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from Paul Miller

Community Living Association, and NC Child Advocacy Institute. Ms. Riddle joins the NJC faculty in 1992.

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## **IMPLEMENTING THE COURT-RELATED NEEDS OF OLDER PEOPLE AND PERSONS WITH DISABILITIES**

By: Bill Scott

### **TOPIC I: BEST PRACTICES**

**OBJECTIVE:** To identify the best practices, techniques and technologies available to respond to the Americans with Disabilities Act (ADA) and state laws and to enhance the judicial system's accessibility to and inclusion of older people and people with disabilities.

#### **I. PROBLEM:**

The broad definition applied to people with disabilities under the protective umbrella of the Americans with Disabilities Act makes it necessary to first recognize the existence of a disability related problem . . . even when neither the problem nor the disability is readily apparent.

##### **A. Examples of visible disabilities;**

Orthopedic Impairments *i.e.*, spinal cord injuries; cerebral palsy; multiple sclerosis, polio, arthritis; muscular dystrophy and other forms of muscle weakness, lack of coordination, nerve damage or stiffness of joints.

##### **B. Examples of Non-Visible Disabilities;**

Sensorial Impairments *i.e.*, deafness and hard of hearing; visual impairments; hyperacussis; chemical sensitivity; etc.

Mental and emotional Impairments *i.e.*, mental retardation; mental illness; organic brain syndrome.

##### **C. Examples of other impairments include epilepsy; diabetes; alcoholism or drug addiction; obesity; amputations; cardiac and respiratory problems; autism; CVAs (strokes); brain injury; etc.**

## SELF-TEST 1

What disabilities can you name that are not included in A, B, and C above? Try to list at least five (5):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

## II. DISABILITY RELATED CONCERNS

It is very difficult, if not impossible to understand the implications of various disabling conditions without actually experiencing that disability. The appropriate manner of treatment of a person with a disability is frequently directly related to one's familiarity with the specific implications of the disability and then treating the individual with the same respect and dignity that would be given to anyone else. The following are some helpful hints for effective interaction with people with disabilities:

- USE COMMON SENSE** - Most people with disabilities want to be treated the same as anyone else. Acknowledge the disability **ONLY** if it has a direct impact on the situation or the interaction, *i.e.*, it is acceptable to ask a hearing impaired person if what is the best means of communicating with them, or to offer to read the menu to a blind person.
- BE CONSIDERATE** - Show the person with a disability the same respect that you would expect to receive. Additional patience may be required at times due to the disabling condition, *i.e.*, an older person using a walker may take longer to get from point A to point B.
- COMMUNICATE WITH THE PERSON WITH THE DISABILITY** - It is not difficult to communicate with a person with a disability. In some cases, it may take a little more time or effort, depending on the individual, but the person should be spoken to **DIRECTLY** rather than through a non-disabled companion or interpreter.

**SELF-TEST 2:**

Answer the following questions "True" or "False", based on the aforementioned disability related concerns:

1. Assisting a wheelchair user up several steps by lifting them or pulling them in their wheelchair is acceptable.

True

False

2. Opting to communicate with a deaf person by note writing rather than obtaining the services of a qualified sign language interpreter is acceptable.

True

False

3. Most people who are blind are also hearing impaired.

True

False

4. Incontinence is the same as intolerance.

True

False

5. Epileptic seizures are always disruptive and easy to detect.

True

False

**III. THE SOLUTION:**

There is no single solution or answer to the broad range of disability related issues. It is, however, necessary to be familiar with the architectural, as well as the programmatic barriers that exist within the courthouse before attempting to come up with solutions. To make this process manageable, we should divide the areas of accessibility concern into the following four sections and look for barriers that inhibit or prevent someone from participating fully:

- A. **Locomotor** – activities that require ambulation, locomotion or the ability to physically move from one place to another.
- B. **Manipulatory** – activities that require grasping, pinching, twisting, pushing or pulling.
- C. **Vision** – having "normal" sight or a visual impairment that is correctable by standard eye glasses.
- D. **Hearing** – having "normal" ability to hear within the standard range of frequencies and decibel levels without a hearing aide or assistive listening device.

**LIST OF POTENTIAL AREAS OF ACCESSIBILITY CONCERN WITHIN THE JUDICIAL SYSTEM, INCLUDING THE COURTHOUSE.**

**STATE AND LOCAL AGENCIES:**

- Governor's Committee or Commission on Disability Concerns
- County and Municipal (Mayor's) Committee or Commission on Disability Concerns
- Local College or University Disabled Student Services
- State Chapter of the Paralyzed Veterans of America and Disabled American Veterans
- State Vocational Rehabilitation Services
- Independent Living Centers
- Local Rehabilitation Hospitals

**NATIONAL AGENCIES:**

- U.S. Department of Justice
- The Architectural and Transportation Barriers Compliance Board (ATBCB)
- The President's Committee on Employment of People with Disabilities
- National Institute on Disability and Rehabilitation Research (NIDRR)
- National Organization on Disability (NOD)

- The Job Accommodations Network (JAN)
- The American Bar Association
- The National Judicial College

## **THE CITIZENS ADVISORY COMMITTEE**

One of the most valuable sources of information on a local level, however, is the Citizens Advisory Committee. This is a small group of individuals (5 to 9 people) who are interested in and knowledgeable about disability issues, and are willing to act in an advisory capacity regarding accessibility issues related to the courts and court services.

The committee should, to the extent possible, include representatives of the four major disability groups:

Hearing impairments

Visual impairments

Mobility impairments

Developmental disabilities.

An architect

An engineer (rehabilitation engineer, if possible)

An administrative officer of the court

A facility manager

An otherwise interested person

The formation of an advisory committee of this type is highly recommended in the ADA Regulations as an excellent source of guidance in prioritizing the process of providing accessibility to the facility and services.

## **IV. ASSISTIVE TECHNOLOGIES:**

Modern technology has introduced a wide range of assistive devices and adaptive equipment that enable a person with a disability to participate more fully in activities than in past years. Many of the technologies are "low tech" as well as "high tech", and are not nearly as cost prohibitive as one might think. The following is a partial list of adaptive technologies that are readily available to assist people with various disabling conditions:

- FM or Infrared Assistive listening devices for people who have a mild, moderate or profound hearing loss
- Real-Time Closed Circuit Captioning for "instant" communication with a person who is deaf
- Braille translation soft wear package for converting standard written documents into Grade 2 Braille for people who are blind.
- CCTV print enlargers for people who have significant visual impairments
- Voice Synthesizers for people who are non-verbal or have significant speech difficulties
- Optical Character Recognition packages are also available for converting print to sound
- Telecommunication Devices for the Deaf (TDD) enable people who are deaf to communicate via the telephone
- Light weight mobility aides *i.e.*, braces, walkers, wheelchairs, etc.

### SELF TEST 3

1. The definition of "Disabled" DOES NOT include people who have been diagnosed HIV positive.  
True  
False
2. A parent of a child with a disability CAN be barred from employment in a judicial system on the basis of expected frequent absences due to the child's disability.  
True  
False
3. One of the primary functions of the Citizens Advisory Committee is  

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4. List one Orthopedic Impairment; one Sensorial Impairment; and one Mental Impairment.  

---

5. Indicate which former U.S. President had which disability.

- |    |                       |    |                     |
|----|-----------------------|----|---------------------|
| a. | Franklin D. Roosevelt | 1. | Hearing Impairment  |
| b. | Gerald Ford           | 2. | Mobility Impairment |
| c. | Ronald Reagan         | 3. | Mental Illness      |
| d. | Abraham Lincoln       | 4. | Lower Back Injury   |
| e. | John F. Kennedy       | 5. | None                |

**ACCESS GRID**  
**APPROACH TO COURT**

	<b>LOCOMOTOR</b>	<b>MANIPULATORY</b>	<b>VISION</b>	<b>HEARING</b>
<b>PARKING</b>				
<b>EXTERIOR STEPS</b>				
<b>ENTRY WAY</b>				
<b>DOORS</b>				
<b>SECURITY GATE</b>				

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**ACCESS GRID  
COURTROOM**

	<b>LOCOMOTOR</b>	<b>MANIPULATORY</b>	<b>VISION</b>	<b>HEARING</b>
<b>JUDGE'S BENCH</b>				
<b>JURY BOX</b>				
<b>MICRO-PHONES</b>				
<b>WITNESS BOX</b>				
<b>COUNSEL TABLES</b>				
<b>PUBLIC SEATING</b>				
<b>AC-COUSTICS</b>				
<b>LIGHTING</b>				

**ACCESS GRID**  
**COURTHOUSE INTERIOR**

	<b>LOCOMOTOR</b>	<b>MANIPULATORY</b>	<b>VISION</b>	<b>HEARING</b>
<b>INTERIOR STAIRS</b>				
<b>FLOORS</b>				
<b>REST-ROOMS</b>				
<b>COUNTERS</b>				
<b>HALLWAYS</b>				
<b>WATER FOUNTAIN</b>				
<b>TELEPHONES</b>				

**ACCESS GRID**  
**COURT SUPPORT AREAS**

	<b>LOCOMOTOR</b>	<b>MANIPULATORY</b>	<b>VISION</b>	<b>HEARING</b>
<b>FOOD SERVICE AREAS</b>				
<b>WAITING ROOMS</b>				
<b>LAW LIBRARY</b>				
<b>HALLWAYS</b>				
<b>CLERK'S OFFICE</b>				
<b>ATTY/ CLIENT CONFERENCE ROOMS</b>				

# ACCESS GRID

## COURT-RELATED AGENCIES

	LOCOMOTOR	MANIPULATORY	VISION	HEARING
SHERIFF'S OFFICE				
COURT ADMINISTRATOR'S OFFICE				

### ACCESS GRID

LOCOMOTOR	MANIPULATORY	VISION	HEARING

**ACCESS GRID**  
**APPROACH TO COURT**

	<b>LOCOMOTOR</b>	<b>MANIPULATORY</b>	<b>VISION</b>	<b>HEARING</b>
<b>PARKING</b>				
<b>EXTERIOR STEPS</b>				
<b>ENTRY WAY</b>				
<b>DOORS</b>				
<b>SECURITY GATE</b>				

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### ACCESS GRID COURTROOM

	LOCOMOTOR	MANIPULATORY	VISION	HEARING
JUDGE'S BENCH				
JURY BOX				
MICRO-PHONES				
WITNESS BOX				
COUNSEL TABLES				
PUBLIC SEATING				
AC-COUSTICS				
LIGHTING				

**ACCESS GRID**  
**COURTHOUSE INTERIOR**

	<b>LOCOMOTOR</b>	<b>MANIPULATORY</b>	<b>VISION</b>	<b>HEARING</b>
<b>INTERIOR STAIRS</b>				
<b>-FLOORS</b>				
<b>REST-ROOMS</b>				
<b>COUNTERS</b>				
<b>HALL-WAYS</b>				
<b>WATER FOUNTAIN</b>				
<b>TELE-PHONES</b>				

# ACCESS GRID

## COURT SUPPORT AREAS

	LOCOMOTOR	MANIPULATORY	VISION	HEARING
FOOD SERVICE AREAS				
WAITING ROOMS				
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# ACCESS GRID

## COURT-RELATED AGENCIES

	LOCOMOTOR	MANIPULATORY	VISION	HEARING
SHERIFF'S OFFICE				
COURT ADMINISTRATOR'S OFFICE				

### ACCESS GRID

LOCOMOTOR	MANIPULATORY	VISION	HEARING

DRAFT

MEMORANDUM TO JAN PIERCY, DEPUTY DIRECTOR OF PERSONNEL

From: Stan Herr, Domestic Policy Council (x2372)

Subject: US Architectural & Transportation Barriers Compliance Board

September 24, 1993

I work for Carol Rasco and we are writing to bring to your attention four vacancies in the Public Board to the so-called Access Board whose full agency name is listed above.

These vacancies will open up on December 4, 1993. This Board has a pivotal federal role in ensuring the President's pledge of inclusion and integration for American with Disabilities. It is also charged with the duty of implementing the vital Act of that same name. The Administration has not had the opportunity to make appointments to the Access Board yet.

Could you please keep us posted on progress in securing top-flight appointments to these posts so vital to the disability community. We hope to be able to reinvigorate this Board which has a crucial mission in upholding the President's pledge of ensuring a national disability policy based on "inclusion, not exclusion." Thank you for your help with this matter.

Thanks!

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Carol <sup>FYT</sup> <sup>(access board)</sup> like they need some help.  
They sound like they need some help.  
They director, Roffe, projects 4 to 5 years  
to complete accessibility standards.  
They have their next board meeting  
on November 9-10th and  
still 8 federal members.  
I've asked for a report from the  
director by next Friday, or sooner,  
and he would like to meet  
me and walk through their report  
as well.  
Stan.

THE WHITE HOUSE

WASHINGTON

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