

FIVE-YEAR UPDATE - FALL 2022

Equal access to the courts is fundamental to the legitimacy of our system of justice and the trust and confidence of Pennsylvanians in our courts.

Language services for individuals who speak limited English or are deaf or hard of hearing are essential to ensure that they are able to fully participate in judicial proceedings and court services, programs and activities in which their rights and interests are at stake.



The Unified JUDICIAL SYSTEM of PENNSYLVANIA
LANGUAGE ACCESS PLAN

TABLE OF CONTENTS

The Monitoring And Evaluation Team	2
Plan Highlights.....	4
Introduction And Purpose.....	6
General Principles Of Language Access	10
Language Needs In Pennsylvania	12
Recommendations / Requirements	15
Conclusion.....	20

THE MONITORING AND EVALUATION TEAM

CHAIR

Honorable Joseph C. Adams

Judge
Court of Common Pleas
York County

MEMBERS

Stephen Baldwin, Jr.

Court Access Analyst
Special Assistant to the Court
Administrator
AOPC

Jessica Bentley-Sassaman

Certified ASL Interpreter (AOPC)
Associate Professor
Bloomsburg University
Perry County

Aileen Bowers, Esq.

Deputy District Court
Administrator
Beaver County

Honorable Priscilla Campos

Magisterial District Judge
Berk County

Mark M. Dalton

District Court Administrator
Lancaster County

Amy DeMatt, Esq.

District Court Administrator
Westmoreland County

Honorable Donald M. Hahn

Magisterial District Judge
Centre County

Bridget G. Hylak

Certified Spanish Interpreter
(AOPC)
Certified Translator (ATA)
Come Alive Communications,
Inc.
Chester County

Marisa Lehr, Esq.

Court Access Coordinator
AOPC

Natalia Petrova

Interpreter Program
Administrator
AOPC

Gabriela Raful, Esq.

Partner
Galfand Berger, LLP
Philadelphia County

John E. Savoth, Esq.

Deputy Court Administrator,
Special Courts
Montgomery County

Mariana Stolee

Certified Spanish Interpreter
(AOPC)
Certified Translator (ATA)
Stolee Services, Inc.
Bucks County

Kerry R. Turtzo

District Court Administrator
Lehigh County

Peter Zurflieh, Esq.

Community Justice Project
Dauphin County

FORMER MEMBERS

Oswaldo Avilés

Interpreter Program Administrator (retired)
AOPC

Honorable David J. Barton

Magisterial District Judge
Allegheny County

Tika Dhungana

Community Advocate
Dauphin County

Chase Emanuel

Court Access Analyst
AOPC

Rebecca Thatcher Murcia
Certified Spanish Interpreter (AOPC)
Language Access Coordinator
Dauphin County

Kendra Miknis
Language Access Coordinator (former)
Centre County

Kenluis Olivo
Certified Spanish Interpreter (AOPC)
Language Access Coordinator
York County

Honorable Michael W. Petrucci
Magisterial District Court
Bucks County

Laurie Sacerdote
Assistant Director of Research & Statistics
AOPC

Beth Shapiro, Esq.
Attorney
Community Legal Services – Language Access
Project
Philadelphia County

Mary Vilter, Esq
Court Access Coordinator (retired)
AOPC

Honorable Margherita Patti Worthington
(former Co-Chair)
President Judge
Court of Common Pleas
Monroe County

PLAN HIGHLIGHTS



- The majority of deliverables under the [Language Access Plan for the Unified Judicial System \(UJS-LAP\)](#) have been completed, including development and dissemination of “I-Speak” cards, Right to Interpreter posters, and a multilingual Notice of Language Rights.

Notice of Language Rights



Language Access Coordinator
Bedford County Courthouse, 200 South Juliana Street, Bedford, PA, 15522
814-623-4812
languageaccesscoordinator@bedfordcountypa.org

English: You have the right to an interpreter at no cost to you. To request an interpreter, please inform court staff using the contact information provided at the top of this notice.

Spanish/Español: Usted tiene derecho a un intérprete libre de costo. Para solicitar un intérprete favor de informárselo al personal judicial utilizando la información provista en la parte superior de este aviso.

Mandarin/Cantonese Simplified Chinese/普通话/粵語簡體中文: 您有權獲得免費的口譯員服務。若需要口譯員，請使用本通知上方提供的聯繫信息通知法院工作人員。

Mandarin/Cantonese Traditional Chinese/普通話/廣東話繁體中文: 您有權要求免費傳譯服務。如欲要求傳譯服務，請參閱本通知頂部的聯絡資料。通知法庭職員。

Arabic/العربية: بحق الله المحسول على مترجم دون دفع أي تكلفة من جانبك. لرجي إعلم موظفي المحكمة باستخدام معلومات الاتصال العمة في الجزء العلوي من هذا الإخطار.

Russian/Русский: У вас есть право на бесплатные услуги переводчика. Заявка на переводчика подается в суд по адресу, телефону или эл. почте, указанным выше в заголовке этого уведомления.

Vietnamese/Tiếng Việt: Quý vị có quyền được một thông dịch viên giúp mà không tốn chi phí nào cả. Xin hãy báo cho nhân viên tòa án dùng thông tin liên lạc có ở trên đầu thông báo này.

Nepali/नेपाली: तपाईंको नि:शुल्क रूपमा भाषा अनुवादक सेवा पाउने अधिकार छ। अनुवादकको लागि अनुबंध गर्नु, यस सूचनाको माथि दिइएको सम्पर्क जानकारी भन्ने अनुवादक सम्बन्धीहरूलाई जानकारी दिनुहोस्।

Korean/한국어: 귀하의 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알려주세요.

Polish/Polski: Ma Pan/Pani prawo do nieodpłatnego skorzystania z uslug tłumacza usznego. Aby zwrócić się o wsparcie ze strony tłumacza usznego, proszę skontaktować się z pracownikami sądu, korzystając z danych znajdujących się w górnej części niniejszego dokumentu.

Pakistani/پنجابی/Punjabi: تمہاڈے کول بغیر ادائیگی کتبیاں اک مترجم حاصل کرن دا حق اے۔ مترجم دی درخواست کرن لئی، ممبرانی کر کے ایس نوٹس دے آؤے فرام کتبیاں رابطے دیاں معلومات نوں ورتدیاں عدالت دے عملے نوں اطلاع دوو۔

Punjabi/ਪੰਜਾਬੀ/India: ਤੁਹਾਨੂੰ ਇਕ ਦੁਆਬੀਆ ਹਾਮਲ ਕਰਨ ਦਾ ਹੱਕ ਹੈ. ਜਿਸ ਦੀ ਤੁਹਾਨੂੰ ਕੋਈ ਲਾਗਤ ਨਹੀਂ ਸੰਜੋਗੀ. ਦੁਆਬੀਏ ਲਈ ਚੋਣਨੀ ਕਰਨ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰ ਕੇ ਅਦਾਲਤ ਦੇ ਅਠਲੇ ਨੂੰ ਜਾਣ ਕਰਵਾਉ ਤੇ ਇਸ ਲਈ ਇਸ ਨੋਟਿਸ ਦੇ ਸਿਖਰ ਉੱਤੇ ਫਿਰੀ ਸੰਪਰਕ ਜਾਣਕਾਰੀ ਦਾ ਇਸਤੇਮਾਲ ਕਰੋ.

Portuguese/Português: Você tem direito a um intérprete gratuitamente. Para solicitar um intérprete, informe à nossa equipe usando os dados de contato mostrados na parte superior deste aviso.

Somali/Somali: Waxaad xaq u leedahay in lagu turjumo lacag la'aan ah. Si aad u codsato turjumaanka, fiidan u sheeg maxkamadda shaqalaha adiga oo isticmaala maxkamadda ciwaanka kor lagu siiyay ee ogeysiiskaan.

Haitian Creole/Kreyòl Ayisyen: Ou gen dwa resewa sèvis yon entèrprèt gratis. Pou mande pou yon entèrprèt, tanpri fè manje pesonnèl tribinal la konnen lè ou sèvi avèk enfòmasyon an yo te bay ou nan tèt avi sa a.

French/Français: Vous avez le droit de bénéficier gratuitement de l'assistance d'un interprète. Pour en faire la demande, veuillez en informer le personnel du tribunal à l'adresse des coordonnées indiquées en haut de page.

- The MET conducted surveys of the effectiveness of the UJS-LAP in 2018, 2019, and 2021.
- The membership of the Monitoring & Evaluation Team (MET) responsible for implementing and evaluating the effectiveness of the UJS-LAP was increased in 2020 in order to provide additional support and expertise to the translation committee in its work of prioritizing court forms for translation.
- The Administrative Office of Pennsylvania Courts’ (AOPC) Interpreter Certification Program (ICP) continues to offer four interpreter orientations annually and maintains a robust calendar of written and oral testing.
- As of September 2022, the ICP roster includes 244 interpreters reflecting 38 languages of expertise.

- AOPC’s language access team collaborated with AOPC/Communications to create an Outreach Plan designed to both inform Limited English Proficient-serving agencies of the availability of language services in the UJS and increase the number of qualified interpreter candidates attending ICP orientation workshops and becoming rostered interpreters. The team has conducted numerous outreach events to university language programs and continues to support initiatives in Berks and Philadelphia counties aimed at enlarging the pool of qualified interpreter candidates eligible to join AOPC’s roster of certified court interpreters. In addition, a member of the language access team serves on the board of the Delaware Valley Translators Association.
- AOPC’s coordinator for court access has partnered with local language access coordinators (LACs) in several judicial districts to provide continuing legal education programs for their bar associations and judges.
- The language access program created two brochures for outreach purposes: “[Become a Court Interpreter](#),” and “[Do you need a court interpreter?](#)”
- AOPC has held four annual Language Access Coordinator Summits. AOPC staff and judicial district LACs have addressed a variety of topics, including Best Practices for Working with and Scheduling Interpreters, Conducting Proceedings Using Remote Platforms, What’s New in LADC (Language Access Data Collection), Training Staff & Judges on Language Access, Cultural Competence, and more.
- AOPC has continued outreach to LEP-serving agencies, including the Pennsylvania Department of Labor and Industry’s Office of Deaf & Hard of Hearing, and the Governor’s Commissions on Latino Affairs and Asian Pacific American Affairs, respectively.
- AOPC/IT developed an application that allows LACs to schedule interpreters via the Language Access Data Collection system, thereby eliminating the need for numerous time-consuming telephone calls and emails.
- AOPC launched a new [Language Access & Interpreter Program](#) page, including an explanation of the Notice of Language Rights in English and Spanish and the Language Services brochure in English and Spanish with a signed, captioned, and voiced video of the brochure.
- AOPC secured a grant from the State Justice Institute (SJI) for the prioritization and translation of court forms. Under the grant, and with the hard work of the MET’s translation committee, landlord-tenant, expungement, juvenile dependency, juvenile delinquency, language access, and magisterial district court forms have been translated and posted to the UJS website.

INTRODUCTION AND PURPOSE



Equal access to the courts is fundamental to the legitimacy of our system of justice and the trust and confidence of court users. Language services for individuals who speak limited English or are deaf or hard of hearing are essential to ensure that they are able to fully participate in judicial proceedings¹ and court services, programs, and activities² in which their rights and interests are at stake. Without these services, they are effectively denied the protection of our laws. Moreover, the courts themselves have an independent interest in ensuring the integrity of communications with limited English proficient and deaf or hard of hearing court users so that the fact finder can hear evidence accurately and deliver justice fairly.

The policy of the Unified Judicial System is to provide meaningful language access for all individuals who are Limited English Proficient³ ("LEP") to ensure that all persons have due process and equal access to all judicial proceedings, court services, programs, and activities. Ensuring meaningful language access means providing timely, accurate, and effective language services at no cost.

In addition, it is the policy of the Unified Judicial System to provide equally effective communication to

¹ "Judicial proceeding" means "[a]n action, appeal or proceeding in any court of this Commonwealth." See 42 Pa.C.S. § 4402, definition of "judicial proceeding."

² "Court services, programs, and activities" means services administered under the authority of the courts. This can include, for example, domestic relations, probation, pro se clinics, Alternative Dispute Resolution ("ADR"), or cases involving court-appointed counsel. Court services, programs, and activities, as defined in the [Unified Judicial System's Language Access Plan](#) ("UJS-LAP"), do not include activities that, although related to court proceedings or provided in the courthouse, are not under the authority of the court. This includes, for example, services provided by the Prothonotary or Clerk of Court offices and the District Attorney's or Public Defender's office. These offices may have their own legal obligation to provide language access, but they are not covered by the UJS-LAP.

³ "Limited English Proficient" 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 42 Pa.C.S. § 4402, definition of "Person with limited English proficiency."

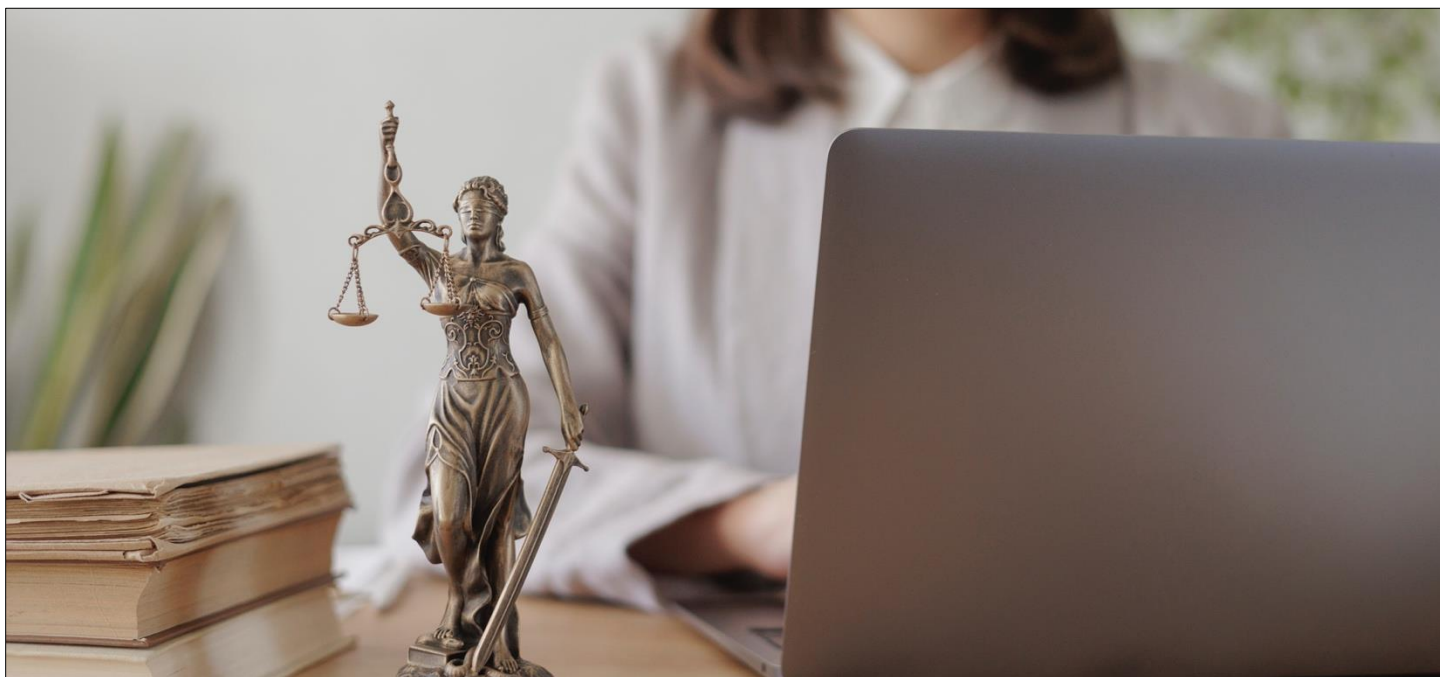
individuals who are deaf or hard of hearing⁴, in part, by providing American Sign Language interpreters at no cost to litigants, witnesses and court spectators.

The sixty judicial districts within the Unified Judicial System ("UJS") have created their own language access plans, based on an assessment of the language needs of their own court users, utilizing a template provided by the Administrative Office of Pennsylvania Courts ("AOPC").

Each judicial district has appointed a language access coordinator to oversee creation and implementation of its plan. These district-specific language access plans went into effect in 2015, have been periodically updated since then, and can be found on each judicial district's website.

⁴ The term "deaf or hard of hearing" means an impairment of hearing or speech, which creates an inability to understand or communicate the spoken English language. See 42 Pa.C.S. § 4402, definition of "deaf."

LEGAL BASIS FOR UJS LANGUAGE ACCESS PLAN



The Unified Judicial System of Pennsylvania is committed to ensuring meaningful access to its limited English proficient and deaf and hard of hearing court users. Title VI of the federal Civil Rights Act of 1964 states that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."⁵ Further, Section 504 of the Rehabilitation Act requires that "[n]o otherwise qualified individual with a disability...shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 29 U.S.C. § 794. The Americans with Disabilities Act extends the Rehabilitation Act's broad obligation to prevent discrimination on the basis of disability to all public entities regardless of Federal financial assistance. 42 U.S.C. § 12132.

In addition to the federal law, the Pennsylvania Interpreter Act, Act 172 of 2006, requires the appointment of qualified interpreters for judicial proceedings. As stated in the "legislative purpose" section of the Act,

It is hereby declared to be the policy of this Commonwealth to secure the rights, constitutional and otherwise, of persons who because of a non-English speaking cultural background or who because of an impairment of hearing or speech are unable to understand or communicate adequately in the English language when they appear in court or are involved in judicial proceedings.⁶

Regulations were also enacted pursuant to Act 172⁷ and Guidelines for the Procurement and Appointment of

⁵ 42 U.S.C. § 2000d. *See also* Department of Justice regulations regarding implementation of Title VI of the Civil Rights Act of 1964 at 28 C.F.R. § 42.101, *et seq.* "Title VI" as used in the UJS-LAP includes these regulations.

⁶ *See* 42 Pa.C.S. § 4401.

⁷ *See* Administrative Regulations Governing Language Access for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of

Interpreters were promulgated to provide additional information about working with interpreters in the courts.⁸

In 2022, the Supreme Court approved revisions to the Administrative Regulations Governing Language Access for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing and promulgated Rules 260-263 of the Pennsylvania Rules of Judicial Administration to codify certain principles set forth in the Unified Judicial System’s Language Access Plan (UJS-LAP).

Hearing, 204 Pa. Code ch. 221 § 101, *et seq.* (2022).

GENERAL PRINCIPLES OF LANGUAGE ACCESS



In recognition of the obligation and commitment to provide meaningful access to court users who are LEP, deaf, or hard of hearing, the Unified Judicial System through its UJS-LAP acknowledges the following basic principles of language access:

- Courts are responsible for early identification of the need for language services, including, among other things, providing timely and effective notice to those in need of such services.
- Courts must provide meaningful language access to court users who are LEP, deaf, or hard of hearing in all services, programs, and activities of the courts. This means access must be provided in judicial proceedings (both criminal and civil), and for the general business of the courts.
- Interpretation and translation must be provided by the court at no cost.
- Persons who request language access services should be provided with them, in accordance with the Title VI of the Civil Rights Act and the Pennsylvania Interpreter Act.
- Language access services should be offered, even if not requested, where the need is apparent or where the ability of a person to understand and communicate in English is unclear.
- The courts should neither expect nor allow individuals who are LEP, deaf, or hard of hearing to use informal interpreters, such as family members, opposing parties, or their counsel.

- Having an in-person interpreter for judicial proceedings is the most effective method to ensure effective communication for LEP court participants and is strongly preferred under the law. Remote interpretation through audio-visual technology, use of Video Remote Interpreting (“VRI”) or telephone is permitted as described in the Language Access regulations.
- Courts may use bilingual staff to provide in-person language assistance for general court business. Telephone or other remote interpretation may be used to assist monolingual staff. Designated bilingual staff may not be used for interpretation unless they are also appropriately credentialed to interpret.
- Courts should consider their need for demonstrably proficient bilingual staff and should plan for recruiting and hiring staff who speak the language(s) most prevalent in the locality so they can provide timely language assistance in a way that avoids delay, denial, or effective denial of the service or benefit, or the imposition of an extra burden on an LEP person.
- Courts must provide interpreters in a timely manner.
- When there is no interpreter listed on the AOPC Interpreter Certification Program roster available for a specific language, the judicial district must request assistance from the Interpreter Certification Program (“ICP”) in locating a qualified interpreter.
- Courts must identify and translate “vital” court documents and forms. Vital documents include those 1) containing or soliciting information critical for obtaining access to court and court services, 2) advising of rights or responsibilities including the consequences of violating a court order, or 3) required by law.
- The decision whether to appoint a foreign language interpreter in a proceeding is within the authority of the trial judge, to be exercised in accordance with Title VI and Act 172.⁹
- Sign language interpreters must be appointed whenever requested, by either a party or non-party to a case.

⁹ “As a general rule, the determination of whether an interpreter is warranted in a particular case is within the sound discretion of the [trial] court. The discretion of the trial court, however, is to determine the factual question of whether an interpreter is needed; a trial court does not have discretion to decide whether a defendant who needs an interpreter has a legal entitlement to one. Thus, where the court is put on notice that a defendant has difficulty understanding or speaking the English language, it must make unmistakably clear to him that he has a right to have a competent translator assist him” *In re Garcia*, 984 A.2d 506, 511 (Pa. Super. 2009), citing, *inter alia*, 42 Pa.C.S. § 4412 (regarding Appointment of Interpreter). See also *Commonwealth v. Knox*, 142 A.3d 863, 868-69 (Pa. Super. 2016).

LANGUAGE NEEDS IN PENNSYLVANIA



Pennsylvania ranks 10th in the nation in terms of our population of limited-English proficient (LEP) residents.¹⁰ Statewide, 11%, or 1,380,101 of Pennsylvania’s approximately 12.1 million residents who are 5 years and older are LEP.¹¹ These individuals speak more than 100 languages and reside throughout the Commonwealth. The most commonly spoken languages vary both within and among counties, and influxes of new immigrants often result in emerging new languages throughout the state.

The languages for which interpreters were most frequently requested in Pennsylvania's 60 judicial districts in calendar year 2021 are listed below.¹²

1. Spanish
2. Nepali
3. American Sign Language
4. Russian
5. Chinese (Mandarin & Cantonese)
6. Arabic (Modern Standard & Egyptian Colloquial)
7. Vietnamese
8. Portuguese
9. Haitian Creole
10. French

¹⁰ Limited English proficient (LEP) for these purposes refers to individuals who speak English less than very well. *See infra* footnote 11.

¹¹ Prepared by AOPC Research and Statistics based upon "Percent of Specified Language Speakers who Speak English less than very well", Source: U.S. Census Bureau; 2018 American Community Survey 1-Year Estimates, Report #S1601 – 2018: ACS 1-year estimates, *available at* <https://data.census.gov/cedsci/table?q=languages%20spoken%20at%20home&g=0400000US42%240500000&tid=ACST1Y2019.S1601>

¹² As reflected in the Language Access Data Collection System (LADC), AOPC’s application into which judicial districts input their interpreter encounters.

Top 10 Foreign Languages Spoken in Pennsylvania¹³
(2019 – most recent data available)

The following reflects the top 10 languages spoken, other than English, in the Commonwealth in general, as opposed to solely in the courts:

Language	# of People	% of Population
Spanish	634,935	5.2%
Chinese (Mandarin, Cantonese, or other dialects)	90,890	0.8%
Other West Germanic Languages*	73,540	0.6%
Arabic	41,849	0.3%
German	38,716	0.3%
Russian	38,055	0.3%
French (including Cajun)	35,769	0.3%
Italian	31,807	0.3%
Korean	28,190	0.2%
Vietnamese	28,105	0.2%

*Includes Yiddish, Pennsylvania Dutch, and other Germanic languages.

¹³ Found at

<https://data.census.gov/cedsci/table?q=languages%20spoken%20at%20home%20by%20state&g=0400000US42&tid=ACSST5Y2019.S1601>, Report #S1601 - 5 year estimates 2013-2019.

Percent of Non-English-Speaking Persons by County

Source: U.S. Census Bureau; 2014-2019 American Community Survey 5-Year Estimates¹⁴

	Total Population (5 years and over)	Speak only English	% Speak only English	Spanish	% of Population Spanish speaking	All Other Non-English Speaking	% Other Non-English Speaking	Total LEP Citizens	% LEP Population
Lehigh	343,511	259,088	75%	60,223	18%	24,200	7%	84,423	25%
Philadelphia	1,472,512	1,130,790	77%	155,101	11%	186,621	13%	341,722	23%
Berks	393,824	318,999	81%	60,481	15%	14,344	4%	74,825	19%
Lancaster	505,520	419,510	83%	35,397	7%	50,613	10%	106,491	17%
Monroe	160,466	135,296	84%	14,430	9%	10,740	7%	25,170	16%
Montgomery	778,260	671,769	86%	27,683	4%	78,808	10%	106,491	14%
Northampton	288,098	249,849	87%	22,884	8%	15,365	5%	38,249	13%
Lebanon	131,315	113,973	87%	12,158	9%	5,184	4%	17,342	13%
Chester	490,568	428,688	87%	26,538	5%	35,342	7%	61,880	13%
Bucks	596,512	525,068	88%	20,212	3%	53,612	9%	73,824	12%
Delaware	530,820	465,464	99%	14,094	3%	51,262	10%	65,356	12%
Luzerne	301,350	264,887	88%	27,423	9%	9,040	3%	36,463	12%
Dauphin	258,429	227,550	88%	14,150	5%	16,729	6%	30,879	12%
Centre	155,581	136,719	88%	3,178	2%	15,684	10%	18,862	12%
Pike	53,559	47,353	88%	3,111	6%	3,095	6%	6,206	12%
Union	43,026	38,444	89%	1,781	4%	2,801	7%	4,582	11%

The Pennsylvania Department of Labor and Industry's Office for the Deaf and Hard of Hearing estimates that 8.6% of Pennsylvania's population is deaf or hard of hearing.¹⁵ This percentage is based on the national deaf and hard of hearing population figures. Accordingly, assuming a total population in the Commonwealth of 12,787,209 and applying the 8.6% assumption yields a deaf or hard of hearing figure of 1.1 million people.¹⁶ Other sources give varying figures on the extent of the deaf and hard of hearing population in the Commonwealth.

¹⁴ *Id.*

¹⁵ See Pennsylvania Department of Labor and Industry, Office for the Deaf and Hard of Hearing, "How Many People in Pennsylvania are Deaf or Hard of Hearing?," available at <https://www.dli.pa.gov/Individuals/Disability-Services/odhh/odhh-resources/Documents/PA%20Demographics%20How%20Many%20Pennsylvanians%20are%20Deaf%20or%20Hard%20of%20Hearing.pdf>. Last accessed August 16, 2022.

¹⁶ *Id.*

RECOMMENDATIONS / REQUIREMENTS



RECOMMENDATION 1.

Judicial districts, in particular the Language Access Coordinators, should continue to be trained regarding the availability of the Interpreter Certification Program (“ICP”) as a resource, how to utilize the ICP roster, and how to utilize effective management and cost-saving practices for delivery of quality interpreting services in their courts. (UJS-LAP at 10.)

 **This has been accomplished.**

Note: Language Access Training will continue to be a priority for the UJS.

RECOMMENDATION 2.

A policy, language assessment process, and specific training should be created to ensure that court staff who identify as bilingual are able to provide accurate service in both English and another language. (UJS-LAP at 13-14.)

 **This has been accomplished.**

Note: The Monitoring and Evaluation Team and AOPC collaborated in 2019 to issue a Bilingual Employee Policy to the judicial districts. The policy requires that new and existing employees who use their language skills to assist LEP court users be tested to assess their proficiency in their language of expertise. In addition, bilingual staff and their supervisors must watch a short training video.

RECOMMENDATION 3.

The Monitoring and Evaluation Team should develop policies and best practices related to document translation and identify vital documents that should be translated upon availability of funding. (UJS-LAP at 14-17.)

 **This has been accomplished.**

Note: While the implementation of this recommendation has been accomplished, work is ongoing. With assistance and support from the National Center for State Courts and the State Justice Institute, AOPC created a Translation Policy & Procedures Manual for the UJS and distributed it to the judicial districts in 2019. Under an SJI grant awarded to AOPC in 2021, 49 court forms were translated and posted on the UJS website,

www.pacourts.us. In total, over 70 forms have been translated.

RECOMMENDATION 4.

Court buildings should develop signage that allow all persons needing access to the courts the ability to locate areas of service or information both in-person and online. (UJS-LAP 18-19.)

 **This has been accomplished.**

Note: While the implementation of this recommendation has been accomplished, work is ongoing. As noted in the UJS-LAP, many courthouses are owned and their signage controlled by the counties rather than the courts themselves, however AOPC continues to review signage for the districts as requested.

RECOMMENDATION 5.

All judicial districts are required to secure the services of telephone interpreting providers. (UJS-LAP at 20.)

 **This has been accomplished.**

RECOMMENDATION 6.

AOPC will investigate at least two options for the provision of Video Remote Interpreting: (1) participation in the pilot VRI project being implemented by the National Center for State Courts (NCSC);¹⁷ and (2) creating its own VRI pilot project. (UJS-LAP 20-21.)

 **This has been accomplished.**

Note: While the implementation of this recommendation has been accomplished, work is ongoing. AOPC is actively researching options for providing video remote interpreting, contingent upon availability of funding.

RECOMMENDATION 7.

Judicial districts must ensure that persons who are LEP are afforded meaningful language access to all

¹⁷ The NCSC VRI pilot project contemplated at the time the UJS-LAP was drafted was ultimately abandoned. NCSC later developed a VRI study group in which AOPC's Interpreter

court services and activities under the authority of the court. (UJS-LAP 21-25.)

 **This has been accomplished.**

Note: While the implementation of this recommendation has been accomplished, work is ongoing. Through the counties, the judicial districts contract with vendors who provide several court-ordered services, such as DUI and anger management classes, psychological evaluations, etc. The AOPC template for judicial district language access plans calls for the districts to work with their vendors to ensure that vendor contracts for these court-ordered services include provisions requiring compliance with all state and federal laws.

RECOMMENDATION 8.

Develop and distribute a Notice of Language Rights (NLR) in English and the five most commonly spoken languages in each judicial district. The NLR would accompany hearing notices and subpoenas. In addition, develop and distribute "I Speak" cards in the five most commonly spoken languages in each judicial district. (UJS-LAP 25-29.)

 **This has been accomplished.**

Note: The Notice of Language Rights and I Speak cards were created and disseminated in 2018. A brochure, titled "Do You Need a Court Interpreter," was created, distributed, and translated into Spanish to better assist LEP court users. A signed, voiced, and captioned video version of the brochure is also posted to the UJS website, www.pacourts.us.

RECOMMENDATION 9.

Develop a system for receiving and processing requests for language services (i.e., a statewide automated multilingual phone system to request an interpreter, a state-wide web-based system or application to request an interpreter, the use of

Program administrator actively participated. The group created a VRI resource page on the NCSC website.

text messaging as an option to communicate their need for language services). (UJS-LAP 29-30.)

The implementation of this recommendation is ongoing.

Note: While the AOPC does not believe an automated multilingual phone system is feasible at this time, it is exploring a mechanism that would allow LEP court users to request an interpreter online.

RECOMMENDATION 10.

Judicial districts will reinforce to lawyers, court staff, and justice partners, whenever appropriate, of their duty to notify the court of the language services needs of LEP court users or individuals who are deaf or hard of hearing, including parties, witnesses, or other persons with a significant interest, at the earliest possible point of contact with the LEP person or person who is deaf or hard of hearing. (UJS-LAP 30-31.)

 **This has been accomplished.**

RECOMMENDATION 11.

All 60 judicial districts will input their language access data into LADC. In addition, all judicial districts will be required to have developed a system of marking case files and scheduling documents with an "interpreter needed" designation in their case management systems within a year of the approval of this Language Access Plan. AOPC IT will provide a similar designation on statewide case management platforms such as CPCMS and MDJS. (UJS-LAP 31-33.)

 **This has been accomplished.**

RECOMMENDATION 12.

The Interpreter Certification Program should continue to certify interpreters to serve the Pennsylvania courts and administrative hearings

and increase outreach to potential interpreter candidates. (UJS-LAP 33-35.)

 **This has been accomplished.**

RECOMMENDATION 13.

Any translation work that is performed should be done by someone who is certified by the American Translators Association. (UJS-LAP 35.)

 **This has been accomplished.**

RECOMMENDATION 14.

The Pennsylvania Supreme Court and the AOPC should create and convey a policy that requires the judiciary at all levels to receive training on language access for LEP users and the provision of auxiliary aids and services for people who are deaf or hard of hearing. (UJS-LAP 36-38.)

 **This has been accomplished.**

RECOMMENDATION 15.

All judicial officers should receive initial training and refresher training periodically thereafter on language access. The training should be standardized statewide but adapted to address local procedures. Training should include the legal basis for language access; language access recourses; ethical obligations; best practices for conducting a proceeding with an interpreter, etc. for judges. (UJS-LAP 37-39.)

 **This has been accomplished.**

Note: Language Access Training will continue to be a priority for the UJS.

RECOMMENDATION 16.

To ensure continuity of knowledge and process across the Commonwealth, training for judicial district Language Access Coordinators should be on a wide array of topics including the responsibilities of the Language Access Coordinator to manage protocols, resources, and training for the judicial districts, best practices for translation of

documents, and the process for receiving and processing language access complaints. (UJS-LAP 39.)

 **This has been accomplished.**

Note: AOPC has created a protected view page so that LACs can access a library of language access resources, including previously recorded LAC Summits, in order to better assist them in their duties. Language Access Training will continue to be a priority for the UJS.

RECOMMENDATION 17.

All court staff should receive initial training, whether current staff or when newly hired, and refresher training periodically thereafter. The training should be standardized statewide but should include information about local procedures. (UJS-LAP 40-41.)

 **This has been accomplished.**

Note: Language Access Training will continue to be a priority for the UJS.

RECOMMENDATION 18.

Training for attorneys should include the same training identified for judges (See #15). Lawyers should receive training about funds available to reimburse for sign language and CART interpreters to communicate with clients and local judicial district language access practices and procedures. (UJS-LAP 41-42.)

 **This has been accomplished.**

Note: Language Access Training will continue to be a priority for the UJS.

RECOMMENDATION 19.

Interpreters should have an orientation-type training on local judicial district court processes and procedures that includes a handbook on local practices; information regarding common forms and procedures used within the courthouse and in court cases; and any additional information that

could supplement what is provided by the AOPC at the ICP. (UJS-LAP 42.)

 **This has been accomplished.**

RECOMMENDATION 20.

Judicial districts should conduct outreach to the LEP and deaf or hard of hearing communities regarding the right to language access services (or other appropriate auxiliary aids and services for deaf or hard of hearing persons), how to access these services, and how to effectively utilize the services (e.g., working with interpreters or CART services). (UJS-LAP 43.)

 **This has been accomplished.**

Note: While the implementation of this recommendation has been accomplished, work is ongoing. AOPC's language access team participated in several outreach events with university foreign language programs, bar/judicial district partnerships, and job fairs, all aimed at increasing the pool of qualified interpreters. In addition, AOPC/Communications drafted an outreach plan which the team has been implementing in recent years, involving outreach to agencies that serve limited English proficient and deaf or hard of hearing community members. AOPC also did a survey of the effectiveness of the UJS-LAP in Spring 2021. The survey was distributed to bar association groups and LEP and deaf or hard of hearing-serving agencies.

RECOMMENDATION 21.

The AOPC and judicial districts should inform community organizations who serve LEP and the deaf or hard of hearing populations about the courts' legal obligation to provide sign language interpreters or language services, how to obtain these services, and how to use interpreters effectively. (UJS-LAP 43.)

 **This has been accomplished.**

Note: While the implementation of this recommendation has been accomplished, we continue to do outreach to various community organizations.

RECOMMENDATION 22.

Language Access Coordinators at the local judicial district level should contact agencies and provide information on how to access services and how to effectively utilize the language services provided. The AOPC Coordinator for Court Access should also reach out to statewide organizations that advocate for, or serve, these communities, such as the Governor’s Advisory Commission on Asian Pacific American Affairs, the Governor’s Advisory Commission on Latino Affairs, the Pennsylvania Human Relations Commission, the State and local Children’s Roundtables, and county criminal justice advisory boards. (UJS-LAP 43.)

 **This has been accomplished.**

Note: While the implementation of this recommendation has been accomplished, work is ongoing.

RECOMMENDATION 23.

Judicial districts should inform justice partners about the courts’ legal obligation to provide language services and sign language interpreters, how to obtain language services and sign language interpreters, and how to use interpreters effectively. (UJS-LAP 44.)

 **This has been accomplished.**

Note: While the implementation of this recommendation has been accomplished, work is ongoing.

RECOMMENDATION 24.

The AOPC and individual judicial districts should develop and implement a plan to recruit more professional interpreters to work in the courts. (UJS-LAP 44.)

 **This has been accomplished.**

Note: While the implementation of this recommendation has been accomplished, work is ongoing.

RECOMMENDATION 25.

A Monitoring and Evaluation Team (MET) will be created to review and evaluate implementation of the UJS Language Access Plan as well as the judicial district plans to ensure meaningful access to the courts. This team should include internal and external stakeholders in the provision of language access services in the courts, including members of the current Language Access Advisory Group. Stakeholders should include a judicial officer, a court administrator, a court interpreter, a legal services provider, an attorney who routinely works with LEP court users, representatives of LEP and deaf or hard of hearing communities, and AOPC staff. (UJS-LAP 45.)

 **This has been accomplished.**

RECOMMENDATION 26.

AOPC will collect, maintain, and review data/statistics relating to the number, nature, and disposition of complaints under the UJS-LAP twice a year. Judicial districts will gather feedback on provision of language services and are encouraged to share feedback with AOPC. The AOPC will develop a mechanism to facilitate the sharing of information with the MET and among judicial districts. (UJS-LAP 46-47.)

 **This has been accomplished.**

Note: AOPC shares any complaints received with the MET to determine whether any adjustments to training or outreach is required.

CONCLUSION

The Monitoring and Evaluation Team (MET) is proud of the progress that has been made over the last five years. With the help of the members of the MET and the staff at AOPC, we have been able to accomplish the vast majority of the deliverables in the UJS-LAP. Going forward we will continue to monitor the language access landscape within the Pennsylvania courts and provide guidance to the judicial districts when needed.

Thank you again to all of those who have served on the MET since its inception in 2017 and to those who volunteered their time to develop the UJS-LAP over the last 10 years. A special thank you to all the AOPC staff who supported our work throughout the implementation of this plan: Carla Antonucci, Darren Breslin, Esq., Matt Creelman, Abbie Hitz, Janine Haughton, Geri St. Joseph, Esq., and Kaitlyn Richards. Your work has helped countless LEP individuals gain better access to Pennsylvania's courts.

- **Judge Joseph C. Adams (Chair)**