



# Neurodiversity in Legal Hiring: from A(dvising) to (Gen) Z

NALP Annual Education Conference 2022

## RESOURCES

**Job Accommodation Network:** <https://askjan.org>

**Department of Labor:** <https://www.dol.gov/general/topic/disability/ada>

**EEOC Guidance: *Reasonable Accommodations for Attorneys with Disabilities:***  
<https://www.eeoc.gov/laws/guidance/reasonable-accommodations-attorneys-disabilities>

**National Disability Law Students Association:** <https://ndlsa.org>

***Great Minds Think Differently: Neurodiversity for Lawyers and Other Professionals*, Haley Moss (2021):**

<https://www.americanbar.org/products/inv/book/413499755/?fbclid=IwAR0wm0oBA8IG99MnYi2bfewNRNg6-btj2B3kibD-bHkyYxUbV8uPMmFITdA>

**ABA Commission on Disability Rights:** <https://americanbar.org/groups/diversity/disabilityrights>

## PROGRAMMING

**Neurodiversity Discussion Part 1 (1/19/2022):** [Watch the video here.](#)

Neurodiversity refers to variations in the human brain regarding sociability, learning, attention, mood, and other mental functions; however, often it is used solely to describe autism. Contrary to that view, neurodiversity can be broadly applied to those whose brains are wired to function in ways that may differ from the majority of people. Students and attorneys who are neurodiverse are often overtly or inadvertently excluded from, or unsuccessful in, the legal recruiting process; though studies have shown that companies can benefit from having a Neurodiversity strategy as well as a neurodiverse talent pool. This program features neurodiversity experts Haley Moss and AJ Link, who share a bit about their own journeys, provide a foundational understanding of relevant definitions and terminology within the neurodiverse community, and share their perspectives on ways the legal industry can address the challenges that neurodiverse candidates face in the recruiting process.

**Neurodiversity in the Workforce: Perspectives from Other Industries (2/16/22): [Watch the video here.](#)**

Learn about neurodiversity in the workplace with guest experts from industries outside of the legal profession: Andrew Eddy, CEO of Untapped; Jennifer Feldman, Manager, Corporate Engagement at Specialisterne North America; and Doug Fischer, Lead Human Factors Engineer at Boeing. Explore how organizations can develop effective support structures to recruit, integrate, and retain neurodiverse employees and help them thrive.

## **HANDOUT**

Copy of the below handout is included in the following pages.

***Making the Case for Neurodiverse Talent, 2020 Professional Development Institute***

Handout courtesy of Nirvana Dove, AJ Link, and Rachael Bosch

## **NALP BULLETIN ARTICLES**

Copies of the below articles are included in the following pages.

***Neurodiversity: A Primer, Paul Johnson and Angela Sordi (September 2021)***

***Accessibility without Disadvantage: Supporting Neurodivergent Lawyers and Law Students, Angela Sordi (March 2022)***

***Neurodiversity and Recruiting for Legal Employers, Tom Lee (March 2022)***

# MAKING THE CASE FOR NEURODIVERSE TALENT

## National Study of Lawyers with Disabilities and Lawyers Who Identify as LGBTQ

**25%**

reported a health  
impairment, condition, or  
disability

**31%**

reported a mental health  
condition

**22%**

reported subtle and  
intentional biases

**16%**

reported discrimination

**12%**

reported harassment and  
bullying

**43%**

who reported a health  
condition, impairment, or  
disability, reported requesting  
an accommodation

**28%**

reported requesting  
workplace  
accommodation

**39%**

reported subtle but  
unintentional biases

Many  
accommodation  
requests were  
fulfilled, with the  
most common  
being changes in  
work tasks, job  
structure and  
scheduling

### 2019 NALP Report

0.59% of associates & 0.46% of  
partners at law firms reported  
having a disability

2.5% and 3.5% of graduates  
self-identify as having a  
disability

### 2013 ABA Membership Survey

8% of attorneys reported having  
a disability

### 2016 Cornell University Analysis of Census Data

12.8% of the noninstitutionalized  
U.S. population has a disability



# NDLSA CHAPTERS

University of San Francisco
Lewis & Clark
Boston College
Chicago
Florida International University
UDC David A. Clarke
Rutgers-Newark
University of Virginia
Rutgers-Camden
University of Idaho College of Law
Fordham University
University of Washington in St. Louis
University of Wisconsin
New York University School of Law
Boston University School of Law
McGeorge School of law
Loyola Law School
University of Mississippi School of Law
Syracuse University College of Law
University of Baltimore
Harvard Law School
Yale Law School
UT Austin School of Law
Case Western Reserve
George Mason University (Scalia)



# VOCABULARY MATTERS

## USE

- Ableism
- Accessible
- Access Barriers
- Disabliaphobia
- Neurodiversity
- Universal Design

## AVOID

- Lame
- Insane
- Crazy
- Stupid
- Moron
- Idiot
- Inspiring

## ELIMINATE

- R Word
- Wheelchair Bound/Confined
- Handicapped
- Handicapble
- Differently-abled
- Special Needs\*  
*note: exception when referring to special needs trusts*
- Comparing disabled folks to "normal" people
- Challenged (mentally or physically)



# GLOSSARY

**\*Ableism:** Discrimination and social prejudice against disabled people or people who are perceived to have disabilities. Ableism characterizes persons as inferior based on their disabilities. (1)

**\*Accessible:** In the case of a facility, readily usable by a particular individual; in the case of a program or activity, presented or provided in such a way that a particular individual can participate, with or without auxiliary aid(s); in the case of electronic resources, accessible with or without assistive computer technology.

**\*Access barriers:** Any obstruction that prevents people with disabilities from using standard facilities, equipment and resources.

**Accommodation:** An adjustment to make a program, facility, or resource accessible to a person with a disability.

**Adaptive technology:** Hardware or software products that provide access to a computer that is otherwise inaccessible to an individual with a disability.

**Americans with Disabilities Act of 1990 (ADA):** A comprehensive federal law that prohibits discrimination on the basis of disability in employment, public services, public accommodations and services operated by private entities, and telecommunications.

**Assistive technology:** Technology used to assist a person with a disability, e.g., wheelchair, handsplints, computer-based equipment.

**Braille:** System of embossed characters formed by using a Braille cell, a combination of six dots consisting of two vertical columns of three dots each. Each simple Braille character is formed by one or more of these dots and occupies a full cell or space. Some Braille may use eight dots.

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1. Linton, Simi (1998). *Claiming Disability Knowledge and Identity*. New York: New York University Press



# GLOSSARY

**Captioned film or videos:** Transcription of the verbal portion of films or videos displayed to make them accessible to people who are deaf.

**Captioning:** Text that is included with video presentations or broadcasts that enables people with hearing impairments to have access to the audio portion of the material.

**Communication device:** Hardware that allows a person who has difficulty using their voice clearly to use words or symbols for communication. May range in complexity from a simple picture board to complex electronic devices that allow personalized, unique construction of ideas.

**Compensatory tools:** Assistive computing systems that allow people with disabilities to use computers to complete tasks that they would have difficulty doing without a computer, e.g., reading, writing, communicating, accessing information.

**Disability:** Physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment (Americans with Disabilities Act of 1990).

**Discrimination:** Act of making a difference in treatment or favor on a basis other than individual merit.

**\*Disabiliphobia:** a fear of people with disabilities or perhaps a fear of what they may represent, a fear of becoming disabled. (2)

**Hearing impairments:** Complete or partial loss of ability to hear caused by a variety of injuries or diseases including congenital defects.

**Identity-first language:** disability comes before the person in the description (e.g. autistic person, Deaf person, disabled person). Used by self-advocates in response to person-first language. (3)

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2. "Disabilities: Insights from Across Fields and Around the World,"  
by [Martha E. Banks Ph.D.](#) (Editor), [Mariah S. Gover](#) (Editor), [Elizabeth Kendall](#) (Editor)  
3. Definition provided by AJ Link



# GLOSSARY

**Interpreter:** Professional person who assists a deaf or nonverbal person in communicating with hearing people.

**Large print books:** Most ordinary print is six to ten points in height (about 1/16 to 1/8 of an inch). Large type is fourteen to eighteen points (about 1/8 to 1/4 of an inch) and sometimes larger. The format of large print books is also proportionately larger (usually 8 1/2 x 11 inches).

**Mainstreaming, inclusion:** The inclusion of people with disabilities, with or without special accommodations, in programs, activities, and facilities with their non-disabled peers.

**Major life activities:** Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and participating in community activities (Americans with Disabilities Act of 1990).

**Mobility impairment:** Disability that affects movement ranging from gross motor skills such as walking to fine motor movement involving manipulation of objects by hand.

**Models of Disability:** Mary Ann Jackson has identified six models of disability: the Charity Model, the Medical Model, the Social Model, the Relational Model, the Diversity Model, and the Human Rights Model (4)

**\*Neurodiversity:** term generally credited to Judy Singer that describes the diversity of human minds, the infinite variation in neurocognitive functioning within our species. (5)

**Neurodivergent:** refers to individuals who are neuroatypical (e.g. Autistic, ADHD, Dyslexic) rather than neurotypical. (6)

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4. Jackson, Mary Ann. "Models of Disability and Human Rights: Informing the Improvement of Built Environment Accessibility for People with Disability at Neighborhood Scale?"

5. Definition provided by AJ Link

6. Definition provided by AJ Link



# GLOSSARY

**Person-first language:** disability comes after the person in the description (e.g. person with autism, person who is deaf, person with a disability). Predominantly used by nondisabled individuals as a sign of respect and courtesy. (7)

**Physical or mental impairment:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities (Americans with Disabilities Act of 1990).

**Qualified individual with a disability:** An individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity (Americans with Disabilities Act of 1990).

**Reader:** Volunteer or employee of an individual with a disability (e.g., visual impairment, learning disability) who reads printed material in person or records to audiotape.

**Repetitive Stress Injury (RSI):** A disability that may be chronic or acute and usually is described as pain caused by overuse of extremities, usually hands and wrists.

**Screen reader:** Software used to echo text on a computer screen to audio output, often used by people who are blind, with visual impairments, or with learning disabilities.

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7. Definition provided by AJ Link



# GLOSSARY

**Section 508 of the Rehabilitation Act:** Legislation that requires federal agencies to develop, procure, and use accessible electronic and information technology.

**Sensory impairment:** A disability that affects touch, sight and/or hearing.

**Sign language:** Manual communication commonly used by deaf. The gestures or symbols in sign language are organized in a linguistic way. Each individual gesture is called a sign. Each sign has three distinct parts; the handshape, the position of the hands, and the movement of the hands. American Sign Language (ASL) is the most commonly used sign language in the United States. Deaf people from different countries speak different sign languages.

**Specific Learning Disability:** Disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in difficulties listening, thinking, speaking, reading, writing, spelling, or doing mathematical calculations. Frequent limitations include hyperactivity, distractibility, emotional instability, visual and/or auditory perception difficulties and/or motor limitations, depending on the type(s) of learning disability.

**Speech impairment:** Problems in communication and related areas such as oral motor function, ranging from simple sound substitutions to the inability to understand or use language or use the oral-motor mechanism for functional speech.

**Traumatic Brain Injury (TBI):** Open and closed head injuries resulting in impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital, degenerative, or induced by birth trauma.



# GLOSSARY

**\*Universal design:** Designing programs, services, tools, and facilities so that they are useable, without modification, by the widest range of users possible, taking into account a variety of abilities and disabilities.

**Vision impairments:** Complete or partial loss of ability to see, caused by a variety of injuries or diseases including congenital defects. Legal blindness is defined as visual acuity of 20/200 or less in the better eye with correcting lenses, or widest diameter of visual field subtending an angular distance no greater than 20 degrees.

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Unless otherwise noted, definitions come from DO-IT at the University of Washington  
<https://www.washington.edu/doit/glossary-disability-related-terms>.

## RESOURCES & CONTACTS



National Association for Law Placement

# Bulletin

September 2021

## **NEURODIVERSITY: A PRIMER / 12**

**How Can You Improve Your  
NALP Member Experience?**

**Jump In! / 4**

**How to Increase Collaboration  
Between Recruiting and DEI  
Departments / 17**



**nalp**



# NEURODIVERSITY: A PRIMER

By Paul Johnson and Angela Sordi

## The neurodiversity movement challenges us to rethink autism through the lens of human diversity.

As the importance of understanding neurodiversity grows globally and within the legal profession, NALP has dedicated resources to helping its members learn about the issues involved. NALP President Traci Mundy Jenkins established the Neurodiversity in the Legal Profession Task Force for the 2021-22 NALP year, with Paul Johnson and Angela Sordi as Co-Chairs. Our purpose is to review the barriers to inclusion of neurodiverse law students and lawyers including stigma, lack of understanding, and hesitancy to disclose/under reporting. The Task Force is excited to engage with NALP members over the coming months through a Discussion Series that will explore issues of identity, advocacy, and interpersonal relations in a law firm setting. We kicked off the effort this year with a NALP Member Town Hall, “Including and Supporting Our Neurodiverse Colleagues and Students in the Transition Back to the Office and the Campus,” on June 30, 2021. The following article provides a basic framework to explore neurodiversity and some of the major areas of inquiry that have arisen in recent years.

### What Is the Neurodiversity Paradigm?

An individual who identifies as neurodiverse or neurodivergent is someone who thinks differently from the way most of the population “expects” that they would. Individuals who have autism, Asperger syndrome, dyslexia, epilepsy, ADHD, obsessive-compulsive disorder (OCD), and Tourette syndrome (TS) are examples of individuals who might identify as neurodiverse.

Australian sociologist Judy Singer first coined the term “neurodiversity” in 1998 (as a portmanteau of “neurological” and “diversity”). It was Singer’s hope and objective that by identifying individuals as neurodiverse and accepting that certain brain functions are non-pathological — not altered or caused by disease — we would ultimately shift away from referring to these mental functions as deficits, disorders, or impairments.

### What Is the Neurodiversity Movement?

Neurodiversity activists argue that autism and other neurological variations are not flaws and should not be viewed as something

pathological that should be cured. Activists seek to dispel the notion that individuals living with neurological differences are somehow broken or incomplete versions of normal people.

As opposed to only focusing on impairments, the neurodiversity model sees neurodivergent individuals as possessing a complex combination of cognitive strengths and challenges. The neurodiversity approach is a call to include and respect people whose brains do not work in neurotypical ways.

The neurodiversity movement would insist that support systems allow individuals with autism to live as someone with autism. In other words, suggesting that support systems (such as inclusion-focused services, accommodations, communication and assistive technologies, occupational training, and independent living support) be developed with the goal of allowing those who are neurodivergent to live their lives as they are, rather than being cured, coerced, or forced to adopt accepted ideas of what is perceived as “normal.”

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The neurodiversity model sees neurodivergent individuals as possessing a complex combination of cognitive strengths and challenges.

### What (or Who) is Neurotypical?

The opposite of neurodiverse is *neurotypical* – someone whose brain behaves like most of society. It is commonly used to describe a person whose neurological development and state are typical and conforms to what most people would perceive as “normal.” The term neurotypical first originated in the autistic community to refer to non-autistic people.

### Why Is the Neurodiversity Movement Controversial?

There appears to be a deep divide in the broader community about whether the neurodiversity movement is truly reflective of the broader group of individuals living with certain brain functions.

Supporters of the neurodiversity movement maintain that various conditions represent a neurological difference and sometimes a disability – not a disease – but one that society should accept and accommodate rather than try to prevent or cure. Moreover, the movement maintains that the difficulties experienced by people living with neurodivergent conditions are contextual and that living

Continued on page 15



in a society designed for non-autistic people, for example, exacerbates the challenges experienced by those autistic individuals. Other individuals on the spectrum or their families, including those with more severe examples of autism, view autism as a medical condition that often requires intense treatment.

Others believe that the two coexist — where the autism spectrum is viewed as a constellation of conditions — celebrating the neurodiversity of individuals, while also believing that other aspects of their autism represent conditions that can be alleviated to facilitate independent living, personal safety, and overall psychosocial well being. This seems most apparent within the autism community where a broad spectrum of individuals might identify as autistic.

### Is the Neurodiversity Movement Making an Impact?

The neurodiversity movement challenges us to rethink autism through the lens of human diversity. It asks us to value neurodiversity as we would value diversity in gender, race, ethnicity, religion, or sexual orientation. Although there may be different perspectives

on autism as a condition, the neurodiversity lens helps us illuminate and value the unique contributions that these individuals bring to the workplace, while at the same time providing an environment in which they can thrive.

### The Opportunities That Lie Ahead...

Technologies and workplace transformation are needed because many talented neurodiverse individuals experience disproportionate levels of under-employment and unemployment, with some estimates above 80%. This is clearly far too high in general, but especially in relation to the actual skills and talents of the people who are adversely affected. Employers who recognize that neurodiverse individuals have unique skills to contribute will be best placed to overcome this challenge.

The change currently sweeping the marketplace is the intentional recruiting and employment of neurodivergent individuals, and to match them to roles that capitalize on their talents and play to their strengths. There is certainly a movement afoot to build technologies and transform workplaces in a way that increases employment opportunities

— and not just any employment, but sustained, meaningful employment for neurodiverse individuals. That is the guiding mission of the Frist Center for Autism and Innovation at Vanderbilt University, and companies from Microsoft to Boeing to Ernst & Young have realized extraordinary benefits to their business performance as autistic employees demonstrate different approaches to problem-solving that have resulted in higher productivity.

This should be seen as a call to action for legal employers to proactively think about how they recruit, interview, hire, and retain this talent. It will be important for employers to partner with law schools to develop frameworks and recruitment systems that support students who identify as neurodiverse as they enter a competitive professional environment that — despite recognizing the need for change — can often be slow to adapt.

Stay tuned for more from this Task Force. +



Paul Johnson

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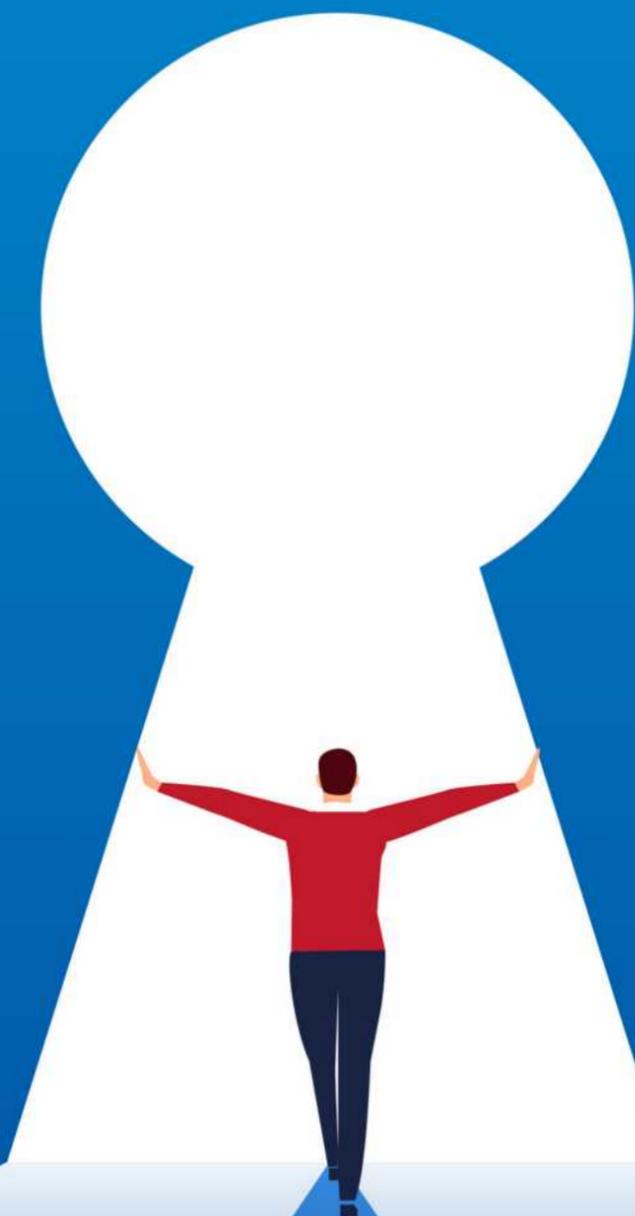
Angela Sordi

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# ACCESSIBILITY WITHOUT A DISADVANTAGE: SUPPORTING NEURODIVERGENT LAWYERS AND LAW STUDENTS

By Angela Sordi



*This article focuses on a conversation with Simon Margolis, a Disputes Associate at Borden Ladner Gervais LLP in Toronto, Canada. He is currently transitioning toward a specialty in research and knowledge management. He was called to the Bar in 2020. He has a Juris Doctor from the University of Toronto, Faculty of Law and a Bachelor of Arts in History and Political Science from the University of Michigan-Ann Arbor. Prior to law school, he worked at an autism advocacy organization in Washington, DC which promoted an identity approach to autism and neurodiversity. While in Washington, he worked with Congressional offices on autism and disability services legislation.*

I first met Simon Margolis back in the Fall of 2017. I had just started in my role as the Director of Professional Recruitment at BLG's Toronto office and it was my very first 2L Toronto summer recruiting season. At the time, I had very little experience working with people with disabilities or who identify as neurodivergent, and I was just beginning to familiarize myself with the firm's DEI initiatives. We received hundreds of applications for our 2L summer program that year and Simon's was one of the packages that stood out. At the time, grit and resilience were the competencies du jour and I vividly remember thinking to myself – who would have more grit or resilience than an autistic law student at U of T? I mean, not only did this student

secure a spot in this highly competitive program but he was doing exceedingly well.

We were one of five firms that offered Simon an on-campus interview (OCI) that year.

During his 17-minute interview, Simon not only impressed me, but he managed to wow the corporate partner I was interviewing with (candidly, not an easy feat). Now, I realize how incredibly difficult the “speed-dating” curtailed-off experience must have been for Simon. How disorienting the 17-minute time-frame, the loud announcements, and all the moving about must have been for him? But he did it anyways and did it well.

Continued on page 20

Fast forward, Simon is now an associate at the firm.

Over the years, I've only ever had one conversation with Simon about his autism. Perhaps not the thing to admit here because looking back, I should have had more. It was uncomfortable and hard back then. But it was one conversation that changed my perspective forever. Today, as co-chair of NALP's Neurodiversity in the Legal Profession Task Force, I jumped at the opportunity to interview Simon for this *Bulletin+* article. I feel privileged to be sharing his perspective with all of you and adding his voice to our conversation.

We know neurodiversity is a broad term, one that sparks discussion and some debate. We know everyone's lived experience is different and it was important to Simon to stress that his experiences and his story are his.

**I'm sure this was one of the questions we asked you when we first interviewed you during OCIs in Fall 2017 ... why law school?**

**Simon Margolis:** *Growing up, I learned early on how to advocate for myself. I would attend all my IEP [Individualized Education Program] meetings. I learned how to ask questions and*

*ask for what I needed. I learned how to figure out what would be in my best interest and what would not. Law school would allow me to use my distinctive analytic abilities and parlay my advocacy experience into a career that would provide me with an introduction to the corporate world.*

**Can you speak to some the challenges you faced navigating law school?**

*There were different challenges I faced through all levels of school. But the main challenge is always adapting to the sensory experiences of the school. The main difficulties related to my autism is that sensory experiences are multiplied. Sounds are louder, colors can be brighter, and as a result, anxieties are multiplied and your reaction to the environment around you is heightened.*

*Law school meant a new building, new classrooms, new sights; and it took a bit of time to get adjusted. I think the most difficult thing to get used to involves the difference in the lecturing methods (Socratic vs other methods) at law school as opposed to undergrad and high school. It has always been difficult for me to take notes. I must first process what*

Continued on page 21

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*is being said to really think about it, and it's that processing that takes up a lot of my bandwidth. If I'm focused on taking notes, I can't really learn. Until the end of undergrad, I had a strong memory. I understood the intellectual frameworks that my professors relied on, I was able to plug information into those frameworks, and was able to follow along.*

*Law school presented new frameworks and new methods of thinking and taking notes became a real challenge. You are expected to take notes both while completing readings and during lectures. This was extremely difficult for me. Professors were still discouraging or disallowing the use of computers and recording lectures was prohibited. This was very difficult and required me to work extremely hard during first year to get the grades I needed. In fact, my study schedule and method were not sustainable. As a result, I never really felt that my intellectual abilities were accurately reflected in my transcripts. Even though overall I had above-average marks, I don't believe my true potential was fully realized.*

*I don't think the EDI [Equity, Diversity, and Inclusion] sphere had properly developed in the disability space back then; it was pretty*

*sophisticated in other areas; but in the area of disabilities there was still a way to go. Looking back, I think disclosure rules were still archaic and that career counseling for students with disabilities was still evolving. I think we faced a number of assumptions when it came to the business community and how accessible it would be for us. Among them was an assumption there was little room for persons with disabilities within a traditional and conservative business law culture and this was very discouraging.*

### **You identified as autistic in your application to the firm — was the decision to disclose ever a question for you?**

*I've always been a discloser and I can credit that to my parents. My parents always framed it like it wasn't a problem. In fact, growing up they would refer to my autism as my "super power," which is a concept with its own problems, but was probably better than being left feeling hopeless. When I was growing up, I didn't think my autism was a barrier for me.*

*I was loosely diagnosed when I was three years old but we received a clearer diagnosis when I was about seven or eight. My parents always operated on the assumption that it ran in the family and that many of my*

*autistic relatives had been quite successful. I guess they normalized it. I thought it was one thing they did quite right. To be honest, I was shocked in adulthood when I began to understand that not all adults thought about it the same way or had the same experiences.*

*In my view, my autism was something I just couldn't hide. I knew that if I tried to hide my autism, I would not have done well through the process. I continue to take this same approach today. I think it depends on the work environment but in my experience, many of the professionals I know with autism have decided to disclose. In hindsight, I think that maybe I should have pushed it or highlighted it more than I did back then.*

**There is a real lack of understanding around how much bandwidth is required for an autistic student to succeed in school.**

### **What changes do you think we need to see in the way we recruit or evaluate neurodivergent students and lawyers?**

*I don't want to focus too much on my own personal grievances here but there are a few steps legal pedagogy needs to take before the profession is able to assess neurodivergent students.*

*I found the expectation to produce a two-page CV [Curriculum Vitae; resume] extremely difficult.*

*The one thing that immediately jumps out for me is the expectation to explain gaps in application materials. While I prefer not to use "functioning" labels, there is a 70-85% unemployment rate among autistic persons labeled "high functioning" — it's fairly consistent across the spectrum. Believe it or not, high-functioning autistic people do not have a particularly higher rate. Through the job search process, you are constantly reminded that employers will focus on the gaps in your materials or on service-type jobs as ways to assess your ability to multitask or work hard.*

*Most of the autistic students that I know don't have part-time jobs and don't participate in*

many extra-curricular activities. There is a real lack of understanding around how much bandwidth is required for an autistic student to succeed in school. Working at McDonald's was never going to be an option for me. As a student, I was so exhausted from a day of processing and adapting to everything going on around me that I was happy and relieved to have my books and my television at the end of the day.

Looking back, I think it would have been great if the employers who met me had a better understanding of the sensory adjustments I was having to make while participating in the interview process. I found it very difficult to answer behavioral questions. I also found the weird questions for which I had not prepared, like, "What kind of animal would you be?" to be challenging. For me, I was so overwhelmed by the interview environment that it was extremely hard for me to process and understand on the spot why I was being asked those sorts of questions. I take things at face value and so trying to think about and understand that line of questioning is extremely stressful. I really process things in the here and now and so it's difficult to think back on experiences and look forward to experiences that "might" happen. I would suggest that when someone

has disclosed that they are autistic, employers avoid those sorts of questions.

I remember at one firm's information session, someone from the firm joked about students today bringing fidget spinners to interviews. I don't use a fidget spinner, but I do use a pencil and I'm constantly spinning it. It was never really communicated to me that it was OK to spin my pencil.

### **What aspects of the practice/culture of law do you find leverages your strengths?**

I think legal analysis plays to my strengths. I excel at research and problem-solving. Through legal analysis I can come up with different solutions to problems. I don't necessarily work faster or identify more solutions than someone else, but I can come up with different and novel solutions. I know autistic lawyers who have done really well in the tax planning or IP areas. I think different neurotypes will excel in different areas. For example, I know of lawyers with dyslexia who have great memories and make confident courtroom litigators.

### **Are there aspects of the practice/culture of law you find challenging?**

My autism affects my executive functioning.

## **There is a perception that all autistic people are anti-social. ... This is simply not true.**

Navigation, organization, and time management are my biggest challenges in practice. Applying structure clashes with the chaotic lens by which I view things.

Because it's challenging to adapt and process new materials, I tend to be hyper-concerned with protecting my time and doing well. As a result, sometimes I might hold back on taking on new work or knocking on doors for new work. I worry that this is construed as a lack of confidence or trying to avoid work when it really is me trying to map out and process work and deadlines in my head. When I'm approached by a lawyer with a work assignment, I have the habit of verbally articulating all the work I have on the go and the related deadlines. I've had to explain that the reason I do this is to organize my schedule and not because I am trying to send a message that I'm busy.

Taking notes continues to be a challenge for me. As I mentioned, once upon a time, I was able to keep everything in my head; now I

really need to focus on writing things down or diarizing.

Also, I find some of the focus on wellness in our profession distracting or too reminiscent of difficult childhood therapy. Some of the language that surrounds wellness, or things like meditation or yoga bring me immediately back to my ABA therapy years ... I am working on that!

### **What would you say are some of the biggest misconceptions facing professionals who identify as neurodiverse?**

I worry that my executive functioning skills or navigation skills that I continue to work through might be perceived as some sort of mental health issue ... and there's the sensory stuff sometimes. For example, brushing hair is a big sensory thing for me and I really don't brush my hair. I sometimes worry that this could be viewed as a sign of a mental health issue like sadness, anxiety, or depression.

Another thing is the social piece. There is a perception that all autistic people are anti-social. People will say something like “remote working is probably a positive thing for you.” This is simply not true. I’m not inclined to make connections with people, but the office is the only place where I get to be social and speak to others without having to go out of my way to do so. Working from home has been difficult in this sense.

The expectation to start work early in the morning is something that I’m still getting used to. Autistic people often have wonky sleep cycles. I tend to stay up late working and then sleep in. I’ve worked hard to adjust to a more traditional work schedule because I think there is still a belief that productive and eager lawyers start their day early.

Sharing a workspace with strangers can also be a bit of a challenge. If I don’t know someone who is working with me or speaking to me, I find myself distracted by trying to process who they are, what they might want, or why they are speaking with me, etc. This is definitely getting better, though, with time and practice. Similarly, surprise conversations and walk-ins are also difficult for me. Before the pandemic, I was starting to get used to

the drop-in nature of the open-door office environment.

The assumptions that others make about autistic professionals are often flawed. For example, not all autistic people want to be engineers or are good at math. I didn’t take calculus as an undergrad. I’m particularly sensitive to comments like, “we are all nerdy here” or “all lawyers are a bit OCD.” I consider these microaggressions and they happen all the time. Not all nerdy people are autistic and not all autistic people have OCD.

The labels that are often applied to describe autistic people are high-functioning/low-functioning. I’m opposed to these labels because they tend to minimize the accommodations needed on the high end while at the

**Accessibility is when I am in a position where I can be most effective, most productive, and not feel like I’m at a disadvantage.**

same time stigmatize those individuals on the low end.

These labels tend to hurt autistic professionals because there is a perception that because they are “high functioning” they are OK and might require fewer accommodations.

**I remember early on, when you joined us as a summer student, I asked you if you might share anything you thought I should know/understand about you ... looking back, was that the right approach?**

[Laughing] No – it was way too open-ended. Especially when someone is coming from an experience that until very recently the basic features of autism were considered problematic. It’s incredibly difficult to talk about this stuff and especially scary when you are a student waiting for hireback. It’s scary because you don’t want to ask for too much or justify flaws. Specific and direct questions are better. They are challenging but clear and easy to understand what is being asked and why.

What does accessibility mean to you?

It really is contextual and depends on the environment – school is different than work.

But for me, accessibility is when I am in a position where I can be most effective, most productive, and not feel like I’m at a disadvantage. Is there is someone I can go to if I require an accommodation ... if the florescent lights are buzzing, a lot of autistic people can hear buzzing from florescent lights ... am I able to go to someone and get this resolved?

**Fast-forward, where do you hope to see yourself in 10 years?**

I’m not too sure. I can definitely see myself here at the firm for sure.

I hope to achieve success, be productive, and thrive in what I’m doing. I’d like to create solutions and be a mentor. I want to lead by example.

Thank you, Simon. +



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# NEURODIVERSITY AND RECRUITING FOR LEGAL EMPLOYERS

By Tom Lee

The term *neurodiverse* is related to the concept of [neurodiversity](#), which proposes that variation in brain functioning within the human population is normal and that brain functioning that is not neurotypical should not be stigmatized. The term first appeared in Webster's Dictionary in 2002.

Conservative estimates place 8% to 10% of the population as neurodiverse. In June 2020, Dentons published an article about neurodiversity in the workplace and indicates that 15% of the UK population are neurodiverse. The business case to support neurodiverse

conditions is to expand your talent pool. Employers that adjust their recruitment selection and career development policies to reflect inclusivity of neurodiverse talent, along with other historically marginalized communities, will have a competitive advantage. Microsoft, Deloitte, and JPMorgan Chase are early examples of prominent companies that have reformed their processes.

Legal employers that seek access to neurodiverse candidates should offer sensory-friendly environments. During interviews and recruiting events, there should be mindfulness toward lower sound levels, adjusted lighting

capability, designated quiet areas, and extra staff for support. These steps seek to prevent auditory overstimulation. Sometimes neurodiverse people exhibit challenging behavior. Successful accommodations and management of challenges are minor in comparison to the potential returns. Employers should be prepared to offer an experience to neurodiverse candidates where conventional rules don't apply, for example allowing candidates to talk and leave the room and use electronic devices, as needed. Employers that offer similar experiences within and outside the recruiting context will advance the organization's diversity, equity, and inclusion efforts.

To prepare for sensory-friendly hiring, recruiters will have to conduct extensive research and should consider consulting with neurodivergent professionals with autism. The goal is to host recruiting events (especially interviews) that are mindful and sensitive to the issues around neurodiversity.

Being inclusive can work if people and organizations are willing to let go of "traditional" beliefs or assumptions long enough to embrace other ways of thinking, speaking, and behaving.

## Building and Supporting Neurodiversity in the Workplace

1. Get buy-in from leadership
2. Identify groups that can help employers find and attract neurodiverse talent
3. Adjust your hiring practices
4. Be patient
5. Organize expert-driven skills training for staff and attorneys
6. Be ready to accommodate

## RESOURCES

Hastwell, Claire, "[How to Build and Support Neurodiversity in the Workplace. Great Place to Work](#)," Sept. 28, 2021.



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