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## VI. LANGUAGE ACCESS IN COURT

### STATEWIDE CONFERENCE ON LANGUAGE ACCESS TO THE COURTS

*San Diego, May 11, 2006*

**M**uy buenos días, o mejor dicho, buenas tardes. Soy Carlos Moreno, magistrado de la Corte Suprema de California. Estoy muy feliz de estar aquí con todos ustedes esta mañana, para aprender y discutir este aspecto tan importante como lo es el acceso al lenguaje en las cortes.

La necesidad de intérpretes en las cortes es, sin duda, esencial para mantener un alto nivel de calidad de justicia en nuestras cortes; y es con conferencias como ésta, y con la dedicación de personas como ustedes, que juntos podemos cambiar y mejorar esta situación tan importante.

Translation: And a very good morning to you all, or better said, good afternoon. I am Carlos Moreno, an associate justice on the California Supreme Court. I am very happy to be here with you all today, as we learn about and discuss the very important issue of language access to the courts. The need for court interpreters is, without a doubt, essential to a sustained level of high quality of justice in our courts; and with conferences like this one, and with the dedication of people like you, together we can effect change and improve this very important problem.

It is very fortunate for those of you here today who do not speak Spanish that I am also fluent in English (at least on a good day). If we did not share the common language of English, there would be a very significant language barrier between us, and you would not be able to communicate with me, or understand me, or me, you.

Yet we know that this situation is one that happens in our courtrooms every day throughout our state. Court users have to conduct business in our courts, but many of them, mostly immigrants from other countries, have very limited English language skills.

In fact, nearly seven million Californians cannot access the courts without significant language assistance:

- They cannot follow the signs or directions posted in courthouses.
- They cannot understand pleadings, forms or other legal documents.
- They cannot communicate with clerks or court staff.
- And they cannot participate meaningfully in court proceedings or effectively present their cases — without a qualified interpreter.

This situation creates a very troubling reality: to many Californians, justice is simply unavailable.

Language barriers are a serious threat to the quality of justice in California. Our state is one of the most ethnically and racially diverse populations in the world: of the state's 34 million people, about 26 percent (1 in 4) are foreign born, and in some of our metropolitan areas, the percentage is much, much higher. More than 220 languages are spoken in California, and 40 percent of the state's population speaks a language other than English in the home.

However, our courts are not meeting the demand brought about by this vast diversity. In their September 2005 report, the California Commission on Access to Justice noted a disturbing trend: while the number of immigrants in California who do not speak English "very well" is increasing, the pool of qualified interpreters is decreasing (35 percent in recent years). Where the need for interpreters is greatest, for Spanish-speakers, the number has declined most significantly. And the Judicial Council has reported to the Legislature that approximately 10,000 cases a year are continued or postponed due to the unavailability of a qualified interpreter. What does all this mean? More and more, justice is becoming even less and less available to more and more Californians who use the courts.

The right to have a state-funded interpreter in criminal and juvenile proceedings has long been recognized by the courts; however, in most civil proceedings, this same right does not apply. The consequences? In routine civil proceedings (such as evictions, family law matters, creditor/debtor cases), people cannot effectively defend themselves or assert their legal rights, possibly ultimately losing their legal rights, property, livelihood, shelter and perhaps even their children.

So we must recognize that the stakes are just as high in some civil proceedings as they are in criminal proceedings.

For example, being able to successfully apply for a restraining order is very important — some would say, life-saving. And, as no one can deny,

one's right to personal safety has just as much importance as one's right to freedom from incarceration, or from being wrongly convicted.

A notable aspect of the Access Commission's report is the discussion of the major impact language barriers have on the public's trust and confidence in our courts. The inability to accommodate the language needs of litigants — litigants from some of our state's most vulnerable and most exploited populations — impairs trust and confidence in the judicial system and undermines efforts to secure justice for all. Our legal system persists, and is on the whole respected across the globe, because of the trust that people have that they will be treated fairly. So we must affirmatively protect the integrity of the judicial system. We must not passively accept the undeniable reality that for many Californians, justice is unavailable and inaccessible.

Many significant steps have indeed been taken toward addressing this very important issue, but as long as justice is unavailable for a significant segment of the population, the job is far from done.

As part of these efforts, we must continue to support and applaud those educational institutions, such as UC Berkeley, UCLA and Cal State Long Beach, which have instituted training programs for spoken language interpreters. Very notably, CSULB is the first school in the United States to start a four-year degree program for court interpretation and translation. These efforts toward recruitment, training, retention, and ultimately increasing the pool of qualified interpreters are key elements to improving this grave situation.

So is the adoption of a comprehensive language access policy for courts, as recommended by the Access Commission. The policy includes:

- Specific plans designed to achieve the goal of *guaranteeing* language access.
- Obtaining adequate funding.
- Providing translated standard court documents in *at least* those languages spoken by a significant number of the population using the courts (e.g. self-help centers, facilitators).
- And providing training and resources to courts for identifying and addressing language issues.

And just as important, I submit that maintaining comprehensive data collection on language issues, and the usage and need for interpreters in criminal, juvenile and civil cases, is crucial to properly and effectively address this issue, as well as to properly and adequately fund interpreter services.

Without this increased knowledge and attention to language issues in our courts, we may end up focusing our time and our efforts in the wrong places.

So as I close, I would like to share a quote with all of you, a quote from Dr. Martin Luther King, Jr. which captures very appropriately the importance of conferences like this one, and the great importance of individuals like all of you — you who work in the courts, you who care about the courts, and you who strive daily to improve the future of our courts:

He said: “Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. This is the interrelated structure of reality.”

Language barriers to courts *are* an injustice and a threat to justice everywhere. Their continued existence can only negatively impact the lives of millions of Californians who use the courts, and those who could use the help of the courts. And by failing this population, these language barriers threaten the very integrity of our justice system as a whole, and thereby fail all of us as well.

So, with our continued efforts, positive efforts, we can work to ensure that justice is, in fact, available to all.

And so, I thank you for your continued hard work and your interest in addressing this important issue of language barriers to justice. Your work is very necessary and it is greatly appreciated. Without you, there would be no progress, and so I applaud you — and I thank you.

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