

MINIMUM COURTROOM STANDARDS IN THE STATE OF ILLINOIS

SUPREME COURT OF ILLINOIS



Adopted January 1993
Revised January 2011



SUPREME COURT OF ILLINOIS

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ACKNOWLEDGEMENTS

The Supreme Court of Illinois expresses its appreciation for the scope and quality of work by the Special Supreme Court Committee to Study Courtroom and Judicial Security.

We gratefully acknowledge :

Hon. Clark E. Erickson, Chairperson	Hon. Michael P. Kiley
Hon. J. Jeffrey Allen	Hon. Sue E. Myerscough
Hon. Michael J. Burke	Hon. Stuart E. Palmer
Hon. Mary Ellen Coghlan	Hon. Elizabeth A. Robb
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Hon. William E. Holdridge	Hon. John P. Shonkwiler
Hon. Moshe Jacobius	Hon. Mary Jane Theis
Hon. Ann B. Jorgensen	Hon. E. Kenneth Wright, Jr.

for their energies and dedication in the production of these revised *Standards* in furtherance of the administration of justice in Illinois.

MINIMUM COURTROOM STANDARDS IN THE STATE OF ILLINOIS

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SECTION I



STANDARDS

MINIMUM COURTROOM STANDARDS IN THE STATE OF ILLINOIS

1.0 GENERAL

1.1 These standards are adopted pursuant to Section 5-1106 of the Counties Code, as amended (55 ILCS 5/5-1106), and the administrative and supervisory authority of the Supreme Court to establish minimum standards for the construction, design and renovation of Illinois trial courtrooms and ancillary facilities.

1.2 The county boards of the several Illinois counties shall comply with the terms and conditions of these standards.

The chief circuit judge of each circuit within the State, or his or her designee, shall ensure compliance with the Minimum Courtroom Standards in the State of Illinois in each courtroom and ancillary facilities within his or her circuit.

1.3 For the purpose of these standards, courtroom and ancillary facilities governed by its scope included the trial courtrooms themselves, judge's chambers and reception areas, court administrative offices and storage areas, circuit clerk and court reporter offices, attorney/client conference rooms, prisoner holding areas, and jury deliberation rooms and assembly rooms.

1.4 These standards address only trial court facilities, not those of reviewing courts.

2.0 BARRIER FREE ACCESS TO THE JUDICIAL SYSTEM

2.1 Accessibility. All courthouses within this State, and at least one courtroom and attendant existing facilities therein, shall be equally accessible to those who are disabled as to those who are not disabled. All newly constructed and substantially altered courtrooms and attendant facilities shall be fully accessible pursuant to the Americans with Disabilities Act (ADA) and Illinois Environmental Barriers Act (EBA).

2.2 Existing Facilities. Under the code, means of accessibility in existing structures constructed prior to September 25, 1985, shall include, but not be limited to, the following:

a. Access to the courthouse. Access to the courthouse shall be at grade level or provided with an appropriate ramp from street or passage level with the accessible entrance being the same as used by the general public.

b. Building entrance and interior doors. The disabled person's entrance to the courthouse and to all accessibility required rooms therein shall have a clear width of 32 inches when opened 90 degrees, and the maximum effort to operate such doors shall not exceed 8.5 pounds of force for exterior, and 5 pounds of force for interior doors. Door handles shall be suitable for those who are disabled. 71 Ill. Adm. Code 400 310(j) (10) (B).

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c. **Floors.** Non-slippery materials shall be used, and floors between hallways, courtrooms, jury quarters, chambers, and restrooms shall be level.

d. **Vertical access.** Vertical access shall be provided by elevators or, pursuant to the EBA, stair lifts unless all facilities for an accessible courtroom can be located on the first floor. Elevators shall be of code mandated size to accommodate wheelchairs, the inside floor buttons shall be labeled with Braille numbers, and should have audible floor signals. Stairs shall have railings on both sides of the stairway as required by the code.

e. **Restrooms.** At least one men's and one women's restroom within the courthouse shall be accessible for people with disabilities, with sufficiently sized stalls, grab bars and fixture heights as required by code.

f. **Clerk's office.** The office of the clerk of the circuit court shall have counters suitable for people who use wheelchairs or provisions made for suitable accessibility thereto.

g. **Courtrooms.** Accessibility designated courtrooms must accommodate disabled litigants, attorneys, jurors, witnesses, spectators, and court personnel with disabilities. Provisions must be made for people who use wheelchairs to be in the public seating area, and the courtroom designed to enable the judge, jurors, attorneys, litigants and court reporter to see and hear any witness testifying from a wheelchair.

h. **Signage.** Public notices and directional signs to accessible areas and facilities shall be provided in compliance with ADA.

2.3 New Construction and Substantial Alterations. For new court facilities and substantial alterations constructed after January 26, 1992, ADA standards fully apply; for new facilities and substantial alterations constructed after September 25, 1985, EBA standards apply (Sec. 71 Ill. Adm. Code 400, 510).

2.4 Services for People with Disabilities. The court shall have readily available, upon reasonable notice, appropriate services and equipment for those using the judicial system who have disabilities, including hearing, vision, speech, or other impairments.

3.0 THE COURTROOM

3.1 Courtroom size shall be determined by functional and environmental requirements, the usual type of cases heard and the routine number of participants and spectators. The litigation area, exclusive of its spectator section, shall be at least 28 feet wide and 30 feet in depth for non-jury proceedings and 38 feet wide and 32 feet in depth for jury proceedings. The total seating capacity of any courtroom, including the spectator section shall be sufficient to prohibit standing. The spectator section shall be separated from the litigation area by a fixed bar.

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3.2 The floor-to-ceiling height of the litigation area of a courtroom 1700 square feet or less, shall be at least 12 feet high, with larger courtrooms at least 14 feet high.

3.3 Courtrooms shall have one or more public entrances for spectators, press, litigants off the public corridor, and at least one separate, private entrance for judge, jurors, and court personnel along a restricted-access corridor at an opposite end of the courtroom. Doors to public entrances shall be equipped with view windows.

3.4 In courtrooms processing persons in custody, prisoner holding areas and procedures shall ensure security and the separation of such persons from the public. Prisoner access to courtrooms may be through one or more restricted corridors required by these standards. Prisoner holding cells and attorney conference rooms shall be located as near as possible to individual or shared criminal courtrooms. In presently existing facilities, if restricted access and/or corridors are not, or cannot, be made available, prisoners shall, as much as possible, be separated from the general public and brought before the court at times when fewer people are expected to be present.

3.5 Every courtroom shall have at least two rooms, or adequately partitioned areas in the adjacent public lobby, for private attorney/client and litigant conferences, equipped with a table and at least four chairs. Secure rooms or facilities shall be available for the private segregation of witnesses called to testify before the court. In existing court facilities, if space is not, and cannot, be specifically designated as attorney/client conference rooms, dual purpose rooms will satisfy the requirements under this subsection.

3.6 Courtroom furniture shall be an integral part of the architecture. Each courtroom shall be provided with a wall clock located opposite the judge's bench, an official court or state seal behind the bench, wall notices required by statute, and calendars without advertising. No personal items of decoration shall be affixed to courtroom walls or in public view.

3.7 Provision shall be made for electronic recording of court proceedings. Microphones shall be designed as an integral part of courtroom equipment, with advance planning for the space and personnel required for its efficient operation.

3.8 Courtroom interiors shall be designed to minimize acoustical problems, ensuring that all participants can hear the proceedings while eliminating distracting exterior noise. Walls at the front of the courtroom shall be of sound reflective material so that voices generated from the litigation area are reflected to the spectator seating area at the rear of the courtroom. The ceiling and walls at the rear of the courtroom shall be finished with sound absorptive materials to prevent noise from reflecting back to the litigation area. The

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floor of the courtroom shall be finished with carpet or padded vinyl, especially in the litigation area, for noise reduction.

All courtrooms larger than 800 square feet shall have a public address sound system and all courtrooms shall maintain an infrared area assistive listening (or similar) system for the hearing impaired.

3.9 Every courtroom, where feasible, shall have a sound lock vestibule individually or in conjunction with an adjacent courtroom, designed such that one set of public access doors will generally be closed before the other set is opened to minimize noise transmission levels from public waiting or circulation spaces.

3.10 Every courtroom shall have access to chalk and magnetic boards, x-ray viewers and shadow boxes, and video display equipment available within the courthouse complex for necessary use in presenting demonstrative evidence or displays. Adequate storage facilities for such equipment and exhibits shall be provided in either the courtroom or immediately accessible private corridors or areas.

3.11 Courtrooms shall be adequately heated, air-conditioned and ventilated, and standard thermal conditions shall be separately controlled in each courtroom and designed for noise reduction. An adequate number of electrical outlets shall be located near anticipated power equipment placements, e.g., sound recording equipment, amplifiers, projectors, and x-ray viewers.

3.12 Courtrooms shall have adequate and security controlled lighting systems to provide a minimum of 70 foot-candles of lighting in the litigation area, and a minimum of 30 foot-candles of lighting in the spectator area.

4.0 JUDGE'S BENCH

4.1 The judge's bench shall be designed such that the judge's eye level, when seated, is higher than any standing participant with the front of the bench 52 inches to 56 inches high and the back riser height 21 inches to 22 inches in height.

4.2 The bench shall have an adequate level work surface two feet to two and a half feet deep and at least six feet to eight feet in length fronted or surrounded by at least a 3 inch privacy railing above the desktop. A two foot-deep ledge on the front of the bench shall afford attorneys and litigants space for placing their papers and books when addressing the court. The bench shall be constructed to allow a "side bar" conference between court and counsel out of hearing of the jury.

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4.3 The bench shall be constructed so that the judge will be able to view court entrances and see and hear clerks, witnesses, bailiffs, court reporters, jurors and attorneys.

4.4 The judge shall have a private entrance to the courtroom from a secure corridor or chambers.

4.5 The bench and immediate adjacent structures shall provide drawers for writing instruments and similar items, at least six linear feet of shelf space for books and other materials, and a method for the discreet transfer of papers and files between the judge and court clerk.

4.6 The bench shall be provided with adequate lighting, electrical and computer connections. Computer screens shall not block the judge's view of court personnel, attorneys, witnesses and jurors. Each bench shall have a volume-control system for all microphones and a security duress alarm.

4.7 The front panel of the bench shall be constructed or buttressed with bullet-proof material.

5.0 ATTORNEY AND LITIGANT STATIONS

5.1 Each courtroom shall have at least two tables with work surfaces measuring at least three feet by six feet for use by attorneys and litigants. Each work station shall be equipped with a minimum of two moveable, swivel armchairs; a microphone connected to an amplifier controlled by the judge or clerk; and, electrical receptacles flush with the floor.

5.2 At least five feet of depth shall be provided behind the attorney and litigant work stations to the separation bar to accommodate an additional row of seating for staff, paralegals or other involved parties, and a pathway for attorneys around the station. Sufficient space between the tables must be available to ensure privacy for the attorney and client.

5.3 A moveable lectern equipped with a microphone shall be made available for attorneys and litigants to address the court, with adjustable height control and slanted work surface adequate for the placement of books and notes. Task lighting may be provided at the lectern to aid in reading.

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6.0 WITNESS STAND

6.1 The witness stand shall be at least three feet to six feet wide with a stand depth of approximately five feet and a rear, side, or front entrance and partially enclosed with a front modesty panel or gate 26 inches in height. The witness stand shall be at least seven inches above the level of the courtroom floor, but slightly lower than that of the judge's bench.

6.2 The witness stand, when possible, shall be equipped with a fixed desktop area at least 15 inches deep for receiving and examining court materials, and a microphone for sound amplification.

6.3 The front panel or gate of the witness stand shall be constructed or buttressed with bullet-proof material.

6.4 In designing the witness stand and other courtroom stations, it is imperative that all participants be able to hear and see the witness as close to full face as possible.

7.0 JURY BOX

7.1 The jury box shall be constructed to comfortably accommodate 12 to 14 persons behind a continuous front panel 26 inches in height with two side entrances and handrails. The front panel shall include a shelf at least ten inches deep for placement of exhibits and papers.

7.2 Jury seating shall be arranged in two or more rows, with rear rows elevated at least seven inches above the next lower tier.

7.3 The jury box shall be located so that all jurors can see the front plane of any witness' face.

7.4 Jurors shall be separated by at least six feet from any attorney or litigant station, and by sufficient distance from the spectator area to avoid improper influences.

8.0 COURT REPORTER STATION

8.1 The court reporter station shall be located to permit the reporter to report or record

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proceedings by stenographic machine, computer aided transcription, or electronic recording device. The court reporter station shall be situated either between the judge and witness stand or in the immediately adjacent litigation area to permit the reporter to easily see and hear the judge, witness, attorneys and litigants without impeding lines of sight between their positions. The court reporter station shall be at least partially enclosed with a front panel and equipped with a work surface.

8.2 The front and exposed side panels of the court reporter station shall be constructed or buttressed with bullet-proof material.

9.0 COURT CLERK STATION

9.1 The court clerk station shall be constructed and located to permit efficient monitoring of court proceedings, processing of case files, recordation of court orders and determinations, handling of exhibits, swearing witnesses and impaneling jurors.

9.2 The court clerk station shall adjoin the judges' bench, be at least partially enclosed with a front panel, and have a stand depth of approximately five feet to the rear entrance. The court clerk station shall be at least seven inches above the level of the courtroom floor, but lower than that of the judge's bench.

9.3 The court clerk station shall have a level work surface, in addition to space for computer equipment of at least five feet in width and 30 inches in depth, fronted or surrounded by at least a three inch-high privacy railing above the desktop. An 18 inch ledge at the station shall afford attorneys and litigants space for placing papers, exhibits and signing documents.

9.4 The court clerk station or immediately accessible structures shall provide adequate drawer and storage space for case files, exhibits and documents, supplies and other materials received or utilized by the clerk during courtroom sessions.

9.5 The court clerk station shall be provided with adequate lighting, electrical, and computer connections, telephone access to the main clerk's office, and a duress alarm.

9.6 The front and exposed side panels of the court clerk station shall be constructed or buttressed with bullet-proof material.

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10.0 BAILIFF OR COURT SECURITY OFFICER STATION

10.1 The bailiff or court security officer shall be provided with a station strategically located to permit maximum visibility of all activities in the courtroom, with a fixed or portable duress alarm. The bailiff or court security officer shall be located in a position to provide for maintenance of order and decorum, and the secure movement of prisoners and others within the courtroom.

11.0 JURY DELIBERATION ROOM

11.1 Jury deliberation rooms shall be secured and soundproofed, at least 280 square feet with a minimum width of 14 feet, and adequately ventilated, heated, air conditioned and lighted to ensure maximum comfort for 14 jurors.

11.2 Jury deliberation rooms shall be located in close proximity to courtrooms in which their proceedings are being conducted, and not in a location requiring jurors to pass through public seating in the courtroom or through a public hall.

11.3 Each jury deliberation room shall be equipped with an adequate table and comfortable chairs for 14 jurors, a chalk board, coat rack, and electrical outlets for review of evidence tapes or displays during deliberations.

11.4 Each jury deliberation room shall have separate male and female restrooms. The restrooms shall be soundproof and doors to the restrooms visually separated from the jury deliberation area by a panel or wall.

11.5 Security shall be provided with locked jury rooms and a bailiff outside the jury access area. Cell phones shall not be permitted in the jury room during deliberations.

12.0 JUDGE'S CHAMBERS

12.1 Each judge shall be provided with a soundproof private office or chambers of at least 250 square feet. The chambers shall be designed to accommodate the judge's desk, computer equipment, personal library, coat closet and side chairs.

12.2 The judge's chambers shall be equipped with a private restroom or, if chambers are

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clustered, common restroom facilities secure from public access.

12.3 The judge's chambers shall be accessed through a secured room or area of at least 150 square feet accommodating individual or shared secretary, clerk or reception personnel. A separate private access shall be provided for security use. A duress alarm system shall be installed in both the judge's chambers and reception area. No public access shall be permitted to a judge's chambers except through the monitored secretarial or reception area.

12.4 The judge's chambers shall be located as close as possible to any assigned courtroom, with controlled access to the courtroom along the restricted corridor required by these standards. If possible, non-public elevators should be available for judges and jurors.

12.5 The judge's chambers shall be provided with adequate lighting, electrical outlets for the use of computers and other modern office equipment.

13.0 COURT ADMINISTRATION

13.1 Court administrative offices may be provided within the court facility for administrative personnel performing non-judicial responsibilities, and for visitation by the public. When visitor seating is provided, it shall consist of a minimum of 15 square feet per seat. The number of offices and work stations is dependent upon the size of the staff. Adequate storage and filing spaces shall be provided.

14.0 COURT REPORTER OFFICE

14.1 Each official court reporter shall be provided with a work area within the court facility of a minimum of 100 square feet and sufficient space for storage of current stenographic notes, tapes, discs, materials and equipment. Adequate electrical and telephone outlets shall be provided.

14.2 Where feasible, court reporters should be pooled in a shared office so that their services may be available to all judges as needed. Court reporters' private or shared offices shall be located as near as possible to the judges' chambers and courtrooms.

14.3 The court reporter station shall be provided with adequate lighting, electrical and computer outlets, for use of computer or video equipment, and secure storage facilities for machine tapes and discs, and stenographic equipment.

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15.0 CIRCUIT CLERK FACILITIES

15.1 The circuit clerk and deputies shall be provided with adequate space and facilities within the courthouse to efficiently discharge the duties of that office.

15.2 All offices of the circuit clerk shall be located, whenever feasible, on a single floor of the courthouse and should be adjacent to the highest-volume courtrooms.

15.3 The circuit clerk shall be provided with a private office of at least 200 square feet, equipped with adequate computer and electronic resources required for the office, space for books and other materials, and a conference table and chairs for meetings. The chief deputy circuit clerk may be provided with a private office of at least 120 square feet.

15.4 The circuit clerk's office shall have adequate space for its employee's work stations, secured evidence, file storage and waiting areas, public counters and viewing areas, and cashier work stations (with duress alarms). The staff of the circuit clerk's office shall be provided with private male and female restrooms and adequate break and lunch areas.

16.0 JURY ASSEMBLY AREA

16.1 Prospective jurors shall be provided a separate and private area while awaiting selection and orientation to jury service. The jury assembly area shall be spacious, minimally 15 to 18 square feet per juror, and furnished for passive activities such as reading, writing and television viewing.

16.2 The jury assembly area shall be located in close proximity to courtrooms in which jury selection is conducted and juror movement between the assembly area and courtrooms shall be by a circulation route which minimizes public contact.

16.3 Each juror assembly area shall be equipped with, or have private access to a vending area providing snacks, soft drinks, coffee, and separate male and female restrooms.

17.0 DESIGNATION OF EMERGENCY COURTROOMS

17.1 These standards shall not apply when the chief circuit judge of a circuit designates a courtroom or courtrooms as a temporary emergency courtroom.

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17.2 Upon such designation, the chief circuit judge shall forthwith notify the Supreme Court of the reason for such designation, the facility's address, and length of time the emergency courtroom is expected to be operable.

17.3 When the need for such emergency facilities no longer exists, the chief circuit judge will so notify the Supreme Court of its discontinued use specifying the time and date thereof.

18.0 WAIVER OF MINIMUM COURTROOM STANDARDS

18.1 The Supreme Court may temporarily and/or conditionally waive a provision of these standards upon written request and a showing of good cause by the chief circuit judge of the circuit setting forth the nature and reason for the requested waiver.

18.2 If the Supreme Court grants said waiver, it shall state any terms and conditions thereof and the period which the waiver is effective.

SECTION II



STANDARDS

WITH

COMMITTEE COMMENTS

MINIMUM COURTROOM STANDARDS IN THE STATE OF ILLINOIS

1.0 GENERAL

1.1 These standards are adopted pursuant to Section 5-1106 of the Counties Code, as amended (55 ILCS 5/5-1106), and the administrative and supervisory authority of the Supreme Court to establish minimum standards for the construction, design and renovation of Illinois trial courtrooms and ancillary facilities.

1.2 The county boards of the several Illinois counties shall comply with the terms and conditions of these standards.

The chief circuit judge of each circuit within the State, or his or her designee, shall ensure compliance with the Minimum Courtroom Standards in the State of Illinois in each courtroom and ancillary facilities within his or her circuit.

1.3 For the purpose of these standards, courtroom and ancillary facilities governed by its scope included the trial courtrooms themselves, judge's chambers and reception areas, court administrative offices and storage areas, circuit clerk and court reporter offices, attorney/client conference rooms, prisoner holding areas, and jury deliberation rooms and assembly rooms.

1.4 These standards address only trial court facilities, not those of reviewing courts.

COMMITTEE COMMENTS

Section 5-1106 of the Counties Code, provides in pertinent part:

It shall be the duty of the county board of each county:

** * **

Sixth - To provide proper rooms and offices, and for the repair thereof, for the accommodation of the circuit court of the county and for the clerk's for such court, and to provide suitable furnishings for such rooms and offices, and to furnish fire proof safes, and the repair thereof, for the offices of the clerks of the circuit court of the county. The courtrooms and furnishings thereof shall meet with reasonable minimum Standards prescribed by the Supreme Court of Illinois. Such standards shall be substantially the same as those generally accepted in courtrooms as to general furnishings, arrangement of bench, tables and chairs, cleanliness, convenience to litigants, decorations, lighting and other such matters relating to the physical appearance of the courtroom." (55 ILCS 5/5-1106)

The Minimum Courtroom Standards apply to all existing trial courts throughout the State and are mandatory and not permissive. Since the chief circuit judge, or his or her designee, is in the best position to know the condition of each courtroom and ancillary facility within the circuit, he or she is therefore responsible for ensuring compliance with these standards.

Since Section 5-1106 of the Counties Code only addresses county boards and the trial courts, the standards are not applicable to the reviewing courts of the State.

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2.0 BARRIER FREE ACCESS TO THE JUDICIAL SYSTEM

2.1 Accessibility. All courthouses within this State, and at least one courtroom and attendant existing facilities herein, shall be equally accessible to those who are disabled as to those who are not disabled. All newly constructed and substantially altered courtrooms and attendant facilities shall be fully accessible pursuant to the Americans with Disabilities Act (ADA) and Illinois Environmental Barriers Act (EBA).

2.2 Existing Facilities. Under the code, means of accessibility in existing structures constructed prior to September 25, 1985, shall include, but not be limited to, the following:

a. Access to the courthouse. Access to the courthouse shall be at grade level or provided with an appropriate ramp from street or passage level with the accessible entrance being the same as used by the general public.

b. Building entrance and interior doors. The disabled person's entrance to the courthouse and to all accessibility required rooms therein shall have a clear width of 32 inches when opened 90 degrees, and the maximum effort to operate such doors shall not exceed 8.5 pounds of force for exterior, and 5 pounds of force for interior doors. Door handles shall be suitable for those who are disabled. 71 Ill. Adm. Code 400 310(j) (10) (B).

c. Floors. Non-slippery materials shall be used, and floors between hallways, courtrooms, jury quarters, chambers, and restrooms shall be level.

d. Vertical access. Vertical access shall be provided by elevators or, pursuant to the EBA, stair lifts unless all facilities for an accessible courtroom can be located on the first floor. Elevators shall be of code mandated size to accommodate wheelchairs, the inside floor buttons shall be labeled with Braille numbers, and should have audible floor signals. Stairs shall have railings on both sides of the stairway as required by the code.

e. Restrooms. At least one men's and one women's restroom within the courthouse shall be accessible for people with disabilities, with sufficiently sized stalls, grab bars and fixture heights as required by code.

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f. **Clerk's office.** The office of the clerk of the circuit court shall have counters suitable for people who use wheelchairs or provisions made for suitable accessibility thereto.

g. **Courtrooms.** Accessibility designated courtrooms must accommodate disabled litigants, attorneys, jurors, witnesses, spectators, and court personnel with disabilities. Provisions must be made for people who use wheelchairs to be in the public seating area, and the courtroom designed to enable the judge, jurors, attorneys, litigants and court reporter to see and hear any witness testifying from a wheelchair.

h. **Signage.** Public notices and directional signs to accessible areas and facilities shall be provided in compliance with ADA.

2.3 New Construction and Substantial Alterations. For new court facilities and substantial alterations constructed after January 26, 1992, ADA standards fully apply; for new facilities and substantial alterations constructed after September 25, 1985, EBA standards apply (Sec. 71 Ill. Adm. Code 400, 510).

2.4 Services for People with Disabilities. The court shall have readily available, upon reasonable notice, appropriate services and equipment for those using the judicial system who have disabilities, including hearing, vision, speech, or other impairments.

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COMMITTEE COMMENTS

Physical access to the judicial system of this State is governed by the EBA and ADA. The ADA provides that a public entity that employs 50 or more persons must designate at least one employee to ensure compliance with the Act, establish grievance procedures and investigate any grievance filed. (U.S. Department of Justice, Office of the Attorney General, 28 C.F.R. Part 35, Subpart A, sec. 35.107.) The chief circuit judge of the circuit is not responsible for ensuring compliance with the EBA and ADA unless so designated by the Supreme Court. The governmental entity constructing or altering the facility is responsible for compliance with the EBA and ADA. It should be noted that neither the EBA nor ADA specifically, at present, addresses courthouses or courtrooms.

The judicial system must make reasonable accommodation to a known physical or mental limitation of otherwise qualified applicants or employees, unless it can be established that the accommodation would impose undue hardship on the operation of the judicial system or the disability is specifically exempted by ADA.

*Prospective jurors with physical or cognitive disabilities are protected by ADA but may be excused by the court if “their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors (Standard 6, **Standards Relating to Juror Use and Management**, American Bar Association, Judicial Administration Division, Committee on Jury Standards).*

The stated intent of Title II of the ADA is to ensure that the services, programs and activities of the judicial system, when viewed in its entirety, be readily accessible to all citizens, regardless of the nature of disability. This may be accomplished through structural changes in buildings and rooms, or through nonstructural means, such as acquisition or redesign of equipment, assignment of aids, or provisions for services at an alternative accessible site.

*The U. S. Department of Justice is the agency responsible for enforcing the ADA. Under a grant from the U. S. Department of Justice, the National Center for State Courts has developed a clearinghouse and resource center to assist state and local courts to comply with the requirements of the ADA and implementing regulations. See 28 DOJ regulations issued under Title II at C.F.R. Part 35. In a draft report, the National Center for State Courts divided court facilities into existing courthouses, and those where construction or major alterations commenced after January 26, 1992. Concerning **existing** courthouses, the Center stated: “Considering the prohibitively high cost of retrofitting existing facilities, the Act employs the concept of program accessibility by allowing the court to offer its programs, services, and activities through alternative methods to individuals with disabilities without extensively retrofitting existing buildings and facilities.”*

*Under Title II, the courts are **not** required -*

*(1) To make **each** of their existing court buildings and facilities accessible to, and usable by, individuals with disabilities; or*

(2) to take any action that would threaten or destroy the historic significance of a historic property; ()*

or

****However, note that under the EBA, when alterations are undertaken to a historic building that would threaten the historic significance of the building, the Historic Preservation Agency shall be consulted. If that agency agrees, then Section 400.200 of the Code may apply. Section 400.610(a)(2.***

*(3) To take any action that it can demonstrate would result in a fundamental alteration in the nature of court's services, programs, or activities or an undue financial and administrative burden. (**National Center for State Courts, Draft, The Americans with Disabilities Act, Title II Self Evaluation [iv]**).*

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However, pursuant to the ADA, court facilities designed, constructed or having major alterations made thereto after January 26, 1992, must be in strict compliance with either the Uniform Federal Accessibility Standards (UFAS) or the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG). DOJ Title II regulations currently allows state and local governments to follow either ADAAG (with some stipulations as noted in the regulations) or UFAS for new construction and alterations. See 28 C.F.R. 35.151. Combining the UFAS and ADAAG is not permitted, although departures from a particular requirement of either is permitted when it is clearly evident that equivalent access to the facility, or the required accessible portion thereof, is provided. Note that the EBA refers to the ADAAG rather than UFAS.

Under the EBA existing public facilities constructed prior to 1985 are not required to be in full compliance with the standards for new construction and alterations. However, new construction or substantial alteration of court facilities commenced after September 25, 1985 must comply with the Act.

Under the EBA, the extent of compliance under the Act depends upon the factor of alteration costs as it relates to the reproduction cost of the facility. For instance, "(i)f the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and less than \$100,000... the element or space being altered and an entrance and means of egress intended for use by the general public (must) comply with the applicable requirements for new construction." 410 ILCS 25/5(4).

Some provisions included in one act are not included in the other. For instance, the ADA does not include the pull weight (pounds of force) on doors although the EBA does. It is noted, however, that automation of exterior doors is strongly recommended for ADA purposes since some courthouse entrance doors are heavy and may have excessive opening forces.

If the ADA and EBA have differing requirements, the most rigorous of the two would apply.

Services to the disabled include sign language, interpreters, Braille materials, and telephone access via Telecommunications Device for the Deaf (TDD).

In order to implement the provisions of the ADA, a public accessibility notice and directional signs are to be posted in prominent places in each court facility within the circuit and a notice in substantially the following form is to be sent to potential jurors and members of the bar:

Persons with disabilities who need special arrangements, such as sign language interpreters, Braille materials, or accessible courtrooms should call name, at [telephone number], or 1-800-526-0844 (Relay Service for Telecommunications Device for the Deaf (TDD) users).

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3.0 THE COURTROOM

3.1 Courtroom size shall be determined by functional and environmental requirements, the usual type of cases heard and the routine number of participants and spectators. The litigation area, exclusive of its spectator section, shall be at least 28 feet wide and 30 feet in depth for non-jury proceedings and 38 feet wide and 32 feet in depth for jury proceedings. The total seating capacity of any courtroom, including the spectator section shall be sufficient to prohibit standing. The spectator section shall be separated from the litigation area by a fixed bar.

3.2 The floor-to-ceiling height of the litigation area of a courtroom 1700 square feet or less shall be at least 12 feet high, with larger courtrooms at least 14 feet high.

3.3 Courtrooms shall have one or more public entrances for spectators, press, litigants off the public corridor, and at least one separate, private entrance for judge, jurors, and court personnel along a restricted-access corridor at an opposite end of the courtroom. Doors to public entrances shall be equipped with view windows.

3.4 In courtrooms processing persons in custody, prisoner holding areas and procedures shall ensure security and the separation of such persons from the public. Prisoner access to courtrooms may be through one or more restricted corridors required by these standards. Prisoner holding cells and attorney conference rooms shall be located as near as possible to individual or shared criminal courtrooms. In presently existing facilities, if restricted access and/or corridors are not, or cannot, be made available, prisoners shall, as much as possible, be separated from the general public and brought before the court at times when fewer people are expected to be present.

3.5 Every courtroom shall have at least two rooms, or adequately partitioned areas in the adjacent public lobby, for private attorney/client and litigant conferences, equipped with a table and at least four chairs. Secure rooms or facilities shall be available for the private segregation of witnesses called to testify before the court. In existing court facilities, if

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space is not, and cannot, be specifically designated as attorney/client conference rooms, dual purpose rooms will satisfy the requirements under this subsection.

3.6 Courtroom furniture shall be an integral part of the architecture. Each courtroom shall be provided with a wall clock located opposite the judge's bench, an official court or state seal behind the bench, wall notices required by statute, and calendars without advertising. No personal items of decoration shall be affixed to courtroom walls or in public view.

3.7 Provision shall be made for electronic recording of court proceedings. Microphones shall be designed as an integral part of courtroom equipment, with advance planning for the space and personnel required for its efficient operation.

3.8 Courtroom interiors shall be designed to minimize acoustical problems, ensuring that all participants can hear the proceedings while eliminating distracting exterior noise. Walls at the front of the courtroom shall be of sound reflective material so that voices generated from the litigation area are reflected to the spectator seating area at the rear of the courtroom. The ceiling and walls at the rear of the courtroom shall be finished with sound absorptive materials to prevent noise from reflecting back to the litigation area. The floor of the courtroom shall be finished with carpet or padded vinyl, especially in the litigation area, for noise reduction.

All courtrooms larger than 800 square feet shall have a public address sound system and all courtrooms shall maintain an infrared area assistive listening (or similar) system for the hearing impaired.

3.9 Every courtroom where feasible, shall have a sound lock vestibule individually or in conjunction with an adjacent courtroom, designed such that one set of public access doors will generally be closed before the other set is opened to minimize noise transmission levels from public waiting or circulation spaces.

3.10 Every courtroom shall have access to chalk and magnetic boards, x-ray viewers and shadow boxes, and video display equipment available within the courthouse complex for

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necessary use in presenting demonstrative evidence or displays. Adequate storage facilities for such equipment and exhibits shall be provided in either the courtroom or immediately accessible private corridors or areas.

3.11 Courtrooms shall be adequately heated, air-conditioned and ventilated, and standard thermal conditions shall be separately controlled in each courtroom and designed for noise reduction. An adequate number of electrical outlets shall be located near anticipated power equipment placements, e.g., sound recording equipment, amplifiers, projectors, and x-ray viewers.

3.12 Courtrooms shall have adequate and security controlled lighting systems to provide a minimum of 70 foot-candles of lighting in the litigation area, and a minimum of 30 foot-candles of lighting in the spectator area.

COMMITTEE COMMENTS

It is understood that physical space in older, existing court facilities, rooms and corridors as those specified in subsections 3.4 and 3.5 may not exist. If such is the case, available rooms, such as unused offices or jury quarters, may be designated and used to satisfy the provisions of sections 3.4 and 3.5 of these standards.

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4.0 JUDGE'S BENCH

4.1 The judge's bench shall be designed such that the judge's eye level, when seated, is higher than any standing participant with the front of the bench 52 inches to 56 inches high and the back riser height 21 inches to 22 inches in height.

4.2 The bench shall have an adequate level work surface two feet to two and a half feet deep and at least six feet to eight feet in length fronted or surrounded by at least a three inch privacy railing above the desktop. A two foot-deep ledge on the front of the bench shall afford attorneys and litigants space for placing their papers and books when addressing the court. The bench shall be constructed to allow a "side bar" conference between court and counsel out of hearing of the jury.

4.3 The bench shall be constructed so that the judge will be able to view court entrances and see and hear clerks, witnesses, bailiffs, court reporters, jurors and attorneys.

4.4 The judge shall have a private entrance to the courtroom from a secure corridor or chambers.

4.5 The bench and immediate adjacent structures shall provide drawers for writing instruments and similar items, at least six linear feet of shelf space for books and other materials, and a method for the discreet transfer of papers and files between the judge and court clerk.

4.6 The bench shall be provided with adequate lighting, electrical and computer connections. Computer screens shall not block the judge's view of court personnel, attorneys, witnesses and jurors. Each bench shall have a volume-control system for all microphones and a security duress alarm.

4.7 The front panel of the bench shall be constructed or buttressed with bullet-proof material.

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COMMITTEE COMMENTS

It is vital the judge have a clear view of those listed in subsection 4.3 of this section. During initial construction or remodeling of a courtroom, it is critical that a judge be responsible for ensuring the court will have an adequate view of those noted in subsection 4.3 of these standards.

The two foot-deep shelf (or table) in front of the bench has a dual purpose: (1) to provide attorneys and litigants space for placing their books, documents and exhibits and (2) prevent leaning on the bench by attorneys and litigants.

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5.0 ATTORNEY AND LITIGANT STATIONS

5.1 Each courtroom shall have at least two tables with work surfaces measuring at least three feet by six feet for use by attorneys and litigants. Each work station shall be equipped with a minimum of two moveable, swivel armchairs; a microphone connected to an amplifier controlled by the judge or clerk; and, electrical receptacles flush with the floor.

5.2 At least five feet of depth shall be provided behind the attorney and litigant work stations to the separation bar to accommodate an additional row of seating for staff, paralegals or other involved parties, and a pathway for attorneys around the station. Sufficient space between the tables must be available to ensure privacy for the attorney and client.

5.3 A moveable lectern equipped with a microphone shall be made available for attorneys and litigants to address the court, with adjustable height control and slanted work surface adequate for the placement of books and notes. Task lighting may be provided at the lectern to aid in reading.

COMMITTEE COMMENTS

It is important that attorneys and litigants be able to confer in private, when necessary, at their stations without being overheard by jurors, opposing counsel and litigants, or by others in the courtroom, but still be able to see, hear, and be seen and heard (when appropriate) by judge, witnesses, court clerk, jurors and the court reporter. The distances between the attorney and litigant stations, lectern, witness stand, jury box and judge's bench, should be about the same.

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6.0 WITNESS STAND

6.1 The witness stand shall be at least three feet to six feet wide with a stand depth of approximately five feet and a rear, side, or front entrance and partially enclosed with a front modesty panel or gate 26 inches in height. The witness stand shall be at least seven inches above the level of the courtroom floor, but slightly lower than that of the judge's bench.

6.2 The witness stand, when possible, shall be equipped with a fixed desktop area at least 15 feet deep for receiving and examining court materials, and a microphone for sound amplification.

6.3 The front panel or gate of the witness stand shall be constructed or buttressed with bullet-proof material.

6.4 In designing the witness stand and other courtroom stations, it is imperative that all participants be able to hear and see the witness as close to full face as possible.

COMMITTEE COMMENTS

The witness stand need not be attached to the judge's bench but may stand alone opposite the jury box providing for a full frontal view of the witness by judge, jury and attorneys.

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7.0 JURY BOX

7.1 The jury box shall be constructed to comfortably accommodate 12 to 14 persons behind a continuous front panel 26 inches in height with two side entrances and handrails. The front panel shall include a shelf at least 10 inches deep for placement of exhibits and papers.

7.2 Jury seating shall be arranged in two or more rows, with rear rows elevated at least 7 inches above the next lower tier.

7.3 The jury box shall be located so that all jurors can see the front plane of any witness' face.

7.4 Jurors shall be separated by at least 6 feet from any attorney or litigant station, and by sufficient distance from the spectator area to avoid improper influences.

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8.0 COURT REPORTER STATION

8.1 The court reporter station shall be located to permit the reporter to report or record proceedings by stenographic machine, computer aided transcription, or electronic recording device. The court reporter station shall be situated either between the judge and witness stand or in the immediately adjacent litigation area to permit the reporter to easily see and hear the judge, witness, attorneys and litigants without impeding lines of sight between their positions. The court reporter station shall be at least partially enclosed with a front panel and equipped with a work surface.

8.2 The front and exposed side panels of the court reporter station shall be constructed or buttressed with bullet-proof material.

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9.0 COURT CLERK STATION

9.1 The court clerk station shall be constructed and located to permit efficient monitoring of court proceedings, processing of case files, recordation of court orders and determinations, handling of exhibits, swearing witnesses and impaneling jurors.

9.2 The court clerk station shall adjoin the judges' bench, be at least partially enclosed with a front panel, and have a stand depth of approximately five feet to the rear entrance. The court clerk station shall be at least seven inches above the level of the courtroom floor, but lower than that of the judge's bench.

9.3 The court clerk station shall have a level work surface, in addition to space for computer equipment of at least five feet in width and 30 inches in depth, fronted or surrounded by at least a three inch-high privacy railing above the desktop. An 18 inch ledge at the station shall afford attorneys and litigants space for placing papers, exhibits and signing documents.

9.4 The court clerk station or immediately accessible structures shall provide adequate drawer and storage space for case files, exhibits and documents, supplies and other materials received or utilized by the clerk during courtroom sessions.

9.5 The court clerk station shall be provided with adequate lighting, electrical, and computer connections, telephone access to the main clerk's office, and a duress alarm.

9.6 The front and exposed side panels of the court clerk station shall be constructed or buttressed with bullet-proof material.

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10.0 BAILIFF OR COURT SECURITY OFFICER STATION

10.1 The bailiff or court security officer shall be provided with a station strategically located to permit maximum visibility of all activities in the courtroom, with a fixed or portable duress alarm. The bailiff or court security officer shall be located in a position to provide for maintenance of order and decorum, and the secure movement of prisoners and others within the courtroom.

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11.0 JURY DELIBERATION ROOM

11.1 Jury deliberation rooms shall be secure and soundproof, at least 280 square feet with a minimum width of 14 feet, and adequately ventilated, heated, air conditioned and lighted to ensure maximum comfort for 14 jurors.

11.2 Jury deliberation rooms shall be located in close proximity to courtrooms in which their proceedings are being conducted, and not in a location requiring jurors to pass through public seating in the courtroom or through a public hall.

11.3 Each jury deliberation room shall be equipped with an adequate table and comfortable chairs for 14 jurors, a chalk board, coat rack, and electrical outlets for review of evidence tapes or displays during deliberations.

11.4 Each jury deliberation room shall have separate male and female restrooms. The restrooms shall be soundproof and doors to the restrooms visually separated from the jury deliberation area by a panel or wall.

11.5 Security shall be provided with locked jury rooms and a bailiff outside the jury access area. Cell phones shall not be permitted in the jury room during deliberations.

COMMITTEE COMMENTS

Jury deliberation rooms may be designed with or without windows, and if constructed with windows, equipped with curtains or blinds to ensure security. The jury deliberation room may be equipped with a water fountain or kitchenette unit with coffee making facilities. An under the counter refrigerator is recommended for the storage of small food and drinking items by the jurors.

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12.0 JUDGE'S CHAMBERS

12.1 Each judge shall be provided with a soundproof private office or chambers of at least 250 square feet. The chambers shall be designed to accommodate the judge's desk, computer equipment, personal library, coat closet and side chairs.

12.2 The judge's chambers shall be equipped with a private restroom, or if chambers are clustered, common restroom facilities secure from public access.

12.3 The judge's chambers shall be accessed through a secured room or area of at least 150 square feet accommodating individual or shared secretary, clerk or reception personnel. A separate private access shall be provided for security use. A duress alarm system shall be installed in both the judge's chambers and reception area. No public access shall be permitted to a judge's chambers except through the monitored secretarial or reception area.

12.4 The judge's chambers shall be located as close as possible to any assigned courtroom, with controlled access to the courtroom along the restricted corridor required by these standards. If possible, non-public elevators should be available for judges and jurors.

12.5 The judge's chambers shall be provided with adequate lighting, electrical outlets for the use of computers and other modern office equipment.

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13.0 COURT ADMINISTRATION

13.1 Court administrative offices may be provided within the court facility for administrative personnel performing non-judicial responsibilities, and for visitation by the public. When visitor seating is provided, it shall consist of a minimum of 15 square feet per seat. The number of offices and work stations is dependent upon the size of the staff. Adequate storage and filing spaces shall be provided.

COMMITTEE COMMENTS

In addition to court administrative offices, auxiliary spaces, such as file, storage and copying areas, shall be conveniently accessible by staff members. Copy/work areas may consist of 100 square feet to accommodate a copier and sorting table.

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14.0 COURT REPORTER OFFICE

14.1 Each official court reporter shall be provided with a work area within the court facility of a minimum of 100 square feet and sufficient space for storage of current stenographic notes, tapes, discs, materials and equipment. Adequate electrical and telephone outlets shall be provided.

14.2 Where feasible, court reporters should be pooled in a shared office so that their services may be available to all judges as needed. Court reporters' private or shared offices shall be located as near as possible to the judges' chambers and courtrooms.

14.3 The court reporter station shall be provided with adequate lighting, electrical and computer outlets, for use of computer or video equipment, and secure storage facilities for machine tapes and discs, and stenographic equipment.

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15.0 CIRCUIT CLERK FACILITIES

15.1 The circuit clerk and deputies shall be provided with adequate space and facilities within the courthouse to efficiently discharge the duties of that office.

15.2 All offices of the circuit clerk shall be located, whenever feasible, on a single floor of the courthouse and should be adjacent to the highest-volume courtrooms.

15.3 The circuit clerk shall be provided with a private office of at least 200 square feet, equipped with adequate computer and electronic resources required for the office, space for books and other materials, and a conference table and chairs for meetings. The chief deputy circuit clerk may be provided with a private office of at least 120 square feet.

15.4 The circuit clerk's office shall have adequate space for its employee's work stations, secured evidence, file storage and waiting areas, public counters and viewing areas, and cashier work stations (with duress alarms). The staff of the circuit clerk's office shall be provided with private male and female restrooms and adequate break and lunch areas.

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16.0 JURY ASSEMBLY AREA

16.1 Prospective jurors shall be provided a separate and private area while awaiting selection and orientation to jury service. The jury assembly area shall be spacious, minimally 15 to 18 square feet per juror, and furnished for passive activities such as reading, writing and television viewing.

16.2 The jury assembly area shall be located in close proximity to courtrooms in which jury selection is conducted and juror movement between the assembly area and courtrooms shall be by a circulation route which minimizes public contact.

16.3 Each juror assembly area shall be equipped with, or have private access to a vending area providing snacks, soft drinks, coffee, and separate male and female restrooms.

COMMITTEE COMMENTS

Jury assembly areas should be comfortable places for potential jurors to wait and receive orientation to jury service. While in smaller counties the courtroom may serve both as a jury assembly and selection area, the preferred practice is to dedicate an assembly area separate and apart from the courtroom. The assembly area may be a multi-purpose space permitting uses other than jury assembly when jury trials are not occurring. For security reasons, public access to the jury assembly area shall be restricted and controlled.

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17.0 DESIGNATION OF EMERGENCY COURTROOMS

17.1 These standards shall not apply when the chief circuit judge of a circuit designates a courtroom or courtrooms as a temporary emergency courtroom.

17.2 Upon such designation, the chief circuit judge shall forthwith notify the Supreme Court of the reason for such designation, the facility's address, and length of time the emergency courtroom is expected to be operable.

17.3 When the need for such emergency facilities no longer exists, the chief circuit judge will so notify the Supreme Court of its discontinued use specifying the time and date thereof.

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18.0 WAIVER OF MINIMUM COURTROOM STANDARDS

18.1 The Supreme Court may temporarily and/or conditionally waive a provision of these standards upon written request and a showing of good cause by the chief circuit judge of the circuit setting forth the nature and reason for the requested waiver.

18.2 If the Supreme Court grants said waiver, it shall state any terms and conditions thereof and the period which the waiver is effective.

COMMITTEE COMMENTS

*There may be an occasion when the standards should be temporarily and/or conditionally waived by the Supreme Court. The chief circuit judge of the circuit would be in the best position to know and request the type and nature of the waiver, but must show good cause why the Supreme Court should grant the waiver. In *Knuepfer v. Fawell*, 96 Ill.2d 284 (1983) the court stated “a competent chief judge will normally be the most knowledgeable person in his circuit regarding the needs and problems of the judiciary and the progress being made in resolving them”. 96 Ill.2d at 294.*

The waiver of the standards is permitted, but not the waiver of any provision of the ADA or EBA.

APPENDIX



MINIMUM COURTROOM STANDARDS IN THE STATE OF ILLINOIS

DEFINITIONS/ACRONYMS

a. The word “accessibility” means that all parties to a judicial proceeding, including litigants, jurors, attorneys, witnesses, spectators, and court personnel, shall have a barrier free access to the judicial system pursuant to the laws of the United States and this State.

b. The word “disabled” means a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such impairment, except when exempted by ADA or EBA.

c. The term “reasonable accommodation” means a modification to the job or work environment that would allow a disabled but otherwise qualified applicant or employee to participate in the application process or to perform the essential functions of a job.

d. The abbreviation “ADA” refers to the Americans with Disabilities Act, 42 USCA, sec. 12101 et seq. (1992).

e. The term “implementing regulations” refers to regulations implementing Title II of the ADA codified at 28 C.F.R. Part 35 (eff. January 26, 1992).

f. The acronym “UFAS” refers to the Uniform Federal Accessibility Standards. 28 C.F.R. Part 35.151.

g. The acronym “ADAAG” refers to the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities. 36 C.F.R. Part 1191.

h. The acronym “EBA” refers to the Illinois Environmental Barriers Act, 410 ILCS 25/1 et seq. (Eff. September 25, 1985).

i. The word “code” refers to the Illinois Accessibility Code (71 Ill. Adm. Code 400.210 et. seq. (1991) (eff. September 25, 1985; amended April 24, 1997), except where Federal Regulations are controlling.

j. “Public Facility” means any building, structure or site improvement owned by or on behalf of a governmental unit. Environmental Barriers Act. 410 ILCS 25/3. (1) (I).