

INACCESSIBLE COURTROOMS FOR INDIVIDUALS WITH NON-APPARENT DISABILITIES

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ABSTRACT

Despite the protections guaranteed under Title II of the Americans with Disabilities Act, individuals with non-apparent disabilities, who make up roughly 6.1 million of the population, continue to encounter barriers to meaningful participation in the American legal system. Courtrooms remain structured around assumptions of normative communication, behavior, and comprehension, often rendering inaccessible the proceedings constitutionally guaranteed to be accessible. Seeking to contribute to the limited empirical scholarship on disability and courtroom accessibility, this Note, through interviews with Colorado legal professionals, provides a preview of how courts serve individuals with non-apparent disabilities. The results of the study, combined with a synthesis of Title II of the ADA, seminal case law, and additional scholarship related to this topic, purport that court systems inadequately serve individuals with non-apparent disabilities, particularly in the realms of communication and comprehension. To address these inadequacies, this Note proposes several reforms to improve accessibility in Colorado courtrooms, including implementing research-based communication practices, simplifying legal language, and restructuring Colorado's Office of Language Access into a broader Office of Court Access. Above all, this Note seeks to remind readers that people are more complex than what meets the eye.

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