

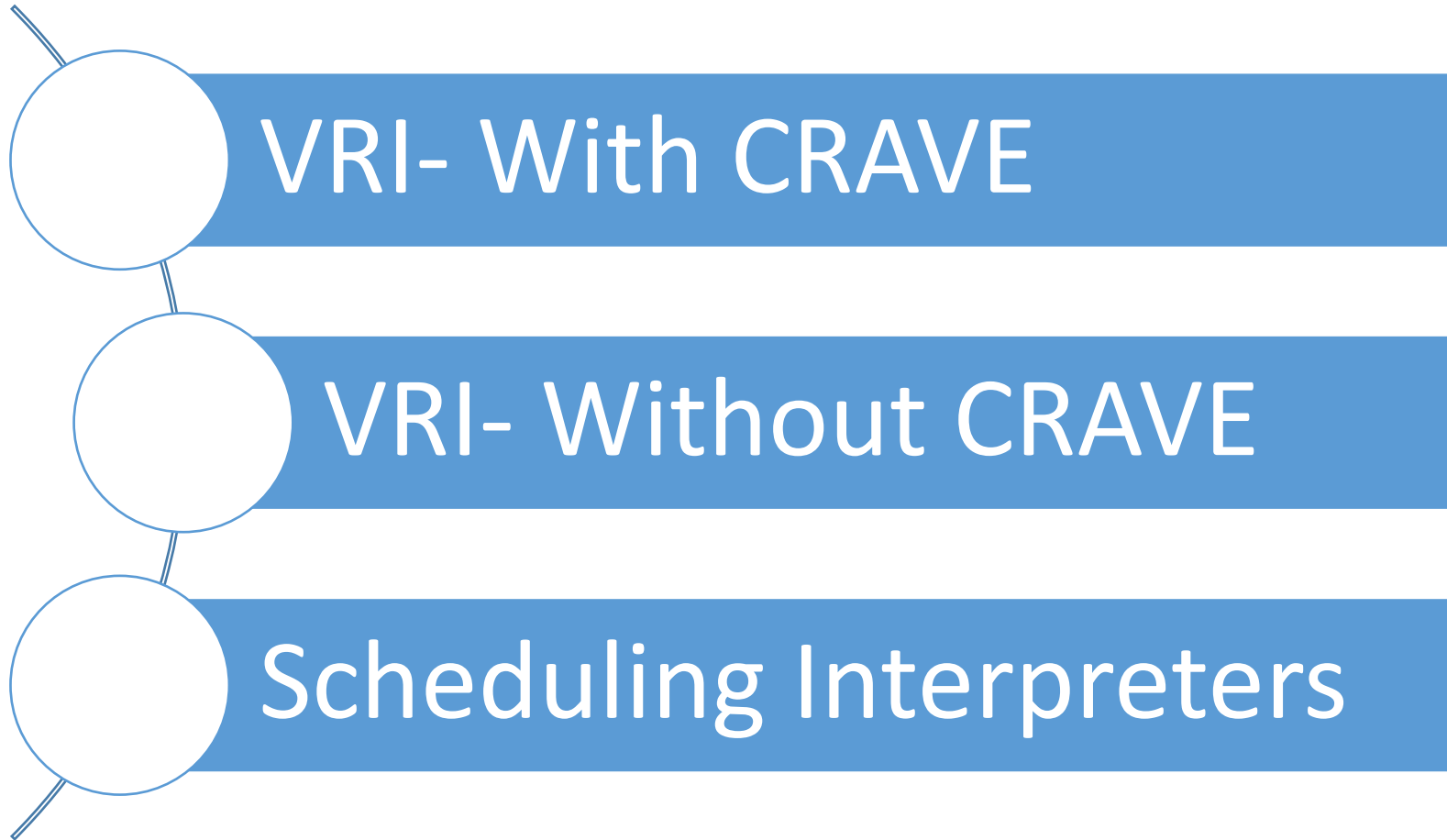
EQUAL ACCESS TO JUSTICE: LANGUAGE & DISABILITY ACCESS ISSUES

OCTOBER 11, 2024

- KARA MANN, OLAS MANAGER
- MEREDITH ELLINGTON, DISABILITY ACCESS COORDINATOR
- JUDGE CHRISTINE WALCZYK, DISTRICT COURT JUDGE, DISTRICT 10



LANGUAGE ACCESS TOPICS



DEFINITIONS

- Limited English Proficiency (LEP) Individual: one who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak, or understand English.
 - The need for a court interpreter should not be based upon the individual's ability to converse in basic English.
- Americans with Disabilities Act (ADA)
- LAC = Language Access Coordinator
- DAC = Disability Access Coordinator (was originally called ADA coordinator but that caused confusion for those who associate ADA with "Assistant District Attorney")





LANGUAGE ACCESS: THE BASICS



EQUAL ACCESS TO JUSTICE



Using a properly trained court interpreter ensures full and fair participation and facilitates equal access to justice for Limited English Proficiency individuals in the North Carolina justice system.

Equally important is...



THE ADMINISTRATION OF JUSTICE

The North Carolina Judicial Branch agrees “it is essential to remove remaining barriers that deny LEP individuals meaningful access to the court system and that doing so serves the Judicial Branch’s interest in ensuring accurate communications in proceedings and operations, protecting the integrity of evidence, delivering justice, and promoting public trust and confidence in the judicial system.”

- October 25, 2022, [Memorandum of Agreement](#) with U.S. Department of Justice





LANGUAGE ACCESS: VIDEO REMOTE
INTERPRETING



VIDEO REMOTE INTERPRETING (VRI)

- VRI can be held when:
 - Everyone is remote.
 - Only the interpreter is remote and everyone else is in the courtroom.
 - When only the interpreter and the LEP are remote.
- Courtrooms with CRAVE have additional audio and video infrastructure that includes numerous cameras, microphones, and monitors. This infrastructure enhances a judge's ability to hold the proceeding with an interpreter appearing via VRI securely and easily.
- Video remote interpreting can still occur in courtrooms not outfitted with the CRAVE system; the CRAVE system simply helps ease the process for VRI with the additional audio and video infrastructure.
 - If a proceeding is held in a courtroom without CRAVE, a laptop and headphones must be placed in front of the LEP.



VIDEO REMOTE INTERPRETING (VRI) FOR ASL

- 3rd party vendor is used for on-demand ASL interpreting service
- It is available 24/7 for brief, non-evidentiary proceedings
- Only should be used when an ASL interpreter is not available in person

VRI Instructions:

1. Go to <https://one.propio-ls.com>
2. Use authorized email address and password from your local Disability Access Coordinator (DAC)



VRI WITH WEBEX

- WebEx has the advanced option of an interpretation feature. This feature allows an interpreter to simultaneously interpret in a separate language channel without disrupting the court proceeding.
- The interpretation feature must be selected during scheduling from the web browser.
 - WebEx Meetings and WebEx Personal Meeting Rooms have the advanced option of an interpretation feature.
- If the interpretation feature is not selected during scheduling, then the separate language channels will not be set up for the actual proceeding.
 - Without separate audio channels, the interpreter's only option will be to interpret in consecutive mode. Consecutive interpreting could increase the duration of the proceeding.



Scheduling must be done through the Webex website to enact the separate audio channels.

- 1 Type nccourts.webex.com into your browser to schedule your hearing.
- 2 Click **Advanced Options**.
- 3 Check **Enable simultaneous interpretation** then click **Assign interpreters**.

Join a meeting or search for a meeting, recording, or transcript

Advanced options

Cohosts ⓘ

Interpretation ⓘ

Enable simultaneous interpretation
[Assign interpreters](#)

Email reminder 15 minutes before meeting starts

Meeting options ⓘ [Edit meeting options](#)

Attendee privileges ⓘ [Edit attendee privileges](#)

Simultaneous interpretation

Language channel

English ⇌ Spanish

Interpreter

Add people by name or email address

Add

Interpreters ⓘ

English ⇌ Mandarin

1. Grace Shau

English ⇌ Spanish

Jane Smith

Cancel Save

- 4 Add interpreters (or the LAC email address if unknown) then click **Save**.



Interpreters will receive a meeting invitation noting that they have been assigned as interpreter.

Gibson, Tina M. is inviting you to a scheduled Webex meeting.
You've been assigned as an interpreter for this Webex meeting.
Your interpretation channel is English and Spanish.

Wednesday, June 15, 2022
1:25 PM | (UTC-04:00) Eastern Time (US & Canada) | 1 hr

[Join meeting](#)

My interpretation language

Spanish

Balance

Original audio Interpreter

[Manage interpretation](#)

Add or remove language channels and/or interpreters during a hearing by clicking the globe icon, then **Manage interpretation**.

Simultaneous interpretation

Language channel

English ⇌ Spanish

Interpreter

Add people by name or email address

[Add](#)

Interpreters ⓘ

> English ⇌ Spanish

1. Jane Smith

[Cancel](#) [Save](#)

Webex meeting toolbar: CC, **Globe icon**, Unmute, Start video, Mute, Video off, More options, End meeting, Apps, Profile, Chat



- 1 From the same computer, open a **new browser tab** and join the meeting again.
- 2 This time you will join as an **interpreter**. Enter a **name** and **email**.



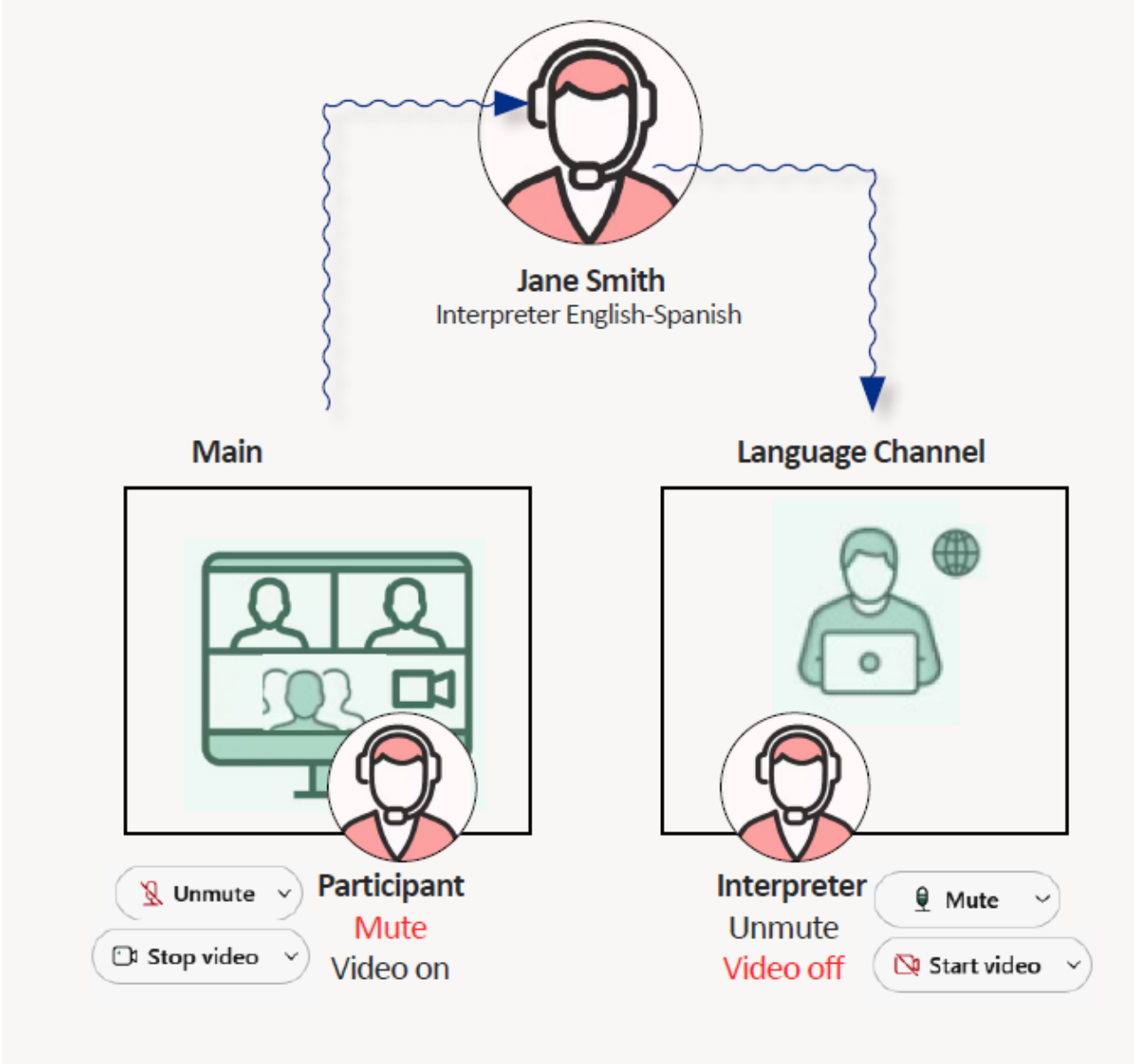
What you enter in the name field is what will be shown in the participant list and on your video.

Webex recognizes you as the interpreter

- 3 Confirm you are on the Participant panel twice.

The interpreter will join twice, once as a participant and once as the interpreter.







LANGUAGE ACCESS: SCHEDULING





REQUEST PROCESS



Spanish Court
Interpreters

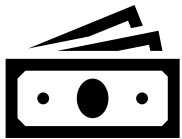
Languages Other
Than Spanish
(LOTS) Court
Interpreters

Request for Spoken Foreign Language Court Interpreter Form must be submitted 10 business days in advance or as soon as case is placed on the calendar, whichever is earlier.



WHO SCHEDULES WHAT?

- **LACs schedule Spanish court interpreters** upon receipt and evaluation of a completed Request for Spoken Foreign Language Court Interpreter form.
- **OLAS staff schedules interpreters for languages other than Spanish (LOTS).** Many LOTS interpreters must be flown in from out of state, so advance notice is necessary, as is certainty of the trial date(s).
- **DACs schedule American Sign Language and Certified Deaf Interpreters** upon request or receipt of the online Disability Access Accommodation Request form.



ALL court interpreters MUST be scheduled by the LAC, OLAS, or DAC in order TO BE PAID for services rendered in AOC covered matters.



INTERPRETER REQUESTS FOR SELF-REPRESENTED LITIGANTS

- Court personnel must assist self-represented litigants who need a court interpreter for a scheduled court proceeding. Self-represented litigants or persons assisting them can notify a judicial official or a clerk, who will submit the interpreter request on their behalf.
 - For both criminal AND civil cases.
- Court personnel, including clerks, TCAs, TCCs, JAs, and others who prepare civil calendars must submit the interpreter request.
- Requests should be submitted electronically from the OLAS website at:
<https://www.nccourts.gov/request-for-spoken-foreign-language-court-interpreter>.
- Requests for ASL and CDI interpreters should be submitted through the online form at:
<https://www.nccourts.gov/form/request-for-disability-accommodation>



SCHEDULING CONSIDERATIONS

- Spoken language court interpreters are reserved for:
 - Two hours for a single case
 - Three hours for a single morning or afternoon session
 - All-day
- Frequently, interpreters are blamed as the reason for continuances when they have been waiting in court for a case to be called.
- Interpreter cases should be called quickly so they can be released for other courtrooms.
- The interpreter request form is important so that interpreters can be effectively scheduled.



BILINGUAL COURT EMPLOYEES

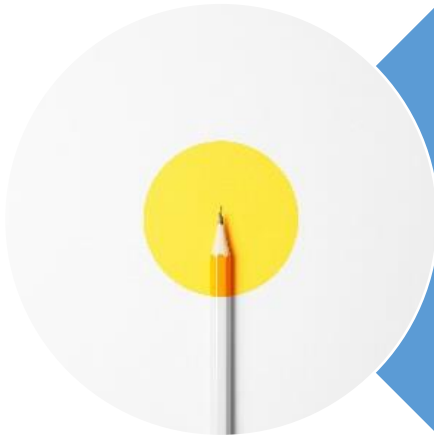
- Judicial officials, bilingual staff*, and attorneys:
 - cannot act as the court interpreter.
 - Court staff can be authorized to conduct court operations (out-of-court) with the public after they complete a language assessment with OLAS.



(*Except for staff interpreters.)



Language access services ensure *full and fair* participation and provides equal access to justice for LEP individuals



It is in the courts' best interest to ensure accurate communications in proceedings and operations.



DISABILITY ACCOMMODATIONS



- **Direct all requests to your local Disability Access Coordinator (DAC)**
- Disability accommodation request form is available online as preferred method – now includes ASL videos!
 - Phone, email, in-person
- Requests should be made as far in advance as possible - at least ten (10) business days prior to the proceeding (but all requests will be timely responded to, regardless of when they are received)
 - [Checklist](#)



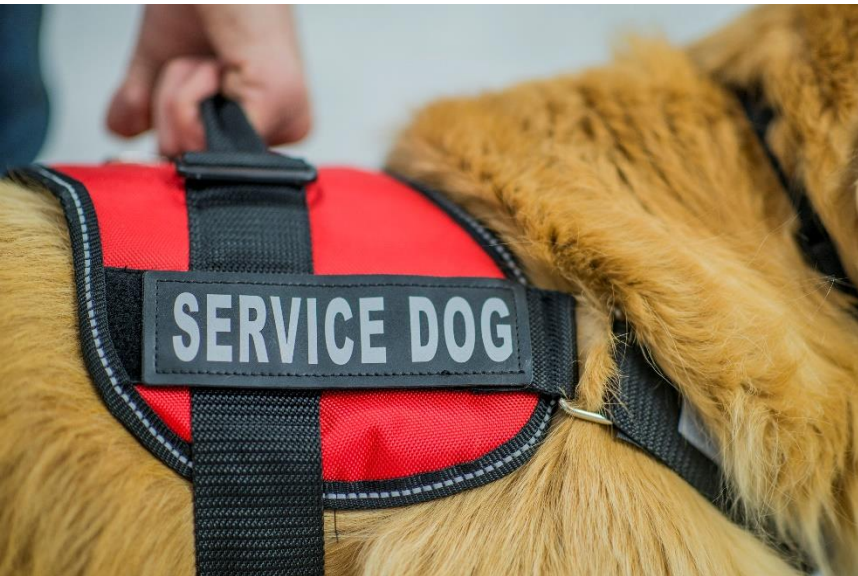
COMMON ACCOMMODATION REQUESTS

- American Sign Language (ASL) interpreter
- ASL and Certified Deaf Interpreter (CDI) team
- CART captioning (Communication Access Realtime Transcription)
- Certain time of day for court event
- Different seating arrangement
- Extra Breaks
- Large print materials
- Optical Character Recognition (OCR) documents
- Sound amplifier such as a Pocket Talker
- Shorter questions
- Bring a support animal
- Bring a support person
- Tactile American Sign Language (TASL) interpreter
- Use electronic devices for communication purposes (e.g.- text-to-speech, screenreader)



SERVICE ANIMALS

ALWAYS ALLOWED – NO REQUEST NEEDED



Under the ADA, service animals are permitted to go wherever their handler goes, including courtrooms and other areas of the courthouse. Service animals are dogs and miniature horses.

WE CAN ASK

1. Is this a service animal trained to assist with your disability?
2. What tasks has the animal been trained to perform?

WE CANNOT ASK

- About the nature of the person's disability
- That a demonstration be performed
- For documentation or vest

There is a penalty for misrepresenting a service animal under N.C.G.S. 168-4.5.



EMOTIONAL SUPPORT ANIMALS

REQUEST RECOMMENDED

- Emotional support animals **help with the symptoms of a disability** but have not been trained as a service animal.
- Any animal may be denied if:
 - (1) it exhibits aggressive or disruptive behavior, is not under handler's control or is not housebroken, or
 - (2) the person allows others to pet, feed or attend to the animal, or shifts responsibility of the animal.



MYTH OR FACT?

- All blind people read braille.
- People who are blind have no vision at all.
- All persons with a hearing impairment can read lips.
- Deaf or hard of hearing people cannot speak.
- Permanent wheelchair users are chronically ill.
- Disabilities are always visible.
- People with mental illness are violent or unpredictable.



QUESTIONS?





THANK YOU

OLAS@nccourts.org

DAC@nccourts.org

