



**ANNUAL REPORT
OF THE
MAINE JUDICIAL BRANCH
LIMITED ENGLISH PROFICIENCY (LEP)
ADVISORY COMMITTEE**



**To the State of Maine
SUPREME JUDICIAL COURT
AND
CHIEFS OF THE SUPERIOR AND DISTRICT COURTS
OCTOBER 1, 2022**





I. INTRODUCTION

This annual report reflects the work and key accomplishments of the Limited English Proficiency Advisory Committee (Committee) from December 2021 to September 2022.¹ This period was influenced by the ongoing COVID-19 pandemic and was a period of transition for both the Maine Judicial Branch (MJB) as well as within the Office of Court Access. Many proceedings resumed in person at Maine’s courts while some continued to be conducted or shifted exclusively to being held remotely via the Zoom platform. The Committee is pleased to submit this report that details the efforts made to expand access to justice specifically for LEP people, including those from the deaf community.

The Limited English Proficiency Advisory Committee was established to address the needs of the increasingly diverse community that the Maine Judicial Branch services. The Committee advises Judicial Branch leadership in developing and maintaining a comprehensive system for providing and improving access to Maine courts for individuals with limited English proficiency or hearing loss. It implements policies and Administrative Orders, addresses cultural competency issues, and identifies and removes barriers that may affect access to justice.

-Maine Judicial Branch website

I. LEP ADVISORY COMMITTEE

The LEP Advisory Committee:

“advises Judicial Branch leadership in developing and maintaining a comprehensive system for providing and improving access to Maine courts for individuals with limited English proficiency or hearing loss.”

The Committee is supported by the MJB’s Office of Court Access, whose overarching goal is to identify and remove barriers to justice. Within the Office of Court Access is the Director of Court Services, Rick Record; the Court Access Coordinator, Allison Gray, Esq; and the Communication Access Specialist, Nickole Wesley. Nickole was placed in acting capacity as the Communication Access Specialist in October 2021 and was formally selected to fill the position at the end of November 2021. Nickole also previously served in acting capacity in this role in 2018 and had been a long-standing member of the LEP Advisory Committee.

¹ 2021 LEP Advisory Committee reporting period was October 1, 2020-December 1, 2021.





The Communication Access Specialist is responsible for administering the Language Access Plan, managing the court interpreter program, and chairing the LEP Advisory Committee. Nickole’s experience working within the Maine Court system first as an Assistant Clerk and LEP Coordinator at the Cumberland County Court in Portland for over ten years, and then as a Courtroom Technology Assistant has been an asset to the Court Access Team.

The Court Access Coordinator assists with responding to language access issues, provides accommodations for individuals who are deaf or hard of hearing and who are categorically protected by the Americans with Disabilities Act (ADA) and addresses other disability accommodation requests as well as general court access issues.

The Director of Court Services oversees the work of both the Court Access Coordinator and Communication Access Specialist and lends assistance as needed on larger court access projects and issues.

The Committee met by video conference three times since the last report on January 20, 2022, May 18, 2022, and September 12, 2022.

I. INTERPRETER ACTIVITY

For Fiscal year 2022 (July 1, 2021-June 30, 2022) the Top 5 languages interpreted in Maine state courts, by expense, were:

1. Arabic
2. American Sign Language (ASL)
3. Spanish
4. Somali
5. French

These five languages accounted for 78% of the Judicial Branch’s interpreter services, with American Sign Language itself accounting for almost one quarter (22%). The next Top 5 languages were:

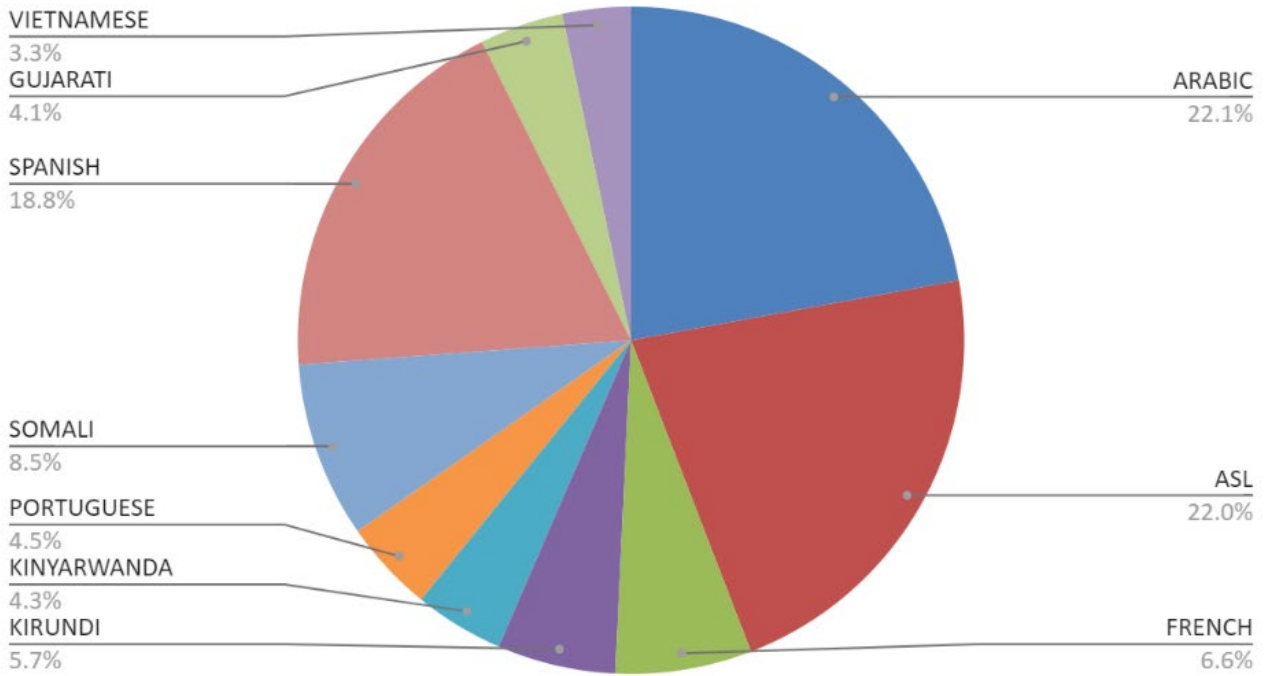
6. Kirundi
7. Portuguese
8. Kinyarwanda
9. Gujarati²
10. Vietnamese

² Expenses were related to one LEP litigant with two pending matters. Expenses are not necessarily a reflection of need.





Expense by language- Top 10





II. ACCOMPLISHMENTS

A. 2021-2022 Language Access Plan Implemented and Goals Substantially Achieved

The current two-year Language Access Plan was approved by the LEP Advisory Committee and went into effect January 2021 and runs through December 31, 2022. As of September 2022, all the 2021-2022 Plan goals have been met or are being met as part of the ongoing work of ensuring access to justice for LEP court users, including those that are deaf and hard of hearing.

B. LEP Advisory Committee roster updated

On December 20, 2021 the Maine Supreme Judicial Court issued an order reappointing five active members of the Committee and appointed three new members. Nickole Wesley was formally appointed as Chair of the Committee, and Justice Catherine Connors was named the Committee's liaison. The Committee would like to acknowledge and express appreciation for Justice Connors' support and work on behalf of the Committee.

C. Administrative Order JB-06-03 Updated

At the Committee's recommendation, the Supreme Judicial Court revised Administrative Order JB-06-03 *Guidelines for Court-Appointed Interpretation and Translation Services* in March 2022. The amendments included clarifying the scope of interpretation and translation services that the Judicial Branch provides to include victims, and parents of victims that are minors. It also added language regarding payment of interpretation services for an LEP individual to access court ordered services, for example supervised child visitation services. The Judicial Branch will pay for interpreter services only if a LEP person is unable to access court ordered services because of a language barrier and a determination by the Court Access Coordinator that providing an interpreter would cause an undue hardship to the serving agency. This additional language clarifies responsibility for providing interpretation services and establishes a process to ensure that LEP individuals can effectively communicate and meaningfully participate in court ordered services.

D. Courthouse Site Visits

Once it became safer to travel to courts across the state, the Communication Access Specialist and Court Access Coordinator visited several Maine courts. During the visits court staff were provided training on interpreter scheduling and other language and disability access issues. Courtroom resources were updated, including new Bench Cards, and old, outdated resources were removed. Assistive listening systems were tested, and supplies were checked. Some of the visits were made in conjunction with structural accessibility reviews of public and employee spaces in all of Maine courts. In addition, Court Access signage was reviewed and changed as needed, and clerks and marshals were provided with updated "Best Practices" cards as resources.





Conversations with court staff and judicial officers reflect an increased need for interpreters and individuals with other access issues. As Maine’s population continues to grow and diversify it will be important to improve our data collection to track current trends.

E. Additional Vital Documents Prioritized for Translation

The Judicial Branch continues to remain committed to translating vital public information, including important rights, scheduled court closures, key COVID-19 information, and many publications and court forms for reference into the eight most requested languages in Maine courts: Arabic, Chinese (simplified), French, Portuguese, Russian, Somali, and Spanish.³ In response to an inquiry from an external source, there was a discussion regarding prioritizing some Forcible Entry and Detainer (FED) forms for translation. In recognition of the current challenges in the affordable housing market, as well as an increase in the number of FED cases that require an interpreter for court, the Office of Court Access translated the FED Complaint, Summons, and Important Information and Request for Mediation and made them available on the Judicial Branch website. The Court Access Team, in consultation with the LEP Advisory Committee will be looking at other forms that may be prioritized and included in future translation projects.

Additionally, a total of 188 court forms were translated as part of a STOP grant project that was managed and overseen by the Director of Court Services. All forms were posted to the MJB’s public website and internal court forms app and were formatted to be compatible with the new case management system (CMS) that will continue to be gradually rolled out. New changes in the protection from abuse and harassment statutes will require additional changes to court forms and necessitate another translations project in 2023.

F. Expanded use of Video Remote Interpreting (VRI)

The increase in language access needs as courts began to resume more court operations in person, combined with the decrease in available rostered interpreters has resulted in the need to rely on more video remote interpretation for both spoken language and ASL interpretation. iPads with the translated arraignment video that were installed at the higher volume courts were outfitted with the Zoom application. This allows a LEP defendant appearing in person to either watch one of the translated videos or connect to the remote interpreter to have the video translated in real time. It also allows a lawyer of the day to utilize the interpreter by video during discussions with LEP defendants outside of the courtroom.

Similarly, the iPads installed at some court locations for ASL VRI at the clerks’ counters are available upon request at the clerk’s office for use by onsite mediators and volunteer

³ All existing MJB translated court forms and publications are available online at: [Translated Court Forms: State of Maine Judicial Branch](#)





attorneys during FED and Small Claims hearing days, and to domestic violence advocates and volunteer attorneys on protection from abuse hearing days to connect with a pre-scheduled video remote interpreter for an LEP individual appearing in person for a court matter. More work is needed to formalize the process for requesting the iPads, increase awareness by external agencies, and train court staff.

G. Continuing Education Presentations

On June 17, 2022, the Court Access Coordinator and Communication Access Specialist presented at the Maine Summer Bar Conference in Bar Harbor, Maine on *Maine State Court Access: Disability Accommodations and Working with Interpreters*. Attendees included attorneys and judicial officers and qualified as one of the required Ethics continuing legal education credits. The presentation was the first of its kind for a Maine Bar Conference and was very well received.

On June 28, 2022, the Court Access Coordinator and Communication Access Specialist gave a similar presentation tailored to mediators with the Court Alternative Dispute Resolution Services (CADRES) in Hallowell, Maine. The continuing education program was the first in-person program for CADRES mediators since the onset of the COVID-19 pandemic and was a great opportunity to educate new and seasoned mediators on what services, resources, and aids are available in the courts as they transition to mediating onsite at courts.

H. Court Access Training for MJB Personnel

In 2022, the Office of Court Access continued to provide in person, onsite training on court access issues to clerks, marshals, and judicial officers. The Court Access Coordinator and Communication Access Specialist participated in new judicial officer orientation. Like many other state agencies, the Judicial Branch has experienced an increase in employee turnover and staffing challenges that creates a need for ongoing training for new employees and refresher trainings for existing employees.

V. ONGOING PROJECTS

A. LEP Early Identification Workgroup

The Communication Access Specialist and Court Access Coordinator have had ongoing communications with representatives from external stakeholder agencies about barriers to access for the population they work with. The first barrier to accessing court services for LEP individuals is ensuring the court is aware of the need prior to the individual's first appearance in court. When the need is not identified in a timely manner, the court may not be able to provide appropriate interpretation services for an individual, which often results in a proceeding being delayed. This issue disproportionately affects individuals who are a defendant or respondent in a matter.





As a result, a small workgroup was established at the May LEP Advisory Committee meeting to look at the issue and make recommendations for process improvements that should be implemented to address the concern. The workgroup has met once as of the drafting of this report and decided to address civil and criminal cases separately and will continue to seek input from appropriate external stakeholders as well as clerks, marshals, and judicial officers.

B. American Sign Language Services

ASL VRI at clerk counters was expanded to the Biddeford, Ellsworth, Newport, and Skowhegan District Courts. This expansion was approved by the Committee in January 2020. While on demand services are currently unavailable clerks can still contact Pine Tree Society and schedule a time for the court user to come back when an interpreter is available. The Office of Court Access will continue to investigate options for on demand VRI services.

C. Assistive Listening System Upgrades

In 2018 and 2019, assistive listening systems in Maine courts were upgraded from a FM frequency-based system to a system that utilizes infrared technology. Assistive listening technology continues to advance rapidly and as a result the current systems have become obsolete. Newer models have already been installed in some courts as courtroom audio/visual technology is upgraded and will be installed in the new York Judicial Center.

The Communication Access Specialist's experience as a Court Technology Assistant has been substantially helpful in identifying problems and troubleshooting fixes to the older systems. Working components from older models are repurposed as systems break down.

D. Improve LEP Case Tracking and Data Collection

The Office of Court Access remains committed to maximizing the benefits of the MJB's new case management system (CMS) for the work of the Committee and the court interpreter program by providing a more accurate reflection of language access needs. Expense data is not a reliable indicator of actual need. The MJB's rollout of the new CMS has been delayed as the project was re-evaluated and new project management teams were formed. A Provider Management Module will be created separate and apart from the CMS. The Communication Access Specialist has been involved with this project to identify the needs and capabilities related to managing interpreters.

E. Diversity, Equity, and Inclusion (DEI) Committee

The Maine Judicial Branch is committed to addressing DEI both internally and externally and has established a DEI Committee led by the Director of Court Services. Both the Communication Access Specialist and Court Access Coordinator are members of the committee due to the intersectionality of the populations that are served by the courts. One of the first projects underway is establishing an internship at the Lewiston District Court





and Judicial Branch Violations Bureau/Service Center for two individuals from the Somali community in the Lewiston-Auburn area. The Immigrant Resource Center, led by LEP Advisory Committee member Fatuma Hussein has been an instrumental part of this project that will introduce new populations to working for the Judicial Branch, and provide valuable job skills and experience to the interns.

F. Courtroom Technology Plan for the York Judicial Center

The newly constructed York Judicial Center in Biddeford, Maine is scheduled to open in Spring 2023. This new courthouse will consolidate the four courts in York County. It also presents a unique opportunity to assist with designing the ideal model courtroom for future projects that incorporates state of the art, integrated audio/visual, assistive listening, digital courtroom recording technology, and wireless interpretation equipment. The Communication Access Specialist is working with the AV contractor to determine what equipment will accommodate the needs of the court and LEP court users.

VI. Acknowledgements

The Court Access Team would like to acknowledge all the important work by others including judicial officers, marshals, and clerks who facilitated access everyday under the strain of limited resources and an ongoing pandemic. The combined experiences of the members of the LEP Advisory Committee have been and continue to be a vital asset. Thank you to the Director of Court Services, Rick Record and Court Access Coordinator, Allison Gray for their leadership and assistance this year during this year of transition.

Finally, a very special thank you to all the interpreters that have provided critical services to LEP litigants in person, over video, or by phone; much of this work could not be accomplished without their commitment to upholding the Judicial Branch’s Standards of Professional Conduct for Interpreters and dedication to their communities.

Date: October 1, 2022

Respectfully Submitted,

Nickole Wesley

Nickole Wesley

Communication Access Specialist

