

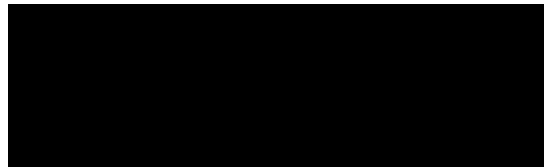
**EXPLORING THE (IN)ACCESSIBILITY OF ONTARIO LAW SCHOOLS: A DISTANT
DREAM FOR CANDIDATES WITH DISABILITIES**

ALANA OMAR

Supervisor's Name: Dr. Jessica Vorstermans

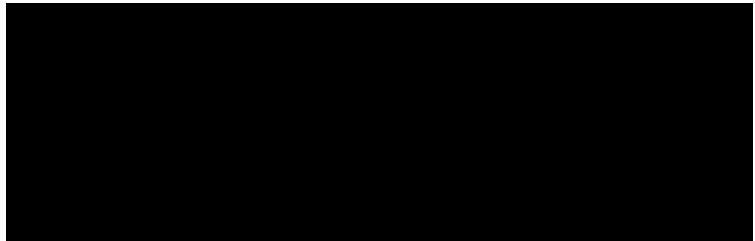
Advisor's Name: Dr. Ravi Malhotra

Supervisor's Signature:



Date Approved: 08-13-2024

Advisor's Signature: Ravi Malhotra



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York University

Toronto, Ontario M3J 1P3

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Abstract

This Major Research Paper (MRP) will investigate Ontario law schools' current admissions policies which create barriers for candidates with disabilities to be granted admission and pursue a career in law. Through the mystification of application requirements in the "Access" category of admissions, the lack of clarity around admissions criteria in comparison to other application categories falls short. Via the use of vague language on admissions websites, a limited mode of expression for personal interest statements within the application itself, and an inequitable focus on performative measures of assessment (i.e. Law School Admissions Test scores, GPA, extracurriculars), admissions committees claim to the application of a holistic approach to evaluation is extremely misleading, adhering to a selection process that does not equitably reflect a candidate's strengths and suitability as a law student. In addition to this, candidates that are selected and become students, carry an immense amount of pressure to prove they are worthy, through expectations to prove their success at the expense of their disability (Dolmage, 2017). Through evaluating current admission policies and providing recommendations to revise current ableist processes for future lawyers with disabilities, my aim in conducting this research will be threefold; using a literature review to understand the experiences of current law students with disabilities; to further explore the challenges candidates with disabilities face in accessing Ontario law schools using an autoethnography detailing my own experience as an applicant in the Access category. The aim of the secondary data analysis is to disentangle the paradox of an inaccessible Access category of admissions. Ultimately, the basis of this analysis will emphasize the need to rework admissions processes to reflect the meaningful use of various admissions categories that supports intersectional identities, specifically the consistent inclusion of an Access category.

Acknowledgements

te·nac·i·ty
/təˈnasədē/

the determination to continue what you are doing

- Cambridge Dictionary (Cambridge University Press and Assessment, 2024)

First, I want to say that in my past failed attempt at pursuing a career in law, I could have easily given up and chosen a different career path, but my parents didn't raise a quitter. Both of my parents taught me that although not everything is in my control, one thing I am in control of is my determination. I will continue to follow my dream of going to law school one day and not give up until I get the chance to scream from seeing an "Offer of Admission" email. The very act of me writing this MRP pays homage to my tenacity and ongoing commitment to becoming a future lawyer. I care a great deal about making the process equitable for current and future candidates with disabilities.

I want to thank my friends, both of my parents, grandparents, and Aunt Dina, for supporting my dreams and listening to my rants about how badly I still wanted this, despite struggling amidst this whole process. To my Mom, I love you so much, and don't know where I would be without your shoulder to cry on.

To the special person in my life (you know who you are), the calm to my storm; your ongoing support throughout my career and academic journey has been more than I could ask for. I don't know what I would do without your infectious laugh that turned so many tears into smiles.

Last but not least, I want to thank my Supervisor, Dr. Vorstermans, and my Advisor, Dr. Malhotra, for not only their support and patience throughout this journey, but for allowing my ideas to come to life. I apologize for my lengthy and chaotic emails. I promise your inbox is rid of me for now!

Introduction

I wish to bring attention to, and critique policies that incite harm to candidates with disabilities through the creation of ableist narratives that dictate a student's self-worth, equating this to their chances of admission. I also wish to acknowledge that policy is a double-edged sword, in which regulations may not intend to cause harm and can help in some cases but is ultimately difficult to change and my recommendations are solely that. Through writing this paper, I still have dreams of attending law school, as this has been a goal of mine since I can remember. Based off my personal connection to this topic, I have chosen to take an *autoethnographical* approach in the first half of this paper. I am aware that sharing my personal experience is a risk I pose to my reputation as a future candidate, due to the public awareness this paper may garner. However, it is a risk I consent to taking, for displaying my story is an act of guidance that will hopefully reach and inspire others in the same boat. My objectives consist of answering three questions: 1) *How does the paradox of an inaccessible "Access" category provide an unfair disadvantage to candidates with disabilities?*, 2) *Using a Critical Disability Studies (CDS) and intersectional lens, what can be uncovered from critiquing Ontario law schools' flawed system of admission policies?*, and 3) *How can Ontario law school admissions policies be altered to reflect the inclusion of candidates with disabilities being given equal opportunities of access to law schools?* Below I provide a brief overview of the issue at hand, in hopes of grounding this discussion in a manner that a court case would proceed; displaying the

facts and evidence and concluding with a final verdict that entail recommendations for policy improvement.

I am interested in delving into the idea of a “holistic review” that most post-graduate and professional programs state in their admissions criteria, and how this is built on a rather false narrative of holism. Currently, admissions policies for Ontario law schools create and add to existing barriers for candidates with disabilities to receive admission and pursue a career in law. These barriers include and are not limited to the mystification of admissions eligibility for applicants in the “Access” category; meant for those who require additional accommodated consideration for reasons of disability, financial hardship, and exceptional circumstances, where available. However, a lack of developed admission standards in comparison to other admissions categories is an additional barrier the Access category presents. Each school defines their Access category differently, and I include general themes of characteristics I have observed across schools. The mystification and false narratives of a holistic application are areas that will be explored deeper in a subsequent section. At the root of these issues includes the inconsistent availability of the “Access” category, where the absence of such across some Ontario law schools necessitate a displacement of disability identity. This displacement occurs when the needs of candidates with disabilities are combined with other admission characteristics (i.e. Mature, Indigenous, Financial Hardship, Age). Currently only five out of the eight Ontario schools have an Access category available. The conglomeration of disability identity with other marginalized identities creates an unfair assessment of measuring success outcomes within law programs and leaves little room for individuation of skills to be measured. The application process is the most critical part of an individual’s law school journey, as it allows a student to create and present their own narrative for reason of pursuing this journey; however, the idea that

an individual's story can be dismissed and reframed through a rejection shows how the holistic lens that Ontario Law Schools claim to use in their evaluation does not accurately reflect reality. This misalignment focuses heavily on inequitable, tangible measures of assessment, that include the *Law School Admissions Test (LSAT) score*, either a cumulative or last two years of undergraduate degree *Grade Point Average (GPA)*, and *extracurricular/community involvement*. The causal relationship between admissions statistics and a student's success rate portrays a false power dynamic. While a personal statement expressing interest in law, along with a CV, and reference letters are also factored into admission decisions, the former are given more weight. Assessments of GPA and LSAT score do not showcase an applicant's skillset, due to revealing a binary set of outcomes that are based on numerical value and an arbitrary scale of what constitutes success. An added layer of complexity includes select schools displaying the absence of a GPA requirement under the guise of applying a holistic approach. Minneti (2018) sheds light on the ways in which law schools can redress admissions assessments to reflect an advocacy avenue, as opposed to a false narrative created by the linearity of traditional documentation. Minneti's (2018) work on reintegrating underrepresented voices into the admissions process is conducive to my purpose of displaying how admissions policies adhere to the reinforcement of dominant knowledges that gatekeep top talent from accessing law school whilst simultaneously reinforcing ableist narratives.

In addition to a false application of a holistic assessment, other areas of inaccessibility include financial barriers. The mystification of a candidate's ability to recognize their eligibility comes with the cost of several fees associated with the admissions process, such as the LSAT, and the individual school applications themselves. Transparency of admissions requirements may save the cost of applying if an applicant does not meet the criteria.

The inclusion of a personal statement of interest may allow a student to advocate for themselves but is restricted to one form of expression via typed text in the application portal. The option for alternative formats of completing personal statements could better accurately reflect a candidate's strengths and suitability as a law student. I do not believe that candidates with disabilities are being assessed fairly in comparison to other candidate counterparts, making their chances for admission low. There is also a reinforcement of "streaming" in legal education, where the absence of candidates with disabilities in law school confines said bodies to an unfulfilling career due to negative perspectives of disability as a limitation. Lastly, I aim to explore those applicants that do receive admissions and their experience in law school, carrying immense pressures to prove their worthiness, through expectations to demonstrate their success at the expense of their disability.

Theoretical Framework

In conducting this research, I will utilize three theoretical frameworks: *Critical Disability Theory, Intersectionality, and Anti-ableism*. *Critical disability theory (CDT)*, a methodology rooted in the field of Critical Disability Studies works via the grounds of interdisciplinary modes of inquiry to analyse disability as a "cultural, historical, relative, social, and political phenomenon" (Hall, 2019). The interdisciplinary nature of CDT pairs perfectly with *Intersectionality*, a term coined by Kimberlé Williams Crenshaw (1989) as a praxis of social inquiry to understand that human beings are shaped by interactions of various social locations, such as race, age, gender, social class, dis/ability, geography, etc. (Hankivsky, 2014). Together, the interdisciplinarity of these frameworks apply to the topic of holism being at the epicentre of admissions evaluative approach, which encompasses multiple interactive variables in one's application journey. While admissions criteria necessitate ableist narratives, to dissect the root of

said narratives, it is important to recognize that disability identity intersects with other areas, including race, socioeconomic class, sex, etc. My aim in using CDT with intersectionality is to dissect the ways in which the Access admission category does not account for the interdisciplinarity of identity, creating harmful narratives that dictate a candidate's admission based on association with one singular identity characteristic. From an intersectional perspective, admissions criteria is presented in isolation with other identities via the lack of specific categories for disability. Similarly, Black and Indigenous categories remain separate from disability. As mentioned, admissions categories like the Access one, encompass an array of candidate identities, such as disabled, mature, financially disadvantaged, and those having experienced unforeseen circumstances. As much as this applies an intersectional framework, it does not measure an individual needs assessment for each identity. It also does not include protocol for possessing an intersectional identity with other admissions categories (i.e. Black and Indigenous), positing a reductive attitude that displaces an application through complicating which admission categor(ies) they fit into. Considering the lack of an intersectional approach to admissions, Smith (1999) sheds light on the case-by-case approach to admissions processes that depends on "the nature of the disability, the relevant pedagogical, normative, administrative, and practical concerns, and the decision makers' disability-related attitudes" (p. 2). At the root of these variables lacks a comprehensive approach that factors the intersection of an applicant's experiences instead of dichotomizing them. Other ways an intersectional framework will inform this research is through the policy aspect, where admissions criteria are reframed. Minneti (2018) makes propositions to reimagine the holistic nature of the application to include a candidate's perspective on whether performative measures of assessment are reflective of their candidacy. Their exploration of intersectional identities within their work is informed by an aim to represent

traditionally underrepresented voices and includes said voices in the discussion (Minneti, 2018). I aim to build on this in the recommendations section.

I would like to emphasize that in combination with both CDT and intersectionality, it is critical that I employ an *anti-ableist* framework which aims to deconstruct structural discrimination caused by academic ableism, used by Jay Dolmage (2017) in his work “Academic Ableism: Disability and Higher Education”. To define anti-ableism, it is a method of inquiry that works to challenge ableism in any context, more specifically *academic* ableism, through deconstructing notions of the “ideal student” that necessitate harmful narratives of success and belonging (Nieminen & Pesonen, 2022). In support of CDT, Goethals and colleagues (2015) make a pivotal point that research and policy concerning people with disabilities use a dichotomous approach where variables of “with” and “without” disability characteristics treats disability as a binary. Similarly, Dolmage (2017) refers to a bifurcation of “higher” and “lower education”, specifically to segregate students with disabilities from their more “capable” counterparts. The purpose of an anti-ableist framework is to ameliorate gaps that necessitate streaming; a result of said bifurcation. Dolmage (2017) references the work of disability scholar, Lennard Davis, and his stance on the disservice of maintaining categories of ability that resemble a sort of utopian society with the absence of disability, separating it to justify inequality. This point of divisiveness is critical to the discussion on admissions categories mimicking the same lines of streaming. Through acknowledgement of the difficulty in not having standards when recruiting candidates for professional programs, the problem is not the standards themselves, but the impact of standards drastically differing across applicant categories.

Methodology

Due to such a strong personal connection to this topic, I wish to combine *autoethnography* with an additional method of *secondary data analysis*, specifically *critical discourse analysis (CDA)*. As mentioned, this paper will be split into two parts: the first being a *literature review* where I will use findings from current students' experiences that have been depicted in the literature; the second being an *autoethnography* of my experience during the application process to the rejection itself, and *CDA* using public data listed on Ontario law school websites, such as schools offering an Access category and their statements of inclusion.

Autoethnography

For the autoethnographic portion of the research, in addition to my written accounts, I plan to use application excerpts to demonstrate how the law school process has been disabling in my own life. *Autoethnography* as a methodology is the use of autobiographical accounts and experiences that situate the researcher as the main source of inquiry, through their data being at the heart of said social investigation (Chang, 2013). Autoethnography emerged as a research method that bolsters white supremacy alongside the research subject, through distinctly alluding to the research environment as living amongst the "other" (McWade, 2019; Ahmed, 2002). An imbalanced power dynamic was created where the *researcher* and *researched* were at odds, reinforcing an inferior and superior labeling of each. More recently, it has become an important methodology in allowing voices from underrepresented communities to be heard. I wish to situate myself and this research on grounds that are home to many Indigenous nations. I have the privilege of conducting this autoethnographic research as a white passing, cisgendered, Middle Eastern woman. As the researcher, I uphold a dual role of being partly the subject of inquiry, while Ontario law schools embody the remainder of said inquiry. As the central person in this

research, it is important for my voice to be heard on this matter, as I feel I am the best person to speak on this, having met the criteria of the candidate that I will be vouching for: an aspiring lawyer with a disability. Using an anti-ableist framework, my personal experience can be informed by the ways in which the law school application process has been disabling in my own life. Within this research, I will adhere to both principles within Toronto Metropolitan University's (TMU) "Guidelines for Conducting Autoethnography" of i) protecting one's own privacy and confidentiality and ii) protecting the confidentiality and privacy of non-active participants (Toronto Metropolitan University, 2017). Ethical considerations of using my personal experience have been mentioned above in a corresponding section, however I would like to reiterate that I consent to the use of my personal experience in this research. The autoethnography positions Ontarian law schools as non-active participants in my discussion, being mindful of their representation as *deliverers* of policy and not *enactors*. The information used in the discussion is publicly available on each law schools' admissions website.

Secondary Data Analysis

I will be conducting *critical discourse analysis (CDA)*, a form of textual analysis which works to uncover how written text, verbal communication, or talk can contribute to an exercise of power that inequitably favors a group of elites (van Dijk, 1993). Using *open coding*; an interpretive process that researchers use to analytically break down data, I will generate four themes through analyzing the five Ontario law schools Access statements that correspond with their offering of an Access category for applicants, and textually analyze them in accordance with the statements (Corbin & Strauss, 1990). Grounding CDA in Dolmage's (2017) anti-ableist framework, the codes generated were influenced by the term *rhetoric*, which Dolmage (2017) refers to as "as the strategic study of the circulation of power through communication", an

essential component of institutional design; in this case, post-secondary education (p. 8). I believe that Crenshaw's (1989) *intersectionality* ties heavily into *rhetoric*, as it works to include, yet exclude certain groups from a variety of social locations in an attempt to uphold institutional power within law schools. The criteria, which included using the sample of only schools which included an Access category, was drawn upon using Heston and Joseph (2018)'s methodological approach to CDA, consisting of a 4-step process; 1) analyzing content (five law schools' Access statements), 2) coding for themes, 3) "acknowledging the focus and influence of [a particular theoretical framework (anti-ableism)]", and 4) an attention to how structural discourses speak about, perceive, understand, deny, or legitimize a particular social issue (ableism in Ontario law schools) (p.428). This data was gathered from each law schools' admissions website and is up to date as of 2024, as per the trademarking at the bottom of each school's page. Each page I examined was coded in accordance with how 'access' was defined and communicated, searching for patterns in characteristics of access and its relation to each schools' commitment to equity, diversity, and inclusion (EDI) principles. In gathering each schools' statements, four themes were generated from open coding: "*Overcoming*" *disability narratives*, *Disability legitimization/Proof of Disability*, *Disability as difference*, *Commitment to diversity and ameliorating access gaps*. I have attached my coding process in Appendix B. An observable pattern emerged with relation to access being positioned in a gatekept manner; the reliance on "proof" of candidacy in the Access category, whether that be proof of candidacy to support access claims via personal statements or medical documentation. The juxtaposition of proving one's eligibility to be deemed an Access candidate and each schools' reference to their commitment to EDI is an area I will explore further below. A more in-depth discussion of what constitutes *access* will be included.

Literature Review

In light of conducting a literature review on this issue, there is limited literature on the application process for law schools, let alone Ontario schools. The existing literature speaks to current law students with disabilities, mainly focusing on American, British and some Canadian law students' experiences.

Smith (1999) examines how the multitude of disabilities and their impacts on a law student become worsened when entering a legal environment, namely the classroom. A critical point made is the epiphanic environment of such classrooms that make students who did not previously identify themselves as having a disability, privy to a difference in learning style, where they realize their “native abilities and coping mechanisms are insufficient” (Smith, 1999). Part of the neoliberalism pedagogy that academia is built on engages with the student being at the center of their learning, placing the onus on them. However, this onus is removed when pursuing post-secondary/graduate accommodations, where the student's physician takes on the responsibility to make medically informed judgements on the legitimization of their patient's disability. This displaces the student's perception of their disability via emphasis on a physician's expertise over the student's experience, the ticket to receiving accommodations is preceded by the expert. Roslin (2021) asserts that transference of the onus ultimately strains physician-patient relationships, whilst “render[ing] an undeserved endorsement of the medical model” (p.120). Smith's (1999) point raises complex questions about whether the individual is responsible for introspectively noticing their lack of fitness in such environments or if the institution holds responsibility in creating “accessible” curricula that caters to diverse learning needs. To further challenge this question, Eichhorn (1997) makes mention of a student who had not discovered they had a learning disability until entering law school:

“When I got to law school, things sort of reversed about 180 degrees, and I had a lot of trouble my first year. It seemed to me the trouble was not so much knowing what was going on or not knowing what to put down, but getting it down on paper... [After being diagnosed as learning disabled,] I wasn't surprised, but if someone had told me that I had a learning disability, say, at the end of my sophomore year of college, I'd have said, "There's no way," because my grades were very good.” (Eichhorn, 1997, p. 32)

Emphasizing the last sentence, pertaining to the correlation between having good grades and a learning disability; the student is in disbelief by their reaction to the two factors being mutually exclusive (i.e. having a learning disability and getting good grades). The above excerpt leads into the topic of *streaming* in education. Streaming is defined as grouping students into learning environments that are supposedly best suited to their needs (Clandfield, 2014). Through this process, the segregation of students based on different learning capabilities allows for students to receive the quality education they have the right to receiving. Many challenges come with streaming, including students with disabilities being placed into classrooms that do not meet their learning needs, an overrepresentation of racialized students in special education, and curricula that focuses on targeting students' weaknesses, rather than strengths, through operationalizing a deficit learning model (Clandfield, 2014). Livingstone (2014) states that streaming is a way to racially segregate students from white, upper-class families, using the guise of disability as reason for their separation, whilst a hidden ableist agenda exists. Racial identity becomes conflated with abilities to relegate an inferior position (Livingstone, 2014). Part of

measuring intellectual performance uses both race and ability to assess performance outcomes. Steele and Aronson (1995) provide an additive strip to *streaming* called ‘stereotype threat’; an internalized phenomena where minorities performance outcomes adhere to stereotypes surrounding race and capability (Livingstone 2014; Galabuzi, 2014). The awareness of such stereotypes dictates either negative or positive performance outcomes, which treat success narratives as a realistic basis for current and future self-achievement. Simply, students who succumb to these threats compromise their futures by internalizing said, “self-fulfilling prophes[ies]” (Steele, 1997; McIntyre et al., 2003; Fairlie et al., 2011; Gonzales et al., 2002; Carell et al., 2010). Using an intersectional lens to inform this matter, it is evident that negative impacts of streaming have carried into post-graduate education, where the application categories of Indigenous and Black students have been introduced to not only remediate the repercussions of streaming but uphold that these complex narratives still exist. The intersection of race, age, and ability is important to streaming, as it defines the lack of support these social locations have in pursuing careers that require higher levels of post-secondary and post-graduate education, due to parameters of ableism that exist (Galabuzi, 2014).

It was difficult to find literature that touches on the intersectional identities of race and disability in law schools. I was able to find a case study where Griffiths’ (2021) conducted semi-structured interviews for law students with invisible disabilities experiences in the United Kingdom. Griffiths’ (2021) possessing an intersectional identity herself, identifying as a female lawyer with a disability, examines how intersectional identities that incorporate race, gender, and dis/ability, in the United Kingdom law school space, further negative narratives of disability as they manifest alongside intersecting identities. Specifically, one student interviewed was a mixed-race man who had dyslexia. He perceived this disability to be non-existent in his own life.

He did not self-identify as having a disability, and instead considered it a challenge to be overcome. Overcoming narratives continue to obfuscate this student's perception of their ability to succeed. The student "... does not identify with being disabled, he hints at its negative associations, and for him the label may well be damaging" (Griffiths, 2021, p. 76). Based off this student's perception of themselves, an important iteration Griffiths (2021) makes is that this student's view of disability lies as another barrier to being taken seriously in the legal profession, in addition to his race. For him, despite acknowledging an intersectional identity, his race comes primary to being taken seriously as a lawyer of color. While this study does not speak to all racialized students' experiences in law school, it resonates with the fact that additional identity barriers exist for racialized law students with disabilities.

With respect to disability identity, gaps within self-identification of disability throughout the transition from high school to post-secondary is a critical issue. Up until being of legal age, elementary and high schools took on the onus of identifying students with disabilities, whereas in post-secondary education, the onus is transferred to the student. Deferring back to the challenges of a neoliberal education system, where transition to a post-secondary learning environment (law schools) ignites epiphanies in students that said environment necessitates a need for additional learning support (Hong, 2015). However, a lack of awareness in addition to the absence of support tools readily available, a steep learning curve in the expectation for them to self-identify is complicated (Gil, 2007). For students who internalize the narrative that their capabilities align only with their ability to get good grades, they often pursue careers that do not require post-graduate level studies (Clandfield, 2014). Eichhorn (1997) makes mention of how diagnostic tests of learning disability can lead to unconscious bias, based on the skewing of results. A complex perspective from Dean Frakt of *Widener University School of Law* includes "students

who are more desperate than they are disabled [with] grounds for reversal of bad grades" make the elasticity of learning disability labels more complicated, resulting in strict diagnostic categories (Eichhorn, 1997, p.36). This rationale coincides with the gatekeeping approach to accommodations, where the possibility of someone seeking accommodations on the grounds of easily slipping through the cracks, makes it complex to assess whose struggles matter. It also reveals negative perceptions of accommodations that make a student seeking seem less intelligent, hence the clause about reversing bad grades.

Jolly-Ryan (2005) argues how the *Socratic Method* is a teaching style that is used disadvantageously in rigorous law school environments. This method entails the Professor standing front and central to the class behind a podium, and individually converses to specific students to test their knowledge on a question being raised (Jolly-Ryan, 2005). While this may be beneficial to students whose strengths lie in oral advocacy, students with varying learning abilities (i.e. visual, auditory, or kinesthetic), act as passive participants and do not benefit from this same learning experience (Jolly-Ryan, 2005). With respect to the law practitioner who acts as a teacher, they may not understand learning disabilities and the importance of taking a multi-sensory approach in their pedagogy. Due to the competitive nature of law school, Professors almost always focus on students' deficits, rather than average or "high intelligence" (Jolly-Ryan, 2005). I include Jolly-Ryan's (2005) work because it showcases how the learning environment in law schools is structured as one-dimensional, emulating a 'survival of the fittest' mantra, where disabilities are not meant to flourish. Learning disabilities are often accompanied by skepticism from Professors, due to the varying inconsistent performances that accompany the vast learning styles of these disabilities, quite like that of Widener University School of Law. Students will not always perform well, and this comes with biases that their learning disability is either non-

existent or exists *due to* the inconsistent nature of grades (Jolly-Ryan, 2005). While Jolly-Ryan's (2005) work is centered on American law schools, the Socratic method is no longer widely used in Canada. A study by Rochette (2010) examining dominant teaching pedagogies in Canadian law schools revealed that *lecturing* was the most prominent method in delivering law school instruction.

In conversation with the argument that students with disabilities should not be dismissed in accessing a legal education, two pieces of American legislation are critical to meriting this discussion:

Section 504 of the Rehabilitation Act 1973 states:

“No otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” ((U.S.C. § 794(a) (1994); Milani, 1996)

Americans with Disabilities Act (ADA):

“[N]o qualified individual with a disability shall. . . be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity” (U.S.C. § 12132; Milani, 1996).

Despite the legality of these Acts, their implementation in practice remains severely flawed. Although Engel and Konefsky's (1990) work is from 1990, their discussion is pertinent to this topic in that it showcases how law students with learning disabilities hide and disguise this from other students and faculty, due to fears of being viewed as unintelligent and unable to function in regular "intellectual" conversations. In doing so, trying to blend in with the rest of the student body puts their learning needs at risk, willing to sacrifice superior grades for an inferior experience. For students with physical disabilities, their barriers included not having access to bathrooms, water fountains, bulletin boards, elevators and ramps, which required students to stay and learn at the back of the classroom (Engel & Konefsky, 1990). It is important to note that physical disabilities can include ones that impact speech, where sitting at the back of the classroom can severely hinder learning experiences (Engel & Konefsky, 1990). Despite small classrooms also facilitating access issues, this can impact engagement with peers, based on unconventional seating arrangements that are too high or low for wheelchair users. The penultimate feeling of embarrassment and social isolation was a result of classrooms set up in an inaccessible way (Engel & Konefsky, 1990). They make mention of students with disabilities being reluctant to disclose their disability in the application process, in fear of being portrayed as having "previous educational impediment" (p. 569). While the *National Association of Law Students with Disabilities*, a coalition established by law students with disabilities in 2007, has made efforts to mentorship, disability advocacy, and nondiscrimination in legal education and the workplace, there remains students with mental health related disabilities who feel they cannot disclose this in fear of stigma (Rothstein, 2014). As mentioned, clinical law placements are part of the law school curriculum and raise access issues themselves. With respect to mental health disabilities, students are faced with a double-edged sword; placements do not typically require a

fitness check, which may subject the student to situations that impact their mental health, however, rather than revealing these concerns, students are under no obligation to do so, and risk their placement if pursued (Rothstein, 2014). Rothstein (2014) comments that due to the confidentiality of one's disability status, some placements may require payment to access accommodations, putting the student at risk of revealing their disability without the choice to not do so. There is currently no equitable method to go about this, without compromising confidentiality, and remains an issue to be resolved further. At the route of current law students with disabilities experiences lies several structural issues that mimic similar concerns in the application process surrounding self-identification with disability and revealing such as a means of being accommodated, showing how the gatekept nature of law school continues to discourage applicants with diverse needs from applying.

George and Newby (2008) resolve the conundrum of making the law classroom more accessible through proposing that law schools adopt a Universal Design for Instruction (UDI), a pedagogy that offers academic inclusivity, without sacrificing integrity in quality of knowledge presentation and curricula. This proposition is in response to the ADA's lack of regulative policy in practice. With respect to Canadian legal education, a large component of this entails engaging with clinical work placements in legal settings. Despite this being an obligation to fulfill graduation of a Canadian law program, providing the student with "practical skills, learn[ing] professional responsibility, and becom[ing] better acquainted with areas and styles of practice", barriers can arise (Mykitiuk & Sheldon, 2020). I have already discussed how negative perceptions of disability coalesce with narratives of capability, namely abnormality and incompetence. In the Canadian law school context, Mykitiuk and Sheldon (2020) reveal how similar ideas of rigging the system exist in that students pursuing accommodations are

potentially viewed as attention seeking. These barriers manifest and translate into the workplace. A Canadian study on lawyers with disabilities identifying their barriers in the workplace revealed that within the *Law Society of British Columbia*, matters of discrimination, prejudice, and access, were issues that lawyers confronted within the workplace (Mykitiuk & Sheldon, 2020). Specifically, a lack of accommodations existed because they were deemed “too expensive”, in addition to other issues of being marginalized into sole practice (Mykitiuk & Sheldon, 2020). While not explicitly stated as a law school issue, the repercussions of inaccessibility within law schools translate into the workplace, where gaps exist due to the compulsory nature of placements required to graduate. Mykitiuk and Sheldon (2020) outline how the option for accommodations in clinical placements does not guarantee barrier-free access, through timing and processing issues, in which accommodations need to be submitted, posing challenges of their own. These include self-identifying with disability pre-placement, which can deter clinics from desiring the candidate. If accepted, issues of performance being measured on a lower scale arise, as a supervisor who is less accommodating may evaluate a student harshly, due to notions of incompetency, and potentially relaying this to future employers (Mykitiuk & Sheldon, 2020). Minneti (2018) makes mention of the disparity in lawyers based off demographic criteria, concerning the intersectional identities of LGBTQIA+, disabled, and racialized individuals practicing law, compared to these identities in the general population. The numbers are staggering for those in the field of law, specifically the difference between 19% of individuals in the general population identifying with having a disability, and only 0.3% becoming associates or partner (Minetti, 2018). These numbers speak volumes to the lack of lawyers identifying as disabled for the same structural and stigmatic reasons. Other issues of being a service user of accommodations create attitudinal biases among clients, where having a disability and being the

expert degrade expertise to that of being the “client” (Mykitiuk & Sheldon, 2020). It is evident that the hierarchized nature of skillset diminishes respect for law practitioners with disabilities.

In terms of physicality, the placement intensive requirement poses physical barriers to those who are not able to drive to the location or do not live in transit accessible areas (Mykitiuk & Sheldon, 2020). As Mykitiuk and Sheldon (2020) reveal, some students rely on travel through municipality accessible transit like WheelTrans, which does not always operate on schedule despite being required to pre-book reservations.

Setting the Stage - False narratives of Holism: A dream built on an unjust reality

With the normalization of challenging the status-quo in academic spaces slowly becoming accepted, I am honoured to have the privilege to evaluate post-graduate admissions policies. I want to preface that when I refer to the term “disability”, I speak about both visible and invisible disabilities. I identify with having an invisible disability.

Ontario law school admissions policies use of mystified language make it difficult to decipher where the holistic portion factors into the application process. Examples include “Most of our current students possess x stats” and “We may consider other evidence of academic ability in addition to these academic standards” (Queen’s Law, 2024). These statements which attempt to set a standard, contradict the appearance of conflating terms “diversity” and “holistic”: “At Windsor Law, we review all applications for admission through a holistic lens. Windsor Law is also committed to ensuring equity and diversity in all its forms in the legal profession” (Windsor Law, 2024). While Osgoode Hall Law School (2024) has a page titled “Holistic Admissions Policy”, where they state, “We do not set minimums for cumulative GPA and LSAT scores, but

successful applicants typically have a CGPA of A- or better and an LSAT score in the 80th percentile or better”, this statement works to obscure the standards. The impact of this ambiguity complicates the relationship between an applicant and their chances of admission, making the law school process seem more daunting than it needs to be. I find this lack of transparency to be the catalyst for barriers applicants with disabilities face. With regard to the financial implications of applying to law school, it is a risk to pay an admission fee of \$115 CAD, in addition to the \$200 service fee charged by the Ontario Law School Application Service (OLSAS), the service portal used to submit law school applications (Ontario Universities’ Application Centre, 2024a). In addition, the cost to take the LSAT is \$238 USD, due to the Law School Admission Council (LSAC), an organization that administers the test, being based in the United States (Law School Admission Council, 2024a). I do wish to mention that one area I have not explored is the financial assistance piece, where fee waivers for those who display financial hardship, are available for both the LSAT and OLSAS applications. Building upon the work of David Lepofsky (1991) and his recommendations to improve Canadian law school curricula, legal scholar, Allan McChesney (2003), contends that the financial implications of law school provide additional barriers for prospective applicants with disabilities, discouraging them from applying. Roure (2009) evaluates the efficacy of a free program used in New York, to assist applicants from traditionally underrepresented groups with law school preparation, via offering fee waivers for the application itself in addition to application support. The program’s success is attributed to its community-based approach targeted towards Latinx, Black, and Indigenous members. The program serves to assist these applicants with obtaining fee waivers that are in place to the financial barriers that may be experienced by applicants of lower socioeconomic status (Roure, 2009). However, an ongoing challenge of operating this program includes its source of funding

being primarily grants. I cannot speak to whether these measures are effective, which is why I only briefly touched upon the relationship between the financial implications and their relation to the false idea of holism.

Since the goal of this research is to further explore the barriers for candidates applying in the Access category, I will use admissions criteria displayed on some of Ontario law schools' websites to display how this false narrative of holism is especially complicated for these individuals. Refer to *Appendix A* for a schematic that paints a general picture of each law school, their admission categories, and corresponding statements that reflect their commitment to EDI principles. The purpose of including this is to show comparability of their statements, which will be explored further in the secondary analysis, where I only analyze schools which include an Access category.

Section 1 – An Autoethnographic Love Letter to Myself

My motivation for this journey

My motivation for doing research on this very topic stems from a personal connection to the law school application process. As mentioned, my passion for law and justice has been a constant part of my life since a young age. Within the last couple of years, I solidified my passion for disability activism, after having worked in my university's Accessibility Office during my pursuit of an undergraduate degree, and volunteering for a disability non-profit organization, *Best Buddies*. I also identify with having an invisible disability, to which my journey in discovering this was happenstance from my work within this area. During my undergraduate degree, I took the LSAT for the first time in January 2021, having self-studied my

way through the COVID-19 Christmas break of 2020. During the pandemic, the traditional method of taking the LSAT at an in-person test centre had been suspended. The LSAT Flex, an online version of the test that was self-administered, was introduced and used to safeguard physical interactions during this time. Presently, the LSAT has resumed with both in-person and online options available to take the test. In approaching the LSAT the same way as school tests and exams, my naivety led me to getting a not so competitive score the first time; a 150. For reference, the LSAT is measured in a score range from 120-180, where 150-155 are average scores, and 160+ are considered competitive (Law School Admission Council, Inc., 2024b). The percentile of your score is dependent on the percentiles the corresponding cohort of LSAT test takers attain. Percentile and score coincide; if you have a higher score, your percentile is high as well. By my standards, it was doable to improve this score. I registered for a second time to take the test in early Spring of 2021, which was the worst decision, because I was struggling to meet end of semester deadlines for graduation, while forcing myself to study. Having a preconceived notion that I only needed to briefly brush up on my skills, I did worse than my first attempt. Being the perfectionist I am, I got so wrapped up in how I could decline in score. I became hypnotized by academia's wrath of attaching one's self-worth to a number. I face my problems head-on, which is where my solution-oriented attitude comes from, in addition to needing to keep my anxiety at bay. I decided to seek a tutor to fulfill my third attempt in August 2021. Once again, I did not get my goal score, as I chose to work simultaneously to fulfill financial obligations, derailing my commitment to studying. Despite these three attempts, I still chose to apply to six Ontario law schools, for the September 2022 cohort, with hopes of receiving admissions from at least one. Unfortunately, that dream had not become a reality, as I got rejected from all six. After being consumed by the LSAT for a year, to the point where I was

physically letting myself go; overeating, not sleeping, and letting my sanity slowly slip away, I decided to carry this hunger (so it became), into a second year of 2022, where I sought an LSAT prep course. I thought this would finally be my chance to focus solely on the LSAT and get my dream score of 160. Despite having a mediocre score in my eyes and based on the fluctuation in my undergrad GPA and extracurricular/work experience, I gave the applications a shot, albeit a shot in the dark. Applying to law school is a gamble. I thought after the emotional distress I put myself through, carrying the weight of being the first in my family, and as the eldest, to attend any professional school, let alone pursue post-secondary studies, that I wasn't only doing this for myself, but for them. If the outcome of reaching this goal was going to result in crippling anxiety, and obsessive-compulsive tendencies, because of trying to perfect myself in every way possible, I would do it all over again to get to where I am today. I applied in the Access category, where applicable, making the conscious decision that my struggles would be assessed holistically. I bought into the narrative of my self-worth being determined by committees who have no idea who I really am.

I want to briefly discuss my academic journey during my undergraduate degree, as I think it is highly relevant to this topic. I started off my first two years with a GPA that would not be conducive to receiving admissions to law school. Despite this mindset that studying hard and putting in effort would get me to places I wanted to be, studying *right* was something I could not figure out for that first half of undergrad. I had not realized that my reason for performing poorly was not only due to the heavy weighting of tests and exams in the first two years, but standardized testing is just not my forte. An observation I made is that in the last two years of undergrad, and maybe this was a program specific approach, but tests and exams were not only weighted less, but became less apparent, where instead, assignments and presentations held more

emphasis. After working in my university's Accessibility Office, I realized I needed to get support for writing tests in a controlled environment. I received accommodations to write in a private room with extra time and noticed that my performance improved. There was a correlation between excelling on tests from these new measures in place, but the same cannot be said about taking the LSAT. Since the LSAT became an online test, where it was previously written in a public environment, I had the luxury of taking it in the privacy of my own home, with extra time added. However, I still could not outperform my anxieties. The LSAT requires a different frame of thinking that I cannot jive with, no matter how hard I tried. If my LSAT journey isn't an indication of how much of a perfectionist I am, then I am not quite sure what is.

It is probably perceived that I am bitter for not getting into law school, hence my reason for writing about this topic. While this is only partially true, I believe I have grounds for this. Where the standards were clear, my GPA met some of the criterion of law schools I applied to, although an uphill battle. I went from a 2.7 in my first year to a 3.3 cumulative GPA by the end of my fourth year. My last two years median was a 3.74 exactly. With displaying an upward trend, a fiery commitment to killing the LSAT, albeit not getting a competitive score, and having a reasonable amount of extracurriculars and working all throughout undergrad, I thought this was enough to get me into schools where they focused on your last twenty credits of undergrad. I have so much to prove while simultaneously yearning for so much to gain from being a future lawyer. In the next section, I will discuss in more detail my experience with the application process, and its importance in conducting this research.

My application experience

To further my point that Ontario law schools do not support candidates with disabilities, I will break down the application process for those who choose to identify in the Access category.

To prove I had a disability, I was required to provide medical documentation from both my undergraduate accommodation plan and supporting documents for LSAT accommodations. My family doctor was critical in completing these forms, as I had not fully sought a secondary care diagnosis, due to the newness of my disability. I also needed to act fast to get my accommodations in time for exam season. Due to the nature of my disability being mental health related, suddenly introducing this to my family doctor was not the wisest decision but the most doable for the direness of the situation. They were reluctant to understand, due to springing such an intense request without displaying a history of said disability. I understood their stance, but further contested that this was an absolute need to successfully complete my studies and get good grades for law school. My family doctor and I have a long history, as they have been my primary care physician since I was born. They were aware of my passion for pursuing law and encouraged it. Similarly to self-crutch narratives of disability, I had to overplay my “symptoms” to display more urgency than I already was, booking the next appointment they had available. This was another barrier, as getting the opportunity to see a family doctor isn’t always accessible, based on the lack of availability, my conflicting school and work schedules, and financially, as there is a fee to have a medical note or documentation filled out. Finally, the distress caused by a discomfort to raise a personal issue that was novel to them, presented new challenges, as their reception of this information was not how I had hoped. My doctor’s perception of my disability held an immense amount of weight. When they filled out the form, they checked the box that stated I displayed “moderate” symptoms, after explaining the physicality and visceral responses I was having, despite the condition being invisible at bay. An emphasis on legitimizing my disability, based on a medical professional’s interpretation does not seem to create a holistic narrative that vouches for me as a potential law school candidate. I was even reluctant to write

about this within the application, as I felt no matter what I said, I would be viewed as weak and unable to handle the commitment required to attend law school. This was also fostered through the Access category requirements which included clauses about proving you are capable to meet the demands of law school. I will delve deeper into that in the secondary data analysis.

Deeming my disability as authentic seemed to be an additional barrier I faced, along with downplaying my experience as “moderate”, which I believe did not do my case justice in the eyes of the admissions committees. Coming to these revelations after the application process was over and I had received all my rejections, I have a pit in my stomach where I will never know whether my case was valid applying in the Access category. A conundrum lies at the centre of my choosing to apply in this category: I believe my doctor’s poor classification of my disability led to the committee treating my application like a General category applicant, however, I did not have the choice to apply without my undergraduate documents. The medicalized approach to the Access category leaves little room for personal advocacy of disability, and once again reinforces success narratives created by the committee in their choosing to accept or reject an individual, ultimately displacing an applicant. A dependence on medicalized approaches to disability is one of the biggest setbacks of why an Access category contradicts accessibility through its process which is inaccessible in nature. Although disability presents itself visibly and/or invisibly, invisible disabilities are often overlooked in academia, based on an “assumption of a universal model of health” that is medicalized in nature (Brown & Ramlackhan, 2022). This model focuses on optics, where the lack of a physical presence of “unhealthy” characteristics defaults to a binary of healthy. By overlooking the episodic nature of invisible disabilities, the solution requires a complete ignorance that such episodes exist. In many cases, individuals and I cannot just avoid test taking forever, because of the dominance standardized testing has in becoming

certified in many lines of work. The solution should not be to avoid triggers of episodes, but to find ways to adjust accordingly that do not foreground the notion of “special treatment”.

However, the reality of this is that accommodations appear to hold a negative connotation, built on a tedious process in being granted such.

To obtain LSAT accommodations, providing “adequate” evidence of disability is a requirement both you and your doctor must fulfill, through filling out a couple of forms set out in the Law School Admission Council’s (2023) accommodation policy. Specifically, one section requesting ‘need for accommodation’ states “Please provide a brief statement of how you meet this requirement”, to which my doctor stated that I experienced struggles in large groups, which is why I needed to write in a private room and receive extra time on tests, however this was a misinterpretation: 1) the reasoning for writing in a private room only applied in undergrad, and because the LSAT was self-administered, this did not help my case, and 2) the nature of my disability has nothing to do with being in large groups. This misinterpretation made me frustrated, as it was painting me in an inaccurate light, but once again I had no control over this as I was asking for the favor and had to accept the outcome to receive accommodations on the LSAT. This idea of being at the mercy of medical professionals infiltrates a negative narrative of incapability, and further reinforces the dominant narratives of medicalizing disability, where power dynamics are skewed to depict disability as a medical problem to be fixed. This dominance further allows an individual voice to be erased by the power of patient-physician antics that dismisses patients’ autonomy in creating their own narratives. My reason for aiming to reframe the application process to focus on personal advocacy of disability, as opposed to solely relying on dominant medical frameworks, is due to this experience.

The Law School Admission Council (LSAC) no longer requires the form titled “Statement of Need”, which leaves room for the applicant to briefly identify why they needed accommodations. Now, room for this is available in the “Candidate Form”, which allows you to select type of accommodation(s) you seek, and nature of your disability, followed by a personal statement of need. In total, as opposed to three forms that were previously required: *Evidence of Disability*, *Statement of Need*, and *Candidate* form, now only two are necessary: *Candidate* and *Qualified Professional* forms. An interesting point about requesting accommodations on the LSAT is the wording in the form that requires you to “prove” your disability:

“Note: Documentation submitted in support of a request for testing accommodations may not be more than five (5) years old for candidates seeking accommodation for mental or cognitive disabilities. Candidates seeking accommodation for any other disabilities may submit evidence of a disability from a qualified professional who examined them any time after reaching the age of 13.” (Law School Admission Council, Inc., 2023).

If we think about this from a medical perspective, the fluidity of disabilities, mainly cognitive or mental disabilities makes sense for the need of reevaluation, however I find it problematic that the age cap of thirteen sets a standard for disabilities to be unrecognized before this age. I am no medical professional, but to dismiss the existence of disabilities before the age of thirteen has no plausible explanation. If an individual has experienced permanent disability across the life course, who’s to say that evidence before teenage years is invalid to use as support. I think it is discriminatory to dismiss any medical evidence available outside the given timelines. The longer a disability is experienced with an official diagnosis, the more “evidence” there is to benefit an accommodation request. Especially with the challenges in place to get medical documentation signed, this strenuous process comes with physical and financial barriers.

Having the opportunity to get an appointment in a reasonable amount of time is a privilege not many have, due to lack of access to a family physician, along with geographical barriers, resistance from a family physician to sign off on an area that is outside their area of expertise, in addition to the financial piece that is inaccessible. In totality, accommodations for the LSAT factors into the heavy weight distribution of its importance in the admissions process, at the expense of barriers existing. The LSAT creates additional barriers that make the emphasis of its importance inaccessible to the application process and puts people at a disadvantage. I acknowledge that the inclusion of a personal statement leaves room for me to speak on my behalf, however, a medical professional's expertise takes precedence over a mere statement made by myself. This inevitable power struggle is something I hope to provide recommendations for overcoming. One cannot know for certain if my doctor's positioning of my disability as "temporary" was a reason for my rejection, as I was framed to seem unfit to undergo testing conditions; a skill that is needed to excel in law school. My disability continues to manifest outside of my academic life, despite its temporary diagnosis.

I will provide a screenshot below of the *Evidence of Disability* (now the *Qualified Professional* form) form, where the candidate is asked to give consent that their doctor's reflection of their disability is accurately depicted:

Current Evidence of Disability

If you do not have prior documentation of a disability as set out in Section I, you will need to submit documentation from a Qualified Professional that you have a disability that restricts your ability to demonstrate your aptitude or achievement on all or part of the LSAT. Such documentation, when appropriate, may include standardized test data from appropriate evaluation instruments; a comprehensive evaluation; a relevant history; **or** a supporting statement describing the individual's disability, impairment, areas of limitation, effects on test taking, and testing accommodation needs (the statement can be provided on page 4). The documentation may also show that you have a temporary disability, such as a broken bone in your dominant writing hand or a herniated disc, that restricts your ability to demonstrate your aptitude or achievement on all or part of the LSAT.

If you need to submit current evidence of disability, please have your Qualified Professional fill out the remainder of this form (pages 2 through 4).

Candidate's Signature

I certify that all the information on this statement is true and correct to the best of my knowledge and belief.

Signature

Date

Qualified Professional Form Page 1 of 4

Figure 1

*Section on "Current
Evidence of Disability"
from Qualified
Professional form (Law*

School Admission Council, Inc., 2023)

The “Candidate’s Signature” section which is to be consenting to the professional’s statement being provided on Page 4 (refer to highlighted part of Figure 1) poses an awkward compromise: requiring your consent to have someone depict your experience on behalf of you. Below, if you compare the room provided for a candidate to provide their statement of need versus the qualified professional’s, the boxes are vastly different, with the candidate one being significantly smaller. This echoes my point of the medical professional’s rationale taking precedence over the candidate’s through limiting expression and personal expertise.

Figure 2

Candidate’s “Statement of Need” box on the Candidate form (Law School Admission Council, Inc., 2023)

V. CANDIDATE: Statement of Need (Please type if possible)

Accommodation Request Category ☐ [1] ☐ [2] ☐ [3]

Please provide a reasonable explanation for why the requested test accommodations are needed to best ensure that the LSAT results accurately reflect your aptitude or achievement level (attach additional pages as needed):



Figure 3*Qualified**Professional's**"Written**Statement" box on**Qualified**Professional form*

(Law School

Admission

Council, Inc.,

2023)

Qualified Professional's Written Statement

In the section below, please **describe the nature of the candidate's disability or area of impairment**, and **provide a reasonable explanation for why the specific test accommodations you recommend are necessary to best ensure that the candidate's LSAT results accurately reflect the candidate's aptitude or achievement level.**

If needed, you may attach additional pages and any other supporting documentation.

Defining Access

This section will address the problem with the Access category's conflation with other identities. Before I do this, I want to briefly discuss what "access" really entails. *Access* in a literal sense can mean "permission, liberty, or ability to enter, approach, or pass to and from a place or to approach or communicate with a person or thing" (Merriam-Webster, 2024).

However, in academia, the simplicity of this definition is challenged. I can traditionally have access to a space, yet still face barriers within said space. In the case of accessing a graduate education, I can become enrolled in a program, yet not receive accommodations, due in part of

the accommodations process gatekeeping me from gaining authentic access, where a doctor's expertise and approval play an active role. Accommodation itself does not guarantee access. The *application* process is access itself, but *admissions* for people with disabilities is gatekept to prestige access; a kind of access in which a hierarchy of "whose stories matter" necessitates a need for over exaggeration or positioning disability as an "overcoming" narrative; these narratives that only those whose stories really speak to the admissions committees are granted pardon to admit. I frequently reference narratives and how a hierarchy of whose story and knowledge matters is at the core of the Access categories. I feared my story of experience with disability was invalidated and used to excuse bad grades, but I didn't come up with this fear on my own accord. I cannot speak for others, but struggle stories have become hierarchized, where an individual who frames their story in a less "excruciating" way may receive less grace than someone who chooses to explicitly display access in the same way as a barrier. I bring this up not to say that one story matters more than another, but to simply state that the commodification of struggle is a battle applicants grapple with and is fostered by institutions like academia. It is us applicants who have internalized narratives that our problems are either worse or better than the reality. O'Toole (2018) "caution[s] that claiming authority on the assessment of the 'value' of narrative inquiry is problematic" (p.176). O'Toole (2018) focuses on understanding how despite the tactfulness of narrative inquiry, narrative is fueled by power relations that dictate how narrative is perceived. I mention O'Toole's (2018) work because it speaks to the problem of giving access to personal narratives within the law school applications, through personal statements. There is only one acceptable format of expressing personal narratives and that is via written method. It is contradictory to have an access category that does not offer accessible options of personal narrative making. An observation made is that each school that offers the

Access category positions this category in different ways. I will outline this in the secondary data analysis section.

Telling stories on MY behalf: Disability as a self-crutch narrative

“Narrative practices refer to the mechanics of how stories are activated and ordered – how storytellers create and develop meaning through interaction with each other; how speakers struggle with each other or struggle for control over narrate meanings; how an otherwise chaotic narrative is made meaningful” – (O’Toole, 2018, p. 179)

With regard to the institutionalization of narrative making and telling, the “disability as crutch” narrative is one I wish to discuss in further detail. I felt imposter syndrome applying to law schools in the Access category, because considering my positionality, I think about people who have experienced worse than I. Hayes and Black (2003) investigate the ways in which discourses on pity have come to disservice individuals with disabilities. Such discourses stem from narratives that utilize disability as a main source for articulating human difference. In doing so, empathy and pity become conflated, leaving institutions to enforce paternalistic policies that empathize with “struggle”. Narratives of using disability as a “crutch” to tug at the heart strings of admissions committees’ circle back to issues of whose story matters, and how hierarchizing struggle ultimately leaves no room for struggle at all. I was grappling with these internalized narratives where I felt the need to overcompensate for my academic struggles through using my disability as a motive for challenging myself. Having an invisible disability, where Finesilver et al. (2020) discusses the challenges with “proving” an invisible disability due to the current neoliberal culture of overworking oneself, and mantra of using the struggle of others to invalidate one’s own. This hierarchy of physical versus invisible resembles Goethals and colleagues’ (2015) description of “with” or “without” disability, that bifurcates the treatment one

gets based on a binary. I am so critical of being able to tell my story via a verbal avenue because writing just does not do it justice. Although spoken and written words allow for a tone, I feel strongly that spoken words evoke less room for opportunities of misconstruing, as there is room for dialogue. Jolly-Ryan (2005) makes an important point that “bright students with attractive admissions statistics, both with disabilities and without disabilities, fail to succeed in law school each year” (p.123). I feel the need to include this passage, because it emulates how admissions do not dictate a student’s ability to succeed in law school, let alone in the legal field.

Accepting rejection

After receiving several back-to-back “We regret to inform you...” emails, I had the opportunity to reach out after the application cycle had passed and receive constructive feedback on my application. The criticisms included despite a holistic approach to assessment, not having a competitive enough LSAT score and a low overall GPA, were major setbacks, along with a suggestion I pursue a second undergraduate degree to boost my average. I had completed the LSAT numerous times prior to applying, having known it would set me back. My GPA’s upward trend in my final two years of undergrad was up to the standards of regular admission category expectations. The admissions officer was not able to comment on my personal statement and extracurricular experiences but did comment on the upward trend of my GPA. While the officer is only a medium between the committee and I, at the root of this interaction are structural problems that necessitates inequitable recommendations for improvement that are financially unfeasible and operationally challenging. It is important to note that within Ontario, all eight schools use the highest LSAT score in their assessment, whereas other provinces within Canada may consider a total average of each score received (Ontario Universities’ Application Centre, 2024b). The LSAT maximum was previously five attempts within a five-year period. This has

now changed, and the number of attempts is restricted to seven attempts within a lifetime (Law School Admission Council, Inc., 2024c). To date, I have three attempts left to exercise. I frankly do not see myself making use of them.

Section 2 - Secondary Data Analysis: Framing Access

“I worry that allegiance to a respectable and polite form of ableist rhetoric will also be much easier. Faculty and students may continue to be rewarded for ableist apologia, for defending ableism, and thus capable of protecting the privilege of the university themselves, and retaining their positions.” – (Dolmage, 2017, p.188)

Key Concepts

Rhetoric

Before diving into the *critical discourse analysis (CDA)*, I wish to briefly discuss the term *rhetoric*, which has a negative connotation in accordance with its definition being the use of language to influence people’s actions or opinions (Dolmage, 2017). Rhetoric is imperative to conducting CDA, as its purpose aligns with analyzing language grounded in how social, political, cultural or historical phenomena is depicted. I use an excerpt of Dolmage’s (2017) work above to display the way rhetoric allows for complicity without affirmative action. With the assessment of institutional power dynamics at play, rhetoric will serve as an instrument in uncovering the paradox of an inaccessible Access category, through examining how applicants within this category are described characteristically and taught to abide by a controlled narrative of their candidacy.

Access

Since access is the central point of interest in this research, it is critical I reiterate its definition, but in the context of academia. While access can be perceived in many ways, the most common one I think of includes ‘freedom to enter’. Ribot and Peluso (2003) do a much deeper analysis of this definition, focusing on “ability” and “maintenance” of access. Access cannot simply be the receipt of entry, as various power dynamics are at play. Ribot and Peluso (2003) unpack the political-economic aspect of the divisiveness of *control* and *maintenance* of access: *control* allows for mediation of access, while *maintenance* expends power or resources to keep access afloat. Simultaneously, both intertwine to uphold an uneven infiltration of power. Through detailing the four themes that were developed with respect to the Access statements, I will be disentangling how control of access is implicitly dictated within each schools’ statements.

Critical Discourse Analysis of Access statement data

Theme 1: “Overcoming” disability narrative

The act of “overcoming” one’s disability is a narrative that is expressed via *rhetoric* in higher education communication. Stemming from the Medical Model of disability, which positions disability as an illness that must be eradicated, metaphorically resembling overcoming a cold, in order to regain strength (Guevara, 2021). Dolmage (2017) speaks about the structural violence that is imposed on students with disabilities, through actively adhering to the binary of overcompensating for their differences or failing to be accepted. These mantras are similarly present within each schools’ Access statements. Statements such as “evidence of potential to succeed” (Western, 2024a) allude to a lack of potential that would otherwise exist without required evidence. This causal relationship acts to control a narrative that legitimizes “disadvantage” through equating proof to the truth. Reflexively examining the power of this statement made by an Ontario law school weighs heavy in its narrative approach that paints

applicants with disabilities as incapable of success unless a proven potential exists. In reflecting on the purpose of the Access category, which entails: “Access applicants are those whose undergraduate academic performance was affected by a proven disadvantage that may include, but is not limited to, cultural, socio-economic, medical or physical barriers, or a learning disability” (Western, 2024a), a strict definition is provided which reinforces causality of “disadvantage” with “undergraduate academic performance”. The positioning of this clause first within the Access statement asserts dominance over the candidate narrative through directly labeling what constitutes an individual in this category. Rhetoric is utilized as a technique of control through creating constitutive factors that qualify an individual’s “overcoming” of these barriers as paramount to their candidacy. Lincoln Alexander Faculty of Law also formally defines a person with a disability as those pertaining to: “physical, sensory, learning and mental health disabilities, as well as chronic health conditions and persons who identify as neurodiverse)” (Toronto Metropolitan University, 2024). The ‘maintenance of control’ also shows up as criteria that one must abide by to be considered eligible to apply in this category. The power dynamic reinforces an ableist approach to a category which works to ameliorate equity gaps. Another example of alluding to disability as a means to prove one’s worthiness through overcoming adversity show up in Queens’ statement: “Any other factor relating either to educational barriers you faced, or to your ability to enrich the diversity” (Queen’s Law, 2024). Centering on an individual’s ability to “contribute”, this theme relates *contribution* to disability, where the two are presented as mutually exclusive. It poses questions such as why a candidate can’t enrich the diversity whilst possessing a disability. Other statements include Bora Laskin’s: “We invite applicants to apply under this category who have faced obstacles and inequities that may have affected their academic history” (Ontario Universities’ Application Centre, 2024c).

Once again, the narrative of this statement centers on a correlation between “obstacles”, “inequities”, and “academic history” all being present within the same space simultaneously. Tying in intersectionality with O’Toole’s (2018) approach to narrative inquiry, it’s evident that the avenues of the three variables (obstacles, inequities, and academic history) intersect in ways in which social identity is not accounted for in Access categories. Western (2024a) places a blurb towards the end of their Access statement that reinforces the need for “competitive” grades within a given timeline of three undergraduate academic years. Tying this into Ribot and Peluso’s (2003) ‘maintenance of control’, it hierarchizes the importance of being a competitive applicant over their concern of “disadvantages” being central to their mission to accommodate. An exercise of control is maintained here through the use of decisive language such as “must” when directing applicants to describe the causal connection between their poor academic performance and the “proven disadvantage”, but less directive when stating they “should” provide documentation (Western, 2024a). I gather a causal relationship between the overcoming of disability and the required “at least one year of competitive grades among three years of full-time undergraduate university” (Western, 2024a). However, it is unclear what constitutes “competitive” grades. This alludes to the assumption that said “disadvantage” was overcome for at least one year of grades to be competitive. It ties into a probability that is uncertain for some to attain, and once again constructs an overall applicant narrative. Similarly, use of the word “claim” in “access claim” can implicitly indicate a claim is just that without evidence.

Theme 2 & 3: Disability legitimization/ Proof of disability & Commitment to diversity and ameliorating access gaps

I have combined themes 2 and 3 because of their juxtapositioned relationship that stands strongly with the research question: *How does the paradox of an inaccessible “Access” category*

provide an unfair disadvantage to candidates with disabilities? The second, most consistent theme that is present across all five schools stems from a consistent reinforcement of validating access claims either through personal statements or medical documentation. An incessant use of declarations which demand proof of Access claims in the general framing of the Access statement, ties into this statement's purpose to show a commitment to EDI principles. Although the purpose is to ameliorate access gaps, it plays an integral role in the inaccessibility of the Access category. Western (2024a) and Ottawa (2024a) both require "proof" of documentation from a qualified professional, while Bora Laskin makes it an optional addition to provide, using the words "applicant's discretion" (Ontario Universities' Application Centre, 2024c) to provide proof of their claim. Bora Laskin's wording draws upon confusion:

*"If possible, provide supporting documentation to support your statement. We understand that documentation may be difficult or impossible to obtain, depending on the circumstances. We ask applicants to **exercise their best judgment** when deciding what documentation is appropriate and important for the Admissions Committee to consider. We **do not require** confidential and private medical records to **confirm a disability** or medical condition; the documentation need only **confirm the functional limitations**, as it relates to the candidate's application."* (Ontario Universities' Application Centre, 2024c)

With an adherence to the Medical Model, Dolmage (2017) builds on Stramondo's "The Medicalization of Reasonable Accommodation" to explain the institutionalization of accommodations being built upon avoidance of fraud, with respect to access claims. While the inclusion of a personal Access statement in addition to traditional documentation seems fair, comparatively the expert opinion takes precedence over the applicant's. A fight for candidate advocacy is challenged by the reliance on medical professionals being key gatekeepers to

granted accommodation. Emphasis on “qualified professionals” (Western, 2024a) without explanation as to who qualifies as such, reinforces the gatekept nature of not only legitimizing an Access claim but such efforts that the documentation provided is considered as “inclusion”. A key difference with Queens’ (2024) is that they do not indicate whether proof is needed, however, the law school’s commitment to diversity is exercised through setting a lower standard for candidates in the Access category, stating:

“Traditional measures of academic performance and LSAT scores may be given comparatively less weight in this category, while non-academic experience and personal factors confirming your special circumstances or unique qualities may be given comparatively more weight.” (Queen’s Law, 2024)

This statement contradicts itself through the presentation of academic metric standards: “to be a competitive applicant, you should have at least a B+ average (GPA of 3.5) in the top 2 years of your undergraduate degree program at a full course load and an LSAT score of at least 155” (Queen’s Law, 2024). Although no reference to medical documentation is present here, there still exists a legitimization of disability that is connected to specific admission criteria. The paradox of emphasizing that “traditional measures of academic performance” with indicators of what constitutes such performance reifies the causality of these two themes. On the topic of Queen’s Law (2024), it is imperative to mention a statement at the top of their Access statement page, which reads “Recently, up to 10% of students admitted to the first-year class have been from the Indigenous and Access categories.” While this maintains their commitment to diversity, the statistic does not include details as to how the 10% is comprised. Through further investigation, the criteria for both the Indigenous and Access categories differs, where the Indigenous category is missing academic metric criteria. This statistic pertains to the

conglomeration of these two themes as it meshes two distinct groups to legitimize access for both, in an attempt to showcase commitment to EDI, but only display criteria for one group. The device, rhetoric, can be used here to communicate an exercise of power that favors one group over another, whilst positioning them as equals.

When just looking at *Theme 2: Disability legitimization/Proof of disability*, there exists only one possibility, a binary of the outcome with regards to providing documentation to support access claims. Although unstated, the implicit correlation between proof and the outcome of being deemed eligible to occupy a space in the Access category stands as an indicator of one probability; it eliminates the possibility of being eligible for access without this variable, indicating access is *only* possible with proof. This works to confirm a stance that upholds ableism in academia. Lincoln Alexander Faculty of Law does not indicate the requirement of medical documentation but does request “an explanation in the OLSAS text box identified for this purpose. You may also speak to your Access application in Part B of the Personal Statement (in the School Submissions section of your application)” (Toronto Metropolitan University, 2024). While this supports the candidate advocacy avenue over a medical professional, it still rationalizes the element of “proof” that is not specific to be eligible within this category, as it is paired with “If you wish to be considered as an Access applicant” (Toronto Metropolitan University, 2024), which requires “consideration” by the admissions committee, who is being given the onus and authority to determine so. This theme stemmed from the placement of each school’s commitment to diversity being at the top of their Access statements, given primary importance. Codes such as “barriers” (Western, 2024a), “committed to enhancing diversity” (Queen’s Law, 2024), and “The University of Ottawa welcomes students from historically excluded communities who have experienced systemic inequality or identifiable social or

economic barriers to education” (Ottawa Faculty of Law, 2024a), explicitly necessitate this theme being central to the Access statements. Bora Laskin (Ontario Universities’ Application Centre, 2024c) also explicitly supports this theme: “Although all applicants are considered holistically, special attention will be given to this category to review files through an anti-racism and decolonizing lens, being especially attentive to unconscious biases”. While this neither confirms or denies a stance on the juxtaposition of legitimizing disability in accordance with EDI principles, it takes a political stance which centers the committee as experts in employing anti-racist and decolonizing frameworks. To really hone in on the legitimization of an Access claim, reiterating decisive language like “must demonstrate” is important to unpack, especially with elements of “strong potential to complete the JD program”, and “possess the skills and attributes necessary to cope with the demands of law school” (Queen’s Law, 2024a). Without clear indication of what factors into these variables, the mystification of ability is garnered here to reinforce legitimation more abstractly.

Theme 4: Disability as difference

The last theme emphasizing *disability as difference*, stems from several clauses within the Access statements, reiterating “special consideration”, “unique consideration” and “disadvantage affected” (Western, 2024a; Queen’s Law, 2024). Dolmage (2017) touches on the negative connotation of the word “special”, which is used to imply differential treatment or spaces that are designed for people with disabilities to “fit” into. The justification for the word “unique” resembles a similar juxtaposition that a commitment to diversity has with using this term to show appreciation for difference. Arguably, “unique” and “difference” are often used synonymously, which subtly reads as paternalistic, where schools seek out diversity to reflect their commitments, but for the wrong reasons. Reiterating Queen’s statement that “traditional

measures of academic performance and LSAT scores may be given less weight in this category” (Queen’s Law, 2024) tie into this theme, as the change in weight is an effort to accommodate difference. Ottawa (2024a) includes a clause from the Ontario Human Rights Code which alludes to their adherence to equality for persons with disabilities. The need to include this derives from the historical marginalization of people with disabilities, implicitly connecting inequities to those from this social location.

Recommendations for Improvement

For Ontario law schools to better foster their commitment to EDI principles, I make some recommendations below that would realign the impact of the current policies in accordance with an anti-ableist approach to the law school process. Although Dolmage (2017) states “the university may never be a space held responsible for causing disability” (p.189), he makes some grassroots recommendations that staff and faculty can do to restate the importance of dismantling ableism in academia, including simply supporting a student’s accommodation request, calling attention to noncompliance of legislations like the American Disabilities Act (ADA) or Accessibility for Ontarians with Disabilities Act (AODA), and working with the university’s Accessibility Office to align commitments to including students with disabilities in the conversation. While the bulk of this paper is directed towards the application process, a little goes a long way in terms of these smaller changes trickling into the applicant phase of law school.

Meaningful use of admission categories that reflects Intersectional identities + Consistent inclusion of Access categories among Ontario law schools

Having displayed the challenges associated with disability identity being conflated with identities of other admissions categories like Black, Indigenous, and Mature applicants, I propose that there needs to be a consistent inclusion of an Access Category across all Ontario law schools, alongside the option to select more than one category based on intersectional identity. To be more specific, there needs to be a category for disability, and individual categories for Mature students, Financial Hardship, and Extenuating Circumstances. Through doing so, this would strengthen law schools' commitments to equity, diversity, and inclusion (EDI) principles. What separation of these characteristics does is create an unfair advantage over other admissions categories. For example, if an Indigenous applicant with a disability were to apply to law school, which category would they apply for? Schools like Queen's provide a recommended LSAT and GPA for those applying in the Access category, but none for the Indigenous category. Since the presence of a standard does not exist, it would be more advantageous for the applicant to apply in the Indigenous category. This is not to say one category matters more than another, but the criteria should be consistent, or there should be no criteria at all, as this silos applicants into one part of their identity, once again creating narratives for the applicant before they even begin the process. As mentioned, only five out of the eight Ontario law schools have an Access category. On the flip side, schools that do not have an access category or lower criteria for students with disabilities can be perceived as setting a fair standard, treating them as equals to students without disabilities or access needs, however, the very notion of categorizing learning in a hierarchy is inequitable, as there exists an overall ignorance towards the plasticity of different learning capabilities.

Alternative formats to personal statements

Recently, Queen's University Medical School updated their admissions criteria to make it more equitable for applicants experiencing lower socioeconomic circumstances. Included in this is an active effort to increase opportunities for *any* qualified candidates to reach the interview stage of the application, as opposed to the previous state where strict thresholds of qualification based on extracurricular placements in health settings shut out many qualified candidates (Faculty of Health Sciences – Queen's University, 2024). University of Waterloo has also recently been ordered by the Ontario Human Rights Tribunal to test a new admissions process that would ameliorate barriers for students with disabilities (Outhit, 2024). In an ongoing case, a potential student with a brain injury was denied admission, due to their grades falling short of the school's requirements (Outhit, 2024). The case stems from a heavy reliance on numerical measures of assessment that dictate an offer of admission; a process that overruled the student's chances due to a correlation between their grades and disability (Outhit, 2024). With two cases where the outcome of admissions decisions has officially been recognized as inaccessible, my recommendation in reworking the variables that dictate an offer of admissions include an alternative format to personal statements. In lieu of an interview approach, I recommend a similar medium of candidate advocacy within personal statements of law applications. I draw upon Minetti's (2018) work on recommendations for making admissions policies aligned with self-advocacy. Minneti (2018) sheds light on the ways in which law schools can redress admissions assessments to reflect an advocacy avenue, as opposed to abiding by the linearity of traditional documentation. Minneti's (2018) work on reintegrating underrepresented voices into the admissions process is conducive to my purpose of displaying how admissions policies adhere to the reinforcement of dominant knowledges that gatekeep law school whilst simultaneously

reinforcing ableist narratives. The current inclusion of a personal statement may allow a student to advocate for themselves but is restricted to one form of expression via typed text in the application portal. However, my recommendation for the option of alternative formats to completing personal statements could better accurately reflect a candidate's strengths and suitability as a law student, such as allowing candidates to record an interview-like video that advocates for their desire to attend law school, as opposed to traditional written statements. I believe creating this option is accessible and accommodates different strengths, as some students, like myself, thrive via oral advocacy, rather than written. Currently, TMU's Lincoln Alexander Faculty of Law includes an interview component which includes pre-recorded questions from faculty and alumni, requiring the applicant to video record their responses back in a timed fashion. While interviews pose challenges of their own, I don't believe that candidates with disabilities are being assessed fairly in comparison to other candidate counterparts, making their chances for admission low. This assessment is solidified in the literature discussed, showcasing the lack of students in law schools that self-identify with having a disability.

Looking beyond the assessment of grades & abolishment of the LSAT – Considering Graduate Studies GPA

Currently, most law schools assess a candidate's eligibility using the following criteria (in no order of importance): 1) CGPA/ Best two years GPA, 2) LSAT score, 3) Autobiographical Sketch, including CV, 4) Personal Statement/Student's interest in studying law, 5) References, 6) Extracurricular/ Work experience(s). For students applying in categories of Mature, Access, or being in the liminal stage of completing a post-graduate degree but not meeting the criteria to be considered a Mature student, it is unfair to use their undergraduate grades as a reflection of their success in law school. Similarly to University of Waterloo's case, where the adjudicator ruled

that their goal is not to eliminate the use of grades as a success measure, but to determine a more accessible method which will then be adopted; one that I hope to display (Outhit, 2024). I recognize the general understanding that post-graduate studies are graded on fairer and less competitive grounds, however, this should be considered when looking beyond poor to average undergraduate grades. Jolly-Ryan (2007) discusses that LSAT scores from individuals who request accommodations gets flagged by admissions committees, putting emphasis on the reason for accommodation and what the score reveals about that candidate's ability to succeed in law school. While this specific attention paid to accommodated test-takers does not have evidence of displaying discrimination in comparison to non-flagged counterparts, it raises issues of how flagging is interpreted by the admissions committee, which is dependent on their disability politics. I argue that the LSAT should be a retired method of aptitude testing, in similar ways that the Graduate Management Admission Test (GMAT) is becoming an alternative to the LSAT for some schools, which was started by Harvard Law School. In totality, requiring standardized testing for admission is ableist at its core and while it rewards individuals who thrive in test taking environments, it disincentivizes those who are weak test takers. It is not a solid indicator of a candidate's strengths. As mentioned, more emphasis on opportunities of self-expression via written or oral advocacy environment should be incorporated into the admissions process as an option. Secondly, if the applicant studied in a country outside of Canada, another access issue is raised with respect to obtaining those grades and measuring the competitiveness of that education system with Canadian grading scales, to which those grades are at the same obsolete level as post-graduate grades. Considering the fact that university's vary in difficulty can also provide an unfair advantage for GPA. Shultz and Zedeck (2011) provide recommendations for new avenues of assessing a candidate's potential qualification as a practitioner of law using

variables besides undergraduate grade point average (UGPA) and LSAT scores: personality constructs, interests, values, and judgment aptitudes hold value in predicting lawyer competencies. However, it is recognized that these can still exude limitations on underrepresented and marginalized groups.

Less competitive & More decisive language

Part of looking beyond tangible measures of performance, like those listed above, involves reframing the law school experience overall. The Ontario law school websites suggest a tone of dominance in their admissions, which was seen above: “Candidates must show evidence of potential to succeed at law school. This requires at least one year of competitive grades among three years of full-time undergraduate university study” (Western University, 2024a). This daunting language fosters an individualistic and neoliberal approach to law school that poses students as threats against each other, rather than collaborators in a shared space. Minneti (2018) references a study on law students wellbeing, where results indicated recommendations for a shifted focus in law schools from competitive and status-based performance markers to promoting support and collaboration – factors that can be easily integrated into the application process and classroom environment. I aim to express that building autonomy can be balanced with individualization, and the two don’t cancel each other out (Minetti, 2018).

Universal Design for Instruction (UDI) in law school curriculum

Circling back to George and Newby’s (2008) work, I believe the application of a Universal Design for Instruction (UDI) framework would be helpful in the application process and in law school curricula, as it differs from the current “holistic” approach. According to UDI principles, these differences show up as take-home test options, which would be more flexible

with timing, as it allows students to plan and self-evaluate their work within timeframes suited to their needs (George & Newby, 2008). Web content would become more accessible, through design that is available via screen reader, with tags attached to graphics explaining images verbally, and ultimately catering to students with visual impairments and reading disabilities (George & Newby, 2008). They contend that use of the Socratic method should not be completely abandoned, but be accompanied by practices of UDI, to kill two birds with one stone – catering to various learning styles. Engels and Konefsky (1990) emphasize their law school's commitment to a *Committee on Law Students with Special Needs*. While the name is dated, their principles remain consistent with the current need for an individualized accommodation process in law schools that goes beyond individuation based on type of disability diagnosis. Instead, this would include flexible and customizable accommodation plans that are not bound to a set of disability criteria and administrative requirements, such as flexible exam scheduling, transcription of exam responses, breaks between exams, etc. (Engels & Konefsky, 1990).

Limitations

While this research has revealed the inconsistencies between Ontario law schools' commitment to EDI principles among the inclusion of an Access category, an area where limitations existed was in examining Class Profiles containing demographic data of current students. Each schools' respective Class Profiles could have aided in a well-rounded discussion of the current experiences of law students; however, this data was not available consistently across all schools and this discrepancy was therefore the reason for not exploring this area further. This was originally considered a component of the secondary data analysis, however the analysis of the schools which include an Access category worked better at answering my

research question(s). In utilizing the class profiles, a discussion on race and disability could have been supplemental to this research with relation to the admissions categories. Other limitations included not having direct oral accounts of applicants and law students' experiences that would have enriched this research. I acknowledge that my account via autoethnography is a singular experience, in addition to the limited literature that exists for students nationally and internationally. Lastly, further exploration of the financial piece of law school (applications and admission) needs to be explored, as this is an area of concern in components of the Access category.

Concluding Thoughts & Future Research Endeavors

While it is a longshot to hope that this research will change professional schools' admissions policies overnight, I hope my intentions have been made clear in reconsidering how a holistic approach is implemented, rather than rhetorically stated without reflection in practice. I hope I have shed insight onto the deep-rooted problem of Ontario law schools being inaccessible from the inception of an idea to attend, to the attendance itself. Through reinforcement of the necessary policy change that incorporates the meaningful use of admissions categories, including a consistent Access category, I have strongly advised how this will better shape Ontario law schools' commitment to EDI principles in their messaging. Perhaps further areas of research include looking at Canadian law school policies altogether to compare if these same inadequacies appear throughout other schools in the country. While quite multifaceted, this issue is yet simplistic at the same time: admissions policies must practice what they preach.

Appendices: Appendix A

Law School	Admission Categories	Access Statement	Access Category Criteria	Commitment to EDI Statement
Osgoode Hall (York University)	General; Indigenous	n/a	n/a	“Our admissions policy seeks to identify a diverse and outstanding group of students whose academic abilities, varied achievements and sustained engagement will positively contribute to the Law School, legal profession and community. We encourage applicants to identify barriers they face in seeking to enter the legal profession. Osgoode has a proud record of opening doors to communities traditionally under-represented in the legal profession. When reviewing applications we consider strength in: • Post-secondary academic achievements • LSAT scores • Varied life/non-academic experiences and achievements • Sustained social and intellectual engagement • Overcoming challenges

				• Written and oral communication We do not set minimums for cumulative GPA and LSAT scores, but successful applicants typically have a CGPA of A- or better and an LSAT score in the 80th percentile or better.” (Osgoode Hall, 2024)
University of Toronto	General; Mature; Indigenous	n/a	n/a	“Our JD admissions process is designed to identify exceptional students who will bring a broad and complex set of life experiences to the study of law. We strive to build a diverse and unique community of students who will forge lifelong

				friendships as they learn with and from each other. The admission policies and application procedures are the same for domestic (citizens and permanent residents of Canada) and international applicants. We use three sources of information to assess your application: your Law School Admissions Test (LSAT) results, your post-secondary records of academic achievement, and your personal essays. The review process is holistic, which means that we look at all of these factors together. Students tell us they are surprised at how much emphasis we place on the personal essays. We rely on the essays for information that cannot be conveyed by numbers. Multiple readers assess each file to get a full sense of the unique strengths each applicant will bring to the first year class.
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				Our holistic admissions approach also means that if your undergraduate record (and graduate, if applicable) and LSAT score (or scores) are below our medians, you should still consider applying. Every year we accept candidates with scores that may appear to be less competitive but whose applications considered as a whole merit admission.” (University of Toronto Faculty of Law, 2024)
Windsor	General; Indigenous	n/a	n/a	“Our Mission To educate ethical, justice-seeking lawyers through teaching, research, advocacy and service. Our Vision An enriching educational experience where thought, action and analysis inspire a community that is passionate about using their legal knowledge to achieve a more just and equitable world. Our Values: Windsor Law Is... People-centred: Putting people and their experiences at the centre of legal education Community-engaged: Advancing the theory and practice of law at the Canada-US border and in relationship with our local, national and transnational communities. Dynamic: Using law as an adaptive tool for social change within a comprehensive, rigorous legal education.

				Justice-seeking: Building on a long-standing commitment to social justice that seeks fairness, equity and dignity, with a particular focus on relationships with historically marginalized communities. Inclusive: Offering robust student support as part of a broader commitment to striving for accessible legal education that is engaging, warm and welcoming.” (Windsor Law, 2024)
Lincoln Alexander (Toronto Metropolitan University)	General; Indigenous; Access	“If you wish to be considered as an Access candidate, select the Access Category and all relevant subcategories. Please provide an explanation in the OLSAS text box identified for this purpose. You may also speak to your Access application in Part B of the Personal Statement (in the School Submissions section of your application).” (Toronto Metropolitan University, 2024)	n/a	“Diversity & Inclusion Together we strive to make the legal profession more diverse as it pertains to backgrounds and perspectives, including Indigenous law. You will be equipped with the multifaceted skills required to serve a broad range of communities, including those who have often been underserved by the legal community.” (Toronto Metropolitan University, 2024)
Western	General; Indigenous; Access; Mature	“Access applicants are those whose undergraduate academic performance was affected by a proven disadvantage that may include, but is not limited to, cultural, socio-economic, medical or physical barriers, or a learning disability. Candidates must describe how the	“Candidates must show evidence of potential to succeed at law school. This requires at least one year of competitive grades among three years of full-time undergraduate university study. Special consideration for LSAT scores is given only where there is a causal connection	“We are committed to pursuing meaningful change as we work together to advance equity, diversity, inclusion and decolonization (EDID) at Western Law through the initiatives outlined below. Our EDID initiatives are guided by the recommendations of Western Law’s Anti-Racism Working Group, the President’s

		disadvantage affected their undergraduate academic record and provide supporting documentation. Applicants with disabilities should provide full documentation from qualified professionals on their disability and its effect on their undergraduate academic record or LSAT score(s) and indicate whether they received accommodations during their program of study. Candidates must show evidence of potential to succeed at law school. This requires at least one year of competitive grades among three years of full-time undergraduate university study. Special consideration for LSAT scores is given only where there is a causal connection between the disadvantage claimed and the LSAT performance.” (Western, 2024a)	between the disadvantage claimed and the LSAT performance.” (Western, 2024a)	Anti-Racism Working Group and Western’s Indigenous Strategic Plan. We recognize the longstanding lack of diversity within the legal profession and are working to ensure our future graduating classes better reflect the society they will serve. We acknowledge the persistent structural biases in Canada’s justice system. We encourage our students to appreciate diverse perspectives and identify ways that EDID can be advanced in the law and legal institutions.” (Western, 2024b)
Ottawa	General; General – Special circumstances;	“The factors that would support your candidacy in this category are based on the Ontario Human Rights Code, which states:	n/a	“Vice Provost, Equity, Diversity and Inclusive Excellence (EDIE)

	Access; Mature; Indigenous “Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability” (R.S.O. 1990, c. H.19, s.1; 1999, c.6, s.28 [1]; 2001, c.32, s.27 [1]); 2005, c. 5, s. 32 (1); 2012, c. 7, s. 1. In addition to the protected grounds listed in the Ontario Human Rights Code, the Admissions Committee considers severe economic hardship to be a barrier to education, which would confer eligibility to apply in this category. If you wish to be considered in the Access category, you are required to explain the reasons for applying in this category. Provide this explanation in the OLSAS text box identified for this purpose. You may also discuss it in your Personal Statement, if you wish to do so. Applications in the Access category must include all components listed in the Application Components		We are working toward a more inclusive university community that recognizes that excellence in inclusion is essential to best advance research and education.” (Ottawa Faculty of Law, 2024b)
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		section, plus any documentation in support of the access claim.” (Ottawa Faculty of Law, 2024a)		
Bora Laskin (Lakehead University)	General; Equity, Diversity, Inclusion & Accessibility; Indigenous; Mature	“The Bora Laskin Faculty of Law encourages applications from candidates with diverse backgrounds and experiences, including equity-deserving groups. This category is designed to identify outstanding applicants whose skills, abilities and experiences may not be fully recognized in the General category. We acknowledge that traditional approaches to assess suitability for law school may not consider systemic and personal barriers an applicant may face. We invite applicants to apply under this category who have faced obstacles and inequities that may have affected their academic history, including, but not limited to, socio-economic factors, mental and/or physical disability, culture, creed, race, sexuality, family status and gender, among others. Although all applicants are considered holistically, special attention will be given to this category to review files through	n/a	“The Bora Laskin Faculty of Law embraces principles of equity, diversity, and inclusion. We strive to recognize, support and foster diversity among its content, structure, and people. Our mission is to institutionalize equitable and inclusive principles and practices to recognize a law school where diversity thrives; free from discrimination or harassment. We represent ethics, excellence, and belonging of all. We acknowledge that the work of achieving these goals is an ongoing process and must recognize the four I’s of oppression: (1) ideological; (2) institutional; (3) interpersonal; (4) and internalized. Steps that we have taken towards upholding the principles of equity, diversity and inclusion at the Faculty of Law include: Adoption within the Faculty of Lakehead University’s Five-Year Equity, Diversity, and Inclusion Action Plan 2019-2024, “Accessing Excellence Together” A holistic approach to admissions, and ongoing commitment to supporting our diverse student body through their studies by:

	an anti-racism and decolonizing lens, being especially attentive to unconscious biases. Applicants should explain why they are exceptional candidates for the Bora Laskin Faculty of Law and how their experiences and/or barriers have impacted them. This can be done through the Personal Statement or by attaching an additional Statement. If possible, provide supporting documentation to support your statement. We understand that documentation may be difficult or impossible to obtain, depending on the circumstances. We ask applicants to exercise their best judgment when deciding what documentation is appropriate and important for the Admissions Committee to consider. We do not require confidential and private medical records to confirm a disability or medical condition; the documentation need only confirm the functional limitations, as it relates to the candidate's application.” (Lakehead University, 2024)		- Collaborating with BLSA nationally and law schools across Ontario, to support adding the opportunity for Black applicants to self-identify as part of the OLSAS process. - Adding the opportunity for self-identified Black applicants to speak to their experience and how it has influenced their goal of joining the Bora Laskin Faculty of Law to our application form.” (Lakehead University, 2024)
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Queen's	General; Indigenous; Black; Access	“Our Faculty of Law is committed to enhancing diversity in legal education and the legal profession. To this end, we encourage applications from candidates whose backgrounds, qualities or experiences allow them to make unique contributions to the law school community, the legal profession and society in general. The Admissions Committee will consider these factors: • Disability • Educational and financial disadvantage • Membership in a historically disadvantaged group • Age • Life and lived experience • Any other factor relating either to educational barriers you faced, or to your ability to enrich the diversity of the law school community and	“You must demonstrate the following capabilities: • That you have strong potential to complete the JD program. • That you have the ability to reason and analyze. • That you can express yourself effectively orally and in writing. • That you possess the skills and attributes necessary to cope with the demands of law school. Traditional measures of academic performance and LSAT scores may be given comparatively less weight in this category, while non-academic experience and personal factors confirming your special circumstances or unique qualities may be given comparatively more weight. To be a competitive applicant, you should have at least a B+ average (GPA of 3.5) in the top 2 years of your undergraduate degree program at a full course load and an LSAT score of at least 155” (Queen's Law, 2024)	n/a
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		the legal profession” (Queen’s Law, 2024)		
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Appendix B

Ontario Law School & Corresponding Admissions Website in Hyperlink	Access Statement	Theme and Codes (Codes highlighted in yellow)
Western	<i>“Access applicants are those whose undergraduate academic performance was affected by a proven disadvantage that may include, but is not limited to, cultural, socio-economic, medical or physical barriers, or a learning disability. Candidates must describe how the disadvantage affected their undergraduate academic record and provide supporting documentation. Applicants with disabilities should provide full documentation from qualified professionals on their disability and its effect on their undergraduate academic record or LSAT score(s) and</i>	○ “Overcoming” disability narratives - “Evidence of potential to succeed” - “one year of competitive grades among three years of full-time undergraduate” ○ Disability legitimization/Proof of Disability - “provide supporting documentation” - “provide full documentation from qualified professionals” - “evidence of potential to succeed” - “Proven disadvantage” ○ Disability as difference - “Special consideration” - “disadvantage affected” ○ Commitment to diversity and ameliorating access gaps - “not limited to, cultural, socio-economic, medical or physical barriers, or a learning disability” - “Barriers” - “undergraduate academic performance was affected”

	indicate whether they received accommodations during their program of study. Candidates must show evidence of potential to succeed at law school. This requires at least one year of competitive grades among three years of full-time undergraduate university study. Special consideration for LSAT scores is given only where there is a causal connection between the disadvantage claimed and the LSAT performance.” (Western University, 2024a)	
Queen’s	“Our Faculty of Law is committed to enhancing diversity in legal education and the legal profession. To this end, we encourage applications from candidates whose backgrounds, qualities or experiences allow them to make unique contributions to the law school community, the legal profession and society in general.	○ “Overcoming” disability narratives - “Any other factor relating either to educational barriers you faced, or to your ability to enrich the diversity” ○ Disability legitimization/Proof of Disability - “To be a competitive applicant, you should have at least a B+ average (GPA of 3.5) in the top 2 years of your undergraduate degree

The Admissions Committee will consider these factors:

- *Disability*
- *Educational and financial disadvantage*
- *Membership in a historically disadvantaged group*
- *Age*
- *Life and lived experience*
- *Any other factor relating either to educational barriers you faced, or to your ability to enrich the diversity of the law school community and the legal profession*

Traditional measures of academic performance and LSAT scores may be given comparatively less weight in this category, while non-academic experience and personal factors confirming your special circumstances or unique qualities may be given comparatively more weight.

To be a competitive applicant, you should have at least a B+ average (GPA of 3.5) in the top 2 years of your undergraduate degree program at a full course load and an LSAT score of at least 155.” (Queen’s Law, 2024)

program at a full course load and an LSAT score of at least 155.”

- **Disability as difference**
 - “unique contributions”
 - “Traditional measures of academic performance and LSAT scores may be given less weight in this category”
 - “unique qualities may be given comparatively more weight.”
- **Commitment to diversity and ameliorating access gaps**
 - “committed to enhancing diversity”

<u>Ottawa</u>	<i>“The University of Ottawa welcomes students from historically excluded communities who have experienced systemic inequality or identifiable social or economic barriers to education.</i> <i>The factors that would support your candidacy in this category are based on the Ontario Human Rights Code, which states:</i> <i>“Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability” (R.S.O. 1990, c. H.19, s.1; 1999, c.6, s.28 [1]; 2001, c.32, s.27 [1]); 2005, c. 5, s. 32 (1); 2012, c. 7, s. 1.</i> <i>In addition to the protected grounds listed in the Ontario Human Rights Code, the Admissions Committee considers severe economic hardship to be a barrier to education, which would confer eligibility to apply in this category.</i> <i>If you wish to be considered in the Access category, you are required to explain the reasons for applying in this category. Provide this explanation in the OLSAS text box identified for</i>	○ “Overcoming” disability narratives - “If you wish to be considered in the Access category” - “support your candidacy” ○ Disability legitimization/Proof of Disability - “The factors that would support your candidacy in this category are based on the Ontario Human Rights Code, which states:” - “Applications in the Access category must include all components listed in the Application Components section, plus any documentation in support of the access claim” - “If you wish to be considered in the Access category, you are required to explain the reasons for applying in this category” ○ Disability as difference - “access claim” - “Every person has the right to equal treatment... disability” ○ Commitment to diversity and ameliorating access gaps - “The University of Ottawa welcomes students from historically excluded communities who have experienced systemic inequality or identifiable social or economic barriers to education.”
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	this purpose. You may also discuss it in your Personal Statement, if you wish to do so. Applications in the Access category must include all components listed in the Application Components section, plus any documentation in support of the access claim.” (Ottawa Faculty of Law, 2024a)	
Lincoln Alexander School of Law (Toronto Metropolitan University (TMU))	“If you wish to be considered as an Access candidate, select the Access Category and all relevant subcategories. Please provide an explanation in the OLSAS text box identified for this purpose. You may also speak to your Access application in Part B of the Personal Statement (in the School Submissions section of your application). The admissions committee will consider those who fall into the following categories: Identify as:	○ “Overcoming” disability narratives ○ Disability legitimization/Proof of Disability - “Please provide an explanation in the OLSAS text box identified for this purpose. You may also speak to your Access application in Part B of the Personal Statement (in the School Submissions section of your application).” - “If you wish to be considered as an Access candidate” - “a person with a disability (includes, physical, sensory, learning and mental health disabilities, as well as chronic health conditions and persons who identify as neurodiverse)” ○ Disability as difference - “a person with a disability (includes, physical, sensory, learning and mental health disabilities, as well as chronic health conditions and persons who identify as neurodiverse)” ○ Commitment to diversity and ameliorating access gaps - “The admissions committee will consider those who fall into the following categories”

- *a 2SLGBTQ+ person (includes Two Spirit, Lesbian, Gay, Trans, Bisexual, Queer and additional identities reflecting gender and sexual diversity such as non-binary, etc.)*
- *a Black person (includes African Canadians, Afro-Caribbean, African American, etc.)*
- *a person with a disability (includes, physical, sensory, learning and mental health disabilities, as well as chronic health conditions and persons who identify as neurodiverse)*
- *a racialized person (sometimes referred to as people of colour or visible or racial minorities in Canada or the United States)*

- | | | |
|--|---|--|
| | <ul style="list-style-type: none">- <i>part of another historically disadvantaged group and/or under-represented group.</i>• <i>The admissions committee will also consider:</i><ul style="list-style-type: none">- <i>Age</i>- <i>Significant injuries or illness</i>- <i>Socioeconomic status” (Toronto Metropolitan University, 2024)</i> | |
|--|---|--|

<u>Bora Laskin</u> <u>(Lakehead</u> <u>University)</u>	<i>“The Bora Laskin Faculty of Law encourages applications from candidates with diverse backgrounds and experiences, including equity-deserving groups. This category is designed to identify outstanding applicants whose skills, abilities and experiences may not be fully recognized in the General category.</i> <i>We acknowledge that traditional approaches to assess suitability for law school may not consider systemic and personal barriers an applicant may face. We invite applicants to apply under this category who have faced obstacles and inequities that may have affected their academic history, including, but not limited to, socio-economic factors, mental and/or physical disability, culture, creed, race, sexuality, family status and gender, among others.</i> <i>Although all applicants are considered holistically, special attention will be given to this category to review files through an anti-racism and decolonizing lens, being especially attentive to unconscious biases. Applicants should explain why they are exceptional candidates for the Bora Laskin Faculty of Law and how their experiences and/or</i>	○ “Overcoming” disability narratives - “We invite applicants to apply under this category who have faced obstacles and inequities that may have affected their academic history” ○ Disability legitimization/Proof of Disability - “We ask applicants to exercise their best judgment when deciding what documentation is appropriate and important for the Admissions Committee to consider.” - “If possible, provide supporting documentation to support your statement. We understand that documentation may be difficult or impossible to obtain, depending on the circumstances.” - “We do not require confidential and private medical records to confirm a disability or medical condition; the documentation need only confirm the functional limitations, as it relates to the candidate’s application” - “Applicants should explain why they are exceptional candidates for the Bora Laskin Faculty of Law and how their experiences and/or barriers have impacted them” ○ Disability as difference - “We invite applicants to apply under this category who have faced obstacles and inequities that may have affected their academic history, including... disability” ○ Commitment to diversity and ameliorating access gaps - “We acknowledge that traditional approaches to assess suitability for law school may not consider systemic and personal barriers an applicant may face.”
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barriers have impacted them. This can be done through the Personal Statement or by attaching an additional Statement.

If possible, provide supporting documentation to support your statement. We understand that documentation may be difficult or impossible to obtain, depending on the circumstances. We ask applicants to exercise their best judgment when deciding what documentation is appropriate and important for the Admissions Committee to consider. We do not require confidential and private medical records to confirm a disability or medical condition; the documentation need only confirm the functional limitations, as it relates to the candidate's application.” (Ontario Universities' Application Centre, 2024c)

- “Although all applicants are considered holistically, special attention will be given to this category to review files through an anti-racism and decolonizing lens, being especially attentive to unconscious biases”

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