

**Judicial Council of Georgia  
Access to Justice Committee**

**Wednesday, May 13, 2020  
12:00 p.m. – 1:30 p.m.**

**Join Zoom Meeting**  
<https://zoom.us/j/99889703328>

**Meeting ID: 998 8970 3328**

Judicial Council of Georgia  
Access 2 Justice Committee  
Wednesday, May 13, 2019 12:00 p.m. – 1:30 p.m.

One tap mobile  
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Dial by your location  
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+1 646 558 8656 US (New York)  
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Meeting ID: 998 8970 3328

Find your local number: <https://zoom.us/u/abeNGQPrXz>

**I. Welcome and Introductions – 10 minutes**

**Written Reports**

- Summary of February 19, 2020

***SAVE THE DATES – Upcoming Events***

- **Virtual Free Legal/Record Restrictions Clinics, May 2020 (TBA)**
- **2020 A2J Committee Meetings** August 13, 2020 and November 13, 2020 from 12 noon to 1:30 p.m.

## **A2J Committee Project and Community Updates**

**III. Law Library Proposal/ New Standing Committee Update** – 5 minutes Justice Bethel

**IV. SRL Forms Working Group Update** – 2 minutes Vicky Kimbrell

**V. Deaf and Hard of Hearing Working Group Update** - 3 minutes- Dr. William Simmons and Tabitha Ponder

**VI. Pilot Project Update**– 10 minutes, Gerald Williams and Nancy Long

**VII. Free Legal Record Restriction/Expungement Clinic** – 2 minutes Tabitha Ponder

**VIII. Old Business/PSA Videos, Self-Help Resources Toolkit and State Bar Funding Updates** – 5 minutes Judge Pham, Judge Cassandra Kirk and Michelle Barclay

**IX. New Business** – 2 minutes

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**Judicial Council of Georgia**  
**Access to Justice Committee**  
**Wednesday, February 19, 2020**

**12:00 p.m. - 1:30 p.m.**

Georgia Technology Authority  
Ground floor, Room G30  
47 Trinity Avenue  
Atlanta, GA 30334

**Conference Call Information**

**Telephone # 1-877-273-4202**

**Room ID: 9583294**

Present: Justice Robert Benham, Justice Charlie Bethel, Judge Clarence Cuthbert, Judge Ethan Pham, Judge LaTisha Dear-Jackson, Judge Bill Adams, Judge Mike Jacobs, Tabitha Ponder, Karlise Grier, Dr. Will Simmons, Tracey Johnson, Mike Monahan, Vicky Kimbrell, Sherri Edenfield (phone)

Others present: John Botero, LaShawn Murphy, Nancy Long, Darlene Kelley, Michelle Barclay, Noelle Alvarez-Lagueux, Bruce Shaw, Paula Myrick

**I. Welcome and Introductions**

The meeting started at 12:01 p.m. Congressman Buddy Darden gave a heartfelt speech about Justice Benham. Tabitha Ponder followed up and kind words and a small gift to Justice Benham. Others gave small farewell speech's directed to Justice Benham.

**II. Written Reports**

Justice Bethel spoke on the written reports that have been circulated to the A2J Committee. There were no questions regarding the written reports. Next, discussions about upcoming events. Annual State of South GA Conference GA State University, February 20- 21, 2020 National Self-Represented Litigants Litigation Network March 4-7, 2020 Nashville, TN. Dalton Legal Record Restriction in Dalton March 7<sup>th</sup> and Savannah, March 24<sup>th</sup>, 2020. Equal Justice Conference, May 5-9, 2020 (including the pre-conference dates) Omni hotel, downtown Atlanta. Register at Americanbar.org. On Thursday May 7<sup>th</sup> the Chief will be the keynote speaker and Justice

Benham will receive a lifetime achievement award. GA State Conference starts February 20<sup>th</sup>, 2020, GA State Access to Justice department. March 7<sup>th</sup> we are confirmed for First Baptist Church in Dalton. The flyer is completed for this expungement. If someone can help promote the expungement in the Rome/Cartersville area, it would be gladly appreciated.

### **III. SRL Forms Working Group**

Judge Blum, Cathy Wadell and Vicky Kimbrell are working together. They have come out with the top 12 forms used by pro-se litigants. They are working on how to get the forms accessible to pro-se litigants. The issue is how to consolidate the forms. The list is on the GA Legal Aid website. The list of forms that are the most important are: Family Law, Divorce (with and without children), Legitimation, Child Support forms, Family violence, contempt and more. They are also putting the forms in plain language. There are a set of forms and a set of instructions to tell people how to fill out the forms. Judge Blum in Gwinnett has videos that helps walk people through the forms process. We would like to link the courts to the videos for added assistance. A good idea would to be partner with the Council of Superior Court Judges, for more unified forms. Judge LaTisha Dear Jackson will assist with this.

### **IV. Deaf and Hard of Hearing Working Group**

Deaf and Hard of Hearing counter card is now completed. Dr. Will Simmons stated this bench card is for trial courts, which he will contact. We need to remind the trial court judges to look this card over before a trial starts. Per Tabitha, we should push this document throughout the court personnel.

### **V. Pilot Project Update**

Nancy Long spoke on the Pilot Project updates. They have an attorney who is full time pro access to justice. They have the annual report for the Pilot Project. Served over 101 counties in the state of Georgia, 97.2 from the state GA and 2.8% came from outside of GA. Most patrons came from the USA. Many patrons do not bring papers when they come. If they do, they bring papers from a website that is not acceptable to their situation. They have two boards that who are working together. The program is strong, they have over 25 partners, the strongest is the Albany Police department. Last year, they served over 1000 people. Per Tabitha, they have asked for \$300,000 to CCLC. Going to the State Bar late February to present on the Pilot Project. Judge Hodges has helped to bring all the stakeholders together.

### **VI. Toolkit Update**

Judge Casandra Kirk reported on the Toolkit update. Everyone was asked to submit writeups to Latoinna Lawrence and Tabitha Ponder. So far, we have only received an update from Middle GA Justice. Judge Blum has updates she would like to provide, in the meantime she is awaiting on updates from two other people.

### **VII. Old Business**

Judge Bill Adams talked about expungements he held in Macon in the fall of 2019, one in January 2020 and an upcoming in April 7<sup>th</sup>, 2020. Judge Colvin attended the events. At the Savannah expungement clinic, 1000 people attended

### **VIII. New Business**

Judge Jacobs spoke on an item from the Stonewall Bar association. They have formed a Judicial section with 12 members representing every class of court except Probate Judges. They also have one Federal Magistrate Judge involved. They are working on a couple of projects, one that pertains to the Access to Justice Committee. The project that pertains to the A2J committee is

developing a 1-hour CJE program on addressing sexual orientation and gender identity in the courtroom. A 1-hour slot is secured on the State Court Judges agenda for May, envisioning as a panel discussion. After May, we are going to make this a one-hour program that can be moved to the other classes of court once the debut has been made at the State Bar Judges Conference. Judge Ethan Pham spoke on the unauthorized practice of law project that he is working on. Immigrants are getting taken advantage of, because they do not speak English and do not know the legal system. They pay money to fake lawyers, then they are out of money and no help once the so called “lawyer” runs off with their money. As of now there is a new Solicitor of Gwinnett County on board, the Police chief and the Board of Commissions of Gwinnett County. All five PSA videos have been re-created in Vietnamese, Chinese, Spanish, English and Korean. They are planning on holding a large Press conference in April with Judge Blum. The PSA are online on the solicitor’s general’s office and the Gwinnett county police will place online. He is currently reaching out the solicitors in Clayton and Dekalb counties as they have diverse populations also. Mike Monahan can help Judge Pham with reaching the solicitor in Dekalb County. Judge Cassandra Kirk stated Magistrate Court of Fulton County has been partnering with Hosea Health to provide free legal clinics volunteer attorneys are coming out to run this clinic for six hours on holidays. Justice Bethel gave a quick speech to Justice Benham at the end of the meeting. He gave his gratitude to Justice Benham and is grateful to have known him for many years.

Adjourned at 1:11 p.m.



## Best Practices for Courtroom Accessibility Deaf and Hard of Hearing Persons in the Courts



1. Notify the presiding judge of any party, witness, juror, or member of the bar, etc. who is deaf or hard of hearing and may need an accommodation. Provide information gathered from discussions with the party. The judge may initiate an accommodation request prior to the court proceeding.
2. Before any civil or criminal hearing, the judge should inquire on the record whether the parties have been notified of their rights under the Americans with Disabilities Act (ADA) and court rules.
3. Notify the other parties of the accommodation request.
4. Determine the degree of accommodation needed. Request reasonable documentation regarding the need for an accommodation.
5. The judge may determine if a hearing is necessary to determine the appropriate accommodation. Determine the need for assistance (interpreters, assisted listening devices, or sign language, etc.).

6. Obtain the necessary assistance or device available to address the accommodation request through the (district) court administrator. Ensure all requests for modifications are handled timely and with respect.
7. Allow for reasonable accommodations or modifications at the hearing so the party has an equal opportunity to present his or her case as the opposing party without a disability.
8. The court must provide accommodations or modifications without charge. The requested accommodations or modifications do not have to be provided if doing so would fundamentally alter the nature of the service, program, benefits, or activities of the court. The accommodation also does not have to be provided if doing so would jeopardize the overall financial resources of the governmental entity.
9. Promote the jurisdiction's procedures for requesting accommodations for litigants via a court website and printed ADA informational brochures.

### Considerations to Ensure Persons with Disabilities Have Meaningful Access per the ADA

10. Identify yearly training opportunities for judges and administrative staff on ADA compliance.
11. Designate a circuit ADA coordinator to collaborate with well-trained local human resources staff and the local county or city attorney's office.
12. Establish an ADA grievance process. The language access coordinator may serve as the designee for this task.
13. Consider any request on an individual basis.
14. Educate court personnel and be familiar with federal regulations on service animals and effective communications.
15. Be receptive and give primary consideration to the individual's preferred mode of communicating.
16. Establish specific but flexible procedures to address reasonable accommodation or modification requests and to meet recurring accessibility needs.

#### Resources

- Georgia Judicial Handbook for Courtroom Accessibility  
Jurors with Disabilities. National Center for State Courts (2018).  
<https://www.ncsc.org/-/media/Microsites/Files/CJS/Other/Juror%20with%20Disabilities%20Final%20Report.ashx>  
National Association of the Deaf ([www.nad.org](http://www.nad.org)).
- Douglas, M. (2011). Understanding the Rights of Deaf and Hard of Hearing Individuals to Meaningful Participation in Court Proceedings. Valparaiso University Law Review. Vol. 45, N. 3; pp. 927-965. [Pravdahttps://scholar.valpo.edu/cgi/viewcontent.cgi?article=1833&context=vulr](https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1833&context=vulr)  
The Understanding ADA blog, <http://www.williamgoren.com/blog>  
Silva v. Baptist Health South Florida, 865 F.3d 824 (11th Cir. 2017).