

The New Hampshire Judicial Branch's Notice under the Americans with Disabilities Act

Introduction

The New Hampshire Judicial Branch is committed to maintaining an environment ensuring that all persons are treated with dignity, respect and courtesy.

Title II of the Americans with Disability Act of 1990 (ADA) protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State government. This policy is for litigants, jurors, attorneys, and other individuals who interact with our state courts.


The New Hampshire Judicial Branch does not discriminate on the basis of disability in its hiring or employment practices and has a separate policy that complies with Title I of the ADA. Employees and potential employees can contact the Administrative Office of the Courts, Human Resources Department, to arrange a workplace accommodation.

Who is eligible to request an accommodation?

Under federal law, you may request an accommodation if you have a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. The definition of a disabled individual is set forth at [42 U.S.C. § 12102](#).

How do I request an accommodation?

The New Hampshire Judicial Branch has appointed an ADA Compliance Coordinator who you may contact directly at ADA@courts.state.nh.us. In addition, you may speak with the court personnel of any court where you need to request an accommodation. The Clerk of Court who will work with the ADA Compliance Coordinator to review and respond to the request in a timely manner.

You may make your request orally or in writing. The New Hampshire Judicial Branch has created a form to assist you in providing the necessary information for the court to consider. It is located <http://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2021-04/nhjb-3052-aoc.pdf> .

Please be advised that requests that impact the nature of a case, such as a continuance of a hearing, appearance by telephone, or extensions of time, cannot be decided by the ADA Compliance Coordinator or Clerk. Rather, for such a request, you will be directed to provide the request in writing as a motion so that the Court can provide it to a judge to rule upon. You can file an ex parte motion (without providing the other side notice when you file it) but, please understand that the judge will determine if the request requires notice to the parties. Also, the filing of a request does not automatically postpone or stay a proceeding. Postponements cannot be granted administratively and must be ruled upon by a judge.

What information do I need to provide?

When you request an accommodation, you need to identify: (1) what court you will be attending; (2) what business you have in the court (i.e., jury duty, plaintiff in a hearing, attorney in a case); (3) the date when you will need the accommodation. **Please allow reasonable time for the court to review the request and provide the accommodation if appropriate;** (4) a statement of the impairment that

you have that requires an accommodation; and (5) the specific accommodation you are requesting. You do not need to provide medical records with your request. The Court may ask you to provide supporting records and/or documentation after reviewing the information provided if such documentation is necessary to process the request.

If I have a disability, does the court have to provide the accommodation I specifically request?

Not necessarily - it will depend on whether the accommodation is reasonable. The court will give primary consideration to the request of the individual but may offer an alternative accommodation that allows the individual to effectively participate.

The ADA does not require the Judicial Branch to take any action that would fundamentally alter the nature of the services, programs, or activities or result in an undue financial or administrative burden.


The court does not have to provide personal services and devices such as wheelchairs, eyeglasses, or hearing aids. Also, the court cannot provide individuals with legal services or legal research.

Can I appeal a denial of my request for an accommodation?

Yes. If the request was denied by a Clerk or ADA Compliance Coordinator, you can request that the denial be reviewed by the administrative head of court to which the request was made. This would be the Chief Justice of the New Hampshire Supreme Court, the Chief Justice of the Superior Court, the Administrative Judge of the Circuit Court, or the Director of the Administrative Office of the Courts. All requests can be sent to: ADA@courts.state.nh.us.

If the request was denied by a judge in connection with your case, you would appeal the decision in the same manner as any other ruling in the case. This may include the option of filing an Interlocutory Appeal under New Hampshire Supreme Court Rule 8.

Can I file a complaint about disability discrimination?

Yes. The Grievance Procedure from a request for an accommodation is set forth at: <http://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2021-08/nhjb-grievance-procedure.pdf> 

Who can I contact for information about services that may be available for individuals with disabilities?

Disability Rights Center – NH : www.drcnh.org
603-228-0432
800-834-1721 V/TTY

Governor's Commission on Disability: www.nh.gov/disability
603-271-2773
Toll-Free NH: 800-852-3405

United States Department of Justice – Civil Rights Department: www.ada.gov
800 - 514 - 0301 (voice)
800 - 514 - 0383 (TTY)


Can I bring a service animal into a courthouse?

Under state and federal law, a service animal is allowed to accompany a disabled individual in all areas of the building where court users are normally allowed to go. Please be advised that a service animal is a dog that has been individually trained to do work or perform tasks for an individual with a disability. "Comfort," "therapy," or "emotional support" animals **do not** meet the definition of a service animal because they have not been trained to do work or perform a specific task related to a person's disabilities.

Can you provide some examples of ADA requests and how an individual would submit the request?

Example 1: An individual who is deaf has been summoned to serve on jury duty. The individual speaks sign language. The court system will provide the individual with an American Sign Language interpreter free of charge. When the individual completes the online juror questionnaire, the individual would check the box that asks if an accommodation is needed and describe the requested accommodation. The individual could also contact the ADA Coordinator directly at ADA@courts.state.nh.us.

Example 2: An individual who is hard of hearing who wants to observe a trial in person but is concerned that they will not be able to hear all of the speakers. Every courthouse in New Hampshire has auxiliary aids to assist the hard of hearing, whether they be witnesses, parties, the public or anyone else seeking to access court programs. To ensure the auxiliary aid is available for use on the day needed, the individual should contact the Court Information Center in advance of the proceeding at 1-855-212-1234 or contact the ADA Coordinator directly at ADA@courts.state.nh.us.

Example 3: An individual who is a litigant and has generalized anxiety disorder would like to request the ability to submit testimony in writing instead of by live testimony in the courtroom. Because this is a request impacts court procedures in a particular case, the request cannot be decided by the ADA Coordinator or Clerk. Rather, for such a request, the individual will need to file the request in writing as a motion so that a judge can rule upon the request. The NHJB has a sample motion on its website at <https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2021-04/nhjb-3052-aoc.pdf> . When considering whether to grant a request, courts must take into account whether the request is a reasonable modification to the court's policies, practices, and procedures. The court is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

Example 4: A witness in a case has an autoimmune disease which puts the witness at risk medically when in contact with other people. Because this request would impact the court proceeding, the party who would be calling the witness will need to file the request in writing as a motion so that a judge can rule upon the request. The court could allow the witness to present testimony by telephone or by some other by contemporaneous transmission from a different location. Alternatively, if the court determined that allowing telephonic testimony in a particular case or type of case would fundamentally alter the nature of the hearing, the court could consider a different accommodation, such as scheduling the hearing at a time when contact with other members of the public would be minimized.

Example 5: A party takes medication which allows them to process information better in the morning. The person has requested to modify the trial schedule from 2 full days to 4 morning sessions. Because this request would impact the court proceeding, the party would need to file the request in writing as a motion so that a judge can rule upon the request. The Court, in considering this request, would need

to take into account the disability and whether the accommodation would fundamentally alter the nature of the hearing (for example, a request for a temporary restraining order that requires a ruling within 2 days).