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SENATE JOINT RESOLUTION NO. 349

Offered January 23, 1995

Requesting the Executive Secretary of the Supreme Court, under the auspices of the Judicial Council, to develop information and educational programs for pre-bench orientation sessions as well as for inclusion in materials used for continuing educational programs for judges in the Commonwealth that address the specialized problems encountered in dealing with persons of limited English ability in the courtroom.

Patrons—Calhoun; Delegates: Callahan, Darner, Mayer and Van Landingham

Referred to the Committee on Rules

WHEREAS, this Commonwealth, as well as the nation as a whole, has always prided itself on providing safe haven for those persons of other nations who suffer from political, racial, or cultural persecution as well as those who aspire to better themselves and take advantage of opportunities which are unavailable in their homeland to better the lives of their families; and

WHEREAS, the Joint Subcommittee Studying the Needs of the Foreign-Born has, for the past three years, examined the many needs of those who emigrate to this country, and has identified English language proficiency as the primary life skill that virtually all newcomers to this country need to master, so that they can begin to assimilate into this country and take control of their lives and futures; and

WHEREAS, one of the issues examined by the Joint Subcommittee was the need for foreign-language interpreters in the courtroom and the potential impact such a requirement could have on the Commonwealth; and

WHEREAS, since 1974, Virginia statutes have permitted reimbursement for foreign-language interpreters in criminal cases, based on the fundamental proposition that when loss of freedom is involved, it is essential that a person be able to participate in his own defense; and

WHEREAS, current statute also provides for interpreters for speech- or hearing-impaired persons; and

WHEREAS, the Joint Subcommittee agreed that while a loss of freedom is certainly a hardship, so too is the potential loss of children and home; and

WHEREAS, at the behest of the Joint Subcommittee and through a joint resolution passed by the General Assembly, the Judicial Council undertook the first part of a study to determine the need for interpreters and to assess the impact such a program might have on services; and

WHEREAS, the Judicial Council released its initial report in December 1994 and found that there are compelling reasons why the Commonwealth should also develop a system of interpreters for persons who are of limited English proficiency for use in her courts; and

WHEREAS, of the stated mission of Virginia's courts, the provision of interpreters met many of the criteria underlying the core values and fundamental aims of the court system, including (i) the need to provide effective access to the courts to all persons, (ii) the duty of the courts to provide fair access, (iii) the need to preserve the integrity of the fact-finding process, (iv) the need to promote efficient and uniform administration of justice, (v) the need to establish and maintain public confidence in the courts, and (vi) the need to ensure a judicial system that is responsive to change; and

WHEREAS, the Judicial Council agreed that there are compelling arguments favoring the provision of interpreters for non-English-speaking persons who are parties or witnesses to civil proceedings; and

WHEREAS, it was the recommendation of the Council that state statute be amended to allow for the provision of such interpreters, but the Joint Subcommittee felt that implementing such a program would be premature, because the second part of the Council's study will be to determine competency and training qualifications for potential interpreters in such a program, an undertaking that will benefit the current criminal justice procedure since there are currently no accreditation standards for language interpreters in criminal proceedings; and

WHEREAS, the Council recommended and the Joint Subcommittee concurred that training materials for use by the judges in the courts of the Commonwealth need to be developed and implemented; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Office of the Executive Secretary, under the auspices of the Judicial Council, develop materials and courses for (i) pre-bench orientation of newly elected judges and training sessions for new clerks of court and magistrates, (ii) educational programs for presentation at mandatory training conferences, and (iii) inclusion in all benchbooks.

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