



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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Director, Office of Governmental Affairs

August 1, 2008

Hon. Tom Torlakson, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 3050 (Jones), as proposed to be amended – Sponsor
Hearing: Senate Appropriations Committee – August 4, 2008

Dear Senator Torlakson:

The Judicial Council is the sponsor of the proposed amendments to Assembly Bill 3050 relating to the expansion of court interpreters in civil proceedings.

Current law does not require certified or registered interpreters to be present in civil matters for non-English speaking litigants, yet, the issues at stake in child custody, child support, and other civil cases can be as critical as the issues involved in criminal cases where the law requires interpreters to be provided. Litigants in most civil cases are unable to use professional interpreters unless they can pay for the costs of the service.

Assembly Bill 3050 will begin the process for determining the most efficient methodology for providing court interpreters in civil proceedings. The proposed amendments require the Judicial Council to (1) create a working group to identify and develop best practices; (2) conduct a multi-year pilot project to increase the use of court interpreters in civil proceedings; and (3) report its findings and recommendations. In addition, the bill provides participating courts with (1) the flexibility to determine the best calendaring methodology for deploying court interpreters in civil actions; (2) the ability to use technological innovations to increase the capacity of the existing pool of court interpreters; and (3) the ability to prioritize the case types to receive civil

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interpreting. In all, the proposed amendments will provide local courts with the necessary authority, tools, and resources to test various approaches to expand the use of interpreters in critical civil proceedings.

In addition to the pilot project, the proposed amendments would improve statewide data collection of court interpreter services in both criminal and civil proceedings. The new reporting requirements will enhance the Language Use and Need Study providing a more accurate account of the statewide need for interpreter services in all proceedings.

Lastly, the proposed amendments require the Judicial Council to enter into master service agreements for telephonic court appearances. Master service agreements will provide cost and process uniformity, as well as sufficient revenue to conduct, track and study the experience of the civil interpreting pilot project. The funding provided by the telephonic appearance fee is essential to the success of the pilot projects.

The Judicial Council encourages you to support AB 3050 to increase the use of court interpreters in civil proceedings. The council has no position on the provisions of AB 3050 related to the use of the term "legal aid."

Sincerely,



Janus Norman

Senior Governmental Affairs Analyst

JN/lb

cc: Members, Senate Appropriations Committee
Hon. Dave Jones, Member of the Assembly
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Dan Troy, Consultant, Senate Appropriations Committee



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September 9, 2008

Hon. Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Assembly Bill 3050 (Jones) – Request for Signature

Dear Governor Schwarzenegger:

I am writing to request your signature on Assembly Bill 3050 (Jones), sponsored by the Judicial Council of California. This bill would begin the important process of seeking ways to provide court interpreter services in civil cases. Assembly Bill 3050 would create a working group to identify and develop best practices to better use existing court interpreter resources, and it directs the Judicial Council to select pilot courts to implement and evaluate the practices recommended by the working group. The pilot project would be funded by a new telephonic court appearance fee and requires no General Fund support.

People from all over the world come to California to stake their claim to the future. The United States Census Bureau notes that 26 percent of Californians are foreign born, and more than 39 percent of our residents speak a language other than English in their homes. The expansive range of cultures, histories, and perspectives adds a rich vibrance to communities throughout the state. As publicly elected constitutional officers, it is our duty to continuously evaluate and appropriately adjust state institutions to meet the changing needs of California's dynamic population.

Each day, thousands of California residents rely on our courts to handle their most sensitive and valuable personal and professional disputes and they expect them to be resolved in a fair and equitable manner. It is fundamental to California's judicial system that litigants are able to meaningfully participate in the legal resolution of civil grievances regardless of their primary language.

The considerable assortment of languages other than English that serve as the primary language for numerous Californians is a significant obstacle to litigants in cases where a court interpreter is not mandated by state or federal law. Despite the incredible stakes of a proceeding regarding

child custody, child support, or unlawful detainers, the law does not require an interpreter to be provided.

In your veto of Assembly Bill 2302 in 2006, which would have required a court interpreter for all limited-English-proficiency litigants in all civil actions and proceedings, you noted that "it is essential to provide non-English-speaking litigants with interpreters in order to provide meaningful access to our justice system." Assembly Bill 3050 has a more narrow focus than AB 2302. The approach in AB 3050 would test identified and developed best practices in a small number of pilot courts to determine the best way to maximize existing resources in order to increase the number of court interpreters participating in civil proceedings.

Additionally, AB 3050 does not rely on scarce General Fund resources to fund the bill but instead imposes a modest fee on users of telephonic hearings, which would wholly fund the working group and pilot programs. Importantly, AB 3050 gives the Judicial Council the authority to enter into a statewide contract for telephonic hearings, enabling the council to control costs for telephonic hearings statewide and create a uniform fee structure.

The experience of the pilot courts will supply all of us in the Judicial Council with a better understanding of the need for interpreters in civil matters—and the most efficient and cost-effective way to meet that need.

I appreciate your recognition of the need to provide court interpreters to litigants with limited English proficiency. It is crucial to providing meaningful access to justice. Assembly Bill 3050 is a significant step forward in California's effort to appropriately mitigate language access challenges.

For these reasons, I respectfully request your signature on Assembly Bill 3050.

Sincerely,

A handwritten signature in blue ink, reading "Ron George". The signature is fluid and cursive, with the first name "Ron" and last name "George" clearly distinguishable.

RONALD M. GEORGE
Chief Justice of California and
Chair of the Judicial Council

RMG/CLC/lb

cc: Hon. Don Perata, President pro Tempore of the Senate
Hon. Dave Jones, Member of the Assembly
Ms. Susan P. Kennedy, Chief of Staff, Office of the Governor
Mr. Chris Kahn, Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. William C. Vickrey, Administrative Director of the Courts
Mr. Ronald G. Overholt, AOC Chief Deputy Director
Mr. Curtis L. Child, Director, AOC Office of Governmental Affairs