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Language Access in Immigration Courts

By Laura Abel

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INTRODUCTION

More than 85% of the people appearing before the nation's Immigration Courts have limited proficiency in English (individuals commonly referred to as "LEPs").¹ They have an urgent need to make their case to the immigration judge, who may determine whether they can remain in the U.S. with their families, or whether they must leave forever for another country. Too often, their ability to communicate is hampered by interpreters who may fail to interpret crucial parts of the court proceeding, lack basic interpretation skills, speak the wrong language, or lack the necessary interpreting equipment. As the Arizona Supreme Court famously observed, when an LEP individual is forced to proceed in court without an interpreter, the proceedings amount to no more than "an invective against an insensible object."² The result is that people lose their freedom, families, livelihoods, and homes because of simple misunderstandings.

This should not happen. Executive Order 13166 requires all federal agencies to provide "meaningful access" to LEP individuals.³ The Department of Justice ("DOJ") has made clear that in the context of courts, "meaningful access" requires, at a minimum: a) the provision of interpreters "during all hearings, trials, and motions during which the LEP individual must and/or may be present,"⁴ b) screening to ensure that the interpreters possess the specialized skills and knowledge necessary for court interpretation, c) training so that judges and other court personnel who come into contact with LEP litigants or witnesses know when and how to use interpreters,⁵ and d) translation of all "vital documents," including "key forms" and documents providing information regarding rights and responsibilities.⁶ In its role as enforcer of the "meaningful access" obligations of the state courts pursuant to Title VI of the Civil Rights Act, DOJ has repeatedly warned state courts that, as recipients of federal funding, they must provide interpreters in all court proceedings and ensure that the interpreters are competent.⁷ In response to state court failures to provide competent interpreters, DOJ has launched investigations and entered into settlement agreements requiring the courts to improve their court interpreting programs.⁸

It is ironic, to say the least, that DOJ's own Immigration Courts have failed in significant ways to provide meaningful access to LEP individuals. They routinely fail to provide interpretation for parts of court proceedings and critical encounters. They also fail to ensure that when interpretation is provided it is of sufficient quality to allow for "meaningful access." In particular, there have been many incidents in which interpreters made mistakes and acted unprofessionally. This may be due in part to the Immigration Courts' decision not to require their interpreters to obtain the rigorous certifications administered by either the Administrative Office of the U.S. Courts or the state courts' Consortium for Language Access in the Courts. The quality of interpretation is often compromised because it is performed remotely, via telephone or video equipment lacking the technical capabilities necessary for court interpretation. And, the Immigration Courts fail to translate written materials providing critically important information to LEP individuals.

The Immigration Courts' failure to provide adequate interpretation is particularly surprising, since DOJ itself is responsible for overseeing and coordinating compliance by other executive agencies with the Executive Order 13166 obligation to provide "meaningful access" to LEP individuals.⁹ In February 2011, Attorney General Holder wrote to the head of each executive agency, warning that "the implementation of comprehensive

language access programs remains uneven throughout the federal government”¹⁰ His letter “request[s] that [each] agency join DOJ in recommitting to the implementation of Executive Order 13166.” He requests that they take several measures, including “[e]valuat[ing] and/or updat[ing] your current response to LEP needs by, among other things, . . . reviewing agency programs and activities for language accessibility” and by August 2011 “submit[ing] updated LEP plans . . . to the Federal Coordination and Compliance Section . . . of DOJ’s Civil Rights Division.”¹¹

The goal of this paper is to provide DOJ’s Executive Office of Immigration Review (“EOIR”) with guidance as it reviews the Immigration Courts for language accessibility and updates its language assistance plan. Section I outlines the scope of EOIR’s legal obligation to make its services accessible to LEP individuals. Section II describes obstacles that LEP individuals frequently encounter in the Immigration Courts. Finally, Section III suggests several steps for EOIR to make the Immigration Courts more accessible to LEP individuals, including:

1. Require interpreters to interpret all statements uttered during Immigration Court proceedings, not just statements made by or addressed to an LEP individual;
2. Update the Immigration Judge Benchbook to better address interpretation issues, and train all Immigration Judges in the relevant protocols;
3. Improve interpreter training and screening;
4. Improve the procedure for accepting and handling complaints regarding court interpreters;
5. Curtail the use of telephone interpreting, and of videoconferencing when interpretation is necessary; ensure appropriate equipment is provided when these methods are used; and
6. Translate information, forms and orders frequently used by LEP individuals into commonly spoken languages.

I. EOIR'S LEGAL OBLIGATIONS

Pursuant to Executive Order 13166, federal agencies must ensure that their services are accessible to LEP individuals.¹² In his February 17 letter, Attorney General Holder reiterated the Executive Order's requirement that the Department of Homeland Security ("DHS") and other executive agencies must "develop and implement a system by which limited English proficient . . . persons can meaningfully access the agency's services."¹³ The particular services an agency must provide to ensure meaningful access depend on application of a four-factor test set out in DOJ's Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. the frequency with which LEP individuals come into contact with the program;
3. the nature and importance of the program, activity, or service provided by the program to people's lives; and
4. the resources available to the grantee/recipient and costs.¹⁴

Each of these factors weighs heavily in favor of EOIR providing accurate interpretation during all Immigration Court proceedings. Factors 1 and 2 weigh in favor because more than 85% of people appearing before the Immigration Courts are LEP.¹⁵ Factor 3 weighs in favor because Immigration Courts determine which LEP individuals may remain in the country and obtain the benefits of citizenship and which must leave, with the potential for separation from their families, communities, homes and livelihood.

Factor 4 weighs in favor in light of the size of EOIR's budget: nearly \$330 million requested for FY 2012.¹⁶ While all segments of government are facing fiscal pressures this year, they must continue to provide meaningful language access pursuant to Executive Order 13166. Indeed, in a letter to the state courts last summer, Assistant Attorney General Thomas Perez warned, "Fiscal pressures . . . do not provide an exemption from civil rights requirements. In considering a system's compliance with language access standards in light of limited resources, DOJ will consider . . . [t]he extent to which current language access deficiencies reflect the impact of the fiscal crisis as demonstrated by previous success in providing meaningful access."¹⁷ Since the deficiencies discussed in this paper have persisted for the past decade, they most assuredly have not been caused by the current fiscal crisis.

Moreover, even within the context of the four-part test for meaningful access, there are some hard and fast rules:

- A. Interpreters must be provided in court proceedings for "LEP individuals during all hearings, trials, and motions during which the LEP individual must and/or may be present."¹⁸ The mandate applies to critical encounters that occur outside of the courtroom, as well, although not necessarily to less important events, such as purely voluntary courthouse tours.¹⁹

B. Courts must ensure that the interpreters they provide are competent.²⁰ At a minimum, court interpreters must possess the following abilities:

- “proficiency in and ability to communicate information accurately in both English and in the other language;”²¹
- “identify and employ the appropriate mode of interpreting;”²²
- “[h]ave knowledge in both languages of any specialized terms or concepts peculiar to the entity’s program or activity and of any particularized vocabulary and phraseology used by the LEP person;”²³
- “understand and follow confidentiality and impartiality rules to the same extent [as] the recipient employee for whom they are interpreting and/or to the extent their position requires;”²⁴ and
- “[u]nderstand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.”²⁵

C. Judges and other court personnel who come into contact with LEP litigants or witnesses must know when and how to use interpreters.²⁶

D. “Vital documents,” including “key forms” and documents providing information regarding rights and responsibilities, must be translated into the languages commonly spoken by court users.²⁷

II. IMPEDIMENTS TO “MEANINGFUL ACCESS” FOR LEP INDIVIDUALS

EOIR has taken some steps to comply with the language access requirements of Executive Order 13166. EOIR policy is to provide interpreters to LEP individuals who request them. EOIR employs staff interpreters and has a contract with an outside agency to supply interpretation when staff interpreters cannot. EOIR has posted a link on its website for complaints regarding interpreters,²⁸ and EOIR issued a short Language Assistance Plan a decade ago.²⁹

Nonetheless, EOIR is not consistently providing the “meaningful access” to LEP individuals that Executive Order 13166 requires it to provide. Problems exist in at least four categories, which are discussed in detail below:

1. Partial interpretation impedes LEP respondents’ ability to understand proceedings;
2. Inconsistent interpreter quality impedes LEP respondents’ understanding of proceedings and prejudices testimony;
3. Inadequate telephone and videoconference technology compromise interpretation quality; and
4. Immigration Court forms and websites are not available in commonly spoken languages.

A. Partial Interpretation Impedes LEP Respondents’ Ability to Understand Proceedings

According to EOIR’s Interpreter Handbook, “the interpreter’s job is to interpret in a manner which allows the respondent/applicant [and other courtroom participants] . . . to understand the proceedings *as if no language barrier existed.*”³⁰ This policy seems to acknowledge that failing to interpret significant portions of the proceedings may compromise a respondent’s participation in the legal process.

Nonetheless, many Immigration Courts routinely provide interpretation only for portions of their proceedings, leaving LEP respondents unable to understand the other portions. Specifically, interpretation is generally provided only for the statements of non-English-speaking respondents and witnesses, and for questions or statements addressed directly to them by the court or attorneys.³¹ As a result, LEP individuals may not be able to comprehend the testimony of English-speaking witnesses and exchanges between the Immigration Judge, DHS Trial Attorney and defense counsel. The many respondents who appear pro se, and so cannot even rely on their attorneys to tell them what is occurring, may leave the proceeding with no idea what has just occurred, and may be unable to respond to testimony presented by other witnesses.

Immigration Court observers in New York have found that the Trial Attorney’s statements to the court usually are not interpreted. One observer noted that a respondent “seemed confused” while the judge and attorneys were speaking to each other, as “barely anything” was interpreted throughout the exchange.³² In another instance, the Trial Attorney began arguing his case even before the Russian language interpreter joined the proceedings by telephone.³³ Observers in New York noted several cases in which only the last sentence of a lengthy oral decision was interpreted for the respondent.³⁴

In some cases, defense attorneys requested a more thorough interpretation of the proceedings.³⁵ In at least one case attended by observers, the request was denied.³⁶ After the defense attorney asked that the interpreter translate his exchange with the judge about the respondent’s criminal history, the judge replied, “as soon as we’re set up” and proceeded in English.³⁷

The failure to interpret the entire proceeding is a clear violation of Executive Order 13166. DOJ has warned that Title VI requires federal funding recipients—and, through Executive Order 13166, DOJ itself—to “take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.”³⁸ An LEP individual who cannot understand all statements made at an immigration proceeding concerning his future certainly lacks “meaningful access” to that proceeding. According to the National Association of Judiciary Interpreters and Translators, “everything spoken in open court must be interpreted [to the respondent],” so that the respondent can be “truly present and take an active part in her defense.”³⁹ Similarly, DOJ has stated that the obligation to provide meaningful access requires “every effort . . . to ensure competent interpretation . . . during all hearings, trials, and motions during which the LEP individual must and/or may be present.”⁴⁰

B. Inconsistent Interpreter Quality Impedes LEP Respondents’ Understanding of Proceedings and Prejudices Testimony

DOJ’s Civil Rights Division has made clear that “[q]uality assurance is critical in terms of protecting access for individuals who are limited in their English proficiency.”⁴¹ Court interpreters must possess sufficient knowledge of the languages in which they will be working, familiarity with the court’s protocols and ethical expectations, and the ability to effectively convey the meaning, style and tone of the original source.⁴² For staff interpreters, the Civil Rights Division recommends “incorporat[ing] interpreter certification and evaluation exams into [the agency’s] LEP plan.”⁴³ In situations where LEP individuals face “serious consequences”—such as deportation—not just any evaluation process will suffice; agencies must provide “the highest quality language services.”⁴⁴ Moreover, quality assurance cannot stop at certification. The Civil Rights Division has emphasized that “evaluation and monitoring are also key components to ensuring quality.”⁴⁵

Unlike the federal district courts, EOIR does not require that its court interpreters be certified by the Administrative Office of the U.S. Courts.⁴⁶ Nor does EOIR use the certification exam developed by the Consortium for Language Access in the Courts, which is used by the majority of state court systems.⁴⁷ Instead, Immigration Court interpreters are screened internally either by EOIR’s Language Services Unit or through a proprietary process developed by Lionbridge Global Services, a private language contractor.⁴⁸

Neither EOIR nor Lionbridge appears to have made public any information regarding the content, reliability or validity of the screening processes used by the Language Services Unit or Lionbridge. This lack of public information is contrary to the prevailing standards for the administration of skills assessment tests, including tests assessing the skills of court interpreters. The Standards for Educational and Psychological Testing, which are followed by other federal agencies, emphasize the importance of providing supporting documentation for tests. This allows members of the public and other test users to evaluate the quality of the test and appropriately interpret its results.⁴⁹ The National Center for State Courts cautions that a court interpreter

proficiency assessment test should “have undergone scrutiny by independent researchers or panels of professionals (including legal professionals, language specialists, professional interpreters and testing experts) who have published studies describing their content, test administration procedures, and scoring practices in detail.”⁵⁰

Despite the lack of publicly available information regarding the Lionbridge screening process, EOIR has asserted that Lionbridge’s court interpreter exam is the functional equivalent of the Consortium’s exam.⁵¹ At least two state court systems are unpersuaded. The New Jersey Judiciary’s court interpreting office warns the courts in that state that “[t]he testing Lionbridge conducts is not equivalent to approval testing by the New Jersey Administrative Office of the Courts, certification testing by the Consortium for State Court Interpreter Certification, or certification testing by the Administrative Office of the United States Courts. There is no research establishing how close or far away Lionbridge’s test is to these established standards.”⁵² Likewise, the Hawaii courts deem those interpreters who have passed the Consortium’s exam to be certified, while “[i]nterpreters who pass a Lionbridge oral exam are recognized at a level of qualification below certification.”⁵³

Doubts about the adequacy of Immigration Court interpreter screening are raised by ongoing reports that the quality of interpretation provided by interpreters in the Immigration Courts is uneven.⁵⁴ In some instances, it appears that interpreters may lack the skills required to meet the rigorous demands of legal interpretation. Sometimes, they simply translate incorrectly.⁵⁵ In other situations, they inject personal opinions or commentary into the interpretation.⁵⁶ Although summarizing, paraphrasing, and opining on statements is prohibited by EOIR’s Code of Professional Responsibility for Interpreters,⁵⁷ observers in New York have noted several instances of such conduct. One interpreter reportedly rendered “Si” as “No, I don’t want to appeal.”⁵⁸ Law students in New York City observed a particularly disturbing incident:

the Immigration Judge informed the respondent that he was eligible for voluntary departure and asked him whether he wanted this relief. The respondent replied that he did not understand what voluntary departure was, so his answer was “no.” The interpreter, however, merely rendered this answer to the Immigration Judge as “no,” resulting in the respondent unknowingly waiving voluntary departure.⁵⁹

Another interpreter went beyond rendering questions and answers during cross examination and “actually sought to explain to [the respondent] what was going on.”⁶⁰

Observers have noted several instances of interpreters violating their obligation of impartiality by making anti-immigrant statements in open court. During one off-the-record discussion in open court in New York City, an interpreter stated,

“I don’t mind when they break into my country, so long as they don’t do anything to cause trouble. [I]f you break into my house and sit in the corner, I’m willing to turn a blind eye. But if you come into my house and don’t pay rent, and then rape my brother, then get . . . out . . . I’ve been here for years and I’m tired of seeing these guys.”⁶¹

During another off-the-record discussion, observers heard the interpreter say that immigrants “should ‘get the f--- out.’”⁶²

Court observers also found that interpreter tardiness and failure to appear were common and problematic. In a New York case, an interpreter returned from lunch 20 minutes late to the frustration of the judge, who had already arranged for a telephone interpreter to take over.⁶³ Another New York observer noted that an interpreter was in the hallway during the proceeding, making plans with another staffer to go to the gym. Rather than calling her in, the judge spoke very loudly in English to the respondent. The interpreter then filled in the respondent after she had returned to the courtroom.⁶⁴

A related problem is that Immigration Courts lack a clear standard for which mode of interpretation should be used in a given situation. Court interpreters typically render verbal communication between English and the target language either simultaneously or consecutively.⁶⁵ Each mode is appropriate in some situations but not others. In federal courts, for example, interpreters are required by statute to render witness testimony consecutively and all other statements simultaneously.⁶⁶ Immigration Courts, in contrast, seem to provide interpreters with contradictory instructions regarding modes of interpreting. According to the Immigration Judge Benchbook, EOIR staff interpreters are to render communications simultaneously.⁶⁷ The Interpreter Handbook, however, states that simultaneous interpreting “is only utilized . . . in exceptional circumstances.”⁶⁸

This contradiction in EOIR policy is significant because consecutive and simultaneous interpreting are not interchangeable. The latter requires special equipment and training in order to be effective. Because a simultaneous interpreter speaks at the same time as the parties, her speech must be channeled directly to the LEP individual, typically through an earpiece.⁶⁹ Without this hardware, simultaneous interpreting often becomes cacophonous and difficult to understand. Observers in New York noted that the court lacked the requisite equipment for effective simultaneous interpreting. One observer noted that the “[Immigration Judge] was very loud, so it may have been difficult to concentrate on hearing just the interpreter.”⁷⁰ In a different case, the respondent “kept looking back and forth from the interpreter to the judge” out of confusion, since both of them were addressing him simultaneously.⁷¹

C. Inadequate Telephone and Videoconference Technology Compromise Interpretation Quality

The remote interpreting technology used in most Immigration Courts may impede an LEP individual’s access to adequate interpretation. Interpreters rely on visual and sound cues to determine the meaning, style and tone of the speech to be translated.⁷² As DOJ has warned, even the most sophisticated telephone technology makes it impossible to catch visual cues.⁷³ Speaker phone, the least expensive and most common form of remote interpretation technology used in Immigration Courts, has the additional drawback of poor sound quality.⁷⁴

Immigration Court observers in New York have reported that most non-Spanish language interpreters appeared via telephone for Master Calendar hearings (non-merits hearings).⁷⁵ These observers noted that telephone connections suffered from poor sound quality and were occasionally interrupted during hearings. In a fit of

frustration after several such interruptions, one Immigration Judge in New York derided the telephone interpreting service as “crap” and “a waste.”⁷⁶ On another occasion, the same judge had to reset proceedings to a later date because the telephone interpreter became unresponsive during the hearing.⁷⁷ Delays like these can mean additional weeks or even months in detention for affected respondents and considerable unnecessary expense to taxpayers.

Without the proper equipment, telephone interpreting also prevents respondents from communicating confidentially with counsel through an interpreter.⁷⁸ In federal judicial proceedings, the respondent’s right to confidential attorney-client communication through the aid of an interpreter is guaranteed by federal law.⁷⁹ Some states, including New Jersey and Wisconsin, as well as the Ninth Judicial Circuit Court of Florida, also require the use of telephone interpreting equipment that enables confidential attorney-client communication.⁸⁰

While interpreting through live video feeds has the potential to address some of these concerns, its implementation in the Immigration Courts has been problematic. In many Immigration Courts, videoconferencing technology consists of a webcam stream, fed to a television monitor split into several frames.⁸¹ The resulting image may be small, grainy, or blurry and prevent the interpreter from seeing the vital visual cues needed for accurate interpretation. Like some speaker phone technology, many videoconferencing systems also preclude confidential attorney-client communication. Sound quality may also be a problem. Not surprisingly, one study found that immigrants using interpreters are more likely to experience problems with videoconferencing and to have a higher rate of removal orders during Master Calendar Hearings than immigrants able to communicate without an interpreter.⁸²

D. Immigration Court Forms and Websites Are Not Available in Commonly Spoken Languages

LEP individuals who are the subject of immigration proceedings routinely receive important written information from the Immigration Courts in English, making it difficult or impossible for them to understand that information. Some notices provide the location, date and time of mandatory court appearances. Others describe rights or obligations. Still others explain actions that the Immigration Court has taken, such as granting release from detention, or ordering that the respondent be removed from the country.

Many of these documents are clearly the sort of “vital documents” that the Civil Rights Division has said must be translated into the “frequently encountered languages of LEP groups eligible to be served or likely to be affected by the benefit, program, or service.”⁸³ According to the Civil Rights Division,

Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; notice of disciplinary action; signs; and notices advising LEP individuals of free language assistance services.⁸⁴

III. SUGGESTIONS FOR REFORM

To remedy the serious communication problems described in this report, EOIR should adopt the following measures, all of which should be included in EOIR's revised Language Assistance Plan.

1. **Require interpreters to interpret all statements uttered during Immigration Court proceedings, not just statements made by or addressed to an LEP individual.**
2. **Update the Immigration Judge Benchbook to address the following issues, and train all Immigration Judges in the relevant protocols:**
 - a. How to ensure that the court interpreter is proficient in the language and dialect spoken by the LEP individual;

Helpful Resources

A National Center for State Courts benchcard recommends:

- Determine the language of the party using language ID cards
- If the party cannot read, or if language ID cards are not available, contact a court interpreter or a commercial telephonic service, if you have access to one, to determine the language of the party requiring services.⁸⁵

An Ohio benchcard recommends: "Allow the interpreter to *converse briefly* with the non-English speaker to ensure understanding of accents, dialect, or pronunciation differences."⁸⁶

- b. How to spot subpar interpreting and what to do about it;

Helpful Resources

A New York State benchcard provides tips on how judges can "assess the performance of the court interpreter."⁸⁷

An Iowa benchcard advises judges to "Observe Interpreters During Hearings," and to interrupt the hearing if the interpreter fails to interpret every word.⁸⁸

- c. The specific prohibitions on interpreter paraphrasing, opining, or omitting; and

Helpful Resources

An Iowa benchcard suggests that when an interpreter is involved, the judge should instruct the participants that "[t]he interpreter shall interpret everything, without adding, omitting, or summarizing."⁸⁹

- d. How to ensure that interpretation is effective in videoconferences and over the telephone.

Helpful Resources

The National Association of Judiciary Interpreters and Translators recommends that judges be trained to work with remote interpreters, for instance by “[p]erform[ing] a ‘sound check’ to make sure the interpreter can hear all parties properly before proceeding.”⁹⁰

3. **Improve interpreter training and screening.** To mitigate the potentially high costs of developing an appropriately rigorous certification program, DOJ suggests that courts “pool[] their resources with other courts and establish a shared testing and training program.”⁹¹ In fact, robust certification programs have already been developed for the Spanish language by the Administrative Office of U.S. Courts and for Spanish and many other languages by the Consortium for Language Access in the Courts. Thus, we suggest that:
 - a. Interpreters should be certified either through the Federal Court Interpreter Certification Examination Program or the Consortium for Language Access in the Courts, in the languages for which such certification is available.
 - b. Alternatively, interpreters should be screened using a test that is the functional equivalent of either of the preceding certifications. EOIR should make information publicly available regarding what is assessed by the screening test that is used, and whether the test has been validated by outside experts, as the federal district courts and most state courts do.⁹²

Helpful Resources

Federal District Courts

The National Center for State Courts, which administers the Federal Court Interpreter Certification Examination, provides detailed information on the content of that exam. For instance, it states on its website that:

- “The FCICE is a two-phase process, involving a Spanish-English Written Examination (Phase One) and an Oral Examination (Phase Two)”
- “The Phase One Written Examination serves primarily as a screening test for linguistic competence in English and Spanish” and “is a four-option, multiple choice examination of job-relevant language ability in English and Spanish.”
- “The Phase Two Oral Examination . . . assesses the ability of the interpreter to adequately perform the kinds of interpretation discourse that reflects both form and content pertinent to authentic interpreter functions encountered in the federal courts. It consists of five parts: Interpreting in the consecutive mode; interpreting a monologue in the simultaneous mode; interpreting a witness examination in the simultaneous mode; sight translation of a document from English into Spanish; and sight translation of a document from Spanish into English. All five parts are simulations of what interpreters do in court.”⁹³

The process by which the Federal Court Interpreter Certification Examination was developed and evaluated by experts has been described in open court and in numerous articles and reports.⁹⁴

State Courts

The Consortium for Language Access in the Courts, whose interpreter exams are used by a majority of the state courts, provides a detailed description of the content of its written and oral exams on its website.⁹⁵ The Consortium's manual, *Court Interpreter Oral Examination: Test Construction Manual*, provides significant detail about the development and assessment of the oral exam.⁹⁶

4. Improve the procedure for accepting and handling complaints regarding court interpreters.

- a. There should be a formal written procedure, available to the public, describing who is responsible for following up on complaints, and the timetable for handling complaints.

Helpful Resources

EOIR's website outlines its procedure for handling complaints regarding Immigration Judges, but not the procedure for handling complaints regarding interpreters.⁹⁷

The Minnesota Supreme Court has set specific deadlines for investigation and resolution of complaints regarding court interpreters.⁹⁸

- b. The procedure should require the responsible individual to inform the complainant about how the complaint is resolved.

EOIR has a similar protocol for handling complaints against Immigration Judges: "When there is an identifiable complainant, he or she will be notified in writing once action is taken and/or the matter is closed. Such notification will not disclose information that would violate the privacy rights of an IJ."⁹⁹

- c. Complaints should be accepted anonymously, and in any language.

Helpful Resources

EOIR's protocol for handling complaints against Immigration Judges states, "The complaint may be communicated either in writing or orally, and it may be anonymous."¹⁰⁰

The Minnesota State Courts permit complaints regarding interpreters to be submitted in whatever language the complainant speaks.¹⁰¹

- d. All Immigration Court respondents, attorneys and observers should be told how to file a complaint, that the complaint may be filed anonymously and in any language, and when to expect a response.

5. **Curtail the use of telephone interpreting, and of videoconferencing when interpretation is necessary. Ensure appropriate equipment is provided when these methods are used.**

- a. Remote interpretation should not be used for merits hearings, court proceedings lasting longer than 30 minutes or involving emotionally charged situations, and for litigants who are elderly, hard of hearing, mentally impaired, or have traumatic associations with disembodied voices.

Helpful Resources

The New Jersey State Courts limit the use of telephone interpreters in non-emergent matters to hearings under 30 minutes long.¹⁰²

Wisconsin’s Court Interpreter Program cautions that remote interpreting should not be used when “there is intensive testimony or emotionally charged situations, . . . the proceedings last longer than 15 minutes . . . [or] [i]n situations involving children, people with mental illnesses, unsophisticated users of interpreter services, deaf - blind people, or people with profound speech or language problems.”¹⁰³

The National Association of Judiciary Interpreters and Translators warns:

If individuals are hard of hearing or elderly, or struggling with mental illness, telephone interpreting can be too confusing. Telephone interpreting may be inappropriate or even traumatic for individuals from some cultures. For example, some Cambodians have associated the unknown voice of a telephone interpreter with brainwashing sessions carried out by the Khmer Rouge.¹⁰⁴

- b. Remote interpreting should be conducted only when the equipment used provides sufficient audio and visual quality.

Helpful Resources

Telephone interpreting

The National Association of Judiciary Interpreters and Translators recommends that for telephone interpreting, the interpreter should have “a high-quality headset with a mute button, separate dual volume control (the ability to control independently the volume of the speakers’ and the interpreter’s voices), and ideally, an amplifier,” and each participant in the courtroom should have “a headset, handset, or microphone, depending on the type of service used.”¹⁰⁵

The New Jersey State Courts specify the type of microphone, speaker phone and headsets to be used for telephone interpreting.¹⁰⁶

Interpreting via video connection

The National Association of the Deaf and International Association of Conference Interpreters have each developed technological guidelines for video interpreting.¹⁰⁷

6. **Translate information, forms and orders frequently used by LEP individuals into commonly spoken languages.**

Helpful Resources

The Washington State Courts issue multilingual Orders for Protection in Chinese, Russian, Spanish and Vietnamese.¹⁰⁸

The Social Security Administration makes benefits information and forms available in sixteen different languages.¹⁰⁹

The U.S. District Court for the District of Nebraska has translated into Spanish the petition to enter a guilty plea and the notice of the right to appeal,¹¹⁰ and the U.S. District Court for the District of Utah has translated into Spanish and made available on their website almost a dozen criminal forms.¹¹¹

ENDNOTES

¹ See Appleseed & Chicago Appleseed, *Assembly Line Injustice* (2009), p. 19, available at <http://www.appleseeds.net/Portals/0/Documents/Publications/Assembly%20Line%20Injustice.pdf>.

² *State v. Natividad*, 526 P.2d 730, 733 (Ariz. 1974).

³ Exec. Order No. 13166, 65 Fed. Reg. 50121, 50121 (Aug. 11, 2000).

⁴ DOJ, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (“DOJ Recipient LEP Guidance”), 67 Fed. Reg. 41455, 41471 (June 18, 2002).

⁵ *Id.* at 41471.

⁶ *Id.* at 41463, 41472.

⁷ See, e.g., Ltr. from Assistant Attorney General Thomas E. Perez to Chief Justice/State Court Administrator, Aug. 16, 2010, pp. 1-2, available at http://www.lep.gov/final_courts_ltr_081610.pdf; Ltr. from DOJ Coordination and Review Section Chief Merrily A. Friedlander to Indiana Supreme Court, Feb. 4, 2009, pp. 1-2, available at http://www.lep.gov/whats_new/IndianaCourtsLetterfromMAF2009.pdf; Ltr. from Deputy Assistant Attorney General Loretta King to Director of State Court and/or State Court Administrator, Dec. 1, 2003, available at http://www.lep.gov/guidance/courtsletter12_1_2003.pdf; DOJ Recipient LEP Guidance, 67 Fed. Reg. 41455, 41471 (June 18, 2002).

⁸ Erin Stock, *U.S. Justice Department Probes Alabama Court Translation Practices*, *The Birmingham News* (Nov. 7, 2009), http://blog.al.com/birmingham-news-stories/2009/11/us_justice_department_probes_a.html; Karen Lee Ziner, *Study: R.I. Lags in Providing Interpreters in Civil Court Cases*, *The Providence Journal* (July 21, 2009); Memorandum of Understanding Between the United States and Maine Judicial Branch, DOJ No. 171-34-8 (Sep. 29, 2008), available at http://www.lep.gov/guidance/Maine_MOA.pdf; Keren Rivas, *Justice Department Visits Local Courts Over Language Access*, *TheTimesNews.com* (Feb. 29, 2008); Susan Spencer-Wendel, *Murder Case Language Woes Spark Probe: Justice Department Alerts Court, Police*, *Palm Beach Post* (Feb. 6, 2004), p. 1C.

⁹ Exec. Order No. 13166, § 2, 65 Fed. Reg. 50121 (Aug. 11, 2000).

¹⁰ Ltr. from Attorney General Holder to Heads of Federal Agencies, General Counsel, and Civil Rights Heads, Feb. 17, 2011, pp. 1-2, available at http://www.lep.gov/13166/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf.

¹¹ *Id.*

¹² Exec. Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000).

¹³ Ltr. from Attorney General Holder to Heads of Federal Agencies, General Counsel, and Civil Rights Heads, Feb. 17, 2011.

¹⁴ DOJ Recipient LEP Guidance, 67 Fed. Reg. 41455, 41459 (June 18, 2002). Although the Guidance is specifically targeted to recipients of federal funding, Executive Order 13166 states that each agency must issue a plan regarding the language accessibility of the services it conducts itself, and that the plan “shall be consistent with the standards set forth in the [DOJ] LEP Guidance.” Exec. Order No. 13166, § 2, 65 Fed. Reg. 50121 (Aug. 11, 2000).

¹⁵ See Appleseed & Chicago Appleseed, *Assembly Line Injustice* (2009), p. 19.

¹⁶ EOIR, FY 2012 Budget Request at a Glance, <http://www.justice.gov/jmd/2012summary/pdf/fy12-eoir-bud-summary.pdf>.

¹⁷ Ltr. from Assistant Attorney General Thomas E. Perez to Chief Justice/State Court Administrator, Aug. 16, 2010, p. 4.

¹⁸ DOJ Recipient LEP Guidance, 67 Fed. Reg. 41455, 41471 (June 18, 2002).

¹⁹ *Id.* at 41472.

²⁰ *Id.* at 41461, 41471.

²¹ *Id.* at 41461.

²² *Id.* at 41461.

²³ *Id.* at 41461.

²⁴ *Id.* at 41461.

²⁵ *Id.* at 41461.

²⁶ *Id.* at 41471.

²⁷ *Id.* at 41463, 41472.

²⁸ See EOIR, Filing a Complaint Regarding an Immigration Court Interpreter, <http://www.justice.gov/eoir/sibpages/InterpComplaint.htm> (last updated Sep. 2010).

²⁹ DOJ, Departmental Plan Implementing Executive Order 13166, § 4.23.6, available at <http://www.justice.gov/crt/about/cor/lep/dojimp.php>. That document stated EOIR’s intention to assess the need for and feasibility of translating EOIR documents into other languages, and to determine whether the Immigration Courts comply with the standards set forth in the DOJ Recipient LEP Guidance. *Id.* EOIR has not made public any documents indicating that either of those two reviews have been undertaken in the past decade.

³⁰ OCIJ Interpreter Advisory Committee, Office of the Chief Immigration Judge Interpreter’s Handbook, p. 12 (on file with the Brennan Center) (emphasis added).

³¹ See Applesseed & Chicago Applesseed, *Assembly Line Injustice* (2009), p. 19; Immigration Court Observation Project of the National Lawyers Guild, *Fundamental Fairness: A Report on the Due Process Crisis in New York City Immigration Courts* (2011), p. 11, available at <http://nycicop.files.wordpress.com/2011/05/icop-report-5-10-2011.pdf>; Muneer I. Ahmad, *Interpreting Communities: Lawyering Across Language Difference*, 54 *UCLA L. Rev.* 999, 1026 n.87 (2007).

³² National Lawyers Guild (NYU Law Chapter), Immigration Court Observation Project, 2009–10 observations.

³³ *Id.*

³⁴ National Lawyers Guild (NYU Law Chapter), *Broken Justice: A Report on the Failures of the Court System for Immigration Detainees in New York City*, p. 18 (2008).

³⁵ National Lawyers Guild (NYU Law Chapter), Immigration Court Observation Project, 2007–8 observations.

³⁶ National Lawyers Guild (NYU Law Chapter), Immigration Court Observation Project, 2009–10 observations.

³⁷ *Id.*

³⁸ DOJ Recipient LEP Guidance, 67 *Fed. Reg.* at 41459.

³⁹ National Association of Judiciary Interpreters & Translators, *Modes of Interpreting: Simultaneous, Consecutive & Sight Translation* (2006), p. 1, available at http://www.najit.org/publications/Modes_of_Interpreting200609.pdf.

⁴⁰ DOJ Recipient LEP Guidance, 67 *Fed. Reg.* at 41471. *See also* Ltr. from Assistant Attorney General Thomas E. Perez to Chief Justice/State Court Administrator, Aug. 16, 2010, p. 2 (same).

⁴¹ DOJ, *On Choosing a Language Access Provider*, p. 4, available at <http://www.lep.gov/resources/leptatool.pdf>.

⁴² Laura Abel, *Language Access in State Courts* (2009), pp. 20-21, available at http://www.brennancenter.org/content/resource/language_access_in_state_courts/.

⁴³ DOJ Civil Rights Div., *Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools From the Field* (Sept. 21, 2004), p. 13, available at http://www.lep.gov/resources/FinalTipsandToolsDocument_9_21_04.pdf.

⁴⁴ *Id.* p. 32.

⁴⁵ *Id.*

⁴⁶ For a description of the rigorous Federal Court Interpreter Certification Exam, see National Center for State Courts, *About the Program*, available at http://www.ncsconline.org/d_research/fcice_exam/about.htm.

⁴⁷ For a description of the Consortium’s certification process, and a list of the 41 member states, see National Center for State Courts, Consortium for Language Access in the Courts, available at <http://www.ncsc.org/education-and-careers/state-interpreter-certification.aspx>.

⁴⁸ AILA-EOIR Meeting Agenda, March 25, 2010, pp. 5-6, available at <http://www.justice.gov/eoir/statpub/eoiraila032510.pdf> (“Candidates for contract interpreter positions are required to pass the Lionbridge Interpreter Skills Assessment, a task-based oral proficiency test.”); TRAC, Immigration Courts: Still a Troubled Institution (2008), available at <http://trac.syr.edu/immigration/reports/210/#M20> (quoting EOIR as stating, “Upon investigating a certification program for staff interpreters, [the Office of the Chief Immigration Judge (“OCIJ”)] discovered that formal certification would be cost-prohibitive . . . OCIJ has developed a set of internal interpreter hiring, training, assessment, and process enhancements to achieve the goal of improving interpretation in the immigration courts.”).

⁴⁹ National Research Council, Redesigning the U.S. Naturalization Tests: Interim Report (2004), pp. 12, 14, available at http://www.nap.edu/html/nat_test_redesign/NI000574.pdf (listing the Office of Personnel Management and Departments of Defense and Education).

⁵⁰ National Center for State Courts, Assessing Interpreter Qualifications: Certification Testing and Other Screening Techniques, *in* Court Interpretation: Model Guides for Policy and Practice in the State Courts (2005), p. 91, available at http://www.ncsconline.org/wc/publications/Res_CtInte_ModelGuideChapter5Pub.pdf.

⁵¹ AILA-EOIR Meeting Agenda, March 25, 2010, pp. 5-6 (“The passing score on the Lionbridge Interpreter Skills Assessment is . . . equivalent to the passing score on examinations administered by the National Center for State Courts’ Consortium for Language Access in the Courts.”). EOIR also asserts that “[t]he passing score is equivalent to a score of at least 3+ on the scale developed by the Federal Interagency Language Roundtable [“ILR”], which is a Federal interagency organization established to coordinate and share information about language-related activities at the Federal level.” *Id.* There are several ILR scales, measuring reading, speaking, listening, writing, translation and interpretation performance. Interagency Language Roundtable, ILR Skill Level Descriptions for Interpretation Performance, <http://www.govtilr.org/Skills/interpretationSLDsapproved.htm>. It is unclear to which EOIR refers. Regardless, none of the ILR scales is specifically intended to measure court interpreting performance.

⁵² See N.J. Judiciary, Background Information on the Agencies Registered to Provide Telephone Interpreting Services (2010), p. 12 n.3, available at <http://www.judiciary.state.nj.us/interpreters/regagencies.pdf>.

⁵³ Office of the Administrative Director of the Hawaii Courts, Report to the Twenty-Fifth Legislature (Dec. 2008), p. 34, <http://www.courts.state.hi.us/docs/docs2/09provisorptfinal.pdf>.

⁵⁴ Appleseed & Chicago Appleseed, Assembly Line Injustice (2009), p. 19; AILA-EOIR Meeting Agenda, March 25, 2010, pp. 5-6 (“AILA members have reported that some immigration court interpreters may not be adequately qualified to interpret in the foreign language for which they appear in court.”).

⁵⁵ Appleseed & Chicago Appleseed, Assembly Line Injustice (2009), p. 19.

⁵⁶ *Id.*

⁵⁷ Executive Office for Immigration Review, Code of Professional Responsibility for Interpreters, p. 1, available at <https://www.fbo.gov/utills/view?id=98b4711e9dbbd82741167ba2d27e9439> (“Interpreters shall render a complete and accurate interpretation . . . without altering, omitting or adding anything to what is stated or written, and without explanation.”).

⁵⁸ National Lawyers Guild (NYU Law Chapter), Immigration Court Observation Project, 2009–10 observations.

⁵⁹ Immigration Court Observation Project of the National Lawyers Guild, *Fundamental Fairness: A Report on the Due Process Crisis in New York City Immigration Courts* (2011), p. 12.

⁶⁰ National Lawyers Guild (NYU Law Chapter), Immigration Court Observation Project, 2009–10 observations.

⁶¹ Immigration Court Observation Project of the National Lawyers Guild, *Fundamental Fairness: A Report on the Due Process Crisis in New York City Immigration Courts* (2011), pp. 12-13.

⁶² *Id.* p. 13.

⁶³ National Lawyers Guild (NYU Law Chapter), Immigration Court Observation Project, 2007–8 observations.

⁶⁴ *Id.* See also Immigration Court Observation Project of the National Lawyers Guild, *Fundamental Fairness: A Report on the Due Process Crisis in New York City Immigration Courts* (2011), p. 12 (Immigration Court observers in NYC “noted six cases where the interpreter arrived late, left before the hearing was finished, or stepped out while the hearing was in progress”).

⁶⁵ National Association of Judiciary Interpreters & Translators, *Modes of Interpreting: Simultaneous, Consecutive & Sight Translation* (2006), p. 1.

⁶⁶ 28 U.S.C. § 1827(k).

⁶⁷ Immigration Judge Benchbook, Script on Initial Hearing, available at <http://www.justice.gov/eoir/vll/benchbook/tools/Script%20Initial%20Hearing.htm> (“[if EOIR employee] [name] is the official interpreter for the Immigration Court who will be providing simultaneous interpretation into the [name] language, and need not be sworn in.”).

⁶⁸ Office of the Chief Immigration Judge Interpreter’s Handbook, p. ii.

⁶⁹ See National Center for State Courts, *Future Trends in State Courts* (2009), pp. 36–37.

⁷⁰ National Lawyers Guild (NYU Law Chapter), Immigration Court Observation Project, 2009–10 observations.

⁷¹ National Lawyers Guild (NYU Law Chapter), Immigration Court Observation Project, 2009–10 observations.

⁷² National Association of Judiciary Interpreters and Translators, *Position Paper: Telephone Interpreting in Legal Settings* (2009), p. 3, available at <http://www.najit.org/publications/Telephone%20Interpreting.pdf>.

⁷³ 67 Fed. Reg. at 41462. *See also* National Center for State Courts, *Future Trends in State Courts* (2009), p. 37.

⁷⁴ National Association of Judiciary Interpreters and Translators, *Position Paper: Telephone Interpreting in Legal Settings* (2009), p. 3. *See also* Vicky L. Carlson, *An Examination of Remote Language Interpreting in the Minnesota Trial Courts* (2011), pp. 28-35, available at <http://www.ncsc.org/-/media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2011/Remote%20Language%20Interpreting.ashx> (discussing benefits and drawbacks of various types of remote interpreting technology).

⁷⁵ National Lawyers Guild (NYU Law Chapter), *Immigration Court Observation Project, 2007–8 observations* (showing that 50% of non-Spanish language interpreters appeared telephonically).

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *See* National Center for State Courts, *Future Trends in State Courts* (2009), p. 37.

⁷⁹ 28 U.S.C. § 1827(d) (requiring courts to provide interpreter services where Respondent’s LEP status inhibits his “comprehension of the proceedings or communication with counsel or the presiding judicial officer”).

⁸⁰ *See* Wisconsin Court Interpreter Program, *Best Practices: Remote Interpreting in Court; Telephone, Videoconferencing and VRI (Video Remote Interpreting)*, (2010), p. 2, available at <http://www.wicourts.gov/services/interpreter/docs/telephoneinterpret.pdf>; N.J. State Courts, *Operational Standards for Telephone Interpreting* (2001), p. 5, available at http://www.judiciary.state.nj.us/directive/vicops/dir14_01.pdf; Ninth Judicial Circuit Court of Florida, *Centralized Remote Interpreting*, available at <http://www.ninthcircuit.org/programs-services/court-interpreter/centralized-interpreting/>.

⁸¹ *See* Appleseed & Chicago Appleseed, *Assembly Line Injustice* (2009), p. 22.

⁸² Legal Assistance Foundation of Metropolitan Chicago & Chicago Appleseed Fund for Justice, *Videoconferencing in Removal Hearings: A Case Study of the Chicago Immigration Court* (2005), p. 41, available at <http://appleseeds.net/Portals/0/Documents/Publications/Center%20Pubs/Chicago%20Videoconferencing%20Report.pdf>.

⁸³ Federal Coordination and Compliance Section, Civil Rights Division, DOJ, *Planning Tool for Federally Conducted and Federally Assisted Programs* (2011), pp. 5-6, http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf.

⁸⁴ *Id.* p. 5.

⁸⁵ National Center for State Courts, *Court Interpretation in Protection Order Hearings: Judicial Benchcard*, p. 1, available at http://www.ncsconline.org/d_research/Documents/LEP_AttachM_Benchcard-Final.pdf.

⁸⁶ Supreme Court of Ohio, *Working With Foreign Language Interpreters in the Courtroom: A Bench Card for Judges*, p. 2, available at <http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/benchcard.pdf> (emphasis in original).

⁸⁷ N.Y. Unified Court System, Working With Interpreters in the Courtroom: Benchcard for Judges, p. 2, available at <http://www.nycourts.gov/courtinterpreter/PDFs/JudBenchcard08.pdf>.

⁸⁸ Supreme Court of Iowa, Bench Card for Iowa Judges: Tips for Effectively Working with Language Interpreters in the Courtroom (2010), p. 2, available at http://ujs.sd.gov/Uploads/Committees/11_2010_Handout_C.pdf.

⁸⁹ *Id.* (emphasis in original).

⁹⁰ National Association of Judiciary Interpreters and Translators, Position Paper: Telephone Interpreting in Legal Settings (2009), p. 3. *See also* Vicky L. Carlson, An Examination of Remote Language Interpreting in the Minnesota Trial Courts (2011), p.74, available at (“A complete training plan should be developed for court staff and judges on how to use the technology. Fact sheets should be developed so that all court participants know what to expect in a remote interpreter hearing.”).

⁹¹ DOJ, Civil Rights Div., Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools From the Field (Sept. 21, 2004), pp. 57-58.

⁹² *See* Minnesota Judicial Branch, Frequently Asked Questions, available at <http://www.mncourts.gov/?page=455#CertifExam> (noting that the Consortium for Language Access in the Courts “[p]ublish[es] test documentation enhancing the credibility and legitimacy of the testing program” in order to provide a “foundation for meeting the Standards for Educational and Psychological Testing”); Admin. Office of the Courts of the State of Maryland, Maryland Court Interpreter Program, available at <http://www.courts.state.md.us/interpreter/index.html> (“The Maryland Judiciary maintains a Court Interpreter Registry. All listed interpreters are either *Certified* or *Eligible*. *Certified* interpreters have passed an oral interpreter certification examination which tests their language and interpreting skills in 3 modes: Sight, Consecutive, and Simultaneous. At a minimum, all *eligible* interpreters have passed a written examination and many have passed an oral proficiency interview (OPI) in the foreign language and English.”).

⁹³ National Center for State Courts, About the Program, available at http://www.ncsconline.org/d_research/fcice_exam/about.htm. *See also* National Center for State Courts, Federal Court Interpreter Certification Examination for Spanish/English: Examinee Handbook (2011), pp. 17, 35, available at http://www.ncsconline.org/d_research/fcice_exam/2011approvedbyAO-Online.pdf (providing more detailed information about the content of the exam).

⁹⁴ *See* National Center for State Courts, Federal Court Interpreter Certification Examination for Spanish/English: Examinee Handbook (2011), pp. 18-19, 36-37; ALTA Language Services, Beyond Words: California’s Assessment of the Consortium for Language Access in the Courts’ Exams (2010), pp. 48-49, available at <http://www.courts.ca.gov/xbcr/cc/ALTAREport.pdf>; *Seltzer v. Foley*, 502 F. Supp. 600 (S.D.N.Y. 1980).

⁹⁵ Consortium for State Court Interpreter Certification, Overview of the Oral Performance Examination for Prospective Court Interpreters (2005), available at http://www.ncsconline.org/D_Research/CourtInterp/Web%207%20Overview%20of%20the%20Oral%20Exam.pdf; Consortium for State Court Interpreter Certification, Overview of the Written Examination for Candidates (2005), available at http://www.ncsconline.org/D_Research/CourtInterp/Web%2010%20Overview%20of%20the%20Written%20Exam.pdf.

⁹⁶ Consortium for Language Access in the Courts, Court Interpreter Oral Examination: Test Construction Manual (2010), available at <http://www.prometric.com/NR/rdonlyres/ekx5g7n34j4kmmws6vuy4bq6voqse pqa5fqgka63gaz63usnt2paeasfhmvhj3y75yfli2aqipqibk32uwu5h7q5f3a/TestConstructionManual0410.pdf>. See also ALTA Language Services, *Beyond Words: California's Assessment of the Consortium for Language Access in the Courts' Exams* (2010), pp. 3, 13-15.

⁹⁷ *Compare* EOIR, Summary of OCIJ Procedure for Handling Complaints Against Immigration Judges, <http://www.justice.gov/eoir/sibpages/IJConduct/IJComplaintProcess.pdf>, with EOIR, Filing a Complaint Regarding an Immigration Court Interpreter, <http://www.justice.gov/eoir/sibpages/InterpComplaint.htm>.

⁹⁸ Minn. S. Ct., State Court Administrator's Office, Enforcement Procedures for the Code of Professional Responsibility for Court Interpreters, http://www.mncourts.gov/documents/0/Public/Interpreter_Program/Enforcement_Procedures_final.pdf.

⁹⁹ EOIR, Summary of OCIJ Procedure for Handling Complaints Against Immigration Judges, p. 3.

¹⁰⁰ EOIR, Summary of OCIJ Procedure for Handling Complaints Against Immigration Judges, p. 1.

¹⁰¹ Minn. S. Ct., State Court Administrator's Office, Enforcement Procedures for the Code of Professional Responsibility for Court Interpreters, http://www.mncourts.gov/documents/0/Public/Interpreter_Program/Enforcement_Procedures_final.pdf.

¹⁰² N.J. Judiciary, Operational Standards for Telephone Interpreting (2001), p. iii.

¹⁰³ Wisconsin Court Interpreter Program, Best Practices: Remote Interpreting in Court; Telephone, Videoconferencing and VRI (Video Remote Interpreting), (2010), pp. 1-2.

¹⁰⁴ National Association of Judiciary Interpreters and Translators, Position Paper: Telephone Interpreting in Legal Settings, p. 2.

¹⁰⁵ *Id.*, pp. 2-3.

¹⁰⁶ N.J. Judiciary, Operational Standards for Telephone Interpreting (2001), pp. 4-6.

¹⁰⁷ National Association of the Deaf, Position Statement: VRI Services in Hospitals (April 2008), available at <http://www.nad.org/issues/technology/vri/position-statement-hospitals>; International Association of Conference Interpreters, Code for the Use of New Technologies in Conference Interpretation, available at http://www.aiic.net/ViewPage.cfm?page_id=120. See also Vicky L. Carlson, *An Examination of Remote Language Interpreting in the Minnesota Trial Courts* (2011), pp. 28-35 (describing the remote interpreting equipment in use in state courts around the country).

¹⁰⁸ See Washington Courts, Court Forms: Order for Protection, <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=42>.

¹⁰⁹ SSA, Multilanguage Gateway, available at <http://www.socialsecurity.gov/multilanguage/>; SSA, Plan for Providing Access to Benefits and Services for Persons With Limited English Proficiency (LEP) (updated Feb. 2010), available at <http://www.socialsecurity.gov/multilanguage/LEPPlan2.htm>; SSA, Service to Our Limited

English Proficient Public: Status Report (July 2008), p. 9, available at http://www.lep.gov/resources/2008_Conference_Materials/SSALEPStatusReport.pdf.

¹¹⁰ Limited English Proficiency No Bar to Understanding Courts, U.S. Courts Newsroom (July 2007), http://www.uscourts.gov/News/TheThirdBranch/07-07-01/Limited_English_Proficiency_No_Bar_to_Understanding_Courts.aspx.

¹¹¹ U.S. Dist. Ct. for the Dist. of Utah, Forms, <http://www.utd.uscourts.gov/documents/formpage.html>.

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