Disability Visibility Podcast

Episode 50: Disabled Lawyers

Guests: Hamza Jaka and Britney Wilson

Host: Alice Wong

Transcript by Cheryl Green

For more information: https://disabilityvisibilityproject.com/podcast/

Introduction

[radio static, voices singing with hip-hop beat]

LATEEF MCLEOD: This is the *Disability Visibility Podcast* with your host, Alice Wong.

ALICE WONG: Heyyyyyy there! Welcome to the *Disability Visibility Podcast*, conversations on disability politics, culture, and media. I'm your host Alice Wong. Today's episode is about disabled lawyers with Hamza Jaka and Britney Wilson. I spoke with both of them late 2018. Hamza is a recent graduate from UC Berkeley's School of Law. He passed the Illinois bar exam and is in the process of finding a position. Hamza shares with me his experiences requesting accommodations for his LSATs, the Law School Admission Test. He also talks about the gatekeeping nature of the legal profession that excludes students with disabilities, and the overall toll of law school, ableism, and capitalism on disabled law students. Next up is Britney Wilson, a proud graduate of Howard University and the University of Pennsylvania Law School. Currently, Britney is an attorney at the National Center for Law and Economic Justice, and she'll talk about why she wanted to become a lawyer, her experiences during law school, and her commitment to civil and disability rights.

Are you ready? Away we go! [electronic beeping]

ELECTRONIC VOICE: 5, 4, 3, ,2 1.

Introduction to Hamza Jaka

ALICE: So, Hamza, thank you so much for being on my podcast today!

HAMZA: Of course.

ALICE: For our listeners, why don't you introduce yourself.

HAMZA: Yeah. So, my name is Hamza Jaka, everybody. Hello. I am a disabled man of color. I'm also a Muslim. My family's from Pakistan. I was born and raised here. I am a nerd, a gamer, and also really passionate about advancing disability justice and equity in ways that are truly inclusive and not just nominal.

The LSAT, applying to law school, and UC Berkeley School of Law

ALICE: So, Hamza, you graduated earlier this year from the UC Berkeley School of Law. Can you tell me about the process of applying to law schools and taking the LSAT and what led you to decide to go to UC Berkeley?

HAMZA: So, I'll start with wanting to go to Berkeley. So, when I was a student, an undergrad, I did my undergrad at Berkeley, the experience kind of, the disability rights history in the Bay Area. And when I started thinking about law school, I wound up missing Berkeley so much that I said, you know, I gotta go back. So, I set out to take the LSAT with a target school in mind, and I'd wanted to be a lawyer ever since I was a little kid. I didn't really think about the LSAT until I graduated. And fortunately, I do have a good financial situation, and I'm fortunate to also have a good relationship with my parents. So, I moved back in with them and took a year off. I needed to learn a whole lot, but not because I didn't understand the LSAT, but because the LSAT was so deeply inaccessible. And at the time, applying for accommodations was extremely difficult. I know that the forms are a little simpler now, but to be honest with you, when I first started the process, it took me a month to understand who I needed to fill out the forms for the LSAT, the forms certifying disability, what kind of diagnosis I needed to provide. And I really wouldn't have figured it out without the assistance of another mutual friend of us, Lily Seigel. She's clerking for the Oregon Supreme Court right now, and she helped me figure out that process. And at that time, basically, whenever you had a disability, you needed to have a qualified diagnostic professional fill out an incredibly detailed evaluation form. And basically, they asked you to run a whole series of medical tests, everything from measuring ability to sit or stand to grip strength. And so, before we even got to requesting accommodations, we had to have full documentation of disability types.

And you know, for a lot of those of us who are disabled, we don't just have one disability; we have multiple. So, I didn't know what my other disability was. I have two disabilities: one is CP, cerebral palsy, and the other is called Bálint's syndrome. Basically, I can't process visual information, and you know, I learn by memory. I only found out about it when I started taking the LSAT. But the LSAT wanted a specific diagnosis. They wanted a code. And again, I was fortunate. I had insurance. Usually, Vocational Rehabs don't fund grad school very easily, but in terms of getting me ready, Voc Rehab was all for it. It wasn't an easy process, like I said. Five to ten pages for a simple physical disability verification.

And then requesting the accommodations themselves was a really significant pain because I had to go back and get my entire history of accommodations. So, I had to track down, and I found this out that the ACT doesn't keep records beyond I think five years—I'm not sure—of a particular test cycle of accommodations, that school districts, they destroy their copies of IEP records, at least in my state, a certain period of time after graduation. So, you know, getting all that stuff took like another month, month and a half to even request the accommodations.

ALICE: Yeah. I think so many people don't have the resources or the time or the energy, and again, it speaks to the ableist gatekeeping nature of professional schools because you have to prove that, with all these requirements for documentation just for equal access. Which is pretty ludicrous, because this again shows how the work of disability, it's like there's just so much more that you have to do non-disabled prospective students don't have to worry about at all. And you know, there are often also these concerns about privacy and disclosure, like what will this company do with all this data they're collecting on disabled students, many of who are just not open yet about their disability identity or status? Which is an absolute right.

HAMZA: And in many ways, the bar is worse, which is stunning.

Gatekeeping driving away prospective disabled students

ALICE: We can get into that too. But I think, what are your thoughts in terms of how this drives away prospective students who are disabled in terms of the gatekeeping measure?

HAMZA: Oh, it's huge. I mean I know hundreds of students. Even one of my best friends, he and I were both the two disabled kids that were always like, "We're gonna go to law school, and it's gonna be amazing." They took one look at the LSAT, and they said, "I can't do it." And it happens all the time. I know several disability rights activists who thought about going to law school, but getting through the accommodations process was just so difficult that either, they didn't request them, or they stopped. And then of course, if you don't have accommodations on a test, aside from the fact that realistically, an eight-hour test with a lunch break in between in no way is an accessible exam, just fundamentally. But the gatekeeping makes it even worse. The LSAT actually used to mark accommodated scores and tell schools, "This is not reflective of a disabled student's performance," you know. That's gatekeeping right there. And this gatekeeping pushed so many of us away. And even for those of us that made it through the gate, we are scarred.

[mellow music break]

ALICE: And also, it feeds into this still very persistent perception by educators and people in every field that accommodations are a special advantage.

HAMZA: And they're not. You know, it's like one of the saddest things I did was I made the mistake of visiting law school forums. The worst thing I found there: seeing people trash accommodated test takers as having an unfair advantage. And it was also difficult because I'm somebody who uses a scribe, right? And I wasn't allowed to bring my own scribe for fear of cheating, right? So, I didn't get to meet my scribe until literally the day of the exam. And when you're trying to do a test in which you've learned specific strategies, it's very difficult if that person doesn't know the strategies you're using.

ALICE: Well, also I'm sure it makes you nervous because you're placing your trust in that scribe to really be accurate to convey all your words.

HAMZA: Yep, yep.

ALICE: And you have no idea who this person is and what their qualifications are.

HAMZA: Yeah. And so, for the LSAT it got really confusing because when I sat down to take it, this person read the questions to me. And so, sometimes I had to ask them to stop and restart. And obviously, you get nervous, and you get even more nervous when it's someone you don't know, right? Because you're trusting them to convey the information accurately. And thankfully, my scribe did. There were a few hiccups in filling out answer bubbles, but I got the score I was hoping for, which I realize is an immense privilege to say that. And really, that's just what it took for me to get done with the initial step of applying to law school.

The bar exam compared to the LSAT

ALICE: Yeah, and let's also talk about and fast forward a bit, and you graduated from law school, and another major exam that you had to take in order to practice law is the bar exam. And given what you experienced with the LSAT and the challenge and the preparation, could you also talk about this experience with the bar exam, and in particular, can you talk about which state you took the bar exam in and how that experience compared to the LSAT?

HAMZA: I took the Illinois bar. That was a much more difficult process because their questions are really, really detailed. I mean they wanna know everything. And it's also because I think they're the entities that, so the Illinois Board of Admissions to the bar, I should say, they also were assessing my character. So, they asked really detailed questions, and I think part of that

was to assess whether my disability impacted my fitness to practice law. Which is, you know, while noble, has a significant amount of ableism behind it. So, I had to go back to my doctors, most of whom had changed, and get them to fill out these, again, longer forms. I had to go to every school I'd been to and get letters from them saying what my accommodations were. I had to do all that again, but I had to do that in even more detail. Sometimes they asked questions that I felt were out of bounds, beyond the ADA, right? You have to show a reasonable connection for accommodations under the ADA.

Before you are eligible to take the bar, you have to at least have signed up to take a legal ethics exam, which you also need accommodations for. And I remember when I called them to request accommodations or to figure out how, 'cause they say, "We want your original disability diagnosis." And I said, "Well, I was diagnosed at birth." So, I had to spend like a day or two trying to figure out if I could even use my treating physician to get diagnoses. And then I had to make appointments and have them fill out these forms. And the biggest thing that was really difficult was they wanted my medical professionals to state explicitly how my disability made me eligible for certain accommodations in their eyes. When you have multiple intersecting disabilities or even one disability in general, that's really hard.

[mellow music break]

ALICE: I was gonna say and also, half the time I bring documents for my doctor, they're like, "Why are we having to do this?" And I'm like, "I know. I know." But this is the system we're living in, and often they have, they don't wanna be going through this work as well because it is so obvious. It's like, you know, and it's a real, sometimes I think, a waste of a healthcare provider's time to do all this stuff.

HAMZA: Yeah, yeah.

ALICE: Because why can't we just believe disabled people to begin with?

HAMZA: And that's the truth. So, like when you have forms that are so complicated that your average medical professional has no idea how to fill out a particular form, that should tell you something.

ALICE: It also says that these bodies that have so much power and authority, they only believe other people with authority versus individuals. You know, again, it's somehow a doctor's word means a lot more than the actual individual.

HAMZA: Yeah. The thing that I've always been frustrated, that the vast majority of the time, medical professionals don't know how we survive or what accommodations we need, you know?

ALICE: And well, there's also the fact, as we know a lot of people in our community, they don't ever have a diagnosis. And yet they have very really needs and very real access requests. For some people, they simply do not have a paper trail, and that will drive so many people out of professions where they actually would be fantastic additions to.

HAMZA: Where they're needed, you know? The law needs more disabled lawyers. It needs more multiply-marginalized lawyers. Our canons of law are basically written by cis straight white able-bodied men. And you can see that, and you can see why it's gonna cost you several thousand dollars in insurance costs and doctor visits to get diagnosis to build that paper trail. But for them, it's just a foregone conclusion.

[mellow music break]

HAMZA: For the bar exam, it was the first time in my life a bar accommodation just blew it out of the water. They hired an attorney that was specifically trained to work with folks with my disability who knew what he could and couldn't do, was an incredible typist, was familiar with all the facets of managing the exam. And this doesn't even, just applying for the bar doesn't tell you how much of a slog preparing for the bar was. But the process of applying for bar accommodations was even more difficult for me than it was to apply for the LSAT. And that is absurd, and that is the height of gatekeeping. And jumble all of that on top of preparing for the bar, because my combination of disabilities is rarely medically documented, I didn't know what my accommodations would be until about a month before I took the bar.

The job search

ALICE: So, let's jump forward. You passed the bar. Congratulations. And now that you passed the bar, you're now in the job search process. And again, that's another huge hurdle to get through. Could you tell me a little bit about what the job search process was like for you?

HAMZA: So, the job-search process, it's not very simple if you're a disabled attorney because how the law, how the structure usually works is you usually work somewhere where you get a summer internship, or in your first second year of law school, you go back, and you work where you interned. Or you get a fellowship, and you do some neat things. However, it was hard to find the time for me to do fellowship applications, and also, it was hard to overcome the gatekeeping that went along with the job search. I mean I got advice from a lot of attorneys who said, "Don't talk about your disability a lot during your interview. Don't talk about your disability rights work that much because firms are gonna be scared away." I actually found both of my jobs just by searching up areas I was interested in and writing letters. Now, I recognize that attitude comes from a place of privilege, but it was definitely difficult.

You know, I've been fortunate: the law firms that I interviewed at, even though they aren't particularly disability knowledgeable, they wanted to learn. Which is better than the alternative, or when I wanted to get accommodations to do interviews remotely, some people said to me, "I don't know if you should do it because law firms wanna see that you're committed." And I mean what says I'm committed to doing something more than asking for accommodations for it?

[cheery music break]

You know, the gravity of that ask is immense, and to be clear, you don't have to talk about accommodations. But I thought that, as I was physically, visibly disabled, I should bring it up. A lot of the firms were accepting, but I noticed there's a culture of gatekeeping around, can you come into the office every day? Or—

ALICE: It's also, I think, a function of capitalism where it's all about billing the hours. It's all about productivity and demanding this unreasonable expectation on pushing the bodies, people's bodyminds to a limit.

HAMZA: Yeah, and I think that's really alarming. The firms I interviewed, thankfully, didn't necessarily have that billable hours culture. I think some are shifting away from it. But that brings me back to something I really struggled with in law school: there's a culture of you have to learn to push yourself to the very limit because you better show you give 100%.

ALICE: Mmhmm.

HAMZA: It's not you actually give 100%. It's we need to see that you give 100% in the way that we know. And it's really unfortunate. I was injured a couple of times in law school for that reason, because I pushed myself too hard, and I suffered some. But you know, it also leads to really degrading your mental health, and it leads to a culture of substance abuse and dealing with triggers that people just shouldn't have to deal with. When you combine that with having to read hundreds of pages a day and often a lot of ableist and racist language and laws that talk about marginalized people in really unhealthy, unfair, and deeply harmful ways, it takes a toll on your soul. And I'm fortunate that the kind of firms I interviewed with, they don't do that. But I had to make a conscious choice to say, "I need to find a firm that's accessible and that cares about its disabled people." And I had to seek that out. And that means I'm not using traditional pathways, which takes more time and more stress, and it really hurts. Because sometimes, you just feel alone. I mean on the one hand, it's commendable that we wanna give to our clients, but it's really sad when the expectation is that a lawyer has to leave everything on the table. They have to give all of their bodymind just for the sake of the work.

Wrap-up to Hamza's interview

ALICE: Thank you for sharing that. I really wanna thank you for sharing your experiences and all the kind of challenges you experienced because I do believe that more people will understand all the invisible work that you and other disabled law students and lawyers have to go through. And I think the more we uncover these things and make them visible, I think hopefully, we'll make a better pathway for the future.

HAMZA: I really hope, I hope things change because they need to for everybody. The only way the law will become equitable is if it changes, and the practice of law must become equitable. The problem is it won't change until people make it change. It's putting the labor on people that are trying to enter this profession to change its world, and that's a burden that nobody can bear.

ALICE: Well, thank you so much for talking with me today, Hamza.

HAMZA: Absolutely, Alice. Thank you so much for having me.

[chill music break]

Introduction to Britney Wilson

ALICE: So, Britney, thank you so much for being on my podcast today.

BRITNEY: Thank you for having me.

ALICE: And Britney, why don't you, I guess, introduce yourself.

BRITNEY: My name is Britney Wilson. I'm a civil rights attorney in New York. I was actually born and raised in New York, and I work here. I'm a native of Brownsville, Brooklyn. I'm a Black disabled civil rights attorney and in New York City.

ALICE: And tell me a little bit about growing up being a Black disabled woman, a Black disabled girl, and were there some formative experiences that really led you to wanting to become a lawyer?

BRITNEY: Yeah. I mean I don't know if I can pinpoint a single moment that made me wanna become a lawyer, but I think just sort of a combination of growing up a Black disabled woman and just sort of this feeling that things were not the way they should be. The most concrete example I can think of off the top of my head is like riding the school bus with other kids with

disabilities and seeing things like people's wheelchairs not being properly fastened or the way that students were treated. And sometimes I would be the only person on those buses who could speak. People had a range of disabilities, and so I would sort of take it upon myself to be the one to say, "Hey, look. His chair is not fastened," or, "You shouldn't talk to him like that," or, "He needs this, or he needs that." And so, I think early on, I just sorta got the sense that people had very low expectations of people with disabilities in general, and I wanted to do something about that.

I also grew up just watching people advocate for me, mainly my mother, for everything from transportation to physical therapy to healthcare. So, she was sort of the first example of an advocate that I saw, and so I just got the idea that that's what I wanted to do. That I wanted to be able to advocate for myself and for other people like me. And I mean I could give different examples based on my race alone, based on my race and my disability together. I mean it's just a series of things that I just saw and realized I wanted to do something about it.

ALICE: Well, shout out to your mom for sure.

BRITNEY: Yeah.

Picking a law school, accessibility, and accommodations

ALICE: I just wanna get back to a little bit about your being a lawyer. Could you tell me what your experience was like either applying for law school and taking the LSAT and just, how did you decide what law school you wanted to go to?

BRITNEY: I was really trying my best to get into a Top 10 law school. And beyond that, I knew that I'm from New York. I went to school in D.C. I went to college in D.C. And so, I was comfortable in those locations, and I was comfortable someplace that wasn't too far from that. And I knew that I didn't wanna go to a big law school. So, all of that led me to the University of Pennsylvania, which is where I ended up going. And I can't say that I went because of any sort of great attraction or moral impulse. I was really just trying to get into the "societally ranked best" law school that I could. And there are reasons for that. Particularly because I'm a Black woman and a Black disabled woman, I just felt like I have kicked down enough doors in my life. [bouncy music for a few seconds] And so, if I can do something professionally that will be on my résumé, that will help or hopefully help a door open more easily, that that's the route I wanted to take.

ALICE: Did you find that to be the case? Because U Penn is obviously an incredibly prestigious and very selective institution. So, do you feel like that was worth it?

BRITNEY: Yes, I definitely feel that having gone to Penn has helped me professionally. Most law schools, and especially "top" law schools, do gear their students in that direction. So, I think Penn was a difficult place to be for those reasons because it didn't exactly focus on steering me in the direction of why I wanted to go to law school. I think you had to sort of work a little bit harder for that and sort of find your own community, a public interest community in law school. But I think it did help me in terms of professional guidance, the name, opportunities. And three years later, 'cause I only graduated in 2015, it's still a place that's still very much invested in my professional growth and development. You know, I just went through a job search process. The job that I'm currently, where I currently work at, I've only been working there for the past month. And Penn has helped me through that job transition and any previous ones that I've had, so I definitely think I did the right thing in terms of access and guidance, yes.

ALICE: Mmhmm. And while you were at Penn, were there any difficulties in terms of accessibility or accommodations or just your overall experience in terms of getting around and being fully a full participant throughout your law school years?

BRITNEY: I remember issues with like emergency procedures, accommodations. When it would snow, not being able to get into certain buildings and having to have them call the groundskeeper to shovel and things like that. And I was also just, one thing that struck me about law school, having gone to law school, because I wanted to serve the demographics that I represent, including people with disabilities, there was never any disability-related law class offered. [upbeat music plays for a few seconds] 'Cause I'm like, here I am here for this purpose, and there's not even a course on it.

Not enough disabled lawyers

ALICE: Yeah! 'Cause I think I do wanna hear from you in terms of like, do you think there are enough disabled lawyers out there? And if not, what can the profession and what can law schools do to attract more students with disabilities?

BRITNEY: No, I don't think there are enough disabled lawyers. I think there is a…there are tons of demographic problems when you look at the legal profession: people of color, and definitely people of color with disabilities, people with disabilities period. First, I think they would have to acknowledge it as a valid element of diversity that they should be actively pursuing.

ALICE: Mmhmm.

BRITNEY: Just like they would race or any other thing that they think makes a student "unique," disability should be added to that list, and they should be actively recruiting those students. We should be—I sorta don't wanna tokenize us in this way, but—when you look through school brochures, you see people of color on the front of the brochure. It's like, oh look! Look. We have Black, people, you know? [chuckles] But you don't tend to see people with disabilities advertised in that way. And so, I think that's one thing: advertising, branding, actively seeking out people with disabilities. And making disability a visible part of the law school experience: the curriculum, like I said classes on it, course offerings, activities, making it a welcoming place where people with disabilities see themselves so that they can see it as a place that they wanna go. I think colleges, I'm not sure what sort of career placement is necessarily always in place at undergraduate institutions for people with disabilities, but the same career offices that funnel other people to law school should make sure that they're actively funneling people with disabilities or providing people with disabilities the support and access they need to go to law school, whether that's LSAT prep—

ALICE: Yeah, even just like the application process, which can be very daunting for a lot of people.

BRITNEY: Right, exactly.

Current civil rights work at National Center for Law and Economic Justice

ALICE: Why don't you tell me a little bit about the work you're currently doing at the National Center for Law and Economic Justice?

BRITNEY: Yeah. So, as I mentioned before, as of the date of this recording, I've been working there for about a month. In general, I'm a civil rights lawyer, like I said, so I do federal civil rights law. So, that's mostly issues that arise under the United States Constitution and federal laws.

Do class action-based litigation, so we take on cases on behalf of large groups of people. So, we do systemic litigation, so we tackle issues. I do a lot of criminalization of poverty work, and so in particular, the criminalization of poverty, it's racial discrimination. I've done a lot of policing work, so policing in general, so a lot of sort of class action litigation targeting policing practices. And I've done school-to-prison pipeline work. I've done abusive immigration detention practices, a little bit of voting rights. So, I've done a range of civil rights issues.

ALICE: It does seem like right now, in this political climate, lawyers are on the frontlines defending and protecting civil rights and civil liberties. What are your thoughts on the role of lawyers within this political climate?

BRITNEY: I think our jobs just got extra important, but that we're not the end-all be-all in terms of resistance efforts. I think in particular, based on what we're seeing happening in the courts, lawyers are important, but we're going to start running into roadblocks. 'Cause lawyers, at the end of the day, still have to appeal to people like judges. So, I think that the law is one tool for effecting social change, and it's a very important tool. And it's great when things happen, and you can have lawyers jump into the fray immediately and get injunctions to stop things at least temporarily and try to challenge things. But I think that the law, lawyers, and the courts by themselves are not gonna be able to stop all of what is coming.

[mellow music break]

So, I think we're gonna need, as we always have, a combination of organizers, writers, every form of activism and advocacy that you can think of combined. So, I think it's a really important time for lawyers, but I think not just lawyers alone.

ALICE: Is there anything else you'd like to share?

BRITNEY: Yeah. I think what I'd like to say that I haven't yet is how much, again, I very specifically became a civil rights lawyer because I wanted to work on issues affecting people of color, people of color with disabilities, etc. But I've often felt like, almost like I did in law school, where disability's an afterthought within civil rights. I often feel like I have to choose certain aspects of my identity. So, if I'm doing "traditional civil rights" work—you know, policing, voting rights, immigration, housing, whatever—I'm dealing with those issues, and there's not necessarily an awareness of how those issues effect people with disabilities. Although all of those have implications for people with disabilities. And on the other hand, there are disability rights groups and organizations and legal organizations that sort of deal with disability by themselves, if that makes sense. I feel like the two entities are often very separate, and that stresses me out. [chuckles] And I sort of always wanted to bring the two together and have "the mainstream" civil rights community recognize disability as a civil rights issue, and I've wanted to work on disability and work on civil rights in an intersectional way that includes disability. And I don't think I've gotten to do that yet, and I think it's really important to sort of addressing all of the issues that are on the table. Because every single major civil rights issue we can think of implicates and has an effect on people with disabilities, and I don't think that's the way that the "mainstream" civil rights community at large is looking at it.

[hip hop]

ALICE: Well, Britney, thank you so much for talking with me today.

BRITNEY: Thank you, again, for having me, for inviting me.

Wrap-up

ALICE: This podcast is a production of the *Disability Visibility Project*, an online community dedicated to creating, sharing, and amplifying disability media and culture. All episodes, including text transcripts, are available at DisabilityVisibilityProject.com/Podcast.

You can also find out more about Britney and Hamza on our website.

The audio producer for this episode is Sarika D. Mehta. Introduction by Lateef McLeod. Theme music by Wheelchair Sports Camp.

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Thanks for listening, and see you on the Internets! Byeee!!

♪ How far will they go
Oh yeah, yeah…. ♪