



First Judicial District of Pennsylvania  
Court Reporter, Digital Recording and Interpreter Administration

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# LANGUAGE ACCESS PLAN

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Draft: 4.7.2014  
Revised: 5.30.2014  
Updated: 6.13.14  
Updated: 1.23.15

# The First Judicial District Language Access Plan

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# I. INTRODUCTION

This Language Access Plan outlines the First Judicial District of Pennsylvania's language access mission, initiatives, services, processes, and plans.

The First Judicial District's language access goal is to ensure that every individual receives equal service in spirit as well as law which it continually strives to achieve as evidenced by its commitment to providing services above and beyond legal requirements; the ongoing, 15-year collaboration with stakeholders to create innovative programs which benefit "limited English proficient" communities; an open and responsive planning process; and a vision for future action that seeks to transform the Court's culture and awareness in addition to providing outstanding services.

## A. Definitions

Court Operations – Offices, programs and services managed, controlled, contracted or funded by the court, other than court proceedings, with which the public, parties, or witnesses may have contact in connection with a potential or actual legal issue, claim, matter, or proceeding. Examples can include, but are not limited to, intake or filing offices, cashiers, records rooms, pro se clinics, and other similar operations.

Court Proceedings – Civil and criminal hearings and trials, including court-annexed processes or proceedings.

Interpreter- An individual who has received training in the skills of interpretation and can competently render a message spoken from one language into one or more other languages.

Limited English Proficient (LEP) – Individuals for whom English is not the primary language or who may have a limited ability to read, write, speak, or understand English, are limited English proficient, or "LEP."

Language Access Plan (LAP) – The plan is a management document that outlines how the court defines tasks, sets deadlines and priorities, assigns responsibility, and allocates the resources necessary to come into or maintain compliance with language access requirements.

Language Access Policies – Policies that set forth standards, operating principles, and guidelines that govern the delivery of language appropriate services in court proceedings and operations by the court and court staff.

Language Access Procedures – Procedures that specify for court staff the steps to follow to provide language assistance services, gather data, and deliver services to LEP individuals.

Language Assistance Services – Oral communication by competent bilingual staff or assisted by an authorized interpreter and written communication assisted by translation.

Provide/Provided/Providing an Interpreter – Means appointing an interpreter free of charge to an LEP individual.

Sight Translation – The reading of text written in one language by a competent interpreter who orally translates it into another language.

Translator – An individual who has received training in the skills of translation and can competently render written text from one language into one or more other languages.

Vital Documents – A document will be considered vital and need to be translated if it contains information critical for obtaining access to court or it is required by law. Some examples of vital documents that courts may need to translate to ensure that LEP individuals are provided meaningful access can include applications, court forms, consent or complaint forms, notices of rights, and letters or notices that require a response.

## B. The First Judicial District's Commitment to Language Access

"Language Access is a bottom-line issue."

-Janet Fasy, Deputy Court Administrator of the First Judicial District

All persons are entitled to equal, meaningful access to justice. Toward that end, the First Judicial District ("FJD") has undertaken multiple initiatives with various partners over the past 15 years. These initiatives have increased the quality, availability, reliability, and awareness of language access throughout the district. It is the FJD's goal to ensure that every individual receives equal service in spirit as well as law.

## C. Legal Basis and Purpose

### **LEGAL BASIS**

The First Judicial District must comply with both federal and state laws and regulations pertaining to language access.

Under federal law, programs receiving federal financial assistance are prohibited from discriminating against any persons based on their national origin or language. Therefore, limited English proficient individuals must have meaningful access to the judicial system.

Court administrators must also comply with requirements in both the Pennsylvania Consolidated Statutes and the Pennsylvania Code—the Commonwealth's administrative

regulations. These laws and regulations mandate minimum requirements for language access which the FJD is committed to exceeding.

### **Federal Law**

Section 601 of Title VI of the Civil Rights Act of 1964 provides that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”<sup>1</sup> On August 11, 2000, the President signed Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” which explicitly states that services inaccessible to LEP persons constitutes “discrimination on the basis of national origin in violation of title VI of the Civil Rights Act of 1964.”<sup>2</sup> Federal agencies were ordered to prepare language access plans, detailing steps the agency will take to ensure meaningful access to their services.

On June 18, 2002, the U.S. Department of Justice (“DOJ”) strongly recommended all recipients of federal DOJ funds to create language access plans<sup>3</sup> following the standards set forth prior in “Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance”, 65 Fed. Reg. 50123 (Aug. 16, 2000)<sup>4</sup>.

### **State Laws and Regulations**

The Pennsylvania Consolidated Statutes, 42 Pa C.S. § 4411 et seq., and § 4431 et seq.,<sup>5</sup> (“Pa.C.S.”) authorize court administrators in the Commonwealth to establish interpreter programs within their district, including testing and certification procedures for interpreters, fees for testing and certification, continuing education requirements, and reciprocity of certification among others. The court administrator must keep a roster of certified interpreters. If the presiding judicial officer determines that a principal party in interest or witness is LEP, a certified interpreter—who shall receive a reasonable fee—must be provided at cost to the county. Funding is provided by the General Assembly as available.

The Pennsylvania Code, 204 Pa. Code, Ch. 221,<sup>6</sup> is Pennsylvania’s administrative regulations relating to interpreters for LEP persons. It contains strict, detailed requirements for certification of interpreters, including an orientation workshop, exam requirements, and rules of professional conduct as well as disciplinary protocol.

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<sup>1</sup> 42 U.S.C. § 2000d.

<sup>2</sup> “Improving Access to Services for Persons with Limited English Proficiency.” Exec..Order No. 13,166, 65 Fed. Reg. 50119 at 1 (Aug. 16, 2000). Available at <http://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>.

<sup>3</sup> “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons”, 67 Fed. Reg. 41455 (June 18, 2002). Available at <http://www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf>.

<sup>4</sup> Available at <http://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20867.pdf>.

<sup>5</sup> Available at <http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&t1=42>.

<sup>6</sup> Available at <http://www.pacode.com/secure/data/204/chapter221/chap221toc.html>.

### Coverage

By state regulation, interpreter services must only be provided to LEP persons who are principal parties of interest, witnesses, or direct victims in a proceeding.<sup>7</sup> However, this rule does not provide for services during court operations (i.e. filing petitions, telephone or email correspondence, online materials) or for family members, who are neither victims nor witnesses, of a minor principal party of interest.

In accordance with regulation, the FJD provides interpreters to LEP persons in all civil, criminal, and municipal matters who are principal parties of interest, witnesses, or direct victims in a proceeding.

**However, the FJD is dedicated to providing access to the entirety of the court system because of the nature and importance of the services provided. As a result, it is the policy of the First Judicial District to also provide interpreters for direct family members (who are neither victims nor witnesses) in the audience of a proceeding for a minor who is a principal party of interest (i.e. juvenile delinquency). The FJD strongly believes that parents and legal guardians of minors should receive language services to understand proceedings which could significantly alter their children's lives.**

**In addition, language access services via an in-house interpreter, on the telephone, or by e-mail are available for all court operations. This includes individuals seeking directions or filing an emergency Protection From Abuse petition—a 24-hour-a-day service when court is closed. In short, language services are available for every person attempting to contact any one of the twelve locations covered by the FJD for any reason.**

**For the First Judicial District, given the unique importance of the Court's services and resources available, these policies most reasonably uphold and assert both the law and spirit of equal access.**

### Cost

The county or appellate court is required to cover the cost of language assistance in the following situations:<sup>8</sup>

- Principal party in interest – All proceedings
- Witnesses – Criminal or juvenile proceeding
- Deaf/Hard of Hearing – All proceedings

All other fees may be assessed at the discretion of the presiding judicial officer. However, fees which the county or court is required to cover may not be reassigned to a losing party or otherwise.

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<sup>7</sup> 204 Pa.Code § 201.

<sup>8</sup> 204 Pa.Code §§ 107-8.

Out of serious commitment to reasonable language access, the FJD does not charge for services in any court proceeding or court operation. All costs are assessed to the court budget.

### Assigning Interpreters

Remote interpretation is permitted in various forms, but the Pennsylvania Code requires that a certified or otherwise qualified interpreter must be sought prior to considering other forms of interpretation.<sup>9</sup>

If an in-person interpreter cannot be found, simultaneous audiovisual interpretation technology may be used including video-conferencing, closed-circuit television, or web-based cameras. However, the judicial proceeding must be non-evidentiary, expected to be no more than 30 minutes in duration, and may not involve more than one interpreter.

If in-person and audiovisual interpretation is unavailable, telephonic interpretation may be used under the same restrictions as those imposed on audiovisual interpretation. In the event that a certified or otherwise qualified interpreter is unavailable for telephonic interpretation, the court may utilize a commercial telephone interpreter service.

In certain proceedings, remote technology may be utilized initially without seeking to obtain in-person interpretation: preliminary arraignments pursuant to Rule of Criminal Procedure 540 and proceedings for emergency orders under the Protection From Abuse Act (23 Pa.C.S. § 6101 et seq.) and the Older Adults Protective Services Act (35 P.S. § 10225.101 et seq.).

The FJD adheres to these regulations in regard to assigning interpreters for proceedings. In-house interpreters assist in court operations where possible or certified or otherwise qualified telephonic interpreters are utilized.

### **PURPOSE**

Given the frequency of contact with and size and diversity of the LEP population which it serves, the FJD—a recipient of federal funds—takes seriously the DOJ’s strong recommendation to create and routinely update a language access plan. The purpose of this document is to provide a public framework for efficient, effective, and meaningful access to court services for people with limited English proficiency in the First Judicial District.

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<sup>9</sup> 204 Pa.Code § 104.

## D. History of Language Access in the First Judicial District

The Administrative Office of Pennsylvania Courts (AOPC) was established in 1969 as the administrative arm of the Pennsylvania Supreme Court. Within the AOPC is the Judicial Programs Department which operates an interpreters program for the benefit of non-English speaking and hearing impaired individuals during court proceedings. The program sets training, testing and certification standards for foreign language and sign interpreters.

The requirement for certified and otherwise qualified interpreters was a recommendation set forth in the *"Report on Racial and Gender Bias in the Justice System"*, issued in March 2003, by the Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness, a part of the Supreme Court of Pennsylvania. The enabling legislation, Act 172 of 2006, was passed by the General Assembly and signed by the Governor on November 29, 2006. Based on the best practice model established by the National Center for State Court's Consortium for Language Access in the Courts which Pennsylvania joined in September of 2004, the Supreme Court of Pennsylvania proactively charged the Court Administrator with the task of organizing and launching the Interpreter Certification Program (ICP) within the Judicial Programs Department of the AOPC.

The program's main goal is the creation of a statewide roster of qualified and certified interpreters and assisting the sixty judicial districts in the implementation of effective management strategies for providing interpreter services. This goal is achieved through the completion of a testing program to measure interpreter qualifications and skills, knowledge of the judicial system, and adherence to standards of professional conduct.

### **THE FIRST JUDICIAL DISTRICT'S UNIQUE INVOLVEMENT IN THE SUPREME COURT'S GENDER & BIAS STUDY**

At this juncture, a little background on the First Judicial District's unique involvement in studying the problem of language access will provide a historical perspective and an insight as to the FJD's continuing interest and demonstrated commitment to serving litigants with limited English proficiency.

### **AT THE INAUGURAL MEETING OF THE COMMITTEE, AN UNANTICIPATED SUBJECT IS RAISED**

In 1999, Chief Justice Stephen A. Zappala established the Committee on Racial & Gender Bias in the Justice System, which was chaired by Dean Nicholas P. Carfardi, who at that time, was the Dean of Duquesne Law School in Pittsburgh.

At the inaugural meeting, Commission member Judge Ida Chen, raised the importance of language access and respectfully inquired whether the Committee would study the issue.

Judge Ida Chen, a member of Philadelphia's Court of Common Pleas, was born in Hong Kong and immigrated to the United States. As a judge in the Family Court, she had encountered

numerous experiences with litigants, many of whom were self-represented, and possessed limited English speaking skills.

During the meeting, she reflected that judges in the First Judicial District, had, from time to time, addressed the issue of language access. Judges whom she recalled, had played a prominent role in ensuring that the court system employed full time interpreters in the Spanish language were: Judge Nelson Diaz, a former Administrative Judge of the Trial Division of the Court of Common Pleas and who also served on the Gender & Racial Bias Committee, and Judge Lydia Kirkland of the Philadelphia Municipal Court, to name just a few.

### **A WORKING COMMITTEE WITH EXPERIENCE REGARDING LANGUAGE ACCESS ISSUES WAS FORMED**

To study the language diversity of the courts and to find ways to address the barriers to equal access to justice, it was suggested by Judge Chen that a “Working Committee” be formed.

Realizing that she did not have the expertise to examine the many different facets of the language access issue, she nominated Deputy Court Administrator Janet Fasy, full-time Family Court Interpreter Osvaldo Aviles and Quan Pham, proprietor of the interpreter and translation company, Quantum, Inc., to serve on the Working Committee.

Judge Chen recalls that the following served with distinction on the Working Committee, which was chaired by Quan Pham:

- Osvaldo R. Aviles, Court Interpreter, Family Court
- Pedro Cortes, Esq., Executive Director, Governor’s Advisory Commission on Latino Affairs
- Janet Fasy, Deputy Court Administrator, First Judicial District
- Quan Pham, Interpreter & Proprietor, Quantum Inc.
- Art Read, Esq., General Counsel, Friends of Farm Workers
- Paul Uyehara, Esq., Senior Staff Attorney, Language Access Project, Community Legal Services
- \_\_\_\_\_ (others)

### **THE WORK OF THE COMMITTEE’S EXECUTIVE DIRECTOR WAS INSTRUMENTAL IN FORMULATING POLICY RECOMMENDATIONS & ACTIONS FOR IMPLEMENTATION**

Very importantly, the Working Committee was supported by the Committee’s Executive Director, Lisette McCormick, Esq., who deftly guided the Committee to its final

publication, a compendium of recommendations and suggestions for best practices in areas affecting gender, racial and ethnic fairness.

## **A REQUEST AT THE FINAL MEETING OF THE COMMITTEE TO PROMINENTLY POSITION THE ISSUE OF LANGUAGE ACCESS**

At the final meeting of the Committee on Racial & Gender Bias in the Justice System, Judge Chen respectfully requested that the chapter devoted to language access be designated as “Chapter 1”, to signal its importance within the panoply of significant legal issues addressed in the Final Report and to underscore the potential for achieving many of the recommendations cited in the report.

Chapter 1 of the publication, “Litigants with Limited English Proficiency”, provided a legal analysis of the barriers to equal access, public hearing testimony regarding the problems faced by non-English speaking litigants seeking their “day in court”, information contained in a survey conducted by the Pennsylvania Association of Court Managers (PACM), demographic and statistical data regarding the diversity of languages spoken in Pennsylvania, and very importantly, the findings and recommendations of the Committee.

It was noted on the last page of Chapter 1, “...the Committee acknowledges that the implementation of these recommendations is likely to be costly. Nonetheless, they are essential to providing equal access to justice to LEP individuals.” (See page 43 of the FINAL REPORT OF THE PENNSYLVANIA SUPREME COURT COMMITTEE ON RACIAL AND GENDER BIAS IN THE JUSTICE SYSTEM.)

## **HOW SERVICE ON THE WORKING COMMITTEE IMPACTED ITS MEMBERS**

Looking back at the FJD’s history of involvement during the developmental stages of addressing the issue of language access in the courts, it is easy to discern how the members of the Working Committee were impacted:

Oswaldo Aviles was subsequently appointed the Interpreter Program Administrator for the Administrative Office of Pennsylvania Courts, by the Supreme Court of Pennsylvania.

Pedro Cortes was appointed by Governor Ed Rendell as Secretary of State and was later appointed to the Interbranch Commission on Gender, Racial & Ethnic Bias. As the Interbranch Commission Chairman, he had the responsibility to oversee the implementation of Chapter 1, of the Final Report.

Paul Uyehara, Esq. is now an Attorney with the Coordination and Review Section of the Civil Rights Division of the U.S. Department of Justice where he is actively engaged in addressing issues concerning compliance with language access rules.

Art Read, General Counsel to Friends of Farm Workers, was awarded the Morris Dees Justice Award in 2007, in part, due to his work in advocating for the certification of court interpreters.

FJD Deputy Court Administrator Janet Fasy is currently part of a working group to support the building of a new Family Courthouse in Philadelphia and is exploring ways to install electronic apparatus to initiate video remote interpreting.

Quan Pham's company, Quantum Inc., has grown to support a large group of court and medical interpreters and is actively engaged in planning and sponsoring its own training programs with nationally acclaimed trainers, in order to deliver top-quality service.

Judge Ida Chen was appointed to the Interbranch Commission for Gender, Racial and Ethnic Fairness and served as the Chairwoman of the Interpreter Services Committee from 2005 – 2010. Working in collaboration with others, she designed the "Presenza Cue Card" to assist courtroom personnel in administering the oath to court interpreters (as required under the Pennsylvania Rules of Evidence) and devised a Bench Card for judges working with spoken language interpreters and sign interpreters.

## **II. NEEDS ASSESSMENT: Four-Factor Analysis Required By the Department of Justice**

In order to meet LEP requirements, the FJD must “take reasonable steps to ensure meaningful access to [its] programs and activities by LEP persons.” To determine what steps the FJD must take, the starting point is an individualized assessment of four factors identified by the DOJ. The self-assessment is designed for agencies to subsequently guide themselves in determining reasonableness and prioritizing initiatives on their own.

This LAP identifies the four factors in the following way:

- A. Demography: the number or proportion of LEP individuals eligible to be served or likely to be encountered;
- B. Frequency of Contact: the frequency with which LEP individuals come in contact with any and all stages of the court system;
- C. Importance: the nature and importance of the services provided by the courts to people’s lives;
- D. Resources: the resources available and costs to provide meaningful access for LEP individuals.

### **A. Demography**

Philadelphia is the 5<sup>th</sup> most populous city in the United States. As of 2012, the total population of persons over the age of 5 in Philadelphia was 1,440,213 with 312,193 people (21%) speaking a language other than English in the home. Of those, 141,031 people (9.8%) speak English less than “very well.”

In 2012, the total civilian, non-institutionalized population in Philadelphia was 1,532,578 which includes persons under the age of 5. Of those, 47,531 persons are estimated to have a “hearing difficulty” severe enough that qualifies for categorization in the ACS Disability Characteristics chart.

The combined populations of the Limited English Proficient and Hearing Impaired is 188,562 persons, about 12% of the total population, which are eligible to be served by or likely to come in contact with the First Judicial District of Pennsylvania.

The American Community Survey (“ACS”) from the U.S. Census Bureau analyzes demographics every year. Below are charts of Language Spoken at Home by Ability to

Speak English for the Population 5 Years Old and Over<sup>10</sup> and Disability Characteristics categorized as hearing difficulty in the total civilian, non-institutionalized population in Philadelphia County<sup>11</sup>.

Language Spoken at Home by Ability to Speak English for the Population 5 Years and Older (2012)	Philadelphia County, Pennsylvania
	Estimate
<b>TOTAL:</b>	<b>1,440,213</b>
<b>Speak only English</b>	1,128,020
<b>Speak a Language Other Than English</b>	312,193
<b>Spanish or Spanish Creole:</b>	147,091
Speak English less than "very well"	60,106
<b>French (incl. Patois, Cajun):</b>	8,887
Speak English less than "very well"	2,623
<b>French Creole:</b>	6,830
Speak English less than "very well"	2,346
<b>Italian:</b>	8,065
Speak English less than "very well"	3,093
<b>Portuguese or Portuguese Creole:</b>	5,819
Speak English less than "very well"	1,870
<b>German:</b>	2,718
Speak English less than "very well"	745
<b>Yiddish:</b>	570
Speak English less than "very well"	45
<b>Other West Germanic languages:</b>	257
Speak English less than "very well"	0
<b>Scandinavian languages:</b>	319
Speak English less than "very well"	90
<b>Greek:</b>	1,340
Speak English less than "very well"	373
<b>Russian:</b>	11,682
Speak English less than "very well"	7,229
<b>Polish:</b>	3,034

<sup>10</sup> LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER, (2012). available at

<sup>11</sup> DISABILITY CHARACTERISTICS, (2012), available at [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_12\\_1YR\\_S1810&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_S1810&prodType=table)

Language Spoken at Home by Ability to Speak English for the Population 5 Years and Older (2012)	Philadelphia County, Pennsylvania
	Estimate
Speak English less than "very well"	1,585
<b>Serbo-Croatian:</b>	368
Speak English less than "very well"	63
<b>Other Slavic languages:</b>	4,082
Speak English less than "very well"	1,643
<b>Armenian:</b>	51
Speak English less than "very well"	0
<b>Persian:</b>	798
Speak English less than "very well"	127
<b>Gujarati:</b>	2,599
Speak English less than "very well"	1,548
<b>Hindi:</b>	2,597
Speak English less than "very well"	293
<b>Urdu:</b>	1,545
Speak English less than "very well"	450
<b>Other Indic languages:</b>	5,912
Speak English less than "very well"	3,726
<b>Other Indo-European languages:</b>	7,136
Speak English less than "very well"	4,228
<b>Chinese:</b>	24,669
Speak English less than "very well"	16,303
<b>Japanese:</b>	271
Speak English less than "very well"	190
<b>Korean:</b>	3,702
Speak English less than "very well"	1,680
<b>Mon-Khmer, Cambodian:</b>	11,512
Speak English less than "very well"	6,604
<b>Hmong:</b>	0
Speak English less than "very well"	0
<b>Thai:</b>	1,434
Speak English less than "very well"	787
<b>Laotian:</b>	1,214
Speak English less than "very well"	613
<b>Vietnamese:</b>	15,014
Speak English less than "very well"	11,323
<b>Other Asian languages:</b>	6,617
Speak English less than "very well"	3,340
<b>Tagalog:</b>	3,442

Language Spoken at Home by Ability to Speak English for the Population 5 Years and Older (2012)	Philadelphia County, Pennsylvania
	Estimate
Speak English less than "very well"	1,224
<b>Other Pacific Island languages:</b>	1,125
Speak English less than "very well"	374
<b>Navajo:</b>	0
Speak English less than "very well"	0
<b>Other Native North American languages:</b>	0
Speak English less than "very well"	0
<b>Hungarian:</b>	144
Speak English less than "very well"	0
<b>Arabic:</b>	9,785
Speak English less than "very well"	2,727
<b>Hebrew:</b>	2,596
Speak English less than "very well"	694
<b>African languages:</b>	8,882
Speak English less than "very well"	2,903
<b>Other and unspecified languages:</b>	86
Speak English less than "very well"	86

Hearing Difficulty by Sex and Age for the Civilian Noninstitutionalized Population (2012)	Philadelphia County, Pennsylvania
	Estimate
<b>TOTAL:</b>	<b>1,532,578</b>
With a hearing difficulty	47,531
<b>MALE:</b>	<b>722,859</b>
<b>Under 5 years:</b>	54,761
With a hearing difficulty	550
<b>5 to 17 years:</b>	122,261
With a hearing difficulty	1,650
<b>18 to 34 years:</b>	217,246
With a hearing difficulty	3,214
<b>35 to 64 years:</b>	256,724
With a hearing difficulty	8,343
<b>65 to 74 years:</b>	41,541
With a hearing difficulty	3,500
<b>75 years and over:</b>	30,326
With a hearing difficulty	6,291
<b>Total Males With A Hearing Difficulty:</b>	<b>23,548</b>
<b>FEMALE:</b>	<b>809,719</b>
<b>Under 5 years:</b>	52,633
With a hearing difficulty	776
<b>5 to 17 years:</b>	118,487
With a hearing difficulty	808
<b>18 to 34 years:</b>	237,269
With a hearing difficulty	2,489
<b>35 to 64 years:</b>	291,457
With a hearing difficulty	6,907
<b>65 to 74 years:</b>	56,537
With a hearing difficulty	3,386
<b>75 years and over:</b>	53,336
With a hearing difficulty	9,617
<b>Total Females With A Hearing Difficulty:</b>	<b>23,983</b>

## ANALYSIS OF PHILADELPHIA'S LIMITED ENGLISH PROFICIENT POPULATION

The top ten languages with the highest number of limited English proficient individuals in Philadelphia (determined by population speaking English less than "very well"):

1. Spanish: 60,106 LEP individuals
2. Chinese: 16,303 LEP individuals
3. Vietnamese: 11,323 LEP individuals
4. Russian: 7,229 LEP individuals
5. Cambodian: 6,604 LEP individuals
6. Italian: 3,093 LEP individuals
7. Arabic: 2,727 LEP individuals
8. French: 2,623 LEP individuals
9. French Creole: 2,346 LEP individuals
10. Portuguese: 1,870 LEP individuals

Nine of the 2011 top ten are present on the 2012 list. The Italian-speaking LEP population more than doubled in size, making it the sixth largest LEP population in Philadelphia County and the only new listing from 2011.

The top four LEP populations in Philadelphia retained their positions from the 2011 census.<sup>12</sup> However, of these four, only the Spanish-speaking LEP population increased in size, gaining over 8,000 individuals, a 15% increase. The Chinese, Vietnamese, and Russian populations each decreased by at least 1,000 individuals.

The Cambodian and Arabic-speaking LEP populations increased in both size and ranking, previously the sixth and tenth largest populations, respectively. The Cambodian population almost doubled from 3,417 individuals to 6,604 currently making it the fifth largest LEP community in Philadelphia. However, the Arabic population has moved to rank seven due to a slight increase coupled with decreases in previously higher-ranked populations.

The Portuguese, French, French Creole, and Tagalog-speaking LEP populations all decreased in size and rank from last 2011. The Portuguese population dropped from rank five to ten, losing more than half its individuals while the Tagalog-speaking population dropped out of the top ten, also experiencing a large decrease. The French and French Creole populations decreased by smaller margins.

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<sup>12</sup> LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER, (2011). available at [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_11\\_1YR\\_B16001&prodTy=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_B16001&prodTy=table).

## B. Frequency of Contact

The First Judicial District tracks the number of requests for on-site interpreters and makes every effort to provide services to all limited English proficient persons. In 2013, there were a total of 3,181 requests for interpreter services.<sup>13</sup> The following list shows the ten most requested interpreters by language spoken:

1. Spanish: 591 interpreter requests
2. Vietnamese: 381 interpreter requests
3. Mandarin: 355 interpreter requests
4. Sign Language: 322 interpreter requests
5. Russian: 230 interpreter requests
6. Arabic: 159 interpreter requests
7. Cambodian: 136 interpreter requests
8. Cantonese: 121 interpreter requests
9. Korean: 117 interpreter requests
10. Creole: 90 interpreter requests

Except for Cambodian, Vietnamese, and Creole, all of the top ten languages experienced an increase in interpreter requests from 2012.<sup>1</sup> Most notably, there were 146 more requests for Spanish interpreters in 2013, a 33% increase. The most significant decrease was in Cambodian interpreter requests which dropped from 202 in 2012 to 136 in 2013.

Almost uniformly, interpreter requests for significant LEP populations in the First Judicial District increased regardless of changes in their respective LEP populations from 2011 to 2012. This indicates an increased frequency of contact between the court system and the LEP populations which it serves.

Sign Interpreter requests have also significantly increased. In 2012, the FJD handled 285 requests for sign interpreters at a cost of \$129,291.06 which increased in 2013 to 322 requests at a cost of \$166,733.41.

## C. Importance

The Department of Justice guidelines specify that “the more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed”.

The First Judicial District is also committed to serving the LEP population in all matters including criminal, domestic relations, municipal, civil, traffic, and behavior health issues because certainly, any court case must be considered “serious” to the individuals involved.

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<sup>13</sup> Inter 2012-LANG LIST, (2013)

Routinely, the First Judicial District provides nearly half of its 3,000 plus interpreter requests to the Criminal Justice Center where proceedings can result in exoneration or incarceration of a defendant. Literally, years of individuals' lives in terms of freedom and emotional well-being hinge on the services provided by the First Judicial District.

Juvenile and Domestic Relations matters like delinquency, custody, and Protection From Abuse also have significant, long-term consequences to LEP individuals. In addition to contact with a high volume of LEP individuals, Protection from Abuse matters are overwhelmingly handled by Self-Represented Litigants which poses a unique challenge for the FJD to serve its constituents.

The interactions which LEP individuals have with the First Judicial District are of the utmost importance and involve highly significant consequences.

## D. Resources

### **THE FIRST JUDICIAL DISTRICT UTILIZES INTERPRETER COMPANIES AND IN-HOUSE AND PER-DIEM INTERPRETERS**

The First Judicial District utilizes a combination of interpreter agencies such as Communication Connection, EZ Language, Language Service Associates, Quantum, and Deaf-Hearing Communication Center along with freelance/per diem interpreters to ensure the demand for foreign language and sign interpretation is met.

The First Judicial District has access to 151 interpreters registered with the Administrative Office of Pennsylvania Courts.<sup>14</sup> Of those, 50 interpreters are registered for American Sign Language. The interpreters are listed by the type of certification they possess, which is indicated by its abbreviation in parenthesis.

The remaining 101 interpreters are registered for one of the following 26 languages: Belarusian, Bengali, Cantonese, Mandarin, Shanghai Wu, Dari, Farsi, French, Gujarati, Haitian-Creole, Hindi, Italian, Kru, Marathi, Polish, Portuguese, Punjabi/Panjabi, Romanian, Russian, Spanish, Tagalog, Turkish, Ukrainian, Urdu, Vietnamese, and Wolof.

The FJD also employs four full-time, certified Spanish interpreters at its various courthouses.

**Leticia Nixon** is a full-time Spanish Interpreter II for the Criminal Trial Division. Born in Mexico City, Leticia has been an interpreter for over 26 years in Philadelphia. She is a certified court interpreter since 1994, and has been a Staff Interpreter of

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<sup>14</sup> [Administrative Office of Pennsylvania Courts Interpreter Certification Program Interpreter Roster](http://www.pacourts.us/assets/files/setting-3046/file-2488.pdf?cb=a9b9c6), available at <http://www.pacourts.us/assets/files/setting-3046/file-2488.pdf?cb=a9b9c6>.

the Philadelphia Court of Common Pleas since July 1990. She has experience in legal, medical, conference interpretation and translation. Also, Leticia Nixon has a BS in Communication from the Universidad Iberoamericana in Mexico City.

**Enrique Garcia** works in the Court of Common Pleas Criminal Division. He is certified through the National Center for State Courts' Consortium for Language Access in the Courts examination, and by the Administrative Office of Pennsylvania Courts for Spanish-English court interpreting since 2010. He is currently a staff interpreter for the First Judicial District of Pennsylvania, Court of Common Pleas. Previous experience includes freelance court interpretation in Chester County, Delaware County and Montgomery County in District Court and Court of Common Pleas for court proceedings and jury trials; as well as legal translation of court documents for FJD of PA. He has attended various workshops and national conferences in the fields of court interpreting and legal translation.

**Elizabeth Basulto Romero** has been a professional interpreter for the last seventeen years. She has been a Pennsylvania Certified Court Interpreter since 2007. She served as the Chief Interpreter for the Twenty Third Judicial District where she supervised Spanish and other language interpreters. While working for the Administrative Office of Pennsylvania Courts as the Interpreter Certification Coordinator she provided training and orientation to interpreters, magisterial district judges, court administrators and court personnel. In addition, she was responsible for implementing the testing of candidates of statewide certification. Ms. Basulto is currently working as a staff interpreter for the First Judicial District of Pennsylvania where she provides interpreting and translating services for the Municipal Court. During her tenure she assists in the Interpreter Shadowing Program and renders guidance to prospective court interpreters. Ms. Basulto graduated cum laude from Kutztown University where she earned a Bachelor of Science in Business Administration.

**Javi Aguilar** was born in Mexico City. He is a polyglot (English, French and Italian). He studied International Relations at the Universidad de las Américas (UDLA), in Puebla, México and immigrated to Philadelphia in 1987 to attend Drexel University, where he received a Bachelor of Science in Technical and Scientific Communication. Javi has also taught Spanish and English at his alma mater and at the Wharton School of Business. He also taught the Interpreter Training Program at the Lingual Institute in Philadelphia in two occasions. After 11 years of service as technical editor at Drexel University and Coordinator of a Computing Services Department, he joined F.J.D.'s Family Court as a full-time interpreter and translator in 2005. He is AOPC's Certified since 2010 and has attended continual education seminars for judicial interpreters offered by the Widener University's Law Center and other institutions. Javi is an expert at finding language equivalencies adhering to the spirit of the subject while keeping the register in its context, a true "interpreter whisperer" skill.

Deputy Court Administrator Fasy has also commenced a pilot program for recruiting bilingual employees to begin the interpreter certification process. Four employees have been personally recruited and division deputies are aware of the program for potential referrals. Currently, a Vietnamese probation officer is attending the Shadowing Program in preparation for the certification test and three court reporters (Chinese, Spanish, and Portuguese) have been given recruiting materials.

## **THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS IS A VALUABLE RESOURCE**

The AOPC website is a repository of statewide materials which have been translated into other languages and maintains the roster of interpreters authorized to work in the Pennsylvania Court System. The AOPC has also agreed to waive fees related to interpreter registration for FJD employees.

Since the beginning of its language access efforts, the FJD has worked closely with Osvaldo R. Aviles, Interpreter Program Administrator, Administrative Office of Pennsylvania Courts (AOPC), Supreme Court of Pennsylvania. If a certified interpreter cannot be found in Pennsylvania, Program Administrator Aviles directs the FJD to out-of-state resources.

## **AN INTERPRETER'S MANUAL FOR INTERPRETERS APPEARING IN PFA COURT IS ISSUED**

In 1994, Judge Ida Chen prepared the "INTERPRETER'S QUICK REFERENCE MANUAL FOR PROTECTION FROM ABUSE (PFA) CASES IN COURTROOM 3 OF FAMILY COURT", as a guide for interpreters appearing in her courtroom, located at 34 S. 11<sup>th</sup> Street.

Realizing that the literature in the field of domestic violence which suggests that domestic violence cuts across all cultures was accurately reflected in her caseload, Judge Chen prepared materials which provided information for interpreters (at a time when they were not required to be "certified interpreters").

The materials include a sample transcript of the judge's general instructions to the litigants and attorneys in interpreter cases, a glossary of legal terms utilized in PFA proceedings, a list of DO's and Don't's for Interpreters (prepared by Osvaldo Aviles), the sample *voir dire* for qualifying an interpreter, translated PFA orders, a sample transcript of the judge explaining the legal PFA procedures, and in more current editions of the manual, the AOPC REGULATIONS GOVERNING COURT INTERPRETERS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY AND FOR PERSONS WHO ARE DEAF AND HARD OF HEARING, along with the Rules of Professional Conduct for Judiciary Interpreters.

## **TRANSLATED DOCUMENTS**

The FJD and AOPC has access to a growing list of translated and bilingual documents which can be found at <http://www.pacourts.us/forms/for-the-judiciary/>. There are currently over 40 documents that have been translated, totaling several hundreds of pages of material.

## **FUNDING**

As a city service, the First Judicial District receives most of its funding from the City of Philadelphia. While the municipality's fiscal status has been uncertain in recent years, the First Judicial District has been fortunate enough to secure funding for all interpreter requests for witnesses, victims, parties, and immediate family of minor parties in juvenile or family court in addition to coverage for court operations.

However, absent monetary support from the community, Bar Association or State or federal sources, the FJD's language access programs and initiatives have been creatively funded. Court employees are not charged by the AOPC for interpreter orientation and testing required for certification and the FJD has collaborated with stakeholders to create programs which are supported by registration fees.

### **III. LANGUAGE ACCESS INITIATIVES**

Since 1998, the First Judicial District has collaborated with multiple organizations and entities on a variety of initiatives to increase the capacity of its language access program.

#### **A. Early Training Programs Conducted by the FJD**

##### **IN-SERVICE TRAINING WITH SIGN INTERPRETERS FEATURING MARIA LIBERTELLA FROM DEAF-HEARING COMMUNICATIONS CENTER, INC. (FAMILY COURT, 34 S. 11<sup>TH</sup> STREET, COURTROOM3, NOVEMBER 19, 1998)**

Maria Libertella provided information regarding the use of Sign Interpreters to the courtroom staff and chambers staff of Judge Ida Chen in Family Court, with regard to cases arising under the Pennsylvania Protection From Abuse Act.

##### **FJD'S COURT INTERPRETER ORIENTATION SEMINAR (SATURDAY, JANUARY 23, 1999)**

This was the first free training program presented by FJD Deputy Court Administrator Janet Fasy to support all interpreters in the Philadelphia area. It is estimated that more than 100 interpreters attended (some came from as far as Lancaster County). The FJD provided information regarding the various functions of the judicial system in Philadelphia, legal procedures, court forms and documents, a flow chart of case processing in the criminal courts, etc. The program featured full-time Judiciary Interpreter Frank Rivera, who supervised other interpreters. Moreover, Judge Ida Chen of Family Court made her presentation, "What a Judge Wants from the Court Interpreter".

##### **INTERPRETER ORIENTATION SEMINAR FOR DEPENDENCY COURT (SATURDAY, MARCH 22, 2003)**

A few years later, an attorney in the City Solicitor's Office, Stella Tsai, contacted Family Court Administrative Judge Myrna Field regarding interpreter issues with respect to dependency matters. (In dependency matters, parents and guardians are accused of abusing, abandoning and neglecting their children.) Thereafter, Judge Field contacted Judge Chen. After a series of meetings hosted by Family Court and attended by various attorneys practicing in the area of dependency law, DCA Fasy and Judge Chen organized a free training seminar for interpreters which featured a mock dependency trial. Judge Flora Barth Wolf, formerly with the Court of Common Pleas of Philadelphia County and now retired, appeared in the program. Mr. Osvaldo Aviles, who was serving as a full-time Judiciary Interpreter in Family Court, was the lead participant in the demonstration and he also provided direction and guidance throughout the mock trial. Attorneys from the Family Law bar also participated in the trial and Judge Chen spoke about her experiences and the mistakes she made, in working with interpreters.

## **ORIENTATION TO THE DOMESTIC RELATIONS BRANCH OF FAMILY COURT (SATURDAY, NOVEMBER 1, 2003)**

By 2003, the FJD was fully engaged in its role as a provider of training opportunities for interpreters throughout the Philadelphia region. In this free training program, Supervising Judge of Family Court Idee Fox, along with Judge Elizabeth Jackson and Judge Chen of Family Court, appeared to talk about their work (custody, child support, paternity, protection from abuse, etc.). Each judge mentioned the substantive and procedural aspects of their respective area of the law and provided a glossary of legal terminology that would be essential to any interpreter working in such a proceeding. The program also included a series of skits which demonstrated "best", as well as, "bad" practices. In particular, a few of the trial scenarios dealt with issues pertaining to ethics, as it relates to interpreters.

## **ETHICS FOR COURT INTERPRETERS (NOVEMBER 2005)**

This free FJD training program, conducted on a Saturday, was unique. In preparation for the program, an Ethics Code for Interpreters was drafted for the First Judicial District by Judge Ida Chen. Various scenarios involving judiciary interpreters were performed as skits. Program participants were involved in the role-playing and there were lively discussions regarding "best practices". Osvaldo Aviles, Interpreter Program Administrator for the AOPC spoke on the "importance of ethics" and also provided guidance throughout the session. The program culminated in a swearing-in ceremony, whereby Deputy Court Administrator Janet Fasy and Judge Chen asked the interpreters to commit to the FJD's Code of Ethics for Interpreters.

## **CIRCLES OF EXCELLENCE FOR COURT INTERPRETERS (SEPTEMBER 27, 2008)**

This free FJD training program, conducted on a Saturday, was attended by approximately 70 interpreters. It featured groups of interpreters meeting together to develop legal glossaries in their respective languages. The program was produced by Deputy Court Administrator Janet Fasy of the First Judicial District, in collaboration with the Interpreter Services Committee of the Pennsylvania Interbranch Commission on Gender, Racial and Ethnic Fairness, chaired by Judge Chen.

In particular, the program featured judges from the state administrative agencies and Family Court, providing an overview of the work of the state agency or court, legal terminology, court documents requiring sight translations, the Presenza Cue Card, and the distribution of written materials, such as, the "Interpreter's Quick Reference Manual for PFA Cases in Courtroom #3 (2008 revised edition)". Osvaldo Aviles of the AOPC spoke and Elizabeth Basulto from the AOPC, also attended, to provide information regarding the Pennsylvania certification process.

The judges who spoke were: Judge Tracy Henry, from the Pennsylvania Department of Welfare, Bureau of Hearings & Appeals, and Judge Janice Cohen, from the Pennsylvania Department of Labor & Industry, Unemployment Compensation Board of Review.

In early October of 2008, Aly Jean-Louis, an interpreter who attended the program, transmitted to DCA Fasy, a glossary which he prepared, of legal terms in French and Haitian Creole.

## B. Recent Collaborations with Widener University School of Law

The FJD has successfully collaborated with Widener Law School on numerous occasions to produce training programs for judiciary interpreters, as follows:

- What It Takes to Be A Certified Interpreter (Saturday, February 6, 2010)
- What It Takes to Be A Certified Interpreter in the Haitian Creole Language (Saturday, April 2, 2011)
- How to Prepare for the Written & Oral Exam for Court Interpreters in the Vietnamese Language (Saturday-Sunday, September 17-18, 2011)
- Composite Interpreter Training Program for the Arabic, Chinese, Korean, Russian and Spanish Languages (Saturday-Sunday, October 20-21, 2012)
- Regional Court Interpreter Skills Development Workshop with Widener University Law School (2013)

Last year, the FJD, partnered with Widener University Law School to produce a two-day, weekend training program (October 19-20, 2013) for interpreters.

Trainers from all over the country were invited to work with our local interpreters.

The 2013 program featured a collaborative effort on a "regional basis", whereby representatives of the various court administrations from Montgomery, York and Berks counties appeared to provide information regarding their language access programs.

In addition, Osvaldo Aviles of the AOPC provided important information regarding the certification process. Representatives from the PA Interbranch Commission on Gender, Racial and Ethnic Fairness; Quantum Inc.; Language Services Associates (LSA); and EZ Language also appeared and made presentations. Moreover, the Delaware Valley Translators Association (DVTVA), was also invited to address the class participants.

Approximately 55 registrants appeared and training was provided in five different languages: Khmer (the Cambodian language), Polish, Portuguese, Spanish, and Vietnamese. The "PROGRAM Agenda" is attached as Exhibit C.

For this program, Judge Chen produced a new book, "LANGUAGE ON DEMAND, a Practice Book for Interpreters Serving the Pennsylvania Courts".

The workshop included plenary instructional sessions and small group sessions where participants were separated by language for training with an expert interpreter in their respective language. Topics included technology training, advice from court administrators, interactive trial scenarios with a subsequent debriefing, sight translation, consecutive interpretation, and simultaneous interpretation.

The skills training program, designed to assist individuals in becoming certified court interpreters, was approved for the granting of Continuing Education Credits from the Administrative Office of Pennsylvania Courts ("AOPC") or the relevant state administrative body, if reciprocity is available.

### C. FJD Training with Court Personnel

There has been an effort to train court personnel and court officers:

#### **TRAINING WITH COURT OFFICERS & COURT CRIERS OF MUNICIPAL COURT (2007)**

In 2007, the training of court officers in municipal, family, and juvenile courts was a pilot program for using the Presenza Cue Card and how to utilize interpreters in the courtroom. Afterwards, the Presenza Protocol was designed with help from the court supervisors and court officers who gave suggestions based on individual courtroom needs. Collaboration between administration and court staff created "buy-in" from both parties, increased the effectiveness of the protocol, and opened future communication between stakeholders in the case of future challenges.

#### **TRAINING ON BILINGUAL PFA FORMS IN FAMILY COURT (2012)**

[To be completed]

### D. FJD's Participation in Training Programs for Judges

The FJD has conducted training programs for judicial officers:

- New Judges Training (Philadelphia Court of Common Pleas, January 6, 2004)
- Working with Diversity in Family Court (Philadelphia Court of Common Pleas, March 31, 2005)
- Education Conference for Municipal Court Judges: Working with Interpreters (2005)
- Education Conference for Municipal Court Judges: Working with Sign Interpreters (2007)
- The Language of Justice (PA Conference of State Trial Judges, 2007)
- Working with Sign Interpreters in the Courtroom (PA Conference of State Trial Judges, 2009)
- Working with Interpreters for Traffic Court Judges (Harrisburg, Spring, 2012)

-Lost in Interpretation: Language Access in the Pennsylvania Courts (PA Conference of State Trial Judges, July 25, 2013)

## E. Presenza Protocol and Cue Card

In 2007, the FJD created the Presenza Protocol (Exhibit A) and Presenza Cue Card (Exhibit E)—aids for dealing with interpreters at judicial proceedings. The Presenza Protocol is a six-page document with step-by-step instructions in best practices for judges, court officers, court criers, and judicial tipstaff. It was created in collaboration with FJD court supervisors and officers. The cue card is the size of an index card and intended to assist court personnel. The oath which interpreters must take before translating in court is on the front. Contact information for requesting interpreter service is on the back.

The Presenza materials were last updated in 2014 and have been distributed at the New Judges' School after judicial elections.

## F. Deputy Court Administrator Fasy - Speaking Engagements, Training, and Consulting

For over 10 years, Deputy Court Administrator Fasy has been dedicated to the dissemination of Language Access regulations and best practices throughout the Commonwealth. The Deputy Administrator has given testimony in front of the State Senate; conducted workshops for the Pennsylvania Association of Court Managers; and performed training at separate conferences for judges at the annual Statewide Judges' Conference, traffic judges, incoming judges, incoming court administrators, municipal judges, and the family law section of the Philadelphia Bar Association.

The Deputy Administrator was also a consultant on Language Access issues to the Pennsylvania Supreme Court's Committee on Racial and Gender Bias in the Judicial System in 2003 which produced a 550+ page report as well as the "Working Committee" convened by the Honorable Judge Ida Chen, Court of Common Pleas.

## G. Translation of Documents

The FJD has undertaken three rounds of document translation: in 2006, 2010, and 2013.

In 2006, the FJD began translating the Final Protection From Abuse Order (family court) into the top five most requested languages: Khmer (Cambodian), Chinese, Russian, Spanish, and Vietnamese. The Honorable Judge Ida Chen worked with translators as the legal editor to ensure that the legal nuances of every word was accurately translated.

In 2010, the protective order (criminal court) was translated in the same five languages. Currently, there are three different versions of a bilingual criminal protective order in five languages: Chinese, Cambodian, Russian, Spanish, and Vietnamese.

In 2013, several domestic family, traffic, municipal court civil, and criminal documents were translated in the five languages, most often requested by litigants.

The translated forms can be found at <http://www.pacourts.us/forms/for-the-judiciary/>. On this page are widely used forms including those for filing civil complaints, private criminal complaints and notices of settlement when cases are privately resolved.

There are bilingual Protection From Abuse forms in 11 different languages: Arabic, Chinese, French, Haitian, Cambodian, Korean, Polish, Portuguese, Russian, Spanish, and Vietnamese.

## H. FJD Translation Style Manual Created 2009 by The Honorable Judge Ida Chen (Exhibit B)

On July 29, 2009, The Honorable Judge Ida Chen initiated the creation of the "Style Manual for the Translation of Legal Documents" which documents the FJD's best practices. The manual is the result of collaboration by court administrators (Deputy Court Administrator Fasy and Administrative Officer DiPrimio), Quantum interpreting service, and Judge Ida Chen.

The manual provides guidelines and suggestions for the use of parallel translation versus consecutive translation; bold print; "fill-in" lines; names of government officials or judges appearing on documents; appearance of the name of the translating company and date; use of all capitals; designation numbers and dates; and translation suggestions specific to certain languages.

## I. Staff Training for Court Officers in Municipal, Family, and Juvenile Courts

The training of court officers in municipal, family, and juvenile courts was a pilot program for using the Presenza Cue Card and how to utilize interpreters in the courtroom. Afterwards, the Presenza Protocol was designed with help from the court supervisors and court officers who gave suggestions based on individual courtroom needs. Collaboration between administration and court staff created "buy-in" from both parties, increased the effectiveness of the protocol, and opened future communication between stakeholders in the case of future challenges.

## J. FJD's Shadowing Program



Pictured: The Honorable Judge Ida Chen with alumnae and alumni from the 2013 Shadowing Program

In 2011, under the leadership of Deputy Court Administrator Fasy, the FJD started the Shadowing Program. This program prepares interpreters for certification with practical knowledge and experience that is only available in the courtroom. Enrollees also benefit from access to the judiciary, court administrators, and various department representatives that utilize interpreters.

Designed for 12-15 participants, the program participants gather one morning a month over the course of seven months, usually shadowing one of the FJD's full-time court interpreters. Essentially, the interpreter "shadows" the experienced Judiciary Interpreter from 9:00 AM to 12 Noon, in the criminal courts the first month, and then in Family Court, the following month (for a period of eight months). After the morning session, all the interpreters meet for a luncheon seminar where different subjects are covered (ethics for interpreters, interpreting for the senior citizen in criminal matters, how to interrupt and "correct" a judge, etc.). These seminars are led at different times by representatives from various organizations including the judiciary, the AOPC, FJD administration, the Defenders Association, and interpreters.

The 2014 program is held on the first Thursday of each month and began in March. The Honorable Judge Ida Chen welcomed the interpreters and Magdaliz Roura, an alumna of the program, imparted her experiences and tips for success. The draft program agenda is attached as Exhibit D.

### **Update (1.23.15): THE CLOSING CEREMONY FOR THE FIRST JUDICIAL DISTRICT'S 2014 SHADOWING PROGRAM WAS HELD AT THE NEW FAMILY COURTHOUSE**

The closing ceremony for the First Judicial District's 2014 Shadowing Program was held on Thursday, December 11, 2014, in the large Training Room of the New Family Courthouse in Philadelphia. Located on the top floor of the sparkling, new building with a view of the City that stretches to the Delaware River, the event was a marked occasion.



Pictured: Attendees of the 2014 Shadowing Program Closing Ceremony

Administrative Judge Margaret Murphy further elevated the event by welcoming the Shadowing Program participants and collaborators to the new courthouse with inspiring keynote remarks. Judge Murphy's speech underscored how seriously the FJD regards language access and provided another example of administrators who truly understand the issue.

Deputy Court Administrator Janet Fasy conducted the event, welcoming the distinguished guests who included Administrative Judge Margaret Murphy; Deputy Court Administrator Mary Lou Baker; Coordinator of Access Mary Vilter, AOPC; Interpreter Program Administrator, Osvaldo Aviles, AOPC; and Quantum CEO, Quan Pham. DCA Fasy then reviewed some of the significant achievements of the eight-month program and presented Certificates of Completion to the 13 program participants.

In addition, Judge Chen and Janet Fasy presented the inaugural "GRACIAS" awards in recognition of extraordinary service to the Shadowing Program.

Recipients included the three full-time interpreters for the FJD who volunteered their time to mentor program participants: Javi Aguilar, Elizabeth Basulto, and Enrique Garcia.

The final recipient of a "GRACIAS" award was Tony Guerra, President of the DVTA, whose collaboration with the FJD has been vital to the success of the program.



Pictured (from left to right): Judge Ida Chen, Court Interpreter Javi Aguilar, Deputy Court Administrator Janet Fasy, and Administrative Judge Margaret Murphy

## K. Pilot Program for Bilingual Court Employees

Deputy Court Administrator Fasy has successfully commenced a pilot program for recruiting bilingual employees to begin the interpreter certification process. This program increases the pool of reliable interpreters with American English accents.

Four employees have been personally recruited and division deputies are aware of the program for potential referrals. Currently, a Vietnamese probation officer is attending the Shadowing Program in preparation for the certification test and three court reporters (Chinese, Spanish, and Portuguese) have been given recruiting materials.

Osvaldo R. Aviles, Interpreter Program Administrator, Administrative Office of Pennsylvania Courts (AOPC), Supreme Court of Pennsylvania has waived orientation, registration, training and test fees for employees. Once certified, employees will use vacation time to interpret at court during times of need, earning the market hourly rate for certified interpreters of their language.

This program is challenging to implement because employees must pursue subsidized certification in addition to their normal duties. Administrators must also consider potential candidates on a case-by-case basis because some supervisors may be reluctant to accept outside obligations.

## **IV. OUTREACH AND COLLABORATION WITH LEP COMMUNITIES AND STAKEHOLDERS**

### **A. Community Outreach**

The First Judicial District is dedicated to serving the community of Philadelphia and raising awareness of its language access resources. All translated documents, including bilingual translator request forms, can be found online. Since posting the latest translated documents in 2013, two website corrections have been made and the request form has been updated.

In addition, Deputy Court Administrator Fasy gives language access updates and materials to “front-line” organizations who represent LEP communities within the district. These include Community Legal Services, Women Against Abuse, Asian-Pacific American Bar Association of PA, and all agencies represented in the Philadelphia Bar Association Task Force.

### **B. Collaboration with Stakeholders**

The First Judicial District is very proud of its strong relationships and successful collaborations with a large number of community stakeholders which have created a strong foundation for bettering the ability to deliver quality language access services.

#### **COLLABORATION WITH AN ACADEMIC PROVIDER, WIDENER UNIVERSITY SCHOOL OF LAW, TO ADDRESS THE NEED FOR INTERPRETER TRAINING**

At the outset, when Act 172 of 2006 was passed by the state legislature, the First Judicial District realized that although there were plenty of interpreters working in the courts and in the medical field, there really weren't enough certified interpreters to support the courts.

On March 20, 2008, Judge Ida Chen met with Dean Linda Ammons of Widener University School of Law to discuss a long term project with respect to interpreter training programs and the establishment of a scholarship fund for interpreter students.

#### **A ROUND TABLE DISCUSSION SPARKS A JOINT INITIATIVE**

Thereafter, on March 28, 2008, under the leadership of Deputy Court Administrator Janet Fasy, the First Judicial District convened a “Round Table” discussion with regard to the sharing of information and resources to support an academic training program for language interpreters at Widener Law School.

Those in attendance were:

Deputy Court Administrator Janet Fasy, who recommended training in substantive areas of law and legal procedure and the establishment of opportunities for interpreter students to observe in court.

Osvaldo R. Aviles, Interpreter Program Administrator, AOPC, Supreme Court of Pennsylvania, who recommended special areas of skills training (consecutive interpreting, simultaneous interpreting, sight translation, Rules of Professional Conduct for Judiciary Interpreters, etc.) and identified potential trainers.

Lisette McCormick, Esq., Executive Director, Pennsylvania Interbranch Commission for Gender, Racial & Ethnic Fairness, who offered support in conducting research and program planning.

Lazar Kleit, a member of the Interpreter Services Committee of the Interbranch Commission, who provided insights regarding the demographic diversity reflected in Philadelphia, based on his experiences and expertise as the former Executive Director of the Philadelphia Commission on Human Relations.

Also in attendance were two administrators from the Legal Education Institute of Widener University School of Law, who discussed the possibility of establishing courses (similar to their Paralegal Studies program) for training court interpreters (both spoken language and sign interpreters).

Working with Margaret O'Neill, Esq., Special Projects Coordinator for the Legal Education Institute, and Assistant Dean Eileen Grena of Widener Law School, the First Judicial District provided input in devising a curriculum for interpreter training.

Deputy Court Administrator Janet Fasy and Judge Ida Chen appeared at the initial training programs to provide information to the class participants regarding the work of the courts.

## **WIDENER LAW SCHOOL RECEIVES THE GAVEL AWARD FROM THE INTERBRANCH COMMISSION**

In 2008, at the urging of the First Judicial District, Widener Law School established an eight-month certificate training program for interpreters. That year, the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness presented their "Gavel Award" to Widener Law School for reaching this level of service in providing interpreter training for those seeking to pass the interpreter certification exam.



Pictured from left: Peggy O'Neill, Legal Education Institute special projects coordinator; Pennsylvania Court of Common Pleas Judge Ida Chen; Law Dean Linda L. Ammons; Pennsylvania Chief Justice Ronald D. Castille; Widener Assistant Dean Eileen Grena, who directs the Legal Education Institute.

### **A COLLABORATION WITH THE EXISTING INTERPRETERS' ASSOCIATION WAS MUTUALLY BENEFICIAL**

The Delaware Valley Translators Association (DVTA), the only chapter of the American Translators Association (ATA) in Pennsylvania, was another external collaborator which the First Judicial District cultivated.

In 2011, the First Judicial District reached out to the DVTA leadership and hosted an informal luncheon. During the luncheon, there was discussion as to how the Philadelphia courts and the DVTA could work together, to provide mutual support. The parties found that this was a good fit. They shared many common goals and objectives.

### **THE FJD'S SHADOWING PROGRAM PROVIDES OPPORTUNITIES FOR EXPERIENTIAL LEARNING TO COMMUNITY INTERPRETERS**

For example, when the First Judicial District began an initiative to allow interpreters to "shadow" its full-time Judiciary Interpreters, the First Judicial District asked the DVTA to recommend their members for this opportunity. Commenced in 2011, the First Judicial District's Shadowing Program provided an opportunity for free training.

The Shadowing Program provided DVTA an opportunity to build their capacity and to attract and grow their membership. Moreover, through this program, DVTA could build a bridge to the courts and establish a working relationship with court administration.

Thereafter, Judge Chen appeared as a speaker at DVTA's annual meeting in December of 2012 and subsequently, Deputy Court Administrator Janet Fasy appeared at DVTA's annual meeting in November of 2013. More recently, Judge Chen attended the DVTA's annual Sunday brunch in March of 2014, to learn about issues and concerns with respect to interpreting in the Philadelphia courts.

Since 2011, a DVTA representative has been invited to participate in the various training programs conducted by the First Judicial District, on weekends.

### **KEEPING INTERPRETER AGENCIES ENGAGED & INVESTED IN ONGOING TRAINING FOR THEIR INTERPRETERS**

Another group of stakeholders which the First Judicial District worked with consisted of the three agencies which held contracts for spoken language services: EZ Language, Language Services Associates (LSA) and Quantum, Inc. Each organization was asked to participate in the various training programs which were hosted annually by the First Judicial District and conducted on the weekends, by sending their freelance interpreters to attend the training sessions and by having the agencies' representatives appear as panelists, presenters or demonstrators.

### **FJD REACHES OUT TO THE BAR ASSOCIATION TO ENGAGE ATTORNEYS IN THE PROCESS OF PROVIDING LANGUAGE ACCESS FOR THEIR CLIENTS**

Attorneys play a vital role in delivering equal access to justice when interpreters are involved. Because of the frequent utilization of interpreters in Philadelphia's Family Courts, the First Judicial District partnered with the Family Law Section of the Philadelphia Bar Association on November 1, 2010, to conduct a special one-hour luncheon program (one CLE credit was granted) for family law practitioners, on the use of interpreters in court proceedings.

The presentation panel included Leonard Rivera, Esq., who chaired the event, along with Deputy Court Administrator Janet Fasy, Interpreter Program Administrator Osvaldo Aviles, Family Court Judge Ida Chen and several distinguished attorneys from the Family Law Bar, including: Deborah Culhane, Esq.

### **THE DISTRICT ATTORNEY'S OFFICE AND THE DEFENDER ASSOCIATION PROVIDE A UNIQUE PERSPECTIVE & VALUABLE INSIGHTS**

Due to the heavy usage of interpreters in the criminal courts, the First Judicial District has invited representatives of the Philadelphia District Attorney's Office and the Defenders Association of Philadelphia to assist in various interpreter training programs.

For example, on September 17, 2011, the Philadelphia District Attorney's Office was asked to send a speaker to an interpreter training program conducted by the First Judicial District in collaboration with Widener Law School, "How to Prepare for the Written and Oral Exam for Court Interpreters in the Vietnamese Language". Mr. Loi Ma, whose work for the District Attorney's Office consists of outreaching to members of the Vietnamese community,

provided a keen insight on issues pertaining to language and cultural competence, as they relate to court interpreters in criminal proceedings.

In particular, the Defenders Association of Philadelphia has accepted the invitation of the First Judicial District to present information at the Shadowing Program, scheduled for Thursday, July 10, 2014, on “What Interpreters Should Know About Interpreting in Criminal Court”.

**Update (1.23.15): JUDGE CHEN REPRESENTS THE FJD IN A PANEL PRESENTATION—“HOW TO WORK WITH YOUR LOCAL COURTS”—AT A NATIONAL TRANSLATORS CONFERENCE**

In Chicago, from November 5<sup>th</sup> to November 8<sup>th</sup>, 2014, the American Translators Association (ATA) held their 55<sup>th</sup> annual, national translators’ conference.

On Saturday, November 8<sup>th</sup>, Judge Chen participated in a panel presentation entitled, “How to Work with Your Local Courts.”

Panelists included Judge Ida Chen, Court of Common Pleas; Tony Guerra, President, Delaware Valley Translators Association (DVTA); and Magdaliz Roura, Interpreter & Trainer, Alumna of the 2013 FJD Interpreter Shadowing Program. (Janet Fasy, Deputy Court Administrator, FJD was originally scheduled to appear as a panelist but was not able to attend due to her key role in the opening of Philadelphia’s new Family Courthouse.)

The session detailed how a relationship between the FJD and DVTA helped both entities build capacity, collaborate on programs, and support each other.

Judge Chen explained why reaching out to DVTA was the key to a successful language access program—the innovative Shadowing Program. Judge Chen also shared strategies that have resulted in mutually beneficial outcomes for both organizations with an emphasis on the fact that courts, working alone, cannot guarantee access to justice.

President Guerra described how working with court administration helped the DVTA meet the needs of some of its members, praising the Shadowing Program and recommending that other jurisdictions attempt to set up similar programs.

Magdaliz Roura, an alumna of the inaugural Shadowing Program in 2013, shared some of the insights and experiences that could not have been gained in a classroom.

**Update (1.23.15): CONSULTATIONS WITH WIDENER SCHOOL OF LAW TO ESTABLISH A MORE ROBUST CURRICULUM & PROGRAM FOR EDUCATING & TRAINING INTERPRETERS**

The FJD has conducted a series of meetings with its longstanding partner in language access, Widener University School of Law, about the possibility of researching and exploring different training and academic models for court interpreters.

The FJD’s vision has the potential to help interpreters throughout the region prepare for and pass state interpreter certification tests. In addition, interpreters could receive Continuing Education credits and maintain their current certification.

A luncheon meeting was held on Wednesday, July 30, 2014 to discuss program requirements and feasibility from a financial perspective. In attendance were Deputy Court Administrator Janet Fasy, FJD; Judge Ida Chen, Court of Common Pleas; Nicole Ballenger, Esq., Director, Widener University Law Center, Legal Education Institute; and Dean Andrew Strauss, Associate Dean for Faculty Research & Strategic Initiatives, Widener School of Law.

A conference call was held on Thursday, September 25, 2014 to further discuss program requirements and feasibility and possible program grants. In attendance were DCA Fasy; Judge Chen; Nicole Ballenger, Esq.; Dean Strauss; and Benjamin Tilghman, Esq., Research Specialist, FJD. During this meeting, the FJD presented its grant research while Widener University shared the initial details of its proposed academic model.

A second conference call was held on Tuesday, January 13, 2015 to discuss administrative details. In attendance were DCA Fasy; Judge Chen; Benjamin Tilghman, Esq.; Nicole Strauss, Esq.; Dean Strauss; Laurie Grant, Assistant Vice President, Development & Alumni Relations, Widener School of Law; and Robyn Ray, Development Communications Manager, Widener School of Law. Widener University's Dean has approved of the joint plan to attempt to grow and expand a robust academic program for interpreters. Technical and administrative details were discussed.

**Update (1.23.15): DEPUTY COURT ADMINISTRATOR JANET FASY AND JUDGE IDA CHEN PARTICIPATE IN THE ANNUAL MEETING OF THE DELAWARE VALLEY TRANSLATORS ASSOCIATION (DVTA)**

DCA Fasy and Judge Chen, both dues-paying members of the DVTA, attended the organization's annual meeting on Thursday, December 11, 2014 at the Cast Iron Building located at 718 Arch Street in Philadelphia.

The DVTA invited DCA Fasy and Judge Chen to make remarks about the ongoing and very successful collaboration between the courts and their interpreter organization. The collaboration has been a benefit to both the FJD in its language access programming and the DVTA in providing services to its members.

Janet Fasy spoke to the membership about the FJD's 2015 Interpreter Shadowing Program, which seeks to build on the successes of past years which include observing real, certified court interpreters during proceedings; the opportunity to communicate with court administrators from various counties; and learning from a judge about court procedure and etiquette.

## V. CURRENT LANGUAGE ACCESS SERVICES

### A. "I Speak" Poster and Cards

For the past five years, every courthouse in the First Judicial District has at least one prominently displayed a large, framed "I Speak" poster. LEP persons can use the poster to identify their language to an employee. In addition, the posters alert LEP persons about the availability of language resources in a quick and easy manner.

This is particularly important for self-represented litigants who may be filing petitions under extreme circumstances. For example, when courts are closed, Pennsylvania mandates twenty-four hour coverage for petitioners filing under the Protection From Abuse Act. Very frequently, self-represented litigants who have suffered from an abusive incident during twilight hours must file legal paperwork at the Criminal Justice Center. In this extraordinary circumstance,

Stand-up displays of the "I Speak" card are positioned on all information counters with approximately 15 languages. In addition, counters are equipped with brochures that contain approximately 40 different languages.

See Exhibit G for photos of "I Speak" posters in the courthouses.

### B. Online Resources

All bilingual documents and forms are available on the First Judicial District's website and the employee Intranet.

Forms for traffic and family court that appear in a side-by-side translation format were designed for ease of use for employees and enforcement officers. When employees type information into the English portion of these electronic documents, the information automatically populates onto the foreign language portion.

Side-by-side translation also allows both the LEP individual and any enforcement officer to understand the document which results in accurate enforcement of an LEP individual's rights.

### C. Interpreters

The First Judicial District utilizes the services of full-time interpreters, contracted interpreter services, and on rare occasion, per diem interpreters.

## **AOPC EMPLOYS A TIERED INTERPRETER CREDENTIALING SYSTEM**

All interpreters in the Commonwealth of Pennsylvania undergo the same tiered credentialing process. Interpreters who do not attain the highest level—Certified—may still qualify to serve as a translator, telephonic interpreter, or in court operations and lesser proceedings. This rigorous system ensures provision of high quality service to LEP individuals.

### **THE PROCESS OF CERTIFICATION<sup>15</sup>**

An AOPC certified interpreter has reached the highest level of credentialing in Pennsylvania. Only certified interpreters should be used in felonies; cases where the life, long-term liberty, or property of the defendant is at stake; and jury trials.<sup>16</sup>

Eight requirements must be completed before certification. Interpreters must complete: program registration, orientation workshop, written examination, oral proficiency examination, pass a background check, agree to uphold the interpreter rules of conduct and professional responsibility, be at least 18 years of age, and pay any fees required by the court administrator.

### **ORIENTATION WORKSHOP<sup>17</sup>**

The orientation workshop is a two-day training session hosted by the AOPC's Interpreter Certification Program which is offered two times a year.

Interpreters learn about the Pennsylvania Judicial System, interpreting skills, and modes of interpretation. They receive preparation and materials helpful for passing the written and oral examinations. Ethics and professional development are also emphasized because of the important and sensitive nature of court functions.

Candidates may not take the written or oral examinations before completing the orientation workshop.

### **WRITTEN EXAMINATION<sup>18</sup>**

Once candidates complete the orientation workshop they mail register for the two-part written examination. The multiple choice portion contains 135 questions which measure entry-level knowledge of English vocabulary, common words and phrases likely to be heard in court, the typical progression of cases through the court system, and provisions of a code of professional conduct. The test must be completed in two hours and 15 minutes. A score of 108 out of 135 is needed to pass.

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<sup>15</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-certification>

<sup>16</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-roster>

<sup>17</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-certification/orientation-workshops>

<sup>18</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-certification/written-examination>

Speakers of languages for which there is no full or abbreviated oral exam and sign language interpreters are exempt from the language assessment exercise which is administered immediately after the multiple choice portion. The assessment consists of translating 10 items from English into the candidate's language within one hour. Candidates are rated on a pass, borderline, or not pass scale and must pass the assessment in each language for which they intend to interpret.

Candidates who do not pass the multiple choice exam must wait at least eight months before they may register again and the language assessment is not graded. Those who pass the multiple choice portion, but do not pass the language assessment must wait six months to retake the assessment. Candidates may not take the same version of the test more than twice and the APOC recommends that candidates do not take the same test more than once in a calendar year.

In lieu of the language assessment, sign language interpreters must pass the CDI knowledge test in either its written or signed version. They must then pass the CDI performance test within five years in compliance with RID requirements. Interpreters are responsible for notifying the program each time they register for a test and the subsequent results. Interpreters who already hold a CDI from RID are exempt from the written exam, and those who have passed the knowledge test must provide evidence to the program. However, all candidates must complete the CDI performance test requirements within RID guidelines.

## **ORAL PROFICIENCY EXAMINATION<sup>19</sup>**

Once candidates complete the orientation and pass the written exam, they are eligible to take the oral proficiency exam for their language. Generally, an oral proficiency examination has three parts: simultaneous, consecutive, and sight. Procedures for languages with an abbreviated oral proficiency exam are the same as languages with a full examination.

First, candidates must pass the simultaneous portion of the exam and must then take the other two parts within one year. To become certified, the candidate must receive a 70% or higher on all three parts. However, candidates that do not qualify for certification but score above 60% on all three parts are listed on the roster as qualified interpreters. Qualified interpreters may work in limited types of cases while waiting to retake the tests to achieve certification. Only certified interpreters should be used in felonies; cases where the life, long-term liberty, or property of the defendant is at stake; and jury trials.<sup>20</sup> Test scores are valid for two years but candidates may not take the same version of the test more than two times and must wait for at least 10 months before retaking it.

For languages with no oral proficiency test, candidates must take an Oral Proficiency Interview (OPI)—if one exists—and the Versant spoken English language test no later than six months after passing the written exam.

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<sup>19</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-certification/oral-proficiency-examination>

<sup>20</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-roster>

The OPI was developed by the American Council on the Teaching of Foreign Languages and is administered by Language Testing International. The test evaluates the oral communication skills of candidates in over 50 languages. A recorded telephone interview is blindly rated by two ACTFL Certified OPI Testers, whose independent ratings must agree before an official rating is released.<sup>21</sup> Candidates must earn a rating of “superior” which requires the ability to communicate with accuracy and fluency in a variety of topics without unnaturally lengthy hesitation.

The Versant spoken English language test is an automated test administered by Pearson. The candidate responds to prompts over the telephone which are automatically recorded and scored. The candidate must receive a combined score of 47 in the areas of reading, sentence construction, vocabulary, fluency, pronunciation, and overall comprehension.

Sign language interpreters must pass a multiple choice exam and provide proof of certification by the Register of Interpreters for the Deaf (RID) or the National Association of the Deaf (NAD). A copy of a certificate and a valid active membership card or letter from RID or NAD certifying both the results of the proficiency exam and status. In addition, the candidate must hold a relevant certificate for legal interpretation as determined by the Court Administrator.

## **RECERTIFICATION**

Once certified, all interpreters must renew their certification every two years from the date they completed all certification requirements and were placed on the roster. To renew their certifications every two years, interpreters must complete 16 continuing education credits, undergo a new background check, and be in good standing with the program.

## **OTHERWISE QUALIFIED INTERPRETERS**

If a certified interpreter is not available, the court is authorized to use an otherwise qualified interpreter. The presiding judicial officer shall determine the interpreter’s qualifications by conducting a *voir dire* and determining that the interpreter has read, understands, and agrees to abide by the Rules of Professional Conduct.<sup>22</sup>

The suggested *voir dire*, found in the Presenza Protocol (Exhibit A), ascertains an interpreters possible conflicts of interest, training, education, experience, expertise, and ethics and conduct. The interpreter must swear to abide by the Rules of Professional Conduct for Judiciary Interpreters in the Oath for Interpreters.

## **IN-HOUSE INTERPRETERS**

Currently, the FJD employs five Spanish interpreters as full-time employees distributed as follows: two at the Criminal Justice Center, one at Family Court, one at Juvenile Court, and one at Municipal Court. No sign interpreters are employed full-time because demand is inconstant and one team wouldn’t be enough to cover demand when it arises. The current

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<sup>21</sup> <http://www.languagetesting.com/oral-proficiency-interview-opi#oral-proficiency-interview-opi-q3>

<sup>22</sup> 204 Pa.Code 203(b)(1)(i)(A) – (C)

roster reflects the best balance between interpreter demand and prudent and practical use of judicial resources.

The FJD in-house interpreters are of the highest quality. To be considered, new hires must be certified by the AOPC or a body of reciprocal standing. All in-house interpreters must complete the FJD orientation classes to the courtroom and common terminology specific to their court assignment.

All in-house interpreters must complete 16 continuing education credits every year to maintain existing skills and keep current with any new information or breakthroughs in the field. Through collaboration with community stakeholders, the FJD offers many programs which count towards continuing education accreditation and which in-house interpreters may attend free of charge. This arrangement benefits the FJD with better qualified interpreters, the interpreters with free education and credentials, and most importantly, LEP individuals with readily available and professional assistance throughout their juridical experience.

### **INTERPRETER COMPANIES**

The FJD has one-year contracts with three spoken language and two sign language companies which have been extended for numerous years. These companies handle both in-person and telephonic interpreter requests on demand at a fixed rate. However, if none of the companies have a certified interpreter in the specified language, the FJD may secure an otherwise qualified interpreter through other means.

Currently, the FJD contracts with three spoken word interpreter services—Quantum, Inc., Language Services Associates, and EZ Languages—and two sign language interpreter services—Communication Connection and Deaf Hearing Communication Centre, Inc.

## **D. Assigning, Coordinating, and Deploying Interpreters**

### **HOW TO REQUEST AN INTERPRETER**

Though the Pennsylvania Rule places the burden of requesting an interpreter on the LEP individual, First Judicial District staff are required to identify the need for and schedule language assistance services every time an individual files a case.

Anyone may request an interpreter by contacting the Language Access Coordinator who secures and schedules the most qualified available interpreter.

Interpreter Request Forms—available on the FJD website and Intranet—are typically emailed or faxed to the office, but requests by phone or letter are also accepted.

Members of the public typically request an interpreter through the court staff or an attorney, but they may also find request forms on the FJD website and contact the office themselves.

In the event that telephonic interpretation is required, all FJD staff members have received the phone numbers for the telephonic interpreter company.

### **PROCESSING AN INTERPRETER REQUEST**

All requests are first logged into the case management database. Afterward, Coordinator DiPrimio communicates with the interpreter companies to determine what services they can provide. Ms. DiPrimio chooses the agency that has a Certified interpreter first. If none are available, other agencies in Philadelphia are contacted.

If no Certified interpreter can be found, reliability and past history are taken into account when choosing an Otherwise Qualified interpreter. Those who have the best skills, a history of punctuality, and an absence of negative comments receive preference.

### **COORDINATING WITH AND DEPLOYING THE INTERPRETER**

It takes at least a week to secure a sign interpretation. Spanish is immediately available because all courts employ at least one full-time Spanish interpreter. Vietnamese interpreters are also usually available on short notice. The other more common languages typically require a week's notice and some of the rarer languages can take up to two to four weeks.

Coordinator DiPrimio makes every effort to transfer as much information as possible to the interpreter including the name and type of proceeding, facts about the case, and possible conflicts of interest.

The Coordinator makes every effort to "piggyback" cases requiring the same language in the same courthouse on the same day to increase efficiency and reduce costs. Interpreters work with court staff to coordinate proceedings and remain in contact by phone throughout the day.

### **INTERPRETER CANCELLATION POLICY**

An assigned interpreter or interpreter company who cancels for any reason is not paid for the engagement.

If an interpreter cancels more than three times, the interpreter company is asked not to send that person in the future. In the case of a per diem interpreter, that person is no longer contacted to fill future interpreter requests.

### **ADVANCE NOTIFICATION SYSTEM IS THE KEY TO AN EFFICIENT LANGUAGE ACCESS PROGRAM**

The FJD employs an efficient and cost-effective Advance Notification System which has significantly reduced costs, miscommunications, and inconvenience to both the court and its LEP customers. Every week, Roseann DiPrimio sends an e-mail to designated staff at the Criminal Justice Center, Juvenile Court, Family Court, District Attorney's Office, Public Defenders Office, Community Legal Services, Municipal Court, Small Claims Court, Landlord-Tenant Court, and Code Enforcement with the list of interpreter requests for the following week. Roseann is then informed about cancellations and any requests that are not in the

system. For the vast majority of requests, a week is sufficient notice to secure qualified interpreter services. The FJD's Advance Notification System has nearly eliminated both wasted interpreter costs due to unknown cancellations and inconvenient continuances due to lack of an interpreter.

The FJD also works with social service agencies, legal aid services, and community groups to help identify cases that may require language assistance services. In the past it has worked with Journey to Recovery, Deaf Services Agency, and Philadelphia VIP. Through the District Attorney's Office, the FJD coordinates language assistance services for jails, victims, and witnesses.

## **PAYMENT**

Upon completion of an assignment, the interpreter must send an invoice and tax information to Deputy Court Administrator Fasy.

Interpreters working for one of the contracted companies are paid a flat fee. Per diem interpreters are paid according to a rate negotiated with Coordinator DiPrimio prior to the assignment.

## **E. Translated Materials**

The FJD identifies and prioritizes vital documents to translate into non-English languages in the top 5 most requested languages which have been Khmer (Cambodian), Chinese, Russian, Spanish, and Vietnamese.

### **EARLY EFFORTS (1989) TO PRODUCE A TRANSLATED DOCUMENT IN PFA COURT**

While working in Family Court, as a new judge in 1988, Judge Chen had the opportunity to work with Osvaldo Aviles, who was serving (at that time) as the full-time Court Interpreter for the Family Court. (Mr. Aviles provided interpreter services in both the Domestic Relations Branch situated at 1600 Walnut Street and at the Juvenile Delinquency & Dependency Branch, located at 1801Vine Street.)

As such, Judge Chen received substantial training and guidance from Mr. Aviles regarding the proper protocols for working with spoken language interpreters.

In 1989, Judge Chen recommended to court administration, that the FINAL PROTECTION FROM ABUSE ORDER issued by Family Court judges, pursuant to the Pennsylvania Protection from Abuse Act (PFA), be translated into the Spanish language, due the frequent usage of the legal document in conjunction with the Spanish language.

Thereafter, Mr. Aviles and Judge Chen spent their lunch period reviewing and discussing the meaning of the words in the court order (as set forth in Rule 1905(e) of the Pennsylvania Rules of Civil Procedure). Not only did Mr. Aviles provide the translation, he also prepared and formatted the typed version.

Family Court immediately adopted this legal document, translated in the Spanish language, in 1989.

## **PFA FINAL ORDERS ARE TRANSLATED INTO ADDITIONAL LANGUAGES IN 2006, REFLECTING THE DIVERSITY OF THE LITIGANTS IN FAMILY COURT**

Subsequently, in 2006, changes in the PFA law required an updating of the Spanish translated order. At this juncture, Judge Chen recommended that the FINAL PROTECTION FROM ABUSE ORDER be translated into four additional languages, based on the diversity of the litigants appearing in PFA court.

Looking at the statistics compiled by the FJD with regard to the usage of language interpreters for the various courtrooms in Family Court, Deputy Court Administrator Janet Fasy authorized translations in the additional languages: Vietnamese, Chinese, Russian, and Khmer (the Cambodian language).

Judge Chen was asked to work with the various translators from Quantum, Inc., a professional interpreter and translation company based in Philadelphia, and to act as the English legal editor.

## **A NEW FORMAT IS DESIGNED FOR PFA ORDERS IN 2008**

In 2008, due to additional significant amendments to the PFA law and the various changes to the Pennsylvania Rules of Procedure, the translated orders were revised again.

On this occasion, Javier Aguilar, the full-time Court Interpreter in Family Court (serving in the Domestic Relations Branch of 34 S. 11<sup>th</sup> Street) and Judge Chen worked together to revise the translation.

Relying on his experience as a journalist, along with his expertise in the Spanish language, a new format was devised which took into account how various texts (such as warnings to Respondents regarding sanctions for violations to the court order) should appear.

For example, Mr. Aguilar recommended that the subheading, "**NOTICE TO THE DEFENDANT**" should appear in capital letters, in bold print and underlined, to attract the defendant's attention.

Although generally, the English and Spanish texts would appear side by side (in a parallel translation format), Mr. Aguilar suggested that the most effective way to advise the Defendant of any potential sanctions would be to display the text in CAPITAL LETTERS AND ACROSS THE ENTIRE WIDTH OF THE PAGE, SO AS TO CAUSE THE READER TO SLOW DOWN AND FOCUS ON THE MEANING OF THE WORDS.

Working again with Quantum, Inc., the First Judicial District required that the company provide two translators, one to translate and the other to act as the translator editor (one of whom had to be a certified translator). Again, Judge Chen volunteered to serve as the English editor, due to her familiarity with the PFA law.

## **PFA FINAL ORDERS ARE UPDATED (2010) IN ACCORDANCE WITH THE FJD'S STYLE MANUAL**

In 2010, the same documents were updated again by Quantum, Inc., in the five languages: Spanish, Vietnamese, Chinese, Russian, and Khmer. (Suzana Volquarts served as the Project Manager for Quantum.)

In particular, this set of translated documents achieved a higher standard, in that, by 2009, the First Judicial District established a "Style Manual for the Translation of Legal Documents. (See Exhibit B, "STYLE MANUAL FOR THE TRANSLATION OF LEGAL DOCUMENTS FOR THE FIRST JUDICIAL DISTRICT", prepared by Judge Chen and dated July 29, 2009.)

### **PROTECTIVE ORDERS ISSUED IN THE CRIMINAL COURTS ARE TRANSLATED IN 2010**

Also in 2010, three versions of a "Protective Order" issued by judges serving in the Philadelphia criminal courts, pursuant to Title 18 (the Pennsylvania Crimes Code), Section 4954, were translated in the five designated languages by Quantum.

### **FJD'S TRANSLATED ORDERS ARE FORWARDED TO AOPC FOR STATEWIDE UTILIZATION**

Over the years, all translated legal documents were forwarded to Osvaldo Aviles, Interpreter Program Administrator at the Administrative Office of Pennsylvania Courts (AOPC), to post at the website of the Pennsylvania Supreme Court, in order to facilitate state-wide utilization.

### **AOPC TAKES THE LEAD IN PRODUCING OVER 165 PFA LEGAL DOCUMENTS & ORDERS IN 11 LANGUAGES**

Finally, in 2011, the First Judicial District requested that the AOPC provide for the translation of various additional legal documents and forms under the PFA law, in the five initial languages and in various additional languages.

Working with Language Services Associates (LSA) and with the support of a grant, Mr. Aviles planned, facilitated and produced the translation of 15 documents/orders in the following eleven (11) languages: Arabic, Chinese (simplified Chinese), French, Haitian Creole, Khmer, Korean, Spanish, Polish, Portuguese, Russian, and Vietnamese. Mr. Aviles designated Judge Chen of the First Judicial District to act as the "English Editor" and the "Subject Matter Expert", and to work with a variety of respective translators and translator editors, based throughout the nation.

### **NEW MATERIALS TRANSLATED BY THE FIRST JUDICIAL DISTRICT IN 2014**

#### Family Court

- Child Custody-6-11
- Custody-Exceptions/CF620\\REV 9/07
- Divorce Hearings/D0995\\REV9/05
- Domestic Violence and Welfare Support Requirements
- Notice to Appear – Support
- Order to Appear – Modification Conference/Form OM-503 03/12

#### Traffic Court

- 02-52 Order-Request for Recovery of Impounded Motor Vehicle
- 02-68 Scheduling Order-Summary Trial
- Scheduling Order/Commitment

- Defendant Information Form
- Petition Seeking Permission to Appeal Nunc Pro Tunc
- American with Disabilities Act-Interpreter Request Form 5-10-12
- Notice of Appeal from Summary Conviction
- Request for Continuance
- FTA After Scheduling Order Issued-BW Issued

Municipal Court – Civil

- Notice of Judgment of Possession and/or a Money Judgment Against You – 293
- Notice of Judgment of Possession and/or a Money Judgment in Your Favor – 292
- Small Claims – Pamphlet
- Small Claims – Pamphlet Cover

## **VI. MONITORING, UPDATING, AND ENFORCING COMPLIANCE**

In accordance with the Department of Justice's recommendation, the First Judicial District has resolved to annually monitor its language access services, review its language access plan, and update its future actions.

The following chapter outlines the procedures for monitoring, updating, and review as well as enforcing compliance with protocol upon notification of service issues.

### **A. Prioritizing Future Action**

Deputy Court Administrator Janet Fasy and Judge Chen frequently confer and conduct informal meetings to discuss their strategic plan, for the upcoming year, with respect to maintaining and initiating language access throughout the courts. A formal luncheon meeting generally occurs in December, after the annual fall training for interpreters, which usually occurs in October.

Moreover, Fasy and Chen will meet the representatives of the Delaware Valley Translators Association (DVTA) and Widener Law School annually, to plan a working agenda for the following year.

### **B. Assessment of Procedures and Updating Policies**

The First Judicial District formulated a language access plan in 2013 in accordance with U.S. Department of Justice Guidance.

The FJD will annually review its language access services and procedures using the DOJ "Language Access Planning and Technical Assistance Tool for Courts", dated February 2014. It is envisioned that a "Work Group" will be assembled to review and update the Language Access Plan. The Work Group will consist of the following individuals: Deputy Court Administrator Janet Fasy, Language Access Coordinator Roseann DiPrimio, Ben Tilghman, Esq., and Judge Ida Chen. Various individuals in the court system and other stakeholders will be consulted on an as needed basis.

Future plans and updated policies will be reflected on an annual basis in the Language Access Plan for the First Judicial District of Pennsylvania's Court Reporter, Digital Recording, and Interpreter Administration.

## C. Feedback Procedure

The First Judicial District is in the final stages of formalizing its long-standing procedure for handling suggestions, complaints, concerns, or comments regarding language access services. Where all relevant information was previously obtained and recorded by the Language Access Coordinator, an official form has been created for distribution on the FJD's website. The form is attached as Exhibit M.

Use of the official form ensures receipt of all necessary information, but all feedback may be submitted by phone or email.

The FJD receives approximately three complaints a year. All complaints have been handled successfully; and, other than continuances, language access issues have not negatively impacted any cases.

### **PROCEDURES FOR SUGGESTIONS, COMPLAINTS, CONCERNS, OR COMMENTS REGARDING LANGUAGE ACCESS SERVICES**

The Language Access Coordinator in Interpreter Administration receives all suggestions, complaints, concerns, or comments regarding language access services and immediately begins an investigation where appropriate.

All information is added to the Interpreter scheduling database under the "Comment" section, adding the complaint form as an attachment, and updated throughout the process. Typically required information includes the date; language of the interpreter; courtroom; and names of the complainant, interpreter, LEP individual, and interpreter agency (if applicable).

In the case of a complaint or issue regarding an interpreter, the Coordinator calls the respective agency/interpreter and discusses the issue, followed by an email. Agencies speak with their interpreter directly and subsequently notify the Coordinator about the interpreter's version of events and explain what action they have taken.

The Interpreter Coordinator then reports to the Deputy Court Administrator who reviews all of the information. If further clarification is necessary, a phone call is made to the judge, courtroom staff, or the interpreter. If the complaint is substantiated, the Deputy makes a determination which could result in, but is not limited to, a discontinuance of a professional relationship with the interpreter, a temporary suspension of the relationship, or extra training to ensure the interpreter understands his/her duties and responsibilities as a legal interpreter in the First Judicial District.

The Deputy then either sends an email or calls (or designates the Coordinator to do so) the complainant or LEP client and explains the results. If necessary, an interpreter is used to explain the circumstances, apologize, or explain the final decision.

## **VII. FUNDING**

The First Judicial District receives funding from the city of Philadelphia as well as state funding to ensure the interpreter program is fully supported so all LEP individuals in need have access to language services.

Data on the total costs for all on-site as well as out-of-court services (text translations, telephone interpretation, and special requests) is available for the preceding three (3) years. This information is organized by the location of interpreter services for on-site translations and a total for out-of-court services.

Language access costs have risen in each of the past three years. However, the First Judicial District experienced a sharper increase from 2011 to 2012:

### **ABBREVIATION KEY**

**CJC:** Criminal Justice Center

**1801 Vine:** Juvenile Family Court

**DR:** Domestic Relations

**MC Civil:** Municipal Court – Civil Matters

**1401 Arch:** Adult Probation and Parole Department

**CFCF:** Curran-Fromhold Correctional Facility

**JJSC:** Juvenile Justice Services Center

**3 Penn Sq.:** District Attorney's Office

#### On-site Location:

1. Criminal Justice Center:	326,552.27
2. 1801 Vine:	56,852.09
3. Domestic Relations:	130,347.14
4. MC Civil:	33,377.89
5. City Hall:	34,868.99
6. 1401 Arch:	1,372.25
7. Traffic Court:	28,063.76
8. CFCF:	1,492.00
9. Arbitration Center:	10,527.27
10. Mental Health Courts:	22,962.70
11. JJSC:	995.34
12. 3 Penn Sq.:	1,309.63

Total on-site costs:	648,721.33
Total off-site costs:	38,701.38

**2013 Total Cost:** **\$687,422.71**

On-site Location:

1. Criminal Justice Center:	314,799.59
2. 1801 Vine:	59,331.13
3. Domestic Relations:	129,133.54
4. MC Civil:	27,134.21
5. City Hall:	17,719.05
6. Community Court:	1,313.39
7. Traffic Court:	20,551.16
8. CFCF:	3,196.50
9. Arbitration Center:	7,594.16
10. Mental Health Courts:	23,727.78
11. Youth Study Center:	3,284.10
12. First Police District:	528.94

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Total on-site costs:	608,313.55
Total off-site costs:	19,575.83

**2012 Total Cost: \$627,889.38**

On-site Location:

1. Criminal Justice Center:	272,872.23
2. 1801 Vine:	65,947.04
3. Domestic Relations:	112,897.18
4. MC Civil:	13,409.58
5. City Hall:	25,479.41
6. Community Court:	8,788.96
7. Traffic Court:	9,431.73
8. CFCF:	3,091.06
9. Arbitration Center:	5,162.90
10. Mental Health Courts:	19,730.95
11. Youth Study Center:	4,140.50

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Total on-site costs:	540,951.54
Total off-site costs:	11,474.46

**2011 Total Cost: \$552,426.00**



## **VIII. PLANNING FOR FUTURE ACTION**

The First Judicial District has a number of short-term and long-term action items which have been prioritized using the procedure outlined in Section VI(A).

### **A. Short-Term Goals**

The FJD believes that the best way to increase the delivery of language access services is to invest time and effort in the training of judiciary interpreters, attorneys, court personnel and staff, and judicial officers.

#### **PROVIDING TRAINING FOR JUDICIARY INTERPRETERS**

An increase in both the quality and number of certified and “otherwise qualified” interpreters is vital to the development of language access services for the First Judicial District. Moreover, if interpreters serving the Philadelphia courts attain certification, this inures to the benefit of the courts throughout the southeastern region of the Commonwealth of Pennsylvania. (It is noted that most freelance interpreters seek work within a large geographical sector.)

#### **First Judicial District’s Pioneering Shadowing Program Continues to Thrive**

Initiated by Deputy Court Administrator Fasy in 2011 and implemented in 2012, the First Judicial District’s Shadowing Program is in its second year of operation.

This seven-month program is coordinated by Roseann DiPrimio, the Language Access Coordinator, with support from Bonnie Riley, Judicial Secretary to Judge Chen.

Both Deputy Court Administrator Fasy and Judge Chen have made it a priority to further develop and enhance this program, which provides singular opportunities for professional development.

For example, to enrich the “shadowing” aspects of the program, this year’s luncheon seminars include the following unique educational opportunities:

**-MONTH 1 - Thursday, March 6, 2014:** Magdaliz Roura, an alumna from the 2013 FJD Shadowing Program, described her experiences as a “shadower” and what she learned. In addition, Ms. Roura explained how she prepared for the first part of her certification test.

**-MONTH 2- Thursday, April 10, 2014:** Gabriela Genicek, Manager of Language Services & Cultural Support for the Children’s Hospital of Philadelphia (CHOP), conducted a session on the Pennsylvania Rules of Professional Conduct for Judiciary Interpreters. Her presentation included a multiple choice quiz, similar to the actual exam that is a part of the certification process.

**-MONTH 3 - Thursday, May 8, 2014:** The President of the Delaware Valley Translators Association (DVTA), Tony Guerra, and DVTA Board member Rudolfo Tellez, presented information regarding DVTA programs, both educational and social, which were sponsored by this local chapter of the American Translators Association (ATA).

During the same seminar, Judge Chen presented her lecture, "How to Interrupt and Correct a Judge", and distributed her handout, "LANGUAGE ON DEMAND, A Practice Book for Interpreters Serving in the Pennsylvania Courts".

Judge Chen led a practice session in various languages with respect to the use of the "Presenza Cue Card", pertaining to the oath administered to Judiciary Interpreters, pursuant to Rule 604 of the Pennsylvania Rules of Evidence and AOPC Regulation 106: "Oath for Interpreters".

There was a demonstration of a trial scenario, whereby the litigant who was "limited in English proficiency" (LEP), was also a "self-represented litigant" (SRL).

**-MONTH 4 - Thursday, June 12, 2014:** Full-time Judiciary Interpreters for the First Judicial District, Javier Aguilar (assigned to the Domestic Relations Branch of Family Court) and Elizabeth Basulto (assigned to the Criminal Justice Center), are scheduled to conduct a simulation of the test for "simultaneous interpreting", along with an explanation of how it is scored and evaluated.

Because this is considered the most difficult test to pass, Judge Chen suggested that a step-by-step demonstration might alleviate some of the anxiety associated with this critical phase of the certification testing regimen. Fortunately for the First Judicial District, Judiciary Interpreter Elizabeth Basulto formerly served in the Administrative Office of Pennsylvania Courts of the Supreme Court of Pennsylvania (AOPC), where she coordinated the administration of certification tests throughout the Commonwealth of Pennsylvania.

**-MONTH 5 - Thursday, July 10, 2014:** Full-time Judiciary Interpreters, Enrique Garcia (assigned to the Criminal Justice Center) and Elizabeth Basulto, are scheduled to jointly present a session featuring the work of an interpreter in the criminal courts. There will be a focus on how interpreters handle the following: guilty plea colloquy, opening statement, closing argument, trial exhibits which require "sight translation", etc.

In addition, Mary DeFusco, Esq. from the Defender Association of Philadelphia, will present her perspective, "What Interpreters Should Know About Interpreting in Criminal Court".

**-MONTH 6 - Thursday, September 11, 2014:** Early in 2014, Judge Chen contacted KenLuis Olivio, the Interpreter Services Coordinator for York County, who graciously agreed to allow the participants in the FJD's Shadowing Program, the opportunity to "shadow" in the York County Courthouse, while interpreters who are "shadowing" in York County will have the opportunity to "shadow" in the Philadelphia courts.

**-MONTH 7 - Thursday, October 9, 2014:** A closing ceremony will be conducted, whereby Deputy Court Administrator Janet Fasy will award eligible participants with a "Certificate of Completion".

**Training For Judiciary Interpreters Regarding Family Law & Procedures  
At the New Family Courthouse**

The FJD has commenced the planning process for an interpreter skills training program, in partnership with Widener University School of Law, which will focus on family law and procedures.

Administrative Judge of Family Court, Honorable Kevin Dougherty, and the Supervising Judge of Family Court, the Honorable Margaret Murphy, have authorized the use of the new Family Courthouse, located at 15<sup>th</sup> and Arch Streets, as this year's training site.

Although this program, which was devised last year, was projected for October of 2014 (which is the usual time frame for such programs), it has been suggested that if the opening of the new Family Courthouse is scheduled for October of this year, then the interpreter training program should be conducted thereafter (possibly in March of 2015), in order to capture the maximum impact and unique opportunity of conducting an interactive training program regarding the substantive and procedural aspects of Family Law, within the walls of the same courtrooms where our interpreters will be serving.

As part of the planning process, the FJD will reach out to the AOPC, the Family Law Section of the Philadelphia Bar Association, DVTA, the Pennsylvania Interbranch Commission for Gender, Racial & Ethnic Fairness, the contract interpreter agencies (EZ Language, Language Services Associates, Quantum, Inc.), and the Court Administrators from the surrounding county courts, in order to present a collaborative training program.

**PROVIDING TRAINING FOR MEMBERS OF THE BAR**

**Training for Attorneys in the Criminal Defense Bar**

In 2013, Deputy Court Administrator Fasy, reached out to the incoming Chancellor of the Philadelphia Bar Association, William Fedullo, Esq. (Mr. Fedullo will serve as the Bar Chancellor throughout the 2014 year.)

Accordingly, there was interest in conducting a lunchtime seminar, on the use of interpreters, for the members of the Criminal Law Section of the Philadelphia Bar Association for which Continuing Legal Education credits (CLE) may be awarded.

The seminar will inform attendees regarding the availability of language access services, how to request an interpreter, how to utilize an interpreter, and some "best" and "worst" practices for working with interpreters.

In planning this program for the criminal defense bar, the FJD will draw upon its past experience when the FJD provided a training program for members of the Family Law

Section of the Philadelphia Bar Association, in collaboration with the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness.

In the fall of 2010, the FJD participated in a collaborative education program, "The Philadelphia Story: Working with Interpreters in Family Court". It was conducted during the monthly meeting of the Family Law Section. The program was approved for continuing legal education credits (CLE).

The program, chaired by Leonard Rivera, Esq., a member of the Pennsylvania Interbranch Commission, featured speakers from the First Judicial District, including Family Court Judiciary Interpreter Javier Aguilar, Deputy Court Administrator Janet Fasy and Judge Ida Chen. Also, Interpreter Program Administrator Osvaldo Aviles of the Administrative Office of Pennsylvania Courts (AOPC) appeared to provide information regarding the AOPC regulations and the interpreter certification process.

## **PROVIDING TRAINING FOR COURT PERSONNEL & STAFF**

### **Training Court Officers in the Criminal Courts**

Having conducted training for court officers and court personnel serving in the Municipal Court, Family Court and Juvenile Court, with respect to language access procedures, Deputy Court Administrator Fasy plans to use that experience to train court officers in the criminal courts throughout the Court of Common Pleas. (It is important to note that the criminal courts, which are a part of the Trial Division, have the largest number of assigned judges and courtrooms within the First Judicial District.)

The training will be modified to reflect criminal court procedures and protocols. In particular, the officers will be trained on the use of interpreters through the utilization of remote interpreting technology (such as telephonic services or remote video interpreting), as well as, the AOPC regulations which set forth the limitations on the use of remote interpreting.

## **PROVIDING TRAINING FOR JUDICIAL OFFICERS**

### **Training Hearing Officers & Municipal Court Judges in Traffic Proceedings**

Deputy Court Administrator Fasy hopes to have the opportunity to plan a program for the training of the newly designated Hearing Officers and Municipal Court Judges, who will be involved in adjudicating traffic matters, with regard to the importance of language access, language access procedures and how to work with interpreters.

Previously, in 2012, Deputy Court Administrator Fasy, Interpreter Program Administrator Osvaldo Aviles of the AOPC and Judge Chen, provided training for the Traffic Court Judges of Philadelphia. The three-hour program was conducted in Harrisburg.

With the recent structural changes involving the adjudication of traffic matters now in place, this may be a good time to provide training, to a new set of judicial officers.

## B. Long-Term Goals

### **TRANSFORMATION OF THE PHILADELPHIA COURTS & THE COURT SYSTEM**

The First Judicial District will transform itself in many ways in order to look and perform like an institution that delivers language access in a comprehensive and consistent manner. Changes in the physical appearance of the courts, structural changes affecting technology and changes regarding organizational dynamics, will all play a role in the transformation process.

This transformation can be achieved over a period of time.

#### **Displaying Signage Which Aids All Court Users**

At the outset, there must be information posted in the lobby of all courthouses (and in other buildings where court-related programs and activities are conducted) regarding how to access language services.

Moreover, all signs throughout the respective courthouses and related spaces should appear in various languages, as an aid to all court users, regardless of whether they are litigants or witnesses.

#### **Invoking Technology to Expand Capacity**

There will be structural changes, as well. For example, the new Family Court building at 15<sup>th</sup> and Arch Streets will have remote video interpreting services. Technological mechanisms and appropriate apparatus have been embedded within the walls and floors, and sound systems will be augmented. However, new technology for older courtrooms must be procured when funds are available.

#### **Developing a Language Accessible FJD Website**

Members of the public are accustomed to accessing the Internet while seeking guidance on how to proceed in addressing legal matters, especially those individuals who are “self-represented litigants”. Thus, the FJD will continue to identify resources to redesign and update its website to make its communication truly accessible to litigants with limited English proficiency, as well as those who seek an accommodation.

#### **Court Leadership Embracing Language Accessibility as a Priority**

Moreover, the transformation of a court system is more likely to be achieved and sustained when it is championed by court leadership and even more so, where language accessibility is designated and embraced as a “top priority”, at all levels of the organization.

#### **Changing the “Culture” of the Courts & Debunking Myths**

Some may think that by imposing new laws and regulations, a court system would be motivated to bring about change. Generally, any kind of change within an institution, as venerable as a court system, is very difficult to achieve.

As part of a transformation process involving the courts and the court system, it would be important to change the “culture” of the courts and to debunk the myths surrounding the abilities and capabilities of non-native English speakers.

At the annual education meeting of the Pennsylvania Conference of State Trial Judges, conducted on Thursday, July 25, 2013, Dr. Margaret van Naerssen, who appeared as the keynote speaker, distributed a handout with the “Common Myths about Non-Native English Speakers”. They are as follows:

1. A person who can communicate on a one-to-one basis (e.g., store salesperson: customer, attorney-client) can also listen to and participate effectively in courtroom interaction.
2. An adult living and working in the U.S. for 10 years should be able to understand and speak English. If such a person claims not to understand English (or only understands a little), the person is lying.
3. “Broken English” is a good description of the language if a person has only studied English for several years.
4. A responsible, working adult immigrant can, in several years, easily learn English, well enough to understand the laws and participate actively in society.
5. A person who can communicate in “daily-life” interactions can also do so effectively by telephone.
6. A non-native speaker’s language skills are the same across reading, writing, speaking, and listening. (This also applies to native speakers.)
7. A person’s communication skills in a second language reflect the person’s intellectual level.
8. A standard proficiency test across skill areas can adequately determine if the person had adequate communication skills and background knowledge, to interact effectively in a traffic stop or request to search.
9. Anything that interrupts the traditional patterns of interaction in a courtroom works against the judicial process for a fair trial.
10. It’s better for fact-finders to hear a witness’s own voice in the court than to hear through an interpreter. They can get to know the witness better and are in a better position to evaluate facts.
11. A person’s nationality/citizenship can be determined by identifying his/her first language. (Not generally applicable at this time in the U.S. legal system.)

## **SYSTEMATIC INSTITUTIONALIZATION OF LANGUAGE ACCESSIBILITY**

Overall, the FJD's long-term goal to transform the courts can be achieved by institutionalizing effective language access policies, procedures and protocols, as well as, programs and activities, throughout the courts and the court system.

Generally, programs and policies that operate informally or on an *ad hoc* basis, do not produce a long-term effect.

### **Inculcating The Maintenance Of Advance Notification Systems**

On the other hand, well established court procedures and written protocols relating to language access, such as the establishment of "advance notification systems" (where all parts of the court system know how and where to initiate a request for language services and understand what information should be elicited at the outset in order to engage appropriate support, and where there is documentation to facilitate follow-through), such procedures, over a period of time, become a part of the institutional culture of the courts.

### **Adopting Local Rules Which Ensure Language Access**

Another example of systematic institutionalization is the adoption of court rules. To supplement the Pennsylvania Rules of Civil Procedure, county courts often adopt "Local Rules", where some efficiency or fairness to litigants can be achieved to address variations in a unified judicial system.

On May 15, 2014, under the leadership of the Honorable Margaret Murphy, Supervising Judge of Family Court, Local Rules for the Philadelphia Family Court, relating to the Pennsylvania Protection From Abuse Act, were adopted by the Board of Judges of the First Judicial District.

For the first time, a rule addressing the availability of "Bilingual Forms" in the Spanish language, as well as in other languages, was established (as it pertains to civil domestic violence cases), as follows:

Local Rule 1905.1 Bilingual Forms.

Bilingual forms shall be made available to litigants with limited English proficiency in the Spanish language, and in other languages, as the need arises.

### **Establishing a Resource Room for Judiciary Interpreters**

It is important to support Judiciary Interpreters (those who are full-time FJD employees, interpreters provided by our contract agencies and those who work as free-lancers). The FJD is considering a suggestion regarding the establishment of a site, designated as a "Resource Room", for the use of interpreters.

This is where interpreters can meet and discuss professional matters, use and consult reference materials relating to the work of interpreters and translators, and perhaps, take a rest in-between their court appearances. Additionally, this would be the location where court administration could conduct informational sessions.

## **“GAINING” IN TRANSLATION<sup>23</sup>**

Producing bilingual legal documents and forms has been an ongoing, long-term project for the First Judicial District. Over a period of time, the FJD has established a catalogue of important bilingual materials. And as the laws and legal procedures of this Commonwealth continue to be enacted, promulgated and amended, there will always exist a wealth of vital court orders, legal notices, other documents and court forms, which need to be translated.

### **Translating Documents On an Ongoing Basis**

The following documents will be translated:

#### **Municipal Court - Criminal:**

PFA Emergency Package  
Emergency PFA Resource List  
PFA Brochure

#### **Family:**

There are a number of documents in Family Court, both in the domestic relations branch and in the juvenile delinquency and dependency courts, that will be reviewed to determine whether they should be translated in various languages.

## **ATTAINING “DHARMA” (LIVING IN HARMONY WITH THE LAW)**

Much of what court systems and institutions struggle with involve the need to be in “compliance” with the law.

The FJD’s Language Access Plan begins by addressing the legal bases for language accessibility, as it relates to state and federal laws and regulations. (See Section I.C.)

Ultimately, the FJD aspires to attain the state of “dharma”, whereby the court system, as an evolving institution, can reach beyond its mandate to operate in compliance with the law - - and instead, freely functions in harmony with the law.

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<sup>23</sup> A reference to the movie, “Lost in Translation”.

## **IX. CONTACT INFORMATION**

It is suggested that every court system has in place a Language Access Coordinator responsible for collecting data on LEP court user satisfaction as well as monitoring the complaint system for evidence of problems to address. This individual is also responsible for reviewing and updating the language access plan on an annual or biennial basis.

The First Judicial District Court Administrative Officer Roseann DiPrimio has taken on the role of Language Access Coordinator and assumed all responsibilities therein.

Ms. DiPrimio will monitor the LEP user satisfaction/complaint system and will review and update this language access plan on an annual basis.

### **Roseann DiPrimio**

Court Administrative Officer/ Language Access Coordinator  
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