

# **Justice Speaks: A Journey from Grassroots Activism for Immigrant Survivors to Social Change**

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# **The Impact of the Court and Interpreters in Women's Lives**

- **Survivors of domestic violence may go to family and criminal court for a range of vital reasons including to obtain orders of protection, child custody, maintenance, etc.**
- **In our experience court interpreters play a crucial role in the lives of immigrant survivors of violence.**

# **Language Access Problems in Court: Court Interpreters**

- **Interpreters who do not show up**
- **Interpreters who do not speak the same language as the survivor**
- **Interpreters who do not translate everything that is said**
- **Interpreters who advise survivors to ‘drop the case’ or offer other legal advice**
- **Interpreters who speak with abusers or any particular party (plaintiff/defendant) during breaks or outside the court room**

# The Need for Language Access: The First Steps

- In 1995 Sakhi initiated the court interpreter's project as a result of anecdotal experiences recorded in Family Courts by Sakhi staff and volunteers conducting court accompaniments.
- Sakhi first partnered with the *Coalition of Battered Women's Advocates'* (CBWA) in fall 2001 on the *Non-English Speaking Project Survey*
- In 2002 Sakhi produced a documentary film, *Creating Community Change*, to enhance awareness about language access barriers in Courts
- In 2003 the DV Advocates Task Force for Court Interpretation emerged from the CBWA – this working group turned into a task force and is now currently the Justice Speaks Initiative, a coalition of partners (including advocates, attorneys, and interpreters)

# About Justice Speaks

- **Justice Speaks is an Initiative on Ensuring Language Access in the Justice System**
- **Justice Speaks believes in the right of everyone in the United States to access justice. We focus on enhancing language access within the justice system through community outreach, education, policy reform and advocacy. Based and working actively in New York State, the Initiative strives to have a national impact.**

# Advocacy Strategies: Keys to Success for Justice Speaks

- Coalition Building:
  - It's essential to identify those whose strategies may be different, but with whom you may be able to join at key strategic junctures
  - It is important to recognize natural allies and allies in unexpected places

# Task Force Members

- Many individuals participated in the taskforce meetings and helped to develop and implement the strategic plan:
- **Legal Agencies:**
  - Safe Horizon
  - Lawyers for Children
  - Legal Aid
  - Legal Services
  - CUNY Law School
- **Non profit agencies:**
  - Sakhi for South Asian Women
  - Sanctuary For Families
  - Voices of Women
  - Vera Institute of Justice
- **City agencies:**
  - Family Court Mediation Program
  - Family Court representative
  - Criminal Court representative
  - Corporation Counsel

# Coalition-Building

- In March 2005, Sakhi attended the first *National Center for State Courts* advisory board meeting responding to the initial results of the National Court Survey on access to temporary orders of protection. The study revealed that approximately 60% of courts reported to have "sufficient" services for LEP petitioners.
- In 2005, Justice Speaks actively worked with the New York City Bar Association's Task Force on Women in the Courts to facilitate attention to court interpretation via senior court administrators.
- In 2006 members of Justice Speaks co-authored an article which appeared in *Proteus*, the newsletter of the National Association of Judiciary Interpreters and Translators (NAJIT). The pilot version of a groundbreaking national survey with interpreters was conducted at the NAJIT 2006 conference.

# 2007 Convenient Sample Survey Findings

The results from a survey of 171 individuals demonstrate a deep need for legal and interpreting services in New York City:

- More than  $\frac{3}{4}$  of respondents (77%) did not have a lawyer;
- More than  $\frac{1}{4}$  of respondents (26%) did not feel comfortable understanding and speaking English;
- Of the respondents who did not feel proficient in English, 93% did not bring someone to interpret for them; and,
- Of the respondents who did not feel proficient in English, 40% did not know that the court could provide an interpreter.

# Lessons Learned

- A greater and more random sample, instead of one time period across four days.
- Should address other court users, not just litigants
- Length of the survey (6 pages is too long)

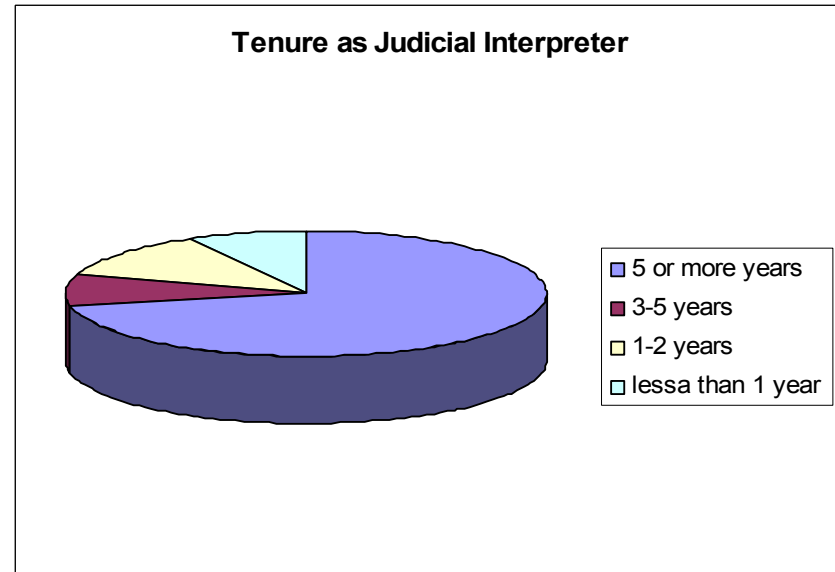
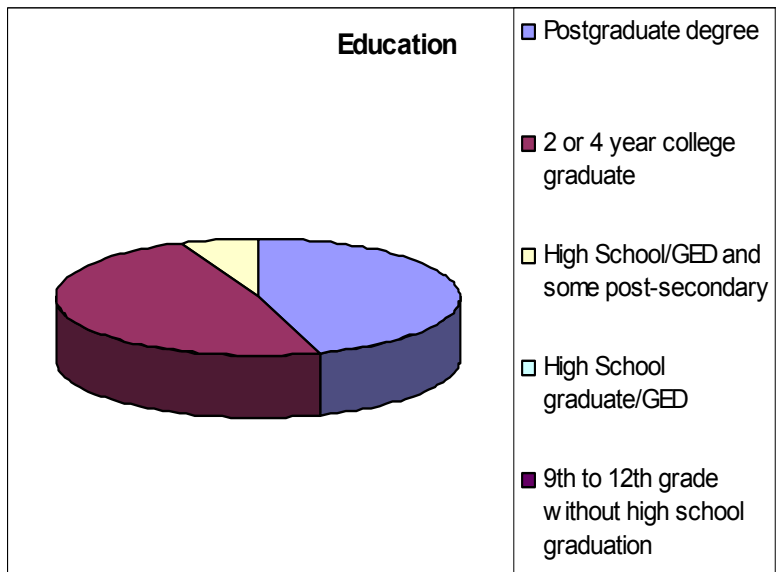
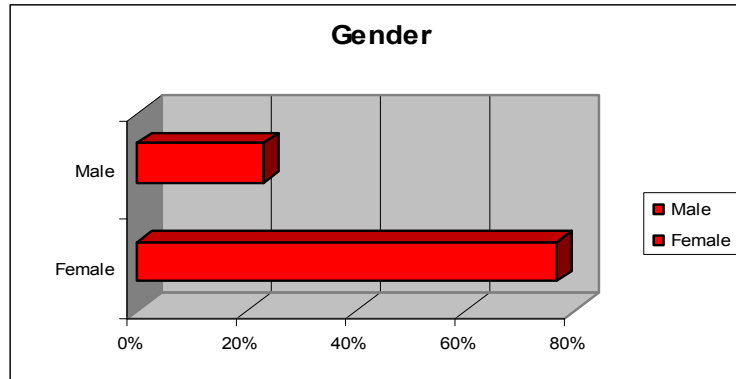
# Policy Outcomes

- In 2006 Justice Speaks helped mobilize the New York State Office of Court Administration to release a work plan to address improving the court interpreter system. The work plan included three concrete victories: mandatory testing for interpreters in English, mandatory training, and the first pay increase for per diem interpreters in a decade.
- In 2007 results of the convenient sample survey were released.
- In October 2007 largely as a result of advocacy, research and persistence NY state administered Rule 217.
- In 2008, Justice Speaks released the results of a national survey with court interpreters on their professional experiences.

# Methodology of CIP Survey

- **Drafting the survey instrument in 2006 with other key collaborators**
- **Survey comprised of 51 questions which were both open and closed ended ones and took about 15 minutes to complete**
- **The survey was anonymous**
- **IRB approval obtained through Vera Institute of Justice**
- **Pilot was conducted at 2006 NAJIT conference**
- **Database of interpreter's compiled through several public databases**
- **Survey link was also posted on Sakhi website**
- **Time period of data collection May 2007-April 2008. Around 30 surveys collected in 2007 NAJIT conference**
- **We reached an estimated 2,000 interpreters and inputted and aggregated from 157 respondents**
- **Survey results were inputted manually into Zoomerang, a web-based software tool**
- **Through Zoomerang we disaggregated the data and conducted data analysis based on results**
- **From the results we compiled a series of key findings and recommendations**

# Demographics



# Demographics

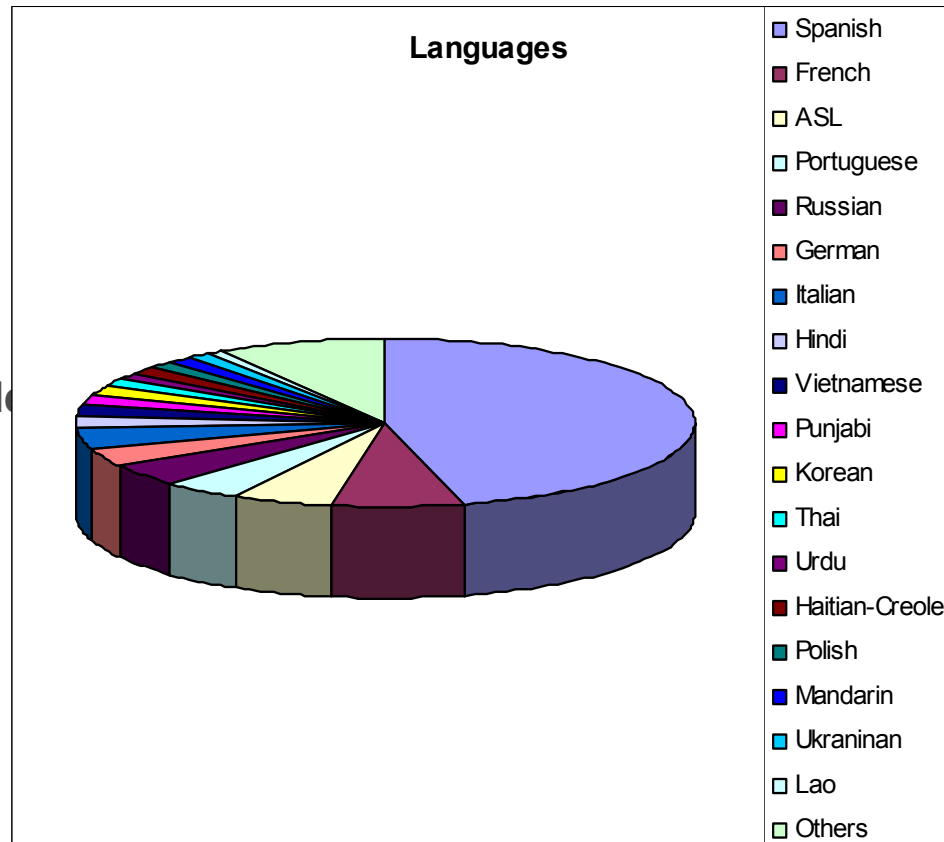
## State-wise breakdown of responses:

- California
- New York
- New Jersey
- Colorado
- Oregon
- Washington
- Florida

# Demographics

## Languages spoken

- Spanish
- French
- ASL
- Portuguese; Russian
- German; Italian
- Hindi; Vietnamese
- Punjabi; Korean
- Thai; Urdu; Haitian-Creole
- Mandarin
- Ukrainian
- Lao
- Others



# Types of Court

## Types of court

- Civil
- Criminal
- County
- Family
- District
- Administrative
- Others, unspecified
- Housing
- Supreme
- IDV
- Surrogate

# Comparison of Context of Work in Criminal and Civil Justice Systems

## Criminal Justice System

- Lawyer/client interactions
- Initial appearance; preliminary hearing; arraignment
- Sentencing
- Bail or detention hearing
- Jury trial; OP/Restraining order hearing
- Corrections/ probation interview
- Investigation
- Crime report
- Others

## Civil Justice System

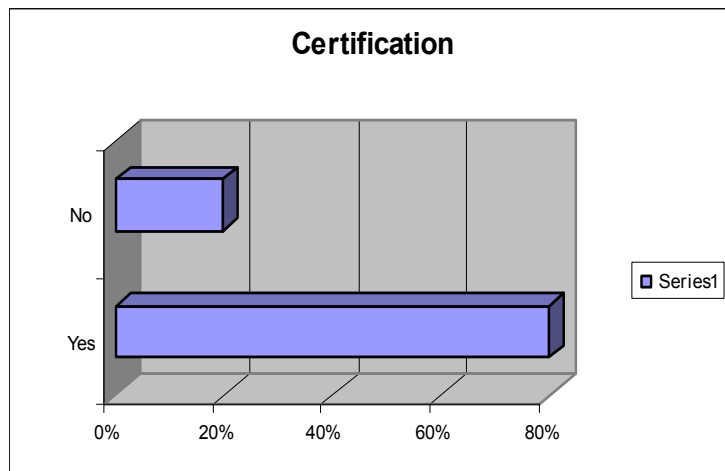
- Lawyer/ client interactions
- Mediation
- OP/Restraining order; divorce
- Child custody
- Child support; preliminary hearing
- Jury trial
- Spousal maintenance
- Others

# Some Highlights

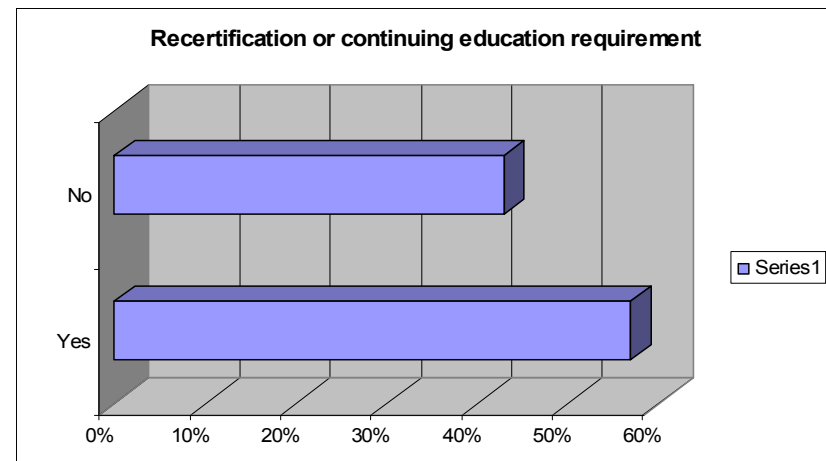
- **79% of interpreters revealed Courts enable efficient scheduling**
- **38% of interpreters revealed that in their experience clients have to typically wait for more than 12 hours before interpreter appears**
- **Nights and weekends were identified as the period when wait is typically lengthy**
- **56% of interpreters revealed that they encountered difficulty of hearing the person in courtroom**
- **52% encountered poor courtroom setup as an impediment to effective interpretation**
- **94% revealed that they had rarely been in a situation where it was difficult to be objective while interpreting**
- **88% had rarely found themselves in a situation where it was necessary to go beyond strict interpretation and inform client of legal matters**
- **Only 6% had been asked to interpret in a dialect or language other than what they speak fluently**
- **Only 13% have encountered terms that they did not know how to translate**

# Certification and Continuing Education Requirements

Certified in current State of work



Recertification or continuing education requirement by State



# Trainings for Interpreters

## Received Training

- Role of an interpreter; ethics; confidentiality
- Legal procedures and terminology
- Developing a legal glossary
- Cultural sensitivity; domestic violence sensitivity
- Sexual assault sensitivity
- Child abuse sensitivity
- Others

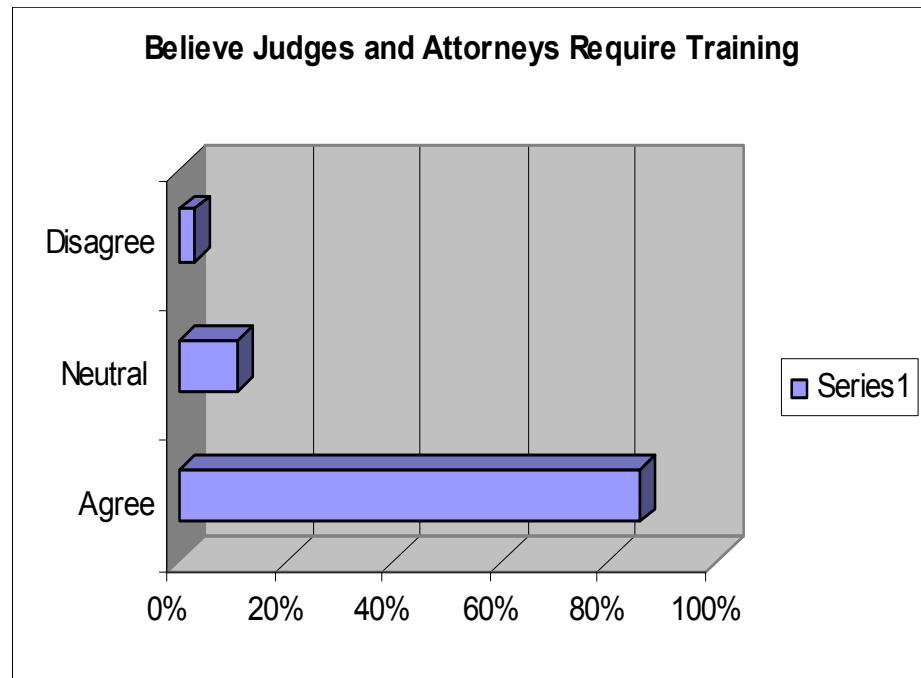
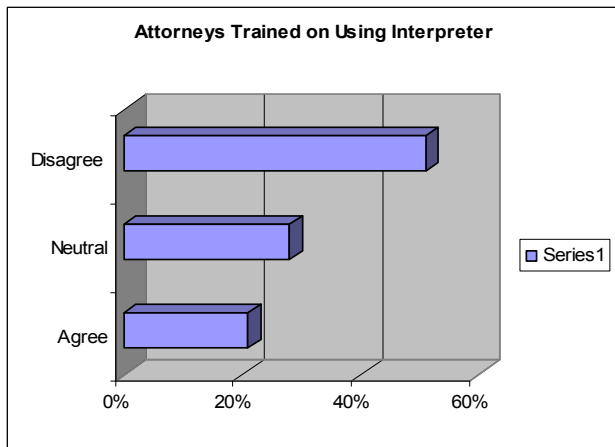
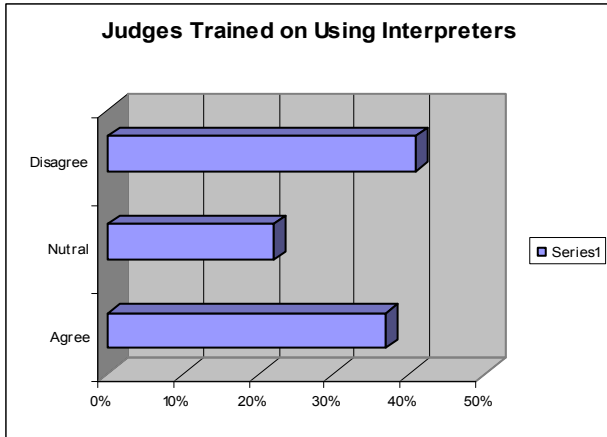
## Wanting Training

- Legal procedures and terminology
- Child abuse sensitivity
- Sexual assault sensitivity
- Developing a legal glossary
- Cultural sensitivity
- Domestic violence sensitivity; role of an interpreter
- Ethics; confidentiality
- Others

# Training for Attorneys and Judges

- **66%** revealed that frequently and very frequently they found judges who knew how to use their services
- **Only 57%** found frequently and very frequently attorneys who knew how to use their services
- **Only 22%** found frequently and very frequently the general public who use court system to understand their role as an interpreter
- **Only 21%** found judges frequently very frequently explaining the role of interpreter to the parties in court room
- **Only 15%** found attorneys frequently very frequently explaining the role of interpreter to their clients

# Training for Attorneys and Judges



# Non-Spanish Language Support

- **More than 9 out of 10 Spanish language interpreters are certified in the states they are currently working in**
- **Only a little more than 6 of 10 non-Spanish interpreters are certified**
- **Spanish language interpreters reported being trained in legal procedures and terminology at a higher rate than non-Spanish language ones**
- **Court users needing Spanish interpretation services endure shorter waiting period**
- **Almost half of non-Spanish language interpreters said LEP clients waited more than 24 hours to receive services**

# Areas to Further Explore

- **Interpreter preparedness: 39% said they rarely have adequate information about a case before entering the courtroom**
- **Potential conflict of interest: 24% rarely interpreted for someone whet knew personally and 4% did so somewhat frequently**
- **Problems in the court room set up: 52% encountered poor courtroom setup as an impediment to effective interpretation**

# Work Ahead

- **This is the preliminary release of data, further disaggregate and and analyze**
- **Follow up focus groups e.g whether interpreter needed to know about the case before going to interpret**
- **Produce final report and use for advocacy**

**Thank you!!**