

Disability Access in the Courts
WebEx Presentation Transcript
October 19, 2020

00:00:01 SLIDE 1

Hello, welcome to our *Disability Access in the Courts* training session. We're so glad that you have chosen to take advantage of this training opportunity to learn more about the courts in North Carolina, and how disability access in our courts will operate.

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I am Lori Cole, and I'm a court management specialist at the NC administrative office of the courts in the court programs division. Part of my duties includes being a disability access coordinator for our state. So, I'm a resource to all our court officials and staff who may have questions about disability access.

Hi, I'm Brooke, the manager of the office of language access services for the North Carolina Judicial Branch. We deal with all things language access, including access to effective communication.

My name is Derek. I'm a traditional fellow so our office provides clerking research and writing support to North Carolina's 380 trial court judges. I'm on this call because I have academic and personal experience with disability. I hold an LLM, a Master of Law from Nottingham Trent University, and my research focus is on disability, tech and constitutional law and I am an attorney who was blind.

My name is Corrine, and I am currently assistant legal counsel with North Carolina Administrative Office of the Court's Office of General Counsel. One of my roles within the office is to advise Judicial Branch employees on disability access for the public as the public is coming in to access our court services and programs.

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Moving on to our next slide, the topics. This is what we're going to cover in today's training. The general requirement of the Americans with Disabilities Act; disabilities that you may encounter as a court employee with visible and invisible disabilities; cultural competency; and then we're going to move to the requirements that the Americans with Disability Act places on court programs and services and the requirement for equal access to give reasonable modifications to individuals with disabilities. And that would include sign language interpreters.

We'll also go through the statewide protocol for processing requests for accommodations. And we'll finish with some challenges that the Judicial Branch faces in providing disability access. That includes the sort of questions that we've recently gotten about the coronavirus and disability access related to it.

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So, the Americans with Disabilities Act has been in place now for over two decades. It might even be closer to three at this point, and it has a general prohibition against discriminating against people with disabilities in employment, transportation, public accommodations, communications, and access to state and local government programs and services. There is a lot of information and requirements in the Americans with Disabilities act. The extent that will be covered in this presentation, we're really only going to focus on how it directs us to ensure access to the public as a state program.

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So, what is a disability? The Americans with Disabilities Act defines disability very broadly. It is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, or a person who has a history or record of such impairment or a person who is perceived by others as having such an impairment. So, it's a very broad definition. And within the United States, there are a large number of people - 26% of adults in the United States - who have a disability. That's 61,000,000 (people). And then within the South, and there's actually an even higher percentage of individuals with disabilities. That would include North Carolina. And so this means that as Judicial Branch employees, you have people who are coming into access the services that we offer and one out of four are likely to have a disability that we may need to work with and accommodate to ensure that they can access the services and programs that we offer.

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And I'll pass it off to Derek now, to talk about some of the disabilities that you might see as a Judicial Branch employee in our court system.

If we have one in four people coming into the courthouse who have some sort of disability or disabilities, then we should probably know what sorts of disabilities to expect. And so, take a second to think of what types of disabilities we might see.

They typically will come in one of two sorts of categories. Visible, as in a physical disability that you could perceive immediately by seeing the person, or being present with them, or having a conversation with them. And then disabilities that you would have probably no idea of immediately knowing, but nevertheless are important and noticeably deserving, both ethically and legally of accommodation.

So, when we talk about physical disability, we think generally in two types, we think sensory and we think mobility. Sensory will be things like blindness, deafness, deaf, blind, loss of a sense of touch. Then we get into mobility and we think people who may use wheelchairs, walkers, cane assistance and support animals. And here I'm not just talking about emotional support animals. I'm talking about physical support like an animal partner that you can sort of, rest of your weight on and walk with.

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And then we move to our next slide and disabilities that may be invisible. We can get into some cognitive disabilities we think about cognitive delays. We get into emotional disability for PTSD and an entire list of here on the screen including autism spectrum disorder, and traumatic brain injury. All these are conditions that might not immediately be known. But again, that are important for us as judicial employees to understand and accommodate. And now that we know what types of disabilities we may see, although this is in no way an exhaustive list, Lori has some statistics on generally how these are broken down the population.

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This slide is from the CDC, and it breaks down different functional disabilities for us by percentage. You remember the statistic of 61 million adults and then you think about 13.7% of that - and I did the math on a calculator - it is 8,357,000 people who have serious difficulty walking or climbing stairs, or some type of mobility challenges.

And then it ranges here. You can kind of see, there are icons that are associated with mobility - You see the wheelchair. Then cognition, that's something affecting the brain. Remembering, concentrating

making decisions, those types of injuries can happen when someone experiences a traumatic brain injury, such as being in a car accident, skateboarding accident, something where their head is injured. Independent living indicates difficulty doing errands alone. That is a challenge that many of us probably you have experience with someone in our life circles, or family even. Someone who needs assistance doing different errands and so those kinds of challenges can be really difficult as well. And we've got, of course, the hearing and vision loss, and then the self-care category and that also goes into people who need assistance doing things for themselves. That sort of gives you a good overview of different types of disabilities and different ways they might appear in in the populations that that we see in our court.

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Next, I'm going to talk briefly about hidden disabilities and a big one that comes to mind here is mental health, but there are some other challenges that people have with their physical health that might not be as apparent either.

Real quickly, I'll just share that when I was in my twenties, I had a physical condition – a chronic illness in fact - that manifested itself as very debilitating for my joints. There was inflammation all over my body and so I actually required the use of crutches on many occasions, so much so that my doctor prescribed or approved for me to get a disabled pass to park my car closer to buildings. I actually went into a grocery store one day and one of the folks from the Salvation Army was ringing his bell. When he noticed I was parking in that space and making my way into the store, he said for everyone in the parking lot to hear: “you're in a handicapped parking space. You shouldn't be there; you shouldn't be parking there.”

I think, for me, and for many others who do experience different disabilities, it can be tiring, a kind of wearing down on you. You know, we're facing those challenges and dealing with them on your own. Then having that feedback from the public, it can be it can add to that burden.

I'm hopeful that through this training, we can all be a little more aware of how disabilities might present themselves and aware of the challenges that all of us can see or experience. And we may know people, loved ones or different clients or people we work with, who are also challenged in different ways and to may need assistance in different ways. So, I started a sort of a roundabout way of coming back to mental health.

People with chronic conditions also often do experience some mental health conditions, such as depression. That's an example that you can learn more about everywhere it seems. There are a lot of depression resources. This is a link to just one video, a short video that goes through different examples. That seemed like it was a pretty interesting, um, picture of what that condition is. The National Institute of mental health has kind of documented a lot of these conditions and show that the prevalence of major, depressive episodes for adults was pretty significant. It was 7.1% of all our adult population, and the prevalence of that was actually higher among women than men. It was highest also in the age group of our young adults, 18 to 25. So, it really doesn't matter what age or whether you're a man or woman, or where you come from, all kinds of people can have all kinds of disabilities and situations that are challenging to them. So, it's important just to keep your mind open to all those different options.

If you want to learn more about mental health first aid, we've partnered with the Department of Health and Human Services to bring the mental health first aid curriculum to our Judicial Branch staff.

Staff can check online on our internal courts website to see when those next classes will be. And anyone from the public is welcome to take to take an adult mental health first aid class, or there's also one for youth mental health. It's thorough education about different diagnoses, how to respond, and how to assist people if they are in a crisis.

I just want to put that out there, because I think especially during this time of the pandemic, we all are seeing different challenges in our working and personal communities. That brings me to the end of my mental health and hidden disabilities topics.

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So, a vital way for us to be able to interact with people with disabilities is developing what is known as cultural competence. Cultural competence involves understanding, appreciating and appropriately responding to different cultural identities.

As public servant, it's vital for court personnel to be able to effectively interact with and provide services to all members of the public. We often associate cultural identities in terms of age, gender, race, ethnicity and religious backgrounds, but it's also very important to realize that there is also a culture of disability.

Disability should not be viewed as something that needs to be fixed. Disability is actually a really important part of someone's self-identity. So when we encounter someone with a disability, it's important that we are aware of, and can include the values, beliefs, and needs associated with different disabilities. Each of us is responsible for developing our own level of cultural competence.

And it's ever growing and ever changing. And how do we do that? The first step is of self-knowledge. We must 1st be aware of our own cultural worldview and our attitudes toward cultural differences. Culturally competent people have very positive attitudes towards cultural differences. And then from there, we can educate ourselves. If we take the time to learn about different cultural practices, then we gain a wider range of awareness of knowledge and with that, we can develop cross cultural skills, which improves interaction with the public.

The end goal of developing cultural competence is to be able to interact effectively with people of different cultures, including those with disabilities.

How do we do this in real life? We want to make sure that we treat every interaction with each person as a new interaction. Every person is unique. Don't make assumptions. You always want to ask the individual to request what they need to access the court and one size does not necessarily fit all for a particular disability.

As public servants, we deal with lots of different types of people every day and it's important to be able to sort of embrace those interactions and maintain an objective and professional approach to each interaction.

If we're not aware of, or at least sensitive to the differences that we find with individuals with disabilities, then our response, or approach could be perceived as threatening, or in some way other than we intend. It may come as a surprise to hear that AOC has been urged to train staff to assist the disabled population in a "non-threatening manner." That may sound unnecessary, at first.

As court staff, I think we assume that we are professional and never threatening to the public. However, when we have taken time to develop our cultural competence for different types of disabilities, I think we can realize how critically important it is to do a better job of responding to inquiries and requests. There are different norms and expectations, depending on what type of disability a person has. And if we seek to understand these, then we can meet their access needs with the cultural sensitivity necessary.

I'll ask Derek to conclude this part. He's got very articulate explanation of some of these items.

Absolutely. Well, I would just jump in with two things and the first is disability as culture. I happen to be an attorney who is blind. I'm very proud of it. I'm very thankful to have the world's best service animal, Howard, who is my guide dog. It makes life different, but it's part of who I am.

Disability as culture has been at the forefront of the disability rights movement, I think back to the Rolling Quads in the 1960s, up through today people take a lot of pride in who they are and being dismissed as something that needs to be cured can be exhausting.

So, with that being said, developing cultural competency is, it's tough. And I recognize that for a lot of people, I'm probably the first blind person they met other than ones on TV - and most of those are played by cited people.

So it's absolutely okay not to know what to say or not to want to say the wrong thing or not to know how to help. That is normal because our society has done a really good job of separating disabled people from the rest of our country, and it's sort of a worldwide problem.

It's absolutely fine not to know, but when people don't know and are okay with that and don't want to learn, that's when you see some problems.

Ask questions, ask them at the appropriate time to ask questions and be willing to adhere to the answer.

I'll give you one very brief example. I was out apple picking a couple of weeks ago out in the western part of the state, social distancing, and I was trying to find the railing of a staircase. I couldn't find the railing and I was a little nervous to go down at because I didn't feel much like falling down a rock staircase.

A gentleman behind me wanted to help. It would've been great if he said, "a couple of inches to your left." It would've been great if he said, "how can I help you?" Instead, he took my hand and placed it on the railing. First of all, body autonomy means you don't move somebody else's body, particularly without their consent.

In a time and place when I was trying to social distance, he was touching my skin with his skin and moving my hand. I don't know who he was. That can be incredibly unnerving. That's one small example.

I think he was trying to do the best he could, but it goes to show that the best way to build cultural sensitivity, particularly towards the disabled community is to A: see us as a community. And B: assume you don't have the answers and be ready to learn them.

00:19:45 SLIDE 11

Thank you, Derek and Brooke for providing that sort of background. I know that I've learned a lot from some recent trainings that I've had on deaf culture and I just didn't know what I didn't know. I just encourage when you have the chance to develop a broader understanding of disability culture to take that chance. And as Derek said, I mean, ask questions of the individuals that come into our court system so that we can better serve them.

Let's start turning now, back to the legal requirements of the Americans with Disabilities Act. It prohibits us from discriminating against disabled individuals. And what that really means is that we need to provide equal access to individuals with disabilities. What I have up here on the screen is the federal regulations, or a snippet of them of what we need to do as a government service. Basically, we need to provide disabled individuals with the opportunity to participate in and benefit from our services. We cannot deny them that we need to afford them an opportunity that's equal to not. It may be slightly different than the general public because of their disability, but we need to strive to make it equal. And then third, we really cannot exclude them from our services because of physical or structural limitations in our buildings.

So those are sort of the three things that I primarily focus on when we're thinking about making sure that we're providing equal access to individuals with disabilities and not discriminating against them. When I think of equal access, in terms of the public interacting with us, I'm thinking of two buckets. The first one is on the next slide.

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And that's equal access, ensuring that the physical and structural access is acceptable. The examples are what we usually think of when you think of making sure disabled individuals have access elevators, making sure that there's maybe braille signage, wheelchair accessible doorways things like that.

A unique part of the North Carolina court system is that the state courts and were funded by the state, but counties under the general statutes are legally required to provide the adequate facilities.

So, while your district's court is all the individuals working within the court system, our state employees, the actual facilities are provided by the county. And so it's a unique kind of interaction, really. Because when individuals come into our court system, and they're having difficulty with physical are structural access as state employees, we can't provide it directly.

We're not the ones that can make the building changes, but we instead have to contact and direct the individual to the local county government and work with them on changes. And we, as a court system, we have an interest in making sure that people can access our court facilities, and so sometimes there might be some disagreements between the county and the state courts about what is adequate. And when that's the case, AOC really jumps in to try to support the local courts and make sure that we can get adequate facilities in there. Including ones that disabled individuals can access.

00:23:22 SLIDE 13

So, moving on to the second, bucket of equal access that I think of, is that we, as the court system can also have policies or procedures in place that can limit access for disabled individuals. Now, that limitation is not intentional and the policy procedures, nothing to do with purposely eliminating access, but it can have the impact of eliminate access. So, some examples are on the screen.

The first is a prohibition on animals. That would limit access for individuals that need service animals. So that's one example of the second bucket, one that is a common prohibition in many of our state buildings.

Common prohibition in many of our State Superior and District Courts, which is that there's a prohibition on electronic devices typically for security reasons, or for decorum of the court. Very often it can be very distracting for court proceedings. So, there's a good reason that they're prohibited, but they can have the effect of eliminate access for disabled individuals that rely on technology to assist them. Some examples of that there are pacemaker apps for individuals that have a pacemaker that there's an app that that talks to their phone. It tells them if there's a problem with their pacemaker. Then there are voice recorders can be used by blind individuals who want to take notes. There's also the technology I know one is called "Buzz Clip" but I think there's many different names for them that can be clipped to an individual body and tell of a blind individual where something is within a room, or whether they're coming close to it. So those are examples of electronic devices that are relying on by disabled persons and a policy that prohibits them can limit access for those individuals.

In the third example up, there are mask requirements and limitations on public attendees. These are things we're seeing in our court right now to respond to covid 19, and they're there to protect the public. But an individual may have a health condition that prohibits them from wearing a mask and so the mask requirement could therefore limit access for them.

Another example, an individual potentially with anxiety or post-traumatic stress disorder sometimes rely on friends or family to attend stressful events with them, including court proceedings. The limitations on public that we are seeing in courts right now could limit their access if they can't bring their family or friend or support person along.

And then the final example up there, the prohibition on tools comes from a specific incident that happens in the past, which is someone that was in a wheelchair got turned away at security, because their wheelchair had a toolkit that came with it that they kept with it so that they could repair their wheelchair, like a screwdriver and things like that. And the courthouse security [run by the County] considered those tools to be a weapon and turned them away. And so that's an example of a policy or practice that also limited a disabled person's access.

How do we as personnel or employees make sure that we're going to provide equal access when we do have these policies or procedures that can limit access unknowingly or the physical or structural issues?

And the answer is really that we rely on public; The actual disabled individual to tell us when they need an accommodation. And so, Lori, if you could go to the next slide.

00:27:05 SLIDE 14

So, within the Americans with Disabilities Act, the lingo used is *reasonable*. Accommodations are *reasonable* modifications. An individual with the disability will basically ask for an exception, or a change to the policy or practice so that they can come in and use our court services.

One of the key things to remember here is that while the Americans with Disabilities Act uses this terminology, the actual individual requesting the accommodation doesn't have to use it. They don't

need to use any magic words. They just need to explain that they need an exception to the policy, and we need to be willing and flexible to work with them on that.

Another thing that I want to emphasize here is that the law requires that we provide the reasonable accommodation requested unless it fundamentally alters the nature of the service program or activity.

And that means that the individual with the disability is going to ask for the accommodation, they know what works best for them, they are living with this disability, they have their own needs just how certain people learn differently.

They've developed methods and manners to deal with their disability and how they're going to work with that through their life. They know what they need. We don't know what they need.

So, they're going to tell us what they need, and we're going to provide it to them unless it would fundamentally alter the nature of our service program or activity. And that that's what the law requires.

And what we want to do, frankly, I am going to make one note here, which is that we only provide the services and programs that we provide to the public generally. So, if an individual with the disability comes in and is asking for some sort of accommodation that we don't even provide a service, they're asking for a service that we don't provide to the public. Normally. That's not really a reasonable accommodation request that's going beyond and above the services that we normally provide. So an example would be that we don't normally provide jurors with public transportation.

So, if a juror was summoned that was disabled and they called in and said, I can't get to court. Can you provide me with public transportation? That's not something that - that's not a service that we provide for the general public and so that's not something that we would have to do for that individual.

So, I do want to make that distinction between having to provide things and making sure that they have access to the services that we already provide versus requesting things above and beyond the services that we do.

Now, when we get requests for reasonable accommodations, and they can come to any judicial branch employee, and we kind of need to get them routed to the right people, because really, not, everyone can grant the accommodation.

The person that's going to be able to grant the accommodation is the person that has authority over the program or policy or procedure.

And so, if as a judicial branch employee, say you're a clerk or a judicial assistant, and you get in a request for a reasonable accommodation we recommend that you first direct it to the Disability Access Coordinator. Then they're going to try to figure out who the right person is to address that accommodation. In some cases, it might be the senior resident superior court judge or the chief district court judge. For instance, if there's an administrative order that prohibits electronics that's issued by one or both of those judges, then those judges are going to be the ones that need to make the accommodation to that order.

And in some cases, it might be the presiding judge of a hearing if a witness, or party to a hearing is maybe requesting an electronic device in their hearing. Then the presiding judge sometimes needs to make that exception. There might be issues that the only the clerk can address, for instance, if someone is just coming into the clerk's office to seek files, and they need an accommodation within that. It's not always going to go to the same person. And that's why we have local disability access coordinators that can help route this to the correct person or talk to someone else, like Lori or myself to help them figure it out.

Another requirement of equal access is effective communication, so if we'll go to the next slide...

00:31:36 SLIDE 15

So, in addition to the physical and structure of limitations on disability access, and then the policies and procedures, if you're not effectively communicating with someone you can - you're basically limiting their access, you're denying them the full program and service, and so the Americans with Disabilities Act requires us as a government service to take appropriate steps to ensure that our communications with disabled individuals are as effective as our communications with the general public unless and here, there are two assumptions: It would fundamentally alter the nature of our service program or activity, or result an financial and administrative burden.

So, that's the requirement and there is one clarification I want to make here that's very explicit in the regulations, which is that this does not mean we have to provide personal use devices, such as eyeglasses hearing aids, things like that that would provide effective communication. If it's a personal use device, that's not something that we have to provide for effective communication.

And if you would pop over to the next side, and then I'll turn it over to Brooke, so I want to provide some examples of effective communication and how we sort of figured that out and before I go through these examples.

00:32:59 SLIDE 16

Oh, no, that what's effective. Communication really depends on the context that the communication is being made in. So, for example, if there's an individual that's hard of hearing that comes into the clerk's office and is going to request a file from the clerk, just one file, it may not always, but it may be that the clerk and that individual are able to communicate through handwritten notes, and the individual that's hard of hearing is able to get the file that they need and move on.

That may be appropriate and effective communication in that context, but if that same individual, who's hard of hearing comes into our court system for civil or criminal hearing. It's not going to be effective to pass notes. We're going to need to up our game and provide an interpreter in that in that situation. So, what is effective communication depends on the context.

And then, up here, I just have some examples of effective communication. Like I said, it could be writing notes. It may be that we need to go ahead and get the interpreter in there.

Something that's recently come up a lot is that people who are blind or have low vision they use screen readers, which is a technology that can read text in an electronic document. But in order for that screen reader to work the document, the wording has to be formatted with optical character recognition. And so, for instance, especially in this time of covid if we're providing records electronically to individuals in a public records request, or within a court proceeding, we need to make

sure that we're providing them and see our optical character recognition format if they are visually impaired. Adobe Pro has that functionality to turn a PDF into that format if it's needed.

Another example of effective communication, and some actions we might need to take are providing assistive listening devices. Those sometimes are hardwired into the courthouse. But if not, the counties can provide the assistant listening devices -- that is one of the responsibilities of the counties if they have not actually furnished a court room with the hardwired listening device. And then another example is, we might need to read a sign to someone who's blind. We might need to read a document to someone who's blind.

In the context of reading documents to individuals, because I've actually gotten this question a number of times-- Someone whose blind comes into the courtroom or clerk's office and they request one document and then they asked the clerk to read that one document to them. That might not be an undue administrative burden and so that might be something that we can do for effective communication.

If that same individual requested thirty files and asked the clerk's office to read every single file and document in those files to them, that's going to rise to a level of an administrative burden that we're not required to do under the ADA.

So that's another example of why the context of the communication matters. And if you're in the clerk's office, this, this typically comes up in the clerk's office, actually, and you have questions about that, that's something that we can address with you on a request by request basis.

And so now I'll turn over to Brooke to talk about the face masks as well.
Sure. Thank you.

00:36:33 SLIDE 15

So, it could be that right now a face mask required in the courts that clear face masks or face shields be something that can be used by court staff. For it may, it may be helpful for people who are deaf or anyone who needs a sign language interpreter. Interpreters may use a clear face mask to communicate that language. Sign language is a visual language, but it involves not only movement of the hands, but also facial expressions. If the facial expressions of that interpreter aren't able to be seen, then no effective communication takes place. So, this is one, potential solution for providing access to a sign language interpreter who needs to be able to communicate by sign language. Or also if you have somebody who can read lips can understand a court personnel who may be wearing a clear face mask.

And if Lori can you just go to the next...

00:37:45 SLIDE 16

...the next slide. Just one note about writing notes, current executive writing, where the context is, the type of proceeding is dictating whether or not writing notes to a deaf or hard of hearing person is appropriate. And one thing to keep in mind is sign language is a foreign language. English is not the 1st language and if that's the case, then any written communication that may be going on between the deaf or hard of hearing individual and the court folks might not look the same as an English speaker to English speaker note writing. So, keep that in mind.

Um, a lot of times writing notes to someone who's first language is sign language is sort of akin to a limited English proficient person who speaks Spanish and trying to write notes back and forth in English with that Spanish speaker who has very limited English proficiency. So, keep that in mind in ensuring that effective communication takes place.

In a situation where otherwise writing notes may be appropriate and certainly be sensitive to an objection to writing notes, because that person knows what they need. And if they indicate that writing notes is inappropriate, or isn't sufficient for them, then then that needs to be addressed with another accommodation used.

00:39:12 SLIDE 15

Lori, actually go back one slide. I'm just gonna make, which is that as with request for a reasonable accommodation request for effective communication. Like Brooke said, we really need to rely on that individual to tell us what they need in terms of effective communication. If they can. And her example with the, the writing notes is very enlightening, but also, another example she's provided me before is that there's different types of assisted listening devices and not all of them work equally into that. You're gonna have to engage in a conversation with the person about the type of assistive listening device. If one will actually work. You can't assume that that is what's going to work you sort of have to engage in that conversation because each individual is different, and we'll need a different manner of accommodation.

Thanks, and along those same lines, what we learned when we collaborated with the Division of deaf and hard of hearing back in June, they had some examples of different kinds of translation or different kinds of interpreters that were working for different people. Each person has different needs, including in the vision impaired community and I'm not sure that's the correct term, but people with low vision may or may not actually read braille. I was surprised to learn that. There is a very small percentage of the community that uses brail probably because now we have screen readers and the optical character recognition and probably many other reasons as well but it's, it's important to always ask the person, what would be the best accommodation for them. So that we make sure that what's provided is what they need.

And back over to Brooke, for sign language interpreters.

00:41:21 SLIDE 17

All right. A very common accommodation for individuals who are deaf, and hard of hearing are sign language interpreters.

In the process for getting a sign language interpreter, or a team of interpreters scheduled for court proceedings and operations would be to contact the local disability access coordinator directly. There is a spreadsheet on the [NCcourts.gov](https://www.nccourts.gov) website that, uh, that contains the designated disability access coordinators (DAC) for each county. Those are primary and a backup. Once the DAC receives a request for accommodations and again, the specifics of that accommodation, there are a lot of accommodations for folks that are deaf and hard of hearing.

It could be sign language interpreter. It could be a team of - a team of a certified deaf interpreter with a sign language interpreter. It could be real time court reporting services. You need to know what the accommodation need is. And then from there, if it is a sign language interpreter, the DACs don't rely on

agencies. We want them to rely on the, the, the division of services for deaf and hard of hearing the statewide directories, which are separated by region and available online.

The regional directories contain the certified interpreters who are licensed in North Carolina and are eligible to provide services to the courts, and the DACs are instructed to assign interpreters based on their certification levels, which provides the highest level of proficiency available for the courts. We provide that to them on those types of licensure certifications.

And then finally, there's, there's an all-inclusive form that is used that covers authorization for sign language interpreters. It has the motion, the original motion for services, the appointment of the interpreter, the certification of time, and the order for payment. Um, it does serve as the interpreters' invoice to the courts, and it must be filled out with all four required signatures. The original should be filed with the clerk's office. And then the clerk's office is instructed to send a certified copy to AOC, for payment.

And for Judicial Branch employees, who might have missed the training that was offered back in June, we did record that and it's accessible to everyone through the LearningCenter. Search by the title of those trainings, it was a series of 2 trainings was called: *Do you understand me?* So, if you search for that in our LearningCenter, Judicial branch employees will be able to go back and review that. It was presented actually, by people who were themselves deaf and one of the presenters was also deafblind and so in her presentation, you actually see her with the clear face mask and see how that's being used. And it's it was a very interesting training because it covers a lot of cultural competence topics and examples that I have, I think most of us had never before been exposed to. So, I encourage court personnel who are interested to check that out.

I'm going to second, Lori's recommendation. I took that training and was very enlightened. I did not know how much I did not know about that part of the deaf and hard of hearing community. And you know what? I just thought I'll sign language interpreter were the same. I had no idea there's a whole spectrum. So, there's a lot to learn there in terms of cultural competency. It is really interesting. Okay, so moving on to our next slide and.

00:45:28 SLIDE 18

The North Carolina Administrative Office of the Courts has developed a statewide protocol that we recommend to each of the local counties and courts on how to process and review requests for reasonable accommodation. This protocol is available on nccourts.gov. It's available to the public to view. This is an excerpt from it.

This is what we recommend that the local disability access coordinator, ask an individual, making a request for reasonable accommodation and this information -- it's not required by the Americans with Disabilities Act, or anything like that -- This is just information that practically makes it easier for us to figure out as the court system, how to get the accommodation. When is the accommodation needed, things like that...

In Number H, you'll notice we say exact type of reasonable combination needed and that's sort of inviting the individual to tell us what they need. And that's just a reminder that they're the ones that are supposed to be informing us what they need. We're not supposed to be assuming what they need based on based on their disability.

And also ask them to explain the nature of the disability here. We just kind of want to know, like, how, it's getting to how they need to be accommodated, we do not encourage or officials or judicial branch employees to ask individuals exactly what their disability is, or provide all the medical documentation or anything like that. We're just trying to understand how the disability impacts them so that we can provide accommodations that they're requesting.

So, under this statewide protocol, an individual would provide this information to the local disability access coordinator and then the disability access coordinator is going to review the information to figure out if they themselves can provide the accommodation or if they need to direct this request to another individual to, to approve the accommodations such as the presiding judge, the clerk, the senior resident, or superior court judge.

Another thing I want to highlight about the state protocol is that, you know, we have this here as a guide to the court employees, but as we stated before there are no magic words or magic information in terms of making a request for reasonable accommodation. So, if a member of the public comes into your, your office or calls up on the phone, and is basically requesting accommodation. We need to try to provide the accommodation even if they're not following this, this protocol. And then, the other thing I want to note is this is sort of a recommended protocol and many local disability access coordinators and counties are following some, some have their own policies and procedures in place that either incorporate or piggyback off of this statewide one.

So, you may see that when you enter into the court system, if you're a member of the public, there might be like a local - it's kind of like local rules. You know, they're supposed to be consistent with the Rules of Civil Procedure, but they might let or add on or have a little bit flavor, different flavor than the typical.

00:48:46 SLIDE 19

In addition to our statewide protocol, I'm going to turn it over to Lori now to talk about some other resources that are available to the public.

Right and the protocol listed, it's available through our website along with a link to the disability access coordinators that have been identified in all of our counties. If your county is not listed, it may be that they just haven't provided that information. I'm the one who collects that information and updates the form, so it really helps if folks let me know whenever changes happen. If there is a county that's not on the list, then the main point of contact for that county would be the clerk of courts office. And the clerk would then triage or respond to the request and get it to the right person.

And there are frequently asked questions posted there and we add new ones when we get new questions that come through that can benefit everyone. There is also information about disability access in the courts and compliance with the disability access requirements. And there's a grievance procedure. If, if something can't be resolved on the local level there are instructions there on how folks could reach out to me at the statewide level and I can look into it further and try to resolve the situation before the court event happens.

Um, sometimes I hear, I receive grievances for after the event has occurred and in that in those cases I'll still follow up and figure out what happened this time. And if there anything that could happen differently next time to make sure that accommodations are provided in the best way possible. So we

just wanted folks to be aware that there are some resources already on our website and we are – that's sort of - That's sort of a work in progress, so we're adding new things as they become available.

Sorry, I'm going to add one more piece of information which is that a lot of people don't realize that local disability access coordinators that's not a job in of itself. Within the counties the North Carolina Administrative Office of the Courts asks each county to have one. So, basically nominate or you know, appoint or make someone the point person for disability access requests and then there's also usually a backup, but this individual has a whole other separate job that they are hired for. It could be the trial court coordinator. It could be an assistant or a deputy clerk. It could be a judicial assistant. We see all different varieties of Judicial Branch employees that are stepping up to the plate to do this for us. And so they're taking on an additional responsibility are not receiving any additional pay for it. We do appreciate them. And thank them for that. So, this is not their primary job and I think that that's important for people to understand that.

Agreed, it's, it's something that a lot of us who do this extra service feel very passionate about and we have experience with it in some way. That makes it important for us to do the work. But it's also something that is a learning curve, and just like Brooke mentioned earlier we're all continuously learning as we go through this. And so it's really important to just understand that and know that we are open to learning new things.

That's part of why we're, we're sitting in these shoes to start with and so I'm here as a resource, as I said to the folks who are serving in that capacity, and I also try to help respond to additional statewide questions, if and when they come up

00:52:55 SLIDE 20

And so that is kind of a great setup for this. We wanted to sort of put a who knows the answer list. So if people do have questions then think about.

Say a disability access coordinator gets a request that someone who has PTSD would like to have some extra breaks during their day in court during the hearing, whether, you know. Whatever their role is in that hearing and the disability access coordinator might not have heard of that particular disability or might not understand much about it and isn't really sure whether the request being made is reasonable or not.

So that's something where court staff who has heard from the individual, what accommodations they need, might need some more information they can go ahead and ask the local disability access coordinator.

They can also ask me, the state disability access coordinator, and we can help kind of walk through that with them, so it's not just one person to go to all the time. We've got a network of resources that we can tap on for different questions as they arise.

And, of course, we encourage the first point of contact with an individual who's requesting accommodation to go ahead and get that contact information. The basics about court, when is the court date so that we can make sure that the accommodations can be provided for that court date or court event. It's a little tricky for example, if you need to find a sign language interpreter, if that request comes in the day before. It can be really challenging to set that up and so sometimes counties will ask that the request be made a certain number of days in advance. Again, that would be a local

recommendation, and there's nothing like that in our statewide protocol. The statewide protocol is, essentially four steps that third step that we had on the last slide actually has the most words in it. It's trying to make the process pretty simple. Just to help direct people to who knows the answer, who can help respond, and what kinds of information they'll need to do so.

I think we can move on to this question of coronavirus and then we may have a few more minutes as well where we can touch on some of the questions that we've gotten from the field recently.

00:55:29 SLIDE 21

So is current of our disability this is a question that has come to us recently and in today's environment the answer right now is that coronavirus is a health condition.

It is not considered a disability at this time generally, as applied to every person. I'm going to go back now, I will not turn back to the slides, but I'm going to read from slide five, which had the definition of disability on it.

And it's a disability is a physical or mental impairment that substantially limits one or more major life activities. And so that's the definition.

We're looking at when we're trying to figure out, it's kind of a disability and for the general public, it's not really substantially limiting one or more major life activities.

So, the other reason that it's not really a disability that we have to accommodate at this time, is that for the most part individuals that have the coronavirus, they're not coming into the courts right now there's directive. If you have coronavirus, if you're suspected to having coronavirus, if you're quarantining for coronavirus, if you're living with someone who has the virus, you're not supposed to come into our courts right now and your hearings will be postponed.

We'll find a way to get your records either in the mail, or over making phone requests or email requests, but you shouldn't be coming into our actual physical court offices right now for health reasons.

The real tricky question comes up is that you have an individual who has got another disability, and that disability makes high risk for coronavirus meaning that they are susceptible to serious complications from the virus. And that I would say is a disability that needs to be accommodated - that we are encouraging the court employees to accommodate those. We have resources available, such as Webex, Webex hearings. Just like this presentation is a Webex presentation, telephonic hearings or you might be able to postpone the court date. If you're going to the clerk's office, you can likely get your records from the clerk's office by calling or doing email requests, things like that. So, there are ways that we can address the public's need.

Even if they are high risk for serious complications from the virus. A slightly trickier question is an individual who themselves is not at high risk for coronavirus, serious complications that they're living and caring for someone that does since that individual that's actually accessing the court services themselves. Would it be considered to have the disability? They're just they're caring for someone that basically has the disability and that is not something that we would need to do to accommodate under the Americans with Disabilities Act.

But we are encouraging our judicial branch employees to be mindful of the situation and to accommodate those people who are necessary, especially where we do have the technology to do. So, such as Webex hearings and telephonic hearings and things like that.

00:58:42 SLIDE 22

Okay, thank you. That actually brings us to the end of our slides today, but we do have some questions that have come up recently and I think we have one-minute left. One that I thought was interesting was regarding whether or not to use a wheelchair if, if there's one available in the courthouse, and someone needs a wheelchair for a situation.

This was the particular example was regarding someone who was in a in court for a while, waiting for their hearing to be held and their blood sugar dropped and so they needed some assistance getting to their vehicle. And so one of their family members asked, if they could use a wheelchair to help transport the person to get what they needed from their car and take care of that blood sugar drop. Corrine, I don't know if you want to speak to that? You had analyzed that earlier.

Okay so wheelchairs are personal use devices that the Americans with Disabilities Act does not require us to provide. And in addition, we don't typically provide wheelchairs for the public. So, it's not a requirement under the, but if you or your county had a wheelchair available, and were able to offer that to the public, then certainly, that would be fine. We'd want to make sure that it's in good shape and functioning properly, so it won't cause injury to anyone or anything like that. But where you have a chair available to help them? Certainly, we can and should help. There's just not a legal requirement that we do.

Great, thank you Corrine, and thanks to everyone who has joined us today for this training. It looks like we just reached the end of the hour. I'm going to go ahead and wrap us up. I appreciate everyone's assistance and patience and an interest in this topic. Thank you.