

**JUDICIARY COMMITTEE PUBLIC HEARING ON SENATE  
BILL 669, COURT INTERPRETERS**

**Testimony of Andrew A. Chirls  
Chancellor-Elect  
Philadelphia Bar Association**

Monday, May 17, 2004

Room 8E-B, Capitol Building

Good morning, my name is Andrew Chirls and I am Chancellor-Elect of the Philadelphia Bar Association. I will serve as Chancellor of the Association during 2005. I am pleased to be here today to speak for the 13,000 lawyer-members of the largest local bar association in the Commonwealth.

I join with the other members of this coalition today to speak in favor of legislation that would advance the goal of equal access to justice in Pennsylvania to all persons (including parties to judicial proceedings, witnesses, victims and members of the public) regardless of their English language proficiency.

This is an issue that the Philadelphia Bar Association has been interested in for quite some time. In fact, in 1994, the Board of Governors of our Association adopted a Resolution calling for the testing and certification of foreign language interpreters in Pennsylvania courts. We also asked the courts to address the need for the electronic recording of sign language testimony as well as languages other than English.

Then, in 2003 in another Resolution our Board asked that all courts in Pennsylvania be required to:

--Provide qualified interpreters to litigants at no charge;

--Translate forms and other documents to the extent necessary to provide access to those who do not speak English;

--Provide interpreters who are certified through a statewide certification program and who maintain their proficiency through continuing education and high standards of professional conduct; and

--Adopt a code of professional responsibility for judicial interpreters with clear understandings and enforcement procedures.

We also asked that the Administrative Office of the Pennsylvania Courts establish a Language Services Office similar to those created by other states and asked that this office be staffed by experienced, professional administrative personnel.

Our resolution in 2003 was one of a series of resolutions we have passed and actions that we have taken to promote the implementation of recommendations in the report of the Supreme Court Committee on Racial and Gender Bias in the Judicial System. That committee's work is a landmark in the field of civil justice, and, if brought to fruition, will make our Commonwealth and its many local courts examples throughout the nation of equal justice and of modern approaches to the evolving standards of equality and fairness.

Our Bar Association's commitment to these matters goes well beyond mere passage of resolutions. We are now working with the leadership of the First Judicial District to convene a Litigants' Equal Access Committee to examine issues related to interpretation and access to courts within the First Judicial District. In the next year, we will be working to put together Continuing Legal Education programs on effective use of interpreters, making our own Lawyers Information and Referral Service more accessible to speakers of foreign languages, and making documents that are part of the Workers' Compensation process available in Spanish.

The Supreme Court Committee on Racial and Gender Bias in the Judicial System has recognized the needs of those with limited English proficiency and has incorporated these needs into its recommendations, and our Bar Association has shared that view. Furthermore, the federal government (through Title VI of the 1964 Civil Rights Act) and the Mayor of Philadelphia (through Executive Order) have recognized the same needs.

We are proud and honored to be part of the Campaign for Litigants' Equal Participation in support of open access to justice for everyone. As our state and our nation become more diverse, the promise of America -- the promise of equal justice for all -- must be preserved.

Indeed, this principle of equal access to justice for all predates our own democracy and the idea itself can be found in the Magna Carta which states: "To none will we sell, to none [will we] deny or delay [the] right to justice."

That nearly eight-hundred-year-old legacy is a good concept to keep in mind as we consider this proposed legislation.

While I could expound on principles that are hundreds of years old, I think it is also important to consider a report issued by the United Nations only three weeks ago on why so many democracies in developing countries are unstable. It is, says the United Nations, in large part

because so many individuals in those countries do not feel that they get a fair shake when they encounter the authorities, particularly in the law enforcement and the justice systems. We must be a stable democracy and an example to the rest of the world. To do so, then all of our citizens must have a fair chance to be heard and a chance to understand their interactions with the government at this very basic level where their lives are affected--in court. That is how we are able to make sure that all people have faith and belief in our system, and are willing to work constructively within it.

For these reasons, we at the Philadelphia Bar Association hope you will give positive consideration to the testimony you are about to hear from my fellow panelists. And we also hope you will give your affirmative vote to the legislation before you.

Thank you.