



JUSTICE ON PAPER:
GAPS BETWEEN LANGUAGE ACCESS POLICY
AND PRACTICE IN PENNSYLVANIA

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ACRONYMS AND ABBREVIATIONS USED

AOPC: Administrative Office of Pennsylvania Courts

DHH: Deaf or Hard of Hearing

DOJ: Department of Justice

MDJ: Magisterial District Justice

MET: Monitoring and Evaluation Team

LAP: Language Access Plan

LAC: Language Access Coordinator

LEP: Limited English Proficiency

UJS: Unified Judicial System

INTRODUCTION

In 2023, a Pennsylvania resident received notice of pending traffic citations. She spoke Spanish, but the citations were written only in English, so she turned to a legal aid office for help. They advised her to call the court to request assistance in Spanish—a right protected under Pennsylvania’s Language Access Plan. When she called, court staff told her there were no Spanish speakers available and did not use any remote or automatic interpretation service. Later, when she appeared in person, court staff told her she should bring her own bilingual English speaker to interpret at the hearing, saying it would be “the best way to handle it.”

After this, she called the number on her hearing notice to request an interpreter. She received a call back from court staff and was told an interpreter would be present. No interpreter was there when she arrived. When she could not explain her situation in English, the judge asked a state trooper in the courtroom to interpret, without certifying his qualifications.

Frustrated by this experience, she submitted a complaint, with the help of the same legal aid office.¹ The court’s response stated that staff are not in a position to question a judge, as “[they] decide how to manage the courtroom.”² Additionally, the court confirmed that an interpreter was initially present on that date, but was told their services were no longer needed. The court apologized and affirmed that staff had since been refreshed on their training. When legal aid asked for examples of the written instructions given to court staff—they were told that internal training materials are not distributed to the public.

This situation illustrates the barriers that Limited English Proficient (LEP) individuals continue to face in Pennsylvania courts. This LEP individual should not have to rely on non-professional interpreters, especially when they followed the appropriate protocol for securing one. This incident only came to light because the LEP individual had access to a legal aid office and was guided through the complaint process.

Language access is essential because it directly affects real people’s lives. For the average person, navigating the complex legal system without a legal background is difficult enough. For LEP individuals, the risks are even greater, as miscommunication can lead to life-altering consequences. When LEP individuals cannot understand what is being said or how to respond, they may lose custody of their children, face eviction, or be denied protection from abuse. Due process requires more than just appearing in court—it demands that individuals have a meaningful opportunity to understand and

participate in proceedings that affect their fundamental rights. Without language access, that opportunity is denied.

Although the Pennsylvania Supreme Court in 2017 issued a statewide Language Access Plan (LAP),³ these types of failures persist. Prior to the LAP, Pennsylvania's courts relied on district-specific language access plans for each of the state's sixty judicial districts.⁴ Within Pennsylvania's Unified Judicial System (UJS), the Supreme Court sought to use the LAP to improve and integrate these district-specific plans with the state's overall goal of providing these necessary language services to the public.⁵ The LAP follows Act 172 of 2006, which established that LEP or deaf or hard-of-hearing (DHH)⁶ individuals must receive a certified interpreter.⁷

The LAP outlines statewide court guidelines to guarantee language services access to all people in the state.⁸ One of the most significant requirements of the LAP is that all individuals who need language services be given "qualified in-person interpreters" free of charge who have been certified under the Interpreter Certification Program. The courts may only use remote interpretation when all efforts to get a live interpreter have been exhausted and for non-evidentiary hearings expected to last 30 minutes or less. The LAP also requires that court staff identify language needs and provide notice of available services. Critically, the LAP establishes a complaint process for individuals who are denied language access. It also requires ongoing training for court staff and assigns oversight to a statewide Monitoring and Evaluation Team (MET).

To get a more complete picture of how the LAP was being implemented by the Pennsylvania courts, we spoke to court staff and advocates. We also examined language access complaints, a survey of local language access plans, 71 surveys with attorneys,⁹ 22 surveys with community advocates at organizations that specifically serve LEP individuals,¹⁰ and student in-court observations.¹¹ We also reviewed a survey conducted by the Unified Judicial System of the Pennsylvania Courts (UJS) of attorneys (118), service providers (22), court staff (10), and others (21).¹² As a comparison to Pennsylvania, we researched how other states approached the implementation of their language access policies.

The good news is that the LAP has improved language compliance in many areas. It has been particularly successful in raising awareness among LEP individuals of their right to an interpreter, whether communicated through direct notice or court signage. The UJS survey found that 50% of respondents said they or their client had received a notice of language rights, and 41% had seen a right to an interpreter poster.¹³ Furthermore, the LAP has ensured that court staff and judicial bodies are aware that the court is responsible for providing interpreter services. The same UJS survey found

that 82% of respondents had not encountered a judge or staff person who did not know about the court's responsibility to provide interpreter services.¹⁴

Despite the positive impact of the LAP, significant issues remain that require urgent attention. Our research shows that Pennsylvania courts are, at times, violating the very plan designed to safeguard language access rights. Advocates have reported that LEP individuals have faced challenges at their first point of contact with the court.¹⁵ It seems that all too often frontline staff at clerk's offices and intake counters misunderstand or dismiss language needs, leaving LEP individuals confused or unsupported.¹⁶

Further, our survey of attorneys revealed that these gaps persist in practice—32% had witnessed an LEP litigant be denied their right to an interpreter, and 46% had witnessed LEP individuals having to rely on an informal interpreter.¹⁷ Forty-three percent (43%) of respondents who work at community organizations that serve LEP individuals similarly reported that they had noticed an LEP litigant be denied their right to an interpreter, and 55% had noticed LEP individuals having to rely on an informal interpreter.¹⁸ The UJS survey revealed that only 9% of respondents reported that they or their clients had ever seen or received a language access complaint, and 37% said they or their clients were unable to locate translated court forms online or through a court website.¹⁹



79% of attorneys had reported a delay in the court proceedings because of the need to secure an interpreter.²⁰



57% of community advocates noticed LEP individuals unable to communicate effectively with court staff in a language other than English.²¹

These patterns reveal a broader failure in implementing the LAP consistently and underscore the need for stronger monitoring and enforcement across the system. The only mechanism to enforce compliance of the LAP—the complaint process—is likely unknown among many LEP litigants and even legal aid providers.²² Monitoring and enforcement is also made challenging by the lack of transparency about how the courts are approaching compliance with the LAP. Finally, while the LAP relies heavily on individual courts and coordinators for implementation and oversight, such roles are often not clearly defined. While the failure to receive language access services may sometimes lead to delay or inconvenience; other times it can skew substantive outcomes that are hard to undo.

For the LAP to succeed, it must be paired with effective monitoring and enforcement. This report identifies three major shortcomings that have prevented consistent implementation: (1) overreliance on complaints as the sole method of monitoring compliance; (2) a lack of transparency in how language access requirements are enforced; and (3) unclear roles and responsibilities for court administrators in upholding the LAP (Figure 1).

Figure 1. Barriers to Effective LAP Implementation



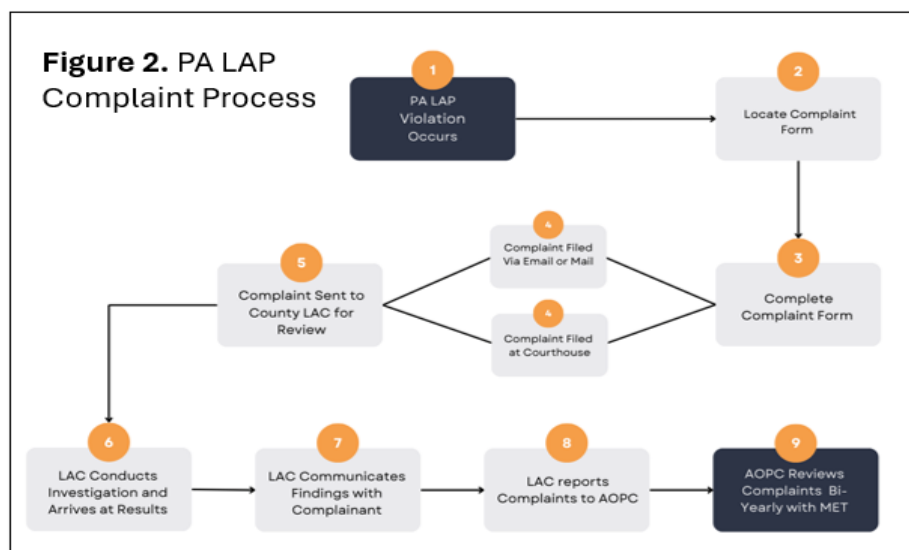
In each area, it provides recommendations for how to better realize the promise of language access rights set forth in the LAP. Together, these recommendations aim to move the LAP from a well-intentioned policy to a system that meaningfully protects the rights of LEP individuals across the state.

INADEQUACY OF COMPLAINTS TO MONITOR COMPLIANCE

An LEP individual who is denied language access can file a complaint. Problems with the complaint process range from difficulties in filing complaints to how the investigation is conducted. As the sole mechanism to identify whether courts are following the language access requirements, it leaves a gaping hole for monitoring overall compliance. We provide recommendations on how to improve the complaint process and suggest other methods beyond complaints for monitoring compliance.

ISSUES

The complaint process begins with accessing the form available on the PA Courts website or the individual county's website (Figure 2). Once completed, the form is submitted by email or mail, or at the courthouse to the County LAC for review. The LAC then reviews the claim to determine whether a violation of the LAP has occurred and resolves the issue if one is found.²³ After concluding the investigation, the LAC communicates their findings in writing to the complainant, either by outlining the changes being made to resolve the issue or explaining that no violation was found.²⁴ Lastly, each judicial district records all complaints, which are reported biannually to the Court Access Coordinator for the AOPC, who forwards them to the MET for review.²⁵



While there is no public data on the number of complaints filed, based on our discussion with advocates, we believe that only a handful have been filed since 2017. Our research has identified three main problems with the complaint process: (1) notice to LEP individuals about their right to file a complaint; (2) LEP individuals' access to the complaint process; and (3) the efficacy of the complaint investigation process.

Notice to LEP Individuals About the Right to File a Complaint

An LEP can only file a complaint if they are aware that they have the right to file one. While the LAP states that the AOPC will share information about how to file a complaint in accessible ways,²⁶ such information is limited. The only place with direct notice about the complaint process is the brochure titled “*Do You Need a Court Interpreter?*” (Figure 3).



Figure 3. AOPC Brochure

This brochure is posted on the Unified Judicial System of Pennsylvania’s Website. Currently, 58 counties indicate that this brochure is available on their county court website.²⁷ This is not always true. A survey of eight counties uncovered that some did not have the brochure posted or were otherwise difficult to find.²⁸ We do not know whether these brochures are otherwise made physically available or distributed to LEP individuals within the courts.

While the brochure informs the reader that a complaint form exists, it implies its purpose is for “feedback or concerns.”²⁹ It does not make clear to an LEP individual what the purpose of a complaint would be. In addition, the brochure is only available in Spanish and English.

In our conversations with advocates, we learned that either they were unaware that a complaint process existed or that many of their clients were unaware of the existence of a complaint process.³⁰

Access to the Complaint Process

Even if an LEP individual is aware of their right to file a complaint, they may encounter barriers when filing. To file a complaint under the LAP, the complainant likely needs access to technology.³¹ Further, it is almost impossible to find the complaint form. These forms are either hidden between various documents or posted on English-language websites, making it difficult for LEP individual to navigate. Although the AOPC has translated the complaint form into the six most common languages requested—Spanish, Arabic, Nepali, Vietnamese, Chinese, and Russian—the forms posted on individual county websites are mostly only available in English and Spanish.³² A survey of six different county websites revealed that the form is either unavailable or difficult to find. For example, in Perry County, the form is not posted on their website, despite their LAP stating otherwise.³³

How Can I Make a Complaint?	¿Cómo puedo presentar una queja?
You can follow any of these steps.	Puede seguir cualquiera de estos pasos:
• Give this form to a court employee.	• Entregue este formulario a un empleado del tribunal.
• Contact the Coordinator for Court Access at the Administrative Office of Pennsylvania Courts (AOPC). Marisa Lehr, Esq. P.O. Box 61260 Harrisburg, PA 17106-1260 phone: 717-231-3300, fax: 717-231-3327 marisa.lehr@pacourts.us	• Comuníquese con el Coordinador de Acceso a los Tribunales en la Oficina Administrativa de Tribunales de Pennsylvania. (AOPC) Marisa Lehr, Esq. P.O. Box 61260 Harrisburg, PA 17106-1260 teléfono: 717-231-3300, fax: 717-231-3327 marisa.lehr@pacourts.us
• Contact the United States Department of Justice (DOJ). Federal Coordination and Compliance Section Civil Rights Division U.S. Department of Justice 950 Pennsylvania Avenue NW Washington, D.C. 20530 (888) 848-5306	• Comuníquese con el Departamento de Justicia de los Estados Unidos (DOJ) Federal Coordination and Compliance Section Civil Rights Division U.S. Department of Justice 950 Pennsylvania Avenue NW Washington, D.C. 20530 (888) 848-5306

Figure 4. Methods of Submission

The complaint form also lists three different methods of submission yet lacks guidance on which option to choose (Figure 4).³⁴ If an LEP were to make a complaint to the U.S. Department of Justice, for example, there is concern that this complaint might never end up being investigated or addressed by the Pennsylvania courts.³⁵

Efficacy of the Complaint Investigation Process

The current complaint investigation process does not follow a standardized investigation protocol, has the potential for biased review, and lacks clear remedies for complainants.

1. Lack of Protocol for Investigation or Responses

The LAP does not set out a standardized protocol for investigating complaints, including any sort of timeframe. Without deadlines, a complaint could be left unreviewed for months, which could be problematic for an LEP individual who will have to return to court. Similarly, without a standardized protocol, each investigation depends on what the LAC chooses to do. Some LACs may investigate all individuals involved, while others may simply ask court staff what happened and get one version of the events. Further, if there is any evidence related to the complaint (e.g., written documents, audio recording), it is unclear whether the LAC must try to obtain such evidence. Without a clear protocol outlining the LACs' investigatory process, it is almost impossible to know whether a fair investigation was conducted.

2. Potentially Biased Investigations

The current review process creates the potential for biased investigations. LACs are tasked with reviewing and resolving language access complaints for their county. Such LACs may be in the same courthouse or be familiar with the individuals being reported by complaints.³⁶ While complaints are reported biannually to the AOPC administrator and MET, these reviews only serve to “determine whether any adjustments to training or outreach is required.”³⁷ There is otherwise no oversight of such complaints by the AOPC or MET. The public too has no access to the complaints that have been made or data related to the number and nature of complaints.

This lack of oversight creates an opportunity for the LAC to make decisions that favor their colleagues. Further, it is possible for there to be retaliation against complainants. In Philadelphia County, for example, advocates submitted a complaint on behalf of an LEP individual who lacked appropriate interpretation.³⁸ The LAC apparently disclosed the identity of the reporter to the clerk's office while investigating. The advocate received negative comments from the clerks afterward.³⁹

3. Unclear Remedies

Because complaints are filed after harm has already occurred, it's unclear how they can provide a meaningful remedy to the complainant. If an LEP already had their day in court, there might not be any way to remedy their violation. Even if they will return to court, the lack of a set investigation timeframe makes it uncertain when their complaint will be reviewed. It is also unclear how the complaint will be used to rectify the issue at their next court date. Without a clear protocol for how LACs, an LAC may overlook an individual remedy or provide an individual remedy without making systemic changes.

SOLUTIONS

As highlighted above, the current complaint system needs improvement to become a more effective mechanism for monitoring language access concerns. Further, as the only mechanism for monitoring compliance, the Pennsylvania courts should look to other ways to expand monitoring.

Improve the Complaint Process

The current complaint process must be updated to ensure greater accessibility and offer meaningful remedies for LEP individuals.

1. Provide Notice of Complaint Procedures

There needs to be better notice about the complaint process. To improve notice, the AOPC could:

- **Incorporate notice into court signage.** Besides informing an individual of their right to language access, court signage could explain the right to file a complaint if one's right to language services are violated.
- **Update the “Do You Need a Court Interpreter” brochure** to better explain the complaint process, provide a link directly to the complaint form, and mandate that it be displayed prominently online and within the courts.

2. Creating a Streamlined Process for Submitting Complaints

To combat barriers to accessibility and create a more streamlined process for submitting complaints, the complaint form should be:

- **Made available to submit online.** The Oregon Judicial Department provides for an online complaint form that allows for streamlined integration of these complaints into their database.⁴⁰ Online submission procedures would lessen the opportunity of complaints being mishandled or lost if immediately integrated into an online database.
- **Converted into a QR code** to be displayed on court signage and in brochures, allowing complainants to easily access and submit the form from their phone.
- **Available at the courts for individuals without internet access.** Complaint forms should be printed out and made available for submission at the courts.

- **Phone line.** Allow LEP individuals to orally file a complaint.

3. Have All Complaints Go to One Place

In New Mexico, for example, all complaints go to the AOPC administrator instead of county-level coordinators.⁴¹ Having the AOPC collect complaints would:

- **Clarify the submission process.** Having one location for complaints would reduce confusion for LEP individuals. Further, the AOPC would be responsible for forwarding it to the appropriate LAC for further review.
- **Allow the APOC to accurately track the number and location of complaints.**

4. Create a Standardized Protocol for Investigating Complaints

To ensure a fair investigation, the AOPC should develop and publicize a clear protocol for the LAC to follow when investigating complaints. These guidelines should:

- **Create a timeline for complaint review.** If the AOPC had complaints go to them directly, they could assess the time needed to investigate the issue based on the specific circumstances of the complaint and provide the LAC with an estimated deadline. Establishing issue-specific timelines would alleviate the pressure to rush investigations to meet a deadline, while still offering a clear estimate of how long these investigations should take.
- **Create investigation requirements,** such as mandating interviews with both the complainant and the other individuals involved. Clear and publicly available guidelines on the investigation process could help LEP individuals understand what kind of information, documents, or evidence they need to submit to successfully file or support their complaint.

5. Implement an External Review of Complaints

An external review of complaints will potentially minimize bias in investigations. Two different approaches could strengthen this review process:

- **Implement an external review team.** The AOPC could establish a designated team responsible for reviewing complaints independently.
- **Appoint specialized members to review complaints.** In Oregon, there are external reviews of complaints conducted by individuals who are subject matter experts.⁴² Pennsylvania could emulate this model by utilizing their

MET. The MET—which includes judges, interpreters, and attorneys—could assign a member to review complaints based on the nature of the allegation. For instance, if a complaint involves concerns about interpretation, an interpreter from the MET could be tasked with the review.

By collecting complaints, the AOPC could also look more broadly at what appears to be systemic language access issues. It would allow for easier identification of patterns of non-compliance, making it easier to act against staff or judicial actors.⁴³

6. Provide Meaningful Recourse

Complaints should offer real resolutions to affected individuals and help to create systemic change. Complaint forms should:

- **Include a section to indicate whether the case is ongoing to ensure that these complaints are prioritized for review.** This would allow individuals to have their language access problem potentially fixed by the next time they appear in court.
- **Trigger consideration of a systemic solution.**

Expand Monitoring Beyond Complaints

The current complaint process is a limited tool for assessing court compliance with the LAP, as barriers to filing complaints prevent an accurate capture of the issues faced by LEP individuals. Courts should not wait for complaints to address language access issues. Instead, they must proactively fix these systemic barriers. We have identified three potential approaches the AOPC could use to expand monitoring.

1. Tracking and Reporting Language Access Failures

Beyond tracking interpreter use, court staff could also track and report interpreter shortages and language access failures. Other states like Indiana, mandate that court staff submit a quarterly review of interpreter usage to judicial officers.⁴⁴ Beyond documenting each interpreter's credentials, frequency of use, and issues/complaints levied against them, it also asks for information about the reasons for appointing (or not) an interpreter or using a qualified, certified, or other kind of interpreter.⁴⁵ Mandating that court staff regularly report interpreter use would aid in identifying performance issues and support the implementation of proactive solutions.

2. Court Monitoring

Proactive court monitoring could better ensure compliance with language access obligations. To achieve this, the AOPC could look at Oregon, where the AOPC visits each court in their 36 districts, regardless of whether they have recorded violations.⁴⁶ While we acknowledge that Pennsylvania has almost double the number of districts, independent evaluation is necessary to ultimately ensure compliance.

3. Seek Feedback

By actively seeking feedback from LEP individuals and their advocates, agencies could catch issues that might not come up through formal complaints. For example, the AOPC could send out text-message satisfaction surveys to individuals asking them to describe their experience. These texts can be automatically formulated in the top six LEP languages. To reduce the need for having someone translate each response, the text could use the “smiley feedback” method of rating their experience by pressing on a face that conveys their satisfaction level. These texts could ask for responses based on whether the LEP saw court signage, was assigned an interpreter, and whether this interpreter was accurate and professional. If there are “unsatisfactory” responses, someone could follow up to gather further information.

HIDDEN FROM PUBLIC VIEW: TRANSPARENCY IN LANGUAGE ACCESS ADMINISTRATION

A lack of transparency has made it more challenging to accurately assess the monitoring and enforcement of the LAP. Notably any monitoring reports, complaint outcomes, and training materials produced by the AOPC or judicial districts are not accessible to the public.⁴⁷ We were unable to obtain these materials after requesting them. Advocates that we interviewed also noted several issues with transparency from court staff and in their own interactions with LACs.⁴⁸

Transparency is also essential for fostering productive collaboration and trust between the courts and the public. Community groups play a vital role in helping LEP individuals navigate the legal system, but they can only do so if they have access to information about how court processes function. Without clear timelines, outcomes, or procedural details, advocates are unable to offer meaningful guidance or manage expectations. Greater transparency about how courts are handling LEP individuals would also encourage stakeholder feedback about systemic issues. This feedback could help courts reassess and refine their policies in response to changing community needs.

Ultimately, even the strongest language access policies cannot succeed without proper clarity around how they are put into practice. We have outlined several potential solutions that could help address these issues and support a more unified, accessible court system.

ISSUES

Training Materials

The LAP tasks the AOPC with developing and delivering language access training materials and mandates that all court staff receive this training.⁴⁹ We know that AOPC shares aspects of its training during court activities and events, but we lack clarity on how frequently this occurs or what the content of those presentations includes. AOPC uses both written materials and training courses as part of its instruction, but beyond these broad outlines, few concrete details were available. Advocates who have spoken with LACs have been told that language access training materials were not distributed outside of the UJS.⁵⁰

Training materials do not appear to be publicly available. Nor is there any public information about the frequency of trainings. This lack of transparency poses a real barrier for advocates and the public, who are trying to understand why language access

issues persist and what reforms could improve the current system.

Inconsistent or limited training, for example, might point to court staff's difficulty in meeting LAP requirements or their lack of awareness of these requirements at all. This concern especially applies to frontline staff who are often the first and most frequent point of contact for individuals with LEP. County-level LAPs typically require that frontline staff use telephonic language interpretation to communicate with LEPs.⁵¹

Yet attorneys and advocates have flagged issues where frontline workers misinterpret, dismiss, or otherwise fail to provide the same quality of assistance to LEP individuals as they do to English speakers.⁵² Without access to detailed training content or evaluations of its effectiveness, it becomes difficult to ensure that the system is equitably serving all Pennsylvanians.

Monitoring Reports and Complaint Outcomes

Transparency challenges extend beyond training. The LAP requires that LACs use a standardized data collection tool to compile the number of interpreter encounters and languages requested.⁵³ The AOPC uses this data to create annual reports on the status of language access.⁵⁴ Yet neither these reports nor the data collected by this tool are currently publicly available.

Transparency issues also exist for complaint outcomes, as referenced in the earlier discussion of complaint procedures. There is no information on whether complainants are interviewed, or how evidence is gathered, or what timelines guide the process. Greater visibility for these procedures would help build trust in the complaint system and ensure that concerns are consistently addressed.

SOLUTIONS

Make Key Documents Public

One foundational step toward improving transparency is the public release of key documents—such as training materials and internal reports on how the LAP is being monitored and enforced. When advocates and community organizations have access to these materials, they are better equipped to identify gaps in service, understand how the system is functioning on the ground, and provide informed feedback. In the long term, this can ease the burden on UJS by allowing trusted external partners to assist in identifying areas for improvement. Making these documents publicly available also promotes greater accountability and reinforces public trust by demonstrating the judiciary's commitment to access and fairness. Other jurisdictions, like New Mexico,

make their training materials publicly available, setting a helpful example for Pennsylvania to follow.⁵⁵

To strengthen this commitment even further, two additional steps could be taken. First, the AOPC could publish an annual aggregated report on language access performance using data collected by LACs across the state. Second, the AOPC could establish a public-facing database that summarizes resolved complaints and the corrective steps taken. Indiana has already adopted a similar practice by disclosing the outcomes of each complaint on an individual basis.⁵⁶ These measures would significantly enhance both accountability and transparency within Pennsylvania's language access framework.

Encourage Community Involvement

Community-based organizations are key partners in the effort to improve language access. The LAP requires counties to do outreach to such organizations.⁵⁷ These groups work closely with LEP individuals and often serve as intermediaries when navigating complex court systems. Public reporting and access to updated materials are crucial for them to provide accurate, timely guidance. Building stronger relationships with community partners through consistent, transparent disclosures can also help prevent noncompliance. When court staff are more aware of language access expectations—and the community feels empowered to speak up when those expectations are not met—courts are more likely to identify and resolve systemic issues early. Informed communities can also help reduce barriers to filing complaints by equipping LEP individuals with the knowledge and support they need to take action.

Improve Transparency of Training Standards

To ensure consistent service to LEP individuals, there must be clarity around what training is required and how it is delivered. If there is no statewide standard, one should be implemented. States like Connecticut have addressed this by requiring all court staff to complete a uniform online language access training, with remote options for those unavailable in person.⁵⁸ A certification or documentation process would further promote transparency—New Mexico, for example, requires court staff to sign an acknowledgment form confirming their completion of training.⁵⁹ These forms are made publicly available, reinforcing both court staff accountability and public trust.

Ensure Regular Training Updates

Language access training should not be a one-time event. Annual refresher courses for judges and staff—modeled after Connecticut's requirement that all court staff participate in recurring courses—can help ensure that language access principles remain

top-of-mind, especially as demographic trends and court procedures evolve. The effectiveness of these trainings could be enhanced through public feedback mechanisms and regular audits, including data collection on court staff participation and outcomes. Ongoing assessment would allow the AOPC and county courts to refine training materials and better align them with the needs of LEP individuals.

LACK OF PROTOCOL: CLARIFYING RESPONSIBILITIES FOR LANGUAGE ACCESS ADMINISTRATORS

One major barrier to effective implementation of language access policies is the lack of clarity around the specific roles and responsibilities of court administrators. While the UJS LAP commendably outlines a wide range of duties, these responsibilities are often framed in broad terms. It leaves many key tasks without clearly defined ownership. While it is possible that internal protocols further delineate these roles, if so, they are not publicly available, thereby highlighting the importance of transparency.

When responsibilities are not clearly defined, accountability becomes difficult to enforce. Without knowing who is tasked with specific duties, it is nearly impossible to identify when those responsibilities have been neglected or to hold any one individual or court responsible. This lack of accountability can lead to some counties performing better than others in implementing language access policies. However, LEP individuals should not receive more or less support simply because of the district in which they appear. When all court staff understand their specific role in serving LEP individuals, it becomes more likely that those users will receive consistent and equitable treatment statewide.

Most importantly, when the system lacks clear pathways for identifying and addressing noncompliance, there is a risk that language access obligations may be ignored altogether. If there is no guidance on who can intervene or how corrective actions are initiated, judges and court staff may be less inclined to uphold the requirements of the LAP. Clear delineation of responsibilities is therefore not just an administrative concern; it is a necessary condition for effective enforcement and for protecting the rights of LEP individuals throughout the court system.

ISSUES

Our research and conversations with court personnel revealed significant confusion about who is responsible for what. For example, both the LAP and county-level LAPs are unclear on which bodies are responsible for handling complaints. When we spoke with two LACs, they indicated that complaints are handled by the AOPC, not by them.⁶⁰ This contradiction leaves unclear who oversees or resolves complaints and suggests that responsibilities may not be clearly assigned—or at least, not consistently understood across the system.

This ambiguity extends beyond complaints. The LAP states that the AOPC, District Court Administrators (DCAs), and LACs should work together to coordinate training,

but it offers no breakdown of which entity is responsible for what aspect of that coordination.⁶¹ Similarly, while the LAP mentions that attorneys may receive training through Continuing Legal Education (CLE) sessions at local courts, it does not indicate who is responsible for organizing, approving, or tracking these CLE opportunities.⁶² This lack of specificity leads to confusion about who enforces language access requirements, and which body is tasked with ensuring that training happens.

SOLUTIONS

Clearly Define Roles and Responsibilities

A critical first step is to clearly define and differentiate the roles of key actors, particularly the AOPC and LACs. Currently, overlapping or vague assignments, such as the general instruction that AOPC, DCAs, and LACs must “coordinate training,” do little to clarify responsibilities.⁶³ A more useful approach would assign specific duties to each body. For instance, the LACs could be tasked with presenting training materials that are developed and distributed by the AOPC, removing the burden of coordination from their responsibilities.

Similarly, implementing statewide standards for how monitoring should occur, whether through regular site reviews, staff evaluations, satisfaction surveys, or data collection, would help define which body is responsible for each part of the process and how those responsibilities are to be carried out. The same principle should apply to other functions, such as complaint handling, monitoring, and outreach—ensuring that each role is precisely articulated so staff can act confidently within their scope. This clarity would also allow for more effective oversight and recognition of strong performance.

Strengthening Enforcement Mechanisms

Incorporating statements that suggest concrete enforcement mechanisms into the LAP—even if minor or symbolic—would help clarify the balance of responsibility between the AOPC and county court staff. New provisions could outline how the AOPC is empowered to oversee compliance, conduct audits, or issue guidance when inconsistencies are identified. These measures would not only promote better adherence to language access policies but also help the LACs understand what aspects of enforcement fall under their purview versus those reserved for AOPC. In doing so, the LAP would support a more consistent and enforceable system across the state.

CONCLUSION

Pennsylvania courts have a clear obligation to provide equal language access to individuals with limited English proficiency. Although progress has been made since the adoption of the LAP in 2017, some LEP individuals still face barriers in accessing the courts. Relying on complaints alone is not sufficient to monitor compliance. Greater transparency, clearer definitions of responsibility among the AOPC, LACs, and other court staff, and standardized, publicly available training procedures are essential to ensuring equitable access. Some improvements, such as requiring the AOPC to develop formal guidance may take time. Other improvements, like improving access and instructions for complaints, can be implemented more quickly. Moving forward, our hope is that language access remains a living, evolving priority within the Pennsylvania courts.

ENDNOTES

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- ¹ Language Access Complaint (filed Dec. 18, 2023) (on file with authors).
- ² Response to Language Access Complaint from County Language Access Coordinator (Feb. 22, 2024) (on file with authors).
- ³ SUP. CT. OF PA., UNIFIED JUD. SYS. OF PA., LANGUAGE ACCESS PLAN (May 2017) [hereinafter LANGUAGE ACCESS PLAN].
- ⁴ *Id.* at 3.
- ⁵ *Id.*
- ⁶ Unless otherwise noted, references to LEP are meant to include both LEP and DHH individuals.
- ⁷ 42 PA. CONS. STAT. §§ 4401-4438. Under Title VI of the Civil Rights Act of 1964, state courts are required to provide equal access to all persons, regardless of their national origin. Title VI, 42 U.S.C. § 2000d *et seq.* As part of this equal access, courts are obligated to provide language access services to limited English proficient (LEP) individuals to ensure their equal participation and understanding of court proceedings.
- ⁸ LANGUAGE ACCESS PLAN, *supra* note 3, at 3.
- ⁹ Sheller Ctr. et al., Language Access in Pennsylvania Cts. (Attorney Version) (Apr. to Aug. 2022) (on file with authors).
- ¹⁰ Sheller Ctr. et al., Language Access in Pennsylvania Cts. (Community & Advocacy Version) (Oct. 2022 to June 2023) (on file with authors).
- ¹¹ Synthesized Student Monitoring Forms, Language Access in the Cts. (July-Aug. 2024) (on file with authors).
- ¹² UJS Language Access Plan Evaluation, Language Access in the Cts. (Spring 2021) (on file with authors); UJS Language Access Survey Results – Executive Summary, Language Access in the Cts. (Spring 2021) (on file with authors).
- ¹³ UJS Language Access Plan Evaluation, *supra* note 12, at 1.
- ¹⁴ *Id.* at 3. It is noteworthy that in the same survey, 45% of respondents have not even encountered the need for an interpreter in a civil matter.
- ¹⁵ Telephone Interview with Staff Attorneys, Legal Aid Nonprofit (Oct. 4, 2024) (on file with authors).
- ¹⁶ *Id.* Advocates noted that LEP individuals will often choose to leave during the intake process because of the difficulty in communicating with court staff.
- ¹⁷ Language Access in Pennsylvania Cts. (Attorney Version), *supra* note 9.
- ¹⁸ Language Access in Pennsylvania Cts. (Community & Advocacy Version), *supra* note 10.
- ¹⁹ UJS Language Access Plan Evaluation, *supra* note 12, at 1, 3.
- ²⁰ Language Access in Pennsylvania Cts. (Attorney Version), *supra* note 9.
- ²¹ Language Access in Pennsylvania Cts. (Community & Advocacy Version), *supra* note 10.
- ²² Interview with Staff Attorneys, *supra* note 15; Telephone Interview with Paralegal, Legal Aid Nonprofit (Sept. 27, 2024) (on file with authors).
- ²³ *See generally* Survey of Local Language Access Plans (Jul. 13, 2022) (on file with authors) (outlining that all districts indicate that the LAC is responsible for investigating complaints in their county).
- ²⁴ *Id.*
- ²⁵ SUP. CT. OF PA., UNIFIED JUD. SYS. OF PA., FIVE YEAR UPDATE—LANGUAGE ACCESS PLAN 19 (Nov. 2022) [hereinafter FIVE-YEAR UPDATE].
- ²⁶ LANGUAGE ACCESS PLAN, *supra* note 3, at 46 (§ XII).
- ²⁷ Survey of Local Language Access Plans, *supra* note 23.
- ²⁸ For example, Perry County did not have it posted. *See All Court Related Forms*, PERRY COUNTY, <https://perryco.org/departments/courts/all-court-related-forms/> (last visited July 1, 2025).
- ²⁹ Language Access, PACOURTS.US, <https://www.pacourts.us/judicial-administration/court-programs/language-access-and-interpretor-program> (scroll to the latter part of the page and “click to download brochure”) (last visited May 29, 2025).
- ³⁰ *See, e.g.*, Interview with Paralegal, *supra* note 22.
- ³¹ While all county LAPs direct that the complaint form should be printed and available in the courts, it is unknown whether this direction is followed.
- ³² FIVE-YEAR UPDATE, *supra* note 25, at 13 (noting the 10 most common languages requested in 2021).
- ³³ *See Language Access Plan*, PERRY COUNTY, <https://perryco.org/wp-content/uploads/2020/07/PERRY-JUNIATA-2020-Approved-LAP.pdf> (last visited July 1, 2025).
- ³⁴ Pennsylvania Courts Language Access Complaint, PACOURTS.US (2024), <https://www.pacourts.us/Storage/media/pdfs/20210516/211434-file-7497.pdf> (last visited May 29, 2025).
- ³⁵ Telephone Interview with Staff Attorney, Legal Aid Nonprofit (Oct. 4, 2024) (on file with authors).

³⁶ See, e.g., *Language Access Coordinators*, PACOURTS.US., <https://www.pacourts.us/judicial-administration/court-programs/language-access-coordinators> (listing the offices of the county Language Access Coordinators with many being in courthouses) (last visited May 29, 2025).

³⁷ FIVE-YEAR UPDATE, *supra* note 25, at 19.

³⁸ Interview with Staff Attorneys, *supra* note 15.

³⁹ *Id.*

⁴⁰ OR. JUD. DEP'T, LANGUAGE ACCESS SERVICES, LANGUAGE ACCESS PLAN 2022-2026 29 (Jan. 2022) [hereinafter OR. LANGUAGE ACCESS PLAN].

⁴¹ N.M. JUD. ADMIN. OFF. OF THE CT., LANGUAGE ACCESS PLAN 2017-2019 22, 39 (2017), [hereinafter N.M. LANGUAGE ACCESS PLAN].

⁴² Telephone Interview with Oregon Language Access Coordinator (Feb. 5, 2025) (on file with authors).

⁴³ While disciplining judges may present challenges at the AOPC level, compiling complaints against them could support the submission of those concerns to the appropriate disciplinary bodies.

⁴⁴ IND. SUP. CT. LANGUAGE ACCESS ADVISORY COMM., LANGUAGE ACCESS PLAN FOR THE IND. JUD. BRANCH 14 (Feb. 2019) [hereinafter IND. LANGUAGE ACCESS PLAN].

⁴⁵ *Id.*

⁴⁶ Interview with Oregon Language Access Coordinator, *supra* note 42.

⁴⁷ See, e.g., Survey of Local Language Access Plans, *supra* note 23 (noting that LACs only send complaint outcome letters to the complainants themselves).

⁴⁸ Interview with Staff Attorneys, *supra* note 15.

⁴⁹ LANGUAGE ACCESS PLAN, *supra* note 3, at 36-42 (§ IX).

⁵⁰ Response to Language Access Complaint, *supra* note 2.

⁵¹ Survey of Local Language Access Plans, *supra* note 23.

⁵² Language Access in Pennsylvania Cts. (Attorney Version), *supra* note 9; Language Access in Pennsylvania Cts. (Community & Advocacy Version), *supra* note 10.

⁵³ LANGUAGE ACCESS PLAN, *supra* note 3, at 32 (§ VII).

⁵⁴ *Id.* at 33 (§ VII).

⁵⁵ Training Resources, Language Access Services, N.M. COURTS, <https://languageaccess.nmcourts.gov/services-programs/for-staff-judges/> (last visited May 29, 2025).

⁵⁶ See *Language Access*, National Center for Access to Justice, <https://ncaj.org/state-rankings/justice-index/language-access> (filter results by state to show Indiana).

⁵⁷ LANGUAGE ACCESS PLAN, *supra* note 3, at 43 (§ X).

⁵⁸ CONN. JUD. BRANCH, LANGUAGE ACCESS PLAN 11 (2023).

⁵⁹ N.M. LANGUAGE ACCESS PLAN, *supra* note 41, at 14.

⁶⁰ Conversation with PA Language Access Coordinator 1 (Mar. 4, 2025); Conversation with PA Language Access Coordinator 2 (Mar. 4, 2025).

⁶¹ LANGUAGE ACCESS PLAN, *supra* note 3, at 40 (§ IX(D)).

⁶² *Id.* at 42 (§ IX(E)).

⁶³ *Id.* at 40 (§ IX(D)).