THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED AMENDMENTS TO GR 33—REQUESTS FOR ACCOMMODATION BY PERSONS WITH DISABILITIES AND GR 31—ACCESS TO COURT RECORDS	)	O R D E R NO. 25700-A-1675

The Washington State Supreme Court Disability Justice Task Force, having recommended the suggested amendments to GR 33—Requests for Accommodation by Persons with Disabilities and GR 31—Access to Court Records, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2026.

(b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar, and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2026. Comments may be sent to the following

addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 4th day of December, 2025.

For the Court

CHIEF JUSTICE

GR 9 COVER SHEET
SUGGESTED AMENDMENTS TO GENERAL RULE 33 AND GENERAL RULE 31

1. Name of Proponent:
Washington State Supreme Court Disability Justice Task Force (DJTF)

2. Spokesperson:
Washington State Supreme Court Disability Justice Task Force
Judge Camara Banfield, Clark County Superior Court
Joslyn Nelson, Senior Court Program Analyst, Administrative Office of the Courts
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3. Purpose of the Suggested Change:
This proposed amendment to GR 33 and GR 31 strengthens and clarifies both procedural and substantive protections for people with disabilities requesting accommodations and submitting related documentation in Washington State courts. The revisions aim to reduce burdens on court users, protect the confidentiality of disability-related records, and address long-standing implementation gaps by aligning both rules with federal law and national best practices.

Background

This joint proposal includes a comprehensive revision to General Rule (GR) 33 and a proposed new subsection (g) to General Rule (GR) 31, both designed to strengthen access to Washington courts for individuals with disabilities.

GR 33 was originally adopted to create a consistent statewide process for requesting disability accommodations. However, significant access barriers and implementation challenges have been reported across jurisdictions. Individuals continue to face delays, documentation burdens, inconsistent procedures, and privacy violations when attempting to request accommodations. The existing rule does not explicitly prohibit courts from requiring a diagnosis or medical records, nor does it provide clear protections against inappropriate disclosure of disability-related information in open court or public records.

At the same time, GR 31, Washington's rule governing access to court records, contains no provisions regarding the handling, classification, or protection of records related to accommodation requests. As a result, sensitive disability-related records are often unprotected, inconsistently stored, or perceived by court users as vulnerable to disclosure or misuse. The absence of a formal rule addressing how accommodation records are handled has led to concern and uncertainty, which undermines trust in the accommodation process.

Together, these two rules, one procedural (GR 33) and one administrative (GR 31), must be updated to ensure that individuals with disabilities can meaningfully access court services without risking unnecessary exposure, retraumatization, or loss of dignity. Both proposals are grounded in findings from the Washington State Supreme Court Disability Justice Task Force (DJTF), which documented these barriers through court user surveys, input from court professionals, legal analysis, and focus groups with lived experience.

Explanation of the Proposal

This submission includes proposed amendments to two related rules: General Rule 33 (Requests for Accommodation by Persons with Disabilities) and General Rule 31 (Access to Court Records). Together, these changes create a more consistent, equitable, and rights-affirming process for people with disabilities navigating Washington's courts.

GR 33: Requests for Accommodation by Persons with Disabilities

The proposed amendments to GR 33 clarify and strengthen both procedural and substantive protections for individuals requesting disability accommodations. The revisions:

- Eliminate the requirement to disclose a diagnosis or name a specific disability when requesting an accommodation;
- Affirm that accommodations may be requested at any point in the legal process, including on the day of a proceeding;
- Reduce unnecessary documentation burdens, affirming that supporting records are not required in most cases unless the accommodation involves significant cost or complexity;
- Expand the definition of "accommodation" to include communication, cognitive, sensory, psychological, and financial barriers;
- Affirm the right to request appointment of counsel as an accommodation when necessary for meaningful participation in civil proceedings;
- Require courts to offer trauma-informed assistance in identifying access barriers and submitting accommodation requests;
- Establish timelines and accountability standards for how courts receive, evaluate, and respond to requests;
- Add confidentiality safeguards to prevent inappropriate disclosure of sensitive disability-related information;
- Clarify the individual's right to file a complaint if access is denied or discrimination occurs; and
- Require public notice, ADA coordinator training, and data collection to support implementation and evaluation.

These proposed revisions align with federal disability rights law, including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, and reflect the Washington Supreme Court's commitment to access, equity, and public trust.

GR 31(g): Disability Accommodation Records

The proposed new section (g) to GR 31 responds to longstanding concerns about the lack of privacy protections for accommodation-related court records. The amendment would:

- Classify all records related to accommodation requests as confidential and exempt from public disclosure;
- Limit access to those directly involved in implementing or evaluating the accommodation;
- Afford protected classification to these records, similar to sealed mental health or child custody records;
- Restrict the use of these records strictly to the purpose of processing or implementing the accommodation, not for assessing credibility, legal fitness, or any other unrelated purpose.

The addition of GR 31(g) is essential to complement the revised GR 33 process and ensure that sensitive disability-related information is handled with the same level of confidentiality and care as other protected court records.

These proposed rule changes are informed by the findings and recommendations of the Washington State Supreme Court Disability Justice Task Force, which identified clear access barriers, procedural inconsistencies, and a lack of privacy protections across the current system. The full study and recommendations are available here: http://www.courts.wa.gov/disability-justice-task-force/public/FINAL-DJTF-STUDY-REPORT.pdf

4. Hearing:

Yes. A public hearing is requested to allow for meaningful input from impacted court users, disability advocates, ADA coordinators, court staff, and members of the judiciary. These changes affect fundamental access rights and would benefit from collaborative discussion and testimony from those with lived experience navigating court accommodations, barriers, and procedural protections.

5. Expedited consideration:

No. The proponent supports the full public comment and hearing process under GR 9 to ensure thorough engagement on this important topic.

6. APPENDIX A: SUPPORTING INFORMATION FOR AMENDMENTS TO GR 33 AND GR 31

7. Recommendation

The Disability Justice Task Force respectfully recommends that the Supreme Court adopt both Amendments for GR 33 and Gr 31.

APENDIX A Supporting Information for Amendments to GR 33 and GR 31

Summarized Findings from the DJTF Study Pertaining to GR 33 and GR 31

The Washington State Supreme Court's Disability Justice Task Force (DJTF) conducted a statewide study. The research included a public survey of approximately 200 court users and caregivers, a statewide survey of court professionals (650 respondents), and a series of focus groups based on lived experiences. Across all inputs, the following concerns were consistently raised:

- 34% of court users with disabilities did not know how to request an accommodation.
- 42% of those who submitted requests described delays, confusion, or denials.
- 29% feared that disclosing their diagnosis would negatively impact their case.

Focus group participants shared that they were frequently asked to provide extensive medical documentation, sometimes for well-established conditions or when other forms of proof were available. Some were told that their requests were "not necessary" or were required to explain their condition in open court, resulting in retraumatization and embarrassment. Others were granted accommodations but reported significant delays in implementation.

The study also found that:

- GR 33 is often interpreted as requiring disclosure of a specific diagnosis, even though this is not required under the ADA.
- Courts vary widely in how they apply the rule, with some requiring medical documentation for all requests, and others accepting informal statements or support letters.
- There is no clear statewide timeline for decision-making, escalation, or implementation.
- The current version of GR 33 does not contain confidentiality provisions, contributing to concern that sensitive disability information may be disclosed or mishandled without appropriate safeguards.
- There is no formal rule governing the classification or use of accommodation-related records under GR 31, leaving individuals uncertain about how their information is stored, accessed, or used.

Identified Gaps in the Current Rules

While GR 33 was created with equity in mind, the absence of specific protections or standards has contributed to unintentional barriers:

- The rule does not clarify that courts should focus on the individual's access needs, not their diagnosis.
- It does not establish minimum expectations for timely responses or procedures for resolving concerns.
- It does not include confidentiality safeguards, leaving sensitive records vulnerable to disclosure.
- It does not affirm alternative forms of documentation, such as self-attestations or non-medical support letters.
- It has resulted in inconsistent practices across courts and, at times, across courtrooms within the same jurisdiction.

Similarly, GR 31 does not currently address accommodation-related records. The lack of classification or handling guidance has resulted in:

- No clear statewide standard of how accommodation request records should be protected, accessed, or used;
- Uncertainty among court users about whether and how their information may be disclosed or used in unrelated proceedings;
- A lack of protections comparable to those that already exist for mental health evaluations, sealed court files, and confidential informant identities.

Without a clear statewide rule, there is no uniform guidance on how courts should protect or limit access to accommodation-related records. This creates uncertainty for both court staff and court users, increases the risk of public disclosure of sensitive disability-related information, and may discourage individuals from requesting necessary accommodations under GR 33.

Legal and Ethical Implications

The ADA and related federal guidance emphasize a collaborative, stigma-free process centered on access, without requiring individuals to sacrifice their privacy or dignity. Disability should be recognized as a protected identity, not a condition requiring justification.

When access is denied or delayed due to documentation hurdles, unclear processes, or diagnostic disclosure pressures, it raises legal and ethical concerns under the ADA, Section 504, and the Washington Law Against Discrimination (WLAD).

Similarly, the absence of clear protections for accommodation records under GR 31 contributes to uncertainty and mistrust. Court users and focus group participants expressed fear that sensitive disability-related information could be disclosed, used against them in unrelated proceedings, or treated differently from other protected records, such as sealed mental health evaluations or custody reports.

These concerns may discourage individuals from requesting accommodations at all, undermining the accessibility framework established by GR 33. A lack of explicit

protections also places unnecessary strain on court staff who are responsible for managing these records without clear standards or safeguards.

Purpose of GR 33 Revision

The revisions to GR 33 are intended to:

- Align Washington court practice with the ADA by focusing on functional barriers to access, not diagnosis;
- Promote consistent, timely, and trauma-informed responses statewide;
- Reduce stigma and protect privacy by explicitly limiting unnecessary disclosure requirements;
- Introduce confidentiality language, modeled after protections in GR 22 and GR 31, to ensure appropriate handling of disability-related records;
- Reinforce that accommodations are not discretionary, but a legal right grounded in equity, justice, and public trust.

By removing unintentional barriers, the updated GR 33 strengthens access while maintaining judicial integrity and procedural fairness.

Purpose of GR 31(g) Addition

GR 31 governs public access to court records but does not currently address the classification, use, or confidentiality of disability accommodation records. This omission creates a significant vulnerability for court users with disabilities and for the courts charged with protecting their rights.

The proposed addition of Section (g) to GR 31 addresses this issue by:

- Explicitly classifying accommodation records as confidential and exempt from public disclosure, except where necessary for implementation or authorized by the individual;
- Minimizing access to accommodation records by limiting them to the individual requesting the accommodation, judicial officers, and court personnel directly involved in evaluation or implementation, except as otherwise required by law or court order;
- Prohibiting the use of such records for credibility, fitness, or unrelated legal determinations;
- Providing protections analogous to other sensitive court records, such as mental health evaluations, child custody records, and confidential informant disclosures.

Without these protections, the revised GR 33 framework lacks enforceable record safeguards. GR 31(g) is therefore necessary to complete the access-to-justice reforms envisioned by the Task Force and to ensure that courts meet their responsibilities under federal and state disability law.

SUGGESTED AMENDMENTS TO
GENERAL RULE 33
REQUESTS FOR ACCOMMODATION BY PERSONS WITH DISABILITIES

(a) Policy and Purpose. This rule is intended to facilitate equal and meaningful access to the courts, including all services, programs, and proceedings, for individuals with disabilities. Recognizing that barriers to participation may arise from physical, communication, cognitive, sensory, intellectual, psychological, or financial factors and that access barriers often intersect with race, gender, age, income, and other forms of systemic marginalization, the courts are committed to providing responsive and effective accommodations to support full and fair participation.

~~(a)~~ **(b) Definitions.** The following definitions shall apply under this rule:

(1) "Access Barrier" may include but is not limited to, a procedural barrier, financial barrier, physical barrier, communication barrier, informational barrier, limited literacy barrier, or unintentional bias that prevents or limits participation by a person with a disability.

~~(1)~~ (2) "Accommodation" ~~means measures to make each court service, program, or activity, when viewed in its entirety, readily accessible to and usable by a person with a disability, and may include but is not limited to~~ means modifications, support, or auxiliary aids and services that enables a person with a disability to access and participate in court services, programs, or activities, that are readily accessible to and usable by a person with a disability. Accommodation shall be interpreted broadly and aligned with the most protective standards and federal and state law. This may include, but are not limited to:

(A) ~~making reasonable modifications in policies, practices, and procedures~~ Providing reasonable adjustments to ensure that court services, programs, or activities are accessible to the individual without fundamentally altering court operations or legal requirements;

(B) furnishing, at no charge, auxiliary aids and services, including but not limited to equipment, devices, materials in alternative formats, qualified interpreters, ~~or~~ readers, or assistive technology; ~~and~~

(C) ~~as to otherwise unrepresented parties to the proceedings, representation by counsel, as appropriate or necessary to making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by a person with a disability.~~ Providing remote appearance options or assistance with accessing remote technology platforms;

(D) Extended time for participation, breaks, plain language materials, or alternative communication methods;

(E) Appointment of counsel. For otherwise unrepresented parties, appointment of licensed legal counsel may be provided as an accommodation for a person with a disability to meaningfully participate in court proceedings. This may include individuals with cognitive,

communication, or psychological disabilities that impact understanding of the legal process ability to engage with court procedures, or the ability to present their case effectively. Appointment to counsel shall be considered only when other accommodations would not ensure meaningful access in civil proceedings.

In such cases, the courts shall evaluate whether appointment of counsel is necessary as a disability accommodation, based primarily on the individual's own explanation of how their disability affects their ability to meaningfully participate without legal representation. The individual's self-identification of access barriers shall be presumed sufficient to support the request. Documentation may be requested **ONLY** when there is no other reasonable way to determine whether counsel is needed to ensure access, and such requests shall be narrowly tailored. Medical records or diagnoses must not be required except in truly exceptional circumstances.

Denial of such request based on financial or administrative burden is governed by section (d)(2)(F).

(F) Undue Burden. Cost alone is not sufficient to establish undue burden when considering request for appointment of counsel under subsection (a)(b)(2)(E). Before denying appointment of counsel on financial grounds, the court shall make reasonable, good-faith efforts to obtain representation. Those efforts must be documented with specificity, including:

a) First, seek assistance from local pro bono, low-bono, or volunteer attorney programs;

b) Coordinate with the Office of Public Defense, Office of Civil Legal Aid, or similar resources;

c) Working with Licensed Legal Interns.

d) Maintain or access a referral list of attorneys willing to accept such appointments; and

Documentation must identify the resources contacted, the responses received, and the basis for concluding that no attorney is reasonably available. If, after such efforts, no attorney can be secured and funding cannot be obtained, the court may find undue burden. In such cases, the court shall provide alternative accommodations to support meaningful participation.

~~(2)~~ (3) "Person with a disability" means a person with a sensory, mental, cognitive, intellectual, psychological, or physical disability including both permanent and temporary disabilities and conditions that may not be visible, as defined by the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101-12213), the Washington State Law Against Discrimination (ch. 49.60 RCW), or other similar local, state or federal laws.

~~(b)~~ (c) Process for Requesting Accommodation.

(1) Requests. Requests for aids, modifications, and services will be addressed promptly and in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101-12213) and

the Washington State Law Against Discrimination (ch. 49.60 RCW), with the objective of ensuring equal access to courts, court programs, and court proceedings.

(2) *Court's Duty to Assist.* If a participant appears unable to meaningfully participate, the court shall ensure they are informed of their right to request accommodations. The court shall provide assistance in making such a request, including referral to the ADA coordinator.

(3) *Presumption of Good Faith*. All requests for accommodation shall be presumed to be made in good faith. Courts shall not inquire into the nature, diagnosis, or extent of a person's disability when processing an accommodation request. Courts may seek limited clarification only about the nature of the accommodation requested and shall not seek information about the person's disability, condition, or medical history.

(~~2~~) (4) Timing. ~~Requests should be made in advance whenever possible, to better enable the court to address the needs of the individual.~~ Requests should be made in advance whenever possible, to better enable the courts. However, requests may be submitted or updated at any stage of a person's involvement with the court, including on the day of proceedings or while on site. Courts shall make reasonable efforts, in good faith, to respond to all requests as they are received.

(5) Assistance *with Requests.* Court personnel, including ADA coordinator or other designated staff, shall assist individuals who need help submitting or clarifying a request. This includes individuals with communication, cognitive, language, literacy, or access-related limitations, and may involve identifying potential access barriers or explaining available supports.

(~~3~~) (6) Local *Procedures Allowed*. Local procedures not inconsistent with this rule are encouraged. Informal practices are appropriate when an accommodation is clearly needed and can be easily provided.

(~~4~~) (7) Procedure. An application requesting accommodation should be made on a form approved by the Administrative Office of the Courts. It may be presented ex parte, in writing or orally and reduced to writing to the presiding judge or officer of the court or their designee.

Courts shall maintain and publish a plain-language procedure for submitting accommodation requests and ensure this information is available in accessible formats and multiple languages upon request, including formats that support individuals with limited literacy or cognitive processing barriers.

(~~5~~) (8) Content. The request shall describe the accommodation being requested. Courts shall not require individuals to explain, justify, or describe their disability. Documentation shall not be required except in rare circumstances where the court cannot implement the accommodation without information that is not already available to the court. In such cases, documentation shall be narrowly limited to what is needed to implement the accommodation and shall not include diagnosis. Any medical or health-related information provided shall be submitted under a cover sheet created by the Administrative Office of the Courts labeled "**SEALED MEDICAL AND HEALTH INFORMATION**." Such information shall be accessible only to the court and the

person requesting accommodation unless otherwise expressly ordered. ~~The request shall include a description of the accommodation sought, along with a statement of the disability necessitating the accommodation. The court may require the person requesting accommodation to provide additional information about the qualifying disability to help assess the appropriate accommodation. Medical and other health information shall be submitted under a cover sheet created by the Administrative Office of the Courts for use by applicants designated "SEALED MEDICAL AND HEALTH INFORMATION" and such information shall be accessible only to the court and the person requesting accommodation unless otherwise expressly ordered.~~

~~(c)~~ (d) Consideration and Decision.

(1) Considerations. In determining whether to grant an accommodation and what accommodation to grant, the court shall:

(A) consider, but not be limited by, the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101-12231), chapter 49.60 RCW, and other similar local, state, and federal laws;

(B) give primary consideration to the accommodation requested by the applicant; ~~and~~

(C) make an individualized, case-by-case decision, considering the specific barrier, disability, and the court's ability to implement the accommodation without fundamentally altering the nature of the proceeding, based on implementation needs rather than court custom; ~~make its decision on an individual and case specific basis with due regard to the nature of the applicant's disability and the feasibility of the requested accommodation.~~

(D) offer equally effective alternative accommodations when necessary; and

(E) consider accommodations that address access barriers related to financial hardship, communication, transportation, and technological access.

(2) Determination. A request for accommodation may be denied only if:

(A) the person requesting fails to meet the substantive requirements of this rule; ~~application has failed to satisfy the substantive requirements of this rule; or~~

(B) the court is unable to provide the requested accommodation on the date of the proceeding and the proceeding cannot be continued without significant prejudice to a party; or

(C) permitting the applicant to participate in the proceedings with the requested accommodation would create a direct threat to the health or well-being of the applicant or others; or

(D) the requested accommodation would create an undue ~~financial or administrative~~ burden for the court; or would fundamentally alter the nature of the court service, program, or activity under (i) or (ii). Cost or administrative limitations alone are not sufficient to establish undue

burden. Courts must make reasonable, good faith efforts to explore financial, staffing, and administrative alternatives before denying an accommodation on these grounds. If the court determines that a requested accommodation cannot be granted for these reasons, it shall engage in an interactive process with the individuals to identify an effective alternative, if one exists.

(i) ~~An~~ A denial under (D) must be made only after considering all resources available for the funding and operation of the services and must include a written statement of the reasons. ~~accommodation may be denied based on a fundamental alteration or undue burden only after considering all resources available for the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.~~

(ii) If a fundamental alteration or undue burden would result from fulfilling the request, the court shall nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the court.

~~(d)~~ (e) Decision. ~~The court shall, in writing or on the record, inform the person requesting an accommodation that the request for accommodation has been granted or denied, in whole or in part, and the nature and scope of the accommodation to be provided, if any. A written decision shall be entered in the proceedings file, if any, in which case the court shall determine whether or not the decision should be sealed. If there are no proceedings filed the decision shall be entered in the court's administrative files, with the same determination about filing under seal.~~

(1) *Notification*. The court shall inform the applicant of its decision to grant or deny the request for accommodation, either in writing or on the record.

(2) *Content of Decision.* If the court grants the request, it shall specify the accommodation to be provided. If the court denies the request, it shall state the reasons for the denial either on the record or issue written findings and inform the applicant of any alternative accommodations that may be available.

(3) *Sealing Disability-Related Information.* Decisions containing disability-related information shall be filed under seal unless otherwise ordered by the court.

~~(e)~~ (f) Denial**.** ~~If a requested accommodation is denied, the court shall specify the reasons for the denial (including the reasons the proceeding cannot be continued without prejudice to a party). The court shall also ensure the person requesting the accommodation is informed of their right to file a complaint under the Americans with Disabilities Act of 1990 with the United States Department of Justice Civil Rights Division.~~

(1) *Grounds for Denial.* An accommodation request may be denied only for the reasons specified in section (d)(2).

(2) *Alternative Accommodations.* The court should identify feasible alternative accommodations whenever possible if a request is denied.

(3) *Notice of Rights.* Upon denial, the court shall inform the applicant of the right to:

(A) Request reconsideration or review under local procedures;

(B) File a complaint with the court's ADA coordinator;

(C) File a complaint with the U.S. Department of Justice Civil Rights Division.

(g) Confidentiality. Information related to accommodation requests, including documentation or communication about disability status, shall be:

a) Clearly marked Confidential;

b) Stored in sealed, non-public files; and

c) Accessible only to court personnel involved in processing or implementing the request.

In open court proceedings, any discussion of accommodation requests or related details shall be limited to what is necessary to implement or acknowledge the accommodation. Courts must avoid disclosing sensitive information or identifying disability-related information on the public record unless disclosure is required by law or ordered by the court for good cause.

(h) Non-Discrimination and Use of Information. Courts shall not discriminate against any person on the basis of disability. Requesting an accommodation shall not be considered evidence of incapacity, inability to participate, or parental unfitness. Information supporting an accommodation request shall not be used for any purpose other than evaluating the accommodation.

(i) Education and Public Notice. Each court shall:

(1) Designate an ADA coordinator and publicly post their contact information;

(2) Provide training to judges and court staff on the requirements of this rule, the rights of persons with disabilities, and the importance of recognizing how disability access barriers can intersect with race, gender, class, and other forms of systemic marginalization; and

(3) Post notices in prominent locations and online informing the public about availability of accommodations and how to request them. This information shall be clearly posted in areas commonly accessed by the public, including the clerk's office, self-help centers, and other spaces frequently used by self-represented court users. Courts shall also communicate the availability of interpreter services and disability accommodations through signage, websites, and printed materials in multiple languages.

(j) Reporting and Evaluation. The Administrative Office of the Courts shall collect data on GR 33 requests and their outcomes to evaluate effectiveness and identify areas for improvement.

(k) Access to Justice. It is the policy of the courts of this state to ensure that all persons, including individuals with disabilities, have full and meaningful access to the judicial system. Nothing in this rule shall be construed to limit, invalidate, or diminish any rights, remedies, or protections available under local, state, or federal law. Courts shall interpret and apply this rule to promote full access to justice.

(*l*) Interpretation. This rule shall be interpreted to ensure the broadest possible access consistent with its purpose. Where ambiguity exists, the interpretation most protective of the individual's access rights shall govern.

(m) Complaints. Individuals who believe their accommodation request was unreasonably delayed, improperly handled, or addressed in a discriminatory, dismissive, or retaliatory manner, including those who have experienced ableism, may file a complaint with the court's ADA coordinator or designated authority. Each court shall establish and publicize an accessible complaints procedure.

Comments

[1] Access to justice for all persons is a fundamental right. It is the policy of the courts of this state to assure that persons with disabilities have equal and meaningful access to the judicial system. Nothing in this rule shall be construed to limit or invalidate the remedies, rights, and procedures accorded to any person with a disability under local, state, or federal law.

[2] Supplemental informal procedures for handling accommodation requests may be less onerous for both applicants and court administration. Courts are strongly encouraged to adopt an informal grievance process for public applicants whose requested accommodation is denied.

[3] Ex Parte requests for accommodation under this rule are administrative in nature and do not constitute improper ex parte communication under the Code of Judicial Conduct, **CJC 2.9 (A)(1).** Judges may acknowledge such requests and direct the individual to the ADA coordinator or designated staff without violating ethical obligation

SUGGESTED AMENDMENTS TO
GENERAL RULE 31
ACCESS TO COURT RECORDS

(a) – (f) [Unchanged.**]**

(g) Disability Accommodations Records.

(1) *Confidentiality.* Records related to disability accommodation requests, determinations, or communications are confidential and exempt from public disclosure, except as required for implementation or with the express written consent of the individual.

(2) *Limited Access.* Access to these records is restricted to:

(A) The person who requested the accommodation;

(B) Judicial officers and authorized court personnel involved in evaluating or implementing the accommodation;

(C) Others as required by law or court order.

~~(g)~~ (h) Bulk Distribution of Court Records.

(1) A dissemination contract and disclaimer approved by the JIS Committee for JIS records or a dissemination contract and disclaimer approved by the court clerk for local records must accompany all bulk distribution of court records.

(2) Dissemination contracts shall not include the dissemination or distribution of juvenile courts records.

(3) A request for bulk distribution of court records may be denied if providing the information will create an undue burden on court or court clerk operations because of the amount of equipment, materials, staff time, computer time or other resources required to satisfy the request.

(4) The use of court records, distributed in bulk form, for the purpose of commercial solicitation of individuals named in the court records is prohibited.

(5) The Administrator for the Courts is not responsible for the content of any court documents published through the JIS.

~~(h)~~ (i) Appeals. Appeals of denials of access to JIS records maintained at state level shall be governed by the rules and policies established by the JIS Committee.

~~(i)~~ (j) Notice. The Administrator for the Courts shall develop a method to notify the public of access to court records and the restrictions on access.

~~(j)~~ (k) Access to Juror Information. Individual juror information, other than name, is presumed to be private. After the conclusion of a jury trial, the attorney for a party, or party pro se, or member of the public, may petition the trial court for access to individual juror information under the control of court. Upon a showing of good cause, the court may permit the petitioner to have access to relevant information. The court may require that juror information not be disclosed to other persons.

~~(k)~~ (*l*) Access to Master Jury Source List. Master jury source list information, other than name and address, is presumed to be private. Upon a showing of good cause, the court may permit a petitioner to have access to relevant information from the list. The court may require that the information not be disclosed to other persons.