

APPENDIX

APPENDIX TO THE
FINAL REPORT OF THE
PENNSYLVANIA SUPREME
COURT COMMITTEE ON
RACIAL AND GENDER BIAS
IN THE JUSTICE SYSTEM

VOLUME I



CHAPTER 1

LITIGANTS WITH LIMITED ENGLISH PROFICIENCY

**QUESTIONNAIRE RELATED
TO EXPERIENCES WITH
JUDICIAL SYSTEM
OF
PERSONS WITH LIMITED ENGLISH
PROFICIENCY
(COMMUNITY AGENCY SURVEY)**

MEMORANDUM

From: The Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System
To: Community Service Provider
Re: Persons of Limited English Proficiency and Judicial and Administrative Hearings
Date: September 25, 2001

The Pennsylvania Supreme Court has established a Committee on Racial and Gender Bias in the Justice System. One of the topics the Committee is examining are the rights of limited English speaking people involved in Pennsylvania courts and administrative agencies.

To begin its review, the Committee has held public hearings in Pittsburgh, Philadelphia, Harrisburg, Erie and Wilkes-Barre. The testimony received at these hearings raised issues, among many others, concerning the availability of professional interpreters in administrative hearings and court proceedings and other accessibility issues involving limited English speaking persons.

This inquiry involves not only persons with limited English proficiency who are parties in hearings, but also the witnesses in such proceedings, including criminal complainants or victims.

This letter is being sent to staff and representatives of community service organizations who might have knowledge involving these issues. The purpose of this letter is to gather information about your knowledge of the procedures used by the various Pennsylvania state courts and administrative agencies which hold hearings involving persons with limited English proficiency.

We would appreciate information from you about these issues as they may affect communities in which you provide services. If you have insufficient space for answers please feel free to add attachments. Please return the attached questionnaire to the address indicated below within ten business days of receiving it. Thank you for your time and interest.

Lisette M. McCormick, Executive Director
Supreme Court of Pennsylvania's
Committee on Racial and Gender Bias in the Justice System
Duquesne University Law School
900 Locust Street
Pittsburgh, PA 15282

**QUESTIONNAIRE RELATED TO EXPERIENCES WITH JUDICIAL SYSTEM
OF PERSONS WITH LIMITED ENGLISH PROFICIENCY**

Part I: General Information

Your Name: _____

Organization: _____

Contact Person: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

What services are provided by your organization?

What counties and communities does your organization serve?

Should your response be treated as confidential, or may the Committee cite your response in its report to the Pennsylvania Supreme Court?

Treat as Confidential: ____ May be cited to the Supreme Court: ____

Part II: Court and Administrative Agency Contact

1) What Pennsylvania state administrative agencies does your organization or persons your organization serves (“clients”) have contact with regularly?

| Agency | County | Contact ? |
|------------------------------|---------------|------------------|
| Unemployment Compensation | | |
| Worker’s Compensation | | |
| Department of Public Welfare | | |
| Other, specify: | | |
| Other, specify: | | |
| Other, specify: | | |
| Other, specify: | | |

2) What Pennsylvania courts and court divisions does your organization or clients have contact with regularly?

| Court / Court Division | County | Contact? |
|------------------------------------|---------------|-----------------|
| District Justice: Landlord Tenant | | |
| District Justice: Traffic Citation | | |
| District Justice: Criminal | | |
| District Justice: Other Civil | | |
| Municipal Court: Civil | | |
| Traffic Court | | |
| Common Pleas: Civil | | |
| Common Pleas: Family Court | | |
| Common Pleas: Criminal | | |
| Other, specify: | | |
| Other, specify: | | |
| Other, specify: | | |
| Other, specify: | | |

Part III: Language and Interpreter Issues

3) In the grid below please check off those languages that are: (a) spoken by your clients and (b) those in demand for interpretation services (spoken services only).

| <u>Languages</u> | <u>Spoken</u> | <u>Interpreter Services Needed</u> |
|---------------------------------------|---------------|--|
| Arabic | | |
| Cambodian | | |
| Chinese—Cantonese | | |
| Chinese-Fuzhou | | |
| Chinese—Mandarin | | |
| Ethiopian | | |
| French | | |
| Haitian Creole | | |
| Hindi | | |
| Korean | | |
| Laotian | | |
| Portuguese | | |
| Russian | | |
| Spanish | | |
| Vietnamese | | |
| Other Languages Spoken: (please list) | | Other Languages in Need of Interpreter Services: |
| | | |
| | | |
| | | |

4) How is the need for interpreter services being met? (please check all that apply)

Court provided professional interpreter _____

Court administrative staff _____

Litigant provided professional interpreter _____

Community agency _____

Family member or friend _____

Other (specify): _____

5) If interpreter services are not provided for by the court or agency, what arrangements are made by your organization or clients?

5 a) How effective are these arrangements? (circle one)

Poor Fair Good Very Good

6) Please identify those professional interpretation services with which your organization or clients have had contact.

Name of Agency: _____

Address: _____

Telephone: (____) _____

Any comments about services provided: _____

Part IV: Availability of Language Services

7) Are you or your clients aware whether courts or administrative agencies provide interpreter (spoken, not written) services? Yes: ____ No: ____

If so, please check off which courts and/or administrative agencies provide interpreter services and indicate the relevant county.

| <u>Court/Administrative Agency</u> | <u>County</u> |
|--|---------------|
| ____ District Justice: Landlord Tenant | _____ |
| ____ District Justice: Criminal | _____ |
| ____ District Justice: Other Civil | _____ |
| ____ Municipal Court: Civil | _____ |
| ____ Municipal Court: Criminal | _____ |
| ____ Traffic Court | _____ |
| ____ Common Pleas: Civil | _____ |
| ____ Common Pleas: Family Court | _____ |
| ____ Common Pleas: Criminal | _____ |
| ____ Others: | |
| Specify: _____ | _____ |
| Specify: _____ | _____ |

8) Do you know how and where to request interpreter services from the courts and/or administrative agencies? Yes: ____ No: ____

9) Have you or your agency staff ever requested interpreter services?

Yes: ____ No: ____

If so, how was your request for interpretation services responded to and handled?

If your organization has requested interpreter services please identify:

Name of Agency/Court/County:

Nature of Proceeding:

Language for Interpretation Services:

Agency/Court Contact Person (if known): _____

Telephone of Agency/Court Contact Person (if known): (____) _____

Interpretation Service Agency Utilized (if applicable and known): _____

10) Have you or your clients had experience with a Pennsylvania administrative agency or court that refused to provide requested court interpretation services for limited English-speaking persons? If so, please identify the agency or court, the county, and the kind of proceeding involved.

Part V: Role in Providing Interpretation or Translation Services

11) Does your organization or staff have any role in providing interpretation or translation services for any administrative or judicial hearings? Yes: ____ No: ____

If so, for what languages and what agencies or courts?

12) If your organization's staff provides any interpretation (spoken) or translation (written) services, is this a part of their job duties with your organization for which you pay them?

Yes: ____ No: ____ Not applicable: _____

13) Does your organization's staff receive compensation directly from your clients for interpretation or translation services?

Yes: _____ No: _____ Not applicable: _____

14) Does your organization's staff receive compensation from the administrative agencies or courts which utilize them to provide interpretation or translation services?

Yes: ___ No: ___ Not applicable: ___

If so, from which administrative agencies or courts and in what languages?

15) Has anyone provided specific training in court interpretation to any of your organization's staff who provide interpretation services?

Yes: _____ No: _____ Not applicable: _____

If applicable, what training has been provided?

If applicable, who provided the training?

Part VI: Translation of Written Materials

16) Are you aware of state administrative agencies and courts providing written documents translated into languages used by persons with limited English proficiency?

Yes: _____ No: _____ If so, identify those agencies and courts which you know provide such forms.

(Please attach samples of any forms available to you)

17) Do you have any knowledge or have you received any feedback as to the quality of translated materials provided? Yes: _____ No: _____

If so, what information can you provide as to the quality and usability of written documents prepared in native language of persons with limited English proficiency by such agencies?

18) Do your clients have contact with any courts or administrative agencies that do not provide critical written information translated into languages used by your clients with limited English proficiency? Yes: _____ No: _____

If so, please specify:

Name of Agency/Court/County:

Languages of clients requiring translated materials:

Description of written information needed:

What alternative arrangements are made to communicate the information?

Part VII: Recommendations

19) Are there issues related to the cultures of your clients which impact them negatively when relating to the court system or administrative agencies? For example, a cultural practice of not looking a person directly in the eyes out of respect and in deference to that person.

20) How can the courts and administrative agencies improve the system for interpreter services?

21) How can courts and administrative agencies improve the availability of information about interpreter services?

22) Please identify any additional issues or concerns that your organization may have relating to the rights of persons with limited English proficiency interacting with the Pennsylvania court system or Pennsylvania administrative agencies.

Thank you very much for your time and thoughts.

Please send your response to the attention of:

Lisette M. McCormick, Executive Director
Supreme Court of Pennsylvania
Committee on Racial and Ethnic Bias in the Justice System
Duquesne University Law School
900 Locust Street
Pittsburgh, PA 15282
Fax: (412) 396-5035

ADDITIONAL DATA ON COMMUNITY AGENCY SURVEY

Court Reporter Survey: Supplemental Information Requested

Total Court Interpreter Expenditure reported for PA in Calendar year 2000= \$664,138.60

Total Court Interpreter Expenditure reported for PA excluding Philadelphia=\$107,198.39

Question 6 - The following Counties said they used the AT&T services for interpretation: Bucks, Chester, Elk and Cameron, Franklin and Fulton, Lehigh, and Philadelphia

Court Interpreter Survey – Counties with Missing Data (no survey)

1. Armstrong
2. Clearfield
3. Clinton
4. Delaware
5. Greene
6. Huntington
7. Lawrence
8. Lycoming
9. McKean
10. Montgomery
11. Northumberland
12. Pike
13. Somerset
14. Sullivan
15. Susquehanna
16. Tioga
17. Venango
18. Wayne
19. Wyoming
20. York

supr court database - Report 8

| <u>Organization</u> | <u>address2</u> |
|---|-----------------------------|
| Eastern Philadelphia Organizing Project | Philadelphia, PA 19120 |
| Cambodian Asst., Inc. | Philadelphia, PA 19120 |
| Association Puertorriquenos En Marcha, Inc. | Philadelphia, PA 19122 |
| Dept. of Public Welfare - Dauphin County Assistance Office | Harrisburg, PA 17110-0959 |
| Dauphin County Area Agency on Aging | Harrisburg, PA 17108 |
| MidPenn Legal Services | Harrisburg, PA 17101 |
| Latino Leadership Alliance of BC | Bristol, PA 19007 |
| Neighborhood Dispute Settlement | Harrisburg, PA 17102 |
| YWCA of Lancaster - Sexual Assault Prevention and Counseling Center | Lancaster, PA 17602 |
| Spanish Community Assoc. of Central PA | York, PA 17405 |
| Lebanon County Hispanic Outreach Program | Lebanon, PA 17046 |
| South Bethlehem Neighborhood Ctr | Bethlehem, PA 18015 |
| Dauphin County Bar Association | Harrisburg, PA 17101 |
| Hispanic American Council | Erie, PA 16503 |
| Council of Spanish Speaking Organizations of the Leigh Valley, Inc. | Bethlehem, PA 18015 |
| Generacion Diez | Gettysburg, PA 17325 |
| Center for Human Services | Gettysburg, PA 17325 |
| New World Association of Emigrants from Eastern Europe | Philadelphia, PA 19152 |
| Taller Puertorriqueno Inc. | Philadelphia, PA 19133 |
| Haitian Community Center of Philadelphia | Philadelphia, PA 19107 |
| The Korean-American Assoc. of Greater Philadelphia | Philadelphia, PA 19120 |
| Immigration and Refugee Services/ Catholic Charities | Harrisburg, PA 17103 |
| Police-Barrio Relations Project | Philadelphia, PA 19133 |
| Perry Human Services | New Bloomfield, PA 17068 |
| PA Human Relations Commission | Harrisburg, PA 17112 |
| Lutheran Children and Family Service - PLM Immigration Program | Philadelphia, PA 19139-1111 |
| Legal Aid of Southeastern Pennsylvania - Bucks County Division | Bristol, PA 19007 |
| Caribe Social Services | Philadelphia, PA 19133 |
| Vietnamese Assoc. for the Aging | Philadelphia, PA 19120 |
| Harrisburg District Office, Office of Vocational Rehabilitation | Harrisburg, PA 17110 |
| Family and Children's Service of the Capital Region | Harrisburg, PA 17101 |
| Cumberland-Perry Drug and Alcohol Commission | Carlisle, PA 17013 |
| Berks Community Action Program | Reading, PA 19603 |
| MidPenn Legal Services | Reading, PA 19601 |
| MidPenn Legal Services | Harrisburg, PA 17110 |

Organization

Indochinese American Council
Asian Americans United South Philadelphia Branch
MidPenn Legal Services
MidPenn Legal Services
Jaisohn Center
Casa Guadalupe Center

address2

Philadelphia, PA 19141
Philadelphia, PA 19107
Chambersburg, PA 17201
Lancaster, PA 17603
Philadelphia, PA 19126
Allentown, PA 18102

**MIDPENN LEGAL SERVICES’
RESPONSE TO
QUESTIONNAIRE RELATED TO
EXPERIENCES WITH JUDICIAL
SYSTEM OF PERSONS
WITH LIMITED ENGLISH
PROFICIENCY**

**QUESTIONNAIRE RELATED TO EXPERIENCES WITH JUDICIAL SYSTEM
OF PERSONS WITH LIMITED ENGLISH PROFICIENCY**

Part I: General Information

Your Name: James Orgass, Esquire
Organization: MidPenn Legal Services
Contact Person: James Orgass
Address: 10 South Prince Street
Lancaster, Pa. 17603
Phone: (717) 299-0971
Fax: (717) 295-2328
Email: jorgasse@midpenn.org

What services are provided by your organization?

We provide free legal services to low-income individuals and families
in a broad array of civil matters, including PFAs, housing, public
benefits and custody

*State College (Centre, Huntingdon, Juniata & Mifflin Counties),
York County.

What counties and communities does your organization serve?

The Lancaster office is one of 18 counties that comprise MidPenn
Legal Services. The others are: Altoona (Blair County) Bedford County,
Carlisle (Cumberland County) Chambersburg (Franklin & Fulton Counties)

Clearfield County, Gettysburg (Adams County), Harrisburg (Dauphin & Perry
Counties), Lebanon County, Pottsville (Schuylkill County), Reading (Berks County)*

**Should your response be treated as confidential, or may the Committee cite your
response in its report to the Pennsylvania Supreme Court?**

Treat as Confidential: May be cited to the Supreme Court:

Part II: Court and Administrative Agency Contact

1) What Pennsylvania state administrative agencies does your organization or persons your organization serves ("clients") have contact with regularly?

| Agency | County | Contact ? |
|------------------------------|---------------|------------------|
| Unemployment Compensation | Lancaster | |
| Worker's Compensation | | |
| Department of Public Welfare | Lancaster | |
| Other, specify: | | |
| Other, specify: | | |
| Other, specify: | | |
| Other, specify: | | |

2) What Pennsylvania courts and court divisions does your organization or clients have contact with regularly?

| Court / Court Division | County | Contact? |
|------------------------------------|---------------|-----------------|
| District Justice: Landlord Tenant | Lancaster | |
| District Justice: Traffic Citation | | |
| District Justice: Criminal | | |
| District Justice: Other Civil | | |
| Municipal Court: Civil | | |
| Traffic Court | | |
| Common Pleas: Civil | Lancaster | |
| Common Pleas: Family Court | Lancaster | |
| Common Pleas: Criminal | | |
| Other, specify: | | |
| Other, specify: | | |
| Other, specify: | | |
| Other, specify: | | |

5 a) How effective are these arrangements? (circle one)

Poor Fair Good Very Good

6) Please identify those professional interpretation services with which your organization or clients have had contact.

Name of Agency: _____

Address: _____

Telephone: (____) _____

Any comments about services provided: _____

Part IV: Availability of Language Services

7) Are you or your clients aware whether courts or administrative agencies provide interpreter (spoken, not written) services? Yes: X No: ___

If so, please check off which courts and/or administrative agencies provide interpreter services and indicate the relevant county.

| <u>Court/Administrative Agency</u> | <u>County</u> |
|---------------------------------------|---------------|
| ___ District Justice: Landlord Tenant | _____ |
| ___ District Justice: Criminal | _____ |
| ___ District Justice: Other Civil | _____ |
| ___ Municipal Court: Civil | _____ |
| ___ Municipal Court: Criminal | _____ |
| ___ Traffic Court | _____ |
| <u>X</u> Common Pleas: Civil | Lancaster |
| <u>X</u> Common Pleas: Family Court | Lancaster |
| ___ Common Pleas: Criminal | _____ |
| ___ Others: | _____ |
| Specify: _____ | _____ |
| Specify: _____ | _____ |

8) Do you know how and where to request interpreter services from the courts and/or administrative agencies? Yes: X No: ___

9) Have you or your agency staff ever requested interpreter services?

Yes: X No:

If so, how was your request for interpretation services responded to and handled?

Very well.

If your organization has requested interpreter services please identify:

Name of Agency/Court/County: Court of Common Pleas

Nature of Proceeding: Protection From Abuse

Language for Interpretation Services: Spanish

Agency/Court Contact Person (if known): Bail Administration

Telephone of Agency/Court Contact Person (if known): (717) 295-3584

Interpretation Service Agency Utilized (if applicable and known): Not known

10) Have you or your clients had experience with a Pennsylvania administrative agency or court that refused to provide requested court interpretation services for limited English-speaking persons? If so, please identify the agency or court, the county, and the kind of proceeding involved.

NO

Part V: Role In Providing Interpretation or Translation Services

11) Does your organization or staff have any role in providing interpretation or translation services for any administrative or judicial hearings? Yes: x No:

If so, for what languages and what agencies or courts?

Spanish - District Justice hearings, DPW sometimes, Common Pleas Court with Pretrial interviews and negotiations.

12) If your organization's staff provides any interpretation (spoken) or translation (written) services, is this a part of their job duties with your organization for which you pay them?

Yes: No: X Not applicable:

13) Does your organization's staff receive compensation directly from your clients for interpretation or translation services?

Yes: _____ No: X Not applicable: _____

14) Does your organization's staff receive compensation from the administrative agencies or courts which utilize them to provide interpretation or translation services?

Yes: ___ No: X Not applicable: ___

If so, from which administrative agencies or courts and in what languages?

15) Has anyone provided specific training in court interpretation to any of your organization's staff who provide interpretation services?

Yes: ___ No: X Not applicable: ___

If applicable, what training has been provided?

If applicable, who provided the training?

Part VI: Translation of Written Materials

16) Are you aware of state administrative agencies and courts providing written documents translated into languages used by persons with limited English proficiency?

Yes: X No: ___ If so, identify those agencies and courts which you know provide such forms.

Department of Public Welfare

Common Pleas, Notices about hearings

(Please attach samples of any forms available to you)

17) Do you have any knowledge or have you received any feedback as to the quality of translated materials provided? Yes: _____ No: x

If so, what information can you provide as to the quality and usability of written documents prepared in native language of persons with limited English proficiency by such agencies?

18) Do your clients have contact with any courts or administrative agencies that do not provide critical written information translated into languages used by your clients with limited English proficiency? Yes: _____ No: _____

If so, please specify:

Name of Agency/Court/County:

Languages of clients requiring translated materials:

Description of written information needed:

What alternative arrangements are made to communicate the information?

Part VII: Recommendations

19) Are there issues related to the cultures of your clients which impact them negatively when relating to the court system or administrative agencies? For example, a cultural practice of not looking a person directly in the eyes out of respect and in deference to that person.

There is ^{NO} a particular cultural practice that impacts our clients when relating to the Court system or administrative agencies. Clients do perceive a language bias and an intimidation because their English language skills are poor or non-existent. This is very true at the District Justice level and administrative Court level, in general. There is also a lack of understanding throughout the entire judicial system as to why clients who are somewhat bi-lingual (English as a second language) would prefer to have an interpreter present to translate legal matters into their native language.

20) How can the courts and administrative agencies improve the system for interpreter services?

Our County does a good job overall. In the future, it will become more and more necessary to translate Court documents into Spanish.

21) How can courts and administrative agencies improve the availability of information about interpreter services?

By including the availability of the service on the initial notice to individuals that are now involved in the Court process.

22) Please identify any additional issues or concerns that your organization may have relating to the rights of persons with limited English proficiency interacting with the Pennsylvania court system or Pennsylvania administrative agencies.

See previous comments

In our County, language service is not available at Domestic Relations conference level or custody conference level. These types of cases are

often designed to be resolved at this level. One suggestion would be to make

interpreters available at the conference level Thank you.

Thank you very much for your time and thoughts.

Please send your response to the attention of:

Lisette M. McCormick, Executive Director
Supreme Court of Pennsylvania
Committee on Racial and Ethnic Bias in the Justice System
Duquesne University Law School
900 Locust Street
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