

PROFILES IN THE LAW

Elliott Dale Advocates for Families Experiencing Disability

No Barriers, No Limits

By Phil Favorite



Elliott and Jennifer Dale enjoy a moment in the sun with their children Charlie (from left), Lizzie and Maddi. Photo courtesy of the Dale family

The expected arrival of a new child is usually enough to make any parent take stock of their life. That was certainly true for attorney Elliott Dale and his wife Jennifer, a CPA.

When the couple were expecting their first child — a girl they would name Madeleine — Elliott Dale knew it was time to push his way through law school or possibly lose the opportunity and “never get it back,” he says.

But nothing the Dales had experienced could have prepared them for the arrival of their second child, Elizabeth, in 2011. Just days after Lizzie’s birth, doctors determined that she had Down syndrome, a genetic condition that cast a gray cloud over the family’s future.

“That was a bit of a curveball for us, a game-changer,” Dale says. “As parents, you have an unlimited sense of wonder

about what your child can do in the world and who they can become. But when you have a kid who is different, and who has what society considers a deficit or disability, your vision for the future immediately darkens.

“When Lizzie came along,” he says, “it kind of rocked our world.”

Finding Support, Advice

Fast forward seven-plus years. The Dales have since added a third child to their family, a boy named Charlie; Lizzie attends the same grade school in Lake Oswego as both of her siblings; and their parents have become leading advocates not just for Lizzie but for all families experiencing the challenges of living with disabilities.

For the Dales, it’s all part of helping Lizzie enjoy a happy and healthy life to the fullest of her abilities and mak-

ing sure there is a place for her in the community she chooses. It’s also about paying forward the help they received when they began their journey following Lizzie’s diagnosis.

“We had no experience and no close connections to families experiencing disability, so we were clueless about what to expect,” says Dale, a partner at Landye Bennett Blumstein in Portland, where he practices business law. “Right after Lizzie was born, we started connecting with parents and with organizations that make it a point to provide some outreach for families with a diagnosis that is different.

“Now we are getting into the layers of what being a parent of a kid experiencing disability looks like, which involves a whole set of issues mainstream society doesn’t often see or interact with,” he adds. “It’s this incredibly dense package of different things that parents have to navigate, unique to each child.”

Not long after Lizzie’s birth, the Dales connected with parents from Down Syndrome Network Oregon (DSNO), a Lake Oswego-based support group that provides comfort and acceptance to families, friends and individuals with Down syndrome. The organization also hosts an annual Buddy Walk in downtown Lake Oswego that typically draws hundreds of friends, families and supporters to Millennium Plaza Park. (This year’s event is scheduled for Sept. 22; visit dsno.org for details.)

Within the social gatherings and events of DSNO, they found not only support and advice from families who had been through many of the things they would experience as parents of a child experiencing disability, but also shining examples of families who had negotiated sometimes rocky waters to see their



Lizzie, Maddi and Charlie Dale pose on the first day of school. All three children attend the same elementary school in Lake Oswego. Photo courtesy of the Dale family

children grow to be independent and contributing adult members of society.

Renee and Bruce Kerr, founding members of DSNO, were among the families that made a big impression on the Dales. The Kerrs' experience raising a family with a son, Eli, who has Down syndrome gave the Dales hope for a bright future.

"We never would have become the people we are today had Eli not come into our lives," Bruce Kerr says. "Initially, we cried ourselves to sleep because we thought our world was going to come to an end. Every parent that has a child with special needs, no matter what it is, goes through the same thing. What we found was that it opened us up to essentially let people into our lives in a way we never envisioned."

For Dale, that meant a whole new way of looking at things, including his vision of himself.

"One of the biggest barriers that Lizzie would face is our thinking projected on her as her parents about what she could and could not learn and do, about what disability might mean for her," Dale says. "Without self-examination of our prejudices, we would transmit the same limitations and low expectations on her that our society already does. That way of thinking you start to pick up on from parents who are further along this path. Parents in this community have to constantly re-evaluate their own thinking and seek out other resources."



At FACT Oregon's All Abilities Tri4Youth, athletes compete alongside each other regardless of ability or disability. Elliott Dale, a lawyer with Landye Bennett Blumstein, serves on the nonprofit's board of directors. Photo courtesy of FACT Oregon

As DSNO founders and longtime board members looked for younger families to continue their work and transition off the board, Dale was encouraged to take on a leadership role within the organization. He joined the board in late 2018 and became its chair in March 2019.

"Elliott just has a calmness about him," Kerr says. "One thing about attorneys is sometimes they feel like they need to be aggressive to protect us from everything, but Elliott can protect you without being overly aggressive. He can be really sensitive, and also very intuitive. He has exceptionally deep experience in the nonprofit world, especially the special needs world. It made him just the right person to pick."

Improving Lizzie's Schooling

A big piece of Dale's nonprofit experience comes from his volunteer work. In addition to his new role with DSNO, he has served as a board member of FACT

Oregon (factoregon.org) since 2015 and as its board chair since 2018. The nonprofit organization, which has a staff of 15, serves thousands of families experiencing disability throughout the state in their pursuit of a whole life. Since 2014, he has also served on the Oregon Department of Education's advisory Individuals with Disabilities Education Act (IDEA) Dispute Resolution Committee.

It's a natural extension of the Dales' efforts to provide Lizzie with the best school experience possible, a concept that continues to evolve for students with a disability.

"Everybody has ideas of what your child is capable of when they have a physical or developmental disability, and that becomes most glaring when you enter the school system," Dale says. "The prevailing research says the more you put kids experiencing disability along with other kids in a mainstream, inclusive educational environment, the faster they develop, the further along

Larkins Vacura Kayser welcomes

HEATHER CAVANAUGH AND KELSEY BENEDICK

LVKLAW.COM



HEATHER CAVANAUGH
Attorney

With over sixteen years of civil litigation experience and an emphasis on financial institutions and tort litigation, partner Heather Cavanaugh's big firm and in-house experiences make her a great addition to our team of trial attorneys.

Kelsey discovered her passion for litigation while working for a plaintiff's firm in her hometown of Albuquerque. After graduating summa cum laude from Lewis & Clark Law School, Kelsey cut her professional teeth at Lane Powell before joining Larkins Vacura Kayser.



KELSEY BENEDICK
Attorney

Kent

mediation & arbitration

Christopher H. Kent



- 32 years trial experience
- Plaintiffs and Defendants
- Areas:
 - Commercial litigation
 - Business dissolutions
 - Torts
 - Employment
 - Construction defect
 - Real estate
 - Insurance
 - Securities and Franchise

phone: 503.220.0717 • email: ckent@kentadr.com

www.kentadr.com

they get. If they've been separated all throughout their schooling, then what are we setting them up for as adults?"

The Dales met with some resistance when they first expressed their desire to have Lizzie enrolled in kindergarten at their neighborhood school in Lake Oswego, the same one her older sister attended. But over time, it proved to be a learning experience not just for them and Lizzie, but also for teachers, administrators, classmates and fellow parents.

Lizzie's education and development is better enhanced the more she's included in regular classroom activities, her father says.

Sometimes it's necessary to provide her with individual attention outside of the classroom, but "every moment she's being pulled out needs to be justified," Dale says. "She is not in school to close a gap in her learning. She's going to learn more just being in the classroom with her peers. We want to give Lizzie a chance to experience a normal classroom environment alongside her peers as much as she can."

The positive effects of Lizzie's inclusion in regular school activities have impacted her as well as her classmates.

"We've had parents go out of their way to thank us because Lizzie is in the class and they see a tremendous benefit to having this exposure to Lizzie for their children," Dale says. "Lizzie has friendships and play dates and people who want to be around her at all times of the day."

Everyone Can 'Tri'

The Dales have learned to take the same approach to Lizzie's experiences away from school. Lizzie participates in her school's regular soccer team with her first-grade classmates and in ballet classes alongside her typical peers, and she has been in a community theater holiday show.

This summer, Lizzie will participate for the first time in FACT Oregon's third annual All Ability Tri4Youth, a mini-triathlon in which athletes ages 8-26 compete alongside each other regardless of ability or disability. The course is set up as a 50-yard swim, a two-mile bike ride and a half-mile run.

"We remove the barriers by allowing modifications and accommodations," says Roberta Dunn, FACT Oregon's executive director. "We have athletes who are pulled across the pool, we have athletes who walk

the pool. We have an array of modified bikes and scooters for the bike course. And we've had people finish the run with mobility devices and power chairs along with their friends and peers and siblings.

"This event takes away barriers," she says, "so people with or without disabilities can compete together."

Dunn says she hopes Tri4Youth will become a destination event for families across the state. It's grown from 100 participants in its first year to an expected 250 for the 2019 gathering, which is scheduled for Aug. 10 at the Tualatin Hills Athletic Center in Beaverton. (For details, go to factoregon.org.)

Dale, whose oldest daughter Maddi participated in the first two Tri4Youths, sees big things ahead as well.

"We're looking to keep building on it," he says. "What gets me excited is what it could look like as we capture the message that 'There are no limits. You can do anything you want to do, and you can do it alongside the rest of us.' Children experiencing disability do not often have the opportunity to experience athletics alongside their typical peers, but they want the opportunity to fit in and to be normal and included, not special or different. And their typical peers do not often get the opportunity to experience doing something together with someone who experiences disability in a safe, welcoming environment."

The event's mission fits the vision that the Dales have for all of their children, Lizzie included.

"I wouldn't have it any other way," Elliott Dale says. "I do feel blessed to be part of Lizzie's life and to have this role as her parent. One of the challenges we face as a family is appreciating that we do have a unique path, but not letting that define who we are and what opportunities our other kids get to be themselves and awesome in their own right. That's the true challenge, because it's really easy to focus in on Lizzie and what she's facing.

"We look forward to the day," he adds, "when disability is not a thing but just part of everyday life, and most people see it that way." ■

Phil Favorite is a Portland-area freelance writer. Reach him at philfavorite@gmail.com.

Gene Mechanic

Mediation & Arbitration

Creativity and Tenacity to Resolve Legal Disputes



"A history of legal success."

-The Oregonian

"Gene has the ability as a mediator to get settlements in difficult cases."

-Kathy Scott, Attorney-Mediator, coordinator of Oregon mediation programs with over 100 mediators.

Federal & State Court Civil Litigator for 40 years

- Business Disputes • Construction • Debtor-Creditor
- Employment & Labor • ERISA • Healthcare
- Personal Injury/Torts • Contracts
- Civil Rights • Professional Malpractice

AV Peer Review Rating • Super Lawyers • Best Lawyers

Certified Litigation Mediator, Pepperdine Law Institute for Dispute Resolution

mechanicadr.com
(503) 943-2792
gene@mechanicadr.com

ICS | Insurance
Consulting
Services, Inc

HAVE YOU LOOKED AT YOUR CLIENT'S POLICY LATELY?

Did you know

- 69% of all life insurance policies have not been reviewed in the past 5 years
- 20% of those policies are likely to lapse in the next 3-7 years
- 40% of trust-owned life insurance non-guaranteed policies will lapse during the insured's lifetime



Since 1970 Jim Pittman has provided objective advice to clients and advisors.

Hire ICS to review your client's insurance portfolios and identify opportunities before it's too late.

Let's talk today!
503-542-4085

Visit us at www.icspdx.com