

Remote Hearings and Accommodations under the ADA

Title II of the Americans with Disabilities Act (ADA)¹ requires that state and local governments provide reasonable accommodations to persons with disabilities to provide access to a court program, service, or building. Requests for accommodations are decided on a case-by-case basis, with the court and the requestor engaging in a dialogue to determine the best reasonable accommodation for the person.

Because of the spread of the coronavirus and COVID-19 illness, court facilities closed to the public in March 2020. In order to continue conducting court business, Michigan courts began holding proceedings remotely beginning at the end of March 2020.² The need for accommodations under the ADA will continue with remote hearings, although many may look different in a remote world. Michigan courts use Zoom to hold remote proceedings.³

If a person requests an ASL interpreter for an ADA accommodation, the interpreter will appear as a participant, just like a party to the case. In Zoom, their name should include “Interpreter” so that participants can easily identify the interpreter. The party who requested the interpreter may wish to “pin” the interpreter’s video feed. Pinning a specific user’s video won’t affect the view of other participants and will not affect cloud recordings.⁴ You may find instructions [here](#). If a party who has an ASL interpreter is moved into a breakout room, the ASL interpreter will need to be assigned to the breakout room as well.

Zoom has the capacity to allow closed captioning for participants. If closed captioning is being provided as an accommodation under the ADA, the court must use a Communication Access Real-Time Transcriber (CART). Many Court Stenographic Reporters (CSRs) are also CART-certified and may be utilized to provide this service. If the court does not have a CART-certified CSR, then the court must contact a third-party CART provider for the service. You may find instructions on setting up closed captioning for a proceeding in Zoom [here](#).

Other participants may have visual impairments. If the court is going to utilize the Zoom share screen or chat feature to share information, the court should verbalize what is being displayed on the screen or in the chat. The court could consider reading any chat comments aloud, saving the entire chat for later reference and to share with participants, and sending links or documents shared through the chat to participants via e-mail. Documents or videos shared through the share screen feature would be shared ahead of any proceedings. If it is not, then it should be shared with all parties after the hearing.

There may be some instances where accommodations cannot be made for remote hearings, and the court may have to hold an in-person hearing so that a person with a disability will be able to participate in the proceeding. Persons who require tactile interpretation⁵ would be an example. Tactile interpretation requires an interpreter to be in close proximity to the person he or she is interpreting for; for example, a person who is deafblind may have an interpreter who may sign what is spoken onto the person’s hand. It may also be appropriate to hold a proceeding in person for parties who require other types of interpretation or other accommodations to facilitate communication, access, and participation.

The need for ADA accommodations has not disappeared with remote proceedings, but the type of accommodations may look different than courts are accustomed to. Please contact your regional administrator or Court Services at courtservices@courts.mi.gov with questions.

¹ https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm

² Michigan Supreme Court [Administrative Order 2020-6](#) authorized remote proceedings whenever possible.

³ The Michigan Supreme Court provided a Zoom license to each judge, magistrate, and referee in the state. If a court has elected not to use Zoom, there are other captioners that are compatible with Cisco WebEx and Adobe Connect Pro.

⁴ Zoom Help Center “[Pin or Spotlight Video](#)”

⁵ Tactile interpretation includes tactile signing, finger spelling (dactylology), and Print-on-Palm (POP). Please see the [Handbook for Michigan Courts on Accessibility and Accommodation for Individuals with Disabilities](#).