

## Personal Stories

*Beverly Jones & George Lane*<sup>1</sup>

### I. Ms. Beverly Jones:

Good afternoon. George has informed me that I am to go first this afternoon, so I will take advantage of that. My name is Beverly Jones, and let me first of all thank you for allowing George and me to be a part of this symposium. It is my first appearance since March 17, 2005 after the case officially ended.

My personal story in relation to *Tennessee v. Lane*<sup>2</sup> began in 1990, upon my completion of court reporting school. It was at that time that I found myself as a court reporter relying on individual attorneys across the state to hire me to go and report individual cases for them. On a regular basis when I reported trials, I would encounter courthouses that were inaccessible. Many courtrooms were on the second and sometimes the third floor of buildings that were not equipped with elevators. For many years in order to continue working in these particular counties, and these particular courthouses, I would have to ask for assistance. This often required me to allow people to carry me up the stairs. Most of the time, these people were

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<sup>1</sup> Ms. Jones and Mr. Lane joined as plaintiffs in *Tennessee v. Lane*. Ms. Jones, who uses a wheelchair, is a certified court reporter. She was compelled to decline employment because of her inability to gain access to several courtrooms and related facilities in at least 24 Tennessee counties. Mr. Lane, also a wheelchair user, was charged with a traffic violation in Polk County. The courtroom in which he was required to appear on the appointed morning was located on the second floor of a courthouse that was not equipped with an elevator. Mr. Lane crawled up two flights of stairs in order to reach the courtroom, only to have the case postponed until the afternoon session. Having returned to the first floor, he refused to crawl up the stairs a second time and, as a result, was jailed for contempt of court.

<sup>2</sup> 541 U.S. 509 (2004).

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complete strangers. The stairwells in these courthouses were very narrow and very steep, with many turns and flights of stairs to get to those second and third level courtrooms.

As I became more familiar with the individuals I was working with in these courthouses, I began to talk to them along with others in county governments who ran the judicial programs. We all agreed that there was a need for access to the courtrooms. I started writing letters to individuals and making phone calls in hopes that we would find a solution and that I could find an answer to the problems that I was facing.

I contacted the Governor's Committee for the Employment of People with Disabilities; I contacted the Department of Justice; I contacted the Legislative Action Network; and I talked with the Administrative Office of the Courts. I contacted Senator Al Gore's office and many, many others, and voiced my concern about the inaccessible courtrooms that I was encountering on a regular basis in the areas in which I was traveling as a court reporter. The responses from these individuals were usually similar in that they all recognized and acknowledged that there was a problem. Many of these individuals had their own stories of instances that they had witnessed where an individual with a disability could not access the courtroom. But no one was quite sure what to do to solve the problem. After many years of continuing speak with individuals in these counties, I did begin to see changes.

I began to see courthouses installing elevators. I began to see sidewalks outside courthouses replaced with new sidewalks equipped with ramps. I began to see courtrooms being built on first floors. I began to see restrooms modified and made accessible, and I began to see new [signs] in parking lots designating accessible parking. Most of what were once entirely inaccessible courthouses were now becoming accessible.

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A few courthouses remained inaccessible for as long as six years after January 26th, 1992, the deadline date of the Americans with Disabilities Act<sup>3</sup> for these courthouses to come into compliance. In August of 1998, I chose to personally sue the State of Tennessee about the counties that remained inaccessible. The adventure that followed the filing of this lawsuit will be spoken about by some of the other speakers later this afternoon.

One of my most memorable recollections was being present at the Supreme Court oral argument and hearing Justices Rehnquist and Scalia describing being carried as a mere inconvenience rather than a form of discrimination. According to them, an offer to be carried provided access to the courtroom. I will never forget their comments. Seven years later, the few courthouses that remained have come into compliance by making structural changes, or by creating and implementing a policy on how to deal with a situation when a person with a disability needs assistance to the judicial program in that county. The State's policy also speaks to that, and you will be hearing more about that later this afternoon.

In my outline that I received from the college, they asked me to talk about what this case means to me. I have been asked that many times, and I think I've given a different answer every time. I was reflecting back on everything last night, and realized the outcome of this case is significant to me because in the beginning, when I chose to take on the counties that would not come into compliance, it was not just about Beverly Jones needing to go to work, it was not just about George Lane needing to defend himself, it was about access to the judicial programs of this State for every single person. The significance of the outcome of *Tennessee v. Lane*, I believe, has been accomplished in that the judicial program within the state is readily accessible to everybody. Thank you.

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<sup>3</sup> 42 U.S.C. §§ 12131-12300 (2005).

## **II. Mr. George Lane:**

Well, I guess you all know I'm George Lane. I would like to say it is an honor to be here. I am a big UT fan. I became disabled after working 16 hour shifts and falling asleep coming home from work. Paying taxes and maintaining our government buildings does not say anything for my character. I had no idea that the [Americans with Disabilities Act] or any law of that sort existed. I just knew that I was summoned to court for driving on a revoked license. In the rural county where I am from, you better get there, so I climbed up the steps and it made a mockery of me, which is why I want to give a lot of credit to my counsel who looked beyond the client and looked at the cause. Therefore, you know, it is just—to me—I have done several interviews, and I am sure if you all have ever heard me talk, I live by the K.I.S.S. program, "Keep it simple, stupid."

It is not real hard to see a person's needs, when he has a fundamental right to access our government buildings. This is America, not a third world country. I am pleased with the changes that [have] occurred due to this case, and just to know that—like Beverly said earlier—it is not just about myself or Beverly. There are 250,000 disabled people in this state, 55 million people in the U.S. To indirectly touch or to aid them in some way, I think it is truly a blessing from God. I feel real fortunate just being a part of it.

Like I say, when I first became disabled I was a very angry man. [It] took my—it took my livelihood away, I was unable to work. But God took a bad situation and made it good. Now there is no one else in this state that will ever have to crawl up some steps or to be carried to perform her job. Like I say, I feel truly blessed to be a very small part of a very good thing. And I give credit to God and my counsel, Bill Brown and his assistant Lisa. That is all I have got to say.

