

Barriers to Justice

Limited English Proficient Individuals and Pennsylvania's Minor Courts

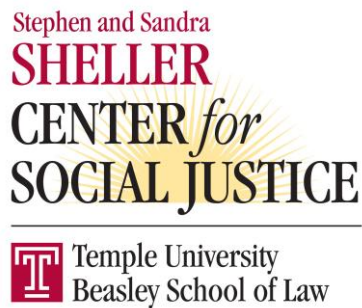
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The Social Justice Lawyering Clinic at the Stephen and Sandra Sheller Center for Social Justice is a student clinic at Temple University Beasley School of Law. Students at the clinic work first hand on social justice issues that directly impact local communities, through legal representation, community education, and policy advocacy.

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Introduction

“[D]ue process, along with the basic fairness of the Pennsylvania court system is jeopardized if litigants with limited English proficiency (LEP) are unable to have access to competent interpreters and other language assistance.”¹ These words were written in 2003 in the introduction to a report by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System (Bias Report).² Additionally, Title VI of the Civil Rights Act of 1964 (Title VI) states that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”³

According to the Migration Policy Institute, there are almost 460,000 LEP individuals in Pennsylvania.⁴ The Bias Report noted that some courts in Pennsylvania use interpreter agencies, some appoint interpreters on an ad hoc basis, and some provide no interpretation services at all.⁵ Further, relatives and friends of the parties were sometimes asked to translate court proceedings, and advocates and observers reported being pressed into service as interpreters by the court.⁶

Pennsylvania has since enacted Act 172 and issued implementing regulations regarding access to language access services in court proceedings.⁷ The Act’s purpose is “to secure the rights, constitutional and otherwise, of persons . . . of a non-English speaking cultural background . . . when they appear in court or are involved in judicial proceedings.”⁸ Legal advocates, however, observed that both the legislation and implementing regulations are not always followed and that they fall short of addressing many of the issues that LEP individuals face when accessing courts.

Since the Bias Report was released in 2003, no studies have been conducted on the progress made by the courts on providing language access services to LEP individuals. For this reason, we studied how Pennsylvania’s minor courts were

addressing language access issues. Pennsylvania's sixty judicial districts have 526 magisterial district judge (MDJ) courts, which are the state's lowest level courts.⁹ Each judicial district has a district court administrator (DCA) office, which assists courts within its district with administrative functions and the implementation of policies and procedures that apply to the courts. This report reflects the findings from a 2014 survey of seventy-nine MDJ courts and eighteen DCA offices across Pennsylvania that are located in jurisdictions with a large population of LEP individuals. These MDJ courts handle a variety of legal issues, including emergency protection from abuse orders, landlord-tenant disputes, small claims disputes, traffic citations, and criminal arraignments. Many litigants in these courts proceed without the assistance of a lawyer. After surveying court staff and judges from those courts, we identified the most frequently reported issues that create barriers for LEP individuals who come into contact with MDJ courts. Those issues are categorized as barriers at the MDJ court level and barriers at the DCA level. Finally, for each issue that is identified, this report provides recommendations and sample practices from other states that Pennsylvania could use to remedy the existing barriers to MDJ courts.

Given the legal mandate provided both by Title VI and Pennsylvania's own laws, we found that MDJ courts often operated in violation of these laws. The MDJ courts failed to provide appropriate language access services to LEP individuals under a variety of circumstances. There were also no uniform policies or practices across Pennsylvania for providing language assistance to LEP individuals who come into contact with MDJ courts. We found that most DCA offices did not provide adequate training or oversight to MDJ court staff about proper procedures.

As recipients of federal funding, Pennsylvania courts have an obligation to provide equal access to all persons, regardless of their national origin. The United States Department of Justice (DOJ) has provided extensive guidance on how state courts can comply with Title VI. The good news is that the Administrative Office of Pennsylvania Courts (AOPC) is actively working on these issues, including training courts and court

administration and developing both local and statewide language access plans to ensure compliance with the law. We hope that this report will serve as a useful guide for advocates, practitioners, and policy-makers across the state as they strive to promote access to justice for LEP individuals.

Barriers Facing LEP Individuals in MDJ Courts

1. Use of Non-Certified Interpreters

Issue: Using non-certified interpreters raises concerns about the objectivity, quality, and accuracy of communication in court proceedings.

Legal Standards: Pennsylvania’s statute on court interpreters for LEP individuals requires that where “a principal party in interest or witness has a limited ability to speak or understand English,” an interpreter shall be appointed by the court.¹⁰ The law requires that the interpreter must be certified through the appropriate procedures or otherwise qualified to interpret.¹¹ Otherwise qualified interpreters must be readily able to interpret and may be used only when a good faith effort has been made to obtain a certified interpreter, but none is available.¹² A judge is required to determine the qualifications of an otherwise qualified interpreter by conducting voir dire, ascertaining that the interpreter has read, understood, and agreed to abide by the code of professional conduct for court interpreters, and verifying their listing on the statewide roster.¹³ Courts are prohibited from appointing as an interpreter a family member of the LEP individual or a person “who may be perceived to have an interest in the outcome.”¹⁴

Federal policy guidance states that courts should make competent interpretation available during all types of proceedings.¹⁵ In a courtroom setting, “the use of informal interpreters, such as family members, friends, and caretakers, would not be appropriate.”¹⁶

Survey Result: Among MDJ courts, there is no consistent practice of using only interpreters who are either certified through Pennsylvania’s court interpreter certification program or otherwise qualified.

Detailed Findings:

About one third of the MDJ courts surveyed reported that they rely on friends or family of LEP individuals to interpret for some proceedings. A few offices reported that court staff were permitted in certain circumstances to interpret in proceedings even though they were not certified in Pennsylvania. Of the MDJ courts that permit family, friends, bilingual court staff or other non-certified individuals to interpret, only a couple reported assessing the competency of these individuals to act as interpreters. Less than one third of the MDJ courts reported that they prohibit the use of friends or family members as interpreters for all court proceedings.

A few courts reported that prisoners or prison staff were used to interpret in criminal arraignments. One of the courts that does not provide interpreters for civil proceedings reported that they allow LEP individuals to “bring kids to interpret for them.”

Recommendation(s):

To ensure objectivity, quality, and accuracy of communication in court proceedings, Pennsylvania courts should comply with existing legal requirements specifying who may and may not be appointed as an interpreter in court proceedings. Interpreters should be certified or, if a certified interpreter is unavailable, an otherwise qualified interpreter may be appointed. MDJ courts should ensure that they have followed the procedures for appointing an otherwise qualified interpreter.

Examples:

The Colorado Supreme Court’s directive on interpreters states: “The court shall not permit any person other than an authorized language interpreter to function as a language interpreter in any court proceeding or operation, regardless of the source by which the interpreter is compensated or the manner by which the interpreter appears.”¹⁷ Colorado’s authorized language interpreters fall into three tiers: certified, professionally qualified, or registered with the state’s Court Interpreter Program.¹⁸ While professionally qualified and registered interpreters have not met all requirements for certification, they must still meet certain requirements to be approved through the program.¹⁹

Professionally qualified or registered interpreters may be used only when a certified interpreter is unavailable.²⁰

2. Interpreters for Civil Proceedings

Issue: Without interpreters provided by the court at no cost, LEP individuals may not be able to participate fully in civil proceedings. The types of civil cases heard in MDJ courts can have very real consequences in the lives of LEP individuals (e.g., eviction or protection from abuse cases). When LEP individuals are required to provide or pay for their own interpreters, the courts create barriers for LEP individuals.

Legal Standard: Pennsylvania mandates interpreter services free of cost in all kinds of proceedings to any LEP individual who is a “principal party in interest,” which includes when the LEP individual is a named party, or a defendant or direct victim in a criminal or juvenile proceeding.²¹ In August 2014, AOPC further clarified with DCAs that judicial districts have the obligation to provide and pay for interpreters for LEP individuals who are named parties in any judicial proceeding.

Federal policy guidance requires interpreter services free of cost to the LEP individual in more expansive situations as “[l]anguage services expenses should be treated as a basic and essential operating expense, not as an ancillary cost.”²² Courts must not only provide interpreters free of cost to the LEP individual, indigent or otherwise, in every proceeding,²³ but courts must also provide interpretation services for all LEP individuals involved in the proceeding, including non-party LEP individuals whose “presence is necessary or appropriate.”²⁴

Survey Result: MDJ courts have no consistent policy about whether the courts will provide an interpreter during civil proceedings at no cost to the LEP individual.

Detailed Findings: Only about half of MDJ courts surveyed stated that they provide free, in-person, certified interpreters for LEP individuals in all civil proceedings. Roughly the other half of

MDJ courts surveyed stated that they do not provide a certified interpreter free of cost to LEP individuals in all civil proceedings. Those courts that stated they do not provide free, in-person, certified interpreters employed a variety of practices to facilitate communication in civil proceedings with LEP individuals, including: free telephonic interpretation services, bilingual court staff, or allowing or even requiring LEP individuals to bring someone (including family or friends) to interpret.

A couple of MDJ courts reported that for civil proceedings, LEP individuals are both required to use and pay for a certified interpreter in all circumstances.

Recommendation:

MDJ courts should comply with the existing legal requirement that Pennsylvania courts provide free certified interpreters for all named parties in civil proceedings. Pennsylvania should extend free certified interpreters beyond named parties to any LEP individual “whose presence is necessary or appropriate” to the proceeding.

Examples:

In both Colorado and New York, free interpreter services are provided in all civil and criminal proceedings to LEP parties to the case, witnesses, and the legal guardians of a party.²⁵ In Rhode Island, interpreters are provided for all LEP parties and testifying witnesses, and may be provided for other individuals with a significant interest in the proceeding.²⁶ The Rhode Island policy states that “[t]he court shall not charge, assess, or obtain reimbursement for interpreter costs or fees from any party to a proceeding in which an interpreter is utilized or from any person utilizing the assistance of an interpreter in a court operation.”²⁷

3. Communication with Court Staff

Issue:

The legal system and court processes become inaccessible to LEP individuals when they and MDJ court staff are unable to effectively communicate with each other. If LEP individuals are unable to tell the court staff what kind of issue they are having, they may get frustrated and give up, thinking that

the courts are unable, or simply unwilling, to help them. Similarly, court staff need to be able to explain court forms and processes to LEP individuals.

Legal Standard:

Language access assistance applies to communication outside of the courtroom, because “[c]ourts have significant contact with the public outside the courtroom” and “should assess the need for language services all along the process.”²⁸ Some examples include office operation, information counters, intake, and cashiers.²⁹ Federal policy guidance also encourages the hiring of bilingual staff who can communicate competently with LEP individuals outside of the courtroom.³⁰ Where in-person language access services are unavailable, the guidance promotes the use of telephonic interpretation or video teleconferencing with competent interpretation services.³¹

Survey Result:

MDJ courts generally revealed that court staff lacked tools and procedures to communicate effectively with LEP individuals who seek help in-person or by phone.

Detailed Findings:

Approximately two-thirds of MDJ courts surveyed reported having no effective way of communicating with LEP individuals who call by phone or come in person to the court clerk’s office. These MDJ courts stated that an LEP individual must call with or bring in an English-speaking family member or friend to use court services. Additionally, although a number of MDJ courts have automated telephonic options, almost all fail to provide such options in a language other than English. A distinct minority of MDJ courts reported that they had bilingual employees, but their assistance is limited to LEP individuals who speak Spanish. Finally, a handful of MDJ court staff reported using telephonic interpretation or an in-person interpreter with an LEP individual who needed assistance.

One court reported using a list of Spanish vocabulary words such as “guilty” and “not guilty” to help LEP individuals plead, without mentioning how or if they would actually explain the charges in Spanish. Another court reported that they instruct LEP individuals to wait in the lobby until

another person who speaks their language happens to come in. Two courts reported that although they have Spanish-speaking employees, those employees are not allowed to communicate with Spanish-speaking LEP individuals who are seeking help in the office.

Recommendation:

Pennsylvania’s MDJ courts should implement procedures to ensure that LEP individuals receive the same level of access and assistance as English speakers when interacting with court staff. These procedures could include: (1) utilizing bilingual court staff; (2) training staff to use telephone interpretation services to communicate with LEP individuals in the office; and (3) having automated options in commonly spoken languages for people contacting the court by phone.

Examples:

Colorado’s interpreter directive states that “[c]ourt personnel shall provide access to language services for persons with limited English proficiency who seek access to court operations as defined in this directive, through the use of bilingual staff or authorized language interpreters appearing either in person or by way of remote interpreting.”³² Rhode Island also requires court offices to provide free language access services in court operations outside of judicial proceedings.³³ New York requires the provision of language access services in clerk’s offices.³⁴ In addition to using bilingual staff, New York uses telephone interpretation services to communicate with LEP individuals in court offices and help centers and has made numerous court documents available in a variety of languages.³⁵

4. Process for Requesting an Interpreter

Issue:

Most MDJ courts surveyed reported having no notice posted about the court provision of an interpreter, let alone providing information about how to request interpretation assistance.

Legal Standard:

Federal policy guidance acknowledges that language access services are meaningless if the LEP individual is unaware of how to gain access to these services. Thus, “[i]t is important

for the recipient to let LEP persons know that [language access] services are available and that they are free of charge.”³⁶ To ensure an effective process for the LEP individual to request an interpreter, federal guidance suggests multi-lingual signs at the LEP individual’s initial point of contact with the court, notice in outreach documents such as brochures, and a multi-lingual telephone voice mail menu.³⁷

Survey Result:

MDJ court responses varied about the process for how an interpreter may be requested.

Detailed Findings:

A vast majority of MDJ courts reported that they had no signs or other means of informing individuals of the requirement or process for making a request for an interpreter. Yet a handful of MDJ courts reported that in order to be provided with an interpreter, an LEP individual is required to make a written or oral request to court staff. Without the courts providing notice, however, LEP individuals are left to their own devices to figure out whether and how to request language access services.

One court reported that they had a sign about interpreter services on a bulletin board in the hall, but it was in English only. Another MDJ court reported that the LEP individual has to ask for the interpreter, but there are no signs in the office notifying LEP individuals of that procedure. Instead, staff will sometimes suggest that the LEP individual could use an interpreter. A third MDJ court reported that LEP individuals have to request in writing or call the staff and let them know that an interpreter is needed. It was also reported that if the LEP individual is unable to do this, then staff cannot help because it is the responsibility of the LEP individual to find someone who speaks English to help them.

Recommendation:

Pennsylvania courts should start by making sure that all litigants, witnesses, and others are made aware of their right to an interpreter (others include court staff, see Section 6). For LEP individuals who contact the court in person, the court should have a sign in multiple languages that provides notice of a right to an interpreter. For LEP individuals who

telephone the court, the court should have an automated phone menu with multilingual recorded messages to tell the caller to press a particular button to indicate that they need an interpreter or language access services. Furthermore, the creation and distribution of information about language access services in court documents, brochures, and court websites would help inform LEP communities about the language access services of the MDJ courts.

Examples:

Rhode Island provides notification to LEP individuals in a variety of ways. It provides notice to LEP individuals “stating that the court will provide a competent interpreter for any limited English proficient party or witness at no charge, explaining the procedure to request an interpreter and to request a translation of the notice into other languages.”³⁸ Written notice is provided, for example, by its website, court staff, initial pleadings, and initiating charge documents.³⁹ Notice is also displayed and distributed in multiple areas, including informational desks, kiosks, clerk’s offices, main hallways, and holding cells.⁴⁰ Further, court staff make announcements at the beginning of court sessions about language access services.⁴¹

DOJ, in its Language Access and Technical Assistance Tool for Courts, provides examples of the ways in which courts can inform the public, parties, and attorneys about language assistance services provided, as well as the process to request such services. These examples include: notices on court documents or by in-person by staff; announcements at the beginning of court sessions; signage; electronic information (e.g., email or website); outreach efforts; and media (e.g., radio, print, or television).⁴²

5. Determination of the Need for Language Services

Issue:

Determinations of need for interpretation, including for court services and in the courtroom, are often informally based on the MDJ court staff’s ability to understand the LEP individual, rather than the LEP individual’s ability to understand the court processes and proceedings.

Legal Standard:

Federal policy guidance offers suggestions for simple, yet effective, methods to determine the need for language services. These suggestions include “I speak” signs that allow the LEP individual to self-identify as such, and recordkeeping of the LEP individual’s language for future interaction with that individual.⁴³ Furthermore, federal guidance states that an individual’s ability to speak some English may not preclude that person from gaining access to language services. “Many individuals, while able to communicate in English to some extent, are still LEP insofar as ability to understand the terms and precise language of the courtroom.”⁴⁴

Survey Result:

MDJ courts reported various processes for making determinations about the need for interpretation, and some appeared to lack any formal standard for assessing the need.

Detailed Findings:

Although most MDJ courts surveyed reported that LEP individuals can request an interpreter, a handful reported that MDJ courts themselves, rather than the LEP individual, make the determination of when an LEP individual needs an interpreter based on in-person or phone interactions (usually because they had a “hard time” understanding the LEP individual). Other courts solely relied on LEP individuals to self-identify the need for interpretation. A few MDJ courts reported that the judge determines when an LEP individual should be provided with an interpreter. No clear standards were identified to explain how judges make those determinations.

One MDJ court reported that after speaking with the LEP individual in person or on the phone, the staff can “just tell” if they need to request an interpreter. Another was unsure of how they’d determine language level but said that it would probably be based on whether MDJ staff or the judge can understand them. Finally, a third MDJ court reported that for criminal cases, if the clerk sees a Hispanic name or does not see a social security number, she requests an interpreter.

Recommendation:

If an LEP individual requests an interpreter, there should be a presumption that an LEP individual could benefit from language access services. In situations where it is unclear whether an interpreter is needed, there should also be clear standards in place for the judge or court staff to use in making that determination. Court staff should record the LEP individual's primary language in the case file and the court's case management system so that the court will be prepared to provide language services for future hearings and court contact.

Examples:

Michigan Court Rule 1.111B(3) instructs courts to rely upon a request by an LEP individual, a request made on behalf of an LEP individual, or prior notice in the record.⁴⁵ The rule goes on to instruct that "[i]f no such requests have been made, the court may conduct an examination of the person on the record to determine whether such services are necessary."⁴⁶ During the examination, the court may use a foreign language interpreter."⁴⁷

Rhode Island provides multiple ways in which the need for an interpreter can be determined. After providing sufficient notice about the available language access services, "the LEP may request an interpreter by contacting the OCI [Office of Court Interpreters] in person, via email, or by telephone, by informing court staff upon arrival, or by informing his or her counsel."⁴⁸ Additionally, court personnel, judges, law enforcement agencies, and attorneys can inform the court of the need for interpretation.⁴⁹ The judge may conduct a voir dire to determine the need for a foreign language interpreter."⁵⁰

6. Staff Knowledge of Language Service Procedures

Issue:

When MDJ court staff is not aware of the available interpretation services or the process for requesting those services, LEP individuals may face delay or otherwise be impeded or hindered from obtaining language services.

Legal Standard:

In order to ensure that the court staff is aware of the procedures for providing language services, federal policy guidance states that the relevant entity “should develop an implementation plan” or in some way articulate in a reasonable manner a plan that addresses the needs of LEP individuals.⁵¹ “Staff should know their obligations to provide meaningful access to information and services for LEP persons.”⁵² This plan should be accessible to court staff at all times, and should include procedures for training staff about what language services are available to LEP individuals and how to best provide those services.⁵³

Survey Result:

When asked about what kind of process an LEP individual needed to go through to get an interpreter, MDJ courts provided widely varying responses based on their individual court’s practices.

Detailed Findings:

A majority of MDJ court staff surveyed were unaware of any written procedures for how to ensure effective communication with an LEP individual in need of language access services. About half of staff interviewed said they were unsure or unaware of any such established procedures either in their court or in their judicial districts. Finally, a minority of MDJ court staff was unable to answer questions about the procedure in place, and referred us to the DCAs for answers.

Of the MDJs surveyed, staff knowledge of procedures was sometimes based on informal knowledge or experiences of the individual staff person interviewed. One MDJ staff person reported that “everyone just kind of knows the policy, but it is not written down, nor is there any kind of formal training on it.” Another MDJ told the interviewer that there is no written policy but they “generally just do what we feel is appropriate.”

Recommendation:

Language access procedures should be recorded as written protocols that are easy to reference and available to all court staff. These protocols should be provided on a statewide basis (see next section on Barriers at the DCA Level). AOPC and DCAs should conduct regular trainings on these

protocols for MDJs and their staff. Those trainings should focus on how to engage with LEP individuals and what steps they need to take in order to ensure that the LEP individual is aware of their right to an interpreter and that they fully understand the proceedings they are involved in.

Examples:

Colorado established statewide standards for providing language services in court operations. It also “developed language access curriculum and training protocols” for judicial officers and training for court staff “to identify interpreter need and provide language access at every point of contact.”⁵⁴

Minnesota conducts mandatory “Judicial Branch Orientation[s]” that are attended by all new judicial branch employees, and those orientations include training on how to use interpreters and how to serve LEP individuals.⁵⁵ All new Minnesota judges receive similar training as part of the “New Judge Orientation.”⁵⁶

Barriers at the District Court Administration Level

The Center identified three main issues at the district court administration level. First, DCA offices failed to provide adequate support and oversight to MDJ courts. Second, there was a lack of consistency of language access procedures among MDJ courts within a district. Third, there were significant inconsistencies in language access procedures between judicial districts throughout the state.

As described above, state and federal law, as well as federal policy guidance, provide specific standards for LEP individuals who seek court access. In providing policy guidance on Title VI, the DOJ has indicated that “[s]taff should know their obligations to provide meaningful access to information and services for LEP persons.”⁵⁷ DCA offices can accomplish this by providing courts with a comprehensive LEP plan that provides for training, oversight, and consistency in procedures addressing LEP individuals’ needs when using courts.⁵⁸ The failure of DCA offices to ensure that the courts are implementing consistent procedures has presented significant practical challenges to LEP individuals who interact with the MDJ courts.

First, without support and oversight at the district level, MDJ courts may lack the ability and incentive to change existing practices that create barriers for LEP individuals when using the courts. The responses from the DCA offices indicate that they fail to provide adequate support and oversight to MDJ courts on matters of language access. Three DCA offices acknowledged a lack of support and oversight, admitting their district had no uniform LEP policy and provided no MDJ court training on language interpretation. Instead, these DCA offices relied on the assumption that MDJ courts “just know” they need to provide an interpreter for an LEP individual. Less than a quarter of DCA offices reported training MDJ courts on providing language access services to ensure ready access to the courts. While one DCA office did refer to email as a method of communicating with MDJ courts regarding interpreter practices, no DCA

office referenced a specific written district policy or procedure that MDJ courts must follow when assisting LEP individuals.

About a third of DCA offices were also unaware of the specific practices in MDJ courts within their district. One DCA office admitted not knowing whether the MDJ courts in that district had a policy regarding LEP individuals. Other DCA offices were less direct about the lack of awareness regarding specific practices. One DCA office pointed out that it is up to the judge at the MDJ court to create the policy and assure compliance. Another DCA office referred to a policy that was distributed to MDJ courts in that district “years ago,” but admitted that there was no support or oversight of that policy by the current DCA.

Additionally, none of the DCA offices had a procedure for LEP individuals to file a complaint about the lack of language access services. While two DCA offices said the LEP individual would need to complain to the DCA to report a problem with language access in the MDJ courts, no DCA office reported providing notice to LEP individuals that they could complain about MDJ court practices and where or how to file a complaint.

Second, a comparison of survey responses from MDJ courts and DCA offices within the same district indicated that there was often not a consistent understanding between DCA offices, MDJ courts, and MDJ court staff on how to communicate with LEP individuals. The discrepancies within a district indicated the lack of meaningful oversight by the DCA, and furthermore, the lack of incentive to conform to a uniform standard of practice. The lack of uniformity among MDJ courts within a district could lead to inequitable outcomes for LEP individuals simply depending on which MDJ court they use.

Even when DCA offices described the interpreter procedures for the district, our interviews revealed multiple, divergent versions of how these procedures worked in practice for the MDJ courts within each district. For example, one DCA office told us that courts had a list of languages that an LEP individual can reference to indicate which

language they speak. None of the MDJ courts in the districts we surveyed mentioned that they had a resource like this.

There were also significant inconsistencies among MDJ courts within a district when it comes to payment of interpreters. In several districts, some MDJ courts reported that they provide free certified interpreters for both criminal and civil proceedings, while other MDJ courts in the same district reported that they pay for interpreters only in criminal proceedings.

Third, while there was some variation in practices for assisting LEP individuals who access MDJ courts within districts, even greater variation existed between districts. Responses, for example, significantly varied among districts as to whether they prohibited the use of friends and family to interpret in proceedings. There are a significant number of districts in which MDJ courts reported that LEP individuals could bring family or friends to act as interpreters. In other districts, all or most MDJ courts reported that the use of such family or friends is prohibited.

Surveys of DCA offices also revealed different understandings of certification requirements for interpreters. Some DCA offices reported that all interpreters for hearings must be certified by the state. Still other DCA offices were unsure whether interpreters had to be certified by the state.

Recommendations:

- ❖ DCAs should act as facilitators in overseeing and enforcing language access policies and practices that comply with federal law among MDJ courts within their respective districts. The role of DCAs should include providing regular training to MDJ courts about such policies and practices.⁵⁹ AOPC can provide support to DCAs by providing both technical assistance and trainings to DCAs and MDJ courts.
- ❖ DCAs should regularly communicate with MDJ courts about language access issues so that MDJ courts are familiar with their judicial district's policy, procedures, and resources, and ensure that MDJ courts are appropriately accessible to LEP individuals.

- ❖ DCAs should be responsible for handling complaints from individuals who were denied language access services at the MDJ court level and ensuring that MDJ courts inform LEP individuals of the complaint process. A clear and specific directive should lay out the procedures for filing complaints with DCAs and require the timely investigation and resolution of complaints.⁶⁰
- ❖ Pennsylvania should create and implement a comprehensive statewide language access plan to reduce inconsistencies among districts. Oversight at the state level can facilitate collaboration between districts to address language access needs and improve consistency of language access policy and services of MDJ courts statewide.

Conclusion

As recipients of federal funding, Pennsylvania courts have an obligation to provide equal access to all persons, regardless of their national origin. Pennsylvania law also requires the provision of free interpreters to named parties and prohibits the use of family or other interested parties as interpreters. The results of our survey, however, indicate that Pennsylvania courts do not consistently meet these obligations. Pennsylvania courts must provide language access services to LEP individuals to ensure meaningful communication between LEP individuals, judges, and court staff, particularly when litigants in MDJ courts may often proceed without a lawyer. As AOPC and judicial districts throughout Pennsylvania are currently developing language access plans, we hope this report will serve as a useful guide for identifying and eliminating some of the most common barriers.

Appendix A

Methodology

The Sheller Center for Social Justice at Temple University Beasley School of Law (“Center”) started studying the issue of LEP individuals and the Pennsylvania court system in the spring of 2014. Advocates from the legal nonprofit community approached the Center about the problems with language access in the MDJ courts. At this point, the information regarding language access was purely anecdotal; advocates knew that some MDJ courts did not properly provide LEP individuals with appropriate language services. However, there was no systematic evidence of how MDJ courts were faring overall. For this reason, the Center decided to study how MDJ courts handled language access services when they encountered LEP individuals.

The Center developed a questionnaire that asked the MDJ courts about their specific practices in dealing with an LEP individual. This questionnaire can be found at Appendix C. Instead of a questionnaire that asked only closed “yes” or “no” questions, the Center deliberately designed the questionnaire to include open-ended questions to elicit conversations with the MDJ court staff about how their court handles LEP individuals who need assistance with language services. The Center called MDJ courts, asked to speak to a staff person familiar with the procedures for assisting LEP individuals, and used this questionnaire to document their responses.

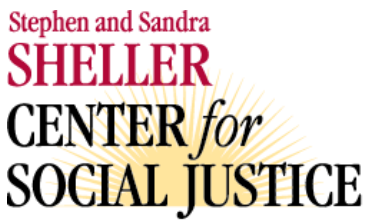
With over 500 MDJ courts in the state, the Center focused on the twenty judicial districts with the highest populations of LEP individuals. Within those judicial districts, advocates throughout the state suggested some specific MDJ courts to call where they knew there were higher concentrations of LEP individuals, and the rest were selected at random. The Center called 166 courts from March through August 2014. Of these calls, we received seventy-nine substantive responses. Court staff were unable or unwilling to offer responses to the survey in about half of the calls made. In these situations, court staff often directed us to the DCA for that particular district. From August through September 2014, we confirmed some of the information collected from each MDJ court by letter.


The Center chose not to report its results numerically as percentages given the sometimes qualitative nature of the information. Rather, this report seeks to give a general idea of overall trends in the different MDJ courts it spoke to as well as any observations that would be helpful to understanding the MDJ court practices. While the goal of the questionnaire was to obtain a response to all of the questions, questionnaire takers may have skipped a question or respondents may have declined or been unable to answer a question. All trends that have been

noted throughout the report are based on the total number of responses received to each question.

Because the Center received a significant number of referrals to the DCA, we created another questionnaire to survey responses from the DCA offices. This questionnaire can be found at Appendix D. Although some of the questions for the DCA offices differed from those made to the MDJ courts, the goals of the survey were similar. From May through September 2014, we conducted the survey of twenty DCA offices and received eighteen substantive responses.

Appendix B



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Barriers to Access for LEP Individuals in Pennsylvania's Minor Courts

Limited English Proficient (LEP) individuals face a number of barriers when trying to navigate Pennsylvania's local courts. These minor courts, called "the people's courts," are presided over by Magisterial District Judges (MDJ). They handle a variety of legal issues, including emergency protection from abuse orders, landlord-tenant disputes, small claims disputes, traffic citations, and criminal arraignments. This document uses information from surveys of MDJ courts and district court administrator offices to identify problems that LEP individuals encounter.*

Magisterial District Judge Courts

Use of Non-Certified Interpreters

Responses varied widely about whether interpreters not certified by Pennsylvania's court interpreter certification program were allowed to interpret in MDJ court proceedings.

About one third of the MDJ courts surveyed reported that they rely on family or friends of LEP individuals to interpret for some proceedings. A few offices reported that court staff were permitted in certain circumstances to interpret in proceedings. In a couple of courts, prisoners or prison staff were used to interpret in criminal arraignments.

Of the MDJ courts that rely on family, friends, bilingual court staff or other non-certified individuals to interpret, only a couple reported assessing the language proficiency and interpreting skills of these individuals to act as interpreters.

Less than a third of the MDJ courts reported that they prohibit the use of friends or family members as interpreters for all court proceedings.

- Using non-certified interpreters raises concerns about objectivity, quality, and accuracy of communication in court proceedings.

Interpreters for Civil Proceedings

About half of MDJ courts stated that they provide free, in-person, certified interpreters for LEP individuals in civil proceedings.

About half of MDJ courts, however, stated that they do not provide a certified interpreter free of cost to LEP individuals in civil proceedings.

About three-quarters of MDJ courts that do not provide free, in-person, certified interpreters for civil proceedings use one or more of the following: free telephonic interpretation services, bilingual court staff, or allowing or even requiring LEP individuals bring someone (including family or friends) to interpret.

A few MDJ courts reported that LEP individuals must provide their own certified interpreter, or they must request a certified interpreter, but will have to pay the cost themselves.

- Without court-provided interpreters, LEP individuals may not be able to fully participate in civil proceedings such as eviction or protection from abuse cases that could lead to serious and harmful outcomes.

Communication with Court Staff

Approximately two-thirds of MDJ courts have no way of communicating with LEP individuals who call by phone or come in person to the court clerk's office. These MDJ courts stated that an LEP individual must call with or bring in an English-speaking family member or friend to use court services.

Although a number of MDJ courts have automated telephonic options when an LEP individual calls the court, they fail to provide such options in a language other than English.

A distinct minority of MDJ courts reported that they had bilingual employees, but their assistance is limited to LEP individuals who speak Spanish.

A handful of MDJ court staff reported using telephonic interpretation with an LEP individual.

- The MDJ courts become inaccessible to LEP individuals unless they are provided with some means to effectively communicate with MDJ court staff when seeking help.

Process for Requesting an Interpreter

Responses varied by MDJ court about how an interpreter may be requested. There was no consistent process by which LEP individuals could request an interpreter.

About half of MDJ courts reported that part of their process is for court staff to arrange for interpreters after they identify LEP individuals who need interpretation services based on in-person or phone interactions.

However, some MDJ courts reported that in order to be provided with an interpreter, an LEP individual must make a written or oral request to court staff. A vast majority of those courts reported that they had no signs or other notification to individuals to inform them of the process for making such a request.

A few MDJ courts reported that arrangements for interpreters in criminal proceedings are made by the public defender.

- When LEP individuals are unaware of the process for requesting an interpreter, it can result in a delay in the proceedings, or worse, in no

Staff Knowledge of Language Service Procedures

In general, a majority of MDJ court staff were unaware of any written or other established procedures for how an LEP individual could be provided with an interpreter or other language access services.

When asked about what kind of process an LEP individual needed to go through to get an interpreter, MDJ courts provided widely varying responses based on their individual court's practices.

About half of the staff interviewed said they were unsure or unaware of any procedure either in their court or in their judicial districts.

A small minority of MDJ court staff also referred us to district court administrators since they were unable to answer questions about the procedure in place.

- A lack of knowledge of any established procedures by MDJ court staff precludes LEP individuals from learning about their rights and how they can access the court system.

Determination of the Need for Language Services

Although most MDJ courts reported that LEP individuals can request an interpreter, almost half of MDJ courts also reported that court staff can make the determination of when an LEP individual needs an interpreter based on in-person or phone interactions.

While not all MDJ courts identified how that determination is made, a majority responded that staff would request an interpreter if they had a hard time understanding the LEP individual.

This standard is based on the staff person's ability to understand instead of the LEP individual's understanding and does not take into account the difference in complexity between an interaction in an office setting versus a court proceeding.

One MDJ court reported that for criminal cases, if the clerk sees a Hispanic name or does not see a social security number, she requests an interpreter.

Other MDJ courts reported that the judge determines when an LEP individual should be provided with an interpreter. No clear standards were identified to explain how judges make those determinations.

- Determinations for use of language access services need to be based on the LEP individual's ability to understand the proceedings they are involved in, not on the MDJ court staff's ability to understand the LEP individual. If the determinations are based on the latter, court staff may fail to request an interpreter for an LEP individual who has only a limited working knowledge of English but not at a high enough level to participate fully in legal proceedings.

20 Pennsylvania Counties with Highest Number of LEP Individuals*			
Philadelphia	133,400	York	10,400
Montgomery	34,100	Dauphin	9,800
Lancaster	27,900	Luzerne	9,200
Lehigh	26,200	Monroe	7,200
Berks	24,600	Lackawanna	6,200
Bucks	23,800	Cumberland	6,100
Allegheny	22,900	Erie	6,000
Chester	22,200	Centre	4,600
Delaware	20,000	Lebanon	4,300
Northampton	11,100	Franklin	4,200

*Source: Migration Policy Institute, Limited English Proficient Individuals in the U.S.

District Court Administration

District Support and Oversight of MDJ Court Interpreter Procedures

The responses from the district court administrator offices indicate that they fail to provide adequate support and oversight to MDJ courts on matters of language access.

Less than a quarter of district court administrators reported providing training to MDJ courts on ensuring ready access to the courts by providing language services.

No district court administrator referenced a specific district policy or procedure that MDJ courts must follow when assisting LEP individuals. About a third of district court administrators were also unaware of the specific practices in MDJ courts within their district.

Additionally, none of the district court administrators had a procedure for LEP individuals to file a complaint about interpretation services or the lack thereof.

- MDJ courts need support and oversight at the district level. Otherwise, MDJ courts may lack the ability and incentive to change existing practices that create barriers for LEP individuals when using the courts.

Inconsistencies Among MDJ Courts Within a District

A comparison of survey responses from MDJ courts and district court administrator offices within the same district indicated that there was often not a consistent understanding between the administrators, MDJ courts, and MDJ court staff on how to communicate with LEP individuals.

Even when district court administrators described the interpreter procedures for the district, our interviews revealed multiple, divergent versions of how these procedures worked in practice for the MDJ courts within each district. For example, one district court administrator told us that courts have a list of languages that an LEP individual can reference to indicate which language they speak. None of the MDJ courts in the district that we surveyed mentioned that they had a resource like this.

- The lack of uniformity among MDJ courts within a district could lead to inequitable outcomes for LEP individuals simply depending on which MDJ court they use.

Inconsistencies Between Districts

While there was some variation in practices for assisting LEP individuals who access MDJ courts within districts, even greater variation existed between districts.

There are a significant number of districts in which all or most MDJ courts reported that interpreters are provided by the court only for criminal proceedings. In other districts, all or most MDJ courts reported that interpreters are provided by the courts, free of charge, in all criminal and civil proceedings.

Surveys of district court administrators also revealed differences in the ways that districts share information with MDJ courts about language access practices.

- Policies and practices that are determined on a district-by-district basis may result in unequal access to courts for LEP individuals across Pennsylvania.

*Methodology: The information is based on surveys of MDJ courts and district court administrator offices in 20 judicial districts with the highest population of LEP individuals within Pennsylvania (excluding Philadelphia County and including Adams County). Law students at the Sheller Center for Social Justice at Temple University Beasley School of Law conducted the survey by asking the MDJ courts about common issues confronting LEP individuals in accessing the courts. From March 2014 through August 2014, the Sheller Center called the MDJ courts, asked to speak to a staff person familiar with the procedures for assisting LEP individuals, and documented their responses to the survey. This document highlights issues that were most prevalent in the survey responses among 79 MDJ courts throughout the state. From May through September 2014, the Sheller Center conducted a similar survey of 18 district court administrator offices. From August through September 2014, the Sheller Center confirmed the information collected from each MDJ court by letter. (Dated: November 2014)

Appendix C

Questionnaire for Magisterial District Judge Courts

Introduction:

I'm a law student calling from Temple Law School working on a project trying to identify the procedures for Plaintiffs and Defendants in District Justice cases who do not speak English very well. Who is the best person in the office that we can talk to about that?

Who are you referred to (name, position):

What is the best time to call (if told to call back later):

1. Do you have any way of communicating with individuals who have limited English skills? (Note: We want to understand what it is like for a LEP individual if they are both walking into the court to ask questions, file papers, etc. vs. if they actually scheduled for a hearing before a judge).
 - a. Do you have any way of communicating with individuals who have limited English skills when they come to the court (i.e., come to ask questions or file papers at the "clerk's office")? What do you do?
 - b. Do you have any way of communicating with individuals who have limited English skills on the phone? What do you do?
 - c. What do you do when an interpreter is needed for a court hearing?
 - i. Is there any difference if it is a criminal or non-criminal case?
 - ii. Is there a difference in an arraignment?
 - d. (If applicable review (a)-(c) for languages other than Spanish).
 - e. Does the person with limited English skills have to pay for the interpreter? If so, are there any exceptions (e.g., for indigent litigants, those who filed "IFP")?
 - f. What happens when no one is available to interpret (e.g., do you tell people to come back with someone to interpret, are cases regularly continued to arrange for professional interpreters)? How long usually until the next scheduled court date (i.e., what is the time delay associated with arranging for an interpreter)?
2. Notice and Determination
 - a. (How does the person with limited English skills learn of "your procedure" – i.e. from their perspective)? Do you have signs posted up to notify someone who does not speak English very well? What do they say? If so where are these signs? Do court personnel otherwise inform them? How?

- b. (How does the court determine whether an interpreter is needed)? How do you (the court or court staff) identify when a person has limited English skills and is in need of interpretation?
3. Who interprets for a Plaintiff/Defendant who does not speak English very well?
(Note: Again, we will want to distinguish here between the interaction of the Plaintiff/Defendant at the “clerk’s office” vs. at a hearing)
- a. Are the court interpreters certified? If not, how is their qualification established? For what languages do you have access to court interpreters?
 - b. Are there any certification requirements for interpreters brought by the litigant (e.g., family or friend)? Does the court ask about their background?
 - c. (If not mentioned above) Do you ever use a telephone interpreter service? If so, when?
4. More information about “your procedure.”
- a. Is it county-wide? Or just for this District Court?
 - b. Is it written?
 - c. Have you received any guidance from the state? From the county?
 - d. Do you keep any records related to the requests for interpreters/language line?
 - e. When you have challenges with individuals with limited English skills, is there anyone you can call for help? Is there anyone formally designated within the county court system to handle or arrange interpreters?
5. Are there any particular challenges that you notice?
6. Thanks so much! Would it be okay to call you back for further information in the future?

Miscellaneous Questions if the Topics are Brought Up . . .

- a. Is there a difference if the person with limited English skills is unrepresented vs. has an attorney?
- b. Does the Plaintiff/Defendant have to fill out any kind of form? Or is it simply an oral request?

Appendix D

Questionnaire for District Court Administration

Introduction:

I'm a law student calling from Temple Law School working on a project trying to identify the policies and procedures for Plaintiffs and Defendants in District Justice cases in your county who do not speak English very well. I've been referred to your office by one of the MDJ courts in your district. Who is the best person in the office that we can talk to about that?

Who are you referred to (name, position):

What is the best time to call (if told to call back later):

1. How do MDJs in your county communicate with individuals who have limited English skills?
 - a. Is there a county policy for how MDJs should communicate with individuals who have limited English skills when they come to the court office (or "window") (i.e., come to ask questions or file papers at the "clerk's office")?
 - i. Are bilingual MDJ staff members allowed to interpret for individuals who come to the office?
 - ii. Can friends and family members interpret?
 - b. Is there a county policy for how MDJs should communicate with individuals who have limited English skills on the phone? (Same sub-questions as above.)
 - c. Is there a county policy for when an interpreter is needed for a court hearing?
 - i. Is there any difference if it is a criminal or non-criminal case?
 - ii. Is there a difference in an arraignment?
 - iii. Is there any distinction between different kinds of civil cases?
 - d. Are these procedures the same for all languages (e.g. not just Spanish)?
 - e. Is there a county-wide policy regarding whether the person with limited English skills has to pay for the interpreter for a court hearing? Is this different for criminal and civil cases? If so, are there any exceptions (e.g., for indigent litigants, those who filed "IFP")?
 - f. What is the policy regarding what happens when no one is available to interpret on the date the MDJ requests an interpreter? How long usually until the next scheduled court date?
2. Notice and Determination
 - a. Is there a policy regarding how courts in your county notify people about the availability of interpreters? Do you know whether MDJS have signs posted to notify

- someone who does not speak English very well? (Or do you provide signs for the MDJs to post?) What do they say? If so where are these signs? Is there a policy for how court personnel otherwise should inform people? How?
- b. Is there a county policy regarding how MDJs should identify when a person has limited English skills and is in need of interpretation?
 - c. Do you offer training on how to identify the need for interpreters or other language services? Do you provide any training on working with interpreters and people with limited English skills? Are there any standard court forms that have been translated in your county? If so, which ones?
3. Who interprets for a Plaintiff/Defendant who does not speak English very well? (Note: Again, we will want to distinguish here between the interaction of the Plaintiff/Defendant at the “clerk’s office” vs. at a hearing)
- a. Are the court interpreters certified? If not, how is their qualification established? For what languages do you have access to court interpreters?
 - b. Are litigants allowed to bring in their own interpreters (friends, family)? Are there any policies or certification requirements regarding these interpreters? Are the MDJs required to ask about their background, or have them sign anything?
 - c. (If not mentioned above) Do MDJs ever use a telephone interpreter service? If so, when?
 - d. Do you have a telephone interpreter service that is available to all courts in your county?
 - e. Does the public defender in your county ever provide interpreters?
4. Disseminating & Enforcing County Policy
- a. Are these policies written? Are they from the state or are they your own? If they are from the state, please describe how you have you received direction (e.g. , attend training, gotten written materials, etc.)?
 - b. How do MDJs learn about these policies? Do they get a written copy of the policy? When new staff is hired, is it part of their training?
 - c. Are MDJs reviewed or given oversight regarding whether they adhere to these policies (e.g., does the county administrator check to ensure that family members are not being used as interpreters in criminal cases, etc.)?
 - d. Is there a way for the individual who does not speak English very well to appeal or challenge the process if they have a problem with the procedure that was used? (e.g., if they did not get an interpreter in the office but wanted one, if they believed their interpreter did not interpret correctly whether court-appointed or a family member, etc.)
 - e. Is there a designated contact person in your office for MDJs to call regarding these issues?

- f. Do you keep any records related to the requests for in-person interpreters and telephone interpreters? Do the MDJs keep records?
- 5. Are these policies you described the same for the court of common pleas? If there are differences, what are they?
- 6. Are there any particular challenges that you notice?
- 7. Thanks so much! Would it be okay to call you back for further information in the future?

Endnotes

¹ FINAL REPORT OF THE PA. SUPREME COURT COMM. ON RACIAL & GEND. BIAS IN THE JUDICIAL SYS. 18 (2003) (hereinafter BIAS REPORT).

² *Id.*

³ 42 U.S.C. § 2000d.

⁴ See JOSEPH RUSSELL ET AL., MIGRATION POLICY INSTITUTE, LIMITED ENGLISH PROFICIENT INDIVIDUALS IN THE UNITED STATES: LINGUISTIC DIVERSITY AT THE COUNTY LEVEL (compiling data from the U.S. Census Bureau’s pooled 2007-11 American Community Surveys).

⁵ BIAS REPORT at 31.

⁶ *Id.*

⁷ See 42 PA. CONS. STAT. §§ 4401-17 (2006); 204 PA. CODE §§ 221.101-311 (2010).

⁸ *Id.*

⁹ *Learn*, THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA, <http://www.pacourts.us/learn/> (last updated Sept. 2013).

¹⁰ 42 PA. CONS. STAT. § 4412(a).

¹¹ *Id.* at § 4412(a)-(b).

¹² *Id.*

¹³ 204 Pa. Code § 221.203(b).

¹⁴ 204 Pa. Code § 221.203(e).

¹⁵ Guidance to Fed. Fin. Assistance Recipients Regarding Title VI Prohibition Against Nat’l Origin Discrimination Affecting Ltd. English Proficient Persons, 67 Fed. Reg. 41455, 41462 (Dep’t of Justice June 18, 2002) (hereinafter DOJ Guidance).

¹⁶ DOJ Guidance at 41471.

¹⁷ OFFICE OF THE CHIEF JUSTICE, SUPREME COURT OF COLORADO, DIRECTIVE CONCERNING LANGUAGE INTERPRETERS & ACCESS TO THE COURTS BY PERSONS WITH LIMITED ENGLISH PROFICIENCY 3 (2011) (hereinafter COLO. DIRECTIVE).

¹⁸ *Id.* at 3-4.

¹⁹ *Id.* at 2.

²⁰ *Id.* at 4.

²¹ 204 Pa. Code § 221.107(b); 42 PA. CONS. STAT. § 4402 (stating that a “principal party in interest” is defined as: “A person involved in a judicial proceeding who is a named party, defendant or direct victim in a criminal proceeding or proceeding, pursuant to Chapter 63 (relating to juvenile matters), will be bound by the decision or action or is foreclosed from pursuing that person’s rights by the decision or action which may be taken in the judicial proceeding”).

²² Letter from Thomas E. Perez, U.S. Assistant Attorney Gen., to State Court Adm’rs & Chief Justices 3 (Aug. 16, 2010) (hereinafter Perez Letter).

²³ DOJ Guidance at 41462.

²⁴ Perez Letter at 2-3.

²⁵ COLO. DIRECTIVE at 2; 22 N.Y.C.R.R. § 217.1.

²⁶ RHODE ISLAND SUPREME COURT, EXECUTIVE ORDER NO. 2012-5, LANGUAGE SERVICES IN THE COURTS 2-3 (2012) (hereinafter R.I. ORDER).

²⁷ *Id.* at 5.

²⁸ DOJ Guidance at 41471.

²⁹ Perez Letter at 3.

³⁰ DOJ Guidance at 41461.
³¹ *Id.* at 41462.
³² COLO. DIRECTIVE at 3.
³³ R.I. ORDER at 1,5.
³⁴ 22 N.Y.C.R.R. § 217.2.
³⁵ N.Y. ACTION PLAN at 7.
³⁶ DOJ Guidance at 41465.
³⁷ *Id.*
³⁸ R.I. ORDER at 3.
³⁹ ADMINISTRATIVE OFFICE OF STATE COURTS, RHODE ISLAND JUDICIARY, LANGUAGE ACCESS PLAN 4-5 (2014) (hereinafter R.I. PLAN).
⁴⁰ *Id.*
⁴¹ *Id.* at 4.
⁴² FED. COORDINATION & COMPLIANCE SECTION, CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, LANGUAGE ACCESS PLANNING & TECHNICAL ASSISTANCE TOOL FOR COURTS 15-16 (2014).
⁴³ DOJ Guidance at 41465.
⁴⁴ *Id.* at 41471.
⁴⁵ Michigan Court Rule 1.111(B)(3).
⁴⁶ *Id.*
⁴⁷ *Id.*
⁴⁸ R.I. PLAN at 9.
⁴⁹ *Id.*
⁵⁰ *Id.*
⁵¹ DOJ Guidance at 41464.
⁵² *Id.* at 41465.
⁵³ *Id.*
⁵⁴ OFFICE OF LANGUAGE ACCESS, COLORADO JUDICIAL DEPARTMENT, STRATEGIC PLAN FOR IMPLEMENTING ENHANCED LANGUAGE ACCESS IN THE COLORADO STATE COURTS 8, 12 (2012) (hereinafter COLO. PLAN).
⁵⁵ SHERBURNE CNTY. DIST. COURT, LIMITED ENGLISH PROFICIENCY (LEP) PLAN 5 (2008); *see also* LAURA ABEL, LANGUAGE ACCESS IN STATE COURTS 31 (2010).
⁵⁶ *Id.*; *see also* LAURA ABEL, LANGUAGE ACCESS IN STATE COURTS 31 (2010).
⁵⁷ DOJ Guidance at 41465.
⁵⁸ *Id.*
⁵⁹ *Id.*
⁶⁰ *See* COLO. PLAN at 9.