

Disability Access in the Courts

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Presented By

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Overview

Disability access in the courts is specially designed for Judicial Branch staff and court partners to learn about the legal framework of disability access, types of disabilities and accommodations, and procedures for accessibility requests. We will develop an empathy-based and legally sound protocol to navigate accessibility or accommodation requests in our joint effort to ensure that the justice system of North Carolina remains open to all, regardless of disability status. Court officials and employees can refer to the [Disability Access Basics](#) information sheet for an overview of the NC Judicial Branch process and the [Checklist](#) for receiving and responding to requests for accommodations on Juno.

Relevant Law

[N.C. Constitution Article I Sec. 18](#); [Americans with Disabilities Act](#) (www.ada.gov);
[North Carolina Persons with Disabilities Protection Act](#) (N.C.G.S. 168A)

Key Points

1. Disability is interpreted broadly.
2. The legal standard for denying accommodations is high.
 - Consider whether it is necessary to disclose, or require disclosure of, someone's specific disability status on the record – err on the side of not requesting the court include disability information in the court record.
 - If disability information is included in the record, consider sealing it consistent with the First Amendment and NC Constitution's Open Courts provision.
3. Need to respond to accommodation requests quickly and before (preferably 3 or more days prior to) the proceeding where accommodation is requested.

Navigation Tips

1. What is the accommodation being requested?
2. How will it affect the person's disability?
3. What specific policies, procedures, or practices would need to be amended or altered to allow the accommodation?
4. What would the proceedings or interactions with Court personnel or processes look like if the accommodation was granted?
5. What harms, if any, would granting the accommodation request create or exacerbate?
6. If there are harms, can they be diminished or lessened?

Accommodations & Modifications

All disabilities are different and persons with the same or similar disability may require different accommodations or modifications of court policy or procedure. Below are some samples to consider:

Disability	Possible Accommodation
Learning Disability (Dyslexia)	Read written information orally
Anxiety Disorder	Allow presence of a companion animal
Sight Impairment	Send paperwork electronically in OCR format so it is accessible through a screen reader
Intellectual Disability	Allow use of a “cognitive interpreter”
Attention Deficit Hyperactive Disorder (ADHD)	Reduce visual and auditory distractions
Back Injury	Provide a reclining chair
Unable to leave home due to Multiple Sclerosis	Conduct hearing using remote technology for a virtual hearing
Deaf	Provide an American Sign Language (ASL) interpreter or captioning (CART=communication access realtime translation, or speech-to-text)
Mobility Impairment	Remove architectural barriers* or conduct hearing in accessible hearing room
Manic Episode during hearing (Bipolar Disorder)	Continue hearing to a different date
Urinary Tract Infection	Provide frequent restroom breaks during hearing
Obsessive-Compulsive Disorder	Allow for a different seating arrangement
Brain Injury	Divide longer questions into a series of shorter ones

* Courthouse Facility: N.C.G.S. § 7a-302 requires that the local county ensure accessibility of courthouse structures. Contact county manager for facility needs.

We must provide an individual’s first choice of accommodation unless it is not available or not reasonable. However, some individuals are not sure what would meet their specific needs.



The Job Accommodation Network (JAN) provides a free Searchable Online Accommodation Resource (SOAR) database that is designed to let users explore various accommodation options for people with disabilities in work and educational settings. These accommodation ideas are not all inclusive. <https://askjan.org/soar.cfm>

Remember

- It is perfectly normal to be uncomfortable or not know how to handle accommodation issues.
- Open communication, creativity, and flexibility are your best tools.
- Don’t be afraid to contact the AOC for help: DAC@nccourts.org or 919-890-1212
- Please try to ensure that all documents produced are accessible – in OCR (optical character recognition enabled) format or otherwise as requested. Contact the AOC with questions.
- Even when faced with members of the public not acting in good faith, remember that following procedures protects the disabled community in the future.
- It is not just parties who will be disabled. Attorneys, witnesses, jurors, observers, judges, and judicial staff can all have disabilities or become disabled.

Thank you for your dedication to the people of North Carolina, regardless of disability status.

DISABILITY ACCESS IN THE COURTS

WWW.NCCOURTS.GOV/DISABILITY



The North Carolina Judicial Branch is committed to ensuring that individuals with disabilities have equal access to all court functions. Each county has one or more local Disability Access Coordinator (DAC) who is trained to assist with accommodation requests.

The statewide disability access protocol for North Carolina courts is for requests to be made through the local Disability Access Coordinator (DAC) who will gather information from the individual or attorney to better understand how to provide a reasonable accommodation. The DAC connects individuals requesting reasonable accommodation for a disability to local or state resources. Contact the local DAC to make an accommodation request to access court functions.

- 1 An individual, attorney, or court staff can submit a reasonable accommodation request in person or over the phone or in writing by letter, email, or online using the [Disability Access Request Form](#).
 - Spoken foreign language court interpreters do not fall under the Americans with Disabilities Act (ADA). *If a spoken foreign language court interpreter is needed, please submit a [Request for Spoken Foreign Language Court Interpreter form](#).*
- 2 All requests for accommodation should be made at least two weeks prior to the scheduled court date or business with the court.
- 3 The DAC will gather the following information (listed in the [statewide protocol](#)) to better understand how the court can provide a reasonable accommodation as required by the ADA.
 - County in which assistance is needed
 - Name and contact information of the individual needing assistance
 - Whether the individual needing assistance is the plaintiff, defendant, juror, witness, or court observer
 - Case file number
 - Date and time of the hearing or other judicial activity
 - If applicable, the name and contact information for the attorney representing the individual
 - Explanation of the nature of the disability
 - Exact type of reasonable accommodation(s) needed
- 4 The DAC works with the local authority to arrange for reasonable accommodations to be provided to the individual for their hearing or other court activity. Accommodations should be tailored to meet individual needs.
- 5 The DAC follows up with the individual who made the request to ensure they know the request was received, considered, and whether it can be granted. If the request is not possible or not available, then the DAC works with the person and the local authority to find a solution.

DISABILITY ACCESS IN THE COURTS

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Each county has the responsibility to provide an accessible courthouse building with needed ramps, elevators, assistive listening systems for courtrooms, proper signage, accessible restrooms, and other accessible features (G.S. 7A-302).

WHO TO CONTACT FOR HELP WITH EQUIPMENT OR ACCESSIBILITY?

Building access, such as curb cuts, automatic door buttons, elevator repair, etc:

- County Manager

Technology concern, such as TTY (TeleType) — it depends:

- If the issue is with county equipment — contact the county (ex: assistive listening devices)
- If the issue is with NCAOC provided technology — contact Technical Services Division

Operational consistency (ensuring people are getting the same level of access at each courthouse)

- NCAOC Disability Access Coordinator: 919-890-1207 | DAC@nccourts.org

View the [Disability Access Help Topic](#) for additional information about ADA compliance in the courts and resources for special needs / disability services.

A DISABILITY MAY NOT BE VISIBLE

- ▶ **SENSES** — *Blind, Colorblind, Deaf, DeafBlind, Smell, Touch (Autism)*
- ▶ **MOBILITY** — *Uses a Wheelchair, Cane, Crutches, Service Animal, or Support Animals*
- ▶ **COGNITIVE** — *Traumatic Brain Injury (TBI), Autism Spectrum Disorder (ASD)*
- ▶ **EMOTIONAL** — *Depression, Anxiety, Post Traumatic Stress Disorder (PTSD)*

EQUAL ACCESS

- ▶ **PHYSICAL / STRUCTURAL ACCESS** — *Elevators, curb cut-outs, ramps, wheelchair accessible doorways, signage, hard-wired assistive listening devices*
- ▶ **POLICY / PROCEDURE ACCESS** — *Prohibitions on animals, electronic devices, tools; mask requirements; limitations on public attendees*
- ▶ **REASONABLE MODIFICATIONS** — *ADA requires that courts make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability. Reasonable modifications are not required if the modifications would fundamentally alter the nature of the service, program, or activity.*
- ▶ **EFFECTIVE COMMUNICATION** — *Arranging for sign-language interpreters and certified deaf interpreters (CDI), creating electronic documents formatted with optical character recognition (OCR), providing assistive listening devices, reading signs or documents to a visually impaired person, writing notes to a hearing-impaired individual*

The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications, and access to state and local government programs and services.

WWW.ADA.GOV

% ADULTS WITH FUNCTIONAL DISABILITY TYPES

