



September 12, 2018

Hon. Kyle Bryson
Pima County Superior Court
110 W. Congress Street
Tucson, AZ 85701

Re: Requesting a disability accommodation on Superior Court website

Dear Judge Bryson:

The Arizona Center for Disability Law (ACDL) respectfully requests that Pima County Superior Court take six simple steps, outlined below, to measurably improve access to justice for people with disabilities. ACDL is the federally designated protection and advocacy system for the State of Arizona. ACDL advocates for the legal rights of persons with disabilities to be free from abuse, neglect, and discrimination, and to gain access to services that maximize independence and achieve quality.

The ACDL respectfully requests that the Pima County Superior Court improve access to information as follows:

1. Relocate the Americans with Disabilities Act's reasonable accommodations request form to an easier to access location on the website, preferably on the ADA Accessibility page that is one click from the homepage.
2. Revise the reasonable accommodation request form to ensure that it applies to requests for auxiliary aids and services.
3. Ensure that the document explaining what documentation is required to be submitted with a reasonable accommodation request is on or linked to the same webpage as the request form.
4. Identify the ADA coordinator and make their contact information available on the website.
5. Post the ADA grievance process on the website.
6. Provide a version of this information in a video translating the information into American Sign Language (ASL).

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Improving Access to Justice for Pima County Residents. ACDL recently conducted a review of the Superior Court websites of seven Southern Arizona counties, including Pima County, to apply some criteria from The Justice Index, an Access to Justice Center Project. The Justice Index is a collection of data examining how well each of the states implements best practices to insure that all individuals can access the legal system, regardless of income or ability. Disability Access is one of four issues examined, and two of the 13 Disability Access factors focus on requesting an accommodation and filing a disability access complaint on the state judicial website.¹ Based on these findings and the fact that Arizona has separate systems for each county, the ACDL visited the Superior Court websites for each county to determine if there is a form available online to request a reasonable accommodation under Title II of the Americans with Disabilities Act (ADA). This review revealed that multiple counties, including Pima County, do not post their ADA grievance process or the contact information for an ADA Coordinator on the court's website.

Legal Basis for ACDL's Request. Public entities must develop and publish grievance procedures to address and resolve complaints about violations of Title II.² Additionally, a public entity with 50 or more employees "shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance..."³ A public entity must also make available Title II information that is relevant to the "services, programs, or activities" that "apprise such persons of the protections against discrimination assured them."⁴ Using the court's website is a key tool apprising the disability community about how to request reasonable modifications and auxiliary aids and services, the grievance process, and the contact information for the ADA Coordinator.

Why Changes Are Necessary to Improve Access to Justice. Overall, information that court visitors and participants with a disability need to access is not on—or linked to—one webpage. Important ADA information is not easy to find and takes too many clicks and searches that are not intuitive. Although ACDL was able to locate the Pima County Superior Court's ADA Accessibility after numerous clicks, but found the Accommodations Request Form in a different location on the website. The request form is currently found in the Probate/ Guardianship folder of the Self-Service Forms page. This location may be difficult to find, since it is not on the Accessibility page and is not a Probate or Guardianship form.

¹ The Justice Index findings on support for people with disabilities can be found at <https://justiceindex.org/2016-findings/disability-access/#site-navigation>.

² 28 C.F.R. § 35.107(b).

³ 28 C.F.R. § 35.107(a).

⁴ 28 C.F.R. § 35.106.

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Further, ACDL was unable to locate information regarding a grievance procedure on the Pima County Superior Court website. Additionally, the existence of an ADA Coordinator is mentioned in the accommodation form, but a name or contact information is not provided. A document that is on a different page of the website discusses documentation that is required for an accommodation request, but this is not mentioned on the accommodation request form or on the same page as the accommodation form link. An individual submitting a request form may not realize that additional documentation is required and may be denied accommodations or unable to arrange them in time for proceedings.

How Other Courts Are Tackling Providing ADA-Related Information. Here are two court websites that consolidate the ADA-related information to make it easier to find necessary information about the ADA Coordinator(s)' name and contact information, forms to request reasonable modifications and auxiliary aids and services, and the grievance complaint form and procedures.

- View Maricopa County Superior Court at <http://superiorcourt.maricopa.gov/ada>. The Maricopa County website consolidates the ADA-related information on one page or links to one page. The website also features an accessible video, with captions and an American Sign Language (ASL) interpreter, explaining the request and grievance process to people who are deaf and use ASL. There is also contact information for the Maricopa County ADA coordinator, in compliance with 28 C.F.R. § 35.107(a).
- View the Colorado Judicial Branch at <https://www.courts.state.co.us/Administration/Unit.cfm?Unit=ada>. The Colorado Judicial Branch website features an ADA page (accessible with one click from the homepage) that has accommodation request forms, a grievance form, and contact information for all ADA coordinators.

Thank you for your prompt attention to this matter. If you would like additional resources or information to implement these changes, please contact me at 520-327-9547 or rdalyrooney@azdisabilitylaw.org.

Sincerely,



Rose Daly-Rooney
Legal Director

cc: Arizona Office of the Courts