

ARIZONA SUPREME COURT LANGUAGE ACCESS PLAN

I. LEGAL BASIS AND PURPOSE

This language access plan (LAP) outlines the responsibility of the Arizona Supreme Court to provide services to limited English proficient (LEP) individuals in compliance with federal law.¹ The purpose of this document is to provide a framework for the provision of timely and reasonable language assistance to those who come into contact with the Arizona Supreme Court. This Plan applies to the Supreme Court, including the Administrative Office of the Courts (AOC), the Clerk of the Arizona Supreme Court, the Office of the Presiding Disciplinary Judge, the Commission on Judicial Conduct, and the Office of Independent Bar Counsel. As used in this Plan, the term “Court” means any of the above-named courts, commissions, and offices. This Plan does not apply to persons licensed by the Court.

This Plan serves to ensure access as required by Title VI of the Civil Rights Act of 1964 to direct services available through the Court for persons with limited English proficiency and persons who are deaf or hard of hearing. Although individuals who are deaf or hard of hearing are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they are included in this plan for purposes of identifying all language access resources. To the extent required by federal or state law, reasonable accommodations will be provided for all deaf and hard of hearing individuals.

II. ORGANIZATIONAL REVIEW

The Court is located in the State Courts Building, where Division One of the Arizona Court of Appeals also conducts court proceedings, and in the Tucson State Office Building. Due to its focus on the operations of the Judicial Branch, most of AOC’s divisions have limited contact with the general public. Encounters are generally limited to phone calls for general information or through visitors attending meetings. All divisions and offices of the Court will have access to the language assistance resources referenced in Section III. The following provides an overview of the regular contact with the public by AOC divisions:

- Administrative Services. Security for this building is handled through this division and generally offers the first point of contact with the public and the AOC either by telephone or in person. Several bilingual security officers are available to assist the public and to utilize telephonic interpreter services for languages other than Spanish.
- Certification and Licensing. Members of the public contact this division by telephone and/or in person for assistance with various licensing programs and services. Additionally, service counter staff and staff conducting discipline hearings for the various certifications and licensures also have the potential for interaction with LEP persons.
- Court Services. The primary contact with the public involves staff providing second level telephonic support for various programs such as Fines, Fees and Restitution Enforcement (FARE) and e-filing. Some additional written communications may also occur with LEP individuals, along with providing statewide court forms for public use. Members of the public may also interact through committee/commission meetings, which may require staff to determine appropriate accommodations.
- Dependent Children’s Services. This division has significant interaction with the public by providing both in-person and phone assistance for juvenile dependency and foster care cases. The division encompasses the Foster Care Review Boards and Court-Appointed Special Advocates that interact with LEP community members involved in dependency cases.

¹ Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq.

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- Information Technology. This division almost exclusively addresses public inquiries telephonically through the support center and provides public support services for the various online, technical-related programs offered by the Supreme Court.

The following entities are also covered by this plan and have the following language access needs:

- Commission on Judicial Conduct. The Commission on Judicial Conduct (CJC) addresses complaints against judges. Individuals contact the Commission by phone, e-mail, and in-person either for information about filing complaints or to submit complaints. While the Commission may hold hearings if judges are formally charged with ethics violations, it would be rare for interpretative services to be needed in those proceedings. Staff addresses the need for interpretative services.
- Presiding Disciplinary Judge. The Office of Presiding Disciplinary Judge (PDJ) processes formal complaints filed by the State Bar alleging attorney misconduct. The Office of the PDJ conducts hearings and makes recommendations regarding lawyer discipline and other professionals licensed by the Supreme Court. Should the PDJ need interpretive services, the PDJ has access to the resources set forth in this document.
- Independent Bar Counsel. The Office of Independent Bar Counsel (IBC) addresses complaints about lawyers pursuant to Administrative Order 2014-11. Most of these complaints are matters that the State Bar of Arizona will not handle due to a conflict of interest. Complaints within the jurisdiction of IBC are prescreened by the State Bar and, normally, the need for interpretative services is addressed by the State Bar in the first instance. Should IBC need interpretative services other than those provided through the State Bar, IBC has access to the resources set forth in this document.
- Clerk of the Arizona Supreme Court. Members of the public contact the Clerk of the Arizona Supreme Court in person and by telephone for assistance with matters coming before the Arizona Supreme Court. The Clerk's Office maintains Spanish translations of civil appellate forms and a Pro Se Guide on its public website. Should the Clerk's Office need interpretative services, the Clerk's Office has access to the resources set forth in this document.

III. LANGUAGE ACCESS POINTS OF CONTACT

The Court has identified the following public contact points that trigger the need to provide resources as described in Section IV:

- a. Public counter assistance or telephonic services
If an LEP individual places a call to an office within the State Courts Building or visits the State Courts Building and requires language assistance, staff may utilize the various language assistance resources listed in Section IV.
- b. Public Meetings and Public Hearings
A notice in Spanish and English for requests for language assistance will be added to all meetings that are noticed and posted as a public meeting being held at the State Courts Building. Where an LEP individual is required to provide comment on some matter under consideration by a public council, staff will arrange for an interpreter using the resources in Section IV.

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c. Oral Arguments and Other Hearings

LEP parties to a matter being heard by the Supreme Court may be appointed an interpreter, upon written notice. In such cases, the Clerk of the Supreme Court will arrange for a qualified interpreter using the resources in Section IV.

Should an LEP person be required to testify in a hearing of any office covered by this plan, staff of the respective office will arrange for a qualified interpreter using the resources in Section IV below.

d. Vital Forms

Forms vital to access services provided directly to the public by the AOC will be determined by each Division Director and are to be offered via verbal or written translation to LEP individuals if the forms are required by the office and if not translated could cause harm, impact safety, limit financial access or result in the loss of child, loss of liberty, or loss of real or personal property. This includes any complaint forms utilized by each division.

e. Web-based forums

The Administrative Office of the Courts hosts websites that have public forum portals. The Arizona Court Rules Forum (Rules) and the Arizona Code of Judicial Administration (ACJA) both provide the public the ability to submit comments to the Court. If an LEP individual is unable to submit a comment using commercially available translation resources, the Court will provide assistance to translate and post the comment on the desired forum using the resources listed in Section IV.

f. Videos, Webinars, and other Instructional Materials

New public-facing videos, webinars, and instructional materials will be made available in English and Spanish. Existing videos, webinars, and instructional materials will be evaluated for conversion into Spanish in accordance with the Department of Justice's four-factor analysis.

Division Directors may utilize the following factors, as outlined by the Department of Justice, in determining the appropriate resource accommodation when not addressed in Section III above:

1. The number of LEP individuals served in the eligible service population
2. The frequency LEP individuals come in contact with the program
3. The nature and importance of the program, activity or service
4. Resources available and costs

IV. LANGUAGE ASSISTANCE RESOURCES

The following resources are available through the Arizona Administrative Office of the Courts and are also available online through an internal shared drive:

1. Language Identification Card

The Language Identification card provides a list of languages that staff may use to help identify the language that an LEP individual speaks. A copy of the language identification card can be found on an internal shared drive.

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2. Public Roster of Credentialed Interpreters

The Arizona Court Interpreter Credentialing Program (ACICP) maintains a public list of those interpreters who have satisfactorily completed the court interpreter credentialing process. These interpreters may be available to provide either interpretation or translation services. The list is posted on the ACICP website homepage. Please contact the LAP Coordinator (noted at the end of this document) for assistance in locating and using this resource.

3. Bilingual Employees

Employees may be available to voluntarily assist with communication should LEP visitors require brief, customer service-related assistance. Bilingual employees, if willing and able, may assist in communicating with LEP individuals, except for during formal hearings or meetings when a qualified telephonic or qualified in-person interpreter should be utilized. Bilingual employees may offer their services only if doing so does not significantly interfere with their primary job duties. Bilingual employees should not assist in situations requiring an unfamiliar dialect; technical or specialized terminology; or a language level more sophisticated than their own; and are only permitted to provide assistance in communicating, not legal advice. The LAP Coordinator (noted at the end of this document) will maintain a list of bilingual employees which will be accessible through an internal shared drive for the agency and available to directors and staff.

4. List of Interpretation/Translation Services Available through State Contract

Companies and individuals who are under contract with the state may be available to provide either interpretation or translation services. Please contact the LAP Coordinator (noted at the end of this document) for assistance in finding language services.

5. Telephonic Language Services

Various telephonic interpretation vendors are available on state contract. Currently, a contract between specific Court divisions and Language Line is available to obtain a telephonic interpreter to assist LEP individuals. A commission or office needing a new account for interpreter services may contact the LAP Coordinator (noted at the end of this document) for assistance. Instructions on how to use a telephonic interpreter can be found on the internal shared drive or obtained from the LAP Coordinator.

6. Video Remote Interpretation Services

Video conferencing equipment is available to provide language interpretation services. Please contact the LAP Coordinator (noted at the end of this document) to determine if this service is appropriate and can be scheduled.

7. Deaf and Hard of Hearing Accommodations

If an individual who is deaf or hard of hearing needs assistance to access a program covered by this plan, reasonable accommodations are provided. This may include obtaining a sign language interpreter or providing assistive listening devices. Please contact the LAP Coordinator (noted at the end of this document) to arrange for scheduling and contracting with an ASL interpreter. The Supreme Court courtroom is equipped with assistive listening devices. For information on assistive listening devices in other locations, please contact the AOC Support Center.

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8. Spanish-translated Self-Service Center Internet Webpage

The Court's public website offers a Spanish-translated webpage of the Self-Service Center page to provide access to translated court forms and information. Many court forms are available in Spanish on the Court's "*El Centro de Autoservicio*" to assist Spanish speaking litigants: <http://www.azcourts.gov/elcentrodeautoservicio>. This site also links to the site containing Spanish-translated material for the Clerk of the Arizona Supreme Court

9. Translated Vital Forms and Documents

The Court understands the importance of translating vital forms and documents for LEP individuals to have greater access to the Court's services. Each division, commission, and office will determine, based on a needs assessment, whether any of their materials require written translation.

10. Shared Drive Resources

All employees will have access to the following language access resources through an internal shared drive.

- List of bilingual employees
- Instructions on using telephonic interpreters
- Language Identification cards
- Statewide contracts for interpreter services
 - Interpreters: provide assistance for telephonic or in-person oral interpretation
 - Translators: provide assistance for written documents
- Deaf and hard of hearing accommodations
- Tools for Interpreter Coordinators

V. IMPLEMENTATION

The Court is committed to providing language access-related training opportunities for all employees. An overview of language access issues will be included in new hire orientation and will be available online for existing staff. For new employees who have responsibilities that may result in contact with LEP visitors, either in person or by phone, the employee's supervisor will be responsible for reviewing and maintaining the LAP and division-related resources.

VI. FORMAL COMPLAINT PROCESS

If an LEP person believes that meaningful access to a required service was not provided to them by an office covered by this plan, the person may choose to file a complaint with the LAP Coordinator listed below. Language access related complaints may be submitted online or at any offices covered by this plan. Upon receipt of a complaint, staff will route the complaint to the LAP Coordinator who will provide it to the appropriate Director for response, which may include consultation with AOC Legal Services and the LAP Coordinator to begin resolution of the issue within 30 days. An online complaint form is available at: <http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/Language-Access-Complaint>

VII. APPROVAL AND LAP COORDINATOR

A. LAP Plan Approval & Notification

The Court's LAP plan is approved by the Chief Justice and a copy is available online.

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B. LAP Coordinator

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VIII. LAP Effective date: March 28, 2018