



Supreme Court of Appeals State of West Virginia

News

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West Virginia hosting regional conference on Limited English Proficiency (LEP) compliance

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CHARLES TOWN, W.Va. – The historic courthouse where abolitionist John Brown was convicted of treason in 1859 will be the site of a court technology demonstration next week that will showcase a cost-effective way for state courts to provide long-distance federally required foreign language interpreters.

The demonstration of a multi-cast videoconferencing unit (like a “Brady Bunch” screen) will begin about 9 a.m. on Thursday, April 5, at the Jefferson County Courthouse in Charles Town.

Two mock hearings will be held in a courtroom there. Interpreters will appear via live remote broadcast from North Carolina. Actors portraying court litigants and witnesses will appear from other locations via broadcast. One of the scenarios will be a criminal case while the other will be a civil case.

The demonstration is part of the 2012 Mid-Atlantic Regional Conference of Chief Justices/Conference of State Court Administrators (CCJ/COSCA). State supreme court chief justices, state court administrators, and language program managers from eight states and the District of Columbia are expected to attend the conference, which is being hosted by the National Center for State Courts and the Administrative Office of the Supreme Court of Appeals of West Virginia.

The remainder of the conference will be held April 4-6 primarily at the Bavarian Inn in Shepherdstown.

“I am pleased that West Virginia is hosting this demonstration of innovative technology that will enhance access to justice and serve as a model for other jurisdictions that are facing budget reductions but are striving to provide individuals with limited English proficiency an opportunity to be heard,” said Chief Judge Eric T. Washington, of the District of Columbia Court of Appeals, president of the Conference of Chief Justices. “I am looking forward to participating in this CCJ/COSCA meeting, to learn more about this new technology and its applications.”

West Virginia Supreme Court Chief Justice Menis E. Ketchum said, “We welcome all of the participants to the Mountain State. Due to a conflict, I am asking Justice Robin Davis to represent me at the meeting. It’s appropriate to do so since as Chief Justice in 1998 she launched the video system on which we base our expedient, cost-effective interpreter program.”

In August 2010, Assistant U.S. Attorney General Tom Perez issued a language access guidance letter to state courts emphasizing the duty of state courts to provide interpreters for persons of limited English proficiency/no English proficiency (LEPs), including parents of non-LEP minors. It requires certified court interpreters to be provided in all court proceedings, including administrative hearing proceedings under Title VI of the Civil Rights Act of 1964.

West Virginia, one of the most rural states in the nation, provides interpreters and interpretation/translation services in all criminal and civil settings during all hearings, trials and motions, and in important interactions with court personnel. In cases that are the state's responsibility, the state court system also provides interpreters for case and witness preparation. Interpreters are provided at no cost to the user, regardless of any ability or perceived ability to pay.

The state is able to do so because, according to the December 2000 *Fortune*, West Virginia was the first state to have a statewide video arraignment system linking every courthouse with every regional jail as well as with other such systems internationally. The network for live remote broadcasts was initiated in 1998.

The system saves the time and money that would otherwise be necessary to transport prisoners between courthouses and regional jails, which sometimes are hours away via torturous mountain roads.

"We never envisioned all the future uses we could find for it when we installed the technology," Justice Davis said. "Because of the system we already have in place, we have been able to meet the Department of Justice requirement to have an interpreter that a defendant can both see and hear. And we have been able to meet it relatively easily, compared to other states."

The Jefferson County Courthouse was chosen for the demonstration because it is representative of many rural courthouses across America, not necessarily because it is historically significant, said West Virginia Supreme Court Administrative Director Steve Canterbury.

"West Virginia certainly has several courthouses that are more modern. But the Charles Town courthouse has many of the same facility limitations that other small-town courthouses have when trying to install new technologies. We wanted to demonstrate that, if we can accomplish this here and maintain the unique historic integrity of the building, it is possible virtually anywhere," Mr. Canterbury said.

West Virginia is one of forty-three members of the National Center for State Courts' Consortium for Language Access in the Courts. The consortium promotes and supports court language interpreting programs.

West Virginia uses the remote video system to provide foreign language interpreters in all hearings not involving civil or parental rights. If interpreters are needed for trials, the state pays for team interpretation in which there is more than one interpreter present in the courtroom so they can relieve each other at necessary intervals, Mr. Canterbury said.

"This is the first time West Virginia has ever hosted the Mid-Atlantic Conference. Naturally, we're excited to be able to show our colleagues one of the most beautiful parts of our great state – the Eastern Panhandle," Canterbury said.