



The Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness

601 Commonwealth Ave, Suite 6200
P.O. Box 62545
Harrisburg, PA 17106-2545
717.231.3300, ext. 4138
pa-interbranchcommission.com

January 13, 2025

Dear Honorable Judges of the Pennsylvania Superior Court:

On behalf of the Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness (“Interbranch Commission”), we respectfully support MidPenn Legal Services’ (MPLS) Motion for Publication of this Court’s December 31, 2024 decision in *Ortega v. Henriquez*, No. 598 MDA 2024, as precedential. The case raises issues of substantial public interest and highlights critical challenges in protecting the statutory and constitutional rights of non-English-speaking litigants.

The Interbranch Commission has long worked to ensure fairness in Pennsylvania’s judicial system, particularly through advocating for meaningful access to justice for individuals with limited English proficiency (LEP). Interbranch Commission helped to develop Act 172 of 2006, and, in the spirit of continuous improvement, meets periodically with AOPC’s language access personnel to offer feedback and support. Publishing the decision as precedential will provide essential guidance for trial courts and practitioners, enhance judicial accountability, and protect the rights of non-English-speaking litigants.

Moreover, this decision provides an important opportunity to highlight systemic barriers to accountability in language access cases. While Pennsylvania’s Language Access Plan and Act 172 establish critical protections, the complaint process for addressing failures to adhere to these standards remains opaque. Attorneys, interpreters, and participants are often disincentivized from reporting violations due to concerns about professional repercussions, procedural hurdles, or the perceived futility of raising complaints. Failure to provide consistent or adequate language access services, as seen in *Ortega*, may go unaddressed unless a party has the resources to pursue an appeal—a cost that is prohibitive for many. This opacity and the accompanying disincentives further highlight the importance of making the *Ortega* decision precedential.

In view of the strong public interest in a clear articulation of language access rights and the lessons that may be gleaned to further strength language access in the Commonwealth, the Interbranch Commission strongly supports designating this opinion as precedential. Thank you in advance for your thoughtful consideration of MPLS’s motion and the letters from stakeholder organizations in support of same.

Respectfully submitted,

Maraleen Shields, Esquire

Executive Director
Interbranch Commission for Gender, Racial, and
Ethnic Fairness