

Consortium for Language Access in the Courts (Consortium)
2011 Annual Business Meeting

Summary
Membership Planning Session/Executive Committee Work Session

This document provides an overview of the issues identified by the participating member-states at the 2011 Annual Business Meeting and the Executive Committee's planning session to respond to these critical issues.

Membership Planning Session (April 5, 2011)

Twenty-three member states¹ participated in a day-long planning session, facilitated by the Executive Committee, at the 2011 Annual Business Meeting in Las Vegas, NV. The three priority areas for the Consortium that were identified by the attendees included:

- (1) adequate continued and long-term funding;
- (2) a strengthened relationship with the National Center for State Courts (NCSC) and the Conference of State Court Administrators (COSCA)²; and
- (3) development of a plan to ensure organizational effectiveness and financial security.

Additionally, the membership identified other significant issues needing attention:

- development of interpreter training materials to assist program managers;
- a governance structure to effectively support sustainability, adequate staffing, and organizational growth;
- strategic relationships with the federal government to meet the burgeoning language access needs in state courts;
- a dedicated, full-time test administrator and/or psychometrician;
- the establishment of a national, centralized roster of interpreters, available through the "members only" web site;
- exploration of alternative testing models and approaches to credentialing interpreters;
- professional development of a Consortium web site and archive library that supports the specific needs of members; and

¹ AK, AL, AR, CA, CO, CT, DE, GA, HI, ID, IN, IA, MD, MN, MO, NV, NM, NC, OH, OR, TN, VT, WV, WI
Pat Griffin (COSCA)

² The membership noted a general confusion about the relationships between and among the various organizations, including NCSC, the COSCA, the Conference of Chief Justices (CCJ), and the Consortium, but agreed that there needs to be a stronger relationship with, and more exposure of the Consortium to, those stakeholders. It was noted that COSCA has appointed a special committee to consider the sustainability of the Consortium.

- completion of maintenance of existing exam forms and development of new version examinations.

Executive Committee Planning Session (April 7, 2011)

The Executive Committee³ held a one-day planning meeting on April 7th following the 2011 Annual Business Meeting. The Executive Committee focused on the three priority areas identified at the April 5th membership planning session.

Specifically, the Executive Committee (1) discussed the strategic implications of the priorities identified by the Consortium membership; (2) assessed the implications for the Consortium of current national trends shaping demands for language assistance and the Consortium's limited capacity to provide the services needed; and (3) proposed ways to address the priorities identified by the membership.

The Executive Committee agreed that a variety of ongoing trends are expanding the demand for language access services in state courts and creating a greater need for the Consortium to maintain a comprehensive range of services to support its members. The Consortium's current organizational structure and its limited human and financial resources are not sufficient to adequately respond to these needs.

Three areas were identified as seriously impacting state courts:

1. Migration patterns among long present Limited English Proficiency (LEP) populations throughout the United States -- coupled with significant increases in the size and diversity of the U.S. immigrant population over the past decade— have resulted in substantially increased numbers of LEP populations in court jurisdictions across the nation. The increased distribution of LEP populations has led to increased demands for services not only in parts of the nation with long-standing LEP populations but in places where previously the need for, and availability of, language services had been limited. In addition, an increased need to understand the complicated interplay of culture and language has grown along with the expansion of the demand for language services.
2. Some important yet inconsistent federal, state, and local policy trends have contributed to increased expectations for services for LEP populations, but without any parallel provision of adequate and sustainable resources to pay for services. For example, policy directives outlining expectations for language services in the state courts recently advocated by the Civil Rights Division of the U.S. Department of Justice, coupled with DOJ compliance audits of state courts, have increased expectations on the state courts to assure access to justice for

³ Brenda Aiken (AK) Janica Bisharat (ID), Carmel Capati (WI), John Goerdts (IA), Pat Griffin (COSCA liaison), Emy Lopez (CO), and Lucy Smallsreed (CA). Mara Simmons (Arkansas) was unable to attend. The meeting was professionally facilitated by John Martin (Center for Public Policy Studies), and was staffed by Carola Green (NCSC).

LEP populations. At the same time, state and local government budget crises in recent years and accompanying debate about “essential” services, and service limitations or exclusion of services for some residents, such as undocumented immigrants, have contributed to less support for adequate resources for LEP court user populations. In short, even as the magnitude and complexity of demand for interpreter and language services within the courts and justice system increase, societal and political support for adequately providing these services has faltered. Unfortunately, the need to address this fundamental access to justice issue has become muddled with debates about budgets, the role of government, immigration, trade, and international policy.

3. Recent technological trends have created both increased expectations for services among Consortium members as well as the potential capacity to enhance services. This includes the potential for the Consortium to work with courts to provide services remotely, establish on-line testing and scheduling, implement quality control mechanisms, pilot a national testing program, increase networking among service providers and courts, and establish management information and evaluation systems.

The implications of these demographic, policy, and technological trends challenge the Consortium to:

- expand the number and types of partners and the scope of Consortium services to meet the broader needs of language access;
- increase the types of funding streams available;
- increase the amount of high level, dedicated, paid, professional staff time available to do the work of the Consortium;
- become financially sustainable;
- enhance Consortium governance to support more efficient policy-making;
- increase the Consortium’s voice and influence with court support associations and organizations, such as COSCA, CCJ, and NACM; and
- increase the influence of the Consortium to shape federal and state policy, such as USDOJ language access policy.

These key strategies mirror the significant issues raised at the planning session of the general membership.

To respond to the priorities from the members attending the annual meeting, the Executive Committee identified three goals for exploration and discussion:

1. Convert the Consortium into an Operational Unit of the NCSC and Alter the Current Governance Structure to Respond to the Larger Issue of Language Access

Rationale:

Dramatic increases in the number of member states since the founding of the Consortium, changes in service expectations, and the emergence of more and more complicated challenges to service provision for LEP populations have resulted in demands on the Consortium that now exceed Consortium service provision capacity. Moreover, the current staffing and governance structure within the Consortium and between the Consortium and the NCSC does not sufficiently support the larger membership size or the increased work of the Consortium. As a result, Consortium committee members spend an extraordinary amount of “volunteer” time supporting the critical work of the organization, and the potential scope of services provided by the Consortium remains limited.

To address this priority, it would be beneficial to explore:

- becoming an institutionalized, ongoing unit within the NCSC, rather than an external project operating under its umbrella;
- becoming a high priority and a central/core function of the NCSC, COSCA, and CCJ;
- creating a full-time “Executive Director” position at a high management level (effectively moving the Consortium from a project under the Research Division to an NCSC Office of Language Access) to be an effective voice for language access services;
- establishing increased and dedicated staffing to meet the workload needs of the Consortium and the program managers, particularly in test maintenance and program development; and
- modifying the Consortium governance structure to respond to immediate sustainability needs.

2. Revise the Consortium Service Delivery Model to Expand the Scope and Range of Services

Rationale:

LEP service needs in state courts are not being sufficiently met. The scope of Consortium services should be strategically expanded to meet current and rapidly emerging needs. For the Consortium to expand its scope of services, new service delivery models need to be researched and developed.

To address this priority, it would be beneficial to:

- identify all the types of services currently provided by the Consortium;

- identify additional service needs and opportunities, including services targeting the needs of potential Consortium members and clients outside the U.S.;
- develop new service delivery models that include a range of products and services; and
- develop pricing models that move beyond a membership fee based model. Examples could include models that are sensitive to the diverse product and services needs of Consortium members and clients, and market based attributes, such as levels of measured client service demand.

3. Ensure the Consortium's Funding Sustainability

Rationale:

Further assessment of funding sources and long-term funding stability needs to be undertaken in conjunction with exploration of a closer affiliation with NCSC and COSCA, an expanded scope of Consortium products and services, and new service delivery and pricing models. Recent experience shows that the current service model based largely on membership dues (88%) supplemented by NCSC "bridge funding" (12%), is not sufficient to respond to the burgeoning needs of the Consortium's members and potential clients.

To address this priority, it would be beneficial to obtain:

- annual funding from the U.S. Congress through the Department of Justice (DOJ) and other agencies imposing mandates on the state courts for LEP services;
- fees generated from an expanded range of Consortium services provided under a variety of pricing models;
- grant funding for specific projects and initiatives; and
- grant and/or foundation funding for collaborative initiatives with other justice partners and with groups with an interest in LEP assistance, such as medical service providers.

Action Steps

To successfully move forward as recommended by members who attended the annual meeting, the Executive Committee will strive to: clarify the Consortium's relationship with COSCA and NCSC, secure adequate Consortium staffing to respond to the burgeoning language access needs in state courts, respond to the critical needs of Consortium members' program managers, and ensure adequate financial and human resources in cooperation with COSCA to sustain the Consortium's mission.

It was noted that the COSCA subcommittee established in August 2010 continues to discuss all of these sustainability factors concerning the Consortium. The priorities of the membership and the Executive Committee will be shared with the COSCA subcommittee at its summer 2011 meeting.

The Executive Committee assigned other work priorities identified by members who attended the annual meeting to the Professional Issues Committee and the Technical Committee for further review and recommendation or action.