

**VOICES FOR THE VOICELESS:
COURT EMPLOYEE TRAINING CURRICULA**



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The greatest enemy of excellence is good! Sir Edmund Hillary

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VOICES FOR THE VOICELESS: COURT EMPLOYEE TRAINING CURRICULA

Victoria F. Vásquez

Abstract

The Department of Justice (DOJ) recently focused its enforcement efforts on courts by investigating their compliance with the Americans with Disabilities Act, Title II and the 1964 Civil Rights Act, Title VI—laws that protect the deaf and hard of hearing and limited- and non-English speakers, respectively, from discrimination. The DOJ delineates that for courts to comply with these federal laws, they have an obligation to offer every court employee “effective language access training.” However, there is no guidance on what constitutes an effective curriculum. This project focuses on defining and assessing measures of “effectiveness” for language-access training curricula.

This project researched three questions: (a) What Title VI (LEP) and Title II (ADA) language-access training curricula do courts use?; (b) What measures exist that fulfill DOJ’s “effective language-access training” curriculum standard?; and (c) What adult teaching methods ensure an “effective language-access training” curricula?

Various search engines such as Google, Bing, and AOL were used to search for existing language-access training research. Five curricula were identified by online, survey, or local sources. In addition, a Lexis Nexis review uncovered no case law or statutes on this question. A few articles that addressed the need for training exist, but none mentioned methods to assess language-access training effectiveness.

Given the nature of the research questions under study in this project, an exploratory survey was sent to courts to gain information about current training facilities,

language-access training practices, and willingness to share curricula among other topics. SurveyMonkeySM was used to send the survey to several services, including Group Google for Interpreters and Translators, the Arizona Administrative Office of the Courts (AOC) Court Interpreter, and the National Center for State Court's Court-to-Court and Coordinators for Language Access in the Courts listservs. Participation in the survey was voluntary; 33 responses were received. Altogether, 47% of the respondents reported that they did not offer Title II or VI training. One court shared its curricula for analysis.

The hypothesis under study for this project is that there are different needs for language access training for court employees based on the job tasks they perform. Hence, for this project, two model curricula to test effectiveness of training were created: (a) one for court employees who serve ADA and LEP litigants outside of court; and (b) one for judicial employees and court staff who serve these litigants in-court. Seventeen in-court employees of Santa Cruz County and 240 out-of-court employees from general and limited jurisdiction courts in Pima County were trained. The pilot of the in-court curriculum (ICC) was offered in Santa Cruz County because the entire judicial bench and in-court staff were available for training.

Research on the third focus of this paper is the subject of one dissertation. De Loera (2009) found that court employees have four major learning styles. She also found that court employees made significant gains in learning when training curricula included the major types of teaching methods associated with these learning styles, including: (a) lecture, (b) interactive methods, (c) situational learning scenarios, (d) videos, and (e) question and answer opportunities. The curricula created for the

language-access training classes for this project employed all of these teaching methods. Classes also employed a PowerPoint presentation, handouts, and the use of qualified instructors.

To test the effectiveness of training, participants took pre- and post-tests and completed course evaluations. Analyses of the test results showed significant gains in content knowledge for both curricula. Analysis of course evaluations indicated additional evidence of training effectiveness. For example, participants were able to articulate the resources needed to ensure language access for LEP and ADA litigants, identify the federal laws at issue, identify appropriate in-court procedures, and provide the language access coordinator's telephone number so they could call if a LEP or ADA litigant needed assistance. Anecdotal evidence of training effectiveness was also observed, such as a trained employee properly handling a challenge from a member of the public, appropriate language-access resources used at information counters, and increased calls to the Office of the Court Interpreter by court staff when they did not know what to do procedurally.

Based on the data gathered, it was concluded that courts risk being out of compliance with DOJ requirements because the necessary tools and guidance to offer "effective training" are lacking. Project recommendations to address this challenge included recognition of the need to develop model curricula for language access training, to distribute it widely, and the need to continue research to identify and test additional measures of effectiveness of training.

Introduction

The award winning film, *The Ballad of Gregorio Cortez* (Esparza, 1982), opens on a scene of a man being pursued first on horseback and then on foot across Texas through the Chihuahuan Desert and into Mexico by Texas Rangers. Due to the misinterpretation of a single word uttered by a Deputy Sheriff who did not know the Spanish language well enough to serve as an interpreter, a Sheriff shot Gregorio Cortez' brother. In turn, Cortez shooting in self defense, killed the Sheriff during an altercation wherein he was falsely accused of horse theft. This shootout triggered one of the largest manhunts in United States (U.S.) law enforcement history, and culminated in 12 court trials and 16 years of imprisonment for Cortez before he was found not guilty and released. A ballad memorializing this American injustice keeps alive this 1902 tragedy suffered by a voiceless community. Fast forward to 2015, over one century later, and this same tragedy persists in our modern justice system. *Mexican Americans and the Administration of Justice in the Southwest*, written by the U.S. Commission on Civil Rights (1970) documents many legal injustices against Spanish speakers in this region.

The United States of America (U.S.) is, and has always been, a multilingual nation. This linguistic fact requires courts to acknowledge that they must serve litigants who do not speak English—limited- and non-English speakers and the deaf and hard of hearing. Examine the following three scenarios and ponder how a court should respond to the needs of the litigant who has come to court for relief:

A woman with two black eyes approaches the First Floor Information Counter. She begins waving her arms, hands and fingers in the air in front of the counter clerk. The woman is in obvious distress. The counter clerk writes her a note

because speaking to her loudly does not seem to work. The note reads, “How may I help you?” She takes the note and shakes her head vigorously. Her distress level seems to be rising. She takes a pen and in crude letters writes on a piece of paper and hands to the clerk, “ASL interpreter.” The clerk shakes her head because she knows there is no ASL interpreter on staff. The clerk then writes another note to her saying, “Come back tomorrow.”

A woman with a child enters the Mediation Center. The child says to the receptionist in English, “My mother is here for her Mediation appointment.” The receptionist tells the child to tell her mother that the Mediator will be right with her. The Mediator comes out and says that she is ready for Maria Garcia. The child tells the mother in Spanish that they are calling her. The mother and child stand and enter the conference room together where the child interpreters a hostile mediation session between her mother and father to the court mediator.

The Judicial Administrative Assistant (JAA) is opening the mail sent to the Presiding Judge of the Probate Bench. Annual reports by Guardians are due. The JAA opens an envelope and finds a report written in what appears to be Asian characters. The JAA reaches into his desk drawer and finds a form letter, written in English, which asks the litigant to submit all reports to the court in English and sends it to the litigant. The litigant shows up at her hearing and finds out through an interpreter that her hearing cannot take place because the judge has not received the annual report in English. The litigant receives a new date and is asked to come back prepared for court and to submit the report in English prior to the hearing so that the judge may review it.

All of these scenarios are common occurrences in courthouses across the country (Brennan Center, 2009). Yet, most court staff—except for those directly responsible for these court users—and judges, do not know how to solve these litigants’ language accommodation needs in a lawful manner. Courts face an unfunded federal mandate to serve these protected classes of litigants from suffering the loss of their constitutional, federal, and state access rights to one of the most basic of societal institutions—the courts. Among other requirements, courts must not only provide meaningful access to courts (U.S. DOJ, 2014a, 2014b), but they also have an obligation to train all their employees, including judges, on how to best serve this population.

An important publication produced by the State Justice Institute (SJI) and the National Center for State Courts (NCSC), *A National Call to Action: Access to Justice for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts* (State Justice, 2013) has as its Step 4, Training and Educating Court Staff and Stakeholders. Its contribution is a list of training topics, proposed audiences for training, and methods (actually coordination strategies, not teaching methods) on how to approach language access training. However, the publication fails to go far enough in its analysis to give courts enough information to create a teaching curriculum. Moreover, it does not address the idea of effectiveness of training or how to measure it. The reports notes that, “A majority of state teams identified the need for education and training regarding language access issues, policies and best practices” (p. 37). This is a strong evidence that many courts are currently not training court employees on language access issues as this working conference had representatives from each state.

Since the early 2000’s, the DOJ has been actively engaging in enforcement efforts against courts to ensure compliance with federal access laws (Adelson, 2009, 2010). DOJ requires that effective training on a court’s language access services that it provides litigants is offered to every court employee. However, the DOJ does not describe the elements of an “effective” training curriculum, fails to define what “effective” means, and does not announce any measures that courts must use to prove that its training has been effective. This dearth of guidance has left courts without any tools on how to meet the DOJ’s effective training standard.

Courts that have been investigated by the DOJ have entered into voluntary settlement agreements, signed memorandum of understanding or consent agreements. They usually promise to provide not only free language access services, but also to train their personnel on language access (see www.lep.gov). However, according to Adelson (personal communication, March 5, 2014), DOJ's monitoring efforts reveal that the training these courts' employees were receiving was not "effective." This pilot project focuses on delineating the elements of an "effective" language-access training curricula that may satisfy DOJ requirements.

The Arizona Superior Court in Pima County, and many others in Arizona, did not have a language-access training curriculum when this study began. The Arizona Administrative Office of the Courts after one of its counties faced a Title VI challenge issued a CD training. Some court managers felt that the training was too broad and too simple (see Table 1). When court managers in Southern Arizona learned of the study, they requested the curriculum. During the course of this study, DOJ was contacted in an attempt ask directly about their training standard, but DOJ never answered the query.

In tough budgetary times, courts are struggling to find the funding to offer language access training to court employees. There are some consultants, such as Mr. Bruce Adelson—a former DOJ investigator—that assists courts that have language access complaints against them. One of the services he offers is training of court staff. For example, in three days he trained every employee of the Arizona Superior Court in Maricopa County (Federal Compliance, 2015). Nevertheless, most courts with many other pressing needs do not have the funding to bring in experts to do their training.

Because DOJ has failed to supply guidance as to what an “effective” training program needs to include or how to measure “effectiveness,” by and large, courts do not have any idea of what to do in this area.

The study focus is to define the DOJ effectiveness standard by assessing measures that could produce evidence of “effectiveness” of training. Furthermore, this pilot study will also investigate teaching methods that may increase gains in content knowledge that would help to show the effectiveness of training as well. This paper takes a critical look at this issue and pilots model curricula that are designed to fill this gaping void.

Before we proceed to the issue of training court employees on language access, it is necessary to provide some background and definitions to courts about what language access means. It is also important to note the limits of this paper: the training and certifying of interpreters is a separate issue that is not treated in this paper. For more information on this extensive topic, see González, Vásquez, and Mikkelson’s, *Fundamentals of Court Interpretation* (1991 & 2012). See also Self-Represented Litigation Network’s (2008) *Curricula on Access to Justice for the Self-Represented* for training for self-help staff to learn how to work with an interpreter.

Language Access Defined

The primary rationale for providing bilingual, interpreting and translation services for court litigants is that it protects limited- and non-English speakers (LEPs) and language handicapped (ADA) individuals’ constitutional rights and other statutory, legal, or socially promised rights of access to the courts. The intent of language access laws is to require that courts remove language barriers so that LEP and ADA individuals can

voice their concerns and be understood by a court. In order to participate and, thus, gain linguistic and legal access to an otherwise inaccessible institution courts must actively create an environment that invites these LEP and ADA litigants to understand the court and its requirements.

Bilingual services and interpreting and translation activities provide language access, or voices for the voiceless, in our nation's courts. In its truest sense, competent language services allow for communication between two persons who speak different languages and assist in avoiding or settling disputes in socially acceptable ways. Additionally, many litigants appearing in our courts come from other countries and using qualified interpreters also helps to protect international relations with the U.S. by providing a bridge between two governments, cultures, and languages (González, 2003; Testimony of T. Kamiyana, 1981).

Purpose and Functions of Courts

According to the eminent Professor Ernest C. Friesen (1971), there are seven primary functions of a court:

- To appear to, and do, actual justice in individual cases;
- To provide a forum for the resolution of legal disputes;
- To protect against the arbitrary use of government power;
- To make a formal record of legal status;
- To deter criminal behavior;
- To separate persons convicted of serious offenses from society; and
- To help rehabilitate persons convicted of serious crime.

From a linguistic point of view, it is clear that each function is dependent on language to fulfill. From judges in court to Information Desks, court employees have a role in receiving and disseminating information to court users. Both oral and written language modes are employed to get the work of a court done. Courts have myriad forms court

users fill out and court staff process. If a form is mistranslated, the results could impair the legal rights of litigants.

It behooves courts to create a court map of linguistic activities by department identifying what kind of communication takes place, where and by whom. Courts should also identify what language access resources are needed to facilitate communication with court users and consult local and U.S. Census data and demographics to understand who they are serving locally. Under DOJ requirements, courts must also develop a Language Access Plan (LAP) that tells the public what language resources the court offers and LEP Policy Manuals that document how language access policies are applied by a court (Federal Compliance, 2015).

Language Access Plan (LAP)

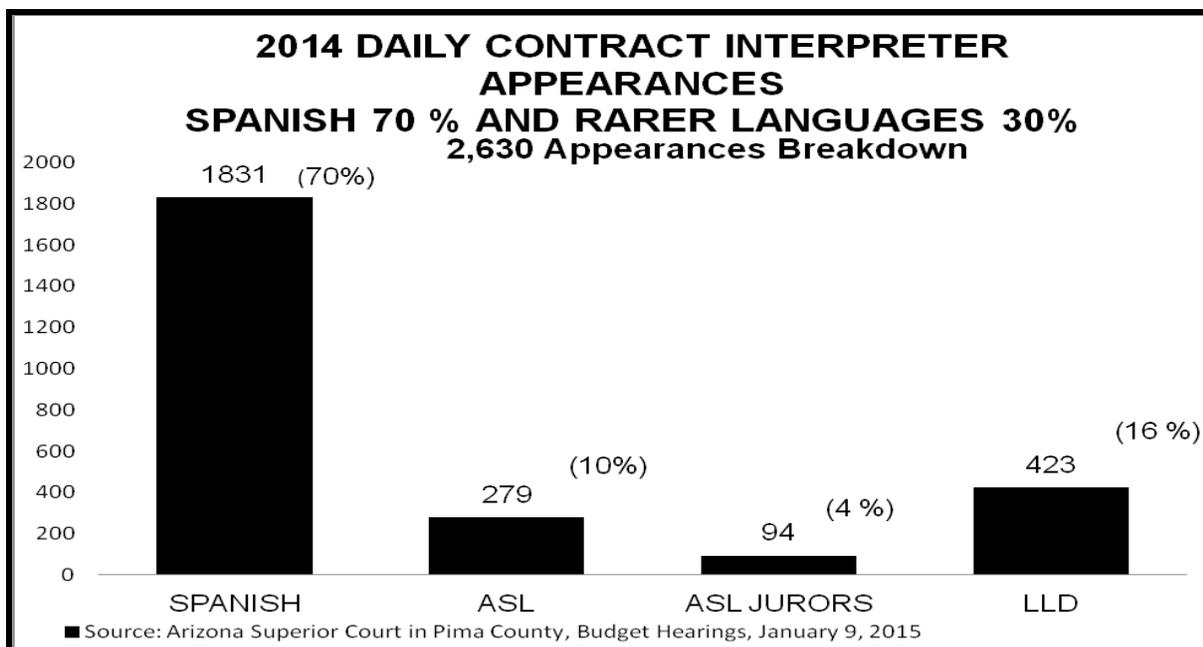
At the turn of the century, the bombing of the World Trade Center in 2001 precipitated an historic drop in immigration levels in this country (Nafzinger, 2009). The current decade has seen an increase in immigration, both legal and undocumented, at levels exceeding pre-911 levels.

The LEP population is growing exponentially because the shift to English dominance takes three generations (Fishman, 1966). Moreover, most states do not offer enough English Education to adult learners. For example, in Arizona 95% of all requests for adult English education goes unmet (Dr. Roseann D. González, personal communication, February 14, 2014). As a result, there has been an increasing involvement of LEP and ADA litigants—and witnesses, victims, parents, and guardians, among other court users—in court proceedings. The U.S. courts need to start planning for this increase and change in the demographic of court users. For example, Figure A

below shows that when the Arizona Superior Court in Pima County expanded its bilingual and interpreter services to all of its legal benches, there was a significant increase in court users who did not speak English as their primary language. Historically, this court's use was between 94 to 97% Spanish of daily contract interpreters.

Once the court came into full Title VI compliance, the statistical use shifted to 70% Spanish and 30% Languages of Limited Diffusion (LLD) for its daily interpreter contractor usage (Office of the Court Interpreter, 2015). In addition, the court traditionally served between 12 to 17 LLDs most years prior to 2010, but in 2014 used 32 LLD (ibid., 2015). This huge shift took place in four short years after coming into full Title VI compliance. This court is now serving more LEP and ADA litigants than ever and training was necessary to ensure that court employees could better serve this increasingly linguistically and culturally diverse group of court users.

Figure A: Daily Contractor Appearances in 2014



Since 2001, numerous complaints about lack of language access to courts have been filed with the DOJ (see www.lep.gov). This agency has vigorously investigated courts that are not in compliance with language access laws. The DOJ has three requirements for courts to meet in order to avoid liability. In order to facilitate effective participation in court events or programs by LEP and ADA litigants, (1) courts must have a Language Assistance Plan (LAP; see for example, Arizona Superior, 2014a, 2014b) and show yearly progress in providing increased services; (2) courts must appointment a Language Access Coordinator; and (3) courts must train all employees, including judicial officers, on both the Americans with Disabilities Act (ADA, 1990; Federal Compliance, 2015; U.S. DOJ, 2006, 2015; see also www.ada.gov).

Language Access Plan Contents

In 2010, then Chief Justice Rebecca Birch of the Arizona Supreme Court issued an Administrative Order 2011-96 (Arizona Supreme, 2011) that required all courts in Arizona to write and post an LAP on their websites. The AO 2011-96 required Arizona courts to report on existing and new language access services. In addition, the LAP has to be reviewed annually. By comparison, DOJ only requires a bi-annual review of a court's LAP. Continual improvement and re-evaluation of a court's LAP helps keep the court accessible. Citing to the Arizona Superior Court in Pima County's latest LAP (<http://www.sc.pima.gov/Portals/0/interpreter/PIMA%20LEP%20PLAN.pdf>) a brief listing of what is promised at no cost is provided here:

- To provide competent interpreters;
- To provide for video remote services;
- To provide teleinterpreter services;
- To use database software (to track litigant language service needs and translation databases);
- To use available statewide resources;

- To make transparent what laws support language access (Title II and Title VI and state laws);
- To supply competent bilingual personnel in court departments and information desks;
- To translate vital documents, signs, and the Superior Court's website;
- To train every court employee in Title II and VI laws and language service solutions;
- To have a way to determine the need for language services in the Court's records;
- To have a Complaint Process announced to the public; and,
- To review the plan annually and to revise it as needed.

DOJ also advises that once courts come into full compliance and offer services for all court hearings and provide proficient bilingual staff and vital translations, it must also make the public aware of these language services through news articles, presentations at community events, conferences, public information literature, and through its website. In fact, the LAP must be posted on the court's website and Superior Court trains its employees to it in their Intranet Favorites File so that they can print out a copy on demand for any member of the public that asks for it.

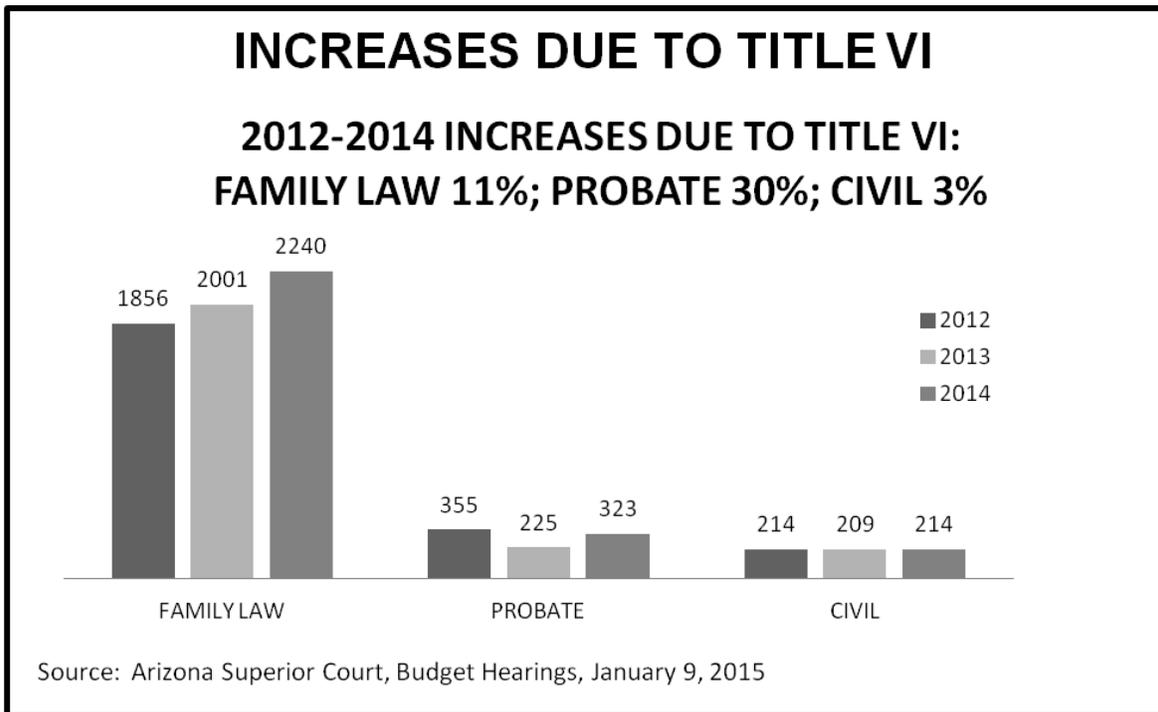
The Impact of Compliance

Some courts are in voluntary compliance with Title II and Title VI requirements. For example, the Arizona Superior Court in Pima County has been in full Title II compliance since 1990. This Superior Court continues to expand services to the deaf and hard of hearing as updates to the law are announced. One of its latest innovations in this area was to provide the deaf and hard of hearing court users with a laptop with a webcam capable of placing a video phone call from anywhere in the court.

However, in this court not all benches were historically being served with interpreter and translation services for LEP litigants. Prior to 2010, only the Criminal Bench—and a few hearings on the Family Law Bench—were provided language access

services automatically. Once this court decided to expand interpreting and translation services to all of its legal benches, the number of cases utilizing interpreters was tracked. Figure B shows the impact on the court as it expanded into full compliance.

Figure B: Increases Due to Title VI in the Arizona Superior Court in Pima County



The Need

The failure to provide systematic, competent interpreting services in civil proceedings across the U.S. is another crucial problem that has only recently come to light. In her watershed study of 35 states, Abel (2009) exposes the inherent injustices in state and local courts caused by incompetent interpreter services and the lack of language accommodations throughout the full spectrum of legal proceedings, ancillary programs, and court services. She concludes that language services are inconsistently provided not only for LEP defendants and litigants, but also to nonparty

LEP persons whose presence is necessary (e.g., LEP parents or guardians of English-proficient minors who are victims, litigants, or witnesses in civil or criminal proceedings).

Moreover, Abel found that, out of the nearly 25 million LEP individuals living in the U.S., more than half (13 million) live in states that are not required to provide interpreters in most civil proceedings. More than 6 million live in states that charge for interpreter services in civil proceedings, thus discouraging LEP persons from seeking or utilizing these crucial legal services. These courts treat the provision of language services to LEP populations as an ancillary cost, not as an essential operating cost as DOJ asserts. Despite increased budgetary pressures on courts, there is no exemption from the legal requirement to provide equal access. As the DOJ (U.S. DOJ, 2011c) mandates in its Memorandum of Agreement with the Colorado Judicial Department, courts “shall provide meaningful access at no cost to LEP parties of interest in all court proceedings and operations” (p. 2). DOJ considers this obligation primary and more essential than other court operations such as upgrading computer systems.

Commendable efforts have been made by courts, commissions, government agencies, law enforcement, professional organizations, and other entities to identify deficiencies in the provision of language services and to find prudent solutions (González, Vásquez, & Mikkelson, 2012; Grabau & Gibbons, 1996; Piatt, 1990b, 1995; Romberger, 2008, 2010; U.S. Commission, 1970, U.S. Government, 2010). Some appellate courts have begun to recognize that the lack of quality interpreter services results in barriers to justice. Three recent appellate cases serve as a model for all

courts: *Massachusetts v. Andre* (2009); *Escarpita v. Florida* (2009); and *Reyna v. Florida* (2009). In each case, the courts plainly held that the failure to provide competent interpretation denied the LEP defendant a fair trial. Regrettably, these cases represent the exception rather than the rule. Numerous cases alleging poor quality interpretation have been unsuccessful in their appeals because reviewing courts fail to recognize that lack of adequate interpreter services and interpreter error deny the defendant access to the fundamental constitutional right of due process.

The Consortium for Language Access in the Courts at the NCSC has also worked to assist states in providing meaningful access for LEP populations (National Center, n.d.a & b; Romberger, 2010). Due to the high cost of establishing interpreter certification programs, the Consortium pooled resources of member states, allowing them to share written and oral examinations to assess the proficiency of court interpreters. Beginning with four key states in 1995, the Consortium grew to 43 member states in 2011 (National Center, 2011). Of the 40 states that had joined the Consortium by 2009, 34 had scheduled interpreter examinations (National Center, 2009). Recently, the organization has changed its focus and member states now use the Consortium as a resource sharing center to exchange information on developing effective language assistance programs in state courts. The Consortium has also changed its name to the Council of Language Access Coordinators (CLAC).

The Brennan Center for Justice has also made an invaluable contribution to the greater understanding of the consequences of obstructing equal access to justice for language minorities in a venue where decisions have immediate and devastating effects on the course of their lives and the lives of their families. These findings are

particularly significant given the DOJ's analysis that all persons in the U.S., regardless of their citizenship status, are protected under Title VI.

Looking at the LEP and ADA populations shows why there is a growing need for language access services by courts. The U.S. population has hit historic heights and in 2007 hit the 300 million mark (World Meters, n.d.). Of that population, there is historic growth in categories, which are largely LEP speakers. For example, there were 44.7 million Hispanics, 38.7 million Blacks, and 14.3 million Asian Pacific Islanders. Of the last 100 million persons added to the U.S. population, the ethnic composition was comprised of 36% Hispanics, 16% Blacks, and 13% Asian Pacific Islanders (CensusScope, n.d.; U.S. Census Bureau, 2011, 2013). Furthermore, by 2050 there will be 132.8 Million U.S. Hispanics that will comprise 25% of the U.S. population. Figures C through E, below, demonstrate the rapid growth of the U.S. Hispanic population.

The increase in diversity can also be measured by the number of individuals who have been categorized by linguists as speakers of Languages Other Than English (LOTEs). LOTEs have doubled in size over the past two decades (Pew Hispanic, 2011a, 2011b) and are closing fast on tripling in size. Finally, Gehrke (2013) estimates that one new immigrant enters the U.S. population every 40 seconds.

In the U.S., about two to four of every 1,000 persons are functionally deaf. About half of that population becomes deaf relatively late in life. And fewer than one out of every 1,000 persons become deaf before 18 years of age (ACDHH Website, n.d.). Contrast that to the fact that approximately 2.1% of the population of Arizona has

Figure C: Percentage of U.S. Growth Represented by Hispanics

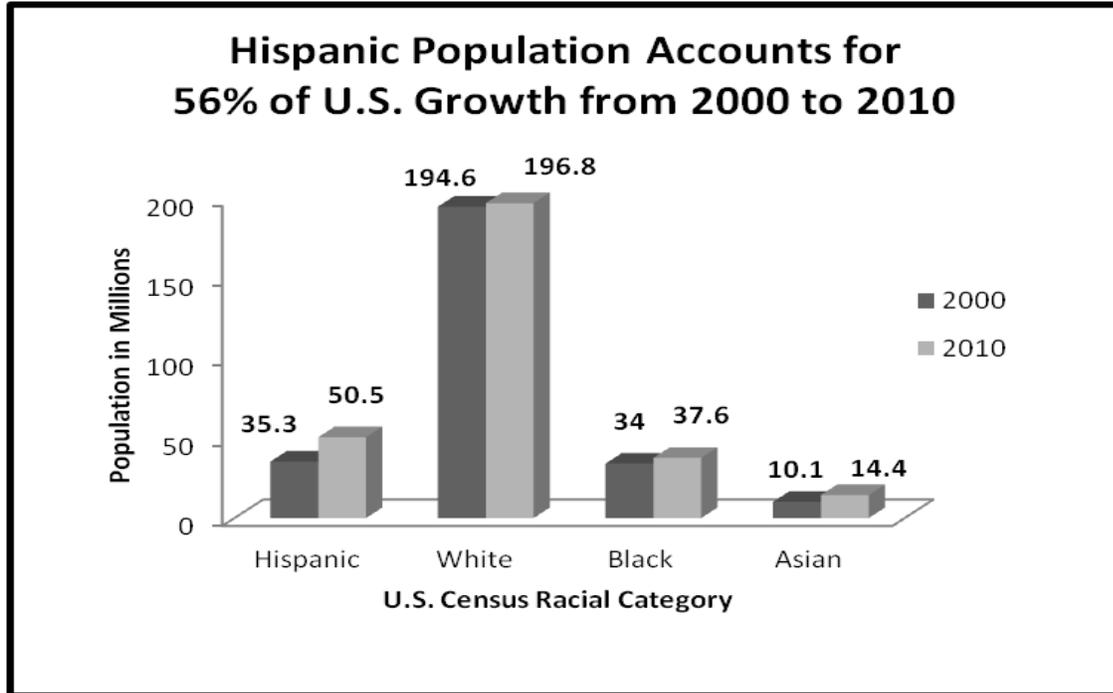


Figure D: Increasing U.S. Hispanic Population

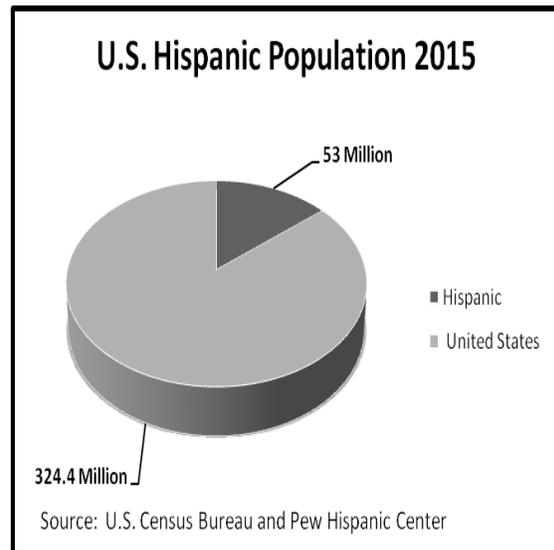
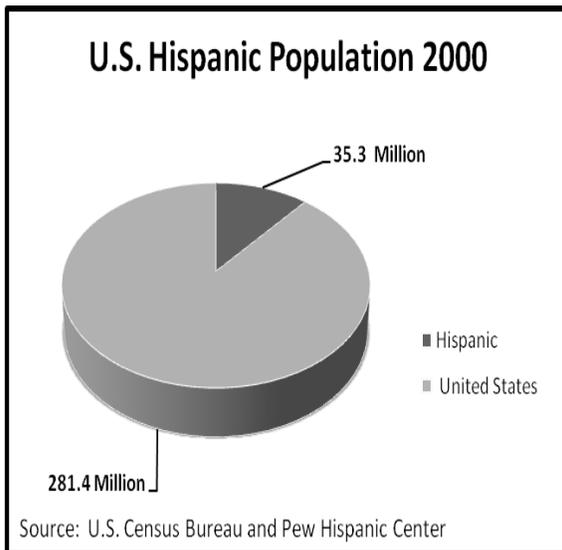


Figure E: Hispanics as Percentage of U.S. Population in 2013

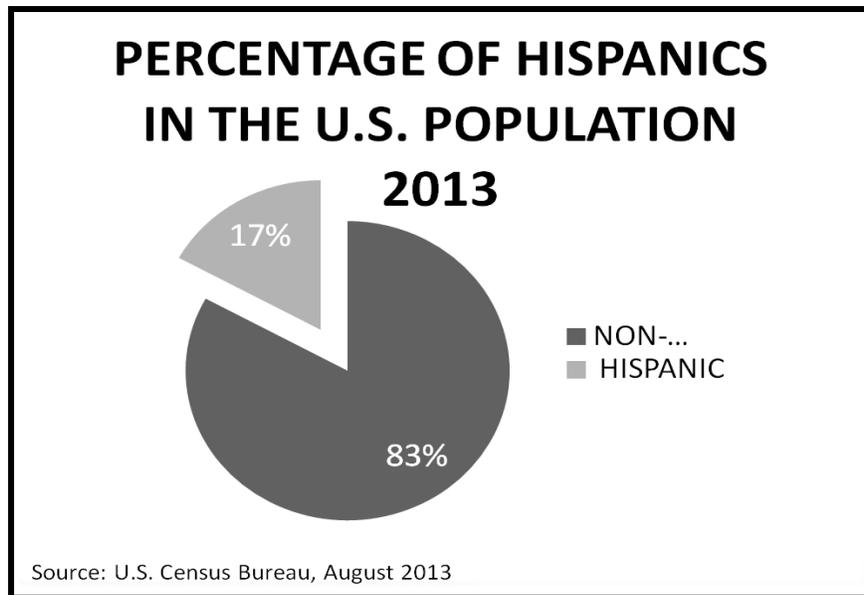
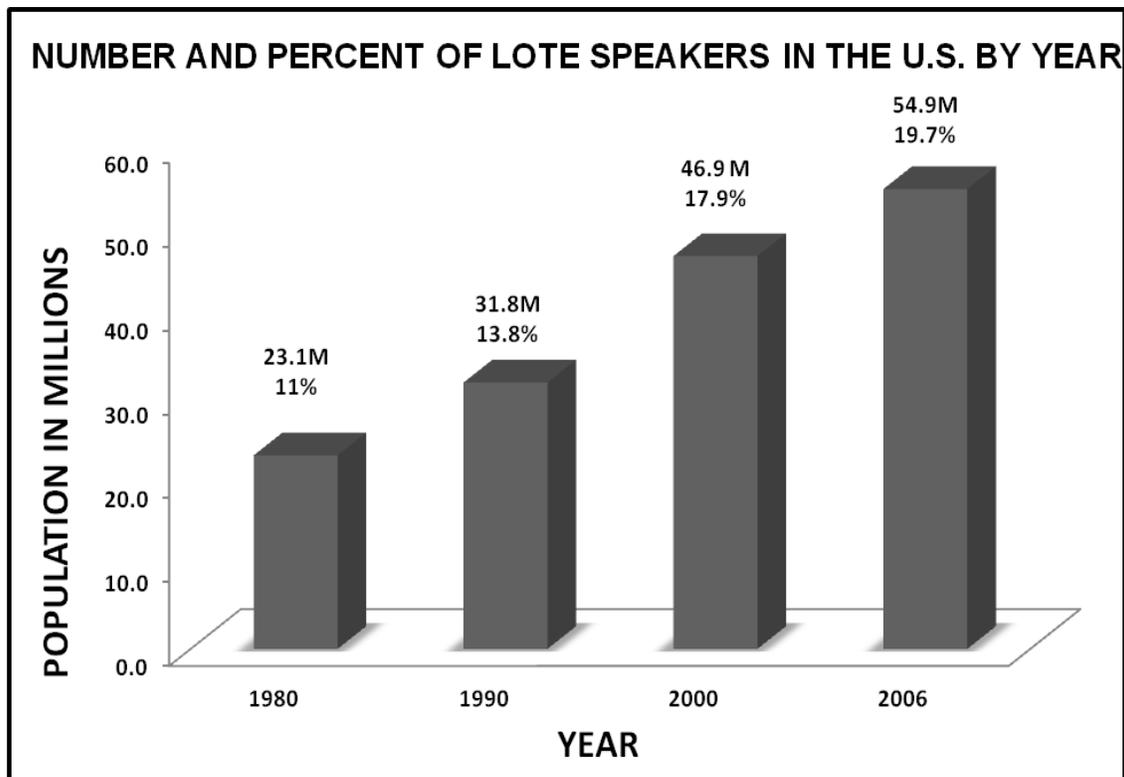


Figure F: Increases in Languages Other Than English in the U.S.



hearing disabilities. Of the 3,866,694 Arizona residents, there are 82,244 from the ages 16 to 64 who have hearing disabilities (ACDHH Website, n.d.). Since Arizona has a large retirement population, it has almost twice the rate of hearing disabilities as the rest of the nation.

What these statistics demonstrate is that, at the national level, the U.S. population is becoming increasingly linguistically and culturally diverse. Courts need to be cognizant that their customers are increasingly more linguistically diversified. They must meet the needs of their local demographic populations and provide true language access to their local courts by following census data and changing trends in their cities and states. The third branch of government has seen, and will continue to see, drastic changes in the linguistic and cultural profile of customers they are serving. As mentioned in the introduction, these changes require that the court train employees to meet the needs of these linguistically different customers. Training court employees on how to serve these customers is a challenge considering the dearth of training curricula and the DOJ mandate to make training effective.

Literature Review

The study of effectiveness of language access training for court employees is a relatively new research area. There is a dearth of literature directly on point. Using various search engines such as Google, Bing, AOL, Yahoo, Dogpile, and Ask, searches were conducted for existing Title II and VI language-access training research and curricula. No published articles on this topic were found; but, two free online curricula were identified and are part of the review presented in the *Variables of Effective Court Employee Curricula* section below.

In addition, using Lexis Nexis no case law or statutes on this question were uncovered. There are a few articles that addressed the need for training (American Bar, 2012; State Justice, 2013; González, Vásquez & Mikkelson, 2012), but none mention any methods to check on effectiveness of language access training. After an exhaustive review of the literature, it appears that the questions posed in this study are questions of first impression. This research area is ripe for attention. Courts have a great need for research that will add to our knowledge base in this area.

Because there were not studies relating to this issue, and because there is no amassed data, this study is exploratory in nature. In considering the problem, a couple of important publications pointed to potential approaches: the American Bar Association (ABA) (2012) *Standards for Language Access in Courts* and the SJI and NCSC (State Justice, 2013) *A National Call to Action*. These articles propose similar topics for training and similar target audiences (judges, lawyers, court staff, and stakeholder). The ABA article mentions that different amounts of time are needed to train a judge (proposing 8 hours of training) and a person with very limited contact with the public

who would only need to know where a court's LAP was located (proposing a few minutes of training). However, the investigator, who works in a Superior Court (County) and is familiar with most court jobs, believes that the more important consideration was not time, but the type of contact that a court employee had with LEP and ADA litigants via the tasks or functions of the jobs they performed.

Considering the training needs of court employees, there are two theoretical types of court employees: those whose contacts with LEP and ADA litigants are primarily out-of-court and those who serve them in-court. In-court employees need a different type of knowledge due to the kinds of contacts made during court proceedings that is related to best practice procedures, policies and protocol knowledge. Inside the courtroom the information exchanged is substantive and substantial to court hearings. Out-of-court employees most often are giving out information, forms, directions, and customer service related information. This job performance distinction is between employees who need "customer-service" oriented training versus "in-court" best practices. Training then should be driven by job performance related needs, which should also improve satisfaction with the training offered.

Because there were no available or recognized curricula for Title II and IV training, the study required two curricula to test—a customer service out-of-court (OCC) curriculum and a best practices in-court curriculum (ICC). Creating these curricula was an essential step in order to test if it was possible to define and produce measures of effectiveness of training.

Historical Underpinnings for Language Access to the Courts

A review of the legal literature is necessary in order to understand the elements of the federal laws and executive orders that underlie the mandate to provide language access for limited- and non-English speaking and deaf and hard of hearing court users.

History of language access laws.

Aside from the passage of the Court Interpreters Act, the greatest catalyst for the provision of competent language services for language minorities is Executive Order 13-166, “Improving Access to Services for Persons with Limited English Proficiency.” Executed on August 11, 2000, this policy requires all federal agencies to “work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries” (p. 50121). The Order was spurred not only by the dramatic growth of LEP populations in the 1990s, but also by the continued discriminatory treatment of language minorities on the basis of language—that is, national origin discrimination. As the foreign-born population grew in the 1980s and 1990s, anti-immigrant and English-only practices seeped into the daily operations of many key U.S. cultural institutions, including in state and local courts.

The importance of Executive Order 13-166 is that it recognized the right of LEP persons to obtain meaningful access to the full range of services available to English speakers (e.g., health, education, law enforcement, and legal). This language policy legitimized the need for language access, bringing it from the margins of public awareness into the larger civil rights discussion of the fair and equal treatment of U.S. minorities. The Order enforces the protections of Title VI of the Civil Rights Act of 1964, prohibiting discrimination against or exclusion of persons on the basis of national origin.

Its legal predecessor, *Lau v. Nichols* (1974), clearly held that failure to provide adequate language services for LEP persons was discrimination on the basis of national origin.

Therefore, any policy or systemic practice that denies LEP persons access to services in federally funded agencies violates Title VI.

The legal manual published by the DOJ (U.S. DOJ, 2001) explicating the intention of the Order cites the words of President John F. Kennedy:

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation. (p. 3)

Executive Order 13-166 clarified the legal obligation of recipients of federal funds to provide language access for language minority populations, including state and local agencies receiving federal funding to create language access plans. Thus, it reaffirmed that federally assisted agencies that failed to provide competent interpreting and language services for LEP persons are subject to enforcement procedures and designates the DOJ as the enforcement agency. Enforcement measures include monitoring, investigation, corrective action, and loss of federal funding, although as of 2014 the last alternative has not been utilized by the DOJ, which instead focuses on voluntary compliance.

Several major obstacles have hindered compliance with the letter and spirit of Executive Order 13-166 to “ensure that the programs and activities [federally assisted agencies] normally provide in English are accessible to LEP persons” (p. 50121). These include the failure to clearly articulate agency obligations with precise standards, methods, and goals by which to measure progress towards providing language access. As a result of these deficient guidelines, state and local agencies have failed to create coherent, sound language access

plans that truly provide a meaningful opportunity for LEP persons to access these services (U.S. DOJ, 2010) without guidance. Many courts believed that these standards were merely to be aspired to or ignored until a complaint was lodged with the DOJ.

Essentially, courts have either succeeded or failed to provided LEP and ADA litigants interpreter and translation services to comply with Title VI requirements, but have failed to meet their training obligations. However, the efforts of the DOJ under the Obama Administration have made language access a serious national goal with clear expectations and repercussions for noncompliance. In addition to aggressively enforcing Title VI, the Obama’s administration’s DOJ has announced enforcement priority for the Americans with Disability Act, Title II (U.S. DOJ, 2014a). Since many courts and agencies have not implemented a language service plan that provides a continuum of competent interpretation, translation, and other language services—more than a decade after the issuance of Executive Order 13-166—the struggle to achieve equal access through language services in the courts continues.

Recent DOJ Enforcement Efforts: Historical Developments Leading to the Requirement to Train All Court Employees

Laura Abel (2009), Deputy Director of the Brennan Center for Justice of the New York University Law School, studied a number of states that were in compliance with Title VI of the 1964 Civil Rights Act. The report found that only 35 states provided interpreters for domestic and civil hearings. Whereas in the criminal area, for the most part courts provide interpreting services free of charge, litigants in the domestic and civil law areas have been asked to provide their own interpreters (*Gardiana v. Small Claims Court*, 1976). Many were also asked to provide translations of documents

required for decision making by the courts in the civil law areas. Fairness and equal treatment under the law are foundational principles upon which the U.S. legal system was founded. Historically, movements for social justice such as the civil rights movement were attempts to recognize each person's inalienable right to meaningfully participate in all aspects of society including the legal system.

One goal of equality is to ensure that all persons have a voice in the decisions that directly impact their welfare, regardless of their social or economic status, race, national origin, or their ability to speak English. The fair application of laws to disenfranchise populations, such as language minorities who are limited- and non-English-speakers (LEP) and the deaf and hard of hearing—the voiceless—those whose access to equal opportunity has been traditionally denied on the basis of language in 2000 and beyond has once again become a civil rights priority in all U.S. institutions (Roberts, 2011). The de facto English-only policies followed by the courts, and as exemplified above, have failed to support the goals of due process and justice for all, and instead have erected a barrier between LEP populations and this key cultural institution. Effectively, these policies have determined who is included or excluded from the benefits, aid and services afforded to all persons who attempt to use the courts.

Because language access to the legal system is at the heart of ensuring fairness, equality, and justice, enforcing a language policy that guarantees actual access to the courts is central to the idea of ensuring the public's trust in the legal system. The growing number of litigants, victims, and witnesses who require the services of a bilingual employee, an interpreter, or who require translation services, along with mounting evidence of the routine obstruction of justice for LEP persons in the courts,

invigorated the DOJ's enforcement efforts (Abel, 2009, 2010; American Bar Association 2012; Pantoga, 1999).

Language services have not systematically been provided for LEP participants in the criminal justice system. The earliest recorded cases regarding language access involved the appointment of interpreters (*Amory v. Fellowes*, 1809; *In re Norberg*, 1808; *Meyer v. Foster*, 1862). Legislation affecting the appointment and compensation of interpreters appeared as early as the middle of the nineteenth century (California Code of Civil Procedures § 1884; New York Laws of 1869; Pennsylvania Act of March 27, 1865). For decades, due process as guaranteed by the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the Constitution—as well as constitutions at the state level, was violated by state and local courts that failed to officially recognize the need for language services for LEP and other linguistically disabled populations such as the deaf and hard of hearing. The case law is replete with examples of the injustices and violations of due process that have occurred in U.S. courts because of the lack of appropriate language services.

According to the ABA, lack of language access also places a great burden on the justice system. The toll is measured not only in terms of delayed proceedings, inaccurate court records, and overturned convictions, but also higher long-term legal costs associated with appeals and mistrials on the basis of poor interpretation (Wood, 2009). More importantly, failure to remedy the lack of access to justice for LEP persons will ultimately lead to the erosion of societal confidence in the justice system (ABA, 2012; Abel, 2009, 2010).

Historically, LEP persons who came before the courts found themselves in a Kafkaesque scenario, facing a legal procedure in a language they did not understand and being subjected to a legal process of which they had no knowledge. LEP individuals had no power to make their stories heard and no way to understand the questions they were asked. Moreover, since they did not have linguistic access to the testimony against them, they could not participate in their own defense. In addition to their lack of English proficiency, many LEP defendants and witnesses had no knowledge of their rights or the U.S. justice system and its processes and procedures. Thus, they often had no understanding of the charges against them and the potential threats posed to their life and liberty. In the absence of competent language services that ensure an informed understanding of a legal proceeding and the ability to provide knowing testimony, the LEP person is fundamentally disadvantaged.

The need for language services has been recognized by the courts for two centuries. It has only been since 1978, that unprecedented efforts have been made to correct these injustices since the passage of the Court Interpreters Act. Renewed efforts at enforcement by the DOJ of Title VI of the Civil Rights Act of 1964 began in 2001; nevertheless, LEP individuals continue to be excluded from access to the legal process and denied the same rights, protections, and benefits afforded to their English-speaking counterparts. This is accomplished unwittingly and in large part by untrained court employees. Litigants are denied equality of opportunity and fairness on the basis of language—a characteristic of their national origin. Without qualified bilingual personnel or interpreters, when they ask for services or tell their stories, more likely than not, miscommunications and substantial portions of their testimonies are

distorted. Most egregiously, many LEP individuals are not informed of their right to language services throughout the legal process.

The DOJ (U.S. DOJ, 2011d) observed that linguistic distortion compromises the fact-finding process, “impact[s] the accuracy of the evidence presented, taint[s] the outcome of a case, cause[s] negative consequences,” and leads to the violation of the fundamental right of limited- and non-English speakers to participate in the legal system (p. 2). The impact is no less for ADA litigants, victims and witnesses. The inability to hear witness, victim, defendant, or guardian testimony also prevents the government from prosecuting cases effectively (U.S. DOJ, 2011d). Most importantly, substandard interpretation subjects the LEP individual to a distorted version of the proceedings that could result in negative legal consequences and harm.

In civil proceedings, the lack of competent interpreter services excludes LEP litigants from the opportunity to protect their rights. Lack of language access bars them from the right to protect their children, their homes, or their safety in cases involving all types of family matters (e.g., divorce conciliation and settlements, severance of parental rights, adoption). The problem is no better in problem-solving courts involving juvenile matters, domestic violence, drugs, and mental health cases. By not providing competent interpreting services in all of these life-altering encounters, courts violate Title VI of the Civil Rights Act of 1964 for the deaf or hard of hearing, Title II of the ADA, 1990. As pointed out by Abel (2009), the lack of access to essential services undermines the ability of LEP persons to manage their lives and attain the stability needed to become productive members of society.

An abundance of anecdotal evidence, congressional testimony, and government commissioned studies attest to the inadequacy of interpreting services and the resulting pattern of injustice for language minorities (Comptroller General of the United States, 1977; Court Interpreter Task Force of the State of Washington, 1986; Judicial Council of California, 2006; Valdés & Wilcox, 1986). A plethora of cases illustrate the injustices and violations of due process resulting from the failure to provide interpreter services. Three landmark cases clearly established the right to an interpreter (*Arizona v. Natividad*, 1974; *U.S. v. Carrion*, 1973; *U.S. ex rel. Negron v. New York*, 1970).

The above cited government reports and legal cases document the pervasive nature of this problem and the struggle by language minorities to assert their fundamental rights to justice historically and through recent challenges to courts via DOJ enforcement efforts (www.lep.gov). State courts, the federal government and professional associations began setting best practices for in court use of interpreters starting in the late 1970's (González, Vásquez & Mikkelson, 2012).

The right to an interpreter effectuates, that is, enables the protections afforded by the constitutional rights guaranteed by: (1) the Fourth Amendment protection from unlawful search and seizure; (2) the Fifth Amendment right to due process and the right against self-incrimination; (3) the Sixth Amendment right to a speedy trial by an impartial jury, to be informed of the nature and cause of the accusation, to confront adverse witnesses, to have effective assistance of counsel, and to obtain witnesses in the defense's favor; and (4) the Fourteenth Amendment's application of the Bill of Rights to the states. Each of these rights guarantees an LEP or ADA litigant the right to meaningful access to justice. Efforts to train and certify interpreter, helped to meet DOJ requirements that

“competent, qualified interpreters” be utilized and recognized the ill effects of using “ineffective” interpreters. The recent move by the NCSC to create the Coordinators for Language Access in the Court (CLAC) to share resources to improve the quality of language access herald a move away from ignoring the problem and towards helping courts to solve the problem. U.S. Supreme Court Justice Anthony Kennedy asserted that the lack of qualified court interpreters is a national problem (Judicial Security and Independence, 2007).

The magnitude of this social and legal issue has attracted the attention of interdisciplinary academic scholars in the fields of law, social policy, linguistics, political science, sociology, and interpretation and translation (Abel, 2009; Piatt, 1990). Hundreds of law review articles have been written about the detrimental impact of inadequate language accommodations on legal outcomes for LEP and ADA litigants. Moreover, the National Association of Judiciary Interpreters and Translators (National Association, 2006, 2009) has taken a leadership role in advocating and promoting best practices through position papers, statements, and other guidance and publically supporting the DOJ’s positions on language access (National Association, 2010).

While *Negron* (1970), *Carrion* (1973), and *Natividad* (1974) definitively established that the failure to provide a court interpreter in criminal cases for LEP defendants is a violation of due process, state, local, and some federal courts have been slow to provide competent, comprehensive interpreter services. More importantly, this lax view on providing standardized competent interpreter services not only affects hearings, but also myriad court-related functions performed outside the courtroom

(ABA, 2012). The same can be said of using insufficiently bilingual personnel to provide language access in Probation, Pretrial, and Mediation services, among other out-of-court activities.

Rise of the Department of Justice: Era of Enforcement

As early as 2008, the DOJ has been writing to courts about their obligations (U.S. DOJ, 2008, 2009). As On August 16, 2010, a letter to chief justices and state court administrators was sent by Assistant Attorney General Thomas Perez. It announced that “some state court system policies and practices significantly and unreasonably impede, hinder, or restrict participation in court proceedings and access to court operations based upon a person’s English language ability” (U.S. DOJ, 2010, p. 2). Perez further remarked that “by now” reasonable efforts should have resulted in greater progress in providing LEP persons with meaningful access since enforcement activities began in 2001. It was a clear statement to the state courts to meet their Title VI obligations by providing unrestricted language access by: (1) providing interpreting services at no cost to LEP persons; (2) providing interpreting services in all types of cases and venues, including civil, criminal, and administrative hearings, trials, and motions; and (3) extending language assistance to nonparty LEP persons whose presence is necessary, such as witnesses and other stakeholders. Courts were also alerted of their legal obligation to offer competent language and interpreting services beyond the courtroom to all court-annexed and ancillary services such as arbitration and mediation activities required by court processes.

In response to the urgent need for reform, the DOJ has taken further steps to eliminate the discriminatory practices of courts on the basis of national origin. In a February 2011 letter to the heads of federal agencies and civil rights divisions, as well as general counsels,

Attorney General Eric Holder reported that “the implementation of comprehensive language access programs remains uneven throughout the federal government and among recipients of federal financial assistance.” He called for a renewed commitment to achieving full compliance with Executive Order 13-166 and set definite accountability measures and timelines (U.S. DOJ, 2011a, p. 2). In this letter, the DOJ clearly specified action items required to meet the goals of Title VI. More importantly, Holder linked the performance of specific tasks to monitoring and set a 2011 deadline for the first accountability measure. In May 2011, the DOJ published *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs* (U.S. DOJ, 2011b). In this new guidance, the DOJ more specifically delineates how agencies can provide appropriate language services that meet the needs of their clients. It offers a useful model, self-assessment tool, strategies, and links to resources for agencies to use in developing a sound language access plan. This publication is periodically updated and reissued.

In its steady progression towards clarifying legal agencies’ duties under Title VI, the DOJ (2011d) issued a highly specific, comprehensive guidance for all prosecutorial agencies, *Considerations for Providing Language Access in a Prosecutorial Agency*, in September, 2011. The DOJ is attempting to bring prosecutorial agencies into compliance with the legal requirements to provide quality language accommodations. In this document, the DOJ (U.S. DOJ, 2011d) states that, “the failure to provide meaningful language access is a form of national origin discrimination under Title VI, *even if the discrimination is not intentional [emphasis added]*” (p. 3).

While the DOJ has certainly expanded and improved its guidance by operationalizing what comprehensive language access means for the courts, there is

as yet no guidance on training court employees on language access (Colorado Court, 2011). In contrast, the Individuals with Disabilities Education Improvement Act of 2004, for example, has been successfully implemented because of the strong oversight component that ensures compliance and regularly withholds federal funding for noncompliance. Each court, or court system, has to decide whether they will challenge the DOJ, but thus far, no court has won on any argument. In fact, voluntary compliance by courts is a wiser use of court personnel time and limited resources.

Notably, to further explicate DOJ guidelines for achieving language access in the courts as required by Title VI, the ABA has drafted an expansive set of principles to assist courts in designing, implementing, and enforcing a complete continuum of language, interpretation, and translation services and training efforts that guarantee equal access. Presented at an August 2011 meeting of the ABA House of Delegates, the proposed *ABA Standards for Language Access in Courts*, or the *ABA Standards*, were tabled and their revised version was adopted in February 2012. It is indeed commendable that the legal bar recognized the need to collaborate with interpreters to construct clear, informed principles of practice to assure equitable treatment of language minorities in the courts. These standards offer a comprehensive approach to educating judges, court administrators, and lawyers regarding the criticality of competent, comprehensive interpreter services. Based on the due process protections afforded by the Constitution, the legal requirements of Title VI, and the principles of fairness and justice, the *ABA Standards* offer a best practice framework. These standards also discuss training court employees on language access and is reviewed below in Existing Proposed Training Standards below.

The Law: Legal Underpinnings of Language Access Training

Discrimination against court users who are language handicapped or limited- and non-English speaking is prohibited by the ADA, Title II and the 1964 Civil Rights Act, Title VI among other laws such as equal protection and due process. These laws protect LEPs and ADA litigants' constitutional rights as well as provide a remedy for illegal discrimination based on race, color, national origin, sex, age, income and disability. Protected persons' language status cannot be the basis for limiting the opportunity to participate in activities or to benefit from programs that receive federal funds. LEPs and ADA litigants are covered under the national origin category of illegal discrimination because the language proficiency of a speaker has been identified as relating to the national origin of that individual. Specifically, courts can be charged with discrimination based on national origins in complaints filed by court users who believe that they were not afforded linguistic access to a court.

In addition, in the process of providing services to these protected classes of court users, courts cannot violate litigants' equal protection rights. DOJ is increasingly looking at whether or not courts treat LEPs equally when providing them services or designing their language access policies. Vermont, working with the DOJ, created the following statement, which was then turned into a public announcement. In pertinent part, it reads (Vermont Agency, n.d., p. 1):

In federally assisted programs, a recipient cannot directly or indirectly:

- Deny program services, aids, or benefits;
- Provide different services, aids, or benefits, or provide them in a manner different than they are provided to others; or,
- Segregate or separately treat individuals in any matter related to the receipt of services, aids or benefits.

By funding the effort to craft this equal protection standard, DOJ has put courts on notice that they may not violate these litigant's rights to language access by creating two different classes of court users—those who have language access to the courts and its services and those who do not.

Necessary Legal Elements for Title II and VI Training

As the little research that exists shows, there is very little specific guidance on what elements should be included in a language-access training curriculum. Based upon a review of various DOJ guidance documents, one essential element that must be included in training is the federal and state laws that hold courts accountable for making the courts accessible to linguistically and culturally different court users. Courts must be able to explain to court employees the significance of the various federal and state language access laws. Training should include a discussion of what these laws protect and why compliance with these laws is important as well as the consequences of non-compliance. While the foregoing historical discussion shows the development of the law, the following is the minimum of what must be taught about the law in an effective language-access training curriculum.

The law: Title VI.

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It, and its related DOJ Guidelines, prohibits discrimination on the basis of race, color, sex, religion or national origin in programs and activities receiving federal financial assistance. This law and its guidance require courts to provide qualified interpreters free of charge for all hearings (including court ordered events and experts). Moreover, interpreter services or proficient bilinguals must be provided to the

public in all court divisions, programs and departments. Finally, the translation of vital documents is required by courts. Only non-essential court programs, such as courthouse tours, need not comply with these federal laws (<http://www.justice.gov/crt/about/cor/coord/titlevistat.php>).

Because courts claimed that Title VI requirements were vague, the DOJ (U.S. DOJ, 2002, p. 41,445) provided courts with guidance as to the specific meaning of Title VI. The DOJ announced that in order to comply with Title VI's prohibitions against national origin discrimination, recipients of federal financial assistance must take "reasonable steps" to ensure meaningful access to their programs. In state courts, in both civil and criminal cases, "every effort should be taken to ensure competent interpretation for LEP individuals during all hearings, trials and motions" (at 41,471). "[W]hen oral language services are necessary, recipients should generally offer competent interpreter services free of cost to the LEP person" (U.S. DOJ citing to Lau, 1974, p. 41,462), regardless of state laws to the contrary. Courts that impose interpreter costs on LEP litigants burden them with an impermissible surcharge based on their language proficiency status, which is tantamount to national origins discrimination (U.S. DOJ, 2009).

The law: Executive orders 12-250 and 13-166.

In addition to Title II and VI, two presidents—Carter and Clinton—provided for enforcement mechanisms pursuant to Executive Orders 12-250 and 13-166 (EO), respectively. The most recent EO 13-166 (2000), *Improving Access to Services for Persons with Limited English Proficiency*, was signed by former President Bill Clinton. This EO provides for fines and loss of federal funding if limited- and non-English

speakers are not offered equivalent access to services by entities that receive federal funds. Over the past 12 years, DOJ has been actively investigating courts that do not provide qualified interpreters, free of charge, for all hearings and programs. The EO also mandates that courts must translate vital documents, signage, and websites so as to have equivalent access for LEPs (<http://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>; see also U.S. DOJ, 2008).

President Jimmy Carter signed EO 12-250, *Leadership and Coordination of Nondiscrimination Laws*, in 1980. This EO allows for investigations, enforcement, and on-going review of entities that receive federal funding and violate anti-discrimination laws. The EO also mandates that courts must provide free of charge, qualified interpreters for all hearings and for the translation of vital documents, signage, and website (<http://www.justice.gov/crt/about/cor/byagency/eo12250.php>). Both of these EOs only covered LEPs as there were fewer protections for them than for the deaf and hard of hearing.

The law: The americans with disabilities act (ADA).

The Americans with Disabilities Act of 1990 (ADA, 42 U.S.C. §§12131-12134, 28 C.F.R. Part 35, as amended) offers the deaf and hard of hearing (i.e., qualified individuals) the ability to file a lawsuit for injunctive and/or monetary relief to individuals who have been discriminated against due to specific disabilities by entities that receive federal funds for services, programs, and activities offered by state and local governments. This law applies for the most part, but not exclusively, to ADA individuals such as the deaf who use ASL interpreters and persons who are hard of hearing and who use hearing assistive devices and Communication Access Real Time (CART)

interpreters (<http://www.ada.gov/pubs/ada.htm>; Title III of the ADA and Section 504 of the Rehabilitation Act of 1973). Since its passage, courts have strictly construed the law against any entity discriminating against the language handicapped. Recently, the DOJ has announced a renewed effort to enforce the ADA (U.S. DOJ, 2006; U.S. DOJ, 2014a). It is instructive for courts to know that both laws, Title II and Title VI, are now tending to merge in terms of how strictly they are being construed by courts and the DOJ. In fact, of the numerous court investigations, not one court has won their challenge to DOJ's language access requirements for LEP and ADA court users.

The law: State constitutions, statutes and local rules.

In addition to the U.S. Constitution, Executive Orders, and Title II and VI, each state typically has a set of constitutional amendments, state statutes, rules of evidence, and state and local Administrative Orders and rules that govern the provision of interpreter services by courts. Using Arizona as the example, note the following State Constitution Articles, rules of procedures (criminal and civil), and state statutes that speak to the provision of interpreter services for both LEPs and ADA litigants. Below is a sampling of the laws that apply to Arizona courts:

- Arizona State Constitution: Article 2 – Declaration of Rights § 4, 10, 11, 12, 15, 23, 24 and 30
- Arizona Rules of Civil Procedure, Rule 43(c) Interpreters
- Arizona Rules of Evidence, Rule 604, Interpreters
- Arizona Revised Statutes, Title 12, A.R.S. § 12-241, Appointment of interpreters (for LEPs)
- Arizona Revised Statutes, Title 12, A.R.S. §12-242, Appointment of interpreters (for deaf and hard of hearing persons)

Understanding the laws that regulate the provision of language access services is an important part of effective language access training curricula for both judicial officers and court staff. This is an element that should be represented in the content of any training developed for purposes of increasing the awareness of court employees as to their legal obligation to court users and the consequences of not extending them equal services.

Variables of Effective Court Employee Curricula

The issue of what constitutes an “effective” curricula for court employees for Title II and VI language assistance training has not received much attention in the literature. And, there is no DOJ guidance available to map this inquiry. Thus, this gap in knowledge leaves open what an effective curricula is and how it is measured. For purposes of this pilot study, there is also a question of which teaching methods might produce more effective content knowledge learning. Might significant gains in learning be a measure of effectiveness of training? In other words, are there preferred teaching methods that should be used with this specific learning population—court employees? Most court employees are adult learners. Thus, the question becomes, “What are the most effective teaching methods that will maximize learning for court employees?”

Table 1 examines the two curricula found online, two sent by a survey respondent, the Arizona AOC curriculum (Administrative Office, 2014) and the proposed ICC and OCC curricula for variables that might lead to an “effective curriculum.” The table identifies 20 different curricular variables that were incorporated into the ICC and OCC language access training and then compares all seven to see how they are similar

Table 1: Variables for Effective Language Access Training Curricula

| CURRICULUM VARIABLES | OCC | ICC | SURVEY GENERIC ADA | SURVEY JUDGES Working With Interpreters | NCSC/ NEW MEXICO LABT – BASIC ONLY | CA COURTS – CI BASICS CJER # 6983 | AZ AOC |
|---|---------------------------|------------------------------------|-----------------------------------|--|---|--|------------------|
| JOB TASKS | YES | YES | NO | NO | NO | NO | NO |
| LECTURE | YES | YES | YES | YES | YES | YES | COULD BE |
| VIDEO | YES | YES | UNKNOWN | UNKNOWN | INTERACTIVE CD | UNKNOWN | YES |
| SCENARIOS | YES | YES | YES | NO | YES | UNKNOWN | YES |
| LEP LAW | YES | YES | YES | YES | YES | YES | YES |
| ADA LAW | YES | YES | YES | NO | UNKNOWN | NO | NO |
| STATE LAW | YES | YES | YES | YES | NO | NO | NO |
| QUALIFIED INSTRUCTOR | YES | YES | YES | YES | NO | UNKNOWN | NO |
| ACCOM MODES/ USE OF STAFF | YES | YES | YES | NO | YES | YES | YES |
| LAP | YES | YES | NO | NO | UNKNOWN | NO | YES |
| COMPLAINT PROCEDURE | YES | YES | NO | NO | UNKNOWN | NO | YES |
| TEST/QUIZ | YES | YES | YES | NO | UNKNOWN | YES | NO |
| EVALUATION | YES | YES | UNKNOWN | UNKNOWN | UNKNOWN | YES | YES |
| BEST PRACTICES | YES | YES | NO | YES | YES | YES | NO |
| LOCAL RESOURCES | YES | YES | YES | NO | UNKNOWN | YES | YES |
| READINGS | YES | YES | UNKNOWN | UNKNOWN | UNKNOWN | YES | NO |
| I SPEAK CARD | YES | YES | NO | NO | UNKNOWN | NO | YES |
| INTERPS JOB | YES | YES | NO | YES | YES | YES | YES |
| CUSTOMER SERVICES/ CULTURAL COMPETENCY | YES | YES | YES | YES | YES | NO | NO |
| ONLINE | DRAFTING | DRAFTING | NO | NO | YES | YES | NO |
| TARGETS | OUT-OF- COURT STAFF | IN-COURT JUDGES AND STAFF | ALL STAFF | JUDGES | BILINGUAL AND ALL EMPLOYEES | JUDGES AND CLERKS | ALL EMPLOYEES |

or different from each other. In general, even a quick visual examination of this table shows that the five curricula differ significantly from each other and from the study's curricula.

If we make the assumption that the gains in knowledge and high evaluations the study's curricula received (in the *Findings* section below) makes the ICC and OCC effective language access trainings, then an inescapable conclusion is that the five existing curricula suffered from lack of guidance during development. For example, though the two curricula that were received via the Language Access Training Survey, the Generic curricula could certainly be given to all employees, covers almost exclusively the physical accommodations under the ADA. There is no focus on the language access aspects of the ADA that the DOJ is mandating, beyond a quick reference to the law.

On the other hand, the judges' curriculum focuses solely on learning about how to work with interpreters and in-court best practices. The law was only summarily covered and the focus was almost entirely on the mechanics of how to work with interpreters. While this is a good step in the right direction, other issues were entirely ignored such as whether the court had an LAP, use of bilingual employees, complaint procedures, local resources, and even mention of the court's LAP. The same was true of the other curricula as well. The Arizona AOC curriculum mentions the ADA, but does not cover it substantively. As noted above, the DOJ's new emphasis is to enforce ADA law more strictly in this administration. This means that anyone using this curriculum will have to offer another training to cover the same type of information that

was offered with respect to LEPs. We don't want to waste training resources and it is much more efficient to treat the ADA and LEP laws and language access topics together as does both the ICC and OCC. In this way, we are not asking employees to go to two different trainings at two different times that covers essentially redundant material.

Moreover, all of the other curricula targeted either all employees (i.e., making the curriculum too broad) so that job related tasks are not paid enough attention and only broad topics are learned. For example, covering the difference between interpretation and translation, rather than learning about the court's complaint procedure. The AOC curriculum suffered from this problem and it failed to focus on how to make employees more effective at serving ADA and LEP litigants, though it had interactive activities such as having participants shadow an interpreter simultaneous exercise. This might raise awareness, but how does it help an employee do their job better?

The NCSC and New Mexico's Language Access Basic Training "is a downloadable interactive training module for bilingual court employees who interact with people outside of the courtroom" (National Center, n.d.) seems to be on the right track, but close examination shows that it was developed for bilingual employees, but then the website says it can be used with anyone. Part two of the module actually is an interpreter training for vocabulary improvement. Neither module is true language access training. The same can be said of the California Center for Judiciary Education and Research's, Using a Court Interpreter: The Basics (California Center, n.d.), which teaches the difference between certified, non-certified, and registered interpreters and best practices. While this is good information for judges and clerks to have, it focuses

too narrowly. When a curriculum only targets a very specific type of employee and their specific needs, then the curriculum is too narrow and cannot be called language access training.

Because all employees, from the Presiding Judge down to the security guards, must receive training on language access, existing curricula may not capture enough employee job tasks to make training practicable. That is to say, that being too job specific makes a curriculum miss the point. Being too broad then makes a curriculum fail to not drill down deep enough to assist employees to do their jobs better. The study's ICC and OCC attempts to remedy these problems.

Existing proposed training standards.

There are very few articles that delineate any of the elements required for training of court employees in Title II and Title VI subject matter. Two articles that addresses topics of language access training are the ABA *Standards for Language Access in Courts* (2012) and *A National Call to Action* (State Justice, 2013). In the ABA publication, Standard 9 addresses training of court employees:

Standard 9: Training

The court system and individual courts should ensure that all judges, court personnel, and court-appointed professionals receive training on the following: legal requirements for language access; court policies and rules; language services provider qualifications; ethics; effective techniques for working with language services providers; appropriate use of translated materials; and cultural competency. (at p. 98)

Citing to the DOJ, the ABA points out that training is critical to ensuring that staff knows and understand their LAP and how to apply it. Training also ensures that the court can be in compliance when its employees know their obligations. The ABA

Standards cover who should be trained, how often training should be offered, and suggested content of training. The 2013 SJI, *A National Call to Action*, has a training section that mentions some topics. The *Topics for Training* section below lists the proposed topics from these two important articles and analyzes the five curricula identified through this study.

Who should be trained.

This ABA and SJI guides announce that training should be made mandatory for judges, court personnel, court-appointed officials as well as mediators, arbitrators, attorneys and others (National Center, n.d.b). It relates that the more contact an individual has with LEP and ADA populations, the more the need for greater in-depth training, whereas a person with little contact may just need to be aware of a courts' LAP. Clearly, new interpreters and judges must receive the most training due to their deep contact with the public. Court appointed attorneys and other professionals should also be trained. According to the DOJ, "[i]n order for a court to provide meaningful access to LEP persons, it must ensure language access in all such operations and encounters with professionals" (U.S. DOJ, 2002).

Topics for training.

Addressing the content of such training, the ABA and SJI identify the following areas that training should contain:

- 1) Legal requirements for language access
- 2) Court policies and rules on language access and appointment of interpreters
- 3) Language service providers qualifications and their role in court proceedings
- 4) Ethics
- 5) Effective techniques for working with credentialed language service providers
- 6) Appropriate use of translated materials

- 7) Cultural competency
- 8) Changes in policies, technologies, or if complaints arise

In general, the training should relate to the person's position and complexity of duties. The training should focus on understanding and compliance with the court's LAP as well as the requirements under the law. Training may also be supplemented with written materials and via electronic formats to allow for flexibility. However, if electronic methods are used, both a written evaluation tool and access to a person who can answer any questions that individual has should be part of the training process.

Other resource materials should be obtained and distributed by courts as part of their training efforts. Use of the intranet to distribute supplementary materials is suggested. Several resources are identified including materials from the NCSC, the DOJ, and the New Jersey AOC (ABA, 2012). Continual review and renewal of training programs is also encouraged.

As can be seen by this list, the ABA took into account the job performed. However, as seen in Table 1 above, the training can be too broad, so that not all the right topics are taught, or too narrow so the focus is on only one position. Training interpreters new terminology is certainly a part of language access and it should be done by every court. However, even interpreters need to be able to tell the public where the court's LAP is available or relate the Language Access Coordinator's telephone number. When examining what job tasks means, the reference is to the type of interaction. Thus, a focus on customer service helps to define the appropriate topics for the OCC training.

Frequency and duration of training.

According to the ABA, courts must offer training frequently to those with more public contact. Moreover, that language access training must also be offered to new employees as well as to ongoing training for all staff to reinforce the basic training received. They suggest that best practice for judges is to offer ongoing and regular training through a state's judicial college program. Courts are urged to collect training data and to provide as many classes as necessary to ensure compliance. For example, persons running an Office of the Court Interpreter should have many days of training in the activities such as scheduling, coordinating, identifying and training interpreters for a court's use. Judges perhaps need a day of training while some employees who primarily do customer service would only need 2 hours of training, one hour for each federal law (Mr. Bruce Adelson, personal communication, March 5, 2014).

Effectiveness of Training

While the SJI and ABA have begun the effort to describe training topics and standards, they fail to identify how a court can prove that its training curricula are "effective." This concern has been identified by DOJ as a major failure of monitored courts to provide the kind and type of training that would bring them into compliance (Mr. Bruce Adelson, personal communication, March 5, 2014). Some of the failure to provide effective training is due to the fact that the ABA and SJI provide only broad guidance about who is to be trained, the content of training, and the length and duration of training. Another missing piece of the puzzle includes how a curriculum is taught to adult learners who are court employees. Making a curriculum an effective delivery system for required knowledge and behavioral adaptations required under the law is still

a wide open question with little, or no, information available to courts on how to go about the task.

Teaching Court Employee Adult Learners

There is a plethora of literature on the concept of the learning style preferences and methods of instruction for adult learners. One of the theoretical precepts regarding the acquisition of new knowledge is that learning outcomes are improved if the fit between instructional methods and learning styles are closely matched (Brookfield, 1984; Knowles, 1990; Cross, 1981). Many models have been identified and researched, but only one unpublished doctoral dissertation has actually utilized court employees in an investigation to determine the best way to teach new knowledge using preferred learning styles.

Dr. Rafaela de Loera, in her 2009 doctoral dissertation, “A Study of Learning Styles and Preferred Methods of Instruction in a Court Environment,” used a needs assessment survey—including Kolb’s Learning Style Inventory, 3.1 (2005)—to ask court employees about their learning styles, preferred methods of learning, and training needs. Below, see Table 2: Kolb’s Learning Styles to see the method of instruction that is best for each learning style.

Kolb’s inventory has been used in the legal setting before in studies on learning styles (Kolb & Kolb, 2005); however, the question of the interaction between learning style and instructional methods had not been addressed. De Loera’s 2009 study also looked at variables that might affect learning styles such as age, gender, position, length of service, educational attainment, court assignment, and ethnicity. Also, the

study explored the question of whether or not a relationship exists between learning styles and preferred methods of instruction.

Preferred instructional delivery methods were presented to court employees and they were asked to rank their top four preferred methods. Options that they were given included case studies, in person lecture, computer-based training, independent learning, interactive workshops/seminars with hands on participation, in person one-to-one instruction, small group discussions and activities, role playing/demonstrations, satellite broadcasts, simulation games, formulating questions, individual and group projects/homework, brainstorming/creative problem solving, field observation/interviews, reflective papers/journals, films/movies as a basis for in-person classroom learning, and forms/charts/reference guides and guidelines. In addition, de Loera administered to court employees a Training Needs Assessment Survey that contained demographic information questions.

The results of de Leora's study showed that court employees were almost evenly divided among four learning styles (Kolb, 1984):

(a) 21% diverging, identified as combining reflective observation and concrete experience. These learners solve problems by focusing on specific issues and relying on hypothetical-deductive reasoning.

(b) 27% assimilating which is a combination of abstract conceptualization and reflective observation. These learners view problems from various perspectives and use brainstorming and find solutions by generating ideas.

(c) 23% converging, that is, a learning style that melds active experimentation with abstract conceptualization. Inductive reasoning and developing theoretical models is used by assimilating learners to solve problems.

(d) 29% accommodating that combines concrete experience with experimentation. Carrying out plans and experimentation allows the accommodating learner to work out problems.

Table 2: Kolb’s Learning Styles: Abilities/Strengths/Interests

| Learning Style/ Methods of Instruction | Dominate Learning Ability | Strengths and Interests |
|--|---|--|
| <i>Diverging</i> /Working in groups to gather information | Concrete Experience and Reflective Observation | Being imaginative, understanding people, recognizing problems, brainstorming, being open-minded, receiving feedback |
| <i>Assimilating</i> /Lectures, readings, exploring analytical models, having time to think | Abstract Conceptualization and Reflective Observation | Planning, creating models, defining problems, developing theories, being patient, focusing on abstract ideas and concepts |
| <i>Converging</i> /Experiment with new ideas, simulations, laboratory assignments, practical application | Abstract Conceptualization and Active Experimentation | Solving problems, making decisions, reasoning, deductively, defining problems being logical, dealing with technical tasks, finding practical uses for ideas and theories |
| <i>Accommodating</i> /Work in groups, hands on, field work, projects | Concrete Experience and Active Experimentation | Getting things done, leading, taking risks, initiating, being adaptable & practical, acting on “gut” feelings, relying on people for information |

The study also found that the top four preferred methods of instruction by court employees were:

- (a) 39.1% preferred structured small group discussion and activities;
- (b) 55.4% preferred lectures;

- (c) 40.4% preferred films/movies; and
- (d) 47.5% preferred interactive workshops/seminars with hands on participation.

Other methods were also identified and ranked fifth through eighth, including:

independent learning (videos, DVDs, ride along classes, courtroom observations, and books), computer-based training, case studies, and brainstorming/creative problem solving, respectively.

When de Loera reported on the results of the correlation between learning styles and associated teaching methods, the outcomes were significant and clear:

- (a) Accommodating learners prefer lecture, independent learning, interactive workshops, small group activities, role playing, simulations/games/field observations, reflective papers/journals, and film/movies;
- (b) Diverging learners prefer interactive workshops and computer-based training.
- (c) Assimilating learners prefer lecture, independent learning, interactive workshops, role playing, simulations/games, reflective papers/journals and films/movies.
- (d) Converging learners prefer brainstorming and satellite broadcasts.

All learning styles had the following teaching methods in common:

forms/charts/guides, projects/homework, formulating questions, one-on-one training, and case studies. Most importantly, when tested for interaction between learning styles and the top associated learning methods, “[t]here are significant relationships between the court employees’ learning style and their preferred methods of instruction” (p. 165).

Reporting on the demographics of the study, the researcher found that court assignment, gender, educational attainment, ethnicity, and age influence Kolb’s four learning styles when applied to the court environment. Thus, Dr. de Loera concludes that “[d]iscerning the relationship between methods of instruction and learning styles

can help shape the courses that are offered to court employees” (p. 184) because a relationship does exist.

The next logical research step, taking into account the outcomes of this study, is to design and create curricula that implements these important research findings. This project utilized the top methods of instruction to support the four learning styles of court employees. Because all four types of learners could be present in each class taught, an effective instructional curriculum for court employee should include learning options for everyone. In this way, the curriculum will lead to more effective learning of the content knowledge and activation of the curriculum.

Methods

This project used three primary research methods: (A) a literature review to uncover any existing standards for training in Title II and IV for court employees and to inform future curricular development. The literature review informed the study by revealing topics of model training curricula and identifying an important studies on preferred teaching methods for court employees; (B) a nationwide survey was used to identify any existing curricula for analysis and to uncover current practices in language access training; and (C) pre- and post-tests and course evaluations data were collected to test the effectiveness of the pilot curricula after training court employees. The exploratory and pilot nature of this research project was limited by having to use mandatory course evaluation instruments, having to create two new curricula and testing instruments, and having to ask the very basic questions in the survey since there was no other data available via the research literature. The intent is that the data collected will help to defined “effectiveness,” inform future research and curricular design, and help to refine research instruments for future studies on this topic.

Methodological Aspects of the Literature Review

The literature review included running searches using various parameters on search engines such a Google, Bing, AOL, Yahoo, Dogpile, and Ask. Lexis Nexis search engine was used to conduct searches for any case law or statutes that might provide guidance regarding language-access training requirements. Searches were conducted on various key words and phrases and combinations, including: (1) Title VI, LEP; (2) Title II, ADA; (3) training, effective, mandated, DOJ required; (4) language access, language accommodations, language-access training resources; and (5)

general jurisdiction, limited jurisdiction, state, county, municipal, and city courts. Articles that touched on the training topic had their bibliographies examined for other useful sources. Those sources were analyzed for any useful information, if it had any, was added to the *Reference* section of this paper.

As an informal form of validation, the author's interpreter contacts were queried throughout the year as she had normal contact with them. They were asked if they knew of any courts that were training on Title II and VI access laws—none were uncovered using the informal network of contacts with the exception of the Arizona Superior Court in Maricopa that had used a professional consultant to train everyone. Research for the literature review and research project continued from January 2014 until March 2015.

Survey Methods

A pilot, exploratory survey was developed after the initial literature review was conducted in July 2014. The survey included some demographic questions such as what level the court responding was and what type of funding they received. Other questions concentrated on whether or not the court was training in Title II and/or VI; and if so, whether they would share their curricula for analysis. Participants were surveyed about the types of trainers and training facilities they had. Finally, the survey asked what types of effectiveness measures organizations were using or willing to use to measure training effectiveness.

The draft survey consisted of 13 questions. The survey was piloted with 8 persons who resembled the target audience: (a) court interpreters; (b) court interpreter supervisors; (c) law librarians/interpreter coordinators (as some court interpreter

coordinators in small rural courts hold multiple titles); deputy and court administrators; interpreter supervisors; and, an expert in Title II and VI from the NCSC. Pilot participants commented on the survey. Their suggestions helped to redraft the survey. Piloting of the survey commenced in late September and November 2014; many piloting individuals were busy court executives and return times were slow. After reformulation, the final survey consisted of 10 questions (Appendix A).

Listservs were evaluated for potential for good return rates. Four listservs were identified that served the court and interpreter communities and the survey was sent to the: (a) Google Groups for Interpreters and Translators; the Arizona Administrative Office Courts Interpreter listserv; the NCSC's Court-to-Court and Council of Language Access Coordinators (CLAC) listservs (National Center, n.d.a). In December 2014 and January 2015, SurveyMonkeySM was used to deliver the Language Access Training Survey, along with a message that related that the survey was voluntary, or opt in. Respondents returned only 33 surveys probably due to the lateness of the year when the survey was sent which coincided with the holiday season and because few courts train in this area.

The SurveyMonkeySM link was sent with an e-mail message announcing that the survey was voluntary (opt in). If the court was training, the investigator asked whether they would share their curriculum and if they wanted a copy of the final report and the model curricula. Finally, as a form of validation, eight individuals that the investigator knew and that worked for courts and/or were in the field of interpreting and translating were asked to take the survey. The non-anonymous surveys were analyzed for consistency between the answers and with that court's language access training

activities and capabilities. No discrepancies with the survey and the answers were found. Thirty-three survey responses from across the nation were received and analyzed.

Curricular Design, Training, Pre- and Post-Testing and Course Evaluations

To test the hypotheses under study, two model curricula and two pre- and post-tests were created. These tests and course evaluation forms were used to gather data for analysis. The *Curricular Design and Training, Pre- and Post-Testing and Course Evaluation* sections immediately below offer more specific details about how each phase was conducted.

Curricular design.

Using the results of the literature review, two model curricula were created. The first focused on customer service and the training needs of court staff who serve Title II and VI litigants outside of the courtroom (OCC). The majority of jobs at the Superior Court had the same types of tasks that called for giving information, directing individuals, and explaining procedures. The second curriculum focused on judicial officers and court staff that served LEP and ADA litigants inside the courtroom. What was clear from the literature review is that only the ABA (2012) anticipated that different court employees might need different content knowledge and two curricula of the identified curricula were job specific. The ABA suggested that judges would need much more training time (a day in length) versus an employee who had little to no public contact (just had to know where the court's LAP was located).

However, another factor was more important to curricular design: the specific job tasks that the court employee performed. Thus, the primary difference in the OCC

curricula is the type of job the court employee has with relation to the LEP and ADA court uses. The job tasks of the two different groups were analyzed; the curriculum development focused on each group's particular language access knowledge and needs. For example, the in-court curriculum (ICC) focused on the law, in-court policies and procedures, and how to best utilize interpreter challenges to their interpretation.

The OCC focused on customer service, resources available to court staff, and how to solve the most common language access problems. There are some similarities, such as what resources are available to all court employees from the LAP posted to the website, what the complaint procedures are and how to find translations, among others. Curricula development commenced in January 2014 and ended in October 2014. Prior to administering the OCC curriculum to limited jurisdiction courts, two limited jurisdiction court interpreter supervisors, Ms. Vilma Weigand and Ms. Elizabeth Allen, were invited to critique the curriculum and modest modifications were made prior to training in Marana and Green Valley, Arizona Justice courts.

Special attention was given to developing curricula that contained the preferred teaching methods that de Loera (2009) identified as most effective in training adult court employees. Thus, a video was incorporated of then Chief Justice of the Arizona Supreme Court (Administrative Office, 2014), Rebecca Birch that introducing the importance of the training. This introductory video lent the class credibility and an air of top down approval. Scenarios were developed using actual language access problems from this and sister courts. Designing scenarios that help participants learn about available resources was also a guiding principle. The scenarios made the course more

interactive for court employees by asking them to do hands on problem solving on how to provide language access to the public.

Part of the training consisted of lecture and a period for question and answers. An Audience Response system was also integrated into the curricula. Using a remote responder device class participants voted for test answers with several options. Through repetition using the preview, view, and review teaching technique, key resources and ideas were reinforced (Freeman, Freeman & Mecuri, 2005). For example, throughout the class the instructor asked students, “What number do you call to get the Language Access Coordinator?” The expected response was 4-388 and by the end of the training participants had memorized it. DOJ criteria to have one-hour of training for LEP and one hour for ADA training made the class two hours in length (Bruce Adelson, personal communication, March 5, 2014).

The OCC was piloted on seven local court interpreter supervisors and department heads in the Superior Court that had staff that had public contact. The curriculum was revised using suggestions from the pilot group. Finally, two instructors taught the course: (a) a known expert on Title II and VI with teaching background, and (b) a non-expert, with great interest in the topic, background teaching and who had worked as an interpreter and interpreter recruiter and trainer. Both instructors used the same OCC to teach limited and general jurisdiction court staff. The expert trainer taught the ICC to judicial officers and in-court staff.

Training, pre- and post-testing and course evaluations.

Assistance was obtained from the Training and Education Center of the Arizona Superior Court in Pima County in conducting this study. The Center assisted the

instructors by: (1) scheduling rooms and registering participants; (2) obtaining permission to use the Title II and VI class for continuing education credit for court employees; (3) copying and distributing class handouts; (4) troubleshooting and assisting the instructors in running the state-of-the-art training facility; (5) providing in class assistants; (6) allowing access to software such as TurningPoint; and (7) providing portable equipment for off-site classes. However, the trade off was that the course evaluation form approved by the Committee on Judicial Education and Training of the Arizona AOC had to be used (Appendix B; Arizona Judicial, 2010). Use of this form was a starting point to explore whether this instrument could provide evidence of effectiveness of training. Future research could include custom designing a course evaluation that focuses more specifically on creating questions that more pointedly attempt to capture this data more directly.

For the most part, the instructors used PowerPoint to train the two groups. The instructors taught 21 classes to 257 court employees from June 1 through November 27, 2014. Class size ranged from three to 33 participants. Training for most of the general jurisdiction out-of court employees took place in a high-tech training room at the Arizona Superior Court in Pima County or at its high tech Training and Education Center located at the Pima County Juvenile facility. Limited jurisdiction employees were taught with a slightly modified OCC in Marana and Green Valley courtrooms using mobile monitors. Additionally, two classes were taught in a room using only handouts.

The expert instructor taught only one class to pilot the ICC. All judicial officers and in-court staff were available for training in an adjacent county, Santa Cruz. The in-

court employees of the Santa Cruz County Courts included both general and limited-jurisdiction courts. Seventeen court employees took this ICC training (Appendix C).

Before the beginning of formal instruction, class participants took a pre-test. The instructors did not tell participants that the pre- and post-test were the same test. Answers were collected using TurningPoint software that used remote responder device. There were, however, a few drawbacks of using this technology. Due to either human error (this was new software for both the investigator and the training department staff) or data corruption, test scores for six classes could not be included in this study. Because there were only 183 participant tests, a t-test for statistical significance could not be utilized (Andrew Dowdle, personal communication, February 11, 2015). According to the Director, Research and Statistic of the Arizona Superior Court in Pima County, Andrew Dowdle, “because the data is strong, then use of descriptive statistics is acceptable” (ibid.). The other drawback was that there was no way to merge results, so all of the data collected had to be hand calculated and transferred to Excel as TurningPoint reports only gives results in percentages. Tests for the ICC and OCC were different based on course content (Appendix D and E).

Given de Leora’s (2009) findings, the curricula with the preferred teaching methods that were found to be most effective with adult court employee learners such as quizzes, mini-lectures, handouts, video, and scenarios. Participants filled out course evaluations with open and close-ended questions (Appendix B). Inspection of the answers led to coding of all information into categories that help make sense of the data. There was no coding of any comment unrelated to the issue of evidence of effectiveness of training. The comment was not included if, for example, it had to do

with room temperature, requests that the trainer offer snacks during training, or if it had to do with issues beyond the control of the trainer such as where training took place. Pre- and post-testing data and course evaluations were analyzed and reported upon in the *Findings* section below.

Written comments coding.

Participants were able to make as many comments as they wanted on course evaluations. Comments were of eight different types as shown on the list below. A number was assigned to each type of comment and codes were assigned to each comment. If merited, a comment could receive more than one code. For example, if someone wrote, “This was a great class and I learned a lot of useful information today,” then it was assigned two codes. One code would be assigned for “great class” and another for “useful information.” The codes were then tabulated and a chart reflecting the coding was created. The different category of comments were found in both the ICC and OCC evaluations. Thus, the listing contains all the types of comments that appeared in the ICC and OCC course evaluations. The coded categories and examples of the written comments appear below. Which curriculum the comment came from is indicated by “(ICC) or “(OCC)” following the comment:

(a) **Code 1, Important information:** “I learned several things that I did not know before. Very good workshop!” (ICC); “The new requirements for Title II and VI.” (ICC); “What my responsibility is.” (OCC); “ASL is the second most requested language [in Pima County]. Any agency that receives federal funding must provide everyone with equal access to all programs, aids and benefit.” (OCC); “Thanks! Very informative presentation!” (OCC).

(b) Code 2, Useful information: “Everything, Thank you.” (ICC); “The entire class was educational.” (ICC); “I have learned and gained knowledge related to customer service, complaint and procedural process.” (OCC); “I now have references to help me in my everyday work.” (OCC); “Working in the courtroom and having these resources available to the public will increase our performance in a positive way.” (OCC); “I will have a better understanding of language services. Know how to access resources quicker involving language services.” (OCC).

(c) Code 3, Serious Topic: “The court can be held liable and lose funding for Title VI violations.” (OCC); “Bilingual employees should be qualified and proof of qualification will be needed if audited by DOJ.” (OCC); “Knowledge of Title VI procedures/requirements makes me a more informed court employee to ensure that our court is in compliance with said requirements.” (OCC); “I really need to learn a second language.” (OCC); “The liability that comes with denying an individual the proper interpretation services.” (OCC). “Consequences to court and employees.” (OCC).

(d) Code 4, Great Class: “Excellent practical applications and information.” (ICC); “Fantastic!” (ICC); “Scenarios” and “Pop Quiz” is [sic] nice for attendees [sic] participation.” (OCC); “Great information. I will refer my Department to this class.” (OCC); “Thank you for the training. It was very helpful.” (OCC); “Wonderful presentation and excellent information.” (OCC); “Perfect.” (OCC); “Every employee should take this class.” (OCC); “Amazing class, I wish there was more time to go over questions and scenarios.” (OCC); “Precise and detail oriented.” (OCC); “Excellent! Pre-post [sic] tests are a great objective measure of learning.” (OCC).

(e) **Code 5, Helps Customers**: “Give quality customer service everywhere and with everybody.” (ICC); “This training should be given to all the offices in the County Complex.” (ICC); “How to deal with customers with respect.” (OCC); “Having a bit more sympathy for the Spanish speakers I help out on a daily basis.” (OCC); “I learned how to better help out/my “LOTE” customers. I am very pleased with this training.” (OCC); “It will cause me to improve my customer service and take the interpreting services more seriously and use all interpreting tools to my advantage.” (OCC); “This learning experience enhances my existing sensitivity to diversity [sic] users within the court and my proficiency in meeting the needs of the community.” (OCC).

(f) **Code 6, Great Trainer**: “Come again!” (ICC); “Very interesting and very informative. Instructor was very knowledgeable.” (OCC); “It was interactive which was engaging.” (OCC); “Has a total grasp of the subject matter.” (OCC); “Presenter did a wonderful job. Was well informed and entertaining.” (OCC); “[The instructor] is obviously very knowledgeable about the subject matter, but also holds an interesting class. Good instructor! (OCC); “The instructor was very easy to listen to. The class as a whole was very interesting and informative.” (OCC).

(g) **Code 7, Objectives Achieved**: “I never knew about this and I’ve been with the courts for 15 years.” (OCC); “I am well versed in the courts [sic] interpretation policies and this will avoid errors in these matters.” (OCC); “The equal service that everyone receives regardless of the language.” (OCC); “In every way because customer service is everywhere and key to customer.” (OCC).

(h) **Code 8, Apply to Job**: “4-3888.” (OCC); “We must as Court employees ask everyone if they need language assistance.” (OCC); “I’m more informed in the

procedures of how to access/obtain appropriate interpreter depending on the scenario.” (OCC); “That we have court interpreters to help us all the time. Thought it was just court issues (the class was good).” (OCC); “Knowing where to direct people in need of service.” (OCC); “Gave me insight on how to do my job and help people more effectively.” (OCC).

Four-hundred and ninety-one comments from 218 course evaluations—201 OCC and 17 ICC evaluations—were coded and recorded. Like the subjective overall rating using closed-ended questions, these open-ended questions also reveal evidence of effective training. Students primarily complimented the training. Their comments indicated that the course contained important information and useful information, that the topic was serious, that the information helped them help customers because the information applied to their job. Furthermore, students said that the course objectives had been met and that they had great trainers. Though the comments are a bit redundant to the close-ended questions, the written comments are important because it is the student articulating what they learned. In addition, the comments are important because there was an opportunity to just use the close-ended ratings and not to make any comments, which many participants decided to do. The comments show students were motivated, satisfied, or happy with the training. If students view the information useful, important, and applicable to their jobs, then they will most likely use that information actively. This hypothesis was borne out by anecdotal evidence as well (see *Anecdotal Evidence of Training Effectiveness* section in **Findings** below).

Findings

Results for the survey, pre- and post-tests, and the course evaluations are included in the following sections. Given the exploratory and pilot nature of this study, findings will help refine future research efforts.

Survey Results

There were four major areas of the survey: (1) who responded; (2) current training practices; (3) if they had training materials and were willing to share their curriculum for analysis; and (4) measures of effectiveness of training. The survey instructed that if they did not train on Title II and VI issues in their courts, that they did not need to finish filling out the survey.

Who responded.

Thirty-three nation-wide survey responses were received and analyzed. Table 3 shows that roughly half of responding courts and agencies came from urban areas and the other half from rural areas. Roughly, even proportions of limited and general jurisdiction courts and administrative agencies responded. The two highest responses came from limited jurisdiction urban courts (26%) and rural general jurisdiction courts (23%). This may be due to the lack of training resources in rural areas and that training has yet to trickle down from general jurisdiction courts in urban areas to their limited jurisdiction sister courts (Dexter Thomas, personal communication, June 16, 2014).

| TABLE 3: URBAN/RURAL ORGANIZATIONS | |
|---|-----------------------|
| Court or Agency Jurisdiction | % of Responses |
| Limited Jurisdiction, Rural | 19% |
| General Jurisdiction, Rural | 23% |
| Administrative Agency, Rural | 6% |
| Limited Jurisdiction, Urban | 26% |
| General Jurisdiction, Urban | 16% |
| Administrative Agency, Urban | 10% |
| Total N = 31/33 | 100% |

Table 4 below shows the sources of funding that respondents receive. Multiple choices were possible. County (52%) and state funding (55%) was selected most often, but federal grants was chosen by 39% of the respondents. Receiving federal funding triggers an agency’s responsibility to not discriminate on the basis of national origins or language handicapped status. And DOJ is now pursuing the court’s funding sources as well such as city, state, and county governments because they receive federal funding as well.

| TABLE 4: FUNDING SOURCES | |
|---------------------------------|-----------------------|
| Source(s) | % of Responses |
| Municipal (City) | 32% |
| County | 52% |
| State | 55% |
| Federal Grants | 39% |
| Total N = 31/33 | |

Current LEP and ADA training practices.

Twelve out of 33 survey participants responded to the query about whether they would share an incident in their court that could have been better handled had Title II and VI training been offered. Half or six (50%) of the 12 answered that they did not have an incident to report or that the question did not apply to them. Two respondents indicated that their staff could either use the interpreter before court hearings or that their court would benefit from using an interpreter with non-English speaking families. One participant, whose court was already offering training, reported the following:

The LEP went through Initial Appearance, Arraignment, Change of Plea and Sentencing in one morning. He was asked if he needed an interpreter. He decline[d] the services of one. A month later he was non-compliant and claimed he had understood most of the hearing but not everything due to language barrier. No where in the paperwork was it noted that he had declined the services of an interpreter. Respondent #30

Part of an effective training program should cover the concept of documenting all contacts with LEP and ADA litigants. Upon federal audit or investigation stemming from litigant complaints, it is very important to be able to document that service was offered and declined by the LEP or ADA litigant. In fact, courts should have written waiver forms or notations made to the file that becomes part of the court record, to prove that interpreter services were declined.

Three reports highlight the importance of always using only certified, qualified, or registered interpreters and bilingual employees who have shown proof of performance before they have customer contacts. The idea of only using qualified individuals to serve the public is an important element of effective training for judges and court staff. Note the following:

[T]he judge used one of the customer service clerks that speaks Spanish. The following week when the deft [sic] returned she told the judge and me that she was so glad that I was here because she hardly understood what the other male Spanish speaking [sic] was saying[.] Respondent #22

Various situations including when a bilingual employee should call on an interpreter. Also, the role of the interpreter. Respondent #25

Our primary language needs on a daily basis are supplied by Spanish speaking staff members and we use certified interpreters for all court hearings. We train with adherence to all ... statutes regarding any disability or language barrier. Short of teaching a language, the court is acutely aware of the needs of anyone with a disability or need for interpreter. Respondent #9

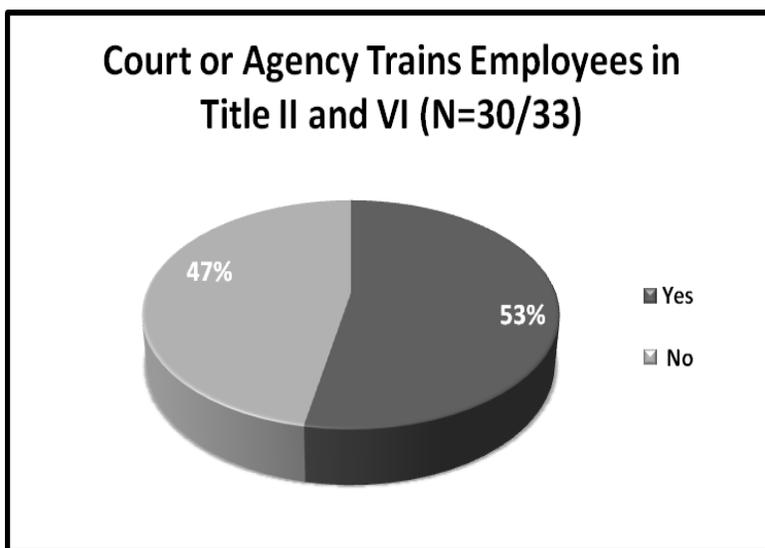
While Respondent #9 has a laudable comment, he or she does not mention whether or not the bilingual employees have had their proficiency checked. As Respondent #22 points out, not all bilinguals have enough proficiency to do their jobs competently in a non-English language. Just as much harm can come from a non-qualified bilingual as from an non-competent interpreter.

Collectively, all of the issues raised by the respondent comments would be treated in an effective training curriculum. Moreover, training should answer common and concrete problems for court employees. Creating that type of curriculum helps court employees know what to do in different situations and how to appropriately use language access resources. After the training, instructors received many oral compliments on how important the training they had received was because it contained useful and practical information, helped them to feel ready to solve problems on their own, and that they had more resources available to them.

In a related survey question, of 33 participants who answered the survey, 15 did not answer the question and 18 responded that they wanted a copy of the report and curricula. Three respondents did not answer the question about whether their court

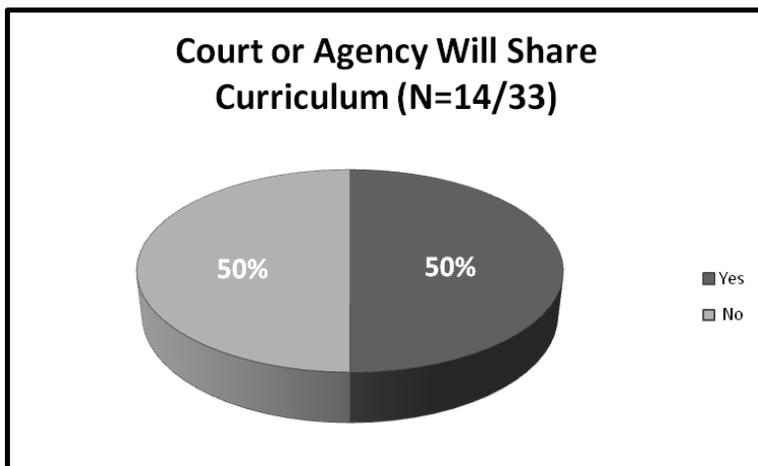
trained their employees. Only 14 of 30 survey participants (47%) who answered the question reported that their organization did offer training, whereas 16 of 30 respondents (53%) reported that they did not train (Figure G below). Though a very small sample size, this finding is consistent with reports from the 2013 SJI report, *A National Call to Action*, wherein “[s]eventy-five percent (75%) of the states and territories at the Summit identified action steps related to training” (p. 27). Not training is a clear sign that states need guidance and tools in order to train.

Figure G: Percentage of Respondents Offering Language Access Training



Of the 14 survey respondents that claimed that their court offered training, 50% agreed to share their curriculum (Figure H below). However, as of the date of this paper, only one respondent sent its curricula. It is possible that at least some of the courts, like the Arizona Superior Court in Maricopa County, used a private consultant or agency that had the court sign a non-disclosure agreement in order to protect copyrighted materials (Federal Compliance, 2015).

Figure H: Curricula Available for Analysis



The survey also asked participants what types of training facilities were available to different courts and agencies to accomplish Title II and VI training. Thirty-six percent of the responding organizations reported that they had state of the art, high-tech training centers such as the one used in this study (Table 5 below). The majority had computers, or Internet access, or laptops with PowerPoint or low tech facilities; 75% reported having a room and handout capabilities.

Many court employees in this study mentioned that they really enjoyed the interactive nature of the training. High-tech training centers help instructors develop more interactive curricula. However, there were two classes given in a room using only handouts of the OCC training, analysis shows that gains in testing knowledge did not suffer as a result (see *Survey Methods* in the **Methods** section above and *Objective Testing Results for Out-of-Court Curriculum* in the **Findings** section below). This is good news because the majority of courts do not have high-tech training capabilities.

Finally, this court's employees especially liked using the Audience Response System that tallied and graphically displayed test answers. Some commented in their

course evaluations that they also enjoyed the use of videos and interactive methods (see *Written Comments Coding* in the **Methods** section above).

| TABLE 5: FACILITIES AVAILABLE FOR TRAINING | |
|---|-----------------------|
| Types of Facilities | % of Responses |
| Training Center - State of the Art | 36% |
| Computer Stations with Internet | 57% |
| Web-Based Training Program | 36% |
| Laptop with Multi-Media Capabilities | 71% |
| Laptop with PowerPoint | 57% |
| Low-Tech Room and Copying Capabilities | 71% |
| Intranet Available Training Capabilities | 64% |
| A Room and Handout Capability | 79% |
| Total N = 14/33 | |

An important element of “effective training” should include who does the training. DOJ and the ABA suggest that an “authoritative person” who can answer court employee questions should be offering the language access training (Adelson, 2010; *Topics for Training* in the **Literature Review** section above). Of the 14 survey respondents who answered the question regarding who was used as a trainer, 64% use Language Access Specialists, 50% used Interpreter Supervisors, 21% used a Director of Interpretation and Translation or a Human Resource Specialist who taught other federal laws, 14% used a Language Access Team, and 7% used a judge (Table 6

below). No one reported using an outside consultant. The lack of sufficient expert trainers in this area is a problem.

During the course of the study, an additional approach emerged. A non-expert trainer was used in this study who distributed a form so students could “ask the expert.”

| TABLE 6: LANGUAGE ACCESS TRAINERS | |
|---|-----------------------|
| Types of Trainers | % of Responses |
| Trainer with Non-Specialized Knowledge | 14% |
| Interpreter Supervisor or Coordinator | 50% |
| Director, Interpretation/Translation Department | 21% |
| Judge with Specialized Knowledge | 7% |
| Human Resources Personnel That Teaches Other Federal Laws | 21% |
| Language Access Coordinator | 64% |
| Outside Expert or Consultant | 0% |
| Language Access Team | 14% |
| Total N = 12/33 | |

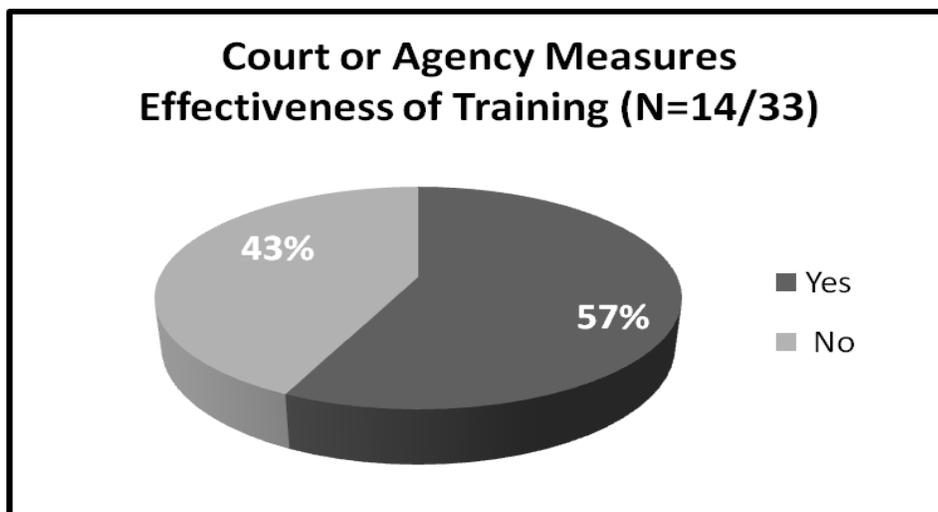
In this case, the non-expert trainer, who was enthusiastic and knowledgeable about the field, received equally good course evaluations as the expert trainer. Once the expert trainer received the questions that could not be answered by the non-expert, students were called back and had their questions answered. This approach opens up the possibility of offering training by non-experts while still complying with DOJ suggestions to have someone “authoritative” to answer employee questions. Many rural courts could use non-expert trainers and call upon their sister courts in urban areas that might

employ expert trainers such as Judges and Directors of Interpretation and Translation Departments who are authoritative sources.

Measures of effectiveness.

The survey also queried these organizations about whether or not they measured effectiveness. Of the 14 respondents who answered the question, six (43%) said that they did not measure effectiveness and eight said that they did (57%) (Figure I below). A problem with the survey is that a comment box to ask how respondents measured effectiveness was included. However, the survey did ask whether they would be willing to use particular measures of effectiveness.

Figure I: Percentage of Courts that Measure Effectiveness



Of the seven respondents who answered the question regarding willingness to use certain measures of effectiveness, none (0%) selected testing as a measure (Table 7 below). Testing is one of the most established ways to obtain evidence of testing effectiveness. However, because of the dearth of trainers and available tests, the

sampled population may be wary about using a measure that might produce negative training effectiveness data.

| TABLE 7: WILLINGNESS TO USE MEASURES OF EFFECTIVENESS | |
|--|-----------------------|
| Measures of Effectiveness | % of Responses |
| Testing | 0% |
| Post Training Interviews | 57% |
| On Site Observation | 43% |
| Simulations Like Mystery Shoppers | 29% |
| Don't Know | 57% |
| Total N = 7/33 | |

The most selected measure was post-training interviews (67%) followed by on-site observations (50%). In the *Anecdotal Evidence of Effectiveness of Training* section (in **Findings**, above), based on work-site observations, anecdotal evidence is discussed. Due to the limits of this study, measures other than testing could not be included. There is a need for more research to explore these additional types of measures of effectiveness.

Results for course evaluations and out-of-court curriculum (OCC).

I just wanted to tell you how good I felt the class was yesterday...it was very apparent that you know your job very well. Your enthusiasm for the job, your motivation to approach each and every person in this courthouse (staff and public) with interest and helpfulness and your ability to express it all with ease, professionalism and total understanding makes me want to be a better employee and citizen. Thanks for reminding me why we're here.

**L. C., Sr. Network Administrator,
E-mail to Language Access Instructor**

The above comment reflects the across the board high subjective course evaluation ratings that the OCC Curriculum received. It was clear from after class

comments, e-mails, and the course evaluations themselves that court employees who took this customer service oriented curriculum found the information useful, important, and practical. Moreover, the OCC delivered the message of the seriousness of the topic to court users and the important role court staff plays in delivering court services.

Results of OCC and ICC course evaluations.

Analysis of the evaluations for the training offered to court staff took two forms: (a) categorizing options on five closed-ended questions that had “Yes” and “No” choices; and (b) coding and categorizing of written comments. Two-hundred and fifty-eight (258) persons were trained with the OCC and ICC curricula. Two-hundred and eighteen (218) participants filled out court evaluations after training (Appendix G). Employees from these two types of courts held jobs in numerous and diverse departments: Office of the Court Interpreter, Juvenile and Adult Probation, Case Management Services, Mental Health, Jury Commissioner, and many other departments and agencies (Appendix C).

For the 218 evaluations collected (including the ICC evaluations), Figure J shows the overall results of how the 218 participants rated the close-ended questions. Note that there was a unanimous overall rating that the class was effective as all participants rated the close-ended questions with a “Yes” answer. There were not any “No” responses. Though participants answered most questions, 28 of the 1,090 (2.9%) questions were blank (Appendix F). Participants clearly rated the training as effective. This is strong subjective evidence of training effectiveness

Two-hundred and forty (240) persons were trained with the OCC and 17 with the ICC (see *Results for In-Court Curriculum Court Evaluations* in the **Findings** section

below for ICC subjective analysis). One-hundred and eighty-six students (72%) were from general jurisdiction courts, 62 (24%) came from limited jurisdiction courts, and 9 (4%) were from miscellaneous agencies such as an Appellate Court, Pima County Sheriff's Department, and the Foster Care Review Board. The general and limited jurisdiction court staff unanimously rated the class as effective. The job tasks that they performed for the LEP and ADA litigants was very similar, such as giving out information, directing litigants to court forms, or explaining policies. Across departments the curricula received high ratings.

Finally, filling out evaluations is optional for COJET classes (Arizona Judicial, 2010). The evaluation completion rate for this OCC was 91% compared to 67% for most COJET classes (Appendix G). The general and limited jurisdiction court staff unanimously rated the class as effective.

Figure J: Overall Subjective Evaluation of Training

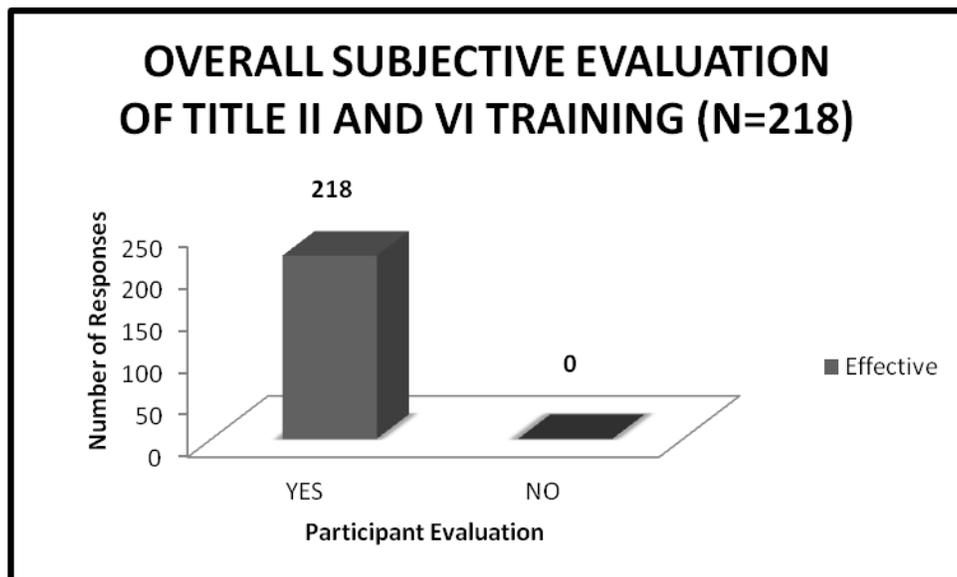


Figure K, below, shows the course evaluation ratings reported by the five close-ended questions. The participants, across the board in all job categories and across curricula,

answered “Yes”: (1) the instructor had a good command of the subject matter; (2) the teaching methods were appropriate; (3) the course objective were met; (4) they could apply the knowledge to their jobs; and (5) they had a good learning experience. Results of the subjective assessment data, by codes, is reported in Appendix G. It is clear that students rated the OCC curriculum as being effective due to its practical nature that addressed their needs as court employees who have customer service orientation in their job tasks. Results of the subjective assessment data are reported in Appendix H. Figure K below reports on the evaluation results by question.

Figure K: Subjective Evaluation of Training by Question

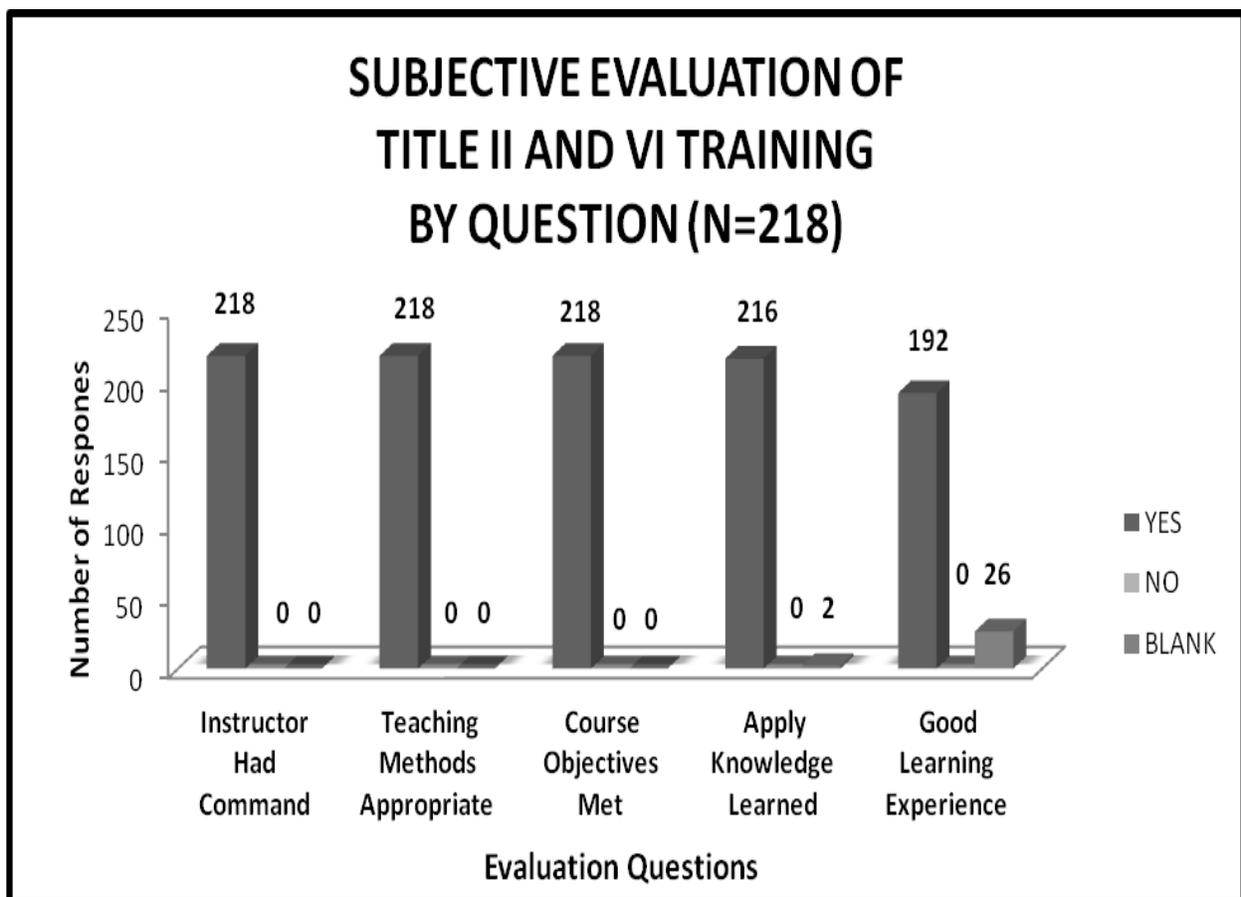
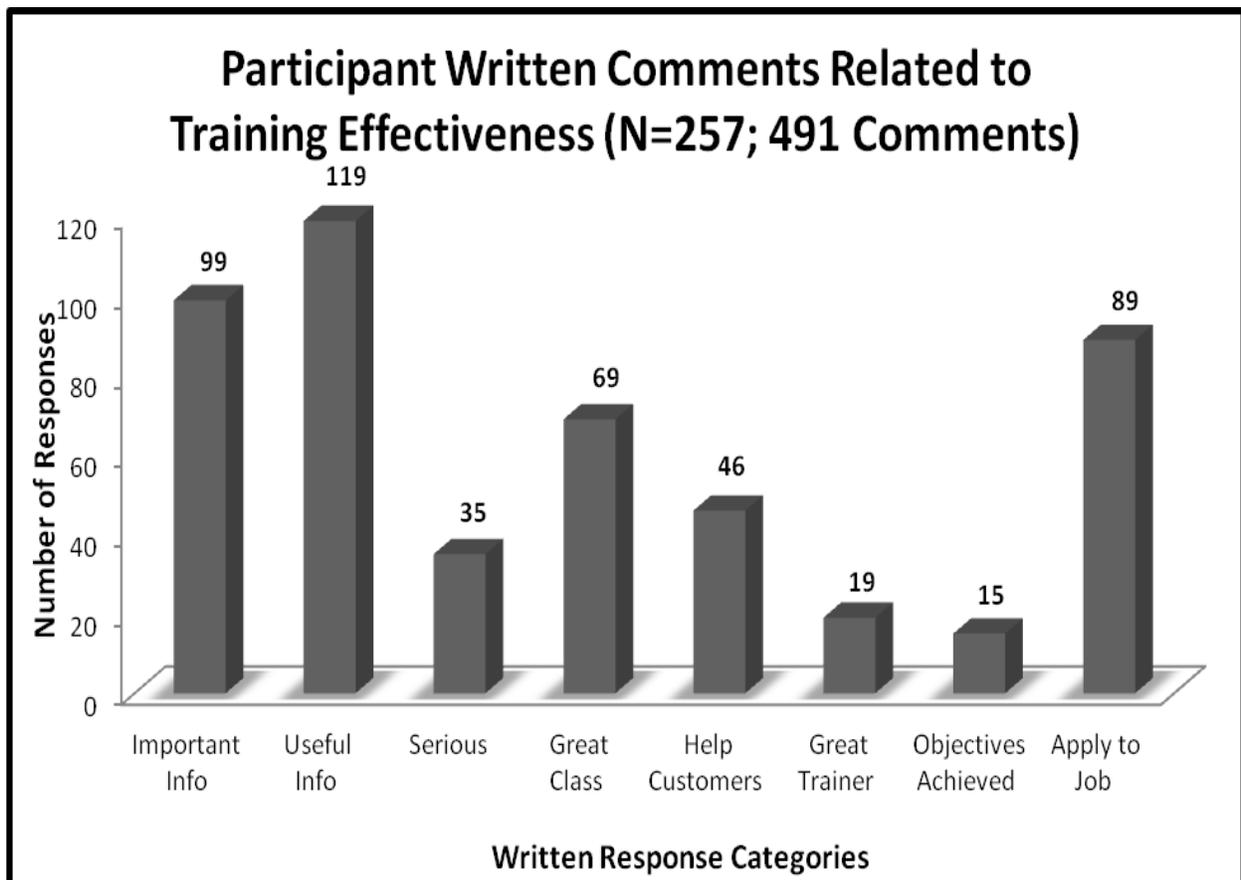


Figure L depicts the information in Appendix H graphically. Two hundred and fifty seven course evaluations were examined and 491 comments were coded and then recorded. The chart demonstrate that court employees found the class great training with great instructors. They took the time to write comments, though they did not have to do so. The three most numerous responses were that the class had important information, useful information, and that they could apply it to their jobs. These comments validate that the objective of creating curriculum that focused on job tasks was achieved.

Figure L: Written Comments from Course Evaluations



Objective testing results for out of court curriculum (OCC).

Objective testing data for the OCC (Appendix I) was analyzed and found to support the conclusion that tests can produce evidence of training effectiveness. Pre-test scores ranged from 36% to 73% correct, with an average of 59% correct. For the post-test scores ranged from 75% to 100% (Table 8 below). The average post-test score was 89% with an average of 34% gained in content knowledge. Inspecting the testing results from the limited jurisdiction courts of Marana (M) and Green Valley (GV), showed that they tested lower on the pre-test—a range of 36% to 55% on the pre-test—than the general jurisdiction employees . However, they actually had among the highest gains in content knowledge ranging from 41% to 60% improvement. Compare this with the general jurisdiction improvement rates ranging from 18% to 49%.

Both groups' results, however, show tremendous improvement after a two-hour training session. Finally, the October 1 session is the only class that we have data for the non-expert trainer. The average improvement in that class was 31% whereas the average was 34%. There is negligible difference between the two percentages and the non-expert's score was higher than the class with the lowest gain of 18%. There is some objective evidence that there was not a detrimental effect on knowledge gained using a non-expert trainer.

Table 8: Out- of Court Objective Testing Data

| Testing Date | # of Participants | Pre-Test % | Post-Test % | % Difference |
|---------------------|--------------------------|-------------------|--------------------|---------------------|
| 06/26/2014 | 33 | 68% | 91% | 25% |
| 06/27/2014 | 23 | 64% | 89% | 28% |
| 07/01/2014 | 3 | 71% | 93% | 24% |
| 07/30/2014 | 7 | 64% | 100% | 36% |
| 08/13/2014 | 8 | 49% | 75% | 35% |
| 08/20/2014 | 12 | 54% | 79% | 32% |
| 08/28/2014 | 29 | 44% | 87% | 49% |
| 09/08/2014 (GV) | 6 | 55% | 93% | 41% |
| 09/08/2014(GV) | 6 | 36% | 89% | 60% |
| 09/16/2014 | 13 | 71% | 99% | 28% |
| 09/19/2014(M) | 10 | 40% | 80% | 50% |
| 09/19/2014(M) | 5 | 54% | 91% | 41% |
| 10/01/2014 | 8 | 68% | 98% | 31% |
| 10/23/2014 | 8 | 73% | 89% | 18% |
| 11/05/2014 | 12 | 70% | 87% | 20% |
| Average | 183 | 59% | 89% | 34% |

Results for In-Court Curriculum (ICC)

I have attended dozens of trainings over the last 30 years, as a prosecutor for the U.S. Department of Justice and as a private attorney, and now as a judge. This training was one of the most useful and well-presented presentations that I can remember ever having attended.

**-The Honorable Thomas Fink, Presiding Judge
Santa Cruz County Courts, Nogales, Arizona**

This comment demonstrates the effect the ICC had on judicial officers and in-court staff in Santa Cruz County where it was piloted. Like the OCC above, the evaluations were uniformly positive. The following sections report on the subjective and objective data collected after the ICC training was completed.

Results for in-court curriculum course evaluations

Nineteen (19) persons trained with the ICC curriculum; one person was assisting a blind student and one judge had to exit the training before it was over to cover an emergency hearing. Thus, 17 participants filled out an evaluation form after the class was completed. Student had a ‘Yes’ or ‘No’ choice on five close-ended ratings on class effectiveness (Appendix C and G). The evaluation completion rate for this ICC was 100% (compared to 67% for most COJET classes). In addition, there was a second unrelated training scheduled immediately after the class ended, so participants only had a couple of minutes to fill out their evaluation forms. The lack of time to fill out the evaluations led to fewer written comments, but they are still important to report because of their overall positive nature and concurrence with the OCC results.

The judicial officers, courtroom clerks, interpreters and court administrators unanimously rated the class as effective. See Figure M below that shows that all 17 participants rated all five close-ended questions as a “Yes.”

Figure N below, shows the overall course evaluation ratings reported by question. The participants across the board in all job categories commented that: (1) the instructor had a good command of the subject matter; (2) the teaching methods

were appropriate; (3) the course objective were met; (4) they could apply the knowledge to their jobs; and (5) they had a good learning experience.

Figure M: Overall Subjective Evaluation of ICC Training

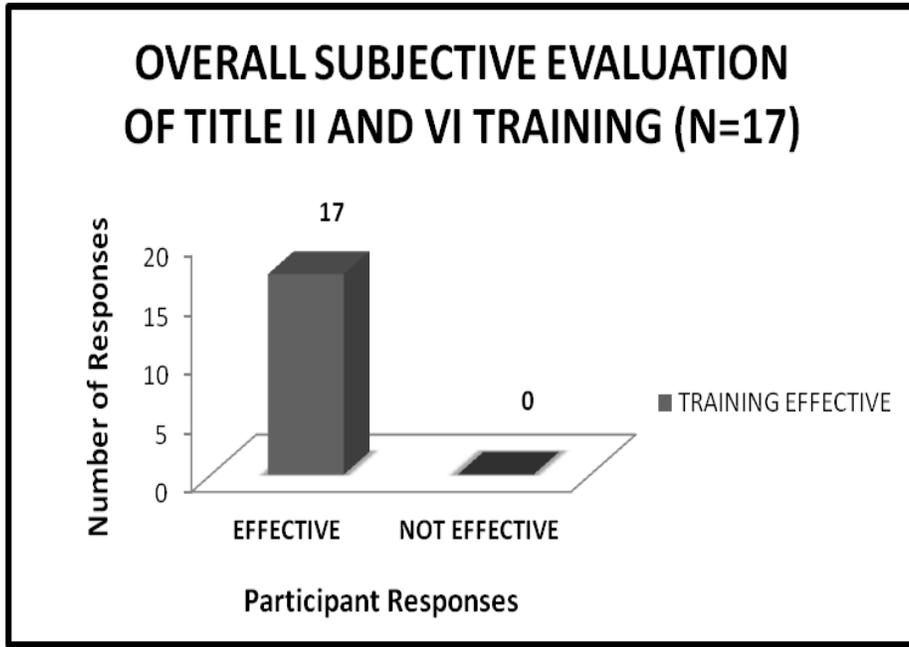
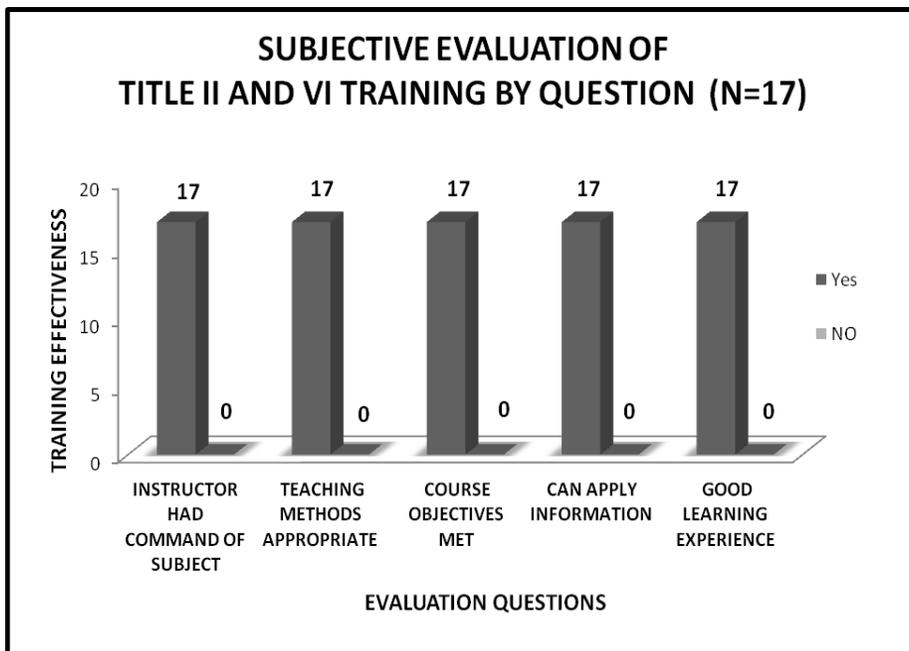
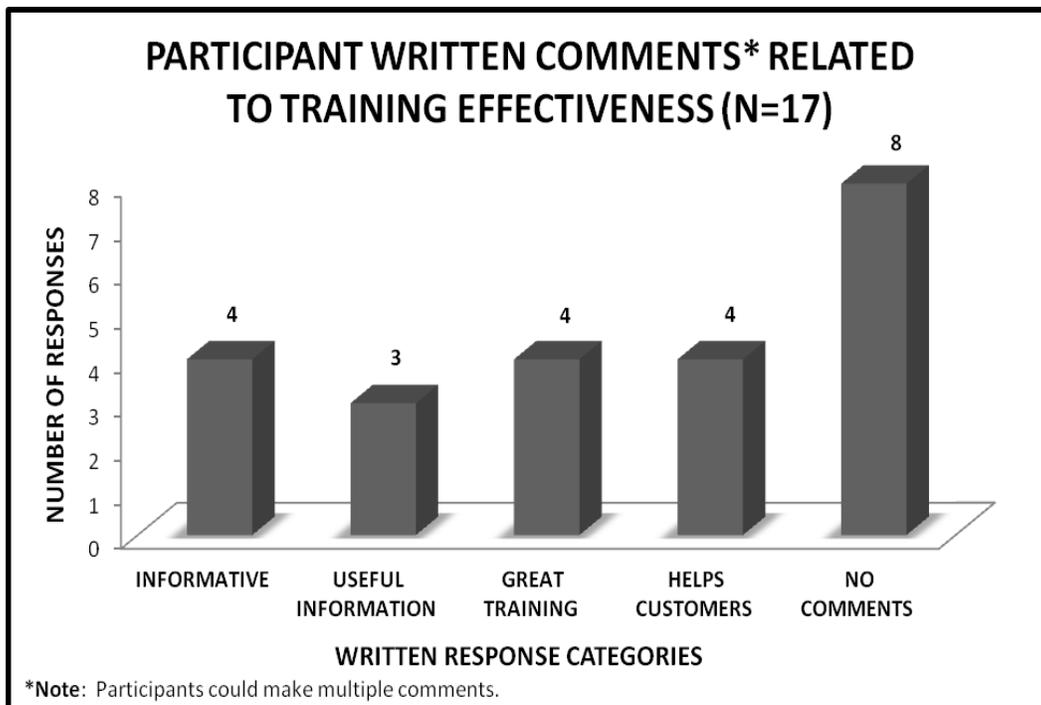


Figure N: Subjective Evaluation of ICC Training by Question



Participants also were offered an opportunity to make comments about the closed-ended ratings. The evaluation form contained open-ended questions wherein students could—in their own words—complain, compliment, make suggestions or comment. Each comment was assigned a number code that have been tabulated and reported in Figure O below. Eight evaluations contained no comments. An examination of the comments made by the participants shows they were uniformly complimentary. The student rated the course as having offered great training, being informative, containing useful information, that the training helps customers.

Figure O: Written Comments from ICC Course Evaluations



Objective testing results for in-court curriculum (ICC).

Because of the small size of the testing population no test of statistical significance could be performed. Nonetheless, this allowed for analysis at the question

level, which was not possible with the large numbers of students who took the OCC training. Descriptive statistics demonstrate that students made noteworthy gains in content knowledge after training. Pre-test scores ranged from 53% to 93% where as post-test scores ranged from 78% to 100% on individual questions (Table 9 below). The average pre-test score was 71%, whereas for post-testing it was 92%. Students, on average, made a 21% gain in content knowledge. The question that showed the least gains was about DOJ requirements—this question had a 93% correct answer rate on the pre-test and a 100% rate on post-testing.

The issue of Title VI compliance has been a major issue for all Arizona courts in the past five year (Arizona Supreme, 2011). The Arizona AOC and the Arizona Supreme Court (the current and past Chief Justices placed language access on their Strategic Agendas) have spent many resources educating the courts about this issue, which probably contributed to the very high correct answer rate on the question (Arizona Supreme, 2014).

| Table 9: In-Court Curriculum Objective Testing Data (Judicial Officer and Courtroom Staff) | | | |
|---|-------------------|--------------------|---------------------|
| Test Question | Pre-Test % | Post-Test % | % Difference |
| Which Laws Apply | 60% | 78% | 18% |
| Introduce Interpreter to Jury/Litigant | 79% | 90% | 11% |
| Right to Sue Even if Accommodated | 71% | 100% | 29% |
| Department of Justice Requirements | 93% | 100% | 7% |
| Who Gives Interpreter Preparation Material | 53% | 92% | 39% |
| Average Test Scores | 71% | 92% | 21% |

In conclusion, testing and course evaluations are a rich source for evidence of proof of effective training. While courts are not usually in the business of designing curriculum and developing and administering tests, it is clearly an activity that proves

effectiveness of training. Courts need objective evidence to answer to DOJ's desire for "effective" Title II and VI language access training for court employees. Because of the highly technical nature of the work involved in this study, the courts should consider pooling their resources and investing in creating model curricula and tests that all states could share.

Trainer Effect on Testing

Because the investigator is an expert in the field, there was some question that the curricula's high ratings were due to the expert knowledge of the instructor and not to the effectiveness of the curriculum. Therefore, a non-expert was recruited and helped to train. The second trainer, Ms. Inez Eliscu, had been an interpreter, had worked scheduling interpreters, and now worked at the Arizona Superior Court in the Adult Probation Department as an Executive Assistant to a Division Director. She observed the expert trainer once and studied the OCC curriculum. The expert monitored the non-expert trainer teach her first class and gave her feedback. The non-expert instructor then taught an additional three classes in June and October 2014.

Analysis of the overall testing and course evaluations showed virtually no difference between the expert trainer and the non-expert trainer. The non-expert trainer trained 28 court employees and the expert trainer trained 201 participants. Both instructors received zero "No" responses in course evaluations. The non-expert instructor had three blanks for Question #3 (objectives for the course were achieved), whereas the expert trainer had 26 blanks for Question #5 (class was a good learning experience), and two blanks for Question #4 (able to apply knowledge learned), and one blank for Question #3 (Appendices B, F & G). In sum, there was an overall 2.9%

non-response rate for 28 questions out of the 1,090 in all evaluations. The non-expert had a 2% non-response rate whereas the expert trainer had a 3% non-response rate. This nearly equivalent low non-response rate is evidence that the type of trainer did not affect curriculum effectiveness; both were able to obtain noteworthy changes in content knowledge gains and received equally high ratings.

Anecdotal Evidence of Training Effectiveness

Measurement of effectiveness of Title II and VI training for court employees is a new research area. Interestingly, as training progressed in this Superior Court, many instances of effectiveness of trained were noted outside of classes. Anecdotal evidence of the effectiveness of training was supported by novel court employees' behaviors displayed after training. These instances are important to note as they point to other possible measures of training effectiveness. Courts that adopt this study's, or other Title II and VI language-access training curricula, can conduct studies to help increase our knowledge of measures that can produce evidence of effectiveness of language access training. Methods by which other evidence of effectiveness should be collected can then be widely distributed to courts so they can become compliant with federally mandated language access training requirements.

A few examples illustrate the point that measuring effectiveness of training does not necessarily have to be obtained through testing, course evaluations, and producing statistics. One of the training handouts included an "I speak (X language)" brochure that provided this phrase in 72 languages. Walking around the courthouse, the investigator noticed that the Information Desks on the First and Ninth Floors had these brochures prominently displayed for ease of use by staff.

In another instance, the author was testing a bilingual candidate's language proficiency using a department form. During the test, without instruction to do so, the testing candidate said, "Does anyone in your court case need interpreting or language services?" This spontaneous elicitation was part of the Title II and VI training that this court employee had received. When queried after the test as to why she inserted the response that was not part of the test, she explained that since she had had the training she had made that question a part of her routine. The training was incorporated into her job repertoire and uttered spontaneously as part of her "script."

A third incident is also instructive. A deaf person came to our court to the First Floor Information Desk and started to ask questions. The Information Desk Clerk not only asked him for permission to write notes, but when she realized that she could not answer his questions she immediately called the Office of the Court Interpreter. She asked the author to come down to assist her. Both of these behaviors were explicit training points in the language access OCC course.

The Office of the Court Interpreter is the primary resource for all court employees to use if they run into a situation that they cannot handle or do not know the information with which to answer a question. The author went directly to the Information Desk and asked the litigant if he needed an ASL interpreter, he indicated that he did, which was documented in office software and files. He was then invited to the office to request an interpreter and to wait for her arrival. Within 15 minutes, a legally licensed (Class A), ASL interpreter was working with the litigant. This court user intended to sue the County. He was checking on Title II compliance for the deaf and hard of hearing for all County Departments of which the Superior Court is one. Thus, this instance is

analogous to a mystery shopper who tests a store. The author believes that her Court “passed the test” in so far as no Title II lawsuit has materialized. Most importantly, it points out another approach to gathering evidence of training effectiveness.

Finally, since language access training began in the Superior Court, there has been a notable increase in calls from court employees to the Office of the Court Interpreter. Court employees call to ask about policies, to request teleinterpreter services, to refer complaints for resolution, and to ask the Office’s assistance in solving technical problems such as how to get a conference phone in their area to allow for use of our teleinterpreter services. These calls, if documented, are further evidence of effectiveness of training.

Conclusions and Recommendations

This Project focused on three questions related to defining and measuring an “effective” language access curriculum for court employees. The following section sets out the conclusions reached and recommendations that flow from these conclusions.

Existing Curricula: Conclusions

A review of the available literature, online searches, and the Language Access Training survey produced five existing curricula and two articles that touched on the list of topics such curricula should contain. Analysis of these curricula revealed that they contained some similar features, such as sections on the law, but were both too broad and simple or too narrow in scope such as providing training for interpreters. The only court that sent their curricula for analysis made a distinction similar to the investigator’s hypothesis that different court employees need different curricula. That court had a general ADA curriculum and another for judges. Existing curricula contribute to our knowledge of what topics should be included in language access training. However, the major drawback is that the dissimilarities among the curricula demonstrated that there is a lack of clarity as to what a language access training curriculum should achieve and how it is delivered. This is due to a lack of guidance from DOJ and a dearth of research on what constitutes an effective language-access training curriculum.

Testing of the model curricula showed that both general and limited jurisdiction employees (with a few modifications to in the curriculum to accommodate the court setting) learned equally well. The theoretical distinction between in-court and out-of-court employees led to equally satisfied participants. The outcome measures of testing and course evaluation data were equally impressive. The need for language-access

training curricula is apparent when 75% of states at the conference for *A National Call to Action* have that item as one of their action steps.

DOJ is asking courts to design curricula for court employees so they can do a better job when serving LEP and ADA litigants. The proposed model curricula created in this project used the theoretical distinction between out-of-court and in-court employees and were found to be effective. The curricula were based on job tasks that employees performed on their jobs, which were used to determine the training content in each curriculum. Achieving the goal of court employees giving better service to LEP and ADA litigants is possible if the jobs tasks they performed are part of curricular design. Then appropriate training can help empower employees because they understand the law, have gained appropriate knowledge of the resources available to them, and know how to solve language access problems themselves by following best practices.

One of the findings of this study is that students evaluated the model curricula across the board as excellent. This was true when examining their objective close-ended ratings and their subjective written comments. Furthermore, the results of the objective testing also showed impressive gains in content knowledge. This data is very strong evidence of effectiveness of training. When students voluntarily comment that they received great training, that the training will help them do their jobs better, and that they are now aware of resources to help them serve this new group of court users—we should listen.

Recommendations

- (A) The NCSC, the SJI, and academic partners of the courts should focus on developing national training curricula that begins by utilizing the model curricula developed for this study that all limited and general jurisdiction courts can use and modify to local needs.
- (B) The NCSC should lead the effort to develop more language access training that is job task specific such as the curricula developed for this study.
- (C) The NCSC, Coordinators for Language Access in the Courts and other justice partners should conduct a national working conference that solely treats the language-access training needs of state courts.
- (D) The academic partners of the courts and future Institute for Court Management Fellows Program participants should conduct more research on other variables that will help to improve the effectiveness of language access training for court employees.

Measures of Effectiveness: Conclusions

Development and testing of model language-access training curricula produced a plethora of data that is evidence of training effectiveness. Therefore, training and testing is an effective approach to measuring effectiveness of training. Pre- and post-testing in this study was designed to check for gains (or losses) in content knowledge. Significant gains after training were demonstrated with testing. Analysis of course evaluation data demonstrated that subjective data could also be secondary evidence of training effectiveness.

The author, who has been a teacher and trainer for most of her professional career—and who has historically enjoyed very high teaching evaluations—received the best evaluations of her teaching career instructing the OCC and ICC trainings. This is was partially due to the practicality of the course content that actually helps court employees do a better job. Another contributing factor was that the courses were designed to use the preferred teaching methods of the four learning styles of court employees. This feature has boosted the course ratings. Both instructors received equally high objective and subjective ratings. Moreover, the effectiveness of the training was not restricted to an instructor who was an expert, but generalized to a highly motivated, non-expert instructor with great interest in the field. No substantial differences were found between the limited and general jurisdictions either in test or subjective results.

Employees' spontaneous behaviors related to learning best practices in training were anecdotal evidence that demonstrated the effectiveness of training. Future studies should focus on how to collect evidence of effectiveness when using mystery shopper checks, to survey for and document after training behaviors such as the use of language access resources like "I speak..." cards, telephone requests, and the use of resources that students learned about in their classes.

Surprisingly, survey results indicated unwillingness among a small sample of respondents to use tests as evidence of training effectiveness. This could also be because most courts do not have Training and Education Departments or employees who are familiar with curriculum design and test development and administration. However, with model curricula available, complete with ready-made tests, this

unwillingness to use tests may change. Studying whether having ready-made curricula and tests available to document evidence of effectiveness of language access training could be the focus of future research.

After extensive research, it appears that the Arizona Superior Court in Pima County may be the first court in the U.S. to document evidence of effectiveness of its model language access training. Courts can avoid receiving a DOJ non-compliance finding if they have evidence of effectiveness of language access training. If courts are non-compliant, they must retrain their employees. Since DOJ is silent as to the definition of, and fails to announce, what are good measures of “effective” training, then the results of this study are the best evidence currently available. The results of this study confirm that testing and subjective course evaluations are methods that can produce evidence of “effective” language access training.

Recommendations

- (A) Courts should adopt testing as a primary source of evidence of effective training for purposes of meeting DOJ training requirements.
- (B) Courts should adopt course evaluations as a secondary and complimentary source of evidence of training effectiveness.
- (C) The NCSC should adopt a research agenda for language access training that includes research into other types of measures that can produce evidence of training effectiveness.
- (D) The NCSC, SJI, and the court’s academic partners should develop and distribute widely model language-access training curricula with tests and course evaluation

forms in order to encourage an evidence-based approach to federally mandated language access training.

Teaching Methods to Increase Training Effectiveness: Conclusions

Part of an effective language-access training curriculum depends on what methods an instructor uses to teach a class. Research by de Leora (2009) showed that court employees have four distinct learning styles and that learners with different learning styles prefer different teaching methods. The fact that any one class taught in a court could have all four types of employee learning styles means that all of the preferred teaching methods should also be included in a curriculum in order to reach those learners, i.e., that is give every learner a method that they prefer.

While designing the two different curricula for this study, particular attention was paid to incorporating all of the preferred teaching methods into the curricular design: (a) lecture, (b) interactive methods, (c) situational learning scenarios, (d) videos, and (e) question and answer opportunities. The significant gains in content knowledge, the satisfaction of the learners as evidenced in both closed- and open-ended course evaluation ratings is partially attributable to the use of appropriate teaching methods for different learning styles. The class was interactive and used an Audience Response System, problem-solving scenarios, tests, and other features that led to high evaluation ratings from participants.

During the course of the study, one of the needs noted was that courts employ persons who work in a variety of settings and at all hours of the day and night. Classes were taught: (a) in high- and low-tech settings, (b) in the morning, afternoon and at night, and (c) work has begun designing an online class that will serve the needs of

Judicial Administrative Assistants and new judges who cannot make regularly scheduled trainings. There is an unanswered research question: What teaching methods are best for learners who are in non-classroom settings? How do you make online learning interactive? Most importantly, will the outcomes be the same? These questions call for additional research.

According to Dr. de Loera (personal communication, December 16, 2014) this study is the first one to attempt to test the research findings from her doctoral dissertation. As noted above, even the return rates for voluntary class evaluations were higher for the language access training, 91% compared to a general return rate of 67% on average for all other classes taught by the Training and Education Department of the Arizona Superior Court in Pima County. Another important conclusion of this study is that curriculum designers for court employee training should design all classes using de Loera's research findings. Perhaps other types of training can benefit by changing the teaching methods to accommodate all court employee learners.

Recommendations

- (A) The NCSC should promulgate standards for language access training. One standard should be that curriculum designers for language access training should adopt as best practice the use of preferred teaching methods related to the four learning styles of court employees.
- (B) The NCSC, the SJI and future Institute for Court Management Fellows Program participants should undertake research on the types of preferred teaching methods for different teaching settings, i.e., in-class versus online, independent study and hybrid learning situations.

(C) The NCSC, its academic partners, and this author should distribute widely at conferences and in publications de Loera’s 2009 finding that court employees have four different learning styles each with its own preferred teaching methods. When used to develop trainings, use of the preferred teaching methods improves gains in knowledge for all types of training for court employees.

This exploratory study and pilot of model language-access training curricula is the first inquiry into the issue of effectiveness of language access training. The study’s overall positive findings, and observation by instructors, show that court employees are hungry for designed language access training that helps them do their jobs better. It was eye opening to see the enthusiasm with which these curricula were received and how many questions related to their current jobs participants had for the instructors. If taught by highly-motivated instructors, the curricula can be inspiring and empowering for court employees.

Further research on many aspects of language access training should be a priority for courts and the entities that support them. It is not enough to want to avoid a finding of non-compliance with the DOJ as a rationale to continue to improve access to our courts. Courts should focus on this question because the answers provide “voices for the voiceless.” None of the litigants mentioned in the opening scenarios need suffer the indignity of not being able to use their own voices to express their needs to the court, nor struggle to comprehend what they need to do to receive the services they require. Language access allows “voiceless” court users full and equal access to courts and protects their constitutional rights to fairness and justice—there is no higher calling for our courts of justice.

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Appendix A – Title II and VI Language Access Training Survey

To: Recipient

From: Victoria F. Vásquez, Director, Interpreting Services

RE: Request for your assistance by taking this survey

My name is Victoria F. Vásquez and I the Director, Interpreting Services for the Arizona Superior Court in Pima County and a 2015 Institute for Court Management Fellows participant through the National Center for State Courts. Given the increased enforcement efforts by the Department of Justice with regard to serving limited- and non-English speaking and deaf and hard of hearing litigants, I have elected to research and develop model language access training curricula for judicial employees (court staff and judicial officers). I am seeking your assistance and ask that you fill out this short survey. All responses will remain anonymous and will be reported in the aggregate. If you wish to receive a copy of the final report, please supply an (e-mail) address where indicated below in Question #10.

If you cannot answer these questions, would you please forward the link for this survey to someone in your court or agency that can do so. Thank you in advance for your assistance with this court improvement research project.

Survey of Existing Title II & VI Training Programs for Judicial Employees

1. My court's jurisdiction type is: My court's jurisdiction or agency's type is:

- Limited Jurisdiction, rural
- General Jurisdiction, rural
- Administrative Agency, rural
- Limited Jurisdiction, urban
- General Jurisdiction, urban
- Administrative Agency, urban

2. My court's or agency's funding sources include:

- Municipal or City
- County
- State
- Federal Grants
- Other

3. My court trains its employees on language access needs of limited- and non-English speaking and deaf and hard of hearing court users, i.e., Title VI of the 1964 Civil Rights Act and Title II of the Americans with Disabilities Act?

- No: Please answer only questions #4 and #10.
- Yes: Please complete all of the remaining questions.

4. Are you willing to share an incident in your court that could have been better handled if court employees had received language assistance training? Please provide the details in the comment box. Any response will be reported anonymously.

5. If you have a curriculum for Title II or Title VI or both, would you be willing to share it for analysis for this Court Improvement Project?

- No.
- Yes. Please send it in electronic form to: vfasquez@sc.pima.gov.
- Yes. I will send a hard copy to Victoria F. Vasquez, Director, Interpreting Services, Office of the Court Interpreter, 110 West Congress, Suite W919, Arizona Superior Court in Pima County, Tucson, Arizona 85701

6. If you have a training program, what types of learning technology are available to you? Select all that apply.

- A Training Center with state of the art teaching technology, that is, everything listed below including an Audience Response System and electronic test tabulation capabilities.
- A computer station that can access the Internet (or computer workstation at each employee's desk)
 - A "Just in Time" Web-based Training Program or similar program
- A portable laptop with PowerPoint, Projector, and Screen that can accommodate a multi-media presentation.

- A Laptop with PowerPoint.
- A room and chalkboard, flip chart, or whiteboard and handout capability.
- Ability to post trainings to the Internet that allows judicial employees to take training on their own schedule.
- A room and handout capability
- Other (please specify):

7. If you have a training program, who are the trainers for your program? Please check as many as apply to your court or agency.

- A training specialist who does not have specialized training or knowledge in the area of language access, interpreting or translation.
- An interpreter coordinator or supervisor of an interpreting and translation unit.
- A director of interpreting and translation services.
- A judge with expertise in Title II (ADA) and Title VI (LEP).
- A human resources specialist that teaches other federal laws such as anti-sexual harassment, among other topics
- A person who is designated as the Language Assistance Coordinator
- An outside expert on Language Assistance Training
- A team of persons as checked above.
- Other (please specify)

8. If you have a training program, do you measure its effectiveness?

- Yes.

How do you measure effectiveness?

9. If you do not measure effectiveness, what measures would you be willing to use?

- Don't know.
- Testing.
- Post-training interviews.
- On site observation.
- Simulations like mystery shoppers.
- Other (please specify)

10. If you would like to receive a copy of the final report and/or curricula, please provide your contact information. Thank you for taking time to respond to this survey.

Name
Address
Address 2
City/Town
State/Province
Zip/Postal Code

Appendix B: Course Evaluation Form



**COURSE EVALUATION
Training and Education Division**

Your Name: _____
Your Department/Division/Court: _____
Phone Number: _____

COURSE NAME: Title II & VI: Serving Culturally & Linguistically Diverse Court Users

DATE:

INSTRUCTOR:

TIME:

COJET HOURS/CODES: 2 hrs. ETH/DIV/CUS

Course Objectives

- 1. Be familiar with Title VI law and language access resources.
- 2. Be familiar with customer service approaches for LEP/ADA court users.
- 3. Be familiar with policies, protocol, resources and procedures that effectively serve LEP/ADA.

1. Instructor had command of subject matter and imparted information so I could understand it.

Yes No Comments: _____

2. The teaching methods were appropriate and allowed me to better understand the subject.

Yes No Comments: _____

3. The specific objectives for this course were achieved.

Yes No Comments: _____

4. I will be able to apply the knowledge I learned in this course.

Yes No Comments: _____

5. This class was a good learning experience for me.

Yes No Comments: _____

6. What is the most valuable thing you learned today? _____

7. Additional comments: _____

Thank you for your attendance and participation!

Appendix C: Number of Participants, Departments, and Counties

| Attendees by Jurisdiction | Total |
|---|--------------|
| Pima County - Superior Court | 38 |
| Superior Court Juvenile | 25 |
| Clerk of the Court | 37 |
| Case Management | 3 |
| Adult Probation | 30 |
| Pretrial Services | 28 |
| Conciliation Court | 11 |
| Pima Justice Court | 8 |
| Ajo Justice Court | 2 |
| Green Valley Justice Court & Misc. Agencies | 13 |
| Marana Justice Court & Misc. Agencies | 12 |
| Marana Municipal Court | 1 |
| Tucson Municipal | 8 |
| South Tucson Municipal | 3 |
| Sahuarita Municipal | <u>6</u> |
| Pima County - OCC Curriculum | 225 |
| Santa Cruz County - ICC Curriculum Pilot | |
| Santa Cruz Superior Court | 8 |
| East Santa Cruz Justice Court | 4 |
| Santa Cruz Municipal Court | 1 |
| Santa Cruz Clerk of Court | <u>4</u> |
| Subtotal - ICC Curriculum Pilot | 17 |
| Miscellaneous Counties | |
| Oro Valley | 4 |
| Greenlee County - Probation/Clerk | 2 |
| Misc. - Court of Appeals, Division 2 | 2 |
| Foster Care Review Board | 3 |
| Pima County Sheriff 'S Department | <u>4</u> |
| Subtotal - OCC Curriculum | 15 |
| Total | 257 |

- ❖ 4 OCC Classes taught by Inez Eliscu, former interpreter and agency interpreter recruiter and trainer, currently Administrative Assistant to Operational Division Director, Adult Probation, BA Linguistics, MA Spanish
- ❖ All other classes taught by Victoria F. Vásquez, Director, Interpreter Services, BA Psychology and Mexican American Studies, MA and ABD Psychology in Law and Social Policy, Juris Doctorate, ICM Fellows Program Participant, taught OCC curriculum and ICC Pilot Class

Appendix D: Out-of-Court Employee Version

OCC Test: Do you know?

A. Who in your department knows how to provide services for your LEP/NEPs/ADA litigants?

1. My Supervisor
2. The Court Administrator
3. Human Resources Personnel
4. I Do (Me)

B. Who is the Court's Title II (ADA) and Title VI (LEP) Language Access Coordinator?

1. The Presiding Judge
2. The Director of Each Court Department
3. The Director of Interpreter Services
4. The Head of Security

C. What number do you dial to get the Title II and Title VI Language Access Coordinator or solutions to language problems?

1. Director of Interpreter Services at 4-3888
2. Director of EEO at 4-2010
3. Presiding Judge, Criminal Bench at 4-4232
4. Information Desk at 4-7545

D. Where is the Court's LAP located?

1. Court's Law Library with Self Help Literature
2. Court's Website
3. Court's Telephone Directory
4. Front Desk Info Counter

E. When do you use tele-Interpreter services?

1. When the litigant requests you to do so.
2. When the bilingual bailiff has laryngitis.
3. When you can't find a bilingual among the co-defendants.
4. When it is a short, non-complex matter and an interpreter who knows that language is unavailable locally.

F. When a litigant asks you, "What is the Court's complaint procedure and where is the form located?" You tell litigants...

1. There are no complaint procedures and there is no form.
2. They should bring their own interpreter and translate their own documents.
3. They should direct their questions to the Director of Interpreter Services and the complaint form is on the website.
4. They only have the right to sue if they have been discriminated against and there is no form.

Key: A. 4, B. 3, C.1, D. 2, E. 4, F.3

Appendix E: In-Court Employee Version

ICC Test: Do you know?

A. What law does not apply to limited and non-English speakers or the deaf and hard of hearing?

1. Americans with Disabilities Act
2. Civil Right Act of 1964
3. U.S. and State Constitutional Rights
4. Gideon's Law

B. When starting a trial, the court should introduce the interpreter to _____?

1. The Jury
2. The Litigant using interpreter services
3. Both A and B
4. None of the above

C. LEP and ADA litigants have the right to sue the courts, even iv they are given a linguistic accommodation?

1. True
2. False
3. Don't Know
4. None of the above

D. Under federal guidelines, courts must do the following?

1. Have a language access plan posted on their websites
2. Appoint a Language Access Coordinator
3. Train every employee in Title II and VI laws
4. All of the above

E. Interpreters should be given preparation materials by _____?

1. The Court, attorneys, and bailiffs
2. The Court Administrator
3. The Clerk of Court
4. Both A and C

Key: A. 4, B. 3, C.1, D. 4, E. 4

Appendix F: Trainer and Evaluation Question Information

| Training Date | # of Participants | # of Evaluations | # Blank (on Question X) |
|----------------|-------------------|------------------|-------------------------|
| 06/05/14^ | 9 | 7 | 0 |
| 06/12/14^ | 5 | 5 | 0 |
| 06/19/14^ | 6 | 6 | 0 |
| 06/25/14(A) | 21 | 19 | 0 |
| 06/25/14(B) | 17 | 14 | 0 |
| 06/26/14 | 33 | 24 | 0 |
| 06/27/14 | 23 | 21 | 0 |
| 07/01/14 | 3 | 3 | 0 |
| 07/30/14 | 7 | 7 | 0 |
| 08/13/14 | 8 | 7 | 3 (Q5) |
| 08/20/14 | 12 | 10 | 3 (Q5) |
| 08/28/14 | 29 | 19 | 3 (Q5) |
| 09/08/14(GV)** | 6 | 5 | 2 (Q4) |
| 09/08/14(GV)** | 6 | 6 | 0 |
| 09/16/14 | 13 | 9 | 2 (Q5) |
| 09/19/14(M)** | 10 | 7 | 0 |

Appendix F – 1 of 2

Appendix F: Continued, Trainer and Evaluation Question Information

| Training Date | # of Participants | # of Evaluations | # Blank (on Question X) |
|--|--|---|--|
| 09/19/14(M)** | 5 | 4 | 0 |
| 10/01/14^ | 8 | 8 | 3 (Q5) |
| 10/23/14 | 8 | 8 | 2 (Q5) |
| 10/30/14* | 17 | 17 | 0 |
| 11/05/14 | 11 | 11 | 10 (Q5) |
| TOTALS 21 Classes | 257 240 OutCt 17 InCt | 218/257 91% Evaluation Return Rate 201 OCC 17 ICC 67% SC Return Rate | 28/1,090 (2.6%) Blank Responses |
| <p>*10/30/2014 Trained In-Court Judicial Officers and Courtroom Staff in Santa Cruz County, Nogales, Arizona (ICC)</p> <p>** Limited Jurisdiction Courts, all other classes were taught to General Jurisdiction Court Staff and Staff from Miscellaneous Agencies (OCC), see Appendix C</p> <p>^Courses taught by Non-Expert Trainer, all other classes taught by Expert</p> | | | |

Appendix F – 2 of 2

Appendix G: Course Evaluation Data

Arizona Superior Court in Pima County Data
Out-of-Court and In-Court Subjective Course Evaluation Data
Total Course Evaluations: 218

Evaluation Questions and Data:

#1: The instructor had command of the subject matter.

Yes: 218 No: 0 Blank: 0

#2: The teaching methods were appropriate.

Yes: 218 No: 0 Blank: 0

#3: The specific/objectives for this course were achieved.

Yes: 218 No: 0 Blank: 1

#4: I will be able to apply the knowledge I learned in this course.

Yes: 216 No: 0 Blank: 2

#5: This class was a good learning experience for me.

Yes: 192 No: 0 Blank: 26

Total # of Blank Questions: 29

Appendix H: Coded Comments Chart

| | <u>AM/PM</u> | <u>#</u> | <u>CODE*</u> | <u>CODE</u> | <u>TOTAL</u> |
|-----------|------------------|--------------|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| | <u>DATE 2014</u> | <u>PART.</u> | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | |
| | PM 6/5 | 9 | 4 | 2 | 1 | 4 | 1 | 1 | 2 | 5 | 20 |
| | PM 6/12 | 5 | 2 | 2 | 1 | 3 | 0 | 1 | 0 | 1 | 10 |
| | PM 6/19 | 6 | 1 | 2 | 1 | 2 | 0 | 0 | 0 | 0 | 6 |
| | AM 10/1 | 8 | 2 | 1 | 1 | 2 | 3 | 1 | 0 | 2 | 12 |
| | AM 6/25 | 21 | 13 | 12 | 6 | 2 | 3 | 2 | 2 | 2 | 42 |
| | PM 6/25 | 17 | 7 | 16 | 3 | 2 | 4 | 1 | 2 | 8 | 43 |
| | AM 6/26 | 33 | 16 | 21 | 9 | 12 | 5 | 2 | 4 | 13 | 82 |
| | AM 6/27 | 23 | 13 | 11 | 1 | 2 | 7 | 1 | 0 | 10 | 45 |
| LT | PM 7/1 | 3 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 3 | 6 |
| LT | PM 7/30 | 7 | 1 | 6 | 1 | 4 | 6 | 0 | 0 | 3 | 21 |
| | AM 8/13 | 8 | 4 | 3 | 1 | 2 | 0 | 0 | 1 | 2 | 13 |
| | PM 8/20 | 12 | 3 | 7 | 2 | 8 | 2 | 1 | 1 | 3 | 27 |
| | PM 8/28 | 29 | 9 | 11 | 3 | 6 | 3 | 4 | 1 | 13 | 50 |
| LJ | AM 9/8 | 6 | 4 | 3 | 1 | 1 | 1 | 1 | 2 | 4 | 17 |
| LJ | PM 9/8 | 6 | 2 | 0 | 1 | 2 | 0 | 0 | 0 | 1 | 6 |
| | AM 9/16 | 12 | 3 | 6 | 0 | 6 | 5 | 2 | 0 | 2 | 24 |
| LJ | AM 9/19 | 10 | 3 | 3 | 0 | 1 | 0 | 0 | 0 | 2 | 9 |
| LJ | PM 9/19 | 5 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | 5 |
| | PM 10/23 | 8 | 6 | 4 | 1 | 5 | 1 | 0 | 0 | 3 | 20 |
| | AM 11/5 | <u>12</u> | <u>5</u> | <u>5</u> | <u>1</u> | <u>5</u> | <u>4</u> | <u>2</u> | <u>0</u> | <u>11</u> | 33 |
| | | 240 | 99 | 119 | 35 | 69 | 46 | 19 | 15 | 89 | 491 |

***Code 1: Important Information**

Code 2: Useful Information

Code 3: Serious Topic

Code 4: Great Class

Code 5: Helps Customers

Code 6: Great Trainer

Code 7: Objectives Achieved

Code 8: Apply to Job

LJ: Limited Jurisdiction Courts

LT: Low Tech, No Electronics Used to Teach Class

Return Rate: 218/240 = 0.9083, rounded to 91%