

# LANGUAGE ACCESS IN COURTS

National Consortium on Racial and Ethnic  
Fairness in the Courts  
June 2014



“Simple justice requires that public funds, to which taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”

- President John F. Kennedy, June 11, 1963

# Title VI - Statute

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Civil Rights Act of 1964, Title VI, 42 U.S.C. §  
2000d

# Title VI Regulations

- Title VI authorizes agencies to enact regulations to effectuate law
- Subject to DOJ approval (EO 12250)
- Regulations prohibit:
  - Intentional discrimination/disparate treatment
  - Disparate impact (use of criteria or methods of administration which have discriminatory effects)

# DOJ Courts Initiative

- Changing norms
- Enforcement
- Technical assistance
- Engagement with partners
- Outreach and training

# 2010 DOJ Letter to State Courts

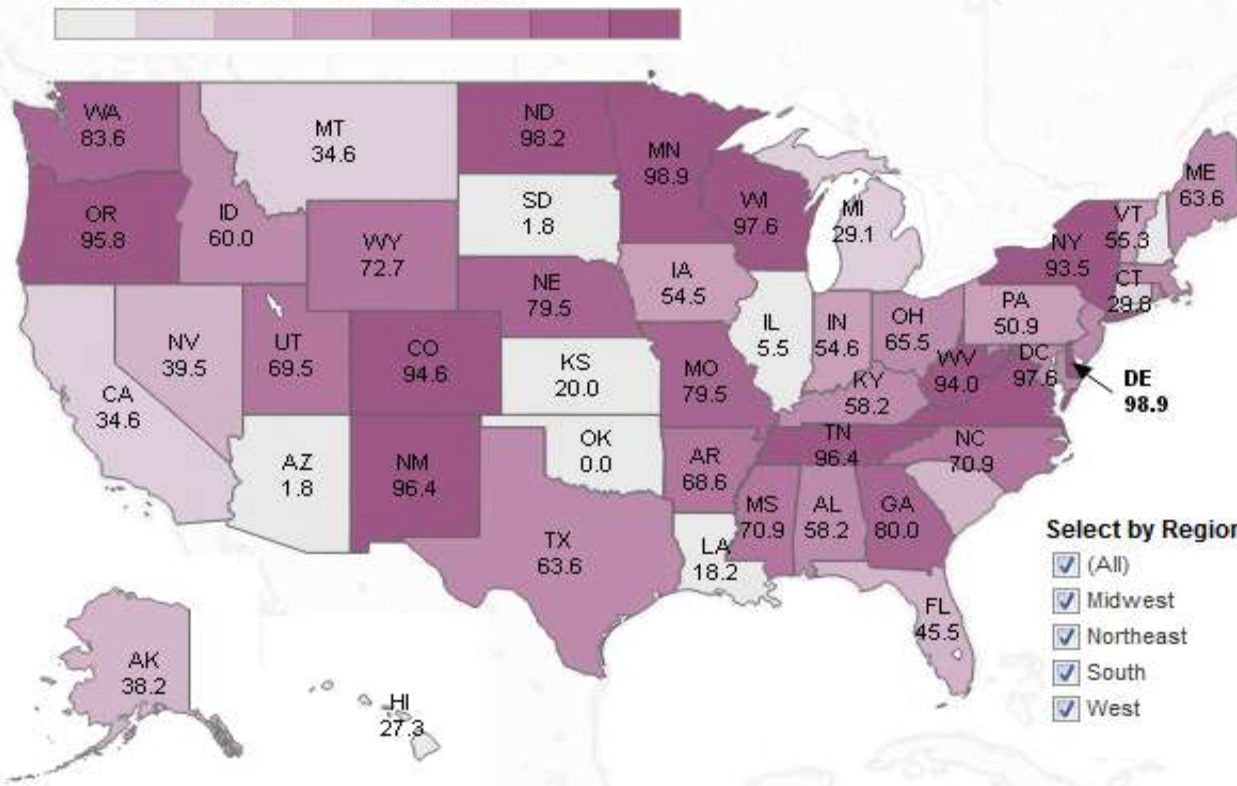
- Inadequate progress nationally
- All proceedings covered
  - Includes court-annexed proceedings
  - Interpreter fees not charged to users
- Court operations and programs
  - Includes court appointed officials

# Changing Norms

- ABA Standards - 2012
- NCSC National Call to Action - 2013
- DOJ docket and technical assistance
- Justice Index - 2014 ([justiceindex.org](http://justiceindex.org))

Limited English   Details - Limited English   Citations - Limited English

### Limited English - 50 State Map



### State Filtering Tool

Select by Score

Top

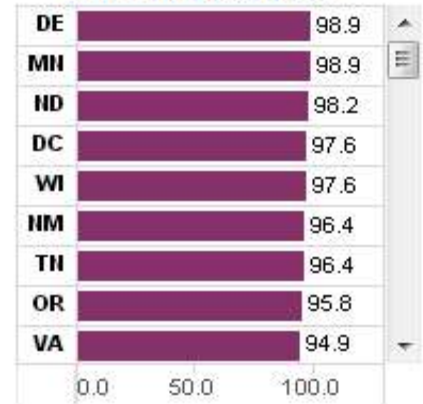
Select by State

(All)

Select by Region

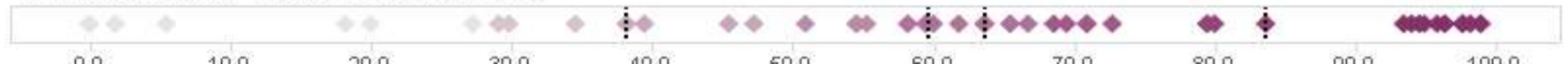
- (All)
- Midwest
- Northeast
- South
- West

### Ranking by State



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### Distribution by State, Scaled to 100





# Persistent issues

- Partial or full coverage in civil?
  - Proceedings without judges
- Interpreter fees and the indigence trap
- Justice outside the courtroom
  - And outside the courthouse
- Assistance provided upon request
- Bilingual forms for informational purposes only

# Court Ops Categories

- Court-annexed ADR's (non proceedings)
- Non-proceedings specialty courts
- Court programs/services
  - Court ordered
  - Court offered
- Court appointed professionals

# Court Ops Categories

- Controlled

- Staff, volunteers, contracted services
- Court provided space
- Licensed, court specs, court appointment
- Party paid, court referred

- Influenced

- Remedied

# 3 legs of service delivery

- Notice of language rights
  - Direct
  - Public
- Mandatory language data gathering
  - At filing
  - Staff contact
- Request

# Managing: the 3 P's

- Policy
- Plan
- Procedure



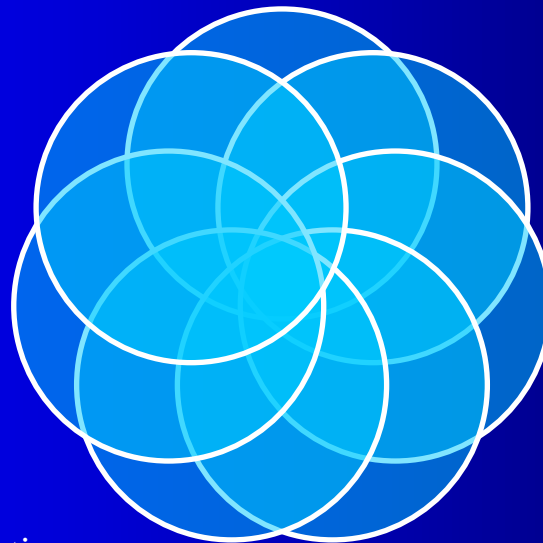
# COLLABORATION

Changing Norms and  
Ensuring Meaningful  
Access

State and federal  
officials

NAJIT/ATA and  
other language  
organizations

Access to Justice  
Commissions, DOJ  
A2J, and other  
stakeholders



NCSC/COSCA/CCJ  
and other court  
organizations.

ABA and other bar  
organizations

NLADA, Legal  
Services, N-LAAN,  
and other attorneys

# Contact info

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