

Making Teams More Productive Through Neurodiversity

Moderated by Betsy Haanes, Altos Labs
Contribution also from Ed Ergenzinger



Mercedes Meyer, Ph.D.
Banner Witcoff
mmeyer@bannerwitcoff.com
202.824.3250



Haley Moss, Esq.
Haley Moss LLC
Haley@HaleyMoss.com
954.367.9317



Lisa Mueller
Casimir Jones
llmueller@casimirjones.com
608.662.1277

What does neurodivergent mean?

Neurodivergent is the term to describe an individual or neurotype that is outside of the majority or societally understood norm.

This would be the opposite of “**neurotypical**”

15-20% of the world population is...neurodivergent

- Color blindness
- Deafness
- Other physical Handicap
- Hyperactivity disorders – ADHD, ADD
- Autism
- Schizophrenia
- Mood Disorders - Depression & Anxiety
- Postpartum depression
- Bipolar Disorder
- Dysgraphia/Dyslexia/Dyscalculia/Dyspraxia
- Sensory Processing Disorder
- Sound Sensitivity
- PTSD (abuse, war)
- Tourette syndrome
- Long COVID-related condition
- OCD
- Tics
- Traumatic brain injury (TBI)
- Deafness/ Blindness
- Acquired Neurodiversity



March 2024, approximately 7% of U.S. adults (17 million) reported current Long COVID symptoms

How Neurodivergence Appears: Strengths and Support Needs

OCD strengths

- Detail-oriented
- Stamina for hyperfocus
- Organizational skills
- Pattern recognition

OCD Common Support Needs

- For burnout and failure
- Distracting nature of intrusive thoughts and disruption

Dyslexics Strengths

- Communication
- Creative thinking
- Problem Solving & Reasoning
- Interpersonal skills – connecting

Dyslexic Support Needs

- Spelling, punctuation and grammar
- Reading large amounts in short time frames
- Rote learning and recall of facts

Autistic Strengths

- Group think immunity
- Subject matter expertise
- Honesty and Integrity
- Detail Oriented

Autistic Support Needs

- Sensory dysregulation
- Social and communication tasks

The Neurodiversity Movement

Embracing Neurodiversity



Natural variances in brain patterns bring value to society, and those outside the majority are important to societal progress.

Onus of Adaptation



By embracing the value of neurodivergence, we see the importance of allowing the structures of society to adapt in a way that acknowledges and includes everyone.

Social vs Medical



Rather than as a matter of medicine—which focuses on diagnosis and treatment—we see neurodiversity as a social matter of acceptance.

Medical v. Social Models of Disability

The Medical Model of Disability



This is a diagram of the traditional Medical Model of Disability, which the Social Model was developed to challenge.

VS

The Social Model of Disability



The Social Model of Disability states that the oppression and exclusion people with impairments face is caused by the way society is run and organised.

Employment Barriers

Neurodivergent individuals often face huge obstacles to employment.

- The unemployment rate for neurodivergent adults is up to eight times higher than the rate for neurotypical adults.
- Companies are much more likely to hire applicants with physical disabilities than those with mental disabilities.

Three interconnected barriers:

- **Culture** – If a neurodivergent employee feels like they may be negatively treated, they're less likely to disclose their condition.
- **Reasonable accommodations** – Many neurodivergent employees struggle to access accommodations due to lack of information, fear or disclosure, or employers' lack of willingness.
- **Lack of access to learning and development** – Many neurodivergent employees learn differently than neurotypical employees.





FEAR

How Stigma Arises Regarding Neurodiversity

xenophobia

noun | xe·no·pho·bia | \
,ze-nə-'fō-bē-ə , ,zē-\

: fear and hatred of strangers or foreigners or of anything that is strange or foreign

FEAR - The Disclosure Challenge

- Employers encourage disclosure for meeting internal/external quotas
- Disclosure is a prerequisite for support & accommodations

The only thing
we have to fear
is fear itself.

Franklin D. Roosevelt



STIGMA

- 64.7% of 1000+ survey said they are worried about stigma from management
- 55% worried about stigma from colleagues
- There is little procedure and/or training in place for acknowledging and supporting individuals when they do disclose.
- Mental health repercussions

Masking

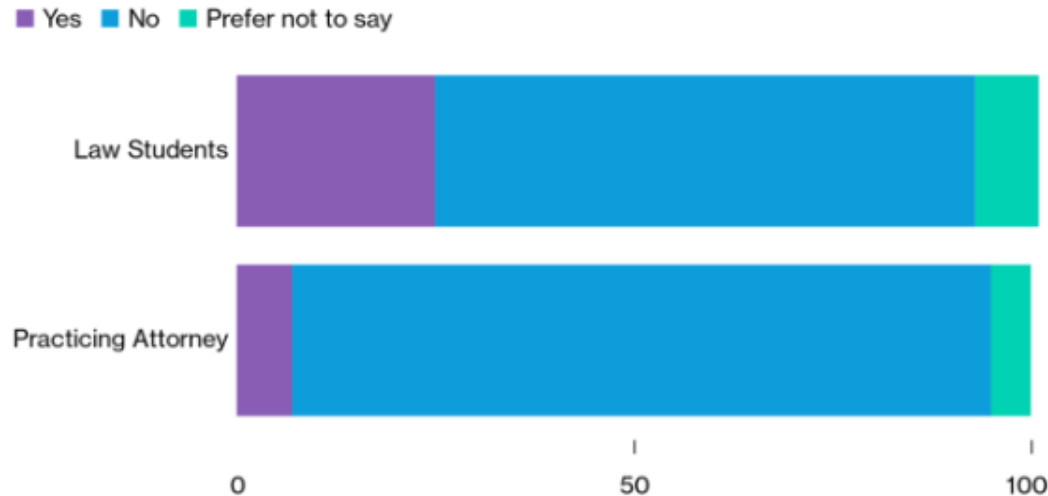
What Is Neurodivergent Masking?

- Neurodivergent masking refers to the practice of concealing or suppressing aspects of one's neurodivergent traits or conditions, in order to fit in with the norms of the workplace or society.
 - See <https://www.inclusionhub.com/articles/what-is-neurodivergent-masking-why-do-professionals-do-it>
- **Masking is exhausting and inauthentic.**



Neurodiversity in Law & Masking

In 2023, 25% of Law Students Said They Have Neurodiverse Brains
'Do you identify as neurodivergent?'



Source: Bloomberg Law's Law School Preparedness Survey conducted from Nov. 15, 2023 to Dec. 4, 2023. Percentages may not add up to 100% due to rounding. Bloomberg Law

<https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-more-neurodiversity-among-law-students-than-lawyers>

- **Where are they going?**

- 47% of participants reported experiencing discrimination related to their neurodifference during their legal education and training.
- Only 2% believed that legal education and training was effectively neuro-inclusive.
- 40% had been refused or had not been provided reasonable accommodations during their legal education and training.
- 74% expressed the belief that the legal industry as a whole was not neuro-inclusive.
- <https://lexxic.com/blog/how-the-legal-industry-can-embrace-neurodiversity>

Implications of Masking....

- Substance Abuse
- Mental Health problems
- Delayed or lost opportunities
- Delayed Retention / Advancement
- Misdiagnosis



Lawyers' Rate of



- Lawyers with less visible disabilities, those with mental health disabilities, and those who work for smaller organizations have lower odds of disclosing to co-workers, management, and clients as compared to their counterparts.
- Employees with mental health, as opposed to other health, conditions are among those least likely to disclose to managers, co-workers, and clients.
- Attorneys who have requested accommodations are more willing to disclose as compared to those who have not, but only to co-workers and management.
- Women are less likely than men to disclose to management and clients, but gender is not a significant determinant of disclosure to co-workers.
- Older attorneys are more likely to disclose to clients.
 - This may be explained by higher self-confidence and job expertise, but also by the social and economic power held by older individuals in the legal profession and law firms.
- Attorneys with children are less likely to disclose to co-workers.
- Having colleagues with disabilities positively affects openness to disclose to clients.
- Organizations should seek to make disclosure more possible and manageable by, for example, training management and co-workers about how to consider and provide accommodations for those with less visible disabilities.
 - Training may target all employees to increase general knowledge of the availability of workplace accommodations for invisible disabilities and how to initiate such processes.



Business Benefits From Neurodiversity

What is the business proposition for a neurodiversity-inclusive workplace?



RETENTION - Employees are 42% more likely to stay five or more years at neuroinclusive companies
(Source: Deloitte)

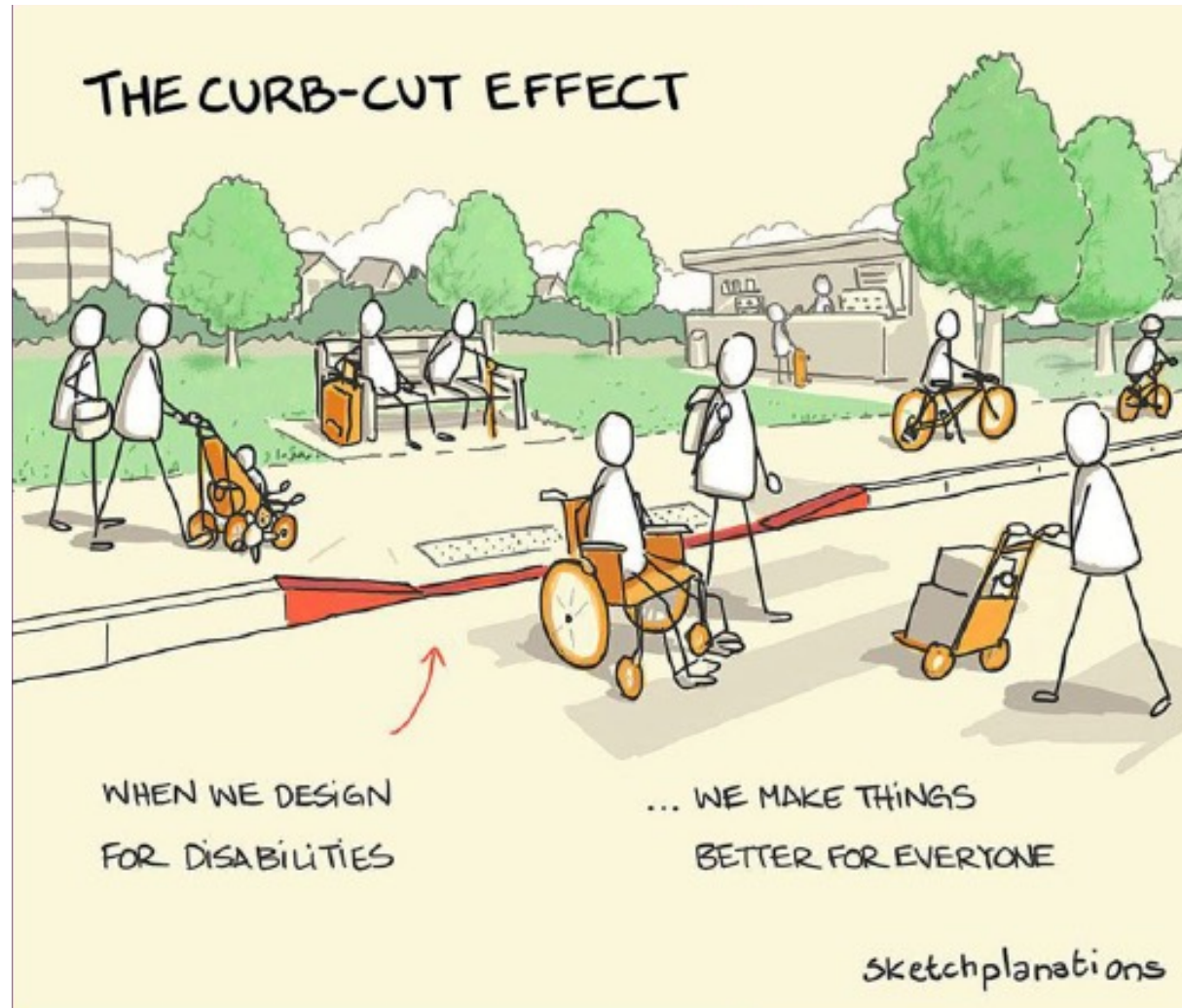
RISK MANAGEMENT - Mitigates risks associated with group-think
(Source: SAP)

INCREASES PRODUCTIVITY - Boosts productivity for individual contributors & teams by as much as 30% (Source: HBR)

CREATIVITY – many CEOs are neurodivergent. Non-linear v. linear thinkers

GENERATIONAL - Neuroinclusion is an expectation of the Millennial & Gen-Z talent pool (Source: Forbes)

Curb-Cut Effect Benefits





Importance of Allyship

- Creates an inclusive environment where neurodivergent lawyers can thrive
- Helps combat stigma and misconceptions about neurodiversity
- Enhances team productivity and innovation by leveraging diverse strengths
- Improves retention of talented neurodivergent professionals
- Fosters a culture of empathy and understanding within the team

Benefits of Being an Ally

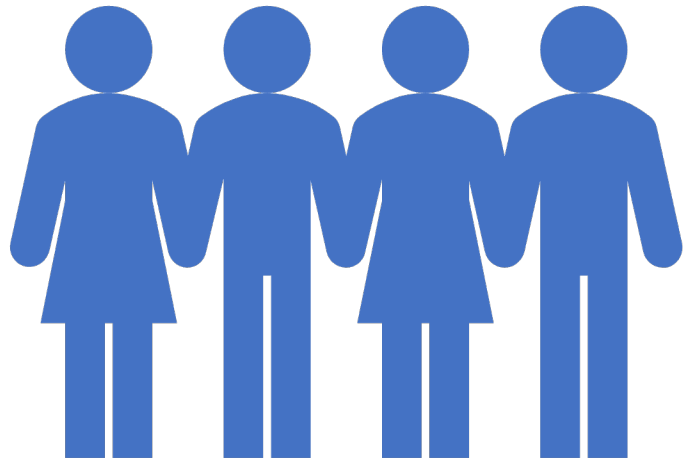
Contributes to a more diverse and equitable workplace

Gains new perspectives and problem-solving approaches

Develops stronger interpersonal skills and emotional intelligence

Helps create a more supportive and collaborative work environment

Promotes personal growth and awareness



Strategies for Effective Allyship

- Educate yourself about different types of neurodiversity
- Listen actively to neurodivergent colleagues' experiences
- Advocate for inclusive policies and accommodations
- Challenge stereotypes and biases when encountered
- Offer support without being patronizing
- Create opportunities for neurodivergent lawyers to showcase their strengths

Tools and Strategies for a Neuroinclusive Workplace



What If We Took a Strengths-Based Approach?



Attention to Detail

- Thoroughness
- Accuracy



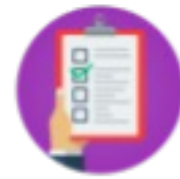
Deep Focus

- Concentration
- Freedom from distraction



Absorb & Retain Facts

- Excellent long term memory and recall



Expertise

- In-depth knowledge
- High level of skills



Integrity

- Honesty, loyalty
- Commitment



Creativity

- Distinctive Imagination
- Expression of ideas

Being Inclusive of Neurodiversity

- Starting from the top down with **openness and vulnerability**
- Align people to their strengths
- Having direct and meaningful communication
 - “How to work with me”
- Implementing **universal design**:
 - “Design of buildings, products or environments to make them accessible to all people, regardless of age, disability or other factors”
- Encourage neurodiverse **mentorship and leadership**



Tools & Considerations

Educate!

Organize Talent Based Teams

- Sharing team preferences regardless of status

Space Design & Flexibility


- Workplaces that are universal in design
- Flexible work schedules / virtual work

Improve Communication Skills & Methods

Use Tools

- Grammarly
- Fonts / Sizing
- Web content accessibility guidelines (WCAG)
- Noise Cancelling Headphones

Universal Communication

- **Language** - Communicate with straightforward, literal, specific language
 - Direct & Constructive Feedback
 - Ask Specific Questions
 - Avoid passive-aggressive communication and interactions
 - **Format** - Use auditory, written and visual communication
 - Font type
 - **Team Meetings, Check-ins**
 - Instructions & Recap Follow-ups
 - **Hidden curriculums & cultures**
 - Make policies clear and abide by them
- **Culture / Generation / Neurodiverse**
 - Be mindful of tone/style, sarcasm
 - Be mindful of whether speaking infrequently/often
 - Be mindful of not requiring eye contact (e.g., cultural or autism)
 - Be understanding regarding stimming
- 



Meeting Organization: Everyone Benefits

A recently promoted employee is tasked with leading hours-long meetings. The employee has said they have difficulty with verbal processing and struggle to capture all the action items from these meetings.

Try the following:

- Sending out an agenda before the meeting
- Turning on close captions for virtual meetings
- Sending summaries and action items after a meeting
- Taking breaks
- Using note-taking technology solutions in Teams or Zoom

EVERYONE BENEFITS with having agenda records, summary histories, and notes



KNOW YOUR TEAM

Communication Timing and Feedback

AVAILABILITY	Audrey	Mike	Harry	Kathy	Shawn	Burt
Time Zone Difference	-	-1	-	-3	-	-
Response Time	30 min	4 hrs	2 hrs	1 hr	2 hrs	2 hrs
Urgent issues	DM	Call	Text	DM	Text	DM
FEEDBACK						
Ok with public praise	Yes	Yes, if part of group	Yes	Yes	No	No
Delivery of critical feedback	Call, then in writing	In person	In person	In person	Call, then in writing	In person
Timing of critical feedback	In the moment	In the moment	End of Week	In the moment	In the moment	End of Day
Framing of critical feedback	Ask me for my perspective first	Be direct and to the point	“Here’s what you could have done differently”	Focus on what/how to improve	Be specific about the issue/impact	Focus on what/how to improve

KNOW YOUR TEAM

Framing

INTERACTIONS	Audrey	Mike	Harry	Kathy	Shawn	Burt
Ok presenting to a group?	YES	NO	YES	YES	YES	YES
If I'm put on the spot:	I do OK	I do OK	I excel	I do OK	I do OK	I do OK
If I have something to share:	I'll dive in	I'll wait	I'll dive in	I'll dive in	I'll dive in	I'll wait
To communicate, I prefer	Face to Face	No preference	Face to Face	In writing	In writing	No preference

Remember – being leader is about your team and now about you.

L. David Marquet, LEADERSHIP IS LANGUAGE – THE HIDDEN POWER OF WHAT YOU SAY – AND WHAT YOU DON'T, 2019



These materials are public information and have been prepared solely for educational and entertainment purposes to contribute to the understanding of U.S. intellectual property law, practice, and its intersectionality with neurodiversity. These materials reflect only the personal views of the joint authors and are not individualized legal advice. It is understood that each case is fact-specific, and that the appropriate solution in any case will vary. Therefore, these materials may or may not be relevant to any particular situation. And not all views expressed herein are subscribed to by each joint author. Thus, the joint authors, Ergenzinger IP Law, Banner Witcoff, Haley Moss LLC, and Casimir Jones cannot be bound either philosophically or as representatives of various present and future clients to the comments expressed in these materials. The presentation of these materials does not establish any form of attorney-client relationship with the joint authors or Banner Witcoff, Haley Moss LLC, and Casimir Jones. While every attempt was made to ensure that these materials are accurate, errors or omissions may be contained therein, for which any liability is disclaimed.

We are not medical professionals and none of this can be construed as medical advice.

