









This edition of Voices of Excellence focuses on American Sign Language (ASL)—a visual language that uses the shape, placement, and movement of someone’s hands in addition to facial and torso movements to convey information. ASL is the predominant natural language for Deaf communities in the United States and in parts of Canada, and it is estimated that approximately 500,000 people use ASL as their natural language.

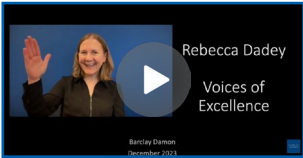
This edition features a video about the Deaf experience and perspectives by Rebecca Dadey, professor of ASL at Onondaga Community College and Syracuse University. Also included in this edition are articles that explore the history of ASL and the various laws that protect those who use ASL.

QUOTE OF THE QUARTER
“A Deaf person can do anything a hearing person can, except hear.”
— I. King Jordan

2024 DIVERSITY PARTNER COMMITTEE MEMBERS

 Sharon Brown , Chair New York City	 Zach Forward Syracuse
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The Deaf Experience and Perspectives, With Rebecca Dadey



In [this video](#), Rebecca Dadey, professor of ASL at Onondaga Community College and Syracuse University, discusses the Deaf experience and perspectives. She shares

several works of art by Deaf artists that encapsulate the lived experiences of Deaf people, includes statistics about the Deaf community, gives tips for how hearing people can engage in effective communication with Deaf people, and explains how hearing people can demonstrate allyship to the Deaf community.

The Elusive History of American Sign Language



Marcy Robinson Dembs, Partner

It seems as though no one can point to a particular year or event as the birth of ASL. Rather, like all languages, ASL is an evolution of syntax, grammar, idioms, and modes of expression that dates back to before the 1600s. One thing is clear: ASL is not “English with your hands.”

Before the birth of ASL, sign language was in existence for centuries. It was first documented in the United States, albeit orally, in the 1640s in the town of Chilmark, on the western end of the island of Martha’s Vineyard, where a man named

Jonathan Lambert had emigrated from Kent, England. Lambert was Deaf, as were many, many members of his family who came to populate that town.

Over the years, Lambert and his family developed their own sign language used by the hearing and Deaf populations alike. Apparently, by the 1900s, literally everyone in the town signed as a way to communicate with each other. This was especially striking because, at the time, only one in 25 townspersons was Deaf (as compared to one in 5,700 nationally), but essentially everyone knew and used the language even though it was not taught in Chilmark schools. The Martha’s Vineyard sign language survived until 1952, when Katie West, the last resident of Chilmark to know the language, passed away.

ASL itself, however, is most often attributed to the efforts of Dr. Thomas Hopkins Gallaudet, a minister in Hartford, Connecticut, who, with his French colleague Laurent Clerc, founded the first free Deaf school in the United States in 1817. The school, called the American School for the Deaf, brought together teachers and deaf students from all over the United States and beyond, including Martha’s Vineyard. What developed from the collaboration of the teachers and students, many of whom were home schooled with their own personal sign language, and heavily influenced by Mr. LeClerc, who contributed his expertise in standardized French sign language, is what we now know as ASL.

Gallaudet and his faculty and family continued to contribute heavily to the development of learning for the Deaf community. Gallaudet’s son, Edward, went on to found what is now known as Gallaudet University in 1864, and one of his students and later teacher at the school, Dorothy Casterline, developed the first lexicon of ASL. The text is called the *Dictionary of American Sign Language on Linguistic Principals* and is organized by hand movements rather than alphabetical order.

Like all languages, ASL has evolved over time to accommodate new words and expressions, slang, and technology. Indeed, signs today are generally less expansive so as to accommodate a smaller screen, such as a phone screen. Signs have also evolved to accommodate cultural shifts. For instance, the sign for parent is no longer exclusively male or female, and the sign for privilege is no longer linked to money but rather to one’s position in relation to others.

Legal Protections for Those Who Use American Sign Language



Payne Horning, Associate

Although sign language has existed for several centuries, it was only in the last 50 years that governments began to enact legal protections to recognize and, in some cases, require that private and public entities offer ASL.

The first federal statute aimed at providing equal opportunities for broad swaths of Americans with disabilities was the Rehabilitation Act of 1973. Section 504 of the law outlawed discrimination against people with disabilities in programs that received federal financial assistance. It is widely considered to be the precursor to the Americans With Disabilities Act (ADA), which is arguably the most significant legal breakthrough for ensuring equal opportunities for the Deaf community.

The ADA, which was signed into law in 1990, covers three major areas of public life. Title I—the most frequently litigated component of the ADA—prohibits employers with 15 or more employees from discriminating against qualified individuals with disabilities in the workplace by, for example, denying requests for reasonable accommodations that would enable them to perform the essential functions of their job. Title II protects qualified individuals from discrimination in services, programs, and activities provided by state and local governments. Title III prohibits discrimination in places of public accommodation, which extends to private businesses and not-for-profits, by, among other things, requiring accessible facilities.

Many states have passed similar legislation to protect the rights of those with disabilities, such as the Massachusetts Public Accommodation Law, the Connecticut Fair Employment Practices Act, and the New York State Human Rights Law. New York City has its own Human Rights Law as

well. Claims based on these laws are often pursued in state administrative agencies, such as the New York State Division of Human Rights.

The aforementioned statutory rights apply in the legal industry as well.

State courts are covered by Title II of the ADA. Accordingly, parties, attorneys, witnesses, jurors, and even spectators can request an accommodation from a state court. What accommodation must be provided will depend on the circumstances, but an ASL interpreter is among the available options. Title II does not apply, however, to federal courts. While courts are subject to the Court Interpreters Act, which Congress passed in 1978, the law gives a judge discretion to appoint an interpreter for a party, witness, or other participant in a judicial proceeding if the individual has a hearing impairment. Guidelines promulgated by the Administrative Office of the United States Courts, however, do mandate that courts provide ASL interpreters or other auxiliary aides and services to participants in federal court proceedings who are Deaf, hearing impaired, or have communication differences. Under these guidelines, courts may provide the same services to spectators when deemed appropriate.

Law firms are also obligated to provide equal opportunity to access to their services under Title III of the ADA. As places of public accommodation, firms must provide reasonable accommodations unless taking such steps would fundamentally alter the nature of the services provided or result in an undue burden, meaning a significant difficulty or expense. Furthermore, attorneys cannot charge the client for the cost of providing an interpreter or other auxiliary aid for these communications, as it is prohibited by ADA regulations.

New bills to encourage the use and availability of ASL are regularly being introduced. In 2022, the New York Language Access Law took effect. The statute requires that New York State agencies that interact with the public provide interpretation in any language with respect to the provision of agency services or benefits, including ASL.

Pro Bono Corner

Firm Pro Bono Achievements

Barclay Damon congratulates [Ray McCabe](#) on being selected as the Bar Association of Erie County's Rev. A. Joseph Bissonette Pro Bono Award winner! This award recognizes a lawyer's dedication to pro bono work over the course of their career and honors the memory of Father Bissonette, who dedicated his life to helping underserved members of the Buffalo community. Ray received this prestigious award at the Bar Association of Erie County's Law Day Luncheon. [Jen Leonardi](#), pro bono partner, said, "On behalf of the firm, we extend our thanks and sincere appreciation to Ray for his work in our community 'for the public good.'"

[Dan Elliott](#) was recognized by the judges of the US District Court for the District of Connecticut and named to the court's Pro Bono Honor Roll for providing pro bono legal services to unrepresented litigants in civil cases. The attorneys listed on the Pro Bono Honor Roll have devoted their time and knowledge to ensuring access to justice to those who could otherwise not afford it.

[Genevieve Halpenny](#) was selected by Volunteer Lawyers Project of CNY as a 2023 Pro Bono Champion in the Small Business Program category. She was recognized at VLP's fundraiser and celebration All in for Equity & Justice at the Rosamond Gifford Zoo in Syracuse.

[Jesse Dunbar](#) represented the firm at Pro Bono Partnership's annual gala, held at Cipriani in midtown Manhattan, and reported a delightful, well-attended evening, adding that "many law firms, corporations, and not-for-profits from the Tri-State Region were present."

Barclay Damon has been named one of the New York State Bar Association's Empire State Counsel Law Firm honorees based on the total number of pro bono hours completed by attorneys at the firm who performed 50-plus pro bono hours in 2023.

[Sharon Brown](#) accepted the award on behalf of the firm at the New York State Bar Association Annual Meeting 2024 Justice for All Luncheon.

[Penny Mason](#) received a certificate acknowledging her volunteer work for the Connecticut Bar Association's pro bono programs.

Office Updates

FIRM UPDATES

A CLE Addressing Implicit Bias

Barclay Damon was proud to host a DEI CLE program featuring guest speaker Connecticut Supreme Court Chief Justice Richard A. Robinson, who presented “Practicing the Pause.” Chief Justice Robinson’s presentation educated attendees about how to become aware of and reduce the effects of implicit bias in decision-making processes. Pictured with Chief Justice Robinson are [Lizz Acee](#) and [Penny Mason](#); Penny facilitated the CLE. The presentation was well attended and highly praised both for its substance and for the judge’s use of common examples to make the program relatable for staff and attorneys alike.



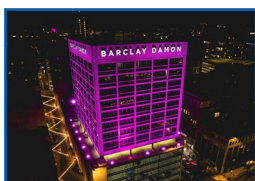
DEI State of the Firm

The winner of the 2023 Barclay Damon Diversity, Equity & Inclusion Award was [Sheila Gaddis](#). On behalf of Barclay Damon’s Diversity Partner Committee, [John Langan](#), assisted by [Mark Whitford](#) and [Sanjeev Devabhakthuni](#), presented the award to Sheila.



Raising Awareness for Breast Cancer

Barclay Damon Tower was lit pink for Breast Cancer Awareness Month.



NYSBA Annual Meeting

[Sharon Brown](#) was the lead partner for the firm’s Diversity Program contributing sponsorship and Women and Law Section program sponsorship. [Dena DeFazio](#) attended DEI Committee events; Dena is a co-chair of the committee.

ALBANY

Speaking Engagements to Raise Awareness for Issues Faced by the LGBTQIA+ Community

[Dena DeFazio](#) participated in the Northern District of New York Federal Court Bar Association’s “Pro Bono Training: Trying a Civil Rights Case” CLE program. Her presentation, “Representing LGBTQIA+ Clients in Federal Court,” covered topics such as terms and language, the federal legal protections landscape, ethics issues, and best practices for working with the LGBTQIA+ community. A few days later, Dena participated in an Albany Law School panel as part of the school’s Professional Identity Formation class for 1Ls, which focuses on cultivating values, behaviors, and ethics. Then, Dena took part in another Albany Law School panel, this one for its Government Law Center. The panel, “Transcending Gender, Sex, and the Law: Legal Issues Facing TGNCI Adults,” is part of a series exploring legal issues facing transgender, gender non-conforming, and intersex (TGNCI) people in New York State. This panel focused on existing laws that affect the TBNCI population and what role

the legal community has in upholding their legal protections, especially in health care decision making, privacy rights, access to public spaces, and discrimination.

BUFFALO

MBAWNY Meeting

The Minority Bar Association of Western New York (MBAWNY) November general meeting was hosted by Barclay Damon at the Buffalo office. About 20 people attended in person with another dozen or so online. [Corey Auerbach](#) said, “Among the in-person attendees were a former 2018 1L summer associate, Sam Borbor-Sawyer, now at Philips Lytle, and Alicia Artis, the 2023 Monique Emdin Award winner. Alicia gave a first-hand account of how the award money helped pay for her bar prep and shared the exciting news that she passed the NYS bar and is pending admission.” Corey added, “The president of MBAWNY was very appreciative.”

Friendsgiving in Buffalo

The Buffalo Diversity Leadership Team hosted a Friendsgiving potluck lunch celebrating attorney and staff’s multicultural and diverse traditions. Colleagues were invited to bring a dish representative of their family heritage, ethnicity, or culture, or just something good to eat if they were able. In the spirit of the holidays, attendees were also asked to donate a nonperishable item to support FeedMore WNY. [Corey Auerbach](#), in his welcoming remarks, eloquently shared that we were grateful to gather as part of the Barclay Damon family at this festive get-together launched by [Bob Heary](#).



A Time to Give

The Buffalo Diversity Leadership Team sponsored its “Share the Warmth Mitten, Hat, and Scarf Drive” for the benefit of Buffalo Public School #45, also known as the International School. Colleagues brought in items to donate, which they hung on a “giving tree,” shown in the photo, and also made monetary donations to the drive.



The Importance of Diversity in Hiring

[Corey Auerbach](#) was featured in an in-depth report in *Buffalo Business First*, “[Reflecting on the Past Year and Considerations for 2024: Publisher’s Dinner.](#)” Corey was part of a panel joining the publication’s publisher for a wide-ranging conversation, which was reported in the publication, and one of the topics Corey is quoted on is diversity in hiring. “Barclay Damon is eagerly awaiting a gifted third-year student who was introduced to the firm and cultivated through our diversity initiative. . . . He is truly remarkable, and I am lucky to have his energy and excitement and to be able to cultivate that from an early stage,” Auerbach said [referring to Brenden Diaz]. ‘I probably would not have had the opportunity to hire him if I first met him when he was a third-year law student.’”

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Office Updates

NEW HAVEN

DEI in New Haven

[Penny Mason](#) attended the Connecticut Bar Association's Annual DEI Summit on behalf of the firm. Barclay Damon was a sponsor of the event.

NEW YORK

Speaking Out About Authenticity

[Janice Grubin](#) was a speaker at the Tri-State Authentic Leadership Summit, presented by the Tri-State Chapter of the National Diversity Council. Janice's presentation was "Living and Acting Authentically: LGBTQ+ Identity and Impact," and she responded to questions as part of a panel. The firm was a sponsor of the event.



A Well-Deserved Award

[Janice Grubin](#) has been selected to receive the American Bar Association Commission on Sexual Orientation and Gender Identity's (SOGI) 2024 Stonewall Award. The Stonewall Award recognizes lawyers, members of the judiciary, and legal academics who have effected real change to remove barriers on the basis of sexual orientation, gender identity, or gender expression in the legal profession.

ROCHESTER

Rochester Community Day Wrap-up

Colleagues from the Rochester office took part in a community day to assist Homesteads for Hope Community Farm. [Sanjeev Devabhakthuni](#), on behalf of the Rochester Diversity Leadership Team, thanked everyone who participated, saying, "Homesteads expressed gratitude for the work from our volunteers, which included feeding chickens, gardening, landscaping, and setting up lights and furniture for their upcoming block party." [Daniel Martucci](#) identified and coordinated this event. Sanjeev added, "We provided a lot of help to a worthy cause that needed it."



Helping Women With Angels of Mercy

The Rochester Diversity Leadership Team hosted a DEI lunch 'n' learn. The speaker, Lauren VanCott, board member of Angels of Mercy, presented on the subject of human trafficking. Angels of Mercy is an organization dedicated to helping women in need locally, across the nation, and around the world.

A Walk for Down Syndrome

[Lisa Arrington](#) attended the Flower City Down Syndrome Network's event Buddy Walk and shared information about the firm. Lisa is shown here with legal assistant Georgia Streeter's son Quentin.



Seasonal Fun to Support a Good Cause

Barclay Damon once again sponsored the Bivona Holiday Lights Tour in the Rochester area. Over the last few years, we have enjoyed participating in this popular event, during which the Bivona Child Advocacy Center, a client of the firm, partners with some of the brightest and most festively decorated homes in the area to create a fun, family-centered tour. The center provides support and services for children experiencing child abuse.



Adopt a Family, With Elves

One of the Rochester Diversity Leadership Team's holiday season initiatives to support the community was adopting a family through Cameron Community Ministries. The organization matched the office with a family with four children, each of whom had a wish list. Barclay Damon participants signed up to provide a gift, which, said Patrick Burke, "our merry staff of Barclay Damon elves helped wrap." The helpful elves included Barb Evert, Michele Porter, and Vanezza Negron. The great news: all the wish lists were completely fulfilled. "Thanks to the many who helped make the season a little brighter for a family in our community," said Patrick.



SYRACUSE

Holiday Collaboration to Tackle ALS

[Tim Green](#) and Steve Gleason, a former safety with the New Orleans Saints, teamed up with Massachusetts General Hospital to continue the fight to tackle ALS. At games in Atlanta and New Orleans, fans contributed to help fight the disease by participating in a 50/50 raffle with all proceeds benefiting the organizations Tackle ALS and Team Gleason.

Share the Warmth

The Syracuse Diversity Leadership Team also held its annual collection event, this year called "Share the Warmth From Head to Toe Holiday Drive." The office collected essential items such as hats, gloves, scarves, other outerwear, and travel-size toiletries for distribution at the Samaritan Center, a not-for-profit that serves the hungry and those in need to promote their welfare, dignity, and self-sufficiency.

