

FIRST JUDICIAL DISTRICT COURT CARSON CITY JUSTICE/MUNICIPAL COURT

Language Access Plan

(August 2023)



TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
I. LEGAL BASIS AND PURPOSE	1
II. NEEDS ASSESSEMENT	1
a. Statewide	2
b. First Judicial District Court and Carson City Justice/Municipal Court	2
III. LANGUAGE ASSISTANCE RESOURCES	2
a. Interpreters Used in the Courtroom	2
b. Determining the Need for an Interpreter in the Courtroom	3
c. Court Interpreter Qualifications	4
d. Spoken Language Services Outside of the Courtroom	5
e. Translated Forms and Documents	5
IV. PUBLIC INPUT	6
V. TRAINING	6
VI. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN	6
a. LAP Approval and Notification	6
b. Annual Evaluation of the LAP Plan	7
VII. LOCAL CONTACT PERSON	8

SECTION I. LEGAL BASIS AND PURPOSE

This document serves as the plan for the First Judicial District Court and the Carson City Justice/Municipal Court to help ensure meaningful access for all Limited English Proficient (LEP) individuals who use the court's services. It is designed to respond to Title VI of the Civil Rights Act of 1964, the requirements imposed by Executive Order 13166, and related guidance. It also covers interpreter services under the Nevada Revised Statutes (NRS) Interpreters and Translators NRS 1.500 through 1.560.

The purpose of this plan is to provide the framework for the provision of timely and reasonable language assistance to LEP individuals who have contact with the First Judicial District Court and the Carson City Justice/Municipal Court. It is designed to be read in conjunction with the Nevada State Court Plan, issued by the Nevada Supreme Court and Administrative Office of the Courts, explaining the relevant federal laws and guidance.

In accordance with federal mandates and state requirements, the courts and all its personnel shall provide free language assistance services to LEP individuals upon request. Members of the public shall be informed that language assistance services are fully available and that the First Judicial District Court and the Carson City Justice/Municipal Court shall provide them.

Appellate and Trial Court/Judicial Districts that receive federal funding for court programs are required to submit a language access plan to the Nevada Administrative Office of the Court (AOC), Certified Court Interpreter Program office every two years. The U.S. Department of Justice (DOJ) has the right to investigate complaints against any federally funded agency that does not provide free language services when necessary to participate in the program. An agency's federal funding may be withheld until the complaint is resolved.

SECTION II. NEEDS ASSESSMENT

A. Statewide

Nevada provides court services to a wide range of persons, including people who do not speak English or who have a limited knowledge and understanding of English. Service providers include the trial courts at the District, Justice, and Municipal Court levels. The LEP population in Carson City/Judicial District is determined by the U.S. Census Bureau data update every ten years. Changes in the LEP population should be monitored via mid-census estimates and projections from the American Community Survey (ACS).

According to U.S. Census data, the most widely used languages for interpreters in Nevada were (in descending order of frequency):

1. Spanish
2. Tagalog
3. Mandarin
4. Vietnamese

B. The First Judicial District Court and the Carson City Justice/Municipal Court

The First Judicial District Court and the Carson City Justice/Municipal Court will make every effort to provide service to all LEP individuals. Spanish is the most frequent non-English language spoken.

This information is based on combined data from the U.S. Census Bureau “Language Use in the United States: 2019.”

The First Judicial District Court and the Carson City Justice/Municipal Court has identified the following additional language assistance needs among court users in Carson City. This information was compiled based on interpreter requests over the past 5 years.

- American Sign Language
- Tagalog
- Vietnamese

The First Judicial District Court and the Carson City Justice/Municipal Court will continue to monitor requests for non-English languages other than Spanish.

SECTION III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used in the Courtroom

The use of court interpreters (both sign language and non-English spoken language) is guided by the Nevada Revised Statute, Chapter 1 entitled “Interpreters and Translators”, NRS 1.500 through 1.560, respectively.

NRS 50.050 through 50.053 secures the constitutional rights of persons with communications disability who are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. It is also the law of Nevada to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. (See NRS 50.054)

If the current list of Nevada Certified and Registered Court Interpreters, maintained by the Administrative Office of the Courts (AOC), does not include an interpreter certified or registered in the language spoken by the LEP individual, the First Judicial District Court and the Carson City Justice/Municipal Court will locate and assign a qualified interpreter who undergoes a proper voir dire process prior to interpreting.

Other resources may be utilized to find interpreters or translators. These include but not limited to professional interpreting and translating agencies, community groups, cultural centers, college language departments, Southern Nevada court interpreters and out-of-state court interpreters.

The First Judicial District Court and the Carson City Justice/Municipal Courts understand that interpreters from these sources are not necessarily prepared to do court work and interpreters will be questioned carefully about their qualifications. Court interpreters will be hired from the Nevada Certified Court Interpreter Program Roster whenever possible.

B. Determining the Need for an Interpreter in the Courtroom

There are various ways the First Judicial District Court and the Carson City Justice/Municipal Court will determine whether a LEP court customer needs an interpreter for a court hearing.

First, the LEP individual may request an interpreter. A LEP court customer can request an interpreter at any of the various “contact points” within the court, including, but not limited to:

- Clerk’s Office
- Court Staff Interpreter
- Carson City Public Defender
- State Public Defender
- Conflict Counsel
- Carson City Jail
- Alternative Sentencing Department (Pre-trial Services)
- During any court proceeding

The Civil/Family Cover Sheet that is required when filing a new case in the First Judicial District Court has a specific area to capture language spoken and if an interpreter will be needed. This information is updated in the court’s case management system to ensure interpreter services are available to LEP individuals when hearings are set. Additionally, employees in the First Judicial District Court and the Carson City Justice/Municipal Court are paid a stipend for speaking a non-English language. There are bilingual employees who work in all the Clerk’s Offices that speak Spanish and English for in-person and over the phone assistance. One Court Staff Interpreter is shared between the courts and is employed fulltime. The Court Staff Interpreter speaks English and Spanish.

In addition, the judges and/or court personnel may determine that an interpreter is appropriate for a court proceeding. At times, an LEP individual may need an interpreter but will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an LEP individual has any difficulty communicating, the court will provide an interpreter to ensure full access to the courts.

Finally, outside agencies such as the Carson City Jail, Alternative Sentencing Department, **or** attorneys, may notify the courts about an LEP individual’s need for an interpreter for an upcoming court hearing.

If an LEP individual appears for an in-court hearing and the court is either unaware of the LEP need or no interpreter is readily available, the court will contact the court’s staff interpreter to assess the interpreter service options. If obtaining the immediate assistance of an in-person interpreter is unrealistic, telephonic interpretation or video access, will be considered for some case types. When telephonic interpretation is

also not an option a hearing may be flagged that an interpreter is needed and rescheduled for a later date, when interpreter arrangements can be made.

Within the Court's case management system, the First Judicial District Court and the Carson City Justice/Municipal Court can indicate an interpreter is needed for follow up and scheduling. The language need is indicated in the "Party" screen. This can be done at various points of contact for the case but is most typically updated by the judicial clerks. From that point forward the interpreter needed will be flagged on the court case and court calendar. In addition, the Court Staff Interpreter is assigned to ensure that interpreters are scheduled for the next hearing or court appearance. The Court Staff Interpreter communicates with court staff and attorneys to ensure that interpreter needs are met. Preference is given to the Nevada certified court interpreters (found on the AOC' statewide roster). Assignments are offered to independent contractors based on the contractor's availability. If all certified interpreters are either in use or unavailable, the court will use Nevada state registered interpreters.

If it is a language other than Spanish, the court will seek out either a qualified interpreter from the AOC' statewide roster or if necessary, work through the Northern Nevada Language Bank to find a qualified substitute. If an interpreter is still not available, the court will utilize the searchable directory of certified and registered interpreters from the state of California who are willing to travel to our jurisdiction. If none of the options are available, the court will utilize an over the phone interpretation service.

C. Court Interpreter Qualifications

The First Judicial District Court and the Carson City Justice/Municipal Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth in NRS 1.500 through 1.560, NRS 50.050 through 50.053 as well as the State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program. The Nevada Certified Court Interpreter Program maintains a statewide roster of Certified and Registered court interpreters who had complied with mandatory requisites to provide specialized staff and the public at:

https://nvcourts.gov/aoc/programs_and_services/court_interpreter/search_for_an_interpreter

A credentialed court interpreter (certified or registered), if available, is the first choice for the court. When a diligent effort has been made to find a credentialed court interpreter and none is available, the court may appoint a non-credentialed court interpreter who is not listed on the AOC' statewide roster and who is otherwise qualified. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are required to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

The First Judicial District Court and the Carson City Justice/Municipal Court may also use telephone interpreting in appropriate circumstances if no interpreters are available to assist in person. Telephone interpreting can be a good choice if the hearing is short, if the distance an interpreter will have to travel is long, or if an interpreter for rare languages is needed. A well-qualified interpreter hired to provide language services remotely is a better choice than an unqualified or non-credentialed local interpreter.

The Court Staff Interpreter is used to interpret in court. Bilingual staff are not used in the courtroom. Bilingual staff assists LEF individuals at the counters and over the phone.

Most professional interpreters are independent contractors or work for an independent interpreting agency. Any interpreter hired by the court should be a trained, neutral professional, not a family member or friend of the party, a social worker, lawyer, or law enforcement officer.

The First Judicial District Court and the Carson City Justice/Municipal Court will review the possibility of using trained/qualified interpreters through a “video interpretation” service in the future when the court is able to upgrade court technology in the courtrooms.

D. Spoken Language Services Outside of the Courtroom

The First Judicial District Court and the Carson City Justice/Municipal Court is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter. LEP individuals may encounter court staff at various locations throughout the courthouse.

To that end, the First Judicial District Court and the Carson City Justice/Municipal Court has the following resources to help LEP individuals and court staff communicate with each other:

- Spanish signs have been placed in various locations within the courthouse that directs LEP individuals to the Clerk’s Offices for assistance. Spanish is the most prominent non-English language identified to be spoken in Carson City, Nevada.
- The First Judicial District Court and the Carson City Justice/Municipal Court employs bilingual employees in each Clerk’s Office. The bilingual staff provide court information to LEP individuals.
- For in-person encounters, as well as telephone conversations, the First Judicial District Court and the Carson City Justice/Municipal Court uses a phone system that allows the LEP individual to select Spanish. The call is programmed and routed to Bilingual staff for service.
- The First Judicial District Court and the Carson City Justice/Municipal Court has implemented the “I Speak” cards at all Clerk’s Offices.

In 2016, First Judicial District Court and the Carson City Justice/Municipal Court purchased modern interpreter equipment that can be used to provide simultaneous interpreter services to up to 5 LEP individuals at one time. This has been very helpful when there are co-defendant cases or several LEP parties in a case.

E. Translated Forms and Documents

The First Judicial District Court does not provide forms or packets in Spanish. The Carson City Justice/Municipal Court has some forms translated in English and Spanish. If documents are received from Spanish LEP individuals, the Court Staff Interpreter will translate the documents. If the Court Staff Interpreter is unable to translate due to time restraints or if the documents are not in Spanish, the Court Staff Interpreter will locate a certified/registered interpreter to provide the written translation at the court’s cost.

SECTION IV. PUBLIC INPUT

When completed and approved, a copy of this LAP will be posted on the First Judicial District Court and the Carson City Justice/Municipal Court website (www.carson.org). A copy of this LAP will also be maintained on file for public review. Hard copies of the state and local language access plans may be available to the public upon request.

While we are unaware of any formal or informal complaints regarding language access services (including but not limited to, in-person interpreter services, telephonic and remote interpreter services, translation of written materials, and bilingual staff services) complaints may be brought to the attention of local court administration and/or the Nevada State Court Administrator for review. Complaints about interpreters who have allegedly engaged in unethical or unprofessional conduct while performing their interpreter duties should be reported directly to the AOC's Court Interpreter Program Coordinator and the First Judicial District Court and Carson City Justice/Municipal Courts' Court Administrator.

SECTION V. TRAINING

Local courts are committed to providing training opportunities for all judicial and court staff members who assist LEP individuals. Front line staff members are often the first point of contact with LEP individuals. Judicial Clerks and Judicial Assistants will be provided with training opportunities regarding ways to identify limited English proficiency, best practices on delivering services and cultural issues. As new employees are hired, information on the Language Access Plan will be provided to them.

Training opportunities specifically provided in the First Judicial District Court and the Carson City Justice/Municipal Court include:

- During training, trainers will provide new employees with protocol when assisting LEP individuals.
- As part of new employee orientation new employees would be made aware of the Language Access Plan and be instructed on how to access available personnel and resources.
- Participation in meetings/training by the AOC's Interpreter Program Coordinator will be attended by court personnel.

SECTION VI. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Approval and Notification

The First Judicial District Court and the Carson City Justice/Municipal Court's LAP has been approved by the Court Administrator and a copy has been forwarded to the Nevada AOC, Certified Court Interpreter Program Coordinator for review/approval. Any required changes from the AOC will be directed to the Court Administrator.

Copies of the First Judicial District Court and the Carson City Justice/Municipal Court's LAP will be provided upon request to the public. The First Judicial District Court and the Carson City Justice/Municipal Court will post this plan on its website (www.carson.org).

B. Annual Evaluation of the LAP Plan

The First Judicial District Court and the Carson City Justice/Municipal Court will conduct an annual needs assessment to determine whether changes to the LAP are needed. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods. Any revisions made to the plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's website.

The First Judicial District Court and Carson City Justice/Municipal Court will participate and provide any needed changes identified by the statewide AOC Court Interpreter Program Coordinator.

SECTION VII. LOCAL CONTACT PERSON

State Contact:

Court Interpreter Program Coordinator
Administrative Office of the Courts
Supreme Court Building
201 S. Carson Street, Suite 250
Carson City, Nevada 89701-4702

Email: courtinterpreters@nvcourts.nv.gov

Website: <http://nvcourts.gov>

Local Contact:

Maxine Cortes, Court Administrator
First Judicial District Court
Carson City Justice/Municipal Court
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Carson City, NV 89701

Direct Ph.# Line: (775) 283-7249

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