



The Pew Charitable Trusts

How to Make Courts Accessible to Users With Disabilities and Limited English Proficiency

Steps for making civil courts more equitable

Overview

Diverse court users—including people with disabilities and non-native English speakers—have a range of specific needs.¹ By providing language translation services, screen-reader-compatible websites, and other resources, and by adopting “universal design principles” such as flexibility, tolerance for error, and simplicity, courts can not only meet but exceed their legal obligations for accommodations; ensure that all court users can fully engage with the civil legal system; and build a culture of accessibility in all court processes.²

Courts can better enable litigants, witnesses, and other users with disabilities or limited English proficiency to meaningfully participate in programs, proceedings, and other activities by implementing three key practices:

- Ensure that court resources are accessible to users with disabilities or limited English proficiency.
- Enable all court users to easily learn about their rights and request needed accommodations.
- Provide high-quality services to court users with disabilities or limited English proficiency.

After extensive research, The Pew Charitable Trusts has developed a framework outlining how and why courts should modernize.³ These steps arise from that work and can help programmatic and operational court staff, along with court leadership, assess their current resources; identify opportunities to improve; and decide—with input from relevant stakeholders—which of those opportunities to pursue and how.

Step 1: Bring together relevant court staff and external stakeholders

These groups can contribute important perspectives and insights about how to make courts more accessible.

Court users can provide feedback on the quality of the accommodations and language services they have used and can also test the accessibility of new forms.

Judges can flag the need and adopt effective work practices for interpreters (e.g., speak slowly and clearly, direct questions to the court user) and can support initiatives to make courtrooms more accessible.

Clerks can flag the need for interpreters and accommodations and can also connect court users to language services.

Leadership can prioritize accessibility as well as the necessary funding and rule changes (e.g., eliminating fees for using interpreters); require trainings and guidance for all court personnel on how to work with interpreters; develop and publish language access plans; ensure that accommodations are being provided; and prioritize hiring bilingual staff in user-facing roles.

Access to justice staff can issue guidance on different accommodations and why they are required as well as on how to work with interpreters; can train court staff and judges; and can oversee document translation.

Self-help staff can alert court leadership about issues that self-represented litigants face and about service gaps, and staff can hire bilingual staff.

Forms developers can update forms to improve content and usability.

Website administrators can develop online resources, lead user-testing efforts, and maintain the quality and consistency of the website.

IT staff can work with the case management system vendor to add new fields that capture language- and disability-related needs.

Court researchers can analyze dockets and conduct research with court users (e.g., surveys, interviews, focus groups) about barriers they experience.

External researchers, including language experts, can provide input on workflow and scheduling systems, equipment, and other supports court users may need; conduct accessibility audits; examine external data (e.g., Census information on languages spoken at home) to identify language needs in courts' local communities; and assess whether people with limited English proficiency are using court services.

Community partners (e.g., disability rights groups, immigration advocacy groups, libraries) can help recruit interpreters from their communities, provide feedback on how to ensure that court users are aware of available resources, and suggest best practices for serving linguistically marginalized communities.

Legal stakeholders (e.g., legal aid, public defenders, law firms) can highlight and provide insight into the challenges their clients and other court users face when trying to access court resources.

Step 2: Assess current practices and set next steps

The following metrics can help courts assess their progress toward making courts accessible to users with disabilities and limited English proficiency. (See Tables 1-3.)

For each metric, determine whether the answer to the initial question is yes or no using the suggested measure.

If the answer to the metric question is no, pursue the suggested next steps in collaboration with staff and stakeholders.

The suggested steps are not prescriptive; instead, they provide ideas and options for getting started. The state examples can help courts determine what actions are feasible given available resources.

Table 1

All Court Resources Should Be Accessible

Metrics, suggested steps, and state examples and resources

Metric	If not, suggested next steps	Examples and resources						
<p>Does the court have and publicly share a holistic language access plan?</p> <p><i>How to measure it:</i></p> <p>Determine whether the court has created a language access plan and has made it publicly accessible (e.g., hosted on the court's website).</p>	<ul style="list-style-type: none"> Create a holistic language access plan that includes clear guidelines for requesting, certifying, and providing interpreters and other language services. Develop benchmarks for how long the court should take to fulfill a request for language assistance or disability accommodation, and publish these benchmarks in the court's language access plan, directives, strategic plans, or other relevant documents. <p>Who's involved:</p> <table> <tr> <td>Access to justice</td><td>Leadership</td><td>Self-help</td></tr> <tr> <td>Researchers</td><td></td><td></td></tr> </table>	Access to justice	Leadership	Self-help	Researchers			<ul style="list-style-type: none"> The U.S. Department of Justice published a document for courts on developing a language access plan that outlines how to ensure quality control, post notices about available services, and conduct outreach. As of 2020, 29 states had language access plans that included information on needs assessments, evaluations of language assistance services, trainings for court personnel, use of interpreters, and document translation.
Access to justice	Leadership	Self-help						
Researchers								
<p>Does the court website comply with federal and local accessibility requirements?</p> <p><i>How to measure it:</i></p> <p>Conduct an accessibility audit to compare the court website's accessibility features with local, state, and federal requirements (e.g., mouse-free navigation, alt text, color contrast). Consider partnering with an external expert.</p>	<ul style="list-style-type: none"> Implement needed improvements identified in the accessibility audit and engage individuals with disabilities to test the changes. Leverage free and low-cost resources, such as a user-controlled button to increase font sizes and free accessibility checkers, to improve the user experience. Educate staff about why and how to ensure digital accessibility and what needs to be done at the local and state levels. <p>Who's involved:</p> <table> <tr> <td>Access to justice</td><td>Researchers</td><td>Website administrators</td></tr> <tr> <td>Researchers</td><td>Court users</td><td></td></tr> </table>	Access to justice	Researchers	Website administrators	Researchers	Court users		<ul style="list-style-type: none"> The U.S. Web Design System provides "principles, guidance, and code" that can be used to help courts and other government entities design accessible websites. A2J Tech developed an accessibility guide for websites, which breaks down the requirements and includes guides for creating accessible PDFs.
Access to justice	Researchers	Website administrators						
Researchers	Court users							
<p>Does the court website comply with federal and local language access mandates?</p> <p><i>How to measure it:</i></p> <p>Conduct an audit to compare the court website's content with federal, state, and local language access mandates (e.g., ensuring information about interpreter services is provided in multiple languages).</p>	<ul style="list-style-type: none"> Review data to determine local language needs. When developing new webpages or improving existing web content, dedicate resources to ensure that website modernization efforts and systems design allow for accessible multilingual features, content that does not rely solely on machine translation, and audiovisual tools for those who may have low literacy. <p>Who's involved:</p> <table> <tr> <td>Access to justice</td><td>Leadership</td><td>Website administrators</td></tr> <tr> <td>Researchers</td><td>Court users</td><td></td></tr> </table>	Access to justice	Leadership	Website administrators	Researchers	Court users		<ul style="list-style-type: none"> New Mexico's court website and California's self-help portal are available in English and Spanish. Both Spanish sites were translated by humans, rather than using automation.
Access to justice	Leadership	Website administrators						
Researchers	Court users							

Metric	If not, suggested next steps	Examples and resources						
<p>Are court forms accessible to users with disabilities and limited English proficiency?</p> <p><i>How to measure it:</i></p> <p>Review forms to ensure accessibility (e.g., color contrast, clear information hierarchy) and availability of non-English versions.</p>	<ul style="list-style-type: none"> Consider partnering with an external expert to assist with form updates and testing. Jurisdictions should review their local needs to account for all appropriate language populations. Prioritize translation of the most important and frequently used content. <p>Who's involved:</p> <table border="1"> <tr> <td>Forms developers</td><td>Self-help</td><td>Community partners</td></tr> <tr> <td>Legal stakeholders</td><td>Researchers</td><td>Court users</td></tr> </table>	Forms developers	Self-help	Community partners	Legal stakeholders	Researchers	Court users	<ul style="list-style-type: none"> The National Center for State Courts (NCSC) has an online Forms Camp to help courts improve the design of their forms. The U.S. government has a handbook for creating accessible forms and materials. Illinois' courts require landlords to provide tenants with rental assistance information in English and Spanish when serving eviction notices; the courts also make copies of that information available in other commonly spoken languages: Polish, Mandarin, Arabic, Korean, and Tagalog. Pennsylvania courts published a manual outlining policies for document and form translation, such as how to manage translating multiple documents and how to prioritize translation. Many software providers, including Microsoft and Adobe, offer tools that content producers can use to verify the accessibility of PDFs and other documents.
Forms developers	Self-help	Community partners						
Legal stakeholders	Researchers	Court users						
<p>Do court users with disabilities and limited English proficiency understand the outcomes of hearings, motions, trials, mediations, and other proceedings?</p> <p><i>How to measure it:</i></p> <p>Survey court users who have requested accommodations or language services and language workers who helped them about whether the court users understood and retained the information.</p>	<ul style="list-style-type: none"> Provide translated versions of orders, judgments, settlement agreements, parenting plans, and other outcome documents for court users. If a written translation is unavailable or not feasible, provide real-time verbal or manual (i.e., sight) translation by qualified interpreters or approved court personnel of orders, judgments, settlement agreements, parenting plans, etc., in court users' preferred language. Consider providing audiovisual records, possibly through QR codes or other links, that court users can reference in the future for their own understanding and enforcement purposes. <p>Who's involved:</p> <table border="1"> <tr> <td>Researchers</td><td>Self-help</td><td>Community partners</td></tr> <tr> <td>Legal stakeholders</td><td>Researchers</td><td>Court users</td></tr> </table>	Researchers	Self-help	Community partners	Legal stakeholders	Researchers	Court users	<ul style="list-style-type: none"> The New York courts provide a translated order of protection, along with the original English version, to any party for whom the court has appointed an interpreter. Several states (including Maryland and New Jersey) and counties (such as King County, Washington, and Pima County, Arizona), allow bilingual court staff whose language skills have been assessed, or interpreters to provide on-site translations of forms.
Researchers	Self-help	Community partners						
Legal stakeholders	Researchers	Court users						

Metric	If not, suggested next steps	Examples and resources									
<p>Do court-provided services and accommodations enable users with disabilities and limited English proficiency to effectively participate in the legal system?</p> <p><i>How to measure it:</i></p> <p>Examine court data on activities that have been continued, delayed, or canceled because of a lack of language assistance services and accommodations.</p>	<ul style="list-style-type: none"> Develop a holistic language access plan and dedicate resources to provide accommodations and services such as easily accessible multilingual content (without reliance on machine translation) and audiovisual tools for users with low literacy. Train staff to proactively offer language assistance services; develop customized training resources, such as bench cards and online modules; ensure trainings include opportunities for hands-on practice; and include material on identifying and combating bias in oneself and co-workers. Require that user instructions for remote proceedings, activities, programs, and other events are linguistically and technologically accessible. Provide educational guides, videos, audio files, and other materials to help users participate in court processes. Conduct text, phone, or email surveys to ask defendants with disabilities and limited English proficiency who received default judgments against them about why they did not participate in their cases; adopt creative strategies to find these court users' contact information, such as pulling information from summons or requiring plaintiffs to provide this information when they file a case. Pursue rule changes to allow court users to file forms and pleadings in their primary languages. Provide scribing services and real-time translation to help court users file and understand forms and other documents. <p>Who's involved:</p> <table> <tr> <td>Access to justice</td><td>IT staff</td><td>Leadership</td></tr> <tr> <td>Researchers</td><td>Self-help</td><td>Community partners</td></tr> <tr> <td>Legal stakeholders</td><td>Researchers</td><td>Court users</td></tr> </table>	Access to justice	IT staff	Leadership	Researchers	Self-help	Community partners	Legal stakeholders	Researchers	Court users	<ul style="list-style-type: none"> The Washington, D.C., courts accept filings in languages other than English in emergencies. Wisconsin has a public bench card outlining how judges should work with interpreters. The New Mexico courts offer an online interactive Language Access basic training, available in Spanish and English, that covers ethical and legal obligations, as well as best practices for working with court users with limited English proficiency. California requires courts to ensure that users with limited English proficiency can access all court-ordered programs, activities, and events, such as parenting classes or mediation. Court users who cannot access these activities because of language barriers can file a form and corresponding proposed order with the court to request an alternative program or to be excused from the requirement. Several states, including Iowa, Maryland, and North Carolina, provide bilingual versions of certain forms as well as instructions in languages other than English to help people with limited English proficiency complete forms that are available only in English.
Access to justice	IT staff	Leadership									
Researchers	Self-help	Community partners									
Legal stakeholders	Researchers	Court users									

Internal
 External
 Court users

Sources: U.S. Department of Justice Federal Coordination and Compliance Section Civil Rights Division, "Language Access Planning and Technical Assistance Tool for Courts" (2014); National Center for Access to Justice, "Language Access"; U.S. General Services Administration, "U.S. Web Design System"; A2J Tech, "Accessibility Guide"; New Mexico Courts, "NMcourts.gov (Spanish-Language Version)"; Judicial Branch of California, "California Courts Self-Help Guide (Spanish-Language Version)"; National Center for State Courts, "Forms Camp 2022"; U.S. General Services Administration, "Accessibility for Visual Designers"; Illinois Courts, "Eviction Early Resolution Program Resources for Courts"; Unified Judicial System of Pennsylvania, "Translation Policy and Procedures Manual" (2021); Microsoft, "Microsoft Accessibility Checker"; Adobe, "Adobe Color Contrast Checker"; New York State Senate, "Translation and Interpretation of Orders of Protection, Family Court Act (FCT) Chapter 686, Article 1, Part 6 § 169" (2017); Maryland Courts, "Court Events for Which an Interpreter May Be Assigned"; P. Couselo and B. Carrasquillo, "Express Lesson: Use of Bilingual Staff" (Language Access Coordinator contacts, New Mexico and New Jersey); King County Superior Court (Washington State), "Language Assistance Plan" (2023 (Version 2.0)); Pima County Justice Court (Arizona), "Language Access Plan" (2018 (Revised)); District of Columbia Courts, "Language Filing Exceptions"; Wisconsin Courts, "Working With Interpreters in Wisconsin: Benchcard for Judges" (2022); New Mexico Judiciary Center for Language Access, "Language Access Basic Training"; Judicial Council of California, "Access to Programs, Services, and Professionals" (2023 (Amended)); Iowa Judicial Branch, "Language Access Plan for Iowa's Courts" (2022); Maryland Judiciary, "Petition for Peace Form, Multilingual"; North Carolina Judicial Branch, "Court Forms, Multiple Languages"

Table 2

Court Users Should Be Able to Easily Request Language Assistance or Other Accommodations

Metrics, suggested steps, and state examples and resources

Metric	If not, suggested next steps	Examples and resources												
<p>Do court users know that they have the right to request accommodations and language assistance?</p> <p><i>How to measure it:</i></p> <p>Survey court users, as well as advocates from community-based and legal-services organizations, about how much people know about their rights to accommodations and language assistance.</p>	<ul style="list-style-type: none">• Develop a notice for court users that outlines which parties are entitled to an interpreter and in what contexts (e.g., court hearings only, clerk’s office interaction, self-help center, mediation).• Develop clear messaging about the nature, scope, and availability of language assistance services and how to request them, and disseminate it in written, video, and audio formats.• Post flyers or notices explaining people’s rights to accommodations and language services in prominent locations in court buildings, such as clerks’ offices or courtrooms.• Identify funding sources to support language assistance to reduce financial barriers to access for court users. <p>Who’s involved:</p> <table><tr><td>Access to justice</td><td>Clerks</td><td>Forms developers</td><td>Judges</td></tr><tr><td>Leadership</td><td>Self-help</td><td>Court users</td><td></td></tr></table>	Access to justice	Clerks	Forms developers	Judges	Leadership	Self-help	Court users		<ul style="list-style-type: none">• The Center for Court Innovation has identified best practices for user surveys and provides sample surveys that include questions about disability and language access.• The Washington, D.C., courts website prominently features a “language access” tab, which includes information about requesting interpreters for American Sign Language (ASL) and other languages; translation services; and a video, in English and Spanish, about available language resources.				
Access to justice	Clerks	Forms developers	Judges											
Leadership	Self-help	Court users												
<p>Can court users easily request accommodations and language assistance online, in person, and by phone?</p> <p><i>How to measure it:</i></p> <p>Use “secret shopper” assessments (in which a professional tester poses as a consumer) to evaluate the usability of information available on the court website, in person, and over the phone.</p>	<ul style="list-style-type: none">• Test the accessibility and usability of service and accommodation request forms with court users and community organizations that work with individuals with disabilities or limited English proficiency.• Develop a phone menu that offers callers assistance in multiple languages, is user-friendly, does not have lengthy English content upfront, and connects quickly to a bilingual or multilingual staff member or other person who can promptly connect the caller with an interpreter.• Designate an accessibility coordinator and a language access coordinator, publish that person’s contact information prominently on the court’s website in multiple languages, and include the contact information in an automated message or script for court staff who answer the phone.• Develop forms and information in multiple locally spoken languages about court users’ rights to request an interpreter. <p>Who’s involved:</p> <table><tr><td>Access to justice</td><td>Clerks</td><td>Forms developers</td><td>IT staff</td></tr><tr><td>Researchers</td><td>Self-help</td><td>Website administrators</td><td>Community partners</td></tr><tr><td>Court users</td><td></td><td></td><td></td></tr></table>	Access to justice	Clerks	Forms developers	IT staff	Researchers	Self-help	Website administrators	Community partners	Court users				<ul style="list-style-type: none">• California’s courts translated its Request for Interpreter form into many of the 10 most commonly spoken languages in the state and worked with a disability rights group to test its Disability Accommodation Request form with people with diverse disabilities.• The North Carolina courts have an online request for accommodations that includes a check-the-box list of accommodations and provides explanatory videos in American Sign Language.• Massachusetts provides a flyer that outlines court users’ right to a free interpreter in 31 languages.
Access to justice	Clerks	Forms developers	IT staff											
Researchers	Self-help	Website administrators	Community partners											
Court users														

Metric	If not, suggested next steps	Examples and resources								
<p>Does the court document language needs at the first point of contact with a user and allow for confirmation and updates throughout the life of the case?</p> <p><i>How to measure it:</i></p> <p>Review processes for documenting language needs, whether via a form court personnel fill out or a flag in a case management system.</p>	<ul style="list-style-type: none">• Work with the court’s case management system vendor to add a field to the system that allows any court personnel to note language needs and make that information available to all court staff so they can procure services ahead of time and provide real-time support during hearings, trials, and other interactions with court users.• Train all staff on how to document language needs, about the available resources for users, and how to use telephonic interpretation to communicate with people with limited English proficiency.• Survey court staff about whether they feel they have sufficient time to ensure that users receive needed language services and whether other workflows or deliverables should be adjusted to allow the time required to work with interpreters and non-English speaking court users. <p>Who’s involved:</p> <table><tr><td>Access to justice</td><td>Clerks</td><td>IT staff</td><td>Judges</td></tr><tr><td>Researchers</td><td>Self-help</td><td>Researchers</td><td></td></tr></table>	Access to justice	Clerks	IT staff	Judges	Researchers	Self-help	Researchers		<ul style="list-style-type: none">• At a community clinic in Utah, volunteer attorneys help court users request interpreters or other accommodations, and upon receipt of each request the Utah courts add a flag in the case management system so that the same service is automatically provided for each subsequent interaction with the user.• Maryland <u>requires</u> counsel in child welfare and juvenile cases to notify the court if the opposing party speaks a language other than English so that the court can send case documents to that person in the appropriate language.• Los Angeles County’s required <u>Family Law Case Cover Sheet</u> includes a section for interpreter needs and allows the court user to fill in their language.
Access to justice	Clerks	IT staff	Judges							
Researchers	Self-help	Researchers								

■ Internal
■ External
■ Court users

Sources: Center for Court Innovation, "Can Courts Be More User-Friendly? How Satisfaction Surveys Can Promote Trust and Access to Justice" (2020); District of Columbia Courts, "Language Access Services"; Judicial Branch of California, "Request for Interpreter (Civil) (INT-300)"; Judicial Branch of California, "Disability Accommodation Request (MC-410)" (2021); North Carolina Judicial Branch, "Request for Disability Accommodation Form"; Massachusetts Trial Court Office of Language Access, "Interpreter Services Poster"; M. Starks, clerk, Utah State Courts, in-person meeting with and court observations to Casey Chiappetta, principal associate, The Pew Charitable Trusts, June 7, 2023; Maryland, "Md. R. Juv. Causes 11-112" (2023); Superior Court of California, County of Los Angeles, "Family Law Case Cover Sheet and Certificate of Grounds for Assignment to District"

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Table 3

Courts Should Provide High-Quality Services for Users With Disabilities or Limited English Proficiency

Metrics, suggested steps, and state examples and resources

Metric	If not, suggested next steps	Examples and resources						
<p>Does the court provide accommodations and language assistance in a timely manner?</p> <p><i>How to measure it:</i></p> <p>Review data showing the elapsed time between each request for and provision of language assistance or a disability accommodation.</p>	<ul style="list-style-type: none"> Determine whether the court needs to hire or contract with additional service providers to meet the community's language needs. Leverage technology to decrease the time required to fulfill requests for language assistance. Train and support bilingual staff in user-facing roles to provide information and services in the court users' primary languages. <p>Who's involved:</p> <table> <tr> <td>Access to justice</td><td>IT staff</td><td>Leadership</td></tr> <tr> <td>Researchers</td><td>Self-help</td><td></td></tr> </table>	Access to justice	IT staff	Leadership	Researchers	Self-help		<ul style="list-style-type: none"> The Maine court's 2023 language access plan recommended expanding the use of remote interpreting, which shortens the time between request and interpreter deployment. The New Mexico courts have certified bilingual language access specialists on staff; clear rules for when to engage bilingual staff; higher salaries for bilingual versus otherwise comparable monolingual employees; and a mandatory 12-week online certification program for bilingual staff members.
Access to justice	IT staff	Leadership						
Researchers	Self-help							
<p>Does the court have a system for collecting and responding to service complaints and for appealing denials of accommodations?</p> <p><i>How to measure it:</i></p> <p>Map the steps court users must follow to file a complaint.</p>	<ul style="list-style-type: none"> Develop plain language forms for individuals to use when filing complaints and appeals. Allow people to submit complaints and appeals in person and online. Establish a clear procedure for addressing denials of service, including who is responsible, how to document the reason for the denial, and what alternative accommodations were provided or offered, if any. Dedicate staff to review and follow up on complaints, report to leadership about the nature of complaints, and identify common issues that should be addressed. Ensure that the complaint form is accessible—such as being screen-reader compatible, using high color contrast, and supporting mouse-only navigation—and professionally translated by humans (not machines) into multiple languages. <p>Who's involved:</p> <table> <tr> <td>Access to justice</td><td>Forms developers</td><td>Leadership</td></tr> <tr> <td>Website administrators</td><td></td><td></td></tr> </table>	Access to justice	Forms developers	Leadership	Website administrators			<ul style="list-style-type: none"> Minnesota's court website includes plain-language information for users on how to file a complaint and on the court's procedure for reviewing the grievance, and it allows the user to submit the form by email, mail, or online. The Los Angeles Superior Court's form for language access-related complaints is available in six languages, and the Colorado courts provide a similar form in English and Spanish. California requires that each superior court create a language access services complaint form and establish procedures for responding to complaints about interpreter and translation services.
Access to justice	Forms developers	Leadership						
Website administrators								

Metric	If not, suggested next steps	Examples and resources						
<p>Are spoken language and ASL interpreters certified or qualified?</p> <p><i>How to measure it:</i></p> <p>Review interpreters' credentials to determine the shares that are certified, qualified, or neither.</p>	<ul style="list-style-type: none">• Use certified interpreters whenever possible, and adopt a state-specific certification or qualification process, such as requiring all interpreters to undergo an orientation, for situations when certified interpreters are not available.• Consider how the state can encourage local jurisdictions to use qualified or certified interpreters.• Train judges and court personnel about why using certified or qualified interpreters is important and why relying on family members or bilingual staff is insufficient.• Outline when the court should use an in-person or video remote interpreter and when telephonic interpretation will suffice.• Track the percentage of certified interpreters used in certifiable languages. <p>Who's involved:</p> <table><tr><td>Access to justice</td><td>Judges</td><td>Leadership</td></tr><tr><td>Researchers</td><td>Researchers</td><td></td></tr></table>	Access to justice	Judges	Leadership	Researchers	Researchers		<ul style="list-style-type: none">• NCSC has a webpage about certifying interpreters, which includes testing schedules by state, examination overviews for candidates, and common exam challenges interpreters experience.• Maryland tracks and publishes the percentage of certified interpreters used in certifiable languages.• Wisconsin courts provide to all parties free of charge and incentivize jurisdictions to use qualified or certified interpreters by reimbursing jurisdictions for the costs. And for languages for which certification of interpreters is not available, the court requires prospective interpreters to pass a qualification test.• California requires specific protocols to be followed when using spoken language interpreters who are not certified by or registered with the state.
Access to justice	Judges	Leadership						
Researchers	Researchers							

Metric	If not, suggested next steps	Examples and resources
<p>Can deaf and hard-of-hearing court users access services that meet their communication and language preferences?</p> <p><i>How to measure it:</i></p> <p>Survey individuals who have used the court’s captioning, interpreter, or other language services about whether the services helped them participate in court processes.</p>	<ul style="list-style-type: none"> • Create processes to provide accommodations for deaf and hard-of-hearing court users who do not use ASL and have limited proficiency in written and spoken English, such as interpreter services in another sign language, an assistive aid, or a Deaf or Certified Deaf interpreter (CDI). • Require local jurisdictions to use certified ASL interpreters and Communication Access Realtime Translation (CART) captioning. • Provide guidance for judges, magistrates, and other personnel on how to plan for and use CART captioning for court activities, and prohibit judges or court personnel from relying on Zoom or other remote platform captioning when interacting with deaf and hard-of-hearing court users, parties, and jurors. • Provide instructions for courts and the public on how to use ASL interpretation and CART services in remote and in-person proceedings. <p>Who's involved:</p> <div> <div>Access to justice</div> <div>Judges</div> <div>Leadership</div> <div>Researchers</div> </div>	<ul style="list-style-type: none"> • The Washington, D.C., courts’ Language Access Plan outlines the accommodations available for deaf and hard-of-hearing individuals—including CART captioning, assistive listening devices, and UbiDuo, a portable device that allows face-to-face communication via typing—and when each of these accommodations should be used. • The Hearing Loss Association of America provides guidance on how to plan for and use CART captioning for effective communication. • The Department of Justice’s internal Language Access Plan addresses the provision of language assistance services for deaf or hard-of-hearing individuals who do not use ASL and have limited proficiency in written and spoken English.

■ Internal ■ External

Note: This fact sheet uses lowercase “deaf” to refer to the audiological condition, in accordance with federal discussions of language access.

Sources: Maine Judicial Branch, “Language Access Plan 2023-2024” (2023); P. Couselo and B. Carrasquillo, “Express Lesson: Use of Bilingual Staff” (Language Access Coordinator contacts, New Mexico and New Jersey); Minnesota Judicial Branch, “Americans With Disabilities Act (ADA) Accommodation Grievance Form”; Superior Court of California, Los Angeles County, “Language Access Service Complaint Form”; Colorado Judicial Branch, “Office of the State Court Administrator, Language Access Complaint Form”; Judicial Council of California, “California Rules of Court, Language Access Services Complaints” (2023 (Amended)); National Center for State Courts, “Resources for Language Access Program Managers”; Maryland Judiciary, “Access to Justice - Impact Dashboard Report” (2023); Wisconsin State Legislature, “Interpreters in Circuit and Appellate Courts” (2015 (Amended)); Judicial Council of California, “Appointment of Interpreters in Court Proceedings” (2023 (Amended)); District of Columbia Courts, “Language Access Plan” (2022); Hearing Loss Association of America, “Guidance on Captioning and CART”; U.S. Department of Justice, “Language Access Plan” (2023)

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The work in action: New Mexico courts' interpreter qualification is a model for improving language access

The New Mexico court system, which the National Center for Access to Justice ranks first in the nation for language access , not only provides a range of services for the state's court users but also has created tools and resources that are serving as a model for recruiting, training, and certifying court interpreters around the country.⁴

The court system's Center for Language Access has pioneered a variety of programs to help court staff accommodate interpretation needs.⁵ Its Language Access Basic Training (LABT) is an interactive, downloadable tool that offers an introduction to language access for court employees, including guidance on professional standards for bilingual court employees who translate information and resources to help monolingual staff effectively interact with court users with limited English proficiency. The center also created the Language Access Specialist qualification, an online certification program for bilingual court employees.

Other center services include ASL classes for court personnel, a video remote interpretation service, and a scribing service that enables staff members to fill out forms for court users who cannot complete documents because of limited English proficiency, disability, or low literacy. The center is a model for matching language services to the needs of users, providing interpretation in approximately 58 languages, including Navajo and ASL.

Paula Couselo-Findikoglu, director of court education at the New Mexico Administrative Office of the Courts, said in recent remarks that "[i]f there's something we learned during [the COVID-19] pandemic, it is that there is no 'them' but 'us.' Language Access Services strives to provide equal access to justice for the most vulnerable members of 'us.'"⁶

Endnotes

- 1 This fact sheet addresses both people with disabilities and those with limited English proficiency in accordance with federal guidance highlighting that the legal requirements for the Americans with Disabilities Act (ADA) can serve as a model for language access services: “While ADA and Title VI requirements are not the same, existing ADA plans and policy for sign language interpreting may provide an effective template for managing, interpreting, and translating needs for some state courts.” See: U.S. Department of Justice Federal Coordination and Compliance Section Civil Rights Division, “Language Access Planning and Technical Assistance Tool for Courts” (2014), https://www.lep.gov/sites/lep/files/resources/February_2014_Language_Access_Planning_and_Technical_Assistance_Tool_for_Courts_508_Version.pdf; Tom Perez, assistant attorney general of the Civil Rights Division, U.S. Department of Justice, letter to chief justices and state court administrators, “Guidance Letter to State Courts Regarding Their Obligation to Provide Language Access,” Aug. 16, 2010, <https://www.justice.gov/opa/pr/justice-department-issues-guidance-letter-state-courts-regarding-their-obligation-provide>.
- 2 Many states currently do not meet the legal requirements for providing access to the courts for users with disabilities and limited English proficiency. See: National Center for Access to Justice, “Disability Access,” accessed Nov. 9, 2023, <https://ncaj.org/state-rankings/justice-index/disability-access#:~:text=In%20the%20Disability%20Access%20Index,assign%20every%20state%20a%20score;National%20Center%20for%20State%20Courts,Statement%20of%20the%20Issue,accessed%20Nov.%209,%202023,https://www.ncsc.org/consulting-and-research/areas-of-expertise/interpreter-info/called-to-action/statement-of-the-issue>.
- 3 The Pew Charitable Trusts, “How to Make Civil Courts More Open, Effective, and Equitable” (2023), <https://www.pewtrusts.org/research-and-analysis/reports/2023/09/how-to-make-civil-courts-more-open-effective-and-equitable>.
- 4 K.R. Dong et al., “Competing Priorities That Rival Health in Adults on Probation in Rhode Island: Substance Use Recovery, Employment, Housing, and Food Intake,” *BMC Public Health* 18, no. 1 (2018): 289, <https://pubmed.ncbi.nlm.nih.gov/29482529/>.
- 5 New Mexico Judiciary Administrative Office of the Courts, “Diversity and Inclusion Report, Language Access and ADA Services” (2022), <https://nmcenterforlanguageaccess.org/cms/images/pdf/DI-Annual-Report-2022.pdf>.
- 6 New Mexico Administrative Office of the Courts, “NM Ranked #1 in Nation for Language Access in the Justice System,” news release, June 15, 2021, https://api.realfire.rtsclients.com/PublicFiles/f176abc1e5724236a069e99a176a74d5/b501a261-e2f4-496d-8bae-894aa791e87a/NM_ranked__1_in_nation_for_language_access_in_the_justice_system__June_15__2021.pdf.

For more information, please visit: pewtrusts.org/modernlegal

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