Disabilities, Identity, and Success at Law School

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Disabilities, Identity, and Success
at Law School

A Thesis
Presented to the Faculty of the School of Education of the
University of San Francisco

In partial fulfillment of the requirements for the degree of
MASTER OF ARTS
in
Organization and Leadership
By
Andrew Palos
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Andrew Palos
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under the guidance of the project committee,
and approved by all its members,
has been accepted in partial fulfillment
of the requirements for the degree

MASTER OF ARTS
In
Organization and Leadership

______________________________
(Instructor & Faculty Advisor)

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ABSTRACT
West Coast Law School, a pseudonym for a medium sized law school, is the subject of a qualitative case study with the focus of the case study on the experiences of students with disabilities. The case study was conducted in as a single-site setting with only one law school being the subject of the research. Students, staff and faculty were interviewed to offer several perspectives of the law school and the environment it created for students with disabilities. Research questions for this thesis focused on potential obstacles to success for students with disabilities, students with disabilities of color and structural designs of the law school that create potential discriminatory practices. The theoretical framework that the research questions were grounded in for this study was Disability Critical Race Theory (DisCrit). Using DisCrit as the theoretical framework, the research explored the intersectional relationships of identity, particularly race and disability. The findings of the case study detailed West Coast Law School’s student-centered culture, the pedagogy utilized at law schools and student’s lives after graduation. Recommendations for policy and practice were made for both what West Coast Law School was doing well and areas for improvement. Additionally, recommendations for future research in this area were offered in the discussion of the paper.
CHAPTER 1: INTRODUCTION

Introduction

American institutions of higher education have built a character for being progressive organizations, interested in the rights and abilities for citizens and community members. American universities have seen demographic shifts, primarily beginning in the mid-20th century post-war era. Women and students of color have enrolled in larger numbers and have begun to tilt the demographic dominance that the white male upper-class student had in higher education (Hanson, 2024). Moreover, the trends are similar but at a slower rate at the law school level (ABA Profile of the Legal Profession, 2023). The distinction is important because lawyers are generally seen as the individuals who hold the pen to legislation when expanding civil rights for citizens and community members. Race and gender are classifications that law schools and universities have addressed and continue to address, but a classification with growing concern are those students with disabilities.

Data for students with disabilities is often missing from data on the demographic information when it comes to higher education on the whole and in law schools, specifically. For example, the American Bar Association (ABA) addresses demographic information like race, gender and even age but does not do so for student disability information. The success for students with disabilities in higher education is a civil rights issue that needs continued attention to be addressed to determine equity and accessibility. Understanding the obstacles and needs for students with disabilities at law schools will add meaningful demographic information for the future of law and governance in the United States. The ABA has surveyed individuals seeking to enter law school or the legal profession and the primary reason to pursue the field is for public
service, so students with disabilities should be given the tools to pursue service to their communities (ABA Profile of the Legal Profession, 2023).

Individuals with disabilities face significant obstacles accessing accommodations for their disability. The obstacles are many and vary in type and level of difficulty in overcoming. Structural and institutional conditions start early in one’s life, as a student, that have repercussions through much or all of their educational experiences. Some students’ culture or identity statuses make receiving accommodations at school or beyond seeming impossible due to structural designs.

In particular, a group of people who face unique obstacles to achieve equity and accessibility are students with disabilities attending law school. Moreover, students of color with disabilities face even more unique barriers to access and equity than their white counter parts with disabilities. Law school is a training venue for future activists, legislators and litigators who will determine the access to rights for both marginalized groups and the general public. Social structures, specifically, higher education institutions, should account for law students’ unique trajectory pathway and whether those with disabilities are given the same tools to reach their potential as their able-bodied peers.

Structural limits are sometimes created from judicial behavior. Although the American Disabilities Act (ADA) was a breakthrough for disability rights activists, there still remain gaps to be filled for true accessibility by persons with disabilities. Defining terms like learning disorder and disability are left up for interpretation by courts and institutions without significant guidance from legislation or higher courts. Individuals face institutional barriers when institutions of higher education have to weigh their desire to take a leadership role in their advocacy for civil rights or simply be compliant to the assigned laws and regulations. Individuals
and institutions are faced with changing curriculum and modalities of studies, which means the target for creating accessible classrooms and campuses becomes a moving target for institutions of higher education. With all those obstacles considered, the law school experience is already a distressing experience for students, so to place a greater burden on students with disabilities and students of color to perform is an inequitable reality.

**Statement of Problem**

The primary issue to be addressed are the rights of students and people with disabilities who are on the pathways to a legal career, and what additional obstacles students or color with disabilities face to achieve equitable treatment. A pursuit into a legal career can open pathways to civil rights activism and advocacy for self and on the behalf of others. Students with disabilities have unseen burdens to accessibility and the right to exist under the current education structures. Legal education and law students face unique challenges in receiving their education and later pursuing their career as lawyers. Broadening access to law students and students in legal education is a social justice interest. Diversifying the pool of potential lawyers is an entry point to have an easier time to increase access to civil rights to others who don’t have access to legal mechanisms towards social change. A finding of this study notes that students seeking a juris doctor have commented on the significance of their accommodations for their disabilities in creating an equitable opportunity to succeed at law school.

**Background and Need**

**Disabilities Rights**

Studies have been conducted to determine how service providers, institutions, and instructors feel about providing accommodations to students with disabilities. Their feelings include questions about their ability to provide, their understanding of the law, their level of
preparation to address those concerns, and their overall willingness to even provide assistance (Rao, 2003).

Individuals within organizations only make up singular opinions and feelings towards addressing the needs of their students with disabilities, but entire institutions and organizations take stances on how the question of disability rights should be addressed. Institutions and organizations are left to contend with themselves how they best address and approach the subject of disability rights and accessibility for the members of their community. All organizations engage in some kind of paradigm when addressing members of their communities, whether that be through diversity, equity and inclusion efforts or with no proactive decision making at all; they all fall under some kind of paradigm for how they address their community members.

Institutions of higher education have committed to diversity and equity programs to close gaps for race, gender, sexual orientation and disabilities. However, the equity efforts need to reflect changing demographic rates of these institutions, and with a growing number of students with disabilities attending higher education institutions, it’s imperative to determine if the efforts reflect the demographic numbers accurately.

Studies have demonstrated what services or accommodations individuals with disabilities are receiving and how they are receiving what they need (George & Newby, 2008). However, little studies are evaluating or illustrating the efficacy of what the individuals with disabilities receive. Disabilities that are perceptible, like required the use of a wheelchair, are easier to evaluate, but there needs to be more care in evaluating the effectiveness of tools that address the needs of individuals with invisible disabilities. Moreover, this inability to find the tools to address disability needs presents themselves in unique ways at a law school level of education. Students seeking services for a disability often need to wade through numerous offices,
approvals and bureaucratic red tape before begin to utilize an accommodation. Moreover, accommodations and services to address impairments and disabilities are still undergoing developments in how to best create an equitable opportunity or inclusive environment within the unique structure of law school. Law schools are distinctively situated on university campuses to address their students’ needs independently. Ultimately, this paper will hold a principle clearly about the rights of individuals with disabilities, and that will view organizations and individuals in an organization accountable for creating inclusive and accessible environments, not the individual person.

**Higher Education**

Law schools and their institutions of higher education typically have relationships where the main institution carries significant influence over the law school, but the law school functions with significant autonomy compared to other colleges or schools under the university umbrella. That relationship exists at arms distance, meaning both organizations have to address how they support students with disabilities on their own. American institutions of higher education were only accountable to themselves and students until the passage of the ADA in 1990. Some institutions were accessible before the passage, some institutions saw the legislation as a nuisance and were forced to comply, and some found it an opportunity to be a leader in the disability rights field (Lellis, 2011).

Universities also have to contend with social and economic changes that have occurred since the passage of the ADA. If a goal of institution of higher education is to prepare its students for the work force then technological changes in commerce and the economy dictate that the institutions of higher education need to reflect the new forms of commerce, and whether their ways of addressing disabilities are reflective of those changes as well (Moscardini et al.,
Accessibility issues are changing in a changing educational environment. Institutions need to determine if they are creating accessible spaces for prospective and current students at their institution. Technological systems need to be accessible (Taylor & Burnett, 2021). Universities need to begin prioritizing the inclusivity of curriculum design (Roberts et al., 2011). Additional research is needed in determining if students with disabilities are finding their classroom accessible with the technological developments since the inception of the ADA. The changes universities made in 2020 and 2021 to deal with the COVID-19 pandemic need to be revisited and evaluated on an accessibility measure. Institutions of higher education have demonstrated through their recent history that they are more than capable of change.

**Law School**

Law school are uniquely positioned as an academic institution and a vocational institution as they train and hope to certify lawyers. Law schools have a unique responsibility to address the needs of students with disabilities and assess the methods their institution uses for all students. The ambiguity of disability and accommodation definitions is felt significantly at the law school level. The ambiguity has made it so law schools poorly address the questions of disabilities and accommodations at all (George & Newby, 2008). Legal students also have an obligation to deliver results on certification exams like the bar exam or the Multistate Professional Responsibility Exam (MPRE), which poses significant challenges for students with disabilities to receive accommodations. Exam administrators place the burden heavily on the individual seeking support services (Green, 2020). Perhaps, one of the least discussed issues when it comes to students at law school is that it is often a traumatic experience for most students (Reifman et al., 2001). Students with disabilities will feel the legal education’s organizational constraints in route, during, completing and after completion of law school. Developments made in each
preceding step of a law students’ progression; it opens the door for developments for students
with disabilities later in their journey. The primary writers on the subject of law school and the
experiences that students have in law school are lawyers and attorneys themselves

**Purpose of Study**

The purpose of the study is to evaluate the relationship between students with disabilities
and the law school they attend and how the institution is behaving in the face of a growing
number of students with disabilities. In what ways does the law school create barriers or
obstacles for students with disabilities and students with disabilities of color, and how does the
institution create pathways for success for these same students? In an equitable environment, the
rates of accommodations sought and received ought to rate similarly to general population levels.
Additionally, are individuals in the organization equipped to ferry students past potential
obstacles when they arise? To attend to these multiple factors, I employ a case study design to
examine a medium sized law school through a number of data sources. Interviews with students,
staff and faculty will all be incorporated into the assessment of the institution's behavior in
addressing students with disabilities. The case study will also include a document analysis of the
school’s literature and disability memorandums. Curriculum design will be taken into account,
whether faculty members have created inclusive and accessible learning environments. Is the
disbursement of services done in an equitable manner, and does the institution live up to its own
standards that it spells out in its mission statement?

**Research Questions**

The following study will use the following research questions to ground the study in a search for
equity.
• What obstacles do students with disabilities face as they pursue a legal education and graduate from law school?
  ○ What if any different obstacles do students with disabilities of color have compared to their white student counterparts?
• In what manner does the structure of law school either facilitate or hinder the experience for students with disabilities?
  ○ How is the experience different for students with disabilities of color from their white student counterparts?

**Theoretical Framework**

The following study is grounded in disability studies while also understanding there are foundational aspects of society, especially in education where race is a contributing factor in treatment and performance of persons and for our purpose, students. Disability Critical Race Theory (DisCrit) is a sibling of Critical Race Theory, where it offers a unique perspective in disability studies and race studies have material impacts for those who hold those identities (Annamma & Handy, 2020). Moreover, there are seven tenets that contribute to the school of DisCrit, some which will be explained and used in this section and study. An important factor in examining DisCrit as a theoretical framework is that one, many or all of the seven tenets of DisCrit may be used to illustrate the intersection of race and disability creates oppressive or marginalizing situations for people at that intersection (Annamma & Handy, 2020). Further, DisCrit comes from a lineage of Black and critical race feminist scholarship by writers who were able to identify the intersection of Black women’s identities as easily marginalized. Kimberlé Crenshaw identified the frustrating position Black women who could often find no recourse for
DisCrit identifies that intersection where individuals with disabilities who are Black or Brown are being oppressed twice—once for having a disability and second for being a person of color. The concern this study intends to interrogate is that students with disabilities face social constructions that attempt to shrink their ability to succeed, while Black and Brown students with disabilities face the prospect of social constructions shrinking their ability to succeed due to their race and disability. The tenet that will be critical to use in developing understanding of the issues facing those with a disability identity, is that disability is a social construct. Disabilities exist only for how society has designed itself. Those with impairments are only made disabled by the structures created by society (Annamma et al., 2018).

Additionally, DisCrit holds that racism and ableism are independent and those in power use them to discriminate. Those in power are able to pick and choose how to discriminate against those with intersectional identities on the basis of their race if they so choose or their disability. This tenet is particularly critical for examining the relationship between organizations and students with disabilities. When organizations are faced with having to address the needs of persons with disabilities or concerns of equity, the organization has a dilemma in that it needs to choose between expanding accessibility for the concerned parties or continue to erode their right to accessibility and equity.

Being labeled as an individual with a disability is an action that others the individual. The action of labeling has caused individuals to be set aside. Individuals who have been labeled as having a disability are subject to both macro and micro exclusions and differing treatments.
Methods to address the needs of people with disabilities sometimes have similar means but often have different ends. For example, students with disabilities in a high school may be encouraged to pursue a home economics class to prepare a student for a low-paid or low-skilled job whereas their peers would be encouraged home economics for enrichment or be encouraged to pursue a seemingly higher-level enrichment course. In addition to the micro and macro exclusions these students face, they are also at risk of being denied a right or service for either their ability or race: “Black and Latinx students with dis/abilities cannot claim neither Whiteness, smartness, nor goodness and are oppressed by the intersections of these three ideologies” (Annamma et al., 2018, p.61).

To best conclude the usage of DisCrit as the theoretical framework for this study, the last tenet of DisCrit is that its usage requires activism and supports all forms of resistance. It’s been illustrated earlier that individuals with disabilities, individuals of color and individuals at the intersection of those two identities have been given an undue burden for their pursuit of justice. In order for their needs to be addressed, DisCrit offers an opportunity to give a voice to an underrepresented group either through their own means or the means of the institutions that they participate in. Members of the intersectional identity group that will participate in this study offer an opportunity for intellectual activism by naming the instances of discrimination or marginalization. The participants of this study have been given an opportunity to become knowledge generators by giving life and voice to their otherwise unheard stories. To emphasize the importance of intellectual activism, students of color with disabilities are seen as having an expertise on their own lived experience, where previous studies have observed those individuals from a behavioral perspective or simply as a part of the whole (Annamma, 2018).
This study is determined to evaluate the environment and experiences of students of color with disabilities and students with disabilities in regards to DisCrit and its tenets at West Coast Law School. The organization and community members will be examined and perceived through the perspective of DisCrit.

**Limitations of Study**

A picture of a one medium sized institution will offer analysis on a single institution which might not be transferable to other institutions. It may not be transferable because of the size of the schools, the mission of the schools or the school’s ability to address students with disabilities being unique to itself.

**Significance of Study**

Individuals with disabilities is an identity group that needs to be addressed and supported in a unique manner because of the intersectional identities all of this population hold. Law students with disabilities is an intersectional identity that is difficult to cope with, and without the necessary services and support – those students may not be provided the opportunity to graduate for reasons unrelated to their ability to perform competently. Law students with disabilities later become lawyers with disabilities which is critical in the long move towards civil liberty progress because lawyers are often in unique positions to create change than other individuals without the specialized expertise law school affords a lawyer. Additionally, this particular area of research has been primarily conducted by lawyers. Diversity in this field of study is necessary to unearth innovative solutions that a diverse forum can provide. Lawyers and faculty members have a keen interest in the performance of students at law school because they will in turn develop into future lawyers and colleagues in the legal field. However, staff members within the legal education institution play a critical role in guiding students through the completion of their education. Staff
members at a law school undergo a significant amount of face-to-face interaction with their students, so their points of views ought to be considered in the context of completing law school.
CHAPTER II: LITERATURE REVIEW

Introduction

Persons and specifically students with disabilities face an ongoing conflict towards ensuring themselves and equitable opportunity to succeed in society and academics. Like any other struggle to expand civil rights, activists are critical in creating inroads for change. Literature interested in the rights and abilities of individuals with disabilities has grown tremendously from its infancy. Disability studies was originally marred in dehumanizing terms and categorization that eventually progressed. The progression moved the characterizations of individuals with disabilities forward but did not do so in a way that ensured their accessibility rights were expanded. Disability studies identified impairments as disabilities but the manner in which those impairments are categorized is where current disability studies literature is left today. The question of whether a disability is a characteristic that is intrinsic to the individual or whether social constructs and norms play a role in limiting an individual’s autonomy is central to the ongoing disability rights discussion. Questions about persons characteristics being a disability have residual impacts on the administration of organizations or perceptions of learning.

The day-to-day life of individuals with disabilities are impacted by the decisions governmental institutions make and social practices that are committed on a whole. The major piece of legislation that organizations and individuals find themselves answering to is the American Disabilities Act of 1990. The impact of this legislation has created the framework for how all things related to persons with disabilities is determined. The legislation is at times very specific and at other times quite vague, and those two components see its influence on society in a number of ways (Konur, 2000).
Last, institutions of higher education, and for the purpose of this study, specifically law schools, find themselves impacted by the results of legislative and judicial actions of government bodies. Research will show that some institutions take change reluctantly as a response to legal compliance, whereas others find change as an opportunity to uphold an aspect of social leadership (Lellis, 2011). Universities and law schools have a vested interest in expanding access and rights to those students who are disabled and would otherwise need to overcome significant barriers for success. Law students, including those who are disabled, are the future civic leaders and legislators of the country. To embolden those students would mean they would have the ability to residually impact more students in the future.

**Disability Studies**

In order to accurately articulate the progression and where current literature stands now, it is critical to examine the historical beginnings and foundations of disability studies and the disability rights movement. Disability studies was not a field commonly discussed in academia, government, or legal circles as it was often seen as a taboo subject manner.

Early disability studies were crude and would commonly be seen as offensive in today’s terms. Language used early in the matter considered having a disability as a defining state even if a condition or characteristic did not cause impairment (Donoghue, 2003). Characteristics and defining states of individuals with disabilities are something that will be more elaborated on later in the piece. As the field grew, deviance theory emerged as the major contributor and research lens in disability studies (Donoghue, 2003). Deviant theorists’ contributions to disability studies were that people with disabilities were often labelled with a negative stigmatization and ostracized by abled-bodied groups. The categorization of deviant was used because of the rehabilitation or services those individuals needed to be accepted by the non-disabled majority.
Deviant theory was the dominant theory in disability studies discourse until the most recent dominant model emerged in the field which is commonly referred to as the medical model (Dudley-Marling & Burns, 2014).

The medical model is the dominant framework that has been used in developing disability legislation like the Americans with Disabilities Act, 1990 (ADA) in the United States or the Rehabilitation Commission in the United Kingdom. The medical model is the viewpoint that a disability is a result of the individual’s physical or mental characteristics. The medical model pins the conditions and surrounding elements and repercussions of a disability on the individual that has that characteristic, it exists only in the mind and body of the individual student. (Dudley-Marling & Burns, 204). In other words, the reason a person with a disability has challenges with accessibility is because their own characteristics are the barriers, not the social structures being a barrier for their further participation in society.

Disability scholars have advocated for other models of disability frameworks and have been met with significant resistance. Namely, social constructivism describes a person’s disability as a characteristic of their personhood and their disability as a result of the environment that they exist in (Dudley-Marling & Burns, 2014). More time will be spent examining and contrasting medical and social constructivist models of disabilities in the last section. Last, it’s important to note that disability rights have only been seen as a legitimate civil rights issue only recently. Early disability study research and legislation saw questions of disability issues as a special needs issue and not a rights-based issue (Bunbury, 2020).

Disability studies research has uncovered an array of interested and vested parties with perspectives that find themselves in conflict or collaboration in achieving their goals. Disability studies perspectives are led at either the organizational level or the individual level.
Organizational bodies that often find themselves with investment in the field are legislative bodies, judicial bodies, and for our particular analysis, institutions of higher education (IHE). IHEs offer a unique perspective that exists adjacent to the K-12 education system. There will be times where the two bodies share interests and times when their priorities are in competition. As a result, the framework for analysis will be tilted towards the perspective of IHEs, which can skew the analysis on legislative and judicial bodies because they often approach the two establishments differently.

Disability studies have been in the midst of ideological changes and disputes on the nature of disability and society. I will contrast the two models in three ways: 1) How do they function in society, 2) How they impact organizations, and 3) How they are used to look at learning as a concept.

**How do they function in society?**

To begin, the medical model of disability is the dominant disability framework that is used in society (Donoghue, 2003). The ADA uses the paradigm of the medical model as its foundation in creating law and policy. When one considers legal obligations or accommodations for those with disabilities, the medical model is the dominant model to determine how to distribute accessibility rights. The ADA allows organizations to extend accommodations within what is *reasonable* but it doesn’t fulfill its obligation to Civil Rights because it allows room for prejudice and discrimination. The power to create resides with the abled body majority (Donoghue, 2003). The best way to look at the medical model is that someone’s disability is theirs alone and exists alone to them. They would be disabled without the framework of the society they live in. On the contrary, the social constructivist model sees that no person can be disabled on their own. Individuals' disabilities are realized in relation to the people,
organizations, and artifacts around them. Disabilities do not define an individual, instead, they ought to be seen as differences in characteristics. An attempt to make an ideological shift toward the social constructionist model has significant obstacles because the ADA uses the medical model as an ideological foundation (Donoghue, 2003).

**Impact on Organizations**

Organizations are usually in a reactive state when it comes to addressing the needs of individuals with disabilities. In its approach to addressing students with disabilities, K-12 and IHE organizations follow the medical model in similar manners. Contemporary attitudes mean students with disabilities are forced to assimilate into the dominant structure, they are pinned with a deficit perspective (Dudley-Marling & Burns, 2014). Often times the social constructionist model is the flip side of the medical model, and in organizations, this is the case. The social constructivist model perspective places the burden on the organization to successfully contend why a person should be excluded from the outset. The burden ought not be on the individual to contend why they need to be included (Dudley-Marling & Burns, 2014). The social constructivist model tasks organizations to look at what is required, they ought not look at who is completing the requirements (Konur, 2000).

**Learning as a Concept**

As mentioned before, the medical model sees disabilities as an individual problem. Disabilities reside in the individual mind. Students with disabilities need to overcome the obstacle of their disability, then they need to overcome the standard obstacles of the given curriculum or environment itself. The social constructionist model contends that the self does not reside only in the person, but also in the relationships, actions, artifacts, and objects around them (Dudley-Marling & Burns, 2014). The social constructionist model would address its approach to
learning by eliminating removing barriers that produce oppression by the hegemonic social and cultural domination of institutions by an able-bodied majority (Bunbury, 2020). Social constructivism theorists would begin the dismantling by making all organizations, campuses, and classrooms inclusive.

**Organizations and Accessibility**

Movements focused on improving equity are pushed forward through choreographed interactions between individuals and organizations. When questions of rights and access are at hand, those questions have impacts at individual levels to the most significant degree. In order to achieve a material change for the individuals, the organizations or structures they find themselves in need to be flexible to change in itself. Persons with disabilities would suffer under an inaccessible world if it were not changes to the environment delivered by individuals to impact organizations like schools, governments or businesses. It’s critically important to consider what aspects of change are provided for or obstructed by impactful organizations. Students with disabilities are most impacted by governmental bodies, legislative and judicial, and the institutions where they seek their education itself.

**Legislative Bodies**

Legislative bodies have organizational perspectives and actions that have repercussions for their future decisions and individuals. American legislative bodies, U.S. Congress, has passed two major pieces of legislation that impact disability rights. The Rehabilitation Act of 1970 and Americans with Disabilities Act of 1990 (ADA). Through comparative analyses between American disability laws with other national legislation, research has been able to establish that disability rights and issues in America are attempted to be addressed as civil rights issue (Konur, 2000). ADA is the primary piece of legislation that signals that Congress is attempting to extend
civil rights to a group of people, people with disabilities, as a protected class. Congress in the same legislation creates obstacles for itself in creating absolute protected civil rights by acknowledging the needs of private businesses and organizations accepting federal funding when making accommodations for individuals with disabilities. The hurdle comes from a vague term used in the legislation, *reasonable accommodations*. The term is not defined, as a result, it is up for interpretation by courts and other organizations, perspectives that will be addressed as well (Donoghue, 2003). An example of where the interpretation is made in contrast to the right of a person with a disability is when the Eleventh Circuit Court of Appeals in *Gil v Winn-Dixie*, determined that making Winn Dixie create an accessible website was an unreasonable requirement, and the business was awarded a victory in the face of disability activists (Edwards, 2021).

Moreover, research that has contrasted legislative approaches analyzed the approach the United Kingdom used in contrast to the United States. UK legislation has passed to address the needs of individuals with disabilities which does not treat them as a protected group, thus not a civil rights issue (Konur, 2000). The organizational perspective the UK legislative body takes is to handle disabilities on an individual basis (Konur, 2000). One can look at this example as a union being able to negotiate as opposed to bargaining as an individual. UK laws are a good example of how burdens fall on the shoulders of individuals with disabilities.

**Judicial Bodies**

Courts and judicial bodies are forced to have a perspective when it comes to disability rights as a result of the decisions made by lawmakers. Courts are responsible for defining terms that are left up for interpretation. Research analyzing court decisions on the ramifications it has for people with disabilities has shown that some decisions expand rights, making things easier
for individuals with disabilities, and some decisions narrow rights, making things more difficult for individuals with disabilities (Konur, 2000). For example, organizations have been given leeway about the definition of need so often make requirements difficult for individuals to prove their history of disability by requesting information that is difficult to obtain. Judicial decisions have granted significant deference to educational institutions to decide whether an accommodation is reasonable (Stevens et al., 2018). Additionally, decisions have landed in favor of private businesses to reduce or eliminate expenditures by businesses in order to make reasonable accommodations (Donoghue, 2003). Also, courts have to adjudicate conflicts between parties. There is a historical and financial advantage IHE has over students. It can take over twenty years to reverse or correct court decisions in favor of student and disability rights (Donoghue, 2003).

**Institutions of Higher Education**

IHE have developed a special interest in engaging with disability rights if they are concerned about servicing or addressing the needs of their students. There are two perspectives IHE can develop in addressing their students: compliance or leadership. The compliance perspective addresses the legal obligations the organization needs to satisfy in order to exist in a lawful manner. The passage of the ADA created the compliance perspective because the changes the law extended were seen as a cost (Leake & Stodden, 2014). For example, administrators were first and foremost concerned about physical accessibility before anything else because compliance reviews were imminent and financially threatening (Lellis, 2011). Another form of compliance was IHE passing the responsibility of compliance off by creating disability centers or offices on their campuses. The disability centers/offices were created to foist the responsibility of
disability-related decisions off of administrators with the primary goal of keeping the institutions in compliance with legal obligations (Leake & Stodden, 2014).

Institutions of higher education can also take up a leadership approach to accessibility, where compliance occurs but isn’t the singular goal in decision-making. A leadership approach takes place when IHEs recognize and incorporate students with disabilities into campus culture. IHE diversity continuum includes ethnic and identity groups that students with disabilities see themselves belonging to as well (Leake & Stodden, 2014). Part of the struggles students with disabilities have been from the access and understanding they are not receiving from staff or instructors on their campuses. Surveys conducted on instructional staff at small universities’ understanding of their legal obligations to students with disabilities have shown that they feel an inadequate understanding of what is expected from them (Stevens et al., 2018). This misunderstanding is articulated in an array of responses from staff and instructors. For example, an impactful number of instructors feel that accommodations give students an unfair advantage (Stevens et al., 2018). Staff and instructors have questions about whether they are treating all students equally if students with diagnosed disabilities need to paradoxically be treated differently in order to achieve equality (Bunbury, 2020). On the other hand, instructors have voiced that they are open to creating a more inclusive curriculum but are unequipped to do so or are reluctant to change or learn new practices (Stevens et al., 2018). Last, those instructors who are equipped to create inclusive environments are faced with organizational barriers from doing so, like cost-cutting measures or inflexible curricula (Dudley-Marling & Burns, 2014)

**Institutions of Higher Education and Practice**

Now that some of the research and literature that has been conducted on disability rights has been established, it’s critical to lay the groundwork for where research on higher education in
general and its relation to disability rights exists. Previous mentions of institutions of higher education were focused on addressing their decisions and behaviors in the aftermath of the passage of the ADA. In this section, studies on where higher education started, its purpose, and its potential trajectory will be established. Also, emerging technologies that impact the modality and delivery of educational services will be included in the analysis. Additionally, reviews on how institutions of higher education (IHE) treated students with disabilities (SWD) in the past, and what they do currently and what they intend to do moving forward in their relationship with SWD.

Moscardi (2022) conducted a historical analysis of higher education institutions’ purpose, utility, and progress in Western Europe and North America. The analysis used primary data from universities, faculty, and general public writings in addition to interviews with faculty members who have experience at universities across five continents. He found that generally speaking, universities were established for the economic upper class and religious class to pursue interests of commerce and culture. Universities appearances or goals didn’t undergo as much change from its industrial period establishment to World War II (WWII), when the most dramatic of changes occurred. Starting in the post-WWII environment, western nations were welcoming citizens back from war, and as a result of the industrialization caused by the war, the university’s priorities changed too. Post-WWII caused a change in commerce that led to technological innovation that affected the types of jobs and careers citizens pursued. The period of change that WWII kicked off has been coming to an end with recent technological innovations. With imminent changes in commerce and job markets, universities have an opportunity to reorganize, develop, and change their approach from the current system established in the days following the end of WWII. In the new age of commerce, IHE will look different.
IHE and American Disabilities Act

Looking at the changes IHE needed to make to address SWD, Lellis (2011) conducted a case study on a flagship state university. UNC-Chapel Hill was used as a case study to examine changes to disability laws in relation to IHE. The reason UNC was used as a case study was for its historical reputation for being at the forefront of social change. Content analysis examined university archives and communication material both internal and external information from the periods before and after the passage of the American Disabilities Act of 1990 (ADA). Lellis found that university communication frequently indicated the passage of the ADA would force the university to make significant adjustments, like increases in employment applications, admission applications and service requests. News stories from local publications and university communications frequently addressed the issue that there was a lack of understanding by the locality about the incoming changes. The collective research illustrated that the period during the passage of ADA, universities were burden with additional responsibilities than before the legislation. During this period effort was not focused on leading social change but were primarily focused on the practical obligations in the hopes of not being found out of compliance (Lellis, 2011). Institutions needed to survey their organizational make up and determine what office or what new creations needed to become equipped to reliably handle and increase in services for students with disabilities.

Classrooms and Students with Disabilities

Despite higher education being established for the economic elite in its earlier iterations, the post-WWII development of universities enrolling more students resulted in a neo-liberalization and commercialization of enrolling at a university. In order to be competitive in the higher-ed enrollment market, institutions of higher education often put a burden on themselves
through their mission statements to create a principled campus cultures and environments. Some principles that universities have pitched to prospective enrollees are principles of social justice or a religious foundation (Moscardi, 2022). Are institutions interested in achieving the aspirations of their mission statements, and when it pertains to equity, do institutions provide equitable opportunities for those most in need? Institutions are composed of people, so the principles of an institutions mission statement can be fulfilled by individual faculty or staff, or larger entity like a department or office.

Faculty members and instructional staff have one of the strongest interests in building a culture on a university campus as their stay at the university is more permanent than a student’s stay is. Faculty and staff use curriculum design and pedagogy as a tool to build bridges with their pupils. Rao (2003), conducted a quantitative study through a survey, completed by 245 faculty members from a southeastern university to determine their willingness to provide accommodations to students with disabilities. Using an 18-point scale, the results yielded the highest willingness to provide accommodations from instructors in the department of education and the lowest willingness to provide accommodations from the law faculty. Commonly submitted concerns by faculty members included the question of if using accommodations would properly prepare students for the “Real World.” Additional comments ranged from willingly providing any accommodation to a strict adherence to providing only what is absolutely necessary. There are clear obstacles of lack of training and communication of important information that can be overcome to better close the equity gap that exists for students with disabilities. The gaps illustrated here are ones that can be addressed from the able-bodied majority without ever even having to interact with an individual with a disability.
Some of the relevance of addressing accommodations comes from curriculum design in classrooms. Universal Design (UD) is a concept that has been incorporated to address any barriers that exist in a classroom. Universal Design attempts to design an environment that is inclusive and accessible to a wide range of abilities and other characteristics. Universally designed environments do not have special requirements, but instead should be viewed as a condition for a well-designed environment, curriculum or experience (Centre for Excellence in Universal Design, n.d.) Roberts (2011) conducted a systematic literature review to determine the popularity of the use of universal design in postsecondary education environments through a survey of UD studies. Roberts found incorporating UD principles in postsecondary classrooms is still in its infancy. Relative to curriculum design, findings articulate those instructors saw improvements in their classroom and teaching after receiving UD training. Simply, if instructors were exposed to the principles of UD that there was a higher likelihood that those instructors would incorporate UD in their classroom environment.

Roberts’ research also contributed to identifying principles and concepts that provide campuses the ability to move towards an inclusive environment through the incorporation of universal design. UD implementation led to a decrease in the use of disability services, UD use showed significant improvement in treatment groups, improved learning and accessibility for both struggling and non-struggling students (Roberts et al., 2011).

**IHE and Students with Disabilities**

What are IHE attitudes and behaviors towards students with disabilities? What are they doing to address equity needs, compliance, leadership, and preparedness of their institution and community members when it comes to the needs of students with disabilities?
Taylor (2021) conducted research on the accessibility of Hispanic-serving institutions’ digital components. The research was conducted on 217 randomly selected HSI websites and other digital components. The research was conducted to address possible inequities that may occur for students with disabilities, who if are Hispanic, already have a disproportionate accessibility disadvantage. The results suggested that students with disabilities may struggle to access HSI websites. For example, some sites were unusable to screen readers typically used by the visually impaired population. Access can start at the application level, limiting the ability of students to enroll in an institution at all, or it might limit matriculated students' ability to access services that are necessary for them. The results of the research illustrate the pitfalls that occur when design is not managed thoughtfully.

Design and acute circumstances have proven to be obstacles that institutions need to account for when thinking about accessibility questions. For instance, impacts from the abrupt change in modality in 2020 in response to the COVID-19 pandemic are still fully showing themselves. Institutions illustrated the challenges it faced in delivering academic needs in a more complex method than usual (Minkos & Gelbar, 2021).

Law schools and legal education institutions present unique challenges to both the organization and the students that enroll in them. Law schools share some of the same issues that other parts of higher education institutions face, however the uniqueness of the vocation and certifications students seek as a part of their legal education, some obstacles are unique to the institution itself.

**Studying at Law School**

*Students’ Well-being at Law School*
Assessing the quality of life and well-being of all students that are enrolled in law schools is a useful way of determining any unique comes up when considering how it applies to students with disabilities. If studies show impacts to the general population at then it can offer insight students with disabilities as they identify with many of the same stresses as their peers in law school. There are likely unique qualities to law school that impact law students unlike students at other institutions.

Reifman (2001) conducted a longitudinal study on University of Michigan law students upon their entry into law school through their graduation to determine their levels of depression and quality of life throughout law school. The study was conducted in five ways through questionnaires, with respondents returning questionnaires from 74 to 244 at a time in a cohort of 370 students. The study used the CESO scale for depression as the basis for the questionnaire. One of the focuses on the attempt was to address the question or assertion that individuals who are more likely to be depressed are the ones enrolling in law school. However, initial findings determined that individuals who first enrolled in law school were testing at nearly the same rates of depression to the general population. After 1 year of law school, students were found to have significantly higher levels of distress and depression than the general population. The levels of distress and depression remained nearly constant through graduation from law school. The levels of distress and depression found in law students was found in line with individuals who recently became unemployed or were diagnosed with a disease. Experiencing law school creates negative emotional consequences on students.

On the other hand, Rand (2011) attempted to measure hope and optimism among law students. Hope and optimism were measured through two unique surveys and compared with students’ academic history and future academic results. The findings determined that students
with higher levels of hope provided a strong indicator for academic success and future well-being after law school graduation.

Reifman and Rand’s studies demonstrate that there are unique aspects to attending law school that affect the quality-of-life students have in way that would unlikely happen if they were not otherwise enrolled at law school. This offers potential solutions to address the needs of the general population by addressing accessibility needs for students with disabilities.

**Performance and Performing at Law School**

Performance and performance expectations while students are matriculated in law school help determine the difficulty in completing tasks, studying and assessments as a law student. Jones conducted 6 focus groups with a diverse set of 43 students to determine a number of aspects to the meaning of what being a law student is. The focus group aimed to determine motivations to study law, the ability to study law and the current experience in the moment at studying law. The study found that dominant factors for why the students were going to law school were for its pragmatism, empowerment to the individual or the importance to society. As they studied the students acknowledged the need to develop perseverance and the aspects of what they were studying were becoming omnipresent in their lives. Focus groups addressed the fact that support was often found to be reactive and rarely anticipated their struggles. Students with disabilities in the focus groups found that the experience of law school placed a focus on their disability and an unpredictability in attempting to manage their accessibility. With the study finding that most students felt burnout one way or another, many members of the focus groups agreed that completing law school was a test of character. (Konur, 2000)

**Accommodations and Disabilities at Law School**
Addressing disabilities by using accommodations as a tool to alleviate obstacles to accessibility has been made possible through a series of legislative acts and court decisions. George & Newby (2008) conducted a case analysis of a series of judicial decisions on the American Disabilities Act and disabilities in relation to its impact on post-secondary institutions. Their analysis was built with law schools in mind. They found through court decision analysis that courts, educational institutions and the field of psychology have trouble determining a reliable definition for universal use. These decisions have put organizations at odds when determining how to identify a disability or how they decide to offer services to a person with disabilities. With competing definitions of a disability and variable offerings to services, students are faced with an unruly burden to demonstrate their accessibility needs as a result of the disability. The burden that is on students to navigate multiple bureaucratic organizations to defend or advocate for themselves is serving as a clear opportunity for changes to be made to lead to a more equitable distribution of services to persons with disabilities.

Their findings include those curriculums and assessments are changing throughout the hierarchy of education. As a result, some students may not exercise their use of accommodations at an undergraduate level because assessments and curriculum have been created in an accessible manner, so they face obstacles in being granted an accommodation because they fail to demonstrate a history of accommodation usage. Individuals who seek to continue their education are forced to be mindful that their accessibility needs might change from one institution to the next. There is a difference between high school to undergraduate study and a difference from an undergraduate degree to a graduate degree. Changes need to address the potential differences that are inherent to those transitions. Increases in diversity means there are increases in variability (George & Newby, 2008)
A culminating moment in most law students’ pathway at law school is not graduation, but sitting and passing their state’s bar certification exam. Green (2020) conducted a narrative analysis of law students who are seeking certification on the bar. Green (2020) found that the bar applicants have a significant burden of proof to persuade state bar examiners to provide applications with accommodations. Sometimes the burden of proof can be set as early as an applicant needing accommodations in childhood through graduation from law school. Applicants again find another instance where courts, experts and institutions cannot agree on the term “learning disability.”

Green conducted a comparative analysis of court and bar decisions and coupled them with narratives of individuals. The narratives described the barriers individuals of color face in seeking accommodations when they have a learning disability. The barrier came into play when it was determined that they do not have enough documentation to be approved. Family decisions or cultural norms were ignored in examiners’ determinations of an individual’s needs. There was an unequal treatment, a need for specialized knowledge to access accommodations exists.

Students enrolled in law school face unique obstacles that students enrolled in other institutions may have. Law school is seemingly designed to be an uncomfortable and distressing experience. Institutions need to be mindful of whether their curriculum designs create inequitable environments for students with disabilities or even students of color. Students with disabilities and students of color already have obstacles placed in front of them that institutions should behaving in a way that promotes their ability to succeed next to their peers.

**SUMMARY**

Students with disabilities are facing a litany of obstacles in achieving and equitable experience at their educational institutions. Disability rights activists have begun efforts to
dismantle the hegemonic medical model that most institutions use as a paradigm to discuss individuals with disabilities. Legislative and judicial actions can make the effort of individuals with disabilities more difficult by the narrowing of definitions and rights, but this offers the opportunity for activists to attempt to address changes directly at their organizational level. The passage of the ADA is a continuation of the American Civil Rights movement, and the opening it created needs to a pathway to continue to continue broadening the rights and access to those with disabilities, disclosed and undisclosed.

Institutions of higher education as a result of the ADA are responsible to creating accessible environments for all individuals within reason. The vague definition of “within reason” is up to individual institutions to take on by completing the minimum or reaching beyond the minimum and building an infrastructure that both creates accessibility and inclusion. Universities and other educational organizations have the choice to be a leader in disability rights or a rule-following institution who simply seeks compliance. Culture and organizational methods contribute to an institution’s ability to become a leader. Law school are uniquely situated in achieving those questions by who they are educating and what the school represents. Law schools are training future lawyers, some who have disability, to become activists, legislators and leaders when it comes to matters of civil liberties. By addressing the needs of students with disabilities by determining what is best for the entire population of students as well, is where law schools can find themselves in a position of leadership when it comes to providing an equitable environment for their students.
CHAPTER III

METHODOLOGY

Law schools assume a unique role in academia, social impact and the work place. Law schools provide fertile soil for theories and efforts to create social impactful conversations to germinate. Additionally, they serve as vocational training grounds for the future lawyers, law makers and social activists that have a unique role in having to interpret and illustrate the role of law in society. With those burdens to carry, law school is already difficult endeavor to undergo for anyone in any circumstance. Step in, persons with disabilities, who frequently find obstacles along their pathway to success under the social constructs of living in the world today. Those brave individuals task themselves with overcoming the challenge of completing law school in combination with living with a disability that might make the task even more daunting. This study seeks to capture an understanding of the obstacles students with disabilities face at law school, in addition to the seek what further complications being a student of color with disabilities arise while pursuing a legal education. The emphasis on this subsection of individuals is significantly important because they are uniquely situated to pursue a life where they can advocate on the behalf of other persons with disabilities. Further, it needs to be determined whether this unique group of students is given equitable opportunities or are facing limits from achieving due to their disability.

Research Design

In order to incorporate multiple perspectives of a law school organization, the researcher used case study methodology to unearth the experiences of the people that compose the organization (Creswell, 2012). The specific intent of the case study is to understand the unique obstacles students with disabilities and students of color with disabilities face while they are
matriculated at law school, so the case is instrumental to providing answers for this research and further research on the subject. The research taken place at West Coast Law School (a pseudonym) is a single site case study that will not be used to compare with any other cases that are similar. The intent in the single site case is to understand what unique obstacles students at this particular school of law are facing while trying to be successful law students. Moreover, the case study focused on interviewing individuals to paint a picture of how one would experience being a member of the West Coast Law School with an emphasis and focus on the student experience. The qualitative case study summarized the environment for students with disabilities and students of color with disabilities to perform in the face of obstacles on their pathway to success at law school through participant interaction. Interviews with students, staff and faculty were used to collect data to illustrate the relationship between the institution and members of the institution to students with disabilities and the impact it has on their current and future abilities to perform as a law student and in their careers. Interviews are the foundation for the case study being conducted at this site. Future research should consider incorporating observations of classroom lectures, classroom material, material that is published publicly by the institution and internal documentation regarding policies and bylaws regarding students with disabilities (Creswell, 2012).

**Setting**

The study conducted interviews of students, staff and faculty members of a mid-sized law school that is a part of a larger private university. West Coast Law will be the pseudonym used to refer the institution at the center of the case study. Although the law school is governed as a part of the greater university, “West Coast University,” it exercises significant institutional and administrative autonomy. West Coast Law is accredited to award Juris Doctor (JD) and Masters
in Law (LLM, MLST) degrees. The significant majority and primary focus of the study will be related to the community focused on students seeking their JD degrees. The law school claims to focus on social justice and public interest as the primary concern in producing lawyers and impacting academia. The most recently publicly published demographic information is for the academic year 2022 (August 2022 – June 2023), West Coast Law enrolled 404 total J.D. students, where 57% of the student body identified as a person of color (West Coast Law, 2023). West Coast Law enrolled a significantly higher number of students of color, compared to the national average for the same academic year which was approximately 33% (ABA Profile of Legal Education, 2023). Furthermore, West Coast Law School’s population of students who have a disability that is addressed with an accommodation through documentation approved by the university’s student disability services office is 26% (A. Palos, April 6, 2023).

In addition to considering the make-up of West Coast Law’s student body and organizational priorities, it’s worthy to note the acute incidents occurring on campus at the time of the study. During the study, the organization was in the midst of a few transitions. A successor for the dean of the law had been selected and begun the transition process which will be finalized in July 2024. The dean of the law school is responsible for offering a guiding hand in determining cultural and curricular priorities. Additionally, the law school was in the midst of preparing for and undergoing an accreditation audit conducted by the American Bar Association (ABA), the organization that awards school the privilege to award degrees to JD candidates.

Participants

In order to gather effective data, the researcher used a purposive sample in order to select research participants (Bui, 2020). The purposive sample was determined to be the ideal method of sampling because the research question at hand is addressing a narrow section of students at
law school. When selecting students to interview, it was important that the participants were current law students at West Coast Law School who have received supporting documentation from the Student Disability Services Office that approved them to use at least one form of accommodation to address how their disability presented itself. Three students currently enrolled at the law school agreed to participate in research interviews. The pseudonyms and characteristics of the participants are included in the table below. Characteristics included are what year of law school they were in the process of completing during the research interview. Additionally, identity attributes were included. Noting the identity aspect, the interview question in respect to student’s identity was broad and allowed the participants latitude to answer how they wish. Coincidentally, all the students identified as queer women, and that aspect of their identity was important to them, so the researcher found it notable and worthy of inclusion in the description of the participants.

Table 1

*Pseudonyms and characteristics of student participants*

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>Year in Law School</th>
<th>Identity Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rose</td>
<td>2L</td>
<td>woman of color</td>
</tr>
<tr>
<td>Lily</td>
<td>2L</td>
<td>woman of color</td>
</tr>
<tr>
<td>Fern</td>
<td>3L</td>
<td>white woman</td>
</tr>
</tbody>
</table>

In determining who to select participants from staff, the researcher was mindful that the staff members needed to have a role at the school that included a degree of face-to-face interaction with students in order for their perspective to have any ability to shed any light on the experience of a student at the school. For example, staff members whose role was focused on
alumni relations were not considered for the study because their interactions are primarily focused on former students, so their perception would be unable to glean any insight for what the experience at the school is in this moment. The staff members selected for interviews were either a director or assistant director of their department. For members of staff, pseudonyms and employment characteristics are included in the table below.

**Table 2**

*Pseudonyms and employment information about staff participants*

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>Role</th>
<th>Years employed at West Coast Law</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diana</td>
<td>Assistant Director</td>
<td>7</td>
<td>Law Financial Aid</td>
</tr>
<tr>
<td>Juno</td>
<td>Director</td>
<td>14</td>
<td>Law Registrar</td>
</tr>
<tr>
<td>Venus</td>
<td>Assistant Director</td>
<td>6</td>
<td>Law Admissions</td>
</tr>
</tbody>
</table>

Last, in determining which faculty to include in research, the researcher sought to see a degree of contrast between the faculty members course loads and environments. One faculty member who was interviewed taught both first- and second-year students in required courses in what is often called at a law school a “podium class.” This instructor is responsible for lecturing a large class, anywhere from 60 to 80 students in a single section. In comparison, the other instructor interviewed for the research was a first-year legal writing instructor who also occasionally teaches practical elective courses. The legal writing instructor will only have up to 20 students in a given class, so their relationship to their students takes on a different character then that of the large class instructor. Pseudonyms and characteristics of the instructors is included in a table below.
Table 3

*Pseudonyms and average number of students in a class for faculty participants*

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>Average number of students in a class</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jake</td>
<td>75</td>
</tr>
<tr>
<td>Maggie</td>
<td>18</td>
</tr>
</tbody>
</table>

**Data Collection and Procedure**

Every participant was given a consent form to review and approve prior to the commencement of their interviews. Interviews were held in a semi-structured manner with the researcher using an interview protocol to guide the conversation with each participant. The researcher selected one of three different protocols depending on the role of the research participant at the law school. The interview protocol was written for a student, faculty member and staff or administrator. Each interview protocol is included in the appendix of this paper. Interviews were either held in person or via zoom, the setting of the interview was chosen by the participant. The protocols were designed to allow for participants to describe main ideas and allow the researcher to follow up on important details. When it was clear that a participant was most comfortable or better equipped to speak on a subject the researcher encouraged the participant to open the floodgates and give as much information as possible. The researcher was also mindful of pursuing questioning that was relevant to the research questions (Rubin & Rubin, 2011).
In person interviews were recorded with permission of the participant using Glean.co’s recording software. The recording software also created a transcript which was utilized by the researcher. Similarly, interviews conducted via zoom were also recorded with the consent of the research participant. Also similar to Glean’s software, zoom produced transcripts from the interview that were also utilized by the researcher.

**Data Analysis**

At the conclusion of all research participant interviews, the researcher organized the transcriptions for readability and analysis. The transcripts underwent two layers of analysis for use to establish findings later in the study. The transcripts were addressed in cohorts and analyzed for themes and patterns. The initial indexing of the transcripts occurred across student participants, faculty participants and staff participants to identify commonly discussed themes. The indexing produced general codes that were used in a qualitative research software called *Dedoose 9.2.6*. Some of the codes that were used in the *Dedoose 9.2.6* software include *interactions with the school, accommodations, identity, performance while in law school, and life after law school*. Using the codes while reviewing transcripts through *Dedoose* the software produced a document with excerpts from most or all transcripts for the designated code.

**Human Subjects Approval**

The researcher’s home institution, The University of San Francisco’s (USF) Institutional Review Board (IRB# 1438) has granted this study approval for the protection of human subjects. The researcher underwent a Human Subjects Research training course conducted by the Collaborative Institutional Training Initiative (CITI Program) prior to the administration of any data collection. Research participants were asked to sign a consent form that outlined the expectations of being a research participant and their ability to withdraw from the research at any
Both the approval awarded by the training and the consent form are included in the appendix section.

**Researcher’s Background**

The researcher acknowledges that his positionality has potential to impact participants responses throughout the research. The researcher has a role within West Coast Law school as an administrator who is responsible for coordinating, managing and making recommendations in regards to accommodations for students with disabilities. Both students and faculty collaborate with the researcher throughout the academic year in attempt to create an equitable and accessible environment for students. The researcher acknowledged that they hold privileged and institutional knowledge that was important to keep mindful when interviewing students, staff and faculty so answers were not based on previous assumptions, but were made explicit in attempt to legitimize the data in appearance on the transcripts.
CHAPTER IV

RESULTS

The findings of this study are illustrations of the interviews conducted with students with disabilities, staff and faculty of the law school. They benefit of interviewing three unique cohorts of participants is that they were able to shed light on aspects of the organization that might be missing from interviews that were only conducted with one group of participants. The findings included will describe West Coast Law School’s student-centered culture and environment, the unique circumstances students undergo to learn at law school, and the importance of life after graduation is for the institution and students.

Findings

Student-Centered Culture

All the research participants described or discussed the nature of the culture that West Coast Law at least once in their interview. Every participant discussed the positive and collegial environment that the law school community felt like to be a part of. Students, faculty and staff discussed the culture from different perspectives and described different facets of the culture, with the majority of the descriptions being positive.

All the students described their perceptions of the culture of the school promoted by the institution itself from their perspective as a student with a disability. Their identity as a disabled person was forefront in conversations regarding their interactions with the institution and the culture it created. The students moved into the institution with significant concern about their ability to perform due to their disability. However, all the students, for the most part, either entirely or generally felt that their feelings of uncertainty were met with positivity, openness and validation when those feelings were communicated with staff and faculty. One student
participant, Rose, frequently spoke about one negative interaction with administration when expressing their concerns about their ability to succeed, but otherwise was generally satisfied with their interactions; especially in comparison to their experiences at their undergraduate institution. Moreover, another student participant, Fern, described the feeling of being “seen” when disclosing a disability to a faculty member.

“…she responded…I’m really glad that you were able to get a diagnosis. It must feel really reaffirming to have somebody tell you that you’ve been struggling with something that you know you’ve been struggling with… So, she had a really great reaction.”

Fern’s excitement to share this experience between her and a faculty member, summarizes how the student’s described their feelings about the importance in being seen and validated as a member of the community regardless of their disability.

**Interactions with Peers**

In addition to interactions between the institution and the student, the participants touched upon their experiences and feeling when it came to interacting with their peers and colleagues. On balance, the student participants described West Coast Law’s culture to be unique compared friends or colleagues attending other law schools. The term collegial was frequently used in discussions with the student participants. Upon further investigation, collegial was used to describe students feeling that they were not concerned, that in the competitive nature of law school, their colleagues were attempting to succeed at the expense of another student. Faculty members also echoed the collegial atmosphere in their classrooms. One faculty participant, Jake, cited personal experiences at other law schools where students would feel compelled to tear pages out reference books in the library in an attempt to disadvantage the next student trying to
use the book. Fern also went on to highlight the value the collegial environment on future prospects for theirs and others careers.

However, beyond the collegial culture, Fern described the stress of behaving in the law school community in a manner that was agreeable to her peers as not to potentially harm future professional relationships.

“...whenever I am at the school, I view it as these are the people that I'm going to work with for the rest of my life. These are the people that I'm going to ask for help. These are the people that I'm going to have to lean on. …so, there's almost this feeling that I have to be on my best behavior at all times.”

Furthermore, several aspects of peer communication and relationships were raised in student participant interviews. Peer interaction is where concerns about identity and who one was, was often raised participants. All three student participants interest in participating in co-curricular groups and student organizations that they felt strongly attached to. Lily keyed in on her identity as a queer woman and person of color as aspects of her identity that she wanted to explore more. However, the intersectionality of disability identity and her identity when it came to age significantly complicated her ability to participate in student organizations. She expressed the inability to sacrifice the extra time to participate in organizations which have been designed for them to succeed in their law school careers and after because of the efforts she needed to undergo to address her academic success in the face of her disability. Both, Fern and Rose expressed similar sentiments when it came to engaging with student organizations during their time at law school. There was a great interest and desire to join a student organization like Pride Law or Black Law Student Association but there was an inability to balance the needs of their disability and the social pressures of being an effective member of an organization.
Staff Perspectives

Participants who were staff member at the law school echoed similar experiences when describing the culture of the school. All the staff members interviewed have been in their position at the law school for at least five years, and they all described that the culture has not remained the same throughout their time at the law school. All of the staff members delighted in different parts of the culture changing for the better. For example, a staff member participant, Juno, was pleased in the changing culture when it came to students with disabilities and their interactions with faculty members. She described that over the years the discussion of accommodations and student disability needs was no longer taboo and as secretive as it once was before. Discussions regarding accommodations between staff, faculty and students has become commonplace with the growing number of students who have move forward with documenting their disability and receiving support for it.

Another staff participant, Venus, who represents the admissions office to prospective students reported that what makes the law school most appealing for interested students is the school’s effort to create a student-centered culture and social justice mission. She described being a part of panels with other admissions officers from competing law schools who highlight bar passage rates and prestigious law firms hiring numbers whereas the focus of her pitch is keyed toward the experience that they will have enrolled at the institution.

Learning at Law Schools is Unique

All members of the community agree that completing law school is unique academic endeavor. The act of learning or studying at law school is unique and significantly contrasts with the previous learning experiences that students have undergone. As a result of the significant difference, students with disabilities have reported that they need to create or adopt methods that
often go beyond the recommendations of faculty and staff in order to feel like they have the opportunity to be successful while enrolled at law school.

**Faculty Perspectives**

Both faculty members were eager to agree that learning and the style of teaching at law school is unique and probably very difficult for a first-year law student, let alone one with a student with a disability. Both student and faculty participants addressed the challenges of some of the long practice forms of pedagogy that are often used at law schools that are not used in other learning environments. The Socratic method, sometimes referred to as cold-calling is a teaching concept that was frequently discussed throughout many of the interviews. One faculty member, Jake, summarized the use of the Socratic method in law schools.

“…it’s [a] very old school tradition where we’re going to read a bunch of cases and the professor is going to ask you questions to do the analysis and pull key concepts by pushing and pulling the conversation without using the key concept as the starting point but at the ending point…I think very talented an gifted professor can make that work well, but I don’t think it’s very good pedagogy.”

Jake later went on to admit that the benefit of the method is that students are prepared and are on the edge of their seats throughout class. He also recognized that it creates a level of anxiety that is unlikely to replicated in the courtroom because one is expecting to be question intentionally, not at random. Jake described that he understands that there are growing number of students who have documented disabilities and there are a diverse range of learning styles, so he has made efforts to modify the traditional pedagogy that is equitable to those differences. For example, he has modified his Socratic method to a panel of five to ten students who are expected to be prepared for the day’s class and will be identified as the individuals who will be peppered with
questioning. One contributing factor for Jake’s modification of traditional teaching methods was that he was concerned that Socratic method and cold-calling tend to unfairly advantage white-male students and students without disabilities. Several student participants also echoed this concern about the potential bias created by law school teaching pedagogies.

Additionally, the other faculty participant, Maggie, agreed that the Socratic method was not pedagogy that she regularly uses but understands it is still commonplace at law schools. She also went on to describe her perspective on the practice, referring to it mostly as cold-calling.

“…I would describe cold-calling as playing tennis. You volley back and forth, you have this conversation back and forth, and the longer you went on the better you were doing… The way that my students describe it to me now is that it feels antagonistic, maybe the culture has changed…it didn’t feel antagonistic for me most of the time.”

Maggie continued by explaining that she has to be mindful when creating curriculum to be as inclusive as possible. She has to be mindful about the characters she creates in hypothetical situations that students are asked to legally analyze, and that she would like to focus on the practical aspect of her legal writing classes. Both Jake and Maggie expressed that finding the right rhythms of teaching has taken trial and error because there is no teacher training program for law professors. Both acknowledged that they were forced to lean on their more senior colleagues when they first began teaching in order to feel comfortable in the classroom. Both faculty members admitted that the first time they were in front of a law class teaching was the first time they had ever been asked to teach in any academic capacity.

Student Perspectives
The unique nature of law school provides new obstacles for students with disabilities because of the nature of the pedagogy and the unfamiliarity with the techniques in previous learning environments.

Student participants, Fern and Rose, both acknowledge that when they were younger in undergraduate or in public school that they could usually manage passing a class or understanding the material in a passive way. They could sit in lecture and absorb the necessary material, but with their disability and expectations at law school, that was nearly an impossibility. Both Fern and Rose felt like they needed to take an even more active role in their education despite the accommodations they received from the student disability services office. Rose explained, “I was terrified about approaching my instructors. but the thing is, you can't be in law school. You have to, because if no one knows then they can’t help you.”

Fern described the need to develop an understanding for her instructor’s patterns for teaching so she could properly cope with the rigor of her assignments and in-class performances. She explained,

“I figured out that there’s only a couple of patterns [for] what they do. So, the way I survived is by figuring out they teach class. They want you to learn the material before class and have a broad overview of the law so you can talk about…”

Fern wasn’t alone in developing methods to overcome the challenges that their disability created in the classroom. What was unique about what Fern was speaking to, is she had to develop practices that were outside of the scope of her provided accommodations. She admitted that the accommodations for extended time in exams and the ability to record and transcribe lectures was helpful, but did not encompass all the deficits she faced. Lily too described having to develop strategies that seemed outside the recommended methods for being a successful law
student. In contrast to Fern, Lily described that she used every piece of her prescribed accommodations and did so as creatively as possible. She explained that utilizing her accommodations was critical for understanding any of the lecture material and making progress in her courses. Lily described the need for utilizing her accommodation as being both a necessity and a burden,

“…I need to be able to record lectures…a lecture one time [has] a low chance of sticking. I’m basically double or triple lecturing all the time, and I don’t really know how, there’s not enough time to do it…so sometimes it causes me more anxiety than it mitigates…”

Students were all in agreement that they could not imagine a scenario that could have prepared them for the type of learning that they were to undergo at law school. The burdens of adapting to a new style of learning were exacerbated by their disabilities. Many of the students think about their peers and cannot imagine being successful law students without their learning strategies or accommodations.

**Life after Graduation**

All participants engaged in the research wanted the best for the students in the pursuit of their legal education. Many of the research participants, students, staff and faculty, agreed that law school was unique to other graduate programs in that there is an essence of a vocational education in their experience at law school. It is vocational because students are in training to be lawyers and in order to practice need to pass a certification test, the bar. As a result, the institution has to train students to be mindful of what they will do after law school both in their performance on the bar exam and their ability to be hired and succeed in their careers.

Perspectives on students with disabilities ability to perform after graduation was an area with the
widest range of perspectives from staff and faculty, but fairly consistent among student participants.

**Prioritization of Bar Exam Passage**

All participants expressed the collective and community prioritization of the institution towards focusing on students’ passage of the bar exam once they’ve graduated law school. Staff participants offered little to no opinions on the priority, simply that the priority existed as an aspect of the culture. On the other hand, all faculty and student participants offered significant thoughts towards the community’s prioritization of having student pass the bar exam. The law school’s culture and attitude in structuring the organization to focus on students’ ability to pass the bar exam has created significant obstacles and burdens for students with disabilities to succeed while they are contemporarily trying to succeed at the law school itself.

**Burdens the Prioritization of the Bar Exam Places on Students with Disabilities**

All student participants acknowledge the importance and desire to pass the bar after they completed law school, however they expressed different levels of importance in doing so. Importantly, what they agreed on is that the institution prioritizes their future performance on the bar exam as so important, that it might be the most important aspect of their attendance in law school. Most student participants expressed that how they felt that the institution’s significant focus on passing the bar comes at the expense of addressing the needs of the students in the moment while they are trying to be successful in the classroom. Additionally, most of the student participants expressed concern that the nature of their disability would be ignored or not addressed properly both in preparation for the bar exam at the school and with at the bar exam itself. Rose explained,
“...because my stuff [disability] is so variable. I'm having difficulty accessing certain aids that would help me. And I think they're worried so much about Bar Pass rates that they forget that certain students need certain things.”

Throughout discussions with student participants, there was a conflict with the law school’s level of concern with the results of students’ performance on the bar coming at what seemed like the cost of student support while they were currently enrolled in the school pursuing their degree.

**Ability to Perform in the Legal Profession**

Most of the conversations with research participants would touch upon the long-term plans and intentions of both the students and the institution’s hopes for the students. Those long-term plans were focused on job placement and career success. This is an area where the research participants found some of the greatest disagreement among items discussed. All the participants were confident that students would ultimately find jobs after graduation, but the place where the disagreement occurred was the level of concern participants had for the ability for the students to perform highly in those positions. There was a group of participants who shared serious concerns about the career of students after graduation and another who shared little to no concern for students’ ability to perform in their professional lives.

**Perspectives of Concern**

The group of research participants that had the greatest concern for career prospects were all the student participants and a member of faculty. All the students communicated varying levels of concern about their prospects for employment after law graduation. Some admitted that the pressure of finding a prestigious job during and after school was a contributing stressor for performing at law school. They all expressed that finding a job would be difficult because they were concerned that because of their disability that the options for possible employment was
much narrower than their non-disabled peers. Lily described what she needed for a future job, and was concerned that what she described had too many requirements to be realistic for her to find a job to be successful and happy in. Moreover, Fern described her future employment prospects as if it were predetermined. She was confident from her experience that the only work for her that would be accessible to her and her style of work was to find a job in the government. Further, Rose described serious concerns about finding work because of her fear of not passing the bar exam because of the complications that includes petitioning to use her testing accommodations at the bar. The general consensus from the discussions with the student participants is that the reality of finding employment after graduation plays a significant contributing factor to the stress law school imparts on the student.

The only non-student participant to express concern about students’ future career prospects was the faculty member Jake. Jake’s concern wasn’t focused on the general ability for a student with disabilities to find a successful career as a lawyer, but specifically about their ability to enter into litigation or trial advocacy. Jake explained, “I just don't know, even with a reasonable accommodation, if you do that kind of work because of the heavy focus on deadlines.” Jake commented on the reality of legal work being challenging for someone with a disability that may fluctuate in nature. He re-iterated several times, that the reality of trial practice or litigation is not forgiving to extended deadlines. He was confident that his students with disabilities was capable of completing the work successfully, but in the face of an entrenched institution, it may be daunting for a career.

**Perspectives of Little to No Concern**

On the contrary some staff articulated that they believe the students with disabilities at the law school are just as capable in succeeding in their careers as their non-disabled peers. Juno,
the longest tenured staff member who was interviewed dipped into her memory and experience with hundreds of students who she later spoke to after graduation as the nature of being in the Registrar’s Office.

“I don't really have concerns. I see students who have struggled in many ways in law school, thriving in their externships, thriving in their jobs after law school. So that's where I base that opinion. There's probably more in some ways, and for some disabilities, not for others. But there's more roadblocks in school than there is in their professional life.”

A faculty participant, Maggie agrees, in her experience she is not any more or less concerned for students with disabilities to be success in their careers compared to their non-disabled peers. Similar to their peers they need find a role and environment that works for them. It’s the same advice that she would give any student about finding a place for employment

“The disability is really the only thing that is separating them from their peers.

I don't have concerns about whether or not they can be successful in the field. The resume speaks for itself, the writing sample, their cover letter, all of that shows that they can do the work. So, at this point it's now, is it a cultural fit? And they, as the student or the future employee, are also checking that it's a cultural fit.”

Maggie and Juno represent an optimistic perspective for students and their future career prospects in the legal profession. Their perspective is rooted in their experience of seeing students come and go through the law school and lead successful careers. Juno admitted there always exceptions where a few students with disabilities wound up not using their JD degree in their careers, but on balance, students return as alumni as working lawyers or utilizing their law degree in their work.
CHAPTER V

DISCUSSION, RECOMMENDATIONS, AND CONCLUSIONS

The perspectives that each research participant painted of West Coast Law School illustrate a dynamic institution that clearly has institutional priorities but maintains a level of empathy for the experiences its students are going through in law school. The benefit of conducting a case study at West Coast Law School was to identify any contradicting experiences around similar situations and highlight the stories of participants that felt similarly about certain aspects of the law school community or experience.

The research participants who were members of the law school staff offered a perspective that demonstrated the school’s attitude towards the institutional treatment of its student body and what values are communicated outside of the community. Venus, the member of admissions, advocated on behalf of the school that was validated by the anecdotes and behavior of her peers, Juno and Diana, who work hand in hand with students. The length of tenure the staff members had at the school aided in establishing the longevity of the student-centered culture that was passed off to faculty and students. A typical student spends three years at law school, whereas the staff participants have been members of the community from anywhere between six and thirteen years. The staff members established a setting where the interaction between faculty and students could flourish.

Faculty perspectives offered unique perspectives towards the experiences of students through their mentorship and professional experiences. The reports from faculty work in tandem with student stories because they are responsible for creating the learning environment for the student, and as a result play a significant role in dismantling potential obstacles for students with disabilities and their success. When discussing the experiences of students with disabilities at law
school, the faculty members offered a valuable perspective into the classroom that would otherwise be one-sided if the classroom dynamics was only being reported by students. Faculty members highlighted the importance of the research’s methodology being in the form of a case study. Further, the faculty members have professional experiences in the legal profession and was able to articulate the realities that the future holds for students seeking opportunities in the world of law and litigation.

Last, the ultimate focus of the research was attempting to extract and understand the experiences of students with disabilities at law school which was critically demonstrated by the student participants in the study. Their perspectives described the fear and anxieties a student with disabilities carry with them while trying to pursue a successful campaign for their law degree. They emphasized the importance of their disability in being apart of their identity, but were not willing for it to become the defining characteristic of their identity.

Discussion

After analyzing conversations with members of West Coast Law University, it became clear that the decisions and efforts made by students before and during their enrollment are carefully constructed and meticulously curated. Components of what is considered by students when they decide to pursue their legal education is to reflect on the kind of person that they are and what is important to them as individuals. This discussion on values gained traction when students had the opportunity to discuss their identities. The robust discussion on identity makes DisCrit a valuable theoretical framework to use for interpretation of the lives and experiences of students with disabilities at a law school. In the study at hand, all the students of color strongly identified with their racial makeup and valued it significantly. However, they dilemma that the students faced was the inability to prioritize their identity as a person of color while they are
enrolled at law school, and instead needed to address and focus on their individual needs as a disabled person. Although the tenets of DisCrit may have held true, in the case of the students interviewed it did not play a significant impact because the burden of their identity as a student with a disability(ies) was so heavy in their pathway to success at law school. Their intersectional identities may have been impacting them by several contributing factors, but they were only capable of enough bandwidth to be concerned with their disability at law school. Further, DisCrit would likely discuss the conflict that was placed at the feet of these students to decide which identify to attend to first as a result of the ableist and white supremacist biases inherent in social structures, especially one like law and legal education.

This research does not attempt to deny the there exists a relationship between disability and race, but the students in this case provide evidence for why DisCrit has more opportunities to search for answer on behalf of students at graduate levels of education. This study attempts to provide evidence and agency for why the fourth and seventh tenets of DisCrit are critically important when addressing an institution, like legal education or the legal profession, to begin break the day-in and day-out discriminatory practices that lead to the inequitable environments students with disabilities face. The fourth and seventh tenets of DisCrit “privileges [the] voices of marginalized populations, traditionally not acknowledged within research” and “requires activism and supports all forms of resistance” (Annamma, 2018). The students in this study have offered voice for the obstacles students with disabilities face while trying to be successful people at law school and in the legal profession. Additionally, this school’s administrative staff and faculty have demonstrated their commitment to contributing to the resistance of discriminatory practices held by long standing institutions that have marginalized the opportunities of those with disabilities.
A major factor in students’ experiences that was often discussed in interviews was about what the institution did to produce an environment for which they could succeed and thrive in. The students were able to differentiate what aspects of the law school worked for them and which parts were incompatible with their disability, but offered more enthusiasm for the aspects for which worked for them. Namely, they often discussed the benefits of being enrolled at an institution with a positive student-centered culture.

Student-centered culture means that faculty and administration are willing to cooperate and address the needs of students when student concerns are presented in a way that are valid and actionable. The policies and rules in the classroom and the greater school have been demonstrated to be dynamic in order to provide support for even an individual student’s success. The law school at the center of the study can serve as an example for how graduate level programs can address the needs of their students in an inclusive manner without creating inequitable situations. Any complaints or contention towards the institution’s treatment and care for students with disabilities should likely be examined in a lens to determine if the treatment and care towards the general population should be re-evaluated.

The culture at this school that provides opportunities for students with disabilities addresses some concerns that previous researchers have raised when it comes to a student’s ability to perform and complete law school. Research included in the literature review of this study was able to quantify and measure some of the emotion’s students might describe when being interviewed about how law school made them feel. Emotions included, stress, anxiety, depression and feelings of trauma (Rand et al., 2011; Reifman et al., 2001). The students interviewed for this study did not indicate feelings of depression or trauma that were found in previous studies. Though, the students interviewed for this study did report feeling that they had
levels of stress and perceived that their levels of stress were likely higher than their peers because of the additional burdens that their disability created for them to succeed in their legal education. Although the students reported high levels of stress, they were able to recognize that West Coast Law School was intentional in its policies in practices so to prevent students from potentially falling into feelings of depression, trauma or burnout. It was clear that the institution was in collaborative relationship with the community to remove potential obstacles for all students, and willing to give extra time to remove additional obstacles for students with disabilities.

The institutions student centered value system was demonstrated to have some unintended consequences when discussing aspects of the culture with student participants. Namely the school’s focus on students’ performance and life after they graduate law school. The institution finds itself in a precarious position between delivering an educational experience for students while also providing a supply of lawyers for legal labor market. The institution is in a conflict with itself in weighing priorities on behalf of the students when students should probably be leading where their priorities should be. All the students included felt an additional amount of stress and concern with the responsibility of having to care about passing the bar exam while not having yet completed their law degrees. Staff reflected similar values that the institution preaches the need for high bar pass rates. This is contrast to faculty discussions on the matter where they are singularly focused on delivering them information that is relevant to their course and course assessments. The impact of having one eye focused on the law degree and the other on bar passage is that students with disabilities are left to resolve this issue on their own. The nature of some students’ disabilities makes that balancing act untenable.
Recommendations

Recommendations for Practice and Policy

The study’s findings illustrate the high quality of care and interest take at West Coast Law School for all of its students and particularly it’s students with marginalized identities. West Coast Law School offers an effective example for an institution with an effective environment to address the needs for students with disabilities to succeed. Fewer recommendations will be made for West Coast Law’s administration than using the practices of West Coast Law to make recommendations to other graduate law programs.

First, the strongest recommendation for a law school to effectively address the needs of students with disabilities is to have significant investments in the administrative infrastructure. The administrative staff of the West Coast Law School was the foundation for creating a student-centered culture that allowed students to feel comfortable spending their time on their work and not addressing administrative red-tape that would otherwise overwhelm and compete with their priorities. Investment in administrative staff includes ensuring that there is a strong relationship between student disability services and the school, making it clear and obvious for staff members where to direct students for support when concerns are raised to them, and ensuring that there is an environment that would encourage staff members to establish long tenures at the institution. Both faculty members and students acted on cues that were established by the administrative staff of the school. Although staff interviews did not uncover details about the student experience, it was clear that the staff established and environment for the students and faculty to engage in the educational dialogue necessary for a successful JD program.

Moreover, West Coast Law School’s faculty demonstrated their ability to be flexible for their students with disabilities, and also able to understand their needs in an inclusive manner.
Faculty’s ability to listen and collaborate with students when they present conflicts between the learning in the classroom with their disability should be emulated at other institutions. However, West Coast Law School faculty illustrated where the school can make policy changes that should be incorporated in other institutions as well. First, law faculty admit that teaching at law school is unique to other teaching positions at a university because most law faculty don’t have previous teaching experience before stepping in front of their first law class. Law schools need to consider adopting training programs for instructor in order to better equip them in addressing the varying learning style of students. Demographic reports indicate a growing diversity in students enrolling in law schools, so traditional teaching practice have the potential to create opportunities for discrimination (ABA Profile of the Legal Profession, 2023). Full-time faculty should be required to undergo training, while adjuncts who are typically hired for their role in the field should receive frequent feedback from the dean of the school. The need for further training, particularly when it comes to addressing the needs for students who receive accommodations for a disability is common. As described in the literature review, instructors would utilize the methods to better support their students with disabilities if the opportunity for pedagogical training was available to them (Roberts et al., 2011).

**Recommendations for Research**

This study conducted at West Coast Law School should offer a strategic template for further research in the area of student experiences with disabilities while enrolled at law school. A case study has proved to be an effective method for understanding the experiences of students with disabilities while also containing their experiences within the law school apparatus thanks to the perspectives of staff and faculty.
Further research should include document analyses of the law school to determine whether written policy reflects the reality of the law school culture. In the case of West Coast Law School, it would be helpful to further investigate whether the culture that staff and faculty establish at the institution stems from policies written by the administration. A few items to consider for future research are publicly distributed communication to prospective students, alumni and university partners. Additionally, academic, student and faculty policy manuals are pieces of information that are important to consider when conducting future case studies at law schools.

In addition to incorporating more variables to evaluate for the case study, a comparative case study would be useful for this area of research as well. Conducting similar interviews with students, staff and faculty at two or more law schools would offer researchers the opportunity to contrast cultures, styles and experiences to begin to develop a composite example of how an institution can best eliminate obstacles for students with disabilities. If investigating more than one law school is unfeasible, conducting comparisons between graduate level programs would offer important research to the area of DisCrit which has primarily focused on the experiences of students in the K through 12 school systems.

The last recommendation for further research in this area is that more people need to take an interest in the subject of law students and their well-being as they pursue a legal career. In conducting research for this study’s literature review, it became increasingly obvious that the subject of law students and law schools is overwhelming researched and written on by lawyers themselves. Social scientists and researchers owe to the public at large to conduct more research on law students and law school to prevent a self-reflective echo chamber that has the potential to occur if the only writers on a community are members of that community themselves. The
assertion is not intended to discredit the work of lawyers in the research community, but to call out for the need of a greater breadth of eyes on the subject matter. Law students become lawyers who are end up becoming the writers of laws and ultimately judges and justices who are tasked to test those laws in courts. So, the impact lawyers have on the general society is significant and has a hand in every individual life.

**Conclusion**

This study was borne out of the understanding that pursuing a career in the legal profession is met with significantly high barriers to entry. Communities of color, persons with disabilities or first-generation law students face serious competitive disadvantages nearly every step of the journey from taking the LSAT to completing the bar exam. The legal institution is still a work in progress when it comes to address accessibility questions for future lawyers with disabilities and their potential entrance to the profession.

This study was designed to address those barriers to entry by examining potential obstacles at the beginning of the journey, law school. Students with disabilities face significant barriers to success at law school which is critically important to provide the best trajectory for their futures. Law school is well established as being an already traumatic and trying time for any student with or without disabilities. The number of obstacle students with disabilities have to navigate in order find success at the same rate as their non-disabled peers can only be described as an unjust and an inequitably designed environment for an important educational experience.

The legal establishment has been demonstrated as being entrenched in its traditional practices. A conservative institution like law in society needs activation from outside forces to initiate change. In the case of the legal practice, the American Bar Association, certification exams and a plethora of other organizations and interests that have a stake in law in society, the
only bodies that can offer swift and effective change are from legislative or judicial actions from congress or the courts. However, if the legislative and judicial bodies in our society are unable to step in on behalf of marginalized communities then there is a moral imperative for institutions of higher education to assume a leadership position and begin to advocate on behalf of their students. The legal institutions of the United States need law schools to provide effective advocates and lawyers, so it’s time that law schools leverage their role and activate the change needed.
ABA Profile of the Legal Profession. (2023). *Legal Education* [Demographic Information]

    https://doi.org/10.3102/0091732X18759041

    https://doi.org/10.3102/0013189X20953838


    https://doi.org/10.1080/13603116.2018.1503347


Edwards, D. (2021, April). A Rare Win for Businesses Against ADA Website Lawsuits.


Hanson, Melanie. “College Enrollment & Student Demographic Statistics” EducationData.org, January 10, 2024, https://educationdata.org/college-enrollment-statistics


https://doi.org/10.1080/02680513.2021.1906639


https://doi.org/10.1080/09687599.2011.618734


Appendices
Appendix A

Student:

- Tell me about your journey to law school and why you became a law student.
- Why did you choose to pursue a JD at this institution?
- How did you find the transition to law school in terms of managing your disability and accessing necessary accommodations?
- If you are comfortable, can you describe your disability and how it presents itself for you in a classroom setting?
  - Testing setting?
- How long have you been utilizing accommodations for your disability?
  - Follow up
- What accommodations or support services have you found most helpful in your law school experience?
- Can you describe an experience when you disclosed your disability to a staff member?
  - Follow up
- Can you describe an experience when you disclosed your disability to a faculty member?
  - Follow up
- Have faculty members acted in ways that have impacted your ability to succeed in their course, positively?
- Have faculty members acted in ways that have impacted your ability to succeed in their course, negatively?
- Do you see gaps in your experience at law school that could improve your ability to succeed?
- If yes, can you describe those gaps?
- If not, can you describe how your experience has put you in the best position to succeed?

- How do you anticipate using your perspective and experience as a person with a disability (person of color) in your legal education and legal career?
Appendix B

Faculty

I want to start out asking you about becoming a Law Professor;

- Can you tell me about the transition/process into teaching?
- What kind of specialized training did you need to take or seek out to prepare yourself to become an instructor?
- Can you tell me about how being a law professor is unique compared to being a professor at another school or department at a university?
- Now, thinking about how you prepare for a course before the semester starts;
- What are your priorities in terms of creating a learning environment for your students?
  - What are some of the ways you create an inclusive learning environment?
    - Probe around disabilities and/or students of color’s need for an inclusive environment.
  - Are you familiar with the concept of Universal Design for Learning? Definition - Universal Design for Learning (UDL) is an educational framework based on research in the learning sciences, including cognitive neuroscience, that guides the development of flexible learning environments and learning spaces that can accommodate individual learning differences [source].
  - Are you able to describe any parts of your curriculum that fit under that definition?
- Thinking about your interactions with students over the years;
- Can you describe an instance where a student disclosed a disability to you?
- If not, in a scenario where a student disclosed a disability to you, where would you direct them for further support and assistance?
- If yes, did the result of the interaction lead to an accommodation request of some sort?
- Were you able to provide them support for the request?

- Can you describe a scenario where a student of color presented unique feedback that was about the environment that was limiting their ability to succeed?
- Is there a time where you felt that a class or an interaction with a student with a disability went differently than how it did?
  - Given the opportunity, how would you handle the situation now?
- What are your concerns for students who utilize accommodations at law school for their future as lawyers?
  - What do you think of those obstacles? Follow up/Probe
- In your eyes, how does the/a law school address the obstacles students will likely face after completion of law school?
- Specifically, students with disabilities? Students of color?
Appendix C

Staff

• I'd like to hear about your position and how you arrived at USF.
• How frequently are you interacting with students?
• Tell me about some of your/your office’s priorities?
• When you are interacting with students how do you perceive the typical student’s disposition about being enrolled at USF Law?
• After you are finished with an interaction, how do you perceive their temperament upon leaving your office?
• What issues do students usually come to you with?
• How are students feeling and acting when they come to you? Can you give me a specific example?
• How are students feeling and acting after an interaction with you? Can you give me a student example?
• In comparison to you, how do you perceive the school’s general culture when it comes to student support?
  o Getting a little more specific:
  o How do you perceive the culture of support when it comes to students of color?
  o How do you perceive the culture of support when it comes to students with disabilities?
• Can you describe an instance where a student disclosed a disability to you?
  o If not, in a scenario where a student disclosed a disability to you, where would you direct them for further support and assistance?
- If yes, did the result of the interaction lead to an accommodation request of some sort?
  - Were you able to provide them support for the request?
- If staff describes an interaction with a student with disability:
  - Having described a situation where you interacted with a student with a disability, how did you feel it went?
  - What would you have done differently?
- If staff says no interaction with a student with disability, move to this question:
- What kind of training would you be interested in to prepare yourself to support students with disabilities?
- Can you describe some ways your office is prepared to support students with disabilities?
  - I want to ask about you to reflect about your relationship with the organization
- Can you describe how the law school makes you feel when you think about providing support for students with disabilities? Students with disabilities of color?
- What guidelines or supports do you think you need to better support students? With disabilities? Of color?
CONSENT TO PARTICIPATE IN A RESEARCH STUDY

Below is a description of the research procedures and an explanation of your rights as a research participant. You should read this information carefully. If you agree to participate, you will sign in the space provided to indicate that you have read and understand the information on this consent form. You are entitled to and will receive a copy of this form.

You have been asked to participate in a research study entitled Experiences and Obstacles of Law Students with Disabilities, including Students of Color, at a California Law School conducted by Andrew Palos, a Masters student in the Department of Leadership Studies at the University of San Francisco. This faculty supervisor for this study is Professor Seenae Chong, a professor in the Department of Leadership Studies at the University of San Francisco.

WHAT THE STUDY IS ABOUT:
The purpose of this research study is to conduct a case study of a medium sized law school in California to determine the obstacles to access, equity and success for students with disabilities while also considering the unique obstacles that students of color with disabilities face.

WHAT WE WILL ASK YOU TO DO:
During this study, the following will happen, for approximately 30 to 60 minutes I will conduct an interview that you are the focus of. Questions will be related to your experience working at the law school and your interaction with students and the law school community at large

With your permission, I will audiotape and take notes during the interview. The recording is to accurately record the information you provide, and will be used for transcription purposes only. If you choose not to be audiotaped, we will take notes instead. If you agree to being audiotaped but feel uncomfortable at any time during the interview, we can turn off the recorder at your request. Or if you don't wish to continue, you can stop the interview at any time.

DURATION AND LOCATION OF THE STUDY:
Your participation in this study will involve one interview session that last between 30 and 60 minutes, and a follow-up interview if necessary and if you are willing and able. The study will take place via zoom or in person.

POTENTIAL RISKS AND DISCOMFORTS:
The risks and benefits associated with this study are a loss of your time and the risks associated with regular activities. The benefit of the study is that it may add to the research on the field of education and
international/multicultural issues. This information, once collected, might be read by policymakers, educational experts, educators and scholars and could affect the educational practice. If you do not want to participate in the study, you will not be mentioned in any documents of the study, and your decision to not participate will not be told to anyone. You may choose to withdraw your consent and discontinue your participation at any time during the study without penalty. If you are upset by any of the questions asked, the researcher will refer you to counseling services available publicly or at the university if you are a member of the academic community (student, staff or professor).

**BENEFITS:**
You will receive no direct benefit from your participation in this study; however, the possible benefits to others include uncovering aspects of a student’s experience that can be determined to be unequitable. Additionally, you may provide information that uncovers aspects of the school’s practices or students’ experiences that are beneficial and effective.

**PRIVACY/CONFIDENTIALITY:**
Any data you provide in this study will be kept confidential unless disclosure is required by law. In any report published, no information will be included that will make it possible to identify you or any individual participant. If using audio or video recordings, include this language: To minimize the risks to confidentiality, real names will be replaced by pseudonyms on all interview and observation transcripts, and all audio files, observation notes, or other documents that contain personal identifiers will be stored in a password-protected computer or hard-drive that we will keep in a locked file cabinet until the research has been completed. Original audio-files will be destroyed at the completion of the study. Specifically, all information will be stored on a password-protected computer and any printouts in a locked file cabinet. Consent forms and any other identifiable data will be destroyed in 3 years from the date of data collection.

**COMPENSATION/PAYMENT FOR PARTICIPATION:**
There is no payment or other form of compensation for your participation in this study.

**VOLUNTARY NATURE OF THE STUDY:**
Your participation is voluntary and you may refuse to participate without penalty or loss of benefits. Furthermore, you may skip any questions or tasks that make you uncomfortable and may discontinue your participation at any time without penalty or loss of benefits. In addition, the researcher has the right to withdraw you from participation in the study at any time.

**OFFER TO ANSWER QUESTIONS:**
Please ask any questions you have now. If you have questions later, you should contact the principal investigator: Andrew Palos at (714)-319-4569 or apalos@usfca.edu the faculty supervisor, Seenae Chong at (408) 421-2085 or srchong@usfca.edu. If you have questions or concerns about your rights as a participant in this study, you may contact the University of San Francisco Institutional Review Board at IRBPHS@usfca.edu.

**I HAVE READ THE ABOVE INFORMATION. ANY QUESTIONS I HAVE ASKED HAVE BEEN ANSWERED. I AGREE TO PARTICIPATE IN THIS RESEARCH PROJECT AND I WILL RECEIVE A COPY OF THIS CONSENT FORM.**

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**PARTICIPANT’S SIGNATURE**

**DATE**