

Task Force on Access to State Courts for Persons with Disabilities

Report 2006

*Sponsored by
Oregon Judicial Department
Oregon State Bar*



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Executive Summary

From 2001 to 2006, the Oregon State Bar (OSB) and the Oregon Judicial Department (OJD) planned and coordinated a task force to study whether and how Oregon state courts ensure that persons with disabilities have access to court facilities, programs, and services. In 2005, then-Chief Justice Wallace P. Carson, Jr., and then-OSB president, Nena Cook, appointed a 16-member task force that included persons with disabilities and stakeholders from the Oregon State Bar, Oregon Judicial Department, and other justice system partners in state and local government. The task force completed its work in May 2006. The final report has recommendations to the Oregon Judicial Department, building owners that house state court facilities, and the Oregon State Bar to improve access to Oregon state courts.

Methodology

The task force met over 13 months and studied access to state court facilities, written materials for the public, and a broad range of court programs and services. At the first meeting, the Northwest Americans with Disability Act and Information Technology Center presented an orientation to the Americans with Disabilities Act (ADA) and related Oregon laws. It also provided valued advice throughout the study.

The task force collected information about access to Oregon state courts from focus groups, a statewide survey, public hearings, and a self-reassessment of ADA compliance by the state courts. It reviewed the findings from similar studies in other states. These sources informed the task force recommendations and its scenario on how the perfect courthouse provides access to a person with a disability.

Information Collected

Focus Groups: the task force held four focus groups to help develop its court-user survey and provide input on access to the state courts for people with specific type of disabilities. Each group addressed one kind of disability: 1) hearing loss, deafness, or late deafened; 2) visual impairment or blindness; 3) mobility impairment; and 4) cognitive or psychological disability.

Court-User Survey: the task force developed a survey for persons with disabilities and for those assist with persons with disabilities to describe their experiences using Oregon state courts. Nearly half of the 203 respondents said they had a disability or a health condition. The task force distributed the survey across the state through disability-related organizations, the Oregon State Bar, and the state-court system. The Oregon State Bar and state-court system made the survey available on their websites. Approximately sixty percent (60%) of respondents completed the survey online.

Public Hearings: the task force held two public hearings, one in Portland on June 22, 2005, and one in Medford on November 4, 2005. The public hearing in Medford included live videoconference links with sites in Bend, Eugene, and Ontario. Testimony included information on how judges, court staff, and others in the justice system treated court users. People also provided testimony on issues that persons with disabilities have when using state courts and their facilities, services, programs, and materials.

Oregon Judicial Department ADA Reassessment: in the spring of 2005, every state court in Oregon completed a self-reassessment survey on access to its facilities, programs, and services for persons with disabilities. This was the first time the courts evaluated their compliance with the ADA since 1993 when the ADA became law in Oregon. The 2005 self-reassessment included more than 600 questions and allowed the courts to identify barriers and begin making improvements immediately, independently from the task force review and recommendations.

Commendations

Although access to Oregon state court facilities, programs, and services needs improvement, the task force commends the Oregon Judicial Department for its recent statewide efforts. The Court Programs and Services Division has already presented several education sessions for state-court personnel on serving court users with disabilities. It has also purchased assistive equipment and technology for several courts to improve communication and emergency evacuation.

Recommendations

The task force offers multiple recommendations to improve access to state courts for persons with disabilities. The report organizes the recommendations into three parts: facilities, programs and services, and policies. Each part begins with a list of current ADA standards that state courts should meet. Each then lists ways state courts and the Oregon State Bar can improve access beyond minimum legal requirements for court facilities, inside and outside programs and services, including:

- safety and security procedures
- communications
- jury duty
- policies to address ADA standards
- inform court users about requests for accommodation and grievance procedures
- prepare court contracts
- ensure reasonable modifications to court policies
- provide materials in accessible formats
- develop emergency evacuation plans for persons with disabilities, and
- coordinate periodic self-evaluations.

Many recommendations include more education for court staff, judges, security personnel, and lawyers about:

- the ADA
- available accommodations, and
- how to work effectively with persons with disabilities.

Some focus on access to court services, such as:

- related community-based resources
- transportation to the courthouse, and
- counter service.

Others seek to improve the quality of services and communications, including:

- interpreter services
- information on available accommodations and how to request them
- how to file a grievance, and
- Oregon State Bar guides both for the public on what to expect in court and for lawyers on how to work with persons with disabilities.

And some recommendations ask state courts to evaluate current policies, such as those on:

- court fees
- docket schedules
- support animals
- jury service, and
- interpreter qualifications.

Next Steps

Finally, the task force suggests next steps for the Oregon Judicial Department and the Oregon State Bar to implement these recommendations and continue to evaluate their progress in providing access to state courts for persons with disabilities.

Report Distribution Plan

The report was distributed to all interested parties who had contact with the task force and is available through the Oregon State Bar Service Desk at info@osbar.org, (503) 620-0222 or inside Oregon (800) 452-8260.

Introduction

History Behind Formation of Task Force

In 1999, the House of Delegates of the Oregon State Bar passed a resolution to conduct a “comprehensive assessment by the bar and the courts to determine the incidence of disability and disability concerns among its members, the public, and the justice system (See Appendix A).” The resolution cited three significant bases:

- the incidence of disability among lawyers and the level of disability access within the legal community and justice system;
- the level of disability access for the public within the legal community and justice system; and
- lack of a comprehensive survey on disability incidence, access, and concerns within the legal community and justice system in Oregon.

In particular, the resolution highlighted the public function of the Oregon State Bar. In support, the Oregon State Bar’s Board of Governors allocated \$20,000 for a joint task force with the Oregon Judicial Department to study these issues.

A work group composed of staff from the Oregon Judicial Department and the Oregon State Bar and a representative from the Bar’s Disability Law Section met periodically from 2001 to 2004 to develop a formal proposal to the Oregon Supreme Court and the Oregon State Bar. Planning languished but did not stop with the state budget crisis and resulting cuts that eventually shut down the Oregon Judicial Department one day a week in 2003.

The Oregon State Bar extended its commitment to provide financial support, and in 2004, the work group proposed a plan for the study and for a task force to oversee it:

This proposal recommends that the Oregon Judicial Department and Oregon State Bar establish a joint task force on disability access to state courts. The Americans with Disabilities Act (ADA) (42 U.S.C. 12101 et seq.), adopted in 1990 and made applicable to states in 1992, protects qualified individuals with disabilities from discrimination on the basis of

disability. Title II of the ADA requires that programs, services, and activities provided by state and local governments (including courts) be accessible to persons with disabilities. Oregon statutes establish similar protections (See ORS 447.210-447.280, 659A.100-659A.145, 659.400-659.460.) A Disability Access Task Force would serve to:

- ensure that Oregon state courts are accessible to persons with disabilities
- assist the Oregon state court system in ADA compliance, and
- educate the Oregon state court system about accessible and effective service to persons with disabilities. (See Appendix B)

The proposal outlined three principal objectives for the task force:

- 1) to evaluate the accessibility of Oregon state courts,
- 2) to educate state court judges and court staff about accessibility, and
- 3) to offer recommendations for improving accessibility.

Task Force Members

In early 2005, then-Chief Justice Wallace P. Carson, Jr. and then-OSB president Nena Cook appointed a 16-member task force, including persons with disabilities and stakeholders from the Oregon Judicial Department, the Oregon State Bar, and other justice-system partners in state and local government:

The Honorable Janice R. Wilson, Chair Judge,
Multnomah County Circuit Court

Daryl Ackerman, Former Chair, Oregon Disabilities
Commission

Judy Cunio, Self-Advocacy Coordinator, Oregon Council
on Developmental Disabilities

Janine DeLaunay, Branch Manager, Central Portland
Office, Vocational Rehabilitation Services

Brad Green, ADA Coordinator, Multnomah County Circuit Court

Michael Hlebechuk, Residential Supports Coordinator, Office of Mental Health and Addiction Services, Oregon Department of Human Services

Robert C. Joondeph, Lawyer, Oregon Advocacy Center

Robert Nikkel, Administrator, Office of Mental Health and Addiction Services, Department of Human Services

Shelley Oishi, Mental Health Counselor, Connection Program, Northwest Human Services

The Honorable Darleen Ortega, Judge, Oregon Court of Appeals

Val Owen, Deputy Sheriff, Multnomah County

N. Butch Pribbanow, Lawyer, TriMet

The Honorable Thomas J. Rastetter, Judge, Clackamas County Circuit Court

Larry Sowa, Clackamas County Commissioner

Denise Spielman, ADA Technical Assistance Specialist, Northwest ADA and IT Center

The Honorable Patricia A. Sullivan, Judge, Malheur County Circuit Court

The following staff served the task force:

Oregon State Bar:

- Karen Garst, Executive Director
- Debra Cohen Maryanov, Pro Bono Program Developer

Oregon Judicial Department:

- Nori J. McCann Cross, Special Counsel, Executive Services Division
- Maria C. Hinton, Access and Family Law Analyst, Court Programs and Services Division
- Leola McKenzie, Assistant Director, Court Programs and Services Division

Scope of Task Force Study

At its first meeting in April 2005, the task force discussed the scope of its work. The first meeting made clear the need to limit the study's scope. Given the task force charge and the limited time and resources available, the task force adopted five principles to guide and focus its work:

Disabilities

The task force agreed to consider barriers to accessing Oregon state courts and their services by people with one or more visible, invisible, physical, mental, or emotional disabilities, including cognitive and psychological disabilities and disabilities that limit physical stamina. Following the lead of the Gender Fairness Task Force some years earlier, the task force agreed to consider whether disability coupled with certain other personal characteristics compounds difficulties in access to state courts and their services. (See Report of the Oregon Supreme Court/Oregon State Bar Task Force on Gender Fairness, May, 1998, p. 16.)

Position

The task force agreed to study access for a broad range of state-court users, including parties in court matters, jurors, lawyers, the public, witnesses, and court personnel. However, it limited the study to state-court facilities, programs, services, and materials; it recommended a separate study on employment in the court system.

Type

The task force agreed to study access in criminal and civil matters in state courts only (not in justice or municipal courts), including family, juvenile, probate, and civil commitment matters, and grand juries and trial juries.

State court facilities, materials, programs, and services

The task force agreed to review access to state-court facilities, written materials for the public, and a broad range of state court programs and services, including jury service, mediation, and indigence verification (financial eligibility for court-appointed counsel).

Standards

The task force agreed to measure access against the ADA Title II Action Guide for State and Local Governments, except where Oregon has adopted stricter requirements. It also agreed to recommend good or best practices that exceed legal requirements.

Access issues outside the scope of this study

While the following are important areas to study, the task force agreed to exclude them as beyond the task force's time and resource limitations:

- obtaining the services of a lawyer
- conducting legal business that does not involve state courts
- the substance of judicial decisions
- jails (except for transit between the jails and the courts)
- law enforcement interaction other than court security matters
- federal, justice, municipal, and county courts
- foreign language barriers
- transgender issues

- court-ordered community service or treatment, outside of judicially monitored treatment court programs
- active illegal drug use
- access to court-appointed lawyers
- employment in state courts.

Task Force Work Allocation

The task force divided into three workgroups:

- focus groups and surveys
- public hearings
- the Oregon Judicial Department's comprehensive self-reassessment.

Focus groups and surveys

The workgroup held focus groups for people with several specific disabilities (see Appendix C for the summary of these group meetings), seeking input specific to the task force's charge and to inform the design of a court-user survey that the task force later made available in several ways:

- at courthouses throughout Oregon,
- from organizations that work with persons with disabilities throughout the state, and
- on the Oregon State Bar and Oregon Judicial Department websites.

In particular, participants advised the survey designers on how to reach persons with disabilities who encounter the justice system, on formats and methods to increase response rates, and on how to make survey questions clear and respectful. The workgroup then developed, distributed, and analyzed a web-based and print survey of Oregon state-court users on access to state courts for persons with disabilities. Approximately sixty percent (60%) of respondents completed the survey online.

Public Hearings

The workgroup held two public hearings: one in Portland and one in Medford. The Medford hearing included live videoconference links with sites in Bend, Eugene, and Ontario. Despite widely distributed announcements, few people attended or testified at the hearings. Those who did attend provided information on human- and personal-dignity issues, as well as legal issues that persons with disabilities encounter in using state courts and their facilities, services, programs, and materials. (See Appendix F.)

Oregon Judicial Department Self-Reassessment

With task force assistance, the Oregon Judicial Department conducted and analyzed its first comprehensive, statewide self-reassessment of ADA compliance since the initial assessment in 1992-93 required by ADA Title II. Because the original assessment was in narrative form and the ADA did not require courts to keep copies for more than three years or to do regular reassessments, the Judicial Department designed its reassessment tools to support periodic reassessment and to evaluate improvements. All 36 trial courts, the Oregon Tax Court, the Supreme Court, and administrative divisions in the Office of the State Court Administrator completed surveys. (See Appendix G.) The state required some divisions and the Court of Appeals to relocate to temporary space for 18 months during the reassessment (seismic upgrades). Those divisions and the Court of Appeals will complete the facility section of the reassessment when they return to permanent quarters.

The Oregon Judicial Department followed up on the lengthy self-assessment tool by contacting courts and divisions with questions when the self-reassessment responses raised questions or were incomplete. The self-reassessment provided valuable information, particularly on physical access to court facilities.

Task Force Recommendations

The task force reviewed all the information it received and developed recommendations for the Oregon Judicial Department, building owners that house state court facilities, and the Oregon State Bar to improve access to Oregon state courts. Among the recommendations, the task force asks the Oregon Judicial Department to charge its Access to Justice for All Committee to oversee the implementation of these recommendations and urged all stakeholders to regularly evaluate how well they provide access to Oregon state courts to persons with disabilities.

Oregon and Its Courthouses

In towns of the frontier West, citizens imposed large taxes on themselves to build impressive courthouses. The courthouse was the dominant edifice in the county seat (indeed, in the county). The settlers wanted to send a message that law and order were supreme and that “civilization” had been established.

Historical respect for the courthouse still resonates with Oregonians. Ten turn-of-the-century courthouses are in use today. The majestic, rough-stone 1909 courthouse of Wallowa County, for example, sits high on an entire city block and is visible throughout the city. Yet, it and other older courthouses show the signs of age, and many do not meet state or federal accessibility requirements or technological needs.

A recent incident in Wallowa County illustrates the importance of making courthouses accessible to all Oregonians. A person involved in a court proceeding was unable to access a courtroom on the second floor of the Wallowa Courthouse because there is no elevator. While the court arranged an alternative venue at a local school, he wanted the court to hear his case in the courthouse. He preferred to be carried up to the second floor, rather than have his trial outside of the courthouse.

The Wallowa Courthouse is not unique in presenting barriers to persons with disabilities. The task force hopes this report inspires the justice system to make every courthouse and court program fully accessible by all Oregonians. A glimpse of such a court follows.

The Perfect Courthouse

Annie is a person with disabilities. Because of an ongoing debilitating disease, she uses a wheelchair. She also has low vision. Her parents recently passed away; she is their personal representative. Their estate is in probate, and Annie has hired a lawyer to represent her in the probate case.

Before meeting, Annie asked her lawyer, Raya, to provide all documents in large print of at least 20-point type because of her low vision. Annie took the bus to Raya's office downtown. The driver helped Annie and her wheelchair off the bus; Annie wheeled herself about one block to the office building. She entered the building through an automated door; the lobby had a low-level reader board that made it easy for Annie to find the directions to Raya's office. Annie rode the elevator to the 13th floor and approached the front counter of Raya's office. The front counter had two heights; one let her reach the counter and fit her wheelchair under it. The receptionist led Annie to a conference room specially equipped with an adjustable table and a computer screen in front of the seat. When Raya reached the conference room, she set down her laptop and plugged it into the back of the monitor in front of Annie. Throughout their meeting, Raya used this technology to project documents in large type on the monitor so that Annie could read them.

At their meeting, Raya told Annie that when the court had scheduled a hearing on Annie's parents' estate, she would work with Annie to submit a request to the court for any accommodation Annie might need at the court and would inform any other parties. She explained that court rules set some deadlines for those requests and that the court could reset the hearing if the request is late or the court cannot provide a reasonable accommodation in time for the hearing.

Raya called the court's ADA coordinator to let the court know that Raya or Annie would submit a request for accommodation.

On the day of the hearing, Annie came early to be sure to find the right courtroom. The courthouse had been built to provide both access and security for persons with disabilities and those without. The entrance to the courthouse was flush with the sidewalk and did not need a special ramp. It had several automated doors, and she entered through one. Security was tight, as it is in all courthouses after the attack on the Marion County courthouse. Although the lines were long, one was set aside for persons with disabilities. Annie went to that line. The security personnel carefully wanded her wheelchair and belongings. Security personnel asked Annie whether she could stand with assistance and helped her stand up next to a supporting rail. Completing the wand process, security personnel asked Annie whether she knew how to get where she was going. When she told them the room number, they pointed to the bank of elevators that would take her to the right floor and asked whether she would like someone to help her find the room. Annie thanked them for the directions and the offer of help and said she would try to get there herself but would ask for help if she needed it.

Arriving on the third floor, Annie got off the elevator right in front of her courtroom. The courtroom had an automated pocket door whose halves slid back into the wall, making a wide passageway. Annie did not have to lean out of her wheelchair to push open doors. The courtroom had wide aisles; Annie was able to approach the table easily to meet her lawyer. The table was high enough to accommodate her wheelchair. It had a monitor to show large-print documents, similar to the one in her lawyer's office. Because Raya had made a timely request for accommodation, both the judge and the clerk were prepared to show every document on the monitor in large type. Annie read them with ease.

Annie noticed that the jury boxes had a special front row and wide aisles to access the jury room for jurors who use wheelchairs. Before the hearing, Raya told Annie where to find the accessible restroom right outside the courtroom should she need it.

At the end of the proceeding, Raya and Annie thanked the judge. The judge asked Annie how well the court did in providing the services Annie needed and for any suggestions for improvements.

Focus Groups

Introduction

Between May 31 and June 28, 2005, four focus groups met to provide information about access to the courts from personal experience and working with persons with disabilities. The task force also sought their input on the development of a court user survey, including survey topics and how to maximize the survey's response rate. This section highlights participants' suggestions to make courts more usable for persons with disabilities. For more information on how the groups were organized, the questions posed, and a more complete discussion, please see Appendix G.

Cognitive or Psychiatric Disabilities

Seven people participated in this group: some affiliated with disability-related organizations, one cognitive interpreter, one person who served on jury duty twice, one survivor of abuse, and three individuals who had participated in focus groups previously. Most participants indicated that they had a cognitive or psychiatric disability personally.

They identified the following needs:

1. Information in advance on what to expect, how to dress, and what court security will allow them to carry in the courthouse to relieve the heightened anxiety that people with cognitive and psychiatric disabilities often experience when going to court.
2. Large print signs throughout the courthouse, including room numbers, bathroom signs, and elevator information. (Stress or anxiety may make reading smaller print difficult.)
3. Electronic door openers to help people who lack the strength to push them open.
4. Full spectrum lighting; flickering fluorescent lights can cause seizures for some people.
5. Courthouse security procedures that are sensitive to people with paranoia or who have metal in their bodies.

6. Court staff who are sensitive to hidden disabilities and willing to provide personal assistance to individuals, such as help directing an individual to a room or filling out forms.
7. Judges who are aware that certain inappropriate behavior may be caused by a disability and who are respectful in addressing the behavior.
8. Assistive technology for visual and hearing impairments available in all courts.

Visual Disabilities

Nine people participated, all of whom were blind or had significant vision impairments. Participants included a peer counselor for Independent Living Resources, two employees and a student of the Oregon Commission for the Blind, the chair of the Oregon Commission for the Blind, an attorney, a person who uses a guide dog, and a volunteer with a regional organization for the blind. Participants said their experiences with judges and court staff were positive, but they had some issues with court security.

They identified the following needs:

1. Adequate notice that accommodations and alternate formats are available for persons with disabilities and information on how to request them.
2. Signs that indicate the location of the accessible entrance seen easily from the front of the building.
3. All written materials from the court available electronically in advance to people with visual impairments.
4. Notice that disability does not disqualify individuals from serving on jury duty, and that accommodations are available.
5. Court security procedures that are sensitive to persons with disabilities.

Deaf, Hard of Hearing, and Late Deafened

Four people participated in the focus group, including two people who are hard of hearing and two who are deaf. Two of the participants had cochlear implants. Three were former members of the Oregon Disabilities Commission Deaf and Hard of Hearing Access Program Advisory Board. One is currently an officer of the Oregon Association for the Deaf and coordinates a large email network throughout the state. Another is the President of the Portland Chapter of Self Help for Hard Hearing (SHHH).

They identified the following needs:

1. Notice that people must request ASL interpreters, real-time captioners, and assistive-listening devices in advance and information on whom to contact and how to request an accommodation.
2. Real-time captioners and high-quality ASL interpreter services available in all courts.
3. Judges and court staff education on hearing impairments, including ASL and other means of communicating, English as a second language, speaking slowly and ensuring that the listener can see the speaker's whole face.
4. Court security personnel who are knowledgeable and respectful in helping persons with disabilities pass through security (e.g., aware that metal in a person's body, such as cochlear implants, can set off metal detectors).
5. Court staff who do not discourage or dismiss persons with disabilities from jury service.

Individuals with Mobility Impairments

Four people participated in the focus group, including two lawyers, one advocate who is legally blind, and one representative from student services.

They identified the following issues:

1. Many elderly people have visual, hearing and mobility impairments but do not consider themselves to be individuals with disabilities. This has implications for whether people are aware that help is available to them and for reaching a large group of potential respondents to the court user survey.
2. Courts should provide information in the body of court notices/summons about the availability of accommodations and should notify individuals who come to the courthouse where services are located.
3. People in rural areas may not be able to reach court facilities by public transportation or taxi service. Courthouses need ramps for people who use wheelchairs, and law libraries need to be accessible to people who use wheelchairs.
4. Signage was poor in the Clackamas and Multnomah County Circuit Courts. The Washington County Circuit Court booklet on where services are located is a model for other courts.
5. Judges or court staff sometimes question or doubt the need for accommodations requested by people with hearing loss.
6. The quality of accommodations provided is not always satisfactory.
7. The court may have a responsibility to provide cognitive interpreters.
8. Some grievances may not be resolved because of uncertainty as to who is responsible to provide accommodations.
9. Court staff sometimes discourage persons with disabilities from jury service. Accessible restrooms are not always available on the same floor as the deliberation room. Some jury boxes and witness boxes are not accessible.

Court-User Survey

Introduction

The Surveys Workgroup of the Task Force on Access to State Courts for Persons with Disabilities fielded a web-based and print survey, the "Oregon State Courts User Survey," at the end of October 2005. Approximately sixty percent (60%) of respondents completed the survey online. The final sample size used for analysis was 203. Nearly half of the respondents (49%) reported personally having a disability or a health condition. The rest of the respondents reported working with people who have a disability (judges, court staff, lawyers, family, friends, and personal assistants). Respondents had experience with a wide range of disabilities, noting mobility impairments (38%) and chronic medical conditions (28%) most frequently. In some cases, the number of respondents answering particular items is extremely small. Although these findings may represent the perceptions, experiences, or opinions of the populations to which these respondents belong (e.g., court users with disabilities), readers should not draw conclusive generalizations. For more information on the methodology of the survey, the demographics of the respondents, survey limitations, and a more complete discussion of findings, please see Appendices D and E.

Communication Issues

1. Twenty-seven (27) respondents with disabilities reported trouble communicating with the courts. Among them, 24 (89%) reported trouble communicating with the courts in person because of a disability or health condition; 14 respondents (52%) reported trouble communicating with the courts by phone. Other modes of communication (e-mail, US mail, and the Internet) were problematic for only one or two respondents.

2. The majority of respondents with disabilities (61%) and a significant number without disabilities (43%) reported that the courts did not inform them at all that accommodations were available to them. Among respondents that were informed that accommodations were available, the greatest number said they were informed by jury summons (11% of respondents with disabilities; 13% of respondents without disabilities).
3. The majority of respondents with and without disabilities reported that the person doing the security screening treated them with dignity and respect.
4. Approximately half of respondents with and without disabilities reported that court staff were helpful and treated them with dignity and respect.
5. Forty percent (40%) of respondents with disabilities and 53% of respondents without disabilities reported that judges treated them with dignity and respect.

Facilities and Physical Access

1. The majority of respondents with and without disabilities reported that they did not have transportation difficulties (63% and 66%, respectively).
2. Respondents were given a long list of physical structures and areas that may present challenges to accessibility to or within Oregon state courts and were asked to indicate where they had encountered difficulties. Respondents with disabilities identified the most difficulties with parking (28%), courtroom seating (21%), security checkpoints (15%), stairways (15%), pathways in courtrooms (14%), pathways into the courthouse (13%), getting into the stall in restrooms (13%), and getting into the jury box (13%).

Programs and Services

1. Thirty-nine percent (39%) of the respondents with disabilities had requested an accommodation and less than half of them received the accommodation when they needed it.
2. The types of accommodations most frequently requested by people with hearing loss or deafness were assistive-listening devices and sign language interpreters.
3. Among respondents who used court accommodations for hearing loss or deafness, 46% of respondents with disabilities and 70% without disabilities rated the accommodations of high or average quality.
4. Among respondents who used alternate formats for written materials provided by the court, 60% of respondents with disabilities and 67% without disabilities rated the accommodations of high or average quality.

Public Hearings

Introduction

Two public hearings were held during the course of the task force's investigation, one in Portland on July 22, 2005 (ten testified) and one in Medford, November 4, 2005 (seven). The Medford hearing included live videoconference links with sites in Bend, Eugene, and Ontario. See Appendix F for a complete summary of the public hearings. The task force asked for testimony on access to state court facilities, programs, services, and policies; however, some feedback provided was beyond the scope of the task force. Speakers identified the following issues:

Communication Issues

1. A person who is legally blind had an attorney who did not return her repeated phone calls.
2. A person who is legally blind had an attorney who did not read the summons to her in court regarding her son's legal issue, and therefore she did not know what was going on.
3. A lawyer who is blind testified that signage in Braille at critical sites in court facilities is very important. The signs need to indicate where the sites are in a way a person with a visual impairment can understand.
4. A man who is deaf testified about having difficulties with the interpreter and stated that not all deaf people can sign and some sign different languages.
5. A legal aid attorney testified that interpretation for the deaf, especially in rural counties, is the biggest problem area.
6. A person who has bipolar disorder was appointed an attorney for her court appearance different from the one who had first visited her.

7. A person indicated difficulty in communicating with medical personnel and attorneys when he was at Dammasch State Hospital.
8. A mother testified that the detention facility where her son with traumatic brain injury was held could not accommodate his needs.

Facilities and Physical Access

1. A woman who has a mobility impairment related problems with how she was treated by security and by library personnel.
2. A man using a wheelchair testified that he served on a jury but had to sit outside the jury box.
3. A legal aid attorney testified that often counters are too high for persons in wheelchairs, and some courtrooms are too small to admit motorized wheelchairs.
4. An attorney who has a vision impairment offered suggestions on how to communicate with a person like himself in a crowded and noisy area such as a courtroom.
5. A person with bipolar disorder was brought to the courthouse in public view in handcuffs and with a leather belt between her legs.
6. An attorney testified that a "safe room" is needed in each county to provide a safe and secure place for both adolescents and adults who have substance abuse or mental health concerns.
7. An attorney who defends medical marijuana patients and caregivers stated that there should be an area where patients can medicate that is not in public view.
8. An attorney suggested a volunteer program is needed to ensure that people can get to and from court hearings, especially in rural areas.

Programs and Services

1. A disability specialist noted that the high counter and glass window at her courthouse is intimidating, especially for persons with developmental disabilities or mental illness, or for persons of short stature.
2. A deaf woman who is a psychologist stated that she is frustrated because the forensic psychologists used by the court system are not familiar with the issues of assessments for deaf people.
3. A disability specialist said that courts should ensure that people with a disability understand the charges against them and can appreciate the consequences of their actions.
4. A woman testified that a non-professional made an erroneous psychological evaluation of her that had affected her case.
5. An attorney suggested the use of a facilitator to determine which services a person with mental illness needs to access the court.
6. A woman who has epilepsy testified that her work as an advocate has taught her that drug courts are not accommodating to persons with disabilities.
7. A legal aid attorney suggested a checklist for judges to review guardianship matters, including a presumption that a party receiving social security disability is indigent and cannot pay fees and costs unless affirmatively shown otherwise.

OJD Reassessment

Introduction

In the spring of 2005, the Oregon Judicial Department (OJD) completed a self-reassessment of the accessibility of state court programs and services for persons with disabilities. This is the first reassessment the courts have completed since their initial assessment completed in 1993. The 2005 Self-Reassessment was conducted to coincide with the work of the task force. The 2005 Self-Assessment included more than 600 questions and was divided into three sections: Facilities; Court Programs, Services and Materials; and Court Administration. See Appendix G for the methodology of the reassessment, participation by individual courts, and more complete information on the findings.

Programs and Services

ADA-specific training

1. Many courts (72%) indicated that administrators, staff, and judges who evaluate and make decisions regarding grievances have not received specific training in federal and state disability laws.
2. Many programs indicated that staff need training for their roles and responsibilities under the ADA.
3. Not all written agreements with private sector entities require compliance with ADA accessibility and communication provisions.
4. Courts generally provide little written ADA information to the public.
5. Several programs do not provide notice of the grievance policy in alternate formats.
6. Seven (7) courts allow parties to bring their own interpreter, but it is unclear whether the judge qualifies these interpreters before they serve.
7. Eleven (11) programs indicated they do not provide alternate formats upon request for some information which is communicated visually.

ADA Coordinators

1. On a local level, various people have responsibility for receiving requests for ADA accommodations, determining whether a person is qualified under the ADA, and approving/denying requests for accommodations.
2. Local ADA Coordinators are not always notified of ADA requests and the public is not always notified of ADA policy and grievance procedures.
3. Court staff do not always know who the local ADA Coordinator is or are unaware that the position exists.
4. Court staff generally lack understanding of disabilities and accommodations.
5. Staff (especially point-of-contact staff) need education to learn that all ADA Coordinator names and contact information are readily available on the Web and on the state court system's internal database in Lotus Notes.
6. Twenty-five (25) of (36) jury coordinators handle ADA requests directly rather than going through a central ADA Coordinator.
7. Some programs require persons with disabilities to make individual accommodation requests for each proceeding or event in a single process.
8. Nineteen (19) courts have never provided real-time captioning. Further evaluation is needed to determine how many of those courts received requests for real-time captioning services.
9. Fifteen (15) courts have old assistive-listening devices that need to be replaced.
10. Although 22 courts allow sign language interpreters in the deliberation room, three courts with real-time captioning services do not allow real-time captioning in the deliberation room, and seven courts do not allow personal assistants in the deliberation room.
11. Eleven (11) courts have jury summonses with no or inadequate notice about ADA accommodations, and (22) courts do not include a TTY number.

12. Thirteen (13) courts are not prepared to provide court documents in accessible formats upon request.
13. Twenty-two (22) programs stated they do not have access to or know how to use a TTY.

Facilities and Physical Access

1. Twenty-five (25) courts that have inaccessible main entrances do not have signs showing the location of the accessible entrance to the building.
2. Twenty (20) courts that have inaccessible public restrooms do not have signs giving directions to an accessible public restroom.
3. Some courts have ramps that are not slip resistant; have lifts that cannot be operated without assistance but do not have call buttons; have accessible entrances locked during working hours; and have some accessible parking spaces that are not close to accessible entrances.
4. Seven (7) courts have objects in routes through public areas that are not cane-detectible.
5. Most courts report that they have no evacuation plans or procedures for persons with disabilities.

Task Force Commendations

The task force commends the Oregon Judicial Department for its recent and continuing efforts to improve access to state court facilities, programs and services. Here are some examples:

The Court Programs and Services Division (CPSD)

- coordinated a one-day training for Trial Court Administrators and ADA Coordinators in February 2006. The training included the "Empower Workshop" facilitated by the Northwest Americans with Disability Act and Information Technology Center (NW ADA/IT Center). Experts from the Oregon Commission for the Blind, the ARC of Multnomah and Clackamas Counties and the Brain Injury Association of Oregon provided useful materials and offered exercises that simulated mobility, vision, hearing and cognitive impairments;

- is working with one rural and one urban state court to test new software that allows personal computers to function as text telephones (TTY). Other courts have purchased new TTYS; and
- designed a three-day “Clerk College” to include instruction, written materials, and interactive sessions on “Serving Customers with Disabilities” and “Creating a Culturally Responsive Court” in which participants handle assistive-listening devices and experience communication barriers from a unique perspective.

Several courts have done one or more of the following:

- purchased Evacu-trac equipment to help evacuate people with mobility impairments from court buildings in emergencies; (the Office of the State Court Administrator also has an Evacu-trac);
- evaluated their FM sound systems and purchased new and additional assistive-listening devices;
- invited the NW ADA/IT Center to present the “Empower Workshop” to their staff and other courthouse occupants; and
- requested and received training materials on the ADA for their staff from the Court Programs and Services Division.

One court purchased portable, wheelchair-accessible tables.

The Oregon Judicial Department

- completed a lengthy reassessment of its facilities, programs, and services that educated many state-court staff on ADA issues and will guide efforts to improve access to Oregon state courts;

- printed and distributed tent cards to all state courts for public display. These cards inform the public that Oregon state courts are accessible and list common accommodations available at no charge to court users upon request. The cards also serve to remind court staff that Oregon state courts ensure access to facilities, programs, and services for persons with disabilities;
- appointed Carol Kerfoot, coordinator of the Federal Violence Against Women Act in Clatsop County, to provide community education to local justice system agencies, including law enforcement, focusing on a user-friendly process to help people with a psychiatric disorder, such as schizophrenia or depression, bipolar, obsessive compulsive, or panic disorder; and
- developed a database to track ADA-accommodation requests in the state-court system; and
- developed a database of ADA information and resources for all state-court system personnel to use.

Task Force Recommendations

Introduction

The accessibility of Oregon state courts is the joint responsibility of building owners and the Oregon Judicial Department. With few exceptions, the Oregon Judicial Department does not own the court facilities and cannot make structural changes. For trial courts in the state court system, state law requires counties to:

- provide suitable and sufficient courtrooms, offices, and jury rooms for the court, the judges, other officers, and employees of the court and juries in attendance upon the court, and provide maintenance and utilities for those courtrooms, offices and jury rooms, (ORS 1.185); and
- pay expenses of the court in the county other than those expenses required by law to be paid by the state, (ORS 1.185).

In addition, the ADA requires courts as public entities to make each service, program, or activity, when viewed in its entirety, readily accessible to and usable by individuals with disabilities, (28 CFR 35.150).

This report organizes the following recommendations by topic and by one of three stakeholders: the Oregon Judicial Department, Oregon State Bar, and building owners. Some recommendations address meeting existing state and federal disability laws; others recommend that Oregon courts meet a higher standard of accessibility. Recommendations are listed roughly in the order that people encounter the courthouse.

I. RECOMMENDATIONS ON FACILITIES

Preface

The ADA requires building owners to make their facilities accessible to persons with disabilities to the maximum extent possible without incurring an undue burden. Oregon statutes and administrative rules incorporate the ADA, with some additional requirements. In Oregon, counties own most, but not all, facilities that house the state court system. Other owners include the state and private owners that lease space. Because the state court system is responsible to make its programs and services available in any case, court administrators should take the lead in working with building owners to implement these recommendations. Court administrators may be able to implement some improvements unilaterally, while more substantial changes may require action by counties and other building owners. For example, most state courts can improve signage, if needed, on their own. A few courts cannot, because the building owner restricts signage.

When a building owner remodels or permits an Oregon Judicial Department tenant to remodel Oregon Judicial Department facilities, plans must include bringing the areas up to ADA standards. The ADA requires that "each facility or part of a facility constructed or altered 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" (28 CFR 35.151(b)). Oregon law requires that "every project for renovation, alteration or modification to affected buildings and related facilities that affects or could affect the usability of or access to an area containing a primary function shall be made to insure that, to the maximum extent feasible, the paths of travel to the altered area and the rest rooms, telephones and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of costs and scope" (ORS 447.241(1)). Alterations to the path of travel are disproportionate if they exceed 25 % of the cost of altering the primary function area.

Preferred future:

Each courthouse has ADA-accessible parking and an accessible pathway from the parking to the courthouse. The main entrance is ADA-accessible. Its security checkpoint contains any adaptation necessary for court users with disabilities. All areas for the public or staff are accessible - courtrooms, restrooms, jury rooms, etc., including counters of varying heights and appropriate signage indicating how to find the ADA Coordinator, the accessible restrooms, the law library, and other public areas.

Examples of Input Received:

- A participant at one of the public hearings was unable to find the accessible entrance to the courthouse (there was no sign at the main entrance), had to enter through the same door as the accused criminal defendants traveling from the jail, and was unable to support herself when asked to rise from her wheelchair during the security check because there was nothing to lean on. At the law library, she was unable to reach books on upper shelves, and there was no one to assist her.
- According to the Oregon Judicial Department Reassessment, 25 courts that have inaccessible main entrances do not have signs showing the location of the accessible entrance to the building. Twenty (20) courts that have inaccessible public restrooms do not have signs giving directions to an accessible public restroom.
- Most survey respondents (nearly 80%) reported difficulty with one or more physical areas of Oregon state courts. Five percent (5%) or more of respondents reported difficulties with all of the 26 structures and areas identified in the survey. Among respondents with disabilities, the most problematic structures and areas reported were parking (29%), courtroom seating (21%), stairways (15%), and security checkpoints (15%).

- A participant in the focus group for people with cognitive and psychiatric disabilities noted that some people react negatively to fluorescent lighting and recalled a woman who has seizures when exposed to flickering lights.

Recommendations

These recommendations are not listed in a priority order.

A. The task force recommends that state courts use the 2005-06 Reassessment to develop a plan with the building owners to improve the following court facilities as needed to meet or exceed ADA standards in the ADA Accessibility Guidelines (ADAAG) and Oregon Structural Specialty Code (OSSC):

1. Parking [ADAAG 4.1, 4.6; OSSC 1104]
2. Path of travel to the building [ADAAG 4.1, 4.3; OSSC 1108.1.1, 1109.4]
3. Pathways inside courthouse [ADAAG 4.1, 4.3; OSSC 1108.1.1, 1103.2.4, 1109.4]
4. Security checkpoints [ADAAG 11.1.2, 12.2.2; OSSC 1108.6, 1109.19]
5. Signage inside and outside courthouse [ADAAG 4.1, 4.30; OSSC 1108.4.12, 1109.15]
6. Elevators [ADAAG 4.10; OSSC 1108.3, 1113.3.4]
7. Stairways [ADAAG 4.9; OSSC 1109.4.6, 1109.8, 1113.3.3]
8. Doors [ADAAG 4.1, 4.13; OSSC 1109.9, 1113.3.6]
9. Restrooms [ADAAG 4.1, 4.22, 4.23; OSSC 1108.2, 1109.10, 1113.3.7]
10. Drinking fountains [ADAAG 4.15; OSSC 1108.4, 1109.12]
11. Telephones [ADAAG 4.1, 4.31; OSSC 1109.13, 1113.1.2.3]

12. Service windows and counters [ADAAG 7.2; OSSC 1109.23.2]
 13. Offices [ADAAG 4.1, 4.2 ; OSSC 1108.1.1, 1109.2, 1109.3, 1109.4, 1109.5, 1109.6, 1109.9]
 14. Libraries [ADAAG 8.1; OSSC 1109.24]
 15. Jury boxes, orientation rooms, and deliberation rooms [ADAAG 11; OSSC 1108.5]
 16. Seating [ADAAG 4.32; OSSC 1109.18]
 17. Waiting areas [ADAAG 4.3; OSSC 1109.4.2]
 18. Courtrooms, including tables, bench, and witness box [ADAAG 11.2.1; OSSC 1109.4.2, 1109.18]
 19. Required areas of rescue assistance [ADAAG 4.3.11; OSSC 1107.2]
- B. The task force also recommends that the Oregon Judicial Department and building owners that house the Oregon Judicial Department do the following:
1. Ensure that the main public entrance in particular is accessible.
 2. Improve courthouse signage.
 3. Ensure that signage is accessible to people who use wheelchairs and to people who have low vision or are blind.
 - a. Provide signage to accessible parking spaces, ramps, and facility entrances.
 - b. Place exterior signs on every side of the building and at all inaccessible entrances to indicate the location of the accessible entrance(s).
 - c. Place signs at all inaccessible restrooms to indicate the location of accessible restroom(s).
 - d. Install directional signage throughout the buildings, including signs directing court users to accessible entryways, elevators, restrooms, court business/filing rooms, jury assembly rooms, fully accessible courtrooms, the local ADA Coordinator, and law library.

4. Install power-assisted or automatic doors wherever possible.
5. Make ALL restrooms fully accessible, including location, entryway, stalls, toilets, wash basins, and counters.
6. Make ALL courtrooms fully accessible, including jury boxes, to accommodate people who use wheelchairs, whether a participant in the proceeding or a public observers.
7. Ensure that service windows and counters allow court users to communicate with court staff adequately, e.g., court user with hearing loss can hear through glass, person using a wheelchair can see over counter.
8. Provide a quiet and safe place to wait for individuals who find the court environment overly stressful.
9. Charge the Oregon Judicial Department State Security and Preparedness Committee with including accessibility issues when planning security and including those issues in any standard template for court remodeling.

II. RECOMMENDATIONS ON PROGRAMS AND SERVICES

Preface

Preferred future

All court staff and judges understand the needs of court users with disabilities whether the disability involves a physical attribute such as vision loss or an invisible one such as bipolar disorder. Information is readily available in all alternative formats such as Braille and whenever reasonably possible is written at a fifth-grade reading level. The ADA Coordinator is easy to find to request an accommodation for a party, lawyer, juror, witness, or public observer so that every court user can participate fully in any judicial process. Assistive devices such as assistive-listening devices are available upon request and always in working order. To augment the court's services, court staff refer court users with disabilities to community resources, such as organizations that may provide transportation to and from court appointments. Each court user with a disability has an opportunity to comment on the accommodations provided.

Examples of Input Received:

- The task force just scratched the surface of the needs of court users with cognitive or psychological disabilities. One participant at a public hearing expressed the shame she felt in being led from a car in shackles to the courthouse. She had bipolar disorder and was being transported from the State Hospital. She also shared that the lawyer who represented her at the hearing was not the same one who had worked with her previously, thus adding to her anxiety.
- One task force member suggested the following training exercise to simulate the experience of a court user with schizophrenia: two different people talk in a person's left and right ears while the person tries to listen to a third person.

- According to the Oregon Judicial Department Reassessment, some court programs require separate ADA requests for each proceeding or event.
- According to the Oregon Judicial Department Reassessment, 21 court programs do not have access to a TTY device for incoming or outgoing calls.
- According to the Oregon Judicial Department Reassessment, 19 courts have never provided real-time captioning services. Further evaluation is needed to determine how many of those courts received requests for real-time captioning services.
- On the survey, a majority of respondents who requested accommodations (51% of respondents with disabilities and 55% of respondents without disabilities) said they did not receive the accommodation when they needed it; a sizable number (41% of respondents with disabilities and 40% of respondents without disabilities) said they did not receive an accommodation at all.
- Participants in the focus group for cognitive and psychiatric disabilities want more personal attention and consideration from court staff to help find their way around the courthouse, read documents, and fill out paperwork.
- A participant from the focus group for people who are deaf, hard of hearing, and late deafened was called to jury duty three times before he was finally accepted. The first time, the court told him it did not have captioners, and when he arrived at the court, he was dismissed. The court did not inform him in advance that he was dismissed. The second time, the court told him that it had tried to get a captioner but none was available. The third time, the court had a captioner available, and the participant was able to serve.

- A participant in the focus group for people who are deaf, hard of hearing, and late deafened went to court to file papers. He brought a dry-erase board to write communications on because he was in the process of receiving a cochlear implant and could hear no sound. He told the security guard that a magnet in his head might trigger the metal detector, and the guard agreed to use the wand instead. He was emptying his pockets when a deputy sheriff grabbed him from behind, rolled him around to the wall, told him to empty his pockets again, and frisked him. When he told the officer he found his treatment to be demeaning and dehumanizing, the deputy sheriff patted him on the shoulder and said thank you.

Recommendations

These recommendations are not listed in a priority order.

- A. The task force recommends that state courts improve the following court programs and services as needed to meet or exceed ADA standards:
 1. Ensure that persons with disabilities can participate fully in court programs, including jury duty. [28 CFR 35.102, 130]
 2. Establish safety and security processes for persons with disabilities who use court facilities, programs, or services. [28 CFR 35.102, 130]
 3. Provide qualified interpreters and real-time captioners in a reasonable time after a request for accommodation. [28 CFR 35.104, 160]
 4. Ensure that all Oregon Judicial Department web pages are accessible to persons with disabilities. [28 CFR 35.102, 130]
 5. Provide TTYs and assistive-listening devices in working order to court users. [28 CFR 35.133, 160, 161]

- B. The task force also recommends that the Oregon Judicial Department improve court programs and services in the following areas:

Court Personnel and Judge Education

1. Provide ongoing education for court staff, judges, security personnel, and lawyers on the ADA, available accommodations, and how to communicate and work effectively with court users with disabilities, including people with psychological, cognitive, or other “invisible” disabilities. Use experiential methods and provide written resource materials. In particular, the task force recommends the following:
 - a. Educate judges and staff on how to handle disability accommodation requests and how to help court users with disabilities without providing legal advice.
 - b. Educate safety and security personnel regarding the needs of court users with disabilities. Include information on etiquette, searching, passing through metal detectors, and wandering.
 - c. Educate judges and staff on working with court users with hearing loss, the difference between sign language and signed English, the need to speak clearly and look up when speaking, and how to use auxiliary aids provided by the court, such as TTYs and assistive-listening devices.
 - d. Educate judges on qualifying interpreters who are not certified and determining interpreter qualifications to ensure that interpreters for court users with disabilities are well versed in the court process and roles of parties in any proceeding.
 - e. Educate judges, staff, security personnel, and lawyers on working with court users with visual impairments, including identifying the person who is speaking, not distracting guide dogs, orienting the person to an area, and using appropriate assistive technology.

- f. Educate judges, staff, security personnel, and lawyers on communicating with court users with psychiatric disabilities, including schizophrenia, anxiety, and mood disorders.
 - g. Educate judges, staff, and lawyers on how to simplify information and reduce stress for court users with cognitive or psychological impairments.
2. Collect and share feedback from judges and court staff on issues, problems, and solutions they have observed in serving court users with disabilities.
 3. Develop a handbook for judges, court personnel, and lawyers with specific guidelines on interacting with court users with disabilities.

Access to Services

4. Have local ADA Coordinators prepare, distribute, and regularly update a local guide to community-based resources for court users with disabilities, such as Minnesota's guide.
5. Provide alternatives to standing in line for court users with mobility impairments or stamina issues.
6. Work with local governments to ensure that public transportation is available to and from courts for court users with disabilities.
7. Involve persons with disabilities and disability-related organizations to assess periodically barriers that persons with disabilities face when using Oregon state courts.
8. Charge the Oregon Judicial Department's Access to Justice for all Committee with evaluating the Recognizance Release Program using the Oregon Judicial Department's Reassessment instrument.
9. Establish procedures and provide portable equipment that permit court proceedings such as civil commitment hearings to be conducted offsite when necessary to provide access or avoid serious harm to a participant.

Quality of Services

10. Implement an ongoing customer satisfaction survey in an accessible format that includes questions on access to state courts for court users with disabilities.
 11. Allow extra time to communicate effectively with court users who use interpreters.
- C. The task force recommends that the Oregon State Bar develop the following resources and publish them on the bar's website:
1. A primer for court users at no more than a fifth-grade reading level in multiple formats on what to expect when using Oregon courts.
 2. To encourage lawyers to learn how to work with persons with disabilities, a practical guide for lawyers on this issue and working with local bar associations and the Northwest ADA and Information Technology Center to develop local free or low-cost continuing legal education programs for lawyers and law-office staff.

III. RECOMMENDATIONS ON POLICIES

Preface

Preferred future

The Oregon Judicial Department provides detailed policies on how to accommodate each court user with a disability to the fullest extent possible. Policies accommodate service animals used by people with mental, sensory, or physical impairments and the presence of a trusted friend or relative during any court process. ADA Coordinators share their experiences and best practices with each other and court administrators on meeting and exceeding the ADA, state law, and Oregon Judicial Department policies. When the Oregon Judicial Department denies a requested accommodation, the Oregon Judicial Department provides the grievance policy and the name and phone number of the currently designated protection advocacy center in Oregon to the person who made the request.

Examples of Input Received:

- Some court users have a disability that causes severe anxiety and may use animal to reduce the anxiety. While not technically a service animal like a seeing-eye dog, an assistance animal can reduce the anxiety level for certain court users with psychological disabilities.
- According to the Oregon Judicial Department Reassessment, many courts do not have documents in accessible formats on hand. Oregon Judicial Department policy directs state courts to send documents out to convert them to an accessible format for the court user requesting them.
- The court-user survey asked how the court informs court users that accommodations are available. Most respondents with disabilities (61%) and many without disabilities (43%) reported that the court did not inform them in any way.
- Approximately one-quarter of survey respondents (27% of respondents with disabilities and 21% of respondents without disabilities) reported that court staff showed little or no knowledge about working with persons with disabilities. A slightly smaller percentage (21% of all respondents) reported that judges showed little or no knowledge about working with persons with disabilities.
- A participant in the focus group for people with cognitive or psychiatric disabilities was afraid when she received a notice to appear in court, but she read it carefully and did what she was supposed to do. She recommended providing information to court users in advance about what to expect when going to court, including what not to wear or carry to the courthouse.

Recommendations

These recommendations are not listed in a priority order.

- A. The task force recommends that state courts adopt and enforce the following policies to meet or exceed ADA standards:
1. Post contact information for the local ADA Coordinator in several public areas of every courthouse (such as the jury room, the entry hall, and the clerk's office), including how to request accommodations and submit grievances. [28 CFR 35.106, 107]
 2. Notify court users in all written communications (e.g., written notices, summonses, flyers, and mailings) that ADA accommodations are available. [28 CFR 35.106, 107]
 3. Include ADA-compliance language in all Oregon Judicial Department contracts. [28 CFR 35.130(b)(1), (3)]
 4. Ensure that policies permit reasonable modifications to give court users with disabilities an equal opportunity to participate. [28 CFR 35.102]
 5. Provide materials on jury service, ADA accommodations and grievances, court programs and services in Braille, audio tape, computer disk, large print, and in other alternate formats on request. [28 CFR 35.130]
 6. Ensure that emergency evacuation plans for court users (and personnel) include planning for evacuation of persons with disabilities. [28 CFR 35.102, 130; see also "An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to persons with disabilities" at <http://www.ada.gov/emergencyprep.htm>.]
 7. Regularly reassess programs, services, activities, policies, procedures, and facilities. [US Department of Justice recommends every 2-3 years]

B. The task force also recommends that the Oregon Judicial Department consider the following policies and protocols:

Notification

1. Include the local ADA Coordinator in every state courthouse phonebook listing and on each state court's website homepage.
2. Develop a pamphlet that identifies available accommodations and provides court policies and forms to request accommodations and submit grievances. Make it available in several places in each courthouse. Include the information on court voice mail messaging systems (including TTY).
3. Notify court users of readily available accommodations, including auxiliary aids and services, using countertop "tents" or other prominent displays.
4. Include information in jury summonses and orientations about specific accommodations available.
5. Inform court users about the grievance policy when they request accommodations for a person with a disability.
6. Include the name and contact information of the currently designated protection advocacy center in Oregon on grievance forms and on notices denying accommodation requests.
7. Use basic language (fifth-grade level) in all public notice and correspondence to the extent possible. Include a notice that court users with a disability who need help to understand the document can contact the ADA Coordinator for assistance.
8. Ask security personnel to tell court users with disabilities where to find emergency exits and give other basic emergency information as those users enter the building.

Policy Evaluation

9. Designate a single point of contact for persons with disabilities to request accommodations.
10. Develop uniform statewide forms to facilitate provision of alternate formats.
11. Ask the Oregon Judicial Department's Fee Waiver Deferral Committee to consider an automatic or expedited fee waiver system for court users whose sole income is from Supplemental Security Income (SSI).
12. Schedule court users with a cognitive disability to a less busy time on the docket, and allow them to have a friend, relative, or counselor with them during court proceedings.
13. Clarify Oregon Judicial Department policy on service animals and companion animals, and communicate the policy to those responsible for security.
14. Articulate a clear statewide policy on excusing jurors from service to ensure inclusion of persons with disabilities. Courts should presume that all qualified persons eligible for jury service are capable of performing the duty unless the court finds the person is not capable, even with reasonable accommodation, or excuses the person for other reasons permitted by law.
15. Allow or provide auxiliary aids and services in the jury deliberation room for jurors with disabilities who are otherwise qualified. Consider revisions to jury statutes under ORS Chapter 10 as needed.
16. Consider developing state certification for ASL interpreters.
17. Educate judges and court staff on standard procedures for scheduling and qualifying interpreters.

18. Ask the Oregon Judicial Department Statewide Security and Emergency Preparedness Committee to develop policies, procedures, and training materials on courthouse entrance security and emergency evacuation to address the needs of court users with disabilities, including employees. Review these policies, procedures, and training materials with judges and court staff frequently (every 6-12 months) to ensure preparedness and to assess any needed change(s).
19. Adopt the recommendations of the Oregon Judicial Department ADA Self-Assessment Self-Evaluation, and seek funding as necessary.

NEXT STEPS

The Oregon Judicial Department should:

- Take a leadership role in convening justice system partners to implement these recommendations, assess progress, plan improvements, and seek community support and necessary funding.
- Charge the Chief Justice's Access to Justice for All Committee to monitor and evaluate progress on achieving recommendations, as it does for the racial, ethnic, and gender task force recommendations.
- Complete a self-evaluation plan every two to three years to review current and new court policies, programs, and services for compliance with the ADA.
- Make local court transition plans for areas needing corrective action an integral part of the Oregon Judicial Department budget for the next legislative session.
- Evaluate mental health commitment hearings and other legal proceedings to assess whether persons with disabilities receive equal treatment as people without disabilities, including any potential disparate treatment by gender, race, or ethnicity in combination with disability.

The Oregon State Bar should:

- Study the issue of access to lawyers and lawyer-client relationships for persons with disabilities.

Appendices

A–H

Delegate Resolution No. 4 – Membership Survey on Disability

Whereas, the incidence of disability among lawyers and the level of disability access within the legal community and justice system are of great significance to the Oregon State Bar insofar as its missions to regulate and to educate Oregon lawyers;

Whereas, the level of disability access for the public within the legal community and justice system is of great significance to Oregon lawyers and is consistent with the mission of the Oregon State Bar to promote access to justice;

Whereas, the Oregon State Bar, its members, and the public have benefited from such projects as the Race and Ethnic Bias Task Force and the Gender Fairness Task Force, and OSB membership surveys;

Whereas, to date there has not been a comprehensive survey on disability incidence, access, and concerns within the legal community and justice system in Oregon;

Resolved, that the Oregon State Bar shall propose a comprehensive assessment by the bar and the courts to determine the incidence of disability and disability concerns among its members, the public, and the justice system, and the findings will be published for the benefit of the bar, the courts, and the public. Members of the Disability Law Section of the Oregon State Bar will be solicited to assist in this project. The financial contribution of the Oregon State Bar for this project shall not exceed \$20,000.

1999 HOD Resolution



**Proposal:
Joint Task Force of the
Oregon Judicial Department and
Oregon State Bar on
Disability Access in State Courts**

November 29, 2004

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Executive Summary

This proposal recommends that the Oregon Judicial Department and Oregon State Bar establish a joint task force on disability access to state courts. The Americans with Disabilities Act (ADA) (42 U.S.C. 12101 et seq.), adopted in 1990 and made applicable to states in 1992, protects qualified individuals with disabilities from discrimination on the basis of disability. Title II of the ADA requires that programs, services, and activities provided by state and local governments (including courts) be accessible to people with disabilities. Oregon statutes establish similar protections (See ORS 447.210-447.280, 659A.100-659A.145, 659.400-659.460.) A Disability Access Task Force would serve to:

- ensure that Oregon state courts are accessible to people with disabilities
- assist the Oregon state court system in ADA compliance
- educate the Oregon state court system about accessible and effective service to people with disabilities

The task force would include senior level representatives of state and county government, the courts, the Oregon State Bar, community groups, and the medical community.

The task force would have three principal objectives:

- to evaluate the accessibility of Oregon state courts
- to educate state judges and court staff about accessibility
- to offer recommendations for improving accessibility, as necessary

The task force would consult relevant laws, including the federal American with Disabilities Act, federal regulations on Title II of the ADA, and Oregon statutes on disability. Additionally, the task force would have the following five sources of data:

- the Oregon Judicial Department Statewide ADA Self-Assessment
- the Oregon Judicial Department ADA Accommodation Request and Grievance Database
- focus groups of disability constituencies
- a court user survey conducted by the Oregon State Bar
- a survey of OJD staff and judges conducted by the Oregon Judicial Department.

The task force would publish its final report within twelve to fifteen months from the first meeting. The full task force would meet five to six times. Workgroups would meet between those meetings as needed. In addition, task force representatives would meet once with stakeholders to review the task force report and develop a workplan to address task force recommendations.

The final report would include the task force findings and recommendations and the stakeholders' commitments and workplan.

Motivation and Need

Oregon state courts must comply with the federal Americans with Disabilities Act and Oregon statutes on disability. The most recent survey on the public accessibility of Oregon state courts to people with disabilities was conducted more than 10 years ago in 1993. This task force would inform the state judicial branch on the current accessibility of Oregon state courts to people with disabilities and continue a series of studies on improving access for all users. The United States Supreme Court recently confirmed that state and local governments are subject to actions for damages for inaccessible public facilities, programs, and services (*Tennessee v. Lane*, 541 U.S. ____ (Slip Opinion No. 02–1667, May 17, 2004)).

Benefits

The task force would provide two important benefits to the Oregon Judicial Department and people of Oregon:

- provide the Oregon Judicial Department with information it needs to remedy any gaps in the accessibility of state courts to people with disabilities
- ensure that state judges and court staff have the education they need to fulfill reasonable requests for disability accommodation.

Objectives

- ◆ Evaluate whether Oregon state courts are accessible to people with disabilities
- ◆ Educate the Oregon state court personnel about accessible and effective service to people with disabilities
- ◆ Recommend ways to improve the accessibility of Oregon state courts, as necessary

Background

The task force planning group completed the following steps in anticipation of this proposal:

- ◆ Developed a data collection form and Lotus Notes database for the state court system to report on ADA accommodation requests and grievances.
- ◆ Developed a survey for attorneys who have requested that a court accommodate the attorney's disability or requested that a court accommodate the client's disability. Distributed survey at an education program presented by the Civil Rights Section of the Bar in October 2002 to inform the Oregon Judicial Department on issues to include in self-assessment (described in #3). Received four responses.
- ◆ Developed three-part self-assessment survey for courts to evaluate the accessibility of their facilities, materials, programs and services.
- ◆ Developed guidelines and a checklist for focus group facilitators and questions for focus group participants.
- ◆ Developed selection criteria for potential task force appointees and a list of recommended members.

Prerequisites to Task Force

Before the task force convenes, the Oregon Judicial Department would distribute the ADA Self-Assessment Survey to the state courts and administrative divisions and request that they complete and return it by March 2005. Training and support for courts to complete the self-assessment may be available at no charge by the Northwest ADA IT Center. The National Center for State Courts may be able to provide limited technical assistance. The Oregon Judicial Department would compile the self-assessment results for use by the task force.

In addition, the Oregon Judicial Department would compile data collected from its ADA Accommodation Request and Grievance Database to inform the task force about the quantity and nature of requests and grievances received by Oregon state courts and administrative divisions. The Oregon Judicial Department would continue to gather data while the task force meets.

The Oregon Judicial Department would develop and distribute a survey of judges and Oregon Judicial Department employees on the accessibility of state courts to people with disabilities.

The Oregon State Bar Disability Law Section would compile existing legal definitions and requirements, issues of concern, and additional data related to the ADA before the task force meets.

The Oregon State Bar Disability Law Section would coordinate with the Oregon Disability Commission and the State Independent Learning Centers to facilitate focus groups of disability constituency groups on the accessibility to state courts. The Oregon Judicial Department has developed draft facilitator guidelines and focus group questions.

The Oregon State Bar Disability and Diversity Sections would develop and distribute a broader court-user survey on the accessibility of state courts to people with disabilities using a print or online format. The Oregon State Bar would continue to gather data while the task force meets.

Scope

The task force would limit its study to the accessibility of state court system facilities, services, and materials to people with disabilities who use system, including attorneys,

witnesses, jurors, litigants, defendants, and Oregon Judicial Department staff and judges. Issues concerning employment, legal education, law enforcement, and access to legal services would be left for later study.

Methods

The Task Force would:

1. Receive training on the ADA and issues related to access to the courts for people with disabilities
2. Organize workgroups to help the task force complete the following steps:
 - ◆ analyze data gathered from Oregon Judicial Department ADA self-evaluation surveys
 - ◆ analyze data submitted by courts on ADA Accommodation Request and Grievance Database
 - ◆ analyze data from focus groups
 - ◆ analyze data from court-user survey
 - ◆ analyze data from OJD internal survey
3. Develop recommendations to improve access to Oregon state court system facilities, materials, services, and programs for people with disabilities
4. Write a task force report on the task force findings and recommendations
5. Meet with identified stakeholders to review recommendations, help stakeholders establish priorities and develop a common workplan. Stakeholders include the Chief Justice, State Court Administrator, President of the Oregon State Bar, a representative of the Oregon State Bar Disability Law Section, Association of Oregon Counties, and others identified by the Chief Justice and President of the Bar.

Deliverables

The task force would produce a report with its findings and any recommendations to provide access to courts for people with disabilities. The final report would include a stakeholder workplan, including commitments for action and plans to implement them.

Budget

The Oregon State Bar has \$20,000 available to support the task force, which could be used for a variety of purposes. The task force would propose a budget and priorities for these funds. The State Court Administrator's Court Programs and Services Division will reimburse OJD members who are on the task force for per diem and mileage. The OJD and the Bar will contribute staff support.

Schedule

OJD ADA Self-Assessment (OJD)

- ★ Distribute self-assessment form to courts
- ★ Receive completed self-assessments from courts
- ★ Compile results of self-assessment

Projected Completion Date

October 2004 (pilot);
December 2004 (statewide)
February 18, 2005
May 2005

ADA Accommodations Request and Grievance Database (OJD)

- ★ Establish database
- ★ Compile initial results of database

Projected Completion Date

December 2004
May 2005

Constituent Focus Groups (OSB)

- ★ Identify disability constituents for focus groups
- ★ Conduct focus groups
- ★ Compile results of focus groups

Projected Completion Date

January 2005
March 2005
May 2005

Court-Users Survey (OSB)

- ★ Develop court-user survey
- ★ Publish court-user survey (print distribution and/or Oregon State Bar website)
- ★ Compile results of court-user survey

Projected Completion Date

January 2005
March 2005
May 2005

Task Force Appointments (OJD/OSB)

- ★ Identify task force members
- ★ Appoint task force members

Projected Completion Date

December 2004
December 2004

OJD Internal Survey (OJD)

- ★ Develop OJD survey of judges and court staff
- ★ Conduct survey
- ★ Compile results of survey

Projected Completion Date

January 2005
February 2005
May 2005

Task Force Meetings (OJD/OSB)

The task force would meet six times over a period of one year, beginning in March 2005.

Preliminary Task Force Report (OJD/OSB)

- ★ Draft preliminary report

Projected Completion Date

January 2006

Workplan (OJD/OSB)

- ★ Stakeholders meet
- ★ Write stakeholder addendum

Projected Completion Date

January 2006
February 2006

Final Task Force Report (OJD/OSB)

- ★ Publish final report with stakeholder addendum and recommendations

Projected Completion Date

March 2006

Legislative Suggestions (OJD)

- ★ Develop legislative and budget suggestions from report if recommended. Develop implementation approach strategies and priorities.

Projected Completion Date

January - April 2006

Organization

The following table identifies who will work on the project, what their responsibilities will be, and who reports to whom.

Project Personnel		
Person	Responsibility	Reports to
Karen Garst	<ul style="list-style-type: none"> ➤ Facilitate Bar meetings to develop user survey and focus groups ➤ Facilitate task force meetings ➤ Coordinate clerical support within the Bar to assist the task force 	Board of Governors
Bob Joondeph	<ul style="list-style-type: none"> ➤ Coordinate focus groups ➤ Coordinate court-user survey 	Karen Garst
Debra Maryanov	<ul style="list-style-type: none"> ➤ Coordinate Oregon Judicial Department (OJD) ADA Self-Assessment ➤ Coordinate OJD ADA Accommodation and Grievance Database ➤ Coordinate development of task force report 	Leola McKenzie
Nori Cross	<ul style="list-style-type: none"> ➤ Serve as resource to task force ➤ Coordinate editing and publication of task force report 	Kingsley Click

Task Force Members

The Chief Justice of the Oregon Supreme Court and President of the Oregon State Bar would appoint 13 - 16 task force members. Task force members should include representatives from the following organizations and disciplines:

- Judges
- Trial Court Administrators
- Attorneys
- OJD Access to Justice for All Committee
- Disability advocacy groups
- Medical community
- County Government (Commissioner and/or County Executives)
- Legislators

Representatives of a certain group who are interested but unable to make a commitment to serve on the task force can be included on an invitee list to receive meeting notices, agendas, and minutes.

Task force appointees should reflect, to extent feasible, the state's population with respect to various demographic factors, including disability, gender, race/ethnicity, geography, and age.

The task force could establish workgroups if necessary to distribute the work. Workgroup members would include representatives of additional constituency groups.

Conclusion

This is a joint effort between the Oregon Judicial Department and the Oregon State Bar to improve state courts' accessibility to people with disabilities and to provide focus for the state court system in its ongoing efforts to ensure access. Task force findings will help stakeholders make targeted recommendations to the Oregon Legislative Assembly in time for the 2007 legislative session.

**Oregon Supreme Court/Oregon State Bar Task Force on
Access to State Courts for Persons with Disabilities
Focus Groups**

Between May 31 and June 28, 2005, four focus groups met to provide information about access to the courts for people with disabilities and input on the development of a court user survey, including survey topics and how to maximize the survey's response rate.

The focus groups were hosted by the Oregon Advocacy Center, the Oregon State Bar Disability Law Section, the Northwest ADA and IT Center, and the Oregon Commission for the Blind. Each host was asked to schedule a focus group meeting, recruit and register participants, provide a comfortable meeting space and refreshments, arrange accommodations for participants with disabilities, and facilitate the meeting with attention to stated objectives. The task force provided hosts with focus group guidelines, a topic guide, and a co-facilitator from the Portland State University Survey Research Lab. The task force also provided a stipend to each focus group participant. (Participants were not told about the stipend in advance.) The Surveys Workgroup of the task force organized the focus groups and analyzed the feedback provided by participants.

Each of the focus groups considered the following topics:

- Structural access of state court facilities (e.g., parking, pathway of travel, restrooms)
- Programmatic access (e.g., notice, process, and quality of accommodations)
- Communication and language (e.g., written, electronic, and oral communications)
- Attitudes and knowledge of state court employees
- Wording of survey questions
- Reaching target population
- Increasing survey response rate

While the unique concerns of each focus group guided their discussions, some feedback was common to all four groups. On balance, the focus groups expressed satisfaction with most aspects of Oregon state courts' accessibility. All four identified concerns about the attitudes and knowledge of judges and court staff as a top issue. They agreed that judges and court staff would benefit from more education on how to communicate and work with people with disabilities. There was consensus also that courts should do more to inform court users about the availability of accommodations for people with disabilities and the process for receiving those accommodations. Individuals with disabilities may not be aware that accommodations are available or how to request them. In addition to providing necessary information, court staff should assist individuals in a positive and encouraging manner. Three of the four focus groups were concerned that court staff discourages or dismisses people with disabilities from serving on juries. A more comprehensive summary of the focus group meetings is provided below.

Focus Group 1: Individuals with Cognitive and Psychiatric Disabilities

The first focus group met on May 31, 2005, from 6:00 to 8:00 PM at the Oregon Advocacy Center in Portland. The focus group was hosted by the Oregon Advocacy Center and was facilitated by Bill Lynch and Mary Oschwald. Seven individuals participated, including some who were affiliated with disability-related organizations, one cognitive interpreter, one person

who served on jury duty twice, one survivor of abuse, and three individuals who had participated in focus groups previously. Most of the participants indicated that they had a cognitive or psychiatric disability personally. Three task force members and one staff person attended.

Focus group participants expressed concerns about the following issues:

Advance information	Participants expressed a strong desire for information in advance on what to expect, how to dress, and what is acceptable to carry in the courthouse. They noted that this information would help to relieve heightened levels of anxiety that some people with cognitive and psychiatric disabilities experience when going to court.
Accessibility of court facilities	Participants identified elevators, signage, doors, and lighting as particular areas of concern for courthouse facilities. Large print signs throughout the courthouse, including room numbers and bathroom signs may help people whose stress or anxiety make reading smaller print difficult. Electronic door openers would help to accommodate individuals who lack the strength to push them open. Flickering fluorescent lights can cause seizures for some people; full spectrum lighting is ideal.
Court security	Some participants noted bad experiences passing through courthouse security and said that individuals who experience paranoia or who have metal in their bodies may have particular difficulty. They suggested that security guards need more education about working with people with cognitive and psychiatric disabilities.
Assistance from court staff	Participants said that court staff should be aware of hidden disabilities and willing to provide personal assistance to individuals, such as help directing an individual to a room or filling out forms. Also, court staff should speak in short, clear sentences (because a person in elevated level of psychosis may have difficulty processing information), allow extra time to ensure that the court user understands instructions and written materials, and read court materials to the individual if necessary.
Knowledge and sensitivity of judges	Judges should see individuals beyond their disabilities as an individual but also understand when certain behavior is caused by a disability and be respectful in correcting inappropriate behavior. Judges should be willing to accommodate individuals with psychiatric impairments who experience stress by rearranging the order of court appearance, for example. Judges should really listen to what individuals with cognitive and psychiatric disabilities are saying.
Availability of accommodations	Participants thought assistive technology for visual and hearing impairments should be available in all courts.

Focus Group 2: Individuals with Visual Disabilities

The second focus group met on June 15, 2005, from 1:30 to 3:30 PM at the Oregon Commission for the Blind in Portland. The focus group was hosted by the Oregon Commission for the Blind and was facilitated by Frank Synoground and Debra Elliott. Nine individuals participated, all of whom were blind or had significant vision impairments. Participants ranged in age from twenties to late sixties and included one peer counselor for Independent Living Resources, two employees of the Oregon Commission for Blind, one student of Oregon Commission for Blind, one attorney, one Braille instructor, one individual who uses and trains service dogs, and one volunteer with a regional organization for the blind. Four task force members and three staff members attended.

Focus group participants expressed concerns about the following issues:

Information about accommodations	Courts should provide adequate notice that accommodations and alternate formats are available for people with disabilities and information on how to request them. Information also should be available on the accessibility of court-ordered community service programs for people with disabilities.
Accessibility of court facilities	Signs that indicate the location of the accessible entrance should be seen easily from the front of the building. Handrails on stairs would help not only people with disabilities, but also older people and children.
Accessibility of written materials	Participants thought it would be helpful if all written materials from the court were available electronically to people with visual impairments in advance. Electronic formats include e-mail, computer disk, and accessible PDF documents. Participants were particularly concerned about the volume of written material required by courts, the accessibility of materials requiring a signature, and paperwork associated with restraining orders. The focus group acknowledged that state courts have thousands of forms and that it would be unrealistic to produce all of them in alternate formats. One suggestion was to have scanners or screenreaders available in each court so that alternate formats could be created as needed.
Jury duty	Participants who had served on juries said they had great experiences. Other participants were called to serve but thought their disability would interfere. Participants said it was important for courts to notify individuals with disabilities that disability does not disqualify individuals from serving on jury duty, and that accommodations are available. Also, court staff should be available and willing to assist individuals with visual impairments get to the jury orientation room and from the jury orientation room to the courtroom. All written information provided to jurors, both for the trial and the jury handbook, should be available in an

accessible format.

Knowledge and sensitivity of judges, court staff, and security

Judges, court staff, and court security should be knowledgeable and respectful in working with people with disabilities. Participants said their experiences with judges and court staff were positive, but they had some issues with court security.

Focus Group 3: Individuals with Hearing Loss

The third focus group met on June 22, 2005, from 6:30 to 8:30 PM at the Portland Building in downtown Portland. The focus group was hosted by the Northwest ADA and Information Technology Center and was facilitated by Denise Spielman and Debra Elliott. Four individuals participated in the focus group, including one state employee specializing in hearing issues, one Portland Self Help and Hard of Hearing employee, one member of the Deaf and Hard of Hearing Access Program Advisory Council, one board member of the Self Help for Hard of Hearing for People of Oregon (SHHH), and one officer of the Salem SHHH. Three task force members and two staff members attended.

Focus group participants expressed concerns about the following issues:

Information about accommodations

Courts should make clear that ASL interpreters, real-time captioners, and assistive listening devices must be requested in advance and provide information about who to contact to request an accommodation.

Availability and quality of accommodations

Participants noted that real-time captioners were not provided by some courts, and the quality of ASL interpreter services has been poor. Courthouses should have a dry erase board available to communicate with individuals with hearing loss, and assistive listening equipment in working condition should be available.

Assistance from court staff

Court staff should be available to help individuals with disabilities request an accommodation and to assure individuals that their needs will be met throughout the process.

Knowledge and sensitivity of judges, court staff, and attorneys

Participants noted several things that judges and court staff should know and do (but may not in fact know or do):

- how people who are deaf communicate other than by ASL
- how to communicate with people with hearing impairments (e.g., not speaking with their hands over their face)
- that English may be a second language for someone who is deaf
- how to assist individuals with disabilities who need accommodations but do not know specifically what to request
- that strong emotions experienced by people in court can affect their ability to process information, and that this problem can be even greater for people with hearing loss

- to speak more slowly and clearly and project their voices to accommodate individuals with hearing loss
- to make sure that individuals with hearing loss understand written materials and what is happening in the courtroom
- to instruct participants in the court proceeding about communicating with individuals with hearing loss present (e.g., speak slowly and clearly, be prepared to write in the event that a person with hearing loss cannot hear otherwise, speak one at a time)

Court security

Court security should be knowledgeable and respectful in assisting individuals with disabilities to pass through security (e.g., aware that individuals with metal in their body, such as cochlear implants, could set off the machine).

Jury duty

Participants expressed concern that court staff discourages or dismisses individuals with disabilities from serving. Individuals called for jury duty should receive information about what to expect for jury service.

Focus Group 4: Individuals with Mobility Impairments

The fourth focus group met on June 28, 2005, from 3:00 – 5:00 PM at the Oregon Advocacy Center. The focus group was hosted by the Disability Law Section of the Oregon State Bar and was facilitated by Allison Falleur and Debra Elliott. Four individuals participated in the focus group, including two lawyers, one advocate who is legally blind, and one representative from student services. Two task force members and one staff person attended.

Focus group participants expressed concerns about the following issues:

Awareness of all people who may need assistance

Participants pointed out that many elderly people have visual, hearing and mobility impairments but do not consider themselves to be individuals with disabilities. This has implications for whether people are aware that help is available to them and for reaching a large group of potential respondents to the court user survey.

Information about accommodations

Court should provide information in the body of court notices/summons about the availability of accommodations and notify individuals who come to the courthouse where services are located. The policy for requesting and receiving ADA accommodations and filing grievances should be spelled out clearly and be easy to understand.

Accessibility of court facilities

Participants noted that individuals in rural areas may not be able to reach court facilities by public transportation or taxi service. They also had concerns about the availability of ramps leading to courthouse facilities and the accessibility of law libraries to people who use wheelchairs.

Courthouse signage

Participants noted that signage was poor in Clackamas and Multnomah

Counties. Washington County has a booklet on where services are located that could be a model.

Knowledge and sensitivity of judges and court staff

Participants were concerned that that judges or court staff may question or doubt the need for accommodations requested by individuals with hearing loss. Also, they noted that court staff did not always know who the ADA Coordinator was for their own building.

Availability and quality of accommodations

Participants discussed whether the court has a responsibility to provide cognitive interpreters, that accommodations may be unsatisfactory (e.g., participation in a court proceeding by telephone), and that grievances may not be resolved because of uncertainty over which jurisdiction is responsible.

Jury duty

Participants were concerned that court staff discourages individuals with disabilities from serving on jury duty. Accessible restrooms are not always available on the same floor as the deliberation room. Some jury boxes and witness boxes are not accessible.

Feedback from the focus groups on the language and formatting of the court user survey, how to reach the target population, and how to increase the response rate to the survey is summarized below.

Feedback on Language and Formatting

- **Neutral Tone.** Use a tone that indicates problems lie with the courts, not the individuals with disabilities. Include instructions that allow neutral interpretation. Balance positive and negative questions.
- **Simple.** Write simple, short sentences understandable at the fifth to sixth grade levels
- **Person First Language.** Avoid labels, such as “handicapped,” “retarded,” or “special needs.” Use “people with disabilities.” The term, “blindness,” is okay. Use “individuals with hearing loss,” rather than “individuals with hearing impairments.” Use “accessibility need” rather than “special need.”
- **Descriptive.** Avoid talking about disabilities in general. Use more descriptive language, such as “do you find it difficult to enter a building because things are confusing to you?” Rather than “are you hard of hearing?” ask “do you have trouble hearing in crowds?” or “does your spouse have trouble understanding you?”
- **Disability Disclosure.** If the survey asks individuals to disclose their disability, note that the purpose of collecting this information is to determine the demographics of respondents, and that individuals will not be singled out. Do not make the question optional.
- **Disability Categories.** Provide separate checkboxes for “blindness” and “low-vision.” Provide a checkbox for “multiple disabilities.”
- **Accessible Formatting.** Don’t use columns. Use sans serif font like Arial. Avoid the color red, which people with visual impairments may not be able to see. Avoid italics or underlining. Note that Survey Monkey is not accessible to screen readers. Alternative formats include RTF, which is universal and accessible by screen readers, and tagged PDFs.

- **Room for Comments.** Leave room on the survey for personal experiences and comments so respondents are not limited to answering pre-set questions.

Feedback on Reaching the Target Population

- **Distribution.** Make survey available by e-mail, web, postal mail, print copies in designated locations (including courthouses), telephone interviews, and personal interviews. On the survey website, provide information on alternate ways to respond to the survey.
- **Advertising.** Provide information about the survey to organizations that work with disability groups and have newsletters. Ask contact organizations to hang posters, provide a link to the survey on their websites, and mail notices about the survey to their constituents. (Focus group participants identified several organizations that might be helpful. More than one focus group suggested working with colleges and universities where students register with a disability resource center, vocational rehabilitation branch managers, and Independent Living Centers statewide.)
- **Oregon Identification Cards.** Acquire a list of people who have Oregon identification cards (alternative to driver's license), recognizing that it includes people who do not have disabilities.
- **Research.** Ask public housing or state mental health services about the prevalence of certain types of disabilities to ensure that survey respondents are representative of the state population.

Feedback on Facilitating a High Response Rate

- **Pre-Survey.** Ask individuals if they have experience with the court system and would be willing to answer the court user survey. Provide a sign-up sheet at meetings for individuals willing to receive the survey. When sending them the survey, note on the envelope "Enclosed Survey you Requested." Use postage-paid, pre-addressed envelope with same return address.
- **Incentives.** Provide incentives for individuals to complete survey, such as including an introduction to the survey that states its objectives, indicates that serious changes can result from survey results, and stresses the importance of the survey to people with disabilities. Describe how respondents can get involved, see the survey results, and learn what changes will occur as a result.
- **Easy to Respond.** Make the survey available to complete online and as a downloadable Word document or e-mail attachment. Provide phone number to complete the survey or receive assistance by phone.
- **Partnerships.** Coordinate with organizations that convene meetings for people with disabilities to provide the survey at those meetings and help individuals complete them.
- **Multiple Languages.** Make survey available on request in Spanish, Russian, Korean, and Vietnamese.
- **Jails.** Bring copies of the survey to the jails for a captive audience of individuals who have had experience with the courts.
- **Exit Interviews.** Hold exit interviews at courthouses throughout the state for one week
- **Voluntary and Confidential.** Make clear on survey and in public notice that answering questions is optional. Assure respondents that surveys are anonymous and cannot be traced back to individuals.

Oregon State Courts User Survey: Summary of Findings

Prepared for:
**Task Force on Access to
State Courts for
Persons with Disabilities
of the
Oregon Supreme Court and Oregon State Bar**

Prepared by:
**Portland State University's
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February 12, 2006

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Methodology and Sample Characteristics

The Surveys Workgroup of the Task Force on Access to State Courts for Persons with Disabilities fielded a web-based Oregon State Courts User Survey at the end of October 2005. The survey was also made available on paper and could be completed by phone through the Portland State University Survey Research Lab. The original end date of the survey was December 16, 2005, but was extended to January 13, 2006 due to low response rate over the holiday months. The final sample size of respondents was 237. The counties in which the respondents had experience in an Oregon state court are presented in Table 1. Respondents could list more than one county, resulting in a total count larger than the sample size of 237. The counties are listed in order of frequency mentioned, from highest to lowest, with four non-county responses listed at the end of the table.

Table 1: Distribution of Experience with Courts Across Oregon Counties

County	Number	County	Number
Multnomah	66	Tillamook	3
Clackamas	43	Hood River	2
Marion	25	Lake	2
Lane	24	Wasco	2
Clatsop	20	Umatilla	2
Jackson	18	Coos	1
Washington	16	Crook	1
Curry	14	Jefferson	1
Linn	13	Baker	0
Klamath	10	Gilliam	0
Lincoln	9	Grant	0
Douglas	8	Harney	0
Columbia	6	Morrow	0
Josephine	6	Sherman	0
Union	6	Wheeler	0
Benton	5		
Deschutes	5	<i>Other:</i>	
Yamhill	5	Court of Appeals	1
Malheur	4	Most Courts	1
Polk	3	Rogue Valley	1
Wallowa	3	Tax Court	1

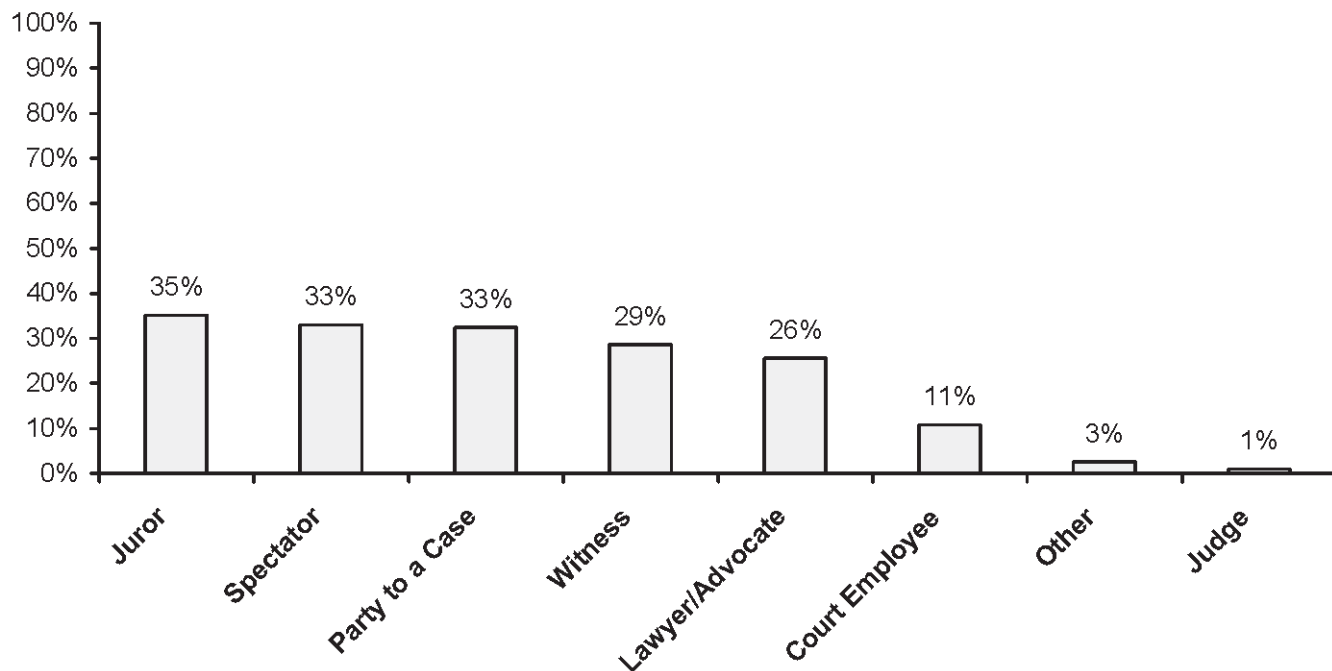
Of these 237 surveys, 34 had to be excluded from the analysis due to over 80% of the survey items being left blank, the respondent reporting that the survey was not applicable to their experiences, or receiving the survey after the deadline for submission. The final sample size used for analysis was 203. The following figures and tables depict the characteristics of the sample of respondents who completed the Oregon Courts User Survey.

Table 2: Respondent Types (n=203) [more than one type could be selected]

Respondent Type	Count	Percent of Total Sample
Person with a Disability or Health Condition	100	49.3%
Lawyer or Advocate for a person with a disability or health condition, or Disability Professional	53	26.1%
Family Member or Friend of a person with a disability or health condition	42	20.7%
Court Employee or Judge	20	9.9%
Juror	10	4.9%
Personal Assistant to a person with a disability or health condition	6	3.0%

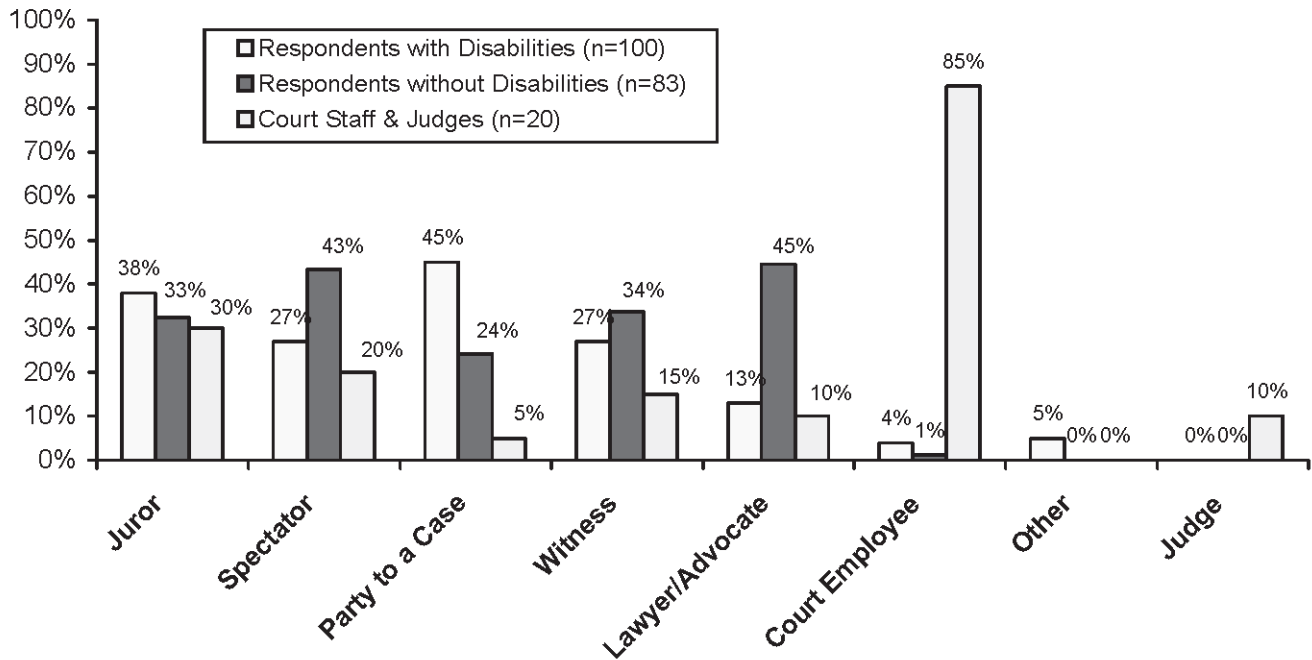
The majority of respondents (84%) reported having had their most recent experience with an Oregon state court within the last five years (2001-2005). Respondents were also asked to identify all of the roles in which they had experience, regardless of recency of those experiences. The distribution of roles across respondents is presented in Figures 1 and 2.

Figure 1: Roles in which Respondents Have Had Experience with Oregon State Courts (n=203) [more than one type could be selected]



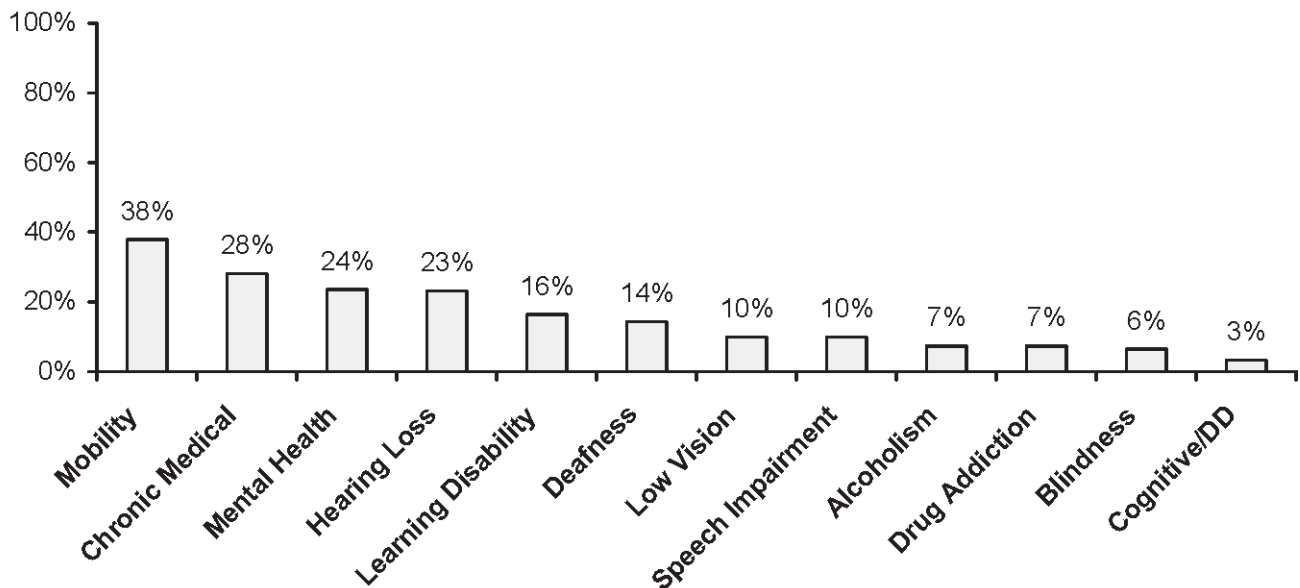
In Figure 1, it is evident that the experience with roles is fairly evenly distributed for this sample of respondents. However, due to the nature of the three groups across which the findings will be presented, the distribution of roles is somewhat different by group. The following figure depicts the distribution of roles for respondents with disabilities (more likely to be party to a case or juror), without disabilities (more likely to be a lawyer or advocate, spectator) and court staff and judges.

Figure 2: Roles in Experience with Courts by Group (n=203)
 [more than one type could be selected]



The distribution of disability types displayed in Figure 3 shows that there was not an overwhelming preponderance of one type of disability; however, mobility, chronic medical condition, mental health disability and hearing loss were reported by approximately one-quarter to one-third of the respondents.

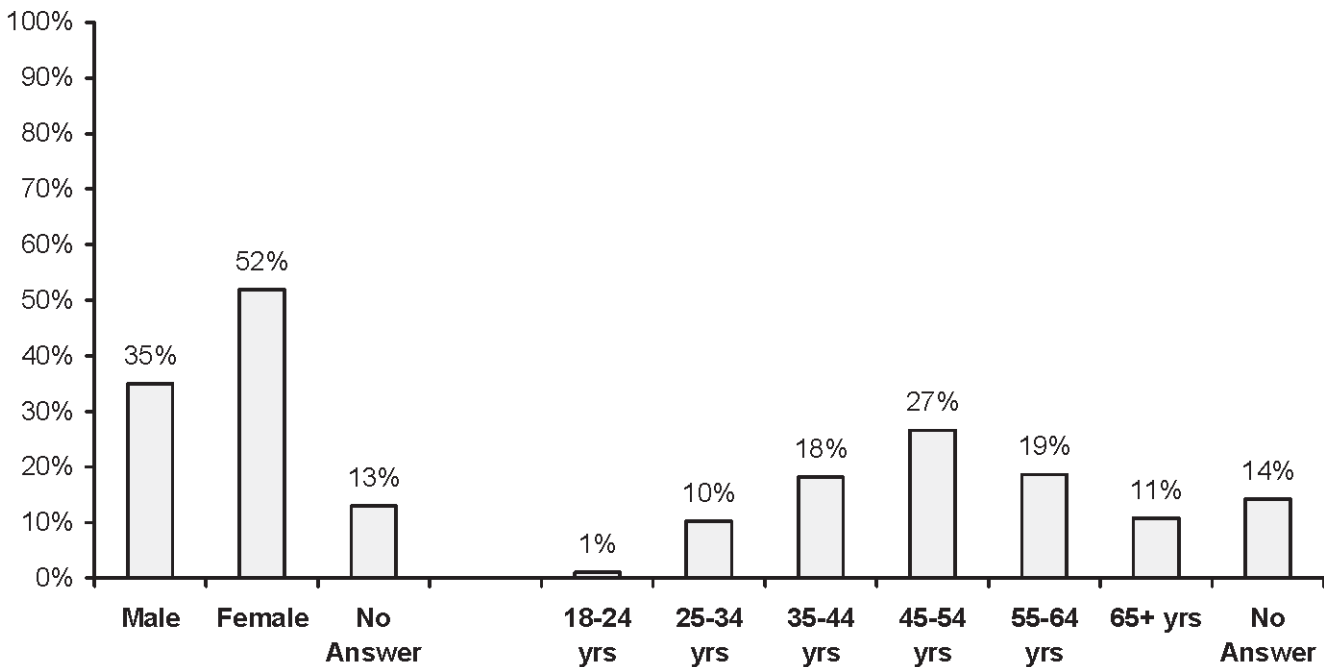
Figure 3: Number of Respondents by Type of Disability Reported (n=203)
 [more than one type could be selected]



A similar rank order of disability types is also found for both the respondents with and without disabilities. Slight differences include proportionally more learning disability, alcoholism, drug addiction and blindness reported by the respondents without disabilities; and proportionally more respondents with disabilities reporting a chronic medical condition. The sample size for court staff and judges was too small to sufficiently distribute disability types across these 12 categories.

The basic demographics of the respondent sample show that 52% were female and 27% were between the ages of 45 and 54 years (Figure 4). Comparable to the racial/ethnic distribution of Oregon, 79% of these respondents identified their race as white/Caucasian, as well as 5% Hispanic, 4% American Indian or Alaska Native, 3% Black or African American, 1% Asian or Pacific Islander, and 1% other. Twenty-seven of the respondents did not answer the race/ethnicity question.

Figure 4: Gender and Age Distribution of All Respondents (n=203)



Summary of Findings

Based on the decisions made at the last Task Force meeting, the findings are presented for three discrete groups of respondents:

1. Respondents who reported having a disability or health condition.
2. Respondents who reported not having a disability, but completing the survey based on their knowledge of the experiences of people who have disabilities or health conditions.
3. Respondents who identified being a court employee or judge, but did not also have a disability or health condition.

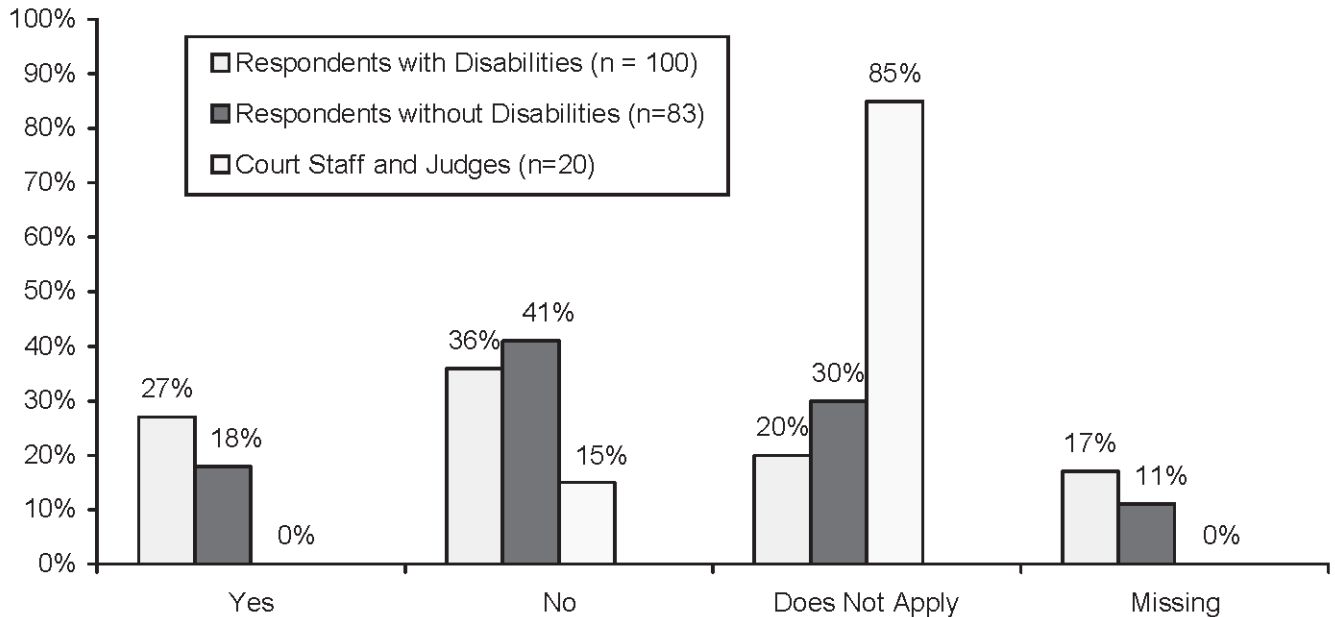
When reviewing and interpreting the findings that follow, it is important to consider the following:

- ♦ Pay careful attention to the sample sizes (preceded by “n=”) being referenced for each set of data presented. These sample sizes represent the denominators used when calculating percentages.
- ♦ In some cases, the number of respondents answering particular items is extremely small. Although these findings *may* represent the perceptions, experiences or opinions of the populations to which these respondents belong (e.g., court users with disabilities), conclusive generalizations should not be made.
- ♦ The group labeled “court staff and judges” that is used for comparison throughout the findings is very small (n=20) and may not represent the opinions of all court staff and judges in Oregon. In addition, the majority of that group was court employees, with very few of the respondents identifying as judges.
- ♦ Some respondents *did not answer* all of the items they should have, regardless of directions provided in the web and paper surveys (item skip patterns were not programmed into the web survey). When appropriate, the proportion of “missing” answers will be noted with the other response options so that the clearest interpretation of the findings can be made.
- ♦ Although more than one respondent type could be selected by each individual, respondents are included in only one group for all of the analyses. Any respondent who selected both “person with a disability” and “court staff or judge” was included *only* in the “Respondents with Disabilities” group.
- ♦ Some of the survey items had to be excluded from the analysis due to either programming or response rate problems. Omitted items will be noted in the relevant sections of this report.
- ♦ Whenever possible, responses written into the “other” categories were recoded into existing response choices, as long as the interpretation of the written responses was clear.

Communication and Interactions:

Respondents were asked to identify if they had experienced any difficulty communicating with the courts because of a disability or health condition. For this item, it is important to note the proportion of respondents who reported that the item did not apply to them and those who left the item blank (i.e., the data was missing).

Figure 5: Difficulty Communicating with the Courts Due to Disability (n=203)



Looking just at the 27 respondents with disabilities who reported having difficulty communicating with the courts, 24 of them (89%) reported having trouble communicating in person and 14 of them (52%) reported having trouble communicating with the courts by phone. Other modes of communication (e-mail, US mail, and the Internet) were problematic for only one or two of those respondents.

The survey included an item asking how the court informed the respondents that accommodations are available to them. The majority of respondents with disabilities (61%) and without disabilities (43%) reported that they were not informed at all by the courts. Of the mechanisms through which they could be informed, in the jury summons was the most frequently identified (11% respondents with disabilities; 13% respondents without disabilities). The data for court staff and judges is not presented because only half of the respondents answered this item, and of those the majority reported that they “just knew” about the availability of accommodations.

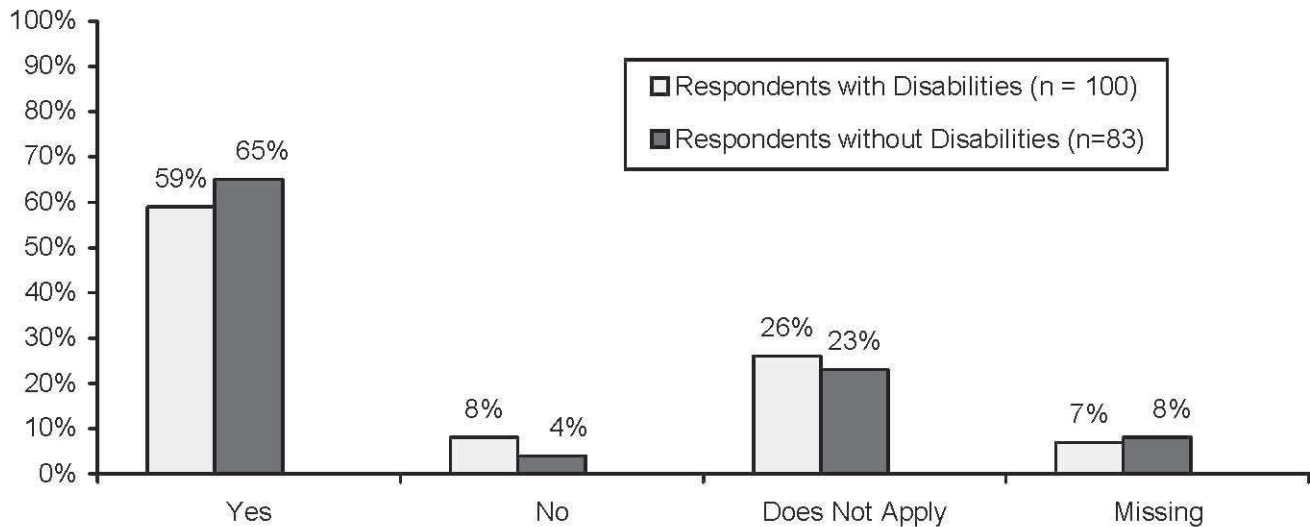
The survey included an item that was meant to ask all of the respondents if they were aware that a complaint could be made if an accommodation was not received as requested. Unfortunately, the majority of respondents (70%) left that item blank; therefore, the findings cannot be reported.

Another issue of communication included in the survey related to participating in the jury process. Over half of the respondents in all three groups (58% respondents with disabilities, 54% respondents without disabilities, 65% court staff and judges) reported having either been a juror or having received a summons to serve as a juror for an Oregon state court. Respondents were then asked to report experiencing difficulty with any of the steps for participating in jury duty. The structure of the item was to check all that apply; however, the web survey was incorrectly programmed such that only one item could be selected. Therefore, the data received does not accurately depict the experiences of the respondents and cannot be presented.

A series of questions was asked about the respondents' perception of the helpfulness, respectfulness and knowledge of different personnel within the courts. Due to the respondents in the court staff and judges group being asked questions about their own behavior and because the majority of those respondents either skipped these items or did not believe they were applicable, only data for the respondents with and without disabilities will be presented.

Security Screening Personnel: The majority of both groups reported being treated with dignity and respect by the person doing the security screening. It is important to note that very few respondents reported that these personnel were disrespectful.

Figure 6: Treated with Dignity and Respect by Security Personnel (n=183)



Court Staff: Approximately half of both groups reported that court staff were helpful and treated them with dignity and respect. The groups differed slightly in their ratings of the level of court staff knowledge about working with people with disabilities or health conditions. For these data, it is important to note the proportions of respondents who either left the item blank or indicated that it did not apply.

Figure 7: Helpfulness of Court Staff (n=183)

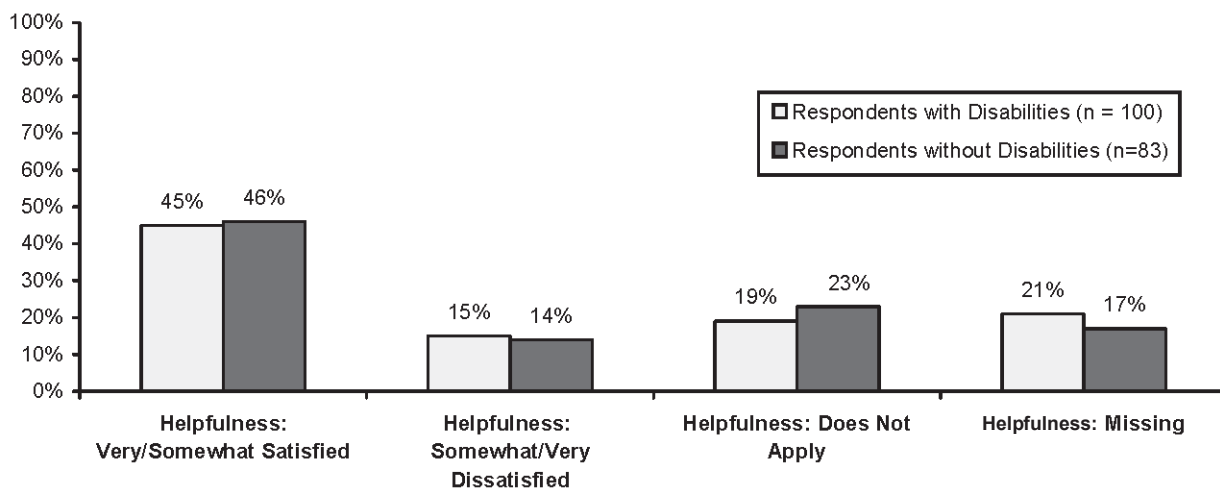


Figure 8: Treated with Dignity and Respect by Court Staff (n=183)

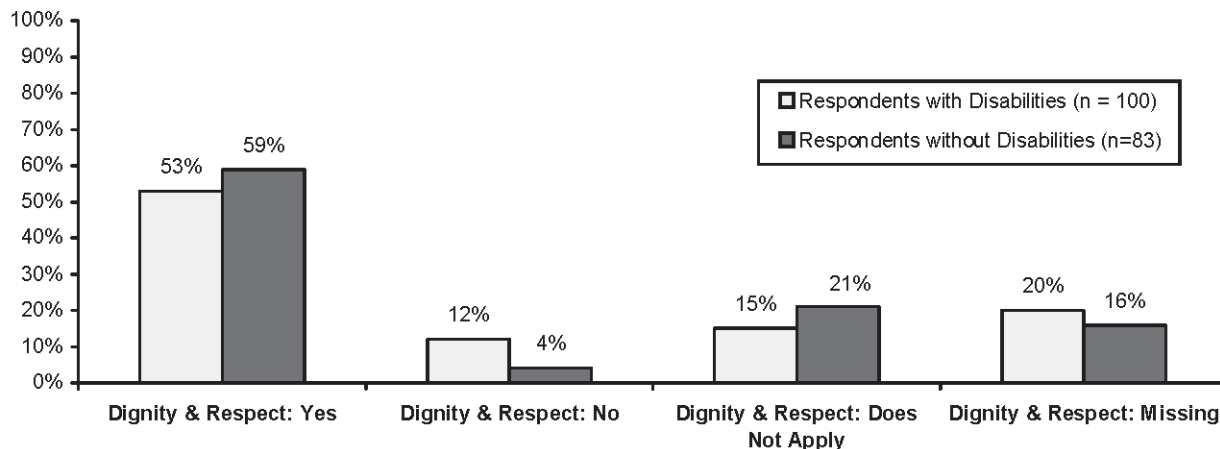
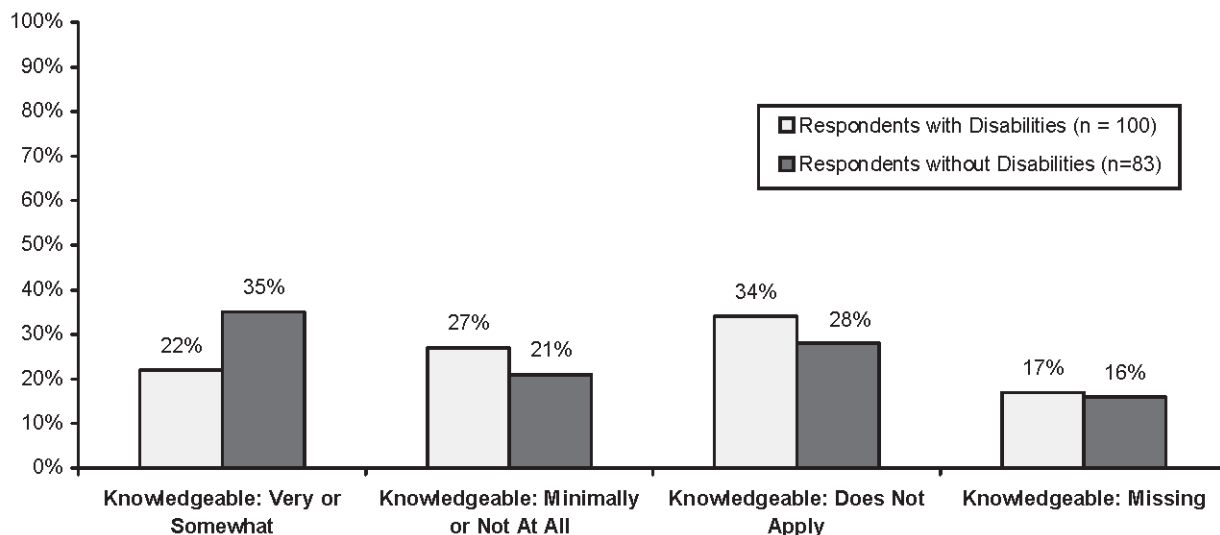


Figure 9: Court Staff Knowledgeable about Working with People with Disabilities (n=183)



Judges: More respondents in both groups reported that judges treated them with dignity and respect; however, the proportion was slightly higher for respondents without disabilities. The survey did not include an item regarding the helpfulness of judges. The groups also differed in their ratings of the level of judges' knowledge about working with people with disabilities or health conditions. For these data, it is again important to note the proportions of respondents who either left the item blank or indicated that it did not apply.

Figure 10: Treated with Dignity and Respect by Judges (n=183)

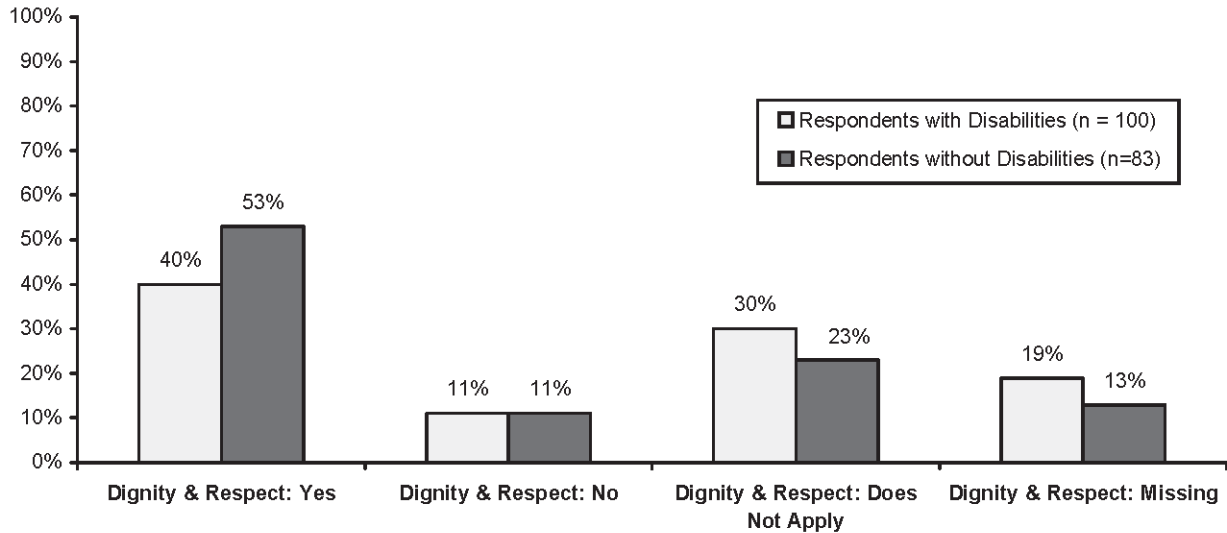
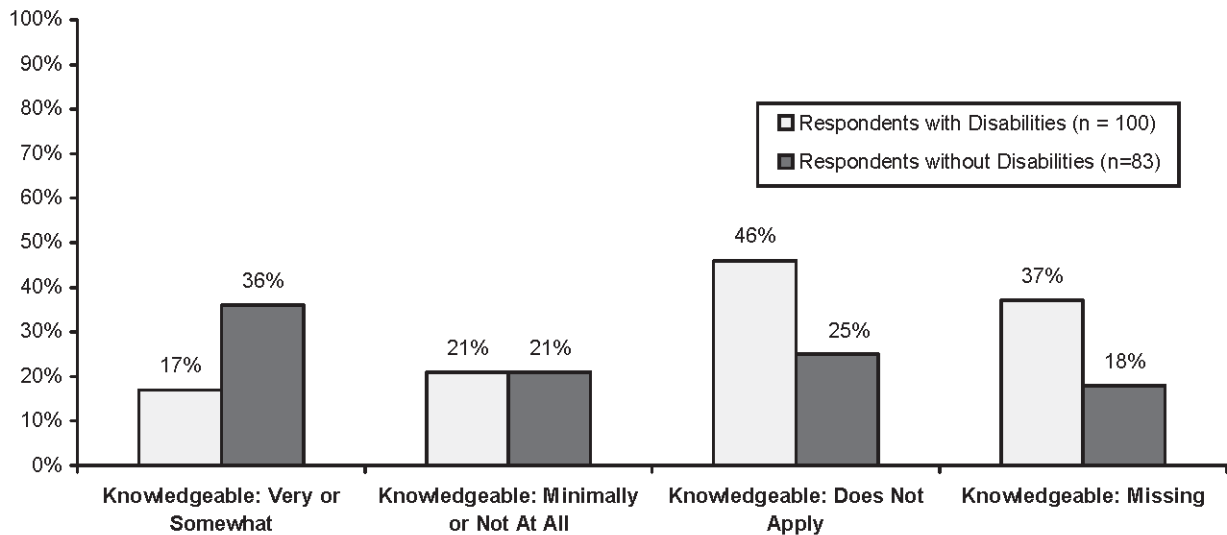


Figure 11: Judges Knowledgeable about Working with People with Disabilities (n=183)



Facilities and Physical Access:

The first item related to physical accessibility addressed any difficulties the respondents might have had with transportation to the court facilities. The majority of respondents with and without disabilities reported that they either did not have transportation difficulties (63% and 66%, respectively). The court staff and judges reported that it was not applicable to them (55%) or that transportation was not a problem (45%).

Respondents were presented with a long list of physical structures and areas that may present challenges to accessibility to or within Oregon state courts. Table 3 presents those in rank order from largest to smallest proportion of the respondents with disabilities reporting difficulty. Groupings of similar areas/structures have been presented to allow for ease of reviewing the findings. In many cases, the fewer people with disabilities are noting accessibility difficulties. The overall low percentages could be due to low difficulty, but some could also be due to respondents having limited experience with some of these areas and structures. In addition, about one-fifth of each group reported that none of the structures and areas listed posed difficulty (22% respondents with disabilities, 21% respondents without disabilities, 20% court staff and judges).

Table 3: Difficulty with Physical Structures and Areas for Oregon State Courts (n=203)

Physical Structure or Area	With Disab	W/out Disab	Staff & Judges	Physical Structure or Area	With Disab	W/out Disab	Staff & Judges
<u>Building Access & Pathways:</u>				<u>Restrooms:</u>			
Parking	29%	45%	60%	Getting into the Stall	13%	15%	0
Pathways into Courthouse	13%	28%	10%	Getting into the Restroom	11%	17%	5%
Pathways from Parking/Transit	11%	21%	0	Restroom Location	8%	18%	10%
Travel in Courthouse Hallways	8%	15%	5%	Using the Sink	7%	8%	0
<u>Common Areas:</u>				Location of Paper Towels	6%	5%	5%
Stairways	15%	17%	20%	Pathways within Restroom	6%	8%	5%
Drinking Fountains	14%	12%	5%	Signage for Restroom	5%	7%	5%
Public Telephones	11%	8%	0				
Signage (not restroom)	9%	15%	10%	<u>Courtrooms & Jury Areas:</u>			
Elevators	8%	7%	20%	Courtroom Seating	21%	24%	25%
Emergency Exits	5%	8%	5%	Pathways in Courtrooms	14%	17%	0
<u>Court Areas:</u>				Jury Box	13%	11%	20%
Security Checkpoints	15%	25%	10%	Jury Orientation Room	11%	8%	5%
Clerk's Office	8%	6%	5%	Jury Deliberation Room	8%	5%	5%
Filing Counters	5%	12%	5%				
County Law Library	5%	5%	5%				

"With Disab" = Respondents with Disabilities or Health Conditions

"W/out Disab" = Respondents without Disabilities or Health Conditions

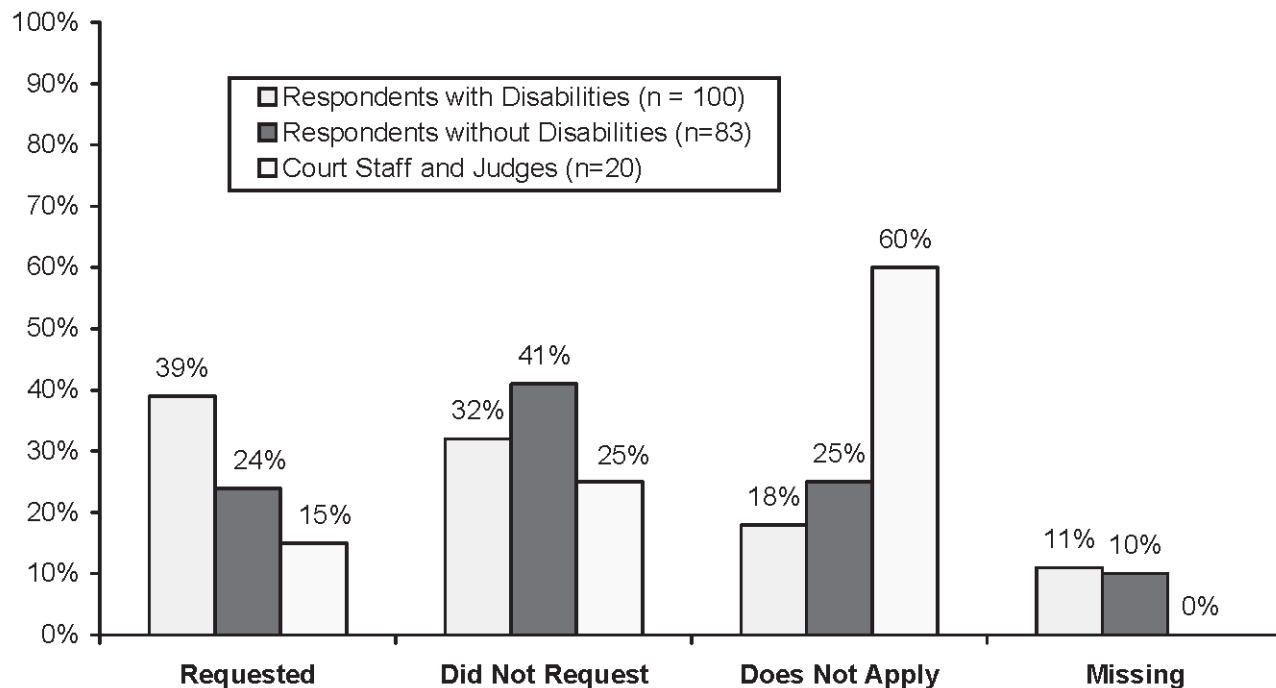
"Staff & Judges" = Court Staff and Judges

Respondents were also asked if they had ever experienced difficulty bringing their service animal into the court. The majority of respondents across all groups reported that this was not applicable to them. Of the few people with disabilities who had experience with this (n=8), the majority (75%) reported no difficulty.

Programs and Services:

The courts user survey included items that addressed accommodation requests. Only a small proportion of the respondents had ever requested an accommodation (Figure 12).

Figure 12: Ever Requested an Accommodation (n=203)



A number of questions were also asked of those individuals who had ever requested an accommodation. It is with caution that these are presented due to the very small sample sizes. The court staff and judges responses will not be included due to only three respondents reporting having ever requested an accommodation. In the following figures, it is important to remember that the percentages are now based on the smaller sample sizes of the subset of individuals being considered, which are noted with each figure. Figure 13 presents the ratings of ease versus difficulty of requesting the accommodation and Figure 14 describes the receiving of the accommodation.

Figure 13: Rating of Ease/Difficulty of Requesting an Accommodation (n=59)

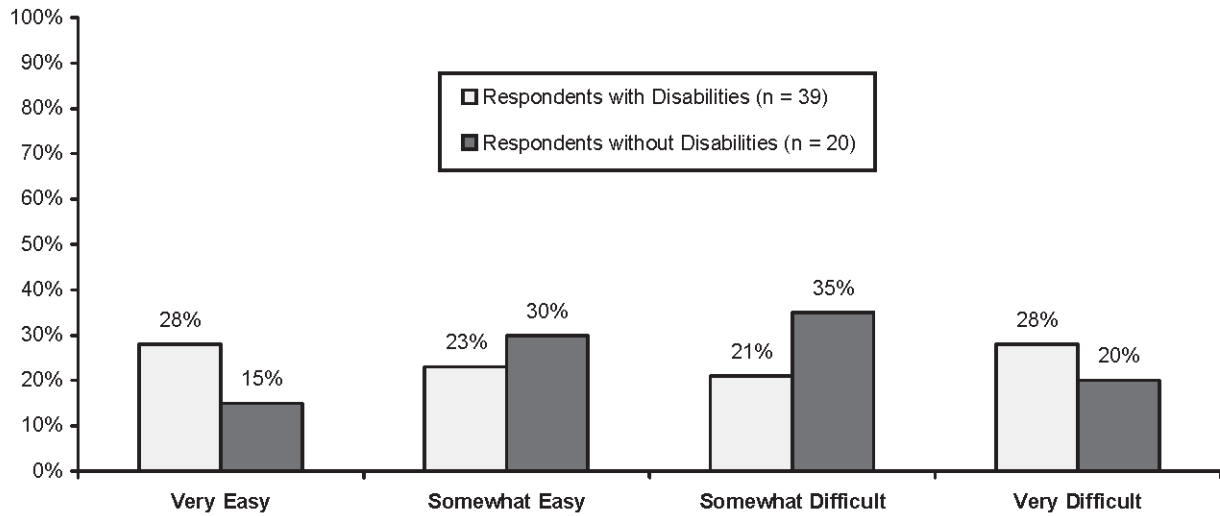
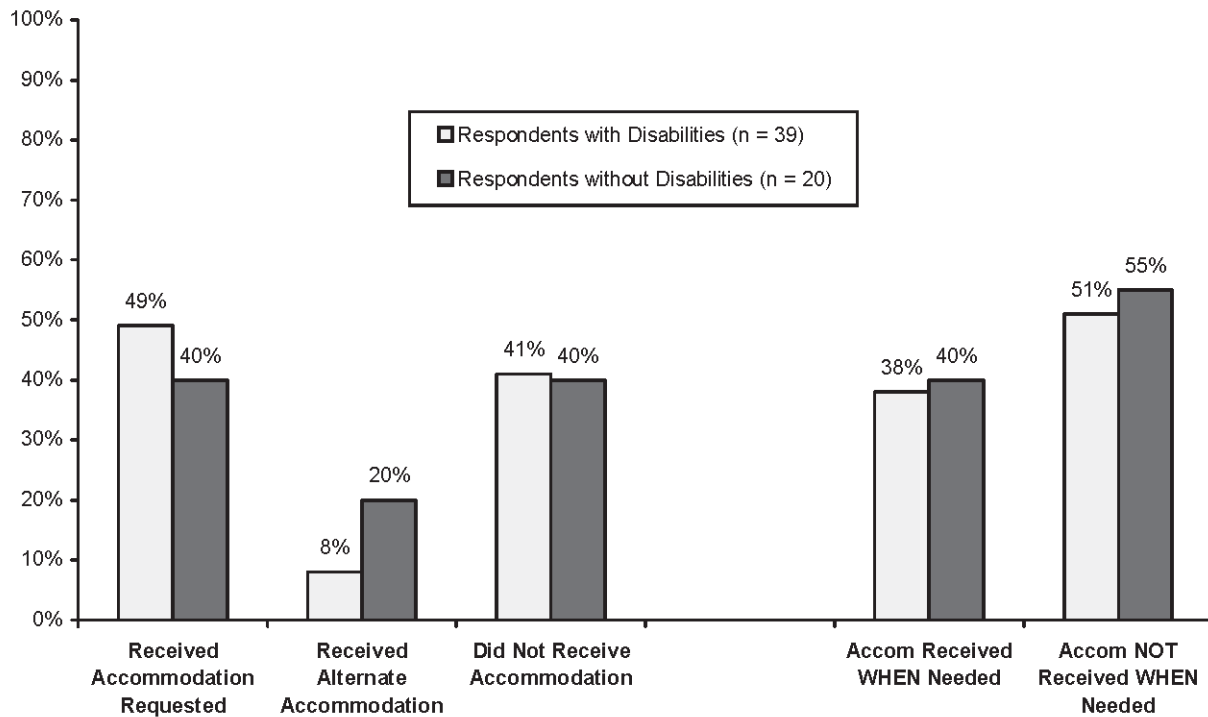


Figure 14: Qualities of the Accommodation Request Process (n=59)



The survey included items asking respondents who had requested an accommodation to identify specific service or resource they had used the most for hearing loss or deafness and as alternative formats for written materials (Table 4). The types of accommodations are presented in rank order based on the frequency of respondents with disabilities. Although very few respondents in either group reported having used those accommodations, the quality ratings for each grouping of accommodations is presented in Figures 15 and 16.

Table 4: Types of Accommodations Used the Most by Respondents (n=59)

Accommodation Most Used [more than one could be selected]	With Disab (n=39)	W/out Disab (n=20)	Accommodation Most Used [more than one could be selected]	With Disab (n=39)	W/out Disab (n=20)
<u>Hearing Loss or Deafness:</u>			<u>Alternative Format for Written Materials:</u>		
Assistive Listening Device	28%	35%	Electronic Format (computer disc or e-mail attachment)	8%	0
Sign Language Interpreter	15%	35%	Audio Recording	5%	10%
Real-time Captioning	13%	0	Large Print	3%	15%
Relay Interpreter	0	5%	Braille	3%	0
Oral Interpreter	0	5%	Other	8%	5%
Other	5%	5%			
None	44%	35%			

Figure 15: Ratings of Accommodations Used the Most for Hearing Loss or Deafness (n=41)

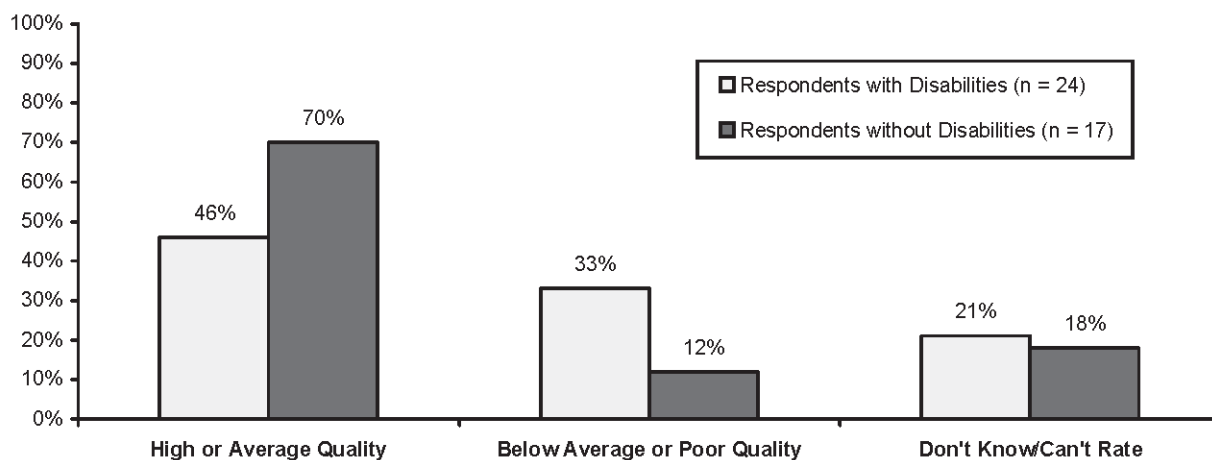
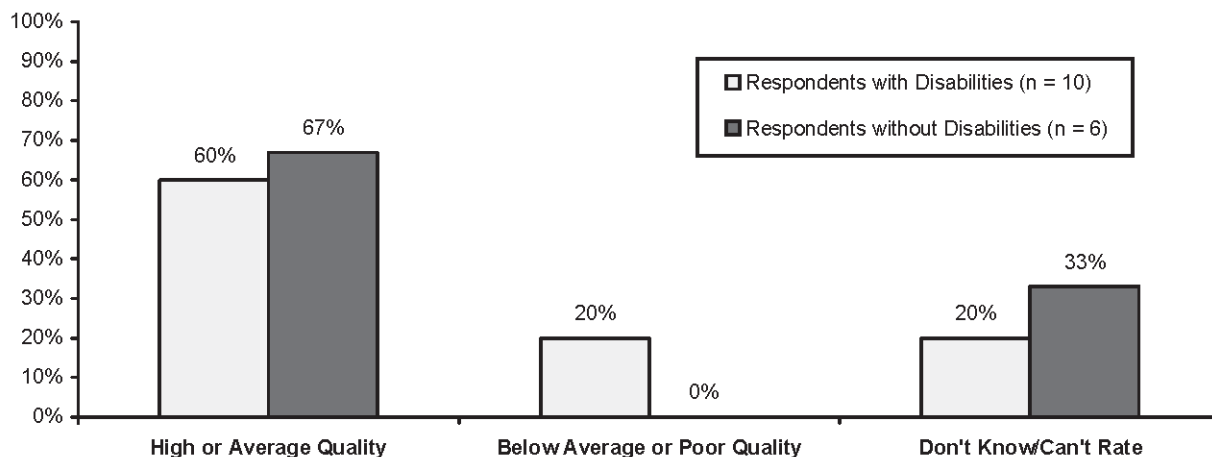


Figure 16: Ratings of Alternative Formats for Written Materials Used the Most (n=16)



Included in the following pages are the Oregon courts user survey invitational letter (Appendix D) and the survey (Appendix E) that was used. Both of these documents were posted on the Internet for potential respondents.



OREGON SUPREME COURT/OREGON STATE BAR TASK FORCE
ON ACCESS TO STATE COURTS FOR PERSONS WITH DISABILITIES
Oregon State Courts User Survey



Dear Oregon State Court User:

Some people have disabilities or health conditions that make it harder for them to use Oregon's court system. The Task Force wants to learn what those difficulties are. Your experience and knowledge can help us understand how to make the courts easier to use. Please help us by filling out this survey. It is not just for people who have a disability or health condition. We want to hear from anyone who knows of barriers that make it hard for people with disabilities or health conditions to use our courts.

We Want to Know:

- whether people with disabilities or health conditions find state court facilities, materials, and services to be accessible and
- how well judges and court staff serve people with disabilities or health conditions

The Task Force Has Three Objectives:

- to evaluate how easy the Oregon state courts are to use
- to educate state judges and court staff about making courts easier to use
- to recommend improvements to court facilities, materials, and services

How You Can Help:

We need your feedback to help us make changes. Survey results will be published in the final task force report on the [Oregon State Bar website](#) and the [Oregon Judicial Department website](#) in the spring of 2006.

This Survey Deals With Oregon State Courts Only:

As you fill out this survey, please think about your experiences with Oregon **state** courts ONLY.

Those include:

- the Oregon Supreme Court (in Salem, Oregon)
- the Oregon Court of Appeals (in Salem, Oregon)
- the Oregon Tax Court (in Salem, Oregon)
- the circuit courts in each of Oregon's 36 counties (see attached list)

Although they are also important, other courts (including federal, justice of the peace, and city/municipal courts) and administrative law proceedings held by state and local agencies (such as the Department of Human Services and the Employment Department) are beyond the scope of this task force, so please do not consider those experiences as you complete this survey.

How We Will Respect Your Privacy:

Filling out this survey is completely voluntary. We will keep your answers completely confidential. To make sure we can protect your privacy, do not write your name anywhere on the survey. We will summarize your answers along with the answers from all the other court users who complete the survey.

How to Return Your Survey:

We encourage you to complete the survey online by clicking the link at the bottom of this page. If you prefer to complete the survey on paper, [click here to download the survey](#) in the Adobe Acrobat PDF format. [You can download free Adobe Acrobat Reader software here.](#)

If you respond to this survey on paper, please mail completed forms to:

Debra Cohen Maryanov
Legal Services Department
Oregon State Bar
5200 SW Meadows Rd.
Lake Oswego, OR 97035
dmaryanov@osbar.org

The deadline for responding to this survey is December 16, 2005.

If you have questions about the survey or need an alternate format, contact Debra Cohen Maryanov at 503.431.6355 or dmaryanov@osbar.org. If you need to complete the survey by telephone, please call the PSU Survey Research Lab at 503.725.9530 and tell them you want to take the court user survey.

Respectfully,

The Honorable Janice R. Wilson, Chair
*The Oregon Supreme Court/Oregon State Bar Task Force
on Access to State Courts for Persons with Disabilities*

The Oregon Supreme Court/Oregon State Bar Task Force on Access to State Courts for Persons with Disabilities is evaluating the following courts and offices:

- Office of the State Court Administrator
- Oregon Supreme Court
- Oregon Court of Appeals
- Oregon Tax Court
- Oregon Circuit Courts
 - Baker County Circuit Court
 - Benton County Circuit Court
 - Clatsop County Circuit Court
 - Clackamas County Circuit Court
 - Columbia County Circuit Court
 - Coos/Curry County Circuit Court
 - Crook County Circuit Court
 - Deschutes County Circuit Court
 - Douglas County Circuit Court
 - Gilliam County Circuit Court
 - Grant County Circuit Court
 - Harney County Circuit Court
 - Hood River County Circuit Court
 - Jackson County Circuit Court
 - Jefferson County Circuit Court
 - Josephine County Circuit Court
 - Klamath County Circuit Court
 - Lake County Circuit Court
 - Lane County Circuit Court
 - Lincoln County Circuit Court
 - Linn County Circuit Court
 - Malheur County Circuit Court
 - Marion County Circuit Court
 - Multnomah County Circuit Court
 - Polk County Circuit Court
 - Sherman County Circuit Court
 - Tillamook County Circuit Court
 - Umatilla/Morrow County Circuit Court
 - Union County Circuit Court
 - Wallowa County Circuit Court
 - Wasco County Circuit Court
 - Washington County Circuit Court
 - Wheeler County Circuit Court
 - Yamhill County Circuit Court



**OREGON SUPREME COURT/OREGON STATE BAR TASK FORCE
ON ACCESS TO STATE COURTS FOR PERSONS WITH DISABILITIES
Oregon State Courts User Survey**



Instructions: Please complete this survey if you have experience with an Oregon state court and have a physical, mental, or sensory disability or health condition. We also want to hear from anyone who knows of barriers that make it hard for people with disabilities or health conditions to use Oregon state courts. If you are not answering about your own experiences, please respond to questions about "you" with the experiences of someone close to you in mind. This survey is voluntary and should take about 10 to 15 minutes to complete. We will keep all of your answers completely confidential. Portland State University's Survey Research Lab will summarize all answers from everyone who completes the survey and report the findings to the Task Force on Access to State Courts for Persons with Disabilities. Please do not write your name on this form, so we can make sure your privacy is protected. Thank you for your valuable input!

If You Have Questions or Need an Alternate Format: Contact Debra Cohen Maryanov, dmaryanov@osbar.org, 503.431.6355.

Please Mail Completed Surveys by November 28, 2005 to: Debra Cohen Maryanov, Oregon State Bar
5200 SW Meadows Road, Lake Oswego, OR 97035

Part A: Your Court Experience

1. Are you filling this survey out as a ... *[check all that apply]*

- Person with a disability or health condition
- Family member or friend of a person with a disability or health condition
- Personal assistant to a person with a disability or health condition
- Lawyer or Advocate for a person with a disability or health condition
- Other – *please specify:* _____

2. In which of the following roles have you had experience with Oregon state courts? *[check all that apply]*

- Party to a case (including criminal defendants)
- Juror
- Witness
- Spectator
- Lawyer
- Other – *please describe:* _____

3. In what county (or counties) was the Oregon state court you have experience with? _____

4. When was your last experience with a state court?

- Before 1986 1991 – 1995 2001 - 2005
- 1986 - 1990 1996 - 2000

5. Did you have any difficulty with transportation to the court facility?

Yes No Does Not Apply

Comments: _____

Part B: Court Facilities

6. Some physical structures and areas can present challenges to accessibility. Please check any of the following that you have had difficulty using or accessing at the Oregon state courts. [*check all that apply*]

- | | | |
|--|--|---|
| <input type="checkbox"/> Parking at the court facility | <input type="checkbox"/> Jury box | <input type="checkbox"/> Getting into the restroom stall |
| <input type="checkbox"/> Pathway of travel from parking or public transportation to courthouse | <input type="checkbox"/> Jury deliberation rooms | <input type="checkbox"/> Location of the paper towels |
| <input type="checkbox"/> Pathway of travel <u>into</u> the courthouse | <input type="checkbox"/> Clerk's office | <input type="checkbox"/> Pathways within the restroom |
| <input type="checkbox"/> Security checkpoints | <input type="checkbox"/> Elevators | <input type="checkbox"/> Public telephones |
| <input type="checkbox"/> Pathway of travel in courthouse hallways | <input type="checkbox"/> Stairways | <input type="checkbox"/> Drinking fountains |
| <input type="checkbox"/> Pathway of travel in the courtrooms | <input type="checkbox"/> Emergency exits | <input type="checkbox"/> Filing counters |
| <input type="checkbox"/> Signs in the court facility (other than for restrooms) | <input type="checkbox"/> Location of the restroom | <input type="checkbox"/> County law library |
| <input type="checkbox"/> Seating inside the courtrooms | <input type="checkbox"/> Signage for the restroom | <input type="checkbox"/> Other – <i>please describe:</i> _____ |
| <input type="checkbox"/> Jury assembly/orientation room | <input type="checkbox"/> Getting into the restroom | <input type="checkbox"/> None of the above |
| | <input type="checkbox"/> Using the restroom sink | |

7. Did the person doing the security screening treat you with respect and dignity?

Yes

No

Does Not Apply

Please describe: _____

Part C: Accommodations

8. How did the court inform you that accommodations are available? *[check all that apply]*

In the jury summons

I read it on a courthouse poster

In a letter (not with the jury summons)

Other – *please describe:* _____

In an e-mail

The court did not inform me

By telephone

9. Did you have any difficulty bringing your service animal into the court?

Yes

No

Does Not Apply

If Yes, please describe: _____

10. Have you ever requested an accommodation?

Yes

No

Does Not Apply

If you answered No or Does Not Apply to question 10, please skip to question 18

11. How easy or difficult was requesting an accommodation?

Very

Somewhat

Easy

Somewhat

Difficult

Very

Difficult

12. Did you ever receive the accommodation(s) you requested?

Yes	No, but I received an alternate accommodation	No
-----	---	----

13. Did you receive the accommodation you requested when you needed it?

Yes	No
-----	----

If No, please describe: _____

14. Please select the accommodation you have used the most for hearing loss or deafness: *[select one only]*

- Sign language interpreter services Assistive listening device
- Oral interpreter services Other – *please describe:* _____
- Relay interpreter services None of the above/Does Not Apply
- Real-time captioning services

14a. Rate the quality of the accommodation you selected in question 14:

High Quality	Average Quality	Below-average Quality	Poor Quality	Do Not Know/ Does Not Apply
--------------	-----------------	-----------------------	--------------	-----------------------------

15. Please select the alternate format for written materials you have used the most: *[select one only]*

- Large print Electronic format, such as computer disk or e-mail attachment
- Braille Other – *please describe:* _____
- Audio recording None of the above/Does Not Apply

15a. Rate the quality of written materials in an alternate format you selected in question 15.

High Quality	Average Quality	Below-average Quality	Poor Quality	Do Not Know/ Does Not Apply
--------------	-----------------	-----------------------	--------------	-----------------------------

16. Other than those listed above in question 14 and question 15, please describe the court accommodation you use most for any disability or health condition? _____

16a. Rate the quality of the accommodation you listed in question 16.

High Quality	Average Quality	Below-average Quality	Poor Quality	Do Not Know/ Does Not Apply
-----------------	--------------------	--------------------------	-----------------	--------------------------------

17. Did you know that if you did not get the accommodation you requested, you could make a complaint?

Yes _____ No _____

17a. If you ever made a complaint, how satisfied were you with the response to your complaint?

Very Satisfied	Somewhat Satisfied	Somewhat Dissatisfied	Very Dissatisfied	Does Not Apply
-------------------	-----------------------	--------------------------	----------------------	----------------

Please describe any dissatisfaction: _____

Part D: Jury Duty

18. Have you been a juror for an Oregon state court or received a summons to serve as a juror?

Yes _____ No (If No, skip to question 19) _____

18a. Did you experience difficulty during any of the following steps for participating in jury duty? [check all that apply]

- Being informed that you could request an accommodation
- Requesting an accommodation
- Receiving notification whether a request for accommodation was approved, denied or an alternative offered
- Receiving an accommodation in a timely manner
- Submitting a grievance for a request for an accommodation
- Other – **Please describe the other step of the jury duty participation process:** _____

Please describe the difficulty you had: _____

Part E: Court Services

19. Have you had difficulty communicating with the courts because of a disability or health condition?
Yes No Does Not Apply

19a. Which type(s) of communication was difficult? [check all that apply]

- Telephone
- Web/Internet
- E-mail
- In person
- U.S. mail
- Other – please describe: _____

Please describe why the communication was difficult: _____

20. How satisfied were you with the helpfulness of court staff (for example, reading court rules or instructions, helping fill out forms)?

- | | | | | |
|----------------|--------------------|-----------------------|-------------------|----------------|
| Very Satisfied | Somewhat Satisfied | Somewhat Dissatisfied | Very Dissatisfied | Does Not Apply |
|----------------|--------------------|-----------------------|-------------------|----------------|

Please describe: _____

21. Did the judge(s) treat you with respect and dignity?

- Yes No Does Not Apply

Please describe: _____

22. How knowledgeable were judges about working with people with disabilities or health conditions?

Very Knowledgeable	Somewhat Knowledgeable	Minimally Knowledgeable	Not at All Knowledgeable	Do Not Know/ Does Not Apply
--------------------	------------------------	-------------------------	--------------------------	-----------------------------

Please describe: _____

23. Did court staff treat you with respect and dignity?

Yes	No	Does Not Apply
-----	----	----------------

Please describe: _____

24. How knowledgeable was court staff about working with people with disabilities or health conditions?

Very Knowledgeable	Somewhat Knowledgeable	Minimally Knowledgeable	Not at All Knowledgeable	Do Not Know/ Does Not Apply
--------------------	------------------------	-------------------------	--------------------------	-----------------------------

Please describe: _____

Part F: Recommendations

25. If you were to recommend one way to improve the accessibility of the Oregon state courts, what would it be?

26. Please tell us anything that Oregon state courts do right that makes them accessible to people with disabilities or health conditions.

Part G: Descriptive Information

Please tell us a little bit about yourself or the person with a disability or health condition whose experience you have described. If you are not answering about your own experiences, please respond to questions about “you” with the experiences of someone close to you in mind. Remember, we will keep all of the information you provide completely confidential. We will use this information to describe the group of people who answered the survey.

27. What is your sex/gender?

- Male
- Female

28. What is your age?

- 18 – 24 years
- 25 – 34 years
- 35 – 44 years
- 45 – 54 years
- 55 – 64 years
- 65 years or older

29. What is your race or ethnicity? *[check all that apply]*

- Hispanic
- American Indian or Alaska Native
- White/Caucasian
- Asian or Pacific Islander
- Black or African American
- Other Race/Ethnicity – please specify: _____

30. Which disability or health condition do you have, or does the person on whose behalf you are responding have?
[Check all that apply. Feel free to use the space provided for further description.]

- Deafness _____
- Hearing loss _____
- Blindness _____
- Low-Vision _____
- Mobility impairment (ambulation or dexterity) _____
- Speech impairment _____
- Mental health disability _____
- Learning disability (for example, dyslexia, attention deficit disorder) _____
- Alcoholism _____
- Drug addiction in recovery _____
- Chronic medical condition (for example, diabetes, epilepsy) _____
- Other – **Please describe the other disability or health condition:** _____

Feel free to provide us with any additional comments: _____

***Thank you for taking the time to provide us with
this very valuable information!***

Task Force on Access to State Courts for Persons with Disabilities

I. Public Hearings Work Group

II. Sources of Data

Public Hearings held on July 22 (Portland) and November 4, 2005 (Medford)

III. Communication issues

A. Mobility Impairment

Testimony that the person who was legally blind had an attorney who did not return her repeated phone calls. (PH 7/22 Citizen 1)

B. Vision Limitations

Testimony that the person who is legally blind had an attorney who did not read the summons to her in court regarding her son's legal issue and therefore she did not know what was going on. (PH 7/22 Citizen 1)

Bill Van Atta, a lawyer from Ontario who is blind, testified that signage in Braille at critical sites in Court Facilities is very important. The signs need to indicate where the sites are in a way a visually impaired person can understand. (PH 11/4)

C. Hearing Disabilities

A man who was deaf testified that during the case of custody for his daughter, he had problems with the interpreter who was often behind in what was being said, therefore he could not get his comments in. He said the judge deferred to those who could speak, including his wife. He felt there should be more than one interpreter in a matter and a real-time captioner. In addition, the interpreter would not come out in the hall to speak with him and his attorney. Finally, interpreters would hear lawyers speaking, but they will not interpret those comments where someone who could hear would have heard them. The interpreter should have been his ears. He also wanted to point out that not all deaf people can sign or they sign different languages. He felt his attorney understood his issues but that the court did not. There needs to be more education of judges and court staff on ADA issues. (PH 7/22 Citizen 4)

Joan-Marie Michelsen, a Staff Attorney for Oregon Law Center in Grants Pass testified that the biggest problem area was in the area of interpretation for the

deaf. She testified that in the rural counties, finding a well qualified American Sign Language interpreter was very difficult, and that persons with familiarity with other types of sign language were very hard to find. She recommended that Oregon adopt either a national requirement of certification or an Oregon statewide requirement of certification to assist Judges in determining competence of the interpreter. She also suggested that Judges have further training in working with persons who read lips. She recommended that Judges use accessible English when using an interpreter, using concrete as opposed to abstract language as much as possible. (PH 11/4)

D. Psychiatric or Cognitive Disabilities

A person who had been diagnosed as bi-polar had the attorney who had first visited her changed when she appeared in court. She appealed her case and her attorney decided not to pursue the case. It was difficult to communicate from the hospital. (PH 7/22 Citizen 2)

A person indicated difficulty in communicating with medical personnel and attorneys when he was at Dammasch State Hospital. (PH 7/22 Citizen 3)

A woman from Eugene indicated that she was the parent of a child who had traumatic brain injury. When he became involved in the juvenile court system, he was held in a detention facility that could not accommodate his needs, and where his symptoms were misinterpreted, which the witness indicated was a common problem with brain injuries. She felt that the persons dealing with her son in the Court and social system needed training on traumatic brain injury. She also felt the fact that the same personnel didn't stay on her son's case was detrimental. (PH 11/4 Citizen 4)

E. Other

Joan-Marie Michelsen testified that in interpretation other than sign language, consecutive interpretation is preferable over simultaneous interpretation, and that telephonic interpretation is not really adequate due to the inability of the interpreter and the client to see each other. (PH 11/4 Person 1) Bill Van Atta agreed with these comments. (PH 11/4)

IV. Facilities/Physical Access

A. Mobility Impairment

A woman testified that she was upset with the access to the Multnomah County Courthouse. First, there was no signage for the alternative entrance. When she found it, it was through the back door where the prisoners also enter. Her search was not done with understanding as she needed to balance herself against

something. She used the library, was treated differently by the librarian who asked if she was an attorney. There were books she could not reach and she could not exit and re-enter the library at night. (PH 7/22 Citizen 6)

A man using a wheelchair testified that he has served on a jury but he had to sit outside the jury box. He thought they did accommodate his need to see all the exhibits well. In the lower traffic courtrooms, there are the problems getting to the table and having things high enough so that he can reach them. In particular, the doors are hard to get through. In some jury rooms, the bathrooms are not accessible. (PH 7/22 Citizen 9)

Joan-Marie Michelsen testified that she had observed the following concerns regarding Court facilities: Counters were too high for persons in wheelchairs, and some courtrooms are too small to admit motorized wheelchairs. Many clients do not realize they can ask for another courtroom. She also noted that doors are a problem in some courtrooms. (PH 11/4)

B. Vision Limitations

Mr. Van Atta testified that as an attorney, crowded and noisy courtrooms or hallways made it more difficult for him to identify people by voice. He had several suggestions including: acknowledging the person with the disability prior to speaking to help them identify the speaker, not distracting the guide dog, use of a body language interpreter, use of a table talker device, and having an active and ongoing dialogue with jurors who may have visual impairments so they can discharge their duties. He also noted that use of devices needs to be coordinated with Court security so the accommodation and security interests are balanced. (PH 11/4)

C. Hearing Disabilities

No testimony.

D. Psychiatric or Cognitive Disabilities

A person who had been diagnosed as bi-polar was brought to the courthouse in sight of the public not only handcuffed but with a leather belt between her legs. She felt she could have been recognized and was embarrassed as this was not necessary. (PH 7/22 Citizen 2)

Bill Van Atta testified that a room for mental holds, a "safe room" is needed in each county to provide a safe and secure place for both adolescents and adults who have substance abuse or mental health concerns. He also indicated a need for a safe detox facility for longer term holds. (PR 11/4)

E. Other

Leland Berger is an attorney who defends medical marijuana patients and caregivers. He advises clients not to bring their medication to court but when they do, it is not returned, but seized as contraband. He felt that there should be an area where patients can medicate that is not in public view. He stated that we wouldn't take insulin away from diabetics who came to court and we ought not to take medical marijuana away from medical marijuana patients who come to court. (PH 7/22)

A gentleman who uses medical marijuana for pain stated that if he is smoking marijuana, he needs to do so every two or three hours. Lawmakers didn't assume people who would have a medical marijuana license would be in the workplace which creates complications. He also had his plants seized and his landlord was evicting him. (PH 7/22 Citizen 5)

Bill Van Atta testified that some sort of volunteer program was needed to insure that persons could get to and from Court hearings, especially in rural areas. (PH 11/4)

V. Programs and services including court processes

A. Mobility Impairment

Gwendolyn Judy, a disability navigator from Ontario noted that the high counter and glass window at the Malheur County Courthouse is intimidating, especially for persons with developmental disabilities or mental illness, or of short stature. (PH 11/4)

B. Vision Limitations

C. Hearing Disabilities

A deaf woman who is a psychologist stated that she is frustrated because the forensic psychologists used by the court system are not familiar with the issues of assessments for deaf people. They do not know deaf culture and therefore are not correctly interpreting test results. There are a lot of measurements that are not appropriate for deaf people, including intelligence tests. She herself had been labeled mentally retarded and she now has a PhD. (PH 7/22 Citizen 8)

D. Psychiatric or Cognitive Disabilities

Ms. Judy testified that good evaluations need to be done on persons involved in the Court systems, so that Courts can be sure that persons with a disability are

able to understand and appreciate the consequences of their actions and what they have been charged with. (PH 11/4)

A woman from Eugene also testified that there were problems with the evaluation process, citing an evaluation made by a DHS caseworker used in her court case that contained a diagnosis that did not appear anywhere else in her records. This evaluation affected both her and her children's files and resulting in the trial judge having incorrect information. (PH 11/4 Citizen 4)

Bill Van Atta suggested the use of a facilitator to assist persons with a mental illness, to evaluate the person for the Courts and attorneys to determine what services were needed to help that person have access to the Court. (PH 11/4)

A woman from Springfield testified that medical terminology used in courts is often very difficult for lay persons to understand and assistance in this area would be helpful. She also testified as to lack of sensitivity to issues involving persons suffering from traumatic brain injury and their families on the part of the Judge who handled her case in Lane County. (PH 11/4 Citizen 1)

E. Other

A woman who had epilepsy testified that her work as an advocate has taught her that the drug court is not accommodating people with disabilities. Things that persons with disabilities are being asked to comply with are not appropriate to get the desired result. As an expert witness on behalf of the District Attorney's Office as well as on behalf of various public and private defenders, she deals with people with developmental disabilities and their ability to parent. Out of several hundred cases over a 25 year career, she has only had one family that's ever been able to have their children restored. She added that the current programs have a very low success rate. Minnesota's programs work. There are some programs in the community that do work. There need to be alternative programs to what the court is currently using. (PH 7/22 Citizen 7)

Joan-Marie Michelsen made the following additional suggestions:

1. A check-list for judges to use in reviewing guardianship matters.
 2. That in cases where a party is receiving social security disability, there be an automatic presumption of indigence with the person only asked to pay fees and costs if it is affirmatively shown they can in fact pay.
 3. Presentation of a specific CLE for Judges and attorneys on disability issues.
- (PH 11/4 Person 1)

January 12, 2006

Oregon Supreme Court/Oregon State Bar Task Force on Access to State Courts for Persons with Disabilities: **Reassessment Data Work Group**

OREGON STATE COURT SYSTEM ADA ACCESSIBILITY SELF-EVALUATION: 2005 - REASSESSMENT

BACKGROUND

In the Spring of 2005, the Oregon Judicial Department (OJD) completed a self-assessment of the accessibility of state court programs and services for people with disabilities.¹ This is the first reassessment the courts have completed since the initial survey was completed in 1993. The 2005 Self-Assessment was conducted to coincide with the work of the Oregon State Courts/Oregon State Bar Task Force on Access to State Courts for Persons with Disabilities (Task Force). When the Task Force convened, they appointed members to a Reassessment Data Work Group (Work Group) to review the results of the 2005 Self-Assessment, and make recommendations for improvements. The Work Group includes the following Task Force members:

Daryl Ackerman
Butch Pribbanow
Denise Spielman

Maria Hinton and Leola McKenzie, OJD staff, worked closely with the Work Group. This report describes how the 2005 Self-Assessment was conducted and analyzed, provides key findings, and summarizes recommendations for further improvements.

FORMAT AND LOGISTICS:

The OJD's Statewide ADA Coordinator² drafted the 2005 Self-Assessment. The 2005 Self-Assessment included more than six hundred questions, and was divided into three sections:

¹ In 1993, the OJD completed a self assessment of state courts as required by the Americans with Disabilities Act (ADA). The 1993 survey required narrative responses and provided baseline information for a statewide transition plan. The Office of the State Court Administrator (OSCA) encouraged courts to make good faith efforts to comply with the requirements of the ADA. Completed self assessments and the statewide transition plan were retained for the required three years but are not readily available today.

² Debra Maryanov was the OJD Statewide ADA Coordinator at the time the 2005 Self-Assessment was developed.

1. Facilities
2. Court Programs, Services and Materials
3. Court Administration

The Court Programs, Services and Materials section had specific assessments for each of the following court programs: Application Contribution Program, Mediation Services, Arbitration Services, Family Law Facilitation Programs, Jury Service, and Treatment Courts. Additionally there was a section for "Other Court Programs."

The OJD's Statewide ADA Coordinator provided a draft of the 2005 Self-Assessment to statewide experts including the Northwest ADA and IT Center and the Oregon State Bar (OSB) for review and comment.

The OJD piloted the 2005 Self-Assessment in Marion and Polk counties. The pilot counties completed the 2005 Self-Assessment in several weeks. OJD staff considered the experiences and comments of these counties prior to finalizing the survey. OJD staff used electronic survey software to prepare a final version of the 2005 Self-Assessment. Although most questions were multiple choice, many had an additional "comments" box for survey respondents to provide additional narrative responses.

The OJD's Statewide ADA Coordinator distributed a hard copy of the 2005 Self-Assessment along with a copy of the Title II Action Guide in February 2005. The Office of the State Court Administrator (OSCA) offered assistance and provided courts with contact information for the Northwest ADA and IT Center, a federally funded resource for technical assistance, training and materials on the ADA. The OJD's Statewide ADA Coordinator encouraged courts to invite one or more community members with disabilities to do a walk-through to help complete the facilities section and recommended that Trial Court Administrators delegate to or consult with specialty program staff to complete the Court Programs, Services and Materials section.

OBJECTIVES:

The OJD had five primary objectives related to the 2005 Self-Assessment:

- evaluate whether Oregon state courts are accessible to people with disabilities.
- increase awareness of state judges and court staff about the ADA provisions and the need to fulfill reasonable requests for accommodations for people with disabilities.
- educate Oregon state court personnel about accessible and effective service to people with disabilities.
- recommend ways to improve the accessibility of Oregon state courts to all users.
- develop a transition plan with time line for corrective measures.

IMMEDIATE OUTCOMES:

Each Oregon Circuit Court and the OSCA completed the 2005 Self-Assessment. The process of completing the document was a reminder for many court staff and judges of the necessary measures to ensure that all court programs and services are truly accessible to people with disabilities. At least two counties had people with disabilities involved in the self assessment, and staff from those counties indicated that their “walk throughs” with these individuals were powerful learning experiences.

Within the past six months, two courts purchased new assistive listening devices, two courts purchased TTY machines, one court purchased wheelchair accessible courtroom tables, and one court added ADA signage.

One trial court administrator (TCA) was so concerned about her staffs’ lack of ADA knowledge that she requested a customized ADA-specific training for all court staff and judges. This training was completed in October 2005.

The Work Group reviewed the completed survey results and several issues became apparent. Some corrections were needed on the survey instrument itself. For example, one question concerning parking dimensions originally quoted federal standards instead of the more stringent Oregon state standards. OJD staff re-sent this question to those local courts that have parking spaces available for the public. Other concerns with the survey instrument included the lack of clarity in the way some questions were asked and also some possible multiple choice responses that were not clear.

The Task Force discovered that none of the courts included assessment of their Recognizance Release Programs in the survey results. This issue was discussed with the Task Force, OSCA, and the Access to Justice for All Committee. The Work Group recommends that this program be reviewed for ADA compliance by the Access to Justice for All Committee’s Monitoring and Evaluation Sub-Committee or OSCA staff.

FINDINGS:

While Oregon courts and court programs successfully provide a wide range of services to the public, there is room for improvement when providing services to people with disabilities. The 2005 Self-Assessment data brought many issues to our attention and confirmed much of the Task Force public hearing testimony and focus group discussions. The Work Group identified six key findings related to the 2005 Self-Assessment:

Programs and Services:

1. ADA-specific training has either never been provided to judges and staff or is provided only during orientation programs.
2. On a local level, various people are assigned the responsibility of receiving requests for ADA accommodations, determining if a person is qualified under the ADA, and approving/denying requests for accommodations. Local ADA Coordinators are not always notified of ADA requests, and the public is not always notified of ADA policy and grievance procedures.

Facilities:

3. Signage and accessibility, both outside court facilities and inside court buildings, needs corrective action statewide.
4. Emergency evacuation plans and procedures for members of the public with disabilities are nonexistent.

Communication:

5. Many court mailings, notices, summonses and flyers do not include or have incomplete statements about the availability of accommodations and how to access them.
6. TTY availability, training, testing and use is lacking in many courts.

For each of the key findings, the rest of this report provides: commentary on the importance of the finding, detailed examples from the 2005 Self-Assessment, and specific recommendations for improvements.

PROGRAMS AND SERVICES:

FINDING #1 ADA-SPECIFIC TRAINING HAS EITHER NEVER BEEN PROVIDED TO JUDGES AND STAFF OR IS PROVIDED ONLY DURING ORIENTATION PROGRAMS.

Judges, court administrators, and court program staff need knowledge of ADA provisions, sensitivity training, and disability etiquette to ensure that people with disabilities have appropriate services to access court programs and services. During one of the public hearings, the Task Force heard from a man who is deaf and was involved in a custody proceeding. The man reported that the interpreters were often behind in interpreting, and when this happened, he couldn't get his comments in. The man reported: "The judge deferred to those who could speak, including my wife." Although he gained custody of his child, he felt that the judge did not understand his disability and stated "there needs to be more education of judges and court staff on ADA issues." The Task Force also heard from several people who use wheelchairs or walkers about the humiliation they experienced being searched by courthouse security who are unfamiliar with disability etiquette. These personal experiences are not surprising when reviewing the following 2005 Self-Assessment data:

Hearing Impairments:

- Several programs in each court do not provide notice of the grievance policy.
- Many (72%) courts indicated that administrators, staff and judges who evaluate and make decisions regarding grievances have not received specific training in federal and state disability rights laws.
- Many programs indicated staff need training on their roles and responsibilities under the ADA.
- All written agreements with private sector entities do not require compliance with ADA accessibility and communication provisions.
- Courts generally provide little written ADA information to the public.
- Three courts do not have an ADA poster in a public area.
- Three courts have additional local ADA policies or procedures.
- Three courts are unclear concerning whether they may charge for ADA accommodations.
- Seven courts indicate they allow parties to bring their own interpreter, but it is unclear if the judge qualifies these interpreters before they are used. Although the OJD stresses the importance of using only certified interpreters, occasionally the court will allow someone whom the judge deems "qualified" to act as an interpreter for a party. Judges have a set of questions they use to assess whether non-certified individuals can interpret effectively, accurately and impartially, both expressively and receptively, using specialized vocabulary.

Vision Impairments:

- Eleven programs indicated they do not provide alternate formats upon request for some information communicated visually.
- Several programs do not provide notice of the grievance policy in alternate

formats.

- Many (72%) courts indicated that administrators, staff and judges who evaluate and make decisions regarding grievances have not received specific training in federal and state disability rights laws.
- Many programs indicated that staff need training on their roles and responsibilities under the ADA.
- All written agreements with private sector entities do not require compliance with ADA accessibility and communication provisions.
- Courts generally provide little written ADA information to the public.
- Three courts do not have an ADA poster in a public area.
- Three courts have additional local ADA policies or procedures.
- Three courts are unclear concerning whether they may charge for ADA accommodations.

Mobility Impairments:

- Several programs do not provide notice of the grievance policy in alternate formats.
- Many (72%) courts indicated that administrators, staff and judges who evaluate and make decisions regarding grievances have not received specific training in federal and state disability rights laws.
- Many programs indicated that staff need training on their roles and responsibilities under the ADA.
- All written agreements with private sector entities do not require compliance with ADA accessibility and communication provisions.
- Courts generally provide little written ADA information to the public.
- Three courts do not have an ADA poster in a public area.
- Three courts have additional local ADA policies or procedures.
- Three courts are unclear concerning whether they may charge for ADA accommodations.

Cognitive Impairments:

- Eleven programs indicated they do not provide alternate formats upon request for some information communicated visually.
- Several programs do not provide notice of the grievance policy in alternate formats.
- Many (72%) courts indicated that administrators, staff and judges who evaluate and make decisions regarding grievances have not received specific training in federal and state disability rights laws.
- Many programs indicated that staff need training on their roles and responsibilities under the ADA.
- All written agreements with private sector entities do not require compliance with ADA accessibility and communication provisions.
- Courts generally provide little written ADA information to the public.
- Three courts do not have an ADA poster in a public area.
- Three courts have additional local ADA policies or procedures.
- Three courts are unclear concerning whether they may charge for ADA accommodations.

- Seven courts indicate they allow parties to bring their own interpreter, but it is unclear if the judge qualifies these interpreters before they are used.

RECOMMENDATIONS:

- ☞ ***Statewide ADA Coordinator and OSCA should*** stress that training is of paramount importance, and train administrators, coordinators, judges and staff on ADA law and issues. The ADA is not a problem to solve, but a means of providing access to our court system for all court users in our communities and should be incorporated into the everyday way of doing business.
- ☞ ***State and local ADA Coordinators should work together to ensure that*** the public contact staff have a basic knowledge of the ADA and should know the name of the local ADA Coordinator. Some examples: There should be a list of accommodations available for the public. It would be helpful to have a “tent” notice on counters that informed people “If you have a disability and need accommodations, please let us know.” A small desk flip-chart that gives front line staff key answers to requests for accommodations would be very helpful.
- ☞ OJD discourages parties from bringing their own interpreters into the courts. ***Court Programs and Services Division should*** train judges on the importance of “qualifying” interpreters when parties bring their own interpreters. When interpreters are involved in cases, the court should allow enough time to provide for effective communication.
- ☞ ***The Chief Justice should charge the Access to Justice Committee*** with developing an inclusive grievance policy for all citizens (those with disabilities, those of different races, ethnicities, genders, ages, etc.). The policy should be posted as well as specified in brochures and alternative formats at counters and desks.
- ☞ ***The OJD Statewide Security and Emergency Preparedness Committee*** should develop court house entrance, security and emergency evacuation policies, procedures, and training information that instruct courts on how to address the needs of members of the public with disabilities. It should also include OJD employees with disabilities and this policy should be reviewed frequently (every 6-12 months) with employees to assess the potential need for change.
- ☞ ***Personal and professional services contracts prepared by OSCA*** do include ADA nondiscrimination language, however, contracts developed by outside entities rarely include nondiscrimination language. Training should be provided to local staff responsible for any contracts with outside entities regarding the need to include specific language about ADA compliance in any contract signed.

PROGRAMS AND SERVICES:

FINDING # 2 ON A LOCAL LEVEL, VARIOUS PEOPLE ARE ASSIGNED THE RESPONSIBILITY OF RECEIVING REQUESTS FOR ADA ACCOMMODATIONS, DETERMINING IF A PERSON IS QUALIFIED UNDER THE ADA, AND APPROVING/DENYING REQUESTS FOR ACCOMMODATIONS. LOCAL ADA COORDINATORS ARE NOT ALWAYS NOTIFIED OF ADA REQUESTS, AND THE PUBLIC IS NOT ALWAYS NOTIFIED OF ADA POLICY AND GRIEVANCE PROCEDURES.

Courthouse staff do not always know who the local ADA Coordinator is or are unaware that the position exists. There is a general lack of understanding of disabilities and accommodations. Staff (especially point-of-contact staff) need to be trained to understand that all ADA Coordinator names and contact information are readily available on the Web and on the OJD internal database in Lotus Notes.

There was some speculation that the public does not file grievances, not because they are satisfied with the service they get from the courts, but rather because they “give up” when trying to find who they need to talk to and what needs to be done.

Hearing Impairments:

- Some programs require individuals with disabilities to make individual accommodation requests for each proceeding or event in a single process.
- Nineteen courts have never provided real time captioning.
- Fifteen courts have old assistive listening devices that need to be replaced.
- Twenty five of 36 Jury Coordinators handle ADA requests directly rather than going through a central ADA Coordinator.
- Although 22 courts allow sign language interpreters in the deliberation room, 3 courts with real time captioning services do not allow it in the deliberation room and 7 courts do not allow personal assistants in the deliberation room.

Vision Impairments:

- Some programs require individuals with disabilities to make individual accommodation requests for each proceeding or event in a single process.
- Twenty five of 36 Jury Coordinators handle ADA requests directly rather than going through a central ADA Coordinator.

Mobility Impairments:

- Some programs require individuals with disabilities to make individual accommodation requests for each proceeding or event in a single process.
- Twenty five of 36 Jury Coordinators handle ADA requests directly rather than going through a central ADA Coordinator.
- Although 22 courts allow sign language interpreters in the deliberation room, 3 courts with real time captioning services do not allow it in the deliberation room

and 7 courts do not allow personal assistants in the deliberation room.

Cognitive Impairments:

- Some programs require individuals with disabilities to make individual accommodation requests for each proceeding or event in a single process.
- Twenty five of 36 Jury Coordinators handle ADA requests directly rather than through a central ADA Coordinator.

RECOMMENDATIONS:

- ☞ ***State and local ADA Coordinators*** should empower jury coordinators by granting the right to make certain accommodations, i.e., provide sighted guides, help with doors, assistive listening devices. Other requests should go to the ADA Coordinator. Develop procedures for handling requests for accommodations. ADA Coordinators should not be left out of the loop. Inappropriate staff responses may constitute violations of the ADA.
- ☞ ***Trial Court Administrators and local ADA Coordinators*** should review policies to assure ADA compliance regarding such issues as jury sequestering, deliberation room restrictions, and service animal restrictions. Assure policies meet the requirement of providing reasonable modifications by being flexible with unanticipated situations in a way that does not deny people with disabilities an equal opportunity to participate.
- ☞ ***ADA Coordinators, as part of new employee orientations in the local courts, should have a checklist that is ADA specific*** and should include such questions as: What is the ADA? What is your responsibility in regard to the ADA? Who is the local ADA Coordinator? Where is the OJD Policy of Compliance with the ADA located in the courthouse? What is the OJD Grievance Policy? etc.
- ☞ ***OSCA or the Access to Justice for All Committee's Monitoring and Evaluation Sub-committee*** should review the Recognizance Release Program for ADA compliance.

FACILITIES:**FINDING # 3 SIGNAGE AND ACCESSIBILITY, BOTH OUTSIDE COURT FACILITIES AND INSIDE COURT BUILDINGS, NEED CORRECTIVE ACTION STATEWIDE.**

During one of the Task Force public hearings, a woman who uses a walker reported her difficulties finding the accessible entrance to the courthouse. “It is very difficult to enter a building when you can’t even find the door.” When she found the accessible entrance, it was through the back door, and she had to make her way through prisoners and sheriff’s deputies during a prisoner transfer. A former juror who uses a wheelchair spoke to the Task Force about his difficulty in accessing the courthouse, getting through the doors of some jury rooms, and leaving the jury assembly room to locate accessible restrooms. He also had to sit outside the jury box away from other jurors. Courthouses need to correct outdoor and indoor signage statewide. Without information regarding where to find accessible features, individuals with disabilities are as disadvantaged as if no accessibility features exist.

All Impairments:

- Twenty six courts that have inaccessible main entrances do not have signs showing the location of the accessible entrance to the building.
- Twenty four courts that have inaccessible public restrooms do not have signs giving directions to an accessible public restroom.
- Some courts have ramps that are not slip resistant; have lifts that cannot be operated without assistance but do not have call buttons; have accessible entrances locked during working hours; and some accessible parking spaces are not located closest to accessible entrances.
- Five courts have objects in routes through public areas that are not cane detectible.

RECOMMENDATIONS:

- ☞ ***State and local ADA Coordinators should work together to*** correct outdoor and indoor signage issues statewide. All inaccessible entrances need to have signs directing people to the accessible entrance. Signs which direct individuals with disabilities to the accessible facilities within the court building are an integral part of the expectations of the ADA. Without information regarding where to find accessible features, individuals with disabilities are as disadvantaged as if no accessibility had been provided.
- ☞ ***Trial Court Administrators and Presiding Judges should*** work with local county agencies to improve physical access to the courts. Remove barriers in existing facilities when it is readily achievable. Readily achievable means removal of barriers can be done with little difficulty or expense in relation to the resources of the entity, and is assumed to include provision of accessible parking, accessible route to accessible entrance, access to courtrooms, restrooms, vending machine areas, telephones and drinking fountains. Install

exterior doorbells with several ringers in several interior locations at accessible entrances that must remain locked during the day for security purposes.

- ☞ ***The OJD Statewide ADA Coordinator should review*** court survey results and develop a statewide corrective action plan and templates for courts to develop their own local level corrective action plans.
- ☞ ***The OJD Statewide Coordinator and TCAs*** should develop local court transition plans that include areas needing corrective action, recommended corrective action, time line, responsible parties and completion date. These transition plans should include acquiring emergency evacuation devices. These transition plans could be an integral part of budget issues for the next legislative session.
- ☞ ***The OJD should complete a Self Assessment*** survey every 2-3 years.

FACILITIES:**FINDING # 4 EMERGENCY EVACUATION PLANS AND PROCEDURES FOR MEMBERS OF THE PUBLIC WITH DISABILITIES ARE NONEXISTENT.**

Courts need to develop emergency evacuation plans that include members of the public as well as employees who have disabilities. Many federal and national organizations have developed evacuation plans. There are many examples a court could choose from to develop an emergency evacuation plan for people with disabilities.

All Impairments:

- Most courts report that they have no evacuation plans or procedures for people with disabilities.

RECOMMENDATIONS:

- ☞ ***The OJD Statewide Security and Emergency Preparedness Committee*** should develop courthouse entrance, security and emergency evacuation policies, procedures, and training information that instruct courts on how to address the needs of members of the public with disabilities. It should also include OJD employees with disabilities and should review this policy frequently (every 6-12 months) with employees to assess the potential need for change.
- ☞ ***Trial Court Administrator and ADA Coordinator*** should take the responsibility to assure that courthouse security personnel are adequately trained in screening people with disabilities. Make it a part of the entrance process for courthouse security personnel to identify emergency exits to people with disabilities.

COMMUNICATION:

FINDING # 5 MANY COURT MAILINGS, NOTICES, SUMMONSES AND FLYERS DO NOT INCLUDE STATEMENTS ABOUT THE AVAILABILITY OF ACCOMMODATIONS AND HOW TO ACCESS THEM.

When persons who are blind have called the court to get information about serving on a jury, they feel that they are discouraged from serving and/or excused because of their disability. When this happens, equal access is being denied. People with disabilities have the same civic responsibilities as people without disabilities.

When messages are left concerning needs for accommodations, calls are sometimes not returned. Training is needed to front line staff as to where to forward calls concerning accommodations (ADA Coordinator).

Courts generally provide little written ADA information to the public. The Grievance policy is not offered in alternate format. The OJD needs to disseminate information about the Grievance policy in alternate formats.

All Impairments:

- Eleven courts have jury summons with no or inadequate notice about ADA accommodations, and 22 courts do not include a TTY number.
- Thirteen courts are not prepared to provide court documents in accessible formats upon request.

RECOMMENDATIONS:

- ☞ ***The OJD should initiate*** statewide forms as an ADA compliance issue so that commonly used forms can be prepared in alternate formats. These forms would not be subject to local revision as this would defeat the purpose of having alternate forms readily available.
- ☞ ***Trial Court Administrators and local ADA Coordinators*** should ensure that ADA information with contact name, phone number and time lines are on all written notices, summonses, mailings and flyers coming from the court.
- ☞ ***Trial Court Administrators and local ADA Coordinators*** should look to local services to obtain documents, that are local court specific, in alternate formats, e.g. school districts. If more statewide forms were used, alternate formats would be readily available.
- ☞ ***OSCA and local courts*** should include ADA compliance language in all contracts and memoranda of understanding with private sector entities.

FINDING # 6 TTY AVAILABILITY, TRAINING, TESTING AND USE IS AN ISSUE IN MANY COURTS.

All Impairments:

- Twenty two programs stated they do not have access to or know how to use a TTY.

RECOMMENDATIONS:

- ☞ ***Local ADA Coordinators should*** train staff to use TTY machines and Assistive Listening Devices (ALDs) in their facility. Assistive listening devices should be updated and replaced where needed.

The completion of the 2005 Self-Assessment gave the OJD a new look at the state court system and their compliance with the ADA. It will be an invaluable tool in addressing ADA requirements and developing corrective measures and strategic plans for the future of Oregon Courts.

Surveys Conducted in Other States

Appendix

The Task Force reviewed studies conducted in other states. Listed below are the studies reviewed and their primary focus.

State: Arizona
Entity: Committee on Persons with Disabilities in the Legal Profession
Title: Courthouse Accessibility Survey
Date: 2004

Summary

This committee's study involved teams who visited the sites, took digital photographs and wrote detailed reports on special accommodations and suggestions for additional, low cost accommodations. This statewide survey of entire county courthouse structures was one of the first of its kind undertaken by a state bar association in the nation.

The teams visited city, county, state, federal and tribal courthouse facilities, containing 39 separate courts of competent jurisdiction. In its conclusion, the committee decided to highlight what was working. The report contains a good list of specific designs and devices needed to assist persons with disabilities.

State: California
Entity: Access for Persons with Disabilities Subcommittee of the California Judicial Council's Access and Fairness Advisory Committee
Title: Summary of Survey and Public Hearing
Date: 1995

Summary

This group conducted public hearings, a telephone survey, a mail survey, and qualitative interviews. Their research showed that the primary concerns facing persons with disabilities pertained to the problems of physical access to the courts, court policies, and procedures necessary to participate in court proceedings as well as knowledge and awareness of disability issues among court personnel.

Their report is organized into several areas including knowledge and awareness of the ADA, available resources for accommodations, compliance and accommodation issues, etc. Each of these is examined through perceptions from staff and persons with disabilities and biases are discussed. The report then concludes with specific recommendations regarding education, available

resources and accessing them, ADA compliance, communication, employment, jury services, etc.

State: District of Columbia
Entity: Standing Committee on Fairness and Access to the D.C. Courts/The District of Columbia Courts
Title: Conference: Ensuring Fairness and Access to the Courts in a Changing World
Date: 2002

Summary

The conference was designed to examine progress made from previous task force reports. The introductory panel indicated the Standing Committee's work in four areas: gender bias, national origin, race, and language access with the most progress in gender bias. In terms of access to the courts by people with disabilities, a panelist listed progress in wheelchair access, public telephones for hard of hearing, sign language interpreters, and portable assistive listening systems. He indicated that more outreach to the community would spread the word of the improvements the courts have made. Areas of improvement still needed include: automatic door openers, signage and printed materials in alternative formats.

State: Florida
Entity: Supreme Court of Florida/Committee on Court-related Needs of the Elderly and Persons with Disabilities
Title: Action Plan
Date: January 1, 1994

Summary

The report emphasizes the critical need for the education of the judiciary, court personnel and the public-at-large in servicing the elderly and persons with disabilities. It views the whole report as part of this education process. It affirms that the courts should assist with providing accommodation for all participants with varying functional impairment(s). It encourages the courts and the legal community to look at resources in more non-traditional ways such as public-private partnerships. It also emphasizes the need to be mindful of the relationship between the courts and the local judiciary and its county government.

State: Georgia
Entity: Georgia Commission on Access and Fairness in the Courts
Title: Handbook for Georgia Court Officials
Date: 2005

Summary

This is a sample of handbooks that states have prepared to educate court officials and staff regarding persons with disabilities. It attempts to address people with disabilities not only as a group, but as individuals as well. It has special sections on interacting with persons with disabilities divided by disability as well as a section on establishing a disability/accommodation protocol and advice for removing barriers to access to the courts.

State: Michigan
Entity: State Bar of Michigan/Open Justice Commission
Title: A Report on Access to the Legal System in Michigan for Persons with Disabilities
Date: June, 2001

Summary

There are 56 million people in the United States with disabilities (2000 US Census). This group represents the single largest minority group in the world. "Disabilities do not discriminate based on race, creed, gender or sexual orientation. Thirty million people in this group are considered to have a severe disability. It's time to provide them with the same opportunities and benefits that are taken for granted by the able-bodied community." Recommendations included a manual for courts that summarizes accessibility standards of the ADA with a list of resources; sensitivity training for judges, court staff, and attorneys; strengthening the ADA Coordinator positions; improvement of forms requesting accommodations; UPL issues (similar to Oregon's allowance for court facilitators); identifying people with disabilities prior to arraignment; referrals to other agencies; early release issues; treatment in jails; and web site development.

State: Minnesota, Hennepin County (Minneapolis)
Entity: Hennepin County Bar Association/Diversity Committee Disability Subcommittee
Title: Report and Model Guidelines for the Integration of Attorneys and Law Students with Disabilities into the Legal Profession
Date: May, 1999

Summary

The study examined the treatment that lawyers with disabilities received from prospective employers and employees in the hiring process, conditions of employment, and whether the onset of the disability preceded or succeeded employment and its impact. The study concluded that people with disabilities have been discriminatorily excluded from full participation in the legal profession. The committee concluded that "legal employers must consciously and forthrightly confront and overcome the ongoing, profound barriers to equal opportunity which impede the progress of people with disabilities in the profession." The report provides legal employers with guidelines on how to enhance hiring,

accommodation, retention, advancement, and attitudes toward law students and attorneys with disabilities.

State: New York
Entity: NY State Commission on Quality of Care for the Mentally Disabled/NY State Bar Association Committee on Mental and Physical Disability
Title: A Survey of Access to New York State Courts for Individuals with Disabilities
Date: February, 1994

Summary

New York conducted an extensive study of all levels of its courts throughout the state in 1993 and issued its report in 1994. Areas in the courts where they found the most problems included: lack of appropriate signage, often non-existing or limited accommodations for persons with visual or hearing impairments, and very limited knowledge about reasonable accommodation for persons with mental disabilities. As an example, only 8% of all courtrooms were fully accessible and only 30% of courts provided accessible restrooms. No court furnished Braille signs indicating rooms or directions and only 13% provided standard informational materials in Braille. Finally 64% of the courts had no understanding of how to provide accommodations for persons with mental disabilities.

The study found court personnel had a strong desire to learn more and do a better job in accommodating the needs of persons with disabilities. The recommendations included having the Office of Court Administration make certain forms available in alternative formats, increasing training, appointing an “accessibility ombudsman” and an “accessibility task force” in each county.