



OREGON JUDICIAL DEPARTMENT LANGUAGE ACCESS PLAN

*A Strategic Plan for Implementing
Enhanced Language Access in the Oregon State Courts*



Cover photo: Image of the Oregon Supreme Court Building

COURT LANGUAGE ACCESS SERVICES
Oregon Judicial Department
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PURPOSE

The OJD Language Access Plan (LAP) is a management document that outlines how the Oregon Judicial Department (OJD) allocates and regulates its resources, services, and administrative operations to maintain compliance with federal and state language access requirements. The LAP also provides a framework for engaging in the continuous improvement of access to courts and operations, and in enhancing the integrity of OJD's communications and proceedings for the limited English proficient (LEP) individuals within its jurisdiction.

PLAN MAINTENANCE

The State Court Administrator's Court Language Access and Services program prepared this LAP. The manager of the Court Language and Access Services program will update the LAP on a biennial basis for necessary changes and substantive milestones. Comments or questions about this LAP or on the operations of the Court Language and Access Services program may be sent to:

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The Court Language Access Services webpage can be accessed through the following link: <http://courts.oregon.gov/CLAS>

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1| Policy Directive and Legal Basis

Oregon Judicial Department (OJD) is dedicated to providing limited English proficient (LEP) court users with meaningful language access to court programs and services. The OJD Language Access Plan (LAP) documents initiatives of the State Court Administrator (SCA) to ensure access and serves as a blueprint for future efforts. OJD complies with all federal statutory requirements and Oregon Revised Statutes (ORS).

1.1 Federal Laws

Relevant federal laws include Title VI of the Civil Rights Act of 1964,¹ the Omnibus Crime Control and Safe Streets Act of 1968,² (Safe Streets Act) and Executive Order 13166.³ Section 602 of Title VI of the Federal Civil Rights Act of 1964, 42 U.S.C. 2000d states:

“No person in the United States shall, on the ground 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.”

As a recipient of direct and indirect federal funding, OJD provides language access for the public, for parties, for victims in certain stages of proceedings, and for certain persons in juvenile proceedings in accordance with applicable laws.

1.2 Oregon Statutory Authority

Oregon Revised Statutes, chapter 45, ([ORS chapter 45](#)) is the main chapter providing authority for language access. ORS 45.273 as the state’s policy provides:

“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.”

¹ 42 U.S.C. §2000d

² 42 U.S.C. §3789d(c)

³ Exec. Order No. 13, 166, 65 FR 50121(2000)

In Oregon, court interpreting services are provided free of charge to LEP parties, victims, and certain persons in juvenile proceedings per state law.

1.3 Compliance Standards

In 2011, the National Center for State Courts (NCSC) addressed the legal obligations underlying the state courts' responsibilities to meet the needs of LEP individuals.⁴ According to NCSC's legal analysis, state courts are obligated to provide necessary and reasonable language access services based on four levels of authority:

- 1) Title VI and the Safe Streets Act of 1968,⁵
- 2) US Department of Justice (USDOJ) rules and regulations,
- 3) USDOJ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting LEP persons (2002),⁶ and
- 4) USDOJ Assistant Attorney General's Letter to State Chief Justices (August 16, 2010).⁷

2| Needs Assessment

2.1 Data on Limited English Proficient Persons

Unless otherwise noted, OJD uses US Census data (<http://www.census.gov>) for Oregon demographic information. Much of the specific annual LEP data comes from the US Census' American Community Survey (ACS).⁸

2.2 Population

According to the ACS, an LEP person is someone five years or older who speaks English less than "very well." In 2014, the estimated population of Oregon was 3,900,343, and 6.1% of the population identified themselves as LEP individuals. Over 60% of all Oregon LEP individuals reside in just five counties: Marion, Multnomah, Washington, Clackamas, and Lane. Table 1 shows the highest LEP populations by county.

⁴ NCSC, Title VI Considerations in State Courts Providing LEP Services (2011), <http://www.ncsc.org/~media/Files/PDF/Conferences%20and%20Events/Language%20Access/Briefing%20Paper-Title%20VI%20Requirements%20for%20Individuals%20with%20LEP-Feb28-11.ashx>

⁵ 42 U.S.C. §2000d and 42 U.S.C. §3789d(c)

⁶ 67 FR 41455 (June 18, 2002)

⁷ Thomas Perez, USDOJ, http://www.lep.gov/final_courts_ltr_081610.pdf

⁸ US Census Bureau, American Fact Finder, 2010-2014 5-Year Estimates

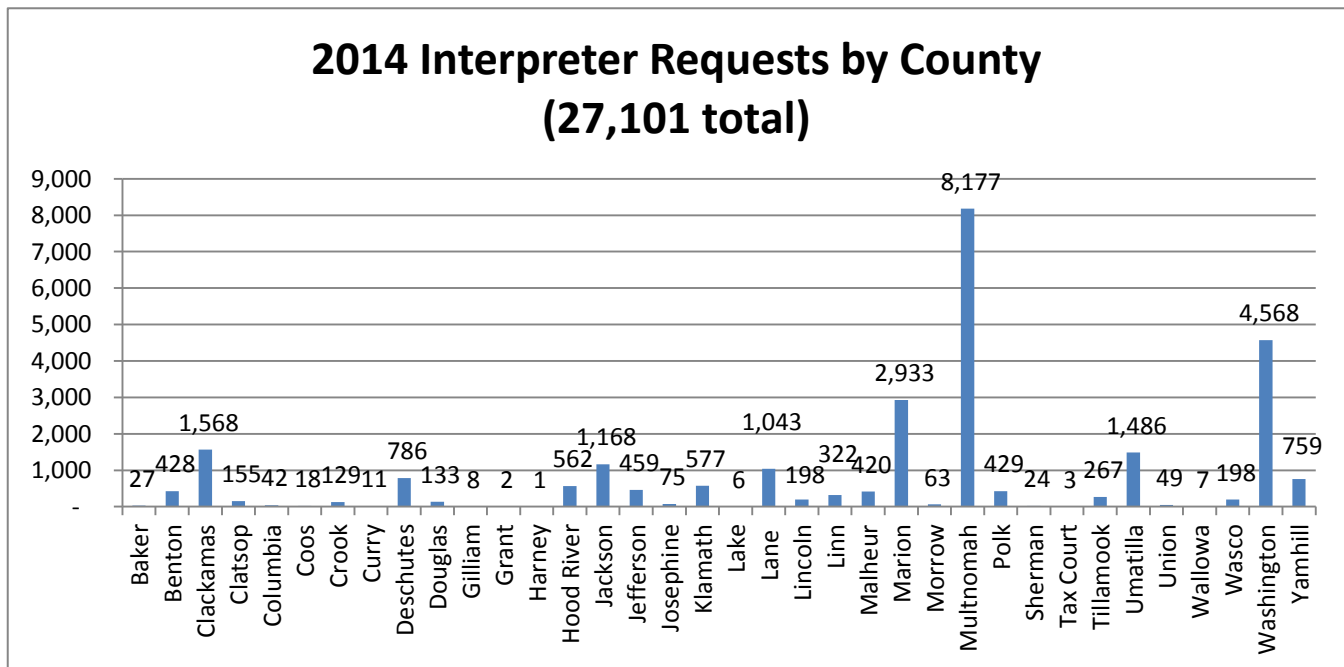
Table 1 – 2014 LEP Populations by County⁹

	2014 LEP Population	2014 County Population	% of County Population Identified as LEP
Multnomah County	66,175	711,200	9.30%
Washington County	47,624	510,100	9.30%
Marion County	31,994	297,593	10.80%
Clackamas County	16,687	363,666	4.60%
Lane County	10,029	336,950	3.00%
Jackson County	6,885	194,614	3.50%
Umatilla County	6,488	71,077	9.10%
Yamhill County	5,870	94,440	6.20%
Deschutes County	3,874	153,966	2.50%
Clatsop County	3,157	35,296	3.60%
Polk County	3,084	71,862	4.30%
Hood River County	2,985	21,104	14.10%
Benton County	2,914	82,342	3.50%
Malheur County	2,843	28,570	10.00%
Linn County	2,471	110,856	2.20%
Klamath County	2,079	62,144	3.30%
Wasco County	1,880	23,831	7.90%
Morrow County	1,530	10,428	14.70%
Lincoln County	1,482	43,818	3.40%
Douglas County	1,050	101,694	1.00%
Jefferson County	1,020	20,318	5.00%
Josephine County	824	78,852	1.00%
Coos County	765	59,598	1.30%
Tillamook County	621	24,067	2.60%
Columbia County	608	46,701	1.30%
Union County	365	24,196	1.50%
Crook County	251	19,885	1.30%
Baker County	202	15,242	1.30%
Lake County	158	7,546	2.10%
Harney County	131	6,885	1.90%
Curry County	110	21,332	0.50%
Grant County	68	6,993	1.00%
Wallowa County	40	6,553	0.60%
Sherman County	28	1,690	1.70%
Wheeler County	17	1,308	1.30%
Gilliam County	3	1,819	0.20%

⁹ US Census Bureau, American Fact Finder 2010-2014 5-Year Estimates

Chart 1 provides data on where OJD uses court interpreters most frequently.¹⁰

Chart 1



2.3 Internal Needs Assessments

OJD conducted several internal and external language access needs assessments between 2010 and 2015.

External Users' Feedback and Surveys

Outside Interpreters – Feedback

In 2013, OJD held a continuing education event with interpreters to discuss the court's responsibility to provide access to LEP customers and to gather feedback about potentially unmet language needs. Interpreters discussed the need for improved services at courthouse counters and the unique needs of self-represented litigants. Interpreters committed to assisting OJD in conducting customer service surveys with LEP court users.

LEP Court Users – Surveys

Between May and September 2014, OJD collected more than 330 surveys measuring LEP court customers' satisfaction with OJD language services.¹¹ LEP speakers of 30 different languages responded to the survey.

¹⁰ Wheeler County had 0 requests for interpreters.

¹¹ An NCSC Technical Assistance Grant supported the survey development and analysis.

Table 2 – OJD LEP Customers’ Top Five Language Concerns

Concerns
1. Limited availability of bilingual staff and services
2. General customer service issues
3. Locating the courthouse or offices
4. Limited bilingual signage, forms, documents
5. Interpreter-specific procedures

Internal Users’ Surveys

OJD Judges and Employees

In 2010, OJD judges and employees responded to a survey to solicit ideas to improve overall OJD efficiency and productivity.¹² The top five suggestions related to language access are listed in Table 3 below.¹³

Table 3 – OJD Language Access Suggestions

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

Trial Court Administrators – Feedback

In 2013, OJD trial court administrators (TCAs) learned about the legal basis for language access services and provided feedback about common circuit court language access needs.

Table 4 – TCA’s Language Access Priorities¹⁴

Priorities
• Use technology to improve services.
• Provide universal courthouse signs and posters.
• Provide multilingual “I Speak Cards” for LEP customers.

¹² 2010 Court Re-engineering and Efficiency Work Group Survey

¹³ Top non-language concerns from the survey are not reported here.

¹⁴ Fall 2013 Trial Court Administrator and Division Director Meeting

Court Language Access Services (CLAS) Personnel – Feedback

In 2013, Court Language Access Services' (CLAS) staff discussed barriers to language access in the courts. Staff interpreters, schedulers, analysts, and support staff noted, among others, the special service needs of illiterate and self-represented LEP parties.

OJD Judges & Managers – Survey

In 2015, judges, TCAs, senior managers, and division directors responded to a survey regarding OJD access and fairness, in general. They listed interpreter services in the top five OJD access concerns to address improvement of services.

Table 5 – Access and Fairness Priorities¹⁵

Priorities
1. Non-represented litigants
2. Staff education
3. Customer service
4. Judicial education
5. Interpreter services

2.4 The USDOJ Four Factors in Oregon

In its national enforcement role, the United States Department of Justice (USDOJ) revised its Language Assessment and Planning Tool (Planning Tool), in 2014.¹⁶ The Planning Tool is a resource for state programs receiving federal funds. OJD used it to develop LAP goals that:

- identify LEP individuals who need assistance,
- provide language assistance measures,
- train staff,
- provide notice to LEP persons of the availability of language services, and
- monitor and update the LAP.

OJD's responses to the Planning Tool's checklist can be found in Appendix IX.

The USDOJ also recommends recipients of Federal funding follow four factors when developing LAPs:

- 1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program,

¹⁵ Fall 2015 Survey by the OJD ad hoc Access and Justice Committee

¹⁶ http://www.lep.gov/resources/courts/022814_Planning_Tool/February_2014_Language_Access_Planning_and_Technical_Assistance_Tool_for_Courts_508_Version.pdf

- 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.

OJD carefully considered the four factors and needs assessment results to incorporate strategies for improvement in its LAP.

Factor 1: Oregon’s LEP population eligible to be served or likely to be encountered by OJD:

Because 6.1% of Oregon’s population is LEP (see [Section 2.2](#)), a substantial proportion are eligible or likely to be served by court programs. Table 6 shows the top ten languages, other than English, spoken in Oregon homes. It also shows how many foreign language speakers identified themselves as LEP in 2014.¹⁷

Table 6 – Oregon’s 2014 Top 10 Household Languages and LEP Individuals

Language	Individuals Who Speak a Foreign Language at Home	Household LEP Individuals
1. Spanish	324,212	140,093
2. Chinese ¹⁸	27,401	13,886
3. Vietnamese	24,365	15,643
4. Russian	22,786	9,547
5. German	14,176	1,459
6. French	10,912	1,241
7. Korean	10,805	5,322
8. Japanese	9,610	3,036
9. Tagalog	9,361	2,866
10. Arabic	7,316	2,610

Over 180 languages have been interpreted for Oregon LEP court users since 1996. In 2015 the top ten court interpreted languages were:¹⁹

- | | |
|---------------------------|---------------|
| 1. Spanish | 6. Arabic |
| 2. American Sign Language | 7. Mandarin |
| 3. Russian | 8. Somali |
| 4. Chuukese | 9. Korean |
| 5. Vietnamese | 10. Cantonese |

¹⁷ US Census language data questions require respondents to rate their own English-speaking ability based on their own perceptions of their abilities.

¹⁸ The US Census codes 381 languages and language groups. “Chinese” is reported as one language group, although at OJD it is differentiated into Cantonese, Mandarin, etc.

¹⁹ Rankings are based on OJD language expenditures.

Factor 2: The frequency with which Oregon LEP persons come in contact with OJD:

Most circuit courts see a higher frequency of LEP court users in criminal, family, small claims, and traffic cases. As shown in Table 7, the number of court interpreter requests in Oregon Circuit Courts remains steady.

Table 7 – 2009-2014 OJD Circuit Court Requests for Interpreter Services

Year	Interpreter Requests
2009	28,063
2010	27,475
2011	27,013
2012	26,685 ²⁰
2013	26,183
2014	27,101
2015	32,815 ²¹

Factor 3: The nature and importance of OJD court proceedings, services, and activities:

Court proceedings are critical and compulsory for many case types. The courts are often the last means available to parties to resolve a dispute.

Factor 4: The resources available to the program and cost-benefit analysis:

As a state-funded branch of government, OJD has access to resources of the state, subject to spending authority granted by the legislature. Due to limited state funds, 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. Interpreter requests for out-of-state rare language interpreters in several locations may be scheduled on particular days of the month to bundle travel and reduce costs. For example, a Chuukese interpreter flying in from Hawaii may serve three different metro-area courts in a single day, to avoid multiple flights from Hawaii.

The use of remote interpreting by video or telephone is another centralized scheduling resource to provide efficient and high quality services. See [Section 4.5](#) for additional remote interpreting information. Descriptions of direct service delivery methods, and staff roles are detailed in [Section 4.0](#).

²⁰ Interpreter requests decreased slightly in 2012 and 2013 due to case filing fluctuations and changes to immigration patterns related to the economy.

²¹ Requests increased with the implementation of the Odyssey case management system, capturing more accurate data.

2.5 Performance Measures

Performance measures can also indicate OJD language access compliance. In 2014, the National Center for Access to Justice (NCAJ) assigned Oregon a “Justice Index” ranking of 95.8% for serving LEP customers.²² NCAJ based the ranking 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.

OJD reports on compliance with accessible interpreter services goals to the Oregon State Legislature.²³ OJD established a performance measurement goal of 95% accessibility in 2008. Since 2010, OJD has exceeded that goal, consistently reaching 99% accessibility.

3| OJD Management and Governance

3.1 Organization

OJD is a statewide, unified court system with over 190 judges and more than 1600 full- and part-time staff. Oregon state courts include the Supreme Court, Court of Appeals, Tax Court, and 36 circuit courts in 27 judicial districts. OJD includes the Office of the State Court Administrator and several judicial branch programs.

Chief Justice of the Oregon Supreme Court

The Chief Justice of the Oregon Supreme Court is the administrative head and chief executive officer of OJD. The Chief Justice supervises the state court system, makes rules, and issues orders to carry out the duties of the office. The Chief Justice appoints the Chief Judge of the Court of Appeals, State Court Administrator, and the presiding judges of the state trial courts. The Chief Justice also adopts rules that establish procedures for all state courts and supervises the statewide fiscal plan and budget for all state courts.

Oregon Supreme Court Chief Justice Strategic Plans

The five enduring goals of OJD’s past and present Strategic Plan are: 1) Access, 2) Trust and Confidence, 3) Dispute Resolution, 4) Partnerships, and 5) Administration. The 2014-2019 Chief Justice’s OJD Strategic Plan includes “Access to Justice” goals and strategies to “Improve Limited English Proficient Person Services” and “Improve ADA Accommodations and Services” (see [Appendix I](#)).

²² Source: www.justiceindex.org

²³ Accessible interpreter services are defined as the percentage of dollars spent on certified outside interpreters out of total expenditures.

Presiding Judges and Trial Court Administrators (TCAs)

The Chief Justice appoints a presiding judge in each judicial district for a two-year term. The presiding judge has general administrative authority and supervision over the district. The presiding judge assigns the workload, makes rules, and issues administrative orders. Each district also has a trial court administrator (TCA) to help the presiding judge manage the court's operations and local budget. Judges and TCAs are active participants in the statewide policy development process.

Court Re-engineering Workgroup (CREW)

In 2010, the Oregon Chief Justice appointed the Court Re-engineering Workgroup (CREW), an internal workgroup, to consider necessary re-engineering for court efficiencies. The workgroup conducts ongoing research and identifies efficiencies and innovations that cut costs, improve productivity, and enhance court services. CREW follows four guiding principles: 1) promote convenience for litigants, 2) reduce cost and complexity of judicial processes, 3) maintain or improve access to justice, and 4) improve case predictability. CREW identifies the use of technology for enhanced language access (see [Appendix II](#)).

Oregon Supreme Court Council on Inclusion and Fairness

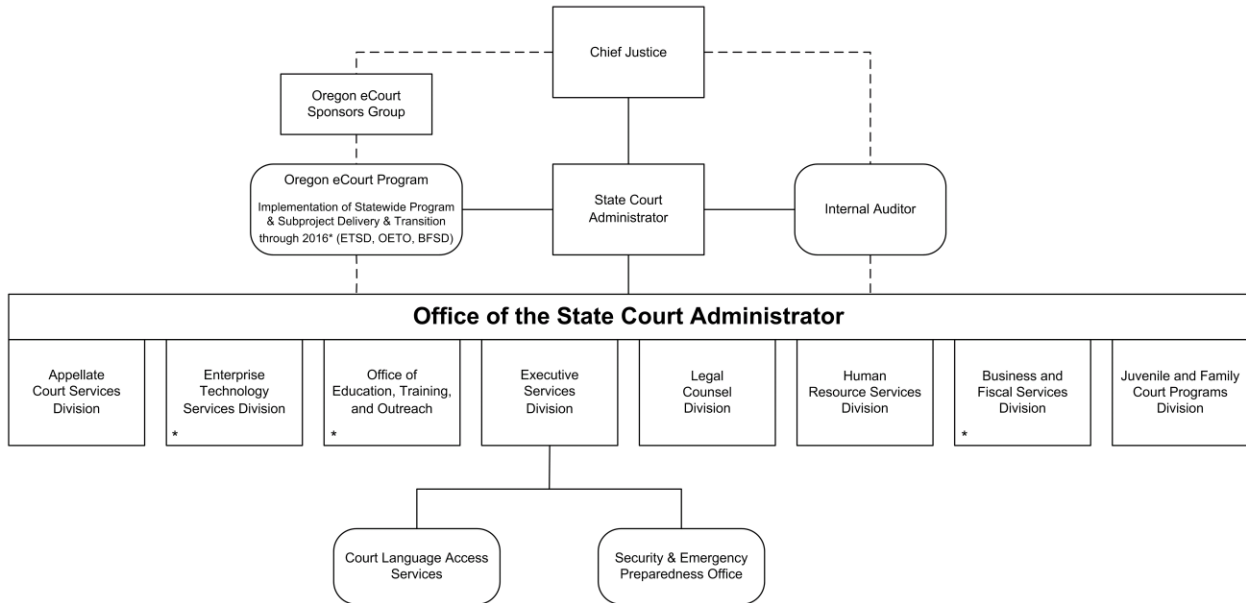
The Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System (Task Force) met from 1992-1994 and implemented 72 recommendations. In 1997, the Chief Justice established the Access to Justice for All Committee. The committee's task was to pursue and coordinate implementation of the recommendations of the Task Force, the Oregon Supreme Court Implementation Committee, and the Oregon Supreme Court/Oregon State Bar Task Force on Gender Fairness (see [Appendix III](#)). The Access to Justice for All Committee was suspended in 2009 due to budget cuts. In 2015, the Chief Justice appointed an ad hoc committee to research current OJD access issues and to make recommendations regarding the feasibility of reconvening the committee. In 2016, the Chief Justice created the Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF).

3.2 Office of the State Court Administrator (OSCA)

The Chief Justice of the Supreme Court appoints a chief administrative officer whose title is State Court Administrator (SCA). The SCA oversees all statewide administrative and executive operations of the state trial and appellate courts, and several statutory programs, including the foster care review program. The SCA carries out these responsibilities through the OSCA division directors and program managers (see Chart 2 below). OSCA promotes efficient, statewide improvement and supports local courts in responding to community and statewide needs.

Chart 2

OFFICE OF THE STATE COURT ADMINISTRATOR (Organization Chart) (January 2016)



Accommodations Under the Americans with Disabilities Act (ADA)

OJD is dedicated to providing equal access to court programs and services for people with disabilities. Persons with disabilities make accommodations requests directly to the OJD court or office that provides the service, program, or materials. Every court has an on-site ADA coordinator who responds to requests from persons with disabilities. The SCA has a staff person in OSCA appointed as the Statewide ADA Coordinator. The Statewide ADA Coordinator provides training to new employees and technical assistance to on-site local court ADA Coordinators, TCAs, and judges.

Court Language Access Services (CLAS)

Established in 1995, CLAS (formerly called Court Interpreter Services) provides language interpretation and translation services and trains and tests interpreters for court interpreting. CLAS is part of the Office of the State Court Administrator and offers language services, interpreter certification, technical assistance to local courts, and educational outreach to LEP communities and judicial system partners. Activities are prioritized based on the 2014-2019 Chief Justice’s OJD Strategic Plan goals to “Improve Limited English Proficient Person Services.” CLAS activities are reported each year in an Annual Report, available on the OJD CLAS website, <http://courts.oregon.gov/CLAS>. [Section 4.0](#) contains detailed descriptions of 23 CLAS staff members’ duties and an explanation of how direct services are delivered.

3.3 Budget

In 1991, statute established language and ADA access funds for the provision and payment of services including sign language interpreters, real-time reporters, assistive devices, and foreign language interpreters where the court is required by statute to uphold any disabled or LEP persons' access to court services. These access funds are part of the General Fund Mandated Payments account which finances all costs associated with the administration of the trial and grand jury systems and federally and other legislatively mandated costs. Legislators consider access services in the budget development process for each Oregon Legislative session. OSCA monitors the budget to see if changes are needed in mandated funding levels and may request modifications every two years from the legislature, through submission of the Chief Justice's Recommended Budget.

Additional funding sources for improved access services may come from grants. In 2013, OJD received a State Justice Institute (SJI) Technical Assistance Grant to develop court counter tools to improve language access in two pilot courts. In 2014, OJD received an NCSC Technical Assistance Grant to survey LEP court customers on their experience in the courthouse (see [Section 2.3](#)). The Statewide Grants Coordinator in the OSCA Business and Fiscal Services Division provides technical assistance to ensure that OJD grantees meet policy and financial grant requirements.

3.4 State Court Administrator Language Access Policies

OJD enacted various policies and protocols to enhance language access in the courts. The Code of Professional Responsibility for Interpreters in the Oregon Courts (1995) is comprised of 11 canons describing the interpreter's role as an officer of the court. It is binding on all interpreters who provide services in the courts or in adjudicatory proceedings before state agencies (see [Appendix IV](#)).

In 1999, the SCA published the State Court Administrator Policies for the Oregon Judicial Department's Oregon Certified Court Interpreter Program (SCA Policies), see Appendix V, [Link to SCA Policies](#). The policies fulfill the requirements in ORS 45.291 to establish a program for the certification of court interpreters. In 2012, the SCA revised the policy to add a new category of certificate, the Oregon Registered Interpreter Credential, and expanded the Oregon Court Interpreter Certification languages to include American Sign Language.

3.5 National Policy Participation

Several national organizations' collaborative efforts assist in facilitating the development of language access.

Council of Language Access Coordinators (CLAC)

In 1995, Oregon was a founding member of the Consortium for State Court Interpreter Certification, renamed and reorganized as the Council of Language Access

Coordinators (CLAC) in 2012. The purpose of the group is to establish national standards for court interpreting, share costs in funding interpreter examination development, and expand the number of languages for which there is a court certification examination. CLAC membership includes all 50 states and four territories. The National Center for State Courts (NCSC) maintains court interpreter examinations, trains examination raters, facilitates judicial language access planning policy, and provides research and expertise to members. The OJD CLAS manager serves as one of three state liaisons on the Language Access Advisory Committee, a joint committee of the Conference of State Court Administrators and the Conference of Chief Judges.

National Summit on Language Access in the Courts

In 2012, OJD sent representatives to the National Summit on Language Access in the Courts. Participants from 49 states, three territories, and the District of Columbia discussed language access issues and developed draft language action plans. The Summit produced nine action steps for improving language access, published in *A National Call to Action* (see [Appendix VI](#)).

Other Organizations

OJD provides feedback on policy and publications when requested, including the 2010 American Bar Association's *Standards for Language Access in Courts* (see [Appendix VII](#)), and the COSCA White Paper on Court Interpretation: Fundamental to Access to Justice (see [Appendix VIII](#)). OJD follows national interpreter best practices through publications of the Registry of Interpreters of the Deaf (RID), the National Association of Judicial Interpreters and Translators (NAJIT), the American Translator Association (ATA), and the National Consortium of Interpreter Education Centers (NCIEC).

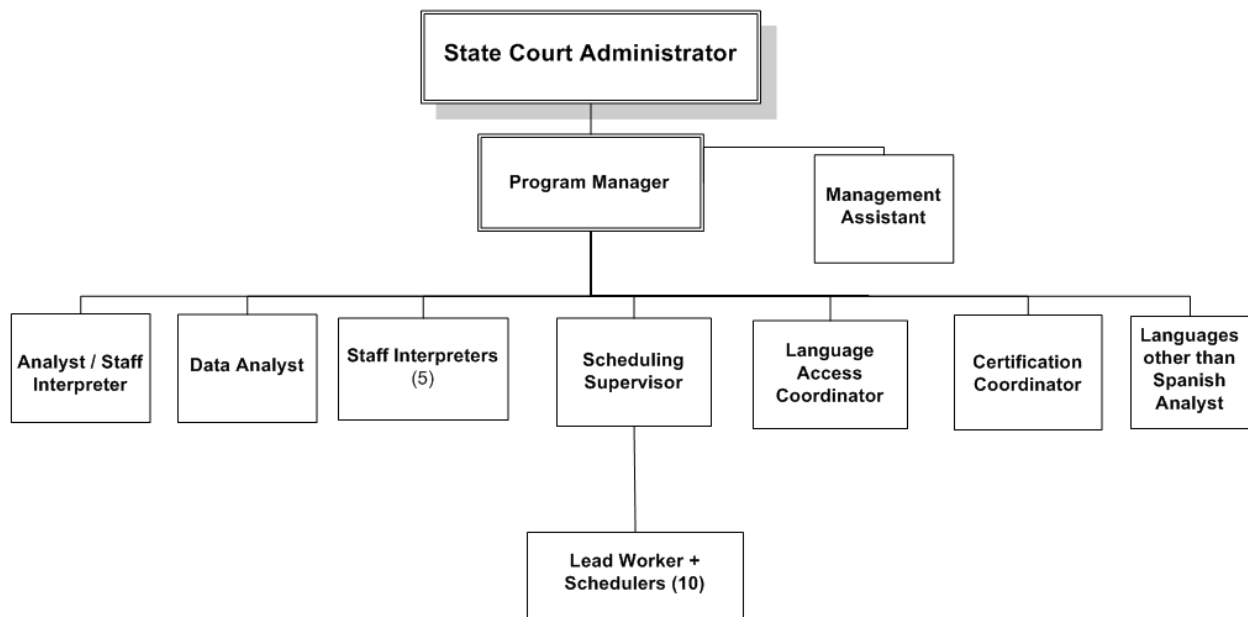
4| Language Access Services & Resources

OJD recognizes that individuals at all levels of the department are critical in providing access to justice.

4.1 OJD Court Language Access Services Staff

Chart 3

Court Language Access Services



Program Manager

The CLAS Program Manager oversees the daily operations and budget of statewide language access services. The manager supervises 22 staff and determines where to send interpreters and equipment to maximize efficiency to serve LEP court users. The manager works closely with TCAs, interpreters, judicial system partners, court staff, judges, and the LEP community. The manager works to resolve language access complaints within OJD.

Interpreter Analyst

The OJD Interpreter Analyst is responsible for observing and evaluating the use of interpreters. The analyst periodically assesses interpreters' skills for quality and mentors interpreters in the courtroom. The analyst investigates and manages initial protocol and ethics complaints.

Staff Interpreters

Staff interpreters are Oregon Court Certified interpreters whose primary duty is to interpret in state court proceedings. Interpreters also provide expertise on diverse language and data projects, make written translations and promote the consistent use of Oregon Spanish legal terminology in court interpretations. Interpreters assist with continuing education programs and mentor or observe interpreter colleagues. Interpreters may perform scheduling duties, collect data, and provide bilingual assistance at OJD court counters. In fiscal year 2014, CLAS had 4.0 FTE Spanish staff interpreters and 1.3 FTE ASL staff interpreters.

Language Access Coordinator

The OJD Language Access Coordinator implements and reports on tasks identified in OJD's LAP. The Coordinator manages language access grants and promotes technology initiatives to improve language services. The Coordinator evaluates the use of interpreters in the state courts, manages statewide translation projects, and improves local procedures, resources, and public relations with the courts and local LEP communities.

Supervisor & Judicial Support Specialists III (Schedulers)

The CLAS supervisor provides structure for daily business operations related to interpreter scheduling, including supervising nine schedulers. The supervisor responds to and implements solutions to emerging interpreting issues from the court, attorneys, outside interpreters, and staff. Schedulers receive and assign more than 26,000 requests each year for interpreters from all over the state. Schedulers also review interpreter credentials, negotiate rates, collect data, and process vendors' invoices.

OJD schedulers follow ORS, Uniform Trial Court Rules, and industry best practices. A certified interpreter is appointed whenever one is available, able, or willing to serve. Teams of two interpreters are scheduled to work in court proceedings requiring continuous interpreting of two hours or longer to reduce interpreter fatigue and ensure accuracy.

Interpreter Credentialing and Education Program

Since 1990, the number and diversity of Oregon credentialed language interpreters has steadily increased.

CLAS offers court interpreter credentials in more than 70 languages, but does not yet have credentialed interpreters for every language. In 2014, there were 151 credentialed interpreters in 24 languages.

The Oregon Court Registered Interpreter Credential requires the successful completion of English, foreign language, and ethics examinations. Registered interpreters must pass a criminal background check and attend court with an experienced interpreter. The Registered Interpreter Credential is for interpreters of languages where a court

certification interpreting examination does not exist. The Registered Interpreter Credential is available in 48 languages.

The Oregon Certified Court Interpreter Credential is available in 23 languages. Certification is achieved upon successful completion of examinations in English, court interpreting, and ethics. Certified interpreters also attend an orientation program, observe court proceedings, and pass a criminal background check.

For both the Certified Court Interpreter Credential and the Registered Interpreter Credential, the interpreter must complete a required number of continuing education hours to retain the credential.

Conditionally approved interpreters must pass a criminal background check and complete an experience interview about their relevant interpreting work.

CLAS provided more than 85 hours of orientation and continuing education programs to interpreters in 2014. Continuing education subject areas for interpreters' credential renewals are categorized into ethics, language specific, and general credits. In 2014, CLAS staff made presentations about working with interpreters to 19 stakeholder groups. CLAS allocates a 1.0 FTE Coordinator to ensure credentialing and outreach activities.

4.2 OJD Bilingual Employees

In 2013, OJD recognized 60 bilingual employees as important bridges to LEP court customers. Qualified employees earn a pay differential when they demonstrate language proficiency through an examination provided by an outside vendor on contract through the OJD Human Resource Services Division. Bilingual employees never interpret in court. Without giving legal advice, bilingual employees use their language skills to provide information on court procedures, forms, program services, or information about court hours and facilities.

Fourteen bilingual court employees piloted a successful online training program in 2014. The training included the legal basis for language access, best practices, and customer service skills. In the absence of bilingual employees, OJD courthouse counter staff may access contracted telephonic interpreters in 50 languages or video interpreters in 12 languages for brief conversations (see [Section 4.5](#), Remote Interpreting and Technology Resources).

4.3 OJD Judicial Officers and Personnel

CLAS makes regular presentations at local judicial, staff, and stakeholder meetings. Participants gain an understanding of the legal basis for services, as well as how to request interpreters, and how to work with interpreters.

At OJD's New Employee Orientation, new employees learn about OJD's obligation to provide access and reasonable accommodations under the ADA. Employees learn general information about the kinds of accommodations requested and where to go for more information.

4.4 Outside Interpreters

An outside interpreter working for OJD is an authorized interpreter or translator who is not a department employee. Court interpreters learn about their roles and responsibilities through orientation programs, peer mentoring, and continuing education events. Website resources for interpreters include legal glossaries, billing forms, calendars, and the Code of Professional Responsibility for Interpreters in the Oregon Courts. Interpreters and the public can also find on the website court interpreter rosters, related statutes, policies, protocols, and court rules.

4.5 Remote Interpreting & Technology Resources

OJD established remote interpreting (RI) services in 2003. RI is a vital component of accessible services based on a cost-benefit analysis. RI is the provision of interpreting services using technology where the interpreter is at a separate location from the LEP court customer. RI closes critical communication gaps for unexpected interpreter requests. RI also assists the court in meeting short statutory timelines required for some proceedings, such as restraining order proceedings and in-custody arraignments. Between 2004 and 2007, 13 courthouses installed telephonic interpreting lines. Additional improvements included the installation of video remote interpreting (VRI) consoles and an increase in OJD bandwidth in 2012. Currently, OJD manages over 2,000 RI court proceedings per year. SJI grant funds in 2014 allowed OJD to pilot VRI "counter interpreting" in two courthouses (see [Section 4.2](#)).

Court Interpreting RI Standards

Interpreter schedulers follow guidelines when offering telephonic or video interpreting options to the court. Schedulers consider the complexity and length of hearing types, the availability of local technology, and the judge's preference for each assignment. Court staff are encouraged to report RI issues via an online feedback form for resolution. In fiscal year 2014, .5 FTE of an analyst position was dedicated to monitoring RI quality, resolving issues, and overseeing data collection.

Equipment

Equipment allows LEP parties, victims, or hard-of-hearing court customers access to court proceedings. Equipment allows interpreters to work unobtrusively in the courtroom and offers interpretation to multiple parties at the same time. OJD performs a cost-benefit analysis when purchasing equipment and telecommunications. The cost-benefit analysis includes compatibility with OJD enterprise and technology parameters, the availability of technical support, and the local court infrastructure.

4.6 OJD Data Collection and Analysis

CLAS management utilizes data on which LEP groups appear most frequently in the courts and where services are needed to assist decision making. OJD uses internal payment, scheduling, and case management system data reports. Additional information comes from the U.S. Census Bureau data (see [Section 2.2](#)). In fiscal year 2014, CLAS allocated 1.0 FTE to an analyst position to coordinate the collection and analysis of strategic planning data.

Oregon eCourt

Between 2012 and 2016, OJD launched the Oregon eCourt Program, a statewide web-based courthouse. The primary software component of Oregon eCourt is the Odyssey Case Management System (Odyssey). Odyssey is a party-based system. For LEP parties and non-parties, Odyssey reports provide CLAS with data about case types, assigned interpreters, and language needs. During the multi-year deployment of Oregon eCourt in all Oregon Judicial Districts, CLAS offered Odyssey training on interpreter related business processes.

Fiscal Data

The OSCA Business and Financial Services Division (BFSD) provides CLAS summary expenditure reports of General Fund Mandated Payments, which include payment information for sign language interpreters and foreign language interpreters. The level of detail includes the possibility to review interpreter expenditure data by language, circuit court location, and interpreter credential categories. OJD uses the data to develop estimate costs for existing and future services.

LEP Court User Data

In 2014, OJD collected quantitative and qualitative data directly from LEP court customers via customer surveys (see [Section 2.3](#)). The results provided information about areas for improvement in OJD language access services.

4.7 Translations

The SCA prioritizes the translation of OJD vital documents into the languages most frequently encountered in Oregon circuit courts based on demographics, language data, and recommendations from statewide programs and work groups. CLAS assumes responsibility for coordinating translation services. OSCA requires the use of a certified member of the American Translator Association's (ATA) for statewide translations whenever ATA offers the credential in that language.

Professional translators have translated more than 580 OJD forms into Chinese, Korean, Russian, Spanish, and Vietnamese.²⁴ A combination of local and federal funds such as Violence Against Women Act – STOP (Services, Training, Officers, and Prosecutors) funding, SJI grants, and OJD General Fund Mandated Payments allowed OJD to increase the number of translated OJD vital forms.

Table 8 – OJD Translated Forms as of 2016

Language	Number of Translated Forms
Spanish	188
Russian	116
Vietnamese	116
Chinese	114
Korean	93
TOTAL	627

OJD staff interpreters translate foreign-language correspondence received by the courts and provide sight translations of non-evidentiary documents in proceedings. Interpreters proofread and edit professionally translated statewide OJD forms before the forms are released for use.

Signs

CLAS and county officials (not OJD personnel) in two pilot courts assessed the types and quantity of bilingual and universal signs for improved services. The 2014 SJI Technical Assistance Grant assisted in funding the printing of universal signs, “I Speak” cards, and multilingual notices for use at county-owned courthouses.

Other Translation Technology

CLAS uses software to ensure the consistent use of Oregon Standardized English-Spanish Legal Terms in all OJD translations projects involving Spanish.

To ease the demand for services to self-represented LEP litigant populations, OJD established multilingual family law kiosks in two pilot courts. Software guides LEP users through a series of questions in their primary language to produce family law documents for filing in English. A 2014 SJI technical assistance grant supported this program.

²⁴ In written form, both Cantonese and Mandarin speakers are able to read “traditional” Chinese characters.

4.8 Outreach Programs

In addition to the education programs described in [Section 4.1](#), CLAS promotes awareness of language policies and best practices to non-OJD groups. Audiences include legal aid attorneys, public defenders, victims' rights advocates, court mediators, law students, and district attorneys. OJD offers pre-approved Oregon State Bar continuing legal education credits for many programs. High school and university students may interact with interpreters during Classroom Law days, career fairs, or in job shadowing experiences.

4.9 Complaint Process

An LEP person, his or her attorney, or their advocate may initiate a complaint with OJD regarding failure to provide language access. OSCA records all complaints, investigates all pertinent information, and responds to the complainant. In 2015, OJD piloted an online OJD complaint form in four languages.

4.10 External Resources

OJD researches federal and local funding resources to improve LEP individuals' access to justice. In 2012, OJD consulted with the SJI and the NCSC to map out improvements in three areas: 1) conducting needs assessments of LEP communities, 2) improving OJD public counter interpreting services, and 3) increasing education and training efforts. OJD was awarded two technical assistance grants, one in 2013 from SJI, and one in 2014 from NCSC.

5| Strategic Plan for Implementation

The OJD Language Access Plan falls under the direction of the Chief Justice of the Supreme Court and the State Court Administrator. OJD managers in OSCA Divisions and programs, trial courts, and committees may be assigned responsibilities to monitor progress and ensure improvements.

OJD will implement the following goals in three phases over the next five years (2016-2020).

Phase 1: These goals are urgent and should be implemented in year one (2016).

Phase 2: These goals are critical and may depend on Phase 1 tasks. These goals should be implemented between years two and three (2017-2018).

Phase 3: These goals are complex and require significant foundational steps and resources. These goals should be implemented by year five (2019-2020).

GOALS

Goal # 1	Provide language access services at all points of contact outside judicial proceedings for services that are managed or paid for by OJD.
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Phase 1: Urgent or currently underway. Will be implemented in year one.

Issue Description: LEP customer surveys and language access tools piloted in two courts provided valuable feedback that can be replicable on a statewide level.

Strategy 1: Increase statewide distribution of multilingual posters, universal signs, maps, and brochures.

Strategy 2: Provide Spanish-English telephone tree services where supported by county telecommunications systems.

Strategy 3: Increase the number of OJD multilingual webpages that enhance LEP customers' understanding of the OJD's mission, services, and how to file complaints.

Strategy 4: Provide court staff training on how to access remote interpreting services at the public counter.

Strategy 5: Establish Video Remote Interpreting technology at Family Law counters.

Strategy 6: Annually prioritize vital OJD documents suitable for translation.

Goal # 2	Foster productive working relationships with community and judicial stakeholders.
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Phase 2: Critical and may depend on Phase 1 tasks. Will be implemented in years two-three.

Issue Description: Community members will be more likely to use services and engage in the judicial process if they are familiar with available services.

Strategy 1: Notify stakeholders of the OJD Language Access Plan and actively seek community feedback.

Strategy 2: Establish regular opportunities for discussions with community and judicial system stakeholders to identify support, technical assistance, and resource sharing.

Goal # 3	Provide Resources and Training for Judges.
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Phase 2: Critical and may depend on Phase 1 tasks. Will be implemented in years two-three.

Issue Description: Effective language access services depend on enhanced accountability and awareness of bias in the judicial process.

Strategy 1: Gain Judicial Education Committee support to provide judicial training sessions on awareness of one's own biases and applying skills to consistent case management.

Strategy 2: Develop and distribute a Language Access Bench Card.

Goal # 4	Expand Judicial Branch training on Language Access policies and procedures.
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Phase 3: Complex. Will be completed in years four-five.

Issue Description: Effective language access services depend on enhanced accountability for services to diverse court users.

Strategy 1: Gain funds to customize online training for court staff on language access.

Strategy 2: Promote online training opportunities for court staff to local administrative authorities.

Goal # 5	Review and address complaints regarding language access in the courts.
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Phase 1: Critical or currently underway. Will be implemented in year one.

Issue Description: A standard complaint protocol ensures cooperative relationships between the court and complainant. In 2015, OJD piloted a written standard protocol for receiving, responding to, and collecting data on language access complaints.

Strategy 1: Post online complaint form in five of the most frequently used languages.

Strategy 2: Implement a centralized complaint resolution and archiving protocol.

Goal # 6	Use the Oregon eCourt Program to identify the most commonly used and emerging language service needs.
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Phase 2: Critical and may depend on Phase 1 tasks. Will be implemented in years two-three.

Issue Description: The Oregon eCourt Program will be fully deployed statewide in June 2016.

Strategy 1: Contribute to eCourt deployments to ensure that local court staff document LEP individuals' languages needs at all stages of case management.

Strategy 2: Improve data reporting of cancelled or reset interpreted proceedings and cases with non-party LEP persons.

Strategy 3: Provide interpreter business process training to Odyssey users.

Goal # 7	Increase the diversity of certified interpreters by providing scholarships to training and oral examinations.
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Phase 3: Critical. Will be completed in years two-three.

Issue Description: Over 180 languages are spoken in Oregon circuit courts. Certification examinations are available in 23 languages and the OJD has certified interpreters in ten languages. Ninety-one percent of certified interpreters interpret English-Spanish. More certified interpreters of other languages are needed in Oregon courts.

Strategy 1: Seek funds to provide training and oral examination scholarships for interpreters of languages that are of lesser diffusion in Oregon.

Strategy 2: Provide oral examination preparation events for interpreters of languages that are of lesser diffusion in Oregon.

6| Monitoring and Future Planning

The Office of the State Court Administrator will continue to work with divisions, local circuit courts, and community stakeholders to fulfill the LAP. Detailed data will continue to be gathered for management purposes. Progress reports on Language Access Plan activities will be reported as described below.

Every calendar year the CLAS Annual Report will include:

- 1) progress on LAP Goals,
- 2) interpreter event data,
- 3) inventory of languages most frequently encountered,
- 4) credentialed interpreter data, and
- 5) OSCCIF activities related to language access.

In preparation for full legislative sessions every two years, CLAS will provide a report including:


- 1) inventory of languages most frequently encountered,
- 2) biennial language access expenses,
- 3) assessment of personnel's understanding of LEP policies and procedures, and
- 4) performance measures.

Every five years, OJD will conduct additional county exit surveys to measure LEP court users' satisfaction with language access services to provide quantitative and qualitative stakeholder feedback.

The LAP may be changed or updated at any time, but will reviewed no less frequently than every two years.

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LAP Effective date: *September 22, 2016*
Approved by:  *Kelly Mills, SCA*

Appendices

Appendix I [OJD 2014-2019 Strategic Plan](#)

Appendix II [CREW guiding principles](#)

Appendix III [Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System recommendations](#)

Appendix IV [Code of Professional Responsibility for Interpreters in the Oregon Courts](#)

Appendix V [SCA Policies for the Oregon Judicial Departments' Oregon Certified Interpreter Program](#)

Appendix VI [*A National Call to Action*](#)

Appendix VII [ABA Standards for Language Access in Courts](#)

Appendix VIII [Consortium of State Court Administrators White Paper on Court Interpretation: Fundamental to Access to Justice](#)

Appendix IX [OJD Response to USDOJ Language Access Planning Tools for Courts](#)