

Louisiana Supreme Court
Office of Language Access
Language Access Complaint Policy

Contents

§1: Definitions 1

§ 2: Language Access Complaint Procedure 1

§ 2.1: Initiating a Complaint; Written Form Required 1

§ 2.2: Intake 1

§ 2.3: Acknowledgment of Complaint..... 2

§ 2.4: Notification to the Local Court..... 2

§ 2.5: Investigation of the Complaint 2

§ 2.6: Review by the Language Access Coordinator 2

§ 2.7: Notification to Complainant 2

§ 2.8: Database & Public Access 3

§ 2.9: Prohibition on Retaliation..... 3

§ 3: Court Interpreter Complaint Procedure 3

§ 3.1: Jurisdiction 3

§ 3.2: Grounds for Discipline..... 3

§ 3.3: Initiating a Complaint; Written Form Required 3

§ 3.4: Effective Date 4

§ 3.5: Database & Public Access 4

§ 3.6: Acknowledgement of Complaint 4

§ 3.7: Review Procedures: LAC Determines Complaint Lacks Merit..... 4

§3.8: Investigative Committee	5
§ 3.9: Suspension during Disciplinary Proceeding	6
§ 3.10: Possible Sanctions.....	6
§ 3.11: Reinstatement by the Language Access Coordinator	6
§ 3.12: Appeal to Review Panel.....	6
§ 3.13: Appeal Process.....	7
§ 3.14: Hearings	7
§ 3.15: Confidentiality	7
Appendix A: Language Access Complaint Form	8

Section 1. Definitions

“Complainant” shall mean the person or group filing either a language access complaint against a court under Section 2 or a complaint against an interpreter under Section 3.

“Complaint” shall mean a complaint form alleging a court or court staff has not provided appropriate language assistance services.

“Complaint Package” shall mean the complaint, response, and all documents considered by the investigative committee.

“Interpreter” shall mean either a certified interpreter or registered interpreter listed on the Office of Language Access’ roster.

“Investigative Committee” shall mean a three-person committee comprised of the following Louisiana Supreme Court employees: 1) Judicial Administrator, 2) General Counsel, and 3) Special Counsel – Language Access Coordinator.

“Judicial Administrator” shall mean the Judicial Administrator of the Louisiana Supreme Court.

“Special Counsel – Language Access Coordinator” shall mean the Language Access Coordinator of the Office of Language Access at the Louisiana Supreme Court.

“Notice of Complaint” shall mean the complaint and cover letter that advises of the complaint and requests a response from the court, court staff, or the interpreter. The complaint shall not include any information which identifies the complainant including but not limited to the complainant’s name, name of the parties involved in the case, or file/docket number.

“Review panel” shall mean a three-person panel that convenes to review the investigative committee’s decision, if requested by the interpreter.

“Roster” shall mean the list of interpreters maintained by the Office of Language Access.

Section 2.

Language Access Complaint Procedure¹

2.1 Initiating a Complaint; Written Form Required

A complaint shall be in writing and filed with the Office of Language Access (“OLA”). The complaint form and instruction shall be the standard form attached as Appendix A.

¹ Section 2 of the Language Access Complaint Policy applies to all complaints except for those complaints specifically lodged against interpreters. Section III covers the policy and procedure for complaints against interpreters.

Any person or group may file a complaint by: 1) submitting the online complaint form, or 2) mailing a copy of the complaint form to the following address:

Office of Language Access
Louisiana Supreme Court
1555 Poydras St., Ste. 1550
New Orleans, LA 70112-4534

2.2 Intake

The Language Access Coordinator (“LAC”) will review the complaint and obtain all pertinent information from the complainant. All complaints will be assigned a reference number. If, upon initial intake the complaint is determined to have merit, the LAC will investigate the complaint. For a time-sensitive complaint with merit, the LAC will make every effort to resolve any valid issue quickly. If, however, the complaint is without merit upon initial intake, the LAC will dismiss the complaint and notify the complainant that no additional action will be taken. In this instance, the court will not receive a copy of the complaint.

2.3 Acknowledgement of Complaint

Except in the case of time-sensitive matters, the LAC will respond to the complainant within 5 business day by letter, e-mail, or telephone in order to acknowledge receipt of the complaint. The LAC may also request additional information and/or documentation from the complainant at the time of acknowledgement in order to thoroughly investigate the complaint. In the event of a time-sensitive complaint (e.g. a complaint regarding an upcoming hearing scheduled before the end of the 5 business days), the LAC will work to expedite the acknowledgement and subsequent investigation of the complaint in an effort to resolve any valid issue in a timely manner.

2.4 Notification to the Local Court

Upon receipt of all requested information and/or documentation from the complainant, the LAC will send a letter to the local court against which the complaint is alleged in order to notify the court that a complaint has been received. All pertinent details concerning the allegations in the complaint and a retaliation notice will be included in the letter. The retaliation notice will inform the court and court staff that they shall not intimidate, threaten, coerce, or discriminate against any person because that person has made a complaint, testified, assisted, or participated in any manner in an investigation. *Note:* In the event that the complaint is regarding the actions of a court interpreter, then Section III of the Language Access Complaint Policy applies.

2.5 Investigation of the Complaint

The LAC will initiate an investigation of the allegations in the complaint within 10 business days of having notified the local court of the receipt of the complaint. Although the investigative process will vary based on the details of each complaint, possible investigative activities include: interviewing the subject(s) of the complaint, including judges, clerks, and interpreters, requesting

court policies and case document related to the complaint allegations, and taking written statements of all information gathered during the interview process.

2.6 Review by the Office of Language Access

Upon completion of the investigation, the LAC will forward its findings, including all written statements and proposed resolutions to the Louisiana Supreme Court’s Judicial Administrator (“JA”) for review. Based on guidance provided by the JA, the LAC will either direct the local court to implement the proposed resolution by a specific deadline, propose that the local court implement a new solution, advise the local court that the investigation has determined that the complaint is without merit, or direct the local court to take other appropriate action in its discretion. The local court shall file a progress report with the OLA after the implementation of any proposed or suggested resolution.

2.7 Notification to Complainant

The OLA will send a letter to the complainant within 10 business days from receipt of the local court’s progress report to detail the actions to be implemented by the local court as a means of resolving the complaint.

2.8 Database and Public Access

The OLA will maintain a database of complaints and the steps taken to resolve them, and shall make them available to the public upon request.

2.9 Prohibition on Retaliation

“No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this subpart.” 28 C.F.R. § 42.108(e).

Section 3.

Court Interpreter Complaint Procedure

3.1 Jurisdiction

The Louisiana Supreme Court, through the Office of the Judicial Administrator, has jurisdiction over the interpreters on the official roster. This jurisdiction applies only to the interpreters registered with the OLA. It does not extend to interpreters who may be actively interpreting in Louisiana courts but who are not listed on the OLA’s official roster. Complaints against interpreters not on the official roster shall be processed in the manner stated in Section 3.16.

3.2 Grounds for Discipline

Any person may file a complaint against an interpreter for one or more of the following reasons:

- a) violation of *The Code of Professional Responsibility for Language Interpreters*;
- b) conviction of any felony or misdemeanor, in particular, crimes of moral turpitude, fraud, corruption, dishonesty, misrepresentation, or false statements;
- c) knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity;
- d) repeated failure to appear as scheduled without good cause;
- e) non-compliance with the OLA's policies and procedures; and/or
- f) engaging in action that calls into question the interpreter's ability to work effectively in court.

3.3 Initiating a Complaint; Written Form Required

Any complaint shall be in writing and filed with the OLA. The complaint form and instructions shall be the standard form attached as Appendix A. A person may file a complaint by: 1) submitting the online complaint form or 2) mailing a copy of the complaint form to the following address:

Office of Language Access
Louisiana Supreme Court
1555 Poydras St., Ste. 1550
New Orleans, LA 70112-4534

Complaints received shall be date-stamped, assigned a reference number, logged in, and reviewed to ensure that the original complaint is filed and includes the following information:

- a) complainant's name, mailing address, telephone number, and email address;
- b) interpreter's name and mailing address;
- c) date of the alleged conduct;
- d) description of the alleged conduct;
- e) complainant's signature;

If the complaint fails to provide any of the items enumerated in 2(a) – 2(d) above, the LAC shall contact the complainant and attempt to obtain the missing information. However, any complaint that is not signed shall be returned to the sender by certified mail (return receipt requested), with a form letter explaining the deficiency. The form letter shall be prepared and signed by the LAC.

Complaints shall include all information and documentation the complainant wishes to be considered. No complaint shall be supplemented with additional information or documentation unless specifically requested by a member of the Investigative Committee.

3.4 Effective Date

No complaint shall be accepted if the alleged violation occurred more than two years prior to the date the complaint is filed.

3.5 Database and Public Access

The OLA will maintain a database of complaints and the steps taken to resolve them, and shall make them available to the public upon request.

3.6 Acknowledgment of Complaint

Except in the case of time-sensitive matters, the LAC will respond to the complainant within 5 business days by letter, e-mail, or telephone in order to acknowledge receipt of the complaint. The LAC may also request additional information and/or documentation from the complainant at the time of acknowledgment in order to thoroughly investigate the complaint. In the event of a time-sensitive complaint (e.g. a complaint regarding an interpreter during an on-going hearing or an upcoming hearing scheduled before the end of 5 business days), the OLA will work to expedite the acknowledgment and subsequent investigation of the complaint in an effort to resolve any valid issue in a timely manner.

The LAC will commence review of the complaint to assess its merit. If the LAC determines that the complaint is not meritorious, the LAC shall send a written notice informing the complainant that no further action will be taken. In this instance, the interpreter will not receive a copy of the complaint.

3.7 Review Procedure; LAC Determines Complaint Lacks Merit

If the complainant disagrees with the LAC's determination that the complaint is not meritorious, the complainant may file a request for review with the JA within 10 business days of receipt by the complainant of the LAC's determination. The request shall briefly state the facts that form the basis for the complaint and the complainant's reasons for believing that review is warranted. The complainant shall also provide a copy of the request to the LAC. The LAC shall review the request and shall submit a response to the complainant's appeal to the JA within 10 business days after receipt of the complainant's request for review.

The JA shall make a decision on the complainant's request within 60 calendar days after receipt of the LAC's response. If the JA determines that the complaint does allege conduct that would be grounds for discipline, the JA will refer the matter to the investigative committee.

If the JA determines that the complaint does not allege conduct that would be grounds for discipline, the JA shall dismiss the complaint and notify the interpreter and complainant via first class mail. The notification shall include an explanation of the reason(s) for the JA's determination that the complaint does not allege conduct that would be grounds for discipline. The JA's determination shall be final.

The JA may appoint a designated officer, other than the LAC, to act on his or her behalf in carrying out any of the aforementioned duties in this section.

3.8 Investigative Committee

If the LAC or JA determines that the complaint may have merit, the matter shall be referred to the Investigative Committee.

If referral to the Investigative Committee is required, the LAC shall send the interpreter, via certified mail, return receipt requested, a copy of the complaint with any necessary supporting documentation and a cover letter that advises of the complaint and requests a response within 30 calendar days. (“notice of complaint”). The notice of complaint shall be sent to the address listed on OLA’s official roster. The interpreter shall submit a response via U.S. Mail, though certified mail with return receipt requested is preferred, directly to the LAC, within 10 business days. If the interpreter does not submit a timely response, the Investigative Committee shall proceed with reviewing the complaint.

Upon receipt of the interpreter’s response, or after failure to receive response in the allotted time, the LAC will forward the complaint, response, and any supporting documentation to the Investigative Committee (“complaint package”). The committee shall meet in person or by telephone conference within 10 business days from the date that the LAC sends the complaint package to the committee. During this meeting or conference, the Investigative Committee will determine whether any further action is required to support the finding of a conclusion on the merits of the complaint. The investigative committee may contact the interpreter, the complainant and any other person deemed to have relevant information, and use any reasonable means necessary to ascertain the facts and investigate the allegations. Once the committee concludes its investigation, it may take one of the following actions:

- Upon finding that the allegations lack merit, the committee shall send a letter to the complainant and the interpreter within 10 business days stating that the allegations lack merit, the complaint is dismissed, and no disciplinary action will take place;
- Upon finding that the allegations are meritorious, the committee may decide not to pursue the case by filing a clear and concise statement of the reasons for closure. This letter shall be forwarded to the complainant and interpreter within 10 business days; or
- Upon finding that the allegations are meritorious, the committee shall issue a final determination as to whether the interpreter committed a violation. A written letter shall be sent to the complainant and the interpreter within 10 business days with the decision and sanctions, if applicable.

Each of these letters shall be signed by the LAC.

3.9 Suspension During Disciplinary proceeding

While a disciplinary proceeding is pending, the LAC may suspend the interpreter’s appearance on the roster if it appears that the interpreter’s continued practice as an interpreter poses a substantial threat or harm to the public or to the integrity of the court system.

3.10 Possible Sanctions

Possible sanctions the Investigative Committee may consider include:

- a) private or public reprimand;
- b) imposition of costs and expenses incurred by the Investigative Committee or review panel related to the proceeding;
- c) restitution;
- d) a requirement that specified continued education courses be taken in order to remain on the roster;
- e) a requirement that one or more parts of the oral examination be taken;
- f) a modification of or suspension from the roster of interpreters eligible to work in court;
- g) a recommendation to the court to limit the type of court hearings for which the interpreter may interpret;
- h) a recommendation to the court that the interpreter's work be supervised or monitored over a period of time;
- i) permanent revocation of certification status as either a registered or certified interpreter and/or;
- j) referral to law enforcement or district attorney for prosecution, where appropriate.

If the sanctions include suspension or revocation of the interpreter's court certification or roster status, or placing the interpreter at a lower qualification or skill level on the roster, the Investigative Committee shall specify the conditions and timeframe, if any, within which the interpreter may apply for reinstatement of his or her prior certification or roster status.

3.11 Reinstatement by the Language Access Coordinator

A court interpreter whose certification or roster status has been suspended or revoked may apply in writing to the LAC for reinstatement pursuant to any timeframes established in the final decision. The request shall explain why the applicant believes reinstatement should occur. The LAC shall have the sole discretion whether to grant or deny reinstatement or to impose conditions upon reinstatement as deemed appropriate.

3.12 Appeal to Review Panel

The review panel shall be composed of two district court judges and one certified court interpreter appointed by the JA. Any review panel member who has a conflict of interest shall recuse himself or herself of the proceedings.

3.13 Appeal Process

The interpreter may appeal the decision of the Investigative Committee only if the sanction imposed includes any of the following:

- a. public reprimand;
- b. requiring the interpreter to pay restitution or costs and expenses;
- c. requiring that one or more parts of the interpreter court certification or ethics examination be retaken;
- d. placing the interpreter at a lower qualification or skill level on the roster;

- e. recommendation to the court to limit the type of court hearings for which the interpreter may interpret; and/or
- f. suspension or revocation of interpreter status on the OLA's roster.

The interpreter must appeal the investigative committee's decision in writing to the review panel no later than 20 calendar days after the interpreter receives the investigative committee's decision. The appeal shall include the interpreter's written objections to the decision and state whether the interpreter requests a hearing before the review panel. If the interpreter does not request a hearing, the review panel shall determine the matter on the submitted documents. If the interpreter requests a hearing, the interpreter shall bear the costs associated with conducting a hearing.

The Investigative Committee shall submit to the review panel a response to the interpreter's appeal within 20 calendar days after receipt of a copy of the appeal. The review panel shall review the record of the hearing within 90 calendar days after receipt of the Investigative Committee's submission to determine whether the decision reached and sanctions were appropriate.

Within 30 calendar days after reaching its conclusion, the review panel shall issue its decision, including written findings and additional sanctions, or sanctions different from those rendered by the Investigative Committee, if appropriate, and shall serve the decision on the interpreter and complainant via first class mail. If the review panel's decision includes sanctions against the interpreter, the review panel shall specifically enumerate the sanction(s). If the sanctions include suspension or revocation of the interpreter's court certification or roster status, the review panel shall specify the conditions and timeframe, if any, within which the interpreter may apply for reinstatement of his or her prior certification or roster status.

3.14 Hearings

All hearings shall be recorded by a stenographer and shall be private and confidential. The review panel may, in its discretion, consider or clarify any evidence presented, giving such evidence the weight it deems appropriate. The interpreter may be represented by counsel. The interpreter shall bear the costs of any hearing.

3.15 Confidentiality

All complaints and investigations shall be confidential, except that when a final determination is made to impose any of the sanctions listed in Section 3.10 above (including a determination to suspend or revoke an interpreter's certification or roster status), the final disposition, including the grounds for the sanction(s) and the facts cited in support of the disposition, shall be accessible to the public on the Louisiana Supreme Court's website. For purposes of this section, a final determination occurs at the conclusion of the appeal proceedings before a review panel, or upon failure of the interpreter to appeal the investigative committee's decision to impose sanctions within the time delays.

3.16 Complaints against interpreters not listed on OLA's official roster

Notwithstanding section 3.1, the OLA shall accept complaints against interpreters not on its official roster. Upon receipt, the OLA shall forward the notice of complaint to the court's chief

judge where the alleged incident occurred. In addition, the OLA shall keep a log of such complaints against interpreters not on its official roster.

Appendix A. Office of Language Access Complaint Form