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Using Technology to “Ramp” Accessibility Barriers in the Legal Profession

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“May it please the Court, counsel. My client and I appreciate this opportunity to present our case,” says the voice behind the non-adjustable lectern, unable to be seen by the judge or heard by the microphone.

The practice of law is tough in its own right—long hours, stressful presentations, demanding clients, and bet-the-company decisions. For practitioners with physical disabilities, those demands are compounded by seemingly innocuous features of society that require hours of additional planning and preparation to overcome. By way of illustration, a practitioner preparing for a hearing has the stress of focusing on her presentation, crafting answers to possible questions from the judge, and dealing with opposing counsel. However, a practitioner with a physical disability has all of those considerations plus a plethora of logistical obstacles to strategize before arriving at the courthouse:

- Is there a parking lot that has a van-accessible parking spot to allow for my ramp to extend out my van’s side door?
- How do I lift my binders and papers from my van onto my wheelchair?
- If the courthouse is in a location prone to inclement weather, is there a protected, accessible path from the parking lot to the courthouse?

- Is there a power-assisted door into the courthouse? If not, is the door too heavy to open safely? Will my papers go flying as I try to open the door?
- How do I open the door into the courtroom? How do I open the bar to approach the counsel tables? Can I exit the courtroom independently without disturbing the court proceedings?
- Is the lectern’s height adjustable? Will the judge and/or jury be able to see me as I speak?
- Where in the courthouse is the handicap-accessible bathroom? Does it have a power-assisted door?

Fortunately, technological advancements and their creative implementation have started to open doors—literally—and ameliorate barriers for practitioners with physical disabilities. Recognizing that there are attorneys with various other physical disabilities who face similar difficulties, this article focuses on the obstacles encountered and observed by the authors within the courtroom and daily life of a practicing attorney who relies on a wheelchair for mobility.

Technology in the Courtroom

An attorney using a wheelchair will be aided by technology as soon as she approaches the courthouse. Mechanically opening entrance doors allow the attorney to enter the building independently and safely. Unfortunately, this only gains access to the courthouse—most courtrooms do not have power-assisted doors and pose serious obstacles to a discreet entrance by a person using a wheelchair. This problem is revisited when the lawyer wishes to exit the gallery during a hearing because she will require assistance to open the doors, thereby frequently disrupting the litigants and the court. A similar concern arises for other rooms within the courthouse, such as conference rooms, attorney preparation rooms, and even bathrooms—all of which may be accessible once inside, but have heavy doors or awkward angles that complicate gaining entrance.

Once in the courtroom, technology has greatly improved to include people using wheelchairs. Some courtrooms, such as the District of Minnesota and Minnesota Supreme Court, boast height-adjustable lecterns to allow a person using a wheelchair to lower the lectern so she can be seen and heard over the lectern. Many courtrooms also have lavalier microphones that can be clipped to an attorney's suit, which is particularly helpful for those with weakened muscles or limited muscle control. Moreover, some courtrooms in the Southern District of California feature handicap-accessible features to enable people with physical disabilities to participate in the trial process, such as witness boxes with wheelchair lifts and jury boxes with removable walls to accommodate wheelchairs. Finally, one of the greatest technological improvements has been the inclusion of electronic presentations—a format that offers ever-expanding flexibility and options for people using wheelchairs. Rather than having to physically carry bankers' boxes of documents and presentation boards, attorneys can now preload their exhibits and demonstratives onto a lightweight laptop and, if done correctly, present their case in a more efficient and effective manner.

Many judicial systems solicit information to help identify barriers to justice for people, including attorneys, with disabilities. Some have established committees to help overcome some of these barriers, and often have forms on court websites where people with disabilities can request accommodations for their court appearances. The judiciary's encouragement of these discussions has been instrumental in helping implement adaptive technology within the courtroom.

Technology in the Office

Technology also aids attorneys in their day-to-day activities at the office. In terms of office equipment, attorneys who use a wheelchair may be aided by an electronic height-adjusting desk. Some firms have equipped office doors with power-assisted door openers, ensuring that people with disabilities can access the office at any time without assistance while maintaining the integrity of the firm's security system. Firms have renovated restrooms to make them more accessible and to meet the physical needs of their attorneys. Although often overlooked, technology continues to improve even the smaller, almost invisible aspects of firm practice, all the way down to the proliferation of single-serve coffee machines that are more wieldy for those caffeine addicts who may not be able to safely lift and pour from a larger coffee pot.

The move to a paperless society has also served to advance lawyers with physical disabilities, enabling attorneys to manage, file, and transport countless documents on an electronic device. Gone are the days of needing to pore over stacks of paper; now a lawyer with limited strength can complete the entire discovery process via a computer screen and without touching a sheet of paper. Similarly, the advent of online legal research services and websites has all but eliminated the need to travel to law libraries and handle heavy legal volumes to find the applicable law. The electronic evolution has also served to assist attorneys by increasing the number of telephonic and video court appearances. Although many lawyers who use mobility equipment are able to travel, the advent of videoconference depositions and client meetings allows them to minimize travel if necessary.

Ultimately, technology has greatly increased the ability of attorneys with disabilities to practice law and serve their client base. Although technology can be cumbersome at first, the legal community's continued openness to implementing new technologies and dedication to function over form will be critical to ensuring that people with physical disabilities have an equal ability to advocate for justice on behalf of themselves and their clients. ♦

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