

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 1

Court Interpretation: Fundamental to Access to Justice

WHEREAS, in every state throughout our nation, individuals look to state court systems to protect their rights and resolve legal issues and disputes in accord with the constitutional principles upon which this nation was founded; and

WHEREAS, the Conference of State Court Administrators recognizes that when language barriers intrude into the process of justice and prevent essential communication and understanding, some of the most basic strengths and values of our justice system are too often negated; and

WHEREAS, for individuals to be afforded equal justice and for courts to achieve their mission of providing equal justice accessible to all by ensuring that every litigant, victim, and witness understands what is happening in the courtroom, the Conference recognizes that court systems must develop effective systems to provide competent interpretation services to limited and non-English speakers; and

WHEREAS, the steadily increasing population of limited and non-English-speaking individuals in the United States presents many challenges, including the states' abilities to provide adequate resources to address the need for court interpretation services in hundreds of languages in all areas of the country; and

WHEREAS, a White Paper, Court Interpretation: Fundamental to Access to Justice, was written to identify issues, and key policies and practices, that state court leaders and policy makers need to understand and address, to ensure that the court systems are able to develop effective court interpretation programs in their jurisdictions; and

NOW, THEREFORE, BE IT RESOLVED that the Conference of State Court Administrators 1) adopts the Court Interpretation: Fundamental to Access to Justice White Paper, 2) commits to take necessary steps to implement the recommendations proposed in the White Paper, and 3) requests that the President of the Conference assign the White Paper to the appropriate committees to advance the implementation of the recommendations; and

BE IT FURTHER RESOLVED THAT that the Conference encourages state court leaders to recognize the aspirational goal that, as a matter of fundamental fairness, all persons appearing in court as a litigant or witness who do not sufficiently understand English should have access to qualified interpreter services in all court proceedings; and

BE IT FURTHER RESOLVED THAT that the Conference encourages members of the Conference and state court leaders to consider participation in the Consortium and to undertake robust efforts to advance the quality of court interpreter services in their jurisdictions, including, but not limited to, adopting standards for distinguishing qualified

from non-qualified court interpreters, enacting policies supporting the required use of qualified interpreters for limited and non-English speaking litigants in as many court proceedings as possible, and establishing ethical guidelines for court interpreters; and

BE IT FURTHER RESOLVED THAT that the Conference commits to working with the Consortium for State Court Interpreter Certification and the National Center for State Courts to develop strategies to assure the future sustainability of the Consortium; and

BE IT FURTHER RESOLVED THAT that the Conference supports further study by appropriate justice system partners of important related areas not covered, or not sufficiently addressed, in this paper, such as American Sign Language, document translation, and in collaboration with other justice system partners, the provision of interpreter services in non-court justice system settings; and

BE IT FURTHER RESOLVED THAT that the Conference encourages Congress to enact legislation, such as the State Court Interpreter Grant Program Act (S. 702), which would provide direct funding to state courts to support state court interpreter initiatives.

Adopted at the COSCA Midyear Meeting on November 30, 2007.

Proposed by: Policy and Liaison Committee

Adoption Date: November 30, 2007

Expiration Date: December 31, 2010