

# ADMINISTRIVE OFFICE OF COURTS

## LANGUAGE ACCESS PLAN



JANUARY 2020



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## **ADMINISTRATIVE OFFICE OF COURTS**

The Alabama Administrative Office of Courts (hereinafter “AOC”) is an office created by Alabama’s Constitution with many responsibilities including the general administration of Alabama’s Unified Judicial System (UJS). AOC is located in Montgomery, Alabama.

AOC, under the direction of the Administrative Director of Courts, is responsible for providing centralized administrative support for the proper operation of Alabama’s State Court System. This support includes the development of procedures and systems necessary for the State Courts’ efficient operation, and the collection and dissemination of information needed for the continued development of these procedures and systems.

AOC carries out these responsibilities through a network of specialized divisions, including AOC Legal Division. AOC Legal Division has been given the opportunity to develop and implement the Foreign Language Interpreter Program for Alabama’s Unified Judicial System.

### **I. PURPOSE**

The purpose of this plan is to ensure Limited English Proficiency (hereinafter “LEP”) persons have full access to services, programs, and activities. AOC is committed to this Plan as the appropriate response to meeting LEP’s needs.

### **II. POLICY DIRECTIVE AND LEGAL BASIS**

Alabama’s laws and rules require its courts to provide qualified foreign language interpreters.

In 2008, AOC adopted Policies and Procedures for Foreign Language Interpreters. These policies and procedures are not unlike those adopted and enforced by numerous other states. AOC’s Policies and Procedures can be found on their website ([www.alacourt.gov](http://www.alacourt.gov)), and were integrated to ensure that the Court System, including its administrative offices, provide meaningful language access to its residents who have Limited English Proficiency (hereinafter “LEP”).

Under the Code of Alabama 1975 §15-1-3 Foreign Language Interpreter is defined as:

- (a)(1) If at any stage of a criminal or juvenile proceeding the defendant, juvenile, or a witness informs the court that he or she does not speak or understand the English language, the court may appoint an interpreter.

(2) The defendant, juvenile, or witness shall inform the appropriate court of his or her need for an interpreter immediately upon receiving notice to appear in the court.

(3) If the court determines that due process considerations require an interpreter, the court shall appoint a qualified person to interpret the proceedings for the defendant, juvenile, or witness requesting assistance. The interpreter shall also interpret the testimony or statements of the defendant, juvenile, or witness, and, where applicable, assist in communications with counsel.

(4) If the court has reason to believe that the defendant, juvenile, or witness requesting an interpreter is capable of speaking and understanding the English language, the court may require that the requestor provide reasonable proof to the court of his or her inability to speak or understand the English language.

(b) Upon appointment, an interpreter shall swear under oath that he or she will render a true and clear interpretation to the best of his or her skill and judgment.

(c) The relations and communications between an appointed interpreter and the requestor are placed on the same basis as those provided by law between attorney and client. Any information obtained by an interpreter from the requestor pertaining to any proceeding then pending shall at all times remain confidential and privileged, unless the requestor expresses a desire that the information be communicated to another person

(d) An interpreter appointed pursuant to this section shall be entitled to a fee in an amount calculated according to a fee schedule established by the Administrative Director of Courts with the advice and consent of the State Comptroller for his or her services. The fee shall be in addition to actual expenses for travel and transportation. If the interpreter is appointed by a district, circuit, or appellate court the interpreter shall submit his or her expenses to the judge making the appointment for approval. After approval, the clerk of the court shall forward the expenses of the interpreter to the State Comptroller to be paid from the fund within the State General Fund known as "court assessed costs not provided for." If the interpreter is appointed by another authority, the fee shall be paid out of funds available to that appointing authority. Nothing in this section shall prohibit the court from taxing the costs of the interpreter against one or more of the parties



for immediate payment or from requiring reimbursement to the State at a later date.

This document serves as the Language Access Plan (hereinafter “LAP” or “Plan”) for the State of Alabama Court System. It is designed to respond to constitutional due process and equal protection requirements, federal regulations and statutory requirements, including Title VI of the Civil Rights Act 1964, and the Americans with Disability Act<sup>1</sup> and obligations imposed under the Constitution of the State of Alabama statutes and rules.

Title VI and Title VI regulations provide:

“No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Executive Order (EO) 13166, "Improving Access to Services for Persons with Limited English Proficiency," requires Federal agencies to examine the services they provide, identify any need for services to those with LEP and develop and implement a system to provide those services so LEP persons can have meaningful access to them. EO 13166 also requires federal agencies to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

To assist government agencies in carrying out these responsibilities, the U.S. Department of Justice issued a Policy Guidance Document, “Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency (LEP Guidance).” This LEP Guidance sets forth the compliance standards that recipients of federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination.

### **III. LANGUAGE ACCESS PLAN (LAP) – FACTOR FOUR**

This LAP represents AOC’s administrative blueprint to provide meaningful access to Agency services, programs and activities on the part of LEP individuals. This LAP outlines the tasks AOC will undertake to meet this objective and identifies the resources available and costs to AOC.

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1 Relevant federal law includes Title VI of the Civil Rights Act of 1964 (Pub.L. 88-352, 78 Stat. 241, 42 U.S.C. §2000d), the Omnibus Crime Control and Safe Streets Act of 1968 (Pub.L. 90-351, 82 Stat. 197, 42 U.S.C. §3711, and the Americans with Disabilities Act of 1990 (42 U.S.C. §§12101-12213 (2000)).

Unlike other states offering a comparable program, AOC relies solely on funds allocated by State Legislature. AOC's goal of being twice as productive with half the resources has lead to a factor 4 improvement in efficiency. While this has been challenging, AOC has been able to incorporate productive practices with ¼ of the resources other states have available through federal funding.

AOC has taken the following actions to address LEP:

1. AOC has appointed a Language Access Coordinator. As of this plan date, the coordinator is:

Todd Russell  
300 Dexter Avenue, Montgomery, Alabama 36104  
Phone: (334) 954-5052  
Email: [todd.russell@alacourt.gov](mailto:todd.russell@alacourt.gov)

Alternate Staff Member Contact:

Joy Evans  
Phone: (334) 954-5014  
Email: [joy.evans@alacourt.gov](mailto:joy.evans@alacourt.gov)

Due to the high volume and diverse role of the Coordinator, it is recommended that the alternate staff member be contacted if the need for immediate assistance arises.

2. AOC has identified resources that shall be used to ensure access to all programs and services offered by AOC in the above identified areas, and shall employ the following resources to achieve that goal:
  - Employ interpreters when necessary by phone – through a contract with Language Line Solutions which interprets spoken word in various languages.
  - Maintain a listing of identified AOC qualified interpreters who are proficient in languages other than English and who are willing to assist in interpretation issues.
  - Maintain contracts for interpretation of documents. AOC currently contracts with the following:
    - Sherri L Gonzalez (Proctor)

- AOC shall translate Vital Documents for programs that are frequently accessed directly by citizens. AOC has determined that most of the pertinent C-Series forms (Criminal forms) and Grievance forms should be translated into Spanish.
  - Because the cost of translating documents is very high, AOC will undertake a four-year review of identifying vital documents and determining the best way to undertake translation services.
  - AOC also uses local community services that offer translators and interpreters. Examples included (but are not limited to): National Center for State Courts; National Association of Judiciary Interpreters and Translators; American Translators Association; Federal Court Interpreter Program; Ethnologue: Language of the World; The Modern Language Association Language Map; Alabama Licensure Board for Interpreters and Translators; and, Alabama Registry of Interpreters for the Deaf.
3. AOC staff shall be trained in the implementation of this LAP in group workshop sessions conducted by the AOC Language Access Coordinator, on an annual basis. Additional training will be provided through the workshops offered through Consortium for State Court Interpreter Certification.
  4. AOC shall maintain notices on its website of the availability of translation and interpretation services. AOC outreach staff will also provide information relating to AOC's translation and interpretative services to industry partners. Coordinator will keep participants informed of available resources by adding links to AOC's website which will contain information related to the availability of interpretative services offered by AOC.

AOC will monitor, maintain and update LEP requirements annually and/or as changes occur.

5. AOC will provide its Recipients in the 18 counties listed in the Table above technical assistance regarding their responsibilities to provide Language Access Services using DCA's 4-factor analysis and this Plan as a template for meeting their obligations under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166.



6. AOC shall use its existing databases to document all requests for reasonable accommodation and actions taken to address those requests.

#### **IV. STATEWIDE RESPONSIBILITIES**

AOC has made great progress to improve language access services statewide since the beginning of the LAP in 2008. AOC maintains its central role in training and testing interpreters; training judges, court staff and other stakeholders; translating vital statewide court documents; and pursuing statutory changes and funding as needed.

The interpreter program is described on the court's website at:

<http://www.alacourt.gov/docs/InterpreterPolicies.pdf>.

#### **V. STATE COMPTROLLER**

The State Comptroller is responsible for paying for interpreter expenses needed during all proceedings pursuant to Ala. Code (1975) § 15-1-3.

#### **VI. CIRCUIT COURT RESPONSIBILITIES**

Under Alabama law, the direct provision of interpreter services in all court proceedings, including scheduling and payment, is the responsibility of the circuit courts pursuant to Ala. Code (1975) § 15-1-3. Initial identification may be done by the clerk of courts office, a judicial assistant, or any other court staff. Interpreter services may also be requested by a party, an attorney, district attorney, public defender, community advocate, family member or friend. The ultimate responsibility for appointment of an interpreter belongs to the judge. Clerks of circuit court may appoint for interpreter services used in the clerk's office. Ala. Code (1975) § 15-1-3.

The circuit courts are responsible for providing assistance to LEP individuals outside of the courtroom, on the phone, at the clerk's counter, and through various outreach programs the court provides.

The primary obligation to pay for court interpreter services also rests with the State Comptroller. The criterion for state reimbursement is set by statute. Reimbursement is provided for all in criminal court proceedings regardless of indigency. Ala. Code (1975) § 15-1-3,



## VII. CERTIFYING FOREIGN LANGUAGE COURT INTERPRETERS

The LAP Coordinator began working on a long-range plan to improve court interpreter services and to create a system for certifying court interpreters in 2008. Creation of the LAP was based on recommendations of the National Center for State Courts Consortium.

Under Alabama law, Alabama's courts appoint qualified foreign language court interpreters. Alabama's Policies and Procedures for Foreign Language Interpreters further identifies the method by which an interpreter becomes certified, outlines interpreter qualifications and responsibilities, and gives best practices for providing foreign language court interpreter services.

To become certified, provide court interpreter services and be properly compensated by the State, the interpreter must complete the following steps:

1. **REGISTRATION, BACKGROUND AND E-VERIFY CHECKS.** An individual who wishes to provide foreign language interpreter services in Alabama's courts must register with the AOC by completing and returning a Foreign Language Interpreter Registration Form and a Criminal Background Check Form to the AOC. A Registration Form can be located on AOC's website ([www.alacourt.gov](http://www.alacourt.gov)). Upon completion of the criminal background check, the applicant is placed on AOC's Foreign Language Services Registry. This Registry is maintained on the AOC's website.
2. **WRITTEN EXAM and ORIENTATION SEMINAR.** After registration, a registered interpreter must pass the written exam and view the interpreter orientation seminar. After passing the written exam and viewing the interpreter orientation seminar, the interpreter is recognized by the AOC as a Conditionally Approved Interpreter and is paid \$30/hour. Written examination fee is \$35.00. There is no fee to view the Orientation Seminar.
3. **ORAL CERTIFICATION EXAM.** Upon passing the written exam, viewing the interpreter orientation seminar, an interpreter must take and pass an Oral exam, which costs \$350.00. After passing the oral certification exam, an interpreter will be recognized by the AOC as having achieved one of the following interpreter certification levels:
  - ❖ ***Journeyman Interpreter:*** A Journeyman Interpreter has scored 60% or higher on the oral exam and 55% or higher on the sight translation portion of the exam. (A Journeyman Interpreter is paid by the State at the rate of \$35/hour).

- ❖ ***Certified Interpreter:*** A Certified Interpreter has scored 70% or higher on the oral exam and 65% or higher on the sight translation portion of the exam. (A Certified Interpreter is paid by the State at the rate of \$40/hour).
- ❖ ***Certified – Master Level Interpreter:*** A Certified – Master Level Interpreter has scored 80% or higher on the oral exam and 80% or higher on the sight translation portion of the exam. (A ***Certified – Master Level Interpreter is paid by the State at the rate of \$45/hour.***)

## **VIII. INTERPRETER TRAINING AND CONTINUING CERTIFICATION**

The training and continuing certification program is a crucial part of language access measures so as to ensure quality interpreter services. The orientation curriculum gives participants an overview of the state court system with emphasis on ethical conduct, legal terminology, court procedure, and basic legal interpreting skills. Both spoken language and qualified sign language interpreters are eligible to attend.

AOC is committed to providing qualified interpreters throughout the State's Courts and is currently developing a training course to prepare applicants for the intense oral examination process.

## **IX. FUTURE ACTIVITIES**

AOC plans to implement several initiatives to improve court interpreter efficiencies and promote collegiality within the interpreting profession such as the using technology to provide interpreting services, developing a best practices paper on team interpreting, collaborating with local professional interpreting groups to provide more training opportunities and offering regular informal meeting opportunities for interpreters to network and share ideas on how to improve their work environment.

## **X. PUBLIC INPUT**

Copies of this LAP will be provided to the public upon request and are posted on the court's statewide website. AOC's LAP Coordinator will notify statewide LEP-related advocacy groups that the plan is available. If appropriate, plans may be revised to reflect public comments and suggestions.



## **VI. COMPLAINTS**

Complaints regarding lack of language assistance services during court proceedings may be brought to the attention of the clerk of court, court administrator, LAP Coordinator or presiding judge of the specific court or in accordance with the policies and procedures set forth in the circuit court's local LAP. In some instances, a request or complaint should take the form of a motion directed to the judge who is assigned to the case.

Interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties should be similarly reported.

Complainants may file a complaint with the AOC Language Access Coordinator. A formal Complaint form has been created and is listed on their website ([www.alacourt.gov](http://www.alacourt.gov)). Complaints will be investigated pursuant to AOC's procedures.

To file a complaint with the AOC Language Access Coordinator, submit the written complaint to:

Todd Russell  
300 Dexter Avenue, Montgomery, Alabama 36104  
Phone: (334) 954-5052  
Email: [todd.russell@alacourt.gov](mailto:todd.russell@alacourt.gov)

## **XI. MONITORING**

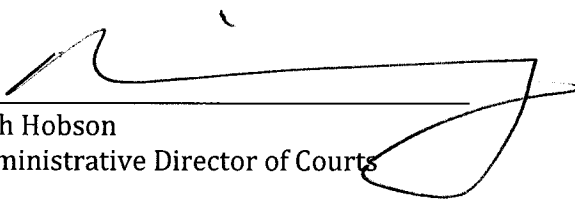
AOC will review the statewide LAP for any required changes resulting from changes in federal or state laws, demographic shifts, or operating procedure.

AOC, through the LAP Coordinator, will coordinate with the circuit courts to review the effectiveness of their local plans, identify problems, and propose action. Elements of the evaluation will include:

- number of LEP persons receiving court interpreters
- determination if additional services should be provided
- assessment of whether staff members adequately understand language assistance policies
- feedback from community groups and individuals

Ultimately, each circuit court is responsible for conducting a local needs assessment and developing a plan to meet the court-related needs of the local LEP population. The courts may choose to do this in conjunction with other county offices as they evaluate their own language services. The courts are encouraged to update its needs assessment and determine whether changes to its LAP are required. This task may involve tracking the number of interpreters requested for each language, consulting new demographic information, observing trends in court usage, etc. Any amended versions of a circuit court's local LAP shall be filed with AOC's LAP Coordinator

The effective date of this plan as amended is the 31<sup>st</sup> day of January, 2020.



Rich Hobson  
Administrative Director of Courts