- If ramps are used to provide access, are they appropriately graded and are handrails provided?
- Are the doors wide enough (36 inches) for people using wheelchairs? Are they easy to open (e.g., not excessively heavy, with easily grasped handles, or automatic)?
- Is the personnel office in an accessible location?
- Are pathways to the bathroom, water fountain, and public telephone accessible? Can people with disabilities use them?
- Are elevators accessible to all persons with disabilities (e.g., control panels lower than 54 inches from the floor, raised symbols or numbers on the control panels)?
- Is all signage appropriate and accessible for persons with visual, learning, and cognitive disabilities (including the use of symbols and graphics)?
- Does the emergency warning system include both audible and visual alarms?

Selected Resources

■ American Association of People with Disabilities (AAPD)

1629 K Street NW, Suite 503
Washington, DC 20006
202-457-0046 (V/TTY)
800-840-8844 (Toll-Free V/TTY)
<http://www.aapd-dc.org/>

The largest national nonprofit cross-disability member organization in the United States, dedicated to ensuring economic self-sufficiency and political empowerment for the more than 56 million Americans with disabilities.

■ American Bar Association

Commission on Mental and Physical Disability Law

740 15th Street, NW, 9th Floor
Washington, DC 20005
202-662-1570
Fax: 202-662-1032
cmpdl@abanet.org

The Commission's mission is "to promote the ABA's commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and to promote their full and equal participation in the legal profession."

■ Association on Higher Education & Disability (AHEAD)

P.O. Box 540666
Waltham, MA 02454
781-788-0003 (V/TTY)
Fax: 781-788-0033
ahead@ahead.org

AHEAD is the premiere professional association committed to full participation of persons with disabilities in post-secondary education.

resources for technical assistance, funding, education, and services related to the employment of people with disabilities. In addition, JAN analyzes trends and statistical data related to the technical assistance it provides.

■ **Rehabilitation Engineering & Assistive Technology Society of North America (RESNA)**

1700 North Moore Street, Suite 1540
Arlington, VA 22209-1903
703-524-6686
703-524-6639 (TTY)
Fax: 703-524-6630
<http://www.resna.org/>

RESNA is an interdisciplinary professional association dedicated to assistive technology for persons with disabilities. The purpose is to improve the potential of persons with disabilities and to assist with achieving their goals through technology.

■ **The Office of Disability Employment Policy**

U.S. Department of Labor
200 Constitution Avenue, NW
Washington DC 20210
1-866-ODEP-DOL (633-7365)
1-877-889-5627 (TTY)
<http://www.dol.gov/cgi-bin/contactus.asp?agency=odep>

The Office of Disability Employment Policy provides national leadership by developing and influencing disability related employment policy and practice affecting the employment of people with disabilities.

■ **U.S. Equal Employment Opportunity Commission**

1801 L Street, NW
Washington, DC 20507
202-663-4900
202-663-4494 (TTY)

The EEOC publication entitled *Reasonable Accommodations for Attorneys with Disabilities* can be found at <http://www.eeoc.gov/facts/accommodations-attorneys.html>.