



Communication Access Fund How it Works

What is the Communication Access Fund? The Communication Access Fund (CAF), established with funds from the State Bar of Texas (SBOT), assists attorneys to meet their effective communication obligations under Title III of the Americans with Disabilities Act Amendment Act of 2008 (ADAAA). The CAF will be administered by the SBOT Legal Access Division. Members of the SBOT Disability Issues Committee will provide training to lawyers on Title III effective communication requirements under the ADAAA.

What Specifically Will the Fund Cover? The CAF will reimburse lawyers who have hired qualified sign language interpreters or provided other appropriate auxiliary aids/services required under the ADAAA, such as Computer Assisted Real-Time Transcription (CART), Braille or large print documents, etc., when necessary to ensure effective communication with their clients with disabilities.

What Will Not Be Covered? Reimbursement will not be provided when alternative funding sources will pay for appropriate auxiliary aids and services, such as in the circumstances listed below:

1. The CAF may be used to cover sign language interpretation or auxiliary aid expenses incurred during courtroom proceedings, but only after the attorney has made application to the court for such funding and exhausted available court funds. However, the CAF may be used for attorney-client communications before or during these proceedings.
2. The CAF may be used to cover sign language interpretation or other auxiliary aid expenses incurred by court-appointed lawyers, including but not limited to those court-appointed in family or probate matters, but only after the attorney has made application to the court for such funding and exhausted available court funds.
3. The CAF will not reimburse travel or charges other than for the auxiliary aid or service. If there are residual funds at the end of the year, the CAF may retroactively reimburse these charges.

How Do I Request Funds From the Communication Access Fund? To seek funding from the CAF, a lawyer must e-mail a completed reimbursement request form to the Legal Access Division at Briana.Stone@texasbar.com within thirty (30) days of the date on which auxiliary aids or services were provided. Invoices more than thirty (30) days old are not

guaranteed payment.

Additionally, the State Bar's fiscal year begins on June 1 and ends on May 31 each year. Reimbursements must be requested before the end of the fiscal year in which the services were rendered. In other words, reimbursements for services rendered from June 1 – May 31 must be requested by May 31 each year.

The request should include the name, telephone number and physical work address of the lawyer requesting reimbursement, and the type of legal assistance provided to the person with a disability (e.g. "social security appeal" or "divorce case"). The request should also specify what type of auxiliary aid or service was utilized to ensure effective communication (i.e., ASL interpreter, braille documents, CART, etc.) and contain the receipt verifying the cost of providing that auxiliary aid or service. Enough detail regarding the case must be provided so that the Legal Access Division can determine whether interpreter services would or should be available through another source (e.g., court denials of requests for interpreters, etc.). Incomplete forms will not be accepted.

The Legal Access Division will consider each request on a case-by-case basis and will work to cover communication access costs, subject to the availability of funding and the number of other requests.

Participation in the CAF is contingent upon the availability of funds. Decisions as to recipients and amount reimbursed are within the sole discretion of the SBOT Legal Access Division.

The reimbursement of costs by the CAF does not make the State Bar of Texas liable in any way for any claims, or for the provision of additional funds for communication access services.

If I Recover Costs, Do I Have to Reimburse the Fund? Yes. If you recover costs in court or through settlement, you must reimburse the Fund within 30 days of receiving the recovered costs. However, you cannot reimburse the Fund from money that would normally go to the client. You must reimburse the Fund from money that normally goes to the attorney, or from money that is specifically designated for costs. Per the ADAAA, the cost of auxiliary aids and services cannot be passed on to the client.

When Will I Be Reimbursed? You should receive your reimbursement within thirty (30) days of the date on which your reimbursement request is approved by the Legal Access Division.