



U.S. Department of Justice

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December 1, 2015

Via Email and First Class U.S. Mail

Mr. Paul Sherfey
Chief Administrative Officer
King County Superior Court
King County Courthouse
516 Third Avenue
Seattle, WA 98104

Re: Letter of Resolution - Review of Interpretive Services in King County Superior Court; DOJ # 171-82-22

Dear Mr. Sherfey:

The purpose of this letter is to notify you that — contingent upon your signed acknowledgement and return of this letter to my office — the U.S. Department of Justice (DOJ), through its Civil Rights Division and the U.S. Attorney's Office for the Western District of Washington (USAO), will formally close the above-referenced file and complete its engagement with King County Superior Court ("KCSC"). We greatly appreciate your leadership, and that of Presiding Judge Susan Craighead, in addressing and resolving this important civil rights matter. Your cooperation with this review and your commitment to providing broad access to your Court for persons with limited English proficiency ("LEP") will ensure greater access to court proceedings and operations long into the future.

Below we first summarize our collaboration and the work we accomplished together. Then, we explain the manner in which we hope to close this matter.

Background

On March 28, 2011, the Civil Rights Division's Federal Coordination and Compliance Section initiated this matter by letter advising KCSC that it and the USAO had received a complaint alleging that the KCSC had discriminated against LEP persons on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 ("Title VI"). Over the next two years, KCSC fully cooperated and provided DOJ with the information we needed to complete our review of that complaint (and others subsequently received). KCSC also provided information regarding significant actions voluntarily taken by KCSC to supplement existing KCSC policies on the provision of interpreter services and to respond to

concerns raised during the review, including training and practice changes. To memorialize the parties' understanding, KCSC and DOJ entered into a letter agreement dated January 9, 2014 ("Letter Agreement") and consisting of five terms, identified as (1) through (5).

Letter Agreement and its Implementation

Under the Letter Agreement dated January 9, 2014, KCSC agreed to provide language assistance services at no cost to LEP parties and persons in interest in all court proceedings and operations, both civil and criminal (while continuing to provide its existing training, operations and practices with respect to its interpreter services) (term(1)). Further, KCSC agreed to revise its interpreter manual to reflect this expanded access and to continue to train its judicial officers regarding the same (term (5)). These terms were considered closed.

The Letter Agreement also provided that, in return for your agreement to report on certain financial aspects of KCSC's foreign language interpretive services and to exercise best efforts to secure sufficient additional funding (terms (2) through (4)), DOJ would close its review. Specifically, KCSC agreed to provide quarterly updates to DOJ regarding the financial impact of expanded foreign language interpreter services for a period of 18 months and to take certain actions should the financial impact exceed the anticipated budgeted amount. We advised that the file would remain open for the purpose of ensuring compliance with these terms.

We have now reached the end of that 18-month reporting period and are pleased to note that KCSC has complied with each of the terms of the agreement. In its quarterly reports, KCSC demonstrated that the costs of expanding KCSC's no-cost foreign interpreter services to all court proceedings and operations approximated its interpreter budget and did not "greatly exceed" that anticipated amount. We also understand that KCSC's Office of Interpreter Services has experienced greater efficiencies now that it no longer needs to conduct an ability-to-pay analysis upon receiving a request for foreign language interpreter services. Furthermore, KCSC has stated its intention to continue providing free foreign language interpreter services in all proceedings.

Final Acknowledgments

DOJ is prepared to close this file upon receiving the following final, signed acknowledgements:

1. That KCSC intends to continue to provide foreign language interpreter services at no cost to LEP parties, witnesses, victims, and others with an interest (e.g., parents, legal guardians, custodians) in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law; and
2. That, if KCSC intends to cease providing the interpreter coverage in paragraph 1 at any time (including for reasons such as severe budgetary or resource concerns), KCSC shall notify DOJ as soon as practicable about its intent to cease coverage and will engage in discussions with DOJ regarding possible alternatives to and remediation of that cessation.

If you are willing to so acknowledge these statements, please sign the last page below and return this document to my office. Once received, this office will close the file and reopen it only if we receive the notice contemplated in paragraph 2 or if it learns of actions inconsistent with either paragraph above.

As before, this letter does not constitute a finding that KCSC is or will be in full compliance with Title VI and its implementing regulations or other federal laws, nor does it address other potential claims of discrimination on the basis of national origin that may arise from the activities of the KCSC. Likewise, this letter does not constitute an admission by KCSC with regard to any specific allegations reviewed in this matter, nor does it find that KCSC is not or has not been in full compliance with Title VI or other federal laws.

Please note that this letter also does not affect any rights that the individual complainant(s) may have to file private lawsuits regarding the concerns raised in their complaints to the DOJ. We will retain the complaints for our records and take the information provided into account if we receive similar future complaints against the KCSC.

We are obligated to inform you that recipients may not intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone who has either taken action or participated in an action to secure rights protected by the civil rights laws DOJ enforces. The protection against retaliation extends to recipient employees who provide information or otherwise cooperate with DOJ's review. Any individual who alleges such harassment or intimidation may file a complaint with DOJ. We would investigate such a complaint if the situation warrants.

Under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by recipients and complainants upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions concerning this letter or any of its terms, please contact Assistant United States Attorney J. Michael Diaz at the number above, or Michael Mulé, the Civil Rights Division attorney assigned to this matter, at (202) 514-4144 or Michael.Mule@usdoj.gov.

Sincerely,



J. Michael Diaz
Assistant United States Attorney
Civil Rights Program Coordinator
United States Attorney's Office -
Western District of Washington
United States Department of Justice



Deena Jang
Chief
Federal Coordination and Compliance Section
Civil Rights Division
United States Department of Justice

cc:

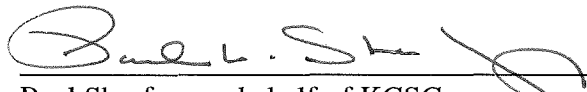
Mr. Michael Mulé, DOJ Civil Rights Division, Federal Coordination and Compliance Section

Mr. Tom Kuffel, Senior Deputy Prosecuting Attorney, King County Prosecutor's Office

Ms. Callie Dietz, State Court Administrator, Administrative Office of the Courts

Ms. Christina Fogg, Assistant United States Attorney, Western District of Washington

Agreed to this 1ST day of December, 2015.


Paul Sherfey, on behalf of KCSC