

# Language Access Plan for the Minnesota Judicial Branch

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July 2016

## **Minnesota Judicial Branch's**

### **Vision**

*The general public and those who use the court system will refer to it as accessible, fair, consistent, responsive, free of discrimination, independent, and well managed.*

### **Mission**

*To provide justice through a system that assures equal access for the fair and timely resolution of cases and controversies.<sup>1</sup>*

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<sup>1</sup> [Priorities and Strategies for the Minnesota Judicial Branch](#)



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## Introduction and Plan Overview

The Minnesota Judicial Branch is committed to ensuring equal access to the courts for all Minnesotans across the state. Language access, a key component of achieving equal access, is and has been at the forefront of efforts by the Judicial Branch to make the court system accessible to its citizens. In fact, language access is integral to several of the Branch's core values, namely: equal justice, fair and respectful treatment of all; customer focus – internally and externally; accessibility; and commitment to effective communication. Ultimately, meaningful provision of language access services serves every one of the Branch's core values.

Language access efforts and responsibilities in the Minnesota Judicial Branch have been centralized through the Court Interpreter Program, which has been working to improve language access statewide since its inception in 1999. Through its Language Access Coordinator, State Court Administrator's Office (SCAO) and Court Interpreter Program (CIP) have taken the lead to consolidate all individual language access plans maintained by the district courts and endeavor to put forth a uniform approach to language access, informed by input from the district courts and other relevant stakeholders.

This Language Access Plan for the Minnesota Judicial Branch will serve as the statewide plan for ensuring meaningful and equal access to the courts for the increasing numbers of limited English speaking (LEP<sup>2</sup>) persons and deaf and hard of hearing individuals in the state. Currently, there are 87 individual LEP Plans maintained by the district courts, as well as the Minnesota Justice Center's LEP Plan, which included the SCAO, Supreme Court and Court of Appeals. This comprehensive plan, which will replace the 88 separate plans, includes: 1) provision of interpreters and other language access services, 2) training and education of judicial branch employees and language service providers, and 3) ongoing monitoring and efforts to improve language access services. The plan addresses state, federal, and constitutional requirements for the provision of equal access, and is consistent with the Minnesota Judicial Branch Strategic Plan's goals, objectives, and stated mission.

In the first section, this Language Access Plan provides an overview of Minnesota's linguistic and geographic diversity, presenting a snapshot of the most frequently needed languages. Section II outlines the legal framework for providing language access in the Minnesota Judicial Branch and the various aspects of a comprehensive statewide language access policy. Section III discusses the need for and strategies to implement needs assessments, data collection, and early identification of language needs in the community and the court user population. Section IV presents key considerations in providing language access services in court proceedings, including the appointment of interpreters and remote interpreting. Section V focuses on the provision of services outside of court proceedings, such as multilingual signage, translated

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<sup>2</sup> Limited English Proficient or LEP refers to individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. See [Language Access Planning and Technical Assistance Tool for Courts](#) by the Civil Rights Division, U.S. Department of Justice (February 2014).

forms and documents and multilingual staff. Section VI covers policy and procedures regarding the translation of forms, documents, videos, etc. Section VII reviews the importance of training on language access issues within the judicial branch and presents implementation strategies. Section VIII discusses public notice, outreach, and dissemination of this Language Access Plan. Finally, section IX discusses the significance of continued monitoring of the LAP and the services provided, along with assessment criteria.

After each section on existing services, policies, and procedures, the plan includes “Next Steps,” as an acknowledgement of additional steps or initiatives that may assist in the continued improvement of language access services to every LEP and deaf or hard of hearing person in every court in the state. The accomplishment of the next steps, as laid out in this plan, will take place over time within the context of the Judicial Branch’s long term commitment to improving language access, and may be adjusted over time as new challenges arise and policies change to meet the needs of the state’s population.

The plan will be administered by the State Court Administrator’s Office Court Interpreter Program (CIP). This plan details the policies and procedures successfully implemented throughout the Minnesota courts for the effective provision of meaningful language access. The Branch’s substantial accomplishments to date have put Minnesota at the national forefront of the delivery of language access services to all court users.

## **I. Background: Snapshot of State Population and Judicial Branch Structure**

### *A. Minnesota’s Diverse Landscape*

Minnesota is home to approximately 5.4 million people.<sup>3</sup> Approximately 7 percent of the state’s residents are immigrants, and about 10 percent speak a language other than English at home. Compared to the U.S. as a whole, where immigrants comprise 13 percent of the population, Minnesota’s 7 percent may not seem significant; however, the rate of increase of Minnesota’s foreign-born population is much faster than the national average. Nationally, the immigrant population has doubled since 1990, while in Minnesota it has tripled.<sup>4</sup>

Approximately 4.3 percent of Minnesotans speak English “less than very well.”<sup>5</sup> Many of Minnesota’s immigrants are refugees, and language needs are changing constantly due to emerging refugee groups arriving in different parts of the state. “By country of origin, the 10 largest groups of foreign-born residents in Minnesota are (in descending order): Mexico, India, Laos, Somalia, Vietnam, Thailand (including Hmong), China, Korea, Ethiopia, and Canada.”<sup>6</sup>

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<sup>3</sup> Data from the Minnesota State Demographic Center at <http://mn.gov/admin/demography/data-by-topic/population-data/our-estimates/index.jsp> (based on 2013 estimates). U.S. Census Bureau, 2009-2013 5-Year American Community Survey estimate for 2013 is of approximately 5.35 million residents at <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

<sup>4</sup> Minnesota State Demographic Center at <http://www.mncompass.org/immigration/overview>.

<sup>5</sup> U.S. Census Bureau, 2009-2013 5-Year American Community Survey estimates for 2013.

<sup>6</sup> Minnesota State Demographic Center at <http://www.mncompass.org/immigration/overview>.

On average, 2 percent of Minnesota’s population between 18 and 64 is deaf or hard of hearing. The percentage rises considerably (to 15 percent) for those 65 or older. Although 2 percent is approximately the average, in some counties such as Sibley, almost 4 percent of residents between 18 and 64 have a hearing disability.<sup>7</sup>

There are over 120 languages spoken throughout the state of Minnesota. In the last 10 years, the number, prevalence, and uniqueness of these languages has increased significantly, with new immigrant populations, and new languages, arriving in the state every year. The U.S. Census data is unable to capture new immigration and language trends. Therefore, courts will need to increasingly rely upon department of education data, information gathered by justice partners, and community service providers arising to meet the need of these emerging immigrant and refugee populations. Minnesota is one of a handful of states where languages spoken by refugee groups - Hmong, Somali, and Vietnamese - are among the top 5 languages spoken in the state (other than English).<sup>8</sup>

## ***B. Minnesota Judicial Branch***

The Minnesota Judicial Branch is a unified court system, funded by the state legislature and governed by the Judicial Council, which is the policy making body of the Judicial Branch. The Judicial Branch consists of 87 district courts, 10 Judicial Districts, the Court of Appeals, and the Supreme Court. The State Court Administrator’s Office (SCAO) serves as staff to the Judicial Council and provides centralized administrative services to the entire Branch. Minnesota’s Judicial Branch is as diverse as its population. Every court and each judicial district has individual characteristics and faces unique challenges in terms of resources, demographics, geography, and culture. Despite these challenges, the Branch has exhibited a long standing commitment to access to justice and language access, and it was recently recognized through the National Justice Index – the Minnesota Judicial Branch gained the highest scores in language access (98.9) and disability accommodations (100).<sup>9</sup>

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<sup>7</sup> U.S. Census Bureau, 2009-2013, 5-Year American Community Survey, estimates for 2013.

<sup>8</sup> Top Languages Spoken by English Language Learners: Nationally and by State, by the Migration Policy Institute at <http://www.migrationpolicy.org/sites/default/files/publications/FactSheet%20ELL3%20-%20FINAL.pdf>

<sup>9</sup> National Justice Index report at [www.justiceindex.org](http://www.justiceindex.org) (language access data at <http://www.justiceindex.org/findings/language-assistance/>; disability access data at <http://www.justiceindex.org/findings/disability-assistance/>).

The top 10 most common languages for which court interpreters were used in the Minnesota courts in 2014<sup>10</sup> are listed below in order of frequency encountered:

1. Spanish
2. Somali
3. Hmong
4. American Sign-Language
5. Vietnamese
6. Arabic
7. Russian
8. Amharic
9. Oromo
10. Karen, S'gaw

While the list above captures the top most common languages as reflected on a statewide basis, among counties and judicial districts the diversity in the state is such that the most common languages (other than English) vary. While Spanish speakers account for 55% of the non-English needs of Minnesota courts users, and is usually at the top of most district courts' top languages, after Spanish, needs vary considerably.

For example, listed below are the top non-English languages in five sample counties:

COUNTY	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>	5 <sup>TH</sup>
<b>Hennepin</b>	Spanish	Somali	Hmong	Vietnamese	Oromo
<b>Ramsey</b>	Spanish	Hmong	Somali	Amharic	Karen
<b>Stearns</b>	Somali	Spanish	Nuer	ASL	Arabic
<b>Mower</b>	Spanish	Anuak	Nuer	Arabic	Vietnamese
<b>St. Louis</b>	ASL	Lao	Bosnian		

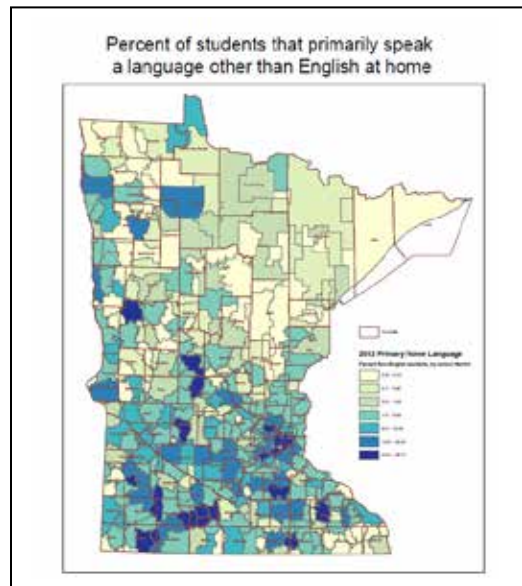
There is a significant disparity in the languages spoken and the concentration of immigrants throughout different areas of the state. A statewide language access plan must take into consideration the differences and ensure that the overriding goal of a consistent, uniform, and encompassing plan remains flexible enough for individual districts and courts to harness their local resources in the most effective and efficient manner.

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<sup>10</sup> Data obtained by the Minnesota Court Interpreter Program as part of its annual review of court interpreter expenditures throughout the state.



Several resources display the variety of languages spoken across the state. The Geographic Information Services (GIS), using data from the Minnesota Department of Education, has published survey maps titled “Diversity in Minnesota students' home primary language, 2012-2013”.<sup>11</sup> One of the maps (depicted to the right), shows the percent of students throughout the state that primarily speak a language other than English at home. The darker colors indicate a higher percentage of students who primarily speak a non-English language at home. The second map presents, by school district, the languages spoken by Minnesota students. There are over 25 different languages listed along with a category titled “other” that represents an undisclosed number of languages. Also, GIS published data in 2006 depicting the concentration of the top 6 non-English languages primarily spoken in homes by Minnesota students.<sup>12</sup>



The Minnesota State Demographic Center published an interactive map illustrating the percentage of Minnesota residents by location, who are age 5 and older who speak a language other than English and speak English less than “very well.”<sup>13</sup> As this map illustrates, high concentrations of LEP populations exist throughout the entire state of Minnesota, not just in a handful of regions; therefore, consistent language access policies are critical in all the courts in the state.

Not only are the languages spoken varied, the composition and geography of the 10 judicial districts also differ substantially. For example, Hennepin county is the only county in the 4<sup>th</sup> Judicial District and home to Minnesota’s largest urban area of Minneapolis, while the 9<sup>th</sup> Judicial District consists of 17 counties in northwest Minnesota and encompasses, geographically speaking, approximately 30 percent of the state, with mostly rural counties and tribal courts.

This Language Access Plan provides the framework, policies, and procedures for the statewide delivery of high quality meaningful language access, and provides the courts within the state the resources and support and flexibility needed to meet the stated policy of the Branch with regard to equal access.

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<sup>11</sup> Geographic Information Services, map for Minnesota at [http://www.gis.leg.mn/pdf/sd/sd12-13\\_primarylang\\_totals.pdf](http://www.gis.leg.mn/pdf/sd/sd12-13_primarylang_totals.pdf).

<sup>12</sup> Primary Home Languages of Minnesota Students, 2006, Top six non-English Languages, Geographic Information Services, [http://www.gis.leg.mn/pdf/sd/sd\\_homelang06\\_top6.pdf](http://www.gis.leg.mn/pdf/sd/sd_homelang06_top6.pdf).

<sup>13</sup> Minnesota State Demographic Center: <http://mn.gov/admin/demography/data-by-topic/immigration-language/index.jsp>; and <http://mn.gov/admin/demography/map-viz-gallery/map-percent-limited-english.jsp>

## II. Legal Framework for Language Access

Minnesota state law, federal law and regulations, and the Minnesota Judicial Branch’s stated policy and General Rules of Practice all mandate the provision of language access to limited-English speaking and deaf or hard of hearing Minnesotans when they are using the court system. LEP and deaf and hard of hearing individuals have the right to meaningful, fair and equal access to the Minnesota courts - whether they are engaged in the first steps of seeking legal recourse and learning about available remedies, or while attempting to defend or enforce their right to due process and seek legal protections.

### A. Minnesota State Law

Minnesota law clearly states that it is “the policy of this state that the constitutional rights of persons disabled in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings.” [Minn. Stat. § 611.30](#). A person “disabled in communication” is defined as someone who, “because of a hearing, speech, or other communication disorder, or because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law.” [Minn. Stat. §§ 546.42](#) ; *see also* [611.31](#) (defining “person disabled in communication” in substantially similar terms).

LEP and deaf or hard of hearing defendants and witnesses have the right to a court-appointed interpreter at no cost during a criminal case proceeding. [Minn. Stat. §§ 611.32-611.33](#). For civil cases, the same right to an interpreter applies when the party or witness is required to participate in the proceeding or when named as a party and the interpreter is necessary to obtain due process. [Minn. Stat. §§ 546.42-546.43](#).

### B. Federal Laws and Regulations

Deaf and hard of hearing individuals accessing district courts throughout the state are federally protected under the Americans with Disabilities Act (ADA) of 1990. The ADA mandates that all district courts provide reasonable accommodations to court users. Therefore, auxiliary aids and services, including sign language interpreters when appropriate, must be provided to all deaf and hard of hearing court users in compliance with the ADA.

With regard to language access for LEP persons, Title VI of the Civil Rights Act of 1964<sup>14</sup> and the Omnibus Crime Control and Safe Streets Act of 1968<sup>15</sup> prohibit any agency receiving federal

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<sup>14</sup> 42 U.S.C. § 2000d, *et seq.*

<sup>15</sup> 42 U.S.C. § 3789d.

funds from discriminating on the basis of race, color, or national origin. To be subject to Title VI, a program must constitute a “program” under Section 606 of Title VI, and also must receive federal financial assistance, which typically is construed as the receipt of grants or monetary awards.

In 2002, the DOJ issued guidance in assessing a recipient’s compliance with Title VI’s prohibitions with a four-factor test:

1. The number or proportion of LEP persons served or encountered in the eligible service population;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program; and
4. The resources available to the recipient and costs.<sup>16</sup>

The DOJ Guidance further notes that recipients should develop a written plan to address the identified needs of the LEP populations they serve.

The Minnesota Judicial Branch has been using this four-factor test in its formulation and implementation of language access policies and decisions since 2002 when the DOJ guidance was issued. As indicated in the first factor, the Court Interpreter Program regularly collects demographic information on the geographic areas served by the court. With the critical assistance of the district courts, which employs consistent reporting of interpreter use and costs, the CIP is able to determine the information required by the second factor, the frequency with which LEP and deaf or hard of hearing individuals come into contact with the district courts. To complete the DOJ analysis, the Judicial Branch works with district courts to gather information on the nature and importance of the various court programs, services, and activities in order to allocate funds and resources such as equipment or training for language access services as available.

There are ongoing efforts by the SCAO and the CIP to improve collection of information and data to more completely inform this analysis. Along with the implementation of this statewide Language Access Plan, it will be annually monitored to ensure continued meaningful language access. While every district court in Minnesota has had an LEP Plan since 2002, it is the objective of the Minnesota Judicial Branch that, via the adoption and implementation of this unified Language Access Plan, its unified court system can ensure a consistent approach to language access throughout all 87 district courts and 10 Judicial Districts.

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<sup>16</sup> [Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination against Persons with Limited English Proficiency](#). Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41, 455 (June 18, 2002).

### *C. Minnesota Judicial Branch Strategic Plan*

Minnesota's Strategic Plan "[Priorities & Strategies for Minnesota's Judicial Branch – Focus on the Future](#)"<sup>17</sup> for fiscal year 2014-2015, places access to justice as its first goal: **A justice system that is open, affordable, understandable, and provides appropriate levels of service to all users.** The three priorities under Goal 1 are:

- 1A. Demonstrate the need and build support for obtaining the resources necessary to insure the provision of and access to justice.
- 1B. Implement technological initiatives aimed at reducing workloads and enhancing judicial Branch efficiency and effectiveness.
- 1C. Plan for access and service delivery levels in the context of anticipated future fiscal constraints, technology developments, demographics, and business process changes.

This Language Access Plan furthers all three priorities under Goal 1. Through its requirements for needs assessment and data collection, the plan will support priority 1A by helping inform the need for language services and resources to ensure equal access. Priority 1B will be assisted by the plan's inclusion of the ways in which telephonic and video remote technologies can be harnessed to provide remote interpretation for many court proceedings, thus reducing interpreter travel costs and delays and more efficiently and effectively providing language access services throughout the district courts. Finally, priority 1C will be served by the plan's needs assessment and data collection requirements, which will provide future demographics changes and information for Minnesota's 87 counties.

### *D. Court Interpreter Program*

Since the inception of the Court Interpreter Program in 1999, language access efforts and responsibilities in the Minnesota Judicial Branch have been centralized. The CIP has been working to improve language access statewide. Through its Language Access Coordinator, SCAO and CIP have taken the lead to consolidate all individual language access plans maintained by the district courts and to put forth a uniform approach to language access, informed by input from the district courts and other relevant stakeholders.

The CIP is in charge of: interpreter testing and certification, maintaining and publishing the interpreter roster, recruitment and training of new interpreters, budgeting and payment for interpreter services by the district courts, developing and implementing language access and interpreter policies, the training of court staff and judicial officers, managing the translation of statewide court forms and other information, disciplinary and other complaints regarding interpreters, and overall monitoring of the Judicial Branch's language access policies and

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<sup>17</sup> At [http://www.mncourts.gov/Documents/0/Public/Judicial\\_Council/2014-15\\_Strategic\\_Plan.pdf](http://www.mncourts.gov/Documents/0/Public/Judicial_Council/2014-15_Strategic_Plan.pdf).

procedures. The CIP webpage<sup>18</sup> on the Minnesota Judicial Branch's website provides multilingual resources and videos for the public, information for and about interpreters, resources for attorneys, court staff and judicial officers, and information on a complaint process regarding interpreter services.

### III. Needs Assessment, Data Collection, and Early Identification

In order to guarantee every Minnesotan meaningful language access to the court system, it is critical that the judicial branch as a whole and courts and judicial districts at the local level understand and are aware of the demographics of the population they serve. Therefore, early and ongoing assessment and identification of language needs in the community and the court user population are conducted.

#### *A. Data collection and analysis*

##### *Minnesota Judicial Branch:*

The Court Interpreter Program's Language Access Coordinator collects court interpreter use statistics quarterly from individual courts as they submit interpreter invoices and reimbursement requests for interpreter use. These numbers provide information regarding the language needs of actual court users and assist the Language Access Coordinator to anticipate language trends, need for certification exams and more training of qualified interpreters and translation goals. It also assists in formulating strategies for interpreter scheduling and coordination among district courts and judicial districts, the appropriateness of using technology to increase efficiencies in interpreter provision, and explore feasibility of adding staff interpreters to particular district courts with high need and interpreter usage. Likewise, the Language Access Coordinator regularly analyzes U.S. Census Bureau American Community Survey data to track state and local demographics and estimated trends.

However, district court interpreter use reports, and other more traditional population data, such as U.S. Census reports do not always reflect the actual language needs of the communities served by the court, who may not be availing themselves of court services precisely because of a real or perceived lack of language access resources in the district courts. In order to fully identify how courts are meeting language needs effectively and how they may be lacking, additional data is needed. To that end, in addition to U.S. Census Bureau American Community Survey estimates, the Language Access Coordinator collects demographic information from other relevant sources of data that may more accurately reflect the actual immigrant population of the state. On an annual basis, the Coordinator collects data from a variety of sources, including but not limited to the following: the Minnesota Department of Health refugee demographic and spoken language data,<sup>19</sup> student data from the Minnesota

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<sup>18</sup> Available at: <http://www.mncourts.gov/Help-Topics/Court-Interpreter-Program.aspx>.

<sup>19</sup> Available at <http://www.health.state.mn.us/refugee/stats/>.

Department of Education,<sup>20</sup> data from the Department of Human Services,<sup>21</sup> and the Department of Homeland Security immigrant data.<sup>22</sup>

The Language Access Coordinator also collects data from statewide community-based organizations serving immigrant populations in the state, with particular focus on tracking emerging languages and new refugee and immigration trends. Existing collaborations between representatives of the Minnesota Judicial Branch and organizations such as Minnesota Compass,<sup>23</sup> which provides demographic statistics, also provide invaluable information regarding the latest data trends in areas such as education, workforce, health, housing, and others.

In addition to obtaining statistical information from district court interpreter coordinators, the Language Access Coordinator requests information from other district court offices that may also have relevant data to share regarding language use in the courts. Self-help centers, for example, located in several of Minnesota's courthouses, law libraries housed in the court, and the statewide self-help call center are all critical points of contact for the public with the court. Many of the staff working at these offices, including legal services agencies and pro bono attorneys working in partnership with the court self-help centers, are bilingual and all staff are faced with serving LEP and deaf or hard of hearing users on a daily basis. Because they are often the first point of contact with the court, they are uniquely equipped to notice new language trends. Further, as discussed below, they have knowledge and awareness of many immigrant populations that is used to inform local policies and judicial training and educational efforts.

In order to inform and improve language access services and policies, the Court Interpreter Program analyzes and shares its data and population and language trend findings with all District Interpreter Liaisons (DILs), all local court interpreter coordinators, and other relevant court departments at the local, district, and state administrative level.

#### ***District Courts:***

District courts will continue to report spoken-language and sign language interpreter use to the CIP Language Access Coordinator, based primarily on data obtained through the on-line invoicing for interpreter services per existing policies and procedures.

In addition, District Interpreter Liaisons work with their district courts to collect information about immigrant and refugee populations at the local level to get more accurate estimates of

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<sup>20</sup> Available at <http://w20.education.state.mn.us/MDEAnalytics/Data.jsp>.

<sup>21</sup> Available at <http://mn.gov/dhs/>.

<sup>22</sup> Available at <http://www.dhs.gov/immigration-statistics>.

<sup>23</sup> Highlighted in the *Minnesota Judicial Branch Diversity & Inclusion Annual Report for 2014*, available at <http://www.national-consortium.org/~media/Microsites/Files/National%20Consortium/Conferences/2015/State%20Reports/State%20Report%20Minnesota%20Judicial%20Branch%20Diversity%20and%20Inclusion%202014%20Update.ashx>.

the composition and language needs of the courts' communities. This information is reported to the Language Access Coordinator on, at minimum, an annual basis, as determined by the Language Access Coordinator.

### ***B. Early and ongoing identification of language needs***

Together with efforts to anticipate community language needs through improved data collection, reporting, and analysis, the Minnesota courts have established several mechanisms to identify a court user's language access needs. These various mechanisms address: ways in which court users can identify their language needs on their own; methods by which court staff and judges can determine when an interpreter may be necessary; systems for the court case management system to capture language needs; and protocols for justice partners to identify interpreter needs.

Listed below are strategies that Minnesota courts currently use to identify language needs:

- **Self-identification:** The courts have implemented several mechanisms to assist court users to identify their language needs by themselves, including signage and language identification cards. Specifically, all court offices that are accessible to the public display signage in Minnesota's 10 most common languages that reads: "You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk." LEP court users may then request the assistance of an interpreter if needed. In addition, at all points of contact with the public, court staff have Language Identification Cards in over 80 languages by which LEP users can identify their preferred language of communication in order to request assistance in that language.
- The signage and Language Identification Cards have been secured and provided to the courts by the CIP Language Access Coordinator, and to the extent further signage is needed, the appropriate court staff should request it from the Language Access Coordinator. Similarly, if district court staff and DILs identify additional tools which would assist LEP and deaf or hard of hearing persons to self-identify their language needs, they should direct those strategies and requests to the Language Access Coordinator for consideration and possible development and deployment.
- **Court staff and judicial officer identification of needs:** Court staff and judicial officers may determine that an interpreter is necessary for his or her encounter with the court, whether as part of a court proceeding or other court business. As previously mentioned, court staff have Language Identification Cards readily available with which they can identify a court user's language and thus, secure whenever possible the necessary language access services, including the use of translated materials, interpreters and bilingual court staff available by phone, and LanguageLine, Inc. If it appears that an individual has difficulty communicating due to a language barrier, court staff or a judicial officer inform the LEP or deaf or hard of hearing person regarding their right to have an interpreter provided by the court for any court proceedings, in order to



ensure meaningful access to the courts.

Effective practices are already under way in district courts to involve all court staff in the early identification of language access needs. In Ramsey County, law clerks working for judicial officers and assisting in preparing cases before court proceedings are often able to identify the need for an interpreter in advance of the court appearance and communicate a request to the interpreter coordinator. Likewise, self-help center staff at the Hennepin County district court or the statewide call center are able to identify language needs for parties and/or inform parties of their right to request an interpreter for all court proceedings. In Ramsey County, non-custody arraignment notices include language in the county's top 3 languages other than English (Spanish, Hmong, and Somali); in civil matters, when a scheduling order goes to the parties at filing of a petition, information on how to request an interpreter is included, so that when clerks become aware of the language need, they can immediately notify the interpreter coordinator.

- Case management system tracking of needs: The Minnesota Court Information System (MNCIS), the statewide case management system, tracks interpreter needs through case and party records. Flagging the appropriate record assists court staff in securing an interpreter for the LEP or deaf or hard of hearing person for court proceedings in a particular case. Similarly, by flagging the record of the party, other new case filings involving that party will alert staff that an interpreter will be required. The SCAO is developing a new scheduling, invoicing, and data management system for the CIP. The new system is expected to launch in 2017 and will improve the data collection which will more effectively assist courts to plan for and provide language access services to its users.
- Justice partners' identification and notification of needs: Justice partner agencies such as local law enforcement, the Department of Corrections, the Department of Human Services, attorneys, social workers, and correctional facilities regularly notify the court about an LEP individual's need for an interpreter for an upcoming court hearing. Many courts have established efficient protocols for the notification to occur from justice partners, taking into consideration local infrastructure and agency responsibilities. Courts that have not established formalized protocols are encouraged to do so in order to systematize the communication of information to increase efficiencies in language needs identification and interpreter scheduling.

#### **IV. Language Access in Court Proceedings**

It is the policy of the Minnesota Judicial Branch to provide qualified spoken-language and sign language interpreters to all parties and witnesses who may require those services, in all court



proceedings.<sup>24</sup> Interpreter services are provided to LEP and deaf or hard of hearing individuals at no cost to the court user. [Rule 8 of the Minnesota General Rules of Practice for the District Courts](#)<sup>25</sup> governs the branch’s policies and procedures with regard to court interpreters. Rule 8.01 requires the SCAO to annually maintain and publish a statewide roster<sup>26</sup> of certified and non-certified spoken and sign language interpreters, setting forth the requirements for inclusion on the roster. Rule 8.02 governs the appointment of court interpreters. Other Rule 8 subsections govern certification and qualifications of interpreters, examination process, appeals of certification denials, and complaints and investigations of interpreters.

Below is a discussion of the current policies and procedures for language access in court proceedings, including 1) the appointment of court interpreters, 2) remote interpreting, 3) interpreter qualifications, and 4) interpreter discipline and complaint mechanism. After each of these categories, the plan addresses “Next Steps” to provide an overview of processes and initiatives that are currently planned or may be explored in the future.

#### ***A. Policy re: Appointment of Court Interpreters***

Once the need for an interpreter has been determined via any of the mechanisms for identification available, Rule 8.02 of the General Rules of Practice and SCAO statewide policy mandate that district courts must appoint an in-person certified interpreter for the LEP or deaf or hard of hearing person. If there is no certified interpreter available after a diligent search (or if no certification exists for the language in question), courts then look to employ another roster interpreter.<sup>27</sup> If no roster interpreter can be found after exercising due diligence, an interpreter not listed on the roster may be utilized.

When an interpreter who is not on the roster is used, the appropriate court staff or judicial officer follows the screening standards developed by the SCAO for assessing the interpreter’s skills, professional experience, ethics, and potential conflicts of interest. A model voir dire to determine the competence and qualifications of an interpreter is set forth in the State Court Administrator’s Best Practices Manual on Court Interpreters, and is available as a benchcard<sup>28</sup> for use by judicial officers. For ASL interpreters, Rule 8.02 establishes minimum certification and standard requirements when not certified.

Once a qualified interpreter is available, the interpreter may be utilized by the parties during the court proceeding as necessary, and immediately before and after the court event to assist with communications. At the court’s discretion, and in consideration of available resources, the

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<sup>24</sup> Judicial Council Policy 513 (Appendix A)

<sup>25</sup> At [https://www.revisor.mn.gov/court\\_rules/rule.php?type=gp&id=8](https://www.revisor.mn.gov/court_rules/rule.php?type=gp&id=8).

<sup>26</sup> CIP, which as discussed above is the SCAO department charged with overseeing court interpreter and language access policy, manages the [interpreter roster](#), which is available on the Minnesota Judicial Branch’s website at <http://findinterpreters.courts.state.mn.us/>.

<sup>27</sup> See below for discussion on interpreter categories and order of preference for utilization.

<sup>28</sup> Available at

[http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter\\_Program/voir\\_dire.pdf](http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter_Program/voir_dire.pdf).

interpreter may also assist the LEP or deaf/hard of hearing person in a directly related manner, such as accompaniment to another court department or office or onsite justice partner location such as the probation department. However, justice partners are required to employ their own interpreter when providing their services to LEP or deaf and hard of hearing users.<sup>29</sup>

Interpreters hired to interpret for court events provide sight translations of relevant documentation to LEP individuals, including but not limited to court orders, settlement agreements, and other documents critical for the LEP person's compliance with a court order.

Judicial officers may disqualify a court interpreter at any point for good cause, under Rule 8.03.

*Appointment of non-interpreters:* Bilingual staff is not used for interpreting in courtroom proceedings, unless otherwise qualified as certified interpreters or roster interpreters. They may, however, be essential in assisting the court to secure an interpreter if necessary. Minors shall never be appointed to interpret for a courtroom proceeding. Family members or friends of the LEP or deaf or hard of hearing individual should likewise be avoided as interpreters because of the likely conflict of interest and high likelihood they will be untrained. Attorneys for parties should be avoided as interpreters for their own clients as well, as it presents a conflict of interest for them that should be avoided. If exigent circumstances exist and a remote qualified interpreter is not available, such unqualified interpreters may be used for a short non-evidentiary matter such as a continuance to obtain more time to find a qualified interpreter.

*Interpreter compensation:* Payment of interpreters is established by the State Court Administration. Per SCAO policy 513(a): “[i]n order to achieve fairness for the payment of interpreter services across the state, a statewide payment policy was implemented for non-employee interpreters in 2001. Uniform rates help to assure a consistently higher degree of interpreting for court customers of all counties.” Rates are set based on certification and roster status and other factors. As referenced earlier, payment of interpreters hired for court proceedings are the responsibility of the court and not the user of the interpreter services.

### ***Next Steps – Policy Regarding Appointment of Court Interpreters:***

#### ***1a. Coordinated interpreter scheduling and calendaring system***

As addressed above, CIP is in the process of developing an interpreter management system that would allow consistent scheduling and dispatching of interpreters statewide in a cost effective and efficient manner. Currently, most courts have developed their own scheduling programs that are available only within that court.

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<sup>29</sup> “Payment for any activities requiring interpreter services on behalf of law enforcement, the Board of Public Defense, prosecutors, or correction agents other than court appearances in the responsibility of the agency that requested the services.” [Minn. Stat. § 611.33, subdivision 3.](#)

A coordinated system shared among district courts will result in more effective practices such as identifying proceedings by criticality and assigning the most qualified interpreters while using other roster interpreters for more routine, quick and non-evidentiary matters, batching of events by language for certain calendars in different courthouses, coordinated use of remote interpreting technologies, and others.

***1b. Outreach, training, and education collaborations with interpreting agencies***

The manner in which district courts hire independent contractor interpreters varies. In counties such as Hennepin and Ramsey, which see a large concentration of LEP individuals, and where many of the certified and qualified court interpreters are based, staff interpreters are able to meet a significant percentage of the interpreting needs for the county. When needs arise that cannot be met with staff interpreters, counties may use interpreting agencies to manage the hiring, coordination, and dispatch of interpreters, since the need for interpreters is too high to call and attempt to schedule interpreters individually, language by language.

In smaller courts, such as Stearns County, with a more limited number of court events for which interpreters are required and a smaller pool of interpreters, interpreter coordinators may choose instead to call interpreters directly and handle all scheduling rather than using an interpreting agency. If those efforts fail or if very rare languages are required, agencies are then contacted. Both of these approaches are necessary as courts must retain the flexibility to obtain interpreters in the most efficient and effective manner given their local resources and needs.

The CIP Language Access Coordinator will work with interpreter coordinators and DILs to assist district courts to establish strong collaborations with interpreting agencies to ensure the interpreters provided are as trained and prepared as possible. It is in these agencies' business and financial interests to be trusted and relied upon by courts, and courts can leverage those interests to demand that agencies prepare their interpreters and provide the most qualified professionals for court matters.

***1c. Establishing best practices for working with interpreters***

CIP will continue its work with interpreter coordinators and staff interpreters to develop guidance for judges and court staff with regard to the use of interpreters. Guidelines include appropriate scheduling of team interpreters for longer matters; proper provision of breaks for interpreters to avoid interpreter fatigue; and provision of adequate interpreting equipment such as headsets and microphones and adequate training on its use.

In addition, the CIP Language Access Coordinator will explore the ability to issue interpreter badges to roster interpreters so they may bring cell phones into the court buildings. Some courthouses do not allow cell phones through security (the guidelines are imposed by the law enforcement agencies in charge of securities at multi-purpose government facilities). Cell phones are essential tools for working interpreters, because they provide quick and easy access to glossaries and legal terminology, and also allow for interpreter coordinators

and agencies to reach an interpreter for scheduling requests and updates. (Scheduling updates may play an even more important role if a statewide scheduling system for interpreters is implemented, as courts may be able to cross-assign an interpreter to another nearby event in a neighboring county.)

### ***B. Remote Interpreting***

There are circumstances in which technology can assist the Minnesota Judicial Branch to provide language access services. Video remote interpreting (VRI) and telephonic interpreting have proven to be effective methods for accessing the services of an interpreter from a remote location, in particular for short, non-evidentiary matters. Variances in local district court resources, technological capabilities, and procedures may determine how these services are implemented.

While in-person interpretation is always preferable, where there are not enough interpreters to meet all of the language access needs, the use of technology can assist to prioritize existing resources by assigning in-person interpreters where they are most critical and using telephonic or video remote interpreting for other matters. In fact, remote interpreting can ensure a higher quality interpreter is available to assist in a court proceeding. Rather than rely upon a non-certified or non-roster interpreter, who is available to travel to the particular court event, a staff certified interpreter from one county can interpret for another county.

VRI has been successfully used to provide interpreter services to deaf and hard of hearing individuals in the district courts. After a series of meetings with members of the deaf and hard of hearing community, ASL interpreters and other community leaders where they voiced their concerns and needs as related to VRI, the Court Interpreter Program developed guidelines for VRI and a bench card<sup>30</sup> for judicial officers to guide them through VRI events, as well as video remote interpreting information for attorneys<sup>31</sup> practicing in the Minnesota district courts.

With regard to equipment, some district courts are equipped with at least one mobile ITV module that can be transported to a courtroom for conducting video interpreted proceedings. It is critical that court staff, judicial officers, and interpreters be trained in proper use of the equipment, benefits, and limitations of using this technology for providing access, and balancing cost-effectiveness with the preference for in-person interpreters. Some interpreters listed on the statewide roster have had VRI specific training, and the roster listing indicates so by placing an ITV icon by their name. However, the limited use of this technology, which is available currently, is in part due to lack of training and understanding on its use, benefits, effectiveness, and cost-savings potential.

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<sup>30</sup> Available at

[http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter\\_Program/VRI\\_Bench\\_card.pdf](http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter_Program/VRI_Bench_card.pdf).

<sup>31</sup> Available at

[http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter\\_Program/VRI\\_Information\\_for\\_Attorneys\\_6-20-13.pdf](http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter_Program/VRI_Information_for_Attorneys_6-20-13.pdf).

Telephonic interpreting is useful in emergencies or non-evidentiary hearings when it is more fiscally responsible to obtain the services by remote than by bringing in an in-person interpreter and the quality of the interpretation is not compromised. When calling an interpreter from the roster for a telephonic interpretation, courts should look for those with the telephone icon by their name, which means that that the interpreter has completed basic training regarding remote interpreting. Services such as LanguageLine are best utilized for providing language access at points of contact other than the courtroom, such as clerk counters, self-help centers and other non-critical encounters.

### ***Next Steps - Remote Interpreting:***

#### ***2a. Guidelines for Use of VRI for Spoken Language Interpreting***

As mentioned above, CIP has developed comprehensive guidelines, a bench card, and educational materials for attorneys regarding the proper use of video remote interpreting and ASL interpreters to assist deaf or hard of hearing individuals. CIP will be developing similar guidelines for courts of appropriate use of VRI for spoken language interpreters, ensuring staff and interpreters using the technology are properly trained. A bench card will be developed, and existing instruction sheets will be improved (as requested) to assist court staff in the use of the technology and to identify proper proceedings for its use for spoken language interpretation. Interpreters trained in VRI and other remote technologies will continue to be identified as such on the statewide roster.

#### ***2b. Strategies for Increasing Use of VRI***

The Language Access Coordinator will continue to work with DILs and interpreter coordinators to formulate strategies for better communicating the benefits of using VRI. As technology expands and courts across the nation explore how to meet their language access needs with limited interpreter resources and large geographical areas, the use of video remote interpreting has been expanding significantly, including various pilot projects and other testing of the technology already underway.

#### ***2c. Staff Interpreter Bank***

In collaboration with interpreter coordinators and DILs, the CIP Coordinator will explore the concept of a “staff interpreter bank,” made up of court interpreter employees who would be available for remote interpretation throughout the state. Because these staff interpreters are highly qualified and well trained, there would be a high degree of quality control and consistency. The 8<sup>th</sup> Judicial District has been using a similar system that has worked well for its courts, especially for more rural counties where transportation and availability of interpreters presents a bigger challenge.

### *C. Interpreter Qualifications*

The Minnesota Judicial Branch's Court Interpreter Program<sup>32</sup> oversees the certification and qualification of court interpreters. Interpreters can be certified in the following languages: Spanish, Hmong, Somali, Arabic,<sup>33</sup> Mandarin, Cantonese, Vietnamese, Haitian Creole, Lao, Korean, Russian, French, Khmer, Portuguese, and American Sign Language. Currently, there are certified court interpreters only in ASL and the following foreign languages: Spanish, Hmong, Somali, Russian, Portuguese, Vietnamese, Mandarin, French, and Lao. Minnesota is one of many states that uses the written and oral court interpreter examinations developed and maintained by the National Center for State Courts (NCSC). In utilizing these exams, Minnesota adheres to NCSC standardized test administration and exam rating policies and practices.

The certification process for court interpreters in Minnesota requires court interpreter candidates to meet the following three requirements. First, candidates must pass the NCSC English-only written exam, which assesses knowledge of the English language, court related terms and usage, and ethics and professional conduct. Second, candidates must pass a NCSC oral interpreting examination that measures knowledge, skills, and abilities in the three modes of interpreting (sight translation, consecutive, and simultaneous). In order to pass, candidates must achieve a minimum score of 70 on each section and all sections must be passed on the same day or in the same testing year. Third, candidates must demonstrate good character and fitness as evidenced through a background check. Although there is currently no continuing education requirement for interpreter certification, Rule 8.10 provides for the SCAO's authority to develop them, and CIP will be instituting mandatory continuing education, and providing educational opportunities in the near future.

All Interpreters, including both those who are certified and those for whom there is no certification exam available, who wish to be included in the roster must comply with all of the following requirements:

- Achieve a passing score on the NCSC written exam section for assessment of the English language;<sup>34</sup>
- Successfully complete the New Interpreter Orientation Program;
- Achieve a passing score on the multiple choice Ethics and Legal Terminology test based in part on the [Code of Professional Responsibility for Interpreters](#)<sup>35</sup> in the State Court System; and

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<sup>32</sup> Minnesota Judicial Branch Court Interpreter Program at <http://www.mncourts.gov/Help-Topics/Court-Interpreter-Program.aspx>.

<sup>33</sup> Modern Standard Arabic for sight and simultaneous portions & Egyptian colloquial for the consecutive portion.

<sup>34</sup> The English Written Exam requirement was instituted effective 2015 based on (new) SCAO policy 513c. The Written Exam is the examination developed by the National Center for State Courts. All interpreters currently on the roster who were not subject to the Written Exam requirement when joining the roster, must pass the Written Exam before January 2016 if they want to remain on the roster.

<sup>35</sup> Available at [http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter\\_Program/Code\\_of\\_Profes\\_sional\\_Responsibility.pdf](http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter_Program/Code_of_Profes_sional_Responsibility.pdf).

- Submit a written, notarized affidavit with the State Court Administrator's Office agreeing to comply with the program payment policy and [Code of Professional Responsibility for Interpreters](#) in the Minnesota State Court System.

More information on court interpreter credentialing and standards is available on the Court Interpreter Program webpage, Rule 8 of the General Rules of Practice for the District Courts, and various SCAO Policies.

### ***Next Steps – Interpreter Qualifications:***

#### ***3a. Training and Recruitment of Interpreters***

The CIP Language Access Coordinator will continue to work toward recruitment and training of prospective, and promising interpreters, particularly in the languages most needed in the state. To this end, CIP will explore relationships with educational providers such as community colleges, high schools, universities, interpreting agencies, and community-based organizations, to identify strategies for recruitment and training of prospective interpreters and multilingual court employees.

#### ***3b. Retention of Interpreters***

Retention of existing interpreters is likewise a challenging issue that will be a focus of the CIP Language Access Coordinator. Training of judicial officers and court staff with regard to working with newly-rostered or less experienced interpreters will encourage new additions to the roster and future certified interpreters to continue working with the courts. Creative systems such as mentoring of new interpreters by more experienced ones, shadowing of staff interpreters through court matters and proceedings to become familiar with the court setting, and additional training, will all be explored.

#### ***3c. Mandatory Continuing Education Requirements***

Continuing education requirements will be put into place for existing interpreters who wish to remain on the statewide interpreter roster. The CIP will conduct training opportunities on subjects including interpreter ethics, case-specific concerns, remote interpreting, etc. and provide a calendar of other continuing education opportunities for interpreters to consider.

#### ***3d. Collaborations to Improve Training and Preparation***

As mentioned above, CIP will continue its work with district courts and interpreting agencies to help agencies better prepare their interpreters. In addition, the CIP Coordinator will explore collaborations with local professional interpreting groups, educational institutions, and community based organizations to provide more training opportunities, including mentoring, and to encourage regular informal meeting opportunities for interpreters to network and meet others in their profession and to obtain guidance from their more experienced counterparts.



#### ***D. Interpreter Discipline and Complaint Mechanism***

On occasion, a complaint against an interpreter may arise for reasons such as problems with an interpreter's performance or unethical or unprofessional conduct on the part of an interpreter, in violation of his or her ethical duties. Pursuant to the authority granted under Rule 8.08 of the General Rules of Practice, the SCAO has established a procedure for the filing of formal complaints about interpreter services and conducting formal complaint investigations. These procedures apply only to interpreters who are included on the statewide roster maintained by the State Court Administrator. The procedure is delineated in [Enforcement Procedures for the Code of Professional Responsibility for Court Interpreters](#),<sup>36</sup> and a [complaint form](#)<sup>37</sup> is available through the CIP web page. There currently is a [feedback form](#)<sup>38</sup> to report concerns, issues, and any observations regarding interpreter and language access services to CIP. The feedback form for spoken-language interpreters and other services is available in English, Spanish, Hmong, and Somali; there is also a form available for deaf and hard of hearing persons to provide feedback to CIP regarding language access services and sign language interpreters.

### **V. Language Access Outside Court Proceedings**

Many of the LEP and deaf or hard of hearing individuals who come into contact with the court system never see the inside of a courtroom. These court users, however, are entitled to the same level of access to language assistance as those who appear in court. The district courts throughout the state must ensure that LEP and deaf or hard of hearing court users have meaningful language access to services at all the points of contact with the court outside of the courtroom.

The most significant points of contact between court users and district courts include, but are not limited to: the clerk's office and counters, self-help centers and the statewide self-help call center, alternative dispute resolution programs, over the phone, and the various offices operated by or managed and supervised by the court and accessible to the public, including information kiosks at courthouse building entrances, and law libraries operated within or in connection to court services. Websites and court-issued documents, forms and materials are also possible points of contact with the court where language access services should be provided.

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<sup>36</sup> At

[http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter\\_Program/Enforcement\\_Procedures\\_final.pdf](http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter_Program/Enforcement_Procedures_final.pdf).

<sup>37</sup>

[http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter\\_Program/CIP\\_ComplaintForm\\_final.pdf](http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter_Program/CIP_ComplaintForm_final.pdf)

<sup>38</sup> Available at <http://www.mncourts.gov/Help-Topics/Court-Interpreter-Program.aspx#tab02!NeedanInterpreter>.



LEP and deaf and hard of hearing individuals also have contact with the Minnesota Judicial Center (MJC), which is similarly obligated to ensure their services are accessible. The Minnesota Judicial Center's primary points of contact with the public include: the State Court Administrator's Office (SCAO), the Supreme Court and Court of Appeals, the Clerk of Appellate Courts Office, the State Law Library, and the Office of Lawyer's Professional Responsibility.

The following language access services and resources are currently available through the district courts and the Minnesota Judicial Center:

- Language Identification Cards and Signage on Interpreters
- Multilingual Employees and Employee Listing
- LanguageLine, Inc.
- Deaf and Hard of Hearing Accommodations
- Translated Forms and Documents
- Multilingual Videos, Glossaries and Web Content

These services and resources, which are available outside of the courtroom, are discussed below.

#### ***A. Language Identification Cards and Signage***

The Language Identification Card, available to court staff at all points of contact with the public and at the MJC public offices, lists over 80 languages available via the State of Minnesota's contract with LanguageLine, Inc. (See below.) The card allows an LEP court user to point to their native or primary language to enable court staff to identify the language in question and secure the necessary language access services.

Similarly, multilingual signs are placed at all court offices accessible to the public. The sign, which is written in Minnesota's 10 most common languages, reads: "You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk." In addition to these signs, signs to offices frequented by the public, including clerk's counters and self-help centers should be translated into a district court's top languages. Requests for translation of signs (especially for signs that can also be used by other district courts throughout the state) should be submitted to the CIP Language Access Coordinator pursuant to the Translation Policy issued by the SCAO (and discussed below).

#### ***Next Steps – Language Identification Cards and Signage:***

##### ***4a. Display of Multilingual Signage***

The CIP Language Access Coordinator will reinforce through DILs that all district court offices open to the public display interpreter request signage and have language identification cards.

#### ***4b. Development of Additional Language Access Tools***

The CIP Language Access Coordinator will determine whether other language access tools would be of assistance to court employees staffing points of contact with the public and LEP and deaf and hard of hearing individuals in particular. The Coordinator will work with DILs and court employees at the various points of contact, such as self-help center staff, clerk's offices, and interpreter coordinators.

#### ***B. Multilingual Employees and Employee Listing***

Currently, district court and MJC staff may be available to voluntarily assist other court staff communicate with an LEP or deaf or hard of hearing person needing assistance. A multilingual employee listing for the MJC is posted on the Minnesota Judicial Branch internal website (CourtNet), and is also available from the CIP Language Access Coordinator or the MJC receptionist. In addition to being able to call on available MJC staff, several district courts have internal listings of multilingual staff that may be called upon when a language need arises in another court department. In smaller courts, where staff know each other, a formal listing is likely not necessary. Some courts may actually not have any bilingual staff members and must rely on other mechanisms for communicating with LEP persons.

Multilingual staff listings specify that employees on that list have voluntarily offered their skills, and are not required to provide interpretation. Further, staff on the list can assist only if it does not significantly interfere with their primary job duties. These multilingual employees do not provide interpretation in situations requiring a language level superior to their own and are only permitted to provide assistance, not legal advice.

#### ***Next Steps - Multilingual Employees and Employee Listing:***

##### ***5a. Utilization of Branch-Wide Multilingual Employee Listings***

District courts should consider creating statewide or at least judicial district-wide multilingual employee listings that all courts in that Judicial District can access for assistance. If available, individuals listed could provide basic limited language assistance via telephone or a video conferencing system.

##### ***5b. Online Bilingual Court Staff Training***

In the coming months, the Language Access Coordinator will provide those multilingual employees who are interested, the opportunity to complete an online course to be better prepared to provide services to LEP populations, including language skills assessment and tools for improvement. Having trained and qualified bilingual staff providing services to LEP court users will significantly improve the ability of district courts to provide meaningful and high quality language access services to their users. Strategies that will be explored by the Language Access Coordinator and SCAO include providing uniform language proficiency testing to all employees seeking to be classified as multilingual, as well as options for providing a bilingual pay premium for those employees who qualify and use their language

skills for a significant portion of their work.

### ***C. LanguageLine, Inc.***

Court staff may make use of LanguageLine, Inc. to obtain a phone interpreter to assist an LEP individual outside the courtroom. Every district court and each division of the MJC is provided access to a unique billing code that may be used for courts to avail themselves of the State of Minnesota contract with LanguageLine, Inc. The CIP Language Access Coordinator and all district court administrators make sure that all staff at points of contact with the public is aware of LanguageLine, trained on its use, and are knowledgeable about appropriate circumstances when it may be used.

In some counties, such as Ramsey, court departments such as clerk's offices and others, call on the interpreter coordinator's office to request the telephonic assistance of a staff interpreter when assisting an LEP litigant rather than use LanguageLine.

### ***Next Steps – LanguageLine, Inc.:***

#### ***6a. Development of Guidelines on the Use of LanguageLine and Training***

The CIP Language Access Coordinator will develop additional informational materials and guidance documents for court staff on the appropriate use of LanguageLine to assist LEP court users at the various points of contact, in order to avoid reliance on the LEP court user's family and friends to communicate. Training on LanguageLine, appropriate use, and the technology involved will also be provided.

#### ***6b. Staff Interpreter Bank***

As discussed above, the CIP Language Access Coordinator will explore the creation of a "Staff Interpreter Bank" that can be used for remote interpreting throughout the state. Not only is the 8<sup>th</sup> Judicial District using this model, it is being expanded to other districts as well. Some courts, such as Ramsey County, are relying on their staff interpreters through the interpreter coordinator's office, instead of LanguageLine, when another court department is in need of language assistance to communicate with an LEP litigant. This guarantees a higher quality interpretation than would be provided by LanguageLine.

### ***D. Deaf and Hard of Hearing Accommodations***

District courts provide interpreters for deaf and hard of hearing court users when requested, under the ADA. At the Minnesota Judicial Center for example, when the Clerk of Appellate Courts of Minnesota learns that an individual who is deaf or hard of hearing wishes to observe oral arguments, reasonable accommodations are made when possible. This may include obtaining a sign language interpreter or providing assistive listening devices.

### ***E. Translated Forms and Documents***<sup>39</sup>

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<sup>39</sup> See section VI Translation, below, for an overview of the branch's translation policy and protocol.

The SCAO's CIP has translated numerous court forms and instructions into Minnesota's most common languages. It has also provided translation for local district court forms and documents as appropriate. These translated forms, documents, informational materials, and brochures are made available to LEP court users, at no charge, in areas of public access in the courts, such as clerk's counters and offices, self-help centers, and law library annexes located in the courthouse. In addition, justice partners, government agencies, and other nonprofit organizations have translated information for the public that may be relevant to court users. Many district courts have developed protocols with these agencies by which these materials are stocked at court information kiosks, self-help centers, clerk's offices, and other points of contact.

#### ***F. Multilingual Videos, Glossaries, and Web Content***

The Minnesota Judicial Branch's recently-redesigned website contains a wealth of resources for Minnesota's LEP and deaf and hard of hearing population. Through the [branch's home page](#),<sup>40</sup> as well as every other page on the site, speakers of Spanish, Hmong, and Somali can immediately access web pages with information in their language. Speakers of other languages, such as Khmer (Cambodian), Lao, Russian, and Vietnamese, as well as deaf and hard of hearing individuals, can also access helpful resources and information.<sup>41</sup> These web pages are user-friendly and written in plain language, and provide an invaluable resource to Minnesota's LEP and deaf and hard of hearing court users and the public at large.

Specifically, through the Court Interpreter Program page,<sup>42</sup> court users can currently obtain access to the following videos and glossaries:

- *Going to Court: Tips for Minnesotans who are Deaf or Hard of Hearing.*
- *Going to Court in Minnesota*, available in English, Spanish, Somali and Hmong.
- *Statement of Defendant's Rights* in Spanish, Somali, and Hmong.
- *Legal Glossaries* in Spanish, Hmong, Somali, Mandarin, Arabic, Armenian (Western), Mien, Punjabi, Romanian, Russian, and Vietnamese.

In addition, the CIP web page links LEP court users with translated forms, informational brochures, and fact sheets in Spanish, Somali, Hmong, Khmer, Lao, Russian, and Vietnamese. As more videos and materials become available, they will be posted on the CIP website and district courts will be notified of their availability. LEP and deaf and hard of hearing individuals are also able to use the CIP web page to search the statewide roster of interpreters or to learn about their right to an interpreter appointed by the court.

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<sup>40</sup> At <http://www.mncourts.gov/>.

<sup>41</sup> At <http://www.mncourts.gov/Help-Topics/Language-Access-Plans/Resources-in-Other-Languages.aspx>.

<sup>42</sup> At <http://www.mncourts.gov/Help-Topics/Court-Interpreter-Program.aspx>.

## ***Next Steps - Multilingual Videos, Glossaries, and Web Content:***

### ***7a. Development of Additional Tools***

Future efforts will be made to develop more audio-visual tools to convey information about the court and court processes to Minnesota's LEP and deaf and hard of hearing population. While written translations can be very helpful, some immigrant populations (and many English speakers as well) have low literacy levels or speak languages that have only recently added a written component (such as Somali, for which a writing system was developed as recently as 1972). Therefore, videos for general court information or for case types and proceedings that lend themselves to more standardized general information (and therefore do not require frequent updating), can be a critical tool for providing language access and better educating immigrants about the courts.

### ***7b. District Courts' Website Content***

District courts will be encouraged to post translations of any local information, forms, educational materials, and videos on their public websites, and ensure their web pages link to the Minnesota Judicial Branch's CIP page of multilingual resources.

### ***7c. Collaboration with Self-help Centers***

Self-help center staff are at the front line of providing assistance to LEP and deaf and hard of hearing court users. While users wait for assistance, they could be viewing videos on going to court, reviewing translated material, or looking up translated information online. When calling the self-help call center, callers can be directed to posted multilingual information online to support the other assistance they receive. The CIP Language Access Coordinator will work with district court self-help centers and the self-help call center to coordinate efforts and ensure all available multilingual tools are available to self-help center staff and self-help center users. For example, every district court is equipped with at least one computer available for the public's use. These computers should be set up for users to easily find multilingual information and videos, and updated regularly to make sure the latest translated materials are uploaded.

## **VI. Translation**

### ***A. Translation Policy***

Translation of forms, educational materials, videos, notices, and signs is a critical tool in the Minnesota Judicial Branch's efforts to provide LEP individuals with greater access to court services. Acknowledging the need for a translation protocol and policy, the SCAO issued, effective September 1, 2014, Policy 503(b) titled "Translation of Court Forms," attached as Appendix B. The translation policy includes a scoring matrix (Appendix C), which assists the CIP Language Access Coordinator determine the appropriateness of granting a particular request for translation as submitted to CIP.

District court interpreter coordinators and administrators take advantage of Policy 503(b) to request translation of vital and commonly-used documents. Whenever possible, translation is undertaken, especially to the degree the documents can be used at a statewide level, or can be formatted as a template or in a manner that allows for district court customization as needed, to create efficiencies in the use of resources.

To the extent possible, translation of materials start with the creation of English documents that are in plain language, user-friendly with no or minimal (if necessary) use of legalese, and within readability goals for the intended population. By having accessible documents and information in English, access for everyone is improved. Translating more accessible documents into foreign languages only serves to make the translations themselves more accessible by LEP court users.

### ***B. Availability of Translations***

Statewide court forms, brochures, and factsheets translated by the SCAO are posted and maintained on the Minnesota Judicial Branch's public website. Some statewide court forms not generated by pro se litigants have been translated and are available on the MJB intranet site.

The CIP Language Access Coordinator will work with the Committee on Equality and Justice, court self-help centers (who often partner or work closely with legal services providers), and other court divisions that interact with community-based organizations, immigrant groups, and educational institutions to identify appropriate mechanisms for dissemination of translated materials to the public at large.

## **VII. Judicial Branch Training**

Training for court employees, administrators, and judicial officers is a critical component of any language access plan and of efforts to ensure meaningful language access for LEP and deaf and hard of hearing individuals to the courts. All court employees and judges are able to access the language access-related training provided by the Minnesota Judicial Branch through the Judicial Branch's internal website, CourtNet.

### ***A. Training for Court Employees and Administrators***

All court employees and administrators must be familiar with language access and ADA policies for their court and the branch as a whole. In addition, front line staff, often the first points of contact with LEP and deaf and hard of hearing court users, must be trained on ways to identify language issues and understand what language access services may be appropriate and available. Similarly, all employees must be familiar with the legal requirements under the ADA in order to meet the needs of deaf and hard of hearing individuals.

The Court Interpreter Program will launch in early 2016, an on-line, interactive training for district court employees as part of the New Employee Orientation, called “Language Access Basic Training” (LABT). This training will be mandatory for most employees and includes information on the different mechanisms for providing language access services, such as Language Identification Cards, proper utilization of the Multilingual Employee Listing, availability of LanguageLine, use of in-person court interpreters, translated forms and documents, self-help center services, online multilingual resources, and deaf and hard of hearing accommodations.

The CIP Language Access Coordinator conducts specific site visits with individual district courts to provide resources and to help improve services to LEP court users and train court staff on use of interpreters and other CIP issues. In addition, the SCAO Diversity Specialist provides on-line and in-person training opportunities with other experts throughout the state on Cultural Diversity topics including Helping Customers with Limited English Proficiency, on Plain Language, Dispelling the Myths: Deaf and Hard of Hearing Trends, Updates to the ADA, etc.

District courts should offer periodic training for their employees on these matters as well, especially for those employees who are located at the points of contact identified above, where LEP and deaf and hard of hearing individuals, and the public at large, access the court. Courts can engage their own employees to help conduct these trainings. For example, Self-help center staff not only come into constant contact with LEP and deaf and hard of hearing users, but they are also uniquely positioned to understand many of the cultural and linguistic barriers encountered by these groups due to the intense level of interaction they have with these court users and their collaborations with community groups serving these populations.

Some district courts, such as Hennepin County, where the numbers and diversity of LEP court users is proportionally much larger than in any other district court, work with their community providers to organize a number of trainings and educational opportunities for court employees regarding language access and cultural competence. Some examples of training opportunities in Hennepin include: Arab Culture Workshop, Dispelling the Myths: Deaf and Hard of Hearing Trends, Getting to Know your Muslim Client, Helping Customers with Limited English Proficiency, Plain Language Training, Minnesota Court Interpreter Program, etc.

### ***B. Training for Judicial Officers***

It is vital for the success of any language access policy and efforts to ensure language access throughout the judicial branch that judges be trained in every aspect of the courts language access policy, including working with interpreters, interpreter qualifications, the appropriate use of remote technologies, and cultural competence. In Minnesota, new judges are trained on interpreter matters as part of the New Judge Orientation curriculum. The eLearning module: *Working with Interpreters in Your Courtroom* includes information for new judges on the nature of the work of an interpreter, how to work with an interpreter, how to ensure an interpreter is qualified to interpret for a particular proceeding, and how to disqualify an interpreter if



necessary, etc. In addition, the CIP Language Access Coordinator organizes trainings at the district court level on working with different cultures and limited English proficient and deaf and hard of hearing individuals and judges are encouraged to attend.

#### ***Next Steps – Judicial Branch Training:***

##### ***8a. Language Access Plan Training Programs***

With the adoption of this statewide Language Access Plan, the Minnesota Judicial Branch and SCAO will lead trainings regarding the provisions and implementation of the plan, and establish a recurring training schedule so new and continuing employees and judicial officers are able to access relevant language access and cultural competence training and education throughout their tenure with the court.

##### ***8b. Increased Training Opportunities for Judicial Officers***

The CIP will propose additional training curricula to address the effective use of interpreters in the courtroom and will work with the SCAO Human Resources and Development Division to make the trainings available.

##### ***8c. Technology Focused Training***

Training on the proper use of technology to provide language access, including video and telephonic remote interpreting, will also become part of the training curriculum once guidelines are put in place and more interpreters are trained on the use of these technologies. Not only will court staff need to understand how to use the equipment, and to determine which matters are appropriate for telephonic and video remote interpreting, judges too will need to become familiar with the technology, benefits, and pitfalls of remote interpreting, and unique ethical considerations for interpreters when appearing remotely.

##### ***8d. Online Bilingual Court Staff Training***

Discussed above under Section V.

##### ***8e. Collaborations with Stakeholders on Training Efforts***

The CIP Language Access Coordinator will work with the Committee for Equality and Justice to incorporate community outreach by the court (see Section VIII below) and reciprocal education of judicial officers and court staff by the communities which they serve, so the Minnesota judicial branch as a whole can be more responsive and culturally competent in serving all Minnesotans. The Language Access Coordinator will also work with the Equal Justice Committees, established at each judicial district, to leverage the mission of the Equal Justice Committees to advance equality and promote multicultural understanding and competency among judges, court employees and justice system partners.



## **VIII: Public Notice, Outreach, and Dissemination**

### ***A. Public Notice of the Language Access Plan***

This Language Access Plan has been made available in various forms. The LAP will be available upon request, in hard copy, at the State Court Administrator's Office and every district court in the state through the interpreter coordinator's office. It will also be provided to the public upon request. The plan is posted on the Minnesota Judicial Branch website, and linked to the district courts' websites. The CIP Language Access Coordinator will notify justice partners, community-based organizations, and legal services providers working with LEP and deaf and hard of hearing populations, and relevant government agencies of the issuance of this plan, and any future updates.

### ***B. Community Outreach and Education***

Minnesota Judicial Branch judges and employees, members of the Committee for Equality and Justice, and District Equal Justice Committees, have participated in various community involvement initiatives. These efforts contribute to engendering public trust and confidence in the judicial branch and building relationships with court users from diverse backgrounds. In addition, they are critical to promoting greater understanding between court users and the court, including judicial officers and court staff.

Over the past year, the Committee for Equality and Justice has revamped the Community Dialogue Toolkit, a resource that provides tips and a framework for the District Equal Justice Committees to conduct Community Dialogue sessions. Using the Community Dialogue Toolkit, the Equal Justice Committees and the CIP Language Access Coordinator have held Community Dialogue sessions to gather input from the public and justice partners on court concerns. This work will continue throughout the state, prioritizing those areas with higher proportion of immigrant populations, especially those with newer immigrant and refugee residents. Building trust in the court system as well as educating these newer immigrants about the U.S. system of justice, and more specifically the Minnesota Judicial Branch, is instrumental in increasing public confidence, and helps courts better meet the needs of LEP and deaf and hard of hearing communities.

### ***C. Internal Communications***

The Minnesota Judicial Branch provides for internal communications with the judiciary and branch employees through: CourtNet, an intranet site; Branching Out, a quarterly publication of the State Court Administrator; and The Source, a monthly publications of the Court Services Division of the SCAO. All three internal communication modes will be accessed to provide information regarding the LAP plan, notice of updates to the LAP plan, and internal policy and procedures directly effecting the provision of language access services.

## *Next Steps – Public Notice, Outreach, and Dissemination:*

### ***9a. Outreach Efforts with the Committee for Equality and Justice***

The CIP Language Access Coordinator will work with the Committee for Equality and Justice to formulate an effective public education campaign regarding the provisions of this Language Access Plan, the availability of language access services in the Minnesota court system, and the right to an interpreter for court proceedings. Strategies will include the use of ethnic media to inform the communities about these services, and partnerships with community based providers to disseminate information to their clients regarding the Minnesota Judicial Branch’s commitment to ensure meaningful access to all residents of the state.

### ***9b. Obtaining Stakeholder Input***

The Committee for Equality and Justice will likely also be the appropriate conduit for stakeholder input on the Language Access Plan, its implementation, compliance, and needed revisions or modifications. The CIP Language Access Coordinator will coordinate and organize this input in the office’s ongoing responsibility for monitoring the Language Access Plan and language access services.

## **IX. Monitoring of Language Access Plan and Services**

In order to ensure the appropriate and successful implementation of this language access plan, and branch-wide compliance with its terms, there must be established systems for monitoring the plan and tracking the need for ongoing adjustments and necessary expansion. These systems must include an effective complaint mechanism and quality control measures.

### ***A. Responsibility for Monitoring and Maintenance of the Language Access Plan***

The SCAO through the CIP Language Access Coordinator will administer the implementation and ongoing monitoring of the Language Access Plan. The Language Access Coordinator will review this Language Access Plan, at minimum, on an annual basis and make any necessary changes based on that review. It is the intent of the SCAO that this Language Access Plan be a dynamic, living document, which will change, grow and adapt to changing and advancing needs in the Minnesota Judicial Branch.

The evaluation and monitoring of the plan will include the following:

- Assessing the frequency of language assistance requests at the district court level;
- Assessing language needs and demographic data collected from various sources, as directed under the Needs Assessment section of the Language Access Plan, to determine if additional services, translated materials, language access tools, and

training and education should be provided or if new languages are emerging in different areas of the state;

- Staying informed regarding new laws or changes to existing laws, policies or rules affecting any aspect of the provision of language access services;
- Determining whether court employees and judicial officers are adequately informed of the Minnesota Judicial Branch's language access policies and procedures, and are effectively implementing them;
- Consideration of input received from justice partners, stakeholders, and LEP and deaf and hard of hearing communities and court users;
- Analyzing complaints received via the district courts or directly to the Court Interpreter Program, or via any other avenue regarding the provision (or failed provision) of language access services, including interpreter performance, quality of translations, availability of information to the public, etc.; and
- The inclusion of questions about the provision and quality of language access services in the Access & Fairness survey that the Minnesota Judicial Branch distributes every three years, to obtain input from the public served by the courts and establish public trust and confidence in the court system.

Any revisions and updates made to the plan will be communicated by posting on the Minnesota Judicial Branch public website and other mechanisms as laid out above in Section VIII (Public Notice, Outreach, and Dissemination).

### ***B. Local Monitoring by District Interpreter Liaisons***

While overall Language Access Plan monitoring will be the responsibility of CIP, District Interpreter Liaisons will assist by monitoring the implementation at the district court level. In consultation with the CIP Language Access Coordinator, DILs will set up regular site visits of judicial district member courts to examine compliance with the various aspects of the Language Access Plan, from signage to Language Identification Cards, to availability of remote interpreting equipment, to availability of translations. They will forward concerns, feedback, and complaints to the CIP Language Access Coordinator. DILs will also assist the Language Access Coordinator in training and educating court employees at the district level regarding implementation of the language access plan.

### ***C. Complaint Procedures***

Complaints regarding lack of language assistance services, or the quality of the services received, may continue to be brought to the attention of the CIP Language Access Coordinator, or locally to the clerk of the court, district court administrator, district court presiding judge, District Interpreter Liaison, or interpreter services coordinator. The complaint procedure will be available to the public at every district court, the Minnesota Justice Center, and online at the Minnesota Judicial Branch's website and local district court websites. Complaints may be filed by court users, attorneys, community-based organizations, legal aid programs, justice partners, governmental agencies, court employees, and judicial officers.

Complaints regarding an interpreter’s performance or unethical or unprofessional conduct are filed with the CIP Language Access Coordinator, who will conduct a formal investigation. Should complaints about interpreters be lodged locally at the district court level or with the DILs, they are forwarded to the CIP Language Access Coordinator.

Complaints regarding court interpreters may be filed using the [Court Interpreter Complaint form](#)<sup>43</sup> and forwarded to:

State Court Administrator’s Office  
Court Interpreter Program Court Services, Suite 105  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Any complaints filed at the local level or with DILs, whether about any aspect of language access services as delineated in this plan or regarding court interpreters, even if resolved locally, must be forwarded on to the CIP Language Access Coordinator for reporting and monitoring purposes. If complaints have been investigated and resolved locally, resolution outcomes must also be provided to the CIP Language Access Coordinator.

#### ***D. Committee for Equality and Justice***

Referenced elsewhere in this Language Access Plan, the Minnesota Judicial Branch’s Committee for Equality and Justice is an advisory committee to the Minnesota Judicial Council. The committee is comprised of representatives from each of Minnesota’s ten Equal Justice Committees; a liaison from both the Minnesota Supreme Court and Minnesota Court of Appeals; the Minnesota State Bar Association’s Diversity and Inclusion Director; and members of the community to broaden perspectives and capture opportunities for innovation. The Committee for Equality and Justice meets on a quarterly basis to fulfill its charge of advancing the Minnesota Judicial Branch’s efforts to eliminate bias. Among several responsibilities, the 31-member committee is charged with:

- Ensuring equal access to the courts and a fair and impartial courtroom;
- Providing fair treatment of court users and employees;
- Recommending education programs and course materials for judges and Judicial Branch employees;
- Promoting diversity in selection of court employees and judges to reflect the population served by the Judicial Branch; and
- Promoting a high level of trust and public confidence in the judicial system.<sup>44</sup>

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<sup>43</sup> Available at

[http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter\\_Program/CIP\\_ComplaintForm\\_final.pdf](http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/Interpreter_Program/CIP_ComplaintForm_final.pdf).

<sup>44</sup> More information available at <http://www.mncourts.gov/MinnesotaJudicialCouncil/CEJ.aspx>.

As discussed under Section VIII on outreach, and as appropriate, the CIP Language Access Coordinator works closely with the Committee on Equality to incorporate language access and the Language Access Plan into outreach efforts in order to receive feedback from community stakeholders on complaints and areas of improvement for the language access plan, including complaint resolution, effectiveness of services provided, and necessary additions to ensure the meaningful provision of language access.

#### ***Next Steps – Monitoring of Language Access Plan and Services:***

##### ***10a. Translation of Complaint Forms***

The CIP Language Access Coordinator will modify and translate the existing Court Interpreter Complaint form currently available to encompass complaints regarding the provision, or failed provision, of any language access service, including quality of services provided, timeliness of provision, or other aspects of the service. The complaint form will be translated to Minnesota's top 10 languages, in addition to English.

##### ***10b. Development of a Language Access Complaint Procedure and Information Sheet***

The CIP Language Access Coordinator, in collaboration with DILs, will develop a complaint procedure information sheet for the public to understand clearly how to file a language access services complaint. As with the complaint form, the complaint process information sheet will be in plain language and translated to the state's top 10 languages. It will explain the process for filing a complaint, and the subsequent investigation and resolution mechanisms.

## **CONCLUSION**

This Language Access Plan for the Minnesota Judicial Branch is intended as a policy and long-term planning document, to be updated, changed and adapted as the needs of the branch and of Minnesota's limited English proficient and deaf and hard of hearing populations change. Regular monitoring, and evaluation mechanisms are built into the plan to ensure its success and its accountability to Minnesotans.

As language access strategies, services, and resources are improved, the plan will be updated to reflect achieved goals, and further next steps in the branch's continual efforts to improve its delivery of justice, and assurances of equal access, to its citizens.

## APPENDICES

### APPENDIX A



#### *Minnesota Judicial Branch Policy*

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**Policy Source:** Minnesota Judicial Council  
**Policy Number:** 513  
**Category:** Statewide Court Programs  
**Title:** Court Interpreter Program  
**Effective Date:** February 15, 2008; August 2, 2010; March 1, 2013  
**Revision Date(s):** July 15, 2010; January 17, 2013  
**Supersedes:**

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### **Court Interpreter Program**

#### **I. POLICY STATEMENT**

It is the policy of the Minnesota Judicial Branch, pursuant to M.S. 546.43, subd. 1 and 611.32, subd. 1, the Minnesota Constitution, and Minnesota Court Rules, to provide accurate interpretation of court proceedings so that non-English speakers and those disabled in communication are afforded equal access to justice.

##### **A. In-Person Interpreting**

Except as stated in paragraph B, interpreting services for court proceedings should be provided in person.

##### **B. Remote Interpreting**

1. **Circumstances.** Technology may be used to provide interpreter services from a remote location for:
  - a) Urgent or unexpected situations where no in-person staff or freelance interpreter is reasonably available; or
  - b) Non-emergent matters when it is more fiscally responsible to obtain the service by remote than by bringing in an in-person interpreter and the quality of the interpretation is not unduly compromised.

2. **Testimony.** Remote interpreting should not be used in proceedings where lengthy testimony is expected.
3. **Court Discretion.** The court has discretion to determine whether remote interpreting is appropriate for:
  - a) Proceedings of any type when the person who is disabled in communication speaks a rare or exotic language and an in-person interpreter is not reasonably available; or
  - b) Hearings involving emergent matters where testimony is necessary.

## **II. IMPLEMENTATION AUTHORITY**

Implementation of this policy shall be the responsibility of the State Court Administrator and the Chief Judges of the Judicial Districts.

## **III. EXECUTIVE LIMITATIONS**

The State Court Administrator will administer the Court Interpreter Program in accordance with the General Rules of Practice, Title I, Rule 8.

APPENDIX B



*Minnesota Judicial Branch Policy/Procedures*

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**Policy Source:** State Court Administrator  
**Policy Number:** 503(b)  
**Category:** Court Operations  
**Title:** Translation of Court Forms  
**Origination Date:** June 18, 2014  
**Effective Date:** September 1, 2014  
**Revision Date:**  
**Contact:** Director, Court Services Division

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*Translation of Court Forms*

**IV. POLICY STATEMENT**

This policy, in support of Judicial Branch Policy 503, Court Forms, and State Court Administrator (SCA) Policy/Procedure 503(a), Development and Modification of Court Forms, sets forth the procedure for translating Statewide Mandatory Court Forms into languages other than English.

**V. APPLICABILITY**

This policy is applicable to all court employees. The State Court Administrator’s Office (SCAO) acknowledges providing translated court forms is an important step in advancing the Judicial Branch Strategic Goal of Access to Justice.

**VI. DEFINITIONS**

- A. “Bi-lingual Format” is when a translated document has English and the foreign language text provided together on one document.
- B. “Local Court Forms” are those forms created by a county or district specifically for use in that particular county or district when a Statewide Mandatory Court Form does **NOT** exist or a Statewide Mandatory Court Form is revised as provided in SCA Policy/Procedure 503(a), Section IV-C.



- C. “Mandatory Court Forms” are those forms identified as statewide and must be used statewide as they exist without alteration, except to the extent local modification is permitted by State Court Administration policy.
- D. “Translation” involves taking written text in a source language and providing written text into the target language. Translation is written and not equivalent to interpretation which is oral.

## **VII. PROCEDURES**

### **A. Requesting Translation of an Existing Court Form**

Requests to translate a statewide court form or update an existing translated version of a statewide court form shall be made in writing, via email, to the SCAO Court Interpreter Program (CIP). When a request is received, the CIP Coordinator is responsible for coordinating the translation procedure.

The CIP Coordinator will acknowledge, via email, receiving a form translation request and update the requester on the status of the request until resolved.

### **B. Prioritizing Requests for Translation**

The Court Form Translation Request Scoring Matrix will be used to determine the priority of each translation request. The matrix is a scoring mechanism that helps determine the need for translation based on frequency of use and the direct effect the form may have on the court user’s access to justice, loss of liberty and other vitally important factors. The CIP Coordinator will gather frequency of use information. If the form is used in 10% in the specific case type (using an average over the most recent 5 years), the request advances and is added to the list of forms to be translated. If the frequency score does not meet the threshold of 10%, the form then proceeds through the rest of the scoring matrix to determine its priority.

The CIP Coordinator will maintain a ranked list of scored forms for translation, including forms requiring updates, with estimated costs for translation. The list will be reviewed by the Court Operations Advisory Workgroup (COAW) for feedback and additional

prioritizing before it is provided to the State Court Administrator with their recommendations. The State Court Administrator approves the final list of forms for translation and the CIP Coordinator coordinates the actual translation process.

### **C. Translation**

All forms approved for translation will be sent to a state contracted vendor. All forms will be translated in bi-lingual format and according to contract specifications. Computer-automated translations are not acceptable.

Notice of newly translated forms and updates will be made through appropriate statewide Minnesota Judicial Branch Business Communications. Translated forms will be available on CourtNet and, when appropriate, the Minnesota Judicial Branch website.

## **VIII. RELATED DOCUMENTS**

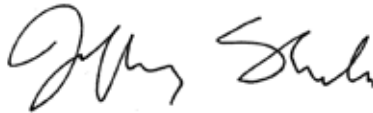
[Judicial Council Policy 503, Court Forms](#)

Court Form Translation Request Scoring Matrix

## **IX. REVISION HISTORY**

None

Approval:



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Jeff Shorba, State Court Administrator

June 18, 2014

Date

Appendix C

Forms Translation Scoring Matrix

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
1																										
2		<b>Criteria</b>	<b>Frequency of Use *</b>			<b>Safety Concerns</b>				<b>Access to Justice</b>		<b>Loss of Liberty</b>		<b>Children</b>			<b>Loss of Real or Personal Property</b>	<b>Loss of License of other Benefit</b>	<b>TOTAL</b>							
3		<b>Criteria Detail</b>	Average Annual Dispos by Case Type	Average Annual Dispos by Case Type	% (Divided by C)	Protection from Abuse	Protection from Self-Harm	Victim or Vulnerable Adult	Harm to Child - Physical or Neglect	Case Type is often Pro Se	Case Type often Requires Interpreter	Potential Incarceration	Commitment	Paternity/T PR	Parenting Time	Removing Child from the Home										
4		<b>Form Descriptors</b>																								
5		Dispo Case Type																								
6																										
7																										
8																										
9																										
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20																										
21																										

\* Information provided by R&E to help determine if form is used frequently (10% or higher). Figures are an average of the three most recent years. If a form meets 10% frequency threshold it will be recommend for translation. If not, it will be scored using this matrix.

**Subject Matter Expert**  
**Instructions:** Enter an X in the column if the criteria detail (i.e. Protection from Abuse) directly pertains to the subject matter of the form. Leave it blank if not. Enter an N/A if not your area of expertise. Score only forms that do not meet the 10% frequency threshold.

Year  
 Case Type  
 2009 2010 2011 2012 2013  
 Civil  
 Criminal  
 Family  
 Probate or Mental Health  
 Grand Total