



U.S. Department of Justice

Civil Rights Division

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

August 10, 2021

Via Email

Patricia Gabel, Esq.
State Court Administrator
109 State Street
Montpelier, VT 05609-0701

Re: Complaint No. DJ # 171-78-1

Dear Ms. Gabel:

It is my pleasure to confirm the satisfactory termination of the Collaborative Technical Assistance Agreement between our offices.

Acting in response to a 2017 referral from the U.S. Attorney's Office for the District of Vermont, my staff, together with an Assistant U.S. Attorney (AUSA), conducted a preliminary review of the Vermont Judiciary's ability to provide meaningful access to limited English proficient (LEP) court users. Having identified issues needing attention, Department of Justice staff began meeting with you and other court leaders in 2018 to define the issues and explore possible remedies. In a November 2018 letter, you proposed that we establish a technical assistance framework to continue discussions in 2019 regarding improvements in court policy and practice to improve access to the courts for LEP individuals. After further discussions, we signed the two-year agreement in June 2019.

For the next two years, my staff, a DOJ language access consultant, and the AUSA attended numerous on site and remote meetings with your staff and the External Advisory Committee, shared resources, and provided extensive oral and written analysis on many draft court documents. Although most of the work focused on essential planning and policy setting for future language access improvements and there were some lags resulting from changes in court personnel assigned to the effort, we feel, and hope that you will agree, that the parties fulfilled the terms of the agreement. Through the considerable efforts led by Planning & Court Services Chief Scott Griffith, Karen Richards, Planning & Court Services Programs Manager Seema Kumar, and support from others in the Judiciary, a number of key improvements were accomplished:

- Appointed the External Advisory Committee, comprised of attorneys and advocates, which began meeting in December 2019 to provide input to program staff and supplement the input from judges and court staff on the Internal Advisory Committee that had been established in 2018.
- Designed and administered two separate surveys to court staff and to community representatives, attorneys, interpreters, and court users regarding their experiences with existing court language access practices.

- Devised a language access complaint procedure, with translated complaint forms posted.
- Published the new Language Access Plan (LAP) in May 2021 that articulates the legal requirements, principles, and policies that guide the courts in communicating with LEP parties. It also defines the work to be undertaken in six important areas over time as the court increases its capacity to timely deliver quality interpreting and translation assistance, with timeframes defined for much of the work.
- Published the new Language Access Operations Manual at the same time as the LAP to put in place the procedures to be followed by staff and judges. The Manual also contains useful basic explanations and definitions so that judges, staff, and court users can understand the bases for the procedures.
- Provided trainings for judges and staff on the LAP and Operations Manual.
- Integrated language access needs into planning for a new Access and Resource Center to be constructed in the Costello Courthouse, including space for language access staff and work stations for parties to participate in remote proceedings. Vermont Judiciary and DOJ staff worked with staff from the National Center for State Courts (NCSC) who provided technical assistance on the ARC design.
- Hired Seema Kumar as a new programs manager in April, a position that had been vacant since our technical assistance agreement was signed. She is able to devote the bulk of her time to managing the work outlined in the Plan which should accelerate progress.
- Consulted with my staff and NCSC staff to obtain advice about the use of video remote interpreting platforms to supply qualified in-state interpreters for remote hearings as well as to support use of interpreters from the NCSC National Interpreter Database.
- Received updates from my staff regarding deficiencies in remote meeting platforms for interpretation and our efforts to work with service providers to address this problem.
- Devised systems to label, store, and track translation of forms and other written materials, then began procuring translations of forms starting in May.

These substantial accomplishments were achieved despite court staff having to manage unprecedented pandemic related disruptions to operations during 15 months of the two-year agreement period.

As you have begun to reopen Vermont court houses with health precautions, much important work remains to be done to execute the LAP. It defines work areas and timelines for training; interpreter credentialing and increasing the skill level of assigned court interpreters; notice to parties; video remote interpreting; ARC planning; translation; capturing, tracking and reporting language access data; and monitoring compliance and revising policies. Soon, Ms. Kumar should be able to propose timelines that were dependent on her arrival and to adjust others as needed. The timeline updates will depend on progress made and evolving conditions as well as input from the EAC and IAC. I trust that you will agree that the attorneys and advocates on the EAC have provided extremely helpful feedback on the Judiciary's language access efforts, as they have observed the impact of court policy upon LEP court users and proposed effective means to address any issues. It is critical that the Judiciary has committed to retain the EAC as an essential component of its language access program.

Throughout the process, we have benefitted from the receptiveness of Mr. Griffith, Ms. Richards, and Ms. Kumar to our input as well as their professionalism. The recent addition of Ms. Kumar should dramatically increase the ability of your office to implement the work

outlined in the Plan. As that implementation work continues, all of us anticipate substantial, continued improvement in the Judiciary's ability to provide meaningful access to LEP parties. Clearer and more effective policies and procedures are now in place that should increase the incidence of proceedings involving LEP parties and witnesses that occur with a timely provided and qualified court interpreter. Likewise, LEP individuals will have better access to court offices and translated information. The completed efforts and planned work will improve the Judiciary's compliance with Title VI of the Civil Rights Act of 1964 as well as Vermont's own language access court rules. I appreciate your leadership as well as the support from your staff and the judges and justices who have been involved in the effort

This letter relates only to the matter referred to above. It should not be construed as a finding that the Vermont Judiciary is in compliance with Title VI or other federal laws, nor is it intended to address other potential claims of discrimination on the basis of race, color, or national origin in relation to the activities of the Judiciary. This letter also does not affect any rights that any individual may have to file a lawsuit or complaint regarding their concerns. We remind you that recipients of federal financial assistance may not intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone who has either acted or participated in an action to secure rights protected by the civil rights laws DOJ enforces. The protection against retaliation extends to recipient employees who provide information or otherwise cooperate with DOJ's review. Any individual who alleges such harassment or intimidation may file a complaint with DOJ. We would investigate such a complaint if the situation warrants.

Under the Freedom of Information Act, it may be necessary to release information, related correspondence, and records shared by recipients and individuals 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 in resolving this matter.

If you have any questions concerning this letter, please contact attorney Paul M. Uyehara at paul.uyehara@usdoj.gov or (202) 305-9813.

Sincerely,

Christine Stoneman

Christine Stoneman
Chief
Federal Coordination and Compliance Section
Civil Rights Division

cc:

Scott Griffith, Chief, Planning & Court Services
Seema Kumar, Programs Manager
Julia Torti, Civil Chief, U.S. Attorney's Office
External Advisory Committee