



JUDICIAL COUNCIL OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

www.courts.ca.gov/accessfairnesscomm.htm
accessfairnesscomm@jud.ca.gov

ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS

MINUTES OF OPEN MEETING WITH CLOSED SESSION

October 17, 2019

12:15-1:15 p.m.

By Conference Call

Advisory Body**Members Present:**

Hon. Luis Lavin, Hon. Kevin Brazile, Hon. Jason Clay, Mary Hale, Janet Hudec, Hon. Mark Juhas, David Levin, Hon. Elizabeth Macias, Hon. Louis Mauro, Sasha Morgan, Hon. William Murray, Julie Paik, Michael Planet, Michael Powell, Hon. Mickie Reed, Hon. Victor Rodriguez, Janice Schmidt, Hon. Sergio Tapia, Hon. Terry Truong, Hon. Juan Ulloa, Twila White, Hon. Kimberly Gaab

Advisory Body**Members Absent:**

Hon. Sue Alexander, Hon. Craig Arthur, Gurinder Aujla, Kim Bartleson, Gina Cervantes, Hon. Manuel Covarrubias, Hon. Mark Cullers, Ana Maria Garcia, Hon. David Goldstein, Hon. Mary Greenwood, Hon. Maria Hernandez, Hon. Victoria Kolakowski, Hon. Lia Martin, Hon. Bobbi Tillmon, Hon. Erica Yew

Others Present:

Karene Alvarado, Bonnie Hough, Jenie Chang, Douglas Denton, Andi Liebenbaum, Gregory Tanaka, Amanda Morris, Matthew Clark, Linda McCulloh, Catherine Ongiri, Elizabeth Tam

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:18 p.m. and staff took roll call.

Approval of Minutes

Unanimous approval of August 15, 2019 meeting minutes

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1)

Item 1**2019-20 Language Access Signage and Technology (Action Required)**

Consideration of a grant program to disburse \$2.55 million for language access signage, technology infrastructure support, and equipment needs for the trial courts and the Judicial Council for 2019-20 and ongoing.

The committee was presented with an overview of the Language Access Signage and Technology Grants report to the Judicial Council draft. Duration of the application period was discussed.

A motion to approve the draft report to the Judicial Council was made by Judge Rodriguez, Justice Murry firsts and Judge Yew seconded. The motion carried to approval.

Item 2

Update on the Comments to the State Bar Proposals

Justice Zelon provided the committee with an update from the informal working group meeting held August 14, 2019. A draft will be ready on Wednesday, August 21, 2019. Comments to the State Bar Proposals will be filled by the committee by the September 23, 2019 deadline.

C L O S E D M E E T I N G

Item 1

Legislative Update

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:33 p.m.

Approved by the advisory body on **enter date**.

Language Access Plan (LAP) Status – November 2019

At present, 55 of the 75 Language Access Plan (LAP) recommendations are completed. Of the remaining 20 recommendations, 14 consist of ongoing language access work for the judicial branch (e.g., securing language access funding, improving data collection, recruiting and training court interpreters, creation of multilingual videos for LEPs, etc.)—work that does not have a “completion” date. Below is a table that shows the remaining 20 LAP recommendations.

Status	LAP Recommendations	Timeframe for completion
Ongoing (14)	<ul style="list-style-type: none"> • Data collection (Nos. 1 and 2) • Funding (Nos. 8, 56, 58 and 59) • Videos for LEP Court Users (No. 18) • Recruitment (No. 28) • Training for prospective interpreters (No. 45) • Public outreach campaign (Nos. 53-55) • Updates to rules and statutes (No. 68) • Updates to interpreter-related forms (No. 73) 	Ongoing
Remaining (6)	<ul style="list-style-type: none"> • Video remote interpreting (VRI) interpreter pool (No. 17) • Pilots for remote assistance at counters/workshops, kiosks (Nos. 31, 32, 35) • Training in remote interpreting (No. 46) • Waiver policy (No. 75) 	<ul style="list-style-type: none"> • VRI Interpreter Pool: After VRI is established in the courts, the CFCC Language Access Services Program (LASP), in consultation with The Language Access Subcommittee (subcommittee), will evaluate whether a dedicated VRI interpreter pool is needed, considering the availability of court interpreter services. • Pilots: The subcommittee and the Information Technology Advisory Committee (ITAC) will evaluate whether pilots are still needed for remote assistance at counters or workshops or for kiosks now that ongoing grant funding is available to trial courts each year for this purpose. • VRI Training: LASP anticipates that development of training for judges, court

Language Access Plan (LAP) Status – November 2019

		<p>staff and court interpreters on VRI will be a consultant deliverable for FY 20-21. A Request for Proposals (RFP) will be posted in spring 2020 for consultant work to begin in July 2020.</p> <ul style="list-style-type: none">• Waiver: The Court Interpreters Advisory Panel (CIAP) Annual Agenda for 2020 will include development of a waiver policy, with a 2021 effective date.
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2020 Advisory Committee on Providing Access and Fairness Annual Agenda: Potential Language Access Projects for Consideration (as of November 7, 2019)

2019 Language Access Subcommittee Projects	Potential 2020 Language Access Subcommittee Projects
<p>Project Title: Language Access Rule of Court</p> <p>Project Summary: Approve and recommend proposal to adopt new rule 1.300 and forms LA-350, LA-400, and LA-450 to provide guidance to the courts on the provision of language assistance in court-ordered programs and services. The Language Access Plan Implementation Task Force was the original proponent of this proposal, which was previously reviewed by the Committee. The proposal was submitted to the Rules and Projects Committee (RUPRO) by the Task Force and has been circulated for public comment. It now requires a final review and recommendation to RUPRO for presentation and request for final approval by the Judicial Council at its May 2019 meeting. Because the Task Force has sunset, the Advisory Committee on Providing Access and Fairness will take lead responsibility for this proposal as of March 1, 2019.</p> <p>Status/Timeline: Winter 2019 RUPRO cycle; recommended for implementation September 1, 2019</p> <p>Fiscal Impact/Resources: CFCC, LS, and Court Language Access Services Program staff</p> <p>Internal/External Stakeholders: Courts and justice partners</p> <p>AC Collaboration: None.</p> <p>Status: Completed. In May 2019, the Judicial Council approved Rule 1.300 and related forms for an effective date of September 1, 2019.</p>	<p>Project Title: Support for Implementation of Rule 1.300</p> <p>Project Summary: On May 17, 2019, the Judicial Council approved a new rule of court (Rule 1.300, effective September 1, 2019) and adopted three new optional forms, all designed to support the California courts in their efforts to ensure language access in court-ordered services. The PAF Language Access Subcommittee will work in 2020 with Judicial Council staff, trial courts and a consultant to develop solutions and recommendations to assist the courts and justice partners with implementation of Rule 1.300. The project scope includes consultation with stakeholders and development of recommendations and concrete solutions that will allow courts to partner with other courts and with community service providers in the use of technology and other means to expand LEP access to court-ordered services in their language.</p> <p>Status/Timeline: Spring 2021 (for report with recommendations)</p> <p>Fiscal Impact/Resources: CFCC Language Access Services Program staff, including program budget for consultant projects as needed (already funded); Information Technology</p> <p>Internal/External Stakeholders: Courts, LEPs, public, community providers, and justice partners</p> <p>AC Collaboration: PAF Language Access Subcommittee, Information Technology Advisory Committee</p>

<p>Project Title: Signage and Technology Grants</p> <p>Project Summary: The 2018 Budget Act includes \$2.35 million in ongoing funding for courts for language access signage and technology. It is anticipated that the Language Access Services (LAS) Unit in CFCC will work with courts to identify funding needs and will disburse this funding beginning in Fiscal Year (FY) 2019–20 as a grant program. The Language Access Subcommittee will advise Judicial Council staff prior to recommendations being developed for council approval regarding grant awards for this funding in FY 2019–20 and future fiscal years.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC, Branch Accounting and Procurement</p> <p>Internal/External Stakeholders: Courts</p> <p>AC Collaboration: None.</p> <p>Status: Ongoing. The Signage and Technology Grant Program launched in September 2019 following council approval.</p>	<p>Project Title: Language Access Signage and Technology Grants</p> <p>Project Summary: The Language Access Signage and Technology Grant Program commenced in September 2019, following council approval. In coordination with the Judicial Council Executive Office, PAF Language Access Subcommittee, and the Information Technology Advisory Committee, the CFCC Language Access Services Program will disburse ongoing monies (\$2.35 million each year) from the 2018 Budget as grants to trial courts for language access signage and technology initiatives on an annual basis. For fiscal year 2019-20, Language Access Services Program staff plans to make recommendations for Judicial Council approval in March 2020 on signage and technology projects. For fiscal year 2020-21, the grant cycle will commence in Summer 2020, to allow courts more time to apply.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC Language Access Services Program, Branch Accounting and Procurement, Information Technology, ongoing monies from 2018 Budget Act</p> <p>Internal/External Stakeholders: Courts, LEPs, Public, Justice Partners</p> <p>AC Collaboration: PAF Language Access Subcommittee, Information Technology Advisory Committee</p>
<p>Project Title: Public Outreach Campaign</p> <p>Project Summary: The current language access services contract with the National Center for State Courts (NCSC) includes deliverables to help the council to develop a public outreach</p>	<p>Project Title: Public Outreach Campaign: Phase 2</p> <p>Project Summary: In 2019, through a contract with the National Center for State Courts (NCSC), a suite of multilingual materials— print materials, audio files and videos—were</p>

<p>campaign to reach limited English proficient (LEP) court users across the state (including strategy, multilingual print materials, signs, and recordings). The Language Access Subcommittee will advise Judicial Council staff on refinement and launch of this campaign, which will require coordination with the council’s Public Affairs Office.</p> <p>Status/Timeline: December 2019</p> <p>Fiscal Impact/Resources: CFCC, Public Affairs Office, Information Technology (Webcontent)</p> <p>Internal/External Stakeholders: Courts, Justice Partners, Court Users</p> <p>AC Collaboration: None.</p> <p>Status: Completed (Phase 1). Multilingual materials for the public outreach campaign were loaded to the Language Access Toolkit.</p>	<p>developed and posted to the Language Access Toolkit as part of a public outreach campaign to inform LEP court users across the state of language services available in the court and to provide information on common court procedures. The next phase of public outreach is intended to build communication channels—including through ethnic media outlets, justice partners and community organizations—to inform the public and help those working directly with LEP individuals to fully access these resources.</p> <p>Status/Timeline: Spring 2021</p> <p>Fiscal Impact/Resources: CFCC Language Access Services Program staff, including program budget for consultant projects as needed (already funded), Public Affairs Office, Information Technology (Webcontent)</p> <p>Internal/External Stakeholders: Courts, LEPs, Public, Justice Partners</p> <p>AC Collaboration: PAF Language Access Subcommittee</p>
<p>Project Title: Annual Language Access Survey</p> <p>Project Summary: As a follow-up to surveys conducted in 2016–2018, the LAS Unit will send out a language access survey to all 58 trial courts in the state in July 2019, using the SurveyMonkey online instrument, to determine courts’ current provision of court interpreters in all civil matters. The survey also includes questions regarding courts’ provision of other language access services. The survey will help the Language Access Subcommittee, PAF and Judicial Council staff obtain a better picture of the extent to which language services are provided by the courts, as well as areas that may need</p>	<p>Project Title: Annual Language Access Survey</p> <p>Project Summary: As a follow-up to surveys conducted in 2016–2019, the Language Access Services Program will send out a language access survey to all 58 trial courts in the state in July 2020, using the SurveyMonkey online instrument, to determine courts’ current provision of court interpreters in all civil matters. The survey also includes questions regarding courts’ provision of other language access services. The survey will help the Language Access Subcommittee, PAF and Judicial Council staff obtain a better picture of the extent to which</p>

<p>improvement.</p> <p>Status/Timeline: December 2019 (Survey Report)</p> <p>Fiscal Impact/Resources: CFCC</p> <p>Internal/External Stakeholders: Courts, Public</p> <p>AC Collaboration: None.</p> <p>Status: In progress. Survey for FY 2018-19 completed, survey report with results is planned for early 2020 release</p>	<p>language services are provided by the courts, as well as areas that may need improvement.</p> <p>Status/Timeline: December 2020 (Survey Report)</p> <p>Fiscal Impact/Resources: CFCC Language Access Services Program</p> <p>Internal/External Stakeholders: Editing and Graphics Group (EGG), Courts, Public</p> <p>AC Collaboration: PAF Language Access Subcommittee</p>
	<p>Project Title: Guidelines for Machine Translation (including web use) and Use of Tablets to Assist LEP Court Users</p> <p>Project Summary: Due to rapid advances in technology, guidance for courts on the proper use of machine translation for web, computers or tablets to assist LEP court users with accurate information in their language is needed. It is important that court staff are appropriately trained to work with translation technology, so they can confidently and accurately guide LEP court users through court conversations and/or the conduct of court business. Guidelines are necessary to determine when it is appropriate to use machine translation on the web or on computers/tablets, when direct help from bilingual staff may be needed, and how to properly use machine translation on the web or on computers/tablets, including different features to facilitate accurate communication with LEP court users. Development of guidelines will also support related Futures Commission and ITAC work to explore available technologies and make recommendations to the Judicial Council on the potential for a pilot project using voice-to-text language interpretation at service counters and in self-help centers.</p>

	<p><i>Status/Timeline:</i> Spring 2021 (for report with recommendations)</p> <p><i>Fiscal Impact/Resources:</i> CFCC Language Access Services Program staff, including program budget for consultant projects as needed (already funded), Information Technology</p> <p><i>Internal/External Stakeholders:</i> Courts, LEP, public, community providers and justice partners</p> <p><i>AC Collaboration:</i> PAF Language Access Subcommittee, Information Technology Advisory Committee</p>
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DRAFT

California Rules of Court, Rule 1.100 Providing Disability Accommodations While Court Is in Session

Staff of the Judicial Council developed this brief guide to help judicial officers respond to requests made while court is in session for accommodations under the Americans with Disabilities Act (ADA).

Who should the court contact for assistance? Every court is required to have an ADA Coordinator to assist in responding to accommodation requests. This court's ADA Coordinator is _____, who can be contacted at _____. If the court's ADA Coordinator is not available, please contact Linda McCulloh of the Center for Judicial Education and Research of the Judicial Council, at 415-865-7746, for assistance.

Question	Answer	Reference
1. Who is entitled to receive an accommodation?	Any person with a disability who has business with the courts—including public observers of court activities or sessions—and has a physical or mental impairment that limits one or more major life activity, has a record of such an impairment, or is regarded as having such an impairment.	Rule 1.100(a)(1), (2)
2. How may the request for accommodation be made?	Requests must be made at least five court days before the requested implementation date, but a court may waive this requirement to allow requests made in court. The process is purely administrative and there is no evidentiary hearing. Requests may be presented ex parte: <ul style="list-style-type: none"> • Orally, in chambers, unless confidentiality is waived (see #4 below), • By submitting <i>Request for Accommodations by Persons With Disabilities and Response</i> (form MC-410), or • In any other written format. 	Rule 1.100(c)(1)
3. What information does the applicant need to include with an accommodation request to the court?	<ul style="list-style-type: none"> • A description of the accommodation sought and • A description of the impairment that makes the accommodation necessary for the applicant to participate in or observe the proceeding or activity. • If necessary, the court may ask for supporting documentation and may need to continue the proceeding for a short time to allow time for the applicant to obtain this documentation. 	Rule 1.100(c)(2)
4. What does the court do once a request for accommodation is made?	<ul style="list-style-type: none"> • The court may handle the request while in session or may immediately contact the ADA Coordinator for assistance. (In either case, the court should contact the court's ADA Coordinator to report the request for accommodation for record-keeping purposes.) • The court must first ask whether the applicant waives confidentiality and wishes to make the request in open court. Requests for accommodations are not discussed in open court unless the person making the request waives the confidentiality provision in writing. • If not, the court should take a brief recess to consider the request in chambers. The court should exercise extreme caution to limit the ex parte communication strictly to the accommodation request and preclude any discussion of the merits of the matter pending before the court. • The court MUST respond to and/or take action on the request; failing to respond to a request may result in reversal on appeal. (See <i>Biscaro v. Stern</i> (2010) 181 Cal.App.4th 702, discussed below.) If the court denies the request, in whole or in part, the court must provide a written explanation for the denial, including the date the written denial was provided. 	<p>Rule 1.100(b), (c)(1)–(2)</p> <p>Rule 1.100(c)(4)</p> <p>Rule 1.100(c)(4), (d)</p> <p>Rule 1.100(e); <i>Biscaro v. Stern</i>; Rule 1.100(e)(2)</p>
5. Must the court keep the request confidential?	<p>Yes, unless the applicant chooses to submit a written waiver of confidentiality or requests a continuance in the case that would involve the opposing party or parties. The opposing party may challenge a request for a continuance, after receiving notice from the requestor and an opportunity to view the request and attachments. The court must protect the requestor's privacy. For example, it may hold the hearing in camera, order the opposing party and counsel not to disclose the contents of the request and attachments, seal the record of the proceedings, and take other steps as the court deems appropriate.</p> <p>Otherwise, no information relating to the accommodation request shall be included in the official case record nor is it to be recorded by a court reporter.</p>	Rule 1.100(c)(4); <i>Vesco v. Superior Court of Ventura</i>
6. What kinds of accommodations may the courts provide?	"Accommodations" are "actions that result in court services, programs, or activities being readily accessible to and usable by persons with disabilities." Accommodations must be reasonable and effective. The court has discretion in selecting services and programs to satisfy this requirement and may provide an alternative accommodation if it deems an applicant's preferred or requested choice of accommodations to be too burdensome, so long as the alternative operates to enable the applicant to access judicial services and programs.	Rule 1.100(a)(3)

Question	Answer	Reference
7. Are there situations where “reasonable accommodation” may require the court to grant a continuance?	Yes, in some cases, such as when a person with a mental disability is unable to proceed, a continuance may be required as the only reasonable accommodation under the circumstances. (See <i>In re Marriage of James M. & Christine C.</i> (2008) 158 Cal.App.4th 1261, discussed below.)	Rule 1.100(a)(3) <i>In re Marriage of James M. & Christine C.</i>
8. Can the court deny a request when the accommodation seems too intrusive on court time and management?	Depending on the individual request and circumstances, the court may deny the request if: <ul style="list-style-type: none"> • The applicant fails to satisfy the requirements of this rule, • Accommodating the request would create an undue financial or administrative burden on the court, or • The requested accommodation would fundamentally alter the nature of the service, program, or activity before the court. 	Rule 1.100(f)(1)–(3) <i>In re Marriage of James M. & Christine C.</i>
9. Is the court required to provide an applicant with services or accommodations of a strictly personal nature?	The court is not obligated to provide an individual with accommodations of a personal nature, which may include but are not limited to: <ul style="list-style-type: none"> • A personal care assistant or caregiver • Assistance in eating, toileting, dressing • Free legal counsel • Free medical providers • Hearing aids • Prescription eyeglasses • Wheelchairs 	Rule 1.100(a)(3)
10. What if a party or counsel uses a wheelchair but the court has no restrooms suitable for wheelchair users?	<ul style="list-style-type: none"> • The court may offer the use of alternate accessible restroom facilities elsewhere within the courthouse, such as in jury rooms, court chambers, or other administrative areas. • The court may transfer the case to another courthouse or branch that has suitable facilities. • In either situation, the court should also provide longer breaks and rest periods to allow enough time for the wheelchair user to travel between these restrooms and the courtroom. • The court maintains its authority to set the order of witnesses and otherwise administer trials and proceedings and may proceed with other witnesses or matters until the needed accommodation is available. 	Rule 1.100(a)(3)

What is the ADA?

The Americans with Disabilities Act (ADA) is a federal civil rights statute (42 U.S.C. § 12101 et seq.) that requires all state and local governmental entities, including the courts, to accommodate court participants with disabilities. The ADA also requires the government to modify programs to integrate persons with disabilities, eliminate discriminatory practices or procedures, and provide alternatives for persons with communication limitations. California has amended or adopted legislation that is consistent with the ADA but provides additional accommodations and requires government to fully integrate persons with disabilities into society.

What is rule 1.100?

Rule 1.100 of the California Rules of Court allows court participants with disabilities, including lawyers, parties, witnesses, and jurors, to request reasonable accommodations from the court. *Request for Accommodations by Persons With Disabilities and Response* (form MC-410) is available to make the request. Oral requests in court are also permissible. **The court must address the request without an evidentiary hearing or the use of a court reporter.** The request is not made part of the case file and must be kept strictly confidential under all circumstances unless the applicant waives confidentiality in writing. The court’s designated ADA Coordinator can also address requests for accommodation.

In re Marriage of James M. and Christine C. (2008) 158 Cal.App.4th 1261

In this case, the Court of Appeal upheld the rule 1.100 clause that there are only three grounds to deny a request for an accommodation based on disability: (1) undue burden on the court; (2) alteration of the nature of judicial services; or (3) failure to satisfy the requirements of the rule. Christine C., the self-represented applicant, had a history of physical and mental disabilities and was granted a number of pretrial continuances as accommodation on occasions when she was unable to proceed. On the second day of trial, she requested a trial continuance because she was hospitalized due to her bipolar disability. The superior court denied this request in error, and the entire judgment was reversed on appeal.

Biscaro v. Stern (2010) 181 Cal.App.4th 702

Mr. Stern, the defendant in a family court case, asked the court to provide a neuropsychologist to assist him while in court. The superior court was found on appeal to have a mandatory duty, imposed by rule 1.100 of the California Rules of Court (and reinforced by *In re Marriage of James M. and Christine C.*), to adjudicate requests for accommodation under the Americans with Disabilities Act. The court’s failure in this case to rule on the defendant’s request for accommodation of his disability was found to be a structural error requiring reversal of the judgment.

Vesco v. Superior Court of Ventura (2013) 221 Cal.App.4th 275

The defendant in a civil action requested a trial continuance as an accommodation for her disability. The trial court granted the request without involving Mr. Vesco, the plaintiff. The Court of Appeal found Mr. Vesco to be a person involved in the accommodation process. Therefore he must be given notice and an opportunity to view the request and medical records. The court must protect the requestor’s privacy. For example, it may hold the hearing in camera, order the opposing party and counsel not to disclose the contents of the request and attachments, seal the record of the proceedings, and take other steps as the court deems appropriate.

If your request was denied by a **court staff person** (not a judge or judicial officer), you must give the ADA coordinator or the court a letter objecting to the denial within **10 days** of the date the denial was handed to you or sent in the mail. Give or mail your request for another review to the same court.

If your request was denied by a **judge or judicial officer**, you must file a *Petition for Writ of Mandate* in the appellate division of that court or with the Court of Appeal within **10 days** of the date the denial was personally delivered or sent.

Warning! Even if you received the denial by mail, you do not get any extra time to file for review or petition.

You may copy and share this document freely.

Resources

U.S. Department of Justice website, ADA section
The full text of the Americans with Disabilities Act (ADA or 42 U.S.C., §12101 et seq.) is available at www.ada.gov/ada_req_ta.htm

California Courts website
The full text of Rule 1.100 of the California Rules of Court is available at www.courts.ca.gov/cms/rules/index.cfm?title=one&linkid=rule1_100

Most county courts provide information on accommodations, including ADA or access coordinators' contact information, online. Access your court's website through www.courts.ca.gov/superiorcourts.htm

Prepared by the Center for Judicial Education and Research (CJER)
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Disability Accommodations in California Courts

[Court name and contact
information goes here]

Disability Accommodations in California Courts



The Americans with Disabilities Act (ADA) requires all state and local government agencies to provide reasonable accommodations for people with disabilities. Rule 1.100 of the California Rules of Court spells out how the courts in our state meet the ADA requirements for court activities, programs, and services.

Here are answers to common questions about disability accommodations at court.

1. Who has the right to get an accommodation?

Any court user with a disability can ask for an accommodation. The disability must limit at least one major life activity such as:

- Walking, seeing, hearing, speaking, or breathing;
- Caring for oneself; or
- Doing a manual task.

The accommodation must be for a court service, program, or activity, including going to court to:

- Testify,
- Appear in a case, or
- Serve on jury duty.

2. What kinds of accommodations does the court provide?

There are many different kinds of accommodations. However, the court must give a "reasonable" accommodation under the circumstances. The kind of accommodation depends on the needs of the person with the disability.

The court may...

Make changes to procedures

- Reassign a hearing to an accessible site, or
- Adjust schedules (as long as legal deadlines are not missed).

Provide assistive devices

- Assistive listening devices, or
- Computer-assisted real-time transcription (CART).

Assign assistive services

- Reader for someone with vision loss, or
- Sign language interpreter for someone with hearing loss.

3. Are the court's accommodations free?

Yes. The court does not charge for the accommodations it provides.

4. How do I ask for an accommodation?

The California courts have a system that allows people with a disability to ask for an accommodation in advance. Every county court has at least one ADA Coordinator to handle accommodation requests.

You may:

- Call and ask for the ADA Coordinator,
- Send a letter, or
- Fill out form MC-410 (Request for Disability Accommodation).

Note: The form may be easiest, because you can list all the information the court needs to consider your request.

5. Where can I get a request form?

The form MC-410 is available at

- The ADA Coordinator,
- A law library, or
- The courts' website:
<http://www.courts.ca.gov/documents/mc410.pdf>.

6. When should I ask for an accommodation?

Mail or take your form to court at least **5 business days** before the date you need the accommodation. If you can do it sooner, please do so.

The courts prefer advance requests so there will be time to understand and respond to your particular needs. Sometimes the ADA Coordinator may need more information, such as a letter from a healthcare provider.

7. What if I cannot ask for the accommodation in advance?

You should still ask. There still may be things the court can do to accommodate your needs. You can:

- Ask to speak to the ADA Coordinator when you arrive at court, or
- Tell the judge you need an accommodation because of a disability.

Caution! When you are with the judge, you must **not** talk about your case.

8. What happens after I submit my request for accommodation?

Some accommodations, such as assistive listening devices or wheelchair access in

the courtroom, can be arranged easily, sometimes on the same day. Others may take more time to prepare. The court will give you a written decision if it cannot accommodate you.

9. What information is required to ask for an accommodation?

- The date of your hearing or other proceeding,
- The type of court case,
- Why you need the accommodation for your disability, and
- Any other important information about the accommodation you need.

10. Will the court give me the accommodation I ask for?

The court will give you an accommodation that lets you participate effectively in court programs, activities, and services. But it may not be exactly what you asked for.

11. If I am involved in a court case, do I have to tell the other people in my case about my disability or my accommodation request?

No, unless you request a continuance of your case as an accommodation for your disability. For a continuance, you **must** give notice and share the request and supporting information with the opposing party.

12. Is my request for an accommodation kept private?

Yes, the court will keep your information private unless you request a continuance in your case. See question no. 11 above.

13. Do I have to accept alternative accommodations?

The court is allowed to offer effective alternatives. If you are not able to use the alternative offered, let the court know. For example, if assistive listening devices do not help because of severe hearing loss, computer-aided transcription may be available.

14. Does the court ever turn down a request for accommodation?

Yes. The court can deny your request if:

- You are not eligible or
- Your request would cause too much of a financial or administrative burden on the court, or if it would change the basic nature of the service, program, or activity.

The court must explain the reason for denying your request. It cannot ignore any requests for accommodations.

15. Does the court have to pay for or provide medical equipment or services I may need at court?

No. The court does not have to provide or pay for personal needs, including:

- A personal care assistant to help someone eat or use the bathroom.
- Personal hearing aids, prescription eyeglasses, or walkers.
- A free lawyer, paralegal, or assistant.

16. What if I disagree with the decision to deny my request?

You are allowed to ask for another review of your request. (*continued on the back*)