

AB 1726 (JUDICIARY COMMITTEE): SUPPORT FAIRNESS & JUSTICE IN OUR JUDICIAL SYSTEM

A fair judicial system relies on due process that provides opportunities for individuals to effectively communicate the facts of a case. However, for the 6 million Californians who need language assistance, the lack of interpreters in California's civil courts system serves as a tremendous barrier to justice.

Language Assistance is a Critical Component for Ensuring Justice

- In order to protect the fair and efficient administration of justice, due process relies on all parties having an understanding of the proceedings and an ability to present the facts of their case.
- The legal system is incredibly complicated, with difficult terms and unfamiliar procedures. Many Californians needing language assistance are learning English; however, it often takes years of study for an individual to become proficient in the language. Given the complexity of the system, even proficient English speakers face difficulty in understanding and participating in proceedings. For limited English proficient individuals, language assistance is needed so that they can meaningfully access the courts; understand pleadings, forms or other legal documents; communicate with clerks or court staff; and participate in court proceedings.
- Currently, access to interpreters is provided for deaf and hearing-impaired individuals in all cases. In addition, interpreters are provided in many criminal court proceedings, but not necessarily in civil cases.
- Civil courts govern critical issues that affect the well-being of Californians, involving areas such as child custody, domestic violence, child support, and housing. The lack of language assistance can result in severe consequences. For example, a Los Angeles woman survived domestic violence and secured a restraining order against her husband. She is now getting a divorce from the batterer and is fighting for custody of her child. Without language assistance, she could lose her child to the batterer.

Language Assistance Increases Efficiency and Effectiveness in the Judicial System

- An evaluation of an interpreter pilot project in child custody cases found broad agreement among judicial officers that interpreter services resulted in improved courtrooms. Interpreters reduced the amount of courtroom time for hearings; ensured non-English-speaking litigants appeared more consistently at subsequent hearings; substantially reduced the number of delays in custody hearings; improved the ability of litigants to understand orders; impacted compliance with orders; and reduced the backlog of custody cases.
- Several surveys conducted by the Judicial Council also illustrate the public perception that language barriers affect the fairness of an outcome in court and tremendous public support for addressing the issue. Almost two-thirds of Californians believe that outcome fairness is the least for people with limited English ability, and 85% believe that interpreters should be made available to assist individuals needing assistance.
- AB 1726 (Judiciary Committee) will ensure language assistance is provided in civil cases when needed.