

Pennsylvania Immigration and Citizenship Coalition PICC

c/o HIAS and Council Migration Service
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PICC member organizations include:

Archdiocese of Philadelphia,
Office for Pastoral Care for
Refugees and Migrants

Camden Center for Law and
Social Justice

Catholic Social Services,
Archdiocese of Philadelphia,
Immigration Program

Center for Literacy

Community Legal Services

Friends of Farmworkers, Inc.
HIAS and Council Migration
Service of Philadelphia

Jaisohn Center

Jewish Educational and
Vocational Services, Center
for New Americans

Jewish Community Relations
Council of Greater
Philadelphia

Lutheran Children and Family
Services

Maternity Care Coalition

Nationalities Service Center

Pennsylvania Immigration
Resource Center

Philadelphia Area
Immigration Resource Center

Philadelphia Citizens for
Children and Youth

Project SHINE, Center for
Intergenerational Learning,
Temple University

PRIME - Ecumenical
Commitment to Refugees

SeniorLAW Center

Service Employees
International Union, Local 36

Southeast Asian Mutual
Assistance Associations
Coalition

Victim/Witness Services of
South Philadelphia

**PICC was formerly known
as SERICC, the Southeast
Regional Immigration and
Citizenship Coalition**

April 28, 2003

Hon. Nelson A. Diaz
Philadelphia City Solicitor
Law Department
One Parkway, 1515 Arch Street, 15th Floor
Philadelphia, PA 19102-1595

By Email to nelson.a.diaz@phila.gov

Re: Request By Campaign for Litigants' Equal Participation to Meet with Judicial Council of Pennsylvania Ethnic and Racial Task Group

Dear Hon. Nelson A. Diaz:

This letter is sent to you in your capacity as Chair of the Judicial Council of Pennsylvania Ethnic and Racial Task Group appointed by the Pennsylvania Supreme Court in March 2003.

The Pennsylvania Immigration and Citizenship Coalition (PICC) has been joined by a number of other organizations in forming the “**Campaign for Litigants' Equal Participation**” calling for prompt implementation of recommendations for by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System to the Pennsylvania Supreme Court last month for litigants' equal access to the judicial system of Pennsylvania without regard to their English language proficiency or hearing disabilities.

PICC has consistently identified addressing the issues of Limited English Proficient (LEP) individuals in accessing services and benefits as a fundamental task for PICC consistent with our mission to represent the needs of immigrants, migrants, refugees and other new Americans living in Pennsylvania.

PICC has been joined in this Campaign for Litigants' Equal Participation by a wide array of organizations, including: Asian American Bar Association of the Delaware Valley; American Civil Liberties Union of Pennsylvania; Asian Americans United; Civil Rights Committee of the Philadelphia Bar Association; Disabilities Law Project; Hispanic Bar Association of Pennsylvania; Legal Clinic for the Disabled, Inc.; National Lawyers Guild Philadelphia Chapter; Pennsylvania Immigrant Workers Rights Coalition; Philadelphia Folklore Project; and the Public Interest Law Center of Philadelphia.

Pennsylvania Immigration and Citizenship Coalition
April 28, 2003
Page 2

We are contacting you on behalf of this Campaign for Litigants' Equal Participation to request a meeting with you and other available members of the Ethnic and Racial Task Group in order to discuss with you the process for implementation of the recommendations for litigants' equal access to the judicial system of Pennsylvania without regard to their English language proficiency or hearing disabilities.

We appreciate the magnitude of the tasks with which your Task Group has been charged with, but strongly believe that prompt implementation of these recommendations is essential to a fair judicial system.

In order to arrange such a meeting we request that you contact: Arthur N. Read, General Counsel, Friends of Farmworkers, Inc., 924 Cherry Street, 4th floor, Philadelphia, PA 19107-2411, Telephone: (215) 733-0878, ext. 150, Fax: (215) 733-0876, Email: aread@friendsfw.org.

Thank you, for your continuing commitment to the task of overcoming Ethnic and Racial Bias in the Judicial System.

Very truly yours,

A handwritten signature in black ink that reads "Arthur N. Read". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Arthur N. Read

PENNSYLVANIA SUPREME COURT COMMITTEE ON RACIAL AND GENDER BIAS IN THE JUSTICE SYSTEM

CHAPTER 1

LITIGANTS WITH LIMITED ENGLISH PROFICIENCY

RECOMMENDATIONS

In formulating the following recommendations, the Committee acknowledges that the implementation of these recommendations is likely to be costly. Nonetheless, they are essential to providing equal access to justice to LEP individuals.

TO THE SUPREME COURT OF PENNSYLVANIA

The Committee recommends that the Court: [28](#)

1. Establish for all courts of the Commonwealth of Pennsylvania a policy that all persons, including parties to judicial proceedings, witnesses appearing therein, victims in criminal proceedings, and members of the public seeking information from offices of the courts, shall have equal access to justice in the judicial system of Pennsylvania without regard to their English language proficiency. [29](#)
2. Require that all courts provide qualified interpreters to litigants at no charge, in order that LEP parties and witnesses may fully and fairly participate in court proceedings and obtain reasonable access to the court system.
3. Require that the courts translate forms and other documents to the extent necessary to provide access to the court system to those unable to read English.
4. Require that all court interpreters obtain certification pursuant to a recognized statewide certification program, maintain their proficiency through continuing education, and adhere to standards of professional conduct.
5. Require the adoption of a code of professional responsibility for judicial interpreters together with mechanisms to assure that all

interpreters are familiar with the code and are subject to discipline for any violation.

6. Establish within the Administrative Office of the Pennsylvania Courts (AOPC) a Language Services Office,³⁰ similar to those established by other states, staffed by professional administrative personnel experienced with issues related to court interpretation and translation, and funded sufficiently to carry out its mission. (Please refer to Endnote 30 at the end of this chapter for a full listing of suggested services to be provided by a Language Services Office.)

ENDNOTES

.....LITIGANTS WITH LIMITED ENGLISH PROFICIENCY (Endnotes)

* * *

28 In its comments to the proposed Rule of Court Administration relating to Equal Access to Justice in the Courts of the Commonwealth of Pennsylvania, the Supreme Court of Pennsylvania should note that it anticipates that in implementation of that Rule, courts will utilize the guidance which has been provided under Title VI of the Civil Rights Act of 1964 relating to National Origin Discrimination Against Persons With Limited English Proficiency pursuant to United States Presidential Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.”

29 The Committee notes that during the study, similar concerns were raised regarding the needs of the hearing impaired. The Committee determined that the needs of the hearing impaired were beyond the scope of its study but urges the Court to consider addressing the needs of the hearing impaired and citizens with limited English proficiency at the same time since they involve similar issues and solutions.

30 The Language Services Office shall be responsible for:

- a) Enrolling the Pennsylvania Unified Judicial System as a member of the State Court Interpreter Certification Consortium of the National Center for State Courts;
- b) Establishing procedures for the employment, training, compensation, qualification, and approval of staff and contracted court interpreters during the transition to statewide certification standards;
- c) Creating a comprehensive statewide system to assure qualified judicial interpreters, including:
 - i) Adopting standards for the skills and qualifications required for different levels of expertise of interpreters as well as job descriptions for interpreters and supervisors;
 - ii) Assessing the need for and implementing orientation training, certification training, and continuing professional education;

- iii) Overseeing the administration of consortium certification exams in available languages needed by the courts; and developing testing protocols for languages for which consortium exams are not developed;
 - iv) Determining the advisability of and standards for certifying knowledge of the Code of Professional Responsibility for Judicial Interpreters; and
 - v) Developing guidelines for compensation scales for staff and contracted interpreters at various levels of proficiency and experience.
- d) Creating and managing a statewide administrative system for interpreting, including:
- i) Recruiting and hiring staff interpreters and contracted interpreters;
 - ii) Creating a system to assign interpreters efficiently, as needed, to proceedings across the state to assure maximum use of the most qualified interpreters and the avoidance of delay for the courts, the litigants, and the interpreters;
 - iii) Supervising the work of interpreters to maintain quality and professionalism; and
 - iv) Gathering and analyzing data on the need for, use of, and cost of the interpreter program, and making recommendations for improvement of the system.
- e) Developing protocols for the use of interpreters in courts and courthouses, including:
- i) Adopting a bench guide for judges to consult in the proper utilization and supervision of interpreters in judicial proceedings, including standard voir dire questions for court interpreters and for witnesses and/or litigants to determine whether appointment of an interpreter is necessary;
 - ii) Adopting standards for such matters as the techniques to be used by interpreters; the correction of interpreter errors and objecting interpretation; and avoidance of interpreter fatigue;
 - iii) Consistent with published Title VI guidances, identifying those vital written documents, forms, posted notices, and signs utilized by the courts that should be required to be translated to other languages and into which other languages such written materials should be translated;
 - iv) Developing a system to create reviewable interpreting records, including (1) appropriate tape recording of witnesses and interpreters and the proceedings to the extent feasible, so as to have a complete record for judicial review and challenges to the adequacy of interpretation; and (2) video recording of the witness and interpreter where sign language interpretation or other assistance to hearing impaired persons is provided;
 - v) Developing policies and procedures for the use of video telephone conferencing systems for court interpretation when qualified on-site interpreters are not available, assuring with those policies that video interpreters are qualified;

vi) Determining means to provide meaningful access to LEP persons who are *pro se* litigants; and

vii) Adopting procedures to assure that language services are provided to assist court-appointed counsel in communicating with LEP clients in criminal and other matters.

f) Promoting increased hiring of bilingual and bicultural court staff able to deliver services to LEP parties without the need for an interpreter, including development of job descriptions for bilingual positions, providing fiscal support for upgrading skills of existing bilingual employees, and recommending practices to facilitate recruitment and retention of bilingual staff.

g) Working with continuing legal education providers and the administrative office of the Pennsylvania Courts to develop training and educational systems for attorneys, judges, court administrators, and others as to issues relating to the equal access to justice for LEP persons and for the utilization of court interpreters. h) Engaging in study of other issues relating to providing equal access to LEP litigants and making further recommendations in such areas as:

i) Assessing how the cultural norms of immigrant communities may adversely impact their ability to obtain equal justice in the judicial system and what remedial action is appropriate;

ii) Determining how foreign-born litigants' immigration status may affect their rights to equal access to justice in Pennsylvania judicial proceedings and how the adverse aspects of such impact may be minimized; and

iii) Establishing mechanisms for providing members of LEP immigrant communities with accurate information about their legal rights and options open to them, which could include an explanation of the possibility of free or *pro bono* representation, lists of competent referrals for different kinds of translation or other services, and types of problems which can be addressed through the legal system.

i) Ensuring that all Pennsylvania courts and Commonwealth administrative departments or agencies which conduct hearings that are subject to judicial review on the record also develop procedures to comply with Title VI of the Civil Rights Act of 1964 and its implementing regulations.

**IMPLEMENTATION OF THE PENNSYLVANIA SUPREME COURT COMMITTEE
ON RACIAL AND GENDER BIAS IN THE JUDICIAL SYSTEM
RECOMMENDATIONS AS TO
THE NEEDS OF LITIGANTS WITH LIMITED ENGLISH PROFICIENCY
INCLUDING RECOMMENDATIONS AFFECTING DISABLED PERSONS**

Draft Proposed Implementation Recommendations April 28, 2003

RECOMMENDATIONS

1. The Pennsylvania Supreme Court should adopt rules of court which:
 - (a) Declare that it is the policy of all courts of the Commonwealth of Pennsylvania to ensure that all persons, including parties to judicial proceedings, witnesses appearing therein, victims in criminal proceedings, and members of the public seeking information from offices of the courts shall have equal access to justice in the judicial system of Pennsylvania without regard to their English language proficiency or any hearing impairment;¹
 - (b) Require that all courts provide qualified interpreters at no charge, *including sign language interpreters*, in order that parties and witnesses with limited English proficiency *and those who are hearing impaired* may fully and fairly participate in court proceedings and obtain reasonable access to the court system;
 - (c) Require that the courts translate vital documents or provide for sight translations to the extent necessary to provide reasonable access to the court system to those unable to read in English;
 - (d) Mandate that all court interpreters be qualified pursuant to a recognized certification program, maintain their proficiency through continuing education, and adhere to standards of professional conduct; and
 - (e) Adopt a Code of Professional Responsibility for Judicial Interpreters together with mechanisms to assure that all interpreters are familiar with the Code and subject to discipline for any violations.
2. The Court should establish within the Administrative Office of the Pennsylvania Courts a Language Services Office, staffed by professional administrative personnel experienced with issues related to court interpreting and translating and funded sufficiently to carry out its mission.
3. The Pennsylvania Supreme Court should establish a permanent **Language Access Committee**² which shall provide oversight for the Language Services Office, and, together with the Language Services Office shall be responsible for setting policy and

making further recommendations to the Supreme Court, including suggestions regarding the appropriate mechanisms to assure adequate funding of the program.

4. The Language Services Office, in consultation with the **Language Access Committee**, shall be responsible for:
 - (a) Enrolling the Pennsylvania Unified Judicial System as a member of the State Court Interpreter Certification Consortium of the National Center for State Courts;
 - (b) Establishing procedures for the employment, training, compensation, qualification and approval of staff and contractual court interpreters during the transition to statewide certification standards;
 - (c) Creating a comprehensive, statewide system to assure qualified judicial interpreters, including:
 - i) Adopting standards for the skills and qualifications required for different levels of expertise of interpreters as well as job descriptions for interpreters and supervisors;
 - ii) Assessing the need for and implementing orientation training, certification training, and continuing professional education;
 - iii) Overseeing the administration of Consortium certification exams in available languages needed by the courts; and developing testing protocols for languages for which Consortium exams are not developed;
 - iv) Determining the advisability of and standards for certifying knowledge of the Code of Professional Responsibility for Judicial Interpreters; and
 - v) Developing guidelines for compensation scales for staff and contracted interpreters at various levels of proficiency and experience.
 - (d) Creating and managing a statewide administrative system for interpreting, including:
 - i) Recruiting and hiring staff interpreters and contracted interpreters;
 - ii) Creating a system to assign interpreters efficiently as needed to proceedings across the state to assure maximum use of the most qualified interpreters and the avoidance of delay for the courts, the interpreters and the litigants;
 - iii) Supervising the work of interpreters to maintain quality and professionalism;

- iv) **Gathering and analyzing data on the need for, use of and cost of the interpreter program, and making recommendations for improvement of the system.**
- (e) Developing protocols for the use of interpreters in courts and courthouses, including:
 - i) Adopting a **Bench Guide** for judges to consult in the proper utilization and supervision of interpreters in judicial proceedings, including standard voir dire questions for court interpreters and for witnesses and/or litigants to determine whether appointment of an interpreter is necessary.
 - ii) Adopting standards for such matters as the techniques to be used by interpreters; correcting interpreter errors and objecting to interpretation, and avoidance of interpreter fatigue.
 - iii) Identifying those vital written documents and forms utilized by the courts which should be required to be translated to other languages and into which other languages such written materials should be translated.³
 - iv) Developing a system to create reviewable interpreting records, including (1) appropriate tape recording of witnesses and interpreters and the proceedings to the extent feasible so as to have a complete record for judicial review and challenges to the adequacy of interpretation; and (2) video recording of the witness and interpreter where sign language interpretation or other assistance to hearing impaired persons is provided.
 - v) Developing policies and procedures for the usage of video telephone conferencing systems for court interpretation when qualified on site interpreters are not available. The policies shall assure that video interpreters are qualified.
 - vi) Determining means to provide meaningful access to limited English proficient persons who are *pro se* litigants.
 - vii) Adopting procedures to assure that language services are provided to assist court appointed counsel in communicating with limited English proficient clients in criminal and other matters.
- (f) Working with Continuing Legal Education providers and the Administrative Office the Pennsylvania Courts to develop training and educational systems for attorneys, judges, court administrators and others as to issues relating to the equal access to justice for limited English speaking persons and for the usage of court interpreters.

- (g) Engaging in study of other issues relating to providing equal access to limited English proficient litigants and making further recommendations in such areas as:
- i) Assessing how the cultural norms of immigrant communities may adversely impact on their ability to obtain equal justice in the judicial system and what remedial action is appropriate;
 - ii) Determining how foreign-born litigants' immigration status may affect their rights to equal access to justice in Pennsylvania judicial proceedings and how the adverse aspects of such impact may be minimized;
 - iii) Establishing mechanisms for providing members of limited English speaking immigrant communities with accurate information about their legal rights and options open to them, which could include an explanation of the possibility of free or pro bono representation, lists of competent referrals for different kinds of translation or other services, and types of problems which can be addressed through the legal system.
- (h) Ensuring that all Pennsylvania Courts **and Commonwealth Administrative departments or agencies which conduct hearings that are subject to judicial review on the record** develop procedures to comply with Title VI of the Civil Rights Act of 1964 (relating to National Origin Discrimination Against Persons With Limited English Proficiency) ⁴ and the Americans with Disabilities Act for persons with hearing impairments. ⁵

ENDNOTES

^①In its comments to the proposed Rule of Court Administration relating to Equal Access to Justice in the Courts of the Commonwealth of Pennsylvania, the Pennsylvania Supreme Court should note that it anticipates that in implementation of that Rule courts will utilize the guidance which has been provided under Title VI of the Civil Rights Act of 1964 relating to National Origin Discrimination Against Persons With Limited English Proficiency pursuant to United States Presidential Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency."

^②**Such a policy advisory committee should have a diverse composition such as:**

(1) State Court Administrator or designee.

(2) At least two trial judges preferably with experience working with persons with limited English proficiency.

(3) At least two district court administrators.

(4) Two professional foreign language interpreters (these individuals should have formal training in languages and interpretations and maintain an affiliation with at least one professional interpreting or translating association).

(5) One certified sign language interpreter

(6) At least two practicing attorneys with experience in civil and/or administrative proceedings working with persons with limited English proficiency.

(7) One criminal prosecuting attorney who has experience working with persons with limited English proficiency.

(8) One criminal defense attorney who has experience working with persons with limited English proficiency.

(9) One to three representatives from agencies that provide services to persons with limited English proficiency, who have experience with the issues and problems facing such individuals and who can interface with the judicial system, including the administrative agencies that conduct formal administrative hearings.

Such a Policy Advisory Committee should recognize that there are distinct issues relating to the language interpretation need of hearing impaired persons and LEP individuals and should include work groups to specifically address these issues.

^③The Policy Advisory Committee should be responsible for identifying where written summaries of policies and procedures should be made available and in which other languages such summaries should be made available. The Policy Advisory Committee should utilize guidance of federal agencies under Title VI of the Civil Rights Act of 1964, including the Department of

Health and Human Services and the Department of Justice, in establishing standards for what vital written documents should be translated and for identifying the languages into which they should be translated. The Policy Advisory Committee should consult with the Administrative Office of Courts on developing policies and procedures for signs and notices in other languages to be posted in court houses and locations where agencies that are related to the judicial system are housed.

⁴ Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d et. seq. states: "No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Regulations implementing Title VI, provide in part at 45 C.F.R. Section 80.3 (b):

- (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:
 - (i) Deny an individual any service, financial aid, or other benefit provided under the program;
 - (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- (2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided ... may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular, race, color or national origin." (emphasis added).

⁵ The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 both provide similar prohibitions against discrimination on the basis of disability and require entities to provide language assistance such as sign language interpreters for hearing impaired individuals or alternative formats such as braille, large print or tape for vision impaired individuals.

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May 5, 2003

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**PICC was formerly known
as SERICC, the Southeast
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To: "Hon. Nelson A. Diaz" <nelson.a.diaz@phila.gov>
"Hon. Juan R. Sanchez" <jsanchez@chesco.org>

From: Art Read, for Coalition for Litigants Equal Participation

Date: May 5, 2003

I contacted each of you last week on behalf of the Coalition for Litigants Equal Participation which seeks to pursue recommendations by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System with regard to litigants' equal participation. As you may have noted the Coalition for LEP includes advocates for disabled individuals rights for full participation in judicial (and quasi-judicial administrative) hearings.

As you are both well aware the recommendations from the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System, included at footnote 29 to Chapter 1 the following:

29 "The Committee notes that during the study, similar concerns were raised regarding the needs of the hearing impaired. The Committee determined that the needs of the hearing impaired were beyond the scope of its study but urges the Court to consider addressing the needs of the hearing impaired and citizens with limited English proficiency at the same time since they involve similar issues and solutions."

The Race and Gender Bias Committee Working Group on Litigants Rights recognized that there were numerous issues relating to equal access to the courts of the hearing and visually disabled communities (as well as those with physical disabilities) that were beyond our knowledge or expertise. Legally we noted that the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 both provide similar prohibitions against discrimination on the basis of disability and require entities to provide language assistance such as sign language interpreters for hearing impaired individuals or alternative formats such as braille, large print or tape for vision impaired individuals.

We also learned from our court interpreter members that there are special sign language issues for persons whose native language is other than English. For example, an individual from a Spanish speaking country who learns sign language there would not learn "American" sign language.

I forwarded to you preliminary personal recommendations beginning to address this issue and additional implementation issues not fully addressed in the Committee's Report. As I indicated at the time those recommendations were based upon my personal role in working with the Litigants Work Group and that they did not represent recommendations from the full Coalition for Litigants' Equal Participation (Coalition for LEP) since we had not had an opportunity to fully discuss them internally.

Those included:

RECOMMENDATIONS

1. The Pennsylvania Supreme Court should adopt rules of court which:

(a) Declare that it is the policy of all courts of the Commonwealth of Pennsylvania to ensure that all persons, including parties to judicial proceedings, witnesses appearing therein, victims in criminal proceedings, and members of the public seeking information from offices of the courts shall have equal access to justice in the judicial system of Pennsylvania without regard to their English language proficiency or any hearing impairment;

(b) Require that all courts provide qualified interpreters at no charge, including sign language interpreters, in order that parties and witnesses with limited English proficiency and those who are hearing impaired may fully and fairly participate in court proceedings and obtain reasonable access to the court system;

(c) Require that the courts translate vital documents or provide for sight translations to the extent necessary to provide reasonable access to the court system to those unable to read in English.

2. The Court should establish within the Administrative Office of the Pennsylvania Courts a Language Services Office, staffed by professional administrative personnel experienced with issues related to court interpreting and translating and funded sufficiently to carry out its mission.

3. The Pennsylvania Supreme Court should establish a permanent Language Access Committee Fn /. which shall provide oversight for the Language Services Office, and, together with the Language Services Office shall be responsible for setting policy and making further recommendations to the Supreme Court, including suggestions regarding the appropriate mechanisms to assure adequate funding of the program....

Fn /. Such a policy advisory committee should have a diverse composition such as:

- (1) State Court Administrator or designee.
- (2) At least two trial judges preferably with experience working with persons with limited English proficiency.
- (3) At least two district court administrators.

(4) Two professional foreign language interpreters (these individuals should have formal training in languages and interpretations and maintain an affiliation with at least one professional interpreting or translating association).

(5) One certified sign language interpreter

(6) At least two practicing attorneys with experience in civil and/or administrative proceedings working with persons with limited English proficiency.

(7) One criminal prosecuting attorney who has experience working with persons with limited English proficiency.

(8) One criminal defense attorney who has experience working with persons with limited English proficiency.

(9) One to three representatives from agencies that provide services to persons with limited English proficiency, who have experience with the issues and problems facing such individuals and who can interface with the judicial system, including the administrative agencies that conduct formal administrative hearings.

Such a Policy Advisory Committee should recognize that there are distinct issues relating to the language interpretation need of hearing impaired persons and LEP individuals and should include work groups to specifically address these issues.

See also FN 5 to those recommendations from me:

The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 both provide similar prohibitions against discrimination on the basis of disability and require entities to provide language assistance such as sign language interpreters for hearing impaired individuals or alternative formats such as braille, large print or tape for vision impaired individuals.

The wisdom of recognizing the need to separately design procedures sensitive to the needs of the disabled community is reinforced by some of the feedback I have received to those draft recommendations. Please see below.

We would welcome an opportunity to schedule a meeting with you to include members of our Coalition for LEP so as to more fully discuss implementation issues.

Thank you,



Arthur N. Read
Email: aread@friendsfw.org

Ilene Shane <IShane@dlp-pa.org> wrote:

Art--

I sent your position paper around to folks in the disability community. While people are pleased that your focus has broadened to include sign language interpreters, they have expressed concerns that interpreter services assure access for persons who use ASL but other types of accommodation are needed for persons who are hard of hearing but do not use ASL. Below is an expert from one of the letters.

Subject: Court Access for People with Sensory Disabilities

...It is a good draft but eliminates the 1.2 million people in Pennsylvania who are hard of hearing, do not speak sign language and often have very good English skills. Surely you want to make some mention of Assistive Listening Devices (ALDs) and Computer Assisted Real Time Captioning (CART) for people who request and need these services.

Please let me know if there is any opportunity at this point to amend the recommendations to take these concerns into account.

PICC has been joined in this Campaign for Litigants' Equal Participation by a wide array of organizations, including: Asian American Bar Association of the Delaware Valley; American Civil Liberties Union of Pennsylvania; Asian Americans United; Civil Rights Committee of the Philadelphia Bar Association; Disabilities Law Project; Hispanic Bar Association of Pennsylvania; Legal Clinic for the Disabled, Inc.; National Lawyers Guild Philadelphia Chapter; Pennsylvania Immigrant Workers Rights Coalition; Philadelphia Folklore Project; and the Public Interest Law Center of Philadelphia.