

February 14, 2014

RE: Language Access Plan Public Hearing, written comments

My work as a readability consultant and language specialist has given me the opportunity to work with numerous court systems and government agencies in the U.S. I am so pleased to have this opportunity to provide input because I have often wondered if Californians know the vital role that the California Judicial Council has played in supporting language access efforts across the nation. In particular, we have been struck by the number of legal service agencies and court systems in other states that recognize the role Bonnie Hough has played in making language access materials available for non-commercial use.

Here are some examples:

- The California Courts' Self-Help Center's [Spanish-English online legal glossary](#) has been adopted by the National Center for State Courts, as well as dozens of state court systems. Some of the states adopted the glossary as is; others have used it as a platform to input local preferences. For aspiring interpreters, it is the go-to tool for key legal language. Sharing this tool has saved other court systems countless hours, which educates in English as well as in Spanish.
- Similarly, California's [Language Access Tools for Courts](#) are now used by many other courts as screening and notice tools. In particular, it was the groundbreaking work of the San Francisco Court's Access Center (under the direction of Cristina Llop) that laid the foundation for these much-used tools and graphics.
- As a readability expert, I am especially sensitive to the needs of English-speaking court consumers. The most recent OECD 2012 survey of world literacy and numeracy reveals this sobering data: Over half of the U.S. population reads at the lowest levels of proficiency, with the U.S. ranking 16th in adult literacy, and 20th in literacy for youth under 18. Because of the bloat of older Americans in the population (baby-boomers), OECD data predict that of all its member countries, the most significant [decline in literacy and numeracy skills will take place in the U.S.](#)
- The Judicial Council's commitment to plain language and [plain language research](#) has helped address this situation in California, as well as in other states where the courts rely on this research and use California's plain language templates as a base.
- Here is a [map](#) showing other states that have relied on California materials to launch their own plain language initiatives.

The nation has benefited greatly from the California Judicial Council's contributions to language access. You have much to be proud of. Carry on!

Thank you,



Maria Mindlin

Denton, Douglas

From: Bianca Sierra Wolff [bwolff@centrolegal.org]
Sent: Thursday, February 27, 2014 3:10 PM
To: Denton, Douglas
Subject: Statement Regarding Language Access Plan

To Whom It May Concern,

As a long-time legal services provider to primarily monolingual Spanish speaking residents of the Bay Area, Centro Legal de la Raza ("Centro Legal") fully supports all efforts to increase access to non-English speaking litigants.

Located in Oakland, California, Centro Legal provides free or low-cost, bilingual, culturally-sensitive legal aid, community education and advocacy for low-income residents of the Bay Area, including monolingual Spanish speaking immigrants. Centro Legal has been a cornerstone for justice for the Latino, immigrant, and low-income communities of the Bay Area for 45 years. As part of this advocacy and assistance, Centro Legal provides legal assistance and advocacy to Oakland and Hayward tenants in eviction proceedings as well as to Oakland tenants in administrative hearings with the Oakland Rent Adjustment Program.

As a non-profit we have limited resources. Therefore, in order to maximize the number of tenants who receive legal assistance, we often provide pro-per assistance to clients such as preparing pro-per answers, and relevant pro-per motions with respect to their eviction cases. Unfortunately, many of our clients are monolingual Spanish-speakers. They have not received a ruling on their fee waiver by the time such motions need to be filed. Moreover, they are unable to obtain an interpreter on their own (either due to financial restraints or simply not knowing anyone capable of interpreting for them). Accordingly, they are unable to avail themselves of the proper assistance we offer and are therefore unable to fully assert their legal rights.

Additionally, a number of Oakland and Hayward residents find themselves having to represent themselves at an eviction proceeding with limited access to interpreters. Indeed, in our experience, Spanish speaking defendants in unlawful detainers are never advised of the availability of an interpreter, nor how to obtain an interpreter by court personnel. Not only is this a waste of judicial resources (e.g. courts continuing trials in order to try and locate an interpreter) but these California residents are at higher risk of being rendered homeless due to their inability to communicate their defenses to the court.

Furthermore, our clients are consistently advising Centro Legal that when they go to the clerk to file or request court documents, they often are either turned away or leave confused because the clerks do not speak Spanish, and there is no one available to translate for them. This means that unlike their English-speaking counterparts, they have what often feels like insurmountable obstacles to asserting their legal rights.

Finally, only a limited number of judicial council forms have translations or instructions in languages other than English. Indeed, not a single judicial council form specific to unlawful detainer proceedings have translations that would enable a non-English speaker to know how to fill in the form. Moreover, the "Notice of Delayed Access" that the court mails to defendants named in an unlawful detainer action upon the filing of the complaint is entirely in English. As a result, any non-English speaker must seek the assistance of an English-speaking individual to know what this Notice says, thus defeating the purpose of the Notice.

The above are only a few of the very real, and concerning obstacles faced by our monolingual Spanish-speaking clients. Making interpreters available earlier in the litigation process (e.g., court clerks, intake desks, etc.) as well as including language translations of Judicial Council forms with instructions in the most commonly

spoken languages in each county on how to fill out the English counterparts, would go a long way in ensuring California residents have meaningful access to the court system and meaningful ability to defend their rights therein.

For the reasons explained, and many more, Centro Legal fully supports the efforts of the California Joint Working Group on Language Access in developing a Language Access Plan that will provide meaningful language access to the court system for non-English speakers.

Thank you for your consideration,
Bianca Sierra Wolff

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