

1 **Superior Court of Marin County**

2 **Limited English Proficiency (LEP) Plan**

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6 **I. Legal Basis and Purpose**

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

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

19
20 **II. Needs Assessment**

21 **A. Statewide**

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

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

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

36
37 **B. Superior Court of Marin County**

38
39 The Superior Court of Marin County will make every effort to provide services to all LEP
40 persons. However, the following list shows the foreign languages that are most frequently used
41 in this court's geographic area.

- 42
43 1. Spanish
44 2. Mandarin

- 45 3. Russian
- 46 4. Tagalog
- 47 5. Vietnamese

48
49 This information is based on data collected from the AOC's Court Interpreters Data Collection
50 System.

51
52 **III. Language Assistance Resources**

53 **A. Interpreters Used in the Courtroom**

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

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56 Providing spoken-language interpreters in court proceedings are based in whole or in part on
57 statutory and case law. These are set out in Attachment A. In the Superior Court of Marin
58 County, interpreters will be provided at no cost to court customers who need such assistance
59 under the following circumstances:

- 60
- 61 • For litigants and witnesses in criminal hearings;
- 62 • For litigants and witnesses in juvenile hearings;
- 63 • For litigants and witnesses in hearings involving domestic violence and elder abuse,
64 family law and child support cases, to the extent that funding is provided; and,
- 65 • For litigants who need assistance when using family court services, to the extent that
66 funding is provided.
- 67

68 Responsibility for the cost for spoken-language interpreters for litigants and witnesses in other
69 civil proceedings will be determined at the discretion of the officiating judge. Additionally,
70 courts may use interpreters who are providing mandated interpreting services for issues such as
71 criminal or juvenile cases for incidental use in civil courtrooms. The Superior Court of Marin
72 County recognizes the significant benefits to both the public and the court by providing
73 interpreters in civil cases and will attempt whenever possible to provide such interpreters through
74 incidental use. The Superior Court of Marin County presently provides interpreters for Spanish
75 speaking defendants in open and contested traffic court, as interpreter resources are available for
76 these proceedings while awaiting other mandatory interpretation assignments.

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

78
79 The Superior Court of Marin County may determine whether an LEP court customer needs an
80 interpreter for a court hearing in various ways.

81
82 The need for a court interpreter may be identified prior to a court proceeding by the LEP person
83 or on the LEP person's behalf by counter staff, self-help center staff, family court services, or
84 outside justice partners such as attorneys, adult and child protective social workers or
85 correctional facilities staff.

86 The need for an interpreter also may be made known in the courtroom at the time of the
87 proceeding. The Superior Court of Marin County will display a sign translated into the five most
88 frequently used languages that states: "You may have the right to a court-appointed interpreter in
89 a court case. Please check with a court employee for assistance." The Superior Court of Marin
90 County will display this sign at the following locations: in the Criminal and Traffic Clerk's
91 Office, in the Civil, Family Law, Juvenile and Probate Clerk's Office, in the Public Records
92 Office, at the Security Entrance Screening Station, and at the entrances to high-volume criminal
93 courtrooms.

94
95 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.
96 California's Standards of Judicial Administration offer instruction to judges for determining
97 whether an interpreter is needed. Section 2.10 provides that an "interpreter is needed if, after an
98 examination of the party or a witness, the court concludes that: (1) the party cannot understand
99 and speak English well enough to participate fully in the proceedings and to assist counsel, or
100 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury."
101 The court is directed to examine the party or witness "on the record to determine whether an
102 interpreter is needed if: (1) a party or counsel requests such examination or (2) it appears to the
103 court that the person may not understand or speak English well enough to participate fully in the
104 proceedings."

105
106 To determine if an interpreter is needed, standard 2.10(c) provides that "the court should
107 normally ask questions on the following: (1) identification (for example: name, address, birth
108 date, age, place of birth); (2) active vocabulary in vernacular English (for example: 'How did
109 you come to the court today?' 'What kind of work do you do?' 'Where did you go to school?'
110 'What was the highest grade you completed?' 'Describe what you see in the courtroom.' 'What
111 have you eaten today?' Questions should be phrased to avoid 'yes' or 'no' replies; (3) the court
112 proceedings (for example: the nature of the charge or the type of case before the court), the
113 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,
114 and the responsibilities of a witness."

115
116 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an
117 interpreter. "The file in the case should be clearly marked and data entered electronically when
118 appropriate by court personnel to ensure that an interpreter will be present when needed in any
119 subsequent proceeding."

120
121 Many people who need an interpreter will not request one because they do not realize that
122 interpreters are available or because they do not recognize the level of English proficiency or
123 communication skills needed to understand the court proceeding. The court does not have
124 funding to provide interpreters for non-mandated proceedings. However, the court can provide
125 some assistance within existing funding restrictions and will endeavor to do so for non-mandated
126 proceedings.

127
128 In a case where the court is mandated to provide an interpreter, but one is not available at the
129 time of the proceeding, even after the court has made all reasonable efforts to locate one, as

130 previously outlined in this plan, the case will be postponed and continued on a date when an
131 interpreter can be provided. The Court will use the AOC's new continuance form in these
132 instances.

133
134 When an interpreter is unavailable for a case in which the court is not mandated to provide one,
135 the court takes the following actions. The judicial officer may continue the case to a date when
136 an interpreter will be present for other mandatory assignments and then ask the court support
137 staff to coordinate the use of that interpreter to ensure that the time is allotted for the non-
138 mandatory matter. Depending of the type of proceeding and complexity of the case, the court
139 may also advise the litigant to bring a friend or relative to assist in the court proceeding. While
140 this is not optimal, sometimes it is the only alternative, especially if the language is uncommon.

141 142 **3. Court Interpreter Qualifications**

143
144 The Superior Court of Marin County hires interpreters for courtroom hearings in compliance
145 with the rules and policies set forth by Government Code section 68561 and California Rules of
146 Court, rule 2.893. The AOC maintains a statewide roster of certified and registered interpreters
147 who may work in the courts. This roster is available to court staff and the public on the Internet
148 at www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.

149
150 When an interpreter coordinator has made a "due diligence" effort to find a certified or registered
151 court interpreter and none is available, the interpreter coordinator then seeks a noncertified,
152 nonregistered court interpreter, in accordance with the governing local labor agreement.
153 Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the
154 interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to
155 rule 2.893, inquire into the interpreter's skills, professional experience, and potential conflicts of
156 interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is
157 designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding
158 for a period of six months.

159 160 **B. Language Services Outside the Courtroom**

161
162 The Superior Court of Marin County is also responsible for taking reasonable steps to ensure that
163 LEP individuals have meaningful access to services outside the courtroom. This is perhaps the
164 most challenging situation facing court staff, because in most situations they are charged with
165 assisting LEP individuals without an interpreter present. LEP individuals may come in contact
166 with court personnel via the phone, the public counter, or other means, such as at the Legal Self
167 Help Center of Marin, Inc.

168
169 The two most common points of service outside the courtroom are at the court's public counters
170 and self-help center. Bilingual assistance is provided at the public counter by the placement of
171 bilingual staff as is practical. The court also periodically calls on other bilingual staff from
172 elsewhere in the court to assist at a public counter. Similarly, the court's self-help center recruits
173 and employs bilingual staff to provide self-represented litigants with assistance in understanding

174 and completing necessary forms.

175

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

179

180 To facilitate communication between LEP individuals and court staff, the Superior Court of
181 Marin County uses the following resources to the degree that resources are available:

182

- 183 • Court interpreters, to the extent permitted under the active memorandum of
184 understanding or independent interpreter contract;
- 185 • Bilingual employees in Spanish and Vietnamese;
- 186 • Bilingual volunteers in Spanish;
- 187 • A court Web site with all pages translated into Spanish;
- 188 • “I Speak” cards, to identify the individual’s primary language;
- 189 • Written information in Spanish on how to access and navigate the court;
- 190 • Multilingual signage throughout courthouse locations in the following languages:
191 Spanish;
- 192 • Language Line services, which are available to provide assistance in the clerk’s office
193 and at the court’s self-help center. The Language Line contract services provides
194 interpretation services via the telephone in over 170 languages; and,

195

196 To provide linguistically accessible services for LEP individuals, the Superior Court of Marin
197 County provides the following:

198

- 199 • Self-help center services that include bilingual self-help center staff, volunteers that
200 provide self-help services to LEP persons in their primary language, on-line legal
201 resources in multiple languages (such as EZ Legal and I CAN!);
- 202 • Workshops in Spanish regarding traffic and family law issues;
- 203 • Bilingual family court services mediators for custody and visitation matters;
- 204 • Joint workshops between self-help center staff and community service providers serving
205 LEP populations; and,
- 206 • Written informational and educational materials and instructions in Spanish, Vietnamese,
207 Korean.

208

209 **C. Translated Forms and Documents**

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211 The California courts understand the importance of translating forms and documents so that LEP
212 individuals have greater access to the courts’ services. The Superior Court of MARIN County
213 currently uses Judicial Council forms and instructional materials translated into commonly used
214 languages.

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216

- 217 • These translated forms are available at the court's Web site for internal use and are
218 available to the public at *www.courtinfo.ca.gov/selfhelp/languages* as well as at the
219 court's self-help center;
220
- 221 • The court also has access to instructional materials that have been translated by other
222 courts at *www.courtinfo.ca.gov/programs/equalaccess/trans.htm*.
223
- 224 • The court has translated the following local documents into other languages:
225
- 226 a. Family Mediation Case Cover Sheet – Spanish
 - 227 b. Family Mediation Orientation – Spanish
 - 228 c. Roadmap to Success – Petitioner's Guide to Completing Your Divorce – Spanish
 - 229 d. Roadmap to Success – Respondent's Guide to Completing Your Divorce –
230 Spanish
 - 231 e. Stipulation to Continue Case Management Conference – Spanish
 - 232 f. Need Help with Family Law Case? - Spanish
 - 233 g. Parties in Family Law Cases – Spanish
 - 234 h. Family Law Status Conference – Spanish
 - 235 i. Family Law Alternative Dispute Resolution Referral Form - Spanish
 - 236 j. Mediation Orientation Receipt – Spanish
 - 237 k. Traffic Advisement of Rights – Spanish
 - 238 l. Resolving Traffic and Minor Offense Citations – Spanish
 - 239 m. Application to Set Contested Traffic Hearing without Posting Bail – Spanish
 - 240 n. Criminal - Plea of Guilty – Spanish
 - 241 o. Criminal - Waiver of Rights - Spanish

242
243 These documents will be located at the Court, 3501 Civic Center Drive, San Rafael, CA
244 94903 and on the Court's website at <http://www.marincourt.org/>
245

246 Interpreters at court hearings are expected to provide sight translations of court documents and
247 correspondence associated with the case.
248

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

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

251 The Superior Court of Marin County is an equal opportunity employer and recruits and hires
252 bilingual staff to serve its LEP constituents. Primary examples include but are not limited to:
253

- 254 • Court interpreters to serve as permanent employees of the court;
 - 255 • Bilingual staff to serve at public counters;
 - 256 • Bilingual staff in the court's self-help centers; and,
 - 257 • Bilingual staff that are on call to assist with contacts from LEP individuals, as needed.
- 258

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

260 The court also recruits and uses volunteers to assist with language access in the following areas:

- 261
262 • In self-help centers, to assist LEP users.

263
264 **V. Judicial and Staff Training:**

265
266 The Superior Court of Marin County is committed to providing LEP training opportunities for all
267 judicial officers and staff members. Training and learning opportunities currently offered by the
268 Superior Court of Marin County will be expanded or continued as needed. Those opportunities
269 include:

- 270
271 • Interpreter coordinator training;
- 272 • Diversity Training;
- 273 • Cultural competency training;
- 274 • Statewide conferences on language access or conferences that include sessions dedicated
275 to topics on language access;
- 276 • New employee orientation training; and,
- 277 • Judicial officer orientation on the use of court interpreters and language competency.

278
279 **VI. Public Outreach and Education**

280 To communicate with the court's LEP constituents on various legal issues of importance to
281 the community and to make them aware of services available to all language speakers, the
282 Superior Court of Marin County provides community outreach and education and seeks input
283 from its LEP constituency to further improve services. Outreach and education efforts
284 include:

- 285
286 • Partnerships and collaborations with community based legal and social services
287 organizations that are strategic partners with the Court in getting services to the
288 community. The Court serves on the Board of Directors of the Legal Self Help Center of
289 Marin, Inc. and is active in the Marin Justice Center collaborative of more than ten
290 agencies that provide legal services to underserved residents in Marin, many of whom
291 have significant language barriers. The Court has also worked to bring on-line legal
292 resources into the public libraries to provide a court presence in the LEP community. The
293 court will continue to solicit input from the LEP community and its representatives
294 through monthly meetings and will seek to inform community service organizations on
295 how LEP individuals can access court services.

296
297 **VII. Public Notification and Evaluation of LEP Plan**

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

300 The Superior Court of Marin County's LEP plan is subject to approval by the presiding judge
301 and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP
302 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court
303 executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of
304 Marin County's LEP plan will be provided to the public on request. In addition, the court will
305 post this plan on its public Web site, and the AOC will post a link to it on the Judicial Council's
306 public Web site at *www.courtinfo.ca.gov*.

307

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

309 The Superior Court of Marin County will routinely assess whether changes to the LEP plan are
310 needed. The plan may be changed or updated at any time but reviewed not less frequently than
311 once a year.

312

313 Each year the court administration will review the effectiveness of the court's LEP plan and
314 update it as necessary. The evaluation will include identification of any problem areas and
315 development of corrective action strategies. Elements of the evaluation will include:

316

- 317 • Number of LEP persons requesting court interpreters and language assistance;
- 318 • Assessment of current language needs to determine if additional services or translated
319 materials should be provided;
- 320 • Solicitation and review of feedback from LEP communities within the county;
- 321 • Assessment of whether court staff adequately understand LEP policies and procedures
322 and how to carry them out;
- 323 • Review of feedback from court employee training sessions; and,
- 324 • Customer satisfaction feedback.

325

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

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Kim Turner

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333 **D. AOC LEP Plan Coordinator:**

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E. LEP Plan Effective date: August 1, 2008

F. Approved by:

Presiding Judge: Vernon A. Adams Date: 07-23-08

Court Executive Officer: Kim Lee Date: 7/17/08