

## How Law Firms Can Welcome And Celebrate Autistic Lawyers

By **Haley Moss** (April 20, 2021, 2:02 PM EDT)

When lawyers think of autism, they probably think of young children, family members, loved ones or the occasional client when imagining the neurological and developmental disability that nearly one in 54 children is diagnosed with, according to the Centers for Disease Control and Prevention.[1]

But lawyers and law firms are probably unclear about their understanding of autism — or the fact that other lawyers and colleagues may also be autistic themselves.

Autism is a complex neurological condition and developmental disability characterized by a spectrum of differences in social communication and interaction, heightened sensory processing and experiences, intense passions or interests, and repetitive behaviors. In addition to children, nearly 2.2 million American adults can be identified as having an autism spectrum disorder.[2]



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While April typically marks Autism Awareness Month, the autistic and disability communities over the last decade have pushed toward greater understanding of the often-stigmatized disability to focus more on acceptance. This year, the Autism Society of America announced it is formally shifting to referencing the month as Autism Acceptance Month.

Part of Autism Acceptance Month includes celebrating neurodiversity in the month of April and beyond — realizing that in fact, variations in neurology, cognition and how our brains work is natural and normal.

Neurodiversity is a part of life, and people who are neurodivergent not only include autistic people like me, but folks with attention deficit hyperactivity disorder, or ADHD, learning disabilities, intellectual disabilities and mental health disabilities. When thinking broadly about neurodiversity, nearly one in seven people can be described as neurodivergent.[3]

The legal profession is teeming with neurodiversity. Previous studies on lawyer mental health show an overrepresentation of ADHD that is relatively unexplored in well-being and diversity initiatives alike.[4] For example, a 2016 study found that 28% of lawyers suffer from depression, 19% suffer from anxiety and 12.5% have ADHD. In comparison, when looking at the general population, 18% of adults may have an anxiety disorder, and about 4.4% of American adults were diagnosed with ADHD.

Yet, our profession struggles to talk about neurodiversity and autism. Lawyers are not always cognizant of how their colleagues may be different, and autistic and neurodivergent lawyers face societal barriers at every step on the legal journey, from law school admissions well into the intricacies of law practice.

Many lawyers do not disclose their disabilities, including neurodivergence, **out of fear as being perceived as weak**. Autistic lawyers fear being pigeonholed into repetitive tasks or being associated with stereotypes that peg them as innately gifted in science, technology or mathematics. Others consistently perform masking behaviors, attempting to act socially acceptable.

However, neurodiverse groups of workers (and lawyers) have a lot to bring to the table and can create a competitive advantage for law firms: favorable public opinion, higher revenues and shareholder returns, creative and innovative thinking, and the intangible benefits each of us receives from working with people who are different than we are.[5]

Presuming there is a population of current and future attorneys on the autism spectrum (or who are otherwise neurodivergent), law firms have to be willing collaborators in providing accommodations in order to be compliant and inclusive, and to level the playing field for attorneys whose minds work outside of the prescribed norm. Under the Americans with Disabilities Act, employers with 15 or more employees are required to provide reasonable accommodations during any stage of the employment process.

The accommodations process in practice should be interactive and collaborative between the attorney or staff member and their firm's human resources department (or managing partner, for smaller firms).

Each autistic person has different needs. While I may struggle with determining what to do with ambiguous instructions or need to tune out distracting noises, others may struggle with billing, bright lights, working in a physical office, or communicating in expected manners with colleagues or clients.

Sample accommodations for attorneys on the autism spectrum can include their working from home, working in a quiet space, being able to take sensory breaks, having reduced or modified billing requirements, being able to wear headphones, or restructuring the schedule of tasks. Each individual is different, as are their specific needs to be the best attorneys they can be.

For autistic and neurodivergent lawyers, framing accommodations in a positive light helps reinforce the communication aspect of the process and dispels fears from both parties. For me, that can be a simple statement like "I work best when you give me clear instructions for drafting a motion." It sets the stage and allows another lawyer I am working with to understand what they need to do to make sure they receive quality work product and that I am able to best follow my responsibilities.

Brainstorm what a reasonable accommodation may look like together. If I hypothetically ask for clear instructions, that might be having calendar invites with due dates for each section of a motion or having clearly written out instructions and expectations. Together, we'd have a road map and idea of what is reasonable, what is doable, and most importantly, what is helpful.

Chances are when working through the accommodations process, it might be the only time an autistic attorney discloses their disability.

It is important to be empathetic and sensitive during the process and to treat the attorney with respect.

Often, people don't know how to act — sometimes, the best thing to do is be an active listener, ask questions to help educate yourself, and recognize why you are receiving this information. If someone opens up to me about autism in a professional setting, I also like to ask who else knows, and if it is OK for me to share with another colleague if necessary, because I do not want to disclose on someone else's behalf if they are uncomfortable with it, or to "out" them.

With the right accommodations, access to opportunity, and challenges to preconceived notions, alongside genuine efforts toward acceptance and inclusion, the legal industry can welcome and celebrate autistic attorneys and law firm staff. That acceptance made a world of difference for me as a young autistic attorney navigating my career.

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[1] <https://www.cdc.gov/ncbddd/autism/data.html>.

[2] Maggie Fox, First US study of autism in adults estimates 2.2% have autism spectrum disorder, CNN (May 11, 2020), <https://www.cnn.com/2020/05/11/health/autism-adults-cdc-health/index.html>.

[3] Robert Wojciechowski, Hiring and office life are geared towards a cognitive "norm", but that could be changing, BBC (July 21, 2019), <https://www.bbc.com/worklife/article/20190719-neurodiversity>.

[4] Patrick R. Krill, Ryan Johnson, & Linda Albert, The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, 10 J. Addiction Med. 1, 46-52 (2016), [https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The\\_Prevalence\\_of\\_Substance\\_Use\\_and\\_Other\\_Mental.8.aspx](https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx).

[5] Hiring neurodiverse people like me can give companies a competitive advantage, Washington Post (Oct. 17, 2019), <https://www.washingtonpost.com/outlook/2019/10/17/hiring-neurodiverse-people-like-me-can-give-companies-competitive-advantage/>.

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