



Americans with Disabilities Act: Access and Fairness

Court Consulting Services Division

Communication Accessibility in the Courts

Jo Williams

American Speech-Language- Hearing Association

For more than 24 million Americans with communication disabilities, the courts have been inaccessible. These individuals been excluded from jury duty, denied due process, and deprived of employment opportunities due to discrimination and a lack of accommodation in the judicial system. The Americans with Disabilities Act (ADA) no longer permits this.

ADA titles I and II stipulate that state and local law enforcement and judicial systems must ensure that people with disabilities have full and equal opportunity to participate in and benefit from public services and employment. Public entities must take whatever steps are necessary to provide effective communications. Technology can play a key role in making information available to and usable by individuals with communications disabilities.

What is necessary for effective communication depends on the environment and context of the communication, as well as the severity of the individual's impairment. Greatest difficulty occurs in unfamiliar or stressful situations, with unfamiliar terminology or complex information, and in group settings with multiple talkers (elements of most court proceedings).

Low-tech and high-tech strategies can improve communication accessibility. Impressive courtrooms designed with high ceilings, polished marble, and beautiful hardwood features are a communication nightmare for people with hearing impairments. A first step is to modify the setting and physical environment by installing sound buffers. Overcoming problems of speaker/listener distance, reverberation, and background noise also can be addressed by using assistive listening devices (ALDs) and systems (ALSs). Information can be provided visually in real-time or through prepared materials in a number of ways, including computer-assisted notetaking, transcription, or captioning projected to a personal monitor or a large-screen; videotape with captioning and/or signing interpreter services; and written transcripts.

A variety of ALDs and ALSs amplify sounds and reduce interference from background noise. Four basic types of ALSs are available—hard-wired direct audio input (DAI), audio induction loop (ILS), FM, and infrared (IFR). There are advantages and disadvantages for each type, and they differ in cost, flexibility, capabilities, and user-friendliness. For example, induction loop systems are simpler to maintain and operate than FM or infrared systems, do not require special receivers for people with telecoils on their hearing aids, and can be used by people who have cochlear implants or use vibrotactile devices. Infrared systems are generally not as powerful as the induction loop or FM systems, but some new IFR systems have more power. If systems are needed in different rooms, it is important that the systems do not interfere with each other. For example, FM systems should be on different bandwidths in each room. For areas where confidentiality is important, infrared systems or a new type of loop system (3-D system) may be required.

Costs of the systems will vary with the size of the room and number of receivers. Generally, the least expensive to most expensive is induction loop, FM, and infrared. Factors in ALD/ALS selection include physical characteristics (e.g., light sources, size, number of rooms), resources (financial, personnel), and sources of interference (electrical, radio, lighting).

Accessibility for a person with a speech impairment who uses a speech output device may be as simple as providing adequate space for the device and a nearby electrical outlet, or putting a microphone at the external speaker to transmit the communication to the public address and tape-recording equipment.

Interpreter or facilitator services may be necessary for some people when information is complex, lengthy, or important. For example, when the person is testifying, interpreter services required may be oral (easy to speech read), American Sign Language, Cued Speech, or Signed English depending on the preferred communication of the individual. Facilitator services help persons using a communication device express themselves. For example, a facilitator may verbalize what an individual is spelling on a communication word board.

Appropriate devices and systems should be determined on a case-by-case basis. All communication areas and activities at the facility both for employees and the public, including jury selection and pool rooms, courtrooms, judges' chambers, and jury deliberation rooms, should be reviewed. Implicit and paramount to accessibility is training staff in effective communication styles and disability awareness and on the correct use and maintenance of equipment.

While technology offers a powerful tool for making the ADA a reality, technology alone cannot change attitudes or open closed doors—that takes individual effort and willingness to make changes.

For more information on communications disabilities and assistive technologies, readers are invited to contact Jo Williams, Director, ADA Project, American Speech-Language-Hearing Association (301) 897-5700.

For more information on the Americans with Disabilities Act,
contact Knowledge Information Services,
knowledge@ncsc.dni.us,
1-800-616-6164

Last Modified: **[June 20, 2002]**

Copyright 2002 – The National Center for State Courts. All rights reserved