

Wisconsin Court System
Notice Under Americans with Disabilities Act – Title II
Public Programs, Services and Activities

The Wisconsin Court System affirms its commitment to full implementation of the requirements of Title II of the American with Disabilities Act 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, and their implementing regulations, which are comprehensive civil rights laws specifically for individuals with disabilities. It is the policy of the court system that its programs, services and activities will be operated so that, when viewed in their entirety, they are readily accessible to, and usable by, qualified individuals with disabilities. No individual with a disability will be refused participation in a service, program, or activity solely because the individual has a disability, needs an accommodation or because a building is inaccessible. Unless the proposed accommodation would result in a fundamental alteration of our programs and services or an undue financial or administrative burden, we will provide program accessibility for qualified people with disabilities.

Court system programs and services will be provided in an integrated setting, unless a separate or different measure is necessary to ensure equal access. Reasonable modifications in policies, practices, and procedures will be made so that individuals with disabilities are not denied access. Effective communication with individuals with disabilities is essential. Therefore, with sufficient notice, auxiliary aids and services will be provided to ensure that communications with individuals with disabilities are as effective as communications with others. When an auxiliary aid or service is required, the court system will give primary consideration to the choice expressed by the individual.

The court system has vested the primary responsibility for assurance of equal access to programs, services and activities of the Supreme Court and Court of Appeals to the presiding judges and department managers who shall develop procedures for implementation of this policy. A copy of each office's procedures must be on file in the office of the ADA Coordinator. The ADA Coordinator will work in conjunction with the presiding judges and the department managers of the Supreme Court and Court of Appeals to coordinate efforts to carry out these responsibilities. The Office of Management Services will maintain a resource list of products and service providers and will address ADA issues as leases are negotiated.

For the Circuit Courts, accommodation requests may be directed to the Clerk of Circuit Court in the county where the case is filed. Requests for accommodations may be oral or in writing. You may be asked to complete a Request for Accommodation form (GF-153) so the court can have a full understanding of your request.

Referring Requests to the Judge

If the Clerk of Court does not have the authority to grant or deny your request for accommodation, the Clerk will refer the request to the judge for determination. Circumstances when the Clerk must refer a request to the judge include when a request will affect the fairness of the proceeding or the other party's constitutional due process guarantees, or if the facts of the case otherwise necessitate it.

Examples of requests that affect the fairness of the proceeding or the other party's constitutional due process guarantees include, but are not limited to, requests for extensions of deadlines, frequent breaks, use of video conferencing, or recording the proceedings. In these cases, the judge may require that you file a motion to request an accommodation or that you file a Request for Accommodation Form (GF-153). **Under Wisconsin law, any motion or document filed in the case is a public record unless designated confidential by statute or sealed by a court order. Accordingly, a motion to request an accommodation or a Request for Accommodation form filed in a case by request of a judge is not automatically confidential.**

Filing the Request in the Court Record/Holding a Hearing

It is possible the request may be filed in the court record or discussed during a hearing. This may occur if the requested accommodation will directly impact the fairness of the proceeding or constitutional due process guarantees, or if the facts of the case necessitates it. Additionally, it may occur if the requested accommodation relates to the substantive matters of the underlying proceeding and the request constitutes an ex parte communication prohibited by SCR 60.04(1)(g), requiring notification to the other party.

Examples of such requests include, but are not limited to, having a non-lawyer advocate present or act on one's behalf, receiving free transcripts, requesting short breaks as needed, recording proceedings, receiving additional time to process and complete tasks, controlling or limiting the behavior of opposing counsel or parties.

If you want the information you included in an accommodation request and filed with the court protected from public disclosure, you will need to file a motion to seal and the court will determine whether to treat the information or document as confidential. You may file a motion to seal using a Motion to Seal or Redact a Court Record form (GF-246A). Use of GF-246A is not required and you may also submit a motion to seal in a different format. A Confidential Disclosure of Information to be Sealed or Redacted form (GF-245), should be used along with the motion to seal in order to submit the information to the court that you want to be sealed or redacted.

Documents filed in the court record are presumptively open to the public under Wisconsin law. If you file a request for the judge to protect your accommodation request from public disclosure, you are responsible for demonstrating, with particularity, that the administration of justice requires that the information be protected. The judge will consider the reasons you provided and will determine whether you have overcome the legislative policy expressed by the court records statute (Wis. Stat. § 59.20(3)) and the public interest favoring open court records. If your request to protect your accommodation request from public disclosure is denied, your accommodation request will be open to the public, subjecting it to review by other parties. It is also possible the judge will partially grant your request, making your accommodation request open to some parties.

If your accommodation request is denied, you may contact the District Court Administrator for that county. The District Court Administrator may help pursue the matter with the proper officials, who may include the judge, the county ADA coordinator, or the Chief Judge of the Judicial District. Each county also has its own ADA policies and grievance procedures applicable to county facilities, staff and services. The Deputy Director of State Courts for Court Operations serves as

the ADA State Coordinator for the Circuit Courts, providing technical assistance and information about accessibility of court services.