

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

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Certified Court Interpreters Advisory Committee Annual Report
7/1/2021 – 6/30/2022

The Certified Court Interpreter Advisory Committee was busy this fiscal year; the State Court Administrator's Guidelines were revised recommending a minimum interpreter compensation rate of \$49 from \$25 an hour. Continuing education requirements were reviewed and modified from 36 to 26 credits every three years, which is more in line with national standards. The in-person orientation workshop was contingent on enough fees being collected at registration. On more than one occasion this caused the workshop to get cancelled due to a lack of funds. In the effort of improving language access, the Committee reviewed the idea of the program utilizing a virtual workshop. This will allow applicants to get through the workshop at their own pace and at a time convenient for them. Additionally, a candidate won't be dependent on the other's participation to continue in the certification process. This went live August 2022.

The National Center for Access to Justice released the 2021 Justice Index. This set forth benchmark's each state should meet to provide proper language access to limited English proficiency individuals seeking assistance. A review was conducted and moving forward the committee will start working on recommendations to improve language access in the Courts. The need to review Nevada Judiciary's Language Access Plan was also addressed; and a new draft was presented to the committee for review at the end of the fiscal year.

Most Nevada courts do not have the ability to collect the data requested to be captured. Amendments to our Uniform System for Judicial Records (USJR) dictionary has been provided to the AOC's Research and Statistics Unit for when future changes are implemented. Of the courts that have reported using the USJR Phase III reporting standards in Fiscal Year 2022, a total of 2,205 Cases with Court Interpreters were reported.

- 92.7% utilized Certified Spanish Court Interpreters (1 court reported 1 non-certified)
- 1% utilized a non-registered Tagalog Interpreters (None are certified in the state)
- 1.1% utilized Mandarin/Cantonese Interpreters (Status unknown)
- 1.2% utilized CART/ASL Interpreters (All certified)
- 4% utilized LOTS (Status unknown)

(Attachments)

Nevada Court Interpreter Statistics, by Major Case Category, Fiscal Years 2020-22. ^a		CRIMINAL CASES				CIVIL CASES				FAMILY CASES ^b				JUVENILE CASES ^b				JUVENILE TRAFFIC CASES ^c				TOTAL CASES			
		FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL
Churchill County District Court	Cases with Court Interpreters	1	1	5	7	7	3	0	10	4	4	2	10	2	4	1	7	0	1	1	2	14	13	9	36
	Spanish	1	1	4	6	7	3	0	10	4	3	2	9	2	4	1	7	0	1	1	2	14	12	8	34
	Tagalog	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	1	0	1
	Chinese (Mandarin/Cantonese)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	American Sign Language	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Languages	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	
Lander County District Court	Cases with Court Interpreters	0	1	0	1	0	0	0	0	0	0	1	1	0	(d)	0	0	0	0	0	0	0	1	1	2
	Spanish	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tagalog	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Chinese (Mandarin/Cantonese)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	American Sign Language	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Languages	0	1	0	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1	1	2	
Mineral County District Court	Cases with Court Interpreters	0	0	0	0	0	0	0	0	0	0	1	1	0	(d)	0	0	0	0	0	0	0	0	1	1
	Spanish	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tagalog	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Chinese (Mandarin/Cantonese)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	American Sign Language	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Languages	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1	
Pershing County District Court	Cases with Court Interpreters	0	0	0	0	0	0	0	0	0	0	3	3	0	(d)	0	0	0	0	(d)	0	0	3	3	
	Spanish	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tagalog	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Chinese (Mandarin/Cantonese)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	American Sign Language	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Languages	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Canal Justice Court	Cases with Court Interpreters	(d)	(d)	(d)	(d)	(d)	(d)	0	0								(d)	(d)	(d)	(d)	0	0	0	0	
	Spanish							0	0												0	0	0	0	
	Tagalog							0	0												0	0	0	0	
	Chinese (Mandarin/Cantonese)							0	0												0	0	0	0	
	American Sign Language							0	0												0	0	0	0	
Other Languages							0	0												0	0	0	0		
Eastline Justice Court	Cases with Court Interpreters	(d)	0	(d)	0	(d)	0	(d)	0								(d)	(d)	(d)	(d)	0	0	0	0	
	Spanish		0		0		0		0												0	0	0	0	
	Tagalog		0		0		1		1												0	1	0	1	
	Chinese (Mandarin/Cantonese)		1		1		6		6												0	7	0	7	
	American Sign Language		21		21		21		21												0	42	0	42	
Other Languages		0		0		0		0												0	0	0	0		
Pahrump Justice Court	Cases with Court Interpreters	102	70	71	243	2	3	5	10								(d)	(d)	(d)	(d)	104	73	76	253	
	Spanish	91	66	59	216	2	3	5	10												93	69	64	226	
	Tagalog	0	0	0	0	0	0	0	0												0	0	0	0	
	Chinese (Mandarin/Cantonese)	7	1	1	9	0	0	0	0												7	1	1	9	
	American Sign Language	3	1	0	4	0	0	0	0												3	1	0	4	
Other Languages	1	2	11	14	0	0	0	0												1	2	11	14		
Las Vegas Justice Court ¹	Cases with Court Interpreters	(d)	(d)	291	291	(d)	(d)	96	96								(d)	(d)	(d)	(d)	0	0	387	387	
	Spanish			249	249			93	93												0	0	342	342	
	Tagalog			7	7			1	1												0	0	8	8	
	Chinese (Mandarin/Cantonese)			12	12			9	9												0	0	21	21	
	American Sign Language			0	0			3	3												0	0	3	3	
Other Languages			23	23			4	4												0	0	27	27		
East Fork Justice Court	Cases with Court Interpreters	42	55	48	145	1	1	0	2								(d)	(d)	(d)	(d)	43	56	48	147	
	Spanish	33	47	28	108	1	1	0	2												34	48	28	110	
	Tagalog	4	0	0	4	0	0	0	0												4	0	0	4	
	Chinese (Mandarin/Cantonese)	0	0	0	0	0	0	0	0												0	0	0	0	
	American Sign Language	0	0	0	0	0	0	0	0												0	0	0	0	
Other Languages	8	7	11	26	0	0	0	0												8	7	11	26		
Yerington Municipal Court	Cases with Court Interpreters	(d)	(d)	7	7	(d)	(d)	(d)	0								(d)	(d)	(d)	(d)	0	0	7	7	
	Spanish			13	13				0												0	0	13	13	
	Tagalog			0	0				0												0	0	0	0	
	Chinese (Mandarin/Cantonese)			0	0				0												0	0	0	0	
	American Sign Language			0	0				0												0	0	0	0	
Other Languages			0	0				0												0	0	0	0		

Nevada Court Interpreter Statistics, by Major Case Category, Fiscal Years 2020-22. ^a		CRIMINAL CASES				CIVIL CASES				FAMILY CASES ^b				JUVENILE CASES ^b				JUVENILE TRAFFIC CASES ^c				TOTAL CASES			
		FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL	FY 2020	FY 2021	FY 2022	TOTAL
Ely Municipal Court	Cases with Court Interpreters	1	(d)	1	2	(d)	(d)	(d)	0								(d)	(d)	(d)	(d)	1	0	1	2	
	Spanish	1		3	4				0												1	0	3	4	
	Tagalog	0		0	0				0												0	0	0	0	
	Chinese (Mandarin/Cantonese)	0		0	0				0												0	0	0	0	
	American Sign Language	0		0	0				0												0	0	0	0	
Other Languages	0		0	0				0												0	0	0	0		
Henderson Municipal Court	Cases with Court Interpreters	340	209	273	822	0	0	(d)	0								7	2	1	10	347	211	274	832	
	Spanish	289	180	224	693	0	0		0								7	2	1	10	296	182	225	703	
	Tagalog	4	3	5	12	0	0		0								0	0	0	0	4	3	5	12	
	Chinese (Mandarin/Cantonese)	3	4	3	10	0	0		0								0	0	0	0	3	4	3	10	
	American Sign Language	18	6	19	43	0	0		0								0	0	0	0	18	6	19	43	
Other Languages	26	13	22	61	0	0		0								0	0	0	0	26	13	22	61		
North Las Vegas Municipal Court	Cases with Court Interpreters	441	295	291	1,027	0	0	(d)	0								(d)	(d)	(d)	(d)	441	295	291	1,027	
	Spanish	424	279	285	988	0	0		0												424	279	285	988	
	Tagalog	0	4	0	4	0	0		0												0	4	0	4	
	Chinese (Mandarin/Cantonese)	0	1	0	1	0	0		0												0	1	0	1	
	American Sign Language	9	5	2	16	0	0		0												9	5	2	16	
Other Languages	8	6	4	18	0	0		0												8	6	4	18		

^a This table only includes court that reported court interpreter statistics during fiscal years 2020-22.

^b Only District Courts report family and juvenile (non-traffic) statistics.

^c Not all limited jurisdiction courts (justice and municipal) have juvenile traffic cases.

^d Court did not submit court interpreter information for the entire fiscal year.

ⁱ Incomplete information (missing 1 or more months).

Source: Uniform System for Judicial Records, Nevada AOC, Research and Statistics Unit.

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS



NEVADA STATE COURT LANGUAGE ACCESS PLAN

REVISED: AUGUST 2022

“No person in the United States shall, on the grounds 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, Civil Rights Act of 1964

LEGAL BASIS AND PURPOSE

The following Language Access Plan (LAP) is rooted in Executive Order 13166 and includes a four-factor analysis in providing meaningful access to Limited English Proficiency individuals (LEP).

Under Federal law Title VI of the Civil Rights Act of 1964, discrimination on the basis of race, color, or national origin was made illegal in programs that receive federal financial assistance. In certain situations, failure to ensure that persons with limited English language skills can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against discrimination.

Persons for whom English is not their primary language and have limited ability to speak, read, write, or understand English as a result of their race, ethnicity, or national origin may be entitled to language assistance under Title VI to receive court services, benefits, and/or participate in sponsored programs.

The Nevada Certified Court Interpreter Program was established through SB329 in 1995 and is codified in the Nevada Revised Statutes (NRS) 1.510 *et seq.* This charged the State Court Administrator with “establishing a program for the certification of court interpreters for witnesses, defendants and litigants who speak a language other than English and do not know the English language”.

The Advisory Committee for Certified Court Interpreter Program was created pursuant to NRS 1.530 to advise the State Court Administrator regarding regulations related to certification.

This LAP reflects the efforts of the Nevada Judicial Branch to take reasonable steps to provide meaningful access to all individuals in any encounter with Nevada courts regardless of their national origin, or limited ability to read, write, speak, or understand the English language.

This LAP has three primary purposes:

- 1) To provide guidance for the consistent application of policies and practices throughout the Nevada court system.
- 2) To provide the basis for training of judicial employees and staff to engage with Limited English proficient (LEP) individuals; and
- 3) To inform LEP individuals about available language access resources.

FOUR-FACTOR ANALYSIS

There's no specific method for ensuring compliance with language access requirements. However, undertaking a four-factor analysis, adoption of a LAP for vital materials, and making necessary translation are steps a court can take to provide “strong evidence” of compliance with Title VI¹.

¹ See Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons: Safe Harbor <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html> (last visited August 3, 2022).

FACTOR I: DETERMINE THE NUMBER AND PROPORTION OF LEP PERSONS IN THE ELIGIBLE SERVICE POPULATION

Courts are recommended to provide written language assistance through translated vital documents for any LEP persons representing at least 5% of the population of the eligible services population. Meaning, a district court is to use LEP population data for all counties within their district, while justice and municipal courts should use the data for their township or city, respectively. The Appellate Courts of Nevada should translate vital documents for LEP persons representing more than 5% of the population of Nevada.

LEP POPULATION NEEDS ASSESSMENT

The U.S. Constitution requires a census every 10 years to determine how many seats each state will have in the U.S. House of Representatives. The Census Bureau's Population Estimates Program (PEP) on July 1, of each year estimates populations for future years after the last published decennial census (2020). Existing data series such as births, deaths, and domestic and international immigration, are used to update the decennial census base counts.

Nevada covers 110,567 square miles, making it geographically the 7th largest of the 50 states. Much of the population is concentrated in the Reno and Las Vegas areas with the remainder spread throughout the balance of the State.

According to the U.S. Census Bureau's quick facts pertaining to Nevada (2021) the State has a population of 3,143,991. 30.2% of Nevadans aged 5 or greater speak a language other than English at home, and 19.4% of the population of Nevada is foreign born.

Nevada's Judiciary is a decentralized court system, meaning it has no centralized funding structure. While the Nevada Constitution gives the Chief Justice of the Supreme Court administrative authority over all courts (Art. 6 § 19), many responsibilities for the daily operation of the courts fall to local governments.

Nevada's trial courts may opt-in to provide LEP data to the Administrative Office of the Courts and the ability of each trial court to do so is dependent on the resource levels and technological capabilities of internal operations at each trial court, provided by their local funding authority. The information available for this version of the LAP provides evidence that Spanish language court interpreter services are the most solicited. Languages other than Spanish (LOTS) routinely include some languages of Asia (e.g., Mandarin, Vietnamese, and Tagalog), languages of the Middle East (e.g., Arabic, Farsi, and Urdu), the languages of India (Punjabi and Hindi), and Russian Federation languages.

2020 US Census, Languages Spoken by Limited English Proficient (LEP) Individuals in Nevada

LANGUAGE	LEP POPULATION	PERCENT
Amharic and Somali	6,350	0.20%
Arabic	1,703	0.05%
Armenian	1,402	0.04%
Chinese	17,707	0.56%
French	1,571	0.05%
German	873	0.03%
Gujarati	488	0.02%
Hindi	545	0.02%

Italian	986	0.03%
Japanese	2,285	0.07%
Korean	5,495	0.17%
Other Indic Languages	812	0.03%
Other Indo-Euro. Languages	988	0.03%
Other Pacific Island Languages	2,766	0.09%
Other Slavic Languages	815	0.03%
Persian	2,062	0.07%
Polish	678	0.02%
Portuguese	1,275	0.04%
Punjabi	655	0.02%
Russian	1,773	0.06%
Serbo-Croatian	890	0.03%
Spanish	229,715	7.31%
Tagalog	23,678	0.75%
Thai and Laotian	3,594	0.11%
Vietnamese	5,753	0.18%
2021 Estimate of Total Population in NV: 3,143,991	314,859	10.01%

Nevada courts may use census data and other available data to track demographic changes that may indicate changes in the need for interpretation in a particular language.

Additionally, trial courts should consider keeping records regarding:

- The frequency with which interpreters are requested for different languages;
- The extent to which certified interpreters are provided in response to the requests; and
- Any delays in providing interpreters.

Nevada courts are encouraged to review the National Center for Access to Justice’s Language Access Benchmark Detail to implement improvements at the local level.

[Appendix A](#) to this LAP identifies the 35 benchmarks and the goals for implementation.

FACTOR II: DETERMINE THE FREQUENCY WITH WHICH LEP PERSONS COME INTO CONTACT WITH THE COURT.

Each court has varying levels of interaction with the public and should take steps to document the number of interactions encountered with LEP individuals as a percentage of total interactions. Courts should translate vital documents in all LEP languages where interactions with LEP persons of one language occur more than 5% of the time. Additionally, courts should provide translated written notice of the right to receive free oral interpretation of documents for LEP persons representing a language that is less than 5% of the total interactions with the court but represent at least 50 interactions in a year.

FACTOR III: DETERMINE THE NATURE AND IMPORTANCE OF THE ACTIVITY OR SERVICE.

The Nevada Judiciary's overall function plays a critical role in protecting the rights of LEP individuals under Title VI. Each trial court should recognize how an activity or interaction ranks on the critical/non-critical scale. When prioritizing limited resources, a court must

consider the severity of the impact on an LEP in failing to receive meaningful access to interpretation or translation. Activities and interactions of critical importance are the highest priority. Critical need includes instances where rights are at stake in criminal and civil proceedings. Including civil proceedings that adjudicate protection from abuse; child custody and support; dependency; termination of parental rights; eviction; and eligibility for unemployment compensation, worker's compensation, and public benefits.

FACTOR IV: DETERMINE THE RESOURCES AVAILABLE AND COSTS TO THE RECIPIENT.

As noted above, Nevada's court system is decentralized, and resources depend on the county or municipality that funds each individual court. We recognize the disparate level of funding provided between Nevada's trial courts. Therefore, it is imperative that a cost/benefit analysis be performed when considering translation efforts for each activity or interaction with the court. In general, all vital documents in all trial courts should be available for LEP persons whose primary language is Spanish since this language represents at least 8% of Nevada's population. For LOTS, each trial court is encouraged to target services and translations on an individual activity and interaction basis—maintaining the general threshold of 5% of the court's population. Courts are encouraged to reach out to local community organizations and leaders for a better understanding of a LOTS population's needs. Finally, LEP persons should be made aware of their right to a free oral interpretation of documents upon request.

SERVICES PROVIDED

The Nevada Judiciary is highly cognizant of the LEP community and its needs and is committed to ensure that persons with limited English proficiency have equal access to the courts, available court services, and justice. The courts— district, justice, and municipal, be it in a rural or urban setting—are responsible for ensuring that prompt, accurate, complete, and consistent oral interpretation, and translation are provided in a manner that complies with the policies and procedures described in this Plan.

Interpreter Assistance during Court Proceedings and Court-Sponsored Programs:

- In-Person Interpretation Assistance

The Nevada courts are responsible for securing and scheduling interpreters for all judicial and reasonably related proceedings. The courts are free to contact the interpreter directly. No statutory mandate requires the exclusive use of certified court interpreters; however, the [State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program](#), enumerate scenarios when certified interpreters should be used. The more complex, difficult, or legally significant assignments (e.g., capital trials, criminal trials where potential penalties include significant terms of incarceration, and criminal or civil trials with highly technical terminology by witnesses) should be served by certified interpreters. The judge has the discretion to consider the gravity of the offense involved and the abilities of the person available to interpret.

As a general rule, Nevada courts should first seek language assistance from interpreters possessing the appropriate credential from the AOC Certified Court Interpreters Program. After exercising due diligence to find a Nevada credentialed court interpreter the court may for good cause appoint an interpreter who does not yet possess a court interpreter credential. In that case, the courts should undertake the voir dire process ([Bench Card for Nevada Judges](#)), which will assist in determining if the prospective interpreter is

sufficiently qualified to provide services.

[Team interpreting](#) is recommended for all lengthy proceedings and is an effective tool in the administration of justice. Interpreting is cognitively demanding and stressful. It requires that many mental processes occur simultaneously: the interpreter listens, analyzes, comprehends, and uses contextual clues to convert thought from one language to another to immediately render a reproduction in another language of each speaker's original utterances. In courtrooms with imperfect acoustics, cramped seating, security issues, miscellaneous noise, mumbled diction, interruptions, tense litigation, and lawyers or clients who may need the interpreter at any moment for a private consultation, interpreters need to channel dozens of stimuli and effectively sort them to fulfill the task at hand. Even 30 to 60 minutes of continuous interpreting leads to significant processing fatigue. After a certain amount of time on task, an interpreter inevitably reaches a saturation point, at which time errors cannot be avoided because mental circuits get overloaded. Team interpreting is a quality control mechanism, implemented to preserve the accuracy of the interpretation process in any circumstance. Due to the mental demands of simultaneous interpretation, interpreters are encouraged to communicate with the presiding judge when breaks may be needed.

- [Remote Interpreting](#)

Telephone and videoconference interpreting practices should be adopted throughout Nevada's Judiciary.

- [Remote Video Interpreting Assistance](#)

Distance video interpreting, also known as video remote interpreting, is a process that allows interpreting services without the face-to-face interaction. Video remote interpreting uses videoconferencing technology and the internet and may be supplemented by telephone. This method of interpretation greatly increases a court's ability to provide interpretation in instances of rare dialects and LOTS.

- [Telephonic Interpretation Assistance](#)

Federal law requires courts to provide qualified interpreters for non-English speakers to protect all parties' civil rights. Telephonic interpreting is one way to protect these rights and ensure equal access in instances where no in-person interpreter is available. Nevada courts should consider this alternative as a viable communication source for a LEP individual seeking the use of in-person and videoconference interpretation.

Telephone interpreting is best suited when:

- No certified, qualified, or language-skilled interpreter is available in-person or via videoconference;
- Protecting the interpreter's anonymity is necessary; and/or
- The proceedings are of short duration.

- Courts should either create their own telephone interpreter bank using Nevada certified and registered court interpreters listed on the [Court Interpreters Roster](#) (Telephone Interpreter Line) or establish a contact via subscription to telephonic language assistance providers. [The Nevada State Purchasing Division has awarded contracts for telephone-based interpreter services.](#) [American Translator Association](#) (ATA) is another valuable resource.

- ASL/CART Interpreting
Sign Language Interpreters and Communication Access Realtime Translation (CART) providers who meet the minimum qualifications in this State as required (NRS [656A.080](#)) can be found on the [Aging and Disability Services Division Site](#).

The interpreter assistance described above may also require additional resources. Each court should review its current capabilities to provide in-person, virtual, and telephonic interpretation services and put into writing how services may be augmented after all three options are determined unavailable. Examples of augmentation include, but are not limited to, the use of language identification cards and bilingual staff. Courts need to consider the importance of the information, encounter, or service involved, and the consequence to the LEP person of not having information provided accurately or timely.

- “I SPEAK” Cards
The first two factors in the Department of Justice four-factor analysis requires an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. This requires recipients/courts to identify LEP persons with whom they have contact.

One way to determine the primary language of communication is to use language identification cards or ‘...I speak cards’, which invite LEP persons to identify their language needs to staff. To reduce costs of compliance, the Federal Government has made [a set of these cards available on the Internet](#).

- Bilingual Employee Assistance
Bilingual court staff can assist in meeting the Title VI and Executive Order 13166 requirement for federally conducted and federally assisted programs and activities to ensure meaningful access to LEP persons. Bilingual staff are key in assisting with daily out-of-court business by communicating directly in the LEP’s primary language. Any court position that has a public-facing role, including, but not limited to, in-person service, telephone and email communication should be recruited with an effort to employ bilingual employees and volunteers who can communicate directly with a LEP. Courts should also enter into contracts for on-demand telephonic interpretation services to supplement efforts to recruit and retain bilingual staff. Courts are encouraged to secure a language proficiency examiner to ensure each employee is evaluated on uniform criteria.

Additionally, courts should implement the following best practices regarding the use of bilingual employees:

- Develop and maintain an internal phone list of existing bilingual employees who may aid LEP customers when necessary and when no staff person is available to provide that assistance in person;
- Identify those public-facing positions in which employees may be called upon to use foreign language in-person, telephonically, or in writing;
- Hire employees with foreign language reading, writing, and speaking skills;
- Facilitate language training to bilingual employees;
- Provide monolingual and bilingual legal dictionaries to bilingual court staff who regularly interact with the public;

- Equip the court staff with “I Speak” cards that represent more than 60 languages to help identify the LEP individual’s primary language;
- Annually review [Breaking Down the Language Barrier](#), a video training tool provided by the U.S. Department of Justice, which can be streamed in five spoken languages;
- Ensure that court staff are familiar with the Nevada Model Code of Conduct for Court Employees; and
- Ensure that court staff are familiar with Nevada Supreme Court Rule 44.

TRANSLATION OF DOCUMENTS AND SIGNAGE

Nevada courts should also evaluate the need for written materials routinely provided in English to be provided in regularly encountered languages other than English. It is important to ensure that vital documents are 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. A document will be considered vital if it contains information that is critical for obtaining federal and/or state services and/or benefits or is required by law. The Nevada courts will be able to determine which documents are vital by applying the four-factor analysis. Vital documents include, for example: applications; consent\ and complaint forms; notices or admonishment of rights and disciplinary action; and notices advising LEP persons of the availability of free language assistance. The courts should translate all the key forms used in their judicial setting. Non-vital information includes documents that are not critical to access such benefits and services or if are not required by law; the extent of the obligation to provide written translations should be determined on a case- by-case basis, looking at the totality of the circumstances considering the four-factor analysis.

SAFE HARBOR FOR WRITTEN TRANSLATION OBLIGATIONS

Under the “Safe Harbor” guidance², all recipients of federal funds are required to provide written translations, free of cost to the customer, for all documents identified as vital. These written translations must be provided for each eligible language group that constitutes at least 5% or 1,000 LEP individuals, whichever is less, of the population of persons served or likely to be served by programs in the service area.

Safe harbor provisions apply to the translation of written documents only. The following actions will be considered as “strong evidence” that a practice has complied with its written translation obligations:

Written translations of vital documents are provided for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered; or if there are fewer than 50 persons in a language group that reaches the 5% trigger, the practice may, as an alternative to translating vital written materials, provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation (sight translation) of the written materials without cost.

The intent of the safe harbor provisions is to provide a guide that offers a greater degree of certainty of compliance than that offered by applying the fact-intensive, four-factor analysis. However, failure to provide written translations under the safe harbor provisions does not necessarily mean there is non-compliance.

² Id.

Due to local budgetary restrictions and a failure of the Nevada Legislature to provide meaningful and substantive appropriation support for state-wide language access initiatives, it may be extremely challenging for the Nevada courts to provide translations with traditional human based resources. The courts may explore the idea of machine translation, even though such translation is not an ideal solution due to the lack of accuracy. Online tools should be used only as a first step in translating simple sentences, words, and concepts. Though they can be of help in communicating with LEP customers, they should not be the only means of providing this assistance and should be reviewed and corrected by a speaker of the target language.

Furthermore, it is important for each Nevada court to let LEP persons know that its services are available to them and that they are free of charge. This notice should be provided in a language LEP persons will understand. Examples of notification that courts should consider include posting signs in intake areas and other entry points. For instance, signs could state that free language assistance is available. The signs should be translated into the most common languages encountered, and they should explain how to get the language help.

TRAINING AND TECHNICAL ASSISTANCE

Information Provided to Judges and Court Personnel

The Certified Court Interpreter Program initiates regular communications with Nevada judges, court administrators, and other court personnel in order to inform and provide them with resources regarding the delivery of language services, as well as recent and significant updates associated with the issue of language access in the courts. The Program utilizes a variety of ways to deliver the message including official letters, Program Coordinator's personal visits to courts, training sessions during judicial conferences and seminars, Judicial Bench Card(s), and the Program's website.

Information Provided to Attorneys/Other Stakeholders

The list of resources helpful to Nevada legal community has been compiled and posted [online](#). These resources provide ideas about successful communication when services of a court interpreter are needed. They have been carefully selected from a wide array of publicly available sources, including but not limited to, the American Bar Association (ABA), the U.S. Department of Justice – Federal Coordination and Compliance Section, the National Association of Judiciary Interpreters and Translators (NAJIT), the State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program, etc., to effectively assist the Nevada legal community when working with a growing LEP population in Nevada.

New types of educational forums will continue to be explored and the Program will encourage existing and potential users of court interpreter services to seek ways to mutually interact to better understand needs and communication complexities with LEP individuals and communities in Nevada.

COMMUNITY OUTREACH

Community outreach is important to the continued success of the Certified Court Interpreters Program. The Program's effort to connect with Nevada interpreters, judiciary, and immigrant communities has increased in past years. The Program Coordinator plans not only to maintain an established course of engagement and interaction with agencies/entities such as the Council of Language Access Coordinators (CLAC), Nevada Interpreters and Translators Association (NITA), Truckee Meadows Community College (TMCC), University of Nevada

Las Vegas (UNLV), but to also seek new opportunities to expand the Program's visibility and its educational outreach to new levels.

REVISIONS

This LAP shall be revised when deemed appropriate and necessary by the Supreme Court, State Court Administrator, Certified Court Interpreter Advisory Committee, and/or the Program Coordinator.

STATE CONTACT PERSON

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EFFECTIVE DATE: August 2022.

GLOSSARY AND INDEX

- **Bilingual:** Using or knowing two languages proficiently. (*pg. 6, 7*)
- **Bilingual Staff:** Individuals who are proficient in English and another language and who communicate directly with a limited English proficient (LEP) individual in their common language. This term is intended to be read broadly to include individuals who are proficient in multiple languages. (*pg. 6, 7*)
- **Certification:** The determination, through standardized testing, that an individual possesses certain knowledge, skills, and abilities. (*pg. 2*)
- **Court:** Any federal, state, local, tribal, military, or territorial tribunal within an adjudicatory system, whether judicial or administrative.
- **Due Diligence:** Exercise the care that an ordinarily prudent person, in a similar position, and under similar circumstances, would reasonably be expected to exercise. (*pg. 6*)
- **Interpreter:** A person who is fluent in both English and another language, who listens to a communication in one language and orally converts it into another language while retaining the same meaning. (See also Translator.) (*pg. 2, 3, 4, 5, 6, 8, 9*)
- **Interpretation:** The unrehearsed transmitting of a spoken or signed message from one language to another. (*pg. 4, 5, 6, 7, 8*)
- **Language Access Plan (LAP):** The strategy for the provision of the necessary services for limited English proficient (LEP) persons to access the service or program in a language they can understand and to the same extent as non-LEP persons. (*pg. 2, 3, 9*)
- **Legal Proceeding:** Court or court-annexed proceedings under or by the authority of a judicial officer, including proceedings handled by judges, magistrates, masters, commissioners, hearing officers, arbitrators, mediators, and other decision-makers within the judicial branch. (*pg. 5*)
- **Limited English Proficient (LEP) Person:** A limited English proficient (LEP) person is someone who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak, or understand English.
- **LOTS:** Languages other than Spanish (*pg. 3, 5, 6*)
- **Machine Translation:** Software that automatically translates written material from one language to another without the involvement of a human translator or reviewer. (*pg. 8*)
- **Meaningful Access:** The provision of services in a manner that allows a meaningful opportunity to participate in the service or program free from intentional and unintentional discriminatory practices. (*pg. 2, 7*)
- **Team Interpreting:** The practice of using two or more interpreters who work together to provide interpretation for an individual with limited English proficiency, so that the individual can adequately hear, understand, or communicate effectively in English. (*pg. 6*)

- **Translation:** Converting written text from one language into written text in another language. The source of the text being converted is always a written language. (*pg. 2, 4, 5, 7, 8*)
- **Translator:** An individual who is fluent in both English and another language and who possesses the necessary skill set to render written text from one language into an equivalent written text in another language. (See also Interpreter.) (*pg. 9*)

Appendix A

Justice Index 2020 Research Consolidated Findings

Language Access

Does the State, through a statewide statute, rule, regulation, appropriation or other written source of law or guidance: [insert benchmark]

	Design & Planning	WEIGHT	Nevada	Goal	Probability
1	MAINTAIN A LANGUAGE ACCESS PLAN WITH SPECIFIC ELEMENTS. Maintain a Language Access Plan that requires the courts to do, at a minimum, the following (all elements must be in the plan): (a) perform a periodic needs assessment; (b) monitor and evaluate language assistance services on an ongoing basis; (c) train judges and staff on working with LEP persons; (d) provide interpreter services or the assistance of authorized bilingual staff at key points of contact between the public and the court system; (e) provide in-person interpreter services when not unreasonably costly and remote services when in-person services are not available; (f) translate documents and signage identified through the needs assessment as important to assure access to language access to all persons using court services?	5	No	3 Months	Submitting a request for review once LAP is finalized
2	MAINTAIN A LANGUAGE SERVICES OFFICE. Maintain a Language Services Office with the mission to facilitate the provision of language services in the Court system?	10	No		Seeking additional clarity on the definition of what this entails
3	COMPLETE NEEDS ASSESSMENT. Completed within past three years a language services needs assessment (including data collection from, at a minimum: a) case management systems and b) surveys of litigants, judges, attorneys, interpreters, and court personnel)?	1	No	1 Year	Possible
4	MONITOR AND EVALUATE SERVICES. Monitored and evaluated the quality and availability of language services (including but not limited to: i) when and why any requested services were denied or declined, and ii) the number of complaints received and iii) whether those complaints resulted in the reversal of a denial of services or disciplinary action) within the past year (using data from, at a minimum, case management systems and surveys of litigants, judges, attorneys, translators and court personnel)?	1	No	1 Year	Possible
5	PROVIDE FOR COMPLAINTS. Provide a process for litigants to file and obtain a prompt resolution of complaints regarding language services, including the denial, unavailability of, or delay in providing such services?	5	Yes		
6	PRODUCE ANNUAL PROGRESS REPORT. Produced within past year an annual report on the status of language services and progress toward meeting the elements of the Language Access Plan?	1	No	3 Months	Already in progress
7	REVIEW COMPLIANCE WITH FEDERAL LAW. Completed, in past year, an update of court procedural rules and other policies to assure compliance with Title VI of the Civil Rights Act of 1964 and other laws and executive orders concerning language access?	1	No	1 Year	Possible

8	MAINTAIN INTERPRETER SCHEDULING SYSTEM. Maintain an interpreter scheduling system to coordinate availability and assignment of interpreters?	1	No	-	Not Probable without unification and funding
9	EVALUATE INTERPRETERS. Evaluate the effectiveness of individual interpreters?	1	No	1 Year	Possible
10	TRAIN NEW PERSONNEL ON LANGUAGE ACCESS. Require training on language access services, requirements and mandates for all new judges and court staff who have contact with the public within six months of commencing work?	5	No	6 Months	Possible
11	REQUIRE PERIODIC TRAINING OF ALL PERSONNEL ON LANGUAGE ACCESS. Require that all judges and court staff receive training on language access services, requirements and mandates at least once in every three year period?	5	No	-	Not Probable without unification
12	PROVIDE TRAINING ON-LINE. Provide training on language access services and requirements through on-line (or downloadable) interactive training modules?	1	Yes		
13	REQUIRE CONTINUING EDUCATION FOR INTERPRETERS. Require all certified interpreters to receive at least a specified number of post-certification continuing education credits annually to maintain certification?	1	Yes		
14	PROVIDE ON-LINE TOOLKIT FOR ASSISTANCE WHEN NEEDED. Provide an on-line toolkit to allow judges and court staff to obtain assistance when language services are being provided?	1	No		Seeking additional clarity of what this entails
15	PROVIDE BENCH AND DESK CARDS FOR FLUENCY EVALUATION. Provide bench and desk cards with standard questions to assist in evaluating a user's English fluency?	1	Yes		
16	PROVIDE BENCH AND DESK CARDS DESCRIBING SERVICES. Provide to all judges and court staff bench and desk cards describing language services available, how to access those services and the applicable rules and guidelines on providing language services?	1	Yes		
17	PROVIDE LANGUAGE SERVICES AT KEY CONTACT POINTS. Provide interpreter services or the assistance of authorized bilingual staff at key points of contact in the court system other than courtrooms, including self-help centers, clerk's counters, court-annexed ADR and all court-controlled services?	5	No	-	Not Probable without unification and funding
Services Delivery		WEIGHT	Nevada	Goal	Probability
18	REQUIRE PROVISION OF LANGUAGE SERVICES ON REQUEST OF A PARTY OR IF NEED IS APPARENT TO THE COURT. Require judges and court staff to offer, language services at the request of a party or when the judge or court staff are unable to understand the person or if the person does not appear to be fluent in English?	10	No	-	Not probable without unification and funding
19	CERTIFY INTERPRETERS. Certify interpreters pursuant to a procedure consistent with a) the National Center for State Courts State Court Interpreter Testing Desk Reference Manual, or b) the ABA Standards for Language Access in Courts Standard 8?	10	Yes		
20	IDENTIFY DOCUMENTS AND SIGNAGE TO TRANSLATE TO ASSURE ACCESS. Identify, based on the needs assessment, which documents and signage must be translated and into which languages, to assure language access?	10	No	Already Active	Submitting a request for review
21	TRANSLATE ALL DOCUMENTS NECESSARY TO ASSURE ACCESS. Translate all documents identified as necessary (see Question 23) pursuant to a protocol that provides for quality assurance?	10	No	-	Not probable without unification and funding
22	REQUIRE TRANSLATION OF ALL DOCUMENTS IF REQUESTED IN SPECIFIC CASE. Require that all documents in a specific matter be translated into the language(s) spoken by parties to that matter who have requested language assistance?	10	No	-	Not probable without unification and funding
23	REQUIRE CERTIFIED INTERPRETERS WHERE AVAILABLE. Require certified interpreters where available for litigants, witnesses, and others with key interests (e.g., parent/guardians) who have limited English proficiency?	10	No	-	Not probable

24	PROHIBIT ALL CHARGES FOR INTERPRETERS. Prohibit requiring payment (including fees, costs, or other expenses) for court-provided interpreters?	10	No	-	Not probable without funding
Communicating Court Services		WEIGHT	Nevada	Goal	Probability
25	POST SIGNS IN COMMONLY SPOKEN LANGUAGES AT ALL ENTRY AND MAJOR ACCESS POINTS. Post signs that language services will be provided without charge, upon request, at all entry and major service access points and in the most common languages spoken?	5	Yes		
26	PROVIDE SPECIFIC NOTICE ON COURT FORMS IN COMMONLY SPOKEN LANGUAGES OF OPTION FOR LANGUAGE ASSISTANCE. Provide to parties and witnesses in all cases through court forms initiating court involvement (i.e., for complaints, summons, subpoenas) specific notice in the most common languages spoken that language services will be provided upon request?	5	No	-	Not probable without unification and funding
27	PROVIDE NOTICE IN COMMONLY SPOKEN LANGUAGES IN ALL PUBLICATIONS. Provide notice that language services will be provided without charge upon request in all brochures, publications, notices and direct written communications and in the most common languages spoken?	5	No	-	Not probable without unification and funding
28	PROVIDE NOTICE IN COMMONLY SPOKEN LANGUAGES AT ALL POINTS OF ELECTRONIC ACCESS. Provide notice in commonly spoken languages at all points of electronic access that language services will be provided without charge upon request?	5	No	-	Not probable without unification and funding
29	OFFER ON-LINE FREQUENTLY ASKED QUESTIONS AND ANSWERS (FAQ). Offer on-line video/audio answers in the most commonly spoken languages to frequently asked questions?	5	No	-	Not probable without unification and funding
30	PROVIDE WRITTEN NOTICE IN COMMONLY SPOKEN LANGUAGES OF FREE LANGUAGE SERVICES. Require court staff to provide at all points of contact with users written notice in commonly spoken languages that language services are available without charge?	1	No	-	Not probable without unification and funding
31	OFFER "I SPEAK" CARDS. Offer "I speak . . ." cards in all languages identified through the needs assessment as potential user languages (NOT limited to the most common languages spoken)?	1	No	Already Provided	Submitting a request for review
32	INCLUDE IN ALL NOTICES AN EXPLANATION OF HOW TO FILE A COMPLAINT. Include in all notices an explanation in the most commonly spoken languages of how to file a complaint regarding the deficiency or poor quality of language services?	1	No	-	Not probable without unification and funding
Technology		WEIGHT	Nevada	Goal	Probability
33	PROVIDE ALL COURTROOMS WITH REMOTE INTERPRETER TECHNOLOGY?	5	No	Survey the courts annually to ensure continuity	Possible: Currently all courts already have something in place
34	PROVIDE IN EACH COURTHOUSE, OUTSIDE THE COURTROOMS, AT LEAST ONE ACCESS POINT TO REMOTE INTERPRETER TECHNOLOGY?	5	No	Survey the courts annually to ensure continuity	Possible: Currently all courts already have something in place
35	TEST BILINGUAL STAFF. Test bilingual staff who the court employs to offer language assistance, using validated instrument and adopted standards to ascertain fitness to provide direct language assistance to people with limited English proficiency (not interpret)?	5	No	Looking into funding options	Not probable without funding
RAW SCORE		159	24		
SCALED SCORE			15.09		