

**The Unified Judicial System of  
Pennsylvania**

***Translation Policy and Procedures  
Manual***



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## I. Introduction and How to Use This Manual

The purpose of this Translation Policy and Procedures Manual is to provide practical information regarding the responsibility of the Administrative Office of Pennsylvania Courts (AOPC) and the Pennsylvania courts with respect to written translations for limited English proficient (LEP) court users. Specifically, this manual details procedures for identifying documents and languages for translation, contracting with language professionals, and managing the translation process.

The manual begins with an overview of federal and state laws and policies geared toward ensuring language access in all federally funded agencies and services, including state courts. A brief background is provided on the case law and federal regulations that have led to current requirements for language access services in the courts. Additionally, the manual describes key elements of the Pennsylvania Unified Judicial System Language Access Plan (UJS-LAP) and other related policies.

The next section of the manual contains the following step-by-step guides and checklists that you can use to ensure efficiency, effectiveness, and compliance in your language access efforts:

- Identification and Prioritization of Documents for Statewide Translation
- Identification and Prioritization of Languages for Statewide Translation
- Managing the Translation Process

In addition, the manual contains four sections with considerations related to:

- Qualifications of translation providers
- Budgeting and cost considerations for translation
- Supporting local courts with their translation efforts
- Developing multilingual resources in audio or video

[Appendix A](#) of this manual contains sample screenshots that demonstrate how the AOPC/UJS can use a spreadsheet to track statewide court forms, analyze forms to determine whether they are vital documents that require translation, and prioritize those documents requiring translation to most effectively target translation efforts.

[Appendix B](#) contains a checklist that can be used to ensure that written

documents meet standards of plain language and readability. This checklist is designed for use in preparing documents for translation.

[Appendix C](#) of this manual contains information directed to the local courts that provides guidance and instructions as they undertake their own processes for the identification and prioritization of *local* vital documents for translation and the identification of the most commonly spoken languages in their respective counties.

[Appendix D](#) describes various responsibilities for translation and maintenance of written documents and the frequency with which each should be undertaken. The responsibilities are assigned to either the AOPC/UJS or the local courts or in some cases, to both.

## II. Guiding Law, Principles and Policies

This Translation Policy and Procedures Manual is informed by and structured in accordance with federal language access law and policies, and the Pennsylvania Unified Judicial System's Language Access Plan (UJS-LAP) and policies.

### A. Federal Law

Federal language access law originates with Title VI of the Civil Rights Act of 1964 (Title VI),<sup>1</sup> which prohibits entities that receive federal financial assistance from discriminating on the basis of national origin and the 1974 case of *Lau v. Nichols*,<sup>2</sup> in which the United States Supreme Court found that a denial of access to education because of a language barrier constituted national origin discrimination.

Federal regulations and policy guidance establish Title VI's application to courts as recipients of federal funding, and state that discrimination includes denying a person access to a court program or excluding a person from the benefits of a court based on an inability to receive or communicate information in English.<sup>3</sup>

### B. Pennsylvania UJS Language Access Plan and Policies

The Pennsylvania UJS Language Access Plan<sup>4</sup> was approved and implemented in March 2017. This document sets forth policies and protocols for the AOPC and the state courts to achieve and enhance language access in the courts, in compliance with federal law and regulations.

The UJS-LAP defines a "limited English proficient" person in accordance with the state code, which indicates that an LEP individual is one who has a "limited ability to speak or understand English," which in turn is defined as, "[t]he ability to speak exclusively or primarily a language other than English and the inability to sufficiently speak or understand English."<sup>5</sup>

Two general principles of the UJS-LAP directly address the translation of written documents:

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<sup>1</sup> Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000d et seq.

<sup>2</sup> *Lau v. Nichols*, 414 U.S. 563 (1974)

<sup>3</sup> 28 CFR 42.104(b)(2)

<sup>4</sup> Available at: <http://www.pacourts.us/assets/files/setting-5486/file-5972.pdf?cb=11e5cd>

<sup>5</sup> 42 Pa.C.S. §4402.

- Interpretation and translation must be provided by the court at no cost to the court user.
- Courts must identify and translate "vital" court documents and forms.

Vital documents include those 1) containing or soliciting information critical for obtaining access to court and court services, 2) advising of rights or responsibilities including the consequences of violating a court order, or 3) that are required by law.<sup>6</sup> Examples of vital documents which the UJS and judicial districts will be responsible to translate include court petitions and forms, guilty plea colloquies, subpoenas, petitions for in forma pauperis, waivers, and Pa.R.C.P. No. 205.5 Cover Sheet. An example of a document not considered vital includes a brochure about the history of a courthouse.

The UJS-LAP also describes the responsibilities of state courts with respect to written documents developed for court users, including court forms, informational handouts, and courthouse signage.<sup>7</sup> The UJS-LAP charges the Monitoring and Evaluation Team with advising AOPC on the development of procedures to help courts with: the identification of documents appropriate for translation, the identification of the languages into which they should be translated,<sup>8</sup> and implementation of a standardized process for translation.

Pursuant to the Language Access Plan (UJS-LAP), the Administrative Office of Pennsylvania Courts (AOPC), in consultation with the Monitoring and Evaluation Team, has developed the following Translation Policy that applies to the AOPC and the state's judicial districts:

Translation of vital documents so LEP individuals have equal access to needed information and court services is a critical aspect of meaningful access to the courts. Judicial districts must identify and competently translate vital documents.

Translation involves taking text written in a source language and presenting the text accurately and understandably in a target written language. Competent translation of written text requires proficiency in converting information from one language to another, preserving the context and meaning, and entails knowledge and skills beyond fluency in two languages, including an understanding of linguistic norms and writing styles in both

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<sup>6</sup> UJS Language Access Plan, at pp. 5-6.

<sup>7</sup> UJS Language Access Plan, at pp. 14-15.

<sup>8</sup> The UJS-LAP specifically enumerates the safe harbor provisions found in the Code of Federal Regulations that describe federally compliant criteria for identifying languages for translation of vital documents. Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455, 41464 (June 18, 2002).

languages, precision, consistency, editing, and proofreading.

These policies, general principles, and references to federal law and guidance are the foundation for the detailed processes and procedures recommended in this Translation Guidance Manual. Definitions are set forth in the next section of this document.

### C. Definitions

- (1) **Documents:** Writings of any kind, including orders, forms, signs, brochures, and web content.
- (2) **Limited English Proficient (LEP) Individual:** A person with limited English proficiency does not speak English as their primary language, and has a limited ability to read, speak, write, or understand English.<sup>9</sup>
- (3) **Meaningful Access:** Courts are required to provide “meaningful access” to their programs and services, which can be achieved through a consideration and balancing of the following four factors:
  - The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
  - The frequency with which LEP individuals come in contact with the program;
  - The nature and importance of the program, activity, or service provided by the program to people's lives; and
  - The resources available to the grantee/recipient or agency, and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business or small nonprofits.<sup>10</sup>
- (4) **Translation:** Translation involves taking text written in a source language and presenting the text accurately and understandably in a target written language.<sup>11</sup>
- (5) **Vital Documents:** Vital documents involve decisions regarding liberty,

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<sup>9</sup> *Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP) Individuals*, available at: <https://www.lep.gov/faqs/faqs.html#OneQ1>.

<sup>10</sup> <https://www.lep.gov/faqs/faqs.html#OneQ7>

<sup>11</sup> UJS Translation Policy definition (7/12/18).

safety, property, due process, or relationships that have significant consequences and are documents that: contain or solicit information critical for obtaining access to court, court services, and/or benefits; advise of rights or responsibilities including the consequences of violating a court order; or are required by statute, regulation, policy or rule.



### III. Step-by-Step Guide: Identification and Prioritization of Documents for Statewide Translation

The AOPC will identify and prioritize statewide documents for translation, and review the list of forms, at least annually, to capture new forms, variations in usage patterns, and changes to forms that will require revisions to existing translations.

#### Information needed for this process includes:

- ✓ A comprehensive inventory of statewide court forms to consider for translation
- ✓ Data on LEP court users in the state
- ✓ Data on filings per case type statewide

To identify and prioritize documents for statewide translation, the AOPC will follow these steps:

#### **Step 1: Create a list of court forms for the vital documents analysis**

The Pennsylvania Courts offer a variety of forms for use by the courts and the public and accessed by LEP court users. These forms include petitions that are to be filled out by litigants and filed, in addition to orders and notices issued by the court and directed at litigants. Examples include:

- Petition for Protection from Abuse (Petition)<sup>12</sup>
- Notice of Assignment of Judgment (Notice)<sup>13</sup>
- Order Granting Application for Truancy Expungement (Order)<sup>14</sup>

In order to begin the process of identifying vital documents, it is important to try to understand the full complement of court forms and court form language produced and maintained at the statewide level for the entry-level courts in addition to any documents developed by the AOPC/UJS for processes handled in the Courts of

<sup>12</sup> Available at: <https://www.pfad.pa.gov/Documents/BlankForms/PassportPetition.pdf?cb=581299>

<sup>13</sup> Available at: <http://www.pacourts.us/assets/files/setting-905/file-784.pdf?cb=9195eb>

<sup>14</sup> Available at: <http://www.pacourts.us/assets/files/setting-5765/file-6288.pdf?cb=086e59>

Common Pleas and appellate courts. Similarly, the ownership of documents is an important factor as each document may have design and formatting layout specifications that might require alterations to accommodate translated versions. Identifying and incorporating the owners at this early stage may help ascertain any larger impacts of possible redesign of the document in order to more easily perform the translation steps.

To help identify possible documents for translation, the AOPC will create a simple spreadsheet to track information such as:

- Number and name of document
- Date of current published English version
- Existing translations (languages)
- Date of current published version of each translation
- URL(s) where document is published
- Author/Origin (if known)
- Word count, case type, and whether litigants are often self-represented for this case type

The use of a spreadsheet to identify vital documents will facilitate the prioritization of the documents for translation and will allow for the tracking of future revisions to the English versions. In addition, as new documents and content are developed by the AOPC/UJS, these can be added to the spreadsheet and considered for analysis and prioritization.

### ***Who in the organization will do this work?***

The AOPC will organize a small team to apply the vital documents analysis and prioritization processes to court documents. Team members may include a linguist, such as the administrator of AOPC's Interpreter Certification Program, the authors of the forms, attorneys who can speak to the criticality of documents as they relate to legal rights and responsibilities, local District Court Administrators, local Magisterial District Judges, as well as members of the organization with expertise in language access and digital services delivery. In addition, as forms are periodically reviewed and considered for translation, it will be important to have the participation of an AOPC/IT representative as well as representation from local courts that are outside statewide case management systems to assess the development life cycle as well as the impact of delivering the translated versions. Because the work of analyzing, translating, and maintaining court documents is ongoing and documents need to be revisited at least annually, the AOPC may choose to have a standing group of staff members charged with these responsibilities.

[Appendix A](#) contains a partial spreadsheet, with a sampling of statewide court documents.

### **Step 2: Apply a two-part analysis to determine whether each document is a vital document that requires translation**

The definition of a vital document includes both substantive and procedural components. The AOPC is using the following definition:

Vital documents are important because they involve decisions regarding liberty, safety, property, due process, or relationships that have significant consequences and are documents that:

1. Contain or solicit information critical for obtaining access to court, court services, and/or benefits;
2. Advise of rights or responsibilities including the consequences of violating a court order; or
3. Are required by statute, regulation, policy or rule.

Therefore, it is important to look at both the content of the document and how it is used to determine whether it is a vital document that requires translation. Examples of vital documents which the UJS and judicial districts (used in their

local court) will be responsible to translate include court petitions and forms, guilty plea colloquies, subpoenas, petitions for in forma pauperis, waivers, and Pa.R.C.P. No. 205.5 Cover Sheet. An example of a document not considered vital includes a brochure about the history of a courthouse.

### **A. Content Analysis**

- Q.** Does the content of this document involve a decision regarding liberty, safety, property, due process, or relationships that have significant consequences?

In the first part of this process, the substantive content of the document is reviewed to determine whether it involves a decision that impacts a person's liberty, safety, property, due process or important relationships. An example of a relationship with significant consequences would be the parental right to the care, custody and control of children. Other examples include the property interests that arise in eviction proceedings and personal safety issues in Protection from Abuse proceedings.

If the answer to this question is yes, move on to the second part of the analysis. If no, this is not a vital document.

### **B. Usage Analysis**

- Q.** Does the document contain or solicit information critical for obtaining access to the court, court services, and/or court benefits?
- Q.** Does the document advise of rights or responsibilities, including the consequences of violating a court order?
- Q.** Is the document required by statute, regulation, policy or rule?
- Q.** Is the document one of high use, and/or critical need, in the local LEP community?

The second part of the process in the vital documents determination requires a consideration of how the document will be used, including whether it contains or solicits information critical to gain access to a legal proceeding, whether it advises of rights or responsibilities, or is otherwise required by law or court rule.

If the answer is yes to **at least one** of these questions, this is a vital document that should be translated. If the answer to **all** of the above questions is no, this is not a vital document.

See [Appendix A](#) for a sample vital documents analysis.

### **Step 3: Prioritize documents for translation**

With a comprehensive list of vital documents that require translation, the next step is to prioritize those documents in order to most efficiently allocate resources to translation efforts.

- Depending on the substantive and procedural criticality of the document, each will be assigned to one of three priority groups, below, for translation. Given the large quantity of documents that may fall within each of these priority groups, consider the following factors listed at page 10, above, (Word count, case type, and whether litigants are often self-represented for this case type), as a way of further prioritizing documents within each group, and getting the maximum impact for your money. For example, a court document for which you have anecdotal evidence of frequent self-representation, and that also has a low word count (and therefore is cheaper to translate) might be a good candidate for going to the top of your stack of priority group 1 documents.

#### **Priority Group 1: Safety Concerns, Loss of Liberty, and General Court Access**

- Safety Concerns: These documents address an area of law or legal process that implicates safety concerns. Examples include protection orders and documents pertaining to mental health commitment, danger to a victim or vulnerable adult, or harm to child, including physical abuse or neglect.
- Loss of Liberty: These documents relate to legal processes that may result in a loss of liberty. Examples include criminal protective orders, processes that may result in incarceration or loss of privileges or rights, bail conditions, juvenile delinquency, guardianship, and criminal commitment.
- General Court Access: These documents are related to access to the court or a court proceeding and do not necessarily relate to a single substantive area of law. Examples include hearing notices, complaints, subpoenas, and notices of default or entry of judgment, notice and forms to request an accommodation for a disability, notice of language rights and interpreter request forms, requests to proceed in forma pauperis, required case cover sheets of court documents (i.e. the Pa. R.C.P. No. 205.5 Cover Sheet), and forms for electronic filing (if applicable).
- Emergency Juvenile Matters: These documents relate to emergency orders involving children. Examples include emergency placement orders,

protective custody orders, notices or orders relating to removal of a child from the home and termination of parental rights.

### **Priority Group 2: Family Law and Housing Status**

- Family Law: These documents relate to an area of law or legal process that affects the family unit. Examples include non-emergency dependency matters, custody, dissolution of marriage, and child support forms.
- Housing Status: These documents are used in landlord-tenant processes as well as for processes pertaining to a loss of housing. Examples include landlord and tenant complaints and tenant affidavits, as well as documents related to residential mortgage foreclosure diversion programs and foreclosure and ejectment complaints.
- Real or Personal Property Rights: These documents address legal processes that may result in loss of a legal interest in real or personal property. Examples include civil complaint forms, decedent's estate forms, and a request for order for possession.

### **Priority Group 3: Other Areas of Law and Other Written Materials**

- Other Areas of Law: These documents relate to other areas of law, such as truancy, expungement, and adoption.

Documents that are assigned to Priority 1 are the most critical for translation and the AOPC/UJS will focus available translation resources on this group first. Priority 2 documents also implicate important processes for court users. They should be translated as soon as resources become available, after Priority 1 forms have been translated. Finally, Priority 3 documents are vital documents that require translation, but have a lower level of criticality than other documents. They will be translated as resources allow.

See [Appendix A](#) for a sample priority ranking of vital documents. In addition, [Appendix A\(4\)](#) gives a complete overview of the analysis of documents and prioritization process.

### **Step 4: Conduct an annual review**

The identification and prioritization of documents for translation is a process that will be undertaken on a regular cycle that will allow for the consideration and inclusion of new and revised documents. As new documents are developed, it

will be important to apply the vital documents analysis during or shortly after development and publication, and incorporate these documents into the comprehensive list of potential documents for translation. An annual review can help spot revisions to documents that will require amendments to existing translations. In conducting an annual review, the AOPC will ensure that translations are updated in tandem with the English source document, or as soon thereafter as possible.

The annual review process will include the following steps:

1. Identify revisions to vital documents that have already been translated. These should be flagged for retranslation or editing of the translated language, to ensure that translated versions are consistent with the English source versions of the document.
2. Identify and evaluate any new court documents developed by the judicial branch since the last review, according to the vital documents analysis.
3. Identify revisions to documents that are not yet considered vital, and that may affect the substantive content or the procedural use of the document, thereby making the document now qualify as a vital document. Examples of these types of revisions would include new content that addresses important rights, or a change in the court rules that makes an existing form or document mandatory for a particular process.

## IV. Step-by-Step Guide: Identification and Prioritization of Languages for Statewide Translation

Once there is a final list of vital documents that require translation, ranked according to priority for translation, the next step is to identify the languages for translation.

### ***Where is the data?***

- ✓ US Census data shows the prevalence of limited English proficient residents in the state, along with most common languages spoken (available here: [https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17\\_5YR/S1601/0400000US42](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17_5YR/S1601/0400000US42))
- ✓ The State Department of Education publishes information on the number of English language learners in the public schools and the most common languages spoken (available here: <https://www.education.pa.gov/Data-and-Statistics/Pages/English-as-a-Second-Language.aspx>)
- ✓ The Pennsylvania State Data Center provides annual snapshots of the state population, including socioeconomic profiles (available here: <https://pasdc.hbg.psu.edu/Home/tabid/926/Default.aspx>)
- ✓ The Pennsylvania Courts' Language Access Data Collection tool tracks information on interpreter requests in the courts

There are a variety of sources that can be consulted to get a complete picture of the number of potential court users in Pennsylvania who speak English less than very well, as well as the languages they speak. These include the U.S. Census and its interim American Community Surveys with five-year projections, the Pennsylvania Department of Education, and the Pennsylvania State Data Center. Data from these sources can be used to create a list of the most common non- English languages spoken by residents of the state. This data represents the demographics of state residents who are *potential* court users.

It is also important to consider information on the needs of *actual* court users by looking at data collected by the AOPC on interpreter usage through its Language



Access Data Collection tool. This tool tracks the number of interpreters provided for court proceedings and the languages requested. In addition, the AOPC has established channels of communication with language access coordinators in the judicial districts. The AOPC can regularly survey the local courts and gather information from language access coordinators about languages most commonly spoken by local court users and service needs at the judicial district level.

**Step 2: Use available data to create a list of the top ten non-English languages spoken in the state**

An analysis of the available data that assigns proper weight to each data point will result in a list of the top ten languages spoken in the state by court users and those who may become court users. The weighting of data sources should favor information regarding language services provided to actual court users (as measured by interpretation service hours), with U.S. Census and American Community Survey information providing a demographic backdrop and confirming the predicted language need in the courts.

A list of ten languages serves two purposes. First, when the data is revisited (see recommended reevaluation in Step 3 below), adjustments may be made to the top five. Those most likely to move into the top five will already be ranked within the top ten and will have associated data to show growth in the language groups and support translation. Second, most judicial districts will consistently count Spanish as their top non-English language; however, the ranking of additional languages is likely to differ from one district to another. Based on migration and settlement patterns, a large population of a particular language group may rank very highly within a single county, but not appear on the top five list for any other county, or within the state’s overall top five.

Here is an example of how this can occur:

**Sample Top Five Languages in State and Two Counties**

	<b>Pennsylvania</b>	<b>County 1</b>	<b>County 2</b>
1	Spanish	Spanish	Spanish
2	Chinese-Mandarin <sup>15</sup>	Chinese-Mandarin	Chinese-Mandarin

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<sup>15</sup> *Spoken* Chinese is often distinguished as either Mandarin or Cantonese, although there are many other branches within the Chinese language tree, including several local varieties. *Written* Chinese is divided into two categories: Simplified and Traditional. Many organizations provide translations in both Simplified and Traditional Chinese. If this is not financially feasible, it will be helpful to understand the geographic origins of your Chinese-speaking population to best target translation resources. A translation vendor should be able to advise regarding the type of Chinese that is typically requested.

3	Chinese-Cantonese	Chinese-Cantonese	Chinese-Cantonese
4	Korean	Vietnamese	Korean
5	Russian	Korean	Russian

This example shows that both counties have Spanish and Chinese as their top three languages, as does the state overall. However, in County 1, there is a large population of Vietnamese residents, making Vietnamese the fourth most spoken language in that county, after English. County 2 has a population that more closely mirrors statewide population patterns and has the Vietnamese language ranked sixth. If the state were to only create a “top five” list, Vietnamese would not rank on that list. However, if the state tracks the top ten languages in the state, it is more likely to capture the languages spoken throughout the state, as follows:

**Sample Top Ten Languages in State and Two Counties**

	<b>Pennsylvania</b>	<b>County 1</b>	<b>County 2</b>
1	Spanish	Spanish	Spanish
2	Chinese-Mandarin	Chinese-Mandarin	Chinese-Mandarin
3	Chinese-Cantonese	Chinese-Cantonese	Chinese-Cantonese
4	Korean	Vietnamese	Korean
5	Russian	Korean	Russian
6	Vietnamese	Russian	Vietnamese
7	Arabic	Arabic	Arabic
8	Pennsylvania Dutch	Pennsylvania Dutch	Pennsylvania Dutch
9	Italian	Italian	Italian
10	Polish	Polish	Polish

Although the AOPC/UJS and the judicial districts may immediately focus on translating documents into the top five languages in their respective service areas, the development of a list of the top ten languages spoken in the state will help anticipate needs and track changes over time.

**Step 3: Revisit and reevaluate data every five years**

Because language groups change over time with respect to numbers and language needs, it is important to regularly review the information derived from all of these sources. The AOPC will plan to conduct an analysis to determine the top ten languages spoken in the state every five years. In the interim years, the

AOPC will use the Language Access Data Collection Tool to track patterns in court user need. If the Data Collection Tool detects significant growth in a language group, or a new language group has arisen in the state because of new immigration trends, there may be a need to respond immediately with vital resources.

## V. Step-by-Step Guide: Translation Management Process

Once vital documents have been identified and prioritized for translation, and the languages for translation have been identified, the next step is the translation management process. This process is organized around three major stages: preparation for translation, coordination of the translation work, and post-translation strategies for review, dissemination, and maintenance of translated forms.

### **Step 1: Before translation — Complete an initial review**

Before translating a document or a group of documents into another language, the AOPC will complete an initial review. This will ensure that the terminology used in the documents is consistent with the AOPC's legal glossary. In addition, the documents will be edited for plain language, formatted for maximum readability and usability, and submitted to general copyediting to correct any grammatical, spelling, or typographical errors.

#### **1. Organize and prepare documents for translation**

The first step in this process is to identify a group of documents for translation. A natural grouping will contain documents that all relate to a particular substantive area of law or a specific procedural issue. Once a set of documents has been identified, it is important to examine them as a group in order to:

- Ensure that the terminology employed is consistent with the terms contained in the legal glossary. AOPC has a specialized legal glossary developed in consultation with staff. This glossary contains one hundred of the most commonly used English terms in documents produced by the judiciary. The AOPC has already translated these terms into Spanish. In addition, AOPC has glossaries for LOTS (languages other than Spanish). The analysis of the English terminology for consistency may result in the identification of additional terms for inclusion and translation.
- Ensure the use of consistent terminology across the documents in each group, and across groups, as appropriate. An example of inconsistent terminology is when different terms are used interchangeably to refer to the same legal concept, such as using “protection from abuse order” and “protection order” and “restraining order” to describe an order for

Protection from Abuse. Similarly, terminology used for the courthouse and court proceedings may vary, such as the names used for different departments. The variation in usage can be confusing to the reader and a translator may translate each term differently, thereby perpetuating the confusion in other languages. Additionally, when numbering or naming forms, uniform conventions should be followed. For example, first papers should be consistently styled as “petitions,” or “requests” or “applications.” It is important that these types of terms are used consistently across form sets to produce standardized court forms.

- Check for boilerplate text that can be translated once and used in various documents. An example of this would be a notice of language access services or a notice of the availability of reasonable accommodations for individuals with disabilities. Another example of boilerplate language on a document is the declaration of signature under penalty of perjury. If these statements appear on multiple documents, they can be translated once into multiple languages and the standard text may be applied to all translations.

## **2. Edit for plain language and readability**

Plain writing is defined by the federal government in the Plain Language Act of 2010 as, “writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.”<sup>16</sup> For purposes of legal documents and court-related informational documents, plain writing consists of language that is free from jargon and idiomatic expressions. Plain English writing avoids the use of passive sentences and aims for a vocabulary and sentence structure that is accessible to those at a 4<sup>th</sup> to 8<sup>th</sup> grade reading level.

In addition to the words used in a legal form, the formatting of the document can often be a critical element of its usability. Because translation from English into another language often results in a longer text, it is important to ensure that the formatting of these documents leaves room for additional words and longer passages. In addition, there will be special considerations for the formatting of translated text that reads from right to left and/or uses non-Latin characters.

Depending on the length and complexity of the content, some documents may be appropriate for a bilingual format that contains both the English and the non-

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<sup>16</sup> Public Law 111-274. 124 Stat. 2861. Available at: <https://www.gpo.gov/fdsys/pkg/PLAW-111publ274/pdf/PLAW-111publ274.pdf>

English text together, either in a side-by-side format, or with translations appearing directly underneath the English. This work requires careful formatting to ensure that the English text lines up correctly with the translated text, and there may be a need to add pages to the document.

When formatting documents, consider features that will aid with legibility and usability:

- Break up long paragraphs into bulleted lists or tables.
- Use headings to break up text into segments and help readers scan a document to locate the information they need.
- Employ font features, such as bolded, underlined, or italicized text, to highlight important information.<sup>17</sup>

See [Appendix B](#) for a plain language and readability checklist that can be applied during this process.

### **3. Perform a final review for general copyediting**

This step includes a final review of the document for typographical, spelling, and grammatical errors.

The AOPC/UJS may choose to outsource some or all of the work described in steps 2–4 to a vendor who specializes in plain English editing, possibly with the same vendor who also provides translation work. For any work that is performed by outside vendors, the AOPC will conduct an in-house, subject matter expert review of the edited versions to ensure that legal and procedural concepts are properly conveyed in English before moving forward to translation.

## **Step 2: Translation — Working with the translation vendor**

Whether working with independent translation service providers or contracting with a translation agency, the AOPC will ensure that the translators working on the documents are high quality professionals who are willing to adhere to the UJS glossary of legal terms.

To date, machine translation (translation using online or automated systems that

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<sup>17</sup> While this is mainly for the translator to determine, note that there are differences in how to translate the emphasis fonts from English, especially into non-Romance languages. See, e.g. <https://www.ulatus.com/translation-blog/translation-challenges-emphasizing-text-in-international-translations/>. On the court's end, there can be issues in printing/display of unconventional fonts in the target language.

rely on algorithms and artificial intelligence) has not been proven to be reliable for communicating legally sensitive concepts and fundamental rights. To the contrary, a federal court found that the use of Google Translate to seek consent for a search of an automobile during a traffic stop was inappropriate and insufficient for legally sound communication.<sup>18</sup> In order to ensure that translations are legally sound and achieve effective communication, the AOPC will follow the best practice of working with a human translator.

In addition, the AOPC will work with high quality professional translators rather than rely on bilingual staff or volunteers to produce translations. This step will help ensure that a legally sound, grammatically correct, and communicative translation is obtained.

Section VI describes the key qualifications, education, and experience that characterize high quality professional translators. The AOPC procurement policies require the issuance of an Invitation to Bid on any project that is likely to exceed \$50,000. In order to effectively evaluate and compare potential translation vendors through the Invitation to Bid process, the AOPC will request information and proposals on the following critical elements of a contract for translation services:

- Cost for translation work in each language;
- Cost for review work in each language;
- Cost for formatting;
- Steps in the translation process itself, including levels and types of review performed by each party;
- Whether the vendor will use translation memory software and include the resulting data as part of the products delivered to the customer;<sup>19</sup>
- Agreement to use the UJS glossary of terms and to identify and translate additional terms, or revise terms, as needed and return updated glossary with translated product to judicial district or AOPC upon completion of project;
- Quality control steps that the vendor will undertake, including review of first translation by a second translator;
- How the vendor will communicate with you throughout the process;
- In what format and by what means should the vendor deliver the translated

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<sup>18</sup> *U.S. v. Cruz-Zamora*, Case No. 17-40100-CM, United States District Court, D. Kansas, June 4, 2018.

<sup>19</sup> Translation Memory software allows the translator to draw upon previously translated phrases and longer word combinations to save time in performing the translation, which can increase efficiency and uniformity. If the vendor will agree to share the TM data with the product, it can be used for later jobs, which should reduce costs.

- content?; and
- A plan for resolution of any dispute that may arise regarding the quality of a translation.

For contracts totaling less than \$50,000, these elements will be negotiated and included in the contract for translation services. More information about how these items are quantified for purposes of a contract is included in [Section VI](#).

### **Step 3: After translation — Review, dissemination, ongoing maintenance, and complaint resolution**

Once the translation is returned from the service provider, there is a final review step to ensure accuracy and clarity in the translation before publication. After this final review, translations will be posted on the UJS/AOPC website, and customizable versions<sup>20</sup> of the documents will be made available to judicial districts for local adaptation. The AOPC will also track translations in a document management system to allow for updating and making revisions as these become necessary. Finally, the language access complaint process will be monitored by the AOPC for feedback to improve written translations.

#### **1. Legal review of translations**

Before publishing final translations, the AOPC will review the documents for legal and substantive accuracy. This step is especially important for court forms and information sheets that convey legal rights and concepts. The in-language legal review may be conducted by qualified bilingual attorneys, or the work may be outsourced to an independent contractor. If the document does *not* contain legal information, but is instead focused on procedures or other information not directly related to a substantive area of law, such as instructions for accessing records or requesting a hearing transcript, a qualified bilingual subject matter expert<sup>21</sup> may perform this final review step. The AOPC may also use a translation vendor for this review; however, as a best practice, the AOPC will consider having an in-language legal review by a person at the AOPC, if at all possible.

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<sup>20</sup> The term "customizable versions" assumes that judicial districts will be making only very minor changes to the AOPC-translated forms, such as inserting their district letterhead at the top of the form. Where more major changes are made by the districts, the forms should be submitted to AOPC for a quality control review of the additional translation.

<sup>21</sup> A qualified bilingual subject matter expert should be someone who has significant expertise in the language into which court documents are being translated, as well as a familiarity with and understanding of the substantive area of law or procedure addressed by the particular document.



## 2. Incorporate into document management system

To keep track of written documents, the AOPC will adopt the use of a document management system. The document management system may be as complicated and sophisticated as a standalone software platform, or as streamlined and simple as an Excel spreadsheet. The AOPC will choose the type of system to use depending on the total number of documents that need to be managed and the budget allowed.

The document management system selected by the AOPC will also track a number of data points. In addition to the items used to categorize the documents, such as type and frequency of use, these data points will include:

- Number and name of document
- Date of current published version of English version
- Existing translations (languages)
- Date of current published version of each translation
- URL(s) where document is published
- Author/Origin (if known)

A column to track notes about the documents, such as an indication that the document is changed every year may also be used by the AOPC to assist with tracking.

Finally, the incorporation of a translated document into the document management system also requires the development of a standardized title that includes the form author and number, the official title, an indication of the language, and the date of publication. The following is an example of a standardized document title and file name:

- AOPC-001 Interpreter Request Form-spa 1.1.2019

In addition, the name of the document should be placed in English in a uniform footer location in all documents and translations.

As documents become translated, keeping an accurate inventory will be important for tracking purposes. These types of standardized naming conventions will assist not only with the tracking of the document over time, but will also help when disseminating documents to the local courts, as described in the next step. Therefore, the AOPC will apply standardized naming conventions to all translated documents prior to inclusion in the document management system.

### **3. Disseminate translations**

The strategy for disseminating translations will depend in large part on how the English versions of the documents are made available to the public. The AOPC will review documents already posted on the state or local court's website and consider how best to display translated versions. The AOPC may choose to work with an expert in web design that can advise on issues such as multilingual search engine optimization, whether to organize resources by language or embed them in substantive content areas, and how to maximize the ability of a non-English reading litigant to find the forms on the UJS website. Additionally, the AOPC will develop (and translate) information about translated documents and how they may be used by LEP court users. For example, even though a form may be available in Chinese, the court may only accept English versions for filing. If the form is a bilingual form, with both English and Chinese text throughout, this is not a concern. However, if there is a full translation into Chinese of an English form, it will be important to explain that the Chinese version is for information only and to help litigants fill out the *English* versions for filing.

For documents that are customizable by local courts, the AOPC will consider building out and using the "bilingual forms" section of the UJS website. The AOPC may also consider using an intranet or non-public site, as this may be a safer place to share "unlocked" versions of forms that can be modified. The AOPC will also share customizable translations through communications with the language access coordinators in the judicial district courts. Finally, the AOPC may use features in the Language Access Data Collection Tool to share translations and other key documents among judicial districts.

### **4. Ongoing maintenance**

Some documents produced by the judicial branch may be modified frequently, based on new laws or changes to court procedures and policies. The AOPC will include translation efforts as part of this larger process of document maintenance within the agency. Each time an English document that has been translated is modified, a ripple effect is created. Each translation must also be modified to maintain consistency with the source document. Sometimes, the changes are small, such as when the federal government adjusts its Federal Poverty Levels, requiring changes to a table of numbers. These types of changes may not even implicate language, but will still require tracking by the AOPC and follow-up to make sure that all versions of the document are fully up to date and accurate. For changes that are extensive, the AOPC may choose to conduct a full retranslation as the most efficient way to make sure the translated document remains accurate and timely.

When a translated source document is modified, the AOPC will:

1. Update the current publication date of the English version.
2. Analyze the changes to determine whether modifications can be made to the translated documents or whether a full retranslation is required.
3. Identify the languages requiring update or retranslation.
4. Contract for updating or retranslation work.
5. Once updating or retranslation is finalized, publish revised versions at corresponding URLs.
6. Keep track of translation version numbers, and the English document version numbers or dates that they align to in a header in footer.
7. Update the current publication date of each translation.

For purposes of version control, the AOPC will ensure that updated documents are saved under the same name but with the most recent date of publication. For example, if there is a change to the text of the Confidential Information Form that will take effect on January 1, 2019, the file name should be “Confidential Information Form 1.1.2019.” The older version or versions of the document can be saved with their dates of publication. The name of the document in the tracking spreadsheet will be “Confidential Information Form” and the date of publication will be noted in the corresponding column.

## **5. Addressing complaints about translated resources**

The language access plan acknowledges existing local court language access complaint processes and requires the AOPC to collect data and statistics about the number and types of complaints in the judicial districts and how they are resolved. The AOPC currently requires judicial districts to complete a “Language Access Tracking Log,” which summarizes and categorizes language access complaints for submission to the AOPC. Because complaints about language access generally—and translations specifically—may garner helpful feedback about terminology, format, and interface of the forms, the AOPC will review and analyze complaints regularly (the language access plan requires an analysis twice per year) to identify any necessary changes. The AOPC will incorporate any feedback on the forms obtained through the language access complaint process into the annual vital documents review process. This will facilitate decisions about any necessary changes to the translation and the prioritization of key corrections.

In addition, the AOPC has developed a statewide language access complaint

form, available on the UJS website.<sup>22</sup> The judicial districts are in the process of making this complaint form available on their local websites. This form is bilingual in English and Spanish, and currently contains an option for indicating that written information was not available in the language of the court user. To assist with monitoring complaints with regard to translations, the AOPC will:

- Revise the complaint form slightly to explicitly allow for complaints regarding the *quality* of a translated document, and
- Translate the complaint form into the top five languages used in the state.

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<sup>22</sup> Available at: <http://www.pacourts.us/assets/files/setting-6453/file-7497.pdf?cb=a60c80>

## VI. Considerations for Selecting Translation Providers

Obtaining high quality translation, multilingual formatting, and legal and linguistic review services is a vital component of successful language access efforts. In order to ensure that all translations are in the hands of qualified professionals<sup>23</sup>, the AOPC will seek out translators who rank highly within the following three categories of qualifications:

### A. Education/Background

- Native speaker in the target language for translations from English into another language
- Post-secondary degree or certification in translation or interpretation in the target language
- A bachelor's degree (or higher), or equivalent study, with a concentration in the target language

### B. Experience

- Experience with legal translations
- Work as a certified court interpreter
- Familiarity with software programs and interfaces necessary to format translated resources (word processing, publication software, html)

### C. Credentials

- Membership in the American Translators Association
- ATA certification in the appropriate language pair, in the appropriate direction (e.g., English to Vietnamese)

### Education/Background

While not an absolute prerequisite for a translator, native proficiency in the target language is a highly desirable qualification. Native ability in the target language is particularly beneficial when translating from English to another language. A translator with a bachelor's degree or higher that includes direct study of the language or literature in the target language is also desirable. In addition, a

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<sup>23</sup> There may be a temptation to rely on bilingual staff or volunteers to produce translations; however, in order to obtain a legally sound, grammatically correct, and communicative translation, a key best practice is to entrust this work to high quality professional translators.

number of academic programs focus on interpretation and translation and award a certificate or a bachelor's degree or higher. The AOPC will look for a translator with any one of these qualifications or a combination of two or more.

## **Experience**

Because the UJS's translations will be related to court processes, substantive law, and legal information, the AOPC will work with translation professionals who have some experience with legal terminology. This experience may be gained as a court interpreter or as a legal translator. Another important step in the translation process is the formatting of work to ensure that translated documents mirror their original English versions and are equally visually accessible. A translator with experience using the software in which documents are created and formatted will be able to produce quality, finished work for the judicial branch. The ideal candidate will have experience with legal terminology and have proficiency with the appropriate software.

## **Credentials**

The American Translators Association (ATA) is a professional association, with a Code of Ethics, continuing education requirements, and a certification process. Membership in the ATA is required for certification, but not all members are certified. Certification is based on a written translation examination, which tests the translator in a particular language pair in a specified direction. In other words, the exam will test the translator's skills working from Spanish to English, or from English to Korean. When hiring translators, the AOPC will look for certification from English into the desired target language or languages. While passing the exam is not a guarantee of quality, and there are many excellent translation professionals who are not certified, ATA certification is evidence that the translator has the capacity to deliver high quality translations and is governed by professional standards.

### ***Working with a Translation Agency***

When translating documents into multiple languages, it is often more efficient to work with a translation agency, which will hire subcontractor translators and perform review and formatting functions. Working with a single entity for all translation needs can provide significant benefits, including the following:

- A contract or long-term agreement with a translation agency may allow for negotiated rates based on the expectation of significant volume of work.
- An established translation agency will frequently have long-term relationships with their subcontracting translators, which allows the contracting agency to vet them based on the above criteria.
- A translation agency may have the expertise to perform plain language review, translation, translation review, and formatting of the documents, using an internal team approach that can be more efficient than trying to coordinate this work directly with various independent contractors.
- Most translation agencies will collaborate with the contracting agency on the use of a standardized glossary of terms for the organization.
- Agencies can assist in the creation, retention, and use of translation memory data to ensure consistent, cost-effective, and timely translations.
- The use of a single entity for translation may improve familiarity on the part of the translators, which should yield improvements in turnaround time, accuracy of translations, and consistency of format, thus leading to the standardization of the process used to obtain the needed translations.

## VII. Translation Cost Considerations

Translation is best accomplished by contracting with a professional translator or a translation agency that works with professional translators. Typically, a request for bids and a contract for translation services, whether with an individual translator or an agency, will include agreement on the following key items:

Item	How is this service measured?
Languages covered	Languages of lesser diffusion are billed at higher rates, sometimes up to 50% more per word than more common languages, such as Spanish and Chinese.
Translation costs	This is typically a per-word rate, based on the number of source words. (If translation is from English into another language, the number of source words is the number of words in the original English version of the document).
Translation costs for rush/urgent requests	Also a per-word rate; can be up to 25% higher than the regular translation rate.
Formatting and design costs	This is typically an hourly rate. There may also be a higher hourly rate for rush or urgent formatting work. This work can include form design, webpage design, and the development of visual elements and icons to accompany the text.
Turnaround time	The parties to the contract have the opportunity to negotiate the definitions of “regular” and “rush” turnaround times, which are usually measured in days. Languages of lesser diffusion will often have longer anticipated turnaround times, as will very large documents with a large number of words or multiple languages for translation.



<p>Modifications</p>	<p>Sometimes, changes will occur to the source text after it has been translated and you will need to make changes to all the translations to mirror updates to the English source text. If you have an in-house subject matter expert reviewing the translation, they may also ask for changes. These types of post-translation modifications are typically billed by the hour.</p>
<p>Additional Services</p>	<p>Translators may offer one or more of the following additional services, which are traditionally billed by the hour:</p> <ul style="list-style-type: none"> <li>• in-language legal review of the translation</li> <li>• voice-over services for multilingual audio and video resources</li> <li>• field testing of multilingual documents</li> </ul>

**Special contract provisions for translation agencies**

In addition to the standard contract provisions, the AOPC may need to consider additional provisions, such as:

- An upward adjustment in prices after a certain number of years (this may be pegged to the Consumer Price Index)
- Invoicing and payment processes
- Agreement to use specified subcontractors whose credentials have been vetted through the proposal process
- Format of product delivered (bilingual, monolingual), method of delivery (electronic, pdf), use of translation memory tools to store previously-translated terms for use in future translation projects
- A process for conflict resolution

**Ongoing maintenance: Update or retranslate?**

Each year, when the AOPC conducts a vital documents review, it may find that some forms that have already been translated will have been updated or revised due to statutory or regulatory changes. Because the AOPC will be tracking these documents, it will not be hard to identify that a document has changed and what

translations exist for that document. However, the AOPC will need to consider: Is it better to modify the existing translation or retranslate the entire document?

Modifications to existing translations are billed at an hourly rate that is usually negotiated as part of a contract for services with an individual translator or a translation agency. New translations and retranslations are billed by the source word and then usually require some amount of review and formatting, which are both billed on an hourly basis. Generally, a full retranslation of a document will be the more expensive option; however, there are situations in which modifications end up being extremely time-consuming, thereby driving up the total cost and possibly exceeding the cost of a retranslation.

The following are some factors the AOPC will consider in making this decision:

**A. What is the proportion of amended words to the total number of words in the translated document?**

- If there are a handful of changes to a 1000-word document, this suggests that making revisions in the language of the translation is the most efficient approach.
- If instead, there are a high number of words in proportion to the total length of the document, this suggests a need for retranslation.

**B. What is the nature of the changes to the source document?**

- Extensive changes to substantive language are usually worthy of a retranslation to ensure that legal concepts are properly conveyed and that the document as a whole is coherent and internally consistent. If there are a high number of amended words in proportion to the total length of the document and those changes are substantive in nature, the AOPC will seriously consider a full retranslation.
- Changes in the organization or presentation of existing content can usually be made to the translated text in-language at a modest cost and do not require a full retranslation. However, if the amendments consist of small changes on every line, even if the changes are more stylistic than substantive, the fact that every sentence must be touched weighs heavily in favor of a new translation. Even when changes do not alter meaning, the sheer number of them and the process of

making syntactic and semantic changes *without* changing meaning can be very time-consuming.

- Changes in the tone and register of the language may also require a full retranslation. For example, after an English source document has been translated, it may undergo plain language editing to reduce the formality and complexity of the document, making it easier to understand. Even when the editing preserves the substantive legal content, if the translated version closely mirrors the originally higher register, or formality, of the English, the AOPC may consider retranslating the document. The translator will need to employ simplified vocabulary and structures in the translation.

### **C. Does this document change frequently?**

- If the document that requires amendment relates to an area of law that is frequently in flux, the AOPC may make small annual changes to the document as necessary and then schedule the whole group for a retranslation when they become more stable. For example, the Protection from Abuse documents may incur changes over several subsequent legislative cycles because of special attention paid to the issue of domestic violence. If additional changes to the law and therefore to the forms are anticipated, the AOPC may choose to hold off on a full retranslation until the frequency of these changes slows.
- If the document that requires amendment is one that rarely changes and additional changes in the near future are not anticipated, this document is a good candidate for retranslation, as long as the other criteria (amount of change, nature of change, etc.) suggest that retranslation is appropriate.

After analyzing the document with these factors in mind, the AOPC may also ask the translator for quotes to do the work using both approaches, which will enable the AOPC to make a cost comparison.

## **VIII. Supporting Local Court Translation Efforts**

The AOPC/UJS and all Pennsylvania judicial districts are independently responsible for translating vital documents, in accordance with each entity's prioritization plan and in the languages most commonly spoken in the particular service area. That being said, the AOPC/UJS has an ongoing role of support and oversight with respect to judicial district translation efforts. This support and oversight role includes the development and maintenance of a glossary of legal terms and assistance with local language access plans. In addition, the AOPC/UJS will make translations of standard state forms available for local adaptation and use, and will establish a repository of approved local translations for distribution across the state.

### **A. Develop and maintain a statewide glossary of legal terms**

The AOPC/UJS currently maintains a glossary of legal terms that it uses for statewide translations and makes available to local courts for their translation efforts. An expansion of this glossary is planned, along with additional languages for translation. When the expanded glossary is finalized, the AOPC/UJS will communicate with the language access coordinators in the judicial districts about the availability of the glossary and the importance of using it to ensure consistent, standardized translations.

### **B. Assist judicial districts with the incorporation of the translation process into local LAPs**

The judicial districts have developed their own language access plans, based on a standardized template made available to them prior to the adoption of the statewide language access plan. The statewide language access plan includes a requirement that the AOPC/UJS work with the judicial districts to incorporate the processes described in this manual, including the identification of vital documents for translation, the identification of languages for translation, and the recommended translation process, into the local language access plan. The AOPC will make recommendations on the sections of the local LAPs where information about translation should be included and suggest language for these sections. The AOPC may also conduct in-person meetings or a conference calls to share model language for insertion into local LAPs.

### **C. Make statewide translations available for local court customization and use**

The AOPC/UJS has already developed and provided the local courts with posters containing a “Notice of Language Rights” in thirty-four languages, and I-Speak cards for the top five languages in each judicial district. In addition, the AOPC/UJS plans to translate any currently untranslated statewide vital documents, pursuant to its own vital documents analysis and prioritization.

When these documents have been translated, the AOPC will share these resources with the local courts for use at the local court level, with or without minor customizations, as permitted by statute and rule of court.

Translated forms will be made available as follows:

- On the Bilingual Forms web pages of the UJS;
- Under the Translated Forms tab of the Language Access Data Collection tool; and
- Through direct outreach efforts to local court language access coordinators to announce the availability of new translations, via the language access coordinators listserv or in regular meetings.

Additionally, the AOPC will establish regular communication with the judicial districts in order to identify the needs of the local courts for translated forms and other documents. The AOPC will also provide opportunities for judicial districts to provide input on the best format and interface for legal information produced for LEP court users. For example, a local court may recommend the translation of a self-help packet that contains forms and information about a specific legal process. Another local court may request the development of informational content in the form of a video based on the perceived needs of LEP court users at the local level. To encourage this feedback, the AOPC may conduct regular meetings with language access coordinators and/or conduct annual surveys.

### **D. Inclusion of local translations in a shared repository**

Both the AOPC/UJS and the local courts should follow the Translation Management Process described in Section V to ensure the development of high-quality translations of court forms. This process includes the preparation of documents for translation, the use of the statewide legal glossary of terms, and a subject matter expert review step prior to publication.

Local translations will be made available to other judicial districts for their adaptation and use, as appropriate. The sharing of local court forms will be through access to a repository of translated resources, called for in the UJS Language Access Plan. This repository, or forms bank, will contain local translations that have been submitted for use by all judicial districts.

The AOPC will ask the courts submitting a locally translated resource for distribution through the forms bank to conduct an internal evaluation of the translation process in accordance with this manual and submit information, as follows:

### **Preparation of document for translation**

Prior to translation, the English version of this document was reviewed to ensure the following:

- ❑ Terminology is consistent with the English terms contained in the legal glossary.
- ❑ Terminology is internally consistent within the document and consistent with other documents used for the same case type or process.
- ❑ Document was edited for plain language and formatted for readability and usability.

### **Translation**

The local court provides the following assurances regarding the translation work:

- ❑ Document was translated by a professional human translator (i.e., not Google translate).
- ❑ Translator used the AOPC/UJS legal glossary of terms.

### **Post-translation activities**

After the local court received the completed translation from the translation vendor:

- ❑ Translation was reviewed by a qualified in-house bilingual attorney or another qualified professional.
- ❑ *(If applicable)* Translation has been maintained and reflects the current state of the law and legal procedure.

Based on the information noted by local courts with regard to this checklist, the AOPC may determine that re-translation of submitted local translations may be necessary. In reviewing the need for re-translation, the AOPC and others involved in revising court documents will give due consideration to the time and cost involved in re-translating previously translated forms.

## IX. Considerations for Audio and Video Materials in Multiple Languages

The use of multimedia approaches to present information has increasingly been viewed as a successful way to deliver educational content to all court users and, in particular, to reach those with low literacy levels or who have a communication impairment. In addition, audio and video resources are especially useful when conveying information in languages that do not have a written component, or that lack a standardized written component.

In addition, psychological research has shown that the more modalities that can be engaged (vision, hearing, tactile), the better the human brain can retain information.<sup>24</sup> Examples of educational resources that combine these modalities include audio instructions for filling out forms that accompany screen shots of the forms, and short videos to provide instructions and information about court services, or to serve as a welcome-to-the-court process. These resources engage hearing and vision, and interactive computer programs can also engage the sense of touch.

Research on nationwide internet usage shows that more and more Americans are going online using a smartphone to access information about major life activities.<sup>25</sup> In 2015, 64% of adults in the United States owned a smartphone, and 40% of smartphone owners had looked for information about government services during the last year. In response to the growing expectation of finding information online, state courts and legal services agencies have increased their focus on expanding and improving the content and services available on their websites, including informational videos and podcasts.<sup>26</sup>

When thinking about content areas appropriate for the development of multimedia resources, the AOPC will consider the following factors:

### **A. *Subject areas that are frequently impacted by legislation or regulatory changes are not ideal candidates for explanatory videos.***

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<sup>24</sup> Diane Cole, "A Message From Your Brain: I'm Not Good At Remembering What I Hear," National Geographic, March 13, 2014. Available at: <https://news.nationalgeographic.com/news/2014/03/140312-auditory-memory-visual-learning-brain-research-science/>

<sup>25</sup> Pew Research Center, April, 2015, "The Smartphone Difference." Available at: <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015/>

<sup>26</sup> Jane Ribadeneyra, Using Technology to Enhance Access to Justice, *Harvard Journal of Law & Technology*, Volume 26, Number 1 Fall 2012.



Creating a video “explainer” of a topic requires several steps, enumerated below, and the translation of videos adds additional steps that have to be repeated each time there is a change in the underlying concepts. Therefore, it is a better use of resources to create videos for content that is more static and unlikely to be substantively changed in the near term. An example of this is an explanation of what is meant by “service of process” in the legal context. While the type of service that is required may vary in different settings, the concept itself is fairly stable and a video that explains it would be unlikely to need significant changes over time.

**B. *Video can be useful for explaining complicated processes, but the content may need to be broken up into manageable chunks.***

Because of the ability to combine audio with either text or other explanatory visual elements, a video can be an effective way to explain a complicated legal topic or process. The previous example regarding service of process is also relevant here, as an explanation of the concept can benefit from illustrations to demonstrate the importance of another person effectuating service, and can show personal and mail service. The only caution here is that shorter videos are more likely to hold the attention of the viewer.<sup>27</sup> For an especially complicated topic that will take longer than six minutes of video time to explain, the AOPC would consider logical ways to break up the information into a series of videos that are each less than six minutes long.

**C. *The use of audio can be helpful for low literacy populations, court users who have communication impairments, and court users who speak languages that do not have a standardized written form.***

Audio versions of forms and informational sheets can be an effective form of communication with court users who may struggle with reading. In addition, there are languages that lack a standardized written form. Examples of these languages include Hmong and certain Latin American indigenous languages. For language groups that do not use a standardized writing system to communicate, the AOPC may consider developing audio or a video read by a speaker of the language that contains the information to communicate with that language group.

## **Development Process Overview: Audio and Video Resources**

The following is a broad overview of the process of developing audio files and

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<sup>27</sup> Guo, Kim and Rubin, “How Video Production Affects Student Engagement: An Empirical Study of MOOC Videos.” Available at: <http://up.csail.mit.edu/other-pubs/las2014-pguo-engagement.pdf>.

video resources and making them available in multiple languages:

## 1. Develop the script in English

- a. Draft the text
- b. Have subject matter experts review the draft text
- c. Conduct a plain language review of the draft text
- d. Map text to screens and identify visual elements (i.e., allocate the text among a series of screens and indicate the images and text that will appear on each screen)<sup>28</sup>

Content that is intended for audio or video use must be developed with the understanding that the words will be spoken and not read on the web or on the page. This means that the language may be more conversational and legal terms of art will be defined as part of the central script, instead of appearing in parentheses or in a separate section on definitions. When developing visual elements of a video that will be offered in other languages, the AOPC may choose to use an animated visual interface, or other static images that can be easily coordinated with the translated script. This allows for the development of a single visual interface that is matched with multiple audio tracks to convey the information in various languages. If the video must be revised or updated, it will be much easier to make changes with voice-over talent instead of having to locate the same actor to read amended text or have an entire section re-recorded with another actor. In addition, the AOPC will avoid the use of graphics that include text, such as an image of a courthouse with a sign reading “Courthouse” in the graphic. This type of embedded language can create challenges with translated versions of the video and may require the development of new graphics with the text in various languages.

## 2. Record the audio or video script in English<sup>29</sup>

If moving forward in this direction, the AOPC will record the English portion of the video *before* translation, because there may be changes to the visuals once the audio has been recorded. For instance, adjustments may be made to the timing and the visual elements presented on the screen during each spoken part. If this is an audio file with an accompanying visual, such as a court form, the AOPC will coordinate the audio instructions with screens that show the different parts of the form. The AOPC will also account for language expansion if the video is planned for multiple languages. This will allow an image to appropriately coordinate with a

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<sup>28</sup> There are a variety of online education development software programs that can help laypersons do this work, including Powtoon, Articulate Storyline, and Adobe Captivate.

<sup>29</sup> This process will be dictated by the type of e-learning software selected by the AOPC.

language that may require more words and length of spoken audio than would be needed in English.

### **3. Revise the script as needed**

Based on the recording of the script in English and mapping to visual elements, the AOPC may find the need to eliminate, shorten, or expand on sections to increase clarity.

### **4. Translate the script**

The AOPC would then obtain a translation of the script in the top five languages in the relevant service area(s).

### **5. Review the translated scripts**

Following translation, the AOPC will then review the translated content with the following process:

- a. Review translations for legal and linguistic accuracy
- b. Review the language and the accompanying visuals to ensure that both are culturally sensitive and competent for each language group, considering different visuals of human faces if necessary and eliminating any images that may be considered offensive among those who speak the languages of translation.
- c. Ensure that the timing of the screens is still coordinated with the translated script. Translations can result in more words and this can upset the timing of the screens and accompanied visuals.

### **6. Record the audio or video script in other languages**

The AOPC may contract directly with voice-over actors or work with a translation agency that can subcontract with speakers of these languages. If working with an agency, the AOPC may be able to listen to a variety of audio samples and select the voice actor who has the most appropriate tone to convey the educational content. The AOPC will also seek out voice talent with regionally neutral accents in order to ensure the creation of an audio track that can be understood by the widest possible audience.

### **7. Ongoing maintenance: Ensure that any substantive change to the English source script is reflected in each translated version**

If videos are produced, the AOPC will conduct special tracking of the topics covered in videos. For example, if a video series about electronic filing of case documents has been developed and something about that process changes, the AOPC will ensure that the script is flagged for revision to ensure that all information provided is up to date in all languages.

## Appendix A: Sample Spreadsheets

### 1. Sample Spreadsheet with Inventory of Documents

Document Number	Document Name	Document Author/Origin (If known)	Document Location (URL or distribution point)	Date of Current Published Version	Translations (Languages)
AOPC/ICP-011	Interpreter Request Notice-Civil/Family	AOPC/ICP	<a href="http://www.pacourts.us/assets/files/setting-945/file-232.pdf?cb=50b694">http://www.pacourts.us/assets/files/setting-945/file-232.pdf?cb=50b694</a>	11/13/2013 or 12/13	None
Form 2	Petition to Proceed <i>In Forma Pauperis</i>		<a href="http://www.pacourts.us/assets/files/page-759/file-3865.pdf?cb=1541973517557">http://www.pacourts.us/assets/files/page-759/file-3865.pdf?cb=1541973517557</a>		None
CPCMS 490A	Order Granting Application for Truancy Expungement		<a href="http://www.pacourts.us/assets/files/setting-5765/file-6288.pdf?cb=086e59">http://www.pacourts.us/assets/files/setting-5765/file-6288.pdf?cb=086e59</a>		None
Divorce Form 1	Notice to Defend and Divorce Complaint		<a href="http://www.pacourts.us/assets/files/setting-4291/file-4563.pdf?cb=21f574">http://www.pacourts.us/assets/files/setting-4291/file-4563.pdf?cb=21f574</a>	4.18.16	None
	ADA Request for Reasonable Accommodation		<a href="http://www.pacourts.us/assets/files/setting-4004/file-3959.pdf?cb=5be443">http://www.pacourts.us/assets/files/setting-4004/file-3959.pdf?cb=5be443</a>	3/2014	None
	Court of Common Pleas Civil Cover Sheet		<a href="http://www.pacourts.us/assets/files/setting-893/file-768.pdf?cb=779a63">http://www.pacourts.us/assets/files/setting-893/file-768.pdf?cb=779a63</a>	1/1/2011	None

## 2. Sample Vital Documents Analysis

Document Number	Document Name	Document Author/Origin (If known)	Document Location (URL, or distribution point)	Date of Current Published Version	Translations (Languages)	STEP 1	STEP 2			VITAL DOCUMENT FOR TRANSLATION (requires a check in the Step 1 column AND at least one check in the Step 2 columns)
						Content involves decision regarding liberty, safety, property, due process, or relationships that have significant consequences?	This document:			
						Provides info. necessary to obtaining access to the court?	Advises recipients of rights or responsibilities?	Is required by statute, regulation, policy or rule?		
AOPC/ICP-011	Interpreter Request Notice-Civil/Family	AOPC/ICP	<a href="http://www.pacourts.us/assets/files/setting-945/file-232.pdf?cb=50b694">http://www.pacourts.us/assets/files/setting-945/file-232.pdf?cb=50b694</a>	11/13/2013 or 12/13	None	✓	✓	✓	✓	Yes
Form 2	Petition to Proceed <i>In Forma Pauperis</i>		<a href="http://www.pacourts.us/assets/files/page-759/file-3865.pdf?cb=1541973517557">http://www.pacourts.us/assets/files/page-759/file-3865.pdf?cb=1541973517557</a>		None	✓		✓	✓	Yes
CPCMS 490A	Order Granting Application for Truancy Expungement		<a href="http://www.pacourts.us/assets/files/setting-5765/file-6288.pdf?cb=086e59">http://www.pacourts.us/assets/files/setting-5765/file-6288.pdf?cb=086e59</a>		None	✓		✓		Yes
Divorce Form 1	Notice to Defend and Divorce Complaint		<a href="http://www.pacourts.us/assets/files/setting-4291/file-4563.pdf?cb=21f574">http://www.pacourts.us/assets/files/setting-4291/file-4563.pdf?cb=21f574</a>	4/18/2016	None	✓	✓	✓	✓	Yes
	ADA Request for Reasonable Accommodation		<a href="http://www.pacourts.us/assets/files/setting-4004/file-3959.pdf?cb=5be443">http://www.pacourts.us/assets/files/setting-4004/file-3959.pdf?cb=5be443</a>	3/2014	None	✓	✓	✓	✓	Yes
	Court of Common Pleas Civil Cover Sheet		<a href="http://www.pacourts.us/assets/files/setting-893/file-768.pdf?cb=779a63">http://www.pacourts.us/assets/files/setting-893/file-768.pdf?cb=779a63</a>	1/1/2011	None	✓	✓		✓	Yes

### 3. Sample Prioritization of Vital Documents

		PRIORITY 1	PRIORITY 2	PRIORITY 3	
<b>Document Number</b>	<b>Document Name</b>	<u>Documents related to:</u> -Safety Concerns -General Access to the Court -Loss of Liberty -Emergency Juvenile Matters	<u>Documents related to:</u> -Family Law -Housing Status -Real or Personal Property Rights	<u>Documents related to:</u> Other areas of law: -Truancy -Expungement -Adoption -Procedural Requirement	<b>PRIORITY FOR TRANSLATION</b>
AOPC/ICP-011	Interpreter Request Notice-Civil/Family	✓			1
Form 2	Petition to Proceed <i>In Forma Pauperis</i>	✓			1
CPCMS 490A	Order Granting Application for Truancy Expungement			✓	3
Divorce Form 1	Notice to Defend and Divorce Complaint		✓		2
	ADA Request for Reasonable Accommodation	✓			1
	Court of Common Pleas Civil Cover Sheet	✓			1

#### 4. Sample Document Analysis: Complete Process

SAMPLE DOCUMENT ANALYSIS: COMPLETE PROCESS														
Document Number	Document Name	Document Author/Origin (If known)	Document Location (URL, or distribution point)	Date of Current Published Version	Translations (Languages)	STEP 1	STEP 2			VITAL DOCUMENT FOR TRANSLATION (requires a check in the Step 1 column AND at least one check in the Step 2 columns)	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY FOR TRANSLATION
						Content involves decision regarding liberty, safety, property, due process, or relationships that have significant consequences?	Provides info. necessary to obtaining access to the court?	Advises recipients of rights or responsibilities?	Is required by statute, regulation, policy or rule?		Documents related to: -Safety Concerns -General Access to the Court -Loss of Liberty -Emergency Juvenile Matters	Documents related to: -Family Law -Housing Status -Real or Personal Property Rights	Documents related to: Other areas of law: -Truancy -Expungement -Adoption -Procedural Requirement	
AOPC/ICP-011	Interpreter Request Notice-Civil/Family	AOPC/ICP	<a href="http://www.pacourts.us/assets/files/setting-945/file-232.pdf?cb=50b694">http://www.pacourts.us/assets/files/setting-945/file-232.pdf?cb=50b694</a>	11/13/2013 or 12/13	None	✓	✓	✓	✓	Yes	✓			1
Form 2	Petition to Proceed <i>In Forma Pauperis</i>		<a href="http://www.pacourts.us/assets/files/page-759/file-3865.pdf?cb=1541973517557">http://www.pacourts.us/assets/files/page-759/file-3865.pdf?cb=1541973517557</a>		None	✓		✓	✓	Yes	✓			1
CPCMS 490A	Order Granting Application for Truancy Expungement		<a href="http://www.pacourts.us/assets/files/setting-5765/file-6288.pdf?cb=086e59">http://www.pacourts.us/assets/files/setting-5765/file-6288.pdf?cb=086e59</a>		None	✓		✓		Yes			✓	3
Divorce Form 1	Notice to Defend and Divorce Complaint		<a href="http://www.pacourts.us/assets/files/setting-4291/file-4563.pdf?cb=21f574">http://www.pacourts.us/assets/files/setting-4291/file-4563.pdf?cb=21f574</a>	4/18/2016	None	✓	✓	✓	✓	Yes		✓		2
	ADA Request for Reasonable Accommodation		<a href="http://www.pacourts.us/assets/files/setting-4004/file-3959.pdf?cb=5be443">http://www.pacourts.us/assets/files/setting-4004/file-3959.pdf?cb=5be443</a>	3/2014	None	✓	✓	✓	✓	Yes	✓			1
	Court of Common Pleas Civil Cover Sheet		<a href="http://www.pacourts.us/assets/files/setting-893/file-768.pdf?cb=779a63">http://www.pacourts.us/assets/files/setting-893/file-768.pdf?cb=779a63</a>	1/1/2011	None	✓	✓		✓	Yes	✓			1



## Appendix B. Plain Language Checklist

*A communication is in plain language if its wording, structure, and design are so clear that the intended readers can easily find what they need, understand what they find, and use that information.<sup>30</sup>*

The checklist below will help in assessing whether the document is in plain language for its intended readers.

### **CAN READERS FIND THE INFORMATION THEY NEED?**

- Does the document have an introduction that explains the content and how to use the document?
- Is information grouped and ordered in a way that anticipates readers' questions?
- Does the document use white space to visually organize sections and items within sections?
- Does the document include stylistically consistent headings that (1) show the structure of the information and (2) use key terms that help readers easily locate information?
- Does the document use other navigation tools, like bullets and color or shading, to help readers easily locate information?

### **CAN READERS UNDERSTAND THE INFORMATION?**

- Is the document free of unnecessary words and content?
- Does the document simplify or break up complex sentences?
- Does the document use active voice?
- Does the document use words that readers use in everyday speech, instead of jargon and legal terms of art, for example?

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<sup>30</sup> Available at: <https://centerforplainlanguage.org/about/>. "Plain language" is a complex field of study that includes audience analysis, document design, readability, language and sentence-structure analysis, user testing, and many other subtopics. The checklist here is merely a starting point. If an English-language document is not clear to the intended readers, a translation will have the same (perhaps greater) weaknesses.

- ❑ Does the document define words, acronyms, abbreviations, and concepts that cannot be changed to more familiar terms but that may be unfamiliar to readers?
- ❑ Does the document address the reader directly by using “you” instead of words like *complainant*, *testator*, *landlord*, and other labels?

**Quick tip:** A readability test, such as the Flesch-Kincaid tool in Microsoft Word, can provide initial insight about a comprehension, but it should not be used as the sole tool for analysis of understandability.

## **CAN READERS USE THE INFORMATION?**

- ❑ Can readers easily find the information they need, such as steps in a process, contact information, and other task-based details?
- ❑ Does the document include examples where relevant?
- ❑ For forms, does the document include a “How-to” section or separate document where users can get more detailed information?

**Quick tip:** Ask someone who is unfamiliar with the document to complete a task related to the document. Remember to consider your intended readers. In other words, don’t ask a judge or lawyer to test a document that has been written for the general public.

## **RESOURCES**

**Plain Language Action and Information Network (PLAIN)** has compiled helpful plain-language resources at <https://www.plainlanguage.gov>, including more information on many of the items in this checklist.

**Purdue Online Writing Lab**, [https://owl.purdue.edu/owl/purdue\\_owl.html](https://owl.purdue.edu/owl/purdue_owl.html), provides writing resources, including examples and exercises on some of the writing tips listed here.

**Clarity**, <http://www.clarity-international.net/>, is the international association promoting plain legal language. Clarity’s website contains information about Clarity, Clarity’s newsletter, and how to join Clarity.

**Center for Plain Language**, [www.centerforplainlanguage.org](http://www.centerforplainlanguage.org), supports plain language in government and other organizations, through workshops, annual ClearMark awards, and a Federal Report Card.

## **Appendix C. Translation Guidance Manual for Local Courts**

The translation of vital documents produced at the local level is an ongoing responsibility of judicial districts. Although the bulk of this manual is directed toward the work of the AOPC/UJS in implementing the LAP recommendations on translation, several sections also apply to local court translation efforts, including:

### **Section V: Translation Management Process**

This section provides a step-by-step guide for preparing documents for translation, working with a translation vendor, and ensuring appropriate review, dissemination, maintenance, and complaint resolution for translated documents.

### **Section VI: Considerations for Selecting Translation Providers**

This section includes best practices for identifying and hiring translation providers, including tips on the types of accreditation and educational background that signals a high quality translator. It also contains information about working with translation agencies.

### **Section VII: Translation Cost Considerations**

This section describes in detail the costs involved in translation work and the most common provisions and agreements in contracts with translation vendors.

### **Section IX: Considerations for Audio and Video Materials in Multiple Languages**

This section contains guidance for the development of multilingual materials in alternative formats, such as audio and video. It includes recommendations and cautions when considering alternative formats, and provides an overview of the content development process for audio and video.

Unlike the processes covered in the above sections, the process for identifying and prioritizing local vital documents for translation, and the process for identifying the most commonly spoken languages at the local court level require dedicated step-by-step guides, which take into account local sources of data and local needs.

This appendix contains two local court guides directed at the judicial districts, which have been drafted specifically with the needs of local courts in mind.

## **Local Court Guide: Identification and Prioritization of Documents for Local Translation**

The identification and prioritization of documents for translation is a process that should be undertaken annually in order to capture new forms, variations in usage patterns, and changes to forms that will require revisions to existing translations.

### **Information needed for this process:**

- ✓ A comprehensive inventory of local court forms to consider for translation
- ✓ A list of documents that have been translated or are slated for translation in the near future by the AOPC/UJS
- ✓ Data on LEP court users in the judicial district
- ✓ Data on filings per case type in the judicial district

To identify and prioritize documents for local translation, follow these steps:

### **Step 1: Create a list of local court forms for vital documents analysis**

Local courts produce a variety of forms for use by court personnel and the public that are accessed by limited English proficient court users. These forms include petitions that are to be filled out by litigants and filed, in addition to orders and notices issued by the court and directed at litigants.

In order to begin the process of identifying vital documents for translation at the local level, it is important to try to have an understanding of:

- Court forms and court form language produced and maintained by your local court;
- Existing or planned translations of these documents by the AOPC/UJS;
- Local forms that are customized versions of statewide standard forms; and
- Other forms developed by your local court exclusively and for which a statewide standard form cannot be adapted.

A simple spreadsheet can be created to track information such as:

- Number and name of document
- Whether this is a state-managed or locally-produced form
- Whether this is a locally-customized version of a statewide standard form

- Date of current published English version
- Existing translations (languages)
- Date of current published version of each translation
- URL(s) where document is published
- Author/Origin (if known)
- Word count, case type, and whether litigants are often self-represented for this case type

The use of a spreadsheet to identify vital documents managed at the local and statewide levels will allow you to determine, by process of elimination, what local forms will need to be adapted to statewide versions or, if customization is impossible, translated at the local level. In addition, as new documents and content are developed by your local court, these can be added to the spreadsheet and submitted for analysis and prioritization.

### ***Which local court staff should do this work?***

A best practice is to organize a small team to apply the vital documents analysis and prioritization processes to court forms. Appropriate team members include the court's **staff interpreter**, if it has one, the **authors** of the forms, **attorneys** who can speak to the criticality of documents as they relate to legal rights and responsibilities, as well as local **District Court Administrators**, local **Magisterial District Judges**, and members of the organization with expertise in **language access** and **digital services delivery**. Because the work of analyzing, translating and maintaining court forms is ongoing and forms need to be revisited at least annually, it is helpful to have a standing group of staff members charged with these responsibilities.

## **Step 2: Apply a two-part analysis to determine whether each document is a vital document that requires translation**

### **A. Content Analysis**

- Q.** Does the content of this document involve a decision regarding liberty, safety, property, due process, or relationships that have significant consequences?

In the first part of this process, the substantive content of the document is reviewed to determine whether it involves a decision that impacts a person's liberty, safety, property, due process or important relationships. An example of a relationship with significant consequences would be the parental right to the care, custody and control of children. Other examples include the property interests that arise in eviction proceedings and personal safety issues in Protection from Abuse proceedings.

If the answer to this question is yes, move on to the second part of the analysis. If no, this is not a vital document.

### **B. Usage Analysis**

- Q.** Does the document contain or solicit information critical for obtaining access to the court, court services, and/or court benefits?
- Q.** Does the document advise of rights or responsibilities, including the consequences of violating a court order?
- Q.** Is the document required by statute, regulation, policy or rule?
- Q.** Is the document one of high use, and/or critical need, in the local LEP community?

The second part of the process in the vital documents determination requires a consideration of how the document will be used, including whether it contains or solicits information critical to gain access to a legal proceeding, whether it advises of rights or responsibilities, or is otherwise required by law or court rule.

If the answer is yes to **at least one** of these questions, this is a vital document that should be translated. If the answer to **all** of the above questions is no, this is not a vital document.

### **Step 3: Prioritize documents for translation**

With a comprehensive list of vital documents that require translation, the next step is to prioritize those documents in order to most efficiently allocate resources to your translation efforts.

- Depending on the substantive and procedural criticality of the document, each will be assigned to one of three priority groups, below, for translation. Given the large quantity of documents that may fall within each of these priority groups, consider the final factors listed at page 50, above, (Word count, case type, and whether litigants are often self-represented for this case type), as a way of further prioritizing documents within each group, and getting the maximum impact for your money. For example, a court document for which you have anecdotal evidence of frequent self-representation, and that also has a low word count (and therefore is cheaper to translate) might be a good candidate for going to the top of your stack of priority group 1 documents.

#### **Priority Group 1: Safety Concerns, Loss of Liberty, and General Court Access**

- Safety Concerns: These documents address an area of law or legal process that implicates safety concerns. Examples include protection orders and documents pertaining to mental health commitment, danger to a victim or vulnerable adult, or harm to child, including physical abuse or neglect.
- Loss of Liberty: These documents relate to legal processes that may result in a loss of liberty. Examples include criminal protective orders, processes that may result in incarceration or loss of privileges or rights, bail conditions, juvenile delinquency, guardianship, and criminal commitment.
- General Court Access: These documents are related to access to the court or a court proceeding and do not necessarily relate to a single substantive area of law. Examples include hearing notices, complaints, subpoenas, and notices of default or entry of judgment, notice and forms to request an accommodation for a disability, notice of language rights and interpreter request forms, requests to proceed in forma pauperis, required case cover sheets of court documents (i.e. the Pa. R.C.P. No. 205.5 Cover Sheet), and forms for electronic filing (if applicable).



- Emergency Juvenile Matters: These documents relate to emergency orders involving children. Examples include emergency placement orders, protective custody orders, notices or orders relating to removal of a child from the home, and termination of parental rights.

### **Priority Group 2: Family Law and Housing Status**

- Family Law: These documents relate to an area of law or legal process that affects the family unit. Examples include non-emergency dependency matters, custody, dissolution of marriage, and child support forms.
- Housing Status: These documents are used in landlord-tenant processes as well as for processes pertaining to a loss of housing. Examples include landlord and tenant complaints and tenant affidavits, as well as documents related to residential mortgage foreclosure diversion programs and foreclosure and ejectment complaints.
- Real or Personal Property Rights: These documents address legal processes that may result in loss of a legal interest in real or personal property. Examples include civil complaint forms, decedent's estate forms, and a request for order for possession.

### **Priority Group 3: Other Areas of Law and Other Written Materials**

- Other Areas of Law: These documents relate to other areas of law, such as truancy, expungement and adoption.

Documents that are assigned to Priority 1 are the most critical for translation and the local court should focus available translation resources on this group first. Priority 2 documents also implicate important processes for court users. They should be translated as soon as resources become available, after Priority 1 forms have been translated. Finally, Priority 3 documents are vital documents that require translation, but have a lower level of criticality than other documents. They should be translated as resources allow.

See [Appendix A](#) for a sample priority ranking of vital documents. In addition, [Appendix A\(4\)](#) gives a complete overview of the analysis of documents and prioritization process.

### **Step 4: Conduct an annual review**

The identification and prioritization of documents for translation is a process that

should be undertaken on a regular cycle that will allow for the consideration and inclusion of new and revised documents. As new documents are developed, it will be important to apply the vital documents analysis during or shortly after development and publication, and incorporate these documents into the comprehensive list of potential documents for translation. An annual review can help spot revisions to documents that will require amendments to existing translations. A best practice is to ensure that translations are updated in tandem with the English source document, or as soon thereafter as possible.

The annual review process should include the following steps:

1. Identify revisions to vital documents that have already been translated. These should be flagged for retranslation or editing of the translated language, to ensure that translated versions are consistent with the English source versions of the document.
2. Identify and evaluate any new court documents developed by the court since the last review, according to the vital documents analysis.
3. Identify revisions to documents that are not yet considered vital, and that may affect the substantive content or the procedural use of the form, thereby making the document now qualify as a vital document. Examples of these types of revisions would include new content that addresses important rights, or a change in the court rules that makes an existing form or document mandatory for a particular process.

## Local Court Guide: Identification and Prioritization of Languages for Local Translation

Now that you have a complete list of your local vital documents that require translation, which have been ranked according to priority for translation, the next step is to identify the languages for translation.

### *Where is the data?*

- ✓ American Community Survey projections show the prevalence of county residents who speak a language other than English at home, which can be broken out by county. (Available here: [https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17\\_5YR/S1601/0400000US42](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17_5YR/S1601/0400000US42))
- ✓ The State Department of Education publishes information on the number of English language learners in the public schools and the most common languages spoken. This information can be analyzed at the school district level. (Available here: <https://www.education.pa.gov/Data-and-Statistics/Pages/English-as-a-Second-Language.aspx>)
- ✓ The Pennsylvania Refugee Resettlement Organization publishes annual demographic statistics showing number of refugees and countries of origin by Pennsylvania county (available here: <http://www.refugeesinpa.org/aboutus/demoadarrivalstats/index.htm>)
- ✓ The Pennsylvania Courts' Language Access Data Collection tool tracks information on interpreter requests in the courts.
- ✓ The Pennsylvania State Data Center provides annual snapshots of the state population, including socioeconomic profiles (available here: <https://pasdc.hbg.psu.edu/Home/tabid/926/Default.aspx>)

To identify the languages for translation, follow these steps:

### **Step 1: Compile all available language-related data on county residents and court users with limited English proficiency**

There are a variety of sources that can be consulted to get a complete picture of the number of potential court users in your county who speak English less than very well, as well as the languages they speak. These include the U.S. Census and its interim American Community Surveys with five-year projections, the Pennsylvania Department of Education, and the Pennsylvania State Data Center.

Data from these sources can be used to create a list of the most common non-

English languages spoken by residents of the county. This data represents the demographics of county residents who are *potential* court users.

It is also important to consider information on the needs of *actual* court users by looking at data collected by the AOPC on interpreter usage through its Language Access Data Collection tool. This tool tracks the number of interpreters provided for court proceedings and the languages requested. Your court may also have additional methods for collecting information on local court language needs, such as forms to request an interpreter or statistics on telephonic interpretation use. Any information you have that will demonstrate the number and types of request for assistance with a language need will be important in determining the most commonly spoken languages in your judicial district.

Another source of information about county population demographics is Pennsylvania's Refugee Resettlement Organization. The organization publishes annual statistics on incoming refugees that is tracked by Pennsylvania county and country of origin. Although these statistics do not specify the languages spoken by incoming refugees, country of origin information can be helpful in understanding the potential language need of recent arrivals to the state. Depending on the numbers, an influx of speakers of a particular language may impact the top ten languages in a given county, particularly if they speak a language that already ranks highly in the county. These statistics can also help to anticipate and respond to immediate needs, as described below.

## **Step 2: Use available data to create a list of the top ten non-English languages spoken in the county**

Looking at all available data, and assigning the proper weight to the information garnered by these data points will help you to compile a list of the top ten languages spoken in the county by court users and those who may become court users. The weighting of data sources should favor information regarding language services provided to actual court users (through interpretation service hours or any other measure tracked by your court), with U.S. Census and American Community Survey information providing a demographic backdrop and confirming the predicted language need in the courts.

From this ranked list, it is recommended that you take immediate measures to prioritize the translation of vital documents into the top five languages. As resources allow, documents should also be translated into the remaining five.

A list of ten languages is recommended because when the data is subjected to reevaluation, adjustments may be made to the top five. Those most likely to

move into the top five will already be ranked within the top ten and will have associated data to show growth in the language groups and support translation.

### **Step 3: Revisit and reevaluate data every five years**

Because language groups change over time with respect to numbers and language needs, it is important to regularly review the information derived from all of these sources. A best practice is to conduct a full analysis and identification of the top ten languages spoken in the county every five years. In the interim years, you can use the Language Access Data Collection Tool to track need. If the Data Collection Tool detects significant growth in a language group, or a new language group has arisen in the state because of new immigration trends, there may be a need to respond immediately with vital resources.

#### **Responding to Immediate Needs**

If a new language group moves into the area covered by your judicial district in significant numbers, or if a language group that does not rank in the top five suddenly experiences significant growth, there may be a change in the rankings that creates a need for vital document translation into a new language long before the population shifts register with some of the longer-term data collection tools referenced in this section. A new language would likely appear first in the Department of Education data if the migration included families with school aged children, although it may or may not register within the top ten home languages of English language learners. A new language may be suggested by annual refugee resettlement data if the language is spoken by a large group of refugees, potentially from one of more countries where the language is spoken. Finally, a new language would also appear first in the local court interpreter request data before it registered with the U.S. Census or American Community Survey. If you have already done the work of identifying and prioritizing documents for translation, you will be able to quickly identify the vital documents that should be translated first in the new language. You can also fine-tune the approach based on interpreter requests—if the courts are receiving requests in a particular area of law, the written documents associated with that area can be prioritized for translation.

## Appendix D: Translation Duties Matrix

The following table contains a description of the various duties related to translation of vital document. The duties are organized according to responsible entity—either the AOPC/UJS or the local judicial districts—and the third column indicates the frequency with which each responsibility must be undertaken.

AOPC/UJS	JUDICIAL DISTRICTS	FREQUENCY
Develop and maintain statewide glossary of translated legal terms		One time enhancements; future amendments as needed
Assist judicial districts with incorporation of translation process into local LAPs	Incorporate translation process into local LAP	One time assistance with LAP; future revisions as needed
Identify and prioritize statewide vital documents	Identify and prioritize local vital documents	Annually
Identify top ten languages spoken in the state; translate vital documents into top five languages spoken in the state	Identify top ten languages spoken in the judicial district; translate vital documents into top five languages spoken in the judicial district	Every five years
Make statewide translations available for local court customization and use		Ongoing, as translations become available
Revise statewide translations to incorporate changes to source documents	Revise local translations to incorporate changes to source documents	Annual review; changes as needed

## Appendix E: Information Technology Considerations

- **Local and Statewide Software Systems** - The translation of forms will have significant impacts to both locally obtained vendor software systems and AOPC/IT's statewide systems. One-time activities in this process will be to develop a user interface to alert system users that they need to generate a translated form, and a mechanism through which the user will generate the translated copy. The primary impact, however, will be the ongoing design and development involved in creating the translated versions of these forms. The form design and development piece will need to take place every time the language on a form needs to be changed or a new form is determined to require translation. Accordingly, these forms are not static documents that can be translated and put in a repository. For many of them there will be no easy way to translate all of the different permutations. There are similar concerns regarding the translation of the content text on the form where users can change the text on the screen before producing the form. The following are a few features of the software that contain and produce these forms that pose particular complications with regards to translation:
  - Forms that have sections where users can “free-key” or input user customized body text that differs from the standard text on the form.
  - Forms that contain data elements that are different text values in all 67 counties. For instance, sentencing conditions and docket entries are all customizable by county. This means that translations would have to be done on thousands of distinct data values that could be printed from the system. It also means that new values cannot just easily be added by or for end users. Getting a user added value that they may be able to add today in the system in a minute will have to go through AOPC/IT or a vendor to be translated and then go through formal process to deploy into the system.
  - Forms that are dynamically built by users selecting one or more of many choices on a screen such as Dependency Outcome Orders.
  - Forms that contain signature lines and where automated electronic signatures can be affixed.
  - Forms that are automatically produced and printed after performing an action in the system. These types of forms do not allow for user interaction to be able to select that they need a translated form.
  - Forms that are produced from multiple places within the software or that based on different user actions alter the content that will be produced on the form.
  - Forms that can be e-filed will have potential to require that system changes be made in multiple systems (e.g. citations). This will require coordination with law enforcement agencies.

- **Cost, Governance & Change Management Considerations** - Any changes to statewide forms are subject to the AOPC/IT's governance policy. In addition, form changes are generally related to a rule or legislative change, and therefore have a fixed effective date. [See Section III of this Translation Policies and Procedures Manual for the Unified Judicial System of the Pennsylvania State Courts, "Step-by-Step Guide: Identification and Prioritization of Documents for Statewide Translation"; "Section V, Step-by-Step Guide: Translation Management Process", Section VII, "Translation Cost Considerations" \(especially "4. Ongoing Maintenance"\), and Appendix D: "Translation Duties Matrix."](#)
- **Form Ownership** - The ownership of forms is an important factor as each form may have design and formatting layout specifications that might require alterations to accommodate translated versions. These owners vary greatly and include the Supreme Court's procedural rules committees, external state and even federal agencies such as PennDOT, law enforcement agencies, Department of Human Services, US Department of Health and Human Services, etc. Many of these owners have a hand in the creation of certain forms and also a say in the language as changes are needed. It would seem prudent to know the owners of each form and keep them involved throughout the translation process, particularly if any bilingual forms are desired, as bilingual forms have a much different format than fully translated forms. Also, ownership or responsibility for translation when a county submits customized language for a statewide form, will need to be determined. [See Section III, "Step-by-Step Guide: Identification and Prioritization of Documents for Statewide Translation", at Step 1 \("Create a list of court documents for the vital documents analysis"\), in this Manual.](#)
- **Form Layout** – As part of the initial analysis of identifying and prioritizing forms to be translated, the form layout as well as content should be considered.
- **IT Involvement** - As forms are periodically reviewed and considered for translation, it will be important to have the participation of an AOPC/IT representative. [See box, "Who in the organization will do this work," at p. 11, in this Manual.](#)
- **Uniform Process** - It would seem sensible to create a statewide contract for form translation services. This would help address cost, but should also standardize the process used to obtain the needed translations. [See box titled "Working with a translation agency" on page 29, in this Manual.](#)
- **Completed Translated Forms** - As forms become translated, keeping an accurate inventory will be important for tracking purposes. Changes that are required to forms that are already translated will be subject to longer change processes than in the past at the statewide and local level. See



[Section V, "Step-by-Step Guide: Translation Management Process", at Step 3 \("Perform a final review for general copyediting"\), in this Manual.](#)

- **Translated Form Change Expectations** – Simple changes to forms outside the language translation effort usually take 60-120 days in order to progress through the software development life cycle and be released to the statewide systems. Changes to content for translated forms will require a minimum of 4-6 months. In addition, as noted above, form changes are generally related to a rule or legislative change, and therefore have a fixed effective date. [See box titled "Who in the organization will do this work," at p. 11, in this Manual.](#)
- **Local Changes & Vendor Systems** - Most courts statewide are using a non-AOPC case management system, specifically in the areas of civil, family and orphans' court. The costs and other challenges associated with translation of court forms through these systems cannot be determined by AOPC/IT. [See box titled "Who in the organization will do this work," at p.11, in this Manual.](#)
- **Archival & Storage** – Electronic documents of forms produced from local and statewide systems are kept within the case management systems, in a separate local electronic document vendor system and/or in the paper case file. It would be important to consider whether or not copies of these translated forms were important to retain for archival purposes, especially if the party's signature is on a non-English version of the document.