Court Language Access Services 2015

JUDICIAL DEPARTMENT
STATE OF OREGON

Section 602 of Title VI of the Federal Civil Rights Act of 1964, 42 U.S.C. 2000d:

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

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A Message from the Program Manager

"It is declared to be the policy of this state to secure the constitutional rights and other rights of persons who are unable to readily understand or communicate in the English language because of a non-English-speaking cultural background or disability, and who as a result cannot be fully protected in administrative and court proceedings unless qualified interpreters are available to provide assistance."

Oregon Revised Statute 45.273

Beginning in 2012, the Oregon Judicial Department (OJD) began to review almost twenty years' worth of OJD language access progress in order to identify and improve existing gaps in services. The OJD participated in the 2012 National Summit on Language Access and consulted with Portland State University and the State Justice Institute (SJI) in order to embark on the fulfillment of three major objectives:

1. Re-connect with Oregon limited English proficient communities to identify their language needs;
2. Improve OJD public counter interpreting services; and
3. Renew judicial education efforts and training for interpreters of rare languages.

The OJD fulfilled objectives number one and two through SJI and the National Center for State Courts technical assistance grants in 2013 and 2014. To ensure completion of objective number three, Court Language Access Services (CLAS) drafted our 2015-2020 goals, strategies, and action items. I invite you to consider our exciting language plan goals, many of which are well underway, on pages three and four of this report. Whether it is ensuring a video interpreter connection at a court counter or the swearing in of Oregon's first Certified Deaf Interpreter (CDI), the Oregon Judicial Department is making significant gains towards achieving language access around the state.

Kelly L. Mills

Strategic Plan for Language Access

Goal # 1	Provide language access services at all points of contact outside judicial proceedings for services that are managed or paid for by the OJD.
This goal is urgent and is currently underway.	

Limited English Proficient (LEP) customer surveys and language access tools piloted in two courts provided valuable feedback. To accomplish this goal, statewide strategies will include increased distribution of multilingual posters, universal signs, maps, and brochures, providing Spanish-English telephone tree services, increasing the number of OJD multilingual webpages, and establishing video remote interpreting (VRI) technology at Family Law counters.

Goal # 2	Foster productive working relationships with community and judicial stakeholders.
This goal is critical and will be implemented in years two-three.	

Community members will be more likely to use services and engage in the judicial process if they are familiar with available services. This goal will include actively seeking feedback from the community and stakeholders on language access plans, customer satisfaction with services provided, and participation in OJD inclusion and fairness activities.

Goal # 3	Provide resources and training on language access issues for judges
This goal is critical and will be implemented in years two-three.	

Effective language access services depend on enhanced accountability and awareness of bias in the judicial process. Training sessions on awareness and applying skills for consistent case management will be implemented in collaboration with the Office of Education Training and Outreach, the Oregon State Bar, and judicial partners.

Goal # 4	Expand judicial branch training on language access policies and procedures.
This goal is complex and will be implemented in years four-five.	

Effective language access services depend on enhanced accountability for services to diverse court users. Online training opportunities will be customized for court staff professional development.

Goal # 5	Review and address complaints regarding language access in the courts.
This goal is critical and is currently being implemented.	

A standard complaint protocol ensures cooperative relationships between the court and complainant. The OJD is piloting a written standard protocol for receiving, responding to, and collecting data on language access complaints.

Goal # 6	Use the Oregon eCourt Program to identify the most commonly used and emerging language service needs.
This goal is critical and will be implemented in years two-three.	

After the Oregon eCourt Program is fully implemented in June 2016, CLAS will improve statewide language access data reporting and collection.

Goal # 7	Increase the diversity of certified language interpreters by providing scholarships for interpreters for exam preparation activities and oral examinations.
This goal is critical and will be implemented in years two-three.	

Certification examinations are available in twenty-one languages and the OJD has certified interpreters in ten languages. Over 180 languages are spoken in the Oregon Circuit Courts. CLAS will seek funds to provide training and oral examination scholarships for interpreters of languages of lesser diffusion.

The Need To Improve Language Access

LEP

According to the U.S. Census' American Community Survey, a limited English proficient (LEP) person is someone five years or older who speaks English less than "very well."

The Numbers

In 2013, 6.2% of Oregon's population identified themselves as LEP individuals. Nearly 65% of all Oregon LEP individuals reside in just three counties: Marion, Multnomah, and Washington Counties. Eleven of thirty-six Oregon counties have relatively high LEP populations, at 6.2% or higher.

The Needs

Several needs assessment surveys were conducted between 2010 and 2015 at the OJD. In 2010, all OJD judges and employees responded to a survey to solicit ideas to improve overall OJD efficiency and productivity. This was part of the 2010 Court Re-engineering and Efficiency Work Group Survey. In 2014, the OJD collected more than two hundred surveys measuring LEP customers' satisfaction with OJD language services. LEP speakers of thirty different languages participated in the survey project. In 2015, judges, TCAs, senior managers, and division directors responded to a survey regarding OJD access and fairness. Language access related results are listed in the tables to the right.

2010 OJD Language Access Suggestions from Judges & Employees

Issues
Expand the number of translated forms and number of languages
Expand the number of languages available for interpreter certification
Improve technology for scheduling interpreters
Increase remote interpreting at court windows, self-represented litigant service counters, and courtrooms
Invest in staff training on diversity and how to work with interpreters

2014 OJD LEP Customers' Top Five Language Concerns

Concerns
Limited bilingual staff and services
General customer service issues
Locating the courthouse or offices
Limited bilingual signage, forms, documents
Interpreter-specific procedures

2015 Top 5 Access and Fairness Priorities of Judges & Senior Managers

Issues
Non-represented litigants
Staff education
Customer service
Judicial education
Interpreter services
Court training

Because 6.2% of Oregon's population is LEP, a substantial proportion of that population are eligible or likely to be served by court programs. The table below shows the top ten spoken languages, other than English, used in Oregon homes in 2013. It also shows how many foreign language speakers identify themselves as LEP.

Oregon Top 10 Household Languages and LEP Individuals

Language	Individuals Who Speak a Foreign Language at Home	Household LEP Individuals who Speak English Less Than "Very Well"
Spanish	319,160	143,041
Chinese	26,410	13,563
Vietnamese	25,813	16,415
Russian	21,884	9,177
German	15,185	1,742
French	11,273	1,487
Korean	10,382	4,868
Japanese	9,313	3,226
Tagalog	8,452	2,388
Arabic	7,938	3,106

Compliance Standards

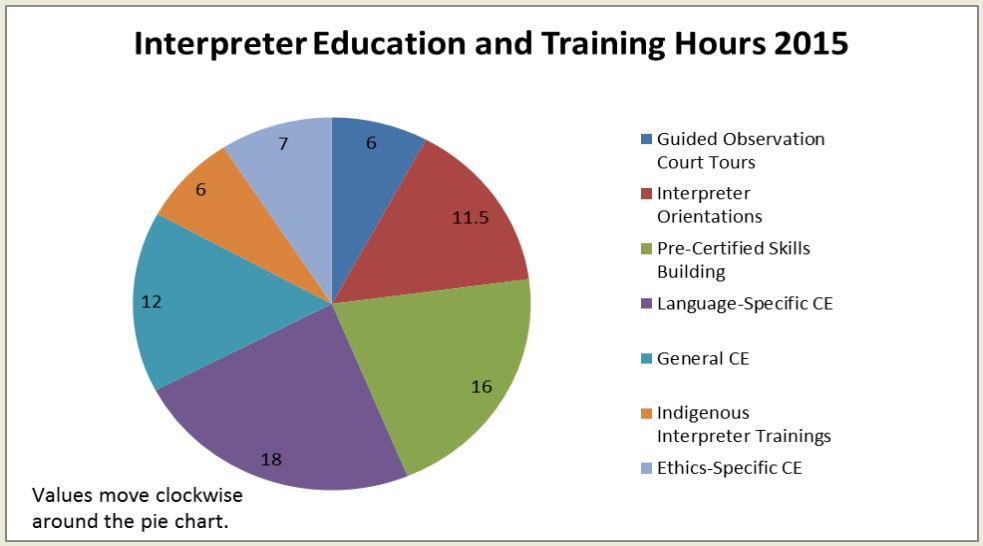
The OJD uses the United States Department of Justice four-factor analysis to assess compliance with non-discrimination issues. The assessment considers four things in order to evaluate compliance:

1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program,
2) the frequency with which LEP persons come in contact with the program,
3) the nature and importance of the program, activity, or service provided, and
4) the resources available to the program and a cost-benefit-analysis.

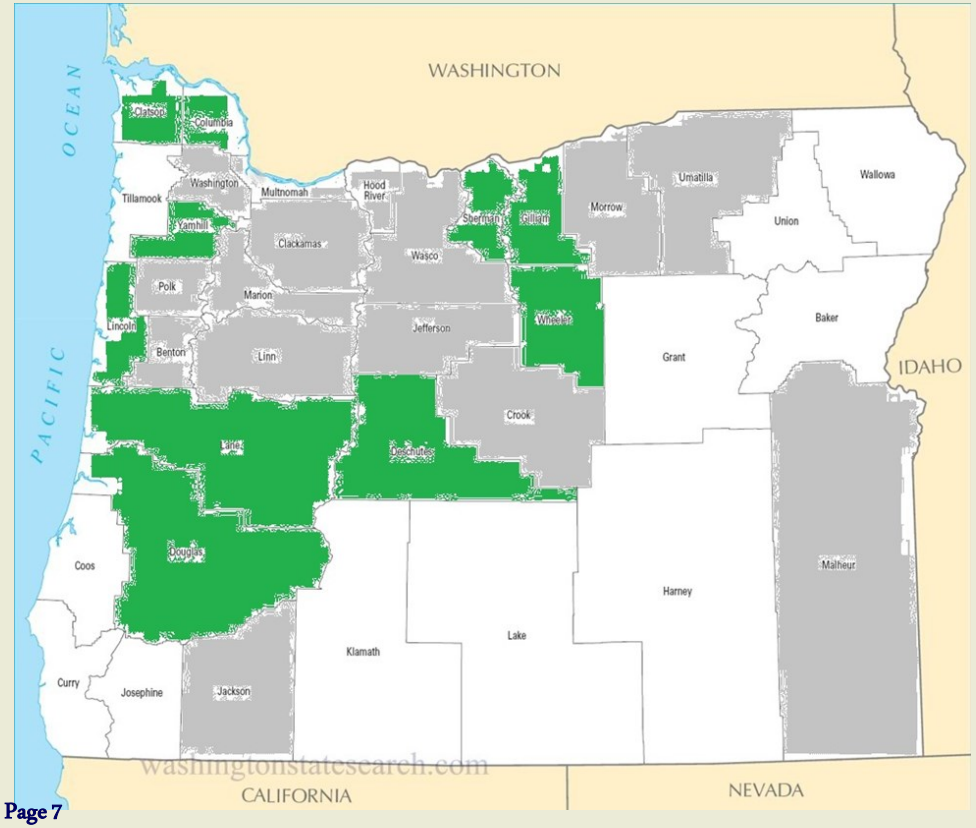
In Oregon, most circuit courts see a higher frequency of LEP court users in criminal, family, small claims, and traffic cases. The number of court interpreter requests in Oregon Circuit Courts remains steady. Court proceedings are critical and compulsory for many case types and the courts are often the last means available to parties to resolve a dispute.

The OJD conducts scheduled cost-benefit-analyses of overall resources and needs. Language access services depend on using technology and economies of scale to provide efficient language services. OJD statewide centralized scheduling is an example of using economies of scale to dispatch interpreter case assignments efficiently and to avoid duplicate interpreter travel expenses.

In 2014, Oregon was assigned a "Justice Index" ranking of 95.8% for serving LEP customers by the National Center for Access to Justice. The ranking was based on the existence of statutes supporting the use of certified interpreters, a court interpreter certification program, the provision of interpreter services for all criminal and civil proceedings, and judicial training on working with interpreters.



Below: Gray-shaded circuit court county's staff received Language Access Training.
Green colored counties are slated to receive this training in 2016.
Below, right: Participants of the 2015 Pacific Northwest Court Interpreter Conference



Education & Training

In 2015, CLAS conducted many hours of training and education across the state of Oregon. CLAS met with OJD staff in 20 counties for language access training: Benton, Clackamas, Clatsop, Crook, Douglas, Hood, Jackson, Jefferson, Josephine, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Tillamook, Umatilla, Wasco, Washington, and Yamhill. The training included orientation to Title VI of the 1964 Civil Rights Act, identifying language needs, obtaining an interpreter at the front counter, remote interpreting services, accessing OJD translated forms, and filing a language access complaint. Bilingual and universal signs and counter resources were also distributed.

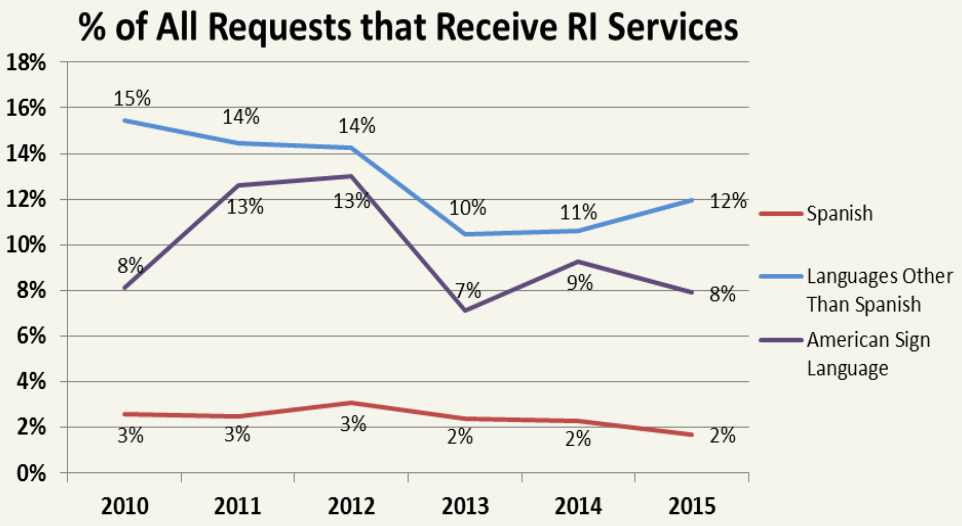
CLAS provided outreach to 15 judicial and community groups with the objective to better understand the role of, and how to work with, court interpreters. Groups included the Oregon Trial Lawyers Association; Josephine and Jackson County Public Defenders; OJD judges in Jackson, Josephine and Polk Counties; the Jefferson Bar Association; Jefferson and La Grande County mediators; private law offices; the Classroom Law Project; OJD new judges; University of Oregon Law Students; and Oregon Legal Aid offices.

Oregon's first Certified Deaf Interpreter (CDI) was sworn in as an Oregon Certified Court Interpreter and interpreters of Korean, Mandarin, Romanian, Spanish, and Tagalog also received OJD court interpreting credentials. CLAS provided 76 hours of continuing education to 325 interpreters of 25 different languages in 2015, including offerings at the fourth annual Northwest Court Interpreter Conference.

Remote Interpreting

"The OJD Remote Interpreting Program will increase the availability and improve the quality of remote interpreting services provided by Court Language Access Services."

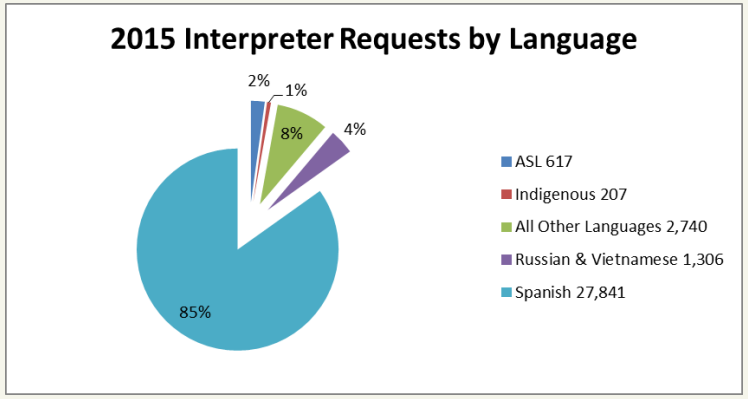
OJD Remote Interpreting Vision Statement



During 2015, a total of 1,038 interpreted events were served through remote interpreting in all of Oregon's 36 counties (including Tax Court). This constituted 3.2% of all interpreting requests received and was a 2.6% increase over 2014. During the year, many courts were trained in the use of technology to provide both telephonic and video remote interpreting right at the court counter. The remote interpreting program team (RIPT) receives remote interpreting (RI) User Surveys after an assignment is completed. Only 1.4% of remote interpreting assignments were reported as unsatisfactory.

Other News

CLAS filled 32,815 requests for interpreters, up 8.3% from 2014.



To reach Goal #5 in the Strategic Plan for Language Access, CLAS has been piloting a written standard protocol for receiving, responding to, and collecting data on language access complaints, available online and in the top five requested languages in OJD courts (Chinese, Korean, Russian, Spanish, and Vietnamese). CLAS provides translation services for the OJD for the purpose of making court services accessible to LEP customers. Last year, the bank of statewide translated forms was expanded with the launch of the following packets in five languages (Chinese, Korean, Russian, Spanish, and Vietnamese):

- Family Abuse Prevention Act Packets
- Elderly/Disabled Person Abuse Prevention Act Packets
- Stalking Forms
- Sexual Abuse Protection Order Packets

Finally, language access services to victims of crimes were expanded with the passing of House Bill 2339 (Oregon Laws 2015, chapter 155) amending Oregon Revised Statutes 40.325, 45.272, 45.285, and 419C.285. While courts have a preexisting obligation to appoint an interpreter for a victim of crime who is participating in a court proceeding, House Bill 2339 expanded this obligation to include a victim who wishes to attend, but not participate in, a critical stage of the proceeding. In addition, House Bill 2339 clarified that the court may not charge a fee when an interpreter is appointed for a non-English speaking party in a civil case.

Court Interpreting—Glossary of Terms

- **American Sign Language (ASL)**—The language most commonly used by deaf, deaf-blind, and hard of hearing Americans.
- **Bilingual**—A person fluent in two languages. In contrast, an interpreter uses additional knowledge, skills, and abilities.
- **Certified Interpreter**—An interpreter holding a credential awarded by Oregon's State Court Administrator to an interpreter who has met all certified court interpreter credential requirements for a spoken language or ASL.
- **Indigenous Language**—A minority language that is native to a region and spoken by indigenous populations.
- **Interpret**—The professional term for the oral transfer of meaning from one language into another. Also used with sign language interpreting.
- **Limited English Proficient (LEP)**—Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.
- **Qualified Interpreter**—A temporary status determined by a judge or hearings officer. An interpreter is deemed qualified by the court to interpret a particular language for a particular hearing. This is not a credential or certification.
- **Registered Interpreter**—An interpreter holding a credential awarded by Oregon's State Court Administrator has achieved appropriate scores on language proficiency exams (as opposed to interpreting skills tests) ,and fulfills other requirements established by the SCA.
- **Relay Interpreting**—Relay interpreting is appropriate when no single interpreter can meet all the language interpreting needs. The first interpreter interprets the message to a common language of both interpreters. The second interpreter then renders the message to the final target language of the LEP. For example, a Mayan source message is first rendered to Spanish by an interpreter. The second interpreter then renders the message into English.
- **Remote Interpreting**—The use of technology, including video, telephone, or conference phones, to provide spoken or sign language interpreter services from a remote location.
- **Sign Language Interpreting**—When a hearing person speaks, an interpreter renders the speaker's meaning into the sign language, or other language forms used by the Deaf or hard of hearing party. When a Deaf person signs, an interpreter renders the meaning expressed in the signs into the oral language for the hearing party.
- **Source Language**—The language from which the message is translated or interpreted.
- **Target Language**—The language into which the message is translated or interpreted.
- **Translation**—The professional term for the transfer of meaning from one language into another, usually written.

Language Access Terminology & Names

Oregon is partnering with others to enhance our language access services. Here are some common industry terms you may hear relating to language access:

- **Title VI of the of the Civil Rights Act of 1964**—Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It reads, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." http://www.justice.gov/crt/about/cor/coord/titlevi.php
- **Executive Order # 13166**—Improving Access to Services for Persons with limited English Proficiency. Signed by President Clinton on August 11, 2000. Requires Federal agencies to identify needs for services to limited English proficiency (LEP) persons, and develop and implement a system to provide services so LEP persons can have meaningful access. Also requires Federal agencies work to ensure recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.
  http://www.justice.gov/crt/about/cor/13166.php
- **Oregon Revised Statutes (ORS) Relating to Language Interpretation**—Court Interpreter Services has compiled a reference guide listing where interpretation is mentioned in the ORS.
- **National Center for State Courts (NCSC)**—A national organization whose efforts are directed by collaborative work with the Conference of Chief Justices, the Conference of State Court Administrators, and other associations of judicial leaders.

  http://www.ncsc.org/
- **NCSC's A National Call to Action**—*Access to Justice for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts.* A report intended to be used by jurisdictions to improve their services to LEP litigants.

  http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/A-National-Call-To-Action.aspx
- **State Justice Institute (SJI)**—Established by federal law in 1984 to award grants to improve the quality of justice in state courts, facilitate better coordination between state and federal courts, and foster innovative, efficient solutions to common issues faced by all courts.
  http://www.sji.gov/

We would like to take a moment to extend our gratitude to those who continue to work tirelessly toward the goal of Language Access for all. Without their efforts and collaboration we would not have accomplished our 2015 goals to provide the access to justice that is a core tenet of the Oregon Judicial Department.

- Oregon Supreme Court Chief Justice Thomas A. Balmer
- Oregon Supreme Court Justice Richard Baldwin
- Oregon Supreme Court Justice Rives Kistler
- Oregon State Court Administrator Kingsley Click
- The Honorable Nan Waller, Presiding Judge Multnomah County Circuit Court
- The Honorable Gregory Silver, Multnomah County Circuit Court
- The Honorable Katherine Weber, Clackamas County Circuit Court
- The Honorable Patricia Griffin, Chair of the COSCA Language Access Advisory Committee
- OJD Enterprise Technology Services Division
- Konstantina Vagenas, Language Access Services Section, National Center for State Courts
- Jonathan Mattiello, State Justice Institute Executive Director
- Tammi Allison, Portland Community College
- Julie Samples, Oregon Law Center
- Mariann Hyland, Oregon State Bar, Diversity Section
- OJD Juvenile and Family Court Programs Division
- Oregon Health Authority and Oregon Council on Health Care Interpreters
- Pacific Northwest Court Interpreter Conference Speakers: Amanda Smith, Amber Hodson, Amity Girt, Hannah Horsely, Holly Mikkelson, Jennifer Martin
- OJD Court Language Access Services staff: Amanda Jesse, André Knaebel, Bianca Pineda, Bruce Allen, Carla Farrell, Cassie Bernier, Edward Alletto, Enrique Andrade, Heidi OShaughnessy, Jenny Coduti, John Mathis, Karen Card, Kelly Mills, Kim Knox, Loretta Breedlove, Maribel Armendarez, Megan Gotchall, Melanie DeLeon, Michaelle Gearheart, Monica Stratton, Paul Perona, and Yvette Tamamoto
- All the dedicated and professional court interpreters who provide services to the OJD

Mission Statement

Court Language Access Services provides linguistic access to the Oregon State Courts through trained ethical interpreters, education of the court and responsible resource management.

CLAS Homepage

Schedule an Interpreter

Court Language Access Services

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Interpreter Certification & Training

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