

Language Access in State Courts

Alaska Summary

A. Provides interpreters free of charge to all LEP litigants and witnesses in all civil proceedings?

1. Ensures a statewide mandate is in place covering all civil proceedings? *No*

A court rule provides that parties who need an interpreter because they are LEP must provide that interpreter.¹ With the exception of domestic violence protection order hearings and juvenile hearings, court interpreters are not provided in Alaska civil court proceedings.²

2. Does not charge for interpreters in civil proceedings? *No*

Pursuant to court rule, parties who need an interpreter because they are LEP must pay for that interpreter.³ However, Alaska uses federal Violence Against Women Act funds to pay for the use of the Language Line and recently trained interpreters from the Language Interpreter Center in domestic violence protection proceedings.⁴ And, in 2007, the court system began using its limited operational funds for interpreters in juvenile hearings.⁵

3. Ensures that all LEP individuals receive interpreters in civil proceedings: Has clear guidelines for appointment, or provides an interpreter whenever one is requested? *No*

There are no guidelines for when a court interpreter should be used.

B. Ensures that interpreters are competent by testing before appointing an interpreter in civil proceedings? *No*

Currently, the Alaska Court System does not have a process for credentialing interpreters, due to a dearth of trained interpreters in the state.⁶ The Alaska Rules of Evidence do require that individual judges qualify interpreters as experts, including by considering the interpreter's "education, certification, and experience in interpreting relevant languages."⁷ However, no interpreter has received a credential from the federal courts or from any other state, and the judiciary admits that it does not have the expertise to evaluate an interpreter's proficiency.⁸

¹ Alaska R. Governing Admin. of All Cts. 6(b)(2).

² Susanne DiPietro & Brenda Aiken, *Courts Report Shortage of Interpreters*, Alaska Bar Rag (July-Sep. 2005), available at http://www.alaskabar.org/servlet/content/courts_confront_interpreter_shortage.html; E-mail from Brenda Aiken, Resource Development Officer, Alaska Court System (April 8, 2009).

³ Alaska R. Governing Admin. of All Courts 6(b)(2).

⁴ Susanne DiPietro & Brenda Aiken, *Courts Report Shortage of Interpreters*, *supra*.

⁵ E-mail from Brenda Aiken, Resource Development Officer, Alaska Court System (April 8, 2009).

⁶ National Center for State Courts, Consortium for State Court Interpreter Certification, Member States, available at http://www.ncsconline.org/D_Research/CourtInterp/Res_CtInte_ConsortMemberStatesMay07.pdf; Suzanne DiPietro & Brenda Aiken, *Courts Report Shortage of Interpreters*, *supra*.

⁷ Alaska R. Evid. 604.

⁸ Suzanne DiPietro & Brenda Aiken, *Courts Report Shortage of Interpreters*, *supra* (stating that "very few of the people working as interpreters in Alaska have had formal court interpreter training"); Antonia Moras, *Language Interpretation and the Justice System*, Alaska Justice Forum (winter 2006) ("justice personnel themselves are

Alaska relies almost exclusively for interpreter services on Language Line, whose interpreters do not necessarily have to demonstrate court interpreting proficiency.⁹

In 2004, the court system joined the Consortium for State Court Interpreter Certification (“Consortium”), which serves as a consultant in the establishment of the court system’s testing and certification program. In order to create a cohort of trained interpreters, in 2007 the Alaska Court System partnered with other government agencies, private businesses, and nonprofit organizations to establish the Language Interpreter Center, housed in the Alaska Immigration Justice Project. The Language Interpreter Center uses grant money, private donations, and local funding sources to create and operate a program that serves both the courts and other organizations in need of foreign and Alaska Native language interpreter services.¹⁰ Since 2007, the Center has conducted three week-long training programs, offered professional development sessions for interpreters and stakeholders, and is beginning to match the interpretation needs of its stakeholders with the skills of trained interpreters on the Center’s roster. It is focusing on training interpreters in the five languages most commonly requested for interpretation services – Spanish, Russian, Tagalog, Korean, and Inupiaq. The Alaska Court System expects to begin administering Consortium tests in late fall 2009.¹¹

The Brennan Center for Justice report, Language Access in State Courts, contains guidelines for the provision of court interpreters in civil cases. It also contains aggregate information – in the form of United States maps – regarding the extent to which the 35 states with the highest proportion of limited English proficient people (as a percentage of population) comply with the guidelines regarding providing interpreters in all civil cases and providing them free of charge.

This series of “state summaries” contains additional, detailed information about the extent to which the 35 states comply with those guidelines, and with the guideline regarding ensuring that interpreters are competent.

(last updated November 2, 2009)

usually unable to judge a particular interpreter’s qualifications”), available at http://justice.uaa.alaska.edu/FORUM/22/4winter2006/a_language.html.

⁹ See New Jersey Judiciary, Manual for Judges and Other Court Officials Who Use Interpreting Services Delivered by Telephone (2001), p. 1, available at <http://www.judiciary.state.nj.us/directive/vicops/timan2.pdf> (warning that “[a]gencies are the last option because . . . they cannot guarantee they will provide qualified interpreters, which raises concerns regarding the quality of the interpreting delivered”); Conference of State Court Administrators, White Paper on Court Interpretation: Fundamental to Access to Justice (Nov. 2007), p. 12, available at <http://cosca.ncsc.dni.us/WhitePapers/CourtInterpretation-FundamentalToAccessToJustice.pdf>; National Center for State Courts, Court Interpretation: Model Guides for Policy and Practice in the State Courts (1995), pp. 179-183.

¹⁰ Alaska Ct. Sys., The Justice System Needs Oral Language Interpreters, available at <http://www.state.ak.us/courts/interpreter.htm>; Alaska Immigrant Justice Project, The Language Interpreter Center, available at <http://akijp.org/interpreter.html>; Suzanne DiPietro & Brenda Aiken, *Courts Report Shortage of Interpreters*, *supra*.

¹¹ E-mail from Brenda Aiken, Resource Development Officer, Alaska Court System (April 8, 2009).