

Stephen N. Zack
President

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July 21, 2011

Hon. Wallace B. Jefferson, President
Conference of Chief Justices
Chief Justice
Supreme Court of Texas
P.O. Box 12248, Capitol Station
Austin, Texas 78711

Lilia G. Judson, President
Conference of State Court Administrators
Executive Director
Division of State Court Administration
Indiana Supreme Court
30 South Meridian St, Ste 500
Indianapolis, Indiana 46204

Dear Chief Justice Jefferson and Ms. Judson:

We have received your letter of July 8, 2011, expressing concerns about the draft ABA Standards for Language Access in Courts ("Standards"). As you know, the Standards are a response to a pressing access to justice issue that has been noted by your Conferences, and they build upon previous ABA Standards and the groundbreaking work undertaken by state courts. The Standards were developed over a period of many months, with guidance by an extensive Advisory Group that included members of your Conferences and staff of the National Center for State Courts. The resulting draft was circulated repeatedly to the Advisory Group and widely to the stakeholder communities involved. Changes were made in response to specific issues raised in meetings with CCJ and COSCA. We have, prior to your letter, heard nothing from the representatives of your Conferences who served on the Advisory Group to indicate that they had concerns about the substance or overall approach of the proposed Standards. The Standards have received enthusiastic support from many different constituencies, and the Resolution to adopt the Standards has garnered an impressive number of co-sponsors.

The proposed Standards do not impose new mandates upon courts. They are intended rather as a road map for implementing full language access throughout state and all other court systems. They therefore contain many examples of approaches, including the innovative use of technology and collaborations among courts and other entities, which have been successfully implemented in court systems across the nation.

We do appreciate your concerns about the current funding and resource constraints affecting some courts. As your letter acknowledges, the ABA has taken bold steps to focus the attention of the public and policymakers on this critical problem. At the same time, we must recognize that it does little good to preserve a justice system that remains literally incomprehensible to many

July 21, 2011
Hon. Wallace B. Jefferson
Lilia G. Judson
Page 2

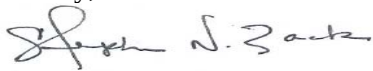
users. The Census Bureau reports that nearly 20% of the U.S. population does not use English as their primary language at home. For many of them, the courthouse door is effectively closed. There is a real cost to justice when language access services are not provided, in terms of rights forfeited and harms that could be averted, including lives lost by victims of domestic violence who cannot obtain a protection order from the court; or convictions that are overturned on appeal.

Courts will, of course, need to assess the many and varied pressures they face as they establish priorities for action. We appreciate that the proposed ABA House of Delegates Resolution urging adoption of these proposed Standards recognizes that full implementation may not be accomplished immediately because of the need for additional resources to support implementation, and the need for courts to balance competing priorities.

As we prepare to present the Standards to the ABA House of Delegates at our annual meeting in Toronto in August, I have asked the proponents of the resolution and Standards, Bob Stein as the Chair of the ABA Standing Committee on Legal Aid and Indigent Defendants and Judge Vanessa Ruiz as the project's chair, to continue the dialogue with your Conferences, to find common ground and a common understanding of the uses and benefits that we anticipate will result from the adoption of the Standards. They will consider and discuss with you the basis for an approach, such as you suggest, that would balance the importance of courts facing budget shortfalls and the need to address the language access for low-income and unrepresented persons whose rights and interests would be adversely affected if language access services were not provided.

Thank you for your interest in our work. We look forward to working with you on this and other access to justice issues, and hope that dialogue over the coming weeks will result in your support of our proposed Standards.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen N. Zack". The signature is fluid and cursive, with the first name "Stephen" being more prominent than the last name "Zack".

Stephen N. Zack

cc: Mr. William T. (Bill) Robinson, III, ABA President-Elect
Ms. Linda A. Klein, Chair, ABA House of Delegates
Mr. Robert E. Stein, Chair, Standing Committee on Legal Aid and Indigent Defendants (SCLAID)
Hon. Vanessa Ruiz, Chair, SCLAID Language Access Subcommittee