

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**



IN THE MATTER OF:	)	
	)	
JUDITH MILLER,	)	
	)	CHARGE NO. 2018CP2226
COMPLAINANT,	)	
	)	EEOC NO. N/A
AND	)	
	)	ALS NO.
OFFICE OF THE CHIEF JUDGE OF THE	)	
CIRCUIT COURT OF COOK COUNTY	)	
	)	
RESPONDENT.	)	

COMPLAINT OF CIVIL RIGHTS VIOLATION

Pursuant to the Illinois Human Rights Act, 775 Ill. Comp. Stat. 5/1-101 to 5/10-104, the Complainant Judith Miller, by her attorney, Emily Werth of the Roger Baldwin Foundation of ACLU, Inc., complains of a civil rights violation by Respondent Office of the Chief Judge of the Circuit Court of Cook County (“Respondent” or “Office of the Chief Judge”), as follows:

JURISDICTION

1. Ms. Miller filed charge number 2018CP2226 (the “Charge”) with the Illinois Department of Human Rights (“IDHR”) on March 29, 2018. The Charge alleged that the Office of the Chief Judge discriminated against Ms. Miller by denying her the full and equal enjoyment of the facilities or services of a public official’s office and place of public accommodation based on her need to express breast milk, a common condition related to pregnancy and childbirth. A true and correct copy of the Charge is attached as **Exhibit A**.¹

¹ Respondent was named in the original charge as Circuit Court of Cook County. A subsequent Technical Amendment was made to correct Respondent’s name to Office of the Chief Judge of the Circuit Court of Cook County. A true and correct copy of the Technical Amendment is attached as **Exhibit B**.

2. On May 14, 2019, IDHR issued a Notice of Substantial Evidence regarding the above-referenced charge. IDHR concluded there was substantial evidence of public accommodations discrimination by the Office of the Chief Judge against Ms. Miller based on her pregnancy-related need to express breast milk.

3. This Complaint is timely filed within ninety (90) days after receipt of the Notice of Substantial Evidence.

THE PARTIES

4. Ms. Miller is a resident of Cook County, Illinois. Ms. Miller reported to the Richard J. Daley Center (“Daley Center”) for jury duty with the Circuit Court of Cook County on October 2, 2017. On the date of her jury duty, Ms. Miller was breastfeeding her approximately 11 week old infant child.

5. The Office of the Chief Judge of the Circuit Court of Cook County is the administrative arm of the Circuit Court of Cook County. The Circuit Court of Cook County is the unified state court system for Cook County and operates a courthouse at the Daley Center. The Office of the Chief Judge provides support and services to the judiciary, the public, and court-involved individuals, including jury service at the Daley Center.

6. The Office of the Chief Judge is a “public official” as defined by 775 Ill. Comp. Stat. 5/5-101(C).

FACTS

7. In approximately July of 2017, while Ms. Miller was pregnant, she was called for jury duty with the Circuit Court of Cook County. Because she was scheduled to report for jury duty shortly before her due date, Ms. Miller requested a one-time deferment, which was granted. Her new jury duty date was set for October 2, 2017.

8. Ms. Miller was excited about the possibility of serving on a jury because she has a background as a trial lawyer and is employed as Assistant Clinical Professor of Law in the Federal Criminal Justice Clinic at the University of Chicago Law School. As a result, she has a unique perspective on the importance of juries. Ms. Miller was enthusiastic about the opportunity to perform this civic duty.

9. At about 8:35 a.m. on October 2, 2017, Ms. Miller reported to the Daley Center for her jury duty.

10. Because Ms. Miller was breastfeeding at the time of her jury duty, she needed accommodations to express (or "pump") breast milk to feed her infant.

11. Lactation is a common physiological condition following childbirth. Not every parent who gives birth can or chooses to breastfeed, but for those who do, there is broad consensus among medical and public health experts regarding the benefits of breastfeeding.

12. At the time of Ms. Miller's jury duty, she needed to nurse or pump breast milk approximately every three hours to feed her newborn infant and maintain her milk supply. Breastfeeding parents who have to be away from their infants for extended periods need to express breast milk on roughly the same schedule as the child's nursing schedule. Failure to do so causes discomfort, pain, and engorgement of the breasts, and poses the risk of blocked milk ducts and infection, a reduction in milk supply, and ultimately, cessation of lactation.

13. Like many lactating parents, Ms. Miller relied on an electric breast pump to express milk when she needed to be away from her infant. Electric breast pumps are machines with two lines of rubber tubing and cones that fit on each nipple. Electric breast pumps often require an electrical outlet to operate. They create a rhythmic suction that mimics the pace and physical effect of breastfeeding, pulling the milk out of the breast and down the tubing into attached bottles.

14. Ms. Miller required a clean, private, non-bathroom space for pumping in order to safely express breast milk. Because breast milk is food, it should be expressed and handled in a clean environment. Pumping in a toilet stall or bathroom poses a risk of contaminating the breast milk with pathogenic bacteria. Privacy is required, because pumping typically requires exposing one's breasts in order to position the equipment properly.

15. Because she knew she would require accommodations for expressing breast milk, Ms. Miller checked the website for the Circuit Court of Cook County for information about lactation space prior to the date of her jury duty. Ms. Miller found information pertaining to the availability of a lactation room for people having business with the court at the Daley Center, including individuals reporting for jury duty. A copy of this webpage is attached as **Exhibit C**.² It stated that the lactation room could not be reserved in advance, and that access to the room required calling the Office of the Chief Judge's reception desk, which would then provide directions to the lactation room and arrange for building security to meet the person to unlock the door to the room. The webpage did not list any secondary telephone numbers or other alternatives if the telephone at the Office of the Chief Judge's reception desk was not answered.

16. When Ms. Miller reported for jury duty on October 2, 2017, she immediately inquired at the jury service desk about where she could pump. She was referred to one of the clerks staffing the desk.

17. The clerk told Ms. Miller that if she needed to pump, she could be excused from jury duty. He stated that the only space she could use to pump was the men's restroom, because the

² Exhibit C reflects the information about lactation space on the Circuit Court of Cook County's website as of April 6, 2018. Ms. Miller avers that this policy is the same in all relevant respects as the policy that was available on the Court's website on the date that she reported for jury duty at the Daley Center in October of 2017.

women's restroom did not have an electrical outlet, and Ms. Miller's breast pump required an electrical outlet to operate.

18. Ms. Miller told the clerk politely that she would like to serve her jury duty, if possible. She also informed the clerk that according to the website, there should be a lactation room available. She showed him the website on her phone.

19. In accordance with the website's instructions, the clerk called the Office of the Chief Judge. No one answered the phone, so he left a message.

20. Between approximately 8:45 a.m. and approximately 10:15 a.m., Ms. Miller checked in with the clerk about two or three more times regarding her request for access to a lactation space. Each time she spoke with him, she politely emphasized how much she would like to serve her jury duty and asked about possible pumping accommodations. Each time, he told her that he had not gotten a response from the Office of the Chief Judge.

21. During these conversations, the clerk told her that others reporting for jury duty had requested a place to pump. He stated that he was trying to get the electrical outlet replaced in the women's restroom and volunteered that he thought it was ridiculous that women had nowhere to pump except the men's restroom.

22. During these conversations, the clerk also explained that there were other rooms in the jury area that are private and usually unused, and that he thought that the court should make one of those available as a lactation room. However, he did not offer Ms. Miller access to any of those rooms.

23. At approximately 10:15 a.m., it had been well over two hours since Ms. Miller had pumped or nursed. She spoke with the clerk, who confirmed that no one from the Office of the Chief Judge had yet returned his call. Ms. Miller told him that she was out of time and could not

wait any longer. She needed to pump about every three hours and did not want to wait until the last possible minute only to have to pump in the men's restroom. She was also concerned that if she were called into a courtroom, she would not have the opportunity to take a break to pump for some time and that, once she got a break, she would still not have access to a private, non-bathroom space to pump.

24. The clerk then excused Ms. Miller from jury duty on the grounds that she was a nursing mother.

25. Ms. Miller was distressed that she was denied the opportunity to complete her jury duty and potentially serve on a jury because she needed a private, non-bathroom space to express breast milk. She felt that she had been excluded from participating in an important part of public life and fulfilling her civic duty.

CIVIL RIGHTS VIOLATION UNDER THE ILLINOIS HUMAN RIGHTS ACT

Respondent, a Public Official, Denied Ms. Miller the Full and Equal Access and Enjoyment of Accommodations, Advantages, Facilities, or Privileges of its Office, Services, or Property Under its Care, Based on her Pregnancy-Related Condition of Lactation.

26. Ms. Miller hereby incorporates by reference and re-alleges the above, paragraphs 1 through 25, as though fully set forth therein.

27. The Illinois Human Rights Act ("IHRA") prohibits unlawful discrimination on the basis of pregnancy in public accommodations. 775 Ill. Comp. Stat. 5/1-103(Q); 775 Ill. Comp. Stat. 5/5-102. The IHRA defines "pregnancy" to include "medical or common conditions related to pregnancy or childbirth." 775 Ill. Comp. Stat. 5/1-103(L-5). Lactation is a common condition related to pregnancy and childbirth.

28. It is a civil rights violation under the IHRA to "[d]eny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or

privileges of the official's office or services or of any property under the official's care because of unlawful discrimination." 775 Ill. Comp. Stat. 5/5-102(C).

29. Unlawful discrimination on the basis of pregnancy, childbirth or related conditions includes the refusal to provide reasonable accommodations that eliminate barriers to accessibility, when doing so will not impose undue financial or administrative burden. *Cf. In the Matter of: Jones and Chicago Transit Auth.*, ALS No. 1549 (PAP), 1986 ILHUM LEXIS 255, at *11 (Ill. Hum. Rts. Comm'n Apr. 18, 1986) (in case involving disability discrimination, applying the same duty of reasonable accommodation which exists in the employment context to public accommodations). In the employment context, the IHRA identifies "private non-bathroom space for expressing breast milk and breastfeeding" as an example of a reasonable accommodation for pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. 775 Ill. Comp. Stat. 5/2-102(J).

30. By denying Ms. Miller access to private, non-bathroom space for pumping at the Daley Center, and offering her only the option of pumping in a men's restroom, Respondent denied Ms. Miller the reasonable accommodations she needed to complete her jury service. It would not have imposed undue hardship on Respondent to provide Ms. Miller with access to the designated lactation room or another private, non-bathroom space at the Daley Center.

31. By denying Ms. Miller the ability to serve jury duty unless she pumped in a men's restroom, Respondent denied Ms. Miller the full and equal enjoyment of a public official's office or services, based on her need for reasonable accommodations to express breast milk.

32. As a result of the Respondent's violations of the IHRA, Ms. Miller suffered mental and emotional distress as well as the stigmatizing injury and deprivation of personal dignity that accompany unlawful denials of equal access to a place of public accommodation.

WHEREFORE, Ms. Miller respectfully requests the following relief:

- A. The entry of an order directing the Respondent to cease and desist from unlawful discrimination on the basis of pregnancy, childbirth, or related conditions, including to cease and desist from denying lactating individuals access to private, non-bathroom space to express breast milk at offices or property under Respondent's care or control;
- B. The entry of an order directing the Respondent to extend to lactating individuals the full and equal enjoyment of the accommodations, advantages, facilities, or privileges of Respondent's office or services or of property under Respondent's care, including by providing reasonable accommodations to individuals who need to express breast milk;
- C. Actual damages, including damages for emotional distress, for the injury and loss suffered by Ms. Miller;
- D. Interest on Ms. Miller's actual damages;
- E. An order mandating that Respondent pay Ms. Miller's reasonable attorneys' fees and costs pursuant to 775 Ill. Comp. Stat. 5/8A-104(G); and
- F. Any additional relief that the Commission deems just and appropriate.

DATED: August 12, 2019

Respectfully Submitted,



Attorney for Complainant

Emily Werth (ARDC No. 6307304)
Roger Baldwin Foundation of ACLU, Inc.
180 North Michigan Avenue, Suite 600
Chicago, IL 60601

(312) 301-8740 ext. 333
ewerth@aclu-il.org

Exhibit A

STATE OF ILLINOIS
ILLINOIS DEPARTMENT OF HUMAN RIGHTS

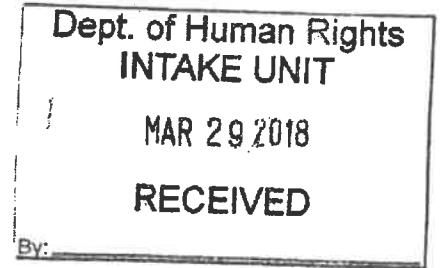
CHICAGO OFFICE
DEPARTMENT OF HUMAN RIGHTS
100 W RANDOLPH ST., SUITE 10-100
CHICAGO, ILLINOIS 60601
(312) 814-6200
(866) 740-3953 (TTY)

SPRINGFIELD OFFICE
DEPARTMENT OF HUMAN RIGHTS
222 S. COLLEGE ST., ROOM 101
SPRINGFIELD, ILLINOIS, 62704
(217) 785-5100
(866) 740-3953 (TTY)

CHARGE NO: _____
CHARGE OF DISCRIMINATION

COMPLAINANT

Judith Miller
28 Pearce Mitchell Pl.
Stanford, CA 94305
Telephone Number



I believe that I have been personally aggrieved by a civil rights violation committed on

(date/s of harm): October 2, 2017, by:

RESPONDENT

Circuit Court of Cook County
50 West Washington St, Room 2600
Chicago, Illinois 60602 (Cook County)
(312) 603-6000
(See attached for other respondents)

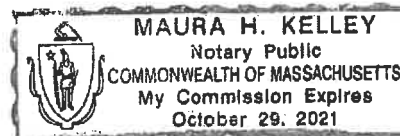
SEE ATTACHED

I, Judith Miller on oath or affirmation state that I am Complainant herein,
that I have read the foregoing charge and know the contents thereof, and that the same is true and
correct to the best of my knowledge.

[Signature] 3/28/18.
Complainant's Signature and Date

Subscribed and Sworn to

Before me this 28 day
of March, 2018.
[Signature]
Notary Public Signature



Notary Stamp

ATTACHMENT

COMPLAINANT

Judith Miller
c/o Amy Meek
150 N. Michigan Ave. Suite 600
Chicago, IL 60601
(312) 201-9740, ext. 341
ameek@aclu-il.org

RESPONDENTS

Circuit Court of Cook County
50 West Washington Street
Chicago, Illinois 60602
(312) 603-5030

Cook County Board of Commissioners
118 N. Clark Street
Chicago, Illinois 60602
(312) 443-5500

Public Building Commission of Chicago
50 West Washington Street, Room 200
Chicago, Illinois 60602
(312) 744-3090

A. ISSUES/BASIS

On October 2, 2017, Respondents denied Judith Miller the opportunity to serve on a jury for the Circuit Court of Cook County by denying her access to private, non-bathroom space to express breast milk at the Richard J. Daley Center.

Respondents failed to provide reasonable accommodations for Ms. Miller's need to express breast milk and denied her the full and equal enjoyment of the facilities or services of a public official's office and a place of public accommodation, on the basis of her need to express breast milk. Because lactation is a common condition related to pregnancy or childbirth, Respondents' actions constitute unlawful pregnancy discrimination under the Illinois Human Rights Act.

B. PRIMA FACIE ALLEGATIONS

PARTIES

1. Complainant, Judith Miller, is female. She is employed as an Assistant Clinical Professor of Law in the Federal Criminal Justice Clinic at the University of Chicago Law School.
2. Respondents, the Circuit Court of Cook County, the Cook County Board of Commissioners, and the Public Building Commission of Chicago, are public officials as defined by 75 ILCS 5/5-101(C).
3. Respondent, the Circuit Court of Cook County, is the unified state court system for Cook County and operates a courthouse at the Richard J. Daley Center ("the Daley Center"), which is located at 50 West Washington Street, Chicago, Illinois 60602.
4. Respondent, the Cook County Board of Commissioners, is the governing board of Cook County and is responsible for providing and maintaining rooms and offices for the Circuit Court of Cook County.
5. Respondent, the Public Building Commission of Chicago, is the municipal corporation that owns and operates the Daley Center. The Daley Center is a place of public gathering and a place of public accommodation.

BACKGROUND

6. In approximately July 2017, while Ms. Miller was pregnant, she was called for jury duty by the Circuit Court of Cook County. Because she was scheduled to report for jury service shortly before her due date, Ms. Miller requested a one-time deferment of jury duty, which was granted. Her new jury service date was set for October 2, 2017.
7. Ms. Miller was excited about the possibility of serving on a jury because, as a result of her background as a trial lawyer, she has a unique perspective on the importance of juries. Ms. Miller was enthusiastic about the opportunity to perform this civic duty.
8. At about 8:35 a.m. on October 2, 2017, Ms. Miller reported to the Daley Center for jury service with the Circuit Court of Cook County.
9. On Ms. Miller's assigned date for jury service, she was on maternity leave and her infant was about 11 weeks old. Because Ms. Miller was breastfeeding, she needed accommodations to express (or "pump") breast milk to feed her infant.
10. Lactation is a common physiological condition following childbirth. Not every parent who gives birth can or chooses to breastfeed, but for those who do, there is broad consensus among medical and public health experts regarding the benefits of breastfeeding.

11. At the time of Ms. Miller's assigned date for jury service, she needed to nurse or pump breast milk approximately every three hours to feed her newborn infant and maintain her milk supply. Breastfeeding parents who have to be away from their infants for extended periods need to express breast milk on roughly the same schedule as the child's nursing schedule. Failure to do so causes discomfort, pain, and engorgement of the breasts, and poses the risk of blocked milk ducts and infection, a reduction in milk supply, and ultimately, cessation of lactation.
12. Like many lactating women, Ms. Miller relied on an electric breast pump to express milk when she needed to be away from her infant. Electric breast pumps are machines with two lines of rubber tubing and cones that fit on each nipple. Electric breast pumps often require an electrical outlet to operate. They create a rhythmic suction that mimics the pace and physical effect of breastfeeding, pulling the milk out of the breast and down the tubing into attached bottles.
13. Ms. Miller required a clean, private, non-bathroom space for pumping in order to safely express breast milk. Because breast milk is food, it should be expressed and handled in a clean environment. Pumping in a toilet stall or bathroom poses a risk of contaminating the breast milk with pathogenic bacteria. Privacy is required, because pumps require exposure of the breasts in order to position the equipment properly.
14. Because she knew she would require accommodations for expressing breast milk, Ms. Miller checked the Circuit Court of Cook County website in advance of her assigned jury service date for information about such accommodations.
15. At all relevant times, the Circuit Court of Cook County website included a section (<http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/CountyDivision/LactationRoom.aspx>) stating that the Daley Center had a lactation room for persons having business with the court, including persons reporting for jury service and jurors. It stated that the lactation room could not be reserved in advance and that, in order to obtain directions and access to the room, one would need to contact the Office of the Chief Judge reception desk and then meet building security who would unlock the door.

DENIALS ON OCT. 2, 2017

16. When Ms. Miller reported for jury service at about 8:35 a.m. on October 2, 2017, she immediately inquired at the jury service desk about where she could pump. She was referred to a clerk who on information and belief was an employee of the Circuit Court of Cook County.
17. The clerk told Ms. Miller that if she needed to pump, she could be excused from jury duty. He stated that the only space she could use to pump was the men's restroom, because the women's restroom did not have an electrical outlet. Ms. Miller's breast pump required an electrical outlet.

18. Ms. Miller told the clerk politely that she would like to serve her jury duty, if possible. She also informed the clerk that according to the Circuit Court of Cook County website, there should be a lactation room available. She showed him the website on her phone.
19. In accordance with the website's instructions, the clerk called the Office of the Chief Judge. No one answered the phone, so he left a message.
20. Between approximately 8:45 a.m. and approximately 10:15 a.m., Ms. Miller checked in with the clerk about two or three more times regarding her request for accommodations.
21. Each time she spoke with him, she politely emphasized how much she would like to serve her jury duty and asked about possible pumping accommodations. Each time, he told her that he had not gotten a response from the Office of the Chief Judge.
22. During these conversations, the clerk told her that others reporting for jury service had requested a place to pump. He stated that he was trying to get the electrical outlet replaced in the women's rest room and volunteered that he thought it was ridiculous that women had nowhere to pump except the men's restroom.
23. During these conversations, the clerk also explained that there were other rooms in the jury area that are private and usually unused, and that he thought that the court should make one of those available as a lactation room. However, he did not offer Ms. Miller access to any of those rooms.
24. At approximately 10:15 a.m., it had been well over two hours since Ms. Miller had pumped or nursed. She spoke with the clerk, who confirmed that no one from the Office of the Chief Judge had returned his call. She told him that she was out of time and could not wait any longer. She needed to pump about every three hours and did not want to wait until the last possible minute only to have to pump in the men's restroom. She was also concerned that if she were called into a courtroom, she would not have the opportunity to take a break to pump for some time and that, once she got a break, she would still not have access to a private, non-bathroom space to pump.
25. The clerk then excused Ms. Miller from serving on the grounds that she was a nursing mother.
26. Ms. Miller was upset and frustrated that she had been denied the opportunity to serve on a jury because she needed a private, non-restroom space to express breast milk. She felt that she had been excluded from participating in an important part of public life and fulfilling her civic duty to serve as a juror.
27. By denying Ms. Miller access to private, non-bathroom space for pumping at the Daley Center and telling her she would have to pump in a men's restroom, Respondents failed to provide Ms. Miller with reasonable accommodations for her

need to express breast milk. It would not have imposed undue hardship on Respondents to provide Ms. Miller with access to the designated lactation room or another private, non-bathroom space at the Daley Center that day. In the employment context, the Illinois Human Rights Act expressly includes "private non-bathroom space for expressing breast milk and breastfeeding" as an example of a reasonable accommodation in the employment context for pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. 775 ILCS 5/2-102(J). Such space is also a reasonable accommodation in the context of public accommodations.

28. Respondents denied Ms. Miller the full and equal enjoyment of the facilities or services of a public official's office and a place of public accommodation by denying her the ability to serve on a jury because she needed accommodations for expressing breast milk.
29. Respondents' actions constituted discrimination on the basis of pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth in violation of the Illinois Human Rights Act.

Exhibit B

#

STATE OF ILLINOIS
ILLINOIS DEPARTMENT OF HUMAN RIGHTS

CHICAGO OFFICE
100 W RANDOLPH STREET
SUITE 10-100 INTAKE UNIT
CHICAGO, ILLINOIS 60601
(312) 814-6200
(866) 740-3953 TTY

SPRINGFIELD OFFICE
222 SOUTH COLLEGE STREET
ROOM 101 INTAKE UNIT
SPRINGFIELD, ILLINOIS 62704
(217) 785-5100
(866) 740-3953 TTY

CHARGE NO: 2018CP2226

CHARGE OF DISCRIMINATION

I, Judith Miller, 6020 S. University Ave, Rm K101, Chicago, IL, 60637, 203-464-9412, believe that I have been personally aggrieved by a civil rights violation committed on (date/s of harm), by:

RESPONDENT

Office of the Chief Judge of the Circuit Court of Cook County
50 W. Washington Street
Chicago, IL, 60602
312-603-6000

The particulars of the alleged civil rights violation are as follows:

Technical Amendment

This Technical Amendment is being made to correct/Respondent's legal name.

NLS

SEE ATTACHED

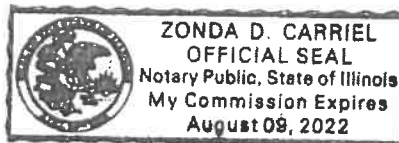
I, Judith Miller, on oath or affirmation state that I am the Complainant herein, that I have read the foregoing charge and know the contents thereof, and that the same is true and correct to the best of my knowledge.

[Signature]
Complainant's Signature/Date

Subscribed and Sworn to

Before me this 11th day
of March, 2019.

Zonda D. Carriel
Notary Public Signature



Notary Seal

Exhibit C

This is Google's cache of <http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/CountyDivision/LactationRoom.aspx>. It is a snapshot of the page as it appeared on Apr 6, 2018 02:57:52 GMT. The current page could have changed in the meantime. [Learn more.](#)

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Tip: To quickly find your search term on this page, press **Ctrl+F** or **⌘-F** (Mac) and use the find bar.



Honorable Timothy C. Evans, Chief Judge

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Thursday, April 05, 2018

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Lactation Room

Hours: Monday through Friday, 8:30 a.m. to 5 p.m.
Closed on official court holidays

To use the Daley Center lactation room, contact the Office of the Chief Judge reception desk at (312) 603-6000. The receptionist will direct you to the lactation room where you will be met by building security who will unlock the door.

The lactation room is available for persons having business with the court which includes, but is not limited to, attorneys, parties, witnesses, persons reporting for jury service and jurors.

PLEASE NOTE:

- A phone is available at the Daley Center lobby information desk.
- The door to the lactation room automatically locks. If you step out of the lactation room, the door will lock, and you will need to call the Office of the Chief Judge to have the door unlocked.
- The lactation room cannot be reserved in advance of your arrival to the Daley Center.

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