



EXECUTIVE SUMMARY

People with disabilities have been discriminated against throughout history: only recently have their rights been recognized by society and through law. As a result of this discrimination, people with disabilities have been prohibited from participating fully in society. The broad range of activities and environments that they have been excluded from includes jury service, a civic responsibility that epitomizes our conception of social participation.

The first part of Citizens Jury Project Fall/Winter 2003 report focuses on the issue of access to the court facilities and court processes for jurors with disabilities. The report provides a brief overview of the issue and then examines Title II of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §§ 12101 et seq.), which is particularly relevant to court facilities and processes. CJP then presents an overview of New York's efforts to promote access for jurors with disabilities, followed by court-specific accessibility observations of the 60, 100, 111 Centre Street courthouses in Manhattan and the 360 Adams Street courthouse in Brooklyn. CJP concludes the section with general and court-specific recommendations based on this

analysis and informed by our advocacy for jurors in New York courts.

The second part of the Fall/Winter 2003 report provides a detailed analysis of 496 comments collected from jurors interviewed during the time period of August 1, 2003 to November 30, 2003. Accompanying this analysis are recommendations that have been informed by jurors' comments and our ongoing presence at 60, 100, and 111 Centre Street courthouses in Manhattan, and 360 Adams Street in Brooklyn.

RECOMENDATIONS

Assess and continue to improve upon access to the court facilities and court processes for jurors with disabilities.

New York has taken significant steps in promoting access for jurors with disabilities, but court facilities and processes can and must continue to be improved upon. Access for jurors with disabilities promotes fair trials, juror comprehension, positive views of the justice system, and universal design. Accessible court environments and processes benefit us all.

- Continue to study and improve civil and criminal jury instructions. Plain English jury instructions promote the inclusion of jurors with hearing and visual disabilities and improve comprehension among all jurors.
- Expand research and analysis on jurors with disabilities. Monitoring is necessary to assess how well the system is functioning and what areas of service need to be improved upon to promote greater inclusion of people with disabilities.
- Ensure that all aspects of 22 NYCRR § 202.33 are complied with, including the requirement that a judge sit in on the commencement of voir dire in all civil trials. If an alternative approach is currently being practiced, and is found to be advantageous and necessary, then clear parameters should be set to ensure that jurors with disabilities are not being excluded.

- Consistently provide information for jurors with disabilities during morning orientation.
- Note on the summons that the Brooklyn Bridge/City Hall 4,5,6 stop is the most accessible subway station for New York County jurors with disabilities.
- Encourage the City to improve the plumbing in New York County courts, so that the water flowing to the water fountains can be turned on again. The lack of accessible water affects all jurors, but can present particular problems for jurors with disabilities.

Provide jurors with detailed information about where to report during all phases of service, and provide more procedural information throughout the process.

In order to alleviate juror confusion during the voir dire process or while serving on a panel, New York and Kings County courts must provide explicit information about where jurors should report while serving. Jurors should also be more informed about their rights and have a clear understanding of the process of serving. Lessening juror confusion and stress will diminish jurors' feeling of "wasted time" and will promote comprehension during proceedings.

Utilize the resources and knowledge that the fields of English as a Second Language (ESL) and linguistics have developed in relation to assessment and communication with non-English speaking jurors. Linguistic professionals, not simply other court staff who have no prior education or experience in the field, should train court staff in how to properly conduct language-qualifying interviews.

Continue to develop public information and resources that promote inclusion.

- Provide multi-lingual information about the courts and court processes. For example, counties with high populations of multi-lingual people should establish toll-free information lines with recorded instructions for summoned multi-lingual/non-English speakers about the jury process and how to seek

postponement/dismissal prior to service. Kings County is considering implementing this toll-free line. CJP encourages the county to follow through with this reform, and for other linguistically diverse counties to follow Kings County's lead.

Target environmental improvements in the courts.

Jurors clearly respond to improvements made to the physical conditions within our courts. Courts must continually assess whether their facilities are accessible and safe. Timely response to the recommendations provided in the report will help to create accessible, clean and safe court environments.

CONCLUSION

Jury reform has improved the administration of justice in New York, and jurors' perception of and performance within the jury system. In an effort to continue to improve the system, the Citizens Jury Project encourages the Unified Court System to implement the preceding recommendations. It is our hope that this and other CJP reports provide a framework that can be built upon.



A CJP intern speaking with a juror at 60 Centre Street (pictured above) and a CJP intern working in the office (below).