

COMMUNITY DIALOGUE

6/30/2008

Pilot Session

The Pilot Session of the Racial Fairness Committee's Community Dialogue program was co-sponsored by the Second Judicial District Equal Justice Committee and was held on June 30, 2008 at the Minnesota Judicial Center, St. Paul, Minnesota.

Community Dialogue

PILOT SESSION REPORT

INTRODUCTION

The Minnesota Judicial Branch's Strategic Plan identifies Public Trust, Accountability and Impartiality as a key goal for fiscal years 2007-2009. Priority 3D under this goal is focused on assuring equitable treatment to all individuals in the court system. Suggested approaches toward this end include: assessing current public perceptions of the court system in Minnesota; increasing outreach to communities of color; analyzing race data reports; and developing plans to address problem areas. In furtherance of this priority, the Judicial Branch's Racial Fairness Committee (the Committee) was charged with both conducting outreach and holding a symposium to share race data with the community. The Committee chose to combine these two efforts and developed the Community Dialogue Plan.

Community Dialogue Plan

The Community Dialogue Plan, developed by a planning subcommittee and approved by the full Committee, provides a template for the Committee and each Judicial District Equal Justice Committee (EJC) to work together to achieve equitable treatment for all individuals in the court system. The Community Dialogue Plan's stated purpose is to:

Create a public forum for community members to describe their experiences and discuss ideas for advancing racial equality and fairness in the courts.

Pilot Session Details

Prior to implementing the Community Dialogue Plan on a broad scale across the state, the Committee committed to piloting the Plan in order to fine-tune the process.

- The Pilot Session was held before the end of the fiscal year, June 30, 2008, in order to meet the goal set in the Judicial Branch's Strategic Plan's Operational Plan.
- The Second Judicial District EJC co-sponsored the event.
- The pilot session was held at the Minnesota Judicial Center, from 6:30-8:30 p.m.
- In order to limit the size of the group in attendance, invitations were extended only to individuals in the Asian community in Ramsey County, the Second Judicial District.

- Three court certified interpreters were provided to meet interpreter needs of attendees.
- Race data specific to the Second Judicial District was provided to attendees along with proposed conversation starters to facilitate the dialogue.
- Four Racial Fairness Committee members acted as panelists for the evening and a State Court Administration manager acted as the facilitator.

SUMMARY OF THE PILOT SESSION

The pilot session was a tremendous learning experience for the planning subcommittee. The dialogue was insightful and in depth. The majority of attendees were attorneys, judges, and other justice system participants. Many Committee members were also in attendance.

The greater part of the dialogue involved a discussion of issues faced by non-English speakers. Overall, the dialogue elicited many helpful suggestions for how to improve not only the court system, but also how to improve the relationship between various communities and the court system.

Major Themes of the Session

The dialogue focused primarily around the difficulties people who do not speak English have in using the court system. Although the conversation was dominated by concerns related to language barriers, session participants noted that language concerns are analogous to challenges faced by many court users, including those without language barriers, such as communities of color, individuals with physical disabilities, individuals with limited education and youth.

COURT USER EXPECTATIONS FOR INTERPRETERS

The court system can be an intimidating environment, especially for those who do not understand how it works. The interpreters in attendance at the session shared that they often feel that court users expect them to explain complex legal terminology and the significance of certain decisions. For example, many people do not understand the difference between a stay of adjudication and a continuance for dismissal, let alone the consequences of accepting a plea agreement for either option. Thus, if the individual violates the terms of the agreement and is summoned back to court, the person often perceives that she/he is being charged twice for the same crime.

Akin to the above scenario, many non-English speakers ask the interpreters for advice about how they should handle their case. This is a concerning trend as court interpreters are

prohibited from acting as an advocate for the individual for whom they are translating by the Code of Professional Responsibility for Interpreters in the Minnesota State Court System. Despite this prohibition, interpreters feel that clients of like cultural backgrounds often look to them as advocates. This creates a tension between the interpreter's cultural and social allegiance and the intended role of communicating information for the court system. Interpreters also noted that personal interpretation is impossible to remove completely.

A further difficulty for interpreters is the simple matter that legal terminology frequently does not directly translate into the language of origin. Interpreters often feel they are required to make subjective decisions and extrapolate meaning when choosing how best to translate complex legal terminology.

EFFICIENCY AND PROVISION OF JUSTICE

A tension between efficiency and justice was apparent throughout the dialogue. In particular, people expressed frustration about the amount of time spent waiting to meet with Public Defenders. The interpreters present stated that they often spend more time waiting for Public Defenders than they spend with clients.

Representatives from the Public Defender's Office similarly expressed frustration with this issue and added that the funding crisis faced by the Public Defender's Office for the last few years has resulted in extremely high case loads for the attorneys, which in turn slows down the process.

SUMMATION

The majority of the issues discussed during the session were ultimately described as general systemic issues. Particularly because all court users experience the frustrations described above on some level. Being a non-English speaker, not insignificantly, adds another barrier in accessing the system.

Proposed Suggestions for Improving the Court System

Many helpful suggestions for improving the court system developed out of the dialogue at the pilot session. The resulting suggestions vary in ease of implementation. These suggestions will be reviewed by the Committee and the District E JC and used to inform the priorities and actions of each group. Following are the most commonly shared suggestions from the pilot session which may or may not be acted upon by the Committee or the Second Judicial District EJC.

POTENTIAL SHORT RANGE PROJECTS

1. Post multi-language signs at court locations showing people where to go to find attorneys, court staff, etc.
2. Inform interpreters as to standardized legal terminology translations where available in order to create uniformity of court translation.
3. Organize court calendars based on interpreter needs and language to minimize wait time for interpreters and increase efficiency for courts, clients and public defenders.

POTENTIAL MID RANGE PROJECTS

1. Develop the ability to pay citations online and email citation reminders.
2. Educate juries on how to interpret cultural gaps; such as differences in body language, eye contact, etc.
3. Update the training judges receive on diversity and focus on how to inspire trust within diverse communities.
4. Create a handbook explaining what to expect at court, and provide it in multiple languages.
 - a. Make the handbooks available in places other than the courthouse, for example; on the internet, at the Department of Motor Vehicles, or as a standard handout to new immigrants.
 - b. Many non-English speakers get their information from other sources, such as the radio and newspapers. Educational information on the court system could be disseminated through these mediums as well.

POTENTIAL LONG RANGE PROJECTS

1. Work on developing a method for sharing collateral consequences implications with clients.
2. Create an ongoing system of community-based outreach aimed at educating individuals, particularly immigrant populations, of the appropriate uses of 911 emergency services and the potential collateral consequences of misuse.
3. Hire a more diverse public defender work force.
4. Create an adult detention alternatives initiative, i.e.: growing from the concepts learned through Juvenile Detention Alternatives Initiative (JDAI).
5. Provide training for lawyers on how to work effectively with interpreters.
6. Encourage the development of community courts.

7. Increase Judicial Diversity.
8. Provide live “court primer” sessions in local community centers where community members can learn about the court system.
9. Start at the ground level: look at who is being recruited to law schools, initiate programs to get high school students of diverse backgrounds interested in the law.

Suggestions for Future Community Dialogue Sessions

Since this event was a pilot session, attendees were also asked to provide their ideas about how to make future Community Dialogue Sessions accessible and useful for communities across the state. Suggestions from the following list which are not already included in the primary Community Dialogue Plan will be reviewed for possible integration.

- Ensure that interpreters are available, work with court interpreters and ask for volunteers to defray event costs.
- Include African American, Hispanic, and Native American constituencies in future sessions.
- Contact local community-based organizations to help advertise and notify the community.
- Host Dialogue Sessions in less traditional or systems associated settings, such as community centers, schools, churches, etc.
- Advertise Dialogue Sessions with enough advance notice to allow for scheduling and greater attendance.
- Advertise in local newspapers and other media outlets, such as i.e. Insight, Spokesman, Hmong Press, and radio and television stations.
- Offer refreshments