



# OUR HANDS ARE TIED

**BARRIERS TO FULL PARTICIPATION  
IN COURT FOR DEAF PEOPLE IN  
COOK COUNTY**

**CHICAGO  
APPLESEED**  
CENTER FOR FAIR COURTS

# OUR HANDS ARE TIED:

## BARRIERS TO FULL PARTICIPATION IN COURT FOR DEAF PEOPLE IN COOK COUNTY



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# INTRODUCTION

The challenges that deaf<sup>1</sup> people face in the legal system are numerous and consequential. People find themselves in civil and criminal court for a variety of reasons, including prosecution for a crime, divorce and family matters, contract disputes, and traffic accidents. The estimated 155,000 deaf people and 831,000 people with hearing loss in Cook County navigate a legal infrastructure that does not understand or serve their needs.

This brief reviews factors at the intersection of language justice and accessibility for deaf people navigating communication access in United States courts, with a special focus on Cook County and people who use signed languages to communicate. It examines how language acquisition shapes self-advocacy and civic comprehension in deaf and signing communities and analyzes the challenges deaf people face in securing legal representation and comprehensive accommodation plans that fully meet their needs in both civil and criminal courts. Although this brief focuses on the experiences of deaf litigants in courts, the need for access to legal services is not limited to legal matters resolved in court: Deaf people may require accommodations to access legal services for wills, real estate closings, and other matters of importance requiring competent legal advice.

The primary research method for this report was a literature review of language access for deaf people who use American Sign Language (ASL) in United States courts. This literature review was supplemented with informal interviews conducted with ten participants, including deaf individuals who have navigated the Cook County legal system, attorneys, court staff, interpreters, and local community organizations in Cook County. Five of the ten interviewees were deaf or hard of hearing. Some interviews were conducted in American Sign Language (ASL)<sup>2</sup>, and excerpts from those interviews were translated to written English for this brief. Any claims that are presented without a source are based on these interviews.

## BACKGROUND

### Audism & Language Deprivation

A major societal challenge that deaf people face is audism, which is discrimination or prejudice based on the false idea that people are superior based on their “ability to hear or behave in the manner of one who hears.” In practice, audism takes a variety of forms which may be interpersonal, such as assumptions about a deaf person’s intelligence by their peers, or institutional, such as the refusal of a school to offer sign language interpretation for students.

Many deaf children spend years without sufficient access to language acquisition opportunities in any capacity—written, spoken, or signed. This is largely because more than 90% of deaf children are born to hearing parents, who often have had no exposure to ASL. Resources for these parents are heavily informed by the medical infrastructure that defines deafness narrowly as something to be eradicated, cured, or fixed. The language deprivation experienced by deaf children creates a deficiency during a critical period of life that can never be fully remedied, putting them at risk for adverse mental health

outcomes, cognitive delays, lower quality of life, higher exposure to trauma, and greater difficulties in peer relationships.

Even for deaf people who had early access to language acquisition, engaging in a spoken-language-dominant society can still result in large lapses of cultural capital when language is only accessible in relatively limited ways. Furthermore, deaf people often encounter stigma and biases surrounding linguistic differences, as people often view ASL as less legitimate than spoken English even though both are distinct languages capable of communicating complex ideas. For example, deaf people who have access to a signed language may become fluent in ASL but not English, and a lack of English fluency is often misunderstood by hearing English users as a negative reflection of the deaf person's cognition or language skills rather than their mastery of a phonics-based language. To counter this perception, some deaf people code-switch between ASL, Pidgin Signed English (a blend of ASL and English), and simultaneous communication (signing and speaking at once), even when these do not reflect their primary communication styles and may increase the likelihood of miscommunication.

## **Interpreter Services**

Interpreters are important communication aids between people who are not fluent in the same languages; their role is to ensure that all parties have access to the same information. Because signed languages differ fundamentally from written or spoken languages, interpreting between ASL and English is not a one-to-one word translation. Interpreters need to have a deep understanding of both languages in order to communicate tone, expressions, and other linguistic nuances that affect the overall meaning of a message. Accurate interpretation is even more critical in high-stakes, specialized settings like healthcare and the courts.

Furthermore, ASL is not a universal sign language used among all deaf people, as there are hundreds of signed languages worldwide that differ in grammar, syntax, and vocabulary, as well as regional dialects and cultural differences within sign languages. For example, Black American Sign Language (BASL) is a dialect of ASL, and Mexican Sign Language is a completely different language. The fluency of interpreters in various signed languages and dialects impacts their ability to faithfully translate a deaf person's communication. White interpreters, who make up nearly 90% of the field, may lack cultural competence and familiarity with community-specific signs when working with Black and Brown deaf clients. This gap in knowledge can lead them to misrepresent the content or tone of their clients and potentially amplify existing racial biases. An interpreter who shares a cultural and linguistic background with a deaf litigant is better equipped to accurately represent the litigant's communication.

Interpreters also serve to mitigate the linguistic and cultural distance between deaf and hearing individuals, which is why Certified Deaf Interpreters (CDIs) are incredibly valuable. CDIs are deaf people with native fluency in a signed language who receive intensive training in a variety of communication strategies, including gestures, drawings, props, and ProTactile communication for deafblind people. In practice, the process could work as follows: A hearing person communicates in spoken English, which the hearing interpreter translates to ASL; the CDI then uses gestures, facial expressions, and regional variations of signs to interpret the ASL message into a form that aligns with the deaf person's unique

language and communication style. This layered approach ensures an accurate understanding and minimizes the risk of miscommunication.

Hearing people often misunderstand the purpose of CDIs, which is to address the limitations of hearing interpreters to ensure that deaf clients can fully participate. CDIs have a deep understanding of the experiences of deaf and hard-of-hearing people, including the challenges that come with language deprivation and audism, and they provide a critical layer of interpretation that conveys nuance, emotion, and intent more accurately. The use of CDIs also adheres to the “mother-tongue principle” because it ensures that the person interpreting directly to the deaf client is a native signer.

Video Relay Service (also known as Virtual Relay Service or VRS) is a relatively cheaper and more flexible form of interpretation, providing nationally certified interpreters through the internet. However, VRS interpretation is widely unpopular due to its reliance on a consistent network connection and the limited opportunity it provides for the interpreter and their deaf client to build rapport. Also, VRS can be challenging because signed languages are three-dimensional and spatial in nature.

Communication Access Realtime Translation (CART) is a live captioning service which can also be conducted via the internet. A CART provider converts spoken English to text, which can then be displayed before an individual in real time. As discussed previously, there are fundamental differences between ASL and written or spoken English, so CART is often not the ideal accommodation especially for deaf people not fluent in English.

The rights of deaf people are protected at the federal and state levels. The federal Americans with Disabilities Act (ADA) protects deaf people from discrimination in a variety of settings and entitles them to appropriate services and auxiliary aids within government institutions such as the courts. Unfortunately, the ADA was drafted using vague language, such as “appropriate” accommodations, which are mandatory unless they pose an “undue burden” on the provider of accommodations. The Interpreter for the Deaf Licensure Act (IDLA) of 2007 is Illinois legislation that generally requires people working as sign language interpreters to be appropriately licensed.

Despite these reforms, social disparities persist between deaf and hearing people in the realms of healthcare, education, and employment. Organizations like the Chicago Hearing Society attempt to bridge this gap by providing interpreters and other social services to deaf people.

## **Available Accommodations in the Circuit Court of Cook County**

In Cook County, the Office of the Chief Judge (OCJ) employs interpreters in its Deaf and Hard of Hearing Access Department (DHHAD), making it the only court in Illinois and one of the few courts nationwide to do so according to someone knowledgeable about the office. The existence of this department allows interpreters to maintain a closer working relationship with the courts and has potential to provide ongoing training for attorneys and judges.

**The DHHAD has three ASL interpreters on staff: two hearing interpreters and one CDI. The DHHAD only provides interpreters for court calls—not for interrogations, attorney-client meetings, or depositions**

**—and does not provide them to the Public Defender or the State’s Attorney.** The DHHAD’s interpreters work for the court only, in contrast to an interpreter hired by an attorney or their organization.

Cook County also offers CART as an available language accommodation. As discussed previously, there are fundamental differences between ASL and written or spoken English: If a deaf litigant is not fluent in English, CART is an ineffective accommodation and presents additional barriers to their full participation. ASL interpreters and CDIs most often provide the best interpretation service for deaf litigants.

The DHHAD used to conduct training programs for attorneys and judges about their responsibilities regarding accommodations for deaf people, and these programs were tailored to different kinds of attorneys and judges. However, such training programs no longer exist, and training by the DHHAD has been reduced to short lessons at conferences and lunch-and-learns.

## **BARRIERS FOR DEAF PEOPLE IN THE COURTS**

The legal system is generally inaccessible to most people without legal training. Community members often lack exposure to the intricacies of the legal system and may not know the meaning of legal jargon, the roles of court actors, or the functions of the court or judicial system at large. Unfamiliarity with legal proceedings and their own rights can make legal spaces overwhelming, confusing, and intimidating for most people. Deaf people experience an even greater disadvantage, particularly those who have experienced language deprivation, because of barriers to communication. Furthermore, deaf people who hold multiple marginalized identities are at greater risk of court stakeholders perceiving them as incompetent, untrustworthy, difficult, or undeserving in ways that can impact their likelihood of receiving a favorable court outcome.

### **The number of certified interpreters is limited by barriers to certification.**

There is a shortage of certified ASL interpreters in the United States, which may be explained in part by the difficult and expensive process of becoming certified. Prospective interpreters must be certified with the national Registry of Interpreters for the Deaf (RID), the Illinois RID, and the Illinois Deaf and Hard of Hearing Commission’s Board of Evaluations for Interpreters (BEI). The national RID generally requires applicants to have a bachelor’s degree (with exceptions) and pass both the Generalist Knowledge Exam and the Generalist Performance Exam, and the BEI certification requires an English proficiency test and a performance test.

Certified interpreters can also opt in to be on the Administrative Office of the Illinois Courts’ (AOIC) public Court Interpreter Registry, which courts and other law-related agencies are expected to prioritize when hiring interpreters. Joining the registry requires an interpreter to have an advanced- or master-level license with the BEI and participate in a two-day, 14-hour orientation that covers basic court interpreting skills.<sup>3</sup>

Each of the aforementioned certification requirements are accompanied by compounding expenses. The two exams required for national RID certification collectively cost \$675 for CDIs or \$950 for hearing

interpreters. An applicant for the Illinois RID certification must pay a \$50 application fee and \$175 license fee, as well as an annual renewal fee of \$150. To receive BEI certification, an applicant must pay \$80 for an English proficiency test as well as \$275 or \$300 for an advanced- or master-level performance test, respectively. Finally, to join the AIOC's registry, an interpreter must pay a fee of \$200 to participate in the orientation. Though there are some fee waivers and scholarships available for the testing and licensure requirements, an applicant paying the full cost to become a certified court interpreter and join the AIOC's registry must pay between \$1,455 and \$1,755.

The many barriers to becoming a licensed court interpreter likely hinder some low-income people from becoming certified interpreters, limiting the pool of people the courts can hire for this purpose. In particular, because of the racial gap in wealth and income, these barriers may lead fewer people of color to become interpreters, causing potential communication barriers between interpreters and litigants who use BASL or other ASL dialects.

### **Many interpreters are not qualified to provide accurate interpretation in the legal context.**

While the ADA entitles deaf people to qualified interpreters in legal settings, Illinois does not require ASL interpreters to hold a legal-specific certification. Many interpreters possess nationally recognized licenses to interpret in general contexts, but specialized training on legal terminology and court procedures is voluntary to interpret in court settings. Presently, this training takes the form of workshops, seminars, or continuing education to equip interpreters to understand dense legal jargon and accurately convey complex legal concepts in ASL. However, these opportunities are limited, often costly, and most often must be pursued and funded by the interpreter themselves.

As a result, interpreters without certification or experience in the legal system may be hired to interpret in court proceedings where they face a higher risk of misinterpreting legal-specific vocabulary and procedures. **One interpreter noted in their interview that their first court assignment was also their first experience in a courtroom.** Adopting a "learn-as-you-go" approach places both the interpreter and deaf client at risk, as interpreters without familiarity with court processes and terminology may unintentionally miscommunicate critical information.

### **Multiple interpreters are required within each case to protect privilege, interrupting continuity.**

By court practices, an interpreter cannot serve as both an interpreter for the client or their attorney ("counsel interpreter") and an interpreter for the court ("proceeding interpreter"). A proceeding interpreter can interpret anything for the client that is appropriate to say on record in open court, on record in sidebar, or out of court in the presence of opposing counsel, but they cannot interpret any conversation that must remain privileged; this must be completed by a counsel interpreter. This restriction exists because a proceeding interpreter has the role of "neutral court reporting." In practice, however, this principle of neutrality can disadvantage the most language-marginalized person in the room when the proceeding interpreter is regarded as serving the judge or the courtroom rather than the deaf person.

This discontinuity could not only present costs and logistical burdens for a deaf litigant but also weaken the quality of their interpretation. Interpreter consistency is considered a best practice for language access because it allows the interpreter and their client to build rapport and makes interpretation more accurate, appropriate, and efficient. The longer a deaf person works with the same interpreter, the more opportunities they have to get used to one another's unique signing styles.

As a result, switching between a counsel interpreter and a proceeding interpreter throughout court proceedings could interrupt a deaf litigant's capacity to habituate comfortably to the ASL usage of the interpreter. For example, proper nouns such as the names of people involved in the case may be given shorthand signs so that the interpreter does not have to fingerspell the entirety of a name each time it is mentioned. If interpreters are interchanged at each hearing, the shorthand established would also change at each hearing, potentially causing confusion about critical information.

Lack of continuity also impacts how the interpreter voices the communication of the deaf person from ASL to English. For example, the signs for "intellectual" and "smart" are the same but could be voiced differently in an English interpretation. If one interpreter voices at a simpler English register and another interpreter voices at a more sophisticated English register for the same client, this can create inconsistency in the record even though the deaf person signs in the same way between each hearing. It can also impact how the deaf person is perceived and interacted with by English users in the courtroom, which can cause court actors to become suspicious of the perceived change in expressive content.

### **Stigma poses a barrier for deaf people to access language interpretation.**

An additional challenge deaf people face in accessing interpretation in court is shame. Because the deaf community is small and closely connected, interpreters often know their clients from other parts of life, sometimes since childhood. This familiarity can make it uncomfortable or embarrassing for deaf individuals to work with interpreters in sensitive or high-stakes settings like court. Some fear that interpreters might break confidentiality and share information within the community. Whether or not actual breaches of ethics are occurring, these fears can heighten vulnerability and mistrust in legal environments.

Stigma related to language interpretation can also arise from judges themselves. Internalized biases held by court actors have tangible impacts on the outcomes of the cases they oversee, including their likelihood of a not-guilty verdict in criminal cases. In particular, the attitudes of judges toward deaf people can have significant impacts on court proceedings and an interpreter's capacity to communicate effectively with their client, ensure comprehension, and avoid undue stress.

One interviewee shared that some judges have become frustrated with both interpreters and deaf litigants if a concept takes longer to convey in a signed language than it would in a spoken language, or judges may even prohibit deaf people from advocating for themselves when they do not understand something. This imposes an additional responsibility on the deaf litigant to manage the comfort of the judge, which could prevent them from confidently seeking the accommodations best fit for them and advocating for themselves.

## **Court actors are not always knowledgeable about accommodations available for deaf litigants.**

While the OCJ has an avenue for deaf people to request and receive accommodations, they are not always utilized. A deaf client and their legal representative, interviewed for this project, expressed confusion about which services were available and how to request them. The client wished they had known that CDIs were an option, as they would have requested this accommodation if they had been aware of it. Their attorney noted that they completed the accommodations form on the client's behalf after the client mentioned the need for an interpreter, but they admitted that they had never heard of a CDI and did not know what it was. Although the Circuit Court of Cook County's accommodations form lists CDIs as an available option, it provides no explanation of what a CDI is or when such services might be useful.

Furthermore, many judges do not understand their responsibilities and the local procedures for providing necessary accommodations. Cook County judges do not presently receive training in accessing DHHAD services for deaf litigants, although there are plans to revive judicial training on available services according to someone's knowledge about the OCJ. The current lack of judicial training on how to appropriately serve deaf litigants contributes to an increasingly inaccessible courtroom for deaf individuals.

## **Deaf litigants face discrimination and additional financial burdens in securing private legal representation.**

The [ADA](#) requires attorneys to provide interpretation services to deaf clients at no cost to the client. Unfortunately, because attorneys often do not want or are unable to take on the costs of interpreters, potential deaf clients are routinely discriminated against or burdened with the cost of interpretation. Even though this form of discrimination is [illegal](#) under the ADA, multiple people interviewed for this project stated that this happens frequently.

A staff member of a Chicago-based organization who worked as an advocate for deaf people in court spaces shared that, as a result, deaf people spend more time looking for legal representation than their hearing counterparts and are ultimately less likely to secure representation at all. A deaf resident of Cook County recounted their struggle to find representation:

*Long before [my first meeting with my lawyer], I should've already been divorced. I had been searching for a lawyer for quite some time, lawyer after lawyer, because some lawyers didn't provide me access because I'm deaf. Some lawyers don't understand or have experience with deaf clients. I suffered through that: It took me about...nine months of searching, struggling to the point that I was almost ready to give up.*

This representation gap alienates deaf litigants from the courts and extends already complicated legal processes. Furthermore, even if a deaf litigant secures representation, they may be denied the accommodations that are best fit for them. According to the ADA, private attorneys are [not required](#) to

provide deaf clients with their preferred accommodations if the attorney demonstrates that these accessibility aids would impose “undue hardship” on them. This means that, even if an attorney chooses to take on a deaf client, they can legally deny them their ideal accessibility aids in order to cut costs. The rate an interpreter charges is correlated to their expertise and level of experience in the field, so a private attorney may hire less qualified interpreters to save money or minimize costs passed to the client.

Interpretation can be especially demanding in legal proceedings, where the high stakes and courtroom pressures create difficulty in securing qualified interpreters. One interpreter explained that many of their colleagues feel intimidated by the intensity of courtroom cases or struggle to continue working in these cases due to burnout and vicarious trauma. For example, they recalled interpreting on a two-person team for a case involving sexual violence against a child; the other interpreter became overwhelmed by the case and quit mid-session, leaving the court without proper interpretation coverage and halting the proceedings.

### **In-court interpreters are insufficient to preserve issues for appeal.**

To preserve the appellate rights of people in both civil and criminal courts, there must be an official record of court proceedings. Court reporters, and increasingly audio court recording as a supplement, typically produce the official records of court proceedings. Court reporters and court recordings only capture what is spoken aloud in the courtroom, not what is conveyed through a signed language. As a consequence, there is no in-court mechanism for verifying the accuracy of the record for signed communication, such as statements directly from the litigant.

Even when a hearing is video-recorded, the rules of evidence make it challenging to correct inaccuracies in language interpretation later on if they are not identified immediately. Generally, errors of interpretation are only subject to appellate review if the record marks a response as unresponsive or unintelligible, or if a contemporaneous objection is in the record, meaning that the litigant raised an objection to the trial court during the hearing itself<sup>5</sup>.

Courts recognize that some error is “inevitable” in all language interpretation and consider minor errors inconsequential. Even so, ensuring accurate language interpretation is critical to equitable access to justice for people who do not speak English, and errors should be minimized and rectifiable. When interpretation errors go unrecorded and unaccounted for, the consequences can be severe, including wrongful incarceration or the unjust removal of children from their family’s custody.

One interviewee described their experience correcting the transcript of their hearing. In this situation, the deposition was video-recorded, and the written record of the deposition was provided to the litigant. They were able to read the English words that their interpreter chose for the English interpretation of their ASL and compare them to the video of their own words to ensure that the interpretation was accurate and true to their meaning. Their extensive corrections show that it was not.

*The lawyer explained the process [of the deposition] and said, “now that we’re finished, you have to sign and approve a transcript.” They suggested not to add my signature; they recommended that I read it first to see if there were any mistakes in the translation . . . I read it, and I asked for a recording of what I had been signing in the deposition because . . . I wasn’t sure if [the interpreter] had spoken my signing accurately. When I was looking at the written transcript, I would think, “I don’t remember saying that.” So when I got the [video] recording, I realized, “no, I didn’t say that!” For example, the interpreter . . . made it appear that I was more hesitant and uncertain in the way I was expressing myself. So I went through and . . . did a lot of deletions of things that I didn’t say, things that would potentially influence people’s perspective of me or of my comments . . . I used anywhere between 10, 15, maybe 20 pages of edits. I would say [it took] 2 to 3 days on the whole.*

For a deaf litigant to confirm the accuracy of written records, they must have a strong fluency in English or another written language to verify that the spoken interpretation was an accurate reflection of their communication in ASL. Whereas the person quoted above has strong bilingual fluency in ASL and written English, a person with less English skills may be more vulnerable to reviewing and inadvertently approving court transcripts with language interpretation errors in them. Court practices should allow for a review of the records by both the deaf litigant and a CDI or hearing interpreter to mitigate the increased burden of labor on the deaf person, particularly if they have limited spoken or written language skills.

A litigant's right to appeal relies on the availability of a court record, and appellate review is limited in most cases to the court record, which includes documents filed in the case, transcriptions of court proceedings, and video or audio recordings<sup>6</sup>. Because the official court record often captures spoken communication only, it does not reflect how that information was relayed directly by or to the deaf litigant and therefore does not capture errors in sign language interpretation. Without access to official documentation of their communication, the right to appeal is curtailed for deaf litigants.

## RECOMMENDATIONS

The data gathered in this report illustrates the need for wide-scale research to explore the experiences of deaf people in civil and criminal courts in Cook County, as well as across the state of Illinois.

### **The Deaf and Hard of Hearing Access Department should audit its interpretation services.**

The OCJ should review whether the office is currently meeting demand for CDIs and interpreters who are trained and experienced in a variety of signing modalities and dialects, including BASL, to meet the needs of people who come through the courts. If people must wait or get continuances before they can get an adequate interpreter hired through the court, the OCJ should hire additional interpreters. In particular, an additional CDI should be added to the team to distribute the workload more equitably and provide emergency coverage.

### **Establish ADA coordinator positions in the Cook County State's Attorney's Office and Public Defender's Office, and budget for interpreters serving those offices.**

The Illinois Supreme Court recently announced that they filled their new ADA Compliance Attorney position. We recommend that local State's Attorney's Office and Public Defender's Office also establish

ADA coordinator positions to identify cases requiring interpreters and ensure that defendants, witnesses, and victims are connected with necessary interpreter services. It is important that these offices carve out funding for these services so the costs of prosecution or public defense are not levied against indigent defendants.

### **Create a flag in the Cook County case filing system to alert the Deaf and Hard of Hearing Access Department when new cases that may need their services are filed.**

The OCJ and the Office of the Clerk of the Court of Cook County should work together to devise a system flag that alerts the DHHAD at the initiation of any case that will likely require interpreter services. The flag could trigger communications directing the deaf litigant or their attorney to available resources and reminding the judge assigned to the case of their responsibilities and of the services the DHHAD offers. This differs from the current system, which relies on the litigant to reach out to the department to request services; this is especially challenging for litigants who lack an attorney or are unfamiliar with the legal system. Identifying these cases early will facilitate better allocation of resources and ensure appropriate care is taken with the case.

### **Record signed communication during legal proceedings.**

All signed communication during legal proceedings should be video- and audio-recorded to allow for review so deaf litigants can identify misinterpretations and misrepresentations of what they intended to communicate and what the interpreter put on record. While this may not preserve error for appellate review, it will allow interpreters to be held accountable and will facilitate better training for interpreters representing deaf people in legal proceedings.

### **Provide opportunities for deaf people to choose which accommodations will be most supportive for them.**

Ensure that deaf people and all court actors are actively engaged in determining which aids and services they receive throughout the proceedings by informing them of the full breadth and purpose of accommodations available to them. The description of what a CDI is and what scenarios they might be useful in should be clearly stated on the website of accommodations and request forms. The courts should give deaf people full discretion to adjust their accommodation plan based on the effectiveness of accommodations provided and their own evolving needs. This is critical given the diversity of deaf people's needs and experiences.

### **Develop a communication access fund in Illinois.**

A communication access fund should be created in Illinois to relieve privately hired attorneys of the responsibility of paying for interpreters (in all languages, including ASL/BASL), eliminating the greatest reason many attorneys hesitate or refuse to take on deaf clients. This would likely reduce the proportion of deaf litigants who are self-represented. In addition to funding communication access, the fund could offset costs of licensure, especially legal-specific certification, by creating scholarships for interpreters to expand the pool of certified interpreters.

### **Create a statewide Deaf and Hard of Hearing Access Department under the AOIC to administer services throughout Illinois.**

Not all judicial circuits in Illinois have the same resources or needs as Cook County with regard to creating equitable court access for deaf people. A statewide DHHAD could evaluate the need for accessibility aids in each county and assess how well that need is being met. The department could then ensure smaller judicial circuits have access to interpreters by consolidating resources and coordinating shared services, which would disburse costs and equalize the level of services across different counties.

Additionally, there is a need throughout Illinois for the recruitment and training of racially and linguistically diverse interpreters. A statewide DHHAD could audit and adjust licensure requirements to ensure affordability and to improve diversity among people seeking to become licensed interpreters. The department could also conduct training for judges on the use of interpreter services and keep them informed about changes in available services and standards. Finally, the department could work as a clearing house to connect private attorneys with skilled and legally proficient interpreters to allow them to work with deaf clients in court and with other legal matters.

### **Conduct further research into the experiences of deaf people in the courts, both in Cook County and across Illinois.**

This research should address elements of the deaf experience in courts such as the process of obtaining legal representation, the quality and provision of services and auxiliary aids for deaf people, the presence and impact of audism in court spaces, the differences in satisfaction for deaf people who have access to CDIs during their time in court, and the effectiveness of training programs and continuing education opportunities for legal interpreters. Records that contain information regarding the number of deaf people who receive accommodations in courts in Cook County should be made public, including information regarding which accommodations they receive. If a DHHAD is established under the AOIC, this department could conduct this research at the state level.

## **CONCLUSION**

Cook County has taken important steps to provide equitable court access for deaf people by maintaining its own DHHAD, which employs culturally astute interpreters who are well-equipped to provide meaningful services to deaf people navigating the courts. Still, these services do not meet all the needs of deaf litigants, and the people who could benefit from them are often unaware of the breadth of services available to them or uncertain of how to use them. As a consequence, deaf people face numerous barriers to full participation in the courts. Changes should occur within Cook County as well as at the state level to mitigate and ultimately eliminate these barriers for deaf litigants.

# NOTES

<sup>1</sup> While the word “deaf” has a broad range of interpretations, this brief will use it similarly to the National Deaf Center: “in an all-inclusive manner, to include people who may identify as deaf, deafblind, deafdisabled, hard of hearing, late-deafened, and hearing impaired...for many individuals, identity is fluid and can change over time or with setting. NDC has chosen to use one term, deaf, with the goal of recognizing experiences that are shared by all members of our diverse communities while also honoring all of our differences.”

<sup>2</sup> ASL is the primary sign language used in the United States and one of many sign languages used worldwide. It is not a representation of spoken English, and English is a second language for many deaf people.

<sup>3</sup> An interviewee who is knowledgeable about deaf services in the Circuit Court of Cook County described this orientation as inadequate and said that there used to be a more comprehensive special legal skills certificate for sign language interpreters, but that certification program sunsetted due to costs. The program has not been revived because it is perceived as outdated.

<sup>4</sup> The AOIC guidelines do not specify a need for legal competency, and no requirement exists in the Foreign Language Court Interpreter Act.

<sup>5</sup> A petition for leave to appeal may always be made on a “plain error” basis, but the standard of review for a “plain error” petition is more stringent than an “abused of discretion” review based on an evidentiary error.

<sup>6</sup> If there is no court record, a litigant can file what is called a bystander’s report or an agreed statement of facts in place of a court record for an appeal, but these reports cannot be filed in a case where there is an available audio or video recording of the court proceeding.

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