

**State Bar of Arizona Task Force on Persons With Disabilities
Accessibility Committee Site Visit
Sandra Day O'Connor U.S. Courthouse
Phoenix, Arizona**

SURVEY BACKGROUND

Facility: Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, Phoenix, Arizona 85003

Date: Wednesday February 25, 2004 (10:00 a.m.-12:40 p.m.)

Team: Justice Michael Ryan (Arizona Supreme Court) (team leader); Carrie Sherman (Arizona State Bar); Emily R. Johnston (Arizona State Bar Board of Governors); Jim Reed, Esq. (Jaburg & Wilk P.C., Phoenix, Arizona); Christina Larson (Jaburg & Wilk P.C., Phoenix, Arizona); Gregory S. Fisher (Jaburg & Wilk P.C., Phoenix, Arizona)

Court Personnel: Lynn Rathman, Property Manager, General Services Administration; Ross H. Bern, District Architect, United States District Court, District of Arizona



Overview

This is a state-of-the-art facility housing federal courts and offices. The team did not observe any significant access-related issues for disabled persons. Court administrators and personnel are aware of issues pertaining to access for disabled persons, and welcomed our review in the spirit of improving access. Specific observations are briefly discussed below.

Parking

The team was afforded a chance to use the Judges' elevator to visit the parking garage located in the basement. The parking garage includes handicap parking.



Entrances and Exits

The entryway is easily accessible. The facility faces North on West Washington Street in downtown Phoenix. The entryway is located in the Northeast corner. There is a wide ramp near this entryway leading to the sidewalk. A wide and open plaza runs along the East side of the building.



The entryway has an automatic door opener button that is clearly marked and works well.



The only remote issue is that in heavy rain the plaza does not drain very well. Water can pool making the entryway slippery for anyone using a device to assist mobility (walker or cane or anything similar). People entering the building track in water which will make the atrium's waxed floor extremely slippery. However, heavy rain is not a frequent occurrence in Phoenix. When it does rain, mats are placed out to reduce water being tracked into the building.



As with the entry, there was no problem with the exit.

Pamphlet and Informational Services

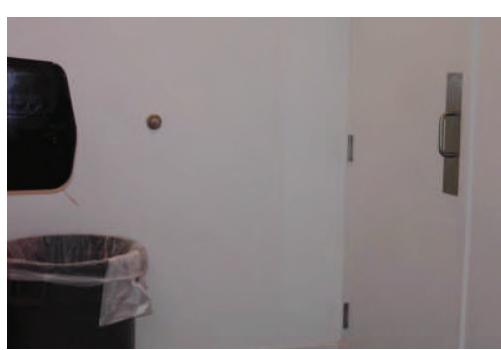
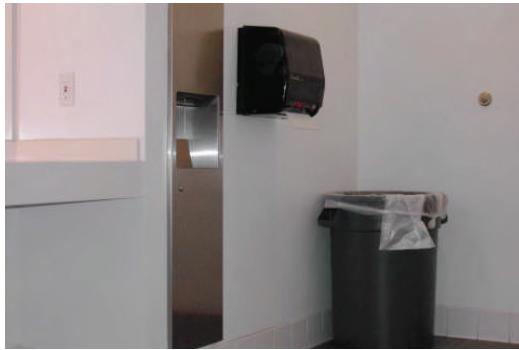
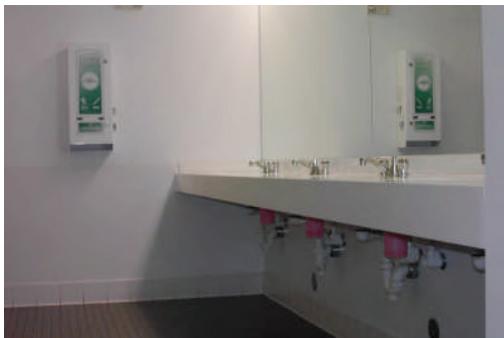
There are no pamphlet currently available describing services for persons with disabilities. Apparently, the current form of jury summons that is issued does not include any instructions or information related to persons with disabilities.

Evacuation plans are prominently posted on each floor and are color-coded for ease of use and reference. The signs do not depend on color-coding, so if a member of the public were visually-impaired in that respect he or she would still be able to follow the directions.



Restrooms

The team briefly surveyed a representative sampling of restrooms in the courthouse. All restrooms seemed accessible with no significant issues or concerns noted. A question was raised as to placement of soap dispensers. These seemed as if they might be too far back for some persons in a wheelchair. In response to this concern, Mr. Bern acknowledged that it could conceivably be a problem, but that the proposed solution (moving soap dispensers closer to the front of the counter) could result in even more difficulties because soap could spill on the floor making the floor slippery.





Hallways and Lobbies

All hallways were wide.



All water fountains that the team saw included a fountain at wheelchair height, and all were functional.

Elevators

There is one public elevator shaft on the East side of the atrium with numerous elevators running in the shaft. There was sufficient room in the elevators for entry and mobility. The buttons were placed at appropriate heights. The elevators are not rigged for voice alert. However, there is a "beep" at each floor as the elevator car arrives and the door opens.



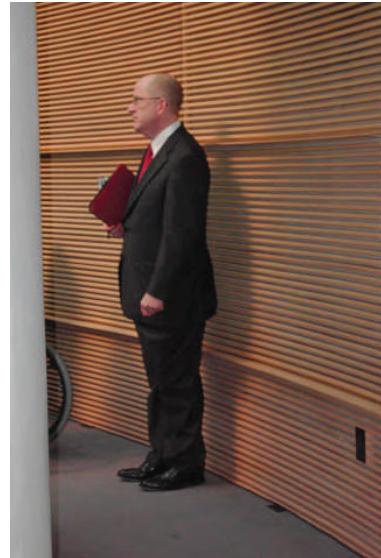
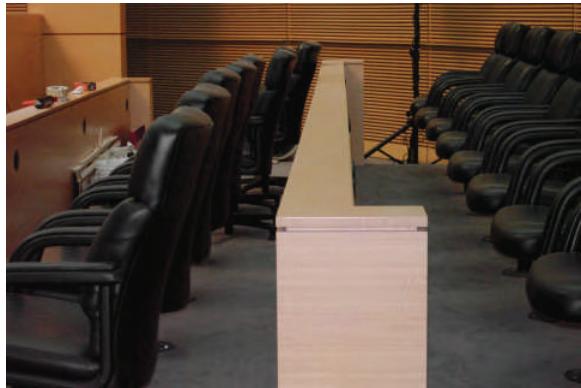
Law Library

The law library is located on the fourth floor. The team did not visit the law library, however team member Gregory Fisher is familiar with the law library in the federal courthouse and met briefly with Margaret Ackroyd, the Assistant Librarian, before the team's visit. The law library is not open to members of the general public. It is available for use by attorneys admitted to the District of Arizona's Bar and is also used by Judges and their Chambers' staff. The law library is accessible, and includes an automatic door opener.

Courtrooms

Special Proceeding Courtroom

The "pearl in the oyster" as described by Mr. Bern is the Special Proceeding Courtroom located on the second floor. This courtroom was undergoing routine maintenance and renovation on the day when the team visited. The courtroom is used for special proceedings such as Immigration and Naturalization ceremonies, Ninth Circuit *en banc* proceedings when those are held in Phoenix, and other special or ceremonial occasions. The courtroom is entirely accessible to members of the judiciary and public. There are appropriate ramps leading to the bench, witness stand, and jury box. The swinging gate that separates the public gallery from the courtroom well is wide and swings easily. The jury box includes three portable chairs, which may be easily moved to accommodate a juror in a wheelchair. A projector screen may be lowered from behind the bench for video displays. There is a public mezzanine surrounding the courtroom, which affords members of the public a view down into the courtroom. This mezzanine is not accessible (it is only accessible by stairs). There are four speakers in each row of the jury box. These speakers are not used for listening or hearing-assisted purposes. Instead, these speakers are used to alleviate any acoustical problems arising from the courtroom's special design. For any juror or witness requiring hearing assistance, the court has wireless headphones. All courtrooms are rigged for hearing assistance.



Magistrate and District Court Courtrooms

Magistrate courtrooms are located on the third floor. District Court courtrooms are primarily located on fifth and sixth floors. All courtrooms are essentially identical with only a few minor variations. The Magistrate courtrooms are 1800 square feet in size. The District Court courtrooms are 2400 square feet. All courtrooms are rigged for hearing assistance. Wireless headphones are used for this purpose. All courtrooms have lifts for witnesses. These

lifts cost approximately \$8,000 to \$10,000 each. Mr. Bern explained that the witness stand lifts require some advance notice and a brief recess to operate.



To avoid inconvenience and save time, the team visited two representative courtrooms, Judge Larry Anderson's courtroom (Courtroom 302) and Chief Judge McNamee's District Court courtroom (Courtroom 605).

Judge Anderson's courtroom is representative of all Magistrate Judge courtrooms with the exception that there is a ramp leading from Chambers for Judge Anderson's use. The door leading from Chambers to the courtroom has a fully functioning automatic door opener. The swinging gate that separates the public gallery from the courtroom well is wide and swings easily. The public gallery includes space on both sides for wheelchairs.



The jury box is not immediately accessible. It would require some modification.

The lectern in Judge Anderson's courtroom is an ADA lectern that can be raised or lowered to accommodate the height of the speaker.



Counsel's table appeared to be at a functionally correct height for use by any attorney in a wheelchair.



Judge McNamee's District Court courtroom is a state-of-the-art electronic courtroom. There are eight monitors in the jury box, and other monitors located in the witness stand, judge's bench, and counsel table.



This courtroom has the capacity for real-time transcript reporting. Through use of lap-top screens at counsel's table, any hearing or sight-impaired lawyers would be able to follow testimony on portable screen displays.



The electronic equipment is probably cost-prohibitive for most courthouses in Arizona. Mr. Bern estimated that it cost somewhere in the range of \$175,000-\$200,000. The swinging gate that separates the public gallery from the courtroom well is wide and swings easily.



The Judge also has the capacity to contact GSA personnel for court-related concerns from the bench. For example, if there are complaints about the heating or cooling, the Judge may e-mail GSA from the bench and have the problem corrected without taking a recess.

Public access to courtrooms appeared to be relatively easy. The handles were large and accessible for anyone in a wheelchair. There were no automatic door openers, but the doors seemed to open relatively easily.

Juror Facilities

The jury assembly room opens on the first floor atrium. It is entirely accessible. There is easy access for a wheelchair and also for any other device used to assist mobility.



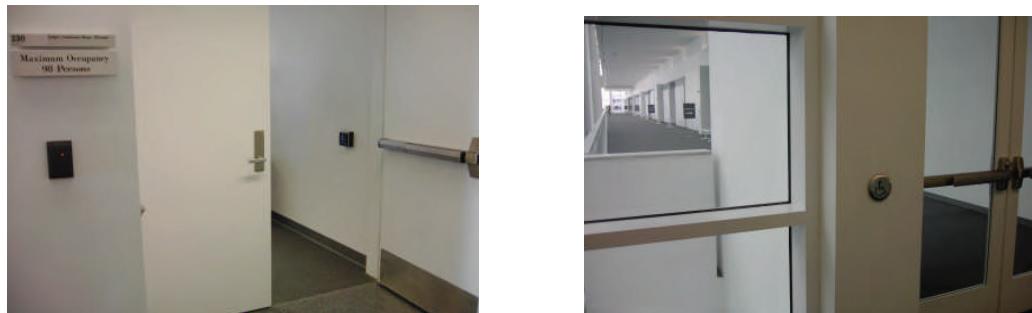
There are 5 television monitors inside the jury assembly room which are used, in part, for informational purposes. Mr. Bern believed, but it was not confirmed, that the monitors all had close caption capacity. A Handbook for Trial Jurors is passed out to prospective jurors. Suggestion: Revise handbook to provide information on request for accommodation. It does not include any information concerning requests for accommodation.

We visited one jury deliberation room on the Magistrate Courtroom floor. In federal court, there are not too many jury trials in a Magistrate Courtroom. The one jury deliberation room that the team visited was small. However, it did appear accessible in all material respects.



Chambers

By gracious permission of Judge Silverman, United States Court of Appeals Ninth Circuit, the team was afforded access to a representative Ninth Circuit Chambers (Suite 512). Judge Silverman also took time out from Calendar preparation to escort the team down to the parking garage to view the handicap parking arrangements in the Judges' secured parking area. Chambers are secured, and consequently it is not an appropriate object for accessibility study because no one has open or ready access to Chambers. However, inside, it was clear that there was ample room for any member of staff or visiting lawyer or member of the public to maneuver in a wheelchair or move with a walking device.



The team also was granted permission to visit Magistrate Judge Larry Anderson's Chambers (Suite 322). Judge Anderson's Chambers have been refitted with door handles for his use (Judge Anderson uses a wheelchair).

General Observations

All public signs in the building that the team observed were imprinted with Braille code.

Near the conclusion of the team's visit, we observed a person using a guide dog who was exiting the building. Ms. Rathman believed that this person worked with the United States Attorney's Office. He had no problem moving within or leaving the building with his guide dog.



Currently, no benches are wheelchair accessible except for Judge Anderson's bench in Courtroom 302. However, Mr. Bern noted that, if necessary, accommodation could be made in relatively short notice.

If in fact the jury summons does not include an accommodation notice, some thought should be given to including a separate notice with the summons for that purpose.

Similarly, and consistent with any budget demands, some consideration should be given to publishing a pamphlet for members of the public or those in the legal profession with disabilities. The purpose would be along the same lines as the notice included in court subpoenas and jury summonses. The Phoenix Municipal Court has such a pamphlet available.

Although the witness lifts were explained, there was discussion among team members as to whether future facilities could have room simply for a ramp instead of using the lifts, which would avoid expense and not require much delay in deliberations to accommodate a witness with a disability. Although the hydraulic lifts are remarkable engineering assistive devices, they seem somewhat cumbersome and can cause delay in trial conduct during the time necessary to make the lifts work.

Finally, Court Facility staff might benefit from more discussion concerning potential requests for access to a fully electronic courtroom by a party to a criminal or civil suit, where the party's disability may make use of a fully electronic courtroom more beneficial to the presentation of his or her case, but the assigned judge does not ordinarily use one. Because all of the courtrooms had witness lifts, accessible jury boxes, and assistive listening devices, the team did not discern specific disabilities requiring an electronic courtroom; nevertheless, the topic area seems worthy of more consideration.

CONCLUSION

The Sandra Day O'Connor U.S. Courthouse is a flagship courthouse for the state and federal courts in Arizona. Appropriate to its prominent role, the courthouse is a model of access-related concerns for the disabled. Personnel responsible for administering the facility seemed particularly aware of and attuned to needs of persons with disabilities, and welcomed recommendations and suggestions to improve available services.

