



# Roundtable Meeting on Linguistic and Cultural Access To Justice

Earlier this year, the Hawaii Access to Justice Commission ("Commission") Committee on Overcoming Barriers to Access to Justice ("Overcoming Barriers Committee") gathered representatives from five law-related groups to discuss linguistic and cultural barriers that hinder -- if not completely block -- access to justice for certain individuals in the state. The unique roundtable meeting exemplifies the Commission's efforts of collaboration with other entities.

"The meeting represented a starting point intended to bring together at least three pillars within the legal community: the bar, the bench, and the Hawai'i Access to Justice Commission," said Calvin Pang, a member of the Overcoming Barriers Committee.

The five roundtable participants were:

- Hawai'i Supreme Court Committee on Equality and Access to the Courts ("Equality Committee") represented by Co-Chairs, Judge Daniel Foley and Frances Lum;

- Hawai'i Supreme Court Committee on Court Interpreters and Language Access ("Court Interpreters Committee") represented by Christine Kubota and Professor Suzanne Zeng (of the University of Hawaii's Center for Interpretation and Translation Studies);

- Judiciary's Office on Equality and Access to the Courts represented by Melody Kubo;

- HSBA Committee on Diversity, Equality, and the Law ("DEAL Committee") represented by Jennifer Rose and Jan Tamura;

- Overcoming Barriers Committee represented by B. Martin Luna, Calvin Pang, Mary Anne Magnier, Elton Johnson, Dew Kaneshiro, Nanci

Kreidman, Russ Awakuni, and Debbie Shimizu.

Also in attendance were Associate Justice Simeon R. Acoba, Chair of the Hawai'i Access to Justice Commission, and HSBA Vice-President Carol Muranaka.

## **Supreme Court Committee on Equality and Access to the Courts**

The Equality Committee was established in 1989 and has seventeen members appointed by the Chief Justice on staggered three-year terms. Seven representatives of the Judiciary sit on the Committee, including its administrative director, five judges, and a Supreme Court liaison. Non-Judiciary members consist of designees from the Department of the Attorney General, the county prosecutor's office, the Office of the Public Defender, HSBA, the law school, and each legislative chamber. The remaining ten seats are at-large appointments.

The committee's current projects are the Judiciary Bias Awareness and Prevention Guide, which is a brochure given to the judiciary staff, and the Community Access to the Courts Pilot Project, which are informational sessions in selected communities on Oahu to reach rural, ethnic, immigrant, limited English proficiency, and other underserved populations.

## **Supreme Court Committee on Court Interpreters and Language Access**

This committee consists of twenty-one at-large members appointed to staggered three-year terms by the Chief Justice: three judges, three Judiciary administrators, three Judiciary fiscal offi-

cers, two prosecutors, a public defender, two interpreter education professors in the University of Hawai'i system, a professor at the William S. Richardson School of Law, four interpreters, one sign language expert, and a private attorney. A number of committee members are bilingual.

## **Office on Equality and Access to the Courts**

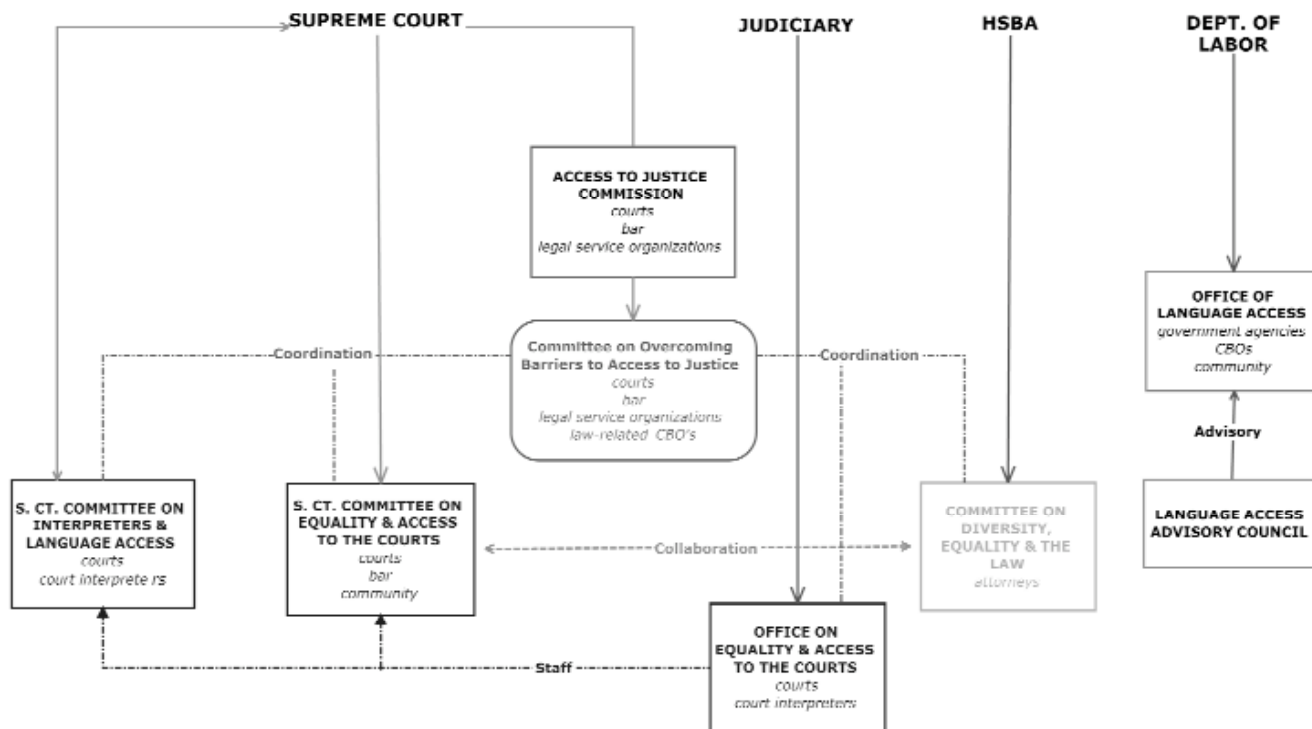
This office staffs the foregoing two committees. This office develops, conducts, and coordinates research and educational programs to promote equality and create better access to the courts for pro se litigants, the economically disadvantaged, and the immigrant population. It is the Judiciary's designated Language Access Coordinator for compliance with Hawaii's Language Access statute. Therefore, it is responsible for filing a periodic Language Access Plan, monitoring and reporting on bilingual staff in public contact positions, providing interpretation and translation services throughout the Judiciary, and implementing a statewide project to collect data on encounters with court users of limited English proficiency. The office recruits, trains, and tests interpreters to ensure that the most qualified interpreters are available during court proceedings.

## **HSBA Committee on Diversity, Equality and the Law**

The goal of this HSBA committee is to eliminate unfair bias, prejudice, and discrimination and to create meaningful opportunities for underrepresented groups in the legal system. The DEAL Committee, in partnership with Hawaii Women Lawyers, is developing a survey

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for bar members on gender equity issues, particularly when gender intersects with ethnicity. The committee intends to develop continuing legal education programs to train attorneys on how to work with interpreters and to develop cultural sensitivity.

**Committee on Overcoming Barriers to Access to Justice**

As a committee under the Hawaii Access to Justice Commission, its goals cover three areas:

- exploring and implementing new ways to remove obstacles due to language and culture;
- reducing barriers, such as case-acceptance restrictions and inconvenient hours and locations, to legal services for low- and moderate-income residents; and

- increasing visibility of legal services providers, as well as helping individuals recognize situations in which legal services may be needed.

This Committee developed a plan to encourage collaboration among relevant law-related entities, to promote linguistic and cultural awareness among participants in the justice system, and to encourage the Judiciary to increase its language assistance capacity.

**Opportunities for Collaboration**

The participants at the roundtable meeting agreed that a smaller ongoing conversation must occur, perhaps twice a year or more, if needed. The Overcoming Barriers Committee assumed the role of coordinator for these future meetings to discuss issues such as: the need to determine the role

of the interpreter in court and outside of court; who and how should law-related entities be trained on language and cultural issues so consciousness can be raised; what has been tried and what can be learned from those efforts; how to elicit community input so that efforts are truly responsive to on-the-ground needs; how to increase communication with other access to justice groups to avoid duplication and embrace synergies.

The three-hour meeting was a successful first step, says Martin Luna, chair of the Overcoming Barriers Committee. "The hope is to use this collaboration to dismantle the language and cultural barriers that block many from obtaining justice through the use of Hawaii's legal system."