

August 2022

Language Access Plan (LAP)

for

the Superior Court

and

District Court

of San Juan County

Language Access Plan of San Juan County Superior and District Courts

I. PURPOSE

This Language Access Plan (LAP) sets forth the San Juan County Superior and District Courts' policy and procedures for the provision of timely, appropriate language access services that ensure access for all limited English proficient (LEP), deaf, hard of hearing, and deaf-blind (D/HH/DB) individuals who come in contact with San Juan County Superior or District Court services and programs. Language access services include both interpretation and translation services for LEP and D/HH/DB individuals.

II. COURT POLICY REGARDING LANGUAGE ACCESS SERVICES

Under Washington state law (RCW 2.42 and 2.43), Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the Americans with Disabilities Act (ADA), and the regulations implementing these federal laws, Washington courts are required to provide language access services to all LEP and D/HH/DB individuals in civil and criminal court proceedings and in all court-managed services and programs and to develop a written language access plan pursuant to RCW 2.43.090.

It is the policy of the San Juan County Superior and District Courts to provide foreign language interpreter services at no cost to LEP parties, witnesses, victims, and others with an interest (e.g., parents, legal guardians, custodians) in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. It is also the policy of these courts to provide sign language interpreting services at no cost to persons who are D/HH/DB as required under applicable state and federal statutes and regulations.

San Juan County Superior and District Courts will provide accessible information to LEP and D/HH/DB persons on how to request these language assistance services and vital documents as part of its notice to the public about its language access services.

Although D/HH/DB individuals are covered under the ADA and RCW 2.42 rather than Title VI and the Safe Streets Act, this plan covers language access services for both D/HH/DB and LEP individuals.

III. DATA COLLECTION AND NEEDS ASSESSMENT

The San Juan County Superior and District Courts will, on an annual basis, compile demographic data regarding the language needs of its community. The courts will initially review data from sources such as the following:

- Most recent and relevant U.S. Census and American Community Survey (ACS)
- Local school districts: San Juan Island School District, Orcas Island School

District, Lopez Island School District, Spring Street International School, and Orcas Christian School.

- San Juan County Department of Health and Community Services
- San Juan County Public Defender
- Legal Defense Screener (Superior Court Services)
- San Juan County Prosecuting Attorney's Office
- Local legal aid service providers and community-based organizations which focus their service provision on immigrant and refugee populations in order to identify possible immigration and new language trends including, but not limited to:
 - * Safe San Juans (in San Juan County)
 - * Family resource centers (in San Juan County)

This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate.

The San Juan County Superior and District Courts will make every effort to track (via a log-form attached) requests for language access services by:

- Language preference (both spoken, written, and signed)
- Case type (e.g. family law, criminal, housing, etc.)
- Proceeding (e.g. trial, arraignment, initial appearance, motion hearings, etc.)
- Location of service request (e.g. court hearing, Juvenile Court Services, Clerk's Office, Court Facilitator services, the jail/Sheriff's Office, pre-trial monitoring and probation services, Public Defender Screener, an attorney's office or court conference room, etc.)
- Whether the language access service requested was granted or denied
- Reason for denial

In addition to mechanisms discussed under the identification of language needs section below, the San Juan County Superior and District Courts will track this internal data in a spreadsheet maintained by the respective court administrators. On a yearly basis, the court will analyze the data collected to identify whether services requested are in fact provided, assist in the allocation of language access resources, and identify gaps in the provision of services to address future needs.

The San Juan County Superior and District Courts will send the final data compilation and analyses in the form of a biennial report to the Washington State Court Interpreter Commission to assist the Commission in monitoring of the court's Language Access Plan, identification of interpreter training and certification strategies, and other tools to assist the AOC and local courts in the provision of language access services.

A. Identified Current Needs

The most current language need identification efforts undertaken by San Juan County Superior and District Courts show the following non-English languages, whether spoken or signed, that are most frequently used in our **geographic area**:

- Spanish

- German
- Thai
- Chinese
- Russian
- ASL

The most current language need identification efforts undertaken by San Juan County Superior and District Courts show the following foreign or sign languages that are most frequently used in our **court community**:

- Spanish
- Russian (infrequent)
- Tagalog (infrequent)
- Turkish (infrequent)
- ASL – American Sign Language (infrequent)
- CART – Communication Access Realtime Translation (infrequent)

Languages marked “infrequent” have been requested less than 5 times in the last year. Some have not been requested within the last year.

IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES

A. Designated Language Access Office

The San Juan County Superior Court has designated Superior Court Administrator Jane Severin and the San Juan County District Court has designated District Court Administrator Mellissa Derksema, as the persons responsible for coordinating language access services and to whom requests for interpreters and other language access services may be addressed for the respective courts. These designated persons are available to:

- Develop lists of interpreters and secure interpreter services for their respective courts;
- Receive and track language access requests for their respective courts;
- Address gaps in interpreter services by conducting outreach as needed;
- Provide information to assist LEP and D/HH/DB individuals to secure language access services for their respective courts;
- Assist or provide referrals to attorneys, justice partners, and other relevant persons to secure language access services for their clients and constituents;
- Assist court staff with securing language access services for their respective courts; and
- Answer questions from LEP and D/HH/DB individuals, and the public at large, regarding the court’s available language access services, including the court’s language access resources such as translated materials, local interpreters, language identification cards, and other resources identified in this Plan.

LEP and D/HH/DB individuals, attorneys, justice partners, government agencies,

and any other entities in need of language access services for court programs or activities or to acquire such services or information for themselves or their clients, may contact:

Superior Court Administration:
Jane Severin, Court Manager
San Juan County Superior Court
350 Court Street – 2nd Floor
Courthouse
Friday Harbor, WA 98250
(360) 378-2399 or (360) 370-7480
Email: janes@sanjuanco.com

District Court:
Mellissa Derksema, Court Administrator
San Juan County District Court
350 Court Street – 2nd Floor
Courthouse
Friday Harbor, WA 98250
(360) 378-4017
Email: dstct@sanjuanco.com

Superior Court Services:
Linnea Anderson, Director
San Juan County Superior Court
350 Court Street – 2nd Floor
Courthouse
Friday Harbor, WA 98250
(360) 378-4620
Email: linneaa@sanjuanco.com

B. Identification of Language Access Needs and Notice of Availability

LEP and D/HH/DB, individuals may come in contact with court personnel via the phone, TTY / TDD, in-person, or through other means. In addition, there are various points of contact within San Juan County Superior and District Courts where LEP individuals or persons who are D/HH/DB will be in contact with court staff. Sometimes people who need language access services, including translated documents, will not request these services because they do not realize that such services are available at no charge, or because they do not recognize the level of English-language proficiency or communication ability needed to effectively participate in the court program, court proceeding, or court services. The first step in providing language access services is to enable LEP individuals or persons who are D/HH/DB to properly identify their language needs.

As a first step towards ensuring that LEP and D/HH/DB individuals are able to properly identify their language needs and to request language access and assistance services, San Juan County Superior and District Courts have a legal obligation to provide accessible notice to the public of an individual's right to spoken and sign language interpreter services and to be provided vital documents in translated form whenever necessary to access court proceedings and court-managed programs.

1. Identifying Language Needs at Points of Access

San Juan County Superior and District Courts will identify language access

needs at all points of contact with the courts, such as the following:

- Superior Court Administration
350 Court Street, 2nd Floor, Friday Harbor, WA
360-370-7480
- District Court Administration
350 Court Street, 2nd Floor, Friday Harbor, WA
(360) 378-4017
- San Juan County Clerks' Offices (Superior and District):
350 Court Street, 2nd Floor Courthouse, Friday Harbor, WA
Superior Court Clerk 360-378-2163
District Court Clerk 360-378-4017
- Superior Court Services (fka Juvenile Court) Office at:
350 Court Street, 2nd Floor, Friday Harbor, WA
360-378-4620
- Jury Manager Offices at:
350 Court Street, 2nd Floor Courthouse, Friday Harbor, WA
(360) 378-9407 (Jury Manager)
- Courthouse Facilitator services provided by the court at:
350 Court Street, 2nd Floor Courthouse, Friday Harbor, WA
360-370-7446
- San Juan County Jail
96 2nd Street, Friday Harbor, WA
360-378-4151
- Public Defender Screener
350 Court Street, 2nd Floor Courthouse, Friday Harbor, WA
360-370-5471
- San Juan County Prosecutor – including Victim Services
350 Court Street, 1st Floor Courthouse, Friday Harbor, WA
360-378-4101
- San Juan County Public Defender
55 Second Street, 1st Floor Legislative Bldg, Friday Harbor, WA
360-370-7411

To ensure the earliest possible identification of the need for language access services, San Juan County Superior and District Courts have established internal protocols with the various justice partners which routinely interact with these courts in order for these partners to communicate to the appropriate court staff the needs of LEP or D/HH/DB participants who will be coming into contact with the court. While justice partners themselves may be under a separate legal obligation to provide language access services to their clients, the courts will be notified of any services that fall under the responsibility of the courts as early as possible so services may be provided in a timely and efficient manner.

Examples of justice partners providing this information:

Sheriff's Office / jail staff

Probation staff
Superior Court Services (fka Juvenile Court Services)
Prosecuting Attorney's Office (including Victim Services)
Public Defender
Public Defender Screener (Superior Court Services)
Courthouse Facilitator (Superior Court Services)
Clerk's Offices for Superior and District Courts
Safe San Juan – protection order advocates
Local attorneys representing LEP individuals

2. Notice of the Availability of Language Access Services

In order to facilitate the ability of LEP and D/HH/DB individuals to request their need for language access services, the San Juan County Superior and District Courts shall provide notice of the availability of language access services translated into Washington State's most frequently used languages that states:

Superior Court:

"You have the right to an interpreter at no cost to you. To use these services, please contact Superior Court Administration Office, 350 Court Street, 2nd Floor Courthouse, Friday Harbor, WA 98250, (360) 370-7480".

and

District Court:

"You have the right to an interpreter at no cost to you. To use these services, please contact District Court Administration Office, 350 Court Street, 2nd Floor Courthouse, Friday Harbor, WA 98250, (360) 378-4017.

The San Juan County Superior and District Courts display this notice on their respective websites and at the following locations:

- Superior Court Administration Office, 2nd Floor Courthouse
- Superior Court Services Office, 2nd Floor Courthouse
- Foyer of Superior Court Courtrooms, 2nd Floor Courthouse
- Clerk's Office for Superior Court, 2nd Floor Courthouse
- District Court Clerk's Office, 2nd Floor Courthouse
- Foyer of District Court Courtrooms, 2nd Floor Courthouse
- Courthouse Foyer Information Boards, 1st Floor Courthouse
- Courthouse Foyer Information Boards, 2nd Floor Courthouse
- Conference room / attorney meeting room, 2nd Floor Courthouse

Additionally, San Juan County Superior and District Courts have the following resources available at its points of contact, including those listed above when appropriate, to help LEP and D/HH/DB and court staff communicate with each other:

- Language identification cards at all points of contact
- Multi-lingual notices at all appropriate points of contact notifying members of the public of their right to an interpreter or other language assistance and how to utilize those services at any point during their contact with the court.

When it appears that an individual has difficulty communicating due to a language barrier, San Juan County Superior and District Court staff must inform the LEP or D/HH/DB person of his or her right to have language access services provided by the courts at no cost to them, even if the LEP or D/HH/DB person has not made a request for the language access services.

3. Tracking Requests for Language Access Services

In order to identify the broader language access needs of our court community, the San Juan County Superior and District Courts will collect data on requests for language access services and the use of those services. The Superior and District Courts will use the following methods to collect data on requests for language access services:

- In District Court, whenever language access services are requested in conjunction with a court case, the clerk who receives the request notes this information in the court file and/or case management system.
- In Superior Court, whenever language access services are requested in conjunction with a court case, court administration shall notify the clerk. The receiving clerk shall note the party record and/or court file as appropriate in the case management system.
- The Court Administrator for each court will create and maintain a Language Access Log, which will be used to record information regarding language access requests, including the case type and proceeding, court service or program, date of request, and language requested. (Form attached)
- The Court Administrator for each court will review invoices for language access services every six months and log information about language access services provided into the Court's Language Access Log.
- If staff receive a request for interpreter services at the front desk/counter to facilitate communication with staff, or receive a request for translated documents that the court is not able to provide, the staff member will email the appropriate Court Administrator, who will log the request in the Language Access Log.

V. LANGUAGE ACCESS SERVICES

Once the San Juan County Superior and District Court staff have determined interpreter services are required for an LEP or D/HH/DB individual, court staff have access to the following procedures for securing an interpreter.

A. Language Access Services Inside the Court Room

1. Appointment of a Certified, Registered, or Qualified Interpreter for In Court Proceedings

The persons responsible for appointing or securing the assistance of an interpreter at the San Juan County Superior and District Courts will comply with the following order of preference in appointing an interpreter in RCW 2.43.030:

RCW 2.43.030(1)(b)

An in-person Certified or Registered interpreter who has been credentialed by the Administrative Office of the Courts shall be appointed, whenever possible, unless good cause is found and noted by the appointing authority. "Good cause" includes, but is not limited to, a determination that:

- (i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of an in-person credentialed interpreter are not reasonably available to the appointing authority; or
- (ii) The current list of credentialed interpreters maintained by the Administrative Office of the Courts does not include an interpreter in the language spoken by the LEP.

RCW 2.43.030(2)

If good cause is found for using an interpreter who is not credentialed by the Administrative Office of the Court, the appointing authority shall make a preliminary determination that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

- (a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and
- (b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

In the event no in-person interpreter is available locally, the court or designated authority will weigh the need for moving forward with the proceeding against any possible negative consequences to the LEP or D/HH/DB person's ability to effectively participate in the proceedings through the use of a remote interpreter, as may be allowed by Washington court rule or law. When evidentiary matters are before the court, the court shall reschedule the hearing until an in-person interpreter is available, whether located in-state or out-of-state, and be made

present at the hearing.

If a proceeding must be delayed due to inability to access language services on the day of the proceeding, the court will record the reason for delay in the court docket, and the delay will be recorded by the Court Administrator in the courts' Language Access Log. The courts will review on a quarterly basis via the Law & Justice Council meetings, any delays noted in the Language Access Log during the LAP Review (described in Section VIII C) to determine if further action is needed to address language barriers, and will work to procure additional interpreter services if possible to prevent future delays in access to the courts.

San Juan County Superior and District Courts will NOT appoint as interpreters anyone with a potential conflict of interest in the case, including the following: minors; friends and family of the LEP or D/HH/DB person; advocates and attorneys; justice partner bilingual staff; or anyone deemed unqualified after voir dire by the court.

San Juan County Superior and District Courts will NEVER use machine translation for any written materials.

2. Practices in the Appointment and Use of Interpreters

In appointing interpreters, staff at San Juan County Superior and District Courts will ensure that the interpreter and the LEP or D/HH/DB participant can effectively communicate. It is also the practice of the San Juan County Superior and District Courts to:

- Make a determination of the appropriate number of interpreters that may be required for the proceeding. When the proper administration of justice so requires the court will appoint multiple or separate interpreters.
- For long hearing sessions or trials, appoint a team of two interpreters or if no second interpreter is available, allow the interpreter to have frequent breaks to avoid interpreting fatigue, ensure accuracy, and avoid subsequent errors.
- Only allow an LEP or D/HH/DB person to waive his or her right to the assistance of an interpreter if the waiver is knowing, voluntary, and on the record. The waiver of an interpreter may be rejected by the court or later revoked by the person.
- Require interpreters to provide sight translations for documents related to the court proceedings.
- Pleadings related to hearings will be provided to interpreters so they can get familiar with technical or complicated legal terms specific to those hearings.
- Prohibit interpreters from assisting LEP or D/HH/DB with entering information on court forms without the involvement of court staff in the completion of such forms.
- Provide sign language interpreters for jurors who are D/HH/DB when such persons are called and selected for jury service
- Adhere to the Protocol for Translators of State Court Forms Adopted by the Interpreter Commission, March 2008 to ensure quality translations.

3. Calendaring and Scheduling of Interpreters for In-court and Out-of-court Contacts

San Juan County Superior and District Courts will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, San Juan County Superior and District Courts employ the following practices:

- Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day.
- Superior and District Court staff shall coordinate the use of interpreters in order to effectively and efficiently schedule interpreter time.
- Creating a pool of interpreters who may be available by telephone or video to assist in non-evidentiary proceedings or other court programs.
- Currently there is only one certified interpreter and one qualified interpreter in San Juan County. Both interpreters notify San Juan County Superior and District Courts when they are expected to be unavailable and the duration of unavailability. In the event both are unavailable then The Language Exchange will be contacted for telephonic or in person interpreter services.

The Language Exchange
Julie Scerbik
113 Cherry Street #65575
Seattle, WA 98104
Phone: (360) 755-9910
Email: schedule@LanguageExchangeInc.com

4. Remote Interpreting

For short, non-evidentiary hearings when local interpreters are unavailable in person, the San Juan County Superior and District Courts use the following remote interpreting technologies:

Telephonic and video interpreting provided by credentialed interpreters:

Joseph Tein, Friday Harbor, WA

Yubinka Schollmeyer, Friday Harbor, WA

The Language Exchange
Julie Scerbik
113 Cherry Street #65575
Seattle, WA 98104
Phone: (360) 755-9910
Email: schedule@LanguageExchangeInc.com

The policy or practice of the court with regard to the use of remote interpreting services is as follows:

- Video remote and telephonic interpreting use will be consistent with GR 11.3 and will be used with caution. Generally, in-person interpreters are preferred.
- Telephonic interpreting will be a last resort for courtroom proceedings, and reserved for brief non-evidentiary proceedings such as continuances, given that non-verbal cues – not visible when on the telephone – are critical for communication. Telephonic interpreting can be particularly problematic in some circumstances such as for individuals who are deaf or hard of hearing, the elderly, those struggling with mental illness, quiet or nonverbally communicative individuals, and others.
- Video remote interpreting (VRI) will be used appropriately and will meet the requirements for providing effective communication, including,
 - Real-time, full-motion video and audio;
 - A clear, large image;
 - A clear transmission of voices;
 - Adequate training of staff in utilizing the equipment; and
 - Use of Certified interpreters with legal training
 in order to be an efficient and effective mechanism for providing language access services when an in-person interpreter is not available, or when only a non-credentialed interpreter is available in person (but a credentialed one is available via video).

The court requires training for staff and appointing authorities on VRI and telephonic interpreting, how to use the technologies, how to best utilize the remote interpreter, and what are appropriate events for such types of remote interpreting service. VRI shall not be the only option available to the court and should be used when in-person interpretation services are not available.

B. Language Services Outside the Courtroom

The San Juan County Superior and District Courts are responsible for taking reasonable steps to ensure that LEP, D/HH/BD individuals have meaningful access to services outside the courtroom. It is the practice of the court to provide interpreters for court-managed services, programs and operations consistent with state and federal language access mandates. In compliance with such mandates, the court shall provide language access services at the following locations and for the following programs:

- Volunteer Guardian ad Litem programs
- Guardian ad Litem programs
- Cashiers
- Courthouse facilitator services
- Public defender screener services
- Criminal diversion programs
- Information counters (including Superior Court and District Court Clerk's Offices)
- Intake or filing offices
- Juvenile Court offices
- Juvenile diversion programs
- Juvenile civil consultations

- Mandatory mediation (Title 26, Family Law)
- Parenting classes
- Probation offices
- Other: On an as-needed/requested basis, (i.e. an interpreter was needed for an online lay guardian training required by statute and only offered in English by Administrative Office of the Courts (AOC); a LEP needed interpreter/translation services during attorney consultation to prepare for hearing)

LEP individuals utilizing any of the above listed court services will be offered interpreter services (and translation services if feasible) by the respective court staff at the time these interactions occur. If an interpreter is needed court staff will immediately notify the appropriate court administrator. Further, if an in-person interpreter is not readily available telephonic interpreter services will be utilized to communicate with the court user about their needs, and to arrange further interpreter or translation services if needed.

Court Administration for both Superior and District Courts have provided the local bar association with information so counsel can notify court administration in order to assure efficient and timely scheduled interpreters.

The court, in compliance with federal and state civil rights laws and regulations, shall provide the most appropriate language access service for these programs and services, including qualified interpreters, bilingual staff, and translated materials and information. When the most appropriate language access service is the appointment of a qualified interpreter, the court shall follow the guidelines described for the appointment of interpreters.

As noted in the policy interpretation section earlier, RCW 2.42 requires that courts provide interpreters for persons who are D/HH/DB when they are required to attend court ordered-programs or services. In addition to the provision of qualified interpreters in all proceedings where required, court's bilingual staff may assist with language needs outside of court proceedings. Bilingual staff shall be trained to understand their role, how it differs from the role of an interpreter, and that staff are only used for basic communications.

C. Translated Forms and Documents

The San Juan County Superior and District Courts understand the importance of translating forms, documents, and electronic materials into non-English languages, so that LEP individuals have greater access to the courts' services. Judicial and court staff shall not use web-based applications or software to process or provide translations for LEP individuals.

State forms which have been translated are available at www.courts.wa.gov/forms.

Additional informational resources translated into Spanish include:

- [A Guide to Washington State Courts / Guía de los Tribunales del Estado de Washington](#)
- [Self-Represented Persons in District Court / Personas que se representan a sí mismas en el Tribunal de Distrito](#)
- [Self-Represented Persons in Municipal Court / Personas que se auto representan en los Tribunales Municipales](#)
- [Self-Represented Persons in Superior Court Civil Proceedings / Personas que se auto representan en procedimientos civiles en el Tribunal Superior](#)
- [An Introduction to Small Claims Court / Una Introducción Al Juzgado De Demandas De Cuantía Menor](#)

The San Juan County Superior and District Courts currently have the following forms translated into Spanish, which is the primary used language other than English:

Superior Court website: www.sanjuanco.com/185. See *Documentos en español*.
 District Court website: www.sanjuanco.com/231. Translated documents will be added under *Documentos en español*.

1. Criminal domestic violence forms that were updated in July 2019:
 - a. DVNCO
 - b. Order to Surrender Weapons
 - c. Proof of Surrender
 - d. Declaration of Non-Surrender
 - e. Receipt for Surrendered Weapons
2. Advisement of Rights form (used by both Superior and District Courts);
3. Automatic Temporary Restraining Order in Family Law Cases;
4. Order of Conditions and Release – Superior Court
5. Order Setting Trial / Hearing Dates – Superior Court
6. Statement of Defendant on Plea of Guilty forms (translated by King County)
7. Motion and Order to Reduce or Waive Legal Financial Obligations and Declaration

Each form which is translated by our credentialed translator has been reviewed by one or more other credentialed translators to ensure the quality of the translation. The Court endeavors to have each translated document reviewed by at least two credentialed translators. The court shall make available such forms at appropriate locations in its court system.

When translated forms are not available, this court may:

- Have an in-person interpreter who is qualified to provide translation services sight-translate the form.
- If no in-person interpreter is available who is qualified to provide translation services, the court may ask the in-person interpreter to sight-translate and to arrange further translation services with a qualified translator as needed.
- If no in-person interpreter is available, the court will use telephonic interpreting

services to communicate with the court user about the content of the form and to arrange further translation services with a qualified translator as needed.

Requests for translation of court forms or other printed material will be tracked by the court administrators and other staff using the Language Access Log. The courts will monitor any requests for translation of forms or other printed material necessary to court users on a quarterly basis via the Law & Justice Council meetings. San Juan County Courts will prioritize these translation requests and endeavor to translate as many documents as is feasible each year.

The San Juan County Superior and District Courts will, on an annual basis, compile demographic data regarding the language needs of its community, as described in Section III: Data Collection and Needs Assessment. This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate, including for translation of documents. The identified language needs described in Section III A will also be used to prioritize translation of documents. The current identified priority need for translated documents is:

- Spanish

The San Juan County District and Superior Courts have Trial Court Improvement Account funds budgeted annually to acquire additional translations of court forms or update existing translated forms (\$2,000 in 2022).

When the court receives a request for a translated document that is not available, the court administrator will record the request and the language requested in the Language Access Log. At the annual LAP Review, the courts will review this data and inquire with the pool of credentialed court interpreters what documents are most needed for translation.

After conducting this inquiry, the courts will determine what existing translated forms need updating due to changes in the original form. The courts will expend the necessary funds to update these forms. Then, the courts will use the information provided by the Language Access Log, credentialed interpreters, and other court stakeholders to determine which forms and languages to prioritize for translation in the coming year with the funds available.

The process of translating documents or other printed material will be done utilizing certified translators following the Protocol for Translators of State Court Forms Adopted by the Interpreter Commission, March 2008.

San Juan County will never utilize machine translation for translation of court forms or other printed material.

D. Providing Emergency Information to LEP Court Customers

The San Juan County Superior and District Courts are responsible for taking reasonable steps to ensure that LEP and D/HH/DB individuals have meaningful access to emergency information should an emergency situation arise. The court provides such information in the following ways:

- There are universally understood emergency signs located in the strategic places throughout the courthouse building;
- Emergency exits are clearly marked;
- Evacuation map(s) are located in visible public area points with an indication using the most common non-English language (in addition to English) spoken in the area to designate the evacuation map(s).
- Bilingual staff is informed and trained to provide emergency information.

VI. TRAINING

The San Juan County Superior and District Courts are committed to providing training for all judicial and court staff members who come in contact with LEP and D/HH/DB individuals in order to ensure the successful delivery of language access services. The court will provide staff training on all requirements in this Language Access Plan.

Additional training opportunities will include:

- Proper appointment and scheduling of interpreters for all court proceedings and court-managed programs and services;
- How to voir dire a non-credentialed court interpreter (Judges or Judge Pro Tems only);
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards;
- Courtroom management when interpreters are used;
- Use of remote technologies for interpreting;
- Cultural competence

Training efforts will include an initial training for new staff on the following topics:

- The requirements of the Language Access Plan
- How to effectively access and work with an interpreter
- How to handle various situations with LEP or D/HH/DB court participants, such as when the participant has difficulty communicating with the appointed interpreter or when the participant refuses the appointed interpreter in favor of a non-qualified interpreter.

The courts will also hold an annual refresher training for existing court personnel whether any revisions are made to the Plan or not. The annual refresher training will be administered by the court administrators; however, the courts will additionally seek training opportunities from the Interpreter Commission and the Administrative Office of the Courts.

Resources and information regarding language access services, policies and procedures and tools for providing language assistance (such as bench cards, language

identification guides, brochures, etc.) are available to all court staff and decision makers at:

- The court's Language Access Coordinator/Interpreter Coordinator
- Superior Court: Superior Court Administrator Jane Severin or designee
 - District Court: District Court Administrator Mellissa Derksema or designee

VII. COMPLAINT PROCESS FOR NON-COMPLIANCE

1. Complaints Against Local Court

This specific complaint process is designed to bring to the attention of the local court, and if necessary, the Interpreter Commission, allegations filed by LEP or D/HH/DB parties that the local court is out of compliance with its own Language Access Plan, any applicable federal statutes or regulations, state statutory provisions, such as RCW 2.42 or 2.43 and/or any applicable state or local court rules. This is an informal process whereby the Interpreter Commission may be involved in providing consultation and guidance to LEP parties and local courts in resolving and removing barriers to language access services and resources.

LEP and D/HH/DB individuals are encouraged to first file a complaint with the local court using local court customer complaint filing procedures. The local court complaint rules are as follows:

A. Local Court Complaint Process

(1) Submission of Complaints. All complaints made against the Superior or District Courts or against interpreters shall be in writing and shall be submitted by the complainant to the respective Court Administrator, or in the event a complaint is made against the Superior or District Court Administrators, then the complaint shall be submitted to the respective Judge.

For Superior Court: Superior Court Administration Office
Jane Severin, Court Administrator
350 Court Street 2nd Floor (physical)
350 Court Street #7 (mailing)
Friday Harbor, WA 98250
Email: janese@sanjuanoco.com

Honorable Kathryn C. Loring
350 Court Street 2nd Floor (physical)
350 Court Street #7 (mailing)
Friday Harbor, WA 98250
Email: kathrynl@sanjuanoco.com

For District Court: District Court Administration Office

Melissa Derksema, Court Administrator
350 Court Street 2nd Floor (physical)
PO Box 127
Friday Harbor, WA 98250
Email: dstct@sanjuanco.com

Honorable Carolyn M. Jewett
350 Court Street 2nd Floor (physical)
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All complaints must contain a clear and brief description of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the complaint, bear the signature, name and address of the person filing the complaint.

(2) Review of Complaint. Upon receipt of a written complaint the Court Administrator shall immediately refer the complaint to the judge for review. If a written complaint involves a Court Administrator then the respective Judge will directly receive the complaint.

(3) Findings and Action of Complaint. Within 3 business days of the receipt of the complaint against the court, the Court Administrator shall inform the complainant (using the contact information provided by the complainant) that a response will be made by the Judge within 10 business days of the receipt of the complaint. Upon review of the complaint, the Superior and/or District Courts shall determine if there is merit to the complaint(s) set forth by the aggrieved party, an appropriate action to remedy the issues set forth in the complaint, if any, and shall issue a response to the complaining party within 30 days of the receipt of the complaint.

B. Complaint Filed with the Court Interpreter Commission (Optional)

(1) Except in extraordinary circumstances, the complaint must be filed with the Interpreter Commission by an aggrieved party within 60 days from the date of the events on which the complaint is based.

Within 3 business days of the receipt of the complaint against a local court, Commission staff will inform complainant, using the contact information provided by complainant, of their option to file their complaint with the Department of Justice and of the need to file such complaint within 180 days from the date of the alleged discrimination.

(2) Complaints filed with the Court or the AOC must be in writing and must be signed. The complaint must include the following information:

- a. A clear and brief description of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the complaint that the court did not provide language access services;
- b. If possible, the complaint should identify the section(s) of the court's plan, statutes or regulations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred;
- c. Disclosure of any other channels the complainant is pursuing, including legal action (optional); and
- d. A statement authorizing the Interpreter Commission to send a copy of the complaint to the court that is the subject of the complaint.

Complaints filed with the Interpreter Commission should be sent to:

Washington State Interpreter Commission
c/o Interpreter Commission Staff
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170.

Or by contacting Robert W. Lichtenberg at 360-350-5373 by telephone or via email to Robert.Lichtenberg@courts.wa.gov

- (3) Interpreter Commission Complaint Review
 - a. The Interpreter Commission shall determine whether the complaint alleges facts that raise issues relating to the court's compliance with its LAP, federal civil rights laws, RCW 2.42 and/or 2.43 or court rules. This determination shall be made within 10 business days of receiving the complaint. The Interpreter Commission may request additional information from the complainant if appropriate. If the Interpreter Commission concludes that the complaint does not raise issues relating compliance with the LAP, Title VI of the Civil Rights Act, RCW 2.42 and/or 2.43, the matter will be closed and the complainant will be notified of the decision.
 - b. If the Interpreter Commission determines that the complaint may raise possible compliance issues, the complaint shall be sent to the court and a response requested. The Interpreter Commission ordinarily will request the presiding judge of the court or their designee to respond within 30 days.

- c. If the response from the court establishes that the court is not out of compliance with respect to the matters raised in the complaint, the Interpreter Commission will close the matter.

If the court's response does not clearly establish that it is operating in compliance with the matters raised by the complaint, the Interpreter Commission may appoint a fact-finder to investigate the issues raised by the complaint and to report on the court's response, if necessary. The complaint, the court's response, and fact-finder's report, if any, shall be referred to the WA Supreme Court Interpreter Commission for any further action deemed necessary by the Commission.

- d. The person making the complaint will be notified promptly regarding the conclusion of the Commission's review.

VIII. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval & Notification

The San Juan County Superior and District Court's LAP has been approved by the Superior Court and District Court Judges and a copy has been forwarded to Washington State's Administrative Office of the Courts Interpreter Program Coordinator. Any revisions to the Plan are to be submitted to the Superior Court and District Court Judges for approval, and then forwarded to the Interpreter Program Coordinator. Copies of the San Juan County Superior and District Court LAP shall be provided upon request. In addition, the courts shall post this LAP on their respective websites at:

Superior Court: <https://www.sanjuanco.com/185/Superior-Court-Administration>
District Court: <https://www.sanjuanco.com/231/District-Court>

B. Outreach, Communication, and Implementation of Plan

The San Juan County Superior and District Courts shall inform the public of the existence of the LAP and to this end, the court will:

- Collaborate with local bar associations, justice partners and other relevant organizations to ensure distribution of information.
- Translate vital outreach materials into the following language:
 - Spanish
- Obtain feedback from the public, attorneys and justice partners regarding the implementation and effectiveness of the administrative protocol and take this feedback into account at the yearly evaluation of the protocol.
- Language access services is now a standing agenda item for both the Law & Justice Council and Trial Court Coordination Committee. The Law & Justice Council, which meets quarterly and makes its agenda

publicly available, will monitor the implementation of the Language Access Plan and monitor for any deficiencies that prohibit or impede the court's ability to provide services, including a review of the respective court's Language Access Log and Requests for Translated Materials. The Trial Court Coordinating Committee, which meets monthly, will address any deficiencies as they become known to court departments and report any such action to the Law & Justice Council.

C. Annual Evaluation of the LAP

San Juan County Superior and District Courts will conduct an annual needs assessment to determine whether changes to the LAP are needed. To this end, the court will continue to communicate on an ongoing basis with stakeholders, including LEP and D/HH/DB persons, attorneys, and the public in the following manner(s):

- The Superior Court Administrator will schedule an annual LAP Review in October, to be attended by the members of the Trial Court Coordinating Committee, which includes the presiding Superior Court Judge, presiding District Court Judge, Superior Court Administrator, District Court Administrator, County Clerk, and Superior Court Services Director.
- Prior to the LAP Review, the District and Superior Court judges will email and follow up at a meeting with the local bar during one of their monthly meetings to solicit feedback;
- Prior to the LAP Review, the District and Superior Court Administrators will add this specific topic as a discussion item during one of the quarterly Law and Justice Council meetings to solicit feedback. (This is in addition to interpreter and translation service needs being a standing topic for this group).
- Prior to the LAP Review, the District and Superior Court Administrators will add this specific topic to one of our monthly trial court roundtable meetings. (This is in addition to interpreter and translation service needs being a standing topic for this group).

The LAP Review assessment will be done by reviewing various areas in which the court provides language access services, taking into consideration, at a minimum, the number of interpreters requested by language in the courts and the identification of emerging changes in the languages spoken or signed within the court's local population as identified by any informational means or by other methods. The Trial Court Coordinating Committee will review all sections of the Language Access Plan. Elements of the assessment evaluation shall include:

- Reviewing all language access requests data collected throughout the year in the Language Access Log, including requested translations that were unavailable and any delays in court hearings due to interpreter availability;
- Assessment of current language needs to determine if additional services or translated materials should be provided;

- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- Gathering feedback from local interpreters and the LEP, D/HH/BD individuals within our community using court services;
- Identification of challenges or trends your court is experiencing with providing language access services.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on each court's website. To ensure implementation and compliance, staff trainings will be scheduled in January to refresh staff on the Language Access Plan requirements and go over any changes to the plan. The Court Administrators and County Clerk will monitor staff throughout the year and periodically review the Language Access Log to ensure that the procedures continue to be followed throughout the year, and will follow up with any staff who do not appear to be complying with the LAP.

In addition, the San Juan County Superior and District Courts will submit to the AOC a copy of any updated information contained in this LAP within 60 days of its approval by San Juan County Superior Judge Kathryn C. Loring and District Court Judge Carolyn M. Jewett.

LAP Contact Person

State Contact:

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 AOC Interpreter Program
 1206 Quince Street SE
 PO Box 41170
 Olympia, WA 98504-1170
Robert.Lichtenberg@courts.wa.gov
 (360) 350-5373

Local Contact:

Superior Court Administrator
 Jane M. Severin
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 Friday Harbor, WA 98250
janes@sanjuanco.com
 (360) 370-7480

District Court Administrator
 Mellissa Derksema
 PO Box 127
 Friday Harbor, WA 98250
 Email: dstct@sanjuanco.com
 (360) 378-4017

The effective date of this LAP plan is *August 28, 2022*

LANGUAGE ACCESS LOG

Language	Language Preference (spoken, written, signed)	Case Type (See Key below)	Proceeding (trial, hrg), Court Service, Program, Other	Location of Service (Courtroom, Clerk's Office, Facilitator, PD Screener, SCS Office)	Service Granted or Denied (G / D)	Reason for Denial	Request for Translated Material (Y/N)	Duration	Delay of Proceeding due to Lack of Services (Y/N)	Reason for Lack of Services

Legacy Case Type	Legacy Case Type Description	Legacy Case Type	Legacy Case Type Description
1	Adult Crim	6	Mental Health
2	Civil-Prot Order	7	Dep ARY Truant
3	Domestic	8	Juv Offender
4	Prob-Gdn	0	Case Type N/A
5	Patrnty-Adopt		

