

## NATIONAL CONSORTIUM ON RACIAL & ETHNIC FAIRNESS IN THE COURTS

### HAWAI'I STATE JUDICIARY - OFFICE ON EQUALITY AND ACCESS TO THE COURTS

#### Written Summary of Activities Report

April 2014 – April 2015

*The Office on Equality and Access to the Courts (OEAC) has five full-time staff: Program Director Debi S. Tulang-De Silva, Court Interpreting Services Coordinator Melody Kubo, Equality and Access to the Courts Program Specialist U'ilani Pauole de Sa, and support staff Joyce Kajioka and clerk (vacant). OEAC's work primarily focused on enhancing the provision of language access services to better serve limited English proficient court customers and implementing projects aimed at promoting fair treatment of court users and increasing access to the courts.*

*OEAC coordinates its activities with the Supreme Court Committee on Equality and Access to the Courts (CEAC) and the Supreme Court Committee on Court Interpreters and Language Access (CILA). CEAC is co-chaired by Family Court Judge Linda K. Luke and Deputy Attorney General Frances E. Lum of the Hawai'i Department of the Attorney General. CILA is co-chaired by District Court Judge Gerald H. Kibe and Christine Kubota, Esq., a bilingual attorney in private practice. CEAC and CILA continue to address issues affecting Hawaii's immigrant, limited English proficient and self-represented litigant populations.*

**In October 2013, Hawai'i entered into technical assistance review with the U.S. Department of Justice. Coordinating the Judiciary's response to DOJ's review was the priority for OEAC during the reporting period. During this period, OEAC, in collaboration with CEAC and CILA, worked to address the areas of concern identified by the DOJ review. The DOJ closed its technical assistance review in March 2015.**

#### Highlighted Judiciary Projects Related to Equal Access

##### Language Access Initiatives

OEAC, CEAC, and CILA were instrumental in the development of the Judiciary's Language Access Policy, which formalizes the Judiciary's commitment to "providing meaningful access to court processes and services to persons with limited English proficiency." The Language Access Policy, revised in 2013 in response to DOJ recommendations, ensures the provision of language access services for LEP persons in all types of court proceedings, and at points of public contact outside of the courtroom. As a result of the enhancement in language access services under the Policy, expenditures for court interpreter services in FY 2014 totalled \$628,845, up 25% from FY 2013 expenditures of \$503,525.

##### Judicial Training

Mandatory judicial training on language access and how to work with an interpreter in court was presented in April 2015, as part of the Judicial Conference. In collaboration with the Hawai'i Office of Language Access, the Judiciary secured Bruce Adelson, Esq., former senior attorney with the U.S. Department of Justice and a nationally recognized expert in this area, to conduct the training.

##### Edward Byrne Memorial Justice Assistance Grant (JAG) Project

**Judiciary Staff Training.** OEAC utilized federal Byrne JAG grant funds to conduct mandatory staff training on language access services for staff in 2014. 27 training sessions were conducted on the islands of Maui, Kauai, and Hawai'i Island during July 2014, and an additional 67 sessions were offered on the island of O'ahu between September 2014 and January 2015. Grant funds were used to develop and produce training materials, including a language access "benchcard" for Judiciary staff with step-by-step procedures for providing appropriate language access services for LEP persons, both in court and outside of the courtroom.

**Translations.** Translated documents that provide important information for LEP persons, including Language ID Cards in English and 14 non-English languages, and a brochure on "How to Use a Court Interpreter" in English and 7 non-English languages for LEP persons provided with an interpreter by the court, were also produced under this grant. These resources can be accessed online, by clicking on the "Language Access" tab on the Hawai'i State Judiciary's homepage, [www.courts.states.hi.us](http://www.courts.states.hi.us). Language-specific webpages compile all documents translated into a particular language in one place and can be accessed from the Judiciary's homepage, by clicking on the language name in sidebar twice.

## **Edward Byrne Memorial Justice Assistance Grant (JAG) Projects, continued**

***Specialized Interpreter Training.*** In order to build competence and support continued professional development of court interpreters, Byrne JAG grant funds were also used to conduct Interpreter Skills Building for Criminal Court Cases for interpreters in the Judiciary's Court Interpreter Certification Program or used in the courts. For the first time ever, OEAC was able to offer this intermediate-level, interactive training to interpreters on the islands of Kauai and Hawai'i Island. Nearly 50 interpreters registered for this specialized training, conducted by an expert interpreter trainer from the Center for Interpretation and Translation Studies at the University of Hawai'i at Manoa. The fourth and final skills building training under this grant will be conducted in August 2015 on the island of Oahu.

## **Access to Justice Commission**

The Access to Justice Commission was established by the Hawai'i Supreme Court to provide leadership and oversee efforts to expand and improve delivery of high quality civil legal services to low-income people in Hawai'i, increase funding for civil legal services, facilitate collaboration and coordination among civil legal service providers, reduce language, cultural, and other barriers to the civil justice system faced by low-income or self-represented litigants, and increase the effective utilization of paralegals and pro bono contributions by attorneys in the delivery of civil legal services. Below are some of the highlights of the Access to Justice Commission's 2014 annual report.

- Sponsored sixth annual Access to Justice Conference, "Meeting the Challenges to Equal Justice for all", in June 2014, attracting more than 265 people from legal and general community. James J. Sandman, President of Legal Services Corporation, delivered keynote address on "Rethinking Access to Justice."
- Served more than 3,650 individuals at 6 Self-Help Centers statewide in 2014. Self-Help Centers in each judicial circuit are a collaboration of Hawai'i State Judiciary, Hawai'i Access to Justice Commission, Hawai'i State Bar Association, County Bar Associations, HSBA Family Law Section, Legal Aid Society of Hawai'i, and AmeriCorps program.
- Sponsored 2014 Pro Bono Celebration to recognize outstanding volunteers selected by legal service providers, volunteer attorneys who staffed the Self-Help Centers, and winners of a high school essay contest on "How to Inspire Others to Volunteer."
- Participated in the *Justice Index*, an initiative of the National Center for Access to Justice that aims to evaluate state courts provision of access to justice in four areas: attorney access, self-representation, language assistance, and disability assistance. Hawai'i ranked No. 1 for providing support for self-represented litigants, and No. 4 overall.
- Convened the Strategic Planning Committee on Access to Justice, chaired by Hawai'i Supreme Court Justice Simeon Acoba (ret.), to plan for implementation of recommended actions to improve access to justice.
- At request of Hawai'i State Legislature, established a working group to develop an educational loan repayment program for graduates of the William S. Richardson School of Law, University of Hawai'i at Manoa, who pursue public interest careers in Hawai'i for benefit of underserved communities.
- Supported the Ka'u Project, piloting delivery of legal services to underserved rural communities in Hawai'i, in collaboration with Volunteer Legal Services Hawai'i.

## **Community Access to the Courts Project**

The Community Access to the Courts Project presents free seminars about specific areas of law and the courts, in rural and underserved communities. Each seminar is tailored to meet the specific needs of the community and conducted by volunteer judges, attorneys, and experts, in order to provide attendees with a better understanding of the law, how to access the court system and self-help resources. Informed parties are better able to navigate the court system, thereby facilitating the efficient resolution of cases and reducing time away from work and other commitments due to legal proceedings. The project is implemented through collaborative partnerships with community leaders and key stakeholders and funded by grants from the Hawai'i Lodging & Tourism Association (Visitor Industry Charity Walk).

## **Promoting Language Access Beyond Hawai'i**

The Hawai'i State Judiciary continues to assist the Pacific Judicial Council in providing overall support to judicial systems in the Pacific Islands in the area of language access. OEAC Program Director Debi Tulang De-Silva was invited to present to judges at the Pacific Judicial Council annual conference in Palau in April 2015.