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Court urges all bars to get right with the ADA

By Jan Pudlow

Senior Editor

One woman in a wheelchair — excluded from a voluntary bar social gathering in a basement wine cellar without an elevator — sparked a strong directive from the Florida Supreme Court: All bar meetings must be accessible to all.

Stephanie Woodward recently moved from Syracuse, N.Y., to Miami, passed the Florida bar exam, and awaits approval of her character and fitness check so she can be a full-fledged member of The Florida Bar.

As a “baby lawyer” new to town, she is anxious to make connections in the legal profession. So she was excited about an invitation to attend a Dade County Bar Association Young Lawyers Section event called “An Evening with the Judges” — described as “an informal gathering to promote communication among the legal community and the bench.”

Sure, she was welcome, even though she’s not officially a lawyer yet, the Dade YLS president assured her.

But there was a big problem: The January 23 event was being held in the wine cellar — a former bomb shelter— of the restaurant Le Chat Noir, at 2 South Miami Avenue. There are a lot of steps and no elevator down to the the wine cellar. And Woodward has a mobility disability and uses a wheelchair.

“If I hadn’t thought to ask, I would have shown up in a wheelchair and seen a set of stairs, which would be embarrassing,” Woodward said.

“I think it’s a big deal for me to get in anywhere, not just local bar events. Access is not a convenience when it works best for them. Access is my civil right.”

Chief Justice Ricky Polston agrees. When Woodward’s excluding experience came to his attention, the entire court gathered for conference, resulting in strongly worded letters Polston sent on February 3 to voluntary bars and leaders at The Florida Bar.

“Benign neglect, oversight, or indifference which produces this type of discrimination is simply not acceptable and will not be tolerated,” Polston wrote.

“This event has demonstrated that we must do more to prevent similar discrimination in the future, and we shall take corrective steps to address the damage this type of discrimination inflicts.”



After approval by the entire Florida Supreme Court, Polston directed The Florida Bar to “develop and implement a protocol for Bar-related activities at all levels to ensure compliance with all ADA and access requirements. We request The Florida Bar to report its progress to this court 60 days from this date and each 60 days thereafter until the directed protocol is implemented.”

Similarly, the court requested that voluntary bar associations “immediately develop and implement protocol for bar-related activities to ensure compliance with all ADA and access requirements.”

At The Florida Bar, Kathy Tucker, head of the Meetings Department, said she is well aware of the Americans with Disabilities Act requirements to make sure meetings are accessible, but acknowledged there have been bumps along the way. For example, she said, the Bar can no longer use a particular ballroom at the Boca Raton Resort and Club, accessible only via stairs or small service elevator.

“The Bar is very conscious of the need to avoid using space that is not accessible to all,” Tucker said.

The matter came to the high court’s attention when Woodward, a new associate at the Disability Independence Group, in Miami, told her boss, Matt Dietz.

Dietz, a member of The Florida Bar Diversity and Inclusion Committee, let members know about the incident, as well as Justices Fred Lewis and Peggy Quince, and Bar President Eugene Pettis.

“This was a concrete example of a person coming to the door and not being able to access our bar,” Dietz said.

Justice Lewis jumped into action.

“When this issue arose, I immediately scheduled this issue for conference with the entire court,” Justice Lewis said. “We must work together to eliminate all types of discrimination, and it will start with the Florida Supreme Court.”

Pettis, who made diversity and inclusion a cornerstone of his presidency, said: “As we continue our efforts of total inclusion of all lawyers at every level of our Bar, it is imperative that we include persons with physical handicaps. While this incident in Miami was unfortunate, it has shed light on our need to be more sensitive and intentional in making sure every member is included and welcomed.”

Dade County Bar President Leslie Smith said she agrees completely. She said she views it as an opportunity for the DCBA to take the initiative, create protocol, and share it with voluntary bars throughout the state. Attorneys with a variety of disabilities, along with leadership of the DCBA, will be gathering on March 25 to brainstorm and craft the protocols, Smith said.

“Interestingly enough, before I went to law school, I worked for what was then called Florida’s Department of Health and Rehabilitative Services, and I worked with the division that dealt with programming and funding for persons with disabilities,” Smith said.

“The issues are not foreign to me, and though I am not personally affected and don’t have any disabilities, I am certainly aware that we could do more and we have an opportunity to do that. I’m very excited about it.”

Smith said she was not surprised that the incident reached the highest level of Florida’s courts, because she was part of a dialog that went back and forth with Dietz, and she knew of his relationship with the Bar and Justice Lewis, “who has a very personal interest in this issue.”

“I believe in advocacy. Get the word out. Things need to be changed and studied and improved. That’s what advocates do,” Smith said.

But Woodward said, “It surprised me that it went that far. I’m thrilled the chief justice did say something about this, so that it’s on everybody’s radar. It shouldn’t be an issue between just me and the Dade County Bar Association.”

Dietz said Florida Bar leaders have been very supportive, and he appreciates the strong directive from the chief justice.

“I’m glad it is being handled in a top-down fashion. It demonstrates a commitment,” Dietz said. “To have a commitment from the chief justice, the head of your state courts, is phenomenal and shows true dedication to and commitment to diversity and inclusion.”





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