

National Association of Judiciary Interpreters and Translators
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Editor:

The National Association of Judiciary Interpreters and Translators (NAJIT) is a professional organization of some 1200 members nationwide, whose members work both in state and federal courts. Our organization endeavors to promote the highest standards of performance and integrity for our profession and to advocate for equal access to justice and due process for limited-English proficient (LEP) individuals in courts throughout the United States. We were dismayed to learn of the intention of the Utah Judicial Council to endorse a statewide plan that ignores the clear guidance provided by United States Assistant Attorney General Thomas E. Perez regarding the provision of interpreting services free of cost to LEP individuals in the court system. This guidance is based on the Constitution of the United States, Title VI of the Civil Rights Act of 1964, and Executive Order 13166.

The Utah Judicial Council is well aware of the guidance and is no doubt familiar with its legal foundation. The members must also be aware that ignoring the rights of LEP individuals to be linguistically present in judicial and quasi-judicial proceedings, as indicated by Title VI, can lead to loss of federal funding. If the constitutional rights of persons whose English proficiency is not adequate to deal with the court system are not important to the Utah Judicial Council, or to the courts they advise, perhaps the very real prospect of losing federal funds might catch their attention. Additionally, members of the Judicial Council and citizens of Utah should be mindful that the costs of defending possible civil rights actions brought as a result of this decision could quickly exceed the costs currently being incurred for interpreter services. NAJIT is hopeful that the Utah Judicial Council will reconsider this unconstitutional and fiscally shortsighted decision.

NAJIT applauds your December 9, 2010 editorial and urges the Utah Judicial Council and Chief Justice Christine Durham to follow the guidance provided by the U.S. Department of Justice, and the law.

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Chair
National Association of Judiciary Interpreters and Translators