Hadley Presents

Law After Vision Loss with Judge Tatel

Presented by Ricky Enger

Ricky Enger: Welcome to Hadley Presents. I'm your host, Ricky Enger, inviting you to sit back, relax, and enjoy a conversation with the experts. In this episode Judge David Tatel joins us to share his story of continued success after vision loss. Welcome to the show.

David Tatel: Good afternoon.

Ricky Enger: So great to have you here. You have a fascinating life, a very influential career, and I'm so looking forward to diving into all of that. Before we get into just talking about your personal life, your career year, your cute little guide dog among other things, why don't you just give a brief intro and talk a bit about yourself?

David Tatel: I was born in Washington, DC, March 1942. I grew up in Silver Spring, Maryland. I went to the University of Michigan as an undergrad, to the University of Chicago Law School. It was in law school that I met my wife. We've been married now for 56 years. When I graduated from law school, I was a writing instructor for a year at the University of Michigan Law School. And then from 1969 to '74, I worked as an associate for a Chicago law firm.

Also, during that time, I served as the founding director of the Chicago Lawyers' Committee for Civil Rights Under Law, and then I became director of the National Lawyers Committee in Washington. I then served as the director of the Office for Civil Rights at the US Department of Health, Education, and Welfare during the Carter administration. When I finished that in 1979, I returned to my law firm. And for about 15 years, I ran the firm's education practice.

In 1994, President Clinton nominated me to the US Court of Appeals for the District of Columbia Circuit. It's one of the 11 federal appeals courts that functions right below the Supreme Court. I was nominated by President Clinton to fill the vacancy created by the elevation of Ruth Bader Ginsburg to the Supreme Court. I've now been on the DC Circuit for... I'm in my 28th year.

About six months ago, I notified the president that I would take senior status, which means just a reduced caseload upon appointment of my successor, but that hasn't happened yet. I'm still a fully active judge on the US Court of Appeals.

Ricky Enger: I know that one thing that you have in common with me and most of our audience is that you have experienced vision loss. Why don't we talk a bit about that? I know that you have retinitis pigmentosa, right? So, I guess you knew that you would be losing some vision.

David Tatel: When I was a little kid, I could never see at night. My parents didn't know why, and I didn't know why. They didn't know what the problem was and none of the ophthalmologists knew. I could read and I could get around just fine. I always had trouble with certain sports. I loved baseball, but I had to be careful because sometimes when I was in the outfield, I couldn't see the ball coming. I had better peripheral vision, but that was not complete either.

But the main problem was I could never see at night. Finally in 1957, my mother took me to... We got a reference to go to the National Eye Institute. That's where they diagnosed it as RP, but they knew very little about RP at the time. They told me that they thought my sight would continue to decline, but no one knew. The major change for me occurred early thirties. My eyesight started deteriorating rapidly, and I couldn't read. I switched to using readers. By the time I was in my mid-thirties, I was having such serious problems getting around that I finally began to use a cane. I'd say since 1980, I've been functioning pretty much without sight.

Ricky Enger: After this significant vision loss, I mean, you were in the midst of building a career and you were dealing with this vision loss during that time, as well as you were raising children. I would imagine that this sudden and significant vision loss had some impact on you. Can you talk about professionally how you dealt with that?

David Tatel: First of all, I was very fortunate because I was able to through college, law school, and to get my legal career started as a sighted person. Sure, I had trouble seeing at night and sometimes I didn't recognize people who were speaking to me, but I got myself established as a young lawyer sighted. My challenge was, first of all, figure out how to function. Fortunately for me, I was in very supportive environments. I had a wonderful growing family. I happened to be working for organizations and agencies that provided the support I needed. When I was the Director of the Office of Civil Rights, they provided a reader and that person traveled with me. I learned to type braille. I can read it letter by letter. It's not useful to me for reading purposes. But unfortunately, I never learned to type when I was in high school, but I did learn to type braille. And that's been really, really important because I use a braille computer for my note taking and typing. And that has been hugely helpful to me.

Ricky Enger: Yeah, it's interesting that you talk about that because a lot of times at Hadley as we teach people braille, there's sort of this misconception that if you aren't using braille to read literature, that maybe it isn't worth doing. I think your story just illustrates how many different ways there are to use braille in daily life, whether you're reading it or using it to write, and you're reading in some other methods.

What about your family life at this time as you had this significant vision loss? What was it like just adjusting to life as a low vision and then a blind person with your family?

David Tatel: My wife, Edie, when we married, we knew there was a risk. I never expected when we got married that I'd become blind. I was young. We were both young. We wondered, but we didn't worry at that time. It wasn't until my eyesight started deteriorating dramatically that we suddenly realized, well, our optimism was a little misplaced. To be honest, it was frightening for both of us. At the time my eyesight started deteriorating dramatically, we had two little children and then a third. Then we had a fourth pretty much after I'd lost most of my sight. Edie, in addition to mothering and caring for our four kids, in the early days did a lot of reading before me. But then I began to learn to use readers and recorded books. The most interesting transition for me is in my thirties, mid-thirties, I stopped being able to see. I would say virtually all of my reading was with the help of either a reader or a recorded book or something. Now, 50 years later, I can do virtually all my reading on my own. I still have a reader and I do use her for reading purposes, but I'd say 75, 80% of my reading and writing I can do now myself. It's been a dramatic transition.

Ricky Enger: And how are you doing that? I would imagine that technology has played a pretty significant role in reading for pleasure, doing the things that you need to do for your job. What are the tools that you're using now that have aided with that?

David Tatel: The first tool that I started with back at the beginning were recorded books. And at that time, when you wanted a recorded book, they sent you a record player. And then for a while, they came in the form of those floppy discs. Then we started getting cassettes. Then we switched to CDs and we needed a new kind of player for those. For years, I had all kinds of tape recorders and CD players. I'm an avid reader, so I was reading novels and biographies and everything.

During this time, we have the little children, and I was reading bedtime stories to them, but we were listening to them. We would get Goodnight Moon and I would read Goodnight Moon with the little children, and we would listen, and they would turn the pages. And as they got older, we moved to bigger books. I read with all my children and now my grandchildren for years with audible books or recorded books. But then the most important transition when they all went digital.

I have a Victor Reader. All my books and newspapers are downloaded directly to my Victor Reader. I have an iPhone which is the most marvelous device ever. Basically, now I use three pieces of technology. I have a HumanWare VoiceNote. I have a Victor Reader and my iPhone. Those are my three principal devices. I get my books from the Library of Congress, from Audible.com, from Learning Ally. I get my newspapers from Newsline, and I use my iPhone to read Politico and all those kinds of things and to do emails.

Ricky Enger: How about beyond technology? I know that beyond reading you're very active physically. I know that you ski, and you've run marathons, things like that. Were there important tools in your accomplishing that?

David Tatel: I'm an avid exerciser. I've been all my life. I started running when I was sighted. And once I lost my eyesight, I had a bunch of friends who just decided they weren't going to let me stop. We started running together, and I ran for 30 years with these guys, about a half a dozen of them. We ran marathons together. We never needed to touch. We always just had a shoestring that was around one arm - their arm and my arm. Obviously, if we came to a curb, they'd warn me.

I also skied. I started skiing when I was sighted. But one day when Edie and I were skiing in Snowmass, I realized I just couldn't see well enough to ski on my own. I couldn't make out where the edges of the runs were, and I couldn't see the moguls. And most important, I couldn't really see other people except in my periphery, which wasn't very safe. We struggled down the mountain and I was convinced that was the end of my skiing.

But Edie, literally that evening, picked up a magazine in our hotel that described a program called BOLD - this was probably 1973 or '74 - called Blind Outdoor Leisure Development and they provided guides. They had very few of them. They were just getting started. The next morning, this absolutely wonderful man showed up in our hotel and said, "Let's go skiing." And so, we went skiing. And for years I skied with guides through BOLD.

And then the best part of the whole thing was that soon our kids, particularly our two youngest kids, became quite proficient skiers and they became my guides. And then to avoid back problems and some other things, I switched to swimming. I could swim completely on my own. That was really great, because I could choose a lane. I still swim, but really my exercise has now completely switched to working out in the gym and, most important, long walks with my guide dog.

Ricky Enger: Well, that's kind of a recent development though, isn't it? Because for a number of years you were a cane traveler. What prompted getting a guide dog? What were you thinking? What took so long, I suppose, and what ultimately caused you to make the decision to get a guide dog after having a cane for so many years?

David Tatel: I got to be a very good cane traveler actually. When I was at my firm, I traveled all over the country. I got really, really good at traveling with my cane. In fact, I got well-known in various airports. They just knew me. Sure, I got lost once in a while. I had some awkward moments, but I was pretty good with the cane. But for the past 10 years or so, I found cane travel in DC more difficult because the streets were harder to figure out. There were more plazas that I found difficult to get through.

I know there are a lot of really good cane travelers who have no trouble with that, but I rode the Metro just fine. I was using my law clerks to walk me to restaurants and things like that. Every day had logistical challenges and I had this yearning for a little more independence. I always thought that to get a dog... and I was always intrigued with people who had dogs. They seemed more independent than me.

But I was always under the impression that to get a dog, you had to go to the facility for a month or even five or six weeks to be trained. I just didn't have time in my schedule to do that. A couple of years ago, my daughter, one of our daughters, was visiting with her children and her then 10-year-old son. They have a dog, so they're big dog people, said to me that he brought along a podcast he wanted me to listen to and it was a podcast about a guide dog training program.

I don't know whether Reuben was planning to encourage me to get a guide dog or not. He just thought I'd be interested in it. We listened and I thought it was interesting. And at the end it said if your schedule is such that you can't come, we'll consider bringing the dog to you. I thought, gee, maybe I should think about this. I raised it with Edie, and she was intrigued with the idea. I talked to several guide dog programs, and they were all encouraging. They all said that they would definitely consider training me in place.

We got more and more interested. And then I discovered a program in Connecticut, Fidelco, which does only home placements. They don't even have a facility. I had a friend who had a Fidelco German Shepherd. They only do Shepherds. This was a woman who... She traveled all over the country. She was unbelievably independent. I talked to her about it and the rest is history. I applied a little over two years ago.

This wonderful man showed up here in DC with this absolutely beautiful two-year-old German Shepherd named Vixen. We spent almost two and a half weeks. It was the hardest thing I've ever done to learn to use the dog, but we stuck with it, and he was a really good teacher. I got better and better and I learned more and more on how to work with her. I've now had her for two years and she's completely changed my life.

Ricky Enger: There's nothing quite like working with a dog. You're changed by it for sure.

David Tatel: People had told me that and I didn't understand it. But now that I've done it, I completely get it. It's totally magic. I've only been doing this for two years. I am still learning. Just last week, Pete, my trainer showed up for two days because I really needed a tune-up. I was getting lazy. I was making mistakes, and therefore Vixen wasn't doing what she should do. I still have a lot to learn, but I have more independence now than I've had in 40 years. It's just really quite wonderful for both Edie and me.

She too has more independence now. She doesn't have to worry about getting me across this major street to the Metro. She doesn't have to worry about being home when I come home. When I want to go for a walk, I can go for a walk. If she doesn't want to, she can stay home and read a book or garden. If she wants to come with me, she can. But she's independent and I'm independent. It's really phenomenal.

Ricky Enger: Going from talking about the beauty of guide dogs and then talking about something that's not so wonderful, which is discrimination, I think that a lot of blind and low vision people face that at some point more often than they should certainly. Were there instances during your career that that became a problem, people questioned your ability simply because you were blind?

David Tatel: When I was at the Office of Civil Rights in '77, that's when we issued the first section 504 regulations which prohibit discrimination based on disability in federally funded programs. I started that enforcement. You may remember that at the beginning of the Carter administration, the disability groups were sitting in at the secretary's house to get him to issue the regulations. He did and I started my job at the office a couple weeks after the regulations were actually issued. I was responsible for developing the enforcement program.

Well, you asked whether I experienced discrimination. I've been very fortunate in, number one, I didn't become blind until I was established professionally. People already knew my work. And number two, I've been fortunate I have this wonderful wife and family, and I've been able to work with very supportive institutions. And unfortunately, most blind people don't have all of those benefits.

There's still extensive discrimination. The unemployment rate for blind people was enormous. It's hard for blind people to break into certain kinds of jobs, even though employers should understand that with the right technology, we can function just as well as anybody. But I do know particularly when I was beginning to practice law and needed to develop clients, I don't have any doubt that some people didn't hire me because they couldn't figure out how a blind lawyer could do it, but most people did hire me.

It took a while sometimes for new clients to figure out how to work with me. On my court it's been very interesting to see how the court has adapted to my blindness. I think if you ask my colleagues about me, most of them would say, "Oh yeah, right, he's blind. We sort of forgot. When we sit in panels of three on my court and when we sit down to discuss a case and we're talking about something in a book or statute or something, my colleagues just naturally read it out loud now. We've been together so long that it's kind of built into the culture of the court.

Ricky Enger: I want to thank you so, so much for spending time and just telling us a bit about your life. Before we wrap up, is there something that maybe you wish you had heard at the beginning of your own journey with vision loss that you've learned over the years and now you would tell somebody else?

David Tatel: Yes, and it's this. From when I first discovered that I had a vision problem all the way up until I actually lost my sight, I did everything I could to hide it. I did not want people to know about it. I was embarrassed. And I thought if people knew about it, they'd think less of me or that I wouldn't get opportunities. I spent all those years hiding it. There were very few people not at my law firm at the beginning, not at the University of Michigan where I was teaching, not at the Lawyers' Committee, anywhere.

I wish a blind person who had been through that had told me that that's a really bad idea, because there was so many situations, embarrassing situations where I would get lost and was afraid to ask for help, or someone would say something to me and they were a friend and I didn't know who they were, or I couldn't read a sign, or I'd bump into things. And I still have people, friends today who say to me, "We couldn't understand. You seemed so weird back then. I would say something to me, you wouldn't respond." I really wish I hadn't done that. That's the one piece of advice I give to people right now. I mean, it's like with a cane. I put off using a cane for years, but getting the cane was the smartest thing I ever did. Because once I had a cane in my hand, it eliminated all those sources of embarrassment and confusion and mistakes and, to a certain extent, danger.

To be candid, Ricky, looking back, I really wish I had done it, but also it is difficult particularly when you don't have to acknowledge your blindness to tell people that you have a visual disability. I took that step with the cane. That was the big step for me. But even today, 40 years after I started using a cane and I now use a guide dog, I'm about as visible a blind person as you can get and there's still things I don't do.

My wife always gets annoyed at me, for example, when people speak to me and I don't say, "Who are you?" If someone stopped me, they were driving by, I was walking with the dog and they started talking to me and I did not say, "Who are you?" I don't know why I didn't. It was just hard to say it. And as I said, my wife keeps encouraging me to do it. And when I do do it, it works just fine, because, as most blind people know, I divide the world up into two categories of people.

There are people who come up to me and say, "Hi, David. It's Jim," and there are other people who come up to me and say, "Hi, David," for the second category, I still need to work on saying, "Okay, who are you?" That's my advice is don't hide it. Share it. People will be helpful and years of confusion, embarrassment, silliness. Anyway, if I had to do it over again, that's what I would do.

Ricky Enger: I think that's going to resonate with so, so many people in our audience because it comes up quite a lot. Like you said, the cane answers a lot of questions just by being there. That's fantastic advice. I appreciate that and I appreciate you for taking the time to come and talk with us for a bit. Thank you so much for joining us.

David Tatel: Well, you're welcome. I want to thank Hadley for Douglas Walker. I discovered Douglas, I don't know, five or six years ago. We've never actually met, but he's my go-to guy on the iPhone. I could not use the iPhone as well as I do without Douglas. Whenever I have a question, he's right there to help me. He is just a phenomenal resource. Thank you to Hadley for making Douglas Walker available.

Ricky Enger: Yes. We're so lucky to have him. And oh, my goodness, the iPhone videos, the Apple Watch, all of these things, what a great teacher.

David Tatel: Yeah, but I haven't even started with the Apple Watch.

Ricky Enger: Oh, you're in for a treat. Thank you so much again for joining us.

David Tatel: You're welcome.

Ricky Enger: Got something to say? Share your thoughts about this episode of Hadley Presents or make suggestions for future episodes. We'd love to hear from you. Send us an email at podcast@hadley.edu. That's P-O-D-C-A-S-T@hadley.edu, or leave us a message at 847-784-2870. Thanks for listening.