

WHY CONSIDER ACCESSIBILITY FOR ELDERS?

- If a courtroom is accessible for a person with a disability, isn't the courtroom accessible to an elder?
- Consider what may happen as one ages.
 - Mobility impairments, cognitive decline, sensory impairments, etc.
 - These may be age-related, with decline over time, or may be health-related with a sudden onset, such as a stroke.

WHY CONSIDER ACCESSIBILITY FOR ELDERS?

- Consider the demographics of the population; you may have heard of the Baby Boomers....
- What are the demographics in your state?
- Your circuit?

TYPICAL ISSUES FOR ELDERS

- Lack of physical access
- Unduly highlighting of the participant's limitations
- Participants not understanding the system
- Inability to perceive the proceedings

2003, RESEARCHING OBSTACLES WITHIN COURTROOMS THAT PREVENTED FULL ACCESS FOR ELDERS OR THOSE WITH DISABILITIES.



WHAT WE CONCLUDED

- All court participants should be able to move about the courtroom without highlighting physical limitations
- All courtroom participants should be able to understand the roles of courtroom participants
- Courtroom participants should be able to hear & see all proceedings without limiting their ability to move around

MAKING COURTROOMS ACCESSIBLE FOR ELDERS

- If one can't access the courtroom, one can't access justice. "Courtrooms present a unique set of challenges because of raised elements that are rooted in history and culture. Each change in elevation presents a barrier to persons with disabilities..." <http://www.dccourts.gov/internet/about/access/architecture.jsf>
- The senses implicated: seeing, hearing, touching, plus mobility and cognition.
- Consider---are the "raised elements" needed just because they have always been that way?

WHAT IS THE BIGGEST OBSTACLE TO FIXING THIS PROBLEM?

- Money
- Lack of interest
- Lack of understanding of the problem
- Lack of support
- Other

**IT'S MORE THAN COMPLYING WITH THE ADA
TENNESSEE V. LANE, 541 U.S. 509, 527 (2004)**

- “With respect to the particular services at issue in this case, Congress learned that many individuals, in many States across the country, were being excluded from courthouses and court proceedings by reason of their disabilities.
- “A report before Congress showed that some 76% of public services and programs housed in state-owned buildings were inaccessible to and unusable by persons with disabilities, even taking into account the possibility that the services and programs might be restructured or relocated to other parts of the buildings
- “Congress itself heard testimony from persons with disabilities who described the physical inaccessibility of local courthouses...

IT'S MORE THAN COMPLYING WITH THE ADA

- “And its appointed task force heard numerous examples of the exclusion of persons with disabilities from state judicial services and programs, including exclusion of persons with visual impairments and hearing impairments from jury service, failure of state and local governments to provide interpretive services for the hearing impaired, failure to permit the testimony of adults with developmental disabilities in abuse cases, and failure to make courtrooms accessible to witnesses with physical disabilities.”

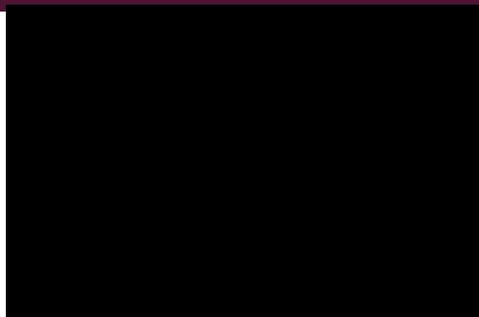
**WHAT IS THE ELDER'S ROLE? PARTY, WITNESS,
JUROR, OTHER?**

- **10 Tips for Judges Hearing Cases with Elderly Witnesses**
Paul Greenwood <http://www.eldersandcourts.org/Training/10-Tips-Series.aspx>
 - Judge & Attorneys in Chambers-any particular needs
 - Items that help with access, such as magnifying glass, assistive hearing devices
 - Flexibility of judge
 - Scheduling of hearings
 - Location of attorneys when inquiring
 - Judge talk to witness before questions start
 - Court personnel: clear and articulate
 - Leniency on leading questions
 - Judicial patience
 - Thanking for participating

"REFRESHING RECOLLECTION" OR SETTING THE PERSON AT EASE

- Preparation may involve more than preparing to testify
- Dry run or dress rehearsal
- Directions to the courthouse
- What are the limits of appropriate interaction with you, if any?
- Stetson videos

HERE'S SOMETHING WE DID



AND ANOTHER EXAMPLE



AND FINALLY ONE MORE EXAMPLE



COURTHOUSES ARE BUSY, BUSTLING, NOISY PLACES WITH LOTS OF PEOPLE & NOT NECESSARILY OFFERING A FRIENDLY AND WELCOMING AMBIANCE.

- Arrival at the courthouse: location, parking, signage, all important, but all likely beyond your purview
- Directions within the courthouse to your courtroom-signage again, and accessibility
 - Halls-width, free of obstacles, lighting?
 - Steps, ramps, elevators?
- Personnel with whom the elder first comes into contact?
 - Bailiffs or security personnel?
 - Information or reception?
 - Have they had training?
 - Personality and patience can make all the difference

SCHEDULING

- Who does it? Your Judicial Assistant or a Centralized scheduler?
- If so, where is that person located?
 - First floor and easy to find
 - What is the physical layout?
- Is it accessible for a person using a wheelchair, walker, motorized mobility device, person with vision or hearing loss?
 - Are the instructions clear (understandable) and clear (visible)
- Are all courtrooms equally designed to be "elder-friendly"?

WILLIAM R. ELEAZER COURTROOM



OUR HISTORY

- The Eleazer courtroom was dedicated on September 16, 2005.
- Located at the Stetson University College of Law main campus in Gulfport.
- It was the country's 1st courtroom designed specifically to be elder-friendly, barrier free & high tech.



DOORS

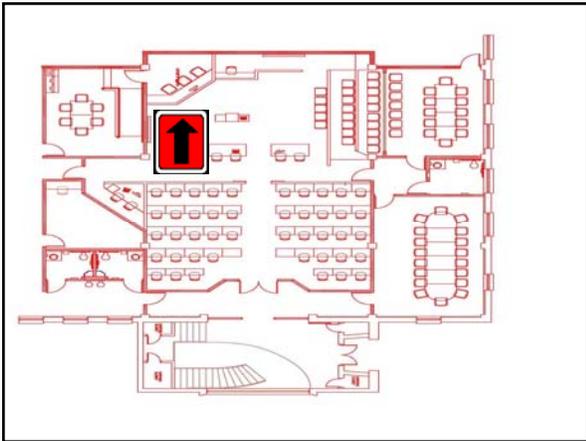
- Length of windows
- "Pull" to open
- Color
- Hardware-ADA
- Wall colors to provide contrast
- Threshold



JUDGE'S BENCH

- In the corner
- Ramp to the bench outside of view of participants
- Control all technology
- Not secured to bench
- Automatic door opener





MANEUVERING AROUND THE COURTROOM

- Depends on the person's role
- Physical access
- Sight lines
- Highlight limits or downplay them?

IT'S MORE THAN PHYSICAL ACCESS

- Visual displays designed for those with vision loss
 - High tech to low tech
 - Magnifying glass
 - Task lighting
 - Reading or signature guide
- Hearing loss
 - Room not necessarily quiet; noise from technology, too
 - Accommodating
 - Assistive hearing devices
 - Placement of witness, party, attorney, jury

SPEAKING OF TECHNOLOGY

- Designed to enhance understanding rather than distract?
- Placement of the technology
- Accessibility (is it fixed)
- What does it do?

THE COURTROOM "AMBIANCE"

- Seating
 - Comfortable? Movable?
- Air temperature
 - Too cold, too hot, just right.....
- The noise from the HVAC
- Lighting
 - Glare, Shadows, Buzzing

COGNITIVE IMPAIRMENTS

- Capacity to participate?
 - Lack capacity to proceed
- Guardian ad litem
- Court-appointed counsel
- Court need to have person evaluated by expert?
- What can you do to help? (within the bounds of being the judge)

WHAT MIGHT YOU DO?

- Timing of hearing
 - Early, late? Why?
 - Frequent breaks?
- Placement of furniture in the courtroom?
 - Traditional?
 - Something different so the person can see or hear more effectively?
 - Should judge stay on the bench?

WHAT MIGHT YOU DO?

- Might you
 - Excuse the jury to allow the elder to ascend or descent from the witness box.
 - Allow the elder to testify outside the presence of the accused.
 - Allow emotional support animals.
 - Allow 3rd parties to support (sit next to) the person.
 - Allow the victim advocate to sit next to the person.
 - Allow note taking.
- Other ideas?

DESIGNING THE COURTROOM FROM THE BARE WALLS TO MAKE IT MORE ELDER-FRIENDLY

- And assuming money is no object.
- Remodeling or building new?
- Design in way access isn't obvious.
- Doors (remember ours).
- Flooring.

DESIGNING THE COURTROOM FROM THE BARE WALLS TO MAKE IT MORE ELDER-FRIENDLY

- Seating (arms, wheels).
- Tables
 - Two-toned; accessible for mobility devices.
- Lighting
- Well
 - Traversable gates.
- Witness box
 - Does it need a step?
 - Annotation device.

ELEAZER COURTROOM



SPACE CONSIDERATIONS

- Between rows
- In the witness box
- In the jury box
- In the well of the courtroom
- At counsel tables

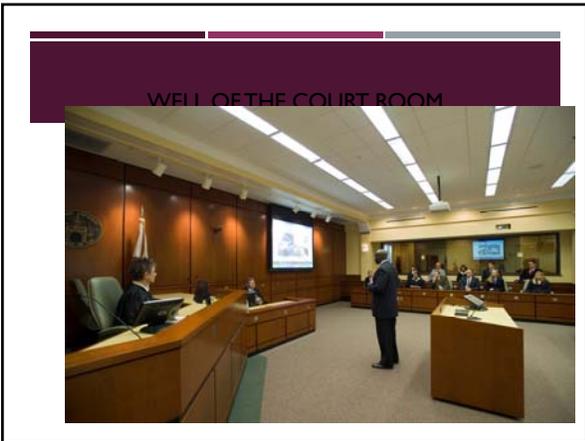


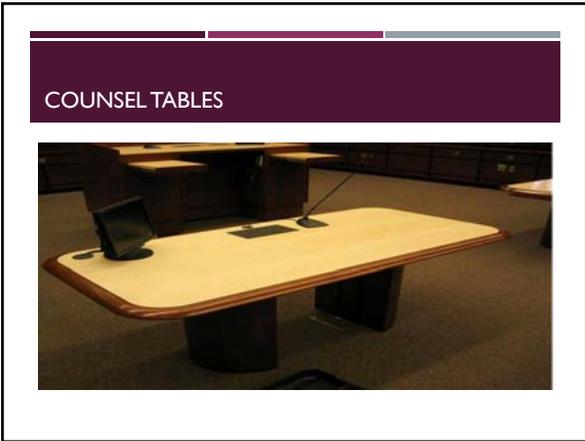
WITNESS BOX

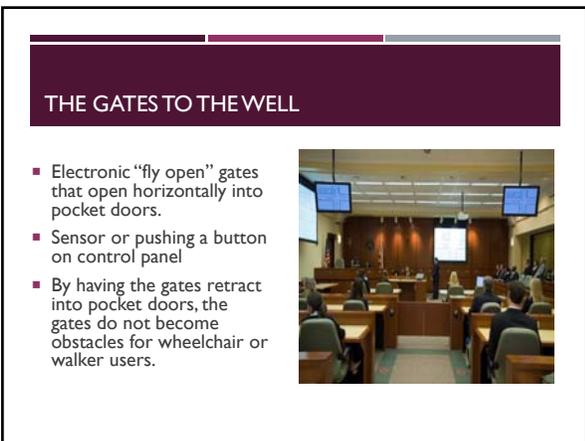
- On the floor and is extra long
- No step into the witness box
- Witness chair is not bolted to the floor
- Witness box itself has the same light wood-dark wood combination











DESIGNING THE COURTROOM FROM THE BARE WALLS TO MAKE IT MORE ELDER-FRIENDLY

- Witness waiting area.
- Juror waiting area.
- Jury deliberation room.
- Bathrooms.
- Jury box
 - Mobility devices.
 - Sight lines.
- Podium.

CUSTOM BUILD PODIUM



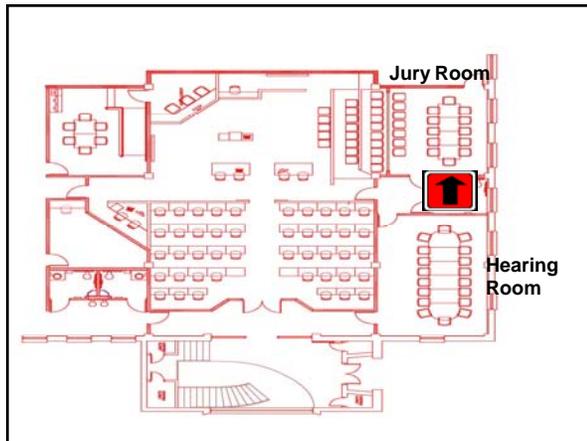
ASSISTIVE DEVICES

- Hearing Assistive devices
 - RF
 - With or without hearing aid
- Visual Impairments
 - Translation/Jaws software
- Able to move around courtroom



JUROR DELIBERATION ROOM





JUDGE'S CHAMBERS

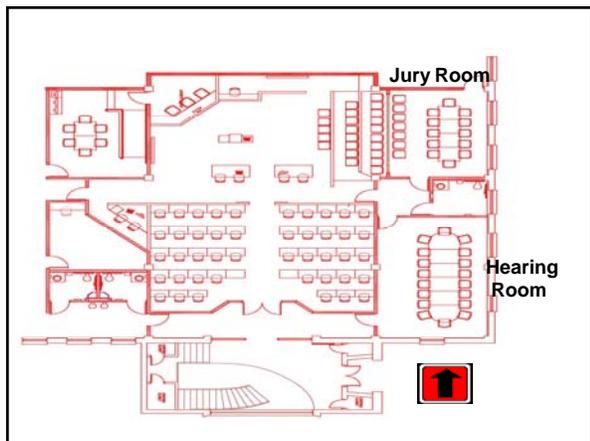
- Ramp *inside* chambers.
- Automatic door opener in 3 locations.
- Handrails on both sides, for extra assistance and stability.



HEARING ROOM

- Sectional table--reconfiguration to accommodate family dynamics.
- Natural lighting.
- No technology.
- Same color cues found in the courtroom.





SELECT RESOURCES

- Center for Elders and the Courts (project of the National Center for State Courts)
- <http://www.eldersandcourts.org/> and especially the 10 Tips series, <http://www.eldersandcourts.org/Training/10-Tips-Series.aspx>
- National Criminal Justice Reference Service, Unequal Protection: Women, Children, and the Elderly in Court, NCJ # 138781; <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=138781>
- United States Access Board, Courthouse Access Advisory Committee, <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/120-ada-standards/background/courthouse-access>
- Elder Court: Enhancing Access to Justice for Seniors; National Center for State Courts Trends in State Courts 2014 82-100; http://www.modelsforchange.net/publications/637/NCSC_Trends_in_State_Courts_2014.pdf.
