



Communication Access as a Civil Right: Introducing the Communication Access Equity Project

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The law promises equal access. Institutions promise inclusion. Yet for individuals who cannot effectively hear, process, or express information in real time, those promises routinely collapse at the precise moment they matter most. The failure is not abstract. It occurs in jail intake rooms, hospital corridors, court proceedings, and reentry programs that condition liberty on comprehension. Communication access is often treated as a logistical inconvenience rather than a legal obligation. The Communication Access Equity Project responds by reframing the issue as what it has always been: a matter of civil rights enforcement grounded in lived experience, statutory command, and constitutional principle.

The Communication Access Equity Project emerges from the collaborative work of Tremmel Watson and the Rising Voices Equity and Advocacy Initiative. It advances a simple but underenforced premise. When the state or a publicly funded institution fails to ensure effective communication, it denies meaningful participation in public life. That denial can trigger liability under federal and state law. It also erodes the legitimacy of systems that depend on informed participation to function lawfully.

This project situates communication access within a legal framework that already exists but remains underutilized. Title II of the Americans with Disabilities Act requires public entities to ensure that individuals with disabilities have equal access to services, programs, and activities. 42 U.S.C. § 12132. The Department of Justice's effective-communication regulation requires public entities to furnish appropriate auxiliary aids and services where necessary to afford an equal opportunity to participate. 28 C.F.R. § 35.160(a)(1), 28 C.F.R. § 35.160(b)(1). Title III similarly prohibits discrimination by private entities that own, lease, or operate places of public accommodation. 42 U.S.C. § 12182(a). Section 504 of the Rehabilitation Act of 1973 prohibits disability discrimination by programs or activities receiving federal financial assistance. 29 U.S.C. § 794(a). California law reinforces these mandates through the Unruh Civil Rights Act, Cal. Civ. Code § 51, and the California Disabled Persons Act, Cal. Civ. Code § 54 et seq., including Cal. Civ. Code § 54.1.

Courts have consistently recognized that effective communication lies at the heart of these statutes. In *Tennessee v. Lane*, 541 U.S. 509 (2004), the Supreme Court held that Title II validly abrogates state sovereign immunity in cases implicating access to the courts and emphasized the importance of meaningful participation in judicial proceedings. *Id.* at 523, 531. In *Duvall v. County of Kitsap*, 260 F.3d 1124 (9th Cir. 2001), the Ninth Circuit held that a public entity may be liable under Title II when it fails to act on notice that an auxiliary aid or accommodation is necessary. *Id.* at 1138–39. These principles extend beyond the courtroom. They apply wherever legal rights hinge on comprehension, whether during custodial interrogation, medical decision-making, or compliance with supervision conditions.

Despite this clear legal foundation, enforcement remains inconsistent. Institutions often rely on informal communication methods that fall short of statutory requirements. They substitute untrained staff, written notes, or delayed services for qualified interpreters or real-time captioning. They treat communication access as discretionary rather than mandatory. This gap between law and practice produces predictable harms. Individuals misunderstand their rights. They sign documents they cannot fully comprehend. They incur disciplinary sanctions for noncompliance rooted in communication barriers. They receive inadequate medical care because providers cannot effectively communicate with them.

The Communication Access Equity Project addresses this gap through a coordinated strategy that integrates litigation, policy advocacy, data collection, and community engagement. It draws its intellectual and practical foundation from lived experience. Tremmel Watson's work reflects a “whatever works” approach to communication access that prioritizes functional outcomes over rigid modalities. His experience with hearing loss informs a perspective that recognizes the diversity of communication needs. Some individuals rely on American Sign Language. Others depend on Communication Access Realtime Translation, commonly known as CART. Others require a combination of modalities that adapt to context. The law does not prescribe a single method. It requires effectiveness.

This emphasis on lived experience aligns with a broader shift in civil rights advocacy. Scholars and advocates increasingly recognize that formal equality does not guarantee substantive access. See, e.g., Samuel R. Bagenstos, *The Future of Disability Law*, 114 *Yale L.J.* 1, 5 (2004).

The Communication Access Equity Project operationalizes this insight. It centers the experiences of individuals who navigate systems that presume auditory comprehension. It translates those experiences into legal claims that expose systemic deficiencies.

Impact litigation forms the backbone of the project. Strategic cases establish precedent and create financial and injunctive pressure on noncompliant institutions. These cases target recurring patterns. They challenge the failure to provide qualified interpreters during custodial interrogations. They address the absence of CART services in court and administrative proceedings. They confront disciplinary actions imposed without effective communication. They expose medical decision-making processes that exclude patients who cannot access spoken information. Each case builds a record that demonstrates not isolated error but systemic failure.

The project's litigation strategy draws on established doctrines while pushing their application into underenforced contexts. Under *Duvall v. County of Kitsap*, 260 F.3d 1124 (9th Cir. 2001), liability attaches when an entity fails to act upon notice of a communication need. *Id.* at 1138–39. Under *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274 (1998), deliberate indifference requires actual notice to an appropriate official and a failure to respond reasonably. *Id.* at 290–91. These standards apply with particular force in environments where communication barriers are foreseeable. Jails, hospitals, and courts cannot plausibly claim surprise when individuals require auxiliary aids. The law expects preparation, not improvisation.

The project also leverages discovery to uncover institutional practices that shape communication access. Policies often exist on paper but diverge in practice. Training materials may omit critical guidance on when and how to provide auxiliary aids. Contracts with service providers may fail to require compliance with ADA standards. Data on complaints and grievances may reveal patterns

of delay or denial. By bringing these materials into the record, the project transforms individual claims into evidence of systemic noncompliance.

Parallel to litigation, the project advances policy and enforcement advocacy. It engages with legislative bodies, administrative agencies, and oversight entities to translate legal obligations into concrete standards. Recent advocacy has demonstrated the potential of this approach. In 2025, efforts before the California Senate Standing Committee on Health contributed to the inclusion of hearing aids within California's Essential Health Benefits benchmark plan. This development reflects a recognition that communication access extends beyond episodic accommodations. It requires integration into baseline coverage and policy frameworks.

At the federal level, litigation has produced settlements that establish enforceable requirements for professional communication access, including the use of CART. These outcomes reinforce the principle that auxiliary aids must meet professional standards. They cannot be ad hoc or informal substitutes that fail to ensure accuracy and timeliness. The involvement of advocates in technical bodies, such as the Federal Communications Commission's Internet Protocol Captioned Telephone Service Caption Quality Metrics Working Group, further underscores the importance of quality standards in communication access. Technical compliance must align with legal mandates.

The project's data and investigation component supports both litigation and policy efforts. It collects structured information on communication failures across institutions. It tracks patterns that reveal systemic issues. It uses public records requests to obtain policies, training materials, and complaint data. It collaborates with researchers to analyze disparities. This empirical foundation strengthens legal claims and informs policy proposals. It also enhances accountability by making institutional practices visible.

Training and institutional accountability constitute another pillar of the project. Traditional trainings often emphasize general awareness. The Communication Access Equity Project adopts a different approach. It frames training in terms of legal exposure and compliance obligations. It presents real case scenarios that illustrate the consequences of failure. It provides clear guidance on when and how to provide auxiliary aids. It emphasizes documentation and verification. The goal is not merely to inform but to compel compliance by highlighting risk.

Community engagement ensures that the project remains grounded in the experiences of those most affected. It develops accessible know-your-rights materials. It conducts workshops in community and reentry settings. It creates intake pathways that allow individuals to report violations. It partners with disability advocacy organizations to amplify reach. This engagement serves two functions. It empowers individuals to assert their rights. It generates the information necessary to identify patterns and prioritize interventions.

The flagship litigation associated with the project, *Watson v. Anti Recidivism Coalition*, illustrates the project's integrated approach. The case arises in a reentry context where communication access determines the ability to comply with program requirements and conditions of supervision. It challenges practices that exclude individuals who cannot effectively access spoken information. It seeks relief that extends beyond the individual plaintiff to establish standards for reentry programs more broadly. The case functions as both a legal vehicle and a narrative anchor for the project's broader objectives.

The Communication Access Equity Project advances a theory of change that operates through iterative reinforcement. It identifies violations through intake and investigation. It files targeted litigation to establish liability. It uses discovery to expose systemic practices. It translates findings into policy and enforcement actions. It reinforces compliance through training and continued monitoring. Each stage informs the next. Litigation drives policy. Policy shapes practice. Continued violations generate further litigation. This cycle creates sustained pressure for compliance.

This approach reflects a broader understanding of civil rights enforcement. Legal rights do not enforce themselves. They require strategic action that aligns doctrine, evidence, and advocacy. See Owen M. Fiss, *The Civil Rights Injunction* 7 (1978). The Communication Access Equity Project operationalizes this insight in the context of communication access. It recognizes that the existence of statutory protections does not guarantee their realization. It seeks to close that gap through coordinated action.

The project also engages with questions of federalism and institutional design. State and local entities bear primary responsibility for many of the systems at issue, including jails, courts, and public health services. Federal statutes such as the ADA and Section 504 impose obligations that these entities must implement. The project navigates this landscape by combining federal litigation with state law claims under the Unruh Act and the Disabled Persons Act. This dual approach expands available remedies and enhances leverage.

Remedies in communication access cases often include injunctive relief that requires systemic changes. Courts may order entities to adopt policies, provide training, and implement monitoring mechanisms. They may require the provision of qualified interpreters or real-time captioning in specified contexts. They may mandate reporting and oversight to ensure compliance. These remedies align with the project's goal of structural change. They move beyond individual relief to reshape institutional practices.

The economic dimension of enforcement also warrants attention. Noncompliance carries financial consequences in the form of damages, attorneys' fees, and the cost of implementing court-ordered remedies. 42 U.S.C. § 12205. The project leverages this dimension by framing communication access as a matter of risk management for institutions. Compliance becomes not only a legal obligation but a financial imperative. This framing enhances the effectiveness of both litigation and training.

The project's emphasis on lived experience distinguishes it from purely doctrinal approaches. It recognizes that legal standards must be informed by the realities of those they protect. Tremmel Watson's experience with hearing loss and his work across legislative, litigation, and technical domains provide a foundation for this perspective. His involvement in organizations such as the Global Alliance of Speech to Text Captioning and his engagement with consumer advocacy networks reflect a commitment to both professional standards and community needs. This integration of experience and expertise strengthens the project's legitimacy and effectiveness.

The Communication Access Equity Project also contributes to broader conversations about access to justice. Communication barriers affect not only individuals with hearing loss but also those with cognitive, developmental, or linguistic differences. The principles developed in this project may inform efforts to ensure effective communication for a wider range of individuals.

They may influence how courts, agencies, and service providers approach accessibility more generally. In this sense, the project operates at the intersection of disability rights and systemic reform.

Critically, the project rejects the notion that communication access is optional or contingent. The law does not permit institutions to defer compliance based on convenience or cost. It requires reasonable modifications and the provision of auxiliary aids where necessary. 28 C.F.R. § 35.130(b)(7), 28 C.F.R. § 35.160. The project enforces this mandate by holding institutions accountable when they fail to meet it. It asserts that effective communication is a prerequisite for lawful operation, not an aspirational goal.

The introduction of the Communication Access Equity Project marks a shift in how communication access is conceptualized and enforced. It moves the issue from the margins of compliance to the center of civil rights enforcement. It integrates lived experience with legal strategy. It combines litigation with policy advocacy, data collection, and community engagement. It seeks not only to remedy individual violations but to transform institutional practices.

In doing so, the project advances a vision of equality that demands more than formal inclusion. It requires that individuals be able to understand and be understood within the systems that govern their lives. It recognizes that communication is the medium through which rights are exercised and obligations are imposed. Without effective communication, the promise of equal access remains unfulfilled.

The Communication Access Equity Project responds with a comprehensive strategy that aligns law, policy, and experience. It enforces existing mandates while pushing their application into underexamined contexts. It builds a record that supports systemic change. It engages institutions with both legal and practical tools for compliance. It empowers individuals to assert their rights. It positions communication access as a defining issue in contemporary civil rights enforcement.

This project does not ask whether communication access matters. The law has already answered that question. It asks whether institutions will be required to meet their obligations. The answer will depend on enforcement. The Communication Access Equity Project exists to ensure that enforcement occurs with the rigor, clarity, and persistence that the law demands.