Washington State Supreme Court
Disability Justice Task Force

DISABILITY JUSTICE STUDY 2025

WASHINGTON COURTS

Community experts, people with disabilities, the Research and Recommendations Subcommittee, the Study Rollout Subcommittee, the Symposium Subcommittee, and disability justice consultants collaborated to create this final report.

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CHAPTER 1:
LITERATURE REVIEW

Acknowledgment

The Washington State Supreme Court established the Disability Justice Task Force (DJTF) as an active effort to deepen the Court's understanding of how people with disabilities experience the judicial system. The Task Force was created to examine access through a broader perspective, one that values equity, dignity, and lived experience alongside legal rules and procedural safeguards.

This initiative demonstrates the Court's commitment to ongoing improvements that ensure all Washington residents can navigate the legal system fully and fairly. By including the perspectives of people with disabilities and examining how court structures and cultures affect access, the DJTF advances a more meaningful step towards inclusive and responsive judicial practices.

We respectfully acknowledge the judicial leadership that made this work possible.

We express our appreciation to Justice G. Helen Whitener, who, with the leadership of former Chief Justice Steven C. González, was essential in launching the DJTF. Their vision shaped the scope, purpose, and values of this effort, and their commitment to equity and systemic learning laid the groundwork for this statewide study.

We also acknowledge Chief Justice Debra L. Stephens and the Supreme Court justices for their ongoing support and guidance throughout the Task Force's life. Chief Justice Stephens's continued stewardship of the Court has helped ensure the visibility and stability of this work as it moved forward.

Their shared leadership reflects the Supreme Court’s recognition that disability equity is central to access to justice. The DJTF's work builds on that foundation and affirms the importance of meaningful engagement with the disability community in shaping the future of Washington’s courts.

Foreword

The promise of justice is rooted in fairness, access, and dignity for all. Yet for many people with disabilities, that promise remains out of reach. Despite legal protections, individuals with disabilities, particularly those with non-apparent disabilities, intersecting marginalized identities, or limited resources, continue to face barriers when navigating Washington's court system.

The Washington State Supreme Court established the Disability Justice Task Force (DJTF) to address these inequities through a more comprehensive and inclusive lens.

Rather than focus solely on ADA compliance or physical access, the DJTF was charged with asking broader and more urgent questions: Do people with disabilities feel safe and respected in court? Are procedures and environments accessible not only in form, but in practice? What systemic changes are needed to build true equity?

This Task Force represents the first court-led statewide effort in the nation to apply a Disability Justice lens, one grounded in lived experience, intersectionality,[1] and systemic accountability. It reflects a deliberate shift toward centering the voices of people with disabilities, recognizing the full spectrum of access barriers, and identifying the structural changes needed to make justice a reality for everyone.

[1] Intersectionality is a term coined by Kimberlé Crenshaw, a civil rights advocate, law professor, and critical race theorist. Intersectionality is defined as a social theory and analysis tool that describes the cumulative effects of multiple forms of discrimination and privilege affecting the daily lives of individuals and their experiences in the criminal legal system. The term also refers to an intellectual framework for understanding how various aspects of individual identity—including race, gender, social class, sexuality, and ability or disability—interact to create unique, compounded experiences of privilege or oppression. This definition was adapted from https://www.britannica.com/topic/intersectionality.

Over the past year, the DJTF conducted statewide surveys, community-led focus groups, policy and literature reviews, and in-person accessibility audits at courts across jurisdictions. Through this work, we gained a clearer picture of how court culture, assumptions, and procedures often reinforce barriers, even when laws are followed.

As judicial Co-Chairs of this effort, we guided the Task Force with a shared commitment to accountability, transparency, and practical reform. The insights and recommendations that follow reflect the voices of court users with disabilities, community advocates, legal professionals, and family members who entrusted us with their experiences. This work is the beginning of a longer journey.

Lasting justice for people with disabilities will require more than a report. It will require sustained investment, infrastructure changes, statewide policy alignment, and a collective commitment to redesign our courts for equity and inclusion.

This is where that work begins.

Justice G. Helen Whitener
Washington State Supreme Court

Judge David Whedbee
King County Superior Court

Co-Chairs, Disability Justice Task Force

Executive Summary

The Washington State Supreme Court's Disability Justice Task Force conducted a sample study to identify and address barriers to accessibility and justice for court participants with disabilities. This research, grounded in the ten principles of Disability Justice and Access to Justice, sought to extend beyond basic compliance with the Americans with Disabilities Act (ADA) and Washington State's General Rule 33 (GR 33). While legal compliance remained foundational, this study emphasized that legal compliance is insufficient to ensure equitable outcomes for individuals with disabilities navigating the court system.

Over a seven (7) month period, the research team undertook a multi-method study that included a literature review, digital and physical accessibility audits, surveys of judges, attorneys, court employees, department of corrections staff, caregivers, and court users with disabilities, and qualitative data from focus groups and individual interviews.

From the study's design to the final recommendations, every aspect centered the lived experiences of people with disabilities, particularly those at the intersections of multiple marginalized identities.

Findings revealed widespread physical, programmatic, and cultural barriers that hindered in-person and virtual court engagement. Participants consistently expressed challenges related to inaccessible court environments, a lack of awareness about their legal rights, and limited access to affordable legal support. Specifically, the research team uncovered the following key issues:

(1) While WA court employees exhibit a great deal of passion and intention towards creating welcoming and accessible environments for

people with disabilities, most staff members reported a lack of accessibility training and general awareness regarding the needs of people with disabilities. This knowledge gap has led to a notable disparity in how people with disabilities and those without disabilities perceive court inclusivity and accessibility.

(2) Court users overwhelmingly reported dissatisfaction with the court system for reasons unrelated to physical accessibility (e.g., burdensome and inaccessible paperwork, technological access issues, financial difficulties due to filing costs and court fees, and undignified treatment by court staff at all levels).

(3) There is a general lack of understanding and demonstrable confusion about the requirements of General Rule 33 (GR 33) among court staff and administrators. Relatedly, court participants with disabilities lack knowledge and awareness of the process of requesting accommodations under GR 33 and often go without the accommodations that they need.

(4) Many structures and evacuation routes were unsafe for court users with disabilities.

(5) Currently, funding for services to support court users with disabilities, particularly for services that divert people with disabilities away from incarceration, is insufficient to meet the demand due to the disproportionate presence of people with disabilities in the court system.

(6) There is an overall absence of substantial and reliable data to support compliance with the legal requirements of the ADA and GR 33, to demonstrate the number of accommodations requested and provided to court users with disabilities annually, and to accurately assess the

number of litigants with disabilities who use the courts in the state of Washington.

Informed by these findings and guided by suggestions made by court users with disabilities, a list of recommendations was developed aiming to remove identified structural and attitudinal barriers to disability inclusion in the court system, promote equity through institutional, systemic, and interpersonal reforms, and develop a strong framework for disability inclusion within the Washington state court system. These recommendations include actionable steps for improving physical access, enhancing cultural competency among court staff, increasing awareness of legal rights and accommodations, and expanding opportunities to access justice.

Abstract

This study seeks to critically examine the barriers to justice faced by individuals with disabilities in Washington State courts through the lens of Disability Justice. At its core, the study is structured around a series of key investigative questions that explore both structural and experiential dimensions of Access to Justice:

- What are the primary physical, programmatic, and cultural barriers encountered by individuals with disabilities in Washington courts?
- How do intersectional identities—such as race, gender, socioeconomic status, and immigration status—compound these barriers?
- What are the current attitudes and perceptions of court staff, judges, and other justice system stakeholders toward individuals with disabilities?
- Do significant gaps exist in accessibility, the effectiveness of communication processes, particularly around access to interpreters, adequate response to requests for accommodations, and assistive technologies?
- How do courts currently implement accessibility-related laws, policies, and practices, and where are opportunities for meaningful improvement?

To answer these questions, the study focused on seven primary variables of interest: physical accessibility, web accessibility, programmatic accessibility, cultural attitudes, intersectionality, effective communication, and barriers to self-representation. Together, these variables formed an integrated analytical framework to identify the multilayered barriers

individuals with disabilities face while engaging with the legal system, both virtually and in person.

1) Physical accessibility refers to the architectural and structural environment of court facilities and whether they comply with the standards outlined in the ADA. Compliance with the ADA includes the presence of ramps, elevators, accessible parking, signage, seating arrangements, and more. The study investigated how the presence or absence of these elements impacted the ability of individuals with disabilities to access critical court spaces, and how such physical barriers contributed to the broader issue of Access to Justice.
2) Web or digital accessibility relates to the accessibility of a court's digital services and legal information, ensuring that websites, forms, payments, remote access, and resources are fully accessible to people with disabilities.
3) Programmatic accessibility focuses on whether court services, programs, and administrative processes are designed to be inclusive and responsive to the needs of people with disabilities. It includes access to remote hearings, user-friendly online platforms, the use of simple forms and accessible language in court filings and proceedings, and accommodations tailored to individual needs. This area of inquiry addresses how institutional practices either support or impede meaningful participation by court users with disabilities and highlights areas where courts can realign operational protocols with Disability Justice principles.
4) Cultural attitudes encompass the implicit and explicit biases, behaviors, and perceptions held by court personnel, including, but not

limited to, judges, attorneys, and clerks, toward individuals with disabilities. This study examines how these attitudes influenced interactions, decisions, and overall treatment of participants with disabilities in the legal system. It also considers the extent and quality of disability-related training provided to staff, and whether these efforts fostered a climate of inclusion or perpetuated systemic inequities.

5) Intersectionality is a critical component of the research, recognizing that individuals with disabilities often belong to multiple marginalized communities. This variable explores how the interplay of disability with race, gender, socioeconomic class, immigration status, and other identities intensified barriers to justice and calls for solutions that address the compounded effects of oppression that accompany these intersecting identities.
6) Effective Communication refers to the availability, adequacy, and accessibility of communication supports, such as sign language interpreters, assistive listening devices, plain language materials, and real-time captioning. This variable is directly linked to how well individuals with disabilities can understand and participate in legal proceedings. This study assessed communication practices and identified where communication breakdowns hindered equitable access and understanding.
7) Barriers to self-representation examines the ability of individuals with disabilities to navigate the court system independently without legal counsel. This includes challenges related to understanding complex legal language, completing procedural steps, and receiving adequate support from the court system. This study investigates the extent to which courts facilitated or obstructed the self-advocacy and autonomy

of individuals with disabilities and offered meaningful resources to litigants with disabilities who did not have legal counsel.

By integrating these six variables into a unified analytical approach, the study aims to provide a detailed and nuanced understanding of the multifaceted barriers that undermine access and equity for people with disabilities in Washington courts.

Ten Guiding Principles of Disability Justice Task Force

Inspired by Sins Invalid's *Ten Principles of Disability Justice*[2], the Washington Supreme Court Disability Justice Task Force's Ten Guiding Principles are tailored to address the unique challenges faced by persons with disabilities within the court system.

The ten (10) guiding principles of the Washington Supreme Court Disability Justice Task Force are:

1. Intersectionality: We recognize and address the multiple forms of oppression faced by individuals with disabilities, including but not limited to racism, sexism, and ableism, to ensure fair treatment. We understand that people experience discrimination based on a combination of these factors and that these intersecting identities shape their experiences within the legal system. For example, a Black woman with a disability may face challenges and biases that are different from those faced by a white man with a disability. By acknowledging and addressing these intersections, our courts can work towards a more just and equitable system for all.

2. Leadership of Those Most Impacted: We are dedicated to actively involving individuals with disabilities in decision-making processes and policy development. Inside the courtroom, this could involve ensuring that individuals with disabilities have the opportunity to advocate for themselves and have their experience and needs respected in legal proceedings. Outside of the courtroom, it could mean including individuals with disabilities

[2] *10 Principles of Disability Justice*. Sins Invalid. https://sinsinvalid.org/10-principles-of-disability-justice/

in the development of policies that affect them, such as disability accommodations. By prioritizing the leadership of those most impacted, our courts can better address the diverse needs and experiences of all individuals with disabilities.

3. Economic Justice: We champion for equity in economics and oppose systems that devalue individuals with disabilities for profit. We champion for policies that prioritize the well-being and dignity of people with disabilities over financial gain. This includes seeking increased funding and resources to support accessibility and identifying alternatives to legal financial obligations (LFO) for individuals with disabilities who are unable to pay. It also entails ensuring that economic barriers do not hinder access to legal representation and challenging laws that perpetuate economic inequities for individuals with disabilities.

4. Cross-Movement Organizing: We are dedicated to cross-movement organizing, which requires recognizing and addressing the interconnected nature of disability justice with other social justice issues. We will collaborate with organizations and movements that focus on racial justice, gender justice, LGBTQIA2S+[3] rights, and other areas to address the systemic barriers faced by individuals with disabilities. For example, we will work with racial justice organizations to address the disproportionate impact of the legal system on people of color with disabilities. Working alongside other

[3] LGBTQIA2S+ is an acronym that stands for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and Two-Spirit. The plus sign (+) at the end is to be inclusive of other gender identities and sexual orientations not specifically listed.

social justice movements will help our courts achieve broader systemic change.

5. Recognizing Wholeness: We emphasize the inherent worth and dignity of individuals with disabilities, valuing their lived experiences and perspectives. We recognize that individuals with disabilities are whole people with valuable contributions to society. We respect the autonomy and agency of individuals with disabilities. Their needs must be respected in legal proceedings.

6. Sustainability: We champion sustainable practices that support the long-term well-being of individuals with disabilities. This means ensuring that access to justice is not hindered by burnout or lack of resources. This includes supporting policies that provide support for individuals with disabilities to navigate the legal system, such as access to legal aid or support services.

7. Cross-Disability Solidarity: We are dedicated to supporting cross-disability solidarity among individuals with disabilities, recognizing the diversity of experiences and needs within disability communities. We support policies and practices that address the needs of all individuals with disabilities, regardless of their specific impairments. This includes support for accessible courtrooms, legal documents, and communication methods that meet the needs of individuals with a range of disabilities.

8. Interdependence: We acknowledge and support the interdependence of individuals with disabilities, recognizing that mutual support and

community care are essential for achieving justice. We recognize that individuals with disabilities may rely on support from others to access the legal system, and we must ensure that legal processes are inclusive of these support networks.

9. Access & Accessibility: We prioritize accessibility for individuals with disabilities, recognizing the value of flexible and creative approaches to reasonable accommodation. This means ensuring that courtrooms, legal documents, and communication methods are accessible to individuals with disabilities, including those with sensory, cognitive, and mobility impairments. This includes providing alternative formats for legal documents, such as Braille or large print, and ensuring that courtrooms are physically accessible to individuals with mobility impairments.

10. Inclusion: We champion the inclusion of all individuals, recognizing that no body or mind should be left behind in the pursuit of justice. We are working towards a court system that is inclusive and equitable for all individuals, regardless of their disability status or identity. This includes supporting policies and practices that address systemic discrimination and inequity, and promoting a court system that is responsive to the needs and upholds the rights of all individuals.

Summary of Title II of the ADA, GR 33, WLAD

Title II of the Americans with Disabilities Act (ADA)

(42 U.S.C. §§ 12101-12213)

Title II of the ADA prohibits discrimination against persons with disabilities.

While the mandate of the ADA applies broadly to all state and local government entities, this study focuses specifically on what those requirements mean for courts.

Enacted in 1990, Title II ensures that people with disabilities have equal access to all programs, services, and activities provided or operated by public entities, such as courts.

The law is rooted in the principle of full and equal participation, requiring that courts not exclude persons with disabilities from their facilities, processes, and proceedings, and ensure that persons with disabilities are not denied access to justice (the services of the courts) due to inaccessible facilities or discriminatory practices.

To comply with Title II, courts must make reasonable modifications to their policies, practices, and procedures when necessary to avoid discrimination. They are also required to ensure effective communication with persons with vision, hearing, or speech disabilities by providing qualified interpreters, captioning services, large print materials, or other assistive devices and services per the needs of court users. In addition to the programmatic requirements, Title II also requires that court facilities be readily accessible and usable by persons with disabilities.

Overall, Title II of the ADA is vital in promoting access, autonomy, inclusion, and dignity for court users with disabilities.

General Rule 33

General Rule 33 (GR 33) was adopted by the Washington State Supreme Court on September 1, 2007, to ensure that individuals with disabilities have equal and meaningful access to the courts by outlining the procedures for requesting reasonable accommodations.

Under GR 33, any individual with a disability in the court system, whether a litigant, attorney, witness, juror, or other participant, has the right to request accommodations that enable them to effectively engage with the court system.

The rule requires that accommodations be provided promptly as long as they do not fundamentally alter the nature of the court service or create an undue burden on the court.

Unlike the ADA, a federal law with a broad mandate, GR-33 is specifically tailored to the courts of the state of Washington. It also offers and encourages local courts to develop their own procedures, so long as they are not inconsistent with the rule. It also provides for representation by counsel for unrepresented litigants with disabilities as an accommodation to make services, programs, or activities readily accessible to and usable by litigants with disabilities.

Washington Law Against Discrimination (WLAD)
RCW 49.60

The Washington Law Against Discrimination (WLAD), codified in RCW 49.60, is a state civil rights law that prohibits discrimination on the basis of race, color, national origin, sex, disability, age, marital status, sexual

orientation, gender identity, religion, honorably discharged veteran or military status, and the use of a service animal in employment, accommodations of any places of public resort, commerce, real estate transactions, and credit and insurance transactions It is a comprehensive law that offers broad protections to Washingtonians.

WLAD offers strong protection for people with disabilities, as it mandates reasonable accommodations in employment, housing, and public services, including effective communication and physical access.

Literature Review

Introduction And Historical Context

This comprehensive study aims to uncover and address barriers that individuals with disabilities face in accessing justice, particularly within the Washington State court system. Despite being the largest minority group in the world, the needs of persons with disabilities are often deprioritized. Whether it is for guardianship, mental health, or criminal court, studies have shown that persons with disabilities use court services frequently. By applying a disability justice lens, this study seeks to ensure that all court users, especially those from intersecting marginalized communities, have access to justice that upholds dignity, equity, and full participation.

In this literature review, we will outline the decades of studies analyzing the disparities in the legal system, focusing on the Washington court system. To understand why a study analyzing disability with a disability justice lens is timely and needed, we must examine the long line of studies examining how inequities within our society affect litigants. Though there is some information available on the experience of court users with certain marginalized identities, there are virtually no studies analyzing how these inequities are further exacerbated when litigants have multiple marginalized identities. Although several studies analyze how social identities like race, age, socioeconomic status, education, and disability individually affect court users' experiences, very little data exists on how these disparities worsen when people possess multiple marginalized identities.

By analyzing available literature, data, and information, and

identifying their limitations, this disability justice study presents a high-level review of experiences of people with disabilities who also have intersecting marginalized identities, aiming to bridge the knowledge gap.

This literature review is one part of the larger Disability Justice Research Study for Washington courts. A cross-sectional analysis of currently siloed literature, information, and data is included in this literature review, which proposes an expanded analysis of the compounded effects of multiple, intersecting systems of oppression on individuals with intersectional identities, such as disability status and race, socioeconomic status, education, and language.

We will examine how poverty, stigma around mental illness, the school-to-prison pipeline, the infantilization of people with disabilities, and historical and contemporary racism within the legal system have continued to harm Washingtonians with disabilities.

The History of Disability in the Legal System

It is important to note that although people with disabilities have always existed, the recognition and inclusion of people with disabilities within the legal system, in the law-making process, and public life is relatively new.

The legal history of modern disability law is only 35 years old. On July 26, 1990, Congress codified and enacted the ADA, the first comprehensive civil rights law for people with disabilities. It aimed to provide an equal opportunity for individuals with disabilities, who society has historically segregated, and give individuals with disabilities legal recourse to address discrimination. Despite some progress, discrimination against people with disabilities continues as a significant

and widespread social problem. [4]

However, the history of the ADA is so much more than a movement for the rights of individuals with disabilities. There is a lengthy and overlapping history between the Civil Rights Movement and the Disability Rights Movement. The leaders of those movements understood that the movement for racial equity was not separate but complementary to the fight for disability rights. However, today, there are very few studies available on the plight of people of color and non-native English speakers with disabilities, and there are even fewer resources to address their unique experiences and needs.

To understand why issues like race, national origin, immigration status, English proficiency, and other protected social identities in the Civil Rights Act of 1964 are inseparable from disability, it is key to understand how intertwined and instrumental the Civil Rights Movement has been to the Disability Rights Movement.

Lawmakers passed the Rehabilitation Act of 1973, Pub. L. No. 93-112, 29 U.S.C. §§ 701-796l (2023), the first important legislation relating to people with disabilities. Section 504 of the Rehabilitation Act ("Section 504") states: "No otherwise qualified individual [with disabilities] in the United States, as defined in section 7 (6), shall, solely because of his [disability], be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

However, the government failed to implement Section 504, which sparked several protests. Perhaps the most notable of those protests was

[4] Parker Harris, S., Gould, R., and Mullin, C. (2019). ADA research brief: Experiences of discrimination and the ADA (pp. 1-6). Chicago, IL: ADA National Network Knowledge Translation Center. *See also* National Archives. (n.d.). *ADA (ADA) 25th anniversary*. U.S. National Archives and Records Administration.

the San Francisco 504 Sit-In. The San Francisco 504 Sit-In still holds the record as the most prolonged sit-in at a federal building in the history of the United States. Section 504 was the first major disability rights legislation to be passed (18 years before the ADA), and it prohibited discrimination against people with disabilities in programs and activities receiving federal funding. This prohibition included libraries, transportation services, schools, etc.

Although President Richard Nixon signed Section 504 into law in 1973, officials failed to fully enforce or address it for four years, leading to the 1977 protests. Years of disappointment and lack of access led people with disabilities to experience continued discrimination and denial of access to necessary accommodations in public services and places.

After four years, the American Coalition of Citizens with Disabilities began organizing protests at the Department of Health, Education, and Welfare (HEW) offices on April 5, 1977. The protests started with a large rally, after which some demonstrators entered the federal building. This group encompassed a broad range of disabilities and represented a cross-section of the disability community, including people of various ages, races, and socioeconomic backgrounds. Many other activist organizations supported the protests, like the Black Panther Party for Self Defense and local LGBTQIA2S+-owned bars, which provided meals to protesters. Sympathetic local politicians provided the protesters with mattresses as well. The sit-in ended on April 28, 1977, when HEW Secretary Joseph Califano signed the regulations that the protestors demanded.

Unfortunately, the passage of Section 504 and the subsequent regulations in 1977 did not mark the end of the fight for disability rights. In the late 1970s and early 1980s, Section 504 came under a series of serious attacks from the judicial, executive, and legislative branches. This was partly

due to heavy lobbying by people in the business community, who asserted that the regulations for disability inclusivity were burdensome to their operations, a challenge compounded by several harmful Supreme Court decisions.

In 1979, the U.S. Supreme Court dealt a severe blow to the disability community with its ruling in *Southeastern Community College v. Davis*, 442 U.S. 397 (1979). The Supreme Court ruled that Davis, a hard-of-hearing woman seeking admission to the nursing program of Southeastern Community College, was unqualified to participate in the program because she could not fully fulfill all the clinical requirements. This decision by the Supreme Court aligned with a wave of hostility towards people with disabilities that was occurring throughout the U.S..

On January 22, 1981, President Reagan announced he was establishing the Task Force on Regulatory Relief, claiming that "government regulations impose an enormous burden on large and small businesses in America, discourage productivity, and contribute substantially to our current economic woes.[5]" The Section 504 regulations were among the government regulations targeted by the Reagan administration for deregulation. The disability community immediately sprang into action and began mobilizing to sustain 504 regulations and related protections.

People with disabilities and their allies organized letter-writing campaigns to the White House expressing their opposition to the administration's deregulation efforts. After two years of meeting with elected

[5] Reagan, R. (1981, January 22). *Remarks Announcing the Establishment of the Presidential Task Force on Regulatory Relief* [Speech transcript]. The White House. https://www.reaganlibrary.gov/archives/speech/remarks-announcing-establishment-presidential-task-force-regulatory-relief

officials and organizing, the Reagan administration reversed its prior decision and announced that it was halting its attempts to deregulate Section 504.

During the same period, the U.S. Supreme Court delivered more decisions that affected not just people with disabilities but also all protected groups. People with disabilities joined forces with people of color, women, and other groups whose protections were under attack, and together, they started making great strides toward progress. Activists with disabilities spent much of the 1980s overturning harmful court decisions, legislation, and executive orders affecting people with disabilities.

During the 1980s, it also became clear to the disability community that it should play a very active role in Supreme Court litigation under Section 504. Disability rights groups and lawyers started educating judges, elected officials, and the public.

Finally, the tides turned in 1984. Five years after its ruling in *Southeastern Community College v. Davis*, 442 U.S. 397 (1979), the U.S. Supreme Court ruled in *Consolidated Rail Corp. v. Darrone*, 465 U.S. 624 (1984), that the Rehabilitation Act prohibits employment discrimination based on disability. This case was a significant victory for the disability rights movement.

In 1987, the U.S. Supreme Court delivered another victory for the disability rights movement in *Sch. Bd. of Nassau Cnty. v. Arline*, 480 U.S. 273 (1987). The court ruled that individuals with contagious diseases can be considered people with disabilities and, therefore, are entitled to the protections of the Rehabilitation Act. This case also paved the way for protections for persons living with HIV and AIDS when stigma associated

with HIV/AIDS prevented many people from accessing life-saving healthcare and securing employment.

Then, in 1988, due to the work of a coalition composed of disability rights and civil rights groups, the Fair Housing Act (FHA)[6], which already protected against discrimination based on race, religion, national origin, or sex, was amended to improve enforcement mechanisms and, for the first time, include provisions prohibiting discrimination based on disability.

These court victories, the years of educating legislators on disability issues, and the alliance between the civil rights community and the disability rights community proved instrumental in passing the ADA.

The ADA, as we know it today, has undergone many drafts, revisions, negotiations, and amendments since its introduction in 1988. Shortly after its first introduction, the disability community educated people with disabilities about the ADA and gathered evidence to support the need for broad anti-discrimination protections. Some activists also launched a national campaign called “Discrimination Diaries,” where people with disabilities documented daily instances of inaccessibility and discrimination.

On May 9, 1989, U.S. Senators Harkin and Durenberger and Representatives Coelho and Fish jointly introduced the new ADA during the 101st Congressional session. The first hearing in the 101st Senate on the new ADA was a historic event and set the tone for future hearings and lobbying efforts. The primary sponsors opened the session by discussing their personal experiences with disability. Senator Harkin spoke of his brother, who is deaf; Senator Kennedy spoke of his son, who had a leg amputation; and Representative Coelho, who has epilepsy, talked about how

[6] Codified at 42 U.S.C. §3601 to §3631.

the discrimination he faced almost destroyed him. Their testimonies were followed by several people with disabilities describing daily barriers caused *not* by their disabilities but by a society that does not acknowledge the humanity and rights of people with disabilities.

After months of proceedings, the Senate passed the bill that became the ADA with a vote of 76 to 8 on September 7, 1989. The bill then went to the House, where an unprecedented four committees considered it. The perseverance and commitment of the disability movement never wavered. On July 12, 1990, the bill was finally voted on in the U.S. House of Representatives, with a vote of 377-28. The House then sent the bill back to the Senate, which passed it with a 91-6 vote. President George H.W. Bush signed it into law on July 26, 1990.

Congress, through enacting the ADA, recognized that "mental or physical" disabilities in no way diminish a person's right to participate in all aspects of society fully, yet discrimination, prejudice, antiquated attitudes, and failing to remove societal and institutional barriers prevent many people with mental or physical disabilities from doing so. Individuals with disabilities continuously face various forms of discrimination, "including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities."[7]

[7] 42 U.S.C. §12101(a)(5).

The ADA has inspired the passage of many laws and opened the door for many studies, including the initial enactment of Washington Courts GR 33 in 2007 (with amendments on December 28, 2010, September 1, 2014, and January 1, 2023).

However, 35 years after the passage of the ADA, the historical context of cross-movement solidarity that gave birth to this powerful piece of legislation seems to have been long forgotten. Our society moved further and further away from the intent of the law into a strict compliance apparatus that limits and paints a simplistic picture of the experiences of people with disabilities and accounts for none of the other hardships caused by other systems of oppression within our society.

In the next section, we will explore the implementation of the ADA and GR 33 within the court system. This section will also highlight how, even with the "correct" implementation of those laws, there are serious indicators that people with disabilities who experience other forms of marginalization are disproportionately negatively affected within the court system.

Access to the Courts

In 2007, the Access to Justice Board approved, and the Washington State Supreme Court adopted GR 33. The rule sets forth procedures for handling requests for accommodations from persons with disabilities. GR 33 is the go-to in requests for accommodation by persons with disabilities. The rule defines "accommodation" as:

> [M]easures 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:

> (A) making reasonable modifications in policies, practices, and procedures; (B) furnishing, at no charge, auxiliary aids and services, including but not limited to equipment, devices, materials in alternative formats, qualified interpreters, or readers; 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.

GR 33 describes how to request accommodations, when to request them, and what information to provide when seeking accommodation. When the court makes its consideration and decision whether to grant or deny an accommodation, they are required to consider provisions of the ADA, consider the accommodation requested, and "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."[8.]

Although a protocol for requesting accommodations exists under GR 33, each county assesses courtroom accessibility individually for each case. A range of accommodations is available based on an individual's specific disability. These may include frequent breaks during trials, ASL interpreters, and hearing assistance devices for the hard of hearing.

To accommodate persons living with disabilities who are accessing the courts, the Court should know that not all disabilities present the same. For example, persons who have a complex neurodevelopmental disability may

[8] *Wash. Ct. Gen. R. 33 (2023).*

have average, above-average, or superior IQ and may or may not have a co-occurring intellectual disability. Therefore, two people with the same diagnosis may not require the same accommodations because people with disabilities are unique and need varying accommodations. [9]

In 2014, Disability Rights Washington ("D.R.W."), which took part in the committee of the Access to Justice Board that drafted GR 33, highlighted their concerns with the courts and administrative entities' use of "ordinary common sense" or "sanist" assumptions instead of evidence when ruling on access to accommodations. In 2007, D.R.W. authored "Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts," which serves as a guide to courts and attorneys on how to make courts accessible.[10]

"Sanism" is an unfounded bias against individuals labeled with a mental disability, akin to other irrational prejudices such as racism, sexism, homophobia, and ethnic discrimination. Sanism primarily stems from stereotypes, myths, and superstitions, and a failure to recognize individuals with mental disabilities as unique. It is often unnoticed and widely accepted in society. Individuals unconsciously apply "ordinary common sense" when engaging in myths and assumptions about people with disabilities. A common misconception is that mental disabilities are easily recognizable by the average person and accurately reflect portrayals in popular media. Another false belief is that individuals with mental health or cognitive disabilities lack effort. A widely held myth suggests that most people with

[9] ASERT Collaborative Justice Project. (2021). Judges' guide to autism. Pennsylvania Office of Children & Families in the Courts. *See also, Weems v. State, Bd. of Indus. Ins. Appeals,* No. 44713–4–II, 182 Wn. App. 1020, 2014 WL 3362056 (2014).

[10] Washington State Courts. (2011). *Ensuring equal access for people with disabilities*. https://www.courts.wa.gov/content/publicUpload. The guide was updated in 2011.

mental illnesses are dangerous and intimidating. When the courts engage in such practices of blanket refusals for accommodations or a lack of individualized inquiries for accommodations, they undermine case law and statutory standards.[11]

In 2023, The Office for Access to Justice from the U.S. Department of Justice released the "Access to Justice is Disability Access" fact sheet, which stemmed from a report given to the President Joseph Biden where Attorney General Garland highlighted the importance of "enhancing the navigability of the justice system through technology, disability, language, and cultural access." The Office for Access to Justice noted:

> [T]here is still much we do not know about the experiences of people with disabilities in the legal system.
>
> • Courts and administrative agencies do not typically collect data on disability status, which presents challenges when attempting to identify problems and craft evidence-based solutions.
>
> • Courts, administrative agencies, and other justice system actors lack clear definitions of disability that apply in the context of the legal system, which would assist in better collecting this data.
>
> • There is also little empirical research on the experiences of people with disabilities when navigating legal systems and processes.[12]

The Office for Access to Justice was tasked with "assist[ing] the United States with the implementation of Goal 16 of the United Nations 2030

[11] Amicus Curiae Brief of Disability Rights Washington in Support of Appellant, *Weems v. State Bd. of Indus. Ins. Appeals*, No. 44713–4–II, 182 Wn. App. 1020, 2014 WL 3362056 (2014).
[12] U.S. Department of Justice. (2023, December). Access to justice is disability access fact sheet. https://www.justice.gov/d9/2023-12/access_to_justice_is_disability_access_fact_sheet.pdf

Agenda for Sustainable Development to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable institutions across all levels," which included access for people with disabilities. The Office intended to do so by promoting data and innovation to better understand how people with disabilities experience legal systems, reinforcing legal and other standards, improving policies, and crafting systemic changes centering on the experiences of individuals with disabilities, and expanding resources to include funding needed for tools and training of court personnel.[13]

Physical Access to the Courtroom & Its Technology

When deciding which accommodations to provide, the court should prioritize the preferences of the individual seeking them, as people with sensory or physical disabilities typically know which accommodations work best for them. This aligns with the ADA's requirement that public entities give "primary consideration to the requests of the individual" when determining the necessary auxiliary aid or service.[14]

To ensure accessibility, it is crucial to clearly mark the accessible route from parking areas and the building's exterior to the courtroom. Temporary obstacles like trash cans and construction materials should be avoided. The courts, through their designated staff members such as ADA coordinators, judicial assistants, and court administrators, should use the ADA Accessibility Guidelines ("ADAAG") standards to identify physical barriers,

[13] U.S. Department of Justice. (2023, December). Access to justice is disability access fact sheet. https://www.justice.gov/d9/2023-12/access_to_justice_is_disability_access_fact_sheet.pdf
[14] 28 C.F.R. § 35.160(b)(2).

paying close attention to elevators, counter heights, doorway widths, door opening force, chair and podium heights, and under-table clearance.

In a study conducted in 2022 in Washington courts, participants agreed that courtroom accessibility varies across counties in Washington, with some falling short of optimal accessibility standards. Many participants noted that although most courthouse entrances are accessible, barriers to access often arise once inside. “The issues lie with the witness stand and the jury box not being accessible to the disabled. Additionally, when the courtroom is small, the gallery might be difficult for disabled individuals to navigate, especially when using wheelchairs and walkers.”[15]

Vision and hearing limitations vary in scope. Both may require assistive devices such as screen-reading software, overhead projectors, Braille, or something as simple as seating accommodations. Although some people use written notes, those primarily raised using sign language may not fully understand written language.

In the same study mentioned above, when it came to the technology that a courtroom may use to make it more accessible, the feasibility was of much concern. With limited or few sources available, the technology became even harder to access when it malfunctioned. For example, challenges arose when hearing assistive devices failed, preventing defendants from following court proceedings. Each device can cost anywhere from hundreds to thousands of dollars. Many courts transitioned to remote video hearings during the pandemic using platforms like Zoom. Participants noted this shift was highly beneficial for their clients, allowing them to attend hearings from the comfort of their homes or other convenient locations. Even when

[15] Byram, Luke (2022) "Disability Accessibility in Washington Courts," Access*: Interdisciplinary Journal of Student Research and Scholarship: Vol. 6: Iss. 1, Article 4.

resources are available, a judge's lack of familiarity with available resources may cause a lack of use.[16]

The "othering" of people with disabilities, or prejudicial singling out and marginalization, is not new to the system. It is exactly what the ADA and subsequent legislation worked to eliminate. However, institutionalization is not the only way to segregate people with disabilities, and access to the courts requires more than just having a person physically present.

Access to a Jury of Your Peers

From 2016 to 2017, Peter A. Collins and Brooke Miller Gialopsos conducted a study that analyzed survey and demographic data from Washington Courts to determine whether disparities based on gender, race/ethnicity, and sexual orientation exist within jury pools in Washington State. The researchers found that a majority of the courts studied did not have jury pools that reflected the basic racial demographics of their jury-eligible population.

The results revealed that People of Color (POC), including Asian Americans and Hispanic/Latinx individuals, were underrepresented in nearly all jury pools. Women of color were consistently underrepresented across all courts examined. The findings also suggested racial and sexual orientation-based disparities, showing potential underrepresentation across all racial groups. Overall, the study highlighted obvious patterns across the courts, showing that marginalized groups, particularly women of color, face significant barriers to jury participation. The study showed that jury service

[16] *Id.*

excluded people with prior felony convictions whose rights had not been restored.[17]

Individuals with mental illness were disproportionately represented in jails and prisons across the nation because people with disabilities are overly criminalized.[18] Each year, authorities jail individuals with serious mental illnesses. Nearly 40% of those incarcerated have a history of mental illness, with 37% in state and federal prisons and 44% in local jails.[19] Therefore, with a significant number of the minority population being overly criminalized, people living with disabilities' access to a fair trial or participation in their civic duty as a juror is significantly affected.

Access to Foreign Language & Sign Language Interpreters in the Courtroom

Courts are required to provide interpreters free of charge to individuals needing language assistance. Individuals can request a different interpreter if an interpreter is unavailable or ineffective. Some courts allow remote interpretation via video or phone when in-person interpreters are not available.[20] RCW 2.42 secures the rights of deaf and hard-of-hearing persons to interpreters. RCW 2.43 secures the rights of non-English speaking and limited English-speaking persons. GR 11 establishes the Interpreter and Language Access Commission (ILAC), the Code of

[17] Peter A. Collins, Brooke Miller Gialopsos. (2021). Answering the Call: An Analysis Of Jury Pool Representation In Washington State. Criminology, Criminal Justice, Law & Society. https://ccjls.scholasticahq.com/article/21973-answering-the-call-an-analysis-of-jury-pool-representation-in-washington-state.
[18] National Alliance on Mental Illness, Criminalization of People with Mental Illness, https://www.nami.org/advocacy/policy-priorities/stopping-harmful-practices/criminalization-of-people-with-mental-illness/#:~:text=People%20with%20mental%20illness%20are,%25%20held%20in%20local%20jails).
[19] *Id*.
[20] RCW 2.43.

Professional Responsibility for Judiciary Interpreters, and the rules regarding Remote Interpretation and Team Interpretation.[21]

Local trial courts are responsible for scheduling interpreters for court proceedings. Individuals must make requests directly to the court where the proceedings will occur. Requests can also be submitted on the Washington Courts website. The limited availability of ASL interpreters is a significant issue, particularly in rural areas of the state, where the number of interpreters is extremely low. Across all of Eastern Washington, there are only about two or three sign language interpreters available. There is no data about the availability of tactile interpreters. Because of the limited availability of interpreters, people who require interpreters routinely experience delays in their cases. Courts should refrain from allowing family or friends of court users living with a disability to serve as interpreters because, although it may minimize the delay, it may result in miscommunication and may end up hurting the person with disabilities or their case overall.[22]

The U.S. Department of Justice Office of Justice Programs released a Language Access Plan in October 2024, revised in January 2025. Although no longer displayed on the U.S. Department of Justice website, it delineated a uniform course of action plan when engaging persons or communities with Limited English Proficiency ("LEP") or those who are deaf or hard of hearing ("D/HOH"), and emphasized effective communication standards.[23]

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[21] Washington State Courts. "Interpreter Services: Overview." Washington State Courts, https://www.courts.wa.gov/programs_orgs/pos_interpret/#:~:text=If%20you%20or%20someone%20you,ensure%20high%20quality%20interpreter%20services.

[22] Byram, Luke (2022) "Disability Accessibility in Washington Courts," Access*: Interdisciplinary Journal of Student Research and Scholarship: Vol. 6: Iss. 1, Article 4.

[23] Office of Justice Programs. (2025). *Language access plan*. U.S. Department of Justice. OJP Language Access Plan, October 2024, Revised January 2025

Access to Mental Health Court and Determination of Competency

Washington State offers a therapeutic, problem-solving court through its Mental Health Court. The drug court model inspired the establishment of mental health courts to address the overrepresentation of individuals with mental illnesses in the criminal legal system. These courts provide an alternative to traditional prosecution by diverting eligible defendants into structured, community-based treatment under judicial supervision. Participation is voluntary, with participants undergoing specialized screening and assessment before being offered the opportunity to enroll. Those who accept and agree to a set of conditions receive oversight from a collaborative team of court staff and mental health professionals, who develop individualized treatment plans and monitor compliance within the community.[24]

The ADA Guide for Washington Administrative Proceedings provides helpful considerations that are useful for practitioners in all courts, but especially in therapeutic courts. Ensuring access for individuals with psychiatric or cognitive disabilities is just as essential as accommodating those with physical or sensory disabilities. Identifying the right accommodation can be challenging, and the person with the disability may not know how to ask for support. For example, someone who struggles to focus for extended periods may be unaware that they are entitled to frequent breaks. Additionally, hearings present a unique situation where individuals may face challenges they rarely experience daily. For instance, a person who rarely has anxiety attacks may suddenly experience one due to the

[24] Washington Courts. Mental Health Courts. https://www.courts.wa.gov/committee/index.cfm?fa=committee.display&item_id=1402&committee_id=145 . Accessed March 4, 2025.

stress of the hearing. Therefore, the courts should take an active role in identifying potential needs and suggesting appropriate accommodations.

The needs and symptoms of individuals with psychiatric and cognitive disabilities can vary widely, even among people with the same diagnosis. The reasonableness of an accommodation depends on the individual and their specific circumstances. Although not all developmental disabilities render a person incompetent, they may qualify as a mental disorder if they significantly impair an individual's cognitive or volitional functions. Involuntary commitment under the Involuntary Treatment Act requires a judge to determine that the individual poses a danger to themselves or others.[25]

The Supreme Court of Washington clarified that competency to stand trial differs from the need for disability accommodations at trial, and that these should be considered separately.[26] Competency is a determination made by the court. If a person is declared incompetent, the court assumes they remain so; that person must prove otherwise. A trial court, on its own motion, may appoint a guardian ad litem. In *Shelley v. Elfstrom*, 13 Wn. App. 887, 538 P.2d 149 (1975), the Court held that a judicial determination was necessary before dismissing a case based on a party's alleged incompetence. The plaintiff sought to recover funds given to the defendants, who had cared for the plaintiff for several years. The defendants moved for dismissal, arguing the plaintiff was incompetent and lacked a guardian. Instead of assessing competency through evidence, the trial court relied on sealed records indicating the plaintiff had not been declared restored;

[25] *In re Det. of R.S.*, 124 Wn. 2d 766, 881 P.2d 972 (1994).
[26] Wood ME, Lawson KM, Anderson JL, Kinney DI, Nitch S, Glassmire DM. Reasonable Accommodations for Meeting the Unique Needs of Defendants with Intellectual Disability. J Am Acad Psychiatry Law. 2019.

therefore, it denied appointing a guardian and dismissed the case. On appeal, the court held that trial courts must either confirm a litigant's competency or appoint a guardian ad litem, reinforcing procedural safeguards in cases involving mental health considerations.[27]

According to an amicus filed by Disability Rights Washington, the American Civil Liberties Union of Washington, and the Washington Defender Association, Prosecutors bear significant responsibility for competency delays when they request competency evaluations and restoration in cases where someone has already been found incompetent in lower-level misdemeanor cases and where sources are scarce. Washington has seen a rise in competence restoration demands over the past decade.

In 2022, Washington saw close to one-third of statewide competency evaluation requests involving individuals previously found incompetent. For example, Eastern State Hospital conducts jail-based competency evaluations in Spokane. This facility achieved only a 22 percent compliance rate for completing evaluations within court-ordered time limits.[28]

In 2014, *Trueblood v. DSHS*, No. 14-cv-01178, brought attention to the prolonged wait time and held that DSHS had 14 days to provide in-jail competency evaluations and 7 days for admission for evaluation or services.[29] As of today, the State still does not comply with the timelines.[30] Individuals referred to the State for competency services experience significantly delayed detention periods. Black, Indigenous, and other people of color are overrepresented among those awaiting competency services.

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[27] *See*, *Shelley v. Elfstrom*, 13 Wn. App. 887, 538 P.2d 149 (1975).
[28] DSHS, Behavioral Health Administration Update to Senate Ways and Means Comm., January 26, 2023; https://app.leg.wa.gov/committeeschedules/Home/Document/249750
[29] *Trueblood v. DSHS*, No. 14-cv-01178, Updated Stipulation re Evidentiary Hearing Ex. D, ECF# 992-4.
[30] *Trueblood v. Washington State Dep't of Soc. & Health Servs.*, C14-1178 MJP, 2023 WL 4407539, at *2 (W.D. Wash. July 7, 2023).

More than half (50.6 percent) of the people awaiting competency services in Washington are homeless or unstably housed and live in deep poverty with severe illnesses.[31]

Cases where people are forced into mental health treatment show the legal and medical reasons needed to keep individuals with severe mental illness in a facility. Judicial determinations often rely on evidence showing that an individual is "gravely disabled," a standard that encompasses the inability to meet basic needs such as food, shelter, and medical care. Case analyses reveal that courts frequently consider psychiatric diagnoses, behavioral history, and observable symptoms in court when assessing the necessity of involuntary hospitalization.[32]

When a defendant deemed incompetent to stand trial has already undergone a competency evaluation and still displays severe psychiatric symptoms, courts may decide whether civil commitment is necessary to protect both the individual and the public. Empirical studies indicate that diagnoses such as schizophrenia and psychotic mood disorders are often central to these determinations, particularly when an individual's condition deteriorates without structured treatment.[33]

The adequacy of self-care among individuals with severe mental illness emphasizes that seasonal and environmental factors play a crucial role in judicial findings of grave disability. The courts found that an individual's inability to secure appropriate clothing or shelter in adverse weather indicated "functional impairment". Collectively, these findings suggest that legal standards for civil commitment are grounded in clinical

[31] *Id.*
[32] *See In re Det. of R.H.*, 178 Wn. App. 941, 316 P.3d 535 (2014).
[33] *Id.*

assessments and observable functional limitations, ensuring that individuals who cannot meet their basic needs receive appropriate individualized care.[34]

When addressing rehabilitation and restoration, the Court once more highlights the significance of an individualized approach when interacting with people living with disabilities. In *State v. Hawkins,*[35] a defendant's motion to vacate her convictions for felony harassment and malicious mischief was denied because of the seriousness of the charges. The Supreme Court ruled on several key issues. First, the statute governing the vacatur of convictions treats the commission of a serious crime as a prerequisite for vacatur but does not serve as a barrier. Second, the trial court abused its discretion by focusing solely on the negative aspects of the defendant's past while overlooking evidence of her rehabilitation. Third, the Court clarified that the trial court cannot deny vacatur based on the perceived seriousness of the underlying crime, effectively overturning the precedent set in *State v. Kopp*[36]. Finally, the Supreme Court concluded that the trial court failed to properly consider the defendant's uncontradicted evidence of rehabilitation and mitigating factors, thus further demonstrating an abuse of discretion.[37]

Access to Representation

James Bamberger, in "Confirming the Right to Meaningful Access to the Courts in Non-Criminal Cases in Washington State," argues that under the Washington constitution, "individuals have a fundamental right of access to the courts, that the judicial branch has a corresponding constitutional

[34] *See In re Det. of R.H.*, 178 Wn. App. 941, 316 P.3d 535 (2014).
[35] *State v. Hawkins*, 200 Wn. 2d 477, 519 P.3d 182 (2022).
[36] *State v. Kopp*, 15 Wn. App. 2d 281, 288, 475 P.3d 517 (2020)
[37] *See State v. Hawkins*, 200 Wn. 2d 477, 519 P.3d 182 (2022).

obligation to facilitate that right, and that the intersection of this right and duty must manifest itself in a rebuttable presumption in favor of a right to counsel at public expense in non-criminal cases," especially if access to the court is to become equally impartial when dealing with rich and low-income litigants.[38]

In Washington, because of GR 33, individuals with disabilities may request an attorney at court expense under certain conditions. These conditions include situations where other means cannot accommodate severe cognitive or communicative disabilities. The request requires the petitioner to provide medical and healthcare documents to assist the judge in determining the accommodation.

As of 2018, the Office of Administrative Hearings (OAH) may appoint counsel for people with disabilities in administrative proceedings. This is partly due to the case *Weems v. State Board*[39], which originated from the Board of Industrial Insurance Appeals ("BIIA") decision to deny benefits to the claimant after several tribunal proceedings. Throughout these proceedings, there were many references to the claimant's need for an attorney, citing his inability to follow the proceedings, difficulty understanding the documents, anger management issues, and other psychiatric disabilities that made self-representation impossible.

Ultimately, the Board failed to conduct an inquiry as to Mr. Ween's disability and instead relied on his ability to be responsive during the hearing. In *Weems*, the Washington Court of Appeals sent the case back for the entry

[38] James Bamberger. (2005). Confirming the Right to Meaningful Access to the Courts in Non-Criminal Cases in Washington State. Seattle University School of Law Digital Commons. https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1576&context=sjsj

[39] *Weems v. State Bd. of Indus. Ins. Appeals*, No. 44713–4–II, 182 Wn. App. 1020, 2014 WL 3362056 (2014).

of proper findings of fact and conclusions of law, applying the relevant analytical framework under the ADA and the Washington Law Against Discrimination ("WLAD"), which requires an individualized assessment to determine if the accommodation is appropriate.[40]

Regarding minors under civil commitment, the Washington Supreme Court found that continued detention of a minor for over 24 hours after their demand for release violated the Mental Health Services for Minors Act, as amended by the "*Becca* Bill." A minor has the right to immediate access to counsel and subsequent access to their medical records.[41]

Access to the courts for individuals with disabilities remains a significant challenge despite GR 33 outlining procedures for requesting accommodations. While the rule provides a framework for addressing the specific needs of individuals with disabilities in court proceedings, the actual accessibility of courthouses and legal processes varies significantly across counties in Washington. From the physical barriers within courtrooms to the limitations of technology and interpreter availability, individuals with disabilities continue to face obstacles that hinder their participation in their own legal matters. Moreover, the case of *State v. Luthi,*[42] highlights the compounded difficulties experienced by individuals with mental health disabilities, particularly when inadequate accommodations prevent them from accessing fair and meaningful representation in court.

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[40] Civil Right to Counsel. "Washington State Creates/Expands Rule for Appointment of Counsel for Litigants with Disabilities." Civil Right to Counsel, https://civilrighttocounsel.org/major_developments/washington-state-creates-expands-rule-for-appointment-of-counsel-for-litigants-with-disabilities/#:~:text=Washington%20State's%20Office%20of%20Administrative,The%20case%2C%20Weems%20v.

[41] *State ex rel. T.B. v. CPC Fairfax Hosp.*, 129 Wn. 2d 439, 918 P.2d 497 (1996).

[42] *3 Wn.3d 249, 549 P.3d 712 (2024).*

Several measures must be implemented to improve court access for people with disabilities. The application of GR 33 should be consistently enforced, with clear guidelines ensuring that each case is treated with individualized attention to the specific needs of the defendant. This includes offering reasonable accommodations such as sign language interpreters, hearing assistance devices, and appropriate technology. More investment in courtroom infrastructure is essential, particularly in rural areas, to ensure that physical access is universally available and that courtroom technology is functional and reliable.

The judicial system must ensure that all judges and court staff are appropriately trained on available accommodations and how to implement them effectively. This would prevent issues such as those experienced during the pandemic, where remote hearings were beneficial but lacked universal application because of unfamiliarity with technology. Last, in cases like *State v. Luthi*,[43] it is crucial that courts conduct individualized inquiries before imposing any restraints, ensuring that any measure taken is necessary for security or decorum and does not undermine a defendant's constitutional rights.

This synopsis of access to courts within the state shows that the protections provided for in GR 33 and the ADA are simply insufficient. The issues highlighted in them persist within the Washington State court system. The Washington State Administrative Office of the Courts recognizes that issues related to accommodations, access to justice, and due process persist for people with disabilities. Its Disability Justice Task Force (DJTF) recognizes that in order to tackle the persisting issues experienced by court

[43] *Id.*

users with disabilities, it is necessary to consider disability beyond ADA compliance and adopt a disability justice framework.

We recommend analyzing access to courts from a disability justice framework rather than an ADA compliance approach. This will help the courts address the removal of barriers to state court services and programs, not just from an accessibility standpoint but with a focus on the experiences of court users with disabilities, including those with intersecting marginalized identities (e.g., race, gender, socioeconomic status, LGBTQIA2S+ identity, etc.).

The Washington State Court System's accessibility needs a two-part analysis. One part involves checking its compliance with the ADA and GR 33 for physical, technological, program, and communication access once a person with disabilities is in court. The other part must look at the systems of marginalization that might have brought them into the legal system in the first place.

In 2021, a Washington State Study showed that "Gender matters—it does affect the treatment of court users (including litigants, lawyers, witnesses, jurors, and employees)," especially the treatment of women of color, LGBTQIA2S+ people, and women in poverty.[44] In 2024, The Supreme Court of the State of Washington found that individuals awaiting competency restoration services are some of the most vulnerable people in our society who find themselves in the criminal justice system, stating that they, "face serious harms to their physical and mental safety and wellbeing..." for

[44] ABA Journal. (2024, February 21). *Gender affects access to courts and treatment in the justice system, Washington state study says*. ABA Journal. Retrieved February 21, 2025, from https://www.abajournal.com/news/article/gender-affects-access-to-courts-and-treatment-in-the-justice-system-washington-state-study-says

"commit[ting] crimes linked to poverty and homelessness in which they live and their underlying mental health conditions... ."[45]

Historically, studies show that low-income people are seriously disadvantaged within the court system in the U.S., and it is no different in Washington state.

The Washington State Courts are organized as follows: the Supreme Court, the Court of Appeals, the superior courts, and courts of limited jurisdiction.[46] Superior Courts and limited jurisdiction courts operate independently of each other. Each county and city funds and administers its own trial courts.[47] A substantial amount of funds comes from legal financial obligations (LFOs), or Monetary sanctions, which serve as a practice in which "courts attempt to make individuals responsible for 'using' court resources by financially compensating the state and punishing them when they cannot pay."[48] For individuals unable to pay in full right away, this practice compels them to find employment to meet their court-mandated obligations and exit the system, an especially challenging task for many low-income defendants. Individuals with disabilities are overrepresented in the criminal legal system; they encounter more obstacles to labor market access than their counterparts without disabilities and frequently experience higher poverty rates than the general population.[49] Although the courts take

[45] *A.B. by and through Trueblood v. Wash. State Dep't of Soc. & Health Servs.*, 681 F. Supp. 3d 1149, 1158 (W.D. Wash. 2023).
[46] Washington State Courts. (n.d.). A guide for jurors with disabilities. Washington State Courts. Retrieved February 22, 2025, from https://www.courts.wa.gov/newsinfo/resources/jury_guide/citguide.pdf
[47] Washington Courts. (n.d.). *Type of court system in Washington State*. Washington State Courts. Retrieved February 21, 2025, from https://customerservices.courts.wa.gov/support/solutions/articles/72000577206-type-of-court-system-in-washington-state
[48] Cadigan, M., & Smith, T. (2021). Are you able-bodied? Embodying accountability in the modern criminal justice system. University of Washington (quoting Friedman & Pattillo, 2019; Harris, 2016).
[49] *Id.*

disability into account when evaluating an individual's ability to pay and determining whether noncompliance with payment orders was intentional, laws governing monetary sanctions still mandate the imposition of certain fines and fees. Individuals unable to work due to their disability remained under the supervision of the criminal legal system for an indefinite period.[50]

Though the studies did not specifically collect data on disability and these other forms of marginalization, it can be deduced that if this is the experience of women, people of color, and low-income people without disabilities, women, LGBTQIA2S+-identifying people, people of color, and low-income people with disabilities experiences are just as bad, if not worse.

Thus, policies and practices within the court system seeking to address the lack of access to justice for people with disabilities must also address the compounded layers of violence and oppression that persons with disabilities with intersecting identities experience. Therefore, the very first principle of disability justice is intersectionality.

In this next section, we will explore the importance of an intersectional approach in addressing the issues encountered by people with disabilities within the court system by highlighting specific studies, projects, and publications that reveal the experiences of persons with various marginalized identities within the court system.

Disability Justice and Intersectionality in Washington State Courts

As we stated above, we are seeing a consistent underrepresentation of certain groups within juries and other aspects of the legal system. Still,

[50] *Id.*

there is an overrepresentation of the same groups as litigants and court users. This imbalance alone shows that the criminal legal system disproportionately impacts people who have little say in its operation and administration of justice. Intersectionality requires us to look at these issues in tandem.

Disability and Poverty

Understanding how poverty deeply affects court users with disabilities requires understanding (1) how the court system uses poverty to control low-income people and (2) how society continually pushes people with disabilities into poverty.

Analysis of these two factors must consider the disproportionate impact of poverty on people of color, particularly Black and Indigenous people, LGBTQIA2S+ individuals, particularly transgender people, young people, and older adults in the United States.

Poverty in the Washington State Court System

Social scientists have long analyzed poverty as a factor driving criminalization and keeping persons involved in the criminal legal system. In the United States, 24.2% of non-institutionalized persons, ages 21-64 years, with any disability, were living below the poverty line in 2023.[51] And this number does not even account for those who are at the poverty level or slightly above it.

[51] Erickson, W., Lee, C., von Schrader, S. (2025). Disability Statistics from the American Community Survey (ACS). Ithaca, NY: Cornell University Yang-Tan Institute (YTI). Retrieved from Cornell University Disability Statistics website: www.disabilitystatistics.org

People of color with disabilities in the United States experience even more significant economic disparities, hardships, and poverty due to the combination of cultural and structural ableism and racism.

In a report entitled "Financial Inequality: Disability, Race and Poverty in America," based on a study[52] by the National Disability Institute, found that the poverty rate for adults with disabilities is more than twice the rate of adults without disabilities (27 percent compared with 12 percent). However, for African Americans with disabilities, the poverty rate climbs to 37 percent, almost double that of African Americans without disabilities. In analyzing their findings, they concluded: "What we have learned is that race and disability are not completely separate sources of disadvantage that parallel each other. Instead, the data analysis reveals that race and disability are overlapping identities that are both related to systemic inequality."

Similar trends exist within the LGBTQIA2S+ community, with the poverty rate of LGBTQIA2S+ adults being 17% (six points higher than their cisgender heterosexual counterparts).[53] That number nearly doubles to one-third (34%) of transgender adults.[54] While there are studies analyzing disability and LGBTQIA2S+ identity[55] and others analyzing poverty and LGBTQIA2S+ identity, there are no in-depth studies examining the poverty rates and experiences of people who exist at the intersections of disability, LGBTQIA2S+ identity, and lower socioeconomic status. The information

[52]Goodman , N., Morris , M., & Boston, K. (2019). FINANCIAL INEQUALITY: Disability, Race and Poverty in America. *National Disability Institute*. https://www.nationaldisabilityinstitute.org/wp-content/uploads/2019/02/disability-race-poverty-in-america.pdf
[53]Wilson, B.D.M., Bouton, L.J.A., Badgett, M.V.L., & Macklin, M.L. (2023). LGBT Poverty in the US: Trends at the Onset of COVID-19. Los Angeles, CA: The Williams Institute, UCLA School of Law. https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Poverty-COVID-Feb-2023.pdf
[54]Human Rights Campaign (n.d.). *Understanding Poverty in the LGBTQ+ Community*. HRC Foundation. https://www.hrc.org/resources/understanding-poverty-in-the-lgbtq-community
[55]*Id*

available is mostly speculative and is based on unemployment and underemployment rates in the LGBTQIA2S+ community and the studies showing that LGBTQIA2S+ individuals are more likely to report having a disability than their cisgender, heterosexual counterparts.

Nationally, factors such as age, veteran status, geography, immigration status, gender, and education have all affected poverty rates. Further, there is significant data on the increased poverty rates of people with disabilities *and* the criminalization of disability. Yet, very few studies have actually highlighted the experiences of low-income people with disabilities in U.S. courts.

Many studies have clearly painted a picture of the plight of low-income Washingtonians in the court system. They tell a tale of burdensome legal financial obligations, underfunded courts, a lack of resources for low-income litigants, and predatory collection practices.

In January 2022, the Washington State Budget and Policy Center published a report entitled "It's Time To Reform Washington's Harmful System Of Fines And Fees"[56] In it, they reported that 70% of Washingtonians who were assessed court fines or fees in their cases could not afford to pay. In fact, the report went as far as saying that legal financial obligations also harm Washington communities by exacerbating class exploitation, racism, and ableism through extracting resources from those who are often least able to pay.

The report also found that legal financial obligations are being imposed more and more by Washington courts as they have become reliant on the

[56] Walker , E., & Nicholas, A. (2022). It's Time To Reform Washington's Harmful System Of Fines And Fees. *Washington State Budget & Policy Center*. https://budgetandpolicy.org/resources-tools/2022/01/2022-LFO-Brief.pdf

funds for their operations. The process for the collection of those fees and fines is confusing to litigants and puts them in a perpetual cycle of debt, particularly when they have more than one case. Further, the report notes that the assessment of fees can vary from one jurisdiction to another, resulting in even greater confusion. While there is no data on how the assessment of fees and the confusing collection processes affect persons with disabilities, particularly those with certain cognitive disabilities, one can reasonably imagine that such confusion can cause noncompliance, frustration, and even further criminalization.

Legal financial obligations have caused significant concern for many in Washington state, including the legislature, which has introduced several bills to address the harm in the last five years.

Yet, the issue persists. An in-depth study into fees and fines in the state conducted by the Vera Institute and published in June 2021 found that the harm caused by legal fees and fines to individual Washingtonians is evident, and the disparities are glaring.[57] Yet, the benefit to the state is nearly insignificant. In the report's conclusion, the researchers at the Vera Institute wrote, "Fines and fees are especially harmful to people with low incomes, forcing them to choose between paying fines and fees at the expense of other basic necessities, or not paying and risking further fees, driver's license suspension, arrest, and even jail time. Further, research suggests that these effects fall most harshly on Black and brown Washingtonians, in particular. Yet, for all the harm caused, fines and fees generate very little income for the government, amounting to just more than one-third of 1 percent of the

[57]Rafael, M. (2021). The High Price of Using Justice Fines and Fees to Fund Government in Washington State. *Vera Institute*. https://vera-institute.files.svdcdn.com/production/downloads/publications/the-high-price-of-using-justice-fines-and-fees-washington.pdf

state's total resources or 0.68 percent of the total budget in the median jurisdiction.[58] The system spends significant resources to collect legal financial obligations, and collections are modest when considering the outstanding debt."[59]

This study from the Vera Institute debunks the belief that legal financial obligations are necessary for the courts' operations and the administration of justice.

While studies have shown that there are courts in Washington that rely on court fines and fees for their operations, this study seems to indicate that this reliance on legal financial obligations has not only hurt low-income Washingtonians but is also ineffective. It purports that budget allocation to the courts seems to be the issue that needs to be addressed. In fact, Washington ranked 48th in the nation in state funding for trial courts.

According to our research, there has been a sharp increase in the assessment of legal financial obligations in Washington over the last two decades,[60] but that did not result in well-funded courts.

The Vera Institute conducted a second study on legal debt in January 2023; in that report, they found that "the vast majority of Washingtonians with criminal cases, up to 90 percent, met the indigency standard, showing that they have limited or no ability to repay their court debt."[61] In their report, they quoted a national survey which found that those who had legal debt were also more likely to have credit card debt and medical debt, which tells us that

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[58] Emphasis added

[59] *Id*

[60] Walker , E., & Nicholas, A. (2022). It's Time To Reform Washington's Harmful System Of Fines And Fees. *Washington State Budget & Policy Center*. https://budgetandpolicy.org/resources-tools/2022/01/2022-LFO-Brief.pdf

[61] Rafael, M. (2023). The Burden of Court Debt on Washingtonians. *Vera Institute*. *https://vera-institute.files.svdcdn.com/production/downloads/publications/The-Burden-of-Court-Debt-on-Washingtonians.pdf*

legal debts are further burdening low-income Washingtonians who are already dealing with the weight of other debt. The court system harms low-income Washingtonians far beyond the conclusion of their court cases through loss of driving privileges, exorbitant interest, and even possible jail time.

Several other studies confirmed the Vera Institute's findings. In a 2022 study that was conducted by researchers from Columbia University, Harvard University, and the University of California, Berkeley, and published in the *American Sociological Review*, researchers found that "Court-ordered fines and fees imposed on individuals with little capacity to pay create a direct connection between criminalization and poverty."[62] The researchers found that the link between criminalization and poverty is undeniable. Whether the criminalization results from illegal activity rooted in strain and hardship caused by payment of legal debt or from the court's issuance of warrants to extract payment from noncompliant debtors, legal financial obligations have served as everything *but* a deterrent.

Though the study occurred in Oklahoma City and not Washington State, it offers great insight into the ineffectiveness of the legal financial obligations systems. In fact, the researchers concluded that "the evidence indicates that court debt charged to indigent defendants neither caused nor deterred new crime, and the government obtained little financial benefit. Yet, fines and fees contributed to the criminalization of low-income defendants, placing them at risk of ongoing court involvement through new warrants and debt collection."[63]

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[62]Pager, D., Goldstein, R., Ho, H., & Western, B. (2022). Criminalizing Poverty: The Consequences of Court Fees in a Randomized Experiment. *American Sociological Review*, 87(3), 529-553. https://doi.org/10.1177/00031224221075783 (Original work published 2022)

[63] *Id*

However, the harm of failing to account for poverty within the court system is not just in imposing fines and fees. The cash bail system, which keeps low-income people incarcerated because they can't afford bail, disproportionately affects people with disabilities, as studies have shown that people with disabilities are more likely to be low-income than their counterparts without disabilities. There is no difference within the justice and prison system; in fact, it is likely worse, as studies have also shown that people with disabilities are more likely to be arrested than their counterparts without disabilities.[64]

In his essay on the cash bail system in Washington, "Freedom Isn't Free: Why Washington State Needs to Move Beyond a Cash Bail System, Andre Jimenez writes, "Today the practice of pretrial detention continues to criminalize poverty with longer sentences, economically burdening our most vulnerable community members."

In analyzing the ways cash bail operates to criminalize and deprive court users of their freedom, we must account for not just poverty but also the many factors (i.e., identities) that seem to have a direct connection to poverty, race, disability, geography, and education. In his essay, Jimenez cites "significant social costs associated with pretrial incarceration, such as loss of jobs, housing, children, and health."

[64] A study by the NIH titled "The Cumulative Probability of Arrest by Age 28 Years in the United States by Disability Status, Race/Ethnicity, and Gender" showed that Estimates demonstrated that those with disabilities have a higher cumulative probability of arrest (c = 42.65) than those without (c = 29.68). See the full study at: McCauley EJ. The Cumulative Probability of Arrest by Age 28 Years in the United States by Disability Status, Race/Ethnicity, and Gender. Am J Public Health. 2017 Dec;107(12):1977-1981. doi: 10.2105/AJPH.2017.304095. Epub 2017 Oct 19. PMID: 29048954; PMCID: PMC5678390. https://pmc.ncbi.nlm.nih.gov/articles/PMC5678390/#:~:text=Estimates%20demonstrated%20that%20those%20with,without%20(c%20%3D%2029.68).

Though Jimenez did not conduct a study, his essay is important because it highlights something rarely discussed in conversations about removing financial barriers in the court system, the social and human costs of these systems.

The harm caused by court fines and fees is not merely financial. Studies have shown that there are adverse health consequences linked to having legal debt. Thus, it is primordial that any study examining the intersection of poverty and disability takes an in-depth look into the health costs of legal financial obligations on low-income court users with disabilities. A study by the Russell Foundation looked at the toll on one's health of the stress caused by financial legal obligations. In the study entitled: "Monetary Sanctions as Chronic and Acute Health Stressors: The Emotional Strain of People Who Owe Court Fines and Fees,"[65] the researchers looked at the adverse health consequences of legal debt on the health of court users across several U.S. states, including Washington State.

In analyzing the data from their interviews with court users, they found that "for many people, the sentence of fines and fees functions as a primary stressor that triggers chronic stress related to attempting to balance budgets and manage day-to-day living." The study continued, stating that many of the research participants reported thinking "constantly about their monetary sanctions as they went about their daily lives."

However, these health concerns do not just appear after the financial burden begins. "Conservative estimates find that at least 39% of incarcerated individuals have at least one chronic physical or mental health

[65] Harris, A., & Smith, T. (2022). Monetary Sanctions as Chronic and Acute Health Stressors: The Emotional Strain of People Who Owe Court Fines and Fees. *The Russell Sage Foundation Journal of the Social Sciences*, *8*(2), 36-56. https://muse.jhu.edu/pub/207/article/846829/pdf

condition (Wilper et al., 2009).” Persons with disabilities are being incarcerated at an alarming rate and are being released without support, without employment, with deteriorating health, and with exorbitant fees and fines.

Yet little to no research exists on the intersection of poverty and disability. In their report “Are You Able-Bodied? Embodying Accountability in the Modern Criminal Justice System,” Cadigan and Smith from the University of Washington found that the research on the experiences of incarcerated people with disabilities was sparse, and those on the overall experience of court users with disabilities (non-incarcerated) was even less.

They also found that while there was some apparatus that allowed for the waiving of fees for Washingtonians with disabilities, “the bureaucratic process of mandatory review hearings and the lack of legal mechanisms to waive all debts for those who would never be able to pay due to disability placed these individuals in stressful and potentially dangerous circumstances.”

The systemic burden of linking freedom and the administration of justice to capital is undeniable. The inherent ableism of requiring cash bail in a country where people with disabilities experience poverty at nearly twice the rate of their counterparts without disabilities, the harm of imposing fees to a group already lacking steady or sufficient work, along with the profound effects on court users’ mental health, demand critical attention within the court system.

Analyzing and understanding the effect of poverty on court users with disabilities within the Washington state court system is a public health priority.

Mental Health

Over 20% of adults in Washington had a diagnosable mental illness prior to the COVID-19 pandemic.[66] The youth mental health uprising was so severe that Gov. Jay Inslee declared it a crisis in spring 2021. This was due to the extreme rise in mental health problems following the pandemic.[67] Dr. Larry Wissow, director of child and adolescent psychiatry and behavioral medicine at Seattle Children's, called the fact that people with severe mental illness die at an average of 10 to 25 years earlier than those not experiencing mental health disabilities a "life-stunting condition."[68]

Washington State has a low ranking in several national mental health markers.[69] The 2021 Mental Health America report revealed that Washington State has a higher prevalence of mental illness than most other states, with 22% of adults experiencing a mental illness compared to the national average of 19%.[70] Washington is among the top 10 states for severe depressive episodes and substance use disorders in children.[71] These numbers likely underestimate the true extent of mental health concerns because the data only includes information up to 2018, before the COVID-19 pandemic and the national uprisings for racial justice, events which have significantly impacted mental health.[72]

Furfaro, H. (2021, September 19). Here are the basic facts about mental health and treatment in Washington state. *The Seattle Times*. https://www.seattletimes.com/seattle-news/mental-health/here-are-the-basic-facts-about-mental-health-and-treatment-in-washington-state/

[67] *Id.*
[68] *Id.*
[69] *Id.*
[70] *Id.*
[71] *Id.*
[72] *Id.*

Societal factors and inequalities play a role in people's mental health, according to experts.[73] Pamela Collins, a professor of psychiatry and behavioral sciences and global health at the University of Washington, notes that people of color experience systemic discrimination, which negatively impacts their mental health.[74] The lack of or a weak social safety net is another example of how societal issues can affect mental health; it can force those with severe mental illness into homelessness.[75] Availability of shelter, food, and social support from loved ones can be a determining factor in an individual's experience with a mental health condition.[76]

A recent (2024) federal report found that Washington had the third-highest population of houseless individuals in the U.S., following only California and New York.[77] In 2024, officials recorded 31,554 people in Washington state experiencing homelessness, a 12.5% increase from the 28,036 reported the previous year.[78]

The report showed that Washington experienced a 56% increase in the number of individuals experiencing chronic houselessness between 2023 and 2024.[79] This increase includes individuals with disabilities, such as PTSD or substance use disorder, who have experienced houselessness for more than a year or on three separate occasions within a four-year period.[80] In 2024, Washington had the highest percentage of chronically houseless individuals in the United States, with 49% of its homeless population

[73] *Id.*
[74] *Id.*
[75] *Id.*
[76] *Id.*
[77] Santos, M. (2025, January 9). *Washington among states with highest homeless population*. Axios Seattle. https://www.axios.com/local/seattle/2025/01/09/washington-homeless-2024-count-report
[78] *Id*.
[79] *Id*.
[80] *Id*.

experiencing chronic houselessness.[81] King County, which contains over half of Washington state's houseless population, reported that more than 16,000 people were without a home in 2024.[82]

The Role of Washington State Courts

In February 1999, King County started a mental health court that differed from traditional courts in three key ways.[83] First, a consistent team of professionals heard cases on a separate schedule.[84] Second, the court focused on better connecting the criminal legal and mental health systems.[85] Finally, participants in the program received an increased level of court supervision. [86]

While the court's initial experiences revealed significant community service gaps, like a lack of treatment for individuals with dual disorders and transitional housing, participants from the outset found the court to be a "vast improvement over the old way of handling the mentally ill misdemeanant population."[87] Since then, mental health courts have expanded to many counties.

King County's Involuntary Treatment Act (ITA) court processes roughly 1,300 cases quarterly, largely filed by hospitals for adults with mental illness.[88] While not all cases go to trial, some end with agreed-upon treatment

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[81] *Id.*
[82] *Id.*
[83] Steadman, H. J., Davidson, S., & Brown, C. (2001). Law and psychiatry: Mentally ill prisoners and their adjustment in prison. *Psychiatric Services, 52*(4), 477–481. https://doi.org/10.1176/appi.ps.52.4.477
[84] *Id.*
[85] *Id.*
[86] *Id.*
[87] Cayce, J. D., & Burrell, K. (1999). King County's mental health court: an innovative approach for coordinating justice services. *Washington State Bar News*, 19-23.
[88] Jimenez, E. (2023, August 14). A Trial Where You Haven't Committed a Crime: The Role WA Courts Play in Mental Health Care. *The Seattle Times*.

or the decision to drop the case entirely, about one-third result in court-ordered commitments.[89] The court must decide what is in the best interest of the person's health: temporarily removing their freedom by ordering treatment or allowing them to make their own choices, even if that means no treatment.[90]

Raising Competency & Involuntary Commitment Under the Involuntary Treatment Act (ITA)

The law presumes all defendants competent, and judges do not need to order examinations unless sufficient bases exist.[91]

The constitutional threshold for raising competency is relatively low.[92] As established in *Pate v. Robinson,*[93] a hearing is necessary whenever a "bona fide doubt" arises concerning an individual's competency.[94]

In a criminal proceeding, from misdemeanors to capital murder, the court, the prosecutor, the defendant, or their counsel can raise competency concerns.[95]

The National Judicial Task Force to Examine State Courts' Response to Mental Illness noted:

> The involvement of the criminal justice system with people with mental illness is all too often a result of

https://www.seattletimes.com/seattle-news/mental-health/a-trial-where-you-havent-committed-a-crime-the-role-wa-courts-play-in-mental-health-care/.

[89] *Id*.

[90] *Id*.

[91] *See Defining and Assessing Competency to Stand Trial*, U.S. Dep't of Justice, Exec. Off. for Immigration Review (Aug. 15, 2014), https://www.justice.gov/sites/default/files/eoir/legacy/2014/08/15/Defining_and_Assessing_Competency_to_Stand_Trial.pdf (last visited June 27, 2025).

[92] *Id.*

[93] *Pate v. Robinson*, 383 U.S. 375 (1966)

[94] *Id.*

[95] *Id.*

> 'nowhere else to go.' When a mental health emergency happens, the same 911 call is made, but instead of a ride in the back of an ambulance to the hospital, often the call results in a ride (with handcuffs) in the back of a police cruiser, to jail. From there, the involvement of the courts is almost inevitable. And once the courts are involved with someone who exhibits symptoms of a mental illness, legal competence is a natural issue to be raised, and an array of delays, incarceration, and other problems inevitably follow.[96]

When a person with a serious mental health condition or cognitive disability cannot comprehend the charges, the court dismisses the charges and orders the DSHS to evaluate the individual and provide effective behavioral health treatment, if necessary. This system, known as a civil conversion commitment, assists individuals with severe behavioral health conditions who have not received adequate support from the crisis and outpatient behavioral health system.[97] Civil commitment has evolved from a primarily familial and medically driven concern to a legal one, with its scope and application changing over time.[98]

In Washington State, people know civil commitment law as the Involuntary Treatment Act ("ITA"). Under limited circumstances, the State has the authority to involuntarily detain individuals suffering from behavioral

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[96] *Id.*
[97] *Id*. More discussed below under Lack of Available Services & Treatment
[98] Hannah Garland, *Committed to Commitment: The Problem with Washington State's Involuntary Treatment Act*, 97 Wash. L. Rev. 1045, 1054 (2022), https://digitalcommons.law.uw.edu/wlr/vol97/iss4/5/.

health disorders for evaluation and treatment.[99] "The State's lawful power to hold those not charged or convicted of a crime is strictly limited."[100] Due process of law is required before the State can take a person's liberty.[101] The four stages of the civil commitment process are: evaluation, initial detention, hearing, and commitment.[102]

The ITA permits a designated crisis responder ("DCR") to implement a brief, emergency detention without obtaining prior judicial oversight.[103] A DCR evaluates people, either in an emergency room or non-emergency room setting, who are undergoing a behavioral health crisis.[104] The DCR is the one who decides if an individual "meets the legal threshold for initial involuntary detention."[105] This brief emergency detention serves situations when a person is in crisis and effective alternatives to emergency detention do not exist."[106] Emergency custody provisions that do not require prior judicial review are intended for initiating ITA proceedings, not for individuals already subject to involuntary detention.[107]

Following the DCR's filing of an initial detention petition, as cited in the code, an individual may remain at an Evaluation and Treatment (E&T) facility or under a Single Bed Certification (SBC) for up to 120 hours, excluding

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[99] *In re Det. of A.C.,* 1 Wn.3d 731, 533 P.3d 81 (2024), https://www.courts.wa.gov/opinions/pdf/1006683.pdf.
[100] *In re Det. of D.W.*, 181 Wn. 2d 201, 207, 332 P.3d 423 (2014) (*citing Oviatt ex rel. Waugh v. Pearce*, 954 F.2d 1470, 1474 (9th Cir. 1992)).
[101] WASH. CONST.. art. I, § 3.
[102] Hannah Garland, *Committed to Commitment: The Problem with Washington State's Involuntary Treatment Act*, 97 Wash. L. Rev. 1045, 1055 (2022), https://digitalcommons.law.uw.edu/wlr/vol97/iss4/5/.
[103] *In re Det. of A.C.,* 1 Wn.3d 731, 533 P.3d 81 (2024), https://www.courts.wa.gov/opinions/pdf/1006683.pdf.
[104] Hannah Garland, *Committed to Commitment: The Problem with Washington State's Involuntary Treatment Act*, 97 Wash. L. Rev. 1045, 1055 (2022), https://digitalcommons.law.uw.edu/wlr/vol97/iss4/5/ (citing RCW § 71.05 (1973)).
Id..
[106] *In re Det. of A.C.,* 1 Wn.3d 731, 533 P.3d 81 (2024), https://www.courts.wa.gov/opinions/pdf/1006683.pdf.
[107] *Id.*

weekends and holidays. Two medical professionals must sign the fourteen-day petition.[108] Before the fourteen-day commitment hearing, the court must appoint an attorney for the detained person, and a judge must promptly see the detained person. [109]

The State must prove its case with "clear, cogent, and convincing evidence," potentially before a jury, when it attempts to involuntarily detain a person for more than a brief period.[110] This higher standard of proof is required for extended detentions compared to brief ones, such as a ninety-day commitment.[111] The individual has a right through their assigned attorney to agree to the time extension that the State is requesting.[112] Therefore, the fourteen-day hearing only takes place when the individual objects, wants to be discharged, and the treating facility opposes discharge.[113] The judge is the one who determines the seriousness of someon's disability and/or if the individual presents a likelihood of serious harm, using "all available evidence concerning the respondent's historical behavior."[114]

In 2023, the Washington State Supreme Court ruled that Washington authorities failed to follow ITA, with Justice G. Helen Whitener writing that

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[108] RCW 71.05.230(4)(a)(i).
[109] *In re Det. of A.C.,* 1 Wn.3d 731, 533 P.3d 81 ((2024), https://www.courts.wa.gov/opinions/pdf/1006683.pdf.. RCW 71.05.230(6).
[110] *In re Det. of A.C.,* 1 Wn.3d 731, 533 P.3d 81 (2024), https://www.courts.wa.gov/opinions/pdf/1006683.pdf.
[111] *Id.* RCW 71.05.320(1)(a) (2022).
[112] RCW 71.05.236 (2020).
[113] RCW 71.05.230(2) (2020).
[114] Hannah Garland, *Committed to Commitment: The Problem with Washington State's Involuntary Treatment Act*, 97 Wash. L. Rev. 1045, 1055 (2022), https://digitalcommons.law.uw.edu/wlr/vol97/iss4/11/. (citing RCW 71.05.245(2)(a), (b) and RCW 71.05.245(1)–(3) (2022)).

the violations were “a complete failure to treat the ITA with respect or attention” and not just a “mere oversight.”[115]

In re Det. of A.C.; In re Det. of N.G. & C.M., the Court held that “when the State totally disregards the requirements of the ITA by holding someone despite lacking the authority under the ITA to do so, the ITA petition shall be dismissed. Beginning [‘]new[’] ITA proceedings while someone is being held without authority of law is not an acceptable remedy.”[116]

NG, CM, and AC (these are the initials of the litigants as abbreviated in the case *Det. of A.C.; In re Det. of N.G. & C.M.*) were all involuntarily detained under the ITA.[117] Western State Hospital held NG and CM for over a month past the expiration of their court-ordered civil commitments.[118] Despite being aware of the expired orders, hospital staff continued to confine NG and CM and even started new ITA proceedings through designated crisis responders.[119] Although AC's detention was court-ordered, staff at the evaluation and treatment center involuntarily medicated her before a court hearing, even though she had asserted her statutory right to refuse medication 24 hours before her next hearing.[120]

After realizing that AC had been involuntarily medicated, the court postponed the hearing for one day to allow AC to appear unmedicated.[121] The court denied AC’s motion to dismiss the ITA petition, which was based

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[115] Demkovich, L. (2023, July 27), State ‘Totally Disregarded’ Involuntary Treatment Law, Held People Too Long, High Court Rules, *Wash. State Standard.* https://washingtonstatestandard.com/2023/07/27/state-totally-disregarded-involuntary-treatment-law-held-people-too-long-high-court-rules/.
[116] *See*, *In re Det. of A.C.*, 1 Wn.3d 731, 533 P.3d 81 (2024), https://www.courts.wa.gov/opinions/pdf/1006683.pdf.
[117] *Id.*
[118] *Id.*
[119] *Id.*
[120] *Id.*
[121] *Id.*.

on the treatment center's violation of the ITA.[122] The court determined that, despite the State's failure to comply with the statute, the State's interest in reaching the merits of the case was more important.[123]

The Court found that the state involuntarily detained NG, CM, and A.C. under the ITA, clearly violating their rights under the act.[124] The ruling found that the State violated the ITA by holding individuals without proper authority, and as a result, the ITA petition was dismissed.[125] Even though the State argued dismissal of the "new" ITA was not a suitable remedy given how "gravely disabled" NG was, the court found that starting "new" ITA proceedings while someone is being held without authority of law is not an acceptable remedy.[126] In NG's and CM's cases, the court entirely disregarded the ITA's requirements.[127] The Court reversed the Court of Appeals' decision and remanded the cases to the trial courts for dismissal.[128] However, in AC's case, the Court concluded that the court did not completely disregard the ITA's requirements, and that she was not held without legal authority.[129]

The Court's decision ruled 5-4. The justices who disagreed believed that in some serious mental health or substance abuse cases, it could be acceptable to keep someone in treatment as long as they are still receiving care and need more help, even if their official treatment order runs out.[130]

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[122] *Id.*
[123] *Id.*
[124] *Id.*
[125] *Id.*
[126] *Id.*
[127] *Id.*
[128] *Id.*
[129] *Id.*.
[130] Demkovich, L. (2023, July 27), State 'Totally Disregarded' Involuntary Treatment Law, Held People Too Long, High Court Rules, *Wash. State Standard.* https://washingtonstatestandard.com/2023/07/27/state-totally-disregarded-involuntary-treatment-law-held-people-too-long-high-court-rules/.

When it comes to the ITA, Jazmyn Clark, the director of the American Civil Liberties Union of Washington's Smart Justice Policy Program, says that the ITA has had a "disproportionate effect on people of color."[131] According to Marcus Jay Miller, who heads the Civil Commitment Unit of the Pierce County Prosecuting Attorney's Office, the "rulings brought clarity to the process," and "pretty much [created] a bright line rule. Now it's clear."[132]

When dealing with competency and ITA cases, the funds and resources fall short of the great demand in Washington State.[133]

The Impact of Lack of Available Services & Treatment

Washington has a shortage of psychiatric beds and a lack of qualified providers.[134] As mentioned above, the DCR initially decides to temporarily hold a person experiencing a crisis who meets the criteria under the ITA. After preparing and filing a petition for initial detention, the DCR attempts to find an available inpatient bed at an E&T facility if the DCR has decided that initial detention is appropriate.[135]

If a county lacks an E&T facility, it may transfer the individual to one in another county.[136] If an E&T bed is not available, the DCR has the option to

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[131] *Id.*

[132] *Id.*

[133] See, (n.d.). *We Need a Better Solution for ITA Court Costs*. Washington State Association of Counties. https://wsac.org/we-need-a-better-solution-for-ita-court-costs/#:~:text=The%20state%20provides%20counties%20and,other%20crucial%20behavioral%20health%20services.

Editorial, *WA Must Commit to Solving Mental Health Delays in Our Jails*, News Tribune (Tacoma, Wash.), Jan. 29, 2023, https://www.thenewstribune.com/opinion/article271706717.html.

[135] Hannah Garland, *Committed to Commitment: The Problem with Washington State's Involuntary Treatment Act*, 97 Wash. L. Rev. 1045, 1054 (2022), https://digitalcommons.law.uw.edu/wlr/vol97/iss4/11/.

[136] *Id* (citing RCW 71.05.160(2)(b) (2020)).

seek an SBC, which are beds in nonpsychiatric emergency rooms, and enables the person to be placed in a single bed until an E&T bed is ready.[137]

If a DCR files a No Bed Report (NBR) after failing to place an individual in either an E&T facility or an SBC facility, that individual can no longer be held under Washington's civil commitment laws.[138] At that point, individuals discharged after an NBR is filed are required by state law to be released with an "adequate follow-up plan."[139] Despite this requirement, research by Disability Rights Washington shows individuals discharged on NBRs are often not offered support and do not have a follow-up plan.[140]

The scarcity of mental health resources within the community often results in the court system becoming the sole avenue for individuals to receive essential mental health treatment.[141]

Some cases involve a layer of co-occurring conditions experienced by someone who is also experiencing houselessness.[142] Therefore, treatment and resources may not always be so linear or in-and-out. Judge John McHale, one of the three judicial officers who presides over King County's ITA court, says "the great fault in this overall system" is the lack of case managers who are needed when clients are going through the system, along with the shortcomings of community-based mental health care.[143]

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[137] *Id* (citing RCW 71.05.745 (2018)).
[138] RCW 71.05.750 (2020).
Mosolf, K., & Garland, H. (2021). ALL OR NOTHING: Ending Washington's Dependence On Involuntary Civil Commitment. *Disability Rights Washington*, 7. https://disabilityrightswa.org/wp-content/uploads/2021/12/Final-Report.pdf.
[140] *Id.*
[141] Jimenez, E. (2023, August 14). A Trial Where You Haven't Committed a Crime: The Role WA Courts Play in Mental Health Care. *The Seattle Times*. https://www.seattletimes.com/seattle-news/mental-health/a-trial-where-you-havent-committed-a-crime-the-role-wa-courts-play-in-mental-health-care/.
[142] *Id.*
[143] *Id.*

In 2015, because of unconstitutional delays in mental health services, *Trueblood* ordered the State to provide mental health evaluations within 14 days and competency restoration services within seven days for those found incompetent to proceed.[144] In July 2023, the Court found that the Washington State Department of Social and Health Services (DSHS) breached the Trueblood settlement agreement and was only in compliance in 10% of the cases.[145]

Approximately twenty-two (22) counties sued the DSHS in 2023 over its decision to discontinue providing initial evaluations and follow-up treatment for a growing number of individuals who require behavioral health support upon release from the criminal legal system.[146] Because DSHS refused to evaluate or treat patients whose criminal charges were dismissed, even with court orders and state laws requiring them to do so, hundreds of individuals across the state lost their chance for mental health treatment that might break the cycle of re-offense.[147]

DSHS argued it is no longer obligated to provide these services, citing a federal judge's orders in a separate case.[148] As a result, the agency repeatedly defied clear statutory and court-ordered legal requirements.[149] The DSHS's failure to provide restoration services burdened counties with providing care, as individuals were referred back to their home counties'

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[144] Editorial, *WA Must Commit to Solving Mental Health Delays in Our Jails*, News Tribune (Tacoma, Wash.), Jan. 29, 2023, https://www.thenewstribune.com/opinion/article271706717.html.
[145] McNerthney, C.(2023, March 15), , Judge Rules Against State's Release of Suspect Due to Behavioral Health Problems, *MyNorthwest.com* https://mynorthwest.com/local/judge-rules-against-states-release-suspects-behavioral-health-problems/3934644.
[146] County of Chelan, *County to Join Lawsuit Against State for Refusal to Provide Necessary Mental Health Treatment*, Chelan County (Oct. 4, 2023), https://www.co.chelan.wa.us/news/article/county-to-join-lawsuit-against-state-for-refusal-to-provide-necessary-mental-health-treatment.
[147] *Id*
[148] *Id.*
[149] *Id.*

designated crisis responders.[150] This occurred even though state law requires the state, not counties, to be responsible for these services. [151] In October 2023, a Pierce County judge ruled in favor of the 22 counties.[152]

When evaluations, services, and treatment are delayed, defendants end up staying in jail for periods as long as, or even longer than, their potential maximum sentences. During this time, they do not receive the necessary services or a chance to get better. [153] Pierce County noted defendants were routinely held in custody beyond the mandated deadlines for transfer to state psychiatric facilities, such as Western State Hospital, with one defendant waiting nearly 600 days for transfer.[154] There has been a rise in demand for competency evaluations and restoration services.[155] Data from the DSHS reveals a 37% rise in court-ordered restoration services in 2023 compared to 2022.[156] The demand for these services has more than doubled since 2015.[157]

Youth and Detention

To adequately address how adults with disabilities are disadvantaged and harmed within and by the court system, one must first address how the court system criminalizes disability in children, particularly children of color.

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[150] *Id.*
[151] *Id.*
[152] McNerthney, C.(2023, March 15), , Judge Rules Against State's Release of Suspect Due to Behavioral Health Problems, *MyNorthwest.com* https://mynorthwest.com/local/judge-rules-against-states-release-suspects-behavioral-health-problems/3934644.
[153] Editorial, *WA Must Commit to Solving Mental Health Delays in Our Jails*, News Tribune (Tacoma, Wash.), Jan. 29, 2023, https://www.thenewstribune.com/opinion/article271706717.html.
[154] *Id.*
[155] *Id.*
[156] *Id.*
[157] *Id.*

In this section, we will examine the experiences of youth with disabilities within the court system, particularly focusing on the school-to-pipeline phenomenon and how the juvenile legal system perpetuates the cycle of funneling youth with disabilities from schools to juvenile detention centers into the adult prison system, resulting in an overrepresentation of people with disabilities not just in juvenile facilities but also in adult prisons and the court system.

The Overrepresentation of Youth with Disabilities in the Juvenile Legal System

The exact number of youth with disabilities trapped in the carceral system is not known. This is due to a series of factors, including a lack of screening for disabilities in youth detention facilities, misdiagnoses, the mislabeling of disability-related behaviors as disciplinary issues, and ableism. One study estimates that 65-70% of justice-involved youth have a disability, a percentage that is three times higher than the rate compared to youth without disabilities.[158] One of the factors that has long been identified by researchers as a contributor to this alarming statistic is the school-to-prison pipeline.

The "school-to-prison pipeline" refers to the policies and practices that push youth, especially youth with disabilities, youth of color, and youth experiencing poverty, out of classrooms and into the juvenile and criminal legal systems. This pipeline is a result of the prioritization of incarceration over education and is maintained through archaic and ineffective disciplinary

[158] The Arc's National Center on Criminal Justice and Disability (NCCJD), Violence, Abuse and Bullying Affecting People with Intellectual/Developmental Disabilities (Washington, D.C.: The Arc, 2015). https://thearc.org/wp-content/uploads/2019/07/15-037-Juvenile-Justice-White-Paper_2016.pdf

practices in schools.[159] School discipline practices and policies that push students into the school-to-prison pipeline include the presence of school resource officers (the police) in schools, the hyper-surveillance of youth in schools, zero tolerance policies, the use of restraint and seclusions, and the use of suspensions and expulsions.

The alarming increase in school shootings in recent years has been used to justify the use of school resource officers in schools. However, a 2021 study by the American Civil Liberties Union (ACLU) of Washington found that "even though enhanced security measures, such as police and security officers, were "largely inspired by the school shootings in mostly white suburban schools, they have been most readily adopted and enforced in urban schools with low student-to-teacher ratios, high percentages of students of color, and lower test scores."[160]

This same study found that while the presence of police officers in school has skyrocketed in recent years, there has been a lack of investment in resources that divert youth from the criminal legal system[161]. In fact, a study from ACLU National found that 1.7 million students in the U.S. attend schools with police but without school counselors, 3 million students attend schools with police but no school nurse, 6 million students attend schools with police but no psychologist, and 10 million students attend schools with police but no social workers.[162]

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[159] Wald, J. & Losen,D. (2003) "Defining and Re-directing a School-to-Prison Pipeline," *New Directions For Youth Development,* 99, 11. https://media.wiley.com/product_data/excerpt/74/07879722/0787972274.pdf

[160] Washington, K. (2021).School Resource Officers: When the Cure is Worse than the Disease. ACLU of Washington. https://www.aclu-wa.org/story/school-resource-officers-when-cure-worse-disease

[161] *Id*

[162] Whitaker, Amir & Torres-Guillén, Sylvia & Aclu, Michelle & Coyle, Stefanie & Mann, Angela & Sun, Wei-Ling & Johnson, Gerry & Blinder, Ana & Greytak, Emily & Hinger, Sarah & Mizner, Susan & Cobb,

The presence of police in schools has caused an increased reliance on them for disciplinary and behavioral issues with students in school. This has resulted in the hyper-surveillance of youth. Hyper-surveillance refers to practices like the use of security cameras, wand sweeps and metal detectors, random drug testing, the use of dog sniffs for contraband, the practice of barring students from leaving campus for lunch, strict dress codes or uniforms, the use of mandatory clear book bags, required identification badges for students and staff.[163] These practices put an unnecessary spotlight on youth's behaviors and expose them to strict disciplinary outcomes like seclusion and restraint, or suspensions and expulsions, for what was traditionally considered "kids being kids" in schools[164]. In 2013-14, students with disabilities made up 12% of the public school student population, yet comprised 67% percent of those who experienced restraint or seclusion in school.[165]

While the Washington Office of the Superintendent of Public Instruction (OSPI) states that "Washington state law does not allow the use of restraint and isolation on K-12 students during school-sponsored instruction and activities, *unless necessary to stop behaviors that will cause serious harm.*[166] OSPI recognizes the importance of keeping students and staff safe from

Jessica & Jordan, Harold. (2019). Cops and No Counselors How the Lack of School Mental Health Staff Is Harming Students Acknowledgements Cops and No Counselors.

[163] Sparks, S.D. (2021, April 21) 'High-Surveillance' Schools Lead to More Suspensions, Lower Achievement, *Education Week. https://www.edweek.org/leadership/high-surveillance-schools-lead-to-more-suspensions-lower-achievement/2021/04*

[164] *Id*

[165] 2013-2014 Civil Rights Data Collection: A First Look (Washington: U.S. Department of Education Office for Civil Rights, December 2016), https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf

[166] emphasis added

physical and emotional harm." The 2023-2024 data shows that restraints and isolation are frequently used in schools in Washington state.[167]

The data shows that there were 23,677 distinct incidents of restraint and isolation in the Washington state schools in the 2023-2024 school year, and 22,087 involved students with disabilities, which is 93% of all incidents. Further, there were 11 incidents where the restraint was by a law enforcement officer and resulted in arrest, six of them involved students with disabilities, that is 54.5%. In that same year, the US Department of Education, based on data received from OSPI, determined that students with disabilities made up 14% of Washington state's student population.[168]

When children are pushed out of the classroom through this practice, they often land in the juvenile legal system and later on, in the adult court system. In 2019 alone, over 722,000 juvenile delinquency cases were handled in the United States.[169]

The most common delinquency offense identified as the "most serious offense" in a case was simple assault, accounting for about 21% of cases. Office of Juvenile Justice and Delinquency Prevention ("OJJDP") also reported another 90,500 petitioned status offense cases handled by juvenile courts in the same year.[170]

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[167] February 2, 2025, Statewide 2023-24 Restraint and Isolation Data, Office of the Superintentent of Public Instruction. https://ospi.k12.wa.us/student-success/health-safety/school-safety-center/restraint-and-isolation#:~:text=Washington%20state%20law%20does%20not,from%20physical%20and%20emotional%20harm.

[168] U.S. Department of Education, Office of Special Education Programs, Individuals with Disabilities Education Act (IDEA) database, retrieved October 13, 2023, from https://data.ed.gov/dataset/idea-section-618-state-part-b-child-count-and-educational-environments/resources. National Center for Education Statistics, Common Core of Data (CCD),

[169] Snydman, J. (2022). Unlocking futures: Youth with learning disabilities and the juvenile justice system. Washington, DC: National Center for Learning Disabilities.

[170] *Id.*

Whereas delinquency offenses refer to "acts committed by juveniles that would be crimes if committed by adults," status offenses are acts that are illegal only because the persons committing them are of juvenile status." These status offenses include runaway, truancy, and curfew violations, among other infractions. They are less likely to result in detention or incarceration, but they still represent very real encounters with the juvenile legal system that in many ways criminalize common adolescent behavior. Truancy offenses account for more than half (61%) of these types of cases.[171] There is a regression back to the pre-pandemic numbers in court cases involving youth in the state, promising reports that juvenile court cases involving youth in Washington state during the pandemic are not.[172]

Studies that track youth outcomes into adulthood have found that an alarming share of young people incarcerated in youth correctional facilities are later arrested, convicted, and incarcerated as adults.[173]

Comprehensive state-by-state review of 2011 data analyzing the likelihood that youth who were previously incarcerated would return to the carceral system found that 70% to 80% of youth who left residential correctional programs were rearrested within two or three years of release.[174] And 45% to 72% of those young people were adjudicated (found to be delinquent in juvenile court) for or convicted (in adult court)

[171] U.S. Department of Education, Office of Special Education Programs, Individuals with Disabilities Education Act (IDEA) database, retrieved October 13, 2023, from https://data.ed.gov/dataset/idea-section-618-state-part-b-child-count-and-educational-environments/resources. National Center for Education Statistics, Common Core of Data (CCD),

[172] 2024 Biennial Washington State Juvenile Justice System Report To The Governor And State Legislature (2024). Washington State Partnership Council on Juvenile Justice

[173] Mendel, R.A. (2022). Why Youth Incarceration Fails: An Updated Review of the Evidence. Annie E. Casey Foundation. https://www.sentencingproject.org/app/uploads/2023/03/Why-Youth-Incarceration-Fails.pdf

[174] Mendel, R.A. (2011). No Place for Kids: The Case for Reducing Juvenile Incarceration. Annie E. Casey Foundation.

for new offenses within three years of release.[175] A long-term study of youths in Seattle, published in 2015, found that those incarcerated during adolescence were nearly four times more likely to be incarcerated in adulthood than their peers who were not incarcerated[176].

These statistics about incarceration are even worse for youth who are involved in the child welfare and juvenile legal system. These young people are sometimes referred to as "dual status youth." Dual status youth move between the child welfare and juvenile legal systems, and often are involved in both concurrently. They are disproportionately youth of color and girls, and many have histories of abuse and neglect. Absent interventions through coalition and cross-system work, these youth are at increased risk for further incarceration, mental health concerns, educational problems, occupational difficulties, and public health and safety issues. Despite being involved in two systems, these youth often fall through the cracks.[177]

In fact, Washington State Center for Court Research ("WSCCR"), after analysis of the 2010 data on youth involved in juvenile courts, found that in Washington state, nearly half (44%) of all young people in juvenile court for alleged law-violating behavior also have a history of involvement in the child welfare system.[178]

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[175] *Id.*

[176] Gilman, A. B., Hill, K. G., & Hawkins, J. D. (2015). When is a youth's debt to society paid? Examining the long-term consequences of juvenile incarceration for adult functioning. Journal of Developmental and Life-Course Criminology, 1(1), 33-47.

[177] [RFK National Resource Center for Juvenile Justice]. (2024, April 25). *Dual Status Youth Initiative: Achieving the Possible* [Video]. YouTube. https://youtu.be/4nHAKXVaSb0?feature=shared

[178] Washington State Administrative Office of the Courts (2014, July 24). *Kids at highest risk show up in two worlds: New "multi-system" study part of effort to help this group*. Washington State Center for Court Research (WSCCR). https://www.courts.wa.gov/newsinfo/?fa=newsinfo.pressdetail&newsid=2756#:~:text=July%2024%2C%202014,with%20no%20child%20welfare%20involvement.

The study also found that female youth and youth of color from the child welfare system have a substantially greater risk of finding themselves in the juvenile legal system than comparable white males, and that, on average, juvenile offenders with welfare system history make initial contact with the juvenile legal system at a younger age than offenders with no child welfare involvement.[179]

The funneling of young people with disabilities away from schools through disproportionate application of disciplinary practices results in an increased number of youth with specific disabilities in the youth detention system.

The Mental Health of Youth in Detention

There are many issues within the juvenile detention and legal system in the State of Washington. Many reports have shown that the juvenile legal system seems to do everything but restore young Washingtonians. The lack of resources for all youth, but particularly for young people with disabilities, means that the system that purports to restore and rehabilitate works instead as a "throw-away" system to avoid tackling issues and disparities faced by young people within the State.

Studies have shown that many youths who encounter the juvenile legal system have experienced or witnessed domestic violence, abuse, or neglect. A nationwide study found that 70 percent of children placed in a residential facility because of a status offense or public offense have experienced trauma.[180] Another study found that the rates of Post-Traumatic Stress

[179] *Id.*

[180] Sedlak, Andrea J., and Karla S. McPherson. "Youth's needs and services: Findings from the survey of youth in residential placement." *PsycEXTRA Dataset*, 2010, https://doi.org/10.1037/e531402010-001. www.ncjrs.gov/pdffiles1/ojjdp/227728.pdf.

Disorder (PTSD) in children who are involved in the juvenile legal system are about the same as for soldiers returning from deployment in Iraq.[181]

An estimated 70–90% of youth offenders have experienced one or more types of trauma, including high rates of physical or sexual abuse, witnessing domestic violence, and exposure to violence in school or the community.[182] Accumulating evidence suggests that childhood trauma exposure is likely a key risk factor for subsequent juvenile legal system involvement.[183] Juvenile offenders are a vulnerable population, but those with histories of trauma exposure and/or symptoms of posttraumatic stress disorder (PTSD) have higher rates of co-occurring disorders, school dropout, suicide attempts, and reoffending.[184]

A study by the Washington State Center for Court Research and the University of Southern California sought to analyze the incidence of Adverse Childhood Experiences (ACEs) in youth entering the juvenile probation system in Washington State between 2011 and 2015. While the overall number of young people entering the system decreased, the data on those who did enter paints a picture of unaddressed trauma and untreated mental illness.

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[181] National Council of Juv. & Fam. Court Judges. *Ten Things Every Juvenile Court Judge Should Know About Trauma and Delinquency*, 2010, 4.

[182] Branson, C. E., Baetz, C. L., Horwitz, S. M., & Hoagwood, K. E. (2017). Trauma-informed juvenile justice systems: A systematic review of definitions and core components. *Psychological Trauma : Theory, Research, Practice and Policy*, *9*(6), 635. https://doi.org/10.1037/tra0000255 citing Ford JD, Hartman K, Hawke J, Chapman JF. Traumatic victimization, posttraumatic stress disorder, suicidal ideation, and substance abuse risk among juvenile justice-involved youth. Journal of Child & Adolescent Trauma. 2008;1:75–92.

[183] *Id.* citing Kerig PK, Becker SP. From internalizing to externalizing: Theoretical models of the processes linking PTSD to juvenile delinquency. In: Egan SJ, editor. Posttraumatic stress disorder (PTSD): Causes, symptoms and treatment. Hauppauge, NY: Nova Science Publishers; 2010. pp. 33–78.

[184] *Id. citing Cauffman E, Monahan KC, Thomas AG. Pathways to persistence: Female offending from 14 to 25. Journal of Developmental and Life-Course Criminology. 2015;1:236–268.*

"In 2011, 77.0% of youth entering probation for the first time reported at least one type of trauma compared with 81.5% in 2015 (slope B ¼ 1.10; p < .001). Between 2011 and 2015, the prevalence of vicarious violence[185] increased from 57.9% to 63.3%; child maltreatment increased from 34.0% to 36.0%; separation from family increased from 55.0% to 59.3%; and other types of trauma increased from 27.7% to 32.7%. The prevalence of mental health problems was high across all years and grew over time from 56.8% in 2011 to 63.3% in 2015 (slope B ¼ .02; p < .001)."[186]

There was a noticeable increase in the number of traumatized young people entering the juvenile legal system. Extensive research exists on Adverse Childhood Experiences (ACEs), including various traumatic events in life. ACEs have been found to be associated with depression and posttraumatic stress disorder, and experiencing four or more ACEs makes an individual 4.5 times more likely to experience depression and up to 15 times more likely to attempt suicide.[187] Youth in detention are 10 times[188] more likely to suffer from psychosis than youth in the community.[189]

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[185] Vicarious violence, is this context, refers to the violence that youth who experienced violent trauma before entering the criminal legal system exert on one another while detained.

[186]Kim, B- K.E et al.,(2021). Statewide Trends of Trauma History, Suicidality, and Mental Health Among Youth Entering the Juvenile Justice System. *Journal of Adolescent Health*, *68*, 300-307.

[187] *Id*

[188]https://www.researchgate.net/publication/23135549_Mental_Disorders_Among_Adolescents_in_Juvenile_Detention_and_Correctional_Facilities_A_Systematic_Review_and_Metaregression_Analysis_of_25_Surveys#:~:text=Adolescents%20in%20detention%20and%20correctional,prisoners%20and%20general%20population%20surveys.

[189] National Alliance on Mental Illness Southwest Washington (2025.). *Facts and Number*. NAMI. https://namiswwa.org/about-mental-illness/facts-and-numbers/#:~:text=4.8%25%20of%20all%20adults,18.8%25%20of%20high%20school%20student citing Fazel, S. et al., (2008) Mental Disorders Among Adolescents in Juvenile Detention and Correctional Facilities: A Systematic Review and Metaregression Analysis of 25 Surveys, *Journal of the American Academy of Child & Adolescent Psychiatry* 47(9):1010-9 https://www.researchgate.net/publication/23135549_Mental_Disorders_Among_Adolescents_in_Juvenile_Detention_and_Correctional_Facilities_A_Systematic_Review_and_Metaregression_Analysis_of_25_Surveys

In Washington, youth entering probation for the first time reported high levels of trauma, with over two-thirds reporting at least one traumatic experience.[190]

Washington is the first state to recognize ACEs such as child abuse and neglect, parental substance abuse, and witnessing domestic violence as a "powerful common determinant of a child's ability to be successful at school and, as an adult, to be successful at work, to avoid behavioral and chronic physical health conditions, and to build healthy relationships"[191] (SHB 1965, C32, L11, E2, Sec. 1, 2011).[192]

Since then, the state has made significant progress in addressing mental health when youth enter detention facilities. A 2024 survey by the Washington State Institute for Public Policy found that all juvenile detention centers provided mental health services at varying frequencies: 4.8% offered services at least once every six months, 9.5% monthly, 28.6% weekly, and 57.1% had a consistent onsite presence. Among these, 100% offered therapy or counseling, and 90.5% offered psychiatric medication.[193]

Overall, Washington state data is better than comparative national data. In 2014, only 43% of juvenile detention centers in the U.S. offered any services categorized as "therapeutic" (Hockenberry et al., 2016). Although a

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[190] *Id.* citing Ford JD, Hartman JK, Hawke J., (2008) Traumatic victimization, posttraumatic stress disorder, suicidal ideation, and substance abuse risk among juvenile justice-involved youth. *J Child Adolesc Trauma* 2008;1:75e92.

[191] Baglivio, M., Epps N.,Swartz, K., Huq,M., Sheer, A., & Hardt,N.,(2014) The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders, *OJJDP Journal of Juvenile Justic*e, 3, 2 https://www.ojp.gov/pdffiles/246951.pdf *citing* Grevstad, J. A. (June 8, 2010). Adverse childhood experiences and juvenile justice. PowerPoint delivered to Washington State Family Policy Council.

[192] Kagi, R., & Regala, D. (2012). Translating the Adverse Childhood Experiences (ACE) Study into public policy: Progress and the possibility in Washington State. *Journal of Prevention & Intervention in the Community*, 40(4), 271–277.

[193] Whichard, C., Spangler, M., & Hardenbergh, L. (2024). Jails and juvenile detention centers in Washington State: Population trends, survey of local facilities, and availability of CJTC training. (Document Number 24-12-1901). Olympia: Washington State Institute for Public Policy.

majority of facilities screen for mental health symptoms (Hockenberry & Sladky, 2018), it remains unclear what proportion of adolescents with identified concerns receive services, what types of services they receive, and whether the services are evidence-based.

While there is good progress, the state still has a long way to go to achieve full access. The incarceration rates of youth needing mental health treatment seem to be steadily increasing. For example, in 2022, 76% of the population in juvenile detention centers were classified as needing mental health treatment, and the percentage of individuals with particularly severe conditions distinctly increased. Between 2010 and 2022, individuals who had previously experienced psychiatric hospitalization increased from 3.2% to 14.4% of the population in juvenile detention centers. Better screening and services might explain this data; however, it remains significant and cannot be ignored.[194]

Despite having services once incarcerated, youths who have the misfortune of experiencing adverse childhood experiences are still ending up in the juvenile legal system following the traumatic events, and are stuck in a perpetual cycle of incarceration.

A 2019 report by the Washington State Department of Children, Youth and Families, entitled Intensive Parole Services for High-Risk Juvenile Offenders, analyzed parole services for high-risk youth. It found that in 2019, 61% (145 of 237) of youth released from juvenile rehabilitation without parole aftercare services had identified mental health needs.[195] Thus, nearly two-thirds of the children who were once receiving mental health services while

[194] *Id*

[195]Platt, J. S., Bohac, P. D., & Wade, W. (2015). The Challenges in Providing Needed Transition Programming to Juvenile Offenders. *Journal of Correctional Education*, *66*(1), 4-20.

in the custody of the state, were now released back into society, expected to adjust to life outside of the facilities with absolutely no support.

The project of actually tackling the root causes of juvenile incarceration for youth with mental health-related disabilities remains unaddressed. Rather than increasing programming that diverts youth with mental health illnesses away from the juvenile legal system, the state seems to be moving towards further detention and institutionalization by investing in services only while detained. Years of crises at one of the state's largest youth detention facilities, Green Hill School, exposed a need to reduce overcrowding and provide services for youth with severe mental and behavioral health issues. The state's solution to this issue was not to invest in programming that prevents incarceration but rather in building a "new medium security facility in unincorporated 'urban' Pierce County to house young 'offenders' with 'severe mental health, behavioral health needs.'"[196]

In an article for the American Bar Association entitled "*Considering Childhood Trauma in the Juvenile Justice System: Guidance for Attorneys and Judges*," Renee VandenWallBake wrote: "Research and experience have taught us that children with mental health needs belong in the community receiving evidence-based treatment, not the court system.[197] Nationally, youth with behavioral issues related to mental illness are continuously thrown into the juvenile legal system as "disruptive behaviors,

[196] Roland, M. (2024, July 15). State eyes new youth detention facility for offenders with 'severe mental health and behavioral health needs' amid strain at Green Hill School. *The Chronicle*. https://www.chronline.com/stories/state-eyes-new-youth-detention-facility-for-offenders-with-severe-mental-health-and-behavioral,345907

[197] VandenWallBake, R. (2013) Considering Childhood Trauma in the Juvenile Justice System: Guidance for Attorneys and Judges, *American Bar Association*, citing *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System* [Blueprint for Change]. 2007.

aggressive behavior, and substance use are criminalized rather than treated in the U.S.

It is important to note that there is no causation between mental illness and criminality. Thus, studies analyzing the incidence of mental illness in young Washingtonians are correlational studies. There is nothing to show that there is a causal relationship between criminality or propensity for criminal activity and mental illness. These studies actually illustrate how the juvenile legal system criminalizes mental illness instead of treating it.

Although the work to treat incarcerated youth with mental illness is on a positive path within the state of Washington, there is still a lot of work to do to support them after incarceration and prevent them from reentry after release. There is even more work to do to prevent their entry into the juvenile legal system altogether.

Beyond being improper for youth with mental illness, incarceration can actively harm them. A study from the National Institute of Justice found that juvenile detention and correctional facilities negatively impact these young people because of issues like overcrowding, a lack of available treatment and services, and separation from support systems (such as family members and friends). In addition, for juveniles in correctional facilities, being placed in solitary confinement or restrictive housing also has the potential to worsen mental health issues.[198] A decline in mental health is not the only negative outcome of youth incarceration.

In Washington State, a 2020 study found that every additional day spent in detention increased the odds of felony recidivism by one percentage

[198] Intersection between Mental Health and the Juvenile Justice System, *Office of Juvenile Justice and Delinquency Prevention*, July 2017. https://files.eric.ed.gov/fulltext/ED590855.pdf

point[199]. Another study from the same year examined the impact of pretrial detention in 46,000 juvenile cases and found that detention is associated with a 33% increase in felony recidivism.[200] A 2019 study found that incarceration in a juvenile detention facility reduced the likelihood of graduating from high school by 28%.[201]

While mental illness remains a heavily discussed area of concern for those in positions of power within the state, there is an overrepresentation across the board for all disabilities. Yet, discussion of youths with other disabilities is rare. In the next section, we will look at the experience of youths with intellectual and developmental disabilities within the carceral system.

Youth with Intellectual and Developmental Disabilities (I/DD) in detention

While there is a growing attention to the plight of young people within the juvenile legal system, the research, data, and work around the experiences of youth with intellectual and developmental disabilities remains scarce.[202]

One of the most notable gaps in research and services exists for youth with Fetal Alcohol Spectrum Disorder (FASD). As far back as 1996, there has been reliable data showing that people with Fetal Alcohol Syndrome are overrepresented in the criminal legal system.[203] An August 1996 study from

[199] Walker, S. C., & Herting, J. R. (2020). The impact of pretrial juvenile detention on 12-month recidivism: A matched comparison study. Crime & Delinquency, 66(13-14), 1865-1887
[200] *Id*
[201] Gertseva. A., & McCurley, C. (2019). Education Outcome Characteristics of Students Admitted to Juvenile Detention. Olympia, WA: Center for Court Research, Administrative Office of the Courts.
[202] The Arc's National Center on Criminal Justice and Disability (NCCJD), Violence, Abuse and Bullying Affecting People with Intellectual/Developmental Disabilities (Washington, D.C.: The Arc, 2015). https://thearc.org/wp-content/uploads/2019/07/15-037-Juvenile-Justice-White-Paper_2016.pdf
[203] Streissguth, A.P.; Barr, H.M.; Kogan, J.; et al. 1996. Final Report: Understanding the Occurrence of Secondary Disabilities in Clients With Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE). Seattle: University of Washington Publication Services.

the University of Washington School of Medicine that analyzed the experiences 473 clients who primary disabilities were associated with Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) found that of 14% of participants ages 6 to11 years old have had trouble with the law[204] and the rates are even higher for adolescence and adulthood (61% and 58%, respectively).[205]

Eight years after this study was published, a study was conducted on availability of screening and diagnostic services to identify offenders with FAS and staff training needs related to FAS by analyzing data obtained from 54 correctional entities in the U.S. They found that "**one**[206] program (1.9% of the survey respondents) reported having a screening program for FAS in the corrections system. Only **four**[207] programs (7.4%) reported having access to diagnostic services for FAS in the corrections facilities."[208]

More recent research findings have reported that FASD occurs among children involved in the juvenile legal system up to 40 times more often than the general population.[209]

Despite the implications for the judicial system, there are no universal systems of screening and assessment in place for FASD, leaving the initial identification of this issue in the hands of judges, attorneys, caseworkers,

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[204] In this study, trouble with the law was defined as reported interactions with police, authorities, or the judicial system for clients of any age.

[205] Streissguth, A.P.; Barr, H.M.; Kogan, J.; et al. 1996. Final Report: Understanding the Occurrence of Secondary Disabilities in Clients With Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE). Seattle: University of Washington Publication Services.

[206] emphasis added

[207] emphasis added

[208] Burd, L., Selfridge, R., Klug, M., & Bakko, S. (2004). Fetal alcohol syndrome in the United States corrections system. *Addiction Biology*. https://doi.org/10.1080/13556210410001717060

[209] Brown, J., Lewis, D. S., Kivisalu, T., Wartnik, A. T., Carter, M. N., Harr, D., Jozan, A., & Gilbert, D. J. (2024). Fetal alcohol spectrum disorder (FASD) and the criminal justice system: A guide for legal professionals. *International Journal of Law and Psychiatry*, *94*. https://doi.org/10.1016/j.ijlp.2024.102029 citing Flannigan K, Pei J, Stewart M, Johnson A. (2018) Fetal Alcohol Spectrum Disorder and the criminal justice system: A systematic literature review. *Int J Law Psychiatry,* 42-52. doi: 10.1016/j.ijlp.2017.12.008.

and advocates for children.[210] In fact, because so little work has been done to improve the screening process for intellectual and developmental disabilities like FASD, there is no available data on how many youth with I/DD are currently entangled in the juvenile legal system.

In fact, anecdotal evidence shows that there may be children with I/DD in the juvenile detention system who are there simply because there is no place for them in the child welfare system.[211]

Youth with Learning Disabilities in Detention

As previously established, there are no consistent or exact statistics on youth with disabilities in the juvenile carceral system; however, there are numerous studies and reports demonstrating a clear and significant relationship between disability status and juvenile legal system involvement.[212] Sadly, just like youth with I/DD, these reports seem to indicate that learning disabilities are among the most prevalent disabilities in the incarcerated youth population.[213]

"Although data is difficult to obtain, estimates of incarcerated youth who have a learning disability range from as low as 30% to as high as 85%."[214] Despite this overrepresentation[215] of youth with learning disabilities

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[210] *Fetal Alcohol Spectrum Disorders: Implications For Juvenile And Family Court Judges* (2015) Reno, NV:National Council Of Juvenile And Family Court Judges. Technical assistance brief. National Council of Juvenile and Family Court Judges.

[211] Grau, K. (Director). (2014). *Children of the Dumping Ground* [Film]. Calamari Productions. [Real Stories]. (2024, October 19). *14-Year-Old with Special Needs Trapped in Maximum Security Prison* [Video]. YouTube. https://www.youtube.com/watch?v=ZFfOcAFMj2o

[212] Snydman, J. (2022). Unlocking futures: Youth with learning disabilities and the juvenile justice system. Washington, DC: National Center for Learning Disabilities.

[213] *Id.*

[214] *Id citing* Henning, K. (2021). *The rage of innocence: How America criminalizes Black youth*. Pantheon Books

[215] According to the Learning Disabilities Association of America, in the general population, an estimated 1 in 5 children (20%) in the US have a learning disability. *The State of Learning Disabilities:*

in the juvenile legal system, trainings for juvenile legal system personnel regarding their work with youth who have disabilities, particularly learning disabilities, is scant. A 2005 survey of juvenile detention and court services personnel showed that less than two-thirds (62%) of respondents had received training about persons with disabilities, and less than half (47%) had received training about persons with learning disabilities.[216]

This lack of training is evident in the state of the educational system within juvenile detention facilities. There are several reports of inadequate education services for incarcerated youth with learning disabilities.[217] Documents from a 2021 class action suit in Washington, DC, *Charles H. v. District of Columbia*[218] show that incarcerated youth with Individualized Education Plans (IEPs) have to file suit against the Office of State Superintendent of Education (OSSE) to compel them to provide the incarcerated youth with proper instructions. The lawsuit was not settled until December of 2023, and incarcerated students were deprived of their education and services from March 2020 to September 2023.[219]

While a lot of evidence can only point to a correlational relationship between disability, age, and incarceration, there is strong anecdotal evidence that there also exists a causal relationship, as there are instances where the court system is being utilized to incarcerate youth for acts that are a direct result of their disability. For example, at the height of the COVID-19

Understanding the 1 in 5 (2017) , National Center for Learning Disabilities (NCLD). https://ldaamerica.org/lda_today/the-state-of-learning-disabilities-today/

[216] Child & Youth Care Forum, 34(1), February 2005 2005 Springer Science+Business Media, Inc. 27 DOI: 10.1007/s10566-004-0880-x

[217] Snydman, J. (2022). Unlocking futures: Youth with learning disabilities and the juvenile justice system. Washington, DC: National Center for Learning Disabilities.

[218] Charles H., et al., v. District of Columbia, et al., Civil Action No. 1:21-cv-00997 (CJN).

[219] (2025, April 1). *Case: Charles H. V. District of Columbia 1:21-cv-00997 | U.S. District Court for the District of District of Columbia*. Civil Rights Litigation Clearinghouse. https://clearinghouse.net/case/43556/?doc_page=2#document-list

pandemic, in June of 2020, a Michigan judge sent a teenager with Attention-Deficit/Hyperactivity Disorder (ADHD) to juvenile detention for a violation of probation offense that resulted from her being unable to complete her remote school work.[220]

The work to stop the proliferation of youth with disabilities in the criminal legal system requires a lot of work, which includes not just the court system but also child welfare services and a variety of other essential actors. The first and most important step might be to obtain an accurate count, or at the very least, a realistic estimate of how many young people with disabilities are being thrust into the juvenile legal system annually.

The review of the information available on youth with disabilities tells a story of a lack of data collection and an absence of research analyzing the longitudinal impact of youth incarceration.

Parents With Disabilities In The Court System

Parents with disabilities are often disproportionately involved in the family policing system. The "family policing system" is defined as "a complex network of public and private entities that police families for actual, perceived, and future child maltreatment. Families usually become involved with the system after an allegation of child abuse or neglect is made against them, often by mandated reporters, such as teachers, childcare providers, healthcare professionals, social service providers, and professionals working

[220] 86 Cohen, J. S. (2020, July 14). A teenager didn't do her online schoolwork. So a judge sent her to juvenile detention. *ProPublica*. https://www.propublica. org/article/a-teenager-didnt-do-her-online-schoolwork-so-a-judge-sent-her-to-juvenile-detention

with children, who are legally required to report suspicions of child maltreatment."[221]

A study analyzing Washington state administrative data found that 22% of mothers with intellectual or developmental disabilities were reported to the family policing system within one (1) year of birth, and 36% were reported within four (4) years. Conversely, only 6% of mothers without intellectual disabilities were reported to the family policing system within one (1) year of birth, and only 10% within 4 years.

Parents with disabilities are also more likely than parents without disabilities to have their children taken away by the family policing system. For example, in WA state, 7% of mothers with intellectual or developmental disabilities had their child removed by the family policing system within the first year, and 9% by the fourth year. On the other hand, less than 1% of infants born to mothers without intellectual or developmental disabilities faced removal in the first year, and only 2% by the fourth year.[222]

Contact with the family policing system may stem from prejudiced attitudes about the ability of parents with disabilities to care for their children. A study from 2022 found that "forty-two states and the District of Columbia include parental disability as grounds for termination of parental rights in their laws." RCW § 13.34.180 (2022) states:

> "A parent's failure to substantially improve parental deficiencies within 12 months following entry of the

[221] Slayter, E. & Powell, R. (2023). "Chapter 6: An Overview of Disabled Children and Parents in the Family Policing System." In Social Work Practice and Disability Communities: An Intersectional Anti-Oppressive Approach. Salem State University/Pressbooks. https://pressbooks.salemstate.edu/disabilitysocialwork/chapter/chapter-6-family-supports/

[222] Rebecca Rebbe, Sharan E. Brown, Rebecca A. Matter & Joseph A. Mienko, Prevalence of Births and Interactions with Child Protective Services of Children Born to Mothers Diagnosed with an Intellectual and/or Developmental Disability, 25 Maternal & Child Health J. 626, 629, 630 tbl.3 (2021).

> dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future."

These "parental deficiencies" include intellectual disabilities, psychiatric or emotional disabilities, and substance use disorders.[223] Contact with the family policing system has been shown to have a deleterious effect on both parents with disabilities and their children. Often, when children are removed from their parents, they are placed in the foster care system. Studies have shown that placement in foster care is a strong indicator of incarceration in adulthood.

The Bureau of Justice Statistics reported in 2016 that close to one-fifth (20%) of the prison population in the United States consists of former foster children.[224] Additionally, studies have found that about 70% of youth who exit foster care as legal adults are arrested at least once by age 26.[225]

Indigenous People and the Washington Court System

According to the Governor's Office of Indian Affairs, Washington has twenty-nine (29) Tribal courts and one (1) Intertribal court. These courts are located on the 29 federally recognized tribes in the state.

Being a member of one of these federally recognized tribes does not guarantee that Indigenous Washingtonians will not have contact with the state or federal carceral system. In addition to other factors, complex

[223] RCW 13.34.180
[224] BJS. 2016. Bureau of Justice Statistics Survey of Prison Inmates.
[225] Courtney, M, A Dworsky, A Brown, C Cary, K Love, V Vorhies, and Chapin Hall. 2011. "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26."

jurisdictional issues have resulted in the overrepresentation of Indigenous people in the state criminal legal system.

Studies show that "it is not unusual for multiple law enforcement agencies to patrol the same reservation lands, often causing a single incident to be charged in more than one jurisdiction. It is not unusual for a person to have pending charges in tribal, state, or local courts of limited jurisdiction, each with court appearances and multiple release requirements."[226]

This practice can lead to confusion and cause Indigenous defendants to inadvertently fail to appear in court or follow certain rules set by the courts.[227] Further, this multi-jurisdictional, convoluted process can be even more difficult to maneuver for Indigenous persons with disabilities. See *Appendix D* for a chart highlighting criminal jurisdiction for crimes on Indigenous reservations.[228]

This complex jurisdiction system and a history of systemic violence and abuse against Indigenous Washingtonians by the state of Washington and the federal government have resulted in the disproportionate criminalization of Indigenous Washingtonians. This overrepresentation within the criminal legal system is one of the many injustices that have created a strained and difficult relationship between the court system and Indigenous Washingtonians.[229] Though recent case law seems to show a movement towards some respect for the self-determination of Indigenous Tribes in the

[226] Fox, D.L., Hansen C.D., Miller, A.M., Over-Incarceration Of Native Americans: Roots, Inequities, And Solutions, Safety + Justice Challenge Report (2022). https://safetyandjusticechallenge.org/wp-content/uploads/2022/07/OverIncarcerationOfNativeAmericans.pdf
[227] *Id.*
[228] For a detailed breakdown of the jurisdictional issues in the satate of Washington, *see* Robert T. Anderson, Negotiating Jurisdiction: Retroceding State Authority over Indian Country Granted by Public Law 280, 87 Wash. L. Rev. 915 (2012), https://digitalcommons.law.uw.edu/faculty-articles/385
[229] Fox, D.L., Hansen C.D., Miller, A.M., Over-Incarceration Of Native Americans: Roots, Inequities, And Solutions, Safety + Justice Challenge Report (2022). https://safetyandjusticechallenge.org/wp-content/uploads/2022/07/OverIncarcerationOfNativeAmericans.pdf

state, centuries of oppression and continuous criminalization of Indigenous people have resulted in intergenerational trauma, widespread distrust in the state, and a well-founded fear of further victimization.

While the historical context explaining the mistrust in the state by Indigenous people starts as far back as the arrival of European settlers on Indigenous land, and continues with centuries of abuses, including the late 19th century era of “Indian boarding schools” and forced assimilation, the abuses of jurisdictional powers that are used to criminalize Indigenous people are relatively recent.

In the 1950s, Congress passed Public Law 280 (“PL 280”), granting some states a measure of jurisdiction over Indian country[230] without Tribal consent. The law is a heavily criticized piece of legislation that leaders in Indigenous communities have vehemently opposed since its passage as an infringement of the sovereignty of the Tribes.[231] “Public Law 280 required six states to assert jurisdiction over Indian country, and opened the door for other states to do the same if they wished. It provided no role for the affected Tribes in state decisions to assert jurisdiction.”[232]

In 1963, Washington State asserted jurisdiction over Indian country. The Washington Supreme Court upheld this complex arrangement in *Washington v. Confederated Bands and Tribes of Yakima Indian Nation.*[233]

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[230] 18 U.S.C. § 1151defines Indian Country as: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities ... and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same."

[231] Robert T. Anderson, Negotiating Jurisdiction: Retroceding State Authority over Indian Country Granted by Public Law 280, 87 Wash. L. Rev. 915 (2012), https://digitalcommons.law.uw.edu/faculty-articles/385.

[232] *Id.*

[233] Washington v. Confederated Bands and Tribes of Yakima Indian Nation, 439 U.S. 463 (1979).

The racist intent behind PL 280 was clearly documented in its legislative history, which made it clear that "the foremost concern of Congress at the time of enacting PL 280 was lawlessness on the reservations and the accompanying threat to Anglos living nearby."[234]

This historical legacy has led to an alarming disproportionate representation of Indigenous people in the Washington prison system. 2023 Data from the Washington State Center for Court Research shows that the number of Indigenous Americans with charges filed against them in Washington's courts last year was about two times greater than their share of the state's population.[235] For Indigenous women, the disparity was even larger, at around three times their share of the population.[236]

State data on incarceration extracted from the U.S. Bureau of Justice Statistics, assembled and published by the Prison Policy Initiative in 2021, shows that Washington incarcerated Indigenous people at more than six times the rate of White people.[237]

This phenomenon does not only exists in the adult system. In the U.S., Indigenous youths are incarcerated within the juvenile legal system at a rate higher than White, Hispanic, and Asian youths combined.[238]

Despite these known disparities in the prosecution and incarceration rates, the well-documented history of systemic violence and the intergenerational trauma in Indigenous Nations, no comprehensive data is

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[234] Robert T. Anderson, Negotiating Jurisdiction: Retroceding State Authority over Indian Country Granted by Public Law 280, 87 Wash. L. Rev. 915 (2012), https://digitalcommons.law.uw.edu/faculty-articles/385.
[235] https://www.courts.wa.gov/content/research/index_SWdash.html
[236] *Id.*
[237] State-level criminal justice data :Washington https://www.prisonpolicy.org/data/#state
[238] The comparisons between the incarceration rates of youth are based upon the analysis of data from the National Center for Juvenile Justice by the Prison Policy Initiative based on data. Easy Access to the Census of Juveniles in Residential Placement and Easy Access to Juvenile Populations (2019 data). (Graph: Leah Wang, 2021). Youth confinement by race., Prison Policy Initiative.https://www.prisonpolicy.org/graphs/youth_confinement_byrace_2019.html

available on the rate of incarceration of Indigenous people with disabilities nationally or in the state of Washington.

Conclusion

This literature review explored the critical and often overlooked experiences of people with disabilities in the Washington State court system. We began by situating the experience of individuals with disabilities within the broader legal and civil rights framework. Despite the historic advances of the ADA and related legislation, the recognition of people with disabilities as full and equal participants in the legal system remains largely aspirational. The review illustrated how disability law, codified in major form in the past 35 years, has struggled to keep pace with the layered realities of those who experience multiple, overlapping forms of marginalization. This history is foundational; it reveals how policy rooted in compliance rather than justice has fallen short of meaningful inclusion.

GR 33 is often referenced as Washington's primary policy tool for ensuring court access for litigants with disabilities. Yet, as the review revealed, its application is uneven, under-resourced, and too frequently rooted in ableist assumptions or "ordinary common sense" judgments. This leads to exclusion by design, not by intent, but with equally harmful outcomes. The lack of court staff training, inconsistent implementation, and infrastructure deficits (particularly in rural counties) exacerbate this issue. Access to physical spaces and courtroom technologies remains inconsistent, with individuals with disabilities frequently encountering obstacles that render participation difficult or impossible.

The data highlighted the racial and demographic imbalances in jury composition, showing that POC and LGBTQIA2S+ individuals, particularly women, are underrepresented in jury pools. Individuals with disabilities face further exclusion due to criminalization, mental health stigma, or logistical barriers to participation. Consequently, the right to a jury of one's peers, which is foundational to the American justice system, is often denied to marginalized and people with disabilities. This undercuts not only the legitimacy of verdicts but also disables the legal system from reflecting the true diversity of the communities it serves.

Language access remains another critical failure point. While state and federal law mandate interpreter access, this is hindered by shortages of qualified interpreters, especially tactile or ASL interpreters in Eastern Washington. Delays caused by interpreter unavailability contribute to systemic inequity, particularly when litigants are encouraged to rely on family members as interpreters, compromising accuracy and privacy. Remote interpretation offers some promise but is limited by infrastructure, resource disparities, and judicial unfamiliarity.

Mental health courts were designed as a therapeutic alternative to incarceration, yet they too reflect the broader system’s struggles to provide meaningful accommodation. The legal presumption of competence often delays or denies treatment. Competency restoration delays highlighted in *Trueblood v. DSHS* created unconstitutional incarceration backlogs and disproportionately impacted Black, Indigenous, and low-income individuals with psychiatric disabilities. The system’s punitive design often criminalizes disability, poverty, and trauma rather than addressing root causes.

The literature confirmed what many advocates already know: meaningful access to representation is a privilege, not a guarantee, in many

civil and administrative proceedings. Although GR 33 theoretically allows for court-appointed attorneys for people with cognitive or psychiatric disabilities, the process is complicated, underused, and inconsistent. As demonstrated in *Weems v. State Board*, courts too often default to superficial assessments rather than conducting individualized evaluations of need. For minors and others under civil commitment, procedural protections are similarly neglected.

Perhaps the most powerful insight in this review is the systemic overrepresentation of people with disabilities as defendants, dependents, and detainees, and their underrepresentation as jurors, plaintiffs, and participants in justice-making processes. This imbalance is not accidental. It stems from the historical "othering" of disability and the failure to see people with disabilities as rights-bearing individuals capable of full civic engagement. Poverty, racism, immigration status, gender, and queerness all intersect with disability in ways that magnify exclusion and violence from the legal system. Yet most policy responses treat disability in isolation.

Financial obligations such as fines, fees, and bail entrench low-income people disabilities in cycles of court involvement. Even as Washington State has initiated reforms, monetary sanctions remain a form of carceral control, especially for those unable to work due to disability. Studies by the Vera Institute and others confirmed that LFOs (Legal Financial Obligations) provide minimal benefit to courts while producing profound harm to already-marginalized communities. Policies that extract wealth from people already experiencing systemic poverty not only fail but also violate human dignity.

A critical finding is the devastating impact of inadequate mental health services, especially on houseless populations with disabilities. Washington's

failure to comply with statutory mandates like the Involuntary Treatment Act, and its systemic disregard for mandated timelines, has led to prolonged, unlawful detention. The review chronicled how delays in competency evaluations, civil commitments, and access to treatment exacerbate psychiatric disability and reinforce the pipeline between untreated illness and incarceration. The courts, lacking sufficient beds or care pathways, serve as default providers of mental health services, essentially serving in a role for which they are neither trained nor equipped.

Finally, the review turned to the school-to-prison pipeline and the overrepresentation of youth with disabilities in the juvenile legal system. The data here are both clear and alarming: up to 70% of incarcerated youth have disabilities, and many have also experienced trauma, poverty, and system involvement through child welfare. This pipeline is a policy failure and a systemic indictment. Rather than receiving support and care, children with disabilities are punished for behaviors tied to unmet needs, further reinforcing cycles of trauma and criminalization.

In the next section, we will review some of the data from various agencies in an attempt to shed light on the prevalence of disability in the child welfare system, the adult department of corrections, and in the court system.

CHAPTER 2:
DATA REVIEW

Data Review

While the exact number of people with disabilities who interact with Washington courts annually is unavailable, some key data points are worth noting in this report. This section will examine existing data from courts and agencies that frequently engage with the justice system to better understand the experiences of people with disabilities in the state.

Review of Court Operations Data

Though limited in scope, this review of data provided by courts in Washington State as part of a statewide Disability Justice study offers some insight that should entice further curiosity into the needs and experiences of court users with disabilities. Despite the gaps in the data, it still highlights critical trends and areas for improvement in accessibility and support for court users with disabilities.

Methodology

This data was collected through a direct request from the court that owns the data. The research team had no control over the collection and storage of this data.

Data for this study was gathered through distinct channels. Court staff provided ADA and GR 33 data via email, responding to a request from the Disability Justice Task Force. This request was only sent to courts that had signed a memorandum of understanding to participate in the study. The KMG team received the raw disability data collected from the various courts in email format. It is understood that the courts collected this data from court

users mostly through self-disclosure or disclosure by an authorized third party (i.e., an attorney or relative).

The study also involved a comprehensive review of existing documents and data sources. This included analyzing court records, accommodation requests, and relevant demographic data to identify patterns and systemic issues related to accessibility. By examining accommodation requests, the research team assessed the types of accommodations frequently needed and evaluated the court's responsiveness to these needs. Demographic data helped in understanding the intersectionality of disability with other identities such as race, gender, and socioeconomic status.

The study included a request for disability-related policies in the court system. Only one court had extensive enough and court-specific policies that could be reviewed. These policies were reviewed to determine their effectiveness and alignment with Disability Justice principles.

Participants

At the onset of the study, the Disability Justice Task Force reached out to all of the courts in the state, asking them to volunteer to participate in the study. Twenty-two (22) courts agreed to participate in the study. In March of 2025, those twenty-two courts were sent a request for data on four main categories.

1. ADA accommodation requests received by your court.
2. GR 33 accommodation request for counsel received by your court.
3. Data tracking for accommodation requests
4. Data that your court may have collected related to disability of litigants.
5. The existence of a written accommodation request process.

6. Policies or training materials your court has developed related to disability accommodations.

Eighteen (18) of the twenty-two courts that were sent requests for data responded. This data set is from the eighteen courts in the state of Washington that responded to the Disability Justice Task Force's request for data on disability in the court.

Data

Of the 18 courts that responded to the data request, only one (5%) collected data on whether litigants had a disability. Four of eighteen (22.2%) had disability-related policies and materials specific to their court. Four courts (22.2%) tracked all accommodation requests and had a mechanism to store that data. One court only tracked requests that were made in writing.

Appointment of Counsel Request

Only two out of the eighteen courts tracked their request for counsel as an accommodation under General Rule 33, and these two courts received 224 requests over the last four years (January 2021 to March 2025).

Request for accommodation other than legal representation

Ten (10) out of eighteen courts (55.5%) had a written request for accommodations process. In three of these ten courts, the written request process had been in place for less than one year.

Nine out of the eighteen courts reported receiving no requests for accommodations since 2019. One court reported having received two requests in the last 30 years.[239]

The nine courts that reported having received requests for accommodations since 2019 received a total of 770 requests for accommodations.

Of all the courts that responded to the request for data, only one had collected and tracked data for all four categories and had a written process and disability-related policies.

Analysis

Despite its limitations, this data provides a wealth of information. The most apparent conclusion is the acute need to accurately capture the number of people with disabilities who make contact with the court system. The number of people with disabilities using the Washington court system captured during the data analysis is implausibly less than the estimated average of people with disabilities who make contact with court systems in the U.S.

Additionally, the data shows a positive correlation between data tracking and accommodation requests. All of the courts that established processes for tracking requests for accommodations had higher rates of accommodation requests. The same is true of courts that had written requests for accommodation processes; every court that had exact data on the number of accommodations also had a written process for requesting accommodations.

[239] emphasis added

Lastly, though very small, the data on GR-33 request for appointment of counsel seems to indicate that there is a great demand for legal representation for litigants with disabilities in the courts.

Review of Court Case Data

Another dataset that was analyzed as part of the study is dismissal due to incompetence by the courts and requests for American Sign Language (ASL) interpretation made by court users in criminal proceedings.

This was the only dataset within the Administrative Office of the Courts that could provide some insight into the number of people with *specific* disabilities who made contact with the court system.

Methodology

This data was from the Administrative Office of the Courts. The Administrative Office of the Courts' statewide database tracked the following information from the courts.

While it does not collect information on whether every single litigant in court proceedings have a disability, it does track the average number of people with an infraction or criminal case filing in each court quarterly, those with an infraction or criminal case filing requesting ASL or CART interpretation quarterly and the quarterly average number of people with a DII (Dismissed due to Incompetency) disposition by court.

This data was collected and analyzed over the last seven (7) years, with data from January 2018 to March 2020 marked as pre-COVID and data from October 2020 to June 2024 marked as post-COVID. The data from April 2020 to September 2020 was excluded.

One of the major limitations of this data set is that it excluded data from all the state's Superior Courts because the number of requests for ASL interpretations and the number of overall cases filed in the various superior courts in the state were not part of the dataset provided.

Data

In the four years following the COVID-29 pandemic (October 2020 to June 2024), 29,917 cases were filed in the district, county, and municipal courts in the state. Before the COVID-19 pandemic (from January 2018 to March 2020), there were 43,000 cases.

In the pre-COVID period (26 months), there were 25 requests for ASL interpretation, and in the post-pandemic period (44 months), there were 16 requests. Post-pandemic, ASL interpreters were requested in 0.053% of cases, and pre-pandemic, they were requested in 0.058% of cases.

In analyzing the average dismissal due to incompetency, pre-pandemic, 498 cases (1.15% of cases) were dismissed due to incompetency, and post-pandemic, 321 cases were dismissed due to incompetency, which is 1.07% of cases.

In two major counties in the state, the percentage of cases dismissed due to incompetence significantly increased despite a significant decrease in cases filed. For one county, though the number of cases filed in the 44 months post-pandemic was 1,295, compared to 1,667 cases in the 26 months pre-pandemic, the percentages of cases dismissed due to incompetency were 1.77% and 0.65%, respectively. Thus, the percentage of cases dismissed due to incompetence nearly tripled.

In the other county, the number of cases filed in the 44 months post-pandemic was 2,824, compared to 3,818 cases in the 26 months pre-

pandemic. The percentage of cases dismissed due to incompetency post-pandemic was 3.08% and pre-pandemic was 1.1%

Analysis

The data pre- and post-pandemic is consistent *on average* for the courts in the state of Washington. However, for the two counties that were outliers, there is a need for further analysis of the factors that might have contributed to these numbers. These numbers are not inherently bad or reflective of an issue, as factors like better screening for incompetence, increased challenges with mental health associated with the hardships related to COVID-19, and a broader interpretation of what constitutes incompetence by the courts.

Further, one of those counties was affected by the Trueblood settlement rollout,[240] which might have resulted in this data. It is also not improbable that several counties throughout the state started making adjustments in light of the settlement and the rollout, even if they were not part of the rollout.

In short, nothing in our study can conclusively explain why the data for these two specific counties changed so drastically pre- and post-COVID. However, it does present an opportunity for further research and inquiry about the changes that were implemented pre- and post-pandemic that might have led to it.

[240]https://www.dshs.wa.gov/bha/trueblood-et-al-v-washington-state-dshs#:~:text=What%20is%20Trueblood,issues%20raised%20in%20the%20lawsuit.

Washington State Department of Youth and Families (DCYF) Data

Data from the Washington State Department of Youth and Families Services was reviewed and analyzed to determine the prevalence of youth with disabilities in the Washington Child Welfare system.

Methodology

This data was sent to the Disability Justice Task Force from the DCFY via email in Excel Spreadsheet format following a request for information about youth with disabilities who are under the care of DCFY in its various capacities (in residential[241] and non-residential settings).

Three data sets were provided to the Taskforce for this report, and two were analyzed. Formatting issues and the incompletion of the last set made it impossible to extract usable data.

The first dataset related to the prevalence of disabilities at four of the facilities under DCFY's jurisdiction.

DCYF oversees two Juvenile Rehabilitation facilities and Juvenile Rehabilitation Parole services at eight community facilities in Washington State. Data related to the prevalence of disabilities from September 2022 to October 2023 at four of those facilities was provided. The DCYF removed all personal information of the youth prior to disclosure.

The second dataset provided two tables with demographic data, DD services (developmental disabilities) eligibility, and placement information for youth in DCFY's care.

[241] Facitlities that house youth in the custody of the juvenile legal system are referred to as residential facilties in the state of Washignton.

Data

Dataset 1

The percentage of youth with physical and developmental disabilities at those facilities was as follows: Facility 1 - 30.44%, Facility 2 - 18.88%, Facility 3 - 14.45%, and Facility 4 - 8.34%

Though the DCFY did not disclose the gender identity of the young people with disabilities, it is important to note that of the four facilities, only two of them housed girls, and those were the two with the highest percentage of youth with disabilities.

Dataset 2 (Race and Detention)

This data allowed for several points of comparison. However, for this report, the analysis was limited to “Detention” as a place, race, and sex of youth.

Table 1

Table 1: Race and Detention

AI/AN	AI/AN Multi	Asian/PI	Black	Black Multi	Hispanic	Other Multi	White
0.9%	0.2%	-	0.3%	0.9%	0.5%	-	0.1%

Table 1: Sex and Detention

Female	Male
7	16

0.20%	0.44%

Table 2

Table 2: Race and Detention

AI/AN	AI/AN Multi	Asian/PI	Black	Black Multi	Hispanic	Other Multi	White
0.37%	0.19%	0.57%	0.27%	0.83%	0.47%	-	0.18%

Table 2: Sex and Detention

Female	Male
6	22
0.13%	0.48%

Analysis

Dataset 1

These findings seem to run counter to well-established research that shows that boys are more likely than girls to be diagnosed with disabilities, particularly developmental disabilities[242], which then raises the question of whether or not boys within these facilities are undiagnosed and underdiagnosed. Several factors might result in this surprising trend, such

[242] Zablotsky B, Ng AE, Black LI, Blumberg SJ. Diagnosed developmental disabilities in children aged 3–17 years: United States, 2019–2021. NCHS Data Brief, no 473. Hyattsville, MD: National Center for Health Statistics. 2023. DOI: https://dx.doi.org/10.15620/cdc:129520.

as lack of diagnosis, misdiagnosis, nondisclosure due to stigma, and lack of resources. Nevertheless, it needs to be analyzed.

Further, no data was provided on what happened to the youth after they exited these programs. Collecting data and analyzing at exit is a crucial component of interrupting the pipeline from juvenile detention to adult incarceration, as it would be the starting point for any longitudinal study on the risk factors for entry into the adult system, the effectiveness of post-detention support, the consequences of lack of support post-detention, and so many others.

Dataset 2

Though the overall percentage of youth with placement in detention is noticeably low, there are some glaring disparities between white youth and youth of color.

Table 1

In the first table, when reviewing the data on race, American Indian/Alaska Native (AI/AN) and Black multiracial youth were nine (9) times more likely than their White counterparts to be in detention. Compared to White youth, Hispanic youth were five (5) times more likely, followed by Black youth who were three (3) times more likely, and multiracial AI/AN being twice as likely to be in detention. Of all the non-White youth in detention, no single racial/ethnic group had rates that were similar to those of their White counterparts.

It is important to note, however, that according to this table, no Asian/Pacific Islander and multiracial (other than Black and AI/AN) youth had placement in detention.

When comparing placement in detention and sex in the same table (Table 1), it shows that youth whose sex was marked as “male” were 2.2 times more likely to be in detention than “females.”

Table 2

In the second table, when looking at the data on race, Black multiracial youth were 4.6% more likely than their white counterparts to be placed in detention, followed by Hispanic youth at 2.6 times more likely, Black youth were 1.5 times more likely, Asian/ Pacific Islander were 3 times more likely, and lastly, American Indian and Alaska Native were twice as likely as their white counterparts to be in detention.

In this table, of all the non-White youth who were in detention, only multiracial American Indian and Alaska Native had numbers that were similar to those of their White counterparts. It is important to note however, that the data from this table shows no multiracial youth (other than Black and AI/AN multiracial) were placed into detention.

When comparing placement in detention and sex in that same table (Table 2), it shows that youth whose sex was marked at “male” were 3.7 times more likely to be in detention than “females.”

Combining the data from both tables, Black, multiracial, American Indian and Alaska Native, and Hispanic youths led the number of youths with placement in detentions in the state.

Washington Department of Corrections (DOC) Data

The Washington Department of Corrections (DOC) maintains fairly detailed records of the disabilities of the persons in their custody. This information is also broken down by type of disability, race, gender, age, and

education level. The complete dataset was reviewed. However, this report will provide a limited analysis of race and disability.

Methodology

This data was sent to the Disability Justice Task Force from the DOC via email in Excel Spreadsheet format following a request for information about incarcerated persons with disabilities. The DOC provided an Excel spreadsheet with the following tabs: "Definition of PULHES Codes, Summary by No. of PULHES Codes, Disability by Categories 1, Disability by Categories (2), Multiple Disability by Combination, Gender, Hispanic Status, Race, Education, and Age." Each tab included the data collected from incarcerated persons with disabilities into the listed categories.

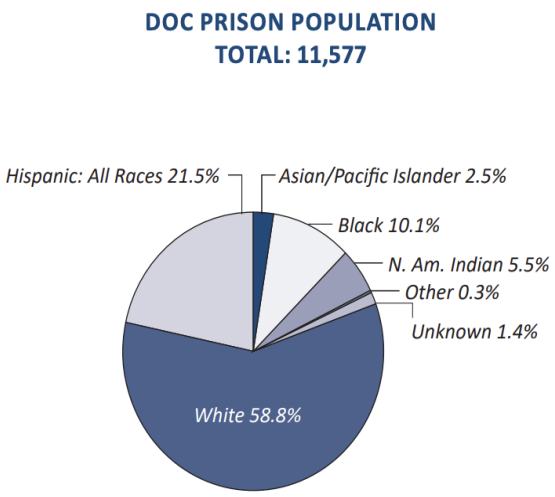
Data

Population of Inmates with Disabilities and Race

Offender Race	No.	%
Aleut	5	0.2
Asian/Pacific Islander	147	4.2
Black	649	18.6
North American Indian	211	6.0
Other	66	1.9
Unknown	16	0.5
White	2402	68.7
Total	3496	100

Analysis

For this report, the percentage of persons with disabilities in DOC custody by race was first compared to the overall population of persons in DOC custody, then compared to available demographic data of Washington state residents.



Racial Breakdown of DOC Prison Population Table[243]

The findings were that though Black people made up 10.1% of persons in DOC custody, they made up 18.6% of persons with disabilities. The U.S. Census Bureau reports that Black people make up only 4.7% the population in Washington state. Thus, there is a multi-layer overrepresentation of Black people both in the DOC prison population and in the number of incarcerated persons with disabilities.

Perhaps, even more interesting is the representation of disability in White Washingtonians. Though White people were underrepresented in the DOC prison population (White people make up 76.3% of the population of the state of Washington, but only 58.8% of the people in DOC custody), they are overrepresented in the population of inmates with disabilities.

Though White people only made up 58.8% of persons in DOC custody, they made up nearly 70% (68.7%) of the population of inmates with disabilities. The presence of disability increased the rate at which White

[243] https://doc.wa.gov/sites/default/files/2025-02/2022-0602-ethnicity-breakdown.pdf

people were represented in the DOC data to a number that is comparable to the percentage of White people in the state's general population.

CHAPTER 3: PHYSICAL ASSESSMENT

Physical Assessment

Executive Summary

While physical accessibility is not an outlined principle of disability justice, it is a key component to ensuring that all ten principles can be implemented. Accessibility is also a central theme of the ADA. Without ***proper*** physical access to the facilities where their cases are being heard, court users with disabilities are undoubtedly being denied full and fair access to justice.

This section of the report will summarize our assessment of six of Washington State's courthouses. The purpose of these accessibility assessments was to determine compliance with the ADA and recommend ways to improve accessibility beyond physical needs. This assessment is a key part of our Disability Justice study. The importance of people with various disabilities being able to enter and navigate the space where justice is administered cannot be overstated.

The accessibility assessment will differ from an ADA assessment and/or self-evaluation because it explores accessibility points beyond those outlined in the ADA.

The assessment includes three main components:

1. An assessment of the structure
2. An assessment of the processes and procedures
3. An assessment of the programs

Introduction

This assessment determined whether the courthouses in the state of Washington were accessible and designed in a way that would make it easier for court users with disabilities to maneuver.

Court participants often report that the legal system in the United States is stress-inducing and challenging to navigate. There are many procedures and practices that are unfamiliar to persons without legal training, and people with disabilities who are self-represented may experience even greater difficulties.

Studies[244] seeking to establish a correlation between morale and accessibility found that accessibility, when done improperly, is more damaging to the morale of persons with disabilities than plainly exclusionary spaces. With this in mind and understanding the stress that comes with having to deal with the legal system, the goal must not simply be to be ADA compliant but to accommodate court users with disabilities properly. This will require shifting from simple compliance to intentional disability inclusion and belonging practices. Within this framework, mere access is not sufficient.

Persons with disabilities must be able to navigate all spaces in the courthouse independently and without having to be subjected to the indignities of poorly manufactured modifications that leave persons with disabilities frustrated before even arriving in a courtroom.

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[244] Abby Arthur Smith, *"Not All Bathrooms Are Created Equal": Moral Experiences of Maneuvering in Inaccessible Infrastructure with Physical Disability*, 7 SSM—Qualitative Rsch. in Health 1 (2025) (citing R. Kitchin, *"Out of Place," "Knowing One's Place": Space, Power, and the Exclusion of Disabled People*, 13 Disability & Soc'y 343 (1998); R. Butler & S. Bowlby, *Bodies and Spaces: An Exploration of Disabled People's Experiences of Public Space*, 15 Env't & Plan. D: Soc'y & Space 411 (1997); V. Chouinard, *Making Space for Disabling Differences: Challenging Ableist Geographies*, 15 Env't & Plan. D: Soc'y & Space 379 (1997); R. Imrie, *Barriered and Bounded Places and the Spatialities of Disability*, 38 Urb. Stud. 231 (2001)).

An April 2025 research study by Abby Arthur Smith entitled “Not all Bathrooms are created Equal: Moral experiences of maneuvering in inaccessible infrastructure with physical disability”[245] analyzed the effects of environmental inaccessibility on persons with mobility-related disabilities. In the study, Smith shares that participants described maneuvering through two types of spaces: "denied” and “undignifying.” Denied space included obstacles that were impossible to overcome, such as buildings with stairs and broken elevators. Undignified infrastructure was formally “accessible” yet nonetheless inadequate. These two types of space produced overlapping yet qualitatively distinguishable forms of moral experience: both diminished [People With Physical Disabilities] PWPD’s sense of welcomeness, status, and dignity, but denied space did so through categorical exclusion, while undignifying space produced a marginalized sense of inclusion. Participants judged both types of spaces as unjust. Still, they felt more stigmatized by undignifying space than denied space, which Smith attributed to the fact that they were more able to maneuver through it, providing more opportunities to encounter its degrading features.

Undignifying accessibility features often positioned participants in “backstage” areas of public life, like back entrances, back alleys, and other infrastructure located along the periphery of buildings. Front stage areas, like beautiful dining halls and welcoming storefronts, are designed for public access; the old and dusty backstage areas are made to be kept private, sectioned off by walls and other thresholds (Goffman, 1959). Yet because dingy service elevators and back alley ramps are often used for accessibility

[245] *Id.*

purposes, PWPD were frequently directed into backstage spaces like kitchens and service entrances.

Denied space was defined by exclusion. Although such exclusionary infrastructures can be a marker of who materially and morally belongs (and who does not), participants' own descriptions of avoiding denied space usually did not indicate stigma or moral evaluation: they were simply offered as frank expressions of fact. [...]

However, implicit in many of these accounts is a subtle form of protest: By practicing avoidance, participants asserted their unwillingness to move through space which would harm and degrade their bodies[246].

Thus, mastering accessibility in the court system is more than complying with the law; it is acknowledging that because a courthouse is not a place where persons with disabilities have the autonomy to practice avoidance, accessibility must be done correctly. Every interaction with an improperly accessible courthouse or courtroom is an undignifying experience that takes a mental toll on persons with disabilities.

Accessible courtrooms and courthouses ensure that persons with disabilities have access to justice and the potential to preserve their dignity in the process.

Our team assessed the courthouses we visited with that lens. It was not just about ADA compliance but also about how each courthouse maximized its resources to ensure the dignity of court users with disabilities.

As such, the assessment considered what was present in the courthouses and courtrooms and what was not.

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[246] *Id.*

Ultimately, this assessment did not seek to answer the question, “Is this court ADA compliant?” Instead, it determined whether court users with disabilities in the state of Washington could maneuver the physical building, programs, and processes within the court with dignity and without frustration, even before dealing with the difficulties of their legal case.

Highlights

Major Disability Justice Points

- 0% prohibited emotional support animals (despite one courthouse having a "No Animals Allowed Except Service Animals" sign, staff reported that as of late, they have allowed all animals into the courthouse and courtroom to support people as needed).

- Three (3) courts had a well-staffed therapeutic court (which included therapists) staffed with people with knowledge of psychiatric disabilities.

- The court administrator at one of the courts visited disclosed that their documents for court users with disabilities were available in English and Spanish. This was done in response to the increased number of Spanish-speaking court users in recent years.

- Two of the courts had court facilitators who helped court users navigate the court system and understand the documents and forms required for their cases.

- One (1) court had a full-time court community resource coordinator who provided support with everything from food and cash benefits applications, housing support, completing court-mandated classes and programs, transportation, job applications, and more.



- Of the three courts with law libraries that were open to the public, two had printers anyone could use to print out forms or supporting evidence for their case free of charge, and one had a printer and copier. The other court had printers, but court users needed to pay to use them.

- Of the courts visited that were not on the first floor or had multiple floors, only one had several prominently displayed signs indicating the location of the area of rescue assistance for persons with mobility-related disabilities, such as wheelchair users, who cannot use staircases to evacuate in an emergency.





Both photos were taken in the same courthouse.

Disability Justice Areas Needing Improvement

- One-third of the courts had no clear signage indicating the entrance to the court.

- Two of the courts with an inaccessible main entrance did not have signs to indicate where the ramp was located.

- None of the courts visited had a quiet, low-sensory area where neurodivergent litigants and/or witnesses could seek reprieve.

- None of the courthouses reported that the lighting or temperature in the courtroom could be adjusted at the request of litigants with disabilities.

- Only two of the courts had a large, clearly displayed evacuation plan and route that was accessible. The other three courts had an evacuation route, but there was no plan for persons with mobility-related disabilities. One of the courts not only did not have a plan and route, but it also had no emergency exits.

- One court had no elevator access on Mondays because of an arbitrary rule created by the adjacent jail.

- During our assessment, a non-English speaking court user was turned away by court staff and instructed to “speak English”. This exchange occurred in front of the court sign entitled “Your Right To Interpretation”.

- During our assessment at one of the courthouses, our team, composed of

three women of color, was followed by law enforcement who was called to the courthouse by a person in the court.

- One court had a security protocol that separated people with disabilities from their mobility assistive devices.

Methodology

The team conducted an identical, two-hour assessment at each court. This began with a one-hour observational tour of the physical space. Utilizing the ADA Standards for Accessible Design from the U.S. Access Board (available at https://www.access-board.gov/ada/), the team evaluated several physical accessibility features, including the courthouse building, courtrooms, clerk's offices, parking areas, and the entry process and areas of the courthouses.

The second hour involved interviewing a court administrator, clerk, or ADA staff member. During these interviews, discussions covered programming, processes, funding, data, training requirements, and any disability-related concerns. To ensure uniformity across all courthouses, three KMG team members used a specialized physical accessibility checklist. This checklist was developed based on the ADA standards set by the U.S. Access Board but was specifically modified to extend beyond basic ADA compliance, incorporating additional accessibility considerations that benefit court users with disabilities affecting areas beyond mobility and communication.

Sample size and selection

The KMG Consulting team visited six (6) courthouses, a mix of urban, suburban, and rural courthouses on the eastern and western sides of the state to complete this physical assessment. The assessment was completed in two sections. The first section included courthouses on the state's eastern side which were assessed on March 12th and 13th. The second section included observations of courthouses on the western side of the state on April 10th and 11th.

Data Points

The accessibility team reviewed each courthouse using a detailed assessment checklist and divided our findings into four main categories.

Category 1: Courthouse Building

In the assessment of the courthouse building, the team considered the following features:

- Parking
- Access to public transportation
- Restrooms
- Signage
- Building access - ramps, lifts, measurements of entryways, doors, and hallways
- Emergency evacuation routes and systems

Category 2: Courtrooms[247]

For the courtrooms, the team looked at:

[247] *It is important to note that because of active court sessions, the team could not see every courtroom in the courthouse buildings, but were given* access to all empty courtrooms by court staff. Thus, any findings listed in this report related only to the courtrooms that the team visited.

- Accessibility features of jury boxes, witness stands, judge's bench, waiting areas, tables, gallery benches, etc.
- Lighting
- Jury deliberation rooms
- Proximity of the nearest low sensory area
- Positioning of the court bailiff or the law enforcement within the courthouse or courtroom.

Category 3: Communication & Full Participation

To assess communication and full participation, the team reviewed:

- Availability of auxiliary aids and services
- Availability of CART, qualified ASL interpretation, assistive devices, and technology.
- Foreign language interpretation
- Courtroom remote access set up for virtual appearance
- Document Accessibility
- Accommodation request processes

Category 4: Other key accessibility features & support processes

To assess other accessibility features and support processes, the team reviewed:

- Failure to accommodate complaint processes
- Self-help desk
- Availability of information about GR 33 and appointment of counsel in civil cases
- Availability of information about social services and resources
- Lactation Room
- Service animal relief area.

Limitations of the Methodology

There were a few noteworthy limitations to the observational part of the study.

Sample Size:

There are over 250 courts of varying sizes throughout Washington; our team only visited six of them. While the observations and findings made during this assessment are important, the sample size is not large enough to conclude that any of the issues observed are statewide. While our findings are conclusive regarding the locations visited, they cannot apply to the entire state of Washington.

While the team attempted to diversify the location and type of courts, the sample size is a significant enough limitation to be noted in the report.

Planned Visit:

As this was a quasi-observational study involving visual inspections, an unanticipated visit might have yielded more insights than the planned visits conducted by our team. However, because of the non-unified nature of Washington State's court system, our team could not acquire access to the facilities without informing court administrators and staff of our visit. The team only visited courthouses that signed a memorandum of understanding (MOU) with the Disability Justice Task Force.

Findings

The findings in the four categories listed in the data points section were divided by percentage.

With 0% meaning none of the six courthouses visited had the feature.

16.66% meaning one of the six courthouses visited had the feature.

33.33%, meaning that two of the six courthouses visited had this feature.

50% meaning three of the six courthouses visited had the feature.

66.66%, meaning that four of the six courthouses visited had this feature.

83.33 % meaning five of the six courthouses visited had the feature.

100% meaning all six of the courthouses visited had the feature.

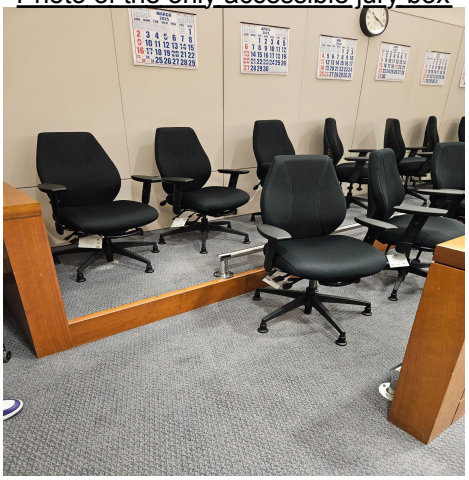
(0%) - Zero of the Six Courthouses Visited

- 0% of the courts collected information on whether litigants had disabilities.
- 0% of the staff members interviewed who were charged with responding to ADA and GR 33 requests had received disability training since 2020.
- 0% of the staff interviewed who were charged with responding to ADA and GR 33 requests reported having received mandatory disability training.
- 0% of the court staff interviewed reported that they were required to receive digital accessibility training post-COVID.
- 0% kept data on the number of requests for judges to waive legal financial obligations.
- 0% of the courts reported having a designated funding source for the appointment of counsel as an accommodation.

- 0% of the court administrators and staff interviewed could articulate the mandates of GR 33.
- 0% of the courthouses had a respite area for service animals.
- 0% of the court administrators and staff reported that their security personnel or entrance staff had received training on interacting with court users with disabilities. The court where the use of service animals is banned reported that staff had not been trained on what to do if a court user showed up with a service animal.

16.66% - One of the Six Courthouses Visited

Photo of the only accessible jury box

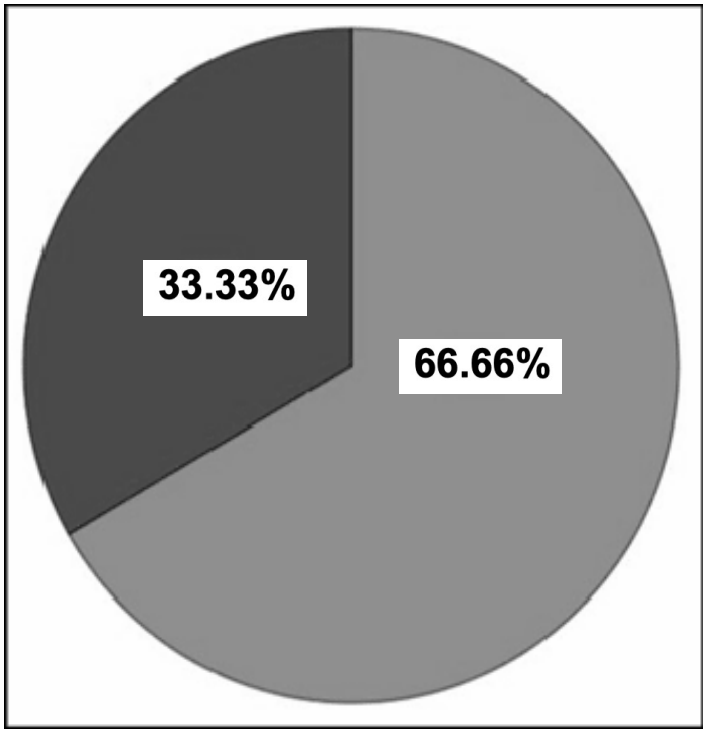


- 16.66% of the courtrooms visited had a wheelchair accessible jury box.
- 16.66% of the courthouses had elevators that audibly announced each floor. It is important to note that not all the elevators in that courthouse had that feature.
- 16.66% of the courthouses visited had a designated staff person whose job was to tend to people with disabilities exclusively.
- 16.66% of the courthouses visited had a wheelchair-accessible lactation area.
- 16.66% of the courthouses visited had an active prohibition against using service animals. It is important to note that this ban was not imposed by the court itself but by the county where the court is located.
- 16.66% of the courthouses visited had a designated area with staff to

supervised children of litigants during their proceedings.

- 16.66% of the courthouses had a designated community resource coordinator supporting court users with social service referrals, state-funded and federal benefits applications, and job searches.
- 16.66% of the court administrators and staff we interviewed knew tof the existence of an ADA access person within the Administrative Offices of the Courts could assist them with questions related to accommodations and accessibility.
- 16.66% of the courts visited offered free printing and copying services to litigants. Two others allowed printing, but court users had to pay.
- 16.66% of the courts visited could tell us unequivocally that their judge had granted every request for fee waiver received by the court. All the other court administrators and staff informed us that a fee waiver could be requested, but they did not believe that the judges granted all of them and did not track the requests or outcomes.
- 16.66% of the courts partnered with the local transportation authority to provide bus passes to court users who needed them.
- 16.66% of the courts visited had a prominently displayed map showing all the bus routes to the courthouse and a list of all the buses that stopped in front of the courthouse building. Court staff also reported that public transportation was free to all residents.
- 16.66% of the courts visited responded to court users with disabilities in writing about the outcomes of their requests for accommodations. It was also the only courthouse with a formal written complaint process if court users were dissatisfied with the outcome of their requests.
- 16.66% of courts visited had requests for accommodations in a language other than English.

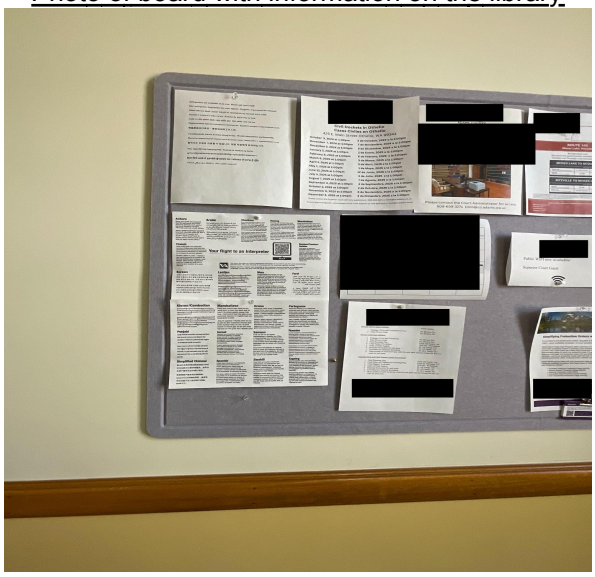
33.33% - Two of the Six Courthouses



- 33.33% of the courts visited had a process to address meltdowns and interruptions without law enforcement intervention.
- 33.33% had recently tested and updated their assistive listening devices.
- 33.33% of the courts had a visible ADA notice, but it was in English only, and no alternative format was available. One other court had the notice on its website.
- 33.33% of the courthouses visited had specific information for those needing substance use and housing support.
- 33.33% had at least one court facilitator to help unrepresented litigants navigate the court process

50% - Three of the Six Courthouses

Photo of board with information on the library



- 50% of the courts visited had a law library that litigants with disabilities could use. However, only one of them had a prominently displayed sign in the courthouse building informing court users of the presence of the law library. The others relied on court staff to inform court users of the presence of the law library.
- 50% of the courts kept data on the number of requests received and the number of accommodations provided, with two of the three starting that process in January 2025.
- 50% of the courts had a process where persons who are non-speaking could request accommodations independently.
- 50% of the courts had a court clerk who knew what to do if someone came in and requested an accommodation.
- 50% of the courthouses visited had open lactation rooms to the public, **but only one was wheelchair accessible.**
- 50% of the courts had a secured box where court users could drop off their payments to the court after hours and online. Of the three remaining courts, one allowed for online payments only.

66.66% - Four of the Six Courthouses

- 66.66% of the courts visited had information on various social services prominently displayed for members of the public.
- 66.66% of the courts had computers available to the public (but only 50% of them had computers that wheelchair users could use). One court without computers had an iPad that court users could use, but it was limited to accessing Zoom hearings only.
- 66.66% had outdated language referring to people with disabilities.

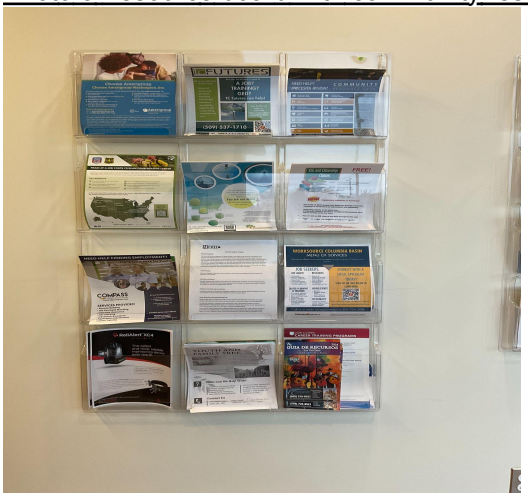
Photo of sign with outdated language



- 66.66% of the court had a partial accommodation request process that was documented and readily available at the clerk's window or office. Two of the four courts had a designated person who received and processed all requests for accommodations, and two of them not only had that process but also had a web-based form for people to request accommodations.

83.33% - Five of the Six Courthouses

Photo of resource board with community resources



- 83.33% of the courts visited said that making the appointment of counsel compulsory even for one person would have such a significant impact on their courts' budget that it would affect court operations.
- 83.33% had clearly displayed resource lists for the public to access. However, only 50% included both court and community-based resources.
- 83.33% of the courts had no restrictions on any type of animal (service, emotional support, or otherwise). However, the one courthouse with the ban on service animals had no sign alerting court users of the prohibition, and there was another court with a sign prohibiting non-service animals. However, they have not enforced it, and all animals are welcome.
- In 83.33% of the courts visited, court clerks were observed having courteous and positive interactions with court users and offering to help.
- In 83.33% of the courts visited, court visitors were not asked to part ways with their mobility assistive devices. At one court, visitors were told they could not gain entry into the facility unless they handed their mobility aid to court security and walked through the scanner.
- 83.33% had an ADA-compliant elevator (only 66.66% of courthouses had available elevators 100% of the time, and the one courthouse without elevators had a wheelchair lift.)

100% - All Six Courthouses

- 100% had a sign indicating the presence of assistive listening devices and had assistive listening devices on site.
- 100% had ADA-compliant accessible parking for vans and cars.
- 100% had at least one ADA-compliant restroom (available at least sometimes—one courthouse had the restrooms on the second floor, and its elevator was not available to the public 100% of the time).
- 100% reported being able to provide foreign language and ASL interpretation (the wait time for interpreters varied from same day to up to 3 weeks).
- 100% of the court administrators and staff interviewed expressed strong interest in training on disability.
- 100% of court staff reported that they have thought about accessibility more because of the COVID pandemic. However, 66.66% said the pandemic led to no significant change in how court users with disabilities are accommodated.

Observational Assessment Measurements & Findings

The requirements[248] for courthouse exterior follow.

1. Exterior Route

Requirement:

The exterior accessible route must be at least 36 inches wide, no steeper than a grade of 1:20 (for a ramp, a maximum grade of 1:12), and have a surface that is stable, firm, and slip resistant.

Findings:

100% of the courthouses had at least one exterior route that met these requirements.

2. Covered Passenger Drop-off Area

Requirement: Not required

Where a passenger loading/drop-off zone is provided, an access aisle that is 60 inches wide and the same length as the vehicle pull-up space must be provided adjacent and parallel to the zone.

Findings:

None of the courthouses had a covered drop-off area attached to the building. One courthouse had a partially **covered** passenger drop-off. Though all the other courthouses did not have a drop-off area, two of them had accessible parking attached to the building where a vehicle could safely stop and drop off a court user with mobility-related disabilities—they, too,

[248] It is important to note that the requirements may vary depending on when the building was built and whether it is considered an historical building. However, these requirements reflect what is necessarily for persons with disabilities to be fully accommodated and supported and thus are the optimal standard when conducting a disability justice assessment

were not covered. This was contingent upon the parking spaces being available when the passenger was being dropped off.

An uncovered passenger drop-off area means that on rainy and snowy days, all court users would get completely wet traveling from the curb to the courthouse building. This would be even worse for court users with mobility-related disabilities who may need additional time to travel from the drop-off area to the courthouse's entrance.

3. Courthouse Entrances

Requirements:

The following are the minimum requirements for accessible entrances:

At least 60% of public entrances must be accessible. Public entrances are those entrances that are not a service entrance or a restricted entrance.

All entrances from parking garages that provide direct pedestrian access between the garage and the building or facility.

At least one entrance from each tunnel or elevated walkway that provides direct pedestrian access.

At least one restricted entrance, which is an entrance that is made available for common use on a controlled basis, but not for public use, and that is not a service entrance.

At least one detainee entrance. Doors operated solely by security personnel are exempt from the specific requirements for hardware, opening force, closing speed, and automation. Only doors operated solely by security personnel qualify for this exemption. Entrance doors operated sometimes by security personnel and sometimes by employees or the public must meet all requirements for accessible entrances.

At least one entrance to each tenancy in the building or facility.

At least one service entrance if it is the only entrance to a tenancy.

At inaccessible entrances, signage is required to direct people to the accessible entrances.

Measurements:

Automated doors should be provided if the opening force at an entrance door is greater than 5 pounds.

When the door is open 90 degrees, the opening width of the accessible entrance door must be at least 32 inches between the face of the door and the stop.

Findings:

83.33% of the courthouses met this requirement. The one courthouse that did not meet the requirement had an opening force greater than 5 pounds and did not have automated doors.

One courthouse had an automated door system that utilizes a waving mechanism instead of the traditional push one, making access even easier.

It is important to note that one courthouse, with the accessible entrance located in the rear of the building and an inaccessible main entrance, had no signage directing people to the back of the building.

4. **Parking**

Requirement:

Accessible parking spaces are required based on the total number of parking spaces in each lot. Adjacent and parallel access aisles are also required.

Total Space	Accessible Spaces
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4

For every six parking spaces, there should be at least one (1) van accessible space.

Measurements:

Accessible parking:

Parking space = 8 feet wide | Access aisle = 5 feet wide

Van Accessible parking:

Parking space = 11 feet wide | Access aisle = 5 feet wide OR

Parking space = 8 feet wide | Access aisle = 8 feet wide

Findings:

100% of the courthouses had enough accessible parking spaces for vans and cars with access aisles that were the correct measurements. All the spaces were clearly marked as accessible parking spaces.[249]

Requirements for Courthouse Interior[250]:

1. **Interior Route**

Requirement:

[249] It is important to note that the parking space at one courthouse was marked using signage that used the outdated term for "disabled."

[250] It is important to note that the requirements may vary depending on when the building was built and whether it is considered an historical building. However, these requirements reflect what is necessarily for persons with disabilities to be fully accommodated and supported and thus are the optimal standard when conducting a disability justice assessment.

At least one accessible route is required to connect all accessible elements and spaces in the building.

Measurements:

Doors must have a clear width of 32 inches.

Floor surfaces must be firm, stable, and slip-resistant.

Except for fire doors, the maximum door opening force is 5 pounds.

Stairs are not permitted as part of an accessible route.

Headroom clearance of at least 80 inches

Findings:

83.33% of courthouse buildings visited met this requirement. The only building that did not meet this requirement had a slip-resistant floor surface. However, they did have a sign alerting court users of the slippery floor on their staircase and offered their elevator as an alternative. Unfortunately, that renders the facility hard to maneuver for persons who do not use elevators because of claustrophobia or acrophobia.

2. Emergency Escape Route | Means of Egress

Fire alarms

Requirement:

Audible alarms are required to be heard throughout all occupied spaces in the courthouse, including restrooms, judicial chambers, and jury areas. Visible alarms are required in all public and common areas, including corridors and restrooms.

Note: The guidelines require fire alarm systems to comply with the NFPA 72 (1999 or 2002 editions). However, the guidelines specify a lower sound level

maximum (110 instead of 120 decibels).

Findings:

The consultant did not test the fire alarms in the courthouses visited. However, the staff at 100% of the courthouses visited confirmed that they had a fire alarm system that met these requirements.

2. **Escape Route**

Requirements:

For buildings and spaces, when one means of egress is required, that means of egress must be accessible. When two or more means of egress are required, at least two must be accessible.

Stairs can be part of the means of egress, but they must comply with the guidelines for handrails, treads, and risers regardless of whether a ramp or an elevator connects those levels. Stairs must provide solid risers, minimal nosing projection, and handrails. Elevators are required for all new courthouse buildings with more than one story.

The International Building Code (IBC) requires that any space with 50 or more persons have two means of egress. Signage directing persons to the locations of the accessible means of egress or area of assisted rescue is required at the elevators and any other inaccessible means of egress.

Accessible means of egress include an accessible route either out of the building and to a public street or to a designated and properly protected area where assistance for evacuation will be provided. This can be an area adjacent to either an elevator with emergency power or an exit stairway, where a person with a disability can safely wait for rescue assistance.

Courthouses with an automatic sprinkler system are not required to

have refuge areas. However, this exemption does not mean that accessible routes are not required to areas where assistance will be first available. At ground level, an accessible route must be provided from the exit door to the public way. If the exterior accessible route is unavailable (e.g., steep site or retaining walls), an alternative is an exterior area for rescue assistance.

Findings:

One courthouse was on the first floor and had a clearly displayed means of egress that met all the requirements.

Three of the remaining five courthouses with multiple floors appeared to have an evacuation route that met these requirements (based on the review of their evacuation plan and route), but did not have proper signage indicating an accessible route at the elevators and the non-accessible means of egress.

Only one building with multiple floors had appropriate signs by the elevators and throughout the building indicating the location of the accessible exit.

One courthouse had a wheelchair lift, but there was no information on whether it was safe to use in a fire emergency or had standby power. However, its existing evacuation route does lead to an accessible exterior route.

One courthouse failed to meet the guidelines' compliance requirements, and its existing emergency escape route was deadly.

3. Signage

Requirement:

Information and directional signs

Signs, including information and directional signs, are subject to requirements for finish and contrast, the height, style, spacing, proportion of characters, as well as line spacing.

*Signs labeling permanent room*s

Signs labeling permanent rooms and spaces and exit doors must be tactile and have raised and Braille characters. Permanent rooms and spaces in a courthouse include, but are not limited to, courtrooms, hearing rooms, judge's chambers, law libraries, jury assembly rooms, jury deliberation rooms, restrooms, and egress stairs.

Findings:

Thirty-three (33.3%) percent of courthouses visited did not have tactile signage for some of their permanent rooms. One had some permanent signs with braille characters.

Note: There were multiple issues with signage at the courthouses, which are discussed in the next section.

4. Public Waiting Areas

Requirement:

Public waiting areas must be accessible. Access to fixed seating, benches, and visiting areas must be provided. When provided, separate waiting and reception areas for witnesses and attorneys must be accessible to people with disabilities.

Findings:

All of the courts visited had at least one designated waiting area within

the courthouse that was accessible. One courthouse's rotunda had a large open area with benches, chairs, and spaces for wheelchair users.

In four of the six courthouses, a hallway adjacent to the courtroom was used as a waiting area. Though there was no space that was specifically designed or designated for wheelchair users, the spaces were wide enough to accommodate wheelchair users.

The waiting area of one courthouse was downstairs, while the courtrooms were upstairs. However, the downstairs waiting area was spacious enough to accommodate wheelchair users.

The hallways in all of the courthouses were at least 32 inches wide, as required.

5. Clerk's Office and Information Center

Requirement:

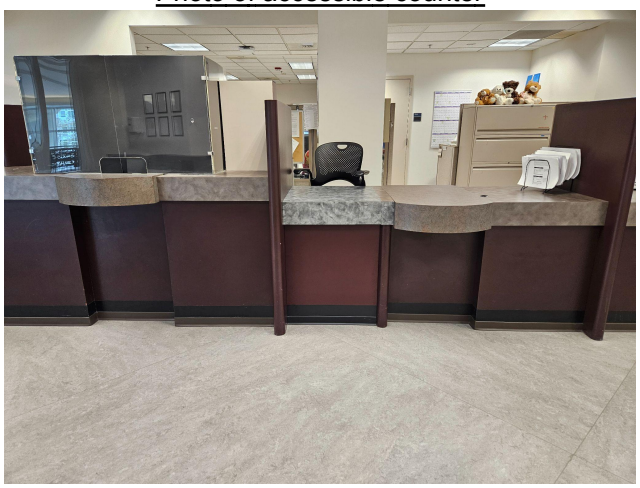
At least one service area of each type of clerk function must be accessible. A service counter, solely for the distribution of information, must provide a height of 36 inches for a width of 36 inches.

A counter for completing forms must be 28 to 34 inches high and have knee clearance under the surface, allowing a forward approach. The guidelines require that, where counters or service windows have security glazing to separate personnel from the public, a method to facilitate voice communication shall be provided. Where handsets are provided, they must have a volume control.

Findings:

Five out of six courthouses had an accessible counter in their clerk's office.

Photo of accessible counter



6. Jury Assembly Area and Jury Room:

Requirements

All jury assembly and waiting areas must be accessible, including kitchens, toilet rooms, and quiet rooms. At least 5% of fixed work surfaces and associated electrical outlets must also be accessible.

Service counters and work surfaces at jury check-in areas must meet the requirements for accessibility. Assistive listening systems are required in jury assembly areas where audio amplification is used.

Assistive listening systems must meet specific technical standards of the guidelines. Identify the availability of assistive listening systems by posting signs with the international symbol for access for hearing loss. A portion of the system receivers must be hearing aid compatible. A permanently installed audio induction loop system is an inexpensive solution for this situation

7. Jury Deliberation Room

Requirements:

Jury rooms must be accessible. If furnishings are fixed elements, they must comply with the Americans with Disabilities Act and the Architectural Barriers Act (ADA/ABA) Guidelines. It is recommended that non-fixed elements meet the ADA/ABA Guidelines. There must be an accessible circulation path to the jury table and from the jury table to other elements provided for the jury.

Service unit (kitchenette) facilities are required to be accessible. Side approach to sinks in service units is permitted. Coat racks, when provided, must be placed at levels within accessible reach.

The jury room table must be at least 28 inches off the floor and have 27 inches of knee clearance. It should not have an apron.

The restroom provided must be accessible. A sound-lock vestibule should be provided between the restroom and the jury deliberation room. If two restrooms are provided (one for two or more genders) both must be accessible. If two unisex restrooms are provided, at least one must be accessible.

Findings:

Jury Deliberation Room

Our team only visited five jury deliberation rooms during our visits because one of the courthouses had a jury trial, and the jury was deliberating. Of the five jury rooms visited, only one had a fully accessible jury and met the requirements not just for the room but also for the restroom and kitchen.

All four remaining jury rooms did not have an accessible restroom. *It is important to note that two of these four restrooms were rendered inaccessible by human-made barriers, such as using the restroom to store*

boxes of supplies. Two of the four did not have an accessible restroom or kitchen.

However, all the jury rooms had signage indicating the availability of assistive listening devices.

Jury Assembly Room

Only one of the six courthouses visited had a jury assembly room that met all the requirements. The other five courts used the spectator area in the courtroom as an assembly room or used Zoom exclusively. (*See spectator area section for findin*gs)

8. Courtrooms

Courtroom Entry

Requirements:

- Doors must require 5 pounds of force or less to push or pull open.
- Doors must provide at least 32 inches in width for a clear opening and must ensure maneuvering clearances on the latch and pull side.
- Doors must provide vision panels, accessible door hardware, and kick plates.
- For double doors, at least one door must meet the requirements.
- Doors in series must also provide space between the doors for maneuvering.
- Vision panels, where provided, must be accessible with a bottom edge only and a maximum of 43 inches above the finished floor.

Findings:

The entry doors into all the courtrooms met the width and all other

requirements for the doors. However, one courtroom door was too heavy (greater than 5 pounds) and did not have automated doors. But notably, when there are proceedings in that courtroom, a porter opens the courtroom door for litigants and visitors.

Main Aisle

Requirements and measurements:

The main aisle must be at least 36 inches wide, and the floor's surface must be level, firm, and slip-resistant.

Carpeting must be securely attached and have a firm cushion, pad, or backing, or use no cushion or pad. The pile height must not exceed ½ inch.

Findings**:**

All the courtrooms visited met this requirement, with the smallest aisle measuring forty-one (41) inches and the largest one sixty-eight (68) inches.

Accessible Route

Requirements:

An accessible route is required throughout the courtroom, including from the jury box to the jury deliberation room, from the judge's bench to chambers, from the holding area to the defendant's table, and any other routes intended for courtroom users.

Measurements

The route's width must be at least 36 inches; its running slope must be no more than 1:20 (unless a ramp is provided); and its cross slope must be no more than 1:48. Elements in the courtroom must have sufficient empty

floor space, a minimum of 30 x 48 inches, and maneuvering clearances for people who use wheelchairs. Doors along the accessible route must be accessible and meet specifications for hardware, clear width, opening force, and maneuvering clearances, among others.

Doors operated by security personnel only, such as the door from the holding area to the courtroom, are exempt from door and gate hardware requirements, closing speed, and opening force. The following are the minimum requirements for ramps that are used as part of an accessible route:

- Ramps must be permanent, not pull-out, flip-down, or removable.
- Ramps must provide a minimum clear width of 36 inches between handrails.
- Landings where ramps change direction must have a minimum dimension of 60 inches x 60 inches.

If a door is located at the top or bottom of a ramp, the landing must be large enough for adequate maneuvering clearances at the door.
If the door swings over the landing, the landing must have adequate clear space to accommodate the door's swing.

Findings:

One courtroom lacked an accessible route to the jury room because the connecting doorway was only 29 inches wide, making it inaccessible. Five of the six courthouses did not have an accessible route from the judge's bench to the judge's chambers.

In one courthouse we visited, the courtroom we accessed lacked an accessible route from the judge's bench to the judge's chambers. However, court staff informed us that there was at least one courtroom with an

accessible route in the courthouse building, but we could not visit it.

Spectator Seating

Requirements:

- Wheelchair spaces are required in assembly areas based on the fixed seating capacity. For example, at least one wheelchair space is required in assembly areas with up to 25 seats, and at least two are necessary for those with 26 to 50 seats.
- Wheelchair seating locations must adjoin an accessible route. The wheelchair seating location must not overlap the main aisle.
- Wheelchair seating should measure at least 36 inches wide and 48 inches deep with a front approach, or 60 inches deep with a side approach.
- Wheelchair seating spaces must have a level surface and be next to a companion seat to ensure that wheelchair users are in shoulder alignment with the occupant of the adjacent seat.
- On seats with armrests, 5% of aisle seats must feature folding or retracting armrests. If the seats are benches, end caps may remain.

Findings**:**

Half of the courtrooms provided designated wheelchair seating. Among the three courthouses lacking designated wheelchair seating, one has easily movable light chairs. Limited wheelchair access persists due to the need for user assistance in that space. Only 50% of the courtrooms had designated wheelchair seating. Among the three courtrooms without designated seating, one had lightweight, movable chairs. Even so, because a person using a wheelchair would require help to clear a space, that area is not considered

accessible.

Rail (Bar)

Requirements:

If a rail separates spectators from parties, the gate or opening in the rail must be at least 32 inches wide and meet maneuvering clearances. If a gate is provided, at least one leaf must meet the requirements.

In addition, gates must have compliant hardware and meet specifications for opening force (5 pounds of force maximum), closing speed (closing speed for interior doors and gates should be 5 seconds), and surfacing.

The lower portion of the gates (within 10 inches above the floor) on the push side must be smooth, the full width.

Findings:

Five of the six courtrooms we visited had openings that exceeded the 32-inch minimum. The one courtroom that did not meet the requirements had the correct width; however, the door was extremely heavy, and the closing speed was too fast. In fact, the lead assessor, who had mobility-related disabilities, had to request help to open the gate.

Jury Box

Requirements:

- Each jury box must have a wheelchair space connected by an accessible route within its defined area.
- Empty floor space for wheelchairs must be at least 30 inches wide and at least 48 inches deep.

- Fixed elements such as walls, elevations, railings, or seating confining three sides of a space require additional maneuvering room.
- A space entered from the front or back that is confined on both sides by over 2 feet horizontally must be at least 36 inches wide.
- Space entered from the side confined at the front and back by over 15 inches horizontally must be at least 60 inches deep to permit adequate maneuvering space for a parallel approach. The design needs to provide sufficient empty floor space for a person using a wheelchair to maneuver into the space provided.

Findings**:**

There was only one court with an accessible jury box. In every other courtroom visited, the raised jury box was inaccessible (there were no ramps or lifts).

Witness Stand

Requirements:

The witness stand must be on an accessible route. A ramp or platform lift can provide access if the witness stand is raised. If using a lift, it must provide unassisted entry, operation, and exit. The witness stand should provide sufficient empty floor space to accommodate a witness who uses a wheelchair. The witness chair should be easily removable.

Findings:

Of the six courtrooms visited, one had an accessible witness stand. Another courtroom had a witness stand attached to a lift that could have made it accessible; however, the lift was blocked by a table that a wheelchair

user could not remove without help.

Judge's Bench

Requirements:

The route from the judge's chamber to the bench must be accessible. The courtroom's design typically elevates the bench platform above the courtroom floor and, frequently, above the judge's chamber floor.

Vertical access to the bench must be accessible or adaptable. A ramp or lift can overcome a vertical offset by providing access to the bench platform.

If a lift is used, it must allow unassisted entry, operation, and exit. If adaptable, designers must include provisions for utilities and space for future accessibility in the design.

Ensure adequate space is available for a future ramp or lift; this includes power and a pit for lifts if needed.

The bench platform, if served by a ramp or a lift with an entry ramp, must provide wheelchair turning space. If needed, position part of the turning space under fixed desk surfaces, ensuring sufficient knee and toe clearances are available. The work surface height must be between 28 and 34 inches.

Findings:

Only one of the courtrooms visited had an accessible judge's bench. It is important to note that one court visited shared that they had accessible courtrooms within their building, but we did not visit them, and thus, cannot speak to their accessibility.

While most courtrooms had the correct work surface height, all of the

judges' benches were elevated and had no ramp or lift for use by a judge who is a wheelchair user.

Clerk's and Bailiff's Stations

Requirements:

The route to the clerk's and bailiff's stations must be accessible. Typically, the station platform elevates above the courtroom floor level and often above the secured corridor floor level. Vertical access to a raised station must be accessible or adaptable. A ramp or lift can provide access to the station platform to overcome a vertical offset. If a lift is used, it must provide unassisted entry, operation, and exit.

Adaptable designs must incorporate provisions for utilities and space to ensure future accessibility. Where raised, stations served by ramps or lifts with entry ramps must have a wheelchair turning space. Designers can place part of the turning space under fixed desk surfaces, provided adequate knee and toe clearances exist.

The work surface height must be between 28 and 34 inches.

Bailiffs' duties differ by jurisdiction. Sometimes they are aides to the judge, while other times they act as marshals. If a bailiff's station is built into the courtroom design, it must comply with the ADA/ABA Guidelines. The expected duties of the bailiff should determine its location and requirements.

Findings:

Clerk's stations

All courtrooms had a clerk's station. Only one courtroom had an accessible clerk's station. All other clerks' stations were elevated, lacking lifts or ramps.

Bailiff's stations

None of the courts visited had bailiff stations.

Furnishings

The courtroom may contain fixed or non-fixed counsel tables, lecterns, audio/visual carts, and other common items. Design plans and drawings commonly include furnishings, even non-fixed ones. Fixed elements must comply with the ADA/ABA guidelines. It is recommended that non-fixed elements meet the ADA/ABA guidelines.

Counsel Tables

Requirements:

Counsel tables must have a surface between 28 and 34 inches above the finished floor, with clearance for a person using a wheelchair to pull up to them. They must also have a minimum of 27 inches of vertical knee clearance under them.

Lecterns

Requirements:

Accessible work surfaces must be 28 inches minimum and 34 inches maximum above the floor. Provide knee and toe clearance. Ensure empty floor space for a forward approach.

Findings:

Counsel Tables

Five of the six courtrooms had counsel tables. One courtroom had no counsel tables, but had lecterns. Of the courthouses we visited with counsel

tables, only 40% (2 out of 5) had accessible counsel tables that met the 28 and 34 inches above finished floor requirements. The remaining three courtrooms' counsel tables were inaccessible because of the vertical knee clearance. Notably, two of the inaccessible tables missed this requirement by only one inch.

Lecterns

Only one court had lecterns, and they did not meet the requirements.

Judges' Chambers

The design of the judge's chambers varies by courthouse. The chambers typically include the judge's private office. They may consist of an outer office for the judge's clerks, a reception area, a conference room, and office workspaces. Some chambers include single-occupant restrooms and kitchenettes.

Requirements:

In state and local courts, areas used solely by the judge as a work area must provide an accessible approach, entry, and exit. In federal courthouses, judges' chambers must be fully accessible. In both, public use areas within the judge's chamber must be accessible.

At least one accessible route shall connect to the accessible routes throughout the building. A person with a mobility-related disability must be able to circulate throughout the spaces and approach, enter, and exit from each office/workstation.

If provided, a kitchenette/coffee area must be accessible. Access to the sink may be through a side approach or a front approach.

The sink rim can be a maximum of 34 inches high. Any restroom provided within the suite must be fully accessible for judges and their staff.

Certain features may be adaptable if the restroom is available only to the judge and accessed through their private office.

Findings:

Of the courtrooms we visited, we could view only two judges' chambers, and both were accessible.

Holding Cells

NOTE: Because the sheriff's office oversees holding cells, we could not access any. We learned from a courthouse we visited that its sheriff's office uses the building's only elevator as a holding cell.

Access to Raised Elements in Courtrooms and Courthouses

Many courtrooms in the United States have raised elements, whether for visibility or other reasons. The judge's bench, jury box, and witness stand, among other parts of the room, are raised, posing accessibility issues for people with mobility disabilities, especially when courtroom design does not consider these issues.

Thus, access to raised areas within courtrooms are required under the guidelines.

Many prefer ramps for several reasons. Though interior ramps require more space than lifts, new construction can easily accommodate them. Ramps generally cost less than lifts, and their construction is easy. Ramps require minimal maintenance and railings only if the level change exceeds 6 inches. No power source is required, nor are mechanical parts involved.

When built according to ADA/ABA standards, liability is minimal. Most importantly, ramps permit all users, including people who use wheelchairs, to use the element independently, with no disruption to court proceedings. Ramps are always usable in case of emergency evacuation and require no assistance.

Installed lifts usually require a greater financial investment. Initial planning and design must include regular maintenance costs. Liability for lift failure or malfunction is a factor to consider. A backup power source is essential. Lift operation is sometimes unreliable because of an electrical interlock malfunction. For all mechanical devices, including the lift, we must regularly schedule maintenance and ensure replacement parts are readily available. When lifts malfunction, courtroom operations suffer, and wheelchair users may be unfairly blamed for the delay.

1. Ramps

Requirements:

Raised platforms accessed by ramps must have adequate turning space for an individual to turn around and go down the ramp.

Ramps must have a maximum slope of 1:12.

Ramp runs and landings with drop-offs must have edge protection, such as a curb, barrier, or extended surface as specified in the guidelines.

Ramps with a rise of greater than 6 inches need handrails. Handrails must be located along both sides of a ramp at a height above the ramp surface of 34 inches to 38 inches measured to the top of the handrail. Most model building codes require a guard where there is a drop-off of over 30 inches.

If the ramp or landing has such a drop-off along any side, it must also

have a guard and handrails at that location. The minimum height of a guard is 42 inches, with maximum openings of 4 inches.

2. Lifts

Requirements:

There are six (6) types of wheelchair platform lifts used to provide access to elevated stations in the courtroom and other locations throughout the courthouse. Millwork matching the surrounding surfaces typically encloses the lifts to minimize their visual impact on the courtroom or courthouse.

The measurements vary depending on the type of lift. However, as a general rule, wheelchair/platform lifts must be independently operable by the user for getting into the lift, moving the lift upward and downward, and exiting the lift.

Wheelchair platform lifts may provide an accessible route to: jury boxes and witness stands; raised courtroom stations (discussed above); and depressed areas such as the court's well.

Lifts serving as accessible exits must have battery backup or emergency power.

Findings

One courtroom had a functional platform lift wide enough to fit a wheelchair. However, it did not meet the requirement because it could not be operated independently by a wheelchair user (as it was blocked by a human-made barrier—*see the next section for photos and details*).

Two other courtrooms had ramps. One of them had an accessible ramp that led to the judge's bench and the clerk's station. Unfortunately, because there

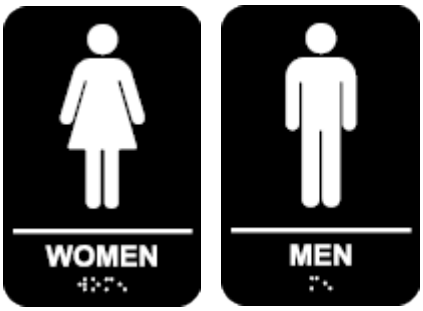
were no ramps within the court itself, a clerk who is a wheelchair user and wanted to approach the counsel's table or the litigants would have to exit the courtroom through the door behind the judge's bench, go outside, and reenter the courtroom through the public door.

The other courtroom with a ramp had a built-in foldable ramp with a broken locking mechanism. Therefore, it was unusable. The broken lock kept the ramp folded shut; hence, despite a ramp, accessibility requirements were not met.

3. Bathrooms, Toilets and Waiting Areas

Signs

Requirements



Where provided, signs that identify permanent rooms and spaces, including toilet rooms, must have raised characters and braille and meet criteria for visual access. Separate signs may provide visual and tactile content.

If pictograms are provided to identify toilet rooms (i.e., symbols for men, women, and unisex restrooms), they must be on a field at least 6″ high, include the verbal equivalent below in raised characters and braille, and meet finish and contrast specifications. These pictogram requirements do not apply to any informational pictograms provided on the sign, including the International Symbol of Accessibility (ISA). If all the bathrooms are not accessible, the ISA must label those that comply. The ISA can be included



on the toilet room sign or provided separately.

Where existing toilet rooms do not comply, the ISA must provide signs showing the nearest accessible toilet room and label compliant ones. The content of directional signs is not specified.

Findings:

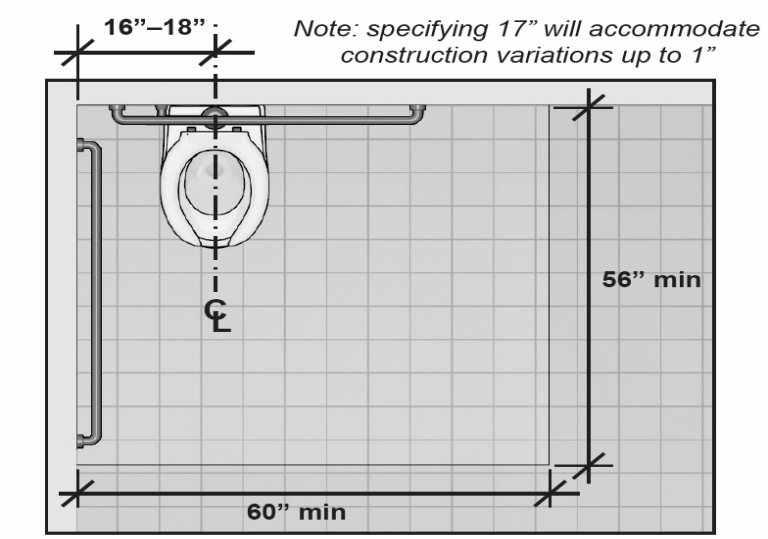
All courthouses had the proper signage (the International Symbol of Accessibility *shown above)* to indicate the presence of accessible restrooms.

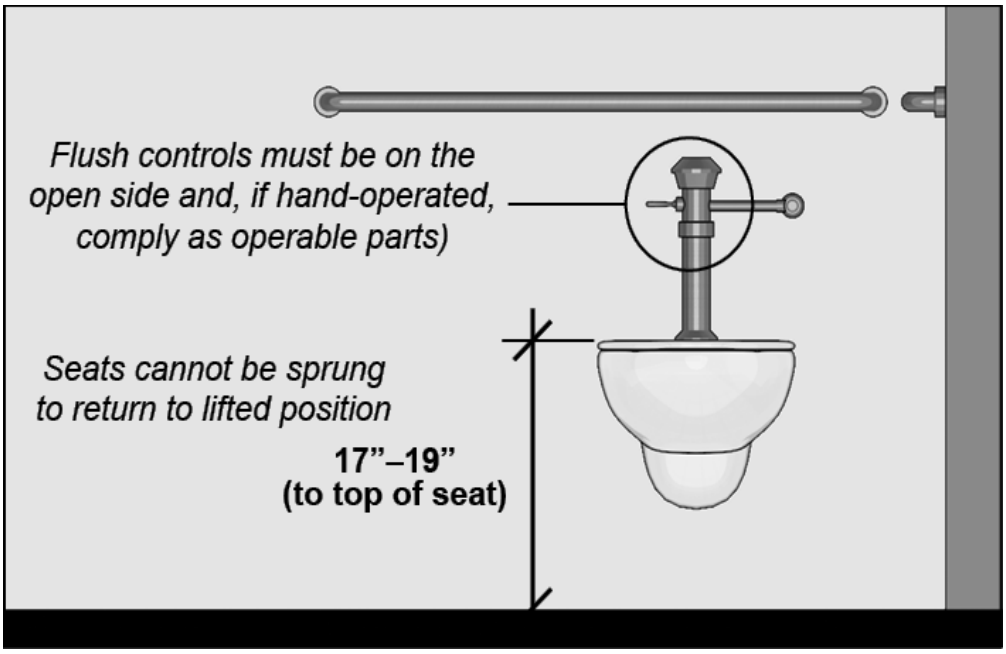
Toilets

For the toilets, the measurements are marked on images.

Measurements

Location, Clearance, Seat Height, and Flush Controls

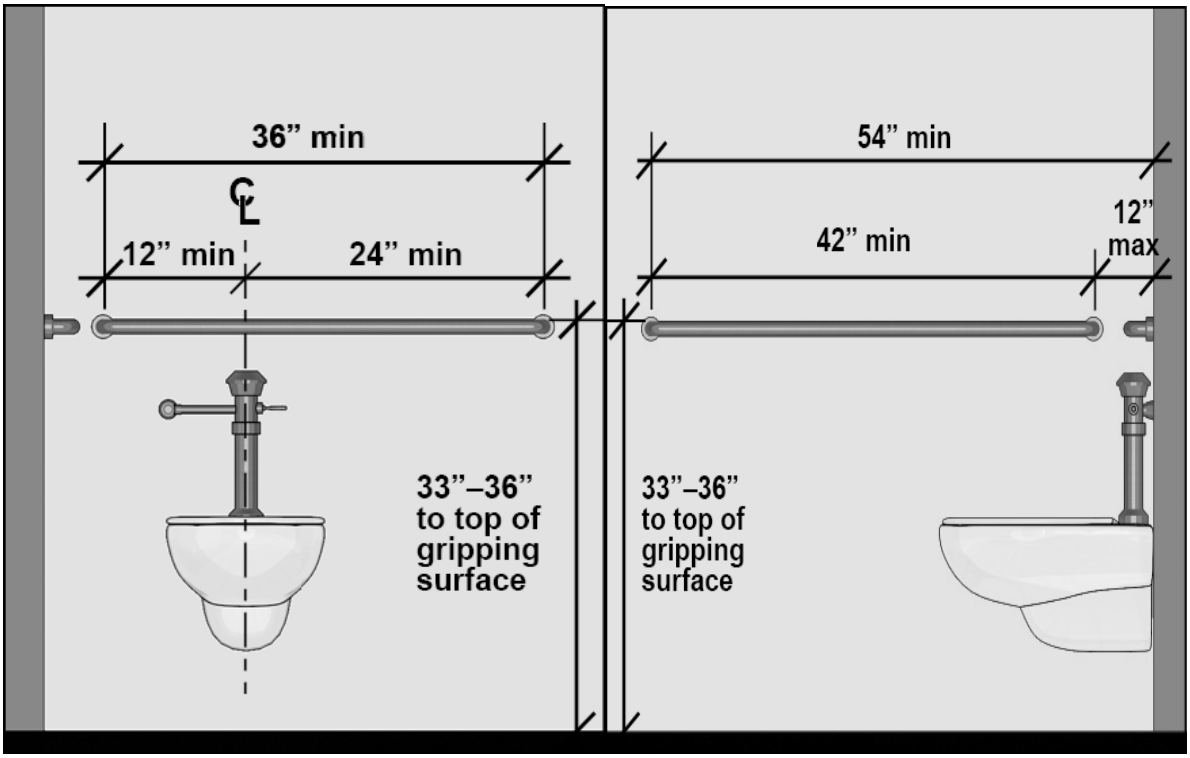




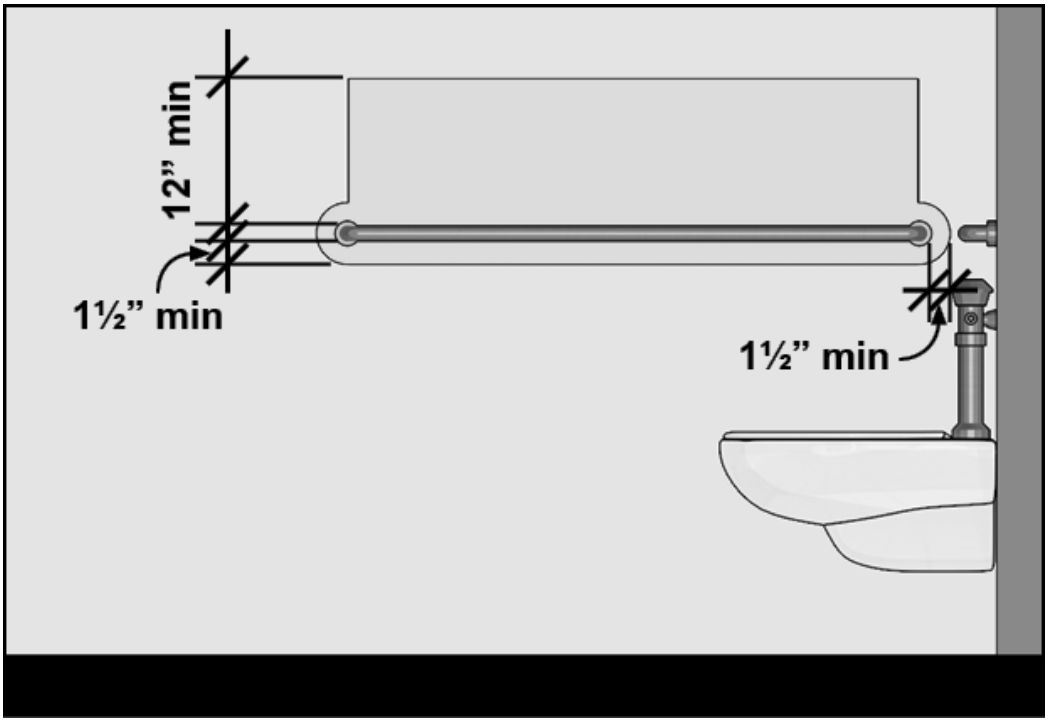
Grab Bar: Measurements and clearance

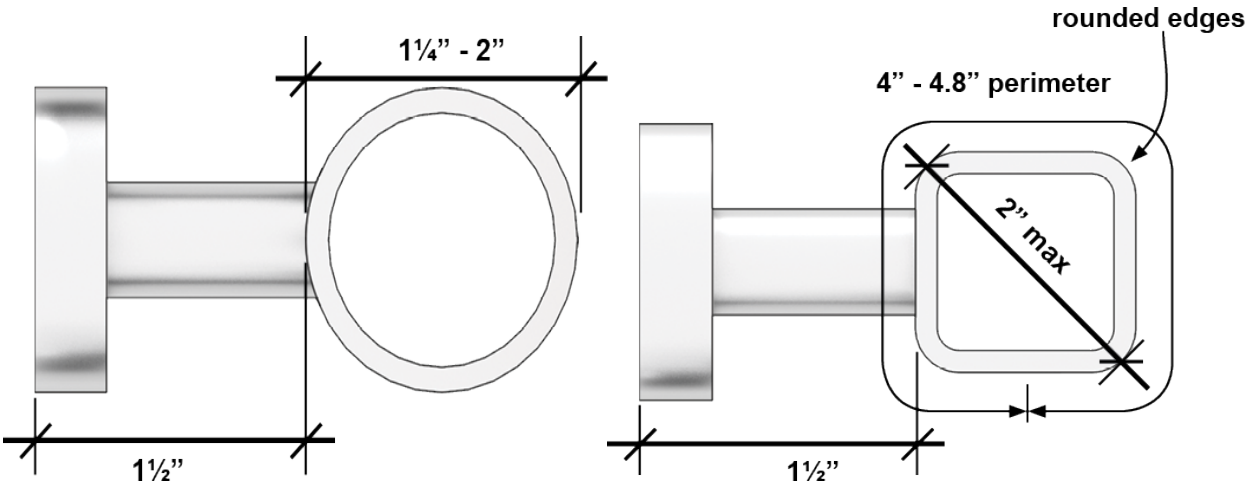
Rear Grab Bar

Side Grab Bar



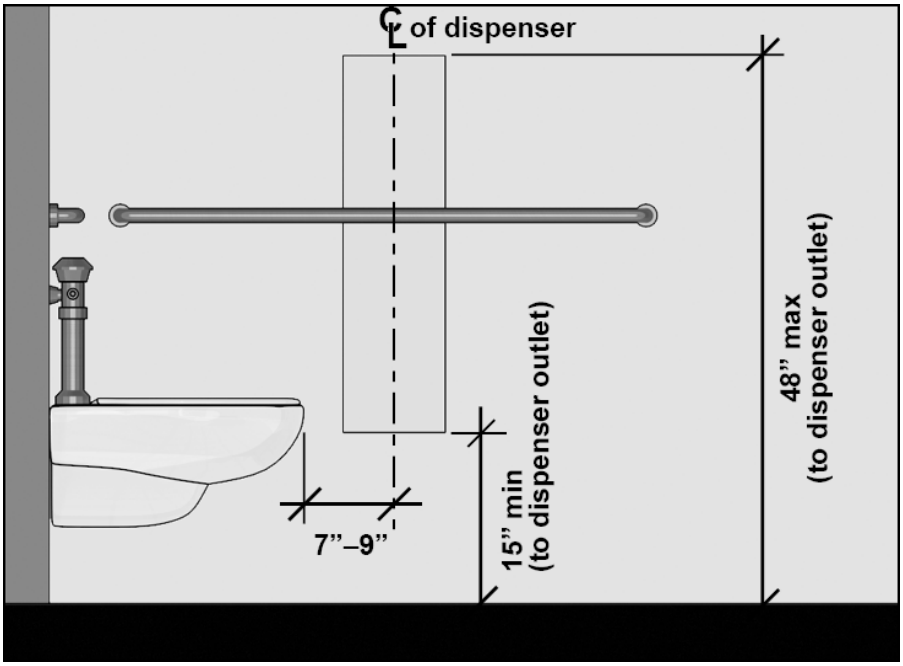
Grab Bar Clearance



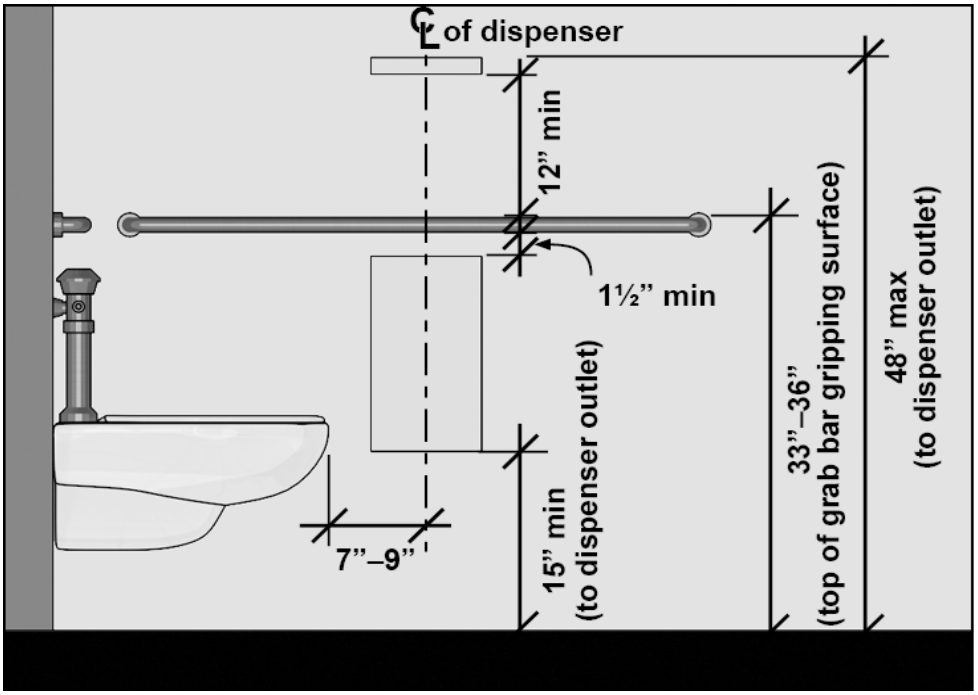


Toilet Paper Dispensers:

Recessed Dispenser Location

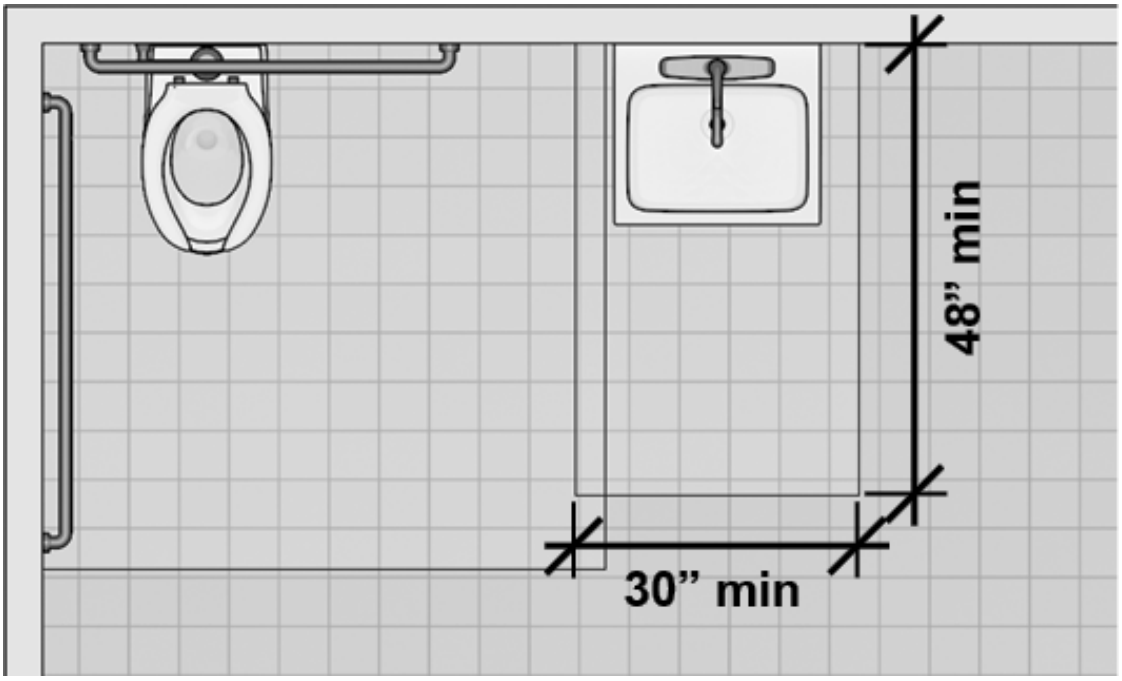


Non-Recessed Dispenser Location



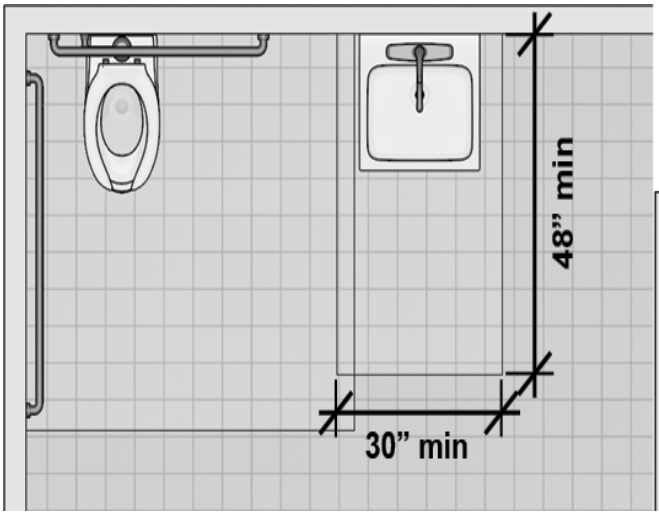
Single-User Toilets

Water Closet Clearance

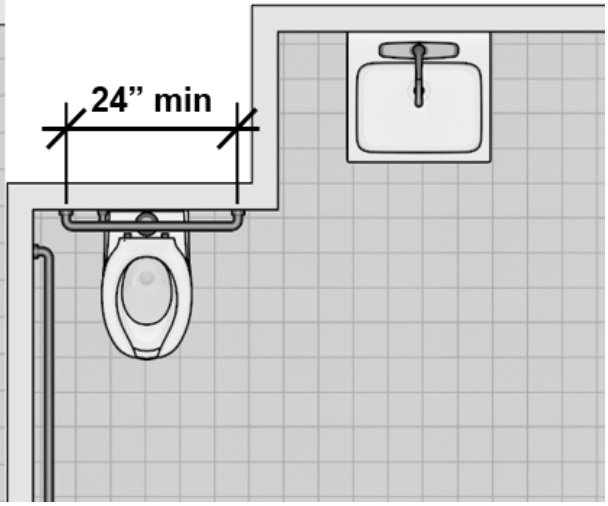


Lavatory Clearance

Non-Recessed

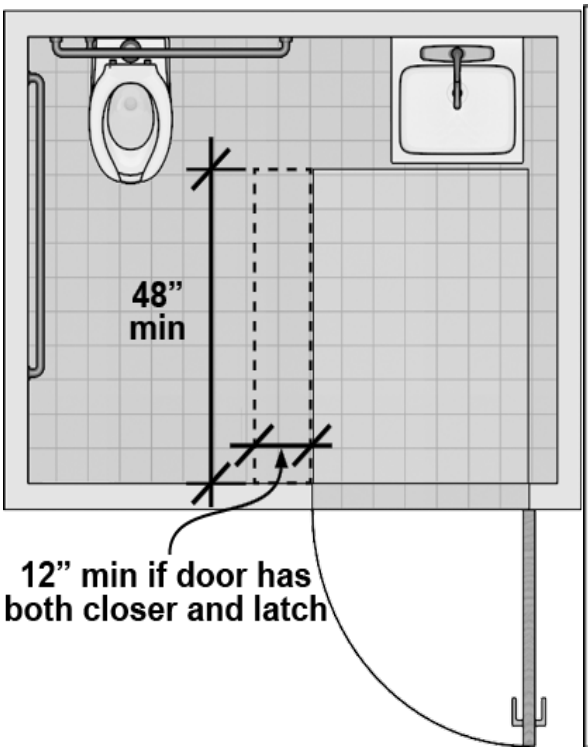


Recessed

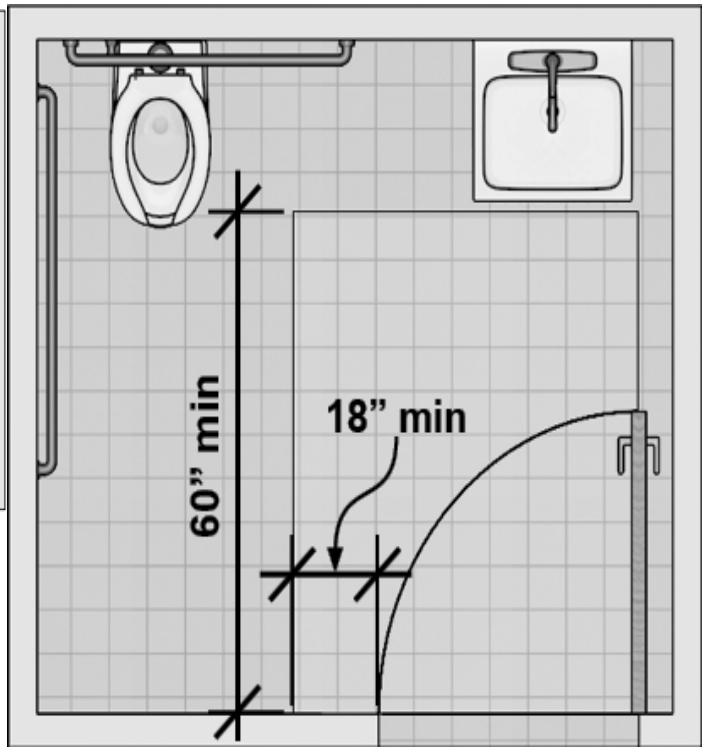


Doors

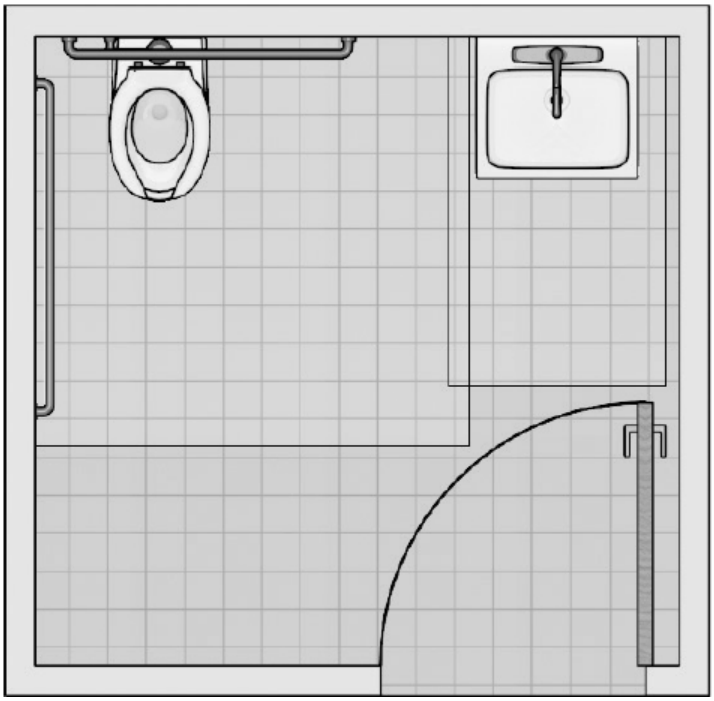
Push-Side Maneuver



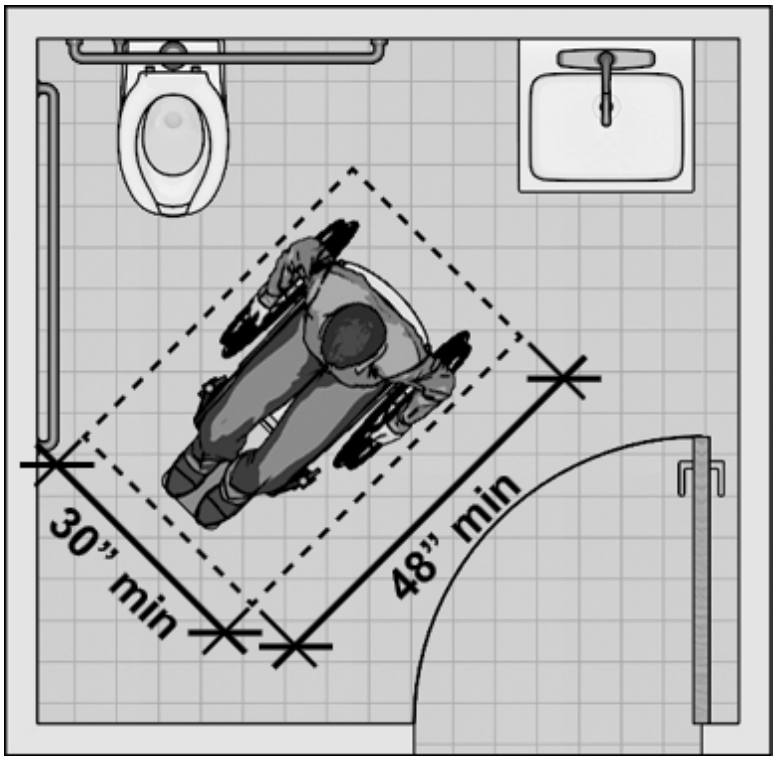
Pull-Side Maneuver



Door Swing Outside Fixture Clearances

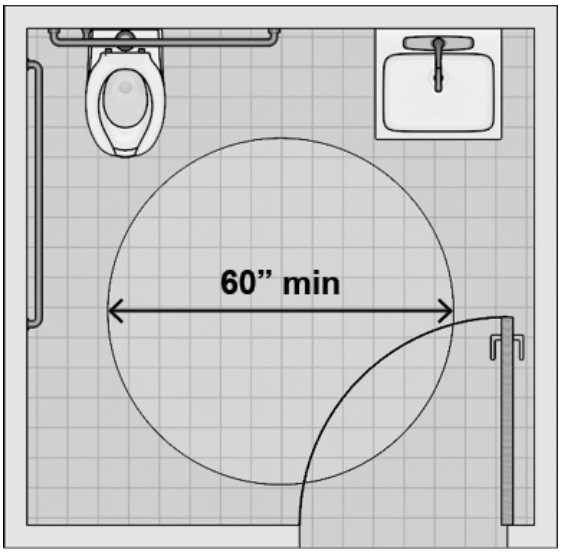


Wheelchair Space Beyond Door Swing

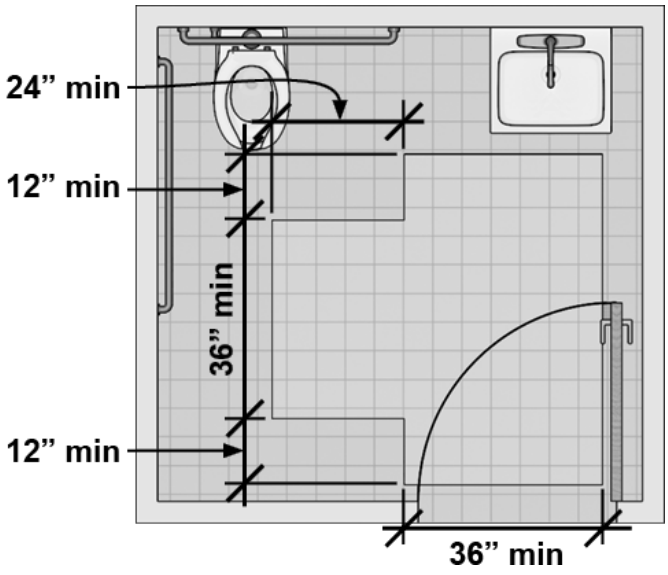


Turning Space

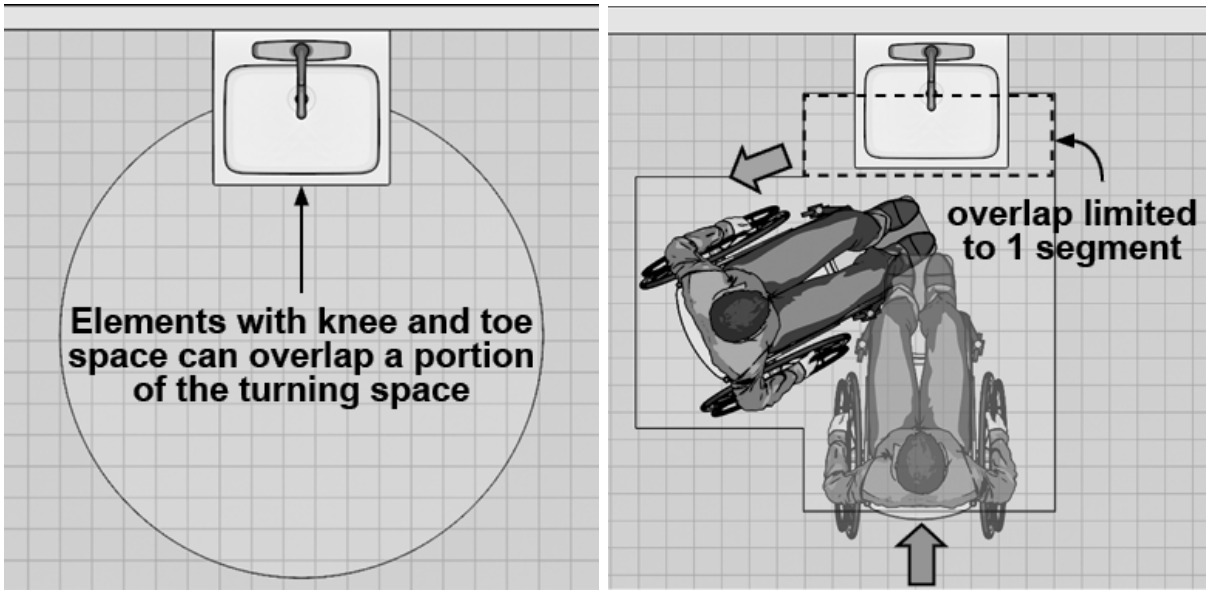
Circular Turning Space



T-Shaped Turning Space



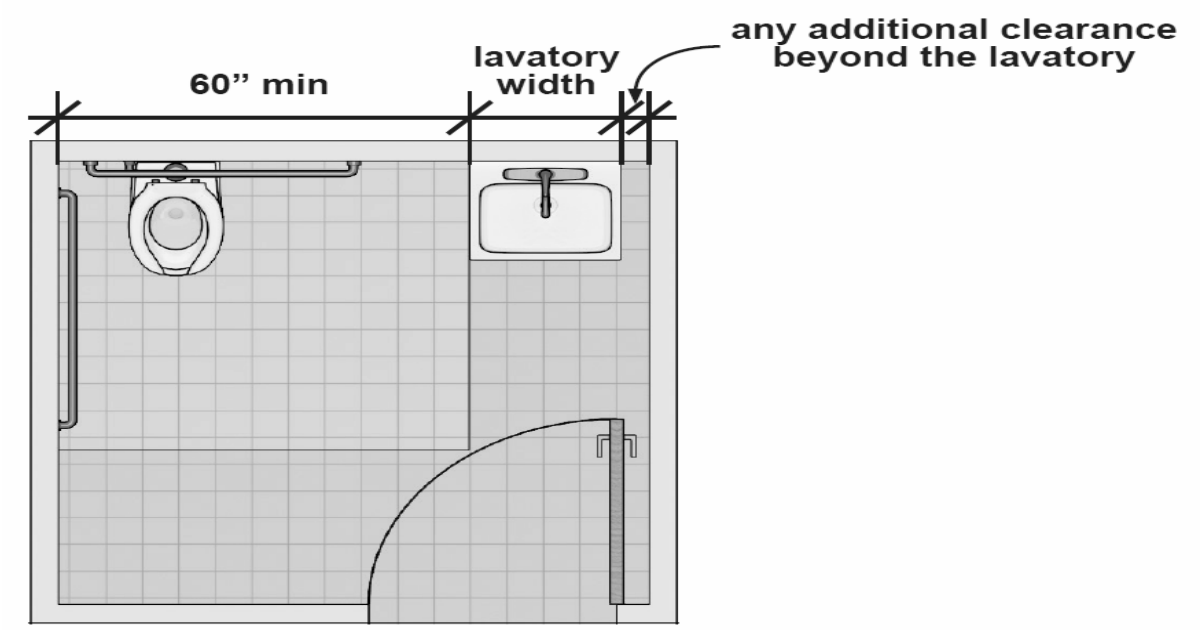
NOTE: Elements with knee and toe clearance can overlap a portion of the turning space. With T-shaped space, overlap is limited to one segment of the “T” so that the other two remain clear for approach and backing up.



Room Dimensions

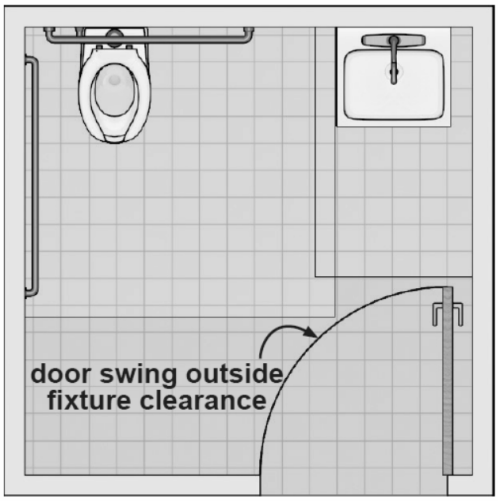
Note: Other elements provided may increase minimum room dimensions.

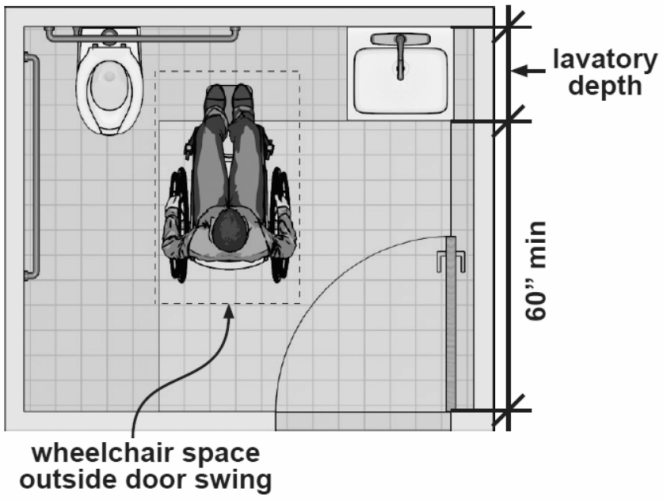
With a water closet and lavatory side-by-side, the plumbing wall is typically determined by the width of the water closet clearance, the lavatory fixture width, plus any additional lavatory clearance beyond the fixture (unless the lavatory is recessed). Other elements provided, such as a baby changing table, may increase this dimension.



.

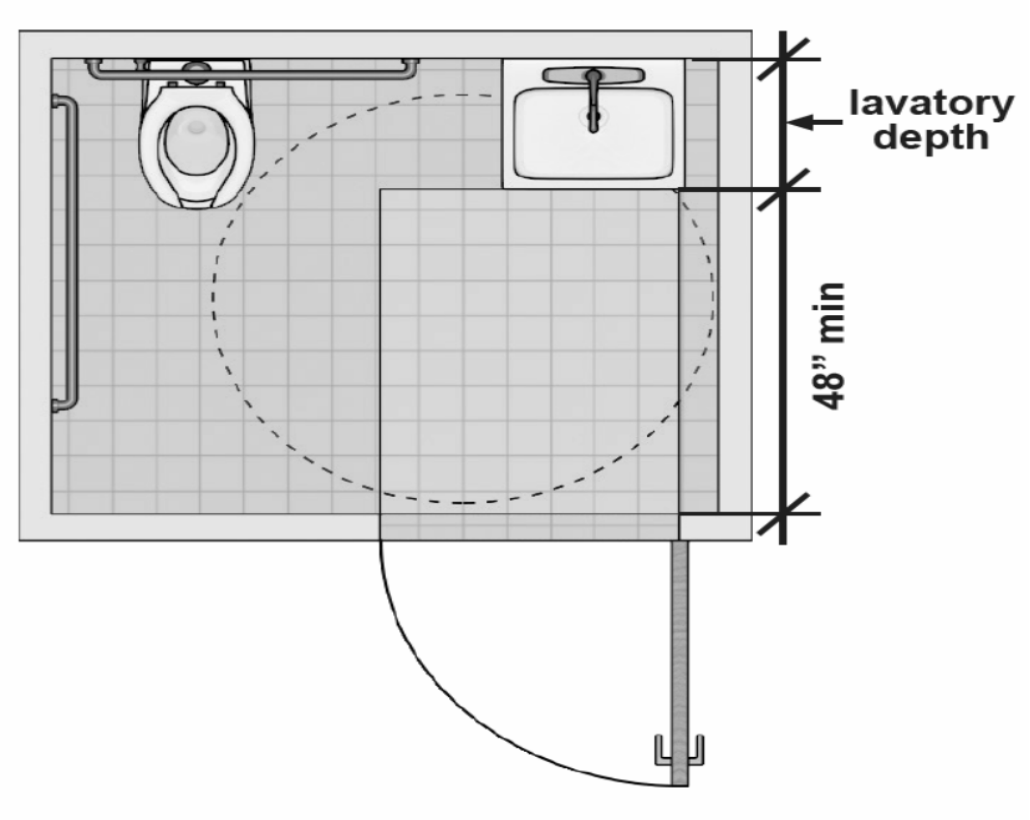
In the same example, if the door is opposite the plumbing wall and swings in, the room depth will likely be determined by keeping the door swing outside fixture clearances (left). Alternatively, if there is unobstructed wheelchair space beyond the door swing, the door maneuvering clearance and the horizontal depth of the lavatory may determine the room depth (right). Turning space is typically available in the room without further increasing room size, where doors swing in.





If the door swings out, the room depth is usually determined by the door maneuvering clearance and the horizontal depth of the lavatory.

Turning space can usually be provided without further increase in this design, but providing additional depth will help minimize fixture overlap of the turning space for improved access.



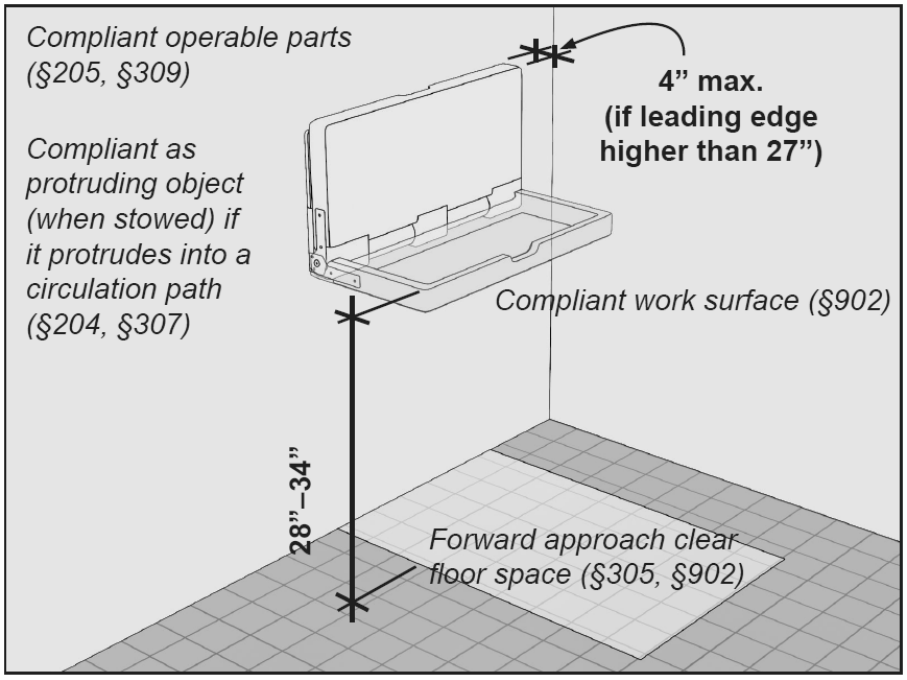
Note on Dispensers and Receptacles [§205, §309], Coat Hooks and Shelves [§213.3.7, §603.4]

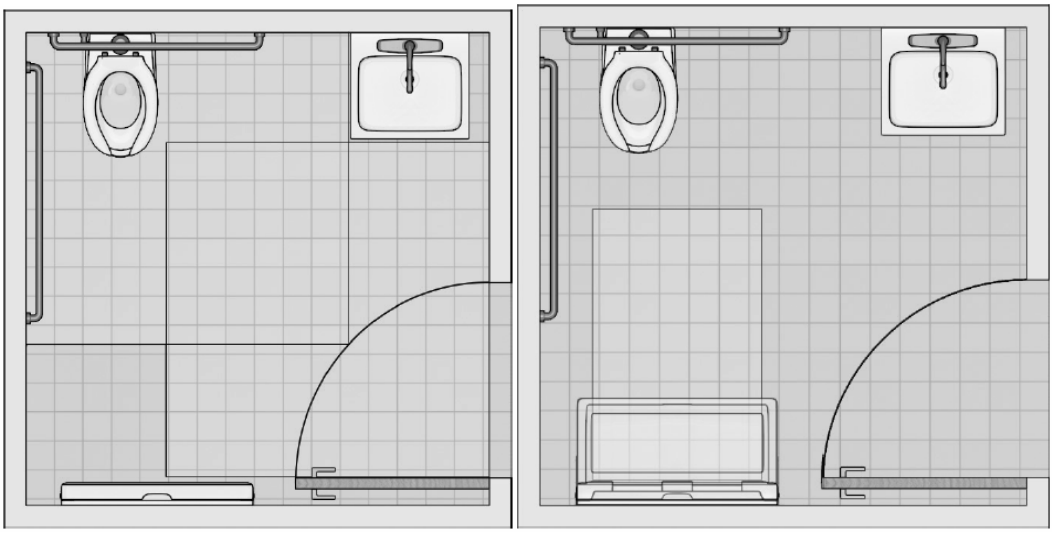


Baby Changing Tables*

Requirements

Where baby changing tables are provided, they must comply as a work surface and, if they project into circulation paths, as protruding objects.



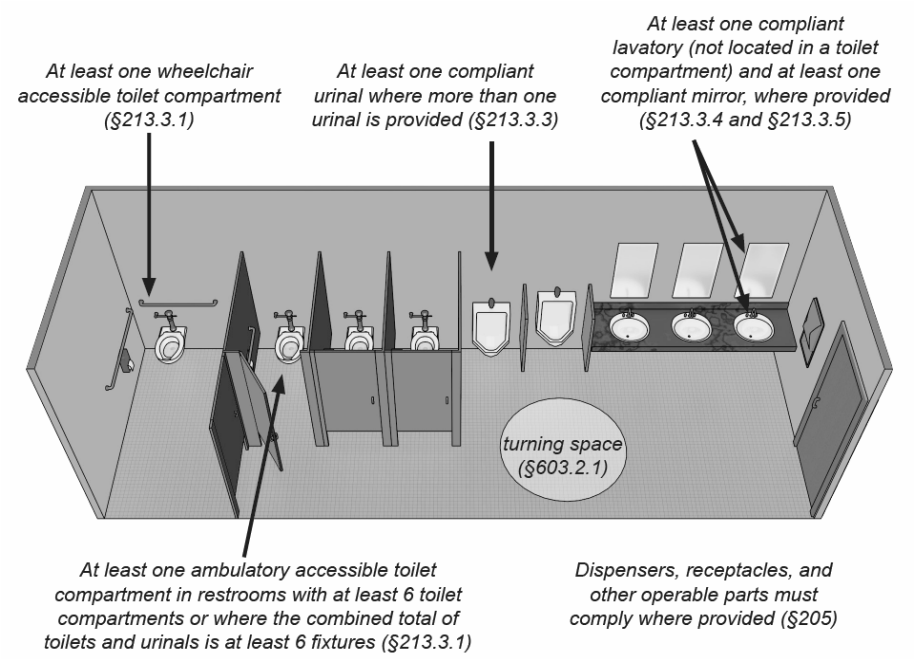


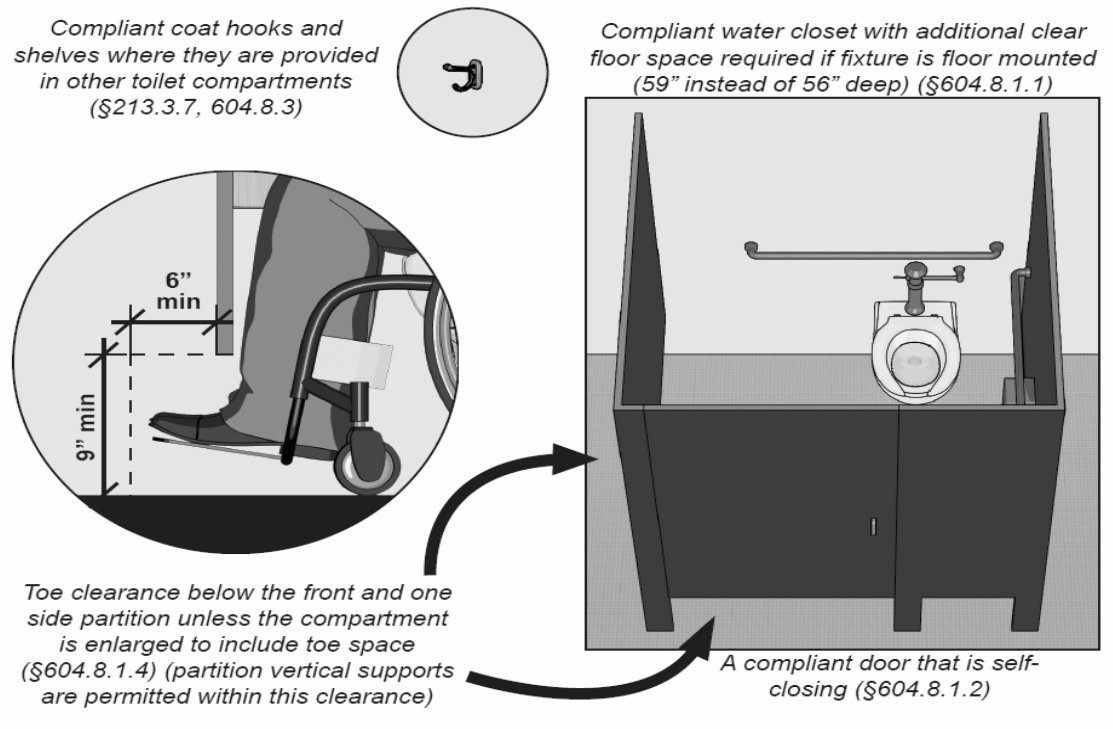
Finding:

One of the changing tables met this requirement.

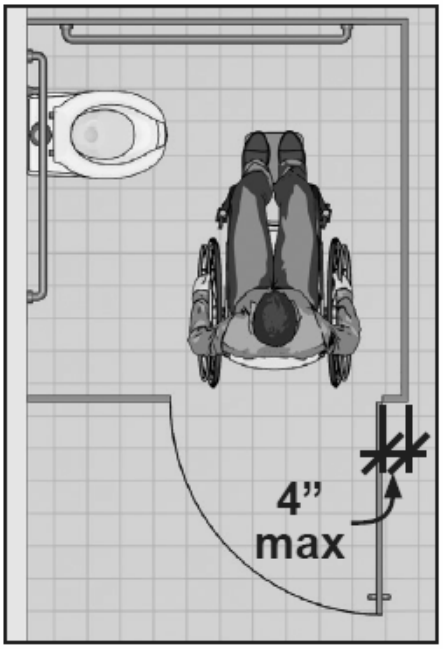
Multi-User Toilet

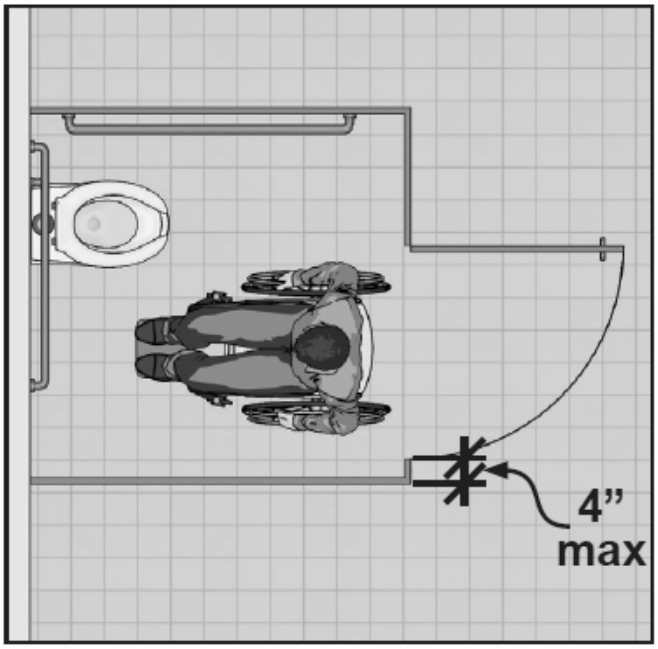
Rooms Components





At least one toilet compartment must be wheelchair accessible where toilet compartments are provided.



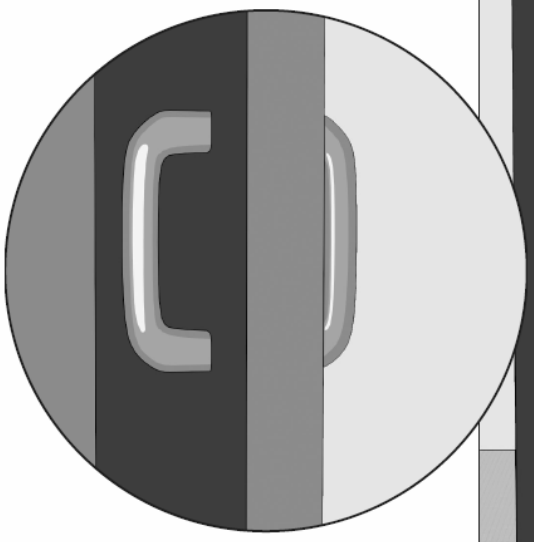


Compartment Doors

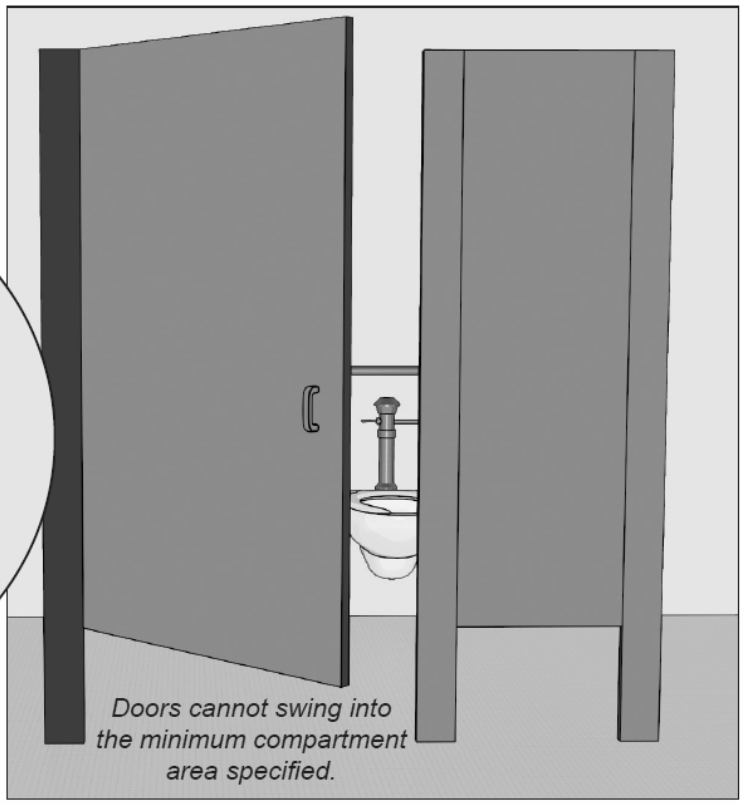
Requirements:

Compartment doors must meet applicable door requirements, including the clear width (32″ minimum), hardware, and opening force (5 lbs. maximum).

Door must be self-closing (gravity or spring hinges are typically used). The min. closing time for spring hinges is 1.5 seconds measured from a 70° open position to the closed position.



Door pulls are required on both sides near the latch, 34" – 48" above the finish floor.



Doors cannot swing into the minimum compartment area specified.

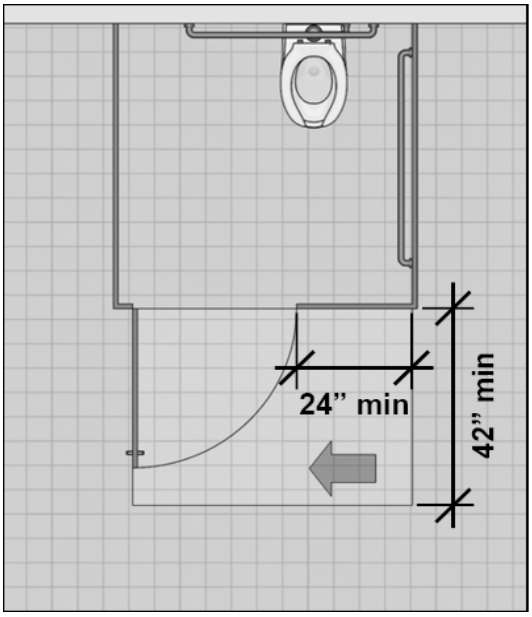
Door pulls, latches and other hardware must comply as operable parts and be usable with one hand and not require tight grasping, pinching, twisting of the wrist, or more than 5 pounds force. Hardware that is usable with a loose grip or closed fist will accommodate a wider range of users. Latches with small parts that must be manipulated can be difficult to use and will not comply if pinching is necessary.

Compartment clearance

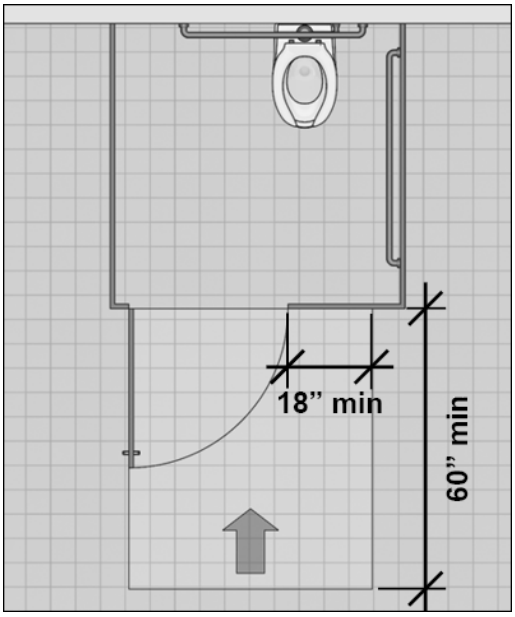
Requirements

Compartment doors must meet maneuvering clearance requirements, but a reduced clearance is specified for compartment doors providing a latch approach. Doors can be hinged on either side.

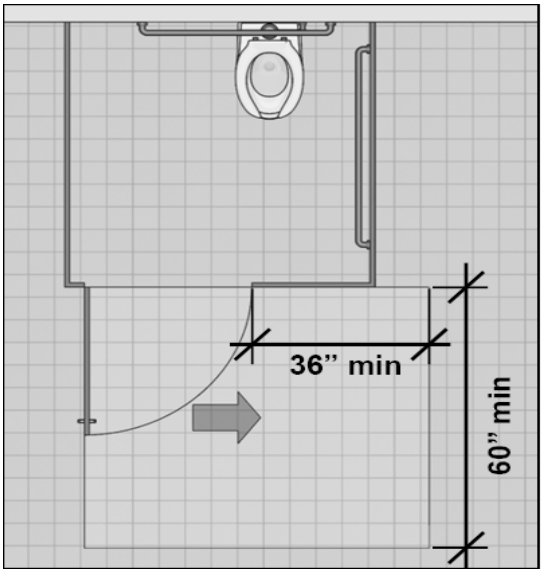
Latch Approach Clearance



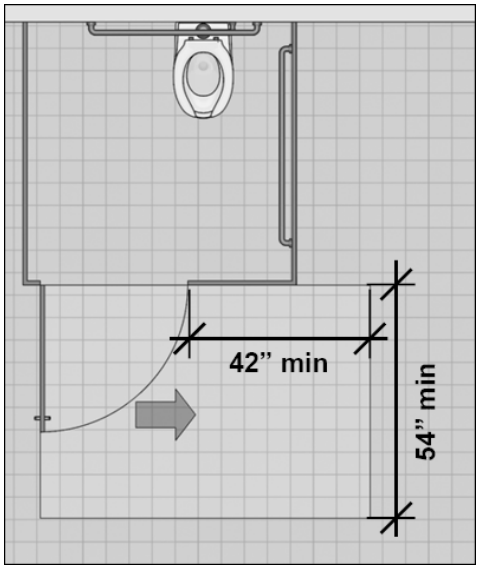
Forward Approach Clearance



Hinge Approach Clearance



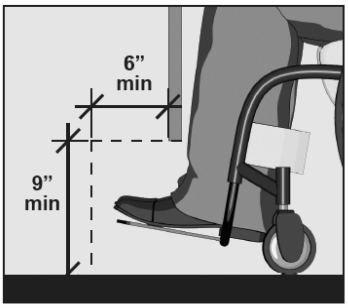
Alternative Hinge Approach Clearance



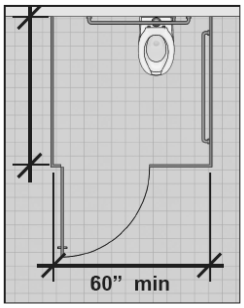
Partitions

Requirements:

Toilet compartments are typically enclosed by partitions. Full-height partitions and door assemblies are not prohibited, but will require a larger compartment because toe clearance below partitions is not available.

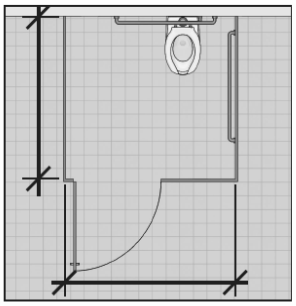


56” min
wall-mounted water closet
59” min
floor-mounted water closet



Compartment without Toe Clearance Below Partitions

No toe clearance at front partition:
greater than 62”
wall-mounted water closet
greater than 65”
floor-mounted water closet



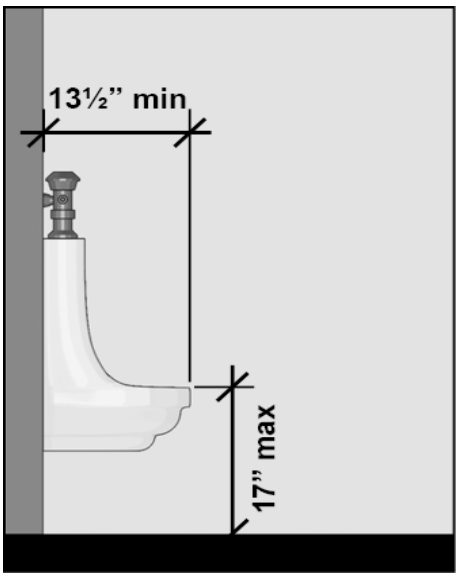
No toe clearance at side
partition: greater than 66”

Urinals

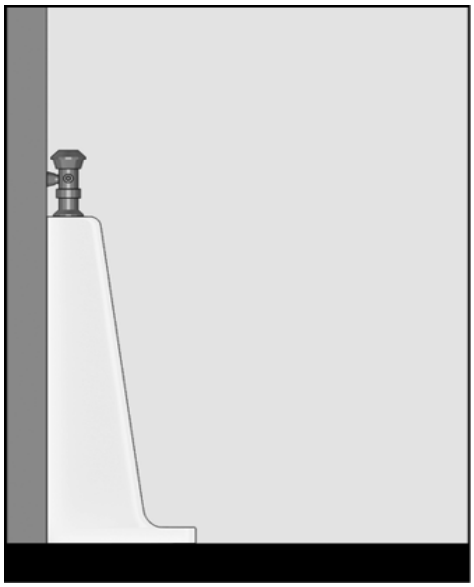
Requirements:

At least one urinal must comply where two or more urinals are provided in a toilet room. Specifications address rim height, depth, flush controls, and clear floor space. Accessible urinals must be either wall-hung or stall-type. Flush controls must be automatic or, if hand-operated, compliant as operable parts and located within an accessible reach range.

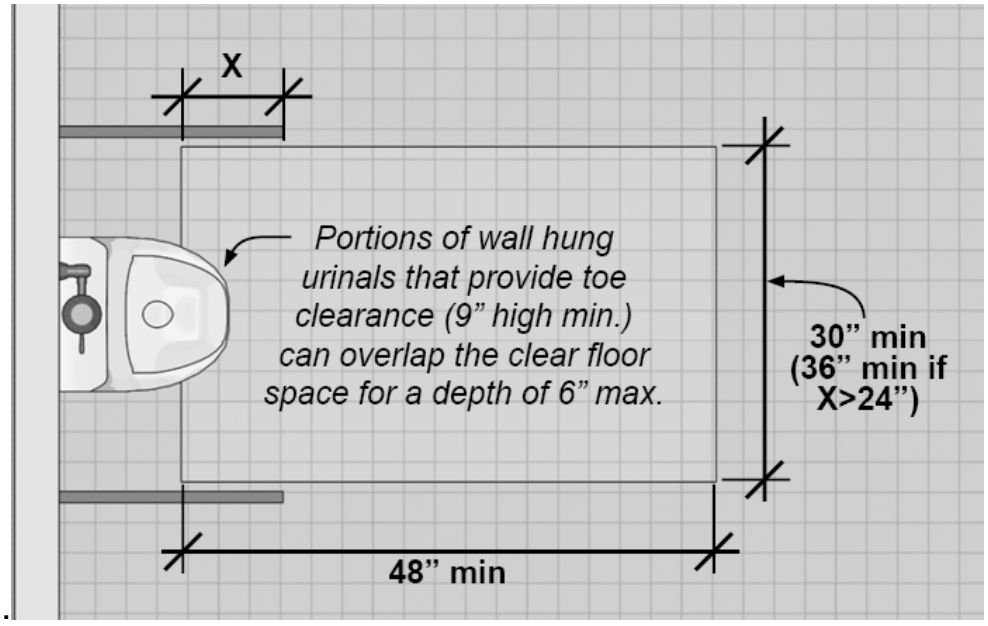
Wall-Hung Urinal



Stall-Type Urinal



Clear floor space for a forward approach is required. Partitions or privacy panels cannot obstruct or reduce the minimum clearance. If partitions or panels obstruct both sides of the clear floor space for more than 24″, the clear floor space must be at least 36″ wide instead of 30″ wide.



Findings:

Every courthouse we visited had at least one accessible restroom that met all the requirements. It is important to note, however, that two courthouses had baby changing tables in their women's restrooms only, and one of them was inaccessible.

Further, one courthouse had a biohazard disposal box that was too high and did not meet the height requirement for dispensers.

There are several courthouses where perfectly accessible restrooms were encumbered with human-made barriers that affected their accessibility. However, there were no issues with the design.

Photos of the Courthouses and Courtrooms

Human-Made Barriers

One of the recurring themes in the assessment is the ways human-made barriers rendered what were otherwise perfectly accessible spaces inaccessible. This is a particularly important issue that can only be redressed through training. An understanding of the ways in which systemic ableism makes accessibility an afterthought or an issue that people without disabilities routinely forget would bring the issue of inadvertent exclusion of persons with disability to the forefront of their minds as they navigate through their work within the courthouse.

Below, we will provide several examples of human-made barriers in accessible spaces in the courthouses we visited.

Photo 1: A rolling cart was placed in the middle of a perfectly accessible ramp, rendering it unusable.



Photos 2 & 3:

Photo 2: A cardboard box stored in the accessible restroom now prevents wheelchair users from fully navigating the space. The placement of cleaning products on the grab bar has shortened the available space.

Photo 3: A different angle of the cleaning products on the grab bars.





Unfortunately, the obstruction of the grab bar through the placement of objects occurred frequently during the assessment. The images below were captured at other courthouses where the same issue was observed.

Photos 4 & 5: The placement of cleaning products on the grab bar has shortened the space available for court users with disabilities to use.

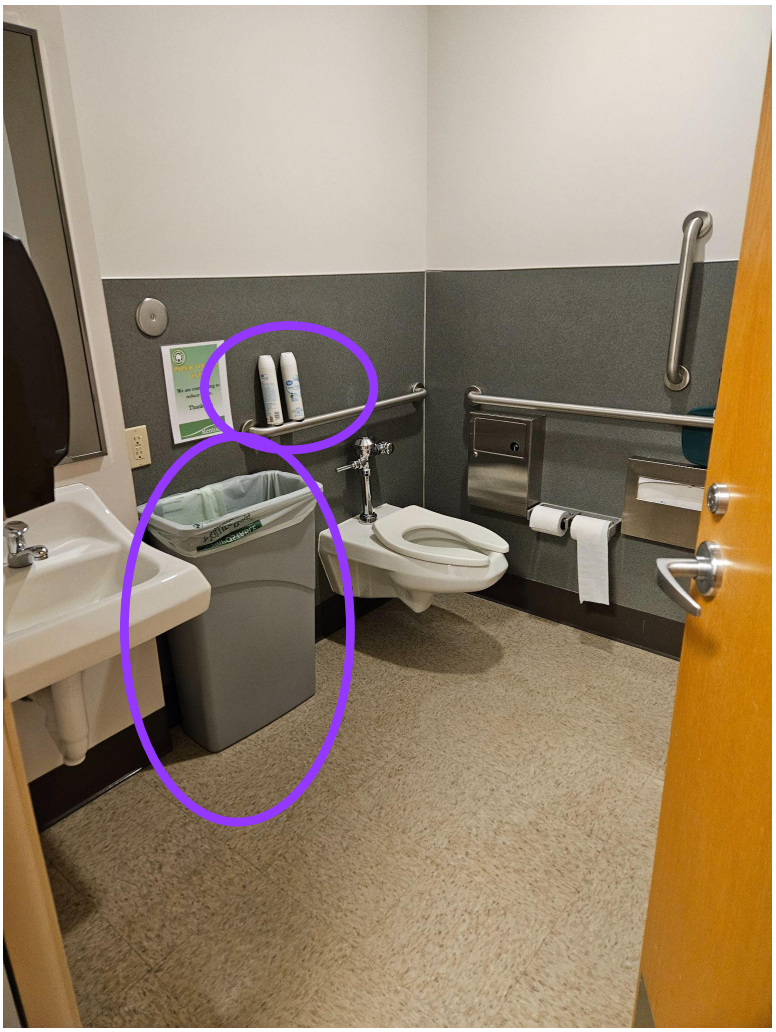


Photo 6: Display sign with raised letters and braille rendered inaccessible to court users who are blind or have low vision because they are being obstructed by a trash can and may be completely out of reach for some court users who are blind or have low vision, but will undoubtedly be an inconvenience to all.



Photos 7 & 8: A table was placed to obstruct the lift to the witness stand, rendering the otherwise accessible witness stand unusable until a person or persons with the ability to move the table remove it.





The use of chairs as a blockade in an accessible space also occurred frequently in the courthouses visited.

Photo 9: The accessible hallway connecting the holding room to the courtroom was rendered inaccessible because of the placement of the two office chairs.

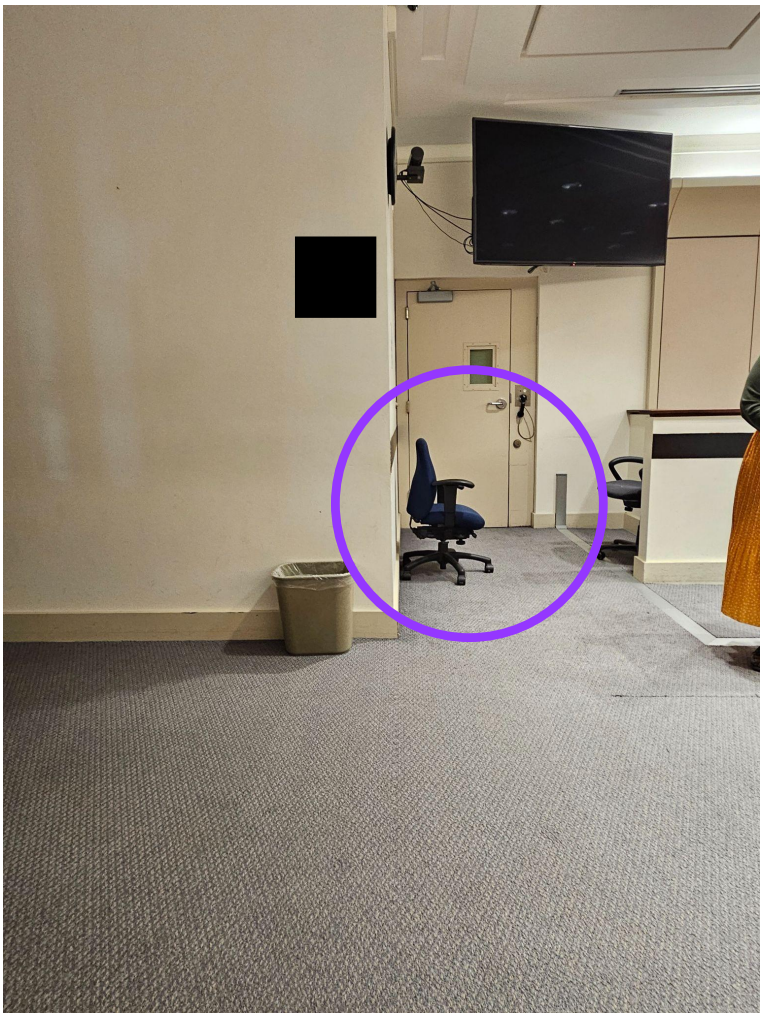


Photo 10: The placement of a row of chairs to create a waiting area in this accessible hallway significantly narrowed it and might have rendered it inaccessible.

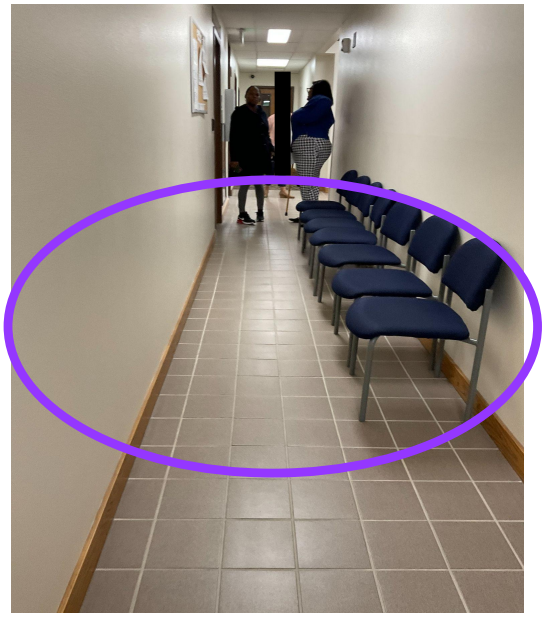


Photo 11: The otherwise accessible resource wall is blocked by a chair, which may make it inaccessible to certain wheelchair users and persons with limited arm dexterity.

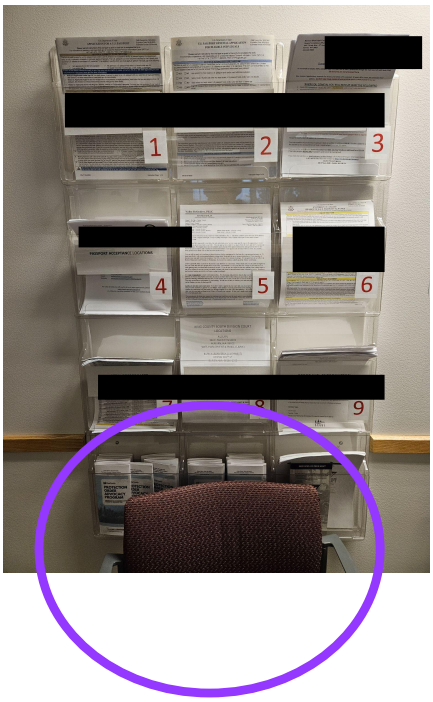


Photo 12: A chair blocks two adjacent counters at the clerk's office.

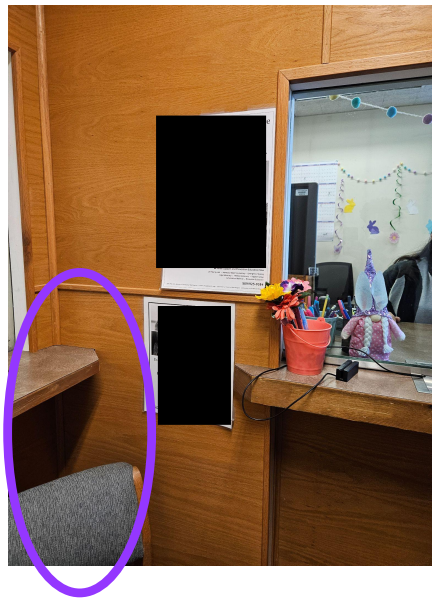


Photo 13: Although there is sufficient space to leave a wide enough gap between the two tables so a wheelchair user could move between them without issue, these two tables are so close together that most people with a mobility aid or device cannot fit between them.

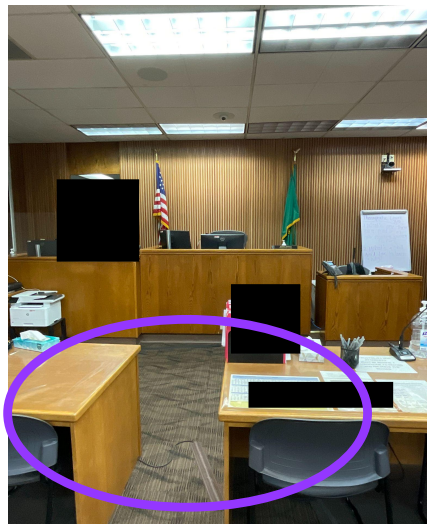
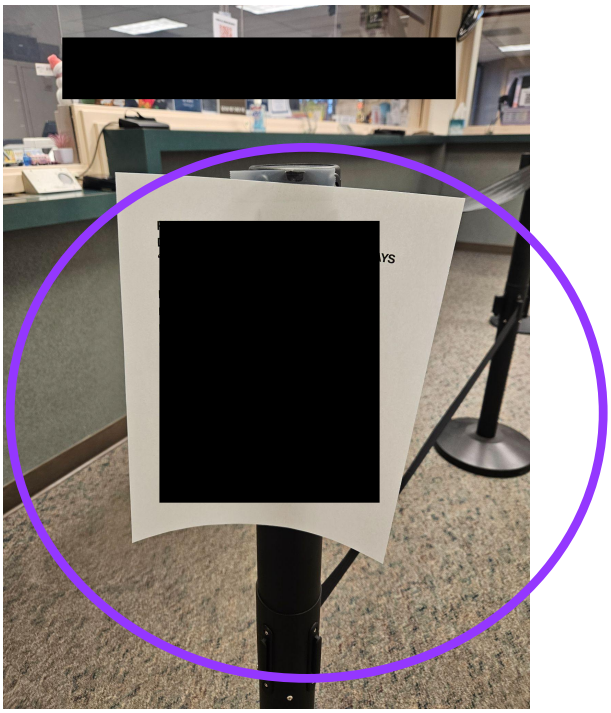


Photo 14: An after-hours payment box being obstructed by a sign



Photo 15: A rope separator was arbitrarily placed to split the room in two, and in doing so, restricted the ability of wheelchair users to make wide turns and affected the ability of persons who use specific large mobility devices to move around.



Why a section on human-made barriers?

These human-made barriers are crucial to address because, despite their apparent simplicity, removing them often demands the involvement of another person, frequently an individual without disabilities. This reliance on others to clear a path is undignifying for people with disabilities who simply want to navigate spaces on their own. When spaces are accessible, people with disabilities gain independence, enabling them to move through areas either on their own or with minimal reliance on people without disabilities.

Inaccessible Entrances and Exits & Unnecessary Obstructions

The courthouse's entrance and exit met the width requirements for the doors. The issues encountered were with the opening force and the ability of persons with disabilities to enter the building unassisted.

At one of the courthouse visits, the opening force for the door was so heavy that it took two staff members on our team to open the door. There were no automated doors, so had our consultant with disabilities been alone, she would not have been able to access the facility. To further aggravate the situation, the building's entrance had a double-door design with no court personnel. So, even if a person with disabilities were to knock, no one would hear them. The same issue arises when trying to exit the building.

It is important to note that while the doors themselves were not heavier than standard, the initial force required to set them in motion was so strong that a person using a mobility aid could not open them.

Photos 16 & 17: The entrance



Photo 18: Two KMG staff members opening the door to enter the courthouse because the staff member who used the mobility aid could not open it with one arm due to the weight of the door.



Photos 19 & 20: Exit door at the same court requiring court staff to use the weight of their entire body to pry it open.





Issues with the Entry Process

Lack of Signage

Photos 21 & 22: A courthouse with an inaccessible main entrance and no signage indicating where the accessible entrance was located (it was in the back of the building).



Photos 23 & 24: The courthouse building that housed both a district and superior court (each with a single courtroom) simply used the word “COURT” to indicate the entrance of each courtroom. Thus, one has no way of knowing if they are entering the superior or district court. A sign told litigants to check in with the clerk before entering the court. At the time of our visit, the clerk’s office was empty.





Photo 25: Courthouse with inaccessible main entrance with no signage indicating where the accessible entrance is (it was on the side of the building).



Photo 26: Zoomed-in photo of the courthouse entrance (photo 25) with no signage indicating where the accessible entrance is (it was on the side of the building).



Difficult Entry Processes

Photo 27: The personnel charged with assisting court users entering the court buildings had a firearm, a taser, pepper spray. It was also the only courthouse where the consultant who used a mobility aid was asked to walk without the mobility device by the morning guard in order to gain access to the facility. When asked questions about the location of the accessible entrance, the staff person was unhelpful.

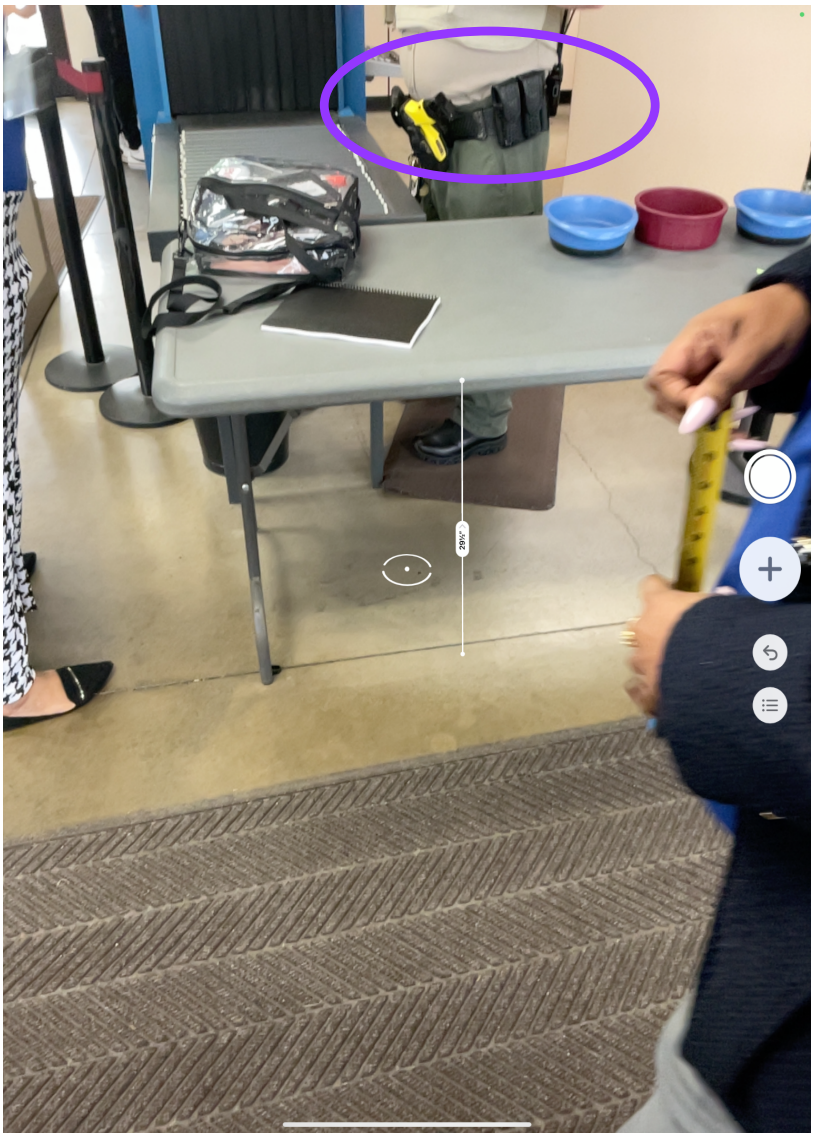


Photo 28: While there are no automated doors in this building, the door is light enough that it could be pulled without assistance. However, because there was no reception area on the first floor, it would be helpful to have automated doors or a button in case a person cannot enter the building unassisted.

In fact, when they visited this courthouse, the consultants did not encounter anyone until they entered the courtroom itself and found someone working on a computer. No one was downstairs, in the hallway, or in the clerk's office.



Inadequate Signage

Confusing signage

In this courthouse building, there are two signs on opposing sides of the building with arrows pointing to a set of staircases. No other instruction indicates the location of a jury reporting room. Unfortunately, neither arrow pointed to the actual jury reporting room. Curiously, an elevator sits in the hallway behind the staircase. A sign there points to Courtroom 2 on a different floor, but the sign does not indicate this, despite Courtroom 2 being the jury reporting room.

Photos 29 & 30: Picture of the sign with the two arrows pointing to the jury reporting room



Photo 31: Picture of the sign next to the back elevator showing the location of courtroom 2.



Photo 32: In this courthouse, one of the many signs in front of the courtroom said “Please Ask Bailiff”. When the court staff who accompanied the team for the visit were asked where the bailiff would be positioned on days when there are court hearings, they informed the consultants that there had not been a bailiff in the courtroom in years.





Photo 33: The picture advises against using elevators during a fire but offers no instructions for individuals who cannot use the stairs.

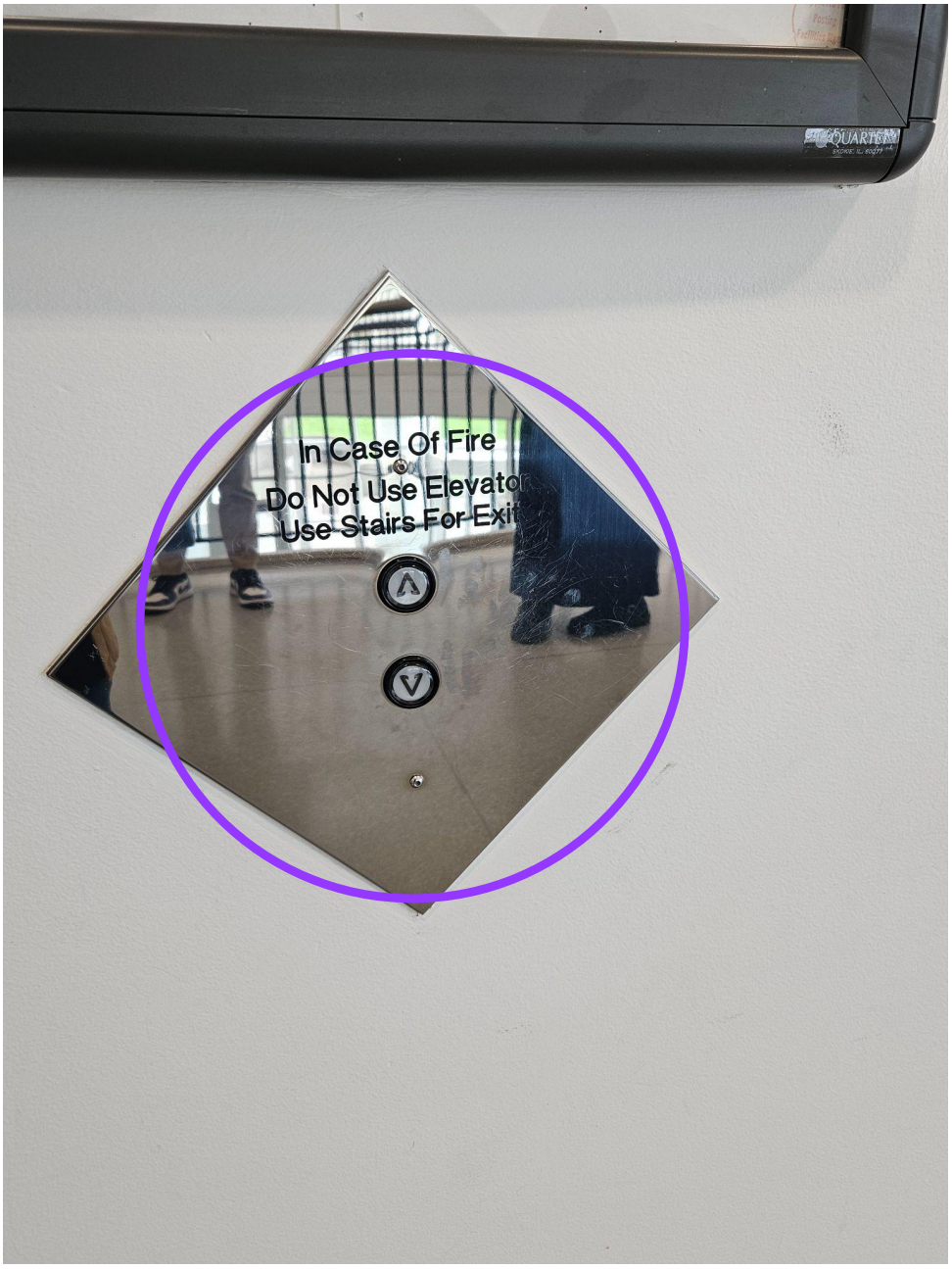


Photo 34: This court had a public phone line which was great. However, the instructions for using it were extremely confusing. Someone attempted to add a helpful example, but it was written in pencil and is barely legible



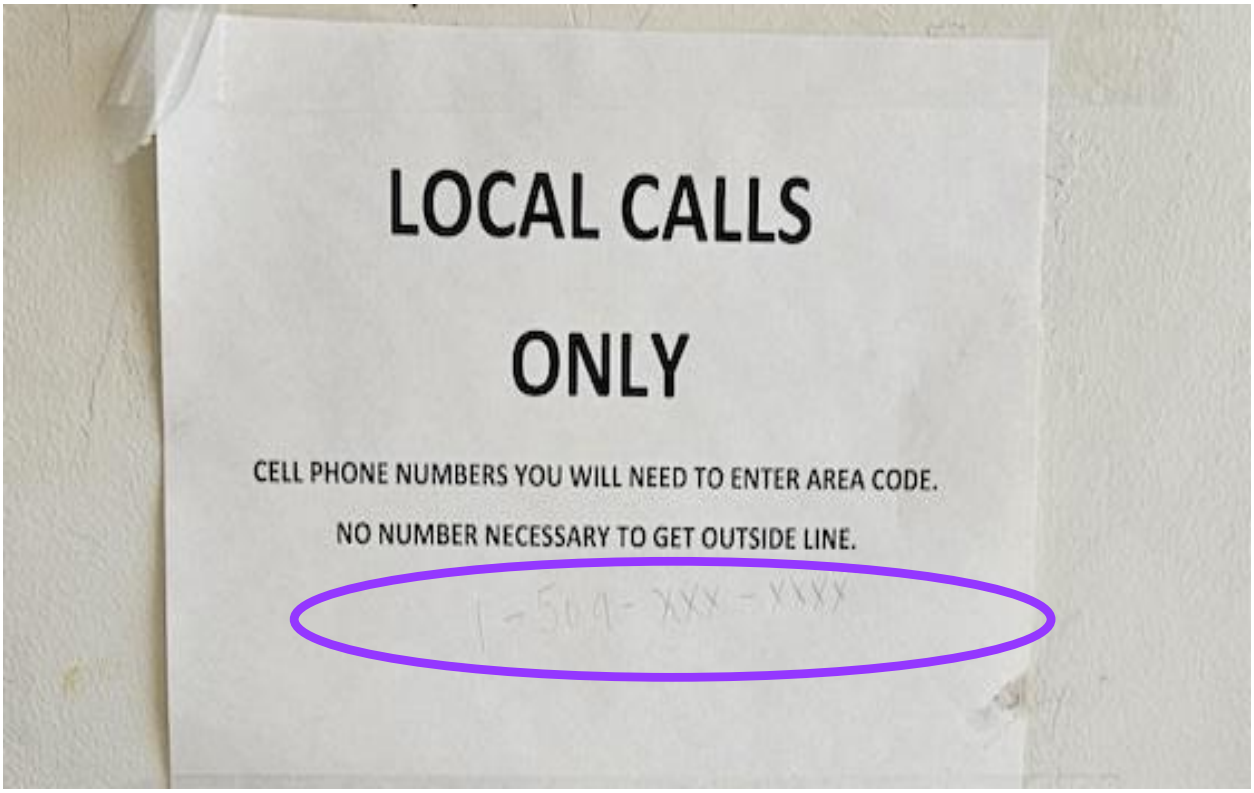
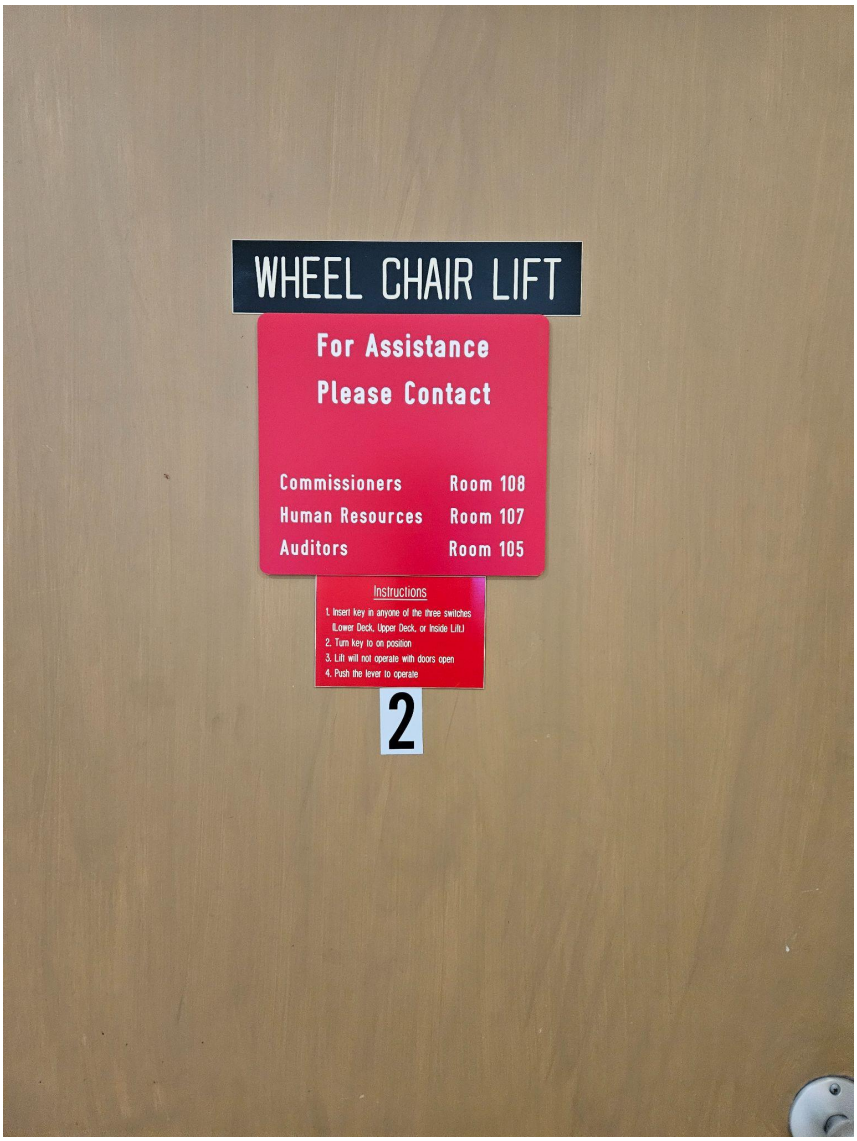


Photo 35: This courthouse has a wheelchair lift instead of an elevator. The lift was difficult to operate, and the instructions were unclear. A sign directs wheelchair users to seek help from offices on the other side of the building—meaning they would likely need assistance just to use it. Adding a simple button to press or a posted phone number would greatly reduce the stress of getting help. It is unreasonable to expect someone with a mobility disability, especially when trying to get to court, to search the entire building for assistance.



Problematic Signage

Parking Signage Issues

Photo 36: At one of the courthouse locations observed, the accessible parking spaces nearest the entrance are subject to a three-hour time restriction. However, standard court proceedings—particularly trials—frequently exceed this duration. This discrepancy between parking policy and typical court schedules may inadvertently create access barriers for individuals with disabilities, especially in cases where alternative accessible parking is limited or unavailable.



Outdated Language

An analysis of courthouses across the state revealed a consistent pattern of outdated terminology being used in reference to persons with disabilities. This issue appeared independent of facility size or location, as both the largest and smallest courthouses visited displayed signage containing obsolete language.

Regarding the court lift documented in Photos 37 & 38, multiple accessibility concerns were identified. While the problematic weight limitation will be examined separately, the immediate issue under consideration is the presence of outdated language in the lift's instructional signage.





Photo 39: The parking sign at another courthouse also used outdated language



Photo 40: The use of outdated language on a sign inside the elevator of another courthouse building



Photos 41 & 42: The use of outdated language on a button at another courthouse building





Hazardous Conditions for Emergency Exit

Example 1: At one courthouse we visited, the emergency exit for people with disabilities is fatally dangerous. A person would have to jump from a window, likely to their death, to escape–assuming they could even fit through it. This "fire exit" is just a window atop an AC unit, tucked away in a back room of the courtroom, with no other evacuation route or clear signage. The window exits onto a small, rusty, dead-end balcony. There is no chute, ramp, staircase, or even a ladder to get anyone from the third floor to the ground. This "emergency exit" is not just inaccessible for people with disabilities; it is a dangerous setup that could be fatal to anyone trying to use it, whether they have a disability or not. The thought of an escape route being a literal jump from a three-story building is terrifying. Below are some pictures taken of the emergency exit.

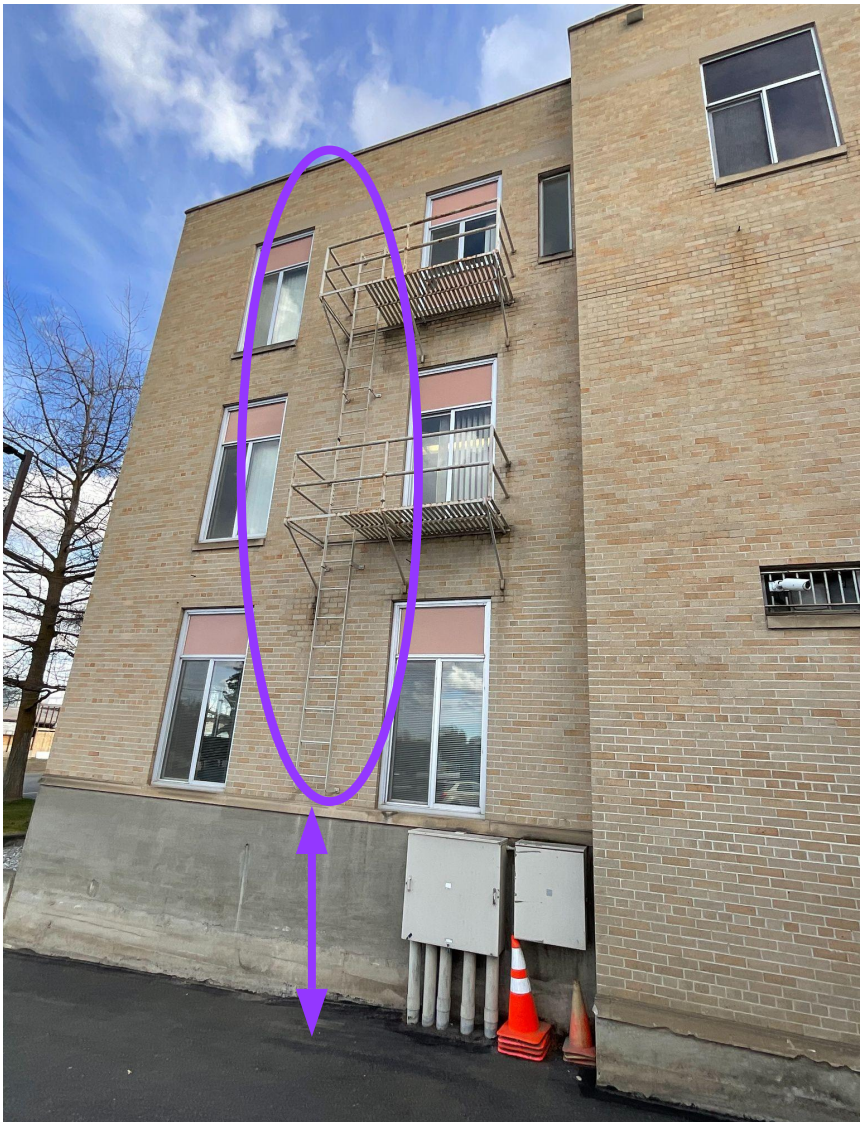
Photo 43: The fire exit in question



Photo 44: The balcony on the other side of the window



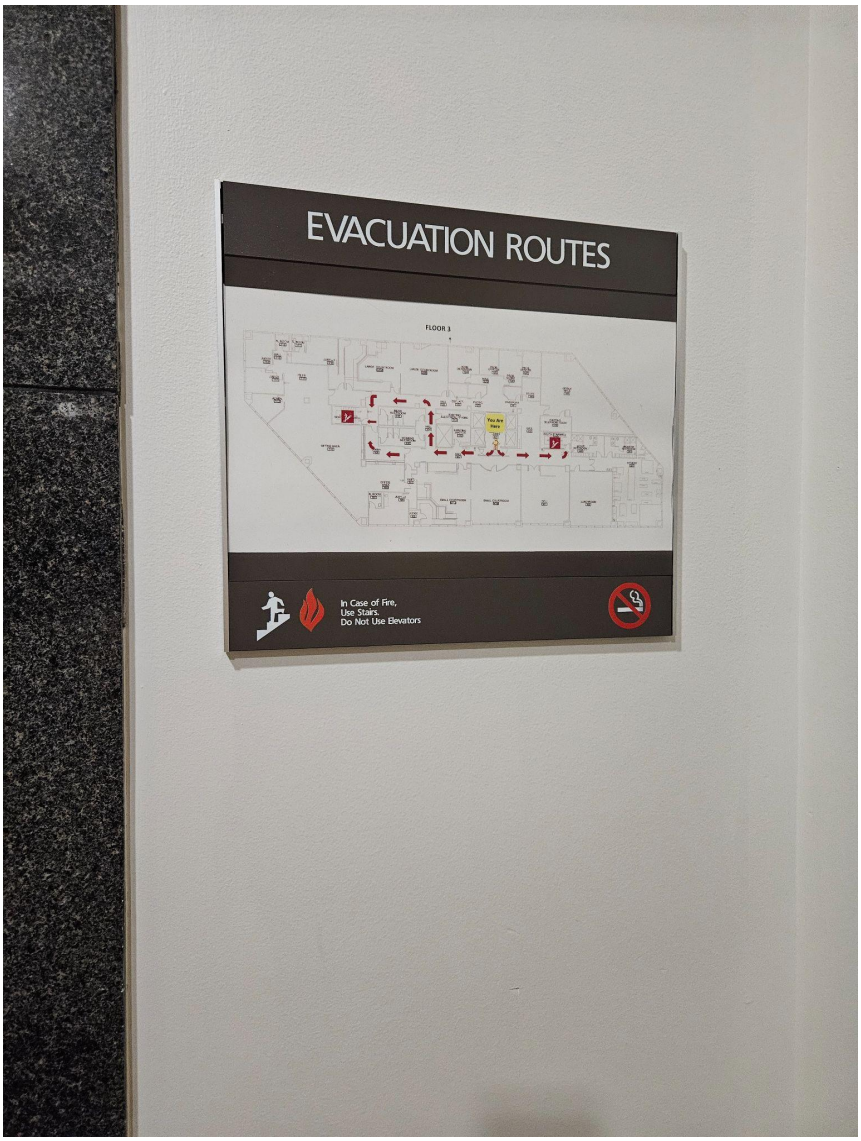
Photo 44: The side of the building with an elevated ladder attached to it (and thus useless) and no steps connecting the last level to the ground



Example 2: A couple of the evacuation routes displayed on upper levels of courthouse buildings had strict prohibitions against the use of elevators as a means of egress, but no instructions on what a court user with a disability that prevents them from using the stairs ought to do to evacuate.

Further, the consultant asked court staff what a person who cannot use the stairs is supposed to do to exit the building. No one could provide an answer.

Photo 45 - the evacuation map on the third floor of a courthouse with no instructions for court users with disabilities.



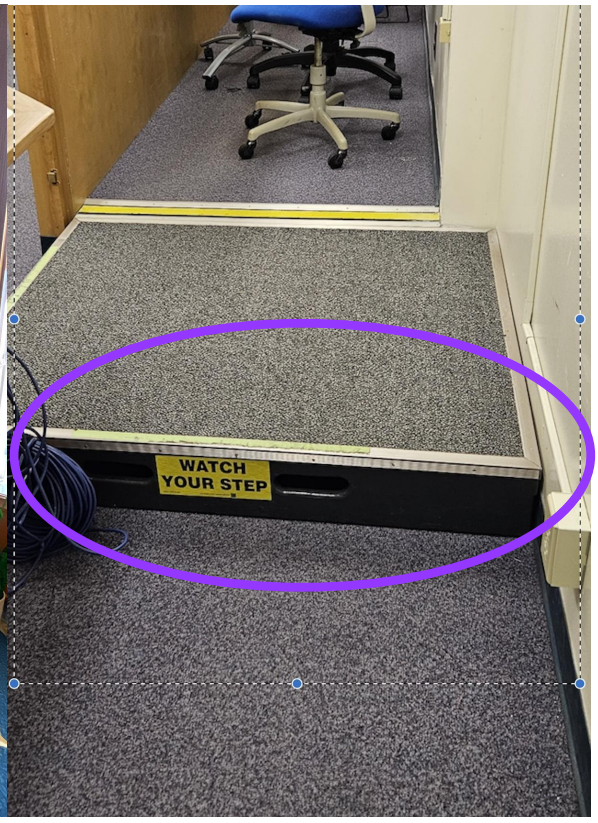
Inaccessible jury boxes

Photos of some of the jury boxes









Findings from the Interview Portion of the Assessment

Funding Source

In every courthouse we visited, the court administrator managed the court's funds and operating budget. For significant purchases, the judge (or Chief Judge in larger courts) made the final decision.

In most courthouses, court administrators either were not allowed to spend more than a few hundred to a couple of thousand dollars without judicial approval, or they felt uncomfortable doing so.

All courts were primarily funded by the municipality or county where they were located, but almost all of them reported receiving other funds through grants and donations to maintain and implement some of their programs. Many of the programs not funded through their budgets were programs that benefit marginalized court users and were alternatives to incarceration.

General Rule 33 (GR 33) Implementation & Training

This section of the report will strictly address the sections of GR 33 that came up during our interviews with court administrators and staff. A separate section thoroughly dissects and breaks down the entirety of GR 33.

GR 33 covers the process through which a person with disabilities requests accommodation in Washington courts. Thus, the expectation would be that court staff and administrators tasked with providing such accommodations are well-versed in the rule's content and adequately trained to competently carry out the mandates set forth in the rules.

However, our visit proved that much work remains to provide court staff

and administrators with proper training. In most courts, matters related to ADA and General 33 were handled by the court administrator; however, one court had a designated ADA staff person who handled these requests.

For the most part, staff were unaware of the requirements to provide written decisions on requests for accommodations under General Rule 33.

Subsection (d) of GR 33 states the following concerning decisions on requests for accommodations: “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.”

None of the courts we visited, including the court that actually followed this procedure, were aware of this requirement of GR 33.

Court staff and administrators found that the process of recording their decision would complicate what they consider to be an otherwise easy process, particularly in cases where the accommodation requested could be easily provided or the assistive technology readily available.

GR 33 also requires, under section (e) that court users be provided information about their rights in the event of a denial of an accommodation request. In that section, it states:

“(e) 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."[251]

Only one court administrator followed this procedure. This is because, pursuant to the comments in GR 33, they implemented an informal complaint procedure. On that form (adopted from the Administrative Office of the Courts' website), they provide information about a court user's right to file a complaint under the ADA of 1990.

Overall, our findings were that all court administrators and staff felt like they would benefit from some training on GR 33 and its application. They reported that though they are not required to receive any training on disability for their position, they would voluntarily take one to deepen their understanding of the rule.

Many felt they were not well-versed in GR 33. A minority of court staff said that though they were not trained on the rule's content and could not name all of its requirements, they knew they were in compliance with it

In reality, we found an inverse correlation between confidence and compliance with GR 33. The court administrators and staff who disclosed the most discomfort with the implementation of the rule and the least confidence in their knowledge of it were more likely to be in compliance with it.

[251] Emphasis added

Other trainings

In all the interviews we conducted, no court staff or administrator reported being required to complete certain disability training at onboarding or at any point during their tenure as part of their professional development.

It is important to note that no court staff or administrator reported receiving digital accessibility training since the COVID-19 pandemic, and none of them had been trained to identify or understand the signs of a manic episode or mental health crisis.

Foreign language interpretation services

100% of the courts reported an increase in the number of court users needing foreign language interpretation services.

Some of the languages that are being requested are:

- Spanish
- Mixteco | Mixtec
- Russian
- Mam
- Tlapaneco | Tlapanec
- Ukranian
- Spanish Sign Language

All of them report being able to meet the demand, primarily due to a grant through the Administrative Office of the Courts. Courts reported having difficulties finding interpreters for some of the lesser-known North and Central American languages and dialects within the state of Washington, but have managed to build relationships with interpreting services in other states to ensure that non-English speaking court users are provided with this

service.

Court improvements and alterations

As we pointed out in the last section, there are several things that need to be fixed and improved within all the courthouses visited. From needs for ramps to modifications to jury deliberations spaces, there are a lot of things that need to be improved in the courthouses we visited and many of the court staff and administrators shared that they continue to be well aware of issues within their facilities.

The dilemma that many found themselves in is having to stretch a limited budget while making small improvements.

Many found themselves adding grant search and applications to their already large workload.

Information about special programs

Despite budget limitations, there are many efforts being made in courts throughout the state to thwart the effects of systemic ableism, which is often compounded by other forms of marginalization for court users with disabilities in Washington.

In the courts we visited, we found programs and resources to help court users feel less disadvantaged within the court system.

Community resource coordinator

In one of the courts visited, there was a full-time community resource coordinator who supported court users with job searches, applications for housing assistance, applications for social security benefits, state-funded benefits, etc.

Through the coordinator's hard work, the court obtained bus passes to provide transportation support to court users. The community resource coordinator serves as a case manager who supports court users with not just social services support, but also with completed court-mandated classes.

Daycare

The court system is not suitable for children. Yet, nationally, childcare costs are becoming more out of reach for many parents. At one of the courthouse visits, we found a fully accessible daycare, where court users could drop off their children while their case was being heard. The court administrator and staff found that the daycare provided a much-needed service to court users with children, particularly those small enough to disrupt proceedings. It was the only one of its kind in the courts we visited, and its creation was funded through large donations, and its upkeep is being maintained through small donations by jurors who donate their per diem to support the operation of the daycare.

Law libraries

Three of the six courts we visited had a law library, which was different in size and capacity. One was staffed with a law librarian who could answer questions that court users may have, while the other two only had books, a computer, and a printer available to the public.

But at their core, they all seek to do the same thing: provide court users with resources to obtain supporting evidence for their cases.

Behavioral health courts

One of the courts had a behavioral health court designed to redirect persons with substance use and abuse issues and persons with psychiatric and/or mental health disabilities away from the carceral system into treatment.

This rigorous, well-regulated program provided persons with disabilities who would otherwise be thrown into jail with an opportunity at treatment and a life with dignity. During the twelve-month program, participants were supported by various social services agencies to obtain basic necessities. Participants were supported in getting stable housing, stable employment, and independence when feasible for their condition.

Therapeutic courts

Similarly, two of the courts had therapeutic courts. One of them had a well-staffed therapeutic court with two counselors and two case managers that supported persons with mental health-related disabilities through the court system. The program seeks to provide participants with mental illness an avenue to have their criminal cases resolved favorably.

The other court also had a robust program that included not just legal professionals, such as judges and attorneys, but also victim advocates, probation mental health specialists, public health court clinicians, and community support specialists.

Veterans Courts

Of the courts visited, one had a veterans court designed to divert former servicemembers from the carceral system to a support system where they can find help for Post-Traumatic Stress Disorder (PTSD), other service-related disabilities, and needs that might have caused their entry into the court system. While we were made aware of the program, we did not get a chance to see the location where the program was housed.

In-house probation

One of the courts we visited had an in-probation program that was not affiliated with law enforcement or the Department of Corrections. When asked about the effectiveness of their program, they said that participants in their probation program overwhelmingly complied with the terms of their probation. Though the staff we spoke to were not aware of the data on whether people reoffended, they said, based on their observations, they rarely saw people who went through the program back in the courtroom.

Courthouse Security and Presence of Law Enforcement

Of the courthouses we visited, three had armed police officers. Of the three that did not have the police department at their courthouse, two had a secure entrance with security staff to greet, guide, and search court visitors for weapons.

In the courts with the police department in their facility, only one had armed police officers in the courtroom during the proceedings. The other two had the entrance in a role similar to that of the security staff at the other buildings.

Concerns about the safety of court employees were only raised when the courthouse building had no security measures at all. There was no difference in the staff's sense of safety in the courthouse with security staff and those with armed police officers.

All the court staff interviewed said they relied on local law enforcement to respond in the event of a threat or violent incident involving a court user or visitor. What constitutes a violent outburst or threat is left to the discretion of the court staff.

All the courthouses also had signs stating that “aggressive behaviors” will not be tolerated. The signs did not explain what the consequence would be for "aggressive behaviors,” and many of the signs included “threats” and “abusive language” as examples of what constitutes “aggressive behaviors”.

None of the court administrators interviewed could confirm that court security or law enforcement had received any training on how to interact with court users with disabilities.

Low sensory areas

Many things within a courthouse building and courtroom can cause sensory overload or overstimulation for court users, even those who are not neurodivergent or have a sensory-related disability.

From the continuous noises associated with regular court operations to the entry process where court users are being given rapid instructions, the multiple conversations between attorneys, court staff, and other court users happening simultaneously, courthouse hallways can become areas of great auditory overstimulation.

Court users can also be subjected to other intense stimuli that could cause them to become overstimulated and affect their ability to participate in

proceedings fully. Things like the bright lights in the courtrooms, the crowdedness of the space, the cold temperature of courtrooms, the emotional stress of being in an unknown space, and being consistently given commands and instructions by strangers can cause anxiety and stress and result in overstimulation of court users.

None of the courthouses visited had designated low-sensory areas for court users who are neurodivergent and/or are being overstimulated during their court proceedings. Further, during our walkthrough, no public areas within the courthouse building were identified that court users could use as a low-sensory space (even if not designed for this purpose).

Lactation rooms, changing tables, and other processes for nursing parents

While not covered or required by the ADA and the U.S. Access Board requirements, as courts move towards a more inclusive approach to nursing parents, they have started to include lactation rooms and spaces within their courthouse buildings. In 50% of the courthouses we visited, there were designated lactation rooms. However, no single courthouse was completely accessible.

Information about fees and legal financial obligations

The burden that fines and fees imposed upon court users has long been identified as an issue within Washington. In recent years, the legislature has made efforts to address this, and it showed in the interviews with the court staff and administrators. Everyone was well-informed of the process through which litigants could get their fees waived by the court. One court even had a sign prompting court users to inquire about the fee waiver

process.

The process varied from court to court; however, ultimately, the decision whether a waiver of fees and fines was warranted depended solely on the discretion of the judge.

None of the staff interviewed seemed to know the factors that judges used to make their decisions. However, they all seem to believe the judges were granting the overwhelming majority of requests.

No court kept data on the number of requests for fee waivers received and whether the court granted or denied them.

Courtroom protocol regarding remote appearance

All courts had a protocol for remote appearance, but only one allowed litigants to appear remotely without filing a motion with the court.

One court had an iPad in its courthouse. The iPad was located in the hallway/waiting area, and court users without Zoom access in their homes or who needed assistance could use it to access virtual court.

ADA Coordinators

None of the courts visited has a full-time ADA coordinator whose sole job responsibility is to handle ADA, GR 33 requests, and other disability-related issues within the court. However, one of the courts did have an access person on staff whose job duties explicitly included handling disability-related issues with court users.

It is important to note that they have only had the position for four (4) years.

Additionally, the staff charged with handling disability-related issues in the courts could not identify a go-to person or key resource that they use to

support them or advise them if they received a request for accommodations that they did not know how to handle.

Lastly, only one of them was aware that the Administrative Office of the Courts had an ADA access coordinator who could provide guidance on disability and accessibility-related issues.

Resources for unrepresented litigants

All the courts visited in Washington had resources for self-represented/unrepresented litigants. From self-help areas to law libraries, there was a wide variety of resources available for persons who did not have legal counsel.

Two of the courts visited had court facilitators who provided guidance on the court process and the forms needed, but not legal advice. The court staff and administrator identified the court facilitators as invaluable resources who helped those without attorneys maneuver through the court system.

Three courts had law libraries. All three had printers and computers, but only two allowed free printing. The law libraries were open during court hours so that all litigants could print forms and evidence in support of their cases.

Only one of the courts had a staffed library with a law librarian who could guide court users through the legal research process. Just as court facilitators, the law librarian cannot provide legal advice. Two courts had computers for unrepresented litigants to use. However, only one of them was accessible, as one of them exceeded the height and knee clearance requirements.

Overview of court complaint processes

Of the court administrators and staff interviewed, only one knew the requirements of having a complaint process under the ADA, and the part of it addressed in GR 33.

Two of the six courthouses had a complaint process, but only one was in writing, readily available, and included all of the information required by GR 33 and the ADA.

Interpretation & Discussion

Observational Assessment

The observational assessment of the courts in the state of Washington shows that none of the courts visited are fully compliant with the requirements of the ADA regarding the physical access of their courthouse buildings and courtrooms.

Washington courthouses also have a ways to go in order to create a space that meets the standards outlined in the ten principles of disability justice.

To meet the requirements of disability justice, a court's accessibility features, programs, and accommodation request processes should ensure that people with disabilities do not experience ableism, limitations, or indignity as they use the courthouse, courtroom, or website.

This assessment shows that many of the issues related to the lack of accessibility not only inconvenience court users with disabilities but also prevent them from exclusively focusing on navigating the legal issues of their case.

Inaccessible jury boxes

In a country that purports that each person has a right to be tried by a jury of their peers, physical and architectural barriers within the courthouses of Washington State disqualify participation of people with mobility-related disabilities, wheelchair users in particular. With all but one courthouse having an inaccessible jury box, the likelihood of a wheelchair user having in that jury box a “peer” who looks like them is next to impossible.

The need for greater accessibility extends beyond the jury box; most of the jury deliberation rooms had no accessible restrooms, and all except one courthouse had no accessible kitchenette. A wheelchair user would find it extremely difficult to engage in the legal system as a juror under these conditions. Assuming that a juror could be accommodated through a portable ramp to gain access to the jury box, they would still be deprived of the use of restrooms and the opportunity to heat food and retrieve a beverage for the duration of the trial.

Inaccessible design of courtrooms throughout the state either discourages community members from jury participation or positions those who wish to complete their civic duty and participate in a jury to put themselves through a potentially humiliating process that could negatively affect their health. According to focus group participants with disabilities who utilize the courthouses, the price to participate in their civic duty is too taxing.

Ableism in courtroom design is not just dehumanizing and undignified for prospective jurors; it is also a deprivation of the constitutional right of every person with disabilities to have themselves reflected in that jury box.

Though the following case was not disability-related, in *State v*

Rivers[252], the Supreme Court of Washington made it very clear that exclusions from jury service of **any identifiable segment**[253] of the community affected the fairness of the trial.

In its ruling, in *State v Rivers,* the court said: *"*Still, we emphasize the critical importance of jury diversity and the urgent need to promote juror participation and representation statewide. It is beyond dispute that "[f]ully representational jury pools and fairly selected juries are required ... to make our trials fair, our judgments legitimate, and our democracy inclusive." *Rocha v. King County*, 195 Wn. 2d 412, 438, 460 P.3d 624 (2020) (González, J., dissenting). Indeed, research shows that diverse juries spend more time deliberating, engage in more thorough and detailed deliberations, are more willing to discuss racial bias, and make fewer factual errors.[254] Conversely, "**[w]hen any large and identifiable segment of the community is excluded from jury service, the effect is to remove from the jury room qualities of human nature and varieties of human experience, the range of which is unknown and perhaps unknowable."**[255] *Peters v. Kiff*, 407 U.S. 493, 503, 92 S.Ct. 2163, 33 L.Ed.2d 83 (1972) (Marshall, J.) (plurality opinion).

Until the critical importance of jury diversity and the urgent need to promote juror participation and representation that the Supreme Court emphasized are prioritized in how courts in Washington are designed, a trial by a jury of one's peers, at least in the current state of affairs, seems to not be a right of all defendants but a privilege of defendants without disabilities.

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[252] State v. Rivers, 533 P.3d 410, 426 (Wash. 2023)
[253] Emphasis added
[254] Samuel R. Sommers, *On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations*, 90 J. Personality & Soc. Psych. 597, 606-08 (2006). https://perma.cc/29WP-SL7U.
[255] Emphasis added

Elevator access

Two key issues that arose regarding elevator access were noteworthy. The first one involved the sheriff's department using the courthouse elevator as a makeshift emergency holding cell on certain days of the week.

During one of our interviews, we uncovered that the sheriff's office, when transporting incarcerated individuals to the court, would lock the only elevator in the building for hours and prevent all members of the public from having access to it. The justification for this practice ranged from it was to convert the second-floor courthouse into a place with a single point of entry and exit (the stairs) in case an incarcerated person was to try to escape; it would be easier for the sheriff to intercept them to in case of an emergency, the sheriff would utilize the elevators to hold the incarcerated court users until the emergency subsides or they can take them back to the jail safely.

When asked whether that had caused issues with court users with disabilities in the past, the court staff we spoke to reluctantly disclosed that there had been instances where elderly individuals were forced to utilize the stairs and had fallen on the stairs. In one instance, they disclosed that it involved an elderly person who used a mobility aid. This practice is harmful to both the incarcerated individuals and individuals with disabilities. It is hazardous and inhumane to have a group of incarcerated people in such a small, unventilated space all at once for an unspecified amount of time. It is also a major concern that persons with disabilities who need to utilize the elevator are being deprived of its use for hours at a time.

It is more than just an accessibility issue. It is a constitutional right violation to prevent court users with disabilities from being able to access the courtroom where their case is being heard.

Further, if there is jury selection on that specific day, jurors who need elevators to access the court will be unable to participate. Thus, it potentially excluded community members with disabilities from serving on a jury.

The second issue was the court without an elevator with a wheelchair lift instead. While a wheelchair lift is an acceptable substitute for an elevator, some issues with the wheelchair lift caused some concerns from a disability justice standpoint.

The wheelchair lift had a weight limit of 400lbs, which is a serious concern as some power wheelchairs can weigh more than 400lbs. Additionally, the court administrator had no information about the maintenance of the lift (i.e., the last time it was maintained, how often it must be maintained, if it was subject to inspection by the county, etc.) and the lift was small, hot, and dirty - a stark contrast to the otherwise pristine facility.

Due to current practices, persons with mobility-related disabilities have to deal with the undignifying experience of being put in an unsanitary space just to have access to justice. Having the space designed for persons with disabilities subjected to the same maintenance, safety, and cleaning regimen as the rest of the facility, so as not to subject them to an undignifying experience, may not be a requirement under the ADA. Still, it is certainly a principle of disability justice.

Further, having persons with disabilities forced to use an apparatus where they would have to be separated from their caregivers because the weight limit and the size of the lift do not account for two people being able to use it can cause unnecessary stress and panic for a court user with disabilities.

Ultimately, the condition of the wheelchair lift will negatively impact the experience of court users with physical disabilities, and many may find that

the contrast between the upkeep of the lift and the rest of the facility sends a disheartening message about the inclusion of persons with disabilities.

Emergency Exits

The issues with the emergency exits are truly a life and death situation. The fact that there are courthouses in the state where persons with certain disabilities would not survive a fire simply because there are no adequate emergency exits or means of egress is disheartening and a major concern.

The dread of seeing the hazardous fire exit does not just come from frightening thoughts of what could happen if there is an emergency; it also speaks to the lack of forethought and consideration for persons with disabilities in its creation. One of the key tenets of disability justice is "leadership of the most impacted." One of the many benefits of this principle is that it prevents situations such as this, where it is evident that people with disabilities were not considered.

It is undeniable that an emergency exit that requires persons to potentially jump to their deaths to escape a fire does not meet the requirements of the ADA. It runs counter to the principles of disability justice. It is also important to highlight that designs that benefit persons with disabilities often benefit us all, and those who harm persons with disabilities can often harm more than just persons with disabilities.

A person attempting to evacuate the building would need to climb over a large air conditioning unit onto a window. This means that several people would be unable to evacuate, including children of a certain age whose legs are not long enough to cover the length of the unit, persons who are unable to climb over the unit because of their disabilities, adults of a certain height, whether disability-related or not, and certain pregnant people.

Thus, a design that is accessible to persons with disabilities would have benefited all of these groups. This idea of interdependence is also highlighted in the principles of disability justice.

Signage

There are many reasons why such a strong emphasis was placed on signage in this assessment. Signage is also emphasized in the ADA. The proper signage also supports the access and accessibility part of the principles of disability justice. To understand why signage is important, it is crucial to know how it affects human behavior, particularly how the presence of signage propels people to engage in certain behaviors.

First, it must be noted that the use of the international symbol for accessibility or the international symbol for access for hearing loss serves more than one purpose; it is more than just uniformity.

While the design of a sign or the symbols used in it might seem trivial to a person without a disability, the psychological effect of the use of recognizable symbols in signage is well-studied. In a study by the NIH about what makes a sign effective, researchers found that the use of familiar signs reduced the need for lengthy and clear explanations because people knew the expected behavior the moment they observed the sign. In the study, the researchers said: “Thus, for very well-known signs, like the universal recycling sign, perceived effectiveness is independent of clarity of purpose. The viewer processes the information via the direct route. For an unfamiliar sign, clarity of purpose played a significant role: The more clearly the purpose of the sign can be inferred, the greater was the perceived

effectiveness of the sign."[256]

This tells us something significant and powerful about the way persons with disabilities in a high-stress environment like a courthouse building will behave when they see a well-known sign. Because some disabilities can affect one's brain functioning and processing in high-stress situations, the use of an easily recognizable symbol allows a person with disabilities, even under stress, to understand the purpose of the sign and the behavior or action that the sign is requesting of them.

Another critical point to outline when it comes to signage clarity is the wording used when there are no international symbols. Studies as far back as the 1970s have shown that signs instructing people to engage in particular behavior are effective when they are direct and focus on that behavior. In a 2012 publication in the Applied Ergonomics entitled "Please turn off the lights: The effectiveness of visual prompts", researchers Reuven Sussman and Robert Gifford highlighted two studies around the use of signage as a tool to encourage people to engage in particular behavior. In their article, Sussman and Gifford quote a prior study by Geller, saying: "If a particular behavior is targeted by the sign, then the sign should specifically focus on that behavior (Geller, 1973)."[257]

A few paragraphs later, they continued on to say: "Geller and colleagues (Geller et al., 1982) summarize the important aspects of an effective visual prompt: the target behavior is convenient, the behavior is precisely specified (or alternates are specified if avoidance is the goal), the

[256] Meis, J., & Kashima, Y. (2017). Signage as a tool for behavioral change: Direct and indirect routes to understanding the meaning of a sign. *PLoS ONE*, *12*(8), e0182975. https://doi.org/10.1371/journal.pone.0182975 https://pmc.ncbi.nlm.nih.gov/articles/PMC5576639/

[257] Sussman, R., & Gifford, R. (2012). Please turn off the lights: The effectiveness of visual prompts. *Applied Ergonomics*, *43*(3), 596-603. https://doi.org/10.1016/j.apergo.2011.09.008

message is delivered as close to the behavior as possible, and the message is stated in polite language (so as not to reduce the perceived freedom of the reader)."

How does this apply within the context of our court visits? During the observational assessment, there were several signs prompting court users to engage in certain behaviors - to ask about the fee waiver process, to ask for a foreign language interpreter, even to ask about assistive listening devices. However, there were no signs specifically stating that one could ask about accommodations other than assistive listening devices, and this is important because of what we uncovered in the interview portion of the assessment.

In the interviews with court administrators and staff, they were all able to actively recall providing assistive listening devices to court users and using foreign language interpreters. Most told us that they had data on how often they used foreign language interpreters that they could share with us.

Similarly, staff at the court with the sign encouraging court users to ask about fee waivers said it was a frequently used process and that the clerk's office had a process to handle those.

However, court administrators and staff struggled to answer when asked about accommodations other than the assistive listening technology.

While this is correlational, it cannot be said to be merely coincidental. While it cannot conclusively be said that the persons who do not have hearing-related disabilities did not ask for accommodations because there was no sign directing them to ask for it. It is indisputable that hearing-related disabilities are not the most prevalent in the US. *(See* the April 2025

publication from the Centers for Disease Control and Prevention on the prevalence of disability in the United States). [258]

This, however, is not mere deductive reasoning. Studies that have been conducted to understand factors that contribute to a failure to request necessary accommodations by persons with disabilities have identified a lack of awareness of the availability of accommodations as one of the factors. Though not in courts, a study by researchers, West, Kregel, Getzel, Zhu, Ipsen, and Martin, on the experience of students with disabilities in higher education found that "many students wrote that they were unaware of the services to which they were entitled, or which were available." (p. 461)[259]

This shows that, beyond the dignifying effect, having a sign that alerts persons with disabilities that the court cares about their full participation in their proceedings, the presence of proper signage may very well be the first indication to a person with disabilities that accommodations can be provided and support is available.

In conclusion, clear, proper signage serves many purposes. It alerts court users of their constitutionally protected right to fully participate in their proceedings under the Sixth Amendment, informs them of the presence of accommodations in case they were unaware that they could be accommodated, and lets them know that the court cares about the experiences of court users with disabilities.

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[258] 2025. Center for Disease Control and Prevention. Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults. https://www.cdc.gov/disability-and-health/articles-documents/disabilities-health-care-access.html.

[259] West, M., Kregel, J., Getzel, E. E., Zhu, M., Ipsen, S. M., Martin, E. D. (1993). Beyond Section 504: Satisfaction and empowerment of students with disabilities in higher education. Exceptional Children, 59, 456-467.

Language in signage

This care about court users with disabilities is also why the use of the right language in signage is important. In many of the courthouse buildings visited during the observational assessment, there were signs with outdated language referring to people with disabilities. This affects people with disabilities' experience of the court system even before they enter the courtroom or interact with court staff.

The use of proper language creates a sense of emotional safety for court users and a feeling of belonging. Inclusive language allows resonance with wider audiences by speaking and writing in ways that are understood, and creates a welcoming environment that builds relationships and promotes wellbeing. Words exert extreme energy, wielding the power to help and heal or hinder and harm.[260]

For courts in the state of Washington, utilizing inclusive language in signage referring to persons with disabilities is a necessity in a place that many people, particularly those with disabilities, have associated with harm. By virtue of its purpose, most people's interactions with the court system are to resolve unpleasant or difficult matters. Having the difficulty exacerbated by the presence of offensive and outdated language complicates an already emotionally heavy experience.

Inclusion of parents

It is crucial to begin this section with an acknowledgement that the

[260] Carter, B.M., Johnson, R , McDaniel V.P., Rodgers, S.G., Downing C., Barrier K.M., The Progression of Inclusive Language that Enhances Belonging, Creative Nursing, Sage Pub. Vol. 30(4) 308–319, Creative Nursing 2024, Vol. 30(4) 308–319. https://journals.sagepub.com/doi/pdf/10.1177/10784535241296824?casa_token=QapwLLO7mXUAAAAA:zmFAt4bEcsHlsNajTpOCQpLlwTUmNTd6W_0vEVD24juh0SMjYiIutraMjPhomXvghmqhhir6rg

inclusion of parents within the court system by acknowledging some of the barriers to their participation in court proceedings is a commendable undertaking. From the presence of a daycare to lactation rooms and changing tables, there were several indications during the observational assessment that efforts are being made to make courthouses a place where parents of smaller children can feel welcomed.

This notion of full inclusion of the experiences of all persons is a strong tenet of intersectionality, one of the cornerstones of disability justice. As is often the case, movements towards inclusion usually happen in tiers, with people without disabilities gaining access first and persons with disabilities being the afterthought.

The lack of accessibility in some of these initiatives was noteworthy, and we will discuss some of those findings.

First, it must be noted that the daycare was fully accessible not just for adults but also for children with disabilities. However, the changing tables and lactation spaces were overwhelmingly inaccessible to wheelchair users. Second, in the courthouses with changing tables, they were only present in the women's restroom, which, of course, raises the question of what a man with a small child can do in those buildings with only gendered bathrooms. The accessibility issues with gendered restrooms are discussed in the next section.

Third, because of the elevated entrances to the rooms, two out of three courts with lactation rooms are inaccessible to parents who are wheelchair users. In those courthouses, parents who are wheelchair users must witness the obvious erasure of their experience as parents with disabilities, while simultaneously having to navigate finding alternatives to the lactation room. This runs counter to the disability justice principle requiring us to recognize

the wholeness of persons with disabilities. However, having a courthouse not take into consideration that persons with disabilities can also be parents does, in fact, fail to account for the fullness of the experiences of persons with disabilities.

It is essential to highlight that there was a lactation room that a wheelchair user would actually be able to enter. However, it could not be found to be fully accessible because there was not a single sign in the entire building to indicate its existence.

Lastly, all the lactation rooms were locked with no directions on gaining access to them, putting the onus on nursing parents to inquire of strangers about the lactation space. In a space that has been historically exclusionary of nursing parents and children (whether they have a disability or not), putting the onus on nursing parents to inquire about lactation rooms within an indication of their existence nearly defeats the purpose of having it.

The harm in the use of gendered restrooms

Intersectionality, as a tool and a principle of disability justice, goes beyond the recognition that persons with multiple identities can and often do experience harm as a result of these intersecting identities. It is also the understanding that when addressing social issues, we must acknowledge that systemic harm usually affects more than one minoritized group in multiple ways.

The movement for the use of gender-neutral bathrooms has often been associated with the LGBTQIA2S+ community, but the need for gender-neutral restrooms is also pivotal to the disability community. As is often the case in the disability community, persons with disabilities are not of the same gender as their caregivers - whether that is parent and child, heterosexual

couples, or siblings, persons with disabilities do not always get to choose the gender of their caregivers.

Yet, a person with disabilities who needs assistance in the restroom in a space where there are only gendered restrooms must determine whether their gender or that of their caregiver is the one that would dictate the restroom they use. In making this assessment in their mind, persons with disabilities and their caregivers often must weigh public perceptions, the risk associated with the use of one restroom versus the other, and the possibility of a stranger turning an otherwise mundane task into a challenging situation. Many of those concerns also exist within the LGBTQIA2S+ community, which highlights the need for this cross-movement organizing highlighted in the fourth principle of disability justice.

The movement towards restroom neutrality is beneficial not just to LGBTQIA2S+ people but also to persons with disabilities; thus, a movement to eradicate it will also be harmful to both groups.

Low-sensory area

The use of low sensory areas is a growing accommodation for persons with disabilities. There are many medical conditions that can be aggravated by exposure to sensory stimuli. Medical conditions like cold-induced reflex epilepsy (CIRE)[261] can be triggered by temperature; however, persons with disabilities are not given the opportunity to request an adjustment of the courtroom temperature.

Further, the bright lights and noises in the courtroom can affect both

[261] For more information on CIRE, see https://lonestarneurology.net/epilepsy/cold-induced-reflex-epilepsy/#:~:text=This%20condition%20is%20distinct%20in%20that%20the,exposure%20and%20seizure%20activity%20generally%20characterizes%20CIRE.

persons with epilepsy and persons who are neurodivergent. Thus, it is imperative that persons with those conditions be able to request that the lights be dimmed and the noise be diminished.

Lastly, it is sometimes impossible to create certain environmental conditions within the courtroom itself. That is why it is imperative that there is an area in the courthouse building that is low-sensory and can be used by court users with certain disabilities for reprieve.

Interviews

The interview process for this assessment uncovered many initiatives and the hard work being done by court staff and administrators to attempt to make courts accessible for persons with disabilities. Unfortunately, it also exposed some systemic issues that even the most well-meaning court employees would simply be unable to overcome.

Some of the most common themes uncovered during the interviews were funding issues and a lack of training. However, a few notable items occurred during the assessment visit that will also be discussed in this section.

Funding

A recurring concern for court staff and administrators during their interview was funding for accommodations and court improvements.

In our conversations, two things were cause for concern.

In one of the interviews, it was disclosed that the funds from the Administrative Office of the Courts (AOC)'s foreign language interpretation reimbursement program were being added to the general county budget rather than the court's operating budget.

On its face, this does not seem like an issue because the court's budget comes from the county's budget. However, having the court deplete its budget to pay for a resource that is covered by AOC can result in the court's annual budget not being able to sustain an increase in demand for those services.

To demonstrate this point, let us use a false, hypothetical example. If a county finalizes its budget in August every year for their fiscal year starting in October. To use the fiscal year 2024-2025 as an example, in August of 2024, the county finalized its budget, and to guide their projections and allocations, they used information from the previous fiscal year (2023-2024). At the end of the previous fiscal year, the court spent $100,000 on foreign language interpreting services. For this fiscal year (2024-2025), accounting for inflation, set aside $125,000 for interpreting fees. Unfortunately, around September of 2025, there was a massive increase in the number of persons needing interpretation, and the court notices that its budget allocation for interpretation has been spent. Now, the court administrator must go back to the county for a budget amendment and must allow time for all of the formalities that come with a budget amendment. During that time, there is the possibility that an incarcerated person who does not speak English could be sitting in jail, being deprived of their right to a speedy trial while the county and the court sort out their budgeting issues. This person's freedom and rights are being adversely affected, and that will likely result in costly lawsuits against the court and county due to this entirely preventable event.

The benefit of having specific programs in place, like the reimbursement program, is that it allows courts, particularly smaller courts, to continuously meet an increase in demand without having their court budget completely depleted by demographic changes. So, this county's

decision to take the reimbursement funds designed to sustain the courts and put them in the county's budget can pose a serious issue for courts.

However, this was not the only funding issue raised by court staff during their interviews. As we discussed in the findings, many of the court administrators and staff shared that some of their programs that benefit marginalized court users and are alternatives to incarceration were being funded through donations and short-term grants, which, of course, raises the issue of the programs' longevity and sustainability.

General Rule 33 (GR 33) & Lack of Training

As outlined in the findings, the lack of training on GR 33 was glaring. Many courts did not have processes to request accommodations, not because court staff lacked care, but simply because they lacked knowledge. All but one of the courts also had no formal complaint filing process.

Unsurprisingly, no one seemed to be able to recall a single instance where a person with disabilities was not accommodated under GR 33.

However, when asked about appointment of counsel, almost all said it was not offered due to the hefty price tag associated with such a request.

The largest disservice to court users with disabilities in the state of Washington may, after all, be not just the failure to comply with GR 33 itself but the fact that nearly twenty (20) years after it was adopted, no substantial data can be gathered from courts in the state to speak to the ineffectiveness of its provisions.

Repeatedly, court administrators and staff we encountered during the court visit lacked even the most basic understanding of all that is required of them under GR 33. As much as this demonstrates a need for more training, it also speaks to the wording of the rule itself.

For example, many court administrators understood that the rule called for the appointment of counsel for persons with disabilities, but attributed the fact that the rule is silent on how such counsel must be paid for to a lack of knowledge on their part and/or their court's lack of resources.

This issue is within the rule itself, as it is seemingly intentionally vague about how courts, particularly smaller courts that could lose a significant portion of their operational budget with just one attorney's bill, are to afford such a pricey mandate.

In reality, what this portion of GR 33 does is somewhat performative. It created a promise that even the best-funded courts in the state can never deliver on, without a specific source of funding from the state.

Frankly, the language for non-enforcement of this provision of GR 33 is within the rule itself. In Subsection (c)(2)(D), it says: "the requested accommodation would create an undue financial or administrative burden for the court […]."

In short, the appointment of counsel provision offers false hope to court users with disabilities in the state of Washington, sets up court staff to have to address the backlash associated with the repeated denial of this specific accommodation, and frustrates the court's leadership as they must constantly wrestle with the reality that if funded, an appointment of counsel program could be life-changing for all parties involved.

However, the lack of training around GR 33 was not the only area of training that was lacking in the court. Of the five courthouses that had staff at the entrance of the facility (whether it was the police or court security), none of them reported that the welcome staff were trained on how to interact with persons with disabilities. That is particularly alarming because it is possible that court users with disabilities' very first experience with the court

system could be a negative one due to a lack of training by welcoming staff.

The most glaring issue with the lack of training for welcome staff was at one court where service animals were banned. Court staff informed us that the county where the court sits has banned the use of service animals in public facilities, and while the court security staff were informed of this ban, no training was provided to them on what to do if a person with disabilities were to show up to the court with their service animal. This creates a massive issue because persons with service animals are aware of their rights under the ADA to be accompanied by their service animal.

There is nothing on the court website, and there were no signs at the entrance advising court users that the use of service animals was prohibited in the court. So, it is very likely that the courthouse security officers would be the first to inform a court user with disabilities that they cannot enter the facility with their service animal. Not only is this practice a violation of the court users with disabilities' rights to have their service animals accompany them, but it also sets up court security staff to deal with high-intensity situations without the proper training. It would also increase the chance that a court user with disabilities could become frustrated, frightened, and triggered by this interaction. And if no exception is made for the court user, this could also cause court users to miss or be late for their hearing.

There are many issues caused by a lack of training. However, as previously noted, court staff and administrators were candid about their desires to receive training and did not know where to find trainings.

Courthouse security & Law Enforcement

Several issues with courthouse security were revealed during the interview process and the visit.

Lack of security protocol

At one of the courthouse visits, every door to the courthouse, including the door to the courtroom, remained unlocked all day. Staff disclosed that this setup has been a cause for grave concern, as they see it as a security risk for court users and court staff. There are no security protocols or measures to prevent an armed individual from entering the facility and causing harm to everyone in the building.

Difficulty entry process

At one of the courthouse visits, the person who was charged with guiding court users through the scanner had at their waist a firearm, a taser, a pepper spray can, and another item that could not be identified. The presence of a visibly armed person can be a trigger for persons with disabilities who might have had a negative experience with law enforcement in the past. It is important to note that it was also the only courthouse where an armed police officer was seen in the courtroom during proceedings. When asked whether there was a past incident that caused them to decide to have heavily armed individuals in their courts, the court staff shared that there had been none.

It is important to note that this was also the courthouse where our consultant with a mobility device was asked to walk through the security scanner without it. When she asked if she could keep it, she was told, “Not if you want to go inside.” It was also the only court where our team witnessed security refusing to provide directions to court users.

Police encounter

While this did not involve court users, the assessors, who are all persons of color, were followed in a courthouse building by a police officer in a courthouse where the police department was not contracted by the court to provide security to the building. When the court clerk engaged in a casual conversation with the officer and asked if he needed help, and inquired about why they were at the courthouse building, he replied that he was "around." While the assessors did not directly ask the officer why he was walking behind them, they noticed that when the court administrator came out and engaged with them, the police officer quietly exited the building.

Other Notable Disability Justice Issues

Aggressive behaviors sign

During the interview portion of the court, with signs that read "aggressive behaviors will not be tolerated," the court staff was asked to expand upon their understanding of the sign and why they believed it to be necessary. All court staff seemed to believe that things could get "out of hand" sometimes in court, and the sign let court users know that there would be consequences.

When asked to explain what made up aggressive behaviors to them, there was a stark contrast between the responses of court staff in courts that had therapeutic/mental health/behavioral health courts and those who did not. The staff in courthouses where therapeutic courts provided a definition for aggressive behaviors as something that would arise in criminal assault. In contrast, staff without therapeutic courts defined it as behaviors that may cause discomfort to them or others.

This contrast is extremely noteworthy because discomfort can be

rooted in biases and prejudices as opposed to facts.

Historically, studies have shown that stereotypes about Black women being aggressive have caused Black women to be subjected to unwarranted levels of violence. Nnennaya Amuchie's study, "The Forgotten Victims," featured in the Seattle Journal for Social Justice, demonstrates that perceptions of Black women as **dangerous or aggressive** can persist, even when their actions contradict existing stereotypes.[262]

Amuchie's study highlights the danger that implicit biases can pose for Black women, and that is why it is extremely important for court staff to differentiate between outbursts that may be related to disability and those that constitute criminal conduct. This is not to say that these biases against Black women cannot exist among staff members at courts where there are therapeutic courts. Still, because they have learned to associate outbursts with distress, confusion, fear, and anxiety rather than aggression, they will be less likely to resort to stereotypes and biases to try to explain outbursts or behaviors that they may not understand.

Request for Accommodations Process

As highlighted previously in the findings sections, many of the courts did not have a clear process for requests for accommodations. Studies have shown that the absence of an easily understood process for requesting accommodations serves as a deterrent. Though not in the legal setting, a study analyzing why medical students did not request accommodations found that "approximately 1 in 5 first-year residents who did not request

[262] Nnennaya Amuchie, *"The Forgotten Victims" How Racialized Gender Stereotypes Lead to Police Violence Against Black Women and Girls: Incorporating an Analysis of Police Violence Into Feminist Jurisprudence and Community Activism*, 14 Seattle J. Soc. Just. 617, 635–47 (2016).

needed accommodations reported a lack of a clear institutional process as a reason for nonrequest."[263] The absence of a process for requesting accommodations is more than just a failure to comply with GR 33; it is a serious lack of access to justice.

Conclusion

While not all courts in the state are created equal, court administrators are working hard to maximize the resources available to them. Ultimately, location did not seem to affect accessibility, but knowledge of the resources provided by the Administrative Office of the Courts for persons with disabilities did. The most critical indicator of success, when it came to accessibility, was the resourcefulness of the court administrators and staff.

Every court we visited in the state, but particularly courts in rural areas, seemed to do a lot with a tiny budget. The dedication of some of the state's smallest courts to ADA and GR 33 compliance significantly impressed our team. Their proactive measures ranged from traveling extensively to meet litigants in their city in order to prevent the issuance of bench warrants, to effectively transforming multi-purpose rooms into versatile spaces for law libraries, attorney consultations, lactation, and meetings with behavioral health professionals.

Court administrators are demonstrating remarkable innovation, even with nearly all courts reporting that their trial court improvement funds are severely lacking. They are finding creative solutions, from researching how to paint courtrooms themselves to foster welcoming environments, to

[263] Pereira-Lima K, Meeks LM, Ross KET, Marcelin JR, Smeltz L, Frank E, Sen S. Barriers to Disclosure of Disability and Request for Accommodations Among First-Year Resident Physicians in the US. JAMA Netw Open. 2023 May 1;6(5):e239981. doi: 10.1001/jamanetworkopen.2023.9981. PMID: 37166801; PMCID: PMC10176117.

strategically rearranging furnishings to enhance accessibility. For example, one court replaced benches with individual chairs, making the space more accommodating for wheelchair users. Furthermore, these dedicated administrators and staff in Washington are advocating independently at the county level for increased resources, striving to do their best with limited means. Ultimately, the most significant challenge facing courts is the inherent deficit in state funding, which hinders their ability to provide adequate support for court users with disabilities.

Many of the court improvements needed cost more than the entire annual operating budget of the court. While there is no hierarchy in what improvements are necessary, it is imperative that the state of Washington prioritize at least four areas related to the physical assessment: (1) courthouse buildings should not be death traps for court users with disabilities in the event of an emergency (like a fire); (2) people with physical disabilities should be able to serve on juries; (3) court staff should have regular trainings on disability and (4) programs that divert people with disabilities away from the carceral system should be better funded.

CHAPTER 4: WEB ACCESSIBILITY AUDIT

Web Accessibility Audit and Guidelines

As part of this disability justice study, a series of guidelines were developed to ensure that court users have access to the courts digitally. The COVID-19 pandemic exposed serious flaws in the digital accessibility of courts throughout the US. Washington state was not exempt. As part of this assessment, we reviewed seven audits that had already been completed by the Administrative Office of the Courts and completed a thorough audit of one of the state's court websites.

Executive Summary

What is website accessibility?

Website accessibility means designing and developing websites so that all people, regardless of ability, can perceive, understand, navigate, and interact with online content. This includes people who use screen readers, speech recognition, magnifiers, keyboard-only navigation, or other assistive technologies.

Accessibility also supports people with temporary disabilities, age-related changes, or limited internet access.

Why it matters

When websites and digital tools are not accessible, real people are excluded from full participation in society. This includes being unable to access essential information, complete basic tasks online, or engage with services others take for granted. People with disabilities may be locked out of vital information about their case, information about court processes, such

as virtual hearings, requests for accommodations, etc., all because of avoidable barriers in web design and development.

Accessibility is not just a technical issue, it is a human one. Inaccessible websites can lead to real-world consequences: missed opportunities, delayed benefits, or reduced independence. Globally, over 1 billion people live with a disability, according to the World Health Organization (WHO). In the United States, the Centers for Disease Control and Prevention (CDC) reports that more than 1 in 4 adults, over 70 million people, have a disability. Designing with accessibility in mind helps ensure that digital spaces are open, usable, and respectful to everyone.

Improving accessibility also benefits a broader audience: older adults, people with temporary injuries, non-native speakers, and users on mobile or slow internet connections.

When digital content is designed to be inclusive, *everyone* benefits from clearer navigation, flexible interaction methods, and a better overall user experience**.**

As part of the accessibility audit, three key pages of the website were reviewed. The detailed findings are found in *Audit Spreadsheet* (Appendix F), with additional context and analysis in the full *Audit Report* (Appendix E)

To complement this audit with real-world insights, accessibility testing was also done with four expert consultants with disabilities. Each is a daily user of assistive technology, and together, they represent three major categories: screen readers, magnification tools, and speech recognition software.

Introduction

The accessibility barriers identified on the website audited are both significant and systemic, revealing issues across all four major accessibility “POUR” principles:

1. Perceivability
2. Operability
3. Understandability
4. Robustness

These barriers affect users from a range of disability groups when navigating the site or accessing its content.

While many fixes may seem straightforward in isolation, implementing them effectively and sustainably requires a deep understanding of accessibility standards, user needs, and technical best practices. In particular, the interdependencies between structure, interaction patterns, and assistive technology support mean that piecemeal or surface-level fixes are unlikely to succeed long-term.

To ensure that remediation efforts lead to meaningful, lasting improvements and avoid introducing new barriers in the process, these fixes should be implemented by experienced accessibility specialists who will ensure that all updates are not only technically correct but also grounded in the lived experiences of people with disabilities.

This section highlights some of the most critical barriers that most impact people with disabilities under the “Findings” section. These barriers range from structural and interactive problems that make it hard for people using assistive technologies—like screen readers, keyboard navigation, voice commands, and screen magnifiers—to use the site effectively.

Each high-impact issue identified is followed by an outline of who the issue affects, how and why it creates a barrier, and how to fix it. The *Audit Spreadsheet can be used to explore these issues further*.

The suggested fixes will need to be implemented by a developer, as they involve code-level changes. However, a one-time fix by a developer will not suffice. The court staff responsible for updating website content should be trained on web accessibility to prevent the introduction of new barriers. Education helps ensure accessibility is maintained over time.

Methodology

"WCAG"

The Web Content Accessibility Guidelines (WCAG) are the most widely used standard for evaluating digital accessibility. Developed by the World Wide Web Consortium (W3C), WCAG is used globally to assess and improve digital content.

POUR principles

The latest version, WCAG 2.2, is based on 4 foundational principles known as "POUR":

1. *Perceivable*: People must be able to detect content and interface elements using at least one of their senses.
2. *Operable*: People must be able to interact with all controls and navigation, regardless of how they access the site.
3. *Understandable*: Content and interface behavior must be clear, consistent, and predictable.

4. *Robust*: Content must work reliably across various browsers, devices, and assistive technologies, now and in the future.

Conformance levels

WCAG has three levels of conformance:

1. Level A (minimum requirements),
2. Level AA (recommended standard for most organizations), and
3. Level AAA (highest level, often not fully achievable for all content).

Level AA conformance is widely recognized as the appropriate benchmark for websites in many sectors. It provides a balanced standard that addresses the most significant accessibility barriers while remaining feasible to implement.

How people access the web differently

People use the web in many different ways, depending on their abilities, preferences, and devices. Some, like our expert testers, rely on assistive technologies (AT) to interact with websites, while others may experience accessibility barriers even if they do not use specialized tools. Accessible design ensures that everyone can find, use, and understand content regardless of how they navigate.

Assistive technologies

Assistive technologies, or “AT” for short, are tools that help people with disabilities use websites in ways that work best for them. These tools interact with the site’s underlying code to read content, navigate pages, or adjust how things appear.

For example, here are three major categories of AT covered by our testers:

AT	What it does	Tester
Screen reader	Read aloud the page content for blind or low-vision users.	Tamara (VoiceOver) & Des (Non-Visual Desktop Access)
Magnification	Enlarges content on the screen.	Carrie (system settings)
Speech recognition	Let users control the site by voice.	Noah (Voice Control)

One of the best ways to support assistive technology is by using semantic Hypertext Markup Language (HTML), which simply means using the correct HTML elements for the job, for example, using <button> for buttons that do things, <a> for links that take you somewhere, <nav> for navigation landmarks, and heading tags like <h1>, <h2>, etc. to create a logical page structure. HTML was actually designed to be accessible out of the box, giving assistive technologies important clues about the purpose and structure of each part of the page. When developers stick to semantics, it goes a long way toward making a site more usable for everyone.

Findings

Issue 1: Navigation menu structure

Due to its coded nature, assistive technologies cannot use the website's navigation menu, making it difficult or impossible for users to navigate the site.

Who is impacted?

Users who are blind, have low vision, or have motor disabilities are particularly affected as they rely on Assistive Technologies (AT) to navigate and interact with a website that does not work or works inconsistently.

The screen reader either does not announce the structure properly or, in some cases, the screen reader announces the structure in a confusing or broken way. This makes it hard to understand what links are available or how to move between them.

For speech recognition software users, the issue is even more severe, nested menu items cannot be identified as links, meaning a command like "click [link name]" does not work. This makes navigating the site extremely difficult without considerable extra time and effort.

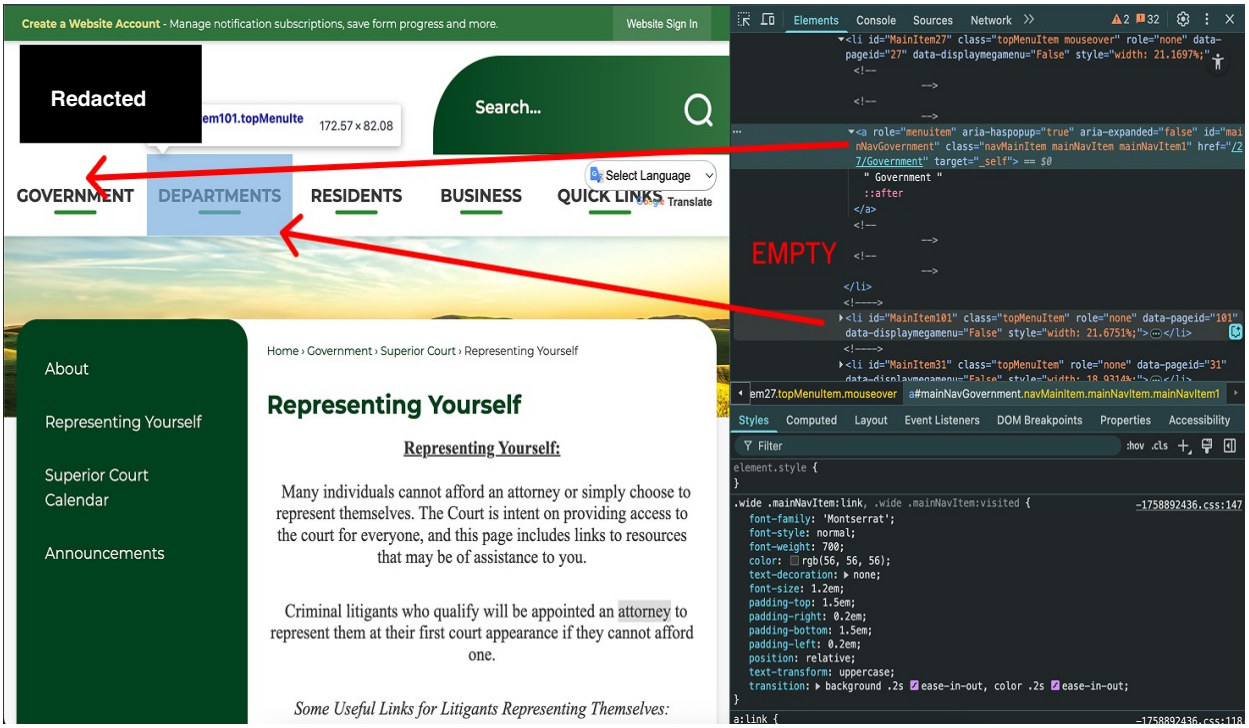
Why do barriers occur?

This occurs because the menu uses overly complex Accessible Rich Internet Applications (ARIA) markup and incorrectly applies the markup to the menu component. ARIA is designed to enhance accessibility when used correctly, especially for complex, custom components that standard HTML can't describe. A component is a reusable piece of user inteface (UI). ARIA serves as additional instructions just for assistive technology for that

component. When misused or applied incorrectly, ARIA can worsen accessibility by sending the wrong signals to assistive technology.

In this case, the menu uses ARIA roles like menu and menuitem, which are intended for application-style menus like desktop applications or complex web applications. These roles do not match how people expect to interact with website menus, and screen readers try to apply application-like behavior that does not work in this context. As a result, the screen reader either skips parts of the menu, announces things incorrectly, or behaves unpredictably, making navigation confusing or impossible.

The code also relies on JavaScript to function. JavaScript is the programming language used to conduct operations and add interactivity to a website. Many browsers and AT support JavaScript differently, and some users disable JavaScript altogether on some sites. As shown in the screenshot, the HTML is empty before the user navigates to the element.



In addition, the HTML code behind the menu has a broken structure. Elements with the menuitem role (which should be direct children of a menu or <ul> list) are nested too deeply, often inside multiple layers of non-semantic elements. elements are meant as non-semantic containers; they do not provide any meaningful information to AT. This breaks the logical order and hierarchy that assistive technologies rely on to process and announce menus accurately. Voice command tools also fail to detect these items as links, rendering them non-interactive through voice input.

How to fix it?

The menu should be rebuilt using simpler, semantic HTML, such as <nav>, <ul>, and <a> (navigation, lists, and links) without unnecessary ARIA roles. Users rely on consistent design patterns, that is, having the semantic HTML and ARIA be implemented in a manner that is reliable and consistent with what a “button” or “menu” means throughout the web. Instead of using complex ARIA menus, a familiar “disclosure” pattern (where submenus expand/collapse using buttons and standard HTML elements) would be more accessible and easier to maintain. This change requires reworking the markup across all navigation components and should be done by an experienced accessibility developer to avoid introducing new barriers, as there is also a complex overlap with issue #2.

Issue 2: Navigation menu interaction

The site’s navigation menu requires users to hover over items with a mouse to reveal submenus. It is also structured with two layers of nesting and includes a significant number of links, making it overwhelming and

difficult to use, especially for users who rely on alternative navigation strategies.

Who is impacted?

This creates significant barriers for users with disabilities that affect their motor skills, who may struggle to hold a steady pointer position, and for low-vision users who use screen magnifiers, as the expanded menu can move off-screen or become disorienting. Many users must scroll both vertically and horizontally to see the full menu, which can cause confusion or prevent interaction altogether.

Why do barriers occur?

From a technical standpoint, the menu's complexity—combined with the requirement to hover—relies on mouse-based interaction, which is not accessible to people who navigate by keyboard, voice, or motor control devices. The keyboard focus is the ability for the user to navigate using a keyboard or AT, which interfaces with the same system. While some keyboard access does exist, it is inconsistent and difficult to use because of the nesting, the volume of links, and the lack of clear focus indicators.

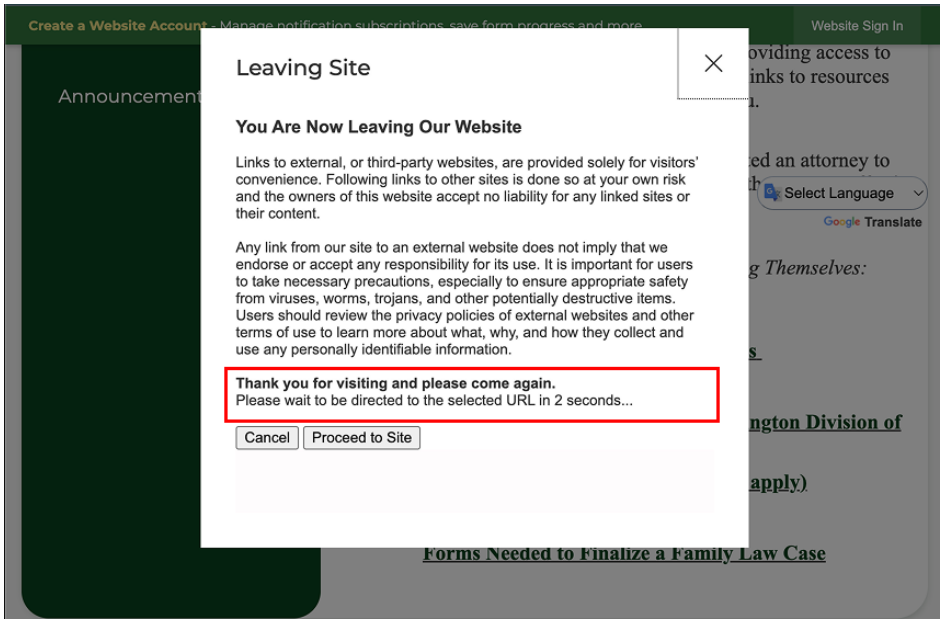
How to fix

Even if the HTML and ARIA structure were corrected (as described in Issue #1), the underlying interaction model would still present serious barriers. Hover-only menus are inherently problematic because they exclude many users by design. A simplified, disclosure-style menu (where sections expand on click or tap) would allow users to reveal only what they need when they need it, and it works well with all types of assistive technology.

Further improvements could be made by rethinking the design system of the navigation menu. Reducing the number of links shown at once and relying more on hub pages and in-page navigation will make the site easier to use for everyone. Complex structures often create invisible barriers that may be detected and fixed programmatically for conformance, but design changes require testing by users with disabilities.

Issue 3: Timed pop-ups

When a user interacts with an external link on the website, a pop-up dialog appears, warning them that they are being redirected to another site. A pop-up dialog/modal is a piece of self-contained UI that displays information over top of existing elements. This dialog includes options to either continue or cancel, but it automatically redirects the user after five seconds, even if they haven't made a choice, as seen in the screenshot.



Who is impacted?

Users with cognitive disabilities, low vision, screen reader users, or disabilities that affect their motor skills may not be able to understand, locate, or act on the dialog in time. A user who navigates with a screen reader may not even reach the dialog before the redirection occurs, and a user with limited mobility might not be able to move the pointer or issue a keyboard command fast enough. In some cases, users may not even realize a decision is required before they are redirected.

Why do barriers occur?

The base conformance requirements, which many real-world users still argue are not enough, are still not being achieved here. Timing Adjustable (WCAG2.0-2 2.2.1) states: Users must be given sufficient time to complete an interaction, and when time limits are used, they should be clearly communicated, adjustable, and ideally optional. WCAG is the international guidelines governing accessibility standards. In this case, the modal does not give sufficient time and does not allow the user to extend or pause the time. It also does not respect assistive technology focus—in some cases, it fails to announce itself properly, meaning users do not know the dialog is present.

This issue is worsened by the site's lack of consistent landmarks and headings (see Issue #5). These structural issues make it harder for users to orient themselves quickly, further reducing their ability to respond to time-limited content.

How to fix

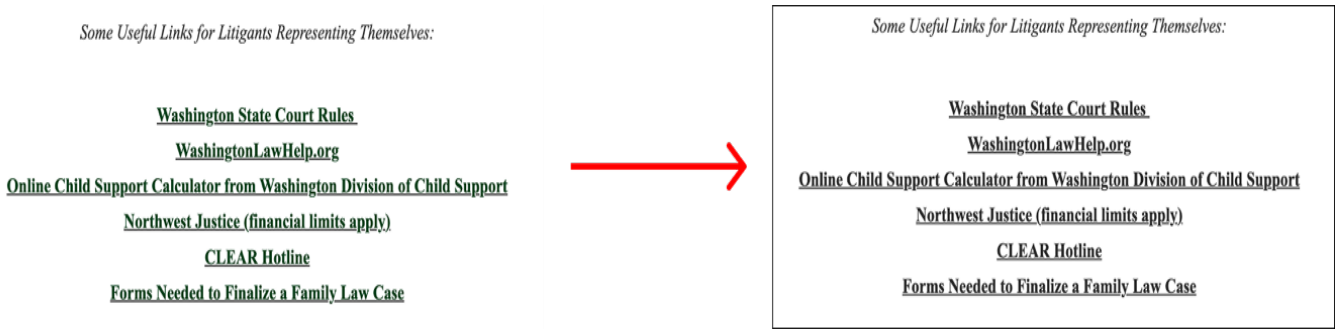
To resolve this issue, the site should remove the auto-redirect behavior entirely and instead allow users to choose when or if they want to continue. The dialog should remain visible and interactive until a decision is made, and it should be coded using semantic HTML and accessible dialog patterns, including ensuring that it is correctly announced and focused when it appears. This includes setting focus to the dialog on open, trapping focus within it, and restoring focus once it closes. As browser support for different dialog patterns remains inconsistent with ensuring the fix addresses all current barriers, after being implemented by an experienced accessibility developer, it should be tested with a range of assistive technologies.

Issue 4: Low-contrast links

Throughout the website, links are difficult to identify because they fail the minimum color contrast requirements and are not visually distinct from the surrounding text. These links use a light blue (#6fa4d8) on a white background, which results in a contrast ratio of 2.63:1. This is well below the required 4.5:1 for normal-sized text under the WCAG 2.2 guidelines.

While the links are bold and underlined, so are many other pieces of text, including headings and emphasized phrases. Since the font size and weight are nearly identical across these elements, users cannot reliably distinguish links from non-links just by scanning the page.

This is best displayed when enabling a grayscale filter (decrease saturation) and comparing the luminosity of the links to text, no difference is seen between the links and in-page text.



Who is impacted?

This is especially problematic for users with low vision, color blindness, or those using screen magnifiers, who depend on clear visual indicators to navigate. As navigation is such an important aspect of a website, they can often miss important information.

For users relying on keyboard navigation or screen readers, this problem is compounded by a lack of visual focus indicator (see issue #7). Without clear visual feedback, if the link is also visually indistinct from the surrounding text, it becomes nearly impossible to identify or interact with it.

Why do barriers occur?

This is a basic design and development oversight that has a large impact on accessibility. When accessibility is prioritized, failing color contrast is easily avoidable and should be caught during design hand-off or development review. Many free and widely available tools—such as browser extensions, design plugins, and automated checkers—can detect color contrast issues in real-time. These tools should be standard practice for both designers and developers.

How to fix

To fix this issue, the in-page links must meet the minimum contrast ratio of 4.5:1 and adopt a clear, consistent visual style that sets them apart from the surrounding text. This could include using a darker color, a different underline style, or adding a visual icon or focus indicator. Importantly, the link style should be distinct from in-line text, headings, and other emphasized content so users can reliably scan and locate links at a glance.

This may seem like a straightforward issue. However, fully correcting it in some cases can require substantial time and effort. Styles would need to be updated across the site's global stylesheet, and every page type would need to be audited to ensure links are consistently accessible. Rather than retrofitting fixes after the fact, engaging an accessibility expert during any future design or development work can help address this type of issue early by ensuring new components meet accessibility standards from the start and avoiding the need for large-scale rework later.

Issue 5: Headings and landmarks

The site uses headings and landmark regions incorrectly, which breaks the underlying structure that assistive technologies rely on.

Who is impacted?

The incorrect headings and landmarks force screen reader users to navigate linearly through every single element on the page to avoid missing any important information, including navigation elements and key information. Users with cognitive disabilities will also struggle with the lack of predictability.

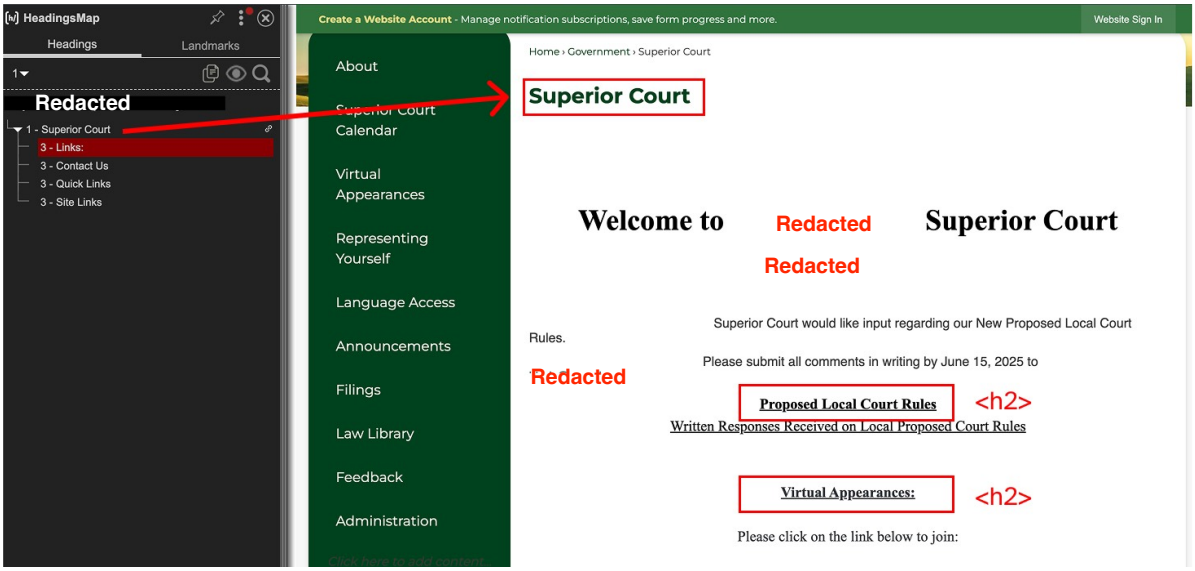
Headings are used out of order or skipped entirely, with some pages jumping from <h1> to <h3> or skipping <h2> headings altogether. Some important text is visually styled like a heading but not marked up as one in code, while other headings are missing entirely. This prevents screen reader users from skimming or jumping between sections, a key way they browse a page. Instead, they must read through everything linearly, which is slower and frustrating. For users with cognitive disabilities or those using tools like screen reader “heading navigation,” the lack of a predictable structure is a major barrier.

Landmarks, which help screen reader users skip between key regions like navigation, main content, or sidebars, are also misused or mislabeled. Multiple <nav> regions appear on a page with no unique names, so screen readers announce “navigation” repeatedly with no indication of what each one does. The complementary landmark is applied to the side navigation, even though that role is intended for supporting content, not main site controls. Some links that appear outside of any landmark region become effectively invisible to users who rely on landmark-based shortcuts.

Why do barriers occur?

Headings should follow a clear hierarchy, such as <h1> for the page title, followed by <h2> for major sections, and <h3> for subsections, in order. Skipping levels (e.g., going from <h1> to <h3> or using headings purely for visual styling) breaks this structure and makes it impossible for assistive technologies to generate a usable outline of the page. Where text looks like a heading visually but is not coded as one, it should be converted into an actual heading tag. Where heading levels are skipped, they should be corrected to follow a logical sequence. The goal is for the page to

read like a table of contents when viewed with a screen reader's "headings" shortcut, something that currently is not possible. For example, in the following screenshot, only the first-level heading is marked up, but the second-level headings are not.



Similarly, landmarks (like <nav>, <main>, <aside>, and <footer>) should be used purposefully to group key areas of the site. When multiple regions of the same type exist, like two <nav> sections, they should be given accessible labels using aria-label or aria-labeledby (e.g., "Main navigation" and "Breadcrumb navigation") so users can differentiate them.

How to fix

Ensuring these issues are fixed would now require a full audit of the site's semantic structure, correcting heading levels to follow a logical, nested order, and ensuring that landmark roles are used according to their intended purpose. These changes will improve navigability for all users, especially those using assistive technologies. Still, because they touch many different

templates and structural components, the work will likely be incredibly time-consuming.

6. Third-party tooling

The website relies on third-party tools, such as Microsoft Outlook's web components, without providing an accessible alternative. These elements often do not meet accessibility requirements and can't be reliably used by assistive technology users.

Who is impacted?

This creates serious barriers for blind and low-vision users who rely on screen readers, as well as users with motor disabilities who use alternative input methods. Screen readers failed to interact predictably with Outlook features. Keyboard navigation was sometimes inconsistent or entirely broken, and form fields were either unlabeled or non-functional. Because a third party provides this content, the barriers are effectively outside the control of the website's team, leaving users stranded without access to critical functionality.

Why do barriers occur?

These barriers appear because third-party tools often do not achieve accessibility requirements and cannot be fully remediated from outside their source. If a vendor has not made accessibility a priority, there may be no way for the website to fix these issues internally. Even if the tool is partially accessible today, there is no guarantee it will remain. So, in future updates, accessibility regressions can occur at any time without notice.

How to fix it?

Where possible, custom-built solutions should be considered, especially when the interaction is important or core to the user experience. A well-built internal tool using semantic HTML and ARIA where needed would be far more reliable, testable, and maintainable long-term. Alternatively, an accessibility audit of current third-party integrations should be conducted by a qualified specialist who can identify gaps, suggest fallbacks, and help the team advocate for accessibility with vendors.

Relying on third-party tools without vetting or alternatives puts users at risk and makes the accessibility of the site functionality contingent on decisions made by external parties.

Finally, an accessibility specialist could also help reimagine how key information, like important dates, is presented by drawing on proven industry approaches.

For example, using accessible patterns such as clear headings, lists, or simple tables can make dates easier for everyone to scan and understand than an integrated calendar. With knowledge of successful formats used by accessibility leaders like the US and UK governments, a specialist can guide quick, informed design decisions that build on established best practices or cutting-edge ideas. Here are different calendar approaches for inspiration:

- US Government Calendar

- UK Government Calendar

7. Focus indicators

Most interactive elements on the website, such as links, buttons, and form fields, either do not have a visible focus indicator or use a thin 1px dotted outline that is difficult to see, as shown in the screenshot.



Focus indicators are essential for showing which element on the page is currently selected or “in focus” as the user tabs through content. This creates serious barriers for users who navigate using a keyboard or other non-mouse input devices.

Who is impacted?

This is especially critical for people who rely on alternative motor control (assistive switches) or keyboard navigation, including users with motor disabilities and low vision users who navigate in tandem with a screen reader. Without a clear visual cue, users can become disoriented and unable to interact with the page.

Whilst issues were only found during expert conformance testing, user testing shows that it compounds barriers presented in issue #4. Testing by users with vision issues relying on keyboard navigation should be conducted for further validation if required.

Why do barriers occur?

This problem arises because the site either removes default browser focus styles using CSS (e.g., outline: none) or uses an insufficient style like outline: 1px dotted, which provides a minimal visual change that many users won't notice, especially on high-resolution displays or in bright lighting conditions.

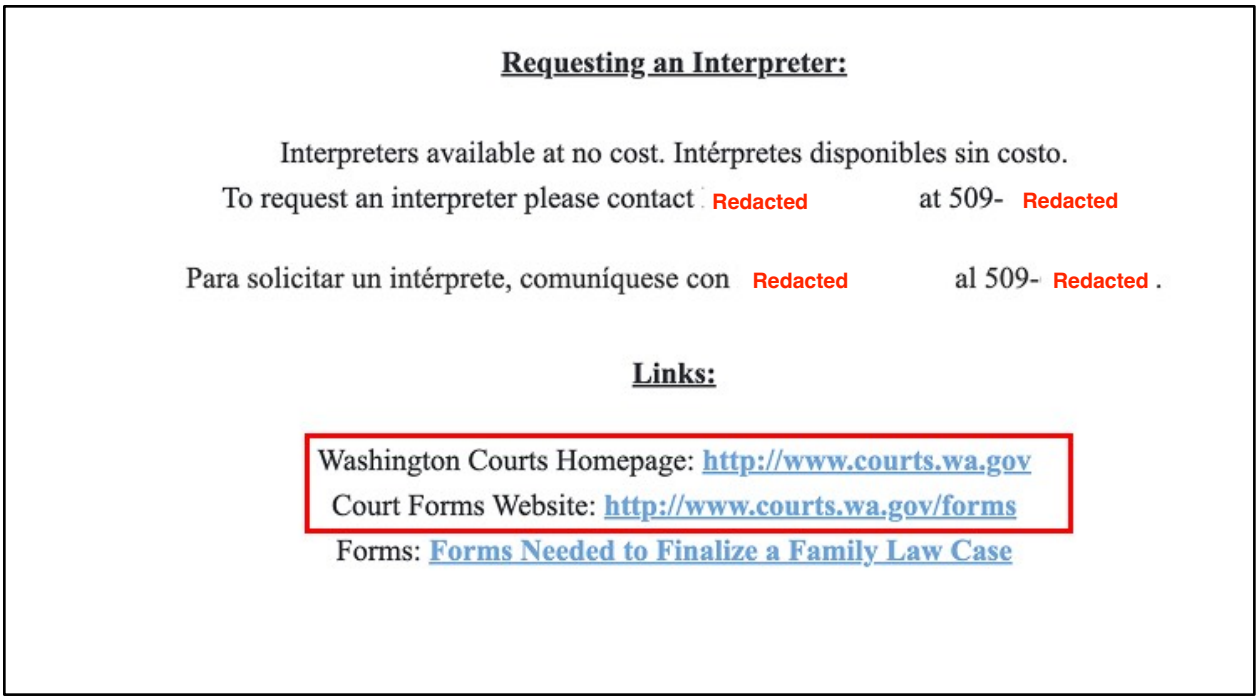
How to fix

To fix this, all interactive elements must have a strong, visible focus indicator that meets contrast and visibility requirements. A good focus indicator should have sufficient contrast with surrounding elements, be clearly visible on all backgrounds, and persist long enough to be noticed. Because this issue affects nearly every interactive element on the site, the fix must be applied consistently across all templates and components. That includes buttons, links, form fields, and custom widgets. A global CSS update and design review is needed, ideally led by an accessibility-aware developer or UI team.

This is not just a cosmetic issue; visible focus is critical for usability and compliance. It should be treated as a high-priority problem that affects navigation and usability for many users.

Issue 8: Link names

Many links on the website are labeled unclearly, using vague terms like "about" or displaying raw URLs (e.g., https://www.example.com/page), as seen in the screenshot below.



Requesting an Interpreter:

Interpreters available at no cost. Intérpretes disponibles sin costo.
To request an interpreter please contact Redacted at 509- Redacted

Para solicitar un intérprete, comuníquese con Redacted al 509- Redacted .

Links:

Washington Courts Homepage: http://www.courts.wa.gov
Court Forms Website: http://www.courts.wa.gov/forms
Forms: Forms Needed to Finalize a Family Law Case

This makes it difficult for users, especially those using assistive technologies, to understand where a link goes or interact with it appropriately.

Who is impacted?

For users who rely on screen readers, links are often read out of context, especially when navigating by link list (a common feature in screen readers). If a link simply says “about”, it provides no information about its purpose or destination. Similarly, users with cognitive disabilities or limited reading comprehension may not understand what the link does when no descriptive context is provided.

A full URL is announced in its entirety by screen readers, and seeing a full URL instead of a clear label adds to the confusion and can be visually overwhelming, particularly for screen magnifier users.

Users of voice command technologies will become frustrated and lose time as they need to announce “click h-t-t-p-s-colon-forward-slash-forward-slash-w-w-w-dot…” to interact with the link.

Why do barriers occur?

This occurs because links have intentionally not been given a descriptive name.

To fix this, every link should be given a descriptive, meaningful label that clearly explains the destination or function. This gives all users a clear idea of what to expect before activating the link and allows speech-recognition users to pronounce the link name more easily.

How to fix

Fixing this issue requires a content-level review of all site links to ensure they have meaningful, context-aware text. This may involve developers and content editors collaborating to rewrite link text throughout the site. Because links appear across many pages and templates, the work will likely be extensive and should be managed by a team with accessibility training.

While it may seem simple on the surface, insufficient link naming is one of the most common and disruptive issues in accessibility. It directly impacts how efficiently users can navigate and comprehend a site. Involving users with screen readers in usability testing can help verify whether the updated links provide enough context and clarity.

Conclusion

The website presents accessibility issues that require thoughtful, comprehensive remediation. While some fixes may seem simple, addressing them in isolation won't create a fully inclusive experience. Sustainable progress depends on a coordinated approach grounded in both technical expertise and the lived experiences of people with disabilities.

To support lasting impact, we encourage partnering with accessibility specialists who can guide improvements and help avoid introducing new barriers. Our team is here if you need support on that journey.

CHAPTER 5: FOCUS GROUPS, INTERVIEWS & SURVEYS

Introduction

The focus groups, interviews, and surveys were carefully designed to provide a diverse perspective on the experiences of court users with disabilities within the Washington State court system. In this section, we will discuss and analyze the structure of the focus groups, interviews, and surveys, the data collection process, and the findings.

Methodology

This study employed a comprehensive and inclusive methodology to examine barriers to accessibility within the Washington State court system, centering the experiences and insights of individuals most affected by or responsible for ensuring access to justice. Participants included a broad spectrum of key actors such as judges, court staff, attorneys, and contractors, alongside individuals with disabilities who had direct experience navigating the court system. The inclusion of disability advocacy organizations and community groups added a critical systems-level perspective, helping the research team assess not only operational gaps but also structural and cultural barriers. The range of participants allowed for a holistic understanding of how policies, attitudes, and infrastructure shape the court experience for people with disabilities.

To capture the complexity of these barriers, the study used a mixed-methods approach that combined quantitative surveys with qualitative interviews and focus groups. Surveys collected measurable data from both court professionals and court users with disabilities, while interviews and focus groups provided deeper insight into the real-world impact of accessibility challenges. A thoughtful and ethical sampling strategy

prioritized representation from marginalized communities and ensured all research activities were fully accessible. Together, these methods enabled a thorough assessment of accessibility issues and informed actionable recommendations for meaningful systemic reform.

Participants

The study engaged a diverse range of participants to ensure a comprehensive understanding of the barriers to access within Washington courts. These participants provided critical insights into current practices, policies, and attitudes regarding accommodations for individuals with disabilities. By understanding their perspectives, the study identified gaps in training, resources, and implementation of accessibility measures.

Additionally, individuals with disabilities who had directly interacted with the court system were central to the study. Their lived experiences shed light on the practical challenges they faced, ranging from physical and programmatic barriers to communication and procedural hurdles. Their participation ensured the study was grounded in the realities of those most affected by accessibility issues, offering invaluable perspectives on the effectiveness of existing accommodations and opportunities for systemic reform.

The data from the study was strengthened by the participation of staff at community-based organizations that worked with court users with disabilities. Their involvement was critical for understanding systemic barriers and ensuring that the research and its recommendations aligned with the principles of equity, inclusion, and accessibility. Collectively, these participant groups provided the study with a holistic view of the barriers and

opportunities within the court system, enabling the development of actionable, impactful solutions.

Design and Data Collection

The study utilized a mixed-methods research design, integrating both quantitative and qualitative approaches to comprehensively assess the barriers faced by individuals with disabilities within the Washington court system. This approach allowed for a robust analysis by combining numerical data with detailed personal experiences, thereby providing a nuanced understanding of the issues at hand.

Quantitative data were collected through two structured surveys. The first survey targeted court practitioners, including judges, court administrators, staff, attorneys, and contractors involved in the judicial system. This survey evaluated their knowledge about General Rule 33 (GR 33), current practices in accommodating individuals with disabilities, and their attitudes and perceptions toward disability. The second survey was directed at court users with disabilities, focusing on their personal experiences, challenges encountered, and the effectiveness of existing accommodations within the court system.

Qualitative data were gathered through focus groups and individual interviews. Focus groups were conducted to foster open dialogue and collect collective insights and recommendations. These sessions provided a platform for participants to discuss common barriers, share experiences, and suggest systemic changes. Additionally, focus groups were held with court users to delve deeper into their experiences and perspectives. For individuals who preferred a more private setting to discuss sensitive issues, one-on-one interviews were conducted. These interviews allowed for an in-

depth exploration of personal narratives, capturing the nuanced ways in which barriers impacted individuals differently.

By employing this mixed-methods approach, the study captured both the breadth and depth of accessibility issues within the court system. The quantitative data offered measurable evidence of the prevalence and types of barriers, while the qualitative data provided context and illuminated the lived experiences behind the numbers. This comprehensive data collection strategy ensured that the research addressed the multifaceted nature of the barriers to access to justice, ultimately informing actionable recommendations for systemic change.

Sampling Strategy

The study employed a combination of purposive and convenience sampling to ensure that the participant groups were both representative and accessible, given the specific objectives of the research. Purposive sampling was used to target key actors that had direct experience with or influence over accessibility in the court system, including judges, court administrators, attorneys, contractors, Department of Corrections staff, and individuals with disabilities who had interacted with the judicial process. Convenience sampling supplemented this approach, particularly in reaching community groups and advocacy organizations, to maximize participation and gather a broad range of perspectives.

Survey participants were recruited through established networks within Washington Courts, disability advocacy organizations, and community partnerships, and randomly through social media outreach campaigns on the Administrative Office of the Courts' pages. Outreach included invitations via email to persons in the court-maintained listserv. A designated

Administrative Office of the Courts staff member oversaw the email and social media dissemination process to ensure proper communication and alignment with institutional protocols. Details about the study's purpose, confidentiality measures, and participation requirements were shared via email and social media.

To encourage informed participation, the recruitment materials included a clear explanation of the voluntary nature of the study, assurance of confidentiality, and the option to withdraw at any time without penalty. Consent protocols were implemented to adhere to ethical research practices, with all participants required to provide informed consent before taking part in the study. For surveys, consent was incorporated into the initial section, allowing participants to agree to the terms before proceeding. For focus groups and interviews, participants provided verbal consent at the start of the sessions, and their consent was recorded.

Efforts were made to ensure inclusivity and diversity within the sample. For example, the study prioritized reaching underrepresented groups, including individuals with disabilities who also identified as part of other marginalized communities, such as racial or ethnic minorities, or those with limited socioeconomic resources. Recruitment efforts were conducted in collaboration with community engagement specialists and advocacy organizations to access diverse networks and build trust with potential participants.

Accommodations were provided to ensure accessibility for all participants. Survey materials were designed in accessible formats, such as screen-reader-compatible documents, and alternative formats were provided upon request. For focus groups and interviews, accommodations

such as sign language interpreters, captioning services, and plain language guides were made available to facilitate full participation.

By using this comprehensive sampling plan, the study ensured that it gathered diverse and meaningful input from individuals and groups directly affected by or involved in accessibility within the Washington court system. This approach not only aligned with the study's commitment to Disability Justice but also enhanced the validity and applicability of its findings and recommendations.

Focus Groups

The objective of these focus groups was to gain in-depth qualitative data from persons with lived experiences about the challenges, if any, that come with navigating the court system. Through guided discussion, the groups were asked to provide insights and perspective into the realities of navigating the court system, many of them without legal representation. Some commonalities emerged across these focus groups.

These focus groups were particularly useful as they allowed for a deeper exploration of participants' lived experiences.

Methodology

The research team conducted five focus groups. Other focus groups were scheduled but were cancelled due to low attendance. The minimum requirement for the focus groups was three participants. In instances where attendance was low, attendees were offered to participate in an interview instead.

The four focus groups conducted were for:

- Court users with psychiatric disabilities or mental health-related disabilities
- Veterans with disabilities who have used the court system
- Caregivers of court users with disabilities
- Staff at community-based organizations that support court users with disabilities
- Indigenous court users with disabilities

Focus Group facilitation

Ahead of each focus group session, in their focus group confirmation email, participants were sent a link to an accommodation request survey, where they could request accommodations. Regardless of the requested accommodations, each focus group had an American Sign Language (ASL) interpreter and captioner providing Communication Access Realtime Translation (CART) services.

In order to encourage honest feedback, focus group participants were offered the opportunity to participate anonymously. All focus groups started with a summary of the study, a review of the confidentiality statement, some ground rules for the focus group, and a request to provide verbal or written consent using the chat feature. Participants who did not provide their consent after being informed of the requirements and implications of the focus groups were removed from the focus group.

Focus group participants were given $30 compensation for their participation in the focus group.

At least two members of the research team attended every focus group. One member served as facilitator and moderated the focus group, and the second team member acted as a scribe, documenting themes, commonalities, and outlying perspectives in the answers provided by focus group participants. The moderator and the scribe acted as neutral parties, collecting data and did not attempt to persuade, dissuade, or discourage participants in focus groups.

Questions:

Focus group participants were asked to share their opinions on nine key aspects of their experiences with the court system. 1) Attitudes Toward

People with Disabilities; 2) Intersectionality and Identity; 3) Socio-Economic Justice; 4) Accommodations and Accessibility; 5) Communication About Accommodations; 6) Collaboration with Community Organizations; 7) Bias and Discrimination; 8) Application of Disability Justice Principles; 9) Valuing the Experiences of People With Disabilities.

The list of questions asked of focus group participants is available in Appendix G.

Findings & Analysis

The following analysis draws on qualitative feedback from five distinct focus-group sessions: caregivers of individuals with disabilities, community-based staff, people with lived experience of psychiatric disability, veterans with disabilities, and Indigenous people with disabilities. In total, 24 participants responded to a standardized set of questions about their experiences navigating court processes, accommodations, and supports. All responses were de-identified, organized by question, and inductively coded into nine salient themes. The table below summarizes the frequency of each theme, and the write-up that follows provides a detailed exploration of what each theme encompasses.

Theme	Description & Example	Frequency
Need for accommodations beyond Physical Accessibility	Requests for procedural, cultural, and environmental adjustments to ensure equitable participation. For example, participants highlighted the absence of assistive listening devices, the need for	44

	ceremonial spaces for Indigenous healing practices, and permission for service animals during hearings.	
Paperwork burden	Redundant and multi-agency filings, including Veterans Affairs (VA) and Tribal records, that must be completed for each stage of the process. For example, veterans described submitting identical military service documents alongside court forms multiple times before any review could proceed.	36
Staff training needs	Gaps in disability-protocol knowledge and cultural competence among court personnel. For example, clerks were unfamiliar both with arranging sign-language interpreters and with Tribal sovereignty protocols when Indigenous participants asked about jurisdictional authority.	30
Financial challenges	Barriers posed by filing fees, legal costs, and related expenses. For example, several veterans and Tribal members postponed or abandoned hearings because they could not afford the $100 filing fee or travel expenses to distant courthouses.	26
Need for legal support	Lack of affordable or culturally informed legal guidance for self-represented litigants. For example, Indigenous participants struggled to	24

	locate attorneys versed in both state and Tribal court systems, while veterans noted the absence of low-cost veteran's legal clinics.	
Technology access issues	Difficulties using online portals, videoconferencing platforms, and assistive-tech features. For example, a participant could not join a video hearing because the conferencing link timed out, and no troubleshooting support was available.	21
Attitudinal barriers	Experiences of disrespect, impatience, or cultural insensitivity from judges and staff. For example, one participant felt rushed and unheard when disclosing disability needs.	21
Inclusivity practices	Effective, inclusive, and culturally responsive measures that enhanced access. Some sites provided materials in multiple languages and plain-language summaries co-developed with community partners.	13
Physical accessibility barrier	Structural obstacles hindering mobility or sensory access. For example, wheelchair users encountered steps at the entrance despite prior accommodation requests.	12
Racial/Ethnic discrimination	Experiences of bias or profiling based on Indigenous or minority identity. For example, participants described being racially profiled by courthouse security (assumed to be	8

	troublemakers or “gang-affiliated”) solely because of their Indigenous heritage.	
Incarceration conditions	Comments on jail environments, prolonged detention, and lack of basic supports. For example, one participant characterized the county jail as a “human warehouse,” noting long waits for trial and no accommodations for physical or mental health needs.	8
Other	General observations or emotional responses not captured by the above themes. For example, participants noted anxiety about court processes without specifying the underlying reason.	53

Based on a comprehensive review of responses across all five focus-group sessions, eleven salient themes emerged that together paint a clear picture of systemic barriers and opportunities for improvement. Below is a discussion of each theme, illustrating participants’ lived experiences and concrete suggestions for change.

Need for Accommodations beyond Physical Accessibility

The theme of accommodations emerged as a critical necessity for meaningful participation. Beyond physical infrastructure (ramps, accessible restrooms, clear signage), participants highlighted the need for flexible scheduling, such as allowing extra time for testimony or permitting virtual attendance for caregivers with transportation constraints. Additional requests

included provision of assistive listening devices, plain-language summaries of legal documents, and permission for service animals. The underlying message was that accommodations must be treated not as discretionary perks but as fundamental components of procedural fairness.
It also shows that there must be an investment in accessibility beyond the removal of physical barriers.

Paperwork Burden

One of the most frequently cited challenges was the overwhelming administrative load imposed by duplicate and convoluted paperwork requirements. In addition to accounts from caregivers and participants with psychiatric disabilities, veterans described submitting identical military service records alongside court forms, and Indigenous participants noted having to complete separate paperwork before state filings would even be accepted. This redundancy not only consumes valuable time, which often takes away from work, caregiving, or cultural obligations, but also amplifies anxiety and confusion for those managing complex health, legal, or sovereignty concerns. Across groups, respondents recommended a centralized, multi-jurisdictional intake portal with intelligent auto-fill capabilities and clear guidance on subsequent steps to streamline what is now an onerous, multi-agency process.

Staff Training Needs

Participants reported inconsistent levels of awareness among court personnel regarding disability accommodations, legal self-representation, and trauma-informed communication. In some cases, court clerks were unfamiliar with how to schedule sign-language interpreters; in others,

security officers lacked sensitivity when interacting with individuals who have mobility or cognitive disabilities. These gaps often led to delays or dismissive treatment that undermined trust in the system. To address this, respondents recommended mandatory, recurrent training sessions, ideally developed in partnership with disability rights organizations, and periodic evaluations to ensure staff remain current on best practices.

Financial Challenges

Cost barriers pervaded every stage of the process. Respondents cited filing fees that seemed arbitrary, high retainers for private attorneys, and out-of-pocket transportation or parking expenses that disproportionately impacted low-income individuals. Some caregivers reported postponing or abandoning hearings when they could not secure funds, while others incurred debt to retain counsel.

To mitigate these challenges, focus group participants suggested sliding-scale fees tied to income verification, expansion of pro bono or reduced-fee legal clinics, and provision of transportation vouchers or on-site parking subsidies.

Need for Legal Support

Even when financial obstacles were set aside, many participants found themselves at a loss when navigating complex legal procedures without representation. “Court staff cannot provide legal advice,” several respondents underscored, yet no clear referral pathways existed for obtaining affordable counsel. This left unrepresented litigants vulnerable to procedural missteps and less able to present their cases effectively. Proposals included establishing court-affiliated legal aid kiosks staffed by

rotating volunteer attorneys, distributing plain-language “know your rights” pamphlets at intake, and offering brief “advice only” consultations for a nominal fee.

Technology Access Issues

With a rapid shift toward virtual hearings, online filing, and digital notifications, court users have cited insufficient support for technology access as a pronounced barrier. Respondents encountered broken links for Zoom hearings, inaccessible websites that failed to meet basic usability standards, and a lack of guidance on using built-in assistive features (e.g., screen readers, closed-captioning). Many noted that they or their loved ones lacked digital literacy or reliable internet access, effectively excluding them from participation. Focus-group members urged courts to provide step-by-step tutorials, dedicated help lines for technical troubleshooting, and alternative processes (such as phone-in options) to ensure equitable access.

Attitudinal Barriers

Beyond structural deficiencies, respondents described emotional and interpersonal obstacles in the form of dismissive or judgmental attitudes from judges, clerks, and security personnel. Individuals with psychiatric disabilities reported feeling stigmatized when they disclosed their disability, and caregivers felt that explaining a loved one’s needs sometimes elicited impatience rather than understanding. Participants emphasized that genuine empathy, demonstrated through patience, respectful language, and active listening, can significantly improve user experiences. They recommended embedding trauma-informed practices in courts and recognizing “exemplary” staff who consistently model inclusive attitudes

Inclusivity Practices

Finally, a smaller but distinct set of comments highlighted positive examples of inclusive practices, such as providing Braille signage, plain-language summaries, and Spanish-language interpreters that demonstrably enhanced access and dignity. These “bright spots” offer models for scaling up. Participants encouraged courts to make these practices standard operating procedures rather than ad hoc accommodations.

Physical Accessibility Barriers

Although less frequent than procedural or attitudinal issues, environmental obstacles remained a recurring theme. Several participants reported arriving to find courtroom entrances inaccessible to wheelchairs, poorly maintained ramps, or elevators keyed only to staff. Even simple design flaws, such as narrow seating aisles or obstructed signage, impeded full participation. Investing in universal design principles, conducting regular accessibility audits, and involving people with disabilities in facility planning were among the concrete steps suggested to eliminate these barriers.

Racial/Ethnic Discrimination

Several participants of color described being profiled or subjected to biased treatment based on appearance or heritage. They recounted extra security screenings, assumptions of “gang affiliation,” and dismissive comments that questioned Tribal court jurisdiction. Such discriminatory encounters deepened mistrust and deterred many from pursuing legal recourse. Recommendations include explicit anti-bias policies, visible acknowledgments of Tribal sovereignty (e.g., signage, proclamations),

routine bias-incident reporting channels, and facilitated cultural-sensitivity dialogues co-led by Tribal elders and court leadership.

Incarceration Conditions

Comments on jail environments revealed deeply troubling conditions that compounded participants' legal challenges. County jails were likened to "human warehouses," with overcrowded cells, prolonged pretrial detentions, and little to no accommodations for physical or mental health needs.

Veterans with mobility-related disabilities pointed out inaccessible bunks and barriers to medication access, while those with psychiatric disabilities described unaddressed crises behind bars. Recommendations include expedited pretrial reviews, expansion of community-based diversion programs, and deployment of mobile mental-health units to reduce reliance on jails as default holding facilities.

These eleven themes reveal that access to justice is shaped by an interplay of bureaucratic complexity, technological barriers, resource constraints, interpersonal dynamics, and physical environment. Addressing them will require a multipronged strategy: streamlining administrative processes, investing in digital inclusion, mandating comprehensive staff training, and embedding universal design and accessibility principles throughout court operations. By listening to and acting on these frontline insights, jurisdictions can move closer to a legal system that is not only procedurally fair but also genuinely accessible and responsive to all participants' needs.

A Special note on the focus group for Indigenous people with disabilities

While there were themes within the focus group for Indigenous Washingtonians with disabilities that were shared with other focus groups, some of the unique issues raised by the Indigenous participants were noteworthy and will be highlighted in this section.

Harsh sentencing

Four of the Indigenous women who participated in the focus group disclosed having had criminal cases. All four also disclosed having received the maximum sentence for the charges brought against them. Of the men in the group, all but one reported receiving the maximum sentence at least once in their criminal cases.

Further, focus group participants reported that while serving their sentences in federal and state prisons, they routinely encountered White inmates with similar charges who were serving significantly lesser sentences.

Lack of respect for religious practices

Indigenous focus group participants were the only focus group participants who reported having their religious and cultural practices completely banned, disregarded, and at times mocked while incarcerated. One participant stated: “We would get our beading and smudging that we use spiritually taken away by the cops and get thrown out, while we watch other groups like Christians and Muslims have their religious practices respected.”

Racism by court-appointed attorneys

It was a nearly unanimous experience for focus group participants that their court-appointed counsel treated them just as poorly as others within the court system. They reported not being fully informed of the charges on which they were indicted and even convicted until after they were serving their sentences.

They reported judges refusing to replace their court-appointed counsel when they reported having a hostile relationship with counsel due to counsel's racial biases. They were the only group who expressed that legal representation did not significantly affect the outcome in their case because their attorneys failed to provide culturally competent representation.

The focus group participants were adamant that the issue was the lack of cultural competency training for court-appointed lawyers, not legal representation. They believed that if properly trained, lawyers could be invaluable assets to them as they maneuvered the court system.

Conclusion

The eleven themes from the focus groups support a disability justice approach to addressing the challenges faced by court users with disabilities, and this study. To be impactful in redressing the historical harms that persons with disabilities have experienced in the court system, their lived experiences need to be centered on addressing systemic inequities. This approach of meaningful impact required a framework that extended far beyond what is typically required under an ADA compliance framework.

Studies around ADA compliance focused on meeting minimum legal requirements for access to services by people with disabilities. A disability

justice framework requires a reimagining of the court system, not as a place that can be made to fit the needs of persons with disabilities on a case-by-case basis but as a place where inclusion is so deeply woven into the fabric of its operations, the creation of its programs, the design of the facilities, that persons with disabilities are able to maneuver the system without intervention.

The issues that the ADA seeks to redress are not unimportant. Physical access to court facilities is crucial and remains a challenge in Washington courts, but the recurring issues that are negatively impacting the experience of court users with disabilities require perhaps more intentionality, but much less funding than the costly undertakings mandated by the ADA. Things like reducing paperwork burden, attitudinal barriers, staff training, and waiving of fees are more accessible to even the smallest courts in the state and seem to be instrumental in improving court user experience and critical to equitable access to the justice system.

While the ADA prioritizes getting persons with disabilities into the building, disability justice asks that people with disabilities are not further harmed by the processes, procedures, and practices of the courts in their pursuit of justice after they enter the building.

Interviews

These interviews aimed to gain in-depth qualitative data from persons within the court systems who were unwilling or unable to participate in the focus groups. Through guided discussion, the interviewees provided insights and perspectives about their experiences within the legal system and their perception of the experiences of persons with disabilities within the court system. Common themes emerged across these interviews.

Methodology

The research team conducted nine interviews with legal professionals with various roles within the court systems. Other interviews were scheduled but not performed due to low interest. For an interview to be conducted, at least three people with the same characteristics had to have agreed to be interviewed to maintain anonymity.

The interviews were conducted with people who had the following characteristics:

- Judicial officers (at all levels of the court system) with and without disabilities.
- Legal professionals with and without disabilities.

Interview facilitation

Ahead of each interview, interviewees were asked if they needed accommodations. All requested accommodations were provided.

All interview data are confidential. At the start of each interview, the interviewee was given a summary of the study, a review of the confidentiality statement, and a request to provide verbal or written consent using the chat

feature. Participants who did not provide their consent after being informed of the requirements and implications of the interview were not interviewed.

Every interview was attended by at least two members of the research team. One member served as facilitator and led the interview. The second team member acted as a scribe, documenting trends, commonalities, and perspectives in the answers provided by the interview. Seven out of the nine (9) interviews had an observer with a legal background to provide feedback and guidance on the answers provided by the interviewee. The moderator and the scribe acted as neutral parties, collecting data and did not attempt to persuade, dissuade, or discourage participants in focus groups.

Questions:

Interviewees were asked to share their opinions on nine key aspects of their experiences with the court system. 1) Attitudes Toward People with Disabilities; 2) Intersectionality and Identity; 3) Accommodations and accessibility; 4) Communication about accommodations; 5) Invisible disabilities; 6) Bias and discrimination; 7) Application of disability justice principles; 8) Valuing the experiences of people with disabilities; and 9) Disability stigma in the legal profession.

The list of questions asked of interviewees is available in Appendix H.

Theme	Frequency
Use of inaccessible and ableist language (refusal to use plain language, frequent use of legal jargon, Latin words, etc.)	13

Lack of training and understanding of Invisible Disabilities	13
Attitudinal barriers form judges (rigidity, unwillingness to support court users with disabilities, push back against changes that could help litigants with disabilities)	12
Hyper emphasis on lack of resources as a reason for denying accommodations	12
Physical accessibility	8
Procedural hurdles in the way of accommodations	8
Racial bias and lack of cultural competency in the court system	8
Stigma in the legal profession relating to disability and bias against people with disabilities	4

Use of inaccessible and ableist language

(Refusal to use plain language, frequent use of legal jargon, Latin words, etc.)

The most frequently cited challenge interviewees reported observing court users struggle to understand was the language used in court documents and proceedings. At least four interviewees cited the use of Latin

words like “ore tenus,” “omnibus,” and “ad hoc” and other legalese as a preventable obstacle to court users with disabilities understanding the court process fully. Some interviewees also pointed out a refusal to use plain language and referred to the use of accessible language as “dumbing down.”

Lack of training and understanding of Invisible Disabilities

As frequently as a lack of training was identified, interviewees also reported a general lack of understanding of invisible disabilities within the court system. This lack of training and awareness is particularly harmful to court users because they are often denied rightful accommodations that could have assisted them in participating in the court process. At least five interviewees specifically cited psychiatric disabilities as an area that is vastly misunderstood and that judges and court staff are uninformed about.

Attitudinal barriers from judges *(rigidity, unwillingness to support court users with disabilities, push back against changes that could help litigants with disabilities)*

Almost as often as the previous two, interviewees reported that judges’ attitudes towards persons with disabilities in their courtroom have negatively impacted court users. They provided a range of reasons for this observation; some reported that they thought judges equated rigidity with impartiality. Others attributed it to the large caseloads and the high demands of the position. Most believed it was rooted in a lack of understanding of the needs of litigants with disabilities and a belief that accommodations are disruptive to the court process.

Hyper emphasis on lack of funding and resources as a reason for denying accommodations

Though not mentioned as often as the other themes, all interviewees discussed the issue of the courts' lack of resources being used almost as a preemptive tactic by court administrators and leadership for failing to provide accommodations. They discussed a general unwillingness to consider issues related to disability and accessibility, fearing it would be burdensome and too costly.

One of the interviewees stated that "courts lack creativity" and are not using the resources available to improve the experience of persons with disabilities in the courts, whether it is legal professionals or court users with disabilities.

Physical accessibility

Although less frequently reported, a lack of physical accessibility remained a recurring theme. Several interviewees reported seeing courtroom entrances inaccessible to wheelchair users, inaccessible jury boxes, and a lack of seating areas. These barriers, no matter how small, impede full participation for court users with disabilities and create an undignifying experience for legal professionals. Interviewees emphasized the need for physically accessible spaces without the need for a request.

Procedural hurdles to accommodations

Many interviewees found that requesting accommodations was complicated for themselves and litigants with disabilities. They reported that unnecessary barriers in the request process deterred those who needed

accommodations from requesting them, including several interviewees who resorted to less-than-optimal alternatives, such as taking breaks in their vehicles during their workday.

Racial bias and lack of cultural competency in the court system

Racial bias in favor of White court participants in the court system was a recurring theme that affected legal professionals both personally and professionally as they observed racial bias and cultural incompetency within their courts in the interactions with litigants of color with disabilities. Several interviewees had anecdotal accounts of witnessing racial bias in the treatment of court users of color. Two interviewees even reported tracking and documenting evidence of racial bias and racism in the court system.

Furthermore, most interviewees shared that they believed a negative correlation exists between low socioeconomic status and positive court experience. All interviewees who disagreed with that sentiment identified as white and cisgender males in the demographic questionnaire. The same phenomenon was observed in their responses to questions relating to race and experience in the court system.

Stigma in the legal profession regarding disability and bias against people with disabilities

A few of the interviewees mentioned stigma around disabilities, the expectation that legal professionals ought to live without disabilities has affected their journey in this legal field. Whether through attempts at hiding their disabilities or going without accommodations to avoid harm, many interviewees reported that stigma in the legal profession around disability is a deterrent to them speaking openly about their disabilities. Those who were

unable to hide their disabilities specifically reported having several undignifying experiences within the court system as a result of their visible disability.

Limitations

All interviewees were middle-aged (40s-60s), so there is no way of knowing if there are generational differences in how legal professionals experience and view the court system.

Surveys

Court Practitioner Survey

Two surveys were conducted. Survey 1 was for court practitioners and included surveys for judges, attorneys, court administrators, staff, court contractors, ADA coordinators, and Department of Corrections staff.

The first survey was implemented using the SurveyMonkey platform, a robust and user-friendly tool that allowed for customizable survey design and secure data collection. Potential respondents received an email or social media invitation to participate in the survey. A brief overview of the survey's purpose, the estimated time required for completion, and assurances of confidentiality were shared during dissemination and at the beginning of the survey. Respondents were informed that all responses would be de-identified to encourage participation, ensuring that individual identities could not be linked to their answers. This confidentiality measure was crucial for reducing nonresponse bias and promoting honest feedback.

Before launching the final version of the survey, piloting was conducted by members of the Disability Justice Task Force. These individuals accessed the survey via a preview link and provided detailed feedback on question clarity, flow, and technical functionality. The feedback gathered during this pretesting phase informed necessary revisions to improve the survey's overall quality and effectiveness. After pretesting and final edits were completed, the survey was officially launched on the designated date, with all systems in place to ensure smooth implementation and data collection. This careful planning and testing process helped ensure that the survey yielded high-quality data aligned with the study's objectives.

Findings

Data from the Court Practitioner Survey

The items below are from the court practitioner survey.

Branching items for all court practitioner respondents

Indicate your role(s) within the Washington State court system.

	Count	Percentage
Attorney	205	37.2%
Staff at a Correctional Facility	20	3.6%
Contractor with the court system	10	1.8%
Other	62	11.3%
Total Unique	**289**	

**Note -"Other" received contractor items*

Which of the following most closely describes your position within the court system?

	Count	Percentage
Trial Court Judge	50	9.1%
Appellate Judge or Justice	7	1.3%
Court Clerk	25	4.5%
Court Staff or Administrator	108	19.6%
Court bailiff	2	0.4%
Court Case Manager	11	2.0%
Court ADA Coordinator	2	0.4%
Other (please specify)	57	10.3%
Total	**262**	

**Note -"Other" received Court Admin/Staff items*

Total Unique Respondents for Roles	**551**

Do you identify as a person with one or more disabilities?

	Count	Percentage
Yes	107	26.4%
No	260	64.0%
Prefer not to answer	39	9.6%
Total	**406**	

What is your racial/ethnic identity?

	Count	Percentage
White/Caucasian	276	68.7%
Prefer not to answer	63	15.7%
Latina/e/o	33	8.2%
Multiracial	22	5.5%
African American/Black	12	3.0%
Asian/Asian American	10	2.5%
Other or prefer to self-describe (please specify)	10	2.5%
First Nations/Indigenous	8	2.0%
Indigenous Hawaiian or Pacific Islander	2	0.5%
Indigenous Alaskan	0	0.0%
Southwest Asian or North African	0	0.0%
Total Unique	**402**	

What is your gender identity?

	Count	Percentage
Woman	253	63.1%
Man	97	24.2%
Prefer not to answer	41	10.2%
Non-binary (including genderqueer, genderfluid, agender, etc.)	6	1.5%
Prefer to self-describe (please specify)	4	1.0%
Two-Spirit	1	0.2%
Total Unique	**401**	

Are you transgender?

	Count	Percentage
No	356	88.3%
Prefer not to answer	42	10.4%
Yes	5	1.2%
Total	**403**	

What is your sexual or romantic orientation?

	Count	Percentage
Heterosexual	240	59.9%
Prefer not to answer	88	21.9%
Bisexual/biromantic	24	6.0%
Other or prefer to self-describe (please specify)	15	3.7%
Asexual	14	3.5%
Lesbian	12	3.0%
Queer	10	2.5%
Gay	5	1.2%
Pansexual/panromantic	4	1.0%
Total Unique	**401**	

Judge Specific Items

In cases involving litigants with disabilities, do you ever consider the race of the litigant?

	Count	Percentage
Yes	26	60.5%
No	17	39.5%
Total	**43**	

In cases involving litigants with disabilities, do you ever consider the immigration status of the litigant?

	Count	Percentage
Yes	16	36.4%
No	28	63.6%
Total	**44**	

In your opinion, what additional resources would help your court ensure full access to justice for individuals with disabilities?

	Count	Percentage
More training or resources on the ADA and GR 33	26	60.5%
Funding for additional interpreters (sign language and foreign language)	22	51.2%
More training or resources on assistive communication technology use in courts	21	48.8%
Training on trauma-informed care to better support persons with disabilities	20	46.5%
Funding to hire additional personnel to implement accommodations	18	41.9%
More training or resources on intersectionality	15	34.9%

More training or resources on accessibility for remote meetings and hearings	11	25.6%
More training or resources related to language accessibility	6	14.0%
Other (please specify)	5	11.6%
I am not sure	2	4.7%
The court does not need additional resources for working with individuals living with disabilities	0	0.0%
Total Unique	**43**	

Physical Access - How accessible do you believe the court where you work is in the following areas?

	Count	**Percentage**
Not at All Accessible	4	9.3%
Partially Accessible	25	58.1%
Fully Accessible	14	32.6%
Total	**43**	

Digital Access - How accessible do you believe the court where you work is in the following areas?

	Count	**Percentage**
Not at All Accessible	2	4.7%
Partially Accessible	28	65.1%
Fully Accessible	13	30.2%
Total	**43**	

Are you familiar with the requirements of GR 33?

	Count	**Percentage**
Yes	39	95.1%
No	2	4.9%
Total	**41**	

How confident do you feel in your ability to apply GR 33 accommodations in your role?

	Count	Percentage
Very Confident	12	31.6%
Moderately Confident	17	44.7%
Slightly Confident	7	18.4%
Not Confident at all	2	5.3%
Total	**38**	

Have you encountered unique challenges while implementing GR 33 or the ADA for self-represented litigants (SRLs) with disabilities?

	Count	Percentage
Yes, I have encountered challenges (please give examples)	17	43.6%
No, I have not encountered any challenges	21	53.8%
I do not think there are any differences between the challenges of self-represented and represented litigants	1	2.6%
Total	**39**	

How would you describe the general attitude towards people with disabilities in the court(s) where you practice?

	Count	Percentage
Very positive	10	25.6%
Moderately positive	18	46.2%
Slightly positive	8	20.5%
Slightly negative	2	5.1%
Moderately negative	1	2.6%
Very negative	0	0.0%
Total	**39**	

Attorney Specific Items

Which of the following best describes your position as an attorney?		
	Count	**Percentage**
Public Defender	36	17.9%
Other (please specify)	26	12.9%
Civil Litigation Attorney	25	12.4%
Staff attorney at a legal community-based organization	24	11.9%
Private Criminal Defense Attorney	20	10.0%
Family Law Attorney	20	10.0%
Prosecutor	19	9.5%
Estate Planning Attorney	8	4.0%
Personal Injury Attorney	7	3.5%
Guardianship Attorney	6	3.0%
Civil Rights Attorney	6	3.0%
Employment Attorney	2	1.0%
Immigration Attorney	1	0.5%
Staff attorney at the disability rights organization	1	0.5%
Total	**201**	

Indicate your level of agreement or disagreement with the following statement: I believe that the court(s) where I practice offer(s) equitable treatment to individuals with disabilities who also face other forms of marginalization		
	Count	**Percentage**
Strongly Agree	34	18.0%
Agree	53	28.0%
Slightly Agree	26	13.8%
Slightly Disagree	20	10.6%

Disagree	27	14.3%
Strongly Disagree	17	9.0%
I am unsure	12	6.3%
Total	**189**	

Which of the following resources from community-based organizations would benefit your clients with disabilities?

	Count	**Percentage**
Mental health assistance	137	81%
Financial assistance	125	74%
Housing assistance	118	70%
Substance abuse treatment programs	112	66%
Medical assistance	95	56%
Bilingual support services	91	54%
Disability community or social-emotional support services	88	52%
Community support services for people of color	73	43%
Educational support services	72	43%
LGBTQIA+ support services	71	42%
Immigration assistance	66	39%
Other (please specify)	26	15%
Faith or religious support services	25	15%
Total Unique	**169**	

What additional resources or training would help you effectively handle cases involving litigants with disabilities?

	Count	**Percentage**
More efficient and effective accommodation support	102	60%
More comprehensive training on General Rule 33 and ADA requirements	91	53%
Enhanced support from the court system	90	53%
Training on disability law	70	41%

Opportunities for collaboration with disability advocates	70	41%
Training on disability justice principles	69	40%
Other (please specify)	34	20%
Total Unique	**171**	

Physical Access - How accessible do you believe the court where you work is in the following areas?

	Count	Percentage
Not at All Accessible	7	4.2%
Partially Accessible	90	53.6%
Fully Accessible	71	42.3%
Total	**168**	

Digital Access - How accessible do you believe the court where you work is in the following areas?

	Count	Percentage
Not at All Accessible	21	13.3%
Partially Accessible	105	66.5%
Fully Accessible	32	20.3%
Total	**158**	

Are you familiar with the requirements found in GR 33?

	Count	Percentage
Yes	101	59.8%
No	68	40.2%
Total	**169**	

-

What challenges have you observed your clients with disabilities face while navigating the court system?

-	Count	Percentage
Disabilities directly impacting the progression of the case (e.g., mental health issues, intellectual or developmental disabilities, chronic illness, physical disabilities, or multiple co-occurring disabilities)	87	54.0%
Lack of resources in the courts	79	49.1%
Insufficient time or difficulty keeping pace with procedural requirements (e.g., needing more time to respond or prepare documents)	78	48.4%
Communication barriers (e.g., difficulty verbally describing the dispute or answering questions, lack of assistive technology for alternative communication)	76	47.2%
Lack of cultural competency by judges and court staff about clients with disabilities and other intersecting marginalized identities	67	41.6%
Technological constraints (e.g., limited access to TeleTYpewriter (TTY), adaptive equipment/assistive technology, reliable internet)	66	41.0%
Insufficient training for judges, attorneys, or court staff on engaging with individuals with disabilities	64	39.8%
Limited awareness within the court about available accommodations or relevant laws (e.g., GR 33, Washington Law Against Discrimination)	59	36.6%
Lack of physical accessibility for court users with mobility aids (e.g., wheelchairs, canes, etc.)	47	29.2%
I have not observed any difficulties	27	16.8%
Other (please specify)	12	7.5%
Total Unique	**161**	

How would you describe the general attitude towards people with disabilities in the court(s) where you practice?

	Count	Percentage
Very positive	35	22.88%
Moderately positive	34	22.22%
Slightly positive	34	22.22%
Slightly negative	32	20.92%
Moderately negative	16	10.46%
Very negative	2	1.31%
Total	**153**	

Cross Tabs for Attorneys

Comparing how attorneys with disabilities and those without disabilities answered the questions below:

How would you describe the general attitude towards people with disabilities in the court(s) where you practice?

	With Disabilities	Without Disabilities
Very positive	7	26
Moderately positive	10	19
Slightly positive	13	20
Slightly negative	14	17
Moderately negative	13	2
Very negative	2	0
Total	59	84

How would you describe the general attitude towards people with disabilities in the court(s) where you practice?

	With Disabilities	Without Disabilities
Very positive	11.9%	31.0%
Moderately positive	16.9%	22.6%
Slightly positive	22.0%	23.8%

Slightly negative	23.7%	20.2%
Moderately negative	22.0%	2.4%
Very negative	3.4%	0.0%

Indicate your level of agreement or disagreement with the following statement:
I believe that the court(s) where I practice offer(s) equitable treatment to individuals with disabilities who also face other forms of marginalization.

	With Disabilities	**Without Disabilities**
I am unsure	5	4
Strongly Agree	12	17
Agree	8	31
Slightly Agree	8	11
Slightly Disagree	6	8
Disagree	14	10
Strongly Disagree	10	3
	63	**84**

Indicate your level of agreement or disagreement with the following statement: I believe that the court(s) where I practice offer(s) equitable treatment to individuals with disabilities who also face other forms of marginalization.

	With Disabilities	**Without Disabilities**
I am unsure	7.9%	4.8%
Strongly Agree	19.0%	20.2%
Agree	12.7%	36.9%
Slightly Agree	12.7%	13.1%
Slightly Disagree	9.5%	9.5%
Disagree	22.2%	11.9%
Strongly Disagree	15.9%	3.6%

ADA Coordinator Specific Items

Physical Access - How accessible do you believe the court where you work is in the following areas?

	Count	Percentage
Not at All Accessible	0	0.0%
Partially Accessible	10	52.6%
Fully Accessible	9	47.4%
Total	**19**	

Digital Access - How accessible do you believe the court where you work is in the following areas?

	Count	Percentage
Not at All Accessible	1	5.6%
Partially Accessible	17	94.4%
Fully Accessible	0	0.0%
Total	**18**	

Rate your level of agreement or disagreement with the following statement: My work is supported by the leadership of the Court where I work.

	Count	Percentage
Strongly Agree	11	55.0%
Agree	9	45.0%
Slightly Agree	0	0.0%
Slightly Disagree	0	0.0%
Disagree	0	0.0%
Strongly Disagree	0	0.0%
Total	**20**	

Select your level of training on the following topics

	No Training	Little Training	Some Training	Extensive Training
Recognizing and addressing discrimination against individuals with disabilities, particularly those with intersecting* marginalized identities	5	6	8	1
Providing trauma-informed responses to the needs of persons with disabilities	5	8	6	1
The criminalization of disability	12	5	3	0
Understanding the difference between disability justice and disability rights	9	7	3	1
Language access and disability: providing effective support for non-English speaking persons with disability	5	4	9	2

What would make you feel more supported in your work?

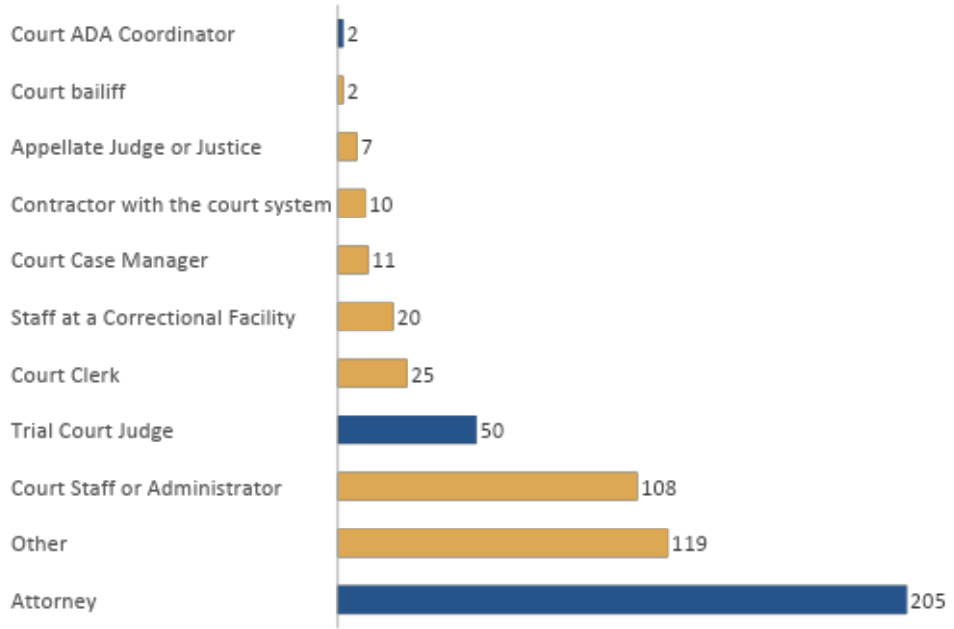
	Count	Percentage
More funding for assistive technology	18	90.0%
More trainings	15	75.0%
More support from the Administrative Office of the Courts	9	45.0%
More funding for interpreters (American Sign Language, other Sign Languages, and foreign languages)	7	35.0%
Other (please specify)	6	30.0%
More support from leadership	0	0.0%
Total Unique	**20**	

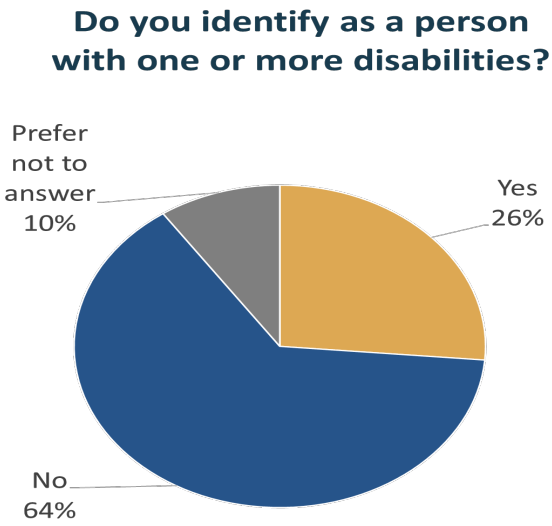
Have you received any training on digital accessibility at any time since 2020, or since you began your employment with the court, if hired after 2020?

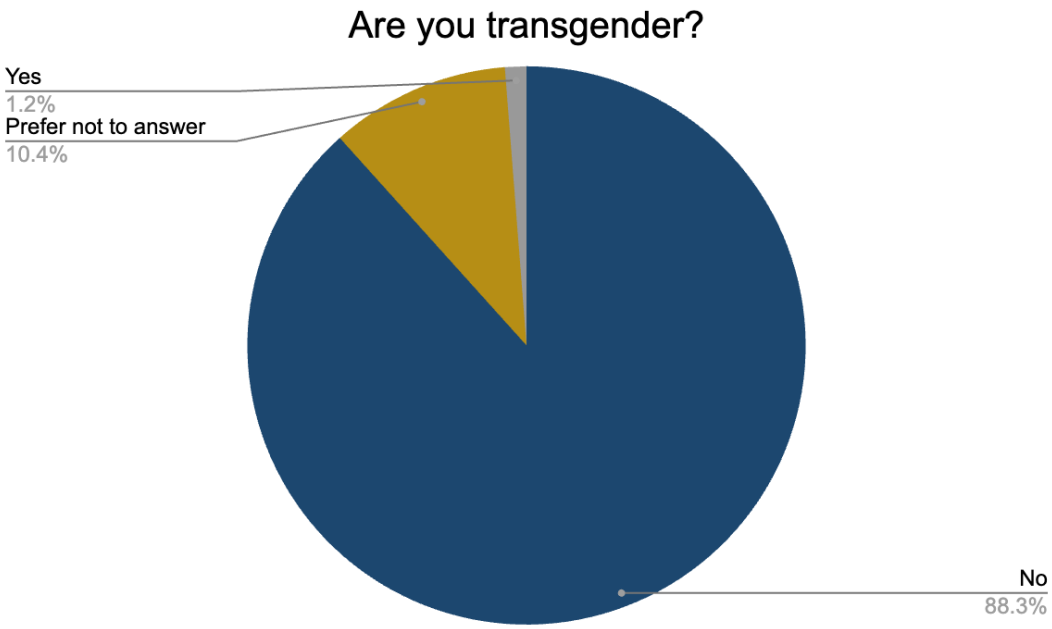
	Count	Percentage
Yes	5	25%
No	15	75%
Total	**20**	

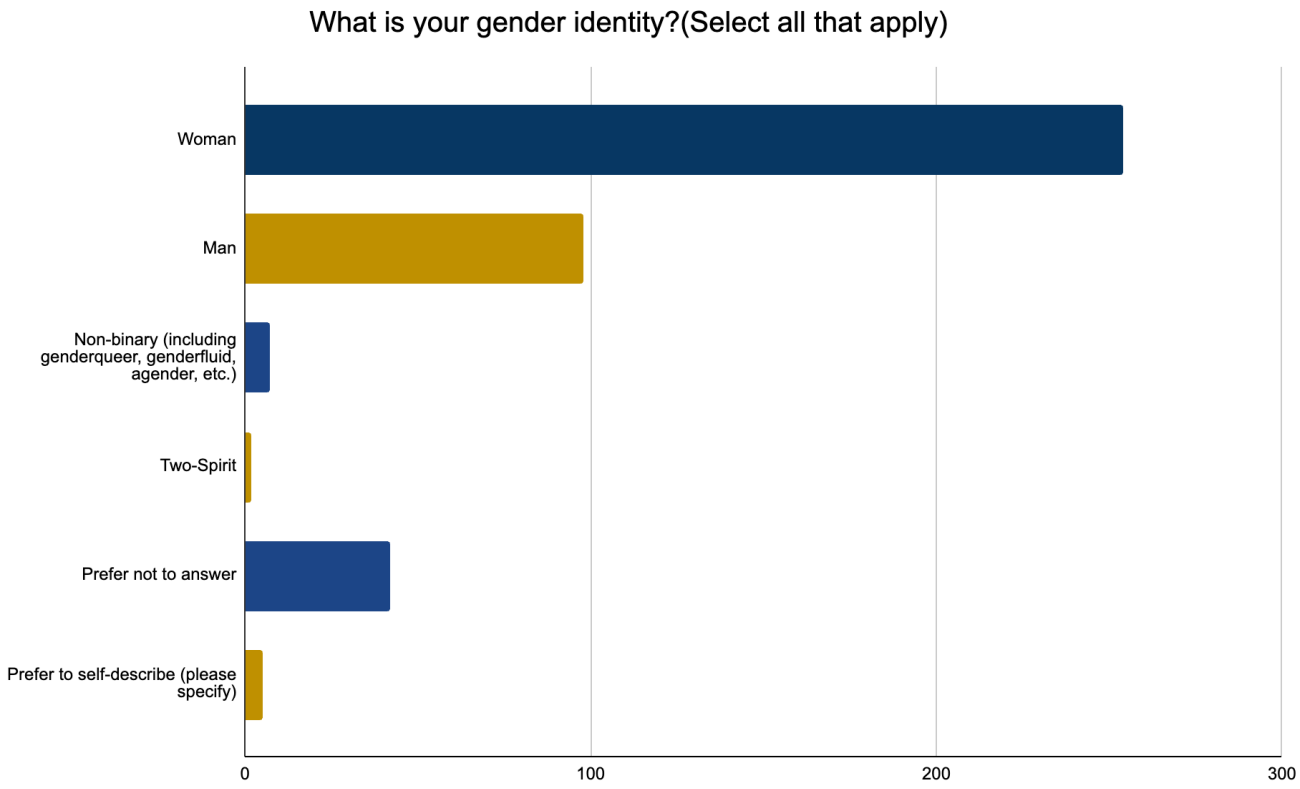
Charts

Breakdown of Respondents by position in the court system




Do you identify as a person with one or more disabilities?
Prefer not to answer 10%
Yes 26%
No 64%


Are you transgender?
Yes 1.2%
Prefer not to answer 10.4%
No 88.3%


What is your gender identity?(Select all that apply)
Woman
Man
Non-binary (including genderqueer, genderfluid, agender, etc.)
Two-Spirit
Prefer not to answer
Prefer to self-describe (please specify)
0
100
200
300


Level of Training on Topics
Language access and disability: providing effective support for non-English speaking persons with disability
Understanding the difference between disability justice and disability rights
The criminalization of disability
Providing trauma-informed responses to the needs of persons with disabilities
Recognizing and addressing discrimination against individuals with disabilities, particularly those with intersecting* marginalized identities
0
5
10
15
20
No Training
Little Training
Some Training
Extensive Training

Results

Respondent Roles and Demographics

A total of 551 unique respondents completed the court practitioner survey, representing a diverse array of roles within the Washington court system. The most common roles identified were attorneys (37.2%), followed by court staff or administrators (19.6%), trial court judges (9.1%), and a variety of other positions, including court clerks, appellate judges, contractors, and ADA coordinators. Notably, 26.4% of respondents self-identified as having one or more disabilities.

Respondents were predominantly White/Caucasian (68.7%), with smaller representations from Latina/o (8.2%), multiracial (5.5%), African American/Black (3.0%), and Asian/Asian American (2.5%) backgrounds. The majority identified as women (63.1%), with men comprising 24.2% of the sample. Most respondents reported a heterosexual orientation (59.9%), though a variety of other sexual and romantic orientations were also represented.

Judge Perspectives and Practices

Among judges (n = 43–44), 60.5% reported considering the race of litigants with disabilities in relevant cases, and 36.4% considered litigants' immigration status. Judges identified several resource needs to ensure full access to justice for individuals with disabilities, with the most frequently endorsed supports including more training on ADA and General Rule (GR) 33 requirements (60.5%), increased funding for interpreters (51.2%), and enhanced training on assistive communication technology (48.8%). The

majority of judges indicated only partial accessibility in both the physical (58.1%) and digital (65.1%) environments of their courts.

Awareness of GR 33 requirements was high among judges (95.1%), though self-reported confidence in applying these accommodations was variable, with only 31.6% feeling very confident. Just under half of judges (43.6%) indicated encountering unique challenges when implementing ADA or GR 33 accommodations for self-represented litigants with disabilities. Attitudes toward people with disabilities in the courts were generally positive; 71.8% of judges described the environment as very positive or moderately positive.

Attorney Experiences and Observations

Of the 201 attorneys surveyed, public defenders (17.9%), civil litigation attorneys (12.4%), and staff attorneys at community-based organizations (11.9%) were the most common practice areas. While a substantial proportion of attorneys believed their courts offered equitable treatment to individuals with disabilities facing other forms of marginalization (18.0% strongly agreed; 28.0% agreed), a notable proportion expressed disagreement or uncertainty (14.3% disagreed; 9.0% strongly disagreed; 6.3% unsure).

Attorneys identified several resource needs to better support clients with disabilities, including mental health assistance (81%), financial support (74%), housing assistance (70%), and substance abuse treatment programs (66%). When asked about barriers faced by clients with disabilities, the most frequently observed challenges included the direct impact of disabilities on case progression (54.0%), lack of court resources (49.1%), procedural challenges (48.4%), and communication barriers (47.2%). Training needs

identified by attorneys included more effective accommodation supports (60%), comprehensive training on GR 33 and ADA (53%), and collaboration opportunities with disability advocates (41%). Perceived physical and digital accessibility of courts varied: only 42.3% of attorneys reported their courts as fully physically accessible, and just 20.3% described the digital environment as fully accessible. Familiarity with GR 33 was moderate (59.8%), indicating a need for further training and outreach.

Analyses of cross-tabulated data revealed differences in perceived court attitudes toward people with disabilities by disability status. For example, attorneys who identified as having a disability were more likely to describe court environments as moderately or slightly negative (22.0% and 23.7%, respectively) compared to their counterparts without disabilities. Similarly, attorneys with disabilities expressed greater disagreement that courts offer equitable treatment to multiply marginalized individuals, with 15.9% strongly disagreeing versus 3.6% of attorneys without disabilities.

ADA Coordinator Insights

ADA coordinators generally reported partial accessibility in both physical (52.6%) and digital (94.4%) domains within their courts. The vast majority agreed or strongly agreed that their work was supported by court leadership (100%). However, most indicated limited training on critical topics, such as discrimination, trauma-informed responses, and the criminalization of disability. Only 25% had received training on digital accessibility since 2020. Coordinators expressed strong support for increased funding for assistive technology (90%), more training (75%), and enhanced support from the Administrative Office of the Courts (45%).

Summary

Overall, findings suggest that while there is a foundation of awareness and positive intent toward disability inclusion among court practitioners in Washington, significant barriers remain in both physical and digital accessibility, training, and perceived equity for people with disabilities, particularly those who also experience other forms of marginalization. Respondents across roles emphasized the importance of expanded training, increased resources, and a more comprehensive approach to disability justice within the court system.

Court Participants Survey

Two surveys were conducted. Survey 2 was for court participants and included surveys for court users with disabilities, their caregivers, and staff at community-based organizations that support court users with disabilities.

Survey 2 was published in two iterations. The first iteration was implemented using the SurveyMonkey platform, a robust and user-friendly tool that allowed for customizable survey design and data collection. Unfortunately, bots corrupted and hacked the data.

Understanding the imperative need for accurate data around this topic. The research team decided to relaunch the survey using Qualtrics, a more secure platform with robust bot detection features that also allows customizable survey design and secure data collection. Potential respondents received an email or social media invitation to participate in the survey. A brief overview of the survey's purpose, the estimated time required for completion, and assurances of confidentiality were shared during dissemination and at the beginning of the survey. Respondents were informed that all responses would be de-identified to encourage participation, ensuring that individual identities could not be linked to their

answers. This confidentiality measure was crucial for reducing nonresponse bias and promoting honest feedback.

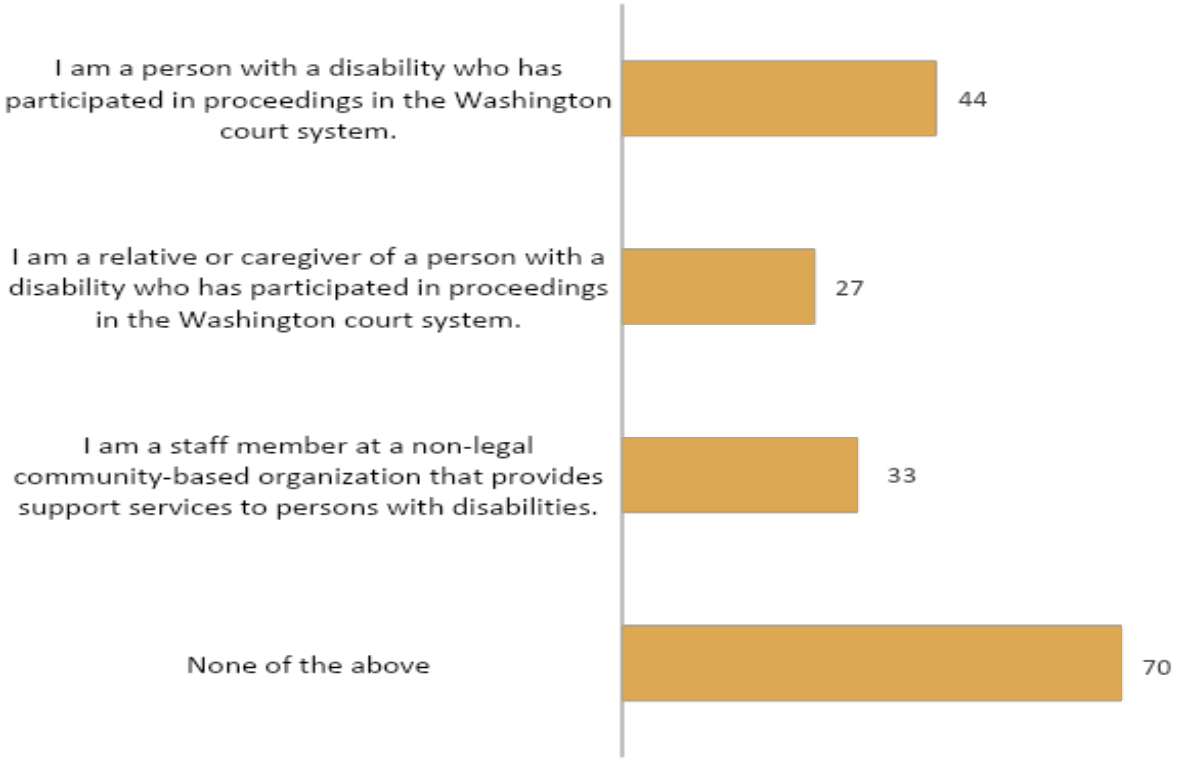
Before launching the final version of the survey, pretesting was conducted by members of the community with disabilities. These individuals accessed the survey via a preview link and provided detailed feedback on question clarity, flow, and technical functionality. The input gathered during this pretesting phase informed necessary revisions to improve the survey's overall quality and effectiveness. After pretesting and final edits were completed, the survey was officially launched with all systems in place to ensure smooth implementation and data collection. This careful planning and testing process helped ensure that the survey yielded high-quality data aligned with the study's objectives.

Findings

Data from the Court Users Survey

The items below are from the court user survey.

All Respondents



To ensure you receive the most relevant survey questions, please select the option that best describes you.

	N	%
I am a person with a disability who has participated in proceedings in the Washington court system.	44	25. 3%
I am a relative or caregiver of a person with a disability who has participated in proceedings in the Washington court system.	27	15. 5%
I am a staff member at a non-legal community-based organization that provides support services to persons with disabilities.	33	19. 0%
None of the above	70	40. 2%
	174	

People with Disabilities Specific Items

Based on your most recent experience requesting help or accessibility tools in court, please indicate your level of agreement or disagreement with the following statements:

*16 responded to the prior item: Have you ever asked for help from the court for your case, such as an interpreter, wheelchair access, extra time to complete forms, or any other type of support?

It was easy for me to request the assistance or accessibility tools I needed in court.

	N	%
Strongly Disagree	1	6.3%
Disagree	2	12.5%
Slightly Disagree	2	12.5%
Slightly Agree	7	43.8%
Agree	2	12.5%
Strongly Agree	2	12.5%
	16	

The assistance or accessibility tools I requested were provided in a timely and efficient manner.

	N	%
Strongly Disagree	3	18.8%
Disagree	3	18.8%
Slightly Disagree	1	6.3%
Slightly Agree	3	18.8%
Agree	3	18.8%
Strongly Agree	3	18.8%
	16	

I received the exact accommodation I requested.

	N	%
Strongly Disagree	4	25.0%
Disagree	3	18.8%
Slightly Disagree	2	12.5%
Slightly Agree	0	0.0%
Agree	4	25.0%
Strongly Agree	3	18.8%
	16	

Did you know that if you participated in a civil (non-criminal) case, you might be eligible to have a lawyer appointed to you due to your disability?

	N	%
Yes, I knew because someone at the court (e.g., staff, administrator) informed me	2	5.6%
Yes, I knew because I found out on my own	6	16.7%
No, I did not know	28	77.8%
	36	

During your interactions with the court (whether in person, by video, or by phone), did you experience any unfair treatment, judgment, or bias due to your disability from court staff, judges, or others involved in your case?

	N	%
No	23	62.2%
Yes	14	37.8%
	37	

Comments from respondents who indicated "Yes"

A hasty and negatively impactful decision was made in my case at the first hearing, citing concern/ judgement [sic] of my written statements to the court as a partial cause, without consideration that the content and tone difference the chancellor apparently noted could be a result of neurodivergence and past trauma.
I did not fully understand what was going on, my lawyers took advantage of me and were neglectful, I did not fully understand what was happening, signed papers under duress.
I had handwritten notes to describe my case, along with photographs of pictures, and the judge mentioned, how sloppy and difficult they were to read, but there's nothing I can do because that is part of my disability is having bad handwriting. I do believe I lost the case because of this which sucks.
I have been put in positions of Court employees being rude disrespectful and hanging up on me mid conversation. I had a Court Commissioner call me a lair when I said exactly what a video showed. That Court Commissioner also walked out allowing a Respondent to violate a P.O.
I was employed by the court and disclosed my disability. This resulted in consistent unfair treatment from my peers and supervisor. I reported such, received medical certification for accommodations, and the court/City of Redacted denied the truth/harassment/discrimination and were dismissive and rude regarding the medical documents.

It involved staff and others part of the case. The more egregious issues pertained to race.
Judicial officer rescheduled hearing due to their inability to provide accommodation. Refused to reschedule again when they AGAIN could not obtain an interpreter. Told me to "find someone" in my home to assist me during Zoom hearing. Clearly irate and yelled throughout hearing.
Looks, attitude, facial and body language says it all.
My personal situation and age has effected my cases and experienced bias from this
No lawyer led to overwhelming situtations that resulted in signing an unfair divorce decree
The county clerk staff sternly discouraged me from applying for a change in my child's last name. It was bad enough that my brother offered to drive 2-3 hours to come help me through the bureaucracy. After a while and getting the needed paperwork, I decided to move past the staff's negative statement, tried again another day, and succeeded. This same staff member was obviously surprised to see me in the courtroom for the name change hearing with the judge and see that I succeeded.
They brushed it off that I didn't need more than what they provided
They didn't let me know when the court hearing was and I need it a combination due to my disabilities. And I didn't get to a fair hearing either.
Total disrespect from 3 different judges. Committed gross violation of my 4th and 6th amendment right. Refused to look at my documents proving my innocence. They took my ex wife word with zero written proof Also sent me to jail for 14 days, 10 days after having major full knee replacement surgery

During your case in the Washington court system, did court staff take your individual needs into account and involve you in the decision-making process?

	N	%
Yes	4	10.8%
No	24	64.9%
I am not sure	9	24.3%
	37	

While interacting with the court, did you feel that your needs as a person with disabilities were acknowledged and respected?

	N	%
Yes, I felt heard and valued	10	27.0%
I did not disclose my disability	16	43.2%
No, I did not feel heard and valued (please explain or provide examples):	11	29.7%
	37	

Did staff at the court you visited give you referrals to or information about resources or social service organizations outside of the court that helped you with your case(s)?

	N	%
No	28	75.7 %
I am not sure	4	10.8 %
Yes (please list organizations were referred or given your information about):	5	13.5 %
	37	

Have you ever had a negative experience with a judge or court staff because of your disability?

	N	%
No	25	67.6%
Yes	12	32.4%
	37	

believe people with disabilities are treated fairly and respectfully in the Washington court system.

	N	%
Strongly Disagree	7	18.9%
Disagree	13	35.1%
Slightly Disagree	4	10.8%
Slightly Agree	7	18.9%
Agree	5	13.5%
Strongly Agree	1	2.7%
	37	

During your most recent case(s), did a lawyer represent you?

	N	%
Yes, I had one case, and a lawyer represented me	8	21.6%
Yes, I had multiple cases, and a lawyer represented me in each case	1	2.7%
Sometimes, I had multiple cases but was not represented by a lawyer in all of them	5	13.5%
Sometimes, a lawyer represented me for part of the case but not the entire case	4	10.8%
No, I have never been represented by a lawyer	19	51.4%
	37	

If you had to represent yourself in your case (without a lawyer), did anyone at the court provide you with resources or support to help you through that process?

	N	%
Yes, I received helpful resources or support from court staff	1	3.7%
Yes, but the resources or support were not helpful	1	3.7%
No, I did not receive any resources or support	19	70.4%
I did not represent myself	6	22.2%
	27	

How would you describe the general attitude towards people with disabilities in the Washington court(s) you visited?

	N	%
Very negative	5	13.9%
Moderately negative	8	22.2%
Slightly negative	9	25.0%
Slightly positive	6	16.7%
Moderately positive	6	16.7%
Very positive	2	5.6%
	36	

Overall, how would you rate your experience with the Washington court system?

	N	%
Very negative	8	21.6%
Moderately negative	9	24.3%
Slightly negative	7	18.9%
Slightly positive	3	8.1%
Moderately positive	7	18.9%
Very positive	3	8.1%
	37	

Caregivers Specific Items

Did you or your relative/person in your care know that if your relative/person in your care participated in a civil (non-criminal) case, they might be eligible to have a lawyer appointed to them due to your disability?

	N	%
Yes, we knew because someone at the court (e.g., staff, administrator) informed us	5	19.2%
Yes, we knew because we found out on our own	4	15.4%
No, we did not know	17	65.4%
	26	

During your relative's/person in your care's case in the Washington court system, did court staff take their individual needs into account and involve them in the decision-making process?

	N	%
Yes	9	36.0%
No	8	32.0%
I am not sure	8	32.0%
	25	

While interacting with the court, did your relative/person in your care feel that their needs as a person with disabilities were acknowledged and respected?

	N	%
Yes, they felt heard and valued	5	19.2%
I am not sure	13	50.0%
No, they did not feel heard and valued (please explain or provide examples):	8	30.8%
	26	

I believe people with disabilities are treated fairly and respectfully in the Washington court system.

	N	%
Strongly Disagree	4	20.0%
Disagree	2	10.0%
Slightly Disagree	3	15.0%
Slightly Agree	5	25.0%
Agree	6	30.0%
	20	

How would you describe the general attitude towards people with disabilities in the Washington court(s) you and/or your relative or person in your care visited?

	N	%
Very negative	5	23.8%
Moderately negative	1	4.8%
Slightly negative	4	19.0%
Slightly positive	3	14.3%
Moderately positive	8	38.1%
	21	

Staff Specific Items

I believe that courtrooms and other facilities (e.g., waiting areas, court offices) in Washington are physically accessible to people with disabilities.

	N	%
Strongly Disagree	1	4.3%
Disagree	2	8.7%
Slightly Disagree	6	26.1%
Slightly Agree	7	30.4%
Agree	5	21.7%
Strongly Agree	2	8.7%
	23	

Do you believe the Washington court system adequately addresses the intersectionality of disability with other identities (e.g., race, gender, socio-economic status)?

	N	%
Yes	3	14.3%
No	10	47.6%
I am not sure	8	38.1%
	21	

Do you believe judges and court staff have made it easy for you to support your clients with disabilities?

	N	%
Yes	8	40.0%
No	12	60.0%
	20	

How knowledgeable do you believe judges and court staff are about the needs of litigants with disabilities?

	N	%
Not Knowledgeable at all	4	19.0%
Slightly Knowledgeable	8	38.1%
Moderately Knowledgeable	8	38.1%
Very Knowledgeable	1	4.8%
	21	

How effective do you believe the court system is in addressing the needs of litigants with mental health challenges?

	N	%
Not Effective at All	6	28.6%
Slightly Effective	10	47.6%
Moderately Effective	3	14.3%
Very Effective	2	9.5%
	21	

Based on my experience, court personnel (e.g., judges, attorneys, bailiffs) have the necessary tools and training to handle emotional outbursts from litigants with disabilities in a supportive, respectful manner that minimizes harm.

	N	%
Strongly Disagree	1	4.8%
Disagree	7	33.3%
Slightly Disagree	5	23.8%
Slightly Agree	5	23.8%
Agree	2	9.5%
Strongly Agree	1	4.8%
	21	

I believe people with disabilities are treated fairly and respectfully in the Washington court system.

	N	%
Strongly Disagree	2	10.5%
Disagree	3	15.8%
Slightly Disagree	6	31.6%
Slightly Agree	3	15.8%
Agree	4	21.1%
Strongly Agree	1	5.3%
	19	

How would you describe the general attitude towards people with disabilities in the Washington court(s) you visited?

	N	%
Very negative	1	5.3%
Moderately negative	3	15.8%
Slightly negative	7	36.8%
Slightly positive	5	26.3%
Moderately positive	2	10.5%
Very positive	1	5.3%
	19	

Results

Respondent Characteristics

One hundred seventy-four individuals completed the court user survey. Of these individuals, 25.3% self-identified as people with disabilities who had participated in proceedings in the Washington court system; 15.5% were relatives or caregivers of people with disabilities; and 19.0% were staff at non-legal, community-based organizations providing support to people with disabilities. The remaining 40.2% did not fall into any of these categories.

Experiences of People with Disabilities in Court

Of the individuals who identified as people with disabilities and requested help from the court (n = 16), only 25% agreed or strongly agreed that it was easy to request accommodations. Additionally, 37.5% agreed or strongly agreed that assistance or tools were provided in a timely manner. In contrast, 37.6% disagreed or strongly disagreed that requests were fulfilled efficiently. Only 43.8% agreed or strongly agreed that they received the *exact* accommodation requested, while 56.3% disagreed to some extent.

A majority of respondents (77.8%) were unaware that they could be eligible for a court-appointed attorney in civil cases because of their disability. Among those who took part in court proceedings, more than one-third (37.8%) reported experiencing unfair treatment, judgment, or bias from court personnel or others involved in their case because of their disability. In open-ended responses, participants described a range of negative experiences, including perceived discriminatory attitudes from judges, dismissal or rejection, lack of support, communication challenges, and a general lack of respect for neurodivergence and trauma.

Only 10.8% of respondents confirmed that court staff considered their needs and involved them in decision-making. Similarly, only 27.0% felt their needs mattered, compared to 29.7% who believed they did not and 43.2% who chose not to disclose their disability. Most respondents (75.7%) reported not receiving referrals to external resources or social service organizations.

Nearly one-third (32.4%) of respondents who identified as people with disabilities reported negative experiences with judges or court staff; only 15.6% thought the Washington court system treats people with disabilities fairly and respectfully, while 64.8% disagreed to some extent, including 18.9% who strongly disagreed.

In terms of legal representation, 51.4% of respondents stated they were never represented by a lawyer, while 21.6% had legal representation in one case and only 2.7% had legal representation in multiple cases. Among self-represented litigants, 70.4% reported receiving no resources or support from court staff. Perceptions of how the court system treats people with disabilities were generally negative or uncertain. Nearly two-thirds of respondents (61.1%) described the overall attitude of the court system as negative—either very or moderately so—while only 22.2% viewed it as moderately or very positive. When asked to assess their overall experience with the court, 64.8% of respondents reported a negative impression (ranging from very to slightly negative), compared to 35.1% who expressed a positive view.

Relatives and Caregivers' Experiences

The majority of the 26 caregivers (65.4%) did not know that their family member or the person they were caring for might be entitled to a court-appointed attorney in civil matters. Only 36.0% reported that court staff took

their needs into account and involved them in decision-making. Similarly, only 19.2% of respondents believed the person they cared for felt heard and valued throughout their interactions with the court system. When asked about their perception of fairness, 30.0% of caregivers agreed or strongly agreed that people with disabilities receive fair and respectful treatment in Washington courts. However, 38.1% indicated that the general attitude toward people with disabilities in the courts they visited was moderately or very positive.

Community-Based Organization Staff Perspectives

Staff members from non-legal community-based organizations expressed mixed views regarding court accessibility and support. Only 30.4% agreed or strongly agreed that courtrooms and facilities were physically accessible, while 39.1% expressed some level of disagreement. Fewer than one in seven respondents (14.3%) believed the court system adequately addresses the intersection of disability with other identities. Additionally, 40.0% felt that judges and court staff made it easy to support clients with disabilities. Most staff rated court personnel as only slightly or moderately knowledgeable about the needs of litigants with disabilities. More than three-quarters viewed the court system as only slightly or not at all effective in meeting the needs of litigants with mental health challenges.

When asked whether court personnel have the necessary tools and training to respond supportively to emotional outbursts from litigants with disabilities, 61.9% of respondents expressed some level of disagreement. Only 26.4% believed that people with disabilities are treated fairly and respectfully in the court system, and just 15.8% described the overall court attitude toward people with disabilities as moderately or very positive.

Summary

Collectively, the data from court users, caregivers, and staff at community-based organizations reveal significant and persistent challenges related to disability access, accommodation, and respect in the Washington court system. Respondents reported limited awareness of available resources, inconsistent provision of accommodations, insufficient support for self-represented litigants, and widespread negative or dismissive attitudes from court personnel. While some positive experiences were noted, the overarching narrative highlights a critical need for increased training, improved accessibility, clearer communication, and greater attention to the intersectional experiences of court users with disabilities.

Additional Data Points

What is your racial/ethnic identity?

	People with Disabilities		Relatives/Caregivers		Staff from Non-Legal Comm Based Orgs	
	N	%	N	%	N	%
African American/Black	2	5.6%	1	4.8%	0	0.0%
Asian/Asian American	2	5.6%	0	0.0%	1	5.9%
First Nations/Indigenous	3	8.3%	2	9.5%	1	5.9%
Latina/e/o	2	5.6%	2	9.5%	2	11.8%
Indigenous Alaskan	1	2.8%	0	0.0%	0	0.0%
Indigenous Hawaiian or Pacific Islander	1	2.8%	0	0.0%	0	0.0%
Southwest Asian or North African	0	0.0%	0	0.0%	0	0.0%
Multiracial	1	2.8%	1	4.8%	0	0.0%
White/Caucasian	30	83.3%	16	76.2%	13	76.5%
Other or prefer to self-describe	1	2.8%	0	0.0%	1	5.9%
Prefer not to answer	1	2.8%	1	4.8%	2	11.8%
Total Unique	**36**		**21**		**17**	

Staff - The court system effectively accounts for the financial hardships litigation can impose on litigants with disabilities.

	N	%
Strongly Disagree	4	19.0%
Disagree	3	14.3%
Slightly Disagree	4	19.0%
Slightly Agree	6	28.6%
Agree	4	19.0%
	21	

Comparisons

Comparing court users who were represented by legal counsel answered the questions below:

People with disabilities are treated fairly in the Washington Court System

*** Lawyer represented in most recent case(s)**

	Yes, I had one case, and a lawyer represented me	*Yes, I had multiple cases, and a lawyer represented me in each case*	*Sometimes, I had multiple cases but was not represented by a lawyer in all of them*	*Sometimes, a lawyer represented me for part of the case but not the entire case*	*No, I have never been represented by a lawyer*
Strongly Disagree	**0**	**0**	**3**	**1**	**3**
Disagree	**3**	**0**	**1**	**1**	**8**
Slightly Disagree	**2**	**0**	**1**	**0**	**1**
Slightly Agree	**2**	**0**	**0**	**2**	**3**
Agree	**1**	**1**	**0**	**0**	**3**
Strongly Agree	**0**	**0**	**0**	**0**	**1**
	8	**1**	**5**	**4**	**19**

Asked for help from court

*** Lawyer represented in most recent case(s)**

	Yes, I had one case, and a lawyer represented me	*Yes, I had multiple cases, and a lawyer represented me in each case*	*Sometimes, I had multiple cases but was not represented by a lawyer in all of them*	*Sometime, a lawyer represented me for part of the case but not the entire case*	*No, I have never been represented by a lawyer*
No, I did not need any assistance	**4**	**1**	**0**	**1**	**9**
No, but I did need assistance	**1**	**0**	**2**	**2**	**1**
Yes, and I received the assistance I asked for	**1**	**0**	**0**	**1**	**6**
Yes, but I did not receive the help I asked for	**2**	**0**	**3**	**0**	**3**
	8	**1**	**5**	**4**	**19**

I received the exact accommodation I requested.

*** Lawyer represented in most recent case(s)**

	Yes, I had one case, and a lawyer represented me	*Sometimes, I had multiple cases but was not represented by a lawyer in all of them*	*Sometimes, a lawyer represented me for part of the case but not the entire case*	*No, I have never been represented by a lawyer*	*Total*
Strongly Disagree	**0**	**2**	**0**	**2**	**4**
Disagree	**2**	**0**	**0**	**1**	**3**
Slightly Disagree	**0**	**1**	**0**	**1**	**2**
Agree	**1**	**0**	**1**	**2**	**4**
Strongly Agree	**0**	**0**	**0**	**3**	**3**
Total	**3**	**3**	**1**	**9**	**16**

Attorney's perception of the court's treatment of people with disabilities based on area of practice

Comparing attorney respondents' perception of the court system based on their areas of practice by comparing the response selected to the question: "Which of the following best describes your position as an attorney?" and the following question:

*** Indicate your level of agreement or disagreement with the following statement: I believe that the court(s) where I practice offer(s) equitable treatment to individuals with disabilities who also face other forms of marginalization***

	I am unsure	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree	Total
Other (please specify)	3	9	6	1	0	4	1	24
Prosecutor	3	3	4	3	2	1	1	17
Public Defender	0	2	10	5	6	8	5	36
Private Criminal Defense Attorney	0	2	6	5	3	2	1	19
Personal Injury Attorney	0	2	3	2	0	0	0	7

Family Law Attorney	0	3	5	3	2	5	1	19
Guardianship Attorney	0	3	2	0	0	0	1	6
Estate Planning Attorney	0	2	4	0	2	0	0	8
Employment Attorney	0	1	0	0	0	0	0	1
Civil Rights Attorney	1	1	0	1	0	1	1	5
Immigration Attorney	0	0	1	0	0	0	0	1
Civil Litigation Attorney	5	5	6	2	2	2	2	24
Staff attorney at a legal community-based organization	0	1	5	4	3	4	4	21
Staff attorney at the disability rights organization	0	0	1	0	0	0	0	1
	12	34	53	26	20	27	17	189

Results

Racial and Ethnic Representation

Survey data captured racial and ethnic identity across three groups: people with disabilities (n = 36), relatives/caregivers (n = 21), and staff from non-legal community-based organizations (n = 17). In all groups, the vast majority identified as White/Caucasian (range = 76.2% to 83.3%). Other racial and ethnic identities, including African American/Black, Asian/Asian American, First Nations/Indigenous, and Latina/e/o, were represented in small numbers across groups, with each minoritized group generally comprising less than 10% of its respective category. Due to the limited sample size of each minoritized group, meaningful subgroup analysis of attitudinal perceptions or experiences was not possible. Nonetheless, the overall demographic pattern highlights the predominantly White composition of respondents, suggesting a need for more diverse outreach to ensure broader representation in future research.

Economic Justice and Financial Hardships

The survey highlights responses from staff at non-legal community-based organizations, who were asked about their perceptions of the court system's sensitivity to the financial burdens of litigation faced by people with disabilities. Among this group, perceptions were mixed: only 19.0% agreed that the court system effectively accounts for the financial hardships that litigation can impose on people with disabilities participating in the legal process. Meanwhile, 19.0% strongly disagreed, 14.3% disagreed, and another 19.0% expressed slight disagreement. The remaining 28.6% of respondents slightly agreed. These findings suggest that, from the perspective of community-based staff, the court system is not widely viewed

as responsive to the economic vulnerabilities of people with disabilities involved in legal proceedings.

Impact of Legal Representation on Perceptions of Fairness

An analysis of user responses to the statement, “People with disabilities are treated fairly in the Washington Court System,” based on lawyer representation status, revealed notable patterns. Among respondents who were never represented by a lawyer (n = 19), a majority (42.1%) disagreed or strongly disagreed with the statement, while only 21.1% agreed or slightly agreed. Notably, only 5.3% strongly agreed.

Respondents with full legal representation in at least one case (n = 8) were more likely to indicate slight agreement (25.0%) or agreement (12.5%) that people with disabilities are treated fairly. However, 37.5% of this group disagreed or slightly disagreed. Among those with partial or intermittent legal representation, perceptions were similarly mixed, with a notable proportion expressing disagreement. Overall, legal representation corresponded with slightly more positive, but still ambivalent, perceptions of fairness. Full agreement remained uncommon regardless of representation status. These findings suggest that while legal counsel may provide some benefit in perceived equity, it does not fully address concerns about fairness for people with disabilities in the court system.

Though representation by legal counsel was associated with slightly higher perceptions of fair treatment, it did not significantly improve the likelihood that accommodation requests were fulfilled.

Accommodations: Requests and Fulfillment

When asked about their experiences requesting help or accommodations from the court, 40.5% of respondents—regardless of representation status—indicated they did not need assistance. Of those who did request help, experiences were split: 21.6% reported receiving the assistance they requested, while an equal proportion (21.6%) reported that their requests were unmet. These patterns were consistent across representation statuses, suggesting that having legal counsel did not significantly increase the likelihood of receiving accommodations. Further analysis of responses to the statement "I received the exact accommodation I requested" highlighted the variability in accommodation fulfillment. Among respondents who were never represented by a lawyer, 44.4% agreed or strongly agreed that they received the accommodation, while an equal proportion, 44.4% disagreed or strongly disagreed. Among those with some legal representation, responses were similarly divided, with no clear consensus. These findings suggest that the presence of legal counsel did not ensure fulfillment of accommodation requests. Importantly, of the 19 people with disabilities who said they never had an attorney, only one person (5.3%) reported needing assistance but did not request it. Across all groups, a total of six (6) respondents said they needed assistance but chose not to request it. Of these six, five (83.3%) had legal representation at some point, while only one person (16.7%) did not.

This should be of particular interest to the court, as it highlights a frequent tendency among judges and court staff to assume that legal counsel will take full responsibility for securing necessary accommodations for people with disabilities. However, the obligation to ensure proper accommodation and meaningful access to justice extends beyond attorneys.

It is a shared responsibility that involves all court personnel. Every individual working within the legal system should be committed to creating an inclusive environment where court users with disabilities are appropriately supported throughout the judicial process.

Attorney's perception of the court's treatment of people with disabilities based on area of practice

Sentiment about how equitably people with disabilities, particularly those facing multiple forms of marginalization, are treated in the court system varies notably by type of attorney. Public defenders and staff attorneys at legal community-based organizations were the most likely to express skepticism, with over half in each group indicating some level of disagreement that the court system provides equitable treatment. In contrast, attorneys practicing in fields like personal injury, estate planning, and guardianship reported higher levels of agreement and almost no disagreement, suggesting more favorable perceptions of equity within these domains. Other groups, including prosecutors, family law practitioners, and civil litigation attorneys, expressed mixed views. The findings suggest that attorneys who represent low-income individuals may be more attuned to systemic barriers. In contrast, attorneys in other practice areas may hold more favorable views of how the court system treats people with disabilities who face multiple forms of marginalization.

CHAPTER 6: RECOMMENDATIONS

Recommendations

> "I had handwritten notes to describe my case, along with photographs of pictures, and the judge mentioned, how sloppy and difficult they were to read, but there's nothing I can do because that is part of my disability is having bad handwriting. I do believe I lost the case because of this which sucks."
>
> ***-Survey respondent with disabilities***

Recommendations Based on the Interviews, Focus Groups, And Survey Responses

1. **The Washington State Supreme Court should implement recurrent implicit bias trainings for judges and judicial officers on the topics of accessibility, accommodations, and intersectionality, specifically on the criminalization of people with disabilities, individuals from low-income backgrounds, and people of color.**

Rationale

Survey respondents, interviewees, and focus group participants with disabilities (employees and court participants) reported biased attitudes and actions against people with disabilities in the court system, many named judges specifically as the court representatives who treated them unfairly.

Judges, like all professionals, are socialized in a society that has routinely invisibilized and devalued the lives and contributions of people with disabilities; Washington court judges are as susceptible to unconscious negative biases as the average American. These biases may be related to disability, low-income backgrounds, race/ethnicity, and other marginalized identities. Unfortunately, studies have shown that these unconscious biases can influence judicial decisions.[264] Thankfully, implicit bias training has been shown to reduce implicit preferences in judicial outcomes.[265]

Intersectional implicit bias training can potentially reduce the perpetuation of unequal access to justice experienced by court participants with disabilities, especially those with multiple marginalized identities.

Why It Matters

This recommendation is based on recurring concerns from study participants with disabilities, including those employed by the Washington state courts. Many of these individuals connected biased attitudes to the denial of requested accommodations, or cited biased attitudes as the reason why they were uncomfortable requesting accommodations that were needed. Furthermore, implicit bias against people with disabilities correlates with observable disparities in courtroom outcomes.[266] These disparities can

[264] Devine PG, Forscher PS, Austin AJ, Cox WT. Long-term reduction in implicit race bias: A prejudice habit-breaking intervention. J Exp Soc Psychol. 2012 Nov;48(6):1267-1278. doi: 10.1016/j.jesp.2012.06.003. PMID: 23524616; PMCID: PMC3603687.
See also Federal Justice Center (2012). Effectiveness of Implicit Bias Trainings. https://www.fjc.gov/content/337738/effectiveness-implicit-bias-trainings#:~:text=As%20compared%20to%20those%20without,concerned%20with%20discrimination%20and%20prejudice.
[265] Donald, B., Rachlinski, J., & Wistrich, A. (2020). Getting Explicit About Implicit Bias. *Bolch Judicial Institute*, *104*(3). https://judicature.duke.edu/wp-content/uploads/sites/3/2020/12/ImplicitBias_Fall2020.pdf
[266] *Id*.

exacerbate the structural inequities experienced by people with disabilities, especially those with multiple, marginalized identities.

Judicial impartiality is necessary to address and reduce systemic inequities and requires that judges possess the skill to identify and address their own biases. This recommendation is designed to help ensure that judicial decisions in cases involving litigants from marginalized identity groups, including those with disabilities, are informed by facts and by law, not unconscious bias based on miseducation or misunderstandings of social identities and the lived experiences of people who experience social stigma and marginalization.

It aligns with three of the ten guiding principles of disability justice: (1) intersectionality, (2) access and accessibility, and (3) inclusion. These trainings will ensure that all judges in the state are equipped with the tools to adequately interact with litigants who face multiple forms of oppression and fairly rule on their cases by acknowledging how intersecting oppressed identities can affect court users' experiences within the legal system. Additionally, this knowledge will encourage judges to adopt creative, individualized, and flexible approaches when providing accommodations to court users. The knowledge and understanding that even with the same disability, individuals can, and often do, experience the court system differently due to other factors, judges will embrace an approach to providing accommodations that is done in collaboration with court users with disabilities. This practice will undoubtedly result in a court system that is responsive to the needs and upholds the rights of all individuals.

Structure and Implementation

Judges should participate in at least one implicit bias training series (with 2-3 trainings in the series) once every two years. Isolated trainings are not recommended; frequent trainings with follow-up activities are necessary to ensure accountability and follow-through with recommendations outlined in the training coursework.

Data on judicial outcomes must be collected before and after judges participate in implicit bias training to determine its efficacy and impact on those most impacted, namely, people with disabilities and intersectional identities. The Federal Judicial Center recommends this accountability practice.[267]

2. The Washington State Supreme Court should establish a permanent Commission on Disability Justice to guide the long-term implementation of these recommendations and promote systemic equity for court users and professionals with disabilities. The Commission should include individuals with disabilities, court employees, judicial officers, subject matter experts across sectors, and community experts.

Rationale

Establishing a standing advisory body (a commission) that includes people with disabilities promotes equity and inclusion for people with

[267] Federal Justice Center (2012). Effectiveness of Implicit Bias Trainings. https://www.fjc.gov/content/337738/effectiveness-implicit-bias-trainings#:~:text=As%20compared%20to%20those%20without,concerned%20with%20discrimination%20and%20prejudice.

disabilities who navigate the court system. The Commission should be composed of persons with lived experience as advisors and experts.

This structure is aligned with the ten (10) guiding principles of the Washington Supreme Court DJTF, especially Principle Two: leadership of those most impacted. It is also supported by the data equity framework, which recognizes that data is not objective.[268] Traditionally, those with the most power, influence, and resources collect data from vulnerable communities' daily lives and lived experiences without using a co-design model in which the community is at the forefront of decision-making and implementation.[269] Data equity proposes that those closest to the problem are also closest to the most effective solutions. A Commission that includes individuals with disabilities ensures that court reforms are informed by those directly affected.

Why it Matters

Centering the needs of court users with disabilities as partners and leaders is a decisive step toward building a justice system that is more inclusive and accountable to those most impacted. Implementing this recommendation is an invaluable first step toward shifting a culture that once made decisions *about* people with disabilities toward making decisions *with* people with disabilities.

[268] Krause, H., & Richburg-Hayes, L. (2023, March 31). The Data Equity Framework: A Concrete and Systematic Equity-Oriented Approach to Quantitative Data Projects. https://doi.org/10.31235/osf.io/sqt4u
[269] *Id.*

Structure and Implementation

The Commission should be convened under the direction of the Washington State Supreme Court and meet regularly. Its membership should be intentionally diverse, with an emphasis on individuals with disabilities, judicial officers, court staff, and cross-sector experts from a range of backgrounds. It should reflect diversity across disability type, race and ethnicity, gender identity, court roles, geographic regions (rural, suburban, urban), and lived experience, as mandated by the ten guiding principles of disability justice.

Some meetings should be open to the public, and clear mechanisms should be established to allow court participants with disabilities and relevant partners to provide ongoing input and feedback about the effectiveness of the advisory body and the implementation of Supreme Court-recommended changes.

Research suggests that when public entities engage the public as co-creators of change, there are more positive outcomes.[270]

> "Judicial officer rescheduled hearing due to their inability to provide accommodation. **Refused to reschedule again when they AGAIN could not obtain an interpreter.** Told me to 'find someone' in my home to assist me during Zoom hearing. Clearly irate and yelled throughout hearing."
>
> ***-Survey respondent with disabilities***

[270] Ansell C, Torfing J. *Public Governance as Co-Creation: A Strategy for Revitalizing the Public Sector and Rejuvenating Democracy*. Cambridge University Press; 2021.

3. Courts should implement a clear, consistent accommodations request process for all users with disabilities. Many court participants and employees described confusion, stigma, or denial when trying to request accommodations. Standardizing the process across courts will ensure dignity, clarity, and equal access for people with disabilities, regardless of jurisdiction.

Rationale

Like many procedural activities, the accommodations request process varies by courthouse. Focus group participants and court employees who were interviewed described general dissatisfaction and frustration with the accommodations request process. The court employee survey also revealed a lack of understanding of the process among staff. Many court participants said they were left guessing where, when, how, and to whom they should request accommodations.

Court participants with disabilities commonly reported that they feared requesting accommodations because of societal stigma and stereotypes about people with disabilities. Some decided not to request accommodations to avoid the potential of being mistreated; others requested accommodations that were denied or provided incorrectly or too late. Court employees at all levels (including court administrators, attorneys, and judges) reported that they endured discomfort and sometimes physical pain to avoid requesting accommodations and therefore disclosing their disability. More than one court employee shared that they were explicitly warned against disclosing their disability by another employee or supervisor.

The implementation of a clear process is not merely a matter of good practice; it aligns with the guiding principle of disability justice of access and

accessibility for court users and is supported by empirical evidence. A study analyzing survey respondents' most frequently cited reasons for not requesting needed accommodations (23.8% of respondents) listed the lack of a clear institutional process for accommodation requests as the second most common reason. The first most common reason was the fear of stigma and bias.[271]

Structure and Implementation

All court participants should be given a comprehensive summary of the accommodation request process for both in court and virtual court appearances. This will eliminate confusion about the process and the stigma associated with requesting accommodations, as it will normalize the request process as part of standard court practices and procedures.

Several court employees with disabilities recommended that this recommendation must be paired with implicit bias training for judges. This approach of combining a streamlined accommodations process with proper training on how to handle such requests and the litigants who make them is important, as demonstrated by the study discussed in the previous section, which showed that fear of bias and stigma was the leading reason for not requesting accommodations.[272]

There are no studies examining why litigants with disabilities do not request accommodations; however, studies analyzing youth with disabilities in educational settings and residents in medical settings have provided great insight into why people with disabilities might avoid requesting

[271] Pereira-Lima K, Meeks LM, Ross KET, Marcelin JR, Smeltz L, Frank E, Sen S. Barriers to Disclosure of Disability and Request for Accommodations Among First-Year Resident Physicians in the US. JAMA Netw Open. 2023 May 1;6(5):e239981. doi: 10.1001/jamanetworkopen.2023.9981. PMID: 37166801; PMCID: PMC10176117.
[272] *Id.*

accommodations despite needing them. In the study of college students with disabilities, researchers found that in addition to systemic inequities and persistent noncompliance by institutions, lack of education and awareness of what accommodations can be provided to them under the law *and* what disabilities can be accommodated have resulted in even people with disabilities not requesting accommodations.[273]

Studies have shown that there is a positive correlation between knowledge of accommodations and the likelihood of being properly accommodated.[274]

Accompanying all mailed or electronic court notices with a comprehensive list of accommodation options will inform litigants with disabilities not just of their right to be accommodated (*which is currently being done in the courts),* but it will tell them what accommodations can be provided to them. This list should also be shared on notices and should be available on the home pages of the courts' websites. It should be noted on the list that if an accommodation is not listed, a court user can still request it by contacting a designated person within the court who has been trained to handle accommodation requests.

All courthouses should include accessible signage informing court users of the options to request accommodations. Court clerks should be trained to not only provide accommodations but also inquire about whether court users are aware of their rights to be accommodated and the type of

[273] United States Government Accountability Office (2004, April). *Education Could Improve Information on Accommodations for Students with Disabilities*. (GAO-24-105614). United States Government Accountability Office. Report to Congressional Addressees. https://www.gao.gov/assets/gao-24-105614.pdf

[274] Dong S, Eto O, Liu L, Villaquiran A. Examining psychosocial factors associated with receiving workplace accommodations among people with disabilities. Work. 2023;75(3):799-811. doi: 10.3233/WOR-220230. PMID: 36710704; PMCID: PMC10357200.

accommodations available to them. This can be accomplished by simply making it a standard practice to ask all court users: “Have you learned about your accommodation options, or would you like me to share them with you?”

Further, in addition to informing court users of their rights and providing accommodations, court notices should also make it clear that the court is committed to providing the best accommodations.

In addition to the lack of awareness, court professionals who participated in the study often reported that court users were required to make a motion or written request to the judge to be allowed to appear virtually for their hearing. This creates an unnecessary barrier for unrepresented court users with disabilities who may not know how to draft or even file this request.

For cases where in-person appearance is not required (i.e., criminal cases not involving change of plea or trial and civil cases), courts should allow virtual appearances for self-represented litigants without the need for a motion or request. Information about how to connect virtually should be included in plain language within the notice of hearing, with the expectation that court users may choose either option. This practice is already being implemented in one of the courts that was assessed as part of the physical accessibility audit, and the court administrator reported that “court users have been utilizing the virtual option more, and it has reduced the number of no-shows.” It is important to note that this court has not been collecting data on the use of the virtual option, and this observation was made by court staff.

4. The Washington State Supreme Court should lead an assessment of how the Administrative Office of the Courts ("AOC") can best serve as a resource hub for disability access across the state's courts.

The purpose of this review is to better align existing AOC tools, trainings, and support materials with the practical needs of local courts, without infringing on judicial autonomy. Particular focus should be given to the needs of local courts, the competency of staff at AOC to provide robust guidance on disability matters, bridging the communication gap between AOC and local courts, increasing visibility of available resources, and encouraging voluntary uptake of model practices developed in partnership with court staff and disability community stakeholders.

Rationale

Findings from the DJTF study show that many courts are unaware of existing accessibility-related resources housed at AOC. This limits courts' ability to adopt helpful practices and creates avoidable inconsistencies. At the same time, Washington's non-unified system requires that any AOC support remain non-directive. A focused review, led by the judiciary, can ensure that AOC continues to operate as a collaborative partner while strengthening its effectiveness as a connector, technical resource, and support system for courts across the state.

Why It Matters

Without centralized information-sharing, courts often recreate tools from scratch or apply inconsistent practices. When AOC's role is clearly defined as supportive rather than directive, it can help courts implement

accessibility improvements more effectively while maintaining local decision-making authority.

Having uniform practices relating to disability and accommodations in a non-unified court system will create predictability for court users who need to request accommodations and will reduce the risks that court users with cases in multiple jurisdictions may become frustrated by having to familiarize themselves with the different practices of each court that they encounter.

The need for uniform practices was specifically highlighted by indigenous court users who reported having to navigate not just the complexities of their cases but the convoluted, multi-jurisdictional apparatus[275] that the court system represents for indigenous litigants particularly those in criminal proceedings.

Framing AOC as a voluntary partner rather than an authority helps preserve judicial independence while encouraging collaboration grounded in shared values. In addition, a commitment to equal access for all Washingtonians would encourage individual courts to rely on the resources and guidance of the AOC when implementing processes and procedures relating to litigants with disabilities.

5. Strengthen AOC's Role as a Voluntary Resource Hub for Disability Access

Rationale

In non-unified court systems, practices related to disability access can vary widely and are often limited by the court staff's interest and expertise. A

[275] Robert T. Anderson, Negotiating Jurisdiction: Retroceding State Authority over Indian Country Granted by Public Law 280, 87 Wash. L. Rev. 915 (2012), https://digitalcommons.law.uw.edu/faculty-articles/385

centralized hub can help standardize resources and best practices while respecting local autonomy.

But beyond resource sharing, reliable guidance and documentation practices are a way to mitigate risks. Local courts should be informed that AOC is designed to work collaboratively with court staff can help reduce the risk of litigation related to lack of accommodations and ADA violations.

Though reliance on the AOC is voluntary, it is not a mere act of kindness; it is a quality risk management practice.

Why It Matters

Funding remains a major concern for local courts. By positioning AOC as a strong resource, and as a tool for preventing costly and disruptive litigation, the Supreme Court can offer valuable support to local courts while also ensuring that court users with disabilities receive the accommodations they need. Further, because AOC will be the go-to in obtaining guidance on disability access, as courts rely more and more on its guidance, there will be increased uniformity in the accessibility standards in the courts in the state.

Recommendations Based on the Literature and Data Reviews

1. Revise General Rule 33 to ensure individualized access and provide funding and training for effective implementation.

The Washington State Supreme Court should revise General Rule 33 (GR 33) to strengthen procedural clarity, ensure individualized access, and require consistent application across all courts. Updates should clarify the expectations for evaluating accommodation requests, establish procedural

safeguards, and reinforce the obligation to engage in an individualized, person-centered process. The revised rule should be accompanied by mandatory statewide training for judges, clerks, administrators, and ADA Coordinators, and supported through dedicated implementation funding. Oversight should remain within the judiciary to ensure alignment with constitutional principles, not left solely to administrative discretion.

Rationale

GR 33 was established to guarantee that individuals with disabilities can meaningfully access court programs, services, and activities by providing a clear process for requesting accommodations. However, data from the DJTF study reveal that its application varies widely across the state. In many courts, decisions rely on discretionary or subjective judgment rather than the individualized assessment the rule requires. Participants described delays, denials, and dehumanizing interactions, even when requests were reasonable. GR 33 currently lacks enforcement mechanisms, and many courts lack the training, tools, or funding needed to apply the rule effectively.

Additionally, interviews with court staff and ADA Coordinators revealed that GR 33 is not properly implemented because staff lack a consistent understanding of legal obligations, and the right to accessible participation is undermined by unclear processes and limited staff capacity. Without a stronger framework, courts may unintentionally perpetuate harm or inequity. A revised version of GR 33, grounded in current best practices and the lived experiences of court users with disabilities, can improve consistency and reinforce the judiciary's role in upholding access as a civil right.

Interviews with court employees also revealed that they often associate GR-33 with the appointment of counsel, which they have struggled to implement due to a lack of funding for court-appointed attorneys as mandated by GR-33.

Why It Matters

The inconsistent implementation of GR 33 has resulted in confusion, inequities, and, at times, the exclusion of people with disabilities from full court participation. In a non-unified court system, reliance on local discretion without proper training or accountability can lead to disparities and reinforce unchecked bias. The intent of GR 33, to center individualized needs and support equitable participation, is undermined when courts apply blanket assumptions or deny requests based on limited understanding.

Even well-meaning courts cannot uphold GR 33 without the resources to do so. Funding is essential to move beyond aspirational language and into enforceable practice. Without it, the rule remains an unfunded mandate that risks deepening harm. A revised and resourced GR 33, paired with training, oversight, and procedural clarity, can restore its original purpose and ensure that people with disabilities are treated with dignity, fairness, and respect across all Washington courts.

2. Due to the limited scope of the current project and some of the findings uncovered in the research study, the Washington State Supreme Court should include within the priorities of the disability Commission it creates, the launch of additional research studies informed by the principles of disability justice. These studies should specifically focus on the topics listed below.

i. Conduct a comprehensive research study on the experiences of youth with disabilities who have made contact with the Washington legal system, and the risk factors that lead to their disproportionate contact with the system.

The Washington Supreme Court should support a dedicated research study on the experiences of youth with disabilities who have come into contact with the legal system in Washington State. This study should investigate the root causes of disproportionate system involvement, the role of disability-related exclusion in schools, and barriers to diversion and support services. The study should be designed using disability justice principles and include youth experiences in its design and analysis.

Rationale

Adults with disabilities who are involved in the criminal legal system often had contact with that system as youth. Similarly, youth with disabilities who enter the juvenile legal system are more likely to re-enter the system as adults. From 2023 to 2024, there were 23,677 recorded instances of restraint and isolation in Washington schools, 93% of which involved students with disabilities.[276] This data reflects a broader pattern of systemic exclusion. To disrupt the cycle of criminalization affecting youth with disabilities, a dedicated and thorough research effort is urgently needed.

[276] February 2, 2025, Statewide 2023-24 Restraint and Isolation Data, Office of the Superintentent of Public Instruction. https://ospi.k12.wa.us/student-success/health-safety/school-safety-center/restraint-and-isolation#:~:text=Washington%20state%20law%20does%20not,from%20physical%20and%20emotional%20harm.

Why It Matters

A focused research initiative on youth with disabilities in the legal system would provide critical insights into how the state can redirect young people away from carceral outcomes and toward inclusive support systems. Centering the needs and experiences of youth with disabilities, particularly youth of color, LGBTQIA2S+ youth, and neurodivergent youth, will help build pathways toward justice that are trauma-informed, community-driven, and developmentally appropriate. This work is essential to breaking long-standing patterns of disability-based exclusion and achieving long-term equity in both education and legal systems.

Additionally, the work to interrupt the school-to-prison pipeline is not strictly the work of the courts; this study would require collaborations across several state entities, such as the office of the superintendent of public instruction, the Department of Children, Youth, and Families services, community-based groups that supported youth in the school-to-prison pipeline, and many other key actors. This work of engaging multiple groups and entities in researching and ultimately addressing the overrepresentation of youth with disabilities with other minoritized identities in the school-to-prison pipeline aligns with the principles of interdependence and cross-movement organizing, which requires an acknowledgment of the interconnected nature of disability justice and other issues. Researching the issues will require collaboration across many state agencies, and so will addressing and resolving the issues identified. This principle calls for recognizing the interdependence of individuals with disabilities, which mandates that community support and care be the cornerstone for all efforts to achieve disability justice.

ii. A study is necessary to examine the experiences of American Indians residing in Washington and members of Indigenous Nations in Washington within the legal system in federal, state, and tribal courts.

The Washington Supreme Court should commission a Native-led research study focused on the experiences of American Indians with disabilities in both tribal and state legal systems. This study must be grounded in cultural humility, respectfulness, and honoring sovereignty with Indigenous and tribal community-defined priorities. It should be led by American Indians with disabilities and conducted in partnership with Tribal Nation governments, Native disability advocates, and culturally specific organizations.

Rationale

Washington State is home to 29 federally recognized Tribes. Each independent sovereign Nation is governed by its own laws, rules, and policies, and has jurisdiction over its own Tribal citizens, schools, healthcare, law enforcement, and court system. In the late 1950s, Congress enacted PL 280, significantly impacting legal authority and criminal jurisdiction from Tribes to the states. Although PL 280 was amended in Washington, it created a deep distrust of the legal system that still exists today. American Indians in Washington state are disproportionately incarcerated[277], and this pattern

[277]The Washington State Office of Financial Management reports that Native Washingtonians make up 1.8% of the population of the state, yet, the Department of corrections reports that they make up 5.5.% of the state's incarcerated population. *See* (2024). *Washington state population by race*. Washington State Office of Financial Management. Retrieved June 30, 2025, from https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/population-changes/population-race
(2022, June). *Ethnicity Breakdown*. Washington State Department of Corrections. Retrieved June 30, 2025, from https://doc.wa.gov/sites/default/files/2025-02/2022-0602-ethnicity-breakdown.pd

pattern begins in youth[278]. Historical and ongoing practices within carceral systems have intentionally targeted Indigenous communities[279], leading to deep distrust of the Washington court system and its personnel. A culturally responsive, anti-racist research study, centered on listening, understanding, and repairing harm, is essential to address the centuries-long criminalization of Indigenous people and their heritage.

Why It Matters

Addressing equity for American Indians with disabilities in Washington state requires more than inclusion in existing systems; it requires a willingness to listen, learn, and transform those systems in partnership with Tribal nations and Native-led organizations focusing on supporting American Indians. This research would provide a foundation for improved policy alignment between Tribal and state courts, targeted training, and meaningful dialogue rooted in respect and accountability. Without such focused inquiry, efforts toward justice risk repeating the same exclusions they aim to repair.

Additionally, Indigenous people in the United States' carceral system encounter unique challenges that require particularized attention. One of the issues raised by the American Indian participants in this study has been a violation of their rights to freedom of religion, namely, formerly incarcerated study participants reported that correctional officers would throw away their religious items. This assertion is supported by research[280] that found there were disparities in the religious accommodation of incarcerated American

[278] *Are Native Youth Being Pushed into Prison?* National Congress of American Indians. https://archive.ncai.org/policy-research-center/research-data/prc-publications/School-to-Prison_Pipeline_Infographic.pdf
[279] Native Incarceration in the U.S., Prison Policy Initiative. https://www.prisonpolicy.org/profiles/native.html
[280] Beran, Stephanie, "Native Americans in Prison: The Struggle for Religious Freedom" (2005). Nebraska Anthropologist. 2. https://digitalcommons.unl.edu/nebanthro/2

Indians. There was widespread violation of the religious rights of imprisoned American Indian Tribal members, and spiritual and religious practices of incarcerated American Indians were not regarded as a legitimate means of inmate therapy and rehabilitation.[281]

Recognizing the wholeness of Indigenous people with disabilities means acknowledging that this disability justice research study on the experiences of American Indians in Washington state must not only look at the overrepresentation of Indigenous people with disabilities in the carceral system, but also critically examine these violations of their religious rights.

> I was employed by the court and disclosed my disability. This resulted in consistent unfair treatment from my peers and supervisor. I reported such, received medical certification for accommodations, and the court/[city name redacted] denied the truth/harassment/discrimination and were dismissive and rude regarding the medical documents.
>
> ***-Survey respondent with disabilities***

iii. <u>Conduct a comprehensive research study on the experiences of currently and formerly incarcerated Washingtonians with disabilities.</u>

The Washington State Supreme Court should initiate a statewide research study focused on the experiences of people with disabilities who are currently and formerly incarcerated in Washington state's jails and prisons. This research should examine access to accommodations,

[281] *Id.*

conditions of confinement, program participation, reentry challenges, and legal system navigation, with strong protections for participant confidentiality and leadership from those with lived experience.

Rationale

A recent Disability Rights Washington report revealed that people with disabilities incarcerated in Washington experience pervasive gaps in programming, isolation, and unmet needs in county jails.[282] Still, the voices of those directly affected by the harms of the carceral system remain largely absent in statewide data. A targeted disability justice study would fill this gap, highlight the lived experiences of formerly **and currently**[283] incarcerated Washingtonians with disabilities, and uncover systemic inequities that must be addressed to provide dignity for people with disabilities and promote equitable opportunities post-incarceration.

While there is no comprehensive data on the rate at which persons with all types of disabilities reenter the prison system after their first offense, studies seem to indicate that the rate of recidivism is higher for incarcerated persons with disabilities, across all disabilities[284]. As a result, a disability justice study analyzing the experience of persons with disabilities within the carceral system to conclusively confirm the rate of recidivism of incarcerated

[282] Bebber, K., & Mosolf, K. (2017). Wasted Time: Lack of Access to Programming for Inmates with Disabilities in Washington's County Jails. *Disability Rights Washington*. https://disabilityrightswa.org/wp-content/uploads/2017/11/WastedTime_February2017.pdf

[283] Emphasis added

[284] While the rates of recidivism for people with physical, sensory, or cognitive disabilities have not been well studied, the data that does exists supports higher rates than for people without disability. See, e.g., Adam L. Piccolino & Kenneth B. Solberg, The Impact of Traumatic Brain Injury on Prison Health Services and Offender Management, 20 Journal of Corr. Health Care 203, 208-209 (2014) (finding that a history of traumatic brain injury has a statistically significant association with higher recidivism rates). Bebber, K., & Mosolf, K. (2017). Wasted Time: Lack of Access to Programming for Inmates with Disabilities in Washington's County Jails. *Disability Rights Washington*. https://disabilityrightswa.org/wp-content/uploads/2017/11/WastedTime_February2017.pdf

Washingtonians with disabilities must also focus on the following principles of disability justice: (1) recognizing wholeness by valuing and recognizing the unique hardships of incarceration for persons with disabilities; (2) sustainability by investing in reentry programs and practices that support the long-term well-being of incarcerated individuals with disabilities; and (3) cross-disability solidarity by recognizing that though there is more extensive research on the experience of persons with psychiatric disabilities within the jail and prison system, there is a diversity of experiences and needs within disability communities and the experience of all incarcerated persons with disabilities deserves to be highlighted.

Lastly, the study must focus on ensuring that reentry programs are inclusive of persons with disabilities and on access and accessibility as principles of disability justice. An emphasis on not just the experience while incarcerated but also on programs that prevent reincarceration is a major part of disability justice.

Why It Matters

Understanding how disability impacts incarceration and reentry is essential to creating a legal system that is both just and effective. A dedicated study would help uncover structural inequities, highlight promising practices, and inform the development of policy solutions that reduce recidivism and improve outcomes. Including the perspectives of formerly incarcerated individuals in the design and implementation of this research would ensure that findings reflect real-world barriers and opportunities for change. By documenting these experiences, Washington can take a meaningful step toward equity and dignity for one of its most marginalized populations.

Recommendations Based on Physical Assessment

1. **Implicit bias training and accessibility training for court staff in all Washington state courthouses.**

The Washington State Supreme Court, in collaboration with the Administrative Office of the Courts (AOC) and supported by the Board for Judicial Administration (BJA), should implement and oversee required training for all court staff on disability accessibility and implicit bias. This training should be developed using an intersectional framework and delivered regularly to ensure cultural competence, legal compliance, and consistency across jurisdictions. Training modules should include guidance for front-line staff, clerks, judicial assistants, and ADA Coordinators.

Rationale

Court staff are often the first point of contact for people with disabilities navigating the legal system. First impressions with these employees can shape trust, confidence, and access. However, survey responses from the DJTF study indicate that most court personnel have not received any disability-related training in the past five years. This gap undermines the intent of GR 33 and ADA protections, resulting in missed accommodations and preventable harm. Mandatory training, especially when rooted in real scenarios, lived experience, and practical tools, can reduce bias and foster more inclusive court environments.

Why it Matters

Disability access is not just about ramps and documents; it is about how people are treated the moment they walk through the door or appear online. When court staff are trained to recognize, respect, and respond to access needs, they create a system where people feel seen, supported, and safe.

Court staff are instrumental to the experience of court users with disabilities within the court system. Whether it is filing documents, obtaining general case information, requesting and receiving accommodations, judges and attorneys are not the only people who can affect the experience of court users with disabilities. As shown in the physical assessment portion of this study, court security plays a crucial role in the experience of court users with disabilities; in fact, they often get to decide who gains access to the courthouse building and who does not. Implicit bias training that focuses on disability and accessibility should not be limited to judges and legal practitioners. Inclusive courts are fairer; regular training for all court staff is foundational to building that culture.

2. Create a physical accessibility improvement plan based on findings within the physical accessibility audit.

The Washington State Administrative Office of the Courts (AOC), under the guidance of the Washington State Supreme Court, should develop and coordinate a comprehensive physical accessibility improvement plan grounded in the findings of the statewide courthouse audit. This plan should outline short-, medium-, and long-term infrastructure and policy updates to address structural barriers and operational practices, including architectural updates, staff training, signage, and revisions to internal protocols that

impact physical access. Implementation should be supported by clear benchmarks, timelines, and funding pathways, with progress reviewed annually.

Rationale

The physical accessibility audit of several of the courthouses in the state revealed critical and widespread access gaps, including inaccessible jury boxes, blocked ramps, heavy doors, and inadequate signage. Notably, 0% of the courthouses assessed had staff trained in disability accessibility since 2020, underscoring the lack of systemic attention to access readiness. Many courts also failed to collect or track data on accommodation requests. While some facilities structurally meet the minimum ADA standards, many lack the policies, infrastructure, and practices needed for people with mobility and sensory disabilities to navigate court buildings independently and with dignity. A coordinated improvement plan is essential to move from reactive fixes to proactive, statewide solutions.

Why it Matters

Barriers such as blocked ramps or inaccessible restrooms are not mere inconveniences—they fundamentally exclude people from fully participating in the justice system. For court users who cannot opt out of these spaces, such barriers are dehumanizing and unjust.[285] A structured, statewide improvement plan will empower courts to correct these oversights, implement practical and cost-effective fixes, and work toward equity in

[285] Abby Arthur Smith, *"Not All Restrooms Are Created Equal": Moral Experiences of Maneuvering in Inaccessible Infrastructure with Physical Disability*, 7 SSM—Qualitative Rsch. in Health 1 (2025)

physical access. It affirms a shared commitment to justice that begins at the courthouse door.

3. **Develop Inclusive Emergency and Safety Protocols for People with Disabilities**

All courts should review and revise emergency and safety procedures to ensure they are inclusive of people with disabilities. This includes implementing accessible signage, visual alerts, communication tools, and staff training to assist individuals with physical, sensory, cognitive, and psychiatric disabilities during emergencies. Protocols should be co-developed with local disability advocates and emergency personnel.

Rationale

Emergencies such as fires, natural disasters, lockdowns, shootings, or medical incidents disproportionately endanger people with disabilities, particularly when evacuation plans do not account for their needs. The physical accessibility audit conducted as part of this study revealed significant gaps in inclusive emergency planning. In addition to the physical observations by the research team, focus group participants also described being excluded from drills due to their disabilities or being unsure how to respond in emergency situations. With access and accessibility being one of the guiding principles for this disability justice study, it is imperative that actionable steps are taken to ensure better emergency routes and procedures in some courts in the state.

Why It Matters

Equity in court access includes safety. Emergency preparedness that ignores disability needs is both dangerous and exclusionary. Inclusive protocols uphold dignity, reduce risk, and ensure that people with disabilities are protected and supported in all court circumstances, not just during proceedings. Studies have found that accounts of persons with disabilities struggling to find help during evacuations or being afraid to wait in refuge areas for fear of being forgotten.[286] They have also found that significant issues with overcrowding in stairwells, bottlenecks around corners and within doorways, and long waiting times for elevators have caused issues for persons with disabilities.[287] There is also very limited research on the effects of alarms on persons with sensory disabilities, including hearing and vision-related disabilities; however, the information available shows that some fire signals, such as alarms and lights, do not work for all populations.[288] Similar issues were observed in courthouse buildings throughout the state and must be remedied as they can make self-evacuation by persons with disabilities difficult and, in some cases, impossible.

4. Invest in decarceration programming for people with disabilities[289].

Washington State Courts should invest in and expand diversion and decarceration programming tailored to people with disabilities who are involved in the criminal legal system. This includes community-based alternatives to incarceration that incorporate accessible housing, mental

[286] Hostetter, H., & Naser, M.Z. (2022). Characterizing disability in fire evacuation: A progressive review. *Journal of Building Engineering*, *53*. https://doi.org/10.1016/j.jobe.2022.104573

[287] *Id.*

[288]

[289] Decarceration refers to policies and practices aimed at reducing the number of people incarcerated or subject to imprisonment.

health and substance use services, employment support, and disability-informed case management. Programs should be designed in partnership with people with disabilities and should prioritize culturally responsive, trauma-informed, and equity-centered approaches. The Washington State Supreme Court, along with legislative and executive partners, should support these efforts by advancing policies that reduce the unnecessary incarceration of individuals with disabilities and increase access to stabilizing supports in the community

Rationale

The DJTF established this research study because it is understood that people with disabilities are vastly overrepresented in prisons and jails nationally and in Washington. A disproportionate number of these individuals with disabilities are also people of color and people from low-earning socioeconomic backgrounds. In fact, a 2022 study from Cornell University found that 80% of people involved with the criminal legal system are legally indigent, meaning they are "unable to afford the necessities of life."[290] Incarceration does not address the underlying issues that lead to disproportionate incarceration rates for this population. As outlined in the literature review, many disabilities, especially mental health and psychiatric disabilities, can be worsened by incarceration.

[290] Preston, A., & Eisenberg, R. (2022, July 6). Profit Over People: The Commercial Bail Industry Fueling America's Cash Bail Systems. *Center for American Progress*. https://www.americanprogress.org/article/profit-over-people/ citing Joshua Page, Victoria Piehowski, and Joe Soss, "A Debt of Care: Commercial Bail and the Gendered Logic of Criminal Justice Predation," *The Russell Sage Foundation Journal of the Social Sciences* 5 (1) (2019): 150–172, available at https://www.rsfjournal.org/content/5/1/150.

Why it Matters

Decarceration models emphasizing diversion, community-based social services, and supportive and affordable housing have shown significant benefits for people with disabilities in the criminal legal system. In Cuyahoga County, OH, a forensic disability liaison program cut recidivism nearly in half (14% vs. 28%) by matching individuals to disability-informed services instead of incarceration.[291]

Other studies have found that investments in health and social support services, such as housing,[292] employment services,[293] and Medicaid,[294] reduced recidivism among individuals with disabilities and prevented initial justice system entry.[295]

Though it is important to note that studies have shown that mere diversion without services has not reduced recidivism for persons with severe mental health-related disabilities.[296] This finding further underlines

[291] Keeler, J., Ph.D (2015, July 8). *Recognizing Disability Leads to Better Outcomes in Criminal Justice System*. The Arc. https://thearc.org/blog/research-is-in-recognizing-disability-leads-to-better-outcomes-in-criminal-justice-system/

[292] Dorazio, J. (2023, April 17). Strengthening Access to Housing for People With Criminal Records Is Key to Successful Reentry. *Center for American Progress*. https://www.americanprogress.org/article/strengthening-access-to-housing-for-people-with-criminal-records-is-key-to-successful-reentry/

[293] *Out of prison & out of work*. Prison Policy Initiative. July 2018. https://www.prisonpolicy.org/reports/outofwork.html

[294] Buck, L., & Thaxton, C. (2024, November 13). Five Ways Medicaid Can Improve Outcomes for People Involved in the Criminal Legal System. *Center for Health Care Strategies*. https://www.chcs.org/five-ways-medicaid-can-improve-outcomes-for-people-involved-in-the-criminal-legal-system/

[295] Borum, V., Clarkson-Hendrix, M., Cyr, M., DeZelar, S., Elick, O., Findley, P. A., Fordey, N., Gault, G., Goulden, A., Kattari, S. K., Lewis, A., Murray-Lichtman, A., Plummer, S., Powell, R., Singh, R., Sweet, K., & Wetmur, A. (2023). *Social Work Practice and Disability Communities: An Intersectional Anti-Oppressive Approach Subtitle:An Intersectional Anti-Oppressive Approach* (E. Slayte & S. Leotti , Eds.). Salem State University.

[296] Sirotich F. The criminal justice outcomes of jail diversion programs for persons with mental illness: a review of the evidence. J Am Acad Psychiatry Law. 2009;37(4):461-72. PMID: 20018995. *See also* Gill KJ, Murphy AA. Jail Diversion for Persons with Serious Mental Illness Coordinated by a Prosecutor's Office. Biomed Res Int. 2017;2017:7917616. doi: 10.1155/2017/7917616. Epub 2017 Dec 3. PMID: 29333452; PMCID: PMC5733161.

the need for tailored and disability-informed and specific programming and interventions rather than a one-size-fits-all approach.

While the court is not tasked with providing social services to persons with disabilities, a disability justice approach requires active participation in investigating and addressing the underlying issues that lead people into the criminal legal system and imprisonment. Further, the disability justice principle of interdependence calls upon courts not to be providers of such services, but rather facilitators in supporting the persons, agencies, and organizations skilled to provide these services. In short, the court, through partnerships and robust resource sharing, should be an integral part of the process to identify and intervene in the incarceration of persons with disabilities.

5. Establish low-sensory protocols for all courthouses and courtrooms.

Rationale

Some court participants associate court visits with unpleasant feelings. This is especially true for many court participants with sensory sensitivities who consider courtrooms and courthouses overstimulating. Many of the participants in the focus group for people with sensory sensitivities, (e.g., those who are neurodivergent, on the autism spectrum, those with mental health disabilities, or with psychiatric disabilities) found it especially difficult to remain calm, focused, and responsive because court rooms were often too loud, too bright, or included too many people. Many of these court participants were unaware that they had the ability to request breaks during hearings.

Some participants who were aware of their right to accommodations did not know how or when to request this accommodation.

Why It Matters

As noted in the physical accessibility audit, only one of courthouses that the KMG team visited had a low-sensory area for court participants to access. Facilities with sensory-friendly environments can enhance comfort, reduce anxiety, and promote positive social interactions,[297] which is extremely beneficial in high-stress court environments.

Within the design and construction of all courtrooms, there should be an established private, designated area that has low lighting or adjustable lighting and as little noise as possible to accommodate the needs of persons with sensory difficulties.[298] In some cases, like it was done in one of the courthouses visited, it is appropriate to pair this space with a lactation room for parents so long as the room is completely enclosed and it will be used by one person at a time.

Recommendations Based On The Web Accessibility Audit

1. **Conduct a website accessibility audit for each court website in the state, and develop accessibility standards for all court websites.**

The Administrative Office of the Courts (AOC) should develop and promote statewide website accessibility standards based on the Web

[297] Kesherim, R. (n.d.). *Guide to Sensory-Friendly Spaces for Autism*. Supportive Care ABA. https://www.supportivecareaba.com/aba-therapy/autism-and-sensory-friendly-spaces
[298] Harwell , M. (2025). *Sensory Awareness in Architectural Design and Construction: A Guide to Inclusion and Hospitality for All* [Honor's Thesis, The University of Southern Mississippi]. https://aquila.usm.edu/cgi/viewcontent.cgi?article=2050&context=honors_theses

Content Accessibility Guidelines (WCAG) 2.1, Level AA. AOC should support courts with resources to conduct accessibility audits of their websites and provide centralized templates, technical guidance, and training to improve compliance. While enforcement authority is limited in Washington's non-unified court system, AOC should encourage adoption through education, model practices, and transparency measures, including voluntary reporting on digital accessibility progress.

Rationale

In 2024, the U.S. Department of Justice (DOJ) updated its regulations for Title II of the Americans with Disabilities Act (ADA). This update outlined new requirements for state and local governments to have website and mobile application accessibility. If state and local government websites and mobile applications are inaccessible, this will increase barriers to justice for people with disabilities. The Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA is the technical standard for state and local governments' web content and mobile applications.

Washington state has a non-unified court system. Based on visits to multiple websites, many of them did not meet the web accessibility standards that will be required by the Department of Justice by April of 2026[299]. Court employees surveyed reported that they had received little or no training on website accessibility. Developing accessibility standards based on WCAG will streamline the update process for all courts and ensure legal compliance and fairness.

[299] United States Department of Justice.April 2024.Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments. https://www.ada.gov/resources/2024-03-08-web-rule/

The website accessibility audit conducted as part of this DJTF research study included detailed instructions on how to create accessible courthouse websites. This audit also features rationales for each recommendation, explaining how people with different disabilities will benefit and gain access.

Why it Matters

A significant subset of the population of people living with disabilities needs web content to be accessible in order to be able to interact with it. A collaborative study between researchers at Shippensburg University and the University of Maryland evaluating the accessibility of family law forms on websites from ten (10) US states found that none of the digital PDF court forms available from the ten states were fully accessible for people with disabilities.[300]

Though Washington state is one of the states in the United States to have state-level accessibility standards in addition to the federal mandate and overall tends to be a leader[301] in web accessibility compared to other states, this study shows that this has not guaranteed that court users with disabilities who need accessible websites to manage and interact with the web content of the state courts will have access to it.

[300] Wentz, B., Paliwal, S., Gorham-Oscilowski, U., Jaeger, P., & Lazar, J. (2023). Evaluating the Accessibility of Digital Government Services for Family Law in the U.S. During the COVID-19 Pandemic. *Hawaii International Conference on System Sciences*.

[301] DeBruyn, J. (2023, October 2). A new study shows how COVID-19 websites fail accessibility standards. *WUNC*. https://www.wunc.org/health/2023-10-02/nc-state-covid-19-study-accessibility-standards. In this article, WUNC's supervising editor for digital news, Jason deBruyn discussed a new research from North Carolina State University analyzing COVID-19 websites from all 50 states and U.S. territories for compliance with the AA standard for accessibility established by the World Wide Web Consortium. Though they found that no state had a 100% compliant website Washington state had the most accessible site.

Recommendations for Continuous Improvement and Accountability

1. Establish an Independent Disability Access Ombudsperson to Monitor Recommendations

There should be a statewide, independent disability access ombudsperson or commission for the courts with the authority to investigate complaints related to disability access and accommodations issues in courts. This entity should be structurally independent from court operations and empowered to investigate complaints, mediate disputes, issue public annual reports with anonymized data and recommendations, and collaborate with ADA Coordinators and court leadership on corrective strategies. It should be adequately resourced and grounded in disability justice principles, including leadership by people with disabilities.

Rationale

Currently, no independent oversight exists for disability access failures in Washington courts. Most courts manage these issues internally, which can create power imbalances, especially for self-represented litigants and employees. Participants in the DJTF study described instances where accommodation requests were denied or ignored with no meaningful avenue for redress. Other systems, such as public education and healthcare, have established ombudsperson offices to offer neutral review and accountability. Courts would benefit from a similar model tailored to disability access, rights, and equity.

Why It Matters

This type of independent oversight encourages public trust, helps prevent systemic harm, and encourages continuous improvement. This accountability channel can encourage reporting, address barriers, and protect against patterns of exclusion, especially for those hesitant to file complaints with the courts themselves. Without it, courts risk perpetuating inequities that go unaddressed.

This can also help fill the gaps in data collection across the courts that were identified in the data review portion of the study. Other states that have adopted the judiciary ombudsman model have found it to be an effective way to document and track complaints, to determine patterns, make recommendations for improvement, and provide feedback to court leaders.[302]

Structure and Implementation

It is important to note that while a disability access judiciary ombudsman can be a useful tool, court users must be educated on the powers and limitations of the ombudsman. Research has shown that, as a best practice, an ombudsman should make it clear to visitors that the office cannot alter unfavorable case outcomes or act as a substitute for proper reconsideration by a trial court or appellate review. The ombudsman should also explain the restrictions on ex parte communications and the prohibition against providing legal advice. Investigations conducted by the ombudsman typically end with a formal written response. Additionally, the ombudsman

[302] Michele Bertran, Judiciary Ombudsman: Solving Problems in the Courts, 29 Fordham Urb. L.J. 2099 (2002). Available at: https://ir.lawnet.fordham.edu/ulj/vol29/iss5/4

promotes active public engagement by inviting and welcoming feedback to help improve the performance of the judicial branch.[303]

2. Track and Publish Court Accommodation Data

Courts should be required to track the number, type, and resolution status of accommodation requests. This data should be disaggregated by request type, case type, and court location, and reported annually to the Administrative Office of the Courts or an independent oversight body. Public-facing summaries should be published to promote transparency while maintaining individual privacy and compliance with data equity principles.

Rationale

The DJTF study found that most Washington courts do not systematically monitor accommodation requests or outcomes. Without this data, it is impossible to evaluate whether access is equitably provided, identify areas where improvements are needed, or determine which resources are most effective. Data tracking supports transparency, budgeting, training, and resource planning, yet remains inconsistent or absent across jurisdictions.

Why It Matters

Without data, disability access remains anecdotal, invisible, and unmeasurable. Courts cannot improve what they do not track. Systematic data collection supports equitable access, builds empirical evidence to

[303] *Id*

create institutional accountability systems, and provides a foundation for ongoing improvement and responsive feedback.[304]

3. Fund and Pilot an Accessibility Navigator Program

3a. Accessibility Navigator Program

Pilot an accessibility navigator program in high-volume courts, such as family or municipal courts, to provide trained, on-site or virtual support for court users with disabilities. Navigators should assist with directions, forms, accommodations, virtual hearings, and real-time access needs. In smaller jurisdictions with limited staffing, ADA Coordinators may temporarily fulfill this role, but the functions should remain distinct to preserve capacity and neutrality.

Rationale

Many court users with disabilities, especially those who are self-represented, encounter overwhelming barriers navigating court buildings, paperwork, and technology. Participants described feeling confused, fearful, and lacking visible support. Disability Justice frameworks emphasize support and interdependence. An accessibility navigator can provide person-centered guidance and ensure equitable participation.

Why It Matters

Expecting people with disabilities to navigate complex court systems alone is neither realistic nor fair. Just as interpreter services bridge language gaps, navigators bridge gaps in disability access. This role helps reduce

[304] McCloud RF, Bekalu MA, Vaughan T, Maranta L, Peck E, Viswanath K. Evidence for Decision-Making: The Importance of Systematic Data Collection as an Essential Component of Responsive Feedback. Glob Health Sci Pract. 2023 Dec 18;11(Suppl 2):e2200246. doi: 10.9745/GHSP-D-22-00246. PMID: 38110208; PMCID: PMC10727464.

anxiety, improve participation, and foster procedural fairness. Navigator programs demonstrate a court's commitment to access and inclusion.

3b. Separate ADA Coordinator and Navigator Functions

While courts may temporarily assign dual roles in small jurisdictions, ADA Coordinators and accessibility navigators should be recognized as distinct positions with separate functions. ADA Coordinators should continue to oversee accommodation determinations and compliance, while navigators focus on providing user-centered assistance. Long-term implementation should preserve the independence and integrity of each role.

Rationale

ADA Coordinators are often best positioned to support navigator programs, but are tasked with reviewing and approving accommodations, which requires neutrality. Navigators, by contrast, are meant to support and accompany users. When one individual handles both responsibilities, it can compromise trust, create conflicts of interest, and reduce overall effectiveness.

Why It Matters

Clear role boundaries support transparency and trust. Separating the ADA Coordinator and navigator functions ensures fairness for court users, prevents confusion, and builds a more resilient, user-focused access infrastructure.

4. **Integrate Disability Access into Judicial and Court Staff Performance Metrics**

   The Washington court system should develop performance benchmarks that include responsiveness to accommodation requests, inclusive communication, and disability-informed practices. These benchmarks should be incorporated into performance evaluations for judges and court staff, with periodic feedback from court users with disabilities where appropriate.

Rationale

Accessibility is not currently a standard component of staff or judicial performance evaluations. This omission suggests access is optional rather than essential. Making it a part of regular reviews reinforces the expectation that all court personnel contribute to disability equity and compliance with civil rights.

Why It Matters

Accountability drives behavior. Including disability access in performance metrics ensures it remains a courtwide priority. It supports consistency across a non-unified court system, reinforces civil rights obligations, and affirms that equitable treatment is a measure of excellence, not an afterthought.

5. **Standardize Disability Accommodation Notices Across All Court Communications**

   Courts across Washington should include a plain-language disability accommodation notice in all public-facing materials, including websites,

hearing notices, referral forms, signage, and written orders. This notice should clearly state the right to request reasonable accommodations, provide simple instructions for doing so, and include contact information for the court's designated ADA Coordinator. Standardization should be guided by a statewide model developed or endorsed by the Washington Supreme Court. While legislative updates are not required to begin implementation, statutory alignment may be considered in the future to support consistency across jurisdictions.

Rationale

Participants in the DJTF study reported repeatedly missing critical opportunities to request accommodations because they did not understand their rights, were unaware that accommodations were available, or could not identify who to contact. Many notices lacked clear instructions on how to request support, and some used legal or technical language that was difficult to comprehend. These issues were especially common in protection order cases, criminal summons, dependency court, and service referral forms, where consequences for non-appearance or non-compliance can be severe.

Courts have the authority to include access language in their own materials and can implement standardized notices through administrative order, local rule, or statewide policy. While some courts have taken steps in this direction, practices remain inconsistent across jurisdictions and case types. A single, uniform notice, developed with plain language, disability equity, and user experience in mind, can immediately close this gap, without requiring legislative action.

Why It Matters

The ability to access justice depends not only on the availability of accommodations, but also on whether people are aware of them and know how to request them. Standardized notices help ensure that every person who interacts with the court, whether through a mailed summons, a website, or a program referral, receives clear, consistent information about their rights. This practice supports early disclosure, reduces avoidable failures to appear or comply, and demonstrates the court's commitment to accessibility and equity. While the notice itself is straightforward, its impact can be significant, especially for individuals navigating high-stakes legal matters without the assistance of an attorney or a formal diagnosis.

6. Implement Voluntary Disability Access Screenings Prior to Service Referrals

Courts should offer a voluntary, plain-language screening to individuals prior to ordering participation in any treatment, education, or behavioral intervention program. This screening should be confidential, non-punitive, and completed before a referral is finalized. Courts may implement this practice through local policies or administrative orders, with oversight by the Supreme Court encouraged to promote consistency across jurisdictions.

Rationale

People with disabilities are frequently referred to court-ordered programs without any assessment of their ability to access or succeed in those services. These referrals occur across case types, criminal, family, juvenile, civil protection orders, and behavioral health, but are rarely informed by functional access considerations. As a result, individuals may

be placed in situations where success is unlikely due to unrecognized barriers. These can include sensory sensitivities, cognitive processing differences, or communication limitations. Because many access needs are invisible or not formally diagnosed, they are often missed unless a person actively discloses and requests accommodation, something not all individuals are able or willing to do.

A voluntary, plain-language access screening allows courts and providers to identify potential barriers early and adjust referrals accordingly. It does not require medical diagnosis or trigger legal determinations; it simply provides an opportunity to understand access needs and reduce the risk of ineffective or inaccessible orders. Courts do not need new legislation to implement this practice and can start offering such screenings right away.

Why It Matters

Without proactive access screening, individuals with disabilities may experience avoidable sanctions, delays, or repeated referrals when they are unable to complete programs due to unmet needs. These challenges disproportionately affect those who are undiagnosed, underdiagnosed, or hesitant to disclose.

Implementing voluntary screening supports the court's ethical and legal obligations to provide meaningful access. It also enhances trust and completion rates, enhances public trust, and supports equitable outcomes for diverse communities. Courts that take this step demonstrate leadership, responsiveness, and commitment to access and fairness statewide.

Recommendations for the Legislature and Executive Branch

1. **Require Disability Accommodation Notices for All Court-Ordered Programs**

Amend relevant RCWs (e.g., RCW 10.05, 13.34, 26.50, 71.34) to require that any provider delivering court-ordered services must give participants a written notice, at the time of referral or enrollment, that clearly outlines their right to request reasonable accommodations due to disability, along with step-by-step instructions for how to do so.

Rationale

Participants in court-ordered services often do not know they have a right to request accommodations under the ADA or how to initiate that process. Lack of notice leads to avoidable failure, fear of penalty, and systemic inequities for people with disabilities, especially those without legal counsel or formal diagnosis. Mandating a written, plain-language notice ensures all individuals receive basic access information at a critical stage in the legal process.

Why It Matters

Without a clear, written notice, people with disabilities may unknowingly fail to complete mandated programs due to unaddressed needs. This can result in loss of custody, incarceration, or denial of rights. Requiring standardized notices creates transparency, prevents inequitable outcomes, and ensures consistency across programs. It also fulfills obligations under ADA Title II and WLAD by reinforcing informed access.

2. Strengthen Privacy Protections for Disability Disclosures and Accommodation Records in State Law

People with disabilities who request accommodations in court settings must often disclose deeply personal health, mental health, and diagnostic information. Participants in the DJTF study expressed concerns that these records could be accessed by opposing counsel, used against them in unrelated matters, or stored indefinitely without their consent. Several also shared instances where their disability disclosures became visible in the court record, exposing them to stigma, retaliation, or harm. While courts may follow informal protocols to maintain the confidentiality of these documents, there is currently no clear or consistent statutory protection for disability-related accommodation records under Washington's public records and court rules.

To protect the privacy and dignity of people with disabilities, Washington State should amend relevant laws, specifically the Revised Code of Washington (RCW) and General Rule (GR) 31, to clarify that records related to disability accommodation requests are confidential, exempt from public disclosure, and subject to strict access limitations. These records should be treated similarly to other sensitive court materials, such as sealed mental health evaluations, child custody records, or confidential information from criminal informants.

Protecting accommodation documentation by statute would not only reduce fear and stigma among court users but also help ensure that requests are made early and appropriately, rather than avoided or delayed due to privacy concerns. It would also provide much-needed clarity to judicial officers, court administrators, and ADA Coordinators across jurisdictions,

many of whom have expressed uncertainty about what can or cannot be disclosed.

The Legislature should consider revising RCW 42.56.070 (Public Records Act) to explicitly exempt ADA accommodation materials and clarify GR 31 or create a new GR subsection to define disability-related records as sealed or viewable only by the court, the individual, and authorized staff managing accommodations. The implementation of this change should be accompanied by formal guidance and staff training to ensure consistent treatment across all courts statewide.

3. Require Disability Accommodation Notices for All Court-Ordered Programs

Amend relevant RCWs (e.g., RCW 10.05, 13.34, 26.50, 71.34) to require that any provider delivering court-ordered services must give participants a written notice—at the time of referral or enrollment—that clearly outlines their right to request reasonable accommodations due to disability, along with step-by-step instructions for how to do so.

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4. Require public accessibility policy disclosures from court-referred programs

Amend RCWs related to court referrals (e.g., RCW 10.05.100, 13.34.130, 26.50.060, 71.34.600, 70.96A.095) to require that all court-referred or court-mandated service providers publicly post a plain-language statement of their accessibility and accommodation policies. This must include what support is available and how to request them.

Rationale

Many people are referred to programs with no transparency about whether accommodations are available. Courts, public defenders, and participants are often left to guess whether a provider can adequately support their access needs. Requiring public posting of policies enables informed decisions, prevents inappropriate referrals, and reduces downstream harm such as delays or sanctions.

Why It Matters

This policy fosters visibility without imposing an undue burden on courts. It empowers people with disabilities, enables referral officers to make

more informed decisions, and supports ADA compliance. It also reduces repeat hearings and increases program success by ensuring access is considered before the referral is made.

5. **Establish that Disability-Related Barriers Must Be Considered by Courts in Findings of Noncompliance with Programs.**

Amend RCWs (e.g., RCW 10.05, 13.34, 26.50, 9.94A) to explicitly allow courts to assess and consider whether a person's failure to comply with a program was due to unaddressed disability-related access barriers. The statute should clarify that this discretion does not limit court authority or create a cause of action.

Rationale

Current law provides no guidance for judges on how to weigh access barriers when assessing program compliance or willfulness. Participants may be sanctioned despite real barriers to participation. This recommendation addresses a core DJTF finding: people with disabilities are disproportionately penalized for their inability to access programs to which they were assigned.

Why It Matters

This change supports judicial fairness and gives courts a structured way to consider disability-related context in compliance determinations. It improves outcomes without reducing judicial authority, promotes access equity, and ensures that sanctions are not imposed for barriers beyond a person's control.

6. **Implement Functional Access Screenings Within DOC and Community Supervision Programs**

The Washington State Department of Corrections (DOC) should implement a voluntary, plain-language disability access screening process as part of intake and supervision practices. This functional screening should help identify whether a person may require support to access court-ordered or DOC-assigned programming. The screening should be non-punitive, confidential, and used solely to improve equitable access and compliance outcomes. Legislative updates to Title 72 RCW and RCW 9.94A are recommended to support and standardize implementation across DOC facilities and supervision programs.

Rationale

While DOC currently conducts medical and risk-based screenings at intake, these tools are not designed to identify functional disability-related barriers that may affect a person's ability to participate in assigned programs. Participants in the DJTF study described being referred to classes or treatment they were unable to attend, understand, or complete, resulting in sanctions or reincarceration. These barriers often involved sensory sensitivities, communication needs, processing differences, or behavioral disabilities that were not visible or formally diagnosed. In many cases, DOC staff and providers were unaware that access issues existed.

A voluntary disability access screening, distinct from clinical evaluation, can help identify functional needs that influence program participation. This type of screening does not determine benefits eligibility and does not replace medical assessment. Instead, it allows DOC to proactively consider whether a person may need adaptations or referrals

better aligned to their access profile. Offering this early in the supervision process supports compliance, reduces program failure, and contributes to DOC's broader goals around reentry, equity, and system fairness.

Why It Matters

Without a structured opportunity to identify access needs, individuals with disabilities may be held accountable for failing to complete programs they could not reasonably access. This can lead to sanctions, technical violations, or longer incarceration, all of which could be preventable with early screening. These challenges are not unique to DOC but are especially high-impact in carceral settings, where people often have limited control over their environment and limited options for disclosure. Implementing a voluntary, plain-language screening helps ensure that court and DOC expectations are fair, realistic, and aligned with individual needs. It supports reentry success, reinforces procedural justice, and reduces the risk of systemic harm for people with disabilities under correctional supervision.

Conclusion

This study reveals significant and systemic barriers faced by court users with disabilities in Washington State, highlighting that despite best efforts and commitments to fairness and accessibility, persons with disabilities' journeys through the court system are marred by inconsistent accommodations, entrenched bias, and insufficient institutional support.

The findings underscore the need for a robust disability justice framework not just in the research but also in the implementation, as people with disabilities and intersecting marginalized identities reported encountering challenges associated with their disabilities *and* these other identities when navigating the court system.

The recommendations outlined in this report are both urgent and achievable. Whether it is implementing recurrent implicit bias training, engaging in robust data collection, establishing a commission, standardizing the accommodations request process, conducting additional studies, assessments, and audits, creating various accountability systems, revising the laws, rules, and policies to ensure better access for court users with disabilities, these

s, rooted in the ten principles of disability justice affirm the dignity of court users with disabilities, acknowledge the systemic inequities that have resulted in some of the findings of this study, barriers for court users, and trust the leadership of persons with disabilities to effectuate the necessary changes.

Centering the lived experiences of individuals with disabilities and adopting a proactive, intersectional, and disability justice-oriented approach is essential. By implementing these recommendations, Washington's courts

can move beyond compliance and toward becoming truly inclusive spaces that affirm the rights, dignity, and safety of all people with disabilities. By adopting these changes, the Washington State Supreme Court has the opportunity to lead nationally in transforming how the judiciary understands and serves people with disabilities.

APPENDIX

APPENDIX A

This project was made possible through the dedicated efforts of the Washington State Supreme Court Disability Justice Task Force.

Disability Justice Taskforce Overview

The Washington State Supreme Court created the Disability Justice Task Force in 2022 with support and funding from the Legislature to examine systemic barriers facing individuals with disabilities in Washington courts. The Task Force was established to address longstanding and emerging inequities, ranging from physical and programmatic access to broader structural issues embedded in court processes and culture. Its goal is to develop actionable recommendations that foster a more inclusive, equitable, and accessible judicial system.

As a result of this study, the Task Force has generated this report for the Washington State Supreme Court. The report will be used to identify opportunities for different parts of the court system to encourage collaborative efforts in removing structural barriers to improve access to justice for individuals with disabilities.

Co-Chairs

Washington State Supreme Court

Justice G. Helen Whitener (she/her) was initially appointed in April 2020 and subsequently elected twice by the voters to the Washington State Supreme Court. Prior to her appointment to Washington State's highest court, Justice Whitener served as a Pierce County Superior Court judge.

Justice Whitener also served as a judge on the Washington State Board of Industrial Insurance Appeals and as a pro-temp judge in Pierce County District Court and the City of Tacoma Municipal Court. Before becoming a judge, Justice Whitener litigated both civil and criminal cases for 14 years, first as a prosecutor and defense attorney and later as a managing partner of the law firm of Whitener Rainey Writt PS.

Justice Whitener is a former faculty member of the National Judicial College and the Washington State Judicial College. Justice Whitener is the co-chair of the Supreme Court's Disability and Justice Task Force and is chair of the state's Annual Judicial Conference Committee. Justice Whitener is a judicial member of the International Association of Women Judges, the American Judges Association, Washington Women Lawyers, and the Advisory Council for the QLaw Association of Washington.

Additionally, Justice Whitener is the former Appellate Court Representative to the Washington Supreme Court Language Access Commission, previously served on the Board of Directors of the IALGBT Judges, is the former co-chair of the Washington State Minority and Justice Commission, a former court representative on the Washington State Office of Civil Legal Aid Oversight Committee, and is also a former chair and co-chair of the Washington State Superior Court Judges' Association–Equity and Fairness Committee.

Justice Whitener is the first Black woman to serve on the Washington State Supreme Court, the fourth immigrant-born Justice, and the first Black LGBTQ+ Supreme Court Justice in the nation and the State of Washington.

Justice Whitener identifies as a person with a disability, and speaks often to local, national, and international organizations on human rights, and access to justice.

Justice Whitener is well recognized by the legal community for her commitment to justice and equity. Her impactful career has been marked by a series of distinguished awards across several years, reflecting her significant contributions. Her most recent honors, include the 2025, Anshel Ma'asehi Award of Distinction from the Cardozo Society of Washington State. In 2022 she received an Honorary Doctor of Law degree from the University of Puget Sound, and the American Bar Association's Stonewall Award. In 2021, she was recognized as Public Official of the Year by The Evergreen State College's Master of Public Administration Program, and she also received Judge of the Year from The Western Region of the National Black Law Students Association. In 2020, Justice Whitener earned the International Association of LGBTQ+ Judges President's Award, was named a Distinguished 400 Awardee by the 400 Years of African American History Commission, and received the Washington Women Lawyers Chief Justice Mary Fairhurst Passing the Torch Award. Earlier accolades arrived in 2019, including the Washington State Bar Association's Charles Z. Smith Excellence in Diversity and Inclusion Award, the King County Washington Women Lawyers President's Award, the Tacoma-Pierce County Bar Association Service to Diversity Award, and the Seattle University School of Law and Women's Law Caucus Woman of the Year Award. In 2018, Justice Whitener received the Pierce County Washington Women Lawyers Woman of the Year Award.

King County Superior Court

Judge David Whedbee (he/him) joined the King County Superior Court bench on September 16, 2019, in Seattle, Washington, after appointment by Governor Jay Inslee. Judge Whedbee is currently assigned to the Civil Rotation, and is Co-Chair of the Diversity, Equity, and Inclusion (DEI) Committee and sits on the Courts and Community Committee. He is also the Co-Chair of the Washington State Supreme Court's Disability Justice Task Force. Before joining the bench, Judge Whedbee worked for 12 years as a civil rights lawyer. During this time, he was also a board member and cooperating attorney for the American Civil Liberties Union (ACLU) of Washington, and in 2018-2019 served as Washington's representative to the ACLU's National Board.

After graduating from the University of Washington School of Law in 2004, Judge Whedbee served as a law clerk for U.S. District Court Judge Helen G. Berrigan in the Eastern District of Louisiana and Judge Ronald M. Gould in the U.S. Court of Appeals for the Ninth Circuit. During law school, he was also a judicial extern for U.S. District Court Judge Marsha J. Pechman of the Western District of Washington. Judge Whedbee has been a resident of Seattle since 1991 after graduating from Pomona College magna cum laude with a degree in French and German literature and being recognized as an All-American scholar-athlete in soccer.

Judge Whedbee spent several years working with a local immigration lawyer as a paralegal in the 1990s, with a focus on preparing asylum claims for French-speaking Africans among many others from diverse nationalities. An avid record collector, he also worked in alternative radio for the local

pioneering station KCMU. In 1997, Judge Whedbee obtained a master's degree in international history from the London School of Economics, concentrating on post-WWII independence movements and French decolonization. Judge Whedbee, a paraplegic after a rock-climbing accident in 1997, is eager to improve physical and programmatic access to Washington courts and beyond for persons with disabilities.

DJTF Members

Court of Appeals Representative

Judge Meng Li Che, is on the Court of Appeals, Division II. Before that, she worked at the Board of Industrial Insurance Appeals (BIIA) since 2010 and served as an Assistant Chief Industrial Appeals Judge, where she handled workers' compensation appeals and alleged workplace safety violations. While at the BIIA, Judge Che handled appeals involving injured workers experiencing disabilities. In the early years of her legal career, Judge Che worked with the Pierce County Office of Public Defense and the Pierce County Department of Assigned Counsel, representing indigent criminal defendants.

While working with criminal defendants, she assisted clients facing various barriers to access justice, including many with disabilities. Judge Che obtained her law degree from Seattle University School of Law and her bachelor's degree from the University of San Diego.

Superior Court Judicial Association Representatives

Judge Diana Kiesel is a Pierce County Superior Court Judge. Throughout her legal career, she worked with individuals with mental health diagnoses. Beginning in 1986, Judge Kiesel served as a defense attorney representing respondents in civil commitment proceedings.

Judge Kiesel also served as RCW Title 11 guardian ad litem in guardianship proceedings and was appointed as counsel for respondents in guardianship litigation. In 2009, Judge Kiesel was appointed as a Superior Court Commissioner, where she presided over numerous dockets that frequently involved litigants with disabilities.

She also served on the Washington Supreme Court Certified Professional Guardianship and Conservatorship Board for nine years. Her tenure on the board concluded in 2023, with her holding the position of chairperson that final year.

Judge Joseph A. Evans was appointed as a Pierce County Superior Court Judge by Governor Inslee in 2021.

He holds a bachelor's degree in Political Science from the University of Washington and a law degree from the Seattle University School of Law. For 15 years, Judge Evans served as a criminal defense trial attorney with Pierce County's Department of Assigned Counsel, representing individuals charged with serious felonies. He later became a supervisor in the Juvenile Delinquency Unit.

He is currently a member of the Inns of Court, serves on the Statewide Alternatives to Confinement Workgroup, and is a past president and board member of the Pierce County Minority Bar Association.
In February 2024, Judge Evans was named the Tacoma Pierce County Jurist of the Year.

District and Municipal Court Judges Association Representatives

Judge Aimee Maurer has served at the Spokane County District Court since 2014, holding positions that include Presiding Judge and Assistant Presiding Judge. She holds a J.D. from Gonzaga University School of Law (2006) and a B.A. from Gonzaga University (2003). Her legal career includes positions as Principal and Owner of Maurer Law, insurance defense attorney at Borhnsen, Stocker, Smith, and Luciani, and Deputy Prosecutor at the Spokane County Prosecutor's Office. She also clerked for Judge Kenneth Kato at the Court of Appeals, Division III.

Judge Maurer is a member of the Washington State Administrative Office of the Courts' workgroup on Childcare Assistance for Jury Duty, the Washington State Courts Historical Society, and the Washington State Pattern Jury Instruction Committee. She has served on the Washington State Board of Judicial Administration Therapeutic Subcommittee and the Trueblood General Advisory Committee.

Judge Maurer's commitment to justice is deeply rooted in her personal experiences. Born in Seoul, Korea, she was adopted into a multicultural home in the United States, where her family lived near the federal poverty level. As one of five adopted children, including a brother with a disability,

she has firsthand experience with the barriers posed by poverty and disability.

Judge Gloria Ochoa-Bruck was elected to serve as Municipal Court Judge Position 3 for the City of Spokane in November 2021, becoming the first Latina elected to the bench in Spokane County. Before her election, she served as Associate Judge for the Kalispel e Court and Chief Judge for the Spokane Tribal Court. She began her legal career as a Benton County Deputy Prosecuting Attorney and then moved to private practice, focusing on state and federal felony matters.

She is the founder and past president of the Latino Hope Foundation. Her board memberships include the Washington State Bar Association Client Protection Board, the Latina/o Bar Association of Washington, and the Spokane County Bar Association. Ochoa-Bruck, a first-generation Mexican immigrant, became a naturalized U.S. Citizen in her first year of law school. She holds a Juris Doctor from the University of Idaho College of Law, an MBA and an MA in Criminal Justice and Criminology from Washington State University, and a bachelor's degree in Business Administration from Washington State University.

Therapeutic Superior Court Representative

Judge Camara Banfield was sworn in as a Judge for the Clark County Superior Court in Vancouver, Washington, on January 1, 2021. She graduated from the University of Oregon with degrees in both undergraduate studies and law. After completing law school, Judge Banfield began her legal

career at the Vancouver City Attorney's Office, where she handled the prosecution of both misdemeanor and felony domestic violence cases.

In 2004, she worked as a prosecutor in the Clark County Prosecuting Attorney's Office. She later served as the Chief Criminal Deputy Prosecuting Attorney, overseeing the Criminal Division for the Clark County Prosecuting Attorney's Office. She has served on the Washington State Bar Committee for Diversity, taken part in the Washington Leadership Institute, sat on the board for the YWCA, and served as a Director on the Board for the Vancouver School District. She is eager to apply her background in social justice to promote disability equity.

Board for Judicial Administration Commissioner

Karl R. Triebel has served as a Court Commissioner for Division Two of the Court of Appeals since December 2022. Previously, Commissioner Triebel served as a lead staff attorney for the Washington State Supreme Court Commissioner's Office. He has also worked for 10 years as an Assistant Attorney General for the State of Illinois and as a judicial law clerk for Judge R. Gary Klausner (CDCA). Commissioner Triebel graduated magna cum laude from the Chapman University School of Law, where he served as a senior articles' editor for the Chapman Law Review.

He holds a bachelor's degree in business from Arizona State University and served as a navigator on KC-130s in the United States Marine Corps. He lives in Olympia with his wife and three children. Commissioner Triebel serves on the Appellate Education Committee, volunteers as a pro tem judge in Thurston County District Court, and mentors veterans participating in the

Thurston County Veteran's Court program. With one child in public school with an individualized education program, he has a natural affinity for the work of the Disability Justice Task Force.

State Law Librarian at the Washington Supreme Court

Rob Mead is the State Law Librarian at the Washington Supreme Court. He holds a law degree from the University of New Mexico and a library science degree from Emporia State University. A former academic law librarian, he has taught legal research and writing to paralegal students at South Puget Sound Community College. He is also the co-author of the treatise Advising the Elderly Client and has published topics related to disability and aging, with a focus on neurodevelopmental disabilities and dementia.

Association of Washington Superior Court Administrators (AWSCA)

Ashley Callan has been the Spokane County Superior Court Administrator since 2016. She began her career with Spokane County in the District Court Clerk's Office in 2003 and transitioned to Superior Court as a Judicial Assistant in 2005. Ashley received her Master's Degree in Public Administration in 2012 from Eastern Washington University. Ashley has served in leadership roles for the Association of Washington Superior Court Administrators and is on the Interpreter and Language Access Commission. Ashley is committed to continuous court improvement to make access to justice a reality to all members of the community. She prides herself on being a resource for attorneys, legal office staff and litigants with questions about Spokane Superior Court.

Washington State Association of County Clerks

Constance R. White (she/her) has collectively spent 25 years working in Court Administration. She served as the Clerk of Superior Court for Pierce County, a position she has held for the past 2 ½ years. In her previous role in Court Administration, she oversaw various aspects such as daily operations, budgeting, strategic planning, and law enforcement oversight. She actively engages with the community to understand its needs and tailor access and services accordingly.

Constance has had invisible disabilities since the age of 16. Her personal experiences, as well as having family members diagnosed with sickle cell and lupus, have made her keenly aware of invisible disabilities.

In her role within Court Administration and as Clerk, she aims to use her own experiences, as well as those of others, to promote equitable access for all.

District and Municipal Court Managers Association Representative (DMCMA)

Dave Lucas is an active member of the District and Municipal Court Managers Association (DMCMA). He proudly represents DMCMA on the Disability Justice Task Force. Dave is a retired Marine Corps Lieutenant Colonel with nearly 22 years of active-duty service leading teams of all sizes across the globe. He is currently the Court Administrator for Cheney Municipal Court. Dave has served and continues to serve on numerous boards representing homeless and veterans with disabilities, the youth, and the local community.

Dave serves as chair of the Spokane Veterans First Board, the Spokane Veteran's Stand Down, and the Spokane neighborhood council. His other contributions include serving on the Veterans Affairs Patient and Family Advocacy Committee, the Spokane Veteran Leadership Sub-Committee, and the Inland Northwest Council of the Boy Scouts.

Dave graduated with an undergraduate degree in economics from the University of California, Davis, and NROTC at UC, Berkeley. He attended graduate school at the Marine Corps Command and Staff College in Quantico, VA, graduating with a degree in military studies.

Bryan Farrell is the District Court Administrator for Clark County District Court. Prior to his appointment in 2022, he served in various capacities over the last 27 years between the Oregon Judicial Department and Clark County District Court. Bryan's most recent positions included Deputy Court Administrator, Probation Services Division Manager, and Drug Court Coordinator. Bryan served as an education and training co-chair for the Washington State Misdemeanor Probation Association and is currently an active member of the Washington State District and Municipal Court Managers Association.

Throughout his career in the Judicial branch, Bryan has led multiple projects that led to system-wide changes in Court, Probation, Pretrial Release, and Drug Courts. Bryan is very passionate about access and accessibility within the court system. Raising a child with type 1 diabetes and assisting in the care of his mother, who is legally blind, Bryan has a hands-on perspective of the impacts associated with accessibility.

Legislative Branch Representative

Senator Yasmin Trudeau represents Washington's 27th Legislative District, which includes Tacoma, Ruston, Browns Point, Dash Point, and Fife. She currently serves as vice-chair of the Law & Justice Committee and is a member of the Environment, Energy & Technology Committee and Housing Committee. She is also one of the two Senate Democrats negotiating the Capital Budget. Additionally, she serves as Chair of the Senate Members of Color Caucus. Senator Trudeau was appointed to the Senate in 2021 and won election to a full term in 2022. She is the first woman of color to serve as senator for the 27th Legislative District.

Before her role as State Senator, she was the Legislative and Tribal Affairs Director for the WA Attorney General's Office, collaborating with agencies, legislators, and community partners to pass legislation addressing student loan supports, prohibiting youth solitary confinement, and strengthening Medicaid fraud enforcement, among others. She has also served as Senate Democratic Caucus staff and Legislative Assistant to then State Senator and now Congresswoman Pramila Jayapal. When Senator Trudeau is not performing Senate duties, she serves as the Manager of the WA Attorney General's Race Equity Unit and spends time with her husband, two young children, their cat Jinx, and her robust plant collection.

Executive Branch Representative

Michael MacKillop (he/him) is the Executive Director of the Washington State Department of Services for the Blind and has served the agency in executive and direct service positions for over 23 years. He believes deeply in the philosophical backdrop of the Disability Rights and Independent Living

movements, the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Disability intersects within all communities, and disability justice supports us all.

Office of Civil Legal Aid Representative

Ali Kingston (she/her) is the Eviction Defense Program Counsel for the Washington State Office of Civil Legal Aid (OCLA) and also serves as an adjunct professor at Gonzaga University Law School. Prior to joining OCLA, Ali represented tenants in Spokane, WA and Toledo, OH.

Ali has a long history of involvement in disability rights advocacy and currently sits on the board of two organizations serving the IDD community. In her professional role, Ali has advocated for the removal of physical barriers in courthouses, the use of assistive technology for effective communication, and mandatory training for attorneys working with individuals with disabilities. As a member of the LGBTQIA2S+ and Black communities, Ali volunteers at legal clinics catering to these populations.

Washington State Office of Public Defense

Shoshana Kehoe-Ehlers is the Supervisor of Post-Conviction Representation Programs for the Washington State Office of Public Defense (State OPD). She has a physical congenital disability referred to as Achondroplasia, a type of dwarfism. After a year serving as a judicial law clerk for the Kitsap County Superior Court, she joined Society of Counsel Representing Accused Persons (now King County Department of Public Defense) where she represented indigent adult and juvenile clients in all stages of felony, misdemeanor and dependency proceedings for eight years.

Following that, Shoshana managed the Sex Offender Policy Board at the Sentencing Guidelines Commission for three years. She has been with State OPD since early 2013.

During that time, she managed the Ch.71.09 RCW program and established the indigent representation program for individuals committed as Not Guilty by Reason of Insanity (Ch.10.77 RCW). Shoshana currently is a chair on the King County Public Defense Advisory Board (PDAB). She received her Bachelor of Arts in 1995 from Fairhaven College at Western Washington University and her Juris Doctor in 2000 from the Hamline University School of Law in St. Paul, MN.

Washington Association of Prosecuting Attorneys

Dale Slack grew up in rural southwestern Idaho and attended public schools. At age 12, after two years of difficulty, doctors diagnosed and treated him for a depressive disorder, improving his life. He obtained his undergraduate degree in political science (with a public administration emphasis) from Boise State University and a J.D. from the University of Idaho College of Law.

Throughout his career, he has been an advocate for individuals suffering from mental illness. From taking on pro bono cases in private practice to developing prosecution methods that aim to assist those with untreated disorders, he is committed to helping those who have not had the same access to diagnosis and treatment that he has had in his life. He recognizes these issues are often most pronounced in underrepresented groups where medical care is lacking or inadequately provided due to prejudices of

healthcare providers. He feels honored to contribute in any way he can to improving the lives of people in these challenging situations.

Disability Rights Washington Representative

Chloe Merino (she/her) is a Staff Attorney on the Treatment Facilities Team at Disability Rights Washington (DRW). She joined DRW in 2020 as a legal intern and became an attorney in 2022. Before attending law school, Chloe worked in Community Mental Health and Mental Health Court as a direct support professional for adults with intellectual and developmental disabilities.

She also has experience as an advocacy counselor for adult and youth survivors of sexual assault and domestic violence. Chloe's work at DRW involves working with patients acquitted Not Guilty by Reason of Insanity (NGRI), conducting investigations of abuse and neglect in facilities, engaging in legislative advocacy, representing in guardianship proceedings, and monitoring systemic litigation and settlements.

Chloe graduated cum laude from the Seattle University School of Law. She identifies as a mixed-race, queer, and disabled woman.

State Independent Living Council Representative

Kimberly Meck (she/her) has served as the leader of the Disability Empowerment Center since 2014, bringing over 30 years of experience in social services. In addition to being certified as a Rehabilitation Counselor and Disability Management Specialist, she holds a master's degree in rehabilitation counseling from Utah State University and a bachelor's degree

in social work from Pacific Lutheran University. Kimberly currently serves as the chair of the Washington State Independent Living Council and the Region 10 representative for the National Council for Independent Living.

She is also the cofounder of the King County Disability Consortium (KCDC), an informational and advocacy group for disability service providers and individuals. At the local, county, state, and national levels, Kimberly is a successful advocate for disability access, equity, and inclusion. As a person with a disability, Kimberly firmly believes that disability rights are civil rights and that every individual has the right to live as independently as they choose.

The National Alliance on Mental Illness (NAMI)

Marilyn Roberts, originally from Mason County, has been a Thurston County resident since 1982. Her career in healthcare spanned over 30 years in both clinical and administrative capacities, culminating in her retirement from Providence St. Peter Hospital in 2017. Following her retirement, Marilyn took on the role of Director of Operations at NAMI Thurston-Mason in 2018, a position she embraced after 12 years of dedicated service as a volunteer, program leader, board member, and past president. Her leadership at NAMI Thurston-Mason also included roles as Vice President and President, leading up to her current position as Executive Director.

Her advocacy extends to serving on the Thurston County Treatment Sales Tax Advisory Board from 2018 to 2023 and the Governor's General Advisory Committee on the class-action lawsuit, Trueblood, since 2013. Marilyn is an

active participant in local advocacy efforts with the Thurston County Innovative Justice Committee and Justice Not Jails.

Arc of Spokane Representative

Pamela Norr is the CEO of The Arc of Spokane, and has been a nonprofit leader for 30 years, serving organizations in healthcare, aging populations, food instability, and houselessness. She joined The Arc of Spokane in 2023. Pam is a transformational leader with expertise in board development, strategic planning, development, and public relations. She is a visionary who focuses on growth and sustainability. Pam has a household full of family members, which include her 90-year-old mother, an adult son with autism, an adult daughter who frequently travels in search of meaningful work, her artist husband, and two rescue dogs. She is blind in her right eye and is passionate about supporting others and their rights.

Court Users with Lived Experience Representative

Lacey Robins, a native Washingtonian and freelance artist, has channeled her talents across various independent and established companies. She is a University of Washington graduate with two bachelor's degrees, a Bachelor of Arts and a Bachelor of Science, and has a deep love for the arts and all things creative.

Ms. Robins is a C-6 spinal cord quadriplegic, a condition that has not dampened her passion for creativity, though she faces some external challenges. Her father, a longtime judicial clerk in Pierce County District

Court, has been a significant influence, inspiring her awareness and advocacy for accessibility within the judicial system.

As a person with disabilities, Lacey understands the challenges that people with disabilities face in a society that is not fully accessible. She is committed to advocating for expanded opportunities and in reducing barriers to improve quality of life for all people with disabilities.

Administrative Office of the Courts Staff

Joslyn Nelson is a Senior Court Program Analyst at the Administrative Office of the Courts overseeing the Washington State Supreme Court Disability Justice Task Force. She holds a BA in Political Science and U.S. History from Evergreen State College. Previously, she was the court program analyst for the Board for Judicial Administration Electronic Monitoring with Victim Notifications Technology program for domestic violence victims.

Joslyn has a disability and family members with disabilities. She brings both personal and professional passion to her work, informed by a deep understanding of intersectionality and how justice and accessibility affect every aspect of life for individuals with disabilities. She speaks to universities and state agencies on access to justice issues, utilizing a disability justice lens.

As the founder and first Chair of the Statewide Disability Inclusion Network (DIN) Business Resource Group, Joslyn has driven policy reforms, accessibility initiatives, and Executive Orders. She played a key role in

establishing Olympia's Social Justice and Equity Commission, integrating disability justice into its framework.

Joslyn has been recognized with the "Disability Advocate of the Year Award" in 2022, for her leadership and commitment to inclusion. She also developed the DIN award system to honor contributions to disability inclusion and accessibility and continues to consult with agency leaders and law enforcement on advancing disability inclusion.

Research and Recommendations Sub-Committee

The Research and Recommendations Subcommittee worked closely with the KGM Consulting research team throughout the study process. They reviewed preliminary findings, provided input, and helped shape the final recommendations to improve access and equity in Washington's legal system. Their collaboration ensured that the recommendations were grounded in data and informed by the lived experiences of people with disabilities.

The Research and Recommendations Sub-committee Chairs:
Judge Camara Banfield, Clark County Superior Courts, and Supreme Court Librarian Rob Mead.

The Committee Members:

Ashley Callan, Judge David Freeman, Ali Kingston, Dave Lucas, Michael Mackillop, Sarah Norton, Adrienne Stuart.

This research project was done in collaboration with KMG Consulting Firm.

Research Team

KMG Consulting Firm is a Diversity, Equity, Inclusion, Accessibility, and Belonging (DEIAB) consulting firm that uses research methods to support the implementation of inclusive practices in the workplace and local government. Their expertise includes assessments, market analysis, strategic planning, curriculum design, and training on various intersectional topics with a specific focus on disability justice.

KMG Consulting Firm Team (Biographies available in Appendix)

Alexandra Audate, Esq., LL.M. (Disability Justice Lead)

Jerri Ann Berry Danso, M.S., M.S., Ph.D. (student) (Research Lead)

Kabir Amari, M.Ed. (Researcher, Team, and Project Supervisor)

Andraéa Lavant (Digital Accessibility Lead - LaVant Consulting, Inc.)

Team Members

Mary Rojas, Esq., M.A. (Legal Consultant)

WaziHanska Cook, M.A. (Native Court Users Outreach Consultant)

Jennifer Osse, B.A. (Accessibility Associate)

Olivier Audate, B.A. (Digital Accessibility Associate)

Camille Williams, B.A. (Copywriter)

Duresny Nemorin, B.S. (Graphic Design Associate)

For this project, KMG centered its work using the following frameworks:

Data equity

The Ten Disability Justice Principles by Sins Invalid, and

Disability Critical Race Theory (DisCrit)

Data Equity

Data equity states that data is not objective. Usually, those with the most power, influence, and resources (funding) push vulnerable communities to provide accounts of their everyday lives and conditions without empowering a co-design model in which the community is at the forefront of decision-making. Data equity might assert that those closest to the problem are also closest to the most effective solutions.

As such, data should realistically capture a population's diverse demographics. Data equity requires the analysts to compare the social identities of the sample set to the social identities of the larger population (representative sampling). The analyst must ask, "Do I have an accurate and inclusive representation of the racial, ethnic, gender, sexual orientation, ability/disability, regional, socio-economic status, and age diversity of the area?"

Further, data analysts must also consider historical, structural, and institutional inequities (the legacy of redlining and racial segregation, lack of disability access in architecture and advertisements, language barriers, etc.) that may affect the analyst's ability to capture minority and marginalized

populations. This consideration will assist the analyst in rectifying any social identity disparities.

Data equity requires analysts to collect and use data equitably. Data can increase or decrease inequities already present and pervasive in our society. It is the responsibility of the analyst to ensure that data is collected fairly and used appropriately with the subject's (respondent's) best interests in mind. Historically, and without a data equity framework, data has been extracted from marginalized communities and used for the benefit of those with the most privilege, power, and resources (funding). A data equity framework confronts and reverses this phenomenon.

Disability Justice Principles

The 10 Principles of Disability Justice were created by the disability advocacy organization, Sins Invalid. Drawing directly from the lived experiences of its founders, Sins Invalid was created by queer women of color with disabilities. The organization centers the perspectives of those who navigate multiple, intersecting forms of marginalization and oppression. Patty Berne, Mia Mingus, and the late Stacey Milbern coined the term "Disability Justice" in 2005, and the 10 principles that accompany the term were developed in 2015. The 10 principles of disability justice were created to address the interconnectedness of all systems of oppression, especially for people with disabilities with multiple marginalized identities. Disability justice differs significantly from traditional disability rights and accessibility frameworks, which focus on legal compliance. Disability justice, in contrast, examines the cultural and systemic impacts of ableism and how these systems devalue

persons with disabilities, rendering them *invalid* members of the current economic and cultural structures.

Dis/ability Critical Race Theory (DisCrit)

Dis/ability Critical Race Theory, also known as DisCrit theory[305], is a framework by Dr. Subini Ancy Annamma used to analyze the ways in which race/racism, dis/ability, and ableism within our various social systems, particularly education, converge and compound to disproportionally affect people of color.

This framework requires us to use an intersectional analysis when collecting and analyzing data on the experiences of persons with disabilities. Within the study, it was used to specifically highlight how race affected the experience of persons with disabilities within the court system.

Study Rollout Sub-Committee

The Study Rollout Subcommittee of the Disability Justice Task Force was responsible for planning how the study would be shared with courts, legal organizations, community partners, and people with disabilities. The subcommittee worked in coordination with the KGM Consulting research team to help ensure that outreach and engagement strategies were aligned with the study's goals. They guided the rollout and engagement plan to reflect the diverse experiences of people with disabilities across the state.

[305] Subini Ancy Annamma , David Connor & Beth Ferri (2013) Dis/ability critical race studies (DisCrit): theorizing at the intersections of race and dis/ability, Race Ethnicity and Education, 16:1, 1-31, DOI: 10.1080/13613324.2012.730511 To link to this article: https://doi.org/10.1080/13613324.2012.730511

The Study Roll-out Subcommittee Chairs:

Former Commissioner Rebekah Zinn and former Administrative Office of the Court ADA coordinator Jonathan Whitby

The Committee Members:

Jonathan Ko, Chloe Merino, Rob Mead, Dale Slack, Carina Tong

The study rollout committee was supported by community outreach consultants from Epiphanies of Equity.

Community Outreach Team

Epiphanies of Equity (EOE) is a social equity consulting, education, and research group in Seattle, Washington. EOE focuses on transformative, intersectional, and taproot solutions for organizations, businesses, and governments looking to increase their progress and success in achieving their social equity mission and goals.

EOE was established in February 2018. Since then, it has shared space with over 250 clients nationwide.

Epiphanies of Equity uses philosophies of change management and leadership, social and organizational psychology, community accountability, and rapport-building through resolution and repair, and backward mapping approaches in policy and cultural assessments.

EOE's Team Members

ChrisTiana ObeySumner - Principal and Founder

Kalisto Zenda Nanen (Listo) - Junior Consultant and Project Manager
Fabián Guido (they/them) - Director of Executive Administration

EOE's Approach

Social Equity can be understood as the work towards achieving and sustaining societal equity and progress. For this purpose, EOE focuses on the humans who would be designing, implementing, interpreting, and experiencing as the core variable and animating factor of any initiative, policy, goal, or mission – No matter how objective or qualitative it may be. Epiphanies of Equity's foundation within social psychology, social construct theory, and change management principles establish our framework and approach to recognize, resolve, and repair all threats and violations of social equity.

This includes explicit shows of bias, discrimination, rapport breakdown, inequitable impact, and implicit, unconscious, and unintentional origins of inequity. EOE works towards pathways of forward progress and deep-rooted resolution by acknowledging humans' infinitely unique and complex nature and facilitating empathetically direct and celebratory journeys from "well-intentioned to well-aware."

Epiphanies of Equity embrace humans' multi-dimensional, non-linear, complicated, and ever-changing nature when working in the community with each other towards shared goals. EOE joyfully applies a multi-faceted and intersectional lens that weaves together the shared goals of every member of the community – whether it be a team, department, organization,

municipality, or more – into a tapestry of approaches, strategies, tactics, and solutions that provide multiple pathways toward shared goals.

Symposium Subcommittee

The DJTF Symposium Subcommittee was responsible for planning the Disability Justice Task Force Symposium. This subcommittee developed the event structure, confirmed speakers, coordinated logistics, and ensured that the symposium upheld the core principles of Disability Justice. Their work prioritized accessibility, cross-disability representation, and engagement with individuals most impacted by court systems. The resulting event served as both a capstone to the Task Force's work and a catalyst for future action.

Symposium Planning Subcommittee Chair:
Judge Meng Li Che

The committee members:
Ali Kingston, Michael Mackillop, Judge Aimee Maurer, Sarah Norton, Judge Gloria Ochoa-Bruck, and Constance White.

Additional Thank You

The Disability Justice Taskforce would also like to thank the courts, organizations, and those who have helped along the way with this project by sharing resources and data with the taskforce. Your support and dedication to this project were incredibly valuable.

Courts

Adams County Superior Court

Bonney Lake Municipal Court

Chehalis Municipal Court

City of Olympia Community Court

City of Spokane Municipal Court

Court of Appeals Division I

Court of Appeals Division II

Franklin County District Court

Grays Harbor County District Court

Jefferson County Superior Court

King County Superior Court

Lake Forest Municipal Court

Lower Kittitas County District Court

Lower Kittitas County Superior Court

Marysville Municipal Court

Mason County District Court

Office of Administrative Hearings

Office of Civil Legal Aid

Olympia Municipal Court

Pasco Municipal Court

Puyallup Municipal Court

Renton Municipal Court

Spokane County District Court

Thurston County District Court

Whatcom County Superior Court

Organizations

Washington State Center for Court Research

Washington State Children, Youth, and Families Services

Washington State Department of Corrections

Washington State Gender and Justice Commission

Washington State Language Access Commission

Washington State Minority and Justice Commission

Chief Seattle Club

DJTF Steering Committee members

- Judge David Freeman, King County Superior Court
- Ronda Biley, King County ADA Coordinator
- Donna Cole, Speech Pathologist at Provail
- Carrier Griffin Basses, CoDesign Works
- Robert Lichtenberg, Former Administrative Office of the Court Senior Court Program Analyst for the Disability Justice Task Force
- Carolyn Cole, Former Administrative Office of the Court Equity & Access Lead
- Heather D. Evans, Ph.D., Assistant Professor of Department of Rehabilitation Medicine& Director of Disability Studies Program at the University of Washington, Director of Research at the NW ADA Center, and Associate Director at the ADA National Network Knowledge Translation Center
- Katie Warden, JD, PhD, Director of the Northwest ADA Center.

APPENDIX B

BIOGRAPHIES OF TEAM MEMBERS KMG CONSULTING FIRM

Kabir Amari, M. Ed. (they/them) Team and Project Supervisor

Kabir Amari is the Chief Executive Officer and founder of KMG Consulting Firm, and one of the lead strategists and researchers for this project. They are a proud graduate of The Johns Hopkins University, earning a master's degree in education, and Florida A&M University, where they earned a Bachelor of Science degree in political science with a minor in global security studies and international relations.

Kabir Amari facilitates trainings that help participants critically examine the ways that implicit bias related to race, gender, and disability impacts the work environment and team productivity.

They have an extensive background in Diversity, Equity, Inclusion, Accessibility, and Belonging (DEIAB) and have facilitated over 350 courses for organizations across the U.S. on intersectionality, racial, gender, and disability equity. They constantly engage in professional development work to better develop and inform their craft. Kabir Amari completed the Kingian (Rev. Dr. Martin Luther King, Jr.) Nonviolence 365 © training with the MLK Center in Atlanta, GA. Like Dr. King, their values are rooted in nonviolence and love for humanity.

Before founding KMG Consulting, they worked as a DEIAB strategist within the seventh-largest school district in the U.S. and as a National

Managing Director at Teach for America. Within these roles, they facilitated dozens of focus groups, created curricula for numerous certification courses, and guided several large-scale entities through the creation and implementation of DEIAB strategic plans. As a DEIAB practitioner with a background in education, they utilize proven pedagogical techniques to engage and inform their training participants. Kabir Amari's work in DEIAB on behalf of transgender and gender-expansive youth has been twice published by the National Academies of Sciences, Engineering, and Medicine.

Alexandra Stephanie Audate, Esq., LL.M. (she/her) Disability Justice Lead

Alexandra Stephanie Audate is a licensed attorney in Florida. She joins KMG Consulting with nearly two decades of experience in DEIAB consulting, organizational management, and legal compliance. She is a graduate of St. Thomas University, where she earned a Bachelor's degree, a law degree, and a Master of Laws (LL.M.) in Intercultural Human Rights.

Alexandra is a disability justice expert, a well-respected lawyer, and a trained restorative justice practitioner who focuses on community healing in response to systemic harm, particularly ableism and racism.

Before working as a consultant, she was a litigator, mainly representing non-English-speaking clients and clients with disabilities. As a person with disabilities, she often advocated on behalf of her clients in and out of the courtroom.

In her career, she has worked as the Deputy Director of a major nonprofit organization, coached various CEOs and executive directors

through the incorporation of disability justice principles in their organizations, the implementation of compliance processes, and managed several law firms. She has supported them in recreating organizational structures, drafting and implementing strategic plans, and revamping their mission statements, processes, and policies to become more inclusive and equitable.

Alexandra is fluent in English, Spanish, Haitian Creole, and French.

Jerri Berry Danso, M.S., M.S., Ph.D. (in progress) (she/her) Research Lead

Jerri Berry Danso is a research and evaluation consultant with over a decade of professional experience in assessment, methodology, research, and evaluation across diverse contexts, including higher education institutions, nonprofit organizations, and community-based initiatives. She holds a Bachelor's degree in Business Administration (major in Management), a Master's degree in Student Personnel in Higher Education, and an additional Master's degree in Research and Evaluation Methodology, all from the University of Florida. Jerri is currently pursuing her doctoral studies full-time in Evaluation, Statistics, and Methodology at the University of Tennessee, Knoxville.

Throughout her career, Jerri has consistently dedicated herself to enhancing the quality and equity of educational and community outcomes through robust and culturally responsive measurement practices. Her extensive background includes leading institutional assessment initiatives, designing comprehensive research methodologies, and implementing innovative evaluation strategies tailored to diverse educational and community settings. Driven by a profound commitment to social impact, Jerri employs an equity-focused approach, ensuring that her methods remain inclusive and responsive to the unique needs of the communities she serves.

Her passion lies in leveraging rigorous data analysis and methodological expertise to inform policy decisions and foster meaningful change. Her enthusiasm for community betterment is matched only by her dedication to empowering stakeholders through meaningful, data-driven insights.

Beyond her professional commitments, Jerri is an avid reader who deeply values quality time with her family, including her spouse and vibrant three-year-old son. She enjoys connecting with people, visiting theme parks, going on nature walks, and finding joy in life's simple, everyday moments.

Mary Rojas, Esq., M.A. (she/her) - Legal Consultant

Mary Rojas is an attorney, social justice advocate, and immigration and criminal justice consultant with KMG Consulting Firm.

Mary's education began at *home,* surrounded by her family of strong Guatemalan and Dominican women. With a Bachelor's degree in Criminal Justice, a Master's degree in Pastoral Ministry, and a Juris Doctor degree from the Benjamin L. Crump College of Law at St. Thomas University, Mary possesses a unique blend of legal expertise and a compassionate approach to helping others. She worked as a high school educator for six years, where she was proud to have truly worked to empower her students.

As an Assistant Public Defender in Miami-Dade and Broward County, Mary has witnessed how critical language access is in navigating the complexities of the legal system. Her lived experiences as a child of immigration, her passion for social justice, and her commitment to social change have made her a fierce advocate in and out of the courtroom. Over the years, she has proven herself to be a sharp litigator and compassionate counsel for her clients who are trying to maneuver the criminal justice system

and the prison-industrial complex. She has dedicated her career to championing the rights of marginalized communities and breaking down barriers for people of color in all settings. With a deep-rooted commitment to social justice, Mary Rojas stands as part of the 2% of Latina attorneys in the United States. She firmly believes in creating a more inclusive and equitable society, where every voice is heard and every individual is treated with dignity and respect.

Mary's unwavering dedication extends beyond the courtroom. Whether representing clients in court or working on advocacy campaigns, her goal is to empower people to educate and advocate for themselves. Mary aims to educate and empower individuals by providing valuable resources, insights, and updates on legal and non-legal matters.

In her spare time, Mary enjoys traveling, dancing, and going to concerts. She is a proud native and resident of Miami-Dade County, FL.

WaziHanska Cook (he/him) - Native Court Users Outreach Consultant

WaziHanska Cook has over 35 years of experience as a teacher, administrator, and leader in American Indian education. He retired as National Senior Managing Director of Teach For America's Native Alliance, serving American Indian, Alaska Native, and Native Hawaiian students. Prior to joining the staff at Teach For America, he was the principal of Pine Ridge High School on the Pine Ridge Reservation in South Dakota. Cook has served as president and board member of the National Indian Education Association (2006-09 and 2014-2017), and board member of the South Dakota Education Association, South Dakota Indian Education Association, and as a founding

school board member at the American Indian Academy of Denver. In addition, WaziHanska served on the Technical Review Panel of the National Indian Education Study and was previously called to serve by President Obama on the National Advisory Council on Indian Education.

Cook is the recipient of many teaching awards, including Teacher of the Year at Little Wound, Lower Brule, and Crow Creek Tribal Schools; South Dakota's 2005 Milken National Educator; Crazy Horse Memorial/SD American Indian 2006 Teacher of the Year; and the National Indian Education Association 2006 Teacher of the Year. Additionally, Cook has been named one of Black Hills State University's 125 Most Accomplished Alumni.

An enrolled citizen of the Oglala Lakota Nation, Cook received his bachelor's degree in secondary education from Black Hills State University and a master's degree in education administration from Oglala Lakota College. He is married to Daphne Richards-Cook, and they have two sons.

Cook is retired and works as a contracted consultant with KMG Consulting Firm.

APPENDIX C

BIOGRAPHIES OF TEAM MEMBERS EPIPHANIES OF EQUITY

ChrisTiana ObeySumner (they/them) - Founder and Principal Consultant of Epiphanies of Equity.

For two decades, ChrisTiana has dedicated their life and career to amplifying the importance of social equity – defined as the lifelong work of deconstructing inequitable sociological impacts and products such as policies, institutions, cultures, biases, and constructs; and facilitating strategic and embodied pathways towards the construction of equitable processes, accountability structures, and outcomes.

Throughout their consulting career, they have worked with over 325 organizations across the U.S. and in Europe. These clients span a wide berth internationally and across several focus areas and methodologies. Notable Municipal clients include: The WA State Bar Association, The WA State Department of Commerce, King County Library Services, The WA State Supreme Court, The Snohomish County Public Defenders Association, The King County Offices of Public Health, and WA State Department of Health.

Kalisto Zenda Nanen (Listo) (he/ze/they) - Junior Consultant and Project Manager

Kalisto Zenda Nanen is a Project Manager & Associate Consultant. They earned a BA in Anthropology, a B.A. in Broadcast & Print Journalism (University of Montana- Missoula), and a Masters of Science in Environmental Science & Sustainability at Unity Environmental University. For the past 15 years, they have created passions, projects, and dedication

to create, listen, and inform inclusive spaces for the disabled community and persons of the global majority; promote and generate opportunities for LGBTQIA Youth, and generate reforested Oak Savannahs.

Before working with Epiphanies of Equity, Kalisto has worked at and supported work as an editor at Artichoke Press Missoula Montana, a Living History Docent at Fort Missoula, a Visitor Service Assistant at Museum of Flight SeaTac, Visitor Services Assistant and Wharf and Moorage Management at The Center for Wooden Boats, Funeral Director & Embalmer Intern at MB Daniel Mortuary Services and served on the boards for Seattle's Camp Ten Trees and Lavender Rights Project.

Fabián Guido (they/them) - Director of Executive Administration

Fabián is a community organizer, artist, Disability Justice cultural worker, and administrative professional. Fabián earned a B.A. in Sociology from Seattle University, and outside of work, has been involved in movement-work primarily with queer and trans people of the global majority (POGM) for 8 years to advance community organizing and mutual aid projects related to mental health, healing justice, QTBIPOC relationship building, Disability Justice, anti-racism work, and care-work.

Core to their work is creating thriving community networks where everyone's needs are met. For this to be possible, especially regarding social equity work, it must be sustainable if we are in it for the long haul. Fabián has worked in the administrative field for 7 years (primarily in nonprofit and academic settings), doing just that: collaborating to create high-level administrative procedures, processes, and strategies so that the work we do is truly sustainable. Fabián lived in Seattle for 9 years before returning to Portland, OR. When they are not at work, they are likely taking another dance

class, getting lost in a bookstore, sharing meals with a loved one, or floating on a body of water if it's a sunny day in Portland!

APPENDIX D

The following chart[306] demonstrates the complexity of criminal jurisdiction in Indian country* (Although commonly used in a colloquial manner when referring to Indian people and where they live, Indian Country is a legal term defined by statute)

Offender	Victim	Crime	Location	Jurisdiction
Tribal member	Tribal member	Enumerated/ Felony	Indian Country	Tribal and Federal *except on reservations or states that have been conferred jurisdiction under P.L. 280. In this case the State has jurisdiction.
Tribal member	Non-Tribal member	Misdemeanor	Indian Country	Tribal only
Tribal member	Non-Tribal member	Enumerated/ Felony	Indian Country	Tribal and Federal *except on reservations or states that have been conferred jurisdiction under P.L. 280. In this case the State has jurisdiction.
Tribal member	Tribal member	Misdemeanor	Indian Country	Tribal only
Non-Tribal member	Tribal member	Misdemeanor or Enumerated/ Felony	Indian Country	Federal or State
Non-Tribal member	Non-Tribal member	Misdemeanor or Enumerated/ Felony	Indian Country	Federal or State
Tribal member or non-Tribal member	Tribal member or Non-Tribal member	Misdemeanor or Enumerated/ Felony	Outside Indian Country	State only

S. DJ Offices

[306] This chart was borrowed from: Fox, D.L., Hansen C.D., Miller, A.M., Over-Incarceration Of Native Americans: Roots, Inequities, And Solutions, Safety + Justice Challenge Report (2022). https://safetyandjusticechallenge.org/wp-content/uploads/2022/07/OverIncarcerationOfNativeAmericans.pdf

APPENDIX E

Website Audit Report

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Introduction: What we did

The table of contents above allows you to skip to any section. This report is an executive summary of the findings from our accessibility audit and usability testing with people with disabilities. An accessibility audit checks whether your website conforms to the Web Content Accessibility Guidelines (WCAG). Usability testing evaluates how effectively people with disabilities can interact with and understand the site.

This report explains what we did, how we did it, how to use our deliverables, what we found, and what to do next. We have separated our findings between the WCAG audit and usability testing to help you understand how conformance issues impact people with disabilities.

2. Overview

Client: [Anonymized] Website

Conformance target: WCAG 2.2 level AA

Technical report

See the Audit Findings Spreadsheet for a complete list of all findings, descriptions, recommendations, and more.

3. Scope

We conducted a WCAG2.2 Level A-AA audit of a limited representative sample of pages from the website.

Audit

The audit focused on a representative sample of unique views and components, including comprehensive automated, guided, and manual testing.

Unique views

1. Main page
2. Representing Yourself
3. Calendar

Tests

- Automated testing
- Guided testing
- Keyboard only
- Screen reader (Non-visual desktop access (NVDA) + VoiceOver)
- color contrast
- High contrast
- 200% Zoom
- 400% zoom

Configurations

- NVDA/Chrome/Windows

- VoiceOver/Firefox/MacOS

For more details on our audit methodology, please see the “Annex” section.

4. Understanding your deliverables

Your deliverables include the Audit Report (high-level summary) and the Audit Findings Spreadsheet (detailed list of findings).

Audit Report (this document)

The Audit Report provides a high-level overview of the audit findings, enabling stakeholders to grasp the current state of accessibility in their project quickly.

For detailed information, please refer to the Audit Findings Spreadsheet.

Audit Findings Spreadsheet

The Audit Findings Spreadsheet is designed to help key stakeholders, such as developers, designers, and editors, understand the findings and solutions from the audit. It contains in-depth details, WCAG 2.2 success criteria status, and more. It also includes a recommended list of findings to remediate first in the “5. Start here” sheet.

This technical resource will serve as the primary reference throughout the remediation phase of the project.

For more information on each column, refer to the “4a. Findings explained” sheet in the Audit Findings Spreadsheet.

5. Summary of audit findings

This section provides a high-level summary of the audit's findings. For more information, please refer to the Audit Findings Spreadsheet.

We identified 42 findings, 34 of which are WCAG-specific issues and 8 are Expert Observations.

What you did well

Consistent visual hierarchy

The website conveys a consistent and meaningful visual hierarchy. Breadcrumbs, in-page navigation, and headings mostly provide a meaningful visual structure for users.

Robust mobile responsiveness

Outside of isolated areas, the website is adaptable across different devices and platforms. Its responsive design effectively scales content across different screen sizes.

Top findings

The main menu presents major barriers

The main navigation menu contains several accessibility issues that prevent users from effectively perceiving and interacting with it.

These include reliance on mouse hover for submenu visibility, lack of visible focus indicators for keyboard users, and missing ARIA or semantic markup to communicate the menu's structure to assistive technologies.

These combined issues create significant challenges for users who rely on keyboard navigation, screen readers, or other assistive tools to access and use the main navigation system.

Incorrect use of ARIA and semantic elements

ARIA attributes and semantic HTML are used inconsistently or incorrectly across the site.

Examples include missing landmark roles, inappropriate use of roles that do not match the underlying element, and empty or redundant elements that create noise in the accessibility tree.

These issues can confuse screen reader users, hinder efficient navigation, and reduce trust in the page structure for all assistive technology users.

Important links fail color contrast requirements

The website has widespread issues with color contrast ratios falling below requirements, severely impacting readability for users with visual disabilities or color vision deficiencies.

In-page links and some in-page navigation menus do not meet the minimum contrast threshold of 4.5:1 for normal text and 3:1 for large text.

The cumulative effect of these contrast issues creates significant barriers to information access and navigation.

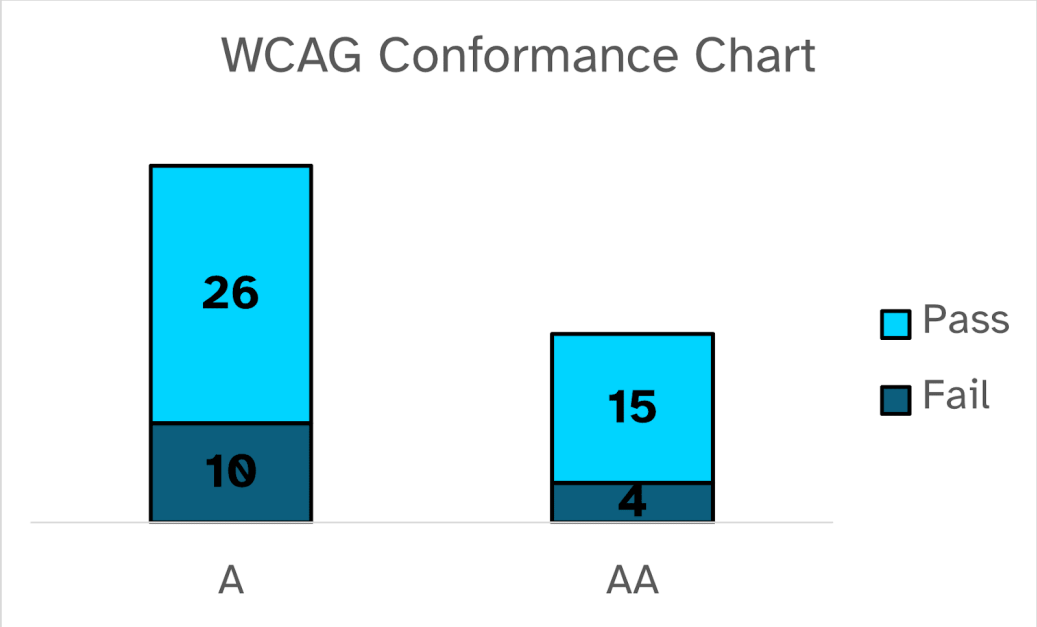
The focus indicator is not apparent

Across key interactive components, focus indicators are missing, insufficiently visible, or lack adequate color contrast. This makes it difficult for keyboard-only users and users with vision-related disabilities to track their position within the interface.

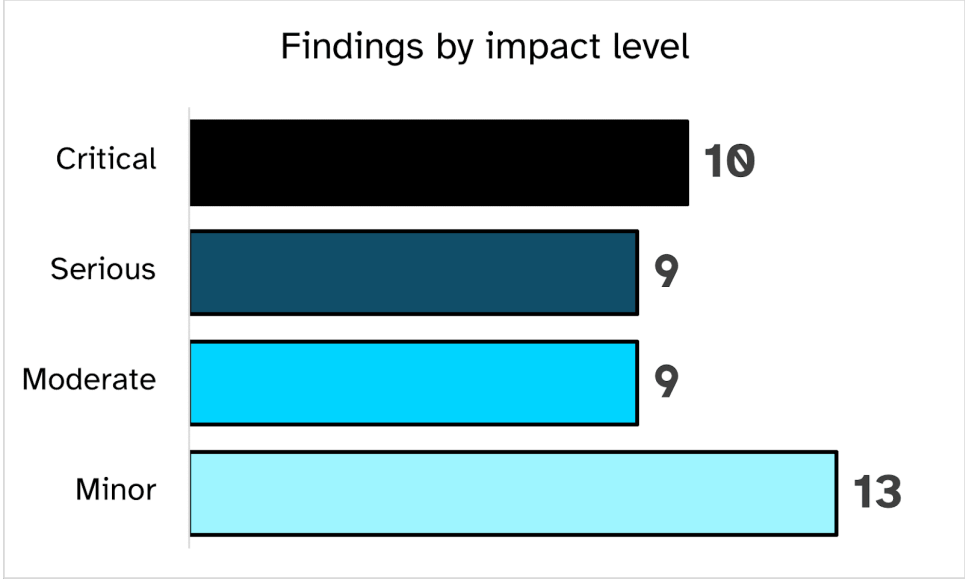
As a result, these users may become disoriented or unable to complete tasks, such as submitting forms or navigating menus, leading to significant usability and accessibility barriers.

WCAG conformance status

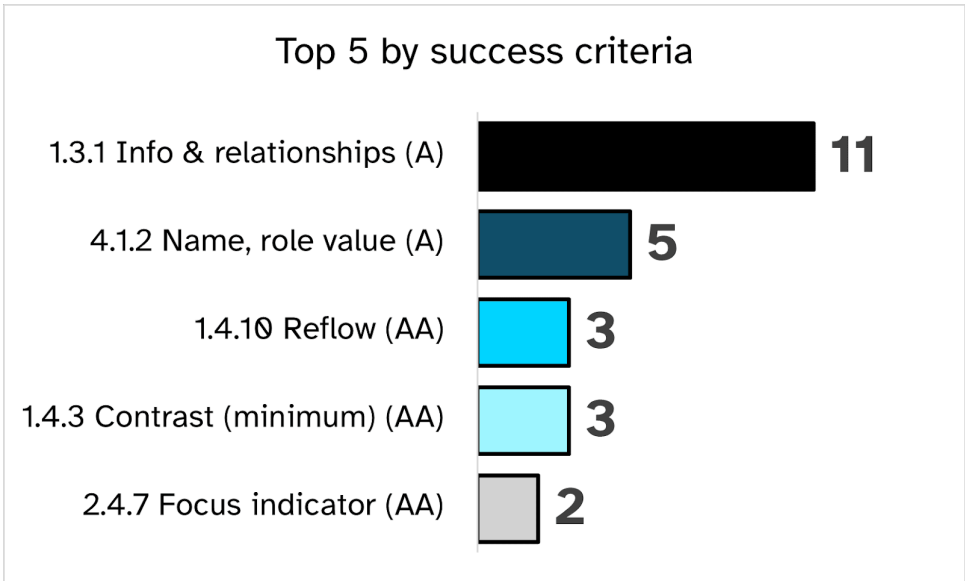
Your WCAG conformance status reflects the success criteria that passed, failed, or were not applicable during the audit. Below is a visual summary of your overall conformance for Levels A and AA.



Number of findings by impact level



Top 5 success criteria failures



6. Where to start

Within the Audit Findings Spreadsheet, there is a sheet called “Start here.” It includes the first 25 findings we recommend fixing first, which are also in bold in the spreadsheet.

These findings have been highlighted based on critical WCAG success criteria issues and user testing as they impact conformance and user barriers the most. By prioritizing these findings, you'll immediately impact key user flows and tackle some of the most significant barriers to conformance.

7. Next steps

What we've completed

- Audit**:** We conducted an audit against WCAG 2.2 A-AA level to identify issues, understand your web application's current conformance status, and give recommendations on how to fix these issues and prioritize them.

What's left to do

- Debrief meeting: Let's review our findings together and answer any remaining accessibility questions you may have.
- Remediation: You are now empowered to remediate findings to create a real-life impact.

Considerations for remediation

Here are some considerations for remediation. Let us know how we can help—we'd love to support you through your journey:

- Remediate the "start here" batch first: Section 5. Start Here includes the 10 most impactful findings, specifically separated to help the initial remediation process. Prioritizing these findings first is recommended to address real-world barriers and core conformance needs early. The findings will also likely require major stakeholders' component fixes or decisions.

- Prioritize remaining findings**:** Many organizations succeed by tackling findings based on their impact level or WCAG level. While all findings should be remediated, focusing on the most critical ones can be beneficial.
- Follow suggested solutions**:** Each finding includes a detailed solution suggestion with additional resources. These should serve as key guidance for remediation, but if you need further assistance, we are here to provide more support.
- Train and upskill stakeholders**:** We offer additional training for designers and developers, particularly in areas highlighted by this audit, such as ARIA Authoring and assistive technologies.

Annex

1. Technology & tools

These are the specific environments and tools we used for this audit.

Environment

- Operating System: Windows 11 Professional, MacOS Sequoia 15.4.1
- Browser: Chrome V134.x, Firefox 137.x
- Screen reader: NVDA V2024.4.X, VoiceOver

Tools for manual testing

- WCAG Contrast Checker
- Color Contrast Analyzer (CCA)
- A11y Quick Check (Browser Plugin)
- Web Developer By Chris Pederick (Browser Plugin)

Tools for guided testing

- ANDI (Browser Plugin)
- Microsoft's Web Accessibility Insights

Tools for automated testing

- Accessibility Cloud
- AxeDevTools
- Chrome Lighthouse

2. Understanding findings

A finding is an instance or collection of accessibility errors identified through automated, manual, or user flow testing or a combination of all three.

Findings are created in our central tool, Accessibility Cloud, and then exported to create the Audit Findings Spreadsheet. Each finding includes key details such as a brief description, suggested solutions, recommended resources, techniques for testing fixes, severity of user impact, and affected disabilities.

To simplify remediation, findings include all affected pages and components rather than individually listing every instance of an error across pages and components. Findings can also be imported into your work management system (e.g., Jira).

All findings are detailed in the Audit Findings Spreadsheet. Refer to the "4a. Findings explained" sheet for information on each column's purpose.

Impact levels

Accessibility findings can create barriers that impact various user groups in different ways. To help understand these barriers and prioritize them

effectively, our expert Accessibility Auditors assess several variables to group findings into impact levels.

Impact level	Definition
Critical	These issues block content for people with disabilities and prevent access to essential features or content. They put your organization at risk and should be prioritized for immediate remediation.
Serious	These issues create serious barriers for people with disabilities, partially preventing access to essential features or content. Users relying on assistive technologies will experience significant frustration. These are major problems, and remediation should be a priority.

Moderate	These issues create some barriers for people with disabilities, but do not prevent access to essential features or content. However, if not addressed, they will hinder conformance.
Minor	These issues are considered nuisances or annoyances (bugs), but would still hinder compliance if not fixed.

WCAG level A vs AA

We also group findings by WCAG 2.2 conformance levels A and AA.

Level A

- Basic accessibility requirements
- Minimum targeted guidelines available for accessibility
- Addresses major, obvious barriers

Level AA

- More comprehensive accessibility standards
- Minimum targeted guidelines for WCAG requirements of the EAA (European Accessibility Act)
- Addresses additional, less obvious barriers

Level AA includes all Level A requirements plus additional success criteria.

We recommend that all findings be carefully reviewed, with the impact on the user considered, regardless of whether they align with Level A or Level AA guidelines.

For further information on the requirements within WCAG 2.2, please refer to WCAG 2.2 Understanding Docs.

Disabilities affected

Each finding includes a list of impacted user groups with disabilities. Current disabilities within scope include, but are not limited to:

- Attention deficit
- Blind
- Cognitive
- Color blindness
- Deaf
- Deafblind
- Dyslexia
- Low vision
- Mobility
- Sighted keyboard users

APPENDIX F

Tab 1: Cover Sheet

1	**Scope**
2	WCAG 2.2 Level A, AA
3	Automated & manual testing
4	Web platform
5	
6	
7	**Client**
8	Website
9	
10	
11	**Testing technology & tools**
12	**OS:** Windows, MacOS
13	**Browser:** Chrome V.134.X, Firefox V.137.X
14	**Screen reader:** NVDA V.2024.4.X, VoiceOver
15	**Other accessibility tools:**
16	1. Accessibility Cloud
17	2. Microsoft's Web Accessibility Insights
18	3. ANDI (Browser Plugin)
19	4. a11y Boost: Headings Checker (Browser Plugin)
20	5. A11y Quick Check (Browser Plugin)

Tab 2: Test Matrix

Page/Component	URL	Automated testing	Guided testing	Keyboard only	Screen reader	Colour contrast	High contrast	200% zoom	400% zoom
Main Page		Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete
Representing Yourself		Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete
Calendar		Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete

Tab 3: WAG Summary

Success Criteria	Level	Testing result
1.Perceivable		
1.1 Text Alternatives		
1.1.1 Non-text Content	A	Pass
1.2 Time-based Media		
1.2.1 Audio-only and Video-only (Prerecorded)	A	Pass
1.2.2 Captions (Prerecorded)	A	Pass
1.2.3 Audio Description or Media Alternative (Prerecorded)	A	Pass
1.2.4 Captions (Live)	AA	Pass
1.2.5 Audio Description (Prerecorded)	AA	Pass
1.2.6 Sign Language (Prerecorded)	AAA	Not applicable
1.2.7 Extended Audio Description (Prerecorded)	AAA	Not applicable
1.2.8 Media Alternative (Prerecorded)	AAA	Not applicable
1.2.9 Audio-only (Live)	AAA	Not applicable
1.3 Adaptable		
1.3.1 Info and Relationships	A	Fail
1.3.2 Meaningful Sequence	A	Fail
1.3.3 Sensory Characteristics	A	Pass
1.3.4 Orientation	AA	Pass
1.3.5 Identify Input Purpose	A	Pass
1.3.6 Identify Purpose	AAA	Not applicable
1.4 Distinguishable		
1.4.1 Use of Color	A	Fail
1.4.2 Audio Control	A	Pass
1.4.3 Contrast (Minimum)	A	Fail
1.4.4 Resize Text	AA	Pass
1.4.5 Images of Text	AA	Pass
1.4.6 Contrast (Enhanced)	AAA	Not applicable
1.4.7 Low or No Background Audio	AAA	Not applicable
1.4.8 Visual Presentation	AAA	Not applicable
1.4.9 Images of Text (No Exception)	AAA	Not applicable
1.4.10 Reflow	A	Fail

Legend
Fail
Pass
Not applicable

1.4.11 Non-text Contrast	AA	Fail
1.4.12 Text Spacing	AA	Pass
1.4.13 Content on Hover or Focus	AA	Fail
2. Operable		
2.1 Keyboard Accessible		
2.1.1 Keyboard	A	Fail
2.1.2 No Keyboard Trap	A	Pass
2.1.3 Keyboard (No Exception)	AAA	Not applicable
2.1.4 Character Key Shortcuts	A	Pass
2.2 Enough Time		
2.2.1 Timing Adjustable	A	Fail
2.2.2 Pause, Stop, Hide	A	Pass
2.2.3 No Timing	AAA	Not applicable
2.2.4 Interruptions	AAA	Not applicable
2.2.5 Re-authenticating	AAA	Not applicable
2.2.6 Timeouts	AAA	Not applicable
2.3 Seizures and Physical Reactions		
2.3.1 Three Flashes or Below Threshold	A	Pass
2.3.2 Three Flashes	AAA	Not applicable
2.3.3 Animation from Interactions	AAA	Not applicable
2.4 Navigable		
2.4.1 Bypass Blocks	A	Fail
2.4.2 Page Titled	A	Pass
2.4.3 Focus Order	A	Fail
2.4.4 Link Purpose (In Context)	A	Pass
2.4.5 Multiple Ways	AA	Pass
2.4.6 Headings and Labels	AA	Fail
2.4.7 Focus Visible	A	Fail
2.4.8 Location	AAA	Not applicable
2.4.9 Link Purpose (Link Only)	AAA	Not applicable
2.4.10 Section Headings	AAA	Not applicable

2.4.11 Focus Not Obscured (Minimum)	AA	Pass
2.4.12 Focus Not Obscured (Enhanced)	AAA	Not applicable
2.4.13 Focus Appearance	AAA	Not applicable
2.5 Input Modalities		
2.5.1 Pointer Gestures	A	Pass
2.5.2 Pointer Cancellation	A	Pass
2.5.3 Label in Name	A	Pass
2.5.4 Motion Actuation	A	Pass
2.5.5 Target Size (Enhanced)	AAA	Not applicable
2.5.6 Concurrent Input Mechanisms	AAA	Not applicable
2.5.7 Dragging Movements	AA	Pass
2.5.8 Target Size (Minimum)	AA	Pass
3. Understandable		
3.1 Readable		
3.1.1 Language of Page	A	Pass
3.1.2 Language of Parts	AA	Fail
3.1.3 Unusual Words	AAA	Not applicable
3.1.4 Abbreviations	AAA	Not applicable
3.1.5 Reading Level	AAA	Not applicable
3.1.6 Pronunciation	AAA	Not applicable
3.2 Predictable		
3.2.1 On Focus	A	Pass
3.2.2 On Input	A	Pass
3.2.3 Consistent Navigation	AA	Pass
3.2.4 Consistent Identification	AA	Pass
3.2.5 Change on Request	AAA	Not applicable
3.2.6 Consistent Help	A	Pass
3.3 Input Assistance		
3.3.1 Error Identification	A	Pass
3.3.2 Labels or Instructions	A	Pass
3.3.3 Error Suggestion	AA	Pass

3.3.4 Error Prevention (Legal, Financial, Data)	AA	Pass
3.3.5 Help	AAA	Not applicable
3.3.6 Error Prevention (All)	AAA	Not applicable
3.3.7 Redundant Entry	A	Pass
3.3.8 Accessible Authentication (Minimum)	AA	Pass
3.3.9 Accessible Authentication (Enhanced)	AAA	Not applicable
4. Robust		
4.1 Compatible		
4.1.2 Name, Role, Value	A	Pass
4.1.3 Status Messages	A	Fail

Tab 4: Findings Explained

Column name	Description	Further notes
id	id representing the finding.	
Finding title	Title of the finding.	
Success criteria	The Success Criteria the finding relates to.	For a list of all Success Criteria see Sheet 3. WCAG summary
WCAG level	The WCAG Level belonging to the Success Criteria.	Level A, AA or AAA
Disabilities affected	The disability user groups affected by the finding.	Current disabilities considered include but are not limited to Attention Deficit, Blind, Cognitive, Color Blindness, Deaf, Deafblind, Dyslexia, Low Vision and Motor control.
Requires involvement of	The teams required for a fix to be implemented.	Current teams considered include but are not limited to Developer, Editor, Manager, UI designer and UX designer.
Impact	The severity of impact for the users affected.	Includes Minor, Moderate, Serious & Critical. For definitions see table starting in cell G9.
Affected pages	The pages the finding occurs on.	This can be one page or many.
Affected component	The component impacted by the finding.	
Description	A detailed description of the issue discovered within the finding, including code, screenshots and further resources where applicable.	
Why it matters	A detailed description of the impacts presented by the issue discovered within the finding.	
Solution suggestions	A detailed solution of how to remediate the issue to reach conformance and remove accessibility barriers. Including example code, screenshots and further resources where applicable.	
Screenshots	URLS to where screenshots are hosted for the finding.	

Type	Meaning

Critical	Results in blocked content for people with disabilities, and will definitely prevent them from accessing fundamental features or content. This type of issue puts your organization at risk. Prioritize fixing as soon as possible. Remediation should be a top priority.
Serious	Results in serious barriers for people with disabilities, and will partially prevent them from accessing fundamental features or content. People relying on assistive technologies will experience significant frustration as a result. Issues falling under this category are major problems, and remediation should be a priority.
Moderate	Results in some barriers for people with disabilities, but will not prevent them from accessing fundamental features or content. Will get in the way of compliance if not fixed.
Minor	Considered to be a nuisance or an annoyance bug. Will still get in the way of compliance if not fixed.

APPENDIX G

Focus Group Questions

Court Users with Psychiatric Disabilities

Starter Question:

1. Can you briefly describe your most recent interaction with the Washington court system and how it went?

Accessibility Experiences:

2. Have you participated in a court process? If so, in what role (e.g., petitioner, defendant, juror)? What accessibility challenges or barriers did you encounter? Can you also share any examples of accessible practices you experienced?

Use of Technology:

3. Have you experienced challenges with court technology, such as virtual hearings, assistive devices, or accessing digital court records? What changes could improve accessibility in these areas?

Accommodations and Support:

4. What specific accommodations or support did you request (or would you request) to ensure equitable access to the court process? Were those accommodations provided in a timely and satisfactory manner? If not, what would you recommend to improve the process?

Court Staff Knowledge and Training:

5. How knowledgeable do you feel court staff (judges, clerks, attorneys, etc.) are about disabilities and accessibility? What specific trainings, tools, or resources do you think would help them better support people with disabilities?

Bias and Attitudes:

6. Did you feel that court staff treated you fairly and respectfully during the legal process? Have you experienced or witnessed discrimination or bias in the court system? If so, can you describe any examples?

Economic Justice:

7. Have you encountered unexpected costs when participating in the court process? How did these costs affect your ability to access justice? Do you feel the court considered the financial impact of these costs on you?

Intersectionality and Other Identities:

8. Some people with disabilities identify with multiple social identity groups (e.g., race, gender, sexual orientation, veteran status, language, or income level). Have the courts supported your other identities when interacting with the legal system? How important is it to you that courts recognize and support these intersecting identities?

Information and Communication:

9. Was information about your case (e.g., legal documents, instructions, notifications) provided in an accessible format? Did judges or attorneys communicate case details in a way that was clear and easy for you to understand?

Attitudes toward people with disabilities | Inclusivity and Leadership:

10. What, if anything, have courts done to create an inclusive and supportive environment for people with disabilities? Have you seen evidence that the court values the leadership and input of people with disabilities? What additional steps could be taken to improve inclusivity?

Veterans with Disabilities in the Court System

Starter Question:

1. Can you briefly describe your most recent interaction with the Washington court system and how it went?

Accessibility Experiences:

2. Have you participated in a court process? If so, in what role (e.g., petitioner, defendant, juror)? What accessibility challenges or barriers did you encounter? Can you also share any examples of accessible practices you experienced?

Use of Technology:

3. Have you experienced challenges with court technology, such as virtual hearings, assistive devices, or accessing digital court records? What changes could improve accessibility in these areas?

Accommodations and Support:

4. What specific accommodations or support did you request (or would you request) to ensure equitable access to the court process? Were those accommodations provided in a timely and satisfactory manner? If not, what would you recommend to improve the process?

Court Staff Knowledge and Training:

5. How knowledgeable do you feel court staff (judges, clerks, attorneys, etc.) are about disabilities and accessibility? What specific

trainings, tools, or resources do you think would help them better support people with disabilities?

Bias and Attitudes:

6. Did you feel that court staff treated you fairly and respectfully during the legal process? Have you experienced or witnessed discrimination or bias in the court system? If so, can you describe any examples?

Economic Justice:

7. Have you encountered unexpected costs when participating in the court process? How did these costs affect your ability to access justice? Do you feel the court considered the financial impact of these costs on you?

Intersectionality and Other Identities:

8. Some people with disabilities identify with multiple social identity groups (e.g., race, gender, sexual orientation, veteran status, language, or income level). Have the courts supported your other identities when interacting with the legal system? How important is it to you that courts recognize and support these intersecting identities?

Information and Communication:

9. Was information about your case (e.g., legal documents, instructions, notifications) provided in an accessible format? Did judges or attorneys communicate case details in a way that was clear and easy for you to understand?

Attitudes toward people with disabilities | Inclusivity and Leadership:

10. What, if anything, have courts done to create an inclusive and supportive environment for people with disabilities? Have you seen evidence that the court values the leadership and input of people with disabilities? What additional steps could be taken to improve inclusivity?

Caregivers of Court Users with Disabilities

Background Question:

1. Has your relative or the person with disabilities in your care ever participated in a court process? If so, in what role (e.g., petitioner, defendant, juror)? What were some of the accessibility challenges you observed during their engagement with the court system?

Accessibility of Court Processes:

2. What specific accommodations or support did you or the person in your care request (or would have requested) to ensure equitable access to the court process? Were those accommodations provided in a timely and satisfactory manner?

Use of Technology:

3. Have you or the person in your care faced challenges with technology used in court, such as virtual hearings, assistive devices, or accessing digital court records? What improvements would you recommend?

Court Staff Knowledge and Training:

4. How knowledgeable do you feel court staff (judges, clerks, attorneys, etc.) are about disabilities and accessibility? What areas of training or resources would help them better support people with disabilities?

Interdependence and Relationships:

5. Have you ever been excluded from supporting the person with disabilities in your care in court because you were not legally or biologically related? If so, what challenges did this create, and how do you think courts could address this?

Court Attitudes and Leadership:

6. How would you describe the attitudes of court staff toward people with disabilities? Have you seen evidence that the court system values the leadership or input of people with disabilities in its processes?

Intersectionality and Other Identities:

7. Has the court been supportive of the person in your care's other social identities, such as their race, gender, sexual orientation, or language? How important do you feel it is for courts to recognize and support these intersecting identities?

Economic Justice:

8. Have you or the person with disabilities in your care experienced financial hardship due to unexpected court-related costs? What changes could help mitigate these challenges?

Inclusivity and Affirmation:

9. What, if anything, have you noticed the courts are already doing to create an inclusive and affirming environment for people with disabilities? What additional resources or practices could be used to help people with disabilities feel more welcomed and respected?

Final Question – Reflection:

10. If you could share one key message with the courts about improving accessibility and inclusivity for people with disabilities, what would it be? Is there anything else you would like to share?

Staff at Community Based Organizations

Attitudes Toward People with Disabilities:

1. Based on your experiences, how do court staff (judges, clerks, attorneys, etc.) demonstrate their understanding and respect for people with disabilities? Do you feel that their attitudes reflect a genuine commitment to inclusion?

Intersectionality and Identity:

2. Many people with disabilities belong to multiple social identity groups, such as communities of color, LGBTQIA2S+ individuals, or non-native English speakers. How well do you think courts recognize and support these overlapping identities in their policies and practices?

Economic Justice:

3. In your opinion, do court fees and other costs create disproportionate challenges for people with disabilities? Have you seen any efforts by courts to address the financial burden these costs impose?

Accommodations and Accessibility:

4. What specific accommodations have you observed courts providing to people with disabilities? Were these accommodations timely and effective in ensuring equitable participation in court processes?

Communication About Accommodations:

5. Do you feel that courts clearly communicate the availability of accommodations to people with disabilities? If not, how could they improve their outreach or messaging?

Collaboration with Community Organizations:

6. Have you seen courts actively collaborate with community-based organizations that serve people with disabilities or other identity groups? If so, how effective have these partnerships been in improving court accessibility?

Bias and Discrimination:

7. Have there been situations where you felt a client's disability was ignored, misunderstood, or even used against them in court? If so, how did this impact their experience or outcomes?

Application of Disability Justice Principles:

8. Do you see evidence that courts are embracing Disability Justice principles, such as leadership by individuals with disabilities, intersectionality, and commitment to wholeness and sustainability? What more could be done to embed these values in the court system?

Valuing the Experiences of People with Disabilities:

9. From your perspective, do courts meaningfully include and value the needs of court users with disabilities when making decisions that affect them? What improvements would you recommend?

Final Question:

10. If you could implement one change to make courts more inclusive and accessible for people with disabilities, what would it be? Is there anything else you would like to share? Is there anything you wish we discussed that we did not?

APPENDIX H

Interview Questions

Do you identify as a person living with one or more disabilities?

☐Yes

☐No

1. How has your experience as a person with disabilities shaped your perspective on the legal system and your role as a judge?
2. Were there any unique barriers you faced on your journey to the bench, and how did you navigate them?
3. What are some barriers you have observed for litigants with disabilities in your courtroom?
4. What does “disability justice” mean to you personally and professionally?
5. What are some of the most significant systemic obstacles individuals with disabilities face when interacting with the court system as defendants, plaintiffs, jurors, or lawyers?
6. Do you believe the legal system adequately understands and accommodates invisible disabilities or neurodivergence? Why or why not?
7. How can courts better support litigants with disabilities or witnesses navigating legal proceedings with dignity and equity?

   7a. Do you think your colleagues would agree with your response?

8. What role does language (legal or otherwise) play in reinforcing or challenging disability bias in the courtroom?

8a. Do you think courts are making meaningful efforts to use plain language in your court proceedings as opposed to legalese as a means to accommodate litigants with disabilities?

9. What changes do you believe are needed to make the court system inclusive of people with disabilities, not just physically, but also procedurally and culturally?

10. Do you find that poor litigants with disabilities or litigants of color struggle more when navigating the court system?

ADDITIONAL QUESTION - Any final thoughts/Why you agreed to the interview/Is there anything you wanted to discuss that we did not?

<u>Demographic questions</u>

Race?

Gender?

Age?

Type of county?

Position within the court?

How long have you been on the bench?

How many litigants come to the courtroom annually?

APPENDIX I

Court Practitioner Survey Questions

Thank you for being willing to participate in this important survey as part of our ongoing efforts to identify and address barriers for individuals with disabilities within the Washington court system. The purpose of this survey is to gather insights and feedback from court personnel to better understand current practices, challenges, and opportunities for improvement. Your responses will play a crucial role in shaping recommendations aimed at creating a more equitable, inclusive, and accessible judicial system. The results of this survey will inform actionable strategies to enhance physical, programmatic, and cultural accessibility within the courts.

The survey should take approximately 15 minutes to complete. We kindly ask that you be candid in your responses to ensure we capture an accurate and comprehensive understanding of the current landscape. If you're unable to answer a question, feel free to move on to the next item.

Please note that this survey is anonymous. Your responses will not be linked to you as an individual, and results will be reported only in aggregate form. Therefore, though the content of this survey is subject to public disclosure, your individual responses will not be traced back to you.

This survey is not designed to criticize or expose anyone within the court system, but instead will provide a baseline for allocating appropriate support and resources. Your input is invaluable to this initiative, and we greatly appreciate the time and thought you put into your responses. Thank you for helping us advance disability justice in Washington's judicial system.

Please complete this survey by February 21, 2025 at 11:59pm PST.

If you are having trouble accessing this survey, have questions, and/or need accommodations, please email DJTFsurvey@kmgconsultingfirm.com.

Disability Justice Task Force (DJTF)
Survey

* 1. Are you employed within a court?

- ◯ Yes (Judges, bailiffs, clerks, etc.)
- ◯ No (attorneys, contractors, DOC staff, etc.)

2. Select the court that you work with or interact with **most** of the time.

3. If you work with or interact with other courts in Washington, please list up to four additional courts below.

Leave the fields blank if you do not work with or interact with any other courts apart from the one you selected in the previous item.

Court 1

Court 2

Court 3

Court 4

* 4. Indicate your role(s) within the Washington court system.

(Select all that apply)

- [ ] Attorney (private, public, legal counsel at community-based organizations such as Disability Rights Washington, etc.)
- [ ] Staff at a Correctional Facility (including adult and juvenile facilities)
- [ ] Contractor with the court system (i.e., interpreter)
- [ ] Other (please specify)

5. In what type of court do you usually work?

(Select all that apply)

- [ ] Division of Administrative Hearings
- [ ] Municipal/district
- [ ] Superior Court
- [ ] Court of Appeals
- [ ] Supreme Court
- [ ] Tribal Court
- [ ] Other (please specify)

6. Select the court where you are employed or work **most** of the time.

7. If you work in other courts in Washington, please list up to four additional courts below.

Leave the fields blank if you do not work in any other courts apart from the one you selected in the previous item.

Court 1

Court 2

Court 3

Court 4

* 8. Which of the following most closely describes your position within the court system?

- ◯ Trial Court Judge
- ◯ Appellate Judge or Justice
- ◯ Court Clerk
- ◯ Court Staff or Administrator
- ◯ Court bailiff
- ◯ Court Case Manager
- ◯ Court ADA Coordinator
- ◯ Other (please specify)

9. How often do lower courts overlook how disabilities may affect litigants in appeals involving failure to appear at court hearings?

- ◯ Very frequently
- ◯ Occasionally
- ◯ Rarely
- ◯ Never

10. When reviewing an appeal involving a litigant with disabilities, how often do you consider whether reasonable accommodations were provided during the trial (e.g., interpreters, accessible formats)?

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never

11. If a case on appeal indicates that a pro se litigant with disabilities might not have been accommodated during the trial, do you consider this a due process issue?

- ◯ Yes, as long as it was raised during the trial
- ◯ Yes, but only if it is part of the appeal
- ◯ Yes, I would consider it even if not raised on appeal
- ◯ No

12. How often do lower courts consider broader challenges (e.g., financial hardships, transportation issues, lack of support services) when sentencing litigants with disabilities?

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never

13. In your opinion, how often have past rulings in your court addressed the needs of pro se litigants with disabilities?

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never

14. Which of the following best reflects your view on how considerations of fairness and equity for litigants with disabilities should influence legal rulings?

- ◯ Judges should consider the specific needs and circumstances of litigants with disabilities when making rulings
- ◯ Judges should consider the needs of litigants with disabilities, unless it conflicts with existing legal precedents
- ◯ I do not think that the needs of litigants with disabilities should influence legal rulings
- ◯ I'm unsure – I don't have enough knowledge to answer

15. Rate your level of agreement or disagreement with the following statement:

My fellow judges and justices are knowledgeable about issues affecting litigants with disabilities.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree

16. Since becoming an appellate judge, how many continuing legal education (CLE) courses on disability-related topics have you attended?

- ◯ None
- ◯ 1-2
- ◯ 3-5
- ◯ More than 5

Disability Justice Task Force (DJTF)
Survey

The following questions on this page inquire about considerations you make in cases involving persons with disabilities.

Your consideration may include the following:

- **Assessing fees in a case**
- **Assessing whether to ask for police support as a result of a disruption**
- **Assessing a litigant's ability to be physically present in the courtroom**
- **Determining whether the litigant understood the instructions provided**
- **Determining what sentence to impose in a criminal case**
- **Determining the litigant's ability to participate fully in court proceedings**
- **Determining a litigant's ability to comply with a court order**
  Assessing any other aspect of the case

17. In cases involving litigants with disabilities, do you ever consider the socioeconomic status of the litigant?

- ◯ Yes
- ◯ No

18. In cases involving litigants with disabilities, do you ever consider the age of the litigant?

- ◯ Yes
- ◯ No

19. In cases involving litigants with disabilities, do you ever consider the litigant's gender identity?

**gender identity is one's internal sense of their gender. It includes men, women, non-binary, agender, and other genderqueer people.*

- ◯ Yes
- ◯ No

20. In cases involving litigants with disabilities, do you ever consider the race of the litigant?

- ◯ Yes
- ◯ No

21. In cases involving litigants with disabilities, do you ever consider the sexual orientation of the litigant?

- ◯ Yes
- ◯ No

22. In cases involving litigants with disabilities, do you ever consider the education level of the litigant?

- ◯ Yes
- ◯ No

23. In cases involving litigants with disabilities, do you ever consider the litigant's English proficiency?

- ◯ Yes
- ◯ No

24. In cases involving litigants with disabilities, do you ever consider the immigration status of the litigant?

- ◯ Yes
- ◯ No

25. To what extent do you agree with the following statement?

In my court*, individuals with disabilities are in leadership roles and lead decision-making processes, particularly those related to accessibility, accommodations, and inclusion of people with disabilities.

**"my court" refers to your specific court location. If you are a court with multiple locations, such as a district court, please respond for your court's physical location, not your entire district court. For example, a county district court has four locations. This question applies to your one location; it does not include all four locations.*

- ◯ Strongly agree
- ◯ Agree
- ◯ Slightly agree
- ◯ Slightly disagree
- ◯ Disagree
- ◯ Strongly disagree
- ◯ I am not sure

26. Are any of the following therapeutic courts part of your court's resources?

(Select all that apply)

- ☐ Drug court
- ☐ Mental health court
- ☐ Veterans court
- ☐ Community court
- ☐ Autism Court
- ☐ I am not sure
- ☐ Other (please specify)

  [ ]

- ☐ My court does not have any therapeutic courts

27. If you are a judge who handles criminal cases, have you ever offered less restrictive alternatives to detention to defendants because of their disability?

- ◯ Yes
- ◯ No
- ◯ I do not handle criminal cases

28. Which of the following detention alternatives have you offered to litigants with disabilities?

(Select all that apply)

- [ ] Call-in requirements (e.g., the individual is required to periodically call an entity or individual as a condition of pretrial release)
- [ ] Referrals to pretrial, probation, or parole services
- [ ] Referral to social services or programs (e.g., substance use management programs, anger management, domestic violence support, other needs-related programs such as housing, mental healthcare, physical healthcare, employment, education, etc.)
- [ ] Electronic home monitoring
- [ ] Other (please specify)

29. In custody determination cases where at least one of the parents has a disability, do you take the nature of the parent's disability into consideration?

- ◯ Yes
- ◯ No
- ◯ I do not preside over cases involving parents/guardians with disabilities

30. How is the disability of the parent(s) considered when assessing cases?

(provide your response in the text box below)

31. In your opinion, what additional resources would help your court ensure full access to justice for individuals with disabilities?

(Select all that apply)

- [ ] More training or resources on assistive communication technology use in courts
- [ ] More training or resources on accessibility for remote meetings and hearings
- [ ] More training or resources related to language accessibility
- [ ] Funding for additional interpreters (sign language and foreign language)
- [ ] More training or resources on intersectionality
- [ ] More training or resources on the ADA and GR 33
- [ ] Funding to hire additional personnel to implement accommodations
- [ ] Training on trauma-informed care to better support persons with disabilities
- [ ] I am not sure
- [ ] Other (please specify)

- [ ] The court does not need additional resources for working with individuals living with disabilities

32. Which of the following applies to your courtroom?

(Select all that apply)

- [ ] I investigate the source of emotional outbursts before holding someone in contempt
- [ ] I do not request police intervention unless there is an immediate threat of physical violence to a person
- [ ] I allow litigants to request as many breaks as they need
- [ ] I reduce sensory stimuli (e.g., dim the lights, reduce noise, etc.) to accommodate the needs of a litigant
- [ ] All service animals are welcome
- [ ] I allow pets for emotional support
- [ ] None of these

33. In your court, can people without a familial or legal relationship (e.g., a romantic partner, a friend, a colleague, etc.) support litigants with disabilities in their proceedings?

- ◯ Yes, if they come to court with the litigant
- ◯ Yes, but only after consulting the litigant privately
- ◯ No, because I am not legally allowed to do that
- ◯ No
- ◯ Sometimes (please explain)

34. How accessible do you believe the court where you work is in the following areas?

	Fully Accessible	Partially Accessible	Not at All Accessible
Physical Access (e.g., ramps, signage, layouts)	○	○	○
Digital Access (e.g., assistive technologies, alternative forms, readable website)	○	○	○

35. Which of the following practices are present in your courtroom?

(Select all that apply)

- [ ] I inquire about transportation to and from the courthouse before requiring an in-person appearance for any litigants
- [ ] In my courtroom, I will stop the proceedings to address incidences of ableism, racism, sexism, classism, homophobia, transphobia, and xenophobia
- [ ] When I allow a person with disabilities to appear remotely, I inquire about computer access and internet reliability
- [ ] I have or would reopen a dismissed case sua sponte (without a formal motion by the party) if a person with disabilities presents proof of a medical emergency or a disability-related reason for missing their hearing
- [ ] I have practices and procedures to ensure jurors with disabilities are not excluded from jury service due to lack of accommodations
- [ ] I avoid using legalese or complex language that may be inaccessible to persons with disabilities
- [ ] I encourage persons with disabilities (litigants, witnesses, and jurors) to ask questions about complex legal issues to ensure they understand
- [ ] Other (please specify)

  _____

- [ ] None of the above

36. If a person with disabilities had a question or concern related to accessibility and/or accommodations in your courtroom, you usually direct them to:

(Select all that apply)

- [ ] A disability coordinator trained in ADA and GR 33
- [ ] An ADA coordinator trained to respond to accommodation requests
- [ ] A court clerk trained to respond to accommodation requests
- [ ] A court staff member
- [ ] I am not sure
- [ ] Another person (please specify)

  _____

- [ ] I don't usually direct them to anyone

37. Have you ever received training on physical and/or digital accessibility?

- ◯ Yes
- ◯ No

38. What obstacles or challenges, if any, have you encountered when accommodating or attempting to accommodate litigants with disabilities under GR 33 & the ADA?

(provide your response in the text box below)

39. Are you familiar with the requirements of GR 33?

- ◯ Yes
- ◯ No

40. How confident do you feel in your ability to apply GR 33 accommodations in your role?

Use the scale below to rate your level of confidence.

- ◯ Very Confident
- ◯ Moderately Confident
- ◯ Slightly Confident
- ◯ Not Confident at all

41. What kind(s) of accommodation(s) have self-represented litigants (SRLs) in non-criminal/civil matters received in your court under GR 33?

(Select all that apply)

** *A lay representative is any individual not authorized to practice law in the state of Washington.*

****Certified peer specialists/counselors are under the supervision of a mental health professional and part of a healthcare team who work that works with individuals and parents of children receiving mental health or substance use disorder services. They used their own lived experiences to help their peers find hope and to support their recovery. Certified peer counselors may also serve as an advocate for an individual in limited circumstances. What do Certified Peer Counselors do? | DSHS (wa.gov)*

- ☐ Court-appointed attorney at no cost or percentage of cost
- ☐ A court-appointed lay representative**, certified peer counselor***, coordinator, or similar individual will aid the SRL before, during, or after the court proceeding (to explain or perform functions such as filing documents, etc.)
- ☐ Providing anticipated proposed questions of witnesses to the SRL
- ☐ Other (please provide examples)

  [ ]
- ☐ None of the above

42. What kind(s) of accommodation(s) have litigants in non-criminal/civil matters received in your court under GR 33?

(Select all that apply)

- [ ] Access to communication or visual assistive technology such as (view real-time court reporting, CART (communication access real-time translation) captioning, or voice-to-text program captioning
- [ ] Access to copies of transcripts or audio records of proceedings after the proceeding and before the subsequent proceeding
- [ ] Flexibility for individuals to sit, stand, or walk as needed to accommodate their physical needs
- [ ] Access to a “quiet” room for individuals to regroup and recharge during breaks
- [ ] Shorter proceedings/more breaks as needed (including use of “safe” or “code” words by the self-represented litigant (SRL) to signal when a break is needed
- [ ] Permission of the litigant to bring an emotional support animal for comfort and support
- [ ] Other (please provide examples)

  _____

- [ ] None of the above

43. Do you agree with any of the following statements?

(Select all that apply)

- [ ] The Americans with Disabilities Act provides comprehensive support for persons with disabilities
- [ ] Disabilities should not be discussed in proceedings where the party's disability is irrelevant to the case
- [ ] Cases involving persons with disabilities take significantly longer to resolve than others
- [ ] Law enforcement and the Department of Corrections thoroughly screen for disabilities before bringing criminal defendants to court
- [ ] Lawyers utilize their clients' disabilities to gain an advantage in the proceedings
- [ ] Lawyers utilize their clients' disabilities to delay the proceedings
- [ ] I do not agree with any of the above statements

44. Are materials on disability and accommodations in your court available in languages other than English?

- ○ Yes
- ○ No
- ○ I am not sure

45. When assisting self-represented litigants (SRLs) with disabilities, which self-help centers or resources do you recommend to support their needs?

(Select all that apply)

- [ ] The self-help desk/area at the courthouse
- [ ] State bar association
- [ ] Local bar association / local legal clinics / local law library
- [ ] Coordinated Legal Education Advice and Referral (CLEAR)
- [ ] Northwest Justice Project (NJP)
- [ ] Office of Civil Legal Aid (OCLA)
- [ ] Washington Law Help
- [ ] Disability Rights Washington
- [ ] Other (please specify)

  _____

- [ ] I have not recommended self-help resources

46. How do you determine that a self-represented litigant (SRL) with disabilities qualifies for the appointment of an attorney at no cost or a share of the cost as an accommodation under GR 33?

(Select all that apply)

- [ ] I make a personal assessment of whether the appointment is necessary
- [ ] I require documentation of disability from a medical professional
- [ ] A request by a litigant with disabilities is sufficient
- [ ] Other (please specify)
- [ ] I did not know that I could provide such an accommodation

47. Have you encountered unique challenges while implementing GR 33 or the ADA for self-represented litigants (SRLs) with disabilities?

(Select the response that best represents your answer)

- ◯ No, I have not encountered any challenges
- ◯ I do not think there are any differences between the challenges of self-represented and represented litigants
- ◯ Yes, I have encountered challenges (please give examples)

48. What, if any, stereotypes or misconceptions about people with disabilities have you observed in your court system? Please provide examples and describe how these have been addressed or challenged.

(provide your response in the text box below)

49. To what extent do you believe the court where you work can alleviate systemic challenges related to economic barriers (e.g., transportation, technology access, or court fees) faced by litigants with disabilities?

- ◯ To a great extent
- ◯ To some extent
- ◯ To a small extent
- ◯ Not at all
- ◯ I am unsure

50. How would you describe the general attitude towards people with disabilities in the court(s) where you practice?

- ◯ Very positive
- ◯ Moderately positive
- ◯ Slightly positive
- ◯ Slightly negative
- ◯ Moderately negative
- ◯ Very negative

51. Which of the following best describes your position as an attorney?

- ◯ Prosecutor
- ◯ Public Defender
- ◯ Private Criminal Defense Attorney
- ◯ Personal Injury Attorney
- ◯ Family Law Attorney
- ◯ Guardianship Attorney
- ◯ Estate Planning Attorney
- ◯ Social Security Disability Attorney
- ◯ Healthcare Attorney
- ◯ Employment Attorney
- ◯ Civil Rights Attorney
- ◯ Immigration Attorney
- ◯ Civil Litigation Attorney
- ◯ Staff attorney at a legal community-based organization
- ◯ Staff attorney at the disability rights organization
- ◯ Other (please specify)

52. Indicate your level of agreement or disagreement with the following statement:

I believe that the court(s) where I practice offer(s) equitable treatment to individuals with disabilities who also face other forms of marginalization* (e.g., racism, sexism, homophobia, transphobia, classism, xenophobia, etc.)

**A "marginalized identity" is any social identity subjected to discrimination, exclusion (marginalization), or oppression. Some marginalized identities are included in the enumerated protected classes under state and federal non-discrimination laws and policies. Examples include people of color, people with disabilities, LGBTQIA+ people, women, people from low socio-economic backgrounds, and more.*

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree
- ◯ I am unsure

53. Indicate your level of agreement or disagreement with the following statement:

The court(s) where I work have actively included individuals with disabilities in leadership roles and decision-making processes, particularly those related to accessibility, accommodations, and inclusion of people with disabilities.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree
- ◯ I am unsure

54. Indicate your level of agreement or disagreement with the following statement:

The court where I practice makes an effort to meet the diverse needs of individuals with various types of non-physical disabilities (e.g., cognitive, sensory, mental health, etc.).

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree
- ◯ I am unsure

55. To what extent do you believe the court where you work can alleviate systemic challenges related to economic barriers (e.g., transportation, technology access, or court fees) faced by litigants with disabilities?

- ◯ To a great extent
- ◯ To some extent
- ◯ To a small extent
- ◯ Not at all
- ◯ I am unsure

56. Which of the following resources from community-based organizations would benefit your clients with disabilities?

(Select all that apply)

- Housing assistance
- Immigration assistance
- Financial assistance
- Educational support services
- Medical assistance
- Bilingual support services
- Faith or religious support services
- Disability community or social-emotional support services
- LGBTQIA+ support services
- Community support services for people of color
- Mental health assistance
- Substance abuse treatment programs
- Other (please specify)

57. Does your office, organization, or firm collect any of the following data?

(Select all that apply)

- Disability
- Race
- Ethnicity
- Gender identity
- Sexual orientation
- Income of litigants
- Access to transportation
- Access to computers
- English Proficiency
- Immigration Status
- I am not sure
- None of the above

58. Do the courts (or court) where you work collect any of the following data?

(Select all that apply)

- Disability
- Race
- Ethnicity
- gender identity
- sexual orientation
- Income of litigants
- Access to transportation
- Access to computers
- English Proficiency
- Immigration Status
- I am not sure
- None of the above

59. What additional resources or training would help you effectively handle cases involving litigants with disabilities?

(Select all that apply)

- Training on disability law
- Training on disability justice principles
- Enhanced support from the court system
- More efficient and effective accommodation support
- Opportunities for collaboration with disability advocates
- More comprehensive training on General Rule 33 and ADA requirements
- Other (please specify)

60. What additional resources would help the court(s) where you practice provide your clients with disabilities full access to justice?

(Select all that apply)

- Training on accessibility and accommodations
- Funding to train current personnel
- Funding for interpreters (sign language and foreign language)
- Funding to hire additional personnel to implement some of these accommodations
- Funding for court-appointed attorneys to represent people with disabilities
- Training on trauma-informed care and cultural competency for persons with disabilities
- Training on language access
- Other (please specify)

- The court does not need additional resources for working with individuals living with disabilities

61. The court(s) where you practice allow(s) individuals such as relatives, friends, partners, social workers, or caregivers—regardless of familial or legal relationship—to support your clients with disabilities.

- ◯ Yes
- ◯ No
- ◯ Sometimes (please explain)

62. How often have your clients with disabilities reported struggling to navigate the programs, services, or facilities in the court(s) where you practice?

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never
- ◯ To my knowledge, I have never had a client with a disability

63. The court(s) where I practice engage(s) in the following inclusion efforts and practices:

(Select all that apply)

- ☐ Individuals with disabilities are included in the court's promotional and educational materials
- ☐ Events include people with disabilities as participants, speakers, and planners
- ☐ Buildings, websites, and gathering spaces are accessible
- ☐ There is a mechanism to receive feedback from court users with disabilities (i.e., suggestion box, satisfaction survey, etc.)
- ☐ There are members of leadership with disabilities
- ☐ Disability-related days of celebration and awareness (e.g., disability pride month, autism awareness day, International Day of People with Disabilities) are celebrated
- ☐ There are events catered explicitly towards individuals with disabilities
- ☐ I am not sure
- ☐ Other (please specify)
- ☐ None of the above

64. How accessible do you believe the court where you work is in the following areas?

	Fully Accessible	Partially Accessible	Not at All Accessible
Physical Access (e.g., ramps, signage, layouts)	◯	◯	◯
Digital Access (e.g., assistive technologies, alternative forms, readable website)	◯	◯	◯

65. Are you familiar with the requirements found in GR 33?

- ◯ Yes
- ◯ No

66. What type(s) of training have you received on GR 33?

(Select all that apply)

- [ ] I have read GR 33
- [ ] My employer provided me with training on the definitions and processes related to GR 33
- [ ] I received training on GR 33 through a third party, such as at a continuing legal education program
- [ ] Other (please describe)
- [ ] I have not received any training on GR 33

67. When representing a client with a disability, how frequently do you request accommodations on behalf of your client under GR 33?

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never
- ◯ To my knowledge, I have never had a client with a disability

68. When representing a client with a disability, how frequently do you request accommodations on behalf of your client under The Americans with Disabilities Act (ADA)?

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never
- ◯ To my knowledge, I have never had a client with a disability

69. How are you or your clients with disabilities typically notified of the outcome of their accommodation request(s)?

(Select all that apply)

- Email
- Phone
- Mail
- In-person
- Other (please specify)
- I am unsure

70. What challenges have you observed your clients with disabilities face while navigating the court system?

(Select all that apply)

- Lack of resources in the courts
- Lack of physical accessibility for court users with mobility aids (e.g., wheelchairs, canes, etc.)
- Insufficient time or difficulty keeping pace with procedural requirements (e.g., needing more time to respond or prepare documents)
- Technological constraints (e.g., limited access to TeleTYpewriter (TTY), adaptive equipment/assistive technology, reliable internet)
- Communication barriers (e.g., difficulty verbally describing the dispute or answering questions, lack of assistive technology for alternative communication)
- Disabilities directly impacting the progression of the case (e.g., mental health issues, intellectual or developmental disabilities, chronic illness, physical disabilities, or multiple co-occurring disabilities)
- Limited awareness within the court about available accommodations or relevant laws (e.g., GR 33, Washington Law Against Discrimination)
- Insufficient training for judges, attorneys, or court staff on engaging with individuals with disabilities
- Lack of cultural competency by judges and court staff about clients with disabilities and other intersecting marginalized identities
- Other (please specify)

- I have not observed any difficulties

71. How would you describe the general attitude towards people with disabilities in the court(s) where you practice?

- ◯ Very positive
- ◯ Moderately positive
- ◯ Slightly positive
- ◯ Slightly negative
- ◯ Moderately negative
- ◯ Very negative

72. In your experience, have you observed instances where a person's disability was cited as a reason to deny them due process?

- ◯ No
- ◯ Yes (please provide examples)

73. In your experience, have you observed instances where a person's disability was used to justify an adverse ruling or decision in cases involving individuals with disabilities?

- ◯ No
- ◯ Yes (please provide examples)

74. What, if any, stereotypes or misconceptions about people with disabilities have you observed in your court system? Please provide examples and describe how these have been addressed or challenged.

(provide response in textbox below)

75. What partnerships could the court develop or strengthen to more effectively serve individuals with disabilities?

(provide your response in textbox below)

76. Which of the following have you witnessed or personally experienced?

(Select all that apply)

- Ignorant comments about persons with disabilities
- Courtrooms that are not accessible to court staff
- Failure to fully accommodate my need for extended medical leave
- Dismissal of my legitimate concerns related to accessibility
- Dismissal of other disabled people's legitimate concerns related to accessibility (including court users)
- Failure to adequately protect from abusive caregivers or partners
- Mistreatment and abuse by correctional staff, probation, or parole officers
- Mistreatment and abuse by court staff
- Excessive use of force during arrest
- Overuse of law enforcement by court practitioners
- Bullying, abuse, and harassment due to disabilities
- Hate crimes
- Loss of parental rights due to disability
- Denial of accommodations (e.g., use of service animals, proper interpretation, assistive technology, etc.)
- Discrimination in the workplace (theft of wages, unfair and unequal treatment, demotion, etc.)
- Refusal by judges and other court practitioners to use plain and/or accessible language
- Lack of investment in ensuring litigants with disabilities understand legal proceedings
- None of the above

77. Which of the following applies to your court*?

(Select all that apply)

**"your court" refers to your specific court location. If you are a court with multiple locations, such as a district court, please respond for your court's physical location, not your entire district court. For example, a county district court has four locations. This question applies to your one location; it does not include all four locations.*

- Our leadership includes people with disabilities
- Our ADA coordinator is a person with disabilities
- A person with disabilities reviews all requests for accommodations
- At least one person with disabilities oversees GR33 requests
- Our trainings and educational materials on disabilities are produced by person(s) with disabilities
- Persons with disabilities conduct all of our disability assessments and evaluations
- I am unsure
- None of the above

78. Based on your role and responsibilities, place a check beside the statements in which you would respond "yes."

(Select all that apply)

- If a person with disabilities cannot access reliable transportation, I know how to help or where to send them for help
- If a person with disabilities cannot access computers or reliable internet, I know how to help or where to send them for help
- If a person with disabilities inquires about non-legal support (i.e., transportation, housing, education, etc.), I know where to send them for assistance
- If a person with disabilities is experiencing housing or food insecurity, I know where to send them for assistance
- My court maintains an updated list of resources and social services that assist persons with disabilities
- I am selecting "No" for all the statements above

79. How often does your court collaborate with community-based organizations (e.g., affordable housing advocates, mental or physical health service providers, immigration centers) to support individuals with the intersection* of disability and other marginalized identities?

**Note - Intersectionality is an analysis tool used to understand the ways in which people with multiple marginalized social identities experience compounded forms of systemic oppression. For example, a person with disabilities who has limited English proficiency may experience more or different hardships navigating a court system or requesting accommodations compared to a person with disabilities who reads and writes in English proficiently.*

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never
- ◯ I am unsure

80. Does your court have therapeutic courts (i.e., mental health court, drug court, autism court, etc.)?

- ◯ Yes
- ◯ No
- ◯ I am unsure

81. What kind of therapeutic courts does your court have?

(Select all that apply)

- Drug court
- Mental health court
- Veterans court
- Community court
- Autism Court
- Other (please specify)

82. Does your court collect data on any of the following?

(Select all that apply)

- Disability
- Race
- Ethnicity
- Gender identity
- Sexual orientation
- Income of litigants
- Access to transportation
- Access to computers
- English Proficiency
- Immigration Status
- I am unsure
- None of the above

83. Does your court collect data on any of the following?

(Select all that apply)

- Disability of court users
- Representation of court users with disabilities (represented by counsel or self-represented)
- Requests for accommodations by court users under the ADA
- Requests for accommodations by court users under GR33
- Complaints by court users with disabilities
- Incidents of violence involving court users with disabilities
- Referrals to alternatives to detention, diversion programs, mental health programs, or other programs based on disability
- I am unsure
- Other (please specify)
- None of the above

84. Based on your response to the previous question, you indicated that your court collects certain data on court users. How have you (or the court) used the data collected to improve your services to people with disabilities?

(provide response in textbox below)

85. Does your court require you to attend annual physical and/or digital accessibility training?

- ◯ Yes, but only physical accessibility
- ◯ Yes, but only digital accessibility
- ◯ Yes, both physical and digital accessibility
- ◯ Yes, but I am not required to attend annually
- ◯ No, I am not required to attend any physical and/or digital accessibility training
- ◯ Other (please specify)

- ◯ I am not sure

86. After participating in physical and/or digital accessibility trainings, rate your level of preparedness to support court users and court employees with disabilities.

- ◯ Very prepared
- ◯ Moderately Prepared
- ◯ Slightly Prepared
- ◯ Slightly Unprepared
- ◯ Moderately Unprepared
- ◯ Very Unprepared

87. What additional resources would help your court ensure full access to justice for individuals with disabilities?

(Select all that apply)

- Additional training on accessibility and accommodations
- Learning about assistive communication technology
- Learning about cognitive and language supports
- Additional funding to train current personnel
- Funding for additional interpreters (sign language and foreign language)
- Funding to hire an ADA coordinator
- Training on trauma-informed and culturally responsive support for persons with disabilities
- Training on language access
- I am unsure
- Other (please specify)

- The court does not need additional resources for working with individuals living with disabilities

88. Which of the following requests do you accommodate in your court?

(Select all that apply)

- Requests for emotional support animals
- Requests for accompaniment by persons who are not legal guardians, parents, or spouses for support
- Requests for dimmed lights, reduced noises, and distractions
- Requests for note-takers, regardless of disability
- Requests for support filling out forms and documents in the court
- Requests to explain complex legal words and processes
- I am unsure
- Other (please specify)

- None of the above

89. How accessible do you believe the court where you work is in the following areas?

	Fully Accessible	Partially Accessible	Not at All Accessible
Physical Access (e.g., ramps, signage, layouts)	○	○	○
Digital Access (e.g., assistive technologies, alternative forms, readable website)	○	○	○

90. Which of the following are a part of your court’s inclusion efforts and practices?

(Select all that apply)

Images/videos of individuals with disabilities are included in my court’s promotional and educational materials

We have an accommodation plan for every event, gathering, and training we host
(An accommodation plan is a strategy designed to ensure all attendees, particularly those with disabilities, have access to necessary facilities and adjustments to fully participate in an event)

We have a mechanism to receive feedback from staff or court users with disabilities (i.e., suggestion box, satisfaction survey, etc.)

We have an affinity group for employees with disabilities

We highlight and celebrate disability-related days of celebration and awareness (e.g., disability pride month, autism awareness day, and International Day of People with Disabilities)

Improving access for persons with disabilities is part of my court’s strategic plan

There is funding to host events geared explicitly towards individuals with disabilities

I am not sure

Other (please specify)

None of the above

91. Which of the following physical accessibility features are available at your court?

(Select all that apply)

Physically accessible building (i.e., ramps, wide doors, wheelchair-accessible tables, adjustable podiums, etc.)

Gender-neutral accessible bathroom (with low sinks and a large enough radius that allows for wide turns for wheelchair users)

Designated areas for rest and waste elimination for service animals

My court is exempt from most physical accessibility requirements because it is a historical building

I am not sure

Other (please specify)

None of the above

92. Which of the following communication aids or services are available at your court?

(Select all that apply)

Qualified sign language interpreters and readers (in person or virtually)

Qualified tactile interpreters

Video remote interpreting (VRI)

Real-time transcription (CART)

Assistive listening devices

Alternative document formats (e.g., large print, flash drive, Braille, or tactile displays)

I am not sure

Other (please specify)

None of the above

93. Which of the following technology-based accessibility tools are available at your court?

(Select all that apply)

- Audio recording
- Screen magnification
- Handheld reading scanners or screen reader software
- Speech input software
- Speech-generating devices
- Electronic reading/writing pads
- Telephone amplifiers
- Captioned telephones
- Telephones compatible with hearing aids
- Videophones
- Text telephones (TTYs) and relay services
- Ubiduo or another tool for simultaneous communication
- Other accessible voice, text, and video-based telecommunications products and systems
- I am not sure
- Other (please specify)

- None of the above

94. Have you ever received training on how to use, how to request, and whom to contact to access the assistive technologies? Examples of assistive technologies are listed in the two previous questions.

- ◯ Yes
- ◯ No
- ◯ Unsure
- ◯ Other (please specify)

95. Which of the following is included in your court’s digital content?

(Select all that apply)

- Descriptive page title
- Logical flow to page layout
- Headings and heading order are clearly displayed
- Web pages offer good visibility and color contrast
- Options for font increase are available
- A screen reader can easily interpret web page documents
- Readability (concise language with punctuation and paragraphs)
- Links describe the destination clearly and are easy to find
- All Images have descriptive text
- All media have captions for audio and descriptions for information provided visually
- All page elements can be accessed without needing a mouse
- Web pages easily translate into at least two languages other than English
- I am not familiar with the digital accessibility features of my court

96. Before completing this survey, were you aware of the April 2026 deadline for the Department of Justice's ruling on ADA Title II digital accessibility requirements for state and local government agencies and courts?

- ◯ Yes
- ◯ No

97. Do you believe your court is on track to meet the ADA Title II digital accessibility requirements for state and local government agencies by the April 2026 deadline?

- ◯ Yes
- ◯ No
- ◯ I am not sure

98. Are you familiar with the requirements found in GR 33?

- ◯ Yes
- ◯ No

99. What type of training have you received on GR 33?

(Select all that apply)

- I have read GR 33
- My court provided me with training on the definitions and processes related to GR 33
- I received training through a third party, such as a professional development or judicial education program
- Other (please specify)
- I have not received any training on GR 33

100. Does your court provide information about GR 33 to litigants with disabilities?

- ◯ Yes
- ◯ No
- ◯ I am not sure

101. If information about GR 33 is provided to court participants, to whom is that information provided?

(Select all that apply)

- To all litigants in writing upon filing
- To all litigants orally upon filing
- To all litigants in writing during the proceedings
- To all litigants orally during the proceedings
- To all litigants, only when they request GR 33 information
- Only to self-represented litigants (SRLs)
- Only to self-represented litigants (SRLs) upon request
- I am not sure
- Information about GR 33 is not provided to court participants

102. When providing GR 33 information to self-represented litigants (SRLs), what information do you include?

(provide your response in the textbox below)

103. What kind(s) of GR 33 accommodation(s) have self-represented litigants (SRL) in non-criminal/civil matters received in your court?

(Select all that apply)

- Appointment of counsel by a judge
- Appointment of lay representative, coordinator, or similar individual by the judge to aid the SRL before, during, or after the court proceeding (to explain or perform functions such as filing documents, etc.)
- Flexibility for individuals to sit, stand, or walk as needed to accommodate their physical needs
- Access to a “quiet” room for individuals to regroup and recharge during breaks
- Shorter proceedings/more breaks as needed
- Providing anticipated proposed questions of witnesses to the self-represented litigant (SRL)
- Providing copies of transcripts or audio of records of proceedings after the proceeding and before the subsequent proceeding
- Permitting a self-represented litigant (SRL) to bring an emotional support animal for comfort and support
- I am not sure
- Other (please specify)
- None of the above

104. Educational materials on disability and accommodations are available in your court in the following languages.

(Select all that apply)

- English
- Spanish
- Chinese Mandarin
- Vietnamese
- Tagalog
- Russian
- Amharic, Somali, or Other Afro-Asiatic Languages
- French
- German
- Hindi
- I am not sure
- Other (please specify)
- None of the above

105. When assisting self-represented litigants (SRLs) with disabilities, which self-help centers or resources do you recommend to support their needs?

(Select all that apply)

- State bar association
- Local bar association / local legal clinics / local law library
- Coordinated Legal Education Advice and Referral (CLEAR)
- Northwest Justice Project (NJP)
- Office of Civil Legal Aid (OCLA)
- Washington Law Help
- Disability Rights Washington
- The Self-help desk at the courthouse
- Other (please specify)
- I do not recommend self-help resources

106. What, if any, stereotypes or misconceptions about people with disabilities have you observed in your court system? Please provide examples and describe how these have been addressed or challenged.

(provide your response in the textbox below)

107. Do you believe the presence of a disability has impacted job and promotion opportunities for people with disabilities within your court?

- ◯ No
- ◯ I am unsure
- ◯ Yes (please provide examples)

108. Are you an ADA Coordinator?

- ◯ Yes
- ◯ No

109. Rate your level of agreement or disagreement with the following statement:

My work is supported by the leadership of the Court where I work.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree

110. Select your level of training on the following topics

**Note - Intersectionality is an analysis tool used to understand the ways in which people with multiple marginalized social identities experience compounded forms of systemic oppression. For example, a person with disabilities who has limited English proficiency may experience more or different hardships navigating a court system or requesting accommodations compared to a person with disabilities who reads and writes in English proficiently.*

	Extensive Training	Some Training	Little Training	No Training
Recognizing and addressing discrimination against individuals with disabilities, particularly those with intersecting* marginalized identities	◯	◯	◯	◯
Providing trauma-informed responses to the needs of persons with disabilities	◯	◯	◯	◯
The criminalization of disability	◯	◯	◯	◯
Understanding the difference between disability justice and disability rights	◯	◯	◯	◯
Language access and disability: providing effective support for non-English speaking persons with disability	◯	◯	◯	◯

111. What would make you feel more supported in your work?

(Select all that apply)

- More trainings
- More support from leadership
- More support from the Administrative Office of the Courts
- More funding for assistive technology
- More funding for interpreters (American Sign Language, other Sign Languages, and foreign languages)
- Other (please specify)

112. If you do not know the answer to a disability-related question, you can ask the following people for assistance.

(Select all that apply)

- The ADA Access Coordinator at the Administrative Office of the Courts
- ADA coordinators at other courts
- My supervisor at the court where I work who is well-versed in the ADA
- My supervisor at the court where I work who is not well-versed in the ADA
- My colleagues at the court where I work who are not ADA coordinators
- My colleagues at the court where I work who are ADA coordinators
- Other (please specify)
- There are no other people in my court knowledgeable enough to assist me

113. What are the most challenging aspects of your job when supporting court users with disabilities? Please provide specific examples.

(provide your response in the textbox below)

114. Regarding disability accessibility and inclusion measures, how often do you believe court policies prioritize fairness and accessibility over efficiency and cost-saving measures?

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never
- ◯ I am not sure

115. Have you ever contacted the Administrative Office of the Courts' ADA Access Coordinator for support in your work?

- ◯ Yes
- ◯ No

116. Before having your current position, how knowledgeable were you about the Americans with Disabilities Act (ADA)?

- ◯ Very Knowledgeable
- ◯ Moderately Knowledgeable
- ◯ Slightly Knowledgeable
- ◯ Not Knowledgeable at all

117. Before having your current position, how knowledgeable were you about General Rule 33?

- ◯ Very Knowledgeable
- ◯ Moderately Knowledgeable
- ◯ Slightly Knowledgeable
- ◯ Not Knowledgeable at all

118. How do you obtain assistive technology when court users request them?

(Select all that apply)

- We have our own
- We borrow them through the Washington Assistive Technology Act Program (WATAP)
- We do not receive such requests in my court
- We often do not have the requested items, or I do not know how to find them

119. Have you received any training on digital accessibility at any time since 2020, or since you began your employment with the court, if hired after 2020?

- ◯ Yes
- ◯ No

120. Does your court allow video remote interpretation when no local interpreter is available?

- ◯ Yes
- ◯ No
- ◯ I am not sure

121. On average, how many hours of professional development trainings on disability and accessibility do you complete annually?

- ◯ 0-2
- ◯ 3-5
- ◯ 6-10
- ◯ more than 10

122. What best describes your role at the Department of Corrections?

- ◯ I work at a detention facility and have contact with incarcerated individuals
- ◯ I work at a detention facility and do NOT have contact with incarcerated individuals
- ◯ I work for a non-detained program (parole services, probation services, etc.) and have contact with incarcerated individuals
- ◯ I work for a non-detained program (parole services, probation services, etc.) and do NOT have contact with incarcerated individuals
- ◯ I work in an administrative office of the Department of Corrections and do NOT have contact with incarcerated individuals
- ◯ Other (please specify)

123. The Department of Corrections supports low-income persons with disabilities in their non-detained programs (for example, probation services, parole services, community re-entry programs, etc.) in the following ways:

(Select all that apply)

- Transportation support
- Flexibility on at-home restrictions
- Waiving or leniency when it comes to community service requirements
- Leniency on employment requirements
- Referral to financial support program for help with fees
- Waiving of in-person attendance for substance abuse, anger management, and similar classes
- Alternatives to using an electronic monitor that attaches to the body (i.e., ankle monitors)
- I am not sure
- Other (please specify)
- None of the above

124. Are there measures to ensure people with disabilities incarcerated in your facility regularly participate in social visits and other forms of socialization?

- ◯ No
- ◯ I am not sure
- ◯ Yes (please specify)

125. How often do you encounter difficulties related to accessibility when bringing incarcerated individuals with disabilities to court for their proceedings?

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never
- ◯ To my knowledge, I have never brought an incarcerated individual with disabilities to court
- ◯ I do not bring incarcerated individuals to court

126. In your role, have you interacted with judges, court staff, or administrators to assist people with disabilities?

- ◯ Yes
- ◯ No
- ◯ I am not sure

127. Does your department have policies or practices for providing free access to assistive devices, aids, and technologies needed by people with disabilities?

- ◯ Yes
- ◯ No
- ◯ I am not sure

128. In your experience working with judges, court staff, or administrators, have they been knowledgeable about properly assisting persons with disabilities?

- ◯ Yes
- ◯ No
- ◯ I am not sure

129. In your line of work, have you encountered people with disabilities in leadership or decision-making positions?

- ◯ Yes
- ◯ No
- ◯ I am not sure

130. Does your facility or program collect any of the following data?

(Select all that apply)

- Disability
- Race
- Ethnicity
- Gender identity
- Sexual orientation
- Income of litigants
- Access to transportation
- Access to computers
- English Proficiency
- Immigration Status
- I am not sure
- None of the above

131. How often do you or your department collaborate with the court(s) and community-based organizations (for example, affordable housing advocates, mental or physical health service providers, immigration centers) to support individuals with disabilities with needs unrelated to their disability?

- ◯ Always
- ◯ Often
- ◯ Sometimes
- ◯ Rarely
- ◯ Never
- ◯ I am not sure

132. What kind of community-based organizations have you or your department collaborated with?

(Select all that apply)

- Housing assistance
- Immigration assistance
- Financial assistance
- Educational support services
- Medical Assistance
- Bilingual support services
- Faith or religious support services
- Disability community support services
- LGBTQIA+ support services
- Community support services for people of color
- Mental health assistance
- Substance abuse treatment program
- Other (please specify)

- I am not sure

133. Does your facility or program collect data on any of the following?

(Select all that apply)

- Disability of persons in our facility or program
- Requests for accommodations made with the court on behalf of incarcerated people with disabilities under the ADA
- Requests for accommodations made with the court on behalf of incarcerated people with disabilities under General Rule 33
- Complaints about court inaccessibility made by incarcerated people with disabilities
- Incidents of violence involving people with disabilities in our facilities
- Incidents of violence involving people with disabilities in other places while under our care
- Referrals to alternatives to detention, diversion programs, mental health programs, or other programs based on disability
- I am not sure
- Other (please specify)
- None of the above

134. Based on your response to the previous question, you indicated that your facility or program collects certain data on their users. How have you or your facility used the data collected to improve services to people with disabilities?

(provide response in textbox below)

135. How long has your facility or program tracked individuals with disabilities entering and reentering your system?

- ◯ Less than 6 months
- ◯ Between 6 months to 1 year
- ◯ 1 to 2 years
- ◯ 2 to 3 years
- ◯ 3 to 4 years
- ◯ Over 4 years
- ◯ I am not sure
- ◯ We do not track individuals with disabilities entering or reentering the system

136. Does your facility or program conduct disability screenings specifically focused on the needs of incarcerated or supervised individuals?

- ◯ Yes
- ◯ No
- ◯ I am not sure

137. Does your employer require you to attend annual physical and digital accessibility training?

- ◯ Yes, but only physical accessibility
- ◯ Yes, but only digital accessibility
- ◯ Yes, both physical and digital accessibility
- ◯ Yes, but not required to attend annually
- ◯ No, I am not required to attend any physical and/or digital accessibility training
- ◯ Other (please specify)

- ◯ I am not sure

138. After participating in physical and/or digital accessibility trainings, rate your level of preparedness to support individuals with disabilities in your facility or program.

- ◯ Very prepared
- ◯ Moderately Prepared
- ◯ Slightly Prepared
- ◯ Slightly Unprepared
- ◯ Moderately Unprepared
- ◯ Very Unprepared

139. What additional resources would help you better support people with disabilities in your department's care?

(Select all that apply)

- Additional training on accessibility and accommodations
- Learning about assistive communication technology
- Additional funding for training current personnel
- Funding for interpreters (sign language and foreign language)
- Funding to hire additional personnel
- Training on trauma-informed and culturally responsive support for persons with disabilities
- Training on language access
- I am not sure
- Other (please specify)
- The court does not need additional resources for working with individuals living with disabilities

140. What support and accommodations does your facility or program offer to people with non-physical disabilities (such as people with mental illness, people with autism, ADHD, or people with cognitive disabilities)?

(provide your response in the textbox below)

141. How accessible do you believe the facility where you work is in the following areas?

	Fully Accessible	Partially Accessible	Not at All Accessible
Physical Access (e.g., ramps, signage, layouts)	○	○	○
Digital Access (e.g., assistive technologies, alternative forms, readable website)	○	○	○

142. Has your facility or office completed programs to promote the inclusion of people with disabilities? If so, please list those initiatives in the textbox below. If not, select "there are no such initiatives at the place where I work."

- ◯ There are no such initiatives at the place where I work
- ◯ Yes, and here is a list of activities/initiatives:
- ◯ I am not sure

143. Based on your previous response, you indicated that your facility or program has initiatives to promote the inclusion of people with disabilities. Are any of these initiatives done in collaboration with the courts?

- ◯ Yes
- ◯ No
- ◯ I am not sure

144. Does your agency have designated staff responsible for handling disability accommodation requests?

- ◯ Yes
- ◯ No
- ◯ I am not sure

145. How would you describe your workplace facility's adherence to the requirements outlined in the Americans with Disabilities Act (ADA)?

- ◯ Fully adheres to the requirements
- ◯ Partially adheres to the requirements
- ◯ Does not adhere to the requirements
- ◯ I am not sure

146. What challenges have you observed persons with disabilities experience while navigating the court system?

(Select all that apply)

- ☐ Technological constraints (for example, limited access to adaptive or mobility equipment)
- ☐ Communication barriers (for example, difficulty verbally describing the needs or answering questions, lack of assistive technology for alternative communication)
- ☐ Insufficient training for staff on engaging with individuals with disabilities
- ☐ Limited access to foreign language interpreters or sign language interpreters
- ☐ I am not sure
- ☐ Other (please specify)
- ☐ I have not observed any challenges

147. Educational materials on disability and accommodations in your facility are available in languages other than English

- ◯ Yes
- ◯ No
- ◯ I am not sure

148. Select your level of training on the following topics

**Note - Definition of intersectionality: Intersectionality is an analysis tool used to understand the ways in which people with multiple marginalized social identities experience compounded forms of systemic oppression. For example, a person with disabilities who has limited English proficiency may experience more or different hardships navigating a court system or requesting accommodations compared to a person with disabilities who reads and writes in English proficiently.*

	Extensive Training	Some Training	Little Training	No Training
Recognizing and addressing discrimination against individuals with disabilities, particularly those with intersecting* marginalized identities	○	○	○	○
Providing trauma-informed responses to the needs of persons with disabilities	○	○	○	○
The criminalization of disability	○	○	○	○
Understanding the difference between disability justice and disability rights	○	○	○	○
Language access and disability: providing effective support for non-English speaking persons with disability	○	○	○	○

149. What, if any, stereotypes or misconceptions about people with disabilities have you observed in your facility or program? Please provide examples and describe how these have been addressed or challenged.

(provide your response in the textbox below)

150. How would you describe the general attitude towards people with disabilities in your department or facility where you work?

- ◯ Very positive
- ◯ Moderately positive
- ◯ Slightly positive
- ◯ Slightly negative
- ◯ Moderately negative
- ◯ Very negative

151. Which of the following have you witnessed or personally experienced?

(Select all that apply)

- Ignorant comments about persons with disabilities
- Courtrooms that are not accessible to court staff
- Failure to fully accommodate my need for extended medical leave
- Dismissal of my legitimate concerns related to accessibility
- Dismissal of other disabled people’s legitimate concerns related to accessibility
- Unnecessary Isolation
- Mistreatment and abuse by other correctional staff, probation, or parole officers
- Mistreatment and abuse by staff
- Excessive use of force during arrest
- Denial of medical care
- Forced or unnecessary medical treatment and procedures
- Bullying, abuse, and harassment due to disabilities
- Hate crimes
- Unnecessary institutionalization
- Denial of accommodations (use of service animals, proper interpretation, assistive technology, etc.)
- Refusal by judges and other court practitioners to use plain and/or accessible language
- Lack of investment in ensuring litigants with disabilities understand legal proceedings
- None of the above

152. Which of the following best describes your role within the court system?

- ◯ Sign Language Interpreter
- ◯ Tactile Interpreter
- ◯ Foreign Language Interpreter
- ◯ Other (please specify)

153. Which of the following communication aids or services are available at your court?

(Select all that apply)

- Qualified sign language interpreters and readers (in person or virtually)
- Qualified tactile interpreters
- Video remote interpreting (VRI)
- Real-time transcription (CART)
- Assistive listening devices
- Alternative document formats (e.g., large print, flash drive, Braille, or tactile displays)
- I am not sure
- Other (please specify)
- None of the above

154. Which of the following physical accessibility features are available at your court?

(Select all that apply)

- Physically accessible building (i.e., ramps, wide doors, wheelchair-accessible tables, adjustable podiums, etc.)
- Gender-neutral accessible bathroom (with low sinks and a large enough radius that allows for wide turns for wheelchair users)
- Designated areas for rest and waste elimination for service animals
- My court is exempt from most physical accessibility requirements because it is a historical building
- I am not sure
- Other (please specify)
- None of the above

155. Which of the following technology-based accessibility tools are available at your court?

(Select all that apply)

- Audio recording
- Screen magnification
- Handheld reading scanners or screen reader software
- Speech input software
- Speech-generating devices
- Electronic reading/writing pads
- Telephone amplifiers
- Captioned telephones
- Telephones compatible with hearing aids
- Videophones
- Text telephones (TeleTYpewriter (TTYs)) and relay services
- Ubiduo or another tool for simultaneous communication
- Other accessible voice, text, and video-based telecommunications products and systems
- I am not sure
- Other (please specify)

- None of the above

156. Which of the following is included in the digital content of the court you usually work out of?

(Select all that apply)

- Descriptive page title
- Logical flow to page layout
- Headings and heading order are clear
- Web pages offer good visibility and color contrast
- Options for font increase are available
- A screen reader can easily interpret web page documents
- Readability: concise language with punctuation and paragraphs
- Links describe the destination clearly and are easy to find
- All Images have descriptive text
- All media have captions for audio and descriptions for information provided visually
- All page elements can be accessed without needing a mouse
- Web pages easily translate into at least two languages other than English
- I am not familiar with the digital accessibility features of my court

157. How accessible do you believe the court where you work/have worked is in the following areas?

	Fully Accessible	Partially Accessible	Not at All Accessible
Physical Access (e.g., ramps, signage, layouts)	◯	◯	◯
Digital Access (e.g., assistive technologies, alternative forms, readable website)	◯	◯	◯

158. Do the courts where you work/have worked require you to complete annual physical and/or digital accessibility training to contract with them?

- ◯ Yes
- ◯ No
- ◯ I am not sure

159. After participating in physical and/or digital accessibility trainings, rate your level of preparedness to support court users with disabilities.

- ◯ Very prepared
- ◯ Moderately Prepared
- ◯ Slightly Prepared
- ◯ Slightly Unprepared
- ◯ Moderately Unprepared
- ◯ Very Unprepared

160. Are you familiar with the requirements found in General Rule 33 (GR 33)?

- ◯ Yes
- ◯ No
- ◯ I am not sure

161. Have you ever been asked by a judge or court employee to assist in providing information about GR 33 to a litigant with disabilities?

- ◯ Yes
- ◯ No

162. Have you ever been asked to assist in communicating with a court user with disabilities to evaluate their satisfaction with the accommodations received?

- ◯ Yes
- ◯ No
- ◯ I do not remember if I have ever been asked

163. What challenges have you observed court users with disabilities face while navigating the court system?

(Select all that apply)

- Financial constraints
- Insufficient time or difficulty keeping pace with the court process (e.g., needing more time to respond or prepare documents)
- Technological constraints (e.g., limited access to TeleTYpewriter (TTY), adaptive equipment, reliable internet)
- Communication barriers (e.g., difficulty verbally describing the dispute or answering questions, lack of assistive technology for alternative communication)
- Lack of foreign language interpretation
- Lack of knowledge by court staff on how to provide proper accommodations.
- Disabilities directly impacting the progression of the case (e.g., mental health issues, intellectual or developmental disabilities, chronic illness, physical disabilities, or multiple co-occurring disabilities)
- Limited awareness within the Court about available accommodations or relevant laws (e.g., GR 33, Washington Law Against Discrimination)
- Insufficient training for judges, attorneys, or court staff on engaging with individuals with disabilities
- I am not sure
- Other (please specify)

- I have not observed any difficulties

164. When engaging with the court system, have you encountered a person with disabilities in a leadership or decision-making role?

- ◯ Yes
- ◯ No
- ◯ I am not sure

165. In your work, have you seen judges and/or court staff refer litigants with disabilities to social services?

- ◯ Yes
- ◯ No

166. If you have seen litigants with disabilities referred to social services organizations, what services were they referred to?

(Select all that apply)

- Housing assistance
- Immigration assistance
- Financial assistance
- Educational support services
- Medical assistance
- Bilingual support services
- Faith or religious support services
- Disability community or social-emotional support services
- LGBTQIA+ support services
- Community support services for people of color
- Mental health assistance
- Substance abuse treatment programs
- Other (please specify)

- I am not sure or I do not remember

167. What resources would be helpful to the courts where you have worked?

(Select all that apply)

- Learning about assistive technology
- Learning about accessibility in remote meetings and hearings
- Learning about website accessibility
- Learning about augmentative and alternative communication methods
- Learning about cognitive and language supports
- Learning about universal design
- The court will need additional funding to train current personnel
- Funding for interpreters (sign language and foreign language)
- Funding to hire additional personnel to implement some of these accommodations
- Training on Trauma-informed care and support for persons with disabilities
- Training on culturally responsive support for persons with disabilities
- Training on language access
- Other (please specify)

- The court does not need additional resources for working with individuals living with disabilities

168. What, if any, stereotypes or misconceptions about people with disabilities have you observed in your court system? Please provide examples and describe how these have been addressed or challenged.

(provide your response in the textbox below)

169. Do you identify as a person with one or more disabilities?

- ◯ Yes
- ◯ No
- ◯ Prefer not to answer

170. What is your racial/ethnic identity?

(Select all that apply)

- African American/Black
- Asian/Asian American
- First Nations/Indigenous
- Latina/e/o
- Indigenous Alaskan
- Indigenous Hawaiian or Pacific Islander
- Southwest Asian or North African
- White/Caucasian
- Multiracial
- Prefer not to answer
- Other or prefer to self-describe (please specify)

171. What is your gender identity?

(Select all that apply)

- Woman
- Man
- Non-binary (including genderqueer, genderfluid, agender, etc.)
- Two-Spirit
- Prefer not to answer
- Prefer to self-describe (please specify)

172. Are you transgender?

- ◯ Yes
- ◯ No
- ◯ Prefer not to answer

173. What is your sexual or romantic orientation?

(Select all that apply)

- Asexual
- Bisexual/biromantic
- Gay
- Lesbian
- Pansexual/panromantic
- Queer
- Heterosexual
- Prefer not to answer
- Other or prefer to self-describe (please specify)

APPENDIX J

Court User Survey Questions

Thank you for taking the time to participate in this important survey. Your insights will help us better understand the experiences of individuals with disabilities within the Washington court system.

This survey is part of a larger effort to identify challenges faced by court users with disabilities and to develop recommendations for improving access, inclusion, and support. In addition to gathering your feedback, this study includes courthouse visits, a review of court policies, and an analysis of existing research and data. We will use the data collected to offer recommendations to Washington State Courts and relevant judicial and administrative bodies, including the Administrative Office of the Courts.

Your participation is voluntary and anonymous. The survey takes approximately 10 minutes to complete. Aggregate data will be publicly available upon request, but no individual responses will be linked to you.

Compensation

To acknowledge your time, 100 respondents will be chosen at random to receive a $25 electronic gift card.

- **Gift cards will be distributed 10 business days after the survey closes on April 14, 2025.**
- **To receive compensation, you must provide an email address at the end of the survey, which will be collected separately to maintain your anonymity.**

Your feedback is essential in shaping a more accessible and equitable court system. We appreciate your time and willingness to share your experiences.

If you have any difficulties accessing this survey, have questions, or need accommodations, please email DJTFsurvey@kmgconsultingfirm.com.

Thank you for your participation and for helping us improve access to justice in Washington.

Washington State Supreme Court Disability Justice Task Survey

* 1. To ensure you receive the most relevant survey questions, please select the option that best describes you.

- ◯ I am a person with a disability who has participated in proceedings in the Washington court system.
- ◯ I am a relative or caregiver of a person with a disability who has participated in proceedings in the Washington court system.
- ◯ I am a staff member at a non-legal community-based organization that provides support services to persons with disabilities.
- ◯ None of the above.

Washington State Supreme Court Disability Justice Task Survey

* 2. Do you identify as a person with one or more disabilities?

- ◯ Yes
- ◯ No
- ◯ I prefer not to answer

* 3. Have you visited, been involved in a court case, or served as a juror in a court within Washington state in **the last five years?**

- ◯ Yes
- ◯ No

4. What was your role in the case?
(Select all that apply)

**If you have had more than one case in the Washington Court system, select your most recent roles.*

***Civil cases are cases that are not criminal. Examples include: divorce cases, child custody cases, guardianship cases, child support cases, personal injury cases, and more.*

- [ ] Plaintiff or petitioner (you filed a civil (non-criminal) case)
- [ ] Defendant (a criminal case was filed against you)
- [ ] Respondent (a civil (non-criminal) case was filed against you)
- [ ] Witness
- [ ] Juror
- [ ] Civil protection order
- [ ] Visitor
- [ ] Other *(please specify):*

5. While your case or cases were happening, how often did you physically enter the courthouse?

- ◯ More than 3 times a year
- ◯ Once or twice a year
- ◯ Only once
- ◯ I did not physically enter the courthouse

6. In which county did your most recent case take place?

7. If you have had cases in more than one county, please list the other counties in the textbox below.

8. What kind of case did you have in court?
(Select all that apply)

- [ ] Criminal
- [ ] Personal Injury
- [ ] Family Law
- [ ] Guardianship
- [ ] Estate Planning
- [ ] Landlord-Tenant
- [ ] Contracts dispute
- [ ] Dependency
- [ ] Other (please specify)

9. Based on the statements below, please select all that apply to you.

- [ ] I am currently experiencing homelessness
- [ ] I have experienced homelessness in my lifetime
- [ ] I have experienced homelessness in the last 5 years
- [ ] It is currently difficult for me to find a secure and/or accessible place to live
- [ ] It has been difficult to find a secure and/or accessible place to live in the last 5 years
- [ ] None of the above

10. Do you currently receive social security benefits?

- ◯ Yes
- ◯ No
- ◯ Prefer not to answer

11. Do you currently receive any state-funded benefits?

- ◯ Yes
- ◯ No
- ◯ Prefer not to answer

12. Are you currently a resident of the State of Washington?

- ◯ Yes
- ◯ No, but I used to live there
- ◯ No, and I have never lived in the state of Washington

13. In Washington, have you ever visited a court or attended court proceedings in person?

- ◯ Yes
- ◯ No

14. When you visited the court, was it easy for you to get to the courtroom and move around?

For example, was there enough space for wheelchairs or seating that worked for you?

- ◯ Yes
- ◯ No *(please provide examples of the issues you faced):*

15. When you visited the court, did you request disability-related tools or help, like sign language interpreters, captions on videos, or assistive listening devices?

- ◯ Yes
- ◯ No, but I needed disability-related tools or help
- ◯ No, I did not need disability-related tools or help

16. Have you ever used internet-based resources for part or all of your case, such as the court's website, online portal, or Zoom? Did you experience any difficulties accessing or using these resources (e.g., technical issues, lack of accessibility features, unclear instructions)?

- ◯ I used internet-based resources for my case and did not experience any issues.
- ◯ I used internet-based resources for my case but did experience issues.
- ◯ I did not use internet-based resources for my case.

17. Have you ever asked for help from the court for your case, such as an interpreter, wheelchair access, extra time to complete forms, or any other type of support?

- ◯ No, I did not need any assistance.
- ◯ No, but I did need assistance.
- ◯ Yes, and I received the assistance I asked for.
- ◯ Yes, but I did not receive the help I asked for *(please explain what happened):*

18. Based on your most recent experience requesting assistance or accessibility tools in court, please indicate your level of agreement or disagreement with the following statements:

	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree
It was easy for me to request the assistance or accessibility tools I needed.	○	○	○	○	○	○
The assistance or accessibility tools I requested were provided in a timely and efficient manner.	○	○	○	○	○	○
I received the exact accommodation I requested.	○	○	○	○	○	○

19. If you had a problem when you asked for assistance or accessibility tools in the court, how did you handle it?
(Select all that apply)

- ☐ I reported it to the judge
- ☐ I reported it to the judge's assistant
- ☐ I reported it to the court's ADA coordinator
- ☐ I reported to the court's bailiff
- ☐ I reported to the court clerk or another member of the court staff
- ☐ I reported it to my lawyer
- ☐ I reported it to my case manager
- ☐ I reported it to someone who works at the court, but I do not know what their job is
- ☐ I did not report it
- ☐ Other *(please specify):*

  [ ]

- ☐ I did not have any problems with the help I requested

20. Did you know that if you participated in a civil (non-criminal) case, you might be eligible to have a lawyer appointed to you due to your disability?

A civil case is any case that is not criminal, such as divorce, child custody, guardianship, child support, or personal injury cases.

- ◯ Yes, I knew because someone at the court (e.g., staff, administrator) informed me.
- ◯ Yes, I knew because I found out on my own.
- ◯ No, I did not know.

21. During your interactions with the court (whether in person, by video, or by phone), did you experience any unfair treatment, judgment, or bias due to your disability from court staff, judges, or others involved in your case?

- ◯ No
- ◯ Yes *(please describe your experience):*

22. Do you believe the court considered challenges you face due to your income, race or ethnicity, gender, sexual orientation, immigration status, or language?

- ◯ No
- ◯ I am not sure
- ◯ Yes *(please explain how the court considered your challenges):*

23. During your case in the Washington court system, did court staff take your individual needs into account and involve you in the decision-making process?

- ◯ Yes
- ◯ No
- ◯ I am not sure

24. If you are not a native English speaker, were you given an interpreter?

- ◯ I am a native English speaker
- ◯ Yes, I was given an interpreter
- ◯ No, I was not given an interpreter

25. While interacting with the court, did you feel that your needs as a person with disabilities were acknowledged and respected?

- ◯ Yes, I felt heard and valued
- ◯ I did not disclose my disability
- ◯ No, I did not feel heard and valued *(please explain or provide examples):*

26. Did transportation-related issues affect your ability to participate in your case?

- ◯ Yes, and the court provided assistance.
- ◯ Yes, but I did not receive assistance from the court.
- ◯ No, transportation issues did not affect my case.

27. When you needed support from family, friends, or community members for your case, which of the following occurred?
(Select all that apply)

- ☐ You were asked for your consent before involving others.
- ☐ Your privacy was respected.
- ☐ The judge did not allow you to receive support from others.
- ☐ You did not need support from anyone.

28. If you were involved in a criminal case, did the judge provide you with alternatives to jail or prison?
(Examples may include referrals to social services, probation, therapeutic/community court, electronic home monitoring, or mental health support.)

- ◯ No, the judge did not give me options to avoid jail or prison
- ◯ I was not involved in a criminal case
- ◯ Yes, I was given options *(please describe the options that were provided to you):*

29. Did staff at the court you visited give you referrals to or information about resources or social service organizations outside of the court that helped you with your case(s)?

- ◯ No
- ◯ I am not sure
- ◯ Yes *(please list organizations your were referred or given information about):*

30. Have you ever had a negative experience with a judge or court staff because of your disability?

- ◯ No
- ◯ Yes *(please describe your experience):*

31. Indicate your level of agreement or disagreement with the following statement:

I believe people with disabilities are treated fairly and respectfully in the Washington court system.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree

32. During your most recent case(s), did a lawyer represent you?

- ◯ Yes, I had one case, and a lawyer represented me.
- ◯ Yes, I had multiple cases, and a lawyer represented me in each case.
- ◯ Sometimes, I had multiple cases but was not represented by a lawyer in all of them.
- ◯ Sometimes, a lawyer represented me for part of the case but not the entire case.
- ◯ No, I have never been represented by a lawyer.

33. If you had to represent yourself in your case (without a lawyer), did anyone at the court provide you with resources or support to help you through that process?

- ◯ Yes, I received helpful resources or support from court staff.
- ◯ Yes, but the resources or support were not helpful.
- ◯ No, I did not receive any resources or support.
- ◯ I did not represent myself.

34. How would you describe the general attitude towards people with disabilities in the Washington court(s) you visited?

- ◯ Very positive
- ◯ Moderately positive
- ◯ Slightly positive
- ◯ Slightly negative
- ◯ Moderately negative
- ◯ Very negative

35. Overall, how would you rate your experience with the Washington court system?

- ◯ Very positive
- ◯ Moderately positive
- ◯ Slightly positive
- ◯ Slightly negative
- ◯ Moderately negative
- ◯ Very negative

36. What changes, if any, would have improved your experience with the Washington court system?

Washington State Supreme Court Disability Justice Task Survey

This part of the survey is for relatives and caregivers of court users.

Thank you for participating in this survey. This survey is designed to understand the experiences of people with disabilities in the Washington state court system. As a caregiver or relative, you should only complete this section if the person with a disability you are supporting has not already completed the court participant portion of the survey.

All questions in this section will focus on the experiences of the person with disabilities in your care. Please answer based on their interactions with the Washington state court system when you provided support.

- **If you have had independent interactions with the court system that are unrelated to the person you support, please do not include those experiences in your answers.**
- **If you have interacted with courts in other states, please do not refer to those experiences in your responses.**

Your insights are valuable in helping us understand and improve accessibility within the Washington courts. Thank you for your time and participation.

37. Are you a relative or caregiver of a person with a disability who has participated in a court case within the Washington court system in the past five years?

- ◯ Yes
- ◯ No

38. Does your relative or the person in your care identify as a person with a disability?

- ◯ Yes
- ◯ No
- ◯ I prefer not to answer

39. During case proceedings for the person in your care, how often did they interact with the court system?

- ◯ More than three times per year
- ◯ Once or twice per year
- ◯ Only once

40. What county was their most recent case in?

41. If you have accompanied/supported them for cases in more than one county in the last 5 years, please list the other counties:

42. Based on the statements below, please select all that apply to your relative or person in your care:

- ☐ They are currently experiencing homelessness
- ☐ They have experienced homelessness in their lifetime
- ☐ They have experienced homelessness in the last 5 years
- ☐ It is currently difficult for them to find a secure and/or accessible place to live
- ☐ It has been difficult for them find a secure and/or accessible place to live in the last 5 years
- ☐ None of the above

43. Does the person in your care/relative currently receive social security benefits?

- ◯ Yes
- ◯ No
- ◯ I am not sure
- ◯ I prefer not to answer

44. Does the person in your care/relative currently receive state-funded benefits?

- ◯ Yes
- ◯ No
- ◯ I am not sure
- ◯ I prefer not to answer

45. In Washington, has your relative or person in your care ever visited a court or attended court proceedings in person?

- ◯ Yes
- ◯ No
- ◯ I am not sure

46. When the person in your care visited the court, was it easy for them to get to the courtroom and move around?

For example, was there enough space for wheelchairs or seating that worked for them?

- ◯ Yes
- ◯ No *(please provide examples of the issues they faced):*

47. When the person in your care visited the court, were they provided disability-related tools or help, like sign language interpreters, captions on videos, or assistive listening devices?

- ◯ Yes
- ◯ No, these tools were not needed
- ◯ No, but the tools were needed
- ◯ I am not sure

48. Has the person in your care ever used internet-based resources for part or all of their case, such as the court's website, online portal, or Zoom? Did they experience any difficulties accessing or using these resources (e.g., technical issues, lack of accessibility features, unclear instructions)?

- ◯ They used internet-based resources for their case and did not experience any issues.
- ◯ They used internet-based resources for their case but did experience issues.
- ◯ They did not use internet-based resources for their case.
- ◯ I am not sure.

49. Have you (on behalf of your relative or person in your care) or the person in your care ever asked for help from the court for their case, such as an interpreter, wheelchair access, extra time to complete forms, or any other type of support?

- ◯ No, and they did not need any assistance.
- ◯ No, but they did need assistance.
- ◯ Yes, and they received the assistance that they requested.
- ◯ I am not sure.
- ◯ Yes, but they did not receive the assistance that was requested *(please explain what happened):*

50. Based on your most recent experience requesting assistance or accessibility tools in court, please indicate your level of agreement or disagreement with the following statements:

	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree
It was easy for me, my relative, or person in my care to request the assistance or accessibility tools they needed.	○	○	○	○	○	○
The assistance or accessibility tools requested were provided in a timely and efficient manner.	○	○	○	○	○	○
My relative or person in my care received the exact accommodation that was requested.	○	○	○	○	○	○

51. If there was a problem when you or your relative/person in your care requested assistance or accessibility tools in the court, how was it handled?
(Select all that apply)

- ☐ It was reported to the judge
- ☐ It was reported to the judge's assistant
- ☐ It was reported to the court's ADA coordinator
- ☐ It was reported to the court's bailiff
- ☐ It was reported to the court clerk or another member of the court staff
- ☐ It was reported to a lawyer
- ☐ It was reported to a case manager
- ☐ It was reported to someone who works at the court, but I do not know what their job is
- ☐ It was not reported
- ☐ Other *(please specify):*

  [ ]

- ☐ There weren't any problems with the help requested

52. Did you or your relative/person in your care know that if your relative/person in your care participated in a civil (non-criminal) case, they might be eligible to have a lawyer appointed to them due to your disability?

A civil case is any case that is not criminal, such as divorce, child custody, guardianship, child support, or personal injury cases.

- ◯ Yes, we knew because someone at the court (e.g., staff, administrator) informed us.
- ◯ Yes, we knew because we found out on our own.
- ◯ No, we did not know.

53. During your relative's/person in your care's interactions with the court (whether in person, by video, or by phone), did they experience any unfair treatment, judgment, or bias due to their disability from court staff, judges, or others involved in their case?

- ◯ No
- ◯ I am not sure
- ◯ Yes *(please describe their experience):*

54. Do you believe the court considered challenges your relative/person in your care faces due to their income, race or ethnicity, gender, sexual orientation, immigration status, or language?

- ◯ No
- ◯ I am not sure
- ◯ Yes *(please explain how the court considered their challenges):*

55. During your relative's/person in your care's case in the Washington court system, did court staff take their individual needs into account and involve them in the decision-making process?

- ◯ Yes
- ◯ No
- ◯ I am not sure

56. If your relative/person in your care is not a native English speaker, were they given an interpreter?

- ◯ They are a native English speaker
- ◯ Yes, they were given an interpreter
- ◯ No, they were not given an interpreter

57. While interacting with the court, did your relative/person in your care feel that their needs as a person with disabilities were acknowledged and respected?

- ◯ Yes, they felt heard and valued
- ◯ I am not sure
- ◯ No, they did not feel heard and valued *(please explain or provide examples):*

58. Did transportation-related issues affect their ability to participate in their case?

- ◯ Yes, and the court provided assistance.
- ◯ Yes, but they did not receive assistance from the court.
- ◯ No, transportation issues did not affect their case.
- ◯ I am not sure

59. When they needed support from family, friends, or community members for their case, which of the following occurred?
(Select all that apply)

- ☐ They were asked for their consent before involving others.
- ☐ Their privacy was respected.
- ☐ The judge did not allow them to receive support from others.
- ☐ They did not need support from anyone.

60. If your relative was involved in a criminal case, did the judge provide them with alternatives to jail or prison?
(Examples may include referrals to social services, probation, therapeutic/community court, electronic home monitoring, or mental health support.)

- ◯ No, the judge did not give them options to avoid jail or prison
- ◯ They were not involved in a criminal case
- ◯ I am not sure
- ◯ Yes, they were given options *(please describe the options that were provided to them):*

61. Has your relative or the person in your care ever had a negative experience with a judge or court staff because of their disability?

- ◯ No
- ◯ I am not sure
- ◯ Yes *(please describe their experience):*

62. Did staff at the court your relative/person in your care visited give them referrals to or information about resources or social service organizations outside of the court that helped them with their case(s)?

- ◯ No
- ◯ I am not sure
- ◯ Yes *(please list organizations they were referred or given information about):*

63. Do you believe the court made it difficult for you and/or others to support your relative and/or the person in your care during their court process?

- ◯ No
- ◯ Yes *(please explain what happened):*

64. Indicate your level of agreement or disagreement with the following statement:

I believe people with disabilities are treated fairly and respectfully in the Washington court system.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree

65. How would you describe the general attitude towards people with disabilities in the Washington court(s) you and/or your relative or person in your care visited?

- ◯ Very positive
- ◯ Moderately positive
- ◯ Slightly positive
- ◯ Slightly negative
- ◯ Moderately negative
- ◯ Very negative

66. What specific improvements or changes would you recommend to enhance the accessibility and fairness of the court system for individuals with disabilities?

67. What were some positive aspects, if any, of your experience in the court system?

68. In which county do you usually go when supporting clients with disabilities?

69. If you have had cases in more than one county, please list the other counties:

70. What kind of cases have your clients with disabilities been in court for?

71. How frequently do you work with or encounter persons with disabilities involved in court cases?

- ◯ Very Often
- ◯ Often
- ◯ Occasionally
- ◯ Rarely
- ◯ Never

72. Have you ever accompanied persons with disabilities to court for their hearings?

- ◯ Yes
- ◯ No
- ◯ I am not sure

73. Did your client(s) with disabilities require accommodations to fully participate in the court proceedings (e.g., sign language interpreters, accessible facilities, modified schedules)?

- ◯ Yes
- ◯ No
- ◯ I cannot recall or I am not sure

74. How effective are the Washington court system's accommodations in meeting the needs of people with disabilities?

- ◯ Very Effective
- ◯ Moderately Effective
- ◯ Slightly Effective
- ◯ Not Effective at All
- ◯ I am not sure

75. Have you ever observed or been involved in cases where accommodations for a person with a disability were denied or delayed?

- ◯ No
- ◯ I am not sure
- ◯ Yes *(please describe what occurred, including the nature of the accommodation, the reason for the denial or delay (if known), and the impact it had on the individual or case):*

76. Please rate your level of agreement or disagreement with the following statement:

I believe that courtrooms and other facilities (e.g., waiting areas, court offices) in Washington are physically accessible to people with disabilities.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree

77. Have any of your clients with disabilities been appointed an attorney as an accommodation in a civil case?

- ◯ Yes
- ◯ No
- ◯ I am not sure

78. Before taking this survey, were you aware that a judge could appoint an attorney to a person with disabilities as an accommodation in a civil case?

- ◯ No
- ◯ Yes *(please explain how you learned this information):*

79. Do you believe the Washington court system adequately addresses the intersectionality of disability with other identities (e.g., race, gender, socio-economic status)?

Note: Intersectionality is an analysis tool used to understand the ways in which people with multiple marginalized social identities experience compounded forms of systemic oppression. For example, a person with disabilities who has limited English proficiency may experience more or different hardships navigating a court system or requesting accommodations compared to a person with disabilities who reads and writes in English proficiently.

- ◯ Yes
- ◯ No
- ◯ I am not sure

80. Do you believe judges and court staff have made it easy for you to support your clients with disabilities?

- ◯ Yes
- ◯ No

81. How knowledgeable do you believe judges and court staff are about the needs of litigants with disabilities?

- ◯ Very Knowledgeable
- ◯ Moderately Knowledgeable
- ◯ Slightly Knowledgeable
- ◯ Not Knowledgeable at all

82. How frequently have judges and court staff looked to you for guidance on supporting litigants with disabilities?

- ◯ Very Often
- ◯ Often
- ◯ Occasionally
- ◯ Rarely
- ◯ Never

83. How would you rate the collaboration between social services organizations and the Washington court system in supporting clients with disabilities?

- ◯ Excellent
- ◯ Good
- ◯ Fair
- ◯ Poor
- ◯ Very Poor

84. Please rate your level of agreement or disagreement with the following statement:

The courts effectively utilize social services as an alternative to punitive resolutions for clients with disabilities.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree

85. Please rate your level of agreement or disagreement with the following statement:

The court system effectively accounts for the financial hardships litigation can impose on litigants with disabilities.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree

86. In your opinion, what are the most significant challenges or barriers faced by individuals with disabilities navigating the court system?
(Check all that apply)

- Lack of accessibility or accommodations
- Lack of knowledge about rights and processes
- Discrimination or bias
- Limited support or advocacy from social services
- Other (please specify)

87. How effective do you believe the court system is in addressing the needs of litigants with mental health challenges?

- ◯ Very Effective
- ◯ Moderately Effective
- ◯ Slightly Effective
- ◯ Not Effective at All
- ◯ No Opinion

88. Rate your level of agreement or disagreement with the following statement:

Based on my experience, court personnel (e.g., judges, attorneys, bailiffs) have the necessary tools and training to handle emotional outbursts from litigants with disabilities in a supportive, respectful manner that minimizes harm.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree

89. Have you ever observed instances where a person’s disability or perceived disability was cited as a reason for an adverse decision in their case (e.g., being deemed unfit as a parent)?

- ◯ No
- ◯ Yes *(please explain what happened):*

90. What disability-related topics do you believe would help court personnel enhance their understanding of disability and improve their ability to serve litigants with disabilities? *(Select all that apply):*

- Training on accessibility and accommodations
- Training on trauma-informed care and support for persons with disabilities
- Training on culturally responsive support for persons with disabilities
- Training on language access
- Training on intersectionality
- Training on supporting litigants with mental illness
- I am not sure
- Other (please specify)
- The court does not need additional resources to work with individuals with disabilities

91. Indicate your level of agreement or disagreement with the following statement:

I believe people with disabilities are treated fairly and respectfully in the Washington court system.

- ◯ Strongly Agree
- ◯ Agree
- ◯ Slightly Agree
- ◯ Slightly Disagree
- ◯ Disagree
- ◯ Strongly Disagree

92. How would you describe the general attitude towards people with disabilities in the Washington court(s) you visited?

- ◯ Very positive
- ◯ Moderately positive
- ◯ Slightly positive
- ◯ Slightly negative
- ◯ Moderately negative
- ◯ Very negative

93. What misconceptions or biases about disabilities have you observed among Washington State court personnel, and how have these contributed to unfair or inappropriate treatment of people with disabilities within the court system?

94. What changes would you recommend to improve collaborations between social services organizations and the court system in ways that better support litigants with disabilities?

95. Please feel free to share any additional comments, concerns, or suggestions on how the Washington court system can improve its handling of cases involving people with disabilities.

About These Questions

As part of this survey, we ask a few demographic questions to better understand the diverse identities of respondents. Your answers help us recognize how different experiences within the Washington court system may be shaped by factors such as race, gender identity, and disability status.

Your participation in these questions is completely voluntary. Your responses are anonymous and will not be linked back to you in any way. The information collected will only be used in aggregate to identify potential patterns and connections between identities and experiences, if relevant.

By capturing a range of perspectives, we aim to ensure that any recommendations for improving accessibility and equity in the court system reflect the needs of all individuals.

96. Are you a veteran or an active-duty United States servicemember?

- ◯ Yes
- ◯ No

97. What is your racial/ethnic identity?
(Select all that apply)

- African American/Black
- Asian/Asian American
- First Nations/Indigenous
- Latina/e/o
- Indigenous Alaskan
- Indigenous Hawaiian or Pacific Islander
- Southwest Asian or North African
- Multiracial
- White/Caucasian
- Other or prefer to self-describe (please specify)
- Prefer not to answer

98. What is your gender identity?
(Select all that apply)

Woman

Man

Non-binary (including genderqueer, genderfluid, agender, etc.)

Two-Spirit

Other or prefer to self-describe (please specify)

Prefer not to answer

99. Are you transgender?

- ◯ Yes
- ◯ No
- ◯ Prefer not to answer

100. What is your sexual or romantic orientation?
(Select all that apply)

Asexual

Bisexual/biromantic

Gay

Lesbian

Pansexual/panromantic

Queer

Heterosexual

Other or prefer to self-describe (please specify)

Prefer not to answer

101. What type(s) of disability do you have?
(Select all that apply)

- Physical Disability
- Sensory Disability (e.g., hearing, vision)
- Cognitive/Intellectual Disability
- Mental Health Condition
- Neurological Condition
- Neurodivergent
- Other (please specify)
- Prefer not to answer

About These Questions

As part of this survey, we ask a few demographic questions to better understand the diverse identities of respondents. Your answers about your relative or person in your care with a disability help us recognize how different experiences within the Washington court system may be shaped by factors such as race, gender identity, and disability status.

Your participation in these questions is completely voluntary. Your responses are anonymous and will not be linked back to you in any way. The information collected will only be used in aggregate to identify potential patterns and connections between identities and experiences, if relevant.

By capturing a range of perspectives, we aim to ensure that any recommendations for improving accessibility and equity in the court system reflect the needs of all individuals. As a reminder, these demographic questions are about the person in your care who has a disability.

102. Is your relative or person in your care a veteran or an active-duty United States servicemember?

- ◯ Yes
- ◯ No
- ◯ I am not sure
- ◯ I prefer not to answer

103. What is the racial/ethnic identity of your relative or person in your care? *(Select all that apply)*

- African American/Black
- Asian/Asian American
- First Nations/Indigenous
- Latina/e/o
- Indigenous Alaskan
- Indigenous Hawaiian or Pacific Islander
- Southwest Asian or North African
- Multiracial
- White/Caucasian
- Other or prefer to self-describe (please specify)

- Prefer not to answer

104. What is the gender identity of your relative or person in your care?
(Select all that apply)

Woman

Man

Non-binary (including genderqueer, genderfluid, agender, etc.)

Two-Spirit

Other or prefer to self-describe (please specify)

Prefer not to answer

105. What is the sexual or romantic orientation of your relative or person in your care?
(Select all that apply)

Asexual

Bisexual/biromantic

Gay

Lesbian

Pansexual/panromantic

Queer

Heterosexual

Other or prefer to self-describe (please specify)

Prefer not to answer

106. Is your relative or person in your care transgender?

- ◯ Yes
- ◯ No
- ◯ Prefer not to answer
- ◯ I am not sure

107. What type(s) of disability does your relative or person in your care have?
(Select all that apply)

- Physical Disability
- Sensory Disability (e.g., hearing, vision)
- Cognitive/Intellectual Disability
- Mental Health Condition
- Neurological Condition
- Neurodivergent
- Other (please specify)
- Prefer not to answer

References

Measurements and Requirements for the courtrooms and courthouses obtained from: https://www.access-board.gov/files/advisory-committee-reports/caac-report.pdf

THE END