



JUDICIAL COUNCIL OF CALIFORNIA

NOTICE OF PUBLIC HEARING Statewide Language Access Plan for California Courts

California is home to one of the most ethnically and culturally diverse populations in the world. This extraordinary diversity is among the state's greatest assets. This diversity also poses unique challenges for the delivery of government services, particularly for the courts. Nearly 7 million Californians cannot access the courts without significant language assistance. To address the challenges this presents, the Judicial Council of California, the policymaking body of the California courts, is developing a statewide language access plan.

The Judicial Council of California's Joint Working Group for California's Language Access Plan has scheduled three public hearings throughout the state on the following dates and locations:

San Francisco	Los Angeles	Sacramento
February 24, 2014 10 a.m. to 4 p.m.	March 4, 2014 10 a.m. to 4 p.m.	March 13, 2014 10 a.m. to 4 p.m.
Administrative Office of the Courts Milton Marks Auditorium (Lower Level) 455 Golden Gate Avenue San Francisco, California 94102	Ronald Reagan State Building 300 South Spring Street Auditorium Los Angeles, California 90013	Secretary of State Auditorium 1500 11th Street Sacramento, California 95814
<i>Language Assistance to be Provided: ASL, Cantonese, Russian, Spanish, and Vietnamese</i>	<i>Language Assistance to be Provided: ASL, Spanish, Korean, Mandarin, and Vietnamese</i>	<i>Language Assistance to be Provided: ASL, Cantonese, Hmong, Russian and Spanish</i>

If additional language service and/or Americans with Disabilities Act accommodations are required, please email your request to us at: LAP@jud.ca.gov. Please make requests at least 48 hours in advance of the hearing.

For more information about the Judicial Council's Joint Working Group for California's Language Access Plan, please visit our website at: www.courts.ca.gov/languageaccess.htm.

Please send written comments via e-mail at: LAP@jud.ca.gov. Comments received will be included in the hearing's public records.



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FACT SHEET

January 2014

Language Access

California is home to one of the most ethnically and culturally diverse populations in the world. This extraordinary diversity is among the state's greatest assets. This diversity also poses unique challenges for the delivery of government services, particularly for the courts. Nearly 7 million Californians cannot access the courts without significant language assistance. To address the challenges this presents, the Judicial Council of California, the policymaking body of the California courts, is undertaking the development of a statewide language access plan that will provide a consistent direction for language access throughout the judiciary.

What is Language Access?

Language access allows limited-English-proficient (LEP) individuals access to a wide range of services. As defined by the U.S. Department of Justice, LEP individuals are persons who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English.

In California, the most diverse state in the country:

- Over 200 languages are spoken;
- 40% of households speak a language other than English;
- Nearly 7 million speak English "less than very well"; and
- 20% of Californians cannot access the court system without language help.

Source: U.S. Census Bureau

How Language Access Impacts Court Users

Court users come to courthouses because they have a problem that they cannot resolve on their own.

Without proper language assistance, LEP court users may be excluded from meaningful participation in the judicial process. Many LEP litigants appear without an attorney, and courts invariably are forced to have friends and family members act as interpreters, who may not understand legal terminology or court procedures. Further, LEP court users' language needs are not limited to the courtroom; the need for language assistance extends to all points of contact with the public, including self-help centers, court-connected clinics, and beyond.

Extensive language assistance has been and continues to be a priority in the state's courts, including providing court interpreters for many types of cases. However, the California judicial branch has long supported the need to further expand language access services in the courts. The courts are searching for new solutions for these issues, including more efficient use of existing resources to help improve and expand language access around the state.

Joint Working Group for California's Language Access Plan

Equal access to justice and to the courts for all, regardless of an individual's ability to communicate in English, is a fundamental goal of the California judicial system. The Judicial Council created a Joint Working Group devoted to development of a California Courts Statewide Language Access Plan (LAP). Harnessing the expertise of its members and extensive public and stakeholder feedback, the Joint Working Group plans to submit a draft LAP to the Judicial Council in June 2014, and a final revised plan in December 2014. The LAP will:

- Identify existing efficiencies that can enhance language access for all LEP court users;
- Propose an incremental, multiyear approach to enhancing language access in the California courts; and
- Design a strategy for developing the additional resources needed for full language access.

Public Participation

There are three ways that you can actively be involved in helping to shape California's LAP:

- Attend and participate in upcoming public hearings;
- Provide written comments, suggestions, or ideas; and

- Keep informed about the progress of the plan and share information with your communities.

Opportunities for Public Comment

The Joint Working Group for California's Language Access Plan would like your input to help prepare draft recommendations for policy and procedural changes that may help to improve language access for all of California's limited-English-proficient court users. Visit the California Courts "Language Access" web page for news updates, including information regarding upcoming public hearings.

Contact:

Douglas Denton, Senior Court Services Analyst
Court Language Access Support Program (CLASP)
415-865-7870, douglas.denton@jud.ca.gov

Additional resources:

- <http://www.courts.ca.gov/languageaccess.htm>
- <http://www.courts.ca.gov/courtinterpreters>
- www.courts.ca.gov/selfhelp.htm
- www.sucorte.ca.gov

CALIFORNIA COURTS STATEWIDE LANGUAGE ACCESS PLAN

DRAFT IN PROGRESS – JANUARY 2014

- I. Introduction by Chief Justice (to include California’s commitment to language access and briefly review the state’s top languages and limited English proficient (LEP) demographics)
- II. Executive Summary and Goals of California’s Language Access Plan
 - A. Establish Standards for Language Access Services at All Points of Contact with the Court
 - B. Improve Early Identification of LEP Court Users and Data Collection
 - C. Identify Best Practices for Providing Effective Language Access Services
 - D. Identify Areas for Judicial Branch Training
- III. Identification of Language Needs
 - A. Most Recent Data Collected for California (at state level and at court-use level)
 - B. Best Estimate of Language Needs Based on Existing Data
 - C. Assessment and Prioritization of Essential Services to Provide Meaningful Access
 - D. Recommendations
 1. Earliest possible identification of language needs
 2. Improve data collection (for example, would explain how improved data collection can support funding requests for a gradual expansion of services, and identify gaps in data that can be addressed by the 2015 Language Need and Interpreter Use Study)
- IV. Legal Standards for Providing Language Access
 - A. When an Interpreter Is Required to Be Provided (current legal standards)
 - B. Proposed Rule and Statutory Revisions (based on Judicial Branch leadership decisions)
- V. Language Access During Court Proceedings
 - A. Provision of Qualified Professional Interpreters
 1. Standards and protocols for interpreter provision (existing and proposed)
 - i. Definition of “qualified” interpreter and standards for appointment and confirmation of qualifications
 2. Efficiencies in interpreter use (including calendaring)
 - i. Explore existing practices and provide best practices
 - ii. Court interpreter scheduling software (Possible recommendation to implement a statewide scheduling system for court interpreters, in order to achieve greater efficiencies, improved data collection, and better reporting to the courts and public)
 3. Prioritization of cases and type of proceeding when there is limited availability of credentialed court interpreters (beyond currently mandated)
 4. Standards and protocols for remote interpreting for court proceedings

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- B. Recommendations for Use of Bilingual Staff and Other Language Access Tools for Courtroom Access and Management
 - 1. Bilingual courtroom staff (for example, bilingual clerks, bailiffs, or volunteers and self-help staff to help address pre- and post-proceeding issues)
 - 2. Technology and multimedia tools (for example, multilingual videos on court procedures before calendar; remote interpreting for bench officer's explanation of courtroom protocol)
 - 3. Multilingual signage and translations of common courtroom resources (for example, advisement and waiver forms, referrals to community, continuances, referral slips to other court department or activity, etc.)

VI. Language Access Outside Courtroom Proceedings

A. Identification of Points of Contact Outside Court Proceedings

B. Court Interpreters

- 1. Recommendations for areas in which court interpreters would be required
- 2. Standards for appointment of interpreters outside the courtroom (for example, in a mandated mediation, an interpreter for each party/person that needs one. Other recommendations, for example, qualifications of interpreters)
- 3. When, if ever, video remote interpreting and remote interpreting would be used

C. Bilingual Staff

- 1. Recommendations for effective use of bilingual staff
- 2. Strategies for early identification of LEP court users
- 3. Sharing of bilingual staff and use of technology for distance services

D. Technology

- 1. California Courts website
- 2. Audio/Visual Information (for example, kiosk with court information in multiple languages; videos available in multiple languages available at the courthouse or online; etc.)
- 3. Remote Access (remote interpreting)
- 4. Multimedia tools

E. Access for Court-Mandated or Court-Referred Services

- 1. If provided by court staff (for example, Family Court Services mediators, settlement conference judges, etc.) – recommend standards and protocols
- 2. If outside the court's control (for example, psychologists, social workers, probation, treatment programs) – recommend collaboration and coordination toward access, standards for courts as related to referrals/partnerships

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VII. Translation and Signage

- A. Translation Protocol for Quality Control, Consistency, and Updating
- B. Prioritization of Signs, Materials, and Forms for Translation
 - 1. Determination of languages to be translated
 - 2. Consideration for alternate methods to reach low literacy populations, such as video or audio
- C. Dissemination of Translations

VIII. Qualifications and Training of Language Access Providers

A. Interpreters

- 1. Recruitment strategies
- 2. Credentialing/testing
- 3. Professional standards and ethics, and continuing education
- 4. Training in mandated areas, plus those recommended for expansion in civil and in technologies (for example, video remote interpreting) that may be used
- 5. Continuing qualifications and complaint process

B. Bilingual Staff

- 1. Recruitment strategies and best practices for hiring bilingual staff
- 2. Oral proficiency requirements for bilingual staff
Note: CA now has bilingual oral proficiency exams, but no standard has been set for bilingual court staff
- 3. Training and continuing education
- 4. Complaint processes

C. Translators

- 1. When credentialed interpreters are used for translation, qualification and training of interpreters applies (explore if additional recommendations are required)
- 2. When outside translators are used, translation protocol to include quality control for translators, requiring certification/accreditation and continuing education
- 3. Complaint process for problems with translations

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IX. Judicial Branch Training

A. Judicial Officers

1. Working with LEP court users and cultural competency
2. Working with language access providers
 - i. Bench card(s) for judicial officers regarding use of court interpreters (Note: this product is in progress)
 - ii. Working with technology to provide language access (for example, guidelines similar to existing recommended guidelines for ASL VRI-interpreted events)

B. Court Administrators and Court Staff

1. Working with LEP court users and cultural competency
 - i. Working with language access providers (for example, when to use professional interpreters, as opposed to other language service providers; how to work with a court interpreter; etc.)
2. Working with technology to provide language access
 - i. Recommended guidelines for providing assistance remotely
 - ii. Use of website and multi-media tools to assist LEP court users
 - iii. Availability and location of translated materials and court forms

C. Court-Appointed Professionals

1. Working with LEP court users and cultural competency
2. Working with language access providers

X. Outreach

A. To Court Users and the Public Generally

1. Rights and standards for language access
2. Resources

B. To Community Providers, Particularly Those Serving LEP Populations

1. Availability of services
2. Criticality to the court of community provider's services to meet the goals of California's Language Access Plan

C. To Justice Partners

1. Responsibilities and standards
2. Resources

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XI. Language Access Management

A. Language Access Coordinator (new position created 9/2013)

B. Language Access Oversight Committee

Note: If the ongoing work of the LAP is not mandated as part of the Access and Fairness Advisory Committee's and/or Court Interpreter Advisory Panel's charge, do we want to recommend creating a similar body charged with updating the Language Access Plan, and/or making periodic recommendations to the Judicial Council regarding language access policies, forms or procedures?

C. Monitoring, assessment, evaluation and updating of the Plan

D. Complaint mechanism for public/court users and all stakeholders

E. Future planning (if necessary)

XII. Appendices