

Courts Can Improve Access for People With Disabilities

An expert offers insights into how to create a culture of accessibility

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According to a recent national poll by The Pew Charitable Trusts, respondents with disabilities are far more likely to have engaged with the court system (49%) than those without disabilities (29%). Despite legal requirements to provide reasonable accommodations for court users with disabilities, and calls from court leadership to enhance access for all, the accessibility needs of people with disabilities often go unmet.



COURTESY OF JULIE BALLINGER

Julie Ballinger, a nationally recognized leader in the disability rights field, works with courts as they attempt to address these shortcomings. In a recent conversation with Pew, Ballinger shared background and practical

advice related to the roadmap she and her colleague Vinh Nguyen at the Southwest ADA Center recently published, "Advancing Court Accessibility for Individuals with Disabilities Comprehensive Guide." Building on their years of experience, the guide provides concrete steps for implementing the tenets of the Americans With Disabilities Act (ADA), a law passed in 1990 to ensure equal opportunity and access to people with disabilities.

This interview has been edited for length and clarity.

Q: What was your motivation for developing this comprehensive ADA guide for courts?

A: In 2019, I was invited to train the staff of a state court and realized that I had a lot to learn about how the ADA fits in that world. When I started getting into the research, I found that there were only bits and pieces of how the ADA is connected to courts. Most of what I found just repeated the law's obligations but didn't get into the "how" of creating access or making those obligations work in the complex and sometimes unpredictable environment of a court.

As I continued providing training and technical assistance to more courts, I found that courts weren't looking for another restatement of the law. They needed something much more practical—a guide they could use that brought together all the moving pieces and showed how to apply the ADA in ways that truly open the doors of justice for people with disabilities. The Southwest ADA Center's guide is designed for all types of court settings—civil, criminal, family law, juvenile and dependency, mental health and drug courts—and for the many court auxiliary programs and services.

Q: How do you want courts to use this guide?

A: The guide systematically outlines the application of ADA requirements, with a strong focus on promoting best practices, providing practical accommodation examples, referencing relevant court cases and U.S. Department of Justice settlements. It also raises

awareness of the underlying concepts and disability constructs that steer engagement, fostering beneficial external relationships and partnerships, and offering a wealth of valuable resources.

The guide's central aim is to empower court personnel to adeptly respond to a broad spectrum of court users with disabilities—litigants, defendants, jurors, attorneys, witnesses, parents, children, young people—by creating methods for access where disability-related needs are acknowledged, embraced, and upheld with respect. Each chapter is designed to stand alone or work together to support comprehensive understanding and training.

Q: Based on your experience, are there prevalent misunderstandings or oversights of the ADA that courts need to address?

A: People with disabilities continue to face barriers across the justice system. Court leaders and staff do not necessarily recognize as discriminatory their unintentional or deliberate failure to consider the full spectrum of human needs and abilities. When they do recognize this discrimination, there is an opportunity to administer civil and criminal legal systems more equitably by developing the tools and training necessary to ensure accessibility for individuals with disabilities at every stage of all judicial activities.

Drilling this down to a few examples of misunderstandings or oversights, some courts lack an ADA coordinator, which is a legal obligation under the ADA. Or courts may have coordinators, but they aren't provided the necessary training or the time or resources to engage with court users, judges, bailiffs, clerks, and other court staff effectively, or they're not given the authority to ensure compliance and accessibility.

Another example is a lack of an interactive process between the court and court user to remove access barriers, which would be a flexible conversation including: Is the individual covered by the ADA? What does the court activity involve, and what barriers show up related to that person's disability? What solutions are

available as they pertain to policy modification, effective communication, or physical removal of the barrier?

ADA should be second nature. All court staff—including judicial officers, clerks, bailiffs, jury managers, court program directors, self-help center staff, and security personnel—should be trained and aware.

Q: From your perspective, what does it take for a court to go from checking boxes to building a culture that meaningfully includes people with disabilities in all aspects of the justice process?

A: To stop treating the ADA as a reactive afterthought, courts really need to shift toward being proactive. That means updating—or if they don't have them, creating—their ADA evaluation and transition plans. Courts should listen to people with disabilities and how they articulate meaningful access; provide innovative service delivery models and practices, which the guide can help them do; adopt modernized assistive technology; and maintain research and data collection regarding the barriers experienced by people with disabilities within the justice system.

The goal should always be to maintain the dignity, credibility, and independence of the court user.

Q: In your court training work, are there any breakthrough moments that stand out—where a judge or staff member seemed to really shift their thinking about disability or access?

A: When courts seek technical assistance from the Southwest ADA Center (part of the [ADA National Network](#), which provides ADA information, publications, and training), I get to see where challenges remain. But after seven years of delivering a wide range of court trainings, I've also seen encouraging progress.

I've found that when courts gain a full understanding that society, including the justice system, isn't built with access in mind for people with disabilities, this leads to the awareness of when a court activity is not accessible, and how to effectively remove disability-related barriers to create access to justice.

Embracing accessibility means not only acknowledging but also welcoming and respecting people's different needs within the justice system. People with disabilities come from all walks of life. There's no group that does not have people with disabilities.

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