HENNEPIN COUNTY DISTRICT COURT
FOURTH JUDICIAL DISTRICT
FY13-FY14 LANGUAGE ACCESS PLAN (LAP)

I. LEGAL BASIS AND PURPOSE

A. Federal

This Language Access Plan (LAP) serves as the plan for the Hennepin County District Court to provide services to limited English proficient (LEP) individuals in compliance with Federal law.[1] The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to those who come in contact with the Hennepin County District Court. This LAP was developed to ensure equal access to court services for persons with limited English proficiency and persons who are deaf or hard of hearing. Individuals who are deaf or hard of hearing are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act.

B. State of Minnesota

For the purposes of sections Minn. Stat. § 546.42 to 546.44, a person disabled in communication is one who, because of a hearing, speech, or other communication disorder, or because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law.

By Minnesota statute, it is "the policy of this State that the constitutional rights of persons disabled in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings." Minn. Stat. § 611.30. A person "disabled in communication" is one who, "because of a hearing, speech, or other communication disorder, or because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law." Minn. Stat. § 546.42; 611.31.

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[1] Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq.

II. ANNUAL UPDATE

A. Statewide

The Minnesota Judicial Branch provides court services to a wide range of persons, including people who do not speak English proficiently or who are deaf or hard of hearing.

According to the Minnesota Court Interpreter Program which tracks court interpreter usage, the most widely used languages for interpreters in Minnesota courts in **2012** were (in descending order of usage):

1. Spanish
2. Somali
3. Hmong
4. American Sign Language
5. Vietnamese

B. Hennepin County District Court

The most widely used languages for interpreters in Hennepin County District Court in **2012** were (in descending order of usage):

1. Spanish
2. Somali
3. Hmong

II. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

In Hennepin County District Court, accommodations will be provided for all deaf and hard of hearing customers including but not limited to sign language and/or deaf interpreters in compliance with the Americans with Disabilities Act. Spoken language interpreters will be provided at no cost to the court customers who are "disabled in communication" in court proceedings.

Alternatively, Minn. Stat. § 611.33, subd. 3 requires that "[p]ayment for any activities requiring interpreter services on behalf of law enforcement, the Board of Public Defense, prosecutors, or corrections agents other than court appearances is the responsibility of the agency that requested the services."

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Hennepin County District Court will determine whether an LAP court customer needs an interpreter for a court hearing.

First, the LAP person may request an interpreter. Hennepin County District Court displays a sign translated into Minnesota's most frequently used languages which states: "*You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.*"

Second, court employees and judges may determine that an interpreter is appropriate for a court hearing. When it appears that an individual has difficulty communicating due to a language barrier, the court administrator or judge should offer the use of an interpreter to ensure full access to the courts.

Third, the Minnesota Court Information System (MNCIS), which is the statewide case management system, will track interpreter needs through case records and party records. Case record interpreter flags will assist court employees in making sure that they know an interpreter is needed for the next hearing on a particular case. Party record interpreter information stays with the party and is available statewide for future filings and party search results for that same individual.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities notify the court about an LAP individual's need for an interpreter for an upcoming court hearing.

2. Court Interpreter Qualifications

The Hennepin County District Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth by the Minnesota Court Interpreter Program (CIP) and Rule 8 of the General Rules of Practice for the District Courts. The CIP maintains a statewide roster of interpreters able to work in the courts. This roster is available on the Minnesota Judicial Branch public website. Interpreters on the roster have passed the court's ethics exam, attended an orientation session and signed a sworn affidavit of professional responsibility.

In accordance with Rule 8, Hennepin County District Court appoints "certified" interpreters when available. To be certified, an interpreter must first meet the requirements to be on the roster, and secondly must pass a rigorous exam testing linguistic and interpreting skills. Minnesota court certified interpreters are currently available in the following languages: Spanish, Hmong, Somali, American Sign Language, Vietnamese, Russian, French, Mandarin and Lao. When Hennepin County District Court has made a "diligent" effort to find a certified court interpreter and none is available, Hennepin County District Court then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, Hennepin County District Court appoints non-certified interpreters who are not listed on the roster *only* when certified and rostered interpreters are unavailable. Whenever a non-certified interpreter is used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience and potential conflicts of interest.

In certain circumstances, the Minnesota Judicial Branch may use technology to provide interpreter services from a remote location. Variances in local resources, technology, and procedure may determine how these services are implemented.

Multilingual employees who are not on the statewide roster are not used to interpret in court. However, they may assist in securing an interpreter if necessary.

B. Spoken Language Services Outside The Courtroom

Hennepin County District Court is also responsible for taking reasonable steps to ensure that LAP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing court employees because in most situations, they are charged with assisting LAP individuals without an interpreter. LAP individuals come in contact with court employees in person, by telephone and through other means. The Minnesota Judicial Branch has the following resources to help LAP individuals and court employees communicate with each other:

- Language Identification Card
- Multilingual employees
- Language Line

Language Identification Card
The "Language Identification Card" is a list of over 170 languages available on the State of Minnesota's Language Line (see below). Employees may use this document to help identify the language that an LAP individual speaks.

Multi-Lingual Employees
Court employees may be available to voluntarily assist in interpreting should an LAP individual require assistance. Employees on this list have offered their skills and are not required to provide interpretation as an additional responsibility to their jobs. They may offer their services only if it does not significantly interfere with their primary job duties. They should not interpret in situations requiring a language level superior to their own and are only permitted to provide legal assistance, not legal advice.

Language Line
Court employees may make use of the State of Minnesota Language Line to obtain a phone interpreter to assist an LAP individual outside the courtroom.

C. Translated Forms & Documents

The Minnesota Judicial Branch understands the importance of translating forms and documents so that LAP individuals have greater access to court services. The Minnesota Judicial Branch has various forms translated into commonly used languages including Cambodian, Hmong, Lao, Oromo, Russian, Somali, Spanish and Vietnamese. Not all court forms are translated into all available languages.

Translated forms and documents are updated and maintained on the Minnesota Judicial Branch public website.

Additional translated forms for Hennepin County District Court can be found at: http://www.mncourts.gov/selfhelp/?page=324

A Court Forms Translation Workgroup has been created to consider and prioritize requests for form or document translation.

When interpreters are hired for hearings, they are expected to provide sight translations of documentation to LAP individuals.

IV. TRAINING

Hennepin County District Court is committed to providing LAP training opportunities. LAP training is provided by the State Judicial Branch for new employees as a part of the New Employee Orientation; judges are trained on interpreter matters at the New Judge Orientation. All employees and judges may access the following LAP training through the Judicial Branch's internal website (CourtNet):

- "Language Identification Card"
- Multilingual employees
- Language Line
- Face to face interpreters
- Deaf and hard of hearing accommodations
- Translated forms and documents
- Access to Self-Help Center for completing court forms

Additionally, the following is a list of training programs available to Hennepin County District Court staff, pursuant to providing employees with improved skills in communicating effectively with internal and external court customers:

Arab Culture Workshop
A growing number of court-users are from the Arab community. This presentation is designed to provide attendees with an overview of the Arab world in contrast with the larger Muslim world. Participants will learn how to better serve court-users by gaining a deeper understanding of the Arab culture. The presenter will share information about the Arab community in the United States and tips for effective communication.

Dispelling the Myths: Deaf and Hard of Hearing Trends
This one-day training session is provided by staff of the Minnesota Department of Human Services, Deaf and Hard of Hearing Services Division. Trainers provide cultural information, identify specific needs of people who are deaf or hard of hearing and identify resources designed to enhance the lives of individuals who are deaf or hard of hearing.

Equal Access Handbook
Supervisors distribute Equal Access Handbooks to new employees. The handbook includes a section on ADA which defines the Act and outlines the accommodation process.

Getting to Know Your Muslim Client
This presentation is designed to teach basic information about Islam and Muslims to help court employees better serve their clients by providing a deeper understanding of their religious practice, legal issues facing the Muslim community, and practical tips for effective communication. Participants, upon completion of this course, have a deeper understanding of the Muslim community as a court customer and will be able to better accommodate their needs.

Helping Customers with Limited English Proficiency
The Fourth District Court is committed to providing meaningful access to all individuals who access its services. This includes full access to services for customers with limited English skills whether these services are sought at the counter or in the courtroom.

L.E.P. Resources Seminar
Training presented by the members of the Fourth Judicial District's L.E.P. Project Team regarding the resources currently available to assist staff in working with limited English speaking individuals. This training outlines the various resources available to staff and explains where to find them and how to use them and is required training for all Hennepin County District Court staff members.

MN Courts Interpreter Program
This is a half-day training session that provides an overview of both the State Court Interpreter Program and the Fourth Judicial District Court Interpreter Program. Participants learn about the role of the interpreter and how to best handle interpreter cases. In addition, there is class discussion on the differences between Sign Language and spoken language interpreter cases.

New Employee Orientation
The Human Resources and Scheduling/Interpreter divisions present information to new employees about the court's responsibilities in providing ADA accommodations and interpreter services. Employees are given the tools necessary to recognize and respond to the needs of individuals with disabilities. New Employee Orientation is mandatory training in the Fourth Judicial District Court prior to passing the employee probation period.

Plain Language Training
Effective communication with clients is key to delivering high quality legal services. Sometimes it is difficult to write in plain language because it sounds "choppy". This is especially true four court professionals with legal training. This training assists court employees with writing clearly and understandably for clients using low-literacy techniques. It provides tips on how to take complex legal concepts and put them in plain language for

easier reading and understanding. It also provides the opportunity to work through specific examples with the trainer and practice skills.

Updates to the Americans Disabilities Act

This session challenges participants' perspective on the ADA. After nearly 20 years, why has the ADA not made the fundamental changes originally expected in the lives of people with disabilities? This course is required training for all Hennepin County District Court staff members.

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. Public Notification

LAP plans are available to the public on the Minnesota Judicial Branch's public website. Copies of Hennepin County District Court's LAP are available upon request. In 2013, the Minnesota Judicial Branch partnered with ECHO MN (Emergency, Community, Health and Outreach) to create a video on "Going to Court in Minnesota" which is available by DVD, YouTube on online.

B. Evaluation of the LAP

The Hennepin County District Court's LAP is approved by the District Administrator and forwarded to the State Court Administrator's Office. The LAP Coordinator will review this plan on an annual basis and make any changes based on the review. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation may include:

- Assessing the number of LAP persons requesting court interpreters in Minnesota courts
- Assessing current language needs to determine if additional services or translated materials should be provided
- Assessing whether court employees adequately understand LAP policies and procedures and how to carry them out
- Gathering feedback from LAP communities

Any revisions made to the plan will be communicated by posting on the Minnesota Judicial Branch public website.

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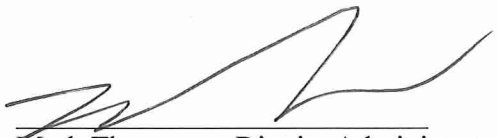
The effective date of this LAP is July 10, 2013.



Mark Thompson, District Administrator