

1 **Superior Court of Los Angeles County**
2 **Limited English Proficiency (LEP) Plan**
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5 **I. Legal Basis and Purpose**
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7 This document serves as the plan for the Superior Court of Los Angeles County to provide to
8 persons with limited English proficiency (LEP) services that are in compliance with Title VI of
9 the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. §
10 42.101–42.112). The purpose of this plan is to provide a framework for the provision of timely
11 and reasonable language assistance to LEP persons who come in contact with the Superior Court
12 of Los Angeles County.
13

14 This LEP plan was developed to ensure meaningful access to court services for persons with
15 limited English proficiency. Although court interpreters are provided for persons requiring sign
16 language assistance, access services for them are covered under the Americans with Disabilities
17 Act rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.
18

19 **II. Needs Assessment**

20 **A. Statewide**

21 The State of California provides court services to a wide range of people, including those who
22 speak limited or no English. Service providers include the California Supreme Court, the Courts
23 of Appeal, and the Superior Courts of the 58 counties.
24

25 According to the Administrative Office of the Courts (AOC) Court Interpreter Data Collection
26 System (CIDCS), which aggregates court interpreter usage data received from the California trial
27 courts, the most frequently used languages for interpreters in California courts in 2005 were (in
28 descending order of frequency):
29

- 30 1. Spanish
 - 31 2. Vietnamese
 - 32 3. Korean
 - 33 4. Armenian
 - 34 5. Mandarin
- 35
36

37 **B. Superior Court of Los Angeles County**
38

39 The Superior Court of Los Angeles County will make every effort to provide services to all LEP
40 persons. However, the following list shows the languages that are most frequently utilized in
41 this court's geographic area:
42

- 43 1. Spanish
- 44 2. Armenian (Eastern and Western)

- 45 3. Korean
- 46 4. Mandarin
- 47 5. Vietnamese
- 48 6. Cantonese
- 49 7. Farsi
- 50 8. Cambodian
- 51 9. Tagalog
- 52 10. Russian
- 53 11. Arabic
- 54 12. Japanese

55
56 This information is based on data collected in 2008 from the Los Angeles Superior Court
57 Interpreter Management System statistics. To augment this information, the Court plans to meet
58 with groups of court users, court staff, service providers, community-based organizations and
59 experts on language needs to identify and clarify the range of unmet language service needs in
60 the Court.
61

62 **III. Language Assistance Resources**

A. Interpreters Used in the Courtroom

64 **1. Providing Interpreters in the Courtroom**

65
66 Providing spoken-language interpreters in court proceedings is based in whole or in part on
67 statutory and case law. These are set out in Attachment A. In the Superior Court of Los Angeles
68 County, interpreters will be provided at no cost to court customers who need such assistance
69 under the following circumstances as mandated and available:

- 70
- 71 • For litigants and witnesses in juvenile hearings;
- 72 • For litigants and witnesses in criminal hearings;
- 73 • For litigants and witnesses in mental health hearings;
- 74 • For litigants and witnesses in hearings involving domestic violence and elder abuse,
75 family law and child support cases, to the extent that applicable funding is available; and,
- 76 • For litigants who need assistance when using family court services, to the extent that
77 applicable funding is available.

78
79 Responsibility for the cost of linguistic interpreters for litigants and witnesses in other civil
80 proceedings will be determined at the discretion of the officiating judge. Additionally, courts
81 may use interpreters who are providing mandated interpreting services for juvenile or criminal
82 cases for incidental use in civil courtrooms. The Superior Court of Los Angeles County
83 recognizes the significant benefits to both the public and the Court by providing interpreters in
84 civil cases and will attempt whenever possible to provide such interpreters through incidental use.
85 As a result of the 1058 Grant provided by the Administrative Office of the Courts (AOC), the

86 court provides interpreters in some child support matters.

87 **2. Determining the Need for an Interpreter in the Courtroom**

88
89 The Superior Court of Los Angeles County may determine whether an LEP court customer needs
90 an interpreter for a court hearing in various ways.

91
92 The need for an interpreter is communicated in the courtroom at the time of the proceeding.
93 The Superior Court of Los Angeles County will display a sign translated into the five most
94 frequently used languages that states: "You may have the right to a court-appointed interpreter in
95 a court case. Please check with a court employee for assistance." The Superior Court of Los
96 Angeles County will display this sign at the appropriate locations, e.g., filing window areas,
97 elevator lobbies, courtrooms, information booths, and/or on the Internet.

98
99 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.
100 California's Standards of Judicial Administration offer instruction to judges for determining
101 whether an interpreter is needed. Section 2.10 provides that an "interpreter is needed if, after an
102 examination of the party or a witness, the court concludes that: (1) the party cannot understand
103 and speak English well enough to participate fully in the proceedings and to assist counsel, or
104 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury."
105 The court is directed to examine the party or witness "on the record to determine whether an
106 interpreter is needed if: (1) a party or counsel requests such examination or (2) it appears to the
107 court that the person may not understand or speak English well enough to participate fully in the
108 proceedings."

109
110 To determine if an interpreter is needed, standard 2.10(c) provides that "the court should
111 normally ask questions on the following: (1) identification (for example: name, address, birth
112 date, age, place of birth); (2) active vocabulary in vernacular English (for example: 'How did
113 you come to the court today?' 'What kind of work do you do?' 'Where did you go to school?'
114 'What was the highest grade you completed?' 'Describe what you see in the courtroom.' 'What
115 have you eaten today?') Questions should be phrased to avoid 'yes' or 'no' replies; (3) the court
116 proceedings (for example: the nature of the charge or the type of case before the court), the
117 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,
118 and the responsibilities of a witness."

119
120 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an
121 interpreter. "The file in the case should be clearly marked and data entered electronically when
122 appropriate by court personnel to ensure that an interpreter will be present when needed in any
123 subsequent proceeding."

124
125 Many people who need an interpreter will not request one because they do not realize that
126 interpreters are available or because they do not recognize the level of English proficiency or
7 communication skills needed to understand the court proceeding. The Court does not have
128 funding to provide interpreters for non-mandated proceedings. However, the Court can provide

129 some assistance within existing funding restrictions and will endeavor to do so for non-mandated
130 proceedings.

131
132 In a case where the Court is mandated to provide an interpreter, but one is not available at the
133 time of the proceeding, even after the Court has made all reasonable efforts to locate one, as
134 previously outlined in this plan, the bench officer may decide to continue the case to a date when
135 an interpreter can be provided. Continuance forms will be made available on Court Net (see
136 languages listed on Page 1, Needs Assessment, B. Superior Court of Los Angeles County.)

137
138 When an interpreter is unavailable for a case in which the Court is not mandated to provide one,
139 the Court takes the following actions:

- 140
141 a. The case is continued for the litigant to obtain an interpreter; or
142 b. Litigant's family member or bilingual court staff acts as an interpreter;
143 (A finding is made on the record that no certified interpreter is available; the bench
144 officer qualifies the family member or staff member to assist in the interpretation.)
145

146 **3. Court Interpreter Qualifications**

147
148 The Superior Court of Los Angeles County hires interpreters for courtroom hearings in
149 compliance with the rules and policies set forth in Government Code section 68561 and
150 California Rules of Court, Rule 2.893. The AOC maintains a statewide roster of certified and
151 registered interpreters who may work in the courts. This roster is available to court staff and the
152 public on the Internet at www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.
153

154
155 When an interpreter coordinator has made a "due diligence" effort to find a certified or registered
156 court interpreter and none is available, the interpreter coordinator then seeks a noncertified,
157 nonregistered court interpreter, in accordance with the governing local labor agreement.
158 Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the
159 interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to
160 Rule 2.893, inquire into the interpreter's skills, professional experience, and potential conflicts of
161 interest. A provisionally qualified interpreter is one who, upon findings prescribed in the Rule, is
162 designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding
163 for a period of six months.

164 **B. Language Services outside the Courtroom**

165
166 The Superior Court of Los Angeles County is also responsible for taking reasonable steps to
167 ensure that LEP individuals have meaningful access to services outside the courtroom. This is
168 perhaps the most challenging situation facing court staff, because in most situations they are
169 charged with assisting LEP individuals without an interpreter present. LEP individuals may
170 come in contact with court personnel via the phone, the public counter, or self-help centers.

173 The most common points of service outside the courtroom are at the court's public counters, self-
174 help centers, information desks and weapons screening. Bilingual assistance is provided at the
175 public counter by the placement of bilingual staff as is practical. The Court also periodically calls
176 on bilingual bonus staff or volunteers from elsewhere in the court to assist at a public counter.
177 Similarly, the Court's self-help center recruits and employs bilingual staff to provide self-
178 represented litigants with assistance in understanding and completing necessary forms.

179
180 Providing language services outside the courtroom entails both daily communications and
181 interactions between court staff and LEP individuals to provide accessibility of court services,
182 such as self-help and mediation services to LEP court users.

183
184 To facilitate communication between LEP individuals and court staff, the Superior Court of Los
185 Angeles County uses the following resources to the degree that resources are available:

- 186
- 187 • Bilingual employees receiving a bonus
- 188 • Bilingual employees not receiving a bonus
- 189 • Bilingual volunteers
- 190 • A Court Web site with key pages translated into Spanish (traffic only)
- 191 • "I Speak" cards, to identify the individual's primary language
- 192 • Multilingual signage throughout courthouse locations
- 193 • Metropolitan Courthouse: Traffic Interactive Payment System (TIPS) telephone line in
194 Spanish
- 195 • Stanley Mosk: 211 LA referrals in multi-languages (telephone direct lines)
- 196 • Children's Court: 211 LA referrals (staff personnel)
- 197

198 To provide linguistically accessible services for LEP individuals, the Superior Court of Los
199 Angeles County provides the following:

- 200
- 201 • Twelve self-help centers throughout the Court system that include bilingual self-help
202 center staff, limited telephonic language assistance, and interns that provide self-help
203 services to LEP persons in Spanish;
- 204 • Workshops in Spanish regarding dissolution, responses to domestic violence, family law
205 judgment;
- 206 • Bilingual family court services mediators for custody and visitation matters;
- 207 • Joint workshops between self-help center staff and community service providers serving
208 LEP populations; and,
- 209 • Some written informational and educational materials and instructions for family law in
210 Spanish.
- 211

212 C. Translated Forms and Documents

213
214 The California courts understand the importance of translating forms and documents so that LEP
215 individuals have greater access to the Courts' services. The Superior Court of Los Angeles

216 County currently uses Judicial Council forms and instructional materials, which are translated
217 into commonly used languages. These translated forms are available on Courtnet for internal use
218 and are available to the public at the Court's self-help centers as well as at
219 www.courtinfo.ca.gov/selfhelp/languages.

220

221 The Court also has access to instructional materials as follows:

222

223 • Court documents translated into languages other than English

224

225 • Forms and materials that have been translated by other courts at
226 www.courtinfo.ca.gov/programs/equalaccess/trans.htm.

227

228 • Translations of Commonly Used Court Related Phrases reference material in the
229 following languages: Arabic, Armenian, Cambodian, Chinese, Ethiopian (Amharic),
230 French, German, Greek, Hebrew, Hungarian, Indian (Gujarati and Hindi), Indonesian,
231 Italian, Japanese, Korean, Laotian, Nigerian, Persian, Polish, Portuguese, Romanian,
232 Russian, Samoan, Serbo-Croatian, Spanish, Tagalog, Thai, Tongan and Vietnamese.

233

234 • Sacramento Superior Court glossaries in the following languages: Arabic, Western
235 Armenian, Hindi, Hmong, Mien, Mong, Punjabi, Romanian, Russian, Spanish, Urdu and
236 Vietnamese are available in all courthouse locations as well as on the web at:
237 http://www.saccourt.com/geninfo/legal_glossaries/legal_glossaries.asp

238

239 (These documents will be located for court employees on Court Net, for the public on the
240 court's website as appropriate as well as filing windows and courtrooms.)

241

242 The following information can be located on the Judicial Council website as follows:

243

244 • Spanish self help information can be found at:
245 <http://www.courtinfo.ca.gov/selfhelp/espanol>

246

247 • Information in other than Spanish languages is limited but can be found at:
248 <http://www.courtinfo.ca.gov/selfhelp/languages>

249

250 Interpreters at court hearings are expected to provide sight translations of court documents
251 and correspondence associated with the case.

252

253

254 **IV. Court Staff and Volunteer Recruitment**

255 **A. Recruitment of Bilingual Staff for Language Access**

256 The Superior Court of Los Angeles County is an equal opportunity employer and recruits and
257 hires bilingual staff to serve its LEP constituents. Primary examples include but are not limited

258 to:

- 259 • Court interpreters to serve as permanent employees of the Court;
- 260 • Bilingual staff receiving a bonus;
- 261 • Bilingual staff to serve at public counters and other points of public contact;
- 262 • Bilingual staff in the court's self-help centers; and,
- 263 • Bilingual staff assisting with contacts from LEP individuals, as needed.
- 264 • Bilingual telephone operators.

265

266 **B. Recruitment of Volunteers for Language Access**

267 The Court also recruits and uses interns to assist with language access in the following areas:

268

- 269 • Self-help centers, to assist LEP users.
- 270 • To serve as interpreter trainees by helping LEP individuals in areas outside of the
- 271 courtroom, to develop skills in preparation for the certified interpreter examination.

272

273

274 **V. Judicial and Staff Training**

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276 The Superior Court of Los Angeles County is committed to providing LEP training opportunities
277 for all judicial officers and staff members. Training and learning opportunities currently offered
278 by the Superior Court of Los Angeles County will be expanded or continued as needed. Those
279 opportunities include:

280

- 281 • Interpreter coordinator training;
- 282 • Diversity Training;
- 283 • Cultural awareness training;
- 284 • LEP plan training;
- 285 • Legal terminology training for bilingual bonus staff;
- 286 • Statewide conferences on language access or conferences that include sessions dedicated
- 287 to topics on language access; and
- 288 • Judicial officer orientation on the use of court interpreters and language competency.

289

290

291 **VI. Public Outreach and Education**

292 To communicate with the Court's LEP constituents on various legal issues of importance to
293 the community and to make them aware of services available to all language speakers, the
294 Superior Court of Los Angeles County provides community outreach and education and
295 seeks input from its LEP constituency to further improve services. Outreach and education
296 efforts include:

297

- 298 • Partnerships and collaborations with non-English speaking news outlets, bar associations,
299 governmental agencies, and private legal service organizations to provide a presence in

300 the LEP community. The Court will solicit input from the LEP community and its
301 representatives.

- 302 • Upon request, the Court will provide speakers.
- 303 • Provides bilingual books to children who come to court in some court locations.

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305

306 **VII. Public Notification and Evaluation of LEP Plan**

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308 **A. LEP Plan Approval and Notification**

309 The Superior Court of Los Angeles County's LEP plan is subject to approval by the presiding
310 judge and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP
311 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court
312 executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of Los
313 Angeles County's LEP plan will be provided to the public on request. In addition, the Court will
314 post this plan on its public website, and the AOC will post a link to it on the Judicial Council's
315 public Web site at www.courtinfo.ca.gov.

316

317 **B. Annual Evaluation of the LEP Plan**

318 The Superior Court of Los Angeles County will routinely assess whether changes to the LEP
319 plan are needed. The plan may be changed or updated at any time but reviewed not less
320 frequently than every two years.

321

322 The court's LEP committee will review the effectiveness of the court's LEP plan and update it as
323 necessary. The evaluation will include identification of any problem areas and development of
324 corrective action strategies. Elements of the evaluation will include:

325

- 326 • Assessment of current language needs to determine if additional services or translated
327 materials should be provided;
- 328 • Solicitation and review of feedback from LEP communities within the county;
- 329 • Assessment of whether court staff adequately understand LEP policies and procedures
330 and how to carry them out;
- 331 • Review of feedback from court employee training sessions; and,
- 332 • Customer satisfaction feedback.

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334

335 **C. Trial Court LEP Plan Coordinator:**

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D. AOC LEP Plan Coordinator:
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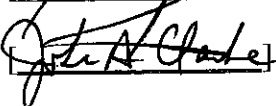
E. LEP Plan Effective date: January 23, 2009

F. Approved by:

Presiding Judge:

[] Date: [1/26/09]

Court Executive Officer:

[] Date: [1/23/09]

Attachment A to Trial Court Limited English Proficiency Plan

Citations on the Use and Payment of Interpreters in Court Proceedings

Policies for providing interpreters in court proceedings are based on the following Constitutional provisions, case law, and statutory mandates:

- Article 1, section 14 of the California Constitution provides that a “person unable to understand English who is charged with a crime has the right to an interpreter throughout the proceedings.” There is no corresponding right in civil proceedings. *Jara v. Municipal Court* (1978) 21 Cal.3d 181 held that non-English-speaking indigent civil litigants do not have a right to a court interpreter appointed at public expense. However, the court does have the inherent right to waive filing fees if justice so requires.
- *Jara* let stand an earlier opinion, *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412, which held that in small claims proceedings, the court has a statutory duty to appoint an interpreter free of charge if it finds the litigant unable to speak or understand English. *Jara* reasoned that because attorneys are not permitted in small claims proceedings, non-English-speaking small claims litigants without an interpreter are “effectively barred from access to the small claims proceedings.” (*Jara*, 21 Cal.3d 185.) (See also the two bulleted items below regarding interpreters in small claims matters.)
- Witnesses with limited English proficiency must also be provided with an interpreter. Under Evidence Code section 752, the court must appoint an interpreter whenever “a witness is incapable of understanding the English language or is incapable of expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury. . . .” Appointment of a translator is also required whenever “the written characters in a writing offered in evidence are incapable of being deciphered or understood directly.” (Evid. Code, § 753.)
- In small claims proceedings, if the court determines that a litigant does not speak or understand English sufficiently to comprehend the proceedings or give testimony and needs assistance in doing so, the court may permit another individual (other than an attorney) to assist that party. (Code Civ. Proc., § 116.550(a).) If a competent interpreter is not available at the first hearing of the case, the small claims court shall postpone the hearing one time only to allow the party the opportunity to obtain another individual to assist that party. Any additional continuances shall be at the court’s discretion. (Code Civ. Proc., § 116.550(b)). Rule 3.61 (5) of the California Rules of Court provides that any costs for a court-appointed interpreter in a small claims action must be waived if an application to proceed in forma pauperis is granted.

- In proceedings involving domestic violence and proceedings regarding parental rights, dissolution of marriage, or legal separation involving a protective order, a party who does not proficiently speak or understand English shall have a certified interpreter present to assist communication between the party and his or her attorney (Evid. Code, § 755(a)). The interpreter's fees shall be paid by the litigants "in such proportions as the court may direct," except that the fees shall be waived for a party who has a fee waiver (Evid. Code, § 755(b) and Gov. Code, § 68092). However, the authorizing statute (Evid. Code, § 755) provides that compliance with its requirements is mandatory only if funds are available under the Federal Violence Against Women Act (P.L. 103-322) or from sources other than the state. The Judicial Council provides special funding through its Trial Court Improvement Fund to allow courts to provide interpreters for these matters and for elder abuse cases. This funding may also be used for general family law matters in and out of the courtroom, on a priority basis and to the degree funding is available.