



U.S. Department of Justice

Civil Rights Division

*Federal Coordination and Compliance Section-NWB
950 Pennsylvania Ave, NW
Washington, DC 20530*

June 19, 2020

Ivette Peña
Court Counsel/Chief Deputy
Legal Services
Superior Court of California
County of Los Angeles
111 North Hill Street, Suite 546
Los Angeles, CA 90012-3014

Re: Complaint No. 171-12C-31

Dear Ms. Peña:

The purpose of this letter is to notify you that the U.S. Department of Justice, Civil Rights Division (DOJ) is closing its investigation of the Superior Court of California, Los Angeles County (LASC) based on the information provided in LASC's most recent updates and subject to the qualifications set forth below. Thank you for your cooperation and response to our inquiries and request for compliance. We appreciate LASC's commitment to ensure language services for limited English proficient (LEP) individuals in Los Angeles County.

Below we summarize the investigation and the actions LASC has taken to resolve this matter and improve access to the court system for LEP court users.

Background

In February 2011, DOJ's Civil Rights Division, along with the United States Attorney's Office for the Central District of California, initiated an investigation of LASC and the Judicial Council of California under Title VI of the Civil Rights Act of 1964 and its implementing regulations. 42 U.S.C. §§ 2000d to 2000d7; 28 C.F.R. Part 42 Subsection C. The investigation was prompted by a complaint filed by the Legal Aid Foundation of Los Angeles that alleged national origin discrimination against LEP court users. The structure of the California judicial system required us to also review policies promulgated and enforced at the state level through the Judicial Council and its staff.¹

On May 22, 2013, DOJ notified LASC and the Judicial Council by letter that several policies, practices, and procedures appeared to be inconsistent with Title VI and its implementing

¹ DOJ is working separately with the Judicial Council to resolve the portion of the investigation focused on statewide compliance. This letter does not resolve or close DOJ's investigation of the Judicial Council.

regulations. Following receipt of the letter, LASC reported extensive enhancements to its language assistance services policies and practices but additional concerns still remained. To memorialize the additional steps that LASC committed to take to continue to expand language assistance services, LASC and DOJ entered into a written agreement on September 20, 2016. The Agreement also included a timeframe for completion of the remaining steps. On April 10, 2018, LASC and DOJ extended the Agreement to allow LASC additional time to complete outstanding tasks. Pursuant to the Agreement, LASC has reported enhanced language assistance services including:

- Providing qualified court interpreting services free of charge in all court proceedings;
- Implementing a translation policy to identify and translate newly created and updated local court forms;
- Adding translated signage at every courthouse entrance advising court users of the availability of free language services;
- Expanding the online interpreter request portal to enable court users to request interpreters in limited civil, traffic, and family law cases; and
- Implementing a multilingual interactive voice response system in all courthouses.

Continued Concerns

LASC has made tremendous progress in expanding language assistance services in an expansive court system that serves millions of county residents, more than half of whom speak one of over 200 languages other than English at home. Perhaps unsurprisingly given those complexities, challenges remain.

LEP self-represented litigants and others seeking vital information from the court's website will still find much of the content available only through machine translation. DOJ, the California Judicial Council, and others have all raised concerns with the accuracy of these translations and the risks associated with relying on them. LASC's own page displays a Google Translate legal disclaimer, noting that machine translation is not reliably accurate and the product of machine translation can be incorrect or even offensive. Accordingly, it is critical that LASC continue to make professional translations of vital information a priority, particularly those relied upon by self-represented litigants and the general public.

Just as accurately translated webpages are critical to ensuring meaningful access to the court and to maintaining the integrity of the judicial system, so are accurately translated documents and forms. We understand that the translation of local LASC forms and documents are part of an ongoing process consistent with both the Judicial Council of California's translation protocol² and the LASC protocol adopted on January 15, 2019. We recommend that LASC incorporate the Judicial Council's instructions on vital documents into its process for determining what materials will be translated by qualified linguists and to continue to conduct outreach to local organizations and legal aid offices to help identify vital information in need of translation.

Finally, we recommend that LASC ensure that its local language access plan reflect the many policy and procedural changes that LASC has implemented over the last few years.

² Judicial Council of California Translation Protocol, available at <http://www.courts.ca.gov/documents/lap-Translation-Protocol.pdf>.

DOJ is available to provide LASC with technical assistance in any of the above-referenced areas.

Additional Information

This letter does not constitute a finding that LASC is in full compliance with Title VI or other federal laws, nor does it address other potential claims of discrimination on the basis of race, color, or national origin that may arise from the activities of LASC. Likewise, this letter does not constitute an admission by LASC with regard to any specific allegation reviewed in this matter, nor a finding that it is not or has not been in full compliance with Title VI or other federal laws.

Please note that this letter does not affect any rights that the complainants may have to file private lawsuits regarding the concerns raised in their complaint to DOJ. We will retain the complaint for our records and take the information into account if we receive similar future complaints against LASC.

Any recipients of federal funding may not intimidate, threaten, coerce, or discriminate against anyone who has acted or participated in an action to secure rights protected by Title VI or the Title VI regulations. The protection against retaliation extends to a recipient's employees who provide information or otherwise cooperate with DOJ's review. Any individual who alleges retaliation may file a complaint with DOJ.

Under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by recipients and complainants upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

Thank you for your cooperation throughout this investigation. LASC has made great strides in improving language access for LEP court users. If you have any questions, please contact Anna Medina at (202) 353-3936 or anna.medina@usdoj.gov.

Sincerely,



Christine Stoneman
Principal Deputy Chief, performing duties as Chief
Federal Coordination and Compliance Section
Civil Rights Division

cc: Susan McMullen, Counsel for the Judicial Council of California
Richard Park, AUSA, United States Attorney's Office, Central District of California