

**The Connecticut Judicial Branch
Advisory Board on the
Americans with Disabilities Act**



**Report to
Chief Justice Chase T. Rogers
January 2018
Chief Court Administrator
Judge Patrick L. Carroll III, Chair**

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The Advisory Board on the
Americans with Disabilities Act**

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**Annual Report of the
Judicial Branch Advisory Board on the Americans with Disabilities Act
January 2018**

“With today’s signing of the landmark Americans with Disabilities Act, every man, woman and child with a disability can now pass through once-closed doors into a bright new era of equality, freedom and independence...Let the shameful wall of exclusion finally come tumbling down.”

President George Bush, July 26, 1990

When the first President Bush signed into law the Americans with Disabilities Act in 1990, there were an estimated 43 million Americans with disabilities. Today, the federal government estimates that 19 percent of Americans, or nearly 57 million people, live with disabilities. In Connecticut, the ‘average’ is lower, with about 1 in 14 residents reporting to live with a disability, although that number dramatically increases to about 1 in 3 Connecticut residents over the age of 65.

The difference in that language, ‘to *live with* a disability,’ as opposed to ‘to *have* a disability,’ is an important distinction. No person is the sum of one part of themselves. Further, many people with disabilities, particularly those active in the disability rights movement, reject society’s designation of ‘disability’ as a negative label.

It has been more than a quarter century since the Act was made law. In that period, the Department of Justice has continued to broaden the definition of disability and expand the requirements of public and private entities to ensure greater access for all people. The Judicial Branch, as a Title II public entity, has continued to maintain its compliance not only with the letter of the law, but with the spirit of the law.

Each year, hundreds of ADA accommodations and modifications are granted to people with disabilities in order to ensure that they have equal access to justice. Some are simple and routine, like providing auxiliary aids and services such as sign language interpreter services for deaf and hard of hearing people, to real time transcription services, audio-enhancing equipment, and magnifying glasses. Some requests for accommodations are not routine, but can still be provided, such as allowing non-parties to cases to sit in proceedings with parties who have severe anxiety to serve as a calming influence, or allowing people with medical conditions to bring beverages into courtrooms, or allowing telephonic conferences for people with other hidden disabilities.

Dedication to ensuring the Branch’s continued compliance with the Act was on display in 2017. After years of planning, the Judicial Branch opened its first new courthouse in decades, when the Litchfield Judicial District consolidated its operations with the opening of the Litchfield Judicial District Courthouse at Torrington. The 173,000-square foot facility, which includes the judicial district’s superior and geographical area operations, was built with accessibility in mind and is fully ADA compliant. The facility is a vast improvement over the historical Litchfield courthouse, which housed the judicial district’s law library. Now, users of all abilities can access the law library and its many services, including a Court Service Center with computers and work stations. Among the highlights are accessible parking and ramps into courthouse, elevators, building signage, accessible restrooms, accessible jury boxes, lifts in courtrooms to access witness, Judge and clerk positions at

the bench, listening systems in each courtroom, large corridor widths and door openings, ADA-compliant prisoner holding cells, and accessible service counters and windows heights.

To help effectuate the respectful delivery of services to people with disabilities, the Branch has more than 140 trained ADA Contacts across the state. In every courthouse or Branch facility, people with disabilities will find at least one trained staff member to help secure a reasonable accommodation.

In furtherance of the goal of meeting not only the letter of the law of the ADA, but in fostering fulfilling the spirit of the Act, the Judicial Branch continues to train its employees on both. In 2016, the Branch received additional funding to continue a class on hidden disabilities; the 351 participants were part of a total of 957 employees who took one or more ADA-related classes. More Branch staff are participating in training: Since January 1, 2017, nearly 1,100 Branch members have been trained on everything from laws surrounding service animals; to the “Nuts and Bolts” of the ADA; to informal, on-site ADA question-and-answer sessions and sessions on identifying our hidden biases and thinking differently about disability. Training of Judicial Branch staff has been a cornerstone of the Advisory Board’s recommendations over the years, and will continue as the Board serves in its oversight role.

To ensure accountability, the Advisory Board offers updates on the recommendations it made in its 2016 Annual Report to the Chief Justice:

Status of 2016 Recommendations and Updates

- 1.) *The Branch should offer ADA compliance training to states attorneys and public defenders and their staff members. Occasionally, requests for ADA accommodations made to the Judicial Branch on behalf of parties to criminal cases that directly impact the administration of a courtroom proceeding. Training of these non-Judicial Branch entities, by Judicial Branch staff, on the Act, the Branch’s obligations, and the services and aids offered to all people will help to ensure that people with disabilities receive appropriate accommodations from non-judicial authorities, managers and staff inside Judicial Branch facilities.*
 - **Status:** Staff from the centralized ADA Office of the Superior Court Operations Division conducted informational programs in Judicial Districts across the state, with local ADA Contacts inviting staff from the prosecutors’ and public defenders’ offices. Additionally, members of the centralized ADA office staffed an informational booth at the 2017 annual meeting of the Office of the Chief Public Defenders and spoke with numerous public defenders on how to make ADA accommodation requests for their clients and the public. Further, the Superior Court Operations ADA Coordinator in 2017 participated in training for assistant state’s attorneys general. *This recommendation will be repeated.*
- 2.) *Vicarious Trauma and Service Animals 101 will continue to be offered into 2016.*
 - **Status:** The State Justice Institute grant money awarded to the Branch was fully expended at the end of 2016 and the Vicarious Trauma/Hidden Disabilities classes are now complete. In all, some 700 Branch members attended one or both sessions of those trainings, which focused on working with people with hidden disabilities. This recommendation is completed for Court Operations, while the Court Support Services

Division continues to offer it to their staff members. *Service Animals 101* is no longer offered in-person, as the Branch looked at ways to make this important training on the Department of Justice guidelines for service animals, an online version was developed and launched in early 2017. *This recommendation is completed.*

3.) *The Administrative Division's Facilities Unit will look at address recommendations to improve accessibility in juror areas, as identified in a 2016 report.*

- **Status:** The Administrative Services Division received \$100,000 to address the physical accessibility of Juror areas, including Jury Assembly rooms and restrooms, in the Branch's six most-used Jury areas.

4.) *The digital audio project team is automating the availability of certain audio proceedings with an eye towards allowing remote audio access. It is planned for pilot and possibly production during the 2016 calendar year.*

- **Status:** The Judicial Branch and the whole of state government have worked to do more with less in the context of the state's budget woes. Audio recordings on compact discs are available to qualified individuals with disabilities as part of the Branch's commitment to providing materials in alternate formats. **This recommendation is repeated** with the understanding that the Branch, after seeking a Request for Proposal, plans to offer audio access for the public for a fee in 2018.

In addition to continuing some of the initiatives of previous years, the Advisory Board on the Americans with Disabilities Act makes the following recommendations for the coming year:

Facilities

1.) To the extent possible, the Judicial Branch should make improvements for accessible Jury facilities, including restrooms and Jury Assembly rooms, as recommended in the February 2016 *Juror Accessibility Study* conducted by Northeast Collaborative Architects for the Department of Administrative Services. The Study used a protocol analyzing the path that "a prospective juror would take from the parking lot to the main entrance, to the jury assembly area, to the courtroom, to the jury deliberation space." That assessment included wheelchair accessibility for toilet and vending areas, aisle widths, and jury boxes, as well as the availability of assisted listening devices. In January 2018, the Branch sought bond funding from the State Bond Commission to begin the modification of the six busiest courthouse jury facilities.

2.) Accessibility information: Leaders of the *Access to Facilities Implementation Committee* are working with the Judicial Branch's District Liaisons to create walking directions to our facilities where parking is not attached to the buildings. Updates for two judicial districts have been included on the Branch's "Directions" pages, and three additional updates are

imminent. The Advisory Board recommends that, to the extent possible, estimated distances should be included.

Training

- 1.) Training should be continuously assessed to ensure that all Judicial Branch members are knowledgeable about the Branch's obligations to provide reasonable modifications to the public under Title II of the Americans with Disabilities Act. The Branch continues to monitor external grant-funding availability for training on serving people with hidden disabilities, to the extent that such funding is not necessarily dependent on matching Judicial Branch funding.
- 2.) The Judicial Branch Administrative Services Division should consider developing training for its supervisors on Title I of the ADA. Title I "prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment."
- 3.) In order to make the best use of the Branch's budget, online training that provides employees from every Division the opportunity to become proficient in providing ADA accommodations to the public should be developed.
- 4.) In-person training by external stakeholders with subject-matter expertise should be pursued. The Judicial Branch throughout 2017 offered training to its employees by people with disabilities. These efforts focused on showing employees how 'disability' can mean 'different ability,' and should be continued for 2018, featuring experts on disability rights, people with disabilities, and trending ADA issues.

Technology

- 1.) Audio recordings: As noted above, the Judicial Branch would like to expand its ability to provide access to audio recordings to external stakeholders, via audio-streaming of recordings, made on the Branch's digital audio-recording system, for a fee. It is expected to launch in 2018.
- 2.) The Branch should consider the feasibility of using videoconferencing for some routine appearances. The Board recommends that the Legal Services Unit research potential options for the appropriateness of this recommendation.
- 3.) The Branch should reassess its ADA internet homepage for reader usability/intuitiveness. If possible, the webpages should also be made available in Spanish, Polish, and Portuguese. An emphasis should be made to use Plain Language principles.

- 4.) Online forms that come up for review are being assessed for Section 508 accessibility and new forms should be developed using this accessibility standard.

Outreach

- 1.) The Advisory Board should continue to conduct community outreach, when possible, about the Branch's commitment to the ADA, and provide education to community members on how the Branch provides services to people with disabilities. The Board is represented on the Branch's *Access to Justice Commission* and the Commission's *Workgroup on Libraries and Access to Justice*. The Workgroup is, in 2018, dedicated to providing public service information on the services and legal information available from the Judicial Branch and its external stakeholders, via an information campaign with its partners in the state library community. The representative should work with the Commission and the Workgroup to include information about the Branch's ADA policies and procedures for requesting accommodations.
- 2.) The External Affairs Division, as part of its *Speakers Bureau* outreach program, should advertise the availability of Judicial Branch ADA staff to address community groups on accessing our programs, processes, and facilities.

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