

Committee on Limited English Proficiency

The Committee on Limited English Proficiency was initially formed in 2008 under the Access goal of the Judicial Branch's Strategic Plan. The committee was chaired by Judge Maria Araujo Kahn, Attorney Faith Arkin and Attorney Toni Smith-Rosario and charged with "eliminating language barriers to facilities, processes and information that are faced by individuals with limited English proficiency."

Pursuant to the committee's recommendation, it was reconstituted in 2012 to a smaller size to serve as an advisory group. In January 2013, the reconstituted committee began its work. The reconstituted committee is chaired by Judge Maria Araujo Kahn and Alejandra Donath, Program Manager for Interpreter and Translator Services, and is comprised of the following members¹:

Karen Chorney
Richard Loffredo
Nancy Porter (Legal Services advisor)
Melanie Kerr (Support Staff)

According to the most recent figures from the United States Census, the number of foreign born individuals in Connecticut and the number of individuals who speak a language other than English at home continue to rise. Over 20 percent of individuals in Connecticut over the age of five speak a language other than English at home. These figures are consistent with the high volume of requests received by the Judicial Branch's Interpreter and Translator Services Unit (ITS). In 2013, ITS received over 35,000 requests to provide in-person oral language assistance for 73 different languages and 12,618 calls were made to Language Line for over-the-phone interpreting services for 41 different languages. See appendix A.

The Branch's community outreach efforts, in conjunction with the LEP training offered to Judicial Branch staff, has increased awareness of the federal mandate. As a result, ITS has seen an increase of requests for language assistance, particularly for civil litigation, divorces, small claims and foreclosure mediation matters.

This report serves as an update of the work of the Committee on Limited English Proficiency in 2013. Over the past year, the Committee has been working on the following areas in its effort to ensure that limited English proficient individuals can access the justice system in Connecticut:

Updated the Judicial Branch's Language Assistance Plan and Policy Statement

The Judicial Branch's Language Access Plan (LAP) and Policy Statement (Appendix B) guide the work of the Committee. The LAP and Policy Statement were both reviewed and updated in

¹James Maher and Daniel Horwitch were members of the reconstituted committee prior to their retirements. Jim and Dan were both strong advocates of the work of the committee. Their contributions cannot be overstated.

2013. The LAP and Policy Statement, which were last revised in 2011, will continue to be reviewed by the Committee as it deems appropriate, but not less than once every two years. Recommendations for changes will be submitted to the Chief Court Administrator for approval.

Streamlined the Translation Process

In 2011, a process was established for the translation of non-evidentiary documents. Under that process, an employee wanting the translation of a non-evidentiary document would complete a newly developed Translation Services Request Form (JD-CL-119) (Appendix C) and send it to the designated gatekeeper in their respective division. That individual would review the form for completeness. If the form was properly completed, the document would be sent to Legal Services for its opinion on whether it should be translated. Legal Services would then notify the division of its opinion. If Legal Services was in agreement, the document would be forwarded to the review panel for final approval. Upon the approval of the panel, the document would be forwarded to the ITS for translation.

This process has been streamlined in an effort to shorten the length of time it takes to have a final approval by the review panel and to expedite the translation of the document. The gatekeeper within each division has been eliminated and all requests now go directly to ITS. In addition, the panel, which originally only included representatives from the Superior Court Operations Division, Court Support Services Division and External Affairs, added two new members: a representative from Legal Services and the Program Manager who oversees ITS. These steps have shortened the amount of time it takes for a translation request to be approved. In addition, adding the Program Manager of ITS and a representative from Legal Services to the panel will enable the panel to prioritize the order in which translations will be completed.

Continued and Expanded LEP Training

The Branch has developed a LEP training program for all employees. This program also offers cultural sensitivity education and provides information and materials regarding how to obtain language assistance and translation services when needed and the role of the interpreter. Thirteen sessions were offered in 2013, which were attended by 333 Judicial Branch employees. To date, over 1800 employees have attended this half-day program.

The Branch has also developed a LEP training program for its contractors so that they understand the Branch's obligations to provide meaningful access to information and services to persons who are limited English proficient. To date, 277 contractors have attended the program.

In June 2013, the Branch's Judges and Family Support Magistrates were trained at their yearly educational training on issues related to limited English proficient individuals and the role of the interpreter.

Appointment of a LAP Coordinator

A Language Access Plan Coordinator was appointed by the Chief Court Administrator. The Coordinator, in consultation with LEP Committee, is responsible for the coordination and implementation of the Language Access Plan. The Coordinator will also prepare an annual report for the Chief Justice, providing an update on the work of the Committee.

Video Remote Interpreting

A video remote interpreting (VRI) pilot program is being developed which will allow a Spanish-language staff interpreter situated in the main office of ITS in Hartford to be present in a courtroom via video technology to provide language assistance services. The video technology will be utilized for unexpected proceedings such as arraignments and short hearings not expected to last more than 20 minutes on days when interpreters are not scheduled at the location.

The pilot location selected is G.A. 5 at Derby. This location has been identified because ITS is frequently required to provide language services on days interpreters are not scheduled. By using this technology, the time waiting for an interpreter from a distant location to become available and travel to the requesting site will be greatly reduced and the need to contract with private providers at high hourly rates will decrease.

Universal Advisement of Rights

In 2012, a pilot program was developed for the Hartford Family Court in which the advisements of rights given by Family Support Magistrates were translated into Spanish and recorded on a DVD. Instead of utilizing a staff interpreter to come into the courtroom to interpret the advisement of rights, the video recording is played by the clerk. This allows the interpreters to conduct other business in the courthouse while the advisements are being played in the courtroom.

Based on the success of the pilot in Hartford, it was expanded to New Haven in 2013. The feedback received from the Family Support Magistrates and clerks has been overwhelmingly positive.

Vital Documents

The Department of Justice requires the Judicial Branch to translate its vital documents into languages other than English. "It is important to ensure that written materials routinely provided in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language

of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity.”²

The Judicial Branch has completed the process of identifying its vital documents. Those documents have been forwarded to ITS and are in the process of being translated into Spanish, which is overwhelmingly the most requested language in the Branch.

Language Line

The Judicial Branch has contracted for telephonic language assistance services which enable Judicial Branch staff and individuals who are limited English proficient to communicate with the use of a telephone. This language assistance is available in more than 170 languages, 24 hours a day, 7 days a week. It is available in all court locations and other Judicial Branch facilities. Language Line is also available to probation officers, via a cell phone, when they need to communicate with limited English proficient individuals outside of Judicial Branch facilities. In 2013, it was used 12,618 times in 41 different languages.

Updating the Judicial Branch’s Internet Site

The overwhelming majority of interpreter requests continue to be for the Spanish language (approximately 88%). The next most requested languages are Polish and Portuguese (approximately 3% each). Roughly 95% of the interpreter requests received by ITS are for either Spanish, Portuguese or Polish. Accordingly, the Judicial Branch continues to add pages to its website in Spanish, Portuguese and Polish. Information includes the Branch’s Language Access Plan, LEP policy statement, answers to frequently asked questions, complaint procedures and links to various resources.

Purchase of Equipment

A total of 30 interpreting equipment sets were purchased in 2013. This equipment allows for one interpreter to provide oral language services to two LEP individuals simultaneously. The equipment maximizes our resources by reducing the amount of times multiple interpreters are needed in a single hearing and ensuring consistent interpretation for all LEP individuals participating in the same hearing.

Interpreter Information Card

The LEP Committee developed an Interpreter Information Card (JDP-ES-285) (Appendix D) as a way to inform the public regarding interpreting services provided by the Branch. Although the LEP pages on the Internet provide comprehensive information regarding the services offered by ITS, not all LEP individuals have access to the Internet. The card, developed in plain language

² Commonly Asked Questions and Answers Regarding Executive Order 13166 Providing Meaningful Access to Individuals Who Are Limited English Proficient to Federally Assisted and Federally Conducted Programs and Activities, USDOJ - Coordination and Review Section; <http://www.lep.gov/faqs/faqs.html>

and translated into Spanish, Portuguese and Polish, provides information on how to obtain the services of an interpreter, how an LEP individual can ask questions about their case, and how to obtain an accommodation under the Americans with Disabilities Act (ADA). The cards are available at all Judicial Branch Court Service Centers and Public Information Desks.

Future Plans

The Committee recognizes the continuing need for the Judicial Branch to provide access to its facilities, processes and information to all limited English proficient individuals. In the coming year, the Committee intends to focus on the following areas:

Vital Documents

The translation of vital documents is an important initiative that is currently underway. The translation of vital documents is necessary to ensure that the Branch's limited English proficient stakeholders can have equal access to justice. It is anticipated that the initial list of 40 vital documents will be completed by the end of 2014.

Career Path

Under the current job structure, when a permanent interpreter is hired after attaining a required certification, there is no additional career movement. This creates a situation where the Judicial Branch cannot fully recognize the work of the Branch's interpreters. The Committee plans to explore ways to develop a career path for certified staff interpreters that will ensure quality interpreter services; minimize attrition; recognize personal growth; and reduce costs for the Judicial Branch.

Video Remote Interpreting

It is anticipated that the Derby video remote interpreting pilot project will be launched in the first quarter of 2014. Based on the feedback of the Derby pilot, a decision will be made on how best to expand video remote interpreting to more courthouses across the state.

Universal Advisement of Rights

Equipment has been purchased to expand the Advisement of Rights project statewide. The Family Support Magistrates and courtroom clerks will be trained on the usage of the equipment upon delivery. It is anticipated that the Advisement of Rights project will be statewide in the first half of 2014.

Purchase of Equipment

The Committee will continue to explore equipment and technology options that will increase the efficiency of interpretation and translation services. The Branch currently owns three Trados network licenses. This translation memory software allows ITS to create its own term base of already researched and accepted terminology to be used by translators. Having three licenses only allows for three interpreters to access the program simultaneously. Two additional licenses are needed to expedite the translation process and to complete the translation of vital documents.

Transcription/Translation software has also been identified by ITS to expedite and facilitate the transcription/translation of audio and video materials.

Basic Language Skills for Staff

A survey of Branch staff conducted by the LEP Committee revealed an interest in learning basic Spanish speaking skills. Learning basic Spanish speaking skills will bridge the period of time for the employee until such time as an interpreter is available or Language Line can be accessed. The Committee will begin looking into ways to best provide this training.

Coordinate and Communicate with the Access to Justice Commission

The Committee will continue to confer and collaborate with the Judicial Branch's Access to Justice Commission. In its most recent report, the Access to Justice Commission developed several recommendations regarding the LEP Committee. Those recommendations include having the LEP Committee seek input from legal aid providers that may have additional LEP resources such as videos and written information and to work with the Access to Justice Commission in the development of an "Access to Justice" webpage on the Judicial Branch's website.

Collaboration with Universities/Colleges

As requested by the Committee, ITS started the process of identifying colleges and universities in Connecticut which have foreign language programs to explore the possibility of creating partnerships and develop additional programs to increase employment opportunities.

Training

Training on LEP issues is a continuous effort. Training sessions for Judicial Branch employees have been scheduled for the first half of the 2014 calendar year. Also, initial communications have been made to offer this training to all Motor Vehicle and Small Claims Magistrates.