

CHAPTER ONE

EQUAL ACCESS TO JUSTICE

OPENING THE DOORS

“Accessibility of Justice. A democratic society cannot maintain its legitimacy simply by promising equality before the law to all of its citizens. That promise must be fulfilled by justice that is available, affordable and understandable to any person who seeks it. The Oregon courts are accessible to all who need and seek their aid.”

—The Future of the Courts Committee, *Oregon Courts Statement of Values*, Final Report 3 (Jan. 1995).

INTRODUCTION

The promise of “equality before the law” is an empty one unless the context for its fulfillment exists. **Equal justice presupposes access.** For example, a non-English-speaking person without a qualified interpreter or the benefit of translated forms will not understand the court’s orders, cannot properly analyze her options, cannot communicate her position to the judge and may not even seek the court’s aid because she is unaware of her options. **Access requires understanding.** For the non-English-speaking person, the key to understanding is found in linguistically compatible information about the judicial system and the courtroom experience.

In its final report, the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System (Task Force) identified several areas where Oregon’s judicial system failed adequately to provide linguistic minorities meaningful access to its services and a true understanding of its directions. The Oregon Judicial Department’s Future of the Courts Committee (Futures Committee) similarly underscored this problem by identifying the “[i]nadequate service to the state’s minority language groups” as one of ten key weaknesses in our judicial system.

Beyond language concerns, the Task Force identified a lack of awareness concerning the civil justice system among minorities as the other important issue regarding access. The Task Force found that some minorities were unfamiliar with the system of civil justice and consequently failed to avail themselves of its services when appropriate. In some instances, the lack of use resulted in people taking the law into their own hands (e.g., repossession) and ending up in the criminal justice system. In others, victims of domestic abuse remained in dangerous situations and injured workers failed to seek the benefits of workers’ compensation laws.

It is important to recognize that it has been and continues to be the goal of judges and court administrators to provide linguistic minorities with equal access to justice. In fact, the Implementation Committee heard many accounts of judges who used innovative methods to find an interpreter for an obscure language or provide translated forms. In recent times, a combination of increased docket pressure, a scarcity of resources and a sudden increase in the use of the courts by non-English-speaking litigants has hindered courts in addressing the rising language needs. The changed times have created new problems that need to be addressed on a larger, institutional scale.

Although much work remains, Oregon’s judicial system has responded to the problems faced by non-English-speaking people regarding their ability to access justice. Efforts to improve the quality of interpreters, translate important court information and commonly used court forms and educate the public about the civil justice system are underway. As the following examples demonstrate, Oregon’s judicial system is *beginning to open its doors*.

INTERPRETERS

The problems associated with interpreters related to three areas: quality control in court; quality control in administrative hearings; and the availability of interpreters to parties in court-annexed mediation or arbitration and certain parties in juvenile proceedings. To implement the Task Force's solutions to these problems, the Implementation Committee (IC) helped the Office of the State Court Administrator (SCA) continue an effort that began in 1993 to implement an interpreter certification and appointment process for court interpreters and drafted and promoted a bill this 1995 legislative session which was designed to expand the interpreter appointment process. The IC also met with the Oregon State Bar regarding jury instructions on court interpreters and the SCA regarding an increase in the fees paid to certified interpreters.

QUALITY CONTROL IN COURT

- **An Interpreter Certification and Appointment Process—ORS 45.273 to 45.297**
- **Increasing the Fees Paid to Certified Court Interpreters**
- **Jury Instructions Regarding Interpreters in Court**

AN INTERPRETER CERTIFICATION AND APPOINTMENT PROCESS—ORS 45.273 TO 45.297

In the 1993 legislative session, the legislature passed a bill sponsored by the SCA (now codified at ORS 45.273 to 45.297) that authorized it to develop an interpreter certification program. The SCA has been working steadily since 1993 to get the pieces in place. In November 1994, the Legislative Emergency Board approved a \$40,000 allocation for the program. The program required the development of a new testing, training and appointing procedure. It also required the development of an interpreter code of ethics.

The Legal Requirements. ORS 45.288 governs the appointment procedure and establishes an appointment preference for certified interpreters. If no certified interpreters are available, the court must appoint a qualified interpreter. ORS 45.291 regulates the certification process. It must include a testing program for language and ethics competency, a licensing procedure and a teaching program.

The Testing Program. Since 1993, the SCA has been working with the National Center for State Courts and Minnesota, New Jersey and Washington to develop a shared language proficiency testing program. Each state will use common administrative standards to develop and share different tests. The SCA administered the first Spanish language test on November 11, 1995. When the collaborative effort is complete, Oregon will have access to tests in nine additional languages (Cambodian, Cantonese, Korean, Laotian, Vietnamese, Haitian Creole, Portuguese, Russian and Hmong).

The Code of Ethics. The testing and certification program will also require that interpreters, as sworn officers of the court, understand their ethical duty to remain neutral and impartial. To help guide interpreters in their duty, on May 19, 1995, the Chief Justice signed an order approving and making effective the Code of Professional Responsibility for Interpreters in Oregon Courts (the Code). The Code is the result of several months work that began in December 1994. At that time, the IC published a model code in the December 5, 1994, Oregon Appellate Courts Advance Sheets and distributed copies to various individuals requesting comment. The IC received many comments by the middle of January 1995, and incorporated them into a final working draft. The IC and the SCA

reviewed the draft, redistributed it for comment and then completed a final version. The Chief Justice approved the final draft code on May 19, 1995. (See Appendix C for a copy of the Code.)

The Training Program. Portland State University (PSU) and the Training and Economic Development Center of Chemeketa Community College (CCC) are developing interpreter training programs. Both programs are in the planning stages. PSU's program will train potential interpreters in the ethical, substantive and legal issues related to interpretation, teach relevant legal and medical terminology and train different types of interpreters (e.g., business, medical or legal). CCC's program will exclusively focus on the ethical responsibility of translators and interpreters.

INTERPRETER FEES

In recognition of the new certification requirements and required training, the SCA is committed to raising the fees paid to certified court interpreters. The change is subject to the availability of funding.

JURY INSTRUCTIONS

The final piece of a quality control program for court interpreters relates to jury instructions concerning the use of an interpreter during trial. Effective court interpretation requires more than the presence of an interpreter who is a proficient bilingual speaker and understands her ethical responsibility to remain neutral. It also requires that the jury understand the interpreter's role. The jury must know that the interpreter is neutral and that it is not to give any greater or lesser weight to interpreted testimony. In the criminal context, the Oregon State Bar's (OSB) Committee on Uniform Criminal Jury Instructions drafted a model instruction for the use of an interpreter in a criminal case (*Use of an Interpreter*, Uniform Criminal Jury Instructions, No. 1001A (Oregon State Bar Committee on Criminal Jury Instructions 1994)). No similar instruction exists for use in civil trials. However, in March 1995, the bar asked the Committee on Uniform Civil Jury Instructions (UCJI) to consider the development of such an instruction.

Implementation Committee Proposal 1.1 The OSB should be encouraged to continue the process of developing jury instructions related to the use of an interpreter during civil trials.

Related Task Force recommendations: R 2-4, 2-5 and 2-6

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QUALITY CONTROL IN ADMINISTRATIVE HEARINGS

A PREFERENCE FOR CERTIFIED INTERPRETERS—SENATE BILL 864

Prior to 1993, the interpreter appointment process governing administrative hearings paralleled the process used for court proceedings. However, in response to the Task Force's findings, the 1993 legislature passed a law (ORS 45.273 to ORS 45.297) improving the process used in court that was not accompanied by a similar change in administrative tribunals. Because administrative hearings are much like court proceedings, it is important that parties in such hearings have the same procedural safeguards as are provided in court. Consequently, in this 1995 legislative session, the IC proposed Senate Bill (SB) 864 to establish a similar system of quality control in administrative hearings.

The IC had hoped to secure the passage of a bill authorizing the development of a distinct certification program for interpreters used in administrative hearings. The IC recognized that while similar in many ways, the knowledge needed to effectively interpret in court differs from that needed in administrative hearings (e.g., medical versus legal terminology). However, given the financial austerity of our state and the costs associated with developing a certification program, the IC settled on language ensuring that the administrative hearing appointment process contained a statutory preference for interpreters certified under ORS 45.291.

As an example of the IC's original goal, the State of California operates a tiered interpreter certification program with court certification representing the highest standard of qualification. The State Personnel Board (the Board) of the Executive Branch administers the certification program for agency interpreters. The Administrative Office of the Courts (AOC) of the Judicial Branch administers the court interpreter certification program. Each program is designed to be self-sustaining through the collection of fees.

The two California certification processes differ in the terminology tested and in the requirement that court-certified interpreters also meet certain continuing education requirements. Certification under the AOC's program authorizes an individual to interpret in both court and administrative proceedings. However, those certified under the Board's program cannot serve as certified interpreters in court. Court-certified interpreters pay only one certification fee. For more information, contact Ms. Sandy Claire at the Administrative Office of the Courts, Judicial Council of California, 303 2nd Street, South Tower, San Francisco, CA 94107, or by phone at (415) 396-9112.

Although SB 864 does not fully address the quality control issue in contested case hearings, it is an important first step. SB 864 requires the appointing body to use an interpreter certified under ORS 45.291 or an interpreter otherwise approved by the relevant agency administrator. The bill would establish a preference for court-certified interpreters, while also providing the agency the flexibility to use interpreters with a proven track record or to develop its own certification program.

In April 1995, the Senate Judiciary Committee provided SB 864 a public hearing. The Judiciary Committee disapproved of the requirement that the Department of Administrative Services (DAS) develop its own certification program. The IC responded to the Senate Committee's suggestions and made the necessary changes in cooperation with DAS. Senate Judiciary then provided the bill a work session, removed a subsequent referral to the Joint Committee on Ways and Means and approved SB 864 with a "do pass" recommendation for the Senate floor. On May 8, 1995, the Senate approved the bill with a vote of 26 ayes (four Senators were excused). On May 9, the Speaker of the House assigned the bill to the House Judiciary Committee. However, SB 864 did not pass because it remained in this committee upon the legislature's adjournment (see Appendix D for a copy of SB 864).

Three other entities are similarly concerned with the quality of interpreters used in administrative tribunals and accordingly submitted bills designed to address the issue. None of the bills was enacted. The bills are:

- HB 2441 (sponsored by Representative Avel L. Gordly)
- HB 2284 (sponsored by the House Interim Task Force on Hispanic and Migrant Issues)
- HB 3413 (sponsored by the Secretary of State, the bill addresses certification generally).

Implementation Committee Proposal 1.2. The standing implementation committee should continue to pursue legislative changes to improve the quality control process for interpreters used in administrative hearings.

Related Task Force recommendation: R 2-7

EXPANDING THE EXPLICIT PROVISION OF INTERPRETERS

- **The Problem:** Court-Annexed Arbitration & Mediation and Juvenile Proceedings
- **The Solution:** Senate Bill 865

THE PROBLEM

Court-Annexed Arbitration and Mediation. No explicit, statutory language guarantees the provision of interpreters to non-English-speaking parties in court-annexed arbitration and mediation proceedings. Regarding court interpreters in general, ORS 45.275 limits the appointment of interpreters to "any civil or criminal proceeding." ORS 36.420(3) governs the payment of arbitration expenses and authorizes a court to waive or defer arbitration expenses (which are then paid by the state) if the court finds that a party is "unable to pay all or any part of those . . . expenses." Although this language authorizes a court to provide an indigent person with an interpreter at the public's

expense, it does not clearly express a right to an interpreter or demonstrate the state's commitment to providing non-English-speaking persons the same access to arbitration services as English-speakers.

Regarding mediation, no similar language appears in the laws governing the mediation process (ORS 36.100 to 36.210). Although it is likely that courts, if necessary, would provide an interpreter to a non-English-speaker in court-annexed mediation and find a way to pay for it, the policy and right to such a service is not expressed clearly. The Task Force found the lack of an expressed right to interpreter services troubling both in terms of the public's perception of the justice system and in a non-English-speaking person's ability to successfully navigate these laws and identify and secure the right to state-funded interpretation services.

The Oregon Supreme Court Future of the Courts Committee underscored the importance of clarifying the state's policy in this regard by concluding that the use of alternative dispute resolution mechanisms was increasing and by noting that the presence of linguistic minorities in Oregon's courts was rising. Accordingly, the laws governing the appointment of interpreters and those regulating court-annexed mediation and arbitration must reflect the policy that all those seeking justice in Oregon's judicial system will be provided an interpreter if necessary.

Juvenile Proceedings. The statutory framework regulating the appointment of interpreters in juvenile proceedings presents a different dilemma: the right to an interpreter exists but it is limited. In the juvenile justice system, Oregon law only guarantees the provision of interpreters to those people who meet the statutory definition of "party." In the past, the definition captured all those who could be significantly involved in a child's life. However, with shifting demographic trends, the group of individuals who might influence a juvenile's life has expanded. Now, an uncle or a sister without custody or the title of legal guardian might in fact be the most influential person in a child's life. Consequently, the laws governing juvenile proceedings need to recognize this new circumstance by providing the right to an interpreter to those persons who have extended personal involvement with the child, or have been granted rights of limited participation, but do not fit within the current statutory definition of "party."

THE SOLUTION—SENATE BILL 865

In the 1995 legislative session, the IC drafted and introduced SB 865 to address these issues. SB 865 would have amended ORS 45.275 (interpreters) and ORS 419B.115 and 419C.285 (juvenile proceedings). Regarding ORS 45.275, SB 865 would have added explicit references to court-annexed mediation and arbitration to the general authorization to appoint interpreters "in any civil or criminal proceeding." In the juvenile context, SB 865 would have explicitly provided a right to an interpreter to "any person who . . . had extended personal involvement with the child." In April 1995, the Senate Judiciary gave the bill a public hearing and work session. The Senate Judiciary approved SB 865 with a do pass recommendation; however, due to an associated fiscal impact, the committee subsequently referred the bill to the Joint Ways and Means Committee. Unfortunately, SB 865 died in Ways and Means and thus was not enacted (see Appendix D for a copy of SB 865). House Bill 2441 addressed the same concerns but also failed to gain final legislative approval.

IMPLEMENTATION COMMITTEE PROPOSAL 1.3

The standing implementation committee should continue to pursue legislative changes in this area. The IC encourages all interested parties and organizations to coordinate with the standing committee to refine SB 865 and to prepare an effective advocacy campaign for the upcoming 1997 legislative session.

Related Task Force recommendations: 2-8 and 5-2

OTHER LANGUAGE SERVICES

- The Spanish Language Legal Network Directory
- The AT&T Language Line

THE SPANISH LANGUAGE LEGAL NETWORK DIRECTORY

The Spanish Language Legal Network publishes a directory of Oregon attorneys who speak Spanish. The Network designed the directory as a referral resource for non-English-speaking people. It contains the addresses, phone numbers and specialty areas of Spanish-speaking attorneys. The attorneys self-assess their Spanish speaking ability on a scale of 1 to 10. Persons may obtain the directory by writing: Spanish Language Legal Network, c/o Constance Crooker, Attorney at Law, 815 S.W. Second Avenue, Suite 500, Portland, OR 97204; or by phone at (503) 221-1792.

THE AT&T LANGUAGE LINE

In 1993, the Oregon Judicial Department made the AT&T Language Line available to trial courts statewide. The Language Line provides trial courts immediate access to interpreter services for over 155 languages, 24 hours a day. The process involves a conference or speaker phone call with an AT&T interpreter. All of the AT&T interpreters are tested and certified prior to serving as interpreters on the Language Line. The State Court Administrator did not provide the Language Line to replace live interpretation. It was intended to increase access to interpreter services at nontraditional work hours and for uncommon foreign languages. It can also serve as a cost effective means of interpreting noncomplex hearings or discussions.

IMPLEMENTATION PROGRESS "AT A GLANCE"

Rec. #	Description	Implementation Status
2-4	<ul style="list-style-type: none"> • Implement interpreter certification program. • Draft an interpreter code of ethics. 	<ul style="list-style-type: none"> • SCA is working with the National Center for State Courts and three other states to develop a shared testing program. In November, the E-Board approved \$40,000 for the program. First test administered in November 1995. • Code of Ethics approved on May 19, 1995.
2-5	Raise interpreter fees to \$32.50/hour for certified interpreters.	Requires internal policy change. SCA supports idea but it is subject to budget.
2-6	OSB Committee on Jury Instructions should draft instructions re: use of interpreted testimony.	<ul style="list-style-type: none"> • OSB Comm on Crim JI has drafted instruction for use in criminal context (see UCrJI No. 1001A). • OSB Comm on Civil JI is considering.
2-7	Governmental agencies should provide interpreters in administrative proceedings.	<ul style="list-style-type: none"> • SB 864 (not enacted). • HB 2441, sections 2 - 7 (not enacted). • HB 2284 (not enacted).
2-8	Interpreters should be provided in court supervised arbitration and mediation.	<ul style="list-style-type: none"> • SB 865 (not enacted). • HB 2441, section 1 (not enacted).
5-2	Interpreters should be provided to all non-English-speaking parents and care-givers in juvenile proceedings and for all encounters with juvenile system.	<ul style="list-style-type: none"> • SB 865 (not enacted). • HB 2441, sections 8 - 10 (not enacted).

TRANSLATIONS

The translation needs of the linguistic minority fall into three categories: the need for translated court forms; the need for translated information about legal rights and remedies; and the need for translated information about the judicial system. The Implementation Committee (IC) contacted all 36 state trial courts, a juvenile detention facility, five legal services offices, the Office of the State Court Administrator (SCA) and its Indigent Defense Services Division and the Oregon State Bar to determine and prioritize the needs of the non-English-speaking litigant regarding forms, court signs and information on court processes and legal rights and remedies. Through its research, the IC discovered several translation projects already underway and identified the forms and information most in need of translation. The IC also reviewed pamphlets produced by the Oregon State Bar, Oregon Legal Services, various trial courts and other jurisdictions describing the judicial system. The information from these entities provided a balanced perspective regarding the need and availability of certain forms and information. The committee's findings are described below.

COMMONLY USED COURT FORMS

- **The Forms**
- **Translation Obstacles**
- **Translation Strategy**
- **Translation Methods and Associated Costs**
- **Translating Court Signs**

In an ideal situation, all frequently used court forms would be available in the most common foreign languages. However, a lack of resources, the absence of a statewide certifying process for translated forms, the presence of ORS 1.150 which limited court documents to English (recently changed by legislation) and the fact that the state centrally produces only eight forms, has made it difficult for Oregon's judicial system to implement a large scale translation effort. Notwithstanding these obstacles, the Implementation Committee (IC) discovered that some segments of Oregon's judicial system have taken an important first step toward the realization of translating all commonly used court forms by recognizing, prioritizing and responding to the needs of its non-English-speaking consumers (see Appendix B for list of translated forms). Further, the IC and the SCA responded to the problem posed by ORS 1.150 by securing an amendment to the law this 1995 legislative session.

In this section, the IC makes recommendations to the SCA regarding a translation prioritization scheme which tags the forms most in need of translation. Through interviews with trial court administrators and the directors of legal services, the IC was able to identify the forms most often used in court and the most common legal problems faced by non-English-speaking individuals. This section also analyzes the two main obstacles to translation efforts (no certifying process and ORS 1.150), describes implementation efforts and recommends solutions.

THE FORMS

The important and immediate translation needs of the non-English-speaking litigant come within four categories: forms related to indigence; forms used by litigants who choose to represent themselves in civil matters (i.e., pro se); forms used by courts that inform criminal defendants of their rights and the court's decision and mandates; and forms used by courts to inform parties of

important appointments and their locations. The following nineteen forms were repeatedly mentioned by trial court administrators and legal service directors as forms most in need of translation. Following each list is a summary statement of the rationale behind the decision to place the form on the list. As a baseline rationale, the rate of use by non-English-speaking litigants played the most significant role in the listing of each form. The forms are not listed in order of priority.

Indigence Forms	Civil Forms (Pro Se)	Criminal Forms	Notices
<ul style="list-style-type: none"> • Affidavit of Indigence • Advice of Rights • Fee Deferrals • Claim of Exemptions <p><i>Rationale:</i> Many non-English-speaking litigants use these forms.</p>	<ul style="list-style-type: none"> • Restraining Orders • Summary Dissolution • Forcible Entry and Detainer • Small Claims <p><i>Rationale:</i> Not only do many non-English-speaking individuals use the above legal procedures, but they do so without the assistance of an attorney. Therefore, it is essential that they understand the documents.</p>	<ul style="list-style-type: none"> • Notice of Right of Appeal • Plea Petitions • DUII Diversion Forms • Traffic Tickets • Release Agreements • Fine Payment Schedules • Referrals • Conditions of Probation • Sentencing Judgment <p><i>Rationale:</i> The criminal justice system is experiencing more non-English-speaking defendants. These individuals need to understand their rights and the significant consequences associated with criminal prosecution and pleas. Further, so they can effectively follow the court's directions regarding the payment of fines and the conditions of release or bench probation, it is essential that non-English-speaking defendants are able to refer to the court's written instructions after leaving court.</p>	<ul style="list-style-type: none"> • Notices to Appear • Traffic Tickets <p><i>Rationale:</i> If a non-English-speaking person receives an English-only notice, they will likely not understand where they are to go and why. Moreover, a lack of understanding early on can lead to harsher problems further into the process. More severe consequences result in higher costs to the state and the individual, both of which could be avoided by the provision of translated forms.</p>

TRANSLATION OBSTACLES

No Certifying Process. Many trial court administrators noted that despite an increase in the use of their courts by non-English-speaking persons, they had either not implemented a translation effort or were reluctant to borrow translated forms from other courts because they were unsure of the quality of the language used in the translated document. In light of this valid concern, the IC proposes a centralized translation effort. The process is described in the next section.

ORS 1.150. Several trial court administrators also noted that ORS 1.150 hindered translation efforts because it provided that “every writing in any action . . . shall be in English.” While the IC believed ORS 1.150 did not limit the use of dual language forms, it worked with the SCA to develop section 1 of Senate Bill (SB) 192 to amend ORS 1.150. The amendment will permit the use of foreign language documents if the documents are accompanied by a certified English translation. Such documents will be subject to all relevant discovery rules. SB 192 passed both the House and the Senate, was signed by the Governor on June 5 and became effective on September 9, 1995 (see Appendix D for a copy of SB 192, section 1).

TRANSLATION STRATEGY—Implementation Committee Proposal 1.4

- **Centralized Translation Effort**
- **Reading Level**
- **Format**
- **Languages**
- **Forms Priority**
- **The Future of the Courts—Judicial Kiosks and OJIN**

Centralized Translation Effort. Centralized production of forms presents the cleanest method to monitor the quality of translated court forms. Further, most trial courts currently use the centrally produced Family Abuse Prevention Act and Summary Dissolution forms and those related to indigence. Consequently, many courts would likely use other centrally produced forms. Moreover, with the court’s unification in 1981, the centralized production of court forms makes sense because courts now operate under the same administrative guidelines. And finally, several trial court administrators noted their support of centrally produced and translated court forms. To provide for the high quality translation of important court forms, the IC recommends the SCA undertake following two actions:

1. **Centrally Translate and Produce More Forms.** Below, the report lists the eight forms produced by the SCA, none of which is currently provided in non-English languages. In the second subsection, the IC identifies the forms associated with small claims and Oregon’s forcible entry and wrongful detainer laws as documents the SCA should also centrally produce. In the last subsection, the IC recommends that the SCA adopt a translation policy for all forms it produces.
 - *Current Forms.* The SCA currently produces the following eight forms: (1) Instructions and Forms for Summary Dissolution of Marriage Procedure; (2) Abuse Prevention Act Instructions and Forms for Obtaining a Restraining Order; (3) Abuse Prevention Act Instructions and Forms to Modify (Change) a Restraining Order; (4) Abuse Prevention Act Instructions

and Forms to Renew (Continue) a Restraining Order; (5) DUII Diversion Petition and Agreement; (6) Uniform Marijuana Possession Diversion Petition and Agreement Form; (7) Advice of Rights Concerning Court-Appointed Counsel; and (8) Affidavit of Indigence and Request for Court-Appointed Counsel.

- *New Forms.* The SCA should also produce Small Claims Court forms and those associated with Oregon’s Forcible Entry and Wrongful Detainer laws—Complaint for Return of Personal Property (ORS 105.112), Complaint of Forcible Entry and Unlawful Detainer (ORS 105.125) and Answer to the Complaint (ORS 105.137). The centralized production of these forms is important because the unrepresented litigant uses the documents. Consequently, the quality of the forms must be ensured. Moreover, centralized production of the forms will ultimately make their translation easier. The SCA should also develop corresponding information packets.
 - *Translation Policy.* The SCA should make it standard practice to translate all forms and informational material it produces.
2. *Provide for Translation.* The IC is aware that many local courts have tailored documents to meet their specific needs. While the IC does not consider this the best policy, the SCA should develop a system that monitors quality. Regarding court forms not produced by the SCA that need translation, the SCA should provide for their high quality translation by developing a contracting program in which trial courts could either refer to a list of translator’s screened by the SCA or send their forms to the SCA for translation.

The SCA could link its need for a contracting program with a program being developed by the Department of Administrative Services’ (DAS) Foreign Language Translation Committee. The committee is designing a Request for Qualifications Questionnaire (RFQQ) which will serve as a screening device for potential translators. The committee will screen translators and place their names on a list that can be accessed by all public agencies for their translation needs. The RFQQ will consider cultural and language competency in its screening process. The list will identify a translator’s area of expertise (e.g., legal, medical, scientific or social service) and whether the translator can provide graphics, only a narrative or both. Contact Ms. Esperanza Garcia at (503) 978-3698 for more details.

Reading Level—Eighth-Grade. The reading level of all translated court forms should mirror the English versions. Any adjustments to reading level should occur first in the English versions. The translations will reflect the modifications. The IC recommends that the English version of all court forms, particularly the pro se forms, be written at an eighth-grade reading level to ensure that the information reaches the widest possible segment of the public without losing its substance. The IC recommends using the Fog Index (borrowed from Robert Gunning’s *Techniques of Clear Writing*) as a helpful and easy method for determining a document’s reading level. The process requires a writing sample of at least 100 words and involves three easy steps: (1) determine the average number of words per sentence; (2) count the number of words with more than three syllables; (3) add the results of steps one and two and multiply by 0.4. The resulting number is the writing’s Fog Index and corresponds to a reading grade level.

Format–Dual Language Forms. The IC recommends the creation of dual language court forms as opposed to the development of separate English and non-English documents. Dual language forms are more effective because English and non-English speakers can work from the same document rather than going between forms to ascertain the meaning of a document or a line within a document.

Languages. The SCA has identified 27 languages used in trial courts during the period from 1992 through 1994. The seven most common languages, in order of priority, are listed below. The IC recommends that all forms be translated into the seven most common foreign languages. However, in light of cost considerations, the IC recommends that at a bare minimum, the SCA translate forms into Spanish and Vietnamese.

1. Spanish
2. Vietnamese
3. Russian
4. Korean
5. Laotian
6. Cambodian
7. Chinese

Forms. The IC recommends that the SCA translate or provide for the translation of the nineteen forms listed under the “Forms” section above. However, if such an effort is hindered by a lack of funding, the SCA should, at a bare minimum, implement the following priority translation effort as funding permits.

- **PRIORITY ONE—*Obtaining, Modifying and Renewing a Restraining Order and Summary Dissolution Forms and Information Packets.*** The SCA already centrally produces the forms and corresponding information packets. All courts use these forms. All trial court administrators and legal service directors noted that many non-English-speaking people use the forms and highlighted that the forms are designed for the pro se litigant. Many trial court administrators have already translated restraining order petitions demonstrating the high translation need. The SCA produces the English versions and should guarantee and monitor the translation quality by also providing translated forms.
- **PRIORITY TWO—*Forcible Entry and Detainer (FED) and Small Claims Forms.*** The SCA does not centrally produce these forms, but should begin producing and translating them or provide for their high quality translation because the forms are for the unrepresented litigant. Moreover, all trial court administrators and the legal services directors noted that many poor, non-English-speaking litigants use FED and Small Claims forms. The SCA should ensure that such people have access to the associated legal remedies by providing high quality translations of each form.
- **PRIORITY THREE—*DUII Diversion.*** The SCA centrally produces this form; however, most trial courts have modified the SCA’s version. All trial court administrators noted that an increasing number of non-English-speaking individuals are becoming involved in the DUII diversion program. Further, the offender must refer to the form for directions after leaving the courthouse.

Because the SCA centrally produces this form, and due to its increased use by linguistic minorities, the SCA should prepare a translated version or provide for the translation of the various modified versions.

- **PRIORITY FOUR—*Plea Petitions, Notice of Right to Appeal, Conditions of Bench Probation, Sentencing Judgments and Appearance Notices.*** Although the SCA does not centrally produce these forms, the SCA should provide for their high quality translation because they inform the defendant of important rights, instruct the defendant on how to act after leaving court and inform the defendant when and where to appear in court. It is crucial to the effective administration of justice that non-English-speaking individuals understand this information.
- **PRIORITY FIVE—*Advice of Rights and Affidavit of Indigence.*** The Indigent Defense Services Division of the SCA currently produces these two forms. All trial court administrators and legal service directors noted that many non-English-speaking individuals use the forms. Moreover, several courts have translated the forms to meet a recognized linguistic need in their districts. However, the forms do not rank in the priority one category because many Indigent Verification Officers are bilingual and generally complete the affidavits in an interview fashion rather than the litigant completing the form herself. Nevertheless, the SCA centrally produces the forms and many non-English-speaking individuals use them. Consequently, the SCA should translate the forms to ensure quality and to meet the language needs.

The Future of the Courts—Judicial Kiosks and OJIN. The IC encourages the SCA to implement its vision of judicial kiosks which will provide computer-generated pro se forms in selected languages. The IC also encourages the SCA to ensure that the Oregon Judicial Information Network (OJIN) develops the capability to produce notices of court appointments in selected foreign languages.

TRANSLATION METHODS AND ASSOCIATED COSTS

As the examples in this section demonstrate, many translation methods of varying costs are available. Of course, with different methods come varying guarantees of quality; however, it is up to the entity responsible for providing translated forms to evaluate the best method based on cost and quality considerations. Listed below are four translation methods:

Professional Translation Service. These professional organizations provide translation services in many languages. The translators on staff are usually native speakers who have graduated from college in their native country. Some are accredited by the American Translators Association; however, the organizations do not rely solely on such an accreditation. They also require each translator to pass a test and evaluate the translator's resume before hiring the person to translate. The cost of translations can range from \$10 to \$100 per page depending on the job because the organizations offer a wide range of services. The services include translations, editing, graphic design and copying. For more information, contact European Languages Plus at (503) 224-2256.

Certified Court Interpreters. Many court interpreters who are certified by another state or the federal system also provide translation services. Some are accredited by the American Translators Association in addition to their court certification. Their services are limited to providing narratives.

The cost is generally \$.12 to \$.15 per word for legal and technical documents, and \$.10 to \$.12 per word for general writings. There is a \$50 per page minimum. For 1,000 words (roughly a four page document) the cost is \$120. Some interpreters may also request that they be paid the same hourly fee they receive when orally interpreting in court (e.g., \$25 per hour).

Bilingual Attorneys, Members of the Public and College Interns. Quite often, attorneys, members of the public or college students who are fluent in a foreign language are interested in participating in a translation project at little or no cost. The individuals come from a variety of backgrounds and may or may not be certified as fluent in a foreign language. However, organizations that employ such translation methods generally use these individuals to produce the bulk of the translated documents, and then ask bilingual staff members or certified court interpreters to edit the work.

Translation efforts in Marion County and at the Donald E. Long Juvenile Detention facility in Portland illustrate the cost effectiveness of this process. In Marion County a consortium of Spanish interpreters donated their services and translated 13 forms (see list in Appendix B). The Donald E. Long facility used a combination of a college intern and bilingual staff members to translate 36 forms and informational material into Spanish and Vietnamese for a total cost of roughly \$1,400 (see list).

Language Professors. Oregon has five major universities, each with language programs, which offer a rich pool of language resources. Language professors could provide a service much like that described immediately above. Their ability to speak, read and write the relevant language, as well as understand the culture is ensured due to their occupation. Entities in need of translation work could establish a relationship with the professors in which the professors provide editing or full translation services or refer language students to the entity.

TRANSLATING COURT SIGNS

Implementation Status. Several trial courts have translated signs of direction and “No Weapons” signs. The courts, and in some cases the counties, undertook the sign translation effort as part of an overall building resigning project. Using computer-generated placards, and court interpreters to translate, the courts were able to produce bilingual signs at a low cost. The most inexpensive sign translation project used plastic sign holders and computer generated directions. The holder contains the sheet of paper between its covers which allows for easy revisions.

- **Implementation Committee Proposal 1.5.** All trial courts with significant numbers of non-English-speaking individuals, at a bare minimum, should develop translated signs that direct non-English-speaking people to information desks or booths where bilingual staff, interpreter information or translated forms are available. Further, the committee recommends that the courts use plastic sign holders and computer-generated directions because this method is less expensive and allows for easy updates.

Related Task Force recommendations: 2-2 and 6-1

COURT SYSTEM AND PROCESSES—CREATING A MORE “USER-FRIENDLY” COURT

- **General Court Process Information**
- **Notice of Compliance and Reporting Forms under Oregon’s Workers’ Compensation System**
- **The Oregon State Bar’s “Tel-Law” Service and Other Informational Pamphlets**

For many non-English and English-speaking people alike, the court experience can be an intimidating and frightening one because they lack the knowledge to understand what is expected of them and what they can expect while in court. A reason for the lack of knowledge is that little information on basic court procedures and processes is available at courts around the state and of the informational material that is available, little is provided in foreign languages. The Task Force highlighted the need to create a more “user-friendly” court system by recommending the development and translation of an explanation of the court system and its processes. The explanation would ensure that all who come into contact with Oregon’s court system possess a better understanding of the process.

The Task Force further identified the Oregon State Bar’s “Tel-Law” and other legal information pamphlet service as valuable informational resources and encouraged the bar to translate more of this material. And finally, the Task Force also noted that non-English-speaking employees were not accessing the benefits of Oregon’s workers’ compensation system due to a lack of translated notice of compliance and injury reporting forms. The committee recommended that the state legislature amend the related laws to require the posting and provision of such forms in foreign languages. This section describes the implementation status of each recommendation and identifies the necessary additional steps, if any, for complete implementation.

Before addressing the three Task Force recommendations, this section discusses two important preliminary matters: the reading level of translations and necessary foreign languages.

- *Reading Level—Eighth-Grade.* The IC recommends that the English versions of information pamphlets or booklets be written at an eighth-grade reading level. The translations would mirror the reading level contained in the English versions. See the previous section’s “Translation Strategy” for information on how to determine a writing’s reading level.
- *Languages—Spanish and Vietnamese.* The SCA or other appropriate entity should translate the information into the same foreign languages used in the forms translations project. At a bare minimum, the information should be translated into Spanish and Vietnamese because these languages represent the two most common foreign languages used in Oregon’s court.

GENERAL INFORMATION REGARDING THE COURT SYSTEM AND ITS PROCESSES

Task Force Recommendation 2-1. The Task Force highlighted the need to create a simple explanation of the court system and its processes (both civil and criminal) that described the function and structure of the court system and the role of litigants and interpreters. It also recommended that the SCA create a corresponding videotape and translate both into the languages most commonly used in Oregon’s courts.

The Implementation Status. The Office of the State Court Administrator (SCA) supports recommendation 2-1. The SCA is committed to implementing a translation project regarding information on the court system and its processes during the upcoming 1995-97 biennium and plans to use the IC's following proposal to guide the translation project.

Implementation Committee Proposal 1.6: A Specific Blueprint for an Informational Booklet.

Through conversations with trial court administrators and the directors of legal aid organizations and a review of similar informational booklets from other jurisdictions, the IC has identified the following seven areas that, as a bare minimum, must be included in such a document.

1. **COURT SYSTEM'S STRUCTURE AND ROLE.** Information on the structure of Oregon's court system and the different roles of Oregon courts.
 2. **THE RIGHT TO AN INTERPRETER.** Information apprising a non-English-speaking person of her right to an interpreter in criminal and civil cases and how to assert that right.
 3. **TRAFFIC OFFENSES.** Information describing minor traffic infractions, DUII offenses and the offender's options.
 4. **THE PRO SE PROCESS.** Information concerning the small claims and forcible entry and wrongful detainer processes.
 5. **OTHER CIVIL PROCESSES.** Information on the civil process in which parties are represented by counsel.
 6. **CRIMINAL PROCESS.** Information on the criminal process that describes each step.
 7. **LEGAL ADVICE REFERRALS.** Information describing the Oregon State Bar's Lawyer Referral Service, legal aid organizations and other methods by which individuals can obtain legal services.
- ***Models from Oregon and Other Jurisdictions.*** The following four models demonstrate various methods to present general information on the court system's structure and processes. The IC recommends that the SCA model its brochure after the example from California because it describes six of the seven essential subject areas, is written at an eighth-grade reading level and addresses local, as opposed to national, processes. The IC recommends a modified organizational format in which, for example, information on interpreters is given its own chapter, rather than occupying a subsection of a chapter on the civil process. However, such formatting specifics are more properly left within the discretion of the publication's creator.
 - * **CALIFORNIA:** Central Orange County Municipal Court, *Welcome to Your Court* (1992). This 23-page document specifically relates to the Central Orange County Municipal Court. It provides the location and hours of the court, identifies parking facilities, and describes the traffic division, the criminal division, the civil division, the small claims division and legal advice referral service. It is written at an eighth-grade reading level and is available in Spanish. The right to an interpreter and how to exercise that right is described only in a

subsection of the chapter on the civil division. Oregon's informational booklet should highlight the right to an interpreter and the appointment process by designating a separate chapter for the information. Nevertheless, the words used and the organizational format provide a useful model for Oregon because it is written at an eighth-grade reading level and is formatted in an easy to read fashion.

- * OHIO: Lorraine Kardos, Portage County Municipal "Court Clips" Public Information Pamphlets (1994). This series of 25 informational pamphlets describes in very simple language topics ranging from traffic offenses to domestic violence. The pamphlets are written at a ninth-grade reading level and describe local Ohio law. The pamphlets would be useful to refer to when considering formats and language. Some of the pamphlets could be copied verbatim, with some minor changes for Oregon law.
- * OREGON: Office of the State Court Administrator, *The Courts of Oregon* (1987). This 11-page document describes the roles courts play in society, the different courts of Oregon, the election and removal of judges and the structure of the judicial system. It is written at a ninth-grade reading level. The SCA could use the sections on courts in society and the courts of Oregon for the informational booklet described above with minor rewrites to lower the grade level. The other sections do not contain information of high importance to the English or non-English-speaking individual who is unfamiliar with our system of justice. For example, such individuals do not need to know that Oregon's judicial system operates under a unified budgeting system to better understand why they are in court and what will happen to them while there.
- * NATIONAL: American Bar Association, *Law and the Courts—A Layman's Handbook of Court Procedures, with a Glossary of Legal Terminology* (1974). This 36-page booklet contains a chapter on civil cases, criminal cases, civil and criminal trials, the right to free press and a fair trial and a glossary. It explains the basic processes of court procedure and is designed to guide newspaper, radio and television news reporters and other non-lawyers. It is written at a twelfth-grade reading level.
- ***The Corresponding Videotape.*** Once the SCA completes the booklet, it should produce a corresponding version on videotape. At a bare minimum, the SCA should make the tape available in Spanish and Vietnamese. The cheapest method to complete such a project would be to place a court interpreter in front of a camera and have the interpreter read the translated copy. A more sophisticated method would be to enhance the text with pictures of the areas in a courthouse that are being described. For example, when the reader is describing the traffic process, the camera might shoot the traffic counter or the inside of a district or municipal court.

The SCA could complete the project by enlisting one of its own staff to direct the taping, seek volunteer assistance or employ a professional video production company. The IC recommends that the SCA employ a professional video production company because sound and visual quality is assured and the cost of a project in which the person simply reads the text is low. The costs listed below are based on a project in which the booklet is simply read and a complete reading takes no more than one hour. The costs associated with employing a professional company were obtained by contacting Allied Video Productions, 245 Division NE, Salem, Oregon, at (503) 363-7301. The SCA's Personnel Division has used Allied in the past for various training videos.

- SCA (In house): TOTAL = \$420
 - * video camera rental: \$35 per day.
 - * 3 master tapes (\$5 each) for each language: \$15
 - * Spanish and Vietnamese interpreter to read (\$25 per hour each for 2 hours): \$100
 - * 36 copies (\$7.50 each) for all 36 trial courts: \$270
- Allied Video Productions: TOTAL = \$1120 (reading only) to \$7,870 (reading and scenes)
 - * 3 low-end master tapes (reading only/in studio: \$250 per tape): \$750
 - * High-end (different scenes of court that correspond to chapter being read: \$2,500 per tape): \$7,500
 - * Spanish and Vietnamese interpreter to read (\$25 per hour each for 2 hours): \$100
 - * 36 copies (\$7.50 each) for all 36 trial courts: \$270

THE WORKERS' COMPENSATION SYSTEM

Task Force Recommendation 6-3. The Task Force found that the population of non-English-speaking citizens in Oregon is increasing rapidly. It also found that many non-English-speaking or English-reading workers in Oregon who are injured on the work site have no knowledge of workers' compensation benefits or their rights. The Task Force also found that ORS 656.056 and 656.265 (regulating the notice and claim form responsibilities of employers subject to Oregon's workers' compensation system) contained no provisions requiring subject employers to post foreign language notice of compliance forms or provide foreign language injury reporting claim forms. The Task Force recommended that the legislature amend ORS 656.056 and 656.265 to require subject employers to post foreign language notice of compliance forms and to provide foreign language injury reporting forms if available in the needed language.

Implementation Status—Senate Bill 867. The IC drafted and proposed Senate Bill 867 to ensure that linguistic minorities understood and could access their rights under Oregon's Workers' Compensation Act (the Act). The bill required subject employers to post notice of compliance forms and to provide report of injury claim forms in foreign languages if the employer had employees who did not speak or read English and if the Department of Consumer and Business Services had developed and made such forms available. SB 867 received a hearing before the Senate Committee on Labor and Government Operations. However, the bill did not pass out of committee, due in part to the business association's opposition to the bill. (See Appendix D for a copy of SB 867.)

Notwithstanding the legislative activity, the Department of Consumer and Business Services has already implemented a translation project to provide non-English-speaking employees with access to information about their rights under Oregon's workers' compensation system. The department created Spanish translations of the following four informational items:

- *A Guide to Oregon's Workers' Compensation System Benefits, Rights, and Responsibilities*
- *Directory for Workers' Compensation Questions*
- Information sheet on the Preferred Workers Program
- Information sheet on the Employer-at-Injury Program

Implementation Committee Proposal 1.7. The standing implementation committee should continue to pursue legislative changes to the workers' compensation laws to require subject employers to post notice of compliance forms and to provide report of injury claim forms in foreign languages. The committee should begin developing an effective legislative strategy for the upcoming 1997 legislative session.

OREGON STATE BAR'S "TEL-LAW" SERVICE & OTHER INFORMATIONAL MATERIAL

Task Force Recommendation 6-2. The Task Force noted that the Oregon State Bar provides a valuable resource to the citizens of Oregon with its "Tel-Law" tapes and legal information pamphlets. The Task Force also noted, however, that in order for the information to reach all of Oregon's citizens it must be available in foreign languages, as well as English. Accordingly, the Task Force recommended that the bar translate this information into the most common foreign languages spoken in Oregon.

The Implementation Status. The bar currently offers 96 English "Tel-Law" selections. It has translated 26 of the tapes into Spanish and 10 into Vietnamese. The public can access the "Tel-Law" service 24 hours a day, 7 days a week. The bar also provides the general "Tel-Law" information pamphlet which describes how to use the tapes in all three languages. The bar will provide the pamphlet to all entities that request one. The bar has not translated any of its thirteen informational pamphlets. However, in January 1995, the bar's Board of Governors added a charge to the bar's Public Service and Information Committee (PS&I) that required the committee to provide the Board with a recommendation regarding a translation and distribution program of the "Tel-Law" tapes and other informational material.

In accordance with its new charge, the PS&I Committee, in February 1995, stated its commitment to translating two new tapes on landlord and tenant law, and other currently available English tapes as resources would allow, into Spanish and Vietnamese. The committee also decided to translate two informational brochures—the "On Your Own" pamphlet and the "Handbook for Jurors"—into Spanish and Vietnamese. The "On Your Own" pamphlet is designed to aid young adults at the dawn of their independence and describes car insurance, voting and emancipation. The committee believed the pamphlet would be a valuable resource to young, non-English-speaking adults. The committee decided to translate the "Handbook for Jurors" into Spanish and other languages because of its relationship to recommendation 7-7 which encourages the bar to publicize the handbook and the importance of jury duty.

CONTACT NUMBERS

"Tel-Law" Contact Number:

Portland: (503) 620-3000

Other: 1-800-452-4776

Oregon State Bar General Information Number:

(503) 620-0222

- **Implementation Committee Proposal 1.8.** The IC supports the current efforts of the bar in this area. However, because research has demonstrated that many non-English-speaking individuals need translated information regarding the small claims and dissolution of marriage processes, the bar should also translate the “Small Claims Court” and “Dissolution of Marriage” pamphlets into Spanish and Vietnamese.

OTHER INFORMATIONAL RESOURCES

The Oregon State Bar’s Lawyer Referral Service (LRS). The LRS is a free service offered between 9 a.m. and 5 p.m., Monday through Friday. It helps callers identify their legal problems, what type of assistance they may need and refers them to participating attorneys who charge no more than \$35.00 for an initial consultation. A Spanish-speaking clerk is available to answer calls at all times. The LRS phone number is: Portland (503) 684-3764; for other areas in Oregon (800) 452-7636.

- **Implementation Committee Proposal 1.9.** The bar should also provide the recorded, informational phone message in Spanish because unless a LRS clerk immediately answers, the non-English-speaking caller will be greeted by an English-only message, not understand the information and may hang up. The portions of the recording which should be translated include the messages that tell the caller to stay on the line and that instruct the caller to have certain information ready when an LRS clerk answers.

Oregon Legal Services’ Translated Informational Booklets. As part of its Community Education Series, Oregon Legal Services (OLS) created and translated the following four legal informational booklets into Spanish:

- *Family Law in Oregon*
- *Landlord - Tenant Law in Oregon*
- *Unpaid Consumer Bills*
- *Unemployment Benefits*

Additionally, OLS provides Spanish translations of the following two informational pamphlets:

- “How to Get and Enforce a Restraining Order”
- “Problems with Serving Restraining Orders”

Finally, OLS Offices that represent non-English-speaking clients also have translated various internal forms and information sheets which apply to their relevant jurisdictions.

The Campaign for Equal Justice. In 1989, Oregon lawyers formed the Campaign for Equal Justice to raise funds for Oregon’s legal aid programs. The programs provide legal services to many non-English-speaking individuals. The lawyers formed the nationally acclaimed fundraising campaign in response to the steady erosion of federal funds for legal aid programs.

The Oregon Department of Justice. The Oregon Department of Justice (DOJ) provides a Spanish version of its booklet entitled *The Child Support Program in Oregon*. It can be obtained by calling DOJ’s Support Enforcement Division at (503) 378-4879.

Portland Police Bureau's Domestic Violence Unit. In April 1995, the Portland Police Bureau hired a Spanish-speaking outreach worker to work in its Domestic Violence Unit. The new employee will help Spanish-speaking victims of domestic abuse understand their rights and options under Oregon's Family Abuse Prevention Act. The bureau recognized that in Hispanic communities many situations of domestic abuse were going unresolved because victims were unaware of their options and uncomfortable around the police. The bureau created the new position to increase the Hispanic community's awareness and trust of the legal process. For more information, call Portland's Domestic Violence Reduction Unit at (503) 823-0961.

Related Task Force recommendations: 2-1, 6-2 and 6-3

IMPLEMENTATION PROGRESS "AT A GLANCE"

Rec. #	Description	Implementation Status
2-1	Judicial Department should prepare a document and videotape for the public that explains in simple terms the civil and criminal justice system. Both materials should be translated into most common foreign languages.	IC has developed a blueprint for an informational booklet and the SCA is committed to implementing a translation project during the 1995-97 biennium based on IC's recommendation.
2-2	<ul style="list-style-type: none"> • Commonly used court forms should be translated into other languages. • In counties with large numbers of non-English-speaking persons, court signs should be translated. 	<p>The IC has completed a survey of all 36 trial courts and five legal services offices regarding translation efforts, needs and concerns. The IC has developed a forms translation strategy based on the survey. The SCA is committed to using the IC's strategy to undertake a translation effort in the 1995-97 biennium.</p> <p>Regarding court signs, the IC discovered that many courts have Spanish/English "No Weapons" signs and some have bilingual signs of direction. The IC recommends that courts with high numbers of non-English-speaking consumers install translated signs that direct these individuals to bilingual staff or translated information.</p>
6-1	The Chief Justice should ask the appropriate body to consider a rule that would permit courts to accept foreign language documents if accompanied by certified English translations.	<ul style="list-style-type: none"> • SB 192, section 1 (Governor signed on June 5, 1995 and became effective on September 9).
6-2	OSB should translate "Tel-Law" tapes and other informational material into foreign languages and make these available in county courthouses.	<ul style="list-style-type: none"> • "Tel-Law" tapes: OSB currently provides Spanish and Vietnamese translations of tapes. It offer 96 English, 26 Spanish and 10 Vietnamese selections. The general "Tel-Law" information pamphlet provides information on how to use the tapes in all three languages. OSB plans to translate two additional tapes. • Informational material: OSB is planning to translate the "On Your Own" booklet and the "Handbook for Jurors" into Spanish and Vietnamese.
6-3	Legislature should amend the Oregon workers' compensation laws to require employers to post notices and provide forms in foreign languages if necessary and to extend notice provisions if such notices are not posted.	<ul style="list-style-type: none"> • SB 867 (not enacted). • HB 2440 (not enacted).

PUBLIC EDUCATION

The development of translated information on the court system is only one component of an effort to increase the understanding among minority and non-English-speaking communities about the court system and processes. An additional, and proactive, approach is necessary to educate those unaware of their legal options, particularly concerning the civil process, because many individuals who lack knowledge of civil remedies never make it to the courthouse or other institution where brochures or pamphlets might be available. The Task Force accordingly encouraged bar organizations and members of the bar to engage and educate minority communities on the civil justice system. As the following examples demonstrate, these entities understand the importance of such an effort and are committed to implementing various public education campaigns to ensure that such information is effectively disseminated.

PUBLIC EDUCATION EFFORTS

- The Office of the State Court Administrator
- The Oregon State Bar
- The Oregon State Bar New Lawyers Division
- The Multnomah Bar Association's Young Lawyers Division
- The Asian-Pacific American Lawyers Association
- The Street Law Program of Northwestern School of Law of Lewis & Clark College
- The People's Law School of the University of Oregon School of Law

The Office of the State Court Administrator. The Office of the State Court Administrator (SCA) has available for review an educational video presentation which was designed to explain the basics of the United States justice system to immigrants. In 1993, the American Judicature Society produced the video—*Through My Own Eyes: A Personalized Look at the United States*. A facilitator's manual accompanies the video. The Society developed it to educate recent immigrants or those who have lived in the United States for several years but, for cultural reasons, have not yet become socialized to our system of justice. The video and the presentation each require thirty minutes to complete. The video is available in 10 non-English languages (including Vietnamese and Spanish). The facilitator's guide is available only in English. The SCA encourages all interested entities to borrow the English version of the video presentation to determine if it is something they might find useful. For more information call (503) 986-5500.

The Oregon State Bar. In January 1995, the Oregon State Bar Board of Governors asked the Public Service and Information (PS&I) Committee to develop an implementation plan for a public education campaign concerning the civil justice system among minority communities. In February 1995, the PS&I Committee developed an action plan. It initially contacted several organizations that provide social services to minority communities to identify minority groups and distribution methods. The committee plans to meet with the identified groups to determine their outreach needs. The bar's Workers' Compensation Section has noted its interest in participating in the effort as well and in January 1995, appointed a subcommittee to examine the project. The PS&I is also initiating a general public relations campaign that will include televised public service announcements. The announcements will highlight volunteer activities of lawyers around the state.

As part of the bar’s general effort to educate the public about the civil justice system, its community service programs also address the need to educate minority communities. The programs include: “Tel-Law” tapes, Legal Information Pamphlets, Senior Law Handbook, Local Law Day Programming, Law Related Education Conference and the Speakers’ Bureau. The bar also sponsors a Mock Trial Competition and coordinated a youth-at-risk internship program this past summer. While these programs address the public education need, they also address recommendation 9-1 which encourages the bar to attract more Oregon minorities to the practice of law. Accordingly, these programs will be more fully discussed in chapter four.

Oregon State Bar New Lawyers Division. Since 1994, members of the Oregon State Bar New Lawyers Division have participated in a program aimed at high school students and designed to motivate them to stay in school. The volunteers conduct a one-hour presentation in high school classrooms showing the “Dropout Prevention” videotape and facilitating a follow-up discussion. Contact the New Lawyers Division of the Oregon State Bar at (503) 639-9713 for more information.

Asian-Pacific American Lawyers Association. The Asian-Pacific American Lawyers Association (APALA) plans to use the American Judicature Society’s video presentation—*Through My Own Eyes: A Personalized Look At the United States Justice System*—in a public education campaign among Asian communities.

The Street Law Program of Northwestern School of Law of Lewis & Clark College. The Street Law Program was designed to educate local high school students about basic legal rights and remedies. Law students participate as teachers in the program. They instruct two one-hour classes a week in local high schools.

The People’s Law School of the University of Oregon School of Law. The People’s Law School was designed to provide the local Eugene community with basic information on legal rights and remedies. Law students participate as teachers in the program.

Related Task Force recommendation: 6-4

IMPLEMENTATION PROGRESS “AT A GLANCE”

Rec. #	Description	Implementation Status
6-4	The OSB should engage in an intense public relations campaign in minority communities re: the civil justice system.	In February 1995, the bar’s PS&I Committee developed an action plan concerning how best to implement the recommendation.