



# JUDICIAL COUNCIL OF CALIFORNIA

COURT INTERPRETERS  
ADVISORY PANEL

[www.courts.ca.gov/ciap.htm](http://www.courts.ca.gov/ciap.htm)  
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## COURT INTERPRETERS ADVISORY PANEL

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

June 21, 2016

10:00 a.m. - 4:30 p.m.

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room,

455 Golden Gate Avenue, 3rd Floor

San Francisco, California 94102

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**Advisory Body Members Present:** Hon. Steven K. Austin, Chair, Ms. Claritza Callaci, Hon. Manuel J. Covarrubias, Ms. Ramona Crossley, Mr. Hector Gonzalez, Hon. Andrea Hoch, Ms. Janet Hudec, Ms. Oleksandra Johnson, Ms. Lisa McNaughton, Ms. Ivette Peña, Hon. Rebecca Riley, Ms. Katherine Williams

**Advisory Body Members Absent:** Mr. Bao Luu, Ms. Maureen Keffer

**Others Present:** Mr. Stephen Cascioppo, Ms. Carmen Castro-Rojas, Mr. Jarrett Chin, Ms. Debbie Chong, Mr. Steven Crooks, Mr. Douglas Denton, Ms. Linda Foy, Mr. Scott Gardner, Mr. John Larson, Mr. Bob Lowney, Ms. Anne Marx, Ms. Angeline O'Donnell, Ms. Catharine Price, Ms. Elizabeth Tam-Helmuth, Ms. Sonia Sierra Wolf

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The chair called the meeting to order at 10:02 a.m. and roll was taken.

##### **Approval of Minutes**

The advisory body approved the February 17, 2016, Court Interpreters Advisory Panel meeting minutes as submitted.

##### **Opening Remarks and Public Comment**

The chair provided an overview of the day. There were no public comments submitted for review, or requests to speak at the meeting.

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**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Item 1 Overview of the Past Year**

1. Hon. Steven K. Austin, CIAP chair provided an overview of the work CIAP undertook since June 2015. Highlights include:
  - Following the findings and recommendations from the 2015 Language Need and Interpreter Use Study, CIAP approved the implementation of a Grace Period for the Farsi language. Court Interpreter staff proceeded with implementation procedures, and details of the work are to be provided by staff during their presentation.
  - Language Access Subcommittee: Review and address public comments to proposed changes to Evidence Code 754 that will allow for provisional qualification of ASL interpreters, and develop a form, available to the courts for a litigant to request an interpreter in civil actions, and develop a corresponding rule of court.
    - Work resulted in of Rule 2.895, *Requests for Interpreters*, which establishes requirements for courts, including the need to publish their procedures and track requests for interpreters. The effective date for the Rule is July 1, 2016.
    - The form (INT-300 *Request for Interpreter (Civil)*), is a model form available through December 31, 2017.
    - Public comments to draft legislation on Evidence Code 754 were finalized, there was additional and unanticipated feedback to the proposed changes during the legislative process.
    - All provisional qualification modifications were removed from the bill. Changes in terminology from “hearing impaired” to deaf or hard of hearing are still pending throughout EC 754 and other parts of the Civil and Evidence codes.
    - There is no current plan to address this issue in the courts, which will likely be made more acute by the Registry of Interpreters for the Deaf moratorium on ASL court interpreter testing. As it now stands; there are no finalized provisional qualification standards for ASL interpreters.
  - **Professional Standards and Ethics Subcommittee:** Determine whether California’s current Rule of Court 2.891, *Periodic review of court interpreter skills and professional conduct*, should be amended, repealed, or remain in place, and develop criteria and clear standards establishing grounds for disciplinary process for Judicial Council Master List certified and registered interpreters.
    - This past year the Professional Standards and Ethics Subcommittee completed a comprehensive review of other state court practices, professional organizations and agency procedures, including the California State Bar and the Court Reporters Board of California.
    - It was found that agencies, professional organizations and other state court systems utilize a complaint based process. The subcommittee determined that

the process, guidelines and corresponding Rule of Court will be a complaint based process, initiated at the court level, and discipline which may affect credentialing of an interpreter, if applicable, to be resolved at the state credentialing level.

2. Hon. Manuel Covarrubias, Vice-Chair, Language Access Plan Implementation Task Force (ITF) and CIAP member presented on the work of the ITF. The ITF has four subcommittees (Budget and LAP Monitoring; Technological Solutions; Translations, Signage and Tools for the Courts; and Language Access Education and Standards Subcommittees). Highlights include:
  - **Funding:** Request for additional funding in a Budget Change Proposal (BCP) FY 2016-17 resulted in securing the Governor's support for interpreter funding. In the Governor's May Revise, there is funding of an ongoing additional \$7 million dedicated to the expansion of interpreter services in civil proceedings.
  - **FY 2017-18:** The ITF approved eight draft items to go forward in a language access BCP for FY 2017-18. These draft items include, in prioritization order:
    - Statewide recruitment initiative for qualified bilingual staff and court interpreters
    - Infrastructure support and non-VRI equipment to support language access expansion
    - Training and signage grant program for trial courts
    - Standards and training for bilingual staff and court staff interpreters
    - Video Remote Interpreting (VRI) Spoken language pilot implementation and support
    - Translation of Judicial Council forms and creation of multilingual videos to assist limited English proficient (LEP) court users
    - Development and maintenance of the web-based Language Access Toolkit;
    - Funding for work of the Language Access Plan Implementation Task Force, including consultant services.
  - **Language Access Products:** The Language Access Toolkit is found on the California Courts/ Language Access webpage. The toolkit is a centralized site that houses several language access tools and resources for the courts.  
<http://www.courts.ca.gov/lap-toolkit-courts.htm>
  - Following approval by the Judicial Council at the end of the coming week (June 24), a number of additional translation and educational products will be available for access from the toolkit.

- **Other projects being undertaken include:**
  - **Request for Proposal (RFP) for VRI Pilot Project:** The Technological Solutions Subcommittee wrote an RFP for a video remote interpreting (VRI) pilot project, which will test technology solutions and equipment, pre-approve vendors where appropriate, and finalize statewide technical guidelines. Justice Bruiniers will be discussing the VRI pilot at the council's June 23-24 meeting.
  - **Partnering with the National Center for State Courts (NCSC):** One of the contract deliverables NCSC provided was developing a survey seeking information from the trial courts on their provision of language access services. NCSC provided the Task Force with a presentation on the results of the survey at the May 20 business meeting, and they are currently working on a final report.
  - **Ad Hoc Working Group on Adapting the Language Access Plan for Appellate Courts and Supreme Court:** Justice Jonathan Renner of the Budget and LAP Monitoring Subcommittee and Justice Maria Rivera, (who was Chair of the Joint Working Group for the Language Access Plan) formed an ad hoc working group for the Courts of Appeal. Consisting of appellate clerks and justices the working group will review the LAP's 75 recommendations to determine which recommendations are relevant for adoption by the Courts of Appeal and Supreme Court.
  - **Courts' Language Access Representatives:** Per the Language Access Plan, trial courts were asked to designate a language access representative from each court. There is now a representative at each of the 58 trial courts.

**3. Additional updates were provided by Judicial Council staff on the following:**

- Candidate development and recruitment activities, including plans to increase recruitment efforts and offering development trainings for potential interpreters.
- Testing for American Sign Language Interpreters (ASL). Currently the Registry for Interpreters of the Deaf, which certifies ASL interpreters, has instituted a moratorium on testing.
- Test administration information and number of takers for the Bilingual Interpreting Exam, written exam, and Oral Proficiency Exam. The Bilingual Interpreting Exam is administered twice a year, with an average 350-400 candidates per administration. The other exams may be scheduled on-demand are available year round.
- Information regarding the Farsi Grace Period. Following the skills building workshops offered to currently registered Farsi interpreters earlier in the year, the Grace Period will commence with the September 2016 administration of the Bilingual

Interpreting Exam. The policy allows for currently registered interpreters in Farsi three attempts, within an eighteen month period, to pass the exam in order to become certified court interpreters in the Farsi language.

- Test development, maintenance, and rater training efforts underway in collaboration with, Prometric Inc., the currently contracted test administrator.
- Ethics workshops provided for newly certified court and/or registered interpreters. The workshops are mandatory and must be completed within two calendar years of initial enrollment on the Judicial Council's Master List.
- Update on the modifications and improvements to the Court Interpreter Data Collection System. The system currently houses all the profile information for currently certified court and registered interpreters, is used by courts to enter information from the Daily Activity Logs, and facilitates the cross assignments process.

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## **ADJOURNMENT**

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The chair thanked the presenters and provided information regarding the afternoon session. The departing members of CIAP (effective November 1, 2016) were acknowledged and thanked for their service. There being no further open meeting business, the open session of the meeting was adjourned at 11:50 a.m.

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## **BREAK FOR LUNCH**

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## **SUBCOMMITTEE BREAK OUTS – CLOSED TO THE PUBLIC (CAL. RULES OF COURT, RULE 10.75(d)(10))**

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*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.*

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## **Monterey Room: Meeting of the Professional Standards and Ethics Subcommittee**

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The disciplinary process being considered, is vital to insure the rights of LEP litigants, the court and all court users. It serves to maintain the integrity of the profession. The majority of professions have a process in place to review complaints. A national effort to address court interpreter discipline is taking place in states across the country. Recognizing that development will be challenging but, not only in response to the recommendation made in the LAP plan, there has been a long standing need and recognition that a discipline process be developed that is fair, comprehensive, and protects not only the court users, but also the interpreters.

With the determination made, following extensive research, that a complaint based process is consistent with other state court practices and professions, members were, prior to the meeting, asked to review the Washington state disciplinary guideline. Following a review of the current Government Codes in place, including the Trail Court Interpreter Employment Labor Relations Act, members engaged in a dialogue, sharing ideas and concerns.

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**Benicia Room: Meeting of the Language Access Subcommittee**

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The subcommittee continued the discussion meeting regarding Form INT-110, (Provisional qualification of a non-certified/non-registered interpreter). The subcommittee discussed ways to provide incentive to provisionally qualified interpreters to become certified or registered interpreters, and pursue enrollment on the *Judicial Council's Master List of Certified Court and Registered Interpreters*.

Discussion on changes to Rule of Court 2.893, *Appointment of noncertified interpreters in criminal cases and juvenile delinquency proceedings*, began as part of work associated with INT-110.

Following the breakout sessions, the full membership reconvened and the subcommittee chairs provided a report out on the discussions and future goals and objectives for their assigned charge.

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**ADJOURNMENT OF CLOSED SESSION AND MEETING**

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The chair thanked the members and adjourned the closed session at 4:10 p.m.

Approved by the advisory body on: email vote: August 24, 2016