

# Language Access Rights in Courts



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## Constitutional Rights

### Due Process (5th & 14th Amendments)

Defendants have a constitutional right to meaningful participation in their own trials.

Language barriers that prevent understanding violate due process.

#### What this means:

Courts must provide competent interpreters to ensure defendants understand proceedings and can effectively participate in their defense.

All three rights are meaningless without language access. LEP defendants must have qualified interpreters to exercise these constitutional protections.

## Sixth Amendment Rights

Criminal defendants have the right to:



**Confront witnesses: Cross-examine and challenge testimony**



**Be present at their own trial: Understand what is happening**



**Receive effective assistance of counsel: Communicate with their attorney**

#### What this means:

## Federal Civil Rights Law

### Title VI of the Civil Rights Act (1964)

"No person shall be subjected to discrimination under any program or activity receiving federal financial assistance."

#### What this means:

Denial of language services = national origin discrimination. State courts receiving federal funds must provide meaningful language access to LEP individuals in all civil and criminal proceedings.

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## Federal Civil Rights Law

### Executive Order 13166 (2000)

Revoked by EO 14224 in 2025, but impact continues

“Required federal agencies and recipients of federal funds to provide & meaningful access & to LEP individuals.”

#### What this means:

Though revoked, this order shaped court policies, DOJ guidance, and precedent that remain in effect today. Courts still reference & meaningful access standards developed under this order.

## New York State Law

## Part 217 of the Uniform Rules for NYS Trial Courts

§217.1 – Obligation to appoint interpreter in court proceedings:

§217.2 – Provision of interpreting services in clerk’s office:



Required in all civil and criminal cases



When party, witness, parent, or guardian has LEP



Provided free of charge to LEP individuals



Interpreter must be duly qualified



Court clerks must provide interpreting services at no expense



Available for assistance at the clerk’s office



May be provided by telephone or live audiovisual means

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## New York State Law

### Judiciary Law §390

Sign language interpreters must be provided for deaf or hard of hearing individuals in all court proceedings at public expense.

## What These Rights Mean in Practice

### For LEP Defendants:

- You have the right to understand everything said in court
- You have the right to a qualified interpreter at no cost
- You have the right to communicate fully with your attorney
- You have the right to participate meaningfully in your own defense
- Language services are not optional – they are guaranteed by the Constitution and federal law

### For Court Interpreters:

- You are protecting constitutional rights, not providing a courtesy
- You have a duty to alert the court when language access is compromised
- You must ensure complete, accurate interpretation of every word
- You are an officer of the court safeguarding due process

## Key Court Precedent

### Georgia Supreme Court (2010) – State v. Ramirez

Defendants with limited English proficiency have a constitutional right to court interpreters in criminal trials under:

- Sixth Amendment (right to confront witnesses, be present, receive effective counsel)
- Fourteenth Amendment due process clause

### What the court said:

Courts must practice vigilance in protecting the rights of non-English speakers and provide meaningful access to comply with Title VI and constitutional mandates.

### Impact:

This ruling affirmed that language access is not a privilege or accommodation—it is a fundamental constitutional right in criminal proceedings.

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## What These Rights Mean in Practice

### For LEP Defendants:

- Providing interpreters is a constitutional and legal obligation
- Meaningful access requires competent, qualified interpreters
- Cost is not a valid reason to deny interpretation services
- Vigilance is required to protect the rights of LEP individuals

## Resources

- NY Courts Interpreter Services: [www.nycourts.gov/courtinterpreter](http://www.nycourts.gov/courtinterpreter)
- Part 217 Uniform Rules: 22 NYCRR Part 217
- DOJ Language Access Guidance: [www.justice.gov/crt/fcs/TitleVI-Overview](http://www.justice.gov/crt/fcs/TitleVI-Overview)
- NAJIT Code of Ethics: [www.najit.org](http://www.najit.org)
- Judiciary Law §390: [www.nysenate.gov](http://www.nysenate.gov)