



U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

APR 22 2005

Dear State Court Administrator:

Re: New Limited English Proficiency (LEP) Materials

As you may know, the Department of Justice (DOJ) provides federal financial assistance to a number of state and local court systems across the country. Recipients of federal financial assistance are subject to Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, and its implementing regulations (Title VI). Title VI prohibits discrimination on the basis of race, color, and national origin in programs that receive federal financial assistance. Failure to provide meaningful access to services for individuals who are limited English proficient (LEP) may constitute a violation of the prohibition against national origin discrimination contained in Title VI. Under Executive Order 13166, reprinted at 65 FR 50121 (August 16, 2000), each federal agency that extends federal financial assistance is required to issue guidance clarifying the obligation of their recipients to ensure meaningful access by LEP persons to their federally assisted programs and activities.

On June 18, 2002, DOJ issued final Guidance to its recipients regarding the requirement to take reasonable steps to provide meaningful access to LEP individuals. (67 FR 41455) (available at <http://www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.htm>). The purpose of the policy guidance is to assist recipients, including court recipients of DOJ financial assistance, to fulfill their responsibilities to provide meaningful access to LEP persons. The guidance clarifies existing legal requirements by providing a description of the factors recipients should consider in fulfilling their responsibilities to provide meaningful access. These factors are the same criteria DOJ uses in evaluating whether recipients are in compliance with Title VI and its regulations.

The guidance also discusses the value and possible format of written language assistance plans, provides options for identifying language services and ensuring competency of interpretation and translation services, and gives DOJ's insights on when translations of certain vital documents should be considered. In addition, Appendix A of the guidance provides LEP examples that are specific to the court context. See 67 FR 41471 (June 18, 2002).

In our on-going effort to assist courts in making their services accessible to LEP persons, in December 2003, DOJ's Civil Rights Division sent a letter to all Directors of State Courts and/or State Court Administrators; the letter provided additional information about the guidance and related materials. This letter is attached for your information. The December 2003 letter, as well as other helpful documents, including examples of recently developed judicial policies and procedures on language assistance, are also available under the "Recipients of Federal Funds" Section of the federal interagency LEP website, www.lep.gov.

Most recently, on September 21, 2004, DOJ hosted a LEP conference in Washington, DC. The Conference showcased innovative strategies used by federal, state, and local agencies - as well as private service providers - for providing services to LEP individuals. The Conference offered leaders in the field the opportunity to exchange tips, tools, and practices, and to discuss more effective means of communication with LEP individuals. The Conference included a panel of representatives from state courts in Oregon, New Jersey, and Washington state.

In addition, DOJ, the Department of Health and Human Services' Office for Civil Rights, and the Department of Agriculture's Food and Nutrition Service jointly released a new federal interagency LEP video at the Conference entitled, "Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice." The video explains the language access requirements of Title VI and Executive Order 13166 through vignettes that expose the problems resulting from the absence of language assistance. The video goes on to show how these same situations could have been handled more appropriately if the service provider took reasonable steps to provide meaningful access.

We are pleased to provide you with an English-language DVD version of the video for your own outreach and training purposes. Please do not hesitate to make additional copies of the video, which is also available as a streaming video link on www.lep.gov. We expect to receive versions of the video in Spanish, Vietnamese, Chinese, and Korean in the near future. Please

