



Superior Court of California, County of Solano

Limited English Proficiency (LEP) Plan

Effective September 1, 2009

I. Mission Statement

The mission of the Superior Court of California, County of Solano is to protect rights, uphold the constitution and laws of California and the United States, and provide an impartial and accessible forum for the fair and expeditious resolution of legal matters.

The Court provides a continuum of language access services in all areas of the courthouse including courtrooms, the Self-Help Center, the Family Law Facilitator's Office, Jury Services, and the Clerk's Offices.

The Court's Limited English Proficiency (LEP) plan is a comprehensive language access plan that increases public trust and confidence in the court and improves the quality of justice and services to the public.

II. Legal Basis and Purpose of the Plan

This document serves as the Court's plan to provide language assistance to persons with limited English proficiency in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112).

Court interpreters are provided for persons with hearing disabilities. Access services for the hearing impaired are covered under the Americans with Disabilities Act and are not addressed in this plan.

The Court's LEP plan contains the following:

- Need for Language Assistance
- Language Assistance Services in the Courtroom
- Language Assistance Services Outside the Courtroom
- Court Staff and Recruitment
- Staff Training and Procedures
- Education and Public Outreach
- Public Notification and Evaluation

III. Need for Language Assistance

According to United States census data, nearly twenty-seven percent of Solano County's population, over the age of five, speaks a language other than English. Almost twelve percent of Solano County's population, over the age of five, speak English "less than very well."¹

The Administrative Office of the Courts, Court Interpreter Data Collection Systems (CIDCS), which aggregates court interpreter usage data received from the California trial courts, shows the most frequently used languages for interpreters in California in 2005 as follows:

1. Spanish
2. Vietnamese
3. Korean
4. Armenian
5. Mandarin

The most frequently used languages for interpreters in Solano County in 2005 are listed as follows:

1. Spanish
2. Tagalog
3. Punjabi
4. Mandarin
5. Russian

IV. Language Assistance Services in the Courtroom

a. Providing Interpreters

The Court is required by law to provide spoken language interpreters for the following Court proceedings:

- Litigants and witnesses in criminal hearings and trials; and
- Litigants and witnesses in juvenile hearings.

Depending on available funding, the Court may provide spoken language interpreters for the following Court proceedings:

- Litigants and witnesses in hearings involving domestic violence, elder abuse, family law, and child support cases; and
- Litigants who need assistance when using family law court services; and

¹ Original Source: US Census Bureau, 2005-2007 American Community Survey. Secondary Source: <http://factfinder.census.gov>

- Small claims proceedings pursuant to court order.

Every effort is made to provide an interpreter in court proceedings; however, given the chronic shortage of certified court interpreters in Solano County and throughout California, the Court cannot always provide interpreters for non-criminal proceedings. If an interpreter is sought by a litigant for a non-criminal proceeding and court funding is not available, the cost may be transferred to the litigant. (Appendix A)

b. Identifying the Need for an Interpreter

The need for a court interpreter may be identified prior to a court proceeding by the litigant, the clerk's office, self-help center staff, family court services, or courtroom staff. California's Standards of Judicial Administration offers guidance to judges when an interpreter may be needed. (Appendix B)

c. Court Interpreter Qualifications and Statewide Roster

Court interpreters are hired in compliance with the rules and policies set forth by Government Code section 68561 and California Rules of Court, rule 2.893 (Criminal and Juvenile Proceedings). The Administrative Office of the Courts maintains a statewide roster of certified and registered interpreters. This roster is available to court staff and the public on the Internet at www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.

V. Language Assistance Services Outside the Courtroom

The Court provides spoken language interpretation services outside the courtroom under certain circumstances. The reasons are detailed as follows:

a. Bilingual Services

The Court provides bilingual services at the Clerk's Office counters and the Self-Help Center. The Court strives to provide bilingual assistance at public counters through bilingual staff in each division. The Court periodically calls on bilingual staff from other divisions to assist LEP individuals at public counters. The Court's Self-Help Center recruits and employs bilingual staff to provide self-represented litigants with assistance in understanding and completing necessary forms.

Court services include the following:

- Trained bilingual court employees speak the following languages: Spanish, Tagalog, French, Portuguese and Mandarin.
- Bilingual legal dictionaries in Spanish/English are provided to bilingual Court staff.

b. Language Line and Telephone Assistance

When staff are unable to communicate with court users directly, there are other language assistance options available at the Court.

- Language Line interpreter services in 170 languages.
- A telephone system that can accommodate options in Spanish.
- A telephone line with instructions provided in Spanish.

c. Signage

To improve access for all court users, the Court is implementing more accessible signage in all facilities. Currently, the Court provides the following:

- Electronic monitors posting cases in English, Spanish and Tagalog.
- Courtroom informational signs posted in English and Spanish.
- Court holiday closure notification posted at all court entrances in English and Spanish.
- Self-help center informational signs posted in English and Spanish.
- Family Law Facilitator's office informational signs posted in English and Spanish.

d. Website

The Court is developing a Spanish informational website which will include PDF documents in Spanish.

e. Translated Forms and Documents

The Court uses Judicial Council forms and instructional materials translated into commonly used languages.

- These translated materials are available to the public at www.courtinfo.ca.gov/selfhelp/languages.
- The Court's web site provides access to instructional materials that have been translated at <http://www.courtinfo.ca.gov/selfhelp/>
- The Court provides informational self-help brochures in English, Spanish, Korean, and Chinese in the lobby of the Hall of Justice in Fairfield and in the lobby of the Solano Justice building in Vallejo.

VI. Court Staff and Recruitment

The Court is an equal opportunity employer and seeks to recruit and hire bilingual professional staff to better serve the community. Professional recruitments are targeted for specific bilingual functional areas which include, but are not limited to the following areas:

- Court interpreters;
- Clerk's Offices;
- Self-Help Center;
- Family Law Facilitator's Office;
- Child Custody Mediators.

VII. Staff Training and Procedures

The Court is committed to providing training opportunities for staff. Training opportunities, subject to the availability of funding and court resources, include the following:

- Cross-cultural communication training;
- Diversity training; and
- Statewide conferences on language access or conferences that include sessions dedicated to topics on language access when available.

VIII. Education and Public Outreach

The Court is committed to educating the public and raising awareness of available services to all members of the community. These efforts are made to strengthen the connection between the Court and the community. When resources are available, outreach and education efforts include the following:

- Partnerships and collaborations with community based organizations; local law schools; bar associations; social service providers; and law libraries to provide a presence in the LEP community; and
- Meetings and public-service announcements about the Court for the LEP community.

IX. Public Notification and Evaluation

a. LEP Plan Approval and Notification Posting

The Solano Superior Court LEP plan is subject to approval by the Presiding Judge and Court Executive Officer. A copy of the plan is forwarded to the Administrative Office of the Courts and is available on the Court's website. Any

revision to the plan is submitted to the Presiding Judge and Court Executive Officer for approval with a copy forwarded to the Administrative Office of the Courts.

b. Annual Evaluation of the LEP Plan

The Superior Court of Solano County will routinely assess whether changes to the LEP plan are needed. The plan may be changed or updated at anytime and will be reviewed annually by the LEP Plan Coordinator. The review will include identification of any problem areas and development of corrective action strategies. The review will include the following:

- Number of LEP persons requesting court interpreters and language assistance;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Solicitation and review of feedback from LEP constituents within Solano County;
- Assessment of whether court staff understand LEP policies and procedures and how to carry them out; and
- Review of feedback from court employee training sessions.

c. Trial Court LEP Plan Coordinator:

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APPENDIX A

Citations on the Use and Payment of Interpreters in Court Proceedings

Policies for providing interpreters in court proceedings are based on the following Constitutional provisions, case law, and statutory mandates:

- Article 1, Section 14 of the California Constitution provides that a “person unable to understand English who is charged with a crime has the right to an interpreter throughout the proceedings.” There is no corresponding right in civil proceedings. *Jara v. Municipal Court* (1978) 21 Cal.3d 181 held that non-English-speaking indigent civil litigants do not have a right to a court interpreter appointed at public expense. However, the court does have the inherent right to waive filing fees if justice so requires.
- *Jara* let stand an earlier opinion, *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412, which held that in small claims proceedings, the court has a statutory duty to appoint an interpreter free of charge if it finds the litigant unable to speak or understand English. *Jara* reasoned that because attorneys are not permitted in small claims proceedings, non-English-speaking small claims litigants without an interpreter are “effectively barred from access to the small claims proceedings” (*Jara*, 21 Cal.3d 185).
- Witnesses with limited English proficiency must be provided with an interpreter. Under Evidence Code section 752, the court must appoint an interpreter whenever “a witness is incapable of understanding the English language or is incapable of expressing himself or herself in the English language, so as to be understood directly by counsel, court, and jury....” Appointment of a translator is also required whenever “the written characters in a writing offered in as evidence are incapable of being deciphered or understood directly” (Evid. Code, § 753).
- In small claims proceedings, if the court determines that a litigant does not speak or understand English sufficiently to comprehend the proceedings or give testimony and needs assistance in doing so, the court may permit another individual (other than an attorney) to assist that party (Code Civ. Proc., §116.550(a)). If a competent interpreter is not available at the first hearing of the case, the small claims court shall postpone the hearing one time only to allow the party the opportunity to obtain another individual to assist that party. Any additional continuances shall be at the court’s

discretion (Code Civ. Proc., §116.550(b)). Rule 3.61(5) of the California Rules of Court provides that any costs for a court appointed interpreter in a small claims action must be waived if an application to proceed in *forma pauperis* is granted.

- In proceedings involving domestic violence and proceedings regarding parental rights, dissolution of marriage, or legal separation involving a protective order, a party who does not proficiently speak or understand English shall have a certified interpreter present to assist communication between the party and his or her attorney (Evid. Code, §(a)). The interpreter's fees shall be paid by the litigants "in such proportions as the court may direct," except that the fees shall be waived for a party who has a fee waiver (Evid. Code, § 755(b) and Gov. Code, § 68092). However, the authorizing statute (Evid. Code, § 755) provides that compliance with its requirements is mandatory only if funds are available under the Federal Violence Against Women Act (P.L. 103-322) or from sources other than the state. The Judicial Council provides special funding through its Trial Court Improvement Fund to allow courts to provide interpreters for these matters and for elder abuse cases. This funding may also be used for general family law matters in and out of the courtroom, on a priority basis and to the degree funding is available.

APPENDIX B

California Standards of Judicial Administration: Section 2.10

Section 2.10 provides that an “interpreter is needed if, after an examination of the party or a witness, the court concludes that: (1) the party cannot understand and speak English well enough to participate fully in the proceedings and to assist counsel, or (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury.” The court is directed to examine the party or witness “on the record to determine whether an interpreter is needed if: (1) a party or counsel requests such examination or (2) it appears to the court that the person may not understand or speak English well enough to participate fully in the proceedings.”

To determine if an interpreter is needed, standard 2.10(c) provides that “the court should normally ask questions on the following: (1) identification (for example: name, address, birth date, age, place of birth); (2) active vocabulary in vernacular English (for example: ‘How did you come to the court today?’ ‘What kind of work do you do?’ ‘Where did you go to school?’ ‘What was the highest school grade you completed?’ ‘Describe what you see in the courtroom.’ ‘What have you eaten today?’ Questions should be phrased to avoid ‘yes’ or ‘no’ replies; (3) the court proceedings (for example: the nature of the charge or the type of case before the court), the purpose of the proceedings and function of the court, the rights of a party or criminal defendant, and the responsibilities of a witness.”

Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an interpreter. “The file in the case should be clearly marked and data entered electronically when appropriate by court personnel to ensure that an interpreter will be present when needed in any subsequent proceeding.”