

Living in Dual Worlds: A White Man with Tourette's Syndrome

By Jim Merklinger, Associate General Counsel, Association of Corporate Counsel

This is the third of six articles that will be written as a continuation of this valuable column. This year, we plan to have several leading white male lawyers express their views on diversity and why they have chosen to work to advance it. They will share their thoughts, mistakes, and experiences with us so that we all grow and learn together. It is our hope that this series of articles will spark a meaningful dialogue and assist our readers with their diversity efforts in order to fully tap the talents and contributions of all employees.

The views expressed are of the author's own and do not necessarily reflect the views of MCCA®.



Jim Merklinger

For both personal and professional reasons, my legal career centers around opening the world to people for whom it may seem closed. Through my efforts as an advocate, I have supported the rights of people considered disabled, lobbied for legislation to assist children challenged with illnesses, and helped people from around the world gain lawful entry into the United States. At the same time, my own personal situation allows me to face firsthand the discrimination my clients often endure. It is through all of these experiences that my view of diversity has been developed, shaped, and molded to make me the person I am today.

Who am I? I am a white male born to educated parents and brought up in an upper-middle class home, who also has Tourette's Syndrome. Tourette's is a neurological disorder that manifests itself in the form of tics—involuntary movements of the body as well as vocalizations. It can be as subtle as a twitch of the mouth and a throat clearing to as outrageously debilitating as flailing arms and outbursts of profanity. The severity of the condition varies with each sufferer.

Generally, the greatest challenge for people with Tourette's is dealing with a society that discriminates before seeking understanding. My symptoms vary slightly. At times, I experience a head twitch and occasional eye movement to the left, and at other times, it is swearing and unintelligible noises (that are an attempt at masking inappropriate vocabulary). Like most suffers

of Tourette's, my tics become worse with fatigue, stress, or excitement. There is no specific treatment for Tourette's and many of the medications used are powerful neuroleptic drugs that can cause side effects including weight gain, depression, lethargy, and others, depending on each sufferer's unique reaction.

Living with Tourette's as a white male has afforded me the dual experience of growing up in white society while at the same time being subjected to the discrimination and prejudice that is suffered by many minorities. I have been ostracized, ridiculed, threatened, screamed at, and terminated from jobs for having Tourette's. Not a day goes by that I am not placed in a threatening situation because I have Tourette's Syndrome. And that's just riding the Metro to work!

However, I have also developed meaningful friendships, earned a college football scholarship, attended law school, and now actively advocate on behalf of other people who desperately need help. This "dual life" showed me two important things: that ignorance can hold a person back, and to *never* allow other people the opportunity to determine what I am capable of accomplishing.

Personal Experience

Having Tourette's inspired my interest in law as well as my personal desire to assist people with disabilities. As a child, I never accepted the mistreatment and discrimination I experienced as being *normal*. Often times my teachers were not sure what to do with me, so in sixth grade they put me in a "special class" that was nothing more than a storage closet with a desk. After a few months, I was brought back into the classroom and given reading assignments to work on by myself—away from the other students. This experience made me identify with minorities who endure the same or worse. Fortunately, I excelled and finished the workbook weeks ahead of the class. Later in college, I earned a degree in English.

In my opinion, people who were the cruelest were also the individuals who were the saddest and most insecure. It was as if they looked upon me as weak because of a perceived disability, and instead of helping me become stronger, they tried to make themselves feel better about their life by putting me down.

I learned to advocate before I was a lawyer. Attempting to understand the issues surrounding Tourette's taught me about the law and how to assist other people in similar circumstances. As I attended law school, I knew my legal education was just another required step to improve my ability to assist others.

I had the opportunity to speak on Capitol Hill on behalf of a coalition of organizations focused on childhood disabilities. The

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invitation was extended because I had lobbied Congress to have language inserted into the Children's Health Act of 2000 that specifically pertains to Tourette's Syndrome. It was the first time in the history of the country that Tourette's became a part of the federal law. The Act specifically recognizes Tourette's as an illness adversely affecting children. Prior to this, advocates had to argue it was one of myriad illnesses covered in the "other" category.

Sitting on a panel with a senator, a Congressional representative, and the head of the Centers for Disease Control, I spoke to the audience not as a lawyer but as a person with Tourette's who was able to obtain a legal degree. What was explained to the audience is that it was the sheer opportunity to pursue my goal that essentially made the difference. Explained was that it is important to focus on educating those who might otherwise hold back individuals with Tourette's because of lack of information about the disease. The Children's Health Act helps educate those most likely to come in contact with children—teachers, doctors, counselors, and so forth. Congress later approved \$1.5 million for research and education about Tourette's.

Over the years, I've been contacted by lawyers to assist them in representing clients with Tourette's—some with outrageous cases of discrimination that, even with my own personal experience, I did not think was possible today. For example, there was an African American man traveling home for Thanksgiving through Kentucky, who was taken off the bus because his tics startled the driver. He was thrown in jail through the holidays without having the opportunity to contact his family. Another incident involved a man who had his license taken away without due process because an individual from the Department of Motor Vehicles witnessed him having a tic while in his car. There are more stories, of course, but there should be none.

Valuing Diversity

Even at a young age, I knew there was a lot more in the world than the discrimination I had endured. However, I wanted to experience this for myself. As a fascinated 12-year-old, I traveled to New York City with my grandmother. By the age of 18, I had traveled through Europe on my own, and a couple of months after graduating college, I moved to Japan for a year. During my travels abroad, I witnessed firsthand that the world was filled with interesting people whose body and skin color had absolutely nothing to do with their skills, interests, and desires.

Throughout my life, my sole focus has been helping people who are seeking an opportunity to live a productive life and contribute fully to society based on their abilities and efforts. Eventually, I found my way into immigration law. Why? I discovered that both immigrants and the disabled have similar issues: gaining access to opportunity and suffering the prejudice of society.

My first immigration case was a deportation proceeding during my third year of law school. There was a 95 percent chance my client would lose the case—given the fact that the government almost always wins these types of cases. Fortunately, I was able to prove my client had derivative citizenship under the law at the time his mother became a citizen. Proving he was a U.S. citizen allowed him to remain with his wife and two-year-old

LIFETIME DIVERSITY LESSONS LEARNED

By Jim Merklinger

1. Diversity is more than just putting colors together to make a rainbow. Inclusiveness understands that the differences in what makes each color are what make the rainbow.
2. We will not completely do away with discrimination, but we do not have to accept it.
3. Never assume you know something about an individual. Always find out what there is to know.
4. The viewpoint from a chair may be completely different than from a pedestal, but it is just as valid.
5. Just because something works does not mean it is the best solution.
6. What you think is important may be so only to you.

child. After that, I was hooked on immigration law. Why? Because it allowed me to advocate for those who were in a similar situation.

I've been asked many times in my career why I want to help so many "foreigners." What I convey is that they are not really foreign, they were just born a little farther away from here than most of us. I often spent time meeting with families or talking on the telephone to people, just trying to let them know they are not alone and what their rights are as a person.

Immigrants are another diverse group of people who also encounter discrimination. Immigrants simply desire the chance to enjoy the same things that Americans do. It is rare that I am compensated for immigration work, but I have received much gratitude, and many times help, even if it is simply having someone serve as an interpreter. Sometimes, after years of assisting someone, I receive a show of appreciation by way of a small present that comes from that client's homeland or a card celebrating a new job or even a child. When I look at the pictures they forward I don't see diversity, I just see another person.

Although my original intention was not to advocate for diversity, I soon realized it was linked to what I was doing. Assisting someone with a disability—who might otherwise have limited career options in life—obtain an education, or representing someone seeking a chance to live and work in the United States both lead to promoting inclusiveness.

Many times, I have heard those who are ignorant refer to diversity as if it were a quota system that requires the hiring of a sufficient number of African Americans to avoid landing in court. Even educated people sometimes say that only "the best possible" should be hired, and that diversity should not play a role in the decision. What these viewpoints lack is that inclusiveness is not about having a staff that mirrors a Benetton commercial. Diversity is about creating an opportunity that allows every individual to obtain the best of what the world offers: the benefit of

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White Men and Diversity

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different perspectives, ideas, and knowledge freely exchanged. It is not a matter of deciding whether or not there is a need for inclusiveness; the world is diverse. It is more a question of whether people are capable of recognizing what a resource a diverse population offers. Dismissing diversity is ignoring opportunity!

Because of the natural and unnatural migration of the human race, society has separated itself for various reasons. It is because of this separation that our perspectives and values may differ. What is important to one person may not be to another, but that does not discount its value. It is by incorporating these various perspectives that we strengthen our efforts, whether it is in building a house, a bridge, or trying to figure out where to place a baseball stadium.

My work has been ensuring that these different perspectives have a voice. As in-house counsel for the Association of Corporate Counsel, I work on legal issues affecting a multinational organization: everything from contract review and intellectual property to immigration issues of employees. As the director of large law programs, I meet with interesting people from around the world and learn something new with each

encounter. I am fortunate to work for a company whose leadership supports *pro bono* work and values diversity. It is through this support that I can take on causes or clients and accomplish the goals I sought when first applying to law school.

My immigration work has brought many people into the United States and has benefited hundreds of people directly and countless others indirectly. My focus on disability issues has created legislation to provide research and education to assist children with health needs and disabilities. My work does not give my clients an advantage over anyone; it just gives them the opportunity to bring their talents and perspectives into a society that might otherwise miss out on what they have to offer.

I recently spoke with an architect about building my house. In addition to the plans, I needed land samples, foundation experts, and energy engineers involved. Each person approached the building of the house using a different perspective, but each idea was irreplaceable. Individually, they would build it differently, but together we came up with a plan that worked for everyone. In that sense, America is like my house. All these different perspectives are necessary for it to stand. 

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