

# **Disabilities Project Newsletter**

## **Low Cost Ways Courthouses Can Be More Accessible to Persons With Disabilities**

Under Title II of the Americans with Disabilities Act, courthouses and other public buildings must be accessible to persons with disabilities. The United States Supreme Court, in the case of *State of Tennessee v. Lane*, decided May 2004, upheld the provision of Title II of the Americans with Disabilities Act, which allows a person with a disability to sue the state for not having a court facility in compliance with the ADA concerning accessibility to the courtroom. There are other federal and state statutes requiring governmental entities not to discriminate against persons with disabilities.

The Rehabilitation Act of 1973, 29 USC 794, prohibits discrimination based on disability by a recipient of federal funds. In Michigan, the Persons with Disabilities Civil Rights Act, MCL 37.1101 et seq, prohibits discrimination against persons with disabilities. Both of these statutes apply to state and local government entities.

Even without these statutes requiring accessible court buildings and services to persons with disabilities, Michigan courts have had a long-standing policy not to discriminate against persons with disabilities. Justice requires all persons have access to the court system.

According to the Michigan Commission for Disability Concerns, a division of the Michigan Department of Labor and Economic Growth, 1.9 million people in the state of Michigan have a disability. These disabilities vary widely in kind and severity, but it is obvious from these numbers many of the citizens of Michigan require courts to be accessible and user-friendly for persons with disabilities.

Many courts in Michigan have financial restraints that may lead court administrators and chief judges to believe it is too costly to make their court building more accessible and user-friendly to persons with disabilities. However, many things can be done at little or no cost to accommodate the many lawyers, litigants, witnesses, jurors, and general public using our court buildings. Below are some low-cost suggestions:

- Jurors are one of the largest groups using court facilities. One of the most frequent complaints of jurors is there are not enough places to sit while they are waiting in the halls. Many jurors have physical conditions that make it difficult to stand for a period of time. Placing more benches in the halls is an easy way to solve this situation.
- The ADA requires public buildings to have both high and low drinking fountains. Rather than incurring the expense of installing two drinking fountains, placing a paper cup

holder by the drinking fountain allows a person in a wheelchair to get a drink from one fountain.

- Many court buildings have a ramp for wheelchairs at an entrance other than the main entrance. Have a sign at the main entrance clearly indicating the location of the wheelchair ramp entrance. If the entrance to the court building has a flight of wide stairs approaching the main entrance without railing, place free-standing railings at reasonable intervals on the stairs. A stair rail greatly assists those who find it difficult to maneuver on stairs.
- Many courtrooms are difficult for people in wheelchairs. Although the doors into the courtroom are generally wide enough for a wheelchair, the gates going into areas of the courtroom, such as the area in front of the bar, or the entrance into the court's chambers, are too narrow for a wheelchair to pass through. Widening those entrances to allow a wheelchair to pass through can solve this problem. Space for a wheelchair can also be provided in the public area of a courtroom by cutting down the length of one or more of the benches to allow a wheelchair to fit in that area. In this way, the person in a wheelchair would not conspicuously block a courtroom aisle.
- If the lawyers, litigants, or jurors who are involved in a trial have a disability that slows their mobility, the court can allow extra time for a recess. This would allow a person in a wheelchair or using a walker to use the restrooms. It is always a good idea to ask if someone may need more time during a recess because of a disability.
- If a person who is involved in a trial is hard of hearing, an easy, relatively inexpensive way to accommodate that person is to have a portable FM loop system. Many schools use this device for hearing-impaired students. More information can be obtained through the state agency for the deaf and hard of hearing. Many doors in court buildings are heavy, and can be hard to open. These doors can be adjusted to make them easy to open and would assist many people with various disabilities.
- To assist visually impaired persons, the room number should be in raised letters on the door itself, along with a Braille number below the raised letters. Raised numbers are necessary because less than 30% of the people who are blind can read Braille.
- Under the Americans with Disabilities Act, every court is to have an ADA coordinator. This ADA coordinator should have information that can assist a person with a disability. Clear signs in the court building designating the ADA coordinator, and where to find him or her, is also helpful and inexpensive.

These are just a few low-cost ideas to make the court building more user-friendly to persons with disabilities. Most likely, some of you have your own ideas. If you have an idea, contact Judy Hershkowitz in the Justice Initiatives Division at the State Bar at (800) 968-1442, ext 6335 or [jhershkowitz@mail.michbar.org](mailto:jhershkowitz@mail.michbar.org) and perhaps we can use it in future e-mail newsletters.