

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of a major life activity in its unmedicated form (see, e.g., Sutton v. United Air Lines, 527 U.S. 471, 474 (1999) (superseded by 2008 ADA amendments on other grounds), or whether it is 'regarded as' a disability in its medicated form, Ms.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