

District of Columbia Courts Language Access Plan (FY 2014-2015)

I. Introduction.

Access to justice is paramount to guarantee people their rights under the law. Comprehensive, qualified language assistance enables individuals who have limited English proficiency (LEP) to have meaningful access to justice before the court as well as with respect to all other court-mandated programs and ancillary services.¹

Pursuant to the DC Courts Strategic Plan (2013-2017), the Courts strive to promote access to justice for all persons:

Goal 2.A

The D.C. Courts will ensure access to court services for all persons.

Goal 2.A.3

Enhance assistance to the public by training court personnel on the unique needs of special populations such as the elderly, self-represented persons, and individuals with physical and mental health issues², and by providing services to meet the needs.

Goal 2.B

The D.C. Courts will promote understanding of court proceedings and processes through plain language initiatives, language interpretation and translation services and other approaches.

Goal 3.A.2

Foster understanding and respect for all persons by developing and implementing an Employee Code of Conduct and trainings on cultural competency, civility, generational differences, and the value of diversity.

It is the policy of the DC Courts to provide meaningful access at no cost to LEP persons in all court proceedings³ and operations.⁴ All personnel shall provide free

¹ Court interpreting services are also provided for the Deaf and Deaf-Blind, following the mandate of the Americans with Disabilities Act.

² Interpreting services are also provided to LEP individuals who have intellectual disabilities, previously referred to as mental retardation.

³ Court proceedings include any hearing, trial or other appearance before the Superior Court or the Court of Appeals in an action, appeal or other proceeding, including any matter conducted by a judicial officer.

⁴ Court operations include offices of the courts, services, and programs managed or conducted by the courts, not including court proceedings, which involve contact with the public or parties.

language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the Court will provide these services to them.”⁵

II. Legal Basis and Purpose

This document serves as the plan for the District of Columbia Courts to provide to LEP persons services that are in compliance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq, and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3789d(c), and implementing regulations, 45 C.F.R. § 80.1 et seq.; 28 C.F.R. § 42.101 et seq.

The purpose of this plan is to provide a framework for timely and meaningful language assistance to LEP persons who come in contact with the District of Columbia Courts. Adopting this plan is essential to the success of our mission “to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully, fairly and effectively in the District of Columbia.”⁶

This Language Access Plan has been developed to ensure meaningful access to court services for persons with limited English proficiency. Persons with hearing impairments must also receive interpretation services in compliance with the Americans with Disabilities Act of 1990 and Rehabilitation Act of 1993. Those services are not addressed in this Plan.

III. Identification of LEP Persons

A. District of Columbia

Population. According to the 2010 U.S. census, the population of Washington, D.C. was 571,592, and English was the only language spoken at home by an estimated 97.87% of the population 5 years of age and over (559,425). The remaining 2.13% (23,553) spoke a language other than English at home.⁷

According to 2010 U.S. Census data, the top five languages spoken by Limited English Proficient (LEP) individuals five years of age and over in the District of Columbia were:

1. Spanish (59.7%)

⁵ http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf, page 17.

⁶ Strategic Plan of the District of Columbia Courts, 2013-2017, at 13.

⁷ Migration Policy Institute, <http://www.migrationpolicy.org/integration/>

2. African languages (10.2%)
3. French (5.5%)
4. Chinese languages (5%)
5. German (2.3%)

B. District of Columbia Courts

The District of Columbia Courts provide court services to a wide range of persons, including those who do not speak English or who are deaf or hearing impaired. Interpreting services are provided for judicial proceedings, quasi-judicial proceedings such as mediations, and forensic mental evaluations, home studies, and other ancillary services. In addition to using court staff and contracted interpreters, the DC Courts employ the Language Line, a telephonic interpretation services company. Bilingual employees assist walk-in customers at divisional branch offices, in courtrooms, and at special program offices.

The following list shows the foreign languages that are most frequently requested in and out of court and the percentage of the group they constitute (FY 2013):

- Spanish (85.71%)
- Amharic (5.52%)
- French (1.74%)
- Korean (1.39%)
- Vietnamese (1.32%)
- Tigrinya (0.89%)
- Mandarin (0.86%)

In FY 2013 there were 8,216 foreign-language interpreted events in 41 languages served throughout the DC Courts system. There is daily contact with LEP individuals in the DC Courts, from Monday through Saturday and on holidays. Services are provided daily in Spanish, almost daily in Amharic, and at least weekly in all of the other languages listed above.

To encourage LEP persons to self-identify, the DC Courts have language identification cards at front desks of the divisional and branch offices and the Information office at the Moultrie Courthouse. They are written in 21 languages with the message:

“Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.”

IV. Language Assistance Measures

A. Types of language services available

a. In the courtroom

i. Interpreters.

The DC Courts provide interpretation services to parties in interest⁸ for all court proceedings in accordance with both local and federal law and at no cost to court users.

Determining the Need for an Interpreter in the Courtroom

The DC Courts can determine whether an LEP court customer needs an interpreter for a court hearing in various ways:

- before a court proceeding by the LEP person or by anyone acting, with permission, on his or her behalf.
- in the courtroom at the time of the proceeding. To the extent possible, advance notice of the need for an interpreter should be given to the court and all parties.
- the court may also determine that it is appropriate to provide an interpreter for a court matter after conducting a brief interview of the party to assess their command of the English language.

If an interpreter is not available at the time of the proceeding, even after the court has made all reasonable efforts to locate one, the case may be continued to a date when an interpreter can be provided.

Court Interpreter Qualifications

The DC Courts, through its Office of Court Interpreting Services (OCIS), hires interpreters for courtroom hearings in compliance with the “Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987” (DC Code § 2-1901 et seq.). The OCIS maintains a roster of certified and qualified interpreters. This roster is available to court staff, legal service providers, and the public at large.

⁸ A party in interest is defined as a party to a case; a victim; a witness; the parent, legal guardian, or custodian of a minor party; and the legal guardian or custodian of an adult party.

Since 1986, the DC Courts have adopted the certification procedures generally employed in the Federal Courts as recommended by the National Center for State Courts, and have arranged to provide for interpreting services through the OCIS.

The OCIS is also responsible for assisting judges with the assessment of the qualifications of interpreters privately engaged by the parties to interpret court proceedings. In addition, the OCIS is available to consult with judges, court administrators, contract interpreters, and counsel concerning questions and problems regarding interpretation in the Courts.

Spanish Interpreters

The OCIS contracts with and gives priority to Spanish interpreters certified by the Administrative Office of the United States Courts. The OCIS also contracts interpreters certified by any state. If the OCIS needs to contract Spanish interpreters through the U.S. Department of State (DOS), the OCIS requires that such interpreters have passed either the seminar or conference exam administered by the DOS.

Spoken Languages Other Than Spanish

Currently, the Administrative Office of the United States Courts only has a Spanish court interpreter certification program. The OCIS recognizes state court certification for exams in languages designated by the Council for Language Access in the Courts. Interpreters in spoken languages other than Spanish without state court certification, or who have not passed either the seminar or conference exam administered by the DOS, are required to pass a test administered by the OCIS.

The OCIS is located in Room 3127 of the H. Carl Moultrie I Courthouse, 500 Indiana Avenue, N.W., Washington, D.C. 20001, and can be reached by calling (202) 879-4828. The OCIS is generally open between the hours of 8:30 a.m. and 6:00 p.m. on court days. On weekends and holidays, selected interpreters are on call for arraignments, emergency proceedings and court-sponsored activities.

ii. Remote interpreting, by telephone

Language Line is the telephonic interpreting contractor that provides this service to the DC Courts. Courtroom clerks, front-line personnel, the OCIS, and other employees serving the public who receive a call from a LEP person can use this service.

Courtroom clerks can call this service for an interpreter as needed. When one is located, clerks activate the speakers in the courtroom to allow the interpretation to be heard and placed on the record and for the interpreter to hear the proceedings. The interpreting mode used is the consecutive, so it is not used for lengthy proceedings where the simultaneous mode is the preferred type of service.

iii. Translated forms

Courtroom clerks access the main database for court forms translated into Spanish to fill in information for the benefit of participants in criminal, probate, civil and family cases.

b. Outside of the courtroom

i. Bilingual employees

As of 2014, there are 36 designated bilingual (Spanish) positions at the DC Courts. The employees in such positions are not trained as interpreters, but can provide the information of their departments in Spanish and can assist LEP court customers without an interpreter.

On the DC Courts Intranet page, there is also a list of employees who have agreed to use their skills in languages other than English and Spanish at the Courts to facilitate access for persons who are less than proficient in English. Their skills are more advanced than basic. They have agreed that this assistance will be occasional and that they can do so only to the extent that it does not interfere with the essential functions of their respective jobs. In all, they may be available to assist in 22 languages.

ii. Bilingual contractors

There is one bilingual, Spanish-speaking mediator contracted on an as-needed basis for the Multi-Door Dispute Resolution Division.

iii. Bilingual attorneys

There are tested and qualified bilingual (Spanish) staff attorneys that negotiate consent agreements with litigants in the Domestic Violence Unit. There are also Spanish-speaking attorneys appointed under the Criminal Justice Act who have been identified, tested and qualified by the DC Courts for their language skills to provide effective legal representation of their court-appointed LEP clients. Other court-appointed attorney panels, like the Counsel for Child Abuse and Neglect (CCAN), have bilingual attorneys assigned to represent minors and must interact with parents or guardians who do not communicate in English well or at all. The DC Courts plans to conduct a Spanish-language proficiency assessment for attorneys on the CCAN Panel similar to the one used for the CJA Panel.

iv. Interpreters

The OCIS maintains a roster of interpreters who provide their services on a contract basis. Most of them allow their contact information to be distributed to the public and legal service providers. Once contacted, these interpreters make their own arrangements as to availability and fees for their services.

Additionally, the OCIS provides interpreting services to every division office throughout the court facilities. For example, the Multi-Door Dispute Resolution Division uses interpreters for intakes, meetings and mediations, and Court Social Services utilizes interpreters to conduct home studies.

v. Remote interpreting by telephone

Language Line is the telephonic interpreting contractor that provides this service to the DC Courts. Courtroom clerks, front-line personnel, the OCIS, and other employees who receive a call from a LEP person can use this service.

vi. Translated forms, program brochures, letters to judges

The DC Courts provide forms in English and Spanish to *pro se* litigants in all of its divisions, and provide brochures and pamphlets describing language access services that are available to the public in languages other than English. Translation of letters and correspondence sent to judges and court offices is also provided.

vii. Signs in Spanish at all courthouse facilities

The DC Courts have translated into Spanish signs at all of its facilities in the Judiciary Square campus, at the nearby Gallery Place suite of offices that houses several branches, and at Court Social Services field offices.

viii. DC Courts website

The DC Courts website, www.dccourts.gov, provides information about the Office of Court Interpreting Services and the services available at the Courts in English and Spanish. LEP persons and the attorneys who represent them can request interpreting services for upcoming court proceedings by e-mail or by calling the telephone number provided.

ix. Court-managed or annexed programs

The DC Courts provide language access services for LEP persons participating in court-managed or annexed programs. Those language access services are provided at no cost to the party for services required by court order. Covered programs include:

- a) Family:
 1. Home studies (juvenile probation, divorce)
 2. Program for Agreement & Cooperation (divorce)
 3. Psychological evaluations (mental health)

4. Supervised visitations
5. Court-ordered mediations: divorce, neglect cases

- b) Criminal:
 1. Mental health forensic screenings
 - a. Competency evaluations
 - b. Competency restoration classes
 2. Addiction Prevention & Recovery Administration

B. Requesting an interpreter

Parties, witnesses and attorneys who have a need for an interpreter should contact the OCIS at (202) 879-4828 or Interpreters@dcsc.gov as soon as reasonably practical to request an interpreter for a courtroom proceeding. Every effort will be made to ensure the presence of an interpreter for the proceeding as requested. If an interpreter is not available for the proceeding and telephonic interpreting services are not appropriate, the courtroom proceeding will be delayed until an interpreter is available.

a. By court employees

i. Courtrooms.

Clerks telephone the OCIS when they are ready to call previously scheduled or same-day cases. The OCIS gives priority to the cases where interpreter services were previously scheduled. Clerks enter a Special Requirement in CourtView to note that an interpreter will be needed for all of the party's future hearings.

ii. Court offices and programs

Employees telephone the OCIS to request interpreters. Usually, these requests are made on the same day, so there may be up to one hour wait for an interpreter to arrive. An interpreter will be provided in person or by telephone.

Interpreting services are also provided for certain programs that have regularly-scheduled activities for litigants, such as the Family Court's Saturday parenting classes and daily supervised visitations (including Sundays).

b. By judges and judicial staff

Judges and their staff telephone or send e-mails with their requests for interpreters for in- and out-of-court events. The latter include pre-trial meetings between civil action litigants.

c. By attorneys

Attorneys can come to the OCIS, telephone or send e-mails with their requests. They provide the case particulars and the number of parties that will need interpreting services.

- d. By the public
The public can come to the OCIS, telephone or send e-mails with their requests.
- C. How to respond to LEP callers
- a. Telephonic interpreting service
Upon receiving the call, the employee places the caller on conference hold, calls the contractor and, once connected to an interpreter, briefs him or her about the service to be provided. Then, the employee connects all parties to the call and assists the LEP caller.
 - b. Bilingual employees
Employees in designated bilingual positions provide information to the LEP caller as a matter of course.
- D. How to respond to written communications from LEP persons
- a. Letters to judges and court staff
The OCIS is available to translate any written communication from LEP persons to the judiciary and court staff.
 - b. Feedback from the DC Courts website
Persons wishing to write comments or questions to the DC Courts can click on the Feedback link, which is written in six languages other than English. Their communication is translated for follow-up.
 - c. Filing paperwork in new and open cases
It is recommended that LEP parties' forms and related paperwork be filed in English. Court personnel and interpreters are not permitted to fill out forms or even transcribe dictations from other languages into English. Most divisions provide lists of non-profit legal service providers that may assist LEP parties with this endeavor.
- E. How to respond to LEP persons who have in-person contact with staff
- a. Through bilingual employees
These employees may assist other employees to facilitate access for persons who are less than proficient in English.
 - b. Through interpreters
Staff requests an interpreter from the OCIS. The interpreter is not permitted to fill out paperwork for court clients.
 - c. Through remote interpreting services

LEP persons can identify their preferred language to staff in English or by pointing to the language identification card. Staff can then telephone the Language Line Solutions contractor to assist the court client.

V. Training Staff

A. Judges and other judicial officers

Training. Judges receive training from the OCIS on how to identify persons who need interpreters and how to prioritize interpreting services for those persons. Led by their peers, new judges meet with the Access to Justice and Court Interpreting Office coordinators for an introduction to the aforementioned topics and the significance of everyone's roles in working together to ensure that LEP persons are placed on an equal footing with other persons.

Bench cards. In certain cases where an OCIS interpreter is not available, a judge may conduct a *voir dire* of any person who may offer to interpret in a proceeding. Judges have been trained to use a bench card to ask questions about interpreting qualifications, background in the English language and the other language, and suitability to interpret during that proceeding.

B. Court personnel

Court employees and law clerks, especially those who interact with the public, periodically receive training on how to identify LEP persons and how to communicate with them via Language Line, the telephonic interpretation service contractor. Court employees also learn how the OCIS works, what the role of interpreters is, how to enter data into CourtView in order to flag cases of LEP persons for future contact, and how to contact the OCIS to coordinate interpreting services.

C. Vendors

The OCIS periodically gives presentations to vendors that interact with LEP court customers.

VI. Providing Notice to LEP persons

The DC Courts follow LEP Guidance from the Department of Justice in its decision to translate vital documents and others not considered vital but which provide information in the regularly-encountered languages besides English.

A. Internal publications

Signs in Spanish are visible on all floors. Pamphlets giving general information about the location of court services are available in 12 languages. Forms are available in six languages.

B. External publications

Forms are available in Spanish over the Internet.

Summonses, such as Landlord & Tenant branch summonses and other court forms, are translated to notify LEP persons of the availability of interpreter services before those persons enter the courthouse for proceedings. These forms are essential to the DC Courts efforts to demystify the court process for persons who do not speak English and whose unfamiliarity with the language and culture in the U.S. might otherwise cause them to fail to participate, often with serious consequences to their rights.

VII. Monitoring and Updating the LAP

The DC Courts will monitor and, where appropriate, update this Language Access Plan to ensure that the scope and nature of language assistance services provided under the plan reflect updated information on relevant LEP populations, language assistance needs, changes in technology, and their experience under the plan. Additionally, the DC Courts will take reasonable steps to ensure that their in-house and contract language services, directory of translated documents, signs, and web-based services meet current language needs.

A. Records and Internal surveys

The DC Courts keeps records of the number of requests for interpreters, the languages requested, the number of events served, as well as other demographic information.

Every two years, the DC Courts conduct the Employee Viewpoint survey asking for feedback on its many services. Several questions deal with fair treatment and receiving accommodations for the LEP person's language needs.

B. External surveys

The DC Courts conduct a courthouse survey of the public every five years as part of their Strategic Plan. For the period covering 2013 through 2017, employees identified Access to Justice as a Strategic Issue (see Introduction, above).

C. Training of court personnel

In conjunction with the Executive Office, the LAP coordinator and the OCIS, the DC Courts periodically offer training on assistance to LEP court customers and parties to a case. Sessions offered include:

- Communicating with LEP parties via Language Line
- How to request and/or schedule cases involving LEP parties
- Training for new judges and non-judicial staff

VIII. LAP Contact

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SUPPLEMENT

Goals within the LAP for FY 2014-2015

- a. Publish this LAP internally – through the Intranet – and externally – through the websites of the DC Courts (May 2014).
- b. Every 180 days, update the list of translated documents and forms and maintain classification by division, branch, and language (next review: June 2014).
- c. Annually assess the need to translate court documents and forms into other languages (June 2014).
- d. Reach out to area government agencies that work with interpreters to attempt to pool resources, especially for hard-to-find languages (July 2014).
- e. Publish and introduce this LAP to the DC legal community and the National Center for State Courts and invite feedback (August 2014).
- f. Utilize the resources of the Council for Language Access in the Courts (CLAC) and the National Center for State Courts to test and certify interpreters in up to 16 languages (Summer 2014).
- g. Establish a Language Access Committee that includes judges, administrators, professional and administrative support staff, potential beneficiaries, attorney and legal service provider organizations. Members of this committee will provide input to implement and improve the LAP (September 2014).
- h. Devise and conduct annual surveys of LEP persons concerning their court experiences (September 2014).
- i. Hold annual training classes for bilingual staff on the provision of services to LEP court users.
- j. Create and update a list of bilingual legal terms for bilingual employees and court-appointed attorneys (December 2014).
- k. Identify more community organizations and events where LEP persons congregate to reach out with information about DC Courts language access services and how these persons can gain access to such information (Spring 2015).