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Appeals Court Rules that Relay Calls Are Not Hearsay

An appeals court ruled this past September that statements transmitted by a communications assistant in a telecommunications relay service cannot be regarded as hearsay evidence. Therefore those statements were admissible in an ADA hiring discrimination case.

As summarized by Mitchell H. Rubenstein in the Adjunct Law Prof Blog ( <http://lawprofessors.typepad.com/adjunctprofs/litigation/index.html> )

"Germano v. International \_\_\_F.3d\_\_\_(7th Cir. Sept. 12, 2008), is an unusual, but important ADA and litigation decision. In a case of first impression, the court held that statements transmitted by a communications assistant in a telecommunications relay service conversation between a job applicant with a severe hearing impairment and an employer's agent were not hearsay. Therefore, the statements were admissible in an ADA hiring discrimination case.

The court looked to cases concerning foreign language interpreters for guidance. In this case, the communications assistant served as a "language conduit" between the applicant and the employer's agent. These transmitted statements were admissible because the employer failed to offer evidence to undermine the presumption of admissibility.

The decision is lengthy and important for those interested in this area of law."

For more information in non legal terms about this case see: <http://blogs.nad.org/advocacy/2008/03/25/nad-says-courts-should-treat-relay-calls-same-as-voice-calls/>