



# Courthouse Lactation Room Handbook



June 2018

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A very special thank you to Stetson University College of Law students: Alexis B. Campisi, Julie R. Dunphy, Kelly E. Hawk, Rachel Kirshner, and Jasmine R. Persinos Storm for their hours of research, interviews, writing, editing, and dedication to this project. Your work, especially during finals, is appreciated and your futures are so bright.

Finally, a warm thank you to Jennifer Shoaf Richardson for her unwavering leadership, support, and commitment to this mission.

With gratitude,

A handwritten signature in cursive script that reads "Joann G Burnett".

Joann Grages Burnett

Chair, 2018-2019 Lactation Room Taskforce

## MESSAGE FROM THE PRESIDENT

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Greetings FAWL Chapters,

Guided by our mission *to actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary and community at large*, several of our FAWL Chapters have spearheaded efforts to establish dedicated Lactation Rooms in their respective courthouses. FAWL applauds and celebrates the work of our members and leaders and congratulates those who have answered the call to ensure our courthouses are more welcoming and inclusive to nursing mothers. Your dedication will continue to make an impact on

our legal community.

In an effort to celebrate these accomplishments, and encourage other FAWL Chapters and members to help FAWL reach our goal of ensuring that every courthouse in Florida has a dedicated Lactation Room, I have appointed Joann Grages Burnett to serve as the Chair of FAWL's Lactation Room Taskforce for 2018-2019. Under Joann's supervision and guidance, we have created this Handbook as a guide for you and your Chapters.

In this Handbook you will find helpful and practical information along with best practices for establishing dedicated Lactation Rooms in your local courthouses. A very special thank you to Stetson University College of Law students Alexis B. Campisi, Julie R. Dunphy, Kelly E. Hawk, Rachel Kirshner, and Jasmine R. Persinos Storm for their tireless and dedicated efforts in making this handbook possible. Your enthusiastic commitment to this project and the FAWL Mission is deeply appreciated.

If FAWL can support your efforts in anyway or if you have any questions or suggestions about this handbook or the Lactation Room Taskforce, please never hesitate to reach out to myself or Joann Grages Burnett at [JGBurnett@law.stetson.edu](mailto:JGBurnett@law.stetson.edu).

Yours in FAWL Sisterhood,

A handwritten signature in black ink that reads "Jennifer Shoaf Richardson".

Jennifer Shoaf Richardson

2018-2019 FAWL President

## FAWL'S MISSION

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*To actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary and community at large. To achieve these goals, FAWL will uphold the highest standard of integrity, honor and courtesy in the legal profession, promote reform in law, and facilitate administration of justice.*

### WHY ARE DEDICATED LACTATION ROOMS IMPORTANT TO FAWL'S MISSION?

By working to establish dedicated Lactation Rooms<sup>1</sup> in courthouses, FAWL promotes accessibility to women in the legal field. According to the American Bar Association, women make up 36% of the legal profession,<sup>2</sup> and 38% of Florida attorneys are women.<sup>3</sup> Additionally, women represent 39% of the Florida judges,<sup>4</sup> and 27.1% of all federal and state judges in the country.<sup>5</sup> The number of women entering the legal field is likely to rise as the number of women law students in Florida alone approaches 50%.<sup>6</sup> While motherhood has been previously considered a barrier for women wanting to enter the legal field,<sup>7</sup> organizations like FAWL and projects like the Courthouse Lactation Room Project help tear down these barriers. Lactation Rooms allow attorneys to balance their career

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<sup>1</sup> Throughout this Handbook, you will note that FAWL Chapters refer to dedicated lactation spaces as Nursing Rooms, Mother's Rooms, Lactation Rooms, etc. While FAWL supports a variety of names for these spaces, for consistency and clarity, the authors of this Handbook will refer to these spaces as Lactation Rooms.

<sup>2</sup> *A Current Glance at Women in the Law*, AMERICAN BAR ASSOCIATION 2 (Jan. 2017). [https://www.americanbar.org/content/dam/aba/marketing/women/current\\_glance\\_statistics\\_january2017.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_january2017.authcheckdam.pdf).

<sup>3</sup> *Board Issue Paper – Women in the Law/Gender Bias*, THE FLORIDA BAR (Feb. 13, 2017) <https://www.floridabar.org/news/resources/issue-04/#IV.%20Facts%20and%20Statistics>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* (The number is currently at 48.7% and has risen over the last few years.)

<sup>7</sup> *Leaving Law and Barriers to Reentry: A Study of Departures From Reentries to Private Practice*, LSAC (Nov. 2013) [https://www.lsac.org/docs/default-source/research-\(lsac-resources\)/gr-13-02.pdf](https://www.lsac.org/docs/default-source/research-(lsac-resources)/gr-13-02.pdf).

and their nursing needs, while also helping employers to fulfill legal requirements for lactation breaks.<sup>8</sup>

In addition to supporting the needs of women working in the legal field, these rooms also support women jurors. Although the percentage of women serving on juries is unclear,<sup>9</sup> women perform this civic duty just as men do. The Supreme Court has held that barring women from the jury pool undermines the judicial process.<sup>10</sup> Having access to Lactation Rooms helps these jurors engage as equal citizens in the judicial process.<sup>11</sup> In working to support the needs of nursing women, FAWL supports the inclusion of women as both active participants in the legal profession and engaged citizens in the judicial system.

## WHY WOMEN NEED A DEDICATED LACTATION ROOM

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It is important that nursing women who are away from their child for a prolonged period of time be able to express milk. Breast milk production is based off of demand: the more demand there is for breast milk, the more breast milk a woman's body will produce. Likewise, the less demand there is for breast milk, the less breast milk a woman's body will produce. For a nursing mother to maintain her breast milk supply for her infant or toddler, a nursing mother must pump as a substitute for every time she would nurse her child. This would mean that a working staff member, juror, courthouse attendee, attorney, or judge who nurses her child

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<sup>8</sup> Reasonable Break Time for Nursing Mothers, 75 Fed. Reg. 80073, 80075 (Dec. 21, 2010).

<sup>9</sup> It is unknown exactly how many jurors are women. However, studies have been done examining the impact of women jurors on verdicts. See Laughlin McDonald, *A Jury of One's Peers*, ACLU (March 18, 2011).

<https://www.aclu.org/blog/mass-incarceration/jury-ones-peers>. See also Shamena Anwar, Patrick Bayer, and Randi Hjalmarsson, *Female Representation: Impact of First Female Jurors on Criminal Convictions*, VOX (Apr. 19, 2016) <https://voxeu.org/article/impact-female-jurors-criminal-convictions> (examining the role of women in English juries).

<sup>10</sup> See generally *Taylor v. Louisiana*, 419 U.S. 522 (1975).

<sup>11</sup> A female juror provided feedback to the Miami-Dade County Chapter of FAWL that the Lactation Room the chapter established helped her participate in jury duty.

might need to pump between 3 and 4 times in a working day to maintain her supply for her child.

Additionally, a nursing mother's health can be negatively affected if she is not able to regularly express her breast milk. A mother who cannot express milk when her breasts are full will experience intense pain or engorgement. Further, not having an opportunity to express milk for too long may cause a nursing mother to develop a clogged duct. This clogged duct can quickly become a breeding ground for bacteria and result in a painful infection called mastitis. Mastitis causes swelling, fever, chills, and localized engorgement in the breast. This infection can be detrimental to a nursing mother's health and her ability to provide breast milk for her child.

For these reasons, it is crucial and necessary that a nursing mother be able to bring her breast pump and accessories into a courthouse and take reasonable breaks to express milk when she will be there for a prolonged amount of time.

## **THE LAW REGARDING LACTATION BREAKS AND ROOMS**

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### In Public

Florida was one of the first states to pass legislation supporting breastfeeding mothers.<sup>12</sup> Section 383.015 of the Florida Statutes allows mothers to breastfeed "in any location, public or private, where the mother is otherwise authorized to be."<sup>13</sup> Under this statute, if a mother is allowed to be in a location, then she may breastfeed there regardless of whether her nipple is uncovered as a result of the

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<sup>12</sup> Rose Walano, *Breastfeeding Laws By State: Find Out What Your State Laws Say About Breastfeeding*, THE BUMP <https://www.thebump.com/a/breastfeeding-laws> (last visited May 23, 2018).

<sup>13</sup> FLA. STAT. § 383.015(1) (2017).



feeding.<sup>14</sup> While the rights of mothers to nurse in public are protected in Florida, some mothers may prefer a more secluded environment to nurse or express milk. While the the law does not specifically mention pumping, dedicated Lactation Rooms offer a sense of privacy and discretion which addresses both of these concerns.

### In the Workplace

Lactation rooms are particularly useful in addressing the rights of employees who are breastfeeding and the duties owed to them by their employers under the law. The United States Department of Labor requires that employers provide “reasonable break time” for nursing mothers to address their lactation needs for one year after the birth of their child(ren).<sup>15</sup> “Reasonable” time considers several factors including:

- How long it takes the employee to walk to and from the lactation space and whether she needs to wait to use the space;
- Whether the employee needs to get her pump and other supplies from another location (such as a locker room);
- Whether the employee needs time to set up her pump and how long the set up takes;
- The efficiency of the pump used;
- How long it takes the employee to clean the pump and other supplies and the location of the sink she can use for this purpose; and

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<sup>14</sup> *Id.*

<sup>15</sup> Reasonable Break Time for Nursing Mothers, 75 Fed. Reg. at 80073.

- How long it takes the employee to walk to and from the location where she can store her expressed milk.<sup>16</sup>

In addition to required break times, federal law also requires that employers provide a place for employees to express breast milk.<sup>17</sup> The employer must provide such a place that is:

- Not a bathroom;
- Shielded from view;
- And is free from intrusion from coworkers and others.<sup>18</sup>

Additionally, the room must be equipped to accommodate the employee's lactation needs.<sup>19</sup> This means that the lactation space must contain, at minimum, a place for the employee to sit and a flat surface on which to place a pump.<sup>20</sup> Additionally, while not required, the Department of Labor encourages access to electricity to allow for the use of electric pumps as well as access to a refrigerator to store the milk.<sup>21</sup> While the Department also considers the right to nurse to include the right to store milk, it does not require employers to provide a refrigerator.<sup>22</sup> However, employers must allow employees to bring a pump and an insulated container and provide a place for them to keep these items during the day.<sup>23</sup> The Department of Labor does not require that these places be permanent

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<sup>16</sup> Lactation Break Policy (FL), Practical Law Standard Document 2-618-4577 (West). *See also* DOL: Fact Sheet #73: Break Time for Nursing Mothers Under the FLSA, US DEPT. OF LABOR (April 2018), <https://www.dol.gov/whd/regs/compliance/whdfs73.pdf> and Reasonable Break Time for Nursing Mothers, 75 Fed. Reg. 80073 at 80075.

<sup>17</sup> 29 U.S.C. § 207(r)(1) (2012).

<sup>18</sup> *Id.*

<sup>19</sup> Reasonable Break Time for Nursing Mothers, 75 Fed. Reg. at 80076.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* (noting also that these features may shorten the amount of break time needed).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

spaces, or even rooms—although that is preferred.<sup>24</sup> The provided place must, however, meet the minimum requirements specified above.<sup>25</sup>

## **BEST PRACTICES FOR ESTABLISHING LACTATION ROOMS**

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### **BEST PRACTICES FOR OUTREACH TO ESTABLISH ROOMS**

Once the decision is made to advocate for a dedicated Lactation Room in your local courthouse, the next step is to propose the project to the best courthouse contact. Some FAWL Chapters found the Trial Court Administrator to be the best and most efficient contact for getting a room established. The Trial Court Administrator may have the authority to move the idea forward to a Chief Judge and contact the courthouse departments that would be involved in the process, such as facilities management or security. Some FAWL Chapters went directly to the Chief Judge.

Part of establishing a room may include outreach for room supplies or support. Consider the following methods or resources when developing your outreach strategy:

- Create press releases and blog posts (see Appendix A and C);
- Post to social media sites;
- Email communication blasts to FAWL Chapters and other professional affiliates;
- Send letters to possible sponsors (see Appendix B);

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<sup>24</sup> *Id.*

<sup>25</sup> See *supra* notes 17-19 and accompanying text.

- Hold a grand opening, including invitations and announcements (see Appendix E).

## **BEST PRACTICES FOR ROOM ACCESS**

Managing access to dedicated Lactation Rooms can present some logistical challenges for courthouses. Below are some tips and advice for ensuring the rooms are publicized, secure, and easily accessible.

- Provide ample signage in the courthouse and on the courthouse website so nursing mothers are aware of the Lactation Room. Include information for a point of contact on signage in the event the room needs service or attention (see Appendix F).
- The courthouse should include information on their own website regarding accessibility and contact information for the room. This should be in a highly visible location to promote the Lactation Rooms.
- The room should be lockable from the inside and the outside. Consider a lock and key system, swipe card access, or keypad access options.
- If a keypad is used, create a system to secure the code or regularly change the code to ensure security and privacy. This will also prevent misuse and unauthorized access of the room.
- Identify an employee at the courthouse to manage the room access. This individual should be easily accessible, such as a Bailiff or information desk personnel. Consider utilizing the bailiff stationed in the hallways of the courthouse or bailiffs within each courtroom as a point of contact for access. Include a second option if the receptionist or Bailiff is unavailable. Ensure Bailiffs are properly trained about Lactation Rooms and breast pumps and accessories. (see Sheriff's Guide to Best Practices for Clearing Breast Pumps, Breast Milk, Formula, on pg 17).

- Create a sign-in process with a form that could include: collection of photo identification, contact information, date, time signed in and out, etc. It is best to collect the information and keep this in a protected location; privacy is very important and cannot be overemphasized (see Appendix H and I).
- If more than one user may utilize the room(s) at one time, tracking user access is helpful to ensure privacy and prevent confusion or disruption for users. Consider adding an “In Use” sign outside of the room.
- Photo identification could be held and returned upon user sign-out.
- Implement a procedure to have a supervising employee conduct a visual room check before and after each use. Set up a protocol to address and resolve room damage or supply issues. Consider collaborating with Facilities Management, Head of Security, and/or the Trial Court Administrator when drafting these procedures.

## **BEST PRACTICES FOR ROOM NAMING**

When deciding how to name the room, consider a name that is easily identifiable to promote room accessibility.

- Lactation Room
- Nursing Lounge
- Nursing Room
- Mother's Room

## **BEST PRACTICES FOR ROOM SPECIFICATIONS**

Below you will find advice and best practices for what a Lactation Room should look like, where it should be located, and what size room is recommended.

### Location

The Lactation Room cannot be a restroom.<sup>26</sup> If there are multiple dedicated Lactation Rooms in the building, it would be best if the rooms could be evenly distributed throughout the building. Additionally, the Lactation Rooms should be as removed from foot traffic as possible to ensure maximum privacy. Since pumping mothers will need to clean and sanitize pumping equipment and bottles, a location which houses a sink is ideal. If plumbing is not possible in an available room, then a restroom or room with a water source should be within short walking distance. Try to avoid using rooms which can only be accessed by passing through other rooms or secluded spaces.

### Room Identification

The room should be clearly identified with a sign outside of the door. Signage should also be established throughout the building to direct users toward the door. The Lactation Room's location should also appear on the directory at the building's entrance, in the lobby, and outside of every elevator. Additionally, if the Lactation Room is only large enough for a single user, a vacancy/occupied sign should be hanged outside to ensure privacy.

### Size

The room should be at least large enough to accompany a chair, table, and ottoman. An 8 foot by 8 foot area, at minimum, should be used. Some facilities may be able to accommodate multiple pumping stations and include personal storage areas. In locations intending to include these features, a 12 foot by 10 foot space would be ideal. A space large enough to include plumbing is a plus.

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<sup>26</sup> 29 U.S.C. § 207(r)(1) (2012).

## **LACTATION ROOM AMENITIES**

Every Lactation Room should include at least one chair and a flat surface, such as a side table or shelf, to hold a breast pump and supplies. A small ottoman is also ideal for nursing mothers.

In order to ensure required privacy, a partition or curtain is needed to shield exposed mothers from an opening door. Ideally, additional partitions should also be installed in rooms with multiple chairs to allow for added privacy. The room must lock from the inside and outside. If within the budget consider, a lock and key system, swipe card access, or keypad access options

Since many breast pumps require an AC adapter, at least one electrical outlet is necessary. Multiple outlets may be necessary to power additional equipment such as a refrigerator, microwave, and lamp.

Running water within the room is ideal for rinsing and cleaning equipment after use, filling a steamer/sterilizer/steamer bag, and washing hands.

A microwave or electric sterilizer/ steamer or steamer bag is ideal for sanitizing pump equipment and bottles between pumping sessions. Many women will likely need to pump multiple times in a working day, so having a way to disinfect and sanitize equipment is necessary to ensure breast milk is sterile. Also, disposable non-bleach disinfecting wipes which are made specifically for pump accessories are available and would be a nice addition.

If space is available, a small refrigerator should be included to keep expressed breast milk for short periods of time. This refrigerator may also be used to refresh any cooler packs mothers bring to keep breast milk cool in a personal cooler. A digital thermometer for the refrigerator would be ideal to ensuring that expressed milk stays at the proper temperature. Further, a few boxes of breast milk storage bags may be kept near the refrigerator for any mother who may have forgotten her own. Keep in mind that some women may choose to refrigerate their pump

parts when not in use rather than sterilizing them after each use, so ample room in the refrigerator is preferred. Consider adding plastic baskets in the fridge to help create separate spaces for each user.

Some mothers may have to bring their babies to court with them, so many of these rooms will also serve as a place for mothers to nurse and clean their babies. With this function in mind, a bottle warmer would be ideal since you are not encouraged to microwave breast milk. Additionally, a trash can with a lid suitable for diaper disposal, disposable diaper bags, or some form of deodorizing waste basket is ideal to hold diapers and any other waste. Bag refills are also needed in the room. A changing table may also be necessary, but if the room is not large enough, a changing pad may suffice. This pad may easily be tucked away between uses to maximize room.

The room may also require a paper towel dispenser and paper towel refills, as well as hand sanitizer and/or hand soap. These amenities are necessary to ensure the area stays germ free and breast milk does not get contaminated.

The Lactation Room must be calm and relaxing to ensure mothers are able to efficiently express maximum amounts of breast milk throughout the day. When a lactating mother is under stress, it can hinder milk production. Artwork and décor may be included to create a welcoming atmosphere. Additionally, a dimmer switch or ambient light is ideal as low light is best. Consider adding a electric sound machine to provide white noise for both the user and others who may be in close proximity to the room as some breast pumps make noise.

To make the room welcoming to new users, a bulletin board may be incorporated to post encouraging words, engaging articles, or pictures of infants. This would also be the place to post contact information for someone who can address any issues with the room or supplies.

See Appendix D for sample wish lists for the Lactation Room.



## LACTATION ROOM INVENTORY CHECKLIST

Below you will find an itemized list of items that are critical and may be helpful in establishing a dedicated Lactation Room in your courthouse.

|                          |  |
|--------------------------|--|
| Must haves <sup>27</sup> | <ul style="list-style-type: none"><li>• A comfortable chair (ideally, a rocking chair)</li><li>• Access to electrical outlet (for breast pumps without battery function)</li><li>• A light source</li><li>• A small table next to chair to hold a breast pump and pumping supplies (at least 24' x 24')</li><li>• Hand sanitizer (if no water source is available in the room)</li><li>• Paper towels</li><li>• Trash can</li></ul>  |
| Should haves             | <ul style="list-style-type: none"><li>• Access to water source, whether nearby or within the room</li></ul>  |
| Nice to have             | <ul style="list-style-type: none"><li>• Comfortable lounge chair or foot rest</li><li>• A lamp with dimmer settings to create a relaxing environment</li><li>• A mirror</li><li>• A refrigerator to store expressed milk with a thermometer to ensure milk is safely stored at the correct temperature</li><li>• A microwave to sanitize breast pump accessories</li><li>• A breast pump accessory microwave sterilizer or disposable sterilizer bags designed for breast pump accessories</li><li>• Disposable non-bleach disinfecting wipes</li><li>• A trash can with a lid suitable for diaper disposal, a diaper changing table or pad, for litigants or court visitors with children</li><li>• Sound machine or radio for calming and relaxing music</li><li>• An atmosphere and ambiance that will serve to increase relaxation which will ensure users have a productive and efficient lactation experience</li><li>• Organizing baskets for the refrigerator</li><li>• Bottle warmer</li><li>• Changing pad</li></ul> |

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<sup>27</sup> "Must haves," for the purpose of this section is based on best practices of FAWL chapters, not legal requirements. For legal requirements, see *The Law Regarding Lactation Breaks and Rooms* section of this handbook.

## **BUDGET**

There are several creative ways to fund dedicated Lactation Rooms in your courthouse. FAWL Chapters from across the state have provided the following tips and strategies for you.

- Utilize and recycle unused courthouse furniture and supplies;
- Courthouses may fund the project or provide the needed donations because users include members of the public, not just FAWL members;
- Request donations and sponsors from your FAWL Chapter (see Appendix B);
- Seek sponsorship from other attorneys, law firms, or the courthouse itself. Ensure you acknowledge them in advertising and in the room itself, if possible;
- Request donations from local community members;
- Request donated children's artwork from local mothers; and
- Utilize social media for donation requests.

## SHERIFF'S GUIDE TO BEST PRACTICES FOR CLEARING BREAST PUMPS, BREAST MILK, FORMULA, AND ACCESSORIES

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When establishing dedicated Lactation Rooms in your courthouses, one issue you may have to assist with is ensuring that the Bailiff's from the Sheriff's Office are aware of how to properly recognize and handle breast pumps, breast pump accessories, breast milk, and formula. The information below may be helpful for training purposes.

### What is a breast pump?

A breast pump is a device used by lactating women to extract milk from their breasts to later give to their infant or toddler. These devices come in different shapes and sizes depending on their intended use and power output, and may be manually powered by hand or electronically by battery or AC adapter.

### What does a breast pump look like?

Breast pumps come in a variety of shapes and sizes and are composed of many different parts which must be assembled for use. While the power unit's appearance varies by brand and model, all breast pumps use a flange which is placed over the mother's nipple to create suction. Additionally, all pumps require tubing and a bottle to collect milk. Many mothers opt to disassemble their pump and place it in a bag or case for easy transport. When handling and inspecting a breast pump as it passes through security, it is important to remember that breast pumps come in different shapes and sizes.



As shown in *Figure 1*, a manual breast pump is composed of a flange (or breast shield), a pump, and a bottle. The flange sits on the breast to create a seal over the nipple. The pump creates suction,

*Figure 1. Variety of Manual Breast Pumps.*  
Photo Courtesy of [www.todaysparent.com](http://www.todaysparent.com)

which draws milk out of the breast and nipple. The detachable bottle collects milk for later use.



Figure 2. Spectra Personal Electric Breast Pump.  
Photo Courtesy of [www.thebreastfeedingshop.com](http://www.thebreastfeedingshop.com)

As shown in *Figure 2*, a personal electric breast pump is composed of an electrical power unit, AC adapter, tube(s), flange(s), and bottle(s). Some personal electric breast pumps use two sets of bottles, flanges, and tubes so a mother can express milk from both breasts simultaneously. Some personal electric units can be powered by both an AC adapter and battery. Personal electric units are often small enough to carry with one hand.



As shown in *Figure 3*, a personal electric breast pump can also be small enough to fit in the user's palm.

Figure 3. Lansinoh Personal Electric Breast Pump.  
Photo Courtesy of [www.target.com](http://www.target.com)



Figure 4. Hospital Grade Electric Breast Pump.  
Photo Courtesy of [www.medela.com](http://www.medela.com)

As shown in *Figure 4*, a hospital grade electric breast pump can be much larger than a personal electric breast pump. The hospital grade electric breast pump includes the same pieces and components as the personal electric breast pump, but is often larger and includes a carrying case for easier transport. Some of these pumps also include a cooler-ice-pack combo to store larger amounts of breast milk.

### Why do women need to have breast pumps?

It is important that nursing women who are away from their child for a prolonged period of time be able to express milk. Breast milk production is based off of demand: the more demand there is for breast milk, the more breast milk a woman's body will produce. Likewise, the less demand there is for breast milk, the less breast milk a woman's body will produce. For a nursing mother to maintain her breast milk supply for her infant or toddler, a nursing mother must pump as a substitute for every time she would nurse her child. This would mean that a working staff member, juror, courthouse attendee, attorney, or judge who nurses her child might need to pump between 3 and 4 times in a working day to maintain her supply for her child.

Additionally, a nursing mother's health can be negatively affected if she is not able to regularly express her breast milk. A mother who cannot express milk when her breasts are full will experience intense pain or engorgement. Further, not having an opportunity to express milk for too long may cause a nursing mother to develop a clogged duct. This clogged duct can quickly become a breeding ground for bacteria and result in a painful infection called mastitis. Mastitis causes swelling, fever, chills, and localized engorgement in the breast. This infection can be detrimental to a nursing mother's health and her ability to provide breast milk for her child.

For these reasons, it is crucial and necessary that a nursing mother be able to bring her breast pump and accessories into a courthouse and take reasonable breaks to express milk when she will be there for a prolonged amount of time.

### Ice Packs, Coolers, and Empty Bottles

Breast milk is a living organism which is not homogenized or pasteurized like dairy milk. Since it has not undergone these processes and is living, it must stay cold to avoid spoilage. To this end, it is necessary that nursing mothers keep their breast

milk refrigerated during the work day and then have an area to keep breast milk cold during transport. A cooler or lunch box with icepacks is normally how mothers keep their breast milk cool during the commute between work and home, and some elect to keep their breast milk in these coolers during the work day to avoid storing their milk in a communal refrigerator. With these needs in mind, it is important to remember that these devices are necessary for nursing mothers to bring with them when attending the courthouse. These devices may be checked with reasonable inspection. A new pair of gloves should be worn during inspection to ensure that the area is not compromised since breast milk must be kept as sterile as possible.

Additionally, expressed breast milk is often stored in storage bags or bottles. Nursing mothers must be able to bring these empty bags and bottles into the courthouse so they can fill them throughout the day.

#### Formula and Water for Women with Children

Some women may have to attend the courthouse for any amount of time and bring a small infant with them. Some infants are fed by formula, whether it be exclusive or supplemental. Formula comes either premixed in bottles or in a powdered form to which a mother will add water. Powdered formula and water are often partitioned into pre-measured amounts. Therefore, it is necessary that mothers be able to bring formula and water into the courthouse. When clearing formula and water, a reasonable inspection is permitted. A new pair of gloves should be worn during inspection to ensure that formula and water are not compromised for infant ingestion.

## What Does the Transportation Security Administration (TSA) Say and Do?: A Model for Courthouse Procedure

Per TSA, formula, breast milk, and juice are allowed in reasonable quantities when boarding a flight.<sup>28</sup> Additionally, breast milk, and juice in quantities greater than 3.4 ounces or 100 milliliters are allowed along with ice packs, freezer packs, frozen gel packs and other accessories required to cool formula, breast milk, and juice.<sup>29</sup> These accessories may be partially frozen or slushy.<sup>30</sup> Women may also bring gel or liquid-filled teethingers, canned, jarred and processed baby food.<sup>31</sup> Generally, TSA does not inspect formula, formula, or nursery water.<sup>32</sup> Additionally, TSA allows breast pumps through security.<sup>33</sup>

TSA's guidelines should be used as a model for screening and clearing breast pumps, breast milk, formula, water, and food. These items are necessary for nursing mothers and mothers with children. Breast pumps may go through x-ray screening. Additionally, breast milk, formula, or water may go through x-ray screening as there are no known adverse effects to children.<sup>34</sup> However, some mothers may object to an x-ray screen. In this case, a reasonable inspection with a new pair of gloves is permitted. Great care should be taken to keep these fluids and objects as sterile as possible to avoid cross contamination of the infant's food.

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<sup>28</sup> *Baby Formula*, Transportation Security Administration <https://www.tsa.gov/travel/security-screening/whatcanibring/items/baby-formula>.

<sup>29</sup> *Is breast milk, formula, and juice exempt from the 3-3-1 liquids rule?*, Transportation Security Administration <https://www.tsa.gov/travel/frequently-asked-questions/breast-milk-formula-and-juice-exempt-3-1-1-liquids-rule>.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *What Can I Bring?: Breast Pumps*, Transportation Security Administration <https://www.tsa.gov/travel/security-screening/whatcanibring/items/breast-pump>.

<sup>34</sup> *Traveling with Children*, Transportation Security Administration <https://www.tsa.gov/travel/special-procedures/traveling-children>.

## APPENDIXES

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### APPENDIX A - SAMPLE PRESS RELEASE



Moore Justice Center Celebrates Mother's Day With Opening of New Nursing Room

By Space Coast Daily // May 13, 2018

Open to any courthouse visitor – whether an employee, juror, or member of the public.

New mothers will now have a place to nurse or pump breast milk at Brevard's largest courthouse. Chief Judge John M. Harris, above, says he's proud to offer a safe, comfortable space for nursing mothers and is grateful to the Brevard County Association for Women Lawyers for their generous support.

Brevard County, Florida– New mothers will now have a place to nurse or pump breast milk at Brevard's largest courthouse.

Located just outside courtroom 2-D, the "Nursing Room" will provide a private space for lactating mothers that is shielded from view and interruption from the public.

Chief Judge John M. Harris says he's proud to offer a safe, comfortable space for nursing mothers and is grateful to the Brevard County Association for Women Lawyers for their generous support.

"The Brevard County Association for Women Lawyers furnished and decorated the room which will be especially useful for attorneys who often spend many hours at the courthouse," said Judge Harris.

"However, the space is open to any courthouse visitor – whether an employee, juror, or member of the public."

A sign posted in the courthouse will provide information to visitors about the space.

"It is our hope that this room will make nursing mothers feel welcome at our courthouse," said Wendy Fisher, a member of the BCACL and one of the attorneys responsible for the project.

In time, Chief Judge Harris would like to open similar rooms at other court facilities.



## **APPENDIX B - SAMPLE SPONSOR LETTER**

*Date*

*Law Firm Name*

*Address*

*City, State*

*Zip Code*

### **Sponsor Invitation for New Courthouse Lactation Room**

Dear [*Partner or Manager of Law Firm*]:

The \_\_\_\_\_ Courthouse of the \_\_\_\_\_ Circuit/District (or other courthouse title/identifier) is implementing a dedicated Lactation Room to provide private and comfortable accommodations for nursing mothers. This room will be made available to attorneys, courthouse employees, and the visitors of the courthouse, including jurors and litigants.

There is a need for [insert requests here – furnishings, supplies, etc.]. This meaningful project will become a reality with your sponsorship. In addition, recognition will be given for the sponsors and donors on the room signage and through the press releases.

Please reach out to schedule a call or meeting so we may discuss any questions you may have. I look forward to hearing back from you.

Sincerely,

*Name*

*Title*

*Chapter Affiliation*

*Phone Number*

*Email Address*

## APPENDIX C - SAMPLE BLOG POST

<https://flayld.org/2017/05/tampa-lawyers-pumped-about-new-lactation-rooms/>

May 23 *Posted by Alex Palermo*

### **Tampa Lawyers Pumped About New Lactation Rooms**

My husband and I are both attorneys practicing in Tampa. We welcomed our first child, a little girl named Aurora, or Rory as we call her, this past November. Rory is six months old today, and before when I went back to work in March, I worried constantly about how I would be able to continue nursing when I was away from her during the week. I researched breast pumps and nursing bras, bought a ridiculously large fridge for my office, storage bags, and every other part that constantly bewildered my husband. I remember shopping on Amazon for a pumping bra for work. The image on the advertisement showed a super thin woman (with abs no less) using the pumping bra, standing at her laptop in her ridiculously clean kitchen, smiling. Smiling. As if pumping is somehow a fun and enjoyable thing to do. And as if a very new mother has a clean kitchen and abs. There was not one accurate thing about that image. Except the bra works pretty well.

Any woman who has nursed a child has dealt with her fair share of gross places in which she had to pump or nurse. When Rory was only a week old, one of my best friends got married at the courthouse. Because newborns eat constantly, there was no option to leave her at home. So when she got hungry, we had to go to the bathroom. Disgusting, I know, but believe me, I guarantee I was not the first woman to nurse or pump in that bathroom. Best case, female attorneys working at the courthouse have to ask the judge in front of opposing counsel and their clients if there is a room available. Worst case, they use a bathroom or even their cars. Can you imagine pumping in your car when someone walks up to the car next to you and looks in at you? I can because it has happened and it is awkward.

Going back to work as a new mom is hard enough. We leave our babies, usually earlier than we are ready, our bodies still not quite our own. We want to have it all and find the ever-elusive work-life “balance.” We want to be great attorneys who work hard for our clients, while also being amazing moms and wives. Being a working mom is challenging enough as it is. And for those who nurse their babies, there is an added layer of stress. But I know I for one do not want the fact that I am nursing to take away from my perceived abilities as an attorney. When I am at work, I don't want to make it known that I am nursing or in need of an accommodation. I wouldn't want to have to ask a judge in front of others for a

place to go. And thanks to two young lawyers in Hillsborough County, I won't have to worry about that again when I'm practicing in Tampa.

Lyndsey Siara and Nicole Gehringer are staff attorneys at the Thirteenth Judicial Circuit. Nicole was pregnant and Lyndsey had recently finished pumping at work when the two women read an article in the Florida Bar News about the opening of a Lactation Room in the Miami-Dade Courthouse. Inspired by the work of Miami-Dade and understanding first-hand the challenges new moms face as they go back to work, Lyndsey and Nicole knew they wanted to do something to help other women in Hillsborough County. They decided they would advocate for Lactation Rooms in the courthouse. After receiving the ok from their direct boss, the two women took their idea to the trial court administrator. With the help of the administrator, Lyndsey and Nicole spent the next six months acting as project managers overseeing the creation of the Lactation Rooms in the Hillsborough County Courthouse. The two women were pleasantly surprised by how incredibly receptive everyone at the courthouse was to the idea, noting that several judges were their greatest supporters. They identified two rooms, one in the main courthouse building and the other in the criminal annex. They helped pick out furniture, designed signage for the courthouse and usage guidelines for the rooms, and educated courthouse staff about the purpose and availability of these rooms. A unique aspect of the Lactation Rooms at the Hillsborough County Courthouse is they are open to everyone, not just attorneys. To use the rooms, women must simply provide identification to request a key from the information desk in either building, and then they are free to use the comfortable and private spaces. By logging visitors, the courthouse will be able to track how many women use the rooms and whether they are from a court agency or the public.

Lyndsey and Nicole were able to see their hard work pay off when the courthouse hosted an unveiling of the Lactation Rooms on May 12, 2017, in celebration of Mother's Day. In doing so, the Thirteenth Circuit joins a very small contingent of courthouses throughout Florida that offer such an amenity. In just the first day of being open, three women made use of the rooms, showing that such an amenity was needed. Thanks to Lyndsey and Nicole and the countless judges and staff of the Thirteenth Judicial Circuit, no woman will have to pump or nurse in a bathroom at the George Edgecomb Courthouse again. Nor will an attorney have to make it known she is in need of an accommodation. Instead, the "breastrooms" as some of my "punny" friends would say, will provide a comfortable and private space where women can relax while they nurse or pump for years to come. Kudos to Lyndsey, Nicole, and everyone at the Thirteenth Circuit who made these rooms a reality.

If your courthouse doesn't have a Lactation Room yet, ask someone how you can help make it happen. "The rooms don't have to be impeccably designed.

In fact, our rooms aren't even identical, but the important part is that we have designated, clean spaces for moms to nurse or pump in private," said Nicole Gehringer and Lyndsey Siara. If there's an empty room, there's a way. Reach out to your local FAWL chapter and see if its members can help. Regardless of whether you are a nursing mom or not, realizing the importance of helping new moms transition back to work is something we can all agree on, because no woman should have to pump in a courthouse bathroom.

*Alex H. Palermo is an associate at Burr & Forman LLP in Tampa, Florida practicing in the areas of business, employment and insurance litigation. She graduated from the Florida State University College of Law in 2012. Alex is a Thirteenth Circuit Representative on The Florida Bar Young Lawyers Division Board of Governors, a Director for the Hillsborough County Bar Association Young Lawyers Division, and a Director for the Hillsborough Association for Women Lawyers. Within Burr & Forman, Alex also serves on the Burr Women and Business Steering Committee.*

## APPENDIX D - SAMPLE AMAZON WISH LIST

Below you will find a list of suggested items for your Lactation Room. FAWL Chapters are encouraged to think creatively on how to make the room personal and special for their communities. Listed prices as of June 2018.

1. [ADA Nursing Mothers Sign with braille, 6x9 White by Economy Sign Series \\$18.99](#)
2. [Windsor Glider and Ottoman, White with Gray Cushion by Angel Line \\$129.99](#)
3. [Naomi Home Mateo Wood & Upholstered Glider and Ottoman Set Espresso/ Cream by Naomi Home \\$119.99](#)
4. [Furinno 12127EX/BK Simplistic End Table, Espresso/Black, set of 2 by Furinno \\$27.11](#)
5. [Best Choice Products Home Accents 4 Panel Room Divider White by Best Choice Products \\$34.99](#)
6. [Simple Designs LF1014-BLK Floor Lamp Etagere Organizer Storage Organizer Shelf with Linen Shade, Black by Simple Designs Home \\$55.54](#)
7. [Kole Imports OS228 Modern Retro Circle Design Wall Mirror by Kole Imports \\$15.99](#)
8. [1.6-1.7 CubicFoot Fridge, Black by RCA \\$85.54](#)
9. [RCA RMW741 0.7 Cubic Foot Microwave, Stainless Steel Design, RCA \\$59.00](#)
10. [Simplehuman 10 Liter/ 2.6 Gallon Stainless Steel Bathroom Slim Profile Trash Can, Brushed Stainless Steel With Plastic Lid by Wimplehuman \\$29.99](#)
11. [Playtex Diaper Genie Complete Assembled Diaper Pail with Odor Lock Technology & 1 Full Size Refill, White by Diaper Genie \\$49.64](#)
12. [Dream On Me Emily changing Table, White by Dream On Me \\$71.73](#)
13. [ECR4Kids Horizontal Fold Down Commercial Baby Changing Diaper Station, White Granite by ECR4Kids \\$138.82](#)
14. [Dr. Brown's Microwave Steam Sterilizer by Dr. Brown's \\$19.29](#)

15. [Dr. Brown's Deluxe Baby Bottle Warmer by Dr. Brown's \\$32.34](#)
16. [Playtex Diaper Genie Refills for Diaper Genie Diaper Pails\) \\$8.79](#)
17. [Mind Reader Multi-Fold Paper Towel Dispenser, Paper Towel Holder by Mind Reader \\$14.99](#)
18. [PURELL 5392-D1 TFX Touch Free Dispenser & Refill, Hand Sanitizer Dispenser Kit with 1200 mL Refill by Purell \\$34.49](#)
19. [Medela Breast Milk Storage Bags, 100 Count by Medela \\$14.99](#)
20. [Medela Quick UJRNq Clean Breast Pump and Accessory Wipes, 24 Count \(40 Count\) by Medela \\$15.99](#)
21. [Kleenex Everyday Facial Tissues 210 Count \(Pack of 18\) by Kleenex \\$48.48](#)
22. [Maxxima 3-Way/ Single Pole Dimmer Electrical Light Switch 600 Watt max, LED Compatible, Wall Plate Included by Maxxima \\$11.99](#)
23. [ANGTUO Baby LED Mushroom Lamp 4 Light Modes and 16 Color by ANGTUO \\$19.99](#)
24. [White Noise Sound Machine, Portable Sleep Therapy for Home, Office, Baby & Travel by HoMedics Sound Spa \\$18.99.](#)
25. [Wrenwane Digital Refrigerator Freezer Room Thermometer, No Frills Simple Operation, White \\$9.97](#)
26. [M-Aimee 4Pack Plastic Fruits Refrigerator Storage Tray Organizer with Handle Random Color \\$12.99](#)

## APPENDIX E - SAMPLE GRAND OPENING INVITATION



# Grand Opening!

Please join us for a Ribbon Cutting Ceremony as  
we open the  
\_\_\_\_\_ Courthouse's  
First Nursing Room!

This room will provide mothers with a safe and relaxing location  
to freely pump and nurse while in the courthouse

**Open to All Mothers**



Nursing Room

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Location: \_\_\_\_\_



## **APPENDIX F - SAMPLE ANNOUNCEMENT FOR ACCESS**

Each Courthouse will have different needs and specifications and these procedures should be adapted as necessary and appropriate.

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*Insert: Courthouse Name and District*

### **LACTATION ROOM AVAILABLE**

#### **INFORMATION GUIDE**

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#### **Lactation Room**

A private, clean space where a breastfeeding woman can nurse her child or use a breast pump to express breast milk.

#### **Locations**

*Insert: Building Name or Number, Floor & Room #*

*Insert: Location of Information Desk or Person who holds the key*

*Example: 4th floor of Annex (down hallway to the right of security)*

Report to the 2nd floor Information Desk for the key

#### **Who Can Use?**

All professional staff (for example: AOC and Clerk's Office employees, Assistant State Attorneys, Assistant Public Defenders, other attorneys, court reporters)

Jurors | Witnesses | Members of the general public

#### **How to Use?**

- Operates on a first come, first served basis
- Insert location of Information Desk – Example: To use the 6th floor of the Edgecomb room, report to the Information Desk on the 6th floor of Edgecomb
- A valid form of identification (DL, AOC badge, Bar card) must be remitted to obtain a key to the room
- Upon exiting the room and returning the key, the identification will be returned



## APPENDIX G - SAMPLE COURTHOUSE SIGNAGE

Lactation rooms should be properly labeled and ADA compliant.

# Lactation Rooms

**Are you a mother who is breastfeeding or pumping and looking for some privacy while at the courthouse?**

**The 13<sup>th</sup> Circuit has two lactation rooms for all mothers in need of some privacy.**

**Proceed to either Information Desk to gain access:**

**6<sup>th</sup> floor of George Edgecomb**

**or**

**2<sup>nd</sup> floor of Annex**

**Remember: If you are at the courthouse for jury duty, inform jury services, the bailiffs, and/or the judge of your need to breastfeed/pump.**

## APPENDIX H - SAMPLE SIGN-IN SHEET

The sign-in sheet will be most helpful if it captures the date, user's name, department/agency, form of identification provided, room damage, damage description and notes (if applicable), and staff initials. A sample is provided below.

## LACTATION ROOM USAGE LOG

**INSTRUCTIONS:** Please fill out the below Usage Log **EACH TIME** a person uses the Lactation Room. Be as descriptive as possible in the Agency category, indicating whether the person is from a stakeholder such as SAO, PD, Clerk's Office, or if they are a witness, juror, or member of the general public. Please see the Lactation Check Out/In Instructions for more details regarding the process of checking out and in the access key.

[illegible]

## APPENDIX I - SAMPLE CHECK IN/CHECK OUT PROCEDURE

Each Courthouse will have different needs and specifications and these procedures should be adapted as necessary and appropriate.

### Lactation Room Check Out/In Instructions and Contact List

1. Take and retain identification from user. Ex.: Driver's License, AOC badge, FL Bar card, etc.
  2. Provide key to user as well as instructions on how to find the room.
  3. Fill out the Lactation Room Usage Log with user information.
- 

*When user returns key:*

1. Walk to the Lactation Room and confirm there is no damage to the room or its contents. Make sure the door locks behind you. This must be done immediately after a member of the public uses the room.
  - If you are unable to check the room immediately after AOC staff uses the room, ensure that you check the room as soon as possible.
  - The room must be checked before the next user.
2. If there is no damage to the room, return identification to user
3. If there is damage to the room:
  - Do not ask about or discuss the damage in any way with the user.
  - Quickly contact: *Insert Contact name* (extension ##) OR *Insert Contact Name* (extension ###). Tell them that a Lactation Room damage report needs to be made. They will come to your location and take over the process of making a report with *Insert Name of Police Agency Associated with Courthouse*. The user should wait until the report is completed. Upon completion, the identification can be returned to the user.
  - Indicate and describe the damage on the log sheet so all Information Desk employees are aware of the pre-existing damage when providing access to the next user.

## APPENDIX J - PICTURES OF ESTABLISHED LACTATION ROOMS<sup>35</sup>



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<sup>35</sup> Pictures are courtesy of Lyndsey Siara, Senior Staff Attorney with the 13 Judicial Circuit & Nicole Gehringer Attorney with Harris, Hunt & Derr P.A., both women led the Lactation Room project for the Edgecomb Courthouse and the Annex Building in Hillsborough County. A special thank you for all of the information they shared as well as these pictures. For more pictures, see <https://www.jud11.flcourts.org/General-Information/In-the-News/ArtMID/2090/ArticleID/2728/New-Addition-to-Miami-Dade-County-Courthouse-A-Lactation-Lounge> for pictures of the Lactation Room set up by the Miami-Dade Chapter.



## APPENDIX K - QUESTIONNAIRE FOR FUTURE CHAPTERS TO COMPLETE

If your Chapter establishes a Lactation Room in your courthouse, kindly complete the below Questionnaire and send to [JGBurnett@law.stetson.edu](mailto:JGBurnett@law.stetson.edu) so we can update future editions of this handbook.

**Chapter Name:**

**Chapter Contact:**

**Date:**

Questions:

1. Background on how project got started
2. What courthouse(s) were you trying to get a room for?
3. Was there a preexisting space? If not, how did you go about obtaining a space?
4. Who did you contact?
5. What information did you provide to your contact?
6. What information would have been helpful to provide?
7. What questions did your contact have?
8. What reservations/concerns did your contact have?
9. Was there any pushback?
10. What was the timeline for everything?
11. How did the process of selecting a room occur?
12. Describe the room?
  1. Sink?
  2. Electricity?
  3. Furniture?
  4. Furnishings?
13. How did you obtain furniture?
14. Did you use sponsorships?
15. What is the room called? (Mother's room, nursing room, Lactation Room)
16. How is the room accessed?
17. How do you advertise the room?
18. Do you have any sample press releases you can share?
19. One thing you would have done differently?
20. Helpful tips?

21. Wishlist for future rooms?
22. Can we publish this information in our handbook?
23. Would you be willing to serve as a contact for chapters who may have additional questions
24. Can you please send pictures of your room
25. Anything else we should know?
26. If possible, can you share feedback from mothers who have used the room?

## APPENDIX L - CONTACT LIST FOR GUIDANCE

If you have any questions about establishing a dedicated Lactation Room in your courthouse, please never hesitate to reach out to anyone of us.

| Name                 | Phone Number   | Email Address              |
|----------------------|----------------|----------------------------|
| Nicole Gehringer     | (813) 223-5421 | nicole@harrishunt derr.com |
| Lyndsey Siara        | (813) 272-6843 | siaralk@fljud13.org        |
| Joann Grages Burnett | (727) 562-7303 | JGBurnett@law.stetson.edu  |
| Lara Bach            | (305) 577-3135 | lara.bach@weil.com         |