

The survey was commenced on March 25, 2023, and closed on May 16, 2023. The survey link was sent to every registered CM/ECF user for the Bankruptcy Court of the Southern District of Florida, which was a total of 12,789 users. The initial email request was sent on March 28, 2023, as an email blast sent from the U.S. Bankruptcy Court for the Southern District of Florida’s general email for announcements to users, uscourts@updates.uscourts.gov and one additional follow up email reminder was sent on April 28, 2023 only to registered CM/ECF attorneys.

The survey resulted in 182 responses. A summary of the responses follows.

The survey can be roughly divided into three sections: (1) the respondents’ experience at Questions 1-3; (2) the respondents’ clients’ experience at Questions 4-6; and (3) suggested accommodations at Question 7.

PART I: THE RESPONDENTS’ EXPERIENCE

Question 1: Have you experienced bias or discrimination in your practice in bankruptcy proceedings, or perceived barriers to inclusion in bankruptcy proceedings, as a result of your gender, race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, age, differently abled status, financial status, or other characteristic, quality or status impacting diversity, equity, and inclusion?

- Yes
- No

Question 1 required a response, meaning that respondents could not move forward in the survey or submit it without providing a response. The responses were as follows:

- 147 responded NO
- 35 responded YES

Question 2: For those that answered YES to question 1, Question 2 provided a follow-up: **If yes, please select all that apply:**

- | | |
|--|---|
| <input type="checkbox"/> Gender ¹ | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Race / Ethnicity ² | <input type="checkbox"/> Age |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Differently Abled Status |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Financial Status |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Other ³ |
| <input type="checkbox"/> Sexual Orientation | |

While only the 35 respondents who answered YES to question 1 provided responses to this follow-up, multiple types of discrimination or bias could be selected in a single answer.

- 23 identified bias or discrimination on the basis of gender
- 18 identified bias or discrimination on the basis of race
- 13 identified bias or discrimination on the basis of sex

¹ “Gender” was further described as: *e.g.*, Woman, Man, Gender Neutral / Non-Binary

² “Race / Ethnicity” was further described as: *e.g.*, African American or Black, Alaska Native or American Indian, Asian, Hispanic or Latin, Multiracial, Native Hawaiian or Other Pacific Islander, White

³ “Other” was then followed by a text box that allowed respondents to provide their own description

- 11 identified bias or discrimination on the basis of age
- 10 identified bias or discrimination on the basis of religion
- 7 identified bias or discrimination on the basis of national origin
- 6 identified bias or discrimination on the basis of differently abled⁴
- 6 identified bias or discrimination on the basis of sexual orientation
- 5 identified bias or discrimination on the basis of financial status
- 5 identified bias or discrimination on the basis of gender identity
- 3 identified bias or discrimination on a basis “Other” that they self-described as follows:
 - Civil rights
 - Judge bias
 - Nepotism
 - Pro se
 - Single parent status

Further, it is notable the number of categories selected by respondents to Question 2. Although not required to provide a response to Question 2, each respondent made at least one selection:

- 12 respondents selected 1 category
- 6 respondents selected 2 categories
- 6 respondents selected 3 categories
- 5 respondents selected 4 categories
- 2 respondents selected 5 categories
- 1 respondent selected 6 categories
- 0 respondents selected 7 categories
- 1 respondent selected 8 categories
- 0 respondents selected 9 categories
- 2 respondents selected 10 categories⁵

Question 3: For those that answered YES to question 1, Question 3 provided a follow-up: **Please describe your selections [in Question 2] and detail an example of the bias or discrimination you experienced.**

- 7 of the 35 respondents who identified at least one category of bias or discrimination provided no information in response to this question.
- 28 of the 35 respondents who identified at least one category of bias or discrimination provided a narrative response to this question. The type and quality of information provided in response to this question varied widely. As best as possible, the responses are grouped below by category and attempted to give full representation.
 - 13 respondents identified bias or discrimination from the Bankruptcy Court and/or its judges:

⁴ This result includes one response that described “Other” as “physically handicapped.”

⁵ *Reviewer’s Note:* Despite selecting all of the named categories except for “Other,” these two responses appear to be outliers as the descriptions provided in response to Question 3 are not responsive to the question in that they do not describe bias or discrimination.

- 6 were related to gender and/or sex⁶
 - 5 were related to race / ethnicity
 - 1 was related to a respondent being differently abled
 - 1 was related to religion
 - 1 was related to sexual orientation
 - 7 respondents identified bias or discrimination while at the Bankruptcy Court, although not from the court or its staff:
 - 5 were related to gender
 - 4 were related to sex
 - 2 were related to race
 - 1 was related to religion
 - 1 was related to sexual orientation
 - 1 respondent identified bias or discrimination within the judiciary that was directed at a judge
 - 1 respondent identified that they did not like DEI concepts
- Although the survey was intended to obtain information about bias or discrimination related to practice in bankruptcy proceedings or perceived barriers to inclusion in bankruptcy proceedings, many responses identified bias or discrimination in other segments of the profession. Because a full understanding of such bias and discrimination is relevant to the survey to best serve professionals and their clients, those responses are summarized below:
 - 2 respondents identified bias or discrimination from the Bankruptcy Bar of the Southern District of Florida (the “BBA”); both were gender and/or sex related.
 - 6 respondents identified bias or discrimination from a firm or employer
 - 5 were related to gender
 - 3 were related to race / ethnicity
 - 3 were related to sex
 - 1 was related to national origin
 - 1 could not be identified as corresponding to any specific group
 - 16 respondents identified bias or discrimination generally within the profession
 - 9 were related to gender
 - 6 were related to sex
 - 3 were related to religion
 - 2 were related to age
 - 2 were related to race / ethnicity
 - 2 were related to sexual orientation
 - 1 was related to national origin
 - 1 respondent identified gender bias or discrimination from a client
- Finally, 4 responses to Question 3 were determined to be non-responsive or irrelevant to the question.

⁶ *Reviewer’s Note:* All respondents who discussed bias or discrimination from the Bankruptcy Court and/or its judges selected both “sex” and “gender” as categories of discrimination or bias in Question 2. Because the narratives did not differentiate between “sex” or “gender” as the basis of specific bias or discrimination, they are categorized as both.

PART II: THE RESPONDENTS' CLIENTS' EXPERIENCE

Question 4: Has a client reported an experience or perception of bias or discrimination in the bankruptcy legal services received or bankruptcy proceedings as a result of the client's gender, race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, age, differently abled status, financial status, or other characteristic, quality or status impacting diversity, equity, and inclusion?

- Yes
- No

Question 4 required a response, meaning that respondents could not move forward in the survey or submit it without providing a response. The responses were as follows:

- 166 responded NO
- 16 responded YES

Question 5: For those that answered YES to question 4, Question 5 provided a follow-up: **If yes, please select all that apply:**

- | | |
|--|---|
| <input type="checkbox"/> Gender ⁷ | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Race / Ethnicity ⁸ | <input type="checkbox"/> Age |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Differently Abled Status |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Financial Status |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Other ⁹ |
| <input type="checkbox"/> Sexual Orientation | |

While only the 16 respondents who answered YES to question 4 provided responses to this follow-up, multiple types of discrimination or bias could be selected in a single answer.

- 6 identified bias or discrimination on the basis of race
- 5 identified bias or discrimination on the basis of gender
- 5 identified bias or discrimination on the basis of national origin
- 4 identified bias or discrimination on the basis of religion
- 2 identified bias or discrimination on the basis of age
- 2 identified bias or discrimination on the basis of sex
- 2 identified bias or discrimination on the basis of sexual orientation
- 1 identified bias or discrimination on the basis of financial status
- 0 identified bias or discrimination on the basis of differently abled
- 0 identified bias or discrimination on the basis of gender identity
- 3 identified bias or discrimination on a basis "Other" that they self-described as follows:
 - Civil rights
 - "Good old club"
 - Occupation

⁷ "Gender" was further described as: *e.g.*, Woman, Man, Gender Neutral / Non-Binary

⁸ "Race / Ethnicity" was further described as: *e.g.*, African American or Black, Alaska Native or American Indian, Asian, Hispanic or Latin, Multiracial, Native Hawaiian or Other Pacific Islander, White

⁹ "Other" was then followed by a text box that allowed respondents to provide their own description

Further, it is notable the number of categories selected by respondents to Question 5:

- 1 respondent selected 0 categories
- 7 respondents selected 1 category
- 3 respondents selected 2 categories
- 4 respondents selected 3 categories
- 1 respondent selected 5 categories

Question 6: For those that answered YES to question 4, Question 6 provided a follow-up: **Please describe your selections [in Question 5] and detail an example of the bias or discrimination you experienced.**

- 3 of the 15 respondents who identified at least one category of bias or discrimination provided no information in response to this question.
- 1 respondent who did not select any categories of bias or discrimination provided a description in response to Question 6 and is included in the summary below.
- 13 respondents provided a narrative response to this question. The type and quality of information provided in response to this question varied widely. As best as possible, the responses are grouped below by category and attempted to give full representation.
 - 6 respondents described bias or discrimination from the Bankruptcy Court¹⁰ and/or its judges:
 - 3 were related to race / ethnicity
 - 2 were related to religion
 - 1 was related to gender
 - 1 was related to national origin
 - 1 respondent identified bias or discrimination while at the Bankruptcy Court, although not from the court or its staff, which was related to gender
 - 2 respondents described bias or discrimination generally within the profession
 - 1 was related to gender
 - 1 was related to national origin
 - 1 respondent described societal bias or discrimination against their client based on their gender or sex
 - 4 responses to Question 6 were determined to be non-responsive or irrelevant to the question

¹⁰ 1 respondent who indicated discrimination from the Bankruptcy Court specifically stated it was from a court outside of the Southern District of Florida.

THEMES IN BIAS OR DISCRIMINATION

When reviewing the narrative responses to Questions 3 and 6, certain themes were present among responses from different categories of bias or discrimination.

Gender and/or sex-based bias or discrimination:

- *Women treated differently than men, and general poor behavior* (10 responses). Respondents noted a variety of ways in which other professionals and/or judges treated them differently than male colleagues, and/or generally acted with poor behavior in a way that was related to their sex or gender. Responses included descriptions of:
 - Asking an attorney if their male colleagues agreed with their position
 - Being paid less than similarly experienced and similarly performing male counterparts
 - Derogatory use of pronouns in court directed at women participants, when male participants are identified by name
 - Being overlooked as the lead attorney in court when appearing with a subordinate male attorney from the office, and/or a male client representative
 - Being pressured to laugh off disparate treatment in professional settings to maintain professional standards, and never being permitted to address the problem
 - Not receiving job offers when potential employers know the respondent has children
 - Being treated with less priority
- *Being dismissed or interrupted* (9 responses). Many respondents described being interrupted, talked over, not heard by, spoken down to by, or overlooked by male attorneys and judges. These descriptions included: a soft-spoken attorney who may be hard to hear, multiple interruptions by opposing counsel in hearings that are not addressed by the presiding judge, and being interrupted and/or overlooked by a judge in a hearing. Respondents also described incidents of male attorneys talking down to, or talking *at*, rather than talking *with*, female clients or subordinates.
- *Underrepresentation* (4 responses). Most of these responses described the practice or the bankruptcy bar, including the BBA, as being “male dominated.” One respondent described arriving at an interview with a firm and being told to observe that there were no women (or people of color) at the firm.
- *Misidentified* (3 responses). Respondents who identified gender or sex-based bias or discrimination stated that in professional settings they have been mistaken or misidentified for such things as: a high school intern, the daughter of a senior attorney, a translator, and a secretary. One respondent stated that she had been called “honey” by a Bankruptcy Court security officer and asked who her attorney was, despite arriving to the court appropriately dressed to appear as an attorney.
- *Discrimination against men* (2 responses). These respondents self-identified as white men and described bias or discrimination they experienced, including one who stated his demographic was “blamed” for consequences other groups experienced because they didn’t want to perform.
- *Inappropriate questions about family* (2 responses). These respondents identified specific questions posed to them at court, or in court, about their families that impugned their professional identity.

- *Pregnancy* (2 responses). These respondents described being treated differently because of a current pregnancy, including one respondent who described a judge and opposing counsel speculating in open court if she would “retire” after she delivered her child.
- *Societal discrimination* (2 responses). These responses included a description of the pushback on “wokeness” in Florida resulting in the encouragement of bias and discrimination against women.

Religious bias or discrimination:

- *Marginalized and/or disrespectful behavior* (3 responses). These respondents indicated that they were marginalized or undervalued because of their religious beliefs. One respondent indicated she was “handled” by colleagues and judges.
- *Antisemitism* (2 responses). These responses indicated that antisemitism played a part in their proceedings, with one stating that antisemitism was stated in pleadings.
- *Poor results* (2 responses). These responses indicated their clients believed their religion resulted in a less favorable outcome.
- *Religious holidays not honored* (2 responses). These respondents indicated that either their religious holidays were not honored, or the validity of same were questioned and considered to be obstructionist rather than genuine.

Race / Ethnicity and/or national origin bias or discrimination:

- *Marginalized and/or disrespectful behavior* (7 responses). These respondents described a variety of experiences in which they were marginalized and/or experienced disrespectful behavior because of their own race, ethnicity, and/or national origin, or that of their client’s, and include:
 - Being routinely yelled at in Spanish by the security guards at the court (while also being misidentified as something other than an attorney).
 - Clients who are African American or who have accents not being treated with the same courtesy and respect by judges.
 - Clients stating they need a “white male lawyer” to be treated fairly in court.
- *Poor outcomes* (4 responses). These respondents indicated that they or their clients believed poor outcomes were directly related to the clients’ race, ethnicity, and/or national origin; and one respondent indicated that the respondent’s race, ethnicity, and/or national origin resulted in poor outcomes for clients.
- *Underrepresentation* (3 responses). These responses generally described that racial and ethnic minorities are underrepresented in the profession, and in this area of practice.
- *Being dismissed and/or not heard* (2 responses). These respondents indicated they were spoken over, or purposely not heard or understood because of their race, ethnicity, and or national origin, including one respondent who described a judge covering their ears and telling them they talk too loudly, and a respondent who described being mocked openly by opposing counsel.
- *Misidentified* (2 responses). These respondents indicated they were identified as or assumed to be something other than an attorney in a professional setting, including one respondent who stated a client mistook them for a secretary.

Sexual orientation and/or gender identity bias or discrimination:

- *Marginalized and/or disrespectful behavior* (2 responses). These respondents indicated they were marginalized and/or treated disrespectfully because of their sexual orientation or gender identity, including one respondent who stated a pro se litigant in a pleading falsely accused an attorney involved in the case who identifies as LGBT of sexual impropriety related to the case.
- *Discrimination against judges* (1 response). This respondent described bias or discrimination against a judge based on sexual orientation and/or gender identity.
- *Heterosexual assumption* (1 response). This respondent described judges and attorneys asking her about her husband and/or her children's father, when she is married to and co-parenting with a woman.
- *Heterosexual discrimination* (1 response). This respondent self-identified as a straight white male, who felt he was treated poorly by the presiding judge because he was heterosexual.

All additional bias or discrimination:

- *Age-ism* (2 responses). These respondents described instances where an attorney was deemed too young in appearance to be an attorney (and mistaken as a high school student); or too old, and questioned when she would retire.
- *Family-related discrimination* (2 responses). These respondents, including one who indicated they experienced bias or discrimination on the basis of being a single parent, stated that they experienced discrimination based upon their familial status, including not being offered jobs when pregnant or when potential employers found out she had children; and the other being significantly negatively impacted in the trajectory of her career because of the BBA's former scheduling of its annual retreat over Mother's Day weekend.
- *Pro Se status* (2 responses). These respondents indicated they felt discriminated against because of their pro se status by the judge(s) in their cases; and one indicated the judge dismissed the case without regard to the merits.
- *Undervalued or marginalized* (2 responses). In describing age and differently abled status, the respondents' narratives indicated they were marginalized or undervalued in situations relative to other attorneys who did not share the same characteristic.
- *Hostility* (1 response). This respondent, who indicated a client experienced bias or discrimination, stated opposing counsel and the presiding judge both treated the client (a creditor in the case) with hostility because of the client's profession.
- *Physical barriers to attending hearings* (1 response). This respondent, who identified as differently abled with physical limitations that limited the respondent's ability to attend an in-person hearing, described being denied a Zoom appearance, and ultimately missing the hearing because the respondent fell in the parking lot.

PART III: ACCOMMODATIONS

Question 7: Are there any accommodations you would recommend in order to provide complete access to the Bankruptcy Court for you, your clients or members of the public? If yes, please describe.

Question 7 required no response and had no limiting prerequisite response, meaning that all respondents could provide a narrative response (or not) without respect to whether they indicated they had experienced, perceived, or received report of any bias or discrimination. The responses were as follows:

- 93 provided no response
- 41 stated “no,” “none,” or similar
- 48 provided a substantive response other than “no,” “none,” or similar, and can be summarized as follows:
 - 9 respondents requested continued or enhanced access to remote appearances for both attorneys and clients. Multiple respondents in this group cited to distance from courthouse being a factor, and/or low-income clients’ inability to get time off work for appearances
 - 7 respondents stated the access to the Bankruptcy Court was already fair and equitable
 - 6 respondents took issue with DEI as a concept
 - 4 respondents stated the DEI committee was unnecessary
 - 4 respondents requested physical accommodations, including lactation rooms; sensory friendly rooms; and better accessibility for wheelchairs, sight impaired, and hearing impaired
 - 3 respondents stated the survey was unnecessary
 - 2 respondents requested additional support for their foreign language speaking clients, including translators being made available for court hearings
 - 2 respondents requested impartial judges
 - 2 respondents requested additional training on various issues including LGBT specific training, and training on court policies and procedures
 - 2 respondents expressed a desire for equal treatment and respect
 - 2 respondents requested enhanced support for pro se litigants and/or additional pro bono assistance
 - 1 respondent stated the question didn’t make sense, and that no accommodations could alleviate bias or discrimination based upon characteristics other than different physical needs
 - 1 respondent expressed a need for increased transparency in the bankruptcy process, including communications between appointed trustees and creditors
 - 1 respondent stated there needed to be an increase in diversity among law clerks
 - 1 respondent requested the court publish a statement on the court’s website supporting DEI ideals
 - 1 respondent requested that remote appearances and court records be available free of charge
 - 2 responses were deemed unresponsive or irrelevant to the question

LIMITATIONS OF THE DATA COLLECTED

The link circulated was an open link, accordingly anyone who received the link directly or indirectly could complete the survey. It is unknown how many of the respondents were registered CM/ECF users, versus others who may have received the link indirectly. Further, the survey responses were entirely anonymous – no names, IP addresses, or other identifying information was recorded aside from what may have been volunteered in a narrative response, and it is unknown whether each of the responses received were unique. Because the link was circulated to all registered CM/ECF users in the district, not all original recipients of the email survey link are professionals who practice before the Court, but may include pro se parties, and attorney support staff, among others. Finally, if a survey taker did not finish the survey, provide answers to required questions at Questions 1 and 4, or failed to submit the survey at the end, no answers were recorded and therefore are not reflected in the above results.