



VERMONT JUDICARY

Language Access Plan

May 2021

Version 1.1

I. INTRODUCTION AND PURPOSE

The Vermont Judiciary Language Access Plan (hereinafter “LAP”) contains the Vermont Judiciary’s (“Judiciary”) policies, principles, next steps, and timeline for improving language access. Operational guidelines on implementation of the policy and program are contained in the Language Access Operations Manual, which can be accessed at <https://www.vermontjudiciary.org/programs-and-services/language-access-interpreters-and-translators>. All Judiciary employees are expected to be familiar and in compliance with the guidelines contained in this LAP and the Manual and will receive periodic training on their provisions. This document replaces the January 2017 Language Access Plan.

It is the policy of the Judiciary to provide meaningful language access for all individuals who are Limited English Proficient (LEP) to ensure that all persons have due process and equal access to all court proceedings, court services, and court-managed functions. Ensuring meaningful language access means providing timely, accurate, and effective language services at no cost.

In addition, it is the policy of the Judiciary to enable communication to LEP and deaf or hard of hearing individuals as effectively as it enables communication to all others, so as to allow an equal opportunity to all to participate in and derive the benefits of access to a service, program, or activity of a public entity.¹

This includes enabling communication to individuals who are deaf or hard of hearing by providing American Sign Language (ASL) interpreters at no cost to litigants, witnesses and court spectators.² While this LAP includes some references to sign language interpreters, the Judiciary recognizes that the obligations it has under Title II of the Americans with Disabilities Act (ADA)³ and Section 504 of the Rehabilitation Act⁴ for people with disabilities are separate from their language access obligations pursuant to Title VI of the Civil Rights Act.⁵ This document is not intended to serve as the complete policy on issues related to the Judiciary’s interactions with individuals with disabilities and its obligations under the ADA, including those related to communications obligations.⁶

Equal access to the courts is fundamental to the legitimacy of the Judiciary and to the trust and confidence Vermonters have in our court system. Language assistance services for individuals who are LEP, or who are deaf or hard of hearing, are essential to ensure that they are able to participate fully in judicial proceedings, court services and activities, and court-managed functions. Without language and communication services, LEP and deaf or hard of hearing court users are effectively denied the protection of our laws. Moreover, the courts have an independent obligation to ensure access so that the fact finder can hear evidence accurately and deliver justice fairly.

¹ 28 CFR 35.160(a)(1); (b)(1).

² References throughout this document to ADA issues are intended to ensure that requests for an ASL interpreter are included in, and treated in the same manner, in the Language Access Program.

³ 42 U.S.C. §§ 12131-12134.

⁴ 29 U.S.C. § 794.

⁵ 42 U.S.C. § 2000d et seq.

⁶ 28 CFR Pt. 35, Subpart E.

The Judiciary is resolute in its objective to accomplish these tasks with integrity, due diligence, and transparency.

It should be noted that the tasks and corresponding timeframes outlined in this LAP are subject to revision by the Judiciary, with changes to it being made as may be required, depending upon financial and technical resource availability and the degree to which tasks and timeframes align with court-related priorities.

II. DEFINITIONS

This section contains definitions that are necessary to understand concepts in this document. A more complete set of definitions related to the Judiciary's Language Access Program are contained in the Manual.

- **Bilingual Staff (or Multilingual Staff)**
An employee of the Judiciary who has demonstrated fluency in English and a second (or additional) language and who is authorized to provide direct in-language communication to LEP court users.
- **Court-Managed Functions**
Any program, service or activity that is provided by, paid for, or subject to the control of the Judiciary constitutes a court-managed function, since the courts are required to provide language assistance when needed. This includes, but is not limited to, general court services and operations, on-line services, and all court-sponsored programs such as alternative dispute resolution programs, jury duty, self-represented litigant clinics, Relief from Abuse (RFA) education, Coping with Separation and Divorce (COPE) classes, and any other court-sponsored education programs, whether mandatory or optional. Any services or programs offered post-adjudication of the criminal, family, or juvenile courts are the responsibility of the receiving agency (e.g., the Department of Corrections, Department for Children and Families, Office of Child Support, Department of Motor Vehicles, etc.).
- **Court Proceedings**
Proceedings include, but are not limited to, case management conferences, judicially ordered mediations, motion hearings, arraignments, commitment hearings, competency hearings, jury selection, trials, sentencing, appellate arguments, and any other court events or proceedings ordered by the judge up to the point of final adjudication and closure of the case.
- **Credentialed Foreign Language Interpreter⁷**
An interpreter who has passed the National Center for the State Courts' (NCSC), or its predecessor, the National Association of Judiciary Interpreters and Translators,⁸ written

⁷ The Language Access Plan and this Manual use the term "credentialed" as the basis for being a "qualified" interpreter in order to avoid the confusion surrounding the term "certified" and to capture the differences in labeling among states with differing standards.

⁸ The NAJIT certification program was discontinued in 2012 when NCSC stepped in through the Council of

and oral testing (if available) at acceptable scores and been placed on the NCSC's registry or has been credentialed by member states, according to sufficient standards, certified by the federal district court. A credentialed interpreter should be used in all court proceedings in accordance with the standards set forth in the Language Access Operations Manual.

- **Qualified Interpreter for Deaf or Hard of Hearing**

A National Registry of Interpreters for the Deaf credentialed interpreter, or an interpreter who, via a video remote interpreting service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators and cued-language transliterators.

- **Language Assistance Services**

Spoken and written language services provided by the Judiciary and needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to and an equal opportunity to participate fully in the services, activities or other programs administered by the Judiciary.

- **Limited English Proficient**

Individuals who do not speak English as their primary language, who have a limited ability to read, write, speak, or understand English, including, but not limited to, parties, witnesses, victims, and those with a substantial legal interest in the case (such as parents or guardians of minors or incapacitated witnesses or victims), as well as individuals having contact with court-managed functions. The phrase applies to individuals whose ability to speak English is not at the level of comprehension and expression needed to have meaningful access to court services, activities or proceedings without language assistance.

- **Meaningful Access**

Language assistance that results in accurate, timely and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.

- **Translation**

Converting a written text from one language into written text in another language. The source of the message being converted is always a written language. Translation requires different skills than those used by an interpreter. In the event that the person needing translation is illiterate or speaks a language with no written literacy (e.g., Maay Maay), other means of providing access, such as an audio-recorded interpretation of the document should be used.

Language Coordinators (CLAC) which is housed in NCSC's Language Access Services Section (LASS). Currently there are NCSC oral certification exams in 18 languages. The federal courts also offer certification for Spanish and in the past they offered certification in Navajo and Haitian Creole.

- **Video Remote Interpretation (VRI)**

A video telecommunication system that uses devices such as tablets, computers, web cameras or videophones to provide spoken language through remote, off-site interpreters.⁹

- **Vital Document**

Paper or electronic written material that contains information that is critical for enabling meaningful access to Judiciary programs or activities, or which involves decisions regarding liberty, safety, property, due process, or relationships that have significant consequence.

Vital documents include those that: 1) contain or solicit information critical for obtaining access to court and court services; 2) advise of rights or responsibilities, including the consequences of violating a court order; or 3) are required by law.

III. LEGAL BASIS FOR PROVIDING LANGUAGE SERVICES

The Judiciary is committed to ensuring meaningful access to its LEP and deaf and hard of hearing court users. Title VI of the federal Civil Rights Act of 1964 (commonly referred to as “Title VI”) states that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”¹⁰ Further, Section 504 of the Rehabilitation Act (commonly referred to as “Section 504”) requires that “[n]o otherwise qualified individual with a disability...shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”¹¹ The Americans with Disabilities Act (ADA) extends Section 504’s broad obligation to prevent discrimination on the basis of disability to all public entities regardless of federal financial assistance.¹²

Pursuant to the "Guidance to Federal Financial Assistance Recipients" issued by the United States Department of Justice,¹³ courts that receive federal funds, including the Judiciary, are subject to Title VI requirements. As such, with respect to LEP court users they must:

- Provide credentialed interpreter assistance in any judicial proceeding involving LEP parties in interest and witnesses;¹⁴
- Take reasonable steps to ensure that LEP court users are given meaningful access to any

⁹ This definition does not purport to address the more specific VRI obligations under the ADA. See 28 CFR 35.105 and 35.160(d).

¹⁰ 42 U.S.C. § 2000d.

¹¹ 29 U.S.C. § 794.

¹² 42 U.S.C. § 12132

¹³ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (“2002 DOJ Guidance”), 67 Fed. Reg. 41,455, at 41,457 (Jun. 18, 2002).

¹⁴ This LAP and the Language Access Operations Manual use the term “credentialed” as the basis for being a “qualified” interpreter in order to avoid the confusion surrounding the term “certified” and to illustrate the differences in labeling among states with differing standards.

program or service that is provided by, paid for, or subject to the control of the judiciary;
and

- Provide this access free of charge.

The ADA and Section 504 require courts to ensure effective communication for individuals with disabilities. To that end, public entities are required to provide appropriate auxiliary aids and services, including the provision of qualified sign language interpreters, to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a service, program or activity of a public entity.

In addition to the federal law, the Vermont Supreme Court amended the court rules in 2017 to comply with Title VI and the ADA.¹⁵ Pursuant to the rules, “the court must provide competent interpreter services when such services are necessary to ensure meaningful access to all court proceedings and court-managed functions in or related to civil actions for a party, witness, or other person whose presence or participation is necessary or appropriate and who is a person with limited English proficiency, hearing impairment, or other disability which results in the need for interpreter services. The court must determine the reasonable compensation for the interpreter services for court proceedings and court-managed functions. The compensation must be paid by the State of Vermont.”

IV. GENERAL LANGUAGE ACCESS POLICY

The justice system resolves some of the most important issues and controversies in the lives of its citizens and is a cornerstone of our democracy. Every day, the courts are asked to protect rights and resolve disputes in accordance with constitutional principles. When language barriers interfere with the ability of individuals to communicate and understand what is happening, the most basic strengths and values of the system are negated. In order to provide meaningful access for LEP court users, Judiciary staff must take reasonable steps to provide appropriate language assistance services. Subject to the provisions and guidance set forth in this document and the Language Access Operations Manual, language assistance must be provided to all such persons when court staff identify a need and upon request, for all court proceedings and court-managed functions.

The Judiciary welcomes complaints as a means of improving delivery of language services. Staff and judges should facilitate filing of complaints and are prohibited from retaliating against any person for doing so or for aiding in its investigation or resolution. Any person who believes that they or others have not been provided with adequate language access services, consistent with this Plan and/or state or federal law, may file a complaint. The Judiciary also welcomes feedback regarding implementation of this policy. Complaints or Feedback may be sent to Patricia Gabel, Esq., State Court Administrator, Vermont Judiciary, 109 State Street, Montpelier, VT 05609-0701 (Patricia.Gabel@vermont.gov). Online complaint forms, in multiple languages, are on the Judiciary website, at <https://www.vermontjudiciary.org/programs-and-services/language-access-interpreters-and-translators> or in hard copy by request from any court.

This directive is administrative and does not create any right or benefit, substantive or procedural, beyond existing legal obligations, by a party against the State of Vermont, its agencies, its officers

¹⁵ V.R.C.P. 43(f). The same rule applies to criminal cases (V.R.Cr.P. 28) and probate cases (V.R.P.P. 43(e)).

or employees or any person.

V. BACKGROUND/ STATEMENT OF NEED

Vermont is a rural state with a growing LEP population requiring interpreters and translation of vital documents to provide equal access to health, legal, educational and other governmental services. The 2018 American Community Survey (ACS) indicates that 34,207 residents of Vermont are LEP and lists thirty languages captured under other or multiple categories (Asian, Indic, Indo-European, Pacific Island, Slavic and Native American) as currently spoken in Vermont.¹⁶ The number of languages spoken is probably over forty when languages of lesser diffusion are taken into consideration.

Vermont's LEP population is primarily, though not exclusively, New Americans and migrant farmworkers. Unlike most other states where Spanish is the main second language, Vermont has no predominant second language group. With each arriving group of New Americans, the languages of need change. There is a period of adjustment as new interpreters are located and trained.

The Judiciary provided interpreters in thirty languages during 2019. The primary languages for which interpreters were provided (in rank order) were Nepali, Somali/Maay Maay, Spanish, Vietnamese, French, Arabic and Swahili. Mandarin, Bosnian, Russian and Haitian Creole were also in the top twelve languages of need. Additional data from the 2018 ACS identified 17,756 individuals over the age of five who do not speak English very well in the Northwest (Chittenden, Franklin, Grand Isle); 5,649 in the Northeast (Washington, Caledonia, Orleans, Lamoille, Essex); 4,686 in the Southeast (Windham, Windsor, Orange); and 6,116 in the Southwest (Rutland, Bennington, Addison).

In 2017, the Judiciary asked the National Center for the State Courts (NCSC) to provide recommendations and best practices for Language Access Plans. In April 2018, NCSC issued a report, *Review and Analysis of the Vermont Judiciary Language Access Plan*, which made several recommendations for improvement. In June of 2019, the Judiciary entered into a Collaborative Technical Assistance Agreement with the United States Department of Justice (USDOJ) to help improve language access services for LEP court users. That agreement is scheduled to expire on June 30, 2021.

In 2019, the Judiciary surveyed judges and Judiciary staff, who reported ongoing concerns that accessibility, affordability and the quality of interpreter services remain barriers to adequate language services for LEP individuals. In 2020, an external survey of attorneys, advocates, interpreters and LEP court users was launched. It remains open. The results of external survey are being collected and analyzed and may provide additional information regarding barriers to access, which should be taken into consideration during implementation of the next steps outlined in Section VIII of this document.

¹⁶ 2018 Data Profiles | American Community Survey | US Census Bureau. (See <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2018/>.)

The Judiciary has established two language access advisory committees, an External Advisory Committee (EAC), made up of advocates, attorneys and state employees who have knowledge of language access issues specific to the Judiciary, and an Internal Advisory Committee (IAC), consisting of Judiciary staff members and judges with knowledge of these issues.

This revised LAP has been undertaken to address the NCSC recommendations, the suggestions of the USDOJ, areas of concern identified in the internal language survey and those identified by the EAC and IAC. The Judiciary anticipates that revisions will be needed to this document from time to time to reflect changes in need for language access services and the resources, including financial, technology, and human resources, available to meet them.

VI. GENERAL PRINCIPLES OF LANGUAGE ACCESS

In recognition of the obligation and commitment to provide meaningful and equitable access to LEP court users as expressed in the above-referenced court rules, the Judiciary adopts the following basic principles of language access. These principles guide all programmatic decisions:

- Courts are responsible for early identification of the need for language services, including, among other things, providing timely and effective notice to those in need of such services.
- Interpretation and translation services provided by credentialed interpreters and translators must be provided by the court at no cost.
- Persons who request language access services must be provided with them, in accordance with Title VI, court rules, and the ADA.
- Language access services must be offered, even if not requested, where the need is apparent or where the ability of a person to understand and communicate in English is unclear.
- Judges and staff must not use informal interpreters, such as family members, opposing parties or counsel.
- Having a credentialed in-person interpreter for judicial proceedings is the most effective method to ensure effective communication for LEP court users/participants and is strongly preferred under the law. However, remote interpretation through audio-visual technology, use of video remote interpreting, or telephone is permitted in certain circumstances, and in some cases may be preferred in the absence of a credentialed in-person interpreter.
- Courts should use available bilingual staff to provide in-language assistance for general court business. Telephone or other remote interpretation may be used to assist monolingual staff.
- Courts must provide interpreters in a timely manner.
- If Judiciary staff encounter difficulty locating a credentialed interpreter, as defined in the Language Access Operations Manual, assistance should be requested from the Language Access Program Manager in the Court Administrator's Office.
- Courts must provide meaningful language access to court users who are LEP in all functions of the judiciary. This means access must be provided in all judicial proceedings, in connection with the general business of the courts, and for all court-managed functions.
- Courts must identify and translate "vital" court documents and forms. Vital documents are defined above.
- The decision whether to appoint an interpreter in a proceeding is ultimately the responsibility of the judge. Primary consideration must be given to the requests of

individuals with disabilities as to the appropriate auxiliary aid or service whenever requested, by either a party, witness or non-party.¹⁷

VII. TYPES OF LANGUAGE ACCESS SERVICES

A. COURT PROCEEDINGS

1. In-Person Interpreters

All interpreters appointed by a court should be as highly qualified as possible. Until such time as the Judiciary has its own credentialing process for interpreters, preference should be given to interpreters who have credentials from another state or federal court. To the extent possible these credentialed interpreters should be sought from adjoining states or through the national NCSC database. Details regarding the retention and use of credentialed interpreters are available in the Language Access Operations Manual.

2. Video Remote Interpreters

High quality remote interpreting technology can allow the court to increase the quality, availability and efficiency of court interpreters while controlling costs and minimizing delay. The Judiciary has established standards in its remote interpreting user guide for judges and staff for the use of the existing telephone interpreting system where appropriate and will institute training periodically. Details regarding VRI and the use of telephone interpreting can be found in the Language Access Operations Manual.

3. Telephone Interpreters

The State of Vermont has contracted with a telephone interpreting service that is available to all state agencies, including the Judiciary. Use of telephone interpreter services should be primarily for counter transactions or phone inquiries. The court may choose to use this system in place of an in-person or video remote interpreting in court proceedings; however, the telephone interpreter should only be used for short and simple, non-evidentiary proceedings, such as arraignments, status conferences, and calendar calls. Telephone interpreters should not be used for longer or more complicated proceedings that involve substantive rights or that involve testimony and/or production of evidence. Details regarding the use of telephone interpreters can be found in the Language Access Operations Manual.

4. Bilingual Staff

Bilingual staff, whose oral proficiency skills have been assessed through reliable language testing services, can provide helpful assistance for counter services as they

¹⁷ The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place.

are customarily provided. As front-line positions open in the Judiciary, consideration should be given, when possible, within the constraints of applicable contracts of agreements, to recruit and train people with proficiency in needed languages.

B. COURT-MANAGED FUNCTIONS

The Judiciary must pay for and provide meaningful language access services at all court-managed functions, which are defined above.

VIII. NEXT STEPS AND TIMELINE

Each section below provides a statement of the issue, the current status, required actions, a timeline (dates represent the month for the proposed completion of the task), and responsible staff. Positions and not individuals are referenced in this section, as staff may turn over, or new positions may be added.

The following tasks are components of a successful language access program. On-going effort is needed to ensure that legal standards are met in providing language access services.

As a rule, staff will develop a workplan for each component. Workplans may include detail that is not listed in the task lists below. Next steps, tasks, and timeframes in this LAP are subject to revision by the Judiciary, depending upon financial and technical resource availability and the degree to which they align with court-related priorities.

A. TRAINING OF COURT STAFF AND JUDGES

Training for existing staff and judges should be conducted regularly using a variety of methods. The Judiciary should ensure that all newly hired or appointed employees and judges receive training on language access issues during onboarding.

Current Status:

Judiciary court staff received training in 2018-2019 on the Judiciary's language access program. This training included content on earlier versions of the LAP and the Language Access Operations Manual (formerly called the Court Interpreter Manual). In addition, regular reminders of court staff responsibilities with regard to language access are discussed during in-service sessions for Court Operations Managers (COMs) and clerks and information is in turn passed on to line staff. Judges received training on language access issues and use of interpreters at their annual Judicial College in the early 2010s.

Required Action:

The Judiciary's revision of this LAP and the Language Access Operations Manual, along with the development of interim procedures related to hiring credentialed interpreters; plans to use expand the use of video remote interpreting; and the creation of new procedures related to complaints and translation of vital documents, training for all Judiciary staff is needed. A training curriculum for

staff will be developed and shared with USDOJ.

Projected Time Frames and Responsible Staff:

Task	Projected Timeframe for Completion	Responsible Staff
Training curriculum for staff and judicial officers will be developed and shared for feedback	May 2021	Program Manager, Chiefs of PCS and TCO or their designees
Training for Judiciary staff will be conducted during in-service sessions and in other settings as may be possible	August 2021 and ongoing	Program Manager, Chiefs of PCS and TCO or their designees
Training for judicial officers will be conducted	June 2021 and ongoing	Program Manager, Chief Superior Court Judge, Chiefs of PCS and TCO or their designees
A system for on-going training of staff and judges will be developed	October 2021 and ongoing	Program Manager, Chief of PCS and TCO or their designees, Chief Superior Judge

B. PROMOTING ACCESS TO QUALITY INTERPRETER SERVICES

Credentialed in-person interpreters provide the best communication experience for judicial proceedings involving court users who are LEP or who communicate using sign language.

Current Status:

The in-person interpreters offered on the Judiciary’s current roster of interpreters and through relevant entities (AALV, USCRI-VT, WORDS), almost without exception, lack the credentialing necessary to provide legal interpreting in court proceedings. Interpreters offered through the telephone service, currently used by the State of Vermont, also lack formal legal credentials.

Required Action:

The twin crises of the COVID-19 pandemic and the lack of availability of credentialed interpreters from the local interpreter pool necessitate a revision of both short-term and long-term procedures for appointment of interpreters.

In recognition of the need for additional language resources, particularly in languages of limited diffusion, the Judiciary plans to explore national resources and improve the quality of local services. On the national level, Judiciary staff are actively working with the National Center for State Courts (NCSC) to explore use of video remote interpreters from the NCSC database and from other states. the Judiciary’s Language Access Program Manager can assist staff with locating interpreters in rare languages and can answer questions relating to working with interpreters.

In the longer term, the Judiciary is considering establishing a credentialing program that will allow for local interpreters to become credentialed and registered so that affordable in-person interpretation can be provided by Vermont credentialed interpreters.

Short-term:

- Implement interim standards for the hiring of credentialed interpreters and share those with staff and the interpreter community.
- Implement a pilot program using video remote interpreting and the national NCSC database of remote interpreters in a county to be identified to assess the practical and technological feasibility of the approach.
- Create a process by which existing local interpreter service providers and independent interpreters can obtain initial assessments of their current written, oral and skill in different interpreting modes.
- Provide notice to parties about the availability of language services that is added to initial service of process, charging documents, hearing notices, and subpoenas.¹⁸
- Develop ways to track language needs in Odyssey (further discussed in next section).
- Integrate language services into the Access and Resource Center (ARC), as may be possible and appropriate.

Long-term:

- Work with the EAC, the IAC, and other interested stakeholders, including interpreters, to create a credentialing system for local interpreters.
- Develop an orientation program for legal interpreters including ethics, skills (e.g., modes of interpretation) and substantive information about interpreting in the Judiciary (legal terminology, the court system, common proceeding types, etc.).
- Explore the costs and benefits of administering the NCSC written test.
- Explore the use of Oral Proficiency Interview exams as a way of establishing short-term qualification and for languages for which no NCSC oral exam exists.
- Explore interpreter mentoring as a pathway for improving legal interpreting skills of local interpreters.
- Update and maintain an interpreter registry.
- Create standards for listing on a state registry as a registered, qualified, or certified interpreter.
- Devise policy and procedures and establish a Language Access Advisory Board to hear complaints about registered interpreters.

¹⁸ Some of this may require legislative action to change statutes or rules (e.g., subpoena and summons forms).

Projected Time Frames and Responsible Staff:

Task	Projected Timeframe for Completion	Responsible Staff
Provide notice to parties in identified documents/notices	October 2021	Program Manager, Chiefs of PCS and TCO or their designees
Draft and implement interim standards	December 2021	Program Manager, Chiefs of PCS and TCO or their designees
Develop ways to track language needs in Odyssey, as needed	December 2021	Program Manager, Chiefs of PCS and TCO or their designees
Create a process for initial assessment of existing local interpreter service providers and independent interpreters	January 2022	Program Manager
Develop a process for credentialing interpreters	August 2022	Program Manager
Create a timeline for each aspect of the credentialing process	October 2022	Program Manager

C. VIDEO REMOTE INTERPRETING

Video remote interpreting (VRI) is an integral part of providing meaningful language access both during and after the COVID-19 pandemic, and in the interim, until a credentialing system can be created and implemented.

Current Status:

VRI cannot be implemented independent of changes currently being made to the Judiciary’s technology platforms and policies, some of which have been brought about by the changes that were needed to sustain operations during the pandemic. The Judiciary’s technology environment is dynamic and is undergoing significant change presently.

Required Action:

The Judiciary received technical assistance from NCSC regarding the development of VRI capability. Key elements of the feedback received from NCSC is included in the table below.

Projected Time Frames and Responsible Staff:

Task	Projected Timeframe for Completion	Responsible Staff
Create a Working Group of people who are SMEs in WebEx, Odyssey, related software and hardware, and language access to provide input on the use of VRI	May 2021	Program Manager, Chiefs of PCS, RIS, and TCO or their designees
Create hardware and bandwidth standards, procure equipment, etc., to support VRI as needed	TBD, as soon as possible	Working Group
Conduct practice sessions with VRI interpreters from the NCSC database	TBD, as soon as possible	Working Group
Create a written protocol for the use of VRI technology	TBD, as soon as possible	Working Group
Create bench cards and other written materials for OAs, staff, judges, parties, and attorneys on VRI use	TBD, as soon as possible	Working Group
Devise a roll-out plan for how VRI is going to be implemented in all courts.	TBD, as soon as possible	Program Manager, Working Group
Train staff, judges, and providers on the use of VRI	TBD, as soon as possible	Program Manager, Chief of PCS and TCO or their designees
Prepare instructions that can be translated and easily understood by LEP and non-LEP parties, including how to access remote hearings via cell phone, how to address wi-fi/connection and bandwidth problems, and how to work with an interpreter in a remote setting	TBD, as soon as possible	Working Group

D. ACCESS AND RESOURCE CENTER (ARC)

Everyone who accesses the judicial system, whether voluntarily or through legal process, is entitled to equal access. The judicial system can be confusing to those who do not have an attorney and/or have a limited understanding of how the courts' function. For individuals who are self-represented, and/or who do not speak English well enough to comprehend technical terms and processes, the experience can be daunting. Cultural barriers can provide additional layers of difficulty to full participation and understanding. In order to better serve these populations and provide an access point for enhancing services to these communities, the Judiciary is involved in a planning process which may result in the

establishment of an Access and Resource Center (ARC).

Current Status:

The Judiciary currently has Informational Center staff, who answer the phones for the courts across the state and provide information to callers about services, forms, processes, and referrals. In an effort to provide a broader range of services to parties, attorneys, advocates, and others, the Judiciary has gotten access to space on the first floor of the Costello Courthouse in Burlington and is in the planning stages of establishing an Access and Resource Center (ARC), which will serve the needs of litigants, and the larger judicial community, through a variety of services. A grant from the State Justice Institute provided the Judiciary with funding to engage the National Center for the State Courts to provide recommendations for the proposed ARC’s design and services.

Required Action:

Enhanced language access needs are a vital component of the ARC that is being planned. Consideration should be given to how language access and related services can be consolidated within the ARC.

Projected Time Frames and Responsible Staff:

Task	Projected Timeframe for Completion	Responsible Staff
Review the NCSC recommendations for language-specific components and space use	June 2021	Program Manager, Chiefs of PCS and TCO or their designees
Explore implementation of recommendations that are feasible from a resource standpoint	September 2021	Program Manager, Chiefs of PCS and TCO or their designees
Devise a timeline for implementation of ARC-based services	TBD	Program Manager, Chiefs of PCS and TCO or their designees

E. TRANSLATION OF VITAL DOCUMENTS

The translation of vital forms and documents so that LEP individuals have equal access to needed information and court services is a critical aspect of meaningful access to the courts.

Current Status:

PCS, in consultation with the EAC, IAC, and USDOJ, have developed a general policy and procedure for translation of vital documents as well as guidance for judicial officers on translation of vital case specific documents, that has been incorporated into the Language Access Operations Manual.

A spreadsheet containing the required fields and identifying the documents that should be considered for translation by type of proceeding and priority has been created. Funding has been obtained through a STOP VAWA grant for translation of domestic violence forms and information. A review of the spreadsheet will occur at regular intervals, but at least annually, to capture new documents, variations in usage patterns, and changes to documents that require revisions to existing translations. The operational guidelines for identifying which documents constitute vital documents are contained in the Language Access Operations Manual.

Required Actions:

- Identify documents for priority translation and other vital documents and send them to be translated by qualified translators.
- Ensure that protocols for procurement, delivery, storage, labeling, and distribution of translations are carried out consistent with provisions in the Language Access Operations Manual.
- Advocate for resources beyond the STOP VAWA funding for translation of other critical criminal and family documents.
- Track all required data on the spreadsheet.
- Analyze what resources beyond forms (notices, signage, complaint procedures, posters, website etc.) need to be translated and create a plan for doing so.
- Post all translated forms on the Judiciary website and ensure that translated versions are otherwise available whenever the English versions are available.
- Ensure that complaint forms are available in both print and web form in top languages.
- Provide guidance to judicial officers on translation of vital case-specific translation.

Projected Time Frames and Responsible Staff:

Task	Projected Timeframe for Completion	Responsible Staff
Identify and begin translations of priority vital documents and proceed with translation of other vital documents, as resources allow	May 2021 and ongoing	Program Manager or designee
Advocate for resources	Ongoing	Court Administrator, Chiefs of PCS and TCO
Track all required data on spreadsheet	June 2021 and ongoing	Program Manager or designee
Determine what other resources, beyond forms, need to be translated and create a plan accordingly	July 2021 and ongoing	IAC, EAC, Program Manager, Chief of PCS
Post all translated forms on the Judiciary website	July 2021 and ongoing	Program Manager or designee
Provide guidance to judicial officers on case-specific translation	July 2021 and ongoing	Chief Superior Judge

F. TRACKING AND REPORTING OF LANGUAGE ACCESS DATA

The collection and analysis of data is vital to identifying strengths and areas for improvement in the language access program.

Current Status:

The Judiciary maintains a roster of interpreters on its intranet site that is available for staff to use in locating spoken language services. Invoices submitted by interpreters are not currently processed in a way that allows for the easy collection or tracing of data regarding their use.

Required Actions:

- Discussion with the IAC concerning the Language Access Program data that should be collected and the best means of tracking it so that it can provide the analysis necessary to determine the effectiveness of the program. A list is provided in the Language Access Operations Manual.
- Creation or revision of the database(s) to track the information.
- Training for any staff who need to use it.

Projected Time Frames and Responsible Staff:

Task	Projected Timeframe for Completion	Responsible Staff
Review of suggested data for collection	May 2021	Program Manager
Database creation or revision	August 2021	Program Manager, Chief of PCS or designee
Training for staff	August 2021	Program Manager, Chiefs of PCS and TCO or their designees

G. MONITORING AND REVIEW OF WORK

Periodic review of this LAP, the Language Access Operations Manual, complaints, and the examination of data from a variety of sources (input from staff, judges, IAC, EAC, surveys, focus groups, etc.) is necessary to ensure that language access needs are being met.

Current Status:

This LAP and the newly revised Language Access Operations Manual are based on input from the IAC, the EAC, USDOJ, and the internal survey.

Required Actions:

The periodic review of interpreter data and feedback received from internal and external stakeholders will help inform language access practice and support a system of continuous language access program improvement.

Projected Time Frames and Responsible Staff:

Task	Projected Timeframe for Completion	Responsible Staff
Review and analyze external survey results and discuss with EAC and IAC	June 2021 and Ongoing	Program Manager, Chiefs of PCS and/or TCO or their designees
Administer internal and external surveys every two years or sooner if warranted	Ongoing	Program Manager
Review language needs and information from the various language access databases (interpreter use and costs, translation, and complaints)	Ongoing	Program Manager
Revise LAP and Language Access Operations Manual as necessary based on feedback	Ongoing	Program Manager