

North Carolina Administrative Office of the Courts
Policy and Procedures Governing Grievances Under the
Americans With Disabilities Act

The Administrative Office of the Courts (the "AOC") has established these grievance procedures to provide for the prompt and equitable administrative resolution of complaints alleging action by the Judicial Branch that would be prohibited by the Americans With Disabilities Act (the "ADA"). The ADA states in part that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity" (42 U.S.C. Section 12132).

It is the policy of the Administrative Office of the Courts to make every reasonable and appropriate effort within its authority to ensure full and fair access to the courts for persons with disabilities. Persons are cautioned, however, that the Administrative Office of the Courts has no authority to direct, review, correct, or reverse any action or decision of Judicial Branch officials with regard to the exercise of authorities vested in them by law, including, by way of example only, a judge's decision in any civil or criminal proceeding. The ADA does not require that a complaint be filed with the AOC before pursuing other remedies, such as filing a complaint with the responsible federal agency.

Section 1. Requests for Accommodation; Assistance and Review by the AOC's "ADA Coordinator"

A person with a disability who needs an accommodation should make the request for an accommodation by contacting the appropriate court official or responsible employee. In any matter relating to trial court proceedings, the Office of the Clerk of Superior Court in the relevant county can help a person with a disability identify the appropriate court official or responsible employee. In addition, the AOC's "ADA Coordinator" may be contacted for assistance in any matter, including help in identifying the responsible employee to contact for any court office or program.

Prior to filing a grievance requesting final agency review under section two of these procedures, a person must have requested assistance from or presented his or her complaint, orally or in writing, to the AOC ADA Coordinator, who is:

Richard Kane
Administrative Office of the Courts
P.O. Box 2448
Raleigh, NC 27602
Phone: (919) 733-7107 FAX: (919) 733-1845

The ADA Coordinator shall, as appropriate, conduct an investigation and attempt to provide the assistance requested or resolve the complaint. The AOC Coordinator will promptly advise the person of the results of the investigation, the validity of the complaint, and the resolution, if any, reached.

Section 2. Procedures for Final Administrative Review

Persons may obtain final administrative review of a grievance against the Judicial Branch under the ADA by mailing or delivering a written complaint to:

Office of Legal Counsel
Administrative Office of the Courts
P.O. Box 2448
Justice Building (2 East Morgan Street)
Raleigh, NC 27602


If necessary due to the nature of a person's disability, the complaint may be presented by reasonable means other than writing. To make arrangements for this purpose, contact the Office of Legal Counsel at (919) 733-7107.

The complaint shall contain the name and address of the person filing it and an explanation of the alleged violation, including:

- the specific request for an accommodation or other action that was made to any court employee,
- the person or persons to whom the request was made,
- the specific actions taken in response to the request,
- the specific deficiencies in those actions, and
- the specific additional or other actions desired.

The Office of Legal Counsel will review the complaint, obtain any other necessary and appropriate information, and afford interested parties and their representatives, if any, an opportunity to submit evidence relevant to the complaint. As deemed necessary and appropriate by the Office of Legal Counsel, the Office of Legal Counsel may meet with the complainant or other parties. If the complainant fails to comply with a request for information from the Office of Legal Counsel, the complainant may be deemed to have abandoned the complaint. The Office of Legal Counsel shall make a written determination upon the complaint and issue a copy of the determination to the complainant and other interested persons. If necessary due to the nature of a person's disability, the Office of Legal Counsel shall make reasonable efforts to communicate the determination by appropriate means other than writing. The determination of the Office of Legal Counsel shall be issued no later than fifteen working days after receipt of the complaint, or the complainant will be informed in writing of the reasons for the delay and advised as to when a determination may be expected. The determination of the Office of Legal Counsel is the final agency decision of the Administrative Office of the Courts.

These procedures are adopted in the performance of the duties provided for in N.C.G.S. 7A-343, this the 30th day of June, 1995, by:


James C. Drennan
Administrative Officer of the Courts of North Carolina