



JUDICIAL COUNCIL OF CALIFORNIA

COURT INTERPRETERS
ADVISORY PANEL

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ciap@jud.ca.gov

COURT INTERPRETERS ADVISORY PANEL

OPEN MEETING WITH CLOSED SESSION AGENDA

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: Wednesday, February 17, 2016
Time: 12:10 – 1:10 p.m.
Public Call-In Number: 1-877-820-7831 passcode: 9912297

Meeting materials for open portions of the meeting will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

12:10-12:15 p.m. Call to Order and Roll Call

Approval of Minutes

Approve minutes of the December 8, 2015 Court Interpreters Advisory Panel meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to insert to ciap@jud.ca.gov or mailed or delivered to: Judicial Council of California, Court Interpreters Program, 455 Golden Gate Ave, San Francisco, California, 94102, attention: Sonia Sierra Wolf. Only written comments received by February 16, 2016, 12:10 p.m. will be provided to advisory body members prior to the start of the meeting.

III. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

12.15- 12:30 p.m. Info 1 - 2016 Annual Agenda Review

Review of the proposed 2016 Annual Agenda.

Presenter(s)/Facilitator(s): Hon. Steven K. Austin/Christina Volkers

IV. ADJOURNMENT

Adjourn to Closed Session

V. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(d)10)

Item 1 – Request Interpreter in Civil Cases

Rule 10.75 (d)(10) Topics that judicial officers may not discuss in public without risking a violation of the California Code of Judicial Ethics, necessitating recusal, or encouraging disqualification motions or peremptory challenges against them, including proposed legislation, rules, forms, standards of judicial administration, or jury instructions.

Review, discuss and consider recommending the adoption of proposed Rule(s) of Court and related form(s) for requesting an interpreter in civil cases.

Adjourn Closed Session

Court Interpreters Advisory Panel
Annual Agenda—2016 Draft Copy

I. ADVISORY BODY INFORMATION

Chair:	Hon. Steven K. Austin
Vice Chair:	Ms. Christina Volkers
Staff:	Ms. Sonia Sierra Wolf
<p>Advisory Body's Charge: Makes recommendations to the Judicial Council on:</p> <ol style="list-style-type: none">1. Interpreter use and need in court proceedings; and2. Certification, registration, testing, recruiting, training, continuing education and professional conduct of court interpreters.3. Review and make recommendations to the Judicial Council on the findings of the Language Need and Interpreter Use study in court proceedings, conducted by the Judicial Council every five years under Government Code section 68563. <p style="text-align: right;"><i>(Sen. Bill 1304; Stats. 1992, ch.770, Rule 10.51and GC §68561-68565)</i></p>	

Advisory Body's Membership: 15 Member Panel – Rule of Court 10.51 provides that the Court Interpreters Advisory Panel will consist of 11 members, a majority of whom must be court interpreters. The panel must include representatives from the following categories:

- One appellate court justice;
- Two trial court judges;
- Two court administrators, including at least one trial court executive officer;
- Four certified or registered court interpreters working as employees in the trial courts, one from each of the four regions established by Government Code section 71807; and
- Two certified or registered court interpreters in a language other than Spanish, working in the trial courts as independent contractors or in an educational institution.

In addition CIAP membership includes four advisory non-voting positions, each offering a perspective not represented by the voting members. They currently are:

- A representative of the American Sign Language (ASL) community;
- A representative of court users of interpreter services, such as a public defender, legal aid attorney, or other public advocate;
- A representative familiar with the hands-on supervision of day-to-day court interpreter operations; and
- A representative with legal experience within the court (This position has also been filled by a representative in the field of interpreter education.)

Subcommittees/Working Groups: *[List the names of each subgroup/working group, including groups made up exclusively of advisory body members and joint groups with other advisory bodies, and provide additional information about the subgroups/working groups in Section IV below. To request approval for the creation of a new subgroup/working group, include “new” before the name of the proposed subgroup/working group and describe its purpose and membership in section IV below.¹]*

1. Professional Standards and Ethics (Established 1999 under name of *Interpreter Standards and Procedures*)
2. Language Access Subcommittee (approved 2013)

In addition, CIAP is collaborating with the following subcommittees of the Language Access Plan Implementation Task Force:

3. The Budget and LAP Monitoring Subcommittee (Project #1)
4. The Technological Solutions Subcommittee (Consultative basis Project # 4)

¹ California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

Advisory Body's Key Objectives for 2016: (Objectives 1-2, and 4, are continuations of projects from the 2015 Annual Agenda)

1. Continue review performance standards of current interpreters by developing a means of fairly and consistently assessing court interpreter knowledge, skills and abilities. Will be done by developing disciplinary guidelines and procedures utilizing a complaint based process, and establishes grounds for sanctions up to an including revocation of an interpreter's certified or registered status and removal from the Master List.
2. Conduct comprehensive evaluation of existing Rules of Court 2.893 and corresponding Judicial Council INT forms. Recommend appropriate revisions to the current rules and forms.
3. Develop policy and process for LEP litigant right to waive the services of a court appointed interpreter.
4. Consult with the Court Technology Advisory Committee on Video Remote Technology.

Objectives 1-2 are were identified in 2015 as anticipated to take no less two years to complete; as require review and possible amendments or revision of existing rules of court and Judicial Council forms.

II. ADVISORY BODY PROJECTS

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1	<p>Research, develop and recommend method and means by which a biennial periodic review on court interpreter skills can be fairly and consistently assessed throughout the courts. (Rule of Court 2.891)</p> <p>Determine criteria and clear standards that establish grounds for a disciplinary process to include remedial actions up to an including the permanent revocation of an interpreters' certified or registered status, warranting removal from the Master List; including a comprehensive review and appeal procedure, as per LAP</p>	1(c)	<p><u>Judicial Branch Strategic Plan Goal IV:</u> Quality of Justice and Service to the Public</p> <p><u>Supports Operational Objective 2:</u> Promote public trust and confidence by establishing and maintaining high standards of professionalism and ethics.</p> <p><u>Origin of Project:</u> LAP recommendation #64: Complaints regarding court interpreters: The Judicial Council, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter's skills and adherence to ethical requirements can be reviewed. This process will allow for appropriate</p>	<p><u>In 2016:</u> Commence identifying the components and develop a draft of a complaint based review process specific to court interpreters. Includes collaboration with the Language Access Budget and LAP Monitoring Subcommittee, who are currently developing a statewide complaint form and process applicable to all court personnel.</p>	<p><u>The 2015 Annual Agenda:</u> CIAP anticipated no less than a two year timeline due to the complexity of issues involved.</p> <p>End product will be a comprehensive complaint based review process including ground for disciplinary actions specific to court interpreters, and a corresponding Rule of Court. Consideration will be given to include in the rule that courts <u>may</u> still recommend</p>

² All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

³ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ²	Priority ₃	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>Recommendation #64.</p> <p>Rule 2.891. Periodic review of court interpreter skills and professional conduct Each trial court must establish a procedure for biennial, or more frequent, review of the performance and skills of each court interpreter certified under Government Code section 68560 et seq. The court may designate a review panel, which must include at least one person qualified in the interpreter's language. The review procedure may include interviews, observations of courtroom performance, rating forms, and other evaluation techniques.</p> <p><i>Rule 2.891 amended and renumbered effective January 1, 2007; adopted as rule 984 effective July 1, 1979; previously amended effective January 1, 1996.</i></p>		<p>remedial action, where required, to ensure certified and registered interpreters meet all qualification standards. Development of the process should include determination of whether California Rule of Court 2.891 (regarding periodic review of court interpreter skills and professional conduct) should be amended, repealed, or remain in place. Once the review process is created, information regarding how it can be initiated must be clearly communicated to court staff, judicial officers, attorneys', and in plain language to court users (e.g., LEP persons and justice partners).</p> <p>Resources: Close collaboration with Budget and LAP Monitoring Subcommittee, who is developing a statewide complaint form and process.</p> <ul style="list-style-type: none"> • Communicate and seek input with the Court Executives Advisory Committee (CEAC) regarding the development of appropriate review processes, procedures and tools. • Legal review and input will be 	<p>Anticipated completion Date: June/July 2017.</p> <p>2015: Completed objective of conducting review of other state AOC practices, professional organizations and agency procedures, including the California State Bar and Court Reporters Board of California. Found that other agencies utilize a complaint based process, including violation of applicable Professional Code of Ethics, and on the grounds of conviction of a crime substantially related to the qualifications, functions or duties of said profession.</p> <p>Determined that Rule</p>	<p>and initiate a review process of performance skills and abilities.</p> <p>Funding: An analysis of costs will need to be undertaken as well as a determination of additional staffing needs necessary to implement rule and remedial action procedures.</p> <p><i>Note: This project will be fully informed by: GC§71811 Trial Court Interpreter Employment and Labor Relations Act, and regional Memoranda of Understanding.</i></p>

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>required at juncture points to insure compliance with applicable laws and statutes.</p> <p>Other Resources: Labor and Employment Relations Committee Chairs, Court Human Resources, Language Access Plan Budget and LAP Monitoring Subcommittee, and other stakeholders as needed for consultative purposes.</p>	<p>of Court 2.891 will need amendment, as courts do not have adequate financial resources or required linguistic expertise to conduct biennial reviews on employee and independent contractors (1,835 currently on Master List) representing over 200 languages.</p>	
2	<p>A comprehensive evaluation of existing Rule of Court 2.893, and other rules related to court interpreters and Judicial Council INT forms and instructions, and recommend any appropriate revisions.</p> <p>Determine <u>if Rule of Court 2.893 Appointment of noncertified interpreters in criminal cases and juvenile delinquency</u></p>	1(c)	<p>Judicial Council Direction: GC §68561 requires the use of certified and registered interpreters and outlines the process for provisional qualification of a non-certified /non-registered. Effective January 1, 2015, legislative changes expanded the information required on the record.</p> <p>Judicial Branch Strategic Plan Goal I: Access, Fairness, and</p>	<p>Work is underway, however, a thorough review and subsequent recommended changes to applicable rules and forms may not be completed by the end of 2016. Work will continue into 2017. Anticipated completion date: August 2017</p>	<p>Provide the Judicial Council with recommendations on amendments to Rule of Court 2.893 and corresponding Judicial Council INT forms and instructions.</p>

#	Project ²	Priority ₃	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p><i>proceedings</i>, requires amendments, and consider the possible scope of amendments, and make recommendations accordingly.</p> <p><u>Subcommittee: Language Access</u></p>		<p>Diversity</p> <p><u>Operational Objective 5:</u> Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; increase the availability of language-assistance services to all court users.</p> <p><u>Origin of Project:</u> AB 2370 (Stats. 2014, ch. 424; effective January 1, 2015) expanded upon the previous GC 68561 by requiring that certain statements be made on the record whenever an interpreter interprets in a court proceeding, including statements that confirm that the court is following the procedures for provisional qualification.</p> <p><u>LAP Recommendations:</u></p> <p>#19: Verifying credentials of interpreters; #69; Procedures and guidelines for good cause, and #70 Amend rule of court for appointment of interpreters in civil proceedings</p> <p><u>Resources:</u> TCPJAC, CEAC, Regional Bargaining Unit Chairs,</p>		

#	Project ²	Priority ₃	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Court Subject Matter Experts, Legal Services, Human Resources Labor Relations Unit, Language Access Plan Implementation Task Force.		
3	<p>Develop a policy and process, as per LAP recommendation #75, for an LEP litigant's right to waive the services of a court appointed interpreter; including whether a corresponding Rule of Court is needed in order to implement the recommended policy.</p> <p><u>Subcommittee: Language Access</u></p>	1(c)	<p><u>Goal I:</u> Access, Fairness, and Diversity</p> <p><u>Operational Objective 5:</u> Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; increase the availability of language-assistance services to all court users.</p> <p><u>Origin of Project: LAP Recommendation #75:</u></p> <p>Policy regarding waiver of interpreter. The Implementation Task Force will develop a policy addressing an LEP court user's request of a waiver of the services of an interpreter. The policy will identify standards to ensure that any waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel; and is</p>	<p>Anticipate completion: January 1, 2018</p> <p>Work will commence early 2017, contingent upon the completion of review of Rule 2.893 and corresponding INT forms.</p>	<p>Policy and process as specified in LAP recommendation #75, with a corresponding standardized form, and a Rule of Court, if required to implement the policy and process.</p> <p>Completion date estimate: End of 2017/early 2018.</p>

#	Project ²	Priority ₃	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>approved by the appropriate judicial officer, exercising his or her discretion. The policy will address any other factors necessary to ensure the waiver is appropriate, including: determining whether an interpreter is necessary to ensure the waiver is made knowingly; ensuring that the waiver is entered on the record, or in writing if there is no official record of the proceedings; and requiring that a party may request at any time, or the court may make on its own motion, an order vacating the waiver and appointing an interpreter for all further proceedings. The policy shall reflect the expectation that waivers will rarely be invoked in light of access to free interpreter services and the Implementation Task Force will track waiver usage to assist in identifying any necessary changes to policy.</p>		
4	<p><u>Consultative Only- from 2015 Annual Agenda:</u> Consult with Information Technology Advisory</p>	1	<p><u>Judicial Council Direction:</u> Component of the Chief Justice’s “Access 3D” initiative that highlights physical, remote, and equal access to</p>	A Request For Proposal, to acquire vendor(s) in order to conduct a VRI pilot program has been	Implementation of VRI pilot program and an evaluation and validation of guidelines

#	Project ²	Priority ₃	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>Committee, the Implementation Task Force, Technological Solutions Subcommittee and/or Judicial Council Technology Committee in the execution of a Video Remote Interpreting pilot project for spoken languages.</p>		<p>the justice system.</p> <p><u>Origin of Project:</u></p> <p><u>LAP recommendation 16:</u> <i>The Judicial Council should conduct a pilot project, in alignment with the Judicial Branch's Tactical Plan for Technology 2014-2016. This pilot should, to the extent possible, collect relevant data on: due process issues, participant satisfaction, whether remote interpreting increases the use of certified and registered interpreters as opposed to provisionally qualified interpreters, the effectiveness of a variety of available technologies (for both consecutive and simultaneous interpretation), and a cost-benefit analysis.</i></p>	<p>approved by the Information Technology Committee and the Implementation Task Force. The proposal will go before the Judicial Council during the February 2016 meeting.</p>	<p>developed.</p> <p>CIAP staff provides consultation on the project.</p>

III. STATUS OF 2015 PROJECTS:

#	Project	Completion Date/Status
1	<p>Research, develop and recommend method and means by which a biennial periodic review on court interpreter skills can be fairly and consistently assessed throughout the courts. (Rule of Court 2.891) Determine <i>of whether</i> California Rule of Court 2.891 should be amended, repealed, or remain in place.</p> <p>Determine criteria and clear standards that establish grounds for a disciplinary process to include remedial actions up to an including the permanent revocation of an interpreters' certified or registered status, warranting removal from the Master List; including a comprehensive review and appeal procedure.</p>	<p>Determined that Rule of Court 2.891 will need amendment, Concluded extensive discussion and review of practices in other states and agencies. Subcommittee in agreement that process, guidelines and corresponding Rule of Court will be a complaint based process initiated at the court level, and if applicable; resolved at the state credentialing level. 2016: Will commence drafting of recommended policy and procedures, anticipated draft recommendations and rule completed by June/July 2017.</p>
2	<p>Conduct comprehensive evaluation of existing Rule of Court 2.893, and Judicial Council INT forms. Recommend appropriate revisions to the current rules and forms.</p>	<p>Following completion of Request for Interpreter in Civil Action form, this work will commence in Spring 2016. Anticipated completion date: August 2017.</p>
3	<p>Consult with Civil and Small Claims Committee on Request for Interpreter in Civil Action forms.</p>	<p>Entire project was transferred to CIAP from Civil and Small Claims Committee in 2015. The form and instructions will be reviewed by CIAP in February 2016, and will go to RUPRO and the Judicial Council in Spring 2016.</p>
3	<p>Review and address public comment to proposed changes for Evidence Code 754.</p>	<p>A response to public comments was made public and the proposed changes were submitted to Governmental Affairs in Fall 2015 for PCLC consideration. The proposed bill, AB 1709 (Act to Amend Evidence Code 754), was introduced in late January 2016 and is anticipated to be effective January 1, 2017, contingent upon being signed into law.</p>
4	<p>Consult with Information Technology Advisory Committee and Implementation Task Force and Judicial Council Technology Committee in the execution of a Video Remote Interpreting pilot project for spoken languages.</p>	<p>Released of Request for Proposal for selection of vendor(s) to provide equipment for the pilot. The proposal goes before the Judicial Council in February 2016. Anticipate the VRI pilot will commence before the end of 2016.</p>
5	<p>Develop policy recommendation the de-designation of previously designated languages.</p>	<p>CIAP concurred that a policy regarding de-designation of a previously designated language will be re-visited in 2016.</p>

IV. Subcommittees/Working Groups – Detail

Subcommittees/Working Groups:

Subcommittee or working group name: Professional Standards and Ethics

Purpose of subgroup or working group: Determine criteria and clear standards that establish grounds for a disciplinary process to include remedial actions up to an including the permanent revocation of an interpreters' certified or registered status, warranting removal from the Master List; and including a comprehensive review and appeal procedure.

Number of advisory body members on the subgroup or working group: 8 members (includes 1 advisory member)

Number and description of additional members: One non-CIAP member approved by E&P: Steve Cascioppo; Assistant Court Executive Officer, Superior Court of San Diego County.

Date formed: 1999

Number of meetings or how often the subgroup or working group meets: Every four to six weeks (once in person with entire CIAP Body)

Ongoing or date work is expected to be completed: June/July 2017.

Subcommittee or working group name: Language Access

Purpose of subgroup or working group: Conduct comprehensive evaluation of existing Rules of Court 2.893 and others, and Judicial Council INT forms, and continue development of form, rule and process for requesting interpreters in civil actions. Recommend appropriate revisions to the current rules and forms. Develop form and rule, if required, for litigants to waive the services of a court appointed interpreter. Complete review and submit proposed changes for Evidence Code 754 to PCLC in Fall of 2015. Request and rule to request interpreters in civil actions will be complete by Spring 2016.

Number of advisory body members on the subgroup or working group: 7 member (includes 3 advisory members)

Number and description of additional members (not on this advisory body): NA

Date formed: 2013

Number of meetings or how often the subgroup or working group meets: 4-6x per year (once in person with entire CIAP Body)

Ongoing or date work is expected to be completed: EC754 work December 2015; balance August 2017

Note: CIAP will provide consultation as required on the following:

Consult with the Information Technology Advisory Committee and Technological Solutions Subcommittee (LAP Implementation Task Force) on Video Remote Technology.

As formed by the Chief on January 22, 2015: Language Access Plan Implementation Task Force

Members of the Court Interpreters Advisory Panel appointed to the Implementation Task Force Chaired by Associate Supreme Court Justice Mariano Fiorentino-Cuéllar and Hon. Manuel Covarrubias (CIAP member)

Hon. Steven K. Austin, Chair, Court Interpreters Advisory Panel

Ms. Ivette Peña (CIAP Advisory Member)

Ms. Janet Hudec (CIAP Member/Interpreter)

Ms. Oleksandra Johnson (CIAP Member/Interpreter)

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MINUTES OF OPEN MEETING

December 8, 2015

12:00 p.m.

Advisory Body Members Present: Hon. Steven K. Austin, Chair, Ms. Christina M. Volkers, Vice-Chair, Hon. Andrea Hoch, Hon. Manuel J. Covarrubias, Ms. Claritza Callaci, Ms. Janet Hudec, Ms. Oleksandra Johnson, Mr. Bao Luu, Mr. Jaeis Chon, Ms. Lisa McNaughton, Ms. Maureen Keffer, Ms. Ivette Peña, Ms. Katherine Williams

Advisory Body Members Absent: Hon. Rebecca Riley, Mr. Hector Gonzalez, Ms. Ramona Crossley

Others Present: Ms. Dianne Bolotte, Ms. Carmen Castro-Rojas, Ms. Debbie Chong-Manguiat, Mr. Jarrett Chin, Mr. Douglas Denton, Ms. Anne Marx, Mr. Justin McBride, Ms. Elizabeth Tam-Helmuth

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:04 p.m. and roll was taken.

Opening Remarks

The chair congratulated Janet Hudec and Oleksandra Johnson on being appointed to serve a second term on CIAP, and also introduced Justice Andrea Lynn Hoch, from the Court of Appeal, Third Appellate District, who was appointed to her first term on CIAP.

Approval of Minutes

The minutes of the June 18, 2015 Court Interpreters Advisory Panel meeting were approved as submitted.

INFORMATION ONLY ITEMS (I-IV)

I. Overview of Past Year

The chair provided an overview of the past year including two key pieces of legislation that went into effect on January 1, 2015:

- **AB 1657: Interpreters in Civil Proceedings:** Authorizes courts to provide interpreters to all parties in civil matters, regardless of income, and sets forth a priority order when courts do not have sufficient resources to provide interpreters for all persons. The bill

also resulted in adding section 68092.1 to the government code which allows for courts to provide interpreters in accordance with the priorities set forth until time that sufficient funds are appropriated.

- **AB 2370: Amend Government Code § 68561:** Requires that certain statements be made on the record whenever an interpreter interprets in a court proceeding, including statements that confirm that the court is following the procedures for provisional qualification.

Past accomplishments in 2015 included:

- **Adoption of the California Language Access Plan:** The Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (LAP) in January of 2015.
- **Appointment of Language Access Plan Implementation Task Force (ITF):** Following the adoption of the LAP, the Chief Justice appointed Supreme Court Associate Justice Mariano-Florentino Cuéllar as chair of the ITF. The ITF is co-chaired by Superior Court of Ventura, Judge Manuel J. Covarrubias. Also on the Task Force are the following members of CIAP, Oleksandra Johnson, Janet Hudec, Ivette Peña, and Judge Steven K. Austin.
- **Adoption of the 2015 Language Need and Interpreter Use Study:** Following review of the study, CIAP took affirmative action and recommended the Judicial Council submit the report for submission to the Governor and Legislature. The report was submitted and approved by the Judicial Council in June 2015.

Four key actions resulted from the recommendations made in the 2015 Language Need and Interpreter Use Study, they were:

1. Should CIAP recommend the Judicial Council adopt a policy for the de-designation language and apply the same factors as currently exist for designation? Motion did not pass.

The following motions passed:

2. Should CIAP **not** consider de-designation at this time, and re-visit de-designation in one year?
3. Should CIAP recommend moving forward with the certification of Farsi; and,
4. Should CIAP affirm the use of the current Grace Period Policy? (Three exam opportunities over an 18 month period and to include a minimum seven month administrative lead time to allow for preparation.)

II. **Subcommittee Updates:**

Language Access Subcommittee: Subcommittee staff provided an update on the status of Evidence Code 754, which provides for provisionally qualifying ASL interpreters. The Language Access Subcommittee is also developing a new draft Rule of Court and draft form to establish a process for requesting interpreters in civil matters. The subcommittee took responsibility for the project from the Civil and Small Claims Advisory Committee,

who had previously sent an earlier version of the rule and form out for public comment. One of the considerations will be if the form should be mandatory or serve as a model for courts to adopt.

Professional Standards and Ethics: The subcommittee chair reviewed the charge of the subcommittee and provided an overview of the progress made since the first meeting in June. Following an extensive review of other state courts disciplinary policies and procedures, as well as other professions, it was determined that the most effective model is a complaint based process, (complaints lodged at the local court level) and complaints, if warranted, are submitted for review at the state level/credentialing level. It was agreed that the funding and resources required to conduct a biennial review of court interpreter skills as directed under Rule of Court 2.891 is not feasible, and the rule should be reviewed and revised.

Next year, the subcommittee will begin to review to the work drafted by CIAP in the past, and begin to develop an outline, and draft a revised rule of court and a corresponding complaint based process.

III. Language Access Program Implementation Task Force:

Judge Covarrubias updated CIAP on the progress of the Strategic Plan for Language Access. The Task Force met in person in June 2015, and conducted a successful community outreach meeting in Los Angeles on, October 20, 2015. The Task Force is charged with taking the 75 recommendations from the LAP and oversee implementation within all 58 courts. The Task Force set up four different subcommittees to help with implementation. They are currently in phase one of the three phases of the five-year implementation plan, envisioning all 75 recommendations to be accomplished no later than 2020.

In August 2015, the Judicial Council's Executive and Planning Committee approved the 2015 Annual Agenda, containing 17 projects. Judge Covarrubias highlighted key projects for anticipated completion by June of 2016. They are:

1. Submit a Budget Change Proposal to the Department of Finance for fiscal year 2016-17 to increase trial court and Judicial Council funding to support LAP implementation;
2. Provide guidance to trial courts regarding the need to designate a language access office or representative;
3. Develop a detailed work plan and cost estimate for full LAP implementation;
4. Develop a statewide model notice regarding language access services available, as well as a complaint form and process;
5. Develop and launch a LAP monitoring database to allow public reporting regarding LAP implementation process;
6. Design and plan for a Video Remote Interpreter pilot with spoken languages. The anticipated pilot includes only limited implementation of VRI in order to learn how well the technology works and how best to protect due process. The first phase will

- likely focus on one court. Later, after a careful assessment and consultation, the pilot could expand to include about 10 to 15 courts; and,
7. Create a living tool-kit and meaningful web site available to all on the California courts public web page.

An in-person, business meeting will be held on January 27, 2016 in San Francisco to provide an update on the progress made to date. A second community meeting is scheduled in San Francisco for March 22, 2016.

IV. Farsi Grace Period:

Staff provided an update on the Farsi Grace Period. CIAP was reminded that following the recommendation made in the *2015 Language Need and Interpreter Use Study*, the Judicial Council established a certification program for testing and certifying court interpreters in the Farsi language. On October 22, 2015, all currently registered Farsi interpreters were notified regarding the upcoming Grace Period. The first administration of the Farsi Bilingual Interpreting Exam will be administered in the fall of 2016. The first administration of the exam will be the first of three exams offered within 18 months, as required by the current grace period policy.

To assist currently registered Farsi interpreters prepare for the exam, two skills building workshops, subsidized by the Judicial Council, will be offered early in 2016, one workshop will be held in Los Angeles, and one in San Francisco.

A D J O U R N M E N T

The next scheduled meeting was set for Wednesday, February 17, 2016. The meeting will provide an opportunity to review the 2016 Annual Agenda. There being no further business, the meeting was adjourned at 1:05 p.m.