

1 **Superior Court of Mendocino County**

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3 **Limited English Proficiency (LEP) Plan**

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5 **I. Legal Basis and Purpose**

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7 This document serves as the plan for the Superior Court of Mendocino County to provide to  
8 persons with limited English proficiency (LEP) services that are in compliance with Title VI of  
9 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. §  
10 42.101–42.112). The purpose of this plan is to provide a framework for the provision of timely  
11 and reasonable language assistance to LEP persons who come in contact with the Superior Court  
12 of Mendocino County.

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

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19 **II. Needs Assessment**

20 **A. Statewide**

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

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

- 29  
30 1. Spanish  
31 2. Vietnamese  
32 3. Korean  
33 4. Armenian  
34 5. Mandarin

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36 **B. Superior Court of Mendocino County**

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38 The Superior Court of Mendocino County will make every effort to provide services to all LEP  
39 persons. However, the following list shows the foreign languages that are most frequently used  
40 in this court's geographic area.

- 41  
42 1. Spanish  
43 2. ASL  
44 3. Cantonese

- 45 4. Korean  
46 5. Tagalog

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48 This information is based on data collected from the AOC's Court Interpreters Data Collection  
49 System and United States Census Bureau data for California.

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51 **III. Language Assistance Resources**

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

53 **1. Providing Interpreters in the Courtroom**  
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55 Providing spoken-language interpreters in court proceedings are based in whole or in part on  
56 statutory and case law. These are set out in Attachment A. In the Superior Court of Mendocino  
57 County, interpreters will be provided at no cost to court customers who need such assistance  
58 under the following circumstances:

- 59  
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.

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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  
71 Mendocino County recognizes the significant benefits to both the public and the court by  
72 providing interpreters in civil cases and will attempt whenever possible to provide such  
73 interpreters through incidental use.  
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75 **2. Determining the Need for an Interpreter in the Courtroom**  
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77 The Superior Court of Mendocino County may determine whether an LEP court customer needs  
78 an interpreter for a court hearing in various ways.

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80 The need for a court interpreter may be identified prior to a court proceeding by the LEP person  
81 or on the LEP person's behalf by counter staff, self-help center staff, family court services, or  
82 outside justice partners such as probation/parole officers, attorneys, social workers or  
83 correctional facilities.

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85 The need for an interpreter also may be made known in the courtroom at the time of the

86 proceeding. The Superior Court of Mendocino County will display a sign translated into the five  
87 most frequently used languages that states, “You may have the right to a court-appointed  
88 interpreter in a court case. Please check with a court employee for assistance.” The Superior  
89 Court of Mendocino County will display this sign at the following locations: Main lobbies and  
90 Self Help Legal Access Center.

91  
92 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.  
93 California’s Standards of Judicial Administration offer instruction to judges for determining  
94 whether an interpreter is needed. Section 2.10 provides that an “interpreter is needed if, after an  
95 examination of the party or a witness, the court concludes that: (1) the party cannot understand  
96 and speak English well enough to participate fully in the proceedings and to assist counsel, or  
97 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury.”  
98 The court is directed to examine the party or witness “on the record to determine whether an  
99 interpreter is needed if: (1) a party or counsel requests such examination or (2) it appears to the  
100 court that the person may not understand or speak English well enough to participate fully in the  
101 proceedings.”

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

112  
113 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an  
114 interpreter. “The file in the case should be clearly marked and data entered electronically when  
115 appropriate by court personnel to ensure that an interpreter will be present when needed in any  
116 subsequent proceeding.”

117  
118 Many people who need an interpreter will not request one because they do not realize that  
119 interpreters are available or because they do not recognize the level of English proficiency or  
120 communication skills needed to understand the court proceeding. The court does not have  
121 funding to provide interpreters for non-mandated proceedings. However, the court can provide  
122 some assistance within existing funding restrictions and will endeavor to do so for non-mandated  
123 proceedings.

124  
125 In a case where the court is mandated to provide an interpreter, but one is not available at the  
126 time of the proceeding, even after the court has made all reasonable efforts to locate one, as  
127 previously outlined in this plan, the case will be postponed and continued on a date when an  
128 interpreter can be provided.

129 When an interpreter is unavailable for a case in which the court is not mandated to provide one,

130 the court may postpone the case and continue to another date to allow the party to make private  
131 arrangements.

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## 2. Court Interpreter Qualifications

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

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141 When an interpreter coordinator has made a “due diligence” effort to find a certified or registered  
142 court interpreter and none is available, the interpreter coordinator then seeks a noncertified,  
143 nonregistered court interpreter, in accordance with the governing local labor agreement.

144 Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the  
145 interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to  
146 rule 2.893, inquire into the interpreter’s skills, professional experience, and potential conflicts of  
147 interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is  
148 designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding  
149 for a period of six months.

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### B. Language Services Outside the Courtroom

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

158

159 The two most common points of service outside the courtroom are at the court’s public counters  
160 and self-help center. Bilingual assistance is provided at the public counter by the placement of  
161 bilingual staff as is practical. The court also periodically calls on other bilingual staff from  
162 elsewhere in the court to assist at a public counter. Similarly, the court’s self-help center recruits  
163 and employs bilingual staff to provide self-represented litigants with assistance in understanding  
164 and completing necessary forms.

165

166 Providing language services outside the courtroom entails both daily communications and  
167 interactions between court staff and LEP individuals to provide accessibility of court services,  
168 such as self-help and mediation services to LEP court users.

169

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

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- 173 • Court interpreters, to the extent permitted under the active memorandum of

- 174 understanding or independent interpreter contract;  
175 • Bilingual employees;  
176 • A court Web site with key pages translated into Spanish;  
177 • Written information in Spanish on how to access and navigate the court;  
178 • Multilingual signage throughout courthouse locations in the following languages:  
179 Spanish;  
180 • Language Line services, which are available to provide assistance in the clerk's office  
181 and at the court's self-help center. The Language Line contract services provides  
182 interpretation services via the telephone in over 170 languages; and,  
183

184 To provide linguistically accessible services for LEP individuals, the Superior Court of  
185 Mendocino County provides the following:  
186

- 187 • Self-help center services that include bilingual self-help center staff;
- 188 • Bilingual Conservatorship Investigator;
- 189 • Joint workshops between self-help center staff and community service providers serving  
190 LEP populations; and,
- 191 • Written informational and educational materials and instructions in English and Spanish.  
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### 193 **C. Translated Forms and Documents**

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195 The California courts understand the importance of translating forms and documents so that LEP  
196 individuals have greater access to the courts' services. The Superior Court of Mendocino County  
197 currently uses Judicial Council forms and instructional materials translated into commonly used  
198 languages.  
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- 200 • These translated forms are available at the court's Web site for internal use and are  
201 available to the public at [www.courtinfo.ca.gov/selfhelp/languages](http://www.courtinfo.ca.gov/selfhelp/languages) as well as at the  
202 court's self-help center;  
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- 204 • The court also has access to instructional materials that have been translated by other  
205 courts at [www.courtinfo.ca.gov/programs/equalaccess/trans.htm](http://www.courtinfo.ca.gov/programs/equalaccess/trans.htm).  
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207 These documents will be located at the Self Help Legal Access Center, 100 N. State  
208 Street, Ukiah, CA.  
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210 Interpreters at court hearings are expected to provide sight translations of court documents and  
211 correspondence associated with the case.  
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### 213 **IV. Court Staff and Volunteer Recruitment**

214 The Superior Court of Mendocino County does not operate a volunteer program. Bilingual court  
215 staff earn a pay differential as an incentive.

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**V. Judicial and Staff Training**

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

- Diversity Training;
- Cultural competency training;
- New employee orientation training; and,
- Judicial officer orientation on the use of court interpreters and language competency.

**VI. Public Outreach and Education**

To communicate with the court’s LEP constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the Superior Court of Mendocino County provides community outreach and education and seeks input from its LEP constituency to further improve services. Outreach and education efforts include partnerships and collaborations with community service centers, bar associations, governmental social service providers, volunteer organizations and public libraries to provide a court presence in the LEP community. The court will solicit input from the LEP community and its representatives and will seek to inform community service organizations on how LEP individuals can access court services.

**VII. Public Notification and Evaluation of LEP Plan**

**A. LEP Plan Approval and Notification**

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

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

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

256 Each year the court's Executive Officer will review the effectiveness of the court's LEP plan and  
257 update it as necessary. The evaluation will include identification of any problem areas and  
258 development of corrective action strategies. Elements of the evaluation will include:

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- 260 • Number of LEP persons requesting court interpreters or language assistance;
- 261 • Assessment of current language needs to determine if additional services or translated
- 262 materials should be provided;
- 263 • Solicitation and review of feedback from LEP communities within the county;
- 264 • Assessment of whether court staff adequately understand LEP policies and procedures
- 265 and how to carry them out;
- 266 • Review of feedback from court employee training sessions; and,
- 267 • Customer satisfaction feedback.

268

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

270 Benjamin D. Stough  
271 Court Executive Officer  
272 100 North State Street, Rm. 303  
273 Ukiah, CA 95482  
274 (707) 463-4693  
275 ceo@Mendocino.courts.ca.gov

276

277 **D. AOC LEP Plan Coordinator:**

278 Mark Garcia  
279 Senior Court Services Analyst  
280 Equal Access Program  
281 Administrative Office of the Courts  
282 455 Golden Gate Avenue  
283 San Francisco, CA 94102-3688  
284 (415) 865-4367, mark.garcia@jud.ca.gov

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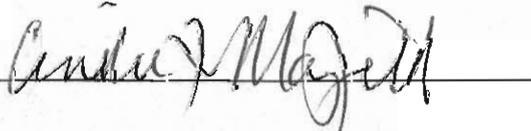
286 **E. LEP Plan Effective date:** July 1, 2009

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289 **F. Approved by:**

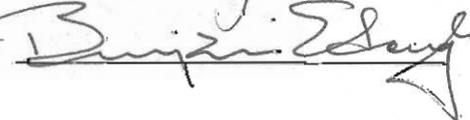
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291 Presiding Judge: 

Date: 7/16/09

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294 Court Executive Officer: 

Date: 7/16/09