

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA**



**GUIDELINES FOR PROVIDING ACCOMMODATIONS FOR TRIAL
PARTICIPANTS WITH COMMUNICATION DISABILITIES**

As adopted in September 1994 and 1995, it is the policy of the Judicial Conference of the United States that all federal courts provide reasonable accommodations for trial participants and jurors with communications disabilities and access to the courts for all segments of the disabled community.

REQUESTS FOR ACCOMMODATIONS FOR TRIAL PARTICIPANTS

The United States District Court for the District of Montana will provide reasonable accommodations, at judiciary expense, in the form of sign language interpreters or other appropriate auxiliary aids and services to participants in federal court proceedings who are deaf, hearing impaired, or have other communications disabilities.

The chief deputy of administration for the District of Montana is the designated access coordinator. The chief deputy of administration will process all requests for accommodations for communications disabilities. Participants may utilize the equipment for the hearing impaired installed in the courtrooms or may request, through the chief deputy, the assistance of sign language interpreters or other appropriate auxiliary aids to facilitate communications. Requests from participants for physical accommodations to facilitate physical access to the court buildings will be promptly referred to the Americans with Disabilities Act (ADA) officers designated by the General Services Administration for each of the court's buildings.

"Participants" in court proceedings include parties, attorneys, and witnesses. Auxiliary aids and services are not required to be provided to spectators but may be provided when deemed appropriate. Spectators should complete the form described below and include a detailed explanation of their case-related interest in the proceeding for which they seek an accommodation.

"Court proceedings" include trials, hearings, ceremonies and other public programs or activities conducted by the United States District Court for the District of Montana.

"Auxiliary aids and services" include qualified interpreters, assistive listening devices or systems, or other effective methods of making aurally delivered materials available to individuals with hearing impairments. The court shall give primary consideration to a participant's choice of auxiliary aid or service. In the event that specific auxiliary aids and services are requested, alternatives must be identified by the requesting participant in case the primary auxiliary aids and services requested are unavailable, incompatible with the courtroom, or too expensive.

Requests for sign language interpreters and other appropriate auxiliary aids and services should be

submitted on the Application for Accommodations for Trial Participants with Communication Disabilities, Jurors, and Members of the Public. This form is available from the clerk's office, from any courtroom deputy, or on the court's website at www.mtd.uscourts.gov. If the form is submitted by personal delivery, electronically, or facsimile it should be submitted at least ten (10) court days in advance of the court proceeding to the court's chief deputy of administration to allow for the procurement of such auxiliary aids and services. If the form is submitted by U.S. mail it should be submitted at least fifteen (15) court days prior to the scheduled court proceeding for which the auxiliary aids and services are requested.

The chief deputy of administration (or his/her designee) must promptly inform the requesting participant in writing of the determination to grant or deny an application for auxiliary aids and services. On request of the participant and when appropriate, the chief deputy of administration (or his/her designee) may also provide the response in a format accessible to the requesting participant. The response to the requesting participant must indicate:

- Whether the application for auxiliary aids and services is granted or denied, in whole or in part;
- If the application for auxiliary aids and services is denied, in whole or in part, the reasons;
- The nature of any auxiliary aids and services to be provided;
- How long any auxiliary aids and services will be provided; and
- The date the response was sent to the requesting participant and the method of delivery.

REQUESTS FOR ACCOMMODATIONS FOR JURORS

Requests for accommodations set forth in the juror questionnaire and/or a separate letter sent in with the questionnaire from prospective jurors will be processed by the jury administrator. Pursuant to the District of Montana's Jury Plan, individuals with disabilities are deemed qualified to serve on grand or petit juries unless they are "incapable, by reason of mental or physical infirmity, to render satisfactory jury service" (28 U.S.C. § 1865(b)(4)), or disqualified for other reasons set forth in the Jury Plan.

The authorized deputy clerk or other individuals authorized by the court to assist the clerk of court in the performance of functions pursuant to 28 U.S.C. § 1869(a) will review the request and research the possibility of providing the requested accommodations, as well as any available alternative accommodations. If the prospective juror is satisfied with the available accommodations, the prospective juror will be deemed available to serve, and subject to assignment to a panel. The presiding judge will then determine whether the prospective juror, using the accommodation(s) provided and based upon the specific circumstances of the particular case, meets the statutory requirements for jury service. See Guide to Judiciary Policy, Vol. 5, Ch. 2 § 255.30.

When a prospective juror requires physical accommodations, the authorized deputy clerk will refer the request to the ADA officer designated by the General Services Administration for the court building in which the juror is designated to serve. The ADA officer will take the necessary steps to provide the required accommodations so the juror can meet the statutory requirements for jury service.