



**WASHINGTON STATE
COURT INTERPRETER SERVICES**

***LIMITED ENGLISH
PROFICIENCY (LEP) PLAN***

July 2007

*THE WASHINGTON STATE LEP PLAN IS A JOINT PROJECT OF
THE ADMINISTRATIVE OFFICE OF THE COURTS, THE
INTERPRETER COMMISSION, NORTHWEST JUSTICE PROJECT,
AND COLUMBIA LEGAL SERVICES*

LIMITED ENGLISH PROFICIENCY PLAN

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I. INTRODUCTION AND PURPOSE OF LEP PLAN

As Washington State's population grows, the state's immigrant population and the Limited English Proficient (LEP)¹ community of individuals requiring access to Washington Courts increases as well. Washington State Courts, the Administrative Office of the Courts (AOC) Interpreter Program, and related stakeholders have developed methods and materials to meet the needs of the LEP population in our courts. However, the quality of the services in courts across the state has been inconsistent and at times falls below the level necessary to meet federal and state standards for providing meaningful access to the courts by LEP individuals. The goal of the Washington State LEP Plan is to assist courts statewide in devising methods to provide access to LEP individuals that consistently meet or exceed federal and state mandates.

To that end, the Washington State LEP Plan provides trial courts with a brief outline of the federal and state mandates regarding the level of services that should be made available to LEP individuals, and a guide to assist trial courts in meeting these important requirements. It lists organizations and individuals (including contact information) that have an interest in improving LEP individuals' ability to access the courts, and describes the efforts made by these groups to enable the trial courts to more readily provide quality interpreters.

This Washington State LEP Plan also includes a template and step-by-step directions for creating a Language Assistance Plan (LAP)² that can be adapted to the local needs and circumstances of each court, cluster of courts, or all courts in a county or region. **See Appendices A and B.** By utilizing the template and directions, each court or regional cluster can assess the language needs of its own court community and develop a local plan for ensuring meaningful access to the courts by all LEP individuals. This LEP plan also offers practical solutions to many of the language assistance issues faced by courts across our state. In addition, it identifies courts that have experience in implementing these suggestions and includes contact information. It is also hoped that

¹ An LEP individual is a person who does not speak English as their primary language and who has a limited ability to read, write or understand English. This person may need assistance with respect to a particular type of service, benefit or encounter. (Federal Register, Vol. 67, No 117, 41459).

² LAP's include policies, procedures, protocols, tools and services for ensuring equal access to LEP individuals, as well as for deaf and hearing-impaired persons. **See Appendices A and B.**

this LEP plan will facilitate communication and exchange of ideas between trial courts on ways to address our common concerns, thus enabling all courts to ensure that LEP individuals across the state receive a level of court access equal to those for whom English is their first language.

This document, together with the LAP template and directions, is intended to be a user-friendly guide to assist courts in (1) developing language assistance plans, (2) complying with federal and state mandates, and (3) meeting the needs of the LEP population in your jurisdiction. Please feel free to contact the Washington State Interpreter Commission or the AOC Interpreter Program with any comments and suggestions that will help achieve these goals.

The 2007 Legislature appropriated \$2 million for interpreter services in fiscal years 2008 and 2009. The Legislature required each trial court, as a condition of receiving funds to pay for interpreter services, to create a Language Assistance Plan consistent with standards established by the Administrative Office of the Courts. The attached plan, together with the LAP plan template and directions, embody the AOC LAP standards.

II. MANDATES

A. Interpreters in Court Proceedings

1. Federal and Washington law require that LEP persons be provided with competent interpreters in all court proceedings.

Both federal and Washington law require that courts provide all Limited English Proficient (LEP) people with competent interpreters during all court hearings, trials and motions in which the LEP individual participates as a party or witness.

The Federal Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin. In the regulations and guidance implementing the Civil Rights Act, the U.S. Department of Justice (DOJ) indicated that every court receiving federal financial assistance must take reasonable steps to ensure that all LEP people will have meaningful access to all court proceedings and court-related programs and activities. Washington State trial courts that receive federal financial assistance are subject to the requirements of this Act, the DOJ regulations, and the DOJ Guidance. Failure to comply with the Civil Rights Act requirements or DOJ Guidance could result in loss of federal funding for the court.

DOJ guidance states that courts must provide competent language services for every court matter for which an LEP person may or must be present, including hearings, trials, and motions. This includes not only all criminal matters, but also all civil matters. The DOJ guidance offers a four-factor analysis, described in Section B, to determine what language assistance is required beyond provision of interpreter services for court proceedings.³

Under the Washington State interpreter statute, RCW 2.43.010, it is the policy of the court to make a qualified interpreter available in all legal proceedings in which an LEP person is involved.

Federal requirements and Washington law differ somewhat on who must pay for the cost of interpreters in legal proceedings. Washington's interpreter statute provides that

³ Federal Register, Vol. 67, No 117, 41471.

the court, governmental body, or agency initiating the proceeding is to pay for the interpreter in all legal proceedings in which the LEP individual is compelled to appear by the court, governmental body, or agency.⁴ In all other proceedings, the cost of the interpreter is borne by the LEP individual unless the person is indigent, in which case the governmental body responsible for the legal proceeding bears the cost.⁵

The following is the DOJ's position regarding who should pay for an interpreter:

*...when oral language services are necessary, recipients should generally offer competent interpreter services free of cost to the LEP person. For DOJ recipient programs and activities, this is particularly true in a courtroom, administrative hearing, pre- and post-trial proceedings, situations in which health, safety, or access to important benefits and services are at stake, or when credibility and accuracy are important to protect an individual's rights and access to important services.*⁶

Additionally, the Washington Court of Appeals in Division II (in a published decision) and the Court of Appeals in Division III (in an unpublished decision) both ruled that in a criminal case, requiring an LEP criminal defendant to pay for an interpreter but not requiring a hearing-impaired criminal defendant to pay for an interpreter violates both the Equal Protection Clause of the U.S. Constitution and the Privileges and Immunities Clause of Washington's Constitution. (*State v. Marintorres*, 93 Wn. App. 442 (1999, Div. II); *State v. Al-Khaledy*, Court of Appeals Div. III, Docket No. 22945-9-III, (2004).

2. The Washington Interpreter Statute Directs Courts on Interpreter Qualifications.

The Washington interpreter statute (RCW 2.43.030, reproduced below) directs courts on the qualifications required for interpreters used for legal proceedings. The statute requires that courts use a certified interpreter if the Administrative Office of the Courts (AOC) has certified the language that is being interpreted. After 1990, AOC began certifying language interpreters. AOC has certified interpreters in ten languages: Arabic, Cantonese, Korean, Laotian, Mandarin, Russian, Somali, Spanish, Vietnamese and American Sign Language (ASL). If a certified interpreter is not "reasonably available," the court is required to use a "qualified interpreter." Essentially, the court is required to use the most qualified interpreter that is reasonably available.

⁴ RCW 2.43.040(2).

⁵ RCW 2.43.040(3).

⁶ Federal Register, Vol. 67, No 117 at 41462.

If the court must qualify an interpreter from the bench, judicial officers are encouraged to use the list of questions contained in **Appendix C**. Additional detail on the certification and registration (a new intermediate category of interpreter qualification) process for court interpreters can be found in section IV – Stakeholders.

RCW 2.43.030 Appointment of Interpreter

(1) Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or qualified interpreter to assist the person throughout the proceedings.

(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.

(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the Administrative Office of the Courts, unless good cause is found and noted on the record by the appointing authority. For purposes of chapter 358, Laws of 1989, "good cause" includes but is not limited to a determination that:

(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a certified interpreter are not reasonably available to the appointing authority; or

(ii) The current list of certified interpreters maintained by the Administrative Office of the Courts does not include an interpreter certified in the language spoken by the non-English-speaking person.

(c) Except as otherwise provided in this section, when a non-English-speaking person is involved in a legal proceeding, the appointing authority shall appoint a qualified interpreter.

(2) If good cause is found for using an interpreter who is not certified, or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the

record that the proposed interpreter:

(a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and

(b) Has read, understands, and will abide by the Code of Ethics for language interpreters established by court rules.

3. Court Interpreters Must Comply with the Code of Ethics for Court Interpreters

All certified and registered interpreters are tested on the Code of Ethics for Court Interpreters through the certification / registration examination process. Regardless of an interpreter's credentials, all interpreters in court are expected to be familiar with and follow the Code of Ethics (which is the same as the Code of Conduct for Court Interpreters in GR 11.2). **See Appendix D.**

RCW 2.43.080 Code of Ethics

All language interpreters serving in a legal proceeding, whether or not certified or qualified, shall abide by a Code of Ethics established by Supreme Court rule.

Washington State certified and registered interpreters have been trained and tested on GR 11.2, the Code of Conduct. **See Appendix D.** Further, they have access to comments on the Code of Conduct. **See Appendix E.**

B. Language Services for LEP Persons' Out-of-Court Contact with Court Staff and Other Court Services

Under the DOJ Guidance, in addition to providing competent interpreters in court, when a court appoints an attorney to represent an LEP defendant, the court should ensure either that the attorney is proficient in the LEP person's language, or that a competent interpreter is provided during consultations between the attorney and the LEP person.

The DOJ guidance describes Title VI protections that extend beyond providing interpreters in court proceedings. The Guidance suggests that courts should consider four factors to determine the extent of the language assistance that must be provided to LEP individuals.⁷ The four-factor analysis consists of the following elements:

⁷ Id. at Section V, pp. 41459 – 41461.

1. Number or proportion of LEP people in the court's jurisdiction – demography;
2. Frequency with which LEP individuals come into contact with the court;
3. The nature and importance of the program, activity or service provided by the court to the LEP person (including the consequences of lack of language services or inadequate services); and
4. Resources available to the court locally and statewide, and costs.

In such other areas of language assistance as translation of forms, bilingual court staff, signage, etc., the four-factor analysis can be used to determine the level of assistance that must be provided and the manner in which it should be made available.

In determining what language services should be provided, DOJ guidance states that “the more important the activity, information, service or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed....A [federal funding] recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a Federal, State or local entity to make an activity compulsory...can serve as strong evidence of the program's importance.” Examples of programs or services that are often made compulsory by courts include parenting classes, mandatory mediation or arbitration, and settlement conferences.⁸

The DOJ guidance states that courts should ensure that eligible LEP individuals have equal access to programs that will give them an opportunity to avoid or lessen confinement as part of a criminal sentence, including such programs as anger management, counseling, domestic violence treatment, and substance abuse counseling. Courts should also assess the need for language services in contacts with the court system outside of the courtroom, particularly in allowing access to courts or calendars with high numbers of unrepresented individuals, such as family, landlord-tenant, traffic, and small claims courts.⁹

In addition to discussing the need for oral interpreter services, the DOJ guidance addresses the need for translation of written materials. The guidance directs federal funding recipients to consider whether or not a document is “vital” and should be

⁸ Id. at pp. 41471 – 41472.

⁹ Id.

translated. The guidance directs that whether a document is considered “vital” should be based on the importance of the program or service it involves, and the consequence to the LEP person if the information provided by or submitted via the document is not conveyed accurately or in a timely manner. For example, applications for drug and alcohol counseling would be “vital”; applications for a bicycle safety course would not. Documents that may be “vital” include intake forms with the potential for important consequences, applications to participate in a court-ordered program or activity, and written notices of rights.¹⁰

Where a significant number of LEP individuals who speak a particular non-English language are often in need of court-related services, the court may decide to provide court forms translated into that particular language. For example, a county may translate its “how-to” materials helping unrepresented people navigate the family court process and providing information for domestic violence survivors. Conversely, where the number of LEP individuals who speak a particular language is small, simply providing an interpreter to translate the documents orally would suffice.¹¹

The DOJ strongly recommends that each court use the four-factor analysis to develop a written language assistance plan. A written plan will create a framework for providing reasonable and necessary language assistance to LEP persons and assist in training judges and court staff to implement the plan. In addition, a written plan is an excellent method of documenting the court’s compliance with the mandate to ensure meaningful access.

¹⁰ Id.

¹¹ Id.

III. GOALS OF WASHINGTON LEP PLAN

Washington Courts must be responsive to the needs of the LEP community that courts serve, both as a matter of principle and as mandated by federal and state law. These services take place inside and outside the courtroom. Examples of LEP community contacts with the courts include domestic violence cases, juvenile justice matters, diversion programs, criminal and civil actions, and matters that affect driving privileges. Each encounter a person has with the court community is critical. In order for courts to comply with the mandate to accommodate LEP court participants by providing interpreters and translated materials, improvements on a small and large scale must be made. The following section outlines goals for Washington Courts and related stakeholders.

Improving LEP access to Washington Courts is the responsibility of the court leadership and stakeholder agencies that serve the courts. Our shared mission is to provide reasonable access to appropriate language assistance for LEP individuals in order to ensure full and equal access to Washington courts.

A. GOAL: IMPROVE ACCESS TO QUALITY INTERPRETERS

Courts need access to more certified interpreters in languages where certification exists in Washington State. Currently certification is available in Arabic, Cantonese, Korean, Laotian, Mandarin, Russian, Somali, Spanish, Vietnamese and American Sign Language (ASL). In March 2007, the Washington State Court Interpreter Commission approved in principle to offer certification exams in all languages in which the National Consortium of State Courts (NCSC) provides certification testing, and requested the AOC to investigate the costs and practical ramifications of doing so. These additional languages are: French, Haitian Creole, Hmong, Polish, Portuguese and Serbian. Finally, in many languages where certification does not exist, interpreters can now become “registered” once they have passed a written exam and oral proficiency interview.¹² The languages available for certification from the National Consortium of

¹² This new category of interpreters was approved in September 2006. Testing began in May 2007. Approximately 44 languages will be available in the registered category. Candidates for the registered category must take and pass a written multiple-choice exam, scoring at eighty percent or better. An oral proficiency exam will also be administered to those candidates passing the written exam. Candidates must achieve a superior rating on the oral exam. The oral exam will measure a minimal level of language proficiency rather than interpretation skills. Because registered interpreters will have been tested at a minimal level of proficiency (in contrast to the stringent standards required to become a certified interpreter), judicial officers will still need to qualify registered interpreters on the record.

State Courts (NCSC), together with those available as “registered,” now total fifty-four (54). For a full list of those languages, see **Appendix F**. For all other languages, courts need to have education and resources to qualify interpreters from the bench. **See Appendix C.**

i. Plan: Recruitment and Education of Interpreter Candidates

To become a certified interpreter, a candidate must pass two difficult exams (written and oral). To be a registered interpreter, a test candidate must pass the written exam and oral proficiency interview. Both exams are difficult, and pass rates are often low. Courts need access to interpreters who have proven they have superior interpreting skills. To improve the passage rate, the state’s Interpreter Program needs to recruit individuals who possess better interpreter skills and have had access to prior interpreter education and training. Individuals who are bilingual are not necessarily qualified to be interpreters, much less court interpreters. The Interpreter Program will work to increase the exam passage rates for both certified and registered interpreters.

The Interpreter Program will partner with high school and community college programs to promote interpreter curricula and then recruit students to take the court certification/registration exams. High school and community college level interpreter training programs currently exist, and the Interpreter Program will invest resources, develop material, and create incentives to encourage students who complete these programs to become court interpreters. The Interpreter Program will continue to consider ways to recruit skilled candidates to take the interpreter exams through media sources, ethnic organization publications, and existing educational resources.

ii. Plan: Education of Court Community

Part of the ongoing responsibility of the Washington State Interpreter Commission and a goal of the AOC Interpreter program is to provide regular education opportunities for the court community who hire and use interpreters. Courts must fully understand their requirement to use certified and registered interpreters in every situation where it is possible (see RCW 2.43.030).

iii. Plan: Provide Lists of Certified/Registered Interpreters

The Interpreter Program has two levels of qualified court interpreters, certified and registered. The goal of offering registration (in addition to certification) is to offer courts information on non-certified interpreters’ competence in English and the target language and their knowledge of ethical obligations. The Interpreter Program will update lists of

both certified and registered interpreters in Washington State, and will use data gathered on the LEP population to determine the need for certification and registration in additional languages.

iv. Plan: Explore Improved Data Collection Systems

The Interpreter Program and Commission need access to a uniform data collection system that gathers basic interpreter usage and bilingual staff data across each court level in the state. The Interpreter Program will explore possible software systems, funding, and methods of data collection that can be implemented in Washington Courts. See also B below.

B. GOAL: DATA COLLECTION

While the court community is educated on their responsibility to provide interpreter services, there is currently no process whereby court appointments or barriers to LEP access are assessed, monitored, or collected. To be more responsive and to ensure appropriate use of state interpreter funds, the state must begin collecting data on court language assistance needs (inside and outside the courtroom) on a bi-annual statewide basis.

i. Plan: Annual Court Survey

The Administrative Office of the Courts allocates state funds to administer the Interpreter Program. To be more responsive to the trial courts' needs, the program needs to regularly gather data on language needs and costs in Washington Courts. The Interpreter Program will send a bi-annual survey to the courts. The survey is voluntary, but courts will understand that their responses are critical to the future policy and funding decisions made by the Interpreter Program, and in some cases will be needed for reimbursement of interpreter costs.

ii. Plan: Survey of Written Language Assistance Plan

The Interpreter Program survey will require courts to (a) provide a copy of their written Language Assistance Plan; and (b) identify any needed changes in the plan due to fluctuation in language needs, developments in technology or other changes.

iii. Plan: Survey of LEP Individuals Using the Courts: Data Collection System

The biannual Interpreter Program survey will ask courts to identify and assess the language needs of all individuals using the court system. This will include using data on websites such as www.mla.org to regularly update the needs of LEP individuals in their geographic region.

iv. Plan: Survey Courts on Use of Translated Signs and Brochures Informing LEP Individuals of Services

The Interpreter Program will survey courts on a biannual basis to check that translated signs explaining procedures to access services for Limited English Proficient individuals are posted in the courthouse. The survey will also ask courts to check that translated materials advising the LEP community of interpreter services are available.

v. Plan: Survey Courts on Use of Interpreters and Bilingual Staff by Language (in person and telephonic).

The Interpreter Program will use the biannual survey to gather data on use of interpreters by language so as to monitor fluctuations in language needs. This will include data on use of in-person interpreters, telephone interpreters, and use of bilingual staff broken down by language. It will also include data on use of interpreter services inside and outside the courtroom. The survey will also ask courts to report on resources that would be required to provide interpreters in all court-mandated programs.

vi. Plan: Survey Courts on Numbers of Bilingual Staff Hired and on System for Employing Staff to Provide Access to LEP.

The Interpreter Program will survey courts to gather information on numbers of bilingual staff hired (including actual hours used to provide services to LEP persons), and will check that instructions for working with bilingual staff are available to all.

vii. Plan: Survey Courts on Use of Translated Forms and Brochures and Need for Translation of Additional Materials

The Interpreter Program will regularly update a list of translated forms and brochures on its website and will ask courts to report, in the biannual survey, which forms and brochures have been used, and which additional documents are the highest priority for translation. The survey will also remind courts to send any adaptations of translated forms to the Interpreter Program for review, posting and future use by other courts.

viii. Plan: Monitor Training of Judges, Court Clerks and Other Courthouse Staff (including all current staff and new hires) RE: Use of Interpreters and Bilingual Staff

The Interpreter Program will use the biannual survey to collect data on numbers of staff trained and hours of training provided.

C. GOAL: RESOURCES FOR LEP IMPLEMENTATION

i. Plan: Provide Data on the LEP Population in Each Region in Washington State.

The Interpreter Program will send out information on the LEP population gathered from Census and Superintendent of Public Instruction data on an annual basis.

ii. Plan: Provide Model Curricula for Training Staff on How to Work with Interpreters and the Importance of Monitoring the Quality of Interpreting

The Interpreter Program will gather and share model curricula for training staff on working with interpreters. These materials will be posted on the website, and other materials such as DVD's will be available to order.

iii. Plan: Gather and Share Information about State Interpreter Telephonic Pools and National Language Lines

The Interpreter Program will gather and share information about any state interpreter telephonic pools that are developed and will also share information on rates and available languages of national language lines. Where feasible, the Interpreter Program will facilitate contracting statewide to reduce costs.

D. GOAL: Assisting/Advising with Local Language Assistance Plans

The Interpreter Program will review all local Language Assistance Plans on a biannual basis and will offer advice and assistance with updates or revisions as needed. All plans will be posted on the web as a way of sharing resources and information.

IV. STAKEHOLDERS

A. Washington State Interpreter Commission

The Washington State Interpreter Commission is the policy making body that provides guidance and structure to the Interpreter Program. Various stakeholders are represented on the Interpreter Commission and share a variety of perspectives on court interpreting.

General Rule 11.1 Purpose and Scope of the Interpreter Commission

(a)...The Interpreter Commission will develop policies for the Interpreter Program and the Program Policy Manual, published on the Washington Court's web site at www.courts.wa.gov, which shall constitute the official version of policies governing the Court Certified Interpreter Program.

(b) Jurisdiction and Powers. All certified court interpreters who are certified in the state of Washington by AOC are subject to rules and regulations specified in the Interpreter Program Manual. The Commission shall establish three committees to fulfill ongoing functions related to issues, discipline, and judicial/court administration education.

B. Administrative Office of the Courts Interpreter Program

The program that administers certification and registration for interpreters is housed at the Administrative Office of the Courts (AOC). The AOC Interpreter Program is tasked with managing the program that certifies or registers interpreters, monitors the quality of interpreter services, and directs future developments in the program.

RCW 2.43.070 Testing, Certification of Interpreters

(1) Subject to the availability of funds, the Administrative Office of the Courts shall establish and administer a comprehensive testing and certification program for language interpreters.

(2) The Administrative Office of the Courts shall work cooperatively with community colleges and other private or public educational institutions, and with

other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified interpreters. Training programs shall be made readily available in both eastern and western Washington locations.

(3) The Administrative Office of the Courts shall establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(4) The Administrative Office of the Courts shall conduct periodic examinations to ensure the availability of certified interpreters. Periodic examinations shall be made readily available in both eastern and western Washington locations.

(5) The Administrative Office of the Courts shall compile, maintain, and disseminate a current list of interpreters certified by the Administrative Office of the Courts.

(6) The Administrative Office of the Courts may charge reasonable fees for testing, training, and certification.

C. Board for Judicial Administration

The Board for Judicial Administration (BJA) is charged with providing effective leadership to the state courts and developing policy to enhance the administration of the court system in Washington State. Judges serving on the BJA pursue the best interests of the judiciary at large, in representing the more than 400 elected and appointed judges presiding at four levels: the Supreme Court, the Court of Appeals, Superior Courts and Courts of Limited Jurisdiction (District and Municipal Courts).

The BJA meets monthly to address policy, administrative, and legislative issues to pursue improvements across Washington State trial courts.

D. Trial Courts

Washington State trial courts provide services to the LEP population. For a description of duties and a complete list of tasks, please see Section V – Trial Court Tasks.

E. Court Interpreters

Washington State certified and registered court interpreters are critical stakeholders in providing LEP access to trial courts. They play a vital role in assisting people who require court intervention, but have language barriers that limit their participation. Interpreters pass a series of screening exams and methods explained below to ensure their skills are adequate to perform the duties of an interpreter in court.

To become a certified court interpreter in Washington State, a person must pass both a written and oral exam. To become a registered court interpreter in Washington State, a person must pass a written exam and oral proficiency interview (OPI). Additionally, the person must pass a criminal background check and sign an Oath of Interpreter witnessed by a judge before their certification or registration process is complete.

Once a person becomes certified or registered, their contact information is accessible on the Washington Courts website. The online directory is the only directory where up-to-date information on an interpreter's certification or registration status is accessible to the courts and public. Courts are strongly encouraged to verify an interpreter's certification/registration status before hiring them to perform interpreter duties in court.

Additionally, an interpreter is issued an ID badge with their picture and a two-year expiration date. Courts are encouraged to look for and ask to verify an interpreter's status by viewing their badge to make sure it is current.

As a condition of maintaining their status as a court interpreter, a certified interpreter is required to participate in 16 hours of continuing education (2 of which must be in ethics) and 20 hours of court interpreting every two years; and a registered interpreter is required to complete 10 hours of continuing education (2 of which must be ethics). Failure to comply with these conditions may result in decertification or deregistration. The Discipline Committee of the Interpreter Commission oversees interpreter compliance with continuing education and court hour requirements.

F. Professional Associations

Washington State Court Interpreters & Translators Society (WITS) is a non-profit, professional organization officially established in September 1988. WITS seeks to

further the goals of the interpreting and translating profession, enhance the professional standing of its members and inform the public about the interpreting profession. The contact information for WITS is:

PO Box 1012
Seattle, WA 98111-1012
(206) 382-5690
www.WITSnet.org

Northwest Translators & Interpreters Society (NOTIS) was established in April 1988 as a forum for professional translators and interpreters in the Pacific Northwest. NOTIS is a chapter of the American Translator Association. The contact information for NOTIS is:

PO Box 25301
Seattle, WA 98165-2201
(206) 382-5642
www.NOTISnet.org

There are numerous benefits to belonging to a professional interpreter/translator organization(s). Such organizations assist in promoting the recognition and advancement of the interpretation/translation profession, such as high standards/guidelines and the interests of professional interpreters and translators. These organizations provide information that will assist newcomers to the profession and enhance the abilities of established practitioners, such as providing workshops for interpreters and translators. They assist members in marketing their services. Additionally, they provide a forum in which interpreters and translators can get acquainted, network, discuss mutual needs, keep abreast of developments within the profession and address business objectives. Finally, they inform the general public, courts, clients and persons in allied fields about interpretation and translation as well as raise awareness about the value of the profession.

G. LEP Population

Over 14 percent of Washington State's population is limited English proficient. As of 2005, this reflected over 631,500 immigrants. While Spanish is the predominant language in certain parts of the state, Superintendent of Public Instruction data shows 181 languages spoken statewide, with many of those languages found in the rural and eastern parts of the state. Data on languages found throughout the state in each area can be easily located by going to www.mla.org.

H. Other Organizations

The Commission on African American Affairs. The mission of this commission is to encourage the development and implementation of policies, programs and practices that are specifically intended to improve conditions affecting the cultural, social, economic, political, educational, health and general well-being of African American people at all levels throughout Washington State. The contact information for the Commission on African American Affairs is:

Commission on African American Affairs
General Administration Building
210 – 11th Avenue SW, Room 301A
Olympia, WA 98504-0926
(360) 725-5665
www.caa.wa.gov

The Commission on Asian Pacific American Affairs. The mission of this commission is to improve the well-being of Asian Pacific Americans by insuring their access to participation in the fields of government, business, education and other areas. The contact information for the Commission on Asian Pacific American Affairs is:

Commission on Asian Pacific American Affairs
General Administration Building
210 – 11th Avenue, Room 301, MS 40925
Olympia, WA 98504-0925
(360) 725-5667
www.capaa.wa.gov

The Commission on Hispanic Affairs. The mission of this commission is to improve public policy development and the delivery of government services to the Hispanic community through the following means: (1) Identifying and defining issues concerning the rights and needs of Washington State's Hispanic community; (2) Advising the Governor and state agencies on the development of relevant policies, plans and programs that affect Hispanics; (3) Advising the legislature on issues of concern to the state's Hispanic community; and (4) Establishing relationships with state agencies, local governments and members of the private sector. The contact information for the Commission on Hispanic Affairs is:

Commission on Hispanic Affairs
PO Box 40924
Olympia, WA 98504-0924
(360) 725-5661
www.cha.wa.gov

The Minority and Justice Commission. The purpose of this commission is to determine whether racial and ethnic bias exists in the courts of the State of Washington. To the extent that it exists, the Commission is charged with taking creative steps to overcome it. To the extent that such bias does not exist, the Commission is charge with taking creative steps to prevent it. The contact information for the Minority and Justice Commission is:

Washington State Minority and Justice Commission
Temple of Justice
PO Box 41174
Olympia, WA 98504-1174
(360) 357-2109
www.courts.wa.gov

The Washington State Coalition for Language Access (WSCLA). This organization consists of legal professionals, advocates, law enforcement personnel, interpreters/translators and court personnel who are dedicated to assisting state and local agencies within the State of Washington to understand and comply with their obligations under Title VI of the Civil Rights Act of 1964. The contact information for WASCLA is:

Washington State Coalition for Language Access
c/o JoAnn Guzman
Northwest Justice Project
401 Second Avenue S, Ste 407
Seattle, WA 98104
(206) 464-1519
www.wascla.org

V. TRIAL COURT TASKS

Although each county and/or court has individualized methods of responding to LEP individuals and requests, the following observations are applicable in most instances.

A. Judges

It is the responsibility of each trial court in the State of Washington to protect the rights, constitutional and otherwise, of LEP individuals who appear before them by ensuring the availability of a qualified interpreter at each appearance. Accordingly, each trial court must develop appropriate procedures that will accomplish this result. An essential aspect of any such procedure is a mechanism whereby the court is notified sufficiently in advance of a hearing that an interpreter will be needed so that the court has adequate time to arrange for an interpreter. Alternatively, the court can ensure the presence of an interpreter by making a policy decision that an interpreter will always be present on a particular docket. With such procedures, the court can reduce to an absolute minimum its reliance on non-certified interpreters. To obtain compliance with these procedures and to retain “corporate memory” in the event of turnover of staff, these procedures should be in writing. Included in **Appendix G** of this Plan are examples of interpreter procedures from Superior Courts in three Washington counties.

B. Clerks and Court Administrators

The clerk’s office is generally the first department in the courthouse to become aware that a matter has been scheduled for a hearing. When a Note for Motion Docket or similar document is filed in the clerk’s office, this is the earliest opportunity for the courthouse to be made aware that a hearing has been scheduled. Because the clerk’s office is the first recipient of the Note for Motion, staff in the clerk’s office have the first opportunity to know that an interpreter may be needed.

Since clerks’ offices are readily accessible to the public, an LEP pro se party’s first contact with the court system may be with the clerk’s office. This is another reason why the clerk plays a crucial role in the process of determining that an interpreter is needed. Recognizing that an interpreter is needed and conveying that information to the appropriate person are two essential roles that the clerk’s office must play if interpreters are to be present in court.

Other offices that have regular contact with the public – such as social service and law enforcement agencies – can be expected to interact with LEP individuals involved in the court system. Such offices should also develop methods of communicating with LEP persons and notifying the court of the need for interpreter services.

C. Elements of Providing Services

1. Informing the Public of their Right to an Interpreter

To ensure that LEP parties have access to qualified interpreters, they must be informed of their right to an interpreter. Such information can be provided by signs and brochures located in prominent places in the courthouse such as the clerk's office. In addition, outreach to the local bar association, pro bono programs, courthouse facilitators, and domestic violence programs will facilitate the spread of this information.

2. How to Request an Interpreter

The method for requesting an interpreter should be publicized. This includes stressing that the request should be made at the earliest point of entry so that arrangements can be made to obtain a certified, registered or otherwise qualified interpreter.

3. Translated Forms and Brochures

The Interpreter Program and the Pattern Forms Committee are developing protocols and standards for translation of legal forms, orders and brochures. Upon demonstration of compliance with translation procedures and standards, translated documents can be electronically housed with the AOC so as to be shared with interested parties.

4. Out of Court Contact

Each court must ensure that out of court services are also accessible to LEP persons through the use of bilingual staff, in-person interpreters or telephonic assistance. All staff must be trained in how to work with an interpreter for these services. Examples of such services include courthouse facilitators, parenting classes, mandatory mediation or arbitration, and settlement conferences.¹³

¹³ Federal Register, Volume 67, Number 117, pp. 41471 – 41472.

VI. RESOURCES AVAILABLE TO THE COURTS FOR PROVIDING LANGUAGE ASSISTANCE

Courts from around the state have adopted a number of measures to improve access for LEP individuals. The methods to improve court process and access for LEP individuals vary depending on the court's clientele, administration, needs and resources. These methods range from very expensive investments to reorganization of current resources having very little fiscal impact. This section will describe the methods some courts have utilized, provide an estimated fiscal impact, and identify courts that have already implemented these strategies.

A. Signage and Other Forms of Notice

Strategically placed signs and/or pamphlets at a courthouse or court facility are a functional and effective method to inform non-English speakers where and how to request language assistance. Clear signage with simple directions offers LEP individuals comfort and assurance that they will get the direction they need to accomplish their court activity. Signs should give direction to pamphlets or some other resource that clearly outlines the methods an LEP person can use to request language assistance.

Depending on the court's resources, and how the court prioritizes LEP enhancements, providing direction by signs can either be costly or require minimal resources. Printing signs in various languages can be expensive, yet will be a permanent and lasting investment. As a temporary measure, courts may consider posting and providing laminated notices throughout the court facility. If multiple copies of the notice are available, an LEP individual could take a copy of the notice to the front desk to request assistance. Courts should consider using symbols to accompany the message for LEP individuals who struggle with reading in either English or the target language. See sample from Yakima County at **Appendix H**.

Estimated cost: \$100 for multiple laminated notices posted around court facility, \$250 for signs translated into 3 languages.

Existing locations that utilize signs: Yakima County, Spokane County Superior Court, Skagit County Superior Court, King County Superior Court.

B. Translation of Forms

Many courts have invested resources to translate court forms, brochures, and pamphlets. Because court forms are generally modified to reflect local rules and services, translated versions are often not easy to share between courts. If forms, brochures or pamphlets are translated, the reader is offered a thorough opportunity to read crucial legal information, get direction on how to resolve legal matters, or request court intervention. It allows a non-English speaking person the same opportunity to review information that an English-speaking person receives in court.

If forms are not available to an LEP individual, that person must rely on other means to understand the process, including using a friend or family member to translate the document; guessing or getting by without a full understanding of the action; using un-credentialed court staff to explain the process; or using a certified/registered interpreter to provide a sight translation of the document. Each of the options listed above, except using an interpreter with credentials, is grossly inadequate and puts the LEP individual at an unfair disadvantage. Having a qualified interpreter available to conduct sight translations at each point of contact is unrealistic and costly. For this reason, courts should consider prioritizing local forms and having them translated.

The Interpreter Program and the AOC are committed to improving access to the courts by translating court documents. To that end, the Interpreter Program will work and partner with stakeholder groups to prioritize and translate pattern forms approved by the AOC. These forms will be accessible to all courts and will thoroughly cover the mandatory information, pursuant to statute, but will not include local modifications.

Estimated cost: \$90-\$150 per form, flat rate of \$75 per page (King County).

Existing Courts that have translated forms: San Juan District Court, Chelan County, Skagit County Superior Court (tri-fold pamphlet), King County Superior Court.

C. “I Speak” Cards

Each court office that interacts with the public should be equipped with “I Speak” cards, which are available at no cost from the Department of Justice. They can be downloaded and copied at <http://www.lep.gov/ISpeakCards2004.pdf>. “I Speak” cards assist courthouse personnel in identifying what language the person seeking assistance

speaks, so they can determine the best way to help the LEP person. “I Speak” cards include 38 variations of “I speak (sample) language” translated into the target languages.

Trial courts should have numerous “I speak” documents and / or cards located around the court facility. If a person walking into the court facility needs assistance, they can retrieve a document or card and use it to identify and communicate the language in which they need assistance.

Estimated cost: free to download, and printing cost varies (printing, spiral bound, laminated).

Existing resources: Spokane County Superior Court.

D. Telephonic Access

Telephonic language assistance, such as the Language Line, is available for court proceedings and communication with the public.

In addition, court offices that struggle with first point of contact and want to improve communication with LEP individuals may consider establishing a contract with an interpreter to be available to take telephonic appointments. For limited purposes, an interpreter would be able to assist in communication between an LEP individual and the court staff as long as there is a method whereby three-way communication is available in the office where the first interaction occurs.

Estimated cost: \$1.10 per minute for Language Line. Hourly rate for interpreter on-call services during business hours.

Existing resources: Lake Forest Park Municipal Court, Ferry/Stevens/Pend Oreille Counties Superior Courts.

E. Local Policy and Forms

Each court should have a written policy on how to provide an interpreter to LEP individuals. The policy should cover how an interpreter is requested and define the process by which an interpreter or language services can be accessed by LEP

individuals.

Estimated cost: Staff costs of coordinating collection and analysis of forms and services requested.

Existing resources: Yakima County Superior Court.

F. Training for Support Staff

Staff training on policies and procedures for providing interpreters to LEP court participants should be tailored to each court and provided by court leadership to clerks, receptionists, judicial assistants, and bailiffs. Training on the court's policy and procedure should also be available personally or in writing to prosecutor's offices and public defenders or attorneys on contract with the court. Courts should add a section to their employee policy manual or contracts outlining the court's practice in requesting and appointing interpreters or accessing language assistance through other means such as telephonic interpretation services.

Regardless of the level of resources available to the court, if court staff are not aware of the services or procedures to assist individuals with language barriers, LEP individuals will struggle with the court process. All staff that have direct contact with the public should have a thorough knowledge of the available interpreter or language assistance resources.

Estimated cost: \$250 instructor costs, materials copying cost only, curricula consultation with AOC (no cost).

Existing resources: Yakima County Superior Court, Spokane County Superior Court, King County Superior Court.

G. Education of Judicial Officers and Court Administration

The Interpreter Commission has a standing committee dedicated to educating judicial officers and court managers in Washington State on interpreter requirements, resources, and updates. Judges and court managers hold conferences twice a year and have access to electronic notices via email. Other stakeholder groups, such as the Court Management Council, are also ideally positioned to assist in educating the court

community. Communication between the Interpreter Program, the Commission, and the court community is vital to improving access to LEP court participants and sharing existing resources between courts.

Estimated cost: Travel-related costs to make presentations to court leadership through conferences and materials are included in the AOC Interpreter Program Budget.

H. Coordination of Court Calendars

Court management should coordinate court calendars requiring interpreter services. This measure maximizes resources. Courts should also maximize the use of in-person or telephonic interpreters. It is worth investing in resources by developing this method for calendars that have a high interpreter volume. It will ultimately result in cost savings.

Estimated cost: N/A

Existing resources: Depending on the court, the department responsible for calendaring (clerk, court administrator, and juvenile court staff) can determine to what extent consolidating cases that require language assistance is possible within your calendaring system.

I. Website Translation Services

Some courts rely on translation services available through the internet for their initial contact with LEP individuals seeking assistance. Other courts have invested in translating their websites and services available via the internet into languages other than English to assist the LEP population. See **Appendix A, no. 7** for examples of available online translation services.

Note: Use of websites that employ automatic machine translations is discouraged, as those translations are of doubtful accuracy and should not be relied upon by the courts.

Estimated cost: free download, internal IT support resources.

Existing resources: Bonney Lake Municipal Court.

J. Tracking Language Needs

The AOC Interpreter Program will conduct a biannual survey of the courts. (**See Appendix I**) Until a systematic data collection system is either developed or purchased, the biannual survey and Language Assistance Plans (LAP's) should provide statewide information from courts on what level of language assistance services are being provided, where services are lacking, and what policies and resources are necessary to improve language access services to the courts and LEP individuals.

These reporting mechanisms offer courts an opportunity to participate in long-term, solution-focused public policy development targeted at improving deficits that currently face the courts and LEP individuals. Because court input is critical in institutionalizing important changes and improvements, wide participation in the survey and LAP's is essential to create solutions to problems that currently face Washington courts.

Estimated resources: Trial court leadership will be responsible for completing the survey and reviewing / revising their LAP (in alternating years).

LANGUAGE ASSISTANCE PLANS (LAP)

A. Purpose

The Language Assistance Plan (LAP) is designed as a fluid process for local courts to use to set goals, assess current services, and identify strategies for implementing improvements in local access to courts for both LEP and deaf / hearing impaired individuals. Pursuant to budget proviso, the Language Assistance Plan must also describe local procedures for notifying LEP and deaf / hearing-impaired individuals of their rights, as well as for accommodating their language assistance needs. Further, local LAP's require collaboration between court leadership and stakeholders to determine priorities for the court to enhance language assistance services to non-English speaking and deaf / hearing-impaired court participants at each trial court level.

B. Language Assistance Plan Template

The Language Assistance Plans are intended to be concise and targeted service plans to improve access to court proceedings and services for LEP and deaf / hearing-impaired individuals. The plans will be updated periodically to reflect improvements and progress over time. The plans require a goal setting exercise among the court leadership, taking into account the best practices and resources identified in the rest of this LEP statewide plan as well as in **Appendix A and Appendix B**. Courts are encouraged to use the plans as benchmarks to chart progress in accomplishing the identified goals.

Language Assistance Plans specifically identify for each court:

- services that already exist to serve LEP and deaf / hearing impaired individuals;
- service or language assistance gaps;
- specific improvements to be implemented in language assistance for LEP and deaf / hearing impaired individuals and populations; and
- obstacles that exist to those improvements.

The Language Assistance Plan template and directions can be found in **Appendices A and B**.

NOTE: As required by the 2007 legislative appropriation for interpreter services, local court LAP's must also include plans for providing language assistance to deaf and hearing impaired individuals as provided in RCW 2.42. Thus, the LAP template and directions at Appendices A and B also include provisions for deaf and hearing-impaired persons. This statewide LEP Plan was designed and targeted primarily for Limited English Proficient individuals (i.e., speakers of languages other than English); however, most of the principles, goals and tools in this LEP Plan are also applicable to deaf and hearing impaired persons.

C. Schedule

As part of the \$2 million appropriation for interpreter services for FY08/09, the 2007 Legislature required each trial court, as a condition of receiving funds to pay for interpreter services, to create a Language Assistance Plan consistent with standards established by the Administrative Office of the Courts. **(See Appendix A, p. 2)** AOC will be hiring staff to assist local courts to develop LAP plans beginning in July 2007. Funding will also be available through June 30, 2008 to assist local courts in implementing their LAP plans. Thereafter, local courts will be required to submit a revised Language Assistance Plan every two years. Plans and implementation progress reports will be collected and compiled by AOC. AOC in turn will report periodically on LAP plan implementation and progress to the Interpreter Commission and Board for Judicial Administration (BJA). The content of the reports will be available to the public upon request and will be available on AOC's website.

D. Local Court Practices to Provide Language Assistance to LEP Individuals

Each court is required to identify in its Language Assistance Plan the court's practices and procedures for providing language assistance to LEP and deaf / hearing-impaired individuals. **(See Appendix A and B)**. These include practices for:

- identifying and assessing the language needs of LEP and deaf / hearing impaired individuals in the court;
- identifying and appointing interpreters;
- notifying LEP and deaf / hearing impaired individuals on the right and methods to obtain an interpreter;
- providing translations of commonly used forms;
- training judges and court personnel; and
- evaluating the development and implementation of the LAP plan.

APPENDIX A

LANGUAGE ASSISTANCE PLAN (LAP) INSTRUCTIONS

July 2007

Dear Presiding Judges, Court Administrators and County Clerks:

The U.S. Department of Justice, in accordance with Federal guidelines, strongly recommends all government agencies receiving Federal funds create a Limited English Proficiency (LEP) Plan. In addition, Washington State requires creation of a Language Assistance Plan as a condition for local jurisdictions to be eligible to receive funds to help pay the cost of interpreter services. In appropriating state funds to pay for court interpreter services, the 2007 legislature provided that “[i]n order to be eligible for such assistance, a trial court must have completed a language assistance plan” (LAP) consistent with standards adopted by the Administrative Office of the Courts (AOC).

NOTE: In the same appropriation, the Legislature directed \$340,000 to be used in FY08 to assist trial courts in developing and implementing LAP plans. It also directed the AOC, in consultation with the Interpreter Commission, to adopt LAP standards, which should include:

- (1) guidelines on local community input;
- (2) provisions on notifying court users on the right and methods to obtain an interpreter;
- (3) information on training for judges and court personnel;
- (4) procedures for identifying and appointing an interpreter;
- (5) access to translations of commonly used forms; and
- (6) processes to evaluate the development and implementation of the plan.

These LAP plan directions, and the attached LAP plan template (see **Appendix B**), reflect and incorporate the LAP standards adopted by the AOC. **Therefore, a local court’s completion of the attached LAP plan template in accordance with these LAP plan directions will constitute compliance with those LAP standards.**

These LAP plan directions and template also reflect the requirements set forth in the Washington State Court Interpreter Limited English Proficiency (LEP) plan jointly produced by the Administrative Office of the Courts, the Interpreter Commission, Northwest Justice Project and Columbia Legal Services. Please refer to the Statewide LEP plan for additional background, requirements and elements for local jurisdictions to

consider in creating your LAP plan.

These LAP Plans are meant to assess how Washington courts deliver services to the deaf, hearing impaired and non-English speaking public. Not only is this a reporting tool, but biannual review of these Plans should serve to biannually evaluate how our courts are responding to the evolving needs and demands of deaf, hearing impaired, immigrant and other non-English speaking communities.

In this guide, you will find step-by-step suggestions for filling in information in your LAP Plan. The purpose of this instruction guide is to provide ideas and suggestions to enhance your ability to deliver services to LEP individuals.

Your LAP Plan should be tailored to the needs, demands, and services specific to your jurisdiction (or jurisdictions, if you are creating an LAP plan that encompasses more than one jurisdiction). Please feel free to customize the Plan as much as necessary for your local jurisdiction(s). Also, your Plan should take into account different courthouse buildings in your jurisdiction(s), if applicable. Feel free to complete separate Plans per building, if that makes the most sense to you.

If you look at the accompanying LAP Plan template in Appendix B, you will see in **bold** throughout the document references like **[SEE #1]**, **[SEE #2]**, etc. Go to the corresponding number in this instruction guide for ideas on how to insert local court- or jurisdiction-specific information into the template.

If you have any questions, please contact Karina Pugachenok at karina.pugachenok@courts.wa.gov or (360) 705-5315. Also, if you have suggestions for the LAP plan template or this instruction document, please contact Karina.

Language Assistance Plan (LAP) Instruction Guide

NOTE: In developing your local LAP plan, you must consult with judges, court administrative staff, interpreters, and members of the community such as domestic violence organizations, pro bono programs, courthouse facilitators, legal services programs, and /or other community groups whose members speak a language other than English (including deaf and hearing impaired persons). Your LAP plan should document what method of consultation you employed – e.g., community forum; individual meetings with court staff / community representatives, etc. You may also want to indicate in your LAP plan what plan elements or other information (such as information on language needs in your community) were derived from such consultation.

1. Personalize the LAP Plan with the name of your court. Throughout the template, you will see the term “_____ Superior/District/Municipal Court.” Do a ‘find and replace’ on “_____” and replace it with the name of your local court. **NOTE: Local jurisdictions are welcome and encouraged to create and implement a single LAP plan for clusters of courts, or for all courts in a county or region. In such a case, feel free to use a different term for the cluster or region.**
2. Here you must list the languages in highest demand in your court. You can find this information from the following sources:
 - Your court’s experience with LEP, deaf or hearing impaired participants. This may be documented in case files, information systems, and records of interpreter engagements and billing; you and your staff may also have relevant personal experience.
 - Queries from the Judicial Information System (JIS). The AOC has provided each court with the results of a standard query that for 2005 and 2006 counts cases filed in which a participant’s person record indicates the need for an interpreter. (Note: The results of this query do not mean that an interpreter was actually used in each case. Its accuracy also depends on the language information having been entered for each person requiring an interpreter.) JIS coding identifies 90 individual languages plus American Sign Language.
 - U.S. Census data. Language information from the 2000 census is available in the Detailed Demographic Profiles provided by the state Office of Financial Management for counties, cities and towns at <http://www.ofm.wa.gov/census2000/dp58/default.asp> (see pages 43 and 44 of each profile). The profiles include counts for 28 individual languages; other languages are counted by group such as African, Asian, Slavic, etc.

- Data from the Superintendent of Public Instruction (SPI) on non-English speaking students. AOC will provide SPI school district level counts of students enrolled in state-sponsored English Language Learning (ELL) programs in the public schools for the 2005-2006 school year. (Note: Not all districts have ELL programs, so foreign language speakers in districts without programs are not counted. Also, students in private schools or home-schooled are not counted. Nevertheless, the ELL counts provide a good picture of the languages spoken, the relative populations of speakers, and the places they are concentrated.) SPI counts about 200 individual languages.

Please list as many languages as you feel best represents your specific LEP and deaf / hearing impaired needs. Also, following this list of languages, list the source(s) of this information.

3. Please review the information in this paragraph to make sure it accurately reflects your local practice. Make any necessary changes or additions. E.g. - if your court uniformly provides interpreters in other settings, please be sure to include your court-specific practices.
4. AOC will be developing consistent signage that can be used in courts across the state to notify non-English speakers of their possible right to interpreter services and the method(s) by which they can obtain an interpreter. Such signage will consist of a simple informational statement translated into the most frequently spoken non-English languages in Washington. You will be notified as more specific information about this signage becomes available, so that you can incorporate that into your local plan.
5. Briefly describe any coordination with local government agencies (e.g., probation, law enforcement, child protection, prosecution, etc.) for early identification of interpreter needs. This could include proactive communication plans with these local court-related agencies. The purpose of such a plan is to create a consistent means of notifying the court as early as possible when social services, jails, county attorneys, etc., become aware that an interpreter will be needed for a court appearance.
6. If court personnel regularly come into contact with LEP, deaf or hearing-impaired individuals outside of the courtroom in other ways, please list them here. This is an important factor to consider, because you need to understand (1) which of your employees provide service to LEP, deaf and hearing-impaired individuals, and (2) in what context they are serving those individuals. Some examples may include:
 - a. Site visits
 - b. Interviews for public defender eligibility
 - c. Interviews for orders for protection
 - d. TTY
 - e. Letters/requests sent by mail

7. This is perhaps the most important part of this LAP Plan. Court staff certainly are not expected to provide linguistic services like interpreters. However, they are still required to provide “meaningful access” to non-English speakers. The following are ideas and suggestions that you may wish to employ in your court. Suggested language for you to insert in the LAP Plan is in normal text, with follow-up explanations in *italics*. However, please do not feel limited to using these examples, and include any other efforts or services provided by your court. See also Section VI of the statewide LEP plan (“Resources Available to the Courts for Providing Language Assistance”) for possible additional services and practices.

- “The _____ Superior/District/Municipal Court has bilingual employees in the following languages: When LEP customers seek our assistance outside the courtroom, we first try to meet their needs by using the language skills of our employees.”
- “For face-to-face encounters, as well as telephone conversations, the _____ Superior/District/Municipal uses the Language Line when interpreters are not immediately available.”
- “When court staff does not know what language a customer is speaking, they use “I Speak” cards which are available in thirty-eight languages.”

“I Speak” cards are available from the U.S. Department of Justice. The Dept. of Justice language list can be found at: <http://www.lep.gov/ISpeakCards2004.pdf>

- “In order to meet simple immediate communicative needs, court staff may use free online translating services. This will help in translating an English statement into a foreign language in written form.”

Over the web it is quite easy to find translation services that may be helpful in limited circumstances. For example, if staff needs to communicate a simple sentence to an LEP individual (“Our office closes in ten minutes.” “Please take this paper to the second floor.” “Please wait and we will find an interpreter.”), using these online services may prove helpful.

www.freetranslation.com Translation available between English and: Italian, Dutch, Portuguese, Russian, Spanish and Chinese.

<http://translation2.paralink.com/> Translation available between English and: French, German, Portuguese, Russian and Spanish.

<http://world.altavista.com/> Translation available between English and: Chinese, Dutch, French, German, Greek, Italian, Japanese, Korean, Russian, Portuguese, and Spanish.

http://www.worldlingo.com/en/products_services/worldlingo_translator.html

Translation available between English and all languages listed in Altavista above.

- For staff that has some knowledge of the Spanish language, they may consult the Spanish/English glossary developed by the North Carolina courts.

If you have staff who know some Spanish, but are not confident in their skills, the North Carolina Court put together a comprehensive Spanish/English glossary for court clerks which is included in these materials. You can also find this guide at:

http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/Clerks_Manual.pdf

Again, this guide is not meant to replace an interpreter. It is strongly suggested that interpreters (either face-to-face or over the telephone) be used when serving LEP individuals. However, this glossary may provide some helpful phrases.

8. You may include in the listed documents those that have been translated for statewide use by the Administrative Office of the Courts. If your specific jurisdiction(s) has also translated any other documents or forms, please be sure to list them in this section. Please note also that the AOC is in the process of undertaking translation of certain additional statewide pattern forms. You will be notified as more specific information about these translated forms becomes available, so that you can incorporate that into your local plan.
9. In this section list any training opportunities available to your judicial officers and court staff. Examples could include:
 - a. “Staff is instructed about LAP policies and procedures, as described in this LAP Plan, on an annual basis.”
 - b. “Front-line staff is required to annually review “Breaking Down the Language Barrier,” a video training tool provided by the Department of Justice.”
 - c. “Cultural specific training will be provided by local agencies (*please include relevant information*).”
 - d. Note that AOC will be providing state- and / or regional-level training for judicial officers and court staff to support implementation of local LAP plans. You will be notified as more specific information about these training opportunities becomes available, so that you can incorporate that into your local plan.

Finally, if you have any questions, comments, concerns or suggestions about your LAP Plan, please contact the Karina Pugachenok at karina.pugachenok@courts.wa.gov or (360) 705-5315.

APPENDIX B

**LANGUAGE ASSISTANCE PLAN (LAP) TEMPLATE for
SUPERIOR / DISTRICT / MUNICIPAL COURTS**

_____ [SEE #1] SUPERIOR / DISTRICT / MUNICIPAL COURT
LANGUAGE ASSISTANCE PLAN (LAP)

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for _____ Superior/District/Municipal Court to provide services to Limited English Proficient (LEP), deaf or hearing impaired individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42 et seq.; and RCW 2.42 and 2.43. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP, deaf or hearing-impaired persons who come in contact with _____ Superior/District/Municipal Court.

This LAP Plan was developed to insure equal access to court services for persons with limited English proficiency and deaf and hearing-impaired persons. Although deaf and hearing-impaired individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to RCW 2.42 and 2.43.

II. NEEDS ASSESSMENT

A. Statewide

Washington State provides court services to a wide range of persons, including people who do not speak English or who are deaf or hearing impaired. Service providers include the trial courts at the Superior, District and Municipal Court levels.

According to 2000 U.S. Census data, the most widely used languages for interpreters in Washington State were (in descending order of frequency):

1. Spanish
2. Russian
3. Vietnamese
4. Chinese

B. _____ Superior/District/Municipal Court

_____ Superior/District/Municipal court will make every effort to provide service to all LEP, deaf and hearing-impaired persons. However, the following list shows the non-English languages that are most frequently used in the area. **[SEE #2]**

- XX
- XX
- XX
- XX

This information is based on data from the _____. **[SEE #2]** In compiling this information on local language needs, the following individuals and groups were consulted: **(See NOTE at the beginning of the LAP Plan Instruction Guide (Appendix A, p. 4) RE: the need for local consultation / input.)**

_____ Superior/District/Municipal court has identified the following additional language assistance needs among court users in the area.

- XX
- XX
- XX

This information is based on input from _____. In compiling this information on local language needs, the following individuals and groups were consulted: **(See NOTE at the beginning of the LAP Plan Instruction Guide (Appendix A, p. 4) RE: the need for local consultation / input.)**

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

The use of court interpreters (both sign language and non-English spoken language) is guided by two state statutes – RCW 2.42 and 2.43, respectively.

It is the policy/law of Washington State to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters

are available to assist them. See RCW 2.42. It is also the policy/law of Washington State to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.43.

When a deaf or hearing impaired person is a party or witness at any stage of a judicial or quasi judicial proceeding in the state or political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings and any proceeding in which a deaf or hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter. See RCW 2.42.120(1). When a non English speaking person is a party to a legal proceeding or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified or registered by the Administrative Office of the Courts (AOC). See RCW 2.43.030(1)(b). If the current list of certified and registered interpreters maintained by AOC does not include an interpreter certified or registered in the language spoken by the non English speaking person, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020(2). **[SEE #3]**

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the _____ Superior/District/Municipal court will determine whether an LEP, deaf or hearing-impaired court customer needs an interpreter for a court hearing. First, the LEP, deaf or hearing-impaired person may request an interpreter. The _____ Superior/District/Municipal court displays a sign translated into Washington State's six most frequently used languages that states: "*You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.*" The _____ Superior/District/Municipal court displays this sign at the following location: xxxxxx **[SEE #4]**

Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty

communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court about an LEP, deaf or hearing-impaired individual's need for an interpreter for an upcoming court hearing. **[SEE #5]**

2. Court Interpreter Qualifications

The _____ Superior/District/Municipal court hires interpreters for courtroom hearings in compliance with the rules and policies set forth in RCW 2.42 and 2.43 as well as General Rule 11.0; 11.1; 11.2; and 11.3. The Washington State Court Interpreter Program maintains a statewide roster of Certified and Registered interpreters who may work in the courts. This roster is available to court staff and the public at www.courts.wa.gov/programs&orgs. Certified and Registered interpreters on the roster have passed a written examination, oral examination, undergone a criminal background check, signed an oath and attended an orientation.

Washington State currently certifies the following languages: Arabic, Cantonese, Korean, Laotian, Mandarin, Russian, Somali, Spanish, Vietnamese and American Sign Language (ASL). Washington also offers testing in the Registered Category in the following languages: Afrikaans, Albanian, Amharic, Baluchi, Bengali, Bulgarian, Cebuano, Chavacano, Croatian, Czech, Dari, Dutch, Egyptian, Filipino, French, German, Haitian Creole, Hebrew, Hilgaynon, Hindi, Hmong, Ilonggo, Indonesian, Italian, Japanese, Javanese, Khmer, Malay, Norwegian, Pashto, Persian Farsi, Polish, Portuguese, Punjabi, Romanian, Serbian, Slovak, Swahili, Swedish, Tausug, Thai, Turkish, Urdu and Visayan.

The court may appoint non-certified and non-registered interpreters who are not listed on the statewide roster only when certified and registered interpreters are unavailable. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

The _____ Superior/District/Municipal Court may also use telephone interpreting if no interpreters are available in person pursuant to General Rule 11.3. Bilingual staff who are not on the statewide roster are never used to interpret in court. However, they may assist in securing an interpreter if necessary.

B. Spoken Language Services outside The Courtroom

The _____ Superior/District/Municipal Court is also responsible for taking reasonable steps to ensure that LEP, deaf and hearing-impaired individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP, deaf or hearing-impaired individuals without an interpreter. LEP, deaf or hearing-impaired individuals may come in contact with court personnel via the phone, TTY / TDD, counter or other means. **[SEE #6]** To that end, the _____ Superior/District/Municipal Court has the following resources to help LEP, deaf or hearing-impaired individuals and court staff communicate with each other **[SEE #7]**:

- xxxxx
- xxxxx
- xxxxx

C. Translated Forms & Documents

The Administrative Office of the Courts understands the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. The _____ Superior/District/Municipal Court currently has the following forms translated into commonly used languages: **[SEE #8] – E.g.:**

- X, Y and Z Criminal Court Forms have been translated into . . .
- X, Y and Z Domestic Abuse forms have been translated into. . .
-
-

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals, as well as for deaf or hearing-impaired individuals when necessary.

IV. TRAINING

Local courts are committed to providing training opportunities for all judicial and court staff members who come in contact with LEP, deaf or hearing-impaired individuals. Training opportunities specifically provided in the _____ Superior/District/Municipal Court include: **[SEE #9]**

- xxxxx
- xxxxx
- xxxxx

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Plan Approval & Notification

_____ Superior/District/Municipal court's LAP Plan has been approved by the (Court Administrator) (County Clerk), and a copy has been forwarded to Washington State's Administrative Office of the Courts Interpreter Program Coordinator. Any revisions to the plan will be submitted to the Court Administrator for approval, and then forwarded to the Interpreter Program Coordinator. Copies of _____ Superior/District/Municipal court's LAP plan will be provided upon request. In addition, _____ Superior/District/Municipal court will post this plan on its own and AOC's websites.

B. Annual Evaluation of the LAP Plan

The _____ Superior/District/Municipal Court will conduct an annual needs assessment to determine whether changes to the LAP plan are needed. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site. Additionally, it will be posted on the AOC's public website.

Each year the statewide AOC Court Interpreter Program Coordinator will coordinate with designated local court staff to review the effectiveness of the LAP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP, deaf or hearing impaired persons requesting court interpreters in Washington State trial courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- Gathering feedback from LEP, deaf and hearing-impaired communities around the state.

LAP Contact Person

State Contact:

Karina Pugachenok
AOC Interpreter Program
1206 Quince Street SE
PO Box 41170
Olympia, WA 98504-1170
karina.pugachenok@courts.wa.gov
(360) 705-5315 Direct Line
(360) 753-3365 Fax

Local Contact:

[Insert Local Contact Information]

The effective date of this LAP plan is _____.

APPENDIX C

Questions to Ask/Consider When Qualifying an Interpreter

QUESTIONS TO ASK/CONSIDER WHEN QUALIFYING AN INTERPRETER

RCW 2.43.030 (2) states that:

If good cause is found for using an interpreter who is not certified or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

- a. Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and*
- b. Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.*

Following is a list of questions recommended for judicial officers to use when qualifying a non-certified interpreter (including registered interpreters) for a hearing:

1. Are you certified by the state of Washington as a court interpreter? Any other state? Any other credentials or certification?
2. What is your native language?
3. How did you learn English and the target language?
4. Can you read in both languages?
5. Did you formally study either language in school? What was your primary language in school? Where and how long did you attend school?
6. Have you had an opportunity to speak with the litigant(s)? Do you need a few minutes? Were there any particular communication problems?
7. Are you familiar with the dialectical or idiomatic peculiarities of the witness/parties?
8. Have you ever interpreted in court before? Where? How often? For what types of hearings or cases?

9. Have you received any special training in court proceedings?
10. Describe simultaneous interpreting and your experience with it.
11. Describe consecutive interpreting and your experience with it.
12. Do you ever summarize statements while interpreting? Do you understand the law requires you to interpret everything said by all parties?
13. Have you read the Code of Conduct for Court Interpreters? Describe briefly the topics covered (see GR 11.1).
14. Are you a potential witness in this case?
15. Do you now or have you ever met any of the parties/witnesses? In what circumstances?
16. Do you have any other potential conflicts of interest?
17. Have you ever worked for any of the parties/witnesses? In what capacity?
18. Do you believe you can communicate with the non-English-speaking person/party; i.e., have you talked with the person already or do you need a few minutes to talk now?
19. Can you readily communicate with the non-English-speaking person?

APPENDIX D

Code of Conduct for Court Interpreters – GR 11.2

GR 11.2

CODE OF CONDUCT FOR COURT INTERPRETERS

Introduction: The Washington State Supreme Court adopted the Code of Conduct for Court Interpreters in November of 1989. Washington law establishes that all legal interpreters, whether certified or not, must follow the Code of Conduct.

Preamble: All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following Code of Conduct:

A language interpreter who violates any of the provisions of this code is subject to a citation for contempt, disciplinary action or any other sanction that may be imposed by law. The purpose of this Code of Conduct is to establish and maintain high standards of conduct to preserve the integrity and independence of the adjudicative system.

(a) A language interpreter, like an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.

(b) A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing, and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreter's personal moods or attitudes.

(c) When a language interpreter has any reservation about ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the parties and to the court. If the communication mode or language of the non-English-speaking person cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.

(d) No language interpreter shall render services in any matter in which the interpreter is a potential witness, associate, friend, or relative of a contending party,

unless a specific exception is allowed by the appointing authority for good cause noted on the record. Neither shall the interpreter serve in any matter in which the interpreter has any interest, financial or otherwise, in the outcome. Nor shall any language interpreter serve in a matter where the interpreter has participated in the choice of counsel.

(e) Except in the interpreter's official capacity, no language interpreter shall discuss, report, or comment upon a matter in which the person serves as interpreter. Interpreters shall not disclose any communication that is privileged by law without written consent of the parties to the communication, or pursuant to court order.

(f) A language interpreter shall report immediately to the appointing authority in the proceeding any solicitation or effort by another to induce or encourage the interpreter to violate any law, any provision of the rules which may be approved by the courts for the practice of language interpreting, or any provisions of this Code of Conduct.

(g) Language interpreters shall not give legal advices and shall refrain from the unauthorized practice of law.

[Adopted effective November 17, 1989]

[By orders dated November 2, 1989, the Supreme Court adopted GR 11.1 and CrRLJ 3.2(0) and amended CR 79 (e) to read as set forth below. Effective November 17, 1989.]

GR 11.1 the use of qualified interpreters is authorized in judicial proceedings involving hearing impaired or non-English-speaking individuals [adopted effective July 17, 1987].

APPENDIX E

Comments on the Code of Conduct

COMMENTS ON THE CODE OF CONDUCT

By: Court Interpreter Task Force

The Court Interpreter Task Force published comments to its proposed code in 1986. These comments are useful because they expand on issues covered by various provisions of the Code of Conduct for court interpreters.

Standards

The Code of Judicial Conduct (CJC) Canons 1 and 3 require high standards of conduct by judges, their staff, and court officials. Such standards apply to interpreters as well. Interpreters are the vital link in communication between litigants and the court. Conflicts of interest may consciously or subconsciously affect the quality or substance of an interpretation or translation. The need for unquestioned integrity among interpreters is obvious. These Canons apply to interpreters and translators for both the hearing impaired and for individuals who speak a language other than English. CJC Canon 3 requires court personnel and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge.

Accuracy

The interpreter should utilize the same level of language used by the speaker. This means that the interpreter will interpret colloquial, slang, obscene or crude language, as well as sophisticated and erudite language, in accordance with the exact usage of the speaker. It is not the interpreter's task to tone down, improve, or edit phrases.

Unless the interpreter is faithful to this concept of accurate interpretation, he or she may act as a filter or buffer in the communication process. This could damage the integrity of the trial process, which is based on an adversarial system with vigorous examination and cross-examination. Consequently, the substance of questions posed and answers given during the testimony should not be altered more than absolutely necessary to assure comprehension.

The interpreter should not assume that it is his or her duty to simplify statements for a witness or defendant whom the interpreter believes cannot understand the speaker's statements. Like witnesses who do not use an interpreter, interpreted witnesses can and should request counsel or the court to explain or simplify matters if necessary.

An interpreter should never characterize or give a gratuitous explanation of testimony. The court or attorneys will request clarification from the speaker if necessary. The court and counsel should be sensitive to possible confusion by the witness. During testimony, the interpreter may volunteer to the court his or her belief that the witness does not understand a particular question or comment.

Idioms, proverbs and sayings rarely can be interpreted literally. The interpreter should seek an equivalent idiom or relate the meaning of the original idiom or saying.

While interpreting a non-English language, the interpreter should not offer an explanation or repeat a witness' gesture or grimace, which has been seen by the trier of fact.

Interpreters for the deaf or hearing-impaired should use the method of interpreting most rapidly understood by the deaf or hearing-impaired witness. For example, the witness may be more articulate in American Sign Language than in manually coded English or finger spelling.

Meaning

A court interpreter or legal translator is often faced with new technical terms, slang, regional language differences, and other problems posing difficulty in accurate interpretations or translations.

The interpreter or translator must take time, and be given appropriate time by the court, to determine an appropriate and accurate interpretation or translation of the material. If unable to interpret or translate the material, the parties and the court must be advised so the court can take appropriate action. When necessary, another, better-qualified interpreter should be substituted. Before such substitution, the court may determine whether another linguistic approach can be used for the same result in communication. For example, a different choice of words to be interpreted may solve the problem.

Impartiality

The purpose is to avoid any actual or potential conflict of interest. CJC Canon 3 requires similar disqualification of a judge because of a conflict of interest. Interpreters should maintain an impartial attitude with defendants, witnesses, attorneys, and families. They should neither conceive of themselves nor permit themselves to be used

as an investigator for any party to a case. They should clearly indicate their role as an interpreter if they are asked by either party to participate in interviews of prospective witnesses outside of the court. Interpreters should not “take sides” or consider themselves aligned with the prosecution or the defense.

See comment to Canon 6, which discusses the use of interpreters in client and witness interviews. Care must be taken to avoid exposing an interpreter to unnecessary conflict of becoming a potential witness on the merits.

Both court interpreters and jurors should be apprised of the identity of each during voir dire to help determine whether any juror knows the interpreter.

The fees and remuneration of a court interpreter or legal translator shall never be contingent upon the success or failure of the cause in which he/she has been engaged.

Interpreters and translators shall not interpret in any matter in which his/her employer has an interest as an advocate, litigant or otherwise.

Interpreters shall be limited to the role of communication facilitators.

No interpreter who has served as an investigator assisting in preparation for litigation shall serve as a court interpreter in that cause.

Personal Opinion

To promote the trust and integrity of the judicial system, it is important that court officials, including interpreters and translators, refrain from commenting publicly regarding an action. Interpreters and translators shall not offer an opinion to anyone regarding the credibility of witnesses, the prospective outcome of a case, the propriety of a verdict, the conduct of a case, or any other matter not already available by public record.

Legal Advice

The interpreter shall never give legal advice of any kind to the non-English-speaking person or to any other person, whether solicited or not. In all instances, the non-English-speaking person should be referred to counsel. The interpreter may give general information to a non-English-speaking person regarding the time, place, and nature of court proceeding. However, in matters requiring legal judgment, the individual

should be referred to an attorney.

The interpreter should never function as an individual referral service for any particular attorney or attorneys. This kind of activity has the appearance of impropriety. When asked to refer a non-English-speaking person to a particular attorney, the interpreter should refer such individual to the local bar association or to the Office of the Public Defender.

APPENDIX F

List of Registered and Certified Languages

CURRENT LIST OF REGISTERED AND CERTIFIED LANGUAGES

Registered

Afrikaans	German	Persian Farsi
Albanian	Haitian Creole	Polish
Amharic	Hebrew	Portuguese
Baluchi	Hilgaynon	Punjabi
Bengali	Hindi	Romanian
Bulgarian	Hmong	Serbian
Cebuano	Ilonggo	Slovak
Chavacano	Indonesian	Swahili
Croatian	Italian	Swedish
Czech	Japanese	Tausug
Dari	Javanese	Thai
Dutch	Khmer	Turkish
Egyptian	Malay	Urdu
Filipino	Norwegian	Visayan
French	Pashto	

Certified – languages for which Washington State currently offers certification¹⁴.

Arabic
Cantonese
Korean
Laotian
Mandarin
Russian
Somali
Spanish
Vietnamese
American Sign Language

¹⁴ The National Consortium also offers certification in French, Haitian Creole, Hmong, Portuguese and Serbian. These languages are currently being considered for certification in Washington.

APPENDIX G

Local Superior Court Rules/Procedures for Requesting and/or Requiring an Interpreter

CHELAN COUNTY COURT POLICY
FOR PROVISION OF AN INTERPRETER IN CIVIL MATTERS

This policy sets forth the procedures for providing language services in County Courts to persons whose primary language is not English. The intent of this policy is to ensure meaningful access to the judicial process for all persons who do not speak or understand English well.

A. PROVIDING NOTICE OF THE RIGHT TO AND AVAILABILITY OF INTERPRETER SERVICES

1. The [insert name of court office] shall post and maintain a Notice regarding the legal right to free interpreter services in civil cases.
2. The Notice shall describe how court users may obtain interpreter services in civil cases and shall be posted near the court entrance, at the information desk, on public information bulletin boards, courtrooms, and in public places in the offices of the District and Superior Court Clerk, Juvenile Court Clerk, Court Administrator, and the Family Court Facilitator.
3. The Notice shall include the following statement: "If you need an interpreter to help you communicate in court, one will be provided to you without charge to you. Go to [insert room number], located [floor #] of the Courthouse for assistance in obtaining an interpreter."
4. The Notice shall be translated in the commonly encountered languages of the courts and posted as described in paragraph 2. Notices shall be printed in (list languages) and English, and in other languages as needed in the future.
5. If a judge, other court employee, or employee of the Clerk's office observes that a litigant is having difficulty communicating in English, they shall provide the litigant with a copy of the Notice and take reasonable measures to direct the litigant to the [insert name of appropriate court office].
6. The Court Administrator shall provide copies of the Notice to all judges, employees of District and Superior Court Clerks' offices, and other court personnel.

7. The Notice of Interpreter Services shall be distributed to organizations providing assistance to litigants with limited English proficiency, including Northwest Justice Project, Columbia Legal Services, Volunteer Attorney Services, local domestic violence programs and other community based organizations in (insert County).
8. This policy and the Notice of Interpreter Services shall be posted on the website for all County courts (District, Juvenile, and Superior) and the Clerks' offices, and shall include a link in [insert languages] leading to the form and instructions in [insert languages].

B. REQUESTING AN INTERPRETER

1. All parties having limited ability to speak or understand the English language shall, when filing a noting a matter for hearing, setting a case for trial, or scheduling a settlement conference, indicate that an interpreter is needed on the scheduling form required by local rule. Where any party filing a Note for Motion, Note for Trial Setting and Initial Statement of Arbitrability, or Order Scheduling Settlement Conference knows or, after reasonable inquiry has reason to believe, that any other party to the action has limited ability to speak or understand the English language, the party scheduling the matter shall indicate on the required scheduling form that an interpreter is needed. The party filing the scheduling form shall simultaneously with such filing provide a copy of the scheduling form to the [insert appropriate office].
2. The [insert name of court office] will arrange for an interpreter to assist a litigant in completing the scheduling form if needed.
3. The interpreter shall be provided at no cost to the litigant.
4. A certified interpreter shall be appointed unless good cause is found to appoint a qualified interpreter as required by RCW 2.43.030
5. The scheduling form shall be filed with the court by [insert name of appropriate court office] and an interpreter will be provided in all subsequent proceedings, including motions and settlement conferences, without further action by the litigant.

6. The [insert name of appropriate court office] office shall do the following upon receipt of a request for interpreter form:
 - a. Ensure the language need is reflected on any appropriate case tracking system;
 - b. Identify upcoming hearings and ensure the interpreter's office is informed about the need for an interpreter in a reasonable amount of time;
 - c. If setting cases for court, check the name screen in SCOMIS to determine if interpreter services are needed on the case.
7. Attorney(s) shall advise the Court if a hearing for which an interpreter is scheduled is cancelled or continued by [insert procedure for canceling interpreter].

C. ASSURING INTERPRETER SERVICES ARE PROVIDED

1. Court staff who provide direct services to the public shall have access to in-person or telephonic interpreter services to allow them to communicate without excessive delay with LEP persons.
2. Court Administration [insert appropriate court office] will provide training for staff members who are often the first points of contact with Limited English Proficient (LEP) court users. Training will involve techniques to assist LEP people, use of Notice of Interpreter Services to help LEP court users get to interpreter services, and other ways to deliver services to non-English speaking people. Court Administration [identify court office] will train new employees on ensuring LEP court users have access to the courts and this training will be part of their new employee orientation. In addition, the court administrative staff will incorporate broader LEP training into its existing training programs, including the Judicial Branch orientation.
3. Monitoring

Annually, Court Administration [insert name of appropriate person] will coordinate with the court staff delivering interpreter services to review the effectiveness of its policy for delivering services to non-English speakers. The evaluation will

include identification of any problems areas and development of required corrective actions strategies. Elements of the evaluation will include:

- Number of LEP persons requesting court interpreters in County.
- Assessment of current language needs to determine if additional services or translated materials should be made available
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out

CHAPTER:	Superior Court Operations - Five
SUBJECT:	PROGRAMS AND SERVICES
PAGES:	3



EFFECTIVE:	10/05/05
ISSUED BY:	
COURT ADMINISTRATOR	

POLICY: SCO 5.05 LANGUAGE AND HEARING IMPAIRED INTERPRETER SERVICES

This policy provides guidelines for the appointment and management of Interpreter Services for non-English speaking and hearing impaired litigants as mandated by RCW 2.42 – 2.43.

Administration of Interpreter Services

Superior Court Judge's approve the compensation and utilization of interpreters and hearing-impaired providers as they relate to court business.

The Court Administrator will establish guidelines; policies and financial procedures for approval of these services for court related matters. These guidelines and related policies will be shared with the Snohomish County Bar Association, the Office of Public Defense, and the Public Defender.

Certification of Interpreters

Snohomish County Superior Court will appoint service providers for hearing impaired, speech impaired and non-English speaking persons as per RCW 2.42 – 2.43.

To qualify for non-English appointment the interpreter must be registered through Office of the Administrator of the Courts and be listed on the registry. The Assistant Court Administrator/designee will maintain copies of current registries for interpreter appointment.

To qualify for hearing impaired (deaf, deaf & blind or otherwise) appointment the service provider must be registered through the Department of Social and Health Services.

Court Administration finance division will keep a copy of lists to verify certification for appointment of these professionals.

Non-certified interpreters may be used when the list of certified interpreters is unable to take the assignment.

Eligibility for Interpreter Services

Court Administration will approve services for any person who is a participant in the proceeding by virtue of having been subpoenaed, summoned, or otherwise compelled by the court to appear.

In civil proceeding the cost of providing the service is the responsibility of the non-English speaking person, unless the person is indigent and demonstrates indigence to Court Administration.

If the court requests an interpreter be assigned to a case, the court will pay the interpreter fees.

“Impaired person” means a person who, because of hearing or speech impairment, cannot readily understand or communicate a spoken language; and includes persons who are deaf, deaf and blind, speech impaired, or hard of hearing.

“Non-English-speaking person,” means any person involved in a legal proceeding that cannot readily speak or understand the English language.

Appointment of Interpreters

Court Administration will accept requests for interpreters with the completed paperwork from appointed prosecuting attorneys, office of assigned counsel, office of public defender, county clerk, *pro se* litigants and appointed or privately retained attorneys of record for all court hearings and court related matters outlined in policy.

Snohomish County may retain interpreters individually on an as needed basis.

Interpreters are not assigned to individual cases and are not retained on a per case basis.

The *pro se* party/counsel remain responsible to convey correct information regarding billing and all future court dates, as well as times and locations of hearings to the assigned interpreter

Due to their impartial status in the courtroom, if it is agreed by the parties, one interpreter can be hired to interpret for two separate parties.

Responding to Requests for Non-English Speaking/Hearing Impaired Interpreter Services

Superior Court administrative staff will assist parties in completing the necessary documents to obtain interpreters for court related business.

Individuals acting as *pro se* will need to provide the following information; name of party to court action; cause number, court dates/times/location of hearing. If requested Court Administration will provide a copy of the certified interpreter list if the party wishes to contact the interpreter independently. The party remains responsible to relay correction information regarding billing and all court dates, times and locations of hearings for the interpreter.

Processing Judicial and/or Pro Se Requests for Services

Superior Court staff will assist in obtaining interpreters for court related hearings as requested by a Superior Court Judge/Court Commissioner.

The designated staff person shall maintain an updated list of community providers, the certification lists and equipment (ALD's) for service requests.

LOCAL RULES

A. Note for Motion

If the party noting the matter for hearing has limited ability to speak or understand the English language, or if such party knows or, after reasonable inquiry has reason to believe, that any other party to the action has limited ability to speak or understand the English language, the party noting the matter for hearing shall indicate on the Note for Motion form that an interpreter is needed. The party filing the Note for Motion shall simultaneously with such filing provide a copy of the Note for Motion to the (insert appropriate staff person.)

B. Settlement Conference

If the party presenting such order has limited ability to speak or understand the English language, or if such party knows or, after reasonable inquiry has reason to believe, that any other party to the action has limited ability to speak or understand the English language, the party presenting such Order for entry shall indicate on such order that an interpreter is needed and the language for which the interpretation is needed. The party presenting such order for entry shall, substantially simultaneously with the entry of such order, provide a copy thereof to the (insert appropriate staff person).

C. Trial Setting and Mandatory Arbitration

If the party filing the Note for Trial Setting and Initial Statement of Arbitrability has limited ability to speak or understand the English language, or if such party knows or, after reasonable inquiry has reason to believe, that any other party to the action has limited ability to speak or understand the English language, the party noting the matter for trial shall indicate on the Note for Trial Setting and Initial Statement of Arbitrability that an interpreter is needed. The party filing the Notice of Trial Setting and Initial Statement of Arbitrability shall, simultaneously with such filing, provide a copy of the Notice of Trial Setting and Initial Statement of Arbitrability to the (insert appropriate staff person).

D. LOCAL RULE REQUIRING THAT MATTERS NEEDING AN INTERPRETER BE SET ON CALENDAR WHERE INTERPRETER IS REGULARLY SCHEDULED

LR 1

(a) Except as otherwise provided in LR (1)(b) hereof, Domestic Relations and Show Cause hearings will be held each Monday at 1:30 p.m. (attorneys) and Tuesdays at 2:00 p.m.(pro se).

(b) All Domestic Relations and Show Cause hearings requiring a Spanish interpreter shall be set on the Tuesday Domestic Relations Calendar, including those hearings in which at least one party is represented by an attorney.

APPENDIX H

Yakima County Superior Court Request for Interpreter Form

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
EN LA CORTE SUPERIOR DEL ESTADO DE WASHINGTON

IN AND FOR YAKIMA COUNTY
EN Y POR EL CONDADO DE YAKIMA

_____,)
)
Petitioner,) NO. _____
Solicitante) *Número*
Vs.) REQUEST FOR
) INTERPRETER SERVICES
_____,)

) **PETICIÓN DE**
) **SERVICIOS DE INTÉRPRETE**
Respondent.)
Demandado)

I, _____, hereby request the services of an Interpreter for
Por la presente, yo _____, pido los servicios de Intérprete para el

_____ language in all court hearings under this cause number.

(example: Spanish) (*idioma*) *en todas las audiencias debajo este numero de caso..*

(Ejemplo: Español)

DATED this _____ day of _____, 20__.

FECHADO este día _____ de _____, 20__.

(Signature)

(Firma)

FULL NAME: _____

NOMBRE COMPLETO: _____

MAILING ADDRESS: _____

DOMICILIO: _____

APPENDIX I

2007 Language Needs Survey



WASHINGTON
COURTS
ADMINISTRATIVE OFFICE OF THE COURTS

2007 LANGUAGE NEEDS SURVEY

Court Name: _____

County: _____

Person Completing Survey: _____

Contact Information (phone and Email): _____

INTERPRETER NEED AND AVAILABILITY

A. Please rank how often your court used the following Washington State certified languages on average in the past year with the following scale: (1) daily, (2) weekly, (3) monthly, (4) once every six months, (5) once every year or (6) rarely/never.

		In-Person	Telephonic	Other
Arabic	(A)	_____	_____	_____
Cantonese	(C)	_____	_____	_____
Korean	(K)	_____	_____	_____
Laotian	(L)	_____	_____	_____
Mandarin	(M)	_____	_____	_____
Russian	(R)	_____	_____	_____
Somali	(SO)	_____	_____	_____
Spanish	(SP)	_____	_____	_____
Vietnamese	(V)	_____	_____	_____
Sign Language	(ASL)	_____	_____	_____

B. Of the ten languages (including ASL) where certification is offered, name the languages where there are insufficient numbers of certified interpreters in your area:

C. Please estimate the availability of certified interpreters in your court. Please use the following codes to designate each language when filling in the blanks below:

Arabic(A); Cantonese(C) ; Korean(K); Laotian(L); Mandarin(M); Russian(R); Somali(SO); Spanish (SP) Vietnamese(V); ASL(ASL)

	In-Person	Telephonic	Other
Can always find certified interpreters	_____	_____	_____
Can usually find certified interpreters	_____	_____	_____
Can rarely find certified interpreters	_____	_____	_____
Rarely use certified interpreters	_____	_____	_____
Never use certified interpreters	_____	_____	_____

D. Please rank in order of need the (currently in WA) uncertified languages for which your court most frequently requires interpreters, with 1 being the most frequent and 5 the least used (leave blank if not applicable). These are languages for which certification is currently offered by the National Consortium of State Courts (NCSC).

French	_____
Haitian Creole	_____
Hmong	_____
Polish	_____
Portuguese	_____
Serbian	_____

E. Please indicate whether you have ever used an interpreter in one of the following languages (These are all languages for which the Washington State Interpreter Program now offers “registration,” which consists of both a written and oral evaluation of the interpreter’s language skills).

Afrikaans	_____	German	_____	Persian Farsi	_____
Albanian	_____	Haitian Creole	_____	Polish	_____
Amharic	_____	Hebrew	_____	Portuguese	_____
		Hilgaynon	_____	Punjabi	_____
Baluchi	_____	Hindi	_____	Romanian	_____
Bengali	_____	Hmong	_____	Serbian	_____
Bulgarian	_____	Ilonggo	_____	Slovak	_____
Cebuano	_____	Indonesian	_____		
Chavacano	_____	Italian	_____	Swahili	_____
Croatian	_____	Japanese	_____	Swedish	_____
Czech	_____	Javanese	_____	Tausug	_____
Dari	_____	Khmer	_____	Thai	_____
Dutch	_____	Malay	_____	Turkish	_____
Egyptian	_____			Urdu	_____
Filipino	_____	Norwegian	_____	Visayan	_____
French	_____	Pashto	_____		

F. List any other languages for which you have used interpreters in the past year. Also please list any emerging trends in your communities that impact the use of language interpreters (e.g. influx of immigrants):

Services and Materials Currently in Use:

G. Notice to Limited English Proficient individuals of services.

Use of "I speak" cards:

No Yes

Posted translated notices (please indicate which languages):

No Yes

Translated Brochures (please indicate which languages):

No Yes

H. Please list what bilingual forms (by language) are being used to assist limited English proficient clients:

I. Does your court use bilingual staff to assist limited English proficient clients?

No Yes If yes, please give language and number of hours per staff:

J. Does your court use interpreter pools or language lines to assist limited English proficient clients? No Yes (please describe how limited English proficient clients are provided interpreters by court personnel outside the courtroom):

K. Please list all court-mandated programs and services and indicate whether interpreter services are provided:

	<input type="checkbox"/> No	<input type="checkbox"/> Yes	Resources needed
i. Diversion Programs	<input type="checkbox"/>	<input type="checkbox"/>	_____
ii. Parenting Classes	<input type="checkbox"/>	<input type="checkbox"/>	_____
iii. Domestic Violence Treatment	<input type="checkbox"/>	<input type="checkbox"/>	_____
iv. Anger Management	<input type="checkbox"/>	<input type="checkbox"/>	_____
v. Mediation	<input type="checkbox"/>	<input type="checkbox"/>	_____
vi. Arbitration	<input type="checkbox"/>	<input type="checkbox"/>	_____
vii. Settlement Conferences	<input type="checkbox"/>	<input type="checkbox"/>	_____
viii. Substance Abuse Counseling	<input type="checkbox"/>	<input type="checkbox"/>	_____
ix. Courthouse Facilitators.	<input type="checkbox"/>	<input type="checkbox"/>	_____

Please list any other programs provided and indicate whether interpreters are provided and, if not, what resources would be needed to provide them.

- x. _____ No Yes _____
- xi. _____ No Yes _____

L. Rate of Pay.

Please list your hourly rate for certified interpreters \$ _____

Please list your hourly rate for non-certified interpreters \$ _____

Are interpreters guaranteed a minimum amount of time?

- No Yes (if so, how much?) _____ hrs

Does the court pay: mileage travel time waiting time

M. Please list any tracking or reporting mechanisms used in your court specifically to calculate the use of interpreters (certified and non-certified):

N. Please list total number of staff and numbers of staff trained in the past year (including judges, court administrators, or line staff) on how to work with interpreters. Please also include suggestions of additional topics for trainings.
