

Members of the Brooklyn Law School Community

July 11, 2022

VIA ELECTRONIC MAIL:

ATTN: Dean Michael T. Cahill
President, Joseph Crea Dean, and Professor of Law
Brooklyn Law School
250 Joralemon Street
Brooklyn, NY 11201

Re: Disability Exemptions

Dear Dean Cahill:

I am writing on my behalf of my peers who wish to sign on to respectfully ask the Brooklyn Law School (BLS) Administration, to update their COVID-19 vaccination medical exemption policy for the 2022-2023 academic year to include disability exemptions. For purposes of this petition, the assumption is that the vaccination requirement at BLS will continue, and this petition does not question the vaccination requirement; instead this petition challenges the BLS medical exemption policy as being too narrow, and in turn fails to protect students with mental and/or physical disabilities who are medically unable to receive the vaccine and/or booster. By not affording an exemption to these students with disabilities, some students with disabilities are being segregated from the BLS community.

From the outset it is important to note that as of February 7, 2022, the Center for Disease Control and Prevention (CDC) is no longer encouraging a fully vaccinated campus.¹ In addition for public and private universities who choose to continue to have vaccination requirements, the CDC allows discretion in terms of the medical exemption policy a public or private institution chooses to adopt.² Many public and private institutions, including the top fourteen law schools (T14 schools), have medical exemption policies that generally follow the contraindication standard,³ which is a “condition in a recipient that increases the risk for a serious adverse reaction to vaccination and should therefore not be administered.”⁴ The problem is that the contraindication standard is so narrow that students with disabilities whose doctors advise against the COVID-19 in their professional opinion, based on a mental or physical disability, are not approved for the medical exemption. For example, two students at BLS who applied for a medical exemption in the 2021-2022 academic year were denied a medical exemption for failing to meet the contraindication standard. Brianna Baker '22 had a physical disability that prevented her from receiving the vaccine, and Caraline Mikkelsen '23 had a mental disability that prevented her from receiving the vaccine. Both of their stories are included in this petition.⁵

However, the University of California Berkeley (UC-Berkeley), which is one of the T14 schools, poses the solution. UC-Berkeley not only follows the contraindication standard, but also has a disability exemption that applies when a “registered physician certifies that the student has a physical or mental

¹ *Guidance for Institutions of Higher Education (IHEs)*, Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/community/colleges-universities/considerations.html>, (last visited Jun. 23, 2022).

² *Id.*

³ *See Exhibit D.*

⁴ *Contraindications and Precautions*, Centers for Disease Control and Prevention, <https://www.cdc.gov/vaccines/hcp/acip-recs/general-recs/contraindications.html>, (last visited Jun. 23, 2022).

⁵ *See Exhibit B.*

disability that makes COVID vaccination inadvisable in their professional opinion either on a temporary or permanent basis.”⁶ Students afforded a disability exemption under UC-Berkeley policy would then follow the same reasonable accommodations afforded to other students with exemptions such as mandated weekly testing, social distancing, and mask requirements. The disability exemption policy is only afforded in attenuated circumstances where a doctor advises, in their professional opinion, that the COVID-19 vaccine is inadvisable due to a specific medical reason.

In closing, with a new academic year upon us, we have to decide as a community how we want to go forward. As a community, we should lead the way in efforts towards inclusion of all students whether it be based on national origin, race, color, religion, sex, and familial status, or in this instance disability. Law schools have a special obligation to lead this effort for inclusion because law schools influence the policy decisions of other institutions of higher education so they should have a heightened awareness of the importance of protecting students with disabilities.

Therefore, we respectfully request that Brooklyn Law School update their policy by expanding the medical exemption criteria beyond the contraindication standard to consider disability exemptions to the COVID-19 vaccination requirement similar to UC-Berkeley. With an approved disability exemption, these students should still be subject to mandated testing, and mask requirements as the exemption policy clearly outlines. Enclosed is a copy of UC-Berkeley’s medical/disability exemption form.⁷ Additional remarks from Brooklyn Law School Disability Advocacy Law Students’ Association (DALSA) and other students are made part of this petition as well.⁸ We appreciate all that the law school has done to support students during the COVID-19 pandemic, and look forward to a great academic year as one inclusive community. We are happy to discuss with the Administration further.

Respectfully Signed,

Shirley Lin	Assistant Professor of Law
Sarah Lorr	Co-Director, Disability & Civil Rights Clinic
Faiza Sayed	Assistant Professor of Law
Prianka Nair	Assistant Professor of Clinical Law
Catherine Kim	Professor of Law
Lori Danielle Tully	Associate Professor of Legal Writing
Richard J Sobelsohn	Professor of Practice, Adjunct Professor of Law
Debra Bechtel	Associate Professor
Joy Kanwar	Associate Professor
Maria Termini	Associate Professor of Legal Writing
Brooklyn Law School Disability Advocacy Law Students' Association (DALSA)	Executive Board
Brianna Baker	2022
Lauren Perez	2024
Alexandrea Tracy	December 2023
Austen Fisher	2024
Kasia Krzyzanowski	2024
Olivia Morri	2024
Peter R. Enia	2023
Sarah Nahmias	2024
Logan Zavala	2023

⁶ See Exhibit A.

⁷ See Exhibit A.

⁸ See Exhibit C.

Samuel Kunzman	2024
Taylor J. Weber	2025
Devin Barbaro	2024
Brittany Serafin	2023
Anonymous	2023
Rahmel Lee Robinson	2024
Amy Cushman	2023
Allyssa Myers	2023
Miriam Avrutin	2024
Opal Tam	2023
Clara Williams	2023
Arkadiusz Taraska	2023
Alexander Starbuck	2023
Karishma Kumar	2024
Rodneyse Bichotte Hermelyn	2024
Denise Elliot	2023
Anonymous	2024
Kathleen Giunta	2023
Molly Davis	2024
Magdalin Pena	2023
Allison Toner	2025
Ashley Michelle Vega	2024
Amanda Gonzales	2023
Gregory Chang	2023
Michael Terlizzi	2023
Christopher Copley	2023
Brian Seo	2024
Alexandra Berlinger	2024
Doslyn London-Rodrigues	2023
Robert Ennis	2023
Gabriela Rivera	2025
Matthew St. Jeanos	2024
Madison M. Furlotti	2023
Anthony Prestigiaco	2025
Sarah Noy	2023
Jonathan Yun	2024
Martha Rubin	2025
Yitzchok Weber, Esq.	2022
Erin Brown	2024
Aaron Weinberg	2024
Ainsley Gilman	2023
William Schwab	2024
Olivia Cassandro	2024
Samuel Reisner	2024
Brandon Naman	2023
John Braumuller	2024
Abby M Fink	2023
Camille Tucker	2024
Kortney Coburn	2025

Michael Krasna	2025
Nicole Horn	2023
Ryan Lefkowitz	2025
Zoya Khan	2024
Daniel Engelson	2024
Chelsea Calabro	2023
Kacy Vance	2022
Elizabeth Anapol	2023
Zshornelle Daniel	2023
Kaitlyn Pavia	2023
Hristo Voynov	2023
ANJANI P SHAH	2023
Paul McHugh	2022
Zachary Hirschfeld	2023
Aly Marino	2022
Samantha Piper	2023
Shoshana Finkel	2023
Anonymous	2023
Mercy Romero Aleman	2023
Angelo Sotiropoulos	2024
Cariana Salvatierra	2023
Philip Schuss	2024
Priyadarshini Das	2023
Chelsea Robinson	2023
Monica Melegari	2023
Nicholas Mead	2024
Alvaro Delboy	2023
Caroline Mattis	2024
Forrest Stakelum	2024
Tyler Wallace	2024
Lauren Brady	2023
Madeline Martinez	2023
Keanu Velez	2023
Jacob Viener	2023
Katherine Hardy	2023
Michael Nunn	2024
Davis Rosser	2024

Exhibit A: UC Berkeley Exemption Form

UC Berkeley **Student Immunization Medical/Disability Exemption Request Form**



Student's Full Name: _____ SID: _____ Date of Birth: _____

Part A: Request for Exception Based on Medical Exemption

The above-named person has a medical condition that contraindicates their vaccination with the following vaccine(s):

- | | |
|--|---|
| <input type="checkbox"/> MMR (Measles, Mumps, and Rubella) | <input type="checkbox"/> ALL currently available COVID-19 (SARS-CoV-2) vaccines |
| <input type="checkbox"/> Meningococcal conjugate | <input type="checkbox"/> Influenza |
| <input type="checkbox"/> Tdap/DTaP | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Varicella | |

Please check the appropriate box to indicate the reason for medical exemption request:

- a) The applicable CDC contraindication or precaution to this/these vaccine(s), or
- b) The applicable manufacturer's vaccine insert contraindication or precaution to this/these vaccine(s), or
- c) A COVID-19 diagnosis within the past 90 days (date of diagnosis: _____), or
- d) The physical condition of the person or medical circumstances relating to the person that are such that immunization is not considered safe, indicating the specific nature of the medical condition or circumstances* that contraindicate immunization with this/these vaccine(s) **NOT ACCEPTABLE for COVID-19 vaccine, per UCOP policy**

*REQUIRED: Description of contraindication meeting criteria **d** above:

The contraindication and/or precaution is: Permanent Temporary
 If temporary, the expected end date is: _____

Part B: Request for Exception from All COVID-19 Vaccines Based on Disability

"Disability" is defined as a physical or mental disorder or condition that limits a major life activity and any other condition recognized as a disability under applicable law. Providers are asked to carefully consider risk of severe COVID-19 disease.

- I certify that the patient listed above has a Disability, as defined above, that makes COVID-19 vaccination inadvisable in my professional opinion.
- The patient's disability is: Permanent Temporary
- If temporary, the expected end date is: _____

Part C: Request for Deferral of All COVID-19 Vaccines Based on Current Pregnancy

COVID-19 vaccination is recommended during pregnancy due to the increased risk of severe COVID-19 during pregnancy, and increased risk of preterm birth and other adverse pregnancy outcomes.

- I certify that the patient listed above is currently pregnant.
- Estimated Due Date: _____

I, _____ [Name of licensed MD, DO, PA, NP] have reviewed the University of California Immunization Exemption Policy, and hereby certify the above.

Signature of Licensed Healthcare Provider

Date

Office Stamp
(REQUIRED)

Printed Name of Healthcare Provider / License No.

MD/DO/PA/NP

Exhibit B: Medical Exemption Denials

Brianna Baker '22:

Brianna Baker '22, was diagnosed with Kawasaki's Disease as infant, which is a condition that causes inflammation in the walls of a person's blood vessels.⁹ Due to the fact that her heart arteries are too small, she regularly suffers from heart palpitations and a low heart rate, and she is required to receive EKG's to monitor her heart functioning. As a result to her condition, her doctor advised that she is at high risk for aneurysms, myocarditis, and heart attacks. Her doctor deemed the COVID-19 vaccine inadvisable, and provided a letter and medical records to Brooklyn Law School to substantiate her medical exemption request. Brooklyn Law School denied her medical exemption, and so Brianna was forced to visit at Liberty University in Virginia for the Fall 2021 to complete her degree and had to forgo opportunities including participating in Moot Court Honor Society, Researching Assistant with various Professors, Tort Law Society, Teaching Assistant with Professor Twerski, Student Advising for SAMP, among other professional opportunities in the New York Metropolitan area. In addition, she suffered financial hardship where she accrued \$15,000 of relocation fees, and lost her scholarship of \$35,000.

Caraline Mikkelsen '23

Caraline Mikkelsen '23 lost her older brother to Schizophrenia in 2016. The tragic circumstances surrounding his passing including him being transferred by helicopter across states lines, along with seeing her brother in a coma on life support machines has had long term psychological trauma. She underwent neuropsychological testing and was diagnosed with Tomophobia, a specific phobia of medications and medical procedures. In addition, she was diagnosed with Post Traumatic Stress Disorder, and other related anxiety disorders. Her neuropsychologist advised that the circumstances surrounding receiving the vaccination would exacerbate her psychiatric conditions, and she should undergo psychiatric treatment before reconsidering vaccination. Her doctor provided a letter and medical records to Brooklyn Law School to substantiate her medical exemption request. Brooklyn Law School denied her medical exemption.

Cara is going into her fourth year in the evening program, and works full time to finance her education with over \$100,000 in student loan debt. As a self-supporting law student with over \$100,000 in student loan debt already, an unwanted transfer to another institution would cause substantial financial hardship and would risk her not completing her legal education. Given the constraints of the New York Bar Requirements surrounding in person-learning, she is unable to continue online learning at another institution while continuing her job in Brooklyn, NY. She wants to stay at her current law firm who has offered her an attorney position that she plans to accept. In addition, her firm has a robust mental health law practice representing clients with mental illness, and their families as they navigate our complex mental health and legal systems. She wants to use her law degree to help other families in ways she wished her family could have had.

⁹ Kawasaki disease, *Mayo Clinic* <https://www.mayoclinic.org/diseases-conditions/kawasaki-disease/symptoms-causes/syc-20354598> (last visited Jun. 27, 2021).

Exhibit C: Additional Remarks

DALSA Executive Board

The Brooklyn Law School Disability Advocacy Law Students' Association (DALSA) wholeheartedly agrees with the message and demands of this letter and petition. For the law school to leave out students with significant disabilities from a medical exemption to the vaccine mandate goes against medical and legal standards and is an act of ableism and discrimination. As an organization that holds the needs of immunocompromised people high in our priorities, we have appreciated all the measures and precautions the school has taken to control the spread of Covid-19 and protect the law school community. But blocking access to education for a small number of students with disabilities who have been told by their doctors to not be vaccinated is not a legitimate method of disease control. It is an act of segregation of people with disabilities. While we wish for a continuation of a general vaccine mandate in the school, DALSA urges the school to reconsider the vaccine exemption policy and allow all students with disabilities access to a high-quality, safe, in-person legal education. – DALSA Executive Board

Denise Elliot '23

I am a student that would like to do disability rights law in the future. I have seen many people in my internships and other pro bono work with different disabilities who are more vulnerable to either the effects of Covid or the vaccine (depending on the disability). My mother was diagnosed with aplastic anemia in my first semester of law school and I ended up quitting my full time job to help out more at home with her doctor's appointments and helping with my brother who is autistic. Part of my mom's treatment included an experimental treatment where she received T-cells and she had to take immunosuppressant drugs. During the pandemic we were very scared she would get Covid and would be especially vulnerable. Thankfully, by the time the vaccine came out she was off the immunosuppressant drugs and her doctor recommended she get the vaccine. Not everyone with a disability is as lucky as my mom or brother to be able to get approval from their doctor for the vaccine, even now. For Cara, I feel her struggle deeply with receiving the vaccine and I think she is very brave putting this together and fighting for herself and other students with disabilities. Whether or not you agree with the choice not to get the vaccine, I hope the Administration can support this petition, because this allows the opportunity for students with disabilities who cannot get the vaccine or who may have been vaccinated but cannot get the booster due to medical reasons, to attend our law school. I hope by sharing this personal story of mine, it can provide context for a subset of people with disabilities who are unable to access the vaccine due to compromised immune systems or autism.

Anonymous Student '24

I just wanted to reach out – I signed the petition you emailed! I think what you are doing is really impactful and I wish I had someone to ask for support earlier in the Fall my 1L year. I had a rough time dealing with our administration as I had a compromised immune system, dealing with an autoimmune disorder. I'm doing okay now but I know I was not in a good spot earlier my 1L year. I did feel pressured and since I didn't think anyone else was in a spot like mine, I complied with the vaccine for the fear of losing my spot in the school. Still though, I agree that in cases of exemption BLS should take us seriously. I felt very unsupported by our administration.

Exhibit D: T14 School Exemption Policies

1. Yale Law School: COVID-19 Vaccine Exemption Requests, *Yale Health*, <https://yalehealth.yale.edu/covid-19-vaccine-exemption-requests>, (last visited Nov. 27, 2021).
2. Stanford Law School: COVID-19 Medical and Religious Accommodation Criteria and Process, *Stanford University*, <https://cardinalatwork.stanford.edu/working-stanford/covid-19/interim-policies/vaccination-surveillance-testing-policy/covid-19-medical-and>, (last visited Nov. 27, 2021).
3. Harvard Law School: Student Vaccine Exemption, *Harvard University Health Services*, https://hwpi.harvard.edu/files/huhs/files/student_vaccine_exemption_form.pdf?m=1621369414, (last visited Nov. 27, 2021).
4. Columbia Law School: Immunization Requirements, *Columbia Health*, <https://health.columbia.edu/content/immunization-requirements>, (last visited Nov. 27, 2021).
5. University of Chicago Law School: 2021 Application for Medical Exemption from COVID-19 Vaccine, *The University of Chicago Human Resources*, <https://uchicago.app.box.com/s/2dvhs481csb8nwmurrqkqbjxgwf90rsz>, (last visited Nov. 27, 2021).
6. NYU School of Law: Exemption Process, *NYU*, <https://www.nyu.edu/life/safety-health-wellness/coronavirus-information/campus-visitors/exemptions-process.html>, (last visited Nov. 27, 2021).
7. University of Pennsylvania School of Law: Important Information Regarding Requests for Medical Exemption for the COVID-19 Vaccines, *University of Pennsylvania*, <https://upenn.app.box.com/s/9lxhh8mpd9544pty8pb6a5lg2o4c4z01>, (last visited Nov. 27, 2021).
8. University of Virginia School of Law: Request for Medical Exemption Related to the COVID-19 Vaccine 2021-2022 Academic Year, *University of Virginia's Department of Student Health and Wellness*, https://www.studenthealth.virginia.edu/sites/studenthealth.virginia.edu/files/MedicalExemptionForm_COVID19.pdf (last visited Nov. 27, 2021).
9. The University of California School of Law: Request for Medical Exemptions to Vaccination, *University of California Immunization Exemption Policy*, <https://www.ucop.edu/uc-health/files/UC%20Immunization%20Exemption%20Policy.pdf>, (last visited Nov. 27, 2021).
10. Duke University School of Law: Request for Medical Exemption for COVID-19 Vaccine Requirement, *Duke University*, <https://covidvaccine.duke.edu/sites/default/files/Request%20for%20Medical%20Exemption%20from%20COVID-19%20Vaccine.pdf>, (last visited Nov. 27, 2021).
11. University of Michigan Law School: University accepting limited exemptions to vaccine mandate, *University of Michigan*, <https://record.umich.edu/articles/university-accepting-limited-exemptions-to-vaccine-mandate/>, (last visited Nov. 27, 2021).
12. Northwestern Pritzker School of Law: COVID-19 Vaccine Requirement, *Northwestern University*, <https://www.northwestern.edu/coronavirus-covid-19-updates/health/vaccine/requirement.html>, (last visited Nov. 27, 2021).
13. Cornell Law School: COVID-19 Vaccination, *Cornell University*, <https://health.cornell.edu/services/covid-19-services/covid-19-vaccination>, (last visited Nov. 27, 2021).
14. University of California- Berkeley Law: *UC Berkeley Student Immunization Medical/Disability Exemption Request Form*, UC- Berkeley, <https://uhs.berkeley.edu/sites/default/files/medicalexemptionrequestform.pdf>, (last visited Nov. 28, 2021).