

INTERSECTIONS RADIO

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TRANSCRIPT

SARIKA MEHTA: You are listening to KXRY Portland on 107.1 FM, 91.1 FM, and streaming online at XRAY.fm. I'm Sarika Mehta. Welcome to Intersections Radio, a new independent podcast which also airs on XRAY. Intersections Radio is the show where we geek out on all things intersectionality.

In case you missed it, the Supreme Court of the United States has sworn in thirteen deaf and hard of hearing lawyers, twelve of whom were actually present for the event itself. It was the first time that not only such a sizable minority was recognized in this manner, but it was also the first time the Supreme Court accommodated the regulations on access and devices for the purpose of serving these deaf lawyers.

I had the opportunity to chat with the group coordinator and attorney Anat Maytal, a litigator with BakerHostetler in New York. She specializes in commercial litigation and labor law. We met on Skype, but we did experience some technical difficulties during this recording so please forgive the audio quality of this interview. We talked about Anat's experiences with accommodations, and sometimes competitive trickery, in her journey through law school, the bar exam, and as a practicing lawyer. This is Intersections Radio.

Anat Maytal, thank you for joining me on Intersections Radio. Why don't you introduce yourself and tell us a little bit about yourself for our listeners and viewers?

ANAT MAYTAL: I am the president of the Deaf and Hard of Hearing Bar Association, and I'm a litigation associate with a lawfirm, BakerHostetler, in New York.

SARIKA MEHTA: And how long have you been practicing law, and what is your specialty?

ANAT MAYTAL: I've been practicing law for, wow, six years. And I do business litigation. So, I go to court, a state court, a federal court, and I deal with issues dealing with commercial disputes, employment issues, and labor issues.

SARIKA MEHTA: And so, as a deaf lawyer, what has been your experience in applying to law school, taking the LSATs. Did you have to struggle to get any kind of accommodations that you were entitled to?

ANAT MAYTAL: I've always had obstacles to face growing up, and getting the necessary accommodations I needed. I'd been taught, you know, to advocate for myself, and to ask for front row seats in every classroom I was in. I was approach the professors to wear what is called an FM microphone system, so that there would be direct amplification to my hearing aids, and allow me to hear a little better, you know, so I could be at the same level as my hearing classmates.

As I went to college, I also got what was called -- as technology progressed, you know, there was a new thing called CART reporting, which is basically live time captioning. And with a very new service when I was in college, and they only gave it to me -- I went to Harvard in Cambridge, and Harvard,

they provided for me the CART reporting for any live lectures that I needed or any classes that had video, or tapes, that needed to be transcribed. And in law school, as the technology gets better and better and more accessible, and most importantly, less expensive, Boston University, where I went to law school, was able to provide for me CART reporting for every one of my classes. I had someone there with me to provide livetime captioning of the professor's lecture, allowing me not to worry so much about taking notes, and law school's stressful enough, and to actually interact with the professor and the other classmates. Because -- especially in law school, unlike college, the classroom, it's very dynamic, and it's not your typical lecture, you know, listening to the professor for 20, for half an hour to an hour. Those are the kind of accommodations I requested, and got.

SARIKA MEHTA: Yeah, I can imagine that it was -- for law school it's already very stressful, like you said. And the information is so dense, you know. I'm curious how -- so did you also have an in-person interpreter in your classes in addition to the CART reporting?

ANAT MAYTAL: I didn't have an interpreter, but Boston University allowed for me to have a note-taker, so I can ask one of my classmates to essentially be paid to let me have their notes. And, it's just funny, because law school's so competitive that the law school had to pay someone to share notes with me.

SARIKA MEHTA: So your classmate loved that.

ANAT MAYTAL: Yes. Exactly.

SARIKA MEHTA: What kind of experiences, in the sense -- what kind of treatment did you feel that you received while you were, like, both as a practicing lawyer and in law school?

ANAT MAYTAL: I mean, I think people treated me just like everyone else. I think if anything people were curious and not sure how to approach me. And because I have a hearing disability, people at first don't know I have a disability at all. I have long hair, my hair covers my ears, and until I actually start speaking and saying, you know, not that I have a deaf accent or anything, but -- so I made it a -- once I became aware that people were, didn't know how to approach me, I approached them. And I would reach out to them, and I introduce myself, and they would see that I'm just like them, I'm just another law student, I'm just another lawyer. And they would begin to understand, you know, oh, she's hard of hearing. You know, I would ask them, I need you to speak up, I need you to face me, you know. If I turn away and I don't hear you, I actually don't hear you, I'm not ignoring you. It just took a lot on my part to educate people, to explain. And, it's important to do that, and people are just curious and they don't know better, if you don't tell them. And everyone's different.

I've had very pleasant experiences, actually, you know, in courts, fortunately. And most courts have been very accommodating in terms of, I provide them with my FM microphone system, and the judges are willing to wear it, or let it be put on their bench so that I can hear them. And I've had some difficult experiences, of course. I've sat in depositions where attorneys have accused me of faking my disability so I can repeat, have them repeat questions that I didn't hear. So, you can imagine what that was like. Other times, I've noticed, you know, it's our own internal insecurity in not pushing forward.

You know, I bring my microphone to court, I bring my microphone to depositions. I ask in depositions for what's called, it's essentially captioning, livetime captioning. It's a program called LiveNote. And it allows me to listen. And, what I've actually learned in my time in practice so far is that a lot of the accommodations that we utilize as deaf and hard of hearing attorneys, hearing attorneys actually love to

use. I didn't even know about, you know, realtime captioning in federal courts until, when I first started, and my law firm and I went to court, federal court, my hearing was before -- after -- I mean, it's never just one case, so the case that was before me was a trial that was going on. And I saw they had screens at their desk, and I said, what is that? Are they listening to the transcription, or maybe someone else there is hard of hearing? This reminds me of law school.

So I approached the attorney, you know, when they wrapped up their case, and I asked them about it. And they said, I'm not hard of hearing, I don't wear a hearing aid, but we thought it would be a great tool to have during the trial, so we can follow what's being said and we can read back, if necessary. So, people are finding the technology that's been set up for us is actually great for them as well.

SARIKA MEHTA: That brings up a really great point, that when we have accommodations put in place for specific minorities, it helps everybody, it's a benefit for everybody. So I'm really glad you brought that up. And actually my next question was to ask about your experiences in court, and in depositions, and it sounds like everybody's been very accommodating, but then you said that there were some lawyers accusing you of faking your disability and what not. So, what, how do you handle that, what do you do in that case?

ANAT MAYTAL: I mean, you just have to act in the moment, you know. In that -- I'm thinking back to that particular case, and things weren't that pleasant. We exchanged some unpleasant words back and forth, and I explained, if you think I'm really, I actually at one point took out my hearing aid, and I wear a hearing aid that's a cochlear implant. And I actually took it out and I said, if you really think I'm faking that, why would I be wearing these devices in my ears? At that point, you really just have to stand up for yourself, and ultimately, I said, if you're really going to bring this up as an issue, we can call the judge. And judges never like to be called during a deposition, they don't like to be heard, little dispute between the counsels, and so, by then, he backed down.

And we took a break, because depositions, you know, you're allowed to take breaks. So, he came back, we finished, I said, we can continue the deposition if you want. I was defending the witness. And, the opposing counsel that was accusing me was taking the deposition. And I said you can finish taking your deposition if you want. And by the end he apologized, but, it's just some of those things, people think they can take something like, you know, a disability, and they perceive it as a weakness. And it's just like anything, you know, whether, you know, I'm a woman, I'm young, they'll try to, and they see, aha, the hearing impairment, I can, let me attack that. I've seen some other instances where the attorneys would try to hide what they're saying from me, as a way to have some advantage. It's so not necessary, just win your case on the merits, and not this, you know, sneak, being sneaky.

SARIKA MEHTA: Wow.

ANAT MAYTAL: I entered a profession where there are unfortunately, you know, some shady characters.

SARIKA MEHTA: Yeah, there are some shady characters in the profession, that's true. You touched a little bit about what I was going to ask you next, which was, you know, you said there's always something that they're going to try to pick on, and you're a woman of color, you have, you know, a disability, and, in their eyes, they're trying to find something to bring you down. So, have you experienced that in other ways? Like I was saying, you know, as a woman of color who is in this profession with that kind of --

ANAT MAYTAL: You mean other instances? I mean, I've gone to court where the opposing counsel would tell me, when did you graduate? Or, did you pass the bar? And my answer would always be, did you? I would have those kind of instances. Sometimes you just notice that you're -- especially, I work in business litigation, so I'm definitely outnumbered in terms of the gender. And, I walk into the hallway, in the courtroom, and you see men clearly outnumber the women in litigation. Not enough women litigators out there. So, to be a female, and a young female litigator, and to have a disability, it's definitely a challenge, but it's a challenge that I'm not afraid to handle, because that's who I am, and I like what I do, and I'm not going to let anything stop me.

SARIKA MEHTA: Fantastic. And now, we'll fast forward to the recent news about the Supreme Court swearing in. And just for my edification, was it 12 or 13 lawyers?

ANAT MAYTAL: So, we had 13 applicants and unfortunately one could not attend on April 19th, but she was admitted by written submission. So, we do have 13 members who are now admitted to the Supreme Court.

SARIKA MEHTA: Well, let's talk about that. So, I know -- as I understand it, you were the one who coordinated this effort, so maybe give us some background as to how this whole thing took place, and how this happened.

ANAT MAYTAL: So, just to give you background, the Deaf and Hard of Hearing Bar Association was formed very late in 2013. We voted for the board, you know, we had elections in early 2014, and then we thought, what can we do? We really thought this is something we wanted to do. We have over a hundred -- about a hundred members, lawyers, paralegals, other legal professionals, who are members, and they're all situated across the country. What can we do that brings people together for a meeting? And, one of the ideas we had was to have a group of us be sworn in at the Supreme Court, provided that we were qualified to do so.

So, we reached out to the Court to request a swearing in date, that's the procedure you have to do for anything. And we learned, we thought we could do something in 2015, so that's last year, and they said no, you have to request a date more than a year in advance. So that's what we did, and we booked April 2016. So that gave us a year or more to plan this. Since we scheduled it in April, it was an argument day, it was called an argument day, which means that the Court would be in session, and there would be two cases that would have oral arguments before the Supreme Court. So that meant that we were limited in how many people can be admitted on that day. And the usual number is between 12 or 13. So, we went back to our group and we said we have a date now, and we want to find out who's interested, and who's qualified. In order to be admitted, you have to be an attorney in good standing for at least three years, and you need to have at least two sponsors, meaning two people who have been already admitted to the Supreme Court Bar to support your candidacy.

So, we reached out, and we, after selecting the first thirteen members, we moved forward. They filled out the applications, they obtained their two sponsors, and everyone had to get their applications to me, because you have to submit your applications all together in one package to the Supreme Court, and you have to do that at least four or five weeks before your date, before the April date. And then separately I had to deal with the Deaf and Hard of Hearing Bar Association, and everyone has different accommodation needs. So I reached out to the thirteen members to find out what were their individual needs, because we all have different needs. Some of us rely on sign language exclusively, some of us use a combination of sign language and oral communications. I needed to find out what everyone needed.

And so, we found out, basically, we would need interpreters, sign language interpreters who are fluent in American Sign Language, and for others, they would need realtime captioning, or what's called CART, which is Communication Access Realtime -- yes, Realtime Translation, which is just a fancy way of saying realtime captioning.

I reached out to the Court, and I explained what we needed. They worked with us to provide the accommodations. They asked me for recommendations of, you know, if we had preferred interpreters that were in the DC area, or a captioning service that we preferred. So we coordinated with them. We explained that we would need interpreters and captioning for the whole morning, not just the swearing-in ceremony, but for the two cases that were going to have oral arguments. We wanted to stay, we wanted to experience it in the same way as our hearing colleagues would, and that was very important for us. So, I worked on getting all the logistics together and making sure that would happen.

SARIKA MEHTA: Well, double congratulations to you, because not only did you all get sworn in, but you took on a huge, huge effort, with getting all the logistics in place. That couldn't have been easy.

ANAT MAYTAL: Yeah.

SARIKA MEHTA: And, from what I understand, the Supreme Court is very closed in, and doesn't really allow for the ease of accommodations or devices. So, how did you negotiate this with them?

ANAT MAYTAL: Well, when we explained, you know, we're the Deaf and Hard of Hearing Bar Association, and you need to provide the same accommodations you would provide, whether at the federal court or at the state court level. They were willing to work with us. They do provide accommodations to anyone who has a case before the Supreme Court, or if they're actually arguing, even though that number -- the number of deaf or hard of hearing attorneys that actually argue before the Supreme Court, the total is one. So, in terms of saying, you know, very accommodating, it's hard. But they have been accommodating, they were accommodating here, which was important.

When we talked to them about providing the CART reporting, usually, you know, when you have a large group that needs captioning, you use what's called, like a projector or what's called electronic text relay, which is just a small screen. They have it in Broadway shows, or other, sports arenas, but the court said that wouldn't work for the setup of the courtroom, and they said that we would have to use tablets or smartphones, and I don't know if they realized what that meant at the time because, like you said, the Court is notoriously known for not allowing technology into their courtroom. And, you know, there's no TV, nothing, none of these are ever televised. But they approved our request, and they allowed the interpreters and the realtime captioning to come in, and they just needed to set up specific rules.

We worked with their IT department to set up a local wifi connection in the courtroom, with a password that would be restricted only for those of us who are using the CART. And we couldn't use the smartphone for any other purpose, you know, no pictures, nothing. And, I made that very clear to the group, because I do want us to be invited back there. But, you know, we have such a great group. And some of us had not met each other before this day, and it was wonderful to meet everyone.

SARIKA MEHTA: Yeah. Yeah, absolutely. I want to talk about the visibility of this big group of deaf and hard of hearing lawyers who were sworn in. Tell us why this visibility is so important, and what kind of a cultural message it sends to society in general, but also to deaf communities, to youth, things

like that.

ANAT MAYTAL: First of all, I think the very fact the Supreme Court admitted a group of deaf and hard of hearing attorneys, it shows tremendous progress, how far we've come. The number of -- the total number of deaf and hard of hearing attorneys is very low, it's -- we estimate it to be about 250, not more than 300, definitely less than 300. Nationwide, we don't believe there's more than 250 attorneys, nationwide. People ask why that's such a low number, and, well, the answer is, you know, the Americans with Disabilities Act is just over 25 years old. It was just enacted in July 26, 1990. Before the ADA, there was no federal law that prohibited the private sector from discriminating against people with disabilities.

The ADA forced businesses to stop and to think about hiring and accommodating people with disabilities. Not because businesses should be charitable, or to be nice to people with disabilities, but to do otherwise would be a basic civil rights violation. And that is very important. And the ADA is based on the very presumption that people who have disabilities want to work, they're fully capable of working, and they can no longer be excluded. That's why we really wanted to put out this event, we really hope this event shows potential employers that deaf and hard of hearing attorneys are just as qualified and can be just as successful. And we hope that this same message is true for students who are hard of hearing or deaf, and they see this event and they realize, hey, that's a profession that I'm really interested in, but I thought I couldn't pursue, and now I know I can. I really hope we reach at least one person, that means the world to me personally, and I'm sure to the rest of the group.

Going back to employers, in terms of hiring, we want them to see that we're just like everyone else. I find, if I may talk more about that, I find employers tend to focus too much on their attorney's disability, and not on their actual capabilities. Before I came to my law firm, I've sat on interviews where the employer, the potential employer would spend the entire interview talking about my hearing aid, asking me questions about my disability, which is not allowed. But you can't say that in an interview. And sure enough, I never got a call back, because they never talked anything about what I can do, and, you know, so they had no sense.

And I think employers don't really understand that just about anything could be accommodated. They don't realize that the ADA has had such an impact that many accommodations are free now. I have a caption phone, the video phone. Some accommodations, employers already have. I mean, we all use email these days, we use instant messaging systems. I know people who don't even like the phone these days. Other accommodations are provided by the courts, as we hopefully made clear with our event at the Supreme Court, that courtrooms are required to provide accommodations, whether it's an interpreter, whether it's -- yeah, livetime captioning.

So we really do hope, and I think, when we were there, I think this event had an impact, a visual impact, on the Supreme Court itself. We were sitting there, and then when we were standing for the swearing in, each and every one of those Supreme Court Justices observed us being sworn in. They saw us being sworn in with the help of the interpreters and the livetime captioning, and I believe that our presence reminds the Court how important it is to the value of legislation like the Americans with Disabilities Act, and similar legislation, to protect and promote the inclusion of individuals with disabilities in the legal field, or any field that they're interested in.

SARIKA MEHTA: Absolutely, that's a powerful statement. So that's more on the general scope and kind of a little bit on the political side. How did you personally feel, getting sworn in at the Supreme Court, in front of these Justices. How did it -- tell us about that.

ANAT MAYTAL: Of course. I mean, this experience has been truly amazing. For me, as an attorney with a disability, it was an incredible day. I think that's true for all of us that participated that day, you know. We've overcome so much to get through law school, the bar admission exams, getting hired, getting equal access in the courtrooms, and I knew, when Chief Justice Roberts used sign language to welcome the group, that moment, the fact that he took the time to learn the sign language phrase to acknowledge our group, that was incredible. I mean, that was truly powerful, and it just confirmed for me personally that we're truly equal in the eyes of the law. I was especially proud to participate in this swearing in event with the other members of the Deaf and Hard of Hearing Bar Association. It was truly amazing.

SARIKA MEHTA: Yeah. It was amazing just to read it in the paper, much less to be there to experience it. Currently, the Supreme Court courtroom reporter provides transcripts of oral arguments on their website the same day as an argument is heard by the Court. So what improvements, what more would you like to see in terms of accessibility and visibility at the Court's activities?

ANAT MAYTAL: Well, we would definitely like the availability of sign language interpreter and livetime captioning, not just when there's a swearing-in ceremony, but ideally when anyone, when any deaf or hard of hearing attorney wants to go to the Supreme Court to hear an argument, we would love for those accommodations to be readily available, and that would be the ideal goal. But, we understand, you know, these accommodations need time to be pre-arranged. But at the same time, that's what we really want. That would be the end goal.

Just to make clear, the Court already has realtime, I mean, they already have someone, a court reporter, that's transcribing these. It would not be difficult to connect, there are so much -- so many advances in technology. The way it works in court, in federal court, there is already a court reporter that's doing the transcription. The way it works is that you set up your laptop to log on to their software program, and you can get the transcription at the same time. So it's not an added expense in any way or form. I mean, I think it goes back to what I said earlier. People get so intimidated when they see someone that's different, and they think about, oh my god, this is going to be so expensive. And you just have to take a step back and think, wait a second. What do we already have in place that we can use for this person? What creative solutions we already have, or can have, and take it from there.

SARIKA MEHTA: Yeah, usually with the newer technology, we're already halfway there doing it. Everyone's already using this technology and these devices anyways.

ANAT MAYTAL: Right.

SARIKA MEHTA: One thing that was really compelling to me was, when I look at the group of the deaf Supreme Court lawyers who were sworn in, most of you are women, and even a significant number are women of color. And compared to lawyers nationwide, that's telling, that's not the representative number or the representative demographic, so, do you have any comments you want to share about that?

ANAT MAYTAL: That's actually just pure coincidence. You know, the first thirteen people who were interested were mostly women. What can I tell you? Women are on the ball, in, you know, responding and getting their application together. I mean, we really don't have a comment on that.

SARIKA MEHTA: That was pretty much everything I wanted to ask. Do you have any other remarks

or comments you want to share?

ANAT MAYTAL: This event was really important. I really do hope that this event encourages others, not just those who have a hearing disability, but any disability, to pursue their dreams, and to know that nothing's impossible. And there's always a way to make what you think is impossible possible.

SARIKA MEHTA: That's a really good way to end. Anat Maytal, thank you so much for taking the time to chat with me.

ANAT MAYTAL: Thank you so much.

SARIKA MEHTA: That was Anat Maytal, recently sworn in Supreme Court attorney with BakerHostetler in New York. To listen to the podcast of this interview, check out IntersectionsRadio.Wordpress.com. Visit the same website for previous episodes of this podcast. And, join the facebook community at facebook.com/IntersectionsRadio. I'm Sarika Mehta, and this has been Intersections Radio. Thanks for listening.