

VIA UPS No. 1Z64589FP294315915
Email to: davidt@flcourts.org

May 27, 2014

Thomas A. David, General Counsel
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399

Dear Mr. David:

This is a public records request, made pursuant to Rule 2.420, Public Access to Judicial Branch Records, Fla. R. Jud. Admin; Chapter 119, Public Records, Florida Statutes; any law, rule, statute, regulation, case holding, or other authority described or found in the Reporter's Handbook of The Florida Bar, Authored by the Media & Communications Law Committee.

<https://www.floridabar.org/DIVCOM/PI/RHandbook01.nsf/Form+List?OpenForm>

1. Records showing authority for the Chief Justice, one or more Justices, or the entire Supreme Court of Florida, to intervene in a disability accommodation matter in the state. Specifically I am referring to a story reported March 1, 2014 in Florida Bar News "Court urges all bars to get right with the ADA", By Jan Pudlow. A PDF is attached, and the story is found online at the link.

<http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/0661ffcdbeb0dff85257c890046538a!OpenDocument>

Stephanie Woodward, a wheelchair-assisted young lawyer, was unable to attend a local bar function in a basement wine cellar without an elevator. Woodward is quoted in the story, "...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.”

1a. This is a records request for letters of Chief Justice Ricky Polston described in the story, sent on February 3 to voluntary bars and leaders at The Florida Bar.

1b. Records of the Supreme Court conference showing the time, place, date, the Justices and other persons attending, a transcript of the proceedings, any and all conference records.

1c. Records of the “approval by the entire Florida Supreme Court” 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.”

1d. Records of any approval by the entire Florida Supreme Court to develop and implement a protocol for Court-related activities for ordinary people at all levels, including hearings and depositions in Florida courts, to ensure compliance with all ADA and access requirements.

1e. Records that show “voluntary bar associations [to] “immediately develop and implement protocol for bar-related activities to ensure compliance with all ADA and access requirements.”

The Florida Bar News Story also reports,

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.”

1f. This is a request for records of Justice Lewis’ actions taken, including the schedule for conference with the entire court.

The Florida Bar News Story also reports,

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.”

1g. This is a request for records of Bar President Pettis’ “diversity and inclusion” cornerstone.

The Florida Bar News Story also reports,

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."

1h. This is a request for records of the dialog of Woodward's boss Matt Dietz, Dade County Bar President Leslie Smith, and Justice Lewis that went back and forth.

1i. This is a request for records showing for Justice Lewis "who has a very personal interest in this issue.". (Note: The "very personal interest" may be a personal bias, and if so, may be a conflict with judicial action to "develop and implement a protocol for Bar-related activities at all levels to ensure compliance with all ADA and access requirements.")

The Florida Bar News Story also reports,

"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."

1j. This is a request for records showing authority of the Supreme Court to handle this disability matter "in a top-down fashion" directly from the "chief justice, the head of your state courts", in lieu of Statewide Court ADA Coordinator Debbie Howells, Supreme Court ADA Coordinator Silvester Dawson, Marshal, or the Florida Court ADA Coordinators for the five District Courts of Appeals, or the Florida Courts ADA Coordinators for the twenty Judicial Circuits.

1k. Records showing whether ordinary people with disabilities in the state of Florida should get the same kind of special attention that Ms. Woodward got from Chief Justice Ricky Polston, Justice Lewis, and the entire Florida Supreme Court in a disability accommodation matter.

2. Records showing the qualifications, education and skills required for the position of the *Florida Court Statewide Court ADA Coordinator* for Office of the State Courts Administrator, shown on the enclosed *Directory, Florida Court ADA Coordinators* revised February 7, 2012,

http://www.flcourts.org/core/fileparse.php/243/urlt/ADA_directory.pdf

<http://www.flcourts.org/administration-funding/court-administration/ada-information.stml>

3. Records showing the duties and responsibilities of the *Florida Court Statewide Court ADA Coordinator* for the Office of the State Courts Administrator.

4. Records identifying the current *Florida Court Statewide Court ADA Coordinator* for the Office of the State Courts Administrator if Debbie Howells is no longer in that position.

5. Records showing the qualifications, education and skills of the current *Florida Court Statewide Court ADA Coordinator* for the Office of the State Courts Administrator.
6. The personnel file for Debbie Howells.
7. Records showing the qualifications, education and skills required for the position of the *Florida Court ADA Coordinator* for the Supreme Court.
8. Records showing the duties and responsibilities of the *Florida Court ADA Coordinator* for the Supreme Court.
9. Records identifying the *Florida Court ADA Coordinator* for the Supreme Court if Silvester Dawson, Marshal, is no longer in that position.
10. Records showing the qualifications, education and skills of the current *Florida Court ADA Coordinator* for the Supreme Court.
11. Records showing the qualifications, education and skills required for the position of *Florida Courts ADA Coordinator* for the five District Courts of Appeals, and twenty Judicial Circuits.
12. Records showing the duties and responsibilities of the *Florida Court ADA Coordinators* for the five District Courts of Appeals, and twenty Judicial Circuits.

In conclusion, I am glad to read Ms. Woodward will get disability access, because ***access is not a convenience when it works best for them. Access is her civil right.***

Time is of the essence. You may provide a partial response now if a full response will be delayed, and provide the full response in a timely manner.

Thank you for your assistance with this matter.

Sincerely,



Neil J. Gillespie
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Telephone: 352-854-7807
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Enclosures

DIRECTORY
FLORIDA COURT ADA COORDINATORS

Revised: February 7, 2012

SUPREME COURT

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1st DISTRICT COURT OF APPEAL

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Phone: 850-488-8136
Fax: 850-488-7989

5th DISTRICT COURT OF APPEAL

Mr. Ty Berdeaux
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3rd CIRCUIT

Ms. Carrina Cooper
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4th CIRCUIT

Mr. James W. Ivey
Court Facilities Manager
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5th CIRCUIT

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ADA Duties: Hernando County

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ADA Duties: Lake County

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6th CIRCUIT

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7th CIRCUIT

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8th CIRCUIT

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9th CIRCUIT

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11th CIRCUIT

Ms. Maria E. Mihaic
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12th CIRCUIT

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13th CIRCUIT

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15th CIRCUIT

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16th CIRCUIT

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17th CIRCUIT

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18th CIRCUIT

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Ms. Kelly Burnett
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ADA Duties: Seminole County

19th CIRCUIT

Ms. Corrie Johnson
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20th CIRCUIT

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OFFICE OF THE STATE COURTS ADMINISTRATOR

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March 1, 2014

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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 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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