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**Final Report of the Wisconsin Supreme  
Court Interdisciplinary Committee  
on the Court-Related Needs of the Elderly  
and People with Disabilities.**

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## *Final Report of the Wisconsin Supreme Court Interdisciplinary Committee on the Court-Related Needs of the Elderly and People with Disabilities*

This project was conducted by the Coalition of Wisconsin Aging Groups' (CWAG) Elder Law Center in cooperation with the Supreme Court of Wisconsin under Grant No. SJI-92-12J-E-137 from the State Justice Institute. Points of view expressed herein do not necessarily represent the official positions or policies of the CWAG, the Supreme Court of Wisconsin or the State Justice Institute.

*Cover design by Jerry Hildebrand.*

**"[S]olutions are as limitless as a willing imagination can conceive."**

**Galloway v. the Superior Court of the District of Columbia,  
et al., 816 F.Supp. 12 n.11 (D.C.D.C. 1993)(discussing  
Americans with Disabilities Act).**

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# TABLE OF CONTENTS

ACKNOWLEDGEMENTS .....	vii
1. INTRODUCTION .....	1
2. THE AMERICANS WITH DISABILITIES ACT: ITS APPLICATION TO STATE COURTS .....	5
3. COMMITTEE FORMATION AND PROCESS .....	16
4. SUMMARY OF PUBLIC HEARINGS .....	21
5. INTRODUCTION TO RECOMMENDATIONS .....	30
6. GENERAL RECOMMENDATIONS .....	32
7. PHYSICAL ACCESS .....	43
8. COMMUNICATIONS ACCESS .....	71
9. ACCESS TO THE JURY PROCESS .....	91
10. TRAINING RECOMMENDATIONS .....	96
11. COST AND FUNDING .....	108

## APPENDICES

Appendix A:	Roster of Committee Members
Appendix B:	Sample Physical Access Survey (Blank)
Appendix C:	Sample Program Access Survey (Blank)
Appendix D:	Subcommittee Membership
Appendix E:	Summary of Public Hearings (including written testimony regarding needs of people with mental impairments)
Appendix F:	Notices of Public Hearings
Appendix G:	Disability Resource List (national and state)
Appendix H:	Vendor and Price List for Selected Items and Services in Recommendations
Appendix I:	Title II Regulations, 28 CFR Part 35
Appendix J:	ADA Materials Request Form
Appendix K:	Code of Ethics: Registry of Interpreters for the Deaf
Appendix L:	Map of Wisconsin Counties Association (Regional) Districts
Appendix M:	Information on State Trust Fund Loan Program

## ACKNOWLEDGEMENTS

There are many people and groups who deserve the profound and very special thanks of the Committee's chair and coordinator.

First, Chief Justice Nathan S. Heffernan and the Wisconsin Supreme Court deserve the thanks not only of the Committee and its staff, but of all Wisconsin citizens, for their continuing recognition of the need to secure equal access to justice for *all* citizens.

We thank the State Justice Institute (SJI), too, for its recognition of the significance of the Americans With Disabilities Act for state court systems, and for its financial support of the project.

Special thanks are also due to the Coalition of Wisconsin Aging Groups, and particularly the director of its Elder Law Center, Attorney Betsy J. Abramson. Attorney Abramson, along with several members of the Committee, attended the National Judicial College conference which gave birth to this project. From the beginning, she provided invaluable support, advice, supervision — and just plain hard work — to the formation of the Committee and its deliberations. The Coalition, as the "home" of the SJI grant, provided invaluable financial and administrative support for the project, recognizing that its own mission to improve the quality of life in Wisconsin for people of all ages would be well-served in this endeavor.

We also owe a particular debt of gratitude to Anthony Barnett, the Elder Law Center's administrative assistant assigned to this project, whose dedication and untiring efforts on the Committee's behalf went well beyond his formidable word-processing skills. Mr. Barnett became an integral part of the Committee's work and provided immeasurable assistance, frequently under extreme time pressures, in advancing the project to completion.

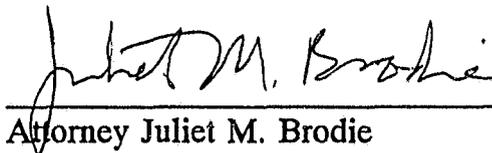
Gwenn Bever, the court reporter for the Taylor County Circuit Court who provided real-time reporting at the Committee's several meetings and hearings, also played a crucial role in the Committee's work. In addition to providing instantaneous computerized transcription of the proceedings for the benefit of Committee members with hearing impairments, she educated many of us in the process and benefits of real-time court reporting and was invaluable in compiling the information contained in the report on the subject. Ms. Bever volunteered countless hours to these demanding tasks and her work was always of the highest quality. She is indeed a treasure.

Finally, profound thanks are due to each and every member of the Committee. They are the true authors of this report, and they were tireless in their dedication to the

project, devoting weeks, if not months, of their own time to this important and often difficult task. Some came to the Committee with extensive knowledge of, and commitment to, the ADA, and others, newly-exposed to the Act, brought their own expertise to the collective enterprise. It was this blend of personal and professional knowledge and experience, and dedication to the public interest — and, as is often so important in the work of a large and diverse group, a sense of humor matching their sense of purpose — which we believe gave the Committee its unique strength. They are true exemplars of the Wisconsin Idea, and they have earned not only our own sincere and heartfelt gratitude, but that of all citizens of the state.



William Eich, Chair  
Chief Judge, Wisconsin Court of Appeals



Attorney Juliet M. Brodie  
Project Coordinator  
Coalition of Wisconsin Aging Groups

## 1. INTRODUCTION

In March 1993, Chief Justice Nathan S. Heffernan, on behalf of the Supreme Court of Wisconsin, convened a thirty-member Interdisciplinary Committee to study and make recommendations to ensure that the elderly and people with disabilities have equal access to the state's court system. The Committee's membership included county officials, experts in various aspects of court accessibility, people with disabilities and representatives of advocacy groups, judges, attorneys and design professionals.<sup>1</sup> William Eich, Chief Judge of the Wisconsin Court of Appeals, was named to chair the Committee.

The Committee was charged to study the overall accessibility of the Wisconsin court system to the elderly and people with disabilities — with specific reference to the requirements of the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 *et seq.*, and to make recommendations to the Supreme Court of Wisconsin for improving access to all state court functions and services.<sup>2</sup> The Committee undertook to examine all uses of the state's courthouses, including the conduct of trials, jury selection and service, telecommunications, and a host of other court-related subjects, to hear and assimilate the views and suggestions of court officials, advocacy group leaders, courthouse users in general — and people with disabilities in particular — and members of the general public, and to distill from all this a set of specific recommendations to aid the Wisconsin court system in meeting its commitment to provide equal access to justice for all citizens.

This, the Committee's final report, provides general background on the ADA and the manner in which its requirements will affect the operation of the state court system, and offers specific recommendations for improving access to the courts by the elderly and people with disabilities. The report includes a suggested timeframe for implementation and a schedule of estimated costs for recommended improvements.

The Director of State Courts office has prepared and distributed a comprehensive report addressing accessibility problems in the state court system. It was an extraordinary effort which has been of great aid to this Committee and of considerable benefit to all users of the court system. The Committee hopes that its report, in conjunction with the Director's court-specific survey results, will aid the Wisconsin court system in planning for meaningful, cost effective improvements to ensure the system's accessibility to the elderly and people with disabilities.

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<sup>1</sup> An outline of the process and procedures utilized by the Committee in its year-long study may be found in Chapter 3.

<sup>2</sup> The Committee's charge did not encompass or include locally-created municipal courts. Nevertheless, because many of the recommendations pertain to programs, services and activities common to courts at all levels, the Committee hopes they will aid municipal judges and other local officials to improve accessibility to, and delivery of, their services to the elderly and people with disabilities.

The ADA was passed by Congress in 1990. As Chief Justice Heffernan stated to the Committee at its first meeting:

"It would be an understatement to say that the courthouses of America are not exempt from the ADA. In my mind, they stand to the contrary. They must be exemplars of ADA compliance."

The Chief Justice went on to note the profound irony of litigants and other participants in the judicial process who come to court to seek enforcement of their federal civil rights under the ADA, only to be unable to achieve full access to the process because of a disability. As he remarked:

"What irony to enforce the rights assured by the ADA for a person who was unable to enter the room where the complaints were filed or acquire necessary information regarding procedures because of a disability.

What irony where a judge or juror is incapable of serving because of a courtroom that could not accommodate a wheelchair, a walker, or other equipment used by a person with a disability.

What irony if a witness were unable to give competent testimony because claustrophobia made the long wait unbearable.

And, what irony if an attorney were unable to pursue his or her case zealously because of the inability to participate in crucial proceedings because of a hearing impairment."

In fact, he concluded, "irony is too weak a word. It would be a gross injustice if the courts, as the very places where citizens go to enforce their rights, were themselves inaccessible."

The cost of implementing the ADA concerns public managers at every level of government. In Wisconsin, the operation of the state court system is a joint venture between state and county governments. Most court costs, including those involved in the construction, repair, renovation and maintenance of court buildings, are borne by the counties, which thus have the day-to-day responsibility of deciding when and how necessary improvements are to be made. And they make these decisions in the context of state and federal laws — now including the ADA — which require certain things to be done and certain steps to be taken.

The Wisconsin Constitution, however, gives the Supreme Court "superintending and administrative authority" over all state courts; and it is thus the Court which has the

overall responsibility to see to the implementation of applicable laws and regulations on a statewide basis, again including the requirements of the ADA.

The recommendations developed by the Committee do not constitute specific mandates to either state or county government. The provisions of the ADA, however, are mandatory; and the Committee's recommendations are intended to assist county and state decision-makers in implementing the ADA in their individual areas of responsibility.

In particular, the Committee hopes that its report will be useful to these decision-makers as they begin the budget processes for the coming years. To this end, the report includes recommendations for cost savings through bulk purchasing, county sharing of the more expensive technological equipment, and establishing administrative procedures for prompt identification of needs so that necessary accommodations can be timely provided to those in need of them. The report also includes, at Appendix H, a price list indicating the approximate cost of recommended items and services.

Appendix G of the report provides a list of local and national contact organizations. Consultation with local advocacy groups working with the elderly and people with disabilities can be of great assistance in securing the most accessibility for the constrained public dollar.

In his remarks to the Committee's opening session, Chief Justice Heffernan stated: "We are committed in earnest to the goals of the ADA: the full and equal participation of all Americans in public life, unimpeded attitudinally or structurally by physical or mental disabilities." Echoing those sentiments, Chief Judge Eich stated to the Committee:

"Carved in the granite facade of the Supreme Court building in Washington is a phrase that has become the motto of the American justice system: 'Equal Justice Under Law.'

As we all know, the goals exemplified in that motto have been elusive, to say the least. History shows that we have been painfully slow to recognize that large segments of the public — racial minorities and the poor, to name just two — have not fared well in the court system over time.

And while we have, in the past several decades, made great strides in extending access to justice to minorities and the poor — and, more recently, to women — we have ignored the court-related needs of the elderly and people with disabilities far too long.

I hope that, in Wisconsin at least, this Committee's work will be a firm first step toward righting that wrong; and that others will build on that work so

we finally will be able to make good on the promise of equal justice for *all* citizens."

It is this commitment to equality and ensuring full civil rights to all citizens that has inspired the Committee's work. We are indebted to the Chief Justice and the Court for the opportunity to participate in this important effort, and we respectfully submit this report with every hope that it will assist in ensuring equal access to justice to the elderly and people with disabilities.

## **2. THE AMERICANS WITH DISABILITIES ACT: ITS APPLICATION TO STATE COURTS**

In July, 1990, Congress passed the Americans with Disabilities Act, 42 U.S.C. sec. 12101 *et seq.* The ADA, which has been hailed by many as the most important civil rights statute since the Civil Rights Act of 1964,<sup>3</sup> prohibits discrimination against people with disabilities in many aspects of American social life, including employment,<sup>4</sup> public transportation,<sup>5</sup> public accommodations,<sup>6</sup> and telecommunications.<sup>7</sup> The purpose of the ADA as expressed by Congress is:

- (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
- (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

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<sup>3</sup> The Civil Rights Act of 1964 prohibited discrimination in employment, housing, public accommodations and other areas on the bases of race, sex, religion, national origin, and ethnicity.

<sup>4</sup> Title I of the ADA prohibits employment discrimination against people with disabilities. All court employees, whether they are paid by the state or county, including judges, clerks of court, probate commissioners, family court counselors, etc., are protected from employment discrimination on the basis of disability under Title I. The Committee's charge did not include addressing employment discrimination. For information regarding this important subject, we recommend the Equal Employment Opportunity Commission's Title I Technical Assistance Manual, which may be ordered from the Equal Employment Opportunity Commission. See Appendix G.

<sup>5</sup> Portions of Title II of the ADA prohibit discrimination in public transportation and place affirmative duties on public carriers to provide accessible transportation. See generally 42 U.S.C. §12141 (Division B of Title II of the ADA).

<sup>6</sup> Title III of the ADA prohibits discrimination against people with disabilities in public accommodations operated by private entities. This report does not address Title III of the ADA, except for those instances where public accommodations operated by private entities intersect with the court system. For example, law offices are covered by Title III of the ADA. Thus, offices of court appointed lawyers, who may be construed as "contractors" of the court system, are addressed minimally in the report. See Chapter 6.

<sup>7</sup> The Title II regulations specifically require that public entities take "appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. 28 CFR 35.160(a). Moreover, "[w]here a public entity communicates by telephone with applicants and beneficiaries, TDDs or equally effective telecommunications systems shall be used to communicate with individuals with impaired hearing or speech." 28 CFR 35.161 See Chapter 8.

- (3) to ensure that the Federal Government plays a central role in enforcing the standards established in [the ADA] on behalf of individuals with disabilities; and
- (4) to invoke the sweep of congressional authority . . . in order to address the major areas of discrimination faced day-to-day by people with disabilities.

42 U.S.C. §12101(b).

State and local governments, including state courts, are specifically covered by Title II of the ADA. As will be explained in this chapter, under Title II, courts may not discriminate in the provision of services, programs, and activities against people with disabilities and must make those services, programs and activities readily accessible to, and usable by, people with disabilities. This chapter provides an overview of the portions of the ADA relevant to court accessibility. It is not, however, a substitute for reading the Act and the pertinent regulations themselves. See Appendix I for Title II regulations.

It is important to note that the ADA is not the first major federal statute to address the needs of people with disabilities. The Rehabilitation Act of 1973 prohibits discrimination against people with disabilities, but only by the federal government and private entities receiving substantial federal funding. 29 U.S.C. §701 et seq. The ADA is modeled after the Rehabilitation Act, extending many of its provisions to other entities, including state courts. For example, the definitions of a "person with a disability" are essentially identical in the two statutes. The Rehabilitation Act, therefore, is likely to be a source to which attorneys and judges will turn as they begin interpreting the ADA in litigation. Court professionals should look to the Rehabilitation Act for guidance in implementing the ADA in their own courts.

#### Definition of a "Person with a Disability"<sup>8</sup>

Under the Act, a "person with a disability" is defined as one who:

- has a physical or mental impairment that substantially limits one or more major life activities;

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<sup>8</sup> Early in its work, the Committee decided that recommendations targeted specifically and exclusively to the elderly were inappropriate. First, the ADA expressly excludes age as a disability. H.R. Rep. No. 101-485(III), 101st Cong., 2nd Sess. 451; see also 28 CFR Part 35.104 (definition of "substantial limitation of a major life activity"). Second, the recommendations need not specifically address the elderly, for although senior citizens may have a variety of age-related disabilities, including hearing loss, Alzheimer's disease, or mobility impairments, these disabilities are addressed by the ADA and by the Committee's recommendations overall.

- has a record of such an impairment; or
- is regarded as having such an impairment.

42 U.S.C. §12102.<sup>9</sup> When Congress passed the ADA, it found that over 43,000,000 Americans had disabilities.<sup>10</sup> See generally 42 U.S.C. §12101.

The types of physical impairments protected by the ADA include, but are not limited to, "any physiological disorder or condition . . . affecting one or more of the following body systems: Neurological, musculoskeletal . . . respiratory (including speech organs), cardiovascular . . . [or] digestive." Mental impairments include "[a]ny mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities." Specific conditions mentioned in the Act include visual, speech and hearing impairments, cerebral palsy, epilepsy, multiple sclerosis, cancer, heart disease, diabetes, HIV disease (whether symptomatic or asymptomatic), and tuberculosis. 28 CFR 35.104 (definitions of disability(1)(i)-(ii)). It is important to remember, however, that such lists are not exhaustive, and that the statutory definition of disability, which turns on whether or not an impairment substantially interferes with a major life activity, is the starting point for determining whether a person is covered by the ADA.

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<sup>9</sup> Readers seeking more guidance are directed to (1) the regulations promulgated pursuant to Title II of the ADA, found at 28 CFR Part 35; and (2) the Title II Technical Assistance Manual available from the Department of Justice. The former appears as Appendix I; an order form for the latter appears as Appendix J.

<sup>10</sup> It is difficult to obtain accurate statistics on the number and distribution of people with disabilities in the United States. The figure of 43,000,000 found by Congress has been criticized by some for being too high and by others for being too low. Some claim the number to be closer to 35 million; others claim that even 43 million excludes those with learning disabilities, some with mental illness, and the unknown number of people in our country who have HIV infection or AIDS who would fall within the definition of a "person with a disability" under the ADA. See Joseph P. Shapiro, No Pity: People with Disabilities Forging a New Civil Rights Movement (Times Books, 1992) at pp. 4-8. While information about the prevalence of certain disabilities in Wisconsin is available, and some is even broken down by county, this report does not include such demographics. By way of example, however, it is estimated that 464,000 people, or 9.5% of the total Wisconsin population require some form of long term support. These people are defined as those "unable to independently perform essential personal and social activities due to a chronic or long term illness or disability and who require or receive help from other persons to carry out activities of daily living and participate in community living." "A Profile of Wisconsin's Long Term Support Population," Wisconsin Department of Health and Human Services, August 1986 (based on 1980 Census of Population, among other sources). Other governmental offices, such as those listed in Appendix G, may be contacted for demographic information about people with disabilities in Wisconsin. It is important, however, that court professionals and others realize that not all disabilities are visible, and that one's assumptions about how many people with disabilities use, or would like to use, court services may be inaccurate.

The ADA protects only "qualified" people with disabilities. A "qualified" person is defined in the ADA regulations as someone who, "with or without [reasonable accommodation] meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity." 28 CFR 35.104 (definition of "qualified individual with a disability"), emphasis added. In certain contexts, such as equal employment opportunity, the notion of "qualified" individuals with disabilities is very important. It is also significant in certain Title II contexts, such as government benefit programs, where specific qualifications may trigger or deny entitlement to benefits. With respect to the court system, however, the notion of a person with a disability being "qualified" is of limited value because there are virtually no "essential eligibility requirements." Anyone can file a lawsuit, sit and watch a trial, or be called as a witness. As a result, the requirement that a person with a disability be "qualified" has less relevance in matters pertaining to court access than in many other arenas.<sup>11</sup>

### Court Access: Non-Discrimination

Title II of the ADA provides:

[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

42 U.S.C. §12132 (emphasis added).

State courts, as providers of public services, are clearly covered by this provision. This basic provision against discrimination in public programs is substantially explained and expanded in regulations issued by the Department of Justice under the Act. The regulations have the force of law and explain many of the concepts underlying the Act in considerable detail. As such, they should be required reading for all court professionals with ADA responsibilities. They will be discussed generally below, and are reproduced in Appendix I.<sup>12</sup>

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<sup>11</sup> One exception is jury service, where citizens must, by statute, meet certain qualifications to be eligible for service. See Jury Process recommendations, Chapter 9.

<sup>12</sup> The Committee recommends that every Circuit Court and the Court of Appeals obtain a copy of the Title II regulations at 28 CFR Part 35. They appear in the Federal Register of Friday, July 26, 1991, and are reproduced at Appendix I of this report. (Note, this appendix includes only the regulations themselves, and not the commentary and section analysis that accompany them in the Federal Register. The Federal Register is available at most law libraries or from the Great Lakes Disability and Business Technical Assistance Center, 1-800-949-4232 (voice/TDD/TTY).

### The Key: Program Accessibility

Whether one is referring to court systems or any other state or local government programs, the essential concept under Title II of the ADA is "program accessibility." As noted above, the ADA prohibits discrimination in the services, programs, and activities of the courts and other governmental agencies.

The key language in the ADA regulations is as follows:

A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by people with disabilities.

28 CFR 35.150(a)(emphasis added).

Thus, all court programs, services, and activities must be accessible to people with all of the various disability types contemplated by the Act's definition of "disability." However, the Act's reference to considering court services "in [their] entirety" places the focus on program accessibility, as opposed to the more limited notion of physical accessibility. While physical accessibility is obviously a large part of program accessibility, courts are not necessarily required to make substantial physical alterations to ensure that every courthouse space in which services are delivered is physically accessible, for example, to people who use wheelchairs. Title II's focus on the accessibility of programs, services, and activities leaves significant room for courts to modify the use of existing structures to accommodate people with disabilities.<sup>13</sup> Simple administrative changes, such as relocating a certain function from an inaccessible space to an already accessible one, may correct many problems. See 28 CFR 35.150(b). Readers will see this flexibility reflected in the Committee's recommendations.

### Examples of Program Accessibility

Many court professionals are undoubtedly already providing the required "program accessibility" to people with disabilities without knowing they are doing so. Every time

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<sup>13</sup> Two circumstances are likely to give rise to substantial physical alteration. First, if administrative changes to make a program accessible to people with disabilities are ineffective, the statute requires that "structural changes" be made. In this event, a transition plan regarding structural changes required to ensure program accessibility must have been completed by July 26, 1992, 28 CFR 35.150(d), and the alterations themselves must be completed "as expeditiously as possible," and no later than January 26, 1995. 28 CFR 35.150(c). Second, any new construction, including additions or alterations to existing spaces, must comply with specifications set forth in the Act and accompanying regulations. 28 CFR 35.151.

a clerk reads a form aloud to a person with a visual impairment, for example, he or she is providing access to a program where accessibility would otherwise be denied. Every time a proceeding is relocated to a wheelchair-accessible space, the program has been made accessible to the wheelchair-user. Every time a judge slows down his or her questions or remarks to a witness or juror, or asks if the presence of a supportive family member would be helpful because of a party's mental or emotional impairment, the judge is providing "program accessibility." These are only a few of literally hundreds of creative, cost-free measures that can go a long way toward complying with the underlying requirements of the Act.

### Existing Buildings versus New Construction: The ADA Accessibility Guidelines (ADAAG)

Under the ADA, there are very different requirements for existing buildings and for new construction or renovation projects. The Committee's report and recommendations focus primarily on existing buildings, although many of the items discussed are equally applicable in either situation.

#### A. New Construction

Any new construction or renovation begun by a court after January 26, 1992, must be designed so that the facility is "readily accessible to and usable by people with disabilities." In developing such designs, public entities may choose between two sets of compliance regulations: (1) the Uniform Federal Accessibility Standards (UFAS) and (2) the ADA Accessibility Guidelines (ADAAG). 28 CFR 35.151. The ADAAG is found at Federal Register, Vol. 56, No. 144, Friday, July 26, 1991. Each Wisconsin county should have received a copy with their Title II Circuit Court Accessibility Report from the Director of State Courts. If a court is planning any such construction or renovation, either as a result of this report or for any other reason, these sections of the ADA regulations and the ADAAG must be consulted.

#### B. Existing Buildings

For existing buildings (by far the majority of those affected by this report) there are no specific physical requirements. Existing buildings are subject only to the "program accessibility" requirements discussed above. That is, there is no affirmative requirement that existing buildings be "retrofitted" (or remodeled) to conform with either UFAS or ADAAG.

It may be, however, that providing program accessibility will be impossible without some physical renovation. For example, a clerk of court's office may be too small to provide a table or counter at an appropriate height to allow a person who uses a

wheelchair to fill out a form. If the layout of the building does not provide for setting up a table near the clerk's office, renovating the existing clerk's office by lowering a portion of the existing counter may be an inexpensive alternative.

In the event program accessibility is impossible without "structural alterations," such alterations must comply with ADAAG or UFAS, and transition plans for such structural alterations were required to be in place by July 26, 1992. 28 CFR 35.150(c) and (d). See Footnote 13. Such structural alterations will be necessary in only a minority of cases. Court professionals are urged to remember that program accessibility is the key, and that this usually can be achieved without costly renovations or construction.

### Limitations on Courts' Duties to Accommodate

The letter and the spirit of the ADA require that people with disabilities be fully included in court programs. This mandate is not absolute, however. Program accessibility is the rule, but there are four limited exceptions to courts' duties to accommodate people with disabilities.<sup>14</sup>

#### 1. Program Accessibility

First, as discussed above with reference to ADAAG and UFAS, in ensuring program accessibility, courts need not necessarily make "each of [their] existing facilities accessible to and usable by people with disabilities." 28 CFR 35.150(a)(1). The regulatory language enables courts to reorganize existing programs (for example by moving proceedings from inaccessible locations to accessible ones, or by reprinting a form in large print or Braille) to ensure program accessibility. By focusing on program accessibility, Title II of the ADA limits the need to modify existing buildings.

#### 2. Historic Buildings

Second, courts are not required to take any action which would "threaten or destroy the historic significance of an historic property."<sup>15</sup> 28 CFR 35.150(a)(2). This is not to say, however, that historic buildings are exempt from all ADA requirements. To the contrary, the Act states that, in ensuring program accessibility in an historic property, the court must "give priority to methods that provide physical access to individuals with disabilities." 28 CFR 35.150(b)(2). In some appropriate cases, however, the regulations

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<sup>14</sup> In addition to the regulations cited below, see also 28 CFR 35.164.

<sup>15</sup> Historic properties are defined as those that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under state or local law. 28 CFR 35.104 (definition of "Historic Properties").

suggest assigning guides to assist people with disabilities in maneuvering through historic buildings, or "other innovative methods," as alternatives to renovation. 28 CFR 35.150(b)(2)(iii).

### 3. Fundamental Alteration

Even in providing program accessibility, a court is not required "to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity." 28 CFR 35.150(a)(3). For example, a person whose disability prohibits him or her from leaving home may wish to file a lawsuit. While an attorney would be able to take care of most of the pre-trial matters (filings, motion hearings, etc.) requiring court appearances, a trial would very likely necessitate the party's presence in court. That person might request, as an accommodation, that the trial be conducted in his or her home. The court may consider this request to impose a "fundamental alteration in the nature" of the conduct of trials. It is a case-by-case determination which, in some instances, may have to be resolved through litigation.

### 4. Undue Financial or Administrative Burden<sup>16</sup>

Finally, a court is not required to make accommodations for people with disabilities which would result in "undue financial and administrative burdens." 28 CFR 35.150(a)(3).

#### (a) Financial Burden

All public managers are concerned about finances. As Chief Justice Heffernan noted in his address to the Committee, public money is constrained and many government entities face budget difficulties, if not outright deficits. With this in mind, the Committee has attempted to recommend creative, cost-effective solutions. It is true that many means of accommodation — the provision of new technologies, structural improvements, or additional personnel — may be quite expensive, and courts will be faced with the need to consider these financial burdens in the light of the Act's program accessibility mandate.

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<sup>16</sup> To the Committee's knowledge, there have as yet been no cases decided under the ADA interpreting the "undue" burden language. The Committee therefore cannot predict the outcome of a lawsuit interpreting this language. Each court should make its own best judgment, and take very seriously the implications of failing to make an accommodation on the basis of an "undue burden" argument. The only cases that have, to the Committee's knowledge, been decided under the ADA involve allegations of employment discrimination on the basis of disability. In one, where attorneys from a Milwaukee firm defended a Chicago-based company in a nine-day trial, a jury found for the plaintiff and awarded, among other damages, \$500,000 in punitive damages. Although this amount was lowered by law to the statutory maximum of \$200,000, it indicates that, at least in some instances, the cost of non-compliance may be substantial.

It is also true, however, that many accommodations for people with disabilities are quite inexpensive. Permitting a juror with chronic back pain to stand rather than sit in the jury box costs nothing. Providing documents in large print for people with visual impairments will frequently be as simple, and as economical, as using the "enlarge" function on a photocopying machine.

Experience with the Rehabilitation Act of 1973 suggests other cost-effective accommodations. As noted, that statute prohibits, among other things, employment discrimination by the federal government and entities receiving substantial federal funds. According to a 1982 study conducted by the Department of Labor, half of the accommodations made in the workplace to comply with the Rehabilitation Act cost "little or nothing." Another 30% cost between \$100 and \$500.<sup>17</sup> Thus, accommodating people with disabilities is not always the costly undertaking that many may assume.

(b) Administrative Burden

Several of the Committee's recommendations suggest changes in the administration of existing court programs, many of which may be achieved at small cost. One of the major recommendations — the appointment of a court ADA coordinator in each county — is essentially administrative, and because the duties can, in most cases, be assumed by an existing county employee, additional costs would be minimal. Similarly, the ability of existing court staff to make themselves available, on reasonable request, to assist people with disabilities in finding their way around the courthouse, or in gaining access to otherwise irretrievable files or library materials, can provide necessary accommodations at little, if any, additional cost.

Determining what type of administrative burden will be considered "undue" may well depend in the final analysis on the outcome of individual litigation. Courts now, though, must make administrative changes to achieve program accessibility with the knowledge that this statutory language does limit their obligations.

Finally, it is important to note that the duty lies with a person with a disability to make his or her needs for an accommodation known to the court system. Courts must develop procedures and expertise to respond to requests for accommodations; but they need not — and, in fact, should not — on their own, try to deduce an individual's needs based on his or her appearance, behavior, or similar factors. Such inferences would frequently be inaccurate, if not stigmatizing. While the duty on people with disabilities to make their needs known does function as a limit on courts' obligations in this area, it

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<sup>17</sup> "A Study of Accommodations Provided to Handicapped Employees by Federal Contractors," prepared by Berkeley Planning Associates, June 1982 for the United States Department of Labor, Employment Standards Administration, cited in Joseph P. Shapiro, No Pity: People with Disabilities Forging a New Civil Rights Movement (Times Books, 1992) at pp. 115-116.

must be stressed that courts must make their programs, services, and activities accessible once the need to do so has been brought to their attention. The federal regulations require public entities to make information available to the public regarding its duties under Title II of the ADA and to "apprise [interested persons] of the protections against discrimination assured them by the Act." 28 CFR 35.106.

### Conclusion

In making courts and court services accessible to people with disabilities, it is essential that all those who work in the judicial system recognize that the goals of the system and the goals of the ADA are one and the same: the provision of court and judicial services to all members of the public. Ensuring access to the courts by people with disabilities is only one aspect of the system's fundamental obligation to serve the public.

Many think of the ADA as a very expensive building code; although structural alterations are part of the Act, many of its other requirements, as will be seen in this report, can be met without undue difficulty or great public expense.

That is not to say that compliance with ADA requirements is an uncomplicated or simple process in all instances. The Act has its complicated side, for it requires examination not only of architectural and building specifications, but of the array of administrative systems and services employed by the courts in delivering services and programs to the public. Again, as this report attempts to show, making court services available and accessible to people with disabilities may often be achieved without undue financial or administrative burdens.

And it is clear that such efforts benefit not only people with disabilities, but many other users of, and participants in, the system as well. For example, parents pushing strollers benefit from wheelchair ramps; large-print forms and signs will aid many people with only very minor visual impairment; and it has been recognized that "real-time" court

reporting<sup>18</sup> benefits *many* courtroom users, enabling them to see testimony instantaneously on a computer screen.<sup>19</sup>

Striking the balance between the burdens and benefits of providing various accommodations will require creative thinking on the part of courts and court personnel; but as one judge stated in striking down a "no-blind-juror" policy in a District of Columbia trial court, solutions to the problem of program accessibility in the courts "are as limitless as a willing imagination can conceive." *Galloway v. Superior Court*, 816 F.Supp. 12, n.11 (D.C. Dist. 1993).

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<sup>18</sup> Real-time court reporting is a stenography system which enables anyone with a properly set up computer terminal to read on a screen, virtually instantaneously, the court reporter's notation of every word said in court. The Committee became very familiar with this technology; several of its members used the real-time court reporting services provided at every meeting. To the Committee's knowledge, two courtrooms in Wisconsin are already using real-time regularly. Both courtrooms are occupied by members of this Committee. Judge Gary Carlson of the Taylor County Circuit Court uses real time every day in his courtroom. As a member of the Committee, he offered the services of the real-time court reporter who works with him, Gwenn Bever, to report all of the meetings. Second, Judge Richard S. Brown of the Court of Appeals uses real-time in oral arguments. See Communications recommendations chapter and Appendix H (Price List) for more detailed description of real-time court reporting, companies from whom it is available, and approximate prices.

<sup>19</sup>*National Law Journal*, December 13, 1993 at 25. For example, litigators may search through a document during a break in the proceedings for a particular point in previous testimony.

### **3. COMMITTEE FORMATION AND PROCESS**

#### **Committee Formation: The Reno Conference**

The Committee grew out of, and is part of, a national effort to examine the implications of the ADA for state courts. The enterprise was launched in earnest in February, 1991, when the National Judicial College in Reno, Nevada, held a 4-day working conference entitled, "Court-Related Needs of the Elderly and People with Disabilities." Several prominent Wisconsin judges and attorneys with expertise in the needs of the elderly and people with disabilities traveled to Reno to attend the conference. The Wisconsin conferees were:

- Judge Richard S. Brown, Court of Appeal of Wisconsin, District II
- Judge Robert R. Pekowski, Chief Judge, Circuit Court of Dane County
- Judge Patrick T. Sheedy, Chief Judge, Circuit Court of Milwaukee County
- Attorney Betsy J. Abramson, Director, Elder Law Center of the Coalition of Wisconsin Aging Groups; and
- Attorney V. K.-Wetzel, Director of Judicial Education.

The Reno conference resulted in a 270-page report, entitled A Blueprint for the Future, which includes the recommendations that emerged from the conference. Each recommendation is accompanied by issue summaries and policy papers discussing the substance of the particular recommendations.<sup>20</sup> The Blueprint also lists selected state action plans and numerous references.

Upon their return, the Wisconsin conferees wanted to pursue the state action plan outlined in the Blueprint. They sought the ear of the Chief Justice and proposed that the Supreme Court of Wisconsin convene an Interdisciplinary Committee for that purpose. The Chief Justice approved the project, and it was agreed that Attorney Abramson, Director of the Elder Law Center of the Coalition of Wisconsin Aging Groups, would draft a grant application to the State Justice Institute ("SJI"),<sup>21</sup> seeking funding for the project, including salary for a full-time Project Coordinator.

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<sup>20</sup> A Blueprint for the Future is available from the American Bar Association Commission on Legal Problems of the Elderly or from its Commission on Legal Problems Mental and Physical Disability Law, 1800 M Street, NW, Washington, DC, 20036. A smaller booklet containing only the recommendations was separately published, and is available from the same sources.

<sup>21</sup> The State Justice Institute is a private, non-profit corporation established by Congress in 1984. "The purpose of the Institute shall be to further the development and adoption of improved judicial administration in State courts in the United States." 42 U.S.C. §10702.

Attorney Abramson's grant application was endorsed by numerous leaders in Wisconsin's court system, including the Chief Justice, the Director of State Courts, the Director of Judicial Education, numerous Wisconsin judges and several prominent individuals and organizations in the state's disability and elderly advocacy network. It was also supported by the American Bar Association Commission on Mental and Physical Disability Law. The grant was approved by SJI for a 15-month term, from January 1, 1993 to March 31, 1994.

The grant set forth numerous goals for the Committee, directing it to: (1) survey the Wisconsin courts to assess current accessibility; (2) conduct public hearings; (3) make contact with other state court systems; and (4) conduct outreach to Wisconsin advocacy groups and networks for the elderly and people with various disabilities. Most importantly, the grant required that the Committee report to the Supreme Court of Wisconsin by the end of its term, March 1994, setting forth its recommendations for improving access to the judicial system for people with disabilities.

Because of his background in law and government, his efforts to secure equal access to the courts for women and minorities, and his leadership in the Wisconsin judiciary, the Chief Justice turned to Judge William Eich, an experienced trial judge and Chief Judge of the Wisconsin Court of Appeals, to chair the Committee. Judge Eich shepherded the very diverse Committee to this consensus report by allowing time at every meeting for mutual education and spirited debate, as well as orderly parliamentary decision-making.

#### Committee Process: Appointment of Members

Upon approval of the grant, Attorney Abramson, Director of State Courts Moran and Judge Brown acted as the hiring committee to engage the full-time Project Coordinator for the 15-month project. Attorney Juliet M. Brodie was hired in this position, to report directly to Attorney Abramson as a part of the Coalition of Wisconsin Aging Groups' Elder Law Center staff. Chief Judge Eich and Attorney Brodie proposed to the Chief Justice the membership of the Interdisciplinary Committee. Chief Justice Heffernan approved the recommendation, and sent letters of appointment in March, 1993.

The membership of the Committee was diverse. It included attorneys, judges, people with disabilities, a representative from the Wisconsin Manufacturers and Commerce organization,<sup>22</sup> design professionals, county government representatives,<sup>23</sup> and advocates

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<sup>22</sup> Although the Committee's mandate was limited to recommendations regarding public entities -- state courts -- it was considered important to have private business represented on the Committee. Jeff Kluever was appointed by James Haney, President of the Wisconsin Manufacturers and Commerce, to represent that body on the Committee.

for people with various disabilities. The categories, of course, are not mutually exclusive; the Committee included several attorneys and judges, for example, with various disabilities.

In addition to those already identified, the Committee included the Executive Directors of both the Wisconsin Alliance for the Mentally Ill and the Wisconsin ARC (formerly the Association for Retarded Citizens), several lawyers in private practice, including a former Milwaukee police officer who is now blind, a business litigator from Madison and a legal services attorney who has a bi-polar mental illness. The Committee also included three members of the National ADA Network. These three are, first, a litigator from Menomonie who uses a wheelchair, second, a member of the staff of the Community Options Program in the Department of Health and Social Services, who is also a former member of The Wisconsin Council on Physical Disabilities, and third, the Director of Consumer and Regulatory Affairs at Ultratec, a manufacturer of telecommunications devices for the deaf. The then ADA-Coordinator for Dane County was also a Committee member. In addition, the Committee included a senior official of the largest manufacturer of telecommunications devices for the deaf in the U.S., who herself has a hearing impairment.

### Committee Meetings

The Committee met bi-monthly from March, 1993, through March, 1994. Each meeting was conducted as a public meeting, and appropriate notices to the public and the media were posted and distributed. The agendas for these six day-long meetings were varied, and changed as the Committee's work progressed.

The first two meetings were educational sessions. Because the Committee members came from such diverse personal and professional backgrounds, it was felt that education on the pertinent provisions of the ADA, the functioning of the Wisconsin court system, typical court uses and users, and the needs of people with various disabilities, would aid

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<sup>23</sup> Early in the grant process, Attorneys Abramson and Brodie met with the President of the Wisconsin Counties Association (WCA), Mark Rogacki. Because of the counties' substantial role in the operation of the state court system, Abramson and Brodie felt it essential to meet with the leadership of the WCA. At that meeting, they explained the purpose of the grant, the background of the Reno conference, and sought the advice of the WCA on priorities and potential points of conflict in making recommendations for improving accessibility. They also sought recommendations of people to represent the WCA on the Interdisciplinary Committee. As a result of this meeting, Janice Lichter (Milwaukee County), Peter DeSantis (Marathon County), and Tom Kieweg (Ashland County) were named to the Committee.

the Committee in its discussions and deliberations.<sup>24</sup> By the mid-point in the Committee's work, members had been divided into five working subcommittees: (1) Physical Access, (2) Communicatory Access, (3) Training Issues, (4) The Jury Process, and (5) Cost and Funding.<sup>25</sup> The subcommittees served as the Committee's basic organizational units and drafted the original versions of the recommendations contained in this report.

Each subcommittee drafted recommendations in its own subject area, which were reviewed and formally approved by the full Committee. The subcommittees also drafted the commentary accompanying each recommendation. Judge Eich and Attorney Brodie coordinated the activities of the subcommittees and assisted in the identification of issues cutting across subcommittees and in drafting and editing the commentary and recommendations.

The Cost and Funding subcommittee, chaired by Judge Richard S. Brown, who had attended the conference in Reno, functioned somewhat differently. In addition to writing its own recommendations and accompanying commentary, this subcommittee designated from its own membership liaisons to each of the other four subcommittees. These individuals worked with the members of the various subcommittees to assist them in identifying and assessing cost factors for the recommendations, and in locating sources for the equipment or materials recommended. The price list which appears as Appendix H is the result of this collaborative effort.

### Public Hearings

In addition to holding its own public meetings, the Committee conducted two public hearings to hear the concerns, experiences, and suggestions of Wisconsin citizens on the subject of court accessibility. The first hearing was in the Milwaukee area, in Greenfield, on July 15, 1993, and the second in Stevens Point on August 19, 1993. Chapter 4 describes the public hearing process and testimony.

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<sup>24</sup> The Committee's second meeting included a panel presentation on the basic workings of the court system and the needs of people with disabilities in various roles (e.g., as attorneys, parties, witnesses, jurors, etc.) in that system. The all-day meeting was videotaped and has been edited down to a 2-hour videotape, available for rental from the Coalition of Wisconsin Aging Groups--Elder Law Center for \$10 for one week. The Committee recommends use of this videotape as a basic educational tool.

<sup>25</sup> A list showing subcommittee membership is attached as Appendix D.

### Survey of Current Accessibility

As mentioned above, a major activity taking place in conjunction with the Committee's work was the comprehensive survey of current circuit court accessibility by the Director of State Courts office. Under the ADA, all public entities are required to perform "self-evaluations" to "evaluate [their] current services, policies and practices, and [their] effects" on accessibility to people with disabilities. 28 CFR 35.105. The Director of State Courts office, using a survey tool developed by the National Center for State Courts under a grant from the U.S. Department of Justice, surveyed both the physical and program accessibility of all circuit court programs, services, and activities. Wisconsin state courts conduct their proceedings and programs in more than 100 buildings across the state, and each one had to be thoroughly studied with respect to physical accessibility of court programs. Director Moran engaged Theresa Lomperski, an independent consultant with expertise in barrier-free design, to conduct the facility survey. Ms. Lomperski was also a member of the Committee and served as the coordinator of the physical access subcommittee.

Ms. Lomperski trained a team of District Court Administrators and oversaw administration of the facility survey. Blank samples from the Physical Access Survey are reprinted as Appendix B to this report. Ms. Lomperski had responsibility for the production of county-by-county reports which demonstrated particular exceptions to the ADA Accessibility Guidelines (ADAAG) in court buildings.

Mr. Moran's office also surveyed the accessibility of circuit court programs, services and activities. (A blank sample of the Program Access Survey is attached as Appendix C.) This survey covered telecommunications, staff training, written forms, policies and procedures for accommodating people with disabilities, and other non-physical aspects of court accessibility.<sup>26</sup> Title II Circuit Court Accessibility Reports, outlining the results of both the physical and program surveys, have been sent to each county.

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<sup>26</sup> County Administrators may request a copy of their county's report from their local district court administrator.

## 4. SUMMARY OF PUBLIC HEARINGS

### Introduction

Under the grant from SJI, the Committee was required to conduct public hearings. The Committee welcomed the hearings for they enabled it to gather information and ideas on court accessibility directly from members of the public. In addition to listening to the witnesses appearing at the hearings, the Committee solicited written and videotaped testimony from those unable to appear. All in all, a total of 37 witnesses testified. In addition, an ad hoc group of attorneys and other professionals whose careers focus on mental health and developmental disabilities submitted written testimony as a group. This document appears in Appendix E.

### Publicity Efforts to Solicit Witnesses

Considerable effort was expended in publicizing each of the public hearings. An ad hoc working group of Committee members was convened to oversee the hearing process, and to plan the individual hearings, including making final proposals to the full Committee regarding dates and locations, arranging for accommodations for witnesses with disabilities, and designing and implementing publicity strategies to reach the many citizen groups it thought would be potentially interested in testifying.

The working group divided the state into geographical areas to be targeted for publicity for each of the hearings and divided possible witnesses into three general categories: (1) people with disabilities and their advocates; (2) court professionals, such as clerks of court, judges, and attorneys; and (3) county personnel, such as county board chairs, executives, and administrators.<sup>27</sup> In addition, the working group designed a campaign to publicize the public hearings through appropriate local media.

A Notice of Public Hearing was prepared for each hearing. Copies of the Notices are attached as Appendix F.<sup>28</sup> Appropriate cover letters were drafted for the various targeted groups, and copies were distributed along with the notices according to the campaign plan. To notify people with disabilities and their advocates, mailing lists were collected from many sources, including the Centers for Independent Living of Wisconsin,

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<sup>27</sup> While many court professionals are, in fact, county employees, the groups were solicited separately for testimony.

<sup>28</sup> The differences in the two Notices, particularly the inclusion on the August 19th Notice of a list of groups represented on the Supreme Court Committee, reflected the ideas of the full Committee for increasing the number of witnesses at the second hearing.

the Cochlear Implant Society, the Office of the Hearing Impaired, the Wisconsin Council of the Blind, the Wisconsin Coalition for Advocacy, the Bureau on Aging, the Victim/Witness Office, the Governor's Committee on People with Disabilities, numerous other specific offices in the Department of Health and Human Services, and a host of individuals and offices with which the Project Coordinator had become familiar in the course of the Committee's work. In addition, the many Committee members who work in disability networks were asked to distribute Notices and encourage people to appear.<sup>29</sup>

To solicit testimony from court professionals and county personnel, the Project Coordinator collected mailing lists from the Director of State Courts office and the Wisconsin Counties Association. Notices and letters were sent to all county human and social service departments, juvenile court clerks, registers in probate, and clerks of circuit court, as well as the justices of the Supreme Court of Wisconsin, court of appeals judges, and all circuit court judges in the state. Cover letters requested that recipients post the Notices in a conspicuous place and encourage people to testify.

Finally, the ad hoc committee and the Project Coordinator drafted press releases and public service announcements and distributed them to appropriate print and electronic media in the targeted areas. Both hearings received media coverage. The Milwaukee Journal reported on the Greenfield hearing, which was also attended by a radio reporter who interviewed the Chair of the Committee, the Project Coordinator, and Committee members. A Wausau television station covered the Stevens Point hearing and conducted similar interviews. In addition, the Project Coordinator did numerous advance radio interviews that were played in the target areas in the days leading up to the hearings. The interviews explained the purpose of the Committee and the necessity for public input as the Committee crafted its recommendations regarding priorities for court accessibility.

### Accommodations for Witnesses

Both hearings were held in facilities that are accessible to people who use wheelchairs. Because the restrooms at the Greenfield City Hall were not accessible to all wheelchair-users, the Committee engaged two personal care attendants through the Southeastern Wisconsin Center for Independent Living to assist potential witnesses. Sign language interpreters and real-time court reporters were engaged for both hearings to assist people with hearing impairments. Because there is no public text telephone at the Greenfield City Hall, the Committee furnished a portable TDD/TTY for public use.

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<sup>29</sup> As one example, these contacts included a lengthy mailing list obtained from Committee member Vande Zande, who works in the Bureau of Long Term Support in the Department of Health and Human Services. This statewide mailing list included well over 150 contacts in the disability advocacy community.

## Summary of Experiences and Current Status Reported

At both hearings, witnesses testified to a wide range of personal and professional experiences and offered suggestions for improving court accessibility.<sup>30</sup> The following summary breaks down the testimony into two basic categories: (A) how the court system works well to serve people with disabilities, and (B) the need for improvements.

### A. How the Court System Works Well

Many court officials, including judges, clerks of court, and registers in probate, testified to the efforts already underway in circuit courts to accommodate people with disabilities and to make court programs accessible to all. While knowledge of the ADA varies greatly from county to county, and from individual to individual, there are many court professionals who, well before passage of the ADA, spent years attempting to accommodate people with various disabilities. Since passage of the Act, these efforts have increased. Some counties have already appointed ADA Coordinators, are incorporating accessibility into plans for physical plant renovation, and are training their staffs in necessary accommodations for people with varying types of disabilities. Some county officials testified that they have not encountered problems they have been unable to address adequately. What follow are a few examples of the topics covered by witnesses at the two hearings on these subjects:

- Many witnesses provided detailed descriptions of the current state of physical accessibility to the courts, and efforts currently being made to make improvements.
  - In one county, jury rooms for two large courtrooms are being made wheelchair-accessible (it was noted that deliberation and jury restrooms are not part of this renovation).
  - The same county is improving the accessibility of its public restrooms.
  - One county has lowered its elevator buttons to enhance wheelchair accessibility.
  - Another county has requested \$10,000 in its current budget for real-time court reporting.

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<sup>30</sup> The testimony was not taken under oath. Full transcripts of both public hearings are available upon request (for the cost of reproduction) from the Elder Law Center, 1245 E. Washington Ave., Madison, WI 53703.

- One county is currently remodeling its law library — including the installation of revolving shelves — to make it accessible to wheelchair-users.
- Because of acoustics in courtrooms that make it difficult for many people with hearing impairments to participate fully in proceedings, one county is working on a system to make existing sound systems portable so they may be moved to where they are needed.
- Some counties have taken the Director of State Courts' survey process as an opportunity to meet together to discuss the ADA on a district-wide basis.
- In all counties represented at the two hearings, staff assist people with disabilities on an ad hoc basis, e.g., taking people with visual impairments into a separate room to fill out papers, where additional time may be allotted and other accommodations made; accepting a filing from a person who uses a wheelchair at the front door of a building that does not have an elevator or is otherwise inaccessible.
- In many counties, testimony from people who use wheelchairs is taken from alternative locations, such as the bailiff's box or the floor in front of witness box.<sup>31</sup>
- One court system representative testified to the use of "follow-up" evaluation questionnaires, and stated that this practice provides feedback on the value of accommodations and other useful information.
- One county agency (Milwaukee County Office on the Handicapped) provides 5000 hours of sign interpretation services per year, although there was no testimony regarding what percentage of that time is allocated to court services. The agency's representative also testified to his willingness to share resources and ideas on how to establish similar programs in other counties.
- This same county office has a "newspage" that is sent to a mailing list of 2700 people, including legislators and judges. Again, this type of service could be used as a model for informing various communities about court services and access.

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<sup>31</sup> Some people who use wheelchairs are not satisfied by this accommodation, and do not consider it "program accessibility." See below, "Recommended Improvements."

## B. Improvements Recommended<sup>32</sup>

### Mobility

- A District Court Administrator who conducted surveys of physical accessibility testified that in his opinion there was not "a single courtroom [in his district] that was accessible in terms of the judge's bench, the witness, the jury box, or the clerk's area." He went on to note that the one of the major problems with making these areas accessible is lack of space.
- Many counters where court programs are administered are too high to accommodate people who use wheelchairs.
- It is difficult to fingerprint a person with spasticity (a portable fingerprinting unit was recommended).
- One litigant with a mobility impairment and considerable chronic pain testified that he had been made to wait, endure postponements, and that no accommodation for his disability was made. He specifically noted that some traditional courthouse furniture is very uncomfortable for people with chronic musculo-skeletal pain.

#### Witnesses recommended, among other things, the following in this area:

- The availability of portable ramps to assist people who use wheelchairs.
- Wheelchair-users should not be segregated from other court users (e.g., made to testify from outside witness box, or sit apart from other jurors, or sit simply in the aisle as a court observer). One witness said, when asked his views on this subject, "I would have felt being segregated and placed on the spot in the public eye, basically, being out, not with everyone else."
- Wheelchair seating in observer areas should be dispersed, and not located in a single area. However, if all in one area, the front of the courtroom is preferable.
- Wheelchairs should be available at court for the "frail" who don't bring them, but need them to gain full access to court programs and services.

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<sup>32</sup> It should be noted that these are not the formal Recommendations of the Committee, but rather suggestions made by witnesses at the public hearings.

### Communications

- One court employee testified that the most frequent complaint she receives is from elderly people with hearing impairments.
- It was noted that simple amplification (e.g., use of microphones) doesn't help everyone with a hearing impairment.
- Many witnesses testified to what they considered the failures of the current state reimbursement statute for sign language interpreters. One said that sign interpreters need to be recognized as professionals, and that the current statutory rate of state reimbursement (\$35 per half day) is "an insult."
- There was testimony about the overall shortage of sign language interpreters in the state, which requires repeated rescheduling of proceedings for people who use sign language.
- It was recommended that the Director of State Courts office request state funding for real-time reporting for each county. Court reporters who have real-time equipment currently pay for these systems themselves. One reporter testified that her system cost \$20,000.
- The same court reporter testified that Wisconsin has fewer than 10 full time real-time court reporters, and that half of the 200 court reporters statewide are training themselves (at their own expense) in real-time reporting.
- The court reporter testified that real-time court reporters all use their own time and money for training and the purchase of equipment. This includes using "vacation days to attend the seminars . . . noon hours to build up computer dictionaries . . . and also personally pay[ing] for the computer equipment."
- The reporter said that the cost per courtroom for real-time (presumably excluding the stenographic equipment itself) is \$1000.00. Bulk purchasing could lower the cost.
- Finally, she said that there should be a financial incentive for court reporters to learn real-time: payment for training, higher hourly wage, etc. It was suggested that payment for "video splitters and monitors" be covered by individual counties.
- One witness testified that some judges oppose introduction of real-time into their courtrooms.

Witnesses also recommended the following in this area:

- People in courtrooms should wear body microphones when necessary.
- Attention should be paid to sight lines and facing people with hearing impairments who rely on lip-reading.
- Time should be set aside for people with communicatory impairments to use the accommodations afforded them, e.g., written notes between client and attorney.
- The availability of large print documents should not be noted in small print on "regular" documents. This witness went on to specify that large print size should be minimum 14 point and maximum color contrast.
- Every juror questionnaire should be in large print.
- One witness noted that some mental impairments should be considered, in some cases, a communicatory impairment and that some people with such impairments may need a "translator," comparable to a sign language interpreter.
- Every court should have a TDD/TTY, and its number should be listed on all business cards, letterheads, forms, and other court documents distributed to the public.

Court Administration

- One judge testified, regarding funding for ADA improvements, "I think there should be a Supreme Court rule which gives the Chief Judge the power in each district to order it . . . . And I think the Supreme Court under their sum sufficient budget has the power to do that."<sup>33</sup>
- Another witness noted that leadership from the Supreme Court of Wisconsin is necessary for implementation of the ADA in Wisconsin's courthouses. This witness asked whether such non-accessibility would be tolerated by the Court or whether some formal accountability and enforcement mechanisms would be established.

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<sup>33</sup> The Supreme Court of Wisconsin's sum sufficient budget does not include funding for trial court operations or facilities.

- It was recommended that all courts maintain lists of local resource agencies, such as sign interpreters, agencies serving people with mental impairments or providing personal assistants, etc. This information should be shared with staff, and staff should be trained in how to use it.
- It was noted that people with disabilities will not be the only beneficiaries of many accommodations; many will increase efficiency and save court time overall.
- It was also noted that transportation is a major problem for elderly people involved in the court system.
- One witness suggested that county organizations (such as Milwaukee County Office of the Handicapped) share information about how they got started, the types of services they offer, how people learn of them, how to network into court system, and similar matters.
- Another suggested that the state pick a "sample" county, bring it into full compliance with ADA, and report state-wide on how it was done, what was effective, what the cost was, and similar matters.
- It was recommended that volunteers be used for escorts/advocates through the courthouse and court system.

### Mental Impairments

- One witness noted that people confuse hearing loss with "loss of intelligence."
- Another stated that in his county there are no policies or procedures in place to address needs of people with mental illness or mental retardation.

### Training Recommended by Witnesses

- Judicial education on disability issues in general was recommended. Specific topics included the medication and privacy needs of people with disabilities. With respect to the latter, it was noted that jurors or others needing accommodations should not be asked to identify their needs in front of the public in a full courtroom, and that provision should be made for such discussions to be held before the smallest group possible. Witnesses also suggested that people with mental illnesses should be allowed to testify

at commitment or other hearings in person, if able, or to permit others to testify on their behalf.

- Bar associations should inform attorneys of accommodations available at court and of procedures for requesting them.
- Education for everyone in the court system on mental illness issues was recommended.
- Attorney education was recommended regarding how best to familiarize clients/witnesses with disabilities with the court process; including information tailored to people with mental impairments.
- Attorney education was also recommended to be conducted by people with disabilities regarding overcoming reluctance to accept them as clients, how to accommodate them, and how to advocate for them in the courts.
- Sensitivity training was recommended for jurors, due to the fact that their co-jurors may include people with disabilities.
- It was recommended that training should be organized at state level, and that staff training should include simulation exercises/devices regarding various disability types.

## 5. INTRODUCTION TO RECOMMENDATIONS

The following six chapters contain the recommendations of the Committee. The recommendations are numbered sequentially and each is followed by a brief commentary on its underlying rationale. The rationales include information describing recommended measures, their impact on people with disabilities, and frequently an explanation of why the Committee recommended one measure over another. In addition, most recommendations are accompanied by timelines: what the Committee considers a reasonable time for implementation.

There was considerable Committee debate over whether to include timelines in the report. The Committee was concerned that including timelines might imply priorities among the recommendations — that, by recommending that some steps be taken before others, readers of the report might infer that the Committee was establishing priorities among the recommendations. Concern was also expressed that inclusion of the timelines might suggest to local decision-makers and others that the items in this report were mandates, rather than the recommendations of the Committee.

After considerable debate over several meetings, and following a close vote on the final day of Committee deliberations, a majority of the Committee decided to retain the timelines, subject to the following observations. First, like the recommendations themselves, they are not mandatory and do not impose binding obligations on any court or local unit of government. They simply reflect the Committee's collective judgment on how best to make court programs and services accessible to people with disabilities and what the Committee feels is a reasonable amount of time for implementation of the various recommendations. Second, the timelines have no effect on the time requirements of the ADA itself: implementation of any or all of the Committee's recommendations — even *within* the suggested timelines — does not insulate state or local entities from the requirements and timelines of the ADA. Third, the Committee recognizes that every local unit of government has its own conditions and concerns — and its own, often competing, needs and obligations — and that levels of state and local funding are unaffected by this report. As a procedural matter, the timelines were established as running from April 6, 1994, the date this report was formally transmitted to the Supreme Court of Wisconsin.

Some, but by no means all, of the recommendations in this report entail cost. Many of these costs will depend so largely on local conditions that the Committee could not rationally attach even an approximate price to implementation. In other cases, the costs of implementation are minimal. The Committee has not listed even approximate prices for these "minimal" expenditures. Other recommendations involve adding activities or responsibilities to existing employees or entities; the Committee has not attempted to ascribe a cost value to these recommended additions.

Some recommendations, however, are followed by a reference to Appendix H. There, readers will find information on some vendors and approximate costs of some of the items and/or services recommended. The list of vendors is by no means exhaustive and, of course, the costs listed do not reflect changing conditions, including inflation. Appendix H also includes some additional information about products, vendors, and prices recommended generally to assist courts in improving accessibility.

## 6. GENERAL RECOMMENDATIONS<sup>34</sup>

### COURT ADA COORDINATORS

1. *The Committee recommends that the judge or majority of judges of each judicial circuit or district designate a Court ADA Coordinator for every Circuit Court, the Court of Appeals and for the Supreme Court of Wisconsin. [Implementation: By June 30, 1994.]*

#### Rationale

The ADA specifically requires that any public entity employing more than 50 people designate a "responsible employee" whose duties are "to coordinate its efforts to comply with and carry out its responsibilities under [Title II]." The public entity must make the name, office, and telephone number of this person available to all interested individuals. 28 CFR 35.107. Many counties have already appointed ADA Coordinators in compliance with this regulation.

The Committee recommends that, in addition to these county ADA Coordinators, each county court system itself appoint a Court ADA Coordinator. This person may be the same individual as the County ADA Coordinator, so long as he or she is trained and prepared to address court-related ADA needs. He or she should be the ADA contact person exclusively for court programs, services and activities.

The Court ADA Coordinator will be the key contact person for court accessibility and accommodation issues. The Committee believes such a position is appropriate due to the complexity, expertise and detail involved in providing such services. The Court ADA Coordinator should also be the identified recipient of statewide information on court accessibility as it becomes available, and will serve as a resource for other staff, the public, etc. Court ADA Coordinators should be listed in appropriate directories and on appropriate documents. Appointment of the Coordinators will provide for increased accountability, and lead to early resolution of "barrier problems," by minimizing ADA complaints.

The Court ADA Coordinator need not be a new position; duties may be added to an existing staff member. It is recommended, however, that a single contact person be specifically identified as the Court ADA Coordinator and that that person's name and

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<sup>34</sup> These recommendations cut across many subject areas of the court system. Specific recommendations relating to particular areas of court processes are in the chapters that follow.

Voice/TDD/TTY<sup>35</sup> phone number be widely disseminated. Potential duties of the position are listed in Recommendation 3, below.

2. *The Committee recommends that every court provide an "access hotline" (probably the Voice/TDD/TTY phone number of the Court ADA Coordinator). This number should be publicized through the networks as outlined below. [Implementation: By June 30, 1994.]*

### Rationale

The goal of this recommendation is to provide court users and the public in general with a single, easily identified contact number for use in communicating access and accommodation needs. It is anticipated that this hotline would be used by attorneys, pro se litigants, prospective litigants and jurors, etc., to obtain basic information about court accessibility and options. For example, a citizen who has just received a juror questionnaire might reluctantly treat his or her use of a wheelchair as grounds for automatic exclusion from the jury pool. With adequate publication of the hotline number, however, that potential juror could call the court and learn that the court is wheelchair-accessible (or can be made so with portable ramps and sufficient advance notice). He or she might then request these accommodations for assigned jury days, and therefore be able to serve if chosen. The access hotline would provide a means to answer these and other questions in advance to minimize court disruption and to increase citizen participation in the court system.

3. *The Committee recommends that duties of the Court ADA Coordinator include the following:*
  - a. *Informing the local community about (1) accessibility to the courthouse, (2) the ability of the court to make accommodations for people with disabilities, and (3) that he or she is the person to contact as early as possible about access issues. This should involve contact with groups such as:*

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<sup>35</sup> "TDD" stands for Telecommunications Device for the Deaf. TDDs are machines which enable people with hearing impairments to use the telephone through a system where people type and read their conversation rather than speak and hear it. A citizen who has a TDD/TTY (a "text telephone") can call the TDD/TTY number of the court and conduct the necessary business by telephone. People who do not have TDD/TTYs can use the Wisconsin Telecommunications Relay System, mandated in every state by Title IV of the Act. The RELAY allows a person who does not have a TDD/TTY to communicate with one who does, through a hearing operator. This operator "relays" the spoken words through a central TDD/TTY. To access the RELAY, dial 1-800-WI-RELAY. See Chapter 8.

- *disability groups and advocates*
  - *mental health programs*
  - *senior citizen groups*
  - *citizen hotlines and newsletters*
  - *county departments of human services, etc.*
  - *community bulletin boards (including computerized boards)*
  - *public service announcements on local radio, television and in print media.*
- b. *Contacting disability groups and advocates to encourage the participation of people with disabilities in activities such as Law Day, local "Meet the Judges Day," and similar programs.*
- c. *Contacting local disability groups and advocates to collect names of assistants, interpreters, and other resources to help the court system meet the needs of court-users with disabilities. See Appendix G for list of a statewide resources.*
- d. *Encouraging people with disabilities, through the networks outlined above, to familiarize themselves with the courthouse in advance of any necessary appearance.*
- e. *Using local volunteers from the American Association of Retired Persons, local bar associations, or similar organizations, to conduct and direct activities such as tours of the courthouse and court programs for people with disabilities, demonstrating wheelchair-accessible routes, introducing the staff (including Court ADA Coordinator), and identifying rooms that individuals will need to use, as well as accessible telephones and forms.*

### Rationale

This list is not intended to be exhaustive. Rather, it is intended to suggest the types of activities the Committee believes will be of service to local communities in publicizing the existence of the Court ADA Coordinators, the court's knowledge of its ADA responsibilities and its flexibility in meeting them. It is hoped that the performance of these and like duties will increase the availability and provision of accommodations and thereby minimize complaints regarding court accessibility.

DIRECTOR OF STATE COURTS OFFICE

4. *The Committee recommends that the Director of State Courts office appoint or hire an employee to act as State Court ADA Coordinator. [Implementation: 6 months.]*

Rationale

This person would be the central, statewide contact person for Court ADA Coordinators, District Court Administrators, county governments, and others concerned about court accessibility.

5. *The Committee recommends that the State Court ADA Coordinator work to ensure that the state court system's Policy and Planning Advisory Committee addresses ADA issues in the courts by including Court ADA Coordinators in appropriate activities and keeping them informed of pertinent process and policy changes in the court system. [Implementation: Immediate.]*

Rationale

The State Court ADA Coordinator should work with the Policy and Planning Advisory Committee on long-range planning for the courts to ensure that ADA requirements and accessibility-related issues continue to be addressed in the court system, to assist counties in long-range accessibility planning, and to monitor the counties' response to the accessibility needs of individuals using the system.

6. *The Committee recommends that the State ADA Coordinator compile and regularly update lists of resources for use by local courts in implementing the ADA. See Appendix G for list of some resources. [On-going.]*

Rationale

As the statewide contact person for accessibility issues, the State ADA Coordinator should be able to provide comprehensive resource lists and ideas to Court ADA Coordinators and others interested in court access and accommodations. While each Court ADA Coordinator should have responsibility at the local level for compiling resources, there should be a statewide "clearinghouse" so that counties can easily collaborate with a central person to contact for ideas and information.

7. *The Committee recommends that, by December 31st of each year, the Director of State Courts office report to the Supreme Court of Wisconsin*

*on the status of implementation of the Americans with Disabilities Act in Wisconsin courts.*

### Rationale

As the body with ultimate authority over the Wisconsin judicial system, the Supreme Court of Wisconsin should be kept apprised of the progress toward achieving full program accessibility in the state courts. The Director of State Courts office has access to statewide information regarding the workings of all Wisconsin courts and should provide, at the end of every calendar year, a report on the status of the accessibility of the state court system to people with disabilities. These reports should include updated lists of Court ADA Coordinators and summaries of persistent access barriers as well as those accommodations that have proved over the reported year to be cost-effective and satisfactory to court-users with disabilities. Such annual reporting will enable the Supreme Court to remain informed on this important issue and to identify problems.

8. *The Committee recommends that the State Court ADA Coordinator identify successful modifications that result in increased program accessibility in courts in Wisconsin and nationwide, and use this information to assist courts in ADA planning. In this way, the State Court ADA Coordinator will act as a clearinghouse of information for local Court ADA Coordinators. [Implementation: Within 18 months.]*

### Rationale

As the primary contact person for information regarding implementation of the ADA in state courts, the State Court ADA Coordinator is in the best position to compare local accessibility programs, policies and activities, and to assist counties in sharing information about making their courts accessible. This is not to discourage communication among local Court ADA Coordinators about their own programs, but to recognize the ability of a central coordinator to disseminate information statewide to improve court accessibility.

### COURT RULES

9. *The Committee recommends that the Supreme Court of Wisconsin issue a policy statement regarding implementation of the ADA in Wisconsin state courts, and that that statement be disseminated to all courts, leading statewide disability organizations (both public and private), and the media.*

## Rationale

Many state supreme courts have promulgated policies regarding implementation of the ADA in their state court systems. The Committee recommends that Wisconsin, as a national leader in court ADA implementation, do the same. The statement need not be detailed in explicating the ADA duties of state courts, but rather express in broad terms the Wisconsin judiciary's commitment to equal access to the courts for people with disabilities. We believe the Court has the authority to promulgate such a policy under its "superintendency" powers enumerated in the Wisconsin Constitution.

Dissemination of a policy statement is essential. Organizations that serve people with disabilities, their clients, and all state courts, must know of the Court's commitment to civil rights for people with disabilities. Similarly, dissemination to the media provides an opportunity to continue to respond to the public's growing interest in the issue of disability rights and accessibility, as did passage of the ADA itself. The Wisconsin Supreme Court's public leadership on this issue will be crucial to the adoption of the recommendations in this report and to implementation of the principles of the ADA in Wisconsin.

10. *The Committee recommends that the Supreme Court of Wisconsin promulgate a rule requiring attorneys to notify the court as soon as they become aware that a person with a disability will be involved in a proceeding, and is requesting an accommodation from the court. [Implementation: Within 1 year.]*

This recommendation, while simple on its face, raises several important and complicated issues regarding relations among people with disabilities, their attorneys and the court system. Three particular issues merit discussion: (1) advance notice to the court of the request for an accommodation, (2) the attorney's knowledge of a client's need for an accommodation, and (3) selection of the accommodation.

- (1) Notice to the court

Advance notice of the need for an accommodation is important to the court's ability to make the accommodation. It may be impossible to engage a sign language interpreter, for example, for a hearing to begin in 30 minutes; but with two weeks notice, one may be found. This holds regardless of the type of accommodation requested, whether it is real-time reporting, wheelchair access, relocation of a proceeding, or providing documents in large print.

(2) Attorney's knowledge

An attorney should never notify the court that a person with a disability will be involved in a proceeding and may need an accommodation unless he or she has been asked to do so by that person. "Self-identification" is an important concept under the ADA. Whether a disability is "visible" (such as paraplegia) or not (such as diabetes), the decision to notify the court (or anyone else) of the disability rests with the person with the disability, not with the attorney. An attorney should not request an accommodation "on behalf" of a person with a disability, unless that person has asked that it be done.

In other words, the rule should not encourage attorneys to notify the court when they know that a participant in a proceeding has a disability. Rather, it should require that attorneys give notice to the court upon the request of the person with a disability. The duty to notify is not based solely on the request of the person with a disability (whether he or she be a party, witness, observer, or any other participant), but additionally stems from lawyers' duties as officers of the court and, when the person with a disability is the attorney's client, from his or her duty to represent that client zealously.

(3) Selection of the Accommodation

If a client with a disability has told his or her attorney that an accommodation will be needed, the attorney and client should work together to select and request the accommodation from the court. The final choice should be with the person with the disability. There are two reasons for this. First, without an express request, an attorney might inaccurately assume that the person (a) has a disability or (b) wants that disability communicated to the court. That decision lies with the person with the disability alone. Second, if a person has informed a lawyer that he or she has a disability, then the type of accommodation requested should also come from the person with the disability. The attorney should not make assumptions, e.g., that all people who are blind read Braille, that all people who are deaf use sign language, or that all people who use wheelchairs would prefer to testify from in front of the witness box.

The essence of these recommendations is in keeping with respectful attorney/client relations in general, and relations between an attorney and a witness or other participant in the process. It is simply that the wishes and privacy of the person with the disability are primary, and should not be violated by the attorney. These duties must be exercised in light of the fact that advance notice will assist the court in securing the appropriate accommodation.

Finally, as to the particulars of implementation of the advance notice aspect of the rule, each court should decide whether to include in the rule a minimum notification time (e.g., not less than 7 days before first appearance).

11. *The Committee recommends that the Supreme Court of Wisconsin direct the Committee's recommendations and report to all Municipal Courts with an admonition that ADA requirements are applicable not only to state courts, but also to municipal courts. [Implementation: Within 6 months.]*

### Rationale

Many people each year come into contact with the municipal court system. With the benefit of this Committee's report and the support of the Supreme Court of Wisconsin, municipal courts would have access to valuable implementation information pertinent to their ADA obligations, and thus gain an increased incentive and ability to take affirmative steps to meet ADA requirements.

12. *The Committee recommends that the Supreme Court of Wisconsin promulgate a Rule requiring that each court that appoints private persons or entities to act as guardians ad litem, counsel for indigent criminal defendants, or in other capacities, ensure that those appointees meet their obligations under the ADA. Appointing courts may take a variety of measures, including but not limited to:*
  - a. *Requiring that the appointee file an affidavit with the court stating compliance with the ADA,*
  - b. *Conducting random audits of frequent appointees, or*
  - c. *Any other reasonable methods. [Implementation: Within 1 year.]*

### Rationale

Title II regulations state that "all services, programs, and activities made available by public entities" must comply with Title II. 28 CFR 35.102. The United States Department of Justice has interpreted this language as follows: "All government activities of public entities are covered, even if they are carried out by contractors." Americans with Disabilities Handbook, Equal Employment Opportunities Commission and the U.S. Department of Justice, October 1991 at page II-9.

CIRCUIT COURTS AND OTHER TRIAL-TYPE TRIBUNALS

13. *The Committee recommends that current policies and practices be modified, as needed, to give persons with disabilities the opportunity to self-identify for needed accommodations. [Implementation: 1 year to identify changes, 2 years to make modifications.]*

Rationale

People should have the opportunity, starting with their first contact with the justice system, to self-identify as a person with a disability and to request an accommodation. Each office within the justice system that has substantial contact with the public should assess its practices to ensure that such opportunities are provided. In many cases, this may involve the modification of intake procedures and forms. For example, traffic citation forms should be modified so that people with disabilities can self-identify at the earliest possible point in the process. The citing officer should not make his or her own "call" about a person's possible disability, nor should the person's first opportunity to self-identify come so late in the process as to cause inconvenience to all involved. As is discussed in Chapter 9, juror questionnaires should also be revised to enable prospective jurors with disabilities to self-identify early in the process.

14. *The Committee recommends that all documents generated by court offices (e.g., letterheads, notices, informational pamphlets) which bear the phone number of the court office also bear the TDD/TTY number or RELAY<sup>36</sup> number which can be used to access that court office.*

Rationale

Consumers frequently refer to written materials they have received from an agency to find out how to contact that agency. People with disabilities should be able to receive this information in the same convenient way.

15. *The Committee recommends that service animals, including but not limited to seeing-eye dogs, be permitted full access into any area of the court where the individual using the animal is allowed to enter. [Implementation: Immediate.]*

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<sup>36</sup> See Chapter 8 for description of the Wisconsin RELAY telecommunications system.

Rationale

If service animals are to be of assistance, their movement must not be restricted. Policies regarding animals in court areas may need to be changed to accomplish this. In addition, it should be noted that service animals are working animals; they are not pets. They should not be petted, distracted, or played with without the express permission of the owner. Distraction of these animals can reduce their effectiveness and increase court disruption.

16. *The Committee recommends that the Supreme Court of Wisconsin promulgate standardized oaths to be administered to personnel utilized to assist and accommodate people with disabilities involved in court proceedings, such as real-time reporters, sign language interpreters, personal care attendants, or others. Such an oath should stress:*
- a. the confidentiality of the proceedings,*
  - b. the need for impartiality and accuracy in translation,*
  - c. the authority to address the court solely on issues relating to the person's ability to perform his or her function (for example, inability to interpret if several speaking at once), and*
  - d. the obligation to refrain from communications regarding the case outside the court and deliberation rooms. [Implementation: Within 90 days.]*

Rationale

Certain professionals, such as sign language interpreters, are bound by codes of ethics.<sup>37</sup> Many, however, are not; and certain people who are not members of any specific profession may provide accommodations to court-users because they are known to the court-user and are able to provide the necessary services cost-effectively. Regardless of the existence of other oaths or codes of ethics, standardized oaths should be promulgated for statewide use in Wisconsin courts for any third persons assisting a person with a disability in court. This third person could be a personal care attendant, a friend or relative of a pro se litigant who is permitted to sit at counsel table with the litigant to assist with communication, etc. To preserve the integrity of the judicial system and the impartiality of assistants, such oaths should stress the items listed above.

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<sup>37</sup> The national office of the Registry of Interpreters for the Deaf, Inc. has promulgated a Code of Ethics for interpreters which covers sign language interpreters. This Code provides, among other things, that interpreters (1) shall keep all assignment-related material confidential, (2) shall render the message "faithfully, always conveying the content and spirit of the speaker," and (3) shall not counsel, advise, or interject personal opinions." This Code of Ethics appears as Appendix K to this report.

One example contemplated is the use of real-time court reporting in a jury trial. As the deaf juror needs real-time in the courtroom, so will he or she need it in the deliberation room. As discussed in the Jury Process chapter, this introduces the notion of a "thirteenth juror" (e.g., the real-time court reporter) being present in the deliberation room, traditionally considered a sacrosanct area to which only sworn jurors are permitted access. With the ADA, this view changes. A real-time reporter (or sign language interpreter) working in a deliberation room, however, must understand his or her obligation to the integrity of the trial or other judicial proceeding. It is an obligation of absolute neutrality. Thus, the reporter or interpreter must not participate in the substance of deliberations in any manner, directly or indirectly. The exception provided is to enable the reporter or interpreter to be heard by jurors if they speak over one another, making accurate reporting or interpreting impossible.<sup>38</sup>

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<sup>38</sup> Because jury deliberations are secret, any transcribed records of them should be destroyed. Courts should craft policies for the timely and appropriate destruction of, for example, real-time reports, written communications, or other records of deliberation.

## 7. PHYSICAL ACCESS

### Introduction

As discussed in Chapter 2, the federal ADA Accessibility Guidelines (ADAAG) govern the specific physical requirements (including specifications, measurements, etc.) for accessibility. ADAAG, however, applies only to renovation and new construction projects. Nevertheless, the Committee feels that ADAAG is an appropriate and useful standard for existing buildings in some circumstances.<sup>39</sup> This Chapter thus frequently uses ADAAG as the benchmark of its recommendations, and it is recommended that each court order a copy of ADAAG for its reference.<sup>40</sup>

The recommendations in this chapter are separated into three categories:

- 1) Exterior Areas, such as parking areas, public paths to buildings, and building entrances;
- 2) Interior Common Areas, such as hallways, corridors, stairways, elevators, rest rooms, and public telephones; and
- 3) Interior Court Service Areas, such as court offices, courtrooms, conference rooms, law libraries, and other spaces used for court programs.

Though the following recommendations do not cover every circumstance or satisfy all local concerns in remodeling existing buildings, the Committee believes they will, at a minimum, increase physical program accessibility while taking into consideration (1) the cost involved in remodeling existing facilities, (2) maintenance of judicial decorum, and (3) security concerns.

This chapter begins with several general recommendations, followed by more specific recommendations related to parking, courthouse entrances, corridors, etc. Several substantive concerns pervade many of the recommendations, such as security, signs, and

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<sup>39</sup> ADAAG is written in several different sections, i.e., parking, routes, elevators, restrooms, etc. The "Judicial, Legislative and Regulatory Facilities" section of ADAAG, which includes courtrooms, is not final. The recommendations in this chapter which address courtrooms (numbered 50 to 57), are based upon the proposed ADAAG which can be found at 57 Federal Register No. 245, December 21, 1992.

<sup>40</sup> A copy of ADAAG, including the proposed sections on which this Committee relies, can be ordered from the Great Lakes Disability and Business Technical Assistance Center, University Affiliated Program in Developmental Disability, 1640 W. Roosevelt Rd., Chicago, IL 60608; 1-800-949-4ADA (Voice/TDD).

the need for rest areas along lengthy routes. Readers will see these concerns repeated in various areas.

### GENERAL RECOMMENDATIONS

17. *Where the recommendations of the Committee cannot be implemented in full, alternate accommodations to secure program accessibility should be made. Where a decision is made not to provide at least minimum accommodations in existing sites, alternate sites where programs will be conducted be identified to insure program accessibility. [Implementation: 3 months to identify; 6 months to find alternate sites.]*

*Where courtrooms or other court programs are on inaccessible floors, or are otherwise inaccessible, consideration should be given to finding large meeting rooms, board rooms, all-purpose rooms, jury assembly areas, conference rooms or other sufficiently-sized accessible spaces on an accessible floor or at an accessible location as an alternate site for holding court or conducting hearings.*

### Rationale

Because program accessibility is the key to implementing the ADA in the courts, structural modifications are not necessarily required. In addition, the Committee recognizes that many renovations or new construction projects may simply be too expensive to undertake at the present time. However, access to programs must be provided through some means, as is discussed throughout this report. It is the responsibility of each court to determine (and make known to the community) how it will provide accessibility.

One means of providing program accessibility would be to conduct court business in new, alternative, and/or already existing accessible sites. Another might involve reconfiguring an existing courtroom by moving the portable furniture, such as counsel tables, the clerk and/or court reporter's station, and the witness box, closer together. This simple accommodation could assist people with visual impairments and people with hearing impairments, who can hear if seated closer to a person speaking, or who use lip reading.

18. *The Committee recommends that where courtrooms or major court offices (Clerks of Court, Registers in Probate, Juvenile Court Clerks) are on inaccessible floors or are otherwise inaccessible to people with disabilities, and the building does not allow for remodeling to provide accessibility, consideration be given to relocating at least one courtroom and major*

*court offices to an accessible area. [Implementation: 5 years for relocation.]*

### Rationale

Wheelchair access in courthouses where either court offices or the only courtroom are on the second floor of a building without an elevator is an example of where relocation may be the most cost-effective means of providing program access. If installing an elevator is considered impossible now, relocating proceedings, as necessary — or as an on-going matter — to an existing accessible room on the first floor is one way to provide program accessibility.

19. *The Committee recommends that where doors that are used by the public to access court areas fall short of the ADAAG standard of a 32" opening width, courts modify those doors or other entrance gates to a width of 36". [Implementation: 3 months to identify; 1 year to modify.]*

### Rationale

ADAAG requires the clear door opening to be a minimum of 32". However, the Committee recommends that, where a door falls short of this standard and modifications need to be made, courts create a door opening of a minimum of 36". Thirty-two inches is often insufficient to meet the needs of many people with disabilities who use large equipment for mobility or other major life activities. As discussed above, relocating court programs and activities to accessible spaces is sufficient under Title II of the ADA. However, this may not always be possible. In those cases, providing physical access to court areas should begin by modifying doors and gates to provide entry and exit.

20. *The Committee recommends that to provide for people with visual impairments, non-glare materials and sufficient lighting in accordance with state building codes be used in all corridors and hallways leading to court programs, and in all court program locations (offices, courtrooms, conference rooms, judge's chambers, jury rooms, rest rooms, etc.) open to the public.*

*Dimmer switches are recommended, especially in courtrooms, to meet the diverse needs of individuals with visual impairments. Portable lighting devices that can be moved from courtroom to courtroom or office to office are recommended, as is adoption of a policy which would allow individuals to bring their own special lighting into courtrooms where needed. [Implementation: 1 Year.]*

### Rationale

The lighting in many corridors and other court areas is insufficient. Diverse eye conditions exist among the general public, and many people have some form of visual impairment. Poor lighting makes travel and participating in court business particularly difficult for people with visual impairments. Adequate lighting is necessary. Although lighting conditions in all hallways of every courthouse will not meet the needs of everyone, adequate lighting should be provided to the maximum extent possible, with particular attention to people with disabilities.

In certain areas, including courtrooms and court service areas, dimmer switches and portable lighting would assist people with visual impairments in participating in courtroom proceedings and in filling out court documents. People with seasonal affective disorder would also benefit from this accommodation.

21. *The Committee recommends that the Policy and Planning Advisory Committee evaluate court security concerns and requirements as they relate to the ADA and this Committee's report in order to minimize conflict between court security needs and ADA requirements. [Implementation: 6 months.]*

### Rationale

The Committee is aware of the concern that improving physical accessibility for people with disabilities may compromise necessary courthouse security. The Committee recognizes the importance of both concerns and that they must be considered together by court managers.

22. *The Committee recommends that calendaring policies and procedures be modified to ensure that accessible courtrooms are available when needed. [Implementation: 6 months.]*

### Rationale

As discussed above, relocation of certain proceedings may be the best way to provide program accessibility to people with disabilities. Such relocation will require calendaring and other administrative policies and procedures to schedule accessible spaces for the times when they are needed. As indicated above, if there is an accessible conference room large enough to accommodate court proceedings on the first floor of a courthouse which has its single courtroom on the second floor (and no elevator), procedures should be in place to schedule that conference room on an as-needed basis.

23. *The Committee recommends that each court request information from the appropriate county managers regarding areas where program accessibility to the courts has not been provided. Court and county professionals should work together to solve program accessibility problems. [Implementation: 2 years.]*

#### Rationale

Modifications to programs and activities can often be established with minor alterations, costs, and only minor disruption of routine practices. Therefore, providing program accessibility should be possible for all programs. Each court should therefore request from its county a report on areas within the courthouse or other buildings in which court services are provided where programs are not readily accessible to people with disabilities. If the report demonstrates an inability to provide program accessibility, the county should contact the State Court ADA Coordinator for assistance.

## EXTERIOR AREAS

### PUBLIC PARKING

24. *The Committee recommends that parking lots serving courts provide the number of parking spaces required by ADAAG 4.1.2(5), and that they conform to the universal parking design. [Implementation: 1 year.]*

#### Rationale

Public access to the courts begins with the ability to get to the courthouse and, frequently, to park once there. ADAAG speaks specifically to two aspects of accessible parking: (1) the number of spaces required; and (2) the dimensions of accessible spaces (universal parking design).

ADAAG 4.1.2(5)(a) includes a table showing the ratio of existing parking places which must be accessible. For example, if a courthouse has a parking lot with one to 25 spaces, a minimum of one space must be accessible. If the lot has between 26 and 50 spaces, two must be accessible. The table should be consulted to identify the specific number required under local conditions.

ADAAG provides two options for compliance with respect to the dimensions of accessible parking places. Courts may either: (1) provide parking spaces that are 96" wide

with adjacent access aisles (ADAAG 4.1.2(5)(b);<sup>41</sup> or (2) provide what is called "universal parking design" (ADAAG 4.6.3). The Committee recommends that the latter be used. There are two principal advantages of the universal parking design. First, it does not require additional signage identifying van-accessible parking spaces, thus lowering the costs involved for creating such parking. Second, competition for spaces between cars and vans is eliminated, creating first-come-first-served parking for all building users.

25. *The Committee recommends that where there are no public parking lots, accessible parking spaces be provided on a level surface along the perimeter of the building grounds or on the street near the accessible entrance. [Implementation: 1 year.]*

#### Rationale

Many courthouses and buildings holding court programs rely on street parking along the perimeter of the building and do not provide parking lots or other arrangements for self-parking.<sup>42</sup> The ADA does not explicitly address designated accessible street parking for people with disabilities. ADAAG does, however, require that if self-parking (such as a parking lot) is provided generally for employees or visitors, then accessible parking<sup>43</sup> must also be provided in the manner described above. Because many courthouses and facilities holding court programs have multiple entrances, parking designated for people with disabilities should be located closest to accessible entrances.

26. *The Committee recommends that where separate juror parking is provided, a sufficient number of spaces be provided (as in Recommendation 24) or sufficient space reserved near the accessible entrance on an as-needed basis. [Implementation: 6 months for reserving space, 1 year for creating parking.]*

#### Rationale

The reason for providing accessible parking for jurors in a particular lot is the same as that described in Recommendation 24. Jurors, as temporary participants in court

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<sup>41</sup> This regulation also addresses the number of accessible parking spaces that are required.

<sup>42</sup> The Committee is aware that the perimeter (i.e., sidewalk) space around many courthouses and other court-related buildings is not controlled by the state or the county, but by the municipality. To implement this recommendation, courts will have to work cooperatively with whatever entity has responsibility for the perimeter space.

<sup>43</sup> Parking does not need to be provided within a specific lot if parking with greater or equivalent accessibility, in terms of convenience and distance, can be provided through other means.

processes, are there at the court's request. Parking for all jurors, and specifically those with disabilities, should be made with as much convenience to the juror as possible.

Currently, juror parking is at a significant distance from the court facility in several counties, requiring extensive travel to the accessible entrance. In other counties, jurors must park in public parking ramps and along metered streets where spaces are provided on a first-come-first-served basis, and are often unavailable. The Committee recommends separate parking for jurors with disabilities.

27. *The Committee recommends that, where the designated accessible parking area is in a location other than the main public parking area, there be visible signs along the street or main traffic area indicating the direction to the designated accessible parking area. [Implementation: 1 year.]*

#### Rationale

For several court facilities, parking designated for people with disabilities is located at the rear, or in a location remote from the facility. Strategic placement of signs along the traveled streets would assist people with disabilities in finding accessible parking quickly and easily.

#### PUBLIC PATHWAYS

28. *The Committee recommends that there be at least one unobstructed route from the accessible public parking lot, transit drop-off points, or other accessible parking areas, to the accessible entrance of the building. ADAAG 4.1.2 and 4.3. [Implementation: 1 year.]*

#### Rationale

People come to courthouses and other court buildings using many modes of transportation. It is important to provide an unobstructed, accessible route from the drop-off location for each mode of transportation to the designated accessible entrance.

29. *The Committee recommends that signs be provided identifying the route from the accessible parking area to the accessible entrance of the building, using the International Symbol of Accessibility,<sup>44</sup> verbal description, and arrows. [Implementation: 1 year.]*

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<sup>44</sup> The International Symbol of Accessibility is the familiar blue and white sign depicting a person using a wheelchair.

*For larger buildings, or multiple building complexes, a sufficient number of signs should be provided along the pathway to avoid confusion. [Implementation: 1 year.]*

#### Rationale

Court facilities often have multiple entrances. Signs identifying the route to, and location of, the designated accessible entrance(s) for people with disabilities would assist them in locating the entrances and would alleviate confusion.

30. *The Committee recommends that where there are multiple doors leading to programs within a building, a directory be provided at the exterior of the building along the main pathways (and the accessible pathway, if different from the main pathways) indicating the direction to the entrances for the various county programs (including court programs). [Implementation: 1 year.]*

#### Rationale

For court facilities with multiple entrances, programs and activities within the building are often not easily accessible from all entrances. A number of court facilities are large, spanning full city blocks. Providing exterior directories to assist people in identifying the best entrance for specific programs and activities would be helpful in alleviating unnecessary travel and confusion.

31. *The Committee recommends that seating be provided along paths of travel from parking areas to the building entrance to accommodate people needing to rest. [Implementation: 2 years.]*

COST: See Appendix H (information on benches).

#### Rationale

The routes that a court-user may have to travel to the entrance of the courthouse or related buildings may be lengthy, causing problems for people with certain disabilities. Where extensive travel is required to reach accessible entrances, seating along these routes would enable people experiencing fatigue or other difficulty to rest as they make their way to court.

## BUILDING ENTRANCES

32. *The Committee recommends that every building housing court programs, services, or activities have at least one fully accessible entrance (with signs designating its location using the International Symbol of Accessibility), which neither requires individuals to use a complex or confusing route nor to go through searches or secure areas not otherwise required of the public. The route should be as direct as possible. A power door entrance is preferable as it may be difficult for some people with disabilities to open an exterior door without assistance. [Implementation: 1 year.]*

COST: See Appendix H (information on power doors).

### Rationale

Under ADAAG, the accessible entrances, where feasible, should be the same entrances as those used by the majority of people visiting or working in a given building. See ADAAG 4.1.3(8)(a)(iii). However, due to the design of many court facilities, the main public entrance sometimes cannot provide accessible features. In those cases, a different public entrance should be designated as the accessible entrance. This designated entrance should not, however, place individuals with disabilities at any risk of harm or segregation not met by the public at large, such as being required to use the secure/jail entrance.

Signs should be displayed directing people to the designated accessible entrance. ADAAG 4.1.3(8)(d).

## INTERIOR COMMON AREAS

### HALLWAYS, CORRIDORS, STAIRS, ELEVATORS

33. *The Committee recommends that there be sufficient public directories provided within the building — located at entrances, near elevators and near stairwells — providing direction to main court program offices and ADA assistance, or, at a minimum, directions to the location where information and ADA assistance may be obtained. [Implementation: 2 years.]*

### Rationale

Many courthouses and court facilities are large and labyrinthine. Long hallways and winding corridors can cause confusion for some people, and providing additional

directories will support independent travel within the building. Building directories inside each building entrance will help people get information regarding their destination within the building. Such directories can be used as a starting point, or a "home-base," providing a larger picture of the building so people can become oriented to the facility.

In addition to building directories at each entrance, floor directories near elevator and stairwell entrances on each floor level would provide additional assistance.

34. *The Committee recommends that audible directory assistance be provided at the main entrance for use by people with visual impairments. [Implementation: 5 years.]*

COST: See Appendix H (information on audible directories).

#### Rationale

The purpose of this recommendation is to provide people with visual impairments, who may not be able to use maps or directories, accessible descriptions of important court locations. People with visual impairments may have more difficulty finding their way within large buildings than people who are sighted. Placing audible directories at the main entrance would provide an accessible medium for people with visual impairments to locate their destination within the building.

An audible directory can be provided through telephone or other telecommunications devices, computer technology, or other means. As with directories for people who are sighted, audible directories would provide a starting point or "home-base" for people with visual impairments, enabling them to travel independently to their destinations.

Audible directories, like other recorded announcements, can be easily installed, and managed without undue disturbance to the building's architecture.

35. *The Committee recommends that directional signs, in conformance with ADAAG 4.30, be provided throughout the building in a simple and non-confusing manner to assist the public in finding, at a minimum, the main court offices and ADA assistance. [Implementation: 2 years.]*

#### Rationale

Signs and other directional aids within buildings maximize independent travel and are essential to meeting the goals of the ADA. Although building directories are helpful in establishing a starting point, once a person proceeds past the directory and into the corridors and hallways of the building, finding a destination can still be difficult. As

indicated in the rationale accompanying Recommendation 33, courthouses and court facilities are often quite large, and may be intimidating for many users. Strategic placement of directional signs in corridors (mounted either on the wall or overhead) would assist people in finding their destinations independently with the least amount of confusion and frustration.

The cited ADAAG provisions address many aspects of directional signs, including the proportions of characters used, the characters' height, the so-called "finish" of the sign (its shine and readability in different light conditions), and its overall color contrast.

Building directional signs take many forms, including signs with verbal descriptions, pictures, and/or arrows. A building's architecture can also be used as a form of signage to assist building users. Common building landmarks can serve also as orientation cues; for example, changes in floor texture or in illumination levels from one area to another can assist court-users in maintaining their orientation within the building.

36. *The Committee recommends that halls, corridors, passageways, aisles or other circulation areas open to the public be maintained with minimum protruding obstructions in accordance with ADAAG 4.4. [Implementation: 1 year.]*

#### Rationale

People using wheelchairs or other mobility aids often find it difficult to maneuver through hallways and corridors that are obstructed by furniture, boxes, equipment or fixtures. These items narrow the corridor width, present unnecessary obstacles, and can, in some instances, cause serious hazards, especially for people with visual impairments.

37. *The Committee recommends that public seating (chairs or benches) be provided along long corridors or hallways and in waiting areas, including spaces accessible to wheelchairs. [Implementation: 2 years.]*

COST: See Appendix H (information on benches).

#### Rationale

Seating spaces provide a place for people who may need to rest in a courthouse or related building. They are also useful for people waiting for court services. Such seating might assist people who are elderly, people with mobility impairments, or those who may otherwise be experiencing difficulties traveling long distances, or standing for long periods of time.

38. *The Committee recommends that wheelchairs be provided at the main entrances to courthouses or other court-related buildings for use by the public. [Implementation: 2 years.]*

COST: See Appendix H (information on wheelchairs).

#### Rationale

Again, court facilities are often large and require extensive travel to reach a required destination. Wheelchairs at building entrances would provide assistance to people who are elderly, have mobility impairments or have temporary disabilities, or otherwise find it difficult to travel long distances. Courts may wish to consider the risks of theft in planning for the storage and use of wheelchairs.

39. *The Committee recommends that, where space allows, seating be provided at stairway landings for use by people needing to rest when climbing flights of stairs. [Implementation: 2 years.]*

#### Rationale

In many Wisconsin courthouses, the only means of access to the second floor is a staircase. Although able to climb stairs, some people who are elderly, or who have certain disabilities, become "winded" when reaching the second story. Seating at the top of staircases within such buildings would provide a rest point.

40. *The Committee recommends that all elevator entrances and interior car control panels be signed in accordance with ADAAG 4.10.5 and 4.10.12.*

*Where exterior call button(s) and interior car control button(s) are not provided meeting the reach ranges for wheelchair approach in ADAAG 4.2, an additional or alternative implement (such as a wand or pointer stick) should be provided to assist people in reaching the higher control(s). [Implementation: 1 year.]*

#### Rationale

Many courthouses and court facilities have several elevators, and a large number of them do not provide tactile signs for people with visual impairments as required under the cited ADAAG sections. Tactile signage includes raised and Braille characters. The lack of such signs restricts independent travel and equal access to court programs for these court users.

Many courthouses and court facilities have older elevators which provide call buttons and interior elevator control panels mounted out of reach for many people using wheelchairs. Even where call buttons and controls are mounted within the maximum reach for a side approach for people using wheelchairs (54" above the floor surface), they may not be reachable for people able to use the controls only from a forward approach. An additional device, such as a mounted wand to use to press the elevator buttons, to assist people in reaching the higher controls will provide equal access for all wheelchair-users.

The Committee recognizes that such a device may be used as a weapon, and the recommendation is made with the understanding that each county will evaluate the security and other hazards associated with providing such devices.

41. *The Committee recommends that, to the extent that they exist, at least one elevator serving court programs, services, and activities meet all ADAAG requirements. ADAAG 4.10. [Implementation: 5 years.]*

#### Rationale

Accessible elevator features under ADAAG 4.10 include such items as call buttons, audible signals that the car has arrived at a given floor, and interior elevator controls. In a building with many elevators, providing accessible features for all of them may be cost prohibitive. However, providing a minimum of one elevator with these accessible features provides access to all people. Signs directing court users to the accessible elevator should be strategically displayed.

#### PUBLIC RESTROOMS

42. *The Committee recommends that each building housing court programs provide a minimum of at least one fully accessible rest room for men and women on the primary floor of accessible entrance/egress. [Implementation: 1 year.]*

#### Rationale

Many courthouses and court facilities provide public restrooms on more than one floor. However, they are often inaccessible to people with disabilities, and are frequently located in remote locations. Providing restroom facilities on the primary floor will offer proximity and improved accessibility.

43. *The Committee recommends that in buildings where there are court programs on more than two accessible floors, (except on floors where*

*there are presently no rest rooms provided), there be at least one fully accessible rest room for men and women on at least every other floor.*

*For example, where three accessible floors house court programs, there should be a minimum of one fully accessible rest room for men and women on the first and third floors. [Implementation: 3 years.]*

COST: See Appendix H (information on restroom modifications and equipment. While many of the costs of modifying a restroom are minimal, the Committee provides some approximate costs for likely changes required.)

### Rationale

In many courthouses and court facilities, court programs are located on more than one floor, and public restrooms are frequently provided on these floors. However, a large majority of these conveniently-located restrooms are not accessible to people with disabilities. This presents an inconvenience to court participants with disabilities, requiring them to travel lengthy distances to accessible restroom facilities. Providing accessible restroom facilities on every floor, however, could be cost prohibitive. This recommendation intends to strike a balance between cost considerations and the need for equal access to convenient restrooms for people with disabilities.

### PUBLIC WATER FOUNTAINS

44. *The Committee recommends that each building housing court programs provide a minimum of at least one "hi-lo"<sup>45</sup> water fountain of equivalent configuration in conformance with ADAAG 4.15, on the primary floor of accessible entrance/egress. [Implementation: 1 year.]*

### Rationale

As with public restrooms, water fountains on the primary floor will offer proximity and improved accessibility. The cited portion of ADAAG speaks to the height of the fountain itself, the location and height of the spout, and the type of operating controls.

45. *The Committee recommends that, in buildings where there are court programs on more than two accessible floors (except on floors where there are presently no water fountains provided), there be at least one accessible water fountain on every other floor, located as close to the fully accessible*

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<sup>45</sup> A "hi-lo" water fountain is accessible both to people who use wheelchairs and to people who are standing.

*rest rooms as practicable. The water fountains should conform to ADAAG 4.15, using a hi-lo water fountain, or providing an adjacent paper cup dispenser. [Implementation: 3 years.]*

### Rationale

See Rationale for Recommendation 43.

Cone-shaped and other paper cups are often difficult for people with limited hand and/or finger dexterity to grasp and hold. Alternatives should be used where possible. Additionally, water fountain controls should not require tight grasping, pinching, or twisting of the wrist. Levers, automatic sensors, and other alternative controls are available. In addition, the height of any paper cup dispenser should not exceed the specifications in ADAAG 4.2.5 (forward reach not to exceed 48") and 4.2.6 (side reach not to exceed 54").

### PUBLIC TELEPHONES

See Chapter 8.

## INTERIOR COURT SERVICE AREAS

### CLERK OF COURTS OFFICE, REGISTER IN PROBATE OFFICE, CLERK OF JUVENILE COURT OFFICE

46. *The Committee recommends that the entrances to main court offices where the public is received or where court-users file papers, make payments, or otherwise do business, be fully accessible — including entrances and maneuvering space within the public area — in accordance with ADAAG 4.2, 4.3 and 4.13. [Implementation: 1 year.]*

### Rationale

Every courthouse has at least three "main" offices: the Clerk of Court; the Register in Probate; and the Juvenile Court Clerk. The majority of court business is handled in these offices. Cases are filed and maintained there; fees, fines, and forfeitures are collected there. For many, the only formal contact with the court system is through one of these offices. People will never get to the courtroom to have their cases heard if they are prevented from filing them in the first place.

The cited ADAAG provisions speak generally to wheelchair accessibility to interior spaces, and should be consulted. Topics addressed include: space allowances and reach-ranges for people who use wheelchairs; clear floor space necessary for wheelchair maneuvering; location, width, and passing space for wheelchairs; and door requirements, including clear width and door hardware.

47. *The Committee recommends that signs identifying each of these main offices be in compliance with ADAAG 4.30. [Implementation: 1 year.]*

#### Rationale

The public should be able to find main court offices without having to wander throughout the courthouse. Many signs are currently placed so that they may be difficult to locate or read, particularly for people with certain disabilities. As part of providing physical access to the main court offices, readily identifiable signs should be provided. This may call for the use of raised letters and Braille on the walls of the office entrance, as well as large lettering, color contrast and other considerations for overhead or ceiling-hung signs.<sup>46</sup>

Signs providing information about specific or irregularly scheduled events are not explicitly addressed under ADAAG. Signs that are "temporary" in nature are not required to comply with ADAAG's 4.30 requirements. Many signs displayed within court office spaces providing instruction or information may be viewed as temporary in nature.

48. *The Committee recommends that accessible counter space be provided in main offices in accordance with ADAAG 4.2 and 7.2, or that an alternate writing surface be provided in close proximity to the counter. [Implementation: 1 year.]*

#### Rationale

People conducting court business need space to view, complete, or process files and papers. Counters are generally provided for this purpose. The counters in most courthouses in Wisconsin, however, are too high to accommodate shorter people and people using wheelchairs. Adequate space should be provided so that all people coming to court can complete required forms or otherwise transact their business within the court offices. An alternative to constructing new counter space may be to provide accessible tables near the offices where the relevant court business is conducted.

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<sup>46</sup> Much information is displayed on the walls of the clerk's office. It is not required that all of this information be in conformance with ADAAG 4.30. However, it should be made available to the public at the counter in an alternate format to provide full program accessibility.

ADAAG 4.2 speaks to the space allowance and reach ranges for wheelchair accessibility. Section 7.2 addresses the height and other features necessary for access to information counters and service windows. For example, accessible counter space needs to be a minimum of 36" in length and a maximum of 36" in height.

49. *The Committee recommends that if the public is allowed behind a counter to use reference materials or otherwise use space in a main court office, accessible routes, including entrances, be maintained in conformance with ADAAG 4.2 and 4.3. Materials available to the public should be within accessible reach. [Implementation: 2 years.]*

### Rationale

All court records, unless specifically exempted, are open to the public and must be available for review. Space is generally provided in the clerk's or register's office for parties, attorneys, abstractors, news media, etc. to review information and files. The routes to files in many counties, however, are obstructed by furniture and often not passable because of narrow gates, entrances and corridors. To limit access to court information to only those who can physically traverse the area where the records are kept would defeat the public records laws and jeopardize the appearance of fairness and justice that is so essential to the functioning of the court system.

Again, the cited ADAAG portions specify dimensions necessary for wheelchair accessibility.

### COURTROOMS

50. *The Committee recommends that each county provide at least one fully accessible courtroom for each eight courtrooms in the county, including access not only to the spectator section, but within the bar rail, including maneuvering space and pathways, as well as full wheelchair-accessibility to the litigants' tables, jury box and witness stand. [Implementation: 2 years.]*

*It is preferred that the fully accessible courtroom be located in the building with the primary court programs or largest volume of court activity, and that it be accessible for use as an intake courtroom where there is a high volume of public traffic and where people are not likely to be identified in advance as needing special accommodations.*

COST: See Appendix H (information on wheelchair lifts and other equipment for providing courtroom wheelchair accessibility).

### Rationale

It is impractical that every existing courtroom in Wisconsin be made fully accessible. The cost would be prohibitive and attempts to impose such a requirement could jeopardize other efforts to implement the ADA.

Each county should provide as much accessibility as possible in existing courtrooms, even though the ADA applies only to new construction.<sup>47</sup> Although alternative sites for court proceedings probably can be identified in most counties, there is no question that disruption to court proceedings can occur when the court has to "move" from its usual location to an alternative site. Further, individuals who wish to be accommodated may be reluctant to request the accommodation for fear of creating a conscious or unconscious negative attitude toward them that could jeopardize their position in court. Therefore, it is important to provide a certain number of fully-accessible courtrooms in all counties to minimize disruption and maximize accessibility.

The recommendation that one in eight courtrooms in each county be made fully accessible takes into consideration the fiscal realities of county budgeting. The Committee understands that for smaller counties (with one or two judges), the proportionate costs would be greater than in larger counties. However, it is also probable that in the smaller counties there would be fewer available alternative accessible sites in which court proceedings could be conducted.

51. *The Committee recommends that, within 5 years, at least one half of the total number of existing courtrooms be fully accessible, and that a transition plan be completed for such accessibility as soon as possible. [Implementation: Transition plan: 6 months; courtrooms: 5 years.]*

### Rationale

This recommendation recognizes that, ultimately, a single accessible courtroom as recommended in Recommendation 50 may be insufficient, and suggests that a plan should be developed to identify additional courtrooms that should or could be made fully accessible and establish a timetable for accomplishing that goal.

52. *The Committee recommends that all courtrooms, including those not set aside for renovations as recommended in Recommendation 51, provide a moveable partition within a height range between 28" and 34" in front of a witness who uses a wheelchair who is testifying from somewhere other than an accessible witness stand. [Implementation: 6 months.]*

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<sup>47</sup> Existing facilities must, however, be made accessible even where that necessitates structural alterations, if that is the only way to provide program accessibility. See Chapter 2.

Rationale

The witness stand is one of the more difficult courtroom spaces in which to accommodate a person who uses a wheelchair. In order to provide him or her with the degree of formality, privacy, and dignity afforded to all witnesses, a partition (similar to that which surrounds the existing witness stand) should be available to a witness in a wheelchair.<sup>48</sup> Such a partition, placed in front of the witness, but not obscuring his or her face, would serve this function. Existing witness partitions vary by county. Some are similar to a low wall blocking all views below the waist, some are open, and some have no partitions whatsoever. With this recommendation for a moveable partition, the Committee's intent is not to "hide" the wheelchair, but to treat a witness who uses a wheelchair like any other witness, to the greatest degree possible.

53. *The Committee recommends that every courtroom provide full accessibility to the spectator section, including the entrance, signs at the entrance, maneuvering clearance and approach. [Implementation: 1 year.]*

Rationale

If people are to have access to court they must first be physically able to get into the courtroom. Even if a courtroom is not otherwise accessible, people with disabilities should be able to enter any courtroom to watch the proceedings.

54. *The Committee recommends that, within 1 year, every courtroom provide at least one wheelchair-accessible space within the spectator section. The wheelchair-accessible space should be as close to the front as possible.*

*Because ADAAG regulations provide minimum dimensions which do not accommodate electric and larger wheelchairs, the Committee recommends that a full 60 inches be provided from front barrier to rear barrier (pew, rail or wall) when creating spaces for wheelchairs).*

Rationale

Once a person is inside the courtroom, there must be a place from which the proceedings can be observed. As with parking spaces, ADAAG 4.1.3(19)(a) addresses accessible assembly seating in a "ratio" format. For example, if four to 25 seats are

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<sup>48</sup> Providing a witness who uses a wheelchair access to the witness box itself is preferable to providing the moveable partitions recommended here. Information on wheelchair lifts, which may be used for witness boxes as well as in other locations, can be found at Appendix H.

provided, one must be wheelchair-accessible; if 26 to 50 total seats are available, two must be accessible.<sup>49</sup>

The requisite number of wheelchair-accessible spaces may be created in phases, and this recommendation addresses the first stage: at least one wheelchair-accessible space in each courtroom. In addition, the Committee felt the minimum wheelchair seating space dimensions under ADAAG (30" wide and 48" deep, ADAAG 4.2) do not provide adequate maneuverability. Therefore, minimum 60" dimensions are recommended.

It should also be noted that locating accessible spaces in the front of the courtroom would serve people with disabilities other than those who use wheelchairs. Others, including people who use sign language interpreters, will also be served by open space provided at the front of the courtroom.

55. *The Committee recommends that, within 2 years, every courtroom provide at least 50% of the number of accessible seating spaces for wheelchairs in the spectator area required by ADAAG 4.1.3(19), dispersing the seating in accordance with ADAAG regulations, but where existing conditions limit space, placing the seating as close to the front as possible.*

### Rationale

This recommendation addresses the second stage of wheelchair-accessible seating by requiring at least 50% of the ADAAG-required spaces within two years.

56. *The Committee recommends that, within 5 years, every courtroom provide 100% of the ADAAG-required accessible seating spaces for wheelchairs in the spectator area, dispersing the seating in accordance with ADAAG regulations, but where existing conditions limit space, placing the seating as close to the front as possible.*

*Note: It may be more cost effective to create all of the recommended accessible spectator seating spaces (Recommendations 54 to 56) in the courtroom at one time.*

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<sup>49</sup> Proposed ADAAG regulations state that if more than fifty assembly seats are provided, not only must a minimum number be wheelchair accessible, but those accessible spaces must be dispersed through the assembly area, i.e., located in more than one seating row. Proposed ADAAG 11.2.1(3).

Rationale

This recommendation addresses the third stage of wheelchair-accessible seating by requiring a full 100% of the ADAAG-required spaces. The Committee recognizes that it may be more cost-effective to do all required spaces at one time, however.

57. *The Committee recommends that, due to security concerns, signs at doorways leading from the courtroom to the judge's chambers, jury deliberation room, or other private rooms and/or corridors be limited, if any, to room or door numbers. In any event, the number and/or any other signs at doorways should conform with ADAAG 4.30. [Implementation: 1 year.]*

Rationale

Using only numbers on certain signs identifying rooms would protect the security of certain "private" spaces within the court. Such privacy, which is tantamount to a lack of identification of certain rooms, is necessary given the security risks in certain court buildings. The ADA is not intended to impose regulations that compromise legitimate security concerns. Areas which are not generally open to the public or which may be considered safety or private areas need not be marked.

ADAAG has additional requirements for signs identifying office spaces. Section 4.30.6 requires that such signs be hung a height of 60" above the floor, be located at the "latch side" of the door, or otherwise be accessible under local conditions.

JUDGE'S CHAMBERS, JUDGE'S PERSONAL CONFERENCE ROOM, COURT REPORTER'S OFFICE, DEPUTY CLERK'S OFFICE

58. *The Committee recommends that if the judge's chambers, personal conference room, court reporter's office, and deputy clerk or judicial assistant's office are generally not accessible to the public, they need not be accessible to people with disabilities. For example, if the judge, court reporter, deputy clerk or judicial assistant does not allow attorneys or other members of the public into these areas, or if there is an alternate accessible location for the judge to conduct such meetings, or for the court reporter, deputy clerk or judicial assistant to meet with the public when necessary, then the offices and chambers referred to above need not be accessible to people with disabilities. [Implementation: 6 months to find alternate site.]*

*If the judge's chambers, personal conference room, court reporter's office, or deputy clerk's or judicial assistant's office are used for meeting with*

*attorneys or other members of the public, the entrances, maneuvering spaces and seating should be accessible to people with disabilities, including those who use wheelchairs. [Implementation: 2 years.]*

### Rationale

The Committee's assignment does not include making recommendations for modifications of facilities to accommodate court employees. It is expected that such accommodations would be made through Title I of the ADA, which governs employment discrimination on the basis of disability. However, to the extent that court facilities used by employees are also used by members of the general public, those facilities or alternates must accommodate people with disabilities.

59. *The Committee recommends that, due to security concerns, signs at doorways to the judge's chambers and judge's personal conference room, or other private rooms and/or corridors be limited, if any, to room or door numbers. If the public is invited into the court reporter's office or deputy clerk's judicial assistant's office without escort, then signs should be provided at the entrance to the office. In any event, the number and/or any other signs should conform with ADAAG 4.30. [Implementation: 2 years.]*

### Rationale

See Rationale for Recommendation 58.

## JURY DELIBERATION ROOMS

60. *The Committee recommends that jury deliberation rooms associated with fully accessible courtrooms be made accessible in conformance with ADAAG regulations with respect to the entrance, maneuvering space, seating, and interior directional signs. ADAAG 4.13, 4.2, 4.3, and 4.30. [Implementation: 2 years.]*

### Rationale

In considering whether a person is qualified to serve as a grand or petit juror, a judge cannot consider the structural, physical or architectural limitations or barriers of a building, courtroom, jury box or other facility. Wis. Stats. 756.01(2). At the same time, most Wisconsin courtrooms and associated jury deliberation facilities do not accommodate people who have certain disabilities, especially people using wheelchairs. While an alternate site could be used to accommodate jurors who have been selected but who cannot use existing jury facilities due to their specific disability, moving the court to a

different location may create other problems. Jurors need to be kept apart from the public and secure from outside influence. Security and spatial relationships among the courtroom, jury deliberation room and corridors need to be maintained where possible. The Committee also recognizes that all courtrooms are designed to impart a sense of order, decorum and authority to the proceedings and the people involved in them, whether judge, juror, witness or attorney, and that conducting a court proceeding in a makeshift, informal setting detracts from that purpose — as does parading jurors from the hearing room to an unsecured and remote location for deliberation and recesses. As in many areas in the ADA, care should be taken to strike an appropriate balance between often-competing needs and arrive at a practical solution for program accessibility.

The Committee recommends that a percentage of jury courtrooms be made accessible over a period of time. If a courtroom's jury box is accessible, the facilities to be used by jurors for deliberations must also be accessible. See Chapter 9.

61. *The Committee recommends that at least one rest room associated with each of the above jury deliberation rooms be made fully accessible for men and women in conformance with ADAAG regulations. [Implementation: 2 years.]*

#### Rationale

Even when not sequestered, jurors are separated from the public in many ways during their service to ensure that they can give their full attention to the evidence presented in court and that their deliberations are not influenced by facts not in evidence or by outside pressures.

Secure rest rooms associated with the deliberation room are provided so that jurors do not have to use the public rest rooms when the court is in recess or they are deliberating. Use of public rest rooms during court proceedings is not practical.

Very few rest rooms associated with jury deliberation rooms in Wisconsin courthouses are accessible to people who use wheelchairs. One physically accessible restroom for men and one for women does not necessarily need to be provided. A single rest room, equipped with a privacy lock, could serve as a "unisex" rest room.

ADAAG includes multiple requirements for the accessibility of public restrooms. Readers should refer to the ADAAG regulations themselves to learn what is recommended and necessary under local conditions.

62. *The Committee recommends that if the jury deliberation room is accessible by unescorted jurors or is used for other functions open to unescorted*

*public, then signs in compliance with ADAAG 4.30 be provided at the entrance to the jury deliberation room. [Implementation: 2 years.]*

### Rationale

Where security plans permit, many courts use jury deliberation rooms as meeting rooms or for other purposes when jury trials are not being held. Most often, these are jury rooms accessible from a public corridor rather than from the courtroom. Additionally, when beginning a new jury trial, prospective jurors are often summoned to report to the jury deliberation room and are sent there unassisted. Security concerns may dictate not placing a sign at the entrance to the room. However, if people are expected to find the jury deliberation room unescorted, then a properly located sign indicating, at a minimum, the room number should be provided so that individuals can find the right location.

### COURT COMMISSIONER'S HEARING ROOMS

63. *The Committee recommends that, to the extent they exist, at least one court commissioner's hearing room be fully accessible in conformity with ADAAG regulations with respect to the entrance, maneuvering space, public seating space, entrance into the well and litigants' tables as well as the witness box. [Implementation: 1 year.]*

### Rationale

See Rationale for Recommendation 65.

64. *The Committee recommends that, to the extent that they exist, where there is more than one court commissioner's hearing room, such hearing rooms be made fully accessible in the same proportion and over the same period of time as courtrooms are made fully accessible. [Implementation: Same as for courtrooms.]*

### Rationale

See Rationale for 65, below.

65. *The Committee recommends that where court commissioners use county board rooms or other spaces for holding hearings and such rooms are not accessible, an alternate location be identified where commissioner hearings can be held which will accommodate the parties and public. [Implementation: 6 months.]*

### Rationale

For many people, their first and sometimes only contact with the court system may be through an appearance before a court commissioner. In many counties, court commissioners conduct small claims, traffic, probate, initial divorce and domestic abuse hearings, and many other types of proceedings. These facilities must provide program accessibility. The Committee recommends that any physical modifications in these areas be made within the same timetable as courtrooms (2 years).

### ATTORNEY/CLIENT CONFERENCE ROOMS

66. *The Committee recommends that, to the extent they exist, there be at least one attorney/client conference room provided for the public which is fully accessible with respect to the entrance, maneuvering space, table space and seating. [Implementation: 1 year.]*

### Rationale

From time to time throughout court proceedings, parties, witnesses, and other participants need to speak privately with their attorneys or among themselves. Conference rooms or other private areas designated for such purposes are provided by the courts. Every individual attending court should have the opportunity to communicate with his or her attorney privately when necessary. The location where they meet should be in close proximity to the courtroom. Clearly, a physically accessible conference room should be available near the accessible courtroom.

In addition to attorney/client conferences, these rooms may be used for other court activities. Such rooms should be made accessible under the same timetable as courtrooms.

67. *The Committee recommends that, to the extent they exist, additional attorney/client conference rooms be provided consistent with the number of fully accessible courtrooms, such that there is at least one attorney/client conference room for each fully accessible courtroom. [Implementation: Same as for courtrooms.]*

*Attorney/client conference rooms should be located in close proximity to the courtrooms that they are intended to serve.*

### Rationale

See Rationale for Recommendation 66.

JURY ASSEMBLY AREAS

68. *The Committee recommends that where a jury assembly area is provided to which prospective jurors are required to report, the area be made fully accessible, including an accessible entrance with proper signs in conformance with ADAAG regulations. [Implementation: 2 years.]*

Rationale

Many counties have a separate jury assembly area to which prospective jurors must report and wait to be called to assigned courtrooms. This is because jury deliberation rooms are generally too small to hold all prospective jurors for voir dire, and to distribute prospective jurors between multiple courts more efficiently.

69. *The Committee recommends that the interior of the jury assembly area provide sufficient maneuvering space, lighting, seating, counter or alternate writing surface if counters are provided, and table space where tables are provided. [Implementation: 2 years.]*

Rationale

See Rationale for Recommendation 60.

70. *The Committee recommends that interior directional signs in the jury assembly area be in conformance with ADAAG 4.30. [Implementation: 2 years.]*

*Temporary signs and informational signs behind check-in counters need not comply with ADAAG 4.30 but the Committee recommends that the information be made available to jurors in alternate formats.*

Rationale

Like informational signs provided in the clerk's offices, jury assembly rooms often have signs on the walls which provide procedural information to jurors. Where such signs are not in compliance with ADAAG regulations, the court must be able to provide the same information in alternate formats to people with visual and other communications impairments.

71. *The Committee recommends that at least one rest room that is available to jurors who use the jury assembly area be made fully accessible for men and women. [Implementation: 2 years.]*

Rationale

See Rationale for Recommendation 61.

COURT-OPERATED LAW LIBRARIES

72. *The Committee recommends that, to the extent that court-operated law libraries are provided for the use of attorneys or other members of the public, they be made accessible with respect to entrances, maneuvering space, seating and tables, or an alternate accessible location provided from which the individual can readily obtain materials from the law library, and that the alternate location be clearly communicated to people using the law library. [Implementation: 6 months to identify alternate location; 3 years to make location accessible.]*

*The Committee further recommends that materials contained in the law library be in a physically accessible location or alternate arrangements be developed so that the materials can be readily obtained by people with disabilities. The alternate arrangements should be clearly communicated to people who wish to use the law library. [Implementation: 6 months to identify alternate arrangements; 5 years to make materials physically accessible.]*

Rationale

County-operated law libraries are provided for use by the judiciary and attorneys. Many counties open their law library to the general public.<sup>50</sup> Law libraries in most Wisconsin counties lack adequate space between shelves for physical access by people in wheelchairs. Additionally, many law libraries lack adequate entrances (e.g., narrow doorways, twist-type door knobs) and reading areas (desks or tables too low for knee clearance or too high to reach). In many locations, there are no signs or directories to help users find the law library. Commonly, counties do not have a law librarian or other person present to assist in obtaining reference materials.

If the court is going to provide access to a law library, then the entrances, table space, and aisles need to be physically accessible, or alternate arrangements made for people with disabilities to provide them access to library material.

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<sup>50</sup> The Committee is aware that computers and other technologies are changing how legal research is conducted generally. These changes should be taken into account in planning for the accessibility of legal research facilities.

"Alternative arrangements" may include staff assistance or a system where library users may request materials in advance. Staff assistance in obtaining reference material as necessary would be less expensive than remodeling law libraries.

### OTHER COURT OFFICES

73. *The Committee recommends that, to the extent that other court offices are open to the public for programs and/or activities, such offices be made accessible with respect to the entrances, entrance signs, maneuvering space, and counter space or alternate writing surface where counter space is provided, or an alternate site provided in an accessible location for such programs or activities. [Implementation: 6 months.]*

*Where the public is required to file papers with the family court commissioner or other offices, the location where such filings are made should be treated similarly to the other main court offices and made fully accessible in accordance with ADAAG regulations.*

### Rationale

See Rationales for Recommendations 46 to 49.

## 8. COMMUNICATIONS ACCESS

Unless otherwise noted, the Committee recommends that all of the following recommendations be implemented by December 31, 1994.

Most of the recommendations in this section flow from ADA regulations requiring courts to:

furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, [the court's] service, program or activity. 28 CFR 25.160(b)(1).

The regulations define "auxiliary aids and services" as:

(1) qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, written materials, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for deaf persons (TDD/TTYs), videotext displays, and other effective methods of making aurally delivered information available to individuals with hearing impairments.

(2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials or other effective methods of making aurally delivered materials available to individuals with visual impairments.

28 CFR 35.104 (definition of auxiliary aids and services) (emphasis added).

Because some people with mental and/or cognitive impairments also have communicatory impairments, many of the following recommendations address improving communications with people with mental illness, developmental disabilities, and/or other mental or cognitive impairments. These measures may be necessary because, in serving these individuals, it may be difficult to know what is being understood by them and communication with court employees may be difficult. All court professionals/employees (judges, clerks of court, commissioners, etc.) who deal with the public on a regular basis should be trained in these issues (see Chapter 10, Training Recommendations). The following recommendations address these issues specifically. Most, however, will be useful to all court-users, as they are designed to make court communications simple, straightforward, and clear.

In general, the Committee recommends that attorneys notify the court in advance of reasonable accommodations which they know have been requested, i.e., that the use of interpreters or assistive devices, such as note-taking equipment, real-time court reporting, personal readers, etc. will be necessary, regardless of the type of proceeding involved. These devices may be needed by an attorney, juror, witness, observer, etc. [Implementation: Immediate]

"Readers" are frequently recommended in this chapter. Readers need not be professionals, but can be current court employees who have been trained in how to act as readers for a people with communicatory impairments.

## TELECOMMUNICATIONS

74. *The Committee recommends that, for outgoing calls, every building that houses a court service, program or activity that has a public pay telephone have: (1) at least one public pay text telephone (TDD/TTY) and (2) at least one public pay telephone with volume control. These may be the same telephone, but both capacities should be provided.*<sup>51</sup>

COST: See Appendix H (information on public pay phones and on volume control).

### Rationale

As part of "program accessibility" the court system needs to assure that those individuals who rely on text telephones or volume controls for telephone communications are able to make use of the public telephone provided on site, through provision of the above accommodations as appropriate.

75. *The Committee recommends that, for incoming calls, court offices use one of the following two options for receiving calls from people with hearing impairments:*
- a. *Every building that houses a court service, program or activity have a sufficient number of TDD/TTYs to serve callers who use text telephones; or*

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<sup>51</sup> Public pay telephones must also be hearing aid compatible. This requirement is covered by federal statutes other than the Americans with Disabilities Act. The Hearing Aid Compatibility Act of 1988 requires, among other things, that all phones manufactured or imported into the United States after August 16, 1989 be hearing aid compatible. The Telecommunications for the Disabled Act of 1982 requires that "essential" phones (including pay and emergency phones) be hearing aid compatible. 42 U.S.C. sec. 609 et seq. (both statutes).

- b. *Courts may opt to use the Wisconsin RELAY<sup>52</sup> service.<sup>53</sup>  
[Implementation: Immediate.]*

COST: See Appendix H (information on TDD/TTYs).

### Rationale

Whichever option is chosen, the court should advertise on every relevant court document how people who are deaf, hard of hearing, or speech impaired, and who use TDD/TTYs, can call the court (see Recommendation 91). In either case, the TDD/TTY number or the RELAY option should be advertised wherever the analogous voice phone number is advertised.

In addition, all supervisory court staff should ensure that their staffs are trained in how to use whichever system is chosen. Whether or not TDD/TTYs are used, staff should be educated in their basic functioning.

76. *Access to Telephones for People who use Wheelchairs Number of Accessible Phones*

*The Committee recommends that if public telephones are provided, they comply with physical requirements as indicated in the following chart. The chart also applies to the provision of volume controls for those with a hearing disability. The number of telephones which must comply is governed by the chart:<sup>54</sup>*

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<sup>52</sup> The RELAY system enables people or offices that do not have a TDD/TTY to communicate with those who do. To telephone someone who uses a TDD, dial 1-800-WI-RELAY; an operator will assist you and explain the system. Similarly, if receiving a RELAY call, the operator will provide assistance and instruction. In short, the RELAY operator functions as a "go-between" third party, who reads aloud what is typed on the TDD, and who types to the TDD what is said by the hearing party.

<sup>53</sup> Two comments are appropriate. First, public hearing witnesses and Committee members have stated that a TDD (Option 1) is preferable to use of the RELAY system. It should also be noted that the Department of Justice strongly encourages those who have extensive telephone contact with the public to offer direct TDD access rather than relying on the RELAY system. Second, the RELAY system is inappropriate for pre-recorded voice messages that request callers to direct their own calls by pressing a digit on their own phones (e.g., "To reach the jury commissioner, please press 2 ..."). This type of text cannot be relayed in a timely manner by RELAY operators. If a court system uses such pre-recorded messages, use of the RELAY is inappropriate.

<sup>54</sup> The numerical requirements in this chart apply to phones required to have volume controls as well.

<u>Number of Public Phones on Each Floor</u>	<u>Number of Public Phones Which Must Comply with ADAAG</u>
<i>1 or more single unit</i>	<i>1 per floor</i>
<i>1 bank (more than one adjacent phone)</i>	<i>1 per bank</i>

*In addition, 25 percent (but never less than one) of the public telephones provided should have volume controls.*

*Requirements for Physical Accessibility*

*If public telephones are provided, they should be physically accessible to people who use wheelchairs in accordance with ADAAG 4.1.3(17)(b).*

*Signage clearly marking public telephones that have text telephones, volume controls, and are accessible to those who use wheelchairs, should be provided.*

**COST:** See Appendix H (information on cost of wheelchair accessibility to pay phones).

Rationale

The Committee's recommendations are intended to assure that individuals who have a hearing disability or mobility impairment can make use of the public telephones provided as part of overall "program accessibility". Public telephones are intended for use by the general public, thus provision of public telephones meeting the above criteria is in order and in accordance with relevant federal statutes.

ORAL COMMUNICATIONS

77. *The Committee recommends that if a court system currently uses a videotape for any public use (such as jury orientation or general*

*information about the court's services), such videotape be available in open-captioned format.<sup>55</sup>*

COST: See Appendix H (information on open-captioning of videotapes).

### Rationale

When information is provided to the public via videotape, it is important to remember that many persons with hearing impairments are unable to hear what is being said on the tape. Captioning provides a visual text, allowing the viewer to read the words as they are spoken.

78. *The Committee recommends that courts have devices available to facilitate effective one-on-one communication with people with hearing loss, such as:*

- a. one-to-one communication devices<sup>56</sup>*
- b. note pads and pencils at convenient locations*
- c. computer monitors for typing back and forth.*

COST: See Appendix H (information on one-to-one communication devices).

### Rationale

These are examples of the variety of effective methods of making aurally-delivered information available to people who have hearing impairments in areas where large-room assistive listening systems and real-time court reporting, see below, are not feasible options.

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<sup>55</sup> In an "open-captioned" videotape, the script of the speaker's message is simultaneously printed at the bottom of the screen. In a "closed-captioned" videotape, the captioning at the bottom of the screen appears only when a "decoder" is used. Many people with hearing loss own decoders and use them for closed-captioned television programming. The Committee does not recommend that courts purchase decoders, but rather that they prepare open-captioned videotapes to be used in all instances. This will be less expensive because it will require only a single videotape and obviate the need to purchase decoders. Note also that a federal statute, the Television Decoder Circuitry Act of 1990 (Public Law 101-431), requires all television sets manufactured for sale in the United States after July 1, 1993 with screens 13" or larger to include closed-captioning.

<sup>56</sup> These are portable devices that include a transmitter, amplifier, and ear phones. They facilitate one-on-one oral communication with an individual who has a mild to severe hearing loss.

The main function of the one-on-one communicator is to amplify sound. It is a portable assistive listening device that can be used with or without a hearing aid and may be shared by several offices within an area. Personal amplifiers are ideal for one-on-one conversations when the speaker and listener can be located near one another.

Many people with profound hearing loss are unable to use assistive listening devices or sign language and oral interpreters.<sup>57</sup> Viable options would be to either write notes clarifying information that is not understood and/or use a computer monitor to type the words of the speaker to the person with the impairment.

79. *The Committee recommends that real-time court reporting be available upon reasonable request<sup>58</sup> for every court proceeding.<sup>59</sup> [Implementation: 2 years.]*

COST: See Appendix H (information on real-time reporting services, equipment, and training).

### Rationale

Real-time court reporting provides communication access for individuals with severe to profound hearing loss who receive limited benefit from hearing aids and assistive listening devices. It also benefits those who have hearing impairments but do not wear hearing aids. The system may not be effective, however, for someone who relies on sign language and does not have a good command of English.

This technology, through the operation of skilled court reporters, produces a verbatim transcription of everything said in the courtroom. It allows the person with a hearing disability to read words within seconds after they are spoken.

Real-time technology requires the court reporter to use a stenotype machine connected directly to a computer. The computer can then be connected to up to eight computer monitors placed strategically around the room — at counsel's table, the jury box,

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<sup>57</sup> An oral interpreter sits near a person who reads lips and silently mouths every word spoken in the courtroom. This enables the lip-reader to "hear" what is said by people who are seated too far away to enable direct lip reading. This service only helps people with hearing loss who are proficient in English and do not know sign language. The need for this service will be dramatically decreased with the availability of real-time reporting systems, which would enable the person with a hearing loss to read on the screen the words that are said.

<sup>58</sup> See Chapter 2 discussion of "undue financial or administrative burdens." 28 CFR 35.150(a)(3).

<sup>59</sup> See Chapter 11 regarding Cost recommendations.

the judge's bench, and for observers. The proceedings are displayed instantly on the monitors as the court reporter types the testimony.<sup>60</sup>

80. *The Committee recommends that Assistive Listening Systems be available on reasonable request for every court proceeding. The Committee further recommends that every court system have access to one or the other or both of the following two kinds of systems:*

- a. *infra-red systems*
- b. *FM systems.*<sup>61</sup>

COST: See Appendix H (information on both above-recommended systems).

### Rationale

Not all persons who have hearing impairments wear hearing aids. For those who do, however, even in the best of circumstances, hearing aids do not fully correct hearing loss. Assistive listening devices are electronic devices used along with or instead of hearing aids to overcome problems of background noise and distance from the speaker. The devices accomplish this by making the speaker's voice louder and the background noise quieter.

The basic components of large room assistive listening systems are a transmitter which transmits the sound and a receiver worn by the user. Because these systems are wireless, they allow the person wearing the receiver to sit anywhere in the courtroom.

Following are descriptions of the two types of assistive listening systems the Committee recommends:

- (1) Infra-red systems transmit sound in the form of harmless light waves. A special transmitter sends the signal on light waves to individual receivers

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<sup>60</sup> Some people who use real-time to enable them to participate in court may narrowly focus on what is on the screen instead of what is going on in the room. There is equipment which can minimize this problem, and courts may wish to consider purchasing it. The equipment is known as Data Recovery Decoders, and are used with television monitors to project a speaker's face onto a television screen, enabling the real-time user to see not only the words being said but also the face of the speaker. See Appendix H for cost information.

<sup>61</sup> The Committee recommends two systems because the technologies are appropriate for different uses, locations, and needs.

worn by each listener. The receivers contain a photo detector diode or "eye" which picks up the infrared light and changes it to sound.

Since light waves do not travel through solid surfaces, transmission is confined to the room containing the sound source. Because it is a light ray, however, the signal is susceptible to interference from natural light. Therefore, it is used in rooms that are draped or without windows. The system does not operate on batteries. Transmitters, or "emitters" are usually attached to walls; however, the system can be made portable by mounting the emitters on camera tripods.

- (2) FM (frequency modulation) systems transmit sound to a receiver in the form of radio waves. These systems allow up to 500 feet between speaker and listener with no loss of integrity in transmission of the speaker's voice. The units are portable and can use rechargeable batteries. FM systems operate on multiple frequencies allowing them to be used in different rooms within the same area.

Unlike infra-red transmissions, FM will broadcast through walls. The Committee feels confidentiality could generally be ensured by restricting the use of the receiver to the courtroom where it is being used.

81. *The Committee recommends that sign language and oral interpreters be available upon request for every court proceeding on 24-hour notice. See Training recommendations regarding education of judges, jury commissioners, clerks of court, etc. on the propriety of interpreters in court proceedings, the ethical issues raised, and the oaths of confidentiality administered to interpreters, appearing elsewhere in this report.*

COST: See Appendix H (information on sign language interpreters).

### Rationale

In order to afford an individual with a hearing disability who relies on sign language or oral interpreters the "opportunity to participate in, and enjoy the benefits of, a service program, or activity" conducted by the court system, as mandated by the ADA, court systems must be prepared to provide the above accommodations.

In some instances, those who use American Sign Language (ASL) will only have effective communication if a qualified sign language interpreter is provided. The primary language of many people is ASL, which has its own syntax and grammatical structure. Provision of other means of communications that follow the English word order and are

not "translated to ASL" will not be effective to assure accuracy of communication to such persons. The extent of the individual's English abilities as well as his or her preference for the most effective method of communicating aurally-delivered information are important factors here. Primary consideration should be given to the individual's preference.

82. *The Committee recommends that each county have ready access to sign language interpreters, readers, large print reproduction services or other communicatory aids for jurors with communicatory disabilities. [Implementation: Within 1 year.]*

### Rationale

Considerable resource sharing is contemplated throughout this report. See Chapter 11. However, each county should develop lists of resources, equipment and personnel to provide accommodations for jurors with disabilities. For example, electrical outlets or other technical access should be in place; there should be sufficient room for equipment; alternate note-taking capability should be provided. FM systems or infrared systems are examples of the types of aids or equipment which should be readily available. Again, as recommended elsewhere in this report, Court ADA Coordinators should communicate with local consumer/advocate groups for assistance in this regard.

83. *The Committee recommends that Wis. Stats. 814.67(b)2 be revised so that counties are reimbursed by the state court system for sign language interpreter services at the normal and customary rate per hour. [Implementation: Immediate.]*

### Rationale

This statute, which provides reimbursement at the rate of \$35.00 per one half day, is no longer current to professional rates paid to sign language interpreters and should be revised.

84. (1) *The Committee recommends that Wis. Stats. §885.37 be eliminated.*

### Rationale

The Committee believes that sec. 885.37, drafted prior to the passage of the ADA, is flawed in a number of respects. First, the statute provides for interpreters for people with hearing impairments, speaking impairments and language difficulties in only three types of proceedings: (1) when the person is charged with a crime or is a witness in that proceeding; (2) when the person is a child or parent subject to Wis. Stats. 48 (the statute pertaining to children in need of protective services) or is a witness in that proceeding;

and (3) when the person is subject to Wis. Stats. 51 (the Mental Health Act) or Wis. Stats. 55 (pertaining to the Protective Service System) or is a witness in such a proceeding. The statute does not address civil proceedings generally or the need for interpreters for jurors, attorneys, judges, etc. Second, the statute does not provide for readers for individuals with visual impairments. Third, under the statute, an interpreter can be appointed only after the court makes a factual determination that the language difficulty of the hearing or speaking impairment is sufficient to prevent the individual from communicating with his or her attorney, reasonably understanding the English testimony, or being reasonably understood in English. Fourth, the statute provides for the appointment of an interpreter at the public's expense only if the person cannot afford one or is indigent. The ADA now requires provision of interpreters in all types of proceedings at no cost to the individual with the disability. Finally, the statute is no longer current with respect to the professional rates paid to sign language interpreters. See Recommendation 83.

(2) *The Committee further recommends that a new statute be created to provide the following:*<sup>62</sup>

- (a) *In any proceeding where a party, witness, attorney, judge, juror, or other participant has a hearing, sight, or speech impairment, that individual, upon his or her request, shall be provided with a sign language or oral interpreter, or reader, on 24-hour notice.*
- (b) *If the court in any proceeding has notice that a party, witness, attorney, juror, or other participant has a hearing, sight, or speech impairment, the court shall advise that person that he or she has a right to a sign language or oral interpreter, or reader, at the public's expense.*
- (c) *Counties shall be reimbursed by the state court system for interpreter or reader services at the normal and customary rater per hour.*

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<sup>62</sup> California has codified many aspects of the ADA in its state code. For example, section 754 of the California Evidence Code provides that any in court action involving an "individual who is deaf or hearing impaired," the "proceeding shall be interpreted in a language that the individual who is deaf or hearing impaired understands by a qualified interpreter appointed by the court." Section 54.8 of the Civil Code provides, "In any civil or criminal proceeding . . . where a party, witness, attorney, judicial employee, judge, juror, or other participant who is hearing impaired, the individual who is hearing impaired, upon his or her request, shall be provided with a functional assistive listening system or a computer-aided transcription system. Any individual requiring this equipment shall give advance notice of his or her need to the appropriate court or agency at the time the hearing is set or not later than five days before the hearing."

- (d) *The Department of Health and Social Services shall maintain a list of qualified interpreters and readers. The Department shall distribute the list annually, without cost, to all clerks of court and all courts in the state. If an interpreter needs to be appointed, the court shall appoint from the list. If no listed interpreter or reader is available or able to interpret, the court shall appoint another person who is able to accurately communicate with, convey information to, and receive information from, the person with the disability. The list of qualified interpreters shall be developed and maintained in accordance with the intent and provisions of Wis. Stats. 47.03(10).*
- (e) *All interpreters and readers must be sworn to communicate only what is written or said in the course of court proceedings, and not add, delete, or change the content of what is stated or written in any way.*

### Rationale

To afford an individual with a hearing, sight, or speech impairment, who relies on interpreters or readers, the "opportunity to participate in, and enjoy the benefits of, a service, program, or activity" conducted by the court system, as mandated by the ADA, courts need to be prepared to make the above accommodations. They will ensure that people who have hearing, sight, or speech impairments but are nonetheless able to understand proceedings conducted in the English language with the assistance of an interpreter or reader, will not be excluded from the courts.

Courts should be aware that resources outside the court system are available for provision of interpreting services. See Appendix G. However, the Committee strongly recommends that each court have a plan of action for obtaining an interpreter. The court should have a list of qualified interpreters and should consider having a qualified staff member "on call" if needed to provide interpreter services. Counties may wish to coordinate sharing interpreter resources. See Chapter 11.

85. *The Committee recommends that the state assist in the development of real-time court reporting skills by encouraging court reporters to acquire proper training, or by offering the proper training to qualified individuals. Court reporters should be compensated at rates commensurate with their knowledge, skills and ability.*

COST: See Appendix H (information on National Court Reporters Association real-time court reporting training).

### Rationale

Real-time court reporting is a valuable tool for effective communications. The major drawback to real-time technology is the lack of trained, qualified court reporters to provide this service. A high level of skill is required to provide real-time court reporting. At present, there are fewer than 12 official court reporters in the state making their courtrooms accessible with real-time translation. Court reporters personally absorb all costs involved in training themselves in real-time translation. They also must pay for their own computer hardware and software necessary to provide real-time. Financial incentives would encourage state court reporters to develop the special skills required to perform real-time court reporting. The availability of court reporters capable of performing this service is vital to providing effective communication in the court room for certain individuals who have a profound hearing loss, do not know sign language and cannot benefit from amplification of sound.

86. *The Committee recommends that courts encourage participants in court programs, services, and activities to speak slowly, clearly and in concrete terms, and to avoid impatience and condescension, when dealing with persons with hearing, cognitive, or mental disabilities. [Implementation: Immediate.]*

### Rationale

Consideration should be given to the special communications needs of persons with hearing, cognitive, and mental disabilities. Effective communication may require rephrasing or repeating of questions, avoiding noisy backgrounds, not covering one's mouth or speaking without clear enunciation, as well as eliciting feedback to ascertain whether a person is understanding by asking "open-ended" questions, as opposed to "yes/no" questions.

All court employees should be trained in the variety of communications methods needed to assure effective communication with people who have these disabilities.

87. *The Committee recommends that courts use interpreters, as necessary, for people with speech or cognitive impairments. Like sign language interpreters these interpreters must be sworn to communicate only what is said in the courtroom, and not to interpret or embellish it in any way.<sup>63</sup>*

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<sup>63</sup> Some speech impairments may be caused by mental or cognitive impairments as well as by physical impairments. One witness at a public hearing testified that he had functioned as such a "translator" in court in the past as an assistant to a person with cerebral palsy. Some mental impairments (specifically mental retardation) should be considered as communicatory impairments, accommodated through the use of interpreters much as sign language interpreters assist with hearing impairments.

Rationale

Courts should be aware that support persons or others familiar with an individual's communication needs, or who are able to help facilitate accurate communication, may be necessary.

88. *The Committee recommends that courts provide a place where a person who must communicate through a third person may speak with that person privately without disturbing others. [Implementation: Immediate.]*

Rationale

Consideration of location should also ensure that information can be exchanged without distraction and noise, and with the same level of privacy afforded to others.

WRITTEN MATERIALS USED IN COURT PROCEEDINGS, PROGRAMS, SERVICES AND ACTIVITIES

89. *The Committee recommends that all official court documents (jury questionnaires, summonses, subpoenas, etc.) be available upon reasonable request in alternate formats for people with visual, communicatory and/or cognitive impairments.<sup>64</sup> Such formats include Braille, large print,<sup>65</sup> cassette and/or personal readers, and the use of pictorial representations. All such documents should include the voice/TDD/TTY phone number of the Court ADA Coordinator. The Committee further recommends that the cost of these alternate formats be borne by the court system.*

COST: See Appendix H (information on conversion of documents into Braille; other recommended alternate formats should be of minimal cost).

Rationale

Courts communicate with citizens primarily through written documents. Some people with visual, communicatory, or cognitive impairments are unable to understand

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<sup>64</sup> Primary consideration should be given to the needs and requests of the individual with a disability who is requesting the document. 28 CFR 35.160(b)(2).

<sup>65</sup> Large print recommended is: clear serif typeface in at least 18-point type, optimal line length of just over four inches (six inches maximum), 2 column formats, and short paragraphs. This will assist not only people with visual impairments, but also people with cognitive impairments and other members of the public because it will encourage the use of simple, clear language to describe court functions.

these documents. The implementation of this recommendation would permit persons to obtain the document, on reasonable request, in an understandable format.

The Committee notes that "personal readers," as recommended here, need not be professionally trained as are, for example, sign language interpreters. Anyone willing may read documents to a person with a visual or other impairment for whom that reading would be a reasonable accommodation.

90. *The Committee recommends that the Supreme Court of Wisconsin promulgate a Rule requiring that attorneys conduct themselves as follows in preparing court documents such as, but not limited to, summonses and subpoenas:*
- a. *If an attorney knows that the intended recipient of a document has a communicatory disability, the attorney should inform the person that alternative formats of documents are available and, if requested, the attorney will provide the document to the recipient in an appropriate alternate format;*
  - b. *In all cases, the attorney will include on the document the notice that appears following Recommendation 91, providing the name and Voice/TDD/TTY number of the appropriate Court ADA Coordinator.*

### Rationale

Many court documents originate not with the court but with attorneys. Examples are summonses, subpoenas, interrogatories, notices of deposition, requests to admit, and requests to produce documents. Attorneys send such documents to parties and witnesses. This recommendation is aimed at ensuring that recipients of such documents who have communicatory disabilities will have the opportunity to understand them.

91. *The Committee recommends that all court documents, whether generated by a court or by an attorney, which notify a person that he or she is required to take some action, include the following request for advance notice of the need for an accommodation:*

*If you are a person with a disability and need some help to participate in court, please call the Court ADA Coordinator at Voice/TDD/TTY \_\_\_\_\_ as soon as possible.*

## Rationale

The purposes of this recommendation are: (1) to give a person with a disability the chance to secure assistance in understanding or complying with a court document that requires action; and (2) to give courts and attorneys advance notice to enable them to plan to accommodate people with disabilities.

92. *The Committee recommends that a brochure be published for each courthouse with information about court access and court services, including color-coded and texture-coded maps of the courthouse and pictures describing court services. The brochure should be available upon reasonable request in Braille, large print, cassette tape and/or through a personal reader.*
93. *The Committee recommends that, in addition, each courthouse have available for distribution a separate map showing the location of the courthouse, directions from public transportation, the location of accessible parking spaces and entrances, and the location of important offices within the courthouse.*
94. *The Committee recommends that the Court ADA Coordinator distribute such brochures and maps at the county library, city hall, social services departments, advocacy agencies for people with disabilities, and through local bar associations, as well as having them available at the courthouse.*
95. *The Committee recommends that a cassette tape (or a reader) be available to indicate what cases are to be heard in each courtroom on a daily basis.*
96. *The Committee recommends that brochures presently used by courts, such as those describing legal services offices, community pro bono services, etc., be available in alternate formats accessible to people with visual and/or cognitive impairments.*
97. *The Committee recommends that courts provide readers for all court documents upon reasonable request for people with visual impairments who are involved in court proceedings. [Implementation: Immediate.]*
98. *The Committee recommends that whenever a transcript of a hearing or trial is made available (to the attorneys, public, etc.), it be made available*

*at the usual cost upon reasonable request in alternate formats, such as Braille, large print or cassette tape.<sup>66</sup>*

99. *The Committee recommends that, in cases involving someone with a sensory or cognitive disability, parties be encouraged to exchange documents in advance to provide all participants sufficient time to review the material. [Implementation: Immediate.]*
100. *The Committee recommends that if a person's disability prevents him or her from being able to read a lengthy document on site, relevant documents be photocopied for use out of court. The "enlarge" function on photocopying machines may be used to provide large print documents if appropriate and possible on short notice. [Implementation: Immediate.]*
101. *The Committee recommends that, if a person who has a visual impairment (attorney, witness, party, juror, etc.) is accompanied by an assistant or reader, the court and court staff should cooperate with that individual without ignoring the primary court-users. [Implementation: Immediate.]*
102. *The Committee recommends that, to the extent possible and appropriate, the court provide daily calendar information orally, to an attorney, witness, party, etc. who is blind and waiting for a case to be called. An attorney who is blind may not be able to do other work during a delay as conveniently as a sighted attorney, and may wish to return to his or her office to work if the delay is sufficiently long. [Implementation: Immediate.]*

#### Rationale (Recommendations 92 through 102)

Recommendations 92 through 102 adopt what the Committee believes to be a common-sense approach to a number of obvious communication problems. People with physical, hearing, visual, cognitive, and speech/language impairments cannot fully participate in court proceedings and services unless they receive information about what happens, where it happens, and when it happens. They cannot get this information unless it is made available to them at places and in formats that are accessible to them. The purpose of these recommendations is to give such persons the chance to obtain needed information without undue expense or effort on their part, or on the part of the court.

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<sup>66</sup> Any cost over that which is charged for a transcript in its usual format should be covered by the state, as it is impermissible under Title II of the ADA for a public entity, such as a court, to charge people with disabilities a "surcharge" for accommodations. 28 CFR 35.130(8)(f).

## GENERAL COMMUNICATIONS RECOMMENDATIONS

Many (but not all) of the following recommendations address the communicatory needs of people with mental impairments. They do not necessarily fit within the above headings, but nevertheless relate to communication in court programs, services, and activities.

103. *The Committee recommends that courts ensure that the lighting in all rooms where court programs, services, and activities are conducted is sufficient for effective communication by people with sensory disabilities.*

### Rationale

Insufficient light may make it difficult if not impossible for some individuals with visual impairments to effectively use written materials in the courtroom. In addition, rooms with poor lighting will affect the ability of people with hearing (and visual) impairments to maximize the use of auxiliary aids and services such as oral or sign language interpreters and real-time court reporting.

104. *The Committee recommends that the court inquire whether there is a friend, family member, or other support person who can become involved in the court process to assist a court-user with a cognitive or emotional disability in understanding the process. If such a support person has accompanied the user, he or she should be treated with respect, but the primary court-user should not be ignored.*

### Rationale

Some individuals with cognitive and emotional disabilities may find it difficult to participate alone in court proceedings even with accommodations. A support person who communicates well with the individual may provide needed assistance both to the court-user and to the court.

105. *The Committee recommends that courts allow a support person to be present if a person with a mental impairment must testify. Physical proximity of such person to the witness may be an appropriate accommodation.*

### Rationale

Individuals who become easily frightened or confused may testify more easily when seated near a trusted individual. Some flexibility in seating arrangements should not prejudice any party's rights.

106. *The Committee recommends that the court grant recesses as needed for counsel or support persons to explain the proceedings, calm agitated persons, give respite, or to allow for medication breaks. Such breaks should be allowed as an integral part of program accessibility, and not with an attitude of irritation or annoyance.*

#### Rationale

Breaks for these purposes may make it possible for an individual with a cognitive or emotional disability to participate in court proceedings.

107. *The Committee recommends that attorneys consider use of expert witnesses to testify to the ability of a person with mental impairment to give competent testimony.*

#### Rationale

If the victim of a crime has a developmental disability, an expert witness could testify to the ways in which such a disability affects, or does not affect, perception, memory and the ability to communicate in court. Such an expert should not, of course, be allowed to express an opinion about the particular witness' credibility.

108. *The Committee recommends that the court consider the disabilities of those involved in court proceedings when scheduling. Calendars should be arranged so that a case involving a person with a mental impairment or chronic pain is called early in the day to avoid long, difficult waits. Additional time should be allowed for hearings which might require extra time for communicating with a person with a disability.*

#### Rationale

Proper scheduling will make it easier for court personnel to meet the needs of all participants, without having to worry about the impact on a crowded docket.

109. *The Committee recommends that the court be creative in permitting testimony from a location in the courtroom where a person with a mental (or other) disability feels most comfortable, i.e., from counsel table, or a location where seated with support person.*
110. *The Committee recommends that the court be flexible in eliciting testimony from people with mental impairments. For example, the court should consider more latitude in the use of leading questions, anatomically correct dolls, pictures, and other assistive devices.*

Rationale (Recommendations 109 and 110)

The existence of an emotional or cognitive disability does not mean that an individual cannot be a competent witness. The individual may be capable of communicating what he or she knows about the case, if some flexibility is allowed.

111. *The Committee recommends that the court exercise caution in accepting the waiver of an individual's right to appear at commitment hearings. The court should ensure that such a waiver is not based on discomfort that could be alleviated by reasonable accommodations.*

Rationale

Most individuals who are the subject of commitment hearings suffer from disabilities. The symptoms of these disabilities may cause the individuals to panic or become confused in a courtroom setting. They should be informed of the types of accommodations that might be available in a hearing, such as the presence of a support person, frequent breaks, and the ability to testify from a location other than the witness stand. Judges should try to ensure that a hearing is not waived due to fear of remediable conditions in the courtroom.

112. *The Committee recommends that courts be lenient in allowing use of communication boards or other portable communication aids to assist people with communicatory disabilities.*

Rationale

Communication devices may include a board on which an individual spells out words by pointing to letters or makes choices between printed words or pictures, or a keyboard on which communications may be typed. Communication aids may allow a non-verbal individual to actively participate in court proceedings.

113. *The Committee recommends that in cases involving individuals with visual impairments, the court permit those participants to familiarize themselves with the courthouse, courtroom, and other court environments in advance of any proceeding. Trained court employees or volunteers may be used for explanatory tours as requested. Note that not all such individuals will want a guided tour; some may prefer to tour on their own. Courts and staff should appreciate and respect such requests that do not unduly disrupt court business.*
114. *The Committee recommends that general information about the court system and court building (locations of important offices, functioning of*

*specific offices, phone number of Court ADA Coordinator, etc.) be available on cassette tape/answering machines. In addition, courts should advertise the answering machines' telephone numbers so people can call from home and obtain information prior to coming to court. The machines should be placed near a central reception/information desk with earphones and a table, chair, and note pads so that people who come to court can get the same general information.<sup>67</sup>*

COST: See Appendix H (information on telephone answering machines).

Rationale (Recommendations 113 and 114)

The use of taped information is one of the least expensive and easiest ways to accommodate court-users with a wide range of disabilities. Persons with visual impairments can obtain information that might otherwise be available only on posted notices or court calendars. Persons with emotional or cognitive impairments can listen to taped information without the pressure of having to deal with a staff member, and can listen to it repeatedly until the information is understood, and persons with mobility impairments can obtain information near the courthouse entrance.

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<sup>67</sup> This type of tape may also be useful in an open-captioned video format.

## **9. ACCESS TO THE JURY PROCESS**

Note: No recommendations are made in this Chapter with regard to the physical access aspects of the jury process; those considerations are addressed in Chapter 7.

### **GENERAL RECOMMENDATIONS**

115. *The Committee recommends that each county designate and train an ADA coordinator specifically for jury service. [Implementation: 6 months.]*

#### **Rationale**

The intent of this recommendation is to provide a contact for those involved in the jury process who need an accommodation. The Coordinator would make arrangements for necessary equipment, transportation or other accommodations. The Committee recognizes that a number of "Coordinators" are recommended throughout this report. However, the Committee contemplates that their various functions could be consolidated or assigned to an existing employee, but subject to its recommendations for the wide range of duties the Coordinators should perform. For example, the Court ADA Coordinator could fill the function of Jury ADA Coordinator if trained in the impact of the ADA on jury requirements and procedures. The District Court Administrator could also be used in some areas.

116. *The Committee recommends that each county make provision for jurors with disabilities who lack adequate transportation under existing circumstances. [Implementation: 1 year.]*

#### **Rationale**

Contingency plans should be in place to provide juror transportation, whether it involves the use of officers, volunteers or court personnel. Each county should make a proper van available to wheelchair-users, and accommodations should be made for all court activities (lunch, jury views, transportation to and from hotels), as well as to and from home where appropriate (for jurors who can't drive after dark, or have no vehicle available). Local Independent Living Centers or similar organizations should be contacted for the provision of these services. See Appendix G.

117. *The Committee recommends that the Wisconsin Jury Handbook be revised to address ADA issues, and that each county adopt such changes, incorporating appropriate local information. [Implementation: 1 year.]*

### Rationale

The Jury Handbook redraft should be in plain language not exceeding an eighth-grade comprehension level. Revisions should address the issues both as to persons with disabilities and those without disabilities and include information on rights to program accessibility, the nature of various disabilities and the auxiliary aids and services which can enhance participation. The revised Handbook should also provide instruction on local availability of information and accommodations. The handbook should be made available in large print, cassette, video or other accessible alternative formats.

### SELECTION

118. *The Committee recommends that Wis. Stats. §756.01(1) be amended to delete the words "read and". [Implementation: 2 years.]*

### Rationale

This statute governs "Qualifications of Jurors," and currently requires jurors, among other things, to "read and understand the English language." The exclusive purpose of the recommended change is to ensure that people who are unable to read English because of a disability are not excluded from jury service. The Committee does not intend to address a more general legislative intent, embodied in this statute, that jurors be literate. The recommended change will ensure that people will not be excluded from jury service who are unable to read written English but are nonetheless able to understand proceedings conducted in the English language by using alternative forms, such as American Sign Language or readers for individuals with visual impairments. This change also promotes the intent expressed in §756.001(2).

119. *The Committee recommends that Wis. Stats. §756.01(1) be amended to replace the words "who are possessed of their natural faculties" with "who are able to comprehend the proceedings and appreciate their responsibilities." [Implementation: 2 years.]*

### Rationale

The quoted language appears in the juror qualification statute. The recommended change clarifies the statute to reflect its intent that jurors be able to comprehend the proceedings and appreciate their responsibilities. In its present form, the statute would appear to contradict the intent of the ADA if interpreted other than as recommended.

120. *The Committee recommends that the Records Management Forms Subcommittee revise the Juror Qualification Questionnaire: (1) to inquire*

*whether a potential juror has a disability for which an accommodation is required in order to serve; (2) if so, what accommodation; and (3) to provide the name, address and telephone number of the Court or Jury ADA Coordinator to call if there are questions or to arrange for accommodations. [Implementation: 6 months.]*

### Rationale

Final juror qualification questionnaires are promulgated by the counties, and this recommendation does not include a recommended change in this practice. Rather, the Committee recommends that the Forms Subcommittee pass on recommended changes to the counties so each could make adaptations for local conditions. The Forms Subcommittee should also consider whether these new matters should appear as "qualifications" or somewhere else on the form.

121. *The Committee recommends that the Criminal Jury Instruction Committee revise SM-20, and the Benchbook Advisory Committee of the Judicial Education Office revise Benchbooks as appropriate, to state that a potential juror with a disability be questioned by the judge and any attorneys with sensitivity as to the nature of the disability and necessary accommodations. [Implementation: 1 year.]*

### Rationale

Although there should be forewarning of most disabilities on the juror questionnaire, some persons with a disabilities may arrive for jury service without prior notice to the court. Every effort should be made to accommodate such persons, while at the same time protecting their privacy. While the public (through the media) and the parties and counsel should be present, the court should exercise its discretion to prevent public disclosure of the juror's identity and the nature of the disability. For example, the usual question relating to ability to serve for a particular trial because of medical or other reasons should be asked of the panel prior to seating and dealt with in private, where possible.

### SERVICE

- A. *The Committee recommends that Wis. Stat. §756.098(1)(b) be amended to read "Each juror shall assent to the oath". [Implementation: By December 31, 1994.]*

### Rationale

The statute presently requires jurors to manifest their assent "by the uplifted hand." The recommended change simplifies the statutory language and allows flexibility with regard to jurors who communicate through auxiliary aids or services. No change is recommended to Wis. Stats. §756.098(1)(a), which currently allows administration of the oath itself in alternative formats (i.e. real-time court reporting, sign language, oral interpreting), with its language "...in substantially the following form."

- B. *The Committee recommends that, as recommended in Chapter 8, the state make real-time court reporting available within each county. Terminals displaying real-time transcription should be available to jurors upon reasonable request. [Implementation: 2 years.]*

### Rationale

As has been stressed throughout this report, real-time court reporting will assist many people with disabilities, and will assist others in court as well. We repeat the recommendation here to emphasize the utility of real-time transcription for jurors with hearing impairments. Once a real-time system is in place in a courtroom, it is relatively easy to place displaying computer terminals (or large screens) so that jurors can use them.

There will undoubtedly be a "phase-in" time for implementation of this recommendation, but it is hoped that eventually the technology will be available full-time within each county. Additional equipment necessitated by varying circumstances could be shared. See Chapter 11.

122. *The Committee recommends that the Supreme Court of Wisconsin promulgate a rule requiring circuit court judges to ensure that jurors with disabilities are not segregated with respect to housing, transportation, dining or other juror activities, and that all facilities used for such purposes be accessible to jurors with disabilities. [Implementation: Immediate.]*

### Rationale

With this recommendation, the Committee intends to put the obligation on the presiding judge and the cost on the county. The types of accommodations contemplated include allowing and paying for personal care attendants or support animals as required to assist with eating, hygiene needs, reading of menus, making personal calls, social conversation or other normal human functions while on jury duty, including periods of sequestration and during deliberation.

The state should reimburse at least some of these costs, and the persons delivering the services should be paid at their normal and customary rates for time and services beyond that which they would normally provide if the person with the disability were not on jury duty.

## **10. TRAINING RECOMMENDATIONS**

### **COURT EMPLOYEE TRAINING**

123. *The Committee recommends that all court employees (including judges, clerks of court, court commissicners, Court ADA Coordinators, court reporters, etc.) have basic training on at least the following subjects:*

- *Ways to accommodate people with various types of disabilities;*
- *Disability awareness/sensitivity, including appropriate terminology to use regarding disabilities, common courtesies to be used in working with people with disabilities, basic education about mental impairments and their effect or lack of effect on the ability to understand proceedings, etc.; and*
- *Available resources for use in effectuating access/accommodation. [Implementation: 1 year.]*

*The Director of State Courts should develop appropriate training curricula and be responsible for delivery of ADA training for court employees and Court ADA Coordinators.*

**COSTS:** See Appendix H (general information on costs of training programs and opportunities).

### **Rationale**

For there to be a long-term reduction in discrimination against people with disabilities, it is necessary that individuals in the community be made more aware of the problems experienced by people with disabilities in accessing public services.

Court employees are key contact individuals in the court process, and are in the best position to ensure the removal of barriers for those with disabilities. Therefore, the reduction or elimination of barriers to people with disabilities and the elderly will in great measure depend upon the knowledge, attitude, and expertise of court employees who have direct contact with the public.

As for Court ADA Coordinators and the State Court ADA Coordinator, the Director of State Courts office is in the best position to ensure that they are trained to fulfill their responsibilities.

The training curriculum should include, at a minimum<sup>68</sup>:

- A basic overview of the ADA, with emphasis on the need to balance the rights of persons with disabilities and the obligations of court personnel to provide reasonable accommodations.
- General disability awareness/sensitivity training, including discussion of: appropriate and inappropriate terminology and how terminology affects perceptions of people with disabilities; common misconceptions and attitudinal barriers confronting people with disabilities; common courtesies to be used in working with people with disabilities; the nature of disabilities which might be encountered (including the functional limitations associated with each broad category of disability) and the possible accommodations which might be utilized as to each. An understanding of communicatory and mental disabilities is especially crucial to acceptance and accommodation.
- Creative accommodation training and discussion of practical, low-cost approaches to making programs and services accessible to people with disabilities. The focus should be on utilization of local resources whenever possible.

124. *The Committee recommends that the Director of State Courts office, in conjunction with the Clerks of Circuit Court Association, Registers in Probate Association, the Juvenile Court Clerks Association, the Wisconsin Court Reporters Association, and other similar organizations, develop a videotape to be used in the training of court employees in these areas. [Implementation: Within 1 year.]*

COST: See Appendix H (information on production of videotapes and training manuals/materials).

### Rationale

Creating training videotapes for personnel who have direct contact with people with disabilities is a very cost-effective means of conveying information. Videos can educate and increase sensitivity and awareness, as well as provide viewers with concrete ideas as to potential resources. They can also identify practical means of solving specific problems

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<sup>68</sup> Two sample curricula are provided at the end of this Chapter; one is suitable for general use, the other is tailored particularly to court personnel.

encountered relative to barriers experienced by the elderly and people with disabilities. Training videos would also have the benefit of being available to educate new court personnel on the job.

The videotape should include the following:

- The overall purpose of ADA
- General requirements of Title II of ADA
  - Non-discrimination
  - Integrated Settings
  - Program Access/Fundamental Alteration and Undue Burden
  - Architectural Access
  - Communication Access
- Sensitivity awareness training
- Accommodation resources
- Accommodation strategies/problem-solving
- Court ADA Coordinators as resources

See Draft Curriculum at the end of this chapter for a potential training outline.

There are a several organizations and resources in Wisconsin that could assist in the production of such videotapes. One such organization is the Materials Development Center at the Stout Vocational Rehabilitation Institute, University of Wisconsin Stout, Menomonie, Wisconsin.

The Director of State Courts office is in the best position to provide uniform ADA and related training to court employees throughout the state. Therefore, the Director's office should coordinate and secure funding for training and materials.

The videotape should be available with open-captioning for people with hearing impairments. It could be copyrighted and a training manual/materials developed and marketed. Sales proceeds would help in the recovery of development costs.

TRAINING OF OTHER INDIVIDUALS

*The Committee recommends that the Wisconsin Counties Association provide its membership with: (1) training relative to the judicial system in Wisconsin, as it pertains to ADA; (2) resources for solving ADA issues; (3) sensitivity training regarding the needs of people with disabilities and the elderly; (4) information on the role and function of Court ADA Coordinators; and (5) information on available resources to facilitate compliance with ADA. [Implementation: 1 year.]*

Rationale

The reduction or elimination of physical, communication or program barriers to access to the courts by the elderly and people with disabilities must be a cooperative effort between the county governments and the judicial system. Maximum accessibility to court programs, services and activities cannot be achieved without such a "joint venture." Without such effort and cooperation, not only will Wisconsin citizens continue to be denied their civil rights, but the courts and municipal governments will risk liability exposure under ADA. The potential costs associated with such exposure could be substantial and in some cases may exceed the cost of ADA compliance.

OTHER RECOMMENDATIONS

125. *The Committee recommends that the state prepare a list of available sources and resources for court employees to refer to when accessibility barrier problems arise. This should be the responsibility of the State Courts ADA Coordinator in the Director of State Courts office. (See Appendix G.) [Implementation: 1 year.]*

Rationale

Lack of information as to what types of accommodations are available and where they might be found is one of the primary access barriers to court programs and services. A resource directory would be a low-cost, effective means of aiding both court personnel and consumers in finding solutions to these problems.

126. *The Committee recommends that the ADA Coordinator for each county be listed in the Wisconsin Legal Directory, the Wisconsin Lawyer Directory, and similar publications. [Implementation: 1 year.]*

Rationale

Publishing the names of the individuals who serve as ADA Coordinators in legal directories would facilitate both communication among courts and contact by interested people regarding ADA-related issues. Identification of ADA Coordinators at the local level is needed to better insure compliance with ADA and to promote accountability on the part of entities covered by the ADA.

127. *The Committee recommends that the Office of Judicial Education and the State Bar of Wisconsin involve themselves in implementing the ADA in the state courts through a variety of activities, including education, resource development, provision of written materials, and general problem-solving. The Committee specifically recommends their participation in the following activities:*
- a. *Modification of Judicial Bench Books to reflect potential considerations for people with disabilities (e.g. Chapters 51 & 55 Stats.) [Implementation: 1 year];*
  - b. *Development of ADA training curricula for judges to increase awareness and expertise of the judiciary on issues involving people with disabilities in the courts [Implementation: 1 year];*
  - c. *Development of an ADA training curriculum for the Judicial college [Implementation: 1 year];*
  - d. *Development of mandatory training for court appointed guardians ad litem with respect to the needs of people with disabilities [Implementation: Within 18 months];*
  - e. *Requiring specific ADA training of bar members who take appointments from the Office of the State Public Defender [Implementation: 1 year];*
  - f. *Development of education programs for the private bar directed toward increasing sensitivity and awareness, and providing specific knowledge regarding the requirements of the ADA and the location of resources available for solving problems [Implementation: 1 year];*
  - g. *Provision of ADA-related continuing legal education materials to the private bar [Implementation: Within 1 year.]*

### Rationale

Through its extensive existing techniques for contacting its membership, the State Bar of Wisconsin is in an excellent position to advance both the letter and spirit of the ADA; the same is true with respect to the Office of Judicial Education. The activities listed here would have a substantial impact on ADA implementation at a very minimal cost, as they would take advantage of existing resources and only add small curricular and/or informational components to each. The State Court ADA Coordinator should be involved in this process.

128. *The Committee recommends that the State Court ADA Coordinator develop a handbook for court employees<sup>69</sup> which discusses frequently-requested accommodations in the court system, and that the handbook be available in all courts.<sup>70</sup> [Implementation: 14 months.]*

COST: See Appendix H (information on costs of employee handbook).

### Rationale

Like the videotapes recommended above, a handbook discussing accommodations for people with disabilities would be helpful in assisting those with little or no background in dealing with the needs of such individuals. The handbook should include a list of resources (agencies, product providers, etc.) which individuals could contact directly to seek solutions to their problems, and which could be shared among employees. Thus, the availability of the Court ADA Coordinator (or another employee with specific expertise) would not be essential in all situations in which a court employee is called upon to provide services to a person with a disability. It is likely that such a handbook could be produced through an existing program, such as the Materials Development Center at the University of Wisconsin-Stout, Vocational/Rehabilitation Institute, Menomonie, Wisconsin. Other potential resources might include one of the Wisconsin Independent Living Centers located throughout the state. See Appendix G.

129. *The Committee recommends that the circuit judge or judges of each county develop a local access plan in consultation with people with*

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<sup>69</sup> Written materials for court-users, as opposed to court employees are addressed in the chapter on Communications Barriers.

<sup>70</sup> Because this handbook is for use by court employees, it need not necessarily be produced in alternate formats (large print, braille, cassette tape, etc.), unless a court employee requires such accommodation (under Title I of the ADA).

*disabilities in the district and the District Court Administrator.  
[Implementation: 9 months.]*

Rationale

A specific local plan to overcome both program and physical barriers must be developed for each county. The plans should address funding sources and consider the views of local constituents regarding needs within a particular area.

130. *The Committee recommends that the Supreme Court of Wisconsin indicate to Wisconsin law schools the significance of educating future lawyers in all Titles of the ADA. [Implementation: 1 year.]*

Rationale

Long-term change of attitudes and biases which lead to discrimination against people with disabilities will not be accomplished without education of key players. Lawyers should be educated regarding the civil rights of people with disabilities, and Wisconsin's law schools should be leaders in such civil rights education.

TRAINING RECOMMENDATIONS SPECIFIC TO THE JURY PROCESS

131. *The Committee recommends that community and governmental groups serving as advocates people with disabilities learn about and inform their constituents of their rights to court program accessibility and educate them about the jury process. Specifically, the Committee recommends education regarding:*

- a. jury service and courtroom procedures,*
  - b. how to make oneself available to be called,*
  - c. availability of accommodations, and*
  - d. whom to call (Court ADA Coordinators) and where to go to get help or have questions answered.*
- [Implementation: 1 year.]*

Rationale

Advocacy groups need to be informed about the jury process. This could best be done as part of an overall educational campaign relating to court access in all capacities. The Director of State Courts is in the best position to distribute materials and organize volunteers and professionals (the State Court ADA Coordinator, for example) to speak to advocacy groups and to be available to help. This could also be handled as an outreach aspect of judicial education, coordinated locally.

132. *The Committee recommends that the Office of Judicial Education provide educational opportunities for all judges and clerks of circuit court regarding the requirements of the ADA, with specific regard to the jury process, as follows:*
- 1) *exemption or excusal from service, proper conduct of voir dire, challenges for cause, administration and assent to oaths, conduct of the trial and participation in deliberations,*
  - 2) *the nature of disabilities which might be encountered and possible accommodations which might be utilized as to each,*
  - 3) *the rights of people with disabilities and the corresponding obligations of the judge and court personnel under the ADA. [Implementation: 1 year.]*

#### Rationale

This, again, should be addressed as part of a total educational package relating to all people with disabilities who are entitled to access to the courts. Training should address the balance between obligation and reasonableness, with emphasis on the abilities of persons with disabilities — their talents, assets and capabilities — to overcome stereotypes. It also should address general education as to various disabilities, especially communicatory and mental disabilities. This is crucial to provision of proper accommodations and is particularly important in regard to the issue of the "thirteenth juror" — those support persons, interpreters and others whose presence may be necessary to accommodate a juror with a disability, and who may, in fact, be required to accompany a juror into the deliberation room to provide such accommodations.

It is also critical that judges understand the various accommodations which are available and applicable to the spectrum of potential disabilities. Responsibility would be placed on judges to ensure that their staffs and others dealing with jurors be made aware of these issues and trained to deal appropriately and intelligently with such questions and situations as may present themselves. Efforts should be made toward cost-effectiveness, such as securing alternative, less costly accommodations, and the obligation to immediately halt discriminatory behavior or comments by other jurors, court personnel, attorneys, witnesses, or others, should be stressed.

- C. *The Committee recommends that the State Bar of Wisconsin and other attorney organizations conduct training in these subjects, perhaps as a*

*part of education relating to ethical issues. [Implementation: Within 1 year.]*

### Rationale

This should again be a small part of a larger educational effort. For example, the Wisconsin Bench/Bar conference in January, 1994, included a session on disability issues in the courts. Especially pertinent to considerations of this Committee are the issues of voir dire and challenges for cause, in addition to the overriding need for general instruction on the nature of various types of disabilities and the accommodations necessary to allow full participation in the process. Other groups which might also be approached for training include the Wisconsin Association of Trial Lawyers, the Association of Defense Counsel, District Attorneys (through the Attorneys General's office), county and city Corporation Counsel and the State Public Defender's Office.

SAMPLE GENERAL CURRICULUM<sup>71</sup>

ABC'S OF DISABILITY  
ATTITUDE - BEHAVIORS - CHANGE

(An Outline for Disability Awareness Training)

- I. Introduction: Historical perspective of treatment of persons with a disability
- II. Who are "the disabled?"
  - A. Types of disabilities
  - B. Statistics
- III. Benefits of maximum integration of persons with disabilities into society
- IV. What are some of the ATTITUDES, BIASES, FEELINGS encountered by persons with a disability?
- V. What are variables to consider regarding persons with a disability?
- VI. What are specific suggestions regarding interacting with persons with a disability?

Additional suggestions for training, depending on time and numbers of participants:

Role-playing various situations involving a person with a disability

Simulating disabilities and having participants attempt various tasks

Videotapes

Panel of persons with a disability

Pre- and post-tests to illustrate stereotypical attitudes, etc.

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<sup>71</sup> This outline was prepared by Karen Hodgson, Director of the Center for Independent Living of Western Wisconsin, Menomonie, WI.

## SAMPLE COURT PERSONNEL CURRICULUM

### I. General Overview of ADA

- Goals, Objectives, and Purpose
- Effective dates

### II. Definition of Disability under ADA

- Common Disabilities

### III. Overview of Title II of ADA

- Purpose and effective date
- Prohibited conduct
- Covered entities
- Covered activities
  - employment
  - court programs, services, and activities
- Definition of qualified individual with a disability
- General requirements
  - no exclusion
  - no discrimination
  - integrated settings
  - screening/eligibility criteria
  - modification of policies and procedures
  - discrimination on basis of association
  - surcharges
  - licenses and certifications
  - prohibition against retaliation
- Program Access in Existing Facilities
  - means of achieving program access
  - limitations on obligations to provide program access
  - fundamental alteration and undue burdens
  - preservation of historic buildings

- Architectural Access Requirements
  - existing facilities
  - new construction
  - alterations
  - accessibility standards
  - leased buildings
  - maintenance of accessibility features
  - information and signage
  
- Communications Access
  - auxiliary aids and services
  
- Notice and Evaluation Requirements
  - Notice
  - Self-evaluation
  - Transition plan
  
- Enforcement
  - Internal grievance procedures
  - Administrative complaints
  - Lawsuits
  - Alternative dispute resolution

IV. Resources to Aid in Compliance with ADA Title II

V. Strategies/Practical Problem-Solving

- Typical accommodations for common disabilities
- Application to barrier removal
- Individualization of accommodations

VI. Trainees' Goal Setting

## 11. COST AND FUNDING

### Introduction

The recommendations contained in this report were developed by the Committee during the past year in an effort to assist counties and the state in providing access to court programs and services. Achieving accessibility may require financial expenditures, and the report contains various recommendations pertaining to the purchase of goods and services. This chapter addresses some of the most cost-effective ways of sharing, acquiring and/or paying for these goods and services.

The Committee recognizes that many mandated federal and state programs presently compete for limited state and county tax dollars. Wisconsin's counties currently have the additional burden of a county tax levy rate limit enacted as part of the 1993-94 state biennial budget bill. As a result, counties are required to weigh the continued level of funding for existing services against instituting new mandated and discretionary programs. However, the Committee hopes this report will suggest a sufficient number of options to enable state and local government to satisfy ADA requirements. This chapter contains purchasing recommendations for many items in an effort to aid local governments in achieving full program accessibility at minimal cost.

Various governmental entities in Wisconsin have differing ADA planning and implementation needs. Some already have appropriated substantial funding for the development and implementation of plans, while others will be able to use this document as an aid in beginning to implement the ADA.

Section I of this chapter provides information relating to various cost-effective methods which can assist local governments in meeting the goals and guidelines of the ADA. Section II explores the feasibility of some traditional and creative methods of funding ADA initiatives.

Before proceeding with cost effective strategies for implementing the ADA, the Committee believes that two points merit discussion. First, there is a great *social cost* involved in excluding people with disabilities from full access to the judicial system and its many programs and services. To the extent these individuals are barred from full participation in the judicial process, they are barred from full citizenship. Thus, by removing barriers to full participation in the judicial system, the community as a whole benefits.

The second point relates to the reasons underlying the formation of a cost and funding subcommittee. When the ADA was passed, many news commentators and observers of the legal scene predicted a wave of litigation brought on by disability

advocates. Their predictions were based, in part, on the history of Title VII and Title IX of the Civil Rights Act of 1964 and the recognition that we live in a contentious and litigious society. The predictions were also based on experience with Section 504 of the Rehabilitation Act (see Chapter 2), the law prohibiting discrimination and attempting to secure full participatory rights to people with disabilities in federally funded programs.

A case in point is a Section 504 action, City of Milwaukee v. Serio (unpublished). In that case, a person who is deaf sued the city for not providing an interpreter when he was arrested for violating a domestic restraining order. A jury awarded him almost \$158,700. Although the case is presently on appeal, it and similar cases have been cited as evidence of likely additional litigation.

The Committee's research and experience, however, supports a contrary view. Almost without exception, Wisconsin state and county governments are presently engaging in ADA training, as we have noted, and some counties have already set aside funding for ADA implementation. In Wisconsin, at least, it appears that government is reaching out to people with disabilities to seek advice on implementing the ADA. Similarly, people with disabilities have not been inundating Wisconsin courts with lawsuits. Rather, they are developing a working relationship with public entities to assist in reasonable implementation.

The cost subcommittee's recommendations reflect this cooperative spirit: to implement the Act cost-effectively through long-range planning and cooperative effort, a much more efficient and less costly method than implementation on a lawsuit-by-lawsuit basis.

## I. METHODS OF COSTS CONTROL

The three basic recommendations to achieve program accessibility cost-effectively are:

- (1) buying in volume with the state,
- (2) buying in volume through a consortium of counties, and
- (3) resource sharing among counties.<sup>72</sup>

The discussion of each recommendation includes examples of the types of items recommended in this report which are susceptible to suggested purchasing strategies.

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<sup>72</sup> In addition to these three recommendations, the Committee also suggests that the state and counties consider leasing costly ADA-related items which involve rapidly-evolving technology. In these situations, purchasing expensive equipment may not be the most cost-effective option.

## BUYING IN VOLUME WITH THE STATE: COOPERATIVE PURCHASING

133. *The Committee recommends that each county consider joining the Wisconsin Cooperative Purchasing Service through the state Department of Administration.*

Despite the counties' extensive responsibility for the funding and operation of the state court system, the Committee envisions that the state can become a positive force in the counties' purchasing strategies for achieving program accessibility. The recommendations contained in this report reflect that vision and include specific recommendations for state action. Providing access to the State Purchasing Cooperative, as explained below, is one way the state and the counties can work together to contain the costs of program accessibility.

Any local unit of government can join the state's Cooperative Purchasing Service for \$50.00. As members of this cooperative, the counties can participate in large volume purchases by the state. When the state makes such purchases, members of the Cooperative can purchase the same items as part of the same contract, saving from 20% to 50% of the retail prices. It is likely that the state will be purchasing many of the items recommended in the Committee's report for its own agencies. Counties who belong to the Cooperative receive a listing of all pending contracts, and can arrange to participate in large-volume purchases as needed.<sup>73</sup>

In addition to the Cooperative, the state Department of Administration (DOA) has a central purchasing office which purchases items for state agencies. State agencies may also ask for authority to make their own purchases and then seek to apply the provisions of the State Purchasing Cooperative to those purchases. Every time the DOA makes a purchase, it asks the vendor if it is willing to extend those same prices to counties and local units of government. The vendors usually agree because they are generally able to increase their volume when the arrangement is extended to the counties.

Finally, the DOA recently received authority to purchase items in conjunction with other states and now works routinely with nine states on recycling equipment. The state, including the DOA, should be encouraged to pursue such strategies and to purchase ADA-related items with other states in order to control costs.

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<sup>73</sup> Examples of items anticipated to be purchased by the state include: audio-recording equipment, carpeting, computer systems, computer maintenance contracts, software, court reporter services, furniture, graphic art supplies, telecommunication systems, signs, telephone sets, terminals, and videotapes.

The Committee does not suggest that all county needs will be met by purchasing through the Cooperative or otherwise in volume with the state. The state will not enter into contracts unless it has a need. Further, the state will buy what it wants from whom it wants. Even as members of the Cooperative, counties will generally have no say in the selection of vendors; and counties have different procurement rules than the state in many instances. However, despite the complications, state agencies and counties will likely have many similar needs. It may benefit the agencies, in terms of potential county volume, if they know in advance that counties may also be interested.

The Committee is aware that there is an annual national meeting of state purchasing agents, called the National Purchasing Convention. The Committee suggests that this report be discussed at the convention, and that the conferees consider national joint purchasing strategies to contain costs of implementing the ADA in state court systems.

The Committee further suggests that this report be placed on the agenda of the state Purchasing Council. The Purchasing Council is made up of representatives from all state agencies and meets once a month. Submission of this Committee's report will help ensure that the agencies are aware of its recommendations, to whom they are directed, and how the state and counties can work together to contain costs of implementation. The Committee suggests that a committee of the Purchasing Council be formed to review the recommendations. Finally, if an individual agency has a need for a certain item, the Purchasing Council can determine whether the state can make that item the subject of a cooperative contract with counties.

### Examples

TDD/TTY's are a good example of an ADA-related item that might be purchased through the state Purchasing Cooperative. Many state agencies will want to purchase TDD/TTYs, and they would seem a likely candidate for a statewide contract. In fact, one may already exist, and counties should inquire of DOA about either forming or joining a contract for these devices as members of the Cooperative. Other examples include FM and infra-red systems (Recommendation 80), wheelchairs (Recommendation 38), moveable barriers for witnesses' use (Recommendation 52), and the various signs recommended throughout this report.

### BUYING IN VOLUME BY COUNTY CONSORTIUM

134. *The Committee recommends that counties join together as appropriate to purchase ADA-related items in volume.*<sup>74</sup>

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<sup>74</sup> The Committee also recommends that the Wisconsin Counties Association, the Wisconsin County Executives Association, and other appropriate entities form ADA committees to investigate purchasing by consortium.

There will undoubtedly be many ADA-related items that the state will not be purchasing. The Committee recommends that counties take advantage of existing networks and groupings to investigate joint purchasing among the counties themselves. Joint or cooperative purchasing could be used to control costs for a host of items recommended in this report.

By joining together, along whatever lines are considered best — geographic, population, anticipated use, etc. — counties could get lower prices on necessary items by purchasing in higher volume. Thus, even without state involvement, counties may still be able to control ADA implementation costs by planning in groups, rather than purchasing the same items on an individual basis.

The Committee understands that Wisconsin's counties are already organized into seven districts through the Wisconsin Counties Association (see Appendix L). These existing groupings should be used wherever possible for both collective purchasing and resource sharing (see Recommendation 135). After consultation with regional partners, many items might be ordered in sufficient volume to result in a lower per item cost. With more expensive items (such as real-time court reporting equipment or wheelchair-accessible vans), the need may not be of such a volume that each county needs to own its own item. In these cases, the regional groupings could plan to purchase the lowest necessary number, and make administrative arrangements to share the equipment. See Resource Sharing, below.

### Examples

Several items recommended in this report are amenable to purchasing by county consortium. Wheelchair lifts are one such example. Such lifts are most readily imagined being used for ingress and egress into the jury box, the witness stand, and the judge's bench.<sup>75</sup>

Other items recommended in this report which counties might consider purchasing in bulk by consortium include non-glare materials, portable lamps, items for Braille translation, and any other items recommended for purchase through the state for which the state, in fact, does not have on contract.

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<sup>75</sup> The Committee has information that portable lifts will soon be available. It is possible that these lifts could be used in different locations both throughout a courthouse or other county buildings and could be shared among counties. See Recommendation 135, Resource Sharing, for other suggestions for cost containment through sharing.

RESOURCE SHARING

135. *The Committee recommends that counties share certain ADA-related items which may be costly and/or infrequently used in any one county. Administrative systems should be established to arrange for the sharing of these items on an as-needed basis by each sharing county.*

There are some more expensive items that do not justify an expenditure for each courthouse. In some instances, a county may decide that it will not need to use the item frequently enough to justify the expense. In such a case, sharing these items on an as-needed basis will keep purchase costs down, regardless of the funding source. Note, however, that counties will have to establish administrative systems, assisted by Court ADA Coordinators, to arrange for the timing, transportation, and personnel associated with shared items (i.e., due to the personalization of court reporting dictionaries, "shared" real-time court reporters would have to move with their equipment).

Examples

Real-time reporting systems can cost from \$9,000 to \$20,000 depending on the type of equipment needed. (Note that the Committee has elsewhere recommended that the state bear the costs of purchasing real-time equipment. See Recommendation 83). Some counties will be required to serve a person with a hearing impairment in need of such equipment only once a year. Even if state-purchased, counties should work with the state to examine regional or other bases on which to plan for sharing the systems. This will enable the state to plan to purchase the fewest necessary systems. Such advance planning will also assist counties in establishing administrative systems to share reporting equipment (and the operating court reporters), once it is available.

Other portable, potentially low-use items amenable to sharing among counties include Braille translators and some infra-red systems for use by persons with hearing impairments.<sup>76</sup>

## II. FUNDING SOURCES

Introduction: State and County Funding

The Committee recognizes that, under the present system of fiscal responsibility, the counties must cover most court ADA-related costs. We believe, however, that change

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<sup>76</sup> Most infra-red equipment will need to be specially wired for each courtroom. However, this will not always be the case; the Committee understands that some infra-red devices are portable. Depending on their adaptability, sharing these systems among counties may be cost effective.

is needed. The Wisconsin court system is a state court system, and we strongly recommend to the legislature and to the Governor that the state undertake greater responsibility for ADA implementation in the courts. This position is reflected in many of the recommendations in this report.

Readers will notice that, throughout this report, several substantive recommendations are accompanied by a further recommendation that the state, as opposed to counties, fund a particular activity. In addition to those recommendations, the Committee suggests the following activities and/or services be funded by the state.

- Sign language interpreters for people with hearing impairments;
- Real-time court reporting services;
- Readers for people with visual impairments;
- Conversion of printed court materials into alternate formats, including Braille, large print, and audio tape;
- Pictorial representations and other aids for people with cognitive impairments;
- TDD/TTYs for court offices;
- Assistive Listening Systems for courtrooms;
- Court staff to assist people with disabilities by acting as readers and scribes, retrieving law library materials, assisting people with stairs, wheelchair ramps, etc.

### Specific Funding Sources and Activities to Consider

#### A. General Purpose Revenue

General Purpose Revenue (GPR) is Wisconsin's basic tax revenue, and is derived from many sources: personal and corporate income taxes, sales taxes, state shares of fines and forfeitures, some lottery funds, inheritance taxes, revenues from the Departments of Motor Vehicles and Natural Resources, and other sources. Because, as discussed above, despite the considerable county responsibility for the courts, Wisconsin's is a state court system, state general purpose revenue is a first place to look as a source for state funding of ADA implementation, both in the courts and throughout state government. In our view, it is the most appropriate source for funding. The Supreme Court of Wisconsin may want

to consider determining the costs of ADA implementation and including that sum, however phased-in, as a distinct "line item" in its next budget submission to the Governor. A mechanism could be established for disbursing these funds to local courts throughout the state. We envision that the State Court ADA Coordinator, in conjunction with the county Court ADA Coordinators, will adopt an appropriate plan for disbursing this fund to the local courts throughout the state.

B. Assessments, Fees, Surcharges, etc.

Other sources of funding for ADA implementation would require some form of assessment, surcharge, or fee. Currently, there are many such fees, such as those added to fines and forfeitures. The Committee acknowledges that assessments, fees and surcharges can result in increasing the overall cost of access to the courts. For that reason, they are disfavored by many. Nonetheless, we feel obligated to list this as a possible funding source for the legislature to consider.

C. Accommodation-Specific Funding

An enterprise currently underway in the court system is the Circuit Court Automation Project (CCAP). A substantial sum has been allocated for this project. We suggest that by adding an additional phase to the CCAP, the state could implement an important component of the accessible courtroom. This is because CCAP has focused on the enhanced use of computers in the courts. It is therefore logical to allocate funds for real-time court reporting as another computer-related court enhancement project.

D. County Property Taxes

The Committee recognizes that the counties are presently under legislatively-imposed limits on property tax levies. This means that, even if inclined to do so, a county could not simply raise its property tax to fund ADA implementation. However, the freeze is not a permanent fixture and eventual removal of the levy limit would enable counties to raise their own taxes should they so choose.

E. Sales Taxes

The Committee is also aware that some counties have enacted the additional 0.5% sales taxes permitted under state statutes. (See Wis. Stats. 77.52, 77.70 and 77.71.) Those counties that have not enacted this additional sales tax may want to consider this alternative for ADA-related purchases and capital expenses.

#### F. State Trust Fund Loans

Municipalities may borrow money from the State Trust Loan Program for a variety of uses, including, but not limited to buildings and capital equipment. As of February 16, 1994, interest rates for these loans were as follows:

5 years or less:	3.75%
5-10 years:	4.50%
10-20 years:	5.50%.

See Appendix M for more information on the State Trust Loan Program.

#### G. Legislative Council Committee

The legislature may wish to consider convening a Legislative Council Committee to study the costs of ADA implementation, either specifically in the court system or throughout state programs, and to make recommendations regarding the legislature's role in identifying appropriate funding sources.

#### H. Jail Fees

Under current law (Wis. Stats. 302.46, as amended by 1991 Wis. Act 130), in cases where a court imposes a fine or forfeiture for violations of certain laws, the court must also impose an additional "jail assessment" of either 1% of the fine or \$10.00, whichever is greater. If multiple offenses are involved, the assessment is determined on the basis of each distinct offense.

According to the Director of State Courts office, in 1992, the reported jail assessment revenue statewide was \$4,545,799; for the first half of 1993 it was \$2,156,479. This money is currently allocated for jail construction and maintenance.

Two options are available with respect to this fund. It would be possible for a portion of the existing jail assessment funds to be allocated for court ADA implementation. Alternatively, the assessment itself could be increased to create an additional pool of money for use in making some of the changes recommended in this report.

**Appendix A:**

**Roster of  
Committee Members**

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COMMITTEE ON COURT-RELATED NEEDS OF  
THE ELDERLY AND PEOPLE WITH DISABILITIES**

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Updated January 13, 1994

# **Appendix B:**

## **Sample Physical Access Survey (Blank)**

AMERICANS WITH DISABILITIES ACT  
FACILITY ASSESSMENT  
Exterior Facilities

SITE: \_\_\_\_\_

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>ACCESSIBLE PARKING SPACES</b>				
Number	<p>The closest lot to the building complies with one of the choices below. Mark one choice. If there are multiple lots, number choices.</p> <p style="text-align: center;">LOT TOTAL/# REQUIRED</p> <p style="text-align: center;">___ 01 to 25/ 1 ___</p> <p style="text-align: center;">___ 26 to 50/ 2 ___</p> <p style="text-align: center;">___ 51 to 75/ 3 ___</p> <p style="text-align: center;">___ 76 to 100/ 4 ___</p> <p style="text-align: center;">___ 101 to 150/ 5 ___</p> <p style="text-align: center;">___ 151 to 200/ 6 ___</p>			<p>SKETCH SITE, INDICATING MULTIPLE LOTS AND RELATIONSHIP OF THESE LOTS TO BUILDING'S MAIN ENTRANCE AND OTHER POTENTIAL ACCESSIBLE ENTRANCES.</p>
Size	<p>The required spaces marked above are ___ feet wide (8 or more).</p>			<p>DRAW DIAGRAM OF SPACES/AISLES PROVIDED, INSERT WIDTHS.</p>
	<p>The adjacent access aisles are ___ feet wide (5 or more). If no aisle is provided, mark "NONE".</p>			
Surface	<p>The space(s) and adjacent access aisle(s) surfaces are asphalt or concrete.</p>			
	<p>The space(s) and access aisle(s) are level.</p>			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
Sign	The State of WI Trans 200.07 sign is used to designate the space(s)			
	The WI Trans 200.07 sign is located at either the center, left, or right of the space(s).			
	The height of the sign (measured from the ground to its bottom edge) is ____ inches high (48 or more).			
<b>PASSENGER LOADING ZONE</b>				
	If a loading zone is provided, is there also an adjacent access aisle?			
Size	The access aisle is ____ feet wide (5) and ____ feet long (20). If there is no aisle mark "NONE".			
Surface	The access aisle is parallel to the loading zone.			
Sign	The sign designating the zone is: _____.			
	The surface of the loading zone(s) and adjacent access aisle(s) are concrete or asphalt.			
	The loading zone(s) and adjacent access aisle(s) surfaces are level.			
Vertical Clearance	If a vertical clearance is required, it is ____ feet high (9'6").			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>ACCESSIBLE ROUTE</b>				
Surface	The sidewalk/route to the accessible entrance is ___ feet wide (4 or more).			
	The ground surface is asphalt or concrete.			
	There are changes in level along route (e.g. large cracks, threshold changes, curbs) they are ___ inch high (1/2 or less).			
	There are gratings, with their spaces not more than ___ inch wide (1/2) in either direction.			
	The grating's longest dimension is perpendicular to the direction of travel.			
	The slope of the sidewalk/route to the accessible entrance is ___ degrees. If it is GREATER than 3, complete ramp section.			
Obstructions	The sidewalk/route is free of obstructions protruding into the space narrowing the width of the route or causing hazards (e.g. bushes, branches, benches, front car fenders).			
Curb	There is a curb, and a curb cut is provided.			
	The curb cut is ___ feet wide.			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
	<b>RAMP</b>			
	This sloping surface is most like a sidewalk/ramp CIRCLE ONE and EXPLAIN			
Surface	The ramp surface is asphalt, concrete, wood, or other smooth material. (CIRCLE ONE)			DRAW A DIAGRAM WITH ALL RAMP CHARACTERISTICS AND DIMENSIONS
	The slope is ____ degrees (5).			
	The cross slope is ____ degrees (1-0).			
Features	The clear width (measured from handrail to handrail) is ____ inches (48). If there is no handrail mark "NONE".			
	The top of the handrail(s) are mounted ____ inches from the ground (30-38).			
	There is an open side/drop-off CIRCLE ONE, and a midrail is provided.			
	There is an open side/drop-off CIRCLE ONE, an edge protection is provided.			

ENTRANCE LOCATION: \_\_\_\_\_

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>ACCESSIBLE ENTRANCE</b>				
Public Entrances - #	There are __ public entrances.			
Directional Signage	There is a directional sign at __ of the public entrances. INDICATE WHICH ONES			
	The type of directional(s) provided is ____ DESCRIBE			
Accessible Entrance	The main entrance (the entrance with the published street address) is accessible.			
	The best entrance for accessibility is located _____.			EVALUATE THE MOST ACCESSIBLE ENTRANCE-- IF THERE IS MORE THAN ONE, COMPLETE ALL  DRAW DIAGRAM OF DOOR WITH ALL RELATED CLEARANCES AND DIMENSIONS (IF THERE IS A VESTIBULE, INCLUDE ITS WIDTH AND DEPTH)
Approach	The ground surface at the door is level.			
	If there is a landing at the door, it is ____ inches wide and ____ inches deep (60x60).			
	There is a ____ inch wide clearance at the latch side of the door (12 or more).			
Features	There is a sign designating the entrance as accessible. The type and location of the sign is.			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Features Continued	The clear door opening is ____ inches wide (32 or more).			
	The threshold at the door is ____ inches high (1/2 or less).			
	The door hardware is a _____ (loop, handle or lever).			
	The door hardware (measured O.C.) is mounted ____ inches above the ground (48 or less).			
	The door takes ____ seconds to return to the latch when opened 70 degrees (3 or more). Mark "U" for zero pressure.			
	The opening force to open the door is ____ pounds pressure (8.5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM			
Power Assisted Door	This single door, or one of the multiple doors is a power assisted door. INDICATE ON DIAGRAM			DRAW A SKETCH OF THE SITE INDICATING LOCATIONS OF ALL STRIKE PLATES OR DOOR OPENERS
Automatic Door	This single door, or one of the multiple doors is an automatic door. INDICATE ON DIAGRAM			
Automatic Eye	There is an automatic eye at the entrance.			
	The door is activated ____ feet from the entrance.			

AMERICANS WITH DISABILITIES ACT  
FACILITY ASSESSMENT  
Common Use Interior Building Elements

SITE: \_\_\_\_\_

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>ACCESSIBLE ROUTE</b>				
	This is a ____ story building. (Do not include basement unless office-type space is located there.) For multiple story buildings, the means of vertical circulation is/are _____.			
Features	The width of the hall or corridor is _____ feet wide (3' or more).			
	Doorways that are part of the corridor, or those which you pass through to enter another area or main office area (e.g. fire doors, other main office entries) meet min. requirements.			MEASURE CLEAR DOOR OPENING, NOTE HARDWARE TYPE, PRESSURE, SWING -- IF THE DOOR IS A FIRE DOOR, DO NOT CHECK PRESSURE, BUT INSTEAD MAKE A SPECIFIC NOTE
	There is a minimum ____ foot headroom provided along the hall or corridor (6'8").			
Surface	There are changes in level along halls or corridors, (e.g. large cracks, threshold changes, steps) they are ____ inches high (1/4 or less).			
	The slope of the hall or corridor is ____ degrees. (0-3) If it is greater than 3, complete the ramp section below.			DRAW DIAGRAM WITH ALL RAMP CHARACTERISTICS AND DIMENSIONS. IF THERE IS MORE THAN ONE WITHIN THE BUILDING, ASSIGN NUMBERS AND INDICATE LOCATION ON FLOOR PLAN.

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comment
		Yes	No	
Obstructions	Is the hall/corridor free of obstructions that narrow the width or cause hazards (e.g. water fountain, telephone, plants, furniture).			
	Objects mounted on walls between 27" and 80" protrude into the space 4" and less. LIST ITEMS BETWEEN 27" and 80" THAT PROTRUDE FROM WALLS MORE THAN 4".			
	<b>RAMP</b>			
Surface	The ramp surface is _____ (commercial carpet, plastic, tile, or other smooth and slip-resistant material). CIRCLE ONE			
	The slope is ____ degrees (5).			
	The cross slope is ____ degrees (1 or 0).			
Features	The clear width (measured from handrail to handrail) is ____ inches (36). If there is no handrail mark "NONE".			
	The top of the handrail(s) are mounted ____ inches above the ground (30 - 38).			
	There is an open side/drop-off CIRCLE ONE, a midrail is provided.			
	There is an open side/drop-off CIRCLE ONE, an edge protection is provided.			
	<b>ELEVATOR</b>			
Hall Call Buttons	The hall call buttons are centered ____ inches above the floor (42).			FOR MULTIPLE ELEVATOR BANKS, CODE RESPONSES FOR EACH BANK, AND INDICATE THEIR LOCATION.

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Hall Call Buttons (cont.)	The buttons are ____ (raised/flush).			
	The buttons are ____ inches in diameter (3/4 or more).			
	The call buttons give a visual signal when the elevator is called and when the elevator arrives.			
	The space underneath the call buttons is free of obstructions.			
Lantern	There is a lantern providing a visual signal outside the elevator at each entrance.			
	The location of the lantern is ____ (above door outside; within door; on door jamb).			
	An audible signal is provided outside the elevator and rings once for up/twice for down/sounds verbal announcement. CIRCLE ONE			
Door	The elevator is automatic.			
	The elevator doors self-level to ____ inches (1/2 or less).			
	The doors remain open ____ seconds before closing in response to a call (3 or more).			
	The doors reopen automatically without contact with an object or person.			
	The doors are equipped with a safety door edge.			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Exterior Jamb	There are raised/braille markings on both jambs of the elevator entrance.			
	The entrance markings are mounted ____ inches above the floor (60).			
	The characters themselves are ____ inches high (2).			
Interior/ Diagram	The clear door opening to the elevator is ____ inches wide (36 or more).			DRAW A DIAGRAM OF THE INTERIOR OF THE ELEVATOR CAR INDICATING WIDTH, DEPTH, HANDRAIL LOCATION, AND CONTROL LOCATION.
Handrail	A handrail is provided with the top mounted ____ inches above the floor (32).			
	The clear space from the wall to the inside of the handrail is ____ inches 1 1/2 or more).			
Interior Car Controls	The buttons are _____ (raised/flush).			
	The buttons are ____ inches in diameter (3/4 or more).			
	There are raised/braille markings immediately to the left of each button.			
	The highest control button is ____ inches above the floor (48 or less).			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Emergency Controls	The emergency controls provided are _____ LIST			
	The working height of the emergency controls is _____ LIST			
Car Position Indicators	There is a visual car position indicator inside the car above the control panel or door. CIRCLE ONE			
	All visual indicators are in working order.			
	An audible signal identifying your location and/or direction of travel is provided inside the car. DESCRIBE			
	<b>PUBLIC PAY TELEPHONES AND TEXT TELEPHONES</b>			<b>THE TDD IN THE BUILDING IS LOCATED _____.</b>
Number	The number of public pay telephones located on the floor where court programs are located is _____.			NOTE LOCATION OF PUBLIC TELEPHONE
	Court programs are located on multiple floors, there is a telephone on each floor. (Evaluate all telephones located on floors with court programs. If there is one in the building, evaluate that one).			DRAW SMALL SKETCH OF TELEPHONE IN RELATIONSHIP TO SURROUNDINGS
	* The number of text telephones provided is _____ (1 or more).			
Approach	There is adequate clear floor space at the lowest telephone (30x48 or more).			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Features	The highest operable part of the telephone is ____ inches from the floor (54 or less).			
	The telephone has an enclosure, with the bottom leading edge ____ inches above the floor (27 and lower).			
	A shelf is provided, and is ____ inches wide (10), ____ inches deep (10), with a ____ inch vertical clearance (6).			
	An electrical outlet is located near the enclosure or shelf provided. INDICATE LOCATION OF CLOSEST OUTLET			
	Of the telephones provided, ____ are hearing aid compatible.			
	Of the telephones provided, ____ are equipped with an amplifier/volume control.			
	Of the telephones provided, ____ have push buttons.			
	Of the telephones provided, ____ have cords ____ inches long (29 or more).			
	Telephone books are provided and are located ____ inches above the floor (9 - 54).			
The type of sign provided is ____ . If there is no sign mark "NONE".				

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>WATER FOUNTAINS/COOLERS</b>				
Number	The number of water fountains per floor with court program is _____. The number of accessible water fountains per floor with court program is _____.			INDICATE LOCATION OF WATER FOUNTAINS; FOR MULTIPLE WATER FOUNTAINS, ASSIGN NUMBER.
Approach	There is adequate clear floor space at the fountain (36x48 or more).			DRAW SMALL SKETCH OF THE FOUNTAIN AND SURROUNDING AREA
Features	The fountain(s) provided are ____ inches deep (17-19).			
	The spout is ____ inches above the floor (36).			
	The spout is located at the front.			
	The controls are _____ (push button, lever, handle)			
	The controls are located _____ (front or side edge). CIRCLE ONE			
	The water is directed parallel to the front of the unit.			
	The water flow is ____ inches high (3 or more).			
	For fountains with space underneath the knee clearance is ____ inches (27 or more).			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>SIGNAGE</b>				
Directories	The type of directories provided are ____. DESCRIBE			
Directionals	The directionals within the building are useable within the distance they are intended to be read. DESCRIBE			
Color/Finish	The sign(s) background is ____; the sign(s) characters are _____.(contrast)			
	The finish is _____.(matte)			
Symbols	If picture symbols are provided, they are accompanied with equivalent verbal underneath.			
<b>ALARMS</b>				
Type	The alarm system provided within the building is _____ (audible and pulse/strobe).			
Location	The locations of the alarm systems are _____.			

AMERICANS WITH DISABILITIES ACT  
FACILITY ASSESSMENT  
Restrooms

SITE: \_\_\_\_\_

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>ENTRANCE</b>				
Location	Gender ____ Location _____.			
Door Signage  CHECK OFF ALL THAT APPLY	The type of sign provided: M/W symbol __; wheelchair symbol __; verbal __; raised letters __; flush letters __; braille __; contrasting colors __; location: on door __; latch side of door __; hinge side of door __.			
Door Features	There is a ____ inch wide clearance at the latch side of the door (12 or more).			Mark "E" for outside; "I" for inside Mark "U" for 24" and more
	The clear door opening is ____ inches wide (32 or more).			
	The threshold at the door is ____ inches high (1/2 or less).			
	The door hardware is a _____ (loop, handle, or lever).			
	The door hardware (measured O.C.) is mounted ____ inches above the ground (48).			
	The door takes ____ seconds to return to the latch when opened 70 degrees (3 or more). Mark "U" for zero pressure.			
	The opening force of the door is ____ pounds (5 or less).			FOR MULTIPLE DOORS, INDICATE ON DIAGRAM
	The restroom is a single fixture restroom, there is a privacy lock on the door.			
The door swings into clear floor space required for a fixture.				

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
Power Assisted Door	This single door, or one of the multiple doors is a power assisted door.			NOTE WHICH DOORS ARE POWER ASSISTED ON DIAGRAM
Automatic Door	This single door, or one of the multiple doors is an automatic door.			NOTE WHICH DOORS ARE AUTOMATIC ON DIAGRAM DRAW SMALL SKETCH INDICATING LOCATIONS OF ALL OPENERS
	The buttons/strike plates for this/these doors are mounted ____ inches above the floor (48 or less).			
<b>ROOM CLEAR FLOOR SPACE</b>				
	The room provides a ____ inch turning space (60" or more). For more than 60" mark 60" plus.			
<b>LARGEST STALL/SINGLE FIXTURE FEATURES</b>				
Water Closet	The water closet seat is ____ inches above the floor( 17-19).			
	The seat is not self-rising, returning to a lifted position.			
	The flush controls are located on the wide side.			
	The flush controls are ____ inches above the floor (44 or less).			
Grab Bars	There are ____ grab bars provided (2).			
	The grab bars are mounted parallel to the floor.			
	The grab bars are mounted ____ & ____ inches above the floor (33-36).			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Grab Bars Continued	The clear spaces between the bar and the wall are ___ & ___ inches (1 1/2).			
	The lengths of the grab bars are ___ & ___ inches (36, 40, 42).			
	The distance between the back wall and the grab bars' closest mounting location is ___ & ___ inches (12 or less).			
Toilet Paper	The toilet paper is mounted ___ inches from the back wall (36 or less).			
	The toilet paper dispenser provides continuous paper flow.			
	<b>LARGEST STALL/SINGLE FIXTURE DIMENSIONS AND MISC</b>			
	The largest stall or single fixture restroom is ___ inches wide and ___ inches deep.			
	The clear door opening of the largest stall is ___ inches wide.			
	The largest stall has a latch mounted ___ inches from the floor.			
	<b>URINALS STALL-TYPE OR WALL-HUNG</b>			
Number	There are ___ stall-type or wall-hung urinals provided. CIRCLE ONE There are ___ accessible.			FOR MULTIPLE URINALS, NOTE WHICH URINAL IS ACCESSIBLE ON DIAGRAM
Approach	There is adequate clear space at the urinals (30x48).			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes . No		Existing Conditions/ Comments
Features	The flush control is a _____ (lever, button, auto)			
	The flush control is mounted _____ inches above the floor (44 or less).			
Rim	The rim of the lowest wall-hung urinal is _____ inches above the floor (17).			
<b>DISPENSERS/RECEPTACLES</b>				
Approach	There is adequate clear floor space at the dispensers provided (30x48).			
Features	The hand dryer/paper towel dispenser CIRCLE ONE is mounted _____ inches above the floor (40 or less).			
	The soap dispenser is mounted _____ inches above the floor (40 or less).			
	The other dispensers provided are _____ and are mounted _____ inches above the floor (40 or less).			
	All dispensers are easily operable with one hand. (Hardware able to be pushed or swiped; no crank, twist or turn hardware; hardware that does not require both hands.			
<b>SINKS AND VANITIES</b>				
Number	The number of sinks/vanities CIRCLE ONE provided is _____. The number of accessible sinks/vanities provided is _____.			
Approach	There is adequate clear floor space at the sink/vnty provided (30x48).			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Size	The sink/vnty is ____ inches deep. (17 or more)			
Top	The sink/counter top is ____ inches above the floor (34 or less).			
Apron	The knee clearance is ____ inches above the floor (29 or more).			
Drain Pipes	The distance from the back wall to the front of the drain pipes is ____ inches.			
	The distance from the floor to the bottom edge of the drain pipes is ____ inches.			
	The drain pipes are insulated to protect against contact.			
Faucet	The faucet hardware is ____ (push, lever, or blade type).			
	If self-closing faucets are used, the HOT remains on ____ seconds; the COLD remains on ____ seconds. (10 or more).			
Mirror	There are ____ mirrors provided.			
	The lowest reflective surface of the mirror is mounted with its reflective surface ____ inches above the floor (40 or less).			

DRAW A DIAGRAM OF THE RESTROOM WITH ALL CLEARANCES, DIMENSIONS, AND LOCATION OF FIXTURES

AMERICANS WITH DISABILITIES ACT  
FACILITY ASSESSMENT  
Courtrooms

SITE: \_\_\_\_\_  
COURTROOM: \_\_\_\_\_

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
	<b>NUMBER OF DOORS ACCESSING THE COURTROOM</b>			
	<p>The number of doors accessing the courtroom are _____. LIST AND INDICATE WHERE THEY ORIGINATE FROM WITHIN THE ROOM AND WHERE THEY LEAD TO (e.g. Judge's Bench to Chambers, Well to Chambers, Gallery to Main Corridor, Rear to Main Corridor, Well to Jury Deliberation Room, Gallery to Main Corridor, Gallery to Conference Room, Media Room to Main Corridor, Media Room to Entrance Vestibule, ETC).</p> <p><b>NOTE:</b></p> <p>If there is signage at any of these doors, either on the inside or outside the courtroom make a note about its characteristics (e.g. "Courtroom", black on white, surface letters, matte finish, mounted at latch, 60")</p>			<p>1 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>2 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>3 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>4 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>5 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p> <p>6 FROM _____ TO _____ CLEAR WIDTH _____ HARDWARE TYPE _____</p>

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>MAIN COURTROOM ENTRANCE</b>				
Door Signage	The sign on the outside of the courtroom, designating the entrance has _____ letters (raised).			
	The verbal description is accompanied by Braille.			
	The sign is mounted _____ inches above the floor (60).			
	The sign is located _____ in relation to the door (latch side).			
	The sign background is _____; the sign characters are _____.(contrast)			
	The sign finish is _____.(matte)			
Viewing Window	If there is a window, the bottom edge is _____ inches above the floor (40 or less).			
Approach	There is a _____ inch wide clearance at the latch side of the door(12 or more).			Mark "E" for outside; "I" for inside Mark "U" for 24" and more
Door Features	The clear door opening is _____ inches wide (32 or more).			
	The threshold at the door is _____ inches high (1/2 or less).			
	The door hardware is a _____(loop, handle, or lever).			
	The door hardware (measured O.C.) is mounted _____ inches above the ground (48 or less).			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
Door Features Continued	The door takes ____ seconds to return to the latch when opened 70 degrees (3 or more). Mark "U" for zero pressure.			
	The opening force to open the door is ____ pounds pressure (5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM			
<b>MULTIPLE DOORS OR VESTIBULE</b>				
Vestibule	There is a vestibule, it is ____ feet wide (5) and ____ feet deep (6'6")			DRAW DIAGRAM FOR DOUBLE DOOR ENTRANCES AND VESTIBULES INDICATING DOOR PRESSURES, DOOR SWINGS, ETC

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>COURTROOM INTERIOR</b>				
Courtroom Aisles	The main (center) aisle is ____ inches wide (42 or more). If none is provided mark "NONE".			
	The side aisles are ____ & ____ inches wide (36 or more). If none is provided mark "NONE".			
Route	All components of the courtroom are connected without steps. LIST THOSE THAT ARE NOT			
	The route within the courtroom is a minimum 36" width. (Include all elements including routes to workstations).			
Gate to Well	This gate is an entryway/swinging door CIRCLE ONE			
Door Features	The clear door opening is ____ inches wide (32 or more).			
	If door hardware is provided, it is a _____.			
<b>FIXED SPECTATOR SEATING</b>				
Wheelchair Location Number	<p>There are ____ wheelchair locations provided (within the defined area). Mark one choice below.</p> <p style="text-align: center;"># Provided/# Required</p> <p style="text-align: center;">____ 4 to 25/1 ____</p> <p style="text-align: center;">____ 26 to 50/2 ____</p> <p style="text-align: center;">____ 51 to 300/4 ____</p> <p style="text-align: center;">____ 301 to 500/6 ____</p>			IF WHEELCHAIR SEATS ARE PROVIDED, SKETCH SMALL DIAGRAM OF SEATING AREA.

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
Surface	The seating area is _____ (level, tiered, or sloped).			
Wheelchair Location Size	The wheelchair locations are _____ inches wide and _____ inches deep (30x48 facing forward).			
<b>JURY BOX</b>				
Wheelchair Location Number	There are _____ wheelchair locations or readily removable seats provided (within the defined area).			
Surface	The seating area is _____ level, tiered, or sloped).			
Wheelchair Location Size	The wheelchair locations are _____ inches wide and _____ inches deep (30x48 facing forward).			
Controls	The controls/mechanisms are mounted _____ inches above the floor (48 or less). LIST CONTROLS PROVIDED			
<b>WITNESS BOX</b>				
Wheelchair Space	There is clear floor space (30x48) for forward approach and forward facing (within the defined area).			
Seats	The seat provided is movable/fixed CIRCLE ONE			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Controls	The microphone or other fixed controls are mounted ____ inches above the floor (48 or less). LIST CONTROLS PROVIDED			
Fixed Furniture	The knee clearance underneath the work surface is ____ inches above the floor (27 or more).			
	The table top is ____ inches above the floor (28 or less).			
	The work surface is ____ inches deep and ____ inches wide (19x30).			
<b>JUDGES' BENCH</b>				
Wheelchair Space	There is clear floor space (30x48) for forward approach and forward facing.			
Controls	The microphone, or other fixed controls are mounted ____ inches above the floor (48 or less) LIST CONTROLS PROVIDED			
Fixed Furniture	The knee clearance underneath the work surface is ____ inches above the floor (27 or more).			
	The table top is ____ inches above the floor (28 to 34).			
	The table top is ____ inches deep (19 or more).			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
	<b>COURT REPORTER, CLERK, BAILIFF, LITIGANT, AND ALL OTHER WORK STATIONS -IF FIXED</b>			
	The knee clearance underneath the work surface is ____ inches above the floor (27 or more).			
	The table top is ____ inches above the floor (28 to 34).			
	The work surface is ____ inches deep and ____ inches wide (19x30).			
	<b>OTHER CONTROLS</b> (Other mechanical as well as non-mechanical items such as flip charts, audio-visual control, etc.) THAT ARE PERMANENTLY ATTACHED			
	The working height of the "other controls" is ____ LIST			

AMERICANS WITH DISABILITIES ACT  
FACILITY ASSESSMENT  
Jury Rooms

ROOM NUMBER: \_\_\_\_\_

LOCATION: \_\_\_\_\_

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
<b>ENTRANCE</b>				
Door Signage	The sign on the outside of the door, designating the entrance has _____ letters (raised).			
	The verbal description is accompanied by BRAILLE.			
	The sign is mounted _____ inches above the floor (60).			
	The sign is located _____ in relation to the door (latch side).			
	The sign background is _____; the sign characters are _____ (Contrast).			
	The sign finish is _____ (Matte).			
Approach	There is a _____ inch wide clearance at the latch side of the door (12 or more).			Mark "E" for outside the room, "I" for inside the room, and "U" for 24" and more.
Door Features	The clear door opening is _____ inches wide (32 or more).			
	The threshold at the door is _____ inches high (1/2 or less).			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
Door Features Continued	The door hardware is _____ (loop, handle, or lever).			
	The door takes ____ seconds to return to the latch when opened 70 degree (3 or more). Mark "U" for zero pressure.			
	The opening force to open the door is ____ pounds pressure (5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM			
<b>ROOM SPACE</b>				
	There is adequate maneuvering space and circulation within the room.			
<b>FURNITURE</b>				
Movable or Fixed	The table top surfaces provided are fixed/moveable CIRCLE ONE			
Tables	For FIXED tables there is a ____ inch knee clearance underneath (27 or more).			
	For FIXED tables, the top is ____ inches above the ground (28-34).			
Counters	For FIXED counters, the top is ____ inches above the ground (34 or less).			

### RESTROOM

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/Comments
	<b>ENTRANCE</b>			
Gender/Location	Gender ___ Location _____.			
Door Signage  CHECK OFF WHICH APPLY OR EXPLAIN	The type of sign provided: M/W symbol ___; Wheelchair symbol ___; verbal ___; raised letters ___; flush letters ___; braille ___; contrasting colors ___; location: on door ___; latch side of door ___; hinge side of door ___.			
Door Features	There is a ___ inch wide clearance at the latch side of the door (12 or more).			Mark "E" for outside; "I" for inside Mark "U" for 24" and more
	The clear door opening is ___ inches wide (32 or more).			
	The threshold at the door is ___ inches high (1/2 or less).			
	The door hardware is a _____ (loop, handle, or lever).			
	The door hardware (measured O.C.) is mounted ___ inches above the ground (48).			
	The door takes ___ seconds to return to the latch when opened 70 degrees (3 or more). Mark "U" for zero pressure.			
	The opening force of the door is ___ pounds (5 or less).			FOR MULTIPLE DOORS, INDICATE ON DIAGRAM
	The restroom is a single fixture restroom, there is a privacy lock on the door.			
	The door swings into clear floor space required for a fixture.			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
Power Assisted Door	This single door, or one of the multiple doors is a power assisted door.			NOTE WHICH DOORS ARE POWER ASSISTED ON DIAGRAM
Automatic Door	This single door, or one of the multiple doors is an automatic door.			NOTE WHICH DOORS ARE AUTOMATIC ON DIAGRAM DRAW SMALL SKETCH INDICATING LOCATIONS OF ALL OPENERS
	The buttons/strike plates for this/these doors are mounted ____ inches above the floor (48 or less).			
<b>ROOM CLEAR FLOOR SPACE</b>				
	The room provides a ____ inch turning space (60" or more). For more than 60" mark 60"plus.			
<b>LARGEST STALL/SINGLE FIXTURE FEATURES</b>				
Water Closet	The water closet seat is ____ inches above the floor( 17-19).			
	The seat is not self-rising, returning to a lifted position.			
	The flush controls are located on the wide side.			
	The flush controls are ____ inches above the floor (44 or less).			
Grab Bars	There are ____ grab bars provided (2).			
	The grab bars are mounted parallel to the floor.			
	The grab bars are mounted ____ & ____ inches above the floor (33-36).			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
Grab Bars Continued	The clear spaces between the bar and the wall are ___ & ___ inches (1 1/2).			
	The lengths of the grab bars are ___ & ___ inches (36, 40, 42).			
	The distance between the back wall and the grab bars' closest mounting location is ___ & ___ inches (12 or less).			
Toilet Paper	The toilet paper is mounted ___ inches from the back wall (36 or less).			
	The toilet paper dispenser provides continuous paper flow.			
	<b>LARGEST STALL/SINGLE FIXTURE DIMENSIONS AND MISC</b>			
	The largest stall or single fixture restroom is ___ inches wide and ___ inches deep.			
	The clear door opening of the largest stall is ___ inches wide.			
	The largest stall has a latch mounted ___ inches from the floor.			
	<b>URINALS STALL-TYPE OR WALL-HUNG</b>			
Number	There are ___ stall-type or wall-hung urinals provided. CIRCLE ONE There are ___ accessible.			FOR MULTIPLE URINALS, NOTE WHICH URINAL IS ACCESSIBLE ON DIAGRAM
Approach	There is adequate clear space at the urinals (30x48).			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Features	The flush control is a _____ (lever, button, auto)			
	The flush control is mounted _____ inches above the floor (44 or less).			
Rim	The rim of the lowest wall-hung urinal is _____ inches above the floor (17).			
<b>DISPENSERS/RECEPTACLES</b>				
Approach	There is adequate clear floor space at the dispensers provided (30x48).			
Features	The hand dryer/paper towel dispenser CIRCLE ONE is mounted _____ inches above the floor (40 or less).			
	The soap dispenser is mounted _____ inches above the floor (40 or less).			
	The other dispensers provided are _____ and are mounted _____ inches above the floor (40 or less).			
	All dispensers are easily operable with one hand. (Hardware able to be pushed or swiped; no crank, twist or turn hardware; hardware that does not require both hands.			
<b>SINKS AND VANITIES</b>				
Number	The number of sinks/vanities CIRCLE ONE provided is _____. The number of accessible sinks/vanities provided is _____.			
Approach	There is adequate clear floor space at the sink/vnty provided (30x48).			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
Size	The sink/vnty is ____ inches deep. (17 or more)			
Top	The sink/counter top is ____ inches above the floor (34 or less).			
Apron	The knee clearance is ____ inches above the floor (29 or more).			
Drain Pipes	The distance from the back wall to the front of the drain pipes is ____ inches.			
	The distance from the floor to the bottom edge of the drain pipes is ____ inches.			
	The drain pipes are insulated to protect against contact.			
Faucet	The faucet hardware is _____ (push, lever, or blade type).			
	If self-closing faucets are used, the HOT remains on ____ seconds; the COLD remains on ____ seconds. (10 or more).			
Mirror	There are ____ mirrors provided.			
	The lowest reflective surface of the mirror is mounted with its reflective surface ____ inches above the floor (40 or less).			

DRAW A DIAGRAM OF THE RESTROOM WITH ALL CLEARANCES, DIMENSIONS, AND LOCATION OF FIXTURES

AMERICANS WITH DISABILITIES ACT  
FACILITY ASSESSMENT  
Adjacent Rooms

ALL ROOMS AND SPACES PART OF A COURT PROGRAM, DIRECTLY LOCATED OFF THE COURTROOM  
(May include: Judges Chambers, Holding, Jury Assembly, Witness Assembly)

ROOM NUMBER: \_\_\_\_\_

LOCATION: \_\_\_\_\_

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
<b>ENTRANCE</b>				
Door Signage	The sign on the outside of the door, designating the entrance has _____ letters (raised).			
	The verbal description is accompanied by BRAILLE.			
	The sign is mounted _____ inches above the floor (60).			
	The sign is located _____ in relation to the door (latch side).			
	The sign background is _____; the sign characters are _____ (Contrast).			
	The sign finish is _____ (Matte).			
Approach	There is a _____ inch wide clearance at the latch side of the door (12 or more).			Mark "E" for outside the room, "I" for inside the room, and "U" for 24" and more.
Door Features	The clear door opening is _____ inches wide (32 or more).			

Architectural Element	Accessibility Considerations/Requirements	Compliance Yes No		Existing Conditions/ Comments
	The threshold at the door is ____ inches high (1/2 or less).			
Door Features Continued	The door hardware is _____ (loop, handle, or lever).			
	The door takes ____ seconds to return to the latch when opened 70 degree (3 or more). Mark "U" for zero pressure.			
	The opening force to open the door is ____ pounds pressure (5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM			
	<b>ROOM SPACE</b>			
	There is adequate maneuvering space and circulation within the room.			
	<b>FURNITURE</b>			
Movable or Fixed	The table top surfaces provided are fixed/moveable CIRCLE ONE			
Tables	For FIXED tables there is a ____ inch knee clearance underneath (27 or more).			
	For FIXED tables, the top is ____ inches above the ground (28-34).			
Counters	For FIXED counters, the top is ____ inches above the ground (34 or less).			

AMERICANS WITH DISABILITIES ACT  
FACILITY ASSESSMENT  
Functional Rooms

ALL ROOMS AND SPACES PART OF A COURT PROGRAM, NOT DIRECTLY LOCATED OFF THE COURTROOM  
(Includes any room that is located off the main hall or corridor, e.g. conference room, Clerk's Office,  
Register in Probate, Family Court Commissioner.

ROOM NUMBER: \_\_\_\_\_

LOCATION: \_\_\_\_\_

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
<b>ENTRANCE</b>				
Door Signage	The sign on the outside of the door, designating the entrance has _____ letters (raised).			
	The verbal description is accompanied by BRAILLE.			
	The sign is mounted _____ inches above the floor (60).			
	The sign is located _____ in relation to the door (latch side).			
	The sign background is _____; the sign characters are _____ (Contrast).			
	The sign finish is _____ (Matte).			
Approach	There is a _____ inch wide clearance at the latch side of the door (12 or more).			Mark "E" for outside the room, "I" for inside the room, and "U" for 24" and more.
Door Features	The clear door opening is _____ inches wide (32 or more).			

Architectural Element	Accessibility Considerations/Requirements	Compliance		Existing Conditions/ Comments
		Yes	No	
	The threshold at the door is ____ inches high (1/2 or less).			
Door Features Continued	The door hardware is _____ (loop, handle, or lever).			
	The door takes ____ seconds to return to the latch when opened 70 degree (3 or more). Mark "U" for zero pressure.			
	The opening force to open the door is ____ pounds pressure (5 or less). FOR MULTIPLE DOORS, INDICATE ON DIAGRAM			
	<b>ROOM SPACE</b>			
	There is adequate maneuvering space and circulation within the room.			
	<b>FURNITURE</b>			
Movable or Fixed	The table top surfaces provided are fixed/moveable CIRCLE ONE			
Tables	For FIXED tables there is a ____ inch knee clearance underneath (27 or more).			
	For FIXED tables, the top is ____ inches above the ground (28-34).			
Counters	For FIXED counters, the top is ____ inches above the ground (34 or less).			

**Appendix C:**

**Sample Program Access  
Survey (Blank)**

## AMERICANS WITH DISABILITIES ACT

### Title II Self-Evaluation of Circuit Court Programs, Services, and Activities

#### GENERAL

Self-evaluation of circuit court programs, services, and activities requires an assessment of current policies and practices for each court program, service, or activity. The self-evaluation should conclude with a corrective action plan for removing any impediments by either (a) revising the appropriate policy or practice; (b) modifying the service delivery location; or (c) redesigning the manner in which the program, service, or activity is available. To complete this self-evaluation a court should:

(1) Identify all circuit court programs, services, or activities. The following page will be helpful in that regard. District court administrators can also assist with this task.

(2) Review the policies and practices that govern the administration of each program, service, and activity to identify attitudinal, communication, and other barriers that would impede the full participation by individuals with disabilities. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, service, or activity. The self-evaluation should identify policy modifications and include complete justification for any exclusion or limits to policy or practice.

(3) Ensure that communication in all programs, services, and activities is effective for all applicants, participants, and members of the public who have disabilities. Courts should ensure that TDD or equally effective telecommunication systems are used to communicate with individuals having impaired hearing or speech.

(4) Ensure that all programs, services, and activities provide for readers, interpreters, writers or other alternative communication methods for individuals with disabilities. A method for securing these services should be developed, and it should include how to secure them; when these services are available; and where these services can be provided.

**NOTE:** A court that employs 50 or more employees or that is part of a larger entity (such as a county) that employs 50 or more employees, must retain its written self-evaluation for three years. Other courts are not required to retain their self-evaluations but are encouraged to do so since these documents provide evidence of a public entity's good faith effort to comply with the Title II requirements.

## IDENTIFICATION OF CIRCUIT COURT PROGRAMS, SERVICES, AND ACTIVITIES

Definition: For purposes of Title II, a Wisconsin circuit court "program, service or activity" is one that is under the supervision of a chief judge, a circuit judge or a clerk of court.

Clearly are circuit court programs, services or activities:

- court proceedings before judges/court commissioners
- volunteers in probation programs (court probation)
- jury activities (voir dire, jury service, jury deliberation, sequestration)
- court-appointed attorneys
- court-appointed GALs
- all activities of the following offices: clerk of court; register in probate and/or juvenile clerk; court reporters; jury commissioners; and all court commissioners.

Depending upon the county, may be circuit court programs, services or activities:

- juvenile intake
- family court counseling services
- county law library
- supervised work programs

Clearly are not circuit court programs, services or activities:

- most sentencing/dispositional alternatives (i.e., court-approved alcohol & drug education programs; community service programs)
- victim witness programs
- domestic abuse services

## SELF-EVALUATION FORM

The Self-Evaluation Form is used to structure the evaluation of court programs, services, and activities. Remember: Within each county, a separate form must be completed for each circuit court program, service or activity. The "Response" section should reflect the current situation. The "Corrective Action Proposed" section should contain any plans for removing impediments by either (a) revising the appropriate policy or practice; (b) modifying the service delivery location; or (c) redesigning the manner in which the program, service, or activity is available. Include target dates and person(s) responsible. The "Comments" section is for any additional comments or clarifying information.

**AMERICANS WITH DISABILITIES ACT**

**Title II Self-Evaluation Form for Circuit Court Programs, Services and Activities**

County: \_\_\_\_\_

Program, service, or activity evaluated: \_\_\_\_\_

Organization unit responsible for evaluation: \_\_\_\_\_

Person(s) completing evaluation: \_\_\_\_\_

Date(s) evaluation conducted: \_\_\_\_\_

THIS EVALUATION FORM ADDRESSES PROGRAMS, SERVICES AND MAJOR ACTIVITIES THAT ARE OFFERED BY, PROVIDED BY, AND CONDUCTED BY THE CIRCUIT COURT. A SEPARATE FORM MUST BE COMPLETED FOR EACH PROGRAM, SERVICE OR ACTIVITY. THE "RESPONSE" SECTION SHOULD REFLECT THE CURRENT SITUATION. THE "CORRECTIVE ACTION PROPOSED" SECTION SHOULD CONTAIN ANY PLANS FOR REMOVING IMPEDIMENTS BY EITHER (A) REVISING THE APPROPRIATE POLICY OR PRACTICE; (B) MODIFYING THE SERVICE DELIVERY LOCATION; OR (C) REDESIGNING THE MANNER IN WHICH THE PROGRAM, SERVICE, OR ACTIVITY IS AVAILABLE. INCLUDE TARGET DATES AND PERSON(S) RESPONSIBLE. THE "COMMENTS" SECTION IS FOR ANY ADDITIONAL COMMENTS OR CLARIFYING INFORMATION.

PLEASE RETURN THE COMPLETED FORM BY MAY 15, 1993 TO: COURT OPERATIONS  
110 EAST MAIN STREET, SUITE 315  
MADISON, WI 53703

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED [Identify target date/person(s) responsible]	COMMENTS
<p><b>NO QUALIFIED INDIVIDUAL WITH A DISABILITY SHALL, BECAUSE A PUBLIC ENTITY'S FACILITIES ARE INACCESSIBLE TO OR UNUSABLE BY INDIVIDUALS WITH DISABILITIES, BE EXCLUDED FROM PARTICIPATION IN, OR BE DENIED THE BENEFITS OF THE SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY. [28 C.F.R. SECTION 35.149]</b></p>			
<p>1) Has the location where the (program/service/activity) is (offered/provided/conducted) been reviewed to determine whether physical barriers exist that could impede access by individuals with disabilities?</p>	<p>Yes__ No __</p>		

County: \_\_\_\_\_ Program: \_\_\_\_\_

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED [Identify target date/person(s) responsible]	COMMENTS
a) If barriers exist, what arrangements are available to provide program access?			
<p><b>A PUBLIC ENTITY MUST EVALUATE ITS CURRENT POLICIES AND PRACTICES TO IDENTIFY AND CORRECT ANY THAT ARE NOT CONSISTENT WITH ADA REQUIREMENTS. NO QUALIFIED INDIVIDUAL WITH A DISABILITY SHALL, ON THE BASIS OF DISABILITY, BE EXCLUDED FROM PARTICIPATION IN OR BE DENIED THE BENEFITS OF THE SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY, OR BE SUBJECTED TO DISCRIMINATION BY ANY PUBLIC ENTITY. A PUBLIC ENTITY SHALL ADMINISTER SERVICES, PROGRAMS, AND ACTIVITIES IN THE MOST INTEGRATED SETTING APPROPRIATE TO THE NEEDS OF QUALIFIED INDIVIDUALS WITH DISABILITIES. A PUBLIC ENTITY SHALL OPERATE EACH SERVICE, PROGRAM, OR ACTIVITY SO THAT, WHEN VIEWED IN ITS ENTIRETY, IT IS READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH DISABILITIES. [28 C.F.R. SECTIONS 35.105, 35.130 &amp; 35.150]</b></p>			
2) Has a review been conducted regarding the selection criteria used, if any, to determine who participates in and benefits from the (program/service/activity) to see if individuals with disabilities are excluded?	Yes___ No ___ N/A ___		
3) Is there a formal policy or procedure that instructs staff regarding accommodations for individuals with disabilities participating in programs, services or activities?	Yes___ No ___ [If a written policy exists, please attach a copy]		
a) If yes, how is the above policy communicated to staff?			

County: \_\_\_\_\_ Program: \_\_\_\_\_

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED [Identify target date/person(s) responsible]	COMMENTS
b) Is there a policy or procedure which indicates who staff should contact if unable to accommodate an individual with a disability?	Yes__ No __ [If a written policy exists, please attach a copy]		
4) Is there a policy that prohibits contractors working for the court (including GALs, court-appointed counsel, etc.) from discriminating against individuals with disabilities?	Yes__ No __ N/A __ [If a written policy exists, please attach a copy]		Note: Appendix A contains a sample letter that may be sent to all court appointees.
<p><b>A PUBLIC ENTITY SHALL TAKE APPROPRIATE STEPS TO ENSURE THAT COMMUNICATIONS WITH APPLICANTS, PARTICIPANTS, AND MEMBERS OF THE PUBLIC WITH DISABILITIES ARE AS EFFECTIVE AS COMMUNICATIONS WITH OTHERS. WHERE A PUBLIC ENTITY COMMUNICATES BY TELEPHONE, TDD'S OR EQUALLY EFFECTIVE TELECOMMUNICATION SYSTEMS SHALL BE USED TO COMMUNICATE WITH INDIVIDUALS WITH IMPAIRED HEARING OR SPEECH. [28 C.F.R. SECTIONS 35.160 &amp; 35.161]</b></p>			
5) How does telephone communication occur with individuals with disabilities?			
a) Describe any steps taken to familiarize appropriate staff with the operation of TDD's.			
b) Describe any steps taken to familiarize appropriate staff with the Wisconsin Relay Service (1-800-WI RELAY)?			

County: \_\_\_\_\_ Program: \_\_\_\_\_

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED [Identify target date/person(s) responsible]	COMMENTS
6) Describe the techniques used by staff to communicate face-to-face with an individual with a disability to enable that person to fully participate in the program, service or activity.			
7) Are there any written documents, forms, instructions, or guidelines used in the program, service or activity?	Yes__ No __ N/A __		
a) If yes, how are these written documents, forms, instructions, or guidelines distributed?			
b) If yes, what alternate formats are these written documents, forms, instructions, or guidelines available in (audio tape, large print, etc.)?			

County: \_\_\_\_\_ Program: \_\_\_\_\_

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED [Identify target date/person(s) responsible]	COMMENTS
c) If written material is not available in alternate formats, what steps are taken to ensure that individuals with disabilities have access to the message conveyed through the written material?			
8) Are any audiovisual presentations used in this program/service/activity?	Yes__ No __ N/A __		
a) If yes, are these presentations captioned?			
b) If not captioned, indicate what steps are taken to ensure that individuals with disabilities can benefit from the presentation.			

County: \_\_\_\_\_ Program: \_\_\_\_\_

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED [Identify target date/person(s) responsible]	COMMENTS
<p><b>A PUBLIC ENTITY SHALL ENSURE THAT INTERESTED PERSONS, INCLUDING PERSONS WITH IMPAIRED VISION OR HEARING, CAN OBTAIN INFORMATION AS TO THE EXISTENCE AND LOCATION OF ACCESSIBLE SERVICES, ACTIVITIES, AND FACILITIES. [28 C.F.R. SECTION 35.163]</b></p>			
<p>9) Can interested individuals, including persons with impaired vision or hearing, obtain information about how to access court activities and programs? (Examples of information resources are signs, maps, brochures, etc.)</p>	<p>Yes__ No __</p>		
<p><b>A PUBLIC ENTITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN, AND ENJOY THE BENEFITS OF, A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY A PUBLIC ENTITY. IN DETERMINING WHAT TYPE OF AUXILIARY AID AND SERVICE IS NECESSARY, A PUBLIC ENTITY SHALL GIVE PRIMARY CONSIDERATION TO THE REQUESTS OF THE INDIVIDUAL WITH DISABILITIES. A PUBLIC ENTITY MAY NOT PLACE A SURCHARGE ON INDIVIDUALS WITH DISABILITIES TO COVER THE COSTS OF THE MEASURES THAT ARE REQUIRED TO PROVIDE NONDISCRIMINATORY TREATMENT REQUIRED BY THE ADA. [28 C.F.R. SECTIONS 35.104, 35.130 &amp; 35.160]</b></p>			
<p>10) Describe the steps taken to assure that public records can be provided through auxiliary aids or alternate formats.</p>			

County: \_\_\_\_\_ Program: \_\_\_\_\_

ISSUE	RESPONSE	CORRECTIVE ACTION PROPOSED [Identify target date/person(s) responsible]	COMMENTS
<p>11) When appropriate, the following auxiliary aids can be provided or made available:</p> <p>qualified interpreters  notetakers  transcription services  written materials  telephone handset amplifiers  assistive listening devices  assistive listening systems  telephones compatible  w/ hearing aids  closed caption decoders  open and closed captioning  telecommunication devices  for the deaf(TDDs)  videotext displays  taped texts  audio recordings  Brailled materials  qualified readers  large print materials  Other _____</p>	<p>Yes__ No__  Yes__ No__</p>		

APPENDIX A - SAMPLE LETTER

The following sample letter may be mailed to court appointees (GAL's, court appointed attorneys, commissioners of condemnation, part-time judicial court commissioners, individual psychologists or psychiatrists or psychiatric clinics, etc.) stating the need to comply with the ADA and not discriminate against persons with disabilities in the course of their appointment.

[Your Letterhead]

Name of Appointee  
Address  
City, State, Zip

RE: AMERICANS WITH DISABILITIES ACT

Dear \_\_\_\_\_:

As you know, the Americans with Disabilities Act (ADA) was enacted on July 26, 1990 and provides comprehensive civil rights protection to individuals with disabilities. Under that Act, the courts are responsible for ensuring that court programs, activities, services and facilities are accessible. You are presently on our list of persons available for appointment as \_\_\_\_\_. The purpose of this letter is to inform you that to remain eligible for present and future appointments, it will be necessary for you to sign and return to us the statement at the bottom of this letter indicating that you will fully comply with the ADA concerning program accessibility and will not discriminate against persons with disabilities in the course of your appointment.

If we do not receive the signed statement from you by \_\_\_\_\_, 1993, your name will be removed from our list of persons available for appointment. Your cooperation in ensuring that persons with disabilities will have access to programs, activities, and services normally provided as a result of your court appointment is much appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Court Official's Name & Title

STATEMENT CONCERNING ADA COMPLIANCE

As a condition of my being available for appointment by the court as \_\_\_\_\_, I agree to abide by the Americans with Disabilities Act (ADA) and will not discriminate against or refuse access to any programs, services, or activities provided by me as a result of my appointment.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**Appendix D:**  
**Subcommittee Membership**

## SUB-COMMITTEE ASSIGNMENTS

### Jury Process

Judge Bob Haase, Coordinator  
Charlene Allen  
Gary Barczak  
Jon Nelson  
Ed Olsen  
Jennifer Ondrejka  
Jerry Schneider

### Courthouse Communications Barriers

Pamela Holmes, Coordinator  
Brian Butler  
Judge Sarah O'Brien  
Pat Roslansky  
Judge Maxine White

### Access to the Courthouse/Courtroom Physical Barriers

Theresa Lomperski, Coordinator  
Judge Gary Carlson  
Pete DeSantis  
Pat King  
Jim Thompson  
Lori Vande Zande  
Walter Wilson

### Accessibility of Ancillary Courthouse Services

Bill Stewart, Coordinator  
Charlene Allen  
Vicky Adamski  
John Carter

### Cost and Funding of Recommendations

Judge Rick Brown, Coordinator  
Maureen Arcand  
Tom Kieweg  
Janice Lichter  
Jeff Kluever  
Bert Johnson  
J. Denis Moran (or designate)

## **Appendix E:**

**Summary of Public Hearings  
(including written testimony  
regarding needs of people  
with mental impairments)**

*Supreme Court Committee on the Court-Related Needs of the  
Elderly and People with Disabilities*

## **SUMMARY OF PUBLIC HEARINGS**

<b>July 15, 1993</b>	<b>Greenfield, Wisconsin</b>
<b>August 19, 1993</b>	<b>Stevens Point, Wisconsin</b>

**Prepared by:**  
**Juliet M. Brodie**  
**Project Coordinator**

It is essential to note that what follows is a summary of two public hearings. Testimony was not taken under oath, and this document necessitated the Project Coordinator's interpretation and summarization of testimony provided. Where specific dollar figures, or particularly interesting or surprising testimony was given, cites are provided to transcript pages.

Please also note that the summary does not include the written or videotaped testimony.

Full transcripts of both public hearings are available on request.

I. WITNESS DEMOGRAPHICS

Live Witnesses

First Hearing: 9  
Second Hearing: 11

Videotaped Witnesses

Second Hearing: 3

Written Testimony

First Hearing: 6  
Second Hearing: 8 (including one group)

An ad hoc group of attorneys whose practices focus on mental health and developmental disabilities submitted written testimony as a group. This document was distributed at the Committee meeting, September 13, 1993.

TOTAL # OF WITNESSES: 37

## SUBSTANTIVE SUMMARY

### Breakdown by Profession/Affiliation

Court Professionals: (judges, clerks, registers, etc.)	7
Attorneys:	2
Advocates/Consumers:	14

### Witnesses and Affiliations (where known)

#### First Hearing:

- Attorney Lyman Precourt, Foley & Lardner
- Carol Perling, Clerk of Circuit Court, Washington County
- Ron Witkowiak, District Court Administrator, Milwaukee County
- Hon. Patrick T. Sheedy, Chief Judge, Circuit Court of Milwaukee County
- John Clark, Milwaukee Cty. Office on Handicapped
- Judy Wick, Milwaukee Cty. District Attorney's Office, Court Watch Program
- Tom Hlavacek, Wisconsin Coalition for Advocacy
- Attorney Karl-Mario Dunst
- Robert R. Thompson

#### Second Hearing:

- Nancy Virnig, Register in Probate, Waupaca County
- George Jorgensen, Clerk of Circuit Court, Waupaca County
- Brian Nelson, Independent Living Services, Wausau County
- Sally Hanson, Self Help for the Hard of Hearing, Stevens Point
- Michael Novak, Independent Living Services of No. Central Wisconsin
- May Peterson
- Marie Steckbauer, Clients for Clients (consumer group)
- Phoebe Brandenburg, Clients for Clients
- Richard Landes, Waupaca County Dept. of Human Services, Coordinator of Elderly Services
- Jim Seidel, District Court Administrator, Wausau
- Gwenn Bever, real-time court reporter
- Randy Sommerfelt (video), Center for Independent Living, Stout
- Carol Banks (video), Center for Independent Living, Stout
- Alisha Bronk (video and written), Society's Assets, Racine

## II. SUMMARY OF EXPERIENCES AND CURRENT STATUS REPORTED

### A. By Court Professionals

- staff assist people with disabilities on ad hoc basis, i.e., take person with a visual impairment into a separate room to fill out papers, where time and other accommodations can be made; clerk of court in a building without an elevator may take a filing at the front door of building
- some testified that they haven't encountered a problem they haven't been able to address adequately
- jurors ask to be excused because of disabilities
- not all counties using the "new" juror questionnaire which asks about accommodations required
- some counties have taken the Committee survey process as opportunity to get together and discuss ADA on district-wide basis
- many detailed descriptions of current physical accessibility, and steps/inquiries into making improvements were provided, e.g. (small sample),
  - jury rooms for two large courtrooms in Washington Cty. being made wheelchair accessible, but deliberation and jury restrooms are not part of this renovation
  - wheelchair lift to inaccessible second floor "very costly"
  - law library inaccessible to wheelchair users; remodeling revolving shelves to accommodate
  - difficult acoustics in courtrooms, new speaker systems cost "80,000" for 4 courtrooms (Perling, at 24)
  - improving restrooms in Washington Cty
  - lowered elevator buttons in Milwaukee county
  - Waupaca Cty. putting \$10,000 in budget for real-time
  - etc.
- counters are too high for wheelchair users
- testimony from people who use wheelchairs frequently taken from alternative locations: bailiff's box, floor in front of witness box, etc.
- use of questionnaire after people participate in court process gives a lot of feedback on accommodations, etc.
- sign interpreters are expensive, and state reimbursement to counties is inadequate
- some judges oppose introduction of real-time into their courtrooms (Bever, at 178)

- WI has only 5-10 full time real-time court reporters; half of the 200 court reporters state wide are training themselves in it. They are also purchasing the necessary equipment.
- real-time court reporters all use their own time and money in training and equipping themselves. This includes using "vacation days to attend the seminars ... noon hours to build up computer dictionaries . . .and also personally pay for the computer equipment." (Bever, at 179)
- basic cost for real-time system is \$10,000 (Bever, at 180).
- no policies or procedures in place to address needs of people with mental illness or mental retardation in Milwaukee Cty (Witkowiak, at 51).
- Jim Seidel (District Court Administrator who assisted Theresa Lomperski with the physical access study) testified that he did not see "a single courtroom that was accessible in terms of the judge's bench, the witness, the jury box, or the clerk's area." He went on to note that the problem with making these areas accessible is lack of space (Seidel, at 157).
- most county employees have little knowledge of ADA

B. By Attorneys

- simple amplification doesn't help everyone
- embarrassment in asking for assistance
- people can confuse hearing loss with mental illness, "loss of intelligence" (Dunst, at 94)
- practice in court would be much more efficient with assistive devices; save court time

C. By Consumers/Advocates

- one county agency provides 5000 hours/year of sign interpretation (Clark, JMB notes)(no testimony re: what number of those hours is for court services); provided on two-hour notice
- Milwaukee Cty. Office on Handicapped has "newspage" that goes out to mailing list of 2700 people, including legislators and judges; underwritten by Wisconsin Bell. could be used as a model for informing community about court services and access
- attitudes of court personnel are as important as physical accessibility; "the hardware" has to be there, but it also has to be used. (Wick, JMB notes).

- most frequent complaint is from elderly with hearing impairments (Wick, JMB notes)
- advocate for person with cerebral palsy sworn in before providing assistance at a trial
- difficult to fingerprint person with spasticity (portable fingerprinting unit)
- litigant with mobility impairment and considerable pain made to wait, endure postponements, no accommodation to disability, chairs are very uncomfortable
- difficulty communicating with system; correspondence with judge regarding accessibility needs, unclear whom to address, etc.
- transportation is the major problem for elderly involved in court system (Landes, at 135)
- braille readers are very uncommon in Wisconsin
- lack of interpreters; requires repeated rescheduling of proceedings involving people who use sign

### III. SUMMARY OF RECOMMENDATIONS MADE BY WITNESSES

#### A. Recommendations for Physical Changes

- portable ramps
- wheelchair users should not be segregated from other court users (i.e., made to testify from outside witness box, or sit apart from other jurors, or sit simply in the aisle as a court observer). "I would have felt, being segregated and placed on the spot in the public eye, basically, being out, not out with everyone else." (Nelson, at 51, re: jury service)
- wheelchair seating in observer area should be dispersed; not all in one area, although if in one area, up front is preferable
- wheelchairs should be available at court for the "frail" or elderly who don't bring them, but need them

#### B. Communicatory Recommendations

- audio loop works well for some
- have people in courtroom use body microphones
- pay attention to sight lines; face people with hearing impairments who rely on lip reading

- permit time for people with communicatory impairments to use the accommodations afforded them, i.e., written notes between client and attorney (judicial education that speed is not everything)
- majority of people with hearing impairments would be assisted by technology
- availability of large print documents should not exclusively be noted in small print on "regular" documents; large print size should be minimum 14 point and maximum color contrast (Landes, at 136)
- every juror questionnaire should be in large print, because you don't know to whom you are sending them
- mental illness can be considered, in some cases, a communicatory impairment; some people with mental illness need a "translator," indistinguishable from a sign interpreter (Steckbauer, at 112)
- electronic note taking (or real-time) needs to take people with low vision into account; print needs to be large
- every court should have a TDD; number should be listed on everyone's business card, letterhead, forms, etc.

#### C. Training Recommendations

- bar association(s) should inform attorneys of accommodations available at court and of procedures for requesting them
- judicial education re: medication needs, privacy needs of people with disabilities even in identifying accommodations necessary (i.e., jurors who need accommodations should not be asked to identify them in front of entire court room; smallest group possible, even if it includes D.A., opposing counsel, court reporter, etc., is preferable to open court)
- judicial education re: permitting people with mental illness (i.e., at recommitment hearings) to testify if able, or to permit others to testify on their behalf
- education for everyone in the court system on mental illness issues
- attorney education re: familiarizing clients/witnesses with disabilities about court process; including info tailored to people with mental impairments
- attorney education by people with disabilities; to overcome reluctance to accept these clients and to train in accommodations available

- juror sensitivity training that their co-jurors may include people with disabilities, and that they should not be discriminated against (story about jurors' request for transcript to accommodate juror with hearing loss)
- staff training should include simulation exercises/devices regarding various disability types
- training should be organized at state level

D. Miscellaneous (including Funding Recommendations)

- court documents should identify a contact person for accommodations
- need system to identify people with disabilities early in process
- all courts should have compiled lists of local resource agencies, such as sign interpreters, agencies that serve people with mental impairments, advocacy groups, etc. This information should be shared with staff, and staff should be trained in how to use it
- establishment of on-going advisory panel regarding ADA in the courts
- change statute regarding state reimbursement for sign interpreters
- sign interpreters need to be recognized as professionals; current rate of state reimbursement (\$35/day) is "an insult." (Clark, JMB notes)
- Director of State Courts office should request state funding for real-time reporting for each county; reporters currently paying for systems themselves (Witkowiak, 47); reporter states that her system cost \$20,000
- RE: funding of ADA: "... I think there should be a Supreme Court rule which gives the Chief Judge the power in each district to order it . . . . And I think the Supreme Court under their sum sufficient budget has the power to do that." (Sheedy, at 56).
- share info among county organizations (such as Milw. Cty. Office of Handicapped) about how they got started, type of services they offer, how people learn of them, how to network into court system, etc.
- centralized information for elderly and people with disabilities, i.e., availability of wheelchairs, local resources, etc.

- court rules requiring counsel to stay at table and use microphones
- pick a sample county and bring it into compliance, then report state-wide on how it was done, cost, etc. (Hlavacek, at 63)
- use volunteers: for escorts/advocates through courthouse, court system
- leadership from Supreme Court needed: development at state level of resource lists, policy decision regarding non-accessibility of court houses: will this be tolerated by Supreme Court or will some accountability/enforcement be required? (Seidel, at 164)
- cost per courtroom for real-time (presumably excluding the stenographic equipment itself) is \$1000/courtroom (Bever, at 181). Bulk purchasing might lower the cost.
- there should be a financial incentive for court-reporters to learn real-time: payment for training, higher hourly wage, etc. Suggested that payment for "video splitters and monitors" be covered by individual counties.

Date: August 27, 1993

To: Supreme Court Interdisciplinary Committee on Court-Related Needs of the Elderly and People with Disabilities

From: Thomas Dixon, Attorney, Institutional Advocacy  
Wisconsin Coalition for Advocacy

Roy Froemming, Attorney, Developmental Disabilities  
Wisconsin Coalition for Advocacy

Yolanda Lehner, Attorney  
Lehner Law Office

Jon Nelson, Executive Director  
Association for Retarded Citizens--Wisconsin

Jennifer Ondrejka, Executive Director  
Wisconsin Alliance for the Mentally Ill

Robert Pledl, Attorney  
Legal Aid Society of Milwaukee

Georgia Ressmeyer, Dep. First Asst. Public Defender  
Milwaukee Mental Health Division

Subject: Court-Related Needs of People with Mental Disabilities

### Introduction

The above individuals met as an ad hoc group to address the specific court-related needs of people with mental disabilities. The comments below represent ideas generated by the group. Members participated as individuals, and the ideas represent personal views, not those of the agencies for which they work.

We believe that people with mental disabilities face special problems in dealing with the legal system, not only because they have special accommodation needs but because they are the victims of prejudicial stereotypes which result in many cases in a lack of commitment to identifying or meeting their special needs, and in some cases in actively negative treatment.

We have observed that individuals with mental illness or developmental disabilities are frequently treated with impatience, condescension, and even ridicule by attorneys, judges, clerks of court, law enforcement personnel, and others involved in the legal system. Legitimate attempts by such individuals to understand court procedures or to make themselves understood are often ignored, rebuffed or viewed as disruptive.

Instead of working to create an atmosphere that is sensitive to the needs of persons with mental impairments, court personnel are often more likely to strive to end any such interactions as quickly as possible. Judges who are reasonably patient with other litigants are apt to become irate when persons with mental illness or developmental disabilities attempt to assert their due process rights.

While individuals with "socially approved" disabilities, such as cancer, are generally accommodated with adjournments, recesses, or even proceedings conducted in chambers, those with "stigmatized" disabilities, such as mental illness, are much more likely to be scolded or ejected from the courtroom whenever stress or the underlying illness interferes with their ability to participate.

### Need for Education

Issues of access for people with mental disabilities relate more to human interactions and effective communication than they do to physical accommodation or technology. Even more than for other people with disabilities, barriers for people with mental disabilities are created by inaccurate stereotypes and lack of basic information about the nature of disabilities. For example, court and law enforcement personnel may try to avoid or cut short an interview with a person with mental retardation because they think such a person is potentially dangerous, because they assume such a person is incapable of effective or useful communication, or because they do not know how to approach the situation themselves and do not want to appear incompetent. Education therefore is key to any attempt to deal with access issues.

We recommend education programs focussed on people with mental disabilities for all court and law enforcement personnel, covering the following subject areas:

- \* The nature of mental disabilities, and the distinctions between them, including acute and chronic mental illnesses, mental retardation, brain injury and autism. It is extremely important that court staff understand, e.g., that a person with schizophrenia is not necessarily a slow learner, that a person with mental retardation is no more likely than anyone else to experience hallucinations, and that people with mental disabilities in general are no more likely to be dangerous than other people.
- \* Ways in which disabilities are likely to affect (or not affect) the person's ability to interact with the legal system, including communication impairments, sensitivity to stress, ability to observe and remember accurately, potential for dangerousness, etc.
- \* Methods of accommodation specific to people with mental disabilities. Examples are the need to take extra time to

make sure that the person understands the proceedings, questions and instructions, to use understandable language and to allow frequent breaks to reduce stress and allow the person to confer with counsel. These methods would provide a more meaningful opportunity to participate, and reduce the level of client anxiety, which often relates to not understanding the proceedings or feeling excluded.

- \* Avoidance of discriminatory treatment. The ADA prohibits different or separate services except where necessary to make participation possible, and then allows the individual to refuse the different or separate service. Often, however, special places and procedures are used for people with mental disabilities without thought as to whether this is justified by the needs of the particular individual. This is particularly problematic when special restrictions are imposed based on an assumption of a safety risk when no individualized determination has been made that a safety issue exists.
- \* Avoidance of demeaning, stereotyping or unnecessary labeling. Often, people are referred to by labels denoting mental disability when this serves no functional purpose. The problem is compounded when the labels are demeaning and/or lump together people with vastly different characteristics.
- \* Methods for effective communication, e.g., through modifications in language, rephrasing and repeating questions, use of interpreters, support persons, or others familiar with the person's communication style, identifying and establishing relations with professionals who can be called on to consult/assist with individual situations, etc.
- \* Treatment, education, rehabilitation and community support approaches that are effective in assisting people with mental disabilities to cope in society, and the basic structure of the service systems. This can provide both a context for understanding people's situations, ideas on effective approaches, and the means to identify outside resources when assistance is needed.

### Local Networking

An easy and extremely useful step courts could take is to begin ad hoc meetings between a liaison from the court, local consumer advocacy groups for people with mental disabilities, public defenders, interested attorneys, and the representatives from the local mental health/developmental disabilities service systems. The purpose would be to exchange information about problems and procedures and about the needs of each system. Often, resources are available from community resources that would be very difficult for the court to create, and problems can

be avoided if litigants know what is needed before they approach the court.

### Revisions to Codes of Ethics

In addition to supporting a broad-based educational effort to raise the consciousness of all who are involved in the court system, we urge the committee to give serious consideration to proposing amendments to the Code of Judicial Ethics and Rules of Professional Conduct for Attorneys. For example, an additional Standard for judicial conduct might be added to SCR 60.01, requiring something along the following lines:

A judge should be sensitive to the needs of individuals with disabilities, including mental illness and developmental disabilities, who appear as litigants, jurors, witnesses, attorneys and others in attendance upon the court. A judge should treat such individuals with patience and respect and should insure that accommodations are made to allow them to participate fully in the proceedings. A judge should require similar conduct on the part of clerks, court officials and counsel. A judge should not allow time, space, or other considerations to restrict the ability of individuals with disabilities to receive equal access to the courts and to assert the same rights and defenses as other litigants.

The Rules of Professional Conduct for Attorneys should also be amended in key places. For example, the underlined sentence might be added to SCR 20:1.14:

(a) When a client's ability to make adequately considered decisions in connection with the representation is impaired, whether because of minority, mental disability or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client. The lawyer shall not substitute his or her judgment for the decisions of the client in any matter left to the client under SCR 20:1.2.

Other changes to these rules might include an amendment to SC 20:3.8(b) to require prosecutors in criminal cases to make a special effort to insure that defendants with mental illness or developmental disabilities are represented by counsel and the addition to SCR 20:3.5 of a clause prohibiting lawyers from referring to or addressing litigants or witnesses with mental illness or developmental disabilities in a demeaning or insulting manner based solely upon the individual's disability.

The above amendments are not meant to be exhaustive but merely to suggest ways in which the ethical rules for lawyers and judges can be changed in such a way as to make the legal system more accessible to persons with disabilities. We would also urge the committee to recommend that local judicial districts incorporate similar provisions into local court rules.

### Accommodating Witnesses with Mental Disabilities

The following methods should be used where a witness with a mental disability cannot otherwise testify effectively. While most of these are probably permissible under current rules, having them spelled out in the rules of evidence or some other form would assist judges and attorneys dealing with the question of how to accommodate a witness with a mental disability.

- \* Allow expert testimony on the ability of a witness with a mental disability to accurately perceive persons, objects and events and then relate those perceptions, at least where this is put in issue by an opposing party.
- \* Authorize the trial court to permit use of leading questions where the person is unable to otherwise testify effectively due to a mental disability, and to require that questions be asked in a form that is reasonably likely to be understood by the witness.
- \* Authorize use of an interpreter for any person with a mental disability where this would improve his or her ability to understand questioning and to be understood by the fact-finder.
- \* Authorize use of anatomically correct dolls, pictures and similar assistive devices.
- \* Authorize the witness to be accompanied by a support person while testifying.

### Inability to Understand Notices and Proceedings; Need for Guardians ad Litem

People with mental disabilities are often unable to understand legal notices and the procedures necessary to approach the court for relief themselves. While not a complete solution, this problem could be reduced by the use of simple, common English as much as possible, and by simplification of the means by which unrepresented claimants can get the attention of a court. This is particularly important in matters where affected persons are likely to have comprehension limitations. A positive side effect is that such changes will benefit all citizens involved in litigation, not just those with disabilities.

Sec. 803.01, Stats., requires that a guardian ad litem be appointed for any litigant who is not competent to have charge of his or her affairs and has no general guardian. Our observation is that this requirement is often not carried out, particularly in high-volume proceedings such as small claims and domestic abuse injunction cases. It is important that judges make a determination of need for a guardian ad litem wherever there is reason to think that the person is not competent to protect his or her rights.

## Discriminatory Overuse of Security Precautions

The civil commitment/protective services system often operates on the erroneous presumption that high numbers of dangerous persons are involved in it as subjects of petitions. As a result, security procedures have developed around the system which infringe individual ability to access justice. This can be emphasized by observing several things:

- \* 3 out of the 4 standards for civil commitment have to do with the person being either suicidal or suffering serious physical debilitation not dangerousness to anyone else. Nonetheless, many procedures have developed with an emphasis on security concerns rather than accommodation of the person's special needs.
- \* There is often no distinction in the procedures for how persons will be handled based on actual dangerousness as evidenced by the facts of a particular case. The result is imposition of special procedures based on the person's membership in a disability category.
- \* Persons subject to civil commitment petitions are routinely transported to the hearing by either sheriffs or police officers, often in shackles and or handcuffs.
- \* Patients are often kept in the local jail while they await their hearings. This is a highly inappropriate placement, albeit temporary, for a person who has not been accused of a crime and is suffering the effects of mental illness.
- \* The use of squad cars, the appearance of force by uniformed and usually armed officers combined with the reaction to such circumstances by person who is in an extremely fragile mental state militates against the police and sheriffs being the front line of detention and transportation in the system.
- \* We are given to understand that some judges decide where and under what circumstances the hearing will be held by communicating with the institution on their opinion of the person's status re dangerousness. This is ex parte on issues of essence to the proceedings.

We recommend the following:

- \* Reconsideration of the use of law enforcement officers as the front line response to detention and transportation in the civil commitment/protective service system. It would be far more appropriate and humane to utilize mental health workers rather than police officers or sheriffs to pick up and detain individuals subject to petitions in the system. This would allow for the involvement of trained mental health workers to make and carry out decisions early in the

process and would result in numerous people being diverted from the civil commitment system back to the treatment system. Staff of the crisis and Community Support Programs would be far more knowledgeable about the individuals and their present treatment programs and needs, often obviating the need to have the person transported to a psychiatric facility.

- \* Procedures to ensure that the option to appear in court is based upon a persons competent understanding of their rights (to the degree possible in each case) rather than circumstances such as transportation patterns or the use of handcuffs which may result in decisions not to appear based upon avoidance of degrading tactics.
- \* Prohibit the use of shackles/handcuffs and other restraining devices unless there is strong evidence to indicate that the person is dangerous to others and is in a dangerous state at the time they are being brought to court. This would have to be documented by the mental health workers responsible for transitional security. Only that amount of security necessary could be used.
- \* Prohibit through the Judicial Ethics Code, ex parte communications with the institution with regard to the dangerousness of the patient at the time of the hearing.

#### Over-Inclusive Guardianships

The guardianship statute allows for use of limited guardianship, which indicates rights that the individual retains. Unfortunately, this is in the form of a "negative option," so that the court must affirmatively list rights retained rather than rights transferred to the guardian. In practice, general guardianship is ordered in most cases unless the subject or guardian ad litem specifically requests individual consideration of a particular right. Obviously, such guardianships create legal disabilities that are far more restrictive than the needs of the person would dictate.

Of particular concern is the granting of broad powers to temporary guardians, often appointed without hearings or representation of the subject person. The person gets a hearing only if he or she asks for it, a meaningless protection for many people with mental disabilities. In one case reported to us, a temporary guardian appointed in this way used his authority to withdraw nutrition. Clearly, authority to make decisions of such permanence should only be made after hearing with representation by a guardian ad litem.

Another issue in this area concerns ongoing supervision of guardian decisions affecting the person and his or her property. Wards often experience difficulty in obtaining court review of guardian actions, because of the requirement that legal formal-

ties be followed and their inability to obtain counsel. Particularly given the lack of resources for monitoring of guardianships and the vulnerability of this population, special accommodations should be made to ensure that any approach to the court is treated as a petition for review of the guardian's action.

### Statutes of Limitations

The statutes of limitations under chapter 893 of the Wisconsin statutes are problematic in a number of respects including the following:

- \* There are numerous references to "insane" which is no longer a useful concept in modern day non-criminal legal practice.
- \* Under sec. 893.16(3) the statute of limitations requires that for it to be tolled because of disability, the disability must exist when the action accrued. This is not responsive to persons who have an onset of psychosis or severe mental illness subsequent to when the cause of action accrued.
- \* The period for suit after the disability ends has been reduced from 5 years to 2 years and the maximum extension of the statute is to 5 years of when the applicable statute of limitations would have run. In many cases this will be a wholly inadequate period of time. For example, Where someone is wrongfully institutionalized for a long period of time, the cause of action may accrue against the institution, however, they may not be aware of the violation or may be incapable of challenging the violation while they are institutionalized.

The time periods, limitations and language of sec. 893.16 stats. do not comport with the needs of people affected by it. We suggest the following revisions:

- \* Reconsider the language and consider the status of an individual, especially a person institutionalized or under care and treatment for chronic mental illness.
- \* Consider amending the statute to eliminate the requirement that the disability exist when the action accrued. This would seem an unreasonable requirement for someone who after the injury, and perhaps even because of it, suffers from a mental illness or psychosis which, during the period of time it is active, completely interferes with the persons ability to carry out their ordinary affairs, including those of pursuing legal remedies.

### Secs. 893.80, 893.92, Notice of Claims

The notice of claims sections of the statutes, sec. 893.80 and 893.82, create even greater problems for persons suffering

from mental disabilities. Under both sections, claims must be filed against governmental bodies or state employees within 120 days of the event giving rise to the claim. Failure to file notices of such claims either with the attorney general or the appropriate local body effectively bars an individual from filing a lawsuit against the governmental individual or entity for damages.

Especially if the person is institutionalized, these sections pose some of the following difficulties:

- \* It requires a person to file a notice of claim often against the very entity which is responsible for his/her overall care, custody and control.
- \* It requires the person to do so under circumstances which, while they may not amount to legal incompetence, do amount to a disabling situation with regard to technical compliance with the statutes in question.
- \* Requires the individual to recognize and identify the rights which have been violated and the harms which have occurred at a time when they are under extreme stress and perhaps heavy medication.

For persons with mental disabilities, these statutes do not serve their ostensible purpose of offering a method for resolving disputes informally. Rather they have developed into mechanisms for barring legitimate claims not filed within their extremely short and restrictive timeliness.

We recommend amendment of these statutes to:

- \* Allow for one year from the time the person is released from care to file such a notice of claim; or
- \* Suspend the notice of claim requirement for persons suffering from mental disabilities since the person is often a captive of the system; or
- \* Create specific tolling provisions which ensures a person with a mental disability will not so easily be foreclosed from pursuing relief for injury suffered.

**Appendix F:**  
**Notices of Public Hearing**

# NOTICE OF PUBLIC HEARING

## THE WISCONSIN SUPREME COURT INTERDISCIPLINARY COMMITTEE ON COURT-RELATED NEEDS OF THE ELDERLY AND PEOPLE WITH DISABILITIES

July 15, 1993: 9:00 AM - 4:00 PM

Greenfield City Hall - Common Council Chambers, Room 100  
7325 West Forest Home Avenue  
Greenfield, Wisconsin

NOTE: The Greenfield City Hall is located at the intersection of West Forest Home Avenue and West Cold Spring Road in Southwest Milwaukee County

**THIS FACILITY AND HEARING ROOM ARE ACCESSIBLE TO  
PEOPLE WITH DISABILITIES. SIGN LANGUAGE INTERPRETERS,  
REAL-TIME COURT REPORTING AND A TDD WILL BE AVAILABLE  
FOR THOSE ATTENDING**

The Committee is seeking comments and recommendations from people with disabilities and the elderly regarding the accessibility of the state courts of Wisconsin. Individuals who have had court-related experiences as judges, attorneys, witnesses, plaintiffs, defendants, jurors, respondents, court personnel, or in any other capacity are invited to attend and provide oral and/or written comments to the Committee. Testimony will be limited to a period of five to ten minutes per individual depending on the number of witnesses present and to ensure that all those attending will have the opportunity to present their thoughts to the Committee. Interested parties also may submit written testimony not later than Friday, July 23, 1993, to:

Coalition of Wisconsin Aging Groups - Elder Law Center  
ADA Public Hearings  
1245 E. Washington Avenue  
Madison, WI 53703-3040

## NOTICE OF PUBLIC HEARING

### THE WISCONSIN SUPREME COURT INTERDISCIPLINARY COMMITTEE ON COURT-RELATED NEEDS OF THE ELDERLY AND PEOPLE WITH DISABILITIES

IS STUDYING IMPLEMENTATION OF THE AMERICANS WITH  
DISABILITIES ACT IN THE STATE COURTS

August 19, 1993: 12:00 PM - 4:00 PM

University of Wisconsin - Stevens Point  
Melvin R. Laird Room (Room 102), University Center  
1015 Reserve Street, Stevens Point, WI

The hearing room is accessible to people with disabilities. Sign language interpreters, real-time court reporting and a TDD will be available for those attending. The hearing will be as informal as possible. Testimony may be time limited, to ensure that everyone has a chance to speak.

PLEASE COME TESTIFY IF YOU:

- have a disability and have experiences or thoughts about the accessibility of the court system, even if you have never been to court
- have not gone to court when you wanted to because of a disability
- work in the court system and have had experiences or ideas about the accessibility of the courts to people with disabilities
- are an advocate for people with disabilities, or if someone in your family has a disability and you have experiences or ideas about court access
- have any comments on court accessibility to people with physical or mental disabilities

THE COMMITTEE IS MADE UP OF REPRESENTATIVES OF:

- Wisconsin Council on Physical Disabilities
- ARC-Wisconsin
- Alliance for the Mentally Ill
- ADA Statewide Coordinating Committee
- Director of State Courts Office
- Wisconsin Counties Association
- as well as private citizens, judges, people with disabilities, attorneys, court administrators and others.

Interested parties also may submit written testimony not later than August 27, 1993 to:  
Coalition of Wisconsin Aging Groups - Elder Law Center  
ADA Public Hearings  
1245 E. Washington Avenue  
Madison, WI 53703-3040

# **Appendix G:**

## **Disability Resource List (national and state)**

## RESOURCES ON DISABILITY AND ACCESS ISSUES

This appendix is offered to assist readers of this report in locating resources, organizations, and individuals who may be of assistance to them as they implement the ADA in court systems or elsewhere. It is by no means intended to be exhaustive, but is a list of the organizations and resources that have come to the Committee's attention during its work. In addition to the organizations listed herein, the Committee refers to its own membership roster. Many organizations that work with people with disabilities were represented on the Committee.

This appendix is made up of two parts. First, a list of several Wisconsin organizations and agencies that serve people with disabilities and their families or are otherwise involved in implementing the Americans with Disabilities Act is provided. Second, several pages from the Americans with Disabilities Act Handbook (published by the Equal Employment Opportunity Commission and the U.S. Department of Justice) are provided, which list the addresses and voice/TDD numbers for additional, mostly nationally-based, organizations.

As a preliminary matter, the Committee provides the following information which falls under neither of the two categories above.

To order copies of ADA Accessibility Guidelines (ADAAG), contact:

Great Lakes Disability and Business Technical Assistance Center  
University Affiliated Program in Developmental Disability  
1640 W. Roosevelt Rd.  
Chicago, IL 60608  
1-800-949-4ADA (Voice/TDD)

### Other Miscellaneous Resources

U.S. Department of Justice  
ADA Information Line  
(202) 514-0301  
Open 1-5 p.m., eastern standard time

National Senior Citizens Law Center  
Suite 700  
1815 H Street, N.W.  
Washington, DC 20006  
(202) 887-5280 (voice)

American Bar Association  
Commission on Legal Problems of the Elderly  
1800 M Street, NW  
Washington, DC 20036  
(202) 331-2632 (voice)

American Bar Association  
Commission on Mental and Physical Disability Law

1800 M Street, NW  
Washington, DC 20036  
(202) 331-2644 (voice)

National Court Reporters Association  
8224 Old Courthouse Road  
Vienna, VA 22182-3808  
(703) 556-6272 (voice)  
(703) 556-6289 (TDD)  
(703) 556-6291 (FAX)

#### WISCONSIN ORGANIZATIONS

##### A. RELAY Telecommunications System

Wisconsin Telecommunications Relay System  
1-800-947-3529 (1-800-WI-RELAY)

##### B. Independent Living Centers

Access to Independence  
22 North 2nd Street  
Madison, WI 53704  
(608) 251-7575 (voice)  
(608) 251-7731 (TDD)  
(608) 242-0383 (FAX)

Center for Independent Living  
Stout Vocational Rehabilitation Institute  
Menomonie, WI 54751  
(715) 232-1216 (voice)  
(715) 232-2150 (TDD)  
(715) 232-2356 (FAX)

Independent Living Program  
Curative Rehabilitation Center  
2900 Curry Lane, P.O. Box 8027  
Green Bay, WI 54308  
(414) 468-1161 (voice/TDD)  
(414) 465-6303 (FAX)  
(414) 738-2587 (Appleton)

Independent Living Services  
1200 Lake View Drive  
Wausau, WI 54401  
(715) 848-4390 (voice/TDD)  
(715) 845-5398 (FAX)

North Country Independent Living Center  
1225 Tower Avenue, P.O. Box 1245  
Superior, WI 54880  
(715) 392-9118 (voice/TDD)

Riverfront, Inc. - Lifestyles Division

2350 South Avenue  
LaCrosse, WI 54601  
(608) 788-2711 (voice/TDD)  
(608) 784-9472 (FAX)

Society's Assets  
1511 Washington avenue  
Racine, WI 53403  
(414) 637-9128 (voice/TDD)  
(414) 637-8646 (FAX)

Southeastern Wisconsin Center for Independent Living (SEWCIL)  
6222 West Capitol Drive  
Milwaukee, WI 53216  
(414) 438-5622 (voice)  
(414) 438-5627 (TDD)  
(414) 438-5626 (FAX)

C. Other Private Agencies

Wisconsin Easter Seals  
101 Nob Hill Road, Suite 301  
Madison, WI 53713  
(608) 277-8288 (voice and TDD)  
(608) 277-8333 (FAX)

Wisconsin Alzheimer's Information and Training Center  
1300 Layton Blvd.  
Milwaukee, WI 53215  
(414) 645-4560 (voice/no TDD)  
(414) 645-5090 (FAX)

Wisconsin Counties Association  
802 W. Broadway  
Madison, WI 53713

WI Coalition for Advocacy  
16 N. Carroll St.  
Madison, WI 53703  
(608) 267-0214 (voice)  
(608) 267-0368 (TDD and FAX--must let it ring a while)

Wisconsin Coalition for Advocacy (Milwaukee office)  
823 N. 2nd St., Suite 909  
Milwaukee, WI 53203  
(414) 276-9333

WI-ARC (formerly Association for Retarded Citizens)  
121 S. Hancock St.  
Madison, WI 53703  
(608) 251-9272 (voice)  
(608) 266-0286 (FAX)

WI Alliance for the Mentally Ill

1245 E. Washington Ave., Suite 290  
Madison, WI 53703  
(608) 257-5888 (voice)  
(608) 251-5773 (FAX)

Wisconsin Council of the Blind  
354 W. Main Street  
Madison, WI 53703  
(608) 255-1166

United Cerebral Palsy - Madison chapter  
1502 Greenway Cross  
Madison, WI 53713  
(608) 273-4434 (voice/TDD)  
(608) 273-3426 (FAX)

Wisconsin Bar Association  
P.O. Box 7158  
Madison, WI 53707  
(608) 257-3838

Wisconsin Society of Architects  
321 So. Hamilton St.  
Madison, WI 53703

D. Government Agencies

Bureau on Aging  
217 So. Hamilton St., Suite 300  
Madison, WI 53703  
(608) 266-2536 (voice)

Council on Physical Disabilities  
One West Wilson St., Rm. 472  
P.O. Box 7851  
Madison, WI 53707-7851  
(608) 267-9582 (voice)  
(608) 267-9880 (TDD)  
(608) 267-2913 (FAX)

Madison Equal Opportunities Commission  
210 Martin Luther King, Jr. Blvd., Room 500  
Madison, WI 53710  
(608) 266-4910 (voice)  
(608) 266-4899 (TDD)

Director of State Courts  
213 NE Capitol  
P.O. Box 1688  
Madison, WI 53701-1688  
(608) 266-6828 (voice)  
(608) 267-0640 (FAX)

Governor's Committee for People with Disabilities

1 West Wilson St., Room 558  
Madison, WI 53702  
(608) 266-5378 (voice/TDD)  
TOLL FREE 1-800-362-1290 (voice/TDD)  
(608) 267-0949 (FAX)

Disability Rights Coordinator

Department of Administration  
101 E. Wilson St., 7th floor  
P.O. Box 7866  
Madison, WI 53707-7866  
(608) 267-0509 (voice)  
(608) 267-9629 (TDD)  
(608) 267-2710 (FAX)

Division of Vocational Rehabilitation

Department of Health and Social Services  
1 West Wilson St.  
Madison, WI 53702  
(608) 266-3655 (voice)  
(608) 267-7772 (TDD)  
(608) 267-5116 (FAX)

Bureau of Community Mental Health

One West Wilson St., Rm. 433  
P.O. Box 7851  
Madison, WI 53707-7851  
(608) 267-7792 (voice)

Bureau of Developmental Disabilities Services

One West Wilson St., Rm. 418  
Madison, WI 53702  
(608) 266-9329 (voice)  
(608) 266-0036 (FAX)

State Historical Society

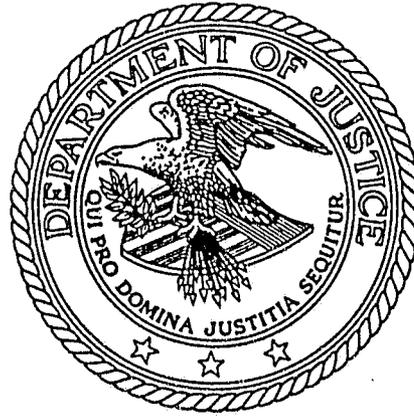
816 State St.  
Madison, WI 53706  
Jim Sewell, Preservation Architect (608) 264-6490  
Brian McCormick, Preservation Architect (608) 264-6491  
(608) 264-6404 (FAX)

University of Wisconsin - Waisman Center

1500 Highland Ave.  
Madison, WI 53705  
(608) 263-5940 (voice)

WI Council on Developmental Disabilities

722 Williamson St., 2nd Floor  
P.O. Box 7851  
Madison, WI 53707-7851  
(608) 266-7826 (voice/no TDD)  
(608) 267-3906 (FAX)



# Americans with Disabilities Act Handbook

Published by the  
Equal Employment Opportunity Commission  
and the  
U.S. Department of Justice

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**EEOC-BK-19**

## Introduction

This *ADA Handbook* represents one part of the overall effort by the Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ) to provide information and assistance on the ADA to people with disabilities, businesses, and the affected public. It is intended to serve as a basic resource document on the ADA. EEOC and DOJ are scheduled to publish ADA technical assistance manuals, containing more specific information on how to comply with the law, in early 1992. Further technical assistance will be provided through training, videotapes, information hotlines, media outreach, speaking presentations, and other publications. EEOC has responsibility for providing technical assistance for title I, dealing with employment. DOJ has responsibility for providing technical assistance for titles II and III, addressing public services and public accommodations, respectively. Many businesses with 15 or more employees will be covered by both title I and title III of the Act.

The *Handbook* contains annotated regulations for titles I, II, and III, resources for obtaining additional assistance, and an appendix which contains supplementary information related to the implementation of the ADA.

Duplication of all or parts of the *Handbook* is encouraged.

This document is available in the following alternate formats:

- Braille
- Large Print
- Audiotape
- Electronic file on computer disk and electronic bulletin board  
(202) 514-6193

To order additional copies of this document call:

At EEOC:  
800-669-EEOC (Voice)  
800-800-3302 (TDD)

At DOJ:  
(202) 514-0301 (Voice)  
(202) 514-0383 (TDD)

## Resource List

This Resource List contains separate sections for government and non-governmental organizations.

### I. Easy Reference Guide for Government Agencies

The following is intended as an Easy Reference Guide to assist the reader in identifying the relevant government agency for several areas of interest:

For questions pertaining to:	Consult these government agencies:
employment	Equal Employment Opportunity Commission (R,TA,E) President's Committee on Employment of People with Disabilities (TA) Small Business Administration (TA) National Institute on Disability and Rehabilitation Research (TA)
public accommodations	Department of Justice (R,TA,E)
public services	Department of Justice (R,TA,E)
rehabilitation and independent living services	Department of Education (P)
tax law provisions	Department of Treasury (TA)
accessibility	Architectural and Transportation Barriers Compliance Board (G,TA)
work incentive	Social Security Administration (P)

**Key**

R: issued regulations

TA: provides technical assistance on how to comply

E: has enforcement authority

P: administers programs relevant to successful implementation of the Act

G: issues guidelines

## **II. Government Agencies**

Civil Rights Division  
Office on the Americans with Disabilities Act  
U.S. Department of Justice  
P.O. Box 66118  
Washington, D.C. 20035-6118  
(202) 514-0301 (voice)  
(202) 514-0383 (TDD)

Regulations, technical assistance, and enforcement for titles II (public services) and III (public accommodations).

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Equal Employment Opportunity Commission  
1801 L Street NW  
Washington, D.C. 20507  
800-669-EEOC (voice)  
800-800-3302 (TDD)

Regulations, technical assistance, and enforcement for title I (employment).

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Department of Transportation  
400 Seventh Street SW  
Room 10424  
Washington, D.C. 20590  
(202) 366-9305  
(202) 755-7687 (TDD)

Regulations, technical assistance, and enforcement for title II and III transportation provisions.

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Architectural and Transportation Barriers Compliance Board  
1111 18th Street NW  
Suite 501  
Washington, D.C. 20036  
800-USA-ABLE  
800-USA-ABLE (TDD)

Americans with Disabilities Act Accessibility Guidelines (ADAAG) required under title III (public accommodations) and technical assistance on architectural, transportation, and communications accessibility issues.

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Federal Communications Commission  
1919 M Street NW  
Washington, D.C. 20554  
(202) 632-7260 (voice)  
(202) 632-6999 (TDD)

Regulations, technical assistance and enforcement for title IV (communications).

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The following agencies implement programs relating to, or are responsible for provisions pertaining to, the implementation of titles I, II, and III of the ADA.

Internal Revenue Service  
Office of the Chief Counsel  
P.O. Box 7604  
Ben Franklin Station  
Washington, D.C. 20044  
(202) 566-3292 (voice only)

The Internal Revenue Service provides technical assistance on various tax code provisions designed to encourage businesses to hire people with disabilities. See Appendix G for an explanation of these provisions.

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National Council on Disability  
800 Independence Avenue SW  
Suite 814  
Washington, D.C. 20591  
(202) 267-3846 (voice)  
(202) 267-3232 (TDD)

Charged by statute with responsibility for developing recommendations for federal disability policy and overseeing the research priorities for the National Institute on Disability and Rehabilitation Research.

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Small Business Administration  
Office of Advocacy  
Office of Economic Research  
409 Third Street SW  
Fifth Floor  
Washington, D.C. 20416  
(202) 205-6530 (voice only)

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President's Committee on Employment of People with Disabilities  
1331 F Street NW  
Third Floor  
Washington, D.C. 20004  
(202) 376-6200 (voice)  
(202) 376-6205 (TDD)

Provides technical assistance on employment provisions of ADA directly and through its Governors' Committees on Employment of People with Disabilities.

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**Resource List**

Rehabilitation Services Administration  
U.S. Department of Education  
Mary E. Switzer Building  
Room 3028  
330 C Street SW  
Washington, D.C. 20202-2531  
(202) 732-1282 (voice and TDD)

Administers the principal Federal service programs designed to rehabilitate, employ, and promote the independent living of people with disabilities. See the description of Rehabilitation Act of 1973 programs contained in Appendix item L, Related Federal Disability Laws, for further information about these programs.

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National Institute on Disability and Rehabilitation Research  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, D.C. 20202-2572  
(202) 732-1134 (voice)  
(202) 732-5079 (TDD)

Administers the principal Federal disability research programs, the Technology Related Assistance for Individuals with Disabilities Act, and ADA technical assistance centers. See the description of Rehabilitation Act of 1973 programs contained in Appendix item L, Related Federal Disability Laws, for further information about these programs.

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Public Health Service  
U.S. Department of Health and Human Services  
Centers for Disease Control  
Mail Stop C09  
1600 Clifton Road NE  
Atlanta, Georgia 30333  
(404) 639-2237 (voice only)

The ADA in certain circumstances permits the reassignment of individuals with certain contagious diseases specified by the Public Health Service from food handling jobs to another job if the risk posed by the individual may not be eliminated by a reasonable accommodation. The Public Health service issued its proposed list of such diseases in May 1991, with publication of the final list expected in the autumn of 1991.

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Administration on Developmental Disabilities  
U.S. Department of Health and Human Services  
Program Operations Division  
200 Independence Avenue SW  
Room 329D  
Washington, D.C. 20201  
(202) 245-2897 (voice)  
(202) 245-2890 (TDD)

ADD administers the Developmental Disabilities Act, designed to promote community integration and maximum independence for people with developmental disabilities. ADD administers the Protection and Advocacy Program for Developmentally Disabled individuals. See the description of Developmental Disabilities Assistance and Bill of Rights Act programs contained in Appendix item L, Related Federal Disability Laws, for further information on the Protection and Advocacy system.

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Social Security Administration  
Office of Disability  
Room 545  
Altimeyer Building  
6401 Security Boulevard  
Baltimore, Maryland 21235  
(301) 965-3424 (voice only)

SSA administers programs that provide incentives for individuals receiving Social Security Disability Insurance (SSDI) or SSI (Supplemental Security Income) to obtain gainful employment.

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Office of Federal Contract Compliance Programs  
U.S. Department of Labor  
200 Constitution Ave. NW  
Washington, D.C. 20210  
(202) 523-9501 (voice only)

Enforcement agency for section 503 of the Rehabilitation Act, which, unlike the ADA, includes an affirmative action requirement affecting certain Federal contractors.

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National Library Services for the Blind and Physically Handicapped  
1291 Taylor Street NW  
Washington, D.C. 20542  
(202) 707-5100 (voice)  
(202) 707-0744 (TDD)

A free national library program that lends braille and cassette tapes versions of up to 59,000 unique books and magazines that are typically found in public libraries to individuals with visual disabilities. Over 20 million books and magazines were circulated to a readership of 695,350 in 1990.

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### III. Non-Government Organizations

What follows is a partial listing of organizations offering assistance in implementing the employment, public services, and public accommodations provisions of the ADA.

Virtually all of the organizations listed below provide information and referral services on ADA matters. Many publish newsletters and/or journals and hold meetings at least annually at which ADA implementation issues have been, and are likely to continue to be, a popular subject for panels, speakers, and workshops to address. Some of these organizations also hold periodic seminars on the ADA that are occasionally open to non-members as well as members. Specific information on these activities, as well as membership information, may be obtained from the organizations.

Many of these organizations are in the process of developing additional ADA-related services and products following the publication by the Equal Employment Opportunity Commission and the Department of Justice of final regulations for titles I, II, and III of the ADA on July 26, 1991. An effort was made to obtain the most current information available from these organizations concerning their ADA-related activities as of the September, 1991, publication deadline for this handbook. Wherever possible, mention of planned activities that may be of interest to the reader has been made in the annotations.

Inclusion in the list below does not constitute an endorsement by the Equal Employment Opportunity Commission or the Department of Justice of these organizations or of any legal interpretations of the Americans with Disabilities Act offered by them.

#### I. Disability

This section is subdivided into cross-disability and disability-specific listings. Cross-disability organizations provide services to individuals with different types of disabilities. For more information you may contact either the Equal Employment Opportunity Commission or the Department of Justice (see Government listings above).

##### a. Cross-Disability

#### Disability Rights Education and Defense Fund

2212 Sixth Street

Berkeley, California 94710

(510) 644-2555 (voice)

(510) 644-2629 (TDD)

(800) 466-4232 (voice and TDD: operational beginning December 1, 1991)

Specializes in training and technical assistance for people with disabilities and their representatives, State and local government units, businesses and trade associations; also public policy advocacy and litigation.

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Independent Living Research Utilization  
2323 South Shephard Street  
Suite 1000  
Houston, Texas 77019  
(713) 520-0232 (voice)  
(713) 520-5136 (TDD)

Provides information and technical assistance pertaining to independent living and disability rights; will provide information on how to contact the community-based independent living center closest to the inquirer.

---

National Council on Independent Living  
Troy Atrium  
Fourth Street and Broadway  
Troy, N.Y. 12180  
(518) 274-1979 (voice)  
(518) 274-0701 (TDD)

Umbrella organization representing community based independent living centers. Will provide referral information on services offered by centers, and will locate the center closest to the inquirer. See also Independent Living Research Utilization entry.

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National Organization on Disability  
910 16th Street NW  
Suite 600  
Washington, D.C. 20006  
(202) 293-5960 (voice)  
(202) 293-5968 (TDD)

Issued fact sheet on the ADA to its 3,000 Communities in Action, consisting primarily of mayors' offices on disability policy, who are pledged to bring about changes promoting the full integration of people with disabilities into their communities; offers a 10 minute video narrated by Charles Kuralt, "Community Partners at Work," available only to its affiliated Communities in Action for community showings; offers to any local organization camera-ready copies of public service announcements promoting changes consistent with the goals of the ADA.

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World Institute on Disability  
510 16th Street  
Suite 100  
Oakland, California 94612  
(415) 763-4100 (voice and TDD)

Cross-disability research, training and policy development center, involved in assisting businesses interested in marketing products and ideas to the 43 million individuals with disabilities in the United States.

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**Resource List**

**b. Disability-Specific**

Alexander Graham Bell Association for the Deaf, Inc.  
3417 Volta Place NW  
Washington, D.C. 20007  
(202) 337-5220 (voice and TDD)

Information and referral; planned ADA brochure for fall 1991.

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American Amputee Foundation  
P.O. Box 250218  
Hillcrest Station  
Little Rock, Arkansas 72225  
(501) 666-2523 (voice only)

Self-help information and referral network offering technical assistance, information on assistive devices, videos, some financial assistance, and publications, including a comprehensive national resource directory.

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American Civil Liberties Union AIDS Project  
132 West 43rd Street  
New York, New York 10036  
(212) 944-9800 (voice only)

Distributes brochure on how the ADA applies to people with AIDS.

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American Council of the Blind  
1115 15th Street NW  
Suite 720  
Washington, D.C. 20005  
(202) 467-5081 (voice only)  
(800) 424-8666 (Monday through Friday 3-5:30 EST only)

Advocacy, educational, and information sharing activities; provides access to several Special Interest affiliates, such as American Blind Lawyers Association, Guide Dog Users, Inc., and Council of Citizens with Low Vision, Intl.

---

American Foundation for the Blind  
15 West 16th Street  
New York, New York 10011  
(212) 620-2000 (voice)  
(212) 620-2158 (TDD)

Offers information on assistive technology; has a listing of jobs held by individuals who are blind indicating how adaptations were made in various employment situations; sells products, some unique and some designed by AFB; provides evaluations of assistive technology.

---

American Printing House for the Blind  
1839 Frankfort Avenue  
Louisville, Kentucky 40206-0085  
(502) 895-2405 (voice only)

One of several braille publishers in the United States; also distributes materials in large print and audio recordings; distributes instructional aids, education computer software, and textbooks for children.

---

American Speech-Language-Hearing Association  
10801 Rockville Pike  
Rockville, Maryland 20852  
(301) 897-5700 (voice and TDD)  
(800) 638-8255 (consumer hotline number; voice and TDD)

Distributes technical information pieces; developing an ADA brochure; seminars available to non-members as well as members; consumer hotline number.

---

Association of Persons in Supported Employment  
5001 W. Broad Street  
Suite 34  
Richmond, Virginia 23230  
(804) 282-3655 (voice only)

Assists businesses interested in developing supported employment programs in obtaining necessary support services; current projects include a train the trainer Social Security Administration work incentive program; members include rehabilitation service personnel, consumers of supported employment services and their families.

---

The Association for Severely Handicapped Individuals  
7010 Roosevelt Way, NE  
Seattle, Washington 98115  
(206) 523-8446 (voice)  
(206) 524-6198 (TDD)

---

Epilepsy Foundation of America  
4351 Garden City Drive  
Landover, Maryland 20785  
(301) 459-3700 (voice only)

Developing manual scheduled for publication in fall 1991 on the ADA as it applies to people with epilepsy.

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**Resource List**

Helen Keller Center for Deaf-Blind Youth and Adults  
111 Middle Neck Road  
Sands Point, New York 11050  
(516) 944-8900 (voice and TDD)

The only rehabilitation facility in the United States devoted solely to the needs of individuals who are deaf-blind. Offers training for service providers; information and referral from its central and nine regional offices.

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Learning Disabilities Association of America  
4156 Library Road  
Pittsburgh, Pennsylvania 15234  
(412) 341-1515 (voice only)

Organization composed primarily of parents and professionals with 500 State and local chapters.

---

Legal Action Center  
236 Massachusetts Avenue NE  
Suite 510  
Washington, D.C. 20002  
(202) 544-5478 (voice only)

Provides information and technical assistance on the ADA as it affects individuals with current or past drug abuse or alcohol-related problems, and individuals with AIDS or who test positive for the HIV virus.

---

National Alliance for the Mentally Ill  
2101 Wilson Blvd.  
Suite 302  
Arlington, Virginia 22201  
(703) 524-7600 (voice only)

Represents primarily families; planning an ADA fact sheet/pamphlet; 1,046 State and local affiliates.

---

National Association for the Physically Handicapped  
4230 Emerick Street  
Saginaw, Michigan 48602  
(517) 799-3060 (voice only)

---

National Association for Retarded Citizens  
1522 K St. NW  
Suite 516  
Washington, D.C. 20005  
(202) 785-3388 (voice)  
(202) 785-3411 (TDD)

1300 State and local chapters representing 140,000 individuals with mental retardation and their families; offers technical assistance and fact sheet on the ADA.

---

National Association of the Deaf  
814 Thayer Avenue  
Silver Spring, Maryland 20910-4500  
(301) 587-1788 (voice)  
(301) 587-1789 (TDD)

Members include consumers, parents, and teachers; has 22,000 members and chapters in all 50 States; provides basic information and referral on deafness and accommodations for people who are deaf.

---

National Easter Seals Society  
1350 New York Ave NW  
Washington, D.C. 20005  
(202) 347-3066 (voice)  
(202) 347-7385 (TDD)

Some of Easter Seals' 175 affiliates are training businesses on the requirements for titles I (employment) and III (public accommodations) of ADA. Videotape "Nobody is Burning Wheelchairs"; provides technical assistance on public accommodations provisions.

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National Federation of the Blind  
1800 Johnson Street  
Baltimore, Maryland 21230  
(301) 659-9314 (voice only)

Some legal referrals and advocacy; publications on employment issues; computer bulletin board; technical assistance; sells aids and devices; large exhibit at annual conferences on available adaptive equipment.

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## Resource List

National Head Injury Foundation  
1140 Connecticut Avenue NW  
Suite 812  
Washington, D.C. 20036  
(202) 296-6443 (voice only)  
(800) 444-6443 (families, consumers; voice only)

Chapters or contacts in every State; referral information on medical and vocational rehabilitation and employment options.

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National Information Center on Deafness  
Gallaudet University  
800 Florida Avenue NE  
Washington, D.C. 20002  
(202) 651-5051 (voice)  
(202) 651-5052 (TDD)

Publications on workplace accommodations for people who are deaf; has list of manufacturers and up-to-date information on topics related to deafness and hearing loss; developing updated ADA materials on the employment of individuals who are deaf; will provide information on how to obtain the services of a qualified interpreter.

---

National Mental Health Consumers' Association  
311 South Juniper Street  
Room 902  
Philadelphia, Pennsylvania 19107  
(215) 735-2465 (voice only)  
(215) 735-1273 (TDD)  
(800) 688-4226 (voice only)

A clearinghouse providing technical assistance to assist in the development and successful operation of consumer operated self-help programs for people with mental illnesses; distributes information on the ADA to individuals and organizations.

---

National Organization for Rare Disorders  
Fairwood Professional Building  
P.O. Box 8923  
New Fairfield, Connecticut 06812-1783  
(800) 999-6673 (voice only)  
(203) 746-6518 (voice only)

Umbrella group for associations representing individuals with rare disorders, defined as those with an incidence of less than 200,000 in the population. There are about 5,000 such known disorders affecting an estimated 20 million Americans. Serves as a clearinghouse offering information and resources on support groups, research on the disorders, and how to seek or keep employment, among other issues.

---

National Spinal Cord Injury Association  
600 West Cummings Park  
Suite 2000  
Woburn, Massachusetts 01801  
(617) 935-2722 (voice only)

Serves consumers, families, and professionals; provides information and referral on rehabilitation and employment options.

---

Paralyzed Veterans of America  
801 18th Street NW  
Washington, D.C. 20006  
(202) 872-1300 (voice only)

Guidebook on access to hotels and motels used by American Institute of Architects (to be revised in accordance with ADA); disseminates information about tax benefits for businesses accommodating consumers and employees with disabilities; promotes access to outdoors and wilderness areas.

---

Rochester Institute of Technology  
National Center on Employment for the Deaf  
Lyndon Baines Johnson Building  
P.O. Box 9887  
Rochester, New York 14623-0887  
(716) 475-6219 (voice)  
(716) 475-6205 (TDD)

Serves as a job placement office for deaf individuals, primarily graduates of the National Technical Institute for the Deaf; posts job listings from employers from all over the country; provides information on companies interested in hiring individuals with deafness or hearing loss; assists in updating of resumes; referral information.

---

Self-Help for Hard of Hearing People  
7800 Wisconsin Avenue NW  
Bethesda, Maryland 20814  
(301) 657-2248 (voice)  
(301) 657-2249 (TDD)

Serves consumers and professionals; provides technical assistance to hospitals on meeting the needs of individuals with hearing impairments; videotape and information packet on employing people with hearing loss.

---

**Resource List**

Telecommunications for the Deaf, Inc.  
8719 Colesville Road  
Suite 300  
Silver Spring, Maryland 20910  
(301) 589-3786 (voice)  
(301) 589-3006 (TDD)

Publishes and sells a nationwide Telecommunications Device for the Deaf (TDD) directory; information on visually-based accommodations for deaf and hearing impaired people, such as alarms, decoders, and TDD's. Sells decoders and a videotape on how to use TDD's.

---

United Cerebral Palsy  
1522 K Street NW  
Suite 1112  
Washington, D.C. 20005  
(202) 842-1266 (voice only)

Conducts, as part of a joint venture called the National Center for Access Unlimited, various training and technical assistance activities for businesses; published monograph on accessible design; plans to publish additional monograph on personnel practices and a consumer-oriented rights manual by the spring of 1992.

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#### **4. Advocacy/Legal**

Listing the following organizations does not constitute an endorsement by the Department of Justice or the Equal Employment Opportunity Commission of the legal interpretations of the Americans with Disabilities Act held by these groups. The Department of Justice and the Equal Employment Opportunity Commission believe that an accurate understanding of the ADA can prevent the filing of unnecessary and unfounded charges and strongly support efforts to resolve disputes arising under the ADA wherever possible through means other than the filing of charges or lawsuits.

Resource List

a. Cross Disability

American Bar Association  
Commission on Mental and Physical Disability Law  
1800 M Street NW  
Washington, D.C. 20036  
(202) 331-2240 (voice)  
(312) 988-5168 (TDD)

Clearinghouse answering legal inquiries on ADA for a fee; has on file *Mental and Physical Disability Law Reporter* for past fifteen years, which includes coverage of title V Rehabilitation Act cases; library available by appointment only; offers, through its ADA Project, training on legal and compliance issues for businesses, disability organizations, State and local government agencies, and law firms.

---

Disability Rights Education and Defense Fund  
2212 Sixth Street  
Berkeley, California 94710  
(510) 644-2555 (voice)  
(510) 644-2629 (TDD)  
(800) 466-4232 (voice and TDD: operational beginning December 1, 1991)

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Employment Law Center  
1663 Mission Street  
Suite 400  
San Francisco, California 94103  
(415) 864-8848 (voice only)

Engages in policy work and litigates selected employment law reform cases under State and federal disability law.

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National Disability Action Center  
1101 15th Street NW  
Suite 1215  
Washington, D.C. 20005  
(202) 775-9231 (voice and TDD)

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Public Interest Law Center of Philadelphia  
125 South Ninth Street  
Seventh Floor, Suite 700  
Philadelphia, Pennsylvania 19107  
(215) 627-7100 (voice only)

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Western Law Center for the Handicapped  
1441 West Olympic Boulevard  
Los Angeles 90015  
(213) 736-1031 (voice only)

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## b. Disability-Specific

## American Civil Liberties Union AIDS Project

132 West 43rd Street  
New York, New York 10036  
(212) 944-9800 (voice only)

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## Legal Action Center

153 Waverly Place  
New York, New York 10014  
(212) 243-1313 (voice only)

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Technical assistance and litigation for individuals with current or past drug abuse or alcohol problems, and individuals with AIDS or who test positive for the HIV virus.

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## National Association of Protection and Advocacy Systems

900 Second Street NE  
Suite 211  
Washington, D.C. 20002  
(202) 408-9514 (voice)  
(202) 408-9521 (TDD)

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Represents federally funded Protection and Advocacy agencies. See the description of Developmental Disabilities Assistance and Bill of Rights Act programs contained in Appendix item L, Related Federal Disability Laws, for a description of this program.

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## National Center on Law and the Deaf

800 Florida Avenue NE  
Room 326 Ely Center  
Washington, D.C. 20002  
(202) 651-5373 (voice and TDD)

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## National Mental Health Law Project

1101 15th Street NW  
Suite 1212  
Washington, D.C. 20005  
(202) 467-5730 (voice)  
(202) 467-4232 (TDD)

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## 5. Information Databases on Disability

### ABLEDATA

Newington Children's Hospital  
181 East Cedar Street  
Newington, Connecticut 06111  
(800) 344-5405 (voice and TDD)  
(203) 667-5405 (voice and TDD)

A national database providing information on 16,000 products for people with disabilities produced by 2,000 companies. Information/products focus on such areas as attendant/personal care, mobility, communications, and recreation. Printouts of up to 8 pages of product information are free of charge, with sliding scale for more extensive listings; open from 8-5 Eastern Standard Time, from Monday through Friday.

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Mental Health Policy Resource Center  
1730 Rhode Island Avenue NW  
Suite 308  
Washington, D.C. 20036  
(202) 775-8826 (voice only)

Runs on-line database, available by subscription, containing documents on the ADA as it pertains to people with mental disabilities; publishing manuscript reviewing section 503 Rehabilitation Act case law ruling on reasonable accommodations for people with mental disabilities in autumn 1991; non-circulating library with ADA-related materials open to public by appointment.

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National Rehabilitation Information Center (NARIC)  
8455 Colesville Road  
Suite 935  
Silver Spring, Maryland 20910  
(301) 588-9284 (voice and TDD)  
(800) 346-2742 (voice and TDD)

A library and information center on disability and rehabilitation. Collects and disseminates the results of federally funded research projects. Collection includes commercially published books, journal articles, and audiovisual materials. Currently has more than 30,000 documents. NARIC has information specialists who will perform searches for the caller. Phone either of the numbers listed above between 8 A.M. and 6 P.M. EST Monday through Friday and ask to speak with an information specialist.

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National Information Center for Children and Youth with Handicaps (NICHCY)  
P.O. Box 1492  
Washington, D.C. 20013  
(703) 893-6061 (local, voice/TDD)  
(800) 999-5599 (toll free, voice/TDD)

**Resource List**

Information and referral service for people with disabilities, their families and professionals. Disseminates publications and information on self-help advocacy, ADA, and broad array of disability matters. Has particular expertise in matters of concern to children with disabilities and their parents.

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## **Appendix H:**

# **Vendor and Price List for Selected Items and Services in Recommendations**

The vendors listed here are those that came to the committee's attention during its work. This list is by no means exhaustive of the entities that manufacture and/or sell products that are recommended in this report or otherwise useful in providing program accessibility in the courts.

Inclusion in this appendix is not an endorsement by the committee of any entity listed or of its products.

The prices listed in here are based upon the research conducted by the committee during its tenure. They therefore reflect merely a "snapshot" of prices for the items listed, and do not take inflation, or other changing condition, into account.

## I. COMMUNICATIONS

### A. TDD/TTYs for Office Use

For information on Telecommunications Devices for the Deaf (TDD) and/or text telephones (TTY) contact:<sup>1</sup>

**AUDIOLOGY/HEARING CENTER**  
1157 Valley Fair Mall  
Appleton, WI 54911  
414-731-9611 Voice/TTY

**EYE & EAR ASSOCIATES**  
923 Elisa St.  
Green Bay, WI 54301  
414-432-9261 Voice/TTY

**DEAF COMM**  
Karen Mains  
1227 CTH PH  
Onalaska, WI 54650  
608-783-1880 Voice/TTY

**GUNDERSON CLINIC**  
Sharon Martin  
1836 South Ave.  
La Crosse, WI 54601  
608-782-4800 TTY  
608-785-7300 Ext. 2201 Voice

**ENT PROFESSIONALS**  
W. Holzhaeuser  
2101 Beaser Ave., Suite 1  
Ashland, WI 54806  
715-682-9311 (voice)  
715-682-2486 TTY

**HOLIDAY HOUSE/MANITOWOC**  
Leslie Halvorsen  
P.O. Box 579, 2818 Meadow Ln.  
Manitowoc, WI 53220  
414-682-5655 Voice/TTY

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<sup>1</sup> Readers should contact electronic stores in their communities for information on various related signaling devices.

**INDEPENDENT LIVING SYSTEM**

Frank Sprader  
1913 W. Kimberly Ave.  
Milwaukee, WI 53221  
414-761-2263 Voice/TTY

**JACK HATHAWAY**

1766 Drotning Rd.  
Stoughton, WI 53589  
608-873-8053 TTY

**KEN DRYDEN**

6516 Offshore Dr.  
Madison, WI 53705  
608-833-6255 Voice  
608-833-2119 TTY

**KROWN RESEARCH, INC.**

10371 W. Jefferson Blvd.  
Culver City, CA 90232  
800-TTY-4YOU Voice/TTY  
800-833-4968 VOICE/TTY

**LEO KRAMSCHUSTER**

1708 Wheaton St.  
Chippewa Falls, WI 54729  
715-723-6472 TTY

**OSHKOSH HEARING CENTER**

400 Ceape Ave.  
Oshkosh, WI 54901  
414-236-1740

**R & M SALES**

9203 W. Bluemound Rd.  
Wauwatosa, WI 53226  
414-475-6764 TTY  
414-475-770 (Voice)

**TTY SALES & SERVICE**

William Buska  
5103½ Lilac Ave.  
Wausau, WI 54401  
715-359-4405

**ULTRATEC, INC.**

450 Science Dr.  
MADISON, WI 53711  
608-238-5400 Voice/TTY

**WAUSAU HEARING AID CENTER**

425 Pine Ridge Blvd. #305  
Wausau, WI 54401  
715-842-5631 Voice

**WISCONSIN HEARING AID CENTER**

5705 - 7th Ave.  
Kenosha, WI 53140  
414-654-4703 Voice/TTY

**WISCONSIN TELEPHONE CO.**

740 N. Broadway, Rm. 105  
Milwaukee, WI 53202  
414-678-3222 Voice/TTY  
800-924-1973 TTY  
**FOR WISC BELL CUSTOMER ONLY**

B. Public (Pay) Phone TDDs

One vendor of which the Committee has knowledge has quoted a price of approximately \$1000.00 for a public text telephone, with an additional cost of \$150.00 per year for an associated service contract.

**VENDOR**

Ultratec  
450 Science Dr.  
Madison, WI 53711  
608-238-5400 (voice)  
608-238-3008 (fax)

C. Pay Phones: Wheelchair Accessibility

Readers should contact their local pay telephone providers to inquire about the costs and procedures for:

- installing volume controls, and
- lowering existing pay phones to make them wheelchair-accessible (in conformance with ADAAG).

D. Answering Machines

Based on the Committee's personal and professional experience, telephone answering machines, which are recommended in this report in several places, cost between \$40.00 (basic model) to \$160 (for a machine including both telephone and answering machine).

E. Data Recovery Decoder

The function of these machines is described at Footnote 60 in Chapter 8.

Approximate cost: \$950.00 per unit. However, a lower price may be available if units are purchased in volume.

**VENDOR**

EEB Enterprises  
1 Rome Street  
Farmingdale, NY 11735

F. One-on-One Communicators:

Based on the Committee's research, these items, recommended in Chapter 8, tend to cost between \$125.00 and \$200.00, depending on the type of machine and its features.

**VENDORS**

Audex  
713 N. Fourth Street  
P.O. Box 3263  
Longview, TX 75606  
903-753-7058  
800-237-0715

AT&T National Special Needs Center  
2001 Route 46 East  
Parsippany, NJ 07054-1315  
800-233-1222

Disability Products Division  
200 Myles Standish Blvd.  
Myles Standish Industrial Park  
Taunton, MA 02780  
508-823-6532

G. Infra-red assistive listening systems

These systems are recommended in Chapter 8. As described there, infra-red systems are wireless amplifying devices consisting of a transmitter and a receiver. The user wearing a portable receiver can sit anywhere in a room. Unlike an FM system, see below, the infra-red transmitter does not operate on batteries. Transmitters, or "emitters," are usually attached to walls as permanent installations; however, they can be made portable. Based on the Committee's research, they tend to cost between \$1800.00 and \$2250.00. These prices do not include installation costs. Installation can cost up to \$1000.00.

**VENDORS**

R & M Sales  
Communication Products  
9203 W. Bluemound Road  
Wauwatosa, WI 53226  
414-475-7770  
800-332-2537

Audex  
713 N. Fourth Street  
P.O. Box 3263  
Longview, TX 75606  
800-237-0715  
903-753-7058

Sennheiser Electronic Corp.  
6 Vista Drive, P.O. Box 987  
Old Lyme, CT 06371

DJ's Music  
ATTN: Richard A. Brom  
Berwyn, IL 60402  
708-863-7400

#### H. FM assistive listening systems

These systems are recommended in Chapter 8. They consist of a transmitter, microphone, and one or more receivers with earpieces. They amplify the sound in room, including voices. The user, wearing a portable receiver, can sit anywhere in a room. Highly portable, these systems can be used for one-on-one communication or as group listening systems. For a large area, the transmitter can be plugged into an existing public address system. FM systems can be used in courtrooms, small meeting rooms, for public meetings and guided tours.

Based on the Committee's research, FM assistive listening devices tend to cost between \$1000.00 and \$2000.00.

### VENDORS

R & M Sales  
Communication Products  
9203 W. Bluemound Road  
Wauwatosa, WI 53226  
414-475-7770  
800-332-2537

Audio Enhancement (COM-TEK FM)  
1748 West 12600 South  
Tiverton, UT 84065  
801-254-9263

Phonic Ear  
3880 Cypress Drive  
Petaluma, CA 94954-7600  
707-769-1110  
800-227-0735

Telex Communications  
9600 Aldrich Ave. South  
Minneapolis, MN 55420  
612-884-7430  
800-328-8212

Williams Sound Corporation  
10399 West 70th Street  
Eden Prairie, MN 55314-2174  
612-943-2252  
800-328-6190

#### I. Real-Time Court Reporting Equipment and Training Equipment

A complete real-time court reporting system has many different components, and a single (even approximate) price is difficult to generate. Different court reporters have different

existing systems, and can choose from a variety of computers and other equipment to enable them to perform real-time reporting at various levels. However, the following general information is provided for readers' use.

1. Equipment (costs are based on Committee's experience and research)

A minimum real-time reporting system must include:

- (a) A court reporter trained and qualified to do real-time reporting (see discussion of training below);
- (b) A computerized stenographic writing machine;  
COST: \$3000.00 to \$4000.00
- (c) A computer (preferably notebook-style for portability), generally a high-speed, high capacity system (at least a 386 system operating at 25 MHz, with two serial ports, an 80+ Mb hard drive, and 4-8 Mb RAM);  
COST: \$1500.00 to 2500.00
- (d) A software program that not only translates stenographic symbols into English, but also has the speed and capability to provide real-time approximately one second after it has been stroked by the court reporter;  
COST: \$3,300.00 to \$5,000.00 depending on the company and the number of units ordered
- (e) Portable monitors with the necessary cabling to allow them to be placed where needed in the courtroom.  
COST: \$100.00 to \$500.00 per monitor (depending on screen size and choice between color and black and white display); cables cost \$50.00 to \$150.00, depending on length
- (f) A signal splitter that allows the court reporter's screen image to be diverted to the viewing monitors;  
COST: \$400.00 for a 4-way splitter to \$600.00 for an 8-way splitter
- (g) Maintenance and update agreements on the hardware and software  
COST: \$1000.00 per year.

This minimal system would allow a person with a hearing impairment to follow visually what was being said in court (as described in Chapter 8). The splitter system only provides to the monitors what is actually on the court reporter's screen at the time. It does not allow the viewer to stop the scrolling of the transcript or to go back to text that has scrolled off the screen.

If it is felt that the viewer must have the ability to stop the transcript from flowing past in order to facilitate understanding, a more advanced system is required. In that case, each viewing station requires a computer with a keyboard, and each computer requires individual software. The computers and software would cost approximately \$1500.00 to \$2500.00 per station.

Many court reporters in Wisconsin already own some of this equipment for computer-aided transcription (CAT) purposes; however, not all court reporters are using CAT currently. A court reporter who is using CAT will already have the stenographic writing machine, a computer, and possibly a software program that will run real-time. If the reporter already has appropriate equipment, the additional cost to run real-time would be limited to the additional monitors, cabling, and splitter. Thus, when the state or a county purchases new equipment for reporters not now using real-time, consideration should be given to the personal investment that has been made by the reporters who have heretofore purchased their own equipment and adjustments made to achieve equity among all reporters.

## 2. Training

A significant factor, of course, in the availability of real-time court reporting is the court reporter who will be doing the reporting. Most reporters have not been trained to write for real-time and it is a very difficult system. Writing real-time requires the reporter to "think" in terms of the context of what is being said, rather than writing phonetic sounds only. The process of changing over to this way of writing is similar to learning a new language; it takes time, practice, and skill. Not all reporters will be able to learn real-time reporting. Although, as is discussed below, there are many seminars and programs available to help in the training process, a court reporter cannot "magically" go to a program and immediately begin writing real-time. In practical terms, according to the Committee's research and experience, it will take a reporter who commits to learning and writing real-time four to six months to become sufficiently skilled and competent to provide real-time to the public.

The National Court Reporters Association (NCRA) and the Wisconsin Court Reporters Association (WCRA) conduct real-time seminars.

## **COSTS:**

### For NCRA Members

Two-day seminar: \$355.00

One-day seminar: \$215.00

### For Non-Members

Two day seminar: \$385.00

One-day seminar: \$285.00

### WCRA One-Day Mini-Seminars

Members: \$ 45.00

Non-members: \$ 65.00

The NCRA has a certification process to become a Certified Real-time Reporter (CRR). The certification test is conducted twice yearly for a fee of \$125.00. The tests are conducted at various locations around the United States.

To learn about NCRA training, readers should contact:

National Court Reporters' Association  
8224 Old Courthouse Road  
Vienna, VA 22182-3808  
703-556-6272 (voice)  
703-556-6291 (fax)

To learn about WCRA training, readers should contact:

Jeraid Schneider, President  
WCRA  
515 Oak Street  
Sauk County Courthouse  
Baraboo, WI 53919  
608-355-3243 (voice)  
608-355-3292 (fax)

## **J. Cassette Players with Headphones**

Cassette players are recommended for many uses in this report. Based on the Committee's research, they tend to cost between \$100.00 and \$200.00.

K. Reading Machines (Portable)

Reading machines function as audible readers of written text and look like desk-top copy machines. They also can translate information onto a computer. One such machine about which the Committee has information is the Xerox Imaging Systems Model 7315-60 Reading Edge Portable Reading Machine.

Based on the Committee's research, a basic machine (English language standard) costs approximately \$5,500.00. (Carrying cases, useful if these items are to be shared among courts, cost approximately \$150.00.) "Adapters cards" to use the machines to translate into other languages are also available for a range of prices between approximately \$1200.00 and \$2000.00.

Another potential item for court use is a so-called Kurzweil Personal Reader (KPR). These machines are free-standing personal readers which translate typed or typeset documents into spoken output. The approximate cost is \$4000.00 to \$5000.00.

**VENDORS**

Adaptive Assists  
112 Loker Street  
Wayland, MA 01778  
508-358-4468 (voice)  
508-358-7446 (fax)

Xerox Imaging Systems  
9 Centennial Drive  
Peabody, MA 01960  
508-977-2000 (voice)  
508-977-2148 (fax)

Several vendors sell different KPRs through Adaptive Assists, see above. This company has numerous other items of interest for improving court access to people with communicatory disabilities, such as:

- Visionware Large Print Display software (\$500.00-600.00);
- Optelic Closed Circuit Television Products (allows electronic magnification of all types of printed materials)(\$3000.00-3500.00);
- Braille printers (\$3000.00-13,000.00) and Braille translation software (\$500.00).

L. Conversion of Court Documents into Braille or onto Audiotape

A not-for-profit organization operating out of the Milwaukee Public Library provides numerous conversion services for people with visual and other impairments. Due in part to their location near the courthouse, they have considerable expertise in converting legal

documents. This organization receives work from all over the nation. This organization charges \$0.20 per page for conversion.

## VENDOR

The Volunteer Services for the Visually Handicapped, Inc.  
814 West Wisconsin Avenue  
Milwaukee, WI 53233  
414-286-3039

### M. Sign Language Interpreters

Committee research indicates that freelance sign language interpreters charge between \$20.00 and \$30.00 per hour. Costs may vary depending on, among other factors, the type of proceeding for which interpreting is required.

### N. Open-captioned Videotapes (based on 30 minute tape)

Again, providing open-captioned videotapes is recommended in this report for many different purposes. The costs of open-captioning vary, depending on whether an existing tape needs to be captioned, or a new captioned tape needs to be produced. Generally, captioning an existing 30-minute tape costs between \$150.00 and \$600.00. To create a new, captioned tape is considerably more expensive. The Committee has identified the following vendors and approximate prices, principally for producing new videotapes:

## VENDORS

Computer Prompting & Captioning Co.  
3408 Wisconsin Ave., N.W.  
Washington, D.C. 20016  
202-966-0980  
(\$295.00 for 1/2 hour VHS tape plus  
\$5.00 per minute if a script is not  
provided.)

A&A Captioning & C.A.R.T. Services  
4840 N. Keystone  
Chicago, IL 60630-2807  
312-777-4874  
(\$150.00 for 1/2 hour VHS tape \$150.00.  
Cost will be less if script is provided.)

The Caption Center  
125 Western Ave.  
Boston, MA 02134  
617-492-9225 (voice/TDD)  
617-254-1080 (fax)

The Caption Center  
6255 Sunset Blvd. #723  
Los Angeles, CA 90028  
213-465-7616 (voice)  
213-465-6818 (TDD)  
213-465-7516 (fax)

The Caption Center  
231 East 55th St.  
New York, NY 10022  
212-223-4930 (voice)  
212-223-5117 (TDD)  
212-688-2181 (fax)

Caption America  
312 Boulevard of the Allies  
Pittsburgh, PA 15222  
412-261-1458 (voice)  
412-232-6344 (TDD)  
412-261-6257 (fax)

NCI  
5203 Leesburg Pike  
Falls Church, VA 22041  
800-533-WORD (voice)  
800-321-TDDS (TDD)  
(Note that this vendors also sells  
decoders, a device used with closed-  
captioned videotapes.)

## II. PHYSICAL ACCESS

### A. Invisible Wheelchair Lifts

Wheelchair lifts can be installed in any number of locations to provide wheelchair accessibility to an elevated space. For example, such a lift might be used to elevate wheelchair-users into either the witness or jury box. Some newer wheelchair lifts are "invisible" in that they can be installed to blend into the existing environment so as not to be seen when not in use.

## VENDOR

T.L. Shield & Assoc., Inc.  
P.O. Box 6845  
Thousand Oaks, CA 91359-6845  
(818) 509-8228 (voice)  
(818) 509-8596 (fax)

### B. Portable Wheelchair Lifts

These (generally hydraulic) lifts weigh 800 lbs. and fit through 3' doorway widths. They permit a person to remain in his or her wheelchair while being lifted to another level in the room or up a flight of stairs. The machines are portable from room to room, but not from building to building. Based on the Committee's research, these items cost approximately \$10,000, or \$7500.00 if 30 or more are purchased.

In addition to generic items known as "portable wheelchair lifts," the following items have come to the Committee's attention:

**Stair-Trac:** A portable wheelchair lift that allows an attendant to easily transport a person in a wheelchair up or down stairs. \$5,995.00

**Evacu-Trac:** A laboratory-tested emergency evacuation chair that provides a reliable route to safety during a fire or other emergency. \$2,076.00

**Stair-Porter:** A dual-purpose product that can be used for everyday access, or for evacuation up stairs to an emergency exit. This product can also be used by non-wheelchair bound persons. \$4,695.00

## **VENDORS**

Garaventa  
P.O. Box 818  
Antioch, IL 60002-0818  
800-663-6556

T.L. Shield and Assoc., Inc.  
P.O. Box 6845  
Thousand Oaks, CA 91359-6845  
818-509-8228 (voice)  
818-509-8596 (fax)

### **C. Benches Along Routes to Entrances**

Benches and/or other seating in new locations (such as along lengthy routes or on stairway landings) are recommended in this report. Frequently this seating can be provided at no cost through the simple relocation of existing chairs and/or benches. However, based on Committee research and experience, new benches cost between \$100.00 and \$1,000.00, depending on material used.

### **D. Automatic Door Openers (Power doors)**

Automatic door openers are comprised of two parts: motion sensors and buttons. Based on Committee research and experience, motion sensors cost approximately \$3000.00; buttons cost approximately \$1,500.00/button.

### **E. Elevator Accessibility Elements**

Many items are involved in making an existing elevator accessible to people with disabilities. These alterations assist people with mobility, sensory, and cognitive impairments. Several different elements improving elevator accessibility are listed below. The prices listed are based on recent installations by the listed company, and may vary.

## VENDOR

Armor KONE Elevator Inc.  
2035 W. Mill Road  
Milwaukee, WI 53209  
414-352-1870

1. **DOOR PROTECTIVE & REOPENING DEVICE**  
Photoelectric units which guarantee that doors will reopen without physically touching any object in its path. Infrared beams provide protection across entire opening. \$1,897 per car.
2. **CAR OPERATING PANEL**  
New panel which meets all ADA height, visual and braille requirements. \$2,987 per car.
3. **TELEPHONE SYSTEM**  
Two-way communication system meeting ANSI/ASME A17.1 Safety Code for Elevators and Escalators. Automatic dialing CORRECT WORD? phones for all security applications. \$1,356 per car.
4. **HANDRAIL**  
Support rail meeting ADA requirements. \$525 per car.
5. **CAR LANTERN WITH HANDICAP GONG**  
Provides audible signal at entrance indicating car answering and direction of travel. \$998 per car.
6. **CORRIDOR CALL BUTTONS**  
Replace existing call buttons with illuminated buttons with special layon-type corridor buttons meeting ADA requirements. \$465.30 per hall station.
7. **DOOR JAMB MARKINGS**  
Door jamb markings meeting ADA requirements. \$68.75 per floor.

### F. Public Restroom Features

As discussed in Chapter 7 of this report, varying local conditions make the cost of either renovating any existing bathroom to comply with ADAAG or constructing new restrooms very difficult to estimate. The Committee nevertheless provides this list of approximate prices for restroom items to assist readers in preliminary planning for restroom modifications:

Automatic door opening devices . . . . .	\$2,925/motion sensor
Door hardware . . . . .	\$140
Install accessible sink . . . . .	\$1,040
Replace existing faucet hardware . . . . .	\$163 plus removal
Reconfigure pipes underneath sink . . . . .	\$7.50/lineal foot
Change stall door hardware to deadbolt style . . . . .	\$100
Grab bars . . . . .	.\$43 to \$50
Remount toilet tissue dispenser . . . . .	\$40
Install floor mounted urinal . . . . .	\$643
Lower wall mounted urinal . . . . .	\$105
Lower existing flush control on urinal . . . . .	\$105
Control to assist in reaching higher . . . . .	\$25
Install privacy lock on door/single restroom . . . . .	\$70
Remove vanity counter section . . . . .	\$150
Dispensers with accessible controls . . . . .	\$70
Lower existing mirrors/install new . . . . .	\$136

G. Wheelchair

Chapter 7 of this report recommends that courts purchase wheelchairs to be available for people's use when they come to court.

A standard manual wheelchair costs approximately \$250.00. Motorized wheelchairs and those with other features may be more expensive.

**VENDOR**

Badger Medical Supply Co.  
702 S. Park St.  
Madison, WI 53715  
(608) 256-1801

H. Signage

1. Building Directories

Based on the Committee's experience and research, a building directory of 36" x 48" would cost approximately \$930.00.

2. Audible Building Directories

Based on the Committee's experience and research, the cost of an audible building directory would vary from approximately \$150.00 to \$500.00.

### 3. Computerized Sign Maker

Larger counties or groups of counties may wish to consider purchasing a computerized sign maker. According to the Committee's research, these machines cost approximately \$15,000.00. Milwaukee County currently has this equipment and has found that signs can be manufactured at a fraction of the cost of purchasing all of the signs recommended in this report.

## III. TRAINING

### A. Libraries

A video, "Guide for Librarians Serving Patrons with Special Needs," is available as a training tool for librarians.

## VENDOR

Florida Mental Health Institute  
University of South Florida  
(813) 974-4533  
Contact: Elissa Henderson

### B. Training Program

A professionally-developed program for court professionals can cost up to \$4,000.00. The cost may be lowered if the program is developed using resources such as the Materials Development Center - Stout Vocational Rehabilitation Institute, U.W. Stout, Menomonie, WI 54751.

### C. Training Videotapes

It is possible to purchase quality ADA training videotapes from various suppliers (see Resources/Consultant list below) at a cost of approximately \$500.00 per tape. The cost for professional production of a new videotape is approximately \$1,000 per minute. However, if costs were shared by a number of counties as a joint project, or with the State Court ADA Coordinator, the actual tape unit cost per county would be substantially reduced, perhaps even to below the \$500.00 "off-the-shelf" cost for existing tapes.

Support for the professionally-produced videotape could be provided by training manuals and other written materials. Again, if produced from scratch, the cost for such training materials would be in the range of \$4,000. The videotapes purchased from various suppliers are accompanied by trainer guides. In addition, some materials have been developed by some of the agencies listed in Appendix G. In particular, the Committee is aware that the National Easter Seal Society has developed ADA training materials. For more information, readers should contact:

Cleo Eliason  
Easter Seal Society of Wisconsin  
101 Nob Hill Road  
Madison, WI 53713  
608-277-8288

D. Training for Wisconsin Counties Association

Training recommended in Chapter 10 for the Wisconsin Counties Association could be provided at little or no cost at the association's annual convention. If not provided internally, the cost for contractual consultants is estimated to be approximately \$800.00 per day plus the cost of training manuals.

E. Training through the Office of Judicial Education and the State Bar of Wisconsin

Again, according to the Committee's research, the cost for developing and presenting these training programs could be approximately \$1,500 per program. This cost could be reduced substantially if the programs could be developed in conjunction with other training recommendations. Several targeted audiences for training could use the same videotapes, written materials and presentations, reducing the cost overall for training statewide.

F. Handbook for State Employees

The recommended handbook for state employees could cost up to \$8,000.00 if an entirely new product were to be developed by an outside consultant. However, again, numerous products exist or might be produced generally for court ADA training. In particular, courts may wish to purchase Opening the Courthouse Door, available from the American Bar Association, Commission on Mental and Physical Disability Law.<sup>2</sup> To locate other

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<sup>2</sup> This 75-page guide suggests practical action steps courts can take to enhance accessibility. It also addresses the range of disabilities, disability and aging networks, and ideas for funding resources. The guide costs \$12.00 for a single copy; \$6.00 per copy if ordering 10-50; and \$4.50 per copy if ordering

existing materials, readers should consult the agencies listed below, as well as those in Appendix G. The Committee has recommended that an employee handbook be provided through an existing agency (the State ADA Coordinator in the Director of State Courts office); this would likely reduce the cost to approximately \$1,500.00.

### RESOURCES/CONSULTANTS

Cerna & Associates  
Rehabilitation Resource Consultants  
Ricardo G. Cerna  
P.O. Box 285  
Edgerton, WI 53534  
608-884-4851

BNA Communications, Inc.  
9439 Key West Avenue  
Rockville, MD 20850-3396  
800-233-6067

Employment Resources, Inc.  
1310 Mendota St., Suite 107  
Madison, WI 53714

Creative Employment Opportunities, Inc.  
P.O. Box 26006  
Milwaukee, WI 53226  
414-476-9590

Jerry Vogt, President  
ADA, Ltd.  
8 North Allen St.  
Madison, WI 53705  
608-238-3300

Cleo Eliason  
Easter Seal Society of Wisconsin  
101 Nob Hill Road  
Madison, WI 53713  
608-277-8288

Materials Development Center  
Stout Vocational Rehabilitation Institute  
U.W. Stout, Menomonie, WI 54751

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more than 50 guides. These prices do not include shipping and handling. To order, contact the ABA Commission on Mental and Physical Disability Law at 202-331-2297. Any entity that wishes to reproduce copies of the guide at their own expense should contact Jean Leshner in the ABA's Chicago office at 312-988-6101 about copyright releases.

**Appendix I:**  
**Title II Regulations,**  
**28 CFR Part 35**

# **federal register**

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Friday  
July 26, 1991

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**Part IV**

**Department of  
Justice**

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**Office of the Attorney General**

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**28 CFR Part 35  
Nondiscrimination on the Basis of  
Disability in State and Local Government  
Services; Final Rule**

**PART 35—NONDISCRIMINATION ON  
THE BASIS OF DISABILITY IN STATE  
AND LOCAL GOVERNMENT SERVICES**

**Subpart A—General**

Sec.

- 35.101 Purpose.
- 35.102 Application.
- 35.103 Relationship to other laws.
- 35.104 Definitions.
- 35.105 Self-evaluation.
- 35.106 Notice.
- 35.107 Designation of responsible employee and adoption of grievance procedures.
- 35.108-35.129 [Reserved]

**Subpart B—General Requirements**

- 35.130 General prohibitions against discrimination.
- 35.131 Illegal use of drugs.
- 35.132 Smoking.
- 35.133 Maintenance of accessible features.
- 35.134 Retaliation or coercion.
- 35.135 Personal devices and services.
- 35.136-35.139 [Reserved]

**Subpart C—Employment**

- 35.140 Employment discrimination prohibited.
- 35.141-35.148 [Reserved]

**Subpart D—Program Accessibility**

- 35.149 Discrimination prohibited.
- 35.150 Existing facilities.
- 35.151 New construction and alterations.
- 35.152-35.159 [Reserved]

**Subpart E—Communications**

- 35.160 General.
- 35.161 Telecommunication devices for the deaf (TDD's).
- 35.162 Telephone emergency services.
- 35.163 Information and signage.
- 35.164 Duties.
- 35.165-35.169 [Reserved]

**Subpart A—General**

**§ 35.101 Purpose.**

The purpose of this part is to effectuate subtitle A of title II of the Americans with Disabilities Act of 1990, (42 U.S.C. 12131), which prohibits discrimination on the basis of disability by public entities.

**§ 35.102 Application.**

(a) Except as provided in paragraph (b) of this section, this part applies to all services, programs, and activities provided or made available by public entities.

(b) To the extent that public transportation services, programs, and activities of public entities are covered by subtitle B of title II of the ADA (42 U.S.C. 12141), they are not subject to the requirements of this part.

**§ 35.103 Relationship to other laws.**

(a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the regulations issued by Federal agencies pursuant to that title.

(b) *Other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws, or State or local laws (including State common law) that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

**§ 35.104 Definitions.**

For purposes of this part, the term—  
*Act* means the Americans with Disabilities Act (Pub. L. 101-336, 104

Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611).

*Assistant Attorney General* means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

*Auxiliary aids and services* includes—

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

*Complete complaint* means a written statement that contains the complainant's name and address and describes the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of this part. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

*Current illegal use of drugs* means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

*Designated agency* means the Federal agency designated under subpart G of this part to oversee compliance activities under this part for particular components of State and local governments.

*Disability* means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1)(i) The phrase *physical or mental impairment* means—

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including

speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(iii) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

(5) The term *disability* does not include—

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

*Drug* means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

*Facility* means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

*Historic preservation programs* means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

*Historic Properties* means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

*Illegal use of drugs* means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term *illegal use of drugs* does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

*Individual with a disability* means a person who has a disability. The term *individual with a disability* does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use.

*Public entity* means—

(1) Any State or local government;

(2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

(3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

*Qualified individual with a disability* means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

*Qualified interpreter* means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

*Section 504* means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794)), as amended.

*State* means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the

Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

**§ 35.105 Self-evaluation.**

(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

- (1) A list of the interested persons consulted;
- (2) A description of areas examined and any problems identified; and
- (3) A description of any modifications made.

(d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

**§ 35.106 Notice.**

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

**§ 35.107 Designation of responsible employee and adoption of grievance procedures.**

(a) *Designation of responsible employee.* A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or

alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

(b) *Complaint procedure.* A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

**§§ 35.108-35.129 [Reserved]**

**Subpart B—General Requirements**

**§ 35.130 General prohibitions against discrimination.**

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

(b) (1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;

(vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;

(vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or

(iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.

(4) A public entity may not, in determining the site or location of a facility, make selections—

(i) That have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.

(5) A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a public entity are not, themselves, covered by this part.

(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.

unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

(8) A public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

(c) Nothing in this part prohibits a public entity from providing benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.

(d) A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(e)(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA or this part which such individual chooses not to accept.

(2) Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.

(g) A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

#### § 35.131 Illegal use of drugs.

(a) *General.* (1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.

(2) A public entity shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who—

(i) Has successfully completed a supervised drug rehabilitation program

or has otherwise been rehabilitated successfully;

(ii) Is participating in a supervised rehabilitation program; or

(iii) Is erroneously regarded as engaging in such use.

(b) *Health and drug rehabilitation services.* (1) A public entity shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(c) *Drug testing.* (1) This part does not prohibit a public entity from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

(2) Nothing in paragraph (c) of this section shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs.

#### § 35.132 Smoking.

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in transportation covered by this part.

#### § 35.133 Maintenance of accessible features.

(a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

#### § 35.134 Retaliation or coercion.

(a) No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this part.

(b) No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the

exercise or enjoyment of, any right granted or protected by the Act or this part.

#### § 35.135 Personal devices and services.

This part does not require a public entity to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

#### §§ 35.136-35.139 [Reserved]

### Subpart C—Employment

#### § 35.140 Employment discrimination prohibited.

(a) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.

(b)(1) For purposes of this part, the requirements of title I of the Act, as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of title I.

(2) For the purposes of this part, the requirements of section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or activity conducted by a public entity if that public entity is not also subject to the jurisdiction of title I.

#### §§ 35.141-35.148 [Reserved]

### Subpart D—Program Accessibility

#### § 35.149 Discrimination prohibited.

Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

#### § 35.150 Existing facilities.

(a) *General.* A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by

individuals with disabilities. This paragraph does not—

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with § 35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

(b) *Methods*—(1) *General*. A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified

individuals with disabilities in the most integrated setting appropriate.

(2) *Historic preservation programs*. In meeting the requirements of § 35.150(a) in historic preservation programs, a public entity shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required because of paragraph (a)(2) or (a)(3) of this section, alternative methods of achieving program accessibility include—

(i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

(ii) Assigning persons to guide individuals with handicaps into or through portions of historic properties that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

(c) *Time period for compliance*. Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of January 26, 1992, but in any event as expeditiously as possible.

(d) *Transition plan*. (1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum—  
(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.

(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.

#### § 35.151 New construction and alterations.

(a) *Design and construction*. Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

(b) *Alteration*. Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

(c) *Accessibility standards*. Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR part 101-19.6) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 28 CFR part 36) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(j) of ADAAG shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(d) *Alterations: Historic properties*. (1) Alterations to historic properties shall comply, to the maximum extent feasible, with section 4.1.7 of UFAS or section 4.1.7 of ADAAG.

(2) If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of § 35.150.

(e) *Curb ramps.* (1) Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.

(2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.

#### §§ 35.152-35.159 [Reserved]

### Subpart E—Communications

#### § 35.160 General.

(a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

#### § 35.161 Telecommunication devices for the deaf (TDD's).

Where a public entity communicates by telephone with applicants and beneficiaries, TDD's or equally effective telecommunication systems shall be used to communicate with individuals with impaired hearing or speech.

#### § 35.162 Telephone emergency services.

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.

#### § 35.163 Information and signage.

(a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(b) A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information

about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

#### § 35.164 Duties.

This subpart does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with this subpart would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity.

#### §§ 35.165-35.169 [Reserved]

### Subpart F—Compliance Procedures

#### § 35.170 Complaints.

(a) *Who may file.* An individual who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by a public entity may, by himself or herself or by an authorized representative, file a complaint under this part.

(b) *Time for filing.* A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause shown. A complaint is deemed to be filed under this section on the date it is first filed with any Federal agency.

(c) *Where to file.* An individual may file a complaint with any agency that he or she believes to be the appropriate agency designated under subpart G of this part, or with any agency that provides funding to the public entity that is the subject of the complaint, or with

the Department of Justice for referral as provided in § 35.171(a)(2).

#### § 35.171 Acceptance of complaints.

(a) *Receipt of complaints.* (1)(i) Any Federal agency that receives a complaint of discrimination on the basis of disability by a public entity shall promptly review the complaint to determine whether it has jurisdiction over the complaint under section 504.

(ii) If the agency does not have section 504 jurisdiction, it shall promptly determine whether it is the designated agency under subpart G of this part responsible for complaints filed against that public entity.

(2)(i) If an agency other than the Department of Justice determines that it does not have section 504 jurisdiction and is not the designated agency, it shall promptly refer the complaint, and notify the complainant that it is referring the complaint to the Department of Justice.

(ii) When the Department of Justice receives a complaint for which it does not have jurisdiction under section 504 and is not the designated agency, it shall refer the complaint to an agency that does have jurisdiction under section 504 or to the appropriate agency designated in subpart G of this part or, in the case of an employment complaint that is also subject to title I of the Act, to the Equal Employment Opportunity Commission.

(3)(i) If the agency that receives a complaint has section 504 jurisdiction, it shall process the complaint according to its procedures for enforcing section 504.

(ii) If the agency that receives a complaint does not have section 504 jurisdiction, but is the designated agency, it shall process the complaint according to the procedures established by this subpart.

(b) *Employment complaints.* (1) If a complaint alleges employment discrimination subject to title I of the Act, and the agency has section 504 jurisdiction, the agency shall follow the procedures issued by the Department of Justice and the Equal Employment Opportunity Commission under section 107(b) of the Act.

(2) If a complaint alleges employment discrimination subject to title I of the Act, and the designated agency does not have section 504 jurisdiction, the agency shall refer the complaint to the Equal Employment Opportunity Commission for processing under title I of the Act.

(3) Complaints alleging employment discrimination subject to this part, but not to title I of the Act shall be processed in accordance with the procedures established by this subpart.

(c) *Complete complaints.* (1) A designated agency shall accept all

complete complaints under this section and shall promptly notify the complainant and the public entity of the receipt and acceptance of the complaint.

(2) If the designated agency receives a complaint that is not complete, it shall notify the complainant and specify the additional information that is needed to make the complaint a complete complaint. If the complainant fails to complete the complaint, the designated agency shall close the complaint without prejudice.

#### § 35.172 Resolution of complaint.

(a) The designated agency shall investigate each complete complaint, attempt informal resolution, and, if resolution is not achieved, issue to the complainant and the public entity a Letter of Findings that shall include—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) Notice of the rights available under paragraph (b) of this section.

(b) If the designated agency finds noncompliance, the procedures in §§ 35.173 and 35.174 shall be followed. At any time, the complainant may file a private suit pursuant to section 203 of the Act, whether or not the designated agency finds a violation.

#### § 35.173 Voluntary compliance agreements.

(a) When the designated agency issues a noncompliance Letter of Findings, the designated agency shall—

(1) Notify the Assistant Attorney General by forwarding a copy of the Letter of Findings to the Assistant Attorney General; and

(2) Initiate negotiations with the public entity to secure compliance by voluntary means.

(b) Where the designated agency is able to secure voluntary compliance, the voluntary compliance agreement shall—

(1) Be in writing and signed by the parties;

(2) Address each cited violation;

(3) Specify the corrective or remedial action to be taken, within a stated period of time, to come into compliance;

(4) Provide assurance that discrimination will not recur; and

(5) Provide for enforcement by the Attorney General.

#### § 35.174 Referral.

If the public entity declines to enter into voluntary compliance negotiations or if negotiations are unsuccessful, the designated agency shall refer the matter to the Attorney General with a recommendation for appropriate action.

#### § 35.175 Attorney's fees.

In any action or administrative proceeding commenced pursuant to the Act or this part, the court or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs, and the United States shall be liable for the foregoing the same as a private individual.

#### § 35.176 Alternative means of dispute resolution.

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under the Act and this part.

#### § 35.177 Effect of unavailability of technical assistance.

A public entity shall not be excused from compliance with the requirements of this part because of any failure to receive technical assistance, including any failure in the development or dissemination of any technical assistance manual authorized by the Act.

#### § 35.178 State immunity.

A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this Act. In any action against a State for a violation of the requirements of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

#### §§ 35.179-35.189 [Reserved]

### Subpart G—Designated Agencies

#### § 35.190 Designated agencies.

(a) The Assistant Attorney General shall coordinate the compliance activities of Federal agencies with respect to State and local government components, and shall provide policy guidance and interpretations to designated agencies to ensure the consistent and effective implementation of the requirements of this part.

(b) The Federal agencies listed in paragraph (b) (1) through (8) of this section shall have responsibility for the implementation of subpart F of this part for components of State and local governments that exercise responsibilities, regulate, or administer

services, programs, or activities in the following functional areas.

(1) *Department of Agriculture:* All programs, services, and regulatory activities relating to farming and the raising of livestock, including extension services.

(2) *Department of Education:* All programs, services, and regulatory activities relating to the operation of elementary and secondary education systems and institutions, institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and libraries.

(3) *Department of Health and Human Services:* All programs, services, and regulatory activities relating to the provision of health care and social services, including schools of medicine, dentistry, nursing, and other health-related schools, the operation of health care and social service providers and institutions, including "grass-roots" and community services organizations and programs, and preschool and daycare programs.

(4) *Department of Housing and Urban Development:* All programs, services, and regulatory activities relating to state and local public housing, and housing assistance and referral.

(5) *Department of Interior:* All programs, services, and regulatory activities relating to lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums.

(6) *Department of Justice:* All programs, services, and regulatory activities relating to law enforcement, public safety, and the administration of justice, including courts and correctional institutions; commerce and industry, including general economic development, banking and finance, consumer protection, insurance, and small business; planning, development, and regulation (unless assigned to other designated agencies); state and local government support services (e.g., audit, personnel, comptroller, administrative services); all other government functions not assigned to other designated agencies.

(7) *Department of Labor:* All programs, services, and regulatory activities relating to labor and the work force.

(8) *Department of Transportation:* All programs, services, and regulatory activities relating to transportation, including highways, public transportation, traffic management (non-

law enforcement), automobile licensing and inspection, and driver licensing.

(c) Responsibility for the implementation of subpart F of this part for components of State or local governments that exercise responsibilities, regulate, or administer services, programs, or activities relating to functions not assigned to specific designated agencies by paragraph (b) of this section may be assigned to other specific agencies by the Department of Justice.

(d) If two or more agencies have apparent responsibility over a

complaint, the Assistant Attorney General shall determine which one of the agencies shall be the designated agency for purposes of that complaint.

§§ 35.191-35.999 [Reserved]

**Appendix A to Part 35—Preamble to Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services (Published July 26, 1991)**

Note: For the convenience of the reader, this appendix contains the text of the preamble to the final regulation on nondiscrimination on the basis of disability in State and local government services

beginning at the heading "Section-by-Section Analysis" and ending before "List of Subjects in 28 CFR Part 35" (56 FR (INSERT FR PAGE CITATIONS); July 26, 1991).

Dated: July 17, 1991.

Dick Thornburgh,

*Attorney General.*

[FR Doc. 91-17368 Filed 7-25-91; 8:45 am]

BILLING CODE 4410-01-M

# **Appendix J:**

## **ADA Materials Request Form**



# ADA Materials Request Form

If you want ADA material sent to you please indicate what you need from the list below. These documents are available in the following formats: regular print, large print, Braille, audio tape, computer disk, and electronic bulletin board. Return this form to the address below.

Name	
Organization	
Address	
	Street
	City State Zip
Phone	

## Quantity

	Publication requested	Standard Print	Large Print	Braille	Tape	Disk
✓	Title II Technical Assistance Manual					
	Title III Technical Assistance Manual					
	Handbook (limit 1)					
	Title II Regulations					
	Title III Regulations					
	Information Packet					

Return To: U.S. Department of Justice, Civil Rights Division,  
 Office on the Americans with Disabilities Act, P.O. Box 66738,  
 Washington, D.C. 20035-9998

## **Appendix K:**

# **Code of Ethics: Registry of Interpreters for the Deaf**



## CODE OF ETHICS

### 1. Interpreters/transliterators shall keep all assignment-related information strictly confidential.

Guidelines: Interpreters/transliterators shall not reveal information about any assignment, including the fact that the service is being performed.

Even seemingly unimportant information could be damaging in the wrong hands. Therefore, to avoid this possibility, interpreters/transliterators must not say anything about any assignment. In cases where meetings or information become a matter of public record, the interpreter/transliterator should first discuss it with the person involved. If no solution can be reached, then both should agree on a third person who could advise them.

When training new trainees by the method of sharing actual experiences, the trainers shall not reveal any of the following information:

- \*name, sex, age, etc., of the consumer;
- \*day of the week, time of the day, time of the year the situation took place;
- \*location, including city, state or agency;
- \*other people involved;
- \*unnecessary specifics about the situation;

It takes only a minimum amount of information to identify the parties involved.

### 2. Interpreters/transliterators shall render the message faithfully, always conveying the content and spirit of the speaker using language most readily understood by the person(s) whom they serve.

Guidelines: Interpreters/transliterators are not editors and must transmit everything that is said in exactly the same way it was intended. This is especially difficult when the interpreter disagrees with what is being said or feels uncomfortable when profanity is being used. Interpreters/transliterators must remember that they are not at all responsible for what is said, only for conveying it accurately. If the interpreter's/transliterator's own feelings interfere with rendering the message accurately, he/she shall withdraw from the situation.

While working from spoken English to sign or non-audible spoken English, the interpreter/transliterator should communicate in the manner most easily understood or preferred by the deaf or hard-of-hearing person(s), be it American Sign Language, manually coded English, fingerspelling, paraphrasing in non-audible spoken English, gesturing, drawing, or writing. It is important for the interpreter/transliterator and deaf or hard-of-hearing person(s) to spend some time adjusting to each other's way of communicating prior to the actual assignment. When working from sign or non-audible spoken English, the interpreter/transliterator shall speak the language used by the hearing person in spoken form, be it English, Spanish, French, etc.

### 3. Interpreters/transliterators shall not counsel, advise or interject personal opinions.

Guidelines: Just as interpreters/transliterators may not omit anything that is said, they may not add anything that is said, they may not add anything to the situation, even when they are asked to do so by other parties involved.

An interpreter/transliterator is only present in a given situation because two or more people have difficulty communicating, and thus the interpreter's/transliterator's only function is to facilitate communication. He/she shall not become personally involved because in so doing, he/she accepts some responsibility for the outcome, which does not rightly belong to the interpreter/transliterator.

### 4. Interpreters/transliterators shall accept assignments using discretion with regard to skill, setting, and the consumers involved.

Guidelines: Interpreters/transliterators shall only accept assignments for which they are qualified. However, when an interpreter/transliterator shortage exists and the only available interpreter/transliterator does not possess the necessary skill for a particular assignment, this situation should be explained to the consumer. If the consumer agrees that services are needed regardless of skill level, then the available interpreter/transliterator will have to use his/her best judgment about accepting or rejecting the assignment.

Certain situations, due to content, consumer involvement, the setting or other reasons, may prove so uncomfortable for some interpreters/transliterators and/or consumers that the facilitating task is adversely

Certain situations, due to content, consumer involvement, the setting or other reasons, may prove so uncomfortable for some interpreters/transliterators and/or consumers that the facilitating task is adversely affected. An interpreter/transliterators shall not accept assignments which he/she knows will be adversely affected.

Interpreters/transliterators shall generally refrain from providing services in situations where family members or close personal or professional relationships may affect impartiality, since it is difficult to mask inner feelings. Under these circumstances, especially in legal settings, the ability to prove oneself unbiased when challenged is lessened. In emergency situations, it is realized that the interpreter/transliterators may have to provide services for family members, friends, or close business associates. However, all parties should be informed that the interpreter/transliterators may not become personally involved in the proceedings.

**5. Interpreters/transliterators shall request compensation for services in a professional and judicious manner.**

Guidelines: Interpreters/transliterators shall be knowledgeable about fees that are appropriate to the profession.

A sliding scale of hourly and daily rates has been established for interpreters/transliterators in many areas. To determine the appropriate fee, interpreters/transliterators should know their own level of skill, level of certification, length of experience, nature of the assignment, and local cost of living index.

There are circumstances when it is appropriate for interpreters/transliterators to provide services without charge. This should be done with discretion, taking care to preserve the self-respect of the consumers. Consumers should not feel that they are recipients of charity. When providing gratis services, care should be taken so that the livelihood of other interpreters/transliterators will be protected. A freelance interpreter/transliterators may depend on this work for a living and therefore must charge for services rendered, while persons with other full-time work may perform the service as a favor without feeling a loss of income.

**6. Interpreters/transliterators shall function in a manner appropriate to the situation.**

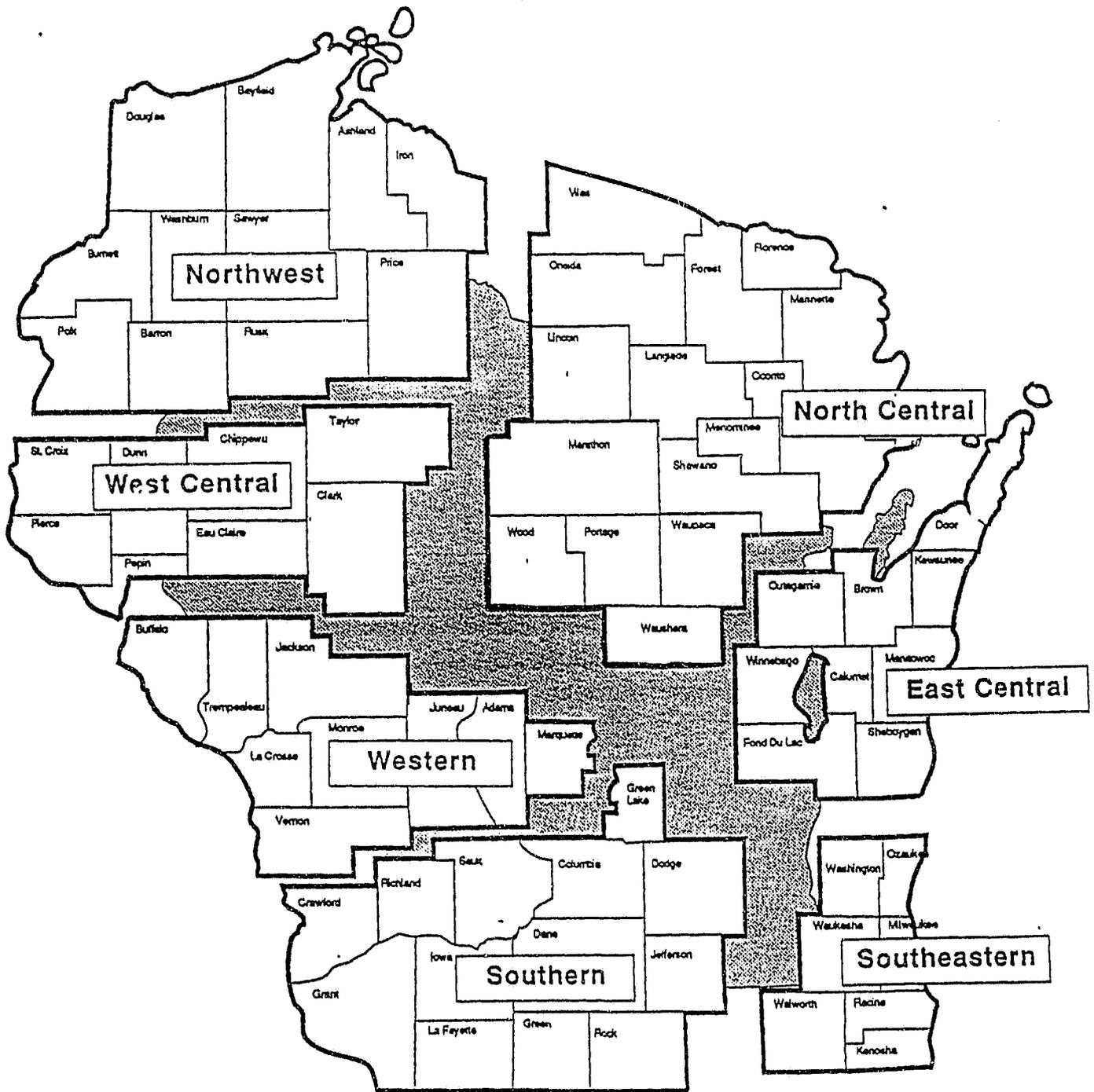
Guidelines: Interpreters/transliterators shall conduct themselves in such a manner that brings respect to themselves, the consumers, and the national organization. The term "appropriate manner," refers to: (a) dressing in a manner that is appropriate for the skin tone and is not distracting, and (b) conducting oneself in all phases of an assignment in a manner befitting a professional.

**7. Interpreters/transliterators shall strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues, and reading of current literature in the field.**

**8. Interpreters/transliterators, by virtue of membership in or certification by the RID, Inc., shall strive to maintain high professional standards in compliance with the code of ethics.**

# **Appendix L:**

## **Map of Wisconsin Counties Association (Regional) Districts**



# WCA Districts

March 1993

# **Appendix M:**

## **Information on State Trust Fund Loan Program**

BOARD  
OF



Public Lands (608) 266-1370 Loans (608) 266-0034 Fax (608) 267-2787

Douglas La Follette  
Secretary of State

Cathy S. Zeuske  
State Treasurer

James E. Doyle  
Attorney General

Stephen E. Gauger  
Secretary

**State of Wisconsin  
State Trust Fund Loan Program**

**Five, Ten and Twenty Year Loan Programs  
for Municipal Borrowing**

**Municipalities Eligible to Borrow:**

Towns, villages, cities, counties, lake districts, metropolitan sewerage districts, town sanitary districts, and VTAE districts.

**Our current rates as of February 16, 1994 are:**

5 years or less	3.75%
More than 5 years, not to exceed 10 years	4.50%
More than 10 years, not to exceed 20 years	5.50%

The current maximum amount per calendar year that a municipality may borrow is \$750,000.

**Note: Towns may only borrow for a maximum of ten years.**

The purposes for which funds may be borrowed include, but are not limited to, buildings, roads, state trust fund refinancing, police and fire vehicles and capital equipment. The purposes, terms and applicable statutes may be found in Sec 67.05 through Sec 67.12 Wis. Stats.

The municipality's total indebtedness, including the Trust Fund loan applied for, may not exceed 5% of the valuation of the taxable property therein as equalized for state purposes. SEE SEC. 24.63 (1), Wis. Stats. 1991-92. For VTAE Districts the limit is 2%.

For more information contact: Bruce Vande Zande,  
Municipal Loan Analyst  
Telephone: (608) 266-0034  
FAX: (608) 267-2787

Mailing Address: Post Office Box 8943 • Madison, Wisconsin 53708-8943  
Location: GEF III, Room 200 • 125 South Webster Street • Madison, WI