

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**GUIDELINES FOR PROVIDING ACCOMMODATIONS FOR
TRIAL PARTICIPANTS WITH COMMUNICATIONS DISABILITIES,
JURORS, AND MEMBERS OF THE PUBLIC**

As adopted in September 1994 and 1995, it is the policy of the Judicial Conference of the United States that all federal courts provide reasonable accommodations for trial participants and jurors with communications disabilities and access to the courts for all segments of the disabled community.

A. REQUESTS FOR ACCOMMODATIONS FOR TRIAL PARTICIPANTS

The United States District Court for the Central District of California shall provide, at judiciary expense, sign language interpreters or other appropriate auxiliary aids and services to participants in federal court proceedings who are deaf, hearing impaired, or have other communications disabilities. Because the work of the court involves communicating information and effective communication is one of the most important and challenging responsibilities for the Court, depending upon the individual circumstances communications disabilities may include voice problems, speech problems, developmental disabilities, cognition difficulties, learning disorders, autism, brain injury, cerebral palsy, and stroke injuries that impair the exchange of information in all forms, including voice, sound, nonverbal, print, and electronic and information technology.

The Central District of California has designated an Access Coordinator in the Interpreter Services Department. The Access Coordinator will process all requests for accommodations for communications disabilities. Participants may utilize the equipment for the hearing impaired installed in the courtrooms or may request, through the Access Coordinator, the assistance of sign language interpreters or other appropriate auxiliary aids to facilitate communications. Requests from participants for physical accommodations to facilitate physical access to the court buildings will be promptly referred to the Americans with Disabilities Act (ADA) Officers designated by the General Services Administration for each of the court's buildings.

“Participants” in court proceedings include parties, attorneys, and witnesses. Auxiliary aids and services are not required to be provided to spectators but may be provided when deemed appropriate. Spectators should complete the form described below and include a detailed explanation of their case-related interest in the proceeding for which they seek an accommodation.

“Court proceedings” include trials, hearings, ceremonies and other public programs or activities conducted by the United States District Court for the Central District of California.

“Auxiliary aids and services” include qualified interpreters, assistive listening devices or systems, or other effective methods of making aurally delivered materials available to individuals with hearing impairments. The Court shall give primary consideration to a participant's choice of auxiliary aid or service. In the event that specific auxiliary aids and services are requested, alternatives must be identified by the requesting participant in case the primary auxiliary aids and services requested are unavailable, incompatible with the courtroom, or too expensive.

Requests for sign language interpreters and other appropriate auxiliary aids and services should be submitted on Form No. G-122, entitled *Application for Accommodations for Trial Participants with Communication Disabilities, Jurors, and Members of the Public*. Form No. G-122 is available from the Clerk's Office, from any courtroom deputy, or on the Court's website at www.cacd.uscourts.gov. If the form is submitted by personal delivery, electronically, or facsimile it should be submitted at least ten (10) court days in advance of the court proceeding to the Court's Access Coordinator to allow for the procurement of such auxiliary aids and services. If the form is submitted by U.S. mail it should be submitted at least fifteen (15) court days prior to the scheduled court proceeding for which the auxiliary aids and services are requested. Upon receipt of Form No. G-122 the Access Coordinator will date stamp its receipt.

If the information contained in Form No. G-122 satisfies the criteria outlined in these guidelines, the Access Coordinator will promptly advise the courtroom deputy. The courtroom deputy will ensure that the court calendar is annotated to reflect the need for auxiliary aids and services and advise the presiding judge of the intended action. Thereafter, the courtroom deputy will coordinate with the Access Coordinator (or his/her designee) to ensure that all other requirements and/or arrangements have been met. The Access Coordinator (or his/her designee) will make the specific arrangements for the auxiliary aids and services and ensure that they are acceptable to all parties involved, and approved by the presiding judge in advance of the court proceeding requiring the arrangements.

The Access Coordinator (or his/her designee) must promptly inform the requesting participant in writing of the determination to grant or deny an application for auxiliary aids and services. On request of the participant and when appropriate, the Access Coordinator (or his/her designee) may also provide the response in a format accessible to the requesting participant. The response to the requesting participant must indicate:

1. Whether the application for auxiliary aids and services is granted or denied, in whole or in part;
2. If the application for auxiliary aids and services is denied, in whole or in part, the reasons;
3. The nature of any auxiliary aids and services to be provided;
4. How long any auxiliary aids and services will be provided; and
5. The date the response was sent to the requesting participant and the method of delivery.

If the proceeding for which the auxiliary aids or services are needed is calendared and the requesting participant plans to submit a written request for reconsideration, he should immediately notify the Access Coordinator in writing submitted by:

1. personal delivery;
2. electronically to Access_Coordinator@cacd.uscourts.gov; or
3. facsimile to (213) 894-5483.

This notification is required so the proceeding may be continued pending the completion of the reconsideration process.

The requesting participant may submit a written request for reconsideration with the Access Coordinator (or his/her designee) within fifteen (15) calendar days of the date the response was sent. The Access Coordinator shall review a timely submitted request for reconsideration and may grant it in full, in part, or not at all. The Access Coordinator's decision and supporting rationale for the denial of any part of a request for reconsideration shall be in writing. On request of the participant and when appropriate, the Access Coordinator (or his/her designee) may also provide the response in a format accessible to the requesting participant.

If the request for reconsideration is denied in whole or in part, and the requesting participant plans to file a motion for review by the presiding judge, he should immediately notify the Access Coordinator in writing submitted by personal delivery, electronically to Access_Coordinator@cacd.uscourts.gov, or facsimile to (213) 894-5483, so the proceeding may be continued pending the disposition of the motion for review.

The requesting participant may file a motion for review of the Access Coordinator's determination on the request for reconsideration. This motion will be decided by the presiding judicial officer. If the requesting participant wants the motion for review to be confidential and not available for public view by separating it from the public court file, he must comply with Local Rule 79-5.1. Compliance with Local Rule 79-5.1 can allow the motion for review to be filed under seal. Instructions for "*Preparing Sealed Documents on Civil Cases*" are available on the Court's website at www.cacd.uscourts.gov/court-procedures/filing-procedures/sealed-documents. If confidentiality of the motion for review is not desired by the requesting participant or authorized by the Court, and the requesting participant is represented by an attorney, the motion for review should be electronically filed in the same manner as other documents which are electronically filed. If confidentiality of the motion for review is not desired by the requesting participant or authorized by the Court, and the requesting participant is proceeding without an attorney, the motion for review may be filed and served in the traditional manner. The motion for review must be filed within fifteen (15) calendar days of the date the response on the request for reconsideration was sent.

The presiding judicial officer will issue a written order to resolve the motion for review,

and when appropriate, also respond in a format accessible to the requesting participant. If the motion for review was approved for filing under seal, the order will also be filed under seal. If the motion for review was not filed under seal, the order will be electronically filed and available for public view in the public court file.

All applications received by the Access Coordinator (or his/her designee), requests for reconsideration, and responses to such will be confidentially maintained by the court for five years. All motions for review of the Access Coordinator's determination on the request for reconsideration will be part of the court's file. Whether the motions and corresponding orders are sealed or unsealed depends in part upon the manner in which the motions for review were filed by the requesting participants.

The Access Coordinator (or his/her designee) will ensure that the costs associated with providing auxiliary aids and services are covered and authorized for payment by these Guidelines, and the Court's Fiscal Department shall pay these expenses.

The Access Coordinator (or his/her designee) must be provided with prompt notification by the requesting participant of the cancellation or postponement of the court event for which the auxiliary aids and services were requested to ensure that judicial resources are prudently conserved.

Communications under these guidelines must address only the provision of auxiliary aids and services and must not address, in any manner, the subject matter or merits of the proceedings before the Court.

B. REQUESTS FOR ACCOMMODATIONS FOR JURORS

Requests for accommodations set forth in the juror questionnaire and/or a separate letter sent in with the questionnaire from prospective jurors will be processed by the Jury Department. Pursuant to the Central District's Jury Plan, which is set forth in General Order No. 13-13, individuals with disabilities are deemed qualified to serve on grand or petit juries unless they are "incapable, by reason of mental or physical infirmity, to render satisfactory jury service" (28 U.S.C. § 1865(b)(4); General Order No. 13-13 at 12 § 9(d)), or disqualified for other reasons set forth in the Plan.

The authorized deputy clerk or other individuals in the Jury Department authorized by the court to assist the Clerk of Court in the performance of functions pursuant to 28 U.S.C. § 1869(a) will review the request and research the possibility of providing the requested accommodations, as well as any available alternative accommodations. If the prospective juror is satisfied with the available accommodations, the prospective juror will be deemed available to serve, and subject to assignment to a panel. The presiding judge will then determine whether the prospective juror, using the accommodation(s) provided and based upon the specific circumstances of the particular case, meets the statutory requirements for jury service. *See Guide to Judiciary Policy*, Vol. 5, Ch. 2 § 255.30.

When a prospective juror requires physical accommodations, the authorized deputy clerk will refer the request to the ADA Officer designated by the General Services Administration for the court building in which the juror is designated to serve. The ADA Officer will take the necessary steps to provide the required accommodations so the juror can meet the statutory requirements for jury service.

If the prospective juror finds the proposed accommodations inadequate and believes that even with such accommodations he or she is unqualified to serve, the matter will be referred to a Duty Magistrate Judge. The Duty Magistrate Judge is authorized to determine whether, despite the provision of an accommodation as deemed reasonable by the Jury Department, the prospective juror should be excused for incapacity, by reason of mental or physical infirmity, to render satisfactory jury service. *See* 28 U.S.C. § 1865(b) (4). If the Magistrate Judge finds the prospective juror is qualified to serve with the accommodations provided, the presiding judge will then make the final determination as described above.

C. REQUESTS FOR ACCOMMODATIONS FOR MEMBERS OF THE PUBLIC

Requests for accommodations from members of the public to facilitate physical access to the building shall be given to the court building's ADA Officer, who is designated by the U.S. General Services Administration (GSA). GSA, which is under the Executive Branch, is the federal agency responsible for federal court design, construction, and maintenance. It is GSA's responsibility to maintain the accessibility of public buildings, and its designated ADA Officers each have the responsibility of ensuring that individuals have access to the federal courthouses in the Central District. The ADA Officers designated by GSA for each of our four courthouses in the Central District, with their contact information, are as follows:

Western Division, Los Angeles, Spring Street Courthouse:

Lorenzo Davis, Property Manager
312 N. Spring St., Room 1020
Los Angeles, CA 90012-4701
Phone: (213) 894-4984
Fax:(213) 894-6629
Cell: (213) 219-2349
Email: lorenzo.davis@gsa.gov

Western Division, Los Angeles, Edward R. Roybal Courthouse:

Reginald McNulty, Property Manager
300 N. Los Angeles St., Room 3124
Los Angeles, CA 90012-3308
Phone: (213) 894-8975
Email: reginald.mcnulty@gsa.gov

Eastern Division, Riverside, George E. Brown Courthouse:

Julie Benson
Building Management Technician
24000 Avila Rd., Room 4100
Laguna Niguel, CA 92677-3400
Phone: (949) 360-2763
Fax:(949) 360-2013
Cell: (949) 322-5825
Email: julie.benson@gsa.gov

Southern Division, Santa Ana, Ronald Reagan Courthouse:

Sherry Hutchinson
Property Manager
24000 Avila Rd., Room 4100
Laguna Niguel, CA 92677-3400
Phone: (949) 360-2015
Fax:(949) 360-2013
Cell: (949) 322-5862
Email: sherry.hutchinson@gsa.gov

While GSA has designated officers in charge of providing accommodations as ADA Officers, it needs to be clarified that federal courts are exempt from the provisions of the Americans with Disabilities Act (“ADA”) because a “public entity” is defined in relevant part as “any State or local government,” or “any department, agency, special purpose district, or other instrumentality of a State or States or local government.” 42 U.S.C. § 12131(1)(A) & (B). In 1996 the Judicial Conference of the United States “adopted a policy that all federal courts provide reasonable accommodations to persons with communications disabilities.” But these accommodations are more limited than what would be provided under the ADA because the policy is limited to communication disabilities.

It should also be noted that there are unique challenges in providing physical access and accommodations in the current Spring Street Courthouse because it is a 1938 Art Deco building on the National Register of Historic Places. Due to the age of the building and its historical designation, none of the courtrooms meet current accessibility standards.

Despite these challenges, the Court intends to follow Judicial Conference Policy in providing access for “all segments of the disabled community.” See JCUS- SEP 94, p. 50 (use of appropriated funds for sign language interpreters); JCUS-SEP 94, p. 68 (accessibility of courtrooms and related judiciary facilities). Accordingly, requests for physical accommodations from members of the public for non-communication disabilities should be sent to the ADA Officer designated by GSA, which should make every effort to provide the necessary accommodations.

If members of the public have a case-related purpose for seeking an accommodation for a communications disability, they may complete Form No. G-122 and submit the form to the Court’s Access Coordinator, as set forth in the section above governing requests from trial participants. Pursuant to the Guide to Judiciary Policy, auxiliary aids and services are not required to be provided to spectators but a court “may provide these services to spectators when deemed appropriate.” *Guide to Judiciary Policy*, Vol. 5, Ch. 2 § 255.10(c).