

I FOUGHT FOR ACCESS AND WE ALL WON SOMETHING BIGGER:

A federal settlement for self-determination and the mandate for professional CART



By Tremmel Watson and Kenneth Odiwe, Esq.

For many of us in the hard-of-hearing (HoH) community who depend on the written word, Communication Access Realtime Translation (CART) is not just an auxiliary aid; it is the direct translation of a civil right. It is a lifeline to full participation, ensuring that our access to information in the language we understand best, whether that is English or another language, is never compromised by hearing loss.

In my capacity within the Public Policy unit at Disability Rights California (DRC), I work to ensure policy reflects diverse communication needs. I primarily use CART because having lost my hearing after acquiring spoken language, I identify as hard-of-hearing. Captions provide "full access without the guesswork."

My recent federal settlement against the Sacramento-based non-profit, the Anti-Recidivism Coalition (ARC), is a monumental win. It delivers a dual victory: enforcing self-determination for the deaf and hard-of-hearing community while creating a new, legally binding demand for the professional CART industry.



The litigious path to mandated access

Despite clear federal guidance, many organizations still struggle with the principle of effective communication, often adhering to a restrictive, one-size-fits-all accommodation model. This practice frequently fails the non-signing majority of the deaf and hard-of-hearing population by dismissing an individual's specific need for a requested service, such as CART.

My lawsuit, *Watson v. Anti-Recidivism Coalition* (Case No. 2:2025cv01147), was filed on April 18, 2025, in the U.S. District Court for the Eastern District of California. The complaint alleged that ARC consistently failed to provide the necessary CART accommodation, which is essential for my ability to function as an activist and my participation in their policy programs.

This was a civil rights lawsuit asserting claims under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

These statutes require that organizations ensure "effective communication." The action was strategic: It aimed to enforce the principle that, according to federal law, institutions must provide the specific auxiliary aid requested by the individual, giving "primary consideration" to that request.

The systemic victory for realtime professionals The case settled quickly, reaching a resolution on September 19, 2025. Crucially, while neither party made a monetary payment, the settlement established legally binding, forward-looking requirements

that are a direct testament to the necessity of professional CART services.

The systemic provisions of the settlement include:

Mandated Effective Communication (7-Day Notice):

When a person who is deaf or hard-of-hearing identifies themselves and requests assistance, ARC must provide an accommodation that meaningfully allows access at no charge, provided at least seven (7) days advance notice is given.

ARC Discretion

(ADA-Constrained):

While the settlement grants ARC discretion over the specific type of accommodation, this discretion is legally constrained by the ADA's requirement for effective communication.

Best Reasonable Efforts: Even for events planned with less than seven days notice, ARC must use "best reasonable efforts" to secure the accommodation.

Policy Enforcement: ARC agreed to reiterate and convey this new policy, the duty to provide meaningful accommodation with seven days' notice, to all relevant staff, including life coaches.

This settlement is a powerful legal mandate for professional CART. Because the complaint established the essential need for CART to achieve effective communication, ARC's future discretion must be exercised in favor of a service that meets that high bar. For spoken-language users in the deaf and hard-of-hearing community, the service that meets that high bar is professional CART. This enforcement elevates CART from a preferred option to a non-negotiable legal requirement.

The imperative for professional captioning: The quality standard required by law

While Automatic Speech Recognition (ASR) is an increasingly valuable and flexible tool that I often rely on when human services are unavailable, particularly in spontaneous or mobile settings, in my experience it is not yet an effective substitute for professional captioning in formal or high-stakes environments. ASR continues to improve, but current technology still struggles with challenges such as diverse accents, overlapping dialogue, poor enunciation, and real-time speaker identification

(diarization). These limitations can lead to critical misunderstandings, such as confusing "ADA" with "88." For these reasons, my consistent preference remains for trained stenographic professionals, whose human judgment and contextual awareness ensure the level of accuracy required by law when communication access must be effective.

The enforcement action of this settlement focuses solely on securing the right to effective communication, which, in this context, demonstrated the requirement for professional CART. This requirement for a formal advance-requested accommodation creates the logistical procurement of highly skilled, human-provided services (whether stenographer or voice writer). Successful litigation of the denial of effective access created a new, legally binding demand for your crucial skills.

As an advocate passionate for accessibility and a board member of the Global Alliance of Speech-to-Text Captioning, I know that the fight for equal access is inextricably linked to the quality of the service provided. Your ability to provide instantaneous, highly accurate speech-to-text conversion is the cornerstone of effective communication for millions of deaf and hard-of-hearing individuals.

This settlement underscores a fundamental truth: CART is a lifeline for the late-deafened and HoH community, and professional captioners are the essential enforcers of our civil rights. Let this victory galvanize our collective commitment to individualized access, establishing the necessary infrastructure nationwide to recognize and fund your vital profession. The demand for justice is, literally, the demand for your services.

Attorney's perspective: The ongoing mandate for access

Working with Tremmel on this case reminded me why I do this work. His drive and passion are infectious; they pull everyone around him toward something bigger than the case itself. His persistence kept the focus where it belonged: on dignity, inclusion, and the promise that the law should work for everyone. Accessibility isn't a favor; it's a right,

and this case reaffirmed that truth in a concrete, enforceable way.

The settlement didn't just secure access for one person, it clarified a responsibility for many. Organizations can no longer rely on assumptions or shortcuts when it comes to communication access. "Effective communication" under the ADA has real meaning, and this resolution makes that meaning unavoidable. Planning, budgeting, and training for accessibility aren't optional extras anymore; they're the foundation of equal participation.

I stay in close contact with Tremmel because his advocacy keeps that urgency alive. His fight underscores that accessibility is ongoing work, not a box to check, but a standard to uphold every day. As a civil rights attorney, I'm proud of what we accomplished here, but even more proud of what it represents: a step forward in a movement that's still unfolding, powered by people who refuse to settle for less than full inclusion.

Endnote: Terminology and Communication Modality

The deaf, Deaf, and hard-of-hearing community is linguistically and culturally diverse. To elucidate, *deaf* (lowercase) refers to the audiological condition of significant hearing loss and includes individuals who may or may not identify culturally as Deaf. *Deaf* (capital D) refers to cultural identity often centered around American Sign Language (ASL).

Many individuals, particularly those identifying as Hard of Hearing (HoH) or Late-Deafened Adults (post-lingually deaf, retaining spoken language skills) rely on their primary spoken or written language, such as English or another language augmented by technology.

While some HoH/later-deafened adults later adopt "Deaf" as a social identity through community and ASL later in life, the core of this advocacy secures the right for the English-speaking majority to choose their preferred communication modality.

Tremmel Watson is a policy advocate and late-deafened adult in Sacramento, Calif. He serves as a Public Policy Intern at Disability Rights California, and his independent work focuses on communication access and captioning equity. Watson can be reached at tremmelwatson5@gmail.com.

His attorney, Kenneth Odiwe, Esq., is a civil rights lawyer in San Jose, Calif. You can find more information about Odiwe at kennethodiwelaw.com.