

**Resolution Concerning Equal Access to Courts and Administrative Agencies
By Limited English Proficient Persons and Persons with Disabilities**

WHEREAS, on June 27, 1994 the Board of Governors of the Philadelphia Bar Association adopted a resolution calling for testing and certification of foreign language interpreters in Pennsylvania Courts and addressing the need for electronic recording of non-English and sign language testimony.

WHEREAS, in March 2003 the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System issued a Final Report (“Report”) that made findings and recommendations after exhaustive study regarding changes needed to make the state judicial system accessible to persons with limited English proficiency (“LEP”). The Report specifically recommended that the Pennsylvania Supreme Court should:

1. Establish for all courts of the Commonwealth of Pennsylvania a policy that all persons, including parties to judicial proceedings, witnesses appearing therein, victims in criminal proceedings, and members of the public seeking information from offices of the courts, have the right to equal access to justice in the judicial system of Pennsylvania without regard to their English language proficiency.
2. Require that all courts provide qualified interpreters to litigants at no charge, in order that LEP parties and witnesses may fully and fairly participate in court proceedings and obtain reasonable access to the court system.
3. Require that the courts translate forms and other documents to the extent necessary to provide access to the court system to those unable to read English.
4. Require that all court interpreters obtain certification pursuant to a recognized statewide certification program, maintain their proficiency through continuing education, and adhere to standards of professional conduct.
5. Require the adoption of a code of professional responsibility for judicial interpreters together with mechanisms to assure that all interpreters are familiar with the code and are subject to discipline for any violation.
6. Establish within the Administrative Office of the Pennsylvania Courts (AOPC) a Language Services Office, similar to those established by other states, staffed by professional administrative personnel experienced with issues related to court interpretation and translation, and funded sufficiently to carry out its mission.

WHEREAS, the federal government interprets Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*, as mandating that recipients of federal financial assistance (including Pennsylvania state agencies and the Courts of Common Pleas) must ensure that their programs and activities normally provided in English are accessible to limited English proficient persons and thus do not discriminate on the basis of national origin in violation of Title VI’s prohibition against national origin discrimination.

WHEREAS, the Mayor of the City of Philadelphia on September 29, 2001 issued an Executive Order, directing all City of Philadelphia agencies to develop compliance programs for providing meaningful access to their federally funded programs and activities for persons with limited English proficiency.

WHEREAS, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, prohibit discrimination on the basis of disability.

WHEREAS, the Supreme Court Committee on Racial and Gender Bias in the Judicial System recognized that addressing the needs of disabled persons to equal access to the judicial system involves similar issues and solutions as those needed to address the needs of persons with limited English proficiency.

WHEREAS, the Civil Rights Committee of the Philadelphia Bar Association, has been a member of the “Campaign for Litigants’ Equal Participation” which was organized by the Pennsylvania Immigration and Citizenship Coalition (including Community Legal Services, Inc. and Friends of Farmworkers, Inc.), and which includes the Asian American Bar Association of the Delaware Valley, American Civil Liberties Union of Pennsylvania, Asian Americans United, Disabilities Law Project, Hispanic Bar Association of Pennsylvania, Legal Clinic for the Disabled, Inc., National Lawyers Guild Philadelphia Chapter, Philadelphia Folklore Project, the Public Interest Law Center of Philadelphia, and the Women’s Law Project.

WHEREAS, the Campaign for Litigants' Equal Participation is seeking prompt implementation of recommendations by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System to the Pennsylvania Supreme Court and advocating for litigants' equal access to the judicial system of Pennsylvania and in proceedings before state administrative agencies without regard to litigants' English language proficiency or disabilities.

WHEREAS, the First Judicial District of Pennsylvania was estimated in the 2000 Census to have more than 30% of the population of persons in Pennsylvania who speak English "less than very well" (which despite a likely undercount of such populations is an estimated 368,257 persons).

WHEREAS, in 1995 the National Center for State Courts prepared an exhaustive "Philadelphia Court Interpreter Services Study" for the First Judicial District of Pennsylvania with extensive recommendations for improved Interpreter services in the First Judicial District.

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.

NOW, THEREFORE BE IT RESOLVED that the Philadelphia Bar Association will participate in the Campaign for Litigants' Equal Participation seeking statewide implementation of the recommendations of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System as to litigants with limited English proficiency and advocating for litigants' equal access to the judicial system of Pennsylvania and in proceedings before state administrative agencies without regard to litigants' English language proficiency or communication disabilities.

AND BE IT FURTHER RESOLVED that the Philadelphia Bar Association will work with the First Judicial District to establish a Litigants' Equal Access Committee with participation from the judiciary, the Court Administrator's office, and advocates for persons with limited English proficiency and disabilities to:

a. Identify the extent to which the First Judicial District can implement recommendations of the Pennsylvania Supreme Court Committee on Racial and Gender Bias as to litigants with limited English proficiency and persons with disabilities, including establishing interim formal hiring and contracting procedures for Court interpreters who have met court interpreter certification requirements under other jurisdictions (including New Jersey) which have established objective criteria for certification of competency of interpreters.

b. Review the degree to which recommendations from the 1995 National Center for State Courts "Philadelphia Court Interpreter Services Study" have been implemented and whether such recommendations continue to provide appropriate guidance for implementation of more effective access to courts for persons with limited English proficiency.

AND BE IT FURTHER RESOLVED that the Philadelphia Bar Association urges continuing legal education programs and training programs for judges, attorneys, court personnel, and administrative agency personnel and quasi-judicial decision-makers to incorporate into their programs appropriate training and education in working with language and sign interpreters and in promoting the rights of litigants with limited English proficiency or disabilities to equal access to the judicial system.

AND BE IT FURTHER RESOLVED that the Chancellor and Board of Governors take any measures in support of this resolution as is deemed appropriate.