

*Summary of Survey and Public Hearing Reports
of the Access for Persons with Disabilities Subcommittee
of the California Judicial Council's
Access and Fairness Advisory Committee*

Background

The Judicial Council Access and Fairness Advisory Committee, appointed by former Chief Justice Malcolm M. Lucas in March 1994, was created to make recommendations to improve and broaden access, fairness, and diversity in the judicial system. It is also part of the advisory committee's responsibility to ensure that the council's projects, pursuant to these goals, are implemented, or that new areas of focus are developed as appropriate. The full committee is organized into five subcommittees that address various access issues: racial and ethnic bias; gender fairness; access for persons with disabilities; and sexual orientation fairness. The fifth subcommittee deals with education and implementation and acts on the recommendations and projects from the other subcommittees.

The Access for Persons with Disabilities Subcommittee was created to study and address issues related to the accessibility of the judicial system to persons with apparent and nonapparent disabilities and those with chronic medical conditions. Specifically, the subcommittee is seeking to identify barriers to full and equal participation in the justice system for persons with disabilities, and to determine what accommodations, beyond those already in place, may be necessary. The subcommittee will also advise the council on implementation of the Americans with Disabilities Act (ADA) in the California court system.

Research conducted

A multiphase research program, sponsored by the subcommittee, was initiated in 1995 to document the perceptions and experiences of persons with and without disabilities who have had, and continue to have, business with the courts. The research program consisted of public hearings, a telephone survey, a mail survey, and qualitative interviews. The research effort sought to assess the treatment and access afforded to persons with disabilities who participate in court programs, activities, or services. The results and analysis of the telephone survey, the mail survey, qualitative interviews, and public hearings are presented in two separate reports.

Seven public hearings were conducted in six cities, Fresno, Los Angeles (two days), Oakland, Sacramento, San Diego, and San Francisco from August 1995 to October 1995. These six public hearing locations were chosen in order to produce geographic diversity, provide locations with large concentrations of various racial and ethnic minority groups, and offer for comparison large versus small urban centers. Most of the participants who testified at the public hearings were advocates for disability rights issues, individuals who believe they were the victims of discrimination, court professionals and court personnel, representatives from a diverse range of state/county agencies and commissions, and concerned citizens. Telephone testimony was also accepted to capture the opinions of persons in rural areas, individuals with mobility impairments that made it difficult for them to attend the public hearings, and those persons with little or no transportation available

The objectives of the public hearings were to (1) record and assess the perceptions and experiences of all persons regarding the access afforded persons with disabilities who use the courts or are employed by the courts; (2) determine the nature and extent of the needs of persons with disabilities; and (3) identify the barriers to full participation in the state court system for persons with disabilities.

The telephone survey was intended to objectively verify the issues and perceptions that were expressed in the public hearing testimony. A total of 1,200 people participated in the survey. The survey sample was inclusive of input from people with and without disabilities, and was representative of the state's general population in terms of age, gender, race and ethnicity. In order to achieve appropriate stratification and representation, two survey sample lists were used that included (1) a list of households of persons with disabilities, and (2) a random sample of the general public in households, aged 18 and older, throughout the state. For the telephone survey, demographics were evenly divided as to the respondents' disability status (i.e., persons who indicated that they did or did not have a disability). Approximately 48 percent of the respondents reported having a disability or chronic medical condition while 52 percent reported they did not. The median age of respondents was between 45 to 55 years old with 57 percent female and 43 percent male. The racial and ethnic composition of the telephone survey respondents was 73 percent White, 8 percent Hispanic, 5 percent Asian, 4 percent African American, 4 percent mixed race, 3 percent Native American, and 3 percent identified as Other.

The mail survey used a more quantitative framework to objectively verify public perceptions. Over 6,000 mail surveys were distributed to persons with and without disabilities. A total of 1,661 surveys were returned, which constitutes a

response rate of 28 percent. The mail survey targeted court users in both law related and non law related professions. These court users included judges and other court professionals, court personnel, lawyers, legal employers, law schools, legal organizations, disability-related organizations, agencies, advocates, service providers and their clients or members. Disability-status demographics for mail survey participants revealed that 37 percent of the respondents did have a disability or chronic medical condition while 63 percent did not. The median age of the mail survey respondents was between 45 to 55 years old with 48 percent of the respondents being female and 52 percent male. The racial and ethnic composition of the mail survey respondents was 76 percent White, 11 percent Hispanic, 4 percent Asian, 4 percent African American, 3 percent mixed race, and 2 percent Native American.

Qualitative interviews were utilized in order to ensure that all other relevant access issues were included in the study. In order to obtain a pool of interviewees, a tear-off sheet was attached to each mail survey, providing each respondent the option of further participation in the research program. Respondents who returned a completed tear-off sheet were invited to participate in qualitative interviews. A total of 373 mail survey respondents indicated interest in participating in qualitative interviews. Of these responses, 183 persons (a 49 percent response rate) agreed to be interviewed or participate further by fax, electronic mail, or regular U.S. mail. The structure of the qualitative interviews was based on preliminary analysis of data from both the telephone and the mail surveys, and addressed areas that the subcommittee believed needed further clarification.

In particular, the qualitative interviews emphasized (1) perceptions of the most important problems faced by persons with disabilities when using the courts, (2) experiences relating to the attitudes among people working in the courts toward persons with disabilities, and (3) perceptions of the effectiveness of the state courts in complying with the requirements of the Americans with Disabilities Act (ADA).

Analysis of public hearing testimony and survey results

Speakers at the public hearings discussed many issues regarding the experiences of persons with disabilities in the court system. Testimony revealed that the primary concerns facing persons with disabilities pertained to the problems of physical access to the courts, court policies and procedures necessary to participate in court proceedings, and knowledge and awareness of disability issues among court personnel.

Physical mobility in and out of court facilities generated considerable comment from public hearing and survey participants. Speakers at the hearings noted that physical access to court facilities, navigating passageways and common rooms inside court buildings, using physical structures within court facilities or parking near court buildings was exceedingly difficult and not always available for persons with disabilities. Public hearing testimony also pointed out that accessibility for persons with disabilities in the courts did not refer to architectural accommodations only. Many speakers stressed the importance of improving other types of accommodations such as increasing the availability and quantity of assistive listening devices, print enlargers and sign language interpreters.

Another sentiment echoed at the hearings was that some court policies and procedures create obstacles for persons with disabilities when they try to participate in court proceedings. Persons with disabilities were more apt to face barriers to the court system due to court scheduling and jury selection policies. Some speakers noted that certain policies made it difficult for persons with disabilities to be included in jury pools while others stated that they were experiencing problems in obtaining legal representation. The difficulty in obtaining legal representation was cited as an ongoing problem for persons with disabilities. Many speakers indicated that greater efforts were needed to accommodate persons with disabilities by adjusting court scheduling policies.

While a substantial number of survey respondents (44 percent) indicated that the California courts were somewhat successful in meeting the tenets of the ADA, the overall impression among those polled was that the courts have achieved limited success in accommodating the needs of persons with disabilities who come before the courts. Persons without disabilities were more likely than persons with disabilities (49 percent as compared to 38 percent) to rate the California courts as somewhat successful at providing access for persons with disabilities.

A majority of respondents believed that persons with disabilities have less access to court programs, activities and services than persons without disabilities. Major problems cited by survey respondents with disabilities were inaccessible architectural features (such as paths of travel, doors and entrances, restrooms, and parking areas) and furniture and fixtures (such as door handles, telephones and counter-tops) that make physical access to the courts difficult.

Survey respondents corroborated public hearing testimony that there is a general lack of knowledge and awareness of disability issues among court personnel. This is reflected in the general lack of alternative formats for court documents and forms (such as Braille, large print, computer disks, or audio cassettes). Most respondents also noted that the courts generally do not have assistive devices (such

as print enlargers, listening devices, real-time reporting and telephones designed for the use of individuals with a hearing impairment) available to permit persons with disabilities to participate fully in court proceedings.

Some respondents, with and without disabilities, expressed concern about hiring practices in the courts and questioned whether there is a bias against employing persons with disabilities. There was no consensus on this issue. Nevertheless, respondents would like the courts to make greater efforts to employ persons with disabilities.

Opinion was also divided on whether the courts generally provide the accommodations requested by court users. This concern was coupled with comments about negative attitudes toward persons with disabilities. An overwhelming majority of respondents (82 percent) have not heard any comments or remarks in the courts that could be considered biased. Among those who have witnessed negative behavior, attorneys were more likely to be the source than judges or court staff although judges and court staff were perceived as sometimes guilty of such behavior. Also an issue is the perception that judges and court staff do not take action to prevent the negative behavior of attorneys.

Conclusion

Attached to this report are the combined findings, conclusions, and recommendations to the Judicial Council based on the research reports. The conclusions highlight the key themes and issues derived from the speakers testifying at the six public hearings, and from all survey and interview results. Also outlined are the objectives and recommendations for the Judicial Council to consider in order to implement programmatic, communicative, or architectural changes that will accommodate the needs of persons with disabilities who use or work in the courts.

These recommendations are consistent with the council's 1995 to 1996 long-range strategic plan in which access and fairness in the state court system are targeted as primary goals. Implementation of these recommendations is of primary importance because they can serve to change attitudes and behavior on the part of court personnel and members of the bar that interfere with access to justice, fair treatment, and full and equal participation in the justice system for persons with disabilities.

Combined Findings and Conclusions

A. Knowledge and Awareness of the ADA

1. (Court personnel) A substantial number of public hearing participants believe that judges and nonjudicial court personnel are not familiar with the Americans with Disabilities Act (ADA), ADA compliance requirements, or related federal and state laws. Several court administrators noted that training on ADA requirements has been unavailable.
2. (Familiarity with requirements) A majority of people surveyed indicated that they were at least somewhat familiar with the requirements of the ADA. Of those surveyed, people with disabilities were more likely to consider themselves very familiar with the ADA than people without disabilities.
3. (Levels of familiarity) Of people working within the court system, legal advocates indicated that they were very familiar with ADA requirements, with judges and attorneys indicating that they are somewhat familiar. Bailiffs and court staff indicated that they were somewhat unfamiliar with the ADA.
4. (Lack of training) Court administrators testified to the lack of training available in the area of ADA compliance and accommodations. The survey confirmed that there is very little information and few resources in use for personnel training.

B. Awareness of the Diversity of Disabling Conditions

1. (The “cookie cutter” approach) Throughout the public hearings, participants stated the belief that people who work in the judicial system lack information and insight into the variety of disabling conditions and the individualized access and accommodations needs of persons with disabilities. Even when accommodations are provided, court personnel tend to assume that one type of accommodation will satisfy the needs of all persons with a particular disability, i.e., court personnel employ a “cookie cutter” approach.
2. (Alternative language) Many California courts are inaccessible to non-English speakers who have hearing and/or visual impairments because bilingual, sign-language interpreters are in short supply or may not be readily available. Further, most court personnel are unfamiliar with the use of assistive devices, support services, and other equipment used by persons with disabilities (e.g., Braille, audiotapes, and large print signage).

- C. Available Resources for Accommodations
(e.g., equipment, alternative formats, interpreters, personal assistance, etc.)
1. (Information) Many California courts do not have information about what resources are available to accommodate the needs of persons with disabilities.
 2. (Personnel to assist) A substantial number of persons with disabilities report that there are not adequate personnel (e.g., interpreters and clerks in the California courts to assist individuals with disabilities).
 3. (Assistive devices) Most respondents felt that the California courts do not have adequate assistive devices such as listening devices, print enlargers, and real-time reporting.
 4. (Assistive services) Many California courts do not realize that the availability and quality of interpretive services and assistive-listening devices are critical issues for litigants and others who seek access to the justice system.
 5. (Vision and hearing) Court attendees with severe vision or hearing impairments were the most likely to rate the California courts as somewhat to very unsuccessful in meeting the needs of persons with disabilities.
 6. (Mobility and environment) Attendees with severe mobility impairments or environmental sensitivity were most likely to rate the California courts as somewhat to very unsuccessful in meeting the needs of persons with disabilities.
 7. (Skilled personnel) Persons with disabilities reported that court personnel are not skilled in the area of providing assistance to persons with disabilities. However, persons without disabilities reported that court personnel are skilled in this area.
 8. (Levels of access) Among the different professions surveyed, legal advocates and law students were the most likely to feel that persons with disabilities receive much less access than persons without disabilities. Attorneys and judges were the most likely to feel that persons with disabilities receive somewhat less access, while bailiffs were the most likely to feel that persons with disabilities receive the same level of access. Court staff were divided on this issue.
 9. (Qualified interpreters) Many courts systems have difficulty identifying and acquiring the services of qualified sign-language interpreters for persons who are hearing impaired and using the courts. Some courts have used family members, children, or spouses to communicate "for," i.e., on behalf of, the spouse or other family member or friend who has a communications limitation.

10. (Lack of financial resources) Many courts have insufficient financial resources to make available the technological equipment that will improve communication with persons who are hearing impaired or other persons with disabilities who have nontraditional means of communication. For example, due to lack of funds, many California court buildings do not have assistive listening devices available or, if available, they are of poor quality or not maintained in good repair.
11. (Limited funding/limited compliance) Many witnesses observed that the courts have not been funded to meet the federal and state law requirements for access to the courts and court programs. Some witnesses pointed to a few courts that had developed financial resources to begin physical modifications to comply with state and federal laws.

D. ADA Compliance and Physical Access

1. (Parking) Many California court buildings have inadequate parking for persons in wheelchairs or other mobility-impaired persons. Parking, when available, is too far from the court building, the number of spaces is insufficient, and the paths to and from the parking area are difficult to navigate. A ramp, if available, is frequently too steep or not graded properly.
2. (Entrances) Many California court buildings have entry into the building and to the various floors by stairs only. There are no ramps. The doors are very heavy and no mechanism is available to automatically open the doors. Without and within the building, the stairs have insufficient handrails or grab bars for persons with a mobility impairment using a walker or cane, and the hallways are too narrow for persons in wheelchairs or other mobility-impaired persons to navigate. If the building does have an elevator, it is often too small and the control buttons are too high to be used by persons in wheelchairs.
3. (Courtrooms) Many California court buildings have insufficient maneuvering space in the courtrooms for persons in wheelchairs or other mobility-impaired persons. The courtroom aisles are too narrow; integrated seating is not provided; and, the gate leading to counsel's table is too narrow. The counsel tables are too low and the bench too high, preventing persons in wheelchairs from taking part in sidebars.
4. (Rest rooms) Many California court buildings have rest rooms that are not modified for use by persons in wheelchairs or mobility-impaired persons. They contain fixtures that are difficult to use, or doors that are either too heavy or will not close when the stall contains a person in a wheelchair.
5. (Fixtures) A substantial majority of persons with disabilities responded that the California courts lacked accessible architectural features, including usable door handles, inaccessible telephones and counter tops, and poor spatial arrangements of furniture and fixtures.
6. (Services) Some courts do not provide court services in an environment that is physically suitable for persons with disabilities or services in an alternative, equivalent,

nonsegregated environment. Examples include courts with no transportation or parking access, inaccessible rest rooms, dining facilities, waiting areas, and inaccessible courtrooms, witness boxes, jury boxes, counsel areas, jury deliberation rooms, chambers areas, and holding and detention areas.

7. (Assessments) Many court administrators reported that they have not been involved with an assessment of the barriers to persons with disabilities that exist in their courts or whether the barriers exist in court programs, physical facilities, or communication modes or methods. A few courts are conducting such assessments, but testimony indicates that no court has completed the process or fully implemented changes.
8. (Access and noncompliance) Witnesses testified that courts generally were not in compliance with the access provisions of the Americans with Disabilities Act, including physical access, communications access, transportation access, and program access, as well as other related state and federal standards.
9. (Information/clerk windows) Many California court buildings have information/clerk windows that have counter tops that are too high and glassed booths that inhibit or prevent communication with persons with disabilities.

E. Compliance/Accommodation and Communication

1. (Signage) Many California court buildings have no method or an inadequate method to provide directions or information to persons with disabilities. Braille, large print, or even standard print signage at the entry into the building and throughout the building may not exist.
2. (Communication with the courts) Persons with disabilities, including attorneys, litigants, witnesses, jurors, spectators, and other otherwise qualified persons, may not have adequate or appropriate communication with the courts and court personnel.
3. (Assistance) It was reported that persons with disabilities may need court personnel to read court rules, or instructions, or court forms to them. Additionally, persons with disabilities may need court personnel to assist them in filling out court forms or other documents with information supplied by the person with a disability. Witnesses testified that some court personnel were unwilling or unavailable to perform these functions in providing effective communication for persons with disabilities.

4. (Overview) Many courts lack effective methods of communication within and between the courthouse and persons with disabilities who use nontraditional means (e.g., interpreters, assistive-listening systems, and a variety of other methods) to assist with communication. Consequently, persons with communications limitations often are deprived of communications with the courts and, where it exists, often do not have adequate, appropriate, or effective communication with the courts and court personnel.
5. (Alternative formats) Nearly all survey respondents, including attorneys with visual impairments, agreed that the California courts do not have documents, forms, and information in alternative formats such as Braille, large print, computer-readable disks, or audio cassettes.
6. (Non-English speakers) Many California court buildings are inaccessible to non-English speakers who are hearing and/or visually impaired. Court publications are not available in an alternative format for persons with visual impairments.
7. (Computer format) Most documents prepared by legal professionals and others that are filed or lodged with the courts are created in a computer-readable format. Nevertheless, information initially created by the court's personnel, litigants and/or others using court facilities in computer-readable format or in audio-tape format is not available upon request to persons with disabilities.

F. Compliance/Accommodation and the Environment

1. (Environmental sensitivity and lack of alternative methods) Many California courts have not developed alternative methods for accommodating persons who are environmentally sensitive, and personnel are unfamiliar with the needs of environmentally sensitive persons. Witnesses stated that the courts are not accommodating environmental or chemical sensitivities of persons with disabilities; court personnel are not providing settings free of noxious scents and substances, including a fragrance-free environment. A substantial number of courts lack adjustable heating, cooling, and adequate ventilation. Witnesses also emphasized the lack of adjustable lighting and alternative lighting sources as another problem. Some courts located in places with high pollution are inhospitable to environmentally sensitive persons.

G. Compliance/Accommodation and Attitudes

1. (Attitudinal barriers) The consensus among speakers was that attitudinal barriers need to be addressed before any physical or programmatic accommodations for persons with disabilities can be effective in generating full and equal access.

2. (Negative behavior) Persons with disabilities were more likely than persons without disabilities to cite judges as a source of negative behavior in the courts, while persons without disabilities were more likely to cite court staff as being responsible for negative behavior.
3. (Perceptions) Persons without disabilities were much more likely than respondents with disabilities to indicate that persons with disabilities are provided the same level of access. Respondents who had attended court in the last five years were significantly more likely to say that persons with disabilities received somewhat less access to the courts.
4. (Verification) Persons with non-apparent disabilities report overwhelmingly that attitudes toward their disabilities are negative. It is perceived that the burden of proving their disability or need for accommodation is often put on persons with non-apparent disabilities by requiring them to provide written verification.
5. (Bias) When specific acts, prejudice, or bias were observed in the courtroom, attorneys, judges, and staff were most often cited as the source.
6. (Bias - courts generally) A majority of persons surveyed reported that they have not witnessed any actions or heard any comments in the California courts that they would consider rude or prejudicial. Among those who had not attended court within the past five years, the number of persons who assumed that there was no bias was equal to the number of persons who did not know if there was bias. Of those both with and without disabilities, the majority reported that they had never witnessed biased behavior toward persons with disabilities in the California courts.
7. (Bias - court personnel) Some members of the public, particularly those with disabilities, perceive that court personnel may convey hostility or indifference to the lawful accommodation of the needs of persons with disabilities. Several speakers identified judicial and court employees' attitudes toward persons with disabilities as the single most significant barrier in the legal system to full participation of persons with disabilities.
8. (Privacy issues) Court personnel sometimes demonstrate a disregard for the personal feelings and privacy concerns of persons with disabilities by referring to an individual's disability openly and without permission in situations where such reference is inappropriate or irrelevant.
9. (Unseemly remarks) A substantial number of legal personnel witnesses testified to experiencing bias in the form of patronizing or disparaging remarks towards persons with disabilities.
10. (Perception) Witnesses with disabilities testified that they perceived that court personnel treated people with disabilities as burdens or inconveniences and, as a result, do not make it easy for persons with disabilities to request accommodations.

11. (Sensitivity) There was no consensus among those surveyed about the level of awareness and sensitivity among court employees regarding the needs of persons with disabilities. Slightly more than half indicated that court employees can be described as demonstrating awareness and sensitivity when it comes to the needs of persons with disabilities. Nearly the same proportion reported that court employees cannot be described as aware and sensitive to the needs of persons with disabilities.
12. (Procedures) There was a lack of consensus among those surveyed concerning whether or not the courts have effective procedures for addressing the needs of persons with disabilities.
13. (Provision of accommodations) Most persons with disabilities who have requested accommodations from the California courts felt that, in most instances, some but not all requested accommodations were provided. Persons with non-apparent disabilities do not always receive the accommodations they request.

H. Compliance and ADA Coordinators

1. (Central resource person) Many courts do not have a central resource person knowledgeable about the ADA and its compliance requirements. Several witnesses who are employed by the courts or who are persons with disabilities stated that the courts and persons with disabilities using the courts would benefit from a central resource person such as an ADA coordinator.

I. Programmatic Access

1. (Scheduling) Many courts emphasize speed and efficiency to such an extent that persons with disabilities face barriers to full participation.
2. (Lack of flexibility) Most survey respondents felt that court sessions and schedules are not flexible in response to the needs of persons with disabilities who depend on limited accessible public transportation, availability of attendants, and those who have medication schedules or difficulties.
3. (Court records and effective communication) All attorneys with visual impairments who spoke at the public hearings recommended that all documents created on computers by the court and other court users be made available to attorneys with visual impairments, upon request, in computer-readable format. Other persons with disabilities who use the courts indicated that information in alternative formats such as computer readable format, Braille, audiotape recordings and videotape would be useful or essential in understanding court proceedings and the court system.

4. (“Fast track” programs) There was some testimony that some courts in a “fast track” program have failed to accommodate the needs of persons with physical or other limitations who need more time to respond to motions or other matters. In fact, it was reported that some courts have refused continuances for persons with communication impairments when appropriate and effective communication assistance has been unavailable.
5. (Security screening) Many California courts make security screening for persons in wheelchairs or mobility-impaired persons invasive, difficult, and embarrassing.
6. (Access) A majority of survey respondents overall felt that persons with disabilities have somewhat less to much less access to court programs, activities, and services than persons without disabilities.
7. (Lack of assistance) Many California courts do not provide assistance finding alternative means of transportation to and from court for persons with disabilities who have difficulty obtaining accessible transportation. A majority of survey respondents felt that when transportation is provided by the courts for jurors or other trial participants, the transportation was not always accessible.

J. Employment in the Courts

1. (General perceptions) The majority of persons with disabilities surveyed indicated that persons with disabilities are viewed as less capable by employers as compared to persons without disabilities. In contrast, about a third of persons without disabilities indicated that employers generally view persons with disabilities as less capable.
2. (Employee perceptions) A majority of those surveyed who work in law-related fields indicated that employers generally view persons with disabilities and persons without disabilities the same when it comes to perceptions of competence or capability. However, both persons with and without disabilities who were from nonlaw-related fields, or who were unemployed, reported that employers generally did view persons with disabilities differently than persons without disabilities.
3. (Bias or lack of bias toward applicants) Over half of those surveyed did not know whether persons with disabilities face negative bias or discrimination when applying for employment with the California courts. Survey respondents with disabilities, however, were about twice as likely as respondents without disabilities to state that such bias or discrimination exists.
4. (Accommodation of court personnel and judges) Many respondents felt there were adequate accommodations made for judges with disabilities, overall, but other court personnel with disabilities were not generally provided sufficient accommodations.

5. (Effectiveness in recruitment) A substantial majority of those surveyed were unaware of whether the California courts effectively recruit and/or promote court employees with disabilities. While survey respondents with disabilities were most likely to state that courts were ineffective in this area, respondents without disabilities were most likely to conclude that the courts were effective.
6. (Employment of court personnel and judges) A large portion of those surveyed indicated that the California courts should employ more persons with disabilities. Approximately half of those surveyed stated that the California courts should employ more judges with disabilities.
7. (Judges with disabilities) The vast majority of those surveyed did not know whether there is a bias in the California courts against appointing judges with disabilities.

K. Jury Service

1. (Facilities and attitudes) Many persons with disabilities are systematically excluded from jury service by the continued use of inaccessible facilities. Jury service for persons with disabilities is hampered by attitudes that are hostile or indifferent to the participation of such persons.
2. (Jury/witness boxes) Many California court buildings have inaccessible jury boxes for persons in wheelchairs or other mobility-impaired persons. The boxes are too small, contain no space for a wheelchair, and often contain a step-up for seating. The witness stand will not accommodate a wheelchair or may contain a step-up for seating.
3. (Jury service and communication assistance) Effective communication assistance is often unavailable to persons with communications limitations who are prospective jurors and even participating jurors. Effective and specialized interpreters, real time, and translators for persons who are deaf and/or blind, and for other jurors requiring communications assistance, has generally not been provided in the juror waiting room, in the jury box, or in the jury deliberation room.
4. (Alternative formats and communication) Information concerning jury service, both before actual service and during jury service, is often not provided in an effective fashion or in alternative formats to persons who are hard of hearing, deaf, blind, or who communicate by other nontraditional means or modes.
5. (Transportation) Many California courts do not recognize that if persons with disabilities are to participate in the court system as jurors, the court may need to assist by having available, accessible transportation, or by providing bus vouchers or information to assist with the transportation problem.

6. (Attitudes toward jury service) A majority of survey respondents, with and without disabilities, have been called for jury duty in the California courts within the last five years. A majority of survey respondents called for jury service also wanted to serve as jurors.
7. (Excuses from service) A number of survey respondents with disabilities who had been called for jury service had requested to be excused (16 percent), had an automatic exemption due to their disability (13 percent), or had been excused from service because the court was inaccessible (5 percent).
8. (Bias of court personnel) A large number of people surveyed felt that bench officers, attorneys, and court staff exhibit negative attitudes toward having individuals with disabilities serve as jurors.

L. Specialty Courts

1. (Conservatorship) A small number of speakers voiced concern that persons with disabilities were sometimes unfairly placed into conservatorship in the California courts.
2. (Guardianship) Persons with disabilities are assumed to be incapable of certain life activities, which affects the outcome of conservatorship or guardianship matters in probate courts.
3. (Family court) Judicial attitudes concerning persons with disabilities often prejudice litigants with disabilities. In custody or visitation disputes in family courts, persons with disabilities are assumed to be unable to participate in child-related activities or responsibilities.
4. (Unfair awards in custody cases) A small number of speakers voiced concern about custody awards that they felt were based solely on disability. Specifically, these speakers believed that persons with disabilities were considered unfit parents by the courts.
5. (Inaccessible traffic school programs) Testimony was received that courts utilized or sponsored programs such as traffic school, work furlough, and similar alternatives that were not accessible to persons with vision, hearing, mobility, and environmental disabilities.

M. Availability of Affordable Legal Services

1. (Representation) Persons with disabilities have difficulty in finding affordable competent legal representation. Persons with disabilities may also have limited financial resources and have great difficulty obtaining legal services, even from legal aid organizations serving low-income clients.

Combined Recommendations

A. Education and Training

Recommendation 1 (ADA Education)

Request that the Judicial Council, in conjunction with the Center for Judicial Education and Research (CJER), establish methods to familiarize judges and non-judicial court personnel with the Americans with Disabilities Act (ADA), ADA compliance requirements, and related federal and state laws. Further, request the council to instruct the Access and Fairness Advisory Committee, in consultation with the Administrative Office of the Courts (AOC), to publish some simple, easy-to-read guidelines for court personnel on different aspects of ADA compliance.

- (a) (Print and electronic media) The AOC should distribute this information in pamphlet, other print, or other media format: such as the Internet, other electronic transmissions, videos, etc.
- (b) (Monitoring compliance) The AOC, in consultation with the trial courts, should monitor all state courts to determine the status of compliance with the ADA, and related state and federal laws, including but not limited to physical, environmental, communications, transportation, and programmatic access; and, develop transition plans for all courts to achieve compliance.
- (c) (Monitoring contracts) The courts and the AOC should monitor and ensure that all programs, activities, and services provided to the courts and the AOC by independent contractors adhere to compliance requirements under the ADA and related state and federal laws, and cancel such contracts where noncompliance is found.

Recommendation 2 (Education about Disabilities)

Request that the Judicial Council, in cooperation with the courts, CJER, and other organizations implement programs to develop and provide information, training, and education for all persons employed in the courts concerning persons with disabilities who may need accommodation. The training should include the types, scope, and nature of accommodations needed and available.

- (a) (All court personnel) It is recommended that CJER and the Judicial Administration Institute of California (JAIC), working with the Access and Fairness Advisory Committee and the California Judges Association (CJA), offer educational courses on issues concerning persons with disabilities for both new and sitting judicial officers, court staff, and persons working in the justice system. The

purpose of the program would be to improve access to and fairness in the courts for persons with disabilities.

(b) (Training for judges) The program should include specific learning objectives, a progression of learning experiences, and a prioritized set of measurable results. It should be introduced initially at the New Judicial Officer Orientation Program, the Mentor Judge Program, the B.E. Witkin Judicial College of California, and at any formal training for judges.

(c) (Training for court staff) JAIC in association with the Access and Fairness Advisory Committee should develop a comparable program for court staff that would be delivered, on a statewide or regional basis, within six months of initial employment for new employees. Current employees would receive instruction during continuing education programs. The course should include a discussion of apparent and non-apparent disabilities and the various accommodations that are appropriate.

(d) (Methodology) In conjunction with CJER, JAIC, and others the advisory committee should develop educational programs that include audio and video presentations, modules using interactive techniques, and innovative communication techniques. Part of the educational program should include the development of centralized fairness libraries and resource centers.

Recommendation 3 (Referrals to State Bar and Law Schools)

Request that the Judicial Council transmit to and urge consideration by the California State Bar of the following: a Mandatory Continuing Legal Education (MCLE) component that covers access issues for persons with disabilities and examines state and federal laws that address this issue. It is also requested that the council transmit to the appropriate law school associations the recommendation that internship programs in the area of disability law should compliment the education of law students.

Recommendation 4 (Assess Available Resources)

Request that the Judicial Council assist the courts in assessing the preparedness of court personnel to assist persons with disabilities, and establish a plan to achieve full preparedness, including updating the skills of court personnel to assist persons with disabilities.

(a) (Interpreters) All courts should identify and acquire the services of qualified interpreters for hearing-impaired persons or those with other communication disabilities who are hearing impaired, and stipulate that no court should use family

members or friends to communicate "for," i.e., on behalf of, the person who has a communications limitation.

(b) (Assistive devices) California courts should provide adequate numbers of assistive listening devices, print enlargers, and real-time reporting to meet the needs of persons with disabilities using their facilities, through the resources of each court system or by pooling arrangements between court systems where such arrangements are feasible.

(c) (Court personnel) All courts should provide sufficient court personnel to meet the need for personal assistance to transmit information between persons with disabilities and the courts, which may include reading court rules or instructions or court forms and to assist with filling out court forms or other documents.

(d) (Court personnel) Bench officers, jury commissioners, and court staff should receive training as part of CJER and JAIC courses on how to accommodate jurors with different disabling conditions so that persons with disabilities are able to fulfill their civic responsibilities.

Recommendation 5 (Financial Resources)

Request that the Judicial Council develop a protocol to enable judges and nonjudicial court personnel to identify available resources to accommodate persons with disabilities. The courts should collaborate with the counties to identify funding sources to meet federal and state disability-related legal compliance requirements (e.g., physical modifications, programmatic accommodations, etc.).

B. ADA Compliance and Accommodation

Recommendation 6 (Physical Access)

Request that the Judicial Council establish as a priority the substantial improvement in physical access. High priority should be given to improving access into and through court facilities with an emphasis on the following:

- (a) Parking (including a sufficient number and in close proximity to the courthouse);
- (b) Entrances (including ramps, handrails, automatic doors, and accessible security screening);

- (c) Interior facilities (including rest rooms, doorways, passage areas in halls, courtrooms, offices between floors; information/clerk windows and counter tops, dining areas, waiting areas, courtrooms, witness boxes, jury boxes, counsel areas, chambers, jury deliberation rooms, holding and detention areas;
- (d) Courtrooms (including sufficient maneuvering space and integrated seating for wheelchairs).

Recommendation 7
(Communication)

Request that the Judicial Council direct its staff to work with the courts to provide adequate, effective, and diverse methods to disseminate directions and information to persons with a variety of disabilities, including Braille, large print, color-coded, and even standard-print signage at the entry of the courthouse and throughout the building. The staff, in consultation with the courts, should develop a protocol for communications within the courthouse and between it and persons with disabilities.

- (a) (Signage) The courts should post adequate, effective, and diverse signs that alert the public to the availability of accommodations regarding equipment and services for persons with disabilities.
- (b) (Communication within the courthouse) All courts should provide adequate, appropriate, and effective methods of communication within the courthouse and between it and persons with disabilities who use nontraditional means of communication, such as interpreters, assistive-listening systems like real time and TDDs, as well as a variety of other methods to assist with communications.
- (c) (Alternative language) All courts should provide bilingual sign language interpreters, as needed.
- (d) (Assistive-equipment) All courts should be familiar with the use of assistive equipment such as assistive-listening devices, real-time print enlargers, and other equipment used by persons with disabilities, and maintain such equipment in good working condition.
- (e) (Availability) All courts should provide sufficient and well maintained assistive listening systems, real time captioning, print enlargers and other technological communications devices to meet the needs of persons with disabilities either through resources of each court system or by pooling arrangements between court systems where such arrangements are feasible.

Recommendation 8
(Transportation)

Request that the Judicial Council require that when courts provide transportation for jurors, trial participants, and others, that the courts effectively accommodate the transportation needs of persons with disabilities and make every effort to assist this population with finding alternative means of transportation to and from court when persons with disabilities have difficulty obtaining accessible transportation.

Recommendation 9
(Environmental Sensitivities)

Request that the Judicial Council direct its staff to work with the courts to develop a protocol for accommodating persons with environmental sensitivities. Further request that the council encourage all courts to accommodate the environmental and chemical sensitivities of persons with disabilities by providing an alternative setting free of noxious scents and substances, adjustable heating and cooling systems, adequate ventilation, adjustable lighting, and alternative lighting sources. Request that the council also urge the courts to consider alternative methods of participation in court proceedings, such as telephone appearance, video appearances, or alternative, suitable locations for those with environmental or chemical sensitivities.

Recommendation 10
(Attitudes)

Request that the Judicial Council affirm the need for all courts to provide accommodations for qualified persons with disabilities, as required by state and federal law, and California Rule of Court, rule 989.3. Further, request that the council direct its staff to draft a Standard of Judicial Administration concerning courtroom conduct toward persons with disabilities.

(a) (Attitudes, court programs) The Judicial Council should encourage each court to develop an ongoing program of training and evaluation to improve staff awareness of disability issues, as well as techniques to address those issues on a programmatic basis.

(b) (Training trainers) CJER and JAIC should conduct statewide educational programs, with the emphasis on training trainers in the courts, to raise awareness of barriers facing persons with disabilities and the techniques, skills, and equipment necessary to overcome those barriers.

Recommendation 11
(ADA Coordinators)

Request that the Judicial Council direct staff to draft a rule of court to (1) designate an ADA Coordinator for courts at all levels to advise the court about the ADA and related state and federal laws and their requirements; (2) design and implement

related programs; (3) act as court liaison with the disability community; and (4) organize and utilize as advisors the expertise of persons representative of various disabilities and disability organizations.

(a) (For court users) Every court should provide for the training of a central person to act as an information and referral resource and as ombudsperson for people with disabilities who participate or want to participate in court activities, programs and services. These persons should receive training about the ADA, related state and federal laws, and compliance requirements.

Recommendation 12 (Programmatic Access)

Request that the Judicial Council direct staff to draft a Standard of Judicial Administration to provide flexible scheduling to accommodate disability-related delays that may involve stamina or time limitations, time of day, or transportation problems unique to persons with disabilities, and which make it difficult to participate in court activities, and programs including, "fast track" programs, motions, trials, and other court business.

(a) (Effective accommodations) No court should permit proceedings to begin until effective accommodations, such as communications, scheduling, and physical access is provided for persons who are interested in or affected by the proceedings.

C. Employment

Recommendation 13 (Recruitment, Hiring, Promotion)

Request that the Judicial Council direct the Access and Fairness Advisory Committee to do further study and report on bias or lack of fairness in the recruitment, hiring, and promotion of court employees. Further, request that the council encourage the courts to employ more bench officers and other personnel with disabilities.

Recommendation 14 (Accommodations for Court Personnel)

Request that the Judicial Council instruct staff to develop a Standard of Judicial Administration providing that court personnel, including judges, should be provided reasonable accommodations.

D. Programmatic Access

RECOMMENDATION 15
(Jury Service)

Request that the Judicial Council seek legislation to amend Code of Civil Procedure section 203(b) to add that “[N]o court should exclude qualified persons with disabilities as jurors. ” Additionally, request the council to direct staff to draft an interim rule on persons with disabilities and jury service until such time as section 203(b) is amended. Further, jury commissioners should determine what physical, communications, environmental, and transportation accommodations are available to persons summoned for jury service, and establish a protocol for addressing this issue.

(a) (Information) All courts should provide information concerning jury service, both before actual service and during jury service, in an effective fashion or in alternative formats to persons who communicate by other means.

(b) (Utilizing individuals with disabilities) The California courts should take further steps to utilize individuals with disabilities as jurors.

(c) (Communications) All courts should provide effective communications assistance to persons with alternative communications requirements who are prospective jurors or participating jurors. Assistance includes certified, real-time captioning, and translators for persons who are deaf or blind, as well as other kinds of communications assistance.

Recommendation 16
(Specialty Courts)

Request that the Judicial Council undertake a study of specialty courts to determine whether there is bias or unfairness against persons with disabilities on an institutional basis in cases involving child custody and visitation, conservatorships and guardianships, dissolutions, criminal law, and public accommodations.

E. The Next Step

Recommendation 17
(Research)

Request that the Judicial Council undertake data and information collection to determine baseline data on the current state of the courts' ability to respond to disability issues, including but not limited to:

- (a) A regular (biennial) survey of courts, reflecting the number of employees with disabilities;
- (b) Identification of ADA coordinators for each court;
- (c) Lists of accommodations available from each court;
- (d) Assessment data on awareness of court personnel and compliance;
- (e) Survey of information and attitudes of court staff;
- (f) Data reflecting the use of each court by persons with disabilities;
- (g) Survey of education and training made available in each court; and
- (h) A survey of complaint mechanisms.

Recommendation 18
(Case Outcome Study)

Request that the Judicial Council underwrite studies of case outcomes to determine whether persons with disabilities experience unfairness with respect to court orders, judgments, and settlements in:

- (a) Settlements in criminal and civil cases;
- (b) Orders in family courts, juvenile courts, probate, and other specialty courts;
- (c) Verdicts in criminal and civil cases;
- (d) Equitable and general orders; and
- (e) ADR, arbitration, and other forms of case resolution.

Recommendation 19
(Compliance Review)

Request that the Judicial Council undertake a comprehensive compliance review of the court process to quantify the extent to which persons with disabilities face barriers to participation in the legal system. The compliance review should track all recommendations made by this committee and identify any new issues that have arisen in the interim.

