

## APPENDIX B: STATE COURT LANGUAGE ACCESS GUIDELINES

### **A. Legal obligation: Provide interpreters to all LEP litigants and witnesses in all civil proceedings.**

*Practices likely to lead to compliance with this requirement:*

1. Have a written statewide mandate in place covering all parties and witnesses in all civil proceedings.
2. Have a clear standard and guidelines for determining eligibility.
3. Have a clear procedure for appealing denials of interpreters.
4. Deny interpreter waivers if they are not knowingly and voluntarily made, or if the court determines an individual has limited proficiency in English.
5. Inform all litigants, witnesses and others of their right to an interpreter during their first contact with a judge or court clerk.

### **B. Legal obligation: Do not charge for interpreters.**

### **C. Legal obligation: Ensure that interpreters are competent and act appropriately.**

*Practices likely to lead to compliance with this requirement:*

1. Assess ability before appointing an interpreter.
  - a. Use only interpreters who have obtained a credential through a process that provides training and tests the requisite abilities.
  - b. Rely on a non-credentialed interpreter only after trained, dedicated court staff assess the interpreter's qualifications.
  - c. Rely on judges or other court personnel to voir dire interpreters only as a matter of last resort.
2. Ensure that interpreters remain competent.
3. Adopt and require adherence to a code of ethics.
4. Ensure that there is an adequate supply of competent interpreters in the languages needed.

- a. Provide compensation adequate to attract and retain competent interpreters.
  - b. Recruit interpreters from professional organizations and from the community.
  - c. Establish relationships with other states to create and access a shared pool of interpreters, while limiting the use of telephonic interpretation.
  - d. Maintain records on the need and demand for interpreters, and use those records to plan for future needs.
5. Allow litigants and court personnel to challenge the appointment of interpreters on competence and ethics grounds, and implement a disciplinary procedure.
  6. Vest a single office or individual within the court system with responsibility for implementing and overseeing the court interpreter program.

**D. Legal obligation: Ensure that judges and court personnel who come into contact with LEP litigants or witnesses act appropriately.**

**E. Legal obligation: To the extent possible, ensure that LEP individuals receive the same treatment as other court participants.**