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Law Students with Disabilities: Removing Barriers in the Law School Community

DAVID M. ENGEL AND ALFRED S. KONEFSKY*

I. INTRODUCTION

Thomas M.,1 a gregarious second year law student with an interest in corporate taxation, was involved in an automobile accident twelve years ago which resulted in spinal cord damage that left him without the use of his legs. Although the law school building was only fifteen years old, it presented a number of obstacles. There were curb cuts near the front entrance, but the automatic door opener gave access only to an unheated entryway, and the inner set of doors had no opener. None of the other doors to the building had an automatic opener at all.

Travel from one floor to another was made difficult by elevator buttons that were positioned too high for Thomas to reach from his wheelchair. Large lecture rooms were accessible only from the rear. Thomas could not descend the stairs to sit near the front, nor could he approach the instructor with questions or socialize with other students who gathered in groups throughout the room before and after class. Two of the smaller rooms featured desks and chairs on risers, which formed a semicircle around the instructor's table. Thomas' wheelchair could not get up on the risers, so he had become accustomed to sitting conspicuously isolated from other students with his notes and books arranged on the same table used by the instructor for her lectures.

Bathrooms, drinking fountains, and public telephones were all unusable. Thomas joked that since he could not go to the bathroom all day, it was just as well that he could not get a drink of water. The counter at the registrar's office was well above eye level, so Thomas found it difficult to

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* Professors, School of Law, State University of New York at Buffalo. This article is written by two members of a committee formed to address the special needs of students with disabilities at the School of Law of the State University of New York at Buffalo. We want to emphasize that the work of this committee and many of the ideas described herein were contributed in equal measure by all members of the committee, who were themselves a "special" group. Faculty and staff members who have served on the committee (in addition to the authors) are: Ronald Hager, George Kannar, Mary Lang and Marcia Zubrow. Student members are: Elizabeth Bannigan, Jill Clarke, Robert Davis, Glenda Fischel, Ivan Khoury, Christopher Reo, Nancy Schulman, and Wendy Urtel. In addition, Marlene Cook, Assistant Dean of the Law School, provided extensive and tireless support for the committee and the students it serves. Thanks are due to Margot Watt for her research assistance and to Joyce Farrell for her help in preparation of the manuscript.

1. All names are fictitious. The portraits of students in this article are composites based on the experiences of several real persons. No single portrait is meant to describe any one identifiable individual.
transact such simple business as dropping or adding courses. The bulletin board outside the Placement Office was mounted at "normal" height, which meant that Thomas was unable to read job notices. Coat lockers used by other students were inaccessible to Thomas, and he became accustomed to leaving his coat at home in the winter and relying on the heater of the van that transported him. He stuffed all his casebooks and materials around the seat of his wheelchair and carried them with him throughout the day.

In February 1988, our law school created a Committee on Law Students with Special Needs. Its charge was to survey all aspects of the law school that bore on the special experiences of students with disabilities and, where appropriate, to recommend new policies and practices to the faculty and administration. Although the work of the committee led to a number of surprising and unsettling insights, we soon realized that our venture was not unique. Other law schools were grappling with similar issues, and in 1989 the Association of American Law Schools (AALS) organized a Special Committee on Disability Issues to study the matter as it affects its members. Because of the importance of removing barriers that now block entry (sometimes literally) into law schools and the profession for a sizable group in our population, we offer this article in the hope of contributing to a dialogue among those who are in a position to end a tradition of physical and academic inaccessibility that has discouraged generations of persons with disabilities from attending and succeeding in American law schools.

Persons with disabilities constitute one of the largest minority groups in our society. Estimates of the number of persons with disabilities in the United States run as high as 15 to 25 percent of the total population. At present, some 11 percent of all children in our public schools are classified as "handicapped" and receive individually tailored programs and special services to provide for their unique educational needs. While such figures lead to complex questions concerning the social construction and meaning of terms such as "handicap," they are important reminders that most aggregations of people—including the students, faculty, and staff of law schools—contain a significant propor-

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2. "With a broad definition, one can estimate that as [many] as twenty to twenty-five percent of Americans experience some form of mental or physical handicap." S. Percy, Disability, Civil Rights, and Public Policy: The Politics of Implementation 4 (1989). Furthermore, the Senate version of the draft Americans with Disabilities Act of 1989 confirms the congressional finding that "some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older. . . ." S. 933, 101st Cong., 1st Sess. § 2 (1989).

tion of individuals with various disabilities.\footnote{Although the 11 percent figure includes some “handicapping conditions,” such as “mentally retarded,” which are not found in law school communities, it excludes other kinds of disabilities more likely to be associated with an older population, such as increased incidences of chronic illnesses, health impairments, and disabilities associated with accidents or degenerative conditions.}

In recent years, there has been an upsurge of political activism on the part of those with disabilities, and to some extent legal changes have reflected an emerging recognition of their needs and rights. For the most part, however, persons with disabilities in American society have remained a “hidden minority”\footnote{S. KLEINFIELD, THE HIDDEN MINORITY (1979).}; segregated, stereotyped, disempowered, impoverished, and deprived of the opportunity to achieve and fulfill themselves. In our own law school, there was some familiarity with the disability rights movement. We had for many years maintained an active clinical program representing children with disabilities in their conflicts with public schools, and law school courses in several doctrinal areas emphasized the rights and struggles of persons with disabilities. It came as something of a shock, therefore, to discover as a result of our committee’s survey that law students with special needs in our own law school were often marginalized and misunderstood, that their needs and educational rights frequently went unrecognized, and that their day-to-day activities in the law school involved a continual confrontation with formidable and sometimes degrading physical and social barriers.

We did not wish to approach our work from a narrow legal perspective that would simply identify what rights the students held or what obligations the institution was required to meet. Nevertheless, we realized that our investigation would be carried out in the context of an increasingly developed legal framework. The Architectural Barriers Act of 1968\footnote{Architectural Barriers Act of 1968, 42 U.S.C. §§ 4151-4157 (1982). The coverage of the Act includes buildings or facilities “to be financed in whole or in part by a grant or loan made by the United States after August 12, 1968, if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan.” 42 U.S.C. § 4151(3) (1982).} and related regulations,\footnote{See generally 34 C.F.R. § 76 (1989), 41 C.F.R. §§ 101-19 (1989).} for example, specifically addressed requirements for physical facilities. Section 504 of the Rehabilitation Act of 1973 and its regulations\footnote{Rehabilitation Act of 1973, § 504, 29 U.S.C. § 794 (1982 & Supp. 1987); 34 C.F.R. §§ 104, 222, 300 (1989).} also appeared to bear on our obligations to provide accessibility, not only to our educational programs but also to the physical site in which such programs take place. We were also aware that in the future an increasingly expansive reading of Section 504’s guar-
antee of "program" accessibility was possible, in view of the amendments to Section 504 contained in the Civil Rights Restoration Act of 1987, which extended the scope of the Rehabilitation Act to include "all the operations of" post-secondary educational institutions such as our own. According to this Act's legislative history, such operations include, but are not limited to, "traditional educational operations, faculty and student housing, campus shuttle bus service, campus restaurants, [and] the bookstore." Thus, passage of this strong new statute in 1987 was likely to have implications not only for matters relating to the law school's physical plant, but also to the school's responsibility to afford appropriate auxiliary aids to law students seeking to use the library and to participate in such quasi-official aspects of the law school's program as moot court, law review, and extra-curricular activities in general.

In addition, we were aware that the experiences and expectations of this new generation of law students with special needs had been shaped by their prior exposure to another important legal initiative: the Education for All Handicapped Children Act of 1975. Students who benefited from this Act during their elementary through high school years had learned to expect mainstreaming and educational accommodation and support as a matter of right. We believed it reasonable to anticipate that as their generation became old enough to apply to law school, we would soon see a sharp increase in the number of students with special needs in our own student body and a dramatic change in the attitudes and assumptions they would bring with them.

One final consideration became increasingly evident to us, although we had not been asked to address it specifically. Accessibility needs might be felt as urgently by faculty and staff at the law school as by students, although at the time of our work no member of the faculty or staff was generally recognized as having a "disability." We thought, however, that it was worth considering how a professor in a wheelchair would teach from the back of inaccessible lecture rooms or work all day without use of any lavatories and drinking fountains except those in adjoining buildings. Such were the conditions already facing some students. The fact that these problems had not seemed urgent to most of us within

10. See id. § 794(b)(2)(A).
our community struck us as revealing: persons with disabilities were a
group with little or no recognition or representation among our students,
faculty or staff although, ironically, the first dean in our brand new build-
ing (opened in 1974) had a physical disability for which the new facility
made virtually no accommodation.

There is no question that faculty perceptions and student perceptions
may differ in these matters. In some instances, faculties and admin-
istrations accustomed to dealing with nondisabled student populations
may be suspicious of the need for accommodations that depart from
traditional modes of legal instruction and evaluation or may be reluctant
to recognize the need for substantial changes within the building itself.
Yet from the student perspective, without such accommodations, the
barriers to equal educational opportunity may seem insurmountable. In
an era of heightened consciousness, such differing perspectives can easily
lead to legal conflict.\(^{13}\)

II. TAKING STOCK

Mary W. is a third year student who hopes to work in the criminal law area.
Mary was diagnosed as having a learning disorder during her junior year of
college, although she had long suspected that the “circuitry” in her brain
operated differently from that of other students. She processed information
and understood it immediately when it was presented orally, particularly if
pictures or charts were used, but reading from a written text had always been
slow and difficult. Her eye was often unable to recognize familiar words and
she was forced to guess at the meaning of entire passages. Frequently her gaze
would jump from one line to another and back again. When she came to a
blank in a written text, she would stop and be unable to continue. Reading
from handwritten or smudged copies was impossible for Mary.

As an undergraduate, Mary had—somewhat unconsciously—selected
courses that played to her cognitive strengths and had achieved good grades
without developing learning strategies that addressed her disability. She had
also scored quite well on the LSAT, a reflection no doubt of her unusually
high IQ. But once admitted to law school, she was confronted with a number
of courses she could not avoid taking, and they required extensive casebook
readings and essay-style exams. These have posed some problems for Mary,
although she knows the problems are soluble.

Mary has not told anyone about her learning disability. Because she is
exceptionally bright, she has been able to pass as “normal” by studying much
more than her peers and by accepting low to average law school grades. She

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13. See, e.g., Markoff, One Disabled Student’s Lawsuit Sheds Light on Issue of Access, National
Law Journal, Dec. 4, 1989, at 4, col. 1. “A deaf law student suing her school for inadequate class-
room support is litigating the issue of access for disabled graduate students at a time when support
for such students appears to be on the rise.” Id. at 4.
prefers a social identity as a low-average student to the stigma of being known as “dyslexic.” She feels that many people simply could not understand how she could be a very intelligent and talented lawyer yet also be learning disabled. She is convinced no employer would hire her nor would clients trust her if they knew of her disability.

Mary M. and others like her are members of a large, invisible minority which is not detected in any survey of disabilities among law students. She would benefit greatly by a few simple modifications, such as the taping of classes, time extensions on exams, and the use of a dictaphone. Such modifications are routinely provided for persons with learning disabilities in many academic settings and would be adaptable to most law practice environments. But, because of Mary’s reluctance to identify herself as learning disabled, these modifications will not be used and her unusual intelligence and ability will never be displayed in law school. Mary fears that the social and career costs would be too high.

The creation of our committee was in part a response to complaints lodged by a few students with learning disabilities, visual impairments, and physical disabilities. We had known for years that the building presented physical barriers to some of our students with mobility impairments. We had not realized, however, that students with other kinds of disabilities faced equally formidable barriers that were not physical in nature. The picture of the law school that these students painted for us was so unfamiliar and disturbing that it seemed they were describing an institution totally different from the one we perceived as, in many ways, particularly congenial to students. The first task we set for ourselves was to talk with a broader group of students to determine the extent and impact of this less familiar aspect of our law school.

We scheduled a number of group meetings and building tours. Through these meetings we became familiar with two somewhat distinctive groups of students. The first comprised those with learning disabilities such as dyslexia and dysgraphia, which affected the students’ abilities to process, record, and communicate information. The second group comprised those with physical disabilities such as gross and fine motor impairments, blindness, deafness, seizure disorders, amputated limbs, and chronic health disorders, all of which affected students’ abilities to move freely throughout the building, to participate in required academic programs, to do research, to interact with instructors and fellow students, and to take exams. And, of course, some students fit into both of these general groups.

A. Students With Learning Disabilities

This group of students had a particularly compelling story to tell
and yet were among the most reluctant to come forward and identify themselves. Thus, one of the first insights our committee obtained was that there are severe social constraints placed upon persons with learning disabilities, both by themselves and by others. Often viewed as unintelligent or unable to function in essentially intellectual activities, such students frequently find it necessary to disguise their disability and attempt to "pass" as part of the "normal" population without any accommodations whatever. As a result, they settle for educational experiences and grades that are far inferior to those that they could achieve if their special needs were recognized and addressed through simple and widely-accepted adaptations.

We spoke, for example, with students whose learning disabilities made it impossible to process classroom discussions quickly enough or to write efficiently enough to take adequate notes. They went through law school and took examinations without the benefit of classroom notes. A simple accommodation, such as photocopying a classmate's notes, providing a notetaker where necessary, or audiotaping classes, would have provided them appropriate access and enabled them to participate on more equal terms with their peers. Such accommodations are widely available for students with learning disabilities in many academic settings. Other students read with some difficulty and required more time to work their way through casebooks or exams. Unless they received time extensions (or, in some cases, had their written materials audiotaped), they operated at a severe disadvantage. Few if any of these accommodations were being provided to the students with whom we spoke, and many were reluctant to request them under any circumstances. They assumed that their needs would be misunderstood and that they would be looked down upon if their disabilities became known. They felt that people generally would equate a learning disability with a lack of intelligence or, worse, with a phony plea for special treatment.

B. Students With Physical Disabilities

Physical barriers posed by our building had a profound impact on virtually every aspect of life for students with physical disabilities. Access to lavatories, drinking fountains, bulletin boards, mailboxes, lockers, telephones, and elevators was obstructed or denied. It was disturbing to imagine the quality of life in our community suggested by such barriers. Other aspects of the building's design had a direct impact on academic participation and performance. Traditional large lecture rooms were designed in such a way that students in wheelchairs or with other mobil-
ity restrictions were virtually confined to the back of the room and de-
prived of interaction with instructors or fellow students. Some physical
disabilities may affect capacity to project speech, and for those individu-
als confinement in the rear of the room meant that they could not partici-
pate in class discussion.

Small classrooms also created problems. Segregated seating patterns
emerged in rooms where tables and seats were cluttered or on risers. Stu-
dents in wheelchairs were forced into conspicuous locations in such
rooms, and had to position themselves awkwardly in front of the class
without adequate space to lay out their books and papers. Tables were
often the wrong height for note taking and were too low for the arms of
the wheelchair. Thus, physical and social isolation and embarrassment
became a daily ordeal. If we isolated nondisabled students in a compara-
ble manner on the basis of their race or gender, the offensiveness of their
treatment would be immediately obvious. We began to ask ourselves
whether it should be viewed as any less offensive when such treatment
was based on physical disability.  

III. COPING WITH CONSTITUENCIES

Steven D. is a quiet, withdrawn second year law student. Steven has a
seizure disorder that frequently subjects him to petit mal seizures. His condi-
tion is scarcely noticeable to observers who might suspect, at most, that Steven
is unusually prone to daydreaming. Steven is firmly opposed to telling anyone
about his condition. He is aware that seizures are feared and misunderstood
in our society and that persons who have seizures encounter numerous social
and legal obstacles.

When Steven attends class, he takes notes as best he can. Often, however,
a seizure will interrupt his attention. Although the interruption is brief, it may
leave him disoriented for a few moments and unable to pick up the flow of
the discussion. Thus, he observes, his notes are like swiss cheese except that he
cannot say exactly where the holes are.

Steven takes medication to control his seizures, but it is only partially
effective. Worse, the side effects of the medication are in some ways more
debilitating than the seizures themselves. Steven is subject to mood swings
caused by the medication and is fearful of speaking impulsively or inappro-
priately in public. He attempts to ward off embarrassment by talking as little
as possible and never participates in class discussions. As a result, few of his
classmates and none of his professors know Steven. No one in the law school
realizes that he has a disability and, as far as Steven is concerned, modifica-
tions such as notetakers or tape recorders are completely out of the question.

14. A complete listing of building accessibility problems was compiled after these initial meet-
ings with students, and appears as Appendix B to this article.
A. Students

The committee was particularly struck by the diversity of needs that emerged from these meetings. Although the term "handicap" tends to be used somewhat generically, disabilities in fact are extremely varied and the obstacles created by buildings and programs are experienced quite differently by different people. It became clear, therefore, that our task was not a simple one. A solution that benefited one student would not necessarily benefit another. Although certain basic modifications of the building were clearly in order, if we wanted to make our programs truly accessible we would have to approach most other matters on an individualized basis.

Despite the diversity of disabilities, the students who met with the committee had much in common. All had experienced social isolation and academic deprivation in some form, although the details of their experience may have differed. Prior to this time, there had been no law student organization or common forum concerned with issues of disability. With the encouragement of our committee, the students decided to form a new organization, which they named "Club 504," to address this need. In addition, five students were named by the Student Bar Association as members of our Committee on Students with Special Needs, and they played an important role in our decisionmaking and in communicating student concerns to the committee.

The committee thus relied heavily on student activism, both from its own student members and from nonmembers who helped to shape its understandings and strategies. Reliance on students served in some measure to empower those who had long been excluded and ignored. Yet there were sharp limitations on such activism. We were continually reminded that those who participated too visibly in advocacy placed themselves at risk. Within the law school, students were concerned that accommodations on the basis of "handicap" could evoke negative stereotypes and social harassment. Further, as discussed above, fear that disability would be equated with intellectual inferiority caused many students with special needs to believe that it was necessary to conceal facts that were central to their lives and to their images of themselves. As troublesome as such concealment might seem to an outsider, we on the committee were unable to reassure students that public revelation of their disabilities would not subject them to intolerance or social discrimination. We could not tell them that their fears were unjustified.

Apprehensions concerning their peers were closely related to apprehensions about career opportunities. Once revealed, some felt, the stigma
associated with their disability might follow them into the profession. There was also concern that, if students made their disabilities known to the law school, they would be noted on the official student records or otherwise communicated to potential employers, although as a matter of policy the law school did neither of these things. The students knew all too well that discrimination against those with learning disabilities or physical disabilities was a fact of life in the legal profession as it was in most other social settings. Thus, activism even within the law school community carried with it dangers, both real and imagined, as well as opportunities.

B. Faculty

The committee was encouraged from the outset by an awareness that its concerns and recommendations were likely to meet with broad support from the faculty as a whole. In the past, the faculty had acted vigorously on behalf of other groups that had suffered from patterns of discrimination. Perceptions of persons with disabilities in society generally have been shaped to some extent by activists who have successfully invoked the rights paradigm in their advocacy—a paradigm with a special appeal to legal educators. Just as we had anticipated, our faculty proved to be sympathetic to the claims of the students when presented in a rights framework as well as when the claims were articulated in terms of moral entitlement and community.

Despite our expectations of full faculty support, however, we were also aware that the committee would be asking a faculty that had not necessarily thought about this problem before to suspend some of its normal beliefs and practices related to academic achievement. For instance, many faculty members might have realistic concerns about time extensions to complete examinations. We felt it was an important committee function at the outset, therefore, to provide a specific explanation to faculty members about when and how modifications in academic programs would be recommended for individual students. Superficially, the justification for a time extension for a student with a learning disability might seem applicable to other students who have no learning disability but also find it difficult to perform well under time constraints. When the neurological basis is suggested, however, and its precise impact on performance is explained, then it becomes apparent that a time extension for the student with a learning disability simply puts him or her in a roughly equivalent position and does not provide an unfair advantage over others who may find exam taking a difficult and pressure-filled experience.
Similarly, there are faculty members who have a firm policy against audiotaping of classes, because of fear that the tapes will receive inappropriate circulation and use or that students will take advantage of the taping opportunity and miss class in order to work at outside jobs. The committee realized that some faculty members had strong feelings about such matters and that recommendations to permit taping for individual students with special needs in classrooms where “no-taping” policies had been announced would require some justification. Therefore, it became our task to explain how a student with a hearing or vision impairment or a learning disability would require audiotaping as an essential element of his or her academic program. Without it, the student would be denied equal access. Invariably, our recommendations met with a sympathetic response. The student, in turn, agreed not to share the audiotapes with other students.

C. The Bureaucracy

Although most law schools are accustomed to functioning with some degree of autonomy, it quickly became apparent to the committee that the cooperation and support of the central university administration would be essential. In particular, the university had established an Office of Services for the Handicapped (OSH) charged with coordinating the support for students with disabilities in all university faculties and departments. Funding for many important services also flowed through this office. Law students seeking readers, notetakers, photocopying or enlargement, brailling, tape transcription, or the purchase of special equipment, had to apply for funds that were available through the OSH. In addition, the OSH provided assistance in arranging accessible student housing and transportation. In all such matters, therefore, the committee recognized that it could not function alone but would have to cooperate with the existing bureaucracy. Nonetheless, the committee believed it could serve an important liaison function for students who, in the past, had sometimes found it frustrating to negotiate and advocate on their own behalf without institutional support from the law school.

The committee discovered that the OSH also acted as a campus-wide clearinghouse for requests for building modifications. Thus, our rather ambitious set of accessibility recommendations required support and cooperation from this office—an office which had particular insight (based on years of experience) into the various byzantine budgetary possibilities hidden within the state university system. In fact, the OSH facilitated contact with the university’s physical facilities officials, who were
directly responsible for providing the modifications. Thus, the OSH in turn served as a liaison for the law school in its dealings with other elements of the bureaucracy.

The importance of cooperative relationships with the central university bureaucracy was magnified by the fact that the law school itself had no money budgeted specifically for students with special needs. Any expenditures, therefore, had to come either from limited discretionary funds within the law school or from relevant offices in the university administration. The committee had to recognize from the outset that the unusual dependence of law students on the central university bureaucracy was an unavoidable necessity unless and until the law school began to allocate funds out of its own budget to address the needs of its own students. And whatever the source of money requested by the law school, the claim may always be made that resources are scarce.

IV. IMPLEMENTING A PROGRAM

Sarah G., a first year law student, is totally blind. Sarah functions most effectively in an academic environment by reading from braille texts. Unfortunately, none of her casebooks are available in braille editions, and all of the casebook publishers have rejected her request that they provide the word processor text files for their casebooks that would allow her to generate braille printouts. Instead, Sarah has had to settle for a process by which the university hires undergraduates to read her casebook assignments onto audiotapes, to which Sarah listens while typing her own braille notes. This is a rather laborious process and leaves her with no complete written text of the materials she is studying.

In the classroom itself, Sarah uses a tape recorder. Later, she reviews the tapes and types braille notes. To supplement these braille notes, a classmate's handwritten notes are photocopied by the university and sent to a braille typist.

Technological improvements will soon have a major impact on Sarah's law school experience. The university has installed a new computer in the law library. It has both a voice synthesizer and a braille printer. Thus, any word processor text file can instantly be converted to a form Sarah can either hear or read herself. For partially sighted or dyslexic students, the computer also features a large character screen.

Texts that are already on disk (such as course materials or exams prepared on secretaries' word processors) or on line (such as Lexis or Westlaw materials) will be completely accessible to Sarah as she sits at the keyboard. Texts that are available only in hard copy format can be "read" by a scanner attached to the computer and then are accessible to Sarah either through the voice synthesizer or the braille printer. Although the scanner frequently makes errors in its reading from the written page, it is hoped that advances in this area will produce greater accuracy.
Thus library research, class preparation, and exam administration should soon be far more feasible for Sarah. Even the preparation of class notes could be streamlined by the use of a lap top computer, once she acquires the requisite word processing skills. The computer promises some extraordinary opportunities for the integration of lawyers with visual impairments in law schools and the profession.

Although the committee immediately found itself acting as an ad hoc adviser for law students with special needs, our formal charge was to make recommendations concerning permanent changes and approaches. It was apparent to us that the creation of a faculty-student committee was required.\textsuperscript{15} The complex and time-consuming process of planning individual modifications as well as devising long-term law school programs was so demanding that the existing law school administrative structure simply could not handle it. A detailed report containing this and other recommendations was submitted to the faculty in the Fall of 1988.\textsuperscript{16} The faculty unanimously approved all of the findings and recommendations contained in the report. At this point, the committee had the somewhat mixed blessing of full support for a complex and difficult task and primary responsibility for implementing a program whose success was (and is) by no means guaranteed. We proceeded on several fronts simultaneously.

A. Accessibility Plans

To guarantee that our academic program was accessible to all students, we initiated a process of drafting an individually tailored plan for each student with special needs who sought our intervention. Our use of individual Accessibility Plans grew out of our interpretation of the concept of “program accessibility,” which requires that institutions do more than simply assure that students can physically enter and move about the building.

The most basic concern in providing “program accessibility” was individualization—an approach based on the particular disability of each student and on the mode of learning and expression most suited to that student’s needs. In addition, individualization was required because each course placed differing demands on a given student with special needs. Disabilities vary greatly in type and extent, and the modifications required by one student in a particular course would usually be inappropria-

\textsuperscript{15} We are aware that most forms of life as we know it in law schools must first be created by a committee.\textsuperscript{16} The report is available on request from the authors.
ate for another student even if enrolled in the same course. Group solutions or programs are generally considered educationally unacceptable for persons with different kinds or degrees of disability and would not satisfy our obligations to provide access.

Individualized planning sometimes involved modifications in the examination process as well as coursework and related activities. Although exam modifications had been provided on an ad hoc basis for some students over the years, we learned of other students who had never requested or received such modifications and had therefore been examined under circumstances that appeared to place them at a significant disadvantage in relation to their peers. Examples of modifications provided in the Examination Accessibility Plans included: time extensions, rescheduled exams to prevent conflicts or to allow students a period of rest between exams, enlarged print, braille print, tape recording and transcription of exam responses, provision of an alternative location for exam taking, use of a computer for word processing, and provision of a reader.

Individual Course and Examination Accessibility Plans were drafted by the committee following a conference with the student. The committee required that each student seeking its services provide authoritative and reliable documentation of the disability and the nature and extent of the impact it would have on the student's law school work. The Accessibility Plans briefly described the nature of the disability and specified the particular steps that should be taken by each instructor or staff member to provide the student fair access to the instructional program and to the course examination process. Each Course Accessibility Plan was circulated only to those who would be directly involved in its implementation and, beyond this limited group, was regarded as private and confidential. Exam Accessibility Plans were not routinely circulated to instructors, but instructors were notified that modifications were being provided for a student in their class and had the opportunity to review those modifications if they wished. Students were assured that the Accessibility Plans would not become part of their permanent record nor be released to prospective employers or others outside the Law School without a written request by the student. Examples of Accessibility Plans are provided in Appendix A of this article.

The preparation of the Accessibility Plans has been a very time-consuming process, involving numerous counseling and follow-up conferences. One member of our committee in particular—Mary Lang of the law school clinic staff—has devoted a significant amount of time each
week to this task. Her efforts have bordered on the heroic. In addition, the clinic office staff has assumed an expanded role in processing the Accessibility Plans by arranging interviews for students with committee members, typing and forwarding revised and final copies of the Plans to appropriate faculty, staff, and students, logging and disseminating class audiotapes from the Audiovisual Department of the Library, transcribing dictated exams and other materials, and generally providing a specific location for students to contact committee members for further assistance.

The Accessibility Plan process has operated in an informal environment and no disagreements have developed over Plans that have been devised thus far. However, the lawyer-like tendency to provide for contingencies that may never occur did prompt the committee to formulate a process to be followed if conflicts should emerge. A student dissatisfied with her or his Accessibility Plan or with other final action by the committee would be entitled to take an appeal to the Dean of the Law School. In doing so, the student could submit whatever materials in whatever form she or he believed relevant to the subject matter of the appeal. The student would be entitled to representation during the appeal process and could in writing or otherwise supplement the record with appropriate reports or advice of experts in the field of special education. The Dean, or a designated Associate Dean, in reviewing any committee decision that could not be promptly resolved, was to consult as necessary or appropriate with a qualified expert in the field of special education before rendering a final decision.

Instructors or other persons involved in implementing a particular Accessibility Plan could request that the committee and the student meet with them to discuss the Plan further or consider proposed revisions. A decision by the committee following such a meeting could be appealed to the Dean by the person who requested the meeting or by the student.

Accessibility Plans could, of course, be modified or revised at any time through the same consultative process by which they were drafted and with the same opportunities for appeal and review. In the normal course of things, however, the Plans are evaluated and readapted to new courses each semester.

We should emphasize that these Plans are prepared on the assumption that they will enable students to reach their full academic potential, whatever that may be. Therefore, the expectation is that grades achieved under these Plans will look no different from grades achieved by others throughout the student body as a whole. With these accommodations,
some students with disabilities will do honors work while others may do average or below average work. The critical question is whether the Accessibility Plans fairly and fully address the professional evaluations of the students' special needs, and not what grade may emerge in a particular course. In other words, we did not feel that if a student received an honors grade, the accommodations were necessarily undeserved, excessive, or dispensable, nor that if a student received an average or below average grade that the accommodations were necessarily inadequate.

B. Building Modifications

In addition to instituting a system of individual Accessibility Plans, a major task confronting the committee was to insure that the recommended building modifications were carried out. This task also proved formidable and, as we write, has still not been accomplished in its entirety. Members of the committee and of the law school administration met frequently and at length with those members of the central university administration responsible for approving and instituting building modifications. Some of the modifications were relatively simple and inexpensive, such as repair of torn carpeting and improvements in lighting levels throughout the building. Other modifications, which we had expected to be simple and inexpensive, proved to be more complex and costly than anticipated, such as braille elevator controls, handrails along classroom stairs, and accessible water fountains. And a third group of modifications proved so formidable and expensive that, to date, the authorities have simply balked. These modifications include lavatory accessibility changes and architectural modifications that would permit access to the front of large lecture rooms. The entire building accessibility report appears in Appendix B of this article.

C. Course Materials and Handouts

A common complaint among students with visual impairments and dyslexia concerned the illegibility of course materials and handouts. Such students were able to have all course materials copied on an enlarger and, for many, this was sufficient to permit them to read the materials. But when the originals were smudged or darkened, even enlarging did not help. Instructors and secretaries were asked to be sensitive to the needs of these students and to strive to use written materials that were clear and easy to read. An experimental program was initiated to place all course materials into word processing files rather than using the time-honored
cut-and-paste method. This would produce clearer copy and would also facilitate quick reformatting so that large print or braille copies could be produced more readily when needed. Early results were promising, but the optical scanner used for “reading” existing copy into the computer proved troublesome and balky.

Handouts were another problem. Whereas arrangements could be made in advance for regular course materials, all of us had to become increasingly sensitive to the fact that some in-class handouts could not be read at the time they were distributed and had first to be recopied and enlarged. Poor quality originals were particularly annoying for these day-to-day materials and presented insurmountable barriers to some students.

Individual Accessibility Plans notified instructors of the presence of students with visual impairments or dyslexia in their classrooms and asked that their secretaries routinely run off one or more enlarged copies of any materials or notices to be distributed to the class. Instructors and secretaries attempted to provide these specially prepared copies to the students without publicly calling attention to them or to their special needs, by distributing them directly to student mailboxes or by having them available at a secretary’s desk.

D. "Consciousness Raising"

The most serious barriers facing any individual with a disability are socially constructed and are not inherent in the “handicap” itself. Therefore, the committee considered it an essential part of its work to attempt to make both law students and faculty (as well as external communities including administrators, alumni, bar groups, and the general public) substantially more sensitive and aware of the problems inadvertently created for people with disabilities. We began to search for ways to familiarize our community with the perspectives of individuals who have been labeled “handicapped” in one way or another.

The most successful effort in this regard was a visit to the law school by New York City Family Court Judge Jeffry Gallet. Judge Gallet, a noted authority on housing law and a distinguished lawyer and judge, also happens to be learning disabled. He came to our law school and spoke with students and faculty as well as children with learning disabilities from local public schools. His extraordinarily moving and witty address, “The Judge Who Could Not Tell His Right From His Left and

17. We acknowledge the work of our colleague, Wade Newhouse, who pioneered in this effort.
Other Tales of Learning Disabilities,” was delivered to an overflow crowd in our largest classroom and was later reprinted in the Buffalo Law Review.¹⁸

E. Career Counseling and Placement

Among the most urgent of the concerns expressed by students had been their fears about how prospective employers would respond to their disability. The students were uncertain how to handle this concern. Should they announce during job interviews that they were dyslexic, for example, and would require certain modifications in the ordinary office procedures in order to function effectively as attorneys? Experience told them (and us) that such announcements were unlikely to lead to an offer of employment. Students with more visible disabilities, such as mobility impairments, amputations, or vision and hearing impairments, did not have the luxury of considering whether or not to conceal their circumstances. Although we and they knew that their disabilities were unrelated to their skills and intelligence, it was extraordinarily difficult to get employers to focus on abilities rather than disabilities. Any trait or mode of operation that departed from law office norms could be viewed with suspicion or shunned because of its imagined negative impact on clients.¹⁹

These problems have no simple solutions. It is not enough to point out that discriminatory hiring practices may be illegal.²⁰ Beyond whatever threats or sanctions we might be able to muster, we felt that a more affirmative approach was also desirable. During his visit, Judge Gallet suggested a “mentoring” system that would link law students with practicing attorneys who had disabilities or were knowledgeable and sensitive to those who did. They could form the basis of a network of professional relationships that would assist law students seeking employment and could also familiarize law students with the kinds of professional settings in which they would have to learn to function. This approach


¹⁹. Paul Miller, a Harvard Law School graduate and head of the legal affairs committee of Little People of America reported, “I did as well as most of my classmates in law school, but I had to make literally hundreds of job inquiries. . . . A Philadelphia firm told me they didn’t want clients to think they were running a side show freak act.” Wiehl, Disabled Lawyers Joining in Drive Against Discrimination in Hiring, N.Y. Times, Dec. 30, 1988, at B6, col. 3.

²⁰. Under the Americans with Disabilities Act, now pending in Congress, prospective employers are prohibited from discrimination in hiring on the basis of disability and must make “reasonable accommodations” on the job for their disabled employees. S. 933, 101st Cong., 1st Sess. § 101 (1989).
struck the committee as promising, and we hope to pursue it further in the near future.

F. Housing and Transportation

Although housing and transportation needs were the responsibility of the university’s Office of Services for the Handicapped, we discovered that several of our students were inappropriately housed or were not receiving adequate transportation services. For example, students with mobility impairments were sometimes housed in second-floor rooms or in the handful of noisy undergraduate dormitory rooms designed to be wheelchair accessible. Similarly, on-campus bus service was provided according to inflexible schedules that were set at the beginning of the semester and could be supplemented only by special requests that had to be submitted at least one day in advance. This made it very difficult to meet the sometimes unpredictable demands of library work or conferences with fellow students or instructors. Further, bus schedules did not coordinate well with law library hours on the weekends and effectively precluded some students from using the library on those days. After negotiating with the relevant officials, modification of these rigid policies was obtained. Transportation off-campus, however, was simply not provided, even if directly related to an educational purpose, such as the requirements of a clinical law school course. We questioned whether this policy was either fair or legal and are in the process of attempting to have it reevaluated.

G. Admissions

Many students with special needs were reluctant to mention their disability when applying to law school. Those who did, generally had their experiences evaluated within the context of our discretionary admissions process. To the extent that their disability represented a “previous educational impediment” that might have unfairly affected their performance, our Admissions Committee was required to consider that explanation in assessing the applicant’s qualifications.

The Special Needs Committee, in reviewing this approach, decided that further measures were required. First, we needed to ensure that at least one member of the Admissions Committee was knowledgeable about disabilities. That person could help to interpret files of applicants who identified themselves as having a special need as well as those of applicants who were wary of identifying themselves or who did not fully realize their disability. Thus, one learning disabled student now in her
first year had never been diagnosed until her file was read by a particularly insightful member of the Admissions Committee. Second, our admissions materials needed to state more explicitly that applicants who identified themselves as having a disability would not be discriminated against in any fashion nor would confidentiality be violated. Finally, for those who were admitted, we needed a more effective procedure for putting them in contact with our committee as quickly as possible. This would enable us to plan for their needs, if they wished, at the earliest possible opportunity—preferably before they arrived for classes. With sufficient lead time, we could more effectively arrange for necessary accommodations, such as taping or enlarged printing of first year casebooks and materials.

H. Academic Support

As the work of the committee has progressed, it has become increasingly clear that backup support in our academic programs is required for some students with special needs. We have hired several graduate teaching assistants to work in cooperation with the committee and the students. The most important task for the graduate assistants is to provide intensive individual support for the first year Research and Writing program. Some students with visual, learning, and mobility impairments tend to drift through Research and Writing without acquiring a sense of how they can function effectively as legal researchers and writers or, indeed, as law students. This failure to develop learning and communication strategies during the first year leads to further problems in the second and third years. Worse, it sometimes means that the students acquire no concept of how they can ever become lawyers who could work in settings outside the law school.

There is no single "recipe" that will succeed with every student. What is needed is time-consuming trial and error with someone who can work closely with the student under the general supervision of the committee. We have discovered that a number of students at our law school have strong interests and—in some cases—work experience in the area of special education. These students constitute a valuable resource to be employed for this intensive and complex work.

Graduate assistants can also work in other areas. They can assist students in experimenting with different techniques for taking class notes, writing papers, and taking exams. They can work with visually impaired students to organize audiotapes or brailled materials into workable study outlines. They can provide special tutoring for some students,
such as individuals whose petit mal seizures or hearing impairments allow them to take in only a portion of the classroom discussion and who consequently require supplementation or review.

Graduate assistants might also play a role in training some students in the use of specialized equipment, such as word processors, other computerized accessories, and dictaphones. They can help to monitor the progress of students in a more systematic way and provide early warning of problems that otherwise tend to surface too late. They can also assist in matters related to job placement. For example, graduate assistants might participate in simulated job interviews designed to help students with special needs present themselves more effectively and confidently to prospective employers.

IV. Conclusion

Our work with students with special needs has, somewhat unexpectedly, led us to a searching reexamination of nearly all aspects of the law school and its programs. In part, this was because our corner of the world as viewed from the perspective of a law student with disabilities was so different from the view to which we had become accustomed. Also, examination of physical, social, and academic barriers invariably led us to ask questions about the programs or goals they obstructed: their purpose, function, and importance in legal education.

We were also struck by the extreme reluctance of most students with disabilities to request what we viewed as their entitlements or to advocate vigorously on their own behalf. We have continually heard reasonable concerns prefaced with expressions such as, “I don’t want to pamper myself” or, “I don’t want any special treatment.” Such reticence concerning basic legal and educational rights speaks volumes about the stigma associated with disabilities in our society and fear of discrimination by peers or future employers. It also taught us some important lessons about rights themselves. Students who sought to invoke individualized modifications premised on their special needs, and thus to obtain legally guaranteed fair access and integration, ran the risk of being irrevocably classified as “different” by virtue of the very circumstance that gave rise to the right they asserted. The students sensed that the process of classifying them as “special,” although it was intended only as a necessary first step, could have a stereotyping effect that could overwhelm the provision of the right which was designed to mitigate the perception of “difference” or to “normalize” their social identity.

The diffidence of most students with disabilities about their own
needs and entitlements is a reality with which law schools must contend. The appropriate response is not a paternalistic or overbearing administrative approach that imposes accommodations upon students who do not want them. But it would be equally inappropriate to adopt a passive administrative approach that ignores the serious costs associated with providing inadequate classroom support, unfair exam conditions, and painful or degrading physical surroundings for students with disabilities. Such circumstances must be remedied not simply as a response to student requests, which may or may not be presented, but because they are educationally and, in some instances, legally unacceptable.

Perhaps, as students with special needs see that law schools are determined to rectify these situations, they will increasingly view appropriate accommodations as reasonable and routine matters to request and will not shy away from doing so. Different modes of learning or expression will not suggest inferiority but diversity, and fair accommodations will not suggest “pampering” but inclusion in the community. Affirmative policies on the part of law schools may encourage students and faculty members without disabilities to incorporate the perspectives of persons with disabilities into their ordinary perceptions and to view it as entirely “normal” and appropriate to take the steps necessary to integrate all such students into the academy and the profession on the basis of their actual abilities.
APPENDIX A
EXAMPLES OF INDIVIDUAL ACCESSIBILITY PLANS
(Descriptions and names are fictional)

I. COURSEWORK

COMMITTEE ON LAW STUDENTS WITH SPECIAL NEEDS
ACCESSIBILITY PLAN—COURSES/CCLASSROOM

<table>
<thead>
<tr>
<th>Name: Jane Doe</th>
<th>Mailbox: 14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address: 109 Kelly Avenue, Buffalo, New York</td>
<td>Student Year: 1st</td>
</tr>
<tr>
<td>Phone Number: 621-8395</td>
<td>Section: I</td>
</tr>
</tbody>
</table>

Disability: Cerebral Palsy (CP) and seizure disorder. The CP affects general mobility and handwriting ability. Petit mal seizures can occur at any time and will affect and interrupt the flow of thoughts, concentration, and the student’s ability to assimilate information during the seizure.

CLASSROOM MODIFICATIONS

<table>
<thead>
<tr>
<th>Courses:</th>
<th>Professors:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Civil Procedure</td>
<td>1. Smith</td>
</tr>
<tr>
<td>2. Contracts</td>
<td>2. Jones</td>
</tr>
<tr>
<td>3. Research &amp; Writing</td>
<td>3. T.A.</td>
</tr>
<tr>
<td>5. Criminal Law</td>
<td>5. Miller</td>
</tr>
</tbody>
</table>

Modifications:

Jane will require:

a) Permission to tape record all classes.

b) Additional time to complete written assignments, if any. Time extensions will be arranged in consultation with the committee.

c) Written assignments, if any, will be dictated by student then transcribed. Typing will be arranged by committee. Jane will require additional time following transcription to edit final copy.
II EXAMINATIONS

COMMITTEE ON LAW STUDENTS WITH SPECIAL NEEDS
ACCESSIBILITY PLAN—EXAMS

Name: Henry Smith
Mailbox: 80

Address: 47 Thomas Street
            Buffalo, New York
Student Year: 2
Section: I

Phone Number: 475-1812

Disability: Diabetes and Learning Disability. Learning disability affects processing and organization of visual and verbal information into written form. Diabetes will require a break if exam is longer than 3 hours.

EXAM SCHEDULE AND MODIFICATIONS

Course: Corporation
Professor: Jones

Date of Exam: April 26
Time of Exam: 8:45-11:45

Modifications:

Henry will require:

a) Will dictate exam into tape recorder or dictaphone.

b) A quiet room for the exam. 1½ hour time extension to complete exam and review the tape.

c) Reschedule into 2 time blocks with a 30-minute break between sessions and a later starting time to accommodate Henry's a.m. insulin injection and need to eat frequently. Revised schedule: 9:15-11:45; 12:15-2:45.

d) A transcriber and an additional hour at a later date to review transcribed exam for transcription errors.

[continued]
Course: Products Liability  Professor: Jackson
Date of Exam: April 29  Time of Exam: 8:45-12:45

Modifications:
  Henry will require:
  a) Accommodations as per Corporations exam.
  b) Revised schedule: 9:15-12:15, 1:00-4:00.
  c) 

Course: Administrative Law  Professor: Miller
Date of Exam: April 30  Time of Exam: 8:45-11:45

Modifications:
  Henry will require:
  a) Extended deadline for previous exam will require a rescheduling of this exam after weekend to Monday, May 3 at 9:15-11:45 and 12:15-2:45.
  b) Accommodations listed as per Corporations exam.
  c) 
  d) 

[continued]
Course: Criminal Procedure  Professor: Johnson
Date of Exam: May 3  Time of Exam: 1:00-4:00

Modifications:

Henry will require:

a) Rescheduling of the exam to May 5 at 9:15-11:45 and 12:15-2:45, because of previous exam accommodations.

b) Accommodations as per Corporations exam.

c) __________________________________________

d) __________________________________________

Course:  Professor:
Date of Exam: Time of Exam:

Modifications:

__________ will require:

a) __________________________________________

b) __________________________________________

c) __________________________________________

d) __________________________________________
COMMITTEE ON LAW STUDENTS WITH SPECIAL NEEDS  
ACCESSIBILITY PLAN—EXAMS

Name: Mary Brown  
Address: 109 Reed Avenue  
Buffalo, New York  
Student Year: 1st  
Section: III  
Mailbox: 93  

Phone Number: 342-1864  

Disability: Paraplegic — accident victim. Limited mobility in upper extremities. Left side affected more than right side. Uses computer with modified keyboard.

EXAM SCHEDULE AND MODIFICATIONS

Course: Constitutional Law  
Professor: Smith  
Date of Exam: May 4  
Time of Exam: 9:00-12:00  

Modifications:

Mary will require:

a) Take exam on home computer, with time extension. Four additional hours: (a) to double the allotted 3 hours, and (b) to allow for travel to and from home computer.

b) Exam will be picked up at 8:30 a.m. and returned at 5:00 p.m. by Mary's aide.

c)  
d)  

[continued]
Course: Torts  
Date of Exam: May 9  

Professor: Jones  
Time of Exam: 9:00 a.m. 
Monday to 4:00 p.m. 
Tuesday (2-day take home) 

Modifications:  
Mary will require:  

a) One additional day to complete exam. 

b) Mary will return exam via mail Wednesday, May 11. 

c) A mail-in envelope. 

d) 

Course: Property  
Date of Exam: May 12  

Professor: Brown  
Time of Exam: 9:00-4:00 (take-home) 

Modifications:  
Mary will require:  

a) Exam rescheduled to May 13 to allow one day between extended deadline for Torts exam and pick-up date for this exam. 

b) One additional day to complete. 

c) Mary's aide will return exam by 4 p.m., May 14 or will return via mail on May 14. 

d) A mail-in envelope. 

[continued]
Course: Legal Profession  
Date of Exam: Paper due May 16  
Modifications: 
   Mary will require:
   a) An extension to May 19 for submission of paper to allow adequate time after extended exam deadlines in Torts and Property.
   b) 
   c) 
   d) 

Course:  
Date of Exam:  
Modifications: 
   will require:
   a) 
   b) 
   c) 
   d) 
APPENDIX B
BUILDING ACCESSIBILITY REPORT (1988)

[From “Report of Committee for Students with Special Needs, School of Law, State University of New York at Buffalo (October 1988).” The following Report was prepared when the Committee first began its investigations. Many of the problems mentioned in the Report have now been addressed, thanks in particular to the efforts of the following people: Marlene Cook, Assistant Dean of the School of Law; Arthur Burke, Director of the Office of Services for the Handicapped; David Rhoads, Director, Physical Plant, Amherst Campus; and Marcelo Guimaraes, graduate student in the School of Architecture and Planning.]

I. INTRODUCTION

This report on accessibility problems in O'Brian Hall is based on interviews and discussions with a number of law students with special needs and on two tours of O'Brian Hall with students who have mobility restrictions of different kinds. Participation in this process was open to all law students through public notices and personal invitations.

The report lists all known aspects of the building that present obstacles to those with physical disabilities. There may be other aspects that our investigation did not uncover.

In many cases, we provide “suggested solutions” to the problems we identify. We should emphasize that almost all of these solutions came up fairly spontaneously in the course of the tours and subsequent discussions and should not be regarded as the best or the only solutions. The committee recommends consultation with outside experts to address the issue of building accessibility as a whole and assumes that final recommendations will emerge from that process. At the same time, however, the committee feels strongly that continual involvement of the ultimate “consumers” (i.e. the students themselves) is essential both in the investigation and the recommendation process.

We do not mean to suggest that all of these matters are legal requirements. This report does not analyze each of the following items in those terms. We do not think we need to. Whether legally required or not, these are still things that should be done.

II. ENTRANCE

1. PARKING. Although handicapped parking places near O'Brian are plentiful, there are allegations of frequent abuse. Unauthorized indi-
individuals, we were told, park in these spots without a permit or by displaying forged permits.

SUGGESTED SOLUTIONS: Contact Public Safety to improve enforcement and find means to identify forged permits. Involve law students in continuous ticketing of illegally parked vehicles.

2. WALKWAYS. Snow is shovelled onto the sidewalk and in front of street area, making it impossible for chairlifts to work.

SUGGESTED SOLUTION: Communicate with Buildings and Grounds Department to work out an acceptable method of shovelling.

3. ENTRANCE. There is no entrance to O'Brian Hall that is accessible to a person in a wheelchair. This is not only a serious inconvenience and potential safety hazard; it also sends an important symbolic message to the public about the Law School's attitude toward persons with special needs. The main entrance to O'Brian does have one automatic door on the outside, but there is no automatic door for the internal entrance. Thus, a wheelchair user can gain unassisted entrance to the unheated foyer but must sit and wait there for someone to open the inner door to enter the building itself. Since some wheelchair users arrive without coats (because there is no locker they can use in the building: see below), they could find themselves trapped in extreme temperatures for an indefinite length of time.

SUGGESTED SOLUTION: An inner automatic door should be installed at the main entrance to provide entry from the unheated foyer to the lobby of O'Brian. All other entrances to O'Brian should be evaluated to determine whether additional automatic doors should be installed to ensure safety for egress as well as entrance. In addition, supermarket-type electric eye doors should be installed at both ends of the bridge to Norton and the bridge to Park.

4. FLOOR MATS IN ENTRYWAY. Torn or missing floormats pose hazards to persons with uneven gait or those who use crutches. These floormats have now been removed from the entryway but have not been replaced. The uneven surface with ridges, bumps, and valleys, remains a hazard for all persons entering the Law School.

III. PUBLIC FACILITIES

5. BATHROOMS. There is no bathroom in O'Brian Hall that can be used by a person in a wheelchair. Although the second-floor bathrooms opposite the Library have stalls that purport to accommodate handicapped persons, these stalls cannot be entered by persons in wheelchairs, nor is
accessibility possible in any other bathroom in the building. Thus, if a person in a wheelchair needed to use a bathroom while in the Library (for example), he or she would have to travel to an elevator, descend to the second floor, leave the Library, and travel to another building in order to find accessible facilities.

**SUGGESTED SOLUTIONS:** If it is important to provide access to numerous bathrooms for able-bodied persons, it is equally or more important to make such provisions for persons whose physical needs make it more difficult to travel quickly from place to place in search of a bathroom or a stall that is not in use. Library bathrooms may be made accessible by installing doors that open outward rather than inward and by moving the side wall to provide a large enough room to maneuver. All other O'Brian bathrooms should be evaluated to determine how accessibility could be provided. It appears to us that some of the smaller bathrooms on the upper floors of O'Brian might be modified to permit access, and certainly this could be done for the larger bathrooms on the first and second floors. Expert advice will be needed on these matters.

6. **DRINKING FOUNTAINS.** There are many drinking fountains in O'Brian Hall, but most of them cannot be used by persons in wheelchairs. Reaching in to manipulate the lever is impossible as is getting close enough to drink from the fountain. Accessible designs are widely available, but none have been installed in O'Brian. The second floor fountain in the Library is accessible (but with great difficulty) to some wheelchair users but not to others. People in wheelchairs get thirsty, too.

**SUGGESTED SOLUTION:** Install accessible drinking fountains throughout O'Brian Hall, including the Library.

7. **TELEPHONES.** In general, the public telephones in O'Brian Hall are not accessible to wheelchair users because of their height. Only the phone on the second floor opposite the entrance to the Library could be used by some but not all persons in wheelchairs. Access to telephones is particularly important in order to make arrangements for transportation or in the event of emergency.

**SUGGESTED SOLUTION:** Install accessible telephones on the first and second floors.

8. **ELEVATORS.** None of the three elevators in O'Brian (two located side-by-side on the east end of the building and one in the Library) is accessible to wheelchair users or the visually impaired. The external call buttons are positioned on the inner portion of the doorway and cannot be reached or used by persons in wheelchairs. For the main elevator in O'Brian, the pillar between the two elevator doors poses a special haz-
ard to those in wheelchairs, because they cannot see which elevator has arrived. By the time they learn that they have positioned themselves in front of the wrong door, it is usually too late to maneuver themselves around the pillar and into the other door. Having entered the elevator, they cannot reach the buttons because the control panel is too high. Moreover, the controls have not been adapted for the visually impaired. Except for the pillar, the same problems exist with respect to the elevator in the Library. In addition, the Library elevator features a large gap at floor level when the doors open, which creates a hazard for those with uneven gait or crutches. Sometimes there is also a step up or down to enter or leave the elevator car.

**Suggested solutions:** Call buttons should be moved to the outer face of the elevator entrance. Modified and accessible control panels should be installed. The pillar may pose an insoluble problem, although it is at least worth thinking about. The problem of the gap at floor-level will require consultation with experts.

9. **Lockers.** No lockers are accessible to wheelchair users or to those who are visually impaired. A ledge obstructs access to a majority of first floor lockers. The remaining first floor lockers as well as all second floor lockers present other obstacles: they are not blocked by the ledge, but are too high and require sufficient manual dexterity to open a combination lock. Obviously, such locks also pose problems for the visually impaired. Basement lockers need not be considered, because the entire basement is inaccessible to wheelchair users (see below). At present, some students in wheelchairs simply do not wear coats, even in the winter, and carry all their books and papers with them all day long.

**Suggested solution:** Modify a certain number of second floor lockers to provide some alternative to the combination locks. If locker height still remains a problem, some office in the Law School should be made available for hanging coats and storing books and papers.

10. **Bulletin boards.** The height of some bulletin boards made them inaccessible for persons in wheelchairs. Bulletin boards in the student mailbox room and outside the Office of Admission and Records seemed less problematic than the ones used by the Career Development Office. Bulletins that were not typed in large, clear print could not be read by students with visual impairments.

11. **Room numbers.** Room numbers could not be read by persons with visual impairments. Large, clear numbers should be used outside each room.

12. **Doorknobs.** The type of doorknobs used throughout O'Brian
Hall cannot be used by some whose disability makes it impossible to reach, grasp, and twist the knob. A flange-type device would be preferable.

**IV. THE BASEMENT**

13. **ENTRY AND EXIT.** The entire basement is inaccessible to wheelchair users. The ramp leading to the main elevator is so steeply pitched that a person in a wheelchair cannot summon the elevator without risk of falling backwards. The ability to maneuver from one elevator door to the other is also restricted by these ramps. The Library elevator does provide access to the basement from the rear, but this elevator cannot be used without a key and, in any case, poses the obstacles mentioned in Section III.8 above.

**SUGGESTED SOLUTIONS:** A new elevated “pad” should be constructed in front of the doorways to the main elevator. Ramps can then lead from this pad to the basement floor. The elevator call buttons should be modified as mentioned above. As for the Library elevator, some form of access should be provided for students with special needs in order to allow them to move more freely throughout the building. A key may be difficult for some to operate but would be a definite improvement as well as a safety precaution for emergency exit. Other forms of privileged access, in place of the key, should also be considered. The elevator control panel would also have to be modified, as mentioned above.

**V. FIRST FLOOR**

14. **CLASSROOM DESIGN IN GENERAL.** The steeply pitched classroom design characteristic of all rooms on the first floor creates significant obstacles for those who are mobility-impaired. Persons in wheelchairs are confined to the back row of every classroom except the Moot Court Room (where limited access to the first five rows of seats is possible from the basement, although access to the basement is restricted by obstacles listed in Section IV.13 above). In many cases, those who have mobility restrictions also have vision impairments or are unable to speak in a loud voice, and are thus cut off from effective class participation. Confinement to the rear of the room also limits social interaction with classmates and makes it impossible to approach the instructor to ask questions after class. This leads to a general tendency to segregate and marginalize law students with physical disabilities. For those who are ambulatory but mobility impaired, there are similar problems. Sitting near the front would resolve many of these difficulties, but descending
and ascending the stairs is difficult, painful, and hazardous. Sitting at the rear raises the problems already described as well as the difficulty for some of storing crutches in a way that will not trip other students or result in the crutches being kicked down the aisle.

SUGGESTED SOLUTIONS: Several specific problems and solutions will be addressed below. In general, investigation of the possibility of installing ramps within these classrooms should continue. It was also suggested that the Law School should explore modifications of the two outside doors at the bottom of Rooms 106 and 109 to see if they could provide direct access to the front of the classrooms from outside the building with the use of a wheelchair lift. If this were possible, then connecting doors linking all of the first floor classrooms at the front could be installed. Such a door already exists between Rooms 109 and 108. In this way, students with mobility restrictions could enter the front of each of these rooms directly or indirectly from outside O'Brian Hall.

In addition to architectural modifications, instructors should also be reminded of the obstacles facing students with mobility restrictions in these ill-designed classrooms and should make special efforts to see that such students are integrated into all of the social and academic activities connected with their class.

15. HANDRAILS. A significant safety hazard is posed by the absence of handrails as students with mobility restrictions descend the stairs in all of the first floor rooms.

SUGGESTED SOLUTION: As an urgent matter, handrails should be installed immediately.

16. TORN CARPETS. Torn carpets are particularly hazardous for those who have mobility restrictions and face challenges with respect to balance and lower limb movement.

SUGGESTED SOLUTION: Continuous monitoring and repair of all carpets, and particularly those on the stairs, must take place to protect the physical safety of students with disabilities.

17. SEATING. In some of the first floor rooms, seats have been removed in the back row to provide a space for students in wheelchairs. For some students, this measure is useless because the desk top is too low to permit the wheelchair to pull under it. Even for those whose wheelchairs fit under the desk top, however, a safety hazard is posed in some instances by the absence of any restraining bar in front of the wheelchair. Thus, in one room an electric-powered wheelchair must park on an angle at the end of the row with the control box extending into the aisle. If any
student should accidentally bump the control box, there is nothing to prevent the wheelchair from toppling down the stairs.

**SUGGESTED SOLUTION:** Seats should never be removed at the end of the row but in the middle, after it has first been determined that a wheelchair could maneuver into the space from the classroom door. Consideration should be given to installation of a taller desk top in the rear row of each room. These are, of course, provisional measures that would be unnecessary if more general wheelchair access to the entire room could eventually be provided.

VI. SECOND FLOOR

18. **STUDENT BOXES.** It appears that some effort is already made to assign low-level mailboxes to those with mobility restrictions who might have difficulty reaching the higher boxes. This effort should continue, and the names of such students should be routinely provided to those who make student box assignments.

19. **SEATING IN ROOMS 209 AND 210.** Since all seats in these rooms are on elevated platforms, there is no seating area or desk top that is accessible to students in wheelchairs. Access is also difficult for those who do not use wheelchairs but walk with uneven gait or with the use of crutches. A stop-gap measure that has been used out of necessity is to bring in a small table for students in wheelchairs, but this is unsatisfactory for several reasons. First, the conspicuous placement of the wheelchair user in the front of the room apart from the other students and close to the instructor is embarrassing. Second, the table itself is improperly designed so that a wheelchair cannot fit under it. Third, the table is routinely removed from the room and must be located by someone each day and carried into the room if it can be found.

**SUGGESTED SOLUTION:** The front row in both rooms should be placed at floor level instead of being mounted on a low platform. The desk top should be high enough to accommodate a wheelchair and a space should be provided for the wheelchair(s) to be situated.

20. **TABLES IN SEMINAR ROOMS.** In general, the tables in our seminar rooms are too low or are improperly designed for wheelchair users. Further, crowded or cluttered furniture arrangements obstruct access to these rooms for all mobility-impaired students.

**SUGGESTED SOLUTIONS:** At least one properly designed table should be available in every seminar room. Rooms should be monitored to be sure the quantity or position of furniture does not unreasonably obstruct access.
21. LIGHTING. It was observed that lighting in the second floor classrooms may be inadequate and could pose problems for a number of students with vision problems.

SUGGESTED SOLUTION: Lighting levels in classrooms should be evaluated and, if necessary, adjusted.

VII. FLOORS THREE THROUGH SEVEN

22. OFFICE OF ADMISSIONS AND RECORDS COUNTER. The counter level is so high that students in wheelchairs can not gain access to materials on the counter and can not easily converse with persons across the counter.

SUGGESTED SOLUTION: Lower the counter.

23. TABLE HEIGHT IN ROOMS 406 AND 706. As mentioned above, an appropriate table should be provided in Room 406. It was not clear whether the desk height in Room 706 was adequate, but it appeared to be too low. The modification of at least one section of this circular desk top should be investigated.

24. FOURTH FLOOR STUDENT LOUNGE. The doors to this student lounge are particularly inaccessible to students in wheelchairs exiting the room.

SUGGESTED SOLUTION: Some form of automatic door should be installed.

VIII. FIRE EVACUATION PLAN

25. FIRE AND OTHER EMERGENCY. Because of the general problems of inaccessibility and restricted movement throughout the building, serious concern was expressed about the evacuation of students with mobility restrictions in the event of fire or other emergency. Each of the items listed in this report should be considered in light of this concern and the overriding need to assure all of our students that they could move to safety if a fire should occur. Other measures might also be helpful in devising a safe evacuation plan, but they go somewhat beyond the scope of this report.

SUGGESTED SOLUTION: The development of a safe evacuation plan for students with mobility restrictions should be given high priority. Every item listed in this report should be evaluated with reference to the need to assure that our students can move freely and expeditiously throughout the building—and can enter and exit the building without
obstruction—not simply as a matter of convenience but as a matter of personal safety.

IX. THE LIBRARY

26. ENTRANCE AND EXIT. The entrance to the Library is inaccessible to students in wheelchairs or those with other mobility restrictions, because the doors are extremely heavy and awkward to open.

The Library security system has a departing gate that sometimes locks when individuals with aluminum crutches use it. Individuals can be caught by the locked gate or thrown off balance.

SUGGESTED SOLUTIONS: Install an automatic door opener for the main entrance. Inquire about adjusting the security gate.

27. SECOND FLOOR. The drawers of the card catalog are too high or too low for students in wheelchairs. This problem will be eliminated in the future when the catalog is online. Now, however, the students need assistance to use the catalog. This assistance is routinely provided by reference personnel.

The Westlaw terminal is on a table which is too low for users in wheelchairs. The suggested solution is to get a higher table.

"InfoTrac" is on a table which has a front lip that will not permit wheelchair access. The suggested solution is to remove that lip.

The notebooks on the "Reserve desk" are too high to be reached by students in wheelchairs.

The study tables throughout the Library are too low to permit use by some students in wheelchairs. Suggested solution is to have some higher tables in the Library.

The elevator within the Library is discussed in Section III.8.

The bathrooms within the Library are discussed in Section III.5.

28. CENTRAL STAIRCASE. The central staircase is difficult for able-bodied persons to negotiate and even more difficult for persons with mobility restrictions or visual impairments. The entire staircase was constructed without raisers which creates a risk of falls, mis-steps or catching a crutch or cane. Also, the treads vary in size. The railing for the staircase does not extend to the very top of the stairs but stops at the third step from the top.

SUGGESTED SOLUTIONS: The best solution for this staircase would be removal and installation of a redesigned, safer one. If that is not possible, an alternative solution would be to fill in the raisers and to extend the railing to the top of the staircase.
29. **Specially Designed Carrels.** Currently, there are two modified carrels for students with special needs, one each on the third and fourth floors. However, other students often occupy these carrels and frequently leave chairs in them, which obstructs access by wheelchair users for whom the carrels were intended. The two carrels are not sufficient to accommodate all of the students with special needs. Although carrel space is extremely limited within the Library, constructing one or two more carrels for special needs students should now take place, especially for the benefit of those who are unable to use the study tables in the rest of the Library.

30. **Lighting.** The lighting in the Law Library is very poor for the visually impaired. Most of the lighting is from individual lamps which create shadows and uneven illumination.

**Suggested Solution:** Install properly placed overhead lighting in the reading room, individual carrels and study desks, and stack areas.

31. **Service Counters.** The service counters in the Audiovisual and Documents Departments are too high for students in wheelchairs.

**Suggested Solution:** Lower the counters.

32. **Lexis Terminal.** The Lexis terminal is too low for students in wheelchairs.

**Suggested Solution:** Provide access to Lexis via a personal computer placed on a sufficiently high table.

33. **Drinking Fountains.** The drinking fountains in the Library are generally inaccessible to wheelchair users (see Section III.6 above).

**Suggested Solution:** Install accessible fountains.