



Welcome! Today's Agenda

- 10:00** Introductions; National & Illinois landscapes and results of AOIC survey
- 10:30** Legal and ethical basis for providing meaningful language access
- 11:00** Break
- 11:20** Language Access Plan run-through and opportunity for open discussion
- 12:40** Moving forward: practical considerations in meeting the needs of LEP court users
- 1:00** Conclude meeting



Follow along on your device

**Follow today's powerpoint slides on your tablet
or mobile device at:**

[http://www.IllinoisCourts.gov/interpreter/
interpreter-regional-meetings.pdf](http://www.IllinoisCourts.gov/interpreter/interpreter-regional-meetings.pdf)



Introductions

Please tell us:

- Your name and position title
- The circuit court or organization you represent
- What you are hoping to get out of today's meeting





Defining terms

Who?

- **Limited English Proficient (LEP) person:** Someone who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak, or understand English.
- **Interpreter:** A person who is fluent in both English and another language, who listens to a communication in one language and orally converts it into another language while retaining the same meaning



Defining terms

What?

- **Language access:** The provision of the necessary services for LEP persons to access the service or program in a language they can understand, and to the same extent as non-LEP persons
- **Interpretation:** The unrehearsed transmitting of a spoken or signed message from one language to another (vs. **Translation:** converting written text from one language into written text in another language)
- **Certification:** The determination, through standardized testing, that an individual possesses certain knowledge, skills, and abilities



Defining terms

Where?

– Illinois circuit courts

- State trial courts that have general jurisdiction
- 24 judicial circuits, each comprising one or more of the 102 counties of the state





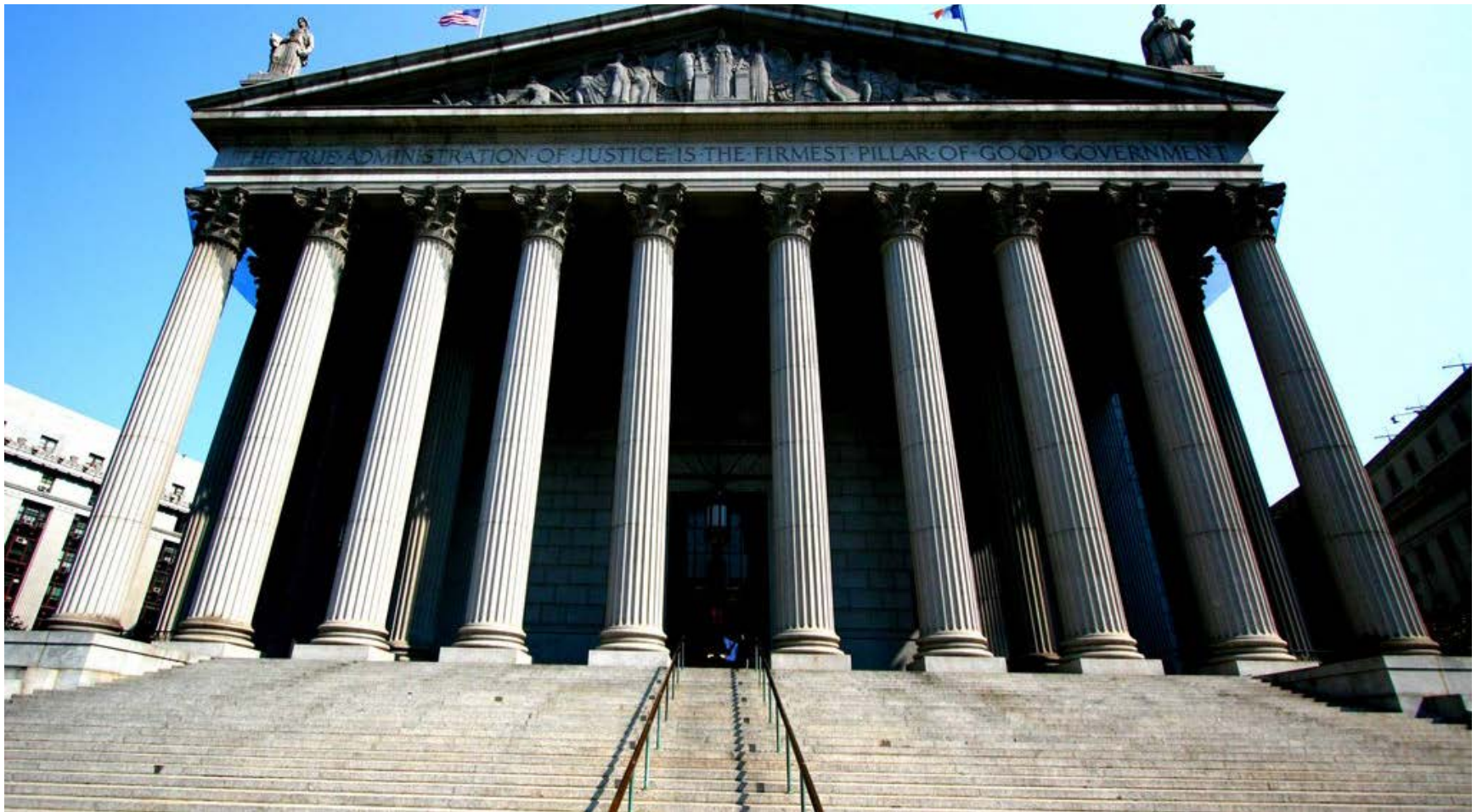
Defining terms

Where?

- **Courtrooms:** both civil and criminal proceedings
- **Courthouse:** self-help desks, other court-operated offices with public points of contact (e.g. filing office, pro se clinics, probation offices)
- **Court-annexed proceedings:** court proceedings which are managed by officers of the court or their official designees (e.g. mandatory arbitration and mediation)



Navigating the court system with a communication barrier



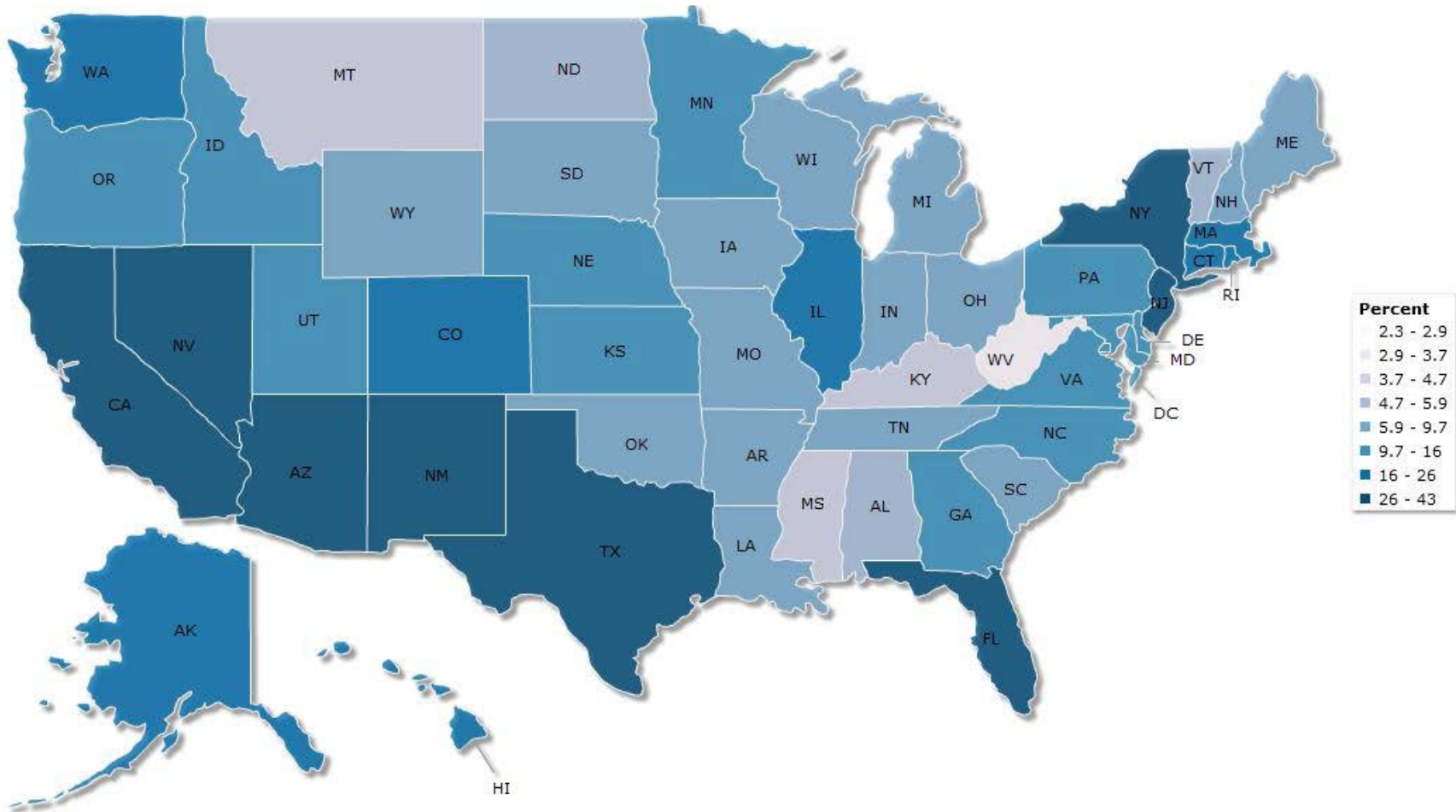


Big Picture Questions

- Why the sudden push for language access?
 - Status of language access across the nation
 - Dept. of Justice enforcement actions
- What are other states doing?
 - Minnesota, Wisconsin, Michigan
- What are our legal obligations?
 - State and federal laws
- How can we go about meeting those obligations, in light of resource constraints?
 - Solutions for implementing Language Access Plans



National distribution of LEP populations





National push to improve language access services in state courts

- 2010 DOJ letter from Assistant AG Perez
 - Emphasized that under Title VI, court systems receiving federal financial assistance must provide meaningful access to LEP persons
 - Denying LEP persons meaningful access to courts as a form of national origin discrimination
 - Expressed concern over state court practices and policies that are inconsistent with civil rights laws

ABA Standards for Language Access in State Courts



Reactions to DOJ letter and ABA standards

Statement from the National Conference of Chief Judges (CCJ) and Conference of State Court Administrators (COCSA):

"At the very time the standards propose absolute access to interpreters — both in and out of court — state courts are furloughing staff, shuttering courthouses, and sometimes requiring litigants to bring their own paper for copies. Absent significant increases in resources, the state courts cannot meet the more far-reaching standards without cannibalizing other critical programs."



Compromise

- Revision of standards
- Commentary to Standard 2.3, which requires courts to provide interpreters without charge: “Recognizing that adequate funding may not be immediately available, implementation of these Standards in all tribunals and proceedings may need to be phased over a period of time, and priority should be given to providing interpreter services without charge to low and moderate income persons and unrepresented litigants.”



DOJ Letter – Cost considerations

“We recognize that most state and local courts are struggling with unusual budgetary constraints that have slowed the pace of progress in this area. The DOJ guidance acknowledges that recipients can consider the costs of the services and the resources available to the court as part of the determination of what language assistance is reasonably required in order to provide meaningful LEP access. Fiscal pressures, however do not provide an exemption from civil rights requirements.”

-Assistant AG Perez, DOJ



DOJ Letter – Cost considerations

- Acknowledge resource restraints
- Language access services should be considered a part of the court's essential operating expense
- Compliance considerations:
 - Was access successful **prior to** budgetary crisis?
 - Are other court operations restricted or defunded?
 - Has court developed other funding sources?
 - Has court increased efficiency through collaboration or other means?
 - Has a Language Access Plan been established?



National push to improve language access services in state courts

- DOJ has cited states for noncompliance
 - North Carolina
 - Longer incarceration due to continuances
 - Conflicts of interest by allowing State prosecutors to interpret for defendants
 - Requiring pro se and indigent civil litigants to proceed without an interpreter or requiring them to bring their own
 - Michigan
 - Charging LEP parties for an interpreter if they fall above the federal poverty line.



National push to improve language access services in state courts

- AOIC attendance at two national events
 - Apr 2012: CLAC Meeting in Little Rock, AK
 - Oct 2012: NCSC National Summit in Houston, TX
 - Highlighted model LAPs
 - Staff Interpreters and bilingual employees/volunteers
 - Multilingual signage
 - Assigned court days for specific languages
 - Performance evaluations for interpreters
 - Registry for interpreters maintained by AOC
 - Training for court personnel and judges
 - Forms translation
 - Data collection



Questions?

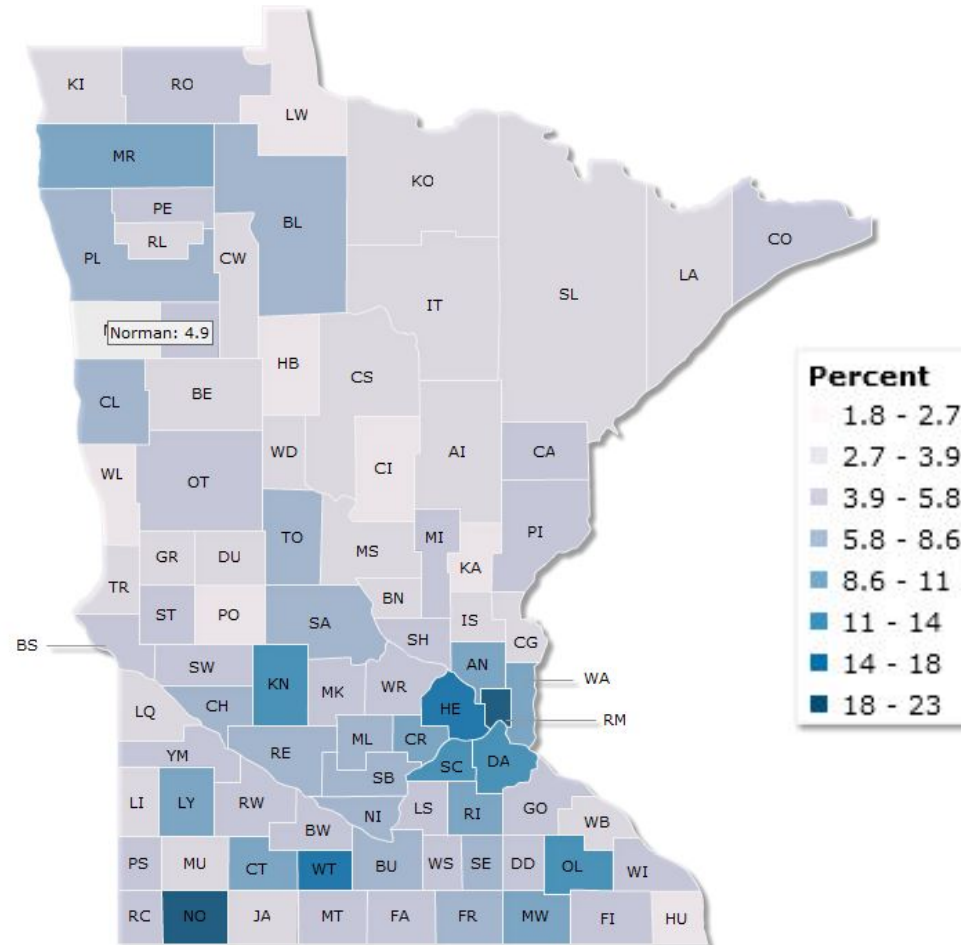




Minnesota LEP population

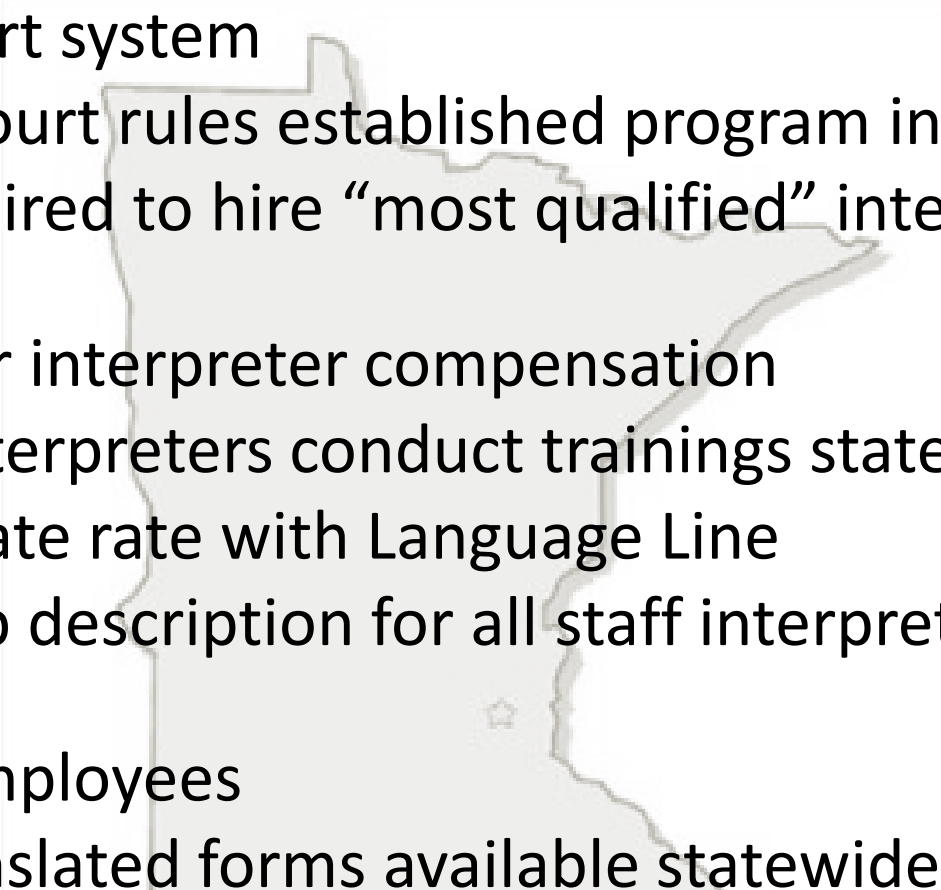
National average: 20.1%

MN: 10.3%





Examples from other states: Minnesota Court Interpreter Program

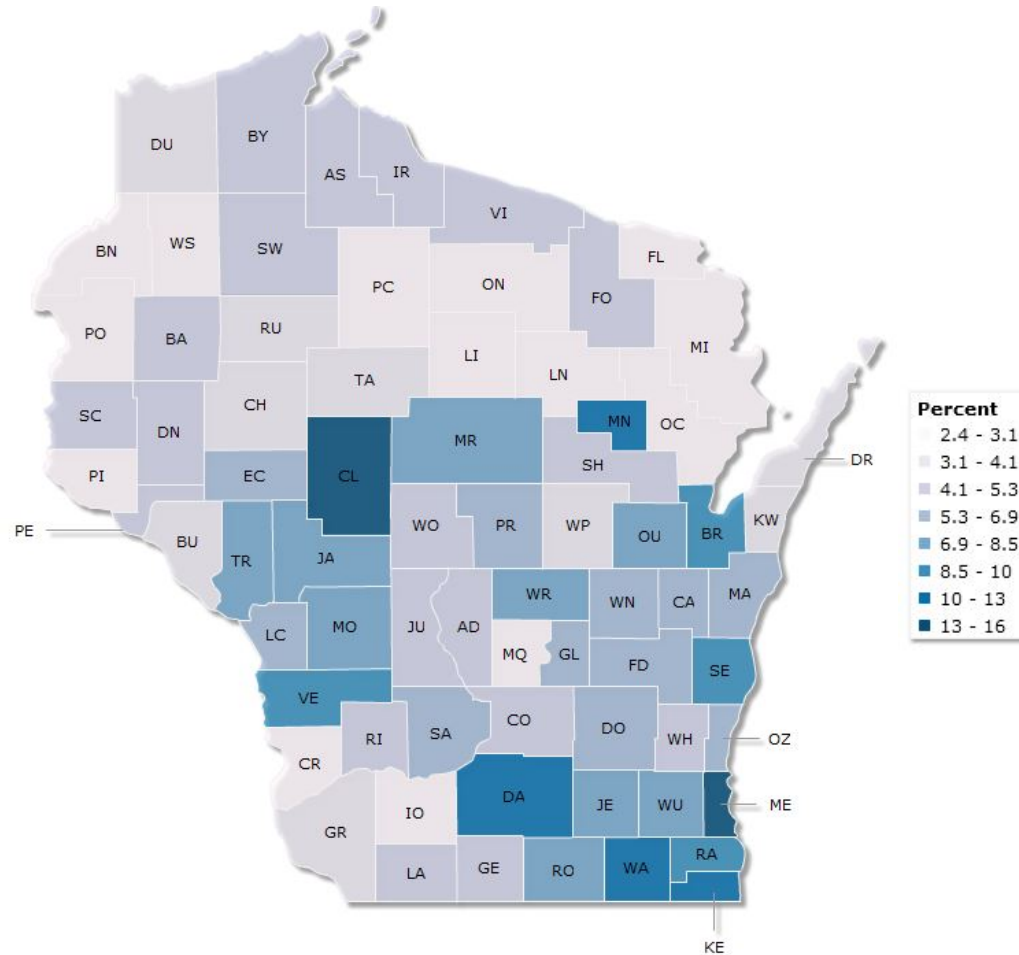
- Unified court system
 - Supreme Court rules established program in 1998
 - Courts required to hire “most qualified” interpreter first
 - Set rates for interpreter compensation
 - Certified interpreters conduct trainings statewide
 - Reduced state rate with Language Line
 - Uniform job description for all staff interpreters statewide
 - Bilingual employees
 - Several translated forms available statewide
- 



Wisconsin LEP population

National average: 20.1%

WI: 8.4%





Examples from other states: Wisconsin Court System

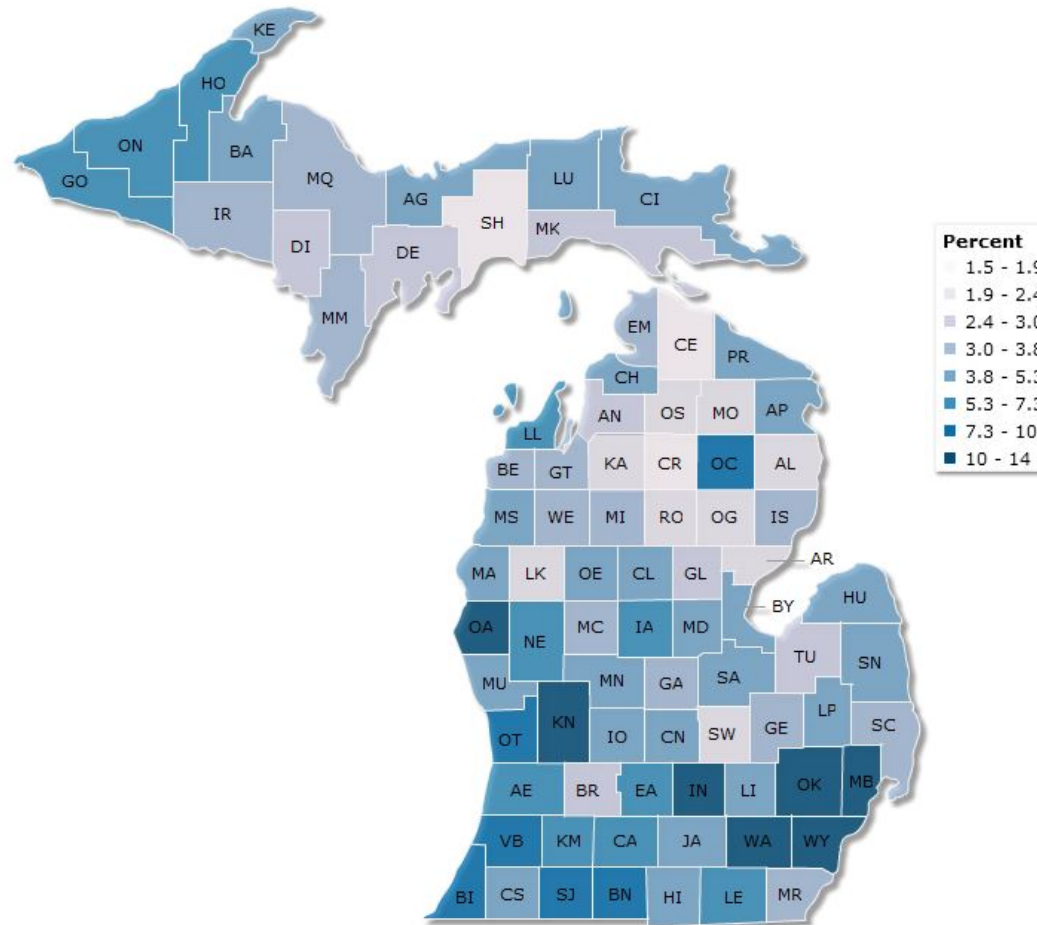
- Non-unified court system
- State statute (2001) and Supreme Court rules (2004) established the program; statewide LAP
- Courts are encouraged to use certified interpreters, and counties are partially reimbursed by the state (Spanish only)
- Training offered to judges, court personnel, and outside stakeholders
- Translation of vital documents



Michigan LEP population

National average: 20.1%

MI: 8.9%





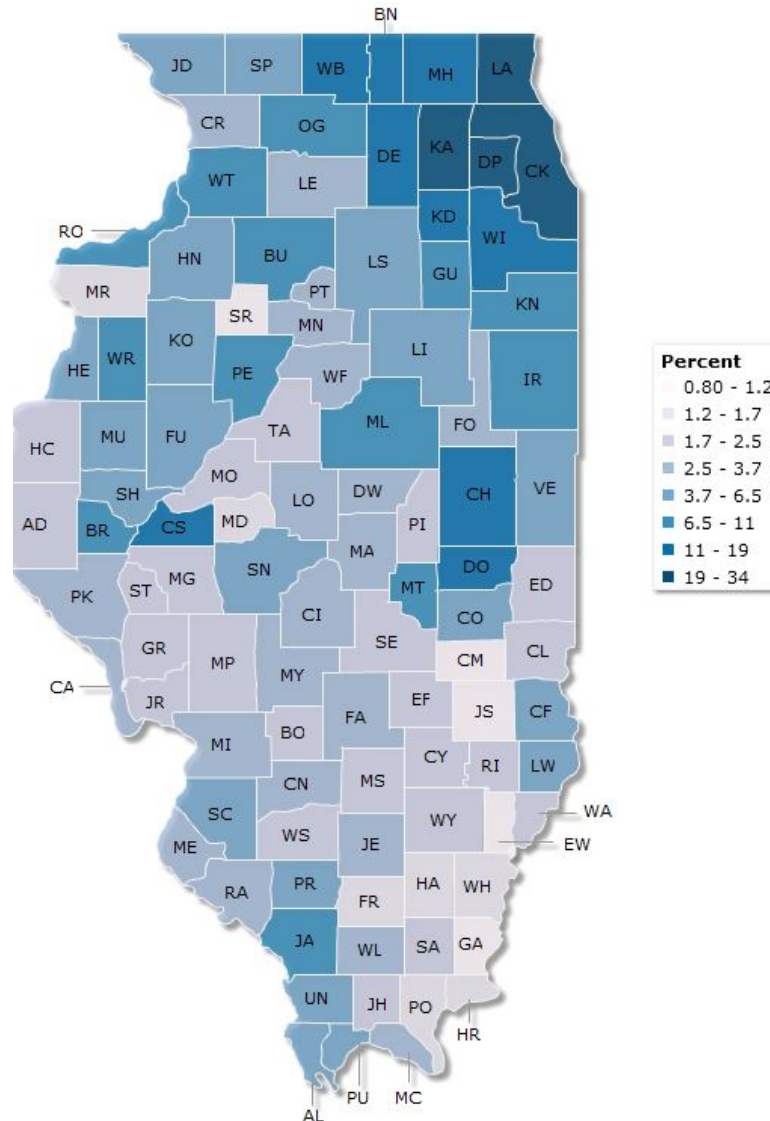
Examples from other states: Michigan

- Non-unified court system
- Supreme Court rule (2013) requires courts to use certified, “provisionally certified,” or “qualified” interpreters
- State does not pay for or reimburse counties for interpreter compensation
- Courts are in the process of creating county-specific LAPs
- Incentivizing certification is up to the counties



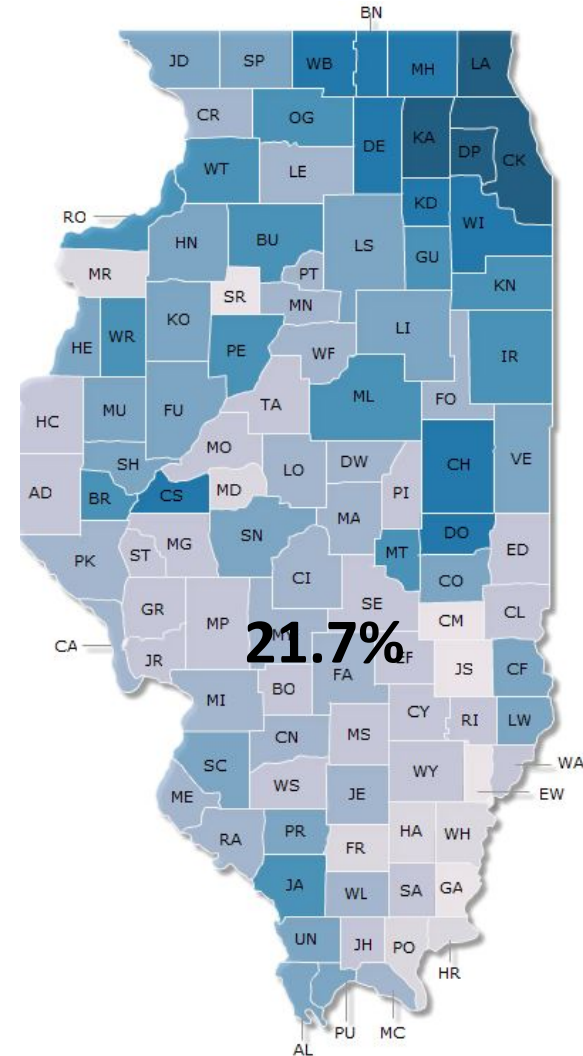
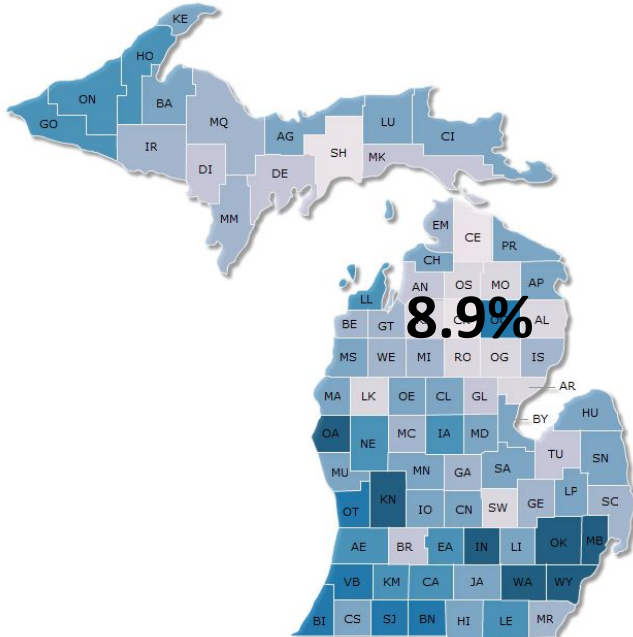
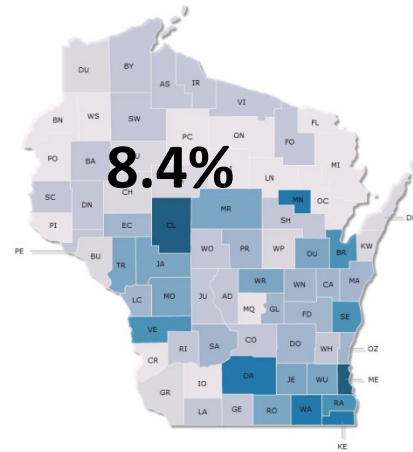
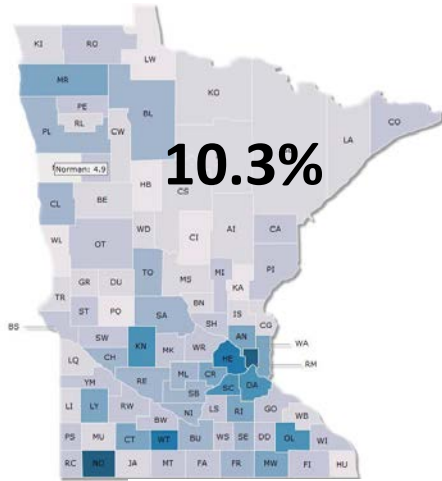
Census data map of LEP populations in IL

National average: 20.1%
IL: 21.7%



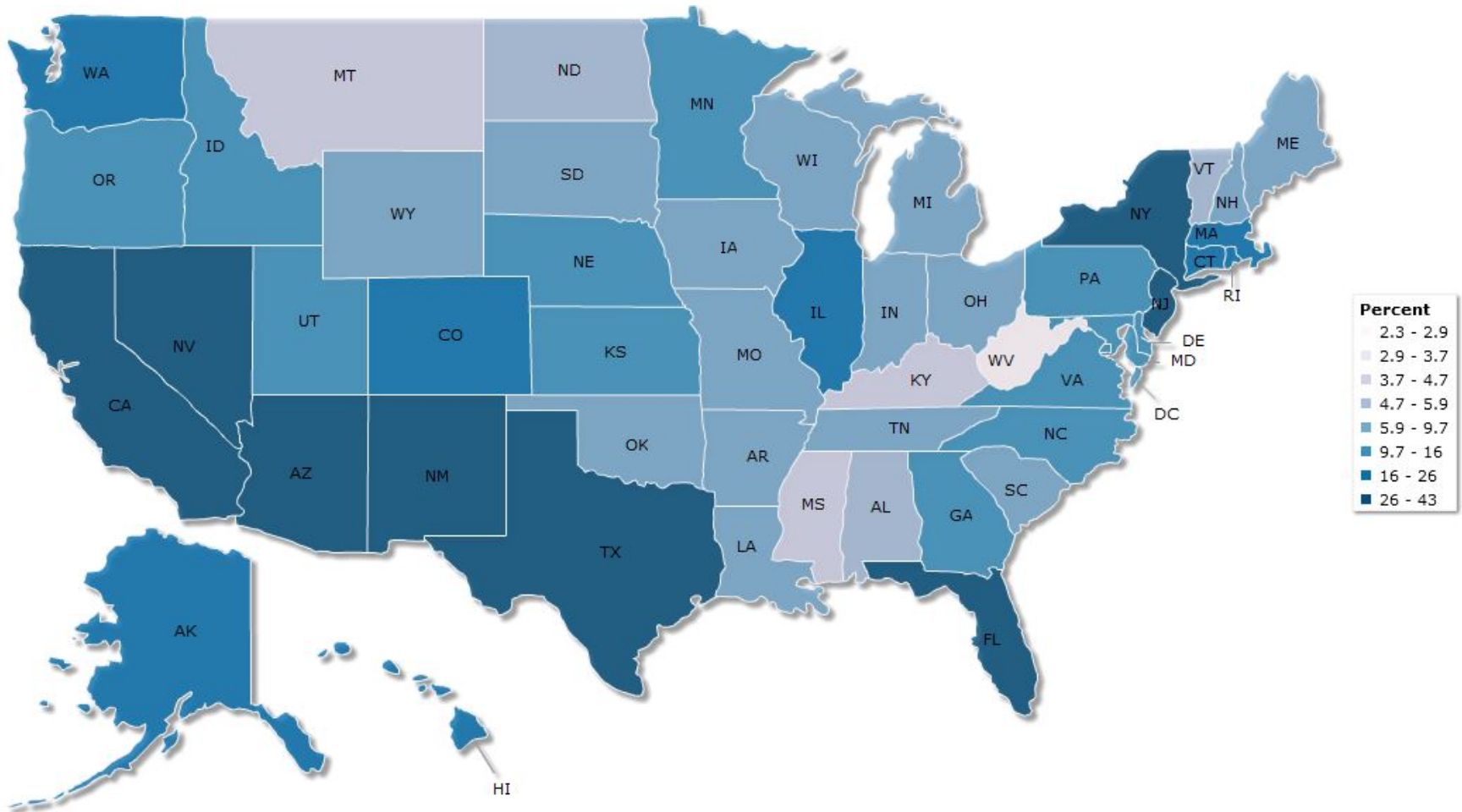


State to state comparison of LEP populations





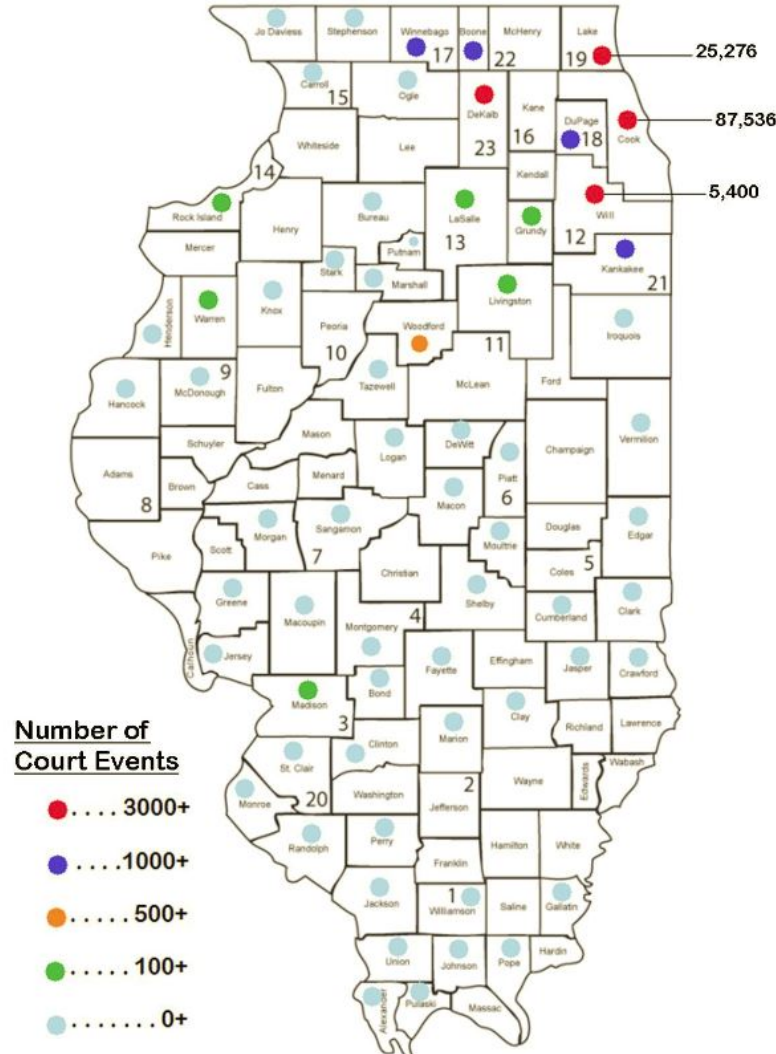
U.S map of LEP populations





AOIC 2012 interpreter survey: Number of court events by county

MAP OF JUDICIAL CIRCUITS OF ILLINOIS





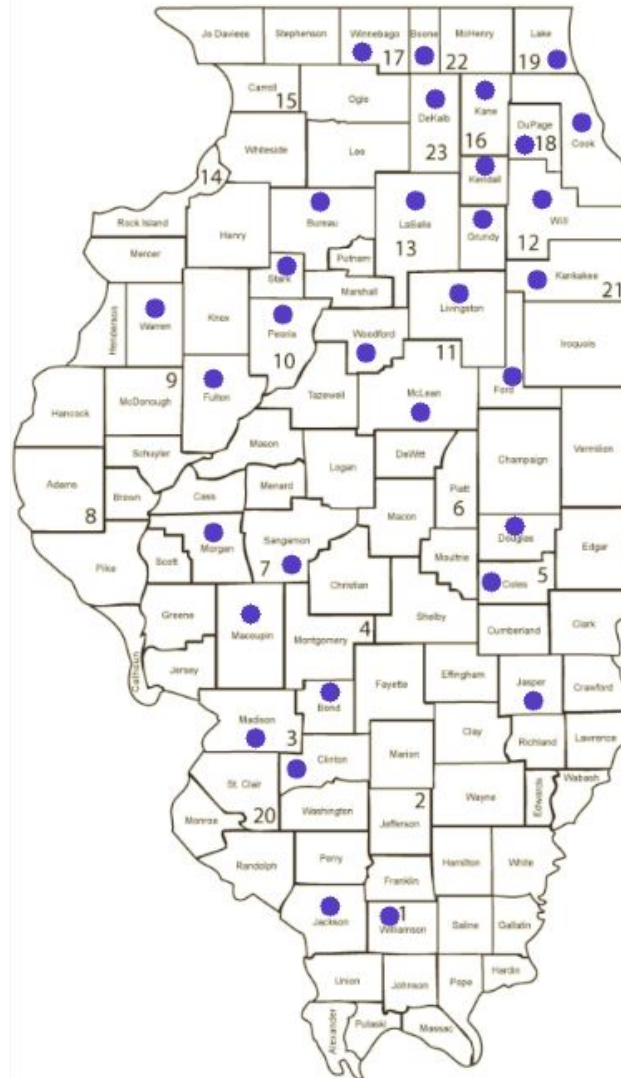
AOIC 2012 interpreter survey:

Counties providing interpreters for civil cases and non-court events

32 counties in the following 18 circuits:

- | | |
|------------------|------------------|
| 1 st | 13 th |
| 3 rd | 16 th |
| 5 th | 17 th |
| 6 th | 18 th |
| 7 th | 19 th |
| 9 th | 21 st |
| 10 th | 22 nd |
| 11 th | 23 rd |
| 12 th | Cook |

MAP OF JUDICIAL CIRCUITS OF ILLINOIS





AOIC 2012 interpreter survey: Interpreter compensation

County	interpreters	FY 11-Services	11-milage	Service	Milage	County Employees	Employees	Employees
Alexander	0					0	0	
Bond	1	205	0	\$60/hour		none	none	
Boone	3	1000		\$50/hour		Circuit Clerk	1	0
Bureau	1	2430		\$45/hour		Sheriff-1	1	0
Carroll	1	150				n/a		
Christian	2	130	31	30/hour	.50	n/a	0	
Clark	1	353	0	41/hour		n/a		0
Clay	0							
Clinton	3	357.5		30/hour			0	
Coles	2	860				n/a		0
Cook	62	891953.08	422.09	\$23.14 to \$80.75 per hr	.55	Court Reporter-18; Probation/CS-62; Juv Prob.-49		34
Crawford	1	75	not listed	37.5/hour	not listed	0	0	
Cumberland	n/a					n/a		
DeKalb	5	3597	407	\$60/hour	.55	none listed		1-Spanish
DeWitt	2	3391		48/hour		0	0	0
Douglas	3	655	462	15/case	.55			
DuPage	34	334310		\$40-75/hour, \$150/day		n/a		0
Edgar	n/a					n/a		0
Effingham	not listed			50/hour		Public Defender	1	
Eighth Circuit	n/a	7268.00				n/a		0
Fayette	2	14287.67	28	50/hour	.50	n/a	0	
Ford	10	933		35/hour		n/a	0	0
Fulton	1	300	0	60/hour	.51	0		0
Gallatin	n/a		n/a	n/a	n/a	0	0	
Greene	1	31.25		25/hour		n/a		0
Grundy	10	12000	1000	\$40/hour	.55	n/a		
Hancock	n/a					n/a		0
Henderson	n/a					n/a		0
Iroquois	1			\$30/hour; 1350/year		not answered		0
Jackson	1		not listed	\$50/hour	not listed	n/a	1-Spanish	
Jasper	0					n/a	0	
Jefferson	1	90.3				n/a		0



AOIC 2012 interpreter survey: Interpreter compensation

Jo Daviess	1	650				n/a		
Kane	2 agencies and 5 vendors	370180				n/a		
Kankakee	3	19593.39		\$21 to \$65 per hour; \$621/year		Circuit Clerk-2; Probation/CS-1; SAO-2	5	1
Kendall	1	56017		\$47.5/hour		n/a		
Knox	7	215		\$20/case		City Police-1	1	0
Lake	22	128157.96				n/a		3-spanish
LaSalle	1	13240		\$45/hour		n/a		
Lee	2	1442.95		\$100/day		n/a		
Livingston	12	2600.00		50/hour		Circuit Clerk	2-Spanish	0
Logan	1	750		75/hour		0		0
Macon	2	840	0	30/hour		n/a	0	0
Macoupin	1		not listed	15/hour		n/a		0
Madison	5	4930	0	\$50/hour	0	n/a	0	
Marion	n/a					Sheriff	1	
Marshall	n/a					Circuit Clerk	1	0
McDonough	1	6000		6000/year		n/a		0
McHenry	21	39628.97		\$65/hour		Judicial Administrator or Clerical-5	5	2
McLean	6	29500		35/hour		Circuit Clerk-2, Prob/CS-3, PD-2, SA-3, Sheriff-4		0
Monroe	1	130.00		\$65/hour		n/a		0
Montgomery	1	537.5	0	50/hour		State's attorney	1-Spanish	0
Morgan	n/a					Circuit Clerk	1-paid \$50	1-Spanish
Moultrie	2	300		75/hour		n/a	0	0
Ogle	2	12705.55			.45	n/a		
Peoria	10	17283.69	704			n/a		0
Perry	n/a					Judicial Administrator or Clerical-2	2	0
Piatt	n/a					n/a		0
Pope	n/a					n/a		



AOIC 2012 interpreter survey: Compensation

Putnam	n/a					Circuit Clerk	1	0
Randolph	2			\$60/hour; 2920/year		not answered		
Rock Island	8	23842		\$45/hour		none listed		
Sangamon	52	4788.36	0	52/HOUR		0	0	0
Shelby	n/a					n/a		0
St. Clair	2	9688	1431.32	\$65/hour		n/a		0
Stark	n/a					Marshall Co Clerk's Office	1-Spanish	
Stephenson	n/a	4002				n/a		
Tazewell	4	2990				n/a		0
Vermilion	4	7331	2841	94/hour	.50	n/a		0
Warren	1	3820		\$20/hour		n/a		
Washington	1	100		\$50/hour		n/a		0
Will	20	54270		95/hour	.55	Circuit Clerk-7-pd \$3600, Prob/CS-3, PD-4, Judicial Admin or Clerical-5, OP Writers/interpreters-5, Juv Det Ctr-3		5-Spanish
Williamson	3	770	11.7	\$35/hour	.58	n/a	0	
Winneshago	4	60000		\$50/hour		Public Defender-1 and Judicial Administrator or Clerical-1 and Sheriff 1	3	0
Woodford	10	1900		35/hour		n/a		0

\$ 2,152,580.17

Range of \$15/hour to \$95/hour



Questions?





Legal and ethical basis for providing meaningful language access

FEDERAL LAW

- Title VI Civil Rights Act of 1964:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”



Legal and ethical basis for providing meaningful language access

FEDERAL LAW

- Executive Order 13166
- DOJ interpretive letter
- Implicit right in U.S Constitution
 - 6th amendment right to counsel and right to confront witnesses, *US ex. rel. Negron v. New York*, 434 F.2d 386 (2d Cir., 1970).
 - 5th amendment right to due process



Legal and ethical basis for providing meaningful language access

STATE LAW

- Criminal Proceeding Interpreter Act (725 ILCS 140)
- Mortgage Foreclosure Mediation (Ill. Supr. Ct. R. 99.1(d)(iv))
- Child Custody Mediation (Ill. Supr. Ct. R. 905(b))
- Foreign Language Court Interpreter Act (705 ILCS 78)
- Forthcoming Language Access policy
- IL case law



Illinois case law

“The use of an interpreter is within the sound discretion of the trial court, the exercise of which is abused only where it **deprives** the defendant of some **basic right**.”

People v. Shok (1957)

12 Ill.2d 93, 145 N.E.2d 86



Illinois case law

- “Basic right” =
 - Right to a fair trial
 - Right to be present in proceedings
 - Right to confront witness
 - Right to effective assistance of counsel



Illinois case law

“A defendant has no cause to complain where an interpreter’s presentation of testimony is **understandable**, **comprehensible** and **intelligible**, and if it is not understandable, the unintelligibility of the translated testimony will warrant reversal only when it is rooted in the **ineffectiveness** of the interpreter.”

People v. Niebes (1979)

69 Ill.App.3d 381



Legal and ethical basis for providing meaningful language access

The right to an interpreter and the right to an ***effective*** interpreter are closely connected.

What makes an interpreter ***effective***?



Effective Interpreting

GOAL:

To place the non-English speaker as
closely as possible to the
position of an English speaker



Effective Interpreting

How to accomplish the goal?

To render everything said in court from the foreign language into English, and vice versa

- Accurately, without any distortion of meaning
- Without omissions
- Without additions
- Without any changes in style or “register”
- With as little delay or interference in the routine pace of court proceedings as possible



Additional ethical responsibilities

- Confidentiality
- Proficiency
- No conflict of interest
- No legal advice
- Inform the court if:
 - Become aware of conflict of interest or solicitation of legal advice
 - Fatigue
 - Serious communication problem arises, or other impediments to performance



Questions?





BREAK

*Please help
yourself to
refreshments*





Purpose of Language Access Plans (LAP)

According to the *DOJ LEP Guidance: Creating LAPs* “encourages recipients to develop and maintain a periodically-updated written plan on language assistance for LEP persons as an appropriate and cost effective means of providing a framework for the provision of timely and reasonable language assistance.”

This process involves reviewing:

- changes in court procedures or in the LEP public’s needs;
- changes in the numbers of LEP persons requesting services;
- changes in applicable technology that might be available to the court;
- services and translated materials provided; and,
- feedback provided about the court’s LEP services.



Demographic information

- From the AOIC survey: 85% of reporting counties in Illinois have encountered requests for Spanish interpreters
- 38% have encountered requests for languages other than Spanish:
 - Polish
 - Arabic
 - Korean
 - Chinese
 - Russian
 - Tagalog
 - French
 - Burmese
 - Lithuanian
 - Hmong



Ask the audience: OTS languages requested?





Procedures for appointing an interpreter

- How does the court identify an LEP person?
- Once identified, how is an interpreter appointed?
- What if an interpreter is not available?



Costs of not appointing an interpreter

Prosecutors, alleged victim differ on language-barrier issue in dismissed rape case

BY JON SEIDEL AND BECKY SCHLIKERMAN Staff Reporter January 7, 2014 12:01PM



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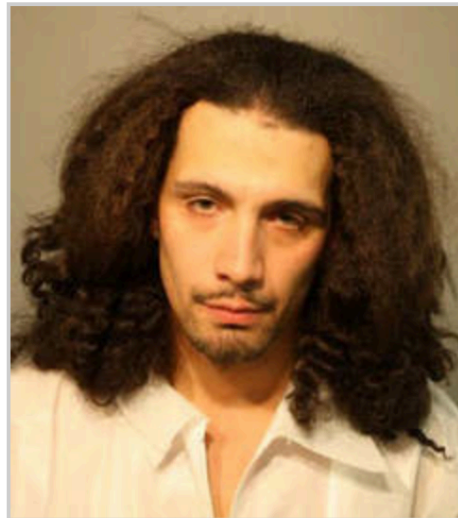
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Updated: January 8, 2014 2:19AM

Stumbling over a defense attorney's questions after revealing intimate details of a rape she said she suffered in August at the hands of a Belmont-Cragin man, a Hispanic woman testified in front of a Cook County judge last summer that she didn't fully understand English.

The attorney cross-examining the Spanish-speaking woman asked if it would be easier for her to answer with an interpreter, and she said, "Yes, please." Instead, Cook County Judge Laura M. Sullivan asked the defense attorney to rephrase the question, and the Sept. 17 preliminary hearing continued, according to a transcript obtained by the Chicago Sun-Times.

Luis Alberto Pantoja, 25, of the 5500 block of West Wrightwood Ave., was arrested and charged in the brutal sexual assault last month of a 15-year-old girl on Chicago's Northwest Side. | Chicago Police photo



Identifying an LEP person: Multilingual Signage



Need an interpreter?

If you don't speak English well, the Court may be able to give you an interpreter.

Ask the clerk in Room _____

Kailangan ng tagasalin ng wika?

Kung hindi ka mahusay magsalita ng Ingles, ang Hukuman ay maaaring makapagbigay sa iyo ng tagasalin ng wika.

Itanong sa klerk sa Silid _____

需要口譯員嗎?

如果您的英語講得不好，法院可能為您提供口譯員服務。

請向 _____ 室的書記官洽詢。

¿Necesita intérprete?

Si no habla bien el inglés, es posible que la Corte le pueda dar un intérprete.

Hable con el secretario en la sala _____

Вам нужен переводчик?

Если вы плохо говорите по-английски, что суд сможет предоставить вам переводчика.

Обратитесь по этому вопросу в кабинет _____ к секретарю.



Cần thông dịch viên?

Nếu quý vị không nói tiếng Anh thành thạo, Tòa có thể cung cấp thông dịch viên cho quý vị.

Hãy hỏi lục sự trong Phòng _____



Identifying an LEP person: Multilingual Signage

You may have the right to a court-appointed interpreter in a court case.
Please ask someone at the court information desk.

قد يحق لك الحصول على مترجم تعينه المحكمة في دعوى قضائية.
يرجى الاستفسار لدى مكتب استعلامات المحكمة.

Arabic

Koj muaj txoj cai tau ib tug neeg txhais lus uas yog tsev hais plaub muab los nyob rau ib qho kev hais plaub. Thov nug ib tug neeg twg ntawm tsev hais plaub lub rooj muab lus qhia pab neeg.

Hmong

អ្នកមានសិទ្ធិសុំរាប់រកអ្នកបកប្រែភាសា ដែលតុលាការចាត់ឱ្យមានក្នុងរឿងជាមួយតុលាការ។
សូមសួររដ្ឋបាលក្រុង នៅការិយាល័យ ព័ត៌មានរបស់តុលាការ។

Khmer/Cambodian

ທ່ານອາດມີສິດຂໍໃຫ້ສານຈັດຫານາຍພາສາໃຫ້ທ່ານ ເມື່ອເວລາຂຶ້ນສານ.
ກະລຸນາສອບຖາມ ເຈົ້າໜ້າທີ່ທີ່ເຮັດວຽກຢູ່ໂຕະປະຊາສຳພັນ ຂອງສານ.

Lao

Dhimma mana murttitiif, nama afaan siif hiikuu kan mana murttiitin qacarame dhaabbaachuuf mirga ni qabda. Kanaaf nama bikka mana murttitti tajajjiila odeffanno keennu gaafadhu.

Oromo

Возможно, Вы имеете право на помощь назначенного судом переводчика при судебном рассмотрении Вашего дела. Спросите об этом в столе справок (Information Desk) суда.

Russian



Identifying an LEP person : “I Speak” cards

Language Identification Cards

Side 1 of 2

Instructions: Place a check by the language spoken.

- | | |
|--|----------------------------|
| <input type="checkbox"/> Mark this box if you read or speak English. | <i>English</i> |
| <input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | <i>Arabic</i> |
| <input type="checkbox"/> Խնդրում ենք նշում կատարել այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն: | <i>Armenian</i> |
| <input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | <i>Bengali</i> |
| <input type="checkbox"/> ឈ្មួញបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | <i>Cambodian</i> |
| <input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro. | <i>Chamorro</i> |
| <input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。 | <i>Simplified Chinese</i> |
| <input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。 | <i>Traditional Chinese</i> |
| <input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | <i>Croatian</i> |



Identifying an LEP person :

“I Speak” cards

- | | |
|---|--------------------|
| <input type="checkbox"/> 日本語を読んだり、話せる場合はここに印を付けてください。 | <i>Japanese</i> |
| <input type="checkbox"/> 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. | <i>Korean</i> |
| <input type="checkbox"/> ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ. | <i>Laotian</i> |
| <input type="checkbox"/> Kakōlleiki bōōk (box) in elañne kwōjela kajin im waakin (read) majōl. | <i>Marshallese</i> |
| <input type="checkbox"/> Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | <i>Polish</i> |
| <input type="checkbox"/> Assinale este quadrado se você lê ou fala português. | <i>Portuguese</i> |
| <input type="checkbox"/> Însemnați această căsuță dacă citiți sau vorbiți românește. | <i>Romanian</i> |
| <input type="checkbox"/> Пометьте этот квадратик, если вы читаете или говорите по-русски. | <i>Russian</i> |
| <input type="checkbox"/> Обележите овај квадратик уколико читате или говорите српски језик. | <i>Serbian</i> |
| <input type="checkbox"/> Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. | <i>Slovak</i> |
| <input type="checkbox"/> Marque esta casilla si lee o habla español. | <i>Spanish</i> |



Identifying an LEP person: Judge or court personnel

- Voir dire = series of open ended-questions to assess language proficiency



MINNESOTA JUDICIAL BRANCH Bench Card: Courtroom Interpreting

How Do I Determine Whether A Person Needs An Interpreter?

Presume a need for an interpreter when an attorney or litigant indicates a party or a witness requests one. If a request is not made for an interpreter, but it appears a party/witness has limited English proficiency, a judge should ask questions on the record to assess the need for an interpreter.

Sample questions for determining the English Proficiency of a person and the need for an interpreter:

(Avoid questions easily answered with yes or no replies.)

- How did you come to court today?
- How did you learn English, and what is most difficult about communicating in English?
- Please tell me about your country.
- Tell me more about your country.
- Describe what you see in this courtroom.
- What is the purpose of your court hearing today?
- You have the right to a court-appointed interpreter. Tell the court the best way to communicate with you and to let you know what is being said.

If the person has difficulty answering these simple questions, an interpreter is recommended. If a party is unable to answer these questions is unable to communicate well in high-stress matters involving legal terminology.

The court may also consider the following factors in determining the need for an interpreter: the complexity of the proceedings, the person's mispronunciations, pauses, facial expressions, gestures, comprehension of proceedings, and communications with counsel. *State v. Chas*, 650 N.W.2d 121 (Minn. Ct. App. 2004).

Also, if the court cannot understand the person's spoken English, consider using an interpreter. Request that the person speak in their native language, so that the interpreter can interpret into English.

SCAO – CP Feb. 2012
Text in **black boxes** are example scripts for reading into the record.

Court Required to Provide / Pay for Interpreter?

Foreign Language: Defendants/parties and testifying witnesses. Minn. Stat. § 611.32 subd. 1, and applicable Minnesota Rules of Criminal Procedure: Minn. Stat. §546.43, and Minn. R. Cr. P. 43.07.
Deaf Persons: Interpreters (or other accommodations) must be provided for deaf persons in their full utilization of the courts (i.e. parties, witnesses, observers, jurors, etc.) Minn. Stat. §163A.12, subd. 1.

Court's Discretion to Provide / Pay for Interpreter:

There may be a need for the court to exercise discretion to appoint an interpreter for nonparties with substantial stake in the outcome who demonstrate an interest to actively participate in a case, and such participation is legally permissible. For example: participants in CHIPS, TPR, and permanency cases. (Consult with court administration prior to appointing interpreter to verify that another agency is not responsible to provide/pay for interpreter.)

Preference for Certified Interpreters

Foreign language: (1) courts must make diligent efforts to appoint a certified interpreter. (2) If none is available, the court must appoint one from the Court Interpreter Roster. (3) If none is available from the Roster, the court may appoint an otherwise qualified interpreter. *Rule of Practice for the Dist. Court*, § 02 (a), (b), and (c).

Sign language: (1) courts must make diligent efforts to appoint a sign language certified (SC-L) interpreter. (2) If none is available, the court may hire one without generalist certification from the Roster. *Rule of Practice for the Dist. Court*, Rule § 02 (d).

Sample Qualification Questions:

- Are you certified? If you are not certified, are you on the Court Interpreter Roster?
- Is your dialect compatible with Mr./Ms. _____?
- Are there any cultural or community concerns between you and Mr./Ms. _____ that the court should be aware of?
- What is your experience interpreting in court?
 - Have you ever interpreted for any of the people involved in this case?
 - Are you able to remain fair and impartial?
- **To the parties:** Does either party have any questions for the interpreter?

Sample questions for determining the English Proficiency of a person and the need for an interpreter:

(Avoid questions easily answered with yes or no replies.)

- How did you come to court today?
- How did you learn English, and what is most difficult about communicating in English?
- Please tell me about your country.
- Tell me more about your country.
- Describe what you see in this courtroom.
- What is the purpose of your court hearing today?
- **You have the right to a court-appointed interpreter.** Tell the court the best way to communicate with you and to let you know what is being said.



Identifying an LEP person: Outside Stakeholders

- State's Attorneys offices
- Public Defenders
- Attorneys and legal advocates
- Probation officers
- Law enforcement
- Caseworker or social service provider
- Community organizations



Ask the audience:
How are LEP individuals identified in your court?





Procedures for appointing an interpreter: Written order used in McHenry County

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
vs.)
Ortis, Leonardo)

CASE NO: 12CF913
12TR41722
12TR41723
12TR41724

ORDER

THIS MATTER COMING BEFORE THE COURT for status, the People being present, Defendant (not) present, with(out) council, and the Court having jurisdiction and being fully advised in the premises, it is hereby ordered that:

FILED
Katherine M. Reepe
Clerk of the Circuit Court
SEP 27 2013

This case is set for Suppression hearing on 10/31/13 at 9:00 a.m./1:30 p.m. on motion of the Defendant/People/Court/by agreement of the parties.

This case is set for jury/bench trial on _____ at 10:00 a.m./1:30 p.m. on motion of the Defendant/People/Court/by agreement of the parties.

This case is continued for status/negotiated plea on _____ at 9:00 a.m./1:30 p.m. on motion of the Defendant/People/Court/by agreement of the parties.

It is further ordered that:

Defendant requests a Spanish interpreter for the hearing.

Defendant must appear; bond continued.

Date 9-27-13

Judge: [Signature]



Procedures for appointing an interpreter: Written order used in Ohio

IN THE FRANKLIN COUNTY MUNICIPAL COURT
COLUMBUS, OHIO

_____	:	
<u>Plaintiff,</u>	:	
v.	:	Case No. _____
	:	
_____	:	
<u>Defendant.</u>	:	

ORDER

Foreign Language Interpreter

A party or witness is either limited English proficient or non-English speaking. At the request of a party or witness, or after examination by the Court, the Court finds that the services of a foreign language interpreter are necessary for the meaningful participation of the party or witness in the proceedings.

- A Supreme Court Certified Foreign Language Interpreter is appointed and is presumed to comply with Evid.R. 604 and 702, Sup.R. 88(D)(1).
- A Supreme Court Certified Foreign Language Interpreter does not exist or is not reasonably available. The Court has considered the gravity of the proceedings and the ability to reschedule in order to obtain a Supreme Court Certified Foreign Language Interpreter. For good cause shown, a Provisionally Qualified Foreign Language Interpreter is appointed.
- Neither a Supreme Court Certified Foreign Language Interpreter nor a Provisionally Qualified Foreign Language Interpreter exist or is reasonably available. The Court has considered the gravity of the proceedings and the ability to reschedule in order to obtain a Supreme Court Certified Foreign Language Interpreter or a Provisionally Qualified Foreign Language Interpreter. For good cause shown, a Language-Skilled Foreign Language Interpreter is appointed.



Procedures for appointing an interpreter: Written order used in Ohio

OATH OR AFFIRMATION

(for interpreters who are not certified by the Supreme Court of Ohio)

On the record, the interpreter has sworn or affirmed that s/he will interpret accurately, completely, and impartially using the best of his or her skill and judgment.

- The language-skilled foreign language interpreter has sworn or affirmed that s/he knows, understands, and will act according to the Code of Professional Conduct for Court Interpreters and Translators. (Sup.R. 88, App. H)**

Date

Judge/Magistrate

Interpreter's Name:	<input type="checkbox"/> SCCFLI #
Signature:	<input type="checkbox"/> PQFLI
Language:	<input type="checkbox"/> LSFLI
Agency:	Date of Service:

Supreme Court Certified Foreign Language Interpreter	SCCFLI
Provisionally Qualified Foreign Language Interpreter	PQFLI
Language-Skilled Foreign Language Interpreter	LSFLI



Procedures for appointing an interpreter: Written order used in Wisconsin

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

Interpreter Request

Case No. _____

1.

Name of Person Requesting Interpreter		Address
Telephone/TTY Number	Date Request Submitted	

2. The person who needs the interpreter is a:

party. witness who is testifying. victim. other: _____

3. The interpreter will be needed:

on (date) _____ at (time) _____ a.m. p.m.

for all proceedings related to this case.



Procedures for appointing an interpreter: Written order used in Wisconsin

4. The language needed is:

- | | | |
|---|--|-------------------------------------|
| <input type="checkbox"/> Spanish | <input type="checkbox"/> German | <input type="checkbox"/> Portuguese |
| <input type="checkbox"/> Hmong | <input type="checkbox"/> Hindi | <input type="checkbox"/> Punjabi |
| <input type="checkbox"/> Albanian | <input type="checkbox"/> Italian | <input type="checkbox"/> Russian |
| <input type="checkbox"/> Arabic | <input type="checkbox"/> Japanese | <input type="checkbox"/> Somali |
| <input type="checkbox"/> Bosnian/Croatian /Serbian | <input type="checkbox"/> Khmer | <input type="checkbox"/> Thai |
| <input type="checkbox"/> Bulgarian | <input type="checkbox"/> Korean | <input type="checkbox"/> Tibetan |
| <input type="checkbox"/> Chinese-Cantonese | <input type="checkbox"/> Lao | <input type="checkbox"/> Urdu |
| <input type="checkbox"/> Chinese-Mandarin | <input type="checkbox"/> Mai-Mai/Bantu | <input type="checkbox"/> Vietnamese |
| <input type="checkbox"/> French | <input type="checkbox"/> Polish | |
| <input type="checkbox"/> Other (specify dialect): _____ | | |

(Complete the following, if different from number 1 above.)

5. Name of person completing this request: _____
 Telephone/TTY Number: _____
 Mailing Address: _____

IT IS ORDERED:

- This interpreter request is approved for: all court proceedings other: _____
- This interpreter request is denied because: _____

BY THE COURT:

Distribution:

1. Judge
2. Clerk of Court
3. Attorney/party
4. Other: _____

 Court Official

 Name Printed or Typed

 Date



Qualifications and Screening Procedures

- Screening for what?
 - Language proficiency in both languages
 - Skills necessary to do the job: able to do the 3 modes of interpreting – simultaneous, consecutive, and sight
 - Court procedural knowledge
 - Familiarity with legal terminology in both languages



Qualifications and Screening Procedures

- Assess qualifications in court



How Do I Determine Whether A Person Needs An Interpreter?

Presume a need for an interpreter when an attorney or litigant indicates a party or a witness requests one. If a request is not made for an interpreter, but it appears a party/witness has limited English proficiency, a judge should ask questions on the record to assess the need for an interpreter.

Sample questions for determining the English Proficiency of a person and the need for an interpreter:

- How did you come to court today?
- How do you learn English, and what is most difficult about communicating in English?
- Please tell me about your country.
- Tell me more about your country.
- Describe what you see in this courtroom.

- What is the purpose of your court hearing today?
- You have the right to a court-appointed interpreter. Tell the court the best way to communicate with you and to let you know what is being said.

If the person has difficulty answering these simple questions, an interpreter is recommended. Presumably, a person unable to answer these questions is unable to communicate well in high-stress matters involving legal terminology.

The court may also consider the following factors in determining the need for an interpreter: the complexity of the proceedings, the person's mispronunciations, pauses, facial expressions, gestures, comprehension of proceedings, and communications with counsel. *State v. Cham*, 680 N.W.2d 121 (Minn. Ct. App., 2004).

Also, if the court cannot understand the person's spoken English, consider using an interpreter. Request that the person speak in their native language, so that the interpreter can interpret into English.

SCAO – CP Feb. 2012
Text in **shaded boxes** are example scripts for reading into the record.

Court Required to Provide / Pay for Interpreter?
Foreign Language: Defendants/parties and testifying Witnesses. Minn. Stat. § 61.12 subd. 1, and applicable Minnesota Rules of Criminal Procedure: Minn. Stat. §246.43, and Minn. R. Civ. P. 43.07.
Deaf Persons: Interpreters (or other accommodations) must be provided for deaf persons in their utilization of the courts (i.e. parties, witnesses, observers, jurors, etc.). Minn. Stat. §66A.12, subd. 1.

Court's Discretion to Provide / Pay for Interpreter:
There may be a need for the court to exercise discretion to appoint an interpreter for parties with substantial stake in the outcome who demonstrate an interest to actively participate in a case, and such participation is legally permissible for example: participants in CHIPS, TPR, and permanency cases. (Consult with court administration prior to appointing interpreter to verify that another agency is not responsible to provide/pay for interpreter.)

Preference for Certified Interpreters
Foreign language: (1) courts must make diligent efforts to appoint a certified interpreter. (2) If none is available, the court must appoint one from the Court Interpreter Roster. (3) If none is available from the Roster, the court may appoint an otherwise qualified interpreter. Rules of Practice for the Dist. Courts, 8.02 (a), (b), and (c).

Sign language: (1) courts must make diligent efforts to appoint a legally certified (SC:L) interpreter. (2) If none is available, the court may hire one with a generalist certification from the Roster. Rules of Practice for the Dist. Courts, Rule 8.02 (d).

Sample Qualification Questions:

- Are you certified? If you are not certified, are you on the Court interpreter Roster?
- Is your dialect compatible with Mr./Ms. _____?
- Are there any cultural or community concerns between you and Mr./Ms. _____ that the court should be aware of?
- What is your experience interpreting in court?
- Have you ever interpreted for any of the people involved in this case?
- Are you able to remain fair and impartial?
- **To the parties:** Does either party have any questions for the interpreter?

Preference for Certified Interpreters

Foreign language: (1) courts must make diligent efforts to appoint a certified interpreter. (2) If none is available, the court must appoint one from the Court Interpreter Roster. (3) If none is available from the Roster, the court may appoint an otherwise qualified interpreter. Rules of Practice for the Dist. Courts, 8.02 (a), (b), and (c).

Sign language: (1) courts must make diligent efforts to appoint a legally certified (SC:L) interpreter. (2) If none is available, the court may hire one with a generalist certification from the Roster. Rules of Practice for the Dist. Courts, Rule 8.02 (d).

Sample Qualification Questions:

- Are you certified? If you are not certified, are you on the Court Interpreter Roster?
- Is your dialect compatible with Mr./Ms. _____?
- Are there any cultural or community concerns between you and Mr./Ms. _____ that the court should be aware of?
- What is your experience interpreting in court?
- Have you ever interpreted for any of the people involved in this case?
- Are you able to remain fair and impartial?
- **To the parties:** Does either party have any questions for the interpreter?



Ask the audience: Procedures for appointing interpreters?





Assessing abilities without certification or screening procedures

- Always been used in our court
- Dresses professionally and on time
- Very nice and available
- Appears to be bilingual
- *No one ever complains...*



Examples of inaccurate interpreting

POLICE OFFICER:	INTERPRETER:	TRANSLATION:
<p>We are going to advise Alejandro of his rights in, uh, Spanish.</p>	<p>O.K. Alejandro, aquí son sus derechas abajo la ley, OK?...</p>	<p>O.K. Alejandro, here are your right hands down with the law...O.K.?</p>



Certification program

- Training, testing and certification
- Possesses educated native-like fluency in two languages
- Possesses the knowledge and interpreting skills necessary to do the job?



Other language assistance resources

- Staff interpreters
- Bilingual employees
- Language Line
- Translated forms and documents



**Ask the audience:
Experience with using other resources?**





Action Steps: Sample goals

- Post multilingual signs in high traffic areas of the court
- Designate one or more individuals in the county who will be responsible for identifying gaps in language assistance services
- Explore remote interpreting options through Language Line and video remote interpreting
- Attempt to coordinate cases involving Spanish interpreters on designated days
- Improve coordination of cases involving less common languages other than Spanish
- Improve data collection and tracking procedures to better measure the need for interpreters in the court over time



Implementing Action Steps: Multilingual signage

You may have the right to a court-appointed interpreter in a court case.
Please ask someone at the court information desk.

قد يحق لك الحصول على مترجم تعينه المحكمة في دعوى قضائية.
يرجى الاستفسار لدى مكتب استعلامات المحكمة.

Arabic

Koj muaj txoj cai tau ib tug neeg txhais lus uas yog tsev hais plaub muab los nyob rau ib qho kev hais plaub. Thov nug ib tug neeg twg ntawm tsev hais plaub lub rooj muab lus qhia pab neeg.

Hmong

អ្នកមានសិទ្ធិសុំរាប់អ្នកបកប្រែភាសា ដែលតុលាការចាត់ឱ្យមានក្នុងរឿងជាមួយតុលាការ។
សូមសួរនរណាម្នាក់ នៅការិយាល័យ ព័ត៌មានរបស់តុលាការ។

Khmer/Cambodian

ທ່ານອາດມີສິດຂໍໃຫ້ສານຈັດຫານາຍພາສາໃຫ້ທ່ານ ເມື່ອເວລາຂຶ້ນສານ.
ກະຄຸນາສອບຖາມ ເຈົ້າໜ້າທີ່ທີ່ເຮັດວຽກຢູ່ໂຕະປະຊາສຳພັນ ຂອງສານ.

Lao

Dhimma mana murttitiif, nama afaan siif hiikuu kan mana murttiitin qacarame dhaabbaachuuf mirga ni qabda. Kanaaf nama bikka mana murttitti tajajjiila odeffanno keenmu gaafadhu.

Oromo

Возможно, Вы имеете право на помощь назначенного судом переводчика при судебном рассмотрении Вашего дела. Спросите об этом в столе справок (Information Desk) суда.

Russian



Implementing Action Steps: Remote interpreting

- Language Line
 - Reduced state rate
- Video Remote Interpreting
 - Example from Florida courts:
<http://www.ninthcircuit.org/programs-services/court-interpreter/centralized-interpreting/>



Implementing Action Steps: Coordinating cases

Figure 2-1: Sample of Master Calendaring Schedule

Imperial County Superior Court Interpreter Schedule

WEEK OF: May 14, 2012

COURTS	MONDAY 14	TUESDAY 15	WEDNESDAY 16	THURSDAY 17	FRIDAY 18
BRAWLEY	Ernie PM Traffic – VP	PM – Ernie	Ernie	Ernie PM Traffic – VP	X
CALEXICO	JoAnn (AM Only)	JoAnn (AM Only)	JoAnn (AM Only)	X	Mary Ellen PM Traffic – VP
JAIL	Josh	Josh	Josh	JoAnn (AM Only) PM – Mary Ellen	Josh
JUVENILE	Mary Ellen	Mary Ellen PM EC (Fam Supp)	Mary Ellen + PM	D5 EC Staff	D5 EC Staff
MASTER-ELC	Dorothy	Dorothy PM SP	Dorothy	Dorothy PM SP	Dorothy
ARRG MISD	Marcia (AM Only)	Ernie	Marcia (AM Only)	Mary Ellen PM – Jail	Ernie
D3 – FAM LAW	EC Staff	EC Staff	EC Staff	EC Staff	EC Staff
TROs	Dept 2 EC Staff	X	X	Dept 8 EC Staff	X
D8 VAs	EC Staff	X	X	EC Staff	X
D8 FAM SUPPORT	X	Mary Ellen	Dorothy	X	X
VP - TRAFFIC	PM – Ernie	X	X	PM – Ernie	PM – Mary Ellen
WINTERHAVEN	X	X	X	Josh	X

Ernie – Out PM



Implementing Action Steps: Data Collection

- Data collection procedures to track the following language access services:
 - language access use in the court
 - use of interpreters
 - use of telephonic services, such as Language Line or other vendor
 - use of bilingual specialists
 - language groups served
 - groups that most frequently use language access services
 - demand of language access services per programs



→ Moving Forward

- Implementing statewide standards and code of ethics
- LAPs
- Certification
- Remote interpretation options: Language Line and VRI
- Maintaining the statewide registry



Questions?





Conclusion

תודה
 Dankie Gracias
 Спасибо
 شكراً
 Merci Takk
 Köszönjük Terima kasih
 Grazie Dziękujemy Děkojame
 Ďakujeme Vielen Dank Paldies
 Kiitos Tāname teid 谢谢
Thank You Tak
 感謝您 Obrigado Teşekkür Ederiz
 Σας Ευχαριστούμ 감사합니다
 ขอบคุณ
 Bedankt Děkujeme vám
 ありがとうございます
 Tack