

Language Access in the California Courts – Implementation Update

More than 200 languages and dialects are spoken in California, with nearly 7 million Californians (19%) reporting that they speak English “less than very well.” Without proper language assistance, limited-English-proficient (LEP) court users may be excluded from meaningful participation in the judicial court process.

Background and a Strategic Plan for Language Access

On January 22, 2015, the Judicial Council adopted the [Strategic Plan for Language Access in the California Courts](#), which provides a consistent statewide approach to ensure language access for all limited English proficient (LEP) court users in all 58 superior courts.

In March 2015, the Chief Justice formed the Language Access Plan Implementation Task Force—chaired by Supreme Court Justice Mariano-Florentino-Cuéllar—which advises the council on implementing the recommendations contained in the *Strategic Plan*. These recommendations address the needs of LEP court users both *in court* (access to interpreters) and *out of court* (multilingual signage, translated resources and in-language assistance), with the goal of full language access to the courts and to the legal system for all Californians.

Highlights of Task Force Achievements (2017)

Since 2015, the Task Force has made significant progress toward implementing the 75 recommendations contained in the *Strategic Plan*, including the following 2017 achievements:

- ✓ **Civil Expansion.** A survey conducted by Judicial Council staff in 2017 indicated that as of December 31, 2016, more than 80% of courts now provide court interpreters for critical civil cases, which include domestic violence, unlawful detainer, and termination of parental rights. In September 2015, only nine courts (15.5% of 58 courts) provided interpreters in all civil case types.
- ✓ **New Rules of Court.** The Language Access Plan Implementation Task Force (LAPITF) developed two new California Rules of Court, both effective on January 1, 2018. Rule 2.850 requires each superior court to designate a Language Access Representative (LAR). The LAR will serve as the language access resource for court users, judicial officers and court staff, and will be responsible for receiving and responding to any court user complaints or suggestions regarding the language access services provided by the court. Language Access Services staff hosts a webinar every other month with the LARs to provide regular updates and facilitate the sharing of best practices. Rule 2.851 requires each superior court to establish a language access services complaint form and process by December 31, 2018.
- ✓ **Small Claims Legislation.** The LAPITF and Civil and Small Claims Advisory Committee submitted a joint proposal in November 2017 to the Policy Coordination and Liaison Committee recommending that the Judicial Council sponsor legislation to amend Government Code section 68560.5(a) and Civil Code of Procedure section 116.550 to

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make clear that—as resources permit—courts should provide interpreters in small claims actions. The Judicial Council is currently seeking an author for the proposed legislation, which will have an effective date of January 2019.

- ✓ **Video Remote Interpreting (VRI) Pilot Project.** In 2017, the foundation was laid for a project to pilot VRI with spoken-language court interpreters in three pilot courts (Merced, Sacramento and Ventura). As of December 2017, two equipment vendors have almost completed equipment installation in all three courts. Training has been scheduled for January 2018. The pilot will then go live for six months (January–July 2018), data will be collected, and the pilot will be independently evaluated by the San Diego State University Research Foundation.
- ✓ **Glossary of Signage Terms and Protocol for Assisting LEP Court Users.** In June 2017, the Task Force published a glossary of standard signage and wayfinding terms and recommended icons for use in court facilities. The terms have been edited for plain language and translated into ten languages. The glossary is available on the Language Access Toolkit: <http://www.courts.ca.gov/lap-toolkit-courts.htm>. Also in June 2017, the Task Force published a protocol and action guide for court employees to follow in assisting LEP court users when bilingual staff members are not available: <http://www.courts.ca.gov/33868.htm>.
- ✓ **Training Curriculum for Bilingual Staff and Court Interpreters.** In 2017, the National Center for State Courts (NCSC) worked with the LAPITF to develop curriculum for bilingual staff and court interpreters working in civil cases.
- ✓ **Language Access Representatives (LARs).** With the establishment of a network of Language Access Representatives in courts across the state, regular meetings were conducted in 2017 (and will continue in 2018) with the 58 LARs to discuss language access expansion and best practices/guidance regarding language access services.

Next Steps for the Task Force

- **Interpreter Coverage in Civil Matters.** The Task Force will continue to seek funding for language access expansion and to support efforts that grow the pool of qualified interpreters available to courts to achieve full coverage in civil matters.
- **Courthouse Design, Signage and Wayfinding.** Based on identified best practices for multilingual signage and wayfinding strategies, the Task Force will support courts in their efforts to translate signage and implement wayfinding approaches to ensure that all LEP court users have full access to courthouse buildings.

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- **Updates and Improvements to the [Language Access Toolkit](#).** The Toolkit currently serves as a resource for judicial employees to enhance language access in the local courts and better serve their LEP court users. In addition to developing a process to provide regular updates to the site and add new resources as they become available, staff will explore the possibility of developing toolkit pages that aggregate multilingual legal information for LEP court users.
- **Small Claims Legislation.** During 2018, Judicial Council staff will work on preparing notices, training, and other support for courts in anticipation of new 2019 statutes regarding the provision of court interpreters in small claims matters.
- **VRI Pilot.** Following the VRI pilot, findings and recommendations will be developed for the Judicial Council.
- **Training Curriculum for Bilingual Staff and Court Interpreters.** In 2018, Judicial Council staff will take the curricula created by the NCSC and develop online training for bilingual staff and court interpreters on civil cases. Staff will determine how best to disseminate this online training to courts and court interpreters. Training for court interpreters regarding remote interpreting is being developed in conjunction with the VRI Pilot Project.
- **Rule of Court for the Provision of Language Services Outside the Courtroom.** Judicial Council staff are developing a rule of court that will provide clear guidance on the provision of language assistance in court-ordered programs and services.
- **Community Outreach.** The LAPITF anticipates that it will hold another Community Outreach Meeting to hear from stakeholders and to discuss language access issues in April 2018 in Sacramento, California (Date TBD).

For more information: <http://www.courts.ca.gov/languageaccess.htm>