

# CALLED TO ACTION

## *5 Years of Improving Language Access in the State Courts*

2012 - 2017

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Access to Justice for  
Limited English Proficient  
Litigants

August 2017



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# INTRODUCTION

Five years have already passed since state court leaders from across the country convened at the 2012 *National Summit on Language Access in the Courts* and since the subsequent release of the publication *A National Call to Action*. At the Summit, representatives from 49 states, 3 territories, and the District of Columbia convened. What resulted from the *Summit* and the *Call to Action* was a new level of collaboration and focus that assisted the language access community to effectively and efficiently create solutions to language barriers in the state courts.

During the past 5 years since the Summit, jurisdictions across the country have made significant improvements in providing language access services. At this juncture, the State Justice Institute (SJI) and the National Center for State Courts (NCSC) would like to highlight the progress and improvements made throughout the country, with a special emphasis on the initiatives and programs that have been particularly successful and effective.

Those of us who have been involved in language access efforts in the courts from the outset recognize the challenges that state courts have had to overcome and the tremendous strides that state courts have made, individually and collectively, to enhance access to justice in the five years following the Summit. Nationally, NCSC's Language Access Services Section, with the assistance of the Language Access Advisory Committee (Conference of State Court Administrators) and the Council for Language Access Coordinators, has enhanced the quality and consistency of interpreter services through interpreter testing program improvements and the establishment of a database of more than 1,300 qualified court interpreters. The benefits of court interpreter resource sharing on a national level have been realized, and state courts look forward to on-going efforts to support video remote interpreting solutions. We can be exceptionally proud of how far we have come in the relatively short time since the Summit.

*Patricia Griffin,  
Former Chair of Language Access Advisory Committee  
Former Director of the Delaware Administrative Office of the Courts<sup>1</sup>*

This report provides an overview of the activities that states and national entities have employed in their efforts to improve language access over the past five years since the Summit and the subsequent release of the Call to Action. In order to obtain an accurate and comprehensive overview of language access services, we asked jurisdictions across the nation to complete a survey regarding their language access programs and services. The survey asked both multiple choice questions and open-ended questions. Thus, the survey data presented in this report is presented both in the aggregate and individual state responses in narrative form. By presenting the information in this format, we feel we are able to facilitate idea-sharing and replication of successful models by providing the most accurate description of the improvements jurisdictions have made and the issues they may still face. By distributing this information, our goal is that states continue the collaboration that kicked-off at the Summit.

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<sup>1</sup> *Currently Master in Chancery, Delaware Court of Chancery.*

# **I. STATEMENT OF THE ISSUE**

**E**qual justice for all has long been one of the fundamental rights our country has believed in and has been built upon. However, when language barriers disrupt the process of justice and prevent communication, we lose the basic values of our justice system. To maintain these values, every litigant, victim, and witness must comprehend what is happening in the courtroom.

When state courts fail to provide competent interpreters to LEP people in civil cases, the costs are high. People suffer because they cannot protect their children, their homes, or their safety. Courts suffer because they cannot make accurate findings, and because communities lose faith in the justice system. And society suffers because its civil laws – guaranteeing the minimum wage, and barring domestic violence and illegal eviction – cannot be enforced.

*Hon. Judge Eric T. Washington, Senior Judge, DC Court of Appeals  
Remarks at 2013 CLAC Conference*

Criminal defendants, civil litigants, victims, and witnesses look to the justice system to afford them fair trials and to resolve their disputes legally and fairly. “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. Our promise of justice for all demands nothing less.” COSCA White Paper, *Court Interpretation: Fundamental to Justice*.

However, the challenge of ensuring equal justice in our state courts cannot be understated. Not only does the LEP population continue to increase, the number and diversity of languages, including rare languages, is growing. Over 25 million people in this country have limited proficiency in English, which greatly hinders their ability to protect their rights in court without the assistance of an interpreter. American Community Survey 5-year 2011-2015 data indicates the following:

- An estimated 62 million American residents spoke a language other than English. Approximately 25 million of these (or 41%) were also Limited English Proficient (LEP).
- An estimated 37 million American residents were Spanish speakers. Approximately 42% of these were LEP. An estimated 63% of the Spanish-speaking population over the age of 65 was LEP. An estimated 21% of the Spanish speaking population under the age of 18 was LEP.
- Approximately 11 million persons spoke Indo-European languages other than Spanish. An estimated 10 million spoke Asian and Pacific Island languages. An estimated 3 million persons spoke languages not included in any of these categories.<sup>2</sup>

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<sup>2</sup> In 2015, the number of LEP individuals in the United States over the age of 5 was 25.4 million, representing 8.6 percent of the total U.S. population. This is an approximately 1% increase in the LEP population over the age of 5 since 2010. In 2010, the LEP population was 25.2 million, or approximately 9 percent of the overall population of the United States. In 2015, the five languages most spoken by LEP individuals were Spanish (16.3 million), Chinese (1.7 million), Vietnamese (859,295), Korean (613,011), and Tagalog (538,482). *LEP Data Brief: Limited English Proficiency 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.migrationpolicy.org/research/limited-english-proficient-individuals-united-states-number-share-growth-and-linguistic>; U.S. Census Bureau. *Languages Spoken at Home by Ability to Speak English for the Population 5 Years and Over*,

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. In civil proceedings the constitutional right to an interpreter is less settled, courts have not uniformly held that civil litigants are entitled to an interpreter under the Constitution; however, some state and federal cases have recognized that interpreters are necessary to ensure meaningful participation.<sup>3</sup>

In addition to 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); Executive Order 12250; Executive Order 13166 (2000); Omnibus Crime Control and Safe Streets Act of 1968; and the Court Interpreters Act. Courts that receive federal funding are required to take reasonable steps to ensure that an LEP individual has meaningful access to the court and can communicate effectively.

The U.S. Department of Justice (DOJ) has voiced its commitment to ensuring meaningful access to federally funded programs and services for LEP individuals. In 2002, DOJ issued guidance to recipients of federal funds providing detail on ensuring meaningful access to state courts. Then, in 2010 the DOJ issued a letter to the state court chief justices and administrators that provided clarity on the requirement to provide meaningful access for LEP individuals in courts receiving federal financial assistance.

Following the issuance of these letters, the DOJ worked with state courts to ensure enforcement, including collaborative cooperation, investigations and voluntary compliance, and through the issuance of letters of finding and engagement efforts when negotiations for voluntary compliance were not reached.

In its 2010 letter, the DOJ acknowledged that the fiscal crisis was having an impact on state courts' ability to make progress in providing meaningful access for LEP users. While the letter recognized that many state courts were in the midst of a court funding crisis, it laid out a clear expectation of progress toward compliance.

DOJ acknowledges that it takes time to create systems that ensure competent interpretation in all court proceedings and to build a qualified interpreter corps. Yet nearly a decade has passed since the issuance of Executive Order 13166 and publication of initial general guidance clarifying language access requirements for recipients. Reasonable efforts by now should have resulted in significant and continuing improvements for all recipients. With this passage of time, the need to show progress in providing all LEP persons with meaningful access has increased. DOJ expects that courts that have done well will continue to make progress toward full compliance in policy and

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2011-2015 American Community Survey 5-Year Estimates.

[https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_15\\_5YR\\_B16001&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_5YR_B16001&prodType=table)  
; *Language Spoken at Home*, U.S. Census Bureau. 2011-2015 American Community Survey 5-Year Estimates.

[https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_15\\_5YR\\_S1601&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_5YR_S1601&prodType=table)

<sup>3</sup> American Bar Association Standards for Language Access in Courts, February 2012 (Resolution 113), p. 25.

practice. At the same time, we expect that court recipients that are furthest behind will take significant steps in order to move promptly toward compliance.<sup>4</sup>

Following the issuance of the 2010 letter, the DOJ opened a number of investigations across the country. Below is a partial listing of some of the cases that had been opened during that time period and now have successfully been closed.

***New Jersey.*** The Department of Justice and the New Jersey Judiciary entered into an agreement on April 7, 2014. The resolution letter outlines initiatives implemented by New Jersey to ensure comprehensive language assistance. The initiatives include, among other things, interpreter services for litigants, multi-lingual signage in courthouses, services to assist LEP patrons with transacting business such as bilingual self-help kiosks and tutorial videos, the translation of over 340 statewide pro se forms and brochures, translated notices, sight translation in emergent and time-sensitive matters and the advertisement of these services in publications widely read by the local Latino community.<sup>5</sup>

***Pennsylvania.*** On April 24, 2017, the Department of Justice released a Memorandum of Understanding with the Unified Judicial System of Pennsylvania, which addressed administrative complaints. The MOU was signed following the publication of the *Language Access Plan of the Unified Judicial System of Pennsylvania*<sup>6</sup>. The Language Access Plan provides for increased language access training and data collection procedures for Pennsylvania's 60 judicial districts. Pennsylvania committed to the implementation of its Language Access Plan within the timeframes stated therein, and to establish a Monitoring and Evaluation Team. Pennsylvania will share with DOJ information pertinent to the implementation progress of the LAP.

***Kentucky.*** The Justice Department reached an agreement with the Kentucky Courts to ensure equal access for Non-English speakers on June 22, 2016. During the course of the department's review, the KY AOC has created and implemented a complaint system translated into a dozen languages, conducted training with court staff, and improved the quality and efficiency of service. Kentucky entered into a twelve-month monitoring phase as a condition of the agreement.<sup>7</sup>

***Colorado.*** The Justice Department closed its case with Colorado following successful implementation of reforms with the Colorado Judicial Department on June 21, 2016.<sup>8</sup> In 2012, the Colorado Office of Language access issued a strategic plan. DOJ has closed its case following the full implementation of that plan. Through this plan, Colorado revised standards for

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<sup>4</sup> DOJ Letter, [https://www.lep.gov/final\\_courts\\_ltr\\_081610.pdf](https://www.lep.gov/final_courts_ltr_081610.pdf), p. 4.

<sup>5</sup> A press release is available at: <https://www.justice.gov/opa/pr/department-justice-and-new-jersey-judiciary-collaborate-ensure-provision-language-assistance>. The text of the agreement is available at: [http://www.lep.gov/resources/courts/DOJ\\_NJ\\_Agreement\\_ltr\\_4-8-14.pdf](http://www.lep.gov/resources/courts/DOJ_NJ_Agreement_ltr_4-8-14.pdf)

<sup>6</sup> <https://www.justice.gov/crt/page/file/959891/download> in March 2017.

<sup>7</sup> A press release is available here: <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-kentucky-courts-ensure-equal-access-non-english-speakers>. Letter of resolution is available at: <https://www.justice.gov/crt/file/871056/download>

<sup>8</sup> A press release is available at: <https://www.justice.gov/opa/pr/justice-department-closes-case-following-colorado-judiciary-reforms-removing-language>. The closure letter is available at: <https://www.justice.gov/opa/file/868651/download>



testing, created a state telephonic interpreting center, established an advisory committee, improved software systems, conducted staff and judicial trainings, designed multilingual signage, improved the complaint and discipline system, and translated hundreds of court forms into Spanish.

***Rhode Island.*** The Justice Department closed its case with Rhode Island following the implementation of judiciary reforms on April 21, 2016. DOJ and Rhode Island entered into an agreement on April 9, 2014. The Rhode Island Judiciary developed a system for designated staff qualified to provide bilingual service to court customers, posted signage in six languages through each court house, developed new e-filing requirements to better capture interpreter needs data, translated forms and website content into commonly spoken languages, created a multilingual complaint policy, and created a multilingual notice of right to language assistance and adopted a rule requiring service of the notice to defendants.<sup>9</sup>

***Hawai'i.*** The Justice Department reached an agreement with the Hawai'i Judiciary on March 24, 2015. Collaborating with DOJ, Hawai'i has issued clear policy guidance relating to service of LEP court users, implemented a campaign to raise public awareness of language services offered by courts, created 14 language-specific web pages, initiated the creation of a language assistance complaint system, provided mandatory training for judicial staff, revised its court interpreter assignment system, and implemented oversight measures to ensure Title VI compliance.<sup>10</sup>

***Michigan.*** On September 17, 2013, the Department of Justice directed a letter to the Michigan Supreme Court to address complaints regarding service to Limited English Proficient individuals.<sup>11</sup>

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<sup>9</sup> A press release is available at: <https://www.justice.gov/opa/pr/justice-department-closes-case-after-rhode-island-judiciary-reforms-provide-equal-access>. The closure letter is available at: <https://www.justice.gov/usao-ri/file/843376/download>. The text of the agreement is available at: [https://www.lep.gov/resources/MOA\\_RI\\_040914\\_signed.pdf](https://www.lep.gov/resources/MOA_RI_040914_signed.pdf). A press release is available at: <https://www.justice.gov/opa/pr/department-justice-and-rhode-island-judiciary-enter-agreement-provision-language-assistance>

<sup>10</sup> A press release is available at: <https://www.justice.gov/opa/pr/following-justice-departments-review-hawaii-state-court-commits-equal-access-non-english>. The agreement letter is available at: [https://www.lep.gov/resources/Hawaii\\_Closure\\_ltr\(3%2024%2015\).pdf](https://www.lep.gov/resources/Hawaii_Closure_ltr(3%2024%2015).pdf).

<sup>11</sup> The letter is available at: [https://www.lep.gov/guidance/091713\\_AAG\\_Letter\\_to\\_MI\\_Re\\_Court\\_Rule.pdf](https://www.lep.gov/guidance/091713_AAG_Letter_to_MI_Re_Court_Rule.pdf)

## **National Collaboration to Help States**

In light of the enormity of the fiscal, administrative, and procedural challenges that were facing individual jurisdictions to reach compliance, national organizations came together in a concerted effort to assist states in improving their language access services. There was clear commitment to helping jurisdictions evaluate their services and fill any gaps in compliance. What resulted was an unprecedented initiative that would benefit all jurisdictions.

In 2011, with funding from SJI, NCSC, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) launched an initiative to assist jurisdictions in reaching their goal of providing effective LEP services. The initiative involved a multi-component project including:

- 1) A pre-summit assessment of courts;
- 2) The National Summit on Language Access in the Courts; and
- 3) The National Call to Action publication

The Summit, the Call to Action, and the impact of the entire initiative are detailed in the following sections of this report.

## **II. THE SUMMIT AND THE CALL TO ACTION**

## *A. 2012 National Summit on Language Access and the State Courts*

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On October 1-3, 2012, the National Summit on Language Access in the Courts was held in Houston, Texas. The Summit was made possible by a grant from SJI and was sponsored by the CCJ, COSCA, and NCSC. In this unprecedented collaboration, these three justice entities convened to address challenges to language access in the courts on a national scale.

The Summit achieved near complete national representation. Almost 300 judicial leaders from 49 states, 3 territories, and the District of Columbia attended. From each state and territory, five people including a judge, were invited to attend as “State Teams.” This level and breadth of participation clearly demonstrated a commitment and dedication from the attendees to implement language access services in their jurisdictions and eliminate language barriers to promote access to justice in the state courts.

The purpose of the Summit was two-fold. It was designed to not only educate the participants, but also to facilitate a working Summit where the state teams formed action plans for immediate implementation. First, the educational component was designed to provide vital information on the provision of language access services to the participants through the plenary sessions and workshops.

Second, the “State Team Planning” component, which was one of the hallmarks of the Summit, sought to identify the challenges faced in providing quality access services and to create effective and efficient solutions. Each team was composed of judicial leaders, including a judge, which would identify their key challenges and formulate “action plans” for their jurisdictions to immediately implement.

The Alaska Court System’s Summit team, comprised of an Alaska Supreme Court justice, a trial court judge, the administrative director, and senior staff personnel, participated in the Summit. We identified key steps for improving language access and since 2012, have implemented the following: 1) revised court rules to establish the court will schedule and pay for interpreters for all case types and court services; 2) hired an interpreter services coordinator to schedule qualified interpreters for courtroom events statewide; 3) piloted an online interpreter training program for Alaska-based interpreter candidates; 4) developed resources and training for judicial officers, court staff, and attorneys; 5) initiated a program to train and qualify speakers of Alaska Native languages, and 6) implemented the technology needed to enhance video remote interpreting services.

We are thankful to the State Judicial Institute and the National Center’s Language Access Services Section for hosting the Summit and for their continued support in improving language access services in state courts.

*Brenda Aiken  
Resource Development Officer/  
Language Services Director Alaska Court System*

### ***Pre-Summit Assessment***

A great deal of thought and detailed preparation went into the planning of every aspect of the Summit so that it would yield actual results and impact language services in a meaningful way. Prior to the Summit, NCSC distributed a pre-Summit assessment tool to state courts in each jurisdiction throughout the United States, the territories, and the District of Columbia. One of the primary purposes of the assessment was to identify the key issues to be included on the Summit agenda and to outline the overall goals of the event. The other key reason for the assessment was to prepare the “State Team” members, who would be attending the Summit, in the development of their “action plans.”

The pre-Summit assessment included questions pertaining to the following key areas involving language access in the courts: a) the frequency of need for language access; b) the most frequently requested languages; c) data collection; d) training for interpreters; e) training for court staff; f) funding; g) notice of available services; h) credentialing; i) remote interpreting; and j) possible national initiatives to benefit jurisdictions. The results of the assessment provided a comprehensive overview of the needs and issues in each jurisdiction. Thus, the results served as a basis for the topic areas addressed at the Summit and informed the 9 Action Steps from the Call to Action.

### ***Summit Agenda***

The Summit agenda was designed to engage full participation of each attendee in seeking solutions and creating action plans. The agenda was divided into three primary sections: plenary sessions, workshops, and “state team planning” exercises. The plenary sessions provided essential background information. The workshops promoted the exchange of information and ideas between participants. Finally, the “State Team” planning exercises facilitated the identification of priorities and the development of action plans.

### ***Plenary Sessions & Workshops***

During the plenary sessions, presenters detailed three overarching areas that were most critical to guiding participants in implementing improvements in their jurisdictions. The three plenary sessions presented at the Summit were Understanding the Legal Context; Essential Components of a Language Access Plan (LAP); and Remote Interpreting: A Business Solution.

While the plenary sessions presented vital information, the workshops provided a forum to exchange ideas. Experts in language access services lead a series of 13 workshops, where participants engaged in in-depth discussions with their colleagues and facilitators. They shared common challenges and issues. Also, participants discussed the effective steps that they had taken and analyzed potential solutions.

The workshops presented at the Summit included:

- 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

### ***State Team Planning and Action Plans***

The state team planning component of the Summit was designed to facilitate the creation of action plans for each jurisdiction. The five members of each state, territory, and D.C., were invited to attend the Summit as a team in order to take this exercise beyond mere concept.

In the first portion of the state team exercises, the participants identified the priorities that were vital to providing quality language access service to the LEP population in their jurisdictions. The top priorities areas included:

- Training judges;
- Identifying the need for language access;
- Utilizing remote interpreting technology;
- Oversight and establishing language access plans;
- Translating forms and documents;
- Providing notification on provision of services/signage;
- Monitoring /evaluating the program and interpreters;
- Ensuring qualified interpreters and certification; and
- Reviewing compliance with legal requirements.

Based on the priority areas they identified, the state teams developed action plans. These action plans included specific detailed steps that the teams would implement in their jurisdictions to improve language access services. The teams identified the entity responsible for executing the plan, potential barriers, possible solutions, and completion dates by which they would address each of their priorities. There has been significant positive feedback on the impact of the Summit, in particular, the state team planning exercises, where the team planning component yielded actual plans that were implemented and lead to significant improvements.

## *B. The National Call to Action Publication & 9 Action Steps*

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Following the Summit, in July 2013, NCSC, with SJI support, published a report, *A National Call to Action: Access to Justice for Limited English Proficient Litigants, Creating Solutions to Language Barriers in State Court*. The report presented a comprehensive overview of the pre-summit assessment results and data. It also reported on the Summit and highlights of the state action plans and activities. Finally, the report released a set of Action Steps that were derived from the Summit and the assessment. The *Call to Action* was not simply a report, it provided a roadmap for jurisdictions to improve their LEP services through the following 9 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.

## C. Feedback on the Summit & Call to Action

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In the NCSC 2017 survey, which is reported on in this report, respondents were asked to select the most valuable aspects of the Summit or the Call to Action publication that they applied to their program in the past 5 years. More than half of the jurisdictions stated that the most valuable aspects included a) the Summit workshops, Collaboration and information sharing with other jurisdictions at the Summit, and the Action Steps as detailed in the National Call to Action. (Fig. Q43.) This response shows how necessary all three components of the Summit and the publication were working in tandem to effectuate the greatest impact.

**Q43 If you or a representative from your jurisdiction attended the 2012 Summit on Language Access in the Courts or utilized The National Call to Action publication (published after the Summit), what were the most valuable aspects of the Summit or publication that you applied to your program over the last 5 years?**



Also, over 40% of jurisdictions responded that collaboration and information sharing at the Summit was highly valuable. This is a reminder that while information sharing through online resources and other methods of electronic communication are valuable, it cannot replace in-person collaboration and information sharing. The Summit was so effective because it not only brought in experts in the field to present information, it brought together the key players from each state who are experts in their own right and had the power to implement changes.

Some survey respondents added comments regarding the impact of the Summit:

- It was at the Summit that our team realized the potential benefits of the statewide LAP plan. We were able to go from 89 different plans to one LAP plan that improves services to our court customers.
- Hearing from other jurisdictions and being able to brainstorm and discuss ideas with our team during the Summit was very valuable and effective.
- The team found ALL sessions VERY helpful.

Jurisdictions also provided comments on the Call to Action and in particular the Action Steps:

- The Action Steps helped us to focus on our goals for improving language access. We continue to share resources from other states that attended the conference.



- The National Call to Action spurred the creation and implementation of statewide and local LAPs and the creation of a new staff position to oversee court access for LEP and ADA individuals.
- The support and publication were most helpful in outlining the courts' priorities in providing language access.

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### **III. RESPONSES TO THE CALL TO ACTION**

Following the Summit and the subsequent Call to Action, there was an immediate and concerted effort at the national level. The CCJ, COSCA, SJI, and NCSC demonstrated their commitment to assisting states to improve the administration of language access services through decisive and prompt responses and actions.

In response to the National Call to Action and the national dialogue surrounding the Summit, SJI increased its commitment to supporting language access issues across the nation; CCJ/COSCA established the Language Access Advisory Committee (LAAC); and NCSC created the Language Access Services Section (LASS) and expanded programming for language access.

This national level of support and commitment has generated awareness of the need for language services and also has led to concrete improvements in many jurisdictions. Section A details the reaction of national organizations to the Summit and Call to Action and the action they took to commence their initiative of support to address states' needs in improving LEP services. Section B provides a summary of the significant SJI funding provided to jurisdictions over the past 10 years that has resulted in concrete and effective improvements. Section C details NCSC's commitment to improving language access through its programs and state support. Section D lists by state the innovative programs and initiatives that jurisdictions have successfully implemented over the last 5 years with the support of these national organizations.

## *A. The National Response*

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Following the Summit, during the December 10, 2012 meeting, the SJI Board approved a Strategic Initiatives Grant (SIG) to NCSC to address limited English proficiency (LEP) issues. NCSC established a new section, the Language Access Services Section (LASS). LASS was uniquely positioned to provide direct technical assistance to state courts on LEP issues and coordinate LEP work and policy.

As part of these efforts, the CCJ and COSCA created the Language Access Advisory Committee (LAAC) to increase the visibility of this work, and provide a better means of addressing policy issues impacting each state. LAAC is composed of COSCA members. The Council of Language Access Coordinators was also formed, with several state level language access coordinators serving as liaisons to LAAC. LASS houses and provides support for LAAC and CLAC, and in turn LAAC and CLAC work together to provide direction and the input of the states and territories to the work of the NCSC Language Access Services Section.<sup>12</sup>

CLAC is a partnership of member states that has pooled financial and other resources to develop, maintain and administer court interpreting exams to support states' court interpreter certification

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<sup>12</sup> CLAC evolved from its origins as the Consortium for Language Access in the Courts. CCJ/COSCA voted to establish LAAC as a subcommittee of CCJ/COSCA's joint Access, Fairness, Public Trust and Confidence (AFPTC) Committee.

programs and other language-access services. Each member state is represented by a statewide coordinator responsible for the state's court language access service. CLAC's work is managed through projects of national interest in the area of language access and consists of coordinators, court administrators and staff provided by the National Center for State Courts (NCSC.)

These efforts and the level of commitment from these national players continued to increase after the release of the Call to Action. During the 2013 Annual Meeting of CCJ/COSCA, NCSC released the Call to Action, which as previously mentioned represented the culmination of a multi-year SJI-funded project aimed at addressing limited English proficiency in the state courts, which included the 2012 Summit and the 9 Action Steps were ultimately used by national organizations in directing their support and also by states in focusing their efforts.

## *B. SJI Funding for Language Access Programs at National, State, and Local Levels*

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Over the past decade, SJI has been committed to improving language access services throughout the country. It has dedicated support through Project Grants, Technical Assistance Grants, Curriculum Adaptation & Training Grants, and Strategic Initiative Grants. Since 2006, SJI has granted a total of \$2,769,266 for language access grants.<sup>13</sup>

### **SJI Language Access Grant Awards - FY 2006 to 2016**

#### **Project Grants**

Project grants are the centerpiece of SJI's efforts to improve the administration of justice in state courts nationwide. They support innovative technical assistance, education and training, and demonstration projects that are aimed toward improving the administration of justice. Between 2006 and 2016, SJI awarded \$501,730 in Project Grants for language access improvements. Listed below are the projects and brief descriptions.

#### **New Mexico Administrative Office of the Courts - 2006**

##### *Coordinating Access to Justice in New Mexico*

Coordination of a statewide effort for the delivery of civil legal services for the poor, as part of a multi-pronged approach to the Access of Justice issues in the State. (\$120,000)

#### **New Mexico Administrative Office of the Courts - 2008**

##### *NM Justice System Interpreter Resource Partnership*

Support to develop and sustain an Interpreter Resource Partnership among justice agencies in New Mexico. The primary objective of the partnership is to ensure that individuals with limited English proficiency who become involved with the justice system (criminal and civil) have access to culturally appropriate services. (\$48,616)

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<sup>13</sup> For a complete listing of SJI grant awards, visit: <http://www.sji.gov/wp/wp-content/uploads/SJI-Language-Access-Grants-FY-2006-20161.pdf>

**New Mexico Administrative Office of the Courts - 2009**

*New Mexico Justice System Interpreter Resource Partnership: Phase II*

Funding to continue building the Interpreter Resource Partnership mentioned above. (\$97,639)

**California Administrative Office of the Courts - 2011**

*Enhancing LEP Services for California Court Users.*

Funding to initiate a statewide LEP planning effort across regional teams of administrators, clerks, interpreters, and self-help center staff. (\$35,000)

**New Mexico Administrative Office of the Courts - 2012**

*Ensuring Language Access Outside the Courtroom: Training for Judicial Employees*

Assistance to provide a language access training and qualification program for employees of state courts in order to improve the quality of language access services outside the courtroom for LEP individuals. (\$160,475)

**Center for Court Innovation - 2016**

*Domestic Violence Risk Factor Guide for Civil Courts: Enhancement Project*

Translation of the Domestic Violence Risk Factor Guide for Self-Represented Litigants into Spanish, and adaptation of the Domestic Violence Risk Factor Guide for Civil Courts for use by other, non-judicial court staff who assist with temporary orders for protection. (\$40,000)

**Technical Assistance (TA) Grants**

Technical Assistance Grants are designed to provide state and local courts with funding to obtain expert assistance in order to diagnose a problem, develop a response to that problem, and initiate implementation of any needed changes. Between FY 2006 and 2016, SJI awarded \$684,694 in TA Grants, which are described below.

**Minnesota State Court Administrator's Office - 2006**

*Document Translation*

Funding for development and implementation of proper court document translation standards and or translation of appropriate forms and brochures into at least three exotic languages. The initiative is a direct response to a recent influx of immigrants and refugees from various global hot spots. (\$30,000)

**The Superior Court, County of Alameda - 2007**

*CA Language Access Plan*

Funding to develop and implement a language access plan for the benefit of Alameda County courts and an increasing population of non-English speaking court users. (\$30,000)

**Washington Administrative Office of the Courts - 2008**

*Interpreter and Language Services Initiative*

Funding to support an interpreter and language services initiative that established service pilot sites, interpreter needs assessments, and state, regional, and local interpreter service delivery networks. (\$30,000)

**Vermont Supreme Court - 2008**

*Action Plan for Strengthening the Court Interpreter Program*

Funding to create an action plan for the Court Interpreter Program to develop and manage the program, and assist the State in improving access to justice for limited English proficient individuals. (\$21,000)

**Vermont Supreme Court - 2010**

*Implement Action Plan Developed for Court Interpreter Program*

Funding to implement an action plan for strengthening the foreign language interpreter program, and continue meeting the due process requirements in Vermont court proceedings. (\$21,000)

**Sonoma Co., CA, Superior Court - 2010**

*Improvement Project for Immigration, Cultural Competency, & Litigant Access*

Technical assistance to address the changes of activities resulting from state court unification efforts and the rapidly changing community demographics. (\$50,000)

**New Mexico Administrative Office of the Courts - 2010**

*Language Access Planning for New Mexico State Courts*

Funding to expand the Language Access Planning project statewide. (\$45,000)

**Massachusetts Trial Court - 2011**

*Translation of Documents in Small Claims Proceedings*

Translation of all small claims documents and some web content into seven different languages for use by the public. (\$26,611)

**Vermont Supreme Court Interpreter Action Plan: Phase II - 2011**

Funding to continue progress with the second phase of the foreign language interpreter program action plan through training development and distribution of an interpreter resource list. (\$25,000)

**Vermont Supreme Court - 2012**

*Language Access Program: Centralized Training, Testing, & Interpreter Services*

Support to engage a technical service provider for staff training and implementation of a self-sustaining centralized language access program. (\$25,000)

**Massachusetts Trial Court - 2012**

*Video Instructions in English & Other Languages for Small Claims Proceedings*

Creation of a small claims self-help video in English and several other languages. (\$20,288)

**Rhode Island Judiciary Language Access Project - 2012**

Assistance to translate forms, signs, notices, and components of the Judiciary's website. (\$32,786)

**Delaware Justice of the Peace Court Resource Center Initiative - 2013**

Technical assistance to develop and implement a Community Court Resource Center to serve self-represented and limited English proficient individuals in accessing critical information and services. (\$50,000)

**Supreme Court of Louisiana, Louisiana Court Interpreter Program - 2013**

Funding to develop a first-ever statewide court interpreter training and certification program in Louisiana to serve limited English proficient individuals. (\$50,000)

**Massachusetts Trial Court Model Courthouse for Language Access - 2013**

Developed a plan to assist in establishing the Worcester Trial Court complex as a national model courthouse for delivery of justice to LEP individuals. (\$50,000)

**New Mexico Administrative Office of the Courts - 2013**

*Ensuring Language Access Outside the Courtroom: Training for Judicial Employees: Phase II*  
Funding to move the New Mexico Center for Language Access (NMCLA) under the New Mexico AOC. (\$11,332)

**9th Judicial Circuit, FL - 2013**

*Guarding the Guardians: Keeping Our Wards Safe*  
Provide LEP guardians with a guardianship handbook, plans, and forms translated into the most frequently encountered languages. (\$20,084)

**Oregon Judicial Department - 2013**

*Oregon Language Access: The Counter Encounter*  
Support to develop, pilot, and implement a frontline service strategy designed to improve language access in Oregon's courts. The project will result in translated signage, increased availability of translated forms and information in the top 4 languages, and improved visual, written, and online resources for LEP and self-represented litigants. (\$50,000)

**Missouri Office of the State Courts Administrator - 2013**

*Access to Family Courts Website/Forms Translation*  
Funding to translate 17 forms and the "Representing Yourself in Missouri Courts" website into the 6 most common languages encountered in the Missouri courts. (\$43,593)

**1st Judicial District, PA Language of Justice Institute - 2015**

Support to develop and launch a formal academic course of study for court interpreters designed to prepare graduates for state court interpreter certification exams. (\$50,000)

**Superior Court of Ventura Co., CA Mixteco Video - 2016**

Support to the development of an informational video about accessing the court in the Mixteco Baja language. (\$3,000)

**Curriculum Adaptation & Training (CAT)**

Curriculum Adaptation and Training Grants enable courts and regional or national court associations to modify and adapt model curricula or course modules to meet state or local jurisdiction educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness. Since 2006, SJI has awarded \$97,922 in CAT Grants, which are listed below:

**Vermont Supreme Court Improve Court Interpreter Services - 2007**

Develop three curricula related to court interpreter services for legal proceedings in the trial courts. (\$18,100)

**Washington Administrative Office of the Courts - 2012**

*Targeted Court Interpreter Training Initiative*

Support to launch an intensive court interpreter training initiative, which will target specific languages, identify candidates who have a high propensity to do well as court interpreters, and utilize hybrid learning modules to accelerate the program. (\$19,140)

**Oregon Judicial Department Language Access Training & Development - 2016**

Support to continue implementation of the Oregon Language Access Plan's objectives related to education and training. (\$30,000)

**Connecticut Judicial Branch - 2016**

*Court Interpreter Assessment & Training Program*

Support to ensure meaningful access to limited English proficient (LEP) individuals by improving the quality of oral language interpretation provided by certified staff court interpreters and interpreters working towards certification. (\$6,682)

**Supreme Court of Ohio Court Interpreter Training Program - 2016**

Assistance to meet the certification needs for court interpreting effectively through collaboration with a postsecondary educational institution. (\$24,000)

**Strategic Initiatives Grants (SIG)**

Strategic Initiative Grants provide SJI the flexibility to address national court issues as they occur, and to develop solutions to those problems. The SJI Board of Directors awarded \$1,484,920 in SIG Grants between FY 2006 and 2016.

**National Center for State Courts - 2012**

*National Summit on Language Access and the Courts*

A summit of state court leaders that focused on the needs of LEP individuals. Fifty-five (55) state teams, consisting of the chief justice, state court administrator, and three other members selected by the chief justice attended. Each state developed a statewide LEP plan, and a National Call to Action report was issued. (\$448,282)

**California Administrative Office of the Courts - 2012**

*LEP Training for the Self-Help Center Environment*

Project to develop training for bilingual JusticeCorps volunteers to provide enhanced services to self-represented litigants. The project piloted a process for identifying and training JusticeCorps staff with bilingual skills. The program was expanded to the Bay Area, Los Angeles, and San Diego areas. (\$36,638)

**National Center for State Courts - 2013**

*Improving Access to Justice for Litigants with Limited English Proficiency*

During the December 10, 2012 meeting, the Board approved a \$500,000 Strategic Initiatives Grant (SIG) to the National Center for State Courts (NCSC) to address limited English proficiency (LEP) issues. Through this grant, the NCSC's newly established Language Access Services Section has provided direct technical assistance to state courts. These grant projects are described below in the next section, NCSC Support to State Courts. (\$500,000)

**National Center for State Courts - 2014**

*National Virtual Remote Interpreting (VRI) Project*



Support to establish a national call center that will assist state courts in providing VRI services. (\$500,000)

### **Language Access Basic Training Module (LABT)**

The LABT is a downloadable interactive training module for bilingual court employees who interact with people outside of the courtroom. It was funded by SJI and developed by the New Mexico Center for Language Access along with the NCSC, CLAC, and LAAC. The purpose of the training is to ensure that all court employees have a basic understanding of their ethical and legal obligations, as well as current best practices in serving limited English proficient and non-English speaking individuals. Available in Spanish and Language Neutral (all spoken languages) versions, LABT also provides a training module and an optional skills assessment for bilingual court employees.

## *C. NCSC Support to State Courts*

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The NCSC has been committed to helping states improve their delivery of language access services to LEP individuals. Through LASS, NCSC has been providing state courts with resources to overcome language barriers in the courts and to ensure that providing individuals with limited English proficiency with access to the courts is a core function of the courts. As discussed above, LASS works closely with the CCJ/COSCA through LAAC and CLAC.

In addition to providing resources, NCSC provides technical assistance directly to states. Also, NCSC organizes and hosts the Annual CLAC Conference.

As enumerated above, NCSC has received grant funding from SJI to continue providing the necessary level of assistance to jurisdictions to improve their language access services. NCSC assists states through CCJ, COSCA, and LAAC in developing consistent national standards for increased ability to share resources, including the ability to share interpreters, tests, and training opportunities. It facilitates the creation of regional and/or national databases of interpreter resources. NCSC houses a website of interpreter resources, including self-assessment tools and testing and written and oral exam resources.<sup>14</sup> Also on its website, NCSC hosts valuable resources for program managers.

NCSC helps state and local courts with developing LEP plans, including assistance in determining when interpreter resources are required, and the necessary resources, as a part of case management. Also, it helps develop model training for judges and court staff on cultural and interpreter use issues and disseminate information about the effective ways to respond to, and manage, the many facets of LEP individuals and their impact on the state courts. NCSC conducts evaluations to identify gaps with meeting DOJ guidelines, and establish a plan of action to address those gaps.

NCSC worked with courts across New England, assessing their language access services and helping them find ways to share interpreters at the regional level. The NCSC also assisted the Tennessee Judiciary in conducting a summit of stakeholders to plan for providing language access services at no

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<sup>14</sup> <http://www.ncsc.org/Education-and-Careers/State-Interpreter-Certification.aspx>

cost in civil cases throughout the state. NCSC assisted states in the following additional projects: the 2015 Language Need and Interpreter Use Study – California; the 2015 – 2016 California Language Access Plan Implementation (Phase I); the 2016-2017 CA Language Access Plan Implementation (Phase II); the California Collaborative Testing Projects (2013 – 2017) – annual contracts that have included in-person rater trainings and test development and maintenance activities; and the 2017 – 2018 Indiana Needs Assessment and Language Access Plan Development.

## *D. Innovative Programs and Initiatives at the State and Local Level - Listed by State*

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As a direct result of SJI support, there has been significant improvement and growth of language access programs and initiatives throughout the country. Over the past 5 years, we have seen a demonstrable increase in activities and programs geared toward improving language access services.

The majority of states, territories, and D.C. have developed language access plans, implemented interpreter training and certification programs, established oversight through commissions and coordinators, conducted trainings for judges and staff, and have explored technology options. Listed below by state are highlights of initiatives that jurisdictions have recently implemented.

### **Language Access Plans**

#### ***California***

In January 2015, the California Judicial Council adopted a [\*Strategic Plan for Language Access in the California Courts\*](#). This was developed over the course of an 18-month effort by a Joint Working Group. A Language Access Implementation Task Force is currently overseeing the execution of the Plan. As mentioned above, NCSC has assisted with the implementation under two separate contracts with the Judicial Council.

#### ***New York***

In March 2017, the New York Unified Court System adopted a plan titled [\*Ensuring Language Access: A Strategic Plan for the New York State Courts\*](#). The plan consists of 70 concrete actions to eliminate barriers for LEP and deaf or hard-of-hearing court users.

#### ***Pennsylvania***

In March 2017, the Unified Court System of Pennsylvania adopted a [\*Language Access Plan\*](#). The plan was developed by the Pennsylvania statewide Language Access Advisory Group (“LAAG”), consisting of judges, court administrators, court interpreters, legal service providers, and elected government leaders. It includes a three-year timeline of deliverables in the following areas: notice, translation, and signage; outreach, training, and evaluation; and services outside the courtroom.

#### ***Minnesota***

In July 2016, the Minnesota Judicial Branch adopted a [\*Language Access Plan\*](#). The purpose of the Statewide Language Access Plan is to provide a framework for the provision of timely and reasonable

language assistance to LEP persons who come in contact with the Branch. It was developed with assistance from NCSC under an SJI technical assistance grant.

### ***Georgia***

In March 2016, the Georgia Supreme Court Commission on Court Interpreters released a public draft of its *Model Administrative Protocol for the Provision of Interpreters in the Georgia Courts*. The MAP is a step-by-step guide designed to help state courts reliably and efficiently provide interpreters and other language services. It was developed with assistance from NCSC under an SJI technical assistance grant.

### ***Colorado***

In 2016, Colorado completed the tasks outlined in its Language Access Plan, which was developed in 2011 in coordination with the Department of Justice. The Colorado Language Access Advisory Committee then began work developing a new Language Access Plan.

## **Training and Certification Programs**

### ***Arizona***

In 2016, Arizona implemented its [Arizona Court Interpreter Credentialing Program](#) (ACICP). ACICP provides for the credentialing of spoken-language court interpreters in Arizona. All staff interpreters are required to become credentialed at the Tier 3 or Tier 4 level by June 30, 2019. All new court employees are providing interpreting services hired after June 30, 2017 will be required to hold an Arizona credential at the Tier 3 or Tier 4 level. As of July 1, 2017, courts will be expected to show a preference for interpreters who are credentialed whenever contracting with freelance interpreters. NCSC assisted with the development of ACICP through an SJI technical assistance grant.

### ***Arkansas, Louisiana, Mississippi, and Tennessee***

In July 2015, four state court interpreter programs (Arkansas, Louisiana, Mississippi and Tennessee) collaborated to sponsor the 2015 Legal Interpreting Seminar at UALR's William H. Bowen School of Law and the Pulaski County Courthouse, focusing on continuing education for spoken and sign language interpreters. Sixty-eight interpreters from 17 states participated in the event.

### ***CLAC Working Group***

In 2016, a CLAC Working Group on Language Neutral Training Materials produced a [Resource Guide for Court Interpreters](#).

Also, a CLAC Working Group is currently evaluating the development of legal glossaries for languages in need of standard reference materials.

### ***Oregon***

SJI Curriculum Adaptation Grant Awarded to Oregon in June 2016 – Languages Other Than Spanish (LOTS) Oral Exam Preparation Activities. A cohort of 10 Scholarship recipients were invited for a year-long oral exam prep year of activities. Participants were selected from those who have successfully passed the written exam in the past, applied by deadline, and agreed to attend all sessions.

## **Oversight/Supervision**

### ***Washington, D.C.***

In DC, a Language Access Advisory Committee was formed in May 2016. Internal and external stakeholders are active in studying DC Courts' LAP and presenting recommendations and conducting research to further the goals of the LAP in coordination with the LAP coordinator.

### ***Idaho***

In 2016, Idaho created a formal Language Access Office. This office has been responsible for many tasks. Some of the most important have included the provision of direct coordination and interpretation services for all counties. Additionally, increased efforts have been made to improve recruitment and enhance collaboration with local universities, and refugee organizations.

### ***Kansas***

New and amended Kansas Supreme Court rules relating to language access became effective on July 1, 2016. These rules: (1) require chief judge appointment of a local language access coordinator in each judicial district; (2) set forth the responsibilities of local language access coordinators; (3) create the Kansas Code of Professional Responsibility for Court Interpreters (based on the Model Code); and (4) require spoken language interpreters to sign an Interpreter's Acknowledgment and Agreement form prior to interpreting in a district court which verifies that the interpreter has received and reviewed the Code and agrees to adhere to it.

### ***Nebraska***

Nebraska legislature funded a newly created Statewide Language Access Coordinator position, and that position was filled in October 2015.

### ***Florida***

In Florida, effective October 1, 2015, rule amendments governing court interpreters require all court interpreters to register with the Office of the State Courts Administrator prior to providing services in any court proceeding or court-related proceeding.

### ***Pennsylvania***

On August 3, 2015, Pennsylvania commenced deployment of LADC which allowed them to gather detailed information about the use of interpreters and provision of language access services throughout all judicial districts. Each district's Language Access Coordinator is responsible for gathering the information for each district and entering it into the LADC. They create reports about the number of cases, languages, location, type of case, interpreter's names and qualifications, costs, services provided, outcomes, etc. The tool is designed and built by their IT unit using a Microsoft program called CRM.

### ***North Carolina***

New N.C. Standards for Language Access were approved on April 30, 2015. Language Access Coordinators were appointed and trained statewide to assist with efficient scheduling and disseminating language access information.

### ***Iowa***

In December 2014, the Iowa Supreme Court approved a substantial set of revisions to the Iowa Court Rules on Interpreters and Translators (Chapter 47) and the Code of Professional Conduct for Court Interpreters and Translators (Chapter 48). Both became effective on July 1, 2015.

## Training and Educating Judges and Court Personnel

### *New Mexico*

The [Language Access Basic Training](#) program is a downloadable interactive training module for bilingual court employees who interact with people outside of the courtroom, developed by the New Mexico Center for Language Access along with the NCSC, the Council of Language Access Coordinators (CLAC) and the Language Access Advisory Committee (LAAC). It was funded by the State Justice Institute.

### *Tennessee, Wisconsin, Minnesota, Nevada, Georgia, Louisiana, and New York*

Tennessee has an information card for court clerks to provide guidance related to appointment of interpreters: [http://www.tncourts.gov/sites/default/files/docs/2016\\_clerks\\_information\\_card.pdf](http://www.tncourts.gov/sites/default/files/docs/2016_clerks_information_card.pdf)

Numerous states have produced bench cards for judges on working with court interpreters. These include Wisconsin, Minnesota, Nevada, Georgia, Louisiana, and New York

### Technology

#### *Wisconsin*

In July 2014, a video remote interpreting (VRI) assessment was completed with the support of an SJI grant.

Additional SJI-supported VRI needs assessments have been conducted **in Indiana, Nevada, Arkansas, and Louisiana**. Assessments are under way in **Maine and Illinois**.

#### *Minnesota*

In May of 2013, Minnesota produced a Bench Card on Video Remote Interpreting in the Courtroom.

#### *California*

In March 2017, the Judicial Council of California announced a [pilot project](#) to evaluate VRI and test VRI technology in the courts, pursuant to recommendations in the Judicial Council's *Strategic Plan for Language Access in the California Courts*.

#### *Florida*

In June of 2014, the Supreme Court of Florida proposed to study VRI as a statewide solution and pursued funding for the initiation of a pilot program in the trial courts. The initial phase began with a pilot program which included five circuits: 7<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup>.

#### *Arizona*

The Arizona State Judiciary has implemented the use of VRI services in various courtrooms by appointment, across the state. An interpreter room, located in the Administrative Office of the Courts in downtown Phoenix, is equipped with video equipment which can connect an interpreter in the Phoenix area to a courtroom in a distant county via a video connection. The use of VRI is intended for shorter hearings where having an interpreter onsite is cost prohibitive.

## **IV. INNOVATIVE PROGRAMS AND SURVEY RESULTS**

Over the past five years since the Summit and the release of the Call to Action, there have been conversations and reports that jurisdictions have been making significant improvements in their language access services. In order to document and accurately capture all of the progress that has been made, NCSC, with SJI support, distributed a survey to measure these improvements.

NCSC distributed the survey to each state, territory, and the District of Columbia. It was directed to the entities or persons responsible for the delivery and oversight of language access services within each jurisdiction. Forty-eight out of 48 jurisdictions participated in the survey.

The survey instrument itself was based on the nine Action Steps as laid out in the Call to Action. The Action Steps are an ideal measure of progress as they lay out a comprehensive guide to improving language access services and programs. The survey presented 42 questions, consisting of both multiple choice questions and queries requiring narrative answers. There were 11 areas of questions in the survey, including the 9 Action Steps: Data Collection, Oversight, Monitoring, Training for Key Stakeholders, Interpreter Training and Certification, Collaboration, Remote Technology, Compliance, and Funding. The additional two areas focused on challenges that still exist and self-assessment of progress.

The comprehensive and in-depth questions were designed to assess all of the components of a program's language access services. Also, the survey asked jurisdictions to provide highlights of what has worked best and what they would recommend to other jurisdictions. Further, the survey also collected information on the types of challenges that still exist, which is useful in providing a complete picture of the path of trying to implement specific aspects of services. As a result, NCSC has collected a summary of activities and the best course of action for other jurisdictions to use as a model.

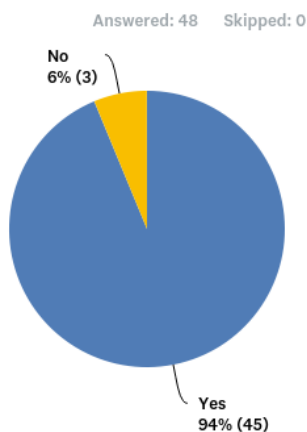
Overall, the survey revealed that the majority of jurisdictions across the country have made a great deal of progress and improvements in providing language access services. The first part of this section presents an overview of improvements that jurisdictions report making in the past five years and also a summary of specific innovations and program highlights. This is followed by a breakdown of the survey data by each Action Step. While the survey itself was in-depth, the jurisdictions' responses were extensive and detailed. Please note that the bulleted arrows are the actual responses from the jurisdictions that participated in the survey. We felt it was important to capture and document these responses in this report and to maintain the accuracy and integrity of the data.

## Overview of Improvements

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In the survey, we asked 48 jurisdictions if they believed that their language access program/services have improved over the last 5 years. Overwhelmingly, 93% of jurisdictions answered that their programs or services indeed improved. This question sought to measure jurisdictions' overall programmatic improvements.

### Q41 In the past 5 years, do you believe that your language access program/services have improved?



The survey then asked the jurisdictions to support their answers and explain why they felt there were improvements. (Note: The survey did not ask respondents to support their answers with actual data.) Jurisdictions detailed improvements in the areas of: increased awareness, training, understanding of policies and mandates, revisions of court rules, credentialing and certifying interpreters, establishment of LAPs and oversight bodies, video remote interpreting, etc. Some states reported specific improvements and other states reported wide-ranging changes throughout their programs.

In addition, the survey revealed that a surprising number of jurisdictions referred to “increased awareness and understanding” as either the improvement made or the impetus for the improvement. There was a common theme that an increased awareness for the need for language access led to significant improvements, including compliance and understanding of policy and services. One state reported that their, “[s]tatewide language access awareness has been significantly heightened through ongoing training and outreach, and efficiency and effectiveness of interpreting services delivery has increased through remote interpreting expansion.”

Jurisdictions also have utilized education as leverage to gain the support of leadership in increasing funding and policy changes. Further, more training has led to a widespread understanding of mandates, services available, and proper delivery of those services. Listed below are actual responses in the survey detailing the improvements throughout their programs.



## Increased Awareness

- We have a heightened **awareness/priority of the need for language access and our responsibility to provide language access** for our customers.
- More people are **aware of the requirement and need for language access**.
- Much more comprehensive **understanding of federal and state mandates**.
- We believe that in the last 5 years our language access programs/services have improved. We obtained an additional \$2 million dollars in the AOC budget for interpreter services for the courts which allows for the court system to be able to pay for interpreter services during all court hearings and allows for court appointed counsel to communicate with their clients during case preparation. We have **educated all stakeholders in the legal system regarding the need to provide qualified interpreters and therefore awareness of the issues and needs has increased along with usage of interpreter services**.
- Better services, more standardization, **awareness**.
- **Increased awareness and understanding** of policy and services.
- **Training & awareness presentations** for court staff and judiciary (new judges & a judicial training session)
- We have **better compliance** with use of certified interpreters; because of the **extensive training** we have done, our judiciary is **better informed and sensitized to the need for qualified interpreters**; we have implemented a CE requirement for on-going professional development of certified interpreters; and we have more certified interpreters in LOTS.
- By improving **data collection and reporting** we have been able to **convince leadership of the depth of the program and the importance** of addressing language needs.
- Michigan prior to this had no formalized system of language access provision. Today we have guidelines, registered interpreters, court rules, an oversight board for the profession and a **better awareness** by the Bench of the need.
- The implementation of local court LAPs, accompanied by increased training, **raised awareness of language access**. Our increased efforts on language access in general have resulted in **improved compliance** with our state law and regulations, in that local courts understand the need to provide qualified interpreters.
- **Staff awareness and commitment** ensures that the Branch complies with requirements

### SPOTLIGHT ON IOWA

In 2015, the Iowa Supreme Court adopted **extensive revisions to the Iowa Court Rules** on interpreters and translators that has **significantly expanded the use of certified interpreters and translators**, requires the use of two interpreters in proceedings more than four hours in length, increased the testing requirements for an interpreter to be listed on our Roster of Court Interpreters, added a continuing education requirement for interpreters to remain on the Roster, established rules on interpreter discipline, clarified and amended the Code of Professional Conduct for Court Interpreters and Translators, and **substantially improved the overall scheduling and management** of language access services.

To **educate key stakeholders** about the changes in the court rules, we conducted statewide training sessions for interpreters, judges, clerks of court, court administration staff, Legal Aid attorneys, and attorneys in Public Defender Offices at their respective annual conferences and through several webinars.

### Interpreter Credentialing and Certification

- The number of **certified/registered interpreters** continually grows. Language access staff has received a growing number of requests to speak to various audiences thereby providing education of state and federal laws.
- People are beginning to understand that interpreters need to work in teams, that courts must pay for civil case interpretation and practicing attorneys, non-court staff and the Bar members are learning more about the statutory obligation to first seek **NCSC-certified interpreters**.
- Implementation of **statewide credentialing program** and availability of **qualified interpreters** to all courts.
- Doubled oral examination administrations and Orientation Workshop/Written Examinations. Now offered twice a year.
- With the development and implementation of the **court interpreter training and certification program**, the list of **qualified court interpreters** available to courts, attorneys, and others continues to expand both in the number of interpreters in the most needed languages, and in the number of languages represented.
- Our **number and quality of interpreters has increased**, and courts and probation services understand and appreciate the need for interpreters and generally make timely requests for language access services.
- MS has provided NCSC oral examinations for interpreters and have increased the number of registered and certified interpreters.

### Training

- Statewide training for judges and staff. We adopting a Language Services Plan.
- We have provided training to chancery, circuit, county, municipal, justice, tribal and youth court judges.

### Expanded Services

- Progress in the expansion of court interpreters in civil proceedings.
- Expanded to include interpreters at no cost to the party for juvenile, family, and guardianship cases; expanded to provide interpreters in civil cases with reimbursement required only on a case-by-case basis; and expanded to cover witnesses and participants other than just the person named in the complaint; Provided judge and staff training to make certain everyone working in the court system is aware of the rights and responsibilities imposed by law and court rule.

### Comprehensive Program Improvements: Court rules, VRI, Translation of documents

- There has been continued development and refinement of LAP templates, implementation of an interpreter code of conduct and **credentialing program**, creation of the Court Interpreter Program Advisory Committee, **and expansion of the video remote interpreting program**.
- More information is **available in different languages**.
- We can see the tools for language access being used statewide. Language Access Services receives more court feedback and courts come to us to resolve issues and get resources. Increased data collections also supports evidence of improved services.
- The Texas Court Remote Interpreter Service was established in September 2014.

- We have an active G.L. Chapter 221C committee, currently working on **finalizing revisions to the Standards and Procedures** for the Office of Court Interpreter Services (OCIS). We have **translated many court documents** in most requested languages (ex., Spanish, Portuguese, Haitian, Khmer, and Vietnamese).
- **Video remote technology** has enabled us to provide certified interpreters from other state courts. The court system now has a qualified Yup'ik interpreter on-staff. With the hiring of a full-time interpreter services coordinator, the court system is able to provide interpreting services in a timely manner and is able to monitor interpreting services. The revision of Administrative Rule 6 enables the court to provide qualified interpreters for all courtroom hearings. The revision has greatly improved the cost and quality of interpreting services.
- Improved **quality of interpreting services** in in-court proceedings (criminal and civil cases) by increasing the number of certified and qualified interpreters. **About 95% of proceedings are covered by fully certified interpreters.** Improved access outside the courtroom by **training and certifying over 100 bilingual employees** in Spanish, Navajo, Mandarin, Polish and Keres and equipping the courts **with I-speak cards, on-demand telephonic interpreting services and multi-lingual signage.** Improved access to written materials by **translating our judiciary's website and DV and DR forms.** Improved access to justice for Native Peoples by developing a **training and certification program for Navajo and Pueblo languages and training judges on cultural competency.** **Increased awareness about Title VI, ADA and language access policies** by holding regular LAP meetings and training, launching a language access website and portal for judges.

### **SPOTLIGHT ON KANSAS**

The **Kansas** Supreme Court **established a Language Access Committee** to make recommendations to the Court regarding the development and administration of a comprehensive language access program to further accessibility to the Kansas courts by persons with limited English proficiency.

The Kansas Supreme Court issued the following Supreme Court Rules: Rule 1701 Language Access Committee Rule 1702 Language Access Coordinators for Each Judicial District Rule 1703 Kansas Code of Professional Responsibility for Court Interpreters Rule 1704 Interpreter's Acknowledgment and Agreement thanks to Rule 1702, Kansas now has an **appointed local language access coordinator in each judicial district.** Thanks to Rule 1703, Kansas now has a code of court interpreter ethics.

In addition, the Language Access Committee developed three forms, available online to the district courts: Interpreter's Acknowledgment and Agreement form, Court Interpreter Complaint Form, and Notice Regarding Court Interpreters (a notice to the public in English and Spanish of who to contact with interpreter requests or concerns). The Kansas Office of Judicial Administration now maintains an **internal online language access page** that is accessible to local language access coordinators, which provides relevant links, forms and information, as well as a statewide court interpreter listing with data received from the local language access coordinators. The Language Access Committee is working on some exciting new initiatives.

# *Notable Initiatives and Improvements*

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In a related question, the survey asked jurisdictions to highlight the most notable initiative or improvement in their language access program. While the previous question (Q 41) asked for an overview of their programs and services, question 42 was much more narrow, asking for specific initiatives or improvements that were accomplished.

## ***Q42 What has been the most notable initiative or improvement in your language access program that you wish to highlight?***

Nearly all of the participating jurisdictions (46 out of 48) responded affirmatively that there were specific and concrete improvements. (Only 2 jurisdictions answered N/A.) Some highlighted individual improvements, while others detailed various areas of extensive improvements throughout their systems. Some of the most commonly notable improvements included hiring of a full time language access coordinator, increasing training, creating training programs, establishing interpreter certification and recruitment, implementing court rules and policies, creating of LAPs, and translating documents and forms.

For example, the following jurisdictions detailed significant programmatic improvements:

- Prior to this, we had no formalized system of language access provision. Today, we have **guidelines, registered interpreters, court rules, an oversight board** for the profession and a better awareness by the Bench of the need. We have a **formal grievance process** and staff finds it **easy to coordinate with their trained language access coordinator who** is present in every court in the state.
- Extending services beyond the courtroom; boosting the translation program; developing language portals with robust web content (introductory videos, layers of core content in the target language and bilingual forms).
- One of our biggest improvements has been to **establish relationships with community**, legal, faith-based, and other state agencies resulting in greater knowledge of issues and need to improve interpreter services.
- The development of local language access **plans** and appointment of language access **coordinators** for each court focused our courts on the need to provide quality language access services. On a statewide level, the recent adoption by our Supreme Court of our LAP for the Unified Judicial System will allow us to attack these issues in a more strategic fashion.

One of the most frequently cited improvements highlighted was the hiring of a full-time language access coordinator, which had a broad impact on all aspects of a jurisdiction's programs. A full-time and often statewide coordinator not only supervises and monitors a program, they can fill a number of roles such as obtaining grant funding, coordinating trainings, engaging in community outreach, and handling interpreter scheduling.

### Full Time Language Access Coordinator/Manager

- Hiring a **full time language access coordinator** has given the AOIC the necessary capacity to establish an interpreter certification program, coordinate judicial and court staff trainings, collect

data, and develop relationships with local partners and court staff to implement meaningful language access.

- The hiring of a **full-time interpreter services coordinator** has provided quality interpreting, reduced delays in scheduling hearings and trials where an interpreter is needed, and increased efficiency in costs and service. The **training and qualification of an on-staff Yup'ik interpreter** in Bethel has enabled the court system to respond immediately to the need for a Yup'ik interpreter. The use of **video remote interpreting services** has increased our ability to use qualified and certified interpreters.
- The State of Nebraska hired its first **Statewide Language Access Coordinator** in Fall 2015. In Spring 2016, we wholly revised our 2-day **Interpreter Orientation workshop**, making it far more interactive and giving prospective interpreters significant hands-on experience. Each participant is provided a thumb drive with Orientation materials, test prep resources, and the beginnings of their interpreter library. We also removed the written interpreter exam as a component of Interpreter Orientation, scheduling it one month after the workshop. **With these changes, our Written Exam passage rate is now 25%.**

The creation of a **Language Access Coordinator position** allows us to monitor and improve court LEP services, develop and implement new resources, apply for grants, respond to feedback, apply for grants, respond to feedback and resolve issues, and conduct court and community outreach.

### Training

- In the past 5 years, and thanks in part to the technical assistance grant from SJI, the Louisiana Supreme Court has **developed and implemented a court interpreter training and testing program**, provided training to judges and court staff, and adopted policies including the interpreter code of ethics in the Louisiana Rules of Court. The result of this program is a continually increasing pool of qualified and credentialed court interpreters for use by the courts, attorneys, and others.
- The development of the **web-based training on LEP issues** allows for all Judicial Branch staff to receive the training within a specified time frame and for the development of a refresher course. The implementation of the video with the translation into Spanish of the Advisement of the Rights for Family Support Magistrate court. This video is played at the beginning of all Family Support sessions.
- **Language Access Specialists:** over 100 bilingual employees were **trained and certified** to provide language access services outside the courtroom in Spanish, Navajo, Mandarin, Polish and Keres. Employees comply with annual CEUs, for which we offer webinars and an annual symposium. Employees who successfully complete the program and maintain their CEUs qualify for a pay differential. Developed a **training and certification program** for Navajo and Pueblo Languages. **Online and in-person training offered to judges, staff and interpreters.** Translation of the NM judiciary's website. Collaborative efforts with other states. Developed training for interpreters to work with LEP jurors, which will be implemented this fall.
- Our **education of judicial partners** regarding the legal obligations to provide language support and how to fulfill these obligations.

### Interpreters (Recruitment, certification, credentialing)

- We have increased the number of registered and certified interpreters.
- We are gaining more interest from people who would like to serve as interpreters.

- Credentialing of interpreters
- Development of detailed supreme court rules establishing a **statewide interpreter credentialing program**. Creation of a **statewide registry of certified and registered interpreters**.
- Although very simple, the Judiciary of Guam is the only entity on Guam that has an LAP and "court registered" interpreters. Our list is constantly requested by different government agencies, private attorneys, and non-profit organizations who need interpreters.
- Certification program.
- Credentialing of interpreters.

#### Court Rules

- We have made great strides since the Summit, including the issuance of new supreme court rules relating to language access.
- Strong infrastructure of **court rules** for the appointment of language services and language access.
- **Adoption of increased standards** through successive rule amendments has strengthened interpreting standards in court and court-related proceedings, reduced communication and language barriers to facilitate participation in such proceedings, and **increased the pool of registered and officially designated court interpreters**; utilization of **remote interpreting technology** has further enhanced interpreter services delivery to fulfill the needs of limited English proficient persons and ensure quality of services.

#### Increased Oversight (LAP/Committee)

- Every county within our state now has an LAP in place.
- The establishment of the DC Courts Language Access Advisory Committee.

#### Translation

- We have instituted a **process for translation of court forms** which includes requesting and prioritizing translations, and a reoccurring budget line for translation of court forms.
- A current project to translate 300 documents into seven languages.
- We have embarked on the translation of 300 documents not only into Amharic, the second most-frequently encountered spoken language, but also into 6 other languages. We are exploring the addition of VRI and simultaneous RI. We continue to offer legal term training to bilingual staff.

#### I Speak Cards

- "I Speak Cards" for those with LEP. Adoption of a Language Services Plan. Contracting with a single source vendor to provide interpreting services in all NH courts.
- We provided I Speak cards to the courts and law enforcement agencies which has been very effective.

#### Policies and Mandates

- Promulgation of **updated language access plan policies** as Administrative Directive #01-17
- Revision of our LAP to be more aligned with recent DOJ enforcement interpretations of Title VI.

#### Miscellaneous

- Development and implementation of a **statewide interpreter scheduling system**.

- Restructuring of our department to better meet the needs of the court.
- Provision of services beyond the courtroom & court proceedings; hiring of full time Spanish interpreters; program to inventory and translate all court forms
- The appropriation from the Legislature which provided for a **full time, statewide Language Access Manager**, as well as **video remote interpreting equipment** for the entire state, and **funding** for some direct services.
- Leadership support, LASC, and development and adoption of our Standards and implementation of Language Access Coordinators.
- **NY's REMOTE INTERPRETING PROGRAM**, from OLA and intra-court use, **has greatly increased the provision of qualified interpreters to more courts, in a timely and efficient manner**. BILINGUAL ORDERS in multiple languages, in civil and criminal court types, have also changed the process and LEP's understanding of the process.
- Evidence Code section 756, progress by the courts in civil expansion and the unveiling of **our online Language Access Toolkit**.
- More efficient **data collection/analysis platform**, recruiting, AOC-sponsored continuing education for interpreters, increased number of SPA and LOTS interpreters in registry.
- Expanded access to services at no cost to the individual requiring the assistance of an interpreter.

#### **SPOTLIGHT ON HAWAII**

The Hawaii State Judiciary, in collaboration with the U.S. Department of Justice, has prioritized enhancements to its language access services to ensure that LEP court users are identified and provided with appropriate language services without undue delay, frustration and cost. The Judiciary has adopted a **Language Access Policy** that states that all LEP individuals will be provided with free interpreters in court proceedings, and with language services outside of the courtroom, including Self-Help Centers for self-represented civil litigants.

The Judiciary has provided **training** for its interpreters and continues to work to **build its pool of qualified interpreters**, particularly in rare Pacific Island languages. The Judiciary also implemented **mandatory training on language access for its staff and judges**. The Judiciary also made **enhancements to its website** to make it easier for limited English proficient (LEP) persons and the general public to access important information about language access services. A new Language Access tab was added to the Judiciary's website, <http://www.courts.state.hi.us>, which provides information about the Judiciary's language access services and links to informational materials. With just one click from the Judiciary's homepage, LEP court users can quickly access language-specific web pages, that provide important information about the Judiciary's language services, including how to request an interpreter and how to work effectively with a court interpreter.

These initiatives helped the Hawaii State Judiciary **move from 45th in 2014 to 1st in the nation among all state courts for its provision of language services, in the 2016 Justice Index Survey**. The Judiciary's multilingual website, which features readily accessible language-specific web pages for LEP court users, was recognized with **the #1 Top Tech Award by the National Association for Court Management in 2016**.

# Action Step 1

## Identifying the Need for Language Assistance

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

Identifying the need for language assistance is a fundamental component of any language access program. Jurisdictions should regularly assess the actual and potential need for language assistance to facilitate the development of an LAP and to improve language services. Action Step 1 details three main areas to help states identify the need for language access services: identifying the need for language assistance in the court; identifying the need at all points of contact; and the types of data to collect.

At the Summit, there was a consensus among participants and presenters that a vital initial step toward improving language access services was to establish or improve procedures for identifying the need for language assistance. In their Action Plans, the states detailed proposals to utilize demographic information to assist with forecasting potential language needs and to establish data collection and analysis protocols and systems to review actual language use and services in the courts.

Over the past 5 years, jurisdictions have improved their methods of identifying the need for language assistance, by establishing effective data collections and analysis procedures. States and territories have gone well beyond merely relying on demographic data, they also are establishing case management systems, increasing efforts to work with community organizations to monitor fluctuating populations, and are fully utilizing their internal information available to courts, such as invoices and expenditure reports.

In NCSC's recent survey, the responses revealed that jurisdictions have employed various effective methods of identifying the need for language assistance. NCSC posed a series of questions to determine the methods jurisdictions have been utilizing to identify the need accurately and efficiently.

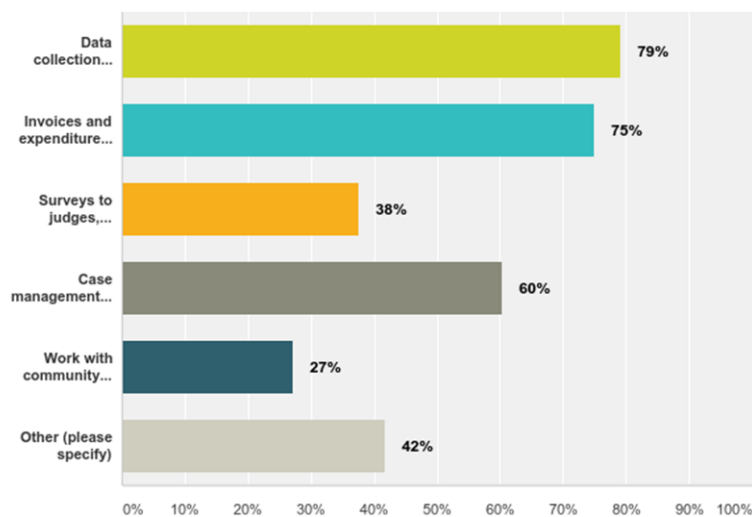
### ***Methods for Identifying the Need***

The first question asked how jurisdictions identify the potential need for language assistance. The most commonly utilized methods were: data collection pertaining to language assistance requests; invoices and expenditures reports pertaining to language services provided; surveys to judges, attorneys, and court staff; case management systems capture needs, such as coding and flagging; and working with community organizations to conduct demographic assessment. (Fig. Q2.)



**Q2 In general, how do you identify the potential need for language assistance?  
Check all that apply:**

Answered: 48 Skipped: 0



In addition to the most commonly used methods listed above, jurisdictions provided details in response to this survey question on other types of methods they use to identify the need. Other methods included, collecting demographic data, maintaining communication, developing case management systems, and program-wide data collection projects. A number of states detailed their use of demographic information, including U.S. and state census data. Demographic data at the county, state, and national levels can assist with planning for anticipated and changing needs. This data can facilitate with planning efforts, including recruitment and training of interpreters or bilingual staff in certain languages and the development for translated materials or signage.

Demographic information

- The Alaska Court system reviews demographic information from the U.S. Census Bureau, The Alaska Department of Labor and Workforce Development, Alaska school districts, and the Language Interpreter Center. The statewide Language Services Coordinator tracks language needs by reviewing data collected on a monthly basis.
- In Hawaii, the State Judiciary implemented the LEP Language Access Data Collection Project. The goal of the project is to identify populations with LEP that are eligible to be served by the state courts and ensure the provision of language access services in a culturally and linguistically appropriate manner to eligible LEP language groups.
- U.S. Census data.
- State Demographer, school enrollment.
- Biennial reviews of U.S. Census Data, North Dakota Chamber of Commerce Data, ND Population data compiled by ND State University, and data provided by Lutheran Social Services for ND which is the federally designated agency responsible for refugee resettlement in ND.
- Economic Development Research Information Center and census data.

### Direct Communication and Feedback

- Regular communication with district court administrators and their designated court interpreter coordinators.
- Individual discussion with court interpreter schedulers at largest jurisdictions.
- Community outreach.
- Specific language requests from courts and probation services.
- Early identifiers from stakeholders such as police reports, victim's advocates, etc.
- Contacts to the Supreme Court regarding our certified and qualified interpreter and firm list.

### Case Management Systems

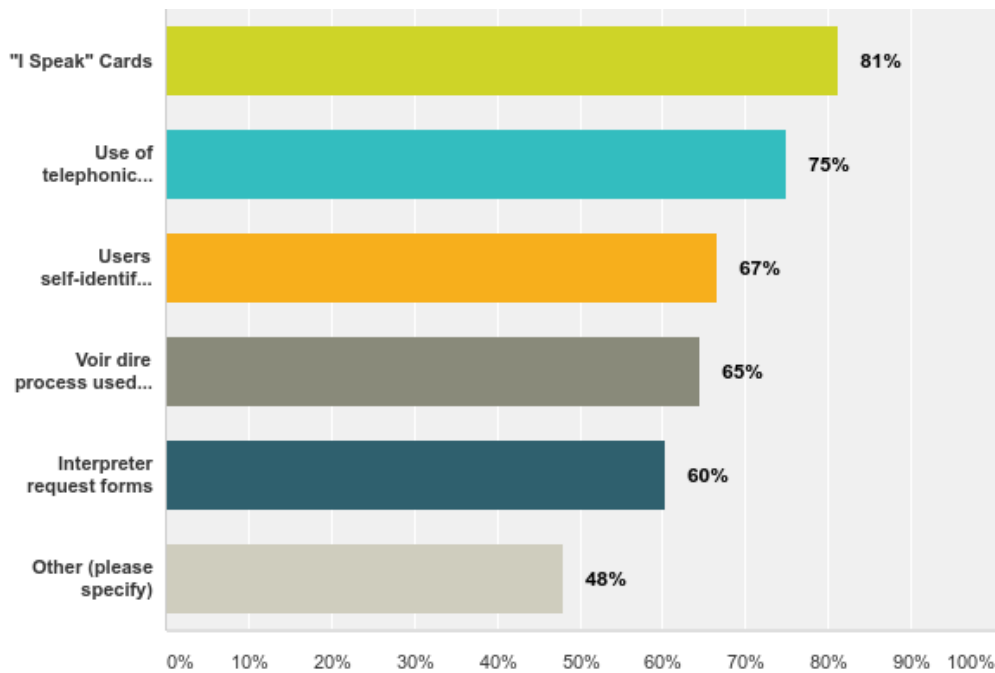
- Arizona is a non-unified system. Courts at the local level are responsible for identifying language assistance needs. However, state-supported **case management systems** include coding/flagging functionality.
- Developing **case management system** captures needs.

### *Points of Contact*

The second survey question in this area focused on identifying the need at all points of contact. Jurisdictions report in the survey that they have established a variety of effective protocols to improve their ability to identify the need for services in all courtroom locations, as well as outside of the courtroom.

Most jurisdictions utilize a combination of methods. States most commonly use "I Speak" cards and telephonic language services. Users will also self-identify by referring to multilingual pamphlets, posters, and online materials. They also use interpreter request forms and the *voire dire* process.

**Q3: “With specific users, how do you identify the need for language assistance at all points of contact?”**



"I Speak" Cards	81%	39
Use of telephonic language services	75%	36
Users self-identify by referring to multilingual pamphlets, posters, and online materials.	67%	32
Voir dire process used in later stages of a court event	65%	31
Interpreter request forms	60%	29
Other (please specify)	48%	23
<b>Total Respondents: 48</b>		

In addition to the methods listed above, jurisdictions added additional ways in which they effectively identify the need of LEP users at all points of contact. Methods include: bilingual staff, signs, initial filing documents, and requests from attorneys, friends, or advocates. Some jurisdictions report that because they are decentralized they must employ multiple processes at various points of contact in order to effectively identify LEP users.

**Bilingual staff**

- We have **trained and certified over 100 Language Access Specialists** in Spanish, Navajo, Mandarin, Polish and Keres. These are bilingual employees who provide language access services outside the courtroom such as self-help centers, customer service, clerk's office, etc.
- Bilingual court staff to assist (for example, counter); Model notice of available language access services.

## Visuals and Signs

- **Large globe poster** that advises litigants about broad range of services.
- Language Identification Posters that include "I Speak" cards and **flags** of several countries allow for an easier language identification process.

## Initial Filing Documents

- Initial filing documents such as landlord/tenant Interpreter approaching and establishing communication with party in duty courtrooms; multilingual signage at the jail video kiosk for court appearance; notifying of availability of free interpreting services; and jail intake forms that are transferred to the court.
- Initial filing forms via paper or ECOURTS ask if interpreting services are needed and if so in what language.

## Requests made by Attorneys, Family, Friends, Advocates and Law Enforcement.

- Attorneys make requests directly to the courts and the courts request the interpreter service to our office. If there is any doubt we confirm the language before contracting the interpreter.
- LEP individual appears with friend or family member who speaks English, and courts or probation services identify need for language assistance and seek assignment of a qualified interpreter.
- Individuals arrive at the court, often with a family member or friend to serve as a translator, and it is apparent that an interpreter is needed to engage in conversation with them; law enforcement or prosecution will notify the court that an interpreter is needed prior to the 1st appearance on a criminal charge; a caseworker will notify the court that an interpreter is needed if the family has been receiving services through Human Services and they are aware that a case has been filed that involves a member of the family who needs those services.
- Attorneys whose LEP clients or witnesses need interpreters -- or a family member or friend of a self-represented LEP party -- contact the clerk of court or district court administrator's office to request appointment of an interpreter. If an LEP person comes to the clerk of court office, clerk staff use a telephone interpreter service to communicate with the LEP person.

## Miscellaneous

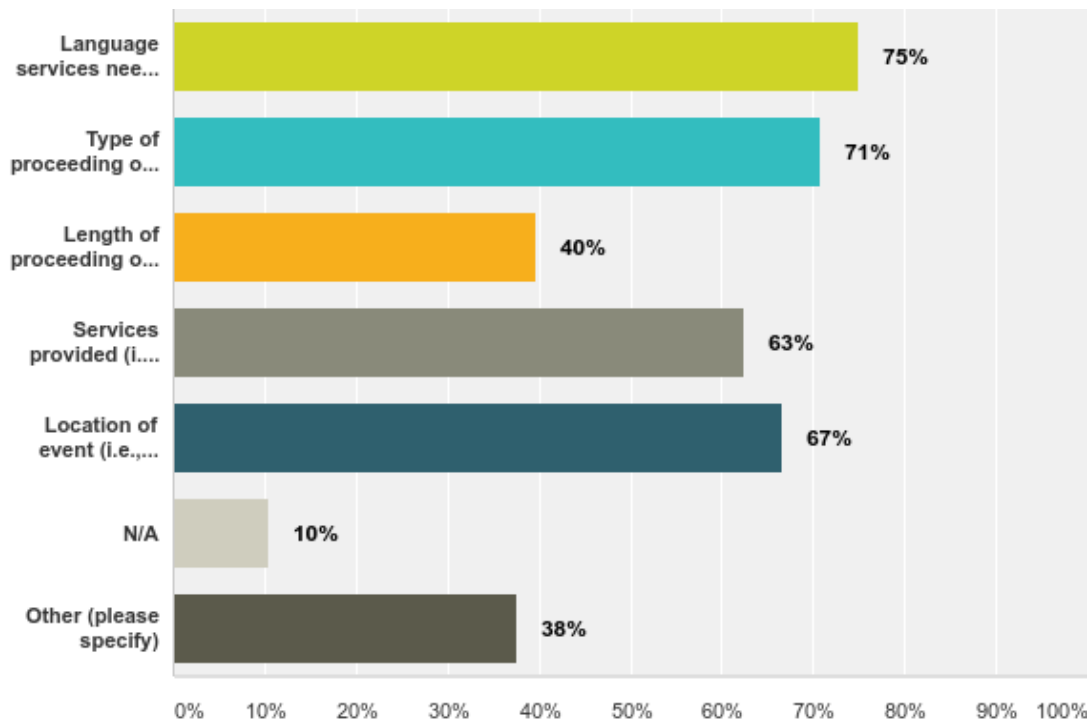
- Under a U.S. Department of Justice grant, the Hawaii State Judiciary developed Language ID Cards in 14 non-English languages frequently encountered in the state courts, including a number of "rare" Asian and Pacific Island languages. Hawaii State Judiciary staff has been trained on how to identify potential limited English proficient (LEP) court users, and to affirmatively offer language services if there are any perceived communication difficulties. Note: Interpreter request forms were developed under an ABA grant to the Hawaii Access to Justice Commission, to provide a means by which LEP persons can notify the court of their language need before their first hearing date. The judicial circuits are working on implementation planning and procedures for processing the Interpreter Request Forms, prior to public release of the form.
- As the Florida State Court System is decentralized, practices may vary between jurisdictions. The majority of jurisdictions use more than one means of identifying language access assistance. At a minimum, such means typically include interpreter request forms and voir dire processes. A link to "I Speak" Cards is also included in the judicial bench card for spoken language interpreting services.

### Data Collection & Tracking Language Services Usage

An important component of identifying the need for language services is tracking the actual use of language services inside and outside of the courtroom. Based on the survey results, we see that jurisdictions recognize the importance of collecting data on the actual use of language services. A majority of jurisdictions collect data on language services. Out of 48 respondents, 43 reported that they collect data that tracks language services usage. (Fig. Q4.)

The top information that jurisdictions collect is the language services needed and requested and also the type of proceeding for which assistance was provided. They also collect data on the location of the event, the services provided, and the length of the proceeding or event.

#### Q4 “If you collect language access data, what kind of data do you collect?”



Language services needed and requested	75%	36
Type of proceeding or event for which language assistance was provided	71%	34
Length of proceeding or event for which language assistance was provided	40%	19
Services provided (i.e., interpreter, bilingual staff, telephonic assistance, translated material)	63%	30
Location of event (i.e., county, court, point of contact in courthouse)	67%	32
N/A	10%	5
Other (please specify)	38%	18
<b>Total Respondents: 48</b>		

Jurisdictions report that they collect the following additional data, which was not captured in the listing above:

- Accounting of annual cost per language, statewide Accounting of annual cost of remote interpreting provided by vendor(s) Number of remote interpreting events Number of forms and correspondence translated annually Unused services: Interpreter cancellation expenses Number of requests for LEP victims Number of last minute requests (by requestor/language) RI User Satisfaction Surveys Legislative Performance Measures: % of events interpreted by a Certified interpreter.
- The trial courts report provision of select interpreter services data on a monthly basis to the OSCA, by circuit, via the Uniform Data Reporting instrument. Reported data compiled and maintained in a central repository includes number of translation pages, length of proceeding, type of proceeding, and whether the language demand was Spanish, Haitian Creole, Other, or Sign Language.
- The Hawaii State Judiciary's LEP/Language Access Data Collection Project also reports the number of languages services, the number of proceedings/encounters in which languages were provided, and the cost.
- Arizona's is a non-unified system. Courts at the local level are responsible for collecting data. Most track languages requested. Others also track type of proceeding, services provided, location, etc.

# 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.**

Action Step 2 details recommendations on how to establish effective oversight, including the creation of an oversight committee, the establishment of a language access coordinator position, the development of a state Language Access Plan (LAP), and or the revision of an existing plan.

Over the past 5 years, jurisdictions have made impressive strides in establishing oversight and maintaining pre-established oversight. The majority of jurisdictions stated in the survey that they currently have an oversight body, a statewide coordinator, and/or a statewide language access plan.

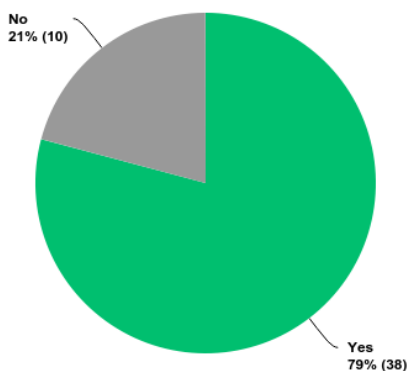
### *Oversight Bodies and Language Access Coordinators*

The existence of an oversight body and a language access coordinator is arguably one of the most important indicators of a jurisdiction’s commitment toward improvement. Establishing an oversight body, such as a language access office and/or a coordinator greatly assists with the coordination of services, facilitating the development, communication, and monitoring of language access policies and procedures.

Almost 80% of jurisdictions report that they currently have an oversight body that provides language access-related policies and programs. (Figure Q5 below.) Also, 81% of jurisdictions stated that they have a statewide language access coordinator position. (Figure Q6 below.) As seen in question 42, jurisdictions overwhelmingly attributed their overall success and improvements to having a full time language access coordinator.

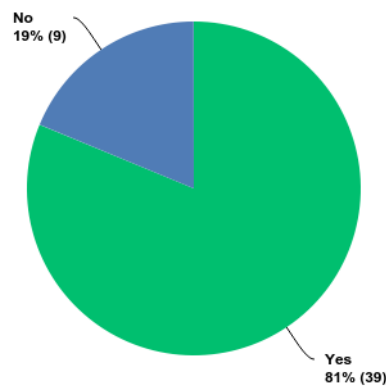
**Q5 Does your jurisdiction have an oversight body that provides input on language access-related policies and programs (i.e., commission, task force)?**

Answered: 48 Skipped: 0



**Q6 Does your state have a statewide language access coordinator position?**

Answered: 48 Skipped: 0



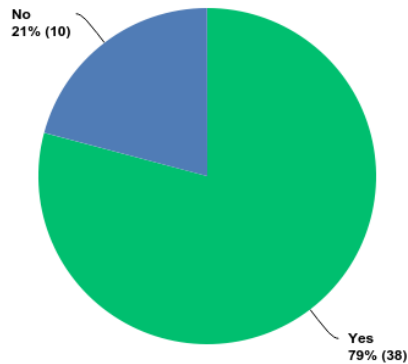
### ***Language Access Plans (LAPs)***

At the Summit, there was a great deal of focus on the importance of developing a state Language Access Plan (LAP), and/or the revision of an existing plan. In the years following the Summit, many resources, through funding efforts, have been put toward supporting creating LAPs or updating existing LAPs.

This intensive focus and support for LAPs has yielded extremely successful results. Most jurisdictions, 84% of respondents, report that they currently have a statewide LAP. (Fig. Q7.) In addition, 64% of respondents stated that they have updated or revised an existing LAP in the last five years. (Fig. Q8.)

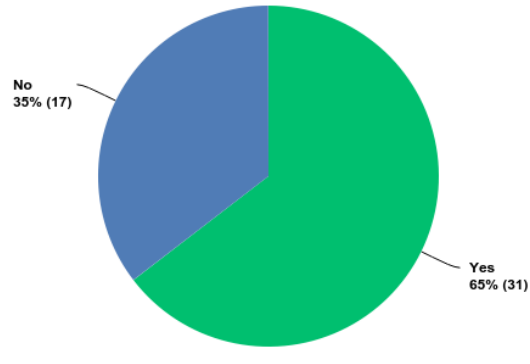
**Q7 Do you have a statewide language access plan (LAP)?**

Answered: 48 Skipped: 0



**Q8 Have you updated or revised an existing LAP in the last five years?**

Answered: 48 Skipped: 0



### ***LAP Oversight***

Jurisdictions assign the duty of overseeing the implementation of their LAP to a variety of persons or entities. At the Summit, when developing steps to implement their LAPs, jurisdictions were asked to identify the individual or entity that would kick off and implement the LAP. This pre-planning created consensus among the key stakeholders attending the Summit and assisted with the immediate implementation of the plans.

Jurisdictions have a number of options of who is best situated to oversee the LAP. The survey asked respondents to identify who is responsible for LAP oversight.

#### **Q9: Who (person or entity) oversees the implementation of the LAP?**

Some jurisdictions reported that both a point person and an entity were charged with overseeing their LAP:

- LAP Implementation Coordinator and the LEP Committee.
- Statewide Language Access Coordinator and Interpreter Advisory Committee.
- Language Access Coordinator, Division Director, Clerk of the Court, Executive Officer, Language Access Committee, Standing Committee on Fairness & Access.



Other jurisdictions reported having either a specific person or entity that oversees their LAP:

PERSON	ENTITY
<ul style="list-style-type: none"> <li>• Language Services Director</li> <li>• State Court Administrator</li> <li>• Court Access Coordinator</li> <li>• Administrator of Courts</li> <li>• Manager, Court Language Access Services</li> <li>• Administrative Director of the Courts</li> <li>• Coordinator Court Access</li> <li>• Language Access Program Coordinator and Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Language Access Plan Implementation Task Force</li> <li>• The Office of Court Interpreters</li> <li>• AOC/Court Interpreter Program</li> <li>• Access to Justice Department</li> <li>• Supreme Court/Office of the Judicial Administrator</li> <li>• State Supreme Court</li> <li>• Office of Court Administration, Office of Language Access</li> </ul>

**Components of an LAP**

A successful LAP should provide both a strategic framework with realistic goals and procedures and policies to improve meaningful access for LEP court users. Jurisdictions reported on the key components their plans include.

**Q10 What Components does your LAP include? Check all that apply:**

Listed below in the chart are the most frequently included components, including services, training, and notification procedures.

Answer Choices	Responses	
Description of language access services to be provided (i.e., signage, translation, interpreters, use of bilingual staff)	<b>92%</b>	35
Description of language access training for court staff and judicial officers	<b>82%</b>	31
Procedures for notifying LEP court users of available services	<b>79%</b>	30
Process for monitoring and evaluating services and updating the LAP accordingly	<b>66%</b>	25
Process for data collection pertaining to language assistance provided	<b>63%</b>	24
Timelines, objectives, and milestones for the provision of full implementation of language access services	<b>63%</b>	24
Description of staff and funding resources needed for initial implementation and for ongoing management/implementation efforts	<b>47%</b>	18
Other (please specify)	<b>37%</b>	14
<b>Total Respondents: 38</b>		

Jurisdictions have gone well beyond the list of components listed above. In the survey, respondents detailed the following additional components in their plans that were not listed as multiple choice options:

- **The Language Access Plan's 8 goals:** 1. Improve early identification of and data collection on language needs; 2. provide qualified language access services in all judicial proceedings; 3. provide language access services at all points of contact outside of judicial proceedings; 4. provide high quality multilingual translation and signage; 5. Expand high quality language access through the recruitment and training of language access providers; 6. provide judicial branch training on language access policies and procedures; 7. conduct outreach to communities regarding language access services; and 8. identify systems, funding and legislation necessary for plan implementation and language access management.
- The Branch's **Policy Statement of Commitment** Regarding Limited English Proficiency, the **charge to the LEP Committee**, the function of the Interpreter and Translator Services Unit, including the **description of its centralized scheduling system** for statewide language requests, pilot projects.
- Statutes, orders, rules for governing use of interpreters. Code of professional conduct.
- **Governing laws, rules and policies.**
- Standards for ethics, training and testing of court interpreters.
- The Plan notes that Administrative Rule 6 was revised in 2016 to provide interpreting services by the court for all civil and criminal cases regardless of ability to pay.
- **Statement of legal basis for LAP**, enumeration of "General Principles of Language Access" for Pennsylvania's courts.
- Certification process; CEU requirements; reporting of expenses for language access; description of language providers and where they can provide services; info about complaint process
- The state court system's **adoption and implementation of successive rule amendments** has (1) strengthened interpreting standards in both court and court-related proceedings; and (2) increased the pool of registered and official state-level designated interpreters. The expanded use of shared remote interpreting promotes intra-state interaction and sharing of resources.
- The history of the program in Nevada, certification requirements, what has been done, complaint process, bench card, LAP template and guide for courts to develop separate LAP.
- US Census data Language Access Data & survey results Governance structure Remote interpreting descriptions and data Translation descriptions and data Complaint process.

### ***Most Effective Components of an LAP***

Next, the survey asked respondents to identify the most successful aspects of their LAPs, which they would recommend to other jurisdictions.

### **Q11 What have been the most effective components of your LAP that you would recommend other jurisdictions adopt and why?**

#### Goals and Standards

- Manageable **milestones** that fulfill 5 year goals. This makes progress measurable and steady accomplishment of plan objectives.
- The Policy Statement from the Chief Court Administrator reflects the Branch's commitment, the mandatory LEP training to all staff outlining the procedures for accessing language assistance.
- Quality of interpreting services has been strengthened given adoption/implementation of increased **interpreting standards** in both court and court-related proceedings through successive rule amendments. Expanded use of remote interpreting technology has improved efficiency in case processing through reduction of court delays, improved effectiveness of service delivery by maximizing use of state certified interpreter resources, and increased the opportunity for intra-state resource sharing.
- **Identifying language needs**, and types of language assistance currently provided are one of the most effective components of the LAP in **identifying priorities and developing protocols** for hiring additional staff interpreters and assigning staff interpreters to at least one Regional Justice Center.

#### **SPOTLIGHT ON MARYLAND**

We have added several elements to our program, not all of which are captured in the plan. These include: expanded language services to all court-ordered and court-referred programs; continuing education requirements for interpreters, a feedback form and complaints protocol, significantly enhanced translation program and the release of language portals in English and 5 priority languages. See <http://mdcourts.gov/courtlanguage/index.html>.

#### Language Access Coordinators

- Hiring of a full-time **Language Services Coordinator** to schedule and monitor interpreting services. A **case management system** that captures the need for interpreting services. The increased use of **video remote interpreting** to provide qualified interpreters in those regions of the state with adequate bandwidth.
- Statewide LAP has been recently adopted, so its effectiveness is still being evaluated. The local LAPs have been in effect for 2 years, and the **appointment of local language access coordinators** has been very effective and is recommended.
- Court Interpreting Testing Program, Registry of Interpreting Resources, and the creation of county interpreting units led by a Coordinator of Interpreting Services who also coordinates with the manager of the Language Services Section.

#### Interpreter Training, Certification and Recruitment

- Holding mandatory onsite **orientation sessions** for prospective interpreters helps identify those interpreters who are serious about becoming qualified.

- We have been successful with **training, outreach and public relations** surrounding the importance of language access services, as well as **state and federal requirements** and how to work effectively with interpreters in court proceedings.
- **Training for judges and staff.** Ensuring language access at all points of contact: outside the courtroom such as court-ordered services, legal fairs sponsored by the courts, clerk's office, customer service, self-help centers.
- More active **approach to the recruitment of certified** interpreters increasing the level of access to qualified individuals leading to accurate interpretation in court; educating court staff to increase knowledge of federal and state laws.
- **Internship for prospective court interpreters** has generated immense interest and enthusiasm, from both college students, their faculty and court staff. It is also a helpful tool for outreach and recruitment.

### Centralization

- **Centralized scheduling** of all language access requests, defining the very specific role of the sworn proceedings interpreter, outlining the state's responsibilities in translating vital documents and defining what 'vital document' actually means.
- We recently transitioned from local, county-level LAP plans to one, statewide LAP plan with **centralized oversight and monitoring.**
- The establishment/formation of the Language Access Plan Implementation **Task Force**, comprised of balanced stakeholders in the membership and defining the Task Force's goals and objectives to carry out the implementation of the LAP's 75 recommendations.

### Data

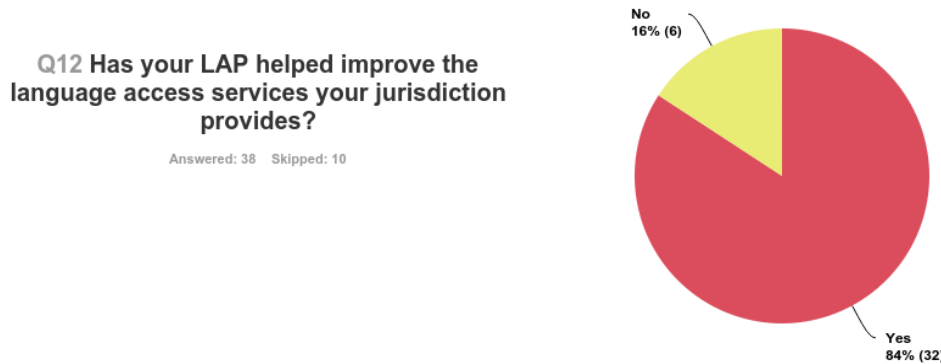
- The most effective component of Tennessee's language access plan that we would recommend other jurisdictions adopt, is the **collection of data.** Having a system that can help the court system know the languages needed in the court system so that the interpreter program can recruit interpreters in these languages is invaluable.

### Miscellaneous

- **Standardization of services, best practices documents.**
- **Block pay-instead of hourly,** block pay provides services by an interpreter for as little as one case to ten or more cases for the block period.
- 1) In April 2014, the Hawaii State Judiciary **launched enhancements to its website** to make it easier for LEP persons and the general public to access important information about language access services. All information about language access services is consolidated under a "Language Access" tab. LEP persons can easily access multilingual content in their language; with just one click from the Judiciary's homepage, LEP persons can get to one of 14 language-specific web pages that compile all documents translated into a specific language in one place. 2) Language ID Cards are business-sized cards that read, "Hello, my name is. I speak \_\_\_\_\_. Please find someone who can speak my language so we can talk." in English on one side and in language on the other. Developed by the Hawaii State Judiciary under a U.S. Department of Justice grant, Language ID Cards are available in 14 non-English languages frequently encountered in the Hawaii State Courts, including several "rare" Asian and Pacific Island languages. This allows LEP persons to quickly and proactively identify their language need to facilitate provision of language services.

## Overall Impact of LAP

The survey then asked respondents if their LAP helped improve the language access services they provide in their jurisdictions. The majority of jurisdictions, over 82%, reported that their LAP improved their language access services. (Fig. Q12.)



Each jurisdiction then provided an explanation or detail on how their LAPs improved their language access services. One of the most common themes was that the LAP served as a roadmap or guide in implementing policies and standards and establishing clear direction in providing language access services. Also, increased accountability and awareness was essential to making concrete changes and improvements.

### Roadmap and Guide

- The Plan serves as a **roadmap** for making improvements in the delivery of language services. The process of updating the plan gives administrative staff an opportunity to review progress, discuss new challenges, and set new goals.
- The LAP is a **roadmap** to promote a consistent statewide approach to implement language access services throughout the 58 counties. Also, progress made in the expansion of court interpreter in civil proceedings outlined in the following graphics: <http://www.courts.ca.gov/documents/LAP-Court-Progress-Providing-Interpreters-In-Civil-Cases-2016-12.pdf> (as of December 31, 2016) and <http://www.courts.ca.gov/documents/lap-oci-20160317-CLASP-Civil-Expansion-chart.pdf> (as of September 30, 2015).
- Yes, included in the LAP are Action Steps which serve to **guide the Trial Court's progress in providing language access services.**
- Yes, the LAP has improved language access as it has **guided the Committee on Language Access in putting policies and standards in place to ensure equal access for all.**
- The Hawaii State Judiciary recognizes that the LAP is an important component that **guides the Judiciary's efforts in working with LEP populations.** The LAP ensures that all staff understand the need to identify and address the language of LEP persons in a timely manner to reduce delay, frustration, and costs. Through mandatory staff training, the Judiciary ensures that all staff working across departments know how to identify LEP persons and provide appropriate language access services in a consistent and uniform manner which, in turn, has strengthened the Judiciary's efforts to ensure access to justice for all.
- We identified the areas in which we needed to work to provide equal access to our courts: services provided outside the courtroom and court-ordered services, translation of the judiciary's website and

DV and DR forms, training for judges and staff, developed a training and certification program for Navajo and Pueblo languages, which are widely spoken in some specific areas of the state.

- **Staff and judges are trained** about the services we provide and how to recognize and interact with limited English proficient individuals. **The Plan provides clear direction to judges and staff.**

#### Increased Accountability

- The development and revisions of the written documents has resulted in more **accountability** within the Branch and **increase in awareness of services that need to be provided.**
- LAP provides high profile written document that includes **accountability measures.** We have been able to leverage the LAP to gain grant funding to assist in fulfilling goals: a) stakeholder surveys, b) sustainable language access training for statewide court personnel and judges, c) statewide courthouse language identification tools, d) increased training for interpreters of languages of lesser diffusion, e) improved public counter language access, and f) further implement the use of technology to deliver services.

#### Increased Awareness and Understanding

- The LAP has **raised awareness of language issues, and increased visibility** of the Office of Language Access (OLA) and the services and assistance that we can provide; court users are also made aware of the services that are available, through takeaway cards, signage, website, etc.
- **Increased awareness and improved understanding of language access policies.**
- It has made the staff more **aware and better trained** to handle requests for language assistance.
- **Increased attention** to issues like signage, translated materials, website, etc.
- By bringing **clarity to language access and its relation to services in the court system.**

#### Miscellaneous

- The creation of local LAPs has allowed me to develop a **local point of contact in each circuit court, and has required acknowledgement from each Chief Judge that interpreters be provided for all legal proceedings, civil and criminal, and court-annexed proceedings.** Having a point of contact has also allowed me to educate court staff about the importance of using qualified interpreters. The LAPs have also standardized the methods of determining the need for an interpreter and data collection practices.
- Yes, our language access plan has helped improve language access services the Tennessee court system provides. We have discussed the Plan and the need for the plan at statewide trainings and conferences for court system stakeholders. It helps them understand the why and need for a Plan and language access services.
- It has **streamlined the assignment of interpreters** going into the courtroom and outside attorney appointments, counseling, etc.
- We have been able to develop a **robust data collection program** to monitor performance and to evaluate the depth of the program. See <http://mdcourts.gov/accesstojustice/pdfs/languageservicesreportfy16.pdf>.
- The policies and implementation of **court interpreter training and testing** have resulted in lists of qualified court interpreters by language for use by all Louisiana courts, attorneys, and related parties.

The adoption of Louisiana's "Code of Professional Responsibility for Language Interpreters" in the Louisiana Rules of Court has created uniform ethical standards.

- It **provides local eyes-on, ears-on** to better ensure services are provided and provided as efficiently as possible.
- It is a clear articulation of the Nebraska Supreme Court's outstanding commitment to language access in Nebraska courts and probation services, and it provides a firm foundation upon which to build the program.
- The Plan is descriptive of what is already in place through statute or court rule. It does not add or expand on those rights and responsibilities. It is helpful to the extent that it compiles information from various sources into one document.
- Our Language Access Program is still relatively new. Having a registry of qualified interpreters has assisted both courts and foreign-language-speaking litigants.

Jurisdictions that did not answer affirmatively that their LAPs led to improvements referred to a lack of data to support improvements or that their LAPs were newly implemented.

- Being a centralized office for language access, it is hard to tell if the LAP has had an impact, or if we are successful because everything comes through our office and we are able to control the quality of interpretation as well as maintain the statistics.

## Action Step 3

# Implementing Monitoring Procedures

### Implement procedures for monitoring and evaluating language assistance services.

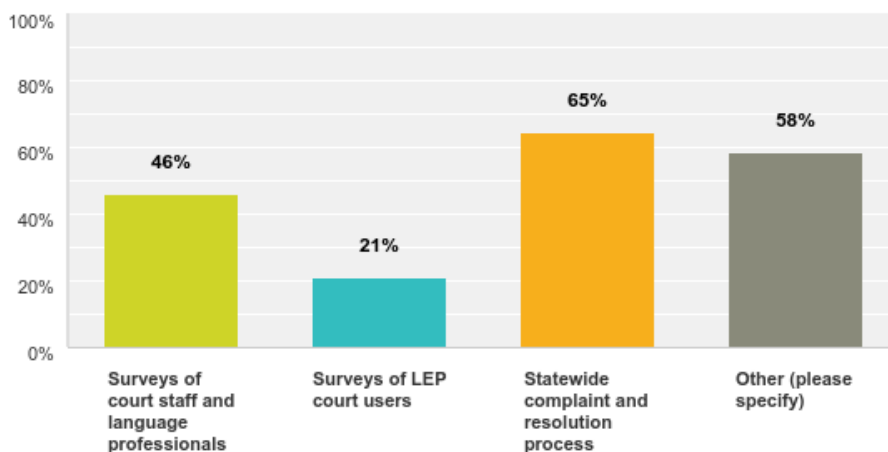
In order to ensure that language access services meet the needs of the LEP court users, it is important that jurisdictions both establish procedures to monitor the effectiveness of the overall LAP and program and also evaluate the quality of services performed by language assistance professionals.

Monitoring the overall effectiveness of a jurisdiction's language access services is an essential component of developing an effective LEP program and LAP. Action Step 3, recommends establishing procedures to evaluate services to ensure that LEP court users' needs are met and that courts are in compliance with state policies and mandates. Also, ongoing service evaluations provide information to help jurisdictions revise LAPs based on changing needs due to shifts in language demographics or LEP court user fluctuations. States should establish procedures for evaluating the quality of services provided by language access professionals, such as bilingual staff and interpreters. It is important that the quality of interpretation, bilingual communication, and translation of documents be monitored.

Currently, most all jurisdictions report that they employ some method of monitoring and evaluating of their language access services. When asked how they monitor and evaluate services, over 65% of jurisdictions responded that they utilize a statewide complaint and resolution process. Others replied that they use surveys to make an assessment. Nearly half of the respondents conduct surveys of court staff and language professionals. On the other hand, only about 20% of jurisdictions survey actual LEP court users. (Fig. Q13.)

#### Q13 How do you monitor and evaluate language access services provided? Check all that apply:

Answered: 48 Skipped: 0





Surveys of court staff and language professionals	46%	22
Surveys of LEP court users	21%	10
Statewide complaint and resolution process	65%	31
Other (please specify)	58%	28
<b>Total Respondents: 48</b>		

Almost 60% of jurisdictions provided details on their methods of monitoring and evaluating their services. A high number of jurisdictions commented that they conduct monitoring and evaluations through direct communication and feedback.

### Direct Communication, Oversight, and Feedback

- Direct communication/feedback from court users/participants and clerks of Court.
- Our **language access consultant and the language access regional coordinator** hold regular meetings with court staff to track progress and identify issues. The statewide program manager meets with the language access consultant to evaluate progress and find solutions to the issues that were identified at the meetings.
- Feedback from court and probation services personnel. I regularly receive telephone calls and emails regarding the fine work of Nebraska's court interpreters! When there is a problem or concern, court and probation services staff are comfortable notifying me or an interpreter coordinator directly, allowing Language Access program staff to address and resolve issues in a timely and effective manner.
- **Oversight by several regional supervisors** who are in constant contact with judicial stakeholders.
- Staff meetings, site visits and communication with court managers, judges and advocates/service providers
- We monitor and evaluate, through **feedback provided by court staff**, the services that we provide through our Texas Court Remote Interpreting Service, which provides limited remote interpretation for short, non-contested hearings by two Spanish licensed court interpreters.
- Court visits and contact with local staff
- Additionally, the statewide Interpreter Services Coordinator can monitor hearings in real-time using email and messaging with the in-court clerk. Additionally, the coordinator can listen in real-time to an interpreting event for some Anchorage proceedings.
- Lead Court Interpreters monitor staff and contracted providers' performance in the field. Monitoring of statistics.

### Complaint Process

- A proposed language access complaint and resolution process for the Florida Supreme Court and Office of the State Courts Administrator has been drafted and outreached to the trial courts for comment. Such process could serve as a model for the district courts of appeal and the trial courts.

- We monitor only to the extent of reviewing complaints if an issue is raised on appeal, or a party has filed a separate administrative complaint, or a judge, clerk or administrator complains about the quality of interpretation received.
- The Hawaii State Judiciary welcomes all comments/complaints regarding language services. Contact information is provided in the "Language Assistance" pages of the Judiciary's website. All multilingual translations posted on the 14 language-specific webpages on the Judiciary's website also prominently feature contact information for the Office on Equality and Access to the Courts (OEAC), which is the Judiciary's designated language access coordinator.
- Each judicial district has its own complaint and resolution process.

### Data Collection and Reports

- Statewide data collection on interpreter usage.
- As a centralized office for language access we maintain data on the services provided.
- Prior to rolling out LAPs at the local level, we surveyed district court administrators statewide to find out what their top languages were. More recently, through the Language Access Data Collection (LADC) application, AOPC can monitor the services provided, including top languages, type of event, where the service was provided (courtroom or elsewhere in courthouse), etc.
- Annual Reports include: 1) progress on LAP Goals, 2) interpreter event data, 3) inventory of languages most frequently encountered, 4) credentialed interpreter data, and 5) OSCCIF activities related to language access. Biannual reports include: 1) inventory of languages most frequently encountered, 2) biennial language access expenses, 3) assessment of personnel's understanding of LEP policies and procedures, and 4) performance measures. Every five years Conduct exit surveys to measure LEP court users' satisfaction with language access services Periodically: Visit courthouses for maintenance and assistance in using provided access tools.
- See our report, <http://mdcourts.gov/accesstojustice/pdfs/languageservicesreportfy16.pdf>.

### Formal review process

- Our Language Services Plan calls for a review every 2 years which is currently underway.
- The AOC provides courts with a Language Access Plan template covering services to be provided. With a non-unified system, courts at the local level are responsible for the implementation of the plan and its ongoing evaluation.
- The language access subcommittee of the Louisiana Access to Justice Commission.

### Surveys

- The survey of LEP court users is part of a comprehensive survey of all court users. Bilingual hosts assist LEP court users in the most-frequently requested encountered court-wide.
- Surveys listed above are informal surveys of court staff.

## Action Step 4

### Training & Educating Court Staff & Stakeholders

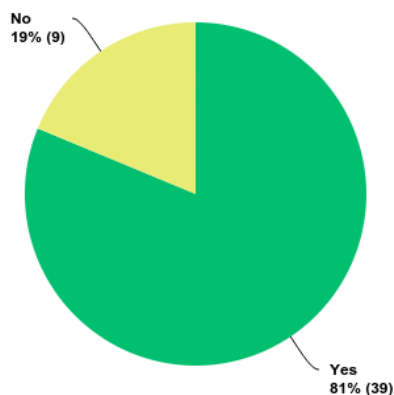
**Establish programs to train courts, justice partners, and stakeholders on language access services, requirements, and mandates.**

Action Step 4 recommends establishing programs to train court staff, justice partners, and stakeholders on language access services, requirements, and mandates. At the Summit, 75% of states identified the need for action steps related to training. As the results of this survey demonstrate, jurisdictions followed through on their action plans and accomplished even more than they set out to do.

The majority of jurisdictions report that they have training programs on statewide language access services and/or their LAP. Over 80% of jurisdictions report that they have a training program.

**Q14 Do you have a training program regarding statewide language access services and/or the LAP?**

Answered: 48 Skipped: 0



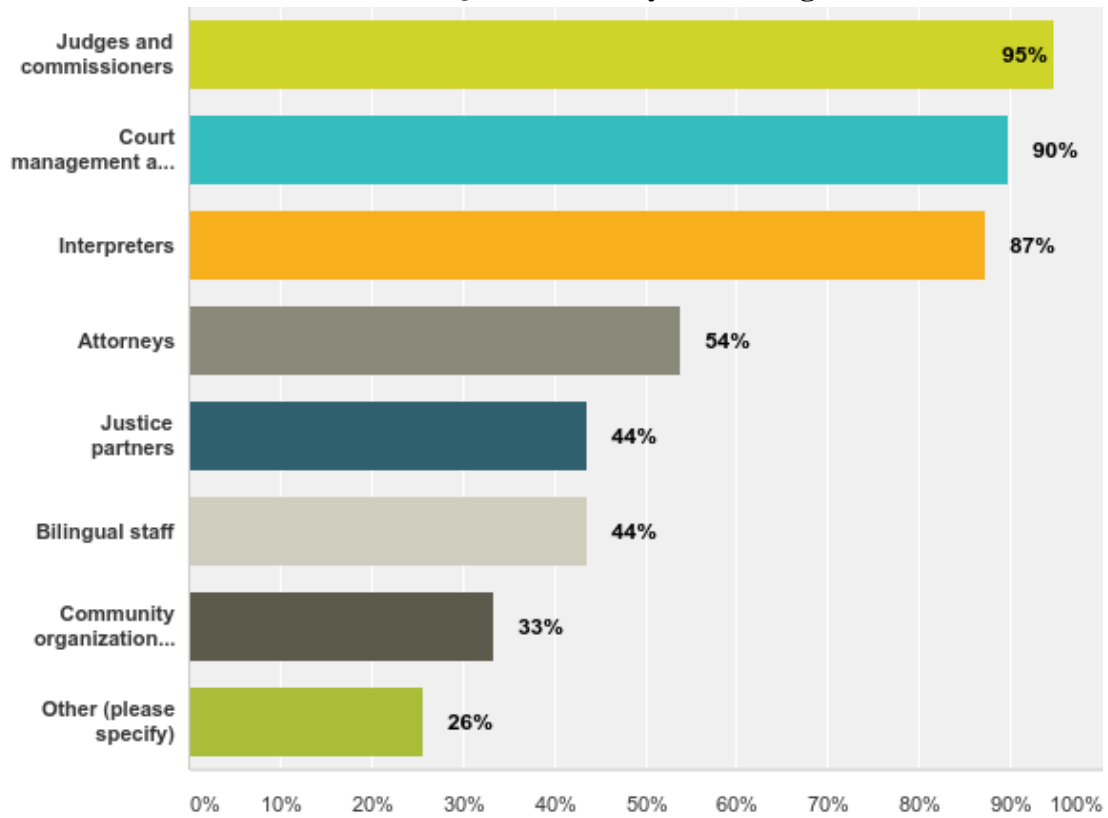
#### *Audiences for Training*

Due to the fact that LEP court users frequently require language assistance at different points of contact in the court, as well as at points of contact prior to court involvement, training and education are greatly beneficial to a wide range of people in the court and associated with the court.

The survey asked respondents who they are training. Jurisdictions are predominantly training judges and commissioners, court management and staff, and interpreters. They also conduct trainings, while on a lesser scale, for attorneys, justice partners, bilingual attorneys, and community organizations serving LEP populations. (Fig. Q15.)

In addition to the persons listed in Q15, jurisdictions reported that they also train law clerks at annual meetings and all branch contracted providers. Also, some stated that they hold trainings for a variety of forums, ranging from judicial seminars to bar association meetings. One respondent noted that they include Language Access training in New Judge Orientation and New Employee Orientation. Another state stated that while they provide trainings for new judges, they hope to expand to trainings for current judges and court staff.

### Q15: Who are you training?



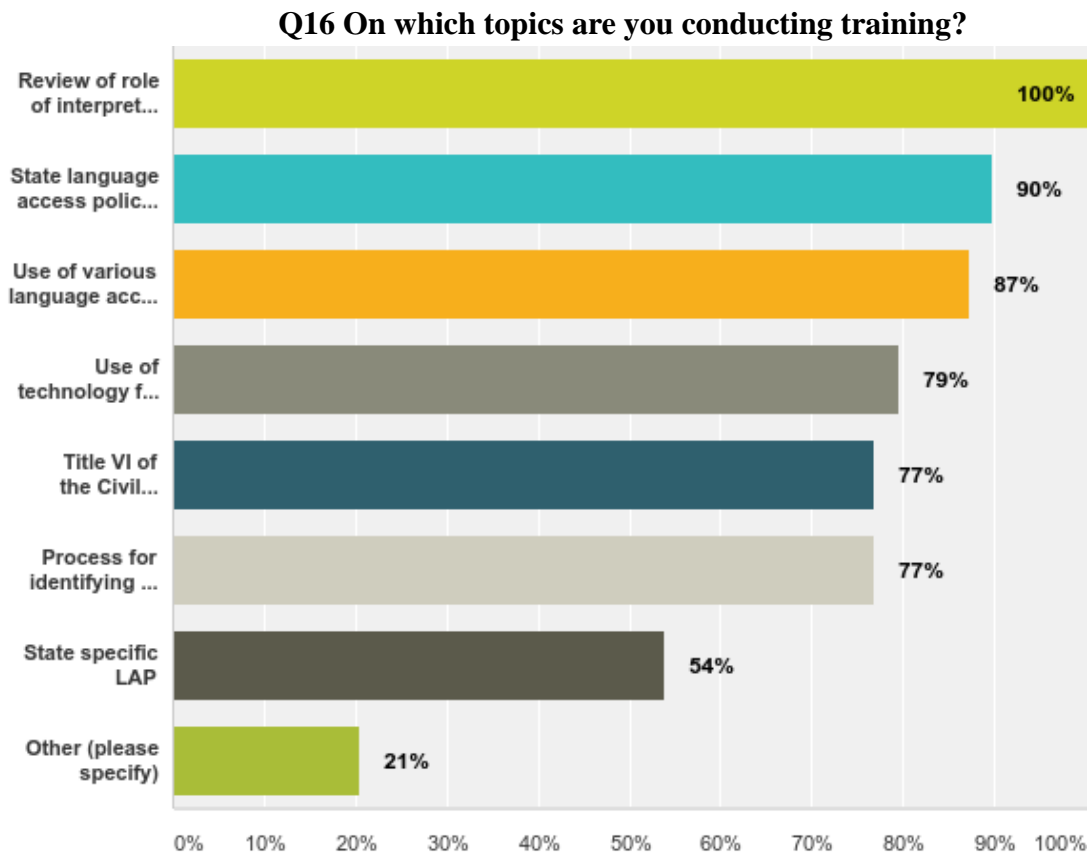
Judges and commissioners	95%	37
Court management and staff	90%	35
Interpreters	87%	34
Attorneys	54%	21
Justice partners	44%	17
Bilingual staff	44%	17
Community organizations serving LEP populations	33%	13
Other (please specify)	26%	10
<b>Total Respondents: 39</b>		

### ***Training Topics***

Training is essential in stakeholders’ understanding of language access issues and the implementation of language access services. Also, training promotes compliance with policies and procedures. Holding statewide trainings are important to ensure that standardized language services are being provided across court locations.

Jurisdictions have been training on a wide-range of topics. The top areas in which jurisdictions conduct training are the review of the role of interpreters and/or interpreter code of ethics, state language access policies and compliance requirements, and the use of various language access services, including interpreters, bilingual staff, and translated material. They also frequently train on the use of technology, Title VI of the Civil Rights Act of 1964 and federal guidance, the process for identifying LEP court users, and their LAPs.

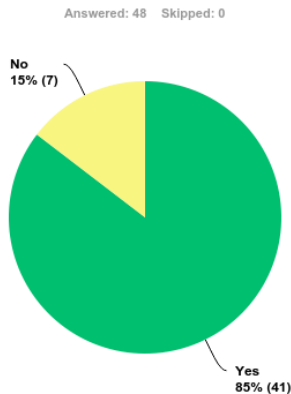
In addition, jurisdictions reported additional topics, including diversity training, cultural competency, and utilizing LEP interpreters in the courtroom.



## Training Tools

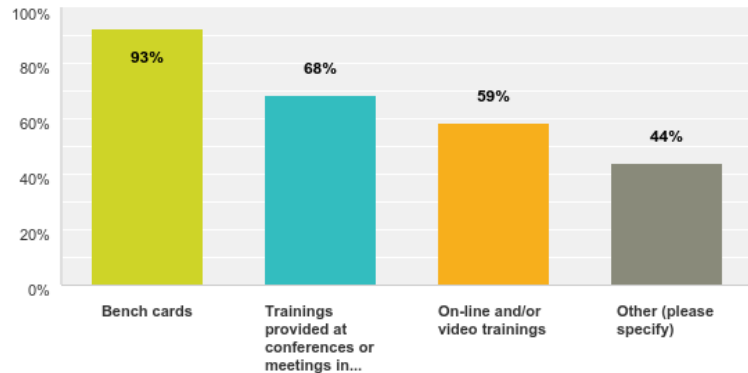
The majority of jurisdictions (41 of 48) report that they have developed language access tools. Over 92% of respondents have developed bench cards. Other training tools include trainings provided at conferences or meetings in collaboration with bar associations and on-line and video trainings.

**Q17 Have you developed any language access training tools?**



**Q18 What training tools have you developed for language access? Check all that apply:**

Answered: 41 Skipped: 7



In addition, jurisdictions report utilizing the following tools: language access toolkits, webinars, online resources, attorney and clerk guidelines, counter cards-hands on technology training at public counters, interpreter and judges quick guide to language access, online interpreter training, online Q&A for judges, and court rule training.

### SPOTLIGHT ON NEW MEXICO

Online and in-person training programs for: 1. Court interpreter candidates (now also includes training and certification for Navajo and Pueblo languages of NM); 2. Bilingual Staff Language Access Basic Training (LABT) Suite; and an interactive training that is downloaded by trainees and provides introduction to language access for all court employees. Court Interpreter Orientation Suite (in progress).

Fundamentals module is available here: <https://www.nmcenterforlanguageaccess.org/mop/>

# Action Step 5

## Training & Certifying Interpreters

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

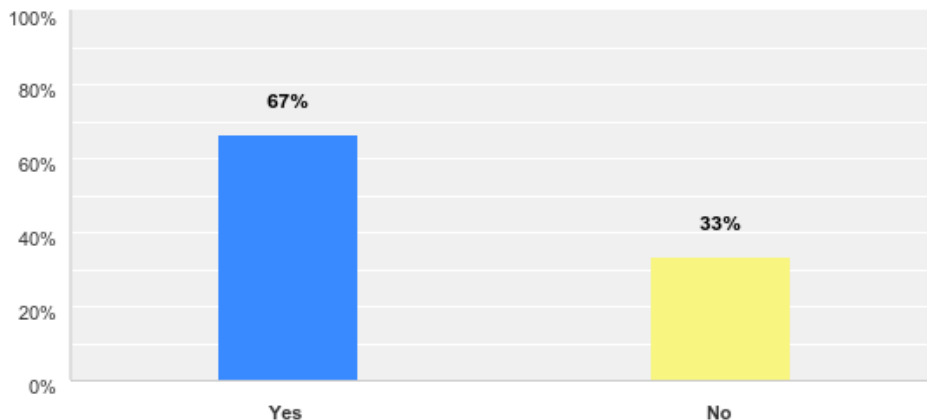
Qualified interpreters and language professionals are an essential part of a successful language access program. Therefore, the development and efficient use of language professionals is a key priority to most jurisdictions. At the Summit and in Action Step 5, jurisdictions explored strategies to develop procedures to enhance the availability of qualified interpreters and bilingual specialists through recruitment, training, credentialing, and efficient utilization efforts.

### **Strategies to Recruit Interpreters**

In order to meet the demands of growing and fluctuating LEP populations, jurisdictions must proactively engage in the recruitment of interpreters. The majority of jurisdictions (32 out of 48) report that they have implemented recruitment strategies for interpreter candidates.

#### **Q24 Have you implemented recruitment strategies to attract interpreter candidates?**

Answered: 48 Skipped: 0



Jurisdictions have employed a diversity of creative efforts, activities and programs to recruit qualified candidates, including outreach to colleges and community groups, an array of marketing materials targeted at different groups, online outreach (Twitter and Facebook), summits and seminars, scholarships, etc.

Below are details of jurisdictions' efforts that they provided in the survey.

#### Outreach to Colleges, Community Groups, and Agencies

- We have successfully recruited candidates by doing outreach to community groups, professional interpreter organizations, local and statewide colleges and educational groups.

- We have spoken to civic groups as well as foreign language college students regarding the profession and certification.
- Press releases and classes at community colleges.
- Outreach to local community college and University modern languages programs. Interpreter job shadowing opportunities for both high school students and adults. Participation by certified interpreters in bilingual career fairs.
- Contacted various colleges and communities in the area to identify potential candidates.
- Presentations at colleges and universities. Community presentations describing the interpreter-profession. Fostering and building loyal interpreter team that spreads positive work about the program. Continuing Education offered nation-wide to candidates and interpreters.
- Campus recruiting (working with colleges & universities; law school); Work with ethnic community organization; Internal referral program; Strategic ad posting through Facebook, utilizing/working with the agency's recruiter, etc.
- We present at high schools and colleges to discuss careers for those who study languages; we created a recruitment brochure; we work with the state Office of Refugee Services Program to train interpreter candidates who speak "refugee" languages - they provide funding to offset the fees of those interested in court interpreting.

#### Seminars, Summits, and Information Tables

- Tennessee has created an interpreter Summit. **See SPOTLIGHT ON TENNESSE.**
- I have hosted training seminars in the northern, central and southern regions of our state. I have collaborated with colleges to provide trainings on their campuses. I have utilized the television and other media regarding our program. I have reached out to community agencies that provide services to LEP communities.
- This week our staff are tabling at NAJIT and CLAC, and presenting several workshops at the latter.

#### **SPOTLIGHT ON TENNESSE**

We have created an **interpreter summit**. This summit is part of a federal grant that we have received from the State of Tennessee. The program targets court staff and stakeholders in rural areas of the state (i.e. judges, clerks, attorneys, public defenders, district attorneys).

Through this project we conduct a one day program where all stakeholders come together with AOC staff to **discuss current language access trends in their area**. From there, we (AOC staff) present our current language access initiatives for the area and then **develop a plan with program attendees on how we can recruit local interpreters**.

**These stakeholders have been a vital part in recruiting new interpreters.** The AOC Court Interpreter Coordinator also contacts and works with immigrant community leaders and with assistance from the Access to Justice Initiative staff at the AOC, also attends faith based programs to discuss language access needs and recruitment of interpreters.

#### Marketing Materials – Brochures, Press Releases

- "Be a court interpreter" campaign with colorful posters and brochures featuring real interpreters. Wide distribution of these materials over several years, to schools, government agencies and community organizations.
- Recruitment brochures and related materials shared with courts (to be distributed at job fairs, Law Day, high schools); Court Interpreters Program staff attendance at interpreter conferences, ethnic community festival and fairs.
- We have created flyers and materials targeted to two different audiences: bilingual individuals with no interpreting experience, and professional interpreters that have little or no experience with court



interpreting. We have established communication feedback loops with local interpreter organizations and agencies to distribute information about upcoming certification events and trainings. The Language Access Committee is now starting to come up with a plan for expanded recruitment to community organizations, colleges and universities, etc.

- Radio announcements, website announcements, press release to all media stakeholders, advertisement in newspaper
- Distribution of recruitment flyer to courts, local colleges and universities, other state agencies.
- A brochure called "Do you Speak Another Language Fluently?" is used at recruiting events and is placed in racks in courthouses statewide.

#### Web-based Outreach

- Web site announcements.
- The recruitment page with revised registration form provides information to all candidates, recruitment announcements through the Branch's Twitter feed.
- Posting of recruitment flyers on community Facebook pages.

#### Other

- Provide **scholarships to languages of lesser diffusion for preparation for oral exam rating.**
- The Alaska Court System works with the Language Interpreter Center to recruit potential legal interpreters. The Language Interpreter Center recruits potential interpreters through a myriad of ways. Additionally, the court system works with other state courts to contract with qualified and certified interpreters.
- Through the work of OEAC, the Hawaii State Judiciary has been awarded various grants that have allowed the Judiciary to offer **free skills building and accent reduction training to its court interpreters, which, in turn, makes freelance interpreters more marketable in the private sector.** The Judiciary also publishes a list of its credentialed court interpreters on the Judiciary's **website, which has served as a free marketing resource and valuable incentive for freelance court interpreters.**
- Information regarding the court interpreting profession, and the process to become a registered and officially designated court interpreter has been disseminated statewide to all circuits in the form of a brochure to assist with local recruitment efforts. Additional recruitment suggestions are made available to the trial courts via the language access plan.
- We have started a **program to identify and recruit potential interpreters in LOTS.**
- Work with other state agencies that use non-court certified interpreters in certain languages to identify individuals to provide outreach to regarding becoming court-certified.
- Individual judicial districts have implemented various successful recruitment strategies.
- We hope to implement recruitment of candidates in the future.

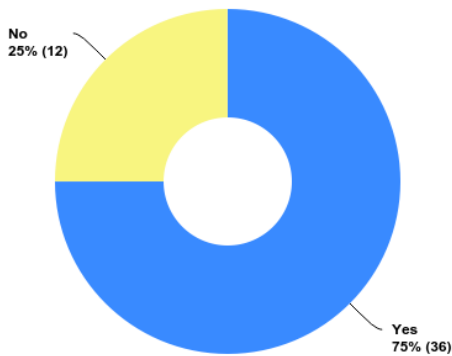
### ***Trainings for Interpreters***

In addition to recruiting qualified interpreters, training existing interpreters, language staff, and potential interpreters is of great importance. Seventy-five percent of jurisdictions report that they conduct trainings for interpreters working in the profession. (Fig. Q22.) They hold comprehensive trainings that may include language access policies, ethics, and/or continuing education. These efforts serve to improve the knowledge and skills of language professionals on an ongoing basis, and thus improve the program’s language services.

Seventy-three percent of jurisdictions reported in the survey that they conduct trainings for interpreter candidates. (Fig. Q23.) These states train interpreter candidates prior to certification or credentialing in an effort to increase the overall pool of qualified language professionals.

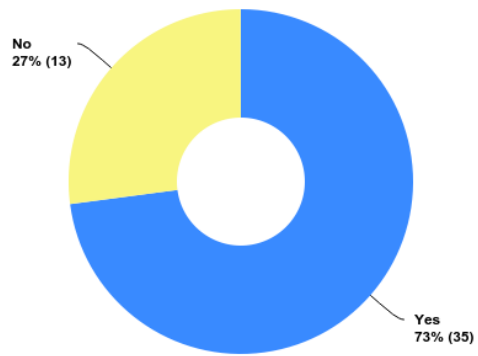
**Q22 Do you conduct trainings for interpreters working in the profession on language access policies, ethics, and/or continuing education?**

Answered: 48 Skipped: 0



**Q23 Do you conduct training for interpreter candidates?**

Answered: 48 Skipped: 0



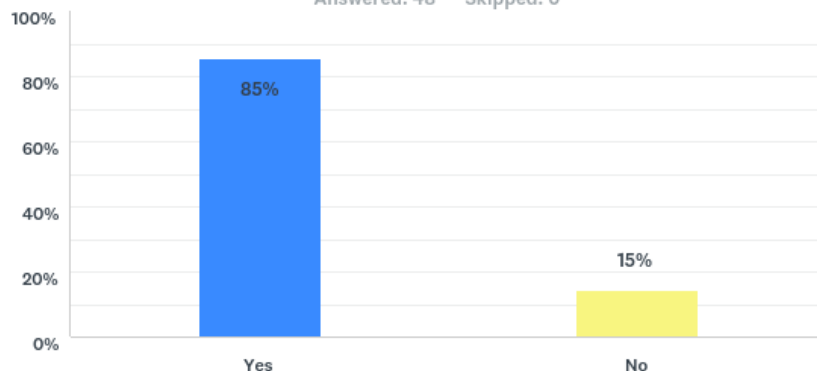
### ***Credentialing and Qualifying Interpreters***

In order to ensure the use of interpreters and language professionals with the level of knowledge, skill, and ability necessary to interpret court interactions, it is recommended that courts adopt standardized assessment procedures for the credentialing of state court interpreters.

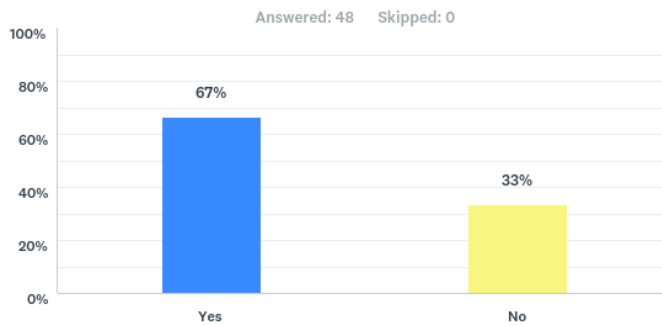
In the survey, 85% of jurisdictions responded that they credential interpreters. (Fig. Q19.) Sixty-seven percent reported that they categorize interpreters based on test scores into different levels of qualification. (Fig. Q20.)

**Q19 Does your jurisdiction credential interpreters?**

Answered: 48 Skipped: 0

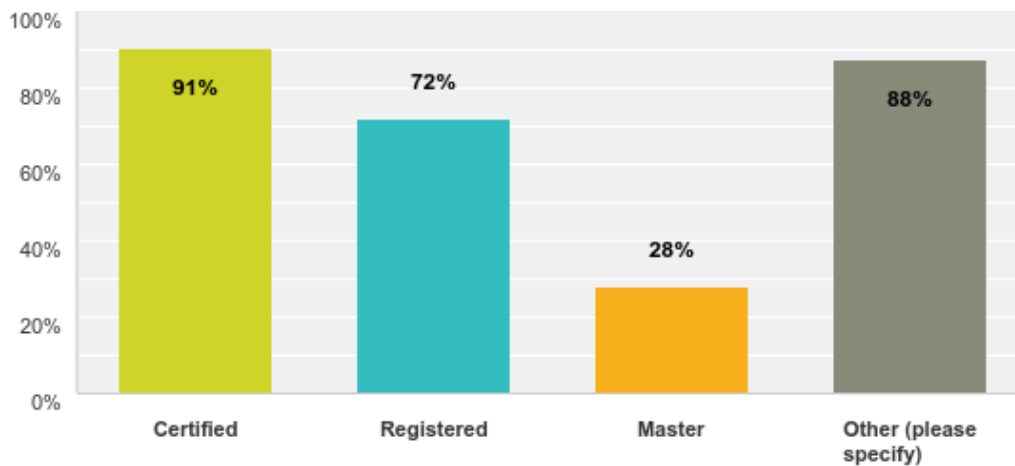


**Q20 Does your jurisdiction categorize interpreters based on test scores into different levels of qualification?**



Jurisdictions typically select various levels of credentialing based on interpreter competency. The most commonly used levels are Certified, Registered, and Master. Out of the 32 jurisdictions that qualify their interpreters, 29 use Certified, 23 use Registered, and 9 use Master.

**Q21: What levels of qualification does your jurisdiction use to categorize interpreters?**



However, jurisdictions reported also using a variety of other levels of qualification. All of the levels noted, along with the most common ones from the multiple choice selections, are listed below in the table.

<ul style="list-style-type: none"> <li>➤ Certified</li> <li>➤ Registered</li> <li>➤ Master</li> <li>➤ Qualified</li> <li>➤ Provisional</li> <li>➤ Approved</li> <li>➤ Conditionally approved</li> <li>➤ Eligible</li> <li>➤ Non-Credentialed</li> <li>➤ "Advanced" and "Master" tiers for ASL interpreters</li> <li>➤ Justice System Interpreters</li> </ul>	<ul style="list-style-type: none"> <li>➤ Screened, certified</li> <li>➤ Class A, Class B</li> <li>➤ Certified: highest level; Conditionally approved- level #2; Registered Candidate- level #3</li> <li>➤ Tier 1 (entry level); Tier 2; Tier 3; Tier 4 (highest); and Tier A (only for languages without an oral exam)</li> <li>➤ Off-roster</li> <li>➤ Provisional, Provisional-B, Authorized</li> <li>➤ Certified, language skilled, and provisionally approved</li> <li>➤ AOC approved (master and journey) &amp; AOC conditionally approved interpreters</li> </ul>
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Jurisdictions provided more detail and definitions of their respective qualifications:

- Hawaii State Judiciary classified interpreters into **6 tiers of designation status**, based on completion of training and objective test scores. Interpreters are classified as; Tier 1 (Registered); Tier 2 (Conditionally Approved); Tier 3 (Approved); Tier 4 (Certified) and Tier 6 (Certified Master). See Appendix A, Hawaii Rules for Certification of Spoken Language and Sign Language Interpreters, at [http://www.courts.state.hi.us/docs/court\\_rules/rules/cssli.pdf](http://www.courts.state.hi.us/docs/court_rules/rules/cssli.pdf)
- We have a **"qualified" tier** for interpreters that speak languages that are not tested by the NCSC, but they have scored the highest score on an oral proficiency interview. We also have **"Advanced" and "Master" tiers for ASL interpreters**, since these were the preexisting designations under the entity that manages their licensure, the Illinois Deaf and Hard of Hearing Commission.
- **Certified**, but also holding federal certification (Spanish), SC:L (ASL), or having been designated as Professionally.
- The Alaska Court System categorizes interpreters as either **certified or qualified**. A certified interpreter has successfully passed an NCSC oral exam and court system requirements. A qualified interpreter has successfully completed court system requirements and has passed an oral proficiency exam to ensure the interpreter can interpret at a basic level necessary for proceedings.
- **Qualified** by the Administrative Office of the United States Courts (LOTS).
- The three official state-level designations are: **certified, language skilled, and provisionally approved**. Effective October 1, 2015, all interpreters must be registered prior to working in any court or court-related proceedings.
- **Class A - Certified; Class B** - took certification exam and came within 5% points of passing; Class C - completed orientation program, passed NCSC's written exam, and scored at least 11 on a 12 point scale on the ALTA oral proficiency exam.
- **Master** – Permits the interpreter to interpret court proceedings in all courts in this state, including justice courts and municipal courts. **Basic** – Permits the interpreter to interpret court proceedings in justice courts and municipal courts that are not municipal courts of record, other than a proceeding before the court in which the judge is acting as a magistrate.
- **Non-credentialed** – this category is an internal use only category for those that may have started the credentialing process but have not obtained credentials. We keep a list of non-credentialed to have as needed, as most of them have at least taken the 2 day workshop and know the ethics of interpreting. We do not provide these names on the AOC website as available interpreters but we may provide their contact information if we do not have credentialed interpreters for the language needed.
- **Qualified, Provisionally Certified** (rare). All practicing interpreters are required to register with the SCAO.
- **AOC approved (master and journey) & AOC conditionally approved interpreters**. In languages with no oral exam, interpreters begin at the AOC conditionally approved level after taking available exams.
- **"Other"** are identified as candidates, those who score at least 65% on the oral examination for certification on each of the 3 modes.
- **Conditionally Approved** designation category has just been approved along with the requirements. Expires in two years if they have not passed.

## Action Step 6

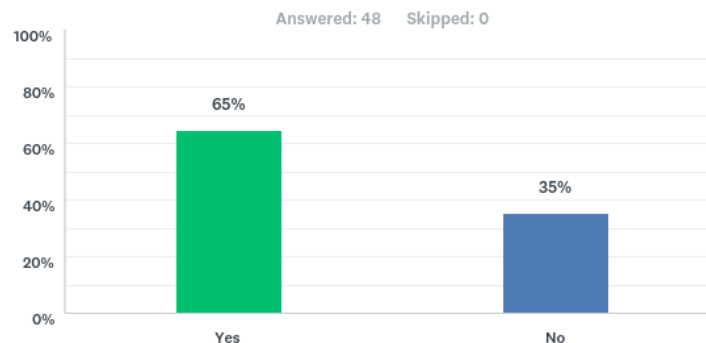
# Enhancing Collaboration & Information Sharing

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

For an effective language access program, it is necessary to collaborate with other partners locally, regionally, and nationally as a means of gathering information, obtaining different expertise, and sharing resources. Action Step 6 recommends establishing procedures to enhance the sharing of information and resources on a national or regional level. To maximize effectiveness, jurisdictions should partner with state justice partners, schools, and community organizations on initiatives such as training or data collection. Also, they should share developed resources such as translated materials or signage for pooling interpreter talent on national, regional, and state networks.

In the survey, a majority of jurisdictions answered that they have now engaged in collaboration and information sharing. Specifically, 65% of jurisdictions have established an outreach program or made efforts to reach out to entities working with LEP communities to secure their assistance in publicizing language access services or to seek their input on court policies related to language access services.

**Q25 Has your jurisdiction established an outreach program or made efforts to reach out to entities working with LEP communities to secure their assistance in publicizing language access services or to seek their input on court policies related to language access services?**



The jurisdictions that do conduct outreach provided information on the successful aspects of their program:

- We are part of **an inter-agency working group as well as a language access advocacy organization and these partners provide outreach leads**. In addition, we work with court interpreter services coordinators to identify emerging language needs and training issues which become lead-ins for the Commission to work on court policy development and implementation in a timely and constructive manner.
- A **Court Interpreter Workgroup** was established and charged with recommending standards of operation, best practices, and providing any other general recommendations to improve court interpreting services statewide. To accomplish this task, the Workgroup conducted **extensive**

**outreach to several entities to include: state colleges and universities; over 1,000 program participants, entities that work in the court, and other stakeholder groups.** As a result, (1) adoption of rule amendments; (2) issuance of administrative orders; (3) establishment of a committee authorized to make recommendations and perform other assignments related to spoken language court interpreting services; (4) creation of a language access coordinator position; and (4) greater uniformity of statewide language access services communications in the trial courts.

- The Alaska Court System **collaborates with the Language Interpreter Center to reach out to entities working with LEP communities.** The Language Interpreter Center provides information that assists the court system in developing interpreting policies. The court system also reaches out to state court program managers and the NCSC to develop court policies and procedures.
- **Radio announcements. Working and meeting with the different Pueblos and Navajo leaders.** We held a meeting with various Pueblos and our Supreme Court Justices to present and request input on our new training and certification program for Native Languages. Legal fairs: Legal Aid (event organizer) and the Commission for the Deaf and Hard of Hearing advertise that interpreters will be provided at these events. Members of various community organizations participate in the NM Language Access Advisory Committee's work groups or sub-committees.
- We have reached out to the executive branch Office of Latino Affairs and Office of Asian and Pacific Islander Affairs to help recruit interpreter candidates and provide input on language access policies.
- We do not have a formal outreach program, but we do regularly collaborate with the local Lutheran Family Services office and the local Refugee Resettlement program.
- The **Task Force's efforts through Community Outreach meetings** (held three: Los Angeles in 10/2016; San Francisco in 3/2016 and San Bernardino - Rancho Cucamonga in 3/2017), inviting community and various stakeholders to discuss language access topics; and efforts by courts and the Court Interpreters Program in reaching out to high school students re: court interpreter profession.
- Entities such as Louisiana Appleseed, Loyola University program for legal and medical interpretation and translation, and other such entities help us spread the word on upcoming training events, programs, etc.
- Our Language Access Committee is in the beginning stages of community outreach and education. We have **developed flyers and materials and have identified organizations to conduct outreach** with and will begin this effort this summer.
- Regularly established meetings with legal aid offices that represent significant numbers of LEPs have proved beneficial to us and them. In addition, we are starting to increase outreach to local law schools and community organizations.

#### SPOTLIGHT ON TENNESSEE

We have **reached out and continue to engage a number of programs and agencies across the state.** Over the past year, we have worked with numerous courts and court staff on our West Tennessee Interpreter Project and we are currently working on creating the same project for East Tennessee. We have also met with Conexion Americas, a local non-profit that works with Nashville's international communities. We continue to attend monthly meetings for the Nashville Task Force on Refugees & Immigrants. We reached out to several local mosques and have met with the Salahadeen Center in Nashville. We continue to work with the Access to Justice Initiative staff to reach as many faith based communities as possible.

- Outreach surveys to community organizations and inviting representatives from Connecticut Legal Aid to attend and participate during the Committee on Limited English Proficiency's meetings
- We have reached out to state agencies such as the MS Department of Human Services for their interpreters to attend our training sessions. We also share training and information to the MS Department of Health - Health Disparities Division.
- We are updating our state LAP and will send it to CBOs around the state to make them aware of its existence. We usually have 1 individual from a CBO on our advisory committee who can provide insight and input at our meetings; we work with our state Refugee Services Program closely which in turn works with their refugee services providers around the state.
- Workshops; materials for LEP w/ info about availability of services.
- Setting up a table at ethnic community events.
- Board members and stakeholders bilingual judges conduct outreach. Color flyers describing program and trainings.
- Bench cards. Model Administrative Protocol. Presentation to stakeholders, annual "Eliminating Barriers to Justice" CLE.
- **Limited outreach with refugee centers.**
- **Inclusion of LEP advocates on Language Access Committee.**
- We reach out to **local organizations representing individuals from rare language groups.**
- We have spoken to advocates for the MO Coalition Against Sexual and Domestic Violence as well as ESL class participants.
- Information has been disseminated via ethnic media outlets, clergy, public libraries and community groups.
- **Surveys of stakeholders agenda items** at the Oregon Supreme Court on Inclusion and Fairness Attendance at community conferences (APANO, etc)
- Northern Nevada International Center, University of Nevada, Las Vegas and Truckee Meadows Community College
- There are existing partnerships with local colleges and universities, language agencies, and state agencies.

#### SPOTLIGHT ON MINNESOTA

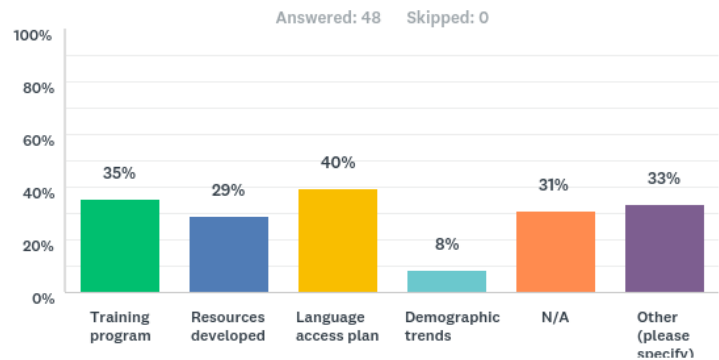
We developed "Going to Court in Minnesota" videos in English, Spanish, Somali, Hmong and for deaf and hard of hearing court customers.

The videos were shown on local public access television stations statewide and corresponding curriculum was designed for use statewide in ESL classes.

***Established Procedures for Collaboration***

Most jurisdictions have established procedures to enhance the sharing of information nationally and regionally. Almost 70% of respondents answered that they have specific procedures set in place designed to exchange information. Forty percent of jurisdictions have set procedures in their LAPs to further the effort. They also have developed training programs and resources designed to effectively exchange information.

**Q28 What procedures have you established to enhance the sharing of information on a national or regional level?**



Training program	35%	17
Resources developed	29%	14
Language access plan	40%	19
Demographic trends	8%	4
N/A	31%	15
Other (please specify)	33%	16
<b>Total Respondents: 48</b>		

Thirty-three percent of the respondents engage in activities other than those listed above to enhance the sharing of information. Many jurisdictions noted that they actively participate in CLAC and/or NCSC activities. Others have formed regional working groups or regularly exchange information with neighboring states.

- Active participation in NCSC - CLAC activities, related professional groups, and resource to other agencies.
- We share resources regionally and through CLAC.
- NCSC CLAC list-serv.
- Language Services collaboratively works with state court program managers and with the National Center for State Courts.
- Participation in the Council of Language Access Coordinators; collaborative training efforts with surrounding states



- Full participation at the Council of Language Access Coordinators (CLAC) where we give and take ideas not only at conference but via the listserv.
- We are actively involved with the National Center for State Court’s list-serve. Our interpreter program also manages a webpage and Facebook page. We also speak at judicial conferences, clerks’ conferences, public defender conferences, Tennessee Bar Association CLE programs, and have spoken at the Tennessee Association of Professional Interpreters and Translators conference.
- Translated materials (i.e., how to use a court interpreter, Language ID cards) have been adapted by other jurisdictions and/or state/county agencies for their use.
- Formed regional working group with neighboring state programs
- Presentations at conferences, annual judicial conclave, new judges training, etc.
- We publish and post our annual report on language services; <http://mdcourts.gov/accesstojustice/pdfs/languageservicesreportfy16.pdf>. We present to justice partners and at national conferences.
- Task Force's presence and participation at various state, regional, and/or national conferences.
- Conversations with neighboring states and sharing of information
- Each judicial district has a local language access coordinator who shares information with the Office of Judicial Administration. Local language access coordinators can access some of this data in an online intranet database.

***Successful Community Outreach Initiatives***

The survey asked jurisdictions to provide a self-assessment of the most successful initiatives they have conducted for community outreach.

**Q26 Please share any “success stories” of community outreach initiatives you would like to highlight:**

- **The West Tennessee Interpreter Project was one of the largest outreach events that we have hosted.** This project **allowed us to reach rural counties** in the western part of the state that accounted for approximately 4% of the total claims that our office receives. Since our summit we have can happily report that we have 20+ interpreters in west Tennessee currently going through the credentialing process and we have rural counties submitting invoices for interpreter services. We have an active Committee for Equality and Justice and local Equal Justice Committees **who regularly conduct community dialogues and community listening sessions.** The topics of these sessions frequently address issues of our LEP communities.
- **Collaboration with refugee resettlement groups** in upstate NY has helped to foster relationships with local courts and resulted in more interpreters for those populations.

**Our "Improving Access to Justice for Native Peoples in State Courts" SJI-funded project was a community-driven project.** Two teams, one for Navajo, one for Pueblo Languages, led the project and included leaders of their communities. A video documentary on the project is here: <https://youtu.be/2rjUpFznZkQ>

- **Our working relationship with our refugee services program** has been successful and continues to be so.
- **Radio interviews** of Judicial Branch staff on Spanish speaking radio stations covering all aspects of the Branch's functions and role in order to better inform the community
- Since the founding of the Language Interpreter Center in 2007, the court system has regularly been part of the general interpreter training program. This program introduces interpreters to the role of interpreting in the medical, legal, and social service fields. As a result of the court systems involvement, interpreters are more aware of the challenges of legal interpreting, the professional ethics involved, and how difficult courtroom interpreting is.
- CLAS members that incorporate different individuals from different entities from the government and private or non-profit agencies.
- As mentioned under Question 22., the Task Force's Community Outreach meetings (held three: Los Angeles in 10/2016; San Francisco in 3/2016 and San Bernardino - Rancho Cucamonga in 3/2017), inviting stakeholders including: court leadership, judicial officers, legal aid organizations, community leaders, court interpreters and Language Access Representatives (and other court staff), to come together to discuss various topics regarding language access.
- Increase in participants following the press releases.
- Very positive feedback from colleges and universities. A new college youth program has assisted a bilingual participant pursue certification. Candidate is planning to take court interpreter oral exam this fall.
- We have successfully partnered with the local ATA chapter (DVTa) to promote certification. The coordinator for our Interpreter Certification Program spoke about working with interpreters as part of a panel at one of our local law schools. This was an opportunity for us to increase awareness of our language access program.
- Video recording cultural/language community members about perceptions and experiences interacting with "the court" which have been embedded in online judicial personnel training modules.

#### **SPOTLIGHT ON HAWAII**

Through the Hawaii State Judiciary's Court Interpreter Certification and Language Access programs, administered by the Office on Equality and Access to the Courts (OEAC), the Judiciary's language access coordinator, numerous informational sessions have been conducted for language-specific groups such as Marshallese and Chuukese in **collaboration with the elders and leaders in their churches and community organizations.**

**Through the effort of going out into these communities to provide information in their home environment in a way that they could understand, cultivated a sense of trust in the court system.** Sessions were held at residential compound meetings in their home communities located in remote parts of the island, which included the sharing of food which enhanced a feeling of union.

## *Successful Collaboration Initiatives*

### **Q27 Please share any successful collaboration initiatives you have employed that you would like to highlight:**

- Inviting representatives from Connecticut Legal Aid to the Committee on Limited English Proficiency's meetings has provided the committee members and the Branch with accurate feedback and input towards the improvement of services and the revision of the LAP
- Mississippi's Administrative Office of Courts has partnered with Arkansas, Louisiana and Tennessee's court interpreter programs to provide regional training events and conferences for interpreters.
- We recently expanded membership on our Language Access Committee to include community partners representing major language groups in Illinois: Spanish, Polish, Korean and Mandarin Chinese, and also South Asian languages like Hindi, Urdu and Gujarati.
- We collaborated in a 2 year partnership on domestic violence and vicarious trauma with a county of diverse population. A federal grant supported county and interpreter training.
- Regional working group with neighboring state program directors - excellent collaboration on rules, resources, fees, training and reciprocity process.
- OEAC also works with other State departments and agencies to identify areas where coordination or collaboration would improve the efficiency with which language access services can be provided. In addition to participating in the State Language Access Coordinators meetings convened by the Hawai'i Office of Language Access, the Judiciary also participates in the Roundtable meetings convened by the Overcoming Barriers to Access to Justice Committee of the Access to Justice Commission (OBAJ Roundtable). The OBAJ Roundtable is comprised of invited entities working to reduce language and other barriers to access to justice and aims to facilitate collaboration and cooperation among its participants and members. The Judiciary also participates in the Hawai'i Language Roadmap Initiative Project which acknowledges the realization that to compete in a global economy and to respond to the demands of its increasingly diverse population, Hawai'i must promote and support the study of foreign languages and culture.
- We have collaborated with the Tennessee Supreme Court's Access to Justice Commission working with their faith-based initiatives. We continue to work with the Tennessee Foreign Language Institute in Nashville. We have also met with staff of Conexion Americas and the Tennessee Department of Workforce and Development about the possibility of collaboration.
- Loyola University program for interpreting and translating has partnered with Orleans Criminal District Court for interpreter courtroom practice and forms translation.
- Truckee Meadows Community College and the University of Nevada Las Vegas have both offered courses to certified court interpreters with AOC approved CEUs and both have offered simultaneous and consecutive modes of interpreting training to prospective court interpreters in preparation for the oral exams

Our Program successfully recruited certified sign language interpreters for our roster after working with the local chapter of RID. When our program started, only 2 sign language interpreters held the SC:L certificate. Currently there are 11 on the statewide roster.

# Action Step 7

## Utilizing Remote Interpreting Technology

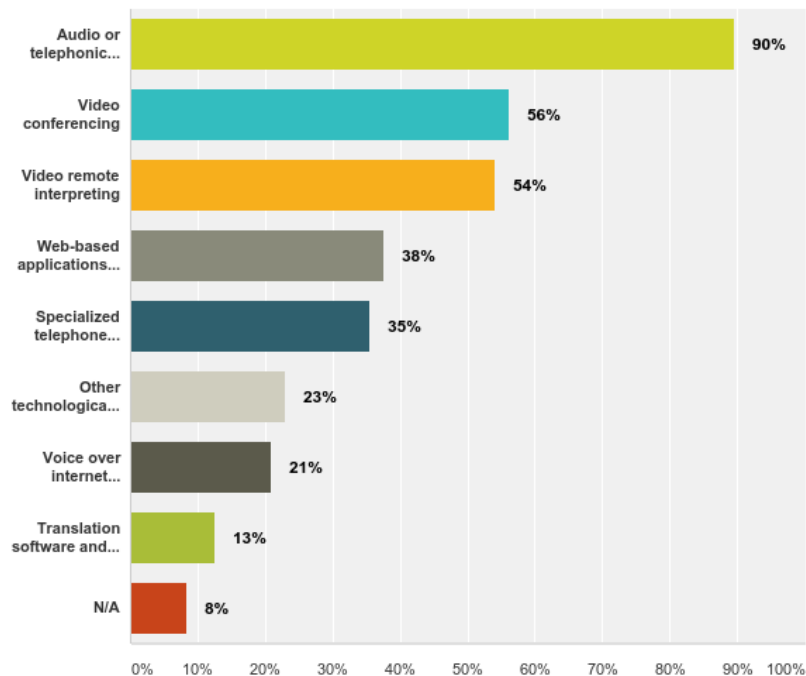
**Utilize Remote Interpreting Technology to fulfill LEP needs and ensure quality services.**

As LEP populations continue to grow, the demand on interpreter services increasingly poses great challenges to large and small jurisdictions in both rural and urban areas. Further, the variety of languages needed is constantly fluctuating. It has become essential, in some areas, to use technology in the court to allow interpreters to be electronically present.

Currently, according to the survey, the majority of states utilize some form of remote interpreting technology. The most commonly used form is audio or telephonic interpretation, which is standard telephone. Almost 90% of the respondents use audio interpretation. Over half of the jurisdictions report that they use video conferencing and video remote interpreting. Web-based applications, such as Skype, are also commonly used. Courts frequently are using specialized telephone equipment and voice over internet protocol. Translation software and automated interpreter software are also used, but much less frequently than other options available.

**Q36 Do you utilize remote interpreting technology? Check all that apply:**

Answered: 48 Skipped: 0



Audio or telephonic interpretation (standard telephone)	90%	43
Video conferencing	56%	27
Video remote interpreting	54%	26
Web-based applications (e.g. Skype)	38%	18
Specialized telephone equipment	35%	17
Other technological solutions. Please provide detail:	23%	11
Voice over internet protocol	21%	10
Translation software and automated interpreter software	13%	6
N/A	8%	4
<b>Total Respondents: 48</b>		

A number of states specified that because they are decentralized, technology usage varies widely across the state. Local courts employ a variety of technology for video and/or audio conferencing. Also, remote ASL is becoming more frequently utilized.

In addition to the technology listed above, jurisdictions reported in the survey that they use the following technology and also provided additional detail:

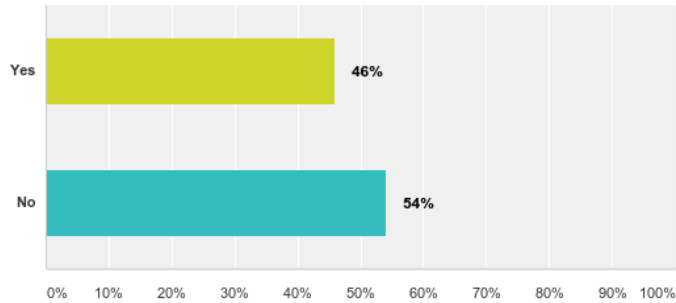
- We are currently purchasing a large number of laptops for clerk's counters and commissioner stations for use with remote ASL.
- VRI for ASL interpreted events: <http://www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf>  
VRI Pilot Project for spoken languages to commence in Summer (July) 2017:  
<http://www.courts.ca.gov/VRI.htm>
- Regarding translation software, the Branch owns several Trados licenses. This translation memory software expedites the translation of vital documents and ensures consistency in terminology.
- Local courts are not using remote interpreting extensively except for telephonic services.
- We are beginning a pilot which will include tele-presence including Cisco products, Skype, VoIP.
- As part of the Hawaii State Judiciary's 2020 Strategic Plan, the Judiciary continues to upgrade its facilities to meet standards of "courtrooms in the 21st century." Efforts include incorporating video remote interpreting capability in courtrooms statewide -Selected courtrooms are VCC capable. Videoconferencing used for arraignments for custody defendants at prisons (Also used for ASL interpreters in court

### Web-based Toolkit Features

Less than half of the jurisdictions participating in the survey report having a web-based toolkit with language access resources. These resources are made available to court staff, including judges, interpreters, interpreter coordinators, and clerks.

**Q37 Do you have a web-based toolkit with language access resources that is made available to court staff (judges, interpreters, interpreter coordinators, clerks, etc.)?**

Answered: 48 Skipped: 0



Answer Choices	Responses
Yes	46% 22
No	54% 26
<b>Total</b>	<b>48</b>

Jurisdictions that answered that they do have a web-based toolkit were asked to describe the most helpful or effective features that they would recommend to other jurisdictions. Many states recommended posting online resources and materials for judges and staff, including bench cards, information cards, and court rules and guidance on providing language access. Also frequently recommended was posting online information for interpreters and potential interpreters, including interpreter resources, and certification information.

Jurisdictions recommended the following web-based toolkit features:

- Directory listing of court-certified interpreters. Policies and procedures for best practices
- A learning management system where we house bench guides, bench cards, and online tutorials.
- Statewide Registry, Language Access Policy and Interpreter Code of Ethics, judicial bench cards, and information cards for attorneys and clerks.
- The court system provides resources for interpreters, the public and attorneys on the court system's home page. We provide resources for judges and court staff on the INTRANet.
- Language access bench card for staff and steps for providing language access services posted on Judiciary intranet for all staff.

- Online materials. Detailed rules guiding judges and interpreters regarding credentialing and language access.
- Our interpreter webpage contains our Language Access Plan, bench cards for judges, information cards for clerks and attorneys, glossaries and lists all the credentialed interpreters with their contact information along with resources for judges, interpreters, clerks, etc.
- Intranet web pages
- The step-by-step process for accessing language services.
- Language access website:  
<http://languageaccess.nmcourts.gov> Judges' portal:  
<https://www.nmcenterforlanguageaccess.org/cms/en/courts-agencies/judges-portal>. This includes videos by one of our Supreme Court Justices on a variety of topics related to language access. The portal includes bench cards, interpreter's oath, rules, procedures and helpful tips and it also includes a cultural competency section. Language Access Basic Training: This is a self-paced downloadable interactive application to train bilingual employees to provide language access outside the courtroom. The fundamentals module is also available online:  
<https://www.nmcenterforlanguageaccess.org/lafund/>
- We purchased a number of training slots for New Mexico's LABT (Language Access Basic Training) program 2 years ago, and required all local language access coordinators, plus 1 additional staffer (ideally one with frequent contact with the LEP public) from each local court, to take the program. Staffers found the scenario feature in the program to be especially helpful.
- Specific information on individual topics is most relevant for users.
- Bench cards, Archived WebEx trainings for judges and court staff, best practices guide.
- Language Access Toolkit: <http://www.courts.ca.gov/lap-toolkit-courts.htm>
- Judicial Intra-net; Court Interpreter Online statewide court interpreter directory, accessible to local language access coordinators.
- A language services section infonet page where everything language access is available to staff.
- Language Access Information for Judges & Court Personnel <http://www.txcourts.gov/lap/judges-court-personnel/>
- Program can update Registry and other lists and forms.

### **SPOTLIGHT ON FLORIDA**

Florida's CICRP has a webpage that includes helpful information ranging from the certification process; helpful links to resources in preparation of pursuing certification; an online registry searchable by language, designation, and geographical location; policy and procedures and all necessary forms needed for any portion of the certification process.

# Action Step 8

## Ensuring Compliance with Legal Requirements

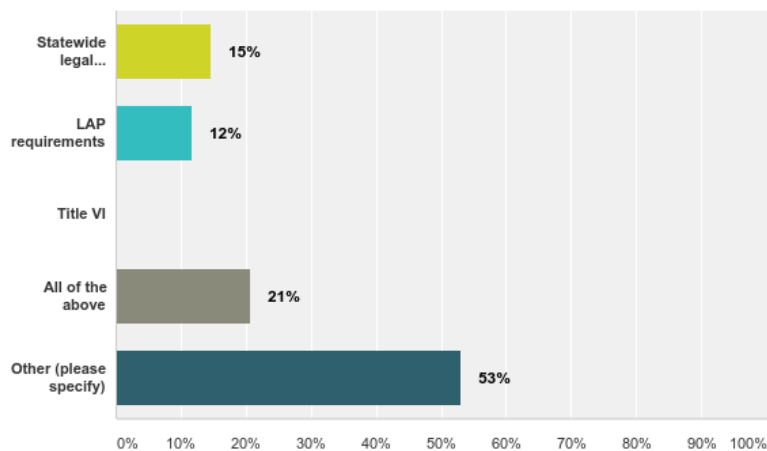
### Amend procedural rules to ensure compliance with legal requirements.

Action Step 8 recommends amending procedural rules to ensure jurisdictions are in compliance with legal requirements. At the Summit, state representatives expressed a commitment to review and amend court policies, documentation, and procedures focusing on legal obligations related to language access.

Currently, most jurisdictions report that they have taken proactive measures to ensure they are compliant with legal requirements. Thirty-four out of 48 jurisdictions answered that they have adopted or modified procedural rules or protocols. A number of states have amended statewide legal requirements, LAP requirements, and court rules to reflect Title VI language.

**Q35 Which procedural rules have you amended to work towards compliance with language access legal requirements? Check all that apply:**

Answered: 34 Skipped: 14



Statewide legal requirements	15%	5
LAP requirements	12%	4
Title VI	0%	0
All of the above	21%	7
Other (please specify)	53%	18
<b>Total</b>		<b>34</b>



These proactive actions to comply with legal requirements demonstrates a clear commitment that jurisdictions have made progress toward improving or have improved their services to LEP populations. Respondents provided additional detail regarding the rules and requirements they have amended in their efforts to provide access to justice. Many jurisdictions noted that they had amended all of the choices offered in the question as well as additional rules or protocols.

- We have modified Tennessee Supreme Court Rule 42 to reflect Title VI language.
- All of the above and Model Administrative Protocol.
- Statewide legal requirements; the Alaska Supreme Court signed a revision of Administrative Rule 6 which states the court system will provide and pay for interpreting services in the courtroom for all case types.
- Statewide legal requirements, Title VI and interpreter qualification, credentialing, continuing education and discipline.
- All of the above; Also, the Judiciary adopted a Language Access Policy that provides free interpreters for all LEP individuals contacting the Judiciary, whether in or out of court. The Judiciary also amended rules to include the provision of remote appearances which allowed for the use of telephone interpreters for court proceedings.
- Statewide legal requirements and LAP requirements.
- Supreme Court issued the Order adopting the Language Services Plan in 2014.
- Administrative order.
- We have long had a statute and Court administrative rule in place. We anticipate making changes to the rule to include a priority of appointment for sign language interpreters.
- LAP requirements; Administrative Orders on interpreter credentialing and an interpreter code of conduct. 6/7/2017
- Adopted interpreter training and testing standards and a Rule of Court entitled "Code of Professional Responsibility for Language Interpreters".
- Adoption of the Language Access Plan by the Judicial Council in January 2015.
- Statute to include interpreting services to crime victims.
- Although no procedural rules have been amended in the last five years, the emphasis on the commitment to provide language services has resulted in a higher level of awareness, an increase in requests for in-person interpreter services, and greater use of Telephonic Bilingual Services.
- Kansas Supreme Court Rules

# Action Step 9

## Exploring Strategies to Obtain Funding

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

Five years ago at the Summit, jurisdictions identified funding as a major priority area. Jurisdictions pointed to funding issues, in particular obtaining funding, as a major barrier to improving their language access services. Due to the ongoing economic crisis that was occurring at that time and the negative impact on court funding, prospects for funding support either through legislative, local, and/or national sources were inadequate. Participating and hosting entities, such as SJI and NCSC, voiced their commitment to supporting jurisdiction’s efforts to increase their funding.

The Summit dedicated extensive discussions on recommendations on strategies to obtain funding. Summit participants engaged in workshops and planning sessions where they prioritized areas and pinpointed initiatives in need of support, including both long-term and short-term funding.

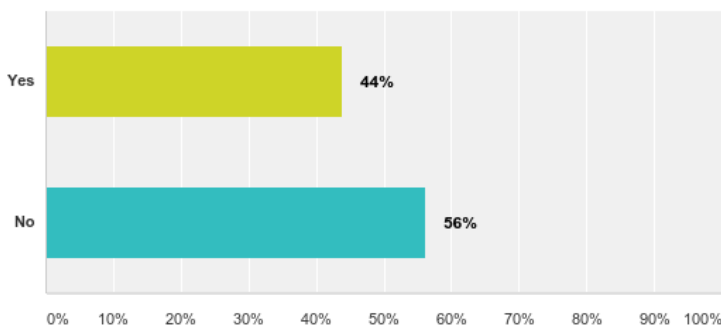
#### **Funding Received**

Currently, just under half of jurisdictions (44%) report that they have received support in the form of grant funding. (Fig. Q29.) This is an increase of funding compared to five years ago when NCSC surveyed jurisdictions. In 2012, 36% of jurisdictions surveyed in the Pre-Summit Assessment reported receiving grant funding.<sup>15</sup>

While the nation reportedly has now come out of the crisis coined the “Great Recession,” funding at local, state, and national levels remain challenging. Therefore, this reported rise in grant funding while only 8 percentage points is a significant showing, as support has not only remained steady but has actually increased. This continuity in support largely can be attributed to the efforts of SJI as described below.

**Q29 Have you received grant funding for your language access program?**

Answered: 48 Skipped: 0



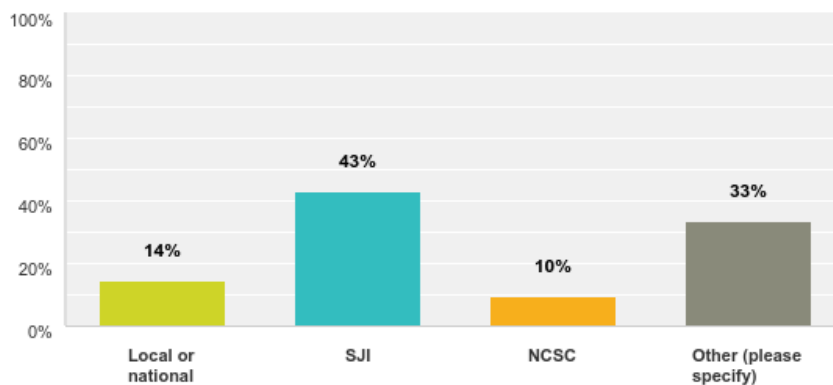
<sup>15</sup> A National Call to Action, p. 10.

### Sources of Funding

Next, the survey identified the sources of funding. Jurisdictions reported receiving funding from three primary sources: SJI, local or national sources, and NCSC<sup>16</sup>. Forty-three percent of jurisdictions reported in the survey that they received funding from SJI. SJI has had a significant impact on supporting jurisdictions across the country in funding areas that have led directly to improvements. SJI has carefully and thoughtfully identified areas of need to fund that would result in the greatest level of impact and progress.

#### Q31 From whom have you received funding?

Answered: 21 Skipped: 27



Local or national	14%	3
SJI	43%	9
NCSC	10%	2
Other (please specify)	33%	7
<b>Total</b>		<b>21</b>

Other sources of funding that jurisdictions listed were:

- All of the above as listed in question choices.
- Local, National, NCSC, SJI
- SJI; State Bar of Georgia; Georgia Asian Pacific Bar Association
- DOJ, ABA
- Nevada Attorney General's Office
- Court Improvement Project, VAWA

<sup>16</sup> NCSC typically support provided through technical assistance funded by SJI or other funding sources.

### ***Type of Funding***

Next, the survey sought to identify the types of funding that are available and have been awarded.

#### **Q30 “What type of funding (i.e., project supported) have you received?”**

Jurisdictions reported that they received funding that supported a variety of programs and projects, ranging from specific needs to program-wide needs. Funding was used toward training, interpreter recruiting, technical support, translation of documents, forms, and online resources, and general technical assistance projects.

#### Training

- Grant to **identify and recruit LOTS interpreters.**
- We received funding from SJI to support the development of **various training projects.**
- **Language-intensive training to interpreters (in languages with insufficient interpreters)** who have performed very well on the NCSC oral exam but fell just short of passing
- We have received a JAG grant from the Tennessee Office of Criminal Justice Programs to **recruit interpreters into our credentialing program.**
- Louisiana received a technical assistance grant from SJI to develop and implement an **interpreter training and registration program.**

#### Translation Efforts

- SJI Grant award to assist with forms translation efforts in 2007.
- VAWA funding for translation of forms.

#### Technical Assistance

- Technical Support Grants: 1) stakeholder surveys, 2) language access training for judges and employees, 3) courthouse language identification tools, 4) training for interpreters of languages of lesser diffusion, 5) public counter language access, and 6) technology to deliver services.
- Support in the form of SJI technical assistance (expected summer 2017).

#### Miscellaneous Comments

- Funding for payment of interpreter services used during child welfare cases, SJI/NCSC technical assistance grant for the assessment of VRI capability.
- With the support of our governor, for the past two years our legislature appropriated \$1.5 million to partially reimburse our local courts for their cost in providing qualified interpreters. We have utilized STOP funding for a variety of language access purposes, including translation of Protection from Abuse and Protection Against Sexual Violence and Intimidation court forms, production of English- and Spanish-versions of a video on how to obtain such orders, and interpreter training on vicarious trauma (for interpreters who work on domestic abuse and other traumatic cases).
- BJA Grant to start our program; STOP Grant to translate Civil DV forms and to host trainings for interpreters working in DV and Sexual Assault settings; Marathon Co. Local Bar Grant to publish a Hmong legal glossary; WI State Bar foundation grant to host a training for interpreters working in refugee languages; Refugee Resettlement Grants (multiple) to provide scholarships for candidates of refugee languages to attend orientation and take written test through our State Dept of Children and Families; Funding from our Children Courts Improvement Program to translate child abuse and neglect forms; TA grant from NCSC-SJI to conduct a VRI needs assessment.
- Office of Violence Against Women STOP grant.

### ***Improvements due to Funding***

Next, the survey assessed the impact on jurisdictions' delivery of language access services due to funding.

#### **Q32 Describe how funding has improved or advanced the delivery of language access services that your jurisdiction provides:**

The jurisdictions who received some form of support reported significant improvements attributable to the grants they have received. Jurisdictions described specifically how funding has improved or advanced the delivery of language access services. Notably, several states reported that grant funding helped them start or kick-off particular initiatives or programs:

- Funding was extremely helpful to **kick-start necessary translation of vital court forms.**
- The funding helped our state get the **Foreign Language Interpreter Program off the ground.**
- We have been able to use funding from various sources to **start our program, recruit new candidates, train existing candidates, and provide continuing education for certified interpreters; we have used funding to create resources for LEP users such as the Hmong legal glossary as well as translated forms.**

Other improvements included training, recruiting efforts, translation of vital documents and forms, outreach efforts, among other initiatives:

- Has helped support efforts to **identify and recruit LOTS interpreters**; SJI has helped **drafting of our Model Administrative Protocols.**
- This **language specific, intensive training** enabled certain individuals to pass the NCSC exam the following year.

#### **SPOTLIGHT ON LOUISIANA**

The SJI grant provided the funds to **develop and implement Louisiana's interpreter training, registration and certification program.** The funds allowed the interpreter training program and materials to be developed and implemented throughout the state, providing interpreter training and testing opportunities in multiple locations. Additionally, court administrators and judges were educated on the new program and standards.

- We are able to **create and provide bilingual forms** in Spanish and Vietnamese. We are planning our next language. Funds pay for a forms design specialist to create the bilingual formats.
- The VAWA funding has assisted the court with **interpreting services** for DV hearings. The grant has also enabled the court system to develop equivalent DV terminology from English to Yup'ik, an indigenous language primarily in the Bethel Region of Alaska.
- Through various grant funding, the Hawaii state judiciary **enhanced its language access services for LEP court users.** Through funding the the U.S. Department of Justice, the Judiciary **developed information brochures** on how to use court interpreters. By explaining the role of the interpreter and providing useful tips for working with an interpreter, this brochure has improved court case management and allowed for more efficient interpreted proceedings. This brochure is also being considered for adoption by a other state courts. The Judiciary also collaborated with the Hawai'i Access to Justice Commission to use grant funding the Commission obtained from the American Bar Association to **develop an information flyer** to explain the process of requesting an interpreter for a court matter. This information is available in English and 6 non-English languages on the Judiciary's

website. **This information flyer has helped to educate LEP court users prior to appearing for court proceedings and allowed for more efficient flow of case processing.**

- **Outreach, training, quality assurance.**
- Court forms; signage (made available in 5 most frequent languages).
- We have been able to host a **Summit in west Tennessee that targeted our rural counties.** This Summit allowed us to train court staff about current language access issues and to recruit interpreters in starting the credentialing process.
- **"Improving Access to Justice for Native Peoples in State Courts." "Language Access Basic Training for Judiciary Employees." Funding to create the NM Center for Language Access,** which is now our training branch and is self-sustaining through student tuition.
- Certified court interpreter services were provided were funded; translation of forms are available in many languages; VRI assessment to begin in the near future which will allow the courts easier accessibility to certified/registered/qualified interpreters.
- It provided reports and recommendations on the **interpreter credentialing program** which will improve the level of services provided.
- Provided funding for **translation** of Domestic Violence Application and Instructions into Spanish, Tagalog, Chinese, and Vietnamese.
- The state funding for reimbursement of local court interpreter expenses has **increased local court use of qualified interpreters from our roster.** In addition, because we have linked reimbursement under the state grant to use of our data collection system, accurate and complete use of that system has increased. As to the projects done under the STOP grant, translation of court forms & their availability on our website in fillable, bilingual format has improved their usability by court staff who assist LEPs.
- A national **expert on interpretation** has been contracted to provide post-certification skill development to staff interpreters in order to continue enhancing the quality of language services
- We are working on **curriculum development for interpreter training.**
- Increased awareness of language access issues and responsibilities; increased interpreter training; increased hard-skills development (use RI technology); increased soft-skills training (LEP customer service); and increased data collection.

#### **SPOTLIGHT ON ALASKA**

In 2006, the court system received funding from SJI to research interpreting needs in Alaska. As a result of that research, **the Language Interpreter Center was founded.** VAWA funding has **provided training for interpreters about domestic violence.**

## **V. NEEDS AND CHALLENGES**

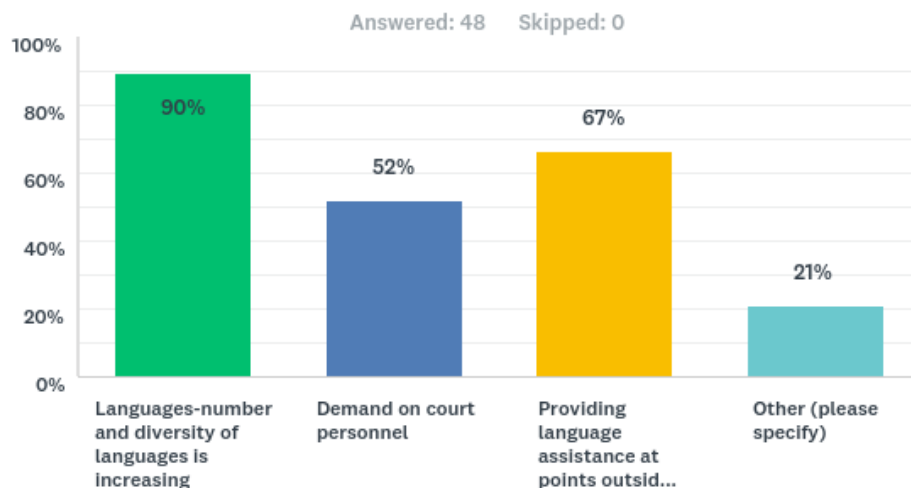
**B**ased on the results of this report, it is evident that language access services across the country have been steadily improving over the last five years. We can attribute this progress to the concerted commitment to providing language access services.

However, despite the progress made, there are still challenges ahead. LEP populations continue to change and the need continues to increase. In order to obtain an accurate and comprehensive snapshot of the foremost future needs, NCSC asked several questions in the survey designed to elicit answers that will guide future assistance and progress. This section covers three areas where jurisdictions have: 1) the most continually growing need; 2) the most significant challenges in providing language access services that jurisdictions still face; and 3) the top funding needs.

## *A. Most Continually Growing Needs*

When asked which areas they have the most continually growing need, 90% of the jurisdictions answered that it was languages. The number and diversity of languages continues to increase, thereby increasing the demand for language services. The second highest need is in providing language assistance at points outside of the courtroom, including the clerk’s office, self-help centers, court managed or operated programs such as Domestic Violence, and mediation. Over half of the respondents stated that the demand on court personnel has the most growing need.

### **Q39 In which areas do you have the most continually growing need?**



In addition to the listing above in figure Q39, jurisdictions identified several other specific needs:

- Funding
- Translation of documents
- We are seeing a growing demand for translation services.
- Document translation as well as website translation is needed so that more pro se LEP parties can access court programs and services



- On-demand sign language.
- Use of ASL at counters and informal settings.
- Distribution geographically of interpreters statewide where needed
- Building sufficient pool of interpreters in high demand languages, particularly Pacific Islander languages (i.e., Chuukese, Marshallese) and ensuring quality/competency of language interpreter services.
- Providing language access outside more metropolitan areas. Our rural areas have increasing numbers of LEP individuals interacting with courts and probation services, but interpreters are scarce in those regions.
- With the increase in awareness about appropriate language access due to our training and outreach, we now receive more complaints, which requires more staff time to investigate and reach resolution.

## *B. Most Significant Challenges*

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Listed below are jurisdictions' most significant challenges to providing language access services. Some jurisdictions face unique challenges, however, most programs are working to improve similar problems: interpreter availability, qualification, and training, funding, and languages of lesser diffusion

### **Q40 What are the most significant challenges in providing language access services that your program still faces?**

#### Various Challenges

- As a non-unified state, it is difficult for us to ensure that qualified interpreters are being used in all proceedings, especially in civil and court annexed proceedings. Although we encourage certification across the state, we know that certified interpreters are not hired as often as they should be, and we do not have sufficient access to qualified interpreters in more rural parts of the state. With our current state budget crisis, county budgets are limited and stretched thin.
- **Demand for languages of lesser diffusion**, training and language competency testing for interpreters of languages of lesser diffusion, providing services after regular business hours for court-operated programs.
- Developing self-sufficiency of interpreter services that we are a geographically isolated state. Building sufficient pool of interpreters in high demand languages, particularly Pacific Islander languages (i.e., Chuukese, Marshallese) and ensuring quality/competency of language interpreter services.
- We are a small, rural state burdened with the same obligation as larger states to furnish competent interpreting services albeit with limited financial and staffing resources. It isn't feasible for us to invest in the infrastructure commonly found in larger states (e.g., testing). While VRI seems intriguing, we question whether it's appropriate for lengthier proceedings; if not, it's hard to justify the investment.
- Our most significant challenges usually involve **securing certified or qualified interpreters for long trials in remote areas where video remote technology is unavailable**. In most instances,

interpreters cannot afford to schedule themselves for more than a week at a time. This is problematic for in-person interpreting in remote areas. As broadband improves, this challenge may be lessened. Additionally, the court system is challenged to provide competent interpreting for Yup'ik. Currently, the Language Interpreter Center has one qualified Yup'ik interpreter available for trials. The court system has a trained Yup'ik interpreter on staff in Bethel.

- **Creating sustainable cultural changes in court culture** to incorporate procedures supporting language access. 2. Having resources and local interpreter motivation to engage in intense interpreter training necessary to increase the pass rate of oral interpreting certification exams in languages of lesser diffusion. Accessing resources to provide the additional support and training necessary to increase the number of certified interpreters of languages of lesser diffusion - few can pass the oral interpreting exams without additional, focused support in exam preparation.
- Resources 1. Interpreters in rural areas, especially of languages of lesser diffusion 2. Equipment, training and technical support for video remote interpreting options 3. Legislative appropriation of funds for interpreters

### Interpreter Availability, Qualification, and Training

- Building up a local pool of qualified court interpreters.
- Ready availability of court interpreters.
- Lack of certified interpreters in rural areas. Lack of certified interpreters in languages of lesser diffusion.
- Recruitment of certified interpreters in languages other than Spanish. Remote interpreting equipment and capability in each courtroom - especially in rural locations.
- There is a crucial need for more certified court interpreters particularly in Northern Nevada and rural jurisdictions.
- Finding qualified interpreters for rare languages.
- Assuring that we have a sufficient number of qualified interpreters available on our registry.
- The difficulty finding and retaining qualified interpreters.
- A need for interpreters for even major languages; A need for individuals who are qualified and able to train others to provide interpreter services in a legal setting.
- Lack of certified interpreters in languages other than Spanish in the state. Low passage rate for oral exam.
- Recruiting and training rare language interpreters, building consentient practices statewide.
- Not enough qualified interpreters, particularly for "rarer" languages; also hard to keep pace with emerging language needs, often due to refugee groups-- new arrivals are not yet fluent in English and there is often a very small community from which to draw potential interpreter candidates
- Qualified rare language speakers; automating scheduling and invoicing.
- Funding and lack of qualified interpreters.

## Funding

- Funding is a significant barrier to increasing language access and services in our state as well as technology and increased needs for additional languages.
- State revenue failure and budget cuts.
- Adequate funding to the extent necessary to recruit and retain a sufficient and steady supply of qualified court interpreters.
- Funding. Increased demand for services and workload.
- Funding (competing with other budget priorities in the state) and interpreter resources in languages of lesser diffusion (Other than Spanish languages).
- Cost and funding of interpreters, technological and implementation challenges with video and remote interpreting.

## Languages of lesser diffusion

- Finding some of the less frequently requested languages (languages of less diffusion)
- The increment of languages of lesser diffusion; number of interpreters that pass the certification exams
- Obtaining qualified interpreters for languages that are very uncommon in the Midwest and/or the U.S. Obtaining funding to: (1) develop bi-lingual court forms, (2) acquire and implement remote video interpreting technology, and (3) provide and subsidize training and skill building workshops for interpreters, especially in languages other than Spanish.

## Other

- Last minute requests for interpreters, lack of continuing education, lack of shadowing for new interpreters, recruitment of new interpreters and unavailability for their services
- Working in a non unified court system. Not enough interpreters in enough languages in enough locations; establishment of VRI resources
- There are several challenges that we face. One of the biggest challenges is credentialing LOS interpreters. Another challenge is not having a unified court system. And lastly, its proven difficult to explain and make court staff understand the importance of language access when many times they only encounter 1 or 2 limited English proficient individuals per year.
- Our state law requires that all proceedings be in English. Staff resources to coordinate interpreting services.
- Because we provide remote interpretation for short, non-contested hearings, the scope of the program is limited.
- Text-based translation needed for LOTS languages, both paper and digital
- Access to adequately trained LOTS interpreters. Attorneys' attention to language access needs of their clients.
- Identifying education and training opportunities for those wishing to start a career in court interpreting.
- Some court locations are difficult to access and VRI would be beneficial.

- In terms of general language access, funding, training, and compliance are key issues. As to the interpreter program specifically, recruitment and training of interpreters for LOTS languages is an ongoing challenge.
- Not having enough language resources, and interpreters to meet the demands of the courts.
- Balancing quality of service and costs.
- Compliance Program Funding Skilled Interpreters.
- The inability to anticipate language access need. Sometimes dialects and language come out of the blue and there is limited ability to react quickly and sometime at great expense due to last minute requests.

## *C. Continuing Funding Needs*

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In the survey, jurisdictions reported a number of areas that need funding. The survey asked them to detail their top funding needs.

### **Q33 What remain your top needs for which funding would be helpful?**

Many states and territories answered that there are multiple areas throughout their programs that need support. Other states identified specific areas. There still remains a strong need for funding to recruit interpreter candidates and to assist candidates to prepare for certification tests. Jurisdictions also report a strong need for translations of documents, forms, and online information. Other key areas of need include training and technology.

Listed below, grouped by category, are the top funding needs that jurisdictions reported in the survey:

#### Various Needs

- With the rollout of our newly-approved statewide language access plan, funding for translation of statewide court forms, IT, phone, and web-based tools to receive and process requests for interpreters by LEPs, and training of bilingual staff and interpreters are all needed.
- Funding would be helpful to implement and sponsor the following: 1) the expansion of statewide remote interpreting efforts; 2) a web-based online database system; and 3) state-sponsored skills building workshops for interpreters.
- Funding for translation of court forms and vital documents; enhancements to language access services, including planning for implementation of video remote interpreting capability; development of a court interpreter database that can be integrated into court case management system; court interpreter recruitment and development; and delivery of language access training for Judiciary staff and judges.
- Candidate training and exam preparation. Judicial training tools. Data collection. Staff interpreters. VRI.

#### Interpreter Recruiting and Candidate Training

- Recruitment of certified interpreters.

- Funding to assist bilingual candidates taking on-line language training sessions in preparation for oral exams. Continued development of a Yup'ik dictionary of legal terms used in the courtroom.
- Funding to recruit qualified interpreters in our rural areas and interpreters of languages other than Spanish are our top needs.
- Interpreter training and development
- certification test-oral exams
- Training for test prep; training for current interpreters
- Certification of interpreters and continued education
- Credentialing of interpreters Interpreting skills exam for Amharic
- Test preparation skills building courses for LOTS interpreter candidates.
- Development of tests for languages of lesser diffusion
- Funding to provide more training opportunities for interpreters and technical equipment for interpreters to use in courtrooms.

#### Training for staff, judges, and attorneys

- Development of informational/training videos for staff, attorneys, and the public.
- Expanded trainings and video tutorials for judges, LEP court users, interpreters. We are particularly interested in offering judicial trainings related to usage of sign language interpreters and training for sign language interpreter to increase their comfort level with court interpreting.

#### Translation of forms and documents

- translation of court documents, orders and web-information; expansion of remote interpreting technologies; bringing in experts for specific training modules; methods for test-preparation .
- Translation of standard court forms into Spanish and other selected languages. Skill building workshops for interpreters Remote video interpretation technology in courtrooms Development of language access training materials for judges, court staff, attorneys, community organizations, and LEP communities.
- Translation of our website. Translation of forms in multiple languages. Updating the Language Services Plan.
- Translation of forms and specialized training Recruitment of rare (or lesser diffusion) languages.
- Translation of pamphlets and forms into common languages and periodic updating of current translated forms.
- LOTS translations.

#### Technology

- Building and implementing an interpreter scheduling component that interfaces with our home-grown court information system that enhances the ability of courts and probation offices to request an interpreter, the ability of the Program to schedule interpreters, and automates the billing, payment,

and statistical reporting of interpreter services. 2. Translation of court forms and pro se litigant materials into Spanish and Somali.

- Enhanced technology for scheduling.
- Remote interpreting equipment.
- Equipment to enhance and expand use of remote interpreting. Funding for trainers to conduct Court interpreter and judicial training.
- Implementation and/or expansion of video remote interpreting capabilities in district courts. 2. Skills classes and certification exam preparation classes for languages other than Spanish.
- Remote interpreting capability. Case management system capability.
- Video remote interpreting for LOTS and rarer languages Glossary development and training in LOTS languages of lesser diffusion Document translation of state forms in more languages other than Spanish
- Remote technology.
- Creating a successful pilot program for the delivery of VRI services in our state for all languages.

#### Other

- Short term: additional funding to support the provision of interpreter services, since program is underfunded. Long term: Obtain interpreter staff position(s).
- Multi-language I-forms for English filings Statewide standardized remote interpreting technology Online suite of interpreter scheduling and billing technology
- To assist in developing an orientation and certification program.
- Assess bilingual/multilingual staff, expand continuing education programs for interpreters and translators, and reestablish interpreter training programs.
- Creating an interpreter bank for civil legal aid.
- Additional staffing to support expansion of language access services and pipeline development to increase the pool of court interpreters.
- Funding of language access happens at the local level. Our courts would benefit greatly from a national network of foreign language interpreters that could attend any hearing via remote access. Funding this type of enterprise that was free to the courts would be a great advantage to our geographically disparate state.
- Helping to expand the registry of interpreters and hiring a program manager to manage our FLIP program.
- Cost of court interpreter services especially for languages other than Spanish.

## **VI. THE FUTURE OF LANGUAGE ACCESS IN THE STATE COURTS**

In a relatively short period of time, the state courts have made significant progress in the provision of language access services. As detailed in this report and the survey data, most state courts now have fully developed language access programs, or have implemented key measures to promote the effective administration of language access services to LEP court users. State courts have developed statewide language access plans that provide: protocols and procedures for court interpreter services; robust credentialing requirements for court interpreters; procedures and policies for monitoring and identifying the need for services; language access at non-courtroom points of contact in the court; translation of critical documents; and training requirements and programs for court staff and judicial officers.

One of the most critical and fundamental improvements made in state courts was the increased awareness of the need for LEP services in state courts. Five years ago, the goal of the Summit and the *Call to Action* was to spark this awareness and help state courts shape the culture within their own justice systems. Much of this progress can be attributed to these efforts and the collaboration of CCJ, COSCA, NCSC, and SJI, who worked with state courts at the local, state, and national levels to improve language access. CCJ and COSCA's bold leadership on this issue ensured that enhancing language access would be a national priority. In addition, the SJI Board of Directors continued to support language access efforts in the state courts, either through direct funding or development of national tools by organizations such as NCSC.

To build on this foundational work, local, state, and national efforts over the next five years will continue to incorporate creative strategies that maximize the use of existing resources, utilize technological solutions and collaboration with key stakeholders, and continue to meet the needs of a growing LEP population.

Specifically, many of the ongoing or prospective national trends will focus on the more efficient use of qualified interpreters through technology, increased collaboration among states for information and resource sharing, as well as regional and national efforts to recruit, train, and share interpreters across a wide range of languages. Below are several illustrations of such activities.

In 2016, with support from SJI, NCSC released a **national database of 1,335 qualified court interpreters in 49 languages** to state court language access program managers. Future initiatives will focus on increasing the overall number of interpreters and breadth of languages included in the database, as well as the identification of those interpreters available to state courts for remote interpreting, either via audio or video platforms. Such efforts will provide courts with an expanded cadre of qualified interpreters to meet their local needs. Providing such a national platform will be particularly helpful for rural jurisdictions with limited in-person court interpreting resources. In addition, this database will provide interpreters in rare languages, which will benefit courts that do not have ready access to these interpreters.

NCSC, in collaboration with COSCA/LAAC and SJI, will also continue the efforts to support **Virtual Remote Interpreting (VRI) in the state courts**. The recruitment and training of VRI-ready court interpreters for the national database, as well as the development of guidelines for the use of VRI and an



inventory of possible technological solutions, will greatly assist state courts in their local efforts to embrace technological solutions to provide language services.

As state courts continue to look to technological solutions for the provision of interpreters, future trends also include the **expanded use of existing technology**, secured for video conferencing or specifically for VRI in the courtroom, to support other ancillary events and court activities outside of the courtroom. Examples of multi-use video technology outside the courtroom include bilingual assistance via video for self-help appointments and workshops, mediation, and other alternative dispute resolution services. Courts can maximize their investment in technology for VRI or video arraignments through coordinated calendaring efforts that support intra-state or even national use of equipment to expand language services.

State courts will continue expanding the use of technology and online platforms to provide language access training for court interpreters, judicial officers, and court staff, as well as provide information for LEP court users at all points of contact with the courts. An example of such a training platform is the **Language Access Basic Training (LABT)** offered by the New Mexico Center for Language Access.<sup>17</sup> **The LABT suite, funded by SJI and developed in collaboration with NCSC and LAAC**, is an interactive training that provides introduction to language access for all court employees. The purpose of the training is to ensure that court employees have a basic understanding of their ethical and legal obligations, as well as current best practices in serving LEP and non-English speaking individuals. The suite, which is available in **Spanish** and **language neutral** (all spoken languages) versions, also provides a training module and an optional skills assessment for bilingual court employees.

To better assist LEP court users in the courthouse, state courts are deploying **informational kiosks** that provide multilingual information to LEP court users, as well as expanding the use of **multilingual online interfaces** that assist individuals with accessing resources or requesting an interpreter. Such efforts can assist state courts in providing fuller access to the growing number of self-represented litigants who need multilingual information and access to court services, but may never need to appear in a courtroom proceeding with a court interpreter. These tools and resources can also assist courts with the more efficient utilization of in-person interpreters, by freeing them from providing services that can be met through other means and prioritizing their use for courtroom proceedings and other appropriate settings.

Another emerging trend is **increased collaboration efforts among states and justice partners**. While state courts have made significant progress in developing court interpreter programs and policies for the required use of qualified court interpreters, they continue to struggle with recruiting and retaining the number of qualified court interpreters needed to meet the needs of LEP court users. Securing interpreters in rare languages is a challenge. By working with other states with similar needs, the state courts can develop more interpreters in languages for which there are scarce resources, even at the national level. Collaboration among court systems regionally or nationally may include shared court interpreter resources.

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<sup>17</sup> <https://www.nmcenterforlanguageaccess.org/cms/en/courts-agencies/about-language-access-basic-training>

Other collaborative trends moving forward include **regional or national sharing of translated materials**. While courts often need customization for local forms and procedures, there could be great benefit in national translation efforts that serve to create translated templates of routine court forms into the top ten national languages. Other national efforts may include the development of a repository of translated common terms needed for signage or for general informational use, such as prohibited items in the courtroom and general courtroom conduct rules.

As state courts continue to face the growing needs of their LEP court users, future trends will also involve more **collaboration with local and statewide justice system partners**. Cooperation with law enforcement, and other community resources where LEP persons may first seek assistance, may help address the earlier identification of language services needs, critical to providing courts more time and opportunity to secure qualified interpreters in a timely manner. Efforts may also include expanded working relationships with other state and county agencies, community organizations, refugee resettlement agencies, and local universities and college programs. Such collaboration can result in improved access to potential court interpreter and bilingual staff candidates; the sharing of existing interpreters; and the potential development of linguistically-accessible post-court or court-ordered services and programs.

The future also includes **expanded use of bilingual staff** in appropriate settings outside of the courtroom. While the services of court interpreters are essential for events that require participation and understanding by parties, bilingual staff who are proficient in two languages, but do not have interpreting skills at the level of qualified court interpreters, may be considered for appropriate use outside the courtroom, especially in settings where there is a high volume of LEP court users.

In conclusion, the great strides that have been made over the last five years, and these exciting anticipated future trends, will place the state courts on a trajectory to ensuring that litigants with limited English proficiency are heard, and have equal access to, the state courts.



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