



Language Access

Essential to the Court's Mission

The Mission of the Idaho Courts is to “provide access to justice through the timely, fair, and impartial resolution of cases.” Language access services are not only an essential component of fulfilling this mission, but a legal requirement at the state and federal levels. The Idaho courts have an obligation to ensure equal access to justice and due process of law. In addition to state and federal constitutional due process rights, Idaho courts must abide by the following federal mandates, state statute, and Supreme Court rule:

- The Americans with Disability Act (ADA) protects individuals with a disability, including people who are deaf, who participate in court matters. The ADA mandates that individuals cannot be charged for the auxiliary aid or service provided.
- Title VI of the Civil Rights Act of 1964 and Omnibus Crime Control and Safe Streets Act of 1968 prohibits recipients of federal financial assistance from discriminating based on national origin by failing to provide “meaningful access” to individuals who have limited English proficiency (LEP). Pursuant to a 2000 Executive Order, the Department of Justice (DOJ) has established guidance for recipients of DOJ funds.

In 2012, court interpreters
were needed for

45 different languages

- Idaho Code § 9-205 requires that an interpreter be appointed in any civil or criminal action in which the witness or a party does not understand or speak the English language, or has a physical handicap which prevents him or her from fully hearing or speaking the English language.
- Idaho Court Administrative Rule 52 sets forth the policy of the Supreme Court relating to the appointment of interpreters. The rule provides for a priority of appointment of court interpreters. In addition, the rule states that interpreter services must be provided for individuals who are seeking access to the courts outside of a court proceeding.

Judges must ensure that parties, witnesses, and other interested individuals are able to communicate in the English language, regardless of the reason they are accessing the courts. If they are unable to communicate in English, a professional interpreter must be appointed.

Providing language access is about far more than just locating a bilingual person to provide interpreting or translating services. Being bilingual alone is not sufficient to qualify a person to serve as an interpreter or a translator for the courts. Educated, native-like mastery of English and a second language is required. In addition to possessing language skills, interpreting and/or translating skills and a specialized knowledge of legal and other terminology is required.

The Supreme Court continues to work diligently to improve access to the courts for individuals who have limited or no ability to communicate in English or who are deaf and hard of hearing. The Supreme Court conducts annual orientations and skill-building workshops for court interpreters, as well as administers oral proficiency exams for court interpreter certification. In addition, the Court and Ada County District Court jointly sponsor an annual conference for court interpreters. This conference is focused on professional development and affords Idaho certified court interpreters an opportunity to earn required continuing education credits in state.

***Report to Governor C.L. “Butch” Otter
and the 2nd Regular Session of the 62nd Idaho Legislature***

Idaho Courts Participate in National Summit on Language Access

In October of 2012, nearly 300 judicial leaders from 49 states, 3 territories and the District of Columbia gathered in Houston, Texas for the first National Summit on Language Access in the courts. The State Justice Institute provided funding for Idaho to send a team of five to the Summit, which consisted of: Hon. Sergio Gutierrez, Hon. Joel Tingey, Hon. Mick Hodges, Sandra Barrios, Court Interpreter Coordinator for the Fourth Judicial District, and Janica Bisharat, Director of Court Management. In participating, the Idaho team demonstrated support for implementing language access services, their commitment to justice, and their recognition that language barriers must be eliminated in order to promote access to justice in the courts. Throughout the Summit, judicial leaders identified the challenges faced in providing quality access services and then engaged in workshops to identify ways of meeting those challenges and creating solutions. The Idaho team developed a preliminary action plan including the following priority areas: appointment of a standing committee, data collections, funding, recruitment, training and public outreach, remote interpreting and translation of forms.

Idaho Supreme Court Appoints Standing Committee on Language Access

The tasks of the Idaho Supreme Court Language Access Committee include:

- Develop statewide policy recommendations and a statewide language access plan and provide oversight of the implementation of policy and procedures through appropriate performance measures. Review statutes, rules, and statewide publications and recommend any necessary amendments.
- Consider the current funding structure for language access services and develop a proposal to provide for statewide coordination and regional certified interpreter services.
- Develop methods and materials to increase court interpreter recruitments to increase interpreter participation and job opportunities.
- Develop additional training opportunities such as an increased number of annual training for court interpreters, a mentoring program for newly certified court interpreters, trainings for judges and court staff on the language access

Statewide Cost of Interpreter Services Reaches 3/4 Million Dollars

The 2012 Idaho Trial Court Financing Report shows the total court interpreter expenses statewide as \$794,649. This figure does not necessarily include the salary of bilingual court personnel that also provide interpreting services as an added job responsibility, nor does it include expenses for translation services. The Supreme Court also provides \$60,000 for staff interpreter positions in the 3rd and 4th Judicial Districts and \$10,000 is available to the 5th, 6th, and 7th Districts to assist with the expense of freelance certified court interpreter services.

plan and cultural competency, and training on language access services for the Bar and litigants.

- Enhance public outreach by developing information on accessing language services for public distribution.
- Identify and prioritize documents for translation into Spanish, in conjunction with statewide efforts to standardize forms, and review policies and practices for translating forms.

Snapshot of Interpreter Services in Idaho

