



# Language Access Plan

ALASKA COURT SYSTEM

JUNE 2024

## Purpose

The Alaska Court System's Language Access Plan is designed to meet requirements of federal and state laws, orders, and rules, and to establish a comprehensive framework for improving access to justice in Alaska state courts for persons with limited English proficiency. This plan is intended to identify the language access needs of court users in Alaska who are limited English proficient and to offer language services and communication aids to meet those needs.

## Points of Contact

The Language Access Section of the Alaska Court System is housed within the Administrative Office and supervised by the Director of Access to Justice Services. The Interpreter Services Coordinator oversees and implements all operational functions to support language services and resources to courts across the state.

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## Legal Background

The obligation to provide services to persons with limited English proficiency (LEP persons)<sup>1</sup> in the court system arises from the constitutional requirements of equal protection and due process of law, as well as Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d, and the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Safe Streets Act), 42 U.S.C. § 3789d(c)(1). Title VI of the Safe Streets Act prohibits recipients of Federal financial assistance from discriminating on the basis of national origin (among other bases) in funded programs or activities. As a result, and as explained by the United States Department of Justice (DOJ) regulations implementing Title VI and the Safe Streets Act, recipients of Federal financial assistance have a responsibility to ensure that LEP persons have meaningful access to their programs and activities.

Executive Order 13166 directs every Federal agency that provides financial assistance to recipients to publish guidance about how those recipients can ensure meaningful access to their programs and activities by individuals who, as a result of national origin, are LEP persons.<sup>2</sup> Pursuant to Executive Order 13166, on June 18, 2002, DOJ published *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*<sup>3</sup> (DOJ Guidance). Courts receiving federal financial assistance are specifically addressed by the DOJ Guidance.

Funding recipients must take reasonable steps to ensure that LEP persons have meaningful access to their programs and activities. To satisfy this standard, the DOJ Guidance emphasizes the importance of balancing the following four factors:

- 1) the number or proportion of LEP persons served or encountered in the eligible service population;
- 2) the frequency with which LEP persons come in contact with the program;
- 3) the nature and importance of the program, activity, or service provided by the program; and
- 4) the resources available to the recipient and costs.

The DOJ Guidance further notes that recipients should develop a written plan to address the identified needs of the LEP persons they serve.

In response to the DOJ Guidance, the Alaska Court System (ACS) developed this Language Access Plan to document the reasonable steps ACS is taking to ensure that all individuals have meaningful access to the court system, regardless of their national origin or their ability to read, write, speak, or understand English. This plan describes ACS's programs and policies to provide language services to LEP persons. Although not required by the DOJ Guidance, page 15 of this plan also describes ACS's programs and policies to provide interpreters to persons who are Deaf or Hard of Hearing.

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<sup>1</sup>LEP persons do not speak English as their primary language and have a limited ability to read, write, speak, or understand English.

<sup>2</sup>Executive Order No. 13166, 65 Fed. Reg. 50121 (August 16, 2000).

<sup>3</sup>67 Fed. Reg. 41455 (June 18, 2002)

## Historical Background

In 1997, the Alaska Supreme Court Fairness and Access Committee recommended four initiatives to improve language access in the courts. These recommendations state that ACS should:

1. Train judicial officers on the appointment and supervision of language interpreters in criminal and civil proceedings.
2. Recruit and train local interpreters of commonly used languages.
3. Promulgate new court rules establishing qualifications and ethical standards for language interpreters in criminal and civil proceedings. The new rules should also govern appointment and payment of interpreters.
4. Work with justice agencies to determine the most efficient way to hire and pay for interpreters in civil and criminal proceedings.<sup>4</sup>

To implement these recommendations, ACS worked with the National Center for State Courts (NCSC) and the Consortium for State Court Interpreter Certification (now the Consortium for Language Access in the Courts) to develop an interpreter training program. In addition, court administration embarked on a series of initiatives to:

- train professional interpreters;
- educate judicial officers, court staff, and the legal community on the role of interpreters;
- develop a statewide system to schedule and monitor interpreting services; and
- revise policies and court rules.

## Population Needs Assessment

The U.S. Census information for the year 2022 shows that the total population in Alaska was 695,028. Of that, 97,210 or 14% of Alaska residents speak a language other than English at home.<sup>5</sup>

Alaskans who speak a language other than English at home self-report their English-speaking ability as follows:

	Limited English Speakers	% of Alaskans
Speak English “very well”:	74,871	11%
Speak English “well”:	15,499	2%
Speak English “not well”:	5,941	0.9%
Speak English “not at all”:	899	0.1%
Total	97,210	14%

<sup>4</sup>Alaska Supreme Court Advisory Committee on Fairness and Access, October 31, 1997.

<sup>5</sup><https://data.census.gov/mdat/#/search?ds=ACSPUMS1Y2021&cv=ENG&rv=ucgid,HHLANP&nv=LANP,LANX,HHL&wt=WGTP&g=0400000US02>

The Alaska Department of Labor and Workforce Development (DOLWD) reports that Alaska has the most diverse communities in the United States and more than 100 languages spoken in local school districts. According to the DOLWD, more than 50,000 foreign-born “immigrants residing in Alaska, have a higher English proficiency than immigrants in the nation as a whole.”<sup>6</sup>

Among Alaska immigrants older than five, four out of five speak a language other than English at home. About 60 percent speak an Asian or Pacific Island language and around 18 percent speak Spanish. Around 82 percent of Alaska immigrants say they speak English at least “well”; nationally the rate is around 70 percent. Only 4 percent of Alaskan immigrants speak no English at all, compared to 10 percent nationally.<sup>7</sup>

The Anchorage School District (ASD), the largest school district in the state, reports that most ASD families—80 percent—speak English at home. The remaining 20 percent speak a combined total of 110 languages.<sup>8</sup> The top five languages spoken by those students are:

1. Spanish
2. Hmong
3. Samoan
4. Filipino (Tagalog)
5. Korean

Of course, immigration is not the only reason that English is not some Alaska residents’ first language. According to figures assembled by the University of Alaska Fairbanks, there are about 10,000 Native speakers of Yup’ik in Alaska.<sup>9</sup> It is the primary language for many residents in villages along the Yukon-Kuskokwim region.

In Fiscal Year 2023, there were 1,159 requests for spoken language interpreters, and interpretation or translation was needed in forty-three different languages. There were 242 requests for American Sign Language. The requests came in all case types—criminal, civil, child-in-need-of-aid, probate, delinquency, minor offenses, and others.<sup>10</sup>

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<sup>6</sup>Alaska Department of Labor and Workforce Development Report: *Foreign-Born Alaskans: Where they originated and how immigration has shaped the state*, Eric Sandberg, March 2015.

<http://laborstats.alaska.gov/trends/mar15art1.pdf>

<sup>7</sup>*Ibid.*

<sup>8</sup>Anchorage School District – Educating All Students for Success in Life. Located at <https://www.asdk12.org/aboutasd/>

<sup>9</sup>Alaska Native Language Center – Central Yup’ik. Located at <https://www.uaf.edu/anlc/languages-move/centralakyupik.php>

<sup>10</sup> Alaska Court System Annual Report FY 2022, page 20. Located at <https://courts.alaska.gov/admin/docs/fy22-narratives.pdf>.

In FY 2023, Spanish was the language most frequently requested. Other frequently requested languages include Samoan, Tagalog, Somali, Korean, and Arabic. There are also requests for interpreters in Alaska Native languages like Central Yup'ik.

**Use of Interpreters by the Court System, FY23  
By Language**

Language	Number of Requests	Language	Number of Requests	Language	Number of Requests
Spanish	395	Khmer	9	Uzbek	2
Samoan	137	Japanese	9	Polish	2
Tagalog	125	Nuer	9	Italian	2
Somali	55	Sudanese	8	Pashto	2
Korean	54	Cantonese	5	Chuukese	1
Arabic	47	German	5	Burmese	1
Russian	43	Hindi	5	Bengali	1
Vietnamese	43	Albanian	5	Urdu	1
Yup'ik	42	Portuguese	4	Persian	1
Hmong	33	French	4	Czech	1
Mandarin	32	Visayan	3		
Thai	22	Ukrainian	3		
Laotian	15	Ilocano	3		
Swahili	14	Farsi	3		
Tongan	11	Palauan	2		

**By Case Type**

Case Type	Number of Requests
Criminal	540
Civil	322
CINA Cases	99
Minor Offense	51
Probate	50
Delinquency	39
Small Claims	8

## The Court Interpreter Program

The court interpreter program is part of the court's Access to Justice Services department. The program develops and implements policies and procedures regarding interpreters and providing language services and manages their day-to-day administration. Additionally, the Interpreter Services Coordinator

is responsible for the recruitment, testing, and certification of interpreter candidates, and for the maintenance of a registry of qualified interpreters contracted to provide in-person, telephonic, and video remote interpreting for courtroom proceedings.<sup>11</sup>

### Court Interpreter Qualifications

The Alaska Court System has two spoken language interpreter categories:

- Certified interpreter; and
- Qualified interpreter

Interpreters in these two categories have:

- Completed the orientation program;
- Passed an oral proficiency inventory;
- Passed a criminal background check;
- Passed the NCSC Proficiency Examination; and
- Agreed to abide by the Code of Professional Responsibility for Interpreters in the Judiciary.

In addition to the above requirements, a certified interpreter has passed the NCSC oral examination in their particular language with a minimum score of 70% in each of the exam's three sections: simultaneous, consecutive, and sight translation.

### Court Interpreters

ACS locates interpreters for courtroom hearings and other events using these resources:

- NCSC Interpreter Database;
- Freelance contracted interpreters from other state courts' interpreter rosters;
- Alaska Language Interpreter Center<sup>12</sup>; and
- National vendors providing legally trained interpreters.

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<sup>11</sup>Information on ACS's Interpreter Program is available on the Language Services homepage at <https://courts.alaska.gov/language/index.htm>.

<sup>12</sup><http://www.akijp.org/language-interpreter-center/> The Language Interpreter Center provides trained and certified interpreters for medical and social service agencies.



## Services Provided to LEP Persons

Judicial officers and court staff are trained to recognize the needs of LEP persons and to err on the side of caution in determining when to provide interpreting services; the court's goal is to ensure that all participants have meaningful access to the judicial process. The court provides interpreting services when a person involved in a court proceeding, including defendants, victims, or witnesses, does not read, write, speak, or understand English sufficiently to participate in the proceedings. The court provides interpreters for all case types at no cost to the participant.

## Interpreter Assistance during Court Proceedings

In 2016, the Alaska Supreme Court amended *Administrative Rule 6: Interpreter Services in Court Proceedings for Persons with Limited English Proficiency* to expand the services ACS provides. Effective October 15, 2016, the court system provides and pays for the necessary services of an interpreter during court proceedings for all parties, witnesses, and victims with limited English proficiency, regardless of ability to pay or representation status. The court also provides interpreters for parents of juveniles in delinquency cases, and for out-of-home care providers, tribal representatives, and grandparents in Children in Need of Aid (CINA) proceedings.

In providing interpreting assistance, ACS schedules trained legal interpreter. Interpreter services are provided primarily by telephone or video remote; occasionally they may be provided in person. The statewide Interpreter Services Coordinator schedules freelance interpreters, interpreters through the Language Interpreter Center, national telephonic interpreter vendors, and interpreters listed on the NCSC Interpreter Database.

## Interpreter Assistance by Court Staff

In addition to courtroom interpreters, courthouses have the following resources to help staff communicate with LEP persons:

- “I Speak” Poster:

If a person appears at a court and it is unclear what language the person speaks, court staff can use the “I Speak” poster<sup>13</sup> to identify the language spoken. The “I Speak” poster contains the sentence “I speak (language)” translated from English into several foreign languages. The poster also features a map showing Alaska Native languages. LEP persons can point to their language so that an interpreter may be requested.

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<sup>13</sup><https://courts.alaska.gov/language/docs/poster-flags.pdf>.



 [www.eeoc.gov](http://www.eeoc.gov)  
(800) 669-4000  
TTY (800) 669-6820

Material for this poster was developed by the Civil Office of Criminal Justice Services under Award No. 2003-DG-BJN-3471. We included flags as visual cues to assist non-English speakers to identify their language. Many of these languages are spoken in several locations.



- Telephonic Language Interpretation:

In addition to needing interpreters during court proceedings, court users may require language assistance for other purposes, such as finding information about forms, cases, or hearing locations. To assist court users, all court staff have access to on-demand telephonic interpreter services.

## Training and Technical Assistance Regarding Provision of Language Services

### Resources Provided to Judges and Court Staff

The Interpreter Services Coordinator provides ongoing training for judicial officers and court staff on a one-on-one basis and at annual statewide conferences. She is available to participate in pre-trial hearings to educate the parties and attorneys and to provide information about interpreter ethics and best practices. These hearings are also used to ensure the LEP person and the interpreter understand

each other before the substantive hearing or trial occurs. The judge may use the hearing to conduct a voir dire of the interpreters' qualifications and clarify interpreter logistics.

Other resources available to judicial officers and courtroom staff include:

- Language Link and Language Line Instructions
- Training Module: Contact an Interpreter for your Hearing
- Quick Reference Guide: Contact an Interpreter for your Hearing
- Interpreter Tablet Instructions
- Memo – ASL Weekend Coverage
- Feedback – Interpreter Feedback Survey
- Checklist- Working with Interpreters during Trial
- Interpreter & LEP Bench Card
- Notes from Judge Douglas for Managing Trials with Interpreters
- Guide to Standards for Interpreted Proceedings
- Judge's Portal (New Mexico Center for Language Access)
- Administrative Bulletin No. 82: Interpreter Fees
- Administrative Rule 6: Interpreter Services in Court Proceedings
- CART Reference Guide
- CART Services for People who are Deaf and Hard-of-Hearing (video)
- Code of Professional Responsibility for Court Interpreters
- Glossary of Interpreting Terms
- *I Speak*: Poster with Flags
- Language Access Plan
- Language Identification Flashcards
- Language Interpreters in the Courtroom FAQ
- Modes of Interpreting
- Simultaneous Video Remote Interpreting Chart
- Suggested Questions for Qualifying Non-Certified Interpreters
- Strengthening the Federal Government's Commitment to Language Access
- Tips for Working with Interpreters in the Courtroom

### Information Provided to Lawyers

The Language Access webpage contains information for lawyers on how ACS provides language services at <https://courts.alaska.gov/language/info-lawyers.htm>.

## Initiatives Implemented to Improve Language Access Services Statewide

### Statewide Interpreter Services Coordinator

ACS employs a full-time statewide Interpreter Services Coordinator who trains interpreter candidates and is responsible for the scheduling and payment of interpreter services. The Interpreter Services Coordinator develops and maintains a statewide scheduling system using CourtView, the case management system (CMS). The coordinator identifies the best method to provide interpreter services and educates judicial officers, court staff, and lawyers about best practices.

### CourtView

CourtView, the court's statewide case management system, provides a tool for trial courts to record an LEP person's language needs so that interpreter services can be provided more efficiently. This also allows the person's designation as an LEP person to be indicated in any case in which they are involved; it does not need to be entered for each case. For each hearing, the Interpreter Services Coordinator provides notes about the planned interpreter service in the non-public side of CourtView, so any court employee or judge can access the information and be apprised about the scheduled interpreter event.

### Addressing the Need for Yup'ik Interpreters

To meet the needs of the 10,000 Native speakers of Yup'ik in Alaska, the court system produced a Yup'ik language arraignment video that explains for defendants their rights in the criminal process, including the right to a lawyer, the nature of criminal pleas, bail, and extradition. ACS continues to look for opportunities to create additional Yup'ik resources.

### Administrative Rule 6

Under Rule 6<sup>14</sup>, the court system provides and pays for the necessary services of an interpreter during court proceedings for all parties, witnesses, and victims with limited English proficiency, regardless of ability to pay or representation status. The court system also provides interpreters for the parents or

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<sup>14</sup><https://courts.alaska.gov/rules/docs/adm.pdf>

guardians of juveniles in delinquency cases, and for out-of-home care providers, tribal representatives, and grandparents in CINA proceedings.

### Administrative Bulletin No. 82: Interpreter Fees

Administrative Bulletin No. 82<sup>15</sup> outlines the court system's payment policies and rates for interpreters contracted to provide interpreter services. The Interpreter Services Coordinator manages the scheduling and payment of interpreters for ACS.

### Tracking of Interpreting Needs

Systems are in place to track interpreter service needs. The Interpreter Services Coordinator works collaboratively with the fiscal department to track language needs, interpreting costs, case type, and delivery methods.

### Hiring Non-Local Interpreters

ACS contracts with interpreters and trains them to use ACS's video remote system. The Interpreter Services Coordinator frequently locates interpreters through the NCSC national database of court interpreters or by receiving recommendations through a national listserv from other state courts' Language Access program managers. This enables ACS to provide qualified court interpreters from other jurisdictions.

### Online Interpreter Training Program

ACS maintains a Court Interpreter Online Orientation that introduces potential interpreters to the court interpreting profession. The training sessions include: professional ethics, court terminology, ethical scenarios, and steps in the interpreting certification process. The online program offers self-tests and video demonstrations of professional court interpreters in the courtroom setting.

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<sup>15</sup><https://courts.alaska.gov/adbulls/docs/ab82.pdf>



## Sign Language Interpreters

ACS Administration Rule 6.1<sup>16</sup> states that ACS provides and pays for interpreter services for any deaf or hard of hearing witness or party in a court case. The Interpreter Services Coordinator hires American Sign Language (ASL) interpreters for jurors, parties, witnesses, victims, parents of juveniles in delinquency cases, out-of-home care providers, tribal representatives, grandparents in CINA proceedings, and other court users as needed. If the party knows sign language but is not proficient in ASL, the interpreter will work alongside a Certified Deaf Interpreter (CDI). All interpreters hold at least a generalist certification through the Registry of Interpreters for the Deaf (RID) and have either completed or partially completed a specialized legal certification process. Interpreters appear in-person or by video remote technology.

## Video Remote Interpreting

ACS uses video remote technology to provide high-quality language interpretation to most court locations. Video Remote Interpreting (VRI) continues to expand as adequate bandwidth is made available in all court locations. With sufficient bandwidth, VRI can also be used to provide sign language interpretation. VRI enables the court system to use court-trained interpreters from other jurisdictions.

Since 2020, ACS has used the NCSC online Video Remote Training Program to educate VRI interpreters about the courts' expectations of providing service using video remote technology. Through an NCSC grant, ACS produced a VRI training module addressing our court-specific technology and professional expectations.

## Translations

ACS provides court interpreters to sight translate court orders at hearings. ACS also translates some written court information into the most common languages. For example, during Fiscal Year 2023, ACS translated *Instructions on for Requestion a Protective Order* into Arabic, Hmong, Russian, Samoan, Spanish, Tagalog and Yup'ik.

## Recommendations and Complaint Investigations

Access to Justice department staff makes recommendations to the Administrative Director for improving access to Alaska courts for LEP persons and persons who are Deaf or Hard of Hearing. Staff responds to

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<sup>16</sup><https://courts.alaska.gov/rules/docs/adm.pdf>

complaints about all aspects of interpreter services including, but not limited to, ethical violations, interpreter competency, and the logistics of providing interpreter services for courtroom hearings. Staff follows up on each complaint. The review may include audits of interpreted events by court staff or a different qualified interpreter.

## Revisions

This Language Access Plan is reviewed as needed and approved by the Administrative Director. Contact for Language Access Plan:

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\_\_\_\_\_/s/\_\_\_\_\_  
Stacey Marz, Administrative Director

June 21, 2024  
Date