



Maine Judicial Branch Language Access Plan

Improving Language Access in Maine State Courts
January 1, 2023 – December 31, 2024





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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C. Publication

This Plan is publicly available on the Judicial Branch's website: www.courts.maine.gov.

Printed copies are available upon request.

*Pictured on the cover is an architect's rendering of the York Judicial Center, Biddeford, Maine.



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III. LANGUAGE ACCESS OVERVIEW

A. 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 and whose ability to speak English is not at the level of comprehension and expression needed to participate effectively in court transactions and proceedings, including individuals whose primary language is American Sign Language (ASL).

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 is growing 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 protecting language access to the courts. 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 covers the two-year period starting on January 1, 2023, and ending on December 31, 2024, and describes the current policies, procedures, and practices implemented throughout the Maine state courts to provide access to justice to all limited English proficient¹ (LEP) individuals, including those who are deaf, hard of hearing, and late-deafened.

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:

¹ Judicial Branch Administrative Order JB-06-03 addresses the right to language access for all individuals with a limited ability to communicate in English, whether because their primary language is not English or because they are deaf or hard of hearing and communicate using sign language. By using the term "language access," this Plan intends to cover court communication access for all LEP individuals.



- 2021-2022 Maine Judicial Branch Language Access Plan
- 2018-2020 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, and includes judicial officers and court staff who interact with LEP individuals. The LEP Advisory Committee reports annually to the Trial Chiefs about the status of language access services in Maine including goals, initiatives, and tasks included in this Plan and the Committee exists to assist the Judicial Branch address changing language access needs in the Maine courts.

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 SJC.

Led by the Supreme Judicial Court (SJC), the Chiefs of the Trial Courts, and the State Court Administrator, the Judicial Branch is committed to providing effective, fair, and consistent 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.

B. Priorities for Maine's Judicial Branch

The mission of the Judicial Branch is:

[t]o 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.

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.



The SJC has identified improving access to justice; establishing an 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 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. This Plan continues to incorporate those survey findings where appropriate.

C. 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 at no cost to deaf or hard-of-hearing individuals.⁴

The Judicial Branch of the State of Maine does not condone discrimination in any form against persons with disabilities. Discrimination against persons with disabilities violates the individuals' civil rights, undermines the integrity of the court system and the workplace, and adversely affects the equal administration of justice.

D. 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

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



right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

E. Demographic Snapshot of Maine

According to the U.S. Census Bureau 2020 Decennial Consensus, Maine's population is approximately 1.36 million people, spread over almost 31,000 square miles.⁵ The greater Portland metropolitan area is the most densely populated area in the state, with nearly 40 percent of Maine's total population.

1. Foreign-Born and Immigrant Populations

According to the U.S. Census Bureau 2020 Decennial Consensus, approximately 4.1 percent of Mainers are foreign born and around 5.8 percent speak a language other than English at home. The foreign-born population of Maine is small, yet diverse, and so too are spoken language access needs in Maine, which can also change swiftly due to dynamic immigration trends. The trend is that more residents each year have limited English proficiency; that is, are LEP individuals. This trend indicates an increasing need for interpretation when individuals in this population seek access to justice.⁶

2. The Deaf, Hard-of-Hearing, and Late Deafened Populations

Based on the latest available estimates by the American Community Survey data, 2.5 percent of people in Maine aged 18-64 years reported having a hearing disability and 15.2 percent of people aged 65 years and older reported having one. 4.9 percent of people in Maine of all ages, including juveniles and seniors, reported having a hearing disability.

F. 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, because probate courts are extensions of county government and controlled by the county. Maine is divided into eight (8) Maine state court regions, tracking the eight

⁵ Find U.S. Census Bureau 2020 Decennial Consensus data for Maine at:

www.data.census.gov/profile/Maine?g=0400000US23

⁶ Mainers also include foreign-born immigrants who were originally resettled in a different location in the United States and have since relocated to Maine—such as many of Maine's Somali, Burundian, Angolan, and Congolese residents. This general trend is often known as “secondary migration” and is a term used in U.S. refugee policy to refer to refugees moving from the U.S. state where they were initially resettled to another state. Many of Maine's immigrants are asylees and refugees, due in large part to this secondary migration.



(8) prosecutorial divisions, and there are thirty-five (35) court locations across the State,⁷ 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 2022, the Chief Justice of the Supreme Judicial Court is 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 2022, 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 and Violations Bureau matters, are decided in Maine District Court by a judge or family law magistrate. In 2022, the Chief Judge of Maine District Courts is Hon. Brent Davis and the Deputy Chief Judge is Hon. Lea-Anne Sutton.

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.

⁷ Until the York Judicial Center opens in 2023 and consolidates four separate courts into one new facility in York County, reducing the number of separate courthouses to 32 across the state, plus the Violations Bureau.



IV. LEP POPULATION ASSESSMENT

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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:

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.⁸

See Legal Framework for Language Access, Appendix C.

A. [Data Collection and 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 or encountered by the courts and the frequency with which they come in contact 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 Odyssey, a case management system with more robust data collection and reporting capabilities.

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

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.



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.⁹

B. Top Interpreter Activity in Maine State Courts

According to interpreter-expense data as of June 30, 2022, for Fiscal Year 2022, the Top 10 languages interpreted in Maine state courts, by expense, were:

1. Arabic (22.1% of top 10)
2. American Sign Language (ASL) (22.0%)
3. Spanish (18.8%)
4. Somali (8.5%)
5. French (6.6%)
6. Kirundi (5.7% of top 10)
7. Portuguese (4.5%)
8. Kinyarwanda¹⁰ (4.3%)
9. Gujarati¹¹ (4.1%)
10. Vietnamese (3.3%)

The top three languages, in near equal measure and totaling over 60% of the Maine Judicial Branch's interpreter expenses, are (1) Arabic, (2) American Sign Language (ASL), and (3) Spanish. Somali and French language needs continue to be in the top five in Maine, ranking fourth and fifth, respectively. See Figure 1. Top 10 Languages Interpreted in Maine State Courts, by Percent Based on Expense (Fiscal Year 2022).

⁹ For example, ASL costs may be greater than some spoken language interpreter costs due in part to higher negotiated hourly rates, but do not necessarily represent a greater number of ASL interpreter requests than for some spoken languages. Language-use information based on expenditures also may be skewed because cost information does not differentiate between amounts paid for interpreter services and other language access services, such as translation. Because costs incurred for translations are not separately identified, a single case requiring spoken language interpretation as well as extensive translation of case-specific documents results in greater expenditures than another case not requiring as many translations and, consequently, suggests an artificially heightened need.

¹⁰ Kinyarwanda is the official language of Rwanda and spoken in Eastern Congo and parts of southern Uganda.

¹¹ The Gujarati interpretation expenses were related to one LEP individual, party to two separate matters, and exemplify when higher costs do not necessarily correlate with increased numbers of requests nor signify growing demand.

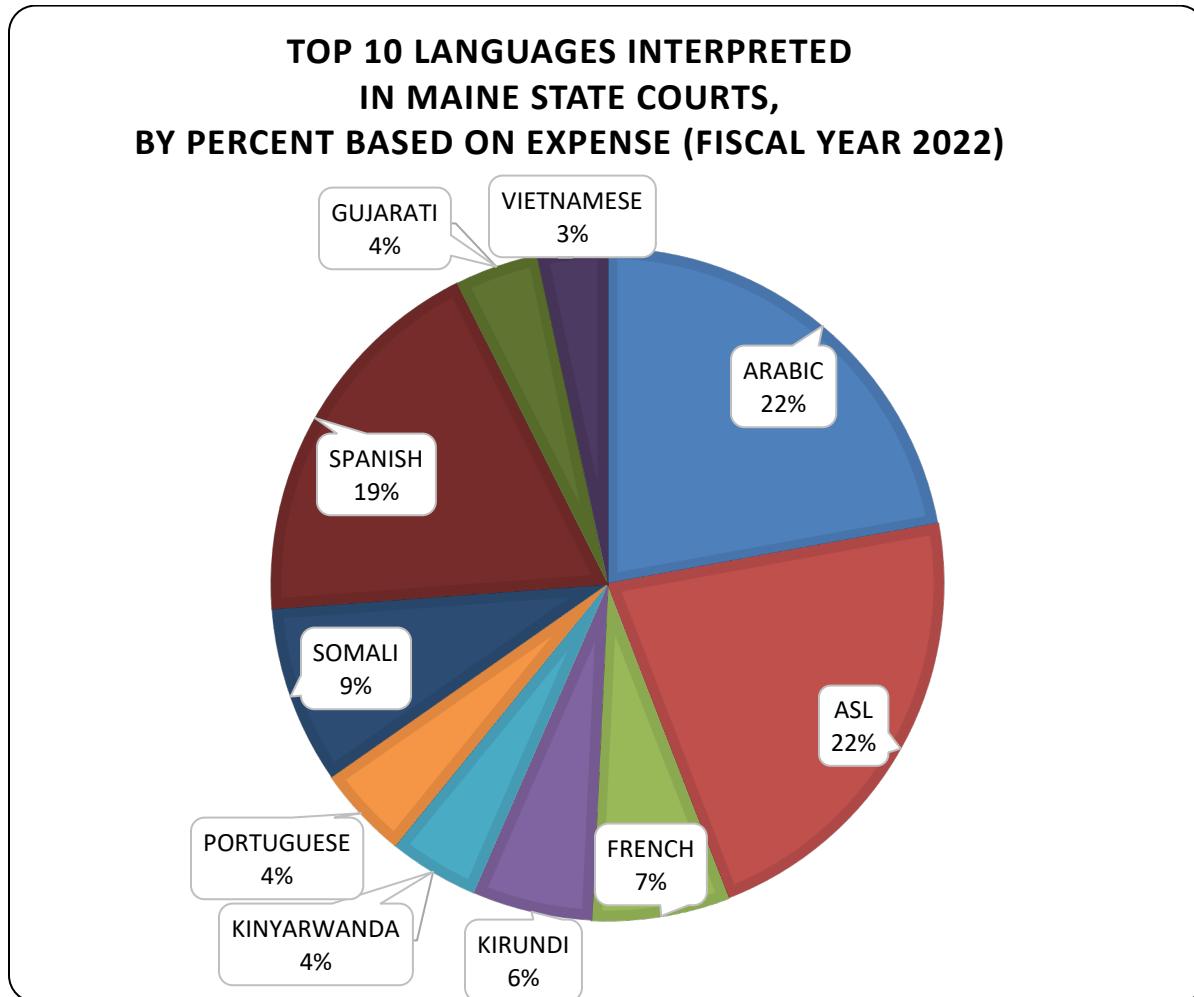


Figure 1: Top 10 Languages Interpreted in Maine State Courts, by Expense (Fiscal Year 2022).

It is difficult to predict future needs for language assistance as new populations with new languages may appear in court unexpectedly; however, to ensure that the Maine state courts are meeting evolving language access needs of LEP individuals effectively, the Communication Access Specialist and Office of Court Access will: (1) continue to track interpreter activity by expense; (2) pursue more efficient provider management and tracking; (3) monitor court clerk requests for specific language assistance; and (4) continue to connect with community organizations, justice partners, and other stakeholders serving immigrant and refugee populations in Maine.



C. Means For Identifying Language Assistance Needs

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

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. 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.

See Figure 2. Judicial Branch Language Services Sign.

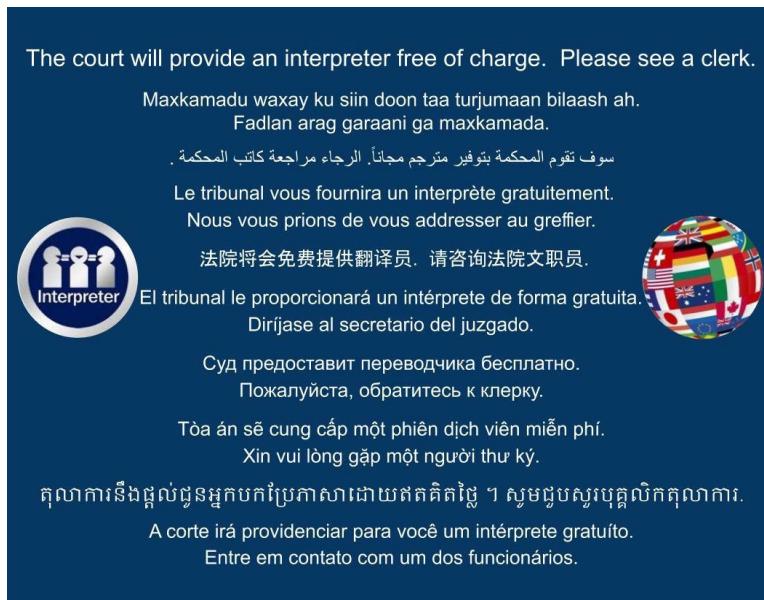


Figure 2. Judicial Branch Language Services Sign.

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.

Deaf, hard-of-hearing, and late-deafened court users may request additional accommodations by contacting the Court Access Coordinator, the Communication Access Specialist, or by notifying a court clerk by any means possible. See Figure 3 Judicial Branch Disability Accommodations Sign.



Figure 3. Judicial Branch Disability Accommodations Sign.

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. Court staff have language identification cards featuring 100 translations of the phrase:

"Point to your language. An interpreter will be called.

The interpreter is provided at no cost to you."

These are known also as "I Speak" cards, provided by Language Line.¹² These language identification cards also have ASL listed. 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.

As appropriate, a spoken language interpreter may be contacted, telephonically through Language Line, to interpret information about court services, or a sign language interpreter may be contacted and scheduled using Video Remote Interpretation (VRI), when available, to communicate with deaf court users.

¹² Language Line Services, Inc. (Language Line), is the company with which the Maine Judicial Branch contracts to provide telephonic interpretation services.



The Judicial Branch will schedule qualified interpreters to provide legal interpretation, at no cost to the LEP individual. 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 notification of a continuance or other short, non-evidentiary events.

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' offices. Justice partners may inform a court clerk by telephone or email, may email interpreters@courts.maine.gov, or may call the Communication Access Specialist to inform the court that interpretation services may be needed for a court event or proceeding.



V. DELIVERY OF SERVICES

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A. 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.

In 2022 the Judicial Branch responded to stakeholder queries and comments about the scope of court-appointed interpretation and translation services and revised JB-06-03 to clarify the definitions for LEP individuals who are eligible and in which court proceedings. Now, all 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*,” are eligible (emphasis added). “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. The changes made by SJC administrative order clarify the broad scope of court-appointed interpretation and translation services.

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 to the Maine state courts is motivated 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 created in 2012 to address the Judicial Branch’s language access priorities, including development of a Language Access Plan. 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. The Court Access Coordinator is the



American with Disabilities Act (ADA) Coordinator for the Maine Judicial Branch, primarily responsible for 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. The Director of Court Services oversees the Office of Court Access, as well as the Office of Court Transcripts and the Violations Bureau. The Communication Access Specialist is primarily responsible for managing and increasing language access to the courts; however, cannot coordinate the growing number of individual interpreter and translation requests and continue to work on important language access issues and initiatives statewide. Currently, the clerks within each court have the ability to request and schedule Maine state 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 and staff 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: www.ncsc.org/Services-and- Experts/Areas-of-expertise/Language-access/About-us.aspx.

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." On December 20, 2021, the Maine Supreme Judicial Court issued an order reappointing five active members of the Committee and appointed three new members. Nickole Wesley, Communication Access Specialist, was formally appointed as Chair of the Committee, and the Hon. Catherine Connors, Associate Justice of the Supreme Judicial Court, was named 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 are able to 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.

B. Interpreter Qualifications and Skills Development

The Judicial Branch has a rigorous 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 Judicial Branch and listed in the [Judicial Branch Interpreter Manual \(Rev. 2017\)](#).

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 I:

- Pass a Judicial Branch Background Check;

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



- 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 II:

- Successful Completion of Tier I 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 III:

- 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

Compensation for Maine's rostered court interpreters is determined by the AOC, and the rate corresponds to the 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 payment policies. The main provisions include:

- Spoken language interpreters on the court roster are paid at the following tier rates:
 - Tier I** – \$35 per interpreting hour.
 - Tier II** – \$45 per interpreting hour.
 - Tier III** – \$50 per interpreting hour.



- 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 non-rostered interpreter.

In addition, all interpreters are paid for travel time and are reimbursed for mileage expenses pursuant to current Judicial Branch policy.

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.

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. Court-rostered interpreters are likewise encouraged to pursue skills development and training opportunities on their own and to share proof of participation and completion with the Communication Access Specialist. Developing continuing education opportunities was an initiative identified in the 2021-2022 Plan; however, due to resource limitations and the impact of the COVID-19 pandemic, the Judicial Branch has not been able to produce and maintain internal training opportunities for interpreters beyond initial orientation. Developing court interpreter continuing education remains a goal.

C. 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 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.

2. Video Remote Interpreting

Since the emergence of the harmful airborne virus COVID-19, video remote interpretation (VRI) has been developed and 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 by video to provide remote interpretation—VRI. 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 remotely. 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 Maine Judicial Branch’s expansion of video access to court proceedings in response to the pandemic will endure, and the Office of Court Access will continue to work with court staff and judicial officers on establishing best practices for hybrid hearings.

An ongoing initiative of the Maine state courts is to harness the interpretation module built into Zoom video conferencing platform. The interpretation module allows LEP court users to isolate the target-language feed and reduce the volume of the original English-audio feed to reduce interruptions and allow the target-language feed to be recorded clearly, as required by administrative order, and on a separate channel in the court’s digital recording software. The technology and related best-practices for VRI are evolving rapidly, and Maine state court resources are limited. The Communication Access Specialist will continue to identify technological improvements and implement best practices for VRI in court proceedings.

Another ongoing effort is to work with the 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 providing CART services upon request. Like spoken language interpreters, there is a shortage of ASL interpreters available in the state of Maine due to attrition and since the suspension of the SC:L has resulted in scheduling difficulties that have also led to an increase in providing ASL interpretation via VRI.

3. Telephonic Interpreting

Judicial Branch policies and procedures provide for the use of telephonic interpreting, specifically through Language Line. Every courthouse in Maine has a telephone in its clerks' office dedicated to telephonic interpreting for the public and 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 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. Notably, the Communication Access Specialist recently determined Language Line has a dedicated telephone number for "rare" languages—of which Somali is one—so that clerks can now schedule Somali interpreters through Language Line for brief court proceedings as needed. There are, however, potential shortcomings to the use of telephones for providing meaningful access during lengthy or complex court proceedings and such events should be kept to a minimum.

D. Assigning Qualified Interpreters

The Judicial Branch has guidelines and procedures for assigning qualified interpreters to LEP individuals. Administrative Order JB-06-03, revised March 11, 2022, is the Judicial Branch's order containing [Guidelines for Court-Appointed Interpretation and Translation 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 and internally on the Judicial Branch's intranet. 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. Communicating with LEP Individuals to Request and Assign Interpreters

- If an individual appears to have difficulty communicating, court staff should offer the language identification ("I Speak") cards—featuring 100 languages, including ASL—to the court user for the court user to identify their preferred language.



- For interactions with LEP individuals who require spoken language assistance, court clerks should use designated interpreter telephones, available on site in all clerks' offices, to communicate with the LEP individual in their identified language using Language Line.
- For interactions with individuals who are deaf, court staff should attempt to communicate with them by writing notes. In writing, court staff shall ask if ASL or another type of sign language is needed and then notify them that an interpreter will be provided. In clerks' offices where available, video remote interpretation (VRI) for ASL users is preferred and should be used when appropriate.
- Telephone contact with any LEP member of the public is to be handled by use of Language Line for spoken languages or TTY: Maine Relay 711 for deaf or hard-of-hearing individuals.
- 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 as interpreters for court appointments.

2. Assigning Spoken Language Interpreters

- For jury selections and jury trials and single court events with multiple LEP participants needing different languages interpreters, clerks shall contact the Communication Access Specialist first, as soon as possible, to coordinate the multiple interpreter requests needed.
- To assign interpreters for non-jury court events, the judicial officer first determines the format of the proceeding, meaning whether the proceeding will be held in person or remotely through videoconferencing or teleconferencing. The court may contact the Communication Access Specialist with questions.
 - Rarer language requests may more easily be fulfilled if the interpreter is allowed to appear by video rather than in person.
 - Requests close in time to the date of the court event may more easily be fulfilled if the proceeding is conducted by video rather than in person.
- If no court rostered interpreter is available, clerks should contact the Communication Access Specialist, as soon as possible, to contact other interpreters.
- To fulfill interpreter requests, the Communication Access Specialist may contact interpreter agencies, out-of-state interpreters known to the Maine state and federal courts, and other state court rosters, or the Court Language Access Coordinators network through the National Center for State Courts.



3. Assigning Sign Language Interpreters

- For all court events, including jury events, the clerks shall first contact a sign language interpreter agency and request legally qualified interpreters. A list of agencies and contact information is provided on the Judicial Branch's intranet. The standard practice for ASL interpretation is to provide two interpreters to interpret the proceedings, and at least one or two interpreters (depending on the length of the proceeding) if the ASL speaker is represented by counsel.
- If no interpreters are available through an agency to appear in person, the clerks shall contact the Communication Access Specialist as soon as possible. The court may consider whether video remote interpretation is appropriate. The Communication Access Specialist may contract with a sign language interpreter qualified in another state or discuss continuing the matter with the Court until a qualified court interpreter is available.

4. 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 the assignment of proceedings and table interpreters. Generally, for longer proceedings, appoint two (2) or more interpreters to help prevent interpreter fatigue and avoid a decrease in the quality of interpretation. Team interpretation, in which multiple interpreters are assigned specific roles during a single court proceeding, is the standard best practice in court interpretation: Proceedings interpreters interpret the court event; Table interpreters interpret the confidential attorney/client communications and any communication between the defendant and the court. See Table 1. Recommendations for Assigning Interpreters by Court Event.

Court Event	Number of Interpreters	Interpretation Mode	Use of Wireless Equipment	Other Notes
<ul style="list-style-type: none">Status Conferences, Case Management Conferences, Trial Management Conferences in all case typesUncontested	1 per LEP individual	Consecutive	No	If the proceeding is being held remotely, AND both parties speak the same language, then 1 interpreter can be assigned to interpret for both parties.



Court Event	Number of Interpreters	Interpretation Mode	Use of Wireless Equipment	Other Notes
divorces				
<ul style="list-style-type: none">• Dispositional Conferences• Arraignments• Pleas	1 per LEP individual	Consecutive	No	For longer felony pleas (2 hours or more) contact the Communication Access Specialist to get a qualified simultaneous interpreter.
<ul style="list-style-type: none">• Hearing that is 4 hours or less (half day or less)	1 per LEP individual	Consecutive	No	If both parties require an interpreter and speak the same language, the interpreters can take turns consecutively interpreting the proceedings, and then interpret their assigned LEP litigant's testimony. LEP individuals can use the hearing assistance devices to hear the interpreter.
<ul style="list-style-type: none">• Hearing – full day or multi-day• Bench Trials• Jury Selection and Jury Trials	2 proceedings interpreters, and assign 1 per LEP individual for confidential attorney/client communications (table interpreter)	Simultaneous may be considered	Yes	The 2 proceedings interpreters will take turns to prevent interpreter fatigue.

Table 1. Recommendations for Assigning Interpreters by Court Event.

5. 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.

6. 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, even though mediators independently contract with the courts. If an interpreter is needed but was not requested or scheduled, the mediator is advised to notify the clerks’ office and reschedule the mediation for a later date when an interpreter is available. The mediator may use Language Line for brief, non-substantive communications with the LEP individual, such as to explain the need to re-schedule the mediation until an interpreter is available.

For other court-managed programs, such as Drug Court Coordinator Services, courts may have difficulty scheduling an interpreter. Therefore, where possible and appropriate, courts may use Language Line to provide interpreting services during these programs or services.

7. 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 court.

Conferences with Court-Appointed Counsel

When an LEP individual has court-appointed counsel, that attorney is responsible for arranging interpretation and translation services for client conferences, court-authorized evaluations, and depositions; however, the attorney may seek coverage for those expenses. [The Maine Commission on Indigent Legal Services \(MCILS\)](#) can approve funds for expert services, to include spoken language or ASL interpreters. 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 for interpreting court events. When they contact the Office of Court Access, they are directed to local agencies that provide interpretation services.

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 Education Evaluation Programs (DEEP); Batterer Intervention Programs (BIPs); and mental health examinations. The providers of these services are primarily responsible for language access and 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, the presiding judge or justice may be asked to intercede and, for good reason, authorize the assignment of an interpreter by the Judicial Branch. ([JB-06-03](#))(Revised March 2022 to include “any other court events or proceedings authorized by the presiding judge or justice”).

E. 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

Hard-of-hearing court users do not need to request assistive listening devices in advance because they are available in every courthouse. Court users may simply request assistive listening devices from court clerks or judicial marshals upon arrival in court. 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 receivers able to be used in any courtroom. These systems do not extend outside of the courtrooms. As these systems age, the Communication Access Specialist will prioritize replacements and allocate funding to maintain robust assistive listening throughout the Maine state courts.

The 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 in 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 extension cords are available.



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.



Figure 4: Judicial Branch Assistive Listening System Sign

2. Interpretation Equipment

Wireless interpretation equipment allows spoken language interpretation:

- to be conducted simultaneously;
- to be conducted quietly and discreetly during court events;
- to be provided by a single interpreter to multiple LEP individuals speaking the same language; and
- to be clearly recorded as required by administrative order JB-12-01.

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.

Significantly, wireless interpretation equipment makes more efficient use of the court's time. It allows for the simultaneous interpretation, rather than consecutive interpretation when the interpreter and the other speakers take turns, careful not to overlap. Simultaneous interpretation is possible because the wireless interpreter equipment can be connected to the court's digital recording system and recorded on a separate audio channel, preserving the integrity of the original English audio and for later review if necessary. To use wireless interpreter equipment for a court event, a Courtroom Technology Assistant (CTA) will need to set up the equipment and should record the proceeding, when possible, as well. If a CTA is unavailable to record the court event, they set the equipment up in the courtroom and instruct the court clerk on how it operates. Due to the limited number of CTAs and that currently there are very few courtrooms designed for clerks to record spoken language interpretation without advanced training, the Communication Access Specialist has needed to



respond to individual requests and travel to courthouses to set up the wireless interpretation equipment, taking away from other opportunities to expand language access to the courts. Consequently, scheduling simultaneous interpreters, which currently can only be done by the Communication Access Specialist, and reserving the wireless interpretation equipment is prioritized for court proceedings that are 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 as the court event, interpretation must be conducted consecutively, which doubles the length of any proceeding, at minimum.

The Office of Court Access to seeks to expand the use of wireless interpreter equipment in the Maine state courts as more funding, additional administrative support, and new technologies become available.

3. 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. 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. Zoom labels its closed captioning option as a “live transcript.” See Figure 5. Closed Captioning Live Transcript Option in Zoom.

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 deaf or hard of hearing, and not 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.

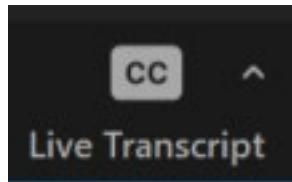


Figure 5: Closed Captioning Live Transcript Option in Zoom.



F. 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 has previously identified and prioritized the translation of court documents based on their potential effect on litigants and their families, based on Department of Justice (DOJ) guidance. Those documents are translated by the Judicial Branch into these eight (8) most frequently requested languages in the Maine state courts—**Arabic, Chinese (Mandarin/Cantonese), French, Portuguese, Russian, Somali, Spanish, and Vietnamese** (in alphabetical order).¹⁴ 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. See Table 2: Determination of Effect per Case Type, Used to Prioritize Vital Documents for Translation.

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

Table 2: Determination of Effect per Case Type, Used to Prioritize Vital Documents for Translation.

¹⁴ Under DOJ guidance, written materials that are considered vital should be translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. See [67 Fed. Reg. 41455, 41463](#) (June 18, 2002).



The Judicial Branch has translated many court forms for reference. All translation vendors used by the Judicial Branch must be qualified, such as through certification by the American Translators Association in the language(s) in which they work, with a court or legal specialization. For languages that are less common, or for which there is a smaller market of professionals, the Communication Access Specialist considers qualified translators who demonstrate competence through experience, education, and references.

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. All translated documents are 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.

With the launch of Odyssey, all prior court forms have had to be revised or replaced, necessitating new translations consistent with the new forms. The Judicial Branch contracts for translations on a per word basis, and bulk translations of new court forms, into the eight (8) selected languages at minimum, require a significant funding commitment. The Judicial Branch successfully secured STOP grant funding for certain court form translations, and in 2021 and 2022, was able to revise and translate 188 Maine state court forms and, in the process, made them all digitally accessible as well. All forms are posted to the Judicial Branch's public website and internal court forms app.

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. In response to an inquiry from an external source, there was a discussion regarding prioritizing additional Forcible Entry and Detainer (FED) forms for translation. In recognition of the current challenges in the affordable housing market, as well as an increase in the number of FED cases that require an interpreter for court, the Office of Court Access had the FED Complaint, Summons, and Important Information and Request for Mediation translated and posted to the Judicial Branch website. The Court Access Team, in consultation with the LEP Advisory Committee will be looking at other forms that may be prioritized and included in future translation projects. Recent changes in the protection from abuse and harassment statutes, for instance, will require additional changes to court forms and necessitate another translations project in 2023.

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.



G. 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.



VI. INITIATIVES

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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.

A. Improve LEP Tracking

The Judicial Branch is rolling-out a new statewide electronic case management system, Odyssey, that has docketing abilities to track interpreter activity and the potential to reliably collect more language services data in the Maine state courts, once fully implemented. Full implementation is expected to take several years; to improve tracking of interpreter activity in the meantime, the Communication Access Specialist has worked with the Judicial Branch Court Operations division to add new case docketing events in the current case management system, MEJIS.

In addition to the fundamental case management system, the Judicial Branch is pursuing the development of an electronic provider management module. The Judicial Branch needs additional electronic management abilities for service providers not employed by the Judicial Branch, specifically including interpreters, mediators, and *guardians ad litem*, which the base Odyssey case management system does not offer. The Judicial Branch is seeking and reviewing third-party developers to enhance its ability to manage service provider scheduling and payments electronically and to track their activity consistently. The Communication Access Specialist is a member of the team actively working towards identifying and obtaining a useful electronic provider management module. Once one is identified and procured, additional resources, including additional personnel, will be required to implement the provider management module to manage and track interpreters and other providers successfully.

B. Update Information and Resources

The Office of Court Access plans to reorganize and improve language access information and resources available to the public on the Maine State Courts website, so that the information and those resources remain current, accessible, and responsive to the needs of LEP groups in Maine.

In addition to improving the public site, the Office of Court Access plans to work with the Judicial Branch's Communications team to update and reorganize language access information available to court staff on the Judicial Branch's internal Intranet. The Communication Access Specialist is planning



a SharePoint online site for court interpreters to share more efficiently key case documents, court resources, and training materials about language access to the courts.

C. Expand Use of Wireless Interpretation Equipment

There are many advantages to using wireless interpreting equipment, including but not limited to:

- being able to have simultaneous interpretation of the court proceeding;
- opposing parties can keep their distance from one another because one interpreter can transmit to multiple receivers and therefore interpret for multiple LEP court users speaking the same language without requiring them to be in close proximity;
- clearer reception of the interpretation because the headphones allow the LEP court user to hear the interpretation with less noise interference and manage the volume of the interpretation using a dial on their receiver, which is especially useful for hard-of-hearing individuals;
- better comprehension of the original message because the LEP court user is free to look directly at the person speaking; and
- higher quality electronic recording of the interpretation because the wireless interpreting equipment connects directly to the For the Record (FTR) digital court recording system to record the interpretation on a separate track than the English.

The Judicial Branch will seek to expand the use of wireless interpretation equipment as much as possible, when resources allow.

For instance, the Office of Court Access is working to install wireless interpretation equipment directly into the courtroom designs for the newest Judicial Branch facility, the York Judicial Center, opening in 2023. The building will have state-of-the-art technology, including a new version of the digital recording software and new mixers which are not compatible with the existing wireless interpretation equipment that is transported and used in other court locations. The Office of Court Access has worked with the Judicial Branch's Office of Information Technology and Facilities department to identify suitable replacement technology. The new system identified consists of wireless microphones that are directly integrated with the digital recording through the new mixer and, when engaged, automatically are directed to record to a separate channel in the recording software, without requiring clerk training and attention. The microphones operate using the same infrared technology that the courtroom assistive listening systems use. LEP individuals will be able to listen to the interpretation using a wireless receiver and headphones tuned to a separate channel from the assistive listening audio. Integrating wireless interpretation equipment with the court's



digital recording reducing human involvement and, consequently, error in recording the target language clearly and consistently, as required by Administrative Order JB-12-01.

D. Expand Video Remote Interpretation

1. **Expand Use and Understanding of VRI in the Courts**

With the Judicial Branch adoption in 2021 of the Zoom videoconferencing platform for Maine state court events, video remote interpreting in the courts has become more manageable, so now more should be done to expand the use and understanding of video remote interpreting in the courts.

Zoom has recently developed a simultaneous interpretation feature that enables the recording of the simultaneous interpretation in the target language and the spoken English for the remote hearing on separate tracks; however, to use this feature successfully and reliably, more resources and court staff training are necessary. With more time and additional resources, including more funding and staff support, the Communication Access Specialist will offer the use of the Zoom simultaneous interpretation feature for more remote court events, upon request.

Contract for VRI

The Communication Access Specialist, in recognition of increased demands for interpreter services as well as the Maine state courts' increased technological ability to manage VRI, seeks to engage a qualified interpreter agency exclusively to provide interpreters for remote court events, so that Maine state court-rostered interpreters can be prioritized for in-person court events, including jury selections and trials.

On-Demand VRI

The Maine Judicial Branch would benefit from contracting with an on-demand VRI service specifically, to provide interpretation services for court events and also communications in the clerks' office, as needed, without advanced scheduling or notice. On-demand VRI would complement Language Line's telephonic interpretation services already provided in the clerks' offices, and be the better option for court events, when an LEP individual appears without requesting interpreter services in advance.

2. **More Translations**

With recent changes to the Maine Revised Statutes regarding protection from abuse and harassment, many Maine state court forms will need revising, and as these vital documents have been prioritized for translation by the LEP Committee and Judicial Branch, the Office of Court Access will undertake bulk translations of these vital forms into the most commonly requested languages in the Maine state courts, as funding becomes available.



VII. COURT INTERPRETER RECRUITMENT

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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.

A. 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. The Judicial Branch does not have enough court interpreting work to support a career or a staff interpreter in any one language, which is why it independently contracts with interpreters. Most court-rostered interpreters also provide medical, academic, and community interpretation services, limiting their availability to interpret in courts, especially when given little notice.

In 2022, four Tier I court-rostered interpreters successfully completed the requirements to advance to Tier II, and several more are currently working on achieving that milestone. It is advantageous to the Judicial Branch to encourage currently rostered interpreters to advance their skills in court interpretation and a Tier II requirement is to achieve 50 hours of legal interpreting experience. This requirement presents a challenge to interpreters in languages outside of the top 8 because those languages are needed less frequently. The Communication Access Specialist will continue to work with those interpreters to find opportunities for them to gain additional experience.

Advancing to Tier III, to be qualified to provide simultaneous interpretation, has also been a challenge for most court-rostered interpreters. To qualify, interpreters can either successfully:

- pass the US Federal Court examination, which is currently only offered in Spanish; or
- pass the three parts of the NCSC oral examination—consecutive, simultaneous, and sight—which is currently only offered in select languages. The Communication Access Specialist will consult the Consortium of Language Access Coordinators to address this issue. Only Tier III interpreters are qualified to provide simultaneous interpretation. Encouraging more court-rostered interpreters to advance their skills and qualify for Tier III would benefit the Judicial Branch by reducing the need to contract with out-of-state free-lance interpreters for simultaneous interpretation.



B. Community Outreach

The Communication Access Specialist and Office of Court Access will continue to reach out to LEP communities, language services providers, and justice partners to recruit new, qualified court interpreters; to provide continuing legal interpretation education and trainings; and to educate Maine attorneys and court-ordered services providers about the right to an interpreter in court proceedings, best practices when working with an LEP individual, and best practices when working with an interpreter.

C. 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 court, and increase public trust and confidence in the Judicial Branch.



VIII. TRAINING, RESOURCES & QUALITY ASSURANCE

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Relevant training and up-to-date resources about best practices for working with interpreters and LEP and deaf and hard-of-hearing court users further language access in Maine state courts.

A. Court-Rostered Interpreters

Continuing education is an essential component of maintaining a strong roster of court interpreters and allows interpreters to demonstrate skill improvement and progress to a higher tier. When possible, the Communication Access Specialist shares suitable training opportunities developed by interpreting professionals with court rostered interpreters to encourage their skills development.

When possible, the Communication Access Specialist will perform quality assurance, including but not limited to ensuring proper interpreter equipment set-up; observing court events with interpreters; and reviewing audio recordings of interpreted court events.

B. 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 Plan, including relevant laws and policies, how to work with interpreters, interpreter qualifications, and the appropriate use of remote technologies. New Judge Orientation that is required of all judicial officers new to the Judicial Branch includes court access and language access training and the Office of Court Access responds to judicial officer requests for additional training as needed. The Office of Court Access develops and distributes reference and resource materials for judicial officers, including:

- a bench card, titled "Bench Card and Best Practices for Working with Spoken Language Interpreters," distributed to all judicial officers and courtrooms and provided to all new judges during Orientation.
- a bench card, titled "Bench Card and Best Practices for Working with People with Disabilities Including Deaf and Hard-of-Hearing Individuals," distributed to all judicial officers and courtrooms and provided to all new judges during Orientation; and
- District and Superior Court bench books that contain information on language access, including *voir dire* for interpreters and questions to direct to an LEP court user.



C. Court Staff

Training for court staff, particularly court clerks, includes language access laws and policies; best practices for working with LEP and deaf and hard-of-hearing court users; best practices for scheduling and working with interpreters; and the appropriate use remote interpretation.

Currently, training opportunities for court staff include, when possible, in-person trainings as well as virtual trainings, printed guidance and information, and online training modules that can be accessed at any time.

Specific training for court staff includes:

- mandatory training all new court employees that are required to take upon commencing their employment with the Judicial Branch that includes a new “LEP unit” with information about language services in the Maine state courts and to increase cultural awareness;
- mandatory online training, required of all court employees every other year, which includes an LEP unit;
- individualized in-person, telephonic, and video instruction and guidance provided by the Communication Access Specialist and Court Access Coordinator as needed or in response to court staff inquiries and requests.

The Office of Court Access develops and 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 (“I Speak”) cards at marshal stations and clerk windows.

D. Attorneys and Justice Partners

Training and educational opportunities about access to the courts is provided to attorneys and justice partners proactively and upon request. In 2022, the Court Access Coordinator and Communication Access Specialist presented on disability accommodations and working with interpreters in the Maine State Courts to attorneys with the Maine State Bar Association at the annual bar conference and to mediators with the Court Alternative Dispute Resolution Services (CADRES) at their conference.



IX. MONITORING

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A. 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.

B. Language Access Services 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

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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.

V. 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.

VI. Committee Duration:

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

Dated: December 22, 2022

Approved by:

Chief Justice Valerie Stanfill
Maine Supreme Judicial Court



XI. APPENDIX B. LEP ADVISORY COMMITTEE

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LEP ADVISORY COMMITTEE MEMBERSHIP ROSTER

Updated December 20, 2021

Terms expire October 1, 2023:

- Hon. Robert E. Mullen, Chief Justice, Maine Superior Court or designee
- Abeir Ibrahim, Co-Founder, Cross Cultural Consulting Group
- Francine Ngabu, President, Maine Association for New Americans
- Anna R. Welch, Esq., Sam L. Cohen Refugee and Human Rights Clinical Professor, Cumberland Legal Aid Clinic, University of Maine School of Law

Terms expire October 1, 2024:

- Hon. Jennifer Archer, Judge, Maine District Court
- Hon. Maria Woodman, Judge, Maine District Court
- Ted Ross, Chief Deputy, State Judicial Marshals
- Fatuma Hussein, Executive Director, Immigrant Resource Center of Maine
- Michelle Ames, MHRTC, ESC, ASLPI 4, Program Director: Deaf Services, Disability Rights Maine
- André R. Frechette III, Administrative Clerk, Lewiston District Court
- Constant Kabuyenge, Rostered Court Interpreter, Interpreter Coach
- Luis Garcia, MD, Federally Certified Court Interpreter

Standing Members:

- Nickole M. Wesley, Communication Access Specialist, Chair
- Allison Gray, Esq., Court Access Coordinator
- Richard E. Record Jr., Director of Court Services
- Hon. Catherine R. Connors, Associate Justice, Maine Supreme Judicial Court Liaison



XII. APPENDIX C. LEGAL FRAMEWORK FOR LANGUAGE ACCESS

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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.¹⁵ 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.¹⁶ In accordance with guidance issued by the United States Department of Justice (DOJ) to meet the

¹⁵ 42 U.S.C. §§ 2000d et seq.

¹⁶ "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.



requirements of Title VI, the Judicial Branch must take reasonable steps to ensure meaningful access to court services, programs and activities by LEP individuals.¹⁷

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.¹⁹

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

B. Language Access for Deaf and Hard-of-Hearing Individuals 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

¹⁷ 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.

¹⁸ 67 Fed. Reg. at 41459.

¹⁹ 67 Fed. Reg. at 41464-65.



accommodations.²⁰ 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 Deaf and Hard-of-Hearing Individuals 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,”²¹ namely that the interpreter “possess qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court”²² or be licensed.²³

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

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

²¹ 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.

²² 5 M.R.S. §48-A(M)(1)(d).

²³ Licensure requirements are established in [32 M.R.S. §1524-B](#), found at: www.mainelegislature.org/legis/statutes/32/title32sec1524-B.html.



Guidelines for Court-Appointed Interpretation and Translation Services in March 2022. The amendments included clarifying the scope of interpretation and translation services that the Judicial Branch provides to include victims, and parents of victims that are minors. It also added language regarding payment of interpretation services for an LEP individual to access court ordered services, for example supervised child visitation services. The Judicial Branch will pay for interpreter services 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.