

Removing Public Access Barriers to the Court in the New Millennium: A Sampling and Analysis of Missouri's Trial Courts

Abstract

Title II of the Americans with Disabilities Act (ADA) became effective January 1992 and requires that public entities remove barriers to services. What does this mean to Missouri's courts and the more than 949,000 Missouri residents with disabilities? It means that court services should be provided in safe, convenient and accessible facilities, providing equal and accessible justice to all.

Based on an assessment of the accessibility to services offered by court facilities in three rural counties (County A, County B, and County C) and an urban court, the following questions were considered to create a snapshot of the accessibility of Missouri courts:

- What areas are not accessible based on ADA standards?
- What modifications are needed most often?
- What is the difference in physical accessibility between rural and urban courts?

Using an assessment tool adapted from one developed by the National Center for State Courts and one developed by Adaptive Environments, Missouri Office of State Courts Administrator (OSCA) staff conducted an evaluation of the "accessible route" and the services provided in each of these court systems. The results will guide the courts in removing physical barriers to justice and will assist OSCA in providing the necessary administrative support that the courts need to provide equal access to justice.

The assessments concluded that these courts have many barriers limiting access to those individuals with physical disabilities — only 26 percent of this sample's assessed areas are compliant with ADA standards. The urban court facilities are more accessible than the rural courts (39 percent vs. 22 percent). The least accessible areas are the restrooms (13 percent) and courtrooms (23 percent).

In conclusion, this sample identifies a situation that limits or excludes persons with physical disabilities from participating in court services. However, by recognizing the existing barriers and following the recommendations to remove the barriers, the courts and OSCA can make court services in Missouri more accessible.

Executive Summary

INTRODUCTION

Although Title II of the Americans with Disabilities Act (ADA) became effective in January 1992 and it prohibits public entities from discrimination resulting from physical barriers limiting or excluding participation, physical barriers still exist in the Missouri courts.

SECONDARY RESEARCH

A review of court accessibility research conducted in Massachusetts, New York, Ohio and Florida reveal a trend in courts to increase their attention to providing services for the person with disabilities. These states, which are recognized for their progress in identifying and removing physical barriers to equal justice, provide an example to Missouri courts of what a court system can accomplish once the issue is addressed.

METHODOLOGY

The Missouri Office of State Courts Administrator (OSCA) created an accessibility assessment tool that was adapted from an assessment tool developed by the National Center of State Courts and from a tool developed by Adaptive Environments, and based on ADA standards. This assessment evaluated potential physical barriers in areas providing judicial services in three rural and one urban court system. The areas assessed were given a numerical value that was used to calculate the percentage of compliance for the area and

the court system as a whole. As the following table indicates, the research examined all services offered in a courthouse.

Area	ADAAG Standards
Approach/entrance includes parking, the route of travel, ramps, the entrance and elevators.	4.3 – 4.8, 4.10 – 4.11, 4.13 – 4.14, 4.27
Public restroom that was identified as “handicapped accessible and includes clear floor space, toilets, urinals, lavatories, mirrors, doors, controls and dispensers.	4.16 – 4.19, 4.22 – 4.24, 4.26, 4.27
Access to services includes getting to the courtroom, the courtroom entrance, public seating in courtroom, the jury box, the witness stand and the attorneys’ tables.	4.1– 4.3, 4.8, 4.13, 4.32 – 4.33,
Ancillary services including getting to these areas, the clear floor space and furnishings in the juror check in/out, jury assembly/deliberation/meeting room, juror restrooms, the witness waiting room, attorney/client conference room, lock up cells, segregated prisoner/attorney interview facility.	4.2 – 4.3, 4.13, 4.15 – 4.17, 4.30, 4.32 – 4.33,
Clerks’ offices includes the public counter and workstations, public file review and self-service record storage	4.1 – 4.3, 4.25, 4.32
Miscellaneous areas including the public telephones and water fountains	4.15, 4.31

FINDINGS

1. **ADA awareness** among court personnel is lacking. The rural courts had not completed a self-evaluation prior to the research and do not have a plan in place to provide court services to individuals with disabilities in the most integrated setting. The rural presiding judge’s attempts to remove physical barriers are recognized. The urban court system had completed a self-evaluation and had made changes as a result of the self-evaluation; however, there are still numerous physical barriers.
2. **ADA compliance difference** between the rural courts (26 percent) and the urban courts (39 percent) in this survey indicates that the urban court system’s self-evaluation resulted in more accessible programs and services.

3. The ***most commonly observed areas in court that do not meet ADA requirements*** are the restrooms (12 percent accessible) and the courtrooms (23 percent accessible).

RECOMMENDATIONS

Each court received a report of the study results along with possible solutions to remove identified barriers. The county and the court should work together to pursue funding to make necessary modifications to barrier removal.

OSCA should increase awareness of the court's responsibility and sensitivity to the disability issue through education and communication.

OSCA should prepare an ADA assessment plan to evaluate all the trial court facilities, making its evaluation results available to the individual counties and courts for the courts' transition plans to provide barrier-free access to its services, activities and programs.

CONCLUSIONS

Although it is understood that courts are responsible for enforcing statutory and constitutional bans on disability discrimination, this research reveals that many of Missouri's courts have physical access barriers to individuals with disabilities. The inaccessibility to justice by people with disabilities adversely affects the integrity and the fairness of the Missouri judicial system.

It is possible to correct this situation. Recognizing that barriers exist and taking steps to remove them is the basis of providing justice for all – regardless

of a person's physical limitations. Through the joint efforts of the facility owners (the counties) and the primary facility users (the trial courts), equal access to justice is possible.