

Language Access in the Courts

August 17, 2010

The Civil Rights division of the U.S. Department of Justice issued a guidance letter to all chief justices and state court administrators reiterating that under federal civil rights law, **state courts are required to provide meaningful access to their programs and services for Limited English Proficient (LEP) persons through the provision of language services.**

The letter explains policies and practices that deny LEP persons meaningful access to the courts (for example charging interpreter costs to the parties), and underscores the courts' legal obligation to provide interpretation and written translations for LEP individuals in all court proceedings, including:

- civil, criminal, and administrative;
- those presided over by non-judges; and
- other court-related matters that are conducted outside the courtroom.

For domestic violence survivors, this may include court mandated mediation, custody evaluations ordered by the court and pro se clinics held at the courthouse.

The letter can be found at: http://www.lep.gov/final_courts_ltr_081610.pdf

Highlights include guidance about meaningful access for LEP individuals including:

- 1) Courts are required to provide interpreters for LEP persons in all court and court-annexed proceedings, including: civil; criminal; or administrative, including those presided over by non-judges.
- 2) Courts must provide interpreters at no cost to the LEP persons.
- 3) Courts must provide meaningful access to LEP persons to court functions that are conducted outside the courtroom. This includes, but is not limited to: court clerk-information counters; intake or filing offices; cashiers; records rooms; sheriffs offices; probation and parole offices; alternative dispute resolution programs; pro se clinics; criminal diversion programs; and detention facilities.
- 4) Courts must provide interpreters or bilingual staff to ensure that LEP persons are able to communicate effectively with court appointed or court supervised personnel. Court appointed or court supervised personnel include: criminal defense counsel, child advocates or guardians ad litem, court psychologists, probation officers, doctors, trustees, and other such individuals who are employed, paid, or supervised by the courts.

If your clients are limited English proficient and have been denied an interpreter by the court, or have had difficulty accessing court services because of their limited English ability, contact:

U.S. Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section - NWB
950 Pennsylvania Avenue, N.W
Washington, DC 20530
Title VI Hotline:
1-888-TITLE-06 (1-888-848-5306) (Voice / TDD)