

SECOND JUDICIAL DISTRICT COURT



WASHOE COUNTY
STATE OF NEVADA

Office of Court Administration
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Jacqueline Bryant, District Court Administrator and Clerk of Court

Language Access Plan

I. Legal Basis and Purpose:

This document serves as the plan for the Second Judicial District Court to help ensure meaningful access for all Limited English Proficient (LEP) individuals who use the court's services. It is designed to respond to Title VI of the Civil Rights Act of 1964, the requirements imposed by Executive Order 13166, and related guidance. It also covers interpreter services under the Nevada Revised Statute.

The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP individuals who come in contact with the Second Judicial District Court. It is designed to be read in conjunction with the Nevada State Court Plan, issued by the Nevada Supreme Court and Administrative Office of the Courts, explaining the relevant federal laws and guidance.

In accordance with federal mandates and state requirements, this court and all its personnel shall provide free language assistance services to all LEP individuals upon request. Members of the public shall be informed that language assistance services are fully available and that the Second Judicial District Court shall provide them.

Appellate and Trial Courts/Judicial Districts that receive federal funding for court programs are required to submit a language access plan to the Nevada Administrative Office of the Courts (AOC), Certified Court Interpreter Program office every two years. The U.S. Department of Justice (DOJ) has the right to investigate complaints against any federally-funded agency that does not provide free language services when necessary to participate in the program. An agency's federal funding may be withheld until the complaint is resolved.

II. Needs Assessment

A. Statewide

Nevada provides court services to a wide range of persons, including people who do not speak English or who have a limited knowledge and understanding of English. Service providers include the trial courts at the District, Justice and Municipal Court levels. The LEP population in our county/Judicial District is determined by the U.S. Census Bureau data update every ten years. Changes in the LEP population should be monitored via mid-census estimates and projections from the American Community Survey (ACS).

According to U.S. Census data, the most widely used languages for interpreters in Nevada were (in descending order of frequency):

1. Spanish
2. Tagalog
3. Mandarin
4. Vietnamese

B. Second Judicial District Court

The Second Judicial District Court will make every effort to provide service to all LEP individuals. However, the following list shows the non-English languages that are most frequently used in Washoe County.

1. Spanish
2. Tagalog
3. Tongan
4. Mandarin/Cantonese – Chinese

This information is based on combined data from the U.S. Census Bureau (2008 – 2012 American Community Survey (5 Year Estimates)), and the “Historical Interpreter Usage Report” compiled through our Contexte Data Management System.

The Second Judicial District Court has identified the following additional language assistance needs among court users in Washoe County.

- American Sign Language
- Amharic
- Arabic
- Marshallese
- Punjabi
- Vietnamese

This information is based upon the “Historical Interpreter Usage Report” compiled through our Contexte Data Management System.

It would be useful for the Second Judicial District Court to consult with local organizations like the Northern Nevada International Center, the University of Nevada Reno, and perhaps the language coordinators of the other agencies in the county to verify the consistency of this information.

III. Language Assistance Resources

A. Interpreters Used in the Courtroom

The use of court interpreters (both sign language and non-English spoken language) is guided by the Nevada Revised Statute, Chapter 1 entitled “Interpreters and Translators”, NRS 1.500 through 1.560, respectively.

It is the law of Nevada to secure the constitutional rights of persons with communications disability who are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See NRS 50.050 through 50.053. It is also the law of Nevada to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See NRS 50.054.

If the current list of Nevada Certified and Registered Court Interpreters, maintained by the AOC, does not include an interpreter certified or registered in the language spoken by the LEP individual, the appointing authority shall assign a qualified interpreter who underwent a proper voir dire process.

Community resources may be of assistance in finding interpreters or translators. These include, but are not limited to social services agencies, community groups and cultural centers, professional interpreting and translating agencies, college language departments, local hospitals, and schools. Courts understand that interpreters from these sources are not necessarily prepared to do court work and interpreters will be questioned carefully about their qualifications. Court interpreters will be hired from the Nevada Certified Court Interpreter Program Roster whenever possible.

1. Determining the Need for an Interpreter in the Courtroom

There are various ways the Second Judicial District Court will determine whether a LEP court customer needs an interpreter for a court hearing.

First, the LEP individual may request an interpreter. A LEP court customer can request an interpreter at any of the various “contact points” within the court, including, but not limited to:

- Court Services
- Family Court Front Counter (3rd Floor, 1 South Sierra)

- Information Booth/Filing Office
- Law Library
- Self Help Center
- During any court proceeding

The District Court coordinated with the Nevada Administrative Office of the Courts to include an interpreter section on the Civil/Family Cover Sheet. Essentially, court filers can now request an interpreter by noting the specific language need on the civil/family cover sheet when filing a new case. This information is updated in the court's case management system to ensure interpreter services is available to the filer when hearings are set.

Second, court personnel and judges may determine that an interpreter is appropriate for a court proceeding. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation, attorneys, social workers or correction facilities may notify the court/court interpreter services scheduler about a LEP individual's need for an interpreter for an upcoming court hearing.

If a LEP individual appears for an in-court hearing and the court is either unaware of the LEP need or no interpreter is readily available, the court will contact the Jury and Interpreter Manager to assess the interpreter service options. If obtaining the immediate assistance of an in-person interpreter is unrealistic, telephonic interpretation or video access, will be considered for some case types. When telephonic interpretation is also not an option a hearing may be flagged for an interpreter need and rescheduled at a later date when necessary arrangements can be made.

Within the Contexte Data Management System, the Second Judicial District Court is able to "Flag" an interpreter need for follow up and scheduling. The language need is indicated in the "Party" screen. This is can be done at various points of contact for the case, but is most typically updated by the deputy clerks or court clerks. From that point forward the case will appear on the semi-automated "Interpreter Calendar" through Crystal Reports.

The Jury and Interpreter Manager is assigned to ensure that interpreters are scheduled for the next hearing or court appearance. The information from the "Interpreter Calendar" is entered into the "Interpreter Schedule" on SharePoint, the District Court's Intranet Portal. The schedules are organized by day and week in chronological order indicating the date, day of the week, division (GJ, FC, FPC), department, case number, location, type, estimated start and end times, language, assigned interpreter, and billing submission.

The Jury and Interpreter Manager generally makes all interpreter assignments by Wednesday for the following week. Additionally, the "Interpreter Schedule" is updated

each evening before the end of the business day. The “Interpreter Schedule” is accessible to all District Court employees at all times through SharePoint.

The Jury and Interpreter Manager is responsible for locating and securing interpreters. Initial preference is given to the 2 “on staff” interpreters and as many of the assignments as possible are covered by them. Secondary preference is given to the Nevada certified court interpreters (who can be found on the statewide roster). Assignments are offered to independent contractors based on the contractor’s availability. If all certified interpreters are either in use or unavailable, the court will use Nevada state registered interpreters. The registered interpreters are typically assigned to Family Court civil cases.

If it is a language other than Spanish the court will seek out either a qualified interpreter from the Nevada state roster or if necessary work through the Northern Nevada Language Bank to find a qualified substitute. If at this point an interpreter is still not available, the court will utilize the searchable directory of certified and registered interpreters from the state of California who are willing to travel to our jurisdiction. The Jury and Interpreter Manager maintains a separate list of those who have worked well with the court and have a signed “Independent Contractor Agreement” on file. If none of the available options listed are available the court will utilize an over the phone interpretation service (only in Family Court civil cases).

2. Court Interpreter Qualifications

The Second Judicial District Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth in NRS 1.500 through 1.560, NRS 50.050 through 50.053 as well as the State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program. The Nevada Certified Court Interpreter Program maintains a statewide roster of Certified and Registered court interpreters who had complied with mandatory requisites to provide specialized staff and the public at: <http://www.nevadajudiciary.us/index.php/viewdocumentsandforms/funcstartdown/6429>.

The following spoken languages have been offered for certification/registration in Nevada so far: Amharic, Bosnian, Croatian, Serbian, Cantonese, Farsi, German, Italian, Korean, Mandarin, Portuguese, Slovak, Spanish, Tagalog and Vietnamese. (Additional spoken foreign languages are available for testing to establish certified and registered court interpreter status.)

A credentialed court interpreter (certified or registered), if available, should be the first choice for the court. When a diligent effort has been made to find a credentialed court interpreter and none is available, the court may appoint a non-credentialed court interpreter who is not listed on the statewide roster and who is otherwise qualified. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are encouraged to inquire into the interpreter’s skills, professional experience, and potential conflicts of interest.

The Second Judicial District Court may also use telephone interpreting in appropriate circumstances, if no interpreters are available to assist in person. Telephone interpreting

can be a good choice if the hearing is short, if the distance an interpreter will have to travel is long, or if an interpreter for rare languages is needed. A well-qualified interpreter hired to provide language services remotely is a better choice than a poorly-qualified or non-credentialed local interpreter.

Bilingual staff is not to be used to interpret in court. The District Court employs two Spanish interpreters (one full-time and one-part time) and has a list of contract interpreters for various exotic languages to include Spanish.

Most professional interpreters are independent contractors or work for an independent interpreting agency. Any interpreter hired by the court should be a trained, neutral professional, not a family member or friend of the party, a social worker, lawyer, or law enforcement officer.

The Second Judicial District will review the possibility of using trained/qualified interpreters through a “video interpretation” service in the future.

B. Spoken Language Services Outside of the Courtroom

The Second Judicial District Court is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter. LEP individuals may come in contact with court personnel at various locations throughout the courthouse.

To that end, the Second Judicial District Court has the following resources to help LEP individuals and court staff communicate with each other:

- On-staff certified court interpreters (Spanish only) are stationed at various “contact points” each day when they are not in court. Appropriate management and court administration team members are made aware daily of these assignments and can assist the court staff in finding an available interpreter quickly.
- The Second Judicial District Court has some bilingual employees throughout the courthouse. As long as the assistance falls within their normal job functions and tasks within the court, they are available to assist those in need.
- For in-person encounters, as well as telephone conversations, the Second Judicial District Court uses an over the phone interpretation service when interpreters are not immediately available.
- The Second Judicial District Court is reviewing the use of “I Speak” cards at various “Contact Points” within the court.

Over the years the District Court has attempted to produce internal resources to assist our employees in communicating with members of the public that speak a different language. In 2007, a document entitled “A Manual To Assist Family Court Staff In Assisting Spanish-Speaking Persons” was developed under the leadership of Frances Doherty, Presiding

Judge of the Family Division, through Family Court Administration and a subcommittee consisting of several court employees.

The development subcommittee also received assistance from Monica Sandoval, Court Interpreter, who translated the document into Spanish, Master Victoria Van Meter, and Suzanne Ramos, Victim Advocate, Reno City Attorney's Office. The Manual was drafted based upon national examples of similar court tools and research.

The manual was intended to assist Family Court employees in providing basic services and information to members of the public who speak Spanish. It was not a substitute for a qualified Spanish interpreter. As always, employees were encouraged to seek the assistance of a qualified interpreter.

Further, the manual contained a list of common questions in both English and Spanish. It was not intended to be used for conversational Spanish, rather a tool that employees could reference when directing a customer in the right direction. At the time, the assistance could take the form of stating that the employee does not speak Spanish and/or pointing to the phrase for the member of the public to read in Spanish to assist in providing direction. For example, the employee could point to the question asking the customer his/her last name so the employee could look up a case. Or, the employee could point to the statement that reads the member of the public needed an interpreter to translate for them.

The ultimate result of this effort was an increased awareness and education of the court employees and since that time the District Court has become much more sophisticated in its provision of interpreter services.

In 2012, the District Court Judicial Interpreter Committee under the leadership of Judge Jerry Polaha and Judge Frances Doherty conducted an internal survey to assess the interpreter services in the District Court. Since that time, the District Court has hired a new full-time Spanish interpreter position, increased services, increased employee training on this topic, and recently purchased modern interpreter equipment that can be used to provide simultaneous interpreter services to up to 10 people at one time.

C. Translated Forms and Documents

Other than some basic Self Help Center instructions and Law Library notices, the Second Judicial District Court does not provide forms or packets in Spanish.

IV. Public Input

When completed and approved, a copy of this LAP will be posted on the Second Judicial District Court Website (www.washoecourts.com). A copy of this LAP will also be maintained on file for public review. Hard copies of the state and local language access plans may be available to the public upon request.

While we are unaware of any formal or informal complaints regarding language access services (including but not limited to, in-person interpreter services, telephonic and remote

interpreter services, translation of written materials, and bilingual staff services) complaints may be brought to the attention of local court administration and / or the Nevada State Court Administrator for review. Complaints about interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties should be reported directly to Karen Prentice, Court Services Analyst.

V. Training

Local courts are committed to providing training opportunities for all judicial and court staff members who come in contact with LEP individuals. Front line staff members are often the first point of contact with LEP individuals. Deputy Clerks and Judicial Assistants will be provided with training opportunities regarding ways to identify limited English proficiency, best practices on delivering services and cultural issues. As new employees are hired, information on the Language Access Plan will be provided to them.

Training opportunities specifically provided in the Second Judicial District Court include:

- Town Hall type training session on working with interpreters and LEP individuals in and outside of the courtroom will be provided annually by the AOC. This would be a mandatory meeting for “front line” employees, but would be available for all court personnel.
- Brief training as part of another larger town hall type meeting will be held to address LEP resources and how to properly access these resources.
- As part of new employee orientation new employees would be made aware of the Language Access Plan and be instructed on how to access available personnel and resources.
- Webinars with District Court management team members (e.g., Nevada Supreme Court Federal Mandate regarding Interpreter Services training)
- Outside expert speakers from the Administrative Office of the Courts

VI. Public Notification and Evaluation of LAP Plan

A. LAP Approval and Notification

The Second Judicial District Court’s LAP has been approved by the Court Administrator and a copy has been forwarded to the Nevada AOC, Certified Court Interpreter Program Coordinator. Any revisions to the plan will be submitted to the Court Administrator for approval, and the forwarded to the Nevada AOC, Court Certified Court Interpreter Program Coordinator.

Copies of the Second Judicial District Court’s LAP will be provided upon request. Furthermore, The Second Judicial District Court will post this plan on its website (www.washoecourts.com).

B. Annual Evaluation of the LAP Plan

The Second Judicial District Court will conduct an annual needs assessment to determine whether changes to the LAP are needed. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods. Any revisions made to the plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's website. Additionally, it will be posted on the AOC's public website.

Biennially the statewide AOC Court Interpreter Program Coordinator will coordinate, with a designated local court staff member, a review of the effectiveness of the LAP. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- i. Number of LEP individuals receiving court interpretive services;
- ii. Assessment of current language needs to determine if additional services or translated materials should be provided;
- iii. Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- iv. Gathering feedback from LEP communities around the state.

Each county's language access plan shall be approved by the Presiding Judge, Chief Judge or other judge and filed with the State Court Administrator's Office. The plan and any future revisions should be communicated to all employees.

VII. Local Contact Person

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The effective date of this Language Access Plan is: March 11, 2016 as approved by the District Court Bench.