

1 **Superior Court of San Bernardino County**

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3 **Limited English Proficiency (LEP) Plan**

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6 **I. Legal Basis and Purpose**

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8 This document serves as the plan for the Superior Court of SAN BERNARDINO County to
9 provide to persons with limited English proficiency (LEP) services that are in compliance with
10 Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and
11 28 C.F.R. § 42.101–42.112). The purpose of this plan is to provide a framework for the provision
12 of timely and reasonable language assistance to LEP persons who come in contact with the
13 Superior Court of San Bernardino County.

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15 This LEP plan was developed to ensure meaningful access to court services for persons with
16 limited English proficiency. Although court interpreters are provided for persons with a hearing
17 loss, access services for them are covered under the Americans with Disabilities Act rather than
18 Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

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20 **II. Needs Assessment**

21 **A. Statewide**

22 The State of California provides court services to a wide range of people, including those who
23 speak limited or no English. Service providers include the California Supreme Court, the Courts
24 of Appeal, and the superior courts of the 58 counties.

25
26 According to the Administrative Office of the Courts (AOC) Court Interpreter Data Collection
27 System (CIDCS), which aggregates court interpreter usage data received from the California trial
28 courts, the most frequently used languages for interpreters in California courts in 2005 were (in
29 descending order of frequency):

- 30
31 1. Spanish
32 2. Vietnamese
33 3. Korean
34 4. Armenian
35 5. Mandarin

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37 **B. Superior Court of San Bernardino County**

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39 The Superior Court of San Bernardino County will make every effort to provide services to all
40 LEP persons. However, the following list shows the foreign languages that are most frequently
41 used in this court's geographic area.

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- 43 1. Spanish
- 44 2. Korean
- 45 3. Vietnamese
- 46 4. Arabic
- 47 5. Mandarin

48
49 This information is based on data collected from the AOC's Court Interpreters Data Collection
50 System (CIDCS).

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52 **III. Language Assistance Resources**

53 **A. Interpreters Used in the Courtroom**

54 **1. Providing Interpreters in the Courtroom**

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56 Providing spoken-language interpreters in court proceedings are based in whole or in part on
57 statutory and case law. These are set out in Attachment A. In the Superior Court of San
58 Bernardino County, interpreters will be provided at no cost to court customers who need such
59 assistance under the following circumstances:

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- 61 • For litigants and witnesses in criminal hearings;
- 62 • For litigants and witnesses in juvenile hearings;
- 63 • For litigants and witnesses in hearings involving domestic violence and elder abuse,
64 family law and child support cases, to the extent that funding is provided; and,
- 65 • For litigants who need assistance when using family court services, to the extent that
66 funding is provided.

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68 Responsibility for the cost for spoken-language interpreters for litigants and witnesses in other
69 civil proceedings will be determined at the discretion of the officiating judge. Additionally,
70 courts may use interpreters who are providing mandated interpreting services for issues such as
71 criminal or juvenile cases for incidental use in civil courtrooms. The Superior Court of SAN
72 BERNARDINO County recognizes the significant benefits to both the public and the court by
73 providing interpreters in civil cases and will attempt whenever possible to provide such
74 interpreters through incidental use. Interpreters for Spanish speaking defendants in open and
75 contested traffic court and small claims as interpreter resources are available for these
76 proceedings while awaiting other mandatory interpretation assignments.

77 **2. Determining the Need for an Interpreter in the Courtroom**

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79 The Superior Court of San Bernardino County may determine whether an LEP court customer
80 needs an interpreter for a court hearing in various ways.

81

82 The need for a court interpreter may be identified prior to a court proceeding by the LEP person
83 or on the LEP person's behalf by counter staff, self-help center staff, family court services, or
84 outside justice partners such as attorneys, adult and child protective social workers or
85 correctional facilities staff.

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87 The need for an interpreter also may be made known in the courtroom at the time of the
88 proceeding. The Superior Court of San Bernardino County will display a sign translated into the
89 five most frequently used languages that states: "If you do not speak the English language or are
90 hearing impaired, you may ask for an interpreter to assist you. Please tell one of the workers
91 that you need an interpreter and help them in identifying the language you speak." The Superior
92 Court of San Bernardino County will display this sign at an intake area for: Criminal, Traffic,
93 Civil, Family Law, Juvenile, Document Control and Probate Clerk's Office, Self-Help Resource
94 Centers and Family and Children's Services.

95
96 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.
97 California's Standards of Judicial Administration offer instruction to judges for determining
98 whether an interpreter is needed. Section 2.10 provides that an "interpreter is needed if, after an
99 examination of the party or a witness, the court concludes that: (1) the party cannot understand
100 and speak English well enough to participate fully in the proceedings and to assist counsel, or
101 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury."
102 The court is directed to examine the party or witness "on the record to determine whether an
103 interpreter is needed if: (1) a party or counsel requests such examination or (2) it appears to the
104 court that the person may not understand or speak English well enough to participate fully in the
105 proceedings."

106
107 To determine if an interpreter is needed, standard 2.10(c) provides that "the court should
108 normally ask questions on the following: (1) identification (for example: name, address, birth
109 date, age, place of birth); (2) active vocabulary in vernacular English (for example: 'How did
110 you come to the court today?' 'What kind of work do you do?' 'Where did you go to school?'
111 'What was the highest grade you completed?' 'Describe what you see in the courtroom.' 'What
112 have you eaten today?') Questions should be phrased to avoid 'yes' or 'no' replies; (3) the court
113 proceedings (for example: the nature of the charge or the type of case before the court), the
114 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,
115 and the responsibilities of a witness."

116
117 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an
118 interpreter. "The file in the case should be clearly marked and data entered electronically when
119 appropriate by court personnel to ensure that an interpreter will be present when needed in any
120 subsequent proceeding."

121

122 Many people who need an interpreter will not request one because they do not realize that
123 interpreters are available or because they do not recognize the level of English proficiency or
124 communication skills needed to understand the court proceeding. The court does not have
125 funding to provide interpreters for non-mandated proceedings. However, the court can provide
126 some assistance within existing funding restrictions and will endeavor to do so for non-mandated
127 proceedings.

128
129 In a case where the court is mandated to provide an interpreter, but one is not available at the
130 time of the proceeding, even after the court has made all reasonable efforts to locate one, as
131 previously outlined in this plan, the case will be postponed and continued on a date when an
132 interpreter can be provided.

133
134 When an interpreter is unavailable for a case in which the court is not mandated to provide one,
135 the court takes the following actions. Cases may be continued to a date when an interpreter will
136 be present for a mandatory assignment and it would possible assist with the matter. Court will
137 advise the parties to bring a friend or relative to assist in the court proceeding.

138

139 **2. Court Interpreter Qualifications**

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141 The Superior Court of San Bernardino County hires interpreters for courtroom hearings in
142 compliance with the rules and policies set forth by Government Code section 68561 and
143 California Rules of Court, rule 2.893. The AOC maintains a statewide roster of certified and
144 registered interpreters who may work in the courts. This roster is available to court staff and the
145 public on the Internet at www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.

146
147 When an interpreter coordinator has made a “due diligence” effort to find a certified or registered
148 court interpreter and none is available, the interpreter coordinator then seeks a noncertified,
149 nonregistered court interpreter, in accordance with the governing local labor agreement.
150 Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the
151 interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to
152 rule 2.893, inquire into the interpreter’s skills, professional experience, and potential conflicts of
153 interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is
154 designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding
155 for a period of six months.

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157 **B. Language Services Outside the Courtroom**

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159 The Superior Court of San Bernardino County is also responsible for taking reasonable steps to
160 ensure that LEP individuals have meaningful access to services outside the courtroom. This is
161 perhaps the most challenging situation facing court staff, because in most situations they are
162 charged with assisting LEP individuals without an interpreter present. LEP individuals may
163 come in contact with court personnel via the phone, the public counter or self-help center staff.

164

165 The two most common points of service outside the courtroom are at the court's public counters
166 and self-help center. Bilingual assistance is provided at the public counter by the placement of
167 bilingual staff as is practical. The court also periodically calls on other bilingual staff from
168 elsewhere in the court to assist at a public counter. Similarly, the court's self-help center recruits
169 and employs bilingual staff to provide self-represented litigants with assistance in understanding
170 and completing necessary forms.

171
172 Providing language services outside the courtroom entails both daily communications and
173 interactions between court staff and LEP individuals to provide accessibility of court services,
174 such as self-help and mediation services to LEP court users.

175
176 To facilitate communication between LEP individuals and court staff, the Superior Court of San
177 Bernardino County uses the following resources to the degree that resources are available:

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- 180 • Court interpreters, to the extent permitted under the active memorandum of
 - 181 understanding or independent interpreter contract;
 - 182 • Bilingual employees in Spanish and Mandarin;
 - 183 • Bilingual volunteers;
 - 184 • "I Speak" cards, to identify the individual's primary language;
 - 185 • Language Line services, which are available to provide assistance in the clerk's office
 - 186 and at the court's self-help center. The Language Line contract services provides
 - 187 interpretation services via the telephone in over 170 languages; and,

188 To provide linguistically accessible services for LEP individuals, the Superior Court of San
189 Bernardino County provides the following:

- 190
- 191 • Self-help center services that include bilingual self-help center staff, telephonic language
 - 192 assistance and volunteers that provide self help services to LEP persons in their primary
 - 193 language;
 - 194 • Family Court Services Orientation in Spanish;
 - 195 • Written informational and educational materials and instructions in Spanish.

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197 **C. Translated Forms and Documents**

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199 The California courts understand the importance of translating forms and documents so that LEP
200 individuals have greater access to the courts' services. The Superior Court of San Bernardino
201 County currently uses Judicial Council forms and instructional materials translated into
202 commonly used languages.

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- 205 • These translated forms are available at the court's Web site for internal use and are
 - 206 available to the public at www.courtinfo.ca.gov/selfhelp/language s as well as at the
 - 207 court's self-help center;

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- The court also has access to instructional materials that have been translated by other courts at www.courtinfo.ca.gov/programs/equalaccess/trans.htm.
- The court has translated the following documents into other languages:
 - Small Claims Checklist (Spanish)
 - How to file a UD-Landlord (Spanish)
 - How to Answer a UD-Tenant (Spanish)
 - What is a UD (Spanish)
 - How to Serve a UD (Spanish)
 - How to Collect A Judgment (Spanish)

These documents will be located at all Resource Centers for Self-help Services and online at www.courtinfo.ca.gov/programs/equalaccess/trans .

Interpreters at court hearings are expected to provide sight translations of court documents and correspondence associated with the case.

IV. Court Staff and Volunteer Recruitment

A. Recruitment of Bilingual Staff for Language Access

The Superior Court of San Bernardino County is an equal opportunity employer and recruits and hires bilingual staff to serve its LEP constituents. Primary examples include but are not limited to:

- Court interpreters to serve as permanent employees of the court;
- Bilingual staff to serve at public counters;
- Bilingual staff in the court’s self-help centers; and,
- Bilingual staff that is on call to assist with contacts from LEP individuals, as needed.

B. Recruitment of Volunteers for Language Access

The court also recruits and uses volunteers to assist with language access in the following areas:

- In self-help centers, to assist LEP users;
- At public counters to provide interpretive services between staff and the LEP public.

244 **V. Judicial and Staff Training:**
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246 The Superior Court of San Bernardino County is committed to providing LEP training
247 opportunities for all judicial officers and staff members. Training and learning opportunities
248 currently offered by the Superior Court of San Bernardino County will be expanded or continued
249 as needed. Those opportunities include:

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- 251 • Interpreter coordinator training;
 - 252 • Beyond Bias Training
 - 253 • Customer Service Training
 - 254 • CORE Training
 - 255 • LEP plan training;
 - 256 • Statewide conferences on language access or conferences that include sessions dedicated
257 to topics on language access;
 - 258 • New employee orientation training; and,
 - 259 • Judicial officer orientation on the use of court interpreters and language competency
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261 **VI. Public Outreach and Education**
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263 To communicate with the court's LEP constituents on various legal issues of importance to
264 the community and to make them aware of services available to all language speakers, the
265 Superior Court of San Bernardino County provides community outreach and education and
266 seeks input from its LEP constituency to further improve services. Outreach and education
267 efforts include:

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- 269 • Court-Clergy Community Meeting
 - 270 • Inland Counties Association of Paralegals
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272 **VII. Public Notification and Evaluation of LEP Plan**
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274 **A. LEP Plan Approval and Notification**

275 The Superior Court of San Bernardino County's LEP plan is subject to approval by the presiding
276 judge and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP
277 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court
278 executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of San
279 Bernardino County's LEP plan will be provided to the public on request. In addition, the court
280 will post this plan on its public Web site, and the AOC will post a link to it on the Judicial
281 Council's public Web site at www.courtinfo.ca.gov.

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B. Annual Evaluation of the LEP Plan

285 The Superior Court of San Bernardino County will routinely assess whether changes to the LEP
286 plan are needed. The plan may be changed or updated at any time but reviewed not less
287 frequently than once a year.

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289 Each year the court's LEP Plan Coordinator will review the effectiveness of the court's LEP plan
290 and update it as necessary. The evaluation will include identification of any problem areas and
291 development of corrective action strategies. Elements of the evaluation will include:

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- 293 • Number of LEP persons requesting court interpreters and language assistance;
- 294 • Assessment of current language needs to determine if additional services or translated
295 materials should be provided;
- 296 • Solicitation and review of feedback from LEP communities within the county;
- 297 • Assessment of whether court staff adequately understand LEP policies and procedures
298 and how to carry them out;
- 299 • Review of feedback from court employee training sessions; and,
- 300 • Customer satisfaction feedback.

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302 **C. Trial Court LEP Plan Coordinator:**

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304 Sherry I. Danna, Court Support Services Manager

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306 **D. AOC LEP Plan Coordinator:**

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308 Mark Garcia
309 Senior Court Services Analyst
310 Equal Access Program
311 Administrative Office of the Courts
312 455 Golden Gate Avenue
313 San Francisco, CA 94102-3688
314 (415) 865-4367, mark.garcia@jud.ca.gov

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316 **E. LEP Plan Effective date:** October 9, 2008


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318 **F. Approved by:**

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DOUGLAS M. ELWELL, Presiding Judge

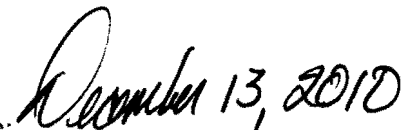
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TRESSA S. KENTNER, Court Executive Officer

Date:  December 13, 2010

Date: 12-13-2010