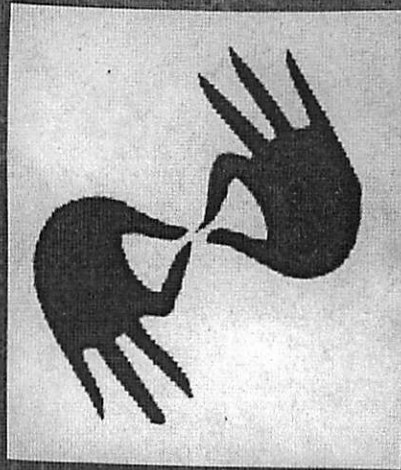




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LAW

Deaf people in New Jersey are filing more ADA cases

EAST BRUNSWICK, N.J. — Clara R. Smit, an attorney who specializes in serving the deaf community in East Brunswick, has been very busy lately filing lawsuits on behalf of deaf people. Many of these lawsuits have dealt with discrimination and deprivation of civil rights against deaf individuals. Deaf people are suing the police, hospitals, prisons, county jails, employers and even the courts.

Smit, who is fluent in ASL and the hearing child of deaf parents, has noticed that more and more deaf people are coming in aware of their rights under the ADA and want to enforce them.

"Although the ADA was passed in 1990 and although New Jersey has long had laws against discrimination which include disability, it has taken several years for people to recognize they have the right to request accommodation," said Smit.



Clara R. Smit

"The ADA to disabled people is what the Civil Rights Act of 1964 was to African-Americans. It will take time and, unfortunately, some lawsuits to get society to change its attitudes about its responsibility for accommodation for the disabled individual," she said.

In several instances, the police kept deaf individuals incarcerated without attempting to obtain an interpreter. In other cases, the court sent the deaf defendant back to jail pending the arrival of an interpreter, sometimes for days, although New Jersey has a specific law prohibiting this. In cases involving hospitals, deaf patients were denied interpreters, TTYs and closed captioning.

There have also been many other cases Smit has filed against employers and other private entities for deaf plaintiffs. "Each time one of these lawsuits is filed, we move one step closer toward truly reaching a discrimination free society" states Smit.

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