



LANGUAGE ACCESS PLAN IN LOUISIANA COURTS

Approved by the Supreme Court, 9/1/20

Brian Wiggins
Language Access Coordinator, Louisiana Supreme Court

Table of Contents

I. Overview.....	2
A. Memorandum of Agreement.....	2
B. Louisiana Language Access Stakeholder Committee.....	2
C. Current Court Interpreter Programs.....	2
D. Serving a LEP Population in a Decentralized Court System.....	3
E. Special Note on French in Louisiana.....	4
F. Language Access and Technical Planning Assistance Self-Assessment.....	4
G. Conclusions of the Stakeholder Committee.....	5
II. Statewide Language Access Plan	7
A. Introduction	7
B. Phase I.....	9
C. Phase II.....	13
D. Phase III.....	15
III. Appendices.....	17
A: Memorandum of Agreement	
B: Language Access Planning and Technical Assistance Tool for Courts	
C: Language Access Plan Template including Implementation Order	
D: Louisiana Language Access Stakeholder Committee	

I. Overview

A. Memorandum of Agreement

In May 2019, the Louisiana Supreme Court, under the leadership of Chief Justice Bernette Joshua Johnson, and the United States Department of Justice (DOJ) signed a Memorandum of Agreement (MOA) (Appendix A). The MOA, “memorializes the [Supreme Court’s] commitment to work with lower courts in the Louisiana Judiciary to phase-in a language access program that will provide language assistance services at no cost to limited English proficient individuals in all state court proceedings and operations.” Along with many other commitments, the Supreme Court agreed to develop a Language Access Plan (LAP) containing a “phased-in approach” with extensive input from the Supreme Court’s Language Access Stakeholder Committee (“Stakeholder Committee”), as well as the Supreme Court’s Language Access Coordinator and Judicial Administrator, as well as the DOJ. On September 1, 2020, the Supreme Court approved the Language Access Plan in Louisiana Courts.

At a minimum, in accordance with the MOA, the LAP must address the following: (1) how to provide LEP individuals with translated paper and electronic notice about how to access interpreter services, (2) how to provide translated paper and electronic court forms and information, (3) explain the process for each court to collect and report interpreter use information to the Supreme Court, and (4) create a process for language access complaints. In addition, the LAP must include a language access plan template that each state court may use in developing an individual court language access plan.

B. Louisiana Language Access Stakeholder Committee

In accordance with the MOA, the Supreme Court appointed the Language Access Stakeholder Committee to develop the Language Access Plan and provide valuable feedback to the Supreme Court on implementation of the plan. The Stakeholder Committee is comprised of members representing interpreters, the Louisiana State Bar Association, district attorney and public defender offices, and public interest law offices.¹

C. Current Court Interpreter Programs

Through its Office of Language Access (OLA), the Louisiana Supreme Court currently operates a court interpreter program that maintains a list of registered and certified court interpreters. Registered interpreters have, at a minimum, completed a two-day training course, passed a standard written English examination as provided by the National Center for State Courts (NCSC), and passed a written translation examination. To become a “certified” court interpreter in Louisiana, a candidate must already be a “registered” court interpreter. A “certified” court interpreter has tested skills in simultaneous and consecutive court interpreting as well as in sight translation and has scored at least a 70% percent on each testing section. The OLA maintains the lists and provides it to local courts who then select interpreters. Although there is currently no requirement that courts choose registered or certified interpreters, it is highly encouraged.

¹ For current membership and a report of the Committee’s activities, see Appendix D.

D. Serving a LEP Population in a Decentralized Court System

In devising the LAP, the Stakeholder Committee took into account two primary factors. First, Louisiana has a decentralized court system with a high amount of autonomy in structure and funding. Second, Louisiana has a significant concentration of limited English proficient (LEP) individuals concentrated in five parishes in the southern half of the state.

(1) *LEP Population in Louisiana:* According to 2015 LEP data available from the U.S. Census Bureau, Louisiana has over 119,591 LEP individuals, 2.8% of the total population.² The primary languages spoken by LEP individuals in Louisiana are Spanish (65,395), French (18,295), Vietnamese (14,586), Chinese (5,007), and Arabic (1,860). The parishes with the highest total LEP populations are Jefferson (31,672), Orleans (12,539), East Baton Rouge (11,619), Lafayette (7,797), and St. Tammany (4,450). Unsurprisingly, these five parishes comprise over 68,000 LEP individuals representing over 57% of the total state LEP population and are located along the Interstate 10/12 corridor. An additional 10 parishes including Lafourche, Caddo, Calcasieu, Bossier, Terrebonne, Iberia, St. Landry, St. Martin, Vermilion, and Rapides all have LEP populations which exceed 2,000 individuals.

(2) *Louisiana's Judiciary:* Louisiana operates a decentralized court system. While the state Supreme Court has supervisory jurisdiction over all courts (with limited exceptions), local courts³ are funded by a variety of decentralized mechanisms with local judges, including the chief judge and/or judges sitting *en banc*, exercising authority over many administrative functions. Thus, local courts are responsible for hiring and paying for court interpreters and for most other language assistance services through either self-generated funding (court fees and costs) and/or through their governing authority's budget. Courts of Appeal and the Supreme Court itself are funded through a state judicial appropriations bill with primarily state general fund dollars.⁴ Moreover, Louisiana's clerks of court (on the district level) are independently elected parish officials. Similar to local courts, clerks of court rely heavily (and, in many instances exclusively) on court fees.⁵

Tiered Approach: Given these two factors and given the MOA's commitment to utilize a "phased-in" approach, the Stakeholder Committee devised a system to require courts to implement language assistance services on a tiered basis with those courts with the highest concentration of LEP individuals having to make steady and meaningful improvements in a shorter period of time. Courts in parishes with a much smaller number of LEP individuals will still be required to implement improvements, but over a longer period of time. Nevertheless, all courts, whether in the highest or lowest tier, will be required to make immediate changes with the adoption of the LAP.

² Retrieved 5/29/20 at https://www.lep.gov/maps/lma2015/Final_508/.

³ Local courts refer to District, City, Municipal, Parish, or any court permitted by Art. V of the La. Const. of 1974 excluding courts of appeal.

⁴ Justice of the Peace and Mayor's Courts are not included in the LAP.

⁵ The subject of the funding mechanisms for Louisiana's justice system is itself the subject of extensive study, litigation, and controversy. Urban and suburban courts are *generally* better funded because of the filing fees associated with civil cases in those courts. Rural courts do not fare well in this funding scheme.

- *Type 1 Courts* include all courts in the following parishes: Jefferson, Orleans, East Baton Rouge, Lafayette, and St. Tammany.⁶ The factors that were used in determining that courts in these parishes should be “Type 1” include total population, total LEP population, and percentage of LEP.⁷
- *Type 2 Courts* include all courts in the following parishes: Lafourche, Caddo, Calcasieu, Bossier, and Terrebonne.⁸ The factors that were used in determining that courts in these parishes should be “Type 2” include total population, total LEP population, and percentage of LEP which is less than Type 1 Courts but more than Type 3 Courts.
- *Type 3 Courts* includes all courts in the remaining parishes.

E. Special Note on French in Louisiana

An initial proposed LAP included courts in Iberia, St. Landry, St. Martin, and Vermilion parishes as Type 2 Courts. Upon further investigation, it was discovered that these parishes contain large number of French speakers (all are parishes in the Acadian region of Louisiana) which were skewing the number of LEP individuals. Based on anecdotal yet reliable information,⁹ the French speaking population of these parishes largely speak a dialect of French referred to as Louisiana French. Louisiana French is an inclusive term that describes the French spoken in areas settled by the Acadians (“Cajuns”) as well as other dialects. The LAC proposes that the issue of Louisiana French be further investigated by working with state agencies (including the Council for the Development of French in Louisiana) and linguistics experts to develop a specific plan for the language access needs of French speakers (of any kind) in Louisiana. It is also suggested that data analysis determine the number of French speakers in these areas who actually speak traditional French, those who speak Louisiana French, and those who speak the French common in Haiti and other areas. This would also include conducting an investigation of the number of language assistance services requested for Louisiana French speakers in court, and whether given large assimilation of the French speaking population, language assistance services are needed or necessary.

⁶ This includes the 1st, 4th, and 5th Circuit Courts of Appeal.

⁷ St. Tammany Parish is in the Twenty-Second Judicial District which also encompasses rural Washington Parish. Washington Parish’s total LEP population is 637. To the extent possible, the Committee expects that the Twenty-Second JDC may bifurcate its implementation of a language access plan between urban St. Tammany Parish and rural Washington Parish. However, given St. Tammany’s status as an employment center and high rate of growth, its courts are recommended to remain in the Type 1 tier.

⁸ This includes the 2nd and 3rd Circuit Courts of Appeal.

⁹ Conversations with a sample of judges in these regions.

F. Language Access and Technical Planning Assistance Self-Assessment

In accordance with the MOA, the Supreme Court, OLA, and Stakeholder Committee conducted a language access self-assessment of all Louisiana courts. The results of the self-assessment were used in constructing the LAP. The Stakeholder Committee utilized the DOJ Language Access Planning and Technical Assistance Tool for Courts (“Assistance Tool”) for this assessment. (Appendix B) The Assistance Tool requests courts to assess their existing service, court rules, and other key factors in providing and improving language assistance services.

Over 90% of Louisiana courts responded to a request to complete the Assistance Tool. The results indicated that Louisiana courts understand the importance of providing court interpreters to LEP individuals at no cost in accordance with federal law. The results also indicate that there are many areas that need improvements in all courts throughout Louisiana. These areas include but are not limited to:

- Implementing local court rules and policies that contemplate key points of contact for LEP individuals.¹⁰
- Implementing a localized Language Access Plan.
- Developing a systematic process to assign interpreters as early in the process as possible.
- Translating materials including vital documents, signs, and notices.
- Notifying LEP individuals and communities of the availability of language assistance services.
- Establishing and improving outreach with stakeholders.

The results of the self-assessment reflect a need in Louisiana to implement statewide changes. These areas include but are not limited to:

- Promulgating rules and statutes that apply to all courts and judges.
- Creating centralized procedures including a process for receiving and processing complaints.
- Offering extensive technical assistance to local courts to publish and implement a language access plan.
- Improving the availability and use of qualified interpreters through the use of technology.
- Promotion of training.
- Mandating training for judges and court staff, and incentivizing and promoting training for lawyers, clerks of court, and other justice system participants.

¹⁰ The concept of key points of contact means anticipating the area where a LEP individual may make contact with the court and ensuring there’s a plan to provide language assistance services to the individual as necessary. For an example, see page 9 of Appendix C.

G. Conclusions of the Stakeholder Committee

The creation of a statewide LAP must take into account Louisiana's uniqueness. This uniqueness includes Louisiana's history of language suppression and the complicated structure of its judiciary.

First, despite its rich French heritage, Louisiana has a long history of suppressing linguistic freedom. Beginning at the turn of the century, state government began officially banning the use of French in public schools.¹¹ The *Louisiana Constitutions of 1868 and 1921* further enshrined monolingualism in an effort to encourage assimilation with the greater United States. It was not until the creation of the Council for the Development of French in Louisiana in 1968 and the adoption of the Louisiana Constitution of 1974 that the state began to embrace its linguistic and cultural heritage.¹² Second, as discussed earlier, Louisiana has a decentralized court system which is heavily reliant on the collection of fees. Many rural courts, without access to funding, do not have the means to create language assistance programs without significant assistance and investment from state government.

It's against this backdrop that the Stakeholder Committee adopts and fully embraces a phased-in approach which focuses on making immediate improvements to the courts with the highest number of LEP individuals (Type 1 and 2 Courts) while creating a framework to bring all courts into compliance with federal law. The phased-in approach, when combined with the tiered system of courts, is the best opportunity for success since it is based on incremental improvements rather than lofty promises.

- *Phase 1 - MOA Compliance*

Phase 1 includes all language access topics specifically discussed by the MOA including translated materials, court forms, brochures, information, collecting data, and creating a complaint system.

- *Phase 2: Moving beyond compliance to meaningful access*

Phase 2 includes the development and promulgation of court rules and state laws which fully embrace language access, implementing training programs, adopting policies and procedures in court programs and activities to ensure access to language assistance services, and mandating the creation of Language Access Plans in Type 1 and 2 courts.

- *Phase 3: Framework for the future*

Phase 3 contemplates creating systems for future success in Louisiana. This includes mandating the creation of Language Access Plans for Type 3 courts, creating centralized systems for all courts (but especially rural, Type 3 courts) and embracing centralization to maximize language access.

¹¹ Retrieved 5/30/20 at <https://www.crt.state.la.us/cultural-development/codofil/about/french-in-louisiana/timeline/index>.

¹² *La. Const. Art. XII, Sect. 4*, "The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized."

II. Statewide Language Access Plan

A. Introduction

Purpose Statement:

The purpose of the Language Access Plan is to create a framework to provide meaningful access for limited English persons (LEP) who would otherwise be unable to understand or fully participate in judicial proceedings, programs, and services by providing effective language assistance services. The Language Access Plan shall be a dynamic document which is periodically reviewed and updated to reflect new best practices in the judicial system and society.

The basis of this Language Access Plan is encapsulated in Standard One of the American Bar Association's *Standards for Language Access in Courts (2012)*:¹³

As a fundamental principle of law, fairness, and access to justice, and to promote the integrity and accuracy of judicial proceedings, courts should develop and implement an enforceable system of language access services, so that persons needing to access the court are able to do so in a language they understand, and are able to be understood by the court.

Sources of Law:

Federal Law: *Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI)*, requires recipients of Federal financial assistance to provide limited English proficient (LEP) individuals meaningful access to their programs and activities

State Law: In accordance with *La. Const. Art. V, Sect. 5*, the Supreme Court, "has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law..." In addition, *La. Const. Art. I, Sect. 22* states, "All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights."

Definitions:

The terms and phrases used in this Language Access Plan (LAP) are defined below.

- Court Operations – Offices, programs and services managed, controlled, contracted or funded by the court, other than court proceedings, with which the public, parties, or witnesses may have contact in connection with a potential or actual legal issue, claim, matter, or proceeding. Examples can include, but are not limited to, intake or filing offices, cashiers, records rooms, pro se clinics, and other similar operations.
- Court Proceedings – Civil and criminal hearings and trials, including court-annexed processes or proceedings.

¹³ See Standards for Language Access in the Courts at https://www.americanbar.org/groups/legal_aid_indigent_defendants/language_access/.

- Interpreter- An individual who has received training in the skills of interpretation and can competently render a message spoken from one language into one or more other languages.
- Limited English Proficient (LEP) – Individuals for whom English is not the primary language or who may have a limited ability to read, write, speak, or understand English, are limited English proficient, or “LEP.”
- Language Access Plan (LAP) – The plan is a management document that outlines how the court defines tasks, sets deadlines and priorities, assigns responsibility, and allocates the resources necessary to come into or maintain compliance with language access requirements.
- Language Access Policies – Policies that set forth standards, operating principles, and guidelines that govern the delivery of language appropriate services in court proceedings and operations by the court and court staff.
- Language Access Procedures – Procedures that specify for court staff the steps to follow to provide language assistance services, gather data, and deliver services to LEP individuals.
- Language Assistance Services – Oral communication by competent bilingual staff or assisted by an authorized interpreter and written or electronic communication assisted by translation.
- Local Court – Any court in Louisiana that is under the jurisdiction of the Louisiana Supreme Court.
- Provide/Provided/Providing an Interpreter – Means appointing an interpreter free of charge to an LEP individual.
- Sight Translation – The reading of text written in one language by a competent interpreter who orally translates it into another language.
- Translator – An individual who has received training in the skills of translation and can competently render written text from one language into one or more other languages.
- Type 1 Courts include all courts in the following parishes: Jefferson, Orleans, East Baton Rouge, Lafayette, and St. Tammany
- Type 2 Courts include all courts in the following parishes: Lafourche, Caddo, Calcasieu, Bossier, and Terrebonne
- Type 3 Courts include all courts that are not Type 1 or 2 Courts.
- Vital Documents – A paper document or electronic content will be considered vital and need to be translated if it contains information critical for obtaining access to court or it is required by law. Some examples of vital documents that courts may need to translate to ensure that LEP individuals are provided meaningful access can include applications, court forms, consent or complaint forms, notices of rights, and letters or notices that require a response.

B. Phase 1 - MOA Compliance

The Louisiana Supreme Court and Stakeholder Committee shall work to ensure that every court complies with federal law and the MOA signed between the DOJ and the Supreme Court. The Stakeholder Committee, OLA, and Supreme Court will endeavor to complete Phase 1 within the first year of adopting the LAP.

1. Translation of materials and electronic notice: The Supreme Court's Office of Language Access (OLA) will assist local courts in providing translated materials and electronic notices within one year of the approval of this plan.
 - a. The OLA will publish a Language Assistance Services brochure ("LAS brochure") in English, Spanish, Vietnamese, Chinese, and Arabic, which will outline in plain language the right of a LEP individual to receive language assistance services in all Louisiana court proceedings and operations free of charge, where they may file a complaint regarding inadequate or lack of language assistance services, and where to seek language assistance services in their jurisdiction.¹⁴ The brochure shall be made available in each court in an accessible location including but not limited to the clerk of court's office and on the court's website.
 - b. The OLA will publish a Language Assistance Services sign ("LAS sign") in English, Spanish, Vietnamese, Chinese, and Arabic, which will outline in plain language who LEP individuals may contact to receive language assistance services in an individual Louisiana court. The sign shall be visible in a publicly accessible location in each local court (i.e. the clerk of court's office) and shall contain the name of the court's Language Access Coordinator and contact information as defined in Phase 1, Section 1, (c) in the LAP. This information shall also be made available on the court's website.
 - c. Every Louisiana court shall appoint a Language Access Coordinator (LAC) who is responsible for managing language assistance services in their court operations and proceedings. The LAC may be an existing employee of the court or a judge. The LAC is, at a minimum, responsible for (1) ensuring that the LAS brochures and signs contain the correct contact information for the LAC, (2) ensuring the LAS brochures and signs are available in their court's publicly accessible areas, (3) responding to OLA promptly and notifying the OLA of any changes to the LAC,¹⁵ (4) publicizing information (including, if available, on a local court's website) relative to language assistance services in their local court, and (5) ensuring that

¹⁴ The OLA shall also publish a brochure in Louisiana French if the Stakeholder Committee determines that it is needed. The determination shall be made after the collection of data as outlined in this LAP and after consultation with a linguist with specialized knowledge of Louisiana French.

¹⁵ The OLA will send an annual survey to all LACs which will request that the LAC to verify his or her contact information and share whether any changes were made to the local court's LAP.

court personnel and judges are receiving proper training to properly respond to LEP individuals. In addition, the LAC must ensure that his or her court has a procedure for receiving and processing requests for language assistance services from LEP individuals, including but not limited, to providing an interpreter or utilizing a translator.

- d. The OLA will develop and publish a translation and interpreter services contract for use by local courts to translate vital documents and provide interpreter services.
 - e. The OLA shall publish a website which, at a minimum, will contain:
 - i. Translated LAS brochures and LAS signs for dissemination to courts.
 - ii. A list of the appointed LAC's in each court in Louisiana including their name, phone number, address, and email address of every LAC.
 - iii. The most current version of the LAP.
 - iv. Language access policies and language access procedures, including but not limited to any statewide court rules.
 - v. A complaint form and instructions for how individuals may file complaints regarding language assistance services and court interpreters.
 - vi. Uniform translated documents as set forth in Phase 1, Section 2(a) of the LAP.
 - vii. Training materials for LAC's, court staff, and judges.
 - viii. The uniform translation and interpreter services contract.
 - ix. The name and contact information for the statewide LAC to serve as point of contact in the event that an individual cannot contact a local court's LAC.
 - f. No later than one year and six months after the adoption of the LAP, the OLA shall conduct random audits of all courts to ensure that Phase 1, Section 1(a)-(c) is being implemented. In the event that a court is not in compliance with the LAP, the OLA and statewide LAC shall issue a notice of corrective action to the court's LAC and chief judge. After a reasonable period of time (as determined by the Supreme Court), the non-compliant court shall be added to a non-compliance list, which shall be forwarded to the Judicial Administrator, Supreme Court, and at the discretion of the Supreme Court, the DOJ.
2. Translated court forms, brochures, and information: The availability of translated paper and electronic materials including court forms, brochures, and other information is key to reaching LEP individuals.
- a. Within one year of adoption of the LAP, the LAC of every Type 1 Court shall identify vital documents in their court and provide for the translation of such documents in languages that are identified as in their jurisdictions as commonly encountered non-English languages. Upon the appropriation of funds by the Supreme Court

and/or the state legislature, the local court may seek reimbursement for the translation of vital documents.¹⁶

- b. Within one year of adoption of the LAP, the LAC of every Type 2 Court shall publish an informational sheet specific to their court which provides, in plain language, information about the court's language assistance services and contact information. The informational sheet shall be translated into commonly encountered non-English languages, available in publicly accessible areas, and posted on the court's website. In addition, the court shall request that the information be posted on the clerk of court's website. Upon the appropriation of funds by the Supreme Court and/or the state legislature, the LAC may seek reimbursement for the translation of the informational sheet.¹⁷
- c. Within one year of the adoption of the LAP, the OLA will provide for a system of creating and translating documents into commonly encountered non-English languages that can be used by all local courts, including but not limited to cover sheets which identify a court's attached document (including but not limited to a pleading, order, subpoena, etc.) as an important legal document and provide contact information for the local court's LAC. In addition, the OLA and Stakeholder Committee shall identify other documents which may be used by all local courts and provide for the translation of such documents into commonly encountered non-English languages. This may include documents such as eviction notices, documents related to child custody and civil domestic disputes, and stay-away/protective orders.
- d. Within one year of the publication of the OLA website, the OLA shall provide for the translation of portions of the OLA website which pertain to LEP individuals into commonly encountered non-English languages.
- e. Within one year of the adoption of the LAP, the OLA shall provide for the translation of all key information pertaining to individuals seeking assistance from the Louisiana Protective Order (LPOR) website.
- f. Upon adoption of the LAP, the OLA shall provide any and all translated documents, signs, and materials it produces to any legal self-help center in the state upon request.

¹⁶ The mandate to provide for a system of translating vital documents shall not be contingent upon the appropriation of funds by the judiciary or legislature.

¹⁷ The mandate to provide for a system of translating vital documents shall not be contingent upon the appropriation of funds by the judiciary or legislature.

3. Data collection: The Supreme Court and Stakeholder Committee have very limited data on LEP individuals and their use of court operations and participating in court proceedings. In addition, the Supreme Court does not collect data on the number of court interpreters used or provided and the resources expended by local courts to provide language assistance services. Data collection efforts are key to better understanding the needs of LEP individuals and documenting the need for funding.
 - a. Quantitative Data: Over the course of the first year of following the adoption of the LAP, the OLA shall conduct a survey of all courts to determine the following: (1) the number of court interpreters requested; (2) the number of court interpreters provided; (3) the costs of providing court interpreters; (4) any and all costs associated with providing language assistance services in a court; (5) the number of LEP individuals encountered by the court. The data shall be collected over the course of one year. All Type 1 and 2 courts shall participate in the survey (which shall be part of their Language Access Plan, see below). The Stakeholder Committee endeavors to receive results from 80% of Type 3 courts.
 - b. Qualitative Data: Within two years of the adoption of the LAP, the OLA shall conduct an audit of language assistance services provided in at least five courts to determine if they are in compliance with federal law and to make recommendations for improving services. The audit shall encompass, at a minimum, the court's system for identifying LEP individuals (including how their case management system is utilized) and language assistance services provided in court operations and court proceedings. The Stakeholder Committee recommends that the OLA continue auditing courts on a periodic basis to ensure compliance with federal law.
 - c. Survey of Self-Help Centers: Within one year of the adoption of the LAP, working with the Louisiana State Bar Association, the OLA shall survey all self-help centers in Louisiana regarding improvements to language assistance services.
 - d. Utilizing the data in this Section (a-c), the Stakeholder Committee shall make recommendations to the Supreme Court and the state Legislature regarding a language assistance services in Louisiana. The Stakeholder Committee shall also utilize the data in formulating revisions to the LAP. (See Phase 3 of the LAP.)
4. Language access complaints: The Stakeholder Committee will finalize a centralized complaint system ensuring that complaints about language assistance services are responded to, investigated, and resolved in a timely manner. Within six months of the adoption of the LAP, information regarding the complaint system including complaint forms and contact information shall be published in and available on the Supreme Court's website in a fillable PDF document that is available in several non-English languages.

Within one year of adoption of the LAP, the OLA shall produce a system for submitting complaints via a web portal on the OLA's website.

C. Phase 2 - Moving beyond compliance

The Louisiana Supreme Court and Stakeholder Committee will work to ensure that courts are not simply complying with federal law. Rather, the entire judiciary, including judges and court staff, must understand and accept that court operations and proceedings should always contemplate and ensure equal access to LEP individuals via language assistance services. The Stakeholder Committee, OLA, and Supreme Court will endeavor to complete Phase 2 within three years of adopting the LAP.

1. Enshrining language assistance services into state law: Within two years of adoption of the LAP and upon recommendation by the Stakeholder Committee, the Supreme Court shall promulgate the following court rules and shall seek to provide for the following changes to state law:
 - a. Court rules:
 - i. Create a new court rule imposing a duty on local courts to post LAS signs and LAS brochures in accordance with Phase 1 of the LAP and to appoint a LAC.
 - ii. Designate the OLA as the statewide office for managing language assistance complaints and coordinating statewide language assistance services.
 - iii. Create a new court rule imposing a duty on local courts and judges to provide language assistance services at no cost to LEP individuals.
 - iv. Create a permanent statewide Stakeholder Committee with proper representation from the LEP community, the judiciary, and key partners (including clerks of court, district attorneys, public defenders). The Stakeholder Committee shall recommend changes to the LAP every three years after adoption of the initial LAP.
 - v. Create a new rule/policy which states that interpreters should be hired in accordance with the following priority: (1) certified interpreters, (2) registered interpreters, (3) and after proper *voir dire*, interpreters not listed on the Supreme Court's interpreter lists.
 - b. State laws:
 - i. Adopt a new state law regarding *voir dire* of court interpreters to ensure the quality and availability of language assistance services.
 - ii. Adopt a new state law regarding the translation of documents.
 - iii. Ensure that all related state laws, including *La. C.C.P. Art. 192.2*, are compliant with applicable federal law.

2. Language Access Training: Upon adoption of the LAP, the OLA shall implement regular training of judges and court staff and shall work with the Louisiana Clerks of Court Association to implement training of clerk of court staff. In addition, the OLA shall work with the Louisiana State Bar Association Access to Justice Committee to implement training for attorneys, including but not limited to district attorneys and public defenders.
 - a. Consistent with the MOA, the OLA shall continue bi-annual training, either in person or online, for court staff and judges for a period of one year after the adoption of the LAP.
 - b. For a period of three years after adoption of the LAP, the OLA work with the Louisiana Judicial College and Louisiana Court Administrators Association to offer at least one training session, either in person or online, annually to judges, court administrators, and LACs.
 - c. Within two years of adoption of the LAP, the OLA shall partner with the Louisiana Clerks of Court Association to offer training, either in person or online, for clerks of court and their staff.
 - d. Upon adoption of the LAP, the OLA shall offer training to all new judges at the Supreme Court's mandatory new judges training.
 - e. Within one year of adoption of the LAP, the OLA shall develop a system for ensuring that *ad hoc* and *pro tempore* judges are aware of their obligation to offer language assistance services including court interpreters to LEP individuals at no cost. This may include but is not limited to distributing materials and bench cards to each *ad hoc* and *pro tempore* judge on a regular basis.
 - f. Within one year of adoption of the LAP, the OLA shall work with the Louisiana State Bar Association Access to Justice Committee to develop training, either in person or online, for attorneys in Louisiana. This may include but is not limited to: programs targeted specifically for district attorneys, public defenders, civil legal services providers, and other attorneys who regularly interact with LEP individuals. Moreover, the training may include offering free CLEs through the Louisiana Law Library and other regional locations near Type 1 and 2 courts.
3. Language access policies and procedures in court operations: In addition to their core functions, the Supreme Court and its Office of Judicial Administrator manages court operations which require language access policies and procedures. This includes court operations which may interact with LEP individuals including but not limited to: the

Louisiana Supreme Court Drug and Specialty Court Office, Children and Families Division, Louisiana Protective Order Registry (LPOR), and Judiciary Commission.¹⁸

- a. Within one year of adoption of the LAP, the OLA and Judicial Administrator shall develop language access policies and procedures for court operations which may interact with LEP individuals.
 - b. Within two years of adoption of the LAP, excluding the LPOR program (which is provided for in Phase 1), the OLA and Judicial Administrator shall translate vital documents into commonly encountered non-English languages for all court operations which may interact with LEP individuals.
4. Developing language access plans for courts: The Assistance Tool sent to local courts to assess their language assistance policies and procedures revealed that many judges and court administrators do not have a LAP and have not contemplated providing language assistance services outside of providing interpreters in a courtroom. This includes Type 1 and 2 courts which regularly interact with LEP individuals. Given the scope and size of the problem, the OLA and Stakeholder Committee will work with Type 1 courts first to develop LAPs and then move to Type 2 courts.
 - a. Within one year of the adoption of the LAP, all Type 1 courts shall adopt a LAP for their court proceedings and operations. At a minimum the LAP shall include: (i) providing notice of language assistance services, (ii) identifying LEP individuals, (iii) language assistance services provided including in court proceedings and operations, (iv) key points of contact with LEP individuals,¹⁹ (v) staff training, (vi) data collection and reporting, (vii) monitoring and updating the LAP, and (viii) a complaint process. (See Appendix C for a Language Access Plan template.)
 - b. Within two years of adoption of the LAP, all Type 2 courts shall adopt a LAP for their court proceedings and operations. The LAP shall include all elements discussed in Phase 2, Section 4(a).

D. Phase 3 - Framework for the future

Through the Louisiana Commission on Justice System Funding and other reform initiatives, the justice system in Louisiana is undergoing rapid changes to its structure and financing. Accordingly, any change to the justice system must incorporate and contemplate how language

¹⁸ Court operations which may not interact with LEP individuals include the Judicial College, MCLE Committee, and CMIS Division.

¹⁹ The key points of contact should include all facets of court proceedings and operations which a LEP individual may encounter including the court's website and signs, any forms, informational brochures, or pamphlets, court security and staff, etc. A comprehensive key points of contact chart may be found here: https://www.courts.ca.gov/documents/lap-toolkit-Points_of_Contact.pdf.

assistance services will be provided. The Stakeholder Committee, OLA, and Supreme Court will endeavor to complete Phase 3 within three to five years of adopting the LAP.

1. Language assistance services in Type 3 courts: Within three but no longer than five years after the adoption of the LAP, all Type 3 courts shall adopt a LAP individualized to their local court. The LAP shall include, at a minimum, all the elements listed in Phase 2, Section 4(a).
2. Centralized statewide language assistance services: Within three but no longer than five years after the adoption of the LAP, the OLA and Stakeholder Committee shall develop a plan to provide centralized language assistance services for Type 3 courts including but not limited to: access to court interpreters, over-the-phone interpreting services, translation services, and technical assistance in developing a LAP as discussed in Phase 3, Section 1.
3. Clerks of court: Within three but no longer than five years after the adoption of the LAP, the OLA and Stakeholder Committee shall work with the Louisiana Clerks of Court Association to develop Language Access Plans and language assistance programs for all clerks of court.
4. Development of statewide language assistance services funding: Within three but no longer than five years after the adoption of the LAP, the OLA and Stakeholder Committee shall develop a plan of statewide funding for language assistance services to all courts in Louisiana. The plan shall consider and incorporate data collected from all courts and with input from clerks of court and shall be presented to the Judicial Budgetary Control Board, and, upon their approval, to the House Appropriations and Senate Finance Committees. The plan should seek a direct appropriation from state government for the funding of all language assistance services in Louisiana including but not limited to: funding for court operations and proceedings, training, court interpreters, remote interpreting, and translation services.
5. Quality improvements for court interpreters: As soon as practicable, the Stakeholder Committee recommends the adoption of quality improvement to the Court Interpreter Program. This may include but is not limited to: mandating the use of certified or registered interpreters by all local courts, and encouraging and incentivizing court interpreters to become certified. In addition, the court is encouraged to study the issue of interpreter pay and encourage the adoption of minimum uniform pay scales for all interpreters based on their qualifications and scarcity.

III. Appendices

A: Memorandum of Agreement

B: Language Access Planning and Technical Assistance Tool for Courts

C: Language Access Plan Template including Implementation Order

D: Louisiana Language Access Stakeholder Committee

MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE LOUISIANA SUPREME COURT
DEPARTMENT OF JUSTICE NUMBER 171-32-17

I. BACKGROUND

- A. In May 2017, the Civil Rights Division of the U.S. Department of Justice received an administrative complaint alleging that the 24th Judicial District Court (JDC) in Jefferson Parish, Louisiana, failed to provide language access for limited English proficient (LEP)¹ individuals, including a failure to provide LEP litigants with qualified interpreters in civil proceedings.
- B. The Civil Rights Division and the United States Attorney's Office for the Eastern District of Louisiana (DOJ) reviewed the complaint. DOJ determined that the complaint alleged a violation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d to 2000d-7, and its implementing regulations at 28 C.F.R. Part 42, Subpart C (together, Title VI) and that the 24th JDC and other state courts in the Louisiana Judiciary directly or indirectly receive federal financial assistance from DOJ and other federal agencies.
- C. DOJ conducted a preliminary review of the Title VI complaint by gathering information from witnesses, conducting an on-site visit, reviewing court rules and policies that address foreign language interpretation, and documenting incidents involving LEP individuals in other Louisiana state courts.
- D. DOJ identified Title VI concerns that extended beyond the 24th JDC during the preliminary review and, in October 2017, initiated a formal Title VI investigation of the Louisiana Judiciary.
- E. For a number of years, LSC has had a Language Access Coordinator (LAC), who is responsible for developing and managing the language access program for the LSC and who serves as the Title VI Coordinator. LSC has now retained a full-time dedicated attorney to serve as the LAC, and she is primarily responsible for continuing to improve LSC's efforts and initiatives concerning compliance with Title VI.
- F. In March 2018, DOJ and the LSC engaged in an informal process in an effort to address the concerns identified during the preliminary review. The LSC committed to take steps that will permit the LSC to achieve voluntary compliance with Title VI.

¹ As used herein, limited English proficient refers to individuals who, owing to national origin or ancestry, have a primary language other than English and who have a limited ability to read, write, speak, or understand English.

- G. By way of example, in September 2018, LSC issued a revised language access judicial bench card, a two-page resource for state judges to use while they are on the bench, which addresses how Title VI applies to court proceedings and operations. LSC created the revised bench card at the request of DOJ after it began its Title VI investigation. Appendix A includes this bench card.

II. INTRODUCTION

- A. This Memorandum of Agreement (MOA) memorializes the LSC's commitment to work with lower courts in the Louisiana Judiciary to phase-in a language access program that will provide language assistance services² at no cost to LEP individuals in all state court proceedings and operations (LEP Commitment). The LSC will develop a language access program with DOJ composed of policies, plans, and procedures that will implement the LEP Commitment and Title VI.
- B. Title VI prohibits discrimination based on race, color, or national origin, in any program or activity that receives federal financial assistance from DOJ and authorizes DOJ to investigate and resolve discrimination complaints. 42 U.S.C. § 2000d-4a; 28 C.F.R. §§ 42.104(b), 42.107(c)-(d); 28 C.F.R. § 42.203(b)-(c).
- C. The parties to this MOA are the United States of America and the LSC, and the person(s) signing represent(s) that they are authorized to bind the parties to performance of the terms in this MOA.
- D. This MOA does not constitute an admission by the LSC with regard to any specific allegations investigated in this matter. The LSC denies all allegations made in the referenced complaint.
- E. In consideration of the terms of this MOA, the United States agrees to refrain from undertaking further investigation or taking steps toward the filing of a civil suit in DJ #171-32-17 against the Supreme Court of Louisiana on the allegations lodged against the 24th Judicial District Court, except as provided in this MOA.
- F. In order to avoid the burdens and expenses of further investigation and possible litigation, the parties hereby agree as follows:

III. MUTUAL COMMITMENTS

- A. The parties agree that a collaborative relationship has been established, satisfactory progress is being made, and they will benefit from a mutual commitment to continued collaboration. This MOA sets forth additional actions to be taken by the parties.
- B. The LSC will implement its LEP Commitment and will comply with Title VI.

² As used herein, language assistance services refer to both oral and written services.

- C. The LSC will conduct a language access self-assessment of the Louisiana Judiciary within **90 days** from the effective date of this MOA and will then work with DOJ to develop a language access program, based on the self-assessment, that is consistent with the LEP Commitment and Title VI.
- D. The LSC will develop a centralized complaint process within **90 days** from the effective date of this MOA for LEP individuals who believe that they have been denied access to the Louisiana Judiciary, as required by the LEP Commitment and Title VI.
- E. The LSC will appoint a Language Access Stakeholder Committee (LASC), a Committee of the Louisiana Supreme Court, within **120 days** from the effective date of this MOA that will meet quarterly. The LASC will work with the LAC to develop and implement a language access program that complies with the LEP Commitment and Title VI.
 - 1. The LASC will include the LSC Judicial Administrator, the LAC, a private attorney, a public interest attorney, a public defender, a district attorney, a district court judge, a court interpreter, a professional translator, two community advocates who work with LEP individuals, and any other participants that the LSC deems appropriate.
 - 2. The first meeting of the LASC will take place within **75 days** of its appointment and LSC staff will maintain agendas and written minutes for each quarterly meeting.
 - 3. The LSC will provide DOJ with advance notice of the first eight meetings of the LASC at least **5 business days** prior to the meetings, and also forward minutes of the meeting to DOJ.
- F. The LSC will deliver written quarterly communications to the Judicial Administrators for each state court in Louisiana (Court Staff), regarding the LEP Commitment and the MOA, including the following communications, within **180 days** from the effective date of this MOA:
 - 1. The Chief Justice of the LSC will inform, in writing, Court Staff and the Clerks of Court for each state court in Louisiana of this MOA and the LEP Commitment.
 - 2. The LSC will inform, in writing, Court Staff and the Clerks of Court for each state court in Louisiana about the language access self-assessment, the development of the language access program, and the role of the LAC.
- G. The LSC will develop and provide bi-annual Title VI language access training to all Louisiana state court judges and other Court Staff, in person or online, with the first training occurring within **180 days** from the effective date of this MOA, except as otherwise provided.
 - 1. LSC will develop the content of any Title VI language access training. For **365 days** after the effective date of this MOA, LSC will send the training content to DOJ for its review.

2. LSC will share the final version of these training materials with Court Staff.
 3. LSC will continue its work with the Louisiana State Bar Association's Access to Justice Commission to collaborate on improving language access in Louisiana's Judiciary.
- H. Within **365 days** from the effective date of this MOA, and consistent with the LEP Commitment and Title VI, the LSC will develop a Language Access Plan (LAP) and publish the LAP on the Louisiana Judiciary public website.
1. LSC will develop the draft LAP and seek input from the LASC and DOJ.
 2. The LAP developed by the LSC will contain a phased-in approach to expand and improve language assistance services, consistent with the LEP Commitment and Title VI.
 3. The LAP will address how to provide LEP individuals with translated paper and electronic notice about how to access interpreter services, provide translated paper and electronic court forms and information, explain the process for each court to collect and report interpreter use information to the LSC, and create a process for language access complaints.
 4. The LAP will include a language access plan template that each state court in Louisiana may use in developing an individual court language access plan that addresses the unique needs of that specific court.
- I. The LSC will provide to DOJ copies of all draft language access policies, plans, procedures, and training materials, including amendments to existing documents, before they are issued or implemented. DOJ will provide LSC technical assistance and feedback on all drafts received within a reasonable amount of time. Upon request of either party, the other party will provide additional supportive information regarding the draft or feedback and will meet in person or by telephone to discuss any concerns or questions.
- J. The parties will continue to meet, in person or by telephone, at least every six months and, upon request of either party, will meet, in person or by telephone, to discuss LSC's progress in executing the MOA, problems encountered, and recommendations for further improvement.
- K. The DOJ will provide technical assistance to LSC on all aspects of this MOA.

IV. MONITORING AND REPORTING

- A. The LSC will provide DOJ bi-annual MOA monitoring and status reports for two years following the publication of the LAP submitted in accordance with paragraph III.H.

1. DOJ and the LSC will agree on the format and content of the report within **180 days** from the effective date of this MOA.
 2. DOJ and the LSC will agree on the reporting and feedback schedule within **180 days** from the effective date of this MOA.
- B. DOJ will review each MOA monitoring and status report and will provide timely feedback to the LSC.
1. DOJ will provide the LSC feedback on the MOA monitoring and status report within a specified number of days.
 2. The LSC will address any DOJ questions or concerns regarding the MOA monitoring and status report within **60 days** of receipt of DOJ feedback.

V. GENERAL TERMS

- A. This MOA will be applicable to, and binding upon, the parties to this Agreement, their officers, agents, employees, assigns, and successors in office.
- B. This MOA is a public document and the parties will make it available to any person upon request. DOJ may publish this MOA on its public websites.
- C. This MOA resolves DOJ complaint 171-32-17 and is limited to the facts and issues presented in that complaint and investigation. This MOA does not affect the LSC's continuing obligation to comply with Title VI and all other federal laws, including the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq., Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and applicable regulations, or preclude DOJ from taking appropriate action to evaluate the LSC's compliance with any laws enforced by DOJ.
- D. LSC acknowledges its obligation, independent of this MOA, to ensure that all LSC programs and activities, and the programs and activities of all entities that receive federal financial assistance directly or indirectly from LSC, comply with Title VI.
- E. This MOA constitutes the entire agreement between the parties on the matters raised herein, and no other statement or promise, either written or oral, made by either party or agents of either party regarding the matters raised herein, that is not contained or referred to in this MOA, will be enforceable. The MOA may be amended only in writing. Failure by a party to enforce this entire MOA or any provision thereof, with regard to any deadline or any other provision herein, will not be construed as a waiver of the party's right to enforce the deadlines and provisions of this MOA.
- F. Should any provision of this MOA be declared or determined by any court to be illegal, invalid, or unenforceable, the validity of the remaining parts, terms, or provisions will not be affected. The parties will not, individually or in combination with another, seek to have any court declare or determine that any provision of this MOA is invalid.

- G. If at any time DOJ believes that the LSC or any of its components has failed to comply in a timely manner with any obligation under Title VI or this MOA, DOJ may issue to the LSC a notice of alleged non-compliance and provide LSC a reasonable opportunity of no less than **45 days** to respond. The parties will attempt to resolve any issue in good faith, including but not limited to a cure or corrective period of no less than **six months**. Should the parties not be able to resolve any issue, DOJ and the LSC may pursue any action allowed by law or this MOA.
- H. This MOA is applicable to, and binding upon, the parties, their officers, agents, employees, assigns, and successors in office. The Chief Justice of the LSC represents that she is authorized to bind the LSC to the terms and conditions stated in this MOA.

VI. EFFECTIVE DATE AND TERMINATION

- A. The effective date of this MOA is the date of the last signature below. The MOA may be executed in counterparts.
- B. Except as otherwise set forth, all deadlines for action are counted from the effective date.
- C. This MOA will terminate two years after the LSC's publication of the LAP submitted in accordance with paragraph III.H above; provided that the LSC has (1) complied with paragraphs III.H. 1-4. and (2) provided all monitoring and status reports as described in paragraph IV.A.

[Signature Page Follows]

For the Louisiana Supreme Court

BY: Bernette J. Johnson

BERNETTE J. JOHNSON

Chief Justice

Louisiana Supreme Court

400 Royal Street

New Orleans, Louisiana 70130

Dated: 5 / 10 / 2019

For the United States of America

ERIC S. DREIBAND

Assistant Attorney General

MARY THOMAS

Deputy Assistant Attorney General

Civil Rights Division

U.S. Department of Justice

BY: Tamara Kessler

TAMARA KESSLER

Chief

CHRISTINE STONEMAN

Principal Deputy Chief

DYLAN NICOLE DE KERVOR

Attorney

MICHAEL MULÉ

Attorney

Federal Coordination and Compliance Section

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

(202) 307-2222

PETER G. STRASSER

United States Attorney

PETER M. MANSFIELD

Assistant United States Attorney

Chief, Civil Division

BY: David Howard Sinkman

DAVID HOWARD SINKMAN

Assistant United States Attorney

Civil Rights Coordinator

United States Attorney's Office, Eastern

District of Louisiana

650 Poydras Street, Suite 1600

New Orleans, LA 70130

(504) 680-3059

Dated: 5 / 13 / 2019

[Signature Page to Memorandum of Agreement between Louisiana Supreme Court and United States of America]



LOUISIANA'S LANGUAGE ACCESS JUDICIAL BENCH CARD

The Louisiana judiciary is committed to providing persons of limited English proficiency ("LEP") with meaningful access to court programs and activities. To demonstrate that commitment, the Louisiana Supreme Court developed this bench card as guidance for the judiciary when working with LEP individuals.

WHEN IS AN INTERPRETER REQUIRED?

Title VI requires courts to take reasonable steps to provide meaningful access to a limited English proficient party in interest in court proceedings and court operations. Thus, qualified interpreters are required for any court proceeding that involves a party in interest who speaks a language other than English as his primary language and has a limited ability to read, speak, or understand English.

WHO IS A PARTY IN INTEREST?

Party	Victim	Witness	Parent, legal guardian, or custodian of a minor party	Legal guardian or custodian of an adult party
-------	--------	---------	---	---

WHO PAYS FOR THE INTERPRETER?

The United States Department of Justice interprets Title VI of the Civil Rights Act of 1964 to require the judiciary to provide interpreters free of charge in all civil and criminal court proceedings before a magistrate, commissioner, district court judge, the appellate court, or the Louisiana Supreme Court.

The costs for interpreting services shall not be charged to the parties.

Language access services required for all out-of-court communication involving private counsel, including all interviews, investigations, and other aspects of general case preparation, are outside of the scope of services provided or funded by the Louisiana judiciary.

To ensure equal access to all, private counsel are encouraged to privately retain the services of a Louisiana Supreme Court certified or registered interpreter by directly contacting an interpreter from the LASC's roster which is available online at www.lasc.org or by scanning the QR Code below.

LOUISIANA CERTIFIED AND REGISTERED INTERPRETERS

A list of interpreters who have successfully completed the Louisiana Supreme Court's orientation, training, and testing is available on the Louisiana Supreme Court's website. The interpreter roster is also available by scanning the QR Code with your mobile device.



WHO SHOULD I CONTACT IF THERE ARE PROBLEMS?

Concerns or questions about the interpreters or their performance should be directed to the Supreme Court's Office of Language Access at ola@lasc.org or by phone at (504) 310-2540. Concerns or questions about scheduling should be directed to your court's local language access coordinator.

I. EVALUATING THE NEED FOR A COURT INTERPRETER

An interpreter should be appointed when a party in interest requests an interpreter; or when the court or participants have difficulty speaking or understanding each other, ***even when an interpreter is not requested.*** To help determine whether to require a court interpreter, the court should ask the LEP individual open-ended questions that cannot be answered with a simple yes or no. For example:

- What is the purpose of your court hearing today?
- How did you get to court today?
- Please tell me about your country of origin.
- What kind of work do you do?
- How did you learn English, and how comfortable are you proceeding with this matter in English?

2. ASSIGNMENT OF A COURT INTERPRETER

If the court determines that a party in interest has limited English proficiency, the court should require a court interpreter. Any doubts should be resolved in favor of the LEP individual, and an interpreter should be required. The court should first seek to use an interpreter from the Louisiana Supreme Court's list of certified interpreters. If no certified interpreter is available in the requested language, courts should then seek to use an interpreter from the Louisiana Supreme Court's list of registered interpreters. If neither a Louisiana Supreme Court certified or registered interpreter is available, courts may use other qualified interpreters.

- The court should never allow family members or friends to interpret inside the courtroom, nor should the LEP person's attorney interpret for the court.
- Only court personnel who are also certified or registered interpreters shall interpret inside the courtroom.

3. OBTAINING A COURT INTERPRETER

A request for an interpreter should be submitted to the local language access coordinator at least 10 business days prior to the scheduled proceeding, or as soon as the proceeding is placed on the court calendar, whichever occurs first. Counsel is responsible for submitting the request form for their LEP clients or witnesses. Court personnel should assist self-represented litigants with submitting the request form. Request forms are available at *District Court Rule 5.1 – Appendix 5.IB*. <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.IB.pdf>



LOUISIANA'S LANGUAGE ACCESS JUDICIAL BENCH CARD

The Louisiana judiciary is committed to providing persons of limited English proficiency ("LEP") with meaningful access to court programs and activities. To demonstrate that commitment, the Louisiana Supreme Court developed this bench card as guidance for the judiciary when working with LEP individuals.

QUICK REFERENCE GUIDE

- Evaluate the need for an interpreter.
- Require an authorized court interpreter approved by the LASC.
- Establish interpreter qualifications, determine whether any conflicts exist, check the interpreter ID card and/or the Louisiana Supreme Court's website and administer the interpreter oath.
- Allow the interpreter to meet with the LEP individual briefly prior to the proceeding to confirm the ability to communicate, and to view the court file prior to the proceeding to become familiar with case terminology, names, and dates.
- Allow the interpreter to review any documents that will need to be sight translated during the proceedings. *Note:* Sight translations during a proceeding are limited to one page.
- Have the interpreter state his/her name and qualifications on the record.
- Explain the role of the interpreter to the parties, witnesses, and the jury on the record.
- Advise witnesses to speak clearly and at a moderate pace.
- Emphasize that the record produced by the court reporter or court recorder will be in English and is the official record of the proceeding.
- Provide breaks every 30 minutes for the interpreter.
- Team interpreting is required to maintain accuracy in any proceeding expected to last more than 2 hours.
- Observe the interpreter's conduct, communication, and interaction with participants; if problems arise, use a sidebar conference with attorneys and the interpreter or a recess to address and correct the problems.

YOU SHOULD CLARIFY THE INTERPRETER'S ROLE TO THE JURY:

"This court seeks a fair trial for all regardless of the language they speak and regardless of how well they may or may not speak English. Bias against or for persons who have little or no proficiency in English is not allowed. Therefore, do not allow the fact that the party requires an interpreter to in any way influence you. Although some of you may understand the non-English language used, it is important for all jurors to consider the same evidence. Therefore, you must **base your decision on the evidence presented in the English interpretation**. Do not rely upon your own interpretation of the witness' words."

YOU SHOULD CLARIFY THE INTERPRETER'S ROLE TO THE WITNESS:

"I want you to understand the role of the interpreter. The interpreter is here only to interpret the proceedings. The interpreter will say only what is said in your language and will not add, omit, or summarize anything. The interpreter will say in English everything that you say in your language, so do not say anything you do not want everyone to hear. If you do not understand a question asked of you, request clarification from the person who asked it. Do not ask the interpreter."

"You are giving testimony to this court; therefore, please speak directly to the attorney or to me. Do not ask the interpreter for advice. Do not ask the interpreter any questions. Speak in a loud clear voice. If you do not understand the interpreter, please make your request to me, not to the interpreter. Please wait until the entire statement has been interpreted before you answer. Do you have any questions?"

YOU SHOULD VERIFY THE INTERPRETER'S QUALIFICATIONS:

Certified Interpreters: Qualifications can be verified through their listing on the LASC's website and/or their corresponding interpreter ID card. Full voir dire is not required.

Non-certified interpreters (i.e., registered interpreters): Qualifications can be verified through their listing on the LASC's website and/or their corresponding interpreter ID cards. These interpreters must be voir dired on the record to ensure qualifications.

Other Qualified Interpreters and Telephonic Interpreters: These interpreters must be qualified through voir dire.

SAMPLE VOIR DIRE TO ESTABLISH INTERPRETER'S QUALIFICATIONS:

- What is your native language?
- Are you listed on the Louisiana Supreme Court's registry as a certified or registered interpreter?
- Are you familiar with the *Louisiana Code of Professional Responsibility for Language Interpreters*?
- How many times have you interpreted in court?
- How did you learn both language skills?
- Have you worked in a legal proceeding before? If yes, please describe it.
- Do you understand you are to be a neutral party who is here to facilitate communication and that you should not offer advice or interject your opinion into these proceedings?

YOU SHOULD ADMINISTER THE INTERPRETER'S OATH

Do you solemnly swear or affirm that you will accurately, completely and impartially make a true interpretation to the person needing interpretation services of all the proceedings of this case in the language understood by said person, and that you will repeat, in as literal and exact manner as possible, said person's answers and statements to the court, counsel or jury, to the best of your skill and judgment? (*District Court Rule 5.1—Appendix 5.1C*)

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1C.pdf>



Language Access Planning and Technical Assistance Tool for Courts

**Federal Coordination and Compliance Section
Civil Rights Division
U.S. Department of Justice**

February 2014

“The Department applauds courts that are promoting equal access to the judicial system for limited English proficient individuals through concerted efforts to remove language barriers.”

- Tony West, Associate Attorney General of the United States, February 2014

Table of Contents

Overview	1
What Terms are Used in this Tool?	2
What is a Language Access Plan?	3
 Plan Elements	 4
A. Existing Services and Ongoing Need for Language Assistance Services	4
B. Court Rule	6
C. Implementation of the Language Access Plan	8
D. Quality Control of Language Assistance Services	9
E. Assigning Interpreters	11
F. Translated Materials	13
G. Notice of Language Assistance Services	15
H. Outreach and Collaboration with LEP Communities and Stakeholders	16
I. Monitoring, Updating, and Enforcing Compliance	18
J. Language Access Plan Review	18
K. Assessing Resources	19
 Department of Justice Language Access Resources for Courts	 21

Overview

This language access planning and technical assistance tool for courts was created by the Department of Justice Civil Rights Division, Federal Coordination and Compliance Section (DOJ), to assist courts and court systems as they develop comprehensive language access programs. This tool was developed in response to requests for technical assistance from courts and others involved in planning and implementing measures to improve language assistance services in courts for limited English proficient (LEP) individuals. We received many helpful comments and feedback to the draft version of this tool from attorneys, judges, court staff, advocates, community groups, state court systems, and national state court leadership associations and advisory committee members. We appreciate the time, thought, and expertise reflected in those recommendations, all of which were considered and many of which are incorporated into this final version of the tool.

The tool is intended to facilitate planning to supplement and support the growing body of technical assistance and other resources developed by the American Bar Association, the National Center for State Courts, and other national, state, and local entities. Based on the Department of Justice Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs,¹ this tool is tailored for use in courts. Just as with other planning tools, the focus is on identifying suggested areas of assessment and planning for courts. In each area, considerations are provided to identify challenges and highlight opportunities for improvement. Some courts will find that they have addressed certain areas and issues in this tool but that other areas may need greater priority and attention. In addition, we hope this tool will help courts identify which actions can be taken right away, which need focused attention and resources, and which require more long term planning and implementation to accomplish. Completing this tool neither establishes nor guarantees a court's compliance with Title VI of the Civil Rights Act of 1964 or other civil rights requirements. The legal requirements for courts that receive federal financial assistance from DOJ have been explained in prior guidance documents.² Use of the tool is of course voluntary; courts are not required to use the suggested considerations in this tool or submit their responses to DOJ.

The tool is divided into sections that suggest general areas for assessment and planning. Following each section are suggested planning steps. Because of vast nationwide differences in court structures and administrative and financial authorities and responsibilities, some considerations may not be applicable to every court. Courts are encouraged to modify this tool to the particular needs and features of their court and court system.

¹ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011), available at http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf.

² Resources for State Courts, available at <http://www.lep.gov/resources/resources.html#SC>.

What Terms are Used in the Tool?

The terms and phrases used in this tool are defined below.

- Court Operations – Offices, programs and services managed, controlled, contracted or funded by the court, other than court proceedings, with which the public, parties, or witnesses may have contact in connection with a potential or actual legal issue, claim, matter, or proceeding. Examples can include, but are not limited to, intake or filing offices, cashiers, records rooms, pro se clinics, and other similar operations.
- Court Proceedings – Civil and criminal hearings and trials, including court-annexed processes or proceedings.
- Interpreter – An individual who has received training in the skills of interpretation and can competently render a message spoken from one language into one or more other languages.
- Limited English Proficient (LEP) – Individuals for whom English is not the primary language or who may have a limited ability to read, write, speak, or understand English, are limited English proficient, or “LEP.”³
- Language Access Plan (LAP) – The plan is a management document that outlines how the court defines tasks, sets deadlines and priorities, assigns responsibility, and allocates the resources necessary to come into or maintain compliance with language access requirements.
- Language Access Policies – Policies that set forth standards, operating principles, and guidelines that govern the delivery of language appropriate services in court proceedings and operations by the court and court staff.
- Language Access Procedures – Procedures that specify for court staff the steps to follow to provide language assistance services, gather data, and deliver services to LEP individuals.
- Language Assistance Services – Oral communication by competent bilingual staff or assisted by an authorized interpreter and written communication assisted by translation.
- Provide/Provided/Providing an Interpreter – Means appointing an interpreter free of charge to an LEP individual.
- Sight Translation – The reading of text written in one language by a competent interpreter who orally translates it into another language.
- Translator – An individual who has received training in the skills of translation and can competently render written text from one language into one or more other languages.
- Vital Documents – A document will be considered vital and need to be translated if it contains information critical for obtaining access to court or it is required by law. Some examples of vital documents that courts may need to translate to ensure that LEP individuals are provided meaningful access can include applications, court forms, consent or complaint forms, notices of rights, and letters or notices that require a response.

³ This tool is not intended to cover considerations regarding individuals with sensory impairments, such as visual or hearing; those considerations can be addressed by the DOJ Civil Rights Division, Disability Rights Section, available at <http://www.justice.gov/crt/about/drs>.

What is a Language Access Plan?

A Language Access Plan (LAP) is a management document that outlines how the court defines tasks, sets deadlines and priorities, assigns responsibility, and allocates the resources necessary to come into or maintain compliance with language access requirements. Implementing the LAP will help to provide equal access to court proceedings and operations, improve the accuracy of communications, enhance the integrity of evidence and decision making, promote efficiency in operations, and comply with Title VI and its implementing regulations.

For courts, the LAP identifies, prioritizes, coordinates and sets timeframes and responsibility for actions that are helpful to ensure that comprehensive, timely, effective, and free language assistance services are provided in court proceedings and operations. The plan should be grounded in an assessment of existing policy, practices, and capacity; it should also reflect consideration of the roles to be played by court leadership and various stakeholders. The scope of the plan will vary according to the system the court uses to deliver comprehensive, high quality, and timely language assistance services. The LAP should also seek to obtain and address stakeholder feedback. A court system that is currently delivering comprehensive language access services well, for example, might appropriately focus on monitoring performance, increasing efficiencies, and adjusting as needs change. Policy and procedures need not be set out in an LAP. Some courts prefer to include them in the LAP.

Court: _____


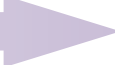



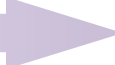



Name, phone no., and email address of person completing this form: _____

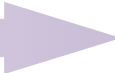
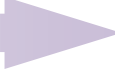



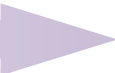
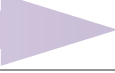
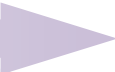
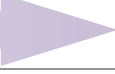
Please email response to ola@lasc.org

Plan Elements

A. Existing Services and Ongoing Need for Language Assistance Services

A court benefits from conducting an assessment of its existing language access policies and the extent to which such policies are being followed and implemented. This assessment should provide some sense of the work needed to provide comprehensive language access and better inform the planning process. In addition, ongoing assessment helps to measure current and future needs and to monitor progress.

Consideration	Response
1. Does your court provide interpreters in all court proceedings with LEP parties?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
2. For what proceedings are court interpreters provided?	<input type="checkbox"/> Criminal only <input type="checkbox"/> Civil only <input type="checkbox"/> Some criminal: _____ <input type="checkbox"/> Some civil (please specify): _____ <input type="checkbox"/> Not Applicable
3. Does your court provide interpreters in court proceedings with LEP witnesses?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
4. Are LEP victims provided interpreters throughout court proceedings?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
5. Are LEP parents or guardians of minors provided interpreters throughout court proceedings?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
6. Do the interpreters used by your court have their skills assessed periodically for quality?	_____ % (Percentage)
7. When interpreters are provided, does your court provide the interpreter without assessing costs to either party?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
8. Does your court provide translated materials at no charge to LEP individuals in all court operations?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
9. Does your court provide interpreters at no charge to LEP individuals in all court operations?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
10. Does your court provide notice of its language access policy to a) court staff, b) parties, and c) the public?	<input type="checkbox"/> a) Yes <input type="checkbox"/> a) No <input type="checkbox"/> b) Yes <input type="checkbox"/> b) No <input type="checkbox"/> c) Yes <input type="checkbox"/> c) No
11. Does your court gather case language data by a) requiring filing parties to provide available information on language needs of parties and witnesses with the initial filing, and b) requiring court staff to record language data of which they are aware?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
12. If you responded "Not Started" to Consideration 11 (a) or (b), what processes are in place to track an LEP individual's need for language assistance services?	<input type="checkbox"/> Record primary language information upon first contact <input type="checkbox"/> Other process(es): _____ _____ _____

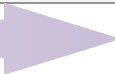
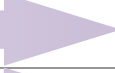

Consideration	Response
13. Does your court assign interpreters to court proceedings without requiring a motion or relying on a day-of request from the LEP person or their representative?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
14. Does your court provide language assistance services in court operations without relying on a day-of request from the LEP person or their representative?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
15. Does your court have systems in place to: a) monitor the performance of staff that provides language assistance services, b) monitor the performance of interpreters, and c) respond to complaints against staff or interpreters?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed c) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
16. Does your court have a process to collect data on: a) the number of LEP individuals you serve, by language? b) the number of LEP individuals in your service area, by language spoken?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
17. How often does your court assess the language data for the languages spoken by LEP communities in your service area? (Select all that apply)	<input type="checkbox"/> Annually <input type="checkbox"/> Biennially <input type="checkbox"/> No data is collected <input type="checkbox"/> Not Sure <input type="checkbox"/> Other: (please specify): _____
18. What data sources does your court use to identify the LEP communities in your service area? (Select all that apply)	<input type="checkbox"/> US Census/ACS <input type="checkbox"/> US Dept. of Education <input type="checkbox"/> US Dept. of Labor <input type="checkbox"/> State agencies <input type="checkbox"/> County agencies <input type="checkbox"/> Community organizations <input type="checkbox"/> Case management system <input type="checkbox"/> Interpreter scheduling system <input type="checkbox"/> Stakeholders <input type="checkbox"/> Justice system information <input type="checkbox"/> Other: (please specify): _____
19. Has your court reviewed the language access recommendations and resources of the a) American Bar Association, and b) National Center on State Courts?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
20. What else might your court need in order to assess current needs and plan and project for future language assistance service needs?	

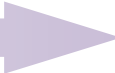
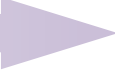





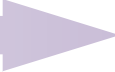


Section A Planning Steps:

- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

B. Court Rule

These considerations focus on the statutes, court rules, orders, directives, or other means by which your court or court systems sets policy on language access. While some of these considerations reflect the global issues listed in Part A, the focus here is on whether there is a consistent and published rule, order, directive or other policy providing notice to judges, clerks, court staff, attorneys, advocates, interpreters, LEP individuals, and the public regarding the obligation and right to language assistance services.

Consideration	Response
1. Does your court have a rule (or equivalent) that addresses foreign language interpreters?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
2. Does the rule require the court to provide competent language assistance services?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
3. Does the rule require the court to provide language assistance services free of charge?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
4. Does the rule authorize judges to assess the cost of language assistance services to the losing party in the case or proceeding?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Does your court rule addressing language assistance services apply to court proceedings?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Does your court rule addressing language assistance services apply to court operations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Does your court rule require the use of credentialed or certified interpreters a) in court proceedings, and b) for court operations?	<input type="checkbox"/> a) Yes <input type="checkbox"/> a) No <input type="checkbox"/> b) Yes <input type="checkbox"/> b) No
8. Does your court rule prohibit: a) the use of family, friends, or other informal and untrained individuals from serving as an interpreter in court proceedings?; b) the use of family, friends, or other informal and untrained individual from serving as an interpreter for court operations for other than brief and simple communications?; c) bilingual court staff from serving as an interpreter for a court proceeding unless credentialed?; and d) an attorney or law firm staff from serving as the court interpreter in a proceeding where their client is a party?	<input type="checkbox"/> a) Yes <input type="checkbox"/> a) No <input type="checkbox"/> b) Yes <input type="checkbox"/> b) No <input type="checkbox"/> c) Yes <input type="checkbox"/> c) No <input type="checkbox"/> d) Yes <input type="checkbox"/> d) No
9. Does your court rule require that in-person interpreters be sought first before considering other forms of interpretation (e.g., telephonic or video conferencing)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Are there court proceedings, operations, or individuals that are not covered by your current court rule?	<input type="checkbox"/> Yes <input type="checkbox"/> No




Consideration	Response
11. If you responded “Yes” to Consideration 10, explain the processes in place to address the language assistance service needs in the exempted areas.	
12. Can your court rule regarding language assistance services be enforced as a matter of law?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
13. a) Does your court have a written complaint protocol specific to the provision of language assistance services? b) Is the complaint process described by the protocol accessible to LEP individuals? c) Is the complaint protocol made available to the public (e.g., written notice, website)? d) Will the court process complaints alleging the court did not provide appropriate language assistance services?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed c) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed d) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
14. Which staff members receive training on your court’s language access rule and related policies and procedures? (Select all that apply)	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Management or senior staff <input type="checkbox"/> Court staff who interact with or are responsible for interactions with LEP individuals <input type="checkbox"/> Judicial officers </div> <div style="width: 50%;"> <input type="checkbox"/> Bilingual Staff <input type="checkbox"/> New employees <input type="checkbox"/> All employees <input type="checkbox"/> Volunteers <input type="checkbox"/> Other: (please specify): _____ <input type="checkbox"/> None of the above </div> </div>
15. Are judges notified of: a) your court rule, b) the legal requirements governing the provision of language assistance services, and c) the consequences for failing to provide such services?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed c) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
16. Is the provision of language assistance services addressed in mandatory judicial training?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
17. Did your court create bench cards for judges explaining the requirements of your court rule?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
18. What barriers or opportunities might be addressed so that your court can improve or expand upon its rule (or equivalent)?	

Section B Planning Steps:

- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

C. Implementation of the Language Access Plan

These considerations focus on clarifying the duties and responsibilities of court officials, staff, community stakeholders and others, to devise and implement the Language Access Plan (LAP).

Consideration	Response
1. Has your court designated staff with the responsibility to execute the LAP?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
2. Has your court made sufficient resources available to execute the LAP?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
3. Does the staff designated to implement the LAP have the skills needed to implement it?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
4. For which individuals has your court identified implementation and leadership responsibilities, authorities, and roles with regard to the development and implementation of the LAP? (Select all that apply)	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Chief Justice <input type="checkbox"/> Supreme Court <input type="checkbox"/> AOC Director <input type="checkbox"/> Interpreter Manager <input type="checkbox"/> Chief judges <input type="checkbox"/> Court clerks <input type="checkbox"/> Language Access Compliance Officer <input type="checkbox"/> Human resources <input type="checkbox"/> Purchasing <input type="checkbox"/> Grant managers </div> <div style="width: 50%;"> <input type="checkbox"/> Fiscal managers <input type="checkbox"/> Information technology <input type="checkbox"/> Prosecutors and Defenders <input type="checkbox"/> Stakeholders committee <input type="checkbox"/> Expert <input type="checkbox"/> Other: (please specify): _____ <input type="checkbox"/> None of the above </div> </div>
5. To the extent that external collaboration or assistance (support, technical assistance, financial or other resources/resource-sharing, monitoring, strategy, etc.) is needed to provide comprehensive language assistance services, what sources of help have been identified in the LAP? (Select all that apply)	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Bar association <input type="checkbox"/> Legislature <input type="checkbox"/> State administering agency <input type="checkbox"/> State agencies <input type="checkbox"/> NCSC/COSCA/CCJ <input type="checkbox"/> DOJ </div> <div style="width: 50%;"> <input type="checkbox"/> Grant providers <input type="checkbox"/> Interpreter or translator associations <input type="checkbox"/> Law enforcement <input type="checkbox"/> Advocates <input type="checkbox"/> Other: (please specify): _____ </div> </div>
6. What steps can your court take to ensure the clarity of roles and responsibilities, input from stakeholders, and the use of external resources when developing and implementing the LAP?	

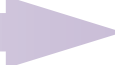




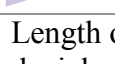
Section C Planning Steps:


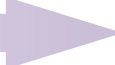
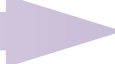

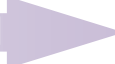
- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

D. Quality Control of Language Assistance Services

The considerations below focus on the quality and competency of court interpreters and translators who provide language assistance services.

Consideration	Response
1. Does your court system have a credentialing system in place for: a) staff interpreters, b) contract interpreters, c) remote interpreters (telephone and video), d) translators, and e) bilingual staff (for court operations)?	<div> <div>a)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress <input type="checkbox"/> Completed </div> </div> <div> <div>b)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress <input type="checkbox"/> Completed </div> </div> <div> <div>c)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress <input type="checkbox"/> Completed </div> </div> <div> <div>d)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress <input type="checkbox"/> Completed </div> </div> <div> <div>e)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress <input type="checkbox"/> Completed </div> </div>
2. Does your system for ensuring the provision of competent interpreters and bilingual staff include: (Select all that apply)	<div> <input type="checkbox"/> Tiered credentialing <input type="checkbox"/> Voir dire to assess the competency of interpreters who are not certified and/or qualified </div> <div> <input type="checkbox"/> Testing standards for languages that have oral exams and those that do not have oral exams <input type="checkbox"/> Qualification standards for bilingual staff </div> <div> <input type="checkbox"/> Qualification standards for interpreters who have not taken part in the credentialing process <input type="checkbox"/> Provisions in contracts with interpreter service providers that specify minimum interpreter qualifications </div> <div> <input type="checkbox"/> Qualification standards for remote interpreters <input type="checkbox"/> A roster of approved interpreters </div> <div> <input type="checkbox"/> Recertification and continuing education <input type="checkbox"/> Other: (please specify): _____ </div> <div> <input type="checkbox"/> Ethics and professional requirements </div>

Consideration	Response
3. Does your system for ensuring the provision of ensuring competent translators include: (Select all that apply)	<div> <input type="checkbox"/> Tiered credentialing <input type="checkbox"/> Qualification standards for bilingual staff </div> <div> <input type="checkbox"/> Qualification standards for translators <input type="checkbox"/> Provisions in contracts with translator service providers that specify minimum translator qualifications </div> <div> <input type="checkbox"/> Recertification and continuing education <input type="checkbox"/> A roster of approved translators </div> <div> <input type="checkbox"/> A review process for translations by a second translator <input type="checkbox"/> Other: (please specify): _____ </div> <div> <input type="checkbox"/> Ethics and professional requirements </div>
4. Does your court work with any of the following organizations or entities to ensure the quality assessment of interpreters or translators? (Select all that apply)	<div> <input type="checkbox"/> National Center for State Courts (NCSC) <input type="checkbox"/> American Translators Association (ATA) </div> <div> <input type="checkbox"/> National Association of Judiciary Interpreters and Translators (NAJIT) <input type="checkbox"/> American Bar Association (ABA) </div> <div> <input type="checkbox"/> Other Court Systems <input type="checkbox"/> Other: (please specify): _____ </div>
5. Does your court have data systems in place that: a) record language assistance service needs? b) note the timeliness of the language assistance service? c) note if interpretation services were delivered successfully? d) document if translation services were delivered successfully? e) collect data on the cost of language assistance services?, and f) provide a) through e) above all broken down by type of language assistance service and language or dialect?	<div>a)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div> <div>b)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div> <div>c)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div> <div>d)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div> <div>e)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div> <div>f)</div> <div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div>
6. Can your court data system create a usable report that includes the following information about the language assistance services that were provided in a court proceeding or operation? (Select all that apply)	<div> <input type="checkbox"/> Type of court or court operation <input type="checkbox"/> Length of delay or denial or services and the reason for each delay or denial </div> <div> <input type="checkbox"/> Location where it was provided <input type="checkbox"/> Interpreter type and qualifications </div> <div> <input type="checkbox"/> Type of case or proceeding <input type="checkbox"/> Translator type and qualifications </div> <div> <input type="checkbox"/> Data on language groups encountered <input type="checkbox"/> Other: (please specify): _____ </div> <div> <input type="checkbox"/> Cost of services provided </div>


Consideration	Response
7. Does your court record the audio or video of a proceeding that has an interpreter?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
8. If you responded "In Progress" or "Completed" to Consideration 7, how does your court use the recording? a) it becomes part of the court record b) to assess the quality of the interpretation c) other (please describe)	<div> <input type="checkbox"/> a) Yes <input type="checkbox"/> a) No </div> <div> <input type="checkbox"/> b) Yes <input type="checkbox"/> b) No </div> <div> <input type="checkbox"/> c) _____ </div>
9. Does your court have a system in place to monitor the quality of the interpreter services that are provided in a) court proceedings, and b) court operations?	<div> a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div> <div> b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div>
10. Does your court have a disciplinary system in place for credentialed language assistance service providers?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
11. Is there a complaint system in place for LEP individuals and others to raise concerns regarding the quality or conduct of language assistance service providers?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
12. What else might your court need to ensure quality control and assessment of interpretation and translation services?	

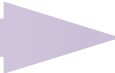
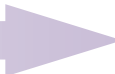








Section D Planning Steps:

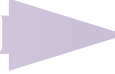
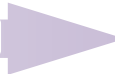
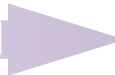
- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

E. Assigning Interpreters

These considerations focus on assigning and notifying your court staff and parties in interest that interpreters will be provided for a case or proceeding. Ideally, a language management system, either a case management system that tracks language assistance services, or a separate system that is used to track language assistance services, will maximize the extent to which information is gathered by the court and minimize reliance on requests from LEP individuals or their representatives.

Consideration	Response
1. Does your case management system require court staff to identify the need for language assistance services every time an individual files a case?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed

Consideration	Response
2. If you responded “Not Started” to Consideration 1, what system is in place for staff to identify an individual’s need for language assistance services? (Select all that apply)	<input type="checkbox"/> Notation or mark on paper case file <input type="checkbox"/> No identification system in place <input type="checkbox"/> Language need is noted on docket <input type="checkbox"/> Other: (please specify):_____
3. Does your case management system permit court staff to indicate that an interpreter is needed for a specific case or proceeding?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
4. Is the case management system able to take into account language needs when scheduling cases in order to maximize court and interpreter productivity?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
5. If you responded “Not Started” to Consideration 4, what processes outside of a case management system are in place to schedule cases taking into account language needs in order to maximize court and interpreter productivity? (Select all that apply)	<input type="checkbox"/> Written note on case listing <input type="checkbox"/> No identification system in place <input type="checkbox"/> Not sure <input type="checkbox"/> Staff in court room are told about language needs <input type="checkbox"/> Other: (please specify):_____
6. Does your court have an interpreter scheduling or assignment system in place that will: (Select all that apply)	<input type="checkbox"/> Identify and assign qualified interpreter services when a certified interpreter is not available <input type="checkbox"/> Allow court staff to assign qualified remote interpreters <input type="checkbox"/> Other: (please specify):_____ <input type="checkbox"/> None of the above
7. Does your court have any automated systems in place that notify a) court staff, and b) parties before the date of the case or proceeding that an interpreter will be provided?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
8. Does your court have any automated systems in place that notify a) court staff and b) parties when an interpreter will be unavailable?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
9. Does your court work with the following entities to help identify cases that may require language assistance services? (Select all that apply)	<input type="checkbox"/> Law Enforcement <input type="checkbox"/> Prosecutors <input type="checkbox"/> Public defenders <input type="checkbox"/> Social service agencies <input type="checkbox"/> Domestic violence assistance programs <input type="checkbox"/> Jails <input type="checkbox"/> Legal Aid/Legal Services <input type="checkbox"/> Community groups <input type="checkbox"/> Other: (please specify):_____ <input type="checkbox"/> None of the above
10. Does your court have a protocol in place for the assignment of: a) staff interpreters, b) in-person interpreter contractors, c) video conferencing options, and d) telephonic interpreter options?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed c) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed d) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed




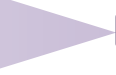
Consideration	Response
11. Has your court studied the costs and benefits of using in-house telephone interpreting by certified and qualified interpreters when it is not feasible to have an in-person interpreter?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
12. Has your court studied the costs and benefits of video remote interpreting systems to use when it is not feasible to have an in-person interpreter?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
13. Has your court studied the costs and benefits of using regional or national remote interpreting systems for less frequently encountered languages?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
14. What else might your court need in order to ensure efficient and effective notice and assignment practices that will cut down on delays, improve access, create greater efficiencies, and ensure quality?	












Section E Planning Steps:

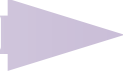
- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

F. Translated Materials

The following considerations focus on the provision of translated materials.

Consideration	Response
1. Does your court identify vital documents in the non-English languages of the LEP communities in your service area?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
2. Does your court translate vital documents in the non-English languages of the LEP communities in your service area?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
3. Which vital written documents (or parts thereof) has your court translated into non-English languages? (Select all that apply)	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Consent forms <input type="checkbox"/> Complaint forms <input type="checkbox"/> Pro se materials <input type="checkbox"/> Notices of rights <input type="checkbox"/> Summonses <input type="checkbox"/> Subpoenas <input type="checkbox"/> None are translated </div> <div style="width: 50%;"> <input type="checkbox"/> Case filing forms <input type="checkbox"/> Notices of language service availability <input type="checkbox"/> Orders: (please specify): _____ <input type="checkbox"/> Other: (please specify): _____ </div> </div>
4. Are all documents identified in response to Consideration 3 translated into: a) Spanish, and b) non-Spanish languages?	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div> <div> b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div> </div>

Consideration	Response
5. Has your court developed a glossary of legal terms (or used a glossary developed by others) in: a) Spanish, and b) non-Spanish languages?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
6. Has your court staff walked through the courthouses imagining that they are an LEP pro se party/witness/victim and thought about what translated signs, notices, document and materials might help ensure greater access?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
7. Does your court provide translated signs or posters announcing the availability of free language assistance services?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
8. If you responded "Not Started" or "In Progress" to Consideration 7, what steps has the court taken to assess the signage and translated document needs of LEP individuals? (Select all that apply)	<input type="checkbox"/> Requested feedback from LEP community groups <input type="checkbox"/> Surveyed LEP individuals <input type="checkbox"/> Other: (please specify): _____
9. a) When your court updates information on its website, does it also add the same content in non-English languages? b) Is there a process for determining which materials should be translated on the website? c) Is there a process for determining the non-English language that materials should be translated into on the website?	a) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed b) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed c) <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
10. Does your court only use automatic translation services or software to translate the text of its website into non-English languages?	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Before translated materials are released, do you have them checked for quality?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
12. Does your court ensure that the meaning and literacy level of the text in English is preserved in the translated non-English text?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
13. Does your court use credentialed translators instead of bilingual staff who are not credentialed translators to translate written documents and website content?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
14. When your court requests a document for translation, is an electronic version of the translated document stored for later use?	<input type="checkbox"/> Yes <input type="checkbox"/> No
15. Does your court share documents it has already translated with other courts?	<input type="checkbox"/> Yes <input type="checkbox"/> No
16. Does your court provide sight translations of written materials for LEP individuals?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed

Consideration	Response
17. Does your court have policies or procedures that explain when an interpreter can provide a sight translation of a document?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
18. If you responded "In Progress" or "Completed" to Consideration 17, is the interpreter required to swear or certify on the record that they have accurately sight translated the document?	<input type="checkbox"/> Yes <input type="checkbox"/> No
19. Is data about the LEP communities in the service area of your court reviewed periodically to determine if vital documents and materials should be translated into additional non-English languages?	<input type="checkbox"/> Yes <input type="checkbox"/> No
20. What else might your court consider to ensure that translations are available and accurate?	

Section F Planning Steps:

- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

G. Notice of Language Assistance Services

These considerations focus on (1) internal training and notice and (2) external notice of language assistance services to the LEP communities in your service area.

Consideration	Response
1. Indicate the manner in which your court and court staff inform the public, parties, and attorneys about the language assistance services you provide: (Select all that apply)	<div> <input type="checkbox"/> Notices on court documents <input type="checkbox"/> Electronically (e.g., email or website) </div> <div> <input type="checkbox"/> In-person by staff <input type="checkbox"/> Outreach efforts </div> <div> <input type="checkbox"/> Announcements at the beginning of court sessions <input type="checkbox"/> Media (e.g., radio, print, television) </div> <div> <input type="checkbox"/> Signage <input type="checkbox"/> Other: (please specify): _____ </div>
2. Indicate the manner in which your court and court staff inform the public, parties, and attorneys about the process to request language assistance services: (Select all that apply)	<div> <input type="checkbox"/> Notices on court documents <input type="checkbox"/> Electronically (e.g., email or website) </div> <div> <input type="checkbox"/> In-person by staff <input type="checkbox"/> Outreach efforts </div> <div> <input type="checkbox"/> Announcements at the beginning of court sessions <input type="checkbox"/> Media (e.g., radio, print, television) </div> <div> <input type="checkbox"/> Signage <input type="checkbox"/> Other: (please specify): _____ </div>

Consideration	Response
3. Indicate the manner in which your court and court staff inform the public, parties, and attorneys about how to file a complaint regarding the lack of language assistance services or inaccurate interpretations or translations: (Select all that apply)	<input type="checkbox"/> Notices on court documents <input type="checkbox"/> In-person by staff <input type="checkbox"/> Announcements at the beginning of court sessions <input type="checkbox"/> Signage <input type="checkbox"/> Electronically (e.g., email or website) <input type="checkbox"/> Outreach efforts <input type="checkbox"/> Media (e.g., radio, print, television) <input type="checkbox"/> Other: (please specify): _____
4. Indicate the methods your court and court staff use to provide LEP communities notice about the availability of language assistance services: (Select all that apply)	<input type="checkbox"/> Outreach activities <input type="checkbox"/> Non-English media (radio, print, television, internet) <input type="checkbox"/> Working with LEP community groups <input type="checkbox"/> Other: (please specify): _____
5. What else does your court need to consider to ensure that it provides appropriate notice of language assistance services?	

Section G Planning Steps:

- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

H. Outreach and Collaboration with LEP Communities and Stakeholders

These considerations focus on the participation of stakeholders and partners in the development and assessment/monitoring of language access policies and procedures.

Consideration	Response
1. Does your court inform community groups about the availability of free language assistance services for LEP individuals?	<div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress <input type="checkbox"/> Completed </div>

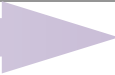

Consideration	Response
2. In the process of developing or assessing the LAP and language access policies and procedures, has your court included or sought the participation of the following individuals and organizations? (Select all that apply)	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> LEP individuals <input type="checkbox"/> Community groups that work with LEP communities <input type="checkbox"/> Private attorneys <input type="checkbox"/> Criminal defense bar <input type="checkbox"/> Court staff <input type="checkbox"/> Legal Aid/Legal Services <input type="checkbox"/> Legal programs that work with immigrant communities and other public interest attorneys <input type="checkbox"/> Consultants/Expert <input type="checkbox"/> State and local bar associations </div> <div style="width: 50%;"> <input type="checkbox"/> Ethnic bar groups <input type="checkbox"/> Court interpreters and interpreters' professional associations <input type="checkbox"/> NCSC/COSCA/CCJ <input type="checkbox"/> DOJ <input type="checkbox"/> State Access to Justice Commission <input type="checkbox"/> Law schools and law school clinics <input type="checkbox"/> American Bar Association <input type="checkbox"/> State Administering Agencies for Federal Grants <input type="checkbox"/> Other: (please specify): _____ </div> </div>
3. Does your court invite stakeholders to provide feedback on how the language access plan, policies and procedures are working or whether any challenges arose in implementation?	<div style="display: flex; align-items: center; gap: 10px;"> <input type="checkbox"/> Not Started <div style="width: 100px; height: 10px; background: linear-gradient(to right, #ccc, #ccc);"></div> <input type="checkbox"/> In Progress <div style="width: 100px; height: 10px; background: linear-gradient(to right, #ccc, #ccc);"></div> <div style="width: 50px; height: 10px; background: linear-gradient(to right, #ccc, #ccc);"></div> <input type="checkbox"/> Completed </div>
4. Does your court conduct outreach in English media regarding the availability of language assistance services? (Select all that apply)	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Television <input type="checkbox"/> Radio <input type="checkbox"/> Newspaper <input type="checkbox"/> Other: (please specify): _____ </div> <div style="width: 50%;"> <input type="checkbox"/> Online videos <input type="checkbox"/> Websites <input type="checkbox"/> Social media <input type="checkbox"/> None of the above </div> </div>
5. Does your court conduct outreach to non-English media regarding the availability of language assistance services? (Select all that apply)	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Television <input type="checkbox"/> Radio <input type="checkbox"/> Newspaper <input type="checkbox"/> Other: (please specify): _____ </div> <div style="width: 50%;"> <input type="checkbox"/> Online videos <input type="checkbox"/> Websites <input type="checkbox"/> Social media <input type="checkbox"/> None of the above </div> </div>
6. In what non-English language(s) is the outreach in Consideration 5 conducted?	
7. What else might your court consider to ensure that stakeholders are brought into the process of identifying needs and resources and assessing implementation of court language access policies and procedures?	

Section H Planning Steps:

- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

I. Monitoring, Updating, and Enforcing Compliance

The following considerations focus on monitoring and updating language access policies, plans, and procedures.

Consideration	Response
1. How often are your court's language access policies reviewed and updated?	<input type="checkbox"/> Annually <input type="checkbox"/> Not Sure <input type="checkbox"/> Biennially <input type="checkbox"/> Other: _____
2. Does your court have a language access coordinator or an equivalent?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Does your court have a system for collecting data on LEP court user satisfaction?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
4. Is there an individual responsible for walking through the public areas of your courthouse to ensure that signs are posted in frequently encountered non-English languages?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is there an individual responsible for observing and evaluating the use of interpreters in court proceedings?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Is there an individual responsible for observing and evaluating the use of interpreters in court operations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Does your court monitor the complaint system for evidence of language access-related problems to address?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
8. If you responded "In Progress" or "Completed" to Consideration 7, how often do you monitor your complaint system?	<input type="checkbox"/> Annually <input type="checkbox"/> Not Sure <input type="checkbox"/> Biennially <input type="checkbox"/> Other (specify): _____
9. What else might assist your court in ensuring that language access plans, policies, and procedures are meeting the needs of the courts and LEP individuals in an efficient and effective manner?	

Section I Planning Steps:

- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

J. Language Access Plan Review

Once a plan is drafted, it should be reviewed with several considerations in mind, and receive input from internal and external stakeholders.

Consideration	Response
1. Does your language access plan refer to legal and policy authorities?	<input type="checkbox"/> Yes <input type="checkbox"/> No

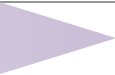
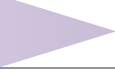
Consideration	Response
2. Is your language access plan sufficiently detailed to implement the legal and policy authorities it references?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Are tasks in the language access plan prioritized appropriately?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Are deadlines set forth in the language access plan for each task?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Are the deadlines set forth in the language access plan for each task reasonable?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Are deadlines in the language access plan in the proper or most logical sequence?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Does the language access plan provide for future adjustments?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Does the language access plan provide for ongoing internal and external review?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. What other considerations might your court want to review in developing, assessing, and implementing your language access plan?	

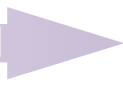
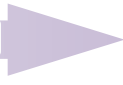
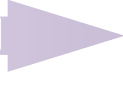
Section J Planning Steps:

- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

K. Assessing Resources

The following considerations focus on the resources your court uses to provide language assistance services, how it assesses these resources, and how it identifies other resources.

Consideration	Response
1. Does your court have a line item in its budget for language assistance services for LEP individuals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Do you account for language assistance services when developing your court budget?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
3. Does your court have a system to assess the actual cost of language assistance services?	<input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed
4. If you responded "In Progress" or "Completed" to Consideration 3, how often does your court assess this cost information? (Select all that apply)	<input type="checkbox"/> Every six months <input type="checkbox"/> Not Sure <input type="checkbox"/> Annually <input type="checkbox"/> Other: (please specify): _____ <input type="checkbox"/> Biennially

Consideration	Response
5. If you answered “In Progress” or “Completed” to Consideration 3, does your assessment of language assistance services costs include: (Select all that apply)	<div> <input type="checkbox"/> Loss of federal financial assistance for noncompliance with civil rights requirements <input type="checkbox"/> Administrative cost of collecting fees from parties required to pay for language assistance services </div> <div> <input type="checkbox"/> Cost of a federal investigation or enforcement action <input type="checkbox"/> Burdens on court when interpreters are not provided (e.g., case scheduling delays, parties required to return to court) </div>
6. What other entities has your court worked with to assess the cost of the language assistance services that it provides? (Select all that apply)	<div> <input type="checkbox"/> Community groups that work with LEP communities <input type="checkbox"/> Court interpreter or translator professional associations </div> <div> <input type="checkbox"/> Legal Aid/Legal Services <input type="checkbox"/> NCSC/COSCA/CCJ </div> <div> <input type="checkbox"/> Consultants/Expert <input type="checkbox"/> State Administering Agencies for Federal Grants </div> <div> <input type="checkbox"/> State and local bar associations <input type="checkbox"/> Other: (please specify): _____ </div> <div> <input type="checkbox"/> State or local agencies </div> <div> <input type="checkbox"/> DOJ </div>
7. Are the revenues generated by court fees available to pay for language assistance services?	<div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>
8. If you responded “No” to Consideration 7, how does your court pay for language assistance service costs? (Select all that apply)	<div> <input type="checkbox"/> Charging LEP individuals or parties <input type="checkbox"/> State funding </div> <div> <input type="checkbox"/> Fund or account in the court budget <input type="checkbox"/> Local government </div> <div> <input type="checkbox"/> Federal financial assistance <input type="checkbox"/> Not Sure </div> <div> <input type="checkbox"/> Other: (please specify): _____ </div>
9. If your response to Consideration 8 included “Charging LEP individuals or parties” is there any discussion of changing this practice?”	<div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div>
10. Has your court requested funding for language assistance services from your state legislature?	<div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div>
11. When applying for grants and other financial assistance, does your court include language assistance services in the proposed budget?	<div> <input type="checkbox"/> Not Started <input type="checkbox"/> In Progress  <input type="checkbox"/> Completed </div>
12. Has your court received federal financial assistance from a federal agency that includes funding for language assistance services?	<div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>
13. What reasons, if any, have prevented your court from expanding the language assistance services that it provides?	

Consideration	Response
14. What else might help your court assess the costs and the resources that will be needed to provide meaningful language assistance services?	

Section K Planning Steps:

- Based on the responses above, what action items will you develop?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will you identify measures of progress?

Department of Justice Language Access Resources for Courts

- DOJ Guidance and Information, Enforcement and Investigation Materials, and Language Access Resources are available at <http://www.lep.gov/resources/resources.html#SC>
- Additional resources can be found at <http://www.lep.gov/>

U.S. Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section, NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
<http://www.usdoj.gov/crt/fcs>
lep@usdoj.gov

Appendix C

Language Access Plan Template Office of Language Access (OLA)

Important: Failure to complete the steps below and/or to provide language assistance services to limited English proficient (LEP) individuals may result in the loss of federal funds for your jurisdiction.

- In accordance with federal law and the Order of _____, 2020 of the Supreme Court, courts must complete a Language Access Plan using the elements below.
- If you are located in a *Type 1 Court* in Orleans, Jefferson, East Baton Rouge, St. Tammany, or Lafayette Parishes, you must complete all elements (A through L).
- If you are located in a *Type 2 Court* in Lafourche, Caddo, Calcasieu, Bossier, and Terrebonne Parishes, you must complete elements A through D and elements J and L, below.
- If you are located in any other parish (a *Type 3 Court*), you must complete elements A and B only.
- All courts must comply with state and federal law regarding language assistance services at all times including but not limited to providing a court interpreter at no cost to LEP individuals. Each one of the elements, below, represents language assistance services or procedures that you may be required to provide under federal law.
- Louisiana courts are housed in buildings that are usually not owned by the court and are governed by a cooperative arrangement provided for by law. If your court's local governmental unit (parish/city) or any official refuses to cooperate, please contact the OLA or state Judicial Administrator.
- As a final step, all courts (Type 1, 2, and 3) must complete the Implementation Order ([Appendix 1](#)) and submit their Language Access Plan and Order to the OLA no later than _____.
- For questions, please contact the OLA at ola@lasc.org.

Louisiana Language Access Plan

<Effective Date>

Name of Court

Parish, State of Louisiana

Language Access Plan

A. Language Access Coordinator

This court's Language Access Coordinator is _____. The contact information <include email, phone number, and address>.

Instructions: *See Phase 1, Section 1(a) and (b) of the statewide Language Access Plan.* Each court is required to have a Language Access Coordinator. Current contact information including an email, phone number, and address must be reported to the Office of Language Access (OLA). The Language Access Coordinator may be an existing court employee. The availability and accessibility of your Language Access Coordinator is paramount. He or she is responsible for providing language assistance services, including a court interpreter, to a LEP individual. Training tools are available through the OLA.¹

B. Compliance with Statewide Language Access Plan

The Language Access Coordinator has posted the Language Assistance Services (LAS) sign(s) in the following publicly accessible place(s) located <state where your signs are located>.

The Language Access Coordinator has placed the Language Assistance Services brochures in the following publicly accessible place(s) :<state where your brochures are available.>

Instructions: *See Phase 1, Section 1(a) and (b) of the statewide Language Access Plan.* You are required to post the LAS sign and brochures in publically accessible places. The signs and brochures are available from the OLA and on the Supreme Court's [website](#). You are encouraged to do this in several places including but not limited to the clerk of court's office. The sign and the brochures must have the

¹ In addition, fundamental training is available through the state of New Mexico. Click [here](#) for easy to use and accessible training modules.

current contact information for your Language Access Coordinator. The OLA will perform audits on courts to ensure compliance with this element.

C. Identify commonly encountered non-English languages

Based on the most recent Census data and other data collection methods including the court's case management system, this court's commonly encountered non-English languages are identified as: <list commonly encountered non-English languages>.

Instructions: You must identify the non-English languages that are used in your court and parish. You may find your census data using the following [link](#) or you may contact the OLA. Each court should list at least three non-English languages. Most jurisdictions' commonly encountered non-English languages include Spanish, Vietnamese, and Chinese but may also include French and Arabic. If you use data other than Census data, please attach the data and the reasons why it is supplementing or differs from the Census data. For instance, if you have a Case Management System that shows that French is more used in your jurisdiction than Vietnamese, please how you've reached that conclusion.

D. Translated Documents

This court has translated the following documents and electronic communications into this court's commonly encountered non-English languages: <list translated documents>.

Instructions:

1. Type 1 Courts:

Please identify the documents and electronic communications your court that can be considered vital documents in accordance with the Language Access Plan. A "vital document" contains information critical for obtaining access to court or if it is required by law. Examples include applications, court forms, complaint forms, notices of rights, and letters or notices that require a response. Explain your plan to have vital documents translated into commonly encountered non-English languages including the translation services/contractor you are using.

2. Type 2 Courts:

Please prepare a general information sheet about the language assistance services offered in your court. This should include, at a minimum, the name of your Language Access Coordinator, his or her contact information, the procedure in which a LEP individual will seek language access services, and general information regarding your court (hours, address, court services available). Explain your plan to have your general information sheet translated including the translation services/contractor you are using.

E. Notice to LEP individuals

This court notifies LEP individuals of language assistance services in the following ways: <list the means by which your court notifies LEP individuals of services>.

Instructions: You should notify LEP individuals that language assistance services (e.g., court interpreters) exist and are accessible in your court. This may include notices on court documents, signage (i.e., the sign listed in Part A, above), electronic notification (e.g., website, email notification), outreach efforts to local community organizations, media (e.g. radio, print, television). It may also include tools that assist the LEP individual in self-identification efforts including [I-Speak cards](#).

F. Identifying LEP individuals

If a LEP individual is involved in a court proceeding or in the court operations (self-help desks, drug courts, payment of fines, etc.), this court identifies the LEP individuals <at what point in the court's proceedings or court operations.>

Instructions: Ideally, a LEP individual should be identified *as early as possible* to maximize the amount of time needed to find a court interpreter for a LEP individual involved in court proceeding. If you are utilizing a case management system, that system should flag whether a person needs an interpreter when a case is filed. Please identify when your court currently identifies a LEP individual. Please also detail what, if any, plans you have to improve your identification of a LEP individual at an earlier stage in the process or any roadblocks you may face. Please include the approximate costs of such an improvement.

G. Language Access Services in Court Proceedings and Operations

Interpreters: The court strives to provide free interpreters to all LEP individuals for all court proceedings (hearings and trials) and court operations (court-

ordered/court-operated events). Interpreters are provided at no cost for all <list all cases and operations your court has jurisdiction over>. <How do you provide these services? In-house interpreters? Remote interpreters? Bilingual staff? Contract with firm?>

Bi-Lingual staff: This court has the following bi-lingual staff members who may assist in providing language assistance services for <list the specific interactions or communications where bilingual staff are permitted to provide language assistance services.> <Identify the training or certification a staff member must complete before they are classified as bi-Lingual and permitted to provide oral or written language assistance services.>
<If you do not have bi –lingual staff members, leave this part out.>

Translated written materials: This court has the following translated written and electronic materials: <List any and all translated materials that you currently provide. Note this may differ from the list of vital documents you are planning to translate in Element D, above.>

Instructions: Please describe the language assistance services provided in your court proceedings and operations.

H. Key points of Contact

Instructions: Contemplate each area of your court where your court may interact with a LEP individual. This may begin at a clerk of court’s office or self-help center or even a security desk at the front door. This may end in the payment of a traffic citation. It may include interaction with a specialty court or diversion program. These programs may be operated by an independently elected official such as a clerk of court or district attorney. All of these contemplated interactions are called “points of contact” with an LEP individual.

Each of these “points of contact” should have a plan to assist the LEP individual understand and participate in court operations and proceedings. Because Louisiana is just now beginning to adopt statewide language assistance services, there may be no immediate plan for language assistance services in a specific point of contact. For instance, if your District Attorney operates a diversion program, there may be no plan for providing language assistance services yet. In order to

diagnose the problem, it's important that courts are transparent even if the current situation is not ideal.

Some courts have found it helpful to produce tables to chart where they are in their key points of contact plan. For an example of a key points of contact chart, click [here](#). For a sample, see [Appendix 2](#).

Please complete a key points of contact chart and contemplate areas where you may interact with LEP individuals. If there are no language assistance services provided at that key point of contact, what is your plan to begin providing those services? Have you approached your district attorney, sheriff, clerk of court, assessor, or other official and notified them of the need to provide language assistance services?

I. Training Plans

This court has adopted the following training plan for court staff and other justice system partners: <detail efforts to train staff and judges>.

Instructions: Consider that your staff and the staff of other elected officials (clerks of court) may interact with LEP individuals on a more frequent basis than judges. Please develop a training plan that includes both court staff and the staff of other justice system partners. This may include sharing information with the clerk of court which can be disseminated to his or her staff. It may also include informing the entire staff of a courthouse (sheriff's deputies, district attorney and public defenders staff) that the state is required to provide language assistance services to provide meaningful access to LEP individuals. At a minimum, this would occur on an annual basis. In addition, the OLA will continue to offer training to court administrators and judges. This will include online training.² Your court may want to mandate online training for staff who are most likely to interact with LEP individuals. Ideally, staff training include the following areas: (1) language access laws, policies and procedures, (2) working with language access service providers, (3) working with LEP court users, and (4) tools and technologies for providing language access.

J. Data Collection

² There are many online training resources currently available. Please contact OLA for details.

On < _____ but no later than January 1st, 2021>, this court <will begin/began> collecting the following data:

1. The number of court interpreters requested by LEP individuals.
2. The number of court interpreters appointed and assigned to assist LEP individuals.
3. The amount of money spent on court interpreters, identified as in-person or telephonic
4. The amount of money spent on any language assistance services (including the production of translated materials, over-the-phone interpreters, etc.)

<Please describe any difficulties you may have had in reporting the data or any data quality issues that may be unique to your court.>

This court will report its findings to the OLA on or before February 1, 2022 for all data points, above, from January 1, 2021 to December 31, 2021.

On January 1, 2022, in addition to the data points described above, working with our clerk of court, sheriff, or any other entity with a key point of contact, this court will begin collecting the following data:

5. The number of LEP individuals encountered in the clerk of court's office and self-help center <if applicable>.

This court will report its findings to the OLA on or before February 1, 2023 for all data points (1-5), above, from January 1, 2022 to December 31, 2022.

K. Monitoring and Updating the LAP

The court regularly monitors its language assistance services, policies and procedures, and all items included in this LEP Plan to assess whether any changes are needed. In addition, the court performs an annual evaluation of its policies and updates this document as appropriate. This court's updated LAP will be submitted to the OLA on <insert date>, 2022.

L. Language Access Complaint Process

This court has taken the following steps to publicize Louisiana's centralized language access complaint process: <describe efforts including publishing information on your website, informational flyers, signs, etc.>

Instructions: Louisiana has a centralized language access complaint process. Complainants may file complaints on the Supreme Court's [website](#). Courts should take appropriate steps to make sure all individuals are aware of and have access to the Supreme Court's complaint process.

Appendix 1:

Louisiana Language Access Plan Implementation Order

ORDER

Name of Court

Parish, State of Louisiana

WHEREAS, the Louisiana Supreme Court signed a Memorandum of Agreement with the United States Department of Justice mandating that all courts phase-in a language access program that provides language assistance services at no cost to limited English proficient (LEP) individuals in all state court proceedings and operations;

WHEREAS, the Louisiana Supreme Court adopted a statewide Language Access Plan that, among other things, required the adoption of a language access plan in each court;

WHEREAS, federal law requires that courts provide language assistance services to LEP individuals, including court interpreters, at no cost to the individual.

IT IS HEREBY ORDERED that the <insert court's name> appoints a Language Access Coordinator who is responsible for coordinating language assistance services in <insert court's name>.

IT IS FURTHER ORDERED that <insert court's name> shall submit the name of its appointed Language Access Coordinator and all relevant contact information to the Supreme Court's Office of Language Access.

IT IS FURTHER ORDERED that <insert court's name> shall advise the Supreme Court's Office of Language Access if a new Language Access Coordinator is appointed.

IT IS FURTHER ORDERED that <insert court's name>'s Language Access Coordinator will cooperate with the Supreme Court's Office of Language Access to implement the statewide language access plan and will remain responsive to individual requests for language assistance services.

IT IS FURTHER ORDERED that <insert court's name> adopts the attached Language Access Plan for <insert court's name> and shall periodically review and adopt new language assistance services policies and procedures as required by law.

Given under our hands and seal this ____th day of ____ A.D., 2020, New Orleans, Louisiana.

FOR THE COURT: <Signature of Chief Judge or of judges *en banc*>

Appendix 2:

Key Points of Contact *Sample*

72nd Judicial District Court – Parish of Chinquipin, State of Louisiana

Type 1 Court with a Population of 193,000/LEP Population of 5,600

Commonly encountered non-English languages: Spanish, Vietnamese, French

Key Point of Contact	Assistance Services Provided	Services Used
72 nd JDC Website	Translated webpages including information about the court, how to request an interpreter, and the name/contact information for the Language Access Coordinator.	Contract for translation services with Boudreaux Translation LLC provides for quality standards.
Sheriff's Office courthouse security checkpoint	Translated information about the court and language assistance services; directions to the Language Access Coordinator's Office.	Contract for translation services with Boudreaux Translation LLC provides for quality standards.
Language Access Coordinator	Over-the-phone interpreter services available within 15 minutes notice. Staff court interpreter available during business hours for French.	Contract for interpreter services with Truvy's Interpreter Services. French interpreting provided by Jackson Eatenton, registered court interpreter.
Clerk of Court's Office	Over-the-phone interpreter will be provided starting in 2021.	N/A
In Court Proceedings including Commissioner's Court (domestic) and mediations services	Court Interpreters	See above
DWI Diversion Program offered by District Attorney	Letter sent to D.A. on 5/21; D.A. identified Spanish-speaking AA group for referrals and will begin using Over-the-phone interpreter services for check-ins.	Starting January 2022

End of Appendix C.

Appendix D

Louisiana Language Access Stakeholder Committee Members

Sandra A. Vujnovich, Judicial Administrator, Louisiana Supreme Court
The Honorable John F. Belton, District Attorney, Third Judicial District
The Honorable Guy Bradberry, Judge, Fourteenth Judicial District Court and President of the Louisiana District Judges Association
Jacqueline M. Brettner, Attorney and Immediate Past Chair of the Hispanic Chamber of Commerce
The Honorable Troy Carter, Senator, Louisiana State Senate
The Honorable Jules D. Edwards, III, Judge, Fifteenth Judicial District Court and past president of the Louisiana District Judges Association
The Honorable Guy P. Holdridge, Judge, First Circuit Court of Appeal
Hope LaFleur, Judicial Administrator, Ninth Judicial District Court
Stephanie MacClellan, Court Interpreter, Catholic Charities Immigration Legal Services
M. Molly MacKenzie, Staff Attorney, Southeast Louisiana Legal Services
Lavonya Malveaux, Judicial Administrator, Opelousas City Court
Michael Mitchell, Chief Public Defender, East Baton Rouge Parish Office of Public Defender
Luz M. Molina, Jack Nelson Distinguished Professor of Law, Loyola University of New Orleans
Haidy Ochoa, Certified Spanish Court Interpreter, Independent Contractor
María Pabón, Professor of Law, Loyola University of New Orleans
Marta-Ann Schnabel, Partner and Managing Director, O'Bryon & Schnabel, PLC
Kimberly R. Silas, Senior Counsel, Entergy Services LLC
The Honorable Belinda White, Representative, Louisiana House of Representatives
Lan Zhe, Senior Instructor of Chinese and Certified Court Interpreter, Louisiana State University

The Stakeholder Committee met four times including September 19, 2019, February 7, May 15, and July 22, 2020. Members and representatives of the DOJ received a draft version of the LAP on June 5, 2020 and provided recommendations to modify the draft LAP. Recommended changes were discussed during the Stakeholder Committee meeting of July 22 by all parties including the Judicial Administrator, DOJ, and Stakeholder Committee. A final version was sent to Stakeholder Committee members and was approved on July 29, 2020.

The Stakeholder Committee organized itself into three Subcommittees including Data, Interpreters, and Rules/Legislation. The Subcommittees, along with the Stakeholder Committee, will continue its work past the approval and publication of the LAP. In addition, the Stakeholder Committee received assistance and advice from the Louisiana State Bar Association, Access to Justice Committee-Language Access Subcommittee and many others.