



## MINNESOTA JUDICIAL BRANCH

Language Access Plan  
December 1, 2020

### **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.



This document is written and published by the  
Minnesota State Court Administrator's Office.

# Language Access Plan

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## Background

The Minnesota Judicial Branch is a unified court system. The state legislature funds it and the Judicial Council, the policy making body of the Branch, governs it. The 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. Every court, and each judicial district, has individual characteristics and faces unique challenges with resources, demographics, geography, and culture. Despite these challenges, the Branch has exhibited a long-standing commitment to access to justice and language access. The National Justice Index recently recognized this commitment giving the Branch high scores in language access (76.40) and disability accommodations (79.17).<sup>1</sup>

The Branch is committed to ensuring equal access to the courts for all Minnesotans. Language access, a key component of achieving equal access, is and has been at the forefront of Branch efforts 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; accessibility; and commitment to effective communication. Ultimately, providing meaningful access to language services supports the Branch's core values.

Language access efforts and responsibilities in the Branch are centralized through the Court Interpreter Program (CIP), which works to improve language access statewide. The language access coordinator, SCAO, and CIP consolidated all individual district court language access plans and collaborated to develop a uniform approach to language access with the district courts and other stakeholders.

The Branch first published the statewide language access plan in July 2016. This version describes recent initiatives and serves 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.

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<sup>1</sup> National Justice Index Report. [www.justiceindex.org](http://www.justiceindex.org). Language Access Data. <https://justiceindex.org/2016-findings/language-access/#site-navigation>. Disability Access Data. <https://justiceindex.org/2016-findings/disability-access/#site-navigation>.

<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. Civil Rights Division, U.S. Department of Justice. (February 2014). [Language Access Planning and Technical Assistance Tool for Courts](#).

## Summary

This comprehensive plan describes how the Branch provides: 1) interpreter and other language access services to individuals who are non-English speaking or have limited English proficiency, 2) training and education of 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 equal access and is consistent with the Branch's Strategic Plan's goals, objectives, and stated mission.

The plan also includes "Next Steps," or initiatives that may continue to improve language access services to every LEP and deaf or hard of hearing person in every Minnesota court. Accomplishing next steps, as laid out in this plan, will take place over time within the context of the Branch's long-term commitment to improving language access. Initiatives may be adjusted over time as new challenges arise and policies change to meet the needs of the state's population.

## Court Interpreter Program

The SCAO's Court Interpreter Program administers the language access plan and is charged with successfully implementing policies and procedures throughout Minnesota courts to provide meaningful language access. The Branch's substantial accomplishments to date have put Minnesota at the national forefront in delivering language access services to all court users.

Since the inception of the CIP in 1999, language access efforts and responsibilities in the Minnesota Judicial Branch have been centralized. Through its language access coordinator, the SCAO and CIP have taken the lead to consolidate all individual language access plans the district courts maintained in the past. The district courts and other relevant stakeholders collaborated to create a uniform approach to language access.

The CIP is in charge of:

- Testing and interpreter certification
- Maintaining and publishing the interpreter roster
- Recruiting and training new interpreters
- Monitoring expenditures and district court payment for interpreter services
- Developing and implementing language access and interpreter policies
- Training scheduling specialists, court staff, and judicial officers
- Managing the translation of statewide court forms and public signage
- Facilitating disciplinary action and other complaints regarding interpreters
- Monitoring the Judicial Branch's language access policies and procedures

# Language Access Plan

The [CIP web page](#) on the Minnesota Judicial Branch’s website provides multilingual resources and videos for the public. The web page includes information for and about interpreters, resources for attorneys, court staff, and judicial officers, and details about the complaint process.

## Scheduling Specialists

Prior to October 2017, local court staff handled all interpreter scheduling. Some staff were well trained and others rarely worked with interpreters. Consequently, practices and adherence to policy varied statewide. SCAO leadership recommended forming a Scheduling Specialist Unit. The state was divided into six regions based on the concentration of interpreter requests by location. SCAO also approved a new Scheduling Specialist job classification.

The result is a unit of highly trained interpreter schedulers who fully understand the policies, practices, and rules associated with setting up and securing the most qualified interpreters for court assignments. Each region has a trained backup scheduler.

Local court staff enter interpreter requests for court proceedings into the Minnesota Court Information System (MNCIS). The interpreter scheduling specialist assigned to that region receives those requests through an integration with the Interpreter Resource Management Application (IRMA). Schedulers work as a team and share interpreter resources for continuous improvement and efficiency.

## Next Steps

The SCAO and District Court leadership groups are exploring the feasibility of consolidating interpreter scheduling specialists under a single supervisor model to improve consistent practices for appointments statewide.

## I. Snapshot of State Population and Judicial Branch Structure

Disclaimer: The data included in this plan is accurate as of the date of publication. It may not be accurate at the time of review. Please see the footnotes for referenced sources to confirm current data if needed.

### Minnesota’s Diverse Population

Minnesota is home to approximately 5.6 million people.<sup>3</sup> Approximately 9% of the state’s residents are foreign born, and about 11.9% speak a language other than English at home. Compared to the U.S. as a

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<sup>3</sup> Data from the Minnesota State Demographic Center. (Based on 2018 estimates).

<http://mn.gov/admin/demography/data-by-topic/population-data/our-estimates/index.jsp>.

U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates.

<https://data.census.gov/cedsci/profile?q=Minnesota&g=0400000US27>.

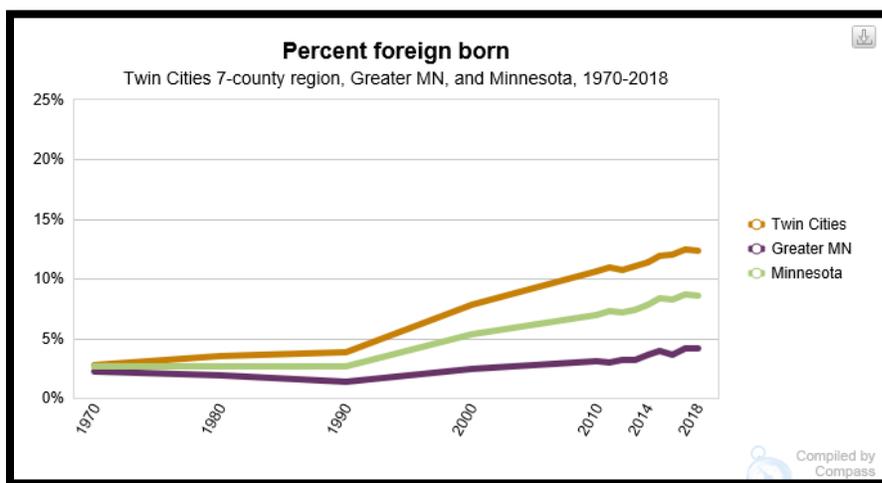
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whole, where immigrants comprise 14.4% of the population, Minnesota's 9% may not seem significant; however, the rate of increase in Minnesota's foreign-born population is much faster than the national average.<sup>4</sup>

Approximately 4.7% 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 largest groups of foreign-born residents in Minnesota are from Mexico, Somalia, India, Laos, Ethiopia, Vietnam, Thailand (including Hmong), China, Korea, Liberia, and Canada."<sup>6</sup> On average, 1.9% of Minnesota's population between ages 18 and 64 is deaf or hard of hearing. The percentage rises considerably (to 14.1%) for those 65 or older.<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. New immigrant populations and new languages arrive in the state every year. The U.S. Census data is unable to capture new immigration and language trends. Therefore, courts need to increasingly rely on department of education data, information from justice partners, and community service providers to meet the need of these emerging immigrant and refugee populations.

[Minnesota Compass](#) is a project that tracks population and other trends. The chart below shows the consistent increase in Minnesota's foreign-born population.



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

<sup>5</sup> U.S. Census Bureau, 2018 1-Year American Community Survey estimates for 2018.

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

<sup>7</sup> U.S. Census Bureau 2018. 1-Year American Community Survey estimates for 2018.

## Language Snapshot<sup>8</sup>

### Karen in Minnesota

According to the International Institute of Minnesota, over 17,000 Karen people live in Minnesota, primarily in the St Paul metropolitan area. This is one of the largest Karen communities in the United States.

In non-metro areas of Marshall, Worthington, Austin, Albert Lea, and Faribault, there are smaller populations of the Karen community. Secondary migration from other states is growing as families reunite with relatives who have already settled in Minnesota.

Many Karen refugees chose Minnesota as their new home because the social services and support infrastructure exceeds those offered to refugees in other parts of the country. The Karen are a growing employee group in meat processing centers in Worthington, Albert Lea, and Austin. The demand for Karen interpreters to meet the needs of the rapidly increasing population presents an ongoing challenge.

### Chuukese in Minnesota

The Chuukese migrated to Milan, Minnesota, in Chippewa County, after a local Minnesota banker lived with a host family on the Romanum Island of the Federated States of Micronesia. He helped this first family migrate to Milan. Many more families have come since that time. Religious service attendance is generally very high, congregations support their churches, and are majority Christian.

Today, Micronesians are estimated to make up over 75% of the Milan population. There are approximately 420 Chuukese in Chippewa County, and the surrounding areas, working in poultry production facilities.

### Karenni in Minnesota

Due to their small numbers, it is uncertain exactly how many Karenni live in Minnesota at this time. Based on aggregate data from community organizations, an estimated one to two thousand Karenni individuals reside in Ramsey County and other areas of the state with high Karen populations. Many Karenni refugees find work in the meat processing industry or work in agriculture and manufacturing in Mower County in Southwestern Minnesota.

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<sup>8</sup> Council on Asian Pacific Minnesotans 2017 Report. (M.S. Sect. 15.0145, Subd. 8).  
<https://mn.gov/capm/resources/annual-reports/>.

## Minnesota Judicial Branch Snapshot

Over 28,000 court proceedings requiring an interpreter took place during 2019 in Minnesota Districts Courts. The diversity of languages requested increased significantly in recent years; from 79 in 2016 to 105 in 2019.

Minnesota is one of a handful of states where Hmong, Somali, Karen and Vietnamese languages are among the top 5 languages spoken (other than English).<sup>9</sup> The top 10 most common languages court interpreters used in Minnesota courts in 2019<sup>10</sup> are listed below in order of frequency:

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

While the top 10 languages list captures the most common languages 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 47% 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 requested in District Courts in five sample counties:

COUNTY	LANGUAGE IN ORDER OF MOST REQUESTED				
	#1	#2	#3	#4	#5
<b>Hennepin</b>	Spanish	Somali	Hmong	Oromo	ASL
<b>Ramsey</b>	Karen	Spanish	Hmong	Somali	ASL
<b>Stearns</b>	Somali	Spanish	ASL	Fulah	Swahili
<b>Mower</b>	Spanish	Karen	Anuak	Karenni	Oromo
<b>St. Louis</b>	ASL	Mandarin	Russian	Arabic	

<sup>9</sup> Top Languages Spoken by English Language Learners: Nationally and by State, by the Migration Policy Institute. <https://www.migrationpolicy.org/sites/default/files/publications/ELLFact%20Sheet-No4.pdf>.

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

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 these differences into consideration.

The Branch must 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.

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>

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>12</sup> The map shows high concentrations of LEP populations 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 geography of the 10 judicial districts also differs substantially. For example, Hennepin County is the only county in the 4<sup>th</sup> Judicial District, yet is home to Minnesota’s largest urban area of Minneapolis. The 9<sup>th</sup> Judicial District consists of 17 mostly rural counties and tribal courts in northwest Minnesota, and includes approximately 30% of the state.

## 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. This access is whether they are engaged in the first steps of seeking legal recourse and learning about available solutions, or while attempting to defend or enforce their right to due process and seek legal protections.

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<sup>11</sup> Geographic Information Services, map for Minnesota. [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> Minnesota State Demographic Center. <http://mn.gov/admin/demography/data-by-topic/immigration-language/index.jsp>.

## 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](#).

Rule 8 of the [Minnesota General Rules of Practice for the District Courts, Court Interpreters](#), details the foundations of the Court Interpreter Program. For example, Rule 8.02 specifies requirements of Courts to appoint the most qualified interpreter. Also addressed in Rule 8 are the Court Certification process, character and fitness standards for inclusion on the statewide roster, and complaint procedures.

## 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, district courts must provide auxiliary aids and services, including sign language interpreters, to all deaf and hard of hearing court users in compliance with the ADA.

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With regard to language access for LEP persons, Title VI of the Civil Rights Act of 1964<sup>13</sup> and the Omnibus Crime Control and Safe Streets Act of 1968<sup>14</sup> prohibit any agency receiving federal 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 is typically the receipt of grants or monetary awards.

In 2002, the Department of Justice (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 the program provides; and
4. The resources available to the recipient and costs.<sup>15</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 forming and implementing language access policies and decisions since 2002 when the DOJ issued these guidelines. As indicated in the first factor, the Court Interpreter Program regularly collects demographic information on the geographic areas the court serves. With critical assistance from the district courts, and consistent reporting of interpreter use and costs, the CIP is able to determine information the second factor requires and determine the frequency LEP and deaf or hard of hearing individuals come into contact with 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. This analysis helps allocate funds and resources such as equipment or training for language access services.

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<sup>13</sup> 42 U.S.C. § 2000d, *et seq.*

<sup>14</sup> 42 U.S.C. § 3789d.

<sup>15</sup> 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). [Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination against Persons with Limited English Proficiency.](#)

SCAO and the CIP are developing reports based on the current data sources to improve the collection of information and complete this analysis. As part of the continued implementation of this statewide language access plan, data reports will be regularly monitored to ensure continued, essential language access.

## **Minnesota Judicial Branch Strategic Plan**

The State Court Administrator's Operational Plan describes the tasks necessary to achieve the [Strategic Plan's](#) goals. The FY20 Operational Plan includes the following initiative: Support court interpreter program initiatives aimed at effective administration of justice and high-quality, consistent, and convenient services to limited English proficiency litigants.

This language access plan supports both priorities under Goal 1 of the Strategic Plan through its needs assessment and data collection requirements. The plan helps to achieve Priority 1A in the ways telephonic and video remote technologies can be harnessed. These technologies reduce interpreter travel costs and delays, increasing effectiveness and efficiencies of language access services throughout the district courts. The Operational Plan details the tasks needed to implement Interpreter Services Workgroup recommendations that address increased use of remote interpreting. The plan will support Priority 1B in reporting the need for language services and resources to ensure equal access.

## **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 Branch as a whole and courts and judicial districts at the local level understand 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.

### **Data Collection and Analysis**

#### **Interpreter Resources Management Application**

The Interpreter Resource Management Application (IRMA) is a comprehensive, web-based application developed internally to meet the needs of the Branch. Launched in October 2019, the application handles credential tracking, roster management, interpreter scheduling, work tracking and verification, invoicing, and reporting.

IRMA allows schedulers to receive interpreter requests through a real time integration with MNCIS. Schedulers can quickly identify an interpreter's availability, credentials for a work assignment, and manage other assignment details.

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IRMA also provides interpreters who have active accounts with a real time calendar to track their assignments, see all assignment related details, and manage their invoices. Data generated through IRMA allows for tracking and analysis of program planning, auditing and ad hoc requests for information.

The Court Interpreter Program's language access coordinator uses a combination of reports from IRMA and data reports from the previous management system for a thorough analysis. The numbers provide information regarding the language needs of actual court users and assist the language access coordinator to anticipate language trends, translation goals, the need for certification exams, and more training of qualified interpreters.

This data collection also formulates strategies for centralized interpreter scheduling and coordination among district courts. 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, court interpreter reports and other more traditional population data, such as U.S. Census reports, do not always reflect the actual language needs of the communities the court serves. Constituents may not be accessing court services precisely because of a real or perceived lack of language resources. 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 sources 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:

- Minnesota Department of Health refugee demographic and spoken language data<sup>16</sup>
- Student data from the Minnesota Department of Education<sup>17</sup>
- Data from the Department of Human Services<sup>18</sup>
- Department of Homeland Security immigrant data<sup>19</sup>

The language access coordinator also collects data from statewide community-based organizations serving immigrant populations in the state. There is a particular focus on tracking emerging languages and new refugee and immigration trends. Existing collaborations between representatives of the

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<sup>16</sup> <https://www.health.state.mn.us/data/mchs/index.html>.

<sup>17</sup> <https://public.education.mn.gov/MDEAnalytics/Data.jsp>.

<sup>18</sup> <http://mn.gov/dhs/>.

<sup>19</sup> <http://www.dhs.gov/immigration-statistics>.

Minnesota Judicial Branch and organizations such as Minnesota Compass,<sup>20</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 IRMA on use of interpreters for court proceedings, local court staff now use IRMA to request interpreters for non-court events such as counter service, psychological exams, court visitor home visits, and Self-Help Center customers, among others. This collection of data allows the coordinator to have information on language use outside of court hearings.

Self-Help Centers are located in several Minnesota courthouses, law libraries housed in the court. There is also a statewide Self-Help Center. These are all critical points of contact between the public and the court. Many staff working at these offices, including legal services agencies and pro bono attorneys working in partnership with court Self-Help Centers, are bilingual. In addition, 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. They have knowledge and awareness of many immigrant populations used to inform local policies and judicial training and educational efforts.

In order to support and improve language access services and policies, the Court Interpreter Program analyzes and shares its data and population and language trend findings. This information is shared with all district interpreter liaisons all local interpreter scheduling specialists, and other relevant court departments at the local, district, and state administrative level.

## **District Court Involvement**

District interpreter liaisons work with their district courts to collect immigrant and refugee population information at the local level to get more accurate estimates for the language needs of the courts' communities. This information is reported to the language access coordinator on a minimum, annual basis.

## **Early and Ongoing Identification of Language Needs**

Together with efforts to anticipate community language needs through improved data collection, reporting, and analysis, Minnesota courts have established several methods to identify a court user's language access needs.

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<sup>20</sup> Highlighted in the Minnesota Judicial Branch Diversity & Inclusion Annual Report. (2017).  
[http://www.mncourts.gov/mncourtsgov/media/scao\\_library/CEJ/2017-MJB-Diversity-and-Inclusion-Annual-Report-\(final\).pdf](http://www.mncourts.gov/mncourtsgov/media/scao_library/CEJ/2017-MJB-Diversity-and-Inclusion-Annual-Report-(final).pdf)

# Language Access Plan

These various approaches address: ways in which court users can identify their language needs on their own; methods for court staff and judges to 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.

Minnesota courts currently use these strategies to identify language needs:

- **Self-identification:** The courts have implemented several tools to help people 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.

If further signage is needed, court staff request it from the language access coordinator. Similarly, if district court staff and interpreter liaisons identify additional tools for LEP and deaf or hard of hearing persons to self-identify their language needs, they direct those 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, whether as part of a court proceeding or other court business. Court staff have Language Identification Cards readily available to help identify a court user's language and then secure the necessary language access services. Resources include translated materials, interpreters, and bilingual court staff who are 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 informs the LEP or deaf or hard of hearing person regarding their right to have a court-provided interpreter any proceeding.

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, non-custody arraignment notices include language in the county's top 3 languages other than English (Spanish, Hmong, and Karen, S'gaw). In civil matters, when a scheduling order goes to the parties at the petition filing, information on how to request an interpreter is included. When clerks become aware of the language need, they can immediately enter that information on the party record in the statewide case management system.

- **Case management system tracking of needs:** MNCIS 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. In flagging the party record, other new case filings

involving that same party alerts staff that an interpreter is required. The Interpreter Resource Management Application is integrated with MNCIS. Requests for an interpreter entered in MNCIS are sent directly to IRMA in real-time.

- **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 protocols are encouraged to do so in order to increase efficiencies in identifying language needs and scheduling interpreters.

### IV. Language Access in Court Proceedings

It is Minnesota Judicial Branch policy to provide qualified spoken-language and sign language interpreters to all parties and witnesses who may require those services, in all court proceedings.<sup>21</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>22</sup> governs Branch policies and procedures with regard to court interpreters. Rule 8.01 requires the SCAO to annually maintain and publish a statewide roster<sup>23</sup> of certified and non-certified spoken and sign language interpreters. The rule also includes requirements to get 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.

The Branch revised Rule 8 in July 2020 to clarify language, eliminate outdated concepts and terminology, amend requirements governing the use of interpreters, and include direct governing employee interpreters. A number of updates were made to more accurately reflect current interpreter roster requirements, eliminate redundancy, and strengthen requirements on the statewide roster year after year. These changes in how the district courts identify and appoint the most qualified interpreter for court proceedings ensure that the courts are providing timely access to justice. The current rule directs

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<sup>21</sup> [Judicial Council Policy 513](#).

<sup>22</sup> [https://www.revisor.mn.gov/court\\_rules/gp/id/8/](https://www.revisor.mn.gov/court_rules/gp/id/8/).

<sup>23</sup> The CIP 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 <https://findinterpreters.courts.state.mn.us/>.

the most efficient use of interpreter resources and fully optimizes qualified interpreters around the state.

## Policy Regarding Appointment of Court Interpreters

Once the need for an interpreter has been determined, Rule 8.02 of the General Rules of Practice and SCAO statewide policy mandate that district courts must appoint a qualified interpreter for the LEP party or deaf or hard of hearing person. If there is no certified interpreter available after a reasonable search (or if no certification exists for the language in question), courts then look to employ another roster interpreter. If still no roster interpreter is available, an interpreter not listed on the roster may be used.

When an interpreter who is not on the roster is used, court staff or the judicial officer follows the screening standards SCAO has developed 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 available as a bench card<sup>24</sup> for judicial officer's use. For ASL interpreters, Rule 8.02 establishes minimum certification and standard requirements when not certified.

Once a qualified interpreter is available, parties may use the interpreter during the court proceeding as necessary, and immediately before and after the court event to assist with communications. At the court's discretion, and considering available resources, the 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>25</sup>

Interpreters hired 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.

**Staff interpreters.** The Judicial Branch employs 12 staff interpreters who are considered the most qualified and the scheduling specialist's first choice for assignments. Staff interpreters are available for Spanish, Somali and Hmong interpreting requests. They are strategically located according to need but

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<sup>24</sup> [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).

<sup>25</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](#).

## Language Access Plan

are available to provide interpreting to other district courts using remote technology. Staff interpreters also assist the CIP with developing and delivering new interpreter training, shadowing and mentoring new or less qualified interpreters, and document translation.

**Appointment of non-interpreters.** Bilingual staff are not used for interpreting in courtroom proceedings, unless otherwise qualified as certified interpreters or roster interpreters. They may 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 are also 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, 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.** State Court Administration establishes payment of interpreters. 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, roster status, and other factors. Payment of interpreters hired for court proceedings is court’s responsibility and not the person using interpreter services.

### Language Access Information Cards

In an effort to provide clear and consistent information to LEP parties, the Branch developed the [Language Access Information Card](#). A Committee for Equality and Justice Subcommittee addressed the issue following a survey of LEP parties following their court appearance. The survey results showed LEP parties frequently did not understand the role of the court-appointed interpreter. The Language Access Information Card is a concise, plain language card explaining parties have a right to a court-appointed interpreter at no cost. The card includes information about the court interpreter’s role and what the interpreter can and cannot discuss with them. It includes the following: “If you have a question or concern about court interpreting services, ask the Judge, speak to the Clerk of the Court where the case is being heard, or contact the Minnesota Court Interpreter Program.” The contact phone number and email is also on the card. Cards have been translated into the top 11 languages.

## Interpreting Agencies

The Interpreter Resource Management Application provides an efficient way for schedulers to locate the most qualified, available interpreter for an assignment. Hennepin and Ramsey Counties have a large concentration of LEP individuals. Consequently, many certified and qualified court interpreters are based there. Staff interpreters are able to meet a significant percentage of interpreting needs for these counties. When needs arise that cannot be met with staff interpreters or interpreters on the roster and in the IRMA database (very rare languages for example), scheduling specialists may use interpreting agencies to manage the hiring, coordination, and dispatch of interpreters. Both of these approaches are necessary as courts must retain the flexibility to obtain interpreters in the most efficient and effective manner.

The CIP language access coordinator works with scheduling specialists and district interpreter liaisons to establish strong collaboration between district courts and interpreting agencies. This collaboration ensures interpreters are as trained and prepared as possible. It is in these agencies' business and financial interests that courts can trust and rely on their services. Courts leverage those interests to require that agencies prepare their interpreters and provide the most qualified professionals for court matters.

## Establishing Best Practices for Working with Interpreters

The CIP will continue its work with interpreter scheduling specialists, court administrators, 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; providing breaks to avoid interpreter fatigue; and supplying adequate interpreting equipment such as headsets and microphones, along with adequate training on equipment.

## Next Steps

The CIP language access coordinator plans to issue interpreter badges to roster interpreters so court staff can easily identify them. The picture interpreters provide to the CIP will be used on their ID badge and be uploaded to their profile in IRMA for identity verification. The CIP has requested continued development in IRMA which will include a mobile app interpreters can use to access and work in IRMA while in the field.

## Remote Interpreting

Technology can assist the Branch with language access services. Historically, most interpreting was conducted in court rather than remotely. Remote interpreting is defined as interpretation that occurs when the interpreter is not physically in the courtroom during the proceeding but is at another location and connected to the courtroom using a telephone and/or other technology to interpret. While in-person interpretation may have been the standard in the past, the use of technology can help prioritize resources and assign in-person interpreters where they are most critical and use telephonic or video remote interpreting for other matters.

Various technologies used for remote interpreting:

- **Telephone only** allows consecutive interpretation, which requires one person speaking at a time and is known as stop/start interpreting.
- **Telephone with distance court interpreting (DCI) technology** allows simultaneous interpretation in the courtroom. Simultaneous interpreting is a mode of oral translation where the interpreter listens to what the speaker is saying while concurrently interpreting into the target language.
- **Telephone with DCI and State of Minnesota Information Technology (MN.IT) Telepresence (also known as ITV)** allows the judge, the non-English speaking person, and others in the courtroom to see the interpreter while they perform simultaneous interpretation.
- **MN.IT Telepresence** can be used alone for American Sign Language interpreting or for spoken language consecutive interpreting.
- **Remote Communication Access Real-time Translation (CART)** for deaf or hard of hearing people streams text to a secure Internet URL for viewing and may be displayed on a variety of computers, projection screens and/or mobile devices.
- **Other Platforms** such as Zoom, Cisco Virtual Meeting Room, and Webex. These platforms became common for hearings during the 2020 COVID-19 pandemic. Zoom allows simultaneous interpreting as an option which can be very advantageous during longer hearings.

Minnesota courts conducted the Remote Services Pilot Project from April 2017 to February 2018. Based on its findings, the pilot project team made recommendations around use of technology and implemented a courtroom technology inventory. In the Eighth Judicial District, telephone remote interpreting has been used regularly for over 10 years. Judicial officers and court staff in the Eighth Judicial District have embraced telephone remote interpreting and thus provided a valuable resource for vetting any changes in service delivery statewide.

The Branch invested in remote technology equipment upgrades for the pilot locations. Following the release of the pilot project final report, several demonstrations of remote interpreting were presented to the Minnesota Judicial Council who ultimately agreed to support an increased use of remote interpreting in certain circumstances. Consequently, policies related to remote interpreting were updated to allow for this shift in service provision.

Even though courtrooms statewide are capable of supporting remote interpreting events, less than 5% of all court interpreting in Minnesota District Courts was done using remote technology prior to the Covid-19 pandemic response.

## Next Steps

The CIP and the Court Services Division have developed comprehensive guidelines, a bench card, and educational materials for court staff, judicial officers, and justice partners on the proper use of remote interpreting. The Branch continuously evaluates education and training needs to support the CIP and district courts. Resources, materials, and additional trainings are developed and delivered as needed to address new and evolving topics and guidance.

## Strategies for Implementation of Remote Interpreting

In May 2020, in an effort to advance the increased use of remote interpreting, the Judicial Council approved the Remote Interpreting Statewide Implementation Plan. The plan includes the following target areas: expand the use of remote interpreting, technology and training, use of staff interpreters, and tracking progress and reporting.

Each district has developed an action plan for FY21 that addresses their unique barriers to remote interpreting and appointed a remote interpreting lead to facilitate the action plan. SCAO also developed an action plan focusing on ways to support the district action plans with the goal to have 10% to 20% of interpreter events in each district conducted with the interpreter appearing remotely.

## Interpreter Qualifications

The Minnesota Judicial Branch's Court Interpreter Program<sup>26</sup> oversees the certification and qualification of court interpreters. The certification process for court interpreters in Minnesota requires court interpreter candidates meet certain requirements that can be found on the public website. Interpreters can be certified in the following languages: Spanish, Hmong, Somali (exam is currently suspended), Bosnian/Serbian/Croatian, Arabic, Mandarin, Cantonese, Vietnamese, Haitian Creole, Lao, Korean,

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<sup>26</sup> Minnesota Judicial Branch Court Interpreter Program. <http://www.mncourts.gov/Help-Topics/Court-Interpreter-Program.aspx>.

## Language Access Plan

Russian, French, Khmer, Portuguese, Filipino, and American Sign Language. Currently, there are certified court interpreters only in ASL and the following spoken languages: Spanish, Hmong, Somali, Russian, Portuguese, Vietnamese, Mandarin, French, and Lao. Minnesota is one of many states that use the written and oral court interpreter examinations the National Center for State Courts (NCSC) has developed and maintained. Using 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.

1. 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.
2. 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.
3. 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>27</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](#) in the state court system; 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; and submit a criminal background check report.

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<sup>27</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.

# Language Access Plan

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.

## Training and Recruiting

The CIP language access coordinator continues to work on recruiting and training prospective interpreters, particularly in the languages most needed in the state. The CIP is working with the Karen Organization of Minnesota (KOM) and assisting in their interpreter training program. The CIP language access coordinator will present to the group on court-specific information and staff interpreters will assist in the presentation to field questions and offer suggestions. The staff interpreters will then mentor prospective Karen interpreters, allowing them to shadow the staff interpreter and receive on-site training. The CIP will also continue to explore relationships with other community-based organizations and educational providers such as community colleges, high schools, universities, and interpreting agencies. Fostering these relationships help to identify strategies for recruitment and training of prospective interpreters and multilingual court employees.

## Mandatory Continuing Education Requirements

Continuing education is encouraged for interpreters on the statewide roster. The CIP coordinator circulates information and announcements to interpreters about upcoming opportunities but attendance is not mandatory.

## Next Steps

Continuing education requirements will be put in place in 2021 for current interpreters who wish to remain on the statewide interpreter roster. The CIP will conduct training opportunities on interpreter ethics, case-specific concerns, and remote interpreting. The CIP will also provide a calendar of other continuing education opportunities for interpreters to consider.

The administrative tools needed to manage continuing education requirements for interpreters is in the development stage within IRMA and is expected to launch in 2021.

## Interpreter Discipline and Complaint Process

On occasion, a complaint against an interpreter may arise due to issues with an interpreter's performance or unethical or unprofessional conduct on the part of an interpreter. Pursuant to the authority granted under Rule 8.08 of the General Rules of Practice, the SCAO has established a procedure for filing formal complaints about interpreter services and conducting formal complaint investigations.

These procedures apply to all interpreters who included on the SCAO-maintained statewide roster and off-roster interpreters who are granted assignments. The procedure is included in the [Enforcement Procedures for the Code of Professional Responsibility for Court Interpreters](#), and a [complaint form](#) is available through the CIP web page. There currently is a [feedback form](#) 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.

Complaints concerning an interpreter's performance, unethical or unprofessional conduct are filed with the CIP language access coordinator, who will conduct a formal investigation. If interpreter complaints are sent locally at the district court level or with the interpreter liaisons, they are forwarded to the coordinator.

Complaints about court interpreters may be filed using the [Court Interpreter Complaint form](#) or sent 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

## Next Steps

The CIP coordinator will modify and translate the existing Court Interpreter Complaint form to submit complaints concerning providing, or failing to provide, any language access service, including quality of services provided, timing, or other aspects of the service. Like the Language Access Information Card, the complaint form will be translated to Minnesota's top 10 languages, in addition to English.

Due to rule revisions of the [Minnesota General Rules of Practice for the District Courts, Court Interpreters](#) effective July 1, 2020, the CIP will develop and implement protocols to monitor the ethics standards of interpreters on the roster and impart public confidence.

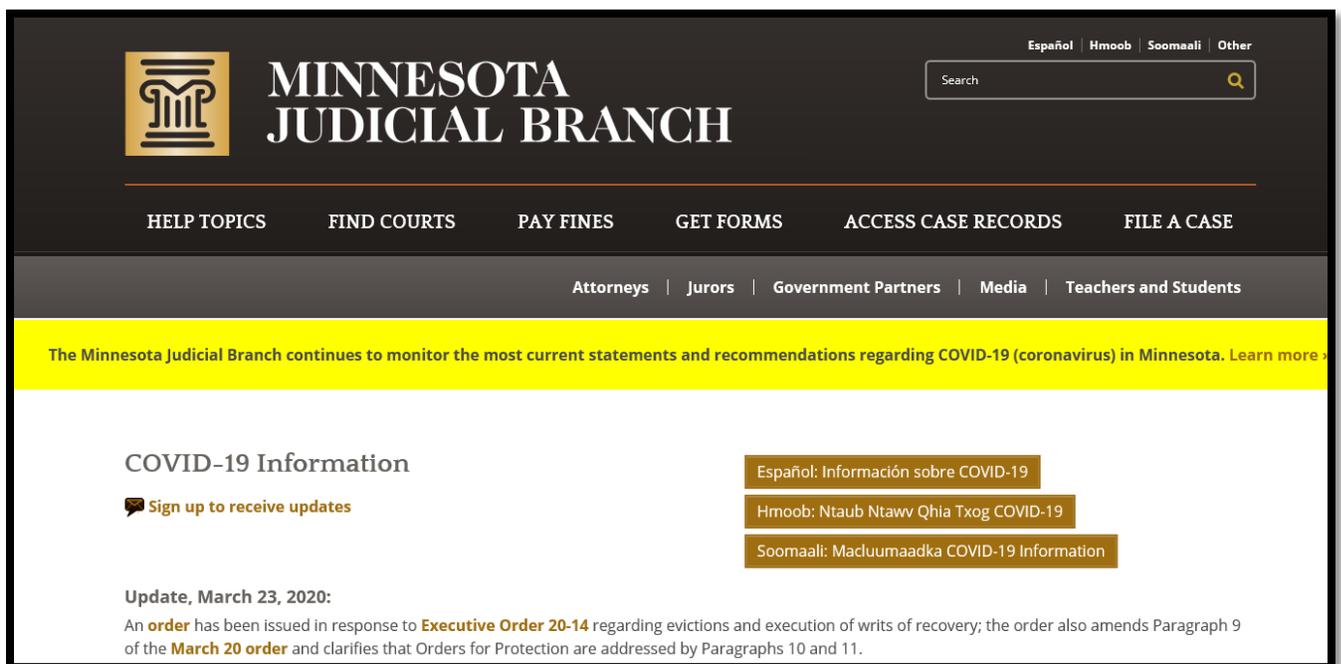
## V. Language Access Outside Court Proceedings

Many LEP and deaf or hard of hearing individuals who come into contact with the court system never see the inside of a courtroom. However, these court users 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 outside of the courtroom.

# Language Access Plan

The most significant points of contact between court users and district courts include, but are not limited to: the clerk's office and counters, district Self-Help Centers and the statewide Self-Help Call Center, alternative dispute resolution programs, over the phone, and the various offices the court operates, manages, and supervises, that are accessible to the public. Other areas include 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.

In March 2020, the Minnesota Judicial Branch began publishing special notices related to COVID-19 on their website and the resulting changes in hearings and services. These messages were translated into the top three languages and published prominently on the website.



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 MJC's primary points of contact with the public include: the State Court Administrator's Office, the Minnesota Supreme Court and Minnesota Court of Appeals, the Clerk of Appellate Courts Office, the State Law Library, and the Office of Lawyer's Professional Responsibility.

# Language Access Plan

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

## 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. The card allows an LEP court user to point to their first 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, signs to offices the public frequents, 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 other district courts throughout the state can use) are submitted to the CIP coordinator pursuant to the Translation Policy.

### Display of Multilingual Signage

The CIP coordinator and interpreter liaisons reinforce that all district court offices, open to the public, display interpreter request signage and have language identification cards.

As court facilities reopened following the COVID-19 pandemic response, safety related posters and self-represented litigant posters were translated into at least the top three languages of Spanish, Somali and Hmong for local courts to display.

# Language Access Plan

## Development of Additional Language Access Tools

The CIP coordinator determines whether other language access tools can assist court staff points of contact with the public, and LEP and deaf and hard of hearing individuals in particular. The coordinator works with district interpreter liaisons and court employees at the various points of contact, such as Self-Help Center staff, clerk's offices, and interpreter coordinators.

Staff interpreters or contract interpreters are used to assist customers when available. A request for an interpreter for a non-MNCIS event such as counter service or Self-Help Center assistance can be made through IRMA. The interpreter scheduling specialist tries to provide an in-person interpreter if one is available in the building, instead of LanguageLine, Inc.

## Multilingual Employees and Employee Listing

Currently, district court and MJC staff may volunteer to 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). The list is also available from the CIP 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 means to communicate 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.

## 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 use. If available, individuals listed could provide basic limited language assistance via telephone or a video conferencing system.

## LanguageLine, Inc.

Court staff may use LanguageLine, Inc. for a phone interpreter to assist an LEP individual outside the courtroom. Every district court and each MJC division has a unique billing code for courts to use the State of Minnesota contract with LanguageLine, Inc.

# Language Access Plan

The CIP coordinator and district court administrators make sure that all staff points of contact with the public is aware of LanguageLine, Inc., are trained on its use, and are knowledgeable about appropriate circumstances when it may be used.

In Ramsey county, for example, 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, Inc.

## Guidelines on the Use of LanguageLine, Inc. and Training

The CIP coordinator developed the Front Counter Guide for court staff on the appropriate use of LanguageLine, Inc. to assist LEP court users at various points of contact. The guide explains why relying on the LEP court user's family and friends to communicate should be avoided. Staff and leadership received training on assisting non-English speaking customers at the front counter during the 2019 Court Business Conference. The session included information on the appropriate use of LanguageLine, Inc.

## 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 MJC 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.

## Translated Forms and Documents<sup>28</sup>

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 and have stocked materials at court information kiosks, Self-Help Centers, clerk's offices, and other points of contact.

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<sup>28</sup> See section VI Translation for an overview of the Branch's translation policy and protocol.

# Language Access Plan

## Multilingual Videos, Glossaries, and Web Content

The [Branch website](#), contains a wealth of resources for Minnesota’s LEP and deaf and hard of hearing population. Spanish, Hmong, and Somali speakers can immediately access web pages with information in their language. Speakers of other languages, such as Karen, Khmer (Cambodian), Lao, Russian, Vietnamese, and Chuukese, as well as deaf and hard of hearing individuals, can also access helpful resources and information.<sup>29</sup> These web pages are user-friendly, 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.

### Multilingual Videos, Glossaries, and Web Content

Through the [Court Interpreter Program web page](#), court users can access these 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 has 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 interpreter roster or to learn about their right to a court-appointed interpreter.

### 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.

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<sup>29</sup> <http://www.mncourts.gov/Help-Topics/Language-Access-Plans/Resources-in-Other-Languages.aspx>.

# Language Access Plan

## 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. They should also ensure their district court website links to the Branch's CIP page of multilingual resources.

## Collaboration with Self-Help Centers

Self-Help Center staff are at the front line 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 Center, instructions and messages are recorded in Spanish and call center staff use LanguageLine, Inc. to provide assistance. Callers can also be directed to posted multilingual information online. The CIP coordinator works with district court Self-Help Centers and the statewide 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 for the public's use. These computers are set up for users to easily find multilingual information and videos, and are updated regularly to make sure the latest translated materials are uploaded.

## VI. Translation

### Translation Policy

Translation of forms, educational materials, videos, notices, and signs is a critical tool in the 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, Policy 503(b) titled "Translation of Court Forms" effective September 1, 2014. The translation policy includes a scoring matrix to help the CIP coordinator determine the appropriateness of granting a particular request for translation.

Judicial Officers, administrators or any court staff can take advantage of Policy 503(b) to request translation of vital and commonly-used documents. Whenever possible, translation occurs, especially to the degree the documents can be used at a statewide level. Other considerations for translation are if the document can be formatted as a template or if it allows district court customization.

To the extent possible, translation of materials starts with the creation of English documents that are in plain language, are user-friendly, have minimal legalese, and are within readability goals for the intended population. With accessible documents and information in English, access for everyone is improved. Translating more accessible documents into different spoken languages only serves to make the translations themselves more accessible.

## Translation Availability

The most vital statewide court forms, brochures, and fact sheets the SCAO has translated are posted and maintained on the Branch public website. Some statewide court forms that pro se litigants do not generate have also been translated and are available on the Branch's intranet site.

The CIP coordinator works with the Committee on Equality and Justice, 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. This coordinated work effort identifies appropriate distribution of translated materials to the public at large.

### Next Steps

Work is underway to provide versions of the MyMNConservator (MMC) Program's [Guardianship and Conservatorship Educational Video](#), with captions in Spanish, Somali and Hmong.

Minnesota Guide and File is a new online tool to assist self-represented court users eFile documents. The CIP coordinator will investigate the potential for providing the tool in a translated format so non-English customers can use it.

## **VII. Judicial Branch Training**

Training for court employees, administrators, and judicial officers is a critical component of any language access plan. Training efforts 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 the Branch provides through its internal website.

### 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.

## Language Access Plan

The CIP coordinator conducts specific site visits with individual district courts to provide resources and to help improve services to LEP court users. Site visits may include training court staff on appropriate use of interpreter services and other CIP issues. In addition, the SCAO Diversity Specialist provides online and in-person training opportunities with other experts throughout the state on Cultural Diversity topics. Examples of training subjects include Helping Customers with Limited English Proficiency, Plain Language, Dispelling the Myths: Deaf and Hard of Hearing Trends, and Updates to the ADA.

District courts offer periodic training for their employees on these matters as well, especially for front line employees, where LEP and deaf and hard of hearing individuals, and the public at large, frequently access the court. Courts can engage their own employees to help conduct these trainings.

For example, Self-Help Center staff not only come into frequent 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 these groups encounter. This level of understanding is due to the intense level of interaction they have with court users and their collaborations with community groups serving these populations.

Hennepin County, where the numbers and diversity of LEP court users is proportionally much larger than in any other district court, works 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, and Plain Language Training.

### **Training for Judicial Officers**

It is vital for the success of any language access policy and efforts to ensure language access throughout the Branch that judges be trained in every aspect, 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 interpreter work and how to work with an interpreter. The module also includes how to ensure an interpreter is qualified to interpret for a particular proceeding and how to disqualify an interpreter, if necessary. In addition, the CIP coordinator organizes trainings at the district court level about working with different cultures, limited English proficient, and deaf and hard of hearing individuals and judges are encouraged to attend.

# Language Access Plan

## Steps

The eLearning module for judicial officers, *Working with Interpreters in Your Courtroom*, will be revised and enhanced to reflect the increased use of remote interpreting, rule and policy revisions, and other updates. Additional training curricula for judicial officers may be developed to address the effective use of interpreters in the courtroom.

## Language Access Plan Training Programs

With the adoption of this statewide language access plan, the Branch and SCAO lead trainings and establish a recurring training schedule so new and current employees and judicial officers are able to understand and implement relevant language access and cultural competence throughout their tenure with the court.

## Collaboration with Stakeholders on Training Efforts

The CIP coordinator works with the Committee for Equality and Justice to incorporate community outreach and education of judicial officers and court staff with the communities they serve. The goal is for the Branch as a whole to be more responsive and culturally competent in serving all Minnesotans. The coordinator also works with Equal Justice Committees at each judicial district, to leverage the mission of the Committee for Equality and Justice, advance equality, and promote multicultural understanding and competency among judges, court employees and justice system partners.

## VIII: Public Notice, Outreach, and Dissemination

### Public Notice of the Language Access Plan

This language access plan has been made available in various forms. The plan is 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 is also 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 coordinator notifies 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.

## **Committee for Equality and Justice**

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 the Judicial Branch selection of court employees and judges to reflect populations served; and
- Promoting a high level of trust and public confidence in the judicial system.<sup>30</sup>

The CIP coordinator works closely with the Committee on Equality to incorporate language access and the language access plan into outreach efforts. These efforts allow feedback from community stakeholders on complaints and areas of improvement for the plan, including complaint resolution, effectiveness of services provided, and necessary additions to ensure the meaningful delivery of language access.

## **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 Minnesota 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.

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<sup>30</sup> <http://www.mncourts.gov/MinnesotaJudicialCouncil/CEJ.aspx>.

The Committee for Equality and Justice has developed a toolkit for District Equal Justice Committees to conduct community dialogue sessions and gather input from the public and justice partners on court concerns. This work will continue throughout the state, prioritizing those areas with higher immigrant populations, especially those with newer immigrant and refugee residents. Building trust in the court system as well as informing 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.

## **Internal Communications**

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

## **IX. Monitoring 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 ongoing adjustments and necessary expansion. These systems must include an effective complaint mechanism and quality control measures.

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

The SCAO through the CIP coordinator administers the implementation and ongoing monitoring of the language access plan. The coordinator reviews this plan, at minimum, on an annual basis and makes any necessary changes based on that review. The SCAO intends that this plan be a dynamic, living document, which will change, grow and adapt to changing and advancing needs in the Branch.

Evaluation and monitoring of the plan will include:

- 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;

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- 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;
- Considering input 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
- Including 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 and establish trust and confidence in the court system.

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

## Complaint Procedures

Complaints concerning lack of language assistance services, or the quality of the services received, may continue to be brought to the CIP coordinator’s attention, 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 Judicial Center, and online at the Minnesota Judicial Branch’s website and local district court websites. Court users, attorneys, community-based organizations, legal aid programs, justice partners, governmental agencies, court employees, and judicial officers may file complaints.

Any complaints filed at the local level, 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.

## District Interpreter Liaisons

While overall language access plan monitoring is a CIP responsibility, district interpreter liaisons monitor the implementation at the district court level. In consultation with the CIP coordinator, interpreter liaisons set up regular judicial district site visits to examine compliance with the various aspects of the plan. Site visits may examine signage, Language Identification Cards, availability of remote interpreting equipment, and availability of translations. District interpreter liaisons will forward concerns, feedback,

and complaints to the coordinator. District interpreter liaisons also assist the coordinator in training and coaching court employees at the district level regarding the language access plan.

## Conclusion

This language access plan for the Minnesota Judicial Branch is intended as a policy and long-term planning document. It will be updated, changed and adapted as the needs of the Branch and Minnesota's limited English proficient and deaf and hard of hearing populations change. Regular monitoring, and evaluation processes 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 next steps in the Branch's continual efforts to improve its delivery of justice, and assurances of equal access, to its citizens.

Approval:



Jeffrey Shorba, State Court Administrator

December 8, 2020

Date