

# JURORS WITH FACT SHEET DISABILITIES

## TITLE II OF THE AMERICANS WITH DISABILITIES ACT

- Applies to state and local governments, including courts, regardless of whether the entity receives any federal funding or the size of the entity.
- It requires that state and local governments provide disabled persons with an equal opportunity to benefit from all of the programs and services offered.
- In the context of jury service, disabled people must be afforded the opportunity to participate in all of the same ways as their non-disabled fellow citizens.

## WHO IS COVERED BY THE ADA

The ADA in 42 USC sec 12102(2) ADA states that an individual is disabled if s/he:

- has a physical or mental impairment that substantially limits one or more of the individual's major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

## SPECIFICALLY EXCLUDED FROM COVERAGE BY THE ADA

- Homosexuality, Bisexuality, Transvestism, Transsexualism
- Pedophilia, Exhibitionism, Voyeurism
- Gender Identity Issues (not connected to other physical issues)
- Other sexual disorders
- Gambling addiction, Kleptomania, Pyromania, Illicit drug use disorders
- Alcoholism and drug use disorders are tricky

## EXCEPTIONS TO TITLE II OF THE ADA

- Title II only requires reasonable accommodations
- Accommodations unnecessary if they would fundamentally alter jury service or impose an undue financial or administrative burden
- Must be a significant difficulty or expense and court has the burden of proof

- Request must be addressed by the head of the public entity or designee in written statement
- Document reasons for not providing accommodation
- Court must still provide access to the program or service to the "maximum extent possible."  
(See 28 C.F.R. § 35.164 Duties)

## SOME EXAMPLES OF A REASONABLE ACCOMMODATION

- Optical magnifier
- Use of service animals
- Hearing assistive device
- Certified sign language interpreter
- Bariatric seating
- Nod alerting devices

## DO NOT "MODIFY" A DISABLED JUROR'S SERVICE BY SHORTENING OR OTHERWISE ALTERING IT

- Example: Michelle Koplitz v. Superior Court of DC
- Summoned to Grand Jury Service
- Service was involuntarily converted to Petit Jury Service
- Superior Court of DC settled the case
- As per settlement, the Chief Justice had to make a public apology

## BEST PRACTICES

- Notify disabled persons in the summons, website and as many other ways as possible the procedure for requesting an accommodation
- Accept accommodation requests in multiple ways: email, phone, letter, in person, etc.
- Do not grant hardship requests in lieu of providing an accommodation
- Be familiar with available assistive devices
- Be friendly and welcoming to the disabled community
- Do not allow funding to determine if an accommodation is reasonable