



Effective Communications and
Practical Accommodations for
Persons with Disabilities

DECEMBER 3, 2015

Beyond the Bench

ANAHEIM, CALIFORNIA

ABOUT THE PRESENTER

Linda McCulloh is a Senior Attorney in the Center for Judiciary Education and Research of the Judicial Council of California. She has been teaching programs on the Americans with Disabilities Act (ADA) and requests for accommodations.

Ms. McCulloh was a member of the State Bar Council on Access and Fairness and was Chair of the Education Subcommittee of the State Bar Committee of Legal Professionals with Disabilities. She had worked with the Access for Persons with Disabilities Subcommittee of the Judicial Council's Access and Fairness Advisory Committee. On a national level, she was on the Education Committee of the U.S. Access Board's Courthouse Access Advisory Committee.

She has conducted training and presentations to the California courts, the State Bar of California, the Society of Government Meeting Professionals, the National Association of Judicial Educators, the Practising Law Institute, County Counsel Association and many organizations. Ms. McCulloh was the keynote speaker on accessibility issues at many bar associations programs, including the Los Angeles County Bar, Alameda County Bar and the Beverly Hills Bar Associations.

She has authored and co-wrote several publications including the State Bar of California's brochures on "I Have A Disability: What Are My Employment Rights Under the California Fair Employment & Housing Act?" and "Disability Awareness: How To Accommodate Persons With Disabilities".

If you have any questions regarding ADA accessibility at the courts, you may contact Linda McCulloh at linda.mcculloh@jud.ca.gov or at 415-865-7746.

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LEGAL AUTHORITY

AMERICANS WITH DISABILITIES ACT

Title II: State and Local Government Activities

Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g; public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

Note: This summary is from the U.S. Department of Justice publication "A Guide to Disability Rights Laws" at <http://www.ada.gov/cguide.htm>.

California Access Law

Under California law, persons with disabilities are entitled to full and equal access to places of accommodation, transportation carriers, lodging places, recreation and amusement facilities, and other business establishments where the general public is invited. This rule applies to medical facilities, including hospitals, clinics and physicians' offices. Persons with both physical and mental disabilities are protected. (Civ. Code, § 54.1.)

A person with a disability or a trainer of guide, signal or service dogs has the right to be accompanied by a guide dog, signal dog, or service dog without being required to pay an extra charge or to leave a security deposit, although if with a trainer, the dog must be on a leash and tagged as a guide, signal or service dog. (Civ. Code, § 54.1, subd. (b)(6)(A), and § 54.2; Food & Agr. Code, §§ 30850 and 30852.) However, such persons can be liable for any provable damage done to the premises or facility by the dog. (Civ. Code, § 54.1, subd. (c), and § 54.2, subds. (a) and (b).)

Under this nondiscrimination law, an establishment is not required to make structural modifications in order to facilitate access by persons with physical

disabilities. (*Marsh v. Edwards Theatres Circuit, Inc.* (1976) 64 Cal.App3d 881.) However, other laws which mandate structural modification may apply to these establishments.

Civil Code section 54.7 authorizes zoos and wild animal parks to prohibit guide, signal or service dogs from accompanying persons with disabilities in areas where patrons of the park are not separated from zoo or park animals by physical barriers. However, any mode of transportation provided to the general public must be offered free to persons with visual-impairments who would otherwise use a guide dog or persons in wheelchairs who would otherwise use a service dog.

It is a misdemeanor to interfere with the right of a person with a disability to be accompanied by a guide dog, signal dog or service dog in public conveyances or accommodations. (Pen. Code, § 365.5.) It is a misdemeanor to intentionally interfere with the use of a guide dog by harassment or obstruction. (Pen. Code, § 365.6.) It is also a misdemeanor to knowingly or fraudulently represent yourself to be the owner or trainer of a guide, signal or service dog. (Pen. Code, § 365.7.) It is an infraction for any person to permit a dog owned, harbored or controlled by him or her to cause injury or death to any guide, signal or service dog performing its duties. (Pen. Code, § 600.2.)

Note: This summary is from the California Department of Justice publication, "Legal Rights of Persons With Disabilities" at <http://ag.ca.gov/civilrights/reports.php#disability>.

CALIFORNIA CODES CIVIL CODE SECTION 54.8

54.8. (a) In any civil or criminal proceeding, including, but not limited to, traffic, small claims court, family court proceedings and services, and juvenile court proceedings, in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration, or in any administrative hearing of a public agency, where a party, witness, attorney, judicial employee, judge, juror, or other participant who is hearing impaired, the individual who is hearing impaired, upon his or her request, shall be provided with a functioning assistive listening system or a computer-aided transcription system. Any individual requiring this equipment shall give advance notice of his or her need to the appropriate court or agency at the time the hearing is set or not later than five days before the hearing.

(b) Assistive listening systems include, but are not limited to, special devices which transmit amplified speech by means of audio-induction loops, radio frequency systems (AM or FM), or infrared transmission. Personal receivers,

headphones, and neck loops shall be available upon request by individuals who are hearing impaired.

(c) If a computer-aided transcription system is requested, sufficient display terminals shall be provided to allow the individual who is hearing impaired to read the real-time transcript of the proceeding without difficulty.

(d) A sign shall be posted in a prominent place indicating the availability of, and how to request, an assistive listening system and a computer-aided transcription system. Notice of the availability of the systems shall be posted with notice of trials.

(e) Each superior court shall have at least one portable assistive listening system for use in any court facility within the county. When not in use, the system shall be stored in a location determined by the court.

(f) The Judicial Council shall develop and approve official forms for notice of the availability of assistive listening systems and computer-aided transcription systems for individuals who are hearing impaired. The Judicial Council shall also develop and maintain a system to record utilization by the courts of these assistive listening systems and computer-aided transcription systems.

(g) If the individual who is hearing impaired is a juror, the jury deliberation room shall be equipped with an assistive listening system or a computer-aided transcription system upon the request of the juror.

(h) A court reporter may be present in the jury deliberating room during a jury deliberation if the services of a court reporter for the purpose of operating a computer-aided transcription system are required for a juror who is hearing impaired.

(i) In any of the proceedings referred to in subdivision (a), or in any administrative hearing of a public agency, in which the individual who is hearing impaired is a party, witness, attorney, judicial employee, judge, juror, or other participant, and has requested use of an assistive listening system or computer-aided transcription system, the proceedings shall not commence until the system is in place and functioning.

(j) As used in this section, "individual who is hearing impaired" means an individual with a hearing loss, who, with sufficient amplification or a computer-aided transcription system, is able to fully participate in the proceeding.

(k) In no case shall this section be construed to prescribe a lesser standard of accessibility or usability than that provided by Title II of the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted

pursuant to that act. Leg.H. 1980 ch. 1002, 1992 ch. 913, 1993 ch. 1214, 2001 ch. 824.

CALIFORNIA RULES OF COURT RULE 1.100

The Judicial Council of California, the policymaking body for the courts, adopted rule 1.100 to implement the federal Americans with Disabilities Act (ADA) and related state law in the courts.

Rule 1.100 seeks to provide a workable and orderly framework for compliance with the ADA and state laws. The rule provides the mechanism for anyone with disabilities participating in court activities, programs, or services—lawyers, parties, witnesses, jurors, and any other participants—to request accommodations by making a written or oral request to a court’s ADA or access coordinator.



California Rules of Court (Revised January 1, 2015)

Rule 1.100. Requests for accommodations by persons with disabilities

(a) Definitions

As used in this rule:

- (1) "Persons with disabilities" means individuals covered by California Civil Code section 51 et seq.; the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); or other applicable state and federal laws. This definition includes persons who have a physical or mental impairment that limits one or more of the major life activities, have a record of such an impairment, or are regarded as having such an impairment.
- (2) "Applicant" means any lawyer, party, witness, juror, or other person with an interest in attending any proceeding before any court of this state.
- (3) "Accommodations" means actions that result in court services, programs, or activities being readily accessible to and usable by persons with disabilities. Accommodations may include making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to persons with disabilities, auxiliary aids and services, equipment, devices, materials in alternative formats, readers, or certified interpreters for persons with hearing impairments; relocating services or programs to accessible facilities; or providing services at alternative sites. Although not required where other actions are effective in providing access to court services, programs, or activities, alteration of existing facilities by the responsible entity may be an accommodation.

(Subd (a) amended and relettered effective January 1, 2007; adopted as subd (b) effective January 1, 1996; previously amended effective January 1, 2006.)

(b) Policy

It is the policy of the courts of this state to ensure that persons with disabilities have equal and full access to the judicial system. To ensure access to the courts for persons with disabilities, each superior and appellate court must delegate at least one person to be the ADA coordinator, also known as the access coordinator, or designee to address requests for accommodations. This rule is not intended to impose limitations or to invalidate the remedies, rights, and procedures accorded to persons with disabilities under state or federal law.

(Subd (b) adopted effective January 1, 2007.)

(c) Process for requesting accommodations

The process for requesting accommodations is as follows:

- (1) Requests for accommodations under this rule may be presented ex parte on a form approved by the Judicial Council, in another written format, or orally. Requests must be forwarded to the ADA coordinator, also known as the access coordinator, or designee, within the time frame provided in (c)(3).
- (2) Requests for accommodations must include a description of the accommodation sought, along with a statement of the impairment that necessitates the accommodation. The court, in its discretion, may require the applicant to provide additional information about the impairment.
- (3) Requests for accommodations must be made as far in advance as possible, and in any event must be made no fewer than 5 court days before the requested implementation date. The court may, in its discretion, waive this requirement.
- (4) The court must keep confidential all information of the applicant concerning the request for accommodation, unless confidentiality is waived in writing by the applicant or disclosure is required by law. The applicant's identity and confidential information may not be disclosed to the public or to persons other than those involved in the accommodation process. Confidential information includes all medical information pertaining to the applicant, and all oral or written communication from the applicant concerning the request for accommodation.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2006.)

(d) Permitted communication

Communications under this rule must address only the accommodation requested by the applicant and must not address, in any manner, the subject matter or merits of the proceedings before the court.

(Subd (d) amended effective January 1, 2006.)

(e) Response to accommodation request

The court must respond to a request for accommodation as follows:

- (1) In determining whether to grant an accommodation request or provide an appropriate alternative accommodation, the court must consider, but is not limited by, California Civil Code section 51 et seq., the provisions of the Americans With Disabilities Act of 1990 (42 U.S.C. § 12101, et seq.), and other applicable state and federal laws.
- (2) The court must promptly inform the applicant of the determination to grant or deny an accommodation request. If the accommodation request is denied in whole or in part, the response must be in writing. On request of the applicant, the court may also provide an additional response in an alternative format. The response to the applicant must indicate:
 - (A) Whether the request for accommodation is granted or denied, in whole or in part, or an alternative accommodation is granted;
 - (B) If the request for accommodation is denied, in whole or in part, the reason therefor;
 - (C) The nature of any accommodation to be provided;
 - (D) The duration of any accommodation to be provided; and
 - (E) If the response is in writing, the date the response was delivered in person or sent to the applicant.

(Subd (e) amended effective January 1, 2010; previously amended effective January 1, 2006, and January 1, 2007.)

(f) Denial of accommodation request

A request for accommodation may be denied only when the court determines that:

- (1) The applicant has failed to satisfy the requirements of this rule;
- (2) The requested accommodation would create an undue financial or administrative burden on the court; or
- (3) The requested accommodation would fundamentally alter the nature of the service, program, or activity.

(Subd (f) amended effective January 1, 2007; previously amended effective January 1, 2006.)

(g) Review procedure

- (1) If the determination to grant or deny a request for accommodation is made by nonjudicial court personnel, an applicant or any participant in the proceeding may submit a written request for review of that determination to the presiding judge or designated judicial officer. The request for review must be submitted within 10 days of the date the response under (e)(2) was delivered in person or sent.
- (2) If the determination to grant or deny a request for accommodation is made by a presiding judge or another judicial officer, an applicant or any participant in the proceeding may file a petition for a writ of mandate under rules 8.485-8.493 or 8.930-8.936 in the appropriate reviewing court. The petition must be filed within 10 days of the date the response under (e)(2) was delivered in person or sent to the petitioner. For purposes of this rule, only those participants in the proceeding who were notified by the court of the determination to grant or deny the request for accommodation are considered real parties in interest in a writ proceeding. The petition for the writ must be served on the respondent court and any real party in interest as defined in this rule.
- (3) The confidentiality of all information of the applicant concerning the request for accommodation and review under (g)(1) or (2) must be maintained as required under (c)(4).

(Subd (g) amended effective January 1, 2010; previously amended effective January 1, 2006.)

(h) Duration of accommodations

The accommodation by the court must be provided for the duration indicated in the response to the request for accommodation and must remain in effect for the period specified. The court may provide an accommodation for an indefinite period of time, for a limited period of

time, or for a particular matter or appearance.

(Subd (h) amended effective January 1, 2006.)

Rule 1.100 amended effective January 1, 2010; adopted as rule 989.3 effective January 1, 1996; previously amended effective January 1, 2006; previously amended and renumbered effective January 1, 2007.

Advisory Committee Comment

Subdivision (g)(2). Which court is the "appropriate reviewing court" under this rule depends on the court in which the accommodation decision is made and the nature of the underlying case. If the accommodation decision is made by a superior court judicial officer and the underlying case is a limited civil, misdemeanor, or infraction case, the appropriate reviewing court is the appellate division of the superior court. If the accommodation decision is made by a superior court judicial officer and the case is anything other than a limited civil, misdemeanor, or infraction case, such as a family law, unlimited civil, or felony case, the appropriate reviewing court is the Court of Appeal. If the accommodation decision is made by a judicial officer of the Court of Appeal, the appropriate reviewing court is the California Supreme Court.

<p>APPLICANT (name): APPLICANT is <input type="checkbox"/> Witness <input type="checkbox"/> Juror <input type="checkbox"/> Attorney <input type="checkbox"/> Party <input type="checkbox"/> Other (Specify)</p> <p>Person submitting request (name): APPLICANT'S ADDRESS: TELEPHONE NO.:</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p>	
<p>JUDGE:</p>	
<p>CASE TITLE:</p>	<p>DEPARTMENT:</p>
<p>REQUEST FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES AND RESPONSE</p>	<p>CASE NUMBER:</p>

Applicant requests accommodation under rule 1.100 of the California Rules of Court, as follows:

1. Type of proceeding: Criminal Civil Other:
2. Proceedings to be covered (for example, bail hearing, preliminary hearing, trial, sentencing hearing, family, probate, juvenile):
3. Date or dates needed (specify):
4. Impairment necessitating accommodation (specify):
5. Type or types of accommodation requested (specify):
6. Special requests or anticipated problems (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date:

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE)

RESPONSE

The accommodation request is **GRANTED** and the court will provide the
 requested accommodation, in whole
 requested accommodation, in part (specify below):

For the following duration:
 For the above matter or appearance
 From (dates): _____ to _____
 Indefinite period

The accommodation is **DENIED** in whole or in part because it
 fails to satisfy the requirements of rule 1.100.
 creates an undue burden on the court.
 fundamentally alters the nature of the service, program, or activity.

For the following reason (attach additional pages, if necessary): [See Cal. Rules of Court, rule 1.100(g), for the review procedure]
 The court will provide the alternative accommodation as follows:

Date response delivered in person or sent to applicant:

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE)

SIGNATURE FOLLOWS THE LAST PAGE OF THE RESPONSE.

CASES

Tennessee v. Lane

541 U.S. 509 (2004)

In re Marriage of James M. and Christine. C.

158 Cal.App.4th 1261 (2008)

Biscaro v. Stern

181 Cal.App.4th 702 (2010)

Vesco v. Superior Court of Ventura, Newcomb

221 Cal.App.4th 275 (2013)

INTERACTING
&
COMMUNICATING

TEN TIPS FOR COMMUNICATING WITH PEOPLE WITH DISABILITIES*

1. Speak directly rather than through a companion or the sign language interpreter who may be present.
2. Offer to shake hands when introduced. People with limited hand use or artificial limb can usually shake hands and offering the left hand is an acceptable greeting.
3. Always identify yourself and others who may be with you when meeting someone with a visual disability. When conversing in a group, remember to identify the person to whom you are speaking.

When dining with a friend with a visual disability, ask if you can describe what is on his or her plate using the clock to describe the location of the food, i.e., potato is at 3 o'clock.

4. If you offer assistance, wait until the offer is accepted. Then listen or ask for instructions.
5. Treat adults as adults. Address people with disabilities by their first names only when extending that same familiarity to all others. Never patronize people of short stature or people in wheelchairs by patting them on the head or shoulder.
6. Do not lean against or hang on someone's wheelchair or scooter. Bear in mind that people with disabilities treat their wheelchairs or scooters as extensions of their bodies.

The same goes for people with service animals. Never distract a work animal from their job without the owner's permission.

7. Listen attentively when talking with people who have difficulty speaking and wait for them to finish. If necessary, ask short questions that require short answers, or a nod of the head. Never pretend to understand; instead repeat what you have understood and allow the person to respond.
8. Place yourself at eye level when speaking with someone who is of short stature or who is in a wheelchair or on crutches.
9. Tap a person who has a hearing disability on the shoulder or wave your hand to get at his or her attention. Look directly at the person and speak clearly, slowly, and expressively to establish if the person can read your lips. If so, try to face the light source and keep hands, cigarettes and food away from your mouth when speaking.

If a person is wearing a hearing aid, don't assume that they have the ability to discriminate your speaking voice. Do not raise your voice. Speak slowly and clearly in a normal tone of voice.

10. Relax. Don't be embarrassed if you happen to use common expressions such as "See you later" or "Did you hear about this?" that seem to relate to a person's disability.

*The United Cerebral Palsy Association, Inc. (UCPA) adopted the ten tips from many sources as a public service. The UCPA's version of the ten tips has been updated by Linda P. McCulloh of the Center for Judiciary Education and Research of the Administrative Office of the Courts.

TIPS FOR INTERACTING WITH PEOPLE WITH MENTAL HEALTH DISABILITIES

1. Speak Directly.

Use clear simple communications. Most people, whether or not they have a mental health disability, appreciate it. If someone is having difficulty processing sounds or information, as often occurs in psychiatric disorders, your message is more apt to be clearly understood. Speak directly to the person; do not speak through a companion or service provider.

2. Offer to Shake Hands When Introduced

Always use the same good manners in interacting with a person who has a psychiatric disability that you would use in meeting any other person. Shaking hands is a uniformly acceptable and recognized signal of friendliness in American culture. A lack of simple courtesy is unacceptable to most people, and tends to make everyone uncomfortable.

3. Make Eye Contact and Be Aware of Body Language

Like others, people with a mental disability sense your discomfort. Look people in the eye when speaking to them. Maintain a relaxed posture.

4. Listen Attentively

If a person has difficulty speaking, or speaks in a manner that is difficult for you to understand, listen carefully — then *wait for them to finish speaking*. If needed, clarify what they have said. Ask short questions that can be answered by a “yes” or a “no” or by nodding the head. Never pretend to understand. Reflect what you have heard, and let the person respond.

5. Treat Adults as Adults

Always use common courtesy. Do not assume familiarity by using the person’s first name or by touching their shoulder or arm, unless you know the person well enough to do so. Do not patronize, condescend, or threaten. Do not make decisions for the person, or assume their preferences.

6. Do Not Give Unsolicited Advice or Assistance

If you offer any kind of assistance, wait until the offer is accepted. Then listen to the person’s response and/or ask for suggestions or instructions. *Do not* panic or summon an ambulance or the police if a person appears to be experiencing a mental health crisis. Calmly ask the person how you can help.

7. Do Not Blame the Person

A person who has a mental health disability has a complex, biomedical condition that is sometimes difficult to control, even with proper treatment. A person who is experiencing a mental health disability cannot “just shape up” or “pull himself up by the bootstraps.” It is rude, insensitive, and ineffective to tell or expect the person to do so.

8. Question the Accuracy of the Media Stereotypes of Mental Health Disability

The movies and the media have sensationalized mental health disabilities. In reality, despite the overabundance of “psychotic killers” portrayed in movies and television, studies have shown that people with a mental health disability are far more likely to be *victims* of crime than to victimize others. Most people with a mental health disability never experience symptoms which include violent behavior. As with the general public, about 1% - 5% of all people with a mental health disability are exceptionally easily provoked to violence.

9. Relax!

The most important thing to remember in interacting with people who have mental health disabilities is to BE YOURSELF. Do not be embarrassed if you happen to use common expressions that seem to relate to a mental health disability, such as “I’m CRAZY about him” or “This job is driving me NUTS.” ASK the person how he feels about what you have said. Chances are, you get a flippant remark and a laugh in answer.

10. See the PERSON

Beneath all the symptoms and behaviors someone with a mental health disability may exhibit is a PERSON who has many of the same wants, needs, dreams and desires as anyone else. Don’t avoid people with mental health disabilities. If you are fearful or uncomfortable, learn more about mental health disabilities. Kindness, courtesy, and patience usually smooth interactions with all kinds of people, including people who have a mental health disability.

Treat people with mental health disabilities as you would wish to be treated yourself.

Adapted by Mary Lee Stocks, MSW, LISW, from the *Ten Commandments of Communicating with People with Disabilities*, originally developed by the National Center for Access Unlimited/Chicago and United Cerebral Palsy Associations/Washington, D.C.; and a video and script developed by Irene M. Ward & Associates/Columbus, Ohio, partially supported through Ohio Development Disabilities Planning Council Grant #92-13 (1993)

TIPS FOR TALKING TO A PERSON WITH HEARING LOSS

- **FACE the person with the hearing loss directly and on the same level whenever possible.**

Do not turn and walk away while still talking. When you walk away, the person with the hearing loss can no longer hear you or read your lips.*

- **KEEP your hands away from your face while talking.**
- **SPEAK in a normal fashion, without shouting. Speak clearly and more slowly than usual.**

If a person has difficulty understanding something, find a different way of saying the same thing rather than repeating the original words over and over.

Speak slowly. Sometimes it is difficult for a person who has hearing loss to distinguish between background noise and speech.*

- **NEVER talk from another room. Be sure to get the person's attention before you start speaking to him or her.**
- **REDUCE background noises when holding conversations – turn off the radio or TV.**

If you are talking while eating, chewing or smoking, your speech will be more difficult to understand.

- **MAKE sure that the light is not shining in the person's eyes when you are talking to him or her.**
- **RECOGNIZE that people with hearing loss hear and understand less well when they are tired or ill.**

*Comments provided by person who is hard of hearing.

The Hearing and Speech Center of Northern California
1234 Divisadero Street, San Francisco, CA 94115
415-921-7658 VOICE 415-921-8990 TTY
Email: info@hearingspeech.org

TIPS FOR INTERACTING WITH PEOPLE WHO ARE BLIND *

When you meet me do not be ill at ease. It will help both of us if you remember these simple points of courtesy:

1. I'm an ordinary person, just blind. You don't need to raise your voice or address me as if I were a child. Don't ask my spouse what I want – "Cream in the coffee?" – ask me.
2. If I am walking with you, don't grab my arm; let me take yours. I'll keep a half step behind, to anticipate curbs and steps.
3. I want to know who is in the room with me. Speak when you enter. Introduce me to the others. Include children, and tell me if there is a cat or dog. Guide my hand to a chair.
4. The door to a room, cabinet, or to a car left partially open is a hazard to me.
5. At dinner, I will not have trouble with ordinary table skills.
6. Don't avoid words like "see." I use them too. "I'm always glad to see you".
7. I don't want pity. But don't talk about the "wonderful compensations" of blindness. My sense of smell, touch, or hearing did not improve when I became blind. I rely on them more and, therefore, may get more information through those senses than you do – that's all.
8. If I'm your houseguest, show me the bathroom, closet, dresser, window – the light switch too. I would like to know whether the lights are on.
9. I'll discuss blindness with you if you're curious, but it's an old story to me. I have as many other interests as you do.
10. Don't think of me as just a blind person. I'm just a person who happens to be blind.

Note: In all 50 states, the law requires drivers to yield the right of way when they see my extended white cane. Only the blind may carry white canes. You see more blind persons today walking alone. Not because there are more of us, but because we have learned to make our way.

*From the National Federation of the Blind
1800 Johnson Street, Baltimore, Maryland 21230
Phone: 410-659-9314
www.nfb.org

person, not the person interpreting what's being said. If the person uses an amplifier or other device, don't touch it, as that's part of his or her personal space.

Persons With Hearing Loss

If you need to attract the attention of a person with a hearing loss, touch him or her lightly on the shoulder or arm. When you speak to people with hearing loss, speak directly to them. With people who use sign language interpreters, speak to them, not to their interpreters. Face them so that they can see your lips. Slow your rate of speech, speak your words clearly, and increase your volume, if requested. Shouting usually doesn't help.

Not all people with hearing loss can read lips. For those people, other forms of communication may be necessary. Some may offer to write messages back and forth. For some, American Sign Language (ASL) is their first language, and they may require a sign language interpreter to understand proceedings or join in a conversation.

Persons With Vision Loss

Be descriptive. Describe goings-on and surroundings, especially obstacles, to a blind person. You may need to help orient people with visual disabilities and let them know what's coming up. Be the assistant, not the director. If you're asked for assistance, let a blind person hold your arm as a guide. If they're walking, tell them when they have to step up or step down; let them know if the door is to their right or left; and warn them of possible hazards.



You don't have to speak loudly to people with visual disabilities. Most of them can hear just fine. When appropriate, offer to read written information for a person with a visual disability. It's okay to ask blind people if they "see what you mean." If you're meeting a blind person, identify yourself. If you've met before, remind the person of the context because he or she won't have the visual cues to jog the memory.

Persons With Learning Disabilities

Don't assume the person isn't listening merely because you're not getting any verbal or visual feedback. Instead, ask whether they understand or agree. Don't assume you have to explain everything to people with learning disabilities. They

don't necessarily have a problem with general comprehension. When necessary, offer to read written material aloud.

Persons With Hidden Disabilities

Not all disabilities are apparent. A person may have difficulty following a conversation, may not respond when you call or wave, or may say or do something that seems inappropriate. The person may have a hidden disability such as poor vision, a seizure disorder, a hearing loss, a learning disability, a brain injury, a mental disability, or a health condition. These are just a few of the many different types of hidden disabilities. Don't make assumptions about the person or the disability. Be open-minded.

This pamphlet is the creation and responsibility of the Access and Fairness Advisory Committee of the Judicial Council of California. Points of view expressed herein do not necessarily represent the official positions or policies of the Judicial Council of California or the Administrative Office of the Courts.



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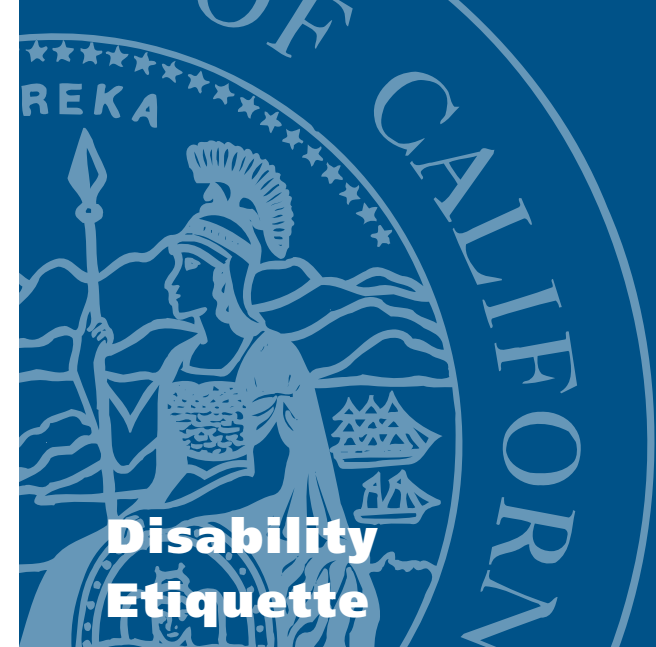
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Interacting With Persons With Disabilities



JUDICIAL COUNCIL OF CALIFORNIA

ACCESS AND FAIRNESS ADVISORY COMMITTEE

GENERAL ETIQUETTE

People with disabilities prefer that you focus on their abilities, not their disabilities. Always emphasize the person first. Avoid the terms “handicapped,” “physically challenged,” and other similar references. The preferred usage is “people with disabilities” or “persons with disabilities.” The term “disabled people,” although used, may be offensive because this term defines people as disabled first and people second.

Language is powerful, but attitudes and behaviors are the most difficult barriers for people with disabilities to overcome.

Be Yourself

Treat people with disabilities with the same respect and consideration that you have for everyone else. Treat each person as an individual, not as a disability. Don't assume that disability is all that person can talk about or is interested in. Engage in small talk, the way you would with anyone. Use a normal voice when extending a verbal welcome. Don't raise your voice unless requested. As in any new situation, everyone will be more comfortable if you relax.



Helping

Don't automatically give assistance. Ask first if the person wants help. Follow the person's cues and ask if you're not sure. Assistance with doors, as long as you're clear of the path, is usually very much appreciated. If your offer of assistance is accepted, listen or ask for instructions. Don't be offended if someone refuses your offer. It's his or her choice to be as independent as possible.

Communication

People are considered to have communication disabilities when their ability to take in, give, or process information is limited.

Talk directly to the person, not to an aide or interpreter. It's important to make eye contact. If you don't understand someone, ask the person to repeat. If the person doesn't understand you when you speak, try again. Sometimes it takes several attempts at listening or speaking for communication to be successful. Let the person know that your communication with him or her is worthwhile to you. When appropriate, offer to make public information available in alternative formats such as Braille, audiotape, large print, or Web pages.

Environments

Be sensitive about the setting in which you're communicating. A noisy or dark environment, or many people talking at the same time, may make it difficult for people with vision, speech, hearing, or some other hidden disabilities to fully participate in a conversation. Be aware of clear paths of travel for people who are blind or use wheelchairs or other mobility aids. Realize that a person with chemical sensitivity may have a reaction to smoke, perfume, or toxins in the environment.

Socializing

Don't leave persons with disabilities out of a conversation or activity because you feel uncomfortable or fear that they'll feel uncomfortable. Include them as you would anyone else. They know what they can do and what they want to do. Let it be their decision whether to participate.



Touching

You may gently touch people with disabilities to get their attention. Touch them when appropriate, such as when shaking hands in greeting or if they request your assistance. If you meet people with AIDS, shake their hands as you would with anyone else; you can't get AIDS by touching.

Don't touch someone's cane, wheelchair, or other assistive device. It's a part of that person's personal space. If you're interested in a demonstration of someone's electronic aid, ask. Don't try to use such equipment unless invited to do so. Guide dogs and other service animals are working animals; don't pet or touch them without specific permission.

PERSONS WITH SPECIFIC DISABILITIES

Persons With Mobility Disabilities

A person in a wheelchair is a “wheelchair user” or a “person using a wheelchair.” Talk directly to the person, not to an aide, and don't assume a companion is an aide. When having an extended conversation with someone in a wheelchair or scooter, try sitting or crouching down to his or her approximate height. It's okay to invite a person in a wheelchair to “go for a walk.” Never touch or lean on a person's wheelchair unless you have permission—it's that person's personal space. Give a push only when asked. Enable people who use crutches, canes, walkers, wheelchairs, or scooters to keep their mobility aids within reach, unless they request otherwise. Be aware of what is and isn't accessible to people who use mobility aids such as wheelchairs and walkers.



People who use wheelchairs may have a variety of disabilities. Some have use of their arms, and some don't. When you meet such a person, extend your hand to shake if that's what you normally do. A person who can't shake your hand will let you know, and he or she will appreciate being treated in a normal way.

Persons With Speech Disabilities

Listen patiently and carefully. Address persons with speech disabilities as you would anyone else in the same situation. Don't complete sentences for a person with a speech disability unless he or she specifically asks you for help. Don't pretend you understand what he or she says, just to be polite. Go to a quiet room if necessary. Don't let able-bodied people interrupt a person with a speech disability simply because they talk louder. If you don't understand what's said to you, ask the person to repeat it or to say it a different way.

Keep good eye contact. If a person with a speech disability is using a trained speech interpreter or relay, speak to and keep eye contact with the

When referring to people with disabilities, choose words that reflect dignity and respect. Use language that describes the person's disability without defining the individual as his or her disability. The following are just some examples.

INAPPROPRIATE	APPROPRIATE
The disabled, the handicapped	Person with a disability, the disability community
Crippled, suffers from, afflicted with, stricken with, victim of, invalid	Person with a disability
The blind, the deaf	Person who is blind, person who is deaf or hard of hearing
Wheelchair bound, confined or restricted to a wheelchair	Person who uses a wheelchair, a wheelchair user
Handicap parking	Accessible parking, parking for a person with a disability
Dumb, mute	Person who cannot speak, has difficulty speaking, uses synthetic speech, is non-vocal or is non-verbal
Stutterer, tongue-tied	Person with a speech disability or communication disability
CP victim, spastic	Person with cerebral palsy
Crippled, lame, deformed	Person with a disability, person who walks with a cane or uses leg braces
Epileptic	Person with epilepsy, person who had a seizure
Fit, attack	Person who had a seizure, epileptic event or seizure event
Crazy, maniac, lunatic, insane, nuts, deranged, psycho, demented	Person with an emotional disability, mental health disability or psychiatric disability
Retard, mentally defective, moron, idiot, slow, imbecile, feeble-minded, Down's person, mongoloid	Person with an intellectual disability
Slow learner, retarded	Person who has a learning disability, person with an intellectual disability
Dwarf, midget	Person of short stature, little person
Paraplegic, quadriplegic	Person with a spinal cord injury, person with paraplegia or who is paralyzed
Birth defect	Person with a congenital disability
A post-polio, suffered from polio	Person who has had polio or experienced polio
Homebound	Person who is not able to leave home
Senile, demented	Person with Alzheimer's disease, person who has dementia