



Office of the Assistant Attorney General

Washington, D.C. 20530

APR 12 2002

Alec Gray, Esquire
General Counsel
Administrative Office of the Trial Court
2 Center Plaza
Boston, Massachusetts 02108

Dear Mr. Gray:

This letter will confirm the conversation on March 21, 2002, between Merrily A. Friedlander, Section Chief of the Civil Rights Division's Coordination and Review Section, and Marilyn Wellington, Chief of Staff of the Massachusetts Administrative Office of the Trial Courts, concerning the provision of interpreter and translation services to limited English proficient individuals (LEP). Specifically, it was brought to our attention that, according to an article in the March 18, 2002 edition of the *Boston Globe*, Massachusetts courts may be unable to continue provision of necessary services in languages other than English after April 15, unless additional funds are provided by the State.

Ms. Friedlander asked Ms. Wellington whether the newspaper account is accurate and explained that she was contacting the Administrative Office of the Trial Court as a courtesy in order to ensure that your agency is aware of its obligations as a recipient of federal financial assistance. Ms. Wellington stated that the situation was not as grave as described in the news article, but that funding is a major concern for the State Courts' interpreting/translation program for the rest of the year.

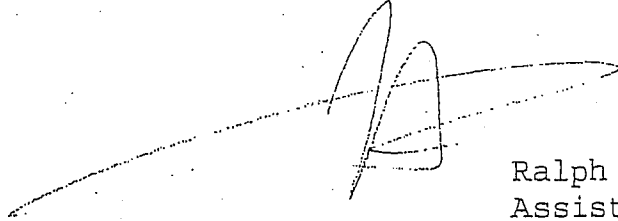
The Massachusetts Trial Court is a recipient of federal financial assistance from the Department of Justice (DOJ). Department recipients must comply with various civil rights statutes, including Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000, et seq., and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c) (the "Crime Control Act"), which together prohibit discrimination on the basis of race, color, national origin, sex, and religion in programs that receive federal financial assistance. Failure to provide services for individuals who are limited English proficient (LEP) may constitute a violation of the prohibition against national origin discrimination contained in Title VI and the Crime Control Act.

On January 16, 2001, DOJ issued guidance to its recipients ("DOJ Recipient LEP Guidance"), as required by Executive Order 13166, on providing meaningful access to LEP individuals. The DOJ Recipient LEP Guidance was republished for additional comment on January 18, 2002 (copy enclosed). While the guidance is new, the requirement for meaningful access under Title VI, the Crime Control Act, and the regulations implementing these laws is not.

Our guidance, which is based on Title VI and the Title VI regulations, explains that each recipient of federal financial assistance must take reasonable steps to provide meaningful access for LEP individuals to the recipient's programs, services, and activities. Among the four factors to be considered in determining what constitutes reasonable steps to ensure meaningful access are: (1) the number or proportion of LEP persons in the eligible service population; (2) the frequency with which LEP individuals come into contact with the program; (3) the nature and importance of the service provided by the program; and (4) the resources available to the recipient, including costs. Clearly, many of the programs, services, and activities of courts are critically important to LEP individuals. The four-factor analysis for instance, calls for recipient courts to ensure that LEP parties and witnesses receive competent and timely language services. The four factors are discussed in greater detail in the DOJ Recipient LEP Guidance document enclosed (see pages 2681-2682 of the January 18, 2002 republished DOJ Recipient LEP Guidance for information specifically on courts), and also in the general LEP guidance published in the *Federal Register* on August 16, 2000.

Copies of all the documents referenced in this letter are enclosed for your convenience. In addition, those documents, as well as other information on LEP requirements, can be found on the LEP portion of the Coordination and Review Section's website at www.usdoj.gov/crt/cor/13166. I hope that this information is helpful to you. My staff stands ready to assist you in meeting your obligations. If you have any questions concerning this letter, please contact Merrily A. Friedlander at (202) 307-2222.

Sincerely,

A handwritten signature in black ink, appearing to be 'RFB', with a long horizontal stroke extending to the left.

Ralph F. Boyd, Jr.
Assistant Attorney General
Civil Rights Division

cc: Marilyn Wellington

Enclosures