


1



Language Access Efforts in Hawaii

Justice Sabrina S. McKenna
Hawaii Supreme Court

September 22, 2016

2

Aloha! Mogethin! 你好! Iokwe! Kabla-aw! 환영 합니다! Malo e me'a mai!



The Judiciary State of Hawai'i

Welcome!

Mabuhay! Ran animm! ;Bievenidos! Kaselehlia! ようこそ! Tālofa! Xin Chào!

3

Challenges

- Geographic isolation



4

Challenges



5th Circuit - Kauai

5

Hawai'i Residents

- 1 in 4 speak a language other than English at home.
- Nearly 1 in 5 are immigrants.
- 51% of immigrants speak English less than "very well."

5

6

Hawai'i Residents

- Around 1 in 8 residents is limited English proficient (LEP).
- More than 130 languages are spoken in Hawai'i.



6

7

Goal

- Facilitate access to justice for limited English proficient (LEP) persons

7

8

Need

Limited English Proficient (LEP) parties and witnesses are not able to meaningfully participate in court cases or understand court directives

8

9

Judiciary Response

1992 Current Office on Equality and Access to the Courts formed to focus on eliminating barriers and increasing access for court users

1995 Supreme Court Committee Court Interpreters formed, Judge Melvin Soong first chair

9

10

Judiciary Response

OEAC's projects included:

- Dissemination of legal information in English and other languages
- Videos on small claims and traffic proceedings in English, Ilokano & Korean.
- Multilingual Lawline (telephone) with 5 recordings in 7 languages
- Bilingual Attorney Directory

10

11

Judiciary Response

Established Court Interpreter Program in mid-1990s.

In order to interpret in court, interpreters had to:

- Submit an application and
- Take an optional Court Interpreter Ethics Exam

11

12

Judiciary Response

Established formal Court Interpreter Certification Program in 2007

In order to interpret in court, interpreters must:

- Submit an application
- Attend 2-day Basic Orientation Workshop
- Pass Written English & Basic Ethics Exams
- Clear Criminal Background Check

12

13

Court Interpreter Certification Program

- Tier 1 / Registered interpreters may take an Oral Exam in their language
- Interpreters are classified into tiers based on their performance on objective testing instruments

13

14

Court Interpreter Certification Program

GOAL:

To provide the most qualified, reasonably available interpreter for each court assignment.

14

15

Top 15 Languages (FY 2015)

- | | |
|----------------|----------------------------|
| 1. Chuukese | 9. Tongan |
| 2. Ilokano | 10. Samoan |
| 3. Marshallese | 11. Cantonese |
| 4. Korean | 12. Mandarin |
| 5. Spanish | 13. Pohnpeian |
| 6. Vietnamese | 14. American Sign Language |
| 7. Tagalog | |
| 8. Japanese | 15. Kosraean |

15

16

Challenges

- Limited pool of interpreters, especially in Pacific Island languages
 - 10,592 interpreted proceedings (FY15)
 - 11 Certified Interpreters (8 Spanish, 1 Ilokano, 1 Mandarin, 1 Laotian)
 - 3,258 Chuukese proceedings 9 interpreters (Oahu, Hawaii Island)
 - 925 Korean proceedings 26 interpreters (Oahu)

16

17

Need

Implement planning and coordination for language access initiatives

17

18

Judiciary Response

Developed a Language Access Plan to guide Judiciary effort in this area

18

19

Judiciary Response

Developed a Language Assistance Policy to express the Judiciary's commitment to providing language access services for LEP court customers

19

20

The Judiciary's Language Assistance Policy

The Hawai'i State Judiciary is committed to providing meaningful access to court processes and services to persons with limited English proficiency (LEP).

20

21

The Judiciary's Language Assistance Policy



In all case types, the Judiciary shall reasonably provide, free of charge, and in a timely manner, competent court interpreters for parties, witnesses and individuals with a substantial interest in a case.

21

22

The Judiciary's Language Assistance Policy

It shall also provide language assistance services at points of contact with the Judiciary, including over-the-counter and over-the-telephone encounters for all Judiciary-related business.



22

23

The Judiciary's Language Assistance Policy



The Judiciary shall notify the public of the Judiciary's language assistance commitment.

23

24

Need

Develop multilingual resources to help LEP persons meaningfully communicate and access Judiciary services

24

25

Judiciary Response

Develop Language ID Cards
in English and 14 non-English
languages

25

26

Language ID Cards

- In English and 14 non-English languages
- Available on the Judiciary website, and at courthouses statewide



26

27

Language ID Cards

- Language ID Card Display Holders placed in all courthouses statewide
 - Kauai Courthouse 1st Floor



27

28

Judiciary Response

Provide information on “How to Request an Interpreter” in English and non-English languages

28

33

Need

Ensure Judiciary staff and judges are aware of procedures and resources for providing language services

33

34

Judiciary Response

Conduct mandatory language access training for all judges

34

35

Judiciary Response

Conduct mandatory Staff Training on Language Access Services for all Judiciary staff statewide

35

36

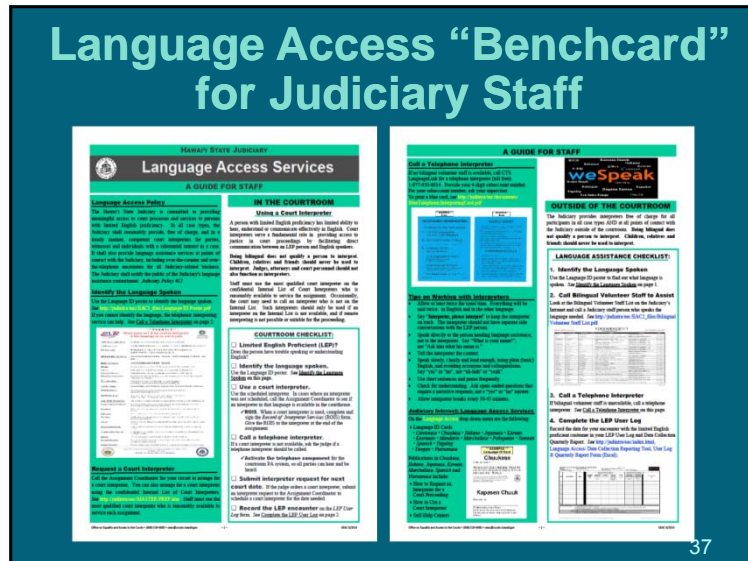
Mandatory Staff Training



3rd Circuit - Kona

36

37



37

38

Need

Develop multilingual resources and language services within existing budget constraints

38

39

Judiciary Response

Collaboration:

- Develop resources
 - Hawaii Access to Justice Comm'n "How to Request an Interpreter"
 - State Civil Defense Language ID Cards

39

40

Judiciary Response

Collaboration:

- Publicize resources
 - Inter-Agency Council for Immigrant & Refugee Services
 - Prosecutors – Victim Witness
 - Community groups

40

41

Judiciary Response

Collaboration:

- Share resources
 - City & County of Honolulu Language ID Cards
 - Arizona State Courts How to Use a Court Interpreter

41

42

Judiciary Response

Collaboration:

- Training for Pacific Island Judicial Council (judges and court staff in Pacific Islands)
- Training for Hawaii Department of Labor & Industrial Relations staff

42

43

Judiciary Response

Collaboration:

- Training for neighbor island Legal Aid providers
- Informational Briefings for Criminal Justice Stakeholders
- Community Briefings

43

44

Mahalo
Kinissow **Kammagar**
Fa'afetai **Kulo**
Kalahngan
Thank you **Doomo Arigato**

44