

STATE OF ILLINOIS
ILLINOIS DEPARTMENT OF HUMAN RIGHTS

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CHARGE NO: _____
CHARGE OF DISCRIMINATION

Dept. of Human Rights
INTAKE UNIT
MAR 29 2018
RECEIVED
By: _____

COMPLAINANT

Judith Miller
[Redacted]

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

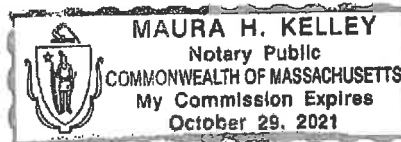
I, Judith Miller on oath or affirmation state that I am Complainant herein, that I have read the foregoing charge and know the contents thereof, and that the same is true and correct to the best of my knowledge.

[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.