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Joint Working Group for California's
Language Access Plan

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Executive Summary

The Joint Working Group for California's Language Access Plan, which comprises members of both the Court Interpreters Advisory Panel (CIAP) and the Access and Fairness Advisory Committee, was established in June 2013 to create a comprehensive statewide Language Access Plan (LAP) that will serve all of California's limited-English-proficient (LEP) court users. This informational report provides an update on the working group's goals, timeline, and anticipated steps in the development of the plan.

Previous Council Action

The California judicial branch has long supported the need to expand language access services in the courts. However, the branch has not yet adopted a comprehensive statewide LAP that will provide recommendations, guidance, and a consistent statewide approach to ensure language access to all LEP court users. Both CIAP and the Access and Fairness Advisory Committee included the objective of developing a comprehensive LAP for California as part of their fiscal

year 2012–13 annual agendas. In January 2013, the Executive & Planning Committee, on behalf of the Judicial Council, approved that objective.

Background

The need for language services in civil proceedings is growing with the increasing diversity in California. More than 200 languages and dialects are spoken in the state and, according to the U.S. Census, roughly 20 percent of Californians (nearly 7 million people) speak English less than “very well.”¹ Without language assistance, these LEP court users are effectively excluded from meaningful participation in the judicial process. Many LEP litigants appear without an attorney, and friends and family members who act as interpreters often do not understand legal terminology or court procedures. Further, LEP court users’ language needs are not limited to the courtroom; the need for language assistance extends to all points of contact for the public.

In August 2013, the Chief Justice announced her vision for improving access to justice for Californians through an effort called “Access 3D” that involves physical, remote, and equal access to the justice system. Efforts to enhance language access for LEP court users naturally align with Access 3D.

Working Group and Plan Methodology

The Joint Working Group for California’s Language Access Plan comprises members from both CIAP and the Access and Fairness Advisory Committee. It will include bench officers, court staff, and certified and registered court interpreters (both contractors and court employees).²

By December 2014, the group will develop a statewide LAP that will provide a consistent direction for language access throughout the judiciary. Among other things, the plan will:

- Identify existing efficiencies that can enhance language access;
- Design a strategy for developing the additional resources needed for full language access;
- Propose an incremental, multiyear approach to enhancing language access;
- Align with the U.S. Department of Justice’s recent recommendations for California to expand its language access efforts;³ and
- Consider the July 2013 National Center for State Courts (NCSC) report, *A National Call to Action*,⁴ reflecting national interest in the topic and recognizing California’s language access planning efforts and those of other states.

The LAP will be developed through a diverse and inclusive process that will include public hearings and reflect the input of stakeholders throughout the justice system, including bench officers, court executive officers, court staff, court interpreters and interpreter organizations,

¹ See Attachment A, “Language Usage in California.”

² See Attachment B, “Joint Working Group for California’s Language Access Plan.”

³ See Attachment C, the May 22, 2013 letter from the U.S. Department of Justice.

⁴ See Attachment D, the July 2013 National Center for State Courts report: “A National Call to Action.”

attorneys, the State Bar, and local, specialty, and minority bar associations, legal services organizations, and interested members of the public.

Stakeholder Concerns

As noted above, stakeholders will have an opportunity to provide input and commentary—including concerns—at multiple occasions throughout the development of the LAP. The Joint Working Group anticipates that, depending on how the plan develops, the following issues or concerns may need to be resolved:

- Limited branch resources for carrying out a comprehensive plan;
- Apprehension regarding changes to existing court processes, including possible expanded and appropriate use of technology to enhance language access to the courts;
- Training needs;
- Labor contract issues, including regional differences;
- Time needed for any necessary amendments to California rules or statutes; and
- Challenges of building trust and confidence with affected communities.

Commitment by the judicial branch and input from stakeholder groups will be critical to identifying best practices and ways to overcome any obstacles to implementation of the LAP.

Policy and Cost Implications

If the LAP is adopted by the council, which is anticipated to occur in December 2014, the Joint Working Group will then submit an implementation plan that will include the budget and costs required to phase in the LAP recommendations over the next five years (2015–2020). It is anticipated that efficiencies identified in the plan can provide significant long-term savings for the courts.

Areas of Examination

In developing California's LAP, the Joint Working Group intends to examine the following:

- What guidelines may be necessary for the language-specific knowledge, skills, and abilities associated with bilingual and interpretive duties and tasks;
- Data on the language needs of court users;
- Extension of court-provided interpreter services in all matters, including in civil cases, and prioritization for phased expansion;
- Provision of bilingual and interpretive services, signage, and translated documents in ancillary court programs and at all points of public contact;
- Efficiencies that can be achieved through technology, scheduling, and calendaring practices;
- Programmatic models to recruit and qualify statewide language service providers and interpreters at multiple levels of skills and abilities to meet court users' language needs at all levels of interaction with the courts;
- Areas for judicial branch training;

- A statewide complaint process to help identify and remedy language assistance issues; and
- Available resources and sustainable funding mechanisms.

Next Steps

Over the next year, the Joint Working Group’s activities will include:

- Submission of an interim LAP update to judicial branch stakeholders, along with a request for feedback;
- Public hearings;
- Distribution of the draft LAP for public comment; and
- Development of a communications plan, public awareness campaign, and dedicated Web presence.

It is anticipated that the working group will submit a draft LAP to the Judicial Council in June 2014, following public and stakeholder feedback, and a final revised plan in December 2014.⁵

Relevant Strategic Plan Goals and Operational Plan Objectives

The LAP effort supports Goal I of the Judicial Council’s 2006–2012 Strategic Plan—Access, Fairness, and Diversity—which sets forth that:

- All persons will have equal access to the courts and court proceedings and programs;
- Court procedures will be fair and understandable to court users; and
- Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds.

The LAP also aligns with the 2008–2011 operational plan for the judicial branch, which identifies additional objectives, including:

- Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; and
- Increase the availability of language access services to all court users.

Attachments

1. Attachment A: Language Usage in California
2. Attachment B: Roster for Joint Working Group for California’s Language Access Plan
3. Attachment C: Letter from the U.S. Department of Justice, May 22, 2013
4. Attachment D: National Center for State Courts “A National Call to Action” report
5. Attachment E: Language Access Plan timeline

⁵ See Language Access Plan timeline at Attachment E.

Attachment A

Language Usage in California

The following highlights existing data and data sources detailing language use and interpreter need in California.

Highlights of the 2010 Language Need and Interpreter Use Study

Every five years, the Judicial Council is required to conduct a study of spoken language and interpreter use in the state's trial courts. The next study will be due to the Legislature in 2015.¹ Goals of the study include:

1. Provide a descriptive overview of trends in actual language use in California's superior courts;
2. Describe immigration and language proficiency trends depicted in the U.S. Census' annual American Community Survey (ACS), as well as other sources, for the court's most frequently utilized languages; and
3. Compare immigration trends with court data on actual use of interpreters and provide recommendations for designating additional languages for the certification program.

Multiple data sets were used to determine trends in language use in California courts during the study period (2004 through 2008), including:

- Court Interpreter Data Collection System (CIDCS) database;²
- Information Management System database (Los Angeles County);
- Daily Activity Logs (Los Angeles County);
- Reporter Interpreter Tracking System data file (Orange County); and
- Vision offense data file (Orange County)

¹ To better inform future decisions regarding interpreter use for limited-English-proficient (LEP) court users in civil proceedings, the *2015 Language Need and Interpreter Use Study* will also conduct data collection and analysis on interpretations in these areas. Findings and recommendations from this study will assist in the future designation of the languages to include in the certification program for court interpreters, and will also serve to assist in decisions pertaining to the efficient use of interpreters in civil proceedings. Currently, there are court interpreter certification exams given for the following designated languages: American Sign Language, Arabic, Eastern Armenian, Cantonese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. Farsi has been designated for certification, but is not yet certified. Even though Western Armenian and Japanese are certified languages, there is no bilingual interpreting exam presently available.

² There are some limitations with CIDCS as a source of information on actual language use: (1) not all courts enter all interpretive assignments or the variables describing them (language, case type, and session type); and (2) a higher percentage of contractor than employee expenditures are accounted for by entered assignments, which may lead to a misstated profile of the languages interpreted.

Key findings for the period 2004 through 2008 include the following:

- Courts provide more than 1 million days of spoken language interpretive services in 147 languages;
- 17 languages account for 98.5% of all services days (see table below);
- Spanish continues to be the most used language, representing 83% of all mandated service days in the state; and
- Statewide, the only significant changes in the number of service days by language were increases in Spanish (11%) and Mandarin (89%).

Top 17 Languages Accounting for 98.5% of All Service Days by Rank

Rank	Language	Service Days (Avg. per year)
1.	Spanish	167,744
2.	Vietnamese	6,968
3.	Korean	3,687
4.	Mandarin	3,143
5.	Russian	2,753
6.	East Armenian	2,493
7.	Cantonese	2,117
8.	Punjabi	2,083
9.	Farsi	1,760
10.	Tagalog	1,645
11.	Hmong	1,523
12.	Khmer	1,191
13.	Laotian	861
14.	Arabic	794
15.	Japanese	655
16.	Mien	570
17.	Portuguese	328

The *2010 Language Need and Interpreter Use Study* can be found at the following URL:

<http://www.courts.ca.gov/documents/language-interpreterneed-10.pdf>

The American Community Survey Data

The ACS is a nationwide, continuous survey administered by the U.S. Census designed to provide communities with reliable and timely demographic, housing, social, and economic data. The primary purpose of collecting data on language use is to measure the portion of the U.S. population that may need help in understanding English.

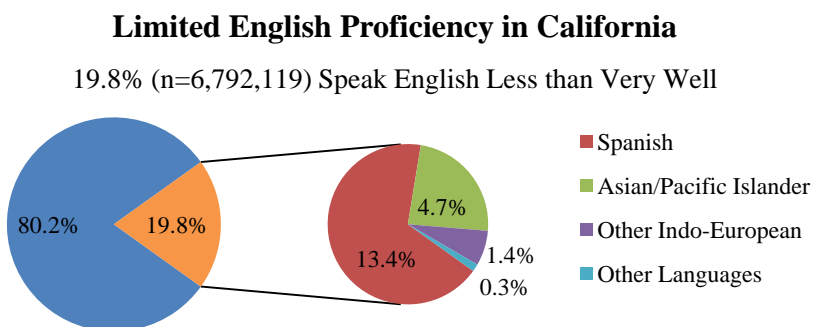
While the questions related to language asked respondents to identify the language spoken, for purposes of reporting language proficiency, the U.S. Census collapsed the languages into four language categories: Spanish speakers; Other Indo-European language (e.g., French, Italian, German, Portuguese, Yiddish, Russian, Slavic languages); Asian/Pacific Islander language (e.g., Cantonese,

Mandarin, Japanese, Korean, Vietnamese, Tagalog, Tongan, and Samoan); and Other Language (e.g., Native American and African languages, Hebrew, and Hungarian). A chart of all languages included in each of the four categories is attached hereto (Attachment 1), as well as a chart showing the percent of the population speaking each of the individual languages (Attachment 2).

To determine English proficiency, respondents were asked if they spoke English “very well,” “well,” “not well,” and “not at all.” Those respondents who identify themselves as speaking English less than “very well” are the population for which interpreters may be needed to adequately understand court processes and procedures.

The U.S. Census releases data from the ACS in the form of both single-year and multiyear estimates. The following charts are estimates derived over five years (2007 through 2011) of demographic data gathering.

In California, 19.8% of the population speaks English less than very well. The majority are Spanish language speakers followed by Asian/Pacific Islander language speakers.

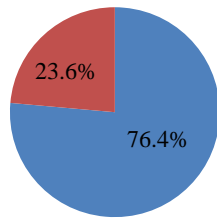


California’s 58 counties are grouped and divided into four collective bargaining regions: Region 1 incorporates all of the Second Appellate District, except Ventura; Region 2 incorporates all of the First and Sixth Appellate Districts, except Solano; Region 3 incorporates all of the Third and Fifth Appellate Districts; and Region 4 incorporates all of the Fourth Appellate District. Attached hereto as Attachment 3 is a map of the regions showing the counties within each of the regions.

The greatest proportion of persons speaking English less than very well is found in Region 1, followed by Region 4, Region 2, and then Region 3.

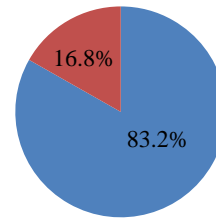
English Proficiency in Region 1

- Speak English Very Well (n=11,335,455)
- Speak English Less Than Very Well (n=2,668,969)



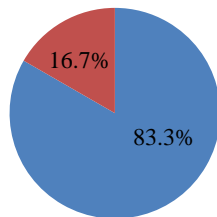
English Proficiency in Region 4

- Speak English Very Well (n=10,523,470)
- Speak English Less Than Very Well (1,767,694)



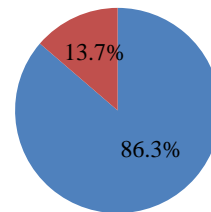
English Proficiency in Region 2

- Speak English Very Well (n=8,199,186)
- Speak English Less Than Very Well (n=1,367,601)



English Proficiency in Region 3

- Speak English Very Well (n=7,195,845)
- Speak English Less Than Very Well (n=987,855)

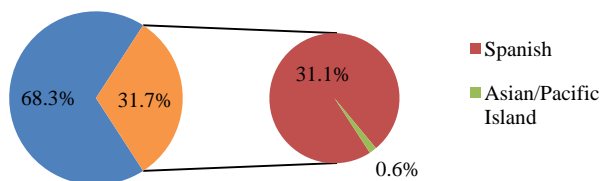


Imperial County has the greatest proportion of persons speaking English less than very well (31.6%) or persons with limited English proficiency (LEP), followed by Monterey County. While Imperial and Monterey Counties have the greatest proportion, Los Angeles County has the greatest number of people who speak English less than very well.

Counties with the Highest Proportion of LEP Population

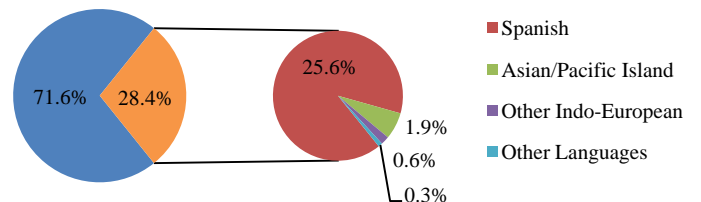
English Proficiency in Imperial County

31.7% (n=50,042) Speak English Less Than Very Well



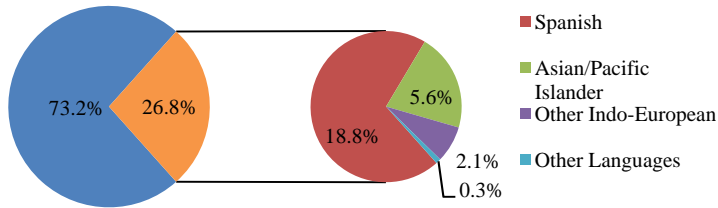
English Proficiency in Monterey County

28.4% (n=108,023) Speak English Less Than Very Well



English Proficiency in Los Angeles County

26.8% (n=2,449,959) Speak English Less Than Very Well

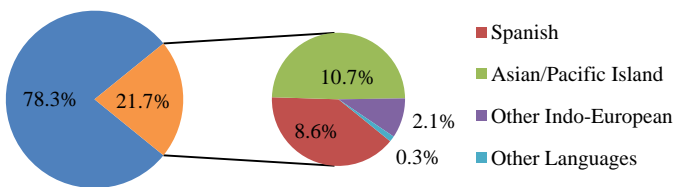


The majority of persons speaking English less than very well are Spanish speakers, and Spanish speakers dominate the LEP population in most counties. However, there are three counties where the dominant LEP population speaks one of the Asian languages. Those counties include: San Francisco, Alameda, and Santa Clara.

Counties Where Dominant LEP Language is Asian/Pacific Islander

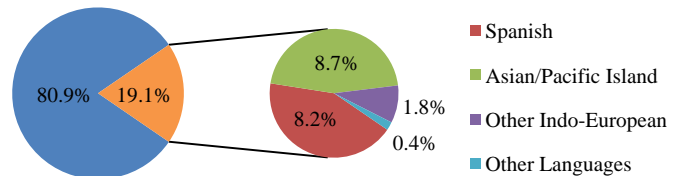
English Proficiency in Santa Clara County

21.7% (n=355,957) Speak English Less Than Very Well



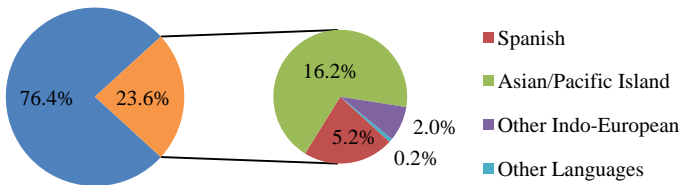
English Proficiency in Alameda County

19.1% (n=266,901) Speak English Less Than Very Well



English Proficiency in San Francisco County

23.6% (n=179,875) Speak English Less Than Very Well



Misdemeanors utilized 54% of interpreter service days followed by felonies (47%) and traffic cases (21%). The chart on the following page details interpreter days in mandated proceedings by spoken language and case type.

Interpreter Service Days^a in Mandated Proceedings by Spoken Language and Case Types

	Traffic		Misdemeanor		Felony		Delinquency		Dependency		Infraction	
	Service Days	% of Lang.	Service Days	% of Lang.	Service Days	% of Lang.	Service Days	% of Lang.	Service Days	% of Lang.	Service Days	% of Lang.
Spanish	140,594	19%	412,446	56%	363,639	49%	81,997	11%	50,696	7%	49,430	7%
Vietnamese	4,880	19%	11,843	47%	11,909	48%	2,565	10%	1,214	5%	304	1%
Korean	4,570	32%	7,764	55%	4,795	34%	1,129	8%	482	3%	70	0%
Mandarin	5,421	43%	5,556	44%	3,593	29%	711	6%	630	5%	581	5%
Russian	4,792	36%	5,090	38%	4,518	34%	1,504	11%	329	2%	120	1%
E. Armenian	5,419	46%	5,931	50%	4,536	39%	724	6%	291	2%	197	2%
W. Armenian	23	71%	7	22%	15	48%		0%	1	2%		0%
Cantonese	4,488	42%	4,370	41%	4,048	38%	1,862	17%	747	7%	161	2%
Punjabi	2,431	25%	4,623	48%	3,806	40%	533	6%	191	2%	194	2%
Tagalog	422	5%	3,485	43%	4,223	53%	354	4%	744	9%	71	1%
Farsi	3,558	51%	2,759	40%	1,852	27%	265	4%	144	2%	52	1%
Hmong	1,417	18%	1,266	16%	3,649	47%	2,778	36%	755	10%	65	1%
Khmer	466	8%	1,135	20%	1,714	30%	2,765	49%	915	16%	93	2%
Lao	546	12%	1,218	28%	1,965	45%	1,248	28%	389	9%	36	1%
Arabic	991	29%	1,216	35%	1,251	46%	115	3%	268	8%	34	1%
Japanese	1,252	38%	1,543	47%	774	23%	155	5%	243	7%	46	1%
Mien	351	12%	523	18%	1,280	44%	870	30%	220	8%	12	0%
Portuguese	625	38%	672	41%	432	26%	43	3%	36	2%	22	1%
Other	2,808	18%	6,380	42%	5,364	35%	1,075	7%	793	5%	205	1%
Total	185,054	21%	477,828	54%	423,364	47%	100,693	11%	59,085	7%	51,694	6%

^a Service days include high volume days (60 or more cases in one day).

Attachment 1: Languages Captured in the U.S. Census by Category

Characteristics	Population 5 years and over (Number)	Spoke a language other than English at home (Percent)	English-speaking ability (Percent)			
			Spoke English "very well"	Spoke English "well"	Spoke English "not well"	Spoke English "not at all"
Population 5 years and over	291,524,091	X	X	X	X	X
Spoke only English at home	230,947,071	X	X	X	X	X
Spoke a language other than English at home	60,577,020	100.0	58.2	19.4	15.4	7.0
Spanish or Spanish Creole	37,579,787	62.0	56.3	17.8	16.9	9.0
Other Indo-European languages:						
French	1,301,443	2.1	79.6	13.9	5.9	0.6
French Creole	753,990	1.2	56.8	23.8	15.2	4.3
Italian	723,632	1.2	73.5	17.1	8.6	0.8
Portuguese	673,566	1.1	61.8	20.8	13.5	3.9
German	1,083,637	1.8	82.9	13.1	3.6	0.3
Yiddish	160,968	0.3	68.4	17.7	10.2	3.7
Other West Germanic languages	290,461	0.5	77.6	17.9	3.7	0.8
Scandinavian languages	135,025	0.2	90.6	7.7	1.6	0.1
Greek	304,928	0.5	75.3	15.5	7.8	1.4
Russian	905,843	1.5	52.3	25.6	16.8	5.3
Polish	607,531	1.0	60.0	23.4	13.8	2.8
Serbo-Croatian	269,624	0.4	61.7	21.9	13.6	2.9
Other Slavic languages	336,062	0.6	62.1	22.8	11.9	3.3
Armenian	246,915	0.4	53.8	22.2	16.5	7.6
Persian	407,586	0.7	62.7	21.9	12.0	3.4
Gujarati	358,422	0.6	63.8	20.2	12.2	3.8
Hindi	648,983	1.1	77.0	16.3	5.3	1.4
Urdu	373,851	0.6	70.0	19.3	9.2	1.5
Other Indic languages	815,345	1.3	60.6	23.7	10.9	4.9
Other Indo-European languages	449,600	0.7	65.1	21.5	9.9	3.4
Asian and Pacific Island languages:						
Chinese	2,882,497	4.8	44.3	26.1	19.9	9.7
Japanese	436,110	0.7	57.5	27.4	13.9	1.2
Korean	1,141,277	1.9	44.5	27.0	24.4	4.0
Mon-Khmer, Cambodian	212,505	0.4	47.1	23.4	22.9	6.6
Hmong	211,227	0.3	56.7	22.2	14.9	6.2
Thai	163,251	0.3	43.4	34.8	18.9	2.8

Laotian	140,866	0.2	50.9	22.1	22.7	4.3
Vietnamese	1,419,539	2.3	39.8	27.1	25.8	7.3
Other Asian languages	855,303	1.4	69.3	19.6	8.4	2.7
Tagalog	1,594,413	2.6	67.2	25.6	6.7	0.5
Other Pacific Island languages	428,476	0.7	61.6	25.7	11.7	1.1
Other languages:						
Navajo	169,369	0.3	78.8	14.2	4.8	2.2
Other Native American languages	195,407	0.3	85.4	11.4	2.9	0.3
Hungarian	93,102	0.2	71.0	21.1	7.3	0.7
Arabic	951,699	1.6	63.3	21.7	11.9	3.1
Hebrew	216,343	0.4	84.7	11.9	2.9	0.5
African languages	884,660	1.5	68.1	21.1	8.6	2.1
All other languages	153,777	0.3	56.3	19.7	14.8	9.3

Attachment 2: Speaks Another Language than English by County (Highlights Top Two Languages)

	Population (2010 Census)	% Speaking Another Language	% Speaks Less Than “Very Well”	% of Language 1	% of Language 1 that Speaks Less than “Very Well”	% of Language 2	% of Language 2 that Speaks Less than “Very Well”
Alameda	1, 510,271	42.8%	19.1% (266,901)	Asian/Pacific Is. 18%	8.7% (121,978)	Spanish 16.8%	8.2% (113,945)
Alpine	1,175	12.1%	2.3% (25)	Spanish 4.7%	1.1% (12)	Other 3.3%	0.6% (7)
Amador	38,091	8.1%	2.5% (926)	Spanish 5.1%	1.4% (536)	Indo-European 2.0%	0.7% (269)
Butte	220,000	14.3%	6.2% (12,782)	Spanish 8.9%	3.7% (7,692)	Asian/Pacific Is. 3.2%	1.9% (3,937)
Calaveras	45,578	7.1%	1.9% (829)	Spanish 4.6%	1.4% (632)	Indo-European 1.4%	0.3% (115)
Colusa	21,419	45.7%	23.7% (4,613)	Spanish 44.2%	23.2% (4,506)	Asian/Pacific Is. 0.9%	0.3% (66)
Contra Costa	1,049,025	32.8%	13.5% (131,183)	Spanish 17.4%	8.1% (78,185)	Asian/Pacific Is. 8.9%	3.6% (35,288)
Del Norte	28,610	17.2%	3.7% (982)	Spanish 11.7%	2.6% (685)	Asian/Pacific Is. 3.3%	1.0% (259)
El Dorado	181,058	12.4%	3.2% (7,338)	Spanish 7.4%	3.2% (5,397)	Asian/Pacific Is. 1.7%	0.6% (1,038)
Fresno	930,450	42.9%	19.2% (161,728)	Spanish 32.7%	15.0% (126,315)	Asian/Pacific Is. 6.2%	2.8% (23,561)
Glenn	28,122	34.0%	14.5% (3,765)	Spanish 30.7%	13.4% (3,462)	Asian/Pacific Is. 1.9%	0.6% (162)
Humboldt	134,623	9.4%	3.4% (4,248)	Spanish 5.7%	2.3% (2,903)	Asian/Pacific Is. 1.3%	0.6% (750)
Imperial	174,528	73.8%	31.7% (50,042)	Spanish 71.9%	31.1% (49,031)	Asian/Pacific Is. 1.2%	0.6% (877)
Inyo	18,546	15.1%	4.6% (800)	Spanish 12.4%	4.1% (707)	Asian/Pacific Is. 0.5%	0.2% (40)
Kern	839,631	41.3%	17.9% (135,393)	Spanish 36.7%	16.0% (121,176)	Asian/Pacific Is. 2.3%	1.1% (8,238)
Kings	152,982	42.4%	20.0% (27,873)	Spanish 37.7%	18.3% (25,562)	Asian/Pacific Is. 2.5%	0.9% (1,317)
Lake	64,665	13.6%	5.7% (3,478)	Spanish 10.9%	5.1% (3,081)	Indo-European 1.3%	1.1% (666)
Lassen	34,895	18.2%	5.1% (1,683)	Spanish 14.3%	4.5% (1,480)	Asian/Pacific Is. 1.3%	0.3% (100)
Los Angeles	9,818,605	56.6%	26.8% (2,449,959)*	Spanish 39.4%	18.8% (1,714,130)	Asian/Pacific Is. 10.8%	5.6% (514,247)
Madera	150,865	43.3%	19.1% (26,239)	Spanish 39.5%	17.8% (24,536)	Indo-European 1.9%	0.8% (1,056)
Marin	252,409	22.8%	9.2% (21,743)	Spanish 12.3%	6.5% (15,363)	Asian/Pacific Is. 3.4%	1.4% (3,257)
Mariposa	18,251	9.2%	2.7% (480)	Spanish 6.9%	2.4% (424)	Asian/Pacific Is. 0.7%	0.2% (28)
Mendocino	87,841	20.6%	9.5% (7,817)	Spanish 17.2%	8.6% (7,088)	Asian/Pacific Is. 1.1%	0.5% (404)
Merced	255,793	51.8%	23.6% (54,585)	Spanish 41.7%	19.6% (45,251)	Indo-European 5.1%	2.0% (4,722)
Modoc	9,686	14.8%	5.7% (520)	Spanish 12.9%	5.5% (500)	Indo-European 1.0%	0.2% (18)

Mono	14,202	23.1%	9.9% (1,301)	Spanish 19.8%	9.5% (1,242)	Indo-European 2.9%	0.4% (52)
Monterey	415,057	52.1%	28.5% (108,023)	Spanish 45.0%	25.6% (97,064)	Asian/Pacific Is. 4.3%	2.0% (7,625)
Napa	136,484	34.1%	16.5% (20,956)	Spanish 26.7%	14.0% (17,810)	Asian/Pacific Is. 4.4%	1.9% (2,360)
Nevada	98,764	7.0%	2.6% (2,481)	Spanish 4.3%	2.0% (1,887)	Indo-European 2.0%	0.4% (382)
Orange	3,010,232	44.7%	21.5% (601,442)	Spanish 26.2%	13.2% (367,687)	Asian/Pacific Is. 13.5%	7.0% (195,050)
Placer	348,432	14.2%	5.2% (16,740)	Spanish 6.4%	2.7% (8,602)	Asian/Pacific Is. 3.4%	1.3% (4,114)
Plumas	20,007	8.5%	2.3% (451)	Spanish 6.1%	1.8% (354)	Asian/Pacific Is. 0.5%	0.3% (55)
Riverside	2,189,641	39.9%	16.5% (327,871)	Spanish 33.4%	14.1% (279,941)	Asian/Pacific Is. 3.9%	1.7% (34,773)
Sacramento	1,418,788	30.5%	13.5% (176,831)	Spanish 13.4%	5.8% (76,469)	Asian/Pacific Is. 9.8%	4.8% (62,296)
San Benito	55,269	39.5%	20.9% (10,622)	Spanish 36.7%	19.4% (9,823)	Asian/Pacific Is. 1.7%	1.1% (579)
San Bernardino	2,035,210	40.9%	17.5% (327,036)	Spanish 33.8%	14.9% (277,116)	Asian/Pacific Is. 4.6%	2.0% (37,139)
San Diego	3,095,313	36.7%	16.1% (460,503)	Spanish 24.6%	11.1% (316,219)	Asian/Pacific Is. 7.8%	3.6% (102,984)
San Francisco	805,235	45.3%	23.6% (179,875)	Asian/Pacific Is. 26.6%	16.2% (123,177)	Spanish 11.6%	5.2% (39,628)
San Joaquin	685,306	39.0%	18.5% (116,009)	Spanish 25.4%	12.4% (77,443)	Asian/Pacific Is. 9.2%	4.6% (28,588)
San Luis Obispo	269,637	16.8%	6.7% (16,986)	Spanish 13.1%	5.6% (14,205)	Asian/Pacific Is. 1.8%	0.7% (1,867)
San Mateo	718,451	44.9%	18.9% (125,675)	Spanish 19.8%	9.8% (65,028)	Asian/Pacific Is. 17.6%	7.1% (47,431)
Santa Barbara	423,895	39.3%	18.5% (72,634)	Spanish 32.5%	16.3% (64,074)	Asian/Pacific Is. 3.5%	1.5% (6,022)
Santa Clara	1,781,642	50.5%	21.7% (355,957)	Asian/Pacific Is. 22.6%	10.7% (175,396)	Spanish 18.9%	8.6% (140,809)
Santa Cruz	262,382	30.3%	14.4% (35,306)	Spanish 24.9%	12.9% (31,509)	Asian/Pacific Is. 2.3%	0.8% (1,955)
Shasta	177,223	8.8%	2.9% (4,884)	Spanish 4.7%	1.5% (2,500)	Asian/Pacific Is. 1.9%	0.9% (1,454)
Sierra	3,240	6.8%	3.6% (113)	Spanish 6.5%	3.6% (113)		
Siskiyou	44,900	10.1%	3.7% (1,563)	Spanish 5.8%	2.1% (876)	Indo-European 2.7%	1.0% (415)
Solano	413,344	29.4%	11.7% (45,047)	Spanish 16.1%	7.1% (27,500)	Asian/Pacific Is. 9.7%	3.6% (13,917)
Sonoma	483,878	24.2%	11.1% (49,788)	Spanish 18.4%	9.0% (40,753)	Asian/Pacific Is. 2.8%	1.3% (5,834)
Stanislaus	514,453	40.5%	16.9% (79,954)	Spanish 30.8%	13.1% (62,023)	Indo-European 4.4%	1.7% (7,804)
Sutter	94,737	35.9%	20.1% (17,461)	Spanish 21.2%	12.0% (10,421)	Indo-European 11.4%	6.5% (5,659)
Tehama	63,463	19.2%	8.3% (4,855)	Spanish 16.3%	7.4% (4,318)	Asian/Pacific Is. 1.2%	0.6% (378)
Trinity	13,786	7.0%	1.1% (144)	Spanish 4.4%	1.0% (131)	Other Languages 0.2%	0.1% (7)
Tulare	442,179	47.5%	22.6% (89,365)	Spanish 43.2%	20.8% (82,400)	Asian/Pacific Is. 2.6%	1.3% (5,147)
Tuolumne	55,365	7.7%	2.8% (1,492)	Spanish 5.2%	1.9% (989)	Indo-European 1.7%	0.6% (312)

Ventura	823,318	37.4%	17.0% (129,390)	Spanish 29.4%	14.3% (108,942)	Asian/Pacific Is. 4.3%	1.8% (14,031)
Yolo	200,849	34.5%	14.9% (27,794)	Spanish 20.4%	9.7% (18,042)	Asian/Pacific Is. 7.1%	2.7% (4,990)
Yuba	72,155	24.9%	11.6% (7,638)	Spanish 17.2%	8.4% (5,526)	Asian/Pacific Is. 5.0%	2.6% (1,735)

Court Interpreter Collective Bargaining Regions



Joint Working Group for California's Language Access Plan

As of September 26, 2013

Hon. Maria P. Rivera, Cochair

Associate Justice of the Court of Appeal,
First Appellate District, Division Four
Member, Access and Fairness Advisory
Committee

Hon. Manuel J. Covarrubias, Cochair

Judge of the Superior Court of California,
County of Ventura
Chair, Language Access Subcommittee,
Court Interpreters Advisory Panel

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Hon. Laurie D. Zelon, Chair

Associate Justice of the Court of Appeal,
Second Appellate District, Division Seven

Hon. Dennis W. Hayashi

Judge of the Superior Court of California,
County of Alameda

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Senior Court Services Analyst
Court Language Access Support Program

Attachment C



U.S. Department of Justice

Civil Rights Division

*Federal Coordination and Compliance Section-NWB
950 Pennsylvania Ave, NW
Washington, DC 20530*

May 22, 2013

CERTIFIED, RETURN-RECEIPT REQUESTED

Honorable Tani G. Cantil-Sakauye
Chief Justice
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Honorable Steven Jahr
Administrative Director of the Courts
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

Honorable David S. Wesley
Presiding Judge
Los Angeles County Superior Court
111 North Hill Street
Los Angeles, CA 90012

Re: Complaint No. 171-12C-31
Investigation of the Superior Court of California, Los Angeles County and
Judicial Council of California

Dear Chief Justice Cantil-Sakauye, Judge Jahr, and Presiding Judge Wesley:

We write to provide a summary of our observations and recommendations based on our review to date of an investigation of the Superior Court of California, Los Angeles County (LASC) and the Judicial Council of California. In doing so, we seek a dialogue aimed at achieving voluntary compliance. Our investigation to date indicates that several current policies, practices, and procedures regarding the provision of language assistance services in LASC appear to be inconsistent with Title VI of the Civil Rights Act of 1964 and its implementing regulations. This letter describes these inconsistencies, which should be addressed to ensure that limited English proficient (LEP) individuals have meaningful access to court proceedings and court operations.

In February 2011, the Civil Rights Division of the United States Department of Justice (DOJ) initiated an investigation of the LASC and the Judicial Council of California. The Civil Rights Division and the United States Attorney's Office for the Central District of California are

jointly investigating this matter. DOJ's investigation was prompted by a complaint filed by the Legal Aid Foundation of Los Angeles that alleged discrimination against LEP individuals on the basis of national origin. Specifically, the complainants alleged that LASC fails to provide LEP individuals with meaningful access to its court services, including civil proceedings and court operations. While our investigation is focused on LASC, the structure of the California judicial system requires us to review mandates and policies that are promulgated and enforced at the state level through the Judicial Council and its staff agency, the California Administrative Office of the Courts (AOC). We appreciate the cooperation and continued dialogue that our offices have shared during this investigation.

Legal Background

The Civil Rights Division is responsible for investigating complaints against recipients of federal financial assistance under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, and the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d(c). Together, these statutes and their implementing regulations prohibit discrimination on the basis of race, color, national origin, sex, or religion by recipients of federal financial assistance. See 42 U.S.C. §§ 2000d, 3789d(c); 28 C.F.R. Part 42, Subparts C and D. LASC, the AOC, and the Judicial Council are subject to the requirements of Title VI and the Safe Streets Act because these entities are part of the unified state court system of California, which receives federal financial assistance, including from DOJ.

In order to comply with Title VI, the Safe Streets Act, and their implementing regulations, recipients of federal financial assistance must provide meaningful access to LEP individuals. The Supreme Court decided over three decades ago that a federally funded recipient's denial of education to a group of non-English speakers violated Title VI and its implementing regulations. *Lau v. Nichols*, 414 U.S. 563, 568- 69 (1974). As the Court explained, "[i]t seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by" Title VI regulations.¹ *Id.* at 568. Title VI regulations also require recipients to translate

¹ Since the Supreme Court's decision in *Lau*, other courts have found that the failure by a recipient to provide meaningful access to LEP individuals can violate Title VI's prohibition of national origin discrimination. See, e.g., *Sandoval v. Hagan*, 197 F.3d 484, 510-11 (11th Cir. 1999) (holding that English-only policy for driver's license applications constituted national origin discrimination under Title VI), *rev'd on other grounds sub nom. Alexander v. Sandoval*, 532 U.S. 275 (2001); *Cabrera v. Alvarez*, C 12-04890 SI, 2013 WL 1283445 at *5-6 (N.D. Cal. Mar. 27, 2013) (quoting 28 C.F.R. § 42.405(d)(1)) (Title VI intent claim properly alleged when public housing project failed to provide language assistance services); *Nat'l Multi Housing Council v. Jackson*, 539 F. Supp. 2d 425, 430 (D.D.C. 2008) (citing 28 C.F.R. § 42.405(d)) ("Longstanding Justice Department regulations also expressly require communication between funding recipients and program beneficiaries in languages other than English to ensure Title VI compliance."); *Almendares v. Palmer*, 284 F. Supp. 2d 799, 808 (N.D. Ohio 2003) (holding that plaintiff sufficiently alleged Title VI violation based on Defendant's failure to ensure bilingual services in a food stamp program); *Pabon v. Levine*, 70 F.R.D. 674, 677 (S.D.N.Y. 1976) (summary judgment for defendants denied in case alleging failure to provide unemployment insurance information in Spanish violated Title VI); *accord, Ling v. State*, 702 S.E. 2d 881, 884 (Ga. 2010) ("as a recipient of federal funding, the court system in this State is obligated to provide persons who are 'limited English proficient' with meaningful access to the courts in order to comply with Title VI . . . and the Safe Streets Act . . . [V]igilance in protecting the rights of non-English speakers is required in all of our courts.").

written materials for LEP individuals. *Colwell v. Dep't of Health and Human Services*, 558 F.3d 1112, 1126 (9th Cir. 2009) (citing 28 C.F.R. § 42.405(d)(1)) (“[W]ritten translation is mandated . . . by the 1976 DOJ regulation . . .”).

Under Executive Order 13166, each federal agency that extends financial assistance is required to issue guidance explaining the obligations of their recipients to ensure meaningful access by LEP persons to their federally assisted programs and activities. *See* 65 Fed. Reg. 50,121 (Aug. 16, 2000). The DOJ Guidance issued pursuant to this requirement states that recipients of financial assistance from DOJ should take “every effort . . . to ensure competent interpretation for LEP individuals during all hearings, trials, and motions.” Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 67 Fed. Reg. 41,455, 41,471 (June 18, 2002) (DOJ Guidance). Since that time, DOJ has provided substantial additional guidance² and technical assistance regarding the application of Title VI and the Title VI regulations to recipient courts and court systems.

Every application for federal financial assistance is also accompanied by a contractual assurance that the program will be conducted in compliance with all of the requirements set forth in Title VI, the Safe Streets Act, and their implementing regulations. For example, the assurance for grants from DOJ’s Office of Justice Programs states, in part, that the applicant must assure and certify that it will comply with “all applicable Federal statutes, regulations, policies, guidelines, and requirements” and specifically enumerates several statutorily-imposed nondiscrimination requirements including the Safe Streets Act and the Civil Rights Act of 1964, which includes Title VI. Thus, DOJ has the authority to enforce the contractual obligations attendant to receipt of its federal financial assistance. *See Guardians Ass’n v. Civil Serv. Comm’n*, 463 U.S. 582, 603 n.24 (1983). The United States also may attach conditions to a grant of federal assistance, and the recipient of the grant is obligated to perform the conditions, creating an inherent right on the part of the United States to sue for enforcement of the recipient’s obligation in court. *See Rex Trailer Co. v. United States*, 350 U.S. 148, 151 (1956); *United States v. City and Cnty. of San Francisco*, 310 U.S. 16, 30-31 (1940).

Current Investigation: Observations and Recommendations

During the course of this investigation, attorneys from the Civil Rights Division and the United States Attorney’s Office for the Central District of California have: (i) requested documents and data from the AOC and the LASC relating to their policies and practices for providing LEP litigants with access to court proceedings and operations; (ii) conducted on-site

² The Assistant Attorney General for the Civil Rights Division issued a letter in August 2010 to all Chief Justices and State Court Administrators describing the obligation of state courts under Title VI and the Safe Streets Act to provide LEP individuals with meaningful access to court proceedings, notwithstanding any conflicting state or local laws or court rules. The letter also described several practices “that significantly and unreasonably impede, hinder, or restrict participation in court proceedings and access to court operations based upon a person’s English language ability,” including denying LEP parties access to court interpreters in civil proceedings and charging LEP parties for the cost of interpreter services. *See also, United States v. Maricopa County, Ariz.*, CV-12-00981-PHX-ROS, 2012 WL 6742314 at *4 (D. Ariz. Dec. 12, 2012), citing *Auer v. Robbins*, 519 U.S. 452, 461 (1997) (explaining that the DOJ’s interpretation of Title VI regulations is “controlling” and entitled to deference so long as not plainly erroneous or inconsistent with the regulations).

visits in Los Angeles County with judges, administrators, court staff, court interpreters, public interest advocates, and attorneys in September 2011, September 2012, and December 2012; (iii) conducted on-site visits in the San Francisco Bay area with AOC staff and other stakeholders in December 2012; (iv) met with members of the Court Interpreter Advisory Panel and Access and Fairness Committee to the Judicial Council, as well as AOC leadership including Curt Child, Chad Finke, and Mary Roberts; and (v) held numerous telephonic conferences with staff at the California Department of Finance, interpreter union representatives, California State Assembly Judiciary Committee counsel staff, and former employees of the California Judicial Branch, among others.

As noted at the beginning of this letter, our investigation to date indicates that several current policies, practices, and procedures of LASC, the AOC, and the Judicial Council appear to be inconsistent with Title VI and DOJ's Title VI implementing regulations. These inconsistencies should be addressed in order to ensure that LEP individuals have meaningful access to court proceedings and court operations. We provide the following summary of some of the major areas of concern with the expectation that it will assist in ensuring a dialogue that will result in voluntary compliance.³

1. Title VI requires that interpreter services in court proceedings be provided free of charge.

The limitation on providing free court-certified or qualified interpreters for LEP litigants in non-criminal/non-juvenile proceedings is codified by state law, Rules of Court, and AOC guidelines and policy.⁴ The lack of free and certified or qualified language services in court proceedings disproportionately and negatively impacts national origin minorities, resulting in, among other things, greater costs, delays, and lack of full participation because of the use of family and friends, or similar volunteers, with untested language and interpreting skills serving as interpreters. Latinos, Chinese, Koreans, and Armenians alone make up over 86% of the LEP population in Los Angeles County.⁵ 48% of Spanish speakers, 50% of Armenian speakers, 59% of Chinese speakers, and 64% of Korean speakers in the County are LEP.⁶ DOJ's LEP Guidance makes clear that the requirement to provide meaningful access extends to all national origin groups, but the numbers represented by these groups demonstrates a striking impact of the language access policies on the basis of national origin.

³ DOJ seeks to resolve concerns through voluntary means when possible. See 28 C.F.R. § 42.108(d)(1).

⁴ See, e.g., Government Code §§ 26806(c), 68092, 71802(b)(3); Los Angeles County Superior Court Rules of Court 3.105, 3.230, 3.258; Administrative Office of the Courts, "Use of Court-Appointed Interpreters and Payment of Interpreter Fees in Court Proceedings" (Jan. 2012). Interpreters are also provided at no cost to litigants in a limited number of family matters that involve an underlying protective order, but only when there is funding available pursuant to the Domestic Violence-Family Law Interpreter Program. If a party is indigent, an interpreter may be provided free of charge in small claims matters but the AOC has advised that a non-certified volunteer may be used. We found the use of family and friends serving in an interpreter role to be common practice in small claims matters in LASC. We also interviewed many practitioners who stated that the likelihood of obtaining a fee waiver for a court-provided interpreter varied significantly based on the judicial official presiding over the matter and/or the judicial assistant assigned to a particular Department.

⁵ See, American U.S. Census Bureau, 2007-2011 American Community Survey 5-Year Estimates, Table B16001; using American Factfinder, <http://factfinder.census.gov>.

⁶ *Id.*

2. Incompetent interpreter services provided through the use of non-interpreters in court proceedings, including by family and friends.

DOJ has explained that the need for a competent interpreter is particularly great in a court proceeding where “credibility and accuracy are important to protect an individual’s rights.”⁷ Competency requires “more than self-identification as bilingual.”⁸ An interpreter must demonstrate “proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting.”⁹ The obligation to ensure competent interpretation is why the use of non-interpreter volunteers, family members, or friends is not appropriate in the context of court proceedings.

On-site interviews indicate that LEP litigants commonly receive interpreting services from non-interpreters (*e.g.*, family, friends, waiting litigants in other cases). For example, LASC judicial officials and staff we interviewed overwhelmingly stated they allowed family and friends to interpret in order to avoid delays and cost to the LEP individual. However, even where a language assessment was attempted, the judicial official often does not have sufficient language capabilities to assess an individual’s ability to communicate in both English and the other language. Our staff personally witnessed or reviewed transcripts demonstrating the use of non-interpreters in non-mandated matters and problematic practices including the failure to question the non-interpreter regarding their language abilities, inappropriate interjections by the non-interpreter during proceedings, and the use of witnesses to interpret for parties and the court.

3. Non-Spanish-speaking LEP litigants suffer even greater barriers to access due to substantial deficits in the availability of language services.

Although there are fewer LEP individuals in language groups that speak a language other than Spanish, courts are still required to provide meaningful access to all LEP individuals. DOJ’s search of the California Judicial Branch’s forms website, for example, yielded only Spanish translations of the mandatory fee waiver forms. During interviews, judges, court staff, and practitioners explained that long wait times for non-Spanish interpreters led to a much greater likelihood that a proceeding will move forward with a family member, friend, or similar volunteer acting as an interpreter for the court in those matters to avoid delay. These delays are exacerbated by the long distances that non-Spanish interpreters often must travel to meet the needs of non-Spanish speaking litigants. Due to their smaller numbers, non-Spanish interpreters are less available than Spanish interpreters to provide incidental services in non-mandated proceedings to LEP individuals during periods when those interpreters are not providing services in mandated proceedings.

With respect to court operations, we understand that LASC has recently instituted some positive changes to improve language services provided by that court such as hiring an LEP coordinator and working to provide signage translated into languages other than English and Spanish. We also understand that LASC has considered the use of video remote interpreting,

⁷ DOJ Guidance at 41462.

⁸ *Id.* at 41461.

⁹ *Id.*

which we identify later in this letter as a possible tool for improving and increasing language services. We encourage innovations and attempts to better serve the diverse language groups within Los Angeles County, but additional and formal changes in these areas are still needed.

4. Unclear budgetary guidance from AOC regarding reimbursement of interpreter costs for non-mandated cases.

Staff members for the AOC confirmed that, as a practical matter, if the court chooses within its discretion to provide an interpreter free of charge, all court requests for reimbursement for interpreter costs were honored, regardless of whether the costs were incurred for mandated (e.g., criminal and juvenile) or non-mandated (e.g., most civil) cases. However, the AOC has not provided any official written guidance to Superior Courts that interpreter costs for non-mandated cases would be reimbursed. It is our understanding that LASC has requested formal guidance on this matter, but the AOC has not confirmed that such costs, if incurred, would be reimbursed. The AOC has widely distributed a document to Superior Courts entitled “Use of Court Appointed Interpreters and Payment of Fees in Court Proceedings” that appears to contrast with the AOC’s willingness to reimburse courts for their interpreter expenditures in non-mandated cases. The document specifies that the LEP party is responsible for the cost of an interpreter in non-mandated cases and instructs that the court will only pay for those matters listed as mandated. DOJ is further informed that without confirmation, LASC will not expand the use of court-certified interpreters for non-mandated cases.¹⁰

Underutilization of Trial Court Trust Fund 45.45

An area of great concern for DOJ has been the underutilization and transfer of funds appropriated for Trial Court Trust Fund (“TCTF”) 45.45, which provides state-based funding for all court interpreters and limited supervisory staff. Since Fiscal Year 2009-2010, TCTF 45.45 has been appropriated \$92.794 million annually as part of the California state budget. However, for each of the past three fiscal years, TCTF 45.45 has consistently failed to use the total amount of its expenditure authority, even as LEP litigants in non-mandated cases were refused court-provided interpretation services.

As shown in the table below, the millions in unused expenditure authority in TCTF 45.45 could have made a positive difference in ensuring expanded access to the courts. Each year, millions of dollars remained unspent. These funds could have been used to cover thousands of hours of interpreter services without cost to LEP litigants. Instead, in July 2011, the Judicial Council diverted \$3.0 million of the unused TCTF 45.45 funds to fund trial court operations. Moreover, in July 2012, the Judicial Council considered a recommendation to transfer another \$6.5 million of the unused TCTF 45.45 funds for other uses. This recommendation was tabled, and later withdrawn. While DOJ recognizes the Judicial Council’s recent efforts to protect TCTF 45.45 funds from another transfer, it appears that TCTF 45.45 funds have been – and

¹⁰ Judges, court staff, and practitioners across the state have informed us that counties are inconsistently providing language services in some civil matters and some counties, such as Los Angeles and San Diego, appear to be providing fewer interpreters in civil matters per incidental usage than in recent years. We have been unable to ascertain the exact reason for this other than a general connection to budgetary concerns even though the fund for the majority of interpreter services has had a surplus for several years. *See discussion infra.*

continue to be – at risk of being diverted to uses other than the interpreter services for which they were intended.

TCTF 45.45	Total Appropriation	Total Expenditures	Unused Appropriation
FY 2009-2010	\$92.794 million	\$87.955 million ¹¹	\$4.839 million
FY 2010-2011	\$92.794 million	\$89.952 million ¹²	\$2.842 million
FY 2011-2012	\$92.794 million	\$89.187 million ¹³	\$3.607 million (est.)
FY 2012-2013	\$92.794 million	---	---
	CUMULATIVE UNUSED APPROPRIATION FOR FY 2009-2010 to FY ¹⁴ 2011-2012		\$8.282 million

At present, approximately \$8.282 million from past unused TCTF 45.45 appropriations remain unspent and available in the general Trial Court Trust Fund. This fund may be designated by the Judicial Council for any purpose within its statutory mandate. However, DOJ understands that the Judicial Council's spending authority is bound by the expenditure limits as set forth in the state budget, although the Judicial Council may seek permission from the California Department of Finance to exceed expenditure authority as set forth in the state budget.

In the instant situation, the California Governor's proposed FY 2013-2014 budget preserves the current appropriation for TCTF 45.45 at \$92.794 million. The language of the California Budget Act (FY 2012-2013) for TCTF 45.45¹⁵ broadly provides that the fund "shall be for payments to contractual court interpreters, and certified and registered court interpreters employed by the courts for services provided during court proceedings and other services related to pending court proceedings, including services provided outside a courtroom, . . ." DOJ interprets this language of the California Budget Act expansively to allow spending of the TCTF 45.45 appropriation on any type of proceeding (mandated or non-mandated) or technology to assist interpreters in their work (e.g., headsets, video conference equipment).

Recognition of the Importance of Language Services

Notwithstanding the unused expenditures in TCTF 45.45, DOJ is keenly aware of the budget cuts that have faced the California state courts over the last several years, including the cuts LASC is currently addressing. However, we also recognize that California has indicated an interest in providing meaningful access to LEP individuals in all proceedings and court operations. We have reviewed many California state court-sponsored or supported studies over

¹¹ *Trial Court Interpreters Programs Expenditure Report for 2009-2010*, Ca. Admin. Office of the Courts at 2 (Dec. 10, 2010).

¹² *Trial Court Interpreters Programs Expenditures Report for 2011-2012*, Ca. Admin. Office of the Courts at 2 (Feb. 2013).

¹³ *Id.*

¹⁴ This total unused allocation, which is an approximate number, deducts the \$3.0 million that was transferred in 2011 to fund trial court operations.

¹⁵ There is no indication that the language for the California Budget Act (FY 2013-2014) will materially differ from the previously approved language.

the years addressing various aspects of increasing language services¹⁶ and recognize the Judicial Council's support for AB 3050 and similar legislation, which would have provided for expanded language services and greater access to the courts for LEP individuals. The text of AB 3050 highlights many of the issues we identify in this letter, recognizing, among other things, that court interpreter services are a "core court function," that reliance on family members to serve as interpreters can threaten a court's ability to dispense justice, and that the "inability to respond to language needs of parties in court impairs trust and confidence in the judicial system and undermines efforts to secure justice for all." A.B. 3050 §1, reg. Sess. (Cal. 2008) (vetoed on September 27, 2008). These barriers to access existed before current budget challenges and they remain now but we are hopeful that we may work cooperatively with LASC, the AOC, and the Judicial Council to meet the common goal of ensuring meaningful access for LEP individuals to court proceedings and operations in LASC.

Proposed Steps towards Voluntary Compliance

DOJ would like to work collaboratively with the Judicial Council, the AOC, and LASC in ensuring meaningful access for LEP individuals to LASC. Information from the AOC and LASC, interviews with court staff, judges, and others, including those who have worked on this issue in the California courts for many years, suggest that the California judicial branch is supportive of expanding language services and fully complying with Title VI. Full compliance will require a commitment to providing language services free of charge in all proceedings and court operations in LASC. However, to further our mutual interests and because we understand that full compliance will take time, DOJ offers the following recommendations for discussion and as voluntary steps toward compliance that may be taken immediately pending broader resolution of this matter:

1. The Judicial Council should refrain from taking any actions to re-allocate the unspent appropriations from the TCTF 45.45 funds (currently \$8.282 million).
2. The AOC should immediately and formally notify LASC that there is no statutory impediment or Judicial Council authority that prevents the AOC from reimbursing the court for eligible expenditures as defined within Section 2 of the Budget Act of 2012 (Assem. Bill No. 1464 (2011-2012 Reg. Session)). To the extent there are concerns about exceeding expenditure authority, under TCTF 45.45, the AOC and LASC may want to consider initially prioritizing those sensitive matters where consequences of ineffective communication are particularly onerous, including matters involving civil

¹⁶ See e.g., UC Hastings College of the Law, Public Law Research Institute, Enhancing Language Access Services for LEP Court Users (2013) (developed pursuant to a grant to the AOC and recognizing that the California courts are subject to the requirements of Title VI); National Center for State Courts, The Provision of Court Interpreter Services in Civil Court in California: An Exploratory Study (2008); California Commission on Access to Justice, Language Barriers to Justice in California (2005).

harassment, domestic violence¹⁷, family law—including in mandatory mediation proceedings¹⁸—and unlawful detainers.

3. The AOC should consider efficiencies and practices that, when implemented appropriately, can improve and increase language services in proceedings and operations, such as identifying LEP litigants as early as possible and ensuring that information is captured on court files; greater utilization of staff interpreters;¹⁹ and appropriately utilizing technology, such as video remote interpreting.²⁰
4. The Judicial Council should renew and expand its efforts to provide interpreter services for all LEP litigants across the state. In the past, the Judicial Council has supported efforts to expand interpreters services piecemeal (*e.g.*, by covering all family law matters) and by supporting legislation to pay for interpreters through telephonic appearance fees.
5. While working to ensure that interpreters are provided to litigants in all civil matters in LASC, the AOC and the LASC should clarify the ability to waive interpreter fees for indigent litigants with, and ensure training on this issue for, judicial officials and court staff. The AOC should also arrange for translation of fee waiver forms into the most common languages other than English and Spanish, including Chinese,²¹ Korean, Armenian, and Vietnamese.
6. The AOC should implement a statewide complaint process to help identify language assistance issues and specific areas in need of improvement.

¹⁷ DOJ understands that family law matters involving domestic violence cases are provided a court-certified interpreter based on the availability of Family Law Interpreter Program funding until those funds are exhausted.

¹⁸ According to interviews with LASC's Supervising Family Court Judge and the Senior Administrator for Family Law, the court provides an interpreter free of charge in mandatory mediations although this practice could change at any time as it is permissible under California law for the court to charge for this service.

¹⁹ LASC's courtroom reorganization plans currently reduce the number of courthouses where certain matters will be heard and may create additional opportunities to increase the effectiveness of interpreter usage.

²⁰ The AOC indicated that the video remote interpreting pilot program currently underway in other county courts for American Sign Language interpretation has been very successful. DOJ is aware of the challenges that a video remote interpreting program may raise with respect to the interpreters' union, California Federation of Interpreters (CFI). DOJ has spoken with CFI representatives numerous times in an effort to understand their potential objections to video remote interpreting. We intend to continue these discussions to provide our perspective on the appropriate use of video remote interpreting. We strongly suggest that the AOC and LASC seek interpreter input in any efforts to develop a video remote interpreter program. We have been informed that the National Association of Judicial Interpreters and Translators and the National Center for State Courts are both working toward identifying official positions and standards in support of video remote interpreting, although the specifics of their respective positions and standards may differ.

²¹ Though Mandarin and Cantonese speakers use the same written language, we recommend consulting with appropriate community organizations to determine whether to translate into simplified or traditional Chinese or both.

7. Identify a statewide language access coordinator.²²
8. Identify appropriate ways to estimate the cost of expansion of language services to all civil proceedings in order to facilitate and support legislative changes and budgetary requests to fund an expansion of language services.²³

DOJ is committed to working cooperatively with LASC, the Judicial Council, and the AOC to voluntarily resolve this investigation. To support that effort, the Federal Coordination and Compliance Section of the Civil Rights Division is available to provide technical assistance and to identify potential sources of information and promising practices in other states and organizations that would be helpful to the judiciary.

We anticipate that a collaborative approach will be most effective in addressing the inconsistencies with full Title VI compliance that we have identified to date. In the event that efforts toward voluntary resolution are unsuccessful, we may be required to pursue additional efforts. These efforts may include, in the event that we reach a finding of noncompliance with Title VI or the Safe Streets Act, the issuance of a public findings letter that details any violations of the law, as well as administrative enforcement efforts or civil litigation if warranted to achieve injunctive relief and the termination of federal financial assistance.²⁴

²² AOC documentation and interviews with AOC staff suggest that the Court Interpreter Program (CIP) seems to largely be focused on recruitment, certification, and registration of interpreters. Efforts toward providing greater language access generally in the courts do not appear to have a central management location. CIP, staff in the Center for Children and Families in the Court, Access and Fairness Advisory Committee, Court Interpreter Advisory Panel, local courts, Task Force on Self-Represented Litigants, among others, all have an interest in this issue, and would benefit from a management position that could facilitate communication and coordination amongst these groups.

²³ We understand that the AOC is considering conducting a survey of local courts to ascertain potential need in civil matters. We recently provided Linda Foy, Supervising Attorney, Labor and Employment Unit at the AOC, with contact information for the individual in Colorado who helped to design their survey and has offered to speak with AOC staff about the process, including lessons learned. We also suggested to AOC leadership that they consider working with the National Center for State Courts to identify a reliable way to create an estimate of the cost of providing language services in all proceedings and contacting states like New York, which currently provides language services in all proceedings. In addition, we noted to AOC leadership that providing language services in all civil matters in LASC, which accounts for over 30% of the interpreter budget for the state, will provide a significant and reliable data set by which to plan for full compliance in the rest of the state.

²⁴ DOJ also notifies other federal agencies of our findings so that they can consider what actions may be appropriate by their agencies, which may include termination of their federal financial assistance. The United States Department of Health and Human Services also provides federal financial assistance to the California judicial branch and is aware of DOJ's investigation into this matter.

In order to facilitate voluntary resolution of this investigation, please contact Ms. Anna Medina, one of the attorneys assigned to this investigation, at (202) 353-3936 or anna.medina@usdoj.gov by Thursday, June 6, 2013 to discuss the recommendations in this letter and steps to proceed. You may also direct any correspondence to Ms. Medina at the above-captioned address and reference Complaint No. 171-12C-31. We appreciate your continued cooperation in this matter.

Sincerely,



Deeana Jang
Chief,
Federal Coordination and Compliance Section
Civil Rights Division

cc: Ivette Peña, Counsel for Los Angeles County Superior Court
Linda Foy, Counsel for Administrative Office of the Courts
Sarah Chang, Counsel for Administrative Office of the Courts
Robyn-Marie Lyon Monteleone, United States Attorney's Office, Central District of California
Richard Park, United States Attorney's Office, Central District of California

Attachment D

A National Call to Action

Access to Justice for Limited
English Proficient Litigants
Creating Solutions to Language
Barriers in State Courts

Training

Best
Practices

Funding
Strategies

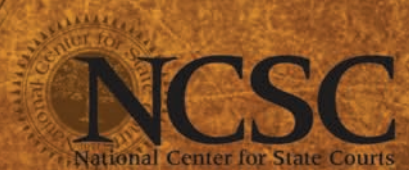
Remote
Interpreting

Collaboration

Outreach
Efforts



State Justice Institute



For further information contact:

Konstantina Vagenas, Director/Chief Counsel

Language and Access to Justice Initiatives

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Additional Resources can be found at: www.ncsc.org

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The points of view and opinions offered in this call to action are those of the authors and do not necessarily represent the official policies or position of the State Justice Institute or the National Center for State Courts.

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Preface and Acknowledgments

Our American system of justice cannot function if it is not designed to adequately address the constitutional rights of a very large and ever-growing portion of its population, namely litigants with limited English proficiency (LEP). While significant advances have been made, the National Center for State Courts (NCSC) is increasingly aware of such problems with the system as courts continue to ask the NCSC for assistance in developing, improving, or expanding their resources for LEP individuals.

Nearly 300 judicial leaders from 49 states, 3 territories and the District of Columbia gathered in Houston, Texas on October 1–3, 2012 for the first National Summit on Language Access in the Courts. The Summit was sponsored by the Conference of Chief Justices (CCJ), the Conference of State Court Administrators (COSCA) and the NCSC. The Summit, this report and follow-up activities have been made possible by a grant from the State Justice Institute (SJI) to the NCSC.

The court and community leaders at the Summit demonstrated a commitment to providing language access services as a fundamental principle of law, fairness and access to justice. They participated in state team exercises to identify priority areas to improve language access in their states' courts. They developed action plans identifying specific steps to ensure meaningful access to timely, quality language assistance to LEP persons who come into contact with their states' courts. It was inspiring to see so many judicial leaders from around the country come together to forge a clear vision for how state courts can proactively develop common solutions to common problems.

As President of the National Center for State Courts, I wish to extend gratitude and appreciation to all those who contributed to the planning and success of the Summit, this report, and the activities supporting this grant project:

- The Board of the State Justice Institute for its generous support and guidance in the Summit;
- The Summit Advisory Committee: Chief Judge Eric Washington, Chief Justice Wallace Jefferson, Sue Dosal, Rosalyn Frierson, and Judge Patricia Griffin;
- The numerous presenters at the Summit's many plenary sessions, workshops and roundtables; and
- The NCSC staff who helped to make this SJI funded project a success. I would like to express a special thank you to Kay Farley, Executive Director of the Government Relations Office, for her dedicated efforts to the convening of the Summit and to Tina Vagenas, Director and Chief Counsel of Language and Access to Justice Initiatives, for her commitment to making this Call to Action come to fruition. Following, in alphabetical order, is a list of staff and volunteers who contributed greatly to the project: Pam Burton, Robert Boag, Tom Clarke, David DiMattia, Gene Flango, Valerie Gardner, Carola Green, Dan Hall, Mary Hogan, Alisa Kim, Laura Klaversma, Lorri Montgomery, Pam Petrakis, Deirdre Roesch, Jesse Rutledge, David Sayles, Stacey Smith, Patricia Stanley, Jacquie Ring, Lee Suskin, Georgia Vagenas, and Chelsea Woodall.

Mary McQueen
President, NCSC



Limited English Proficiency individuals, throughout our nation, look to state court systems to resolve some of the most important issues and controversies in their lives. State court systems recognize the importance of having processes in place to prevent language barriers from intruding into the process of justice. In 2011, the NCSC, with SJI funding and support, launched an initiative to help jurisdictions achieve their goals of providing effective LEP services. Because NCSC is aware that providing these services is a challenge, especially in light of court funding crises and logistical challenges, the Center has been conducting a multi-component project aimed at addressing this issue. The SJI funded project consists of the following parts: 1) a pre-summit assessment of courts; 2) the National Summit on Language Access in the Courts; and 3) the National Call to Action (this report); and 4) the Call to Action distribution and promotion. This National Call to Action is intended to be used by jurisdictions to improve their LEP services. It provides a roadmap of considerations and vital information, which were obtained from both the national assessment and the Summit.

This report includes the following parts:

Chapter 1 provides an overview of the pre-summit assessment completed by the states and presents highlights of the most significant findings. In the Summer of 2012, the NCSC conducted the pre-summit assessment of courts to determine the current status of LEP services and the existing needs of state courts. The resulting responses were used to inform the Summit agenda and goals.

Chapter 2 of this report provides an overview of the National Summit on Language Access in the Courts. From October 1-3, 2012, the NCSC hosted the Summit, which was attended by over 300 delegates representing nearly every state, three U.S. territories, and Washington, D.C. During the Summit, leading national experts presented cutting edge topics; attendees shared best practices and concerns; and state teams identified their top “Priority Areas” and developed “Action Steps” for their jurisdictions. This chapter provides a description of the highlights of the plenary sessions, workshops, and team exercises. In addition, this chapter presents the Priority Areas that the state teams identified as the main areas of concern in their team exercises.

Chapter 3 presents a series of “Action Steps” that jurisdictions can follow to improve their LEP services. The Action Steps were derived from the Priority Areas and the state Action Steps that the state team delegations identified and formulated during the Summit team exercises. The Actions Steps cover the Priority Areas, including language assistance need identification, oversight, data collection and monitoring, education of court personnel, training and certifying interpreters, collaboration, remote interpreting, legal requirements, and funding.

A detailed discussion and in-depth analysis of the Steps is provided in Chapter 3. Listed below are the nine Action Steps:

Step 1: Identifying the Need for Language Assistance

Establish data collection and analysis procedures to assist with the identification of need for language assistance at all points of contact.

Step 2: Establishing and Maintaining Oversight

Establish oversight over language access programs through the development of a state or district language access plan, creation of an oversight body, and/or creation of a language access coordinator position.

Step 3: Implementing Monitoring Procedures

Implement procedures for monitoring and evaluating language assistance services.

Step 4: Training and Educating Court Staff and Stakeholders

Establish programs to train courts, justice partners, and stakeholders on language access services, requirements, and mandates.

Step 5: Training and Certifying Interpreters

Develop procedures to enhance the availability of qualified interpreters and bilingual specialists through recruitment, training, credentialing, and utilization efforts.

Step 6: Enhancing Collaboration and Information Sharing

Establish procedures to enhance the sharing of information and resources on national and regional levels.

Step 7: Utilizing Remote Interpreting Technology

Utilize Remote Interpreting Technology to fulfill LEP needs and ensure quality services.

Step 8: Ensuring Compliance with Legal Requirements

Amend procedural rules to ensure compliance with legal requirements.

Step 9: Exploring Strategies to Obtain Funding

Develop and implement strategies to secure short-term and long-term funding for language access services.

In order to achieve equal access to justice for all, every litigant, victim and witness must have a complete understanding of what is happening in the courtroom. However, if language barriers intrude into the process of justice and prevent essential communication and understanding, some of the basic strengths and values of our justice system are negated. The Conference of Chief Justices, the Conference of State Court Administrators, and the National Center for State Courts have long recognized the key role that language access services play in the administration of justice, and the need to work collaboratively on advancements in the language access area, including through their previous work with the Consortium for Language Access in the Courts.

In our state courts today, the extent of the need for language interpretation services is staggering. Between 1990 and 2010, the number of LEP individuals in the United States grew by 80%, which represents 25.2 million people or 9% of the total U.S. population.¹ Those numbers are expected to continue to grow. In light of this, dramatic and comprehensive action must be taken. For individuals to be afforded equal justice, and for courts to achieve their mission of providing equal justice accessible to all, court systems must develop viable systems to provide competent interpretation services to limited and non-English speakers.

State courts have recognized that systems must be put in place to address this current and growing challenge. Progress has been made, including courts' efforts to provide language services. Also, through the work of the Consortium for Language Access in the Courts, there are 30 certification tests for interpreters in 20 languages and program resources available to courts as of December 2012. However, more needs to be done at the national level and through inter-jurisdictional collaboration.

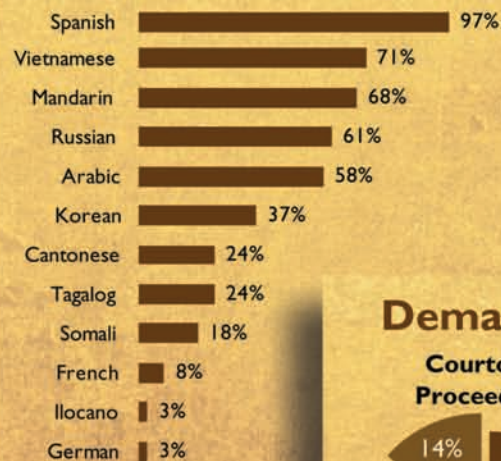
At the National Summit on Language Access in the Courts, it was more than apparent that state courts are committed to working together to find solutions to improve access to justice for LEP litigants. Nearly 300 court leaders from 49 states, three territories and the District of Columbia convened for a three-day meeting to share successful strategies and evidence-based practices, plan system improvements, identify their primary areas of concern, and discuss strategies to pursue greater consistency across the states on policies related to interpretation in the state courts.

This National Call to Action draws upon the problems, solutions, and priorities revealed at the Summit and from the pre-summit assessment. It provides a roadmap of logical solutions to the issues that states identified as priorities in order to improve services for LEP litigants in their courts.

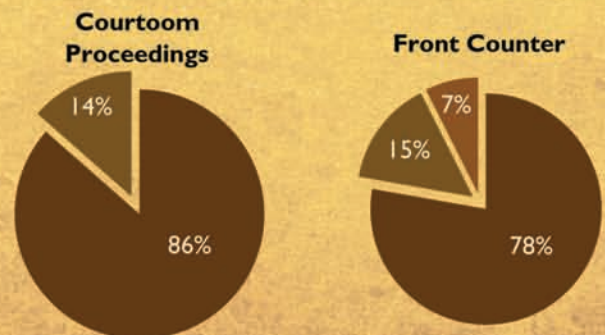
¹ LEP Data Brief: Limited English Proficiency Individuals in the United States: Number, Share, Growth, and Linguistic Diversity, Migration Policy Institute, p.3 (December 2011) (Migration Policy Institute, LEP Data Brief), <http://www.migrationinformation.org/integration/LEPdatabrief.pdf>
See also, <https://www.census.gov/2010census/data/>

Chapter I: Pre-Summit Assessment

Frequently Needed Languages



Demand on Court Personnel



Remote Interpreting



Pre-Summit Assessment

In August 2012, prior to the Summit, the NCSC pre-summit assessment tool was distributed electronically to state courts in each jurisdiction throughout the United States, the territories, and the District of Columbia. The purpose of the assessment was two-fold. First, it assisted members of the “State Teams” to prepare for the Summit by helping them identify potential issues upon which to focus the action plans they were asked to develop at the Summit. Second, the assessment results informed the development of the Summit agenda and goals.

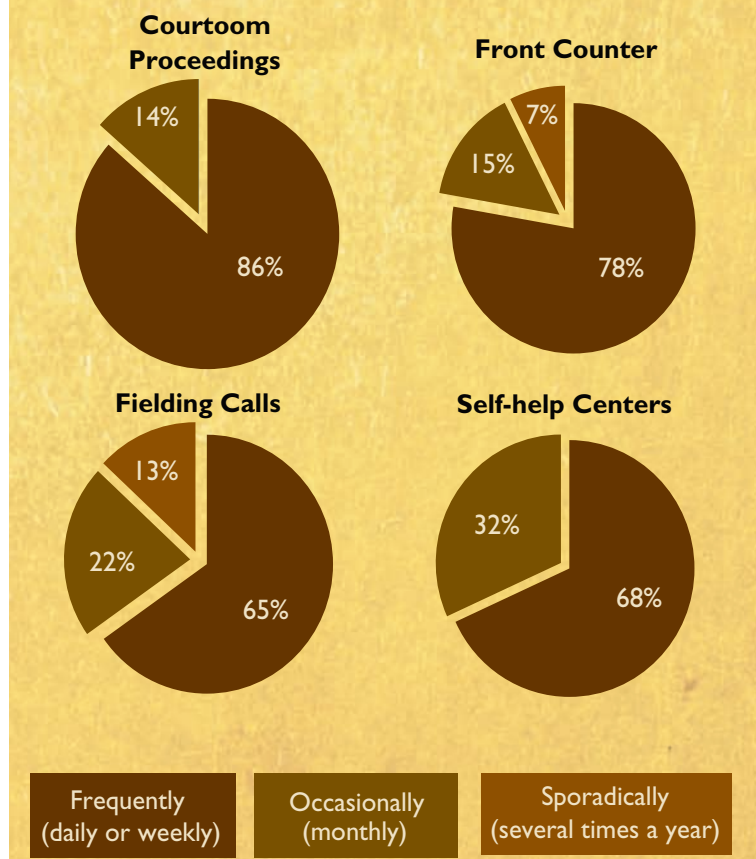
The assessment tool was designed to identify the primary areas in which jurisdictions are most concerned. The assessment presented questions regarding the following areas: the frequency of need for language access; the most frequently requested languages, data collection, training, funding, notice of available services, credentialing, remote interpreting, and possible national initiatives that would benefit jurisdictions.

What follows are highlights of some of the assessment results, which could be helpful to jurisdictions in improving their language access services.

Demand on Court Personnel

In order to determine the demand on court personnel, states were asked how frequently personnel provide language services in the following areas: a) courtroom proceedings, b) front counter in clerk’s office, c) fielding telephone calls from the public, and d) self-help centers. As Figure 1 shows, the demand to provide LEP services is high. Over 86% of respondents report that court personnel are providing language services in courtroom proceedings frequently on a daily or weekly basis. Also, 78% of respondents state that they provide frequent services at the front counter in the clerk’s office. Approximately 68% of respondents reported that they provide frequent services at self-help centers, while 65% reported frequently providing services by fielding telephone calls.

Figure 1. Demand on Court Personnel
How frequently did your court personnel provide language services in the following areas?



Most Frequently Needed Languages

States were asked to identify the six most requested languages in their jurisdiction. Respondents identified twelve languages ranging from Spanish to Ilocano. (See Figure 2.)

In a related follow-up question, respondents reported on how frequently they provided services for each of the languages they identified. (See Figure 3.) They selected from the following, “frequently” (daily or weekly), “occasionally” (monthly), or “sporadically” (several times a year).

As shown in the adjacent tables, Spanish and Vietnamese are the top most frequently provided languages that are provided “frequently,” either on a daily or weekly basis. Other languages, such as German and Ilocano are provided “sporadically” only several times a year. However, it is important to note that while some languages are not needed frequently, when the need arises courts must be equipped to provide effective LEP services. This presents challenges when, for example, interpreters for those languages are not available, or forms and instructions are not translated into the particular language.

Figure 2. Most Frequently Needed Languages

Please identify the six most requested languages in your jurisdiction.

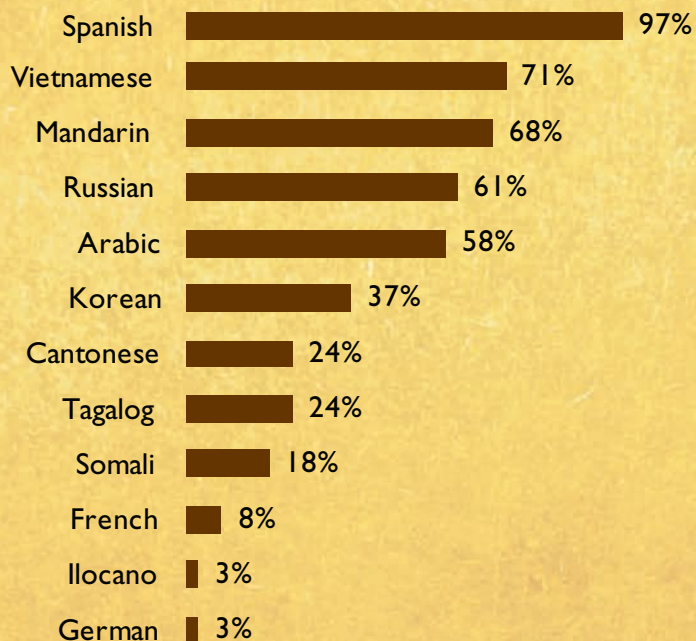
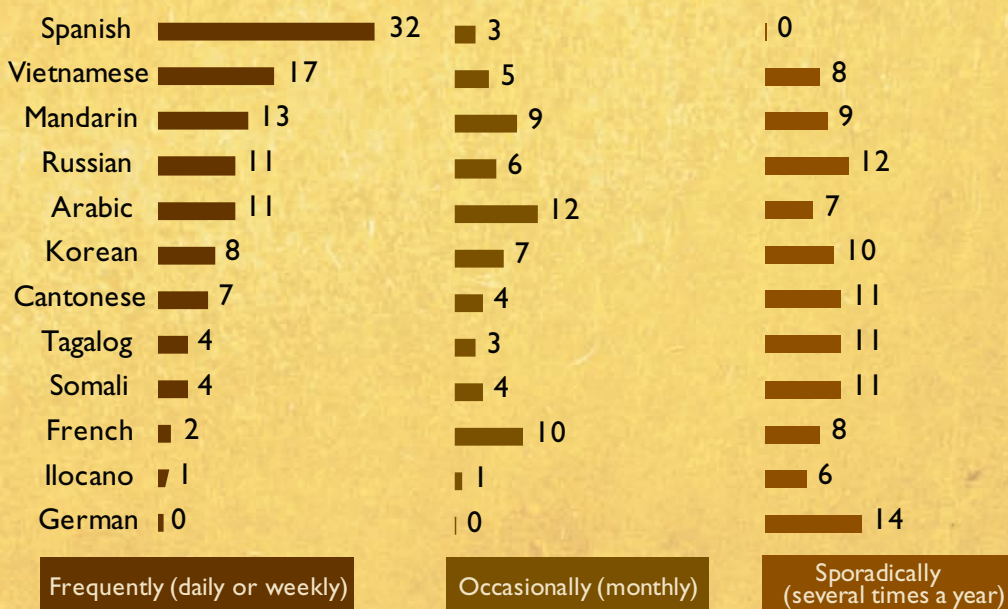


Figure 3. Frequency of Services Provided for the Most Needed Languages

For each of the languages identified, how frequently would you say services in the language are provided jurisdiction-wide?

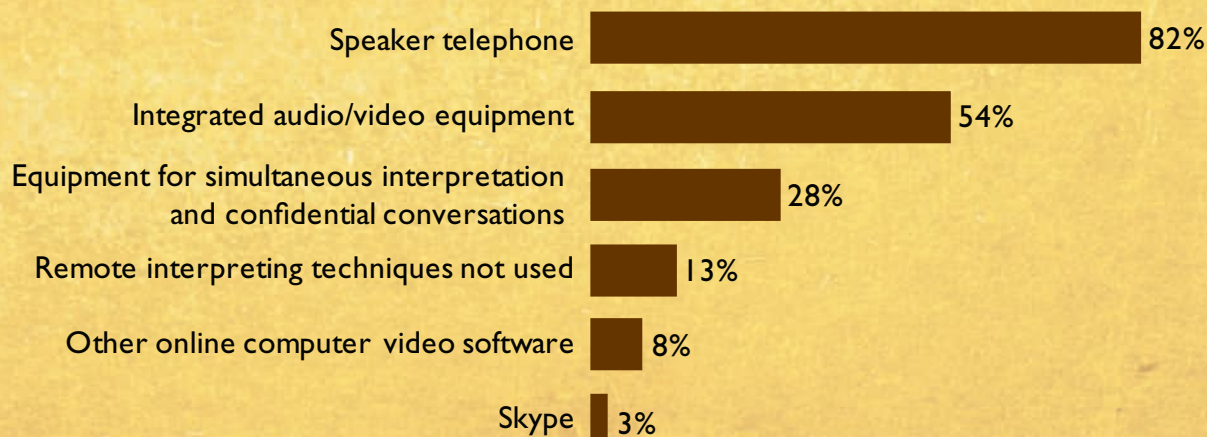


Remote Interpreting

The assessment asked respondents what type of remote interpreting is used in their courts. The most commonly used technique is the speaker telephone, with 82% of respondents replying they utilize speakerphones for interpreting. Fifty-four percent (54%) of the respondents stated that they use integrated audio/video equipment. Twenty-eight percent (28%) replied that they use specialized telephone equipment that allows simultaneous interpretation and confidential conversations between a party and their attorney. (See Figure 4.)

Figure 4. Remote Interpreting

Do your courts use remote interpreting techniques? Check all that apply.



Recommended National Initiatives

The assessment asked respondents a series of questions regarding whether certain initiatives would be beneficial to them if established. Over 93% of respondents replied that it would be beneficial if national reciprocity guidelines were established. Likewise, there was very strong support for the creation of a national bank of translated brochures, forms, and other materials that can be adapted by jurisdictions, where over 90% of respondents replied that it would be beneficial. Respondents also expressed support for the establishment of standard data elements and a national credentialing program.

Figure 5. Recommended National Initiatives

Would it be beneficial if the following were established?

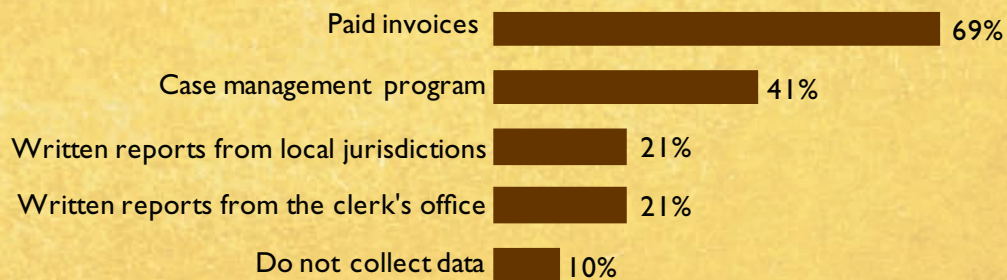
	% Yes
National reciprocity guidelines	93.9%
National bank of translated brochures, forms, and other materials that can be adapted	90.9%
Standard data elements	84.8%
National credentialing program	78.4%

Tracking and Collecting Data

In order to gather information on how jurisdictions track data relating to language access services, the survey asked respondents to indicate the sources from which they collect data and also to provide specific examples of those sources. Predominately, respondents utilize paid invoices to track data. The second most used source of data is from case management programs. Respondents also gather information from written reports from clerk's offices and local jurisdictions. (See Figure 6.)

Figure 6. Tracking Data Related to Language Access Services

If you collect data, what are the sources of your data? Check all that apply.



When asked to provide specific sources, examples given by respondents included:

- Daily activity logs/interpreter logs maintained in each jurisdiction;
- Staff court interpreter reports, telephone interpreting service invoices and written requests for LOTS (languages other than Spanish) interpreters;
- Information submitted to a database by local jurisdictions;
- Surveys of local districts;
- Centralized statewide calendars;
- Fiscal expenditure reports;
- Appointment, request for services and/or payment, and time sheet;
- Official request forms for interpreting and translating services;
- The court interpreter program developed a request for payment form which is completed by interpreter and court staff after each interpreting event. The form contains a box for each of the data items to be collected mentioned above;
- Language interpreter center; and quarterly reimbursement forms from counties for eligible interpreter services.

In a related question, the assessment asked respondents to identify from a list all of the types of data they collect, analyze and/or use. The top data included the language used, the total cost for the interpreted event, and the date of the interpreted event. Respondents also collect information on the name of the interpreter, the location of the interpreted event, the case number and name, the party or court who requested the interpreter, and travel related expenses including mileage. (See Figure 7.)

Figure 7. Types of Data Collected

What data related to language access services are collected, analyzed, and/or used by you?
Check all that apply.



The assessment asked respondents to provide specific examples of other data, which was not provided on the list. Respondents provided additional types of data that they collect, analyze and/or use, including:

- Proficiency level of interpreter;
- LEP individual who needs the service, (i.e., juvenile, parent, defendant, witness);
- At the state level, we collect the number of events and languages by select categories, as well as the state funds expended for court interpreting services;
- Certification/registration status, employment status, and event type;
- Type of court/proceeding;
- Hours of interpreter use (certified and non-certified); and
- Type of case.

Interpreter Credentialing and Related Issues

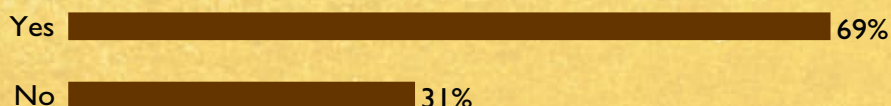
Next, the assessment asked respondents a series of questions relating to credentialing interpreters and to providing credentialed interpreters throughout their jurisdictions in rural areas and for less commonly encountered languages. As shown below in Figure 8, over 80% of the jurisdictions responding to the survey credential interpreters. Out of those jurisdictions, over 68% categorize interpreters based on test scores into different levels of qualification, such as “qualified,” “registered,” “master,” etc. (See Figure 9.)

Interpreter Credentialing and Qualification

Figure 8. Does your jurisdiction credential interpreters?



Figure 9. Does your jurisdiction categorize interpreters based on test scores into different levels of qualification (such as qualified, registered, master, etc.)?



The states were then asked two follow-up questions on challenging circumstances related to providing credentialed interpreters. The states were asked whether their credentialed interpreters provide telephonic interpreting to other courts within their jurisdictions, for example in rural courts or harder to access areas within their jurisdiction. Seventy eight percent (78%) of respondents stated that their credentialed interpreters provide telephonic interpreting to other courts within their jurisdiction.

Figure 10. Using Credentialed Interpreters Telephonically

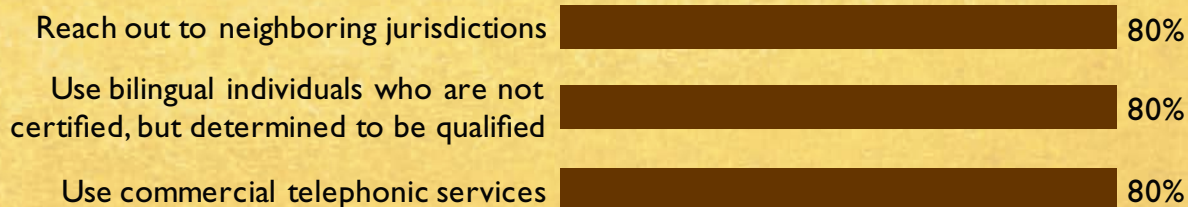
Do your credentialed interpreters provide telephonic interpreting to other courts (for example, rural courts) within your jurisdiction?



The assessment then asked how jurisdictions address needs for less commonly encountered languages. Respondents answered that they use commercial telephonic services, and they reach out to neighboring jurisdictions. Additionally, in those situations, they may employ bilingual individuals who are not certified, but are determined to be qualified.

Figure 11. Addressing Less Frequently Needed Languages

How does your jurisdiction address language access needs for court users in less commonly encountered languages? Check all that apply.



Jurisdictions provided additional specific examples of how they address needs for less commonly encountered languages, such as:

- Use remote interpreting from another court within and/or outside the state;
- Solicit community members who speak target language to serve as interpreters;
- Use interpreters from other states, accessed through the Council of Language Access Coordinators listserv and/or other states' interpreter registries;
- Always try to provide an in-person interpreter;
- Use interpreter services agencies; and
- Recruit and train bilingual individuals.

Community Outreach

The assessment also asked respondents questions regarding their jurisdiction's community outreach efforts. Almost half of the respondents stated that their jurisdiction has an outreach program with entities working with LEP communities, such as churches and resettlement centers, to secure their assistance in publicizing language access services. (See Figure 12.)

Figure 12. Community Outreach

Does your jurisdiction have an outreach program to entities working with LEP communities to secure their assistance in publicizing language access services?



Over 61% of respondents replied that they have reached out to entities in the community that interact with LEP persons in order to seek their input on court policies and procedures related to language access services. (See Figure 13.)

Figure 13. Community Outreach

Have you reached out to entities in the community that interact with LEP persons to seek their input on court policies and procedures related to language access services?



Funding

Next, the assessment gathered information on the sources of funding for language access programs. Half of the respondents (50%) stated that funding for their language access program is provided by local governments for local courts. (See Figure 14.) The assessment then asked if funding is included in the judicial branch, specifically whether it is a separate line item in the budget. Thirty-eight percent (38%) replied that it is a separate line item in the judicial branch budget. However, 23% responded that funding is not included in the judicial branch budget. (See Figure 15.)

Funding

Figure 14. Is funding for the language access program provided by localities for local courts?

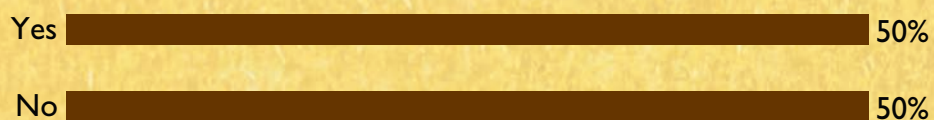


Figure 15. If funding is included in the judicial branch budget, is it a separate budget line item?



In the following question, the states were asked whether respondents have ever received grant funding for their language access programs. (See Figure 16.) Thirty-six percent (36%) replied affirmatively that they have received or are currently receiving grants for their programs. However, the majority of respondents, 64%, responded that they have never received grant funding.

Figure 16. Funding

Do you, now or in the past, receive grant funding for your language access program?



Chapter 2: The Summit



The Summit

On October 1-3, 2012, nearly 300 judicial leaders from 49 states, 3 territories and the District of Columbia gathered in Houston, Texas for the first National Summit on Language Access in the Courts. In doing so, they demonstrated their support for implementing language access services in their own jurisdictions, their commitment to justice, and their recognition that language barriers must be eliminated in order to promote access to justice in the courts. Throughout the Summit, judicial leaders identified the challenges faced in providing quality access services and then engaged in workshops to identify ways of meeting those challenges and creating solutions.



"We recognize that the courts, more than any governmental entity, have to provide interpreter services because it is fundamental to our core mission to resolve disputes peacefully and to protect individual rights."

Chief Judge Eric T. Washington in his welcoming remarks at the opening session.

The Summit kicked off with keynote addresses from several national figures who have made significant strides in the area of language access. The keynote speakers inspired the Summit participants to make the changes necessary to meet this challenge and provided participants with the framework to achieve their goals.

The Summit was designed not only to educate and provide vital information to the participants, but also to engage full active participation of each attendee in problem solving and creating action plans. The agenda was divided into three parts: 1) plenary sessions to provide essential background information; 2) workshops to promote the exchange of information and ideas; and 3) state team exercises to facilitate the identification of priorities and development of action plans. The complete agenda is attached as Appendix A. Resources and program materials relevant to each workshop can be found at www.ncsc.org.

Plenary Sessions

The Summit presented three plenary sessions during which national experts explained the importance of providing language access services, ways in which those services can be provided, and strategies for implementation thereof. In the first plenary session, *Understanding the Legal Context*, the presenters provided a broad overview of providing language access services under federal and state constitutions, laws and regulations. See Chapter 3, Action Step 8: Ensuring Compliance with Legal Requirements.

In the plenary entitled *Essential Components of a Language Access Plan (LAP)*, presenters described how a language access plan provides the framework for a jurisdiction to work towards access to justice through effective implementation of language access programs in the court. Presenters provided a roadmap of the components of an effective LAP, including setting realistic goals and expected outcomes, developing strategies to identify LEP persons, establishing methods of providing assistance, providing training to staff, providing notice to LEP persons on the availability of services, and monitoring the effectiveness of the provision of these services.

The third plenary session focused on *Remote Interpreting: A Business Solution*, which was an issue that the state respondents identified as a top priority. With technology growth, remote technology options have been improving and are becoming a viable option when in-court interpreting is not available. National experts explained how remote video interpreter services could provide a business solution to court challenges by meeting the dual goals of both improving the quality of interpretation services and controlling the costs of providing those services.

Workshops

After the plenary sessions provided important overview and context for the discussions to follow, the participants engaged in a series of break-out workshops. Attendees learned from national experts and engaged in in-depth discussions with their colleagues, exploring effective steps that states and territories have taken to provide language access services and analyzing potential solutions.

The design and scheduling of the workshops allowed state teams to divide up in order to participate in all of the workshops that would be beneficial to their states. Six workshops were scheduled for each time slot. For those topics that were identified as being of most interest to the states, the workshops were repeated so that participants had the opportunity to attend the sessions. This technique kept the size of the sessions small to allow for maximum interaction and participation.

The following workshops were presented at the Summit:

- Strengthening a Language Access Plan
- Collaborative Approaches
- Developing Interpreter Resources and Credentialing Program
- Addressing the Immigrations Status, Culture, and Language Connections in Planning
- Management of Remote Interpreting Technology
- Training Judges and Court Personnel
- Planning for Technology Projects
- Training Interpreters
- Translation of Documents
- Data Collection and Analysis
- Managing Interpreter Staff and Contractors
- Providing Services Outside of the Courtroom
- Funding and Authorization for Interpreter Programs



“[A]s a matter of the related fundamental right to access to the courts, the Boddie Court held, absent a countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard.”

Mr. Robert Peck, President of the Center for Constitutional Litigation, summarizing his review of constitutional case law and Title VI of the Civil Rights Act of 1964.



Throughout the workshops, participants explored a wide range of topics and priority areas, from examining the application of language access plans in their own court systems to exploring training strategies and new technology available. Below is a summary of the highlights of the workshops.

Language Access Plans

The participants engaged in a round table discussion in the *Strengthening a Language Access Plan* workshop, during which they discussed the specific components of an LAP. They received immediate feedback on implementing plans in their own jurisdictions and input on strengthening existing plans. In the workshop titled, *Addressing the Immigration Status, Culture, and Language Connections in Planning*, panel members illustrated how understanding the magnitude, sources, and complexity of the language assistance needs in state courts across the nation requires increasing knowledge about not only the particular languages of their LEP population but also the immigration status and cultural composition. The panel identified techniques, tools, and resources for addressing the immigration status/culture/language nexus in LEP assistance planning.

Training (Court Personnel and Stakeholders) and Management Issues

The Summit presented several workshops regarding training on language access. In the *Training Judges and Court Personnel* workshop, panelists focused on the importance of training on language access, cultural competency, and all aspects of compliance with LAP plans. The presenters shared effective approaches for training of judges, court staff, and other stakeholders. They explained that while training is needed for judges and court administrators, training is important for staff at all levels within the courts, and for attorneys, law students, as well as other justice partners.

On a related topic, the Summit included a workshop on *Managing Interpreter Staff and Contractors*. This workshop focused on managing interpreter staff and contractors, including calendaring and scheduling. The presenters discussed the processes for determining whether to use staff or contract interpreters and the differences between managing employees and contractors. Additionally, the speakers discussed best practices for an evaluation process, responding to complaints, and employing disciplinary procedures.

Training and Credentialing Interpreters

The Summit also presented a workshop on the fundamentals of *Training Interpreters*. Presenters shared recommendations and best practices for providing training and continuing education for interpreters, including external training programs, such as on-line training classes and partnerships with colleges and universities. The presenters also provided models for continuing education requirements and discussed the pros and cons of mandatory continuing education requirements.

In the *Developing Interpreter Resources and Credentialing Program* workshop, the discussion focused on program administration and management issues needed to ensure quality interpretation, including recruiting, training, and certifying court interpreters, particularly related to languages of lesser diffusion. The speakers discussed the importance of identifying qualified resources for court interpreting services.



Technology

In the *Management of Remote Interpreting Technology* workshop, panelists discussed policy issues and procedural changes that must be considered to implement remote interpreting, best practices for managing the use of technology, overcoming resistance to the use of remote technology, and training users and stakeholders on the use of technology. In a related session, the focus was on *Planning for Technology Projects*. The speakers discussed making the case for a technology project and how the initial investments in infrastructure can benefit in long-term savings, designing a project, conducting demonstration projects, preparing cost-benefit analyses, and obtaining project funding.

Providing Services Outside of the Courtroom

This workshop focused on *Interpreter Services Provided Outside of the Courtroom*, in the clerk's office, in hallways, and at court-ordered programs/services. The presenters discussed best practices related to public encounters, including courthouse signage and training staff on how to handle requests for language access services.

Translation of Documents

While much of the recent attention has been on court interpreter services, *Translation of Documents* is also a critical component of language access. The presenters and attendees shared the processes they used to standardize the forms and documents that were translated and to determine into which languages the standardized forms and documents were translated. The presenters also discussed policies, procedures, and shared best practices for responding to requests for the translation of other documents.

Monitoring and Data Collection

Another vital component of providing language services is *Data Collection and Analysis*. This workshop focused on the importance of how to determine what data to collect and how to use it to manage language access programs. Data collection is an essential tool in justifying funding for interpreter services and assessing future program needs.

“The presenters discussed the processes for determining whether to use staff or contract interpreters and the differences between managing employees and contractors.”

Regional and National Collaboration

Collaborative Approaches were explored for expanding interpreter resources for the courts by working collaboratively with other entities or across jurisdictions to pool financial and staff resources and to share administrative responsibilities.

Funding

The presenters shared strategies for *Funding and Authorization for Interpreter Programs* for securing resources to support language access services and programs and metrics for determining projected costs for providing language access services.

Team Exercises: Identifying Priorities and Developing Action Plans

In the team exercise component of the Summit, participants from each jurisdiction met as a team to develop Action Plans. They participated in state team exercises to identify priority areas and steps that they will take to improve language access services in their own courts. Attendees developed action plans identifying specific steps to ensure meaningful access to timely, quality language assistance to LEP persons who come into contact with their states' courts.

First, participants identified the priorities that were most needed to provide quality language access services to LEP persons in their jurisdictions. Then, they identified specific action steps they would implement in their jurisdictions. After identifying the priorities and developing action plans, participants identified the entity or individual responsible for execution, potential barriers, potential solutions and completion dates by which they would address each of their priorities. The most common priority areas, along with the number of states identifying an individual priority, are shown in the adjacent table.

PRIORITY AREAS

Training Judges, Clerks and Interpreters	40
Identifying the Need for Language Access Services	33
Utilizing Remote Interpreting Technology	29
Oversight & Establishing Language Access Plans	28
Translating Forms and Documents	25
Providing Notification on Provision of Services/Signage	24
Exploring Funding Strategies	16
Monitoring/Evaluating the Program & Interpreters	13
Ensuring Qualified Interpreters & Certification	12
Reviewing Compliance with Legal Requirements	7

Additional Priorities Mentioned:

- Collaborating to Increase Resources
- Hiring Bilingual Employees/Staffing
- Establishing National Certification Guidelines
- Providing Services Outside the Courtroom

Chapter 3: Action Steps



Action Steps

A Road Map to a Successful Language Access Program

This chapter serves as a road map consisting of nine Action Steps, which states can use as a guide to implement or improve their language access programs. The nine Action Steps presented below and detailed in this chapter have been developed based on the priority areas and intended action plans articulated by the state delegates during the “State Team Exercise” workshops at the Summit. Court leaders at the Summit identified these areas as the most important priorities in moving forward to improve their language access services. During the team exercises and workshops, states shared their successful strategies, evidence-based practices, and priority areas. In the previous chapter of this report, the “Priority Areas” are listed, along with the frequency with which states reference the area as a priority. By using both states’ successful practices as well as national standards as a guide, we have formulated strategies to pursue greater consistency across the country on policies related to interpretation in state courts.

ACTION STEPS:

Step 1: Identifying the Need for Language Assistance

Establish data collection and analysis procedures to assist with the identification of need for language assistance at all points of contact.

Step 2: Establishing and Maintaining Oversight

Establish oversight over language access programs through the development of a state or district language access plan, creation of an oversight body, and/or creation of a language access coordinator position.

Step 3: Implementing Monitoring Procedures

Implement procedures for monitoring and evaluating language assistance services.

Step 4: Training and Educating Court Staff and Stakeholders

Establish programs to train courts, justice partners, and stakeholders on language access services, requirements, and mandates.

Step 5: Training and Certifying Interpreters

Develop procedures to enhance the availability of qualified interpreters and bilingual specialists through recruitment, training, credentialing, and utilization efforts.

Step 6: Enhancing Collaboration and Information Sharing

Establish procedures to enhance the sharing of information and resources on national and regional levels.

Step 7: Utilizing Remote Interpreting Technology

Utilize Remote Interpreting Technology to fulfill LEP needs and ensure quality services.

Step 8: Ensuring Compliance with Legal Requirements

Amend procedural rules to ensure compliance with legal requirements.

Step 9: Exploring Strategies to Obtain Funding

Develop and implement strategies to secure short-term and long-term funding for language access services.

Action Step I: Identifying the Need for Language Assistance

Establish data collection and analysis procedures to assist with the identification of need for language assistance at all points of contact.

As part of the state planning exercises, thirty-three states and territories at the Summit noted the importance of establishing or improving procedures for identifying the need for language assistance. Action Plans included steps for using demographic information to assist with forecasting potential language needs as part of the LAP development process, as well as establishing data collection and analysis protocols and systems to review actual language use and services in the courts. Additionally, states highlighted the need to refine processes for court staff and justice partners to identify the need for language assistance at different points of court contact, and to establish ways in which court users can self-identify as LEP.



Identifying Potential Need for Language Assistance in the Courts

To assist with the development and implementation of a comprehensive LAP, it is fundamental to assess both actual need and potential need for language assistance in the courts. Utilizing county-level and statewide demographic data can assist states with planning for anticipated or potential services. Demographic data may illustrate trends in growth or decline of specific language groups, which can assist states with planning efforts, such as possible recruitment and training of interpreters or bilingual staff in particular languages, and the development of translated materials or signage.

States can utilize various data sources to assess potential need for language assistance, including the following:

- Demographic data provided by the U.S. Census Bureau and American Community Survey;
- Information provided through national surveys, such as those conducted by the Migration Policy Institute;²
- Information provided by state and county community partners and governmental agencies, such as the Department of Health, the Department of Education, and community agencies serving immigrant and refugee populations; and
- State-wide or county-level surveys of court staff and justice partners.

Processes for Identification of Need at All Points of Contact

To ensure that language services are provided and to improve overall analysis of need, courts should look at processes to enhance their ability to identify the need for services at all points of contact in the court. Protocols for identification addressing all courtroom locations, as well as points outside of the courtroom, such as clerk counters, self-help centers, and information desks would greatly enhance the courts' ability to

² For more information on the Migration Policy Institute, see: <http://www.migrationpolicy.org>

identify language services needs. As some states noted during the action planning process, it is particularly important to create protocols to assist the early identification of language need. To do so may require collaboration with law enforcement, legal counsel, or other justice partners, all of which may encounter an LEP individual prior to court involvement.

One approach for identifying the specific need for language assistance is through the use of “I Speak” cards in which court users can point to the language they speak. Use of telephonic language services can help with identification of the language services needed. A voir dire process may also be used in later stages of a court event. During the voir dire, a judge may use a specific line of questioning (often provided in bench cards) to assess a court user’s command of English. Additionally, states can encourage LEP court users to self-identify by explaining language services through multilingual pamphlets, posters, and online materials.

Data Collection and Analysis of Language Services Provided

In addition to identifying the need for language assistance, states should also focus on tracking actual use of language services inside and outside of courtroom events. Many court systems use case management systems to track court records and case-specific information. To monitor the provision of language services, courts may choose to incorporate language-specific fields in case management systems to track requests for an interpreter or translated material.



Information to be tracked may include the following:

- Language requested/needed;
- Type of proceeding or event;
- Length of proceeding or event;
- Location of event (county, specific court or justice partner location, and/or specific point of contact inside court); and
- Services provided (interpreter, bilingual staff, telephonic assistance, translated material).

As noted above, to fully identify the provision of language services, states may choose to collaborate with justice partners, such as law enforcement, court-appointed counsel, and other community-based programs that may serve LEP court users, such as domestic violence agencies and child protective services. Courts may also track data affiliated with vendor-provided services, such as telephonic interpreting services provided by an outside entity. Because population demographics can shift at both state and county levels, processes should be put in place

to continually analyze data for language use and services provided in the court. The analysis of data on an ongoing basis can assist courts with the evaluation of their LAP and can contribute to the improvement of services provided.

Summit Highlights: Individual State Action Steps

- A number of state teams at the Summit included action steps focused on improving data collection methods for identifying the need for language assistance.
- Several teams noted plans to distribute surveys to judges, attorneys, and court staff to identify need, as well as to record existing services.
- States highlighted the need to define data elements and enhance case management systems to capture language assistance needs and services provided.
- Some states noted a desire to improve systems through coding, flagging, or other means to improve early identification of need.
- One state included a plan to work with community organizations to conduct a demographic assessment of language trends.



Action Step 2: Establishing and Maintaining Oversight

Establish oversight over language access programs through the development of a state or district language access plan, creation of an oversight body, and/or creation of a language access coordinator position.

Many states and jurisdictions at the Summit highlighted the importance of establishing oversight over language access services provided in courts, noting this as a fundamental component to ensuring effective language access.³ To establish oversight, a number of Action Steps were detailed, including the development of a state Language Access Plan, the revision or updating of existing plans, the creation of an oversight committee, and the establishment of a language access coordinator position. Language Access Plans for individual courts can also be helpful in promoting enhancement of language access services by those courts.



Developing a Language Access Plan

A Language Access Plan provides internal and external audiences with documented procedures and policies intended to establish or improve meaningful access for LEP court users. The plan should provide a strategic framework with realistic goals and outcomes.

During the development stage, there are a number of important factors that need to be considered to ensure the creation of a useful plan for providing language assistance for LEP court users. Some considerations that may assist the development include the following:

- **Determination of state-wide or jurisdiction-wide needs** - To determine needs, states may choose to conduct a “four-factor analysis,” which includes (1) the identification of a prospective number of LEP court users in specific languages; (2) consideration of frequency of contact for LEP court users in various court settings and events; (3) an assessment of the nature and criticality of a specific court activity or event; and (4) the identification of resources available and all corresponding costs.⁴
- **Identification of key stakeholders and collaborative partners** - To ensure that the LAP meets the needs of prospective LEP court users, key stakeholders and collaborative partners such as judges, attorneys, interpreters, court management, justice partners, and representatives from community organizations serving the LEP public may be invited to participate in the plan’s development.
- **Assessment of resources needed to develop the LAP** - In addition to identifying resources needed to implement plan goals, it is essential to identify resources needed for the development stage, which may include allocating staff and funding resources for meetings and the development of materials.

³ At the Summit, twenty-eight of the states and territories emphasized the importance of strong oversight over their language assistance program. Oversight was the number one priority for fourteen states and the number two priority for another five states.

⁴ For more information on the “four-factor analysis,” see: <http://www.lep.gov/faqs/faqs.html>.

Key Components of a Language Access Plan

As noted above, a LAP must include realistic goals and expected outcomes. Information included should outline specific policies and processes to provide meaningful services to LEP court users.⁵ Key components include, but are not limited to, the following:

- The process for identifying court users in need of language assistance, including a description of how data is routinely collected and analyzed;
- The various language services to be provided, such as signage, translation, interpreters, and bilingual staff;
- A description of initial and ongoing training efforts for judges, court staff, and justice partners;
- Procedures for notifying LEP court users of available services;
- Ongoing processes for monitoring and evaluating services and updating the LAP accordingly;
- Information on the position or program charged with implementation and management of the LAP;
- Information on the stakeholders and collaborative partners involved in development and oversight;
- Timelines, objectives, and milestones;
- Description of staff and funding resources needed for initial implementation and for ongoing management; and
- Identification of issues and/or obstacles and strategies to address these.

Establishment of Oversight Bodies

States may choose to establish a Language Access Office, a specific language access coordinator position, and/or a committee comprised of key stakeholders in order to provide oversight during the development and implementation of a LAP, and also to monitor and evaluate ongoing language services in accordance with the LAP.

A Language Access Office and language access coordinator may assist with statewide coordination of services, facilitating the development, communication, and monitoring of language access policies and procedures. Additionally, a centralized office could manage the outreach, credentialing, and evaluation of interpreters and bilingual staff. Language access coordinators supporting individual courts and/or county-wide, working in collaboration with the statewide Language Access Office, may also be helpful in implementing language access programs.

Stakeholders such as judges, attorneys, court management, interpreters, justice partners, and representatives of community organizations may be asked to serve on a permanent or temporary advisory committee or working group to provide additional oversight. These stakeholders can provide insight on necessary language access services, and they can assist with the development of rules and policies.

⁵ See Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs, (May 2011), U.S. Department of Justice, Civil Rights Division. http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

Summit Highlights: Individual State Action Steps

- Several state teams at the Summit highlighted action steps pertaining to the establishment of oversight over language access services through the development or improvement of a LAP, and/or the establishment of an oversight body to create and monitor policies and procedures included in the LAP.
- Action plans focusing on the development of a LAP included specific steps detailing the need to convene stakeholders to assess LEP needs, review current standards, and develop guidance and policy.
- Some states identified updating and formalizing current LAPs as an action step. For these state teams, focus was placed on updating data and obtaining approval from various parties, such as the Supreme Court, Judicial Council, or appointed committees.
- The engagement of stakeholders in standing committees or working groups was noted as a key action item by a number of states.
- Additionally, one state team outlined the need to establish a language access coordinator position and stated that funding would be requested of the legislature to support this need.

Action Step 3: Implementing Monitoring Procedures

Implement procedures for monitoring and evaluating language assistance services.

A number of states and territories created action steps focused on the creation of procedures for monitoring and evaluating language access services. States noted the importance of monitoring the effectiveness of the overall LAP to ensure services meet the needs of the LEP court users. State teams also highlighted steps to evaluate the quality of services performed by language assistance professionals, such as bilingual staff and interpreters. Additionally, there was mention of establishing processes for LEP court users to provide feedback on services received.



Monitoring Program Effectiveness

An integral component of developing a language access program and a LAP is the establishment of procedures to monitor the overall effectiveness of services provided. Creating procedures to evaluate program services will ensure that LEP court user needs are being met and that courts are in compliance with statewide policies and mandates. Monitoring the effectiveness of program aspects will also allow state courts to continually revise their LAPs and associated services. An ongoing evaluation of services may illustrate needed changes based on shifts in language demographics or changes in court activity, such as an increase or decline of LEP court users at a particular point of contact in the court.

To monitor the effectiveness of a language access program, courts may choose to implement one or more of the following procedures:

- Ongoing evaluation of data pertaining to language access services (languages requested, type of event, type of services needed, and costs associated with services provided);
- Surveys of court staff and language professionals (interpreters and bilingual staff);
- Review of services provided through external vendors (telephonic interpreting companies or translation services); and
- Use of observation checklists in order to identify court use of multilingual signage and translated forms, and to monitor staff compliance with procedures.

Evaluating Quality of Service

The provision of language services is dependent on the use of qualified individuals to provide assistance through interpretation, bilingual communication, and the translation of documents. While many states have policies in place to utilize individuals with recognized credentials, courts may benefit by also having an established process for monitoring and evaluating the quality of service provided by language professionals.

An evaluation process can assist courts with monitoring issues related to competency and language skill, as well as issues related to conduct or ethics.

Because language professionals may work in a number of different counties or courts, states may choose to monitor individuals on a statewide basis or through a centralized office. In developing procedures for the evaluation of individuals, states may want to consider the following options:

- Development of a statewide complaint and resolution process;
- Ongoing surveys of court staff;
- Ongoing surveys of LEP court users;
- Systematic retesting of individuals (either based on time intervals or in response to complaints);
- Observation process to evaluate live or recorded activities of interpreters and bilingual staff; and
- An established secondary review of all translated materials and multilingual signage.

Summit Highlights: Individual State Action Steps

- Action plans completed at the Summit illustrated that a number of state teams identified the need for ongoing monitoring of language services.
- States noted the importance of evaluating program aspects to ensure that services meet the needs of the LEP population, as well as evaluating the quality of service provided by interpreters and bilingual staff.
- Several states included action steps to explore processes for documenting and resolving customer complaints.
- Some states outlined the use of surveys to gather LEP court user feedback regarding language services.
- One state mentioned a review of Americans with Disabilities Act (ADA) grievance processes to assist with the development of a model process for LEP customers.



Action Step 4: Training and Educating Court Staff and Stakeholders

Establish programs to train courts, justice partners, and stakeholders on language access services, requirements, and mandates.

The need for education and training efforts on language access services and requirements was featured prominently in a number of state action plans. Seventy-five percent (75%) of the states and territories at the Summit identified action steps related to training. State teams highlighted the need for training on developed LAPs, language access best practices, and language access requirements and mandates.

Education and Training Topics

Education and training efforts are necessary components of any language access program. Coordinated training efforts can assist courts with understanding language access issues and promote statewide compliance with policies and procedures. Additionally, statewide training can help to ensure that standardized language services are provided across court locations.



To assist with the understanding of language access issues and the implementation of language access services, state teams pointed to several topic areas to be included in training and education efforts:

- Background of language access issues, including review of Title VI of the Civil Rights Act of 1964 and federal guidance;
- Review of state-specific LAP;
- Review of state policies and compliance requirements;
- Processes for identifying LEP court users;
- Use of various services (interpreters, bilingual staff, translated materials);
- Use of technology for language assistance (telephonic or video remote interpreting);
- Processes for the appointment of interpreters;
- Review of the role of interpreters; and
- Review of interpreter code of ethics.



Audiences for Training

The successful implementation of language access services requires participation by all court parties and many justice partners. Because LEP court users may need language assistance at various points of contact in the court, as well as at points of contact prior to court involvement, training and education of language services and related state policies will be beneficial to a wide range of participants, including the following:

- Judges and commissioners;
- Court management and staff;
- Attorneys;
- Interpreters;
- Justice partners;
- Community organizations serving LEP populations; and
- Language professionals (interpreters and bilingual staff).



Training Methods

A number of state teams included descriptive notes on the delivery of education and training efforts. Some states indicated the need for language access education to be incorporated in regular training sessions already required for judges and court staff. Other states focused on event-based training to be delivered at annual meetings, conferences, or summits. A few states also mentioned the use of video or online platforms to provide training to various participants statewide.

Based on state team responses, the following training methods could be useful for courts as they plan the delivery of educational material:

- Inclusion of language access issues in mandatory trainings for judges and court staff;
- Training provided at annual meetings or conferences;
- Training provided at state-wide summits on language access;
- Training of attorneys provided in collaboration with bar associations;
- Partnerships with institutions of higher education to develop and deliver trainings;

- Inclusion of language access issues in continuing education programs for interpreters, judges, and attorneys;
- Development of bench cards specific to language access issues; and
- Development of online or video remote trainings.

Summit Highlights: Individual State Action Steps

- A majority of state teams identified the need for education and training regarding language access issues, policies, and best practices.
- A number of states noted the importance of including language access policies and practices in mandatory judicial trainings.
- Some states mentioned partnering with other organizations, such as state, local, and specialty bar associations, community-based agencies, and institutions of higher education to assist with trainings.
- Several states indicated plans to develop bench cards related to language access best practices and procedures.
- A few states outlined plans for the development of online or video training materials.
- Two states described plans for state summits to provide educational information on language access and state LAPs.



Action Step 5: Training and Certifying Interpreters

Develop procedures to enhance the availability of qualified interpreters and bilingual specialists through recruitment, training, credentialing, and utilization efforts.

As states develop and implement language access programs, there is growing acknowledgement that an increasing need for services requires the development and efficient use of a cadre of qualified language professionals. State action plans outlined several efforts to assist with building such a corps, including the establishment of recruitment and training programs for interpreter candidates, interpreters, and bilingual staff; the development of credentialing programs to ensure qualified interpreters; and the creation of efficiencies to best utilize the existing supply of interpreters.

Recruitment

To meet the demands of growing LEP populations, some state teams outlined Action Steps to recruit additional interpreters and bilingual specialists. Recruitment efforts focused on public outreach campaigns, as well as partnership approaches to attract students and language professionals in other fields to the profession of court interpretation. Specific recruitment strategies detailed in state team action plans included the following:

- Develop marketing materials to attract interpreter candidates;
- Target recruitment efforts at students by establishing relationships with language departments at local universities; and
- Target recruitment efforts at language professionals within other organizations, such as hospitals, schools, and community agencies.

Training

In addition to recruitment efforts, many states also detailed Action Steps to further develop interpreters and bilingual staff through comprehensive training programs. Some states focused plans on training interpreter candidates prior to certification or credentialing in an effort to increase the overall pool of qualified language professionals. Specific strategies for training prospective interpreters varied among states, with some state courts hosting statewide training programs, while others planned to partner with local universities to provide classes for interpreter candidates.

While a number of states geared training efforts towards the development of prospective interpreters, other states noted the need for continuing education and training for interpreters and bilingual staff already working. For these states, action plans outlined continuing education efforts to improve and enhance the knowledge and skills of language professionals on an ongoing basis. Courses described in the action plans included continued training on legal concepts and instruction on local idioms.



Credentialing

As stated in the Conference of State Court Administrators' *White Paper on Court Interpretation: Fundamental to Access to Justice*, "Court interpretation is a highly specialized, and particularly demanding form of interpreting.

Not only are court interactions at a significantly higher level of difficulty than conversational language, but they also require a familiarity with legal terminology and procedure and with the cultural context impacting the parties in both proceedings.”⁶ To ensure the use of individuals with the above-noted complex knowledge, skills, and abilities needed for court interpretation, many states have adopted some form of standardized assessment procedures for the credentialing of state court interpreters. States may choose to use various levels of credentialing based on interpreter competency, such as certified, registered, or provisionally qualified status.



Additionally, a substantial number of states also require the completion of orientation courses and continuing education classes to obtain and maintain court interpreter credentials.

Although many states already have established credentialing programs, a few state teams at the Summit focused on the need for developing or improving their state credentialing procedures for court interpreters. Action Steps included the following:

- Development of minimum qualifications for court interpreters;
- Development of a tiered system for various levels of qualifications;
- Establishment of a state-wide registry of credentialed interpreters; and
- Implementation of continuing education requirements for the maintenance of credentials.

With states focusing on providing language assistance at all points of contact in the court, there is an increased interest in the use of bilingual staff or volunteers to serve in appropriate areas, such as front counters or at information kiosks. As a result, states may look at implementing programs to assess the competency of bilingual individuals serving as bilingual staff or volunteers.

Efficient Utilization

Recruitment, training, and credentialing are all fundamental processes for the development of a cadre of qualified interpreters and bilingual specialists. However, given the increasing demands for language assistance, as well as the complex skills needed for the provision of quality language services, states are often faced with a significant shortage of qualified individuals to provide the level of services needed in the courts. Therefore, some states are not only looking at attracting and developing more interpreters, but also at utilizing the existing roster in a more efficient manner.

⁶ White Paper on Court Interpretation: Fundamental to Access to Justice, Conference of State Court Administrators, at 5 (Adopted November 2007).

To foster the efficient utilization of interpreters and bilingual specialists, state teams highlighted efforts to improve the scheduling and management of interpreter resources at both statewide and national levels. Action Steps regarding the efficient utilization of interpreters and bilingual staff included the following:

- Improve court calendaring systems to schedule language interpreters in blocks;
- Educate scheduling staff, such as court clerks, on appropriate use of interpreters or bilingual staff;
- Identify bilingual staff for appropriate use;
- Partner with other organizations, such as justice partners, hospitals, schools, and community agencies to share interpreter resources;
- Explore use of interpreters from other state rosters;
- Explore reciprocity procedures to promote shared interpreter resources, locally, regionally and nationally; and
- Explore using remote interpretation technology, including telephone and video, to help address courts' interpreter needs, where appropriate.

Summit Highlights: Individual State Action Steps

- State action plans highlighted the need to increase the availability of qualified language professionals through recruitment, training, credentialing, and efficient utilization efforts.
- Some states noted the importance of recruitment as a preliminary step to attract interpreter candidates and bilingual individuals to the profession of interpretation.
- Recruitment efforts included marketing to broad audiences, as well as targeting messages to students of language programs or bilingual professionals in other fields.
- A number of states focused action plans on training prospective interpreters, so as to develop a corps of qualified language providers.
- Some states directed action steps to ensuring the quality of interpreters through ongoing continuing education courses.
- Some states will develop and implement their own trainings, while other states plan to partner with institutions of higher education.
- One state will seek grant funding to support training initiatives.
- A number of states noted action steps involving the creation or improvement of state credentialing programs.
- One state mentioned plans to require interpreters to pass oral interpreting exams developed by the National Center for State Courts.
- Another state noted the need to expand testing opportunities as a means of obtaining more interpreters.
- To assess the skills of bilingual individuals, one state created an action step to begin utilizing oral proficiency assessments.
- A number of states pointed to utilization efficiencies as a means to improve the availability of interpreters and bilingual staff.
- Several states highlighted efforts to improve calendaring or scheduling of interpreters to more efficiently use limited resources.

Action Step 6: Enhancing Collaboration and Information Sharing

Establish procedures to enhance the sharing of information and resources on national and regional levels.

Throughout the action plans, state teams noted the need to collaborate with other partners as a means of gathering information, obtaining different expertise, and sharing resources. For example, a number of states mentioned plans to partner with state justice partners, schools, and community organizations on initiatives such as training or data collection. Other state plans indicated steps to share developed resources, such as translated materials or signage, at a statewide level. Additionally, some states pointed to efforts to maximize limited resources through sharing interpreters with local or regional organizations. While many states focused on information and resource sharing at a statewide level, it may also be beneficial for states to consider national, regional, and state networks for sharing translated materials and signage and for pooling interpreter talent.

Sharing Translated Materials and Signage

Twenty-two of the states and territories at the Summit identified the need to develop signage and other materials to educate LEP persons and the general public of the right to language services, while twenty-five states and territories identified the translation of forms and documents as a priority. A number of states detailed plans to create standardized materials from which a template format could be developed at a national level and then customized for use at a local level. Sharing standardized forms or templates could potentially reduce costs for individual states by focusing spending on customization efforts only. Examples of materials for states to consider sharing at regional and national levels could include basic signage, brochures, web content, or videos on how to use an interpreter, as well as translated written text or pre-recorded audio advisement of rights.

Pooling Interpreter Resources

As noted earlier, there is an increasing demand for language services, but a limited supply of qualified individuals available to provide interpretation or bilingual assistance. To maximize resources, some states are looking to share interpreters or bilingual specialists with other organizations or states. At the local level, states may choose to draw from a pool of interpreters providing in-person services in various settings, such as hospitals, government agencies, and community organizations. At the regional or national level, states may begin to share interpreter resources with the assistance of remote technology. Interpreter sharing through remote technology can help state courts appoint qualified individuals who may not be available in person, and it can expand available job opportunities for language professionals, which can be particularly helpful in keeping interpreters of less frequently-used languages engaged in the profession.



Summit Highlights: Individual State Action Steps

- A number of state action plans included collaborative initiatives with justice partners, community organizations, and schools.
- Some states highlighted plans to share translated materials and signage among in-state court partners.
- States may benefit from sharing basic translated templates and other materials at the national level.
- A few states mentioned collaborative efforts to share interpreters with local partners, such as community agencies and schools.
- One action plan mentioned the creation of a national pool of qualified interpreters from which all states could draw.
- Some states pointed to the use of remote technology to assist with pooling interpreter resources.



Action Step 7: Utilizing Remote Interpreting Technology

Utilize Remote Interpreting Technology to fulfill LEP needs and ensure quality services.

The majority of the teams in attendance at the Summit indicated in their state action plans that remote interpreting is a priority. During the Summit, they learned how remote interpreting can serve the dual goal of limiting costs, primarily through savings in travel expenses, and improving quality. Perhaps one of the hottest topics at the Summit was video remote interpreter services (“VRI”). Attendees discussed at length the benefits of VRI and the myriad of options. Seven states indicated that they had successfully implemented VRI and wished to expand it; seven states were interested in utilizing VRI; and fifteen states were in the midst of exploring and evaluating it.

Remote Interpreting

With the influx of LEP individuals and the resultant growing demand for interpreter services,⁷ the use of technology in language interpretation to allow interpreters to be electronically present versus physically present has increased and evolved. Remote interpreting includes:⁸

- Audio or telephonic interpretation (use of standard telephone and landline);
- Specialized telephone equipment (use of telephone with mixer, integrated phone line, handset, headphone, touchtone telephone, and speakerphone);
- Voice over internet protocol (use of internet connection to make phone calls);
- Video conferencing;
- Video remote interpreting;
- Web-based applications (Skype); and
- Remote interpretation, translation software and automated interpreter software.



⁷Between 1990 and 2010, the number of limited English proficient or LEP individuals in the United States grew by 80%, representing 25.2 million persons, or 9% of the total US population. Migration Policy Institute, LEP Data Brief, at 3.

⁸White Paper on Court Interpretation: Fundamental to Access to Justice, Conference of State Court Administrators, Adopted November 2007.

Preliminary and Ongoing Analysis and Considerations

Whether a telephone or an integrated video remote interpreting system is utilized, there are a number of criteria that must be met for the interpreter to be virtually present for the proceeding and in order for the LEP individual to have their day in court. Further, the first step before any determination is made whether to use remote interpreting is for a court to consult with their Information Technology (“IT”) department and to make them an integral part of the process. The IT department is critical to ascertaining whether currently existing equipment can be upgraded or supplemented, estimating associated costs, and determining whether equipment meets industry standards. Additional considerations/steps must be:

- Due Process (ensuring meaningful access to LEP individuals);
- Cost-benefit analysis (cost of on-site interpreting versus remote interpreting);
- Provider of services (staff or freelance interpreters under the court’s employ, freelance interpreters not under the court’s employ; commercial vendors; or a combination of the aforementioned);
- Development and notice to all court staff of policies, procedures, and protocols;
- Training of all court staff;
- Equipment placement;
- Room standards⁹; and
- Data collection and analysis.

Summit Highlights: Individual State Action Steps

- A majority of the participating states and territories reported that they are making it a priority to explore remote interpretation via telephonic or video conferencing in order to provide quality timely court interpretation.
- Seven states provided that they had successfully implemented VRI and wanted to expand.
- Seven states were interested in utilizing VRI.
- Fifteen states were exploring and evaluating VRI.
- Many states, particularly those providing court interpreter services in rural areas for languages rarely spoken in the area, are making plans to develop pilot programs and then, if successful, to incrementally expand remote interpretation throughout the jurisdiction.
- One state plans to take steps to improve remote interpreting support to trial courts and to seek grant funds to help pay for it.
- One state plans to enter into a statewide contract with a vendor to provide remote interpreting to the local courts.

⁹ Canadian network for inclusive cultural exchange-Remote real-time ASL interpretation guidelines.
<http://cnice.idrc.ocad.ca/finalreport.php>

National Initiatives: Shared National Court Video Interpreter Network

At the Summit, the National Center for State Courts reported that it was exploring the feasibility of a shared national court video interpreter network among state courts. NCSC detailed in its interim project report the method by which it was dedicating resources to establish policy, business and technical best practices and in particular to develop business models for use of remote video interpreter services and technical standards or best practices for use of remote video interpreter services. Since the Summit took place, the project has moved swiftly. It has reported its findings and has made recommendations to the Language Access Advisory Committee.¹⁰ COSCA and CCJ unanimously approved resolutions in support of moving forward with targeted working groups.¹¹



The project found that there are key benefits to the courts' sharing a national court video interpreter network, namely quality, efficiency, and accountability. Sharing training and testing resources through the Council of Language Access Coordinators has provided states with consistent standards and access to resources which each state alone could not likely realize or at least not to the extent to which states have as a unified force. Centralizing access to interpreters across individual states and across the country through VRI and other mediums would allow individual courts to establish and maintain high standards for interpreters, without the time and expense of duplicating the efforts of other states.

With respect to efficiency, establishing national VRI standards for providers would diminish the administrative time spent by courts in locating and scheduling interpreters as well as paying for travel and accommodations.¹² It would also reduce the need for individual states to research and provide the technology and administrative services needed to meet their remote language access needs, while acknowledging the limitations on VRI services' usage. For example, one jurisdiction has determined that on average, VRI costs are approximately 1/10 the cost of providing in-person services and reimbursing for travel. Accountability is critical in the courts and the area of language access. Access to justice via language access to the courts is critical for ensuring accountability and public trust and confidence in the judiciary. In order for the courts to ensure accountability to our nation's diverse population, state courts must ensure language access to justice. Video remote interpreting will allow the courts to remove impediments such as expense, distance and the scarcity of the language from their goal to provide language access to all court users.

¹⁰ The Language Access Advisory Committee is a subcommittee of the Access, Fairness, Public Trust and Confidence joint committee of the Conferences of Chief Justices and State Court Administrators, responsible for promoting the availability of timely and high quality language access services by state courts, through the exchange and collaboration on strategies and best practices, and for working with National Center for State Courts' staff and the Council of Language Access Coordinators on court interpreter testing issues.

¹¹ In Support of a Language Access Advisory Committee Working Group on Video Remote Interpreting, Conference of Chief Justices, Adopted January 30, 2013. <http://ccj.ncsc.dni.us/AccessJusticeResols.html>

¹² Working groups are currently drafting these standards.

Action Step 8: Ensuring Compliance with Legal Requirements

Amend procedural rules to ensure compliance with legal requirements.

At the Summit, while states shared that they were making strides in providing language access services, they emphasized a focus on ensuring they were in compliance with legal requirements. When amending state statutes and procedural rules, there are three overarching considerations that guide state courts' obligation to provide LEP services to individuals: 1) constitutional due process requirements, 2) federal statutory and regulatory requirements, and 3) individual state constitutional, statutory, or court requirements.¹³

Constitutional Law – Due Process

While the U.S. Constitution does not expressly guarantee the right to an interpreter in criminal cases, courts have found that an interpreter is necessary to effectuate the guarantees of the Fifth, Sixth and Fourteenth Amendments' right to a fair trial, right to be present at trial, right to confrontation, right to effective assistance of counsel, and right to due process."¹⁴ On the other hand, in civil proceedings the constitutional right to an interpreter is less settled. Some state and federal cases have recognized that interpreters are necessary to ensure meaningful participation, however, courts have not uniformly held that civil litigants are entitled to an interpreter under the Constitution.¹⁵

Federal Statutory and Regulatory Requirements

In addition to the constitutional protections and any state statutes in effect, the obligation to provide language access services stems from the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq. (Title VI);¹⁶ Executive Order 12250; Executive Order 13166; Omnibus Crime Control and Safe Streets Act of 1968;¹⁷ and the Court Interpreters Act. Title VI of the Civil Rights Act of 1964 impacts the provision of language access services for courts that receive federal financial assistance to provide language access services, consistent with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.

Section 601 of Title VI provides, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."¹⁸ To be subject to Title VI, a program must constitute a "program" under Section 606 of Title VI, and also must receive federal financial assistance, which typically is construed as the receipt of grants or monetary awards.

¹³ Limited English Proficiency Requirements: The Legal Landscape: A Constitutional and Statutory Perspective, Michael L. Buenger, Esq. and Robert Peck, Esq. (October 2012). <http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/LA-Summit/Program/Plenary-Legal-Context.aspx>

¹⁴ American Bar Association Standards for Language Access in Courts, February 2012 (Resolution 113), p. 15.

¹⁵ Id. at 16.

¹⁶ Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq. (Title VI).

¹⁷ Omnibus Crime Control and Safe Streets Act of 1968 (Pub. L. 90-351, 82 Stat. 197, 42 U.S.C. § 3711).

¹⁸ Title VI § 601.

Four-Factor Test

In 2002, the United States Department of Justice (US DOJ) issued guidance in assessing a recipient's compliance with Title VI's prohibitions.¹⁹ Obligations on recipients of federal assistance flow from a four-factor test, as follows:

1. The number or proportion of LEP persons served or encountered in the eligible service population;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program; and
4. The resources available to the recipient and costs.²⁰

Summit Highlights: Individual State Action Steps

- A number of state action plans highlighted the need for review of court policies, documentation and process focusing on legal obligations related to language access. One state's action plan included convening an inter-agency committee on developing and sharing resources related to legal obligations.
- Several states noted plans to convene educational programs focusing on legal requirements in bench books for judges.



¹⁹ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41, 455 (June 18, 2002).

²⁰ Id. at 455. See also Action Step 2.

Action Step 9: Exploring Strategies to Obtain Funding

Develop and implement strategies to secure short-term and long-term funding for language access services.



Of the participating state teams at the Summit, sixteen states and territories identified funding as a priority and difficulties in obtaining sufficient funding for language access services as a major impediment to enhancing their language access services. Action plans included steps to secure long-term and short-term funding sources. Some states focused on funding for specific projects, while others identified the need for ongoing funding sources for operations. Strategies to obtain additional funding varied based on need. Many states mentioned the use of grants for short-term projects or one-time events, while states in need of ongoing funds noted a need for legislative support.

Short-term Funding Needs

State action plans outlined various funding requirements, with some states needing additional funds to support one-time initiatives, such as the development of materials or the implementation of technology solutions. Examples included funding for the development of training programs, the creation of translated materials, or the purchasing of equipment for remote interpreting. For such initiatives, many courts mentioned seeking and obtaining grants to support costs.

While grants can be excellent sources of funding to assist with the development or implementation of program aspects, it should be noted that there are limited grant resources available for language access services, and seeking and managing grant funding can be a competitive and time-consuming process. In preparing for obtaining and managing grant funding, states may want to consider a number of action steps, including the following:

- Monitoring grant opportunities and associated deadlines on an ongoing basis;
- Compiling data and background information on the language assistance program and initiatives to use for grant applications;
- Allocating staff resources for grant writing process;
- Identifying collaborative opportunities, such as partnering with other community agencies or states on grant applications; and
- Securing resources for grant management.

Long-term Funding Needs

Long-term funding needs were identified by many states in their action plans. For these states, budget adjustments are needed to assist with ongoing expenditures associated with providing and expanding language assistance services. Examples of ongoing expenditures included the payment of interpreters (both staff and freelance), the creation of a language access coordinator position, and the use of ongoing telephonic interpreting. For operational efforts, state action plans identified the need to obtain legislative support and long-term funding augmentation.

States seeking long-term funding solutions face challenges due to statewide budget constraints, as well as competing interests. To assist with proposing ongoing budget augmentations, states may want to consider the following strategies:

- Utilize data to project need for ongoing language assistance services;
- Outline state mandates and federal guidance to support the need for budget adjustments;
- Garner stakeholder support for increased budget; and
- Work with appropriate staff in the legislature and governor's office in support of budget augmentation for court interpreter services.

Summit Highlights: Individual State Action Steps

- Funding was identified as an issue by a number of state teams at the Summit.
- States outlined needs for funding assistance for both long-term and short-term initiatives.
- A number of states included action steps to seek grant support for projects and programs.
- Several states mentioned the need for legislative support to fund expansion efforts and to pay for ongoing interpreter services.
- One state mentioned the need for funds to support the certification of interpreters.

Appendix Section

Language
Access Plans

Data Collection
and Monitoring

Funding
Strategies

Training

Remote
Interpreting

Credentialing
Programs

Outreach
Efforts



AGENDA

Monday – October 1, 2012

- | | |
|-------------------|---|
| 1:00 PM – 6:00 PM | Registration (Plaza Foyer, 3 rd Floor) |
| 4:30 PM – 6:30 PM | Information Fair (Plaza Foyer, 3 rd Floor) |
| 5:30 PM – 5:45 PM | Welcome and Opening Remarks (Plaza Ballroom, 3 rd Floor) <ul style="list-style-type: none">• Hon. Eric T. Washington, Co-Chair CCJ/COSCA Access, Fairness, and Public Trust Committee• Hon. Patricia W. Griffin, Co-Chair CCJ/COSCA Access, Fairness, and Public Trust Committee• Mr. Jonathan Mattiello, Executive Director, State Justice Institute |
| 5:45 PM – 6:15 PM | Keynote Address: (Plaza Ballroom) <ul style="list-style-type: none">• Hon. Wallace B. Jefferson, Chief Justice, Supreme Court of Texas• Hon. Edward C. Prado, Judge, United States Court of Appeals for the Fifth Circuit |
| 6:30 PM – 7:30 PM | Networking Reception (Monarch Room, 24 th Floor) |

Tuesday – October 2, 2012

- | | |
|--------------------|---|
| 7:00 AM – 5:00 PM | Registration (Plaza Foyer, 3 rd Floor) |
| 8:00 AM – 4:00 PM | Information Fair (Plaza Foyer, 3 rd Floor) |
| 7:30 AM – 8:30 AM | Continental Breakfast (Plaza Ballroom, 3 rd Floor) |
| 8:30 AM – 8:45 AM | Welcome (Plaza Ballroom) <ul style="list-style-type: none">• Ms. Mary Campbell McQueen, President, National Center for State Courts |
| 8:45 AM – 10:00 AM | Plenary Session: <i>Understanding the Legal Context</i> (Plaza Ballroom) <ul style="list-style-type: none">• Moderator: Hon. Eric T. Washington, Chief Judge District of Columbia Court of Appeals• Mr. Michael Buenger, Senior Counsel, National Center for State Courts• Mr. Robert S. Peck, President, Center for Constitutional Litigation, PC |

- 10:00 AM – 11:00 AM **Plenary Session: *Components of a Language Access Plan*** (Plaza Ballroom)
- Moderator: Hon. Patricia W. Griffin, State Court Administrator, Delaware Administrative Office of the Courts
 - Mr. Paul F. DeLosh, Director of the Department of Judicial Services, Office of the Executive Secretary of the Supreme Court of Virginia
 - Hon. Maria Kahn, Superior Court Judge, Fairfield Judicial District, State of Connecticut
 - Ms. Mindy Macias, Director of Human Resources, State Court Administrator's Office, Colorado Judicial Department
- 11:00 AM – 12:15 PM **Plenary Session: *Remote Interpreting: A Business Solution*** (Plaza Ballroom)
- Moderator/Speaker: Dr. Thomas M. Clarke, Vice President of Research and Technology, National Center for State Courts
 - Ms. Sheryl Connolly, Trial Court Services Director, Nebraska Administrative Office of the Courts
 - Mr. Ervin Dimeny, Court Interpreting Services Manager, Kentucky Administrative Office of the Courts
 - Hon. Vanessa M. Dickson, Chief District Judge, 14th Judicial District of Kentucky, Bourbon, Scott, and Woodford Counties
 - Hon. Patrick R. McDermott, County Judge, 5th Judicial Circuit of Nebraska
- 12:15 PM – 1:30 PM **Luncheon** (Plaza Ballroom)
- 1:45 PM – 2:45 PM **Concurrent Workshops** (six sessions, all on the 3rd Floor)
- Roundtable: *Strengthening a Language Access Plan*** (Galleria 1)
- Moderator: Hon. Patricia W. Griffin, State Court Administrator, Delaware Administrative Office of the Courts
 - Mr. J. Joseph Baxter, State Court Administrator, Supreme Court of Rhode Island
 - Ms. Emy Lopez, Language Access Administrator, Office of Language Access, Colorado Judicial Department
 - Ms. Mary Rose Zingale, Courts Service Director, Tennessee Administrative Office of the Courts
- Workshop: *Collaborative Approaches*** (Galleria 2)
- Moderator: Hon. Jim Hannah, Chief Justice, Supreme Court of Arkansas
 - Ms. Brenda Aiken, Resource Development Officer, Alaska Court System
 - Mr. Matt Benefiel, Trial Court Administrator, Ninth Judicial Circuit Court of Florida
 - Ms. Pamela Sanchez, Statewide Program Manager, Language Access Services, New Mexico Administrative Office of the Courts
- Workshop: *Developing Interpreter Resources and Credentialing Program*** (Galleria 3)
- Moderator: Mr. David K. Boyd, State Court Administrator, Iowa Judicial Branch
 - Ms. Laura Dolgin, Court Improvement and Innovation Programs Manager, Office of the Court Administrator, State of Vermont
 - Hon. Travis L. Francis, Assignment Judge, New Jersey Judiciary, Middlesex Vicinage
 - Ms. Debi S. Tulang-De Silva, Program Director, Office of Equality and Access to Courts, Hawaii State Judiciary

Workshop: Addressing the Immigration Status, Culture, and Language Connections in Planning (Bellaire)

- Moderator: Ms. Marla S. Moore, Director, Georgia Administrative Office of the Courts
- Dr. John A. Martin, Director of Immigration Initiative, Center for Public Policy Studies

Workshop: Management of Remote Interpreting Technology (Post Oak)

- Moderator: Mr. Zygmunt Pines, Court Administrator of Pennsylvania, Administrative Office of the Pennsylvania Courts
- Ms. Rena Micklewright, Deputy Coordinator, Court Interpreting Services, New York State Unified Court System
- Ms. Rosa P. Oakes, Court Program Coordinator, Utah Administrative Office of the Courts
- Hon. Daniel C. Moreno, District Court Judge, Fourth Judicial District, Hennepin County, Minnesota
- Ms. Polly Ryan, Program Coordinator, State Court Administrator's Office, Supreme Court of Minnesota

Workshop: Training Judges and Court Personnel (Tanglewood)

- Moderator: Hon. Gerald W. VandeWalle, Chief Justice, North Dakota Supreme Court
- Ms. Carmel Capati, Court Interpreter Manager, Office of Court Operation, Supreme Court of Wisconsin
- Hon. John Damon, Circuit Court Judge, Trempealeau County Circuit Court of Wisconsin
- Ms. Andrea Krickova, Court Services Analyst, Administrative Office of the Courts of Nevada
- Hon. Valorie Vega, District Court Judge, 8th Judicial District Court of Nevada

2:45 PM – 3:00 PM

Break (Galleria Foyer, 3rd Floor)

3:00 PM – 4:00 PM

Concurrent Workshops (six sessions, all on the 3rd Floor)

Workshop: Planning for Technology Projects (Galleria 1)

- Moderator: Ms. Carol Mitchell, Court Access Specialist, Administrative Office of the Courts, Arizona Supreme Courts
- Ms. Katrin Johnson, State Court Interpreter Coordinator, Administrative Office of the Courts of Washington
- Mr. Ervin Dimeny, Court Interpreting Services Manager, Kentucky Administrative Office of the Courts
- Ms. Laurie Dudgeon, Administrative Director, Kentucky Administrative Office of the Courts
- Ms. Jennifer D. Singletary, Special Projects Counsel, West Virginia Supreme Court of Appeals Administrative Office West Virginia
- Hon. Janis Whitener-Moberg, District Court Judge, Grant County, Washington

Workshop: Training Interpreters (Galleria 2)

- Moderator: Ms. Janice Walker, State Court Administrator, Nebraska Supreme Court
- Mr. Gregory J. Linhares, State Court Administrator, Supreme Court of Missouri
- Ms. Kelly Mills, Program Manager, Court Interpreter Services, Oregon Judicial Department
- Mr. Osvaldo R. Aviles, Interpreter Program Administrator, Administrative Office of the Pennsylvania Courts

Workshop: *Translation of Documents* (Galleria 3)

- Moderator: Ms. Sally Holewa, State Court Administrator, Supreme Court of North Dakota
- Hon. Dina E. Fein, First Justice, Western Division of the Massachusetts Housing Court
- Ms. Gaye Gentes, Manager of the Office of Court Interpreters, Trial Court of Massachusetts
- Hon. Andrea C. Peeples, Judge, Franklin County Municipal Court of Ohio
- Mr. Bruno G. Romero, Manager of the Interpreter Services Program, Supreme Court of Ohio
- Hon. Gary L. Yost, Judge, Ashtabula County Circuit Court of Ohio

Workshop: *Data Collection and Analysis* (Bellaire)

- Moderator: Ms. Nancy Dixon, Judicial Administrator, Kansas Supreme Court
- Mr. Joseph D. D'Alesio, Executive Director, Superior Court Operations of Connecticut
- Mr. Thomas A. Genung, Trial Court Administrator, 19th Judicial Circuit Court of Florida
- Ms. Jacquie Ring, Supervising Court Services Analyst, Court Interpreters Program, Judicial Council of California - Administrative Office of the Courts

Workshop: *Managing Interpreter Staff and Contractors* (Tanglewood)

- Moderator: Ms. Katie Bond, Assistant General Counsel, Texas Office of Court Administration
- Ms. Michele Oken, Administrator II, Central Civil Division, Los Angeles Superior Court, California
- Ms. Mara Simmons, Court Interpreter Services Director, Administrative Office of the Courts of Arkansas
- Ms. Sandra Bryan, Coordinator, Court Interpreting Services, New York State Unified Court System

Workshop: *Providing Services Outside of the Courtroom* (Post Oak)

- Moderator: Mr. Arthur W. Pepin, Director, New Mexico Administrative Office of the Courts
- Hon. Audrey J. S. Carrion, Associate Judge, Baltimore City Circuit Court, 8th Judicial Circuit of Maryland
- Ms. Hanna Sanders, Esq., Access to Justice Coordinator, Maine Judicial Branch
- Mr. David W. Slayton, Administrative Director, Texas Office of Court Administration

4:15 PM – 5:15 PM

State Team Meeting – Exercise #1 (see assignment sheet for locations)

6:30 PM – 7:00 PM

Reception (West Alabama, 3rd Floor)

7:00 PM – 8:00 PM

Dinner (Plaza Ballroom, 3rd Floor)

Wednesday, October 3, 2012

7:30 AM – 8:30 AM **Continental Breakfast** (Galleria Foyer, 3rd Floor)

8:30 AM – 9:30 AM **Concurrent Workshops** (six sessions, all on the 3rd Floor)

Workshop: *Funding for Interpreter Programs* (Galleria 1)

- Moderator: Mr. Daniel J. Becker, State Court Administrator, State of Utah
- Ms. Lilia G. Judson, Executive Director, Division of State Court Administration, Indiana Supreme Court
- Ms. Linda P. Smith, Program Manager, Georgia Commission on Interpreters, Administrative Office of the Courts
- Ms. Elizabeth A. Sykes, Director, Administrative of the Courts of Tennessee

Workshop: *Collaborative Approaches* (repeat) (Galleria 2)

- Moderator: Hon. Paul A. Suttell, Chief Justice, Supreme Court of Rhode Island
- Ms. Brenda Aiken, Resource Development Officer, Alaska Court System
- Mr. Matt Benefiel, Trial Court Administrator, Ninth Judicial Circuit Court of Florida
- Ms. Pamela Sanchez, Statewide Program Manager, Language Access Services, New Mexico Administrative Office of the Courts

Workshop: *Management of Remote Interpreting Technology* (repeat) (Galleria 3)

- Moderator: Mr. James D. Gingerich, Director, Administrative Office of the Courts, Supreme Court of Arkansas
- Ms. Rena Micklewright, Deputy Coordinator, Court Interpreting Services, New York State Unified Court System
- Ms. Rosa P. Oakes, Court Program Coordinator, Utah Administrative Office of the Courts
- Hon. Daniel C. Moreno, District Court Judge, Fourth Judicial District, Hennepin County, Minnesota
- Ms. Polly Ryan, Program Coordinator, State Court Administrator's Office, Supreme Court of Minnesota

Workshop: *Managing Interpreter Staff and Contractors* (repeat) (Bellaire)

- Moderator: Ms. Janica Bisharat, Director, Court Management Division, Administrative Office of the Courts, Idaho Supreme Court
- Ms. Michele Oken, Administrator II, Central Civil Division, Los Angeles Superior Court, California
- Ms. Mara Simmons, Court Interpreter Services Director, Administrative Office of the Courts of Arkansas
- Ms. Sandra Bryan, Coordinator, Court Interpreting Services, New York State Unified Court System

Workshop: *Training Judges and Court Personnel* (repeat) (Post Oak)

- Moderator: Hon. F. Philip Carbullido, Chief Justice, Supreme Court of Guam
- Ms. Carmel Capati, Court Interpreter Manager, Office of Court Operation, Supreme Court of Wisconsin
- Hon. John Damon, Trempealeau County Circuit Court of Wisconsin
- Ms. Andrea Krlickova, Court Services Analyst, Administrative Office of the Courts of Nevada
- Hon. Valorie Vega, 8th Judicial District Court of Nevada

Workshop: *Developing Interpreter Resources and Credentialing Program* (repeat)
(Tanglewood)

- Moderator: Hon. Christopher P. Yates, Circuit Judge, 17th Circuit Court of Michigan
- Ms. Laura Dolgin, Court Improvement and Innovation Programs Manager, Office of the Court Administrator, State of Vermont
- Hon. Travis L. Francis, Assignment Judge, New Jersey Judiciary, Middlesex Vicinage
- Ms. Debi S. Tulang-De Silva, Program Director, Office of Equality and Access to Courts, Hawaii State Judiciary

9:45 AM – 10:45 AM **State Team Meeting – Exercise #2** (see assignment sheet for locations)

10:45 AM – 11:00 AM **Break** (Plaza Foyer, 3rd Floor)

11:00 AM – 12:00 PM **State Team Reports** (Plaza Ballroom, 3rd Floor)
 • Moderator: Ms. Rosalyn Frierson, Director, South Carolina Court Administration

12:00 PM – 12:30 PM **Plenary Session/Wrap Up** (Plaza Ballroom, 3rd Floor)
 • Hon. Eric T. Washington, Co-Chair CCJ/COSCA Access, Fairness, and Public Trust Committee

National Summit on Language Access in the Courts Houston, Texas * October 1-3, 2012

State Delegation Attendees

ALABAMA

Ms. Kim Gray, Court Administrator, Madison County Circuit Court

Hon. Karen Hall, Presiding Circuit Judge, 23rd Judicial Circuit

Mr. David Sawyer, Counsel and Coordinator of the UJS Interpreter Program, Administrative Office of the Courts

Ms. Keisha Thomas, Assistant Director, IT, Administrative Office of the Courts

Ms. Carla Woodall, Circuit Clerk, Houston County Circuit Court

ALASKA

Ms. Brenda Aiken, Resource Development Officer, Alaska Court System

Hon. Brian Clark, District Court Judge, Alaska Court System

Ms. Christine Johnson, Administrative Director of the Courts, Alaska Court System

Ms. Stacey Marz, Director, Family Law Self-Help Center, Alaska Court System

Hon. Daniel Winfree, Justice, Alaska Court System

ARIZONA

Mr. Michael Baumstark, Deputy Administrative Director, Administrative Office of the Courts

Hon. Tom Berning, Judge, Tucson City Court

Ms. Carol Mitchell, Court Access Specialist, Administrative Office of the Courts

Hon. James Soto, Presiding Judge, Santa Cruz County Superior Court

Ms. Karen L. Westover, Deputy Court Administrator, Maricopa County Superior Court

ARKANSAS

Mr. James D. Gingerich, Director, Administrative Office of the Courts

Hon. James Hannah, Chief Justice, Supreme Court of Arkansas

Hon. David H. McCormick, Circuit Judge, 1st District

Ms. Mara Simmons, Court Interpreter Services Director, Administrative Office of the Courts

Mr. Andrew Walchuk, Policy Analyst, Arkansas Administrative Office of the Courts

Mr. Marshall Wright, State Representative, Arkansas General Assembly

CALIFORNIA

Hon. Steven Austin, Judge, Superior Court of Contra Costa

Mr. Kevin G. Baker, Deputy Chief Counsel, Assembly Committee on the Judiciary

Hon. James R. Lambden, Associate Justice, First District Court of Appeal

Ms. Michele Oken, Administrator II, Civil Operations, Los Angeles Superior Court

Ms. Jacqueline M. Ring, Supervising Analyst, Court Interpreter Program, Administrative Office of the Courts

COLORADO

Ms. Yuliya Fedasenska, Interpreter & Trainer

Hon. Susan Fisch, Judge, Colorado Judicial Department

Dr. John Martin, Director, Immigration and the State Courts Initiative, Center for Public Policy Studies

Ms. Emy López, Language Access Administrator, Office of Language Access, Colorado Judicial Department

Ms. Mindy Masias, Director of Human Resources, Colorado State Courts

Mr. Roberto Ramirez, Attorney

CONNECTICUT

Hon. Patrick L. Carroll III, Deputy Chief Court Administrator, State of Connecticut Judicial Branch

Mr. Joseph D. D'Alesio, Esq., Executive Director, Superior Court Operations

Ms. Alejandra Donath, Program Manager, Interpreter and Translator Services, State of Connecticut Judicial Branch

Hon. Maria Araujo Kahn, Judge, State of Connecticut Judicial Branch

Hon. Chase T. Rogers, Chief Justice, Connecticut Supreme Court

DELAWARE

Ms. Patricia W. Griffin, State Court Administrator, Administrative Office of the Courts

Ms. Franny M. Haney, Manager, Judicial Branch Education, Administrative Office of the Courts

Hon. Jan R. Jurden, Judge, Superior Court, State of Delaware Judiciary

Ms. Maria M. Perez-Chambers, Coordinator, Court Interpreter Program, State of Delaware Judiciary

Ms. Amy A. Quinlan, Deputy State Court Administrator, Administrative Office of the Courts

Hon. Alex J. Smalls, Chief Judge, Court of Common Pleas

Hon. Aida Waserstein, Judge, Family Court

DISTRICT OF COLUMBIA

Mr. Duane B. Delaney, Clerk of Court, District of Columbia Superior Court

Mr. James William Plunkett III, Language Access Program Coordinator, District of Columbia Superior Court

Hon. Lee Satterfield, Chief Judge, District of Columbia Superior Court

Hon. Eric T. Washington, Chief Judge, District of Columbia Court of Appeals

Ms. Anne B. Wicks, Executive Officer, District of Columbia Courts

FLORIDA

Hon. Jon Kevin Abdoney, County Judge, 10th Judicial Circuit

Mr. Matthew L. Benefiel, Court Administrator, 9th Judicial Circuit Court

Ms. Lisa Bell, Court Operations Consultant, Office of the State Court Administrator

Hon. William E. Davis, Circuit Court Judge, 8th Judicial Circuit

Mr. Thomas A. Genung, Trial Court Administrator, 19th Judicial Circuit

Ms. Elisabeth H. Goodner, State Court Administrator, Florida Supreme Court

GEORGIA

Hon. Melodie H. Clayton, Judge, State Court of Cobb County

Mr. J. Antonio DelCampo, Harris Penn Lowry DelCampo

Hon. Harold Melton, Justice, Supreme Court of Georgia

Ms. Marla S. Moore, Director, Administrative Office of the Courts

Ms. Linda P. Smith, Program Manager, Commission on Interpreters

GUAM

Hon. F. Philip Carbullido, Chief Justice, Supreme Court of Guam

Mrs. Jessica C. Cruz, Chief Deputy Clerk, Judiciary of Guam

Ms. Merly Karsom, Senior A.S.O., Judiciary of Guam

Hon. Anita A. Sukola, Judge, Superior Court of Guam

Mr. Perry C. Taitano, Administrator of the Courts, Judiciary of Guam

HAWAII

Hon. Gerald H. Kibe, District Judge, Hawaii State Judiciary

Mr. Rodney A. Maile, Administrative Director of the Courts, Hawaii State Judiciary

Ms. Lori Okita, Chief Court Administrator, Hawaii State Judiciary

Hon. Sabrina Shizue McKenna, Associate Justice, Supreme Court of the State of Hawaii

Ms. Debi S. Tulang-De Silva, Project Director, Hawaii State Judiciary

IDAHO

Ms. Sandra Barrios, Court Interpreter Coordinator, Fourth Judicial District

Ms. Janica Bisharat, Director, District Court Services, Idaho Supreme Court

Hon. Sergio A. Gutierrez, Judge, Idaho Court of Appeals

Hon. Mick Hodges, Magistrate Judge, 5th Judicial District

Hon. Joel Tingey, District Judge, 7th Judicial District

ILLINOIS

Hon. Grace G. Dickler, Circuit Court Judge, Cook County

Hon. Thomas L. Kilbride, Chief Justice, Supreme Court of Illinois

Hon. Laura C. Liu, Circuit Court Judge, Cook County

Ms. Marcia M. Meis, Chief Legal Counsel, Administrative Office of the Illinois Courts

Mr. Michael Tardy, Director, Administrative Office of the Courts

Mr. Adam Vaught, Counsel to Chief Justice, Supreme Court of Illinois

INDIANA

Ms. Lilia G. Judson, Executive Director, Indiana Supreme Court

Hon. Robert D. Rucker, Justice, Indiana Supreme Court

Hon. José Salinas, Judge, Marion Superior Court

Ms. Camille T. Wiggins, Staff Attorney, Indiana Supreme Court

IOWA

Mr. David K. Boyd, State Court Administrator, Iowa Judicial Branch

Mr. John Goerdts, Deputy State Court Administrator, Iowa Judicial Branch

Ms. Leesa A. McNeil, District Court Administrator, Third Judicial District, Woodbury County

Hon. Karen A. Romano, Judge, Iowa District Court

Hon. David Wiggins, Justice, Iowa Supreme Court

Appendix B

Summit Attendees

KANSAS

Hon. Bradley E. Ambrosier, Chief Judge, 26th Judicial District

Hon. Eric A. Commer, Judge, Sedgwick County, 18th Judicial District

Ms. Nancy Dixon, Judicial Administrator, Kansas Office of Judicial Administration

Hon. Thomas E. Malone, Court of Appeals Judge, Kansas Court of Appeals

Ms. Elizabeth Reimer, Language Access Coordinator, Office of Judicial Administration

KENTUCKY

Hon. Vanessa M. Dickson, Chief District Judge, Kentucky Court of Justice

Mr. Ervin Dimeny, Court Interpreting Manager, Kentucky Administrative Office of the Courts

Ms. Laurie K. Dudgeon, Director, Administrative Office of the Courts

Hon. John D. Minton Jr., Chief Justice, Kentucky Court of Justice

Hon. Steve Alan Wilson, Circuit Judge, Kentucky Court of Justice

LOUISIANA

Hon. Camille Buras, Chief Judge, Orleans Parish Criminal District Court

Hon. Grace Bennett Gasaway, Judge, City Court of Hammond

Ms. Shannon C. Sims, Deputy Judicial Administrator, Criminal District Court

Hon. Max N. Tobias Jr., Judge, Louisiana Court of Appeal, 4th Circuit

Mr. Richard Williams, Deputy Judicial Administrator, Louisiana Supreme Court

MAINE

Mr. James T. Glessner, State Court Administrator, Administrative Office of the Courts

Hon. Ellen A. Gorman, Associate Justice, Maine Supreme Judicial Court

Hon. E. Mary Kelly, Judge, Maine Judicial Branch

Ms. Laura M. O'Hanlon, Chief of Court Management, Maine Judicial Branch

Ms. Hanna Sanders, Access to Justice Coordinator, Maine Judicial Branch

MARYLAND

Mr. Frank Broccolina, State Court Administrator, Administrative Office of the Courts

Hon. Audrey J.S. Carrion, Judge, Circuit Court for Baltimore City

Ms. Sandra K. Dalton, Clerk of the Circuit Court, Frederick County

Hon. Joann Ellinghaus-Jones, Administrative Judge, District Court of Maryland

Ms. Sandra Smith, Court Administrator, Queen Anne's County Circuit Court

Ms. Deborah A. Unitus, Director, Administrative Office of the Courts

Ms. Roberta L. Warnken, Chief Clerk, District Court of Maryland

MASSACHUSETTS

Hon. Dina E. Fein, First Justice, Housing Court

Mr. John S. Gay, Clerk Magistrate, Springfield District Court

Ms. Gaye Gentes, Manager of the Office of Court Interpreters, Trial Court

Mr. Timothy M. Linnehan, Director, Support Services Department, Trial Court

Mr. Lewis Harry Spence, Court Administrator, Massachusetts Trial Court

MICHIGAN

Hon. Suzanne Kreeger, Chief Judge, Eighth Circuit Court

Mr. Matthew Schneider, Chief of Staff & General Counsel, Michigan Supreme Court

Ms. Jennifer Warner, Trial Court Services Director, Michigan Supreme Court

Ms. Stacy Lynn Westra, Trial Court Services Management Analyst, Michigan Supreme Court

Hon. Christopher Yates, Circuit Judge, 17th Circuit Court

MINNESOTA

Hon. Leonardo Castro, Judge, Ramsey County

Ms. Nancy Dietl Griffin, Acting Director of Human Resources, Minnesota Judicial Branch

Hon. Daniel C. Moreno, Judge, 4th Judicial District, Criminal Court

Mr. Timothy L. Ostby, 7th/8th Judicial District Administrator, Minnesota District Court

Ms. Polly Ryan, Program Coordinator, State Court Administrators Office

MISSOURI

Hon. George W. Draper III, Judge, Supreme Court of Missouri

Ms. Mary K. Epping, Assistant to the Court Administrator, 13th Judicial Circuit

Hon. Patricia Joyce, Circuit Judge

Mr. Gregory J. Linhares, State Court Administrator, Office of State Court Administrator

Ms. Lynette Ricks, Access to Courts Specialist, Missouri Office of State Court Administrator

MONTANA

Hon. Katherine M. Bidegaray, District Judge, 7th Judicial District Court

Ms. Jan Bjork, District Court Administrator, 18th Judicial District

Mr. Becky Buska, Financial Services Director, Montana Judicial Branch

Ms. Lori Maloney, Clerk of Court, Montana Supreme Court

Ms. Lindy Proue, Accounting Manager, Montana Judicial Branch

NEBRASKA

Hon. William B. Cassel, Judge, Nebraska Supreme Court

Ms. Sheryl L. Connolly, Trial Court Service Director, Administrative Office of the Courts

Mr. John Harms, Senator, Nebraska Legislature

Hon. Patrick R. McDermott, County Judge, 5th Judicial District

Ms. Janice Walker, State Court Administrator, Nebraska Supreme Court

NEVADA

Hon. Michael L. Douglas, Justice, Supreme Court of Nevada

Hon. Kevin Higgins, Judge/Justice of the Peace, Sparks Justice Court

Ms. Andrea Krlickova, Court Services Analyst, Supreme Court of Nevada, Administrative Office of the Courts

Ms. Robin L. Sweet, State Court Administrator, Administrative Office of the Courts

Hon. Valorie Vega, District Court Judge, 8th Judicial District Court

NEW HAMPSHIRE

Ms. Alexandra Baer, QC/QA, LSS Language Bank

Ms. Joan Bishop, Director, Judicial Branch Education

Ms. Paula J. Hurley, Circuit Court Administrator, New Hampshire Judicial Branch

Hon. Tina L. Nadeau, Chief Justice, New Hampshire Superior Court, Superior Court Administrative Office

Mr. Alen Omerbegovic, Program Manager, Lutheran Social Services NE/Language Bank

Ms. Cynthia A. Perreault, Deputy Clerk of Court, New Hampshire Superior Court

NEW JERSEY

Mr. Louis Acevedo Jr., Deputy Public Defender, New Jersey Judiciary, Bergen County Trial Region

Ms. Brenda Carrasquillo, Manager, Language Services Section, New Jersey Judiciary

Hon. Travis L. Francis, Assignment Judge, New Jersey Judiciary

Ms. Dawn Materia, Operations Manager, Monmouth County

Hon. Nesle A. Rodriguez, Chief Judge, New Jersey Judiciary

NEW MEXICO

Hon. Edward L. Chávez, Justice, New Mexico Supreme Court

Ms. Paula Couselo-Findikoglo, Director, New Mexico Center for Language Access

Hon. Nan Nash, Judge, 2nd Judicial District Court

Mr. Weldon J. Neff, Court Executive Officer, 11th Judicial District Court

Mr. Arthur W. Pepin, Director, Administrative Office of the Courts

Ms. Pamela Sanchez, Statewide Program Manager, Language Access Services, New Mexico Administrative Office of the Courts

NEW YORK

Ms. Sandra Bryan, Coordinator, Court Interpreting Services

Hon. Lawrence K. Marks, First Deputy Chief Administrative Judge, Office of Court Administration

Ms. Rena Micklewright, Deputy, Court Interpreting Services

Hon. Jeffrey K. Oing, Supreme Court Justice

Hon. A. Gail Prudenti, Chief Administrative Judge, Office of Court Administration

NORTH CAROLINA

Ms. Brooke Bogue, Manager, Office of Language Access Services, Administrative Office of the Courts

Hon. Wendy M. Encochs, Chief District Court Judge, North Carolina Administrative Office of the Courts

Ms. Amy Lynn Funderbunk, Assistant Counsel, North Carolina Administrative Office of the Courts

Hon. Sarah Parker, Chief Justice, Supreme Court of North Carolina

Hon. John W. Smith Director, Administrative Office of the Courts

Ms. Mildred Spearman, Legislative Liaison/Language Access Officer, North Carolina Administrative Office of the Courts

Ms. Pamela Weaver Best, Deputy Legal Counsel, North Carolina Administrative Office of the Courts

Mr. McKinley Wooten Jr., Deputy Director, North Carolina Administrative Office of the Courts

NORTH DAKOTA

Ms. Sally A. Holewa, State Court Administrator, Supreme Court of North Dakota

Hon. Steven McCullough, District Court Judge, North Dakota Court System

Mr. Rodney Olson, Unit Court Administrator, Unit II, North Dakota District Court

Appendix B

Summit Attendees

Hon. Gerald W. Vandewalle, Chief Justice, Supreme Court of North Dakota

NORTHERN MARIANA ISLANDS

Ms. Sonya A. Camacho, Deputy Director of Courts, Northern Mariana Islands Judiciary

Mr. Patrick V. Diaz, Family Court Manager, Northern Mariana Islands Judiciary

Hon. Robert C. Naraja, Presiding Judge, Northern Mariana Islands Judiciary

Hon. David A. Wiseman, Associate Judge, Northern Mariana Islands Judiciary

OHIO

Mr. Steven C. Hollon, Administrative Director, Supreme Court of Ohio

Hon. Maureen O'Connor, Chief Justice, Supreme Court of Ohio

Hon. Andrea C. Peebles, Judge, Franklin County Municipal Court

Mr. Bruno G. Romero, Manager, Interpreter Services Program, Supreme Court of Ohio

Hon. Gary L. Yost, Judge, Ashtabula County Court of Common Pleas

OKLAHOMA

Hon. Jerry Bass, District Judge, Oklahoma County District Court

Ms. Debra Charles, General Counsel, Supreme Court of Oklahoma

Hon. Douglas L. Combs, Justice, Oklahoma Supreme Court

Ms. Vicki A. Cox, Trial Court Administrator, Tulsa County District Court

Mr. Michael D. Evans, Administrative Director of the Courts, Supreme Court of Oklahoma

OREGON

Ms. Kingsley W. Click, State Court Administrator, Oregon Judicial Department

Ms. Kelly Mills, Program Manager, Court Interpreter Services, Oregon Judicial Department

Hon. Katherine Weber, Clackamas County Circuit Court Judge, Oregon Judicial Department

PENNSYLVANIA

Mr. Osvaldo R. Aviles, Administrator, Interpreter Certification Program, Administrative Office of Pennsylvania Courts

Ms. Natalia Petrova, Interpreter Certification Coordinator, Supreme Court of Pennsylvania

Mr. Zygmunt A. Pines, Court Administrator, Administrative Office of the Courts

Hon. Ronald D. Castille, Chief Justice, Supreme Court of Pennsylvania

Hon. Ida K. Chen, Judge, Court of Common Pleas

RHODE ISLAND

Mr. J. Joseph Baxter, State Court Administrator, Rhode Island Supreme Court

Hon. Edward H. Newman, Magistrate, Rhode Island Family Court

Hon. Paul A. Suttell, Chief Justice, Rhode Island Supreme Court

Ms. Susana Torres, Language Access Coordinator, Rhode Island Supreme Court

Ms. Erika Kruse Weller, General Counsel, Rhode Island Supreme Court

SOUTH CAROLINA

Ms. Desiree R. Allen, State Language Access Coordinator, South Carolina Judicial Department

Ms. Rosalyn W. Frierson, State Court Administrator, South Carolina Judicial Department

Hon. Gary Reinhart, Chief Magistrate, Lexington County Magistrate Court

Ms. Jerri Ann Roseneau, Clerk of Court, Beaufort County

SOUTH DAKOTA

Ms. Le Ann Birkeland, Chief Court Services Officer, Unified Judicial System

Ms. Susan Compaan, Circuit Administrator, Unified Judicial System

Hon. Shawn J. Pahlke, Magistrate Judge, 7th Circuit Court

Ms. Suzanne Starr, Legal Counsel, Unified Judicial System

TENNESSEE

Hon. Christopher Bright Craft, Judge, Criminal Court, 30th Judicial District

Hon. Cornelia A. Clark, Justice, Supreme Court of Tennessee

Mr. David R. Esquivel, Access to Justice Commissioner, Access to Justice Commission

Hon. James M. Hunter, Judge, Sumner County, 18th Judicial District

Ms. Elizabeth A. Sykes, Director, Administrative Office of the Courts

Ms. Mary Rose Zingale, Courts Service Director, Tennessee Administrative Office of the Courts

TEXAS

Ms. Katie Bond, Assistant General Counsel, Office of Court Administration

Ms. Jennifer Cafferty, General Counsel, Supreme Court of Texas

Mr. Marco Hanson, Supervisor, Texas Remote Interpreter Project, Office of Court Administration

Hon. Wallace B. Jefferson, Chief Justice, Supreme Court of Texas

Hon. Lora J. Livingston, Judge, Civil District Courts, 261st District Court
 Ms. Patricia McAllister, Executive Director, Texas Access to Justice Commission
 Hon. Edward C. Prado, Circuit Judge, United States Court of Appeals, Fifth Circuit
 Mr. David Slayton, Administrative Director, Office of Court Administration

UTAH

Mr. Daniel J. Becker, State Court Administrator, Administrative Office of the Courts
 Ms. Rosa P. Oakes, Court Program Coordinator, Administrative Office of the Courts
 Mr. Timothy M. Shea, Staff Attorney, Administrative Office of the Courts
 Hon. Larry Steele, Judge, 8th District Juvenile Court

VERMONT

Ms. Laura Dolgin, Programs Manager, Vermont Judiciary
 Hon. Harold E. Eaton Jr., Superior Court Judge, Vermont Judiciary
 Mr. Robert Greemore, Court Administrator, State of Vermont
 Ms. Karen L. Richards, Attorney/Consultant, Vermont Legal Aid, Inc.
 Hon. Beth Robinson, Associate Justice, Supreme Court

VIRGIN ISLANDS

Ms. Karin A. Bentz, Virgin Islands Bar Association
 Hon. Maria M. Cabret, Associate Justice, Supreme Court of the Virgin Islands
 Hon. Darryl Dean Donohue Sr., Presiding Judge, Superior Court of the Virgin Islands
 Hon. Rhys S. Hodge, Chief Justice, Virgin Islands Supreme Court
 Mrs. Venetia Velazquez, Esq., Clerk of Court, Superior Court of the Virgin Islands

VIRGINIA

Mr. Paul F. DeLosh, Director of Judicial Services, Supreme Court of Virginia
 Mr. Karl R. Hade, Executive Secretary, Supreme Court of Virginia
 Hon. Cynthia D. Kinser, Chief Justice, Supreme Court of Virginia
 Hon. David M., Magistrate, Virginia Supreme Court of Appeals
 Mr. Jonathan D. Mattiello, Executive Director, State Justice Institute
 Hon. Dennis J. Smith, Chief Judge, 19th Judicial Circuit
 Ms. Charlene M. Watkins, Foreign Language Services Coordinator, Supreme Court of Virginia

WASHINGTON

Ms. Shirley Bondon, Manager, Court Access Programs, Administrative Office of the Courts
 Ms. Katrin Johnson, State Court Interpreter Coordinator, Administrative Office of the Courts
 Ms. Latricia Kinlow, Court Administrator, Tukwila Municipal Court
 Mr. Samuel Mattix, Certified Court Interpreter, Lao & Thai Language Services
 Mr. Richard E. Moellmer, Trial Court Administrator, Washington County Circuit Court
 Hon. Charles Snyder, Superior Court Judge, Whatcom County Superior Court
 Hon. Kirsten E. Thompson, Judge, Washington County Circuit Court
 Hon. Janis Whitener-Moberg, Judge, Grant County District Court

WEST VIRGINIA

Ms. Barbara A. Core, Circuit Clerk, Marion County Circuit Clerk
 Hon. Amanda Hatfield See, Family Court Judge, West Virginia Supreme Court
 Ms. Brenda L. Miller, Circuit Clerk, West Virginia Supreme Court
 Hon. David H. Sanders, Circuit Judge, West Virginia Supreme Court of Appeals
 Ms. Jennifer Singletary, Special Projects Counsel, West Virginia Supreme Court of Appeals

WISCONSIN

Hon. Shirley S. Abrahamson, Chief Justice, Wisconsin Supreme Court
 Ms. Carmel Capati, Court Interpreter Program Manager, Office of Court Operations
 Hon. John Damon, Circuit Court Judge, Trempealeau County Circuit Court
 Mr. A. John Voelker, Director of State Courts, Supreme Court of Wisconsin
 Ms. Sara Ward-Cassady, Deputy Director, Office of Court Operations

WYOMING

Ms. Diane Bauersfeld, State Law Librarian, Wyoming Supreme Court
 Hon. Timothy Day, District Judge, Wyoming Judiciary
 Hon. Jeffrey Donnell, District Judge, Wyoming Judiciary
 Ms. Joann Odendahl, State Court Administrator, Wyoming Supreme Court
 Ms. Kristi Racines, Internal Auditor, Wyoming Supreme Court



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Language
Access Plans



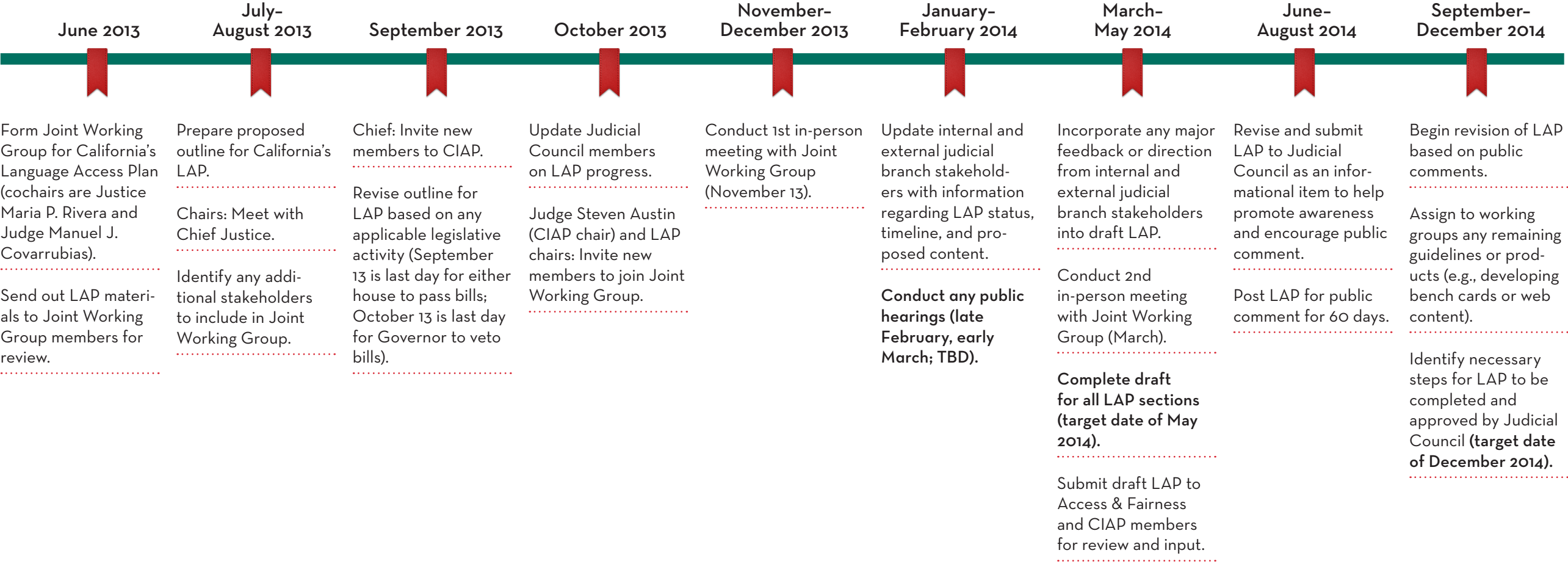
Data Collection
and Monitoring



Credentialing
Programs

Attachment E

CALIFORNIA’S LANGUAGE ACCESS PLAN—TIMELINE, 2013–2014



ACRONYM KEY

CEAC/COCE	Court Executives Advisory Committee/Conference of Court Executives
CIAP	Court Interpreters Advisory Panel
E&P	Executive and Planning Committee
LAP	Language Access Plan
TCPJAC	Trial Court Presiding Judges Advisory Committee

NOTES

- (1) The DOJ may present its findings and directives for California during the above time frame. Any findings and recommendations from the DOJ will help inform the direction of California’s LAP.
- (2) The 2015 Language Use and Need Study is due January 2015 and will cover language and interpreter use and need during 2009–2013. The Joint Working Group may want to consider research questions for the new study or relevant data findings to include in the LAP.