

COLLABORATIVE TECHNICAL ASSISTANCE AGREEMENT

For the U.S. Department of Justice, Civil Rights Division,
Federal Coordination and Compliance Section
And the Vermont Judiciary



THE UNITED STATES
DEPARTMENT OF JUSTICE

BACKGROUND

Through its routine outreach, the United States Attorney's Office for the District of Vermont (USAO) identified potential issues regarding the adequacy of language assistance provided to limited English proficient (LEP) Vermont state court users and referred its concerns to the Federal Coordination and Compliance Section of the United States Department of Justice, Civil Rights Division (FCS).

In response to the USAO referral, FCS and USAO (DOJ), conducted onsite outreach to criminal and civil attorneys and conducted courthouse visits which indicated the Vermont Judiciary could benefit from recommendations regarding LEP services due to its possible failure to comply with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d to 2000d-7 and its implementing regulations at 28 C.F.R. Part 42, Subpart C (together Title VI) in regards to the services provided to LEP court users.

In April 2018, DOJ met with representatives of the Vermont Judiciary to discuss Title VI language access concerns within the Vermont Judiciary (hereinafter "Judiciary"). Judiciary officials were unaware of the concerns, and had received no direct complaints to the Judiciary. They were, however, already working to make the Vermont Judiciary's language access program more robust. They informed DOJ that the Judiciary was actively reviewing its Language Access Plan (LAP) and would be devising a Language Access Implementation Plan (LAIP), with both efforts supported by a technical assistance agreement with the National Center for State Courts. DOJ offered its assistance to the Judiciary's efforts already underway to improve language assistance.

In October 2018, representatives from the Judiciary provided an update on its activities and plans at a meeting with DOJ, and the parties further discussed how DOJ might be of assistance to these efforts. Judiciary officials have shared with DOJ copies of the NCSC report reviewing its LAP and the NCSC proposed LAIP. The Judiciary solicited from DOJ recommended improvements to the LAP and LAIP. The Judiciary also established an Internal Advisory Committee to continually improve its language access program.

On November 30, 2018, the Vermont State Court Administrator sent to FCS a letter that outlined a proposal for further engagement between the parties to improve language access for LEP court users, including a request for DOJ to provide technical assistance.

The Judiciary has continued to dedicate resources to enhance its language access program. For example:

- In April 2018 staff delivered a “train the trainer” workshop for court operations managers. These staff will in turn lead in-service trainings for other staff in local courts statewide regarding language access policies, resources, and services;
- Meetings are ongoing with representatives from the Association of Africans Living in Vermont, the U.S. Committee on Refugees and Immigrants (a/k/a Vermont Refugee Resettlement Program), and a professor at Bennington College to develop a comprehensive curriculum for interpreter training;
- The Court Administrator’s Office procured the translation into Spanish of a dozen court forms and confirmed the accuracy of those translations with a member of the National Association of Judicial Interpreters and Translators. The translated forms are currently being turned into fillable forms that will be available on the Judiciary’s website.

This Agreement (hereinafter “Agreement”) reflects the mutual understanding of the parties with respect to the technical assistance to be provided.

SHARED GOALS

- The parties seek to improve the Judiciary’s provision of meaningful access to LEP individuals in the Vermont Court system. The Judiciary aims to make reasonable efforts to provide LEP individuals with timely and qualified language assistance, both oral and written, in all proceedings of the courts as well as in court services and programs, with services to be provided in a reasonably effective and efficient manner, at no cost to the LEP individuals.
- The efforts are intended to improve compliance with V.R.C.P. 43(f), V.R.Cr.P. 28, V.R.P.P. 43(e), and Title VI.
- The efforts to be undertaken by the parties are consistent with the Judiciary’s stated mission “to provide equal access to justice, protect individual rights, resolve legal disputes fairly and timely, and provide everyone the opportunity to have their day in court” and its vision that “[t]he people of Vermont will have trust and confidence in the Vermont state courts because the courts are fair, impartial, accessible, responsive, consistent, free of discrimination, independent, and well-managed.”
- By engaging each other in a voluntary, open, and collaborative manner, the parties hope to achieve results in a more timely, efficient, and effective way than might otherwise occur.

COMMITMENTS

The Vermont Judiciary:

- The State Court Administrator is authorized to enter into this Agreement.
- Senior Judiciary members such as the State Court Administrator, the Chief Superior Judge, the Chief of the Planning and Court Services (PCS) Division, the PCS Senior Programs Manager, and others will continue to support these efforts through involvement in activities related to this Agreement. The Judiciary also hopes to expand its capacity to enhance language access services by augmenting existing resources.

- The Judiciary has sought and will continue to seek increased funding through the state legislative process and from available sources of federal and other grants.
- The Judiciary agrees to respond in a timely fashion to reasonable requests for documents and other information made by DOJ.

The Department of Justice:

- DOJ has extensive experience with identifying language access shortcomings in court systems, devising remedies, and helping to implement them as part of its Courts Language Access Initiative. A senior FCS staff attorney, an Assistant U.S. Attorney, and an FCS consultant will continue to provide assistance.
- DOJ time and travel will provided by DOJ. (The DOJ components involved in this Agreement have no grants under their control.)

The parties agree to work cooperatively.

DELIVERABLES

The attached Scope of Work outlines the initial activities to be undertaken by the parties, including an estimated timeline.

TERMS AND CONDITIONS

- **Duration.** This Agreement becomes effective upon execution by representatives of both parties and will end two years later or upon completion of the activities in the Revised Scope of Work referenced in step #7 of the Initial Activities and Timelines section below, whichever occurs first. Either Party may terminate this Agreement by notifying the other Party in writing at least 30 days prior to the effective date of termination set forth in the notice to terminate, or otherwise as may be mutually agreed.
- **Resources.** The commitments of staff time, expenditures for programs, travel, and consultants as set forth in this Agreement, including the Scope of Work, are subject to availability of resources, appropriation of funds, and force majeure; provided that notice is given to the other Party when restrictions arise that may impair performance anticipated by this Agreement.
- **Non-waiver.** Nothing herein may be construed as an admission of non-compliance with Title VI by the Vermont Judiciary.
- **Complaints.** Nothing herein will restrict FCS's response to any complaint it may receive after the date of execution of this agreement.
- This is a public document.

SIGNATURES

By: 
TAMARA KESSLER
Chief

CHRISTINE STONEMAN
Principal Deputy Chief

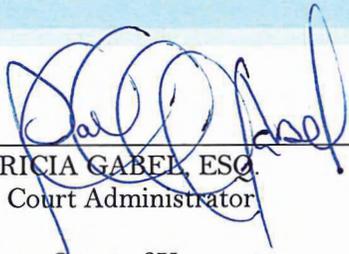
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Dated: 6/19/2019

By: 
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State Court Administrator

Supreme Court of Vermont
Office of State Court Administrator
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Dated: 6/10/19

INITIAL SCOPE OF WORK



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GENERAL INFORMATION

DOJ activities will include the following:

- ✓ Analyze documents related to language access plans, policies, and procedures.
- ✓ Participate in meetings, in-person or remotely, with sufficient advance notice.
- ✓ Assist with training upon the request of the Judiciary.
- ✓ Provide input as to court observations, assessments, and monitoring activity that may be undertaken by the Judiciary.
- ✓ Suggest resources for and respond to questions from the Judiciary to include providing input on the composition and function of committees whose purposes are related to the scope of this Agreement.

Judiciary activities will include the following:

- ✓ Share data, draft documents, and budget information regarding the Judiciary's language access program, upon reasonable request.
- ✓ Facilitate direct communication among DOJ, court personnel, and advisory committees where the communication concerns the terms, conditions, and commitments agreed to in this Agreement or the Judiciary's language access program. Moreover, the Judiciary will confirm as needed that DOJ is authorized to engage in such communication but is not doing so on behalf of the Judiciary.
- ✓ Respond appropriately to DOJ feedback.
- ✓ Facilitate access to Judiciary facilities.
- ✓ Provide periodic updates regarding the Judiciary's language access program.

INITIAL ACTIVITIES AND TIMELINES

#	ACTIVITY	TIMELINE	DOJ	JUDICIARY
1	Framework & Scope of Work	February 2019	Draft response to VT proposal for technical assistance	Review and provide feedback on draft framework & SOW
		June	Sign document	Sign document
2	Internal Advisory Com (IAC)	< 60 days (from signing)	Review and provide initial feedback on LAIP; discuss at onsite meeting with IAC	Provide a status report on LAIP activities to date; consider interim LAIP revision
3	External Advisory Com (EAC)	July-August	Receive roster of EAC; participate in onsite meeting of EAC to discuss initial feedback on LAIP	Stand up committee; convene first meeting; schedule meetings through 2019.
4	Survey of Court Staff	August-September	Review the survey developed for court staff and offer feedback	Obtain and consider DOJ feedback; finalize survey; administer survey to staff in connection with staff training devoted to language access.
		September-October	Review survey results and provide input regarding implications for LAIP	Analyze survey results and revise LAIP, as needed
5	Needs survey of external parties	September-October	Provide feedback on survey of external participants	Develop draft survey, consider DOJ feedback, and finalize survey
		November		Administer survey
		December	Review survey results and provide input regarding implications for LAIP	Analyze survey results and revise LAIP, as needed
6	Language Access Implementation Plan	January-February 2020	Provide full review/feedback on LAIP	Consider feedback, and revise LAIP, as needed
7	Revise Scope of Work	March 2020	Negotiate Revised Scope of Work to address changes in LAIP and other agreed upon areas of activity.	Negotiate Revised Scope of Work to address changes in LAIP and other agreed upon areas of activity.

POINTS OF CONTACT

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