

Language Access Coordinator:  
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412-350-4044

## LANGUAGE ACCESS PLAN

### Fifth Judicial District of Pennsylvania (Allegheny County Courts)

#### **Section I. Introduction and Purpose**

Equal access to the courts is fundamental to the legitimacy of our system of justice and the trust and confidence of Pennsylvanians in our courts. Language services for individuals who are limited English proficient (LEP) or who are deaf or hard of hearing are essential to ensure that they can fully participate in judicial proceedings and court services, programs, and activities in which their rights and interests are at stake. Without these services, they are effectively denied the protection of our laws. Moreover, the courts themselves have an independent interest in ensuring the integrity of communications with LEP and deaf or hard of hearing court users so that the fact finder can hear evidence accurately and deliver justice fairly.

The policy of the Unified Judicial System is to provide meaningful language access for all individuals who are LEP and Deaf/Hard of Hearing to ensure that all persons have due process and equal access to all judicial proceedings, court services, programs and activities. Ensuring meaningful language access means providing timely, accurate, and effective language services at no cost to the court user.

In addition, it is the policy of the Unified Judicial System to provide equally effective communication to individuals who are deaf or hard of hearing, in part, by providing American Sign Language interpreters at no cost to litigants, witnesses and court spectators.<sup>1</sup>

Pennsylvania's policies regarding language access to the courts are embodied in the Language Access Plan for the Unified Judicial System (LAP-UJS). This plan was approved by the Pennsylvania Supreme Court in March 2017. The LAP-UJS policies and requirements, which are binding on the judicial districts, are incorporated herein by reference. The LAP-UJS is available at [languageaccess.pacourts.us](http://languageaccess.pacourts.us).

The judicial district has appointed a language access coordinator who can be reached at [courtaccess@alleghenycourts.us](mailto:courtaccess@alleghenycourts.us) 412-350-4044.

#### **Section II. Legal Basis**

The legal basis for this Language Access Plan is set forth in the [LAP-UJS](#),<sup>2</sup> Title VI of the federal Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act at the federal level, and the Pennsylvania Interpreter Act 172 of 2006 and administrative and regulations pursuant thereto at the state level.

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<sup>1</sup> See, Language Access Plan for the Unified Judicial System of Pennsylvania at 2, available at <http://languageaccess.pacourts.us>.

<sup>2</sup> *Id.* at 4-5, available at <http://languageaccess.pacourts.us>.

### **Section III. General Principles of Language Access**

General principles of language access are referenced in the LAP-UJS.<sup>3</sup> Significant principles include the following:

- 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 must be provided by the court at no cost.
- Persons who request language access services should be provided with them, in accordance with Title VI of the Civil Rights Act, the Pennsylvania Interpreter Act 172 of 2006.
- Language access services should 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.
- Individuals who are LEP, deaf, or hard of hearing should never be expected to use informal interpreters, such as family members, opposing parties, or their counsel, nor should courts allow them to be used.
- Having an in-person interpreter for judicial proceedings is the most effective method to ensure effective communication for LEP and deaf/hard of hearing court participants and is strongly preferred under the law. Remote interpretation through audio-visual technology, use of Video Remote Interpreting (“VRI”) or telephone is permitted only in limited circumstances, as set out in the Pennsylvania Interpreter Act regulations.
- Courts must provide interpreters in a timely manner.
- Courts must provide meaningful language access to court users who are LEP, deaf, or hard of hearing in all services, programs, and activities of the courts. This means access must be provided in judicial proceedings (both criminal and civil), and for the general business of the courts.

### **Section IV. Language Needs of this Judicial District**

Based on Language Access Data Collection information for 2018, and preliminary examination of 2019 data, below are the top 6 languages for which interpreters were most frequently requested in this district:

1. Spanish
2. Nepali
3. American Sign Language
4. Russian

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<sup>3</sup> Language Access Plan for the Unified Judicial System of Pennsylvania at 5-7, available at <http://languageaccess.pacourts.us>.

5. Arabic
6. Chinese Mandarin

## **Section V. Language Services and How to Use Them**

### **A. Oral Language Services**

#### 1. Interpreters

The Judicial District provides interpreters for judicial proceedings in compliance with the rules and policies set forth in the Pennsylvania Interpreter Act and regulations, the AOPC Interpreter Certification Program regulations,<sup>4</sup> and the Guidelines for the Procurement and Appointment of Interpreters issued by the AOPC.<sup>5</sup> These policies require the District to provide court interpreters to all LEP and deaf or hard of hearing parties, victims, witnesses, and certain other persons<sup>6</sup> for any civil or criminal proceeding.

As needed and as requested, the District provides court users with the interpreter request and waiver forms available on the District's website and the Interpreter Certification Program page of the UJS website.<sup>7</sup>

#### 2. Bilingual Staff

This Plan hereby incorporates by reference the Bilingual Employee Policy issued by AOPC on September 28, 2018 and reissued as amended on December 20, 2018. The policy became effective on January 1, 2019.

Under the policy, current employees of the UJS who are bilingual and are required to use their bilingual skills to assist limited English proficient and deaf and hard of hearing members of the public must be tested and achieve a passing score, as defined by the policy, by January 1, 2021. Employees hired after January 1, 2019, who are required to use their language skills to assist LEP and deaf and hard of hearing members of the public must be tested and achieve a passing score as defined by the policy before they can utilize their skills to assist members of the public.

This judicial district has taken the following steps to implement the Bilingual Employee Policy:

- (a) We will incorporate testing of bilingual employees into our hiring process for new employees who will use their bilingual skills to assist members of the public as a part of their jobs.

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<sup>4</sup> 204 Pa. Code §221.

<sup>5</sup> See also Section V(A)(1), Language Services and How to Use Them/Oral Language Services/Interpreters at 10-13, and Section VIII(1) Qualification Requirements for Interpreters and Translators, at 33-35, respectively, of the LAP-UJS, which are hereby incorporated by reference.

<sup>6</sup> The District must provide an interpreter to deaf and hard of hearing court users whether parties to a case, witnesses, family members, or spectators. Interpreters are also provided to limited English proficient fiduciaries for a party; and a parent, guardian, or custodian of a minor or incapacitated person who is a party, victim, or witness.

<sup>7</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program>

(b) The Court does not currently have any bilingual employees who use their skills in connection with their employment. Therefore, the court will use in-person interpreters and telephone interpreting in compliance with Section 104 of the Regulations pursuant to the Pennsylvania Interpreter Act. If bilingual employees are hired in the future, their skills will be assessed in accordance with the statewide LAP and they and their supervisors will view the AOPC-produced training available at [https://www.youtube.com/watch?v=yuJP7e\\_znOU](https://www.youtube.com/watch?v=yuJP7e_znOU).

## **B. Written Language Services**

### **1. Court Forms and Documents**

This Plan hereby incorporates by reference the principles and translation protocol set forth in the AOPC Translation Policy & Procedures Manual of the Unified Judicial System. The District will identify and prioritize documents for translation into the most commonly used languages through application and consideration of the following four-part test:

- The number or proportion of persons encountered in the eligible service population;
- The frequency with which LEP Persons come into contact with the program;
- The nature and importance of the service or benefit provided by the program; and
- The resources available to the District and the cost.

This District has reviewed the UJS Translation Policy and Procedures Manual and follows the guidelines for high quality translation established therein.

This District plans to take the following steps explained in the Translation Manual to prioritize further translation work within the time periods specified:

- Create a spreadsheet with an inventory of district forms, documents, orders, signs, web content, etc. by approximately September 1, 2020.
- Perform the two-step analysis of each writing set forth in the Translation Policy & Procedures Manual to determine if it is a vital document, with results listed in the spreadsheet by approximately December 31, 2020.
- Assign each document to a priority group for translation by approximately February 1, 2021.
- Create a tracking system to record translations by approximately February 1, 2021.

Translated forms currently available to court users in this District include the following:

- Forms translated by the AOPC and available at [www.pacourts.us](http://www.pacourts.us).

- Special Conditions of Probation-Spanish (available in Court Administrative Office and Adult Probation office).
- Informational form on how to obtain Public Defender Services-Spanish and Nepali (Sent to public defender and Pittsburgh Municipal Court and Minor Judiciary administrators).
- Guilty Plea Colloquy-Spanish (Court Administration and Criminal Division).
- Alternative Rehabilitative Disposition documents (Sent to District Attorney's office and available in Court Administration).
- Several Minor Judiciary forms such as Summary Trial Notice, Preliminary Hearing Notice, Rescheduling Notice-Nepali (sent to certain Minor Judiciary offices and available in Court Administration).
- Miscellaneous Criminal Division forms (all of which will be reviewed for updates in 2020).

- Translated documents have been integrated in this judicial district's case management system in the following fashion:

- The translations in the above list have been completed for the languages listed in Section IV above (top languages for which interpreters are most frequently requested in this judicial district) or should be completed by [date].

*\*\*\*All of the above-mentioned forms will be reviewed for updates in 2020.*

## 2. Signage & Websites<sup>8</sup>

While acknowledging that the counties in which judicial districts are located generally own the courthouse buildings and control signage, this judicial district has taken the following steps towards incorporating bilingual signage into its court buildings and has done the following to address translation of court websites:

- A review of all signage to determine what should be translated is currently underway and translation should be completed in the fall of 2020.
- We have reviewed our court website with an eye to translating webpages in subject matter areas in which our judicial district experiences high LEP usage and will be updating English content prior to reviewing for translation into other languages in the coming year.

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<sup>8</sup> A checklist of considerations and suggestions regarding bi- and multilingual signage in courthouses and websites was provided to the judicial districts on March 14, 2019.

- The court's webpage for Interpreter Services and Disability Accommodations, as well as the accompanying form to request services, has been translated into Spanish. Translation of additional web content will also be reviewed and discussed by a newly formed technology committee established in 2019.

### **C. Use of Remote Technology**

The judicial district has contracted with Language Line and Language Services Associates, as well as other Court Certified interpreters to provide telephone interpreting services, primarily for counter communication with LEP court users<sup>9</sup>.

Instructions for contacting a telephone interpreter have been provided to all staff who interact with the public.

### **D. Language Access to Services, Programs, and Activities Outside the Courtroom**

Language access requirements apply not only to judicial proceedings, but also to a wide range of services, programs, and activities outside the courtroom that are administered under the authority of the court, i.e., provided by or contracted for by the court.<sup>10</sup>

Meaningful access to services outside the courtroom is a vital component of equal justice for LEP and deaf or hard of hearing persons. Examples of court services outside the courtroom include, but are not limited to the following if administered under the authority of the court: services of the domestic relations office, the juvenile and adult probation offices, pro se clinics, some Alternative Dispute Resolution programs (ADR), family court custody education and mediation programs, drug

and alcohol evaluation and treatment, mental health evaluation and treatment, anger management classes, domestic violence programs, safe driving classes, and other diversionary and educational programs.

The Fifth Judicial District ensures language services are provided free of charge for all court managed and court funded programs and services. The District also collaborates with outside organizations who serve justice system clients to ensure (as much as possible) that those organizations provide language access services to those clients when they are seeking services at those organizations as a result of their court case. Contact the Language Access Coordinator if you have questions about services for particular programs at [courtaccess@alleghenycourts.us](mailto:courtaccess@alleghenycourts.us) or 412-350-4044.

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<sup>9</sup> See, Section IX, Training, below. Judicial district employees have been trained in the appropriate use of telephone interpreting, and have been advised that its best use is for brief encounters at the counter, rather than judicial proceedings, per Section 104 of the regulations pursuant to the Interpreter Act.

<sup>10</sup> See, Guidance on Services beyond the Courtroom provided to the judicial districts on March 14, 2019.

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Listed below are services provided by or contracted for by this judicial district, and the methods through which language access is provided for these services.

Type of Language Service Utilized	Domestic Relations Office	Adult Probation	Juvenile Probation	ADR <i>(If provided/ managed by the Court)</i>	Domestic Violence Programs	Drug & Alcohol Evaluation/ Treatment <i>(If provided/ managed by the Court)</i>	Mental Health Evaluation/ Treatment <i>(If provided/ managed by the Court)</i>	Anger Management Classes	Safe Driving Classes	Other Diversion/ Education programs <i>(If provided/ managed by the Court)</i>
N/A: not a service provided/ managed by court										
Authorized Bilingual Staff										
Staff Interpreter										
Contracted In-Person Interpreter	X	X	X	X	X	X	X	X	X	X
Telephone Interpreter	X	X	X		X	X	X	X	X	X
Translated Written Materials		X								
Webinars in Languages other than English										

In many judicial districts certain court programs and services are provided by private, third party vendors under contract with or paid for by the court. The Fifth Judicial District ensures that language services and ADA accommodations are provided to court users served by these vendors either through incorporation of language in the contracts if the vendor agrees to arrange for and pay the interpreters, or through having the vendor contact the Language Access Coordinator who will then arrange for services. This is an ongoing process which will periodically be reviewed when contracts are renewed, or new contracts are entered by this Judicial District.

## **Section VI. Early Identification of the Need for Language Services**

### 1. Advance Notice

The judicial district informs individuals of their right to an interpreter using the following forms of notice and in the manner specified below:

- A Notice of the Right to Language Services (hereafter “NLR”) in English and in no fewer than the five of the most commonly spoken languages in the judicial district, providing a phone number to call as well as an email address where a request for an interpreter may be sent. The NLR is provided in the following fashion:
  - Automatic printing of the standardized AOPC-provided NLR for hearing notices and subpoenas generated by MDJS and CPCMS.
  - An abbreviated NLR in this judicial district's 5 top languages in addition to English, approved by AOPC is included with hearing notices or appears on the back of envelopes used in the District.
- Our judicial district will make the forthcoming UJS language access brochure available on our website.
- Notice of Language Rights and the appropriate contact information for requesting an interpreter is posted on the court's website at this link:
  - [www.alleghenycourts.us](http://www.alleghenycourts.us) (link specific to interpreters and disability accommodations appears on the right side of all web pages)
  - This information is also included on the District's Intranet site for employees.
- AOPC Right to Interpreter posters are placed prominently and in close proximity to court or court office staff in:
  - All Court of Common Pleas courts including reception/information desks or kiosks
  - MDJ courts and court offices
  - Various other locations at which we provide services.
- "I Speak" cards in the five most common languages spoken in the judicial district, as well as a card in English for deaf or hard of hearing persons are placed prominently and in close proximity to court or court office staff in:
  - All Court of Common Pleas courts including reception/information desks or kiosks
  - MDJ courts and court offices
  - Various other locations at which we provide services.



In addition to the above-described methods, the judicial district provides notice and information relating to language access services by conducting outreach to local legal services organization, other government offices, non-profits/social service organizations and local immigrant-focused groups.

## 2. System for Receiving and Processing Requests for Language Services

- The judicial district has processes in place to receive and respond to requests for language services to LEP persons who contact the court to inform them of their need for language services.
- These services are available in the following methods of communication:
  - In person
  - By phone
  - Email
  - Via fax
  - Website and Court Intranet
  - Mail

### **Section VII. Keeping Data on the Need for and Use of Language Access Services**

- In compliance with the LAP for the UJS, this judicial district inputs all data regarding use of interpreters and provision of other language access services into Language Access Data Collection ("LADC"), the statewide system for tracking this data.
- In addition, this judicial district utilizes the "special consideration" feature in MDJS and CPCMS to indicate the need for an interpreter for cases in those systems.
- The judicial district uses the following system to mark case files and scheduling documents with an "interpreter needed" designation, so that there is an automatic mechanism to trigger arrangements for an interpreter throughout the life cycle of a given case. The Judicial District has also worked with the Department of Court Records to develop a modification to their Civil Case Management System to capture the need for an interpreter. Specifically, a field has been added to the participant information screen to add the language needed for a LEP or Deaf/Hard of Hearing participants. The Department of Court Records has also designed a notification/alert feature when such a participant has been added with language needs.<sup>11</sup>

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<sup>11</sup> Early identification and notice to the court that an LEP or deaf or hard of hearing person requires language assistance is vital in order to ensure that arrangements for a qualified interpreter can be made. Judicial districts will reinforce to lawyers, court staff, and justice partners, whenever appropriate, of their duty to notify the court of the language services needs of LEP court users or individuals with disabilities, including parties, witnesses, or other persons with a significant interest, at the earliest possible point of contact with the LEP person or person with a disability.

## **Section VIII. Training & Continuing Education**

The judicial district will work with the AOPC to ensure that all employees are trained on appropriate provision of language access services. Judicial district staff have participated in training to assist them to identify and respond to LEP persons, increase awareness of the types of language services available, guide when and how to access those services, and effectively use language services, and all new employees receive language access training at their orientation.

All current and new judicial district staff will attend, and county clerks will be offered, the following training regarding language access:

- Previously recorded training developed by AOPC, available at <https://youtu.be/FObgm-ewIw4>.
- For newly hired and current bilingual staff who use their skills and their supervisors, the taped training developed by AOPC, available at [https://www.youtube.com/watch?v=yuJP7e\\_znOU](https://www.youtube.com/watch?v=yuJP7e_znOU).

Interpreters new to our judicial district receive an orientation to local judicial district processes and procedures via the following means:

- An email with information about our policies and procedures.
- Use of the Local Court Interpreter Orientation Checklist created by AOPC.
- Meeting with new interpreters before their first appearance in our court, providing copies of case documents to review in advance, information about case types and case procedures, and we provide them with instructional videos created by the United States federal courts and other instructional resources from organizations such as the National Association for Judiciary Interpreters and Translators (NAJIT).
- This judicial district is also conducting and participating in various group workshops to provide orientation and training to interpreters.
- Meeting new interpreters at assignment locations when possible.

In addition, this judicial district provides the following training on language access to employees and presiding judicial officers:

- Periodic training for new judicial district staff and employees who have frequent contact with the public
- Distribution of educational resources from sources such as NAJIT and the National Consortium of Interpreter Education Centers (NCIEC), and the Registry of Interpreters for the Deaf (RID) and the National Consortium for Interpreter Education Centers (NCIEC), and other reference/resource materials relevant to language access and working with interpreters.

## **IX. Outreach to Court Users and Communities**

The Judicial District continuously conducts outreach and communicates with stakeholders that serve the limited English speaking and deaf/hard of hearing communities to seek information needed for the preparation of this Language Access Plan, and to determine how to improve the provision of language services in our courts. These stakeholders include other government agencies and social services

agencies across our county. We also conduct outreach to groups and individuals to recruit new interpreters, including social service and government agencies that serve immigrant and deaf/hard of hearing persons, local universities, and language service provider agencies.

The Judicial District provides training and participates in various workshops offered by social service agencies in our community and the District has also conducted a Continuing Legal Education seminar for attorneys on language access and how to work with interpreters. Continuing Education courses and training seminars are also presented for interpreters.

Upon AOPC approval of the LAP:

- The judicial district will post its LAP on its public website and/or public notification area within the courthouse and will make copies of the LAP available upon request.
- In addition, copies of the plan will be provided to all identifiable stakeholders in the LEP and deaf/hard of hearing communities, including but not limited to: the District Attorneys' Office, the Public Defenders' Office, other legal advocacy organizations, local domestic violence or sexual assault programs, and local agencies that serves limited English proficient or deaf or hard of hearing individuals.

#### **Section X. Monitoring and Evaluation of Language Access Plan: Complaint/Feedback Procedure**

The judicial district will review this LAP annually to assess whether it needs to be updated. The LAP will remain in effect unless modified or updated.

The district's review shall include the following areas which may indicate a need to update the LAP:

- Increase in number of LEP and/or deaf or hard of hearing persons requesting court interpreters or language assistance.
- Funding provided or available for languages services.
- Current language needs to determine if additional services or translated materials should be provided.
- Feedback from LEP and deaf or hard of hearing communities and stakeholders.
- Change in court staffing.
- Feedback from trainings provided by the judicial district or AOPC.
- Viability of identified language services and resources.
- Problem areas such as improper denial, delay, or poor-quality language assistance and corrective action strategies
- Complaints suggesting need for changes to LAP and delivery of services.
- Updated census or other population data.

The language access coordinator for this judicial district communicates the requirements of this plan to Judges and court staff and advises the District Court Administrator and AOPC on potential updates to this plan. The language access coordinator also oversees the provision of language services to limited English and deaf/hard of hearing court users.

The language access coordinator for this judicial district can be reached at [courtaccess@allegheycourts.us](mailto:courtaccess@allegheycourts.us) and 412-350-5419 or 4044.

The judicial district will notify the AOPC of any changes to the language access coordinator's contact information, or if a new language access coordinator is named.

Any revisions to the language access plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's website and in a public notification area in the courthouse, as well as distributed to all relevant stakeholders.

Anyone has the right to file a complaint against this judicial district when they believe that the judicial district did not provide the required language access services in an effective manner. An individual may do this by contacting the Language Access Coordinator to report concerns and determine if a mutually agreeable resolution can be implemented, or the individual may file a formal complaint with the District's Language Access Coordinator and/or the AOPC Court Access Coordinator by completing the Complaint Form, which is posted on the judicial district's language access web page and also posted on the Unified Judicial System's Language Access web page here: <http://www.pacourts.us/judicial-administration/court-programs/language-access-and-interpretor-program>.

The Language Access Coordinator or his/her designee will investigate any complaints that allege noncompliance with this LAP. If the investigation results in a finding of compliance, the Language Access Coordinator will inform the complainant in writing of this determination, including the basis for determination. If the investigation results in a finding of noncompliance, the Language Access Coordinator will inform the complainant of the noncompliance in a letter that outlines the steps the judicial district will take to correct the noncompliance. The Language Access Coordinator will complete the Language Access Complaint Tracking Log provided by AOPC twice a year and forward the log to the Coordinator for Court Access, AOPC.

***I certify that the above information is true and correct to the best of my knowledge and this plan is effective on [insert date].***

Date: \_\_\_\_\_ Language Access Coordinator Signature: \_\_\_\_\_

Date: \_\_\_\_\_ District Court Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_ President Judge Signature: \_\_\_\_\_

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***I certify that the above information is true and correct to the best of my knowledge and this plan is effective on [insert date].***

Date: 1-21-20 Language Access Coordinator Signature: 

Date: 1-22-20 District Court Administrator Signature: 

Date: 1-23-20 President Judge Signature: 