



FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS  
OFFICE OF THE PRESIDENT JUDGE

FREDERICA A. MASSIAH-JACKSON  
PRESIDENT JUDGE

April 27, 2004

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Gabriel L.I. Bevilacqua, Esquire  
Chancellor, Philadelphia Bar Association  
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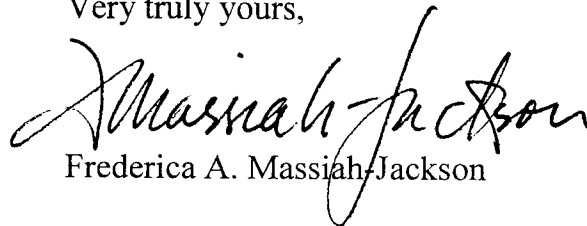
Dear Chancellor Bevilacqua:

I am pleased to enclose a copy of the First Judicial District's Report on Engaging Persons with No or Limited English Proficiency (LEP) in the Judicial Process.

Honorable Kathryn S. Lewis has been actively participating as our First Judicial District's liaison to the Bar Association's Race and Gender Bias Committee. I know that the Bar Association has expressed an interest in knowing more about the efforts of our Philadelphia courts to eliminate language barriers for our citizens involved in the judicial process. This Spring 2004 Report is an overview of the services the First Judicial District provides for our multi-lingual, deaf and hard of hearing community.

Thank you for your consideration.

Very truly yours,



Frederica A. Massiah-Jackson

cc:Honorable Kathryn S. Lewis  
Andrew A. Chirls, Esquire  
Alan M. Feldman, Esquire  
Roberta D. Liebenberg, Esquire  
Lynn Marks, Esquire  
Bar Committee Members

First Judicial District of Pennsylvania

# First Judicial District Access to Justice

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*Engaging Persons with No or Limited English  
Proficiency (LEP) In the Judicial Process*

*"Philadelphia remains the only Pennsylvania county that  
attempts to provide interpreter services to courts in a  
systematic manner."*

*~ Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice  
System – Final Report*

*Spring 2004*

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# First Judicial District (FJD) Services for Persons with No or Limited English Proficiency (LEP)

## 1. Access to Justice and the Trial Court Performance Standards

The Trial Court Performance Standards are, as the name implies, a set of criteria by which state trial courts, such as the First Judicial District of Pennsylvania (FJD), may gauge their performance against the optimums described in the standards. The Standards proffer the goals toward which trial courts may strive. They include mechanisms with which performance may be measured. The Standards are the product of a project that was initiated in 1987 as a joint venture between the National Center for State Courts (NCSC) and the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice. Within the FJD, the standards provide goals toward which all of the three courts may aspire.<sup>1</sup>

*"The 'Trial Court Performance Standards' are widely viewed as invaluable tools for 21<sup>st</sup> Century trial court systems striving to achieve excellence in the quality of justice offered the communities we serve. The First Judicial District ('FJD' or 'District') finds broad relevance in these national guidance Standards to our entire system of justice in Philadelphia County. The Standards articulate central goals and enumerate the means to measure progress towards achievement of those goals in each of five performance areas: 1) Access to Justice; 2) Expedition and Timeliness; 3) Equality, Fairness, and Integrity; 4) Independence and Accountability; and 5) Public Trust and Confidence."<sup>2</sup>*

*– Joseph A. Cairone, Court Administrator, First Judicial District*

### **ACCESS TO JUSTICE.**

*"Trial courts should be open and accessible. Location, physical structure, procedures, and the responsiveness of personnel affect accessibility."<sup>3</sup>*

"The five standards grouped under Access to Justice require a trial court to eliminate unnecessary barriers to its services. Such barriers can be geographic, economic, and procedural. They can be caused by deficiencies in both language and knowledge of individuals participating in court proceedings. Additionally, psychological barriers can be created by mysterious, remote, unduly complicated, and intimidating court procedures.

<sup>1</sup> The First Judicial District comprises three courts: 1) the general jurisdiction Court of Common Pleas; 2) the limited jurisdiction special court of record Philadelphia Municipal Court; and 3) the limited jurisdiction Philadelphia Traffic Court.

<sup>2</sup> From the Court Administrator's Greeting in the draft First Judicial District 2003 Annual Report

<sup>3</sup> Trial Court Performance Standards with Commentary, Standard 1, Access to Justice, developed by the Commission on Trial Court Performance Standards, a joint project of the National Center for State Courts and the Bureau of Justice Assistance, United States Department of Justice.

### Standard 1.3 Effective Participation

The trial court gives all who appear before it the opportunity to participate effectively, without undue hardship or inconvenience.

Standard 1.3 focuses on how a trial court accommodates all participants in its proceedings—especially those who have language difficulties, mental impairments, or physical handicaps. Accommodations made by the court for impaired or handicapped individuals include the provision of interpreters for the deaf and special courtroom arrangements or equipment for blind and speech-impaired litigants.<sup>4</sup> (Emphasis added)

District representatives endeavor to fulfill the spirit, as well as the letter of the law.<sup>5</sup>

## 2. Background & Organization

As indicated by the Court Administrator, the leadership of the First Judicial District of Pennsylvania (FJD) is mindful of the Trial Court Performance Standards and especially the importance of the first group of standards, those identified under Access to Justice. The judicial system begins with the open door of access, and without it, justice is denied. Moreover, "Access" carries additional obligations. The courts must ensure, to the greatest extent possible – not merely that entry into the judicial system may be gained – but further that participation in the judicial process is effective and meaningful.

The courts must work to enable persons with no or limited English proficiency (LEP) to participate and these efforts are not limited to the strict verbatim translation of language. All parties to proceedings should fully understand the nature of the events, and their part in the process and eventual outcomes.

First Judicial District leaders have demonstrated their responsiveness and confirmed their commitment to equal access by taking affirmative steps to strengthen court services to persons with no or limited English proficiency, and by helping others with disabilities to effectively participate in the judicial process. These measures include responses to the Americans with Disabilities Act (The District has ADA Coordinators located in all the constituent courts); retaining the National Center for State Courts to evaluate the interpreter system and provide recommendations for improvement; acting on those recommendations and instituting new innovations to improve access to justice; and by joining and supporting Bar Association efforts geared toward providing equal access to LEP persons. On average, there are more than 10 requests for contract interpreters every day that the court is open.

*"Pennsylvania's First Judicial District in Philadelphia County has taken a lead role...by initiating a formal court interpreter system. Although Philadelphia County has not yet established certification procedures, it has developed a model that may prove helpful elsewhere in the Commonwealth."*

– Final Report of the  
Pennsylvania Supreme Court  
Committee on Racial and Gender  
Bias in the Justice System<sup>6</sup>

<sup>4</sup> *Ibid.*

<sup>5</sup> Pertinent legal authorities include, but are not limited to the Fifth and Fourteenth Amendments to the US Constitution, the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*), the Americans with Disabilities Act (42 U.S.C. §12101 *et seq.*), Section 504 of the Rehabilitation Act of 1974 (29 U.S.C. §794), Pa. R.J.A. 1903 (Governing interpreters for the deaf), proposed Pennsylvania Senate Bill 669 Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court interpreters, a wealth of federal and state case law, Executive Orders, and Administrative Directives.

## **2.1 Centralized Organization**

The FJD operates a centralized system for the provision of contract sign and language interpreters. When the need arises, requests for interpreter services are sent to the Office of the Deputy Court Administrator for Court Reporter and Interpreter Services. These requests are often made in advance by defense counsel and the District Attorney's Office, advocacy groups, Probation Officers, or others associated with the cases. Court Officers are also trained in the process. Requests are made using special forms. (See Appendix A) The forms communicate in depth identifying information, and details about methods of interpretation, case types, locations, and the nature of the proceedings.

As a monitoring mechanism, court officers are directed to fill out forms to confirm that a hearing has been conducted and that the interpreters have indeed appeared as scheduled. Through the use of the Per Diem Interpreter Request Verification Form, the court officers also provide information for billing: the interpreters' time of arrival; time of departure; and the total number of hours and minutes spent in the courtroom. The Court Officers then sign the forms and obtain the interpreters' signatures as confirmation. (See Appendix B)

The procedures were established with emphasis on early intervention. Requests are made prior to scheduling cases so that when the hearings take place, interpreters are present and prepared to proceed. This makes good business sense, in that hearings and judge time are not wasted through continuances. Early intervention also encourages the individuals requiring the services and fosters a seamless transition through the legal process thus minimizing any stigma that may otherwise be associated with "special treatment."

## **2.2 Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System Final Report Excerpts**

Excerpts from the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System Final Report are displayed below. Some background may help the reader to better understand the comments and the FJD Interpreting environment – then and now.

In 1995, the First Judicial District retained the National Center for State Courts (NCSC) to provide an evaluation of FJD Interpreter Services. The purpose was to provide District leaders with an evaluation of then-existing system conditions and also to obtain recommendations for improvements. Later descriptions by the Supreme Court Committee on Racial and Gender Bias in the Justice System relied in part on the NCSC examination. Some of the suggestions and recommendations arising from these reviews provided FJD leaders with the ideas for improvement which they sought. Many of these have since been adopted. During the intervening time, most of the improvements have resulted in permanent systemic advances to the FJD provision of interpreter and other services for LEP persons, and will continue to be utilized on an on-going basis. (See also §3.2 *Staff Interpreters*, on page 7.)

As noted in the Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System:

*"Pennsylvania's First Judicial District in Philadelphia County has taken a lead role...by initiating a formal court interpreter system. Although Philadelphia County has not yet established certification procedures, it has developed a model that may prove helpful elsewhere in the Commonwealth."<sup>6</sup>*

*"In particular, Philadelphia County has conducted training of court interpreters, and has produced training materials for a court interpreter orientation seminar as well as an interpreter's manual for domestic violence cases entitled Interpreters Manual for Courtroom #3—Abuse Court. Additionally, in a program called Racial, Ethnic, and Gender Fairness in the Courts, supporting materials addressing the needs of LEP litigants were developed and presented by the Philadelphia Court of Common Pleas to judges and their staffs."*

*"Philadelphia County employs eight interpreters, all of whom work full-time for the court. Of the eight, Family Division employs two full-time interpreters and provides Spanish translations of court documents. Municipal Court employs two interpreters who work exclusively for that division, and there are four full-time interpreters who work for the Criminal Division. Philadelphia County also regularly collects court data that include a listing of the languages for which interpreters are requested each year; the frequency with which interpretation for each language is requested; a log of requests for interpreters; a listing of interpreter agencies used by the court; a listing of costs for hearings for which interpreters are provided; and an annual report submitted by the family court interpreters employed by the court."*

*The NCSC [National Center for State Courts] administered the New Jersey Screening Test for Interpreting Proficiency to nine Spanish staff interpreters in Philadelphia. Seven passed the exam. The test results suggested the strengths and weaknesses of the tests currently in use in Philadelphia. Five of the staff interpreters tested at or above the 98th percentile established among those who have taken the exam in New Jersey..."<sup>6</sup>*

*"Despite the many suggestions in the report, the study noted that the interpreting services provided to Spanish speakers in Philadelphia County are generally of high quality, especially when compared to many other major metropolitan areas."*

*"Philadelphia remains the only Pennsylvania county that attempts to provide interpreter services to courts in a systematic manner."*

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<sup>6</sup> Successful completion of the New Jersey certification examination has become a condition of employment for all FJD staff interpreters

### 3. Services

The following sections summarize different ways that services are provided to LEP persons.

**Table 1 Bi-Lingual Employees**

Access to Justice: First Judicial District Bi-Lingual Employees	
Court or Department	Employees
Common Pleas Family Division Juvenile Domestic Relations	16
Common Pleas Trial Division Criminal Civil	30
Common Pleas Orphans' Court Division	7
Municipal Court Criminal Civil	4
Traffic Court	2
FJD Information Center	1
<b>Total Reported</b>	<b>74</b>

#### 3.1 Recruitment

FJD Human Resources Department representatives participate in Job Fairs including CareerFair.com (Minority Recruitment); Diversity Job Fairs.com; and has had a presence at the Puerto Rican Festival Job Fairs in each of the last three years. (A complete list of job fairs involving the FJD Human Resources Department is attached as Appendix C) In particular, District representatives recruit multi-lingual candidates for positions as Probation Officers who represent the largest segment of FJD employees.

#### 3.1.2 Bi-Lingual & Multi-Lingual Employees

Bi-Lingual and Multi-Lingual Employees are located in the courts and divisions that constitute the First Judicial District. While the preponderance of these employees speak Spanish, the following languages are also represented: Thai, Cambodian, Laotian, Chinese, Yoruba, Ashanti, German, Italian, and

Latvian. Table 1, above, displays the numbers of FJD employees who have bi-lingual abilities and their respective locations throughout the courts of the District. The figures in Table 1 do not include bi-lingual judicial staff employees.

#### 3.2 Staff Interpreters

Staff Interpreters – The FJD employs eight full-time staff Spanish interpreters at a yearly salary cost of just under \$300,000. While their activities are centrally coordinated, they are located in the Courts where they will have close proximity to judicial proceedings. Two are located in Municipal Court, four in Trial Division of the Common Pleas Court and two are located in the Court of Common Pleas Family Division. As a result of the adoption of recommendations made previously, FJD Staff Interpreters must be able to successfully complete the New Jersey certification examination as a condition of their employment.

### 3.3 Contract Interpreters

Contract Interpreters are used for languages other than Spanish, for regular duties as Spanish interpreters every Tuesday in the Municipal Court special venue "Treatment Court, and to fill in for staff interpreters on vacation. For Fiscal Year 2003, the cost for contract interpreters was \$627,049. By the end of Fiscal Year 2004, it is estimated that almost \$660,000 will have been paid to contract interpreters for sign and language interpretation services.

### 3.4 Telephonic Services

The District employs two telephonic translation services: Language Line Services, which is servicing Jury Selection; and Certified Languages International, which is used by all other FJD Units. For Calendar Year 2003, the FJD expended \$1,406 for Jury Selection needs and \$12,024 for all other FJD requirements. The total CY 2003 expenditure was \$13,429.45. Of the total expenditure, \$9,318 (69%) was for Spanish; while expenditures for translation of Cantonese, Mandarin, Cambodian, Laotian, and Vietnamese totaled \$2,069 (15%). Table 2, below, shows requests for telephonic interpreter services for 2003.

**Table 2 Requests for Telephonic Interpreter Services**

<b>Access to Justice:</b>								
<b>First Judicial District Telephonic Interpreter Services Requests</b>								
<b>Number of Occurrences per Language</b>								
	<b>Annual Totals</b>	<b>Jury Admin</b>	<b>Adult Probation Parole</b>	<b>Criminal Listings</b>	<b>Municipal Court</b>	<b>Pre-Trial</b>	<b>Traffic Court</b>	<b>Family Court</b>
Albanian	2	1			1			
Amharic	2							2
Arabic	6				1			5
Cambodian	22	1			5			16
Cantonese	18	4		1	6	1	1	5
French	6	3			3			
French Creole	6							6
Gujarati	7							7
Hebrew	1							1
Indo	1							1
Japanese	1	1						
Korean	5	1			1			3
Laotian	2	1						1
Malayalam	1							1
Mandarin	16	6		1	5	1	1	2
Pashto	1	1						
Polish	7				6			1
Portuguese	7	1			2			4
Russian	11	2			5		1	3
Somali	1							1
Spanish	518	132	1	1	106	2		276
Tagrinya	5				1			4
Thai	1	1						
Vietnamese	40	13	1		5	1		20
<b>Totals</b>	<b>687</b>	<b>168</b>	<b>2</b>	<b>3</b>	<b>147</b>	<b>5</b>	<b>3</b>	<b>359</b>

### 3.5 Services for the Deaf and Hard of Hearing

The FJD supplies accommodations for the Deaf and Hard of Hearing Community in several ways. These services are provided by the court to assist litigants, attorneys, witnesses, and judges.

1. First, sign language interpreters are provided. Their assistance is gained through the same early intervention procedures used to obtain foreign language interpreters. Often, the services of two interpreters are required, effectively doubling the costs. One interpreter will translate from hearing parties to deaf individuals, and the partner will translate the testimony of deaf persons to the rest of the participants. This is difficult work requiring intense concentration and quick responses. The pace of hearings must be adjusted accordingly. Because of vigorous hand-sign activities, rest periods are necessary to further ensure accuracy. Table 3, below, shows sign interpreter costs for Fiscal Years 2001 through 2004 (YTD).
2. Second, courtrooms in the Criminal Justice Center and City Hall have built-in infrared based systems that transmit testimony through headsets with volume controls. There are also portable sets for use on *ad hoc* basis in courtrooms without built in systems.
3. Third, the District is fortunate to have five official court reporters who can take testimony in "real time." This capability requires excellent court reporting skills and a high degree of efficiency. In equipped courtrooms, testimony is taken by a court reporter, instantly transcribed from stenotype symbols into writing, and then projected onto monitor screens for review by deaf or hard of hearing individuals. Courtroom 625 in City Hall is equipped with a huge monitor for public audience viewing, monitors at the bench and counsel tables, and a bank of monitors in the jury box. First Judicial District leaders were mindful of the needs of the Deaf and Hard of Hearing Community when they developed, designed, and rebuilt the facilities in the Courtroom 625 Project.

**Table 3 Expenditures for Sign Interpreters**

<b>Access to Justice:</b>					
<b>First Judicial District Sign Interpreter Costs</b>					
<b>Expenditures for FY 2001 through 2004 (YTD)</b>					
<b>Vendor Name</b>	<b>Number</b>	<b>Fiscal Years</b>			<b>YTD - 04</b>
		<b>01</b>	<b>02</b>	<b>03</b>	
Communication Connections	8,519	\$ 38,632.44	\$ 48,898.12	\$ 66,352.04	\$ 51,975.54
Deaf-Hearing Communication Center	8,853	22,939.70	70,526.91	84,676.13	53,792.85
<b>Totals</b>		<b>\$ 61,572.14</b>	<b>\$ 119,425.03</b>	<b>\$ 151,028.17</b>	<b>\$ 105,768.39</b>

### **3.6 Court Information Office**

The First Judicial District Information Office, located on the first floor of City Hall, has bi-lingual staff to help Spanish speaking clients seeking information about FJD courts and divisions.

## **4. Forms, Brochures, & Videos**

Bi-Lingual (Spanish/English) forms, brochures, and other documentation include:

- Domestic Violence Information (Pamphlets)
- Domestic Violence Information (Video Tapes)
- Listings for Domestic Abuse Resources
- Mutual Stay Away Order
- Consensual Stay Away Order
- Landlord/tenant Information (pamphlets)
- Small Claims Information (Pamphlets)
- Breach Hearing Notice- Municipal Court Arbitration
- One Party Arbitration Order
- Rules and Regulations of Probation and Acknowledgement of Sentence Form
- Detainer and Violation Hearing Processes
- Extradition, Financial Payments, and Grievances Procedures
- FJD Probation/Parole Firearms Surrender Policy Form
- Tips for Successful Navigation of Your Probation/Parole Sentence
- Defendant Report-In Card
- Notice of Bench Warrant Status
- Defendant Notice of Appearance
- Colloquy for Plea
- Subpoena
- Treatment Court Orientation Manual, Participation Manual & Brochure

## 5. Training

To better acquaint interpreters with the judicial process, Interpreter seminars were developed and conducted. Outlined below are brief descriptions of Training Seminars prepared and presented to language and sign interpreters contracted with the Court to provide interpreting services. Seminars were held on Saturdays at the Criminal Justice Center, 1801 Vine Street, and 34 S. 11<sup>th</sup> Streets. The dates of the seminars are followed by brief overviews of the presentations.

### **First Judicial District of Pennsylvania Interpreter Orientation Seminar Saturday, January 23, 1999 9:00 a.m. to 3:00 p.m.**

- An Overview of Philadelphia Court of Common Pleas and Municipal Court  
Remarks from:  
David C. Lawrence, Chief Deputy Court Administrator  
Janet C. Fasy, Deputy Court Administrator
- Orientation and description of Civil, Criminal Trial Divisions, Family Court and Orphan's Court  
Remarks from:  
David C. Lawrence, Chief Deputy Court Administrator  
Honorable Ida Chen<sup>7</sup>
- Organizational charts, maps, legal terminology distributed
- Presenter: Carla Mathers, professional interpreter trainer
- National Center for State Court's professional code of conduct and code of professional responsibility was distributed and discussed
- Videotape produced by the NCSC was shown; examples and scenarios reviewed
- Question and Answer Session - Frank Rivera-Cruz, First Judicial District of Pennsylvania, Official Court Interpreter

### **Interpreter Orientation Seminar to Family Court Juvenile Division, Dependency Court Saturday, March 22, 2003 9:00 a.m. to 3:00 p.m.**

- An Overview of Dependency Court, 1801 Vine Street  
Remarks from:  
Honorable Frank Reynolds, Supervising Judge, Juvenile  
Honorable Flora B. Wolf  
Honorable Ida Chen  
Rae Wardino, Director of Dependency Unit  
Janet C. Fasy, Deputy Court Administrator, Court Interpreter Services
- Presentations by the following agencies describing who they represent, what they do in the courtroom, and their needs for interpreting:  
City of Philadelphia Law Dept., City Solicitor  
Department of Human Services

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<sup>7</sup> Judge Ida Chen participated in all three Interpreter Seminars. She is also a member of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System.

Defender Association of Phila – Child Advocacy Unit  
Community Legal Services, Family Advocacy Unit  
Support Center for Child Advocates  
Independent Attorneys

- Mock Trial including all of the above agency representatives
- Question and Answer Session - Interpreters Osvaldo Aviles and Andreas Silva
- Distribution of materials:
  - Glossary of Terms used in 1801 Vine Street courtrooms
  - List of Agencies associated with Family Court
  - Forms utilized in Family Court
  - Organizational Charts, Maps and Directions
  - Family Court Telephone Directory

**Orientation Seminar to Family Court  
Domestic Relations Branch  
Saturday, November 1, 2003  
9:00 a.m. to 2:00 p.m.**

- Remarks by:
  - Honorable Idee C. Fox, Supervising Judge of Domestic Relations
  - Honorable Ida Chen
  - Janet C. Fasy, Deputy Court Administrator
- Presentation by FJD Domestic Relations Employees
- Statistical Information- Osvaldo Aviles, Spanish Interpreter
- Support Hearings – Lisa Phillips
- Custody Masters Michael Horan, Esq., Acting Chief
- Custody Court Honorable Elizabeth Jackson
- Contempt of Child Support Court – Honorable Idee C. Fox
- Protection from Abuse Court – Honorable Ida Chen
- Role-playing and Panel Discussion regarding Professional Responsibility for Court/Judicial Interpreters
- Distribution of "The Interpreter's Reference Guide to Abuse Court"

Judges and court officers are an integral part of the system for the provision of interpreter services and they too receive guidance and documentation to better acquaint themselves with pertinent issues and improve the levels of service that they provide. (See Appendix D)

#### **First Judicial District of Pennsylvania**

##### **Department of Human Resources Sensitivity Training**

From June 2000 through July 2002, 112 sessions of Sensitivity Training were coordinated, developed, and presented through the FJD Human Resources Department. Almost 2,100 employees attended this training.

## **5.1 Linkages**

The First Judicial District has formed partnerships with several agencies to ensure that people with no or little English proficiency are well served by the court system. These linkages are with agencies that offer bi-lingual services including these examples provided by the Family Division Juvenile Probation Department:

- **Congresso Day Treatment**  
This agency provides counseling, life skills and community service to restore youth's positive bonds to school, peers, family, community and society. They offer specific services to the Latino clients and they provide case management, drug and alcohol screening and counseling literacy programs, mentoring, individual and group counseling to youth 12 yrs to 20 either delinquent or dependent and committed by the Family Court. Congresso is a program highly utilized by the Court in providing ongoing services to all types of clients. Their ability to work with Latino clients makes them a valuable resource
- **The Bridge**  
The Bridge is a residential substance abuse treatment program for up to 50 adolescents 14-18 yrs of age and an outpatient tx program for persons of all ages. Located in NE Philadelphia, it services clients from all neighborhoods of the city. Provides close proximal treatment for youth in a non secure setting that allows for parental participation.
- **Stillmeadows Residential**  
This is a residential treatment facility in Pennsylvania providing varying levels of care for delinquent/dependent youth for mental health, mental retardation, substance abuse and teen mothers. They provide services for ages 10 -18. These services are accessed by the court for youth who are difficult to place with different levels of mental health issues.
- **Gaudenzia Drug and Alcohol Treatment**  
Gaudenzia Drug and Alcohol Treatment is a program located in Harrisburg, Pennsylvania that utilizes a Therapeutic Community approach to treatment. They work with delinquent/dependent youth between the ages of 13-18. This is a quality drug and alcohol program that includes good educational support and a holistic approach to substance abuse treatment.
- **Boys and Girls Town SCOH**  
Program offers shelter care and counseling for primarily dependent youth. These services fall under the SCOH provision for in home services delivered for direct family and youth care.
- **PYAP**  
The Philadelphia Youth Advocate Program (PYAP) is a program that entails full assessment and treatment services that include individual and group counseling utilizing a MDT approach. Through intensive in home, community based service; the behavioral health services program provides positive community alternatives to out of home placement. A highly trained multicultural/multiracial staff have provides services for

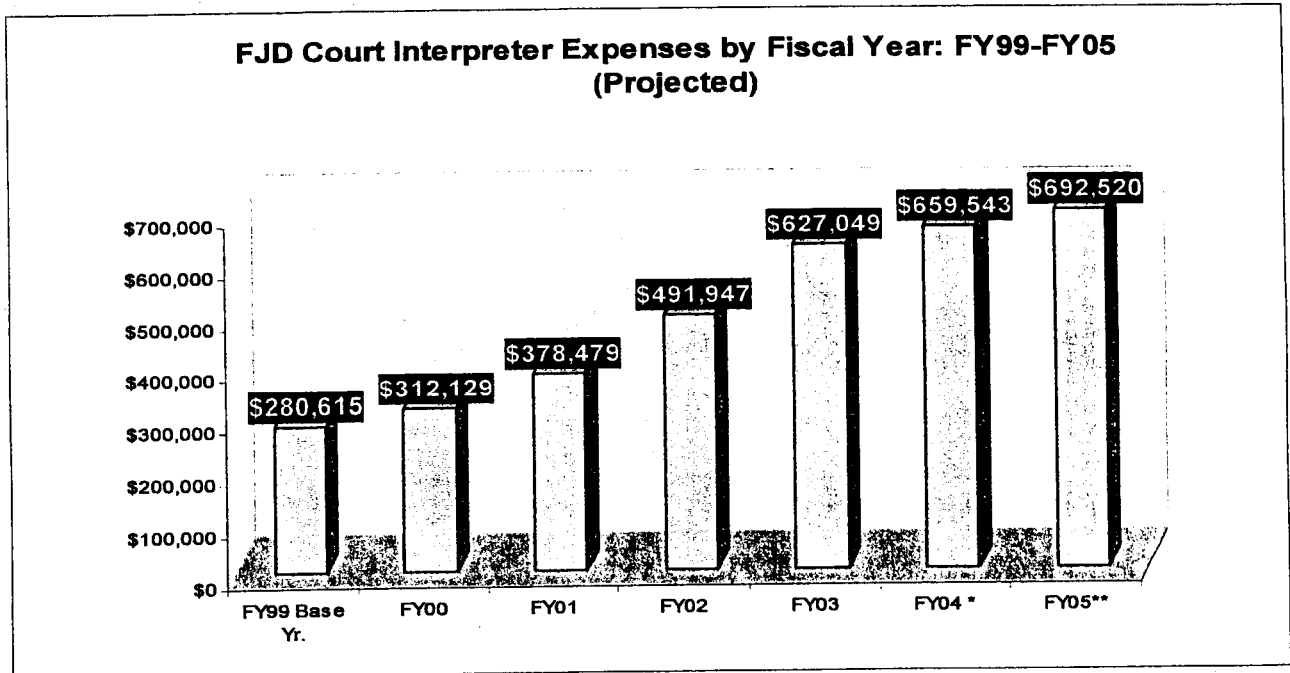
delinquent and dependent youth for over 20 years and is a mainstay for service provision to Hispanic clients and families. They also provide direct contract prevention services to the REAAP Unit in Family Court.

- **APM Individual Counseling**  
This is another multi-systemic program that provides counseling services to Hispanic adults and youth from the ages of 12-19 who are engaged in drug and alcohol treatment. Individualized case management is home based and utilizes community resources to impact the child and family. They also provide Foster Care and SCOH services
- **Aspira**  
Aspira provides services to Puerto Rican family and youth including family and youth counseling, education, cultural enhancement, work readiness, peer development, community service projects and programs of advocacy.
- **Lighthouse**  
The Lighthouse has been providing services in North Philadelphia since 1895. The program provides a variety of educational, occupational and recreational services to youth and families throughout the year. They provide after school enrichment, adult education, economic development and employment opportunities, emergency assistance, summer camps and Seniors programs. They have been a mainstay in the community working with all families, including those in the Hispanic community.
- **Comar**  
Comar is a community based program providing individual and family work in the Hispanic Community. They offer two locations in North Philadelphia and have varying levels of service for adults and youth.
- **Intercultural Family Services**  
Intercultural Family Services provide individualized intensive services to Department of Human Services (DHS) referred youth including individual and group counseling, case management, academic enrichment and enhancement, and drug and alcohol prevention. They offer two sites for service in the city and have been a long time provider of services to those youth in the Family Court.

## 6. Additional Statistics

The chart below illustrates the increase in cost commitment on the part of the First Judicial District according to fiscal year.<sup>8</sup>

### Access to Justice: Increases In Interpreter Services



Year	Expense	Annual Increase	Annual Increase %	Cummulative Increase	% Increase over Base
FY99 Base Yr.	\$280,615				
FY00	\$312,129	31,514	11%	31,514	11%
FY01	\$378,479	66,350	21%	97,864	24%
FY02	\$491,947	113,468	30%	211,332	40%
FY03	\$627,049	135,102	27%	346,434	48%
FY04 *	\$659,543 *	32,494	5%	378,928	12%
FY05 **	\$692,520 **	32,977	5%	411,905	12%
					147%

\$3,442,282

\* FY04 expense based on YTD expense thru Nov. 30, 2003 of \$273,876

\*\* FY05 expense based on an 5% growth factor which is the projected increase for FY04

<sup>8</sup> Costs reflect interpreter services from contracted – not staff – interpreters.

The table below shows the number of requests according to the court site from which they were made in calendar year 2003.

**Table 4 Interpreter Requests: Calendar Year 2003**

<b>Access to Justice: First Judicial District Requests for Interpreters 2003 According to Location</b>	
<b>Location</b>	<b>Requests</b>
Criminal Justice Center	1,637
1801 Vine Street (Juvenile)	376
34 S. 11th Street (Domestic Relations)	416
Community Court (Municipal Court)	79
Traffic Court	33
Mental Health Sites	113
Line-Ups	36
<b>Total</b>	<b>2,690</b>

## **7. Implementing Improvements: Bar Association Resolution**

The First Judicial District has for years taken a leadership role in strengthening access to justice for persons with no or limited English proficiency and others whose disabilities might otherwise impede their ability to meaningfully participate in the judicial process. These efforts have taken many forms. The FJD provides staff interpreters and recruits bi-lingual employees. The FJD spends significant amounts for contract interpreters and telephonic interpreting services. The FJD translates many documents and forms. The intent of the First Judicial District to open access to LEP persons and others is evident. This fact was frequently noted in the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System Final Report (Supreme Court Final Report) (See also §2.2 *Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System Final Report Excerpts*).

The FJD leadership role was also expressed in the *Philadelphia Bar Association Resolution Concerning Equal Access to Courts and Administrative Agencies by Limited English Proficient Persons and Persons with Disabilities*, (Resolution) which the District supports. Importantly, the Resolution relies on both the Supreme Court Final Report and a 1995 study commissioned by the FJD, and conducted by the National Center for State Courts, the "Philadelphia Court Interpreter Services Study".

Historically, the District has participated in the broad effort to enhance access through the involvement of members of the Bench. Judge Kathryn S Lewis has been the FJD liaison to the Bar Committee on Race and Gender Issues for the last

year. More recently, the court has joined in support of the Bar Resolution by appointing judges and personnel to a Subcommittee of the Bar Committee on Race and Gender Issues. As recommended in the Resolution, the District has engaged judicial representatives on the *Litigants Equal Access Committee*. Members include Judges Carolyn Engel Temin and Marlene F. Lachman. Also participating as a member is Deputy Court Administrator for Court Reporting and Interpreter Services, Janet Fasy.

In support of the Resolution, President Judge Frederica A. Massiah-Jackson, Chair of the First Judicial District Administrative Governing Board has written:

*"The First Judicial District of Pennsylvania supports the goal of providing for the effective participation of all who appear before the courts, including those with limited English proficiency and persons with disabilities. We support the objectives of the proposed Resolution to provide access to the courts without undue hardship or inconvenience.*

*The judicial and administrative leadership of the First Judicial District will continue to engage in dialogue with the advocacy community and the organized bar as we work together to implement the recommendations of the Supreme Court's Race and Gender Report. We are looking forward to cooperating with the Philadelphia Bar Association's initiatives to achieve the objectives of your Resolution."*

*~President Judge Frederica A. Massiah-Jackson  
in a letter to Jane Leslie Dalton, Esq.  
Chair, Philadelphia Bar Association Board of Governors*

The Bar Association Resolution states in part:

***"WHEREAS***, *the First Judicial District has taken a lead role statewide in establishing procedures for provision of language services and has been able to utilize recommendations from the 1995 Philadelphia Court Interpreter Services Study as the basis for strengthening the quality of language services provided by courts in Philadelphia."*

The 1995 Study has been a boon to the FJD leadership efforts to evaluate and upgrade interpreter services. The study was commissioned by the First Judicial District in an effort to improve services. Toward that end, many of the evaluation's 24 recommendations were adopted, resulting in greater access and participation in the administration of justice in Philadelphia. These are contained below in §7.1 *Comments: Philadelphia Court Interpreter Study.*

## **7.1 Comments: Philadelphia Court Interpreter Study**

There were twenty-four recommendations set forth by the National Center ranging from testing to salary structure and organization.

### **Recommendation 1**

Candidates for vacant positions in the future should be required to take and pass a test similar to the New Jersey test of interpreting proficiency. Position descriptions should be revised to reflect this requirement.

*Comment: This is our current practice.*

### **Recommendation 2**

Interpreters who scored in the "critical range" (60-69%) should continue to improve their skills and be retested in twelve months.

*Comment: This was done at the time of the study, but follow-up is needed on current practice.*

### **Recommendation 3**

The court should implement a differential salary structure to distinguish between interpreters who have achieved the recommended minimum proficiency score on the proficiency test and those who have not.

*Comment: Persons not achieving a passing score are not hired.*

### **Recommendation 4**

The court should periodically tape record interpreters during court proceedings, including both simultaneous and consecutive interpreting.

*Comment: Resource limitations preclude this practice, but bi-lingual attorneys provide a check and balance.*

### **Recommendation 5**

Interpreters should conduct periodic study and practice sessions during the late afternoon (e.g., weekly, bi-weekly, or at least monthly).

*Comment: There is a continuing dialog among staff interpreters concerning new words, phrases and colloquialisms, including the "word of the day".*

### **Recommendation 6**

Revised position descriptions should be prepared for the court's salaried interpreters.

*Comment: This has been done.*

### **Recommendation 7**

A plan to increase the salaries of court interpreters to levels at least equivalent to salaries of court reporters should be implemented as soon as possible.

*Comment: This has not been done as there has been no difficulty in recruiting qualified interpreters.*

**Recommendation 7 (sic)**

The court should consider using salaried interpreters for Korean and Vietnamese language cases, full or part-time.

*Comment: This analysis is conducted annually. The court hires Asian Interpreters on an as-needed basis. Historically, hiring of Korean or Vietnamese language interpreters was not be cost justified, however, the District continues to review information concerning the viability of this action.*

**Recommendation 8**

The court should explore the feasibility of contracting directly with two individuals (per language) for services in Cambodian and Cantonese language cases.

*Comment: This has not been done. While there might be some savings realized, this would not eliminate the need for supplemental contract services.*

**Recommendation 9**

Management of per diem interpreter services should be located in an Office of Interpreter Services (OIS) to increase the opportunity for evaluation and training of the interpreters.

*Comment: There is not a sufficient volume of work to justify a separate position with staff devoted exclusively to the management of per diem interpreters.*

**Recommendation 10**

Each new interpreter referred to the court by an interpreter agency should complete a qualifications assessment questionnaire and be interviewed by the supervising interpreter or another staff interpreter prior to her or his first assignment. The court should exercise the right to conduct a substantial skills assessment interview for any interpreter as an apparent need and opportunity arises.

*Comment: Agencies, when responding to our Requests for Proposals, voluntarily provide information regarding their staff.*

**Recommendation 11**

The court should establish an Office of Interpreter Services (OIS) to provide services to all of the divisions of the Common Pleas and Municipal Courts.

*Comment: Management of per diem interpreters for the District is centralized. Supervision of staff interpreters is centralized in the respective court.*

**Recommendation 12**

Management oversight of the OIS should be the responsibility of the Office of the District Administrator.

*Comment: The management of per diem and staff interpreters falls under the supervision of the Court Administrator through the Deputy Court Administrator for Court Reporting Services and various divisional Deputy Court Administrators, respectively.*

**Recommendation 13**

The OIS should be responsible for recruiting, scheduling and monitoring the performance of all per diem interpreters.

*Comment: This is our practice.*

**Recommendation 14**

The supervising interpreter should be responsible for determination and administration of professional issues, and oversight of daily operations, including those involving contract interpreters.

*Comment: This is currently the case although conducted by two individuals – Mr. Rivera for staff interpreters, and Ms. Fasy for per diem interpreters.*

**Recommendation 15**

A senior operations manager or court analyst attached to the Office of the District Administrator as per Recommendation 12 should be placed in charge of the OIS with responsibility for the following:

- Supervision and evaluation of the supervising interpreter;
- Formulation of office policy;
- Design of program management data collection procedures, and evaluation of program data; and,
- Negotiations with contract interpreter firms regarding issues of quality, as well as cost.

*Comment: Per diem (Contract) interpreters are managed by a Deputy Court Administrator. Staff interpreters are managed by the DCA of the respective court or division.*

**Recommendation 16**

The OIS should maintain and regularly analyze and report data related to interpreter use and service costs.

*Comment: Per diem interpreter activity is tracked in a database with extensive reporting capabilities.*

**Recommendation 17**

Free lance and contract interpreters should be required to present themselves to a court officer when they appear for an assignment, and the court officer should be required to complete a signed service verification form that includes:

- case number
- language
- date
- check-in time
- dismissal time
- case outcome

*Comment: This is the current practice.*

### **Recommendation 18**

The court should adopt a rule of court to establish a Code of Professional Responsibility for Court Interpreters.

*Comment: Although a rule has not been adopted, interpreters (both staff and per diem) are required to abide by the provisions of the "Court Interpreter Manual" which contains sections on: Actions and Conduct; Use of Confidential Information; Pre-appearance Interviews; Conflicts of Interest; Giving Legal Advice and other topics. A very similar document based on the New Jersey model is provided to all contract interpreters. Additionally, at least yearly, a mandatory one-day orientation session is held for all contract interpreters during which time we go over the code of conduct, review courtroom decorum and procedures, and articulate our expectations. Judge Chen has been heavily involved in this activity.*

### **Recommendation 19**

Unless free lance or contract interpreters have been screened and approved by the OIS prior to assignment to a court, the courtroom judge should conduct a qualifying *voir dire* for all per diem interpreters in at least all of the following circumstances:

- guilty pleas;
- sentencing hearings; and
- evidentiary proceedings.

*Comment: There is no requirement for certification of interpreters in Pennsylvania. However, all staff FJD Spanish interpreters have passed the New Jersey certification examination. Additionally, many contract interpreters are certified through the New Jersey or Delaware examinations as these persons also work in courts in those states. The court supports the concept of interpreter certification.*

### **Recommendation 20**

The court should consider the feasibility of establishing special scheduling practices for interpreted cases.

*Comment: This would make sense from an interpreter utilization perspective. However, it would impact more significant aspects of a caseflow management system.*

### **Recommendation 21**

Requests for official translations of forms and documents made by judges or administrators should be directed only to the supervisor of OIS, rather than to individual interpreters.

*Comment: All requests for the translation of documents are channeled through supervisory/managerial personnel.*

**Recommendation 22**

A log of all requests for document translations should be maintained in the OIS, including:

- request date
- document identification (form #, name, etc.)
- requesting official
- name of assigned primary translator and reviewing translator(s)
- completion date

*Comment: A record of all documents translated by staff interpreters is maintained.*

**Recommendation 23**

All bi-lingual signs or other notices posted in the court facilities should be prepared or reviewed by the OIS.

*Comment: All bi-lingual signs/notices are reviewed by supervisory/managerial personnel.:*

Interpreters are provided in all divisions of the District. In the criminal, juvenile, and domestic relations courts, interpreters are provided at all stages of the proceedings including intake, masters' hearings, and defendant/witness preparation. In Municipal Court Civil, the practice in the filing area is to use "Language Line" services provided by AT&T. On occasion, this will also be done in the courtroom. However, if a judge directs that an interpreter be provided, we do so. In Common Pleas Civil, absent an IFP Petition and judicial direction, interpreters other than sign are not provided. We are required by Rule to provide sign interpreters.

## Summary

The First Judicial District (FJD) is committed to engaging citizens in the administration of justice by enhancing access to judicial proceedings and the services provided by the courts. First Judicial District judges, administrators, and staff strive to achieve the goals laid out in the *Trial Court Performance Standards* that set forth ideals for establishing and maintaining "Access to Justice." Toward that end, persons with no or limited English proficiency (LEP) are helped with bi-lingual forms and documents, interpreter services, and bi-lingual and multi-lingual employees who are trained and directed by leaders sensitive to the needs of a broad cross-section of the citizenry. These services are provided through an organized system that has been praised by experts.

In 2003, the District spent nearly **\$1 million** for staff and contract interpreters. This figure does not include costs for training for interpreters, the leadership, managers, and other employees that was organized and conducted over many sessions. As part of a commitment to diversity, FJD representatives attended job fairs and other events in order to attract and recruit employees from varied backgrounds, cultures, and language bases. The First Judicial District also has established working relationships with agencies that provide services that are geared to address the needs of a rich and varied population. Since Fiscal Year 1999, FJD costs for contract interpreters alone total \$3,442,282.

The First Judicial District of Pennsylvania has been recognized for these ongoing efforts by the March 2003 Pennsylvania Supreme Court Committee on Racial and Gender Bias Final Report. In particular, the Committee remarked in its final report:

***"Pennsylvania's First Judicial District in Philadelphia County has taken a lead role...by initiating a formal court interpreter system. Although Philadelphia County has not yet established certification procedures, it has developed a model that may prove helpful elsewhere in the Commonwealth."***

District leaders have implemented many new ideas and initiated improvements to better address the needs of persons with no or limited English proficiency (LEP) and those with hearing disabilities. These include, as part of the staff interpreter hiring process, that candidates for those positions pass the New Jersey Court Interpreter Certification Examination.

While the District has no authority to establish statewide policy, leaders support efforts at instituting an organized system for aiding disabled and LEP persons to more fully participate in the administration of justice throughout the Commonwealth. The District supports the Philadelphia Bar Association's *Resolution Concerning Equal Access to Courts and Administrative Agencies by Limited English Proficient Persons and Persons with Disabilities*. The District supports

many of the concepts embodied in Senate Bill Number 669<sup>9</sup> Which would provide for a testing and certification process for interpreters throughout Pennsylvania.

The First Judicial District continues to work in support of maintaining and enhancing Access to Justice for all.

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<sup>9</sup> Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court interpreters.

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**First Judicial District of Pennsylvania  
 Court Reporter/Interpreter Administration  
 Land Title Building  
 100 South Broad Street, 2nd Floor  
 Philadelphia, PA 19110  
 (215) 683-8000  
 Fax: (215) 683-8005**

**JOSEPH A. CAIRONE**  
*Court Administrator*

**JANET C. FASY, CMRS, RPR, CRI**  
*Deputy Court Administrator*

**INTERPRETER REQUEST FORM**

**Date of Request:**

**Name:** \_\_\_\_\_ **Job Title:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Trial Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_ **Location: Rm.** \_\_\_\_\_ **CJC 1801 34 S.11 27 S.12**

**Other Location:** \_\_\_\_\_

**Language:** \_\_\_\_\_ **(Sign information):** 1 team 2 teams 1 interpreter

**Who needs Interpreter:** Defendant Witness Victim Plaintiff Other Name:

**Type of Court:** Criminal Mental Health Juvenile DR Traffic Court

**Type of case:** Trial Prelim. Hearing Status Protracted Other

**Situation:** \_\_\_\_\_

**Case Name:** \_\_\_\_\_

**CP, MC, DR, Petition, Ticket NO.** \_\_\_\_\_

**Comments or Further Instructions:** \_\_\_\_\_

\*\*\*\*\*

<b>Ordered from:</b>	<input type="checkbox"/> Quantum	<b>Phone: 215-627-2251</b>	<b>Fax: 215-627-5570</b>	<b>Pager: 215-812-8935</b>
	<input type="checkbox"/> LSA	<b>Phone: 800-305-9673</b>	<b>Fax: 215-657-6057</b>	
	<input type="checkbox"/> EZ	<b>Cell: 215-432-7585</b>	<b>Fax: 215-473-5810</b>	
	<input type="checkbox"/> DHCC	<b>Phone: 610-604-0452</b>	<b>Fax: 610-604-0456</b>	
	<input type="checkbox"/> CC	<b>Phone: 610-272-4948</b>	<b>Fax: 610-272-4855</b>	

**Via:** FAX E-mail V-mail Phone

**Contact:**

**Date:** \_\_\_\_\_

**By:**



APPENDIX B

APPENDIX B

**First Judicial District of Pennsylvania**  
**Court Reporter/Interpreter Administration**  
Land Title Building  
100 South Broad Street, 2nd Floor  
Philadelphia, PA 19110  
(215) 683-8000  
Fax: (215) 683-8005

**JOSEPH A. CAIRONE**  
*Court Administrator*

**JANET C. FASY, CMRS, RPR, CRI**  
*Deputy Court Administrator*

**PER DIEM INTERPRETER VERIFICATION FORM**

**TO: ALL COURT OFFICERS**

**KINDLY COMPLETE THIS FORM AND SECURE THE SIGNATURE OF THE PER DIEM INTERPRETER PRESENT IN YOUR COURTROOM.**

\_\_\_\_\_ vs. \_\_\_\_\_

CP/MC/DR/PETITION# \_\_\_\_\_

JUDGE \_\_\_\_\_

ROOM \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_ CJC      \_\_\_\_\_ CITY HALL      \_\_\_\_\_ 34 S. 11TH ST.  
\_\_\_\_\_ 24 S. 12TH ST.      \_\_\_\_\_ 1801 VINE ST.      \_\_\_\_\_ WANAMAKER BLDG.  
\_\_\_\_\_ YOUTH STUDY CTR.      \_\_\_\_\_ OTHER

LANGUAGE \_\_\_\_\_ AGENCY \_\_\_\_\_

NAME OF INTERPRETER \_\_\_\_\_

ARRIVAL TIME \_\_\_\_\_ DEPARTURE TIME \_\_\_\_\_

INTERPRETER SPENT A TOTAL OF \_\_\_\_\_ HRS. \_\_\_\_\_ MIN. IN COURT THIS DATE

INTERPRETER SIGNATURE \_\_\_\_\_

COURT OFFICER SIGNATURE \_\_\_\_\_

**PLEASE RETURN THIS FORM TO ROSEANN DIPRIMIO,  
COURT REPORTER/INTERPRETER ADMINISTRATION, 100 S. BROAD ST., 2ND FL.**

**THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.**

**Office of Human Resources  
First Judicial District of Pennsylvania**

**JOB FAIR PARTICIAPTION**

**2001- 2003**

**2/6/01 CareerFair.Com (minority recruitment)**  
**9/19/01 Puerto Rican Festival 2001 Job Fair**

**1/24/02 Rutgers University -Camden**  
**3/28/02 CareerFair.Com**  
**4/24/02 Diversity Job Fairs.Com**  
**9/25/02 Puerto Rican Festival 2002 Job Fair**  
**10/01/02 Diversity Job Fairs.Com**  
**10/16/02 The Lighthouse Job Fair (Hispanic Community)**

**5/29/03 State Senator Vincent Hughes Job Fair**  
**6/13/03 Arbor Job Fair**  
**8/14/03 Impact Services Job Fair (veterans)**  
**9/24/03 Puerto Rican Festival 2003 Job Fair**  
**9/26/03 The Lighthouse Job Fair (Hispanic Community)**  
**10/15/03 Haddington Job Fair (57<sup>th</sup> & Haverford)**  
**11/20/03 Ross Learning Center**

First Judicial District of Pennsylvania  
 Court Reporters and Interpreters  
 100 S. Broad Street, Second Floor  
 Philadelphia, PA 19110  
 215-683-8000  
 215-683-8005

To assure our resources are used to assist those that are Deaf or need language assistance, we require the protocols below be implemented.

- When an interpreter is needed, the Court Officer or DA should call in advance to 683-8000, or fax form to 683-8005. **MOST IMPORTANT: ADVANCE NOTICE**
  - Deaf interpreters cannot be obtained at least 48-hour notice; often a week is required
  - To save the FJD costs, we would ask that a time certain be given for the case. This would eliminate paying for an interpreter who is just waiting.
- The Interpreter will go directly to the court officer when they arrive in the courtroom. The court officer should introduce interpreter to DA, or to party needing interpreting services. Court officer should notify judge there is an interpreting matter so the judge can decide to hear case as soon as possible.
  - We request an interpreter matter either be heard as soon as possible, or give time certain at the time interpreter is requested. Payment is made on an hourly basis to interpreter whether they are interpreting or waiting.
  - The Court Officer signs the form in the courtroom on the day the interpreting takes place and forwards form to our office for billing, accuracy and accountability purposes
- When a need arises to continue a matter, please have the court officer call us that same day to make arrangements. Do not request the interpreter to return or to tell us the new date. Please have the court officer call and furnish Court Interpreter Administration the new date and time, and we will request the agency to assign the same interpreter. We do not accept requests from interpreters.
- If an interpreter has not been requested, and you feel an interpreter is needed to give a next date or inform a non-English-speaking person what has occurred, the Court Officer can call Language Services – a telephone service interpreter provider. The interpretation is done by phone and can assist in informing a witness or litigant what has occurred, when the next date is, etc. That phone number is: 800-305-9673.
- For Spanish – call 215-683-7093. First Judicial District of Pennsylvania has in-house Spanish interpreters located in the CJC, 1801 Vine, 34 S. 11<sup>th</sup> Streets

I would ask you to please call me if you experience a problem, or feel the interpreter is not doing his/her job properly so that I may rectify the situation with the agency, or discontinue an interpreter's services with the FJD.

Janet C. Fasy  
 Deputy Court Administrator  
 Court Reporters and Interpreters