



RIGHTS OF DEAF AND HARD OF HEARING PEOPLE – COURTS AND LAWYERS

If you are DEAF or HARD OF HEARING, you have a right to clear, “effective” communication when you talk with lawyers or when you are in court.

What is “Effective” Communication?

- Communication that is clear enough to you so you can get the same information that hearing people get.
- You have a right to have clear communication for all “important conversations” when you are with lawyers or in court.

Examples of “Important Conversations” include:

- Talking to a lawyer about your case in the lawyer’s office, outside the courtroom, and in the courtroom.
- Understanding what is said in the courtroom, especially if you are one of the people directly involved in the case (you filed the case, or you are the defendant in the case, or you were the victim of the crime) or you are a friend or relative who is there to support a person directly involved in the case, or you are on the jury.

- Answering questions in court.
- Signing any papers

Examples of how lawyers and courts can make communication more clear:

- Use Court Certified sign language interpreters in court if possible.
- Use hearing and deaf certified or PA State registered sign language interpreters for meetings.
- Use remote video interpreters for short conversations if an in-person interpreter is not available.
- Use Communication Access Realtime Translation (known as "CART" or "realtime captioning") - a service in which a person uses a special machine to type everything that is said on a computer so you can read what others are saying in court or at meetings, or during important conversations with your lawyer.
- Use assistive listening devices (hearing equipment) that make it easier for you to hear what people are saying like asking the judge, all lawyers and witnesses to use a microphone every time they speak in the courtroom. (But they do not have to give you personal hearing aids.)
- Meet with you in a room that is quiet and does not have a lot of background noise.
- Talk to you face-to-face rather than looking at a computer or papers.
- Speak slowly and clearly (without shouting).
- If you use sign language, assistive listening equipment or CART, make sure you can talk privately to your lawyer without anyone seeing or hearing what you say to your lawyer or what your lawyer says to you.

- Use more than one interpreter in special situations, like when there are two deaf people on different sides of the same case.

How do you get an interpreter or other help with communication in court?

If you have a lawyer, the lawyer must tell the court what you need for effective communication. If you do not have a lawyer, you will need to tell the court yourself. Tell the court the name of the case, what you need for clear communication, and why communication in spoken English is hard for you to understand. As soon as the judge or court administrators know that you are deaf or hard of hearing and need an interpreter, they are required to get a Court Certified interpreter for you, or if they can't find one, another qualified interpreter. If they know that you need another kind of help (like CART or assistive listening equipment) to communicate, they must give you the help you need.

What can you do to make sure you have good communication in court or with lawyers?

1. Tell the court or the lawyer that you are deaf or have a hearing loss, and ask for what you need to make communication clear for you (like interpreter services or CART) as soon as possible. This will give them time to find what you need for the meeting or the court date.
2. Ask for exactly what you need and explain why that accommodation will work best for you. Your lawyer and the court will be more likely to give you what you need if they understand why you need the accommodation you are asking for. For example, many people do not understand that ASL uses a different word order than English.

3. If you are hard of hearing and rely on lip reading for clear communication, ask the lawyer to stand in good light, away from windows, and not eat or drink while talking to you.
4. If possible, give contact information for organizations that can send interpreters or captioners, or equipment that can help you communicate clearly with your lawyer. Be sure to give the name of the organization, telephone number or email address. Sometimes lawyers and courts do not provide what you need because they don't know where to get it.
5. The day before your meeting or court date, contact the lawyer's office and ask if the interpreter or captioner will be there, or if they have the equipment that you asked for. Your contact will help remind the lawyer of your request. If the lawyer did not make any plans for the accommodations you need and is unable to do so when you call, then you can ask that your meeting or court date be rescheduled to another time when you will have what is needed for clear communication during your meeting or court date.
6. If there is no accommodation (no interpreter, no captioner) when you go to your meeting or to court, you can ask to reschedule it to another time and day when the interpreter or captioner can be there. When deciding what to do, it is important to think about the seriousness of your legal situation and which would be better for you or your family: for example, if your child is in jail waiting for her trial, and her lawyer tells you that she can get out of jail to wait for the trial, you could let the lawyer speak for her that day without an interpreter because you prefer that your child wait get out of jail that day. But if the court date is for a trial where a final decision about you will be made, or if you need to talk as a witness in court, you should tell your lawyer and the court that they must

reschedule court to a day when an interpreter or other accommodation (captioner, assistive listening equipment, etc.) can also be in court.

7. If you have to wait in court and you do not have a lawyer, tell the staff to come get you when they are ready for you. Tell them they cannot just call your name because you won't hear them.
8. Make sure you understand everything that the court or lawyers give you in writing. If you do not understand something, be honest about this and tell the court or your lawyer right away that you do not understand.
9. The judge may ask you if you understand something that was said in court. **Never say you understand if you really do not understand.** If you have a hard time understanding something, ask them to say it again in a different or simpler way until you can understand.
10. If you are on the witness chair and someone is asking you a question you do not understand, tell them to ask the question again in a different or simpler way, until you can understand.
11. **THIS IS IMPORTANT TO REMEMBER: DO NOT nod your head unless you really understand what the judge or other people say.** Sometimes people nod to show they are trying to understand and communicate. But the judge or lawyer might think your nod means "yes", so **DO NOT nod unless you really agree** with what the person says.

Will you always get exactly what you ask for?

Lawyers and courts must ask you for your opinion about what will help make communication clear. If you need an interpreter for court, they must get you one. But, in other situations (like in the lawyer's office, or if you ask for hearing equipment in court) they do not always have to use what you

ask them to use for clear communication. If they can find another way to communicate with you that you understand clearly, they can use this other way to communicate with you. However, if you try the help they offer and it does not work you should let them know that it is not working and you do not understand. The lawyer or judge should then give you help that will make communication clear for you.

At meetings with lawyers, the lawyer cannot make you use a family member or friend to interpret, but you can choose to use a family member or friend if you want to. But remember, it is sometimes very important to have confidential conversations with your lawyers.

In court, the judge can never use a family member (or anyone else who might care about the court's decision), as an interpreter, even if you want him or her to use this person.

If the judge thinks you need an interpreter in court (or captioning or some other way to make communication with you clear) and you do not want an interpreter or other help with communication, you can say no. But first you must let the court give you an interpreter, captioning, or other help to communicate with you to make sure you understand your right to have an interpreter if you want one. If the judge is sure that you really do not want an interpreter for the rest of the case, the interpreter can leave.

In Pennsylvania, when a lawyer meets with you, he or she cannot make you use an interpreter who is not certified unless you agree and sign a form required by the Office of Deaf and Hard of Hearing, or unless it is an emergency. The interpreter should ask you about this before he or she

begins interpreting so you can decide whether to agree to use a non-certified interpreter. You can change your mind about using a non-certified interpreter at any time by filling out a revocation form and giving it to the lawyer or the interpreter. You can ask the interpreter for the revocation form.

If you believe you have been discriminated against by a lawyer or a court you may file a complaint with the United States Department of Justice. If you want to file a complaint about discrimination because you are deaf or hard of hearing, you can send a written complaint to:

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66738
Washington, D.C. 20035-6738

Another organization where you can make a complaint about discrimination by lawyers is the Pennsylvania Human Relations Commission (PHRC).

You can contact the PHRC at -

http://www.phrc.state.pa.us/portal/server.pt/community/file_a_complaint/18976.

You can also call the PHRC Disability Rights Section toll-free ADA Information Line at (800) 514-0301 (voice) or (800) 514-0383 (TDD). For more information on filing a disability discrimination complaint see -

www.ada.gov/fact_on_complaint.htm

Contact Information

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: intake@disabilityrightspa.org.

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PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or intake@disabilityrightspa.org.

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