



REQUEST FOR ACCOMMODATION RE ATTORNEY JILL CLARK

TO: United States District Court, District of Minnesota via Clerk of Court

C: Eighth Circuit Court of Appeals via Clerk of Court; USDOJ

From: Jill Clark, Jill Clark, LLC (jill@jillclarkllc.com) Date: October 18, 2012

The Rehabilitation Act of 1973 requires programs that receive federal funding to provide equal opportunity to receive program benefits and services, and prohibits discrimination on the basis of disability. 29 U.S.C. §794 (Section 504). The Minnesota Human Rights Act requires that disabilities be accommodated in public accommodations and public services. Minn. Stat. 363A.03, subd. 34-35; 363A.11-12.

On July 10, 2012, Jill Clark, LLC hand-delivered a request for accommodation to the Clerk of the District Court. The request was to reasonably accommodate Attorney Clark by way of a 30-day leave of absence. The Clerk did not acknowledge receipt, request medical records, or engage in an interactive process regarding this request.

The firm is not aware of any legal requirements that the attorney (who is disabled and requesting a leave of absence), be required to request continuances for each case, for each hearing, each due date. This Memorandum requests that the United States District Court for the District of Minnesota (the entity required to provide accommodation) coordinate the accommodation. In response to a request for accommodation, advising a lawyer that they can file a motion for continuance (something the law permits the party to do anyway) is not accommodation. It is the position of JCLLC that failure of the entity to coordinate the leave of absence, is not accommodation.

It is also the position of JCLLC, that Ms. Clark should not be required to publicly disclose her medical records to opposing counsel in order to seek accommodation from *the court (entity)*. Whether the public entity should accommodate an attorney is not a *case* issue that opposing counsel should be consulted on. (Imagine if the attorney could not get their wheelchair through a door to attend court. That would not be an issue the attorney would be required to raise in a *case*, even if it meant the attorney could not attend an upcoming hearing in a case. Opposing counsel would not have any basis upon which to comment.)

It is not a medical leave that will facilitate rest and recovery, if the attorney is required to work every day to: monitor case files, monitor deadlines, request continuances, track all of those requests, argue with opposing counsel about it, and wait until each is granted – in multiple courts (state and federal, district and appellate). I can tell you that attempting to do so has lengthened my recovery time.

Imagine if an advertising agency assistant had 25 different people she assisted, multiple meetings, multiple projects. If she requested that her employer accommodate her leave of absence, she would not be expected to contact each person, for each meeting and project.

When the 30 days requested by July 10 memo was ending, the Clerk did not engage in a process to determine whether or what additional accommodations were required. I was not given the name of a responsible person whom I could contact to move matters forward.

I don't want to escalate this: I want to be accommodated. And what has occurred in the past has, with all due respect, not been working.

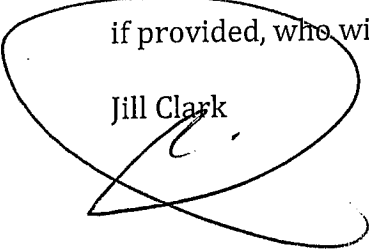
I publicly disclosed yesterday to the Minnesota Supreme Court, that I have now (only in October) been diagnosed with post traumatic stress disorder. I also publicly disclosed that the seizures have stopped; they are no longer an issue.

I am requesting accommodation for PTSD. I need to note that the PTSD followed traumatic incidents in the state courts. I was not traumatized by federal judges, but, because of the way the disorder has manifested itself, I have an exaggerated fear of judges and courts.

The particulars of *my* disability must be dealt with in order to accommodate me: there is no cookie-cutter approach. It is not appropriate, in this circumstance, to just tell me to go deal with judges in each case. I am requesting a leave of absence until January 6, 2012.

I asked for a copy of a policy that would assist me in seeking accommodation; I was told today by Lou Jean Glean that the D. Minn. does not have one. Could you please describe the process for me? Is there some committee involved; are judges involved? Is there a Chinese wall between the judges serving on a committee and judge decisions in cases?

When I asked who to talk to, to ensure my medical records would be kept confidential, and if provided, who will see them, I was told to raise that issue with you.

Jill Clark


REQUEST FOR ACCOMMODATION RE ATTORNEY JILL CLARK

TO: United States District Court, District of Minnesota via Clerk of Court
C: Eighth Circuit Court of Appeals via Clerk of Court
From: Temporary Manager, Jill Clark, LLC (temp.manager@jillclarkllc.com)
Date: July 9, 2012

The Rehabilitation Act of 1973 requires programs that receive federal funding to provide equal opportunity to receive program benefits and services, and prohibits discrimination on the basis of disability. 29 U.S.C. §794 (Section 504).

Attorney Jill Clark was recently diagnosed with seizure disorder (partial complex seizures). Whether this is considered a disability/impairment of a major life activity in its unmedicated form (see, e.g., Sutton v. United Air Lines, 527 U.S. 471, 474 (1999) (superseded by 2008 ADA amendments on other grounds), or whether it is 'regarded as' a disability in its medicated form, Ms. Clark is entitled to protection under the RA.

Request for reasonable accommodation

Jill Clark, LLC looked on the US D.C. website for a form to fill out to request accommodation but was not able to locate one.

This request is therefore being made with the understanding that if the District Court requires additional information (such as medical information, it will request it.

By way of background, Ms. Clark had been suffering in months prior to June 2012 (she had not yet gotten back on a full-time schedule since going out on medical leaves in November 2011 and January 2012). In June 2012 she experienced extreme neurological symptoms which caused her hospitalization.

The correct diagnosis was, thankfully, finally made. The neurological symptoms have been addressed. The diagnosis of partial complex seizures (as we understand it seizure disorder was previously referred to as epilepsy) resulted in the immediate prescription of anti-seizure medications.

Ms. Clark had neuropsych testing in the hospital, and her understanding upon discharge was that as long as she took some time to acclimate to the new medication, she could work.

But upon her discharge, a couple of things occurred in rapid succession. Prosecutors from the Office of Lawyers Professional Responsibility had been pursuing public ethics charges against Ms. Clark, which had added to her stress, particularly since she was

still part-time and struggling to meet the demands of clients and courts (including the federal district court). Clark is anxious to defend against these charges but will not discuss the merits of the charges here.

Upon Ms. Clark's family and attorney informing the state court of her hospitalization, the state court set in motion a recommendation to the Supreme Court for license disability inactive status pursuant to Minn.R.Prof.Resp. 28(c). Once Ms. Clark was diagnosed and told she could work, that information was relayed to the state court, but it was not possible to stop the recommendation. That recommendation currently resides in the Minnesota Supreme Court.

Although the recommendation has provided a de facto period of accommodation for Ms. Clark (and that is appreciated) the measure of disability license suspension seems extreme under current information.

Clark and her advisors have done the best they could making decisions with limited information and upon short notice.

Clark's attorney advised her not to represent clients or herself while the recommendation was pending. Clark has taken this advice.

Jill Clark, LLC has a temporary manager in place (this is a group of volunteers) and is in the process of creating a management plan for all cases.

Ms. Clark is requesting reasonable accommodation from this court at this time: a minor delay in the proceedings in any of her cases until she is acclimated to the new medications.

Jill Clark, LLC does not yet know precisely how long doctors will determine that Clark needs to be acclimating to the new medications, but additional information will be provided to this Court as soon as it is available.

Additional information is also being provided to the Minnesota Supreme Court today, and perhaps the issues there will be cleared up.

Questions or requests for additional information can be sent to:
temp.manager@jillclarkllc.com