accommodation offered may not be your first or preferred choice and the court will not require that you accept it. Although the court is not required to provide the best accommodation, it must provide one that will effectively allow you to participate in court proceedings.

Can the court deny my request?

Yes, the court can deny your request in certain circumstances. The court is not obligated to provide personal devices (e.g., wheelchairs, prescription eyeglasses, hearing aids) to individuals with disabilities. Neither is it obligated to provide services of a personal nature (e.g., assistance with eating, toileting, and dressing). The request can be denied if providing the accommodation would place an excessive burden on the court's financial or staff resources. The request can also be denied if providing the accommodation would significantly change the kinds of services that judicial officers normally provide to court users. If the court denies your request, you may seek review by following the process explained in detail in rule 1.100(g).

What if I'm called as a juror?

In addition to the rule, California law specifically authorizes persons who have a visual impairment or a hearing loss to participate as jurors in trials. They may be assisted by readers, interpreters, or available technology in the jury assembly area, courtroom, and jury deliberation room.

PLEASE NOTE

The Judicial Council of California adopts rules of court, provides policy direction to the courts, and presents recommendations to the Governor and the Legislature concerning court practice, procedure, and administration. As its staff agency, the Administrative Office of the Courts provides support to the council. This document is not intended to be a full statement of the law concerning persons with disabilities and is not meant to be legal advice or to substitute for it.

RESOURCES AVAILABLE

U.S. DEPARTMENT OF JUSTICE/ADA HOME PAGE

The full text of the Americans With Disabilities Act (ADA) (42 U.S.C., § 12101 et seq.) can be found at *www.ada.gov/pubs/ada.htm*.

The ADA home page (a part of the U.S. Department of Justice Web site) is located at *www.ada.gov*.

JUDICIAL BRANCH OF CALIFORNIA/CALIFORNIA COURTS WEB SITE

The full text of rule 1.100 of the California Rules of Court can be read at *www.courtinfo.ca.gov/rules/index.cfm?title=one&linkid=rule1_100*.

The Access and Fairness Advisory Committee home page (part of the California Courts Web site) is located at *www.courtinfo.ca.gov/programs/access*.

Most county courts have Web sites that provide additional information on accommodations, including phone numbers for their ADA or access coordinators. Access your own court's Web site through *www.courtinfo.ca.gov/otherwebsites.htm*.

This publication and the Access and Fairness Advisory Committee's other publications are available on the committee's Web site at *www.courtinfo.ca.gov/programs/access/publications.htm*.

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OGC0002.07.1

For Persons With Disabilities Requesting Accommodations

Questions and Answers About Rule of Court 1.100 for Court Users

Do you have to go to court?

Have you been called to be a witness at a trial?

Have you received a jury summons?

Do you want to watch court proceedings?

If you answer yes to any of these questions, this pamphlet will provide you with useful information.

JUDICIAL COUNCIL OF CALIFORNIA
ACCESS AND FAIRNESS ADVISORY COMMITTEE

Rule 1.100 of the California Rules of Court states: "It is the policy of the courts of this state to ensure that persons with disabilities have equal and full access to the judicial system." Under this rule, any person who has a physical or mental impairment that limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment may request an accommodation. According to the rule, access can mean physical accommodation to go into and move about buildings and use accessible restrooms. Access can also mean full participation in the court's programs, services, and activities, with the assistance of technology or other services. To provide both kinds of access, courts in California are responsible for providing reasonable accommodations to court users.

Accommodations can be provided in a variety of ways. Because people and disabilities are unique, the courts and persons with disabilities must interactively discuss each person's needs and the effective accommodations that the court can provide.

Both California and federal law require that state and local governments, including courts, provide appropriate accommodations for persons with disabilities.

The Judicial Council of California, the policymaking body for the courts, adopted rule 1.100 to implement the federal Americans With Disabilities Act (ADA) and related state law in the courts. Following are some questions commonly asked about rule 1.100.

What is rule 1.100?

Rule 1.100 is a California court rule that enables lawyers, parties in a case, witnesses, jurors, and other people with disabilities to request accommodations from a court.

Who can get an accommodation?

Individuals can receive reasonable accommodations from the courts if they have a disability, have a record of a disabling condition, or are regarded as having a disability that limits one or more major life activities. Such activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Examples of disabilities include mobility or other motor impairments, psychological and mental illness, visual impairments, and hearing loss.

How do I get an accommodation? What is form MC-410 and can I get help filling it out? What if I can't read the form?

You can request an accommodation by completing form MC-410, *Request for Accommodations by Persons With Disabilities and Response*, available in the court clerk's office. The form and instructions should be available in alternative formats, such as Braille and large print, on request. If the form is unavailable, you can direct an accommodation request in writing or orally to the court's ADA or access coordinator.

You can make a request anytime. You should make your request as far in advance as possible in order to allow the court time to review your request and make arrangements for the accommodation, if needed. In any event, you must give the court a minimum of five court days' notice. Courts may, in their discretion, not insist upon this five-day requirement. If you need assistance in filling out the form, you may ask a clerk or other court personnel to help you write down the information. You may wish to attach documents, such as a doctor's letter, to the form.

After completing the form, you must sign it under penalty of perjury, which means that everything you state in the form is true under oath, to the best of your knowledge.

What kinds of accommodations may the court provide?

Rule 1.100(a)(3) provides that accommodations may include:

- Making reasonable modifications to policies, practices, and procedures (for example, alternative time schedules, conferences by phone);
- Furnishing, at no charge to persons with disabilities, auxiliary aids and services, equipment, devices, materials in alternative formats, readers for the blind or others, or certified interpreters for persons with a hearing loss;
- Relocating services or programs to accessible facilities; and
- Providing services at alternative sites.

The court, however, cannot exceed the law in granting a request for an accommodation. For example, the court cannot extend the statute of limitations for filing an action because someone claims that he or she could not make it to the court on time because of a disability. Additionally, the court cannot provide free legal counsel as a medical accommodation. (For specific cases, free legal counsel is mandated by law to provide legal assistance, but it is not an accommodation for a disability.)

What can court personnel ask about my disability? Do I have to let everyone know about my medical problems?

Under most circumstances, the court or its employees will not need additional medical or other personal information. Rule 1.100 allows the court to request further information if it needs to. Only those persons in the court who need to know about your disability to make a decision or provide you with an accommodation will learn the details of your request and the personal information that you give. The courts will not share your personal information with members of the public unless you tell the court that you give up your right to confidentiality concerning your request.

Should I tell the court that I need an accommodation?

Yes. It is in your best interest to contact the courts to request accommodations that would best suit your situation. The courts are obligated to inform the public of the availability of accommodations. But if you do not request an accommodation, the courts will not know that you need one and, as a practical matter, will not be able to provide one.

What if the court offers a different accommodation? Do I have to accept it?

The court can offer a different or alternative accommodation. For example, if a juror is blind and requests that written material introduced at trial be transcribed into Braille, the court may consider alternatives, such as providing a reader or a tape-recorded transcript of the written material. The