

## The BLT: The Blog of Legal Times



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### Language Access Advocates Call for Greater State Court Coordination



In the year since the American Bar Association adopted new guidelines for language access in the courts, proponents said today that although there's been progress, court systems nationwide can do much more to ensure all litigants understand what's happening when they step inside a courthouse.

Leading a panel on language access at the National Consortium on Racial and Ethnic Fairness in the Courts' annual conference, District of Columbia Court of Appeals Senior Judge Vanessa Ruiz said that the cost of services is always the "big elephant in the room." But Ruiz and other panelists urged court administrators to not only consider the cost of expanding services, but also the costs of not doing so – staff resources needed to handle case delays or appeals, for instance.

"Justice is resource-intensive," Ruiz said.

The number of limited-English proficiency, or LEP, persons in the U.S. grew by 80 percent from 1990 to 2010, according to statistics cited by panelist Patricia Griffin, the Delaware State Court Administrator and chairwoman of the Conference of State Court Administrators' Language Access Advisory Committee. Those changing demographics have translated into greater need for interpreter services in courts, she said, particularly in states seeing their population of foreign language speakers grow for the first time.

Griffin said that looking ahead, the language access committee would be weighing how to increase training to judges, court staff, and lawyers; strengthen testing programs to certify interpreters; and develop best practices for using relatively new technology available to do video remote interpretation services.

U.S. Department of Justice special counsel Christine Stoneman, who works in the federal coordination and compliance section of the civil rights division, said that states had made strides over the past decade in meeting federally mandated requirements for language access in the courts. She said her office has tried to enforce the rules through voluntary compliance, pointing to recent resolutions reached in Colorado and Maine as examples.

In March 2012, Stoneman said the department did find violations in North Carolina, but she said state officials are making progress in fixing problems – she cited prosecutors serving as interpreters for defendants as an example of the problematic practices that the department found.

Bilingual attorney Jana Edmondson of the Georgia Legal Services Program said that regardless of how many services courts offered, her limited-English proficiency clients often weren't aware of their rights. She said clients were also hesitant to ask for assistance for fear of discrimination before the judge or that the interpreter would get something wrong.

"They're just not sure who is the friend and who is the foe," she said. If litigants get a full explanation of what interpreters do, however, she said studies show that they're much less likely to turn down help.

Edmondson said there's a divide in how some judges handle interpreter services in criminal and civil proceedings. While it's widely accepted that interpreters are needed in criminal cases, she said that litigants on the civil side can have a tougher time securing interpretation services. The stakes can be just as high on the civil side, she added, since litigants might be seeking a court order to escape an abuser or avoid eviction and homelessness.

The dream, Edmondson said, is to have statewide language access plans. In Georgia, which has a non-unified court system, she said that judges and court staff often

want to do the right thing, but don't always know how to start or who to call. In rural counties in particular, she said, courts might be dealing with language access issues for the first time. She also spoke about the misconception that bilingual attorneys could serve as court interpreters, noting that the work and ethical requirements of an advocate differ from interpreters.

Esther Yazzie-Lewis, a certified interpreter for Navajo-English interpretation in the U.S. District Court for the District of New Mexico, spoke about her experience growing up on a Navajo reservation and then becoming an interpreter for Navajo-speaking litigants. She said that interpreters often bring a cultural understanding that judges and lawyers can lack. "You have to have the passion to work with people at all levels," she said.

*National Law Journal photo by Zoe Tillman. From left, Judge Vanessa Ruiz, Christine Stoneman, Jana Edmondson, Patricia Griffin, and Esther Yazzie-Lewis.*

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Thank you Esther for representing us. I look forward to see you this year at the NM conference.

Magdalena Giró

Certified Court Interpreter

Las Cruces

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