



U.S. Department of Justice

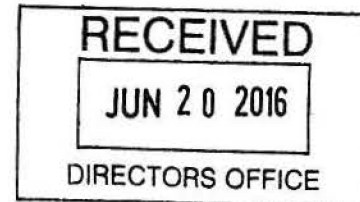
Civil Rights Division

Federal Coordination and Compliance Section
950 Pennsylvania Ave, NW-NWB
Washington, DC 20530

June 17, 2016

CERTIFIED, RETURN-RECEIPT REQUESTED

Ms. Laurie K. Dudgeon
Director
Kentucky Administrative Office of the Court
1001 Vandalay Drive
Frankfort, KY 40601



Re: Complaint No. 171-30-21

Dear Ms. Dudgeon:

The purpose of this letter is to advise you of the manner in which the U.S. Department of Justice (DOJ), Civil Rights Division, will formally close the above-referenced file and complete its engagement with the Kentucky Administrative Office of the Court (KAOC). We initiated this engagement in response to complaints of alleged national origin discrimination under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d to 2000d-7, and its implementing regulations, 28 C.F.R. §§ 42.101 to 42.112, by a Kentucky State Court Judge who failed to provide interpreter services to limited English proficient (LEP) parties. Throughout this engagement, your office has been cooperative and we appreciate the collaborative working relationship we have had with your General Counsel.

Below we summarize the complaint allegations and the actions that KAOC has taken to ensure that LEP individuals appearing before the judge at issue receive appropriate and effecting language assistance services consistent with Title VI. Then, we explain the manner in which we hope to close this matter. Finally, we request that you sign the letter as indicated below and return a copy to us by email for our records in acknowledgement of the process for resolving this engagement.

Background

On September 29, 2014, the Federal Coordination and Compliance Section (FCS) informed you of the complaint received alleging that a judge did not provide interpreter services to LEP parties, even though LEP individuals requested interpreters and interpreters were available. In that letter, we invited you to contact our office to resolve this matter in order to avert the need for a full investigation. Between October 2014 and March 2016, KAOC staff worked to address the provision of language assistance services in the specific judge's courtroom and to ensure members of the Judicial Branch are aware of their obligations under Title VI.

Actions Taken by KAOC to Address Complaint Allegations

In a data request response provided on December 18, 2015, the KAOC outlined actions taken to address concerns raised in the complaint. These actions included meetings with the judge in February and October 2015, in which the judge was reminded of obligations under Title VI, provided a copy of the Kentucky Court of Justice Language Access Plan, and given information on how to appropriately request and utilize interpreter services.¹ The KAOC further reported that the judge was very cooperative with the Court Interpreting Services and that since October 24, 2014, it has received no other complaints regarding the provision of language access services in his courtroom. FCS also has not received any additional complaints regarding language services in the judge's court during this time.

It also is our understanding that new court employees receive information about the Kentucky Court of Justice Language Access program during their Human Resources orientation day and that current circuit, family, and district judges receive information through the Bench Book, yearly training events, and the Judicial Branch Education Department. Court Interpreting Services has also worked with the Department of Public Advocacy and the Kentucky Bar Association to provide training to lawyers on language access, thereby improving access and quality of service to all LEP members of the public who interact with the courts. You have also stated that the KAOC will maintain a list of individuals certified or registered to provide interpreting services at all times, and that the list is available on the KAOC website at <http://courts.ky.gov/courtprograms/CIS/Documents/DirectoryInterpreters.pdf>.

The KAOC has worked with DOJ to develop a complaint form through which an LEP individual can file a grievance regarding provision or quality of language assistance services in the Kentucky State Court system. You have committed that this form will be available in Arabic, Bosnian, Burmese, Chinese, English, French, Kirundi, Nepali, Russian, Somali, Spanish, and Vietnamese. Additionally, the KAOC is currently identifying vital documents and the non-English languages into which they will be translated.

In order to resolve this matter, and as we discussed in a recent phone conversation with your office, we ask that your office send us periodic updates describing progress in implementing the activities described above. For example, these updates should include any staffing or structural developments in the Office of Court Interpreter Services, identification of vital documents, and progress in the translation of materials. Please also include in these letters copies of any new complaints received or filed alleging failure to provide appropriate language assistance services, and the manner in which those complaints have been resolved. We request that the KAOC send us these quarterly updates for a year beginning on October 3, 2016, concluding with the last update on July 3, 2017. Assuming that the KAOC provides the updates as requested and in the absence of any compliance concerns or complaints that have not been resolved satisfactorily, we will inform the KAOC of formal closure of this matter within **30** days of its final update.

Please note that this letter addresses only the matters discussed in this correspondence and should not be construed to cover any other issues regarding the Kentucky State Judiciary's compliance with Title VI. This letter does not constitute a finding that the KAOC is or will be in full

¹ In addition to obligations under Title VI, under Kentucky Revised Statute (KRS) 30A.415, the Court of Justice is required to provide qualified interpreters for all court appearances (civil and criminal), the qualifications for which are provided at KRS 30A.405.

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 KAOC. Likewise, this letter does not constitute an admission by KAOC with regard to any specific allegations reviewed in this matter.

Please note that this letter also does not affect any rights that 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 KAOC.

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 Deputy Chief Peter Gray at 202-305-0042 or peter.gray2@usdoj.gov, or staff attorney Dylan Nicole de Kervor at 202-616-2271 or dylan.dekervor@usdoj.gov.

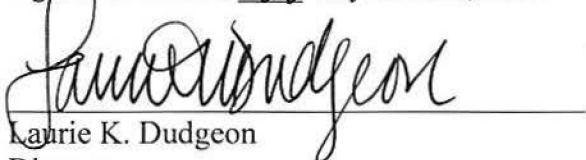
Sincerely,



Christine Stoneman
Acting Chief

Federal Coordination and Compliance Section
Civil Rights Division

Agreed to on this 22nd day of June, 2016



Laurie K. Dudgeon
Director
Kentucky Administrative Office of the Court

cc: Kerry B. Harvey
United States Attorney
Eastern District of Kentucky