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ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

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WASHINGTON, D.C. 20544

MAY 12 1997

May 8, 1997

Honorable Vic Fazio  
Member  
United States House of Representatives  
722B Main Street  
Woodland, CA 95695-3407

Attention: Jeremy Dennis

Dear Representative Fazio:

Susan Hayes has shared with me your letter to her of April 17, 1997, on behalf of your constituent Donald Parks. Since your inquiry concerns matters handled by several offices in the Administrative Office, I thought it appropriate to respond to you directly, as I have previously regarding issues raised by Mr. Parks.

In your letter, you ask why the judiciary's policy on the provision of services to the hearing-impaired and other persons with communications disabilities covers only court proceedings. The simple answer is because this reflects the historically limited role of the courts as neutral arbiters of disputes rather than advocates for individual litigants, a limitation that is retained even under the Americans with Disabilities Act (ADA).

As you are aware, although the ADA does not apply to the federal government, 42 U.S.C. § 12131(1), the Judicial Conference of the United States has a long-standing policy of promoting full access to federal judicial proceedings by persons with disabilities, and the practices of state and local courts which are covered under the Act often provide a useful model for the federal courts to follow. We have been advised by the Department of Justice, which both enforces the ADA and provides advice on compliance to state and local agencies, that the essence of agencies' obligation to persons with visual impairments such as Mr. Parks is to provide "effective communication" about their programs and activities, as long as such does not result in an "undue burden" upon the agency. In the particular case of a court, this means that the court must insure that visually-impaired persons are provided meaningful access to communications initiated by the court, its clerk's office and other support units. This does not mean, however, that the courts are obligated to provide access to communications initiated by others, such as documents prepared by opposing litigants which are filed in court, or to provide substantive legal advice or assistance to aid litigants in the conduct of their cases.

Attachment 1