



U.S. Department of Justice

United States Attorney
Western District of Washington

Please reply to:
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January 9, 2014

Via Email and First Class U.S. Mail

Mr. Paul Sherfey
Chief Administrative Officer
King County Superior Court
King County Courthouse
516 Third Avenue
Seattle, WA 98104

Re: Review of Interpretive Services in King County Superior Court;
DOJ # 171-82-22

Dear Paul:

Thank you for providing the training materials in your letter dated October 9, 2013. They were helpful. Thank you also for the productive telephone conferences on September 11, October 7, and December 23, 2013. Once again, we appreciate the collaborative spirit in which our discussions have progressed.

As discussed during our most recent telephone conference, the purpose of this letter is to notify you that — contingent upon your agreement to the terms of this letter, memorialized by your signature below and return of this letter to my office — the Department of Justice (“DOJ”) Civil Rights Division and the U.S. Attorney’s Office for the Western District of Washington are closing the above-referenced review. The file will remain open only for purposes of ensuring compliance with certain terms below, in the manner described below.

To first briefly summarize where we have been: by letters dated March 28, 2011 and August 27, 2012, the DOJ Civil Rights Division’s Federal Coordination and Compliance Section informed your office that DOJ was reviewing allegations of failure to provide appropriate language assistance services by the King County Superior Court (“KCSC”) for possible discrimination on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, (“Title VI”). As we advised in that correspondence, the DOJ is responsible for investigating complaints of violations of Title VI, as well as other federal laws, made against recipients of federal financial assistance from DOJ. Rather than initiating a formal investigation at that time, we informed you of the allegations and offered to work with you to reach a productive and amicable resolution.

Over the last two years, as memorialized in the various letters exchanged, we have received information from the KCSC that has permitted us to complete our review, and the KCSC has voluntarily taken significant action, both in training and practice, to supplement current KCSC policies with respect to interpreter services and to respond to concerns raised during the review. This letter is the product of this amicable, patient, and persistent collaboration.

Through this period of cooperation, we were able to reach the following terms of agreement:

- (1) The KCSC commits to provide, or, as the case may be, continue to provide, at no cost to limited English proficient (“LEP”) individuals, timely and appropriate language assistance services in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. In all other instances, the KCSC will provide certified or qualified interpretation services free of charge to (a) LEP parties, witnesses, or victims; (b) LEP parents, legal guardians, or custodians of minor children who are parties, witnesses, or victims; and (c) LEP legal guardians or custodians of adult parties, witnesses, or victims. The KCSC otherwise will continue its existing training, operations and practices with respect to its interpreter services.
- (2) At the end of every three months (quarterly) after January 1, 2014, for a period of 18 months, the KCSC will submit to the DOJ a financial report that identifies (a) the amount spent on interpreter services for the foregoing quarter, (b) whether and by how much those costs exceeded the line budget, and (c) whether that expenditure amount is consistent or not with the same time period for the preceding year.
- (3) Should the provision of no cost foreign language interpreter services greatly exceed the budgeted amount and additional funding be needed to provide those services, the KCSC will make its best efforts to secure the additional funding needed to continue to provide meaningful access, including interpreter services, at no cost to LEP parties, witnesses, etc. in all court proceedings and operations, both civil and criminal.
- (4) Should those best efforts by KCSC to secure a sufficient budget fail, the DOJ and the KCSC will reconvene and agree to work in good faith to accomplish our shared goal, as stated in paragraph (1) above.
- (5) The KCSC will revise its interpreter manual to reflect the foregoing and conduct training on the manual for its judicial officers. It is our understanding that nearly all KCSC judges attend the annual state-wide Superior Court Judges and Administrator’s Conferences, which includes sessions on interpreter use. It is further our understanding that new KCSC judges receive individualized training upon starting and that the KCSC conducts ad hoc training as needed on interpreter issues, such as that conducted at the Judges Committee Meeting in June of this year.

If you still agree to these terms, please sign the last page below and return this document to my office. Once received, this office will keep the file open only for the purposes of terms (2)-(4) above. Although we do not expect it, should there be a material breach of any term of the agreement, DOJ has the discretion to reopen this matter and assess the need for additional review and/or a formal investigation.

This letter does not constitute a finding that the KCSC is or will be in full compliance with Title VI 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 KCSC. Likewise, this letter does not constitute an admission by KCSC with regard to any specific allegation reviewed in this matter, nor a finding that the KCSC is not or has not been in full compliance with Title VI or other federal laws.

The purpose of this letter, instead, is to memorialize (a) the KCSC's commitment to devise and implement the above policies, plans, and procedures, which the parties agree, when fully implemented, will address the DOJ's concerns regarding the KCSC compliance with the non-discrimination provisions of Title VI language access obligations as they relate to access to court proceedings and operations by LEP individuals; and (b) the status of the DOJ's review of those complaints, its intent to close its review of those complaints, and its future limited involvement in the matter.

Please note that this letter does not affect any rights that the 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 KCSC.

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 the DOJ enforces. The protection against retaliation extends to recipient employees who provide information or otherwise cooperate with the DOJ's review. Any individual who alleges such harassment or intimidation may file a complaint with the DOJ. We would investigate such a complaint if the situation warrants.

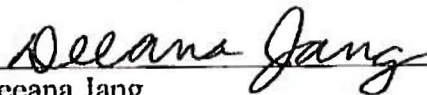
Under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by recipients and complainants upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions concerning this letter or any of its terms, please contact J. Michael Diaz at the number above, or Michael Mulé, the Civil Rights Division attorney assigned to this matter, at (202) 514-4144 or Michael.Mule@usdoj.gov. We look forward to hearing from you.

Sincerely,



J. Michael Diaz
Assistant United States Attorney
Western District of Washington



Decana Jang
Chief
Federal Coordination and Compliance Section
Department of Justice
Civil Rights Division

cc:

Ms. Christina Dimock, Assistant United States Attorney, Western District of Washington
Mr. Michael Mulé, DOJ Civil Rights Division, Federal Coordination and Compliance Section
Mr. Tom Kuffel, Senior Deputy Prosecuting Attorney, King County Prosecutor's Office
Ms. Callie Dietz, State Court Administrator, Administrative Office of the Courts

Agreed to this 21st day of January, 2014.



Paul Sherfey, on behalf of King County Superior Court