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People Forced to Appear in Court Without Interpreters, Violating Federal Law

Study Exposes Failure of Many States to Provide Interpreters in Civil Cases

Senator Kohl Introduces State Court Interpreter Grant Program Act

New York -- A new study of 35 states exposes the failure of many state courts to provide interpreters to people with limited proficiency in English (LEP) – often in violation of Title VI of the Civil Rights Act of the United States.

[*Language Access in State Courts*](#), which selected states with the highest proportion of people with LEP, shows that when state courts fail to provide competent interpreters to people with LEP in civil cases, the costs are high. Families trying to hold on to their homes or trying to obtain hard-earned wages lose out and courts can't make accurate findings.

“The human toll is tragic,” says Laura Abel, author of the report and Deputy Director of the Brennan Center’s Access to Justice Program. “Children are forced to interpret for their parents in sensitive divorce and child custody cases. People leave court without knowing what happened, and can’t comply with court orders. Judges don’t know what witnesses are saying.”

The release of *Language Access in State Courts* coincides with the introduction of the State Court Interpreter Grant Program Act by Senator Kohl (D-WI). The new legislation would authorize \$15 million per year, for five years, to enable state courts to improve their interpreter programs.

The Department of Justice has also renewed its commitment to enforce interpreter requirements in the state courts. Just this past February, DOJ warned the Indiana Supreme Court that court systems receiving federal funds violate Title VI of the Civil Rights Act of the United States if they charge money for interpreters. The report provides guidelines for advocates, legislators and judges to adopt best practices and to bring their states into compliance with Title VI.

Under Title VI, state and county courts receiving federal funds must provide interpreters to individuals who need such help to understand court proceedings. Most court systems receive such funding and are covered by the law.

Yet the states’ violations are open and widespread. Among the report’s findings:

- 46% of the state courts fail to require that interpreters be provided in all civil cases;
- 80% fail to guarantee that people needing the interpretation are not unlawfully charged for the interpreters; and

- 37% fail to require interpreters to be credentialed.

Language Access in State Courts also identifies clear violations of the law. In DuPage County, Illinois, for example, the courts tell the public: “There are no statutory requirements nor any constitutional obligations that public funds be expended for appointment of language interpreters in civil cases.” California Governor Schwarzenegger has vetoed bills providing funding for interpreters in civil cases.

Nearly 25 million Americans can’t protect their rights in court without an interpreter. At least 13 million of those people live in states that do not require their courts to provide interpreters to LEP individuals in most types of civil cases. And another 6 million live in states that undercut their commitment to provide interpreters by charging for them.

For more information, or to arrange an interview with Laura Abel or with a person with LEP who has been in a state court proceeding without an interpreter, please contact Jeanine Plant-Chirlin at 212-998-6289 or Jeanine.plant-chirlin@nyu.edu.

To read the report, visit: http://www.brennancenter.org/content/resource/language_access_in_state_courts.

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