

Maine Judicial Branch

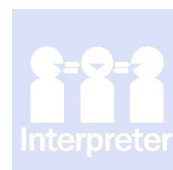
Language Access Plan

January 1, 2025- December 31, 2026



"To administer justice by providing a safe, accessible, efficient and impartial system of dispute resolution that serves the public interest, protects individual rights, and instills respect for the law."

-Maine Judicial Branch Mission Statement





I. PUBLIC NOTICE

A. PURPOSE

The Maine Judicial Branch's (Judicial Branch) Language Access Plan (Plan) is developed to meet the requirements of federal law and State law, orders, and rules, and to provide a comprehensive framework for engaging in the continuous improvement of access to justice in the Maine state courts for individuals with limited English proficiency. This Plan is a statewide plan to identify the needs of Maine court users who are limited English proficient, to develop and implement language services and communication aids to meet those needs, and to report on the success of the Judicial Branch's responsiveness to language access needs in the Maine state courts.

B. POINTS OF CONTACT

Within the Judicial Branch's Office of Court Access, the Communication Access Specialist has primary responsibility for facilitating language access in the Maine state courts. The Court Access Coordinator facilitates other reasonable accommodations for individuals with disabilities and supports language access to the courts. Relying on the Office of Court Access, the Judicial Branch will review, update and publish this Plan biennially (every two years). For assistance, or more information, please contact:

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Maine Relay 711

C. PUBLICATION

This Plan is publicly available on the Judicial Branch's website: www.courts.maine.gov. Printed copies are available upon request.



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III. LANGUAGE ACCESS OVERVIEW

D. BACKGROUND

Limited English proficiency (LEP) refers to the inability to adequately understand or communicate effectively in English. This applies to individuals whose primary language is a language other than English, including individuals whose primary language is American Sign Language (ASL) or other signed language,¹ and whose ability to speak English is not at the level of comprehension and expression needed to participate effectively in court transactions and proceedings.

Access to justice is integral to the Judicial Branch's mission and one of the Judicial Branch's highest priorities. While Maine's population of people with limited English proficiency is comparatively small, language diversity in Maine continues to grow and the Maine state courts must respond to increasing language access needs. The Judicial Branch is committed to providing equal access to the Maine courts by identifying and eliminating barriers to justice. Through this Plan, the Judicial Branch is demonstrating its ongoing commitment to its goal that individuals with limited English proficiency have full, meaningful, and fair access to justice in Maine's state courts.

The purpose of this Plan is to identify language access needs in the Maine state courts and to develop and implement language services and communication aids to meet those needs. The Judicial Branch provides and improves language access as required by relevant federal law, State law, and the applicable Administrative Orders, Rules, and strategic priorities of the Supreme Judicial Court (SJC) protecting language access to the courts.

This Plan covers the two-year period beginning January 1, 2025, and ending on December 31, 2026, and describes the current policies, procedures, and practices implemented throughout the Maine state courts to provide access to justice to all limited English proficient individuals, including those who are deaf, hard of hearing, and late-deafened. Additionally, this Plan will report on the Judicial Branch's responsiveness to language access needs, including major accomplishments and initiatives designed to expand access to the Maine state courts.

This Plan represents the collaborative work of the Judicial Branch's LEP Advisory Committee and the Office of Court Access and incorporates the Judicial Branch's prior language access plans:

- 2023-2024 Maine Judicial Branch Language Access Plan

¹ According to Ethnologue, there are currently 159 designated signed languages in the world.
<https://www.ethnologue.com/subgroup/2/>



- 2021-2022 Maine Judicial Branch Language Access Plan
- 2019-2020 Maine Judicial Branch Language Access Plan

Since the LEP Advisory Committee was established in 2012, it has advised Judicial Branch leadership in developing and maintaining a comprehensive system for providing and improving access to Maine state courts for individuals with limited English proficiency or who are deaf or hard of hearing. The LEP Advisory Committee has members representing the needs and interests of people with limited English proficiency and people who are deaf, late-deafened, and hard of hearing. It also includes judicial officers and court staff who interact with LEP individuals, court interpreters, and representatives from other community justice partners that regularly with LEP populations. The Committee exists to assist the Judicial Branch with addressing changing language access needs in the Maine courts and reports annually to the Trial Chiefs about the status of language access services in Maine including goals, initiatives, and tasks included in this Plan.

All substantive modifications to language access policies and practices, including all significant language access initiatives and proposals, are reviewed with the LEP Advisory Committee, as well as by the State Court Administrator and the Chiefs of the Trial Courts, and are ultimately reviewed and approved by the Supreme Judicial Court (SJC).

Led by the SJC, the Chiefs of the Trial Courts, and the State Court Administrator, the Judicial Branch is committed to providing effective, fair, and reliable access to court for LEP individuals and individuals with disabilities. This Plan is fully supported by the SJC and will be administered by the Judicial Branch's Office of Court Access² and guided by the LEP Advisory Committee.³ See LEP Advisory Committee Charter, Appendix A., and LEP Advisory Committee Membership, Appendix B.

E. PRIORITIES OF THE MAINE JUDICIAL BRANCH

The SJC has identified improving access to justice; establishing effective and efficient delivery of justice; and increasing public trust and confidence as strategic priorities for the Judicial Branch. The SJC has recognized that "access to justice for all citizens is an enduring concern for Maine's Judicial Branch" and it prioritizes "a justice system that is safe, accessible, affordable, and understandable." These priorities focus on "informed participation in court proceedings by all litigants, including those

² The Office of Court Access is comprised of the Director of Court Services, the Court Access Coordinator, and the Communication Access Specialist.

³ Find a description of the LEP Advisory Committee's background, membership, and other information at: www.courts.maine.gov/maine_courts/committees/lep.html.



who are unrepresented, and the needs of linguistic minorities.”

Strategies listed by the SJC for improving access to justice include improving language access services through collaborations at the national and regional levels, surveying courts to assess language access needs, and seeking grant funding if possible and legislative funding if necessary. Although not directly aimed at language access, other strategies that will improve court access for LEP and deaf and hard-of-hearing individuals include efforts to better inform litigants about how to meaningfully participate in their court matters and to eliminate unnecessary appearances and reduce costs and expenses related to court access. The Judicial Branch has already undertaken many of these strategies to improve language access.

F. POLICY ON ACCESS FOR PEOPLE WITH DISABILITIES

In addition, the Judicial Branch’s *Policy on Access for People with Disabilities* clearly delineates the obligation of the Judicial Branch under the Americans with Disabilities Act (ADA) to provide qualified sign language interpreters and auxiliary aids and services at no cost to deaf or hard-of-hearing individuals.⁴

G. NO PRIVATE RIGHT

Other than as required by relevant law and administrative order, the guidelines, goals and tasks identified in this Plan may be modified, superseded or rescinded at any time and do not create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

H. DEMOGRAPHIC SNAPSHOT OF MAINE

There has been little change in the total population of the State of Maine since the 2023-2024 Language Access Plan. Currently, there are about 1.36 million people residing in the state of with the majority living in the southern half of the state.

1) FOREIGN-BORN & IMMIGRANT POPULATIONS

Results from the 2023 American Community Survey show that 3.8% of Maine’s population is foreign-born and, of those, 48.2% are not citizens of the United States. Additionally, the survey showed that 5.7% of people speak a language other than English at home, with 3.4% speaking Indo-

⁴ Found at: www.courts.maine.gov/ada/policy.html



European languages.⁵ The Indo-European language family is comprised of 454 languages.⁶ According to Catholic Charities, an organization that provides immigrant and refugee services in the state, Maine is a destination for refugees from over 30 countries, and most (75%) are secondary migrants, meaning they originally migrated to another state and later resettled in Maine⁷.

2) THE DEAF, HARD-OF-HEARING, AND LATE-DEAFENED POPULATIONS

The 2023 American Community Survey results also show that 5% of Maine’s population has a hearing difficulty. Additionally, Maine is one of the “oldest” states in the nation with 22.9% of the population over the age of 65 compared to 17.7% nationwide. Like many other states, Maine has a very small pool of court-qualified sign language interpreters and will lose some due to attrition over the next few years.

I. OVERVIEW OF THE MAINE JUDICIAL BRANCH

Maine’s Judicial Branch operates a unified system of District Courts, Superior Courts, and the Supreme Judicial Court (SJC), known collectively as Maine state courts. Maine state courts do not include county probate courts, which are extensions of and operated by the county governments. Maine is divided into eight (8) state court regions, tracking the eight (8) prosecutorial divisions, and there are thirty-two (32) court locations across the State, with a superior court and one or more district courts in every county.

The SJC is the highest court in the State, deciding appellate matters from the lower courts; and promulgates the Rules of Court and Judicial Branch policies, plans, and procedures, including this Plan. In 2024, the Chief Justice of the Supreme Judicial Court is the Hon. Valerie Stanfill.

The Superior Courts are the only courts in which civil jury trials are held; in addition to conducting civil and criminal jury trials, superior court justices decide jury-waived matters, certain initial appeals, administrative actions, post-conviction reviews, and other pre-trial and post-verdict matters. In 2024, the Chief Justice of Maine Superior Courts is Hon. Robert Mullen.

The District Courts are Maine’s primary non-jury trial courts and most family law, protection from abuse, protection from harassment, child protective, small claims, juvenile, forcible entry and detainer, and other civil violations, such as contested traffic infractions, are decided in Maine District Court by a judge or family law magistrate. In 2024, the Chief Judge of Maine District Courts is Hon.

⁵ 2023 American Community Survey: <https://data.census.gov/profile/Maine?g=040XX00US23#populations-and-people>

⁶ Ethnologue: <https://www.ethnologue.com/subgroup/3/>

⁷ Catholic Charities Maine, FAQs: <https://www.ccmaine.org/refugee-immigration-services/faqs>



Brent Davis, and the Deputy Chief Judge is Hon. Eric Walker.

The Administrative Office of the Courts (AOC) provides statewide, centralized administration to the Judicial Branch and all Maine state courts, including fiscal and staffing services, planning, training, facilities management, technology, accessibility, statistical reporting, public information, and oversight of court services.

IV. LEP POPULATION ASSESSMENT

To meet the needs of LEP individuals and people with disabilities effectively, the Judicial Branch as a whole, and Maine state courts individually, must understand the needs of the populations they serve. The Judicial Branch shall provide language assistance services by balancing four factors:

2. the number or proportion of LEP persons served or encountered by the Judicial Branch.
3. the frequency with which LEP individuals encounter the Judicial Branch.
4. the nature and importance of the program, activity, or service provided by the Judicial Branch to people's lives; and
5. the resources available to the Judicial Branch and costs.⁸

See Legal Framework for Language Access, Appendix C.

A. DATA COLLECTION & ANALYSIS

To fairly assess the language assistance services required of the Judicial Branch, the Judicial Branch is working towards better tracking of the number of LEP persons served by the courts and the frequency with which they interact with the courts. The Maine Judicial Branch is continuing an incremental statewide conversion from an outdated case management system the Maine Judicial Information System, known as MEJIS, to Enterprise Justice, a case management system with more robust data collection and reporting capabilities. Enterprise Justice also allows for e-filing, so the Office of Court Access will continue to discuss language access needs and priorities with the MJB's Office of Information Technology (OIT)

In the meantime, the Communication Access Specialist currently relies on financial records; that is, interpreter invoices and requests for reimbursement for interpreter costs to track interpreter activity

⁸ Find *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41455, 41459 (June 18, 2002), at: www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf.



as best as possible. The AOC Finance Office codes those invoices, allowing for Judicial Branch expenditure reporting by language and court location. While able to be used as an indicator of interpreter activity, interpreter data derived only from expenditures may not correlate with growing demand at the local court level, because certain costs, when they occur, exaggerate the need, such as travel costs, translation expenses, and higher interpreter rates. Additionally, interpreters may bill for a 2-hour minimum per court, per day and some invoices are submitted because of a late-cancellation of an assignment, so the actual amount of time spent in court may not equate to billable time.

B. TOP INTERPRETER ACTIVITY IN MAINE STATE COURTS

In Fiscal Year 2024 (July 1, 2023-June 30, 2024) 44 languages were interpreted in the Maine state courts. The top 10 languages by expense were:

- 1. Arabic**
- 2. Spanish**
- 3. ASL**
- 4. Portuguese**
- 5. French**
- 6. Somali**
- 7. Kinyarwanda**
- 8. Lingala**
- 9. Khmer**
- 10. Haitian Creole**

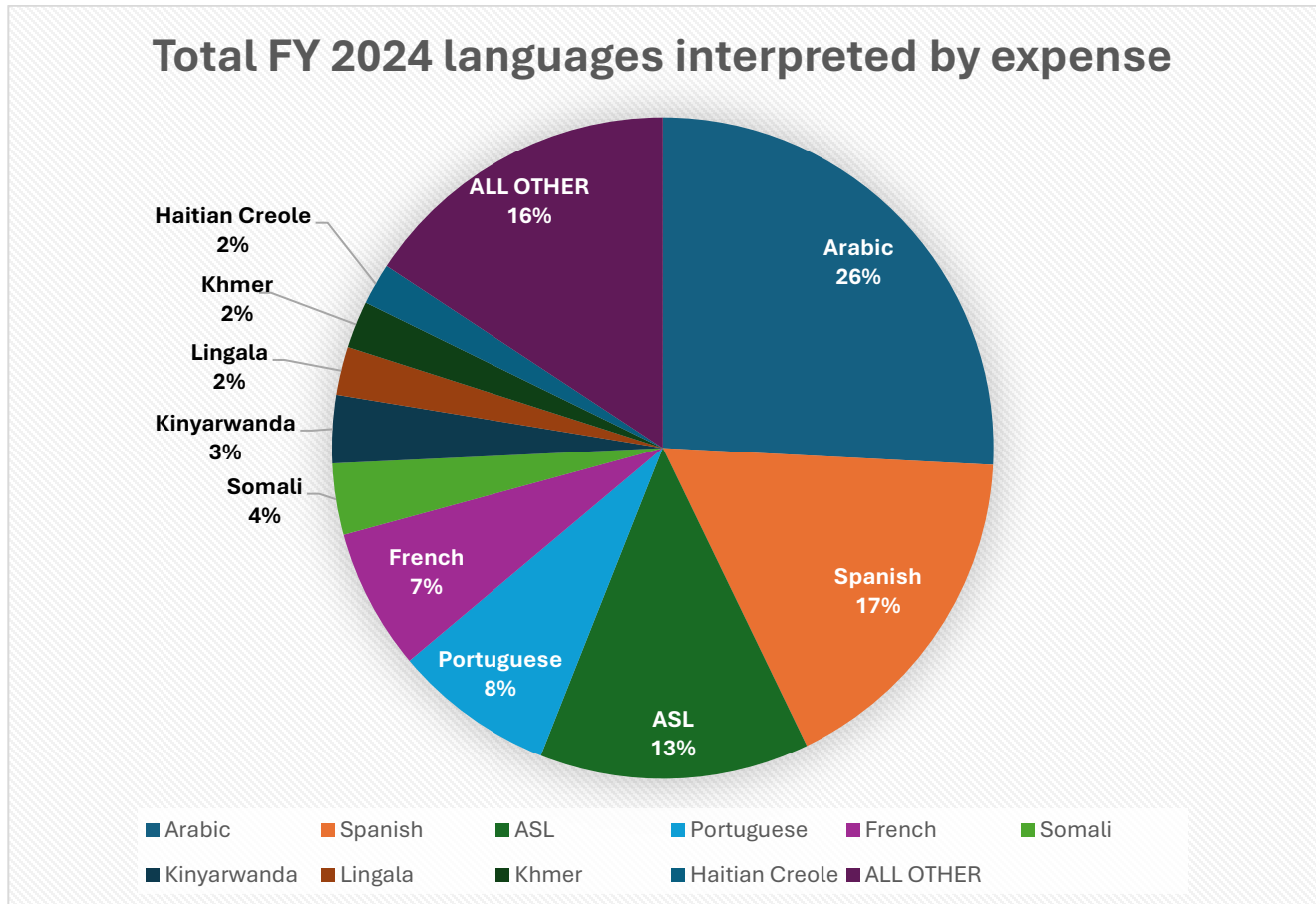
These languages accounted for 84% of the total expense for interpreter services provided in Maine courts during that one-year period. Over the last several years, there has been remarkable change in Maine's language landscape. In 2017, the courts were just beginning to see an increase in requests for Kinyarwanda, Lingala, and Portuguese⁹. All three languages now appear in the top 10 languages interpreted in Maine courts by expense. This is likely due to an increase in asylum seekers settling in Maine from primarily the African countries of Angola—where Portuguese is one of the official languages—and the Democratic Republic of Congo, which has an official language of French and is

⁹ 2019-2020 Maine Judicial Branch Language Access Plan.



home to native Lingala speakers¹⁰.

Image 1 below: Pie Chart of Top 10 languages interpreted in Maine state courts in 2024, relative to all other language requests (determined by expense) –



C. FIVE- YEAR DATA TREND

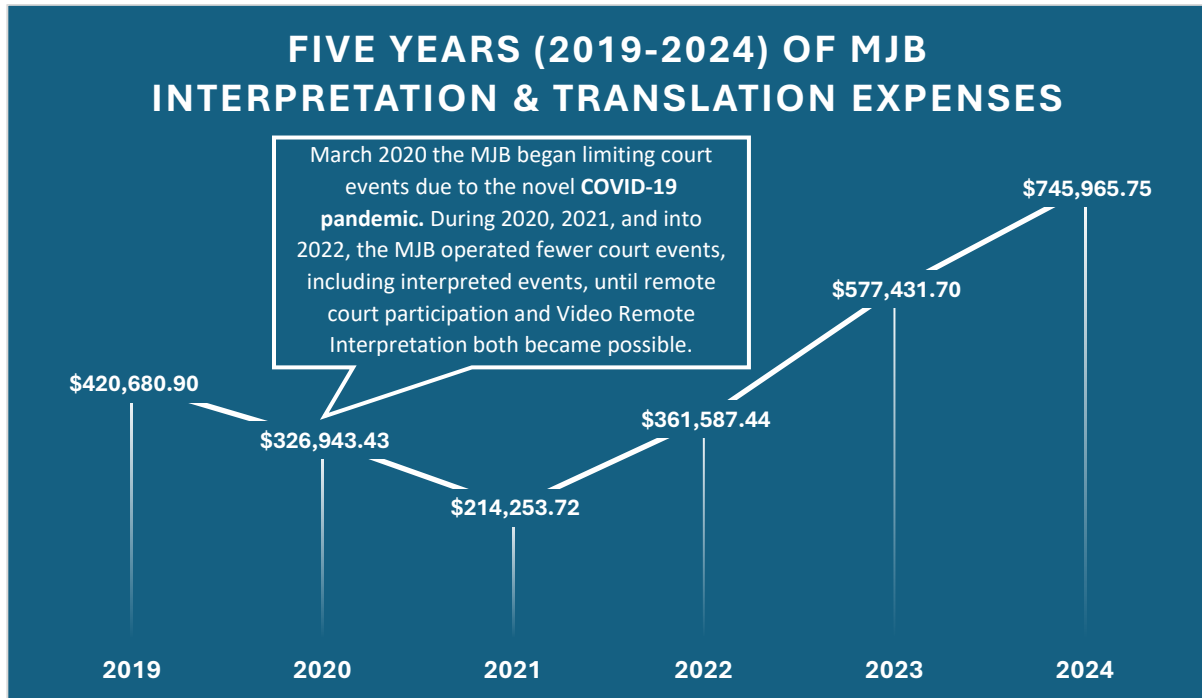
There has been a significant increase in court interpreter and translation requests and expenses, by any measure. Reviewing the interpreter expenses over the last five year—and even considering the reduced number of court events in 2020, 2021, and into 2022 due to the novel COVID-19 pandemic restrictions—the total yearly expenses for (that is, “uses of”) interpreter and translation services almost doubled from 2019 to 2024 (to date), and it more than doubled since 2022 to date, all while

¹⁰ Eberhard, David M., Gary F. Simons, and Charles D. Fennig (eds.). 2024. *Ethnologue: Languages of the World*. Twenty-seventh edition. Dallas, Texas: SIL International. Online version: <http://www.ethnologue.com>.



more remote court events and appearances have been occurring, creating more hybrid—and more challenging—court events to interpret.

Image 2 below: Line Graph of 5-years of MJB Interpretation & Translation Expenses, 2019–2024, showing significant growth despite the novel COVID-19 pandemic –



Predicting future immigration trends is a difficult exercise and can be influenced by a wide range of factors including, but not limited to, climate change, violence, political unrest, or public health emergencies. Regardless of what the trends show, the reality is that Maine is becoming more diverse and will likely continue to be a destination for voluntary migrants, refugees, and asylum seekers. The Office of Court Access will continue to respond to these trends, and be proactive where possible, to ensure a safe, accessible, efficient, and impartial system of dispute resolution for limited English proficient individuals, including those that are deaf, hard of hearing, or late deafened.

D. IDENTIFYING THE NEED FOR LANGUAGE ASSISTANCE

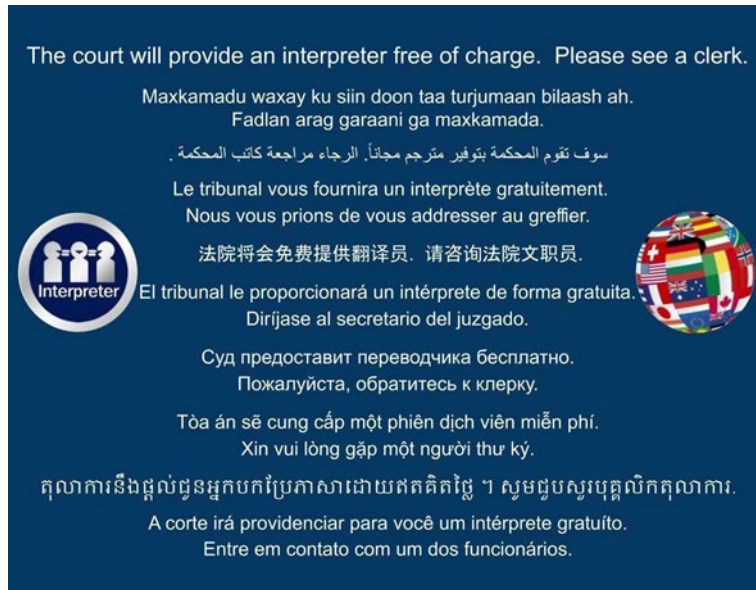
Maine state courts rely on several means to identify language access needs, including but not limited to: (1) self-identification by LEP Court Users; (2) identification by court staff, including judicial officers; and (3) identification by justice partners, including members of the Maine Bar.



1) SELF-IDENTIFICATION BY LEP COURT USERS

All Maine state courts publicly display multilingual signage informing court users that interpreting services are freely available. Since 2017, the Office of Court Access has maintained language access signs for waiting areas and court clerks' offices.

Image 3 below: Judicial Branch Language Services Sign –



These signs, translated into nine (9) frequently requested languages in Maine state courts, alert court users that:

The court will provide an interpreter free of charge. Please see a clerk.

The languages prioritized and selected for translation are determined by the data collected on interpreter usage. Accurate data on interpretation and translation usages in the Maine state courts will inform efficient use of limited funds for translations.

Any LEP individual, or anyone on their behalf, may request an interpreter simply by notifying a court clerk or the Office of Court Access by any means possible. Requests communicated directly to the Office of Court Access are forwarded to the appropriate court so the clerk can note the request for an interpreter in the court's electronic case management system and by affixing a bright green label to the physical file alerting anyone that handles the file that one or more parties in the case require an interpreter for all court proceedings.



Additionally, all clerk's offices have Language ID desktop displays (Figure 3)¹¹ provided by Language Line Solutions with 20 of the most common languages as well as a larger, double sided Language ID Guide with 99 of the most common languages grouped by geographical region.

Image 4 below: Language Line Solutions Language ID poster –



The guide instructs an LEP court user to:

"Point to your language. An interpreter will be called. The interpreter is provided at no cost to you."

When needed, a clerk will direct the LEP court user to a designated window with two dedicated phones that allows the clerk to dial Language Line Solutions and conference in the second phone, given to the LEP court user on the public side of the clerk's counter, and allows them to discreetly handle their court business with the assistance of a telephonic spoken-language interpreter.

Deaf, hard-of-hearing, and late-deafened court users may request additional accommodations by

¹¹ Also available in 18"x 24" poster displayed in court common areas.



contacting the Court Access Coordinator, the Communication Access Specialist, or by notifying a court clerk by any means possible. Additionally, Judicial Branch Disability Accommodation signs are posted in court commons areas and clerks' offices. Clerks are instructed to initially begin communication by writing notes, to ascertain the individual's business with the court. As appropriate, court clerks may schedule a sign language interpreter to appear in person or remotely using video remote interpretation (VRI) to communicate with deaf court users. Where available¹², court clerks may also be able to utilize "on-demand" ASL VRI to help deaf court users complete their business at the clerk's office with the assistance of an American Sign Language (ASL) interpreter.

Image 5 below: Maine Judicial Branch Sign for Disability Accommodations and ADA Notice –



2) IDENTIFICATION BY COURT STAFF AND JUDICIAL OFFICERS

Court staff, including clerks, judicial marshals, and judicial officers, may encounter a limited English proficient individual and determine that interpretation is necessary for that court user's meaningful access to state courts. If an individual appears to have difficulty communicating due to a language or other communication barrier, court staff may proactively inform LEP individuals of their right to an interpreter provided by the court.

Most LEP customer interactions with the clerk's office only require a community level interpreter

¹² As of the date of this report, "on-demand" ASL VRI services are being piloted at the York Judicial Center (Biddeford), Cumberland County Court (Portland), Lewiston District Court, Capital Judicial Center (Augusta), and the Penobscot Judicial Center (Bangor).



because court clerks are not permitted to provide legal advice. The Judicial Branch will schedule qualified interpreter to provide legal interpretation, at no cost to the LEP individual in any court proceeding. There are no state standards for the assessment of bilingual proficiency for court staff; therefore, court staff are strongly discouraged from providing interpreting services and only under exceptional circumstances may bilingual staff interpret limited court communications such as the notification of a continuance or other short, non-evidentiary events.

There are many times when LEP individuals are summonsed to appear in court and the court was not previously made aware of the need for an interpreter. Oftentimes, the individual's case will need to be continued to a later date when appropriate language access services can be arranged. A telephonic spoken language interpreter may be contacted from the courtroom, via Language Line Solutions to inform the court user of the need to return when an interpreter can be scheduled. At the request of judicial officers, the Office of Court Access created a generic "notice of new court date" that is available in the current top eight languages interpreted in the Maine courts. This simple notice provides an alternative when there are difficulties contacting a telephonic interpreter and informs the LEP individual that the court has been made aware of their primary language, there is not an interpreter available to assist, and instructs them to return on another date. The courtroom clerk notes the need for an interpreter in the file and an interpreter is scheduled for the subsequent date. The English translation is included to identify the resource for English speakers and enable them to assist the LEP individual with using this resource.

Image 6 below: Printed Notice of New Court Date – in Arabic –

ARABIC

إعلان عن موعد جلسة جديدة في المحكمة

نحن نتفهم أن لغتك الأم هي العربية.

لا يتوفر لدينا مترجم شفوي لمساعدتك اليوم. لذلك، يُرجى العودة في
لموالتك المقبل أمام المحكمة.

شكراً لك.

NOTICE OF NEW COURT DATE

We understand that your first language is _____.

We do not have an interpreter available to assist you today. Please come back on
_____ for your next court appearance.

Thank you.



3) IDENTIFICATION BY ATTORNEYS AND JUSTICE PARTNERS

Attorneys, including civil legal aid organizations, and other justice partners, including but not limited to bail commissioners, law enforcement, and local jail staff, may know about the communication needs of parties or witnesses to a court case before the court and are encouraged to inform the court clerks' office as soon as reasonably possible to ensure equal access to any court proceedings. Justice partners may inform a court clerk by telephone or email or contact the Communication Access Specialist by telephone or email at interpreters@courts.maine.gov to inform that interpretation services may be needed for a court event or proceeding.



V. DELIVERY OF SERVICES

E. PROVIDING LANGUAGE ACCESS

[Administrative Order JB-06-03](#) is explicit: LEP individuals must be provided with communication access to the courts and must be provided with interpreter services in all court proceedings, at no cost to them.

Similarly, the Judicial Branch's [Policy on Access for People with Disabilities](#) provides for communication access to deaf, hard-of-hearing, and late-deafened individuals, at no cost, in all court programs, activities, services, and facilities.

Responsibility for implementing the Language Access Plan in the Judicial Branch rests with the Communication Access Specialist and Office of Court Access, the local trial courts, and the LEP Advisory Committee.

1) THE COMMUNICATION ACCESS SPECIALIST AND OFFICE OF COURT ACCESS

Efforts to establish and expand language access in the Maine state courts are initiated and informed by the Communication Access Specialist, with support from the other members of the Office of Court Access: the Court Access Coordinator and the Director of Court Services. The Communication Access Specialist position was first created in 2012 to address the Judicial Branch's language access needs, including a Language Access Plan, and over the last decade the volume and variety of language court language access needs have grown significantly, requiring increased specialization. The Communication Access Specialist must be familiar with laws, regulations, court rules, and policies related to language access, and have an active understanding of best practices for assisting LEP individuals, importantly including best Internet Technology (IT) and Assistive Technology (AT) devices, systems, and practices.

The Communication Access Specialist works within the Office of Court Access with the Court Access Coordinator, which is a division of Court Services. The Court Access Coordinator is the American with Disabilities Act (ADA) Coordinator for the Maine Judicial Branch, primarily responsible for maintaining the accessibility of the Maine state courts and court services, in person and online, which means responding to individual requests for accommodations or modifications and working on statewide initiatives to increase access to justice by identifying and addressing barriers. The Director of Court Services oversees the Office of Court Access—and all of its work responding to interpreter and translation requests and disability accommodation requests, making court language access improvements, and ensuring ADA compliance—as well as the Office of Court Transcripts, which manages all recording of court events in any format and providing official transcripts, and the Judicial



Branch Service Center and Violations Bureau, which centrally manage all civil traffic matters and answer many common public inquiries by telephone.

The Communication Access Specialist is primarily—nearly solely—responsible for language access to the courts; however, a single person cannot continue to coordinate the increasing number of individual interpreter and translation requests and continue to work on important language access issues and initiatives statewide. While constantly advocating for more funding for more personnel and resources, the Office of Court Access recognizes budgetary constraints and the need to increase capacity creatively to address court language access issues; the Office of Court Access relies on a network of partners also working on access issues and has created internship opportunities.

**If you want to help improve Maine state court access,
consider volunteering or interning with the Maine Judicial Branch Office of Court Access.**



Contact accessibility@courts.maine.gov or interpreters@courts.maine.gov



Currently, the clerks within each court can request and schedule court-rostered interpreters, but they require the assistance of the Communication Access Specialist to fulfill the interpreter request if there are no court-rostered interpreters available to them. Increasingly the Communication Access Specialist's time is dedicated to scheduling interpreters and managing interpreter invoices, which stalls statewide language access initiatives, and as interpretation needs in the Maine state courts continue to increase, additional resources will be necessary to keep up with growing demands for language access to the courts.

Importantly, the Maine Judicial Branch maintains membership with the National Center for State Courts (NCSC) Conference of the Council of Language Access Coordinators (CLAC), so that the Communication Access Specialist may learn through educational opportunities and networking how best to advance Maine state court language access. "The mission of the Council of Language Access Coordinators (CLAC) is to inspire and enable its members to promote equal access to justice in courts and tribunals by eliminating language barriers for persons with limited English proficiency." Find more information about CLAC at: <https://www.ncsc.org/consulting-and-research/areas-of-expertise/language-access/resources-for-program-managers>

2) THE LEP ADVISORY COMMITTEE

The purpose of the LEP Advisory Committee is to "advise 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 Hon. Catherine Connors, Associate



Justice of the Supreme Judicial Court, is the Committee's liaison. See State of Maine Judicial Branch Limited English Proficiency Advisory Committee Charter, Appendix A.

The LEP Advisory Committee accomplishes its role by:

- assessing and evaluating language access needs in the Maine state courts.
- assisting in prioritizing improvements and making recommendations about LEP policies and practice.
- identifying additional resources to improve language access to the Maine state courts.
- developing language access initiatives and pilot projects; and
- providing strategic support for requests that require Judicial Branch and legislative approval.

3) THE LOCAL TRIAL COURTS

The local trial courts are in the position of identifying language access needs early, and court clerks can schedule interpreters for LEP individuals to effectively communicate with the court. Court clerks contact the Communication Access Specialist when they need assistance to procure interpreter and translation services.

F. INTERPRETER QUALIFICATIONS AND SKILLS DEVELOPMENT

The Judicial Branch has a multi-step system in place to qualify individuals who wish to provide language access services in the Maine courts. All interpreters must abide by the Judicial Branch [*Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings*](#), which sets out the code of professional ethics and conduct for interpreters in the Maine courts.

The policies and procedures for communication access in the Maine courts—including the assignment of interpreters, qualifications and requirements for court interpreters, and other mechanisms for providing language access services—are established by the Office of Court Access and approved by the LEP Advisory Committee and Judicial Branch administration.

1) INTERPRETER QUALIFICATIONS

The Communication Access Specialist maintains a roster of spoken language interpreters, independent contractors qualified to work in Maine state courts (court rostered interpreters). To qualify for inclusion on the court interpreter roster, spoken language interpreters must meet certain requirements and are categorized into three (3) tiers according to skill level, examination



performance, training and education, and experience:¹³

Tier 1

- Pass a Judicial Branch criminal background check
- File an approved [Application for Maine Court Interpreter Work](#);
- Score at least 70% on the [National Center for State Courts Written Examination](#), which measures candidate's knowledge of the English language, court-related terms and usage, and ethics and professional conduct;
- Obtain a minimum of "Advanced-Low" rating on [ACTFL Oral Proficiency Interview](#) in the target language; and
- Complete the Maine Court Interpreters Orientation Program (two (2)-days).

Tier 2

- Successful Completion of Tier 1 requirements;
- Must have at least two (2) years of post-secondary education;
- Score at least 80% on the [National Center for State Courts Written Examination](#);
- Must demonstrate at least 32 hours of advanced interpreter training approved by the Communication Access Specialist; and
- Must demonstrate at least 50 hours of documented legal interpreting experience.

Tier 3

- Successful completion of Tier II requirements AND
- Obtain [Federal Court certification](#) OR
- Pass all three (3) sections of the National Center for State Courts (NCSC) Oral Examination: sight translation; consecutive interpretation; and simultaneous interpretation.

2) INTERPRETER COMPENSATION

¹³ Judicial Branch Court Interpreter Requirement information is found at: www.courts.maine.gov/info/interpreters.html






Compensation for Maine’s rostered court interpreters is determined by the AOC, and the rate corresponds to their applicable tier. The *Judicial Branch Interpreter Manual*, provided to all court interpreters who contract directly with the Judicial Branch and to interpreter agencies used by the Judicial Branch, specifies additional information on interpreting expectations payment policies.

Court interpreter pay rates have remained stagnant across the country with many state court systems, including Maine, experiencing difficulties recruiting and retaining qualified court interpreters. Several states experienced interpreter work stoppages or strikes resulting in cases needing to be postponed and justice delayed for many LEP litigants. Hourly rates and reimbursement policies for Maine’s court rostered interpreters were set in 2009 and remained unchanged for 15 years.

In 2023, the Maine Judicial Branch amended some of the travel reimbursement policies to address the increasing cost of living and ensure qualified court interpreters would continue to accept in-person court interpreting assignments. Beginning in April 2023 the following changes were implemented:

- Interpreters may bill for travel time in excess of thirty minutes roundtrip (down from 2 hours) at half of their hourly rate.
- Interpreters may bill for all mileage from their home to the assigned court location at the state of Maine rate, where they previously had to deduct the first 20 miles¹⁴.
- Interpreters can receive reimbursement for meals and incidental expenses at the state per diem rates for assignments requiring one or more overnight stays.

Effective July 1, 2024, hourly rates were increased as follows:

Tier 1	\$35.00		\$50.00
Tier 2	\$45.00		\$60.00
Tier 3	\$50.00		\$70.00

Spoken and sign language interpreters assigned through a private agency, or not on the court roster, are paid according to the contract between the Judicial Branch and the private agency or the

¹⁴ State of Maine mileage rates increased three times over the last two-year period from \$.45 to \$.46, \$.50, and \$.54.



non-rostered interpreter.

3) COURT ROSTERED INTERPRETER ORIENTATION AND SKILLS DEVELOPMENT

To qualify for inclusion on the court interpreter roster, after passing the NCSC Written English Examination and their Oral Proficiency Interview in the target language, candidates are then required to attend the two-day New Court Interpreter Orientation. Invitations were also extended to agency interpreters interested in accepting court assignments as well as sign language interpreters seeking legal training hours. As a result, 14 aspiring interpreters, including 2 American Sign Language Interpreters, attended, compared to three the previous year.

Image 6 below: Photograph of 2024 Court Interpreter Orientation & Skills Development –



While court-rostered interpreters are not formally required to complete continuing education requirements in order to stay on the court roster, they must comply with the [*Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings*](#), which, under Standard 10, addresses professional development and requires interpreters to “continually improve their skills and knowledge and advance the profession through activities such as professional training and education...” Further, to advance tiers, court-rostered interpreters must augment their skills through demonstrated formal training.

Because continuing education for court interpreters improves their abilities and allows them to progress to a higher tier, the Communication Access Specialist periodically shares opportunities with court-rostered interpreters to further their legal interpretation skills.

During the last two-year period, the Communication Access Specialist collaborated with internal Judicial Branch administrators and outside justice systems stakeholders to offer multiple advanced trainings for court rostered interpreters and invited agency and sign language interpreters to attend as well.

- **March 2023-** *Interpreting for Mediations*- this one-hour remote training was conducted by Diane



Kenty, Esq., Court Alternative Dispute Resolution Services (CADRES) Director for the Maine Judicial Branch and reviewed mediation in family, eviction, and small claims cases.

- **April 2023-** *How to Read a Docket Record and Request Court Documents*- this one-hour remote training was conducted by the Communication Access Specialist and reviewed how to read and obtain information about a case from the electronic docket record and what documents may be requested from the court clerk's office to help interpreters prepare for upcoming assignments.
- **May 2023-** *Ethics for Court Interpreters*- this one-day remote training was conducted by De La Mora Institute for Interpretation. Interpreters reviewed the Maine Standards of Professional Conduct and had interpreters role play and discuss different ethical scenarios that can arise in court proceedings.
- **December 2023-** *Special Immigrant Juvenile Status (SIJ) Cases*- this two-hour remote training was conducted by representatives from the Maine Immigrant Legal Advocacy Project (ILAP) about the Special Immigrant Juvenile Status cases in the Maine District Courts. Focus was put on the importance of faithfully and accurately interpreting the testimony of young adults that have experienced trauma.
- **April 2024-** *Protection from Abuse/Harassment Cases & Forcible Entry & Detainer (FED) Eviction Cases*- this half-day in-person training was conducted by attorneys from Pine Tree Legal Assistance, a domestic violence advocate from Safe Voices located in Lewiston, Maine, and attorneys from Maine Equal Justice about interpreting in court for those case types. The training included guided small group activities and facilitated a lot of conversation and cross education between the interpreters and attorneys.
- **August 2024-** *Advanced Court Interpreter Training*- this one-day, in-person training was conducted by two certified Arabic interpreters and two certified Arabic/French interpreters on skill building, ethics, and included a session on preparing for the National Center for State Courts Oral Examinations with practice exercises.

Court-rostered interpreters are likewise encouraged to pursue skills development and training opportunities on their own and to share their proof of participation and completion with the Communication Access Specialist.

G. INTERPRETING FORMATS

Interpretation is provided by the Maine state courts in three formats: in person; remotely by video using the Zoom video-conferencing platform; and telephonically.



1) IN-PERSON INTERPRETING

In-person interpretation is preferred for most court events and recommended for jury selections and trials. There are many benefits to in-person interpretation, including but not limited to: the ability to have line-of-sight between all parties; the ability to confer before and during the court proceeding more easily than with remote proceedings; the ability to coordinate interpretation during the proceeding more easily than with remote proceedings; and the ability to provide simultaneous interpretation more easily than with remote proceedings. Whenever reasonable, interpreters will appear in person for non-remote proceedings.

2) VIDEO REMOTE INTERPRETING (VRI)

Video remote interpreting (VRI) has become a regular tool used by Maine state courts for language access. Use of VRI benefits the Maine state courts in many ways, including but not limited to eliminating travel for ASL and spoken language interpreters, thereby reducing costs and reducing the workload associated with making travel and hotel accommodations for out of state interpreters; allowing interpreters to accept assignments with less notice and closer in time to the court proceeding, meaning there is more time to fill interpreter requests. VRI also allows the Judicial Branch to access interpreters from anywhere, meaning access to more qualified interpreters, including interpreters able to provide simultaneous interpretation.

The Maine state courts have also adapted to a “hybrid” format for interpretation services, when an LEP individual appears in person for a court event and their interpreter appears remotely to provide interpretation. Hybrid proceedings are the most challenging to conduct successfully due to the number of different participants and the increased dependence on technology; however, due to the shortage of interpreters available to appear in person, the courts have increasingly needed to host hybrid proceedings in order to provide interpretation for LEP court users. Given that remote interpretation may be the only way for parties to access justice without undue delay, the Office of Court Access will continue to work with and train court clerks and judicial officers on the use and benefits of VRI.

The Communication Access Specialist has also leveraged technology to provide remote spoken language interpretation of court proceedings conducted fully in English for LEP court observers. In the fall of 2024, the Androscoggin County Superior Court held a two-week double murder trial for an English-speaking defendant who was subsequently found guilty of taking the lives of a sixteen-year-old and another young adult from the local Somali community. Administrative Order JB-06-03, as amended in 2022, states the Maine Judicial Branch will provide interpreters for “*parents of minor victims in any matter.*” The Communication Access Specialist contracted with two out of state Somali interpreters who appeared via Zoom and were able to listen to the proceedings and provide simultaneous interpretation discreetly utilizing the language interpretation feature in Zoom. This



allowed for not only the parents of the minor, but also any other Somali speaking LEP court observers present to listen to the interpretation in the courtroom through court provided iPads. A local Somali interpreter was also secured and assigned to work with the victim/witness advocate and family members in-person and assist with the technology as needed.

The best technology and practices for VRI are evolving rapidly, while Maine state court resources remain limited. The Communication Access Specialist will continue to identify technological improvements and implement best practices for VRI in court proceedings as much as possible.

Another ongoing effort is to work with the D/deaf, late-deafened, and hard-of-hearing communities to develop and promote best practices for VRI for ASL users, including instructing ASL users to “pin” the screen showing the ASL interpreters and utilizing Communication Access Realtime Translation (C.A.R.T.) services. Like spoken language interpreters, there is a growing shortage of court qualified interpreters for the deaf available. Without a nationally recognized legal interpreter certification program, such as the Special Certificate: Legal (SC:L) that was provided by the Registry of Interpreters for the Deaf (RID) until the program was suspended in 2016, few new ASL interpreters are even able to pursue legal interpreting training. The Communication Access Specialist singularly manages requests for sign language interpretation in the Maine state courts because of the challenges in scheduling qualified legal interpreters, including resorting to providing more ASL interpretation via VRI than in person, rather than delay justice. The Office of Court Access has also begun offering remote C.A.R.T. services, by scheduling a live-human captioner who listens to the courtroom audio via Zoom and displays the captions on screens in the courtroom. The Office of Court Access procured several iPads that can be provided to a court user to display CART captioning, allowing them to customize how the captions display. The iPads also include Zoom, so a court user can access C.A.R.T. captioning on the device while outside of the courtroom, for example in a conference room for discussions with counsel or mediation.

3) TELEPHONIC INTERPRETING FOR SPOKEN LANGUAGES

Judicial Branch policies and procedures provide for the use of telephonic interpreting, specifically through Language Line Solutions. Every courthouse in Maine has a telephone in its clerks’ office dedicated to telephonic interpreting for the public. The Communication Access Specialist trains clerks on best practices for communicating with LEP court users through Language Line. Telephonic interpretation is best suited for providing spoken language access at points of contact other than in the courtroom, such as in clerks’ offices, where the encounter is relatively brief, and the scope of the communication is limited. Telephonic interpreting may also be adequate for brief court proceedings and useful in emergency situations and each courtroom can access Language Line if necessary. Language Line Solutions also offers the ability to request appointments for languages of lesser diffusion, that is, “rarer” languages. While the courts and the public benefit from access to interpreters over the phone to communicate their business, there are, however, potential



shortcomings to the use of telephones for providing meaningful communication of lengthy or complex court matters and using interpreters over the telephone in court should be limited, used only as needed to avoid barriers to justice.

H. ASSIGNING QUALIFIED INTERPRETERS

The Judicial Branch has guidelines and procedures for assigning qualified interpreters to LEP individuals. Administrative Order JB-06-03, is the Judicial Branch's order containing the guidelines and eligibility for language access services and is posted with other administrative orders on the Judicial Branch website. Procedures for assigning interpreters and other interpreter information are shared with court staff through training (provided in-person or remotely) and internally on the Judicial Branch's intranet. Court Clerks should avoid using minors or family members of a LEP or deaf or hard-of-hearing person as interpreters for clerk interactions if possible, and, importantly, may not schedule minors or family members for court appointments. Questions about assigning interpreters, including how many for a particular court event, should be directed to the Communication Access Specialist at interpreters@courts.maine.gov.

1) ASSIGNING SPOKEN LANGUAGE INTERPRETERS

Court clerks handle most interpreter requests for non-jury court events by first reaching out to court qualified interpreters on the Maine Judicial Branch internal roster starting with Tier 3 (if available for the requested language) or Tier 2 and only contacting Tier 1 interpreters if a higher tier interpreter is not available. If no court-rostered interpreter is available, the clerk will forward the request to the Communication Access Specialist for assistance. Generally, the Communication Access Specialist will endeavor to assign an in-person interpreter for an in-person court proceeding; however, there are other external factors that can determine the ability to confirm an in-person interpreter, for example:

- Requests for rarer or languages of lesser diffusion may be more easily fulfilled if the interpreter is allowed to appear remotely via Zoom rather than in-person.
- Requests that are made close in time to the date of the court event may be more easily fulfilled if the proceeding is conducted by video rather than in-person.

When an interpreter is unavailable in the requested format the Communication Access Specialist will work with the clerk and presiding judicial officer to determine if an interpreter in an alternative format may be considered to avoid postponing the court event.

To fulfill interpreter requests, the Communication Access Specialist may contact interpreter agencies, out of state interpreters known to the Maine state and federal courts, other state court



rosters, or the Council of Language Access Coordinators network through the National Center for State Courts.

For jury selections, jury trials, and single court events scheduled for multiple days or with multiple LEP participants needing interpreters in different languages, clerks shall contact the Communication Access Specialist first, as soon as possible so simultaneous interpretation can be provided with wireless equipment and ensure proper recording and monitoring pursuant to Administrative Order JB-12-01, *Recording of Trial Court Proceedings*.¹⁵

2) ASSIGNING SIGN LANGUAGE INTERPRETERS

Due to the shortage of court qualified interpreters the Office of Court Access recommends court clerks copy the Communication Access Specialist on all requests for sign language interpreters. Depending on the type and length of the court proceeding, the Communication Access Specialist has, at times, needed to assist local sign language interpretation agencies with confirming the appropriate number of interpreters by reaching out to qualified sign language interpreters from other states and arranging for them to appear in-person or remotely. If enough interpreters cannot be secured the Communication Access Specialist will discuss allowing an alternative form of participation for some or all interpreters or continuing the matter with the Court until enough qualified court interpreters are available to appear in-person. Standard practice is to assign a minimum of two American Sign Language (ASL) interpreters to team interpret the courtroom proceedings and at least one interpreter if the ASL speaker is represented by counsel.

Maine has also seen an increase in the number of requests for certified deaf interpreters (CDIs). CDIs are interpreters who are deaf themselves and work in tandem with ASL interpreters to provide relay interpretation for deaf court users. Maine has even fewer interpreters with this specialized certification provided by the Registry of Interpreters for the Deaf, resulting in the Communication Access Specialist having to contract with out of state CDIs on a case-by-case basis to appear remotely or in-person for court events.¹⁶

3) RECOMMENDATIONS FOR ASSIGNING INTERPRETERS BY COURT EVENT

Court clerks should contact the Communication Access Specialist for guidance on the assignment of in-person and remote interpreters, the use of simultaneous and consecutive modes of interpretation, and use of wireless interpretation equipment. A scheduling suggestion guide was

¹⁵ JB-12-01, Recording of Trial Court Proceedings, <https://www.courts.maine.gov/adminorders/jb-12-01.pdf>

¹⁶ Currently, there are four Certified Deaf Interpreters listed on the Maine Department of Labor's Bureau of Rehabilitation Services, Division for the Deaf and Hard of Hearing website and only two reside in Maine. https://www.maine.gov/rehab/dod/legal_interp.shtml



created to assist clerks with assigning interpreters for court proceedings.

Image 7 below: Court Interpreter Scheduling Recommendations –

These suggestions may not be feasible or make sense for every court. Please feel free to reach out to interpreters@courts.maine.gov if you have questions or need assistance				
Type of Proceeding	# of Interpreters	Simultaneous or Consecutive?	Use wireless equipment?	Other
Status Conference/ CMC/TMC (All case types)	1 per LEP individual (If the proceeding is remote, both parties require an interpreter and speak the same language 1 interpreter can be assigned)	Consecutive	No	Schedule the interpreter for the actual anticipated duration. Interpreters may bill for a 2 hour minimum
Uncontested divorces				
CR Dispositional Conferences/ Arraignments/Pleas	1 per LEP Individual	Consecutive	No	Suggest scheduling the interpreter for 2 hours. Flag the case on the list for the Judge so it can be given priority.
Hearings (half day or less)	1 per LEP individual	Consecutive	No	Each court schedule is different, some suggested scheduling guidelines for docket call case types: Schedule interpreters for a half day (3.5 hours) for the first appearance, and longer for subsequent appearances. Flag the case on the list for the Judge so it can be given priority. Recommend scheduling subsequent appearances at a different time than the regular docket call when possible.
Docket Calls (PA/PH, SA, SC)	If the proceeding is remote and more than one interpreter of the same language is assigned, the interpreters can take turns interpreting for both parties			
FM Motions				
Jury Selections/Trials	2 Interpreters to serve as proceedings interpreters	Simultaneous	Yes	The 2 proceedings interpreters will take turns interpreting to prevent fatigue and ensure accuracy
Bench Trials	*Please note, not all interpreters on the court roster are qualified to provide simultaneous interpretation		Equipment must be set up by a CTA, all requests should go through courtreporterscheduling@courts.maine.gov	Table interpreters only interpret confidential attorney/client communications and communication between the LEP individual and the court.
Full or multi-day hearings	Assign 1 separate interpreter for confidential attorney/client communications (table interpreter)			
Contact the Communication Access Specialist for assistance as soon as the matter is scheduled				
All court proceedings involving a spoken language interpreter must be electronically recorded. AO-JB-12-01				

Generally, one spoken language interpreter is sufficient for most court proceedings scheduled for a half-day (3.5 hours) or less because they are for individuals whose cases that are part of a larger docket where there are natural breaks while the court addresses other cases. Judicial Officers are encouraged to address and dispose of cases with interpreters assigned first; however, depending on the docket and total number of cases scheduled that does not always happen. For longer proceedings or single case hearings scheduled for more than 2 hours or for court events scheduled for more than a half-day the court should make every effort to assign additional interpreters. When multiple interpreters are assigned, they should utilize team interpreting methods to help prevent interpreter fatigue and ensure accurate interpretation and effective communication with the court for LEP litigants. Whenever team interpreting cannot be scheduled for a longer court proceeding, interpreters are then strongly encouraged to ask for breaks as needed to ensure their attentiveness and protect the integrity of the interpretation.

The Office of Court Access is currently in the process of reviewing these scheduling suggestions, specifically regarding assigning interpreters to specific LEP individuals in certain types of cases. Historically, in civil and family case types, interpreters have been assigned to interpret for a specific LEP individual. In practice, this party-centered model can result in parties potentially receiving different interpretations as interpretation is “meaning for meaning” and not “word for word.” It can



also create the appearance that the interpreter “works” for one side or the other is not a neutral party. This model also does not promote team interpreting because both interpreters are actively interpreting at the same time and not taking appropriate breaks.

4) INTERPRETERS FOR COURT OBSERVERS

The Judicial Branch recognizes and meets the requirement under the ADA to schedule and pay for an ASL or other sign language interpreter for deaf or hard-of-hearing court observers (persons without a legal interest or formal involvement in a case). The Judicial Branch also recognizes that it is not required to provide spoken language interpreters for hearing, LEP court observers, but may do so as a matter of courtesy. Such requests will be directed to and decided by the Communication Access Specialist on a case-by-case basis.

5) INTERPRETERS FOR COURT-MANAGED PROGRAMS AND SERVICES

Eligibility for court-appointed interpretation and translation services includes court-managed programs and services, including “*CADRES and judicially assisted mediations*” (JB-06-03).

The Judicial Branch assigns interpreters as needed for court-ordered mediations and in-court mediation provided in certain case types, such as evictions and small claims matters. If an interpreter is needed, but not requested or confirmed prior to the scheduled mediation, the mediator is advised to notify the clerks’ office so the mediation can be rescheduled to a later date when an interpreter is available.

For other court-managed programs, such as Maine Treatment Courts, clerks may have difficulty scheduling an interpreter. “Maine treatment courts provide intensive, community-based, court-supervised treatment and strict accountability for eligible individuals with serious substance use and/or mental health disorders who are involved with the criminal justice or child protection system¹⁷.” Therefore, where possible and appropriate, courts may use Language Line or contact the Communication Access Specialist for assistance providing interpreting services during these programs or services.

6) INTERPRETERS FOR NON-COURT LEGAL EVENTS

The Maine state courts are not responsible for arranging or paying for interpretation and translation services for non-court events; however, the Judicial Branch includes in this Plan language access information and resources for non-court legal events leading to or arising out of a Maine state

¹⁷ Maine Treatment Courts include Adult Drug Court, Co-Occurring Disorders Courts, Family Recovery Court, and Veterans Court. <https://www.courts.maine.gov/courts/treatment/index.html>



court.

7) CONFERENCES WITH COURT-APPOINTED COUNSEL

When an LEP individual has court appointed counsel, that attorney is responsible for arranging for interpretation and translation services for client conferences, court-authorized evaluations and depositions and can request funds for those services from the Maine Commission on Public Defense. The Maine Judicial Branch does not share its roster of court interpreters with the public, including attorneys and legal organizations, to minimize conflicts of interest arising in interpreted court events; however, court-rostered interpreters are employed as independent contractors with the Maine Judicial Branch and may accept any work they choose, but are expected to report any real or perceived conflicts of interest pursuant to the *Standards of Professional Conduct for Interpreters Providing Services in Court Proceedings*. Whenever attorneys or legal aid organizations contact the Office of Court Access for assistance obtaining interpreters services for client conferences, they are directed to local agencies that provide interpretation services.

The Communication Access Specialist is also in the process of reevaluating the court's responsibility regarding assigning a separate spoken language table interpreter for confidential attorney/client communications during lengthy court proceedings and trials. Administrative Order JB-06-03 states that the Judicial Branch will provide interpreters for LEP individuals "*in all court proceedings*" and goes on to define "all court proceedings." There is no explicit mention of providing a separate interpreter strictly for attorney/client communication during a proceeding. Many other state court language access programs and the United States Administrative Office of the Courts do not provide counsel interpreters at the table during court proceedings and only allow court assigned proceedings interpreters to interpret limited, necessary attorney/client communications before, during, and after a proceeding, not to include any pre-hearing negotiations or case preparation.

To be clear, LEP litigants do have a protected right to be able to meaningfully participate in their case and communicate with court appointed or retained counsel; however, the court is only responsible for ensuring effective communication in court. If further negotiations or discussions are taking place prior to and/or in an attempt to resolve the case, those interpreter expenses should be incurred by attorneys in private matters or the agency that provides court appointed representation. Allowing court assigned interpreters to provide services outside of those necessary for the scheduled court proceeding increases the potential for a conflict under the Standards of Professional Conduct and can create confusion about role of the court interpreter. The Communication Access Specialist will continue to explore how other state court language access programs separate these responsibilities and expenses and work with Judicial Branch leadership and other justice systems partners to determine how to proceed most effectively.



8) COURT-ORDERED SERVICES

Independent providers of services are responsible for providing language access to the services they provide, even when an LEP individual is ordered to participate in those services by the court. Court orders may require LEP parties or parents of minors in juvenile or family matters to participate in non-court services such as co-parenting education classes; Driver's Education Evaluation Programs (DEEP); Batterer Intervention Programs (BIPs); and mental health examinations. The providers of these services should contact agencies that offer interpretation and translation services directly or the Communication Access Specialist with questions. When informed of a language barrier between an LEP court user and a court-ordered services provider, Administrative Order JB-06-03 allows the presiding judge or justice to intercede upon request and, for good cause, authorize the Judicial Branch to cover the expense for language access services.

I. COMMUNICATION TECHNOLOGIES

The Maine Judicial Branch utilizes communication technologies and assistive technology (AT) as aids for effective communication during court events, including assistive listening systems and personal amplification devices; wireless interpreter equipment; and speech-to-text captioning.

1) ASSISTIVE LISTENING SYSTEMS

Hard-of-hearing court users do not need to request assistive listening devices in advance because they are readily available in every courthouse. Court users may simply ask for a device from court clerks or judicial marshals upon entering the courtroom. Any issue with an assistive listening system or device not working properly should be reported to the clerks' office and the clerks' office shall inform the Communication Access Specialist.

Maine state courts have secure uniform Williams AV Infrared (IR) assistive listening systems in every courtroom, with headsets and specialized neckloops for court users with hearing aids that are equipped with a t-coil switch. These systems do not extend outside of the courtrooms, but the receivers are interchangeable in all courtrooms. As these systems age, the Communication Access Specialist will work with the Judicial Branch's Office of Information Technology (OIT) to prioritize replacements and allocate funding to maintain robust assistive listening throughout the Maine state courts. Additionally, with the consolidation of the Judicial Branch facilities in York County, all of the assistive listening systems in the old buildings were salvaged, inventoried, and stored with OIT as surplus equipment to extend the life of older systems until they can be completely replaced.

All courthouses also have personal amplifier units (PockeTalkers™) for use by hard-of-hearing individuals in areas of the courthouses where the integrated assistive listening systems do not reach, such as hallways, mediation rooms, jury deliberation rooms, and chambers. PockeTalkers are also



useful for hard-of-hearing attorneys or judicial officers during private sidebar conversations, when the courtroom assistive listening systems are temporarily disengaged, and for hard-of-hearing jurors during jury deliberation. The obvious advantage of PockeTalkers is that attorneys, court staff, and other individuals do not have to raise their voices to speak with a hard-of-hearing individual and so conversations occurring outside of any courtroom—and beyond the reach of the integrated assistive listening systems—can retain some amount of privacy. All PockeTalkers are equipped with 12-foot-long microphone extender cords and can also utilize an audio splitter to accommodate multiple listeners. Additionally, every courthouse in Maine has signage to notify the public that the courts provide assistive listening and to ask a clerk for assistance. See Figure 4. Judicial Branch Assistive Listening Sign.

Image 8 below: Maine Judicial Branch Courthouse Assistive Listening sign –



2) SPEECH TO TEXT

The use of Communication Access Real-time Translation (CART) Services and Closed Captioning (CC) are available methods to transcribe speech-to-text as a communication accommodation in the courts. CART services provide the instant translation of the spoken word into English text by a live professional CART services provider, who is scheduled in advance like an interpreter, and listens to the court proceeding and transcribes it. The captioner can share their screen or integrate with Zoom to display the captions. Closed captioning is generated by artificial intelligence (AI) within the Zoom videoconferencing platform and, because it is artificially generated, it is immediately available upon request and displayed on a large screen in the courtroom and automatically available to all participants in remote proceedings.

Whether generated by a human captioner or AI, the text is displayed on an electronic screen or monitor so that the court user may read what is being spoken in court. CART and captioning are



communication aids only, often useful for accommodating people who are late-deafened or hard of hearing and does not produce an official court record; therefore, the text generated is not able to be recorded. The Court Access Coordinator and Communication Access Specialist provide training on the use of CART and CC in court events to clerks, judicial officers, attorneys, parties, and other court users as needed and upon request.

In 2024, the Office of Court Access began working with a new vendor approved by the State of Maine Division of Procurement Services to create dedicated Streamtext¹⁸ links for each court location so that court users can be given an iPad, where available, that will allow them to customize the display to meet their unique communication needs.

3) WIRELESS INTERPRETER EQUIPMENT

Wireless interpretation equipment allows spoken language interpretation:

- to be conducted simultaneously;
 - to be conducted quietly and discreetly during court events; and
 - to be provided by a single interpreter to multiple LEP individuals speaking the same language
- Wireless interpretation utilizes a wireless transmitter and headset with a microphone given to the interpreter, and a wireless receiver and headphones given to one or more LEP individuals.

Wireless interpretation equipment makes more efficient use of the court's time by allowing for simultaneous interpretation, rather than consecutive interpretation¹⁹ where speakers must frequently pause to allow for interpretation from the source language (English) into the target language.

Consequently, scheduling simultaneous interpreters and reserving the wireless interpretation equipment is prioritized for court proceedings that are scheduled for a full day or more in duration; jury selections; and trials, with or without a jury. The value of simultaneous interpretation and use of the wireless interpretation equipment grows the longer a proceeding is, because, without interpretation happening simultaneously, the length of the proceeding would, at a minimum, double.

Because simultaneous interpretation is a unique skill that requires years of study and practice, court clerks are instructed to contact the Communication Access Specialist for assistance with securing certified or otherwise qualified spoken language interpreters for lengthy court proceedings. The

¹⁸ Streamtext is a platform that agencies can integrate with to allow users to customize how the captions display. <https://streamtext.net/demo/>

¹⁹ It's important to note that witness testimony should always be interpreted in consecutive mode. <https://najit.org/wp-content/uploads/2021/11/Consecutive-Interpreting-at-the-Witness-Stand-11.2021.pdf>



Communication Access Specialist will also contact the Office of Transcript Operations and a request a Courtroom Technology Assistant (CTA) to provide wireless equipment and support as needed, as well as monitor and record the proceeding when possible.

Historically, CTAs were also tasked with connecting the wireless interpretation equipment to the courtroom digital recording system so the interpretation could also be recorded. The Communication Access Specialist has begun reevaluating this practice as it not instituted by any other state court language access program or the United States Administrative Office of the Courts. Administrative Order JB-12-01, *Recording of Trial Court Proceedings* states that “*all **proceedings**²⁰ in which a spoken language interpreter is utilized...*” must be electronically recorded and monitored, whether or not a court reporter is present. When a court reporter is present, their transcript is the official court record. The administrative order does not specifically state that the spoken language interpretation must be recorded. This practice has put a strain on resources, including the Office of Transcript Operations because there are now only eight CTAs that provide coverage statewide, so the Communication Access Specialist has also had to set up and monitor the equipment during court proceedings. The Communication Access Specialist will continue to evaluate policies and practices regarding the use of wireless interpretation equipment and recording simultaneous interpretation along with Maine Judicial Branch leadership, and make recommendations for changes, if appropriate.

J. TRANSLATIONS

In addition to access to spoken language and sign language interpreters as described throughout this Plan, [Administrative Order JB-06-03](#) addresses access to translation services for LEP individuals in the Maine state courts. Translation efforts include the translation of Judicial Branch materials, including court forms, informational content, web and video resources, and signs and notices for the public. Case-specific documents—such as pleadings or court orders—are translated by order of the court.

1) TRANSLATION OF JUDICIAL BRANCH COURT FORMS AND MATERIALS

The LEP Advisory Committee identified and prioritized the translation of vital court documents based on their potential effect on litigants and their families and based on Department of Justice (DOJ) guidance. The last large translation project the Office of Court Access undertook was in 2021 and 2022 and consisted of revising, translating, and making digitally accessible 188 Maine state court forms. Many of these translated forms and documents are related to Protection from Abuse, Child Protection, Criminal, and Family case types, but also include other vital documents, such as the Judicial Branch’s Policy on Access for People with Disabilities, the Disability Accommodation Grievance Procedure, and others. Forms were translated into the top eight languages requested in the Maine

²⁰ Emphasis added.



state courts at the time: Arabic, Chinese (Simplified), French, Portuguese, Russian, Somali, Spanish, and Vietnamese. Almost all these forms have been revised necessitating new translations.

The Communication Access Specialist secured additional funding in the Judicial Branch's supplemental budget to translate as many vital court forms and Judicial Branch self-help resources as possible. In late 2024, the most recent versions of the Guide to Protection from Abuse/Harassment cases and related forms were translated into the current top eight languages: Arabic, Chinese (Simplified), French, Kinyarwanda, Lingala, Portuguese, Somali, and Spanish. The Office of Court Access will proceed with court forms translations in order of these important issues: safety; loss of children; loss of liberty; loss of immigration status; loss of home, money, or property; and license suspension.

Issue / Effect	Relevant Case Types
Safety	Protection from Abuse and Harassment
Loss of Children	Protective Custody, Family, and Juvenile Matters
Loss of Liberty	Criminal, Mental Health, and Juvenile Matters
Loss of Immigration Status	Criminal, Protection from Abuse, Civil, and Juvenile Matters
Loss of Home, Money, or Property	Forcible Entry & Detainer, Foreclosure, Personal Property Recovery, and Small Claims
License Suspension	Violations Bureau and Criminal Matters
Other	Civil Violations and Civil Matters

Currently, the Maine Judicial Branch is creating forms for the Special Immigrant Juvenile (SIJ) cases and once complete, will also be prioritized for translation. Additionally, the Judicial Branch Communications Team has created several self-help pamphlets and videos for unrepresented litigants that the Office of Court Access would like to have translated in the future.

The Judicial Branch remains committed to translating vital court forms and public information, including important rights, scheduled court closures, and urgent public health information, for reference into eight (8) most frequently requested languages in the Maine state courts and into more languages as the need is identified and resources become available.

English is the official language of the court; however, court clerks are instructed to provide the appropriate translated forms to LEP individuals as needed for their reference or upon request. All translated documents are also publicly available, along with their original English versions, on the Judicial Branch Court Forms webpage and on the Judicial Branch Translated Court Forms and Documents webpage.



2) TRANSLATION OF CASE-SPECIFIC DOCUMENTS

Translation of case-specific documents is authorized by order of the presiding judicial officer on a case-by-case basis. When translations are ordered, the Communication Access Specialist contracts with qualified vendors to provide the required translations in a timely manner. To help control costs, judicial officers are asked to specify what documents are to be translated, for example, all court orders. The Maine Judicial Branch has seen an increase in requests for case specific documents to be translated.

Importantly, the Judicial Branch does not assist with translating evidentiary documents but may direct attorneys and self-represented litigants with such evidence to external agencies that offer translation services as well as the American Translators Association (ATA). The Office of Court Access has also incorporated information about best practices for translating audio evidence in another language into training provided to attorneys. The National Association for Judiciary Interpreters and Translators (NAJIT) has set forth guidelines for the transcription and translation of audio evidence. Interpretation and translation are two very different skill sets; therefore, it is not appropriate to ask court interpreters to translate audio evidence on the spot in court proceedings.²¹

K. PUBLIC NOTIFICATION

Because many LEP and deaf or hard-of-hearing court users never see the inside of a courtroom, a comprehensive language access plan must provide them with meaningful access to services at all the points of contact with the court, including outside of the courtroom, and, importantly, must adequately notify them of the availability of those services. Prominently posted in every courthouse is public notice that: all LEP individuals have the right to an interpreter at no cost; that assistive listening devices are available to anyone; and that disability accommodations may be requested. See Figures 2, 3 and 4. The Judicial Branch also posts notice of accessibility and interpreter information online on its public website, along with all translated court forms.

²¹ National Association of Judiciary Interpreters and Translators (NAJIT) position paper: *General Guidelines and Requirements for Transcription and Translation in a Legal Setting for Users and Practitioners*, Rev. 2019. <https://najit.org/wp-content/uploads/2016/09/Guidelines-and-Requirements-for-Transcription-Translation.pdf>

VI. INITIATIVES

To continue to improve access to justice for LEP individuals in Maine, the Office of Court Access and LEP Advisory Committee have identified several initiatives for which they will pursue needed Judicial Branch support, funding, and resources to develop.

The Office of Court Access has made significant progress on the initiatives outlined in the 2023-2024 Language Access Plan; much of the work is ongoing and some project goals have been readjusted to better accommodate the courts and LEP individuals they serve.

L. STATUS UPDATE ON 2023-2024 PLAN INITIATIVES

1) IMPROVE LEP TRACKING

The Maine Judicial Branch is continuing to roll out a new statewide electronic case management system, renamed Enterprise Justice²² that has enhanced docketing abilities to track interpreter activity and the potential to provide more reliable data on language access in the courts. New docketing events, including adding an “Interpreter” case flag, have been created and the Communication Access Specialist is working with the Judicial Branch’s Office of Court Operations to review and streamline docketing instructions for clerks that would be included in training provided as new court regions “go-live.” The reliability of the data collected is dependent on what is entered into the case management system by the clerks, so special focus has been put on determining what data is essential to collect and how the docketing can be done more efficiently.

2) UPDATE INFORMATION & RESOURCES

The Office of Court Access has made steady progress updating the Judicial Branch’s Intranet for employees and the public website. The Communication Access Specialist held a “Lunch & Learn” session for all judicial employees in collaboration with the MJB’s Communications Team. The session, “Arranging for Court Services” was recorded and posted to the Intranet so any judicial employee can watch at any time. In addition, a new resource document on arranging court services was created and posted to assist primarily court clerks with coordinating interpreters or other communication aids. The public website has also been updated, including adding the requirements to become a court-qualified American Sign

²² Referred to as “Odyssey” in 2023-2024 Maine Judicial Branch Language Access Plan



Language Interpreter and requests for reciprocity from out of state court interpreters. Testing and Court Interpreter orientation information and registration is also added when arranged.

3) EXPAND THE USE OF WIRELESS INTERPRETATION EQUIPMENT

The Maine Judicial Branch requested and received funding for additional Courtroom Technology Assistants (CTA) in the last budget year. The Communication Access Specialist also researched current options for wireless equipment as the existing equipment is no longer available and selected the ListenTalk Base-4²³ system from Listen Technologies. The ListenTalk systems are all digital, eliminating the need to purchase rechargeable batteries, and come with one transceiver that is given to the interpreter and three receivers, so up to three LEP individuals can listen to the same language interpretation, with the ability to add more as needed. The older equipment is still functional and will be redistributed to high LEP court user volume courts to be made available to interpreters for court proceedings. The Communication Access Specialist will also need to arrange for the interpreters to receive training on operating the equipment independently. New courthouse facilities and courtrooms that receive technology upgrades will come equipped with wireless microphones that are integrated for use with the Williams assistive listening system receivers. Individuals utilizing the assistive listening system can hear the original courtroom audio on channel one and spoken language interpretation on channel two. While this is a great feature to include in new courtroom technology designs, it can only accommodate one spoken language, and often larger courts need interpreters in multiple languages during a single docket session, so additional, stand-alone equipment will be distributed to courts with a higher volume of cases involving interpreters and courtrooms that hold large dockets.

4) EXPAND VIDEO REMOTE INTERPRETATION

Select larger, high-volume courts were equipped with multiple iPads that have the Judicial Branch arraignment video translated into five languages. The Communication Access Specialist worked with the Office of Information Technology (OIT) to have the Zoom application installed on all iPads to accommodate video remote interpretation, especially outside of the courtroom when the LEP individual is present in-person, and the interpreter is appearing remotely. This allows lawyers of the day in criminal arraignments to meet with LEP defendants privately to review their rights and discuss their case before entering a plea. Additionally, iPad Pros were provided to these same locations to accommodate ASL VRI at the clerk's office in 2018. Zoom was installed and the iPads can now be signed out by an attorney,

²³ Listen Technologies, ListenTalk Base-4 System: <https://www.listentech.com/shop/product/listentalk-base-4-system/>



mediator, or domestic violence advocate to facilitate communication when the LEP individual appears in person and the interpreter is appearing remotely. Please see Section M.6 of this Plan for further ASL and spoken language VRI expansion initiatives.

M. NEW INITIATIVES

1) QUALIFY MORE SIGN LANGUAGE INTERPRETERS FOR LEGAL INTERPRETING

As earlier mentioned in this Plan, Maine, like many other states is facing a shortage of court qualified sign language interpreters. In 2016, the Registry of Interpreters for the Deaf suspended the Special Certificate: Legal credentialing program and in response, the Maine Judicial Branch incorporated the requirements of the Special Certificate: Legal credential into Administrative Order JB-06-03 in 2017. Since incorporating those requirements, the Maine Judicial Branch has qualified two additional American Sign Language Interpreters to interpret in Maine courts; however, knowledge of this qualification path was limited and aspiring legal sign language interpreters have had to seek their own legal training and mentorship opportunities. These opportunities are few and far between, so the Office of Court Access is exploring ways to create additional opportunities.

2) UNIVERSITY OF MAINE SCHOOL OF LAW TRIAL PRACTICE PROGRAM

In the spring semester of 2024, recognizing the dire need for more court qualified American Sign Language (ASL) interpreters—and importantly, a clear path to qualifying—Court Access collaborated with the court qualified ASL interpreters and the University of Maine School of Law Trial Practice professors to create an opportunity to interpret mock court events for aspiring ASL interpreters to attain the legal training and mentorship hours required to become court qualified in Maine. This program series also had the added intended benefit of educating aspiring attorneys on best practices working with interpreters in court. The student interpreters and student attorneys received real-time feedback and coaching about direct examination, cross examination, and closing arguments. While this program series required considerable effort by the Court Access Coordinator and collaboration with and reliance on all the current court qualified ASL interpreters, the hope is to continue partnering with the interpreters and MaineLaw to help with training and qualifying more ASL interpreters for legal interpretation, as well as to give law students a relevant, real experience that they may encounter in a courtroom and so that they are better prepared to coordinate with the courts in requesting interpreters of court services.



3) NEW ENGLAND AND NEW YORK ASL INTERPRETER CONSORTIUM

Due the critical need for more sign language interpreters qualified to do legal interpreting, the Office of Court Access has started a consortium—beginning with the Court Access Coordinator working with other states courts in New England and New York and including qualified court interpreters and state commissions for the D/deaf, late-deafened, and hard-of-hearing—to develop and establish uniform standards, best practices, and consistent policies for legal sign language interpreters, with the goal of identifying, training, qualifying more sign language interpreters for legal interpreting. Given that this need for more legal sign language interpreters is critical nationally, this effort has expanded to include states across the country.

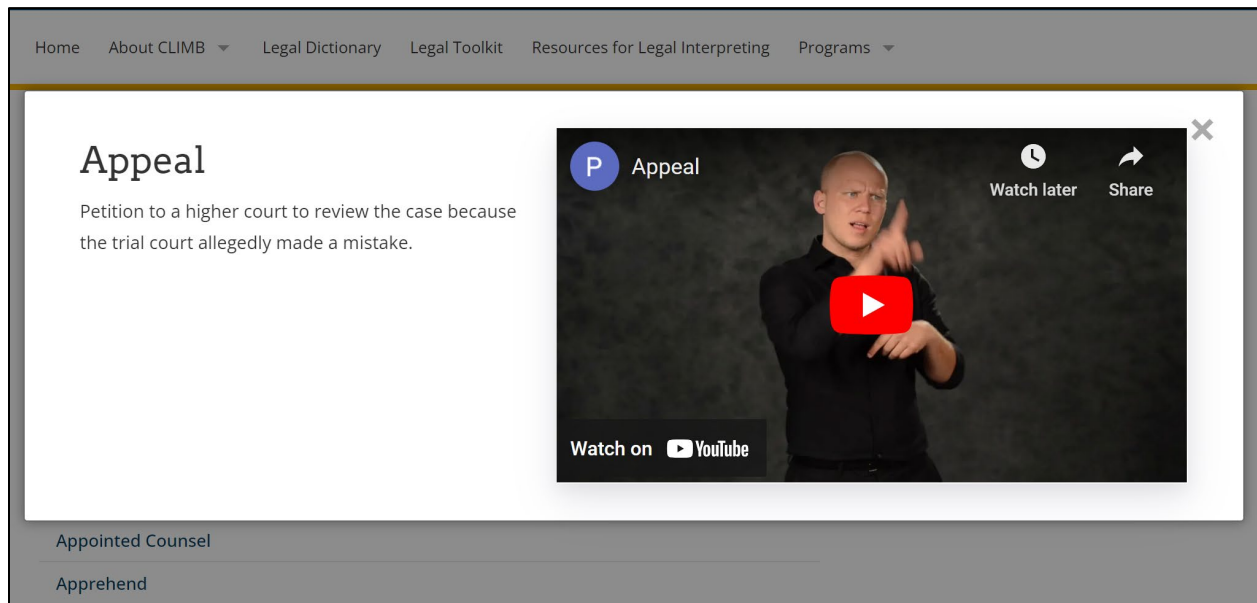
Together, this consortium has identified and determined that:

1. **The Guide: Best Practices—American Sign Language and English Interpretation Within Legal Settings**, developed by the National Consortium of Interpreter Education Centers, is the best guide for managing court interpretation and is available online at www.interpretereducation.org/wp-content/uploads/2011/06/LegalBestPractices_NCIEC2009.pdf;²⁴ and
2. **The Legal Terminology Dictionary in ASL**, developed by Project CLIMB: Cultivating Legal Interpreters from Minority Backgrounds,²⁵ is the best resource for legal terminology in ASL and English because it includes 300 of the terms most commonly seen in legal discourse and is readily available online at www.unco.edu/project-climb/resources/dictionary.aspx.

Image 9 below: Project CLIMB Legal Terminology Dictionary in ASL—screenshot of sign of “Appeal”.

²⁴ The NCIEC Best Practices guide was originally published in 2009 and then was reevaluated during the 2020 pandemic, when the practices in the guide were confirmed to be continuing best practices, so the guide endures.

²⁵ Project CLIMB to increase the number of interpreters—specifically of color and/or from heritage signing backgrounds—through the creation of career paths for specialization in legal interpreting



4) COUNCIL OF LANGUAGE ACCESS COORDINATORS (CLAC) PRESENTATION AND WORKGROUP

At the 2023 CLAC Conference the Court Access Coordinator presented to a group of attendees about efforts Maine is making to create opportunities to qualify more sign language interpreters to interpret in court proceedings. Representatives from other member states also shared their experiences and similar challenges. Following the presentation a workgroup was created to address these challenges on a national level and explore options and potentially pool funding to create a new Special Certificate: Legal program.

Image 10 below: Court Access Coordinator, Allison Gray, Esq., presenting at the 2023 CLAC National Conference.



5) EXPANDING ACCESS TO TECHNOLOGY IN THE COURTHOUSES

The need to continue to expand access to technology as Maine state courts continue to rely on video remote interpretation for court proceedings and seek more efficient ways to assist LEP court users and provide effective communication remains a priority for the Office of Court Access.

6) ON-DEMAND ASL VRI AT COURT CLERK'S OFFICES

In the fall of 2024, Language Partners, a local interpretation agency that holds a contract with the State of Maine Division of Procurement Services began offering on-demand American Sign Language (ASL) interpretation remotely using an online platform that also has an app version that was installed on the existing ASL VRI iPads. The Office of Court Access is currently piloting the app in five court locations and has received positive feedback on the ease of use from court clerks.

Now, when a deaf individual comes to certain clerk's offices, a clerk can direct them to the designated ASL VRI window and assist them with the use of a remote sign language interpreter. A community-level interpreter—meaning an interpreter without specialized training in legal interpreting—is generally sufficient for public interactions with court clerks, because the clerks may only provide information and updates, and they are not to give legal advice. In the rare instance that a judicial officer would need to speak with an LEP court user at a clerk's window, for example, if the individual is applying for a protection from abuse order and the judge reviewing the petition needs additional information, they must speak with the



petitioner and give them the opportunity to provide more information and/or detail. In this type of interaction, the clerk's office would request a court qualified ASL interpreter through the on-demand system and would expect to wait longer than for a community-level interpreter.

The Office of Court Access plans to procure new and additional iPads in fiscal year 2025, to expand access to on-demand ASL VRI, as well as access to scheduled spoken language interpreters and C.A.R.T. captioners. Once the iPads are procured, Court Access will work with the Judicial Branch's Office of Information Technology (OIT) to distribute them to all court locations, provide training and resources to clerks, and inform justice partners so they can be aware of this resource. The current contract with Language Partners does not include on-demand spoken language VRI, but the Communication Access Specialist will work with the vendor to pilot that service if it becomes available in the future as a way to supplement or replace on-demand telephonic interpretation.

7) WIRELESS INTERPRETATION EQUIPMENT

As previously mentioned in this Plan, the Communication Access Specialist researched and procured new, all digital wireless interpretation equipment that was deployed to each Courtroom Technology Assistant (CTA) for use in lengthy court proceedings, including jury trials. CTAs are responsible for monitoring and ensuring a clear record using the courtroom's digital recording system in proceedings they are assigned to. As the Communication Access Specialist reevaluates the policies and procedures for utilizing the wireless interpretation equipment, CTAs will continue to be a resource and provide this equipment to interpreters providing simultaneous interpretation in lengthy court proceedings.

The Office of Court Access has a surplus of the older, but still functional "B-stock" equipment.²⁶ The Communication Access Specialist plans to work with courts that have a higher volume of cases involving interpreters to place this equipment in courtrooms that typically hold larger dockets with one or more cases involving interpreters and make it available for interpreters to use. Clerks and judicial marshals already must manage multiple competing priorities in the courtroom, including sometimes troubleshooting technology, so the Communication Access Specialist will establish policies and provide training to interpreters so they can independently utilize the equipment when needed to promote separation between the LEP individual and the interpreter and allowing one interpreter to interpret for multiple LEP litigants that speak the same language. This will be especially useful, once in place, in large dockets, for example, evictions and protection from abuse/harassment cases where it can be challenging for interpreters to interpret opening remarks and

²⁶ Listen Technologies, Radio Frequency equipment: <https://www.listentech.com/product-category/b-stock/>



introductions by judicial officers when a proceeding begins. Interpreters will be able to distribute the equipment as needed and discreetly interpret for one or more LEP litigants from anywhere in the courtroom and will promote the principles of team interpretation when multiple interpreters are assigned.

8) INTERPRETER QUALIFICATIONS WORKGROUP

In 2023, a workgroup to review and make recommendations on the minimum qualifications for court rostered interpreters was established through the LEP Advisory Committee. The workgroup met three times and discussed qualifications for medical interpreters and other state court's minimum qualifications to become qualified to interpret in court proceedings. The current minimum qualifications were established at the creation of the Maine Judicial Branch's language access program and are lower than most states due to having less access to certified or otherwise qualified interpreters in neighboring states, and a relatively low non-English speaking population. Today, most court interpretation needs can be met by providing a current court-rostered interpreter, or interpreter from an approved agency which provides an opportunity to evaluate Maine's current requirements and potentially raise them to be more in-line with other state court language access programs. Additionally, the group is looking at additional ways interpreters can advance to Tier 3 if the National Center of State Courts does not offer an oral certification exam in their language.²⁷ The workgroup will be making final recommendations to update the minimum qualifications to the LEP Advisory Committee in 2025 and if approved, will discuss how to best work with and support current court interpreters that wish to remain on the roster, but possess lower than the new minimum qualifications. The Communication Access Specialist will hold additional training and testing opportunities to ensure all court interpreters have the same minimum qualifications and seek guidance from other state court language access program coordinators on how to best incorporate and enforce new minimum qualifications.

9) HOLDING NATIONAL CENTER FOR STATE COURT ORAL EXAMINATIONS

Currently, Maine court-rostered interpreters that do not speak Spanish have only one way to achieve Tier 3 status and a higher pay rate by passing the three-part National Center for State Courts Oral Examination. The oral exam tests candidates on the three modes of interpretation: simultaneous, consecutive, and sight. Candidates must score at no lower than

²⁷ The National Center for State Courts offers the three-part oral examination in 18 languages: https://www.ncsc.org/data/assets/pdf_file/0019/74512/Oral_Exam_Ready_for_Administration-August-2023.pdf interpreters can also achieve Tier 3 status by passing the United States Administrative Office of the Courts federal court examination only offered in Spanish.



70% in each area and no lower than a 70% average score. Maine has only offered the oral exams one time in 2013 and there are now several Tier 2 court-rostered interpreters that have been preparing to sit for the exam. The Communication Access Specialist completed a three-hour mandatory proctor training conducted by NCSC in order to be eligible to hold the exams and will be working with test candidates to schedule exams in 2025. Once this initial group of candidates has completed testing, the Office of Court Access will discuss the frequency exams will be offered and potentially implement prerequisite training to increase a candidate's chances of passing the exam as it comes with expenses of contracting with at least two NCSC qualified raters to score the exams.

10) ADOPTING A "COURT-CENTERED" MODEL WITH TEAM INTERPRETING

Interpreters are officers of the court and, like judicial officers, must remain impartial and neutral during court proceedings and consequently, any interpreter assigned by the court should be able to interpret for both parties (when they speak the same language) through the use of team interpretation and utilizing wireless interpretation equipment. Adopting a court-centered model of assigning spoken language interpreters for proceedings will require a massive internal shift of understanding among court clerks, judicial marshals, judicial officers, attorneys, and other legal aid providers about the role of the interpreter. The interpreter should simply be a conduit for communication and not be assigned to any particular party to avoid the perception of bias.

Adopting a policy for the use of team interpretation in court proceedings will necessitate the need for training and education for all interpreters providing services in court proceedings on how to work together as a team to render the most complete and accurate interpretation. By working as a team, the "active" interpreter interprets for a specified duration of time while the "inactive" interpreter assists with looking up terms, confers with the active interpreter as necessary to correct the court record, and rotates with the active interpreter to provide either consecutive or simultaneous interpretation. Team interpreting provides its own quality assurance and helps newer interpreters hone and refine their skills by working collaboratively with their colleagues.



VII. COURT INTERPRETER RECRUITMENT

The Judicial Branch recruits and trains local interpreters to join its roster of court-qualified interpreters to interpret in the Maine state courts, in person as often as possible. Over the last two years, the Communication Access Specialist has also been accepting out of state court interpreters that meet or exceed the Maine Judicial Branch's minimum qualifications to apply to join the court roster to provide video remote interpretation services.

N. CHALLENGES

Local interpreter recruitment in Maine remains challenging. Many immigrant communities are small and close-knit, and individuals are reluctant to become involved in private matters of known community members. This can be exacerbated by cultural factors that encourage private dispute resolution, community mistrust of the criminal justice system, and perceptions of gender roles that discourage women from entering the male-dominated field. Most court-rostered interpreters also provide medical, academic, and community interpretation services, limiting their availability to interpret in courts, especially when given little notice.

The Office of Court Access has sought to find creative ways to encourage individuals to consider spoken and sign language court interpretation as a career path. In April 2024, the Communication Access Specialist hosted a half-day information session focused primarily on becoming a court interpreter, but also invited a local interpretation agency to talk about other interpreting opportunities in the medical and community fields. By opening this session up to anyone interested in becoming an interpreter it also offered alternative pathways for individuals that may be interested in court interpretation but feel intimidated by the formality of a courtroom or would like to gain other interpretation experience before pursuing court interpreting.

The Communication Access Specialist also presented at the Council for Language Access Coordinators (CLAC) 2024 Conference about Maine's efforts to recruit court interpreters, the unique challenges associated with recruitment in small, local communities and heard from other member states about how they are addressing this in their respective areas of the country. A workgroup was established following that conference to explore the possibility of collaborating with state Departments of Labor to create a court interpreter apprenticeship program that would be recognized by participating states.



Image 11 below: Communication Access Specialist, Nickole Wesley presenting at the 2024 CLAC National Conference.



O. COMMUNITY OUTREACH

The Communication Access Specialist and Office of Court Access will continue to reach out to LEP communities and programs that assist immigrants holding professional credentials from their native countries and work with language service providers, and justice partners to recruit new, qualified court interpreters.

In 2023, the Communication Access Specialist was invited by a local interpretation agency to speak to a group of interpreters that had completed their 40-hour community interpreting program about how to become a court qualified interpreter and the critical role interpreters serve in ensuring LEP Mainers can access the justice system. Working with local language service providers can help create a pathway for those interested in pursuing court interpretation as a career.

In 2023, the Office of Court Access also hosted an exhibition booth at the 1st Inclusion Maine Conference. Inclusion Maine is a local organization that provides diversity, equity, and inclusion (DEI) training and resources as well as consulting services for public and private employers in Maine and hosts an annual conference that allows employers to engage with DEI professionals and learn how to incorporate DEI strategies into their hiring and workplace initiatives. Exhibitors also had the opportunity to participate in a talent reception with a career fair type format and provide information and resources about opportunities that exist in their



organizations. While the purpose of Court Access participating was to further court interpreter recruitment, information was also provided about other career opportunities within the Maine Judicial Branch such as clerk and judicial marshal positions. Court Access hosted an exhibition booth again in 2024 and will continue to evaluate the return on investment by participating in these community events.

Image 12 below: Court Access Coordinator, Allison Gray, Esq., and Communication Access Specialist, Nickole Wesley at the 2023 Inclusion Maine Conference.



In February 2024, because of networking at the Inclusion Maine Conference, the Communication Access Specialist connected with students from 4 Maine high schools participating in an extended learning opportunity (ELO) where participants learned about various jobs in the legal field. The Office Court Access hosted a three-hour session on how to become a court interpreter and invited two rostered interpreters and members of the LEP Advisory Committee to assist with the preparations and presentation. The interpreters shared their experiences and why they chose court interpreting as a career path, led the students in a brief “shadowing” exercise and answered questions. A District Court Judge and the Marshal also participated and spoke to students about how they interact with interpreters in court. The presentation was a success and has led to other ELO opportunities to explore other career opportunities in the Maine Judicial Branch.

In the summer of 2024, the Director of Court Services and Communication Access Specialist also met with representatives from Tree Street Youth who work with youth and



adults “to use their diverse lived experiences and collective empowerment to co-create youth-centered programs and partnerships that encourage leadership, learning, exploration, and growth.”²⁸ This Lewiston-based nonprofit organization has a program that provides college-prep and career exploration services for students. The Office of Court Access hopes to work with this organization to increase awareness of court interpretation as a career path.

P. STAKEHOLDER ENGAGEMENT

While this Plan pertains to the Judicial Branch, many community organizations are also dedicated to serving LEP Mainers. The Communication Access Specialist, the Office of Court Access, and the LEP Advisory Committee will engage in outreach on behalf of the Judicial Branch to stakeholders, immigrant community organizations, schools and justice partners to invite feedback, improve awareness of language access to the Maine state courts, and increase public trust and confidence. Current stakeholder engagement efforts include monthly meetings with various committees and workgroups to address concerns and work together to ensure equal access to Maine state courts.

²⁸ Tree Street Youth Mission Statement: <https://treestreetyouth.org/about/>



VIII. TRAINING, RESOURCES & QUALITY ASSURANCE

Providing training, up-to-date resources and best practices to court-rostered interpreters, Maine Judicial Branch staff, including judicial officers, members of the Maine Bar, external justice partners, and LEP communities are all essential components of furthering language access in the Maine state courts.

Q. COURT ROSTERED INTERPRETERS

Maintaining a strong roster of court interpreters is supported by continuing education and training that allows interpreters to hone and develop their skills and advance to a higher tier affording them more opportunities to accept court assignments at a higher pay rate and mentor and inspire new court interpreters. As the language access program transitions to incorporating the principles of team interpreting it is critical that interpreters receive training and feedback on how to effectively work together. The Communication Access Specialist will pursue training opportunities that offer constructive feedback, how to properly consult with each other to correct the court record when necessary, and how to manage the collateral effects of interpreting in court proceedings, including secondary trauma.

In 2023, the Communication Access Specialist started holding monthly meetings open to all court-rostered interpreters to provide updates and information, as well as offer a space for interpreters to discuss concerns, seek guidance from their colleagues, and work through issues that arise in the field. The monthly meetings are optional to attend, and a written summary is sent out to all court-rostered interpreters so those that cannot attend still receive important information. The Office of Court Access also attends court proceedings with interpreters to observe interpreter performance, and as time allows, meet and spend time learning the practical applications of language access policies and practices directly from the interpreters providing the services.

The Office of Court Access is also working with the University of Maine Law School's Refugee and Human Rights clinic to give spoken language court interpreter applicants that have received passing scores on the NCSC written exam and ACTFL Oral Proficiency Interview an opportunity to provide interpretation services for client conferences. Interpreters would opt-in to share their information with the clinic and serve on a voluntary basis and it allows them to remain engaged and practicing their skills in a less formal setting while they await the next scheduled new court interpreter orientation. This opportunity is also being shared with Tier 1 interpreters because higher tier interpreters are given priority for court assignments. Time spent providing volunteer interpretation services at the clinic can be applied to the 50



hours of documented legal interpreting experience required to advance to Tier 2. This collaboration is mutually beneficial and has the potential to become a sustainable way to prepare interpreters by building vocabulary and increasing their confidence to deliver services in court proceedings.

Another workgroup was established by the LEP Advisory Committee in 2023 to focus on advanced training opportunities and make recommendations to adopt continuing education requirements. Unfortunately, the group has been unable to meet, but the Communication Access Specialist plans to revive it with some newly appointed members to participate. In addition to making recommendations on continuing education, the Communication Access Specialist will review the program's budget to discuss the feasibility of providing financial assistance to interpreters to assist them in maintaining their credentials.

R. JUDICIAL OFFICERS

The Communication Access Specialist and Office of Court Access provide training and information to judicial officers in every aspect of the Judicial Branch's Language Access Plans, including relevant laws and policies, how to work with interpreters, interpreter qualifications, and the appropriate use of remote technologies and communication aids. All newly appointed judges are required to participate in New Judge Orientation which includes a piece on court access and language access training. In 2024, the Office of Court Access was given an additional hour with new judicial officers at a later date to provide more targeted training and best practices. This additional time has been valuable and gives the judicial officers a chance to ask questions and establish a connection with the Office of Court Access as a resource for them.

The Office of Court Access was invited to present at the 2023 Judicial College about working with interpreters in court. Judicial officers and interpreters from the LEP Advisory Committee assisted with the planning and final presentation. Overall, the training was engaging and well received and the Office of Court Access hopes to be invited to future judicial officer trainings.

Additionally, the Office of Court Access responds to judicial officer requests for additional training as needed and develops and distributes reference and resource materials, including:

- A bench card, titled *"Bench Card and Best Practices for Working with Spoken Language Interpreters,"*
- A bench card, titled *"Bench Card and Best Practices for Working with People with Disabilities Including Deaf and Hard-of Hearing Individuals,"*



- District and Superior Court bench books that contain information on language access including *voir dire* for interpreters and questions to direct to LEP court users.

These reference and resource materials are also placed in all courtrooms for more efficient access.

S. COURT STAFF

Training for court staff, particularly court clerks, includes language access laws and policies; best practices for working with LEP individuals, including deaf and hard-of-hearing court users; best practices for scheduling and working with interpreters; and the appropriate use of remote interpretation. The Office of Court Access provides individualized training in-person, when possible, as needed, in response to court staff inquiries and requests, or when implementing new pilot projects and deploying equipment.

Additionally, training can be provided remotely by telephone or video, and pre-recorded guidance can be readily accessed on the internal intranet or through the Judicial Branch's electronic Learning Management System (LMS). Pre-recorded trainings include:

- Mandatory training for all new court employees includes an "LEP unit" with information about language services available in the Maine courts;
- Mandatory training required every other year for all employees which includes LEP and ADA units;
- "Lunch & Learn" on arranging for court services for LEP court users.

The Office of Court Access also distributes reference and resource materials specifically for court clerks and judicial marshals, including:

- A court clerk card, titled "*Clerk Card and Best Practices for Working with LEP Individuals and Interpreters*" on one side and "*Clerk Card and Best Practices for Working with People with Disabilities*" on the other side;
- A judicial marshal card, titled, "*Marshal Card and Best Practices for Working with People with Disabilities and Limited English Proficiency (LEP) and Interpreters;*" and
- Language Identification cards at marshal stations and clerk windows.



T. ATTORNEYS AND JUSTICE PARTNERS

Training and educational opportunities about access to the courts is provided to attorneys and justice partners proactively and upon request. The Court Access Coordinator and Communication Access Specialist conducted a continuing legal education (CLE) presentation on disability accommodations and working with interpreters in Maine State Courts to the following attorney groups:

- February 2023- Office of the Maine Attorney General
- March 2023- Maine Trial Lawyers Annual Conference
- June 2023- MSBA Summer Bar Conference
- March 2024- Maine Law Trial Practice Class
- June 2024- Disability Rights Maine Conference
- July 2024- Maine Commission on Public Defense Services
- October 2024- Office of the Maine Attorney General- Child Protective Division
- November 2024- Legal Year in Review
- December 2024- MSBA Bridging the Gap



IX. MONITORING

U. RESPONSIBLE PARTIES

This Plan will primarily be administered and maintained by the Communication Access Specialist, under the guidance of the Office of Court Access and the LEP Advisory Committee. The Communication Access Specialist will monitor the implementation of this Plan, track the need for adjustments and updates, and address necessary expansion.

Local Clerks of Court and LEP Coordinators will be responsible for the day-to-day operations related to language access in their courts to provide for the consistent and effective application of this Plan. LEP Coordinators and/or Clerks of Court shall communicate any issues with the implementation of this Plan to the Communication Access Specialist.

Any issues that may arise with respect to implementation of this Plan, should be communicated to the Communication Access Specialist, whether by court administrators, judicial officers, or other court staff. Similarly, the public, attorneys, justice partners, and other outside entities may direct any questions or concerns to the Communication Access Specialist.

The Office of Court Access and the LEP Advisory Committee will review this Plan, at minimum, on an annual basis and issue a revised Plan every two (2) years. Prior to any revised Plan being finalized, the draft changes will be reviewed by the State Court Administrator and Chiefs of the Trial Courts, with final review and approval coming from the Maine Supreme Judicial Court.

To monitor the Plan, the Communication Access Specialist and Office of Court Access will:

- collect data on interpreter use, and, when available through the new case management system, language services requests, denial of requests (if any), delays in provision of services, and costs;
- assess language access needs and demographic data to determine if additional services, translated materials, language access tools, or training and education should be provided or if new languages are emerging in the State;
- stay informed on new laws or policies, and exploring needed changes to existing policies or rules affecting any aspect of the provision of language access services;



- ensure court staff and judicial officers are informed and up to date on Judicial Branch communication access policies and procedures, and are effectively implementing them;
- update, as needed, the list of translated forms and the priorities established by the Vital Documents Subcommittee;
- evaluate language access-related complaints regarding the provision (or lack of provision) of language access services, including but not limited to questions about interpreter conduct, quality of translations, and availability of language access information to the public; and will
- post and publish notification of any updated Language Access Plan or related policies and procedures.

V. LANGUAGE ACCESS SERVICE COMPLAINTS

Complaints or grievances about the Judicial Branch's language access for LEP court users or communication access for deaf, hard-of-hearing, or late-deafened individuals—including complaints that the Judicial Branch failed to provide or denied needed language services—should be filed directly with the Communication Access Specialist or at the local state court where the issue or denial of language access occurred, to be forwarded to the Communication Access Specialist. In consultation with the Office of Court Access, the Communication Access Specialist will investigate and issue a finding and corrective action, if necessary.

Grievances regarding accommodations for people with disabilities, including failure to provide an interpreter for deaf, hard-of-hearing, and late-deafened court users and court observers, are addressed under the Grievance Procedure for Disability Accommodation available on the Judicial Branch website and currently translated into: Arabic, Chinese, French, Khmer, Portuguese, Russian, Somali, Spanish, and Vietnamese. These grievances should also be in writing.

Review of complaints regarding a court interpreter, including sign language interpreters, may be initiated by filing a signed, written complaint with the Communication Access Specialist. If a complaint is filed with a local state court, it shall be forwarded promptly to the Communication Access Specialist. All complaints are reviewed by the Communication Access Specialist, in consultation with the Office of Court Access. If the complaint is found to have merit, an investigation will commence and discipline, including removal of the interpreter from the court roster, may result. The disciplinary process is set forth on the Judicial Branch's webpage, Complaints Against Interpreters, and is currently translated into: Arabic, Chinese,



French, Khmer, Russian, Somali, Spanish, and Vietnamese. The Judicial Branch holds court interpreters to its standards of professional ethics and takes all complaints about interpreter conduct seriously.



X. APPENDIX A.

LEP ADVISORY COMMITTEE CHARTER

STATE OF MAINE JUDICIAL BRANCH LIMITED ENGLISH PROFICIENCY ADVISORY COMMITTEE

Type:	Standing Committee
Established:	August 7, 2012
Revised:	December 22, 2022
Chair:	Nickole M. Wesley, Communication Access Specialist
Reports date:	Annually (on October 1)
Reports to:	Chiefs & Supreme Judicial Court

Background

Maine has become increasingly diverse, and the Maine Judicial Branch continues to respond to the needs of a more diverse community. In addition, the Judicial Branch continues to respond to the needs of Maine's deaf, late-deafened, and hard of hearing communities. Assuring language and hearing access to justice requires planning and a consistent commitment to quality services in court proceedings.

Supported and encouraged by the Justice Action Group, the Judicial Branch has implemented policies and Administrative Orders related to language and hearing access. In recent years, the Judicial Branch has improved its capacity to address Limited English Proficiency (LEP) and cultural competency issues in a more direct and structured way, including the creation of an "Access Team" made up of the Director of Court Services, the Court Access Coordinator, and the Communication Access Specialist. This team's primary goal is to identify and remove barriers that may affect access to justice.

The creation of this Standing Advisory Committee is intended to assist the Administrative Office of the Courts, judicial leadership, trial court judges, and the rest of the Judicial Branch personnel with issues associated with access to the court system by LEP individuals.



I. Purpose:

The purpose of the Limited English Proficiency Advisory Committee is to advise 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.

II. Authority and Responsibilities:

The Advisory Committee may seek input, suggestions, and recommendations from individuals and groups within and outside of the Judicial Branch. The Advisory Committee is authorized to study procedures considered by or in effect in other court systems and any other model procedures. It is authorized to consult with any person or organization as necessary.

The Advisory Committee will:

- A. Review the current state of LEP and interpretation services in the Judicial Branch;
- B. Assist in the prioritization of needed improvements;
- C. Make recommendations regarding LEP policies and resources, including the Language Access Plan for the Judicial Branch;
- D. Identify additional resources, including grant funding sources, to improve access to Maine courts;
- E. Recommend new initiatives and pilot projects as ways to improve services provided by the Judicial Branch;
- F. Provide strategic support for requests that require legislative approval; and
- G. Make recommendations to the State Court Administrator, the Trial Court Chiefs, and the Chief Justice of the Supreme Judicial Court

III. Membership:

The membership on the Committee shall include the following, and may be augmented or modified from time to time at the request of the Chair with the approval of the Supreme Judicial Court. Members are appointed for three-year terms by the Chief Justice of the Supreme Judicial Court, and may be reappointed for up to three additional terms by the Chief



Justice of the Supreme Judicial Court

Clerk of Court

Judicial Branch Employee with background in communication access

State Judicial Marshal Representative

Justice, Maine Superior Court

Judge, Maine District Court

Immigration Attorney

Community stakeholder representatives engaged in LEP issues, including the deaf community

Communication Access Specialist

Court Access Coordinator

Director, Court Services

Justice, Maine Supreme Judicial Court, Liaison

III. Meetings:

The LEP Advisory Committee will meet on a schedule established by the Chair, but no less often than three times a year. The Chair may also establish subgroups to study designated issues and report recommendations for consideration by the Committee as a whole. Those subgroups will meet on a schedule established by the Chair. The Committee may use video conferencing to assist with meeting capacity.

IV. Reporting:

The LEP Advisory Committee will submit a written report of its progress to the Supreme Judicial Court annually on October 1 or as otherwise requested.



V. Committee Duration:

The LEP Advisory Committee will be a Standing Committee of the Judicial Branch.

Dated: December 22, 2022

Approved by:

A handwritten signature in blue ink, appearing to read "Stanfill", is written over a horizontal line.

Chief Justice Valerie Stanfill

Maine Supreme Judicial Court



XI. APPENDIX B.

LEP ADVISORY COMMITTEE MEMBERSHIP

JUDICIAL BRANCH LIMITED ENGLISH PROFICIENCY ADVISORY COMMITTEE Membership Roster

Term expires October 1, 2027:

Hon. Jennifer Archer, Justice, Maine Superior Court (3)

Hon. Jeffrey Wilson, Judge, Maine District Court (1)

Ted Ross, Marshal, State Judicial Marshals (3)

Michelle Ames, MHRTC, ESC, ASLPI 4, Program Director: Deaf Services, Disability Rights Maine (3)

André R. Frechette III, Clerk, Lewiston District Court, or designee (2)

Constant Kabuyenge, Rostered Court Interpreter, Interpreter Coach (2)

Lucia Chomeau-Hunt, Esq., Directing Attorney, Family Law and Victim Rights, Pine Tree Legal Assistance, Inc., (1)

Kasey Godbout, Courtroom Technology Assistant, Cumberland County Court (1)

Term expires September 1, 2026:

Hon. Robert E. Mullen, Chief Justice, Maine Superior Court or designee (2)

Francine Ngabu, President, Maine Association for New Americans (2)

Anna R. Welch, Esq., Sam L. Cohen Refugee and Human Rights Clinical Professor,
Cumberland Legal Aid Clinic, University of Maine School of Law (2)

Standing Members:

Nickole M. Wesley, Communication Access Specialist, Chair

Allison Gray, Esq., Court Access Coordinator

Jenny Anderson, Esq., Director of Court Services

Hon. Catherine R. Connors, Associate Justice, Maine Supreme Judicial Court Liaison



XII. APPENDIX C.

LEGAL FRAMEWORK FOR LANGUAGE ACCESS

Access to the Maine state courts for LEP individuals is directed by federal law, Maine state law, and Administrative Orders, Court Rules, and policies set by the SJC. The SJC has identified improving language access as a strategic priority for the Judicial Branch, in accordance with its mission.

A. SPOKEN LANGUAGE ACCESS UNDER FEDERAL LAW

An LEP person's right to spoken language assistance is federally provided under Title VI of the Civil Rights Act of 1964, which prohibits any agency receiving federal funds from discriminating on the basis of race, color, or national origin.²⁹ As a recipient of federal funds, Title VI of the Civil Rights Act of 1964 (Title VI) applies to the Judicial Branch.

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title VI of the Federal Civil Rights Act of 1964

Language is an element of national origin and therefore covered under Title VI protections.³⁰ In accordance with guidance issued by the United States Department of Justice (DOJ) to meet the requirements of Title VI, the Judicial Branch must take reasonable steps to

²⁹ 42 U.S.C. §§ 2000d et seq.

³⁰ "In *Lau v. Nichols*, 414 U.S. 563 (1974), the Supreme Court faced a challenge by Chinese-speaking students to a school district's policy of offering instruction only in English. Siding with the students, the Court concluded that the failure to provide information and services in languages other than English could result in discrimination on the basis of national origin where the failure to do so resulted in a significant number of limited English proficiency (LEP) beneficiaries from the same language minority being unable to fully realize the intended benefits of a federally assisted program or activity.... The core holding in *Lau*— that the failure to address limited English proficiency among beneficiary classes could constitute national origin discrimination— has equal vitality with respect to any federally assisted program or activity providing services to the public." DOJ Title VI Legal Manual, January 11, 2001, found at: www.justice.gov/crt/fcs/Title-6-Manual.



ensure meaningful access to court services, programs and activities by LEP individuals.³¹

Designed to be a flexible and fact-dependent standard, the Judicial Branch shall provide language assistance services by balancing four factors:

1. the number or proportion of LEP persons served or encountered by the Judicial Branch;
2. the frequency with which LEP individuals come in contact with the Judicial Branch;
3. the nature and importance of the program, activity, or service provided by the Judicial Branch to people's lives; and
4. the resources available to the Judicial Branch and costs.¹⁸

According to the DOJ, after considering these four (4) factors, the Judicial Branch may conclude that different language assistance measures are sufficient for its different types of services, programs and activities. The intent of this DOJ guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens.

After considering these four factors and deciding what language assistance services are appropriate, a recipient of federal funds should develop an implementation plan to address the identified needs of the LEP populations it serves. The DOJ suggests that an effective LEP plan would likely include identification of LEP individuals who need language assistance; the ways language assistance will be provided; staff training; notice to LEP individuals of language assistance services; and, where and when appropriate, a plan for reevaluating the LEP plan.³²

This Language Access Plan is largely designed in response to this DOJ guidance.

B. LANGUAGE ACCESS FOR THE DEAF AND HARD OF HEARING UNDER FEDERAL LAW

At the federal level, the Americans with Disabilities Act (ADA) protects the right of deaf and hard-of-hearing individuals to access the courts and mandates the provision of reasonable

³¹ Find *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41455 (June 18, 2002), at: www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf.

³² 67 Fed. Reg. at 41464-65.



accommodations.³³ Under the ADA, all deaf, hard-of-hearing, and late-deafened individuals accessing the Maine state courts, including court users and court observers, are entitled to a sign language interpreter and other reasonable accommodations.

C. SPOKEN LANGUAGE ACCESS UNDER MAINE STATE LAW

Under Maine state law, Title 5 of the Maine Revised Statutes, [5 M.R.S. § 51](#), the Maine state courts must appoint a qualified interpreter or use a professional telephone-based interpretation service for an LEP person appearing before the court.

D. LANGUAGE ACCESS FOR THE DEAF AND HARD OF HEARING UNDER MAINE STATE LAW

Interpretation services for individuals who are deaf, hard of hearing, and late-deafened are governed by [5 M.R.S. § 48-A](#), entitled “Communication services for deaf persons, hard-of-hearing persons, and late-deafened persons in court and other legal settings.” [5 M.R.S. § 48-A](#) sets forth the requirements for providing a qualified legal interpreter for deaf and hard-of-hearing individuals. The statute also specifies the requirements for “qualified legal interpreter,”³⁴ namely that the interpreter “possess qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court”³⁵ or be licensed.³⁶

E. MAINE SUPREME JUDICIAL COURT ADMINISTRATIVE ORDERS

[Administrative Order JB-06-03](#) provides the “Guidelines for Determination of Eligibility for Court-Appointed Interpretation and Translation Services,” under which the Judicial Branch provides interpreter or translation services for LEP individuals in the Maine state courts. At the LEP Advisory Committee’s recommendation, the Supreme Judicial Court revised Administrative Order JB-06-03 Guidelines for Court-Appointed Interpretation and Translation

³³ 42 U.S.C. §§ 12131-12134; 28 CFR §§ 35.101-35.190 (ADA Title II Regulations).

³⁴ The Registry of Interpreters for the Deaf, Inc. announced, effective June 1, 2016, a moratorium on offering specialized testing—including the Specialist Certificate: Legal (SC:L) exam—due to a lack of fiscal resources for test development. 5 M.R.S. § 48-A was amended in 2017 in response to the moratorium on SC:L testing and certification in Maine.

³⁵ 5 M.R.S. §48-A(M)(1)(d).

³⁶ Licensure requirements are established in [32 M.R.S. §1524-B](#), found at: www.mainelegislature.org/legis/statutes/32/title32sec1524-B.html.



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 for other service providers only if: an LEP person is unable to access those court ordered services because of a language barrier; and there is 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.

Now, [Administrative Order JB-06-03](#):

sets forth the guidelines for determining when the Judicial Branch will provide an interpreter or other translation service in Maine's State Courts for persons with limited English proficiency, hereinafter identified as "LEP" individuals, who are: **parties, potential litigants seeking assistance through the Clerks' Offices, witnesses, victims, parents of minors in juvenile matters, or parents of minors who are victims in any matter.**

Specifically:

Maine's State Courts will provide all LEP individuals who are parties or witnesses in any type of court case, or parents of minors involved in juvenile actions, with an interpreter in all court proceedings, at the State's expense. "All court proceedings" includes case management conferences, CADRES and judicially-assisted mediations, dispositional conferences, motion hearings, arraignments, commitment hearings, competency hearings, jury selection, trials, sentencing, appellate arguments, grand jury proceedings, and any other court events or proceedings authorized by the presiding judge or justice.

JB-06-03 also provides guidance on ASL interpreter qualifications for court proceedings.

[Administrative Order JB-12-01](#) provides governing standards and procedures for the electronic recording of court proceedings. It requires that all proceedings in which a spoken language interpreter is used must be recorded and monitored by a court clerk or other appropriate court staff, regardless of whether a court reporter is present.

[Administrative Order JB-05-20](#), regarding "Public Information and Confidentiality,"



provides, in Section V titled “Provision of Information to Interpreters,” that an interpreter assigned in a case must be allowed to review all public portions of a court file to prepare for a hearing, conference, or trial. It also includes provisions for viewing portions of a child protective case and juvenile case. In addition, JB-05-20 provides that an interpreter may, with the consent of the parties, review other case information needed to confirm “that the interpreter has no conflicts that would limit his or her participation in the case, and to ensure that the interpreter is fully prepared for the proceeding.”

F. MAINE STATE COURT RULES

The Judicial Branch Court Rules also address the use of interpreters. [M.R. Civ. P. 43\(l\)](#), provides that Maine state courts may appoint and compensate a neutral interpreter—for a spoken language or for sign language—to interpret the testimony of a witness in court.

[M.R. Evid. 604](#), titled “Interpreters,” establishes that “[a]n interpreter must be qualified and give an oath or affirmation to make a true translation.