

LANGUAGE ACCESS PLAN

This Language Access Plan serves as the blueprint for ensuring language assistance is provided to all Limited English Proficient (LEP) individuals involved in the Wisconsin Court System

WISCONSIN DIRECTOR OF STATE COURTS

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SECTION I. LEGAL BASIS

It is the policy of the Wisconsin's Director of State Courts Office (hereinafter "Director's Office") to ensure the statewide court system, including its administrative offices, provides meaningful language access to its services for all people who have Limited English Proficiency (LEP). Under Wis. Stat. §885.38(1)(b)1&2, LEP is defined as:

1. The inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding;
2. The inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding.

This document serves as the Language Access Plan (LAP) for the Wisconsin Court System in conjunction with Attachment A: "Wisconsin Court System's Notice Under Americans with Disabilities Act - Title II Public Programs, Services and Activities" and Attachment B: "Wisconsin Circuit Courts Americans with Disabilities – Title II Public Program Services and Activities." It is designed to comport with constitutional due process and equal protection requirements, federal statutory and regulatory requirements, including Title VI of the Civil Rights Act of 1964 (Title VI), the Americans with Disabilities Act of 1990 (ADA)¹ and the ADA Amendments Act of 2008 (ADAAA), along with obligations imposed under the Wisconsin state constitution, statutes, and rules.

This LAP includes historical highlights that demonstrate how the Director's Office has implemented policies to ensure language assistance is provided to all court users, outlines the responsibilities of providing language access at various levels throughout the court system, and provides future plans designed to enhance the quality of the language services provided.

Title VI and Title VI regulations provide:

"No 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."

Executive Order (EO) 13166, "Improving Access to Services for Persons with Limited English Proficiency," requires federal agencies to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. EO 13166 also requires federal agencies to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

¹ Relevant federal law includes Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352, 78 Stat. 241, 42 U.S.C. §2000d), the Omnibus Crime Control and Safe Streets Act of 1968 (Pub. L. 90-351, 82 Stat. 197, 42 U.S.C. §3711), the Americans with Disabilities Act of 1990 (42 U.S.C. §§12101-12213 (2000)) and the ADA Amendments Act of 2008 (P.L. 110-325).

To assist government agencies in carrying out their responsibilities, the US Department of Justice (DOJ) issued "Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency" (LEP) in 2000 and "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" in 2002 which outline the compliance standards recipients of federal financial assistance must follow to ensure their programs and activities normally provided in English are accessible to LEP populations and do not discriminate on the basis of national origin.² These policy guidance documents, along with published letters from USDOJ, emphasize the agency's longstanding commitment to the implementation of Title VI through regulations designed to address language barriers.³

Currently, the Director's Office receives federal funding from the US Department of Health and Human Services (HHS) and the US DOJ for various programs administered at the state level. The Director's Office receives approximately \$500,000 from HHS Administration for Children and Families for the Children's Court Improvement Program, which is intended to improve the handling of child abuse and neglect, termination of parental rights and adoption cases; \$4,000-\$5,000 yearly from the HHS Administration for Children and Families Office of Refugee Resettlement to assist in the recruitment, training, and testing of interpreter candidates who speak refugee languages; \$100,000 annually from the US DOJ's Office of Violence Against Women to provide training and resources to judges and court staff to improve the processing of domestic violence, sexual assault, and human trafficking cases. In addition, some counties may receive federal funding directly for circuit court programs through the Violence Against Women Act (VAWA), juvenile court grants, treatment court grants, child support cooperative agreements, and law enforcement sources.

SECTION II. NEEDS ASSESSMENT

Population

According to the 2018 American Community Survey, Wisconsin's total population was 5,691,138. Out of the state household population, 174,070 identified as speaking English "less than very well," making the

² "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance," 65 FR 50123; "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," 67 FR 41455.

³ Language Access Guidance Letter to State Courts from Assistant Attorney General Thomas E. Perez (08/16/2010); Letter from Coordination and Review Section Chief Merrily Friedlander to Indiana Courts - Coordination and Review Section (02/04/2009); Letter from Coordination and Review Section Chief Merrily Friedlander to the National Center of State Courts regarding the Model Judges Bench Book on Court Interpreting (02/21/2008); Letter from Assistant Attorney General Rene Alexander Acosta to state court administrators with information about new LEP materials (04/22/2005); Letter from Deputy Assistant Attorney General Loretta King to state court administrators regarding LEP Guidance (12/01/2003); Letter from Assistant Attorney General Ralph Boyd to Massachusetts Administrative Office of the Trial Courts concerning funding for court interpreters (04/12/2002).

state LEP population 3.06%.⁴ Table 1 shows the top ten languages other than English spoken at home and the LEP percentage per corresponding language.

Table 1: Household Languages other than English with LEP Percentage⁵

Language	Number of People Speaking English Less than Very Well in State of Wisconsin	Percentage of State of Wisconsin LEP Population
Spanish or Spanish Creole:	101,536	58%
Hmong:	17,462	10%
Chinese:	8,306	5%
German:	6,696	4%
Other West Germanic languages:	3,422	2%
Other Asian languages:	3,022	2%
Arabic:	2,869	2%
Korean:	2,455	1%
Russian:	2,371	1%
Other Indic languages:	2,366	1%

US DOJ Four-Factor Test

US DOJ has derived a four-factor test for agencies to assess language services:

1. Number or proportion of LEP persons in the service area.
2. Frequency with which LEP individuals use the particular program or service.
3. Nature and importance of the program or service: compulsory nature of a program is strong evidence of its importance.
4. Resources available and cost-benefit analysis: expectations are lower for smaller agencies, and agencies can limit services where the cost exceeds the benefit.

Applying the four factors to Wisconsin:

⁴ Data derived from the US Census Bureau defines the term LIMITED ENGLISH PROFICIENT to mean any person age 5 and older who reported speaking English “not at all,” “not well,” or “well” on their survey questionnaire. Persons who speak only English or who reported speaking English “very well” were considered proficient in English.

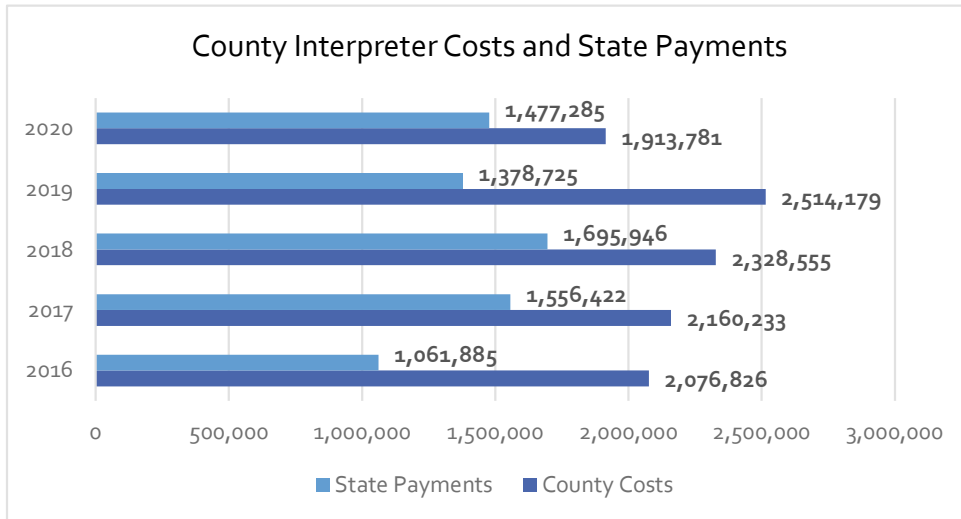
⁵ US Census Bureau, 2018-American Community Survey (ACS) estimates. This plan cites ACS estimates because by the time of its publication, the data from the 2020 US Census was not available. The LAP will be updated accordingly when the 2020 US Census complete data is released.

1. Wisconsin's LEP population is estimated at 3.06% of its total population. However, eleven (11) counties have LEP populations higher than the state average.⁶ A statewide summary by county of spoken language speakers over the age of 5 who identify as speaking English "less than very well" can be found at this link <https://www.wicourts.gov/services/public/language.htm>. According to the 2018 ACS survey estimates, the state's Deaf population comprises approximately 3.53% of the total state population.⁷
2. The incidence of LEP individuals using court services depends on the case type involved. Most circuit courts see a higher frequency of LEP court users in criminal, traffic, family, and small claims cases.
3. Appearances at court proceedings and completion of court-ordered services are compulsory for most case types and often the only way to handle a problem.

The Director's Office and appellate courts are a state-funded branch of government with access to the resources of the state government as a whole. The circuit courts are funded by a combination of state, county, and local dollars. The Director of State Courts developed a formula for the interpreter payment program to increase the amount of money counties receive for interpreter services, to incentivize the use of certified interpreters, and to allow for greater flexibility for the county to negotiate interpreter rates commensurate with industry and market standards. The general authority for the interpreter payment program comes from Wis. Stat. §885.38(8)(a).

Chart 1 shows total interpreter expenses incurred by the counties and the payments received from the state.

CHART 1: COUNTY INTERPRETER COSTS AND STATE PAYMENTS 2016-2020



⁶Individual counties with LEP populations higher than the state estimate of 3.23% include Milwaukee (6.35%); Clark (5.3%); Walworth (4.22%); Dane (4.12%); Brown (3.91%); Sheboygan (3.89%); Green Lake (3.76%); Kenosha (3.4%); Vernon (3.3%); Trempealeau (3.27%); and Calumet (3.14%)

⁷The estimated Deaf population does not include "institutionalized" persons or in other words, people who are incarcerated.

Wisconsin Court System

The Director's Office has made significant efforts to improve language access services throughout the court system since 1999. The Director's Office is committed to supporting these efforts through requests for additional funding, statutory changes, and changes to court rules as needed to ensure quality language assistance services are afforded to all LEP court users. In addition, the Director's Office provides the Court Interpreter Program activities described in Sections III - VIII.

Supreme Court and Court of Appeals

The Supreme Court and the Court of Appeals are responsible for paying for interpreter expenses needed during all proceedings in accordance with Wis. Stat. §885.38(8)(a)2. and 3.

Circuit Court Responsibilities

COURT PROCEEDINGS

The direct provision of interpreter services in all court proceedings, including scheduling and payment, is the responsibility of the circuit court. Wis. Stats. §885.38(3)(a) and §885.38(8)(a). Individuals entitled to an interpreter at the public's expense include a party, a witness while testifying, an alleged victim under Wis. Stat. §950.02(4), a parent or legal guardian of a minor party, and a legal guardian of a party. The circuit courts are required to provide interpreter services for individuals with LEP under Wis. Stat. §885.38(1)(b)2. who are part of a jury panel and jury. Wis. Stat. §885.38(3)(c). At its discretion, the court may appoint an interpreter for any other person who is affected by the proceedings under Wis. Stat. §885.38(3)(a)5 if appointment is necessary and appropriate.

Under the ADA, the court shall take appropriate steps to ensure communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others. 28 CFR 35.160(a)(1). The court shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. 28 CFR 35.160(b)(1). In determining what types of auxiliary aids and services are necessary, the court shall give primary consideration to the requests of individuals with disabilities. 28 CFR 35.160(b)(2).

CLERKS OFFICE OR COUNTER

Clerks of circuit court may appoint for interpreter services used in the clerk's office under Wis. Stat. §885.38(3)(d). The circuit courts are responsible for providing assistance to LEP individuals outside of the courtroom, on the telephone, by email, or at the clerk's counter. The same level of assistance provided to English-speaking court users in completing court forms, accepting filings, and paying fees should be provided to court users who are LEP using on-site or remote interpreters or bilingual clerks.

COURT-ORDERED EVENTS

The circuit court may provide interpreter services for court-ordered events related to court proceedings if deemed appropriate by the judge. Wis. Stat. §885.38(3)(e). Interpreter services needed to conduct Pre-Sentence Investigation (PSI) interviews are the responsibility of the Department of Corrections.⁸

BRIEF ATTORNEY-CLIENT COMMUNICATION BEFORE AND AFTER A COURT PROCEEDING

At the discretion of the court, interpreter services may be provided for brief communications before and after a court proceeding to promote efficient use of interpreter resources. Ultimately, it is the attorney's responsibility to keep his or her client reasonably informed about the status of a case under Supreme Court Rule (SCR) 20:1.4.

OTHER EVENTS

While the court has discretion to appoint interpreters in other actions or proceedings under Wis. Stat. §885.38(3)(f), the circuit courts are not generally responsible for interpreter services needed during out-of-court activities that do not involve court staff or are not court-ordered. Some examples include:

- Interviews conducted in the jail between inmates and private attorneys or public defenders
- Depositions
- Private alternative dispute resolutions or mediation
- Conversations between victim-witness staff and victims or witnesses in the District Attorney's (DA) office
- Pre-trial conferences between defendants and the DA in the DA's office
- Interpreters assisting the state public defender as part of case preparation. Wis. Stat. §885.38(8)(b)

DOCUMENTS IN NON-ENGLISH LANGUAGES

All writs, process, proceedings, and records must be in English in accordance with Wis. Stat. §757.18. Non-English language documents submitted to the court such as foreign wills, birth certificates, and divorce decrees should be accompanied by an English translation when filed with the court. See also Wis. Stat. §868.01(7). All accompanying translations must include an affidavit of the translator attesting to his or her qualifications in accordance with Wis. Stat. §901.09. In general, a party offering the non-

⁸ See *STATE V. TAI V. LE*, 184 Wis. 2d 860, 517 N.W. 2d 144 (1994). In *Tai Le*, the court said in determining which governmental entity is supposed to pay for interpreters, the focus should be on "proceedings and the forum" and that in drafting the interpreter statutes, the legislature had intended to "place the expense on that agency or on that level of government which was using the services most directly." Wis. Stat. §885.38(1)(a) places the burden on interpreter expenses for "court proceedings" on the Director's Office, with communications that occur outside the court's doors on the agency or unit using the interpreter service.

English language document as evidence is responsible for paying for the cost of the translation unless the court determines an alternate arrangement.

REQUESTING AN INTERPRETER OR ACCOMMODATION

Initial identification of the need for an interpreter may be done by the clerk of courts office, judicial assistant, or any other court staff. Interpreter services may also be requested by a party, an attorney, DA, public defender, advocate, family member, or friend informally or formally using GF-149 Interpreter Request or GF-153 ADA Accommodation Request. These forms are available on the court's public website to request a spoken or sign language interpreter or other accommodation. A listing of court staff responsible for the coordination of language assistance services in each county is available at this link: <https://www.wicourts.gov/services/public/language.htm>

The ultimate responsibility for determining whether language assistance services are appropriate belongs to the court. The court may conduct a voir dire of the LEP requester to determine if appointment is appropriate. The determination as to whether an interpreter or accommodation will be provided by the court and, when a deaf party is involved, the type of accommodation that will be provided must be done before any substantive hearing may be held.⁹ If the court determines that a person has limited English proficiency and an interpreter is necessary, the court shall advise the person he or she has the right to a qualified interpreter. A "qualified interpreter" is defined under Wis. Stat. §885.38(1)(c)1-3.¹⁰

The appropriate number of interpreters for an assignment is for the court or scheduler to determine. The Director's Office recommends a team of interpreters be used for all trials and hearings lasting over two (2) hours, and when both a witness who is testifying and the litigant are LEP.

Municipal Court Responsibilities

Municipal courts are responsible for providing interpreter services in accordance with Wis. Stat. §885.37.

Administrative Office Responsibilities

The administrative offices under the authority of the Supreme Court and Director's Office include District Court Administrators (DCAs), Consolidated Court Automation Programs (CCAP), Medical

⁹ See *Strook v. Kedinger*, 316 Wis.2d 548, 766 N.W.2d 219 (2009). When a person who must appear in court at a substantive proceeding seeks an accommodation because of physical disability, and self-identifies in as reasonable a time as possible before the hearing, circuit courts who believe they need more information before deciding whether and what accommodation to give should make a factual determination before the date of the substantive hearing. The determination may be either by informal means or by a formal hearing with notice to the person alleging a disability.

¹⁰ Wis. Stat. §440.032 requires sign language interpreters who provide services for compensation to hold a license from the Wisconsin Department of Safety and Professional Services unless that individual is considered certified by the Wisconsin Supreme Court.

Mediation Panels, Office of Court Operations, Office of Judicial Education, Office of Lawyer Regulation, Board of Bar Examiners, State Law Library, Office of Management Services, and the Clerk of the Supreme Court and Court of Appeals. There may be instances when an LEP member of the public will contact court administrative offices. Contact may be in-person, via telephone, or through written communication (e-mail, letter, grievance complaint). Administrative offices under the authority of the Supreme Court or Director's Office are required to provide spoken and sign language interpreting services and may do so using the state's vendors on contract.

Foreign language in-person interpretation services	https://vendornet.wi.gov/Contract.aspx?Id=21fec3dd-fad2-e811-810a-0050568c7fof
American Sign Language (ASL) in-person interpretation services	https://vendornet.wi.gov/Contract.aspx?Id=2e46bofg-f9d2-e811-810a-0050568c7fof
Video Remote Interpreting (VRI) services for American Sign Language (ASL)	https://vendornet.wi.gov/Contract.aspx?Id=2911eoao-86c1-e811-8109-0050568c7fof
Telephonic interpretation services	https://vendornet.wi.gov/Contract.aspx?Id=f759fob4-d1bc-e811-8109-0050568c7fof

In addition, offices that routinely receive written materials from the public must ensure qualified translation services are provided as needed.

The contract for foreign language translation services can be found here:

<https://vendornet.wi.gov/Contract.aspx?Id=5c2b8771-5aac-e811-8108-ea20c0116996>

SECTION III. COURT INTERPRETER PROGRAM

BACKGROUND

Through the Court Interpreter Program (CIP), the Director's Office maintains its central role in recruiting, training, testing, and monitoring interpreters; educating judges, court staff, attorneys, and other stakeholders; translating vital statewide court forms; and pursuing statutory changes and funding as needed. The CIP is described on the court's website at <http://wicourts.gov/services/interpreter/index.htm>

The Director's Office began working on a long-range plan to improve court interpreter services with the creation of the Committee to Improve Interpreting and Translation in the Wisconsin Courts (hereinafter "the Committee") in 1999. The Committee meets biannually and continues to provide short-term and long-term recommendations to the Director's Office on statewide policy matters affecting all aspects of language access in the state court system.

Interpreter Recruitment, Training, and Testing

The training and certification testing program is a crucial part of language access initiatives designed to ensure quality interpreter services. Since 2002, the CIP has trained over 2,150 people speaking more than 70 different languages and began oral certification testing in 2004. Training and testing is primarily

funded through participant fees. The Department of Children and Family Services Refugee Assistance Services Program provides federal funding to the CIP for interpreter candidates who speak certain refugee languages. The CIP regularly recruits new interpreter candidates through a recruitment brochure, the program's website, press releases, and notification to language departments at two (2) and four (4) year colleges, community-based organizations, and other appropriate agencies.

Interpreter Roster

The CIP maintains a public roster of certified and qualified interpreters available to work in the courts. This roster is accessible to state and municipal courts, attorneys, law enforcement agencies, and other agencies needing interpreters with legal training. The roster is available on the court system's website and is searchable by interpreter, language, level, and county. It shows interpreters available to work in particular courts with current contact information, level of credentials, as well as relevant training experience. Interpreters who are certified and who reside in other states are also listed on the roster through reciprocal arrangements between Wisconsin and those jurisdictions. The CIP manager also has access to a national database maintained by the National Center for State Courts (NCSC) listing over 1,300 interpreters in 49 different languages.

Disciplinary Process

Complaints against interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their duties shall be made in accordance with the grievance procedure developed by the Director's Office that is posted on the court's website at <https://www.wicourts.gov/services/public/interpretercomplaint.htm>

A grievance form is available in English, Spanish, and Hmong and is posted on the court's public website. The effectiveness of this procedure is monitored by the Committee and the CIP and is modified as needed to promote protection of the public and integrity of the court system.

Translation of Vital Statewide Court Forms

The Director's Office through the CIP oversees translation of court-related material including vital statewide court forms maintained by the Records Management Committee (RMC). In determining whether a form is considered vital and therefore suitable for translation, the following criteria are considered:

- required by law to be translated;
- used frequently in a court proceeding or in the context of a court proceeding;
- where the subject of the court action is invoking or relinquishing a constitutional right; or
- where relief from potential violence or abuse is being sought.

Currently, there are **80** translated court forms available on the court's public website.

- **Spanish:** Criminal (4); Civil-DV (12); Civil-Firearms (4); Family (13); General (3); ICWA (3); Juvenile-CHIPS (10); Juvenile-Delinquency (11); Small Claims (1)

- **Hmong:** Criminal (1); Civil-DV (12); Civil-Firearms (2); Juvenile-Delinquency (3)
- **Polish:** Criminal (1)

Requests for a new translation of an existing court form may come from judges, clerks, attorneys, interpreters, advocates, other stakeholders, or members of the public. RMC will make a determination as to whether the form should be translated into a non-English language. The Director's Office is responsible for securing funding to support new translations and maintain existing translations. Translation of an RMC form is overseen by the CIP, which is tasked with ensuring the process is performed in a consistent manner using certified translators or other qualified individuals, and for making certain the translated court forms are in compliance with the requirements set forth in SCR 70.155. The targeted non-English languages are determined by the most current US Census data for the state.

Data Collection

The CIP collects data on use of certified interpreters by county and judicial administrative district in addition to frequency and languages used by the courts. The Committee reviews this information at their meetings and may recommend the CIP manager follow up with a District Court Administrator (DCA) or clerk of court in a particular county if compliance issues exist.

NCSC's Council of Language Access Coordinators (CLAC)

Wisconsin has been a member of the NCSC's Council of Language Access Coordinators (CLAC) since 1998. The CIP manager actively participates in CLAC-related projects and events staffed by the NCSC's Language Access Services Section.

Future Activities

The CIP plans to implement several initiatives to expand upon training methodologies, improve court interpreter efficiencies, and promote collegiality within the interpreting profession. Several future projects include the creation and implementation of training webinars to expand the reach, ease, and accessibility of training materials for future court interpreters; expanding and maintaining the use of video remote interpreting (VRI) across the state; collaborating with local professional interpreting groups to provide additional training opportunities; implementing skills development workshops to assist interpreters who are training to get certified; and offering continuing education opportunities for interpreters to facilitate completion of the continuing education requirement for all rostered interpreters.

SECTION IV. LANGUAGE ACCESS RESOURCES

Ensuring Quality Services

While the choice of interpreter ultimately rests with the circuit courts, it is the recommendation of the Director's Office that a certified interpreter always be the first choice for appointment whenever

available. After a diligent effort has been made to find a certified court interpreter and none is readily available, the circuit court may appoint a non-certified court interpreter who is on the statewide roster. If a rostered interpreter is not available, the court may appoint a non-certified interpreter who is not listed on the statewide roster but who is otherwise qualified. The court may also use a qualified interpreter via video or telephone matters. The CIP serves as a resource to assist in locating interpreters whenever needed.

Website

Information about training, hiring, and using interpreters is on the court's public website at <http://wicourts.gov/services/interpreter/index.htm>. The website contains information for judges and court staff about interpreting and translation related statutes, court rules, case law involving interpreting issues, position papers on specific topics, as well as training videos. The site also has information for prospective interpreter candidates on current testing schedules, study materials, training opportunities, program policies, legal glossaries, continuing education reporting, and the roster of interpreters.

Language Access Tools

The Director's Office has materials to help courts inform LEP individuals of the availability of free services. These materials are available on CourtNet:

- "I speak" cards to assist in identifying what language a person speaks
<http://www.justice.gov/crt/about/cor/Pubs/ISpeakCards.pdf>
- Signage informing court users of interpreter services

The administrative offices of the Supreme Court and Director's Office are directed to display signs informing members of the public and other walk-in customers of language assistance services that are available upon request.

Circuit Court Language Access Plans

The CIP manager works with the District Court Administrators and the clerks of court to ensure the courts update their local LAPs for individual courthouses throughout the state. The Director's Office recommends counties update their plans every four (4) years or whenever significant changes occur with language access policies, procedures, protocols, or demographics. Counties are encouraged to post current LAPs on their websites and make copies available to the public upon request. The Director's Office maintains copies of county LAPs with the CIP.

SECTION V. VIDEO REMOTE INTERPRETING

A Specialized Field

Court interpretation is a specialized field within the interpreting profession. It encompasses services in all legal environments such as courts, jails, police departments, attorneys' offices, probation offices, administrative hearings, etc. To work in such settings, qualified interpreters must be highly proficient in English and a non-English language; know technical terminology; understand legal concepts, and possess a high level of interpreting skills. Unfortunately, the pool of individuals with the requisite knowledge, skills, and abilities capable of doing the job of a court interpreter is limited.

This finite pool of qualified legal interpreters has caused scarcities for courts across Wisconsin in all languages, but particularly in Languages Other than Spanish (LOTS).

Limited Testing Options

In addition to the difficulties of finding qualified interpreters, there are limited testing options for spoken and sign language court interpreters willing to get certified.

The National Center for State Courts (NCSC) maintains oral certification exams in 16 different languages, which are costly to develop and only managed for spoken language interpreters. The NCSC estimates the following test-related expenses:

- Developing Oral Exams in New Languages (Full Test): \$40,000
- Modifying Oral Exam Content: \$2,500 - \$25,600
- Training Qualified Oral Exam Raters: \$4,000 - \$6,500

For sign language interpreters, the Registry of Interpreters (RID) was the entity that previously provided legal credentialing and testing for American Sign Language (ASL) interpreters. In 2016, RID discontinued administering the legal specialty test citing concerns about the high cost of maintenance compared to the fees generated by test-takers. RID estimates the legal specialty test development process cost them \$375,000 - \$450,000 with annual maintenance costs at \$50,000 - \$75,000.

Geographic Concentration

Most certified court interpreters in Wisconsin live in the southeastern quadrant of the state. Counties outside of this region must pay more travel time whenever an interpreter is used in-person. Multi-day trials requiring several certified Spanish interpreters in one area of the state can create shortages for the rest of the state seeking to find interpreter coverage for routine matters. In addition, Hmong is one of the top three languages used in Wisconsin courts, yet the only certified Hmong interpreters in the nation all live in Minnesota.

Use of Existing Video Remote Interpreting Technology

Video Remote Interpreting (VRI) is the delivery of interpreting services through video technology. Currently, there are several dedicated platforms designed exclusively for video remote interpreting. However, during the pandemic, courts across the United States implemented existing video technology to deliver quality interpreting services remotely and more efficiently in courtrooms across the state.

Adapting current technologies in court can be challenging, but their widespread use among the general population makes them an excellent choice to deliver VRI.

VRI ensures procedural justice for people who access our courts regardless of the language they speak. It also allows more efficient utilization of the finite pool of certified or qualified interpreters located in-state and throughout the United States.

SECTION VI. TRAINING

Education and Training

The Director's Office through the CIP is responsible for conducting on-going education for court personnel and other stakeholders on state and federal requirements for providing language access and best practices for working with interpreters. In conjunction with the Office of Judicial Education, the CIP has delivered numerous statewide presentations on interpreters and interpreter-related issues since 2002 to the present. The CIP has presented to court commissioners, prosecutors, public defenders, private bar, mediators, court reporters, municipal court judges and clerks, administrative law judges, victim-witness staff, domestic advocacy groups, law students, and refugee advocacy agencies and is available to present to other appropriate entities and individuals upon request.

LEP training for circuit court staff and other court related offices

Front line staff members are often the first points of contact with LEP individuals. The Director's Office recommends that counties routinely train deputy clerks of court and judicial assistants on methods to identify language issues and deliver appropriate services. As new employees are hired, information on the county's LAP and requirements under the ADA should be included in their new employee orientation. The Director's Office recommends that relevant information provided by the CIP at clerks' conferences be shared with appropriate staff to ensure consistency throughout the state. The CIP manager is available to conduct site visits and individual training to courts to inform them of resources and help improve language access services.

SECTION VII. PUBLIC NOTICE

The Director's LAP is posted on the court's public website. Copies of this plan will be provided to the public upon request. The Director's Office will notify statewide LEP-related advocacy groups and other community based organizations that the plan is available.

SECTION VIII. COMPLAINT PROCEDURE

Complaints regarding lack of language assistance services or an accommodation or the quality of the language assistance provided during a court proceeding or at the clerk's counter may be brought to the attention of the clerk of court, District Court Administrator, ADA coordinator, chief judge, presiding judge of the specific court where the matter occurred, CIP manager, or in accordance with the policies

and procedures set forth in the circuit court's local LAP. In some instances, it may be more appropriate for the complaint to take the form of a motion directed to the judge who presided over the case.

Complaints regarding a lack of language assistance services or the quality of the language assistance provided at any of the Director's Office or Supreme Court's administrative offices may be brought to the attention of the Director, the CIP manager, or the individual department manager. A list of department managers with contact information can be found in Attachment C: "Director of State Courts Departments and District Court Office Listings."

Complaints regarding program accessibility in the Supreme Court and Court of Appeals under the ADA shall be made in accordance with the procedure outlined in Attachment D: "Complaint Procedure for Program Accessibility Supreme Court and Court of Appeals."

SECTION IX. MONITORING

Evaluation of the Statewide Language Access Plan

The Director's Office will routinely review the statewide LAP for any required modifications resulting from changes in federal or state laws, demographic shifts, or operating procedures. If appropriate, this plan may be revised to reflect public comments and suggestions.

Evaluation of the Circuit Court Language Access Plans

Through the CIP and the District Court Administrators, the Director's Office will coordinate with the circuit courts to routinely review the effectiveness of their local plans, identify problems, and propose action. Elements of the evaluation will include:

- number of LEP persons receiving court interpreters;
- determination if additional services should be provided;
- assessment of whether staff members adequately understand language assistance policies; and
- feedback from community groups and individuals.

Ultimately, each circuit court is responsible for conducting a local needs assessment and developing a plan to meet the court-related needs of its local LEP population. The courts may choose to do this in conjunction with other county offices as they evaluate their own language services. The courts are encouraged to update their needs assessment and determine whether changes to the LAP are required. This task may involve tracking the number of interpreters requested for each language, consulting new demographic information, observing trends in court usage, etc. Any amended versions of a circuit court's local LAP shall be filed with the Director's Office.

Language Access Contact Person for the State Courts

Alexandra Wirth, Office of Court Operations, 110 East Main St. #410, Madison WI 53703; phone 608-266-8635; e-mail alexandra.wirth@wicourts.gov

The effective date of this plan as amended is the 22nd day of Dec, 2021


Randy Koschnick, Director of State Courts

HISTORICAL HIGHLIGHTS

Year	Event or Activity
1998	Wisconsin becomes a member of the NCSC's Consortium for Language Access in the Courts.
1999	Committee to Improve Interpreting and Translation in the Wisconsin Courts created by the Director's Office.
2002	Statutory rate of reimbursement raised so counties are reimbursed for court interpreter services at close to the actual market rate.
	Code of Ethics for Court Interpreters adopted by the Supreme Court under SCR 63.
	Court interpreter training pilot program created by Director's Office using federal funds provided by the Wisconsin Department of Workforce Development Office of Refugee Services to begin offering orientations to candidates.
2003	Federal Byrne grant received in the amount of \$248,375.00; CIP manager and 0.5 F/T support staff hired.
2004	First oral certification tests offered in various spoken languages; extensive educational outreach efforts conducted.
	First group of vital court forms translated into Hmong and Spanish.
	First group of certified Spanish interpreters sworn in by the Chief Justice.
2005	Permanent CIP position created in the Director's Office.
	SCR 70.155 adopted governing translation of court forms.
2006	First Hmong Advanced Skills Building offered at a subsidized rate to interpreters around the state.
	Hmong-English legal glossary completed with funding from the Office of Refugee Services and the Marathon County Bar association.
2007	Wis. Stat. §885.38 changed to require appointment of interpreters in all case types and indigency determination removed to allow reimbursement for all cases where an interpreter is needed.
2009	First refugee language skills-building workshop offered to Russian, Hmong, Somali, and Mai-Mai candidates with funding from the Wisconsin State Bar Foundation grant, Office of Refugee Services, Wisconsin Asian Bar Association, and the Children's Court Improvement Program.
	Reimbursement funding and interpreter mileage reimbursement rate increased.

Year	Event or Activity
	Pilot program in the 7 th JAD is implemented to centralize scheduling and payment for interpreter services at the district level. ¹¹
2010	Wis. Stat. §440.032 created to require sign language licensure through the WI Department of Safety and Professional Services (formerly the Department of Regulation and Licensing)
2011	Wis. Stat. §901.09 regarding translation of evidentiary materials originating in a non-English language approved.
2012	Five-person team attended a Summit on Language Access in the Courts in Houston, TX under a grant funded by the NCSC and the SJI. Action plan developed to include: 1) creating judicial efficiencies, 2) expanding availability of qualified non-Spanish language interpreters, 3) measuring effective use of interpreters, 4) researching various computer-based remote interpreting options for the court, 5) evaluating data collection needs and 6) recognizing new emerging languages entering the state
	First stand-alone interpreter segment added to the Judicial College curriculum.
2013	Wis. Stat. §814.67(1) regarding reimbursement of out-of-state mileage of court interpreters changed to include a maximum of 200 round-trip miles outside state border.
	Recruitment brochure created to attract candidates to the field of court interpreting.
	Judicial bench card on interpreting developed.
2014	Court observation requirement implemented as part of certification process.
2015	Continuing education requirement imposed for certified and other qualified interpreters on the roster
	Team interpreting paper published by the CIP.
	First Domestic Violence trainings offered to interpreters as part of continuing education under a STOP grant.
2016	Ad hoc Hmong working group developed to address the lack of certified Hmong court interpreters.
2020	Statewide implementation of Video Remote Interpretation (VRI) via Zoom
	Implementation of virtual orientation for court interpreters.
2021	Implementation of Advanced Skills Training by the CIP.

¹¹ The 7th Judicial Administrative District (JAD) ran this pilot program from September 15, 2009 to November 18, 2010. The conclusions from the pilot program were that the courts in the 7th JAD were better situated to respond to interpreter issues and needs as a result of the pilot experience with policies, procedures, and contracts that could be replicated at the local level.