

**Superior Court of California  
For the County of MONTEREY**

**Limited English Proficiency (LEP) Plan**

**I. Legal Basis and Purpose**

This document serves as the plan for the Superior Court of **MONTEREY** County to provide to persons with limited English proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101-42.112). The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Superior Court of **MONTEREY** County.

This LEP plan was developed to ensure meaningful access to court services for persons with limited English proficiency. Although court interpreters are provided for persons with a hearing loss, access services for them are covered under the Americans with Disabilities Act rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

**II. Needs Assessment**

**A. Statewide**

The State of California provides court services to a wide range of people, including those who speak limited or no English. Service providers include the California Supreme Court, the Courts of Appeal, and the superior courts of the 58 counties.

According to the Administrative Office of the Courts (AOC) Court Interpreter Data Collection System (CIDCS), which aggregates court interpreter usage data received from the California trial courts, the most frequently used languages for interpreters in California courts in 2010 were (in descending order of frequency):

- 1. Spanish
- 2. Vietnamese
- 3. Korean
- 4. Mandarin
- 5. Russian

**B. Superior Court of MONTEREY County**

The Superior Court of **MONTEREY** County will continue to make every effort to provide services to all LEP persons. The five most frequently used foreign languages used in the Superior Court of **MONTEREY** by percentage for the period July 1, 2012 through June 30, 2013 are noted below:

Language	Percentage
Spanish	98.3%
Indigenous: Mixteco, Trique, Zapoteco	.96%
American Sign Language	.31%
Vietnamese	.25%
Tagalog	.18%

The Superior Court of Monterey County uses bilingual employees and/or Language Line for language assistance for LEP persons using the Court's counters and telephones.

48 This information is based on data collected from the Administrative Office of the Court's  
49 Court Interpreters Data Collection System and the Court's experience.  
50

51 **NOTE:** Throughout this document, the reference to 'bilingual employees' refers to  
52 **English/Spanish** language proficiencies.  
53

### 54 **III. Language Assistance Resources** 55

#### 56 **A. Interpreters Used in the Courtroom**

##### 57 **1. Providing Interpreters in the Courtroom** 58

59 Providing spoken-language interpreters in court proceedings are based in whole or in part  
60 on statutory and case law. In the Superior Court of **MONTEREY** County, interpreters will  
61 be provided at no cost to court customers who need such assistance under the following  
62 circumstances:  
63

- 64 • For litigants, witnesses and victims in all criminal and traffic hearings;
- 65 • For litigants, witnesses and victims in all juvenile dependency and delinquency  
66 hearings;
- 67 • For litigants and witnesses in non-criminal hearings involving domestic violence,  
68 elder abuse or to the extent that grant funding is provided;
- 69 • For litigants who need assistance when using family court services, to the extent that  
70 grant funding is provided; and
- 71 • The provision of spoken-language interpreters at Court expense for litigants and  
72 witnesses in other civil hearings as determined by the presiding judge.  
73

74 Additionally, courts may use interpreters who are providing mandated interpreting services  
75 for issues such as criminal or juvenile cases for incidental use in civil courtrooms. The  
76 Superior Court of **MONTEREY** County recognizes the significant benefits to both the public  
77 and the court by providing interpreters in civil cases and will attempt whenever possible to  
78 provide such interpreters through incidental use.  
79

80 In drafting this plan, the Superior Court of **MONTEREY** County is guided by relevant cases,  
81 statutory law and evidence code from *Jara v. Municipal Court* (1978) 21 Cal3d 181,  
82 *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412, Evidence Code § 752, 753, and  
83 755, Code of Civil Procedure § 116.550(a) and 116.550(d) and California Rules of Court  
84 3.61(5).

##### 85 **2. Determining the Need for an Interpreter in the Courtroom** 86

87 The Superior Court of **MONTEREY** County may determine whether an LEP court customer  
88 needs an interpreter for a court hearing in various ways.  
89

90 The need for an interpreter may be identified prior to a court proceeding by the LEP person  
91 or on the LEP person's behalf by counter staff, self-help center staff, family court services,  
92 courtroom clerks, mediators, outside justice partners, attorneys, victim advocates, social  
93 workers, and staff from partnering community-based organizations.  
94

95 The Superior Court of **MONTEREY** County assigns Spanish-language interpreters routinely

96 to courtrooms hearing criminal, traffic and juvenile case types to be available on an as-  
97 needed basis as the calendars are heard. Prior to the judicial officer taking the bench, the  
98 assigned Spanish interpreter addresses the audience in Spanish indicating that Spanish  
99 language interpreting services are available and that litigants should indicate their language  
100 needs when their case is called by the judicial officer. At arraignment, the courtroom clerk  
101 will note on the case file and in the case management system the need for interpreting  
102 assistance for a particular case to ensure that the appropriate language assistance is  
103 provide for future court hearings. In the Traffic Division, court clerks are required to note  
104 the need for an interpreter in the case management system on all cases being set for court  
105 trial in which the defendant has waived arraignment and requires the services of an  
106 interpreter. This ensures the presence of an interpreter for the first hearing the defendant  
107 will be appearing at.

108  
109 Also, the judge may determine that it is appropriate to provide an interpreter for a court  
110 matter. California's Standards of Judicial Administration offer instruction to judges for  
111 determining whether an interpreter is needed. Section 2.10 provides that an "interpreter is  
112 needed if, after an examination of the party or a witness, the court concludes that: (1) the  
113 party cannot understand and speak English well enough to participate fully in the  
114 proceedings and to assist counsel, or (2) the witness cannot speak English so as to be  
115 understood directly by counsel, court, and jury." The court is directed to examine the party  
116 or witness "on the record to determine whether an interpreter is needed if: (1) a party or  
117 counsel requests such examination or (2) it appears to the court that the person may not  
118 understand or speak English well enough to participate fully in the proceedings."

119  
120 To determine if an interpreter is needed, standard 2.10(c) provides that "the court should  
121 normally ask questions on the following: (1) identification (for example: name, address,  
122 birth date, age, place of birth); (2) active vocabulary in vernacular English (for example:  
123 'How did you come to the court today?' 'What kind of work do you do?' 'Where did you go to  
124 school?' 'What was the highest grade you completed?' 'Describe what you see in the  
125 courtroom.' 'What have you eaten today?') Questions should be phrased to avoid 'yes' or 'no'  
126 replies; (3) the court proceedings (for example: the nature of the charge or the type of case  
127 before the court), the purpose of the proceedings and function of the court, the rights of a  
128 party or criminal defendant, and the responsibilities of a witness."

129  
130 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need  
131 for an interpreter. "The file in the case should be clearly marked and data entered  
132 electronically when appropriate by court personnel to ensure that an interpreter will be  
133 present when needed in any subsequent proceeding."

134  
135 Many people who need an interpreter will not request one because they do not realize that  
136 interpreters are available or because they do not recognize the level of English proficiency  
137 or communication skills needed to understand the court proceeding. The court does not  
138 have funding to provide interpreters for non-mandated proceedings. However, the court can  
139 provide some assistance within existing funding restrictions and will endeavor to do so for  
140 non-mandated proceedings. In March, 2009, the Superior Court of Monterey County  
141 implemented a pilot project to provide a Spanish speaking interpreter for the Small Claims  
142 calendar which is scheduled one day per week in our Monterey Division. The pilot project is  
143 now permanent and has shown to provide valuable assistance to small claims litigants who,  
144 for various reasons, cannot bring their own interpreter to the hearing. Cases that would  
145 have been continued to future dates have been adjudicated timely with no inconvenience to  
146 either party and with minimal cost to the court. The assignment of an interpreter to the  
147 small claims calendar continues as funds allow to provide timely access to all parties.

149 In a case where the court is mandated to provide an interpreter, but one is not available at  
150 the time of the proceeding, even after the court has made all reasonable efforts to locate  
151 one, as previously outlined in this plan, the case will be postponed and continued on a date  
152 when an interpreter can be provided. It should be noted that this has only happened,  
153 infrequently, in proceedings requiring exotic or indigenous languages which have few  
154 qualified interpreters.

155  
156 When an interpreter is unavailable for a case in which the Court is not mandated to provide  
157 one, the Court advises the parties that they will need to obtain their own interpreter at their  
158 own expense and continues the case to allow time for the litigant to obtain an interpreter.  
159

160 Additionally, the Superior Court of **MONTEREY** County may use, consistent with interpreter  
161 guidelines, Language Line Services inside the courtroom to provide interpreting services for  
162 languages other than Spanish.

## 163 164 **2. Court Interpreter Qualifications**

165  
166 The Superior Court of **MONTEREY** County employs and contracts with interpreters for  
167 courtroom hearings in compliance with the rules and policies set forth by Government Code  
168 section 68561 and California Rules of Court, rule 2.893. The AOC maintains a statewide  
169 roster of certified and registered interpreters who may work in the courts. This roster is  
170 available to court staff and the public on the Internet at  
171 [www.courtinfo.ca.gov/programs/courtinterpreters/master.htm](http://www.courtinfo.ca.gov/programs/courtinterpreters/master.htm).  
172

173 When an interpreter coordinator has made a "due diligence" effort to find a certified or  
174 registered court interpreter and none is available, the interpreter coordinator then seeks a  
175 noncertified, nonregistered court interpreter, in accordance with the governing local labor  
176 agreement. Whenever a noncertified interpreter is used in the courtroom, to either  
177 provisionally qualify the interpreter or find cause to permit him or her to interpret the  
178 proceeding, judges must, pursuant to rule 2.893, inquire into the interpreter's skills,  
179 professional experience, and potential conflicts of interest. A provisionally qualified  
180 interpreter is one who, upon findings prescribed in the rule, is designated by the judge as  
181 eligible to interpret in a criminal or juvenile delinquency proceeding for a period of six  
182 months.

### 183 184 **B. Language Services Outside the Courtroom**

185  
186 The Superior Court of **MONTEREY** County is also responsible for taking reasonable steps to  
187 ensure that LEP individuals have meaningful access to services outside the courtroom. This  
188 is perhaps the most challenging situation facing court personnel, because in most situations  
189 they are charged with assisting LEP individuals without an interpreter present. LEP  
190 individuals may come in contact with court personnel via the phone, the public counter, or  
191 other means.

192  
193 The most common points of service outside the courtroom are at the Court's public  
194 counters, telephones, viewing rooms and self-help center. Bilingual assistance is provided at  
195 the public counters, viewing rooms and Court telephones by the placement of bilingual staff  
196 as is practical. The Court also periodically calls on other bilingual staff from elsewhere in the  
197 Court to assist at a public counter or on a Court telephone. Similarly, the Court's self-help  
198 center recruits and employs bilingual staff to provide self-represented litigants with  
199 assistance in understanding and completing necessary forms.

200  
201 Providing language services outside the courtroom entails both daily communications and

202 interactions between Court personnel and LEP individuals to provide accessibility of court  
203 services, such as self-help and mediation services as well as jury service information to LEP  
204 court users.

205  
206 To facilitate communication between LEP individuals and court staff, the Superior Court of  
207 **MONTEREY** County uses the following resources to the degree that resources are available:  
208

- 209 • Bilingual employees in the most frequently spoken language, Spanish, among Court  
210 users;
- 211 • A Court Web site with key pages translated into Spanish was completed in 2010;
- 212 • "Language Line pamphlets", to identify the individual's primary language, other than  
213 Spanish;
- 214 • Spanish translation for customers using the Traffic IWR;
- 215 • Written information in Spanish on how to access and navigate the Court (including  
216 the following handouts: Self Help Center brochures/flyers; Family Law Workshop  
217 schedule; Notice re Mediation Limits of Confidentiality);
- 218 • Security entrance screening contractors positioned at all Court entrances provide  
219 Spanish language assistance for directions to Court facilities;
- 220 • Signage throughout courthouse locations in Spanish;
- 221 • Language Line Services, which is available to provide assistance in the clerk's office  
222 and at the Court's self-help center. The Language Line contractor services provide  
223 interpretation services via the telephone in over 170 languages;
- 224 • In Civil and Family Law matters, Spanish translation notices are provided to the  
225 parties indicating that they will need to bring their own interpreters for the court  
226 proceedings. This information was added to the trial notice in all civil and family law  
227 actions; and
- 228 • Spanish translation court appearance cards are provided to the parties in court  
229 proceedings to advise of the need to bring their own interpreter for each court  
230 proceeding.

231  
232 To provide linguistically accessible services for LEP individuals, the Superior Court of  
233 **MONTEREY** County provides the following:  
234

- 235 • Self-Help Center services that include bilingual Self-Help Center personnel;
- 236 • Workshops in Spanish regarding evictions, dissolution of marriage/domestic  
237 partnerships, child and spousal support, child custody and visitation, domestic  
238 violence restraining orders, mandatory co-parenting workshops and parentage  
239 actions;
- 240 • Bilingual traffic case information to customers via the Traffic IWR
- 241 • Providers of court-ordered services and programs offer assistance to Court litigants  
242 in English/Spanish;
- 243 • Bilingual family court services mediators and investigators for custody and visitation  
244 matters;
- 245 • Written informational and educational materials and instructions in Spanish.
- 246 • The Superior Court of Monterey County's complete telephone directory is accessible  
247 in Spanish; and
- 248 • The Superior Court of Monterey County has completed the translation into Spanish of  
249 key pages of our public website.

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**C. Translated Forms and Documents**

The California courts understand the importance of translating forms and documents so that LEP individuals have greater access to the Court’s services. The Superior Court of **MONTEREY** County currently uses Judicial Council forms and instructional materials translated into commonly used languages.

- These translated forms are available at the Court’s Web site for internal use and are available at the Judicial Council web site to the public at [www.courtinfo.ca.gov/selfhelp/languages](http://www.courtinfo.ca.gov/selfhelp/languages) as well as at the Court’s self-help center;
- The Court also has access to instructional materials that have been translated by other courts at [www.courtinfo.ca.gov/programs/equalaccess/trans.htm](http://www.courtinfo.ca.gov/programs/equalaccess/trans.htm).
- Bilingual employees are available to provide translation services for documents submitted to the Court in Spanish.

Interpreters at court hearings are expected to provide sight translations of court documents and correspondence associated with the case.

**IV. Court Workforce Recruitment**

The Superior Court of **MONTEREY** is an equal opportunity employer and recruits and hires bilingual employees to serve its LEP constituents. Bilingual employees are required to pass a local Court examination to ensure the employee possesses adequate proficiency in Spanish. Primary examples include, but are not limited to:

- Court interpreters to serve as permanent employees of the Court to provide courtroom interpreting services;
- Bilingual employees to serve at public counters, viewing rooms and on telephones;
- Court distribution of AOC-provided interpreter program materials;
- Bilingual employees assigned to the Court’s Self-Help center;
- Bilingual employees called to assist with LEP individuals, as needed; and
- Bilingual employees to provide translation services for documents submitted to the Court in Spanish.

**V. Judicial and Personnel Awareness Training:**

The Superior Court of **MONTEREY** County is committed to providing LEP awareness training opportunities for all judicial officers and personnel. Training and learning opportunities currently offered by the Superior Court of **MONTEREY** County will be expanded or continued as needed. Those opportunities include or are under consideration for future implementation:

- Interpreter coordinator training;
- Diversity Training;
- LEP plan education;
- Personnel attendance in Spanish training through the tuition reimbursement program;
- Statewide conferences on language access or conferences that include sessions dedicated to topics on language access;
- New employee orientation training performed by division managers and supervisors;

300 and,

- 301 • Judicial officer orientation on the use of court interpreters and language competency.

## 302 **VI. Public Outreach and Education**

304 To communicate with the Court's LEP constituents on various legal issues of importance  
305 to the community and to make them aware of services available to all language  
306 speakers, the Superior Court of **MONTEREY** County provides community outreach and  
307 education and seeks input from its LEP constituency to further improve services.

308 Outreach and education efforts may include:

- 309 • Self-Help Center educational workshop flyers in Spanish and distributed within the  
310 community;
- 311 • Self-Help Center is educating the public regarding the need to bring their own  
312 interpreters to court when they are assisting the litigants during workshops,  
313 individual appointments and document review appointments;
- 314 • Spanish-Language Small Claims Advisory Clinic; and,
- 315 • Partnerships and collaborations with the following organizations:
  - 316 • community service centers;
  - 317 • bar associations;
  - 318 • governmental social service providers; and
  - 319 • members of the public.

321 The Court will solicit input from the LEP community and its representatives through  
322 meetings and will seek to inform community service organizations on how LEP individuals  
323 can access court services.

## 324 **VII. Public Notification and Evaluation of LEP Plan**

### 325 **A. LEP Plan Approval and Notification**

326 The Superior Court of **MONTEREY** County's LEP plan is subject to approval by the Presiding  
327 Judge and Court Executive Officer. Upon approval, a copy will be forwarded to the AOC, LEP  
328 Coordinator. Any revisions to the plan will be submitted to the Presiding Judge and Court  
329 Executive Officer for approval, and then forwarded to the AOC. Copies of Superior Court of  
330 **MONTEREY** County's LEP plan will be provided to the public on request. In addition, the  
331 Court will post this plan on its public Web site, and the AOC will post a link to it on the  
332 Judicial Council's public Web site at *www.courtinfo.ca.gov*.

### 333 **B. Annual Evaluation of the LEP Plan**

334 The Superior Court of **MONTEREY** County will routinely assess whether changes to the LEP  
335 plan are needed. The plan may be changed or updated at any time but reviewed not less  
336 frequently than ONCE A YEAR.

337 Each year the Court's Executive Officer will review the effectiveness of the Court's LEP plan  
338 and update it as necessary. The evaluation will include identification of any problem areas  
339 and development of corrective action strategies. Elements of the evaluation may include:

- 346 • Number of LEP persons requesting court interpreters inside the courtroom;
- 347 • Assessment of current language needs to determine if additional services or
- 348 translated materials should be provided;
- 349 • Solicitation and review of feedback from LEP communities within the county;
- 350 • Assessment of whether court personnel adequately understand LEP policies and
- 351 procedures and how to carry them out; and
- 352 • Customer satisfaction feedback.

353  
354 **C. Trial Court LEP Plan Coordinator:**

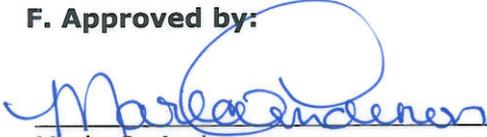
355  
356 Connie Mazzei  
357 Court Executive Officer  
358 Monterey Superior Court  
359 240 Church Street  
360 Salinas, CA 93901

361  
362 **D. AOC LEP Plan Coordinator:**

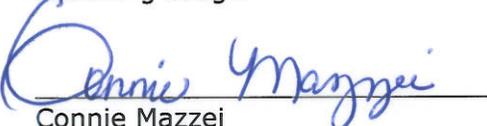
363  
364 TBD  
365 Equal Access Program  
366 Administrative Office of the Courts  
367 455 Golden Gate Avenue  
368 San Francisco, CA 94102-3688  
369 (415) 865-4367, mark.garcia@jud.ca.gov

370  
371 **E. LEP Plan Effective date:** [October 1, 2013.](#)

372  
373 **F. Approved by:**

374  
375  
376   
377 Marla Q. Anderson,  
378 Presiding Judge

11-14-13  
\_\_\_\_\_  
Date

379  
380  
381   
382 Connie Mazzei  
383 Court Executive Officer

11-18-13  
\_\_\_\_\_  
Date