

February 20, 2002

NAME AND ADDRESS OF LAWYER

Re: NAME OF CLIENT OR CASE

Dear Mr. :

Please be advised that has contacted my office with regards to a workers' compensation case he has with your office. As you are aware is profoundly deaf and communicates primarily in American Sign Language. As such his ability to communicate in writing and reading in English, like most profoundly deaf individuals who communicate in American Sign Language is limited.

has been unable to understand or participate in any meaningful way in his case due to your lack of accommodation of his disability. His inability to truly understand the progression of his case and the factors involved has led to great stress and anguish.

It is my understanding that has requested that an interpreter be provided to him and that your office has refused to provide him with this accommodation. He has been forced to bring family members who are not qualified to interpret and is often totally in the dark as no attempts have been made to effectively communicate with him and to involve him in his case. He has been told in very brief terms that his case may soon settle but he has no idea why, what for and when. He has had no participation at all in the resolution of his case and will not agree to any resolution until he is able to understand same and participate in same. Further appears to be totally disabled as this injury along with his deafness will render him incapable of performing most jobs he would otherwise be able to perform (manual labor). He does not understand why he would not be considered 100% disabled and why a motion has not been made to the second injury fund if it has not been.

This letter is to advise you, that you are in violation of Title III of the Americans with Disabilities Act, signed into law by President Bush in 1990, 28 C.F.R. Section 35.104, and the New Jersey Law Against Discrimination, N.J.S.A. 10-5:1 et seq. As a law office you are considered a public accommodation and as such you must be fully accessible to all individuals regardless of

disability. Further you must ensure "effective communication" and this should be done with the use of a "qualified interpreter who can adequately, effectively and impartially interpret both expressively and receptively using any specialized vocabulary". 28 C.F.R. Section 36.301(c) The Department of Justice states in Federal Regulations that the choice of the disabled person should be given due consideration and that it is "not difficult to imagine a wide range of situations including health or legal situations, which are lengthy or complex" enough to require a sign language qualified interpreter. 56 Fed. Reg. at 35567, 35712. Further the regulations specifically state that the cost of the interpreter may not be charged to the deaf patient. In addition the Department of Justice found that it is inappropriate for family members to interpret as they can be neither impartial nor uninvolved, thus a qualified professional interpreter is needed.

Please be advised the New Jersey Division of the Deaf, a state agency in Trenton, has an Interpreter Referral Service, whereby qualified interpreters may be obtained as well as further information on the ADA or 504. The telephone number for the Division of the Deaf, is (609) 984-7281.

wishes to continue with your office representing him. He merely wishes to be able to understand and participate in his case and to effectively communicate with you. I hope this information is helpful to you in dealing with as well as any other deaf individuals who may utilize your office in the future.

Thank you in advance for your attention to this matter.

Very Truly Yours,

Clara R. Smit, Esq.

CRS/edt
cc: