

Neurodiversity in the Legal Profession

Downey Law Group

August 2026

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Questions – Please submit questions during the program through CHAT or during or after the program by emailing Paige Tungate at ptungate@DowneyLawGroup.com

CLE Information

- Kansas Credit – If you are seeking Kansas credit, you will need to enter the two Attendance Verification Words and your Kansas Bar information into the Program Survey
 - Please complete the Survey **this week**, so we can ensure you receive proper credit
- Certificate of Completion – Available also through the Program Survey
- Three ways to access Program Survey:
 1. Link available in the **CHAT** (right now)
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<https://www.surveymonkey.com/r/neuro0826>

Neurodiversity

Neurodiversity

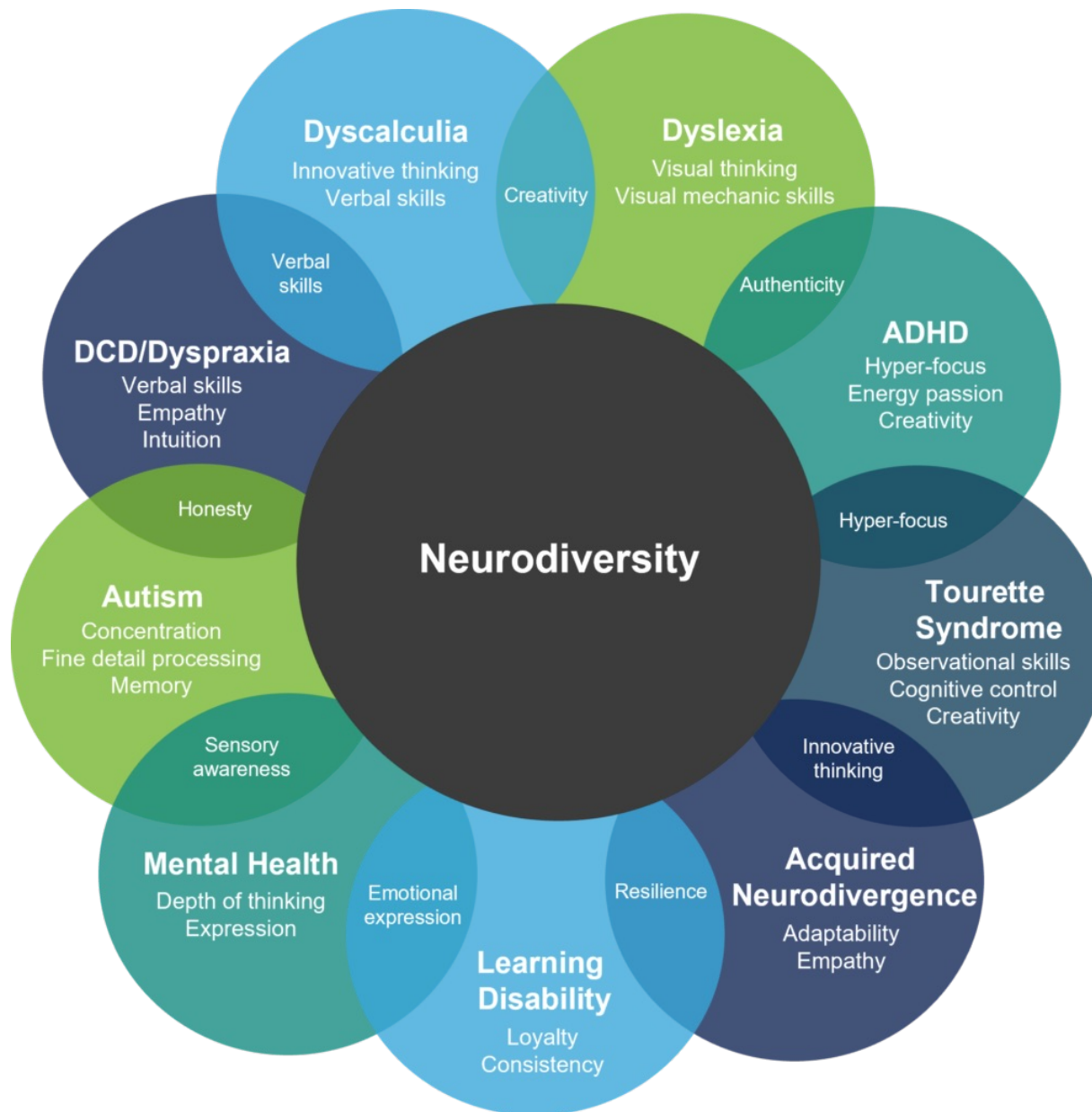
- The idea that we all have different brains
 - Variations in the human brain regarding sociability, learning, attention, mood, and other mental functions
- No two people experience the world in the same way
- Humans are a neurodiverse group
 - Neurotypical
 - Neurodivergent
- “Great Minds Think Differently”

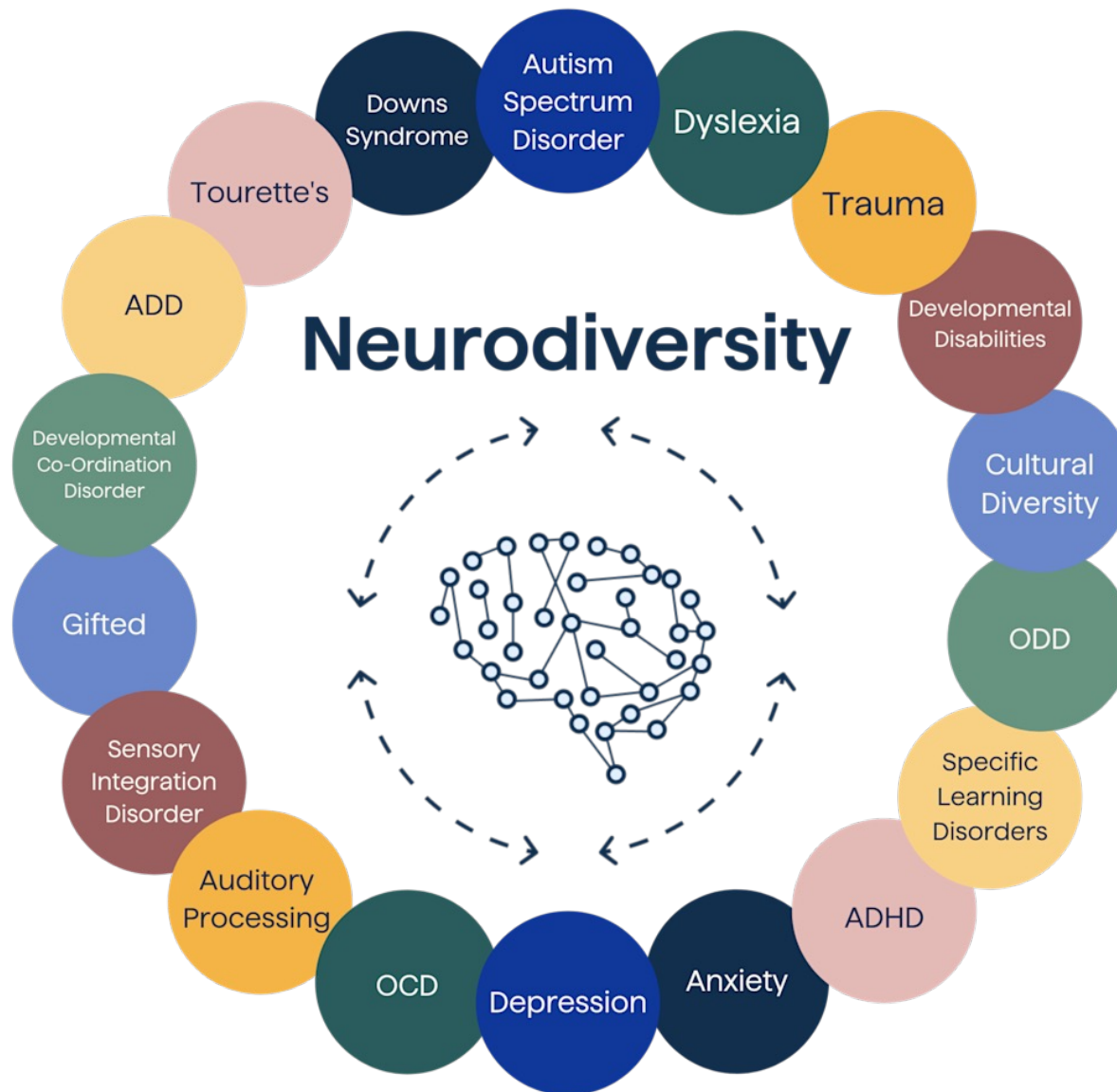
Neurotypical

- The “normal” way brains work and how people think, learn, and experience the world
- Brain behaves like most of society

Neurodivergent

- People whose brains develop or work differently
- Different strengths and struggles from those who are “neurotypical”
- 15-20% of the U.S. is neurodivergent
- Spectrum of neurodivergence
- Neurodivergent experiences are unique to the individual and should not be generalized





Attention Deficit Hyperactivity Disorder

- A disability where people have trouble paying attention, doing what they need to do, staying on task, sitting still, or thinking things through before doing them
- Also "non-hyperactivity ADHD"

Autism Spectrum

- A developmental disability that affects how people think, move, communicate, socialize, and experience the world
- Autistic people may have differences in understanding, moving their bodies, emotions, or how they learn

Autism Spectrum – 3 “Levels”

- Level one: require some support to help avoid noticeable impairments in social communications
- Level two: require support due to moderate challenges in social communication and behavioral flexibility
- Level three: requires substantial support, may speak few words and have minimal communication ability

Dyslexia

- A specific learning disability that is neurodevelopmental in origin
- Mainly affects the ease with which a person reads, writes, and spells

Tourette Syndrome

Involves recurrent involuntary tics – repeated, involuntary physical movements and vocal outbursts

Developmental Disability

- A type of disability that starts when someone is born or is very young and affects how they grow up
- Examples
 - Autism spectrum
 - Down syndrome
 - Cerebral palsy

Intellectual Disability

- A disability that affects how someone thinks and learns
- Someone with an intellectual disability may learn more slowly or need more time or help with everyday life
- Examples
 - Fragile X syndrome
 - Down syndrome

Models for Disability

- Medical disability – functional limitation model
- Social disability – people are disabled by societal discrimination, not by bodies or abilities that are inherently less
 - Focus on societal barriers
 - Having a disability as part of human diversity
 - Neurodivergent people often believe that society's perception of them is their biggest challenge
 - Stigmas and stereotypes

Masking

- A process where a neurodivergent person forces themselves to act or look neurotypical to fit in
- Can cause psychological harm
- Examples:
 - Forcing eye contact
 - Mimicking body language
 - Suppressing stimming behaviors
 - Rehearsing conversations to appear more socially typical

Neurodivergence Stigmas

- Public stigma
 - Those with ADHD are lazy
 - Autistic people lack empathy
 - Use neurodiversity as a metaphor to describe undesirable behavior
- Self-stigma
 - Internalized negative societal views
 - Can lead to feelings of shame and isolation
- Institutional discrimination
 - Systemic barriers in education, employment, and healthcare

Causes of Stigmas

- Misunderstanding and misinformation
- Neurotypical bias
- Internalization of labels
 - “Us vs. Them”

Effects of Stigmas

- Creates feelings of shame and isolation
- Fear of seeking help and fear of disclosing one's neurodivergence

Ways to Combat Stigmas

- Education and awareness about the diversity of human brains and challenging misconceptions
- Promote neurodiversity as a (potential) strength
- Create inclusive environments
- Support self-advocacy movements that challenge societal norms and promote acceptance

Benefits to Hiring Neurodivergent Employees

- Often approach problems from unconventional angles and perspectives
- High attention to detail and accuracy
- Can work faster with high productivity
- Often show strong loyalty and commitment

Neurodivergence in the Legal Profession

Participation in Legal Profession

- Approximately 1% of U.S. lawyers ***self report*** as having a **disability** of any sort
- In a 2016 study, 12.5% of lawyers reported having ADHD (compared to 4.4% of the adult population)
- Neurodivergent law students and lawyers have largely been excluded from diversity and inclusion efforts
 - Likely due to stigma associated with being neurodivergent

Stinson LLP Initiative

- Collaborative effort with Dixon Life Coaching to increase awareness to neurodiversity conditions
- Influences firm well-being strategies that address mental health conditions

“What we do know about highly educated, high-performing achievers with ADHD is that ... they tend to be really creative: problem-solving, lateral-thinking, making connections that other people miss,” said Dixon. “Those are really, really strong assets for attorneys.”

“In general, [people with ADHD] have a very high work ethic. They are willing to put in extra time, extra thought, extra energy for a good work product or a good client result. They’re motivated by things that are deadline driven, which is always a plus in the legal industry,” Dixon added.

“Stinson partners with life coach to assist lawyers with ADHD,”
Minnesota Lawyer (October 2023)

The pace of legal work also is attractive to people with ADHD, Dixon said.

“People with ADHD really do well in a high-stress environment,” Dixon said. “It doesn’t mean that stress can’t backfire and, if it becomes unmanaged, it can turn out to be not such a great environment. They crave excitement and stimulation, and the legal profession can offer that high-pace, high-pressure environment that they often find appealing.”

“Stinson partners with life coach to assist lawyers with ADHD,”
Minnesota Lawyer (October 2023)

Dixon also said that those with ADHD have a natural sense of justice that makes legal practice appealing.

“People with ADHD tend to have a heightened sense of justice. They care deeply about what’s right, what’s wrong, what’s fair,” Dixon stated. “They have this ability to scrutinize things. They are always looking out into the world and judging, assessing, and seeing what can be made better. They tend to be much more sensitive to things outside. As they grow, they become more sensitive to injustice.”

“Stinson partners with life coach to assist lawyers with ADHD,”
Minnesota Lawyer (October 2023)

As a coach for lawyers with ADHD, Dixon has often seen certain trends manifesting in challenges on the job. Those challenges can be time-management, organization and planning. Sometimes there is also lateness or missed deadlines, Dixon says, though most of the challenges arise when working up to the deadline, which can then impact work product.

“Problems show up when work is not urgent or things are not stimulating,” Dixon said. “Lawyers can really struggle with administrative tasks that feel repetitive or tedious or boring.”

“One of the hallmarks that I see when we are screening lawyers with ADHD is whether they are keeping time logs and keeping their billing up to date,” Dixon said. “If you have struggles with that, we have to start looking at what is getting in the way. They want to, and intend to, log their billable hours, get paid, do well for themselves and the firm. There just is this wall of impossibility because that task is not creating the brain chemistry that they need to do it.”

“Understanding how brains work differently,” *Minnesota Lawyer* (October 2023)

Lawyers with ADHD may also struggle to correspond regularly with clients, a failure that can have serious professional consequences.

“Client communication is also sometimes a challenge,” Dixon affirmed. “They intend to do it, but when communication is starting to feel awkward or onerous, an attorney with ADHD’s brain will look for something else to do. That is when distractions come into play, allowing them to be focused on something else.”

“Understanding how brains work differently,” *Minnesota Lawyer* (October 2023)

“Lawyers experience a disproportionately high rates of ADHD,” said Larson. “What this means for us is that we have a high prevalence of people with neurodivergences, and because of those comorbidities, there is also a mental health challenge there as well.”

“When you look at neurodiversity, specifically—I don’t think I fully appreciated, until I started working with Casey, just how much comorbidity there is between neurodiversity conditions and mental health conditions,” Larson continued.

“It is very common for someone with ADHD to have a mental health condition like anxiety or depression.” Dixon added, “If somebody has ADHD as an adult, 80% of those people also have one other diagnosable mental health condition. We are not talking about a small percentage. This is most of them.”

“Understanding how brains work differently,” *Minnesota Lawyer* (October 2023)

How to Help Neurodivergent Lawyers and Clients Succeed

Application and Interview Process

- Application and interviewing process can be difficult for neurodivergent students and lawyers
- First chance to choose whether to disclose neurodivergence and request an accommodation

Interview Process Accommodations

- Entitled to accommodations through Americans with Disabilities Act
- Accommodations may include:
 - Allowing an applicant to turn off their camera during a virtual interview
 - Limiting the number of interviewers
 - Providing interview questions in advance

Assistance from Employers

- Focus on skills needed for position
- Create social opportunities and affinity groups
- Cultivate “safe” workplace mentors

Suggestions

- Provide education about neurodiversity
- Develop or support an affinity network
- Expand diversity initiatives to include neurodivergent lawyers
- Create an environment that accounts for people thinking, learning, and communicating differently
- Identify and combat biases
- Support mental health and well-being

Work Accommodations for ADHD Lawyers and Employees

- Identify challenges and needs
- Make changes to physical office environment
 - Consider flexible work arrangements
- Maintain focus with ‘do not disturb’ times
- Understand instructions
- Prioritize competing deadlines
 - Normalize the ability to prioritize rather than multitasking

Proposal – Modified ABA Model

Rule 1.14

RULE 1.14: CLIENT WITH DECISION-MAKING LIMITATIONS

- (a) A lawyer shall, as far as reasonably possible, maintain an ordinary client-lawyer relationship with a client with decision-making limitations, including when the client's decision-making limitations impact the client's ability to provide direction to the lawyer or make reasoned, informed choices. A person has decision-making limitations if the person has substantial difficulty receiving and understanding information, evaluating information, or making or communicating decisions even with appropriate supports or accommodations.
- (b) When the lawyer reasonably believes that the client: (1) has decision-making limitations, (2) is at risk of substantial physical, financial or other harm unless action is taken, and (3) cannot adequately act in the client's own interest to address the risk, the lawyer may take reasonably necessary protective action to address the risk.
- (c) Information relating to the representation of a client with decision-making limitations is protected by Rule 1.6. However, when taking protective action pursuant to paragraph (b), the lawyer may reveal information related to the representation to the extent the lawyer reasonably believes necessary to protect the client's interests.

Environmental Considerations for Accommodations

- Is the environment too bright or overwhelming?
- Are there distractions, such as music, conversations, or noise from the street?
- Is there a smell in the room, like a fragrance?
- Is the client physically (un-)comfortable?

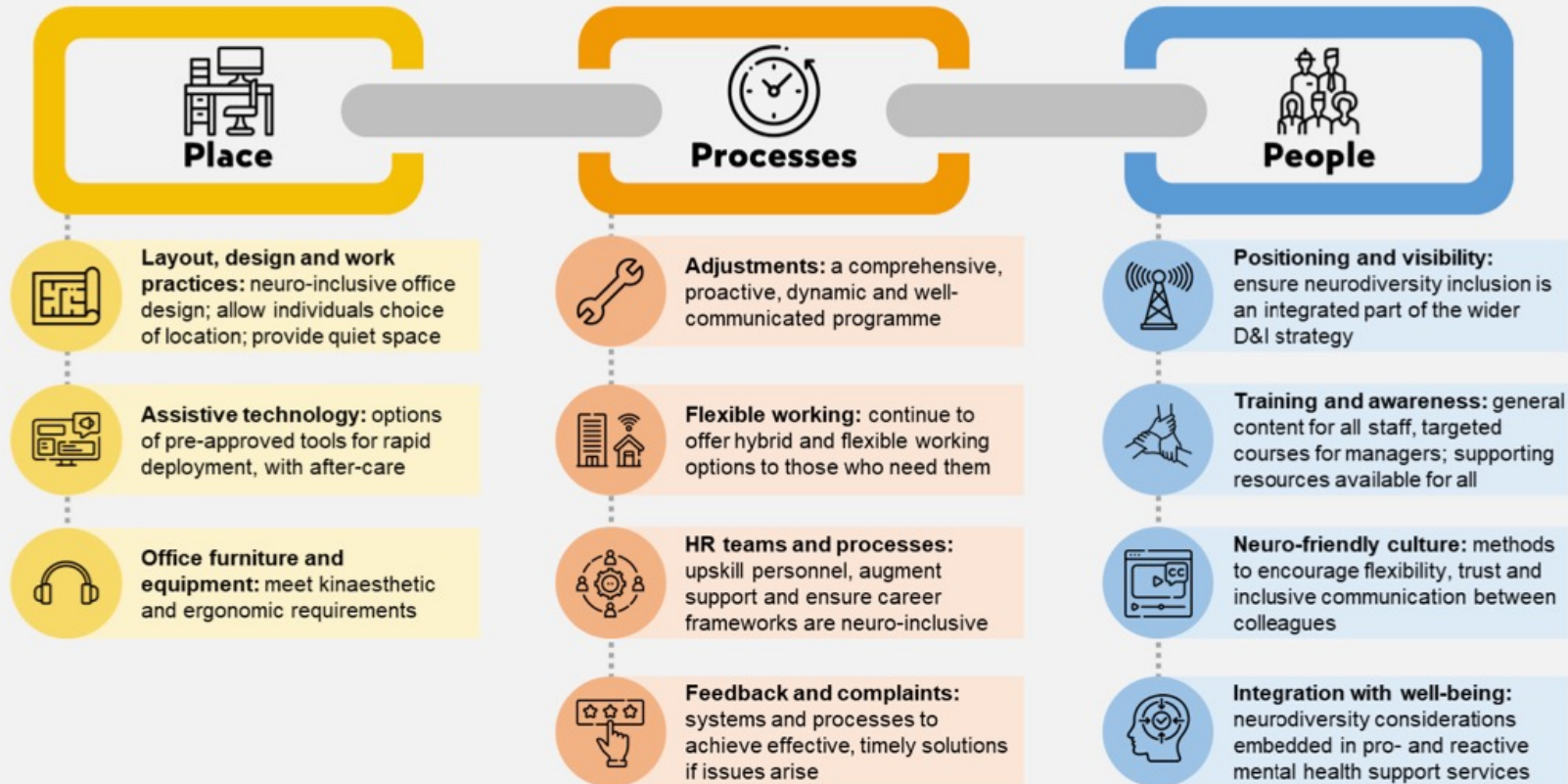
Accommodating Neurodiverse Clients

- Ask for preferred communication styles and preferences
- Focus on clear, direct communication
- Be an active listener
- Apologize for mistakes
- Provide information in multiple formats
- Offer multiple meeting formats
- Avoid assumptions
- Take time to understand the client as a person, not just their legal problem

Maintain Support Structures

- Support at home
- Support at work
- “Kryptonite matters”

Optimising retention and career progression for neurodivergent individuals in the legal profession



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Neurodiversity in the Legal System

Neurodiversity in the Legal System

- Neurodivergent people are overrepresented in the criminal justice system
 - People with intellectual and developmental disabilities are more likely to be victims of crime than neurotypical people
- Neurodivergent people are significantly disadvantaged in the legal system
 - Both as parties in civil litigation and as criminal defendants and victims

Legal Protections for Neurodivergent Individuals

Three federal laws provide the most legal protections for neurodivergent individuals:

- Americans with Disabilities Act
- Individuals with Disabilities Education Act
- Section 504 of the Rehabilitation Act

Discrimination Against Neurodiverse Individuals

Discrimination in educational, legal,
employment systems, and public
accommodations

Susceptible to Abusive Partners

- Abusive partners can take advantage of autistic traits to control and hurt their partners
- Autistic individuals are uniquely susceptible to “gaslighting” and have difficulty perceiving true motivations of their abusive partner
- “Meltdowns” that the abusive partner uses against the autistic individual

Conclusory Matters

- **Questions** – If you have questions after the program, please email them to Michael Downey at mdowney@DowneyLawGroup.com
- **Post-Program Survey** – A survey will be emailed to you about 30 minutes after this program. Also, here is the survey link:

<https://www.surveymonkey.com/r/neuro0826>

- **Certificate of Completion** – Available through the Post-Program Survey
- **Kansas Credit** – This program is not approved for Kansas credit.



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Timed Agenda

12:00-05 Introduction

12:05-55 Discuss neurodiversity in the legal profession and how to help neurodivergent clients and colleagues succeed

Future Programs

September 2 – Wednesday at 12:00 Noon CT - **Missouri Judicial Ethics - The Election and Selection of Judges and the Missouri Court Plan** (approved in Missouri only)

September 10 – Thursday at 12:00 Noon CT – **Lawyer Marketing Ethics for an AI World**

September 23 – Wednesday at 12:00 Noon CT – **Legal Ethics for Trust and Estate Lawyers**

October 5, 2026 – Tuesday at 3:00 PM CT - **Litigation Ethics and Sanction Law**

October 21, 2026 – Wednesday at 12:00 Noon CT - **Encouraging Inclusivity Through Firm Management and Mentoring**

November 4, 2026 – Wednesday at 12:00 Noon CT - **Ending Client Relationships — Risks and Rules**

November 17, 2026 – Tuesday at 12:00 Noon CT - **Legal Ethics and New Firm Business Models (including MSOs)**

December 2, 2026 – Wednesday at 12:00 Noon CT - **Managing Your Lawyer Trust Account**

December 17, 2026 – Thursday at 12:00 Noon CT - **Legal Ethics and Dealing with Non-Clients - the "Chapter 4" Rules**



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Thank you



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