



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

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

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

April 20, 2006

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3126
Sacramento, California 95814

Subject: AB 2227 (Chu), as amended April 6, 2006 - Oppose
Hearing: Assembly Judiciary Committee – April 25, 2006

Dear Assembly Member Jones:

Regretfully, the Judicial Council writes to oppose AB 2227 because it replaces the existing Court Interpreter Advisory Panel (CIAP), which considers and makes recommendations on several issues related to court interpretation, with a commission that has a narrow focus on testing and certification of spoken-language interpreters. Further, AB 2227 proposes a commission whose membership allows for only one individual out of nine that would represent the judicial branch. Without broad representation, the judicial branch will not be assured of the qualifications of court interpreters in order to guarantee the rights of individuals appearing in court with interpreters.

In 1992, the Legislature recognized the importance of resting the responsibility for court interpretation with the judicial branch by adopting SB 1304 ((Lockyer), Stats. 1992, ch. 770.) One of the key goals of SB 1304 was to coordinate all elements essential to providing interpreter services into a single program developed by the Judicial Council and the courts. Before SB 1304, testing and certification were separated from all other interpreter issues. SB 1304 shifted responsibility for court interpreters from the State Personnel Board to the Judicial Council and required the council to, among other things:

- Establish standards and procedures to test and certify court interpreters.
- Designate the languages for which certification programs would be established.
- Adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, discipline and professional conduct.
- Establish a court interpreter advisory panel to assist the council on the performance of its duties.

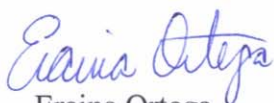
Pursuant to Rule 6.51 of the California Rules of Court, the CIAP was created to assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons. CIAP is composed of 11 members, six are court interpreters and five are judges or court administrators, like many of the Judicial Council's advisory committees, the panel is chaired by an appellate court justice.

AB 2227 proposes a commission that appears to exclude all issues related to interpreters for the deaf and hearing-impaired and does not address many of the issues that the CIAP currently reviews. While the Administrative Office of the Courts could direct staff to continue working on these issues, the Judicial Council would lose the valuable input and insight provided by the CIAP members. Some of the CIAP duties that would be lost with the creation of the new commission include:

- Conducting the statutorily mandated language need and interpreter use study every five years.
- Researching new technologies such as telephonic interpretation and video conferencing, to improve language access in the courts.
- Recommending changes to the professional conduct standards and recommending disciplinary standards and procedures.
- Evaluating and developing rules and standards for interpreters for the deaf and hard of hearing.
- Approving certifying testing entities for American Sign Language interpreters.
- Reviewing and approving applications for workshops, seminars, conferences and any additional continuing education activities for interpreters and providers.
- Developing strategies to improve interpreter recruitment, including outreach with educational institutions to further interpreter education and testing opportunities.

For these reasons, the Judicial Council urges your "no" vote on AB 2227.

Sincerely,



Eraina Ortega
Manager

EO/lb

cc: Members, Assembly Judiciary Committee
Hon. Judy Chu, Member of the Assembly
Ms. Sue Blake, Assistant Office of Planning and Research
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Mr. Kevin Baker, Staff Counsel, Assembly Judiciary Committee



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April 20, 2006

Hon. Judy Chu
Member of the Assembly
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2227 (Chu), as amended April 6, 2006 - Oppose
Hearing: Assembly Judiciary Committee – April 25, 2006

Dear Assembly Member Chu:

Regretfully, the Judicial Council writes to oppose AB 2227 because it replaces the existing Court Interpreter Advisory Panel (CIAP), which considers and makes recommendations on several issues related to court interpretation, with a commission that has a narrow focus on testing and certification of spoken-language interpreters. Further, AB 2227 proposes a commission whose membership allows for only one individual out of nine that would represent the judicial branch. Without broad representation, the judicial branch will not be assured of the qualifications of court interpreters in order to guarantee the rights of individuals appearing in court with interpreters.

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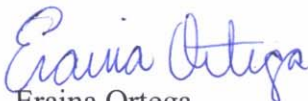
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AB 2227 proposes a commission that appears to exclude all issues related to interpreters for the deaf and hearing-impaired and does not address many of the issues that the CIAP currently reviews. While the Administrative Office of the Courts could direct staff to continue working on these issues, the Judicial Council would lose the valuable input and insight provided by the CIAP members. Some of the CIAP duties that would be lost with the creation of the new commission include:

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- Developing strategies to improve interpreter recruitment, including outreach with educational institutions to further interpreter education and testing opportunities.

For these reasons, the Judicial Council opposes AB 2227.

Sincerely,



Eraina Ortega
Manager

EO/lb

cc: Ms. Sue Blake, Assistant Office of Planning and Research
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor



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Chief Deputy Director

KATHLEEN T. HOWARD

Director, Office of Governmental Affairs

May 10, 2006

Hon. Judy Chu, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2227 (Chu), as amended May 2, 2006 - Oppose

Dear Assembly Member Chu:

Regretfully, the Judicial Council writes to oppose AB 2227 because it replaces the existing Court Interpreter Advisory Panel (CIAP), which considers and makes recommendations on several issues related to court interpretation, with a commission that has a narrow focus on testing and certification of spoken-language interpreters. Further, AB 2227 proposes a commission whose membership allows for only one individual out of nine that would represent the judicial branch. Without broad representation, the judicial branch will not be assured of the qualifications of court interpreters in order to guarantee the rights of individuals appearing in court with interpreters.

In 1992, the Legislature recognized the importance of resting the responsibility for court interpretation with the judicial branch by adopting SB 1304 ((Lockyer), Stats. 1992, ch. 770.) One of the key goals of SB 1304 was to coordinate all elements essential to providing interpreter services into a single program developed by the Judicial Council and the courts. Before SB 1304, testing and certification were separated from all other interpreter issues. SB 1304 shifted responsibility for court interpreters from the State Personnel Board to the Judicial Council and required the council to, among other things:

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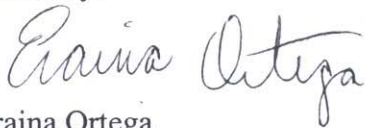
Pursuant to Rule 6.51 of the California Rules of Court, the CIAP was created to assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons. CIAP is composed of 11 members, six are court interpreters and five are judges or court administrators, like many of the Judicial Council's advisory committees, the panel is chaired by an appellate court justice.

AB 2227 proposes a commission that appears to exclude all issues related to interpreters for the deaf and hearing-impaired and does not address many of the issues that the CIAP currently reviews. While the Administrative Office of the Courts could direct staff to continue working on these issues, the Judicial Council would lose the valuable input and insight provided by the CIAP members. Some of the CIAP duties that would be lost with the creation of the new commission include:

- Conducting the statutorily mandated language need and interpreter use study every five years.
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- Reviewing and approving applications for workshops, seminars, conferences and any additional continuing education activities for interpreters and providers.
- Developing strategies to improve interpreter recruitment, including outreach with educational institutions to further interpreter education and testing opportunities.

For these reasons, the Judicial Council opposes AB 2227.

Sincerely,



Eraina Ortega
Manager

EO/lb

cc: Members, Assembly Appropriations Committee
Hon. Judy Chu, Member of the Assembly
Ms. Sue Blake, Assistant Office of Planning and Research
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Mr. Kevin Baker, Staff Counsel, Assembly Judiciary Committee



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RONALD G. OVERHOLT
Chief Deputy Director

June 14, 2006

Hon. Judy Chu, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2227 (Chu) – June 19, 2006 Meeting

Dear Assembly Member Chu:

Thank you for agreeing to meet with representatives of the Judicial Council, Senate Judiciary Committee, and the California Federation of Interpreters to discuss AB 2227 regarding court interpreter certification and testing. In a previous meeting with your staff and interpreter representatives, the issues outlined below were raised. This letter attempts to respond to each of those issues and proposes changes to AB 2227 that we believe will address the underlying concerns in a way that best serves the interests of the court interpreter profession, the courts, and the people of California.

Issue 1: Testing and certification issues should be regulated by a commission that is independent of the Judicial Council.

The Judicial Council respectfully disagrees with this position. The sponsors of AB 2227 have suggested that independent regulation, similar to the State Bar's regulation of attorneys, is appropriate for the court interpreter profession. While it is true that the State Bar administers and develops the exam for licensure of attorneys in California, the Bar acts in accordance with the rules, regulations, and policies of the Supreme Court. The State Bar is an arm of the court in the regulation of the legal profession, including discipline. Likewise, the court reporting profession is regulated by the Court Reporter's Board of California which has broad representation of members including three public members and two licensees. In fact the

mission of the Board illustrates the Board's responsibility to the users of the judicial branch, stating:

The mission of the Court Reporter's Board of California is to provide users of the Judicial System protection through disseminating information and through regulating and testing of the qualifications, performance, and ethical conduct of CSRs and entities regulated by the Board.

AB 2227 proposes a commission whose membership allows for only one member out of nine who would represent the judicial branch. Without more balanced representation, the Judicial Council cannot ensure the qualifications of court interpreters in order to guarantee the rights of individuals appearing in court with interpreters. Serious due process concerns may be raised by judges, attorneys, and members of the public if a commission on court interpreters is created without sufficient balance and accountability.

For these reasons, the Judicial Council respectfully requests that you amend AB 2227 to leave the Court Interpreters Advisory Panel (CIAP) in place and instead address the issues discussed below.

Issue 2: Court Interpreter Advisory Panel membership does not accurately represent the interests of interpreters.

As you know, the Judicial Council opposes the elimination of the CIAP, which considers and makes recommendations on several issues related to court interpretation. In 1992, the Legislature recognized the importance of placing the responsibility for court interpretation with the judicial branch by adopting SB 1304 ((Lockyer), Stats. 1992, ch. 770.) One of the key goals of SB 1304 was to coordinate all elements essential to providing interpreter services into a single program developed by the Judicial Council and the courts. Before SB 1304, testing and certification were separated from all other interpreter issues. SB 1304 shifted responsibility for court interpreters from the State Personnel Board to the Judicial Council and required the council to, among other things:

- Establish standards and procedures to test and certify court interpreters.
- Designate the languages for which certification programs would be established.
- Adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, discipline and professional conduct.
- Establish a court interpreter advisory panel to assist the council on the performance of its duties.

Pursuant to Rule 6.51 of the California Rules of Court, CIAP was created to assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons. CIAP is composed of 11 members, six of whom are court interpreters and five of whom are judges or court administrators. Like many of the Judicial Council's advisory committees, the panel is chaired by an appellate court justice. Associate Justice Kathleen O'Leary of the California Court of Appeal, Fourth Appellate District is the current chair. Of the six interpreters on CIAP, four must be certified or registered court interpreters working as employees in trial

courts and two must be certified or registered in a language other than Spanish, each working either in a trial court as an independent contractor or in an educational institution.

Despite the six court interpreters that are part of CIAP, the sponsors of AB 2227 believe that CIAP does not adequately represent the interests of interpreters. To address this concern, staff of the Administrative Office of the Courts (AOC) recommended that the sponsors of AB 2227 submit nominations for the two interpreter vacancies on CIAP. While the Chief Justice has the appointment authority for CIAP, Justice O'Leary and AOC staff have committed to reviewing all nominations and advocating for the appointment of any qualified interpreter that is nominated.

Issue 3: Court administrators do not have appropriate expertise in interpretation and testing issues.

The Judicial Council does not disagree that court administrators and judges are not interpreter testing and certification experts. However, we do not believe that court interpreters themselves provide the full range of expertise that is needed. The State Bar's exam is developed by their Office of Admissions with extensive assistance from consultants, testing professions, and legal professors; attorneys and law students do not participate in test development.

To address this concern, we recommend that two advisory members with expertise in testing and certification of professionals and education and training of court interpreters be appointed to the CIAP to assist in making recommendations to the Judicial Council and the Legislature regarding testing and certification issues.

Issue 4: Creation of a new commission will lead to an increase in the number of certified and registered interpreters working in the courts.

The 2006 work plan for CIAP includes:

- 1) Developing and adopting testing standards and protocols to ensure that the certified language examination accurately measures individual's competency in performing courtroom interpretations and that the rating process is fair and accurate,
- 2) Developing an outreach plan for working with education institutions to further interpreter education and testing opportunities, and
- 3) Reimplementation of the One Law Many Languages outreach campaign for the purpose of recruiting new interpreters.

In addition, the AOC intends to contract with a language testing and development company to evaluate and develop recommendation concerning the statewide examination process and testing instrument for certification and registration of California court interpreters. The consultant will produce a comprehensive report analyzing and presenting specific recommendations concerning testing methods and tools to qualify court interpreters. The AOC will also issue a Request for Proposal this calendar year to seek proposals from testing agencies, both because it makes good business sense to periodically review new bids for such a service and also to allow the AOC to request additional levels of service. We have recently been notified that the current testing agency, CPS, will not be competing for language test administration with any client, this means there will be a new testing provider in the fiscal year 2006–07 testing cycle.

The Judicial Council is concerned that the elimination of CIAP and the establishment of a new commission will result in significant delay in the initiatives that are currently underway. It will take time to appoint new members of a commission and to orient the members to the process for making recommendations to the Judicial Council and the Legislature; it is also unclear how the work of the AOC will fit with the goals of the new commission. For these reasons and as discussed above, the Judicial Council recommends that AB 2227 be amended to leave CIAP in place so that valuable progress will not be lost.

To address your legitimate concerns about the decrease in the number of certified and registered court interpreters, the Judicial Council recommends AB 2227 be amended to require CIAP to report in the same manner that AB 2227 currently requires the new commission to report.

AB 2227 requires a report as follows:

On or before July 1, 2008, the commission shall report to the Legislature and the Judicial Council on the existing certification system and shall recommend changes to ensure competence, improve fairness and transparency in the certification process, and ensure access to the profession by competent and qualified candidates.

We hope the information in this letter is helpful in your deliberations and look forward to meeting with you on June 19th. If you have any questions in the meantime, please contact Eraina Ortega, Manager in the AOC's Office of Governmental Affairs at 916-323-3121.

Sincerely,

A handwritten signature in blue ink that reads "Ronald Overholt / RHO".

Ronald G. Overholt
Chief Deputy Director of the Courts

RO/EO/lb

cc: Hon. Kathleen O'Leary, Associate Justice, California Court of Appeal, Fourth Appellate District
Ms. Alexandra Montgomery, Counsel, Senate Judiciary Committee
Mr. Andrew Medina, Legislative Aide, Office of Assembly Member Judy Chu
Ms. Mary Lou Aranguren, Staff Representative, Communications Workers of America
Ms. Kathleen Howard, Director, AOC Office of Governmental Affairs
Ms. Eraina Ortega, Manager, AOC Office of Governmental Affairs
Mr. Mark Garcia, Supervising Court Services Analyst, AOC Court Interpreters Program



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WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

June 23, 2006

Hon. Joseph L. Dunn, Chair
Senate Judiciary Committee
State Capitol, Room 2080
Sacramento, California 95814

Subject: AB 2227 (Chu) – as amended May 15, 2006 – Oppose unless amended
Hearing: Senate Judiciary Committee – June 27, 2006

Dear Assembly Member Chu:

Regretfully, the Judicial Council opposes AB 2227. As proposed to be amended, AB 2227 requires the council to establish a court interpreters advisory panel with specified membership and appointment authority that we do not believe is appropriate for an advisory committee to the Judicial Council. Representatives of the judicial branch have met with the author and sponsor in an attempt to reach compromise on concerns with the existing panel, but to date no agreement has been reached.

Pursuant to Rule 6.51 of the California Rules of Court, the existing Court Interpreters Advisory Panel (CIAP) was created to assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons. CIAP is composed of 11 members, six of whom are court interpreters and five of whom are judges or court administrators. Like many of the Judicial Council's advisory committees, the panel is chaired by an appellate court justice. Despite the six court interpreters that are part of CIAP, the sponsors of AB 2227 believe that CIAP does not adequately represent the interests of interpreters.

As proposed to be amended AB 2227 would alter the membership and the appointment process of CIAP. The Judicial Council believes it is inappropriate to shift the authority to appoint

Hon. Joseph L. Dunn, Chair
June 23, 2006
Page 2

members to a Judicial Council advisory panel from the Chief Justice to the Legislature. Further, the proposed composition of the panel leaves the judicial branch underrepresented.

An alternative approach that the Judicial Council supports and has worked well for resolving difficult issues in the areas of court security, court facilities, and collections of court-ordered fines has been legislation that establishes a working group made up of diverse representatives to study and make recommendations to the Judicial Council and the Legislature. These working groups have included members appointed by the California State Sheriffs' Association, the California State Association of Counties, and the Peace Officer's Research Association of California, among others. The Judicial Council believes this model is also appropriate for court interpreter issues and that agreement could be reached on the composition of such a group.

For these reasons, the Judicial Council opposes AB 2227 unless it is amended.

Sincerely,



Eraina Ortega
Manager

EO/lb

cc: Members, Senate Judiciary Committee
Hon. Judy Chu, Member of the Assembly
Hon. Kathleen O'Leary, Associate Justice, California Court of Appeal, Fourth Appellate District
Ms. Alexandra Montgomery, Counsel, Senate Judiciary Committee
Mr. Andrew Medina, Legislative Aide, Office of Assembly Member Judy Chu



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Director, Office of Governmental Affairs

August 18, 2006

Hon. Judy Chu
Member of the Assembly
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2227 (Chu), as amended August 7, 2006 – Support

Dear Assembly Member Chu:

The Judicial Council is pleased to support AB 2227, which among other things, requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. AB 2227 would specify that the panel will consist of 15 members and a majority of the members of the panel will be court interpreters. It also requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system.

The Judicial Council opposed earlier versions of AB 2227 because the bill would have replaced the Court Interpreter Advisory Panel (CIAP) with a commission that had a narrow focus on testing and certification of spoken-language interpreters.

The Judicial Council supports AB 2227, as amended on August 7, 2006, because it is an appropriate way to include additional interpreter representatives into the deliberative process on certification and testing issues, but stops short of elimination or alteration of CIAP. The new Blue Ribbon Panel will be a positive forum to exchange information with interpreters.

Hon. Judy Chu
August 18, 2006
Page 2

For these reasons, the Judicial Council supports AB 2227.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eraina Ortega". The signature is fluid and cursive, with the first name "Eraina" written in a larger, more prominent script than the last name "Ortega".

Eraina Ortega
Manager

EO/lb

cc: Ms. Sue Blake Director of Legislation, Office of Planning and Research
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Mr. Andrew Medina, Legislative Aide, Office of Assembly Member Judy Chu



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Director, Office of Governmental Affairs

August 18, 2006

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

Subject: AB 2227 (Chu) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council respectfully requests your signature of AB 2227, which among other things, requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. AB 2227 would specify that the panel will consist of 15 members and a majority of the members of the panel will be court interpreters. It also requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system.

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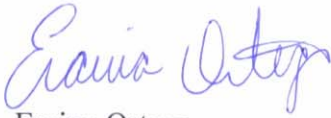
Hon. Arnold Schwarzenegger

August 18, 2006

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Sincerely,



Eraina Ortega
Manager

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Ms. Sue Blake Director of Legislation, Office of Planning and Research
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
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