

Thinking Outside the Box

Cristina Rubke, a second-year associate at San Francisco's Shartsis Friese, works on the firm's biggest case, representing minority members of a charitable organization that alleges Princeton University misused a large gift in 1961.

Leslie A. Gordon



Ron Malone and Cristina Rubke of Shartsis Friese

Photo by Jim Block

Rubke puts in long hours, often toiling away in the office long past dinner. She recently bought her own home and has the pressures of both billable hours and a mortgage, but she talks about these things with a verve typical of young professionals. She sounds like your average law firm associate—and she is, which is what makes her impressive.

Rubke was born with arthrogryposis multiplex congenita, an exceptionally rare (she's met only one other person with the condition and typically has to spell it for doctors) and severe condition in which muscles fail to develop in the womb. As a result, Rubke has no use of her arms or legs and relies on a chin-controlled wheel-

chair and a staff of six attendants. A 2004 graduate of Santa Clara University's School of Law, Rubke passed the bar exam on the first try in the standard time allotted. ("I never want to be in tests longer than I have to," explains Rubke, who types with a pen that she holds between her teeth.)

Rubke is disarmingly humble about her accomplishments, explaining, for example, that she chose to go to law school primarily because "I couldn't rely on filing skills, so I needed to get the best education I could." So far, she says, she hasn't experienced discrimination in the profession. "Sometimes people are surprised that I'm a



Ian Mackey Newman (far right) and his colleagues at Golden Gate University

lawyer because I'm pretty small and I look young. But people don't treat me differently, which is good."

Rubke's law firm colleagues, in particular, have been supportive. When she's in the office too late for an attendant to help with dinner, for example, Rubke's coworkers feed her. They are, she says, "incredibly lovely about helping me."

Ron Malone, a senior partner at Shartsis and the lead attorney on the Princeton case, says Rubke has been accepted as a special person not because of her disability "but because she's so nice," he explains. "Having her in the office has brought out the best in everybody. It has really humanized the firm. From the highest levels to the most junior person, the firm has accepted her. It makes me want to cry."

Clients, according to Malone, "love her to death" and "regard her just like any other lawyer—just better than most. In no time, Cristina got to be the go-to person on the [Princeton] case. She gets her laserlike mind around issues really quickly. There's always a smile on her face when you ask her to do something. There are no excuses, and the product comes in on or ahead of time."

Although disability law is "a hugely important issue," it's not the type of law she wants to practice, says Rubke, who is active in BASF's Barristers Club and sits on BASF's Judges Reception, Law Academy, and Pro Bono committees. She is hopeful, however, that her story will encourage law firms to hire others with disabilities.

"There is massive underemployment of attorneys with disabilities—it's just dreadful," notes Betsy Johnsen, cochair of BASF's Disability Rights Committee. There's a widespread perception that lawyers are supposed to be

in charge and can't be less than perfect, according to Johnsen. "If you want to hire a person with a disability, you need to look beyond the résumé because they're not going to look like other applicants," she explains. Individuals with disabilities may have more volunteer experience, for example, because they need to keep their income low to preserve government benefits. "That doesn't mean they're less motivated or able. Because they've dealt with challenges, people with disabilities are resourceful problem solvers. They're organized and adapt and learn quickly. They have good communication and team-building skills because they've had to ask for help. They've developed a sense of justice and an interest in fairness and may have knowledge of a specific area of law like insurance or benefits."

A "Report and Recommendation" from the American Bar Association's 2006 National Conference on the Employment of Lawyers with Disabilities similarly states that lawyers with disabilities think outside the box because they've had to generate the same work product by alternate routes. According to the report, lawyering requires "excellence in reading, thinking and writing, not seeing, hearing and running."

BASF's Disability Rights Committee is composed of twelve lawyers, some with disabilities and some without, and includes attorneys with practices in which disability issues (like employment) frequently arise and lawyers who are interested in the general issue of diversity. BASF President Nanci Clarence says it's the association's "obligation to make sure the doors are flying-off-the-hinges-open for all lawyers. It's how we ensure the legal profession looks like the communities we serve." To that

end, the committee is planning a conference in July for employers on how to interview, attract, and retain lawyers with disabilities.

A number of individuals with disabilities are graduating from local law schools, and Rubke is hoping to see them enter the Bay Area legal scene. Andy Berk, for example, graduated from UC Davis in 2005 and recently passed the bar exam. He has cerebral palsy, resulting in no functional use of his hands or legs. “I use my head for basically everything,” explains Berk, who once served as a White House intern and is interested in politics. “I wanted a degree that prepared me for employment and to work on what I cared about,” he says of becoming an attorney. “Most people go into law to make tons of money. I’m one of the sick, twisted people who have ideals. I want to use the law to make a positive difference in society. Corny, I know.”

Like many individuals with disabilities, Berk’s résumé is composed largely of internships. As part of a volunteer clinic in law school, for example, Berk even represented a client in federal court. (“I’m pretty hot stuff,” he quips.) Berk hopes to land a job practicing plaintiffs civil litigation or government work in the Bay Area or Washington, D.C.

Golden Gate University School of Law student Ian Mackey Newman is another individual with a disability who will be job hunting soon. He has congenital muscular dystrophy, with weak muscles that cause limited mobility, scoliosis, and respiratory and heart issues. Between attendant care, annual hospitalization, medical equipment, and wheelchair care, Newman’s conservative calculation of yearly medical expenses is \$80,000. As a lawyer, he’ll make enough money to lose government benefits, which means he’ll have to pay those expenses himself. A lawyer’s salary, Newman explains, “is very good money by anyone else’s standards, but it’s just enough to get you into trouble” if you’re disabled. “The state sends a confusing message. It wants you to be in-

dependent, but it set the mark at an illogical level. It’s a tricky tightrope to walk, especially for a law student living in the Bay Area with a ton of loans. It’s a puzzle I’m going to have to work out. But I went into law because of a duty to my fellow man. My very reason to become a lawyer is to address inequities in a system and to help right wrongs.”

For Rubke’s part, she lost all government benefits when she accepted the job at Shartsis, which is challenging because a third of her income goes to employing attendants. “It’s really, really hard to make an amount of money that is necessary to support yourself. I’m saving a lot less for retirement,” she explains.

From the perspective of legal employers, they may not realize that accommodating attorneys with disabilities is not necessarily expensive or burdensome, according to Johnsen. At Shartsis Friese, for example, Malone built a platform that elevates Rubke’s desk so she can type more easily, which is the only accommodation she’s needed.

Newman hopes that employers will see that he is “worth the bother” of accommodations he may need. “My hope is that if a law firm sees that I was able to navigate

law school successfully, they’ll understand that I’m capable of working in the field,” says Newman, who plans to practice constitutional law, maybe at the ACLU, where he interned after earning his master’s degree.

Berk adds that “once employers get over the initial reaction and realize, ‘Oh my God, he’s not going to explode,’ they are really open to working with me and anyone with a disability. They’ve just never done it before. I’ve just had to take the lead,” he says, adding, “I’m really excited to work as a lawyer and I can’t wait to get a job. The accommodations I need are just a step in the process rather than an obstacle.”

A former lawyer, Leslie A. Gordon is a freelance legal journalist living in San Francisco, not to be confused with BASF’s own Leslie Gordon. She can be reached at leslie.gordon@stanfordalumni.org.



Andy Berk, UC Davis graduate