

ABILITY

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accessible
affinity

Valerie Hoffman Partner at Seyfarth Shaw

Seyfarth Shaw was founded in 1945 in Chicago by attorneys Lee Shaw, Henry Seyfarth, and Owen Fairweather. After World War II ended in August 1945, Shaw and Fairweather returned to Chicago from a stint with the National War Labor Board and, together with their senior colleague, Seyfarth, set up a boutique law firm specializing in labor law. In 1947, Lee Shaw helped draft the Taft-Hartley Act.

Today, the firm's clients include over 300 of the Fortune 500 companies, and its practice reflects virtually every industry and segment of the economy. It has over 850 attorneys in 15 offices.

After attending the ILG National Conference and HERC's Southern California's regional conference, *ABILITY* met with Seyfarth partner Valerie Hoffman. Valerie shared with *ABILITY* the firm's progressive efforts in the area of disability and inclusion and how its work in the disability space has brought about a natural progression of change in the workplace. Seyfarth is one of the few big law firms with not only a recognized specialty in representing employers in connection with these issues, but also a national Title III access defense presence and focus. Title III prohibits discrimination based on disability in places of public accommodation, among other things.

Valerie introduced attorneys Kevin Fritz and Loren Gesinsky for a chat.

ABILITY: What is your background?

Kevin Fritz: I'm a litigator and a counselor. I focus my practice on single plaintiff and complex class litigation, as well as counseling and workplace solutions. I'm also a member of our firm's Title III access defense team, for which I regularly counsel clients and litigate on their behalf on issues of accessibility in places of public accommodation. These could be physical spaces, as well as websites and other effective communication methods for people who have disabilities.

I'm also physically disabled. I have been since birth. So I've always fought for my rights and navigated various areas of the law growing up and even when I first started out as an attorney. So practicing in this space comes naturally to me.

ABILITY: What type of law do you practice?

Fritz: The surface answer is a combination labor and employment and public accommodations law. But I do so much more. Most fundamentally, I'm a problem solver for the workplace and businesses. I work with major hotel brands, national sporting leagues, retailers, and others navigating issues of accommodation and access. I also represent companies that have been sued by either a single plaintiff or a class of plaintiffs in complex discrimination actions. So while my focus is on the

employment relationship and also the customer-facing brand of a business, it's really about solving problems and defending companies faced with challenging situations. The two sectors apply different laws. But they are a natural outgrowth of one another.

Loren Gesinsky: Just building off of that, briefly, labor and employment is different than Title III and physical accessibility in places of public accommodation in that it doesn't inherently involve a worker-employee relationship. But it's a natural outgrowth. So our labor and employment group nationwide has, we believe, the largest and most prominent Title III access advice and defense team. Kevin's a vital part of that. My colleague in the office, John Egan, who's now the chair of the New York City Bar Association Disabilities Committee, is also a vital part of that, and the nationwide team. One other thing that we have focused on is a universal design ethos in built spaces. Our firm adopted a universal design mission statement. We've shared this with clients also.

ABILITY: You're talking about physical space when you talk about universal design?

Gesinsky: Yes, but more as well. You could take universal design into multi-dimensions, even beyond physical space. Website accessibility, for example, could be viewed through a universal design perspective. Our mission statement and our initial focus has been on the idea of how do we make things accessible for all in a well-designed, integrated way that doesn't seem institutional, doesn't seem like, "This is just a thing for a person with a significant disability." This is for everybody, and it's beautifully integrated, and it helps with inclusivity. That's what we're going for.

This approach dates back to when I was active in the New York City bar in a number of roles, and they asked me to take over as chair of the disabilities committee, which at that time was called Legal Issues Affecting People with Disabilities. While a number of disability rights activists had been running it, and they were really passionate, a lot of them didn't have the support needed to run a large committee at a bar association. So I was asked to take it over.

ABILITY: About what year?

Gesinsky: This was 2004 - 2006. I had a lot to learn; and a few things struck me. One was that it really was a forgotten area of diversity in a lot of people's minds. We prioritized essentially evangelizing in an inclusive and educational way. Integral to this effort, we encouraged people with disabilities to self-identify and share their stories.

Another thing that struck me at the time, although I think it's getting better, is that, because an impairment is very individualized by nature, there is no clear, single disability rights umbrella organization or community.



Kevin Fritz litigator and counselor

Some of the constituencies seemed to view themselves as being in a zero-sum competition for recognition and resources in relation to one or more of the other constituencies. As an ally, I thought that it was not constructive to approach the issues as a zero-sum competition. There's no reason why everyone doesn't benefit from paying attention to the issues affecting people with mobility, vision, hearing, mental, and other impairments, even if the impairments are serious but of relatively short duration. Everybody benefits if more attention is brought to the diversity within the disability community. These realizations helped spur my involvement in a variety of diversity and inclusion efforts. I spearhead Seyfarth's New York Diversity and Inclusion Action Team. I'm an ally to a lot of different groups. But the issues of people with disabilities have still been near and dear to my heart.

For example, as our firm began to explore an ally initiative, which was one of the more recent iterations of a hot topic in the D&I world, we saw an opportunity to engage colleagues firm-wide. Previously, it seemed too daunting to try to start an affinity group just for people with disabilities because of the very low incidence of self-reporting. But our ally initiative presented us an opportunity to start an affinity group that encouraged the participation of every colleague with an affinity for these issues, regardless of whether s/he might have a disability. Our mission statement is to "encourage developing the talent of all, innovating solutions to access,

and empowering the disability community, including its allies." We were inspired by the founding of an All Abilities Group, with which I'm involved, by the New York Chapter of the Association of Corporate Counsel. The achievements of these still-young All Abilities Groups are exciting. We hope others in the legal industry take notice and join us.

ABILITY: Valerie you had mentioned your firm was doing some ADA training?

Valerie Hoffman: Absolutely. I've been working with Kevin and Loren and they can speak more about that. Recently we've been exploring a continuing legal education training about disabilities in conjunction with the new requirements of New York for diversity and inclusion CLE credits. So Loren and Kevin, maybe you could talk about that?

Gesinsky: Just last week we did a program on embracing accessibility to increase diversity and inclusion in the workplace, which was meant to satisfy that growing trend of the diversity and inclusion CLE. It was also meant to promote our All Abilities Affinity Group. But most importantly, it was meant to help broaden the perceptions of colleagues. This one was an internal program. We're also doing programs in the near future geared towards in-house counsel. We've received positive feedback. For example, just today a colleague said, "That program last week was great. So

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Loren Gesinsk demonstrating the adjustable desk at his office

often I go to these programs and feel like I either already know all the substantive issues or am at least familiar with the way of thinking. I have to say, this really made me think about things in a very different way. I really appreciate that.”

ABILITY: That’s great.

Gesinsky: And that’s exactly what we were looking for.

ABILITY: Creating new awareness.

Fritz: Exactly. Again, that’s why we have an affinity group, All Abilities, which focuses on how we can move the ball forward. How can we do better with programming? How can we do better with recruiting? Are we leveraging talent in the right ways in recognizing that certain individuals will have different needs than other individuals when it comes to hiring, programming, and general participation in firm life? One of the ways that we have created new awareness is through a universal design mission statement. What I like about universal design is that, sure it’s for people who are disabled, but it’s not just for people who are disabled. It’s for everyone. We think about universal design with respect to our diverse population, and have applied it through our bathrooms, and even down to our door systems. In Chicago, automatic doors are opened with the wave of the hand. That helps me since I cannot pull open a door, but it also helps the mail carrier who has a stack of court

filings on a cart. Private bathrooms provide safety and comfort for everyone. These are just some of the examples of the ways that we have tried to make change through our All Abilities Affinity Group. Creating comfortable, functional, and usable spaces for all employees and guests is a really great thing in the business world.

Gesinsky: I want to be clear—as a firm we still have a way to go, and as lawyers, we purposefully framed it as a mission statement because we know that evolution takes some time and is not perfect. But one really strong success is, to my knowledge, every new office that’s been built out since that mission statement has made available adjustable desk workspace areas, including for the monitors, adjustable in a range that will accommodate the needs of somebody who might be in a wheelchair, or who wants to stand. Similarly, our new public spaces and conference rooms have either adjustable or varying levels of counter and table space, better audio, easier, entrances... all of the things Kevin was talking about. We also started hosting certain meetings of the entire staff of over 75 employees of the largest independent centers for the disabled in New York City. It’s a very diverse group with a wide range of disabilities and even wider range of tremendous abilities. As a result of this experience we’re learning to become better hosts. We’re making progress, which is encouraging.

