



Language Access Basics

FOR NEW COURT ADMINISTRATORS

08/2024

Federal and State Requirements

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

ARIZONA ADMINISTRATIVE ORDERS 2016-02 AND 2011-96

Title VI of the Civil Rights Act of 1964

Courts must make reasonable efforts to provide

meaningful access

to limited English proficiency (LEP).

Information must be provided in appropriate languages.

No Discrimination in Federally Subsidized Programs or Activities

No Discrimination Based on Race, Color, or **National Origin**

Language-Based Discrimination = National Origin Discrimination

Title VI : Providing Meaningful Access

Language assistance to LEP persons via:

- Qualified interpreters (credentialed & trained)
- Bilingual staff should be assessed; can assist with non-interpreting work
- Volunteers? Not for interpreting; exercise caution
- Translated vital documents; use credentialed translators

NO CHILDREN,
FRIENDS, PARENTS,
RELATIVES,
INTERESTED PARTIES,
ETC.
AS INTERPRETERS

Interpreter Requirements

Administrative Order 2016-02

- Applicable to spoken-language interpreters
- Assessed by AOC credentialing program standardized tests
- Multiple tiers; Court staff must be **Tier 3** within 24 mos. of hire
- Courts must show preference for credentialed interpreters

Administrative Order 2015-98

- Arizona Court Interpreter Code of Conduct
- Applicable to ALL spoken-language interpreters in the AZ courts; staff & freelance
- 10 canons governing court interpreters' work

ACJA § 7-301

- Continuing education requirements
- Required for all credentialed interpreters
- 20 hours of interpreter-specific training every 2 years (including 2 hours of ethics)
- In conjunction with COJET for staff

Americans with Disabilities Act of 1990

Courts must take appropriate steps to ensure that communications with Deaf or Hard of Hearing customers are as **EFFECTIVE** as those with others

Title II – No discrimination based on disabilities by state & local governments

Title III – No discrimination based on disabilities by places of public accommodation

Federal subsidies not required for applicability of law

Note “effective” vs. “meaningful”

Title II: Effective Communication

Type of Assistance

- Courts must give ***primary consideration*** to the request of individuals with disabilities.
- Must honor the choice of the individual with a disability, with certain exceptions
- In-person, whenever possible

Auxiliary Aids

- Sign language interpreters*
 - For legal proceedings, must possess valid “**Legal A**” class license
- TTY (teletypewriter or text telephone)
- Signage and documents in Braille
- Closed captions on recorded media
- Video remote interpreting

Language Access Plan (LAP)

Required for ALL courts by A.O. 2011-96

Required Elements

- Most common languages encountered by the court
- Services to be provided in- and out of the courtroom
- Complaint process
- Language assistance resources to be used
- Training of staff, etc.

Template provided by AOC

- New updates in 2024

RESOURCES

- ▶ Guidance to Courts Regarding the Preference Requirement in A.O. 2016-02
- ▶ Guidance to Courts for Recruiting, Hiring and Contracting Court Interpreters
- ▶ Arizona Court Interpreter Registry
- ▶ Tools for Court Interpreter Coordinators
- ▶ Court Interpreter Coordinator ListServ (email)
- ▶ Arizona Commission on the Deaf and Hard of Hearing



Remote Interpreting Services Considerations

NCSC *Remote Interpreting Guide for Courts, Court Staff and Justice Partners*

- ▶ “Urgent, emergent or unexpected situations where no in-person interpreter is available”
- ▶ “Routine matters for which the quality of the interpretation will not be unduly compromised, and the duration is expected to be short, and testimony will be limited and brief.”
- ▶ “Interpreter for a language of limited diffusion is needed and no on-site interpreters are reasonably available”

Remote Interpreting Limitations

If a qualified in-person interpreter is available, go with the in-person option

Emotionally charged situations or intensive examination/cross-examination of witness

Multiple parties needing the interpreter

Hearings longer than 30 minutes and trials

Communication is difficult or quality of interpretation is compromised

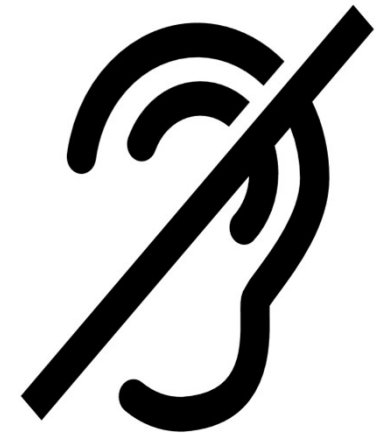
VRI Considerations for Sign Language

Full view of face, arms, hands, fingers of the interpreter & the disabled person

High quality video with no lags, blurring, pixilation, etc.

Clear transmission of voices

Adequate staffing and troubleshooting





RESOURCES

- ▶ Using the Language Interpretation Feature in Zoom (AOC Created)
 - ▶ Zoom Proceedings/F.A.Q webpage on azcourts.gov
- ▶ Model VRI Installations for Courts
- ▶ Remote Interpreting: General Overview
- ▶ Commercial Providers of Remote Interpreting Services & Technologies



Questions

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