

Law Related Education

The newsletter of the Illinois State Bar Association's Committee on Law Related Education

ISBA Midyear Meeting and New Year Plans

BY BRITTANY J. SHAW

Several members of the Committee on Law Related Education for the Public met in person for the second time in 2022 following a hiatus due to COVID-19 concerns and restrictions. Fortunately, the hiatus has allowed many professionals to become well-versed in the use of Zoom and other video conference technologies, thus allowing for the members unable to join in person to join us virtually.

Led by Committee Chair Billie Constant, members discussed new business including bright ideas for the new year on how to better distribute our newsletter to the public, assisting Mock Trial participants with registration fees, and even talks of taking our arsenal of knowledge to social media. (Any TikTok influencers out there interested in the law?) In our discussions, members

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A Reflection on Life Before and After the Advent of Title IX of the Civil Rights Act of 1964

BY MADONNA T. LECHNER

Each December as the old year ends, I tend to look back on my life. This exercise seems to take longer and longer, as I now have 72 years under my belt. Recently, President Biden inadvertently referred to Title VIII (Aliens and Nationality) as Title IX. The reference to Title IX brought back a torrent of memories wherein I particularly honed in on how views on gender affected my high school years.

I attended high school from 1964

through 1968. High school for me began placidly enough. However soon, the U.S. was involved in the Vietnam conflict beginning the second semester of my freshman year. Suddenly, military recruiters roamed the halls of my high school. They were only interested in male students at that time. But I digress.

Throughout my high school experience, it was most apparent that there were no

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enjoyed fresh coffee and snacks courtesy of the Illinois State Bar Association and overall enjoyed each other's company.

The purpose of our committee is to educate the public on a variety of legal issues and further introduce them to the wide range of careers within the legal profession. In 2022's publications, we explored opinions from the Supreme Court of the United States related to civil rights lawsuits, eviction mediation, taxes, discrimination in the workplace, and legal careers that don't

require going to law school!

If you are a regular recipient of our newsletters and enjoy our content, please do not hesitate to let us know what you would like to see more of in 2023. As always, feel free to submit any law related content for publication before the 10th of each month to me at brittany@bshawlaw.com.

On behalf of the members of our committee, we wish you a well and prosperous 2023! ■

A Reflection on Life Before and After the Advent of Title IX of the Civil Rights Act of 1964

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interscholastic competitive sports for female students. The female students were confined to intramural sports. For example, the female students in each grade would compete against one another in basketball or volleyball. Female students didn't compete against other schools. Some of the lackluster activities for female students in gym were marching and folk dance. Naturally, these didn't require a lot of athletic prowess, and of course, due to the lack of interscholastic competition, there were no opportunities for athletic scholarships for female students.

Even more blatant was the curricula divide. The female students were offered home economics. The male students were offered shop. No male student took home economics. No female student took shop. I experienced this divide personally. In my senior year, I had to challenge the administration to allow me to take Senior Math and French at the same time. I was the only female student who desired to take both courses. They were scheduled at the same days and periods. French was considered a course for female students. Ultimately, I was allowed to take French outside of class and the math course in class. I didn't comprehend the inequity of that

until years later.

In 1973, I entered the federal workforce and experienced firsthand many attorneys consumed with the task of enforcing the regulations implementing Title IX, found at 34 C.F.R. Part 106. The statute provides female students the right to an education equivalent to that of male students. I saw attorneys apply this statute to an ever-broadening array of circumstances.

As a federal investigator, I worked with the attorneys in gathering facts to support legal action against public schools and universities in the Midwest that were not complying with the statute. The issues addressed were wide ranging. They included athletics, curricular offerings, sexual harassment, discipline, counseling, and financial assistance, among many others.

In the 1970's, many local school districts funded interscholastic sports for male students to a much greater degree than they funded sports for female students. This resulted in fewer opportunities for female students to participate in interscholastic athletics. Further, this consequently limited the girls' opportunities to earn athletic scholarships. Many of the settlements negotiated to remedy this disparity included concerted efforts to increase the interest of

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female students in participating in sports and the re-allocation of funds to girls' sports.

Another prevalent issue was sex segregated extra-curricular activities. For example, some school districts offered robotics and computer clubs to male students only. Offending institutions were required to generate the interest of female students in such activities and to offer activities to students that would be of interest to all students.

As the years progressed, I witnessed the emergence of sexual harassment as an activity prohibited by Title IX in public schools and universities. Educational institutions that overlooked harassment of students on the basis of sex were held accountable for violations of Title IX. Students subjected to harassment were no longer blamed for the behavior of perpetrators.

Counseling was another area in which

disparate treatment was documented. High school counselors were found to have discouraged female students from pursuing science, technology, engineering or math (STEM) courses when applying to colleges and universities.

The attorneys with whom I worked for a span of 34 years advanced the public's perception of female capabilities through their vigilant efforts. Their work is of historical significance. ■

Update on the ISBA's Diversity, Equity, Inclusion, and Accessibility Initiatives Regarding Disability and Disabled People

BY PATTI CHANG

The Illinois State Bar Association (ISBA) strives to increase diversity, equity, inclusion, and accessibility (DEIA) in many ways and is making DEIA a top priority going forward. This article provides an update on the ISBA's DEIA initiatives with respect to disability and disabled people. But before moving on, a quick note regarding the verbiage used in this article is in order. We use identity first language intentionally because the author of this article prefers it, while at the same time, we acknowledge that not all people with disabilities have the same preference. So, we speak in terms of "disabled people" as opposed to "a person who is disabled."

We at the ISBA also believe that efforts around DEIA are helpful to all. Take curb cuts as an example; though originally developed to increase accessibility for people using wheelchairs, they are also helpful to those pushing baby strollers or pulling rolling suitcases too. Scanners and optical character recognition are also widely used technologies that were originally invented to aid the blind in reading printed materials which could then be translated from text to speech. The key takeaway here is that making changes to our world to make it more accessible to disabled people yields dividends

for everyone.

The ISBA's Disability Law Committee

There is an axiom in the disability community—"nothing about us without us." As the ISBA is no exception, our DEIA efforts around disability begin with our Disability Law Committee. The Committee's charges include promoting fair and equal treatment of disabled people and providing a forum for education and advocacy as it relates to disabled people generally; as well as to further the professional development and inclusion of attorneys and law students with disabilities, and practitioners who serve disabled clients, by creating programming and other resources to support their professional needs. Additionally, the Disability Law Committee actively supports inclusivity within the ISBA through outreach to various stakeholders in the legal community.

The Committee also brings accessibility barriers to the attention of ISBA leadership and staff. For example, the Committee presses the ISBA to commit to using only accessible event venues that are welcoming to people using wheelchairs (see more on

this below). The Committee also points out issues within the ISBA's web presence that would be inaccessible to blind people using screen reader software.

Another important role of the Committee is to provide perspective and feedback about problematic language to ISBA staff. A good example was when the Committee was helping to shape the ISBA Accessibility Statement, which originally stated that we "encourage the visually impaired to bring along an additional individual [to events] at no additional charge to take notes or assist." This suggestion, though well-intentioned, sounds custodial and has since been replaced by simply asking members if there are reasonable accommodations that would allow them to participate more fully.

More recently, the Committee has begun to engage with ISBA staff through regular meetings on DEIA within the Association. Meetings take place every couple of months and create an ongoing dialogue which is helpful in keeping the idea that disability is part of diversity at the forefront.

This journey has not always been smooth, but for the most part it has been moving forward and has led to positive change. The ISBA has come a long way from the

author's first Midyear Meeting where she was unfortunately asked, "honey this is a meeting for lawyers. Where are you trying to go?"

Working Together in Many Areas

Through our regular meetings with ISBA staff, we are now sharing ideas and solutions. Because every disability is different and every disabled person is unique, DEIA around disability is especially complex. That said, we have been working on some key areas that I will touch upon below.

Meeting and Event Venues, Location, and Accessibility

The accessibility-related challenges inherent in meeting and event venues is best exemplified by considering the Abbey Resort in Wisconsin, where the ISBA Annual Meeting has been held many times in the past. Most attendees would attest that this venue is an accessibility nightmare with several different levels that are not easily accessed via elevators. While the ISBA did continue to return to the Abbey after accessibility barriers were pointed out by the Disability Law Committee, staff has assured us that it will no longer be a future venue for the ISBA.

As the above demonstrates, meeting venues typically pose significant challenges in relation to accessibility. Not only do we want facilities that can be easily maneuvered by all, but we also need venues that are accessible via public transit. Not everyone drives a car, and not everyone can afford to drive a car to a venue. When selecting venues, we should be asking whether the venue has proper signage and if it is friendly to those with mental health issues. Accessibility-related issues should be top of mind when venues are sought out for ISBA meetings and events.

One way to be inclusive for disabled members and guests is to make clear that reasonable accommodations are possible and clearly state where such requests should be directed. This has been included in the ISBA Accessibility Statement, but the committee urges the ISBA to include a similar statement on all communications about virtual and in-person events that informs potential participants about the reasonable accommodation process.

Continuing Legal Education

The ISBA is thankfully encouraging CLE planners to seek out diverse speakers including disabled people. If lawyers do not see their disabled colleagues as experts in their own right, they will be less likely to have high expectations for disabled people, which impacts everything from socialization to hiring decisions. Moreover, CLE materials that are distributed to attendees should be readable by all. As such, speakers are discouraged from simply handing in scans of their materials that are images, and are encouraged to submit materials in text-based formats like Word, RTF, and text-based PDFs that allow blind people using screen readers to access those materials easily. By the way, text-based materials are searchable by all, which is a great example of how accessibility benefits everyone.

ISBA Website

The ISBA has worked hard to improve our accessibility on the web. Our accessibility statement page says it well in listing the following measures being taken to improve accessibility:

- Regular review of design and coding of website for accessibility improvements;
- Providing accessibility training for ISBA staff;
- Integrating accessibility into our procurement practices;
- Automated closed captioning available for all On-Demand CLE programs created after September 2021;
- All live CLE webcasts now offer closed captioning and transcripts via Zoom; and
- Reviewing PDFs, Word documents, and other files to prioritize documents to make accessible and to develop accessible templates for future documents.

One recent improvement the ISBA can be especially proud of is providing its judicial evaluations on the web in a more accessible format than the PDFs that had been previously used. Those statewide evaluations are available to the public and are used by almost a hundred thousand people in the November 2022 election. One grateful

voter said "This is the first time I have found enough accessible information on the web in Illinois to make informed decisions in judicial races. I used to just not vote for them at all." This change also made the judicial evaluations mobile friendly and more user friendly generally, as another example of how making something accessible benefits everyone.

Future Efforts

Is there more to do? Of course, there is more to do. Twenty to twenty-five percent of the population has a disability, yet the ISBA membership includes few disabled people and is lacking disabled people in leadership positions. ISBA staff members with disabilities are also few. Sometimes it seems that our DEIA efforts leave out those with disabilities entirely, and staff and members likely exhibit hidden, implicit biases that unintentionally exclude people.

So, the ISBA should work on future DEIA initiatives, which might include:

- Actively recruiting law students, lawyers, and employees with disabilities and creating a pipeline to leadership through networking and mentorship;
- Hiring someone on ISBA staff who has expertise in diversity, equity, inclusion, and accessibility;
- Adopting a robust plan to ensure accessibility of future venues; and
- Providing more helpful information around the law in accessible formats to the general public.

If you want to help with these efforts or know someone we should recruit to help with these initiatives and others, please reach out to the author (PCchang@nfb.org) and she'll relay the information to our Disability Law Committee. ■