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**Superior Court of Mono County**

**Limited English Proficiency (LEP) Plan**

**I. Legal Basis and Purpose**

This document serves as the plan for the Superior Court of Mono County to provide to persons with limited English proficiency (LEP) services that are in compliance with 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 28 C.F.R. § 42.101–42.112). The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Superior Court of Mono County.

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

**II. Needs Assessment**

**A. Statewide**

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

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

1. Spanish
2. Vietnamese
3. Korean
4. Armenian
5. Mandarin

**B. Superior Court of Mono County**

The Superior Court of Mono County makes every effort to provide services to all LEP persons. However, Mono County is a remote rural area that is sparsely populated, where the predominant language is overwhelmingly English. According to United States Census Bureau data, Spanish is the next most frequently used language. Due to the lack of available bilingual resources in the area, providing services can be challenging. However, the court takes LEP person's needs seriously and attempts to make every reasonable effort to provide meaningful access to them.

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According to the United States 2000 census for Mono County, 2,104 people or 17.4 percent of the people five years of age and older over speak a language other than English. Of these, 1,113 people reported speaking English less than very well, with 1,050 speaking Spanish, 30 speaking an indo-European language, 15 speaking an Asian or Pacific Island language and 18 speaking something else.

52 **III. Language Assistance Resources**

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

54 **1. Providing Interpreters in the Courtroom**  
55

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 Mono  
58 County, interpreters will be provided at no cost to court customers who need such assistance  
59 under the following circumstances:

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

66  
67 Responsibility for the cost for spoken-language interpreters for litigants and witnesses in other  
68 civil proceedings will be determined at the discretion of the officiating judge. Additionally,  
69 courts may use interpreters who are providing mandated interpreting services for issues such as  
70 criminal or juvenile cases for incidental use in civil courtrooms. The Superior Court of Mono  
71 County recognizes the significant benefits to both the public and the court by providing  
72 interpreters in civil cases and will attempt whenever possible to provide such interpreters through  
73 incidental use.

74 **2. Determining the Need for an Interpreter in the Courtroom**  
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76 The Superior Court of Mono County may determine whether an LEP court customer needs an  
77 interpreter for a court hearing in various ways.

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79 The need for a court interpreter may be identified prior to a court proceeding by the LEP person  
80 or on the LEP person's behalf by counter staff, self-help center staff, family court services, or  
81 outside justice partners.

82  
83 The need for an interpreter may also be made known in the courtroom at the time of the  
84 proceeding. The judge may determine that it is appropriate to provide an interpreter for a court  
85 matter. California's Standards of Judicial Administration offer instruction to judges for

86 determining whether an interpreter is needed. Section 2.10 provides that an “interpreter is needed  
87 if, after an examination of the party or a witness, the court concludes that: (1) the party cannot  
88 understand and speak English well enough to participate fully in the proceedings and to assist  
89 counsel, or (2) the witness cannot speak English so as to be understood directly by counsel,  
90 court, and jury.” The court is directed to examine the party or witness “on the record to  
91 determine whether an interpreter is needed if: (1) a party or counsel requests such examination or  
92 (2) it appears to the court that the person may not understand or speak English well enough to  
93 participate fully in the proceedings.”

94

95 To determine if an interpreter is needed, standard 2.10(c) provides that “the court should  
96 normally ask questions on the following: (1) identification (for example: name, address, birth  
97 date, age, place of birth); (2) active vocabulary in vernacular English (for example: ‘How did  
98 you come to the court today?’ ‘What kind of work do you do?’ ‘Where did you go to school?’  
99 ‘What was the highest grade you completed?’ ‘Describe what you see in the courtroom.’ ‘What  
100 have you eaten today?’ Questions should be phrased to avoid ‘yes’ or ‘no’ replies; (3) the court  
101 proceedings (for example: the nature of the charge or the type of case before the court), the  
102 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,  
103 and the responsibilities of a witness.”

104

105 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an  
106 interpreter. “The file in the case should be clearly marked and data entered electronically when  
107 appropriate by court personnel to ensure that an interpreter will be present when needed in any  
108 subsequent proceeding.”

109

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

116

117 In a case where the court is mandated to provide an interpreter, but one is not available at the  
118 time of the proceeding, even after the court has made all reasonable efforts to locate one, as  
119 outlined in this plan, the case will be postponed and continued on a date when an interpreter can  
120 be provided. The AOC will be developing a generic continuance form that will be translated into  
121 several frequently used languages and will be providing them to the trial courts for their use.

122

123 When an interpreter is unavailable for a case in which the court is not mandated to provide one,  
124 the court determines and follows the best option that is appropriate for the situation, including:

- 125 • Appointing an individual to act as an interpreter for the proceeding;
- 126 • Continuing the proceeding to a day when the calendar shows the incidental availability of  
127 an interpreter for that language; or
- 128 • Continuing the proceeding and informing the party that they must provide an interpreter  
129 at their own expense.

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131 **3. Court Interpreter Qualifications**  
132

133 The Superior Court of Mono County hires interpreters for courtroom hearings in compliance  
134 with the rules and policies set forth by Government Code section 68561 and California Rules of  
135 Court, rule 2.893. The AOC maintains a statewide roster of certified and registered interpreters  
136 who may work in the courts. This roster is available to court staff and the public on the Internet  
137 at [www.courtinfo.ca.gov/programs/courtinterpreters/master.htm](http://www.courtinfo.ca.gov/programs/courtinterpreters/master.htm).  
138

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

149 **B. Language Services Outside the Courtroom**  
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151 The Superior Court of Mono County is also responsible for taking reasonable steps to ensure that  
152 LEP individuals have meaningful access to services outside the courtroom. This is perhaps the  
153 most challenging situation facing court staff, because in most situations they are charged with  
154 assisting LEP individuals without an interpreter present. LEP individuals may come in contact  
155 with court personnel via the phone, the public counter, or other means.  
156

157 To facilitate communication between LEP individuals and court staff, the Superior Court of  
158 Mono County uses the following resources to the degree that resources are available:

- 159 • Court interpreters, to the extent permitted under the active memorandum of  
160 understanding or independent interpreter contract;
- 161 • Bilingual employees;
- 162 • “I Speak” cards, to identify the individual’s primary language;
- 163 • Multilingual signage is being developed by the AOC and a working group of trial courts.  
164 Once available, signage with applicable messages for this court will be posted in the  
165 court in [list languages];
- 166 • Language Line services, which are available to provide assistance in the clerk’s office  
167 and at the court’s self-help center and court mediation services. Language Line contract  
168 services provides interpretation services via the telephone in over 170 languages; and,
- 169 • Bilingual family court services mediators for custody and visitation matters.  
170

171           **C.       Translated Forms and Documents**  
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173       The California courts understand the importance of translating forms and documents so that LEP  
174 individuals have greater access to the courts' services. The Superior Court of Mono County and  
175 the public have access to Judicial Council forms and instructional materials translated into  
176 commonly used languages at [www.courtinfo.ca.gov/selfhelp/languages](http://www.courtinfo.ca.gov/selfhelp/languages). The court also has  
177 access to instructional materials that have been translated by other courts at  
178 [www.courtinfo.ca.gov/programs/equalaccess/trans.htm](http://www.courtinfo.ca.gov/programs/equalaccess/trans.htm).

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

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183       **IV.       Bilingual Court Staff**

184       The Superior Court of Mono County is an equal opportunity employer and recruits and hires  
185 bilingual staff to serve its LEP constituents whenever possible. The court also looks for  
186 opportunities to include bilingual skills in any contractor that provides self-help assistance.  
187

188       **V.       Judicial and Staff Training:**  
189

190       The Superior Court of Mono County is committed to providing LEP training opportunities for all  
191 judicial officers and staff members. Training and learning opportunities currently offered by the  
192 Superior Court of Mono County will be expanded or continued as needed. Those opportunities  
193 include:

- 194       • Diversity Training;
- 195       • Cultural competency training;
- 196       • LEP plan training;
- 197       • Statewide conferences on language access or conferences that include sessions dedicated  
198       to topics on language access, when offered;
- 199       • New employee orientation training; and,
- 200       • Judicial officer orientation on the use of court interpreters and language competency.

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202       **VI.       Public Notification and Evaluation of LEP Plan**  
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204           **A.       LEP Plan Approval and Notification**

205       The Superior Court of Mono County's LEP plan is subject to approval by the presiding judge  
206 and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP  
207 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court  
208 executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of  
209 Mono County's LEP plan will be provided to the public on request. In addition, the court will  
210 post this plan on its public Web site, and the AOC will post a link to it on the Judicial Council's  
211 public Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

213           **B.       Annual Evaluation of the LEP Plan**

214       The Superior Court of Mono County will routinely assess whether changes to the LEP plan are  
215       needed. The plan may be changed or updated at any time but reviewed not less frequently than  
216       once a year.

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218       Each year court staff will review and consider the effectiveness of the court's LEP plan and  
219       update it as necessary.

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221       In reviewing the plan the following points will be considered:

- 222           • Any related changes in court procedures or in the LEP public's needs;
  - 223           • Changes in the numbers of LEP persons requesting services;
  - 224           • Changes in applicable technology that might be made available to the court;
  - 225           • Review of services and translated materials provided; and,
  - 226           • Consideration of feedback provided about the court's LEP services;
- 227

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

229       Hector Gonzalez Jr.  
230       Court Executive Officer  
231       Superior Court of California- Mono County

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238  
239           **D.       AOC LEP Plan Coordinator:**

240       Mark Garcia  
241       Senior Court Services Analyst  
242       Equal Access Program  
243       Administrative Office of the Courts  
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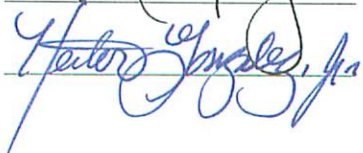
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248           **E.       LEP Plan Effective date: October 1, 2009**

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250           **F.       Approved by:**

251  
252       Presiding Judge:

 Date: 9-28-09

253  
254       Court Executive Officer:

 Date: 9/22/09

## Attachment A to Trial Court Limited English Proficiency Plan

### **Citations on the Use and Payment of Interpreters in Court Proceedings**

Policies for providing interpreters in court proceedings are based on the following Constitutional provisions, case law, and statutory mandates:

- Article 1, section 14 of the California Constitution provides that a “person unable to understand English who is charged with a crime has the right to an interpreter throughout the proceedings.” There is no corresponding right in civil proceedings. *Jara v. Municipal Court* (1978) 21 Cal.3d 181 held that non-English-speaking indigent civil litigants do not have a right to a court interpreter appointed at public expense. However, the court does have the inherent right to waive filing fees if justice so requires.
- *Jara* let stand an earlier opinion, *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412, which held that in small claims proceedings, the court has a statutory duty to appoint an interpreter free of charge if it finds the litigant unable to speak or understand English. *Jara* reasoned that because attorneys are not permitted in small claims proceedings, non-English-speaking small claims litigants without an interpreter are “effectively barred from access to the small claims proceedings.” (*Jara*, 21 Cal.3d 185.) (See also the two bulleted items below regarding interpreters in small claims matters.)
- Witnesses with limited English proficiency must also be provided with an interpreter. Under Evidence Code section 752, the court must appoint an interpreter whenever “a witness is incapable of understanding the English language or is incapable of expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury. . . .” Appointment of a translator is also required whenever “the written characters in a writing offered in evidence are incapable of being deciphered or understood directly.” (Evid. Code, § 753.)
- In small claims proceedings, if the court determines that a litigant does not speak or understand English sufficiently to comprehend the proceedings or give testimony and needs assistance in doing so, the court may permit another individual (other than an attorney) to assist that party. (Code Civ. Proc., § 116.550(a).) If a competent interpreter is not available at the first hearing of the case, the small claims court shall postpone the hearing one time only to allow the party the opportunity to obtain another individual to assist that party. Any additional continuances shall be at the court’s discretion. (Code Civ. Proc., § 116.550(b)). Rule 3.61 (5) of the California Rules of Court provides that any costs for a court-appointed interpreter in a small claims action must be waived if an application to proceed in forma pauperis is granted.
- In proceedings involving domestic violence and proceedings regarding parental rights, dissolution of marriage, or legal separation involving a protective order, a party who does

Superior Court of Mono County  
LEP Plan,  
Attachment A (continued)

not proficiently speak or understand English shall have a certified interpreter present to assist communication between the party and his or her attorney (Evid. Code, § 755(a)). The interpreter's fees shall be paid by the litigants "in such proportions as the court may direct," except that the fees shall be waived for a party who has a fee waiver (Evid. Code, § 755(b) and Gov. Code, § 68092). However, the authorizing statute (Evid. Code, § 755) provides that compliance with its requirements is mandatory only if funds are available under the Federal Violence Against Women Act (P.L. 103-322) or from sources other than the state. The Judicial Council provides special funding through its Trial Court Improvement Fund to allow courts to provide interpreters for these matters and for elder abuse cases. This funding may also be used for general family law matters in and out of the courtroom, on a priority basis and to the degree funding is available.