

AMERICANS
WITH
DISABILITIES ACT
and the Courts

FOR FURTHER INFORMATION

FOR ASSISTANCE in providing accommodations to individuals with disabilities who use the courts, and to employees with disabilities, contact the Chief Clerk or District Executive. In addition, the OCA Director for the Division of Professional and Court Services acts as the systemwide ADA coordinator and is available to assist with ADA inquiries from the public. For further questions or comments regarding ADA matters, please call (212) 428-2760 or email ADA@courts.state.ny.us.

TO KNOW MORE ABOUT IMPROVING ACCESSIBILITY for and communications with individuals with disabilities, you may wish to consult *Opening the Courthouse Door: An ADA Access Guide for State Courts*, a publication of the American Bar Association Commission on Mental and Physical Disability Law and Commission on Legal Problems of the Elderly, with a grant from the State Justice Institute. Many of the suggestions in this pamphlet are from that publication.

ADA

COMMUNICATING
WITH PEOPLE
WITH DISABILITIES



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ADA

INTRODUCTION

EFFECTIVE COMMUNICATION is enormously important to all of us in the court system. In fact, much of the work of court personnel is to communicate information to various users of the courts - litigants, jurors, witnesses, attorneys and other interested persons - either in person or by telephone. Making these communications as effective as possible for all users of the courts, particularly for individuals with disabilities, is a goal that we all share.

FROM OUR INITIAL GREETING, which sets the tone for the conversation and establishes a rapport, to the heart of the exchange and, finally, to closure, there are many things that can make each conversation more effective. This pamphlet contains some suggestions to consider. Many apply to communications generally, while others are important for persons with particular types of disabilities.

JUDGE GAIL PRUDENTI
CHIEF ADMINISTRATIVE JUDGE

IN GENERAL

TREAT ALL INDIVIDUALS WITH RESPECT. Be patient and friendly, and use the same courtesy of address and reference for a person with a disability that is used for a non-disabled person. Talk to each individual as an adult and avoid the use of an overly familiar tone.

INDIVIDUALIZE YOUR COMMUNICATIONS. Speak directly to the person with whom you wish to communicate and not to the person's companion. Avoid making assumptions about a person's level of impairment. And, emphasize abilities rather than disabilities.

USE THE "PEOPLE FIRST" CONCEPT. Say "people with disabilities" rather than "disabled", and "person with epilepsy" rather than "epileptic".

CHOOSE WORDS WITH DIGNITY. Say "person with cancer" rather than a person "suffering from" or "afflicted with" cancer, and say "disability" rather than "handicap".

ALWAYS ASK BEFORE YOU ACT. Ask if assistance is necessary and what type of assistance would be helpful. Graciously accept a refusal. Avoid moving or touching, without consent, any auxiliary aid or device such as a cane, walker, wheelchair, or seeing eye or ear dog.

BE A VERSATILE COMMUNICATOR. Consider using audiovisual aids or written notes if needed, and be responsive to any requests for auxiliary aids or services from individuals with disabilities. Keep in mind that persons with similar disabilities may require completely different accommodations.

SCHEDULE COURT RECESSES AS NEEDED. During trials or hearings involving an individual with a disability, breaks should be scheduled on an as-needed basis. Some individuals cannot sit for long periods of time, while others may need to take medication at designated intervals or use restrooms frequently.

KEEP PUBLIC AREAS AND PUBLIC CORRIDORS FREE OF OBSTRUCTIONS. Doors should be open or closed completely so that they do not pose a danger to persons who are blind or have other disabilities.

BE COGNIZANT OF THE NEEDS OF NON-ENGLISH SPEAKING INDIVIDUALS. An individual with a disability may speak a foreign language and not English.



VISION

OFFER VERBAL CLUES TO A PERSON who is blind or has a visual impairment, such as identifying currency when counting change. Use descriptive words rather than “this” or “that”.

ADDRESS INDIVIDUALS BY NAME before speaking to them so that they know you are addressing them. If you do not know or cannot remember their name, ask to be reminded.

ASK WHETHER READING ASSISTANCE IS NEEDED. Do not assume that the family member or other person accompanying the individual with a vision impairment can do the reading. In court proceedings particularly, it may be more desirable to have a neutral person assist the individual with a vision impairment.

CONSIDER USING AUDIOTAPES to explain court services or making available a reader to assist a person who is visually impaired in understanding and completing a form. Offer the same written materials to everyone.

PREPARE FORMS AND INSTRUCTIONS in clear, simple formats with plain language. Use at least 12-point-type generally and 18-point-type for large print. Avoid bright white paper, use of all capital letters and italic type. Black type on yellow or off-white paper generally works well for most people.



HEARING AND SPEECH

ESTABLISH EYE CONTACT before speaking with a person who is deaf or has a hearing impairment. Face the person, even if he or she is accompanied by an interpreter, and speak slowly and clearly.

FIND OUT HOW BEST TO COMMUNICATE with an individual who has a hearing or speech impairment. A person who is hearing impaired or deaf may be able

to read lips well, or the person may prefer to write. For a more lengthy communication, the person may need a sign interpreter or an assistive listening device.

TRY TO LIMIT NOISE in information areas and public counters so verbal information can be heard more easily. Have paper and pencil available for use by persons with hearing or communication difficulties.

BECOME FAMILIAR WITH “RELAY CALLS”, which are calls from a person who has a hearing or speech impairment and uses a TDD (telecommunication device for the deaf). The calls are free and made with the assistance of a relay operator who serves as the speaker for the caller. To call a TDD phone, dial **1-800-421-1220**; a TDD user who desires to call a non-TDD user should dial **1-800-662-1220**.

SPEAK CLEARLY. Avoid over-enunciating unless you are asked to do so. If you are unable to clearly express your message, use written messages or physically show the individual what you are referring to.

DO NOT PRETEND TO UNDERSTAND. The goal is effective communication. Be patient and if all else fails, ask that the message be repeated, reworded, or written.

IF YOU ARE HAVING TROUBLE UNDERSTANDING an individual with impaired speech, ask the person to repeat the comments. If you are still unable to understand, ask the person to write or show you what is being stated. Avoid the urge to finish a sentence or thought for someone.



MOBILITY

SIT DOWN, IF POSSIBLE, to talk with a person in a wheelchair in order to maintain the same eye level.

A PERSON WHO HAS A MOBILITY IMPAIRMENT may be able to stand or walk. Avoid making assumptions about the capabilities of an individual regardless of the outward appearance. Ask the person if he or she would like assistance.



COGNITIVE IMPAIRMENTS

SPEAK SLOWLY IN SIMPLE, CONCRETE TERMS. Avoid jargon, terms of art and acronyms.

PROVIDE INFORMATION IN A SIMPLE, step-by-step manner. Be patient and willing to repeat or reword your message. Often, taking some extra time will enable the person to more fully understand the communication.

CHECK FREQUENTLY TO ENSURE UNDERSTANDING by stopping often and asking open-ended questions rather than just “yes” or “no” questions.

BE SENSITIVE TO THE NEEDS of people with cognitive impairments and subtle cues from people who may be embarrassed, may have spent years covering up their disabilities, and, in some cases, may deny their functional impairments

BE AWARE THAT THE PERSON MAY NOT READ, and that he or she may be embarrassed or reluctant to mention this in front of others. Ask in advance, in private, if possible. Assist in reading information to the person or ask if they have someone they trust to be of assistance.

ENCOURAGE PERSONS WITH DISABILITIES, particularly visual and cognitive impairments, to familiarize themselves with the courtroom layout in advance if they are to appear in court.

FACTS ABOUT DISABILITY

Data from the National Center for Medical Rehabilitation Research indicates that the numbers of people with various types of disabilities are as follows:

- People who are deaf - 2 million
- People with other hearing impairments - 20 million
- People who are totally blind - 120,000
- People who are legally blind - 60,000
- People with epilepsy - 2 million (4 out of 5 people with epilepsy do not have seizures due to medication)
- People who are partially or completely paralyzed - 1.2 million
- People who use wheel chairs - 1 million
- People who have developmental disabilities - 9.2 million
- People with speech impairments - 2.1 million
- People with mental retardation - 2-2.5 million people (most have mild mental retardation)
- The National Institute of Mental Health estimates that there are 5 million people with mental illness

