

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 84

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

All Justices	Senior Staff
All Judges	Administrative Associate
Area Court Administrators	Rural Court Analyst
Clerk of the Appellate Courts	Central Services Manager
Rural Court Training Assistants	Judicial Services
All Full-Time Clerks of Court	APD Warrants
All Magistrates	
Law Libraries at Anchorage, Fairbanks, Juneau & Ketchikan	

SUBJECT: Policy on Accommodation of Attorneys Who are Breastfeeding

It is the court system's policy to make reasonable accommodation for attorneys who are breastfeeding, regardless of whether an accommodation is legally required.

In most instances, the attorney, the assigned judge, and opposing counsel will be able to work out an acceptable arrangement for appropriate breaks.

Most judges take regular breaks throughout the trial day. If an attorney needs longer or more frequent breaks, the attorney should give the trial judge as much advance notice as possible, since it may be necessary to set aside additional time for the proceeding. Ideally, this notice should be given when the proceeding is scheduled. The attorney should also advise the trial judge approximately when the breaks are needed.

What's a reasonable accommodation? It is the court system's policy to give the attorney the amount of time she requests, as long as it's not unreasonable (and there is no reason to think the attorney is being untruthful or trying to obtain a tactical advantage). The Fair Labor Standards Act (which is not applicable here) requires employers to give nursing employees a minimum of 20 minutes. Based on that standard, an additional 20 to 30 minutes beyond the usual break in the proceeding would be reasonable. Absent some unusual medical condition, the court system does not expect trial judges to halt proceedings for more than this amount of time to accommodate an attorney who is breastfeeding. If an attorney requests unusually long breaks based on a special medical condition, it isn't necessary (or advisable) to inquire into that condition on the record. Instead, the judge should either accept the attorney at her word and provide the longer break, or contact the Area Court Administrator, the Administrative Director, or the Human Resources Director for assistance.

