

Criminal Defense Attorneys Training

Scope of the Training

This training is designed for criminal defense attorneys who represent autistic clients and clients with intellectual or developmental disabilities, including individuals whose disabilities may be invisible, undiagnosed, masked, or misunderstood by the criminal legal system.

The presentation will combine a first-person perspective from an autistic person with lived experience in the criminal legal system with the perspective of another professional in the field who will supplement the training with best practices, legal strategies, accommodations, and practical defense tools for this population.

The training will help defense attorneys recognize how autism, intellectual disability, executive functioning differences, communication challenges, sensory overload, trauma, delayed social understanding, and “cloak of competence” presentations can affect attorney-client communication, interrogation, plea negotiations, competency, trial participation, sentencing, probation compliance, and collateral consequences.

The core goal is to help defense attorneys move beyond surface-level impressions and learn how to build a legally meaningful, disability-informed defense record from the first client meeting through post-conviction supervision.

Types of Strategies Utilized

- First-person narrative showing how autism, delayed diagnosis, bullying, sexuality confusion, anxiety, executive functioning issues, sensory overload, and lack of clear guidance can create vulnerability long before criminal legal involvement occurs.
- Practical “red flag” identification strategies for recognizing invisible disabilities, masking, scripting, literal interpretation, unusual affect, perseveration, compliance, shutdown, or apparent passivity.
- Teach-back communication methods, including asking the client to explain legal concepts in their own words rather than relying on “yes” answers.
- Client interview adaptations, including slower pacing, reduced distractions, concrete language, visual aids, written summaries, repeated explanations, and support-person planning.
- Developmental-history gathering, including school records, IEPs, 504 plans, disability-service records, medical records, Social Security records, family interviews, and collateral historians.
- Guidance on retaining qualified experts who understand autism, intellectual disability, adaptive functioning, communication differences, suggestibility, and trauma.
- ADA accommodation request strategies, including how and when to contact the court’s ADA coordinator.
- Miranda and interrogation review strategies, including identifying compliance, confusion, suggestibility, coercive tactics, and lack of meaningful understanding.
- Motion-practice strategies for suppression, competency, accommodations, bond modification, trial accommodations, sentencing mitigation, and probation-revocation defense.

- Planning tools for bail, jail avoidance, alternative sentencing, supervision supports, and probation conditions the client can actually understand and follow.

Course Ideas/Content

- Disability prevalence in criminal defense practice and why defense attorneys must expect disability to be part of their client base.
- The ADA as a defense-access issue, including how civil rights protections intersect with due process, effective assistance of counsel, meaningful court participation, and equal access.
- Competency versus accommodations: why a client may be legally competent but still need communication supports, schedule modifications, sensory accommodations, breaks, a support person, or simplified language.
- Invisible disabilities and the “cloak of competence”: why articulate, educated, compliant, or superficially functional clients may still be unable to process legal information in real time.
- First client meetings: explaining the defense attorney’s role, confidentiality, family/support-person boundaries, and legal vocabulary in concrete language.
- Recognizing autism and I/DD indicators in police reports, body-camera footage, interrogation videos, jail behavior, probation records, and client meetings.
- Building the record: gathering childhood, educational, developmental, psychological, psychiatric, medical, and adaptive-functioning evidence.
- Working with experts: when to seek neuropsychological evaluation, adaptive-functioning assessment, competency evaluation, mitigation evaluation, or interrogation-suggestibility analysis.
- Interrogation and Miranda: why autistic and I/DD suspects may misunderstand rights, comply with authority, misread police intent, or falsely confess under pressure.
- Challenging statements: suppression arguments, knowing/intelligent waiver analysis, voluntariness, suggestibility, and the role of expert testimony.
- Bail and pretrial release: advocating for release conditions that account for disability, transportation, medication, sensory overload, executive functioning, caregiver support, and risk of decompensation in jail.
- Trial preparation: helping clients understand courtroom roles, courtroom behavior, timing, testimony, cross-examination, and what to expect.
- Cross-examination accommodations: breaks, simplified questions, visual supports, communication intermediaries, support persons, comfort items, or modified pacing where legally appropriate.
- Voir dire and juror bias: addressing misconceptions that disability is an “excuse” and helping jurors understand autism-related presentation without creating prejudice.
- Sentencing and mitigation: explaining how developmental disability, adaptive functioning, trauma, lack of education, social vulnerability, and inadequate supports may affect culpability and sentencing options.
- Probation and revocation: designing conditions the client can understand, documenting disability-related barriers to compliance, and arguing that technical violations may not be willful when disability interferes with understanding or performance.
- Collateral consequences, including registration, housing, benefits, employment, supervision restrictions, family separation, and service eligibility.

Learner Outcomes

After completing the training, criminal defense attorneys will be able to:

- Identify common signs of autism, intellectual disability, developmental disability, communication disability, and hidden mental health conditions in criminal defense clients.
- Distinguish between legal competency and the separate need for ADA accommodations.
- Conduct a more effective first interview with clients who process language literally, slowly, concretely, or under high anxiety.
- Use teach-back methods to test actual understanding rather than assuming comprehension from nodding, silence, or “yes” responses.
- Develop a disability-informed defense record using school records, disability records, medical records, family history, expert evaluations, and behavioral observations.
- Recognize when a Miranda waiver, confession, plea, testimony, or probation violation may be affected by disability-related limitations.
- Request individualized accommodations from the court in a way that is specific, legally grounded, and tied to the client’s functional limitations.
- Prepare autistic and I/DD clients for court, testimony, plea discussions, sentencing, and probation in concrete, accessible ways.
- Advocate for bond conditions, sentencing options, and probation terms that reduce failure points rather than setting the client up to violate.
- Better protect disabled clients from wrongful convictions, unnecessary incarceration, avoidable revocations, and preventable collateral harm.

Courts/Judges Training

Scope of the Training

This training is designed for judges, magistrates, court administrators, and other court personnel who must ensure that autistic defendants, witnesses, victims, jurors, and court participants with intellectual or developmental disabilities have meaningful access to the court process.

The presentation will combine a first-person perspective from an autistic person with lived experience in the criminal legal system with the perspective of another professional in the field who will supplement the training with judicial best practices, courtroom-management tools, ADA principles, and practical accommodations.

The training will help courts understand how autism and I/DD may affect courtroom behavior, communication, testimony, perceived credibility, compliance with court orders, competency questions, sentencing, and probation outcomes. It will emphasize that fairness requires individualized inquiry, not assumptions based on labels such as “high functioning,” “competent,” “difficult,” “noncompliant,” or “unremorseful.”

The core goal is to help judges preserve due process, courtroom dignity, neutrality, public safety, and equal access by making the legal process understandable, accessible, and workable for people whose disabilities may not be obvious.

Types of Strategies Utilized

- First-person narrative showing how missed diagnosis, sensory overload, delayed social understanding, executive functioning differences, rigid thinking, anxiety, shame, and lack of concrete instruction can affect behavior long before someone reaches court.
- Bench-card style guidance for recognizing when a court participant may need an accommodation.
- Plain-language courtroom communication strategies from the bench.
- Individualized accommodation checklists for defendants, witnesses, victims, jurors, and spectators.
- Courtroom-management strategies that preserve neutrality while reducing sensory and cognitive overload.
- ADA workflow strategies involving ADA coordinators, written requests, informal inquiries, record-making, and follow-up.
- Strategies for distinguishing competency concerns from accommodation needs.
- Scheduling and docket-management strategies, including breaks, shorter court days, modified appearance times, and advance notice of changes.
- Testimony-support strategies, including simplified questioning, modified pacing, support persons, communication aids, intermediaries, comfort items, or support animals where appropriate.
- Sentencing and supervision strategies that reduce preventable failure, including clear written orders, support-person involvement, modified reporting requirements, and realistic probation conditions.

Course Ideas/Content

- Autism, I/DD, and the courtroom: how disability may appear as confusion, flat affect, lack of eye contact, rigidity, panic, shutdown, perseveration, impulsive speech, inappropriate smiling, silence, or apparent noncompliance.
- The court's ADA responsibilities: reasonable accommodations, effective communication, meaningful participation, and access to core judicial processes.
- Why "competent" does not mean "needs no help": separating the legal competency threshold from the practical supports needed for meaningful participation.
- Recognizing invisible disabilities and avoiding overreliance on "high functioning" labels, education level, verbal fluency, or superficial courtroom composure.
- Courtroom communication: using concrete language, explaining roles, avoiding idioms, checking understanding, and making sure orders are actually understood.
- Court forms and orders: plain-language instructions, larger font, written summaries, calendars, visual supports, and step-by-step compliance expectations.
- Role of support persons, facilitators, interpreters, communication intermediaries, and ADA coordinators.
- Competency issues: when judges must inquire, how autism and I/DD may affect rational and

factual understanding, and why adaptive functioning should matter alongside IQ or diagnosis.

- Competency restoration concerns for people with intellectual and developmental disabilities, including the risk that restoration can become prolonged, confusing, or ineffective.
- Witness testimony and credibility: understanding that disability may affect presentation, communication, memory retrieval, anxiety, and pacing without automatically making the person incompetent to testify.
- Trial accommodations: breaks, adjusted schedules, simplified questions, alternative formats, note-takers, readers, support persons, comfort items, support animals, and jury instructions to reduce unfair prejudice.
- Voir dire and juror bias: helping identify attitudes that treat disability as either an excuse or a reason to discount testimony.
- Bail and pretrial release: considering whether conditions are understandable, realistic, supported, and accessible for the person's disability-related needs.
- Sentencing: understanding mitigation, adaptive functioning, service needs, community supports, jail risks, solitary confinement risks, and alternatives to incarceration.
- Probation and post-release supervision: crafting conditions that are clear, concrete, disability-informed, and actually capable of being followed.
- Revocation hearings: determining whether a violation was willful or whether disability, communication failure, transportation barriers, executive dysfunction, or lack of support contributed to noncompliance.
- Court culture: moving from "What is wrong with this person?" to "What support does this person need to participate meaningfully and comply with lawful orders?"

Learner Outcomes

After completing the training, judges and court personnel will be able to:

- Recognize courtroom behaviors that may reflect autism, intellectual disability, developmental disability, trauma, communication disability, or sensory overload.
- Distinguish between competency, credibility, culpability, and accessibility needs.
- Understand why an individual may be competent to proceed but still require accommodations to participate meaningfully.
- Ask neutral, appropriate questions to determine whether a court participant needs an accommodation.
- Work more effectively with ADA coordinators and court staff to create an accommodation process that is consistent, individualized, and well documented.
- Communicate court expectations in language that disabled defendants, witnesses, victims, and jurors can understand.
- Evaluate accommodation requests without assuming that supports are unfair advantages or signs of incompetence.
- Manage testimony in a way that protects the truth-seeking function of the court while reducing unnecessary confusion, humiliation, or overload.
- Create clearer bond, sentencing, and probation orders that reduce preventable failure and unnecessary revocation.
- Make better-informed decisions about diversion, alternatives to incarceration, mitigation, supervision conditions, and revocation where disability is relevant.

- Promote a courtroom environment where disabled people are treated with dignity, where legal authority remains intact, and where access to justice is real rather than theoretical.