

**Remarks of Assistant Attorney General Kristen Clarke  
National Center for State Courts, Language Access in the Courts Convening  
(Virtual)  
October 26, 2023**

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Thank you, Danielle, for the kind introduction and for your longstanding commitment to improve access to justice in state and local courts. We have greatly appreciated the partnership with you and with the leadership and staff of the National Center for State Courts (NCSC) over the years. Your collaboration has made us better and we look forward to our continued work together.

I am truly honored to be here with Chief Justice Robinson, the Chair of the Conferences of Chief Justices and Conference of State Court Administrators Access and Fairness Committee. I know we are also joined by Chief Justice Bacon, and Court Administrators Steel and Wiggins. I also want to acknowledge Tonnya Kohn, who Chairs the Language Access Advisory Committee. I want to also recognize the Council of Language Access Coordinators, and last certainly but not least, the entire team at NCSC, especially Danielle Hirsch, the Language Access Services Section staff, members of the bar who have joined us today, and so many other stakeholders for advancing language access, access to justice, and civil rights through the years. It is a privilege to be part of this important language access convening.

The Civil Rights Division is committed to removing barriers to equal access to justice. As you well know, courts have a solemn duty to uphold equal protection under the law for all. There is no place for bias, discrimination, or prejudice in our courts. Equal justice is realized when every person can access and participate equally in court proceedings, programs, and mandated activities. One critical way that courts can uphold and promote the independence, integrity, and impartiality of the judiciary is by removing policies and practices that create language barriers.

For many years, the Civil Rights Division has worked to ensure that courts receiving federal financial assistance take the necessary steps to comply with Title VI of the Civil Rights Act of 1964 and to improve access to justice for all court users with limited English proficiency or L-E-P.

Through the years, we have addressed cases where prosecutors were used to interpret for criminal defendants, where children were used to interpret for parents in custody proceedings, where tenants with LEP have been evicted without knowing why or without even knowing they were evicted, and where victims of domestic violence have been unable to obtain restraining orders due to lack of interpretation. There was a situation where a Korean speaking grandmother seeking a protective order from her abusive landlord was refused language services by a Los Angeles court. Another situation where a limited English proficient father who was appearing pro se before a family court in Oklahoma was denied an

interpreter for his child custody hearings and thus had no idea what was happening during the proceedings, even though it involved his ability to see his child.

Fortunately, the frequency of the most egregious reports has decreased as the community represented on this webinar has pursued language access as a fundamental fairness issue. It is no surprise that a stronger relationship between the Civil Rights Division, NCSC, state courts leaders, members of the bar, and other stakeholders has resulted in breaking down more barriers in this space.

Through our partnerships with judges, court administrators, court staff, linguists, advocates, and language communities, we have, together, expanded equal access to justice for millions of people, regardless of their income or national origin.

Together, we have seen how providing interpretation and translation services in all civil and criminal cases free of charge is critical to ensuring meaningful access to our courts as well as ensuring the integrity and accuracy of the justice system.

In the Civil Rights Division, the Federal Coordination and Compliance Section, or FCS, has developed a strong working relationship with NCSC and many state and local courts. We provide technical assistance in many matters. Even when we have opened a formal investigation or compliance review, we find ways to achieve voluntary compliance and remove language barriers for people whose primary language is not English. We have worked with state and local courts in over 20 states. Most recently,

- In Oklahoma- We worked together for over a year and then entered into a resolution agreement in 2023. In that time, Oklahoma hired its first statewide language access coordinator and sought and obtained a legislative change to eliminate interpreter fees for all court users, among other things.
- In Vermont – We entered into a collaborative technical assistance agreement that lasted two years. My staff worked closely with Vermont court staff throughout that period. We shared resources and provided extensive oral and written analysis on many draft court documents, including the Court’s language access plan.
- When we reached out to the South Dakota Judiciary to raise concerns about the reported lack of language services, the Judiciary took immediate actions to address the Title VI concerns, including introducing a bill in the Legislature to expand access to court interpreters and translators for individuals with LEP in all civil cases. The judiciary was also able to secure an additional \$50,000 from the Legislature to provide interpreters and translators in civil cases at no cost to court users with LEP, among other things.
- We have worked effectively with state court systems in California, North Carolina, Pennsylvania, Rhode Island, and Hawaii, and with local courts in Texas, Arizona, Washington State, Wisconsin, and many more.

I am also proud to note that the vast majority of these changes were the result of voluntary resolution agreements between the Civil Rights Division and the State Court systems. In fact, to date, on the few occasions when the Division made a formal finding of a Title VI violation after an investigation, we have continued to work with the courts to secure voluntary compliance with language access requirements. Indeed, FCS often engages with recipients of federal funds to provide technical assistance and compliance assistance and we are pleased to announce today an ongoing collaboration with NCSC in this area. Christine Stoneman, Chief of FCS, will discuss some of this in more detail shortly.

Today, we are proud to release a fact sheet that showcases some of the work that we have accomplished over the last twenty years and outlines our commitment to working with each of your courts in the future to ensure meaningful language access for all. We will soon be posting translated versions of the fact sheet online as well.

We also know state courts and NCSC have taken many proactive steps, without DOJ, to improve access to justice for court users with LEP. I want to acknowledge NCSC's extended efforts in this regard, in particular. NCSC created a Language Access Services Section, which houses and provides support for the Language Access Advisory Committee and the Council of Language Access Coordinators. NCSC has addressed language access issues at conferences, in

resource documents, and in Tiny Chat videos. Additionally, NCSC provides state courts with resources needed to help overcome language barriers including resources for interpreter examinations. While there have been steady improvements since we launched the Language Access in State Courts Initiative in 2010, we have found several issues that need to be more fully addressed to ensure meaningful access to justice for people with LEP. My team looks forward to working through some of these challenges with you and with the staff and leadership of NCSC and the Conferences of Chief Justices and State Court Administrators. We also look forward to continuing our collaboration with the American Bar Association as it looks to build upon and update its 2012 Standard on Language Access in the Courts.

I anticipate that our collective efforts will address several ongoing challenges, including:

- First, in some jurisdictions, the provision of interpretation and translation services is still not available to persons with LEP in all cases free of charge. Taking this step is fundamental to ensuring equal access to justice, and we in the Civil Rights Division are deeply committed to ensuring this is the case.
- Second, courts should develop approaches to identify vital print and digital court information, which will be translated by a competent human translator, for parties, witnesses, and other court users. When vital information is not

translated correctly, persons with LEP may not fully understand their rights and the result may be a denial of meaningful access.

- Third, courts need to identify language needs in electronic filing or case management systems to ensure there is enough time to arrange and provide language assistance services, prevent rescheduled or cancelled proceedings, and preserve court resources. If language needs are not identified in a timely manner, court staff may not have time to find a competent interpreter or request translated materials. We look forward to working with you on the new challenges and opportunities presented by technology. The pandemic made clear some of the pros and cons of technology to assist in access. COVID-19 required many courts to use video technology, but video remote interpreting is not appropriate for all proceedings and, in some instances, may deny a person with LEP meaningful access to the court. There is a need now for new technology policies to help court staff identify which cases or proceedings may be best suited for video remote interpreting and how to use the necessary equipment, software, or platforms in their courtrooms. So too, must we work together to ensure that other technologies are used to advance access to justice and civil rights, not turn the clock back or further embed existing bias.

- Lastly, we know there is work to do at the intersection of language access and disability rights.

We look forward to working with you and NCSC to address these issues.

We are committed to continuing our positive partnerships with court systems and other stakeholders to ensure that your courts run smoothly while at the same time providing meaningful access to justice for persons with LEP.

Finally, I want to underscore that the need for language access -- and the Civil Rights Division's efforts to ensure it -- go well beyond the courts. We are looking in the mirror and beyond. Last November, the Attorney General issued a memorandum to all federal agencies seeking a renewed commitment to language access. DOJ has issued its own updated language access plan and has a dedicated language access coordinator. At the same time, the Civil Rights Division, through FCS, has worked with more than 30 federal agencies to update their plans. Next month, we will be announcing more results of this effort and we will mark the anniversary of the Attorney General's memorandum. In addition, we have begun a law enforcement language access initiative. Our goal is to work with law enforcement across the country to improve language access for witnesses, victims, suspects, and others who encounter law enforcement. Christine Stoneman will share more on these efforts later in this convening.



Again, thank you for your partnership and I look forward to making more progress, together.