

## Title II of the ADA Applies to State Courts

Under *Tennessee v. Lane*, 541 U.S. 509 (2004), the  
Doctrine of Sovereign Immunity is No Defense

In 2004, the Supreme Court issued a decision in *Tennessee v. Lane*, holding that individuals may sue States directly to require States to make their courts and judicial services accessible under the ADA.

The plaintiffs alleged that the State of Tennessee and 25 of its counties violated the ADA by having inaccessible courthouses. They asked the federal court to order that the courts be made accessible and to award compensatory damages. One plaintiff, a wheelchair user who was charged with two misdemeanor offenses, alleged that he had to crawl up two flights of stairs to make a required court appearance. The other, a court reporter who is also a wheelchair user, alleged that many of Tennessee's courthouses and courtrooms had barriers that made it difficult for her to practice her profession.

The Court held that Title II is an appropriate response by Congress to prevent denial of the right of access to state courts in light of the history of unconstitutional treatment by States of people with disabilities.

Quote from *Tennessee v. Lane*:

“[T]itle II does not require States to employ any and all means to make judicial services accessible or to compromise essential eligibility criteria for public programs. It requires only "reasonable modifications" that would not fundamentally alter the nature of the service provided, and only when the individual seeking modification is otherwise eligible for the service. *Ibid.* Title II's implementing regulations make clear that the reasonable modification requirement can be satisfied in various ways, including less costly measures than structural changes. This duty to accommodate is perfectly consistent with the well-established due process principle that, within the limits of practicability, a State must afford to all individuals a meaningful opportunity to be heard in its courts. *Boddie*, 401 U. S., at 379. A number of affirmative obligations flow from this principle. Cases such as *Boddie*, *Griffin v. Illinois*, 351 U. S. 12, and *Gideon v. Wainwright*, 372 U. S. 335, make clear that ordinary considerations of cost and convenience alone cannot justify a State's failure to provide individuals with a meaningful right of access to the courts. Judged against this backdrop, Title II's affirmative obligation to accommodate is a reasonable prophylactic measure, reasonably targeted to a legitimate end.”