



CommSciences

Judicial Council of California

Public Hearings Report: Access for Persons with Disabilities

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1.0 INTRODUCTION AND BACKGROUND

The Judicial Council Standing Advisory Committee on Access and Fairness was appointed by the Chief Justice of California, Malcolm M. Lucas, in March 1994. The advisory committee's Subcommittee on Access for Persons with Disabilities is responsible for studying and addressing issues related to the availability of all aspects of the judicial system to persons with disabilities and chronic medical conditions.

To meet its mandate, the Subcommittee undertook a multi-phase research program comprised of public hearings, telephone and mail surveys, and in-person interviews. The program was designed to ascertain the perceptions and experiences of persons with and without disabilities who have business with the courts concerning the treatment and access afforded to persons with disabilities who come before the courts, participate in court programs, activities or services. Information was also obtained from court personnel, other persons employed by the courts and the general public.

The primary areas of inquiry concerned attitudes, architecture, communications, environment, transportation and employment.

This report presents findings for the public hearings. As the first phase of the study, the hearings provide the foundation for and inform subsequent phases of the study.

Information in this report should only be used to provide general indicators of opinion at a particular point in time among particular individuals. Neither the aggregate data nor the individual testimony given at the hearings should be considered representative of the disability community as a whole.

1.1 RESEARCH OBJECTIVES

The main objectives of the public hearings were to:

1. Record and assess perceptions and experiences of persons with and without disabilities with regard to 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 ascertain impediments to their full participation in the state court system.



2.0 EXECUTIVE SUMMARY

Overall, a broad and disparate number of themes and issues were raised by speakers testifying at the six public hearing held regarding access to the California courts for persons with disabilities.

A summary of the key findings from the public hearings follows:

- The most commonly cited theme was the need to address problems surrounding *physical access* to the courts for persons with disabilities.
 - Over half (59%) of the people who spoke at the hearings cited problems faced by persons with disabilities when trying to physically gain access to the California courts.
 - Within the theme of physical access, problems with physical mobility within and around court facilities generated the most testimony.
 - 38% of speakers cited problems either entering court facilities, navigating passageways and common rooms in court facilities, using physical structures within court facilities or parking near court facilities.
 - The need to improve the availability and quantity of physical accommodations, such as assistive listening devices, print enlargers and interpreters was another primary problem raised within the theme of physical access.
- The second most commonly cited theme at the public hearing was problems with court policies and procedures faced by persons with disabilities when trying to participate in court proceedings.
 - 39% of the people providing testimony spoke to problems faced by persons with disabilities due to court scheduling policies, jury selection policies and problems obtaining legal representation.
 - A total of 25 people (14% of speakers overall) made references to difficulties in obtaining legal representation during their testimony. In addition, this issue was raised by a significant proportion of speakers in a large number of locations: 11% of speakers giving testimony in Sacramento; 17% of speakers giving testimony in San Diego and Los Angeles; 18% of speakers giving testimony in San Francisco.
 - 14% of the speakers cited problems faced by persons with disabilities in gaining legal representation.



- 12% of the people speaking mentioned policies which are biased against including persons with disabilities in jury pools.
- 10% of the speakers indicated that greater effort needs to be made in adjusting court scheduling policies for persons with disabilities.
- The third most commonly cited problem area was knowledge and awareness of disability issues among court members.
 - Education and training of judges and court staff (20% of speakers) and attitudes towards persons with disabilities among judges and court staff (17% of speakers) were also of key concern to a large proportion of people.
 - The consensus among these speakers was that attitudinal and educational barriers in the form of misunderstanding and stereotypes must be removed before any physical or programmatic accommodations for persons with disabilities can be effective in generating full and equal access to the courts.
- Finally, a number of other issues were raised by people providing testimony at the hearings.
 - A sizeable number of speakers (11%) cited problems facing persons with disabilities in trying to access communications from court facilities.
 - Speakers cited problems getting information about what and where services were available, as well as problems finding information in appropriate formats such as Braille.
 - A large proportion of speakers (20%) cited a general failure on the part of the California courts in meeting the requirements of the ADA. Several speakers suggested that ADA coordinators be established in court facilities.



3.0 RESEARCH DESIGN

Seven public hearings were conducted in six cities throughout the state from August 1995 through October 1995. Locations and dates for these hearings were as follows:

Fresno.....	August 26
Sacramento	September 14
San Francisco	September 15
Oakland	September 16
San Diego	October 19
Los Angeles	October 20
Los Angeles	October 21

Communications. A communications framework was developed to promote the hearings in keeping with the Judicial Council's goal of providing "Equal Access, Equal Fairness, Equal Dignity" for users of California's courts.

Distribution of promotional material emphasized disability organizations and publications. Notification of the hearings was sent to individuals and organizations throughout the state who could in turn inform their constituency about the hearings. The Council also publicized the hearings in appropriate local media, such as newspapers, legal papers, bar association newsletters, and radio and television public service announcements. Several Advisory Committee members discussed the intent of the hearings on local radio and television stations, and members solicited participation through personal contacts. (Copies of promotional material and the communications plan can be found in the Appendix).

Generally, the publicity for the hearings targeted three groups: (1) court users with disabilities, disability rights advocates and service providers, (2) court personnel, such as clerks of the court, judges, and administrators, and (3) attorneys and other court users.

Facilities. Hearing facilities were selected in an attempt to provide physical, communication, and environmental access to all members of the disability community. Pathways were cleared and seating areas arranged to provide access for persons with mobility disabilities. Sign language interpreters were engaged to assist people with hearing impairments, and a TDD/TTY was furnished. Where possible, attempts were made to control lighting and room temperature for people with environmental sensitivities, and accommodations were made for people with chemical sensitivities.

Testimony. Generally, testimony was presented orally by individual speakers to a panel of Subcommittee members. Written, taped, telephonic, and confidential testimony were also accepted by the Subcommittee.



3.1 SPEAKER PROFILES

A total of 184 speakers presented oral testimony at the hearings. The number of speakers at each location is shown in Table 1. Eleven speakers testified twice and one participant provided testimony a total of four times at two locations.

Table 1
Speakers by Location

Location	Number of Speakers	Percentage of Total Speakers
Fresno	5	3%
Sacramento	36	20%
San Francisco	33	18%
Oakland	21	11%
San Diego	24	13%
Los Angeles	65	35%
Total	184	100%

Nearly half (41%) of the people giving testimony were advocates for disabilities rights issues. However, speakers from a variety of professional backgrounds spoke at the hearings.

Table 2
Speaker Profile

Speaker Category	Percentage of Total
Advocacy	41%
Court Personnel	13%
Court Professionals	10%
Professors, Students and Disabled Student Services Counselors	10%
State/County/City Department Agencies	9%
State/Count/City Commissions	7%
Other Legal Professionals	1%
Other	8%



4.0 ANALYSIS STRATEGY

Throughout the hearings, a diverse group of witnesses testified to a wide range of personal and professional experiences regarding access to the courts for the disability community. Recorded transcripts from the public hearings were then analyzed using a computer-based content-analysis technique that assists in the processing of large amounts of text. Analysis of the public hearing was divided into three phases:

- Phase 1: **Thematic Analysis.** In this phase, comments made during the hearings were analyzed to identify and/or infer common *themes* and *sub-themes*.
- Phase 2: **Quantitative Analysis.** In the next phase, transcripts of testimony were analyzed to determine the quantity and proportion of comments which pertained to each specific theme and sub-theme identified in Phase 1. These comments were then cross referenced by speaker to determine the total number of people who spoke on each theme.
- Phase 3: **Qualitative Analysis.** In the final phase verbatim comments were analyzed, both individually and in context of the whole of comments made regarding each theme, to determine systematic patterns of content. Where necessary, this process was used to refine themes and sub-themes identified in Phase 1, and revise quantitative findings from Phase 2.

The themes and sub-themes identified from the public hearings in Phase 1 of the content analysis are listed in alphabetical order in Table 3.

Results from Phase 2 of the content analysis are presented in Table 4. The far left column of Table 4 provides the name and a brief description of each theme or sub-theme. Reading from left to right across Table 4, the number of people (n) who spoke on each theme is provided, followed by the percentage of people at each hearing location who spoke on each theme. The far right column of Table 4 denotes the total number and percentage of speakers who gave testimony regarding each theme. Numbers listed under ID in each cell of Table 4 represent the identification code for each speaker who gave testimony on a given theme. The names, locations, and citation page number for each of these speakers is provided in Table 5.

Note: Multiple comments regarding a specific theme by a single speaker were coded as a *single reference* in Table 4. However, each speaker may be referenced under multiple themes. In addition, specific *comments* may be listed under more than one theme where appropriate. Table 6 provides specific volume and page numbers for each reference cited in Table 4.



Table 3
Speaker Themes and Sub-Themes

1	ADA Issues	
	1	ADA Coordinators
	2	ADA Disregard/Compliance
	3	Funding for ADA Compliance
2	Attitudes Towards Persons with Disabilities	
	1	General Attitudes
	2	Non Apparent Disabilities
3	Communications Access	
	1	Access to Court Documentation
	2	Documentation Assistance
	3	Signage/Informational Materials
4	Conservatorship/Custody Issues	
	1	Conservatorship
	2	Custody Awards Based On Disability
5	Court Program Participation	
	1	Court Hiring Practices
	2	Court Scheduling
	3	Detention
	4	General Program Participation
	5	Jury Duty
	6	Legal Representation
6	Education and Training	
	1	Awareness Among Persons With Disabilities
	2	Awareness Among Persons Without Disabilities
7	Physical Access	
	1	Assistive Systems and Personnel
		<ul style="list-style-type: none"> ● Assistive Systems/Personnel ● Interpreters
	2	Environmental Barriers
		<ul style="list-style-type: none"> ● Building Materials ● Courthouse Location ● Court Policies
	3	Mobility Barriers
		<ul style="list-style-type: none"> ● Exterior Accessibility ● Interior Common Areas ● Interior Court Service Areas ● Parking
8	Transportation	
	1	Transportation



Table 4
Speaker Counts, Percentages and IDs by Theme and Location

THEMATIC CATEGORIES		LOCATIONS AND SPEAKERS								ALL LOCATIONS
THEME	DESCRIPTION	FRESNO n = 5	SACRAMENTO n = 36	SAN FRANCISCO n = 33	OAKLAND n = 21	SAN DIEGO n = 24	LOS ANGELES n = 65	TOTAL N = 184		
ADA		n = 5 100%	n = 5 14%	n = 4 12%	n = 1 5%	n = 6 25%	n = 17 26%	n = 38 21%		
ADA Coordinators	ADA Coordinator/court-community liaison	n = 4 80% ID 22 23 24 26	n = 1 3% ID 126	n = 2 6% ID 39 44		n = 2 8% ID 161 181	n = 6 9% ID 70 72 75 83 114 99	n = 14 8%		
ADA Disregard/Compliance	Non ADA compliance/Disregard for ADA; Self Evaluation Plans	n = 1 20% ID 26	n = 4 11% ID 142 153 157 137	n = 2 6% ID 28 42	n = 1 5% ID 8	n = 3 13% ID 165 175 169	n = 9 14% ID 67 68 73 76 77 93 96 114 129	n = 20 11%		
Funding for ADA Compliance	ADA compliance funding as it relates to mobility access	n = 1 20% ID 24		n = 1 3% ID 42		n = 1 4% ID 170	n = 4 6% ID 75 103 104 106	n = 7 4%		
Attitudes Toward Persons with Disabilities		n = 0 0%	n = 8 22%	n = 4 12%	n = 4 19%	n = 3 13%	n = 12 18%	n = 31 17%		
General Attitudes	Attitudes of the courts toward disability community		n = 8 22% ID 125 127 135 137 145 151 154 157	n = 3 9% ID 40 52 54	n = 3 14% ID 10 15 8	n = 3 13% ID 174 180 183	n = 10 15% ID 60 70 72 75 76 108 86 88 90 121	n = 27 15%		
Non Apparent Disabilities	Issues of non-visible disabilities		n = 1 3% ID 135	n = 2 6% ID 59 40	n = 2 10% ID 8 11		n = 5 8% ID 60 108 82 88 109	n = 10 5%		



Table 4 (continued)
Speaker Counts, Percentages and IDs by Theme and Location

THEMATIC CATEGORIES		LOCATIONS AND SPEAKERS								ALL LOCATIONS
THEME	DESCRIPTION	FRESNO n = 5	SACRAMENTO n = 36	SAN FRANCISCO n = 33	OAKLAND n = 21	SAN DIEGO n = 24	LOS ANGELES n = 65	TOTAL N = 184		
Communications Access		n = 2 40%	n = 4 12%	n = 4 12%	n = 3 14%	n = 1 4	n = 5 8%	n = 21	11%	
Access to court documentation	Alternative formats; Braille and other visual/electronic formats		n = 2 6% <u>ID</u> 133 141	n = 1 3% <u>ID</u> 34	n = 1 5% <u>ID</u> 2		n = 2 3% <u>ID</u> 103 121	n = 6	3%	
Documentation Assistance	Availability of assistance in the documentation of court process		n = 1 3% <u>ID</u> 138	n = 1 3% <u>ID</u> 45			n = 1 2% <u>ID</u> 95	n = 3	2%	
Signage/Informational Materials	Accessing information on how to use the courts and on accommodations	n = 2 40% <u>ID</u> 22 24	n = 3 8% <u>ID</u> 126 142 146	n = 2 6% <u>ID</u> 32 33	n = 2 10% <u>ID</u> 8 19	n = 1 4% <u>ID</u> 169	n = 3 5% <u>ID</u> 101 105 121	n = 13	7%	
Conservatorship/Custody		n = 0 0%	n = 5 14%	n = 0 0%	n = 2 10%	n = 0 0%	n = 0 0%	n = 7	4%	
Conservatorship	Conservatorship		n = 2 6% <u>ID</u> 147 151					n = 2	1%	
Custody Awards Based on Disability	Disability determining custody rights		n = 3 8% <u>ID</u> 131 143 154		n = 2 10% <u>ID</u> 3 4			n = 5	3%	
Court Program Participation		n = 4 80%	n = 10 28%	n = 19 58%	n = 5 24%	n = 11 46%	n = 23 35%	n = 72	39%	
Court Hiring Practices	Employment of members of disability community	n = 1 20% <u>ID</u> 26				n = 3 13% <u>ID</u> 171 172 182	n = 2 3% <u>ID</u> 103 107	n = 6	3%	
Court Scheduling	Flexibility of court scheduling, "fast-track"	n = 1 20% <u>ID</u> 24		n = 10 30% <u>ID</u> 27 33 41 44 45 46 48 49 53 55	n = 3 14% <u>ID</u> 4 7 20		n = 4 6% <u>ID</u> 89 90 93 103	n = 18	10%	
Detention	Lack of "full" system participation		n = 2 6% <u>ID</u> 132 138					n = 2	1%	
General Program Participation	Lack of active participation in all court programs, feeling "separate"	n = 1 20% <u>ID</u> 22		n = 4 12% <u>ID</u> 54 28 32 53	n = 1 5% <u>ID</u> 6		n = 2 3% <u>ID</u> 94 107	n = 8	4%	



Table 4 (continued)
Speaker Counts, Percentages and IDs by Theme and Location

THEMATIC CATEGORIES		LOCATIONS AND SPEAKERS								ALL LOCATIONS				
THEME	DESCRIPTION	FRESNO n = 5		SACRAMENTO n = 36		SAN FRANCISCO n = 33		OAKLAND n = 21		SAN DIEGO n = 24		LOS ANGELES n = 65		TOTAL N = 184
Jury Duty	Disability as criterion for dismissal	n = 1 20%	ID 23	n = 4 11%	ID 126 127 128 152	n = 4 12%	ID 54 29 35 47	n = 1 5%	ID 5	n = 4 17%	ID 162 166 169 174	n = 8 12%	ID 60 70 72 76 62 93 121 122	n = 22 12%
Legal representation	Lack of ready legal access, pro per			n = 4 11%	ID 136 143 145 153	n = 6 18%	ID 36 38 46 48 50 55			n = 4 17%	ID 167 175 179 181	n = 11 17%	ID 108 82 88 97 107 109 110 115 116 119 113	n = 25 14%
Education and Training		n = 2	40%	n = 8	22%	n = 9	27%	n = 3	14%	n = 3	13%	n = 14	22%	n = 39 21%
Awareness Among Persons With Disabilities	Lack of awareness among disability community about asking for accommodation and about ADA rights	n = 1 20%	ID 22	n = 1 3%	ID 143			n = 1 5%	ID 16					n = 3 2%
Awareness Among Persons Without Disabilities	Knowledge of nature, needs and accommodations of range of disabilities, stereotyping, "tagging," assumptions	n = 1 20%	ID 26	n = 7 19%	ID 128 130 132 140 142 150 154	n = 9 27%	ID 54 59 34 42 44 45 48 51 57	n = 3 14%	ID 3 16 8	n = 3 13%	ID 169 178 181	n = 14 22%	ID 72 75 83 85 92 93 94 114 97 104 107 108 119 121	n = 37 20%



Table 4 (Continued)
Speaker Counts, Percentages and IDs by Theme and Location

THEMATIC CATEGORIES		LOCATIONS AND SPEAKERS							ALL LOCATIONS
THEME	DESCRIPTION	FRESNO n = 5	SACRAMENTO n = 36	SAN FRANCISCO n = 33	OAKLAND n = 21	SAN DIEGO n = 24	LOS ANGELES n = 65	TOTAL N = 184	
Physical Access		n = 5 100%	n = 17 47%	n = 20 61%	n = 15 71%	n = 10 42%	n = 42 65%	n = 109 59%	
Assistive Systems and Personnel		n = 4 80%	n = 7 19%	n = 9 27%	n = 7 33%	n = 7 29%	n = 17 26%	n = 51 28%	
Assistive Systems/Personnel	Availability of devices/personnel, training and use of auxiliary aids, inoperative devices	n = 4 <u>ID</u> 80% 22 25 23 24	n = 3 <u>ID</u> 8% 126 144 152	n = 7 <u>ID</u> 21% 27 54 30 32 44 47 53	n = 6 <u>ID</u> 29% 8 16 17 19 21 54	n = 2 <u>ID</u> 8% 163 166	n = 8 <u>ID</u> 12% 62 89 92 93 100 101 106 121	n = 30 16%	
Interpreters	Availability and qualifications, non-English language interpreters	n = 3 <u>ID</u> 60% 22 25 24	n = 6 <u>ID</u> 17% 126 128 143 144 148 159	n = 4 <u>ID</u> 12% 54 32 53 58	n = 1 <u>ID</u> 5% 5	n = 5 <u>ID</u> 21% 165 166 171 173 182	n = 13 <u>ID</u> 20% 71 79 83 89 95 96 98 101 106 119 121 122 124	n = 32 17%	
Environmental Barriers		n = 1 20%	n = 1 3%	n = 3 9%	n = 1 5%	n = 2 8%	n = 2 3%	n = 10 5%	
Building Materials	Fluorescent lights, exposure to chemicals, electrical field sensitivity	n = 1 <u>ID</u> 20% 23	n = 1 <u>ID</u> 3% 135		n = 1 <u>ID</u> 5% 8	n = 2 <u>ID</u> 8% 172 176	n = 2 <u>ID</u> 3% 78 123	n = 7 4%	
Courthouse Location	Inaccessibility due to courthouse location			n = 1 <u>ID</u> 3% 27				n = 1 0.5%	
Court Policies	Fragrance, smoking policies			n = 2 <u>ID</u> 6% 27 47				n = 2 1%	



Table 4 (continued)
Speaker Counts, Percentages and IDs by Theme and Location

THEMATIC CATEGORIES		LOCATIONS AND SPEAKERS							ALL LOCATIONS
THEME	DESCRIPTION	FRESNO n = 5	SACRAMENTO n = 36	SAN FRANCISCO n = 33	OAKLAND n = 21	SAN DIEGO n = 24	LOS ANGELES n = 65	TOTAL N = 184	
Mobility Barriers	Getting-to, entering, leaving, or moving about court facilities	n = 2 40%	n = 10 28%	n = 13 39%	n = 11 52%	n = 8 33%	n = 25 38%	n = 69 38%	
Exterior areas	From Parking area to courthouse entrance including pathways, ramps and doorways				n = 1 5% <u>ID</u> 1		n = 5 8% <u>ID</u> 84 107 109 112 118	n = 6 3%	
Interior Common Areas	Hallways, stairways, elevators, restrooms, etc.	n = 2 40% <u>ID</u> 22 26	n = 4 11% <u>ID</u> 137 143 144 150	n = 2 6% <u>ID</u> 27 44	n = 3 14% <u>ID</u> 10 11 15	n = 2 8% <u>ID</u> 168 175	n = 9 14% <u>ID</u> 60 72 76 86 114 102 105 110 121	n = 22 12%	
Interior Court Service Areas	Court offices, courtrooms, including jury and witness boxes, counsel tables		n = 4 11% <u>ID</u> 125 138 140 147	n = 11 33% <u>ID</u> 28 44 31 33 35 40 42 43 45 51 52	n = 7 33% <u>ID</u> 5 6 7 9 13 14 8	n = 5 21% <u>ID</u> 161 166 171 177 182	n = 9 14% <u>ID</u> 61 68 69 73 77 93 99 111 117	n = 36 20%	
Parking	Distance, availability, misuse, building codes		n = 3 8% <u>ID</u> 129 155 156			n = 2 8% <u>ID</u> 161 170	n = 7 11% <u>ID</u> 69 70 72 86 107 112 117	n = 12 7%	
Transportation			n = 1 3%	n = 1 3%	n = 1 5%	n = 1 4%	n = 1 2%	n = 5 3%	
Transportation	Availability and flexibility in transit to/from courthouse		n = 1 3% <u>ID</u> 140	n = 1 3% <u>ID</u> 35	n = 1 5% <u>ID</u> 7	n = 1 4% <u>ID</u> 166	n = 1 2% <u>ID</u> 94	n = 5 3%	



Table 5
Speaker Identification

ID	Speaker	Affiliation	Hearing Location	Hearing Date	Transcript Page Number
001	Overholt, Ronald G.	Executive Officer, Alameda County Superior Court	Oakland	16-Sep-95	6
002	Cole, Mike	Orientation for the Blind	Oakland	16-Sep-95	18
003	Meehan, Dennis	Pacific Disability & Business Technical Assistance Center	Oakland	16-Sep-95	28
004	Day, Mary Kay	No stated affiliation	Oakland	16-Sep-95	53
005	Church, Paul	Independent Living Resource Center, San Francisco	Oakland	16-Sep-95	67
006	Atwood, Barry	Accessible Environments, Inc.	Oakland	16-Sep-95	75
007	Pachovas, Michael	No stated affiliation	Oakland	16-Sep-95	94
008	Hodges, Susan	Oakland Mayor's Commission on Disabled Persons	Oakland	16-Sep-95	108, 195
009	Jones, Erica	Director, Pacific Disability & Business Technical Assistance Center	Oakland	16-Sep-95	118
010	Adams, Teri	FDR Democratic Association for Persons with Disabilities and Seniors	Oakland	16-Sep-95	129
011	Bateman, Dwight	Independent Living Center, Modesto	Oakland	16-Sep-95	133
012	Pelz, Marie	No stated affiliation	Oakland	16-Sep-95	140
013	Rein, Paul	Attorney at Law	Oakland	16-Sep-95	38, 146
014	Jackson Jane	No stated affiliation	Oakland	16-Sep-95	160
015	Manfroi, Heidi	No stated affiliation	Oakland	16-Sep-95	168
016	Haight, Susan	Pacific Disability & Business Technical Assistance Center	Oakland	16-Sep-95	181
017	Ramos, Nicolasa	No stated affiliation	Oakland	16-Sep-95	190
018	Gale, Charlotte	No stated affiliation	Oakland	16-Sep-95	193
019	Mulvany, Dana	No stated affiliation	Oakland	16-Sep-95	210
020	Horvath, Pauline	No stated affiliation	Oakland	16-Sep-95	213
021	Wagner, Charles	No stated affiliation	Oakland	16-Sep-95	222
022	Ascanio, Peter	Court Interpreter Coordinator	Fresno	26-Aug-95	18
023	Robinson, Laurie	Program Manager, Fresno Courts	Fresno	26-Aug-95	28
024	O'Rourke, John	Judge, Kings County Municipal Court	Fresno	26-Aug-95	36
025	Yoshida, Kathleen	No stated affiliation	Fresno	26-Aug-95	79, 84
026	Silva, Sandra	Municipal Court Administrator	Fresno	26-Aug-95	58
027	Garrett, Jan	Disability Rights and Education Defense Fund, Alameda (DREDF)	San Francisco	15-Sep-95	8, 42



**Table 5 (continued)
Speaker Identification**

ID	Speaker	Affiliation	Hearing Location	Hearing Date	Transcript Page Number
028	Freedman, Abbie	Law Student	San Francisco	15-Sep-95	22
029	Evju, Mark	Student	San Francisco	15-Sep-95	29
030	Williams, Dick	No stated affiliation	San Francisco	15-Sep-95	44
031	Neurman, Beryl	Law Student, University of Michigan	San Francisco	15-Sep-95	48
032	Carter, Callan	Attorney, Bar Association of San Francisco	San Francisco	15-Sep-95	54
033	Cooley, Daniel	Attorney, Bar Association of San Francisco, Disability Rights Commission	San Francisco	15-Sep-95	63
034	Boyd, Pat	The Rebus Institute	San Francisco	15-Sep-95	83
035	Torczyner, Jerome	Multiple Sclerosis Society	San Francisco	15-Sep-95	91
036	Schwartz, Michael	No stated affiliation	San Francisco	15-Sep-95	97
037	Martin, Monte	No stated affiliation	San Francisco	15-Sep-95	99
038	Tickler, Brenda	No stated affiliation	San Francisco	15-Sep-95	105
039	Hassle, Dawn	Hastings Educational Alliance for the Rights of the Disabled	San Francisco	15-Sep-95	50, 113
040	Paradis, Larry	Attorney	San Francisco	15-Sep-95	122
041	Mizner, Susan	Attorney, Poverty and Disability Rights Project	San Francisco	15-Sep-95	127
042	Margen, Peter	Accessibility Specialist, ADA	San Francisco	15-Sep-95	133
043	Skaff, Richard	Disability Access Coordinator for San Francisco Department of Public Works	San Francisco	15-Sep-95	139
044	Tress, Madeleine	Attorney	San Francisco	15-Sep-95	41, 148
045	Matulis, Jeanne	Staff Attorney, Protection and Advocacy, Inc.	San Francisco	15-Sep-95	156
046	Chew, Bryan	Discrimination Representative/San Francisco Human Rights Commission	San Francisco	15-Sep-95	169
047	Skyer, Mary	Deaf Services Counselor-San Francisco Independent Living Resource Center	San Francisco	15-Sep-95	180
048	Ripple, Joan	Former Consultant to Senate Judiciary Subcommittee on the Rights of the Disabled; Currently Administrative Assistant and Legislative Aide to Senator Milton Marks	San Francisco	15-Sep-95	189
049	McColm, Patricia	Potential Attorney	San Francisco	15-Sep-95	197
050	Tamm, Ron	No stated affiliation	San Francisco	15-Sep-95	210
051	Maynard, Bill	No stated affiliation	San Francisco	15-Sep-95	218
052	Kwok, Michael	No stated affiliation	San Francisco	15-Sep-95	227
053	Lester, Frank	No stated affiliation	San Francisco	15-Sep-95	233



Table 5 (continued)
Speaker Identification

ID	Speaker	Affiliation	Hearing Location	Hearing Date	Transcript Page Number
054	Stein, Paul	Self Help for Hard of Hearing People, (SHHH)	San Francisco	15-Sep-95	15, 44, 244
055	Chambers, Kristin	Executive Director, AIDS Legal Referral Panel	San Francisco	15-Sep-95	251
056	Lieber, Ellen	No stated affiliation	San Francisco	15-Sep-95	258
057	Andersson, Elaine	Professor, Golden Gate University School of Law	San Francisco	15-Sep-95	268
058	Eadie, Sue	ASL Interpreter	San Francisco	15-Sep-95	281
059	Stimpson, Terry	California Head Injury Foundation	San Francisco	15-Sep-95	73, 300
060	Maisell, Robin	Associate Managing Attorney, Protection and Advocacy	Los Angeles	20-Oct-95	12
061	Neves, Robert	No stated affiliation	Los Angeles	20-Oct-95	21
062	Jones, Maryann	Dean, WSU College of Law	Los Angeles	20-Oct-95	28
063	Pourjahan, Marcy	Student Services, WSU Irvine	Los Angeles	20-Oct-95	31
064	Laborde, Debie	Disabled Services Coordinator, WSU Irvine	Los Angeles	20-Oct-95	35
065	Wilbur, Marcia	Dean, WSU, College of Law at Fullerton	Los Angeles	20-Oct-95	37
066	Ornelas, Marnie	WSU, Fullerton	Los Angeles	20-Oct-95	42
067	Towrey, Jim	State Bar of California, President	Los Angeles	20-Oct-95	50
068	Shield, Tom	Accessibility Contractor	Los Angeles	20-Oct-95	53
069	Geffen, David	Attorney at Law	Los Angeles	20-Oct-95	61
070	Manabe, Dawn	Independent Living Center	Los Angeles	20-Oct-95	72
071	Skaja, Jennifer	ILCSC	Los Angeles	20-Oct-95	80
072	Lindner, Charles	Attorney at Law	Los Angeles	20-Oct-95	87
073	Perman, Dorik	No stated affiliation	Los Angeles	20-Oct-95	99
074	Frazier, Penny	No stated affiliation	Los Angeles	20-Oct-95	106
075	Perez, David	Supervising Judge, Western District, LA Superior Court	Los Angeles	20-Oct-95	110
076	Velasco, Frank	No stated affiliation	Los Angeles	20-Oct-95	116
077	Neidorf, Richard	LA Superior Court	Los Angeles	20-Oct-95	125
078	Friedman, Michael	Attorney at Law	Los Angeles	20-Oct-95	134
079	Stern, Mark	No stated affiliation	Los Angeles	20-Oct-95	144



**Table 5 (continued)
Speaker Identification**

ID	Speaker	Affiliation	Hearing Location	Hearing Date	Transcript Page Number
080	Balbani, Mario	Department of Motor Vehicles	Los Angeles	20-Oct-95	154
081	Jones, Camille	City of Culver City, and Cochlear Implant Club	Los Angeles	20-Oct-95	185
082	McGuire, Kelly R	No stated affiliation	Los Angeles	20-Oct-95	196
083	Annarino, Pauline	GLAD	Los Angeles	20-Oct-95	207
084	Welch, Tony	Long Beach VA	Los Angeles	20-Oct-95	218
085	Telfer, Carole	Learning Disabilities Assn.	Los Angeles	20-Oct-95	222
086	Dewitt, Nick	Attorney at Law	Los Angeles	20-Oct-95	234
087	Retzinger, Jynny	Board of Trustees, Regional Center of LA	Los Angeles	20-Oct-95	246
088	Shohet, Jacqueline	No stated affiliation	Los Angeles	20-Oct-95	250
089	Lanza, Nick	Attorney at Law	Los Angeles	20-Oct-95	255
090	Ray, Sandra	No stated affiliation	Los Angeles	20-Oct-95	266
091	Allen, Patricia	No stated affiliation	Los Angeles	20-Oct-95	270
092	Baladerian, Nora	Director, Disability Abuse and Personal Rights Project	Los Angeles	20-Oct-95	282
093	Raizman, David	Western Law Center for Disability Rights, Executive Director	Los Angeles	20-Oct-95	292
094	Culbert, Mary	Attorney at Law	Los Angeles	20-Oct-95	301
095	Reyna, Peggie	LA Commission on Assaults Against Women	Los Angeles	20-Oct-95	313
096	Higgs, James III	No stated affiliation	Los Angeles	20-Oct-95	318
097	Huang Fang Le	No stated affiliation	Los Angeles	20-Oct-95	339
098	Fonseca, Janis	Court Reporter	Los Angeles	21-Oct-95	12
099	Paspazdral, Elizabeth	West Side Center for Independent Living	Los Angeles	21-Oct-95	18
100	Maggio, Leo	SHHH	Los Angeles	21-Oct-95	23
101	Tiessen, Grace	SHHH	Los Angeles	21-Oct-95	28
102	Hu, Timothy	Law Student	Los Angeles	21-Oct-95	38
103	Dragun, Anthony	Attorney at Law	Los Angeles	21-Oct-95	52
104	Black, Howard	No stated affiliation	Los Angeles	21-Oct-95	64



**Table 5 (continued)
Speaker Identification**

ID	Speaker	Affiliation	Hearing Location	Hearing Date	Transcript Page Number
105	Oliveri, Peggy	Long Beach Citizens Advisory Commission on Disabilities	Los Angeles	21-Oct-95	74
106	Fleishman, Stanlely	Attorney at Law	Los Angeles	21-Oct-95	81
107	Zuke, William	No stated affiliation	Los Angeles	21-Oct-95	90, 231
108	Amundson, Everett R	Admundson & Associates	Los Angeles	21-Oct-95	171
109	Goldkorn, Ruthee	No stated affiliation	Los Angeles	21-Oct-95	106
110	Gross, Susan	California for Disability Rights	Los Angeles	21-Oct-95	114
111	Dae, Debra	No stated affiliation	Los Angeles	21-Oct-95	122
112	Longberg, John	State Department of Rehabilitation	Los Angeles	21-Oct-95	125
113	Altman, Gunter	No stated affiliation	Los Angeles	21-Oct-95	146, 227
114	Anthony, Gordon	No stated affiliation	Los Angeles	21-Oct-95	148
115	Hayden, Maxine	California Network of Mental Health Clinics	Los Angeles	21-Oct-95	152, 227
116	Morda, Richard S.	Legal Researcher	Los Angeles	21-Oct-95	163
117	McMillan, Kathryn	No stated affiliation	Los Angeles	21-Oct-95	172
118	Hallenberg, Hugh	Californians for Disability Rights	Los Angeles	21-Oct-95	179
119	Bonner, Delia Melia	No stated affiliation	Los Angeles	21-Oct-95	185
120	Morguess, Michael	Orange County Deaf Equal Access Foundation	Los Angeles	21-Oct-95	195
121	Nabarrete, Charles	California Council of the Blind	Los Angeles	21-Oct-95	210
122	Alger, Margie	President, Conejo Valley Group SHHH	Los Angeles	21-Oct-95	220
123	Overton, Sam	Judicial Council Member, Deputy Attorney General	Los Angeles	21-Oct-95	233
124	Hughes, Virginia	Sign Language Interpreter	Los Angeles	21-Oct-95	241
125	Rhodes, David	Appellate Lawyer	Sacramento	14-Sep-95	13
126	McGill, Alice	NorCal Center on Deafness	Sacramento	14-Sep-95	26
127	Martinez, Connie	Protection and Advocacy	Sacramento	14-Sep-95	34
128	Clyde, Nancy	Protection and Advocacy and United Cerebral Palsy	Sacramento	14-Sep-95	40
129	Tauber, Bob	JWA Security Services	Sacramento	14-Sep-95	46
130	Hutton, Warren	JWA Security Services	Sacramento	14-Sep-95	48



**Table 5 (continued)
Speaker Identification**

ID	Speaker	Affiliation	Hearing Location	Hearing Date	Transcript Page Number
131	Lozito, Bob	JWA Security Services	Sacramento	14-Sep-95	53
132	Garcia, Ramona	Resources for Independent Living	Sacramento	14-Sep-95	58
133	Ford, Tim	State Department of Health Services	Sacramento	14-Sep-95	64, 269
134	Smith, Paul	No stated affiliation	Sacramento	14-Sep-95	72
135	Williams, Minerva	Association of Chemically Sensitive People	Sacramento	14-Sep-95	78
136	Smith, Donna Jean	Disabled Consumer	Sacramento	14-Sep-95	91
137	Smith, Bill	Legal Center for the Elderly and the Disabled	Sacramento	14-Sep-95	98
138	Rockhill, Mary	Resources for Independent Living	Sacramento	14-Sep-95	103
139	Johnson, Teresa	Resources for Independent Living	Sacramento	14-Sep-95	104
140	Carroll, Charlotte	Protection and Advocacy, Inc.	Sacramento	14-Sep-95	109
141	Ravandi, Taymour	Protection and Advocacy, Inc.	Sacramento	14-Sep-95	114
142	Black, Ralph	California Rights for the Disabled	Sacramento	14-Sep-95	122
143	Brusuelas, Nora	Disabled In State Service	Sacramento	14-Sep-95	132
144	Roddy, Mike	Executive Officer of the Court, Sacramento	Sacramento	14-Sep-95	139
145	Gilstrap, Jerry	Stomp Out Stigma	Sacramento	14-Sep-95	148
146	Law, Joyce	Analyst for California Environmental Protection Agency	Sacramento	14-Sep-95	155
147	Gracechild, Francis	Resources for Independent Living	Sacramento	14-Sep-95	165
148	Mentkowki, Sheila C.	Department of Rehabilitation	Sacramento	14-Sep-95	167
149	Keeny, Rodney	Disabled Student Services Counselor	Sacramento	14-Sep-95	178
150	Dowd, Rebecca	Resources for Independent Living	Sacramento	14-Sep-95	180
151	Gibson, Gwinn	Stomp Out Stigma	Sacramento	14-Sep-95	182
152	Chu-joe, Mary	No stated affiliation	Sacramento	14-Sep-95	188
153	Bennett, Chuck	No stated affiliation	Sacramento	14-Sep-95	195
154	Strahan, Pam	No stated affiliation	Sacramento	14-Sep-95	201
155	Esrey, Denise	Deputy Districts Attorney	Sacramento	14-Sep-95	209
156	Schwemberer, M.	No stated affiliation	Sacramento	14-Sep-95	219
157	Beresford, Mary	Californians for Disability Rights and as an individual	Sacramento	14-Sep-95	230
158	D'Lil, Hollynn	No stated affiliation	Sacramento	14-Sep-95	246



Table 5 (continued)
Speaker Identification

ID	Speaker	Affiliation	Hearing Location	Hearing Date	Transcript Page Number
159	Atwood, Arlene	Interpreter	Sacramento	14-Sep-95	260
160	Havard, Tamara	Interpreter	Sacramento	14-Sep-95	263
161	Nuedeck, Noel	President, Wheelchair Access Now Today	San Diego	19-Oct-95	10, 174
162	Hood, John III	Public Policy Coordinator, CA, Network of Mental Health Clients	San Diego	19-Oct-95	17
163	Ireland, Joan	International Organization of Self Help for Hard of Hearing	San Diego	19-Oct-95	27
164	Kremer, Daniel	Judge, State Court of Appeal	San Diego	19-Oct-95	33
165	Bates, Kathy	Access Center of San Diego	San Diego	19-Oct-95	34
166	Bergman, Cheryl	Access Center of San Diego	San Diego	19-Oct-95	43
167	Schoenfeld, Bernard	Advocate, Elderly, Frail and Disabled Community	San Diego	19-Oct-95	51
168	Bulone, Theresa	No stated affiliation	San Diego	19-Oct-95	58
169	Hill Pat	Assistant Executive Officer, Orange County Superior Court	San Diego	19-Oct-95	66
170	Itow, Jim	Facilities Manager, Orange County	San Diego	19-Oct-95	73
171	Heuman, Don	Personnel Director, Orange County	San Diego	19-Oct-95	77
172	Black, Ralph	State Bar Committee on Legal Professionals with Disabilities	San Diego	19-Oct-95	80
173	Olsen, Nancy	SHHH, Riverside	San Diego	19-Oct-95	91
174	Caputo, Michele	President, National Spinal Cord Injuries Association	San Diego	19-Oct-95	97
175	Johnson, Wes	Executive Director, Accessible San Diego	San Diego	19-Oct-95	103
176	Simmons, Robert L.	Professor of Law, USD	San Diego	19-Oct-95	111
177	Terp, Karl	Deputy Attorney General, San Diego	San Diego	19-Oct-95	123
178	Ewing, Jim	Criminal Justice Task Force, Riverside	San Diego	19-Oct-95	130
179	Gallagher, John	No stated affiliatio	San Diego	19-Oct-95	136
180	Butler, Michael	Deputy Public Defender	San Diego	19-Oct-95	140
181	Hamrick, Royce	California Association of Persons with Handicaps; Californians with Disability Rights; Board of Local LC; State Rehabilitation Advisory Council	San Diego	19-Oct-95	148
182	Bacon, Betty	Director, Disabled Student Services at SDSU	San Diego	19-Oct-95	157
183	McCoy, Sheila K	Sociologist, writer and college instructor	San Diego	19-Oct-95	164
184	Okin, Michael	Postal Worker, San Diego	San Diego	19-Oct-95	167



Table 6
Reference Count by Location

CONTENT ANALYSIS CODING FORM		NUMBER OF REFERENCES/PAGE NUMBER OF REFERENCE						NUMBER OF REFERENCES
CATEGORY	EXPLANATION	FRESNO	SACRAMENTO	SAN FRANCISCO	OAKLAND	SAN DIEGO	LOS ANGELES	TOTAL
ADA								
ADA Coordinators	ADA Coordinator/court-community liaison	4 [22, 32, 45, 60]	1 [29]	2 [51, 156]		2 [15, 148]	5 [Vol. 1 - 78, 97, 114, 214, 327]	15
ADA Disregard/Compliance	Non ADA compliance/Disregard for ADA	1 [72]	5 [100, 123, 196, 197, 231]	2 [22, 134]	1 [109]	3 [35, 70, 106]	1 [Vol. 2 - 21] 8 [Vol. 1 - 52, 53, 104, 116, 126, 298, 320, 331]	21
Funding for ADA Compliance	ADA compliance funding as it relates to mobility access	1 [74]		1 [135]		1 [74]	1 [Vol. 1 - 111] 3 [Vol. 2 - 63, 70, 89]	7
Attitudes Toward Persons With Disabilities								
General Attitudes	Attitudes of the courts toward disability community		8 [22, 39, 82, 100, 154, 184, 205, 211]	3 [125, 232, 245]	3 [129, 177, 196]	3 [101, 141, 165]	9 [Vol. 1 - 15, 72, 95, 113, 116, 144, 236, 252, 268]	27
Non Apparent Disabilities	Issues of non-visible disabilities		1 [82]	2 [79, 126]	2 [114, 138]		1 [Vol. 2 - [216] 4 [Vol. 1 - 16, 147, 197, 252] 1 [Vol. 2 - 110]	10
Communications Access								
Accessing Court Information								
Access to Court Documentation	Alternative formats; Braille and other visual/electronic formats		2 [66, 115]	1 [88]	1 [20]		2 [Vol. 2 - 60, 211]	6
Documentation Assistance	Availability of assistance in the documentation of court process		1 [106]	1 [158]			1 [Vol. 1 - 313]	3
Signage/Informational Materials	Accessing information on how to use the courts and on accommodations	2 [23, 42]	3 [27, 124, 163]	2 [59, 67]	2 [109, 210]	1 [71]	3 [Vol. 2 - 33, 75, 211]	13
Conservatorship/Custody								
Conservatorship	Conservatorship		2 [173, 182]					2
Custody Awards Based On isability	Disability determining custody rights		3 [60, 134, 202]		2 [29, 59]			5
Court Program Participation								
Program Participation								
Court Hiring Practices	Employment of members of disability community	1 [62]				3 [77, 82, 163]	2 [Vol. 2 - 55, 99]	6
Court Scheduling	Flexibility of court scheduling, "fast-track"	1 [44]		10 [10, 68, 129, 155, 164, 175, 191, 199, 233, 253]	3 [55, 208, 214]		3 [Vol. 1 - 261, 267, 296] 1 [Vol. 2 - 61]	17
Detention	Lack of "full" system participation		2 [62, 105]					2
Jury Duty	Disability as criterion for dismissal	1 [33]	4 [28, 35, 42, 190]	4 [16, 33 93, 185]	1 [68]	4 [19, 47, 67, 99]	6 [Vol. 1 - 19, 76, 93, 119, 190, 299] 2 [Vol. 2 - 212, 224]	22
General Program Participation	Lack of active participation in all court programs; feeling "separate	1 [19]		4 [15, 23, 29, 198]	1 [78]		1 [Vol. 1 - 304] 1 [Vol. 2 - 96]	8



Table 6 (continued)
Reference Count by Location

CONTENT ANALYSIS CODING FORM (continued)		NUMBER OF REFERENCES/PAGE NUMBER OF REFERENCE						NUMBER OF REFERENCES
CATEGORY	EXPLANATION	FRESNO	SACRAMENTO	SAN FRANCISCO	OAKLAND	SAN DIEGO	LOS ANGELES	TOTAL
Legal Representation	Lack of ready legal access, pro per		4 [97, 137, 151, 196]	6 [98, 106, 170, 190, 211, 252]		4 [56, 106, 139, 152]	4 [Vol. 1 - 150, 200, 254, 341] 7 [Vol. 2 - 100, 109, 116, 154, 166, 194, 227]	27
Education and Training								
Knowledge Among Persons With Disabilities	Lack of awareness among disability community about asking for accommodation and about ADA rights	1 [25]	1 [135]		1 [186]			3
Knowledge Among Persons Without Disabilities	Knowledge of nature, needs and accommodations of range of disabilities, stereotyping, "tagging," assumptions	1 [71]	7 [41, 47, 59, 113, 130, 179, 207]	9 [20, 74, 89, 136, 152, 166, 195, 221, 271]	3 [31, 186, 196]	3 [69, 131, 150]	9 [Vol. 1 - 98, 114, 208, 225, 291, 300, 305, 338, 346] 5 [Vol. 2 - 70, 91, 101, 192, 212]	37
Physical Access								
Accommodations								
Assistive Systems/Personnel	Availability of devices/personnel, training and use of auxiliary aids, inoperative devices	4 [19, 32, 52, 84]	3 [26, 143, 192]	7 [12, 16, 46, 55, 150, 183, 238]	6 [108, 187, 191, 211, 223, 224]	2 [28, 44]	4 [Vol. 1 - 187, 261, 288, 294] 4 [Vol. 2 - 24, 30, 82, 213]	30
Interpreters	Availability and qualifications, non-English language interpreters	3 [19, 37, 80]	6 [26, 43, 135, 144, 167, 260]	4 [21, 55, 234, 296]	1 [69]	5 [35, 44, 78, 92, 162]	6 [Vol. 1 - 82, 164, 208, 261, 314, 319] 7 Vol. 2 [14, 30, 83, 195, 213, 223, 241]	32
Environmental Barriers								
Building Materials	Fluorescent lights, exposure to chemicals, electrical field sensitivity	1 [35]	1 [86]		1 [195]	2 [84, 112]	1 [Vol. 1 - 136] 1 [Vol. 2 - 240]	7
Courthouse Location	Inaccessibility due to courthouse location			1 [11]				1
Court Policies	Fragrance, smoking policies			2 [11, 192]				2
Mobility Barriers								
Exterior Areas	From Parking area to courthouse entrance including pathways, ramps, doorways				1 [8]		1 [Vol. 1 - 219] 4 [Vol. 2 - 94, 109, 129, 180]	6
Interior Common Areas	Hallways, stairways, elevators, restrooms, etc.	2 [19, 60]	4 [100, 134, 143, 181]	2 [11, 152]	3 [130, 134, 170]	2 [59, 108]	5 [Vol. 1 - 14, 88, 118, 237, 332] 4 [Vol. 2 - 45, 75, 120, 213]	22
Interior Court Services Areas	Court offices, courtrooms including jury and witness boxes, counsel tables, etc.		4 [21, 106, 112, 170]	11 [35, 42, 49, 68, 92, 124, 135, 140, 165, 220, 229]	7 [70, 78, 98, 120, 149, 161, 195]	5 [12, 47, 77, 125, 161]	6 [Vol. 1 - 23, 53, 63, 103, 125, 299] 3 [Vol. 2 - 19, 124, 172]	36
Parking	Distance, availability, misuse, building codes		3 [47, 214, 228]			2 [15, 75]	4 [Vol. 1 - 64, 75, 88, 238] 3 [Vol. 2 - 92, 138, 173]	12
Transportation								
Transportation	Availability and flexibility in transit to/from courthouse		1 [109]	1 [93]	1 [99]	1 [48]	1 [Vol. 1 - 312]	5



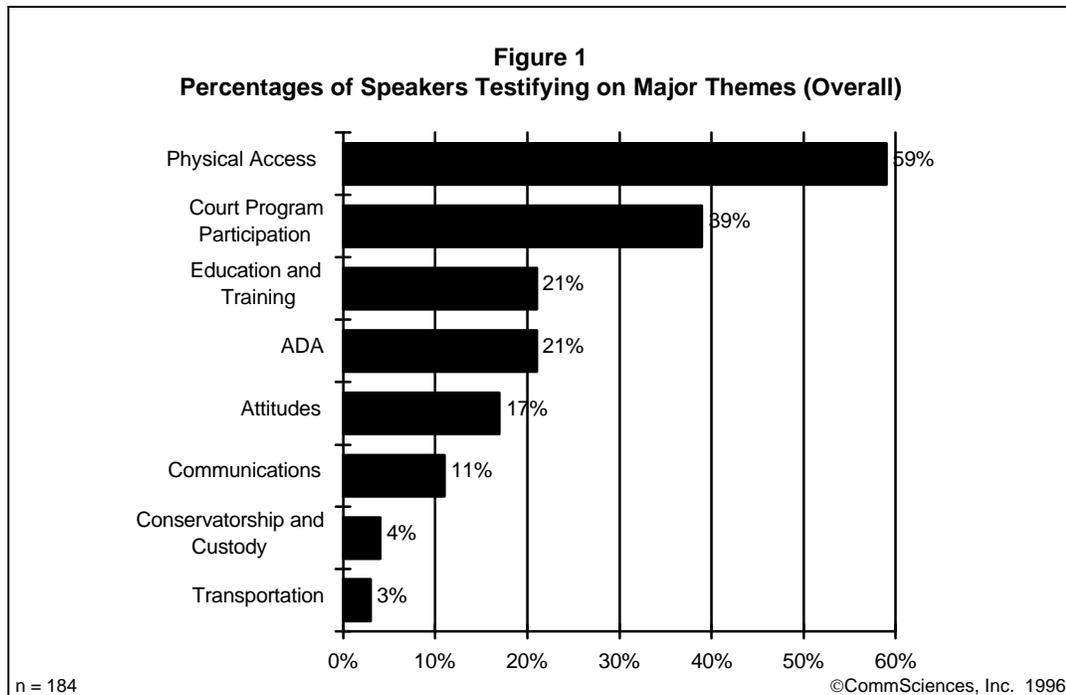
5.0 OVERALL FINDINGS

Overall findings are discussed using an illustration of each theme addressed, quantitative analysis of each theme, and a representative sample of verbatim testimony provided at the public hearings. All themes are presented in alphabetical order.

Quantitative analyses provided in this report are based on information provided in Table 4. While comparative proportions are useful for examining prevalence of an issue or theme, the reader is reminded that the information contained in this report is not based on a representative sampling of California residents. Lack of testimony pertaining to any given theme may reflect attributes of the public hearings format as much as the relative prevalence of concern about said theme among persons with and without disabilities in the State.

Fresno has been omitted from quantitative analyses due to the insufficient number of speakers (5) who participated at that location.

Overall Percentages of Speakers Citing Major Themes. As Figure 1 indicates, *Physical Access* was the most commonly cited theme among people giving testimony at the public hearings. The next most commonly cited themes were *Court Program Participation* and *Education and Training*. Comments about *compliance with the ADA* rounded out the top four themes raised by speakers. (Figure 1)





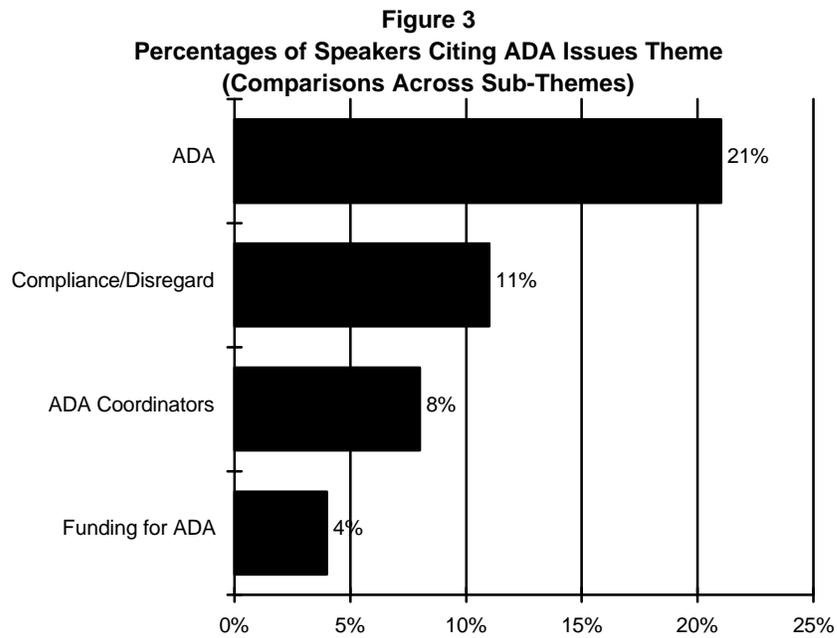
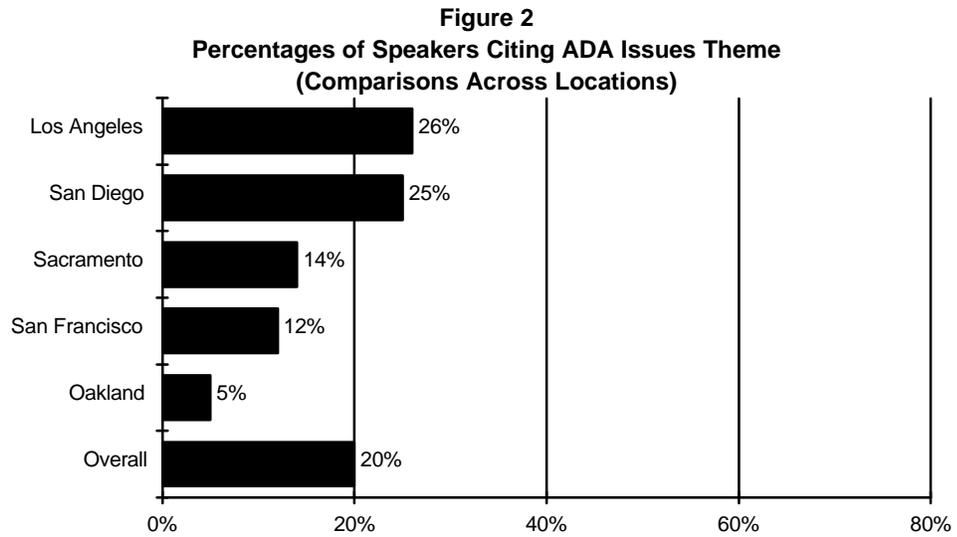
5.1 ADA ISSUES

Many of the people who testified at the public hearing made specific comments about how well the California Courts are meeting the tenets of the ADA. The theme of *ADA Issues* is comprised of the following sub-issues:

- **ADA Coordinators.** Comments regarding the need for ADA Coordinators or other accommodations specialists at court facilities
- **ADA Disregard/Compliance.** Comments regarding the lack of progress in improving access since passage of the ADA, including ADA mandated "self evaluation plans"
- **Funding for ADA.** Comments regarding funding of measures required to increase access for persons with disabilities and comply with ADA

In all, 33 people (21% overall) gave testimony which made reference to ADA compliance, coordinators or funding (Figure 3). These issues were of particular concern to speakers testifying in San Diego (25% of speakers in that location) and Los Angeles (26% of speakers in that location) (see Figure 2).

The issues raised specifically regarding the ADA included problems with compliance within the California Courts (which received the most attention with 11% of speakers overall). The need for ADA Coordinators (8% of speakers overall) and the need for additional funding to allow compliance (4% of speakers overall) followed. (see Figure 3).

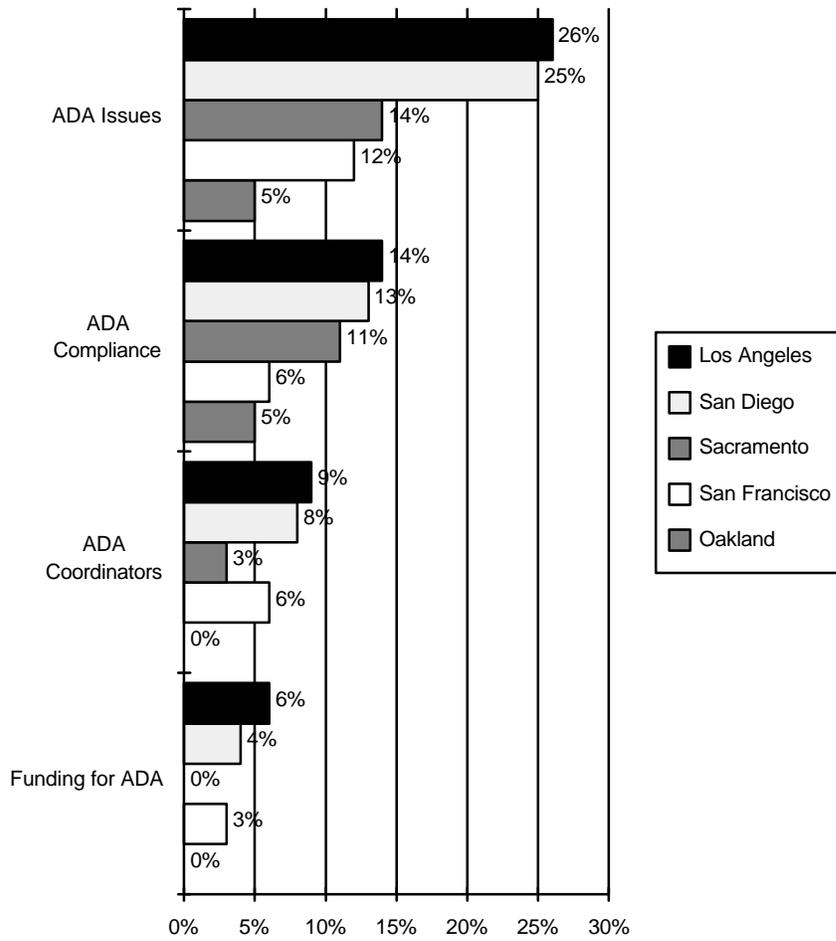


n = 184

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Figure 4
Percentages of Speakers Citing ADA Issues Theme
(Comparisons Across Sub-Themes and Locations)



n = 184

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5.1.1 ADA Coordinators

A number of people cited the need for some form of liaison between the courts and persons with disabilities who require accommodations in order to gain full and equal access. An ADA coordinator was often requested as a key contact person for court accessibility and accommodation issues. The coordinator ideally also should be the identified recipient of statewide information on court accessibility as it becomes available, and serve as an information source for other staff and the public.

There was consensus among speakers about the advantages to all parties for courts to have an ADA coordinator. Testimony indicates that most courts do not have an ADA coordinator or other person who is trained and prepared to address court-related ADA needs, and whose responsibility it is "to coordinate efforts to comply with and carry out its responsibilities under [Title II]." Speakers indicated that whether it be a newly appointed ADA coordinator or an existing member of staff, there is a need for someone to facilitate accommodations, disseminate information, and establish programs for the education and training of court professionals and personnel.

A total of 14 speakers (8% of speakers overall) referred to the need for an ADA coordinator or other accommodations specialist in their testimony (see Figure 3). This need was voiced particularly by people giving testimony in Los Angeles (9% of speakers in that location) and San Diego (8% of speakers in that location, see Figure 4).

**Speaker Comments:**

The only coordinator that we have is our dear friend, Mrs. Gallagher. She is our court, how do you call it, administrator. And she is going through quite a job just trying to make this happen in our courts there. [Fresno, Court Interpreter Coordinator, p. 22, #22]

In my opinion, our judicial system can best carry out its obligation under the laws by employing a disability accommodation specialist to accommodate and facilitate access to our California judicial system. This person can also be responsible for coordinating sensitivity and awareness training for judges and other court employees on issues of disability in an effort to address other forms of attitudinal discrimination.[San Francisco, Student, p. 113, #39]

It is a recommendation of mine that I will be making, that it is to the advantage of the courts to have someone who is an ADA compliance officer within their areas, as a full time person. [Los Angeles, Court Personnel, Vol. 1-p. 326, #114]

We have one individual who is an interpreting coordinator. That individual works through the municipal courts to do the coordinating. That person does a very good job and often the resources aren't available at the exact time that the person requiring the assistance needs the assistance. [Fresno, Court Personnel, p. 32, #23]

I'd like to recommend that the committee consider the issue of possibly convincing the state to maybe retain a disability accommodation specialist per region who actually is an employee of the court and who actually facilitates the accommodations of the requesters asking for accommodations with that court system. [San Francisco, Student, p. 51, #39]



5.1.2 ADA Disregard/Compliance

Testimony about ADA compliance revealed a significant amount of frustration among many speakers about the lack of progress by the California courts in meeting ADA requirements. Generally, speakers felt that the slow progress is due to court administrators, lawyers and architects who have insufficient knowledge about the ADA and what is needed to make a facility truly accessible. Judges in particular were perceived as evading compliance. As one speaker remarked, "Judges and probably other people who work in the court systems do not realize that they themselves are subject to the laws or should be subject to the laws."

Witnesses also cited lack of court self evaluations and transition plans, and the fact that "five years after the passage of the ADA, new and remodeled facilities still do not provide adequate physical access" as evidence of disregard for the ADA.

A total of 20 people (11% overall) cited problems with compliance to the ADA within the California Courts (see Figure 3). This issue was an especially prevalent theme among speakers in Los Angeles (14%) San Diego (13%) and Sacramento (11%) (see Figure 4).



Speaker Comments: Non Compliance/Disregard

A think that the plan checkers by different municipalities don't really know what is needed to make a place truly accessible. And so the plans gets approved. And all of this is in good faith. I mean, people are spending good money and I don't believe there are architects or plan checkers that are just sneaking this through. But it happens because they are unaware. [Los Angeles, Judge, Vol. 1-p. 125, #77]

The questionnaire used by the Jenny Commission for people who want to be a judge, asks a series of questions about physical and mental situations that seem to me to be flat out violations of the ADA. [Los Angeles, Attorney, Vol. 1-p. 52, #67]

I observed a building going in and a sidewalk going up without it and I asked the city why are they allowing it, and they made them turn around and redo it because no one paid attention -- building people don't actually understand a lot of the problems. [Fresno, Judge, p. 76, #24]

Frankly, we're not educated enough in the ADA exemption process and what does qualify and what doesn't qualify to adequately make that decision. [Los Angeles, State Agency, Vol. 1-p. 165, #81]

The courts need to comply with the laws, but also I think more fundamentally that the reason that the disability committee was so concerned about that particular incident was that it illustrated that many judges, certainly not all and perhaps not even most, but some anyway did not seem to realize that their failure to comply with the law and their interest in trying to evade the requirements of the law signaled to us some uncertainty about how they might be expected to rule on disability related matters if they came before them in a litigation. [Sacramento, Advocate & Attorney, p. 124, #142]

There is a need for education under the ADA. I'm beginning to realize that a lot of judges and lawyers don't understand. They do know there is the ADA, but they do not understand the interpretations of it and who is responsible for providing accommodations in the courtroom [San Diego, Advocate, p. 35, #165]

Judges and probably other people who work in the court system do not realize that they themselves are subject to the laws or ought to be subject to the laws, and that court facilities just like any other facilities should be fully accessible when they're built new. [Sacramento, Advocate & Attorney, p. 124, #142]

Probably most frustrating is that even today, five years after the passage of the ADA, and 27 years after the passage of government Code Section 4450, courthouses are still being built or substantially remodeled without compliance of applicable accessibility standards. [Los Angeles, Law Professor, Vol. 1-p. 298, #93]



Even buildings now that we've found that are inaccessible, that have been remodeled in the last three or four years, or five years, who have spent hundreds of thousands of dollars in remodeling or new construction, they're not accessible because building owners and public entities hire architects to draw up these plans, and they try to meet the codes, but the architects are not really savvy or knowledgeable as to what it is that is really necessary to make a place truly accessible. [Los Angeles, Judge, Vol. 1-p. 125, #77]

Basically, what I am doing with this thing is I'm doing with Rosa Parks day. And I'm saying no. We're breaking the law; we're getting in your face. And what I want this council to understand, is that I'm not impressed. They call me the godfather of the disabled. I'm not impressed with you people doing this two years after ADA was supposed to be in gear. This should have been done years ago. So while you all are sitting around posturing for the disabled, like you really give a dam, which I don't think you do, you need to tell the judges that if you can't provide a fully accessible courtroom, you have to let them walk. [Los Angeles, No stated affiliation, Vol. 1-103, #73]

In some instances, even when facilities had been built in more recent years, however, they haven't met the requirements. And some of the facilities that were existing facilities could be in some instances fairly easily modified to comply with current regulations. And under the Americans with Disabilities Act there is a requirement called the "readily achievable requirement" which ask that facilities make changes that would not be very costly or difficult to do, that would enable them to provide a greater degree of access. And I know that many of the courts that I have gone to do not seem to have done even some of the simplest kinds of things to provide for adequate physical access. [Sacramento, Advocate, p. 123, #142]

The problem is that there has been little or no enforcement of the ADA in the courts. I believe this should be considered a severe access problem in the courts. [Sacramento, Individual, p. 197, #153]



Speaker Comments: ADA Self Evaluation Plans

To give you an idea of how bad it is, the county has not yet finished its transition plan under the ADA, which was due July 26th, 1992. They don't have a clue as to what it is they have to do. When now presiding Judge Gary Kausner was the Supervising Judge in Department 100, I took it upon myself to remove my leg one day because I don't look handicapped. And so when I had three feet of air hanging in front of me, and because of my nature, I essentially asked Joe Walsh his questions to Joe McCarthy, which is, "Have you no shame at all?" [Los Angeles, Attorney, Vol. 1-p. 91, #72]

The thing that should be done is for every facility that is included within the judicial system in California, there should be an ADA audit done. It's simple. That is the first step in implementing the ADA. [Los Angeles, Attorney, Vol. 2-p. 52]

The Americans with Disabilities Act of 1990 under Title II, mandates that the proceedings of all state and local governments shall be accessible, if readily achievable. Public agencies must develop a Transition Plan by July 1992, and everything is supposed to be accessible by January 1995. [Los Angeles, Advocate, Vol. 2-p. 31, #101]

The self-evaluations are not completed. Neither is the transition plan. There are draft transition plans with barriers identified, but at this point, I am working with them, and this is what I'm discussing, is that they need a consultant for the plan for removal of all those barriers, and the deadlines. The issue is, while people are beginning to understand access in a physical environment, the programmatic access concept is where I have now identified we need more training, and that people don't understand the full programmatic access, how it applies. For instance, we know in a particular courthouse that there might be 400 barriers that exist, and in those barriers, not everyone, as we all know, not every one has to be removed under the ADA. It has to be established programmatically so that people have access to use the program when viewed in its entirety. [Los Angeles, Court Personnel, Vol. 1-p. 328, #114]



5.1.3 Funding for ADA Compliance

Some speakers felt that the main barrier to ADA compliance in the California courts was a lack of money. Rounding out comments specifically aimed at compliance with the ADA were references to limited state and county dollars available for meeting compliance needs, and confusion about what government agency is responsible for *providing funds* for implementing the ADA.

A total of 7 people (4% of speakers overall) gave testimony regarding the lack of funding for ADA compliance available to the California Courts. A majority (4 out of 7) of the people citing funding problems in ADA compliance testified in Los Angeles (see Figures 3 and 4).

Speaker Comments:

Well, I hope the committee, with its limited jurisdiction, now more limited since yesterday, apparently, will be able to fashion some relief. From the county side, what I think you need to do is get the state's mandates funded and the legislature to take care of the budgetary problems that the county has. We need this money set aside and in the case in Los Angeles, the judiciary has to take responsibility for its own house, and it hasn't. Thank you. (Los Angeles, Attorney, #72)

I believe I've been asked to appear before you to discuss what difficulties, if any, exist for a presiding or a supervising judge in getting compliance with the access requirements of ADA when dealing when they have, really, no physical control over the building, in a literal sense, or funding. [Los Angeles, Judge, Vol. 1-p. 110, #75]

The problem in Los Angeles is that the court says it's the county's responsibility. The county says it's the court's responsibility. Nobody has any funding. The county court refuses to use its budget to retrofit and even though we just spent \$8 million for new land for the Torrance courthouse, we can't even make the old courthouses accessible. This is garbage. This is garbage public policy. Also, there's no ADA compliance. The court has a brand new ADA compliance officer who doesn't know beans about the ADA. It would be nice to have somebody to talk to, to solve problems. [Los Angeles, Attorney, Vol. 1-96, #72]



5.2 ATTITUDES TOWARDS PERSONS WITH DISABILITIES

There were a number of speakers who maintained that the key to establishing full access to the courts lies in changing attitudes toward disabilities and the disability community. Public attitudes about disability can be more disabling than the disability itself. In fact, public attitudes can be the most difficult barrier to overcome. Whether the barriers are architectural, communications or environmental, these speakers felt that barriers are present to some extent because of *negative attitudes*.

Two sub-themes concerning attitudinal barriers were presented at the hearings:

- **General Attitudes.** Comments regarding experiences of both positive and negative attitudes towards persons with disabilities.
- **Non-Apparent Disabilities.** Comments regarding experiences of negative attitudes towards persons with non apparent disabilities.

A total of 31 people (17% of speakers overall) gave testimony regarding attitudes towards persons with disabilities as they affect the California courts. This theme was particularly important to speakers in Sacramento (22% of speakers in that location), Oakland (19% of speakers in that location) and Los Angeles (18% of speakers in that location) (see Figure 5).

Within the theme of attitudes toward persons with disabilities, general attitudes were cited the most often (15% of speakers overall) (see Figure 6). However, a sizable number of speakers (5% overall), particularly among people testifying in Los Angeles (8% in that location), cited negative attitudes towards persons with non-apparent disabilities as a problem they had faced when trying to gain full and equal access to the court system (see Figure 7).



Figure 5
Percentages of Speakers Citing Attitudes Towards Persons With Disabilities Theme
(Comparisons Across Locations)

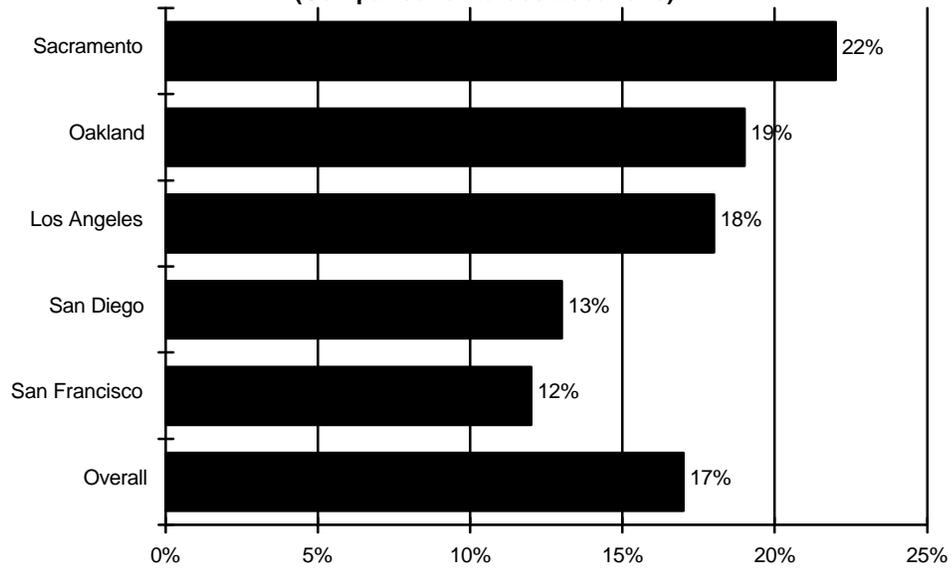
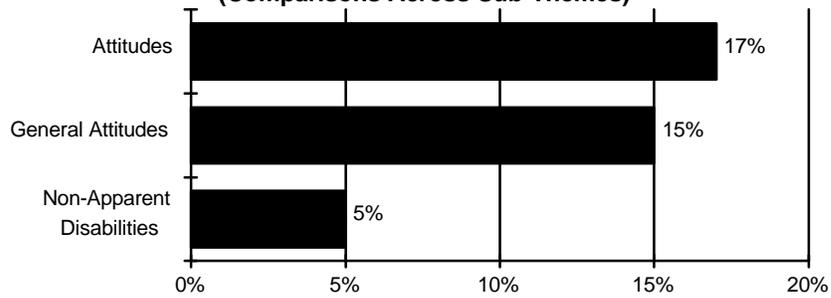


Figure 6
Percentages of Speakers Citing Attitudes Towards Persons With Disabilities Theme
(Comparisons Across Sub-Themes)

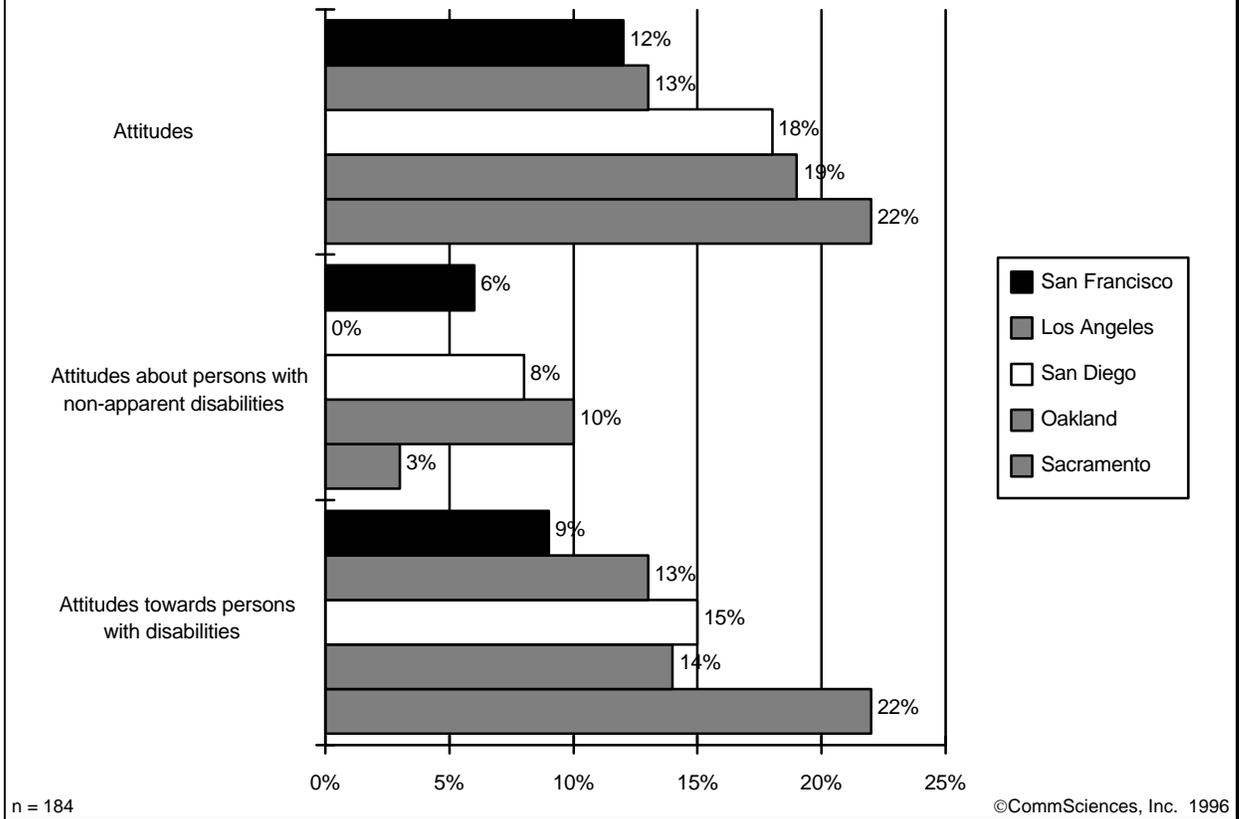


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Figure 7
Percentages of Speakers Citing Attitudes Towards Persons With Disabilities Theme
(Comparisons Across Sub-Themes and Locations)





5.2.1 General Attitudes

For the most part, witnesses addressed the issue of attitudes toward the disability community in general terms rather than recounting specific personal experiences. The attitudes of court professionals, court personnel and the public were considered by these speakers to be a fundamental access barrier, and more important than architecture or other types of physical access barriers. For example, one advocate stated, "I think there is always the issue of architectural barriers, but before the architecture comes into reality, there's the attitude behind the architecture. So I think, first and foremost, I would address attitudes." Another witness maintained that "It is important for this body to understand that getting to the heart of the matter is looking beyond the architectural barriers to the attitudinal barriers. That is the key to any change in the judicial system."

Testimony indicates that a substantial number of persons with disabilities who are in the legal profession have experienced bias in the form of hearing disparaging remarks about persons with disabilities from judges, co-workers, clients and other counsel. Also, testimony reveals that perceptions among this community are that there is less respect afforded these individuals than that which is given to their counterparts without disabilities.

Testimony indicates that negative attitudes often are present because of mistaken assumptions about people's needs and capabilities, and opinions that reflect the notion that people with disabilities are a burden or an inconvenience.

In addition, witnesses felt that a lack of awareness about the diversity and range of disabilities encourages stereotyping and makes it difficult to provide services that are tailored to individual needs.

Three court professionals testified that they had *not* encountered attitudinal barriers in their business with the courts, and that judges generally were fair and reasonable about providing requested accommodations. A Los Angeles attorney commented, "My experience with judges in the courtroom has been rather good, although I often find the judges are embarrassed at the lack of accommodations...But I've never had a judge deny me accessibility in any aspect." However, other speakers felt that judges consider themselves exempt from ADA requirements, and since change must come from the top down, these judges were the biggest obstacles to improving attitudinal barriers.

A total of 27 people (17% of speakers overall) made reference to the importance and affect of general attitudes towards persons with disabilities in regards to access to the California courts (see Figure 6).

**Speaker Comments:**

The main thing is to recognize the diversity of the disability, and the individual's personal need, rather than assuming a blanket set of accommodations. When someone says, "I have learning disabilities," you can't make the assumption that there's one defective area. It could be a combination, it could be something you've never heard of before. [San Francisco, Advocate, p. 89, #34]

I think there is always the issue of architectural barriers, but before the architecture comes into reality, there's the attitude behind the architecture. So I think, first and foremost, I would address attitudes. The little notation on the bottom of my postcard, "Check here if you're disabled--you're automatically excused," there was some attitude behind that. [San Diego, Advocate, p. 101, #174]

The AOC and the judiciary has a responsibility to lead by example. Change has to come from the top. However, I find, regularly, in speaking with architects and administrators across the county, that the biggest obstacle to achieving accessibility within the courtroom are the judges themselves. The judges regularly fight the issue of accessibility on all levels, from the federal level, all the way down to a municipal level. [Los Angeles, Advocate, p. 53, #68]

For example, a lawyer with a disability was required to defend unfounded competency questions raised in a judicial qualification hearing. Another judge recounted how counsel purposely used an opposing counsel's hearing impairment to gain an advantage in a court by speaking in low tones. Another attorney, who was a quadriplegic, arrived at trial and was left at the bottom of the courthouse steps for an hour and a half, even though he previously made arrangements to have access. And a litigator with a hearing impairment reported that several judges willfully failed to use amplification systems, even after being asked to do so. [San Diego, Attorney, p. 83, #172]

I have yet to find a situation from any of them where they have felt anything but the utmost cooperation from judges and usually from opposing counsel in their ability to conduct themselves in the courtroom and in litigation. The judges have apparently bent over backwards to be fair and reasonable. [Sacramento, Attorney, p. 65, #133]

My experience with judges in the courtroom has been rather good, although I often find the judges are embarrassed at the lack of accommodations, or have to work hard to clear some sort of hallway so they can get back to chambers for in camera discussions. Even up to the side bar they have to move typewriters out of the way and they're just not prepared to have a wheelchair in there. But I've never had a judge deny me accessibility in any aspect. The main problems I have with accessibility in the courtrooms just have to do with physical barriers. [Los Angeles, Attorney, Vol. 1-p. 64, #69]



I've not encountered attitudinal barriers. The courtroom help have been cautioned of access issues to physical disabilities, or abilities, and they've always been courteous. [San Francisco, Attorney, p. 125, #40]

When court personnel are oblivious to disabilities, it sends a terrible signal to the clients and it is for these people's sake that the court exists, not for ours. [Los Angeles, Attorney and Advocate, Vol. 1-p. 15, #60]

Body language is very important. Many times the kind of body language that attorneys and judges give off to people with disabilities might belie what they're actually saying with their lips. [Los Angeles, Advocate, Vol. 1-p. 72, #70]

A lot can be learned about certain types of sensitivities without any physical changes in the courtrooms. There were some comments made to some of our attorneys which I think have been shared at some of the other hearings, but comments that were very patronizing and embarrassing, especially when you're trying to present a powerful case and then you're patronized or patted on the head. It's embarrassing. [San Francisco, Attorney, p. 167, #45]

It is important for this body to understand that getting to the heart of the matter is looking beyond the architectural barriers to the attitudinal barriers, many of which I have documented. That is the key to any change in the judicial system and in our procedures to permit full access with dignity to the court system on behalf of all persons, not just those with disabilities. [Los Angeles, Attorney and Advocate, Vol. 1-p. 20, #60]

There are attitudes which look at disability rights issues in terms not just of rights, but in terms of burdens on society, or in terms of inconveniences, when what's generally going on is denial of people of access and civil rights. I also see a lack of unashamed interest of mental disabilities, mental facilities, disabilities. [San Francisco, Attorney, p. 126, #40]



5.2.2 Non Apparent Disabilities

Comments regarding attitudes towards persons with non-apparent disabilities were overwhelmingly negative and based on personal experience. Witnesses with "invisible" disabilities testified that they often encounter situations in the California courts where, far from obtaining accommodations on request, the burden of proof is on them to prove that they even have a disability. These speakers stated that they often have to *prove* that they have a disability by providing verification or other written forms, a process which of itself comprises a barrier to full and equal access to the courts.

A total of 10 people providing testimony (5% of speakers overall) cited problems faced by persons with non-apparent disabilities in requesting accommodations from the courts (see Figure 6). Most of these people (5 out of 10) testified in Los Angeles (8% of speakers in that location) (Figure 7).

Speaker Comments:

We people who are hard of hearing need the understanding of you people on the Judicial Council, the Bar Association. Believe me, the lack of access in a room is just as much of a barrier as a stairway to these folks in their wheelchairs. [San Francisco, Advocate. p. 21, #54]

The rule that was recently sent out, the proposed rule on accommodation carries this prejudice with it. It begins with the concept that people with disabilities may be lying about their disabilities and need for accommodation, and therefore requests written proof of the need for the accommodation. Sometimes it is embarrassing for people to indicate they need an accommodation and then more difficult still, when they must go back to a physician and get verification. [Los Angeles, Attorney and Advocate, Vol. 1-p. 15, #60]

Ten years ago, when we did the Attorney General's hearings, the concept of multiple chemical sensitivities and environmental illness was pooh-poohed, not by the commissioners, but by people who testified. Some said it's absolutely real, and other people came in and said, it's not real, it's not recognized. Today it's recognized, and tomorrow, the other problems that may be new or unique will probably be recognized. [Los Angeles, Court Professional, Vol. 2-p. 240, #123]

I'm a person with environmental illness and I'm so used to attitudinal barriers that I came expecting them. And their lack is just a new experience for me. I'm so used to having to prove that I'm not crazy and I think that's another way people with environmental illness should be covered under the ADA. They think we're all crazy. [Sacramento, Advocate, p. 85, #135]



5.3 COMMUNICATIONS ACCESS

Witnesses pointed out that the ability to use available accommodations depends to a large extent on knowing what services are available, where to find them, and how to use them. Issues cited within this theme of *communications access* include:

- **Access to Court Documentation.** Comments regarding problems faced by persons with disabilities in obtaining court documentation in alternative formats, such as Braille and other visual/electronic forms
- **Documentation Assistance.** Comments regarding problems faced by persons with disabilities in tracking the documentation completion process
- **Signage and Information Materials.** Comments regarding problems faced by persons with disabilities in getting information on existing services and on how to use the courts

A total of 21 people (11% of speakers overall) cited problems faced by persons with disabilities in accessing required information, or obtaining information in the required format, from the California courts (see Figure 9). The need for better signage and informational materials was the most common issue (7% of speakers overall) raised by people concerned about communications access (see Figure 9).

Speakers in Sacramento (12% of speakers in that location) Oakland (14% of speakers in that location) and San Francisco (12% of speakers in that location) were the most interested in improving access through communication channels for persons with disabilities (Figure 8). In particular, speakers in Sacramento (6% of speakers in that location) were most likely to be concerned about access to court documents, while speakers in Oakland (10% of speakers in that location) were more likely to be concerned about adequate signage and information materials (see Figure 10).



Figure 8
Percentages of Speakers Citing Communications Access Theme
(Comparisons Across Locations)

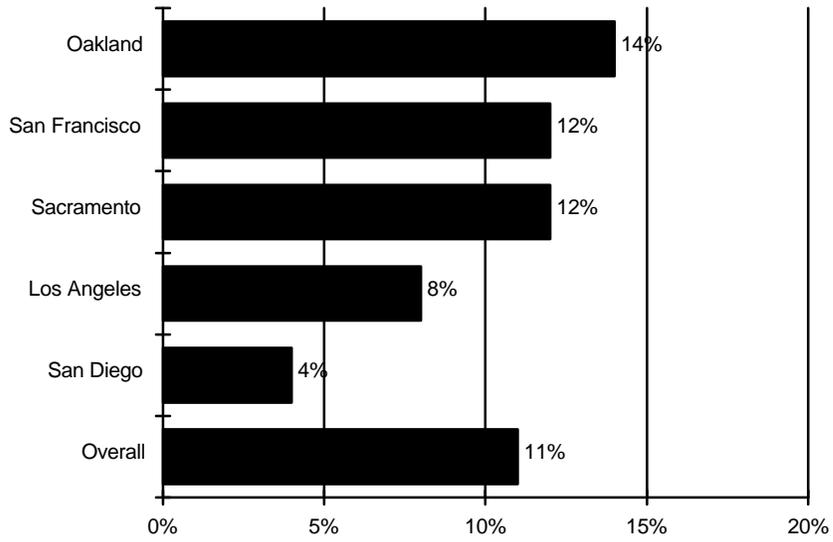
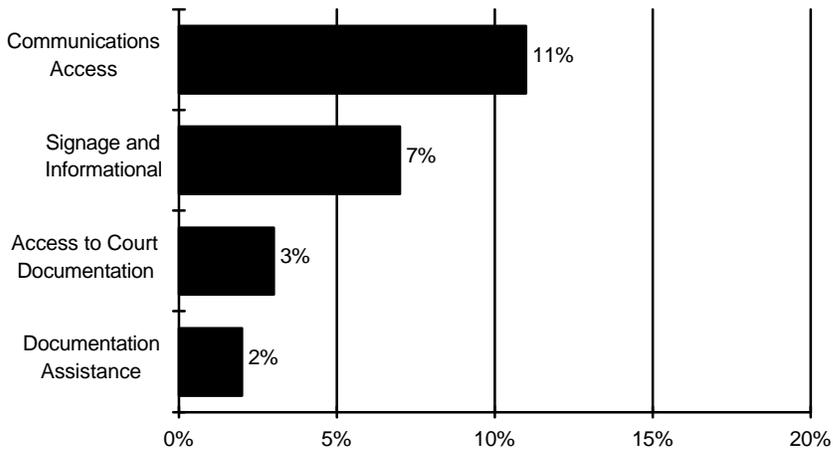


Figure 9
Percentages of Speakers Citing Communications Access Theme
(Comparisons Across Sub-Themes)

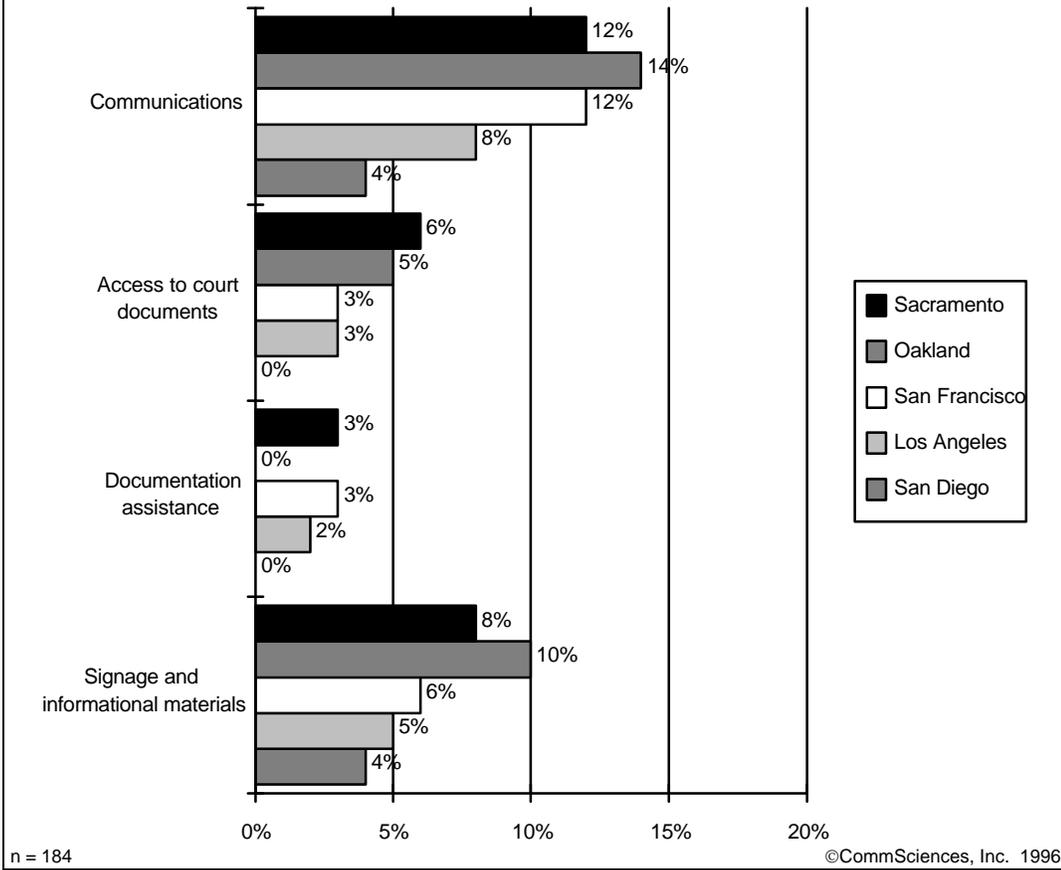


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Figure 10
Percentages of Speakers Citing Communications Access Theme
(Comparisons Across Sub-Themes and Locations)





5.3.1 Access to Court Documentation

Access to court documentation was of particular concern among attorneys, who have difficulty in obtaining official court documents in formats other than the printed form. Speakers requested that court documentation be available in alternate formats for people with visual, communicatory and cognitive impairments. Alternatives suggested by people giving testimony included computer generated ASCII files, audio/video formats, and transcripts in digital form so material can be available in Braille.

A total of six people (3% overall) remarked on the need for court documentation to be provided in alternative formats in order for persons with disabilities to obtain full and equal access to court proceedings (Figure 9). This issue was cited by speakers in Los Angeles, Sacramento, San Francisco and Oakland (see Figure 10).

Speaker Comments:

As documentation comes in during the trial, it would be very valuable to have a requirement, and this is one of my main recommendations here, to have a requirement that any documents that are provided or are to be filed, also be accompanied with a disc. [San Francisco, Attorney, p. 66, #33]

I think those materials have to be made available in Braille format, because otherwise, you're effectively requiring that the blind person hire a representative to present his claim which he could otherwise present on an individual basis if he had access to the information necessary to bring those petitions or claims. [Los Angeles, Judge, Vol. 2-p. 211, #121]

The most important barrier is the question of accessing printed materials. Pretty much everything is in a printed form one way or the other. And I can tell you that more and more people with visual impairments are living alone, and if things are being sent to them by mail they will not be able to know what it is and what they need to do. [Sacramento, Advocate, p. 114, #141]



5.3.2 Documentation Assistance

Testimony revealed the need for a system that will provide assistance to people with visual, physical and/or cognitive disabilities who have difficulty in understanding or completing court documentation. Speakers remarked that assistance should be at hand to "track" the individual through all phases of the court documentation process, including explaining the information in "chunks" that is more easily understood. Also, it was suggested that form be provided in simpler language and in large print.

Three people mentioned this aspect of accessing court documentation in their testimony (2% of speakers overall), one each from Los Angeles, Sacramento and San Francisco (see Figures 9 and 10).

Speaker Comments:

I went to the office of the courthouse and I said, "I can't take this home to write it, fill it out, I don't have use of my arms." They said to me "I can't help you." I feel that it's important that you allot some people to help write and things of that nature. [Sacramento, Advocate, p. 107, #138]

Persons with cognizant disabilities often do need friends to assist them in the court process, and that might be in the small claims or any other court system. [Los Angeles, Attorney, Vol. 1-p. 304, #94]

Well, I think there has to be massive sensitizing of judges to the problems of the disabled. Secondly, I saw the proposed reasonable accommodation form. Candidly, I think it's ridiculous. There's a lady who is going to speak to it in a few minutes who is blind. She can't fill out the form. Quads can't fill out the form. [Los Angeles, Attorney, Vol. 1-p. 97, #72]



5.3.3 Signage/Information Materials

A number of people providing testimony decried the lack of adequate *signage* posted within California court facilities. In general, availability of information listing available services, detailing from whom and where the services can be obtained, and/or providing directions for navigating court facilities were all mentioned by speakers as insufficient or nonexistent. Witnesses testified that when material on the availability of services is provided, it is often incomplete (in particular, often lacking Braille signage) or court personnel appear unprepared to provide the service.

A visually-impaired attorney testified to his special informational needs, stating that a listing of where people (judges, bailiff, court reporter, etc.) are physically located in the courtroom would be helpful.

A total of 13 people (7% of speakers overall) noted that better signage and informational materials detailing court services are a necessary component to increasing accessibility for persons with disabilities (see Figure 9). This issue was referred to by speakers in all locations, with the highest proportion of speakers providing testimony on this in Oakland (10% of total speakers at that location) and Sacramento (8% of speakers at that location, see Figure 10).

**Speaker Comments:**

I would recommend an accommodation request. To the extent that court would have information that would show the name of the bailiff, the name of the court reporter, the name of every person that's on the court's staff, and in the courtroom where they sit provided on a piece of paper. [San Francisco, Attorney, p. 67, #33]

I think that one of the essential things that needs to be done is to make informational materials that are provided by the court to the general population. [Los Angeles, Judge, Vol. 2-p. 211, #121]

The system has a responsibility to provide information that these services are available. Signage about the availability of these services is lacking. People are not aware of what they are entitled to ask for. And when people do know what they're entitled to ask for, in many instances the system appears to be unaware that it has a duty to provide it, or it is not aware and is unprepared to meet that duty. [Oakland, County Commission, p. 109, #8]

There is also a lack of notice of availability of interpreters, and how to inquire of such within the courtrooms. I'm referring to signage which is posted throughout the courtrooms. The signs only mention assistive listening devices and don't even mention computer aided transcription, let alone sign language interpreters. [San Francisco, Attorney and Advocate, p. 59, #32]

How do they find out if assistive listening devices are available, and who they talk to, for instance? [San Francisco, Attorney and Advocate, p. 13, #27]

I have yet to see a courthouse that has adequate Braille signage showing you where the various courtrooms and other facilities in the courthouse are. [Sacramento, Attorney, p. 124, #142]

Signage is an issue which takes on epic proportions and most courts, particularly the mid-sized and small-sized courts in California -- and by those I mean ten judges or less -- which are most of the counties -- which don't have the staff on board to marshal those efforts. [Sacramento, Court Personnel, p. 141, #144]



5.4 CONSERVATORSHIP/CUSTODY ISSUES

During the course of the public hearings, a number of speakers recounted experiences with the courts about conservatorships and custody awards that were perceived as unfair. These have been included in the report as they may be indicative of a distinct form of attitudinal barrier facing persons with disabilities in gaining full and equal access to the California courts. The issues comprising this theme were:

- **Conservatorship.** Comments regarding unfair conservation of persons coming before the court
 - **Custody Awards Based on Disability.** Comments regarding the award or denial of custody rights based on a persons disability status
-

A total of 7 people (4% of speakers overall) commented on conservatorship or disability status determining award of custody rights. The bulk of these speakers (5 out of 7) gave testimony in Sacramento, with the remainder giving testimony in Oakland.

5.4.1 Conservatorship

In general, concerns were raised by a small number (1% overall) of speakers that people were being unfairly conserved in the California courts.

Speaker Comments:

I'm very, very concerned about conservatorships. I know Sam from when I was on the Attorney General's Commission. We, Ramona Garcia, our Board Chair, and I wrote up a section for that report. That conservatorships really need some research and some policy work in California. I can't speak to the rest of the states. But I have been in court with disabled people that have what I would consider unwarranted conservatorships on them. [Sacramento, Advocate, p. 173, #147]



5.4.2 Custody Awards Based On Disability

Five people (3% of speakers overall) voiced concerns about custody awards that they felt were based solely on disability. Specifically, it was implied that people who had been conserved or who had a disability were considered by the court as unfit to be parents without any due consideration of the circumstances under which they were petitioning for custody rights.

Speaker Comments:

I work with and know a number of people who have experienced a great deal of discrimination in that area. For instance, my best friend Gail was involved in a rather lengthy trial custody suit, where the father, who was physically abusive to Gail, was allowed to speak but Gail was not allowed to speak on her own behalf. At the end of it all, the young boy was placed in foster homes because his father would not care for him and Gail was not allowed to. [Sacramento, Advocate, p. 182, #151]

We have in all divisions of court processes, child custody cases like the Carney case, having a decision where the children were awarded to the mother because the court felt that since the father was in a wheelchair and couldn't play ball with the kids that to award custody to the father, even though the divorce was being brought about because of adulteress process on the part of the mother, that good conscience couldn't see awarding the children to the father. [Oakland, Advocate, p. 29, #3]

It isn't just my livelihood that's being taken away from me because of my disability, but my 12 years of custody of my daughter was taken away from me because I was perceived to be somehow defective, and I was never found to be an unfit parent. And when I went to the Court of Appeals I would get one-liner decisions with no communication to me of the basis why this discrimination is being upheld. [Oakland, Individual, p.59, #4]

My experience in the court system, in the legal system, has been very heart-rending for me and my child. I was married 12 and a half years and decided to divorce. When it came to child custody, it took three years. The man admitted to abuse in family court. They wouldn't pursue it with the DA. DA says "No. You know, you're disabled so we can't do that because you're not a reliable witness." What makes me not me a reliable witness because I'm in a wheelchair? Because I wear hearing aids? Or maybe because I've got a visual impairment? Now you tell me, does that have anything to be a parent? [Sacramento, Advocate, p. 201, #154]



5.5 COURT PROGRAM PARTICIPATION: ACTIVITIES, PROGRAMS, SERVICES

A large number of speakers spoke out on the theme of court program participation among persons with disabilities. This theme is comprised of the following issues:

- **Court Hiring Practices.** Comments regarding the employment of persons with disabilities by the California Court system
- **Court Scheduling.** Comments regarding the affect of flexibility and inflexibility in court scheduling on access for persons with disabilities
- **Detention.** Comments regarding treatment of persons with disabilities while in detention
- **General Program Participation.** Comments regarding physical, communications, environmental, and attitudinal barriers affecting full and equal participation in court settings for persons with disabilities
- **Jury Duty.** Comments regarding access to participation as a juror for persons with disabilities
- **Legal Representation.** Comments regarding the availability of non-court appointed legal counsel and pro per representation for persons with disabilities

A total of 72 speakers (39% overall) made reference to issues comprised within the theme of *court program participation*. Speakers in San Francisco (58% of speakers at that location) and San Diego (46% of speakers at that location) were notably more likely to raise these issues than speakers in Sacramento (28% of speakers at that location) or Oakland (24% of speakers at that location, see Figure 11).

Within the theme of court program participation, the issues most commonly raised were problems faced by persons with disabilities in obtaining legal representation (14% of speakers overall), problems faced by persons with disabilities who desire to participate as jurors (12% of speakers overall) and problems faced by persons with disabilities when attempting to obtain changes in court program schedules (10% of speakers overall) (Figure 12).



Figure 11
Percentage of Speakers Citing Court Program Participation Themes
(Comparisons Across Locations)

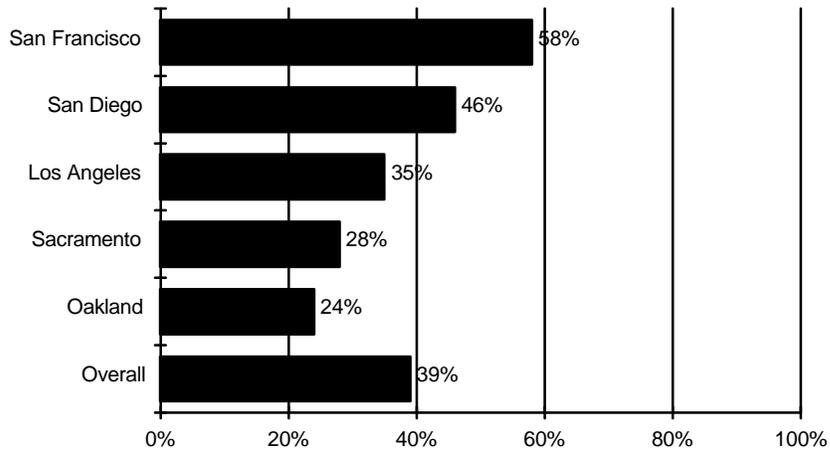
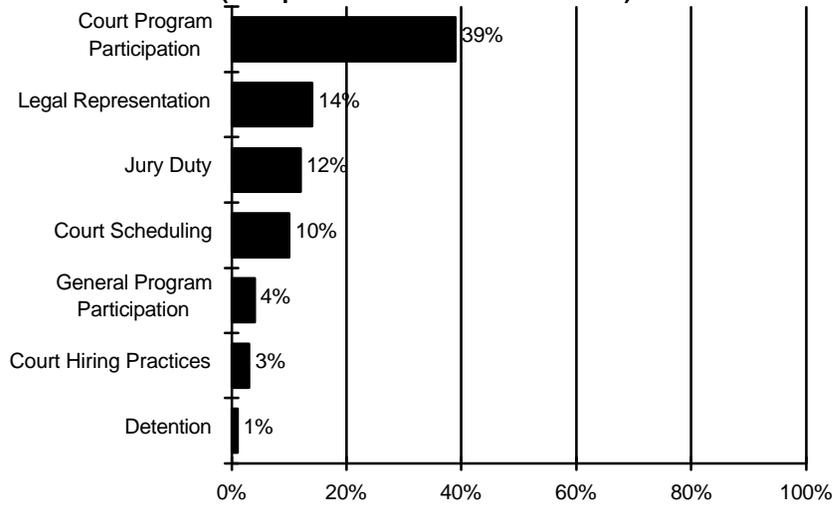


Figure 12
Percentage of Speakers Citing Court Program Participation Themes
(Comparisons Across Sub-Themes)

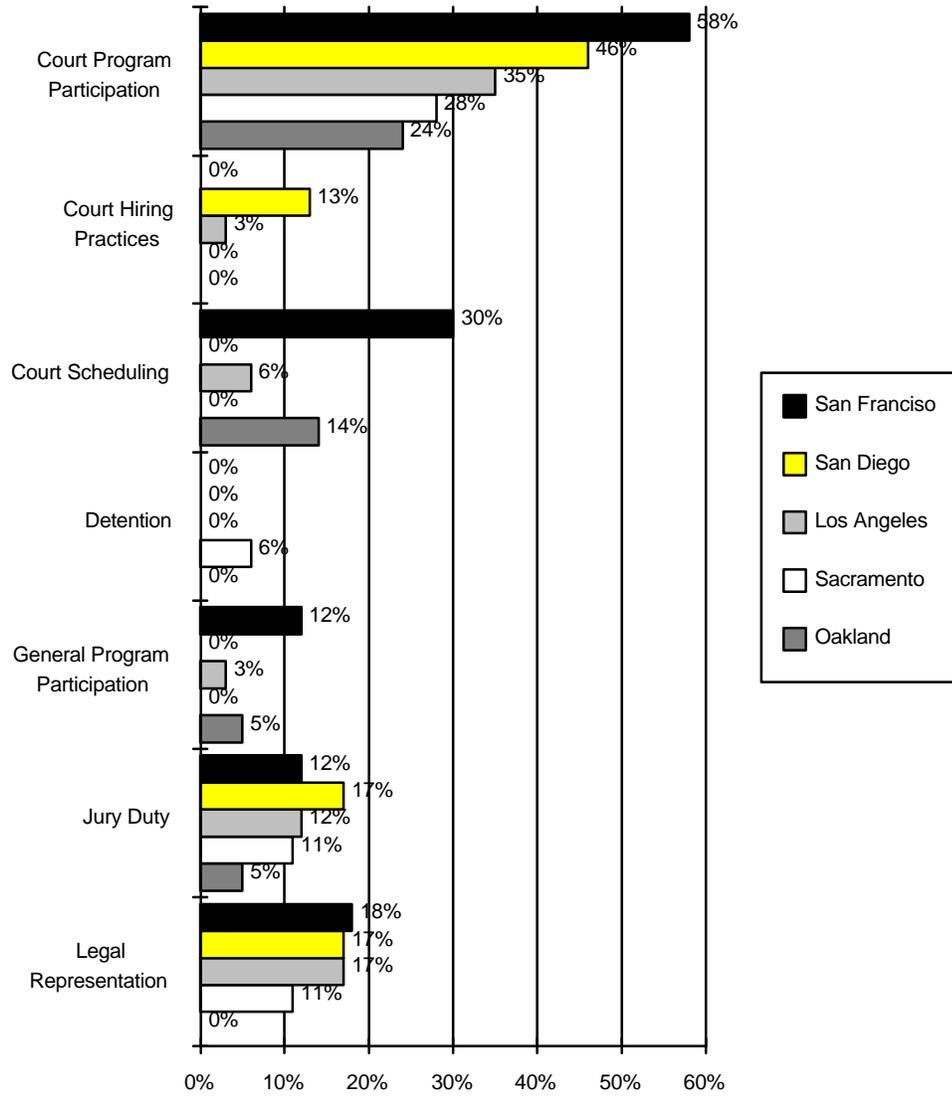


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Figure 13
Percentage of Speakers Citing Court Program Participation Themes
(Comparisons Across Sub-Themes and Locations)





5.5.1 Court Hiring Practices

Some speakers maintained that increasing the number of people with disabilities who are employed by the courts would speed up the process of providing improved access. Employees who have a disability know the disability community and understand their needs, and as such would provide a rich source of information for court users and other court personnel.

Witness testimony indicated perceptions among some quarters of the disability community that there are "significant impediments to persons with disabilities in terms of enjoying full and equal employment opportunities to participate in the [legal] profession and seek judicial positions."

One speaker reflected much other testimony on the subject by recommending that the "judges and non-judicial court personnel in each court facility are representative in number and diversity of the people with disabilities that they serve, and that the courts "insure that there is full and equal opportunity for persons with disabilities to enter and advance in the court, and [share] equal status with their non-disabled counterparts."

A total of six speakers (3% of speakers overall) raised the issue of court hiring practices in their testimony (see Figure 12). This issue was of particular concern to people giving testimony in San Diego (13% of speakers at that location, see Figure 13).

Speaker Comments:

I think in order to secure access in the courts in the long run, what the judicial system needs to do is to employ the disabled. You need to have disabled judges, you need to have disabled clerks and court reporters. They will be there to say we should do something differently. [Los Angeles, Attorney, Vol. 2-p. 55, #103]

I don't believe I have anybody with an apparent disability. I have one individual with a temporary disability at the current time, a physical disability, but it is short term. And I'm not aware of any other disabilities of my existing staff. [Fresno, Court Personnel, p. 62, #26]



5.5.2 Court Scheduling

A sizable number of people giving testimony cited scheduling problems faced by persons with disabilities trying to gain access to the California courts. The need for scheduling of hearings and appearances based on a person's limitations (medication, public transportation, times associated with fatigue) was paramount among these speakers. Increased flexibility of the courts to avoid long waiting periods or early morning court appearances and "fast track" scheduling was mentioned by several speakers as necessary to increase access.

A total of 18 people providing testimony (10% of speakers overall) made reference to problems faced by persons with disabilities based on court scheduling policies (see Figure 12). A majority of these speakers (10 out of 18) testified in San Francisco (30% of speakers in that location, see Figure 13).

Speaker Comments:

I had one attorney that had dyslexia and he was able to function very well with that problem. But we knew of it and we had to accommodate for that by delaying and slowing things down so that he could keep up with things. [Fresno, Judge, p. 44, #24]

Flexibility in terms of program and policy is very, very helpful, and that is something that is mentioned in the regulations for the Americans with Disabilities Act. [San Francisco, Attorney and Advocate, p. 10, #27]

I've had three small claims cases. In the first the judge just did not give me adequate time to read the papers in response to a question he asked me. [Sacramento, Advocate, p. 87, #135]

But one of the things that a court system can do is to allow people to have a little bit of extra time, or perhaps to schedule an afternoon hearing rather than a morning hearing for someone with a disability. Or perhaps even vice versa, so that it would allow the person to get to the court on time for whatever business they might have with the court, particularly if its a hearing where it is important to be on time. [San Francisco, Attorney and Advocate, p. 10, #27]



5.5.3 Detention

A small number of speakers alluded to the fact that until court professionals are educated about the diversity and special needs of disabilities, and access to holding and detention areas is improved, people with disabilities who break the law will be treated differently than the rest of the population.

Two speakers (1% of speakers overall), both testifying in Sacramento, addressed the rights of the disabled to have full and equal access to detention areas. (Figure 12)

Speaker Comments:

We feel that disabled felons have as much right to go to prison as anybody else. [Sacramento, State Agency, p. 134]

Treat us like you treat others. Yes, we have special needs but we are not above the law. If we're law breakers we need to get the same kind of things that others get. We're no different. We want to be treated equally and that's what this is about. [Sacramento, Advocate, p. 57, #132]

We had a judge in a criminal case who ordered a person to be institutionalized in a nursing home rather than go to jail. We found that extremely offensive. To us as advocates that's cruel and unusual treatment. The gentleman didn't want to go to a nursing home. He was willing to serve his time in jail, yet the judge, I believe, felt that they were doing the right thing and being compassionate. [Sacramento, Advocate, p.62,#132]



5.5.4 General Program Participation

Speakers noted that physical, communications, environmental, and attitudinal barriers all conspire to create an emotional barrier of "feeling separate" from the mainstream activity of the court. Inaccessible jury and witness boxes, the use of independent chairs set up in non-traditional areas and counsel tables that are too high to permit appropriate visual access to the judge, all were cited as contributing to perceptions of being *different* and *apart* from court proceedings.

Another theme that developed out of the testimony relating to court participation concerned the flexibility of moving room locations as the need arises. Multiple speakers mentioned that it would be helpful if trials or hearings could be moved to alternative courtrooms on the first floor that are easier to accommodate wheelchairs and which may have windows that open.

A total of 8 people (4% of speakers overall) gave testimony related to the theme of general program participation (see Figure 12). Speakers in San Francisco (12% of speakers in that location) were the most likely to cite issues related to this theme (see Figure 13).

**Speaker Comments:**

I did feel that my testimony may have been more or less equal because of where I was being placed in the spot instead of being up there on the stand. And again, I'm not sure how it affected my case or what not. I wasn't treated as anything other than an individual having a court case, which was fair. But again, like I said, I just personally felt that when I was testifying, that I felt not as equal. [San Francisco, Student, p. 30, #29]

If a person with a disability, if he or she is on trial, would he or she require a jury of his peers to be other disabled persons? [San Francisco, Advocate, p. 15, #54]

In the Small Claims Court I have seen clients of mine told that they could not present their case through somebody else. They had to present it on their own. Some people with cognizant disorders, mental retardation in particular, and some psychiatric disorders are unable to present their case themselves. [Los Angeles, Attorney and Advocate, Vol. 1-p. 15, #60]

I've gone through experiences where we were given very formal looking letters ordering us to appear at 8:00 o'clock before the judge entered. Again, I felt that this was, on somebody's part, a conscious intimidation by putting us through this kind of hardship in an effort to discourage us from activity that I don't feel even was illegal, but essentially, to discourage us. [Los Angeles, Advocate, Vol. 2-p. 96, #107]

It has to do with body language and an equality of another level, I don't want to say self-esteem level, but a level of communication is power and position, and where you stand, and how you sit, and everything else. [San Francisco. Student, p. 26, #28]

When individuals experience that they're being denied an accommodation, what they really perceive is absolutely essential for their participation in the program, and in this instance, in the court system. They have some suspicion with respect to internal review processes. They believe that they're unfair because the entity is really, essentially, reviewing itself. And if the entity is reviewing itself in order to get a change or for that person to really feel that they're being heard and getting a meaningful review the initial decision, they think that the entity is going to have to say that they're wrong. [Los Angeles, Attorney and Advocate, Vol. 1-p. 304, #94]

Even though people are trying to accommodate you, you feel "I'm holding things up" you feel a little intimidated or uncomfortable being separate because it just doesn't run smoothly, but those things get ironed out. [San Francisco, Student, p. 23, #28]



5.5.5 Jury Duty

There was a strong desire among most speakers to participate fully in all aspects of the court system. For many, issues surrounding jury duty was a source of particular frustration.

Generally, speakers with disabilities perceive that members of their community who are called for jury duty are dismissed automatically on the basis of their disability. Witnesses maintain that when the court is informed that a potential juror has a disability, the court accepts the disability as a reason for dismissal without inquiring what the disability is or what kind of accommodations might be made which would allow that person to serve. Other speakers have experienced dismissal either because the court cannot offer appropriate accommodation or because the court perceives that because of their disability they cannot function at an adequate level. Further, speakers maintain there can't truly be full participation in the court system for people with disabilities because so few members of their community are jurors.

Court personnel and court professionals who addressed this issue in their testimony generally indicated that a person's disability *is not* grounds for automatic dismissal and that care is taken to ensure that the "letter of the law" is followed.

A total of 22 speakers (12% of speakers overall) made references to problems faced by persons with disabilities in participating as a juror (see Figure 12). An approximately equal proportion (between 11% and 17%) of speakers raised this issue in all locations, with the exception of Oakland where only one reference was made to access to jury duty (see Figure 13).

Speaker Comments:

General speaking, people with disabilities are excluded from that process just by the nature of having their disability. If they sign at the bottom that they have a disability they do not need to attend. [San Diego, Advocate, p. 47, #166]

I believe that there should be no impediments to being a juror unless one is, for example, conserved. That is, evidence that person is unable to function on their own behalf. But non-conserved people, that is what the voir dire process is for in court, to see if this person is able to perceive and understand the evidence. [Los Angeles, Attorney and Advocate, Vol. 1-p. 15, #60]



I received a very nice form letter from the Sacramento court saying, "well your time is up, come on in." And I sent the letter back saying that since I could not hear, there would be no purpose for me to serve on the jury, although I would have very much wished to. And I was never contacted by the court. [Sacramento, No Stated Affiliation, p. 190, #152]

I declined to serve and I wouldn't have minded to, but knowing that there was only minimal accessibility I didn't want to be put back in that situation where I was going to feel uncomfortable and I didn't feel I could keep my mind on things by sitting out in the open like that. So I declined to serve for those reasons. [San Francisco, Student, p. 33, #29]

Certainly, when you talk about a jury of your peers and whole groups of people may be excluded, that's really of concern to the disabled community, and it's only been very recently where you've made allowances for jurors who have disabilities, and I compliment that. [Los Angeles, No Stated Affiliation, p. 119, #76]

Potential jurors are not excused automatically because of some disability. That is something we definitely will not do. We follow all guidelines, as indicated by the rules of the court. We try very hard to bring individuals down and have them discuss any concern with us that they may have about health and disability. [Fresno, Court Personnel, p. 34, #23]

I've expressed confusion over having to be excused from jury duty simply because the courtroom in San Bernardino City and County, Municipal Courts and County Courts, are not acceptable. [Los Angeles, Advocate, p. 22, #61]

Potential jurors are given the opportunity to exclude themselves, and I disagree with that entirely. That should not be. People with disabilities should have the same rights and responsibilities as any other citizen, and they should not be able to exclude themselves, except that it's not accessible. [San Diego, Advocate, p. 50, #166]

They want to be there. There was a trial, and even for a Hispanic American that did not know English, he wanted to be in the jury. [Fresno, Court Personnel, p. 25, #22]

The cognitive disabled make their own independent decision just like someone who is using a sign language interpreter. I know of no reason why persons with cognitive disabilities with these accommodations could not participate on juries. And I think the problem has been they seem to be summarily dismissed as being ineligible simply because of a basic diagnosis. [Sacramento, Advocate, p. 40, #128]



5.5.6 Legal Representation

The most prevalent issue raised within the theme of court program participation was problems faced by persons with disabilities in gaining legal representation. Although courts have no authority over the lack of availability of legal assistance in the community, references to the difficulties of obtaining legal counsel is included in the report because of the significant amount of testimony on the subject.

Speakers on this subject focused on the lack of readily available and affordable non-court appointed legal representation, and perceptions among people providing testimony of the court's negative orientation towards pro per.

Problems experienced by persons with disabilities in obtaining non-court appointed legal representation included difficulties in: finding available counsel; finding affordable or pro bono counsel, and; finding counsel who were familiar with the ADA. The prevailing sentiment among people speaking to this was that many attorneys do not want to accept cases that deal with disability rights issues.

A total of 25 people (14% of speakers overall) made references to difficulties in obtaining legal representation during their testimony (see Figure 12). In addition, this issue was raised by a significant proportion of speakers in a large number of locations: 11% of speakers giving testimony in Sacramento; 17% of speakers giving testimony in San Diego and Los Angeles; 18% of speakers giving testimony in San Francisco. The issue of legal representation was *not* raised in either Fresno or Oakland (Figure 13).

Speaker Comments:

We're not sure that when people contact attorney firms or community organizations that are there to assist people to justice with limited incomes whether they are saying, "Well, we can't help you because we're over burdened and we don't have enough funding," or they are not familiar with ADA issues so they're not willing to take on this case. That's one of the big questions we have right now. [San Diego, Advocate, p. 106, #175]

The process is intimidating, and there's no ready legal access to the courts or anything like that. [San Francisco, No Stated Affiliation, p. 98, #36]

If you go to an accountant, you would like an accountant who knows how to deal with lots of people and with whatever medical expenses, rather than have to tell him what it is. It doesn't mean you have to go to an accountant that's in a wheelchair for him to know what issues are at stake. [San Francisco, Student, p. 28, #28]



Virtually no lawyers will take a case from a disabled employee without large sums of money, and very few disabled people have that kind of money. [Sacramento, No Stated Affiliation, p. 196, 153]

I feel that San Diego right now is lethargic in responding to ADA issues because the courts are not--I guess the claims are not being filed because the majority of people with disabilities don't have the money to hire their own attorneys. [San Diego, Advocate, p. 103, #175]

I think there is a fear problem involved with the elderly. Sometimes they have to fight their own children and so they're very fearful of who is going to be representing them, whether they're going to turn on them and perhaps have home care. [Sacramento, State Agency, p. 137, #143]

The judicial system across the board does give an appearance of being anti-pro per. [Los Angeles, No Stated Affiliation, Vol. 2-p. 194, #119]

I could not afford to pay the attorney fee, then finally I had to represent myself. But since I represent myself I have been discriminated by my ex-husbands' attorney, by not showing in the court. [Los Angeles, Individual, Vol. 1-p. 341, #97]

I can testify to the Council and can verify that the legal services and pro bono attorneys are about as inaccessible to the majority of the disabled, indigent individuals as the possible success of a case an attorney believes in his heart and experience would be granted a writ of certiorari by the Supreme Court. [Los Angeles, Advocate, Vol. 2-p. 155, #115]



5.6 EDUCATION AND TRAINING

The need for education and training of court personnel and court professionals was a pervasive theme throughout the hearings. There was also testimony that indicated the need for increased awareness among members of the disability community concerning their rights, and the courts obligations.

Two major issues comprised the theme of education and training:

- ***Awareness Among Persons With Disabilities.*** Comments regarding the lack of awareness among the disability community about what rights the ADA guarantees and what accommodations can be requested
- ***Knowledge Among Persons Without Disabilities.*** Comments regarding the lack of knowledge about the nature and range of disabilities, accommodations which can be requested, etc.

A total of 39 people (21% of speakers overall) gave testimony citing barriers to court access for persons with disabilities based on lack of education and training among persons with and without disabilities (see Figure 14). This theme was cited by a large proportion of speakers in all locations: 27% of speakers in San Francisco; 22% of speakers in Los Angeles and Sacramento; 14% of speakers in Oakland and 13% of speakers in San Diego (see Figure 14).



Figure 14
Percentage of Speakers Citing Education and Training Theme
(Comparisons Across Locations)

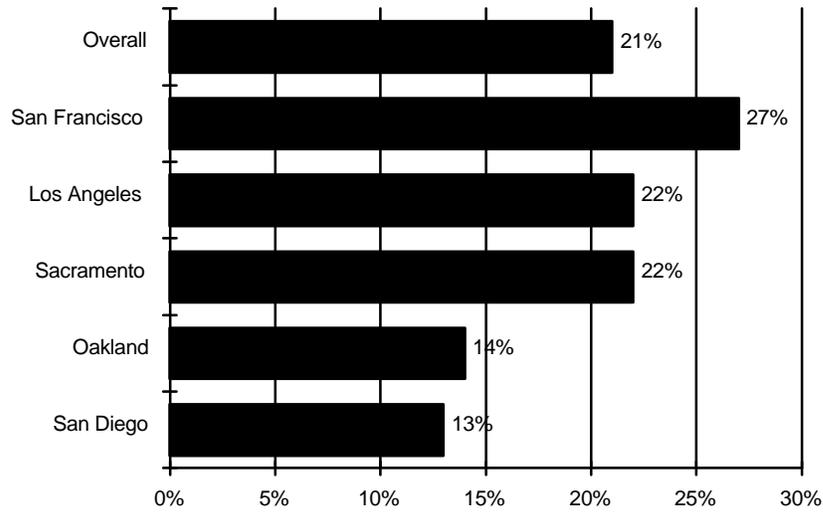
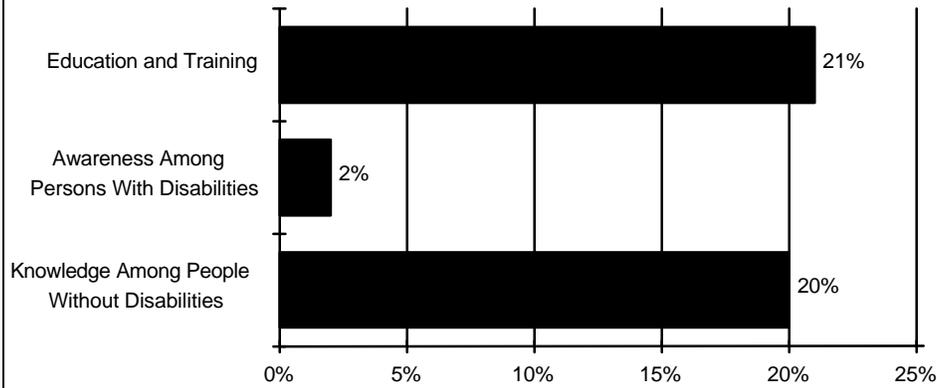


Figure 15
Percentage of Speakers Citing Education and Training Theme
(Comparisons Across Sub-Themes)

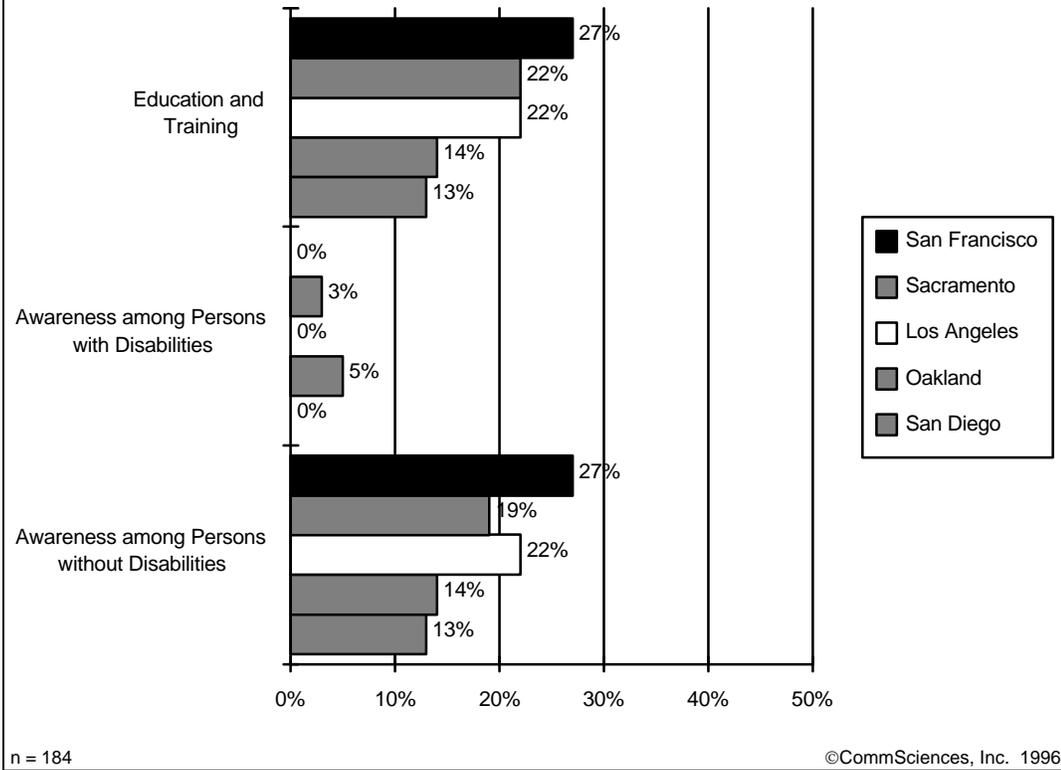


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Figure 16
Percentage of Speakers Citing Education and Training Theme
(Comparisons Across Sub-Themes and Locations)





5.6.1 Awareness Among Persons With Disabilities

A small number of witnesses (3 people, 2% of speakers overall) also cited the importance of increasing awareness among persons with disabilities about the ADA, their rights, and the court's obligations towards them.

Speaker Comments:

Right now we are in the process of creating the awareness. [Fresno, Court Personnel, p. 23, #22]

And the crux of ADA is making reasonable accommodations. And just coming up with reasonable accommodations I think is kind of a learning process for anyone who uses the courts. [Sacramento, Attorney, p. 100, #137]

The largest problem about access is creating awareness. You can see this meeting here, and we are just creating the awareness for people who are handicapped in many areas that the court's system is for them, too, and to attract them and make them participants of it. [Fresno, Court Personnel, p. 25, #22]

There are not enough video materials on the ADA in sign language. There are not enough materials on our civil rights. [Los Angeles, Advocate, Vol. 1-p. 320, #96]

However, with speech impairments we have not done a good job of educating individuals as we have with deaf individuals in telling people you don't talk to an interpreter, they're only there to express the thoughts. People need to be made aware that they need to speak to the individuals, not to the speech facilitator or to the interpreter. [Sacramento, State Agency, p. 135, #146]



5.6.2 Knowledge Among Persons Without Disabilities

There was a clear consensus among speakers about the lack of knowledge about the disability community among persons without disabilities: First and foremost, basic education about the diversity and range of disabilities needs to be achieved by the California courts. Currently blanket assumptions about appropriate accommodations are made based on limited awareness and understanding of the disability being accommodated. Education of staff throughout the court system was requested, although many speakers on this subject consider training to be especially necessary for court personnel.

Sensitivity training of court personnel and court professionals was also frequently recommended. Speakers maintain that sensitivity training will facilitate communication between the courts and the disability community, and provide an understanding of the experiences of a person with a disability in order to foster more appropriate behavior.

The need for greater knowledge of disability issues among persons without disabilities working within the California courts was cited by a total of 37 people (20% of speakers overall, see Figure 15). In addition, this issue was cited by a large proportion of speakers at all hearing locations: 27% of speakers in San Francisco; 22% of speakers in Los Angeles; 19% of speakers in Sacramento; 14% of speakers in Oakland and 13% of speakers in San Diego (see Figure 16).

Speaker Comments:

I think, basically, there are two areas that the court can deal with in this arena. One is education. I have put on two training sessions for court personnel in the last year in L.A. County; one in January in the Downy area, and we're doing our state conference next week, and we've sent out notices to all the judicial officers in the juvenile courts, and all the probation officers and that type of thing. We get very little feedback and very little attendance from judges and commissioners, and I'm not sure why. I think one thing that would be really great is to have some training in the judges' colleges, because I do hear many judges go to those, and I'd like our organization to be willing to help in whatever way in putting on training sessions at those colleges. [Los Angeles, Advocate, Vol. 1-p. 225, #85]



No comment on these matters would be complete and all the rule making in the world would be inadequate if the members of the California bench as a group do not receive some basic training on disability issues. I heard the woman who was here before me so state, and I would agree. Training should include, at a minimum, orientation on California federal laws affecting persons with disabilities; the specific obligations of the court to lawyers, parties, witnesses and jurors with disabilities; and sensitivity training designed to open and enhance lines of communication between the judicial officers that most visibly represent our system of justice, and the persons with disabilities who have been historically excluded by that system. [Los Angeles, Attorney, Vol. 1-p. 300, #93]

We are recommending that you increase the amount of small claims advisors clinics throughout the state of California. And we are also recommending that in addition to that, that you go ahead and make available training to your clerks who sit behind the small claims desks, about what reasonable accommodations or what a particular person with a disability needs or maybe just to ask, "May I help you?" And not to ask, "May I help you," and then just get the forms and walk away. These are the kinds of things that we experience. [Sacramento, Advocate, p. 113, #140]

Another note that I wrote to myself which I might recommend to the commission is that this group could again work with the council and I think in our court, for example, we've invested extensive effort in training and educating our staff on diversity issues. I think the same effort should probably be undertaken in dealing with disability issues which is another diversity area but we tend to focus on ethnic diversity or sexual issues, sexual harassment, per se. But there hasn't been anything to my knowledge at the state or local levels on disability issues which I think could desensitize the court administrators and managers that would be a very important step in moving forward. And I think that should be a recommendation to the commission. [Sacramento, Court Personnel, p. 147, #144]

But it was a situation where I felt I was being so reasonable. And I asked them at one point, "Could you just put it in there in case I get to go in?" because I knew I was going to get to go in. And, "No, no, no, we can't do it that way." And what I see is the problem here is education, with sensitivity training. I think if the person who is at that front desk had any idea what I was dealing with and what I needed, I think that she would have been more responsive. [Sacramento, State Agency, p. 158, #146]

I would also suggest, as we have had difficulty with building officials, and plan checkers, and the only way we have success in assuring code compliance in any area, including access, is with knowledge. [San Francisco, State Agency, p. 146, #43]



I think one of the failures we have caused the professionals in the business in the area of access is that we haven't provided training, and I think it is our responsibility as well as the courts' to be knowledgeable, and I think I would again suggest, as Mr. Margen did, that the courts both generally need to be aware of the laws, and have staff available that are specifically aware of the access codes so that they can make decisions reasonably, and with the knowledge that they will make those decisions correctly, and in conformance with the codes, and that is not still happening. That is still not happening. [San Francisco, State Agency, p. 146, #43]

So I think for the most part we really are in compliance and have in fact increased awareness, both at the administrator level and also at the staff level. I think there's more that can be done. People are not as aware as perhaps they should be about how they should be dealing with individuals with both apparent and non apparent disabilities. [Fresno, Court Personnel, p. 61, #26]

They may need an assistive listening device, they may need an interpreter, they need real-time captioning. You cannot make assumptions, so I recommend, first of all, that we have some kind of training for the people who work in the judicial system because they don't understand the needs of deaf and hard of hearing people, and they don't understand the access laws. [San Francisco, Advocate, p. 186, #47]

And that in fact was one thing that I would suggest, would be to determine whether or not the Small Claims Court do have staff advisors, and if they do, whether they could be given some kind of training, because oftentimes people with mental disabilities are not always the clearest in terms of putting forth their case. [San Francisco, State Commission, p. 172, #46]

Handicapped has a fabulous training program that it can do for free for any group that asks for it throughout the State of California, and they provide a complete overview of communications that are mechanical, that use technology, that use a wide variety of tools. [Los Angeles, Advocate, Vol. 1-p. 287, #92]

You know, there's definitely cultural pluralism in this society, and people with disabilities are a culture, and kind of a subculture. So to have that issue addressed, and do some real sensitivity training and interaction. [San Diego, Advocate, p. 101, #174]

My formal training and background before assuming my position as administrator I believe prepared me for the management responsibilities. Ongoing training I acquire from a variety of places, including the Judicial Councils, the court administrator programs and the Municipal Court Clerk's Association training programs that are ongoing. [Fresno, Court Personnel, p. 62, #26]



In order to accomplish compliance with the ADA, we must develop a comprehensive program of training with the entire criminal justice system; police, sheriff, prison, jail, judges, prosecutors. [Los Angeles, Individual Vol. 2-p. 66, #104]

The courts should have some staff to get the training about how to help the people that are handicapped, no matter in which way. But that really can cut down the use and frustration for those handicapped people. [Los Angeles, No Stated Affiliation, Vol. 1-p. 346, #97]

The trouble with not having people who are trained and instructed in ways to handle disabled people differently is you're left to the kindness of strangers and their instincts as to what to do. [Los Angeles, Advocate, Vol. 2-p. 98, #107]

There's also the same problem of jurors not being able to participate in the jury system. So I think it's an attitudinal problem because I think that the laws are adequate, but I think it's an educational need for the judges in California to be aware. [Los Angeles, Judge, Vol. 2-p. 212, #121]

A degree of sensitivity is extremely important and the judiciary has taken upon itself to get special training as to domestic violence, training in family law, as to those issues and things like that so that we're sensitive in what we say and how we do it, so that we can be aware of what those issue are. [Los Angeles, Judge, Vol. 1-p. 114, #75]

And one of my suggestions would be is some type of a practical reference manual on accessibility that could be disseminated to trial court administration and staff; something that could perhaps be updatable on a quarterly, semiannual or annual basis, as deemed appropriate by your body or other bodies, that would have practical tips on accessibility and fairness for administrators and employees, such as updates in technology on assistance-related devices for individuals with physical handicaps. [Fresno, Court Personnel, p. 28, #23]

And I think courtroom clerks need more training in dealing with people with different disabilities. I just don't think that from my own personal experience of working in the courts for a number of years that my awareness is as high as it perhaps should be. [Fresno, Court Personnel, p. 71, #26]

I'll ask that the courts take into consideration educating members of the judicial system on the special needs of the disabled. I realize that this is a very expensive cost factor to the court system. However, I feel as a parent it is my right to have and be a part of the judicial system in the interests of my child. [Sacramento. Disabled Student Services Counselor, p. 179, #149]

Real-time captioning will work for many people who have grown up in the English language. But someone who is born profoundly deaf may never speak English, they may only speak sign language. So I wanted to caution you against using "one size fits all" on any disability; it simply does not work. [San Diego, Advocacy, p. 46, #166]



5.7 PHYSICAL ACCESS

The most commonly cited theme among people giving testimony during the public hearings was *physical access*. This theme is inclusive of any issue which pertained to the ability of a person with disabilities to use the physical structure of a court facility, i.e., Could they enter the court facility? Could they travel within the court facility? Could they physically access materials presented to them within the context of the court facility. The *physical access* theme is comprised of three major sub-themes:

- ***Assistive Systems and Personnel.*** Comments regarding assistive systems, assistive personnel and language interpreters.
 - ***Environmental Barriers.*** Comments regarding courthouse location, building materials, and policies regarding interior environment of court facilities
 - ***Mobility Barriers.*** Comments regarding architecture of interior common areas and interior court service areas, exterior areas, and parking
-

A total of 109 people (59% of speakers overall) gave testimony pertaining to some form of *physical access* during the public hearings. People in Oakland (71% of speakers in that location) were the most likely to cite this theme, followed by people in Los Angeles (65% of speakers in that location) and people in San Francisco (61% of speakers in that location, see Figure 17). People in Sacramento (47% of speakers in that location) and San Diego (42% of speakers in that location) were significantly less likely to make comments regarding physical access.

Under the theme of physical access, comments regarding *mobility access* were the most common (38% of speakers overall). A slightly smaller but still significant proportion of people made comments regarding *assistive systems and personnel* (28% of speakers overall). Finally, a relatively small number of witnesses testified to issues concerning *environmental access* (5% of speakers overall, see Figure 18).

Comments regarding all aspects of physical access were fairly evenly spread across all hearing locations. However, people in Oakland were notably more likely to comment on issues pertaining to *mobility access* (52% of speakers in that location, see Figure 19).



Figure 17
Percentage of Speakers Citing Physical Access Theme
(Comparisons Across Locations)

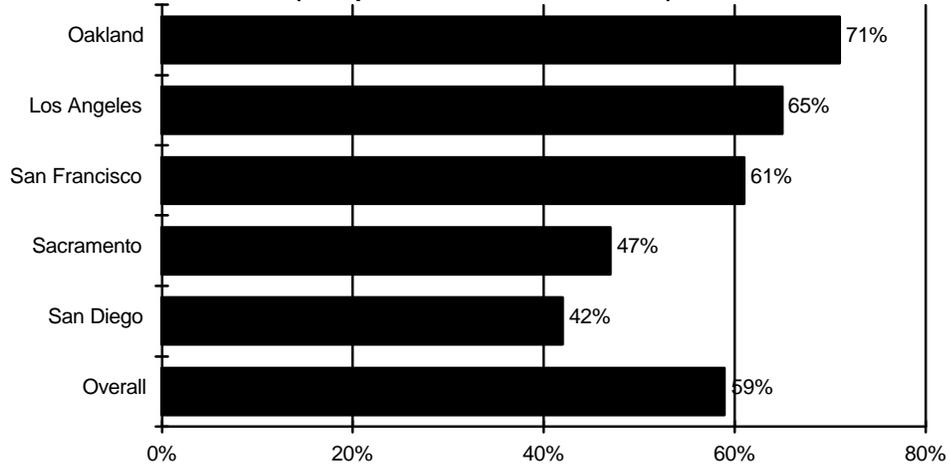
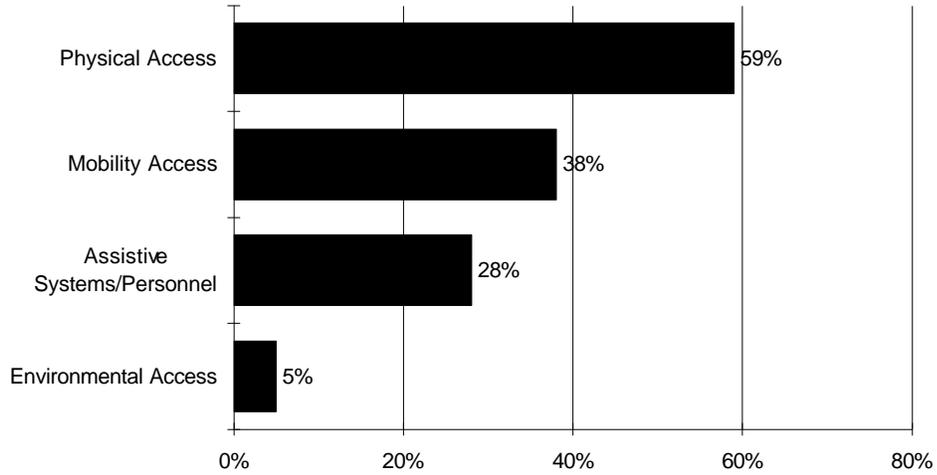


Figure 18
Percentage of Speakers Citing Physical Access Themes
(Comparisons Across Sub-Themes)

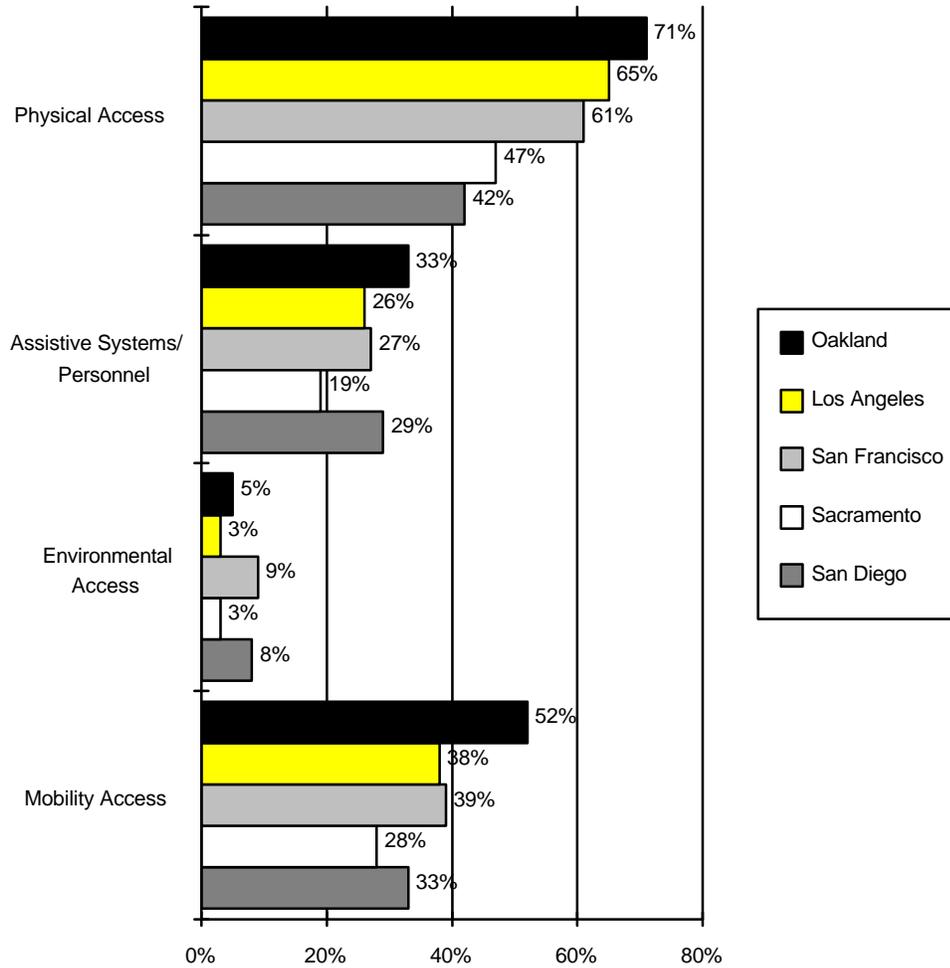


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Figure 19
Percentage of Speakers Citing Physical Access Theme
(Comparisons Across Sub-Themes and Locations)



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5.7.1 Assistive Systems and Personnel

Testimony offered pertaining to two issues related to physical access were classified under the theme of assistive systems and personnel:

- ***Assistive Systems and Personnel.*** Comments regarding the availability of TDD/TYY devices, assistive hearing devices, print enlargers, personal assistants to explain text and commentary, etc.
- ***Interpreters.*** Comments regarding the availability or efficacy of sign-language and oral interpreters.

Access to assistive systems and personnel was the second most discussed topic at the hearings (following architecture). A total of 51 people (28% of speakers overall) made comments referring to the *availability* or *quality* of these accommodations. An equal number of these speakers cited issues relating to assistive devices or personnel (16% of speakers overall) and the availability and qualifications interpreters (17% of speakers overall, see Figure 18).

Marked regional differences existed in the proportion of speakers who cited each sub-issue. This may indicate that problems related to these themes are localized rather than state-wide. Overall, people in Oakland (29% of speakers in that location) and San Francisco (21% of speakers in that location) were notably more likely than people at other locations to cite problems with assistive devices and/or personnel. Conversely, people in San Diego (21% of speakers in that location) Los Angeles (20% of speakers in that location) and Sacramento (17% of speakers in that location) were the most likely to cite problems with interpreters (see Figure 19).



Figure 20
Percentage of Speakers Citing Assistive Systems and Personnel Theme
(Comparisons Across Locations)

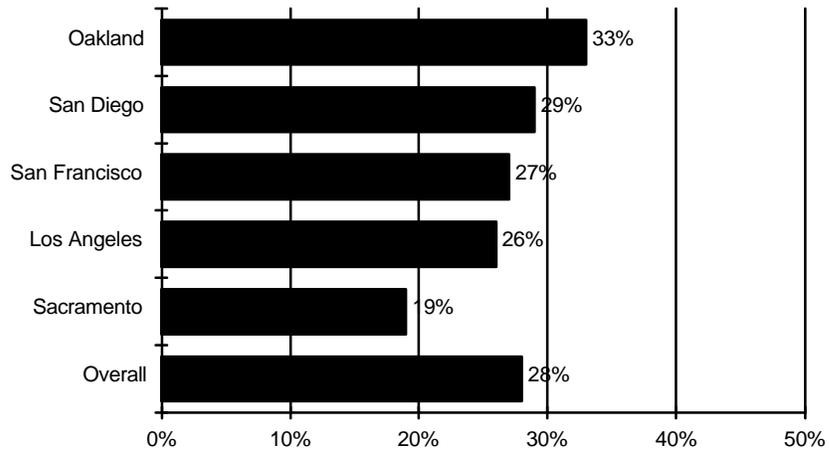
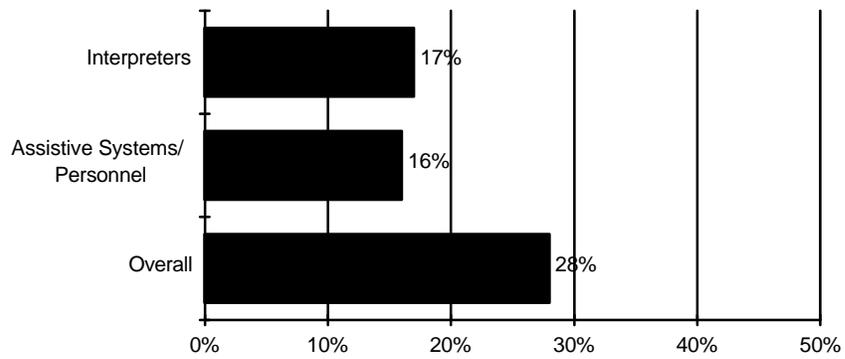
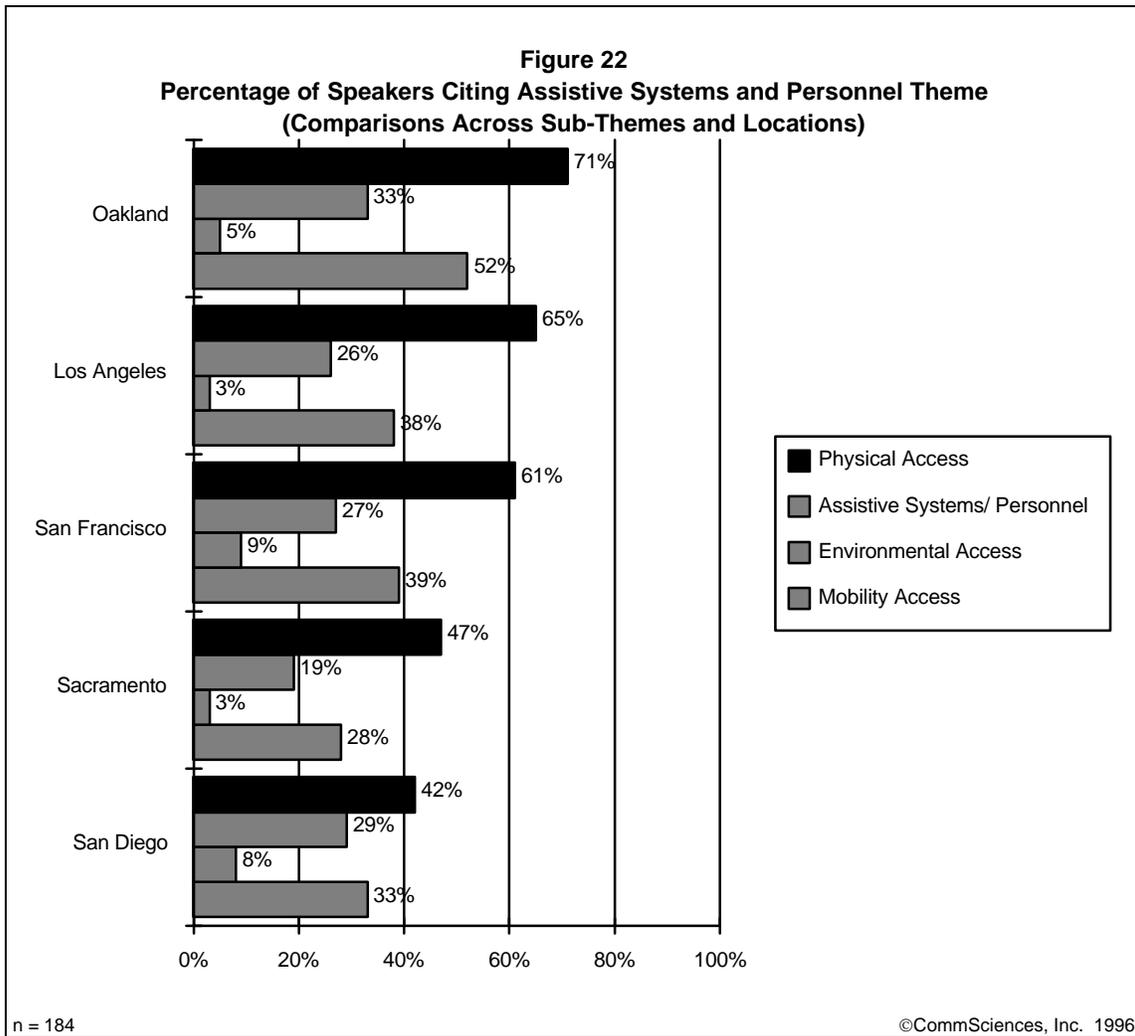


Figure 21
Percentage of Speakers Citing Assistive Systems and Personnel Theme
(Comparisons Across Sub-Themes)



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5.7.1.1 Assistive Systems and Personnel

The bulk of discussion about assistive systems consistently focused on issues of availability, maintenance, and training of court personnel in the usage of auxiliary aids. The availability of interpreters was also a focal point, especially the availability of interpreters for non-English languages.

The amount of testimony about the lack of available assistive systems was matched by the attention given to the need for training in the use of these systems. Speakers perceive that court personnel need training to make accurate judgments about choosing the most appropriate system and to develop expertise in operating the equipment. Also, witnesses attested to the fact that poor quality or inoperative devices are not uncommon.

Related testimony focused on the need for the availability of a variety of assistive systems for specific disabilities. Speakers maintain that just as one kind of system will not work for people with different disabilities, systems that work for one person may not be appropriate for another -- even when they have the same or similar disability. Ensuring that access is not attained using a "cookie cutter" approach, witnesses would like the needs of people with disabilities to be assessed on an individual basis.

A total of 30 people (16% of speakers overall) cited issues related to the availability and quality of devices and personnel (see Figure 21). As noted earlier, people in Oakland and San Francisco were particularly likely to cite issues related to this theme (Figure 20).



Speaker Comments: Availability

Several years ago when a young man was shot and killed at a BART station in Hayward and his companion was arrested, his companion was arraigned at an Alameda County courthouse. At that point in time several of us needed assistive listening devices and couldn't get them. This was several years ago. [Oakland, County Commission, p. 110, #8]

One thing I want to tell you is that this device, this assistive listening device means nothing to me. I cannot use it. I've been working with the United States Access Board on the ADA accessibility guidelines. They're in the process of reviewing them and possibly rewriting them. And one thing that I have been advocating on behalf of not only my organization, Cochlear Implant Club International, but also on behalf of all people with hearing impairments, is that a device like this does not work for everybody. I have, in this little device I'm wearing, called the processor audio input jack, and I need to connect this Cochlear implant cable through the jack, to a receiver. You may have seen them. They're little boxes and they have a jack. And it's called a personal receiver, and it's available with all kinds of assistive listening devices. [Los Angeles, Student, Vol. 1-p. 186, #62]

I strongly encourage you to offer assistive listening devices that have a variety of connections and accessories to make them usable by people with different kinds of hearing impairments. [Los Angeles, Student, Vol. 1-p. 188, #62]

There are no assistive listening devices in Edelman Children's Court and they do not supply real-time captioning. They are aware of the law. They simply will not abide by it. [Los Angeles, Advocate, Vol. 2-p. 30, #101]

I have not been aware of the availability of good quality assistive listening devices for people who might have hearing impairments. [San Francisco, Advocate, 12, #27]

Speaker Comments: Training in Systems Usage

Persons in the court, such as the clerk or a judicial assistant, are not qualified to really make assessments of accommodation in the court. [San Francisco, Student, 51, #39]

There tends to be a lack of equipment, such as assistive listening devices, and computer assisted transcriptions, and also the knowledge of the clerks and other personnel in the court on how to use that equipment. [San Francisco, Advocate, 55, #32]

We have that to a limited extent, I guess, in terms of listening assistive devices throughout all of our courts where we have signage that directs people to a coordinator who will provide listening assistive devices. We try to provide training for our courtroom clerks and others to be able to address people who have special needs or requests, and our staff to know who to request services from, but I think we could broaden that, certainly. [Oakland, Court Personnel, p. 12, #1]



Speaker Comments: Maintenance

I'd like to also speak to assistive listening systems. Frequently they are not maintained. I would like to say that they are very helpful but they may not provide adequate communication for hard of hearing people, because people who have accents, speech impairment or soft speech (indiscernible), and hard of hearing people who need to listen may not be able to tell who is talking. But assistive listening systems may not be able to help this if they're not captioning it. [Oakland, Individual, p. 13, #1]

In how many courtrooms equipped with listening devices are they always well maintained and loaded with fresh batteries, and are those responsible for the equipment trained in their maintenance and how to use them? [San Diego, Advocate, 30, #163]

We have also heard by experience that people have gone and the listening devices have not had maintenance, where the batteries are low or the equipment is not up-to-date. [Oakland, No Stated Affiliation, p. 191 #17]



5.7.1.2 Interpreters

The overwhelming amount of testimony about court interpreting referred to the need for more interpreters, especially in rural areas.

Speakers made it clear that lack of available interpreters means that court functions must be scheduled around the available interpreter's schedule and as such court hearings and appearances are regularly delayed accordingly.

Some speakers implied that the insufficient number of interpreters reflects the courts' low priority toward improving access.

Persons with disabilities that require interpreters for non-English languages have even more difficulty in accessing the courts.

A total of 32 people (17% of speakers overall) addressed the issue of interpreters in their testimony (see Figure 21). Problems with the availability of interpreters were cited by a notable proportion of speakers at most hearings: 21% of speakers in San Diego and 20% in Los Angeles and 17% of Speakers in Sacramento. Speakers in Oakland (5% of speakers in that location) and San Francisco (12% of speakers in that location) were less likely to cite problems faced by persons with disabilities in obtaining an interpreter (Figure 22).

Speaker Comments: Availability

There are a lack of adequate qualified interpreters in areas of state, especially in rural areas, and there's also a failure of the courts to use qualified interpreters, especially in areas where use of a qualified interpreter, rather than someone who's there, would cause a delay. [San Francisco, Attorney and Advocate, p. 55, #32]

I'd like to talk about the lack of qualified interpreters to work in the courts, and, in particular, the more rural areas, as well as the need for extensive education of courtroom personnel, which includes, primarily, judges, bailiffs and others that are in a position to authorize, select, or work with interpreters. [Los Angeles, Advocate, Vol. 1-p. 208, #83]

There have been a few times that -- very few times --that we have had to use a non certified sign language interpreter because we haven't been able to get one that is accepted by the state to translate. [Fresno, Court Personnel, p. 20, #22]



I recall the Los Angeles court had a problem because of the lack of full-qualified interpreters, and this is within the L.A. area. I think that the court required the county to put out money to sponsor the legal training for sign language interpreting so more interpreters would be certified and skilled for court interpreting. [Sacramento, Advocate, 30, #120]

Oftentimes we have to postpone an individual's jury service so that we can schedule some type of interpreting services. [Fresno, Court Personnel, p. 32, #23]

The problems have been in some of the outlying areas. I think the main problem is attitudinal. When a deaf person comes into the system it's a problem, and it is a problem getting interpreters, and it seems there's always the problem with the money, who's going to be paying. [Fresno, Advocate, p. 80, #25]

Those courts that do have an interpreter available require a minimum three-day notice for court dates in asking for an interpreter. However, if a women has been battered and is in need of a restraining order, it is not a possibility for her to wait three days to get that. [Los Angeles, Advocate, Vol. 1-p. 314, #95]

I would like to ask the committee to recommend training in the rural areas in how to accommodate the varied needs of the deaf and hard of hearing. In the rural areas I would like to also mention that there are a variety of assistive technology services and devices that can make court experiences, whether as an attorney, juror, witness or party to the action easier for those in need of those devices, whether it is an assistive listening system, a real-time captioner, or other technology that enables an individual to fully participate in our California judicial system. [Sacramento, State Agency, p. 167, #148]

The problem we run into is that there is a lack of certified interpreters in the rural areas, because we are in a rural area -- our county is small. We have two of our certified interpreters at this time for Spanish, but to get the certified interpreters for the other languages we have to come to Fresno. [Fresno, Judge, p. 37, #24]

Speaker Comments: Interpreters for Non-English Speakers

Non-ALS interpreters, for people from different cultures, exist in very, very small numbers. We've been in the business of interpret referral since 1975, and we'll probably have a list of ten interpreters that cover a wide range of foreign language, sign language ability, not sign language interpretation, which means then you start bringing in two and three people to do relay from English to ASL, to spoken; Tagalog to Philippino sign language; and all the way down. You usually end up with three or four people in one room to facilitate that communication. [Los Angeles, Advocate, p. 215, # 83]



5.7.2 Environmental Barriers

Prevalent throughout testimony by many speakers was the notion that issues related to "access" addressed by the courts too often emphasize the more tangible architectural barriers and ignore issues related to less visible barriers. Environmental barriers were a key theme among these comments. Testimony about environmental access was comprised of three main issues:

- ***Building Materials.*** Comments regarding materials used in court facilities
- ***Courthouse Location.*** Comments regarding courthouse locations as pertaining to environmental pollutants
- ***Court Policies.*** Comments regarding courthouse policies regarding fragrances, smoking, lighting, etc.

A total of 10 people (5% of speakers overall) raised issues relating to barriers against physical access affecting persons with environmental sensitivities. While this number of total speakers is relatively small, it is significant to note that at least one speaker at each hearing location spoke to the theme of environmental access, indicating that while the number of people affected by this issue may be small, their needs are being uniformly neglected throughout the state (see Figures 23 and 24).



Figure 23
Percentage of Speakers Citing Environmental Access Theme
(Comparisons Across Locations)

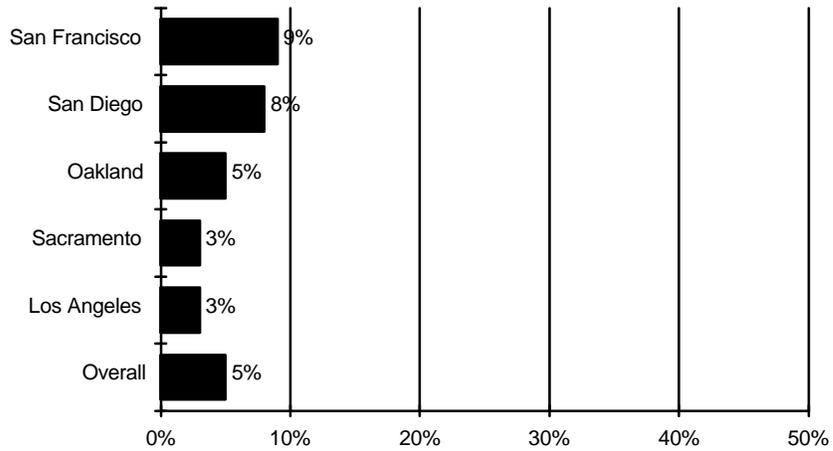
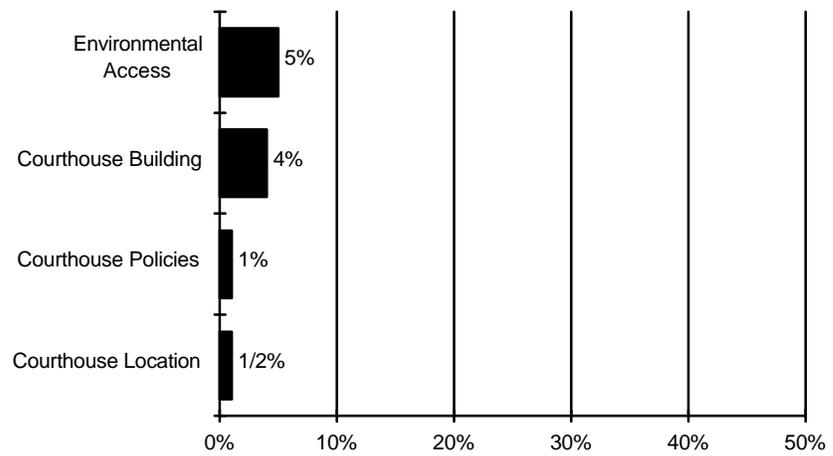


Figure 24
Percentage of Speakers Citing Environmental Access Theme
(Comparisons Across Sub-Themes)

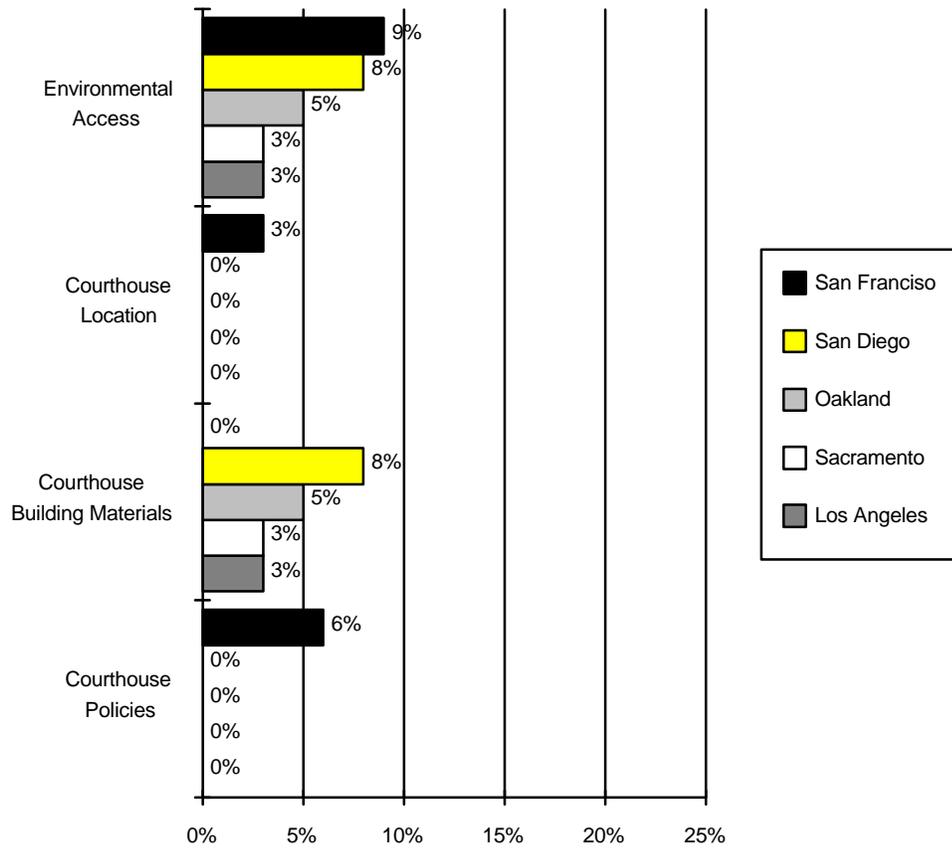


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Figure 25
Percentage of Speakers Citing Environmental Access Theme
(Comparisons Across Sub-Themes and Locations)



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5.7.2.1 Building Materials

Within the theme of environmental access, problems posed by building materials were the most commonly cited. Although few specifics were mentioned, it would appear that greater care needs to be taken in selecting materials which are less toxic and improving ventilation and temperature controls so that the needs of persons with environmental sensitivities can be addressed.

A total of 7 people (4% of speakers overall) cited problems with building materials faced by persons with environmental sensitivities trying to gain access to the courts (see Figure 24).

Speaker Comments:

They took me downstairs to a room that had been chemically treated and sealed, shut up. I was the first person in there after that room was opened and I knew immediately that I was going to be in trouble, and I told the person who was the officer in charge. He said, That's too bad, you should have thought of that before you came here to cause this trouble. He said, You're arrested now, you have no rights. [Oakland, State Agency, p. 114, #8]

During a workshop that EAD held in October of 1993, which was facilitated by Justice Richard Aldrich, many attorneys and judges with disabilities indicated a number of barriers to participation in the justice system. These included lack of accessible parking in court facilities, environmental barriers such as lack of cooling and ventilation systems, lack of assistive listening devices or TDDs or interpreters and ignorance and attitudinal barriers for persons with disabilities. [San Diego, Attorney, p. 84, #172]

There are a great many building materials which make it a place not accessible to me. And they just got done building the library with those architectural barriers. And the attitude was, I don't count. To them, accessible courts mean accessible restrooms, corridors, law library clerks, marshals, various recorders' offices, etc. [Sacramento, Advocate, p. 85, #30]

Some sensitivity needs to be made toward safer materials. Materials, ultimately, should be purchased not just with cost in mind but what would be the least toxic. Things that would help in this area would be non-toxic paint, or glue, direct ventilation to a roof through a courtroom, fragrance free environments. [Los Angeles, Attorney, Vol. 1-p. 140, #78]



5.7.2.2 Courthouse Location

Another problem faced by persons with environmental sensitivities may be the location of court facilities. Courthouses may be located in areas that are particularly difficult for chemically-sensitive people due to factory exhaust or other emissions.

One person testifying in San Francisco raised the issue of environmental pollutants as they pertain to access to the courts for persons with environmental sensitivities.

Speaker Comments:

I think it is important to note that there may be sensitivities that people with environmental illness may have, and that courts should be aware that if it is located in an area where there might be a lot of emissions from factories, or various other type of pollution that might exist, that they may want to look at an alternative site, or an alternative method for people with environmental illness to be able to testify as well as to do other business with the court. [San Francisco, Advocate, 11, #27]



5.7.2.3 Court Policies

Witnesses maintain that court policies do not take into account people with environmental illness who have physical reactions to cleaning products, fragrances, pesticides, etc.

Two people speaking in San Francisco complained that court policies aimed at addressing environmental sensitivities are often ineffective.

Speaker Comments:

Having a policy of a fragrance free courthouse could help alot, if that is possible for the court to look at. [San Francisco, Advocate, p. 11, #27]

Another person actually had her condition aggravated by the court experience. People with allergies and sensitivities to chemicals need to be accommodated, and I, too, recognize what you've done here today. This particular person gave up her case as her health was threatened. Participants in the case were asked to appear fragrance-free and did not do so. Even in the judge's chambers, this person had to fight to have a window open to allow air circulation. In another such case, it took five meetings to get a deposition because each time something went wrong with the accommodations. The meeting was set in a building that was a sick building for someone with this particular condition. The court reporter or in other meetings other persons wore scented products. Just to finish the deposition, the person ended up sitting in an open window in the rain. In an arbitration case, the plaintiff came prepared to protect herself with an attendant, equipment which included an ionizer, a room air cleaner, an oxygen tank and mask. Although the participants had been advised not to wear fragrances, the defendant brought his girlfriend with him for moral support and she was reeking with perfume. In the same case, a meeting was set in a law office conference room with no open windows to provide relief. [San Francisco, Advocate, p. 191, #48]



5.7.3 Mobility Barriers

Within the theme of physical access, references to *mobility issues* were the most common. Public testimony expressed concern about the mobility access afforded to persons with disabilities by nearly every feature of courthouse architecture. Concerns ranged from navigating freely from the parking lot through the entrance and to each area within the building. Attention was drawn to interior common areas such as hallways, stairways, elevators, and rest rooms, interior court service areas such as court offices, and courtrooms, and exterior accessibility to entrances, such as pathways, ramps, and doorways. Testimony with the theme of mobility access was divided into four topic areas:

- **Exterior Areas.** Comments regarding problems faced by persons with disabilities in moving about the exterior of court facilities, including gaining entrance to court buildings
- **Interior Common Areas.** Comments regarding problems faced by persons with disabilities in moving through hallways, stairways, restrooms, etc., located within court facilities
- **Interior Court Service Areas.** Comments regarding problems faced by persons with disabilities in moving around court offices and courtrooms, including jury and witness boxes
- **Parking.** Comments regarding problems faced by persons with disabilities due to the unavailability or misuse of parking

A total of 69 people (38% of speakers overall) made comments regarding mobility issues during the public hearings. People testifying in Oakland (52% of speakers at that location) were the most likely to raise this theme, although at least 28% of speakers in all locations made some reference to impediments to mobility (Figure 26).

Within the theme of Mobility access, the most commonly raised issues revolved around interior court service areas (20% of speakers overall). Problems in this area were especially likely to be cited by people giving testimony in San Francisco and Oakland (33% of speakers in those locations, see Figure 26).



Figure 26
Percentage of Speakers Citing Mobility Access Themes
(Comparisons Across Locations)

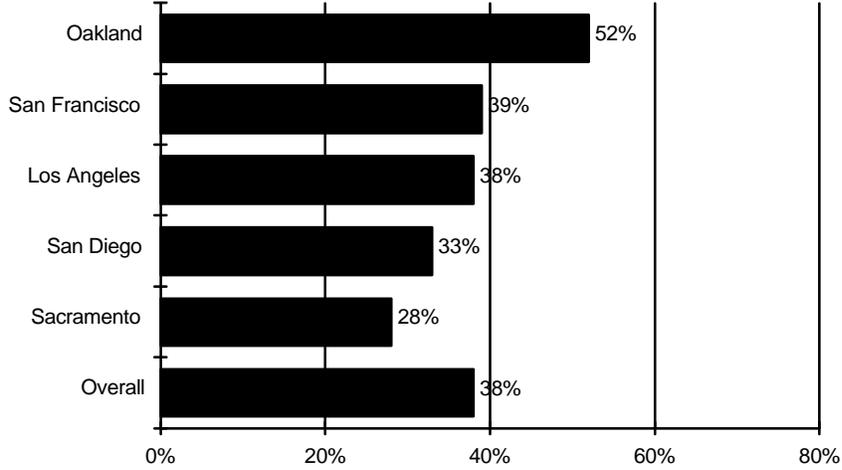
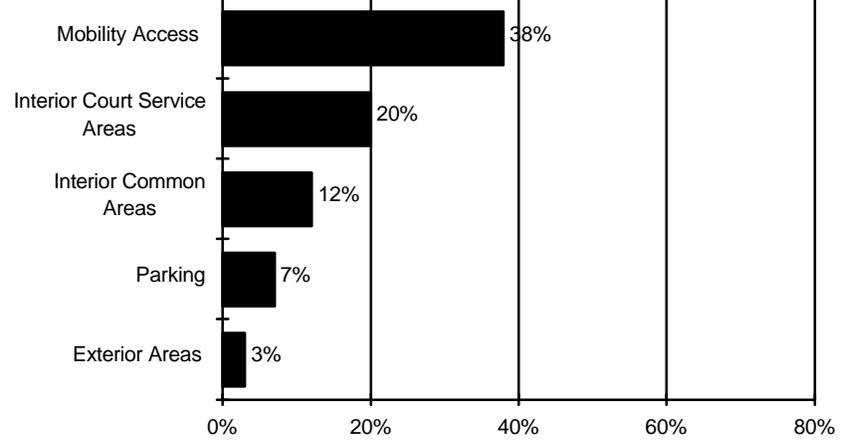


Figure 27
Percentage of Speakers Citing Mobility Access Themes
(Comparisons Across Sub-Themes)

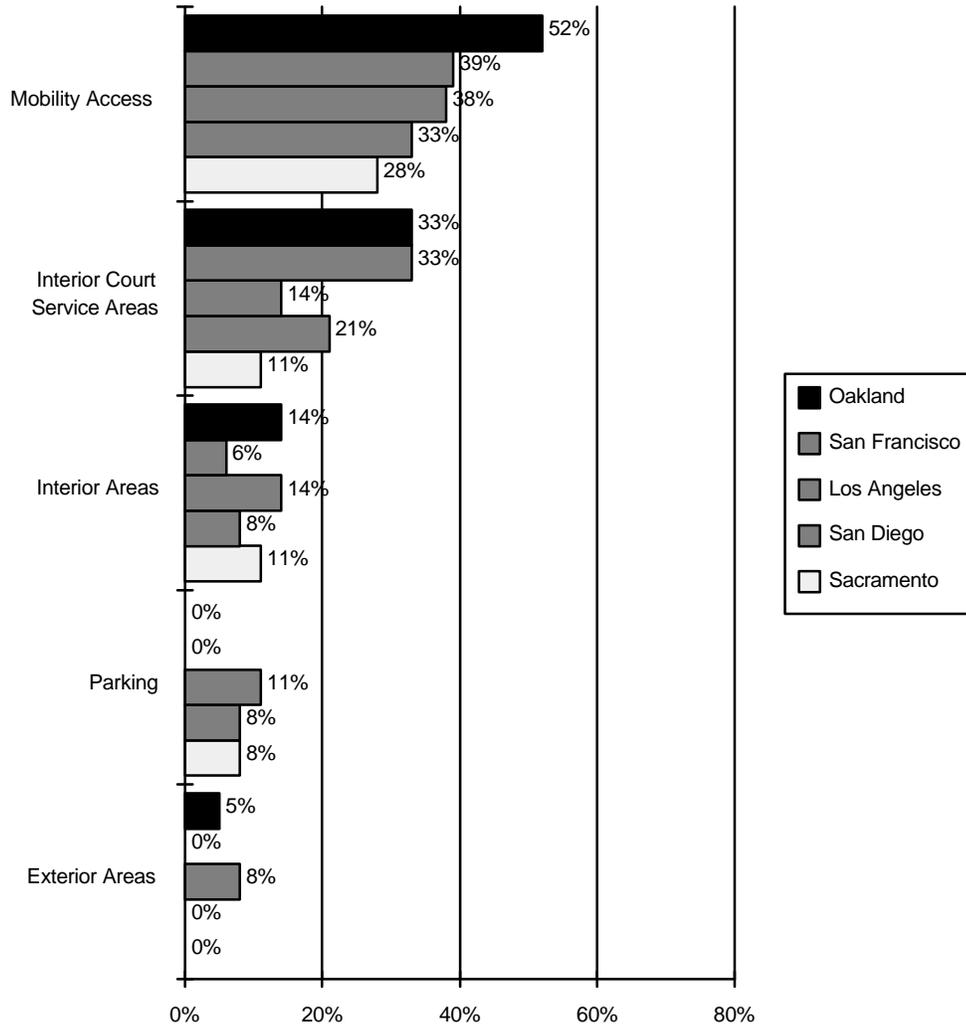


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Figure 28
Percentage of Speakers Citing Mobility Access Themes
(Comparisons Across Sub-Themes and Locations)



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5.7.3.1 Exterior Accessibility

Comments made regarding exterior accessibility centered primarily on pathways from the parking area to the courthouse entrance which were unduly circuitous or altogether impassable. This problem seemed to be especially prevalent at court facilities in Los Angeles.

A total of 6 speakers (3% of speakers overall) cited mobility access problems with exterior areas at court facilities. A majority of these speakers (5 of 6) testified in Los Angeles (Figure 27).

Speaker Comments:

You can't get into the courthouse to get the documents to file yourself. I was going to be pro per against Riverside General and I couldn't go near the place. There's no parking. The ramp is approximately 18 percent slope on the first step, and about 20 on the second. If you're lucky enough to get to the top, there is a warped mahogany door left over from somebody's something, that goes straight into a privileged attorney/client conference room. And I did have one of my peripheral children push me up that ramp and I walked right into one of those, and that was not pretty. [Los Angeles, No stated affiliation, Vol. 2-p. 109, #109]

Every instance of complaint that I have had in Alameda County has been started with a government claim filed on behalf of a disabled person. The courthouse, the Alameda County Courthouse facility, involved a situation where the only way to get into the Alameda County Courthouse until about a year and a half ago was to go across the street to about a block away from the public entrances to the entrance to the Administration Building, down into the basement of the Administration Building, back in a tunnel to the Alameda County Courthouse, and then back up into the courthouse. [Oakland, Attorney, p. 39, #13]



5.7.3.2 Interior Common Areas

Interior Common areas regularly cited by speakers included:

- Barriers to accessing detention areas, judges chambers and jury offices.
- Counters too high.
- Exterior and interior doors too heavy, door knobs too high and too smooth. Double doors difficult to open. Locking mechanisms difficult to operate. Door windows too high.
- Inaccessible restrooms.
- Lack of elevators, elevators that are too small to access or have doors that close too fast or are too heavy. Inoperative elevators, inaccessible elevator buttons, and lack of signals for visual impaired.

A total of 22 people (12% of speakers overall) gave testimony which cited barriers to mobility access faced by persons with disabilities trying to gain access to interior common areas within court facilities. This issue was most likely to be raised by witnesses testifying in Oakland and Los Angeles (14% of speakers in those locations). However, a sizable number of speakers in all locations spoke to this issue.

Speaker Comments:

I can tell you that from my perspective you're much taller than I can reach, you pose physical barriers to persons of a short stature or who are otherwise in motorized chairs or manual chairs. We can't be seen by people who stand behind counters. We can't reach things. And there is no one there to help us. [Sacramento, Advocate, p. 112, #140]

The Santa Ana courthouse has signs indicating that there are wheelchair accessible bathrooms. But the signs are incorrect. There are no wheelchair acceptable bathrooms in the Santa Ana courthouse. [Los Angeles, Attorney, p. 14, #60]

She was unable to see the listing of matters that were being heard because they were too high. And that would be a very simple thing to address, to bring the listings down. Also, access to the clerk in order to check in was difficult because the entrance past the bar was to the far right in front of the courtroom seating, so it was very awkward for her to maneuver around there. [San Francisco, Attorney, p. 165, #45]



San Diego, the existing San Diego Superior Court has horrible parking and restroom problems. In Orange County, there have been continuing parking and restroom problems and circulation problems in the courtroom. Torrance has parking problems, restroom problems, bench access problems, witness stand problems, jury box problems. Compton is similar to Torrance. And Glendale Superior and Municipal Courts have restroom, parking, witness stand and jury box problems and no access. Burbank is similar. The Malibu Court has restroom problems and other access problems in the witness box and jury rooms, or jury boxes. Santa Monica, you've heard a lot about. It's all true. I've been there. I was, in part, responsible for the pending complaint. Norwalk has parking, restroom and other access problems in the courtrooms, the witness stands and the jury boxes. Pomona, parking problems because of the path of travel, the distances, restroom problems, and also the benches, the witness box and the jury boxes. Ventura County had access problems in their new court. It has witness box problems and jury box problems in their newer court. [Los Angeles, Attorney, Vol. 2-p. 234, #123]

We have created some ramps for those who come into court, be that they are involved with the law or that they are in the jury part of the court. And we have access to courtrooms for those who are handicapped in that area, and the rest room facilities also. And I have enjoyed seeing quite a few attorneys and jurors take part in our jury system when they have come in and served in their wheelchairs and that. [Fresno, Court Personnel, p. 19, #22]

I'm a little more aware of at least the physical barriers in part of our facility. I couldn't get everywhere. And we have at least one portion of the building where it's been necessary to put staff persons that deal with the public in an area where there isn't any elevator access. So there would be definite limitations to access in at least one group of our public service. That's the superior court service, but it could have just as easily have been the municipal court that ended up assigned to that particular work area, and I see those as continuing problems. [Fresno, Court Personnel, p. 60, #26]

Even in the courtroom, there's no acceptable seating. Once into the trial area, all you can do is sit at a table and you can't get to the witness stand or to other areas inside the courtroom without having people move and make room for you to sit. [Los Angeles, Vol. 1-p. 22, #61]

To use Torrance as a simple example, there is no usable handicap toilet in the Torrance courthouse. The cafeteria to the Torrance courthouse is the width of a doorway. Half of that doorway is blocked by kitchen equipment. An ambulatory, able-bodied person can squeeze by. A person in a chair can stay out because there is a physical barrier to entry. It wasn't designed that way. It's just that the cafeteria people use their space that way. [Los Angeles, Attorney, Vol. 1-p. 8, #72]



The Judge recently told me that I would be tried in his court without the use of a bathroom, without accommodation to the witness stand, without other disabled persons that I was calling to testify on my behalf; they would not be able to use the bathroom either; they would not be able to use the public defender's office, the city attorney's office. It goes on and on and on. [Los Angeles, No stated affiliation, Vol. 1-p. 102, #73]

Norwalk and Long Beach, as far as getting into the building, both are accessible. The Long Beach building does have a detriment to it in that to get there in a wheelchair, or with other mobility problems, to get to the jury assembly room, you have to notify one of the deputies on duty at that point, on entering the building, and then they are taken to an elevator that is reserved for the judges and also for prisoners, as well. So, that's a whole special procedure that you have to follow. [Los Angeles, No stated affiliation, Vol. 1-p. 219, #84]

In virtually all of the courtrooms I've been in, there are problems with access to restrooms. I know this is a state court panel, but, certainly, the federal courthouse has problems, the criminal courts building is well documented in this panel and I'm sure in others, as having tremendous problems with access in restrooms, even though the Hill Street civil courtroom building, you know, there's basically two accessible restrooms, one on the fourth floor and one on the second floor, and if you've ever been in that building, if you have a hearing on the seventh floor or the sixth floor, and you have to take a break, I mean, it can take you literally 20 minutes to get down to the fourth floor, back up to the sixth floor, and the restrooms themselves. If I had to use an electric wheelchair or I had a different disability, they would not work as well because they're really not up to ADA or California standards. [Los Angeles, Attorney, Vol. 1-p. 237, #86]

The locking mechanisms where you press buttons to get into the various back offices can be difficult to manipulate. Furthermore, the round, smooth doorknobs are difficult for myself, and I'm sure, for anyone who may have arthritis. My suggestion would be to implement a paddle type system where you would be able to twist the lock mechanism easier. [Los Angeles, Student, Vol. 2-p. 45, #102]

The jury offices are located on the sixth floor and are not accessible by the public elevator. Anyone not able to climb stairs must be escorted by a deputy to the sixth floor using a hidden elevator that is used for judges and prisoners only. There is also no accessible bathrooms on the sixth floor. Therefore, if a person with a disability were to serve as a juror, they would have to call for a deputy to be escorted to another floor to use the restrooms. [Los Angeles, Advocate, Vol. 2-p. 75, #105]



As a commissioner, I contacted our attorney in Long Beach that uses a chair, and she informs me that the counsel table in the courtrooms could be higher for her to be able to get her chair better underneath them. She also reported that the jury rooms in judge's chambers are very small and difficult to use for a person in a chair. I heard the comment that was made earlier and I know that a lot of the barriers cannot be removed because these are old buildings and stuff. But, yet, on the other hand, as an attorney who has to constantly be in a courtroom, it's really frustrating. And she noted that the elevators are often out of order in this particular building anyway, and that there were not enough accessible restrooms in the building to properly accommodate the traffic of the public. I mean, I think there's maybe only a couple of floors that have accessible rooms. So if you happen to be on the right floor, good for you.. [Los Angeles, Advocate, Vol. 2-p. 75, #105]

Another problem is heavy doors. Just getting into the building can be a problem because of the heavy door and getting into the bathrooms because of heavy doors. In some cases, these heavy doors I feel really do merit having an automatic door opener that's really appropriate for such a government facility to have. One of the cases where there is the automatic door opener to the main entrance of the building, they don't follow up on some crucial places like the restroom. The importance of the restroom is that you may find yourself there by yourself and not be able to get in. Once you get in, you may find yourself by yourself again and not able to get out until somebody comes in and lets you out. [Los Angeles, No stated affiliation, Vol. 2-p. 93, #107]

The elevator is extremely small. It closes much too quickly. I've been smashed in there a couple of times. The thresholds are too high. The doors are too heavy. There are no lower counters for the clerks. I have to scream because they're behind bandit barriers because they do take money because it's also for the Traffic Court. And they take your filing fees and so on, for the Small Claims. Going through the metal detector to go into the courtroom, you have to go over the threshold, immediately make a left hand turn, go through the metal detector, which, of course, we all set off. It's silly, but I understand the reason for it. They should do it by hand, I think. Then you go over here to the doorway to the Small Claims Court and there's a wall right here and you open the door and you're in the wall. [Los Angeles, No stated affiliation, Vol. 2-p. 111, #109]



The Sheriff's Office, you can only get to the Sheriff's Office itself by going up two steps from the pathway to the patio outside the Sheriff's Office. There is not even a handrail on either side to hold onto. The access for persons with disability at the West Los Angeles courthouse is through a locked door at the north end of the building. To let the guard know that you're there you must push a buzzer that rings a loud clacking sound inside the courthouse, and you must wait for a security officer to come and let you in the door because it is always locked. The phones are totally out of compliance. There is no phone at a lower height for a person in a wheelchair, and there are no phones for people with hearing impairments. The bathrooms are totally inaccessible. There's barely enough room for a person that is ambulatory, much less anyone that would be in a wheelchair. The clerk's office, granted, it is terribly crowded to begin with; all of the counters are at shoulder height. There is no counter anywhere that is available for anyone that is not able to stand at the clerk's office for service. Some of the courtrooms are up on the second level and there is an elevator, but quite often that elevator is out of service. There are courtrooms that are in the West Los Angeles City Hall, which is on the other side of the courtyard, and to get to that building, the only accessible path of travel would be one to go out the same door that you come in. And you would have to be escorted by a security officer when going through the door because of the loud sound that the buzzer makes. You would then have to go down the alley, past the courthouse. [Los Angeles, Advocate, Vol. 2-p. 181, #118]

During the time that I was in the cell I couldn't reach the toilet. I couldn't reach the sink. I couldn't sit anywhere else. And the telephone was just barely within my reach. In order to be able to use it I had to lean way over and hang on to my wheelchair, and I could pull the phone to about right about a foot from my head, where if I could yell into the phone someone could hear me and I could sort of hear what they were saying. [Oakland, No stated affiliation, p. 98, #7]

And I then went downstairs to file the copy with the -- I'm not sure, it's a different office in the same building, which is almost inaccessible. They're very narrow doorways. Once you get in the door the aisle that you need to go down to actually put the copy of the pleading in the box is very narrow. And I had to go there a few times in the course of my employment and almost always nearly got stuck. [Oakland, Advocate, p. 130, #10]

Two years ago I was cited for speeding in Amador County. I was asked to appear in court for this citation. I had an 8 o'clock appointment. When I drove from Modesto to Amador County I went to access the courtroom. Unfortunately, it is a historical landmark and I was not able to get into the courthouse. The judge had determined, well, we'll just lift him up the five flights of stairs. I was against this. I did not want it to occur but at the same time I knew I had to go before the judge to deal with the issue. So he had asked two of his bailiffs to go out and pick me up in my chair. They also had to ask assistance from two citizens that were there. [Oakland, Advocate, p. 134, #11]



In terms of mobility impairments, I believe that the court system would need to evaluate the building system that it has, and really take a careful look to see if the front doors are accessible, for instance. Is there some type of automatic door, or some way that people can open the door to get in. Are the restrooms accessible, and are there at least one or two, depending on how large a court building is, and do they meet code. Are the elevator buttons accessible for people with disabilities, and do they have signals so that people with visual impairments can know what floor they are on, and whether the elevator is going up or down. [San Francisco, Attorney and Advocate, p. 11, #27]

As far as getting up on the witness stand, I think there are ways it can be done, through a ramp, although even if it's a very steep ramp that you can't get up somebody can at least push you up it, wheel you up it, and at least you're up there. [San Francisco, Student, p. 35, #29]

The other area of concern I have encountered is that holding cells in detentional facilities are not accessible to disabled persons. They are also not accessible to disabled attorneys. That sets up a very, very difficult situation for both people who are awaiting trial, and/or counselors who need to meet with their clients. [San Francisco, Court Personnel, p. 135, #42]



5.7.3.3 Interior Court Services Areas

Interior court services areas that speakers consistently found inaccessible included:

- Jury and witness boxes (to narrow, to high, no ramps) which necessitate alternative seating in other courtroom areas deemed inappropriate for the purpose.
- Lack of maneuverability on the court floor due to too narrow pathways, lack of ramps, blockage of pathways by demonstration equipment and crowds, obstructive gates.
- Counsel tables which are too low.
- Lack of wheelchair seating spaces in courtroom, fixed courtroom seating, aisles not wide enough to permit independent chairs.

A total of 36 people (20% of speakers overall) gave testimony citing barrier to mobility faced by persons with disabilities when trying to gain access to interior court service areas (see Figure 27). Concern for this issue was evident at all locations, although speakers in San Francisco and Oakland were especially likely to cite this theme (33% of speakers in those locations, see Figure 28).

Speaker Comments:

None of any of those courtrooms had a place to sit for a person in a wheelchair that wanted to observe the proceedings. None of the jury boxes in any of those multiple courtrooms were provided access. I was going to mention that within the last three years I have been denied the opportunity to serve as a juror because of the lack of access in that building. Now, they have shut it down and we have gone from a bad situation to an impossible one. And that was frustrating. I would love to have had the opportunity, but didn't. [Los Angeles, State Agency, Vol. 2-p. 128, #112]

I have never been able to get into the jury box at any of the locations where I've been called as a juror. [Los Angeles. No Stated Affiliation, Vol. 1-p. 22, #84]



I can get under most counsel tables. The tables in the courthouse have wooden barriers underneath the table which keeps your knees from getting underneath them. So I typically have to sit sidesaddle when I get up to the table, which means I'm either facing a wall or facing my opponent, but not where I'm supposed to be facing, which is the judge. [Los Angeles, Attorney, Vol. 1-p. 67, #69]

Just about every counsel table like this one has a skirt underneath that I can't really get under. Those sorts of things are problems, but at the same time just about every table is moveable, you know. And there's always a way to make it work. I wouldn't expect that every courtroom needs to go through and change the tables that they have. [Sacramento, Attorney, p. 21, #125]

I notice when I go into the courtroom that there isn't very much accessibility as far as seating in the middle of the aisles. Wheelchairs are forced to be in the aisles and therefore cause an impediment in the way of other people walking around you. And I feel like I deserve to be able to have a space too if I'm going to be cited. [Sacramento, Advocate, p. 106, #138]

I wear braces because I have a mobility impairment. So I just need to turn chairs around sideways or backwards, so that I can sit down. In both courts, I ended up standing for the entire duration of my visit there because the seating was fixed seating, and the aisles weren't wide enough to permit folding chairs or any kind of independent chairs to be in the aisles. [Los Angeles, Advocate, Vol. 2-p. 19, #99]

It was very disconcerting sitting to the side of the jury box. It was a very disconcerting experience for me. Having spent 17 years as a person with a disability, I certainly wasn't born with a disability, but I have grown accustomed to my disability, and feel comfortable with it, except when I get into a situation like that, and it was as if the jury was sitting, but on the side. And I also noticed that in that same brand new courtroom, there was no access to the judge's bench. [San Francisco, Advocate, p. 141, #43]

Usually it's double gates to enter the court floor. There's simply no reason for them not being removed. I mean, I could do it, the whole courthouse by myself, in about half a day. It's something that should be done in facilities. One other point which you may not have heard testimony on, and that is the windows which are cut in the courtroom outer doors are a make-shift design. Someone in a wheelchair is going to be severely injured because the windows are too high to see or be seen if you're in a wheelchair. People just see that there's no one standing there and they'll go opening those heavy doors, and it smacks the hell out of them. And that could really injure somebody really bad. [Los Angeles, No Stated Affiliation, Vol. 2-p. 124, #111]



While we're making accommodations for somebody in a wheelchair, why don't we also look at the heights of witness boxes. I mean, turn it around the other way. It may very well be that more people can hear things, more people can see better if witness boxes are lower. I was just in Appellate Court and the witnesses and everybody else, the lawyers and the judges, were almost on the same level. So you're reducing things not by just accommodating somebody in a wheelchair, but you may end up by looking at the question the other way, helping everybody by leveling the playing field, because that's what discrimination in the case of physical handicap is all about, leveling the playing field. [San Francisco, Attorney, p. 42, #27]

We are invited and we are told we have the right to be a jury in a court, and you're lucky you can get in the front entrance of the courthouse with maybe a push door opener. And after you get into the courtroom and you find out we are not able to get close with the other jury. That's not fair. And I think it's relatively easy to accommodate by providing a portable ramp, platform. It's not difficult, and it's not that expensive either. [San Francisco, No Stated Affiliation, p. 229, #52]

If individuals are in a wheelchair, that to the extent that one courtroom is not as accessible as another courtroom, it would be very helpful if the courts were flexible and be willing to switch courtrooms. [San Francisco, Attorney, p. 68, #33]

There is a lack of any wheelchair seating spaces in the courtrooms, so when you enter a courtroom in a wheelchair, you don't even know where to put yourself while you wait for your proceeding to begin. Getting to the bar itself, if you have any way from the other courtrooms into the tables where counsel sit, I've actually been unable to get through that passage in many courthouses. It is just too narrow even for a standard size wheelchair, which I utilize. If you have to travel throughout the courtrooms, it's generally barred by just too many physical barriers, court lawyers, or demonstration equipment that make it impossible for a wheelchair user to get through the courtroom himself. Then again, the judge's chambers are blocked with just all these types of barriers to climb over, through circuitous routes, outside the courtroom, down the hallway, around the back to try to get into the judge's chambers because of the access barriers. So I don't think that there's any big effort to serve any mobility, and identify the access barriers and remove them. [San Francisco, Attorney, p. 124, #40]



5.7.3.4 Parking

Accessible parking was cited by a number of speakers as a fundamental mobility access issue that needs improvement in the California courts: "One thing that has discouraged me and other people from trying to go through the court system is something very basic, which is parking spaces." Problems in this area appear to be varied and numerous, including lack of availability, lengthy distances, parking structures that are inadequate to accommodate special vehicles, misuse of disability parking, and poor enforcement of violations.

Speakers talked specifically about the lack of available disability parking that too often translates into lengthy and circuitous distances that must be traversed to reach the courthouse. Parking structures also cause problems for wheelchair accessible vehicles when minimum clearances are not met and parking spaces and cross-hatch areas are too narrow. Finally, misuse of designated parking and confusion about the enforcement of disabled parking violations cause further frustration.

A total of 12 people (7% of speakers overall) made reference to problems with parking affecting the ability of persons with disabilities to gain access to the courts (see Figure 27). This issue was of particular concern to speakers in Los Angeles (11% of speakers in that location). No speakers in San Francisco or Oakland made comments regarding parking problems (see Figure 28).

Speaker Comments: Availability

The other thing I'd like to focus on is that as problems are identified by the public or by employees that we have problems, we try to correct them, even though funds are very scarce. One of the attorneys sent us a note saying that she had a problem getting into the courthouse. We didn't have a ramp on the south side of the building, and she had to traverse about a block to get into the courthouse. So we did have a ramp installed. We had three handicapped parking spaces designed and built right adjacent to the ramp, and we've got about six more coming up here in the near future. [San Diego, Court Personnel, p. 75, #170]

The parking situation for much of our judicial area downtown, especially in the L.A. area is atrocious. [Los Angeles, Advocate, p. 75, #70]

**Speaker Comments: Distance**

I think disabled parking tends to be abused by people who really probably don't need those parking spaces, but it's a tremendous problem when it's raining or when the weather is bad, just from a distance point to view, to get to some of the place. It's a tremendous problem. [Los Angeles, Attorney, 239, #86]

Speaker Comments: Adequacy of Parking Structures

There is some question by the state's instructions to people with handicap placards. The recent one now says on there that you're forbidden from parking in a cross-area. Now if the width of a parking space is so narrow that I can't properly open my car door in order to get out and then get my wheelchair out, without parking in a cross-hatched area, I'm being compelled to violate that statement of law or policy that's on the back of the handicap placard given to me. [Los Angeles, Advocate, Vol. 2-93, #107]

We're finding out that local governmental agency and elected officials are not getting that minimum clearances of eight-foot two-inches clearance to get down in there. [San Diego, Advocate, 14, #161]

Parking is minimal and very difficult and dangerous because it's built on a hillside, and once my chair went off without me in it when I was unloading it from my car. [Los Angeles, Court Professional, 236, #123]

One thing that has discouraged me and other people from trying to go through the court system is something very basic, which is parking spaces; overhead clearance and parking spaces sometimes is a difficulty, if your van can't clear a proper parking structure; the distance of that space to a place where it's practical to get to an elevator. [Los Angeles, Advocate, Vol. 2-92, #107]

The main problems I have with accessibility in the courtrooms just have to do with physical barriers. To give you an example of what it's like for me when I go to Los Angeles Superior Court. I drive my own van, it's a wheelchair accessible van, and it has a raised roof. There is no underground parking in downtown Los Angeles, Superior Court, that is accessible to me in a raised roof van. Many individuals I see now, in wheelchairs, do drive in these types of vans. So I have to park in an outdoor parking lot. [Los Angeles, Attorney, Vol. 1-64, #69]

Speaker Comments: Misuse and Enforcement of Designated Parking

One of the situations that we have found is that as we enforce the parking laws within Sacramento County there seems to be a lack of understanding on the part of some individuals, hearing officers and so forth and referees, that hear the appeals on such citations as they apply to disabled parking violations. [Sacramento, Parking Services, p. 47, #129]



5.8 TRANSPORTATION

5.8.1 Transportation

Speakers concerned with transportation were primarily concerned with the lack of readily available transit services. Specifically noted were services that provide little flexibility in routes and that require extensive advance request notices. Further, inadequate transportation limits access to the courts in any regular, consistent manner that would be necessary if one were to, for example, serve on a jury or appear in any prolonged court case.

A total of 5 people (3% of overall speakers) made reference to transportation issues resulting in barriers for persons with disabilities trying to access the courts (see Figure 27). At least one person speaking at each location made reference to this issue.

Speaker Comments:

The key word is "transportation," not just across county lines, but locally. [Sacramento, Advocate, p. 109, #140]

There are issues involving having a disability and serving on a jury. Part of that is transportation. In San Diego it just stinks. [San Diego, Advocate, p. 48, #166]

We also have the problem with respect to paratransit service. It's a fixed route system, which is your regular bus line as in RT. If they are not accessible to us for one reason or another and if we qualify for paratransit, we have to call 14 days in advance in order to make a ride request that we hope will be guaranteed. [Sacramento, Advocate, p. 110, #140]



5.9 Conclusion

Speaker testimony at the public hearings makes it clear that there is still much to be done within the California courts to improve access for persons with disabilities. Issues regarding physical access, and particularly mobility within and around the courts, appear to be the *most* problematic for the *largest* number of people. There can be no doubt that additional steps need to be taken before California's court facilities guarantee full and equal access to all persons with disabilities.

No less important are barriers stemming from court policies, court procedures, and the level of awareness and education among people working in the California courts about disability issues. Lack of sensitivity and knowledge regarding the ADA, as well as a general failure to understand the diversity of disabilities and related needs which must be addressed, are perceived by many people as the root cause of a large number of impediments to full and equal access still present within the California courts.

Attention should also be paid to barriers created by ineffective communications by the courts regarding what services are available to increase access for persons with disabilities. Difficulty obtaining information about programs which are reported to exist was a common theme among speakers. Rounding out the topics touched upon at the public hearings were concerns about courtroom environments as they affect persons with disabilities.

Table 7 on the following page provides the overall rank ordering of all issues raised in the public hearings.



Table 7
Rank Ordering of Speaker Themes

THEMATIC CATEGORIES			TOTAL %
1	Physical Access		59%
	1	Mobility Barriers	38%
	1	Exterior Accessibility	3%
	2	Interior Common Areas	12%
	3	Interior Court Service Areas	20%
	4	Parking	7%
	2	Assistive Systems and Personnel	28%
	1	Interpreters	17%
	2	Assistive Systems/Personnel	16%
	3	Environmental Barriers	5%
	1	Building Materials	4%
	2	Court Policies	1%
	3	Courthouse Location	0.5%
2	Court Program Participation		39%
	1	Legal Representation	14%
	2	Jury Duty	12%
	3	Court Scheduling	10%
	4	General Program Participation	4%
	5	Court Hiring Practices	3%
	6	Detention	1%
3	Education and Training		21%
	1	Awareness Among Persons With Disabilities	20%
	2	Awareness Among Persons Without Disabilities	2%
4	ADA Issues		20%
	1	ADA Coordinators	8%
	2	ADA Disregard/Compliance	7%
	3	Funding for ADA Compliance	4%
5	Attitudes Towards Persons with Disabilities		17%
	1	General Attitudes	15%
	2	Non Apparent Disabilities	5%
6	Communications Access		11%
	1	Signage/Informational Materials	7%
	2	Access to Court Documentation	3%
	3	Documentation Assistance	2%
7	Conservatorship/Custody Issues		4%
	1	Custody Awards Based On Disability	3%
	2	Conservatorship	1%
8	Transportation		3%

APPENDIX A

Communications Plan



Judicial Council of California

Administrative Office of the Courts

***Public Hearings for People with Disabilities
Communications Framework***

June 3, 1995



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1.0 BACKGROUND

The Judicial Council Standing Advisory Committee on Access and Fairness is charged with ensuring that the Council's goal of improving *access, fairness* and *diversity* in the judicial branch is implemented. The Advisory Committee's Subcommittee on Access for Persons with Disabilities is responsible for studying and addressing issues related to the *availability, with dignity, of all aspects of the judiciary and the justice system* to persons with a diverse range of apparent and non-apparent disabilities.

The subcommittee seeks to conduct a series of hearings about access to the courts for persons with disabilities as part of a research project which has the following objectives:

- Ascertain the *perceptions* and *experiences* of persons with and without disabilities who are court personnel or who have business with the courts (e.g., litigants, witnesses, attorneys, and court personnel, etc.), concerning the *treatment* and *access* afforded to persons with disabilities who come before the courts, participate in court programs, activities or services, or persons who are employed by the courts.
- Determine the nature and extent of the *needs* of persons with disabilities and ascertain *impediments* to their full participation in the state court system.

Based on these parameters, CommSciences, Inc., recommends the following communication plan for the public hearings, which will be part of the Subcommittee's disability research project.

2.0 COMMUNICATIONS OBJECTIVES

Communications objectives are derived from the program objectives. They are as follows:

- Attract an attendance of at least 100 people at each public hearing.
- Gain testimony from a cross-section of people from each of the targeted audiences and from each of the major types of disabilities.
- Compile, analyze and interpret testimony from the hearings and present the results to the Subcommittee and the Judicial Council.
- Position these hearings as another example of how the Subcommittee is carrying out the Judicial Council's goal of providing "Equal Access, Equal Fairness, Equal Dignity" for users of California's courts.

3.0 KEY MESSAGE

Come to the “Equal Access, Equal Fairness, Equal Dignity” hearing in your area and share your thoughts about how California's system of justice is performing in terms of providing accessibility, fairness and dignity for people who have disabilities.

4.0 ASSESSMENT

4.1 AUDIENCES (primarily comprised of people with disabilities)

- Judges
- Non-judicial court personnel
- Attorneys
- Parties and witnesses
- Jurors
- General public, including court spectators

4.2 PAST COMMUNICATION PROGRAMS

Previous access and fairness communication programs, using the “Equal Justice, Equal Access” theme, have successfully drawn attention to the program with bold graphics and this has worked well in gaining a cross-section of people to attend and testify at hearings. We recommend the subcommittee maintain a bold graphic approach that reinforces an assertive appeal for fairness and dignity.

4.3 VALUES AND AUDIENCES

People with disabilities:

- want to be treated like anyone else, even though they may need help
- have a “pent-up” need to tell their “stories,” share their insights
- expect reasonable accommodations

Service providers and advocates:

- draw upon real-world experiences by working “in the trenches”
- consider themselves savvy about power within their systems
- are oriented toward helping others

Legal professionals and court personnel:

- value knowledge about how to use power within the court system
- seek to be “accessible,” “inclusive” and “fair” to all groups
- appreciate clear communication

4.4 DESIRED BEHAVIOR

Potential hearing participants

- We desire a *wide* spectrum of people within each of these audiences to register *early* for limited time slots at the hearings and relate *clearly* their perceptions and experiences that are relevant to these primary issues of inquiry: attitudes, architecture, communications, environment, transportation, employment and ADA compliance.

Media

- *Before* the hearings, we desire media representatives to cover the rationale behind the Subcommittee's disability research project; the history, mission, and accomplishments of the Advisory Committee on Access and Fairness as well as the proactive approach the Judicial Council is taking on access and fairness issues.
- *After* each hearing, we want media representatives to highlight the diverse groups represented at the hearing and the hearing attendance so we can reinforce interest in subsequent public hearings.

4.5 EXTERNAL FACTORS AFFECTING THESE AUDIENCES

Media portrayals of the court system as well as media coverage of high profile trials has forged public opinion in the following ways:

Positive aspects of media exposure

- Increased knowledge about how the legal system works
- Increased knowledge about legal terminology
- Increased interest in the legal system

Negative aspects of media exposure

- Frustration with the slow pace of justice
- Fear of “being chewed up” by the system
- Distrust of how the court system treats members of minority groups
- Reports of public opinion polls that show a lower regard for how the judicial system works

4.6 FACTORS THAT FACILITATE ATTENDANCE, ACCESSIBILITY AND EFFECTIVE PARTICIPATION AT THE PUBLIC HEARINGS

The subcommittee will provide services that will help a cross section of people within these three groups effectively present a broad spectrum of relevant testimony at each of the public hearings. It will make sure those who wish to present testimony have:

- Accessible transportation services
- Adequate access to hearing rooms
- Special services that may be needed at the hearings
- Guidelines for preparing and delivering testimony
- Technical, logistical and notification provisions for dial-in or written testimony

4.7 ADDITIONAL COMMUNICATION ISSUES

Media

Communications must explain:

- Why the Judicial Council is conducting these hearings
- How the results will be used
- When the results will be released to the public
- What the next steps are in the Judicial Council's broad "Equal Access, Equal Fairness, Equal Dignity" initiative
- How unique this portion of the initiative is. Is it a groundbreaking effort? Or, is it a response to ADA mandates? What are other states doing to address these issues?

Potential hearing participants

The plan must:

- Make clear that people who wish to present in-person, dial-up or written testimony at the hearings must sign up for a specific hearing date and location *early* so they are included in the hearing schedules.
- Encourage people registered to testify at the hearings to promptly return the questionnaire about any special accommodations/services they may need during the hearing.
- Communicate clear guidelines for developing testimony to hearing participants.
- Gain state-wide attention as well as local involvement for these hearings.
- Investigate cross-promotion opportunities with California individuals and groups active in October's "National Disability Month."

5.0 TACTICS

Tie the statement “Equal Access, Equal Fairness, Equal Dignity” to a graphic that can be used throughout the communication program for the hearings as well as throughout this research project.

5.1 STATE-WIDE CAMPAIGN

1. Develop an inexpensive, self mailing **flyer** that can also serve as an advertisement. It will explain *why* the hearings are being held, *where* they will be held, *when* they will be held, *how* to sign up to present testimony and *what* topics will be considered at the hearings. This flyer will reference registration deadlines to motivate readers. It will also mention services that will be available to facilitate attendance, accessibility and participation. It will be mailed to individuals within each target group. In addition, we recommend that the subcommittee convert the flyer to braille.
2. Place an **ad** based on the flyer in legal daily newspapers, disability-specific newsletters and service-provider newsletters which reinforces the message and appearance of the flyer.
3. Create a **PSA**, developed and placed by the Judicial Council, to highlight the key message and the method for obtaining registering or acquiring more information.
4. Write and distribute a **news release**, which explains the program strategy and answers expected media questions. The release should emphasize the hearing dates and locations plus lists the services that will be available to facilitate attendance, accessibility and participation.
5. We recommend that the Subcommittee write a **personal letter** to each of the executive directors of the disability-specific, state-wide groups and service provider groups outlining specifically how they can help their groups present meaningful testimony and boost attendance at the hearings. Include the flyer.
6. Promote a **toll free telephone number** in all communications for answering questions and taking dial-in testimony.

5.2 LOCAL CAMPAIGN

1. Develop a **local flyer** for each hearing. It will explain *why* the hearing is being held, *where* it will be held, *when* it will be held, *how* to sign up to present testimony, *what* topics will be considered at the hearing. This flyer will include the deadline for registering to present testimony. It will also emphasize the need to sign up early for delivering testimony and clearly state the services that will be available to facilitate attendance, accessibility and participation. It will be mailed with a cover letter from the Subcommittee to individuals in each target group who live within the area served by the hearing site. We also recommend converting the flyer to braille.

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2. We recommend that the Subcommittee Develop a “**Guidelines for Testimony**” leaflet and mail it to individuals within each target group with a reminder from the Subcommittee about the local hearing.
 3. Write and distribute a local **news release**, which highlights the hearing venue and a local contact person who is available for interviews. The release should clearly state the services that will be available to facilitate attendance, accessibility and participation.
 4. We recommend that the Subcommittee write a **personal letter** to each of the county contact people for disability-specific, state-wide groups and service provider groups, outlining specifically how they can help boost attendance and help their groups present meaningful testimony at the local hearing. Include the flyer.
 5. Localize the **PSA** to highlight the local hearing.
 6. We recommend that the Council's Public Information Office schedule local contact people on **local talk radio** programs, local morning TV programs etc., and develop and distribute **media kits** at each hearing. This kit should include a summary of the Subcommittee's “Equal Access, Equal Fairness, Equal Dignity” initiative, an overview of the Advisory Committee on Access and Fairness, state-wide news releases, local news releases, hearing dates and locations, media interview team at each hearing, roster and biographies of committee members, and the significant progress the Committee has achieved so far with this initiative.

6.0 EVALUATION

The Committee may wish to evaluate the effectiveness of communications about the hearings by assessing:

- *Hearing attendance:* Did we hit our target for each meeting?
- *Scope of testimony:* Did we obtain testimony from a broad spectrum of people representing diverse disabilities?
- *Quality of testimony:* Did we obtain testimony that is useful and relevant to the issues?

In addition, the committee can evaluate the communications program's effectiveness by tracking which tactics did the best job of boosting attendance.

For example:

- On registration materials, ask how they learned about the hearing.
- Ask callers using the toll free information line how they heard about the hearings and correlate those responses to timing and method of promotion.
- Determine the number of inquires that came through on-line media.
- Trace the amount, time, and geographical distribution of the media coverage and correlate it with attendance at specific hearings.

The results of the evaluation can be used to modify and improve on-going communications efforts.

7.0 PROGRAM SCHEDULING

7.1 STATE-WIDE CAMPAIGN

Date	Activity
June 15	Place ad for August publication in state media
June 23	Mail state-wide news release
June 26	Mail flyer state-wide
June 28	Mail state-wide PSA
June 30	Mail state-wide personal letter

7.2 FRESNO

Date	Activity
June 13	Mail press release for Fresno
June 16	Personal letter to Fresno contact people
June 16	Fresno media contacts for interviews
June 16	Mail Local PSA for Fresno
June 21	Local ad for Fresno published
June 28	Mail testimony leaflet & local flyer for Fresno
June 28	Re-send press release plus media advisory
August 18	Complete media kits for Fresno
August 26	Fresno Public Hearing

7.3 SACRAMENTO

Date	Activity
July 10	Mail press release for Sacramento
July 13	Personal letter to Sacramento contact people
July 13	Sacramento media contacts for interviews
August 11	Mail Local PSA for Sacramento
August 16	Local ad for Sacramento published
August 16	Mail testimony leaflet & flyer for Sacramento
August 16	Re-send press release plus media advisory
September 6	Complete media kits for Sacramento
September 14	Sacramento Public Hearing

7.4 SAN FRANCISCO/OAKLAND

Date	Activity
July 11	Mail press release for San Francisco/Oakland
July 14	Personal letter to San Francisco/Oakland contact people
July 14	San Francisco/Oakland media contacts for interviews
August 10	Mail Local PSA for San Francisco/Oakland
August 17	Local ad for San Francisco/Oakland published
August 17	Mail testimony leaflet & flyer for San Francisco/Oakland
August 17	Re-send press release plus media advisory
September 7	Complete media kits for San Francisco/Oakland
September 15, 16	San Francisco/Oakland Public Hearing

7.5 SAN DIEGO

Date	Activity
August 21	Mail press release for San Diego
August 24	Personal letter to San Diego contact people
August 24	San Diego media contacts for interviews
September 11	Mail Local PSA for San Diego
September 14	Local ad for San Diego published
September 21	Mail testimony leaflet & flyer for San Diego
September 21	Re-send press release plus media advisory
October 11	Complete media kits for San Diego
October 19	San Diego Public Hearing

7.6 LOS ANGELES

Date	Activity
August 22	Mail press release for Los Angeles
August 25	Personal letter to Los Angeles contact people
August 25	Los Angeles media contacts for interviews
September 12	Mail Local PSA for Los Angeles
September 15	Local ad for Los Angeles published
September 22	Mail testimony leaflet & flyer for Los Angeles
September 22	Re-send press release plus media advisory
October 12	Complete media kits for Los Angeles
October 20, 21	Los Angeles Public Hearing