



Monthly Communicator

October 2001

Vol. 22

No. 9

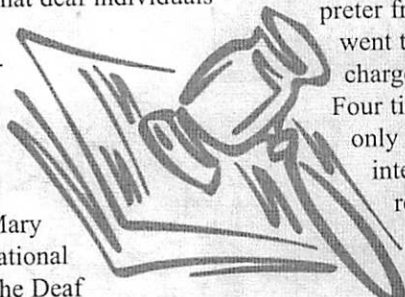
Donald T. DiFrancesco, Acting Governor

James W. Smith, Jr., Acting Commissioner

Brian C. Shomo, Director

Municipal Courts Pay \$157,000 in Landmark Settlement with Deaf Citizens

The doors to justice opened wide for nine deaf citizens who filed suit against the State of New Jersey and eight municipal courts. The lawsuit alleged that deaf individuals were denied access to municipal courts on the basis of their disability. Attorneys Marc Charmatz and Mary Vargas of the National Association of the Deaf Law Center and Attorney Clara Smit of East Brunswick announced that settlements totaling more than \$157,000 have been reached with all of the Municipal defendants. Plaintiffs' lawyers also announced that a Memorandum of Understanding has been reached with the State of New Jersey to ensure access to municipal courts in the state for people who are deaf and hard of hearing.



In a complaint filed in the United States District Court for the District of New Jersey, the plaintiffs alleged that eight municipalities in the State of New Jersey discriminated against deaf citizens in violation of the Americans with Disabilities Act, the Rehabilitation Act, and the New Jersey Law Against Discrimination. The plaintiffs appeared in municipal courts throughout the State. Their experiences with the New Jersey municipal courts revealed startling instances in which municipal courts refused to provide interpreters and otherwise denied access for people who are deaf. Among the charges levied against the municipal courts and The State of New Jersey were numerous instances in which courts refused to provide interpreters, or interpreters were

promised, but were never actually provided. One of the plaintiffs was assessed interpreter charges as court costs.

Plaintiff Nelsie Galan requested an interpreter from the Paterson Court when she went to the court to press harassment charges against another individual. Four times Ms. Galan appeared in court only to discover that there wasn't any interpreter. The court repeatedly refused to provide an interpreter and ultimately requested that the sister of the person charged with harassment interpret for Ms. Galan. Frustrated and humiliated, Ms. Galan dismissed the harassment charges.

One plaintiff who uses American Sign Language was forced to try and communicate with a judge without an interpreter in a courtroom full of observers. The complaint alleged that the Honorable Daniel Murphy stated that his court would not provide interpreters for the first appearances of deaf individuals.

Both the ADA and Section 504 of the Rehabilitation Act require courts to provide auxiliary aids and services at no cost to individuals with disabilities. Access to the justice system is of critical importance. Despite the fact that the Administrative Office of the Courts has maintained directives to ensure access for people who are Deaf and hard of hearing, some municipal courts have simply not followed the law. Attorneys for the plaintiffs were extremely pleased with the settlements and the Memorandum of Understanding with the State of New Jersey. Under the terms of the Memorandum, each municipal court in the State must designate an

ADACoordinator to accept and process requests for auxiliary aids and services to accommodate persons who are deaf and hard of hearing. Training for municipal court judges and staff, and guidance from the Administrative Office of the Courts judges and staff, on access for people who are deaf and hard of hearing will be provided to all 536 municipal courts. Signs will be posted in all courtrooms throughout the state informing citizens that sign language interpreters are available at no cost. In addition, all municipal court summons and court stationery will now include the international logo signaling the availability of sign language interpreters.

The case was the most comprehensive litigation filed against a court system on behalf of deaf citizens who sought access to the courts. For further information please contact Clara Smit (732) 843-6600 Voice, or Mary Vargas at the National Association of the Deaf Law Center (301) 587-7731V/TTY.

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