

# Southern Hospitality 2.0

*Making Your Court Welcome and Accessible to All Parties*

Texas Justice Court Training Center  
20-Hour Conference

1



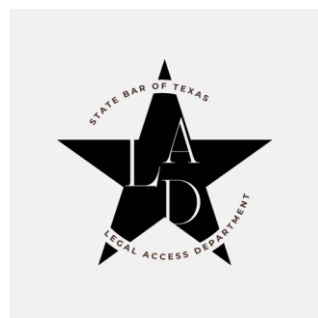
**Texas Access To Justice  
Commission (TAJC)**

[texasatj.org](http://texasatj.org)  
512-427-1855  
[atjmail@texasbar.com](mailto:atjmail@texasbar.com)



**Sarah Mae Jennings**  
[sarahmaejennings@texasbar.com](mailto:sarahmaejennings@texasbar.com)

Texas Access to Justice Commission  
Deputy Executive Director &  
State Bar of Texas Legal Access Dept.  
Assistant Director



**State Bar of Texas Legal  
Access Department (LAD)**

[texasbar.com](http://texasbar.com)  
512-427-1855  
[probono@texasbar.com](mailto:probono@texasbar.com)

2

1

## **The Texas Access To Justice Commission:**

- Established by the Supreme Court of Texas in 2001
- Reports to Supreme Court of Texas & State Bar of Texas
- Mission: “To develop and implement policy initiatives designed to expand access to and enhance the quality of justice in civil legal matters for low-income Texas residents.”

3

## **The Commission’s Work:**

- Identify and assess civil access to justice needs for low-income Texans
- Promote wise and efficient use of available resources and encourage the coordination or sharing of resources or funding
- Increase resources and funding for access to justice in civil matters
- Promote policies, procedures, court rules, and legislation that reduce barriers to the judicial system
- Develop and implement other initiatives designed to expand civil access to justice
- Monitor the effectiveness of statewide systems and services

4

## The Legal Access Department:

Offers support, training, publications, resources, and more to legal services programs & pro bono volunteers.

### The Legal Access Department's Work:

- Annual Pro Bono Coordinators Retreat & Poverty Law Conference
- Legal Aid Task Forces and Legal Services to the Poor Committees
- Pro Bono Mentorship Program
- NOVA Program
- Pro Bono Excellence & Indigent Defense Awards
- Pro Bono College

5

## Objectives

1. Participants will learn about the guiding law, best practices for, and resources available to them related to remote access to courts
2. Participants will learn about the guiding law, best practices for, and resources available to them related to language access to courts
3. Participants will receive a list of action items to implement to improve access to their courts and will have the opportunity to ask questions

6

## Not This:

- Go home, Train Wreck!
- Busy AF. Go Away!
- Come on in . . . depending on who you know.

7

## Remote Access:

*You Can't Get Lard Unless You Boil the Hog*

8

## What is Remote Access to Courts?

- Phone / Telephonic Access
- Zoom / Video Conference Access
- Letters to the Court / Motions / Filings
- *What else?*

9

## Who Needs Remote Access In Courts?

Remote hearings to accommodate:

- People with disabilities
- People with jobs
- People with kids
- People without valid driver's licenses, cars, or reliable transportation
- People without reliable access to free high-speed internet
- People experiencing technological difficulties
- People who cannot read

10

## **Why Give Remote Access in Courts? Judicial Canons**

1. Upholding the Integrity and Independence of the Judiciary
2. Complying with existing law and promoting public confidence in judiciary
3. Performing the Duties of the Judicial Office Impartially and Diligently

11

## **Why Give Remote Access In Courts? TRCP 500.10 Appearances At Court Proceedings**

### **Factors In Determining Whether to Allow or Require Electronic Participation:**

- case type;
- number of parties and witnesses;
- type of evidence to be submitted, if any;
- technological restrictions such as lack of access or proficiency;
- travel restrictions such as lack of transportation, distance, or inability to take off work;
- whether a method of appearance is best suited to provide necessary language access services for a person with limited English proficiency or accommodations for a person with a disability;
- any previous abuse of a method of appearance; and
- any agreement or objection by the parties.

12

## Why Give Remote Access in Courts? Studies Show:

Benefits of Remote Proceedings:

- **Evictions less common**
- **Gaps in procedural justice narrowed / closed**
- Unrepresented defendants accessing court remotely reported **higher satisfaction** with case outcomes than those attending court in person
- **Stress, social exclusion, social identity threats reduced**

13

## How To: Suggested Best Practices

1. Maintain virtual hearings as an option
2. Ensure phone participation is available
3. Make shorter proceedings presumptively remote
4. Reduce or eliminate the use of trailing dockets
5. Ensure that instructions are available in multiple languages and that there are picture instructions for court users who do not read
6. Utilize kiosks and provide information about locations in the community that offer free Wi-Fi such as schools and libraries

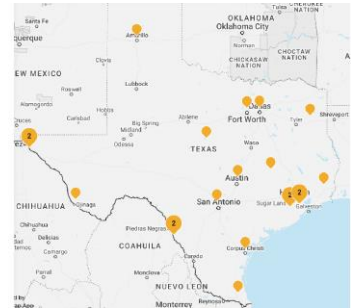
*What else are you doing in your courts?*

14

## How To: Remote Access Resources

- **TLSC Virtual Court Kiosks:** [tlsc.org/kiosks](http://tlsc.org/kiosks)
- **PCs for People:** connect constituents in need with computers, hot spots
- **OCA's Court Reminders Program (new)**
- **OCA's Texas Court Remote Interpreter Service (TCRIS):** schedule a free interpreter by telephone or video conference – *for court personnel only!*
- **JBCC Search Engine** for Licensed TX Interpreters
- **OCA's Best Practices for Self-Represented Litigants and Appendix A – Accommodations for Persons with Disabilities.**

*What else are you using?*



15

## Language Access:

*Quit Hollering Down the Rain Barrel!*

16



## Who Needs Language Access to Courts?

### Limited English Proficiency [LEP] individuals

- Identify the languages spoken at home by at least 1,000 county LEP residents using **Census data**
- If your county population is  $\geq 50,000$  people and the language requiring interpretation is Spanish, the appointed interpreter **must be licensed**.

### Individuals who are deaf/hard of hearing

17

## Translator vs. Interpreter

An *interpreter* transfers a verbal message from the source language into a verbal message in the target language.

A *translator* transfers a written message from the source language into a written message in the target language.

Being bilingual  $\neq$  knowing how to interpret. Interpreters have special skills and training, beholden to their own Code of Ethics for Licensed Court Interpreters.

18

## Why Give Language Access to Courts? How Texas Squares Up Nationwide

*Texas currently ranks 38th out of the USA's states and territories in the National Center for Access to Justice's Language Access Justice Index*

### **Federal Law:**

- Title VI of the Civil Rights Act of 1964, USC 2000d et seq.
- Americans with Disabilities Act (ADA) Performing the Duties of the Judicial Office Impartially and Diligently
- DOJ Dear Colleague Letter and LEP Guidance

19

## Why Give Language Access to Courts? Texas Law

### **State:**

- Tex. Gov. Code Ch. 57, Subchapter A
- Tex. Gov. Code, Ch. 157
- Tex. Civ. Prac. & Rem. Code, Ch. 21
- TRCP Rule 145
- TRCP Rule 183
- Tex. R. Evid., Rule 604

20

## Language Access Plan: Fort Bend County

- Using census data to identify the languages other than English spoken at home by at least one thousand county LEP residents
- Using “I Speak” Card to identify the foreign language spoken by non-English speakers.
- Using Interpreting Services Request Form
- Making Language Access Complaint Form available

21

## How To: Language Access Resources

- Model Language Access Plans: <https://www.txcourts.gov/lap/>
- OCA’s Texas Court Remote Interpreter Service (TCRIS): schedule a free interpreter by telephone or video conference – *for court personnel only!*
- JBCC Search Engine for Licensed Interpreters in TX
- OCA’s Court Reminders Program
- OCA’s bilingual civil forms
- Spanish version of Texas Tool Kit & Texaslawhelp.org (also Vietnamese)
- Other TJCTC resources available online

*What else are you using?*

22

# To Do List:

## *Keep Your Saddle Oiled*

23

### To Do:

1. **Create link** on your court webpage to request accommodations (disabilities, remote access, language access)
2. Use Census data to **identify languages** other than English spoken at home by at least 1,000 LEP residents in your county
3. Determine if you need a **licensed Spanish interpreter**
4. **JBCC Search Engine** for Licensed Interpreters in TX
5. Look up **kiosks**, key locations in the community that offer free Wi-Fi such as schools and libraries.
6. Connect constituents with resources (kiosks, **PCs for People**, etc.)
7. Have your county sign up for **OCA's Court Reminders Program**

24

**Questions?**

25

***It's time to put out the fire  
and call in the dogs.***

26