



Best Practices for Courtroom Accessibility Deaf and Hard of Hearing Persons in the Courts



1. Notify the presiding judge of any party, witness, juror, or member of the bar, etc. who is deaf or hard of hearing and may need an accommodation. Provide information gathered from discussions with the party. The judge may initiate an accommodation request prior to the court proceeding.
2. Before any civil or criminal hearing, the judge should inquire on the record whether the parties have been notified of their rights under the Americans with Disabilities Act (ADA) and court rules.
3. Notify the other parties of the accommodation request.
4. Determine the degree of accommodation needed. Request reasonable documentation regarding the need for an accommodation.
5. The judge may determine if a hearing is necessary to determine the appropriate accommodation. Determine the need for assistance (interpreters, assisted listening devices, or sign language, etc.).
6. Obtain the necessary assistance or device available to address the accommodation request through the (district) court administrator. Ensure all requests for modifications are handled timely and with respect.
7. Allow for reasonable accommodations or modifications at the hearing so the party has an equal opportunity to present his or her case as the opposing party without a disability.
8. The court must provide accommodations or modifications without charge. The requested accommodations or modifications do not have to be provided if doing so would fundamentally alter the nature of the service, program, benefits, or activities of the court. The accommodation also does not have to be provided if doing so would jeopardize the overall financial resources of the governmental entity.
9. Promote the jurisdiction's procedures for requesting accommodations for litigants via a court website and printed ADA informational brochures.

Considerations to Ensure Persons with Disabilities Have Meaningful Access per the ADA

10. Identify yearly training opportunities for judges and administrative staff on ADA compliance.
11. Designate a circuit ADA coordinator to collaborate with well-trained local human resources staff and the local county or city attorney's office.
12. Establish an ADA grievance process. The language access coordinator may serve as the designee for this task.
13. Consider any request on an individual basis.
14. Educate court personnel and be familiar with federal regulations on service animals and effective communications.
15. Be receptive and give primary consideration to the individual's preferred mode of communicating.
16. Establish specific but flexible procedures to address reasonable accommodation or modification requests and to meet recurring accessibility needs.

Resources

- Georgia Judicial Handbook for Courtroom Accessibility
Jurors with Disabilities. National Center for State Courts (2018).
<https://www.ncsc.org/-/media/Microsites/Files/CJS/Other/Juror%20with%20Disabilities%20Final%20Report.ashx>
National Association of the Deaf (www.nad.org).
- Douglas, M. (2011). Understanding the Rights of Deaf and Hard of Hearing Individuals to Meaningful Participation in Court Proceedings. Valparaiso University Law Review. Vol. 45, N. 3; pp. 927-965. [Pravdahttps://scholar.valpo.edu/cgi/viewcount.cgi?article=1833&context=vulr](https://scholar.valpo.edu/cgi/viewcount.cgi?article=1833&context=vulr)
The Understanding ADA blog, <http://www.williamgoren.com/blog>
Silva v. Baptist Health South Florida, 865 F.3d 824 (11th Cir. 2017).