

## INTRODUCTION

The State Bar of Arizona, Committee on Persons with Disabilities in the Legal Profession, is pleased to present the results of its Arizona Courthouse Accessibility Survey.

### **Description of the Committee on Persons in the Legal Profession with Disabilities**

The State Bar of Arizona created the Task Force on Persons with Disabilities in the Legal Profession in 2001 to study the underemployment of individuals with disabilities in the legal profession and to propose solutions. It was, and remains, comprised of lawyers, the majority of whom have a disability. In 2004, the State Bar awarded full committee status to the Task Force, a decision reflecting the long-term needs of persons with disabilities to gain access to the Arizona legal profession and its resources, and the appropriateness of the State Bar providing leadership in this area. The State Bar recognizes that individuals with disabilities are entering the legal profession in increasing numbers, bringing both unique skill sets and requirements for accommodations. The scope of the Arizona community of individuals with disabilities and the diversity of their physical challenges are very substantial, including persons who are blind or who have vision limitations, individuals who are deaf or hard of hearing, and persons requiring mobility assistance in the form of a wheelchair, crutches or a cane. The demographics concerning the aging of the Arizona workforce and extended working years before retirement mean that employers in the legal profession will deal with more individuals with disabilities in the future. The justice system has a responsibility to assure that all who need access to the system are not hindered by reason of disability. The State Bar Committee on Persons with Disabilities in the Legal Profession studies these challenges and provides practical, relevant guidance to the State Bar in response.

The Committee has several subcommittees: Information, Coordination, Education, Employment and Accessibility. The Education Subcommittee has produced several articles about issues facing legal professionals who have a disability and has created an informational brochure which has been distributed widely throughout the Bar. Information on accommodations and resources, including employment resources, and FAQs may be found at the Committee's web site, [www.azbar.org](http://www.azbar.org) (click on committees and access information in that manner). Two Presidential award programs have been presented at the annual state bar convention in 2003 and 2004. The committee currently is developing its mentoring program and will co-sponsor a national job fair for lawyers and law students with disabilities in the fall of 2005.

### **The Accessibility Committee and the Evolution of the Courthouse Survey**

The cornerstone of the Committee's efforts for the past two years has been its accessibility survey. The statewide Courthouse Accessibility Survey Project involved teams of three to five committee members who visited the sites, took digital photographs and wrote detailed reports on special accommodations and suggestions for additional, low cost accommodations. This statewide survey of entire county courthouse structures is one of the first of its kind undertaken by a state bar association in the nation. The first survey was completed at Pinal County Superior Court in October, 2003. Nearly one year to the day later, the survey concluded at the new Pinal County

facility. The teams visited city, county, state, federal and tribal courthouse facilities, containing 39 separate courts of competent jurisdiction. Those courts are:

- 1) Flagstaff Justice Court
- 2) Glendale Justice Court
- 3) Gilbert Justice Court
- 4) Lake Havasu Justice Court
- 5) Maryvale Justice Court
- 6) Safford Justice Court
- 7) St. John Justice Court
- 8) Scottsdale Justice Court
- 9) Gilbert Municipal Court
- 10) Phoenix Municipal Court
- 11) Tucson Municipal Court
- 12) Apache County Superior Court
- 13) Cochise County Superior Court
- 14) Coconino County Superior Court
- 15) Gila County Superior Court
- 16) Graham County Superior Court
- 17) Greenlee County Superior Court
- 18) La Paz County Superior Court - Parker Facility
- 19) Maricopa County Superior Court (downtown facility, old courthouse)
- 20) Maricopa County Superior Court (downtown facility, new courthouse, all three towers)
- 21) Maricopa County Superior Court – City of Mesa
- 22) Maricopa County Superior Court - City of Surprise
- 23) Maricopa County Superior Court - City of Glendale
- 24) Mohave County Superior Court - Kingman Facility
- 25) Mohave County Superior Court - Bullhead City
- 26) Mohave County Superior Court - Lake Havasu City
- 27) Navajo County Superior Court
- 28) Pima County Superior Court
- 29) Pinal County Superior Court, old facility
- 30) Pinal County Superior Court, new facility
- 31) Santa Cruz County Superior Court
- 32) Yavapai County Superior Court
- 33) Yuma County Superior Court
- 34) Arizona State Court of Appeals (Division Two - Tucson)
- 35) Arizona State Court of Appeals (Division One - Phoenix)
- 36) Arizona State Supreme Court
- 37) U.S. Federal Courthouse (Tucson)
- 38) U.S. Federal Courthouse (Phoenix)
- 39) Tonto Apache Tribal Court (Payson)

## The Deliberative Process Leading Up to the Survey

During 2002, in the course of Task Force discussions concerning employment challenges which persons with disabilities face in the legal industry, the topic of county, state and federal employment arose. As part of the analysis of employability of persons with disabilities in those public settings, the Task Force thought it beneficial to address the issue of courthouse accessibility. If persons with disabilities, whether lawyers, judges, legal assistants and secretaries, or any type of employee, cannot negotiate the physical challenges posed by a courthouse structure, then long-term, successful employment experiences in those settings are unrealistic. Accordingly, the Task Force determined that it was within the scope of its mission, increasing the employment of persons with disabilities in the legal industry, to survey several courthouses in the state for ideas and innovations regarding accommodations for persons with mobility and sensory challenges.

Initially, the Task Force's goal was to assemble survey responses from members of the State Bar of Arizona, regarding courthouse experiences. It was hoped that the responses would provide insight into challenges and accommodations for persons with disabilities. The Task Force understood that some of the courthouses would have the advantage of post-ADA design, and that some struggle with limited budgets or with other challenges such as historical designations of the buildings which housed them. From the outset, the purpose was to respond to the input from state bar members and to let the survey be guided, if not driven, by that input.

However, the goal of statewide distribution and collection of completed, thorough responses to an effective disability survey, proved unrealistic. An appreciation of a courthouse facility's construction, along with its daily traffic, its employees, and its budgetary constraints, all in the context of accessibility for persons with a variety of disabilities, requires assembling an extensive set of facts not easily reported in a questionnaire. As a result, the Task Force determined that the only appropriate way to assemble a helpful database for sharing accommodation ideas and innovations for new courthouse designs, along with retrofitting existing courthouses, was to visit all Superior Court facilities in Arizona. Given the geographic scope of Arizona, this was a formidable challenge. And given that the survey was undertaken prior to much of the current focus that the U.S. Supreme Court decision of *Tennessee v. Lane* has engendered, the Task Force was venturing into new territory, from a logistical, technological and diplomacy perspective.

Many of the initial conference calls regarding the survey involved how to reach out to courthouse administrators and explain the supportive and unintrusive nature of this partnership effort. For these surveys, the designated team leader would ordinarily contact the courthouse administrator, introduce the Task Force and its mission, and work with him or her to designate the date and time of the survey. The State Bar Task Force Liaison, Carrie Sherman, then normally sent preliminary, explanatory materials concerning the Task Force and its mission, signed by representatives of the Task Force and Accessibility Committee, with the site visit team again presenting those materials onsite. On preliminary Task Force conference calls, the mechanics of the surveys were frequently discussed, such as the importance of digital photographs, parts of the buildings to survey, and the courteous tone and manner required of all team members. To that end, courthouse checklists evolved for use in the courthouse surveys, which survey teams typically used.

While most of the Task Force members were familiar with ADA specifications, at least in general terms, the Task Force made a conscious choice NOT to focus on ADA specification compliance, and instead to focus on practical usability for individuals with disabilities. As part of that strategy, survey teams normally included at least one person with a mobility or sensory challenge. As a result, more time was spent in dialogue with courthouse administrators regarding practical, low-cost, but critical accommodations, as opposed to technical compliance. The State Bar professed no specific expertise or desire to inspect, document and enforce such requirements. The mission of the Accessibility Survey was to enhance the knowledge base of courthouse administrators and the accessibility of the experience of courthouse users with disabilities. In this Committee's opinion, the survey stayed true to that goal.

### **Organizing Principles For The Courthouse Accessibility Survey Effort**

Team Leaders were Task Force members. Task Force members all discussed at length the supportive, non-adversarial nature of these visits, and were fully encouraging of the accessibility efforts of the staff of the courthouses visited. The general guideline was this – for every reported barrier to accessibility, the team should record at least two positive accessibility aspects of the courthouse. Those positive aspects are there; teams just had to notice them.

The point of each site visit was to identify innovations in accessibility, and to share those ideas with the presiding judges, courthouse administrators, and facilities management at other Arizona courthouses, through a common database. To achieve this goal, this report will be available in a limited number of print and CD Rom copies, and will soon be posted on the State Bar of Arizona website. The electronic database will permit the fullest possible consideration of successful accessibility design in new facilities or remodels of existing ones, and low-cost, retrofit accommodations for disabilities where no other change is to occur. Helpful, but relatively inexpensive accommodations observed during courthouse visits to date, include: accessibility signage, non-automated doors adjusted to decrease pull tension, latch door handles as opposed to round ones, and bathroom modifications such as wing handle faucets. The supportive attitude of each site visit team is a primary reason that survey teams have been so well-received.

As part of each visit's introduction, the team members and the courthouse personnel routinely discussed the scope of courthouse users potentially benefiting from accessibility accommodations. They include: persons with either permanent or temporary disabilities, senior citizens, women who are pregnant, persons in need of real-time language translation, and attorneys transporting and operating expensive computer and display equipment. Those courthouse users benefit from automated or easy-opening doors, accessible jury boxes, widened gallery doors into a courtroom's "well," electronic courtroom display and listening equipment, and other accommodations that overcome logistical barriers to effective criminal and civil proceedings. Courthouse personnel, during the 39 surveys conducted, took time from busy schedules to display the accessibility of their courthouse facilities, and to discuss similar efforts of other courthouses participating in the survey. The result of all of this work is the report you find in these pages.

### **Ingredients of the Survey's Success**

The Task Force offers this "road map," believing that while the State Bar of Arizona had several advantages in this process over many state bar organizations, much of this survey's success

can be replicated in any other state. The State Bar Committee benefited enormously from the Task Force leadership of State Supreme Court Justice Michael D. Ryan, and other members of the Arizona Bench who use a wheelchair daily, such as the late Maricopa County Superior Court Judge John R. Sticht. Justice Ryan's and Judge Sticht's influence on raising awareness of the importance of accessibility to courthouses for persons with disabilities cannot be overstated; it was a palpable part of the responsiveness of courthouse staff throughout this state to the survey.

A large part of the survey's success also can be attributed to the attitude of all who participated in them. The State Bar approached the survey from a practical, budget-friendly perspective, in a mindset that was wholly supportive of ongoing courthouse efforts to make their facilities convenient for all members of the public, including persons with disabilities. Most of the courthouse employees with whom the State Bar met work in those structures on a daily basis, and take very personally the success or failure of their delivery of services - as they should. A respect for and an assumption of a longstanding determination of the County Court staff and facilities management to provide service to the public, and of the many unique challenges which courthouse administrators, staff and other court personnel face on a daily basis, were critical to the survey's success. That attitude is also easily transplanted to every other State Bar's survey efforts.

We learned that a friendly, supportive accessibility survey effort almost always paves the way for enthusiasm and support from courthouse staff, and that a confrontational approach almost certainly would have failed. We chose the former, and feel that the Arizona community of individuals with disabilities will enjoy the benefits of that discretion for years to come.

The success of this survey depended in substantial part upon courthouse staff, non-attorney members of the public and non-Committee members of the Bar. Non-members of the Committee deserving special credit for their work on this survey include Sarah White, third year student at ASU Law School. Sarah has total hearing loss, and traveled to the overnight courthouse surveys in Greenlee, Graham and Apache Counties. Christina Larson, paralegal at Jaburg & Wilk, P.C., shot and provided technical support for the digital photos for the five largest courthouses in Maricopa County, including the downtown Maricopa County multi-building complex, the Sandra Day O'Connor Federal Courthouse in Phoenix, and the Phoenix Municipal Courthouse. Kenna Dresback, secretary at Lewis and Roca LLP, formatted fifteen of the submitted reports, providing uniformity of presentation, in addition to editing content. Kerri Bourland, of KB Consulting, provided extensive technical support for embedding of the digital photography in the reports, a challenging and time-consuming task. Rob Hosch, Database Manager for the State Bar of Arizona, also provided similar technical assistance. Mitch Smith of TotalNetworkz built the digital platform map for the February, 2005 Accessibility Survey power points presentation for the U.S. Access Board. Gregory Fisher, attorney at Jaburg & Wilk, P.C., drafted reports for four courthouse facilities, including the Sandra Day O'Connor U.S. Courthouse. In the process, Gregory provided an early benchmark for report quality and thoroughness of presentation. Karin Scheehle, Firm Administrator of Baird, Williams & Greer, LLP, assisted in the final report compilation and CD Rom production for distribution. Special acknowledgement goes to the law firm of Jaburg & Wilk, P.C., whose computer network housed most of the survey reports, along with more than one thousand digital photographs, and whose technical staff provided extensive logistical support for the survey during this nearly two-year project.

This survey represents an entirely volunteer effort. It involved dozens of Committee members, members of the public, courthouse staff and members of the Bench. The word “thousands” is appropriate to describe the survey effort in more than one context: more than one thousand hours spent conducting the surveys, traveling to and from courthouses, and drafting, discussing and producing reports; thousand of miles of travel throughout the state by survey volunteers; and tens of thousand of dollars in secretarial, paralegal and attorney *pro bono* time and logistical support from the beginning of the survey to its conclusion. An effort that began as trial and error, concluded with a number of Task Force and Committee members likely qualifying as experts in courthouse accessibility and accommodations. This survey compilation acknowledges courthouse staff throughout Arizona, who have made disability access a priority, and assists other staff whose facilities have physical or financial challenges, to find practical solutions.

This survey is an expression of belief by Committee members and members of the Arizona legal profession, that individuals with disabilities play an important role in the judicial system, as employees and as parties to its proceedings. The challenges of conducting the survey were more than compensated for by a belief that the practical accessibility of Arizona courts for persons with disabilities is an important goal, and that this Accessibility Survey will bring Arizona closer to its realization.

We hope that you find this report helpful, and we welcome your ideas and contributions to this effort. Please visit the webpage for the State Bar of Arizona’s Committee on Persons in the Legal Profession with Disabilities, at [www.azbar.org](http://www.azbar.org).

Respectfully submitted,

The State Bar of Arizona’s Committee on Persons with Disabilities in the Legal Profession.

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