



JUDICIAL COUNCIL OF CALIFORNIA

COURT INTERPRETERS
ADVISORY PANEL

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COURT INTERPRETERS ADVISORY PANEL (CIAP)

MINUTES OF OPEN MEETING

November 20, 2019

12:15 -1:15 p.m.

Teleconference

Advisory Body Members Present: Hon. Brian L. McCabe, Chair, Mr. Hector Gonzalez, Vice-Chair, Hon. Teresa P. Magno, Mr. Gurinder Aujla, Ms. Claritza Callaci, Ms. Regina Coronado, Ms. Jennifer Dela Cruz, Mr. Hany Farag, Ms. Sharmen Gragirena Lewis, Ms. Carol Palacio, Ms. Mary Ann Ramirez, Ms. Violet Romero, Mr. Chris Ruhl, Ms. Tara Potterveld

Liaisons Present Hon. Anne Moorman, Ms. Cindy Van Schooten

Judicial Council Staff Present: Ms. Charlene Depner, Mr. Don Will, Mr. Douglas Denton, Ms. Claudia Ortega, Ms. Irene Balajadia, Ms. Edith Reyes, Ms. Elizabeth Tam-Helmuth, Mr. Juan Palomares, Ms. Anne Marx, Ms. Valeria DaSilva-Sasser

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

I. Call to Order, Roll Call and Opening Remarks

The chair called the meeting to order at 12:15 p.m. He announced that Mr. Hector Gonzalez will serve as vice-chair. The chair also announced that the following individuals were newly appointed CIAP members, with terms commencing on September 15, 2019:

- Hon. Teresa P. Magno, Judge, Superior Court of Los Angeles County
- Mr. Chris Ruhl, Court Executive Officer, Superior Court of Monterey County
- Ms. Carol Palacio, Certified Court Interpreter, Superior Court of San Mateo County
- Ms. Violet Romero, Certified Court Interpreter, Superior Court of San Bernardino County
- Ms. Jennifer Dela Cruz, Interpreter Services Manager, Superior Court of San Bernardino County (advisory member)
- Ms. Mary Ann Ramirez, Court Operations Supervisor, Superior Court of San Diego County (advisory member)

The chair announced that the following members agreed to serve as chairs for CIAP's two subcommittees:

- Language Access Subcommittee: Judge Magno

- Professional Standards and Ethics Subcommittee (Co-chairs): Mr. Ruhl and Ms. Ramirez

The chair provided the following updates concerning Language Access Services staff:

- Mr. Douglas Denton was recently promoted to Principal Manager, Language Access Services (LAS). In his new capacity, Mr. Denton will have oversight over the Language Access Implementation unit (LAI) and the Court Interpreters Program (CIP).
- Mr. Juan Palomares joined CIP as an Associate Analyst. His responsibilities will include assisting with oversight of the testing program, assisting with management of the contract with the vendor that administers interpreting exams, and assessing the testing program and making recommendations for improvement.

II. Meeting Goals and Annual Agenda Process

The goal of the meeting is to review the draft 2020 CIAP Annual Agenda, which outlines the proposed projects that CIAP will undertake. The members discussed the following proposed projects:

1. Support for Implementation of Revised Rule 2.891 (Skills Assessment Process)

As the next step following the implementation of the *California Court Interpreter Credential Review Procedures*, the Professional Standards and Ethics Subcommittee will review the available research conducted and make recommendations of the best methods and procedures towards implementing a legally defensible diagnostic process to assess an interpreter's ability to interpret if a complaint alleging gross incompetence is lodged against the interpreter and the complaint is deemed to have merit.

2. Develop a Policy for Limited English Proficient (LEP) Persons to Waive a Court Appointed Interpreter

As per recommendation #75 in the *Strategic Plan for Language Access in the California Courts*, the Language Access Subcommittee will undertake this project. It will propose a new rule of court and the creation of any necessary forms. Projected to go into effect January 2022.

Some members raised questions regarding the need for a process to waive a court appointed interpreter. These concerns were addressed by the chairs. Although interpreters are not frequently waived, a waiver will afford due process rights for litigants, similar to a litigants' ability to waive their rights to an attorney. It was also pointed out that the waiver is one of the recommendations of the strategic plan that CIAP is directed to fulfill. The subcommittee will consider all perspectives to make informed recommendations to CIAP.

3. Review the 2020 Legislatively Mandated Language Need and Interpreter Use Study

LAI staff is in the process of finalizing this study, which the Judicial Council is legislatively mandated to produce every five years. CIAP will review the study's key findings and recommendations during its next scheduled meeting. CIAP will be asked to recommend the report be provided to the council with a recommendation that the council submit the study, as required, to the Governor and Legislature.

4. Assess the Performance of the Interpreter Credentialing Exams

This project stems from CIAP's May 8, 2019 in-person meeting. The key objectives from the meeting provided the foundation for this project, which included suggestions and recommendations to increase the number of qualified candidates who take the exams. The assessment will include recommendations on how to increase the passage rates and the pool of qualified interpreters in high demand languages.

5. Review Rule of Court 10.51, Court Interpreters Advisory Panel

For several years, CIAP has not succeeded in recruiting candidates for the appellate court justice position. The panel will review rule 10.51 of the California Rules of Court following the next advisory committee nominations cycle, if the position remains vacant, and consider recommending amendments to rule 10.51 to effectuate changes to the panel's membership composition.

Some members asked for clarification for why the project concerning development of a national credentialing program for American Sign Language (ASL) interpreters was not included as a project on the 2020 Annual Agenda. Members also conveyed the need for a national credentialing program for ASL interpreters. Staff conveyed that at this time CIP is not in the position to effectively work on this project as staff resources are currently limited. Staff reported that the National Center for State Courts is producing a feasibility study that addresses all anticipated one-time and ongoing fiscal and administrative costs associated with development and maintenance of an ASL credentialing process.

III. Subcommittee Assignments

Due to time constraints, the members were informed that CIP staff would poll them asking which subcommittee they would prefer to serve on over the next year. Current members on the Professional Standards and Ethics Subcommittee were encouraged to remain on this subcommittee to provide continuity and historical perspective.

IV. Closing Remarks/Adjournment

The chair thanked everyone for their participation. He announced that the in-person meeting in San Francisco is anticipated to be scheduled for March or April.

There being no further business, the meeting was adjourned at 1:15 p.m.



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GOVERNMENT CODES Re: Language Need and Interpreter Use & Need Study


68562. (a) The Judicial Council shall designate the languages for which certification programs shall be established under subdivision (b). The language designations shall be based on (1) the courts' needs as determined by the language and interpreter use and need studies under Section 68563, (2) the language needs of non-English-speaking persons in the courts, and (3) other information the Judicial Council deems relevant.

68563. The Judicial Council shall conduct a study of language and interpreter use and need in court proceedings, with commentary, and shall report its findings and recommendations to the Governor and to the Legislature not later than July 1, 1995, and every five years thereafter. The study shall serve as a basis for (1) determining the need to establish interpreter programs and certification examinations, and (2) establishing these programs and examinations through the normal budgetary process. The study shall also serve as a basis for (1) determining ways in which the Judicial Council can make available to the public, through public service announcements and otherwise, information relating to opportunities, requirements, testing, application procedures, and employment opportunities for interpreters, and (2) establishing and evaluating these programs through the normal budgetary process.

CIAP CHARGE:

Rule 10.51 of the California Rules of Court states the charge of the Court Interpreters Advisory Panel (CIAP) is to assist the California Judicial 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. To carry out this charge, CIAP reviews and makes recommendations to the council on:

1. Interpreter use and need in court proceedings; and
2. 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.

The background features a large, faint, circular seal of the Judicial Council of California. The seal contains a central figure holding a scale and a sword, surrounded by the text "JUDICIAL COUNCIL OF CALIFORNIA" and the year "1926".

2020 Language Need and Interpreter Use Study

March 10, 2020

Court Interpreters Advisory Panel

Mandate

Government Code § 68563 requires the Judicial Council to conduct a study of language need and interpreter use every five years and report to the Governor and the Legislature



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Purpose

- The 2020 study provides comprehensive findings on interpreter use in languages for the period 2014-2018
- Offers information and perspective on future language need, for consideration of any changes in designated languages

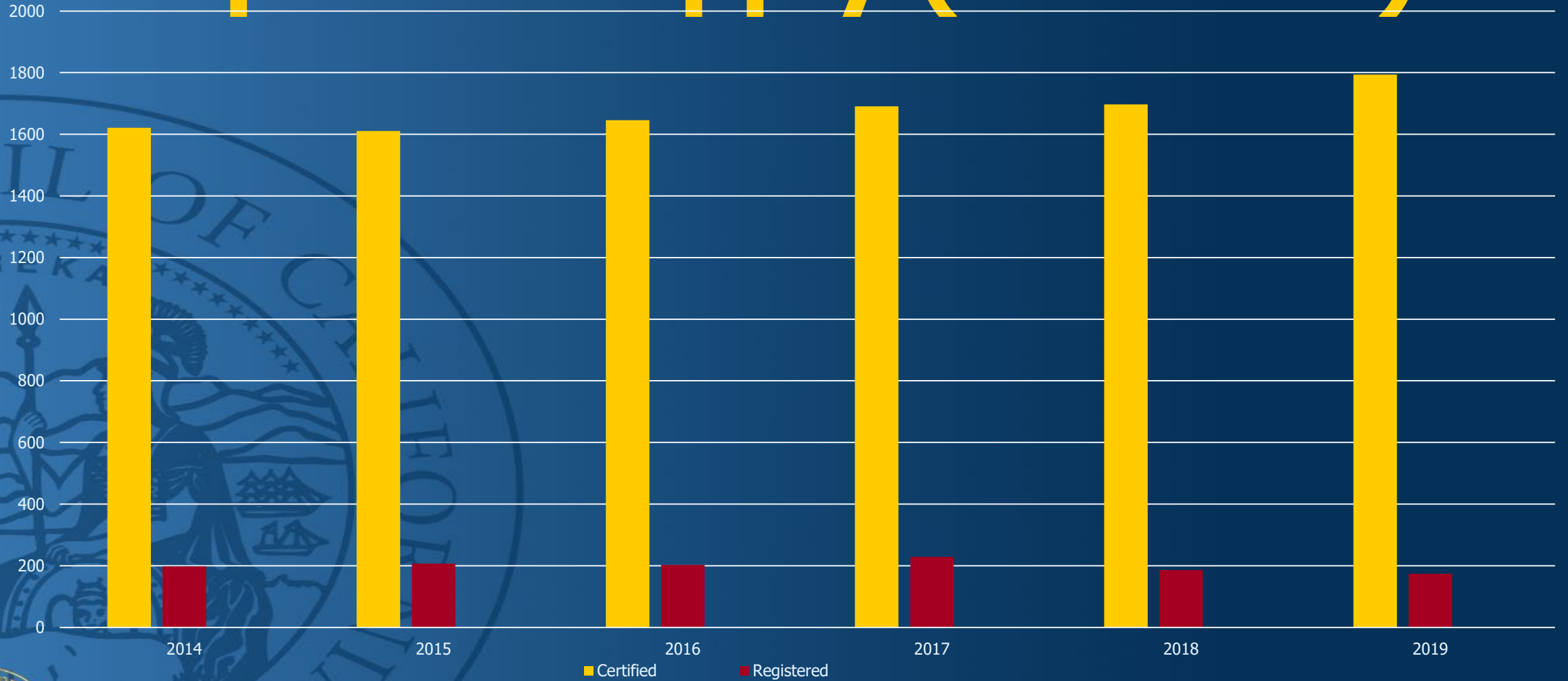


Differences from prior study

- Current study includes American Sign Language (ASL) interpreter usage
- Counts number of interpretations
- AB 1657 (civil expansion) took effect January 1, 2015



Interpreter Supply (2014-19)



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Key findings

- Over 4.4 million interpretations
- Spanish was 91.4% of interpreter volume
- Total number of interpretations declined year to year, along with number of filings
- Criminal cases are main driver; however, civil interpretations rose by 40%



Interpretations by Region

Region	FY 14-15	FY 15-16	FY 16-17	FY 17-18	Total
Region 1	426,600	372,779	362,281	357,751	1,519,411
Region 2	205,543	206,596	189,937	189,732	791,808
Region 3	209,896	205,050	215,190	211,734	841,870
Region 4	364,156	340,197	320,253	296,030	1,320,636
Statewide	1,206,195	1,124,622	1,087,661	1,055,247	4,473,725



Interpretations by Language

Language	FY 14-15	FY 15-16	FY 16-17	FY 17-18	Total
Spanish	1,111,261	1,027,451	993,201	955,381	4,087,295
Vietnamese	17,645	15,339	15,896	16,675	65,555
ASL	8,768	10,149	9,401	10,142	38,460
Mandarin	6,319	8,976	8,770	11,336	35,401
Cantonese	7,319	7,818	7,096	6,237	28,471



Interpretations by Language

Language	FY 14-15	FY 15-16	FY 16-17	FY 17-18	Total
Korean	6,434	7,083	5,777	5,954	25,248
Punjabi	3,814	5,257	5,342	5,569	19,982
Russian	5,858	4,450	4,252	4,178	18,738
Arabic	3,568	3,961	4,982	6,143	18,653
Farsi	3,888	4,951	4,632	4,561	18,031



Interpretations by Case Type

Case Types	FY 14-15	FY 15-16	FY 16-17	FY 17-18	Total
Criminal	941,450	841,093	778,500	754,756	3,315,799
Juvenile	129,267	123,621	115,435	106,427	474,750
Family	68,073	81,130	97,167	88,312	334,681
Civil	35,213	50,385	62,215	67,645	215,459
Other	32,191	28,393	34,344	38,108	133,036



Assignments by Status (R1, R2)

Region	Status	FY 14-15	FY 15-16	FY 16-17	FY 17-18
Region 1	Employee	50.5%	50.9%	49.3%	48.8%
	Contractor	49.5%	49.1%	50.7%	51.2%
Region 2	Employee	48.1%	46.5%	41.7%	41.8%
	Contractor	51.9%	53.5%	58.3%	58.2%



Assignments by Status (R3, R4)

Region	Status	FY 14-15	FY 15-16	FY 16-17	FY 17-18
Region 3	Employee	35.0%	32.4%	32.6%	31.7%
	Contractor	65.0%	67.6%	67.4%	68.3%
Region 4	Employee	63.0%	63.1%	61.6%	63.0%
	Contractor	37.0%	36.9%	38.4%	37.0%



Key Findings

- The top ten most commonly interpreted languages were (in order) Spanish, Vietnamese, ASL, Mandarin, Cantonese, Korean, Punjabi, Russian, Arabic and Farsi
- Tagalog and Hmong rounded out the top twelve languages



Key Findings

- Gradual increase in use of contractors
- Rise in interpretations for Hmong and indigenous languages from Mexico
- Significant increase in civil interpretations, which almost doubled during study period



Challenges

- Limited number of qualified interpreters
- Limited funding to reimburse courts
- Outdated interpreter recruitment efforts
- No credentialing process for ASL court interpreters



Opportunities

- Explore credentialing options, including a journey level interpreter status
- Implement modern recruitment tools
- Develop a credentialing process for ASL court interpreters
- Appropriate use of technology



Study Recommendation 1

Retain the certification classification of the top ten most frequently-interpreted languages during the study period

The 2020 study makes no other recommendations regarding other languages designated for certification



Study Recommendation 2

Continue to monitor the usage of Hmong for possible future certification



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Study Recommendation 3

Explore and develop a recommended credentialing process for certification as a California American Sign Language interpreter



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Conclusion

- Vote today is only to recommend submission of required study to Judicial Council
- Upon approval by the council, study recommendations will be taken up by CIAP at future meetings



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2020 Language Need and Interpreter Use Study

MARCH 2020

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JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION

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Acknowledgments

This report reflects the work of many individuals across California who have dedicated their professional lives to improving access to justice for limited-English-proficient or deaf or hard-of-hearing court users. The Judicial Council of California would like to recognize the ongoing work of over 2,500 talented and dedicated bilingual staff and court interpreters who provide services every day that court is open, as well as the 58 superior court Language Access Representatives who serve as their court's language access resource for all court users, court staff, and judicial officers.

We thank the California Department of Education, California Department of Finance, Center for Immigration Studies, and Migration Policy Institute for their helpful research, including analysis of data provided by the U.S. Census Bureau.

Judge Steven Austin, Superior Court of Contra Costa County, Judge Jonathan Conklin, Superior Court of Fresno County, and Justice Laurie Zelon, Second Appellate District of the Court of Appeal, have been great leaders for branch language access efforts.

Justice Terence Bruiniers, First Appellate District of the Court of Appeal (retired), and California Supreme Court Justice Ming Chin provided vision for the branch on the appropriate use of technology for efficiency and improved service for all court users.

From the Judicial Council, Leah Rose-Goodwin, Manager of the Office of Court Research, and Martha Wright, Manager of Criminal Justice Programs, provided helpful input for this report.

Finally, we thank California Supreme Court Justice Mariano-Florentino Cuéllar and Judge Manuel Covarrubias, Superior Court of Ventura County, who led the Language Access Plan Implementation Task Force from 2015 through 2019. Justice Cuéllar encouraged and inspired staff of the Judicial Council of California to improve and maintain language access data collection efforts on an ongoing basis to support the development of sound policy and maintain language access as a core service of the court.

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Executive Summary

Purpose

As the policymaking body for the judiciary, the Judicial Council of California is responsible for providing direction for the fair and impartial administration of justice in the state courts of California. The availability of language access services is essential to the fair and impartial administration of justice, as well as a fundamental right guaranteed by the California Constitution (Cal. Const., art. I, § 14). This constitutional provision exists to ensure equal access to justice for litigants with limited English proficiency. In order to monitor the availability of language services, Government Code section 68563 was enacted to require that the Judicial Council conduct a study of language and interpreter use in the trial courts beginning in 1995 and every five years thereafter, reporting its findings to the Governor and the Legislature:

The Judicial Council shall conduct a study of language and interpreter use and need in court proceedings, with commentary, and shall report its findings and recommendations to the Governor and to the Legislature not later than July 1, 1995, and every five years thereafter. The study shall serve as a basis for (1) determining the need to establish interpreter programs and certification examinations, and (2) establishing these programs and examinations through the normal budgetary process. The study shall also serve as a basis for (1) determining ways in which the Judicial Council can make available to the public, through public service announcements and otherwise, information relating to opportunities, requirements, testing, application procedures, and employment opportunities for interpreters, and (2) establishing and evaluating these programs through the normal budgetary process.

This report, pursuant to section 68563, provides a comprehensive look at interpreter services used in courts for spoken languages from fiscal year (FY) 2014–15 through FY 2017–18, and offers analysis on future language need in order to consider changes to the designation of languages for certification.

Overview

California's superior courts recorded over 4.4 million interpretations for the four-year study period. Criminal cases are the main driver of interpretation volume. Criminal case interpretations numbered approximately 3,315,799 for the study period. However, criminal interpretations declined steadily during this time, almost certainly because criminal filings fell sharply in these years. Juvenile interpretations for the entire four-year study period accounted for 474,750 while family law case interpretations accounted for 334,681. Juvenile case interpretations declined throughout the four-year period, while family law interpretations rose steadily and significantly in all but the last year. Ultimately, any trends in language access across case types should be viewed through the lens of the civil expansion policies outlined in the Judicial Council's *Strategic Plan for Language Access in the California Courts* in 2015. These policies have

expanded interpreter services to cover all case types beyond the mandated case types of criminal, traffic, juvenile, and mental health. And while the mandated case types still make up the majority of interpretations for the study period, the expansion of interpretation services into non-mandated civil case types increased significantly, from 141,298 in FY 2014–15 to 196,650 in FY 2017–18, an increase of almost 40 percent. Case types falling into the civil expansion category amounted for roughly 11 percent of overall volume in FY 2014–15, but represented over 18 percent of all interpretations by FY 2017–18.

Generally, California trial courts use the Court Interpreter Data Collection System to aid in the tracking of interpreter services throughout the state. Improved data reporting, including the use of more granular metrics that more thoroughly measure language need and case-type volume, has improved the analysis of interpreter needs and services, adding clarity to recommendations and the trends they are based on.

Key Findings

The findings are divided into two sections, reflecting the two sections of the report.

Part One: Interpreter Use in Mandated and Civil Case Types

- California’s superior courts reported over 4.4 million interpretations for the four-year study period of FY 2014–15 through FY 2017–18.
- Spanish is by far the most interpreted language in the state in courtroom proceedings, accounting for 91.36 percent of the overall interpreter volume for the study period.
- Vietnamese was the second most-interpreted language, accounting for 1.47 percent of overall volume for the state during that same period. No other language accounted for more than 1 percent of interpretations for the study period.
- The top ten most commonly interpreted languages for this study period were (in order): Spanish, Vietnamese, American Sign Language, Mandarin, Cantonese, Korean, Punjabi, Russian, Arabic, and Farsi.
- Region 1 generated the most interpreter activity for the study period.¹ This is likely because Region 1 contains the trial court in Los Angeles County, which accounted for approximately 1,281,065 interpretations during the four-year study period, which is roughly 28.64 percent of all interpreter activity statewide.

¹ Region 1 courts are those superior courts in the counties of Los Angeles, San Luis Obispo, and Santa Barbara. Ventura would be in this region but has a statutory arrangement under Government Code section 71828 that allows it to operate outside the regional structure.

- Region 4 accounted for the second-most interpreter activity, with 29.51 percent of all interpretations, while Regions 2 and 3 accounted for 17.69 percent and 18.81 percent of the state courts' interpretations, respectively.²
- Many languages are interpreted in significant volume across the state while others are concentrated in one region or even one county.
- Interpretations in civil case types—including limited, unlimited, complex, and other “traditional” civil case types—rose dramatically throughout the study period, almost doubling from 35,213 interpretations in FY 2014–15 to 67,645 in FY 2017–18. Additionally, the interpretations in cases covered under the expanded civil interpretation policy (everything other than the mandated case types of criminal, traffic, juvenile, and mental health) increased from 141,298 in FY 2014–15 to 196,650 in FY 2017–18. This is an increase of almost 40 percent.

Part Two: Projecting Future Language Need

- Over 200 languages are spoken in the California courts.
- In 2016, approximately 10,678,000 (10.7 million) foreign-born individuals resided in California, accounting for 27 percent of the state's population. This represents twice the immigrant share of the U.S. population overall (14 percent).
- The states with the largest percentage of their populations speaking a foreign language at home in 2018 were California (45 percent), Texas (36 percent), New Mexico (34 percent), New Jersey (32 percent), New York and Nevada (each with 31 percent), Florida (30 percent), Arizona and Hawaii (each with 28 percent), and Massachusetts (24 percent).
- As of 2018, 44.1 percent of California households speak a language other than English, and 18.1 percent of the California population over the age of five (6.6 million out of 37.7 million) speak English less than “very well.”
- The U.S. Census Bureau groups language usage differently from how California tracks interpreter usage by language. However, the most commonly spoken foreign languages in

² Region 2 courts include Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Sonoma. Solano would be in this region but, like Ventura, has the same statutory arrangement under Government Code section 71828 to operate outside the regional structure.

Region 3 courts include Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kern, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

Region 4 courts are Imperial, Inyo, Orange, Riverside, San Bernardino, and San Diego.

California per the census are generally the same as the most frequently interpreted spoken languages.

- Data collected by the California Department of Education indicates that 93 percent of English learners speak one of these top ten non-English languages (listed in order of prevalence): Spanish, Vietnamese, Mandarin, Arabic, Filipino (Pilipino or Tagalog), Cantonese, Korean, Punjabi, Russian, and Hmong.
- In 38 out of California's 58 counties, more than 20 percent of the population speaks a language other than English at home.
- Despite the significant decline in new case filings throughout the state of California over the past decade,³ there continues to be increasing demand for interpretation services in the courts.
- There are challenges regarding the provision of full interpretation services:
 - Insufficient numbers of qualified interpreters, particularly in other than Spanish languages;
 - Limited funding to reimburse courts for interpreter services;
 - Too few applicants for interpreter training coupled with outdated interpreter recruitment efforts; and
 - No credentialing process for certification as an American Sign Language (ASL) court interpreter.
- There are opportunities to help meet these challenges:
 - Explore a tiered approach for court interpreter credentialing that would allow near-passers of credentialing exams to enter the courts with a journey-level or administrative credential status.
 - Undertake more modern and effective recruitment and informational efforts, including the use of social media and more direct help by the Judicial Council's Court Interpreters Program for courts that need to fill empty interpreter positions.
 - Continue ongoing efforts, in conjunction with other states, to identify options for a credentialing process as an ASL court interpreter.
 - Employ the appropriate technology to provide services in more languages and in a more cost-effective manner.

³ Case filings peaked in FY 2008–09 at roughly 10.2 million in all case types in that fiscal year. Filings have consistently declined for the nine subsequent years. In FY 2017–18, there were approximately 5.8 million filings.

Summary of Recommendations

Based on findings in this report, the following are recommendations for consideration by the Court Interpreters Advisory Panel and the Judicial Council:

- **Recommendation 1:** The Judicial Council should retain the certification classification of the top ten most frequently interpreted languages for this study period (listed in order of prevalence): Spanish, Vietnamese, American Sign Language, Mandarin, Cantonese, Korean, Punjabi, Russian, Arabic, and Farsi. This report makes no other recommendations regarding other languages designated for certification.
- **Recommendation 2:** The Judicial Council should continue to monitor the usage of Hmong for possible future designation as a certified language.
- **Recommendation 3:** The Judicial Council should explore and develop a recommended credentialing process for certification as a California ASL court interpreter.

DRAFT

Part One: Interpreter Use in Mandated and Civil Case Types

Introduction

This report evaluates interpretation services based on the number of interpretations for both mandated and civil case types for the period including FY 2014–15 through FY 2017–18. This is a departure from previous reports that evaluated interpretation services based on the number of service days for interpretations. (Depending on the assignment, service days can encompass multiple interpretations, so counting the number of interpretations is a more accurate metric to reflect interpreter usage in the courts.)

It is also important to note that, effective January 1, 2015, Evidence Code section 756 expanded and prioritized the case types in which the courts will be reimbursed for providing interpreters to limited-English-proficient (LEP) parties in the circumstance that there are insufficient resources to provide interpreters to all courts in all civil case types.⁴

Pursuant to Evidence Code section 756, the priority levels are as follows:

Priority 1: *Domestic violence, civil harassment where fees are waived (Code Civ. Proc., § 527.6(y)), elder abuse (physical abuse or neglect)*

Priority 2: *Unlawful detainer*

Priority 3: *Termination of parental rights*

Priority 4: *Conservatorship, guardianship*

Priority 5: *Sole legal or physical custody, visitation*

Priority 6: *Other elder abuse, other civil harassment*

Priority 7: *Other family law*

Priority 8: *Other civil actions or proceedings*

Given the limited resources of both funding and available certified court interpreters, California courts have made noteworthy progress in expanding interpreter services into all civil case types. In fact, as of June 30, 2019, all courts indicated that they were able to provide interpreter services in all eight civil case type priorities. The languages for which interpretation services were provided, and the interpreter coverage/availability for each priority, vary by court.

Data on interpreter use from FY 2014–15 through FY 2017–18 in this report is analyzed and presented by:

- region
- language

⁴ Evidence Code section 756 is accessible at http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EVID&division=6.&title=&part=&chapter=4.&article=

- interpreter employment status
- interpreter certification status
- case type

Language Access Services Program

For more than 25 years, California has been committed to understanding and addressing the language needs of those who appear in our courts. A leader in court interpreter services, California was the first state in the country to adopt laws requiring standards for interpreters' professional conduct and qualifications (Assem. Bill 2400 in 1978; codified as Gov. Code, § 68560). In 2015, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (Language Access Plan),⁵ which recommends a consistent statewide approach to ensuring language access throughout the courts. The Language Access Plan is a landmark effort by the judicial branch to address and improve access to justice for California's estimated 7 million limited-English-proficient (LEP) residents and potential court users.

Upon publication of the Language Access Plan in 2015, the goal was to implement the phases of the plan over a five-year period beginning in 2015, consistent with the phased recommendations in the plan. This thoughtful approach for the implementation of each of eight goals and their associated 75 recommendations is ongoing. To date, over 50 of the 75 recommendations have been completed, and several of the remaining recommendations are ongoing. In 2019, the Language Access Subcommittee was formed as part of the council's Advisory Committee on Providing Access and Fairness. The advisory committee and the subcommittee are charged with ensuring the full implementation of the Language Access Plan's recommendations to achieve access to justice for California's LEP court users.

There is much more to the council's language access program than implementing the Language Access Plan. The Language Access Services Program, which is part of the council's Center for Families, Children & the Courts, also focuses on developing language access resources for both courts and LEP court users. The Language Access Services Program is comprised of two units: Language Access Implementation and the Court Interpreters Program.

The Language Access Implementation unit supports the standing Language Access Subcommittee described above. The subcommittee makes recommendations to the Advisory Committee on Providing Access and Fairness in the areas of technology, education, and translation, and on legislative and rule of court proposals to enhance language access services throughout the judicial branch. The unit also works on a variety of language access projects, including all of the following:

- The online Language Access Toolkit;
- Development of tools for courts and LEP court users;
- Support for the trial court Language Access Representatives;
- The signage and technology grant program; and

⁵ Available on the California Courts website at www.courts.ca.gov/documents/CLASP_report_060514.pdf.

- Technology, statistical reporting, and other language access projects, including translation efforts.

The Court Interpreters Program (CIP) unit has a robust portfolio that includes administrative oversight regarding the provision of court interpreters. For context, effective January 1, 1993, the Judicial Council assumed responsibility for the certification and registration of court interpreters, and for developing a comprehensive program to ensure an available, competent pool of qualified interpreters (Sen. Bill 1304; Stats. 1992, ch. 770, § 2). In the intervening years, the branch identified several approaches to addressing interpreter needs throughout the state. The Court Interpreters Program was developed specifically to oversee the improvement and administration of court interpreter services to ensure that courts provide qualified interpreters to deaf, hard-of-hearing, and LEP court customers as broadly as possible. The CIP unit's services include spoken and sign-language interpreter recruitment, certification, education, and professional development.

Among other responsibilities, the unit is charged with managing the testing and certification of court interpreters statewide, as well as the training, continuing education, and professional development requirements of court interpreters. The Court Interpreters Program website contains comprehensive information for the courts and the public for California's certified and registered court interpreters.⁶ The website materials and resources are designed to inform court interpreter candidates about the requirements to become certified or registered in California, which exams are required and how to prepare for them, and how to remain current on educational requirements. There are also online court interpreter preparation videos to assist candidates with their professional court interpreter journey. Titles such as "How to Become a Court Interpreter in California" and "Getting Started in Court Interpreting" are very popular. There is also online content on specific exams including the written exam, the oral proficiency exam (OPE), and the bilingual interpreting exam (BIE) for certified spoken languages.

Additionally, and in collaboration with the National Center for State Courts, the CIP Unit makes available on its webpage content related to the court interpreter exam. This includes practice exercises, step-by-step instructions on becoming a California certified and registered court interpreter, certified language details, a qualifications self-assessment, an assessment questionnaire, and testing and application procedures on how to maintain certified and registered status with the Judicial Council. Details about the Judicial Council's testing administrator, Prometric Inc., is also available online. Prometric's Candidate Care department provides testing support; test registration for the written exam, OPE, and BIE; and test dates and location information.

In addition to all of this, language-specific trainings have been implemented by the CIP Unit to assist "near passers"⁷ of the bilingual interpreting exam. In the past, the CIP Unit conducted

⁶ Court Interpreters Program, www.courts.ca.gov/programs-interpreters.htm.

⁷ Near-passers are applicants who came within 65 to 70 percent of passing one of the four required components of the bilingual interpreting exam (simultaneous interpreting, consecutive interpreting, sight translation from English to

informational outreach to potential interpreter candidates at conferences and events, and developed public service announcements to encourage persons to consider a career in court interpreting. The supply of California court interpreters has remained relatively static since 2014, which poses both challenges and opportunities for courts and LEP court users. On the one hand, the number of court interpreters has not dropped precipitously. On the other hand, the current cadre of interpreters is aging faster than new interpreters can be certified. It is possible that the CIP Unit can take a more active role in recruitment, including the use of social media, LinkedIn, and other online tools that advertise employment opportunities and reach a younger audience.

The CIP Unit staff works under the direction of the Court Interpreters Advisory Panel, which reports to and advises the Judicial Council on the advancement of language access services in the courts. These recommendations include interpreter use and need, certification, registration, and professional conduct. This report is prepared as part of that requirement.

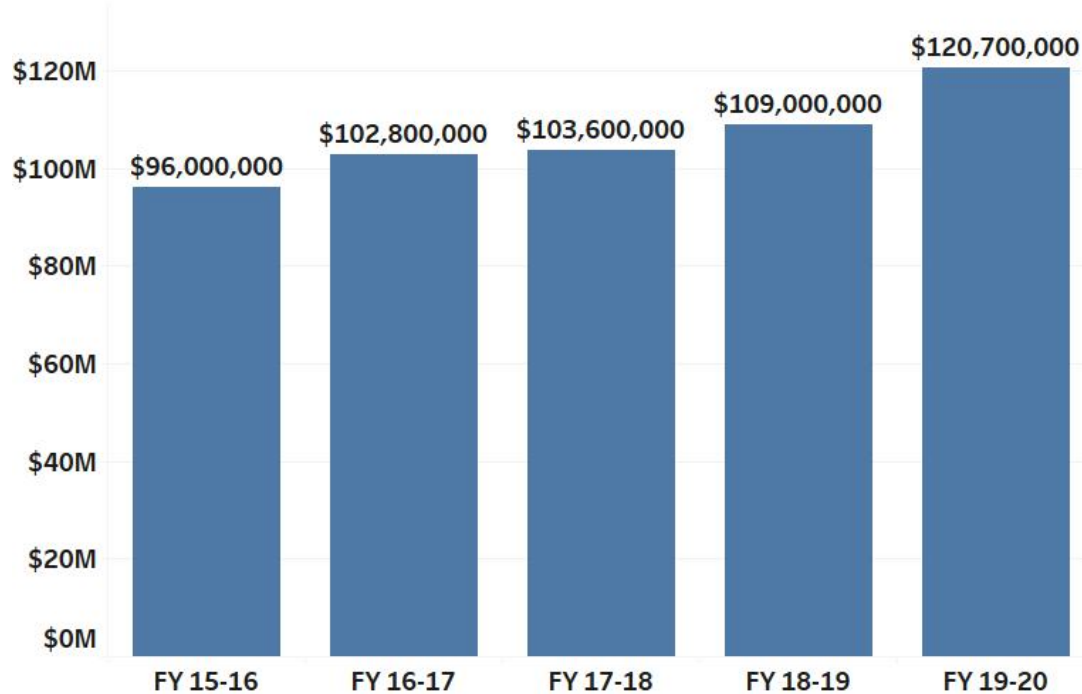
Program Resources

Court interpreter funding

Although California has both the most court users of any state who have limited English proficiency (LEP) and the most court interpreters in the nation, there are still limited resources to pay for the services of court interpreters. In recent years, the annual appropriation for court interpreter services has grown by over 25 percent, from \$96 million in FY 2015–16 to \$120.7 million in FY 2019–20 (see graph below). However, as discussed in Part Two of this report, more resources are needed and efforts are ongoing to ensure adequate funding for interpreter services for the future.

the non-English language, and sight translation from the non-English language to English). California requires that applicants pass all four components of the BIE in one sitting, with a passing score of 70 percent or more for each of the four sections.

Interpreter Funding



Court interpreter pool

In addition to securing funds to hire and appropriately pay certified court interpreters, there are serious concerns about the number of available interpreters to serve the geographic and language diversity of California’s LEP court users.

As of December 2019:

- There are 1,968 certified and registered court interpreters on the Judicial Council’s Master List of Certified and Registered Court Interpreters (Master List)⁸ representing dozens of languages. Of those, 1,794 are certified court interpreters and 174 are registered court interpreters.⁹

⁸ Available on the California Courts website at www.courts.ca.gov/35273.htm.

⁹ Only interpreters who pass the bilingual interpreter exam (BIE), or the legal specialist (SC:L) exam previously administered by the Registry of Interpreters for the Deaf, Inc. for American Sign Language, and who have fulfilled the corresponding Judicial Council requirements, are referred to as *certified* interpreters. Languages certified for court interpreters include American Sign Language and 15 spoken languages—Arabic, Eastern Armenian, Western Armenian, Cantonese, Farsi, Japanese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. (Note: Western Armenian and Japanese currently remain certified languages, but there is no BIE available in those languages.) Interpreters of other spoken languages for which there is no state-certifying exam are required to pass the written exam and oral proficiency exam (OPE) in both English and in their non-English language if available and fulfill the corresponding Judicial Council requirements in order to become a *registered* interpreter. The OPE is available in Spanish and 69 other languages.

- The Master List allows courts and members of the public to search for court-certified, registered, and enrolled interpreters who are in good standing with the Judicial Council.
- Interpreters included on the Master List have passed the required exams and officially applied with the Judicial Council.¹⁰
- Table 1 shows the annual number of certified court interpreters in the most frequently interpreted languages from 2017 through 2019.
- Table 2 shows the number of interpreter registrants who passed the bilingual interpreter exam (BIE). The BIE is a requirement for becoming a certified court interpreter in California. Over 76 percent of those who passed the test are certified to interpret in Spanish. Languages other than Spanish have few incoming interpreter registrants available. And despite the new registrants, the number of available certified and registered interpreters has remained static for the past several years (see Table 3).

Table 1. Number of Certified Court Interpreters for California’s 10 Most-Interpreted Spoken Languages (as of December 2019)

Language*	2017	2018	+/-	2019	+/-
Spanish	1,373	1,367	-6	1,398	+31
Vietnamese	53	55	+2	59	+4
Korean	60	60	0	61	+1
Mandarin	66	72	+6	79	+7
Farsi	1	10	+9	10	0
Cantonese	29	28	-1	30	+2
Russian	39	35	-4	42	+7
Tagalog	4	4	0	5	+1
Arabic	8	8	0	7	-1
Punjabi	3	3	0	3	0

Source: The top 10 spoken languages, ranked in this table, are from the *2015 Language Need and Interpreter Use Study* (prepared for the Judicial Council by the National Center for State Courts).

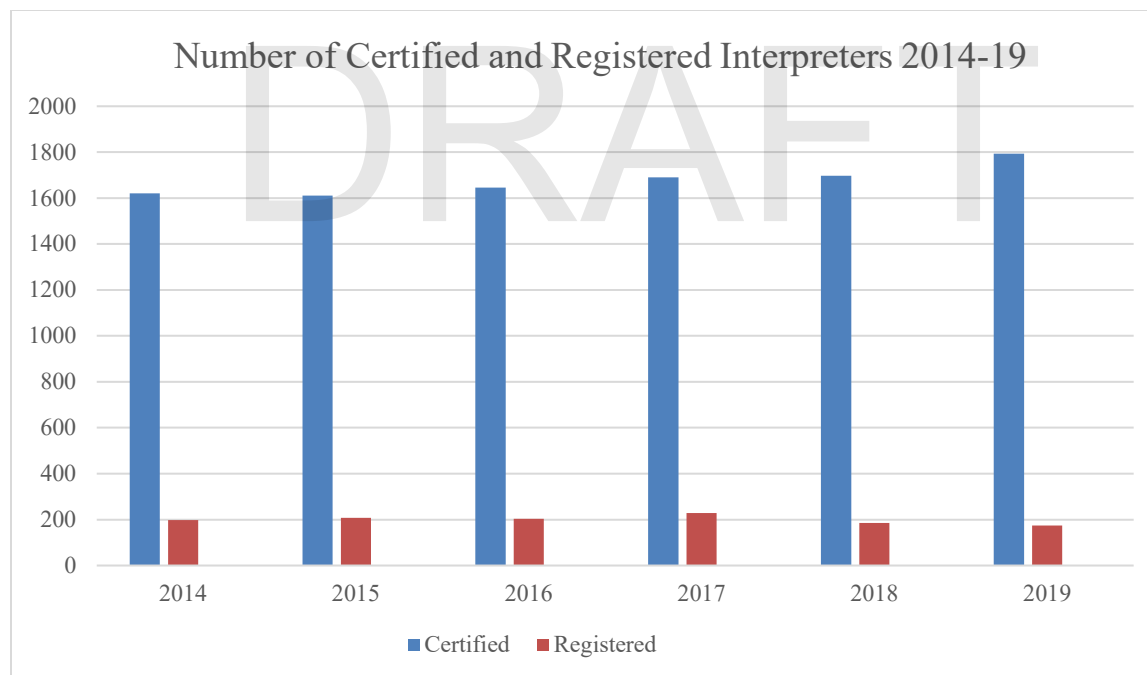
* There are currently 55 American Sign Language interpreters in California.

¹⁰ Application requirements include submitting an application to the Judicial Council, paying an annual fee of \$100, and taking the online course “Interpreter Orientation: Working in the California Courts.”

Table 2. Number of Recent Passers of Bilingual Interpreting Exam Required for Qualification as a Certified Interpreter

Language	2015	2016	2017	2018	2019
Spanish	45	47	56	23	34
Vietnamese	3	4	2	4	2
Mandarin	2	4	8	6	0
Farsi	0	1	9	0	0
Cantonese	2	0	1	3	0
Russian	2	1	0	2	4
Punjabi	1	0	0	0	0
Eastern	1	2	0	0	0
Total	56	59	76	38	40

Table 3. Overall Number of Certified and Registered Interpreters Remained Relatively Static From 2014–2019



Year	Certified Interpreters	Registered Interpreters	Total
2014	1,621	198	1,819
2015	1,611	207	1,818
2016	1,646	203	1,849
2017	1,691	229	1,920
2018	1,697	186	1,883
2019	1,794	174	1,968

Updated Dec. 2019

Data Sources for Court Interpreter Services

The primary source of data for this study was the Court Interpreter Data Collection System (CIDCS), a program of the Judicial Council. CIDCS tracks actual court interpreter usage, including case type, number of interpreted events, languages, and costs, including capturing whether court interpreter events were handled by in-person, telephonic, or video remote interpreting (VRI). Most of the counties within the state use CIDCS to report data regarding completed interpreter assignments within their respective courts to the Judicial Council of California. CIDCS is designed to allow court managers as well as individual interpreters to upload interpretation data about each interpretation provided. Information about active interpreters within the state, interpreter employment status as court employees or independent contractors, language certification status (certified, registered, or non-certified/non-registered), and case-specific data is collected by CIDCS. Courts that do not use CIDCS still report data to the Judicial Council. Using a Microsoft Excel template designed by the Judicial Council, or a spreadsheet of their own design, the data provided by these non-CIDCS courts is far less robust in detail. Non-CIDCS courts report the number of interpretations broken down by case type and language, as well as the overall percentage of interpretations provided in person, by telephone, or using video remote interpreting. Non-CIDCS courts store this data in their own internal data systems and transmit reports to the Judicial Council on a regular basis.

The Judicial Council is committed to supporting, improving and expanding the Court Interpreter Data Collection System. Ideally, all courts will eventually migrate onto the system, and the data collected will continue to improve. Toward this end, a recent feature of CIDCS was implemented that permits interpreter employees and independent contractors to report the details of their completed assignments directly into CIDCS. Currently, most data is still entered by court staff. Looking ahead, the capacity to distribute the data-entry workload of completed interpreter assignments will enable high-volume, non-CIDCS courts to start using CIDCS, making the data they collect more comprehensive, and likewise more consistent. The table below details the reporting methods of those courts who do not fully utilize CIDCS for their data tracking and reporting as of the last year of data collection for this study (FY 2017–18).

Data Sources Outside of the Court Interpreter Data Collection System (CIDCS)

Court	Reporting Method
Alameda	CIDCS & Data Extract
Los Angeles	CIDCS*
Modoc	JCC Template
Napa	No Data Source
Orange	JCC Template
Sacramento	JCC Template
San Francisco	Data Extract
Sierra	JCC Template

*Los Angeles reported partial data via CIDCS for each of the four years of the study period.

Looking Back: Status of the 2015 Recommendations

The following chart shows the current status of each of the recommendations from the *2015 Language Need and Interpreter Use Study* (2015 Study).¹¹

Recommendation	Current Status
1 The Judicial Council should retain the classification of Arabic, Eastern Armenian, Western Armenian, Cantonese, Khmer, Korean, Mandarin, Punjabi, Russian, Spanish, Tagalog, and Vietnamese as designated languages with established certification programs.	Each of these languages continues to be a certified language.
2 The Judicial Council should continue the classification of Farsi as a designated language and should establish a certification program for testing and certifying court interpreters in this language.	In June 2015, the Court Interpreters Advisory Panel approved the commencement of certification testing for Farsi in the fall of 2016.
3 The Judicial Council should consider the de-designation of the Japanese language.	Japanese remains a certified language.
4 The Judicial Council should consider the de-designation of the Portuguese language.	Portuguese remains a certified language.
5 The Judicial Council should monitor the usage of the Hmong, Lao, and Romanian languages for possible future designation.	Based on findings in this report, it is recommended that the Judicial Council continue to monitor the usage of Hmong for possible future designation as a certified language.

¹¹ *2015 Language Need and Interpreter Use Study* (prepared for the Judicial Council by the National Center for State Courts), www.courts.ca.gov/documents/lr-2015-Language-Need-and-Interpreter-Use-Study.pdf.

Methodology for This Report

Overview

The landscape of data reporting for the Court Interpreters Program has changed since the 2015 Study was published. The adoption and implementation of much of the Language Access Plan has resulted in the expansion of interpreter services to almost all case types, and put a focus on data collection and regular reporting of key performance indicators at the local court level. This shift has encouraged some courts that were not previously using CIDCS to begin tracking more comprehensive interpreter data. While some trial courts still do not report via CIDCS, they do report the most basic metrics of interpreter activity. As a result, filling gaps in the master data set was much easier for the current report, and the methodology for doing so was much simpler than in 2015.¹² Significantly, and largely as a result of the widespread utilization of CIDCS, this report represents the first that the Judicial Council has been able to complete in-house.

This report relies on a master data set that serves as the underlying basis for the information provided in this report. The methodology for creating the master data set was developed by utilizing four significant steps:

- Step 1: Collecting, cleaning and analyzing court interpreter data that is used to create an Interpreter Usage Report for each county¹³ in the state.
- Step 2: Filling gaps in the foundational data set created by courts that report outside of CIDCS.
- Step 3: Estimating the overall volume of language access in Los Angeles County using a combination of linear regression analysis and case-type ratios.
- Step 4: Combining reported data with estimates to make a uniform master data set.

Regular data collection and reporting—creating interpreter usage reports

Beginning in the first quarter of FY 2014–15, the Judicial Council began regular analysis of court interpreter data from both CIDCS and non-CIDCS courts. After completing this analysis, the branch released an Interpreter Usage Report. These reports were released quarterly in FY 2014–15 and FY 2015–16, and annually thereafter. The data used for these reports comes from the same sources described above: online via CIDCS, template submissions, and internal data system extracts. The data that was submitted outside of CIDCS included only the most basic key performance indicators of interpreter data, specifically the number of interpretations broken down by case type and language. Some amount of data cleaning was needed to integrate the

¹² The 2015 Study was conducted by the National Center for State Courts and covered a period of four fiscal years, from FY 2009–10 through FY 2012–13; the study did not include American Sign Language.

¹³ The Superior Court of Napa County did not submit data for most of the study period of FY 2014–15 through FY 2017–18. The numbers they did submit for part of this period would suggest that their overall interpreter volume was too low to adversely affect the conclusions drawn from the data overall. For this reason, no attempt was made to estimate the volume they did not report. Judicial Council staff are working with the Napa court to ensure future reporting.

information from the three data sources to prepare the usage reports. For example, the data that was submitted via internal data system extract was structured differently from data in CIDCS. Staff used statistical software programs (e.g., R, STATA, and Excel) to isolate only the relevant data variables, exclude or amend any erroneous data entries (such as misspelled languages or incorrect case types), and put all of the information in a unified format for the reports.

Filling in the gaps—estimating numbers for non-CIDCS courts

The primary goal of this report is to focus on how the courts are addressing the language needs of the LEP population in California courts. The underlying metric used to gauge the demand for different languages was the number of interpretations performed in that language throughout the study period. This metric was reported by almost all courts throughout the study period, even those who did not report their data via CIDCS. Other data, however, such as the number of interpreter assignments completed, was not provided by non-CIDCS courts, and so had to be estimated for those courts. In order to adjust for non-CIDCS courts, statewide ratios of the proportionality of “interpretations” to the other metrics in the report (e.g., assignments completed by employees or whether the sessions were full day, half day, or night) were applied to the number of interpretations reported by non-CIDCS courts. For example, for all courts that fully reported data (i.e., CIDCS courts) in FY 2014–15, the total number of interpretations was 761,399, and the total number of assignments was 122,819, or 6.2 interpretations per assignment (761,399 interpretations divided by 122,819 assignments). This ratio was then used to estimate the number of assignments for FY 2014–15 for the courts that did not provide data on the number of assignments. The complete list of variables that had to be estimated for non-CIDCS courts is as follows:

- Total Assignments
- Assignments Completed by Employees
- Assignments Completed by Independent Contractors
- Assignments Completed by Certified or Registered Interpreters
- Session Type

Estimating numbers for Superior Court of Los Angeles County

The Superior Court of Los Angeles County is a unique case when it comes to reporting interpreter data. Los Angeles has the most court interpreter volume and serves the largest LEP population in California. Court staff enter some interpreter data into CIDCS but only for a select group of case types. As a result, the data entered by Los Angeles into CIDCS is only a fraction of their overall volume. However, since the assignments entered are chosen regardless of language, this relatively small amount of data can be used as a representative sample to estimate the volume of interpretations for the different languages in the Superior Court of Los Angeles County. It is worth noting that Los Angeles plans to have interpreters enter their own completed assignment information directly into CIDCS once that additional functionality is available.

To estimate the number of interpretations for the case types not reported by Los Angeles, two different methods were used. A simple linear regression model was built to estimate the numbers for the most high-volume case types—namely felonies, misdemeanors, and traffic infraction

cases. Statewide ratios of each case type were compared to total statewide volume to estimate the remaining case types not reported by Los Angeles. A more detailed explanation of the methodology used to estimate interpretation numbers for Los Angeles is included in the appendix to this report.

Statewide and Regional Interpreter Use in Spoken Languages

Overview

California's superior courts recorded over 4.4 million interpretations for the four-year study period of FY 2014–15 through FY 2017–18. The primary function of CIDCS is to provide a platform through which superior courts can track and report completed interpreter assignments. When inputting assignment data into CIDCS, court staff record many different pieces of information, including the following:

- Case type
- Case number
- Language being interpreted
- Number of interpretations performed during the assignment

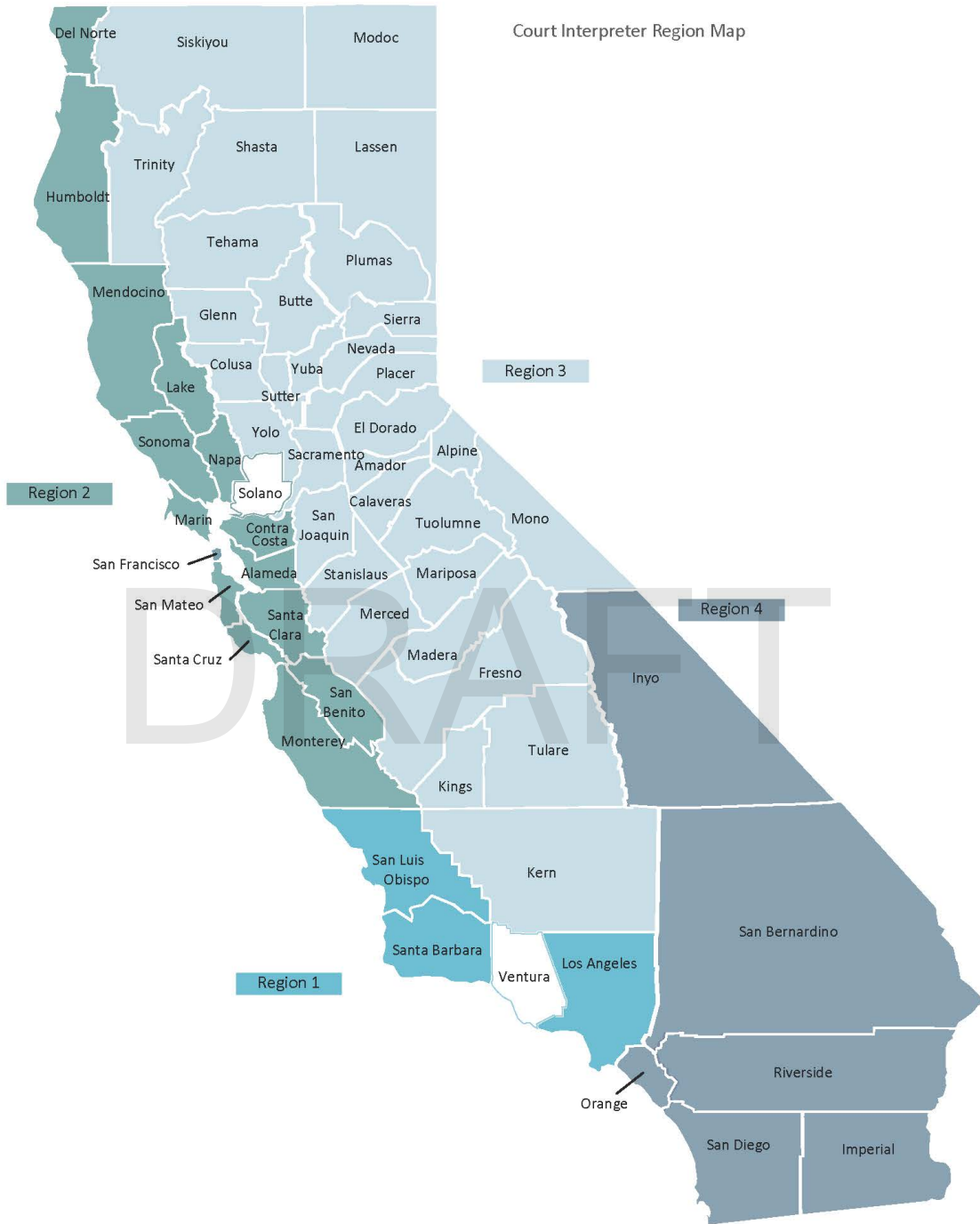
An assignment can be either for a full day (eight hours), a half day (four hours), or a night (four hours). The designation of “full day,” “half day,” or “night” is referred to as the session type. Regardless of the session type, one assignment can represent anywhere from one to many interpretations across multiple cases. Previously published interpreter studies used “number of interpreter service days” rather than number of interpretations as the metric to illustrate interpreter use. Since the primary objective of this report is to identify which languages have the greatest demand and how that demand impacts which languages should be considered for certification (or if certification should be removed), the decision was made to report “interpretations” because it more accurately documents the language need among court users in California.

As stated above, California's interpreter program is divided into regions (see the Court Interpreter Region Map below; for details about each region, see pages 2–3). As a starting point, statewide interpretations by region and year are demonstrated in Graphic 1 and Graphic 2 below. Region 1 accounted for over 1.5 million interpretations, which is 33.96 percent of all interpretations in California during the study period. Region 1 includes the Superior Court of Los Angeles County, which has the greatest volume of filings, and by extension interpretations, in California. Region 4 includes the Superior Courts of Orange, Riverside, San Bernardino, and San Diego Counties; combined, Region 4 courts reported just over 1.3 million interpretations for the study period, representing 29.51 percent of interpretation volume overall. Region 2 reported 791,808 interpretations, and Region 3 reported 841,870 interpretations, which accounted for roughly 18 percent and 19 percent of statewide demand, respectively.

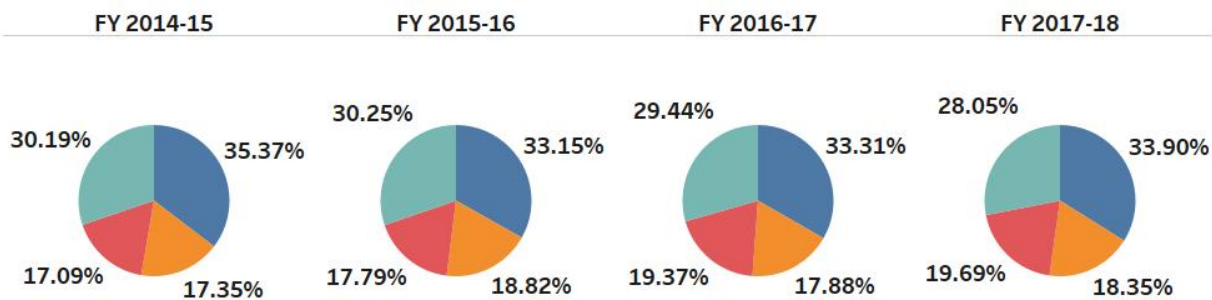
Despite these numbers, statewide interpretations declined by almost 12.5 percent during the study period. This trend was driven by Regions 1 and 4, which both experienced small but steady

declines, of 16.1 percent and 18.7 percent, respectively, in interpretation volume during the reporting period. Region 2 also experienced a decline in interpretation volume of 7.69 percent. Region 3 was the only region to remain relatively consistent in its demand for interpretation services; the 32 courts in this region experienced an increase in interpretations over the four-year reporting period of just under 1 percent.

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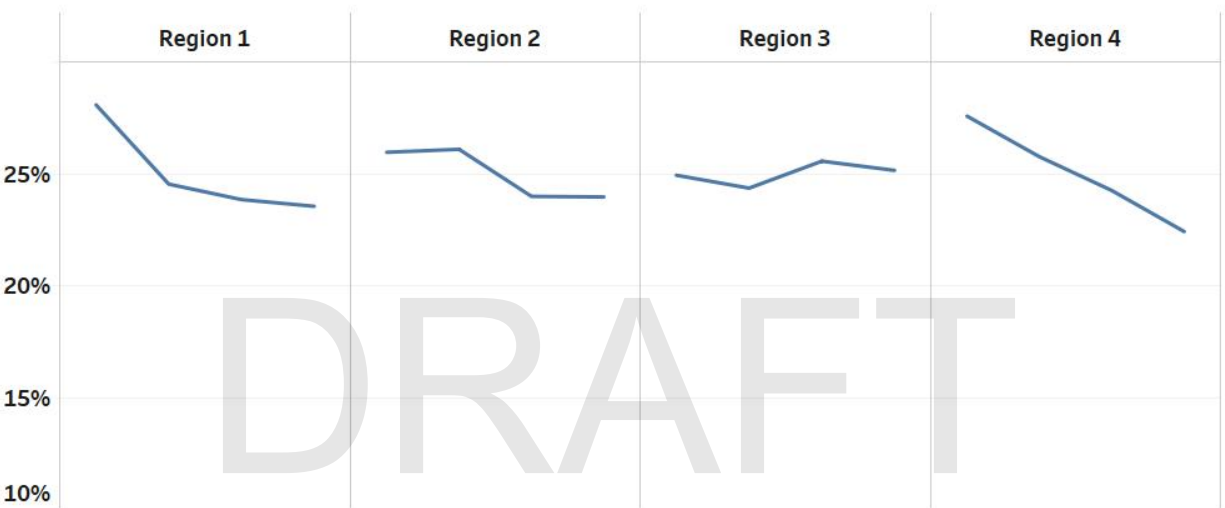
Graphic 1. Regional Proportions and Total Interpretations by Fiscal Year



Region	Region	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	Grand Total
Region 1	Region 1	426,600	372,779	362,281	357,751	1,519,411
Region 2	Region 2	205,543	206,596	189,937	189,732	791,808
Region 3	Region 3	209,896	205,050	215,190	211,734	841,870
Region 4	Region 4	364,156	340,197	320,253	296,030	1,320,636
Statewide	Statewide	1,206,195	1,124,622	1,087,661	1,055,247	4,473,725

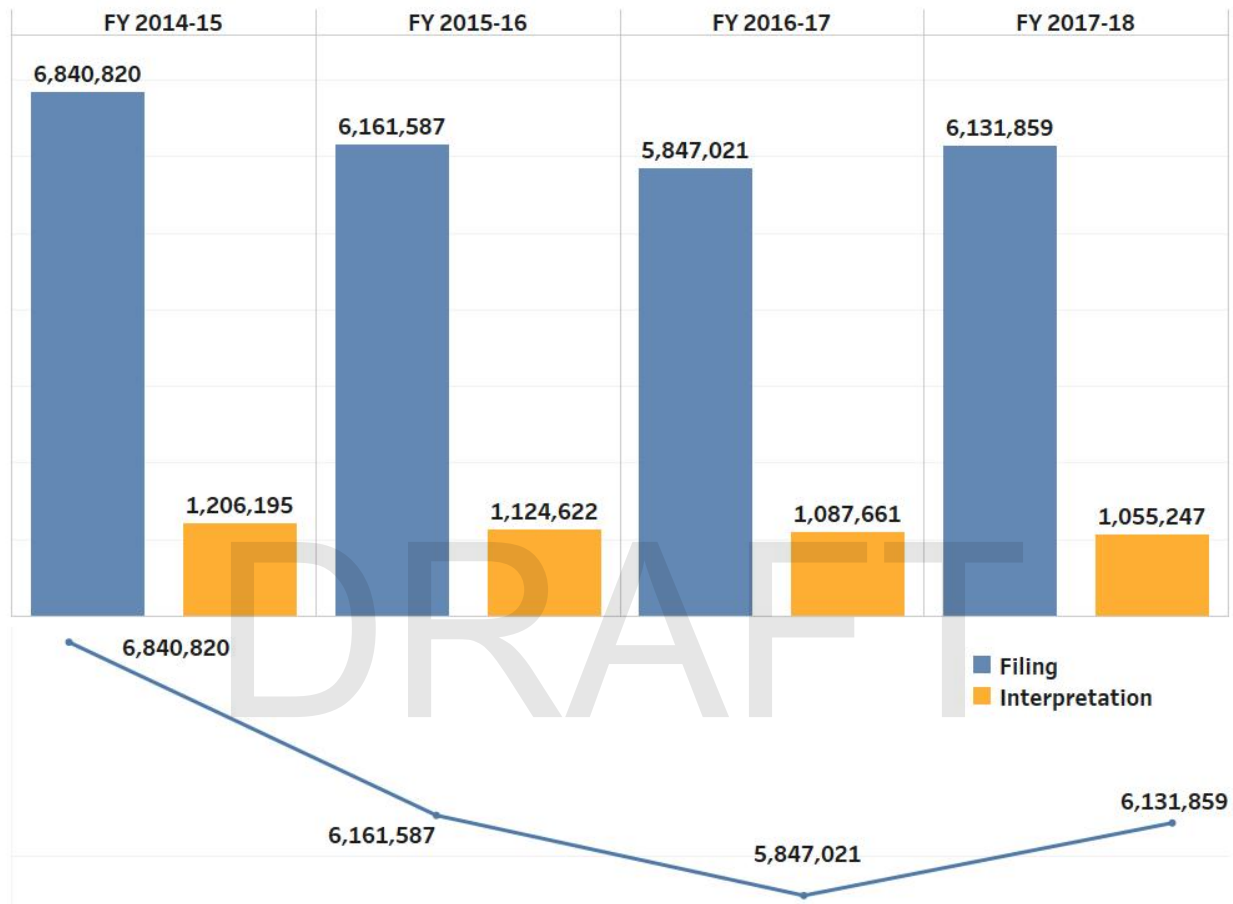
Graphic 2. Regional Proportion per Fiscal Year and Trend Over Time

Region	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	Grand Total
Region 1	28.08%	24.53%	23.84%	23.55%	100.00%
Region 2	25.96%	26.09%	23.99%	23.96%	100.00%
Region 3	24.93%	24.36%	25.56%	25.15%	100.00%
Region 4	27.57%	25.76%	24.25%	22.42%	100.00%
Statewide	26.96%	25.14%	24.31%	23.59%	100.00%



The 15 percent decline in interpretation volume should be compared to similar trends with filings; during the same four-year period of this report, there was a 10.3 percent decline in filings. See Graphic 3 below for filings data during the reporting period.

Graphic 3. Total Filings and Interpretations During Study Period



In analyzing the reduced demand for interpretation services and the reduction in filings, it appears that the demand for language access remained constant during the same four-year period. In FY 2014–15, for example, there were 6,840,820 court filings and 1,206,195 interpretations. In other words, for every 5.7 cases filed, there was one instance of language access need. Looking at this same ratio for the last year in the study period (FY 2017–18 saw 6,131,859 filings and 1,055,247 interpretations), it can be estimated that for every 5.8 cases filed, there was one instance of language access need. The decrease in both filings and interpretations is a continuation of trends documented in the previous release of this study. FY 2009–10 through FY 2012–13 saw a 21 percent decrease in required case-type filings¹⁴ and a 6 percent decrease in

¹⁴ 2015 Language Need and Interpreter Use Study, *supra*, at p. 6, Table 3.

interpreter service days.¹⁵ The *2015 Language Need and Interpreter Use Study* assumed that the decrease in filings for the period of FY 2009–10 through FY 2012–13 was due to the Great Recession and that while the economy recovered, filing numbers would increase. However, this turned out not to be the case as filings continued to decline well into the economic recovery. Part Two of this report discusses why filings have continued to decline over the last decade.

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¹⁵ *Id.* at p. 5.

Number of interpretations by language

Graphic 4 illustrates the number and percentage of interpretations attributed to each language for the study period.

Graphic 4. Top 30 Most Interpreted Languages

Language (Top 30)	Interpretation	Percent of Total
Spanish	4,087,295	91.36%
Vietnamese	65,555	1.47%
American Sign Language	38,460	0.86%
Mandarin	35,401	0.79%
Cantonese	28,471	0.64%
Korean	25,248	0.56%
Punjabi	19,982	0.45%
Russian	18,738	0.42%
Arabic	18,653	0.42%
Farsi (Persian of Iran)	18,031	0.40%
Tagalog	14,534	0.32%
Hmong	12,059	0.27%
Armenian - Eastern	10,804	0.24%
Lao	8,068	0.18%
Khmer (Cambodian)	5,286	0.12%
Japanese	4,330	0.10%
Mixteco	4,179	0.09%
French	4,141	0.09%
Thai	3,804	0.09%
Romanian	3,506	0.08%
Mixteco Alto	3,389	0.08%
Portuguese	3,312	0.07%
Triqui	2,524	0.06%
Hindi	2,295	0.05%
Chaldean	2,129	0.05%
Amharic	2,106	0.05%
Urdu	2,096	0.05%
Bengali	2,054	0.05%
Mixteco Bajo	1,791	0.04%
Mien	1,719	0.04%
Other Languages (Below Top 30)	23,766	0.53%
Grand Total	4,473,725	100.00%

Darker cell color signifies higher numbers of interpretations and lighter color signifies lower numbers of interpretations.

The top 30 languages in the current reporting period are slightly different from those in the prior reporting period (see the appendix to this report for the language rankings from the 2015 Study). The most significant changes are as follows:

- American Sign Language (ASL) is included in this study (ASL was not included in the prior five-year analysis);
- Both Japanese and Romanian have fallen below the top 15 most-interpreted languages; and,
- Hmong and Armenian (Eastern) interpretations now have sufficiently high volume to be included in the top 15 most-interpreted languages.

Additionally, the increase in various indigenous languages from Mexico and Latin America, such as Mixteco and Triqui, is noteworthy.

Graphic 5, below, shows the 30 most-interpreted languages for the current reporting period, by fiscal year, which provides a view of year-over-year changes. Spanish and Russian were the only two languages in the top 10 to decrease each fiscal year, while Punjabi and Arabic were the only top 10 languages to increase each year.

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Graphic 5. Top 30 Most Interpreted Languages by Fiscal Year

Language (Top 30)	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Spanish	1,111,261	1,027,451	993,201	955,381
Vietnamese	17,645	15,339	15,896	16,675
American Sign Language	8,768	10,149	9,401	10,142
Mandarin	6,319	8,976	8,770	11,336
Cantonese	7,319	7,818	7,096	6,237
Korean	6,434	7,083	5,777	5,954
Punjabi	3,814	5,257	5,342	5,569
Russian	5,858	4,450	4,252	4,178
Arabic	3,568	3,961	4,982	6,143
Farsi (Persian of Iran)	3,888	4,951	4,632	4,561
Tagalog	3,245	3,495	3,724	4,070
Hmong	4,379	3,335	2,254	2,091
Armenian - Eastern	3,211	2,671	2,623	2,299
Lao	2,309	2,394	2,013	1,352
Khmer (Cambodian)	1,601	1,381	1,171	1,133
Japanese	1,464	1,369	800	697
Mixteco	1,042	1,195	1,068	874
French	2,576	686	425	453
Thai	817	1,116	1,208	662
Romanian	905	882	876	843
Mixteco Alto	444	608	1,127	1,210
Portuguese	803	749	732	1,027
Triqui	93	99	221	2,111
Hindi	562	582	635	515
Chaldean	660	608	473	388
Amharic	612	480	533	481
Urdu	220	797	500	579
Bengali	197	474	724	659
Mixteco Bajo	668	546	170	407
Mien	536	432	416	335
Other Languages (Below Top 30)	4,977	5,288	6,616	6,885

Darker cell color signifies higher numbers of interpretations and lighter color signifies lower numbers of interpretations.

Graphic 6 breaks down the proportion of interpretations for each language within each region for the four-year study period.

Graphic 6. Proportion of Top 30 Most-Interpreted Languages by Region

Language (Top 30)	Region 1	Region 2	Region 3	Region 4
Spanish	34.87%	17.00%	18.12%	30.01%
Vietnamese	4.07%	34.22%	12.60%	49.10%
American Sign Language	21.42%	16.83%	29.90%	31.85%
Mandarin	32.38%	32.45%	10.16%	25.00%
Cantonese	6.40%	58.74%	31.54%	3.32%
Korean	59.04%	9.17%	4.18%	27.61%
Punjabi	9.44%	17.29%	70.55%	2.72%
Russian	20.01%	13.02%	59.50%	7.48%
Arabic	20.10%	16.33%	20.15%	43.42%
Farsi (Persian of Iran)	46.91%	11.33%	18.75%	23.01%
Tagalog	18.31%	48.97%	13.30%	19.42%
Hmong	0.06%	3.06%	95.88%	1.00%
Armenian - Eastern	77.70%	0.33%	14.72%	7.25%
Lao	0.56%	8.03%	71.09%	20.31%
Khmer (Cambodian)	25.33%	7.72%	46.67%	20.28%
Japanese	56.90%	18.08%	2.56%	22.45%
Mixteco	77.55%	8.54%	12.11%	1.79%
French	73.46%	11.62%	4.61%	10.31%
Thai	64.11%	12.17%	9.41%	14.30%
Romanian	24.68%	5.45%	28.61%	41.27%
Mixteco Alto	66.18%	23.58%	9.06%	1.18%
Portuguese	16.56%	55.17%	15.76%	12.50%
Triqui	0.24%	95.05%	4.71%	
Hindi	31.97%	23.10%	32.90%	12.03%
Chaldean				100.00%
Amharic	29.33%	44.93%	12.35%	13.39%
Urdu	46.39%	11.26%	31.10%	11.26%
Bengali	93.96%	1.31%	0.68%	4.04%
Mixteco Bajo	90.90%	5.03%	3.63%	0.45%
Mien		14.66%	85.34%	
Other Languages (Below Top 30)	17.37%	35.55%	25.31%	21.77%

Darker cell color signifies higher concentration in one region while lighter cell color signifies lower concentration.

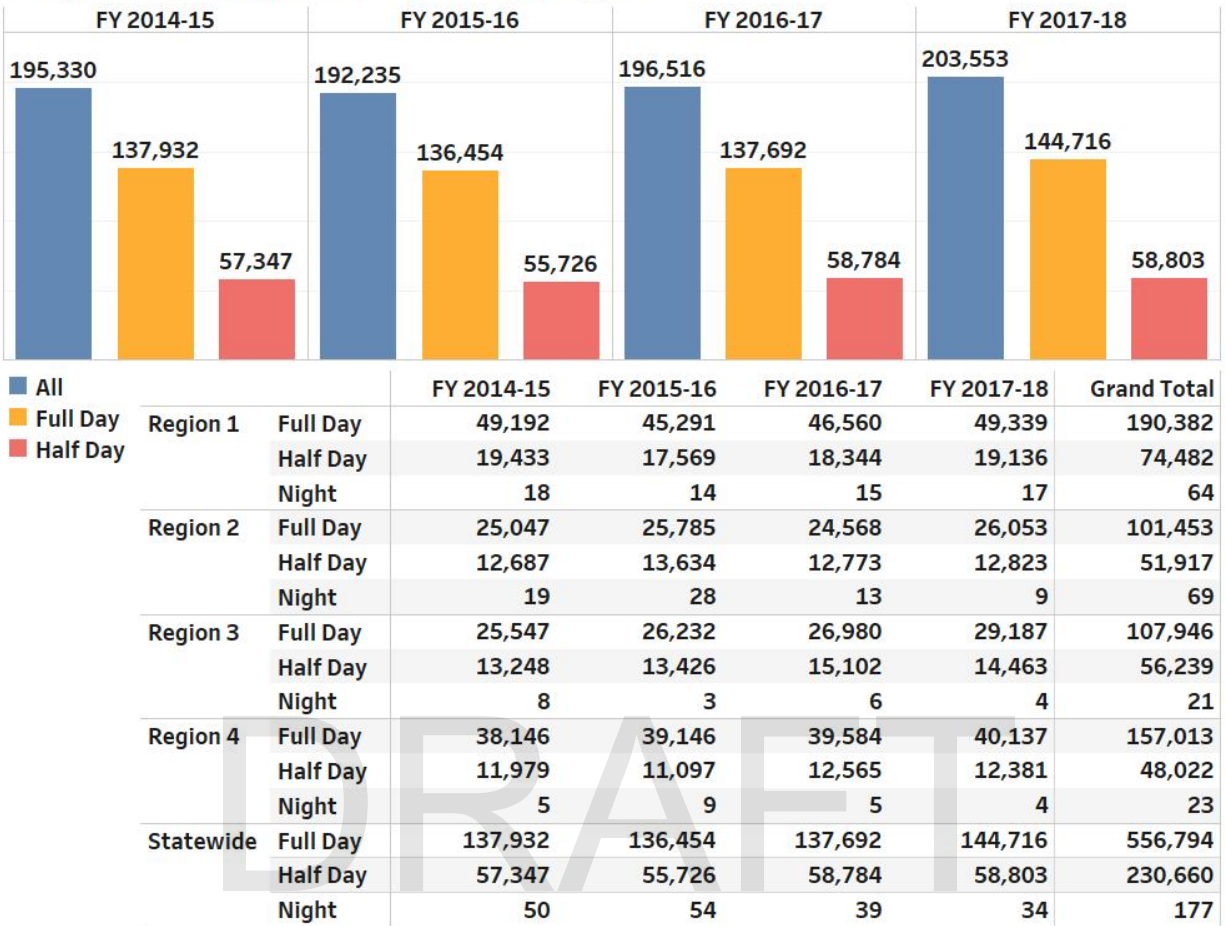
Spanish, the overwhelmingly dominant language, mirrors almost the same distribution of volume as total interpretations, with roughly 34 percent in Region 1, 17 percent in Region 2, 18 percent in Region 3, and 30 percent in Region 4. Additionally, Spanish and American Sign Language have relatively even distributions across the four regions while almost all other languages have some concentration in just one or two regions. The most extreme example of this is Chaldean, in which interpretations occurred entirely in Region 4, but there are many other examples of languages concentrated in one specific area. Almost two-thirds of Korean interpretations were recorded in Region 1 and over a quarter in Region 4. The vast majority of Korean interpretations are almost exclusively concentrated in Southern California. Punjabi, Hmong, Lao, and Mien are heavily concentrated in Region 3, while Japanese, French, Thai, Armenian, and Mixteco (Alto and Bajo) are all concentrated in Region 1.

A note of caution is advised when attempting to draw conclusions from the distribution of language volume among the different regions, as inconsistencies in the reporting of certain language families is not uncommon. A relevant example of this is the Austronesian language family, which includes Tagalog, Ilocano, and Cebuano, among many others. These languages are sometimes misreported or grouped into the larger language family, either by court staff conducting data entry or by interpreters filling out daily activity logs. Therefore, extreme concentrations of a language in one region or county may be the result of reporting inconsistencies, rather than a concentration of people who speak that particular language.

Assignments completed—by session type

Graphic 7 illustrate the number of assignments for each fiscal year. Note that the metric for these tables is the number of interpreter assignments rather than the number of interpretations. While the number of interpretations more accurately captures the volume and demand for a language, analysis of issues around interpreter employment, status, and certification are more accurately presented by assignment.

Graphic 7. Assignments by Session Type



As presented in the graphic above, night assignments are extremely rare, with only 177 night assignments recorded statewide for the entire study period. Full-day assignments account for just over 70 percent, while half-day assignments make up the remaining 30 percent.

Assignments completed—by employment status

Interpreters who provide language access services in the California courts can either be employees of the superior courts where they work or independent contractors hired by the courts to fill interpreter requests. Graphic 8 documents the number of assignments attributed to employees and independent contractors for each region and each year in the study period. Statewide, employee interpreter assignments remained constant during the reporting period, while contractor assignments increased slightly.

Graphic 8. Assignments by Employment Status

Region	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Region 1 Employees	34,640	32,008	32,027	33,398
Independent Contractors	34,003	30,867	32,891	35,094
All	68,643	62,875	64,919	68,492
Region 2 Employees	18,143	18,359	15,561	16,251
Independent Contractors	19,612	21,086	21,793	22,634
All	37,754	39,446	37,355	38,885
Region 3 Employees	13,585	12,843	13,723	13,818
Independent Contractors	25,218	26,818	28,364	29,837
All	38,803	39,662	42,088	43,655
Region 4 Employees	31,567	31,705	32,122	33,105
Independent Contractors	18,563	18,547	20,031	19,416
All	50,130	50,252	52,154	52,521

Region	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Region 1 Employees (%)	50.5%	50.9%	49.3%	48.8%
Contractors (%)	49.5%	49.1%	50.7%	51.2%
Region 2 Employees (%)	48.1%	46.5%	41.7%	41.8%
Contractors (%)	51.9%	53.5%	58.3%	58.2%
Region 3 Employees (%)	35.0%	32.4%	32.6%	31.7%
Contractors (%)	65.0%	67.6%	67.4%	68.3%
Region 4 Employees (%)	63.0%	63.1%	61.6%	63.0%
Contractors (%)	37.0%	36.9%	38.4%	37.0%

While most regions did not experience a significant change in the proportion of assignments being completed by employees and contractors, Region 2 reported a notable decrease in the assignments filled by employees from 48.1 percent in FY 2014–15 down to 41.8 percent in FY 2017–18.

Also noteworthy, Region 3 experienced a high reliance on independent contractors, who filled 68.3 percent of assignments during the study period as compared to only 31.7 percent completed by employees. This is likely a result of the vast geography and rural locations of many courts in Region 3, which covers 32 counties in the state, from the Central Valley to the Oregon border (see the Court Interpreter Region Map, page 19).

Region 4 reported the inverse of this trend, attributing 63 percent of completed assignments to employees, as compared to only 37 percent for independent contractors.

Assignments completed—by certification status

Graphic 9 shows the number of assignments completed by certified or registered interpreters as compared to non-certified or non-registered interpreters. Certified or registered interpreters completed almost 85 percent of all assignments for the study period. Even when analyzed by region and fiscal year, there was nominal fluctuation in this proportion.

Graphic 9. Assignments by Certification Status

Region	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Region 1 Certified/Registered	59,175	53,714	54,959	58,255
Non-Cert/Non-Reg	9,468	9,161	9,960	10,237
All	68,643	62,875	64,919	68,492
Region 2 Certified/Registered	31,716	31,955	29,917	32,466
Non-Cert/Non-Reg	6,038	7,491	7,438	6,419
All	37,754	39,446	37,355	38,885
Region 3 Certified/Registered	31,164	31,939	34,127	34,942
Non-Cert/Non-Reg	7,639	7,723	7,961	8,713
All	38,803	39,662	42,088	43,655
Region 4 Certified/Registered	44,543	44,157	45,179	45,585
Non-Cert/Non-Reg	5,587	6,095	6,975	6,936
All	50,130	50,252	52,154	52,521

Region	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Region 1 Certified or Registered	86.2%	85.4%	84.7%	85.1%
Non-Cert/Reg	13.8%	14.6%	15.3%	14.9%
Region 2 Certified or Registered	84.0%	81.0%	80.1%	83.5%
Non-Cert/Reg	16.0%	19.0%	19.9%	16.5%
Region 3 Certified or Registered	80.3%	80.5%	81.1%	80.0%
Non-Cert/Reg	19.7%	19.5%	18.9%	20.0%
Region 4 Certified or Registered	88.9%	87.9%	86.6%	86.8%
Non-Cert/Reg	11.1%	12.1%	13.4%	13.2%

The numbers above represent a slight departure from the findings in this area in the 2015 Study, which documented 91 percent of assignments being completed by certified or registered interpreters, 8 percent being completed by non-certified/non-registered interpreters, and 1 percent of assignments being “unspecified.”

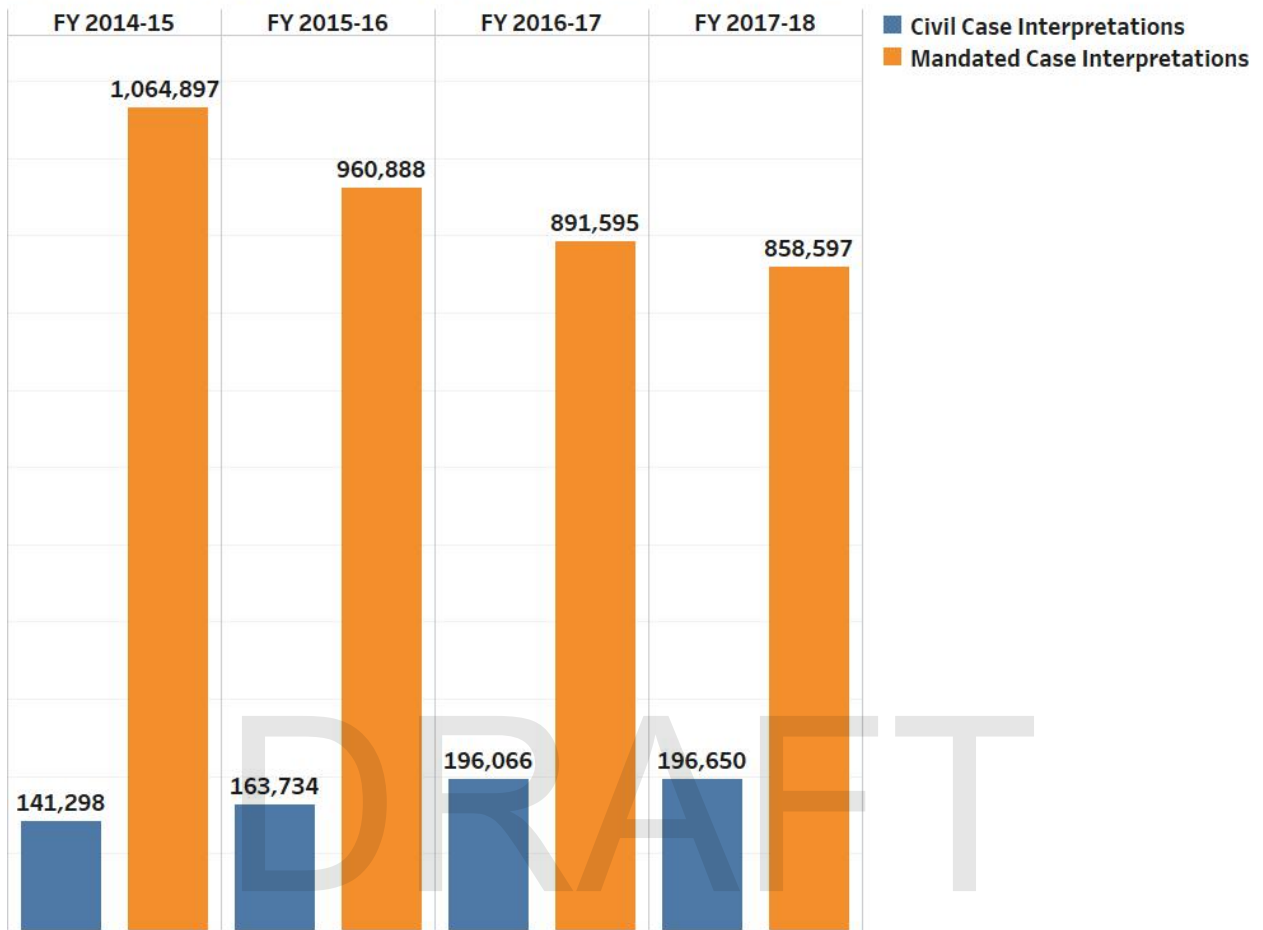
Number of interpretations by case type

Case-type interpretation data is essential for understanding the growth of interpretation services provided by the courts. The following information shows the numbers and proportions of the different types of cases for which interpretations were performed. This is an area in which this report differs greatly from previous studies. With the adoption of the Language Access Plan in 2015, courts are no longer limited to providing interpreters in mandated case types. Court-funded interpretation services are now available in all cases and case types upon request.

Graphic 10 below illustrates the usage of interpreters in mandated case types compared to the usage of interpreters in civil case types. Interpretations for mandated case types consistently declined for the study period. However, the provision of interpretations in non-mandated case types has increased by almost 40 percent, while filings in the corresponding case types only increased by 7.9 percent during the study period. The expansion of interpretations into non-mandated case types reached 18.6 percent of total interpretations by the end of the most recent study period.

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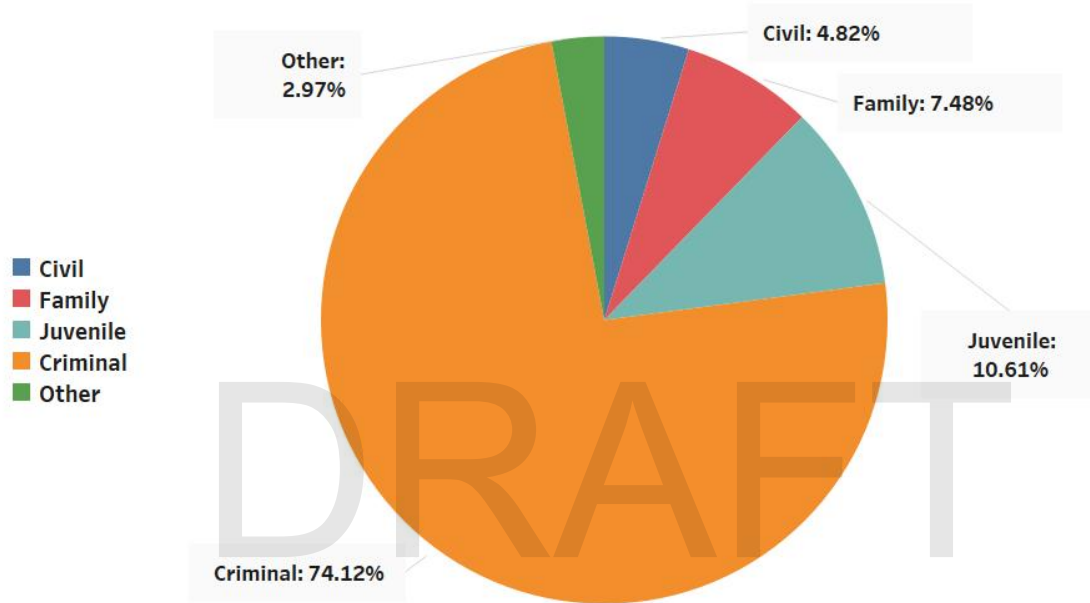
Graphic 10. Civil Expansion Compared to Mandated



The mandated group of case types include felony, misdemeanor, infraction, traffic, juvenile (delinquency and dependency) as well as mental competency cases. The civil expansion group contains all other case types.

Graphic 11 shows the number of interpretations by case type. Criminal cases make up almost 75 percent of interpretations, despite the decline in criminal filings during the study period. Juvenile case interpretations also declined throughout the same four-year period. Family law case interpretations showed a marked increase, and civil cases rose dramatically throughout the study period, almost doubling from 35,213 interpretations in FY 2014–15 to 67,645 in FY 2017–18. A more detailed breakdown of the number of interpretations attributed to each specific case type is available in the appendix to this report.

Graphic 11. Number of Interpretations and Proportion by Case Type

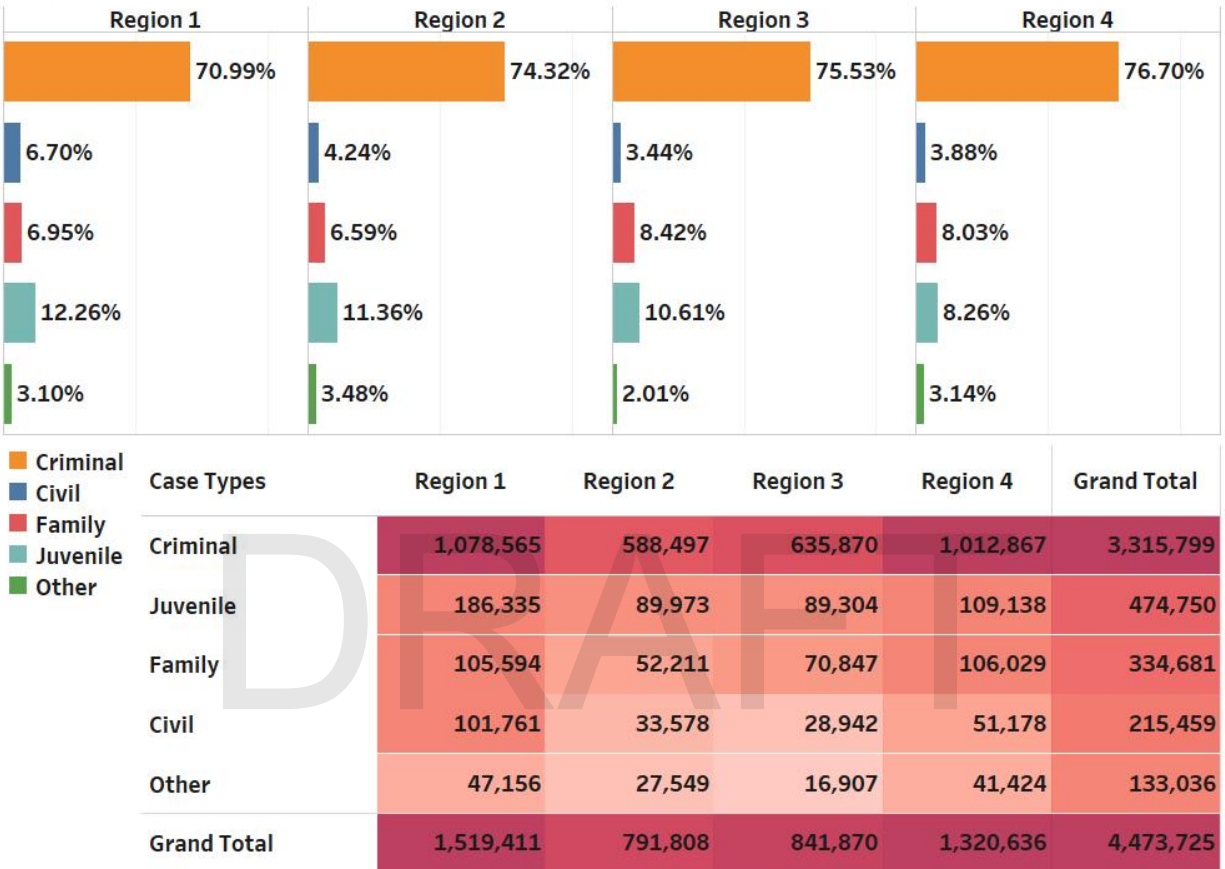


Case Types	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	Grand Total
Criminal	941,450	841,093	778,500	754,756	3,315,799
Juvenile	129,267	123,621	115,435	106,427	474,750
Family	68,073	81,130	97,167	88,312	334,681
Civil	35,213	50,385	62,215	67,645	215,459
Other	32,191	28,393	34,344	38,108	133,036

Criminal cases, accounting for almost 75 percent of total volume for the study period, continue to be a huge driver of overall interpretation and language access volume, even as the courts provide interpretation services in increasingly large numbers of noncriminal cases.

Graphic 12 below shows the number of interpretations by case type and their proportions within each of the four interpreter regions.

Graphic 12. Number and Proportion of Interpretations by Case Type and Region



Number of interpretations by language and by case type

Graphic 13 documents the number of interpretations by language and by case type for each of the top 30 most-interpreted languages.

Graphic 13. Interpretations by Language & Case Type

Language (Top 30)	Civil	Criminal	Family	Juvenile	Other	Grand Total
Spanish	193,518	3,032,679	296,335	447,947	116,815	4,087,295
Vietnamese	2,320	51,411	6,669	2,373	2,782	65,555
American Sign Language	2,601	22,082	5,284	3,654	4,839	38,460
Mandarin	2,688	27,038	2,549	1,706	1,421	35,401
Cantonese	1,780	22,693	2,279	998	721	28,471
Korean	2,295	18,428	1,478	2,111	936	25,248
Punjabi	1,306	15,049	2,536	641	451	19,982
Russian	1,123	12,807	2,388	2,120	301	18,738
Arabic	1,198	13,584	1,912	1,363	596	18,653
Farsi (Persian of Iran)	1,047	13,382	1,798	1,307	498	18,031
Tagalog	821	10,962	1,157	1,005	589	14,534
Hmong	490	7,989	2,451	1,030	99	12,059
Armenian - Eastern	579	8,148	804	1,015	258	10,804
Lao	129	6,933	394	474	139	8,068
Khmer (Cambodian)	173	3,743	464	623	282	5,286
Japanese	278	2,928	498	430	195	4,330
Mixteco	152	3,092	276	465	194	4,179
French	233	2,973	245	459	231	4,141
Thai	256	2,650	402	403	93	3,804
Romanian	109	2,622	293	417	66	3,506
Mixteco Alto	14	2,971	123	271	10	3,389
Portuguese	256	2,441	282	216	116	3,312
Triqui	68	1,426	67	920	43	2,524
Hindi	184	1,576	328	151	56	2,295
Chaldean	94	1,795	174	23	43	2,129
Amharic	112	1,445	349	121	79	2,106
Urdu	168	1,452	257	165	54	2,096
Bengali	219	1,365	181	228	61	2,054
Mixteco Bajo	22	1,473	107	172	17	1,791
Mien	70	1,510	67	46	26	1,719
Other Languages (Below Top 30)	1,157	17,153	2,534	1,896	1,026	23,766
Grand Total	215,459	3,315,799	334,681	474,750	133,036	4,473,725

Darker cell color signifies more interpretations and lighter cell color signifies fewer interpretations.

As stated above, the overwhelming majority of interpretations are in Spanish. As shown in Graphic 14, criminal case interpretations are the main driver of volume for every language. For a more detailed breakdown of the numbers attributed to each specific case type within the top 30 languages, see the appendix to this report.

Graphic 14. Proportion of Language by Case Type

Language (Top 30)	Civil	Criminal	Family	Juvenile	Other	Grand Total
Spanish	4.73%	74.20%	7.25%	10.96%	2.86%	100.00%
Vietnamese	3.54%	78.42%	10.17%	3.62%	4.24%	100.00%
American Sign Language	6.76%	57.42%	13.74%	9.50%	12.58%	100.00%
Mandarin	7.59%	76.38%	7.20%	4.82%	4.01%	100.00%
Cantonese	6.25%	79.71%	8.00%	3.50%	2.53%	100.00%
Korean	9.09%	72.99%	5.85%	8.36%	3.71%	100.00%
Punjabi	6.53%	75.31%	12.69%	3.21%	2.26%	100.00%
Russian	5.99%	68.34%	12.75%	11.31%	1.60%	100.00%
Arabic	6.42%	72.83%	10.25%	7.31%	3.20%	100.00%
Farsi (Persian of Iran)	5.81%	74.21%	9.97%	7.25%	2.76%	100.00%
Tagalog	5.65%	75.43%	7.96%	6.91%	4.05%	100.00%
Hmong	4.06%	66.25%	20.33%	8.54%	0.82%	100.00%
Armenian - Eastern	5.36%	75.41%	7.44%	9.40%	2.39%	100.00%
Lao	1.59%	85.93%	4.88%	5.88%	1.72%	100.00%
Khmer (Cambodian)	3.28%	70.81%	8.79%	11.79%	5.34%	100.00%
Japanese	6.42%	67.63%	11.50%	9.94%	4.51%	100.00%
Mixteco	3.64%	73.99%	6.60%	11.13%	4.64%	100.00%
French	5.62%	71.80%	5.90%	11.09%	5.58%	100.00%
Thai	6.73%	69.68%	10.56%	10.58%	2.45%	100.00%
Romanian	3.10%	74.77%	8.35%	11.90%	1.88%	100.00%
Mixteco Alto	0.41%	87.67%	3.63%	8.00%	0.30%	100.00%
Portuguese	7.74%	73.73%	8.53%	6.51%	3.50%	100.00%
Triqui	2.69%	56.50%	2.65%	36.45%	1.70%	100.00%
Hindi	8.01%	68.66%	14.30%	6.58%	2.45%	100.00%
Chaldean	4.42%	84.31%	8.17%	1.08%	2.02%	100.00%
Amharic	5.30%	68.64%	16.59%	5.73%	3.74%	100.00%
Urdu	8.01%	69.24%	12.27%	7.88%	2.60%	100.00%
Bengali	10.67%	66.43%	8.83%	11.12%	2.95%	100.00%
Mixteco Bajo	1.23%	82.24%	5.97%	9.60%	0.95%	100.00%
Mien	4.07%	87.84%	3.90%	2.68%	1.51%	100.00%
Other Languages (Below Top 30)	4.87%	72.17%	10.66%	7.98%	4.32%	100.00%

Darker cell color signifies higher proportion and lighter cell color signifies lower proportion.

Summary of Part One

The four-year study period of this report saw significant changes to language access, both in practice and policy, in California. Nonetheless, some trends identified in the 2015 Study continued into the current reporting period. The two most significant examples of these ongoing trends were the following:

- Spanish language interpreting has, far and away, the greatest demand and continues to be the greatest need in interpretations in every court and in every case type in the state. Spanish language interpretations accounted for 91.49 percent of overall volume.
- Interpretations in criminal cases continue to represent the greatest need, representing 74.12 percent of overall interpretation volume during the current reporting period.

Other observations worth noting include:

- The gradual increase in the use of contract interpreters over the study period;
- The rise in the number of interpretations in Hmong, which pushed that language into the top 15 most-interpreted languages; and
- The massive uptick in interpretations in civil cases, which almost doubled from 35,213 in 2014–15 to 67,645 in 2017–18.

Lastly, one trend to observe closely is the rise in indigenous languages from Mexico. Mixteco, Mixteco Alto, Mixteco Bajo, and Triqui are all part of the Mixtecan group of languages in the Oto-Manguean language family. Interpretation of all of these languages has reached a volume sufficiently high to have them included in the top 30 most-interpreted languages of the study period.¹⁶ And, while grouping these languages together may not be linguistically academic, individually they are starting to reach significant volumes. Triqui interpretations, for example, experienced an increase of 855 percent, jumping from 221 interpretations in FY 2016–17 to 2,111 interpretations in FY 2017–18. This was the most volume for an indigenous language in any recorded year, positioning Triqui as the 11th most-interpreted language for that year, more frequently interpreted than Hmong. While this report does not make any recommendations regarding the designation of any of these indigenous languages, it draws attention to the stark increase in indigenous language numbers in the event this trend persists or accelerates. With the emergence of improved court interpreter usage reports, the Judicial Council will be able to track these trends and better identify the most frequently interpreted languages on a rolling basis—instead of five-year intervals—to analyze, understand, and report this information.

¹⁶ When analyzed individually, none of these languages rises to the level of being considered for designation. However, when grouped, they would rank 16th on the list of top 30 languages, reaching 11,883 interpretations for the study period—just 178 interpretations shy of Hmong, which this study is recommending for consideration as an officially designated language for court interpretation.

Part Two: Projecting Future Language Need

Introduction

Although English and Spanish are the dominant spoken languages in California courts, over 200 languages are spoken in court proceedings, and the state has approximately 7 million residents who have limited English proficiency. This language diversity poses unique challenges for the courts in terms of financial resources and the number of available interpreters in languages other than Spanish. This part of the report focuses on data related to the prevalence and geographic reach of limited-English-proficient (LEP) residents in California to provide context for recommendations about how to provide language access throughout the state.

Among other strategies to help meet the varied language needs already present in the courts and likely to expand in the coming years, and to effectively utilize the limited funding currently available for interpreter services, the use of technology (including remote technology) must be considered, where appropriate. The branch must also redesign its interpreter recruitment efforts to ensure that interpreter training and careers are available and appealing to potential recruits, including the younger generation. The branch may also benefit from developing an interpreter credential for near-passers of the bilingual interpreter exam to address some non-litigation or non-complex needs of LEP court users. This approach would expand the interpreter pool, ensure that younger, emerging interpreters are mentored, and prepare them for the successful completion of their credentialing efforts and progression toward full interpreter credential status. It also must be noted that all states are experiencing challenges in providing adequate sign language interpreter service because there is currently no nationally recognized credentialing process for the certification of American Sign Language (ASL) court interpreters.¹⁷

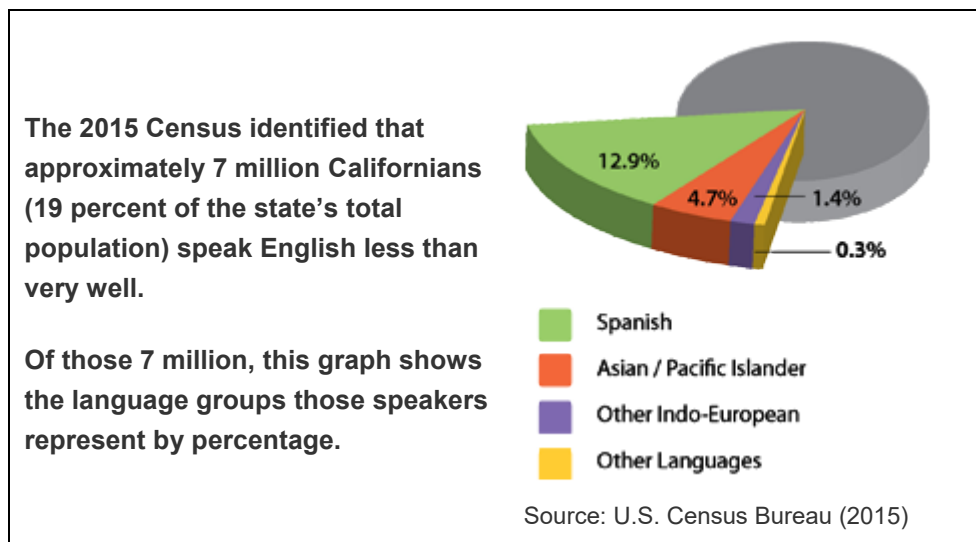
Overview: Languages Other Than English in California

California is home to the most diverse foreign language-speaking population in the country. While many people speak both their native language *and* English well, there are approximately 7 million limited-English-proficient Californians, speaking more than 200 languages, who are dispersed over a vast geographic area. The most commonly spoken languages vary widely; indigenous languages¹⁸ have become more common, particularly in rural areas; and new

¹⁷ In 2015, the Registry of Interpreters for the Deaf, Inc. eliminated testing for the Specialist Certificate: Legal (SC:L) credential for ASL interpreters. The SC:L credential has been the credential status accepted by the California judiciary as certification that ASL interpreters have achieved appropriate training to work in the courts.

¹⁸ The term “indigenous languages” is used for minority languages that are native to a region and spoken by indigenous peoples. Many of these languages have limited or no written components. These indigenous languages present unique language access challenges because it is often difficult to find interpreters who are able to speak both the indigenous language and English with enough proficiency for meaningful communication. Therefore, it is often necessary to provide relay interpreting, where the first interpreter renders the indigenous language into a more common foreign language (e.g., from Mixteco Alto to Spanish) and a second interprets from the more common language to English (e.g., Spanish to English).

immigrants bring languages of emerging prevalence in the courts.¹⁹ This richly diverse and dynamic population is among California’s greatest assets, and a significant driver of the state’s economic growth. It also means that the state’s institutions, including the judicial branch, must continually adapt to meet the needs of its constituents.



Limited-English-Proficient Population and Language Trends in the United States

There is reason to believe that the diversity of languages spoken in California will continue to grow. A Migration Policy Institute fact sheet reports the following:

In 2016, approximately 10,678,000 foreign-born individuals resided in California, accounting for 27 percent of the state population—twice the immigrant share of the U.S. population overall (14 percent) Historically, California has been a destination for substantial numbers of immigrants, with the state home to about one-quarter of the U.S. foreign-born population. [T]he growth rate of the immigrant population in California slowed from 37 percent in the period between 1990 and 2000 to 21 percent between 2000 and 2016. Nevertheless, the immigrant population continues to grow more rapidly than the native-born population.²⁰

¹⁹ “Emerging languages” are those that are spoken by newly arrived immigrants who have not yet established themselves in significant enough numbers or over an extended period of time to be visible to service providers, census trackers, or other data collectors. They are varied and ever changing, as migration patterns shift.

²⁰ Julie Sugarman and Courtney Geary, *English Learners in California: Demographics, Outcomes, and State Accountability Policies* (Migration Policy Institute fact sheet, Aug. 2018).

Table 4. Foreign- and U.S.-born Populations, California and the United States

	California		United States	
	<i>Foreign Born</i>	<i>U.S. Born</i>	<i>Foreign Born</i>	<i>U.S. Born</i>
Number	10,677,663	28,572,354	43,739,345	279,388,170
% of total population	27.2%	72.8%	13.5%	86.5%
Population Change Over Time				
% change 2000–2016	20.5%	14.3%	40.6%	11.6%
% change 1990–2000	37.2%	7.3%	57.4%	9.3%
Age Group				
% under age 5	0.6%	8.5%	0.7%	7.0%
% ages 5–17	3.7%	21.8%	5.1%	18.5%
% ages 18+	95.7%	69.8%	94.2%	74.5%
<i>Source: Julie Sugarman and Courtney Geary, English Learners in California: Demographics, Outcomes, and State Accountability Policies (Migration Policy Institute fact sheet, Aug. 2018).</i>				

Based on analysis of newly released U.S. Census Bureau data for 2018,²¹ the Center for Immigration Studies found that 67.3 million residents in the United States now speak a language other than English at home, a number equal to the entire population of France. The number has nearly tripled since 1980, and more than doubled since 1990. The growth at the state level is even more pronounced.²²

Other key findings:

- Since 1980, the number of U.S. residents who speak a foreign language at home grew nearly seven times faster than the number who speak only English at home. Even since 2010, when the number of individuals speaking a foreign language at home was already very large, the number of foreign-language speakers increased more than twice as fast as that of English speakers.
- As a share of the population, 21.9 percent of U.S. residents speak a foreign language at home—more than double the 1980 figure of 11 percent.
- In nine states including California, more than one in four residents now speaks a language other than English at home (see Table 5 below). These nine states account for two-thirds of all foreign-language speakers. In contrast, in 1980 foreign-language speakers were one in four residents in just two states, New Mexico and Hawaii, and those two states accounted for just 3 percent of all foreign language speakers.

²¹ Karen Zeigler and Steven A. Camarota, *67.3 Million in the United States Spoke a Foreign Language at Home in 2018* (Center for Immigration Studies fact sheet, Oct. 2019).

²² All language figures in U.S. Census Bureau data are for persons five years of age and older.

- In California, between 2010 and 2018, the percentage of people speaking a foreign language at home increased 9 percent, from 15,232,350 to 16,554,135 individuals.
- There are now more people who speak Spanish at home in the United States than in most countries in Latin America. Only Mexico, Colombia, and Argentina have larger populations of native Spanish speakers than the United States.
- Of those who speak a foreign language at home, 25.6 million (38 percent) self-reported that they speak English less than very well.²³
- Of those who speak a foreign language at home, 45 percent were born in the United States.

Table 5. Increasing Language Diversity: Top 15 States Where People Speak a Language Other Than English at Home (1980–2018)

State	1980	1990	2000	2010	2018
California	23%	31%	39%	44%	45%
Texas	22%	25%	31%	35%	36%
New Mexico	37%	36%	37%	37%	34%
New Jersey	16%	20%	25%	30%	32%
Nevada	10%	13%	23%	29%	31%
New York	20%	23%	28%	30%	31%
Florida	13%	17%	23%	27%	30%
Hawaii	26%	25%	27%	26%	28%
Arizona	20%	21%	26%	27%	28%
Massachusetts	13%	15%	19%	22%	24%
Illinois	12%	14%	19%	22%	23%
Connecticut	14%	15%	18%	21%	22%
Rhode Island	17%	17%	20%	21%	22%
Washington	7%	9%	14%	18%	20%
Maryland	6%	9%	13%	17%	19%

Source: Figures for 1980, 1990, and 2000 are from the decennial census. Figures for 2010 and 2018 are from American Community Survey data published by the U.S. Census Bureau.

Individuals who are limited in their English proficiency are a subset of the population that speaks a language other than English at home. In other words, there are many people throughout the country who speak both a native language and English well. However, many people are limited English proficient (LEP), which is defined by the U.S. Department of Justice as a person who does not speak English as their primary language *and* who may have a limited ability to read,

²³ The U.S. Census Bureau does not measure language skills.

write, speak, or understand English. California has approximately 7 million LEP residents, all of whom are potential court users.

Census data ranks by prevalence the foreign languages spoken at home in California and includes the responses from census takers about their proficiency in speaking English.

Limited-English-Proficient Population and Language Trends in California

The spread of language diversity in California has impacted every county in the state. As of 2018, estimates indicate that 44.1 percent of the California population five years and older speak a language other than English at home, and 18.1 percent of the California population five years and older (6.6 million out of 37.7 million) speak English “less than very well.”²⁴ To address this growing population of limited-English-proficient (LEP) Californians and ensure that they have quality access to justice if and when they need to use the court system, each of the state’s 58 superior courts has implemented a LEP plan to address language access services and policies that affect LEP court users and language access procedures at their court. The plans identify the top five non-English languages spoken in each county. Periodically, each court’s plan is updated to address the forecasted trends in language need in the county.

California is the most populous state and has the highest share of foreign-born residents. An excellent source for comprehensive and up-to-date information on language usage is the annual *American Community Survey* (ACS) published by the U.S. Census Bureau. The ACS employs a monthly series of samples to produce its annual estimates. The most accurate estimates come from a combined five-year estimate and these data are therefore used in this analysis.

Table 6 below highlights California census information collected for 2009–2013, as compared to 2013–2017, for the most prevalent languages by number of speakers. Although the U.S. Census Bureau groups languages differently from how California courts track interpreter usage by language, census information pertaining to the most commonly spoken non-English languages generally tracks the courts’ data regarding the most frequently interpreted languages. In comparing the two estimates, the state’s total population increased by 3.9 percent between 2013 and 2017, and the number of people who speak English primarily at home and the number who speak a language “other than English” also increased by 3.2 percent and 4.7 percent, respectively. The total of those who speak English “very well” also increased by 9.6, while the total number who speak English “less than very well” slightly decreased by 1.4 percent. Out of the 17 most prevalent languages listed in the table, the census indicates that the number of Arabic speakers and Chinese speakers (including speakers of Cantonese, Mandarin, and other

²⁴ U.S. Census Bureau, *California 2014–2018 American Community Survey*, 5-year estimates (extracted by California State Census Data Center, Demographic Research Unit, Department of Finance). The 2014–2018 estimates also indicate that over 20 percent of the population in each of 38 out of California’s 58 counties speaks a language other than English at home. In eight California counties 20 percent or more of the population five years and older speak English “less than very well” (Colusa, Imperial, Los Angeles, Merced, Monterey, San Francisco, Santa Clara, and Tulare).

Chinese languages) in California who speak English “less than very well” saw the most significant increases, 14.8 percent and 12.04 percent, respectively, between 2013 and 2017. It is important to note that the ACS estimates evolve from year to year; however, the census is an important tool to help courts to identify statewide and local language needs and trends.

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Table 6. California’s Most Prevalent Languages, by Number of Speakers

Language	2009–2013		2013–2017		% Change
	Number of Speakers	Speak English less than “very well”	Number of Speakers	Speak English less than “very well”	
Speak English at home (exclusively or primarily)	19,782,598	N/A	20,418,288	N/A	N/A
Speak a language other than English at home	15,348,831	6,799,270	16,071,014	6,703,770	(1.40%)
Total	35,131,429		36,489,302		
Spanish	10,105,385	4,539,250	10,486,447	4,335,414	(4.49%)
Chinese ^a	1,058,231	593,816	1,180,602	665,320	12.04%
Tagalog ^b	764,743	258,008	795,154	266,400	3.25%
Vietnamese	521,534	311,142	547,165	324,984	4.45%
Korean	372,742	218,622	367,658	206,974	(5.33%)
Armenian ^c	191,928	93,415	189,940	87,966	(5.83%)
Persian	191,138	73,557	201,067	80,698	9.71%
Arabic	153,635	58,805	178,553	67,493	14.77%
Russian	151,685	74,239	160,254	68,843	(7.27%)
Japanese	140,575	64,044	143,412	64,189	0.23%
Punjabi ^d	—	—	138,203	61,088	—
French	124,980	18,755	126,686	17,238	(8.09%)
German	110,545	14,225	101,075	11,518	(19.03%)
Thai, Lao ^e	83,283	44,831	83,242	44,379	(1.01%)
Mon-Khmer, Cambodian	79,882	41,350	75,341	39,281	(5.00%)
Portuguese	79,550	25,320	80,097	24,681	(2.52%)
Hmong	76,789	35,655	74,666	33,301	(6.60%)

Source: U.S. Census Bureau, *American Community Survey (ACS) 5-Year Estimates*, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over for California, Table B16001 for 2009–2013 and 2013–2017.

As of 2018, estimates indicate that 44.1 percent of the California population five years and older speak a language other than English at home, and 18.1 percent of the California population five years and older (6.6 million out of 37.7 million) speak English “less than very well.”

^a Includes Cantonese, Mandarin, and other Chinese languages.

^b Includes Western and Eastern Armenian.

^c Includes Filipino.

^d The U.S. Census ACS 5-year estimates grouped Punjabi with “Other Indic languages” for 2009–13, so there are not unique numbers for Punjabi in the 2009–13 table.

^e The 2009–13 ACS estimates broke out Thai and Lao separately, while the 2013–17 estimates grouped them together. For 2009–13, there were 46,434 Thai speakers (26,035 spoke English less than very well) and 36,849 Lao speakers (18,796 spoke English less than very well).

Census and court data regarding language prevalence is also supported by the California Department of Education, which tracks “home languages” spoken by school-based English language learners. Table 7 below shows home languages spoken by English learners in kindergarten through grade 12. In the 2018–19 school year, there were approximately 1.196 million English learners in California public schools. Although English learner data are collected for 67 language groups, 93 percent of English learners speak one of the top ten languages in the state.

Table 7. Home Languages Spoken by California English Learners, School Year 2018–19

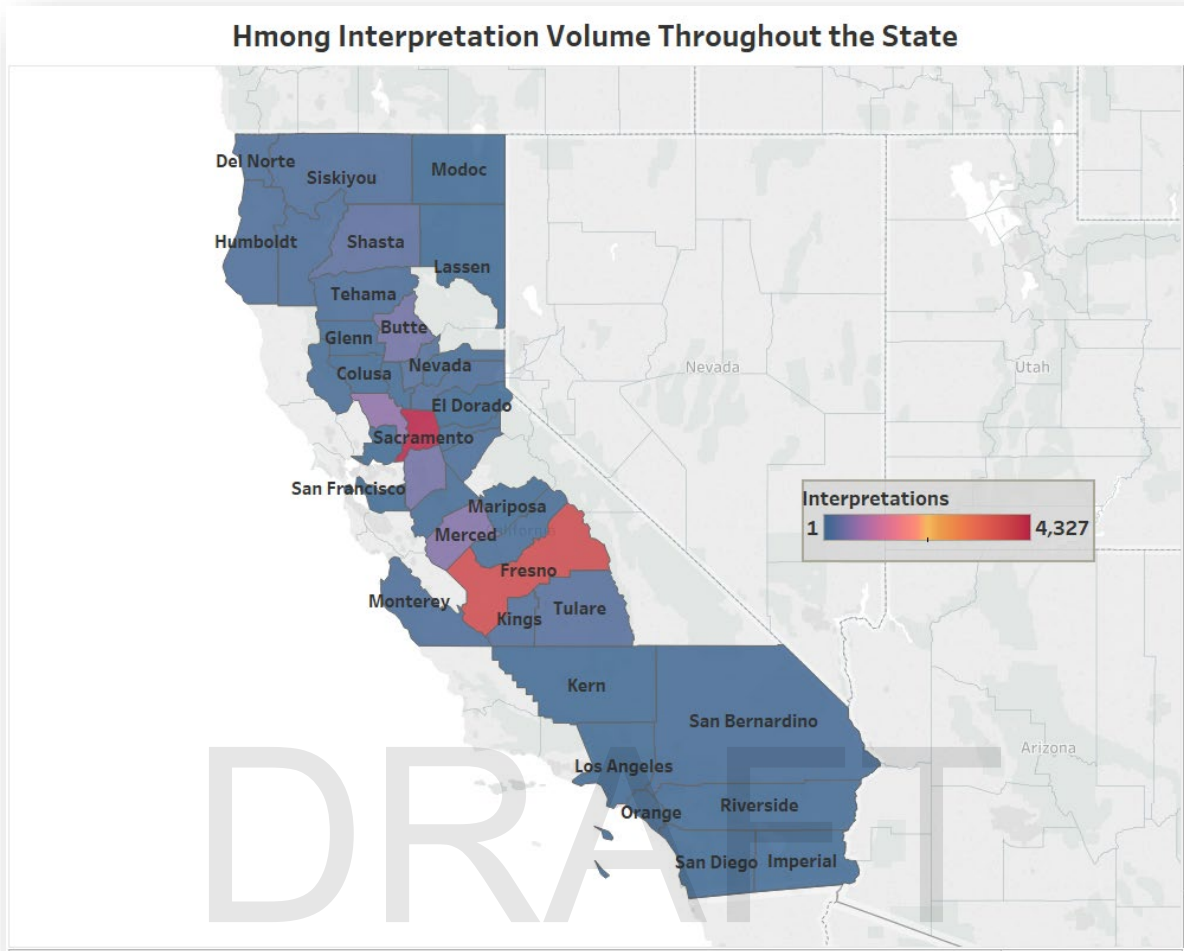
Language	Percent
Spanish	81.56%
Vietnamese	2.21%
Mandarin (Putonghua)	1.87%
Arabic	1.53%
Filipino (Pilipino or Tagalog)	1.25%
Cantonese	1.21%
Korean	0.81%
Punjabi	0.77%
Russian	0.76%
Hmong	0.69%

Source: California Department of Education, www.cde.ca.gov/ds/sd/cb/cefelfacts.asp.

Conclusions that can be drawn from this information include the following:

- English learners are a significant portion of California public school students. The 1,195,988 English learners in California public schools constitute 19.3 percent of the total enrollment in California public schools.
- A total of 2,587,609 students (English learners and fluent English proficient) speak a language other than English in their homes. This number represents about 41.8 percent of the state’s public school enrollment.
- The majority of English learners (70.2 percent) are enrolled in elementary grades kindergarten through grade 6. The rest (29.8 percent) are enrolled in secondary grades 7 through 12, or are in an ungraded category.

One of the important language trends in California is the growing need for Hmong interpretations. While limited geographically, Hmong emerged during the reporting period as a frequently interpreted language in Fresno and Sacramento superior courts, and, albeit more limited, in other courts in the north San Joaquin Valley and into the Sacramento Valley regions of the state. California is home to the largest population of Hmong in the United States, with estimates of up to 100,000 Hmong persons living primarily in California’s Central Valley. The map below shows the concentration of Hmong interpretations in the state.



Caseload Trends and Projections

Any discussion about the trends facing California’s trial courts needs to address case filings. California’s trial courts have experienced a significant decline in new case filings over the past decade (roughly corresponding to the start of the Great Recession). Filings peaked in FY 2008–09 at roughly 10.2 million total filings in all case types and have consistently declined for the subsequent nine years. In FY 2017–18, which is the last year for which there is complete data, there were an estimated 5.8 million cases filed in California’s trial courts. While the beginning of this decline coincided with the Great Recession, the decline in filings has persisted long since the recession officially ended and has continued even during the current long stretch of economic recovery. Preliminary data for FY 2018–19 shows the first year in which filings within the state actually increased.

The reduction in filings was discussed in the 2015 Study, which hypothesized that the decrease in filings was due to the economic recession, and its impact on the state court system and California population. The 2015 Study stated,

Caseload data for FY 02–03 to FY 12–13 suggest that the effects of the recession were reflected in a continuous decline in aggregate filings starting in FY 08–09. In the most recent year for which data were provided, the Judicial Council noted that this decline coincided with budget cuts, fee increases, and reduction of access through reduced hours and closure of courthouses. ... [I]t now seems likely that a result of the recovering economy will be a return to a closer approximation of business as observed prior to the major recessionary disruption.²⁵

It turns out that this forecast was incorrect, as overall filings continued their steady decline until last year. There may, however, be other factors that were not considered in the previous study that may have impacted filings. For example, population growth in California has slowed to its lowest pace in over a century. In December 2019, the California Department of Finance announced that California’s population had only increased by 141,300 people in FY 2018–19, representing a growth rate of one-third of one percent, down from essentially one-half of one percent for the prior 12 months. These are, according to the department, the two lowest recorded growth rates in the state population since 1900.²⁶ The decline in California’s population growth was attributed, in part, to lower international migration.

Another factor contributing to the recent decline in total statewide case filings is limited jurisdiction case types—declines in misdemeanors and infractions in the criminal case category, including traffic. These limited jurisdiction cases tend to be, on average, much less complex and resource-intensive for courts than unlimited jurisdiction cases such as felonies, civil torts, family and juvenile, probate, and mental health.²⁷ A report by the Public Policy Institute of California found that Assembly Bill 109 (2011), more commonly known as realignment, and Proposition 47 (2014), which reduced many crimes to misdemeanors, have combined to lower the overall arrest rate by nearly 20 percent.²⁸ In addition to the drop in criminal and traffic matters, limited civil filings account for the rest of the decline. Also a significant factor are the reduced numbers of traffic and non-traffic tickets issued by law enforcement over the past decade. Infraction

²⁵ 2015 *Language Need and Interpreter Use Study*, *supra*, at p. 32 (fns. omitted).

²⁶ California Department of Finance, “State’s Population Increases By 141,300, While Rate of Growth Continues to Decline,” news release dated December 20, 2019, www.dof.ca.gov/Forecasting/Demographics/Estimates/E-2/documents/PressReleaseJuly2019.pdf.

²⁷ Judicial Council of California, *2018 Court Statistics Report: Statewide Caseload Trends 2007–08 Through 2016–17*, p. ii, www.courts.ca.gov/documents/2018-Court-Statistics-Report.pdf.

²⁸ Ervan Sernoffsky, “Arrest rates in California drop nearly 20% after reforms, study finds,” *San Francisco Chronicle* (Sept. 9, 2019).

violations historically account for the single largest number of filings in any trial court.²⁹ In FY 2008–09, there were 6.3 million infractions filed with the courts, and in FY 2017–18, there were 3.6 million infraction filings. Also, in the intervening years, in addition to Proposition 47,³⁰ other statewide initiatives, such as Proposition 57³¹ and Proposition 64³² modified policies regarding crimes and punishments in California, thereby necessarily reducing the number of criminal filings in specified circumstances. And finally, the high cost of civil (non-criminal) filing fees may have reduced the number of civil cases filed throughout the state.

With all of these different factors affecting the number of new cases filings and recognizing that some case types have experienced a consistent and significant increase in filings over the past ten years,³³ estimating future caseload and filings numbers for the purpose of anticipating language needs becomes very difficult. Based purely on recent trends from year to year, Graphic 15 below offers some idea of the direction of total case filings and criminal case filings statewide for the next five years (through FY 2022–23).

Criminal case filings are particularly relevant to the overall number of interpretations because roughly 75 percent of all interpretations for the current study period occurred in criminal cases. While total filings and criminal filings did increase in FY 2017–18, one year of data is insufficient to controvert ten years of continuous decline, especially given the changed policies of the state and the shifting attitudes of the people of California as evidenced by the propositions described above. What can be observed in the data from the study period is that the number of filings (especially criminal cases) and the number of interpretations seem to be positively correlated, with interpretations being dependent on filings. However, it is also very likely that as California’s population becomes more diverse, including the increased diversity of languages spoken, and as more LEP persons become aware of interpreter services, the demand for interpretations in the courts will increase, even if filings remain relatively constant. The tracking and reporting of court interpreter usage on a regular and ongoing basis is the Judicial Council’s best determinant of future language need in California.³⁴

²⁹ For detailed filings data, see Judicial Council of California, *2019 Court Statistics Report: Statewide Caseload Trends 2008–09 Through 2017–18*, www.courts.ca.gov/documents/2019-Court-Statistics-Report.pdf.

³⁰ Proposition 47 reduced certain felony charges to misdemeanors; see www.courts.ca.gov/prop47.htm.

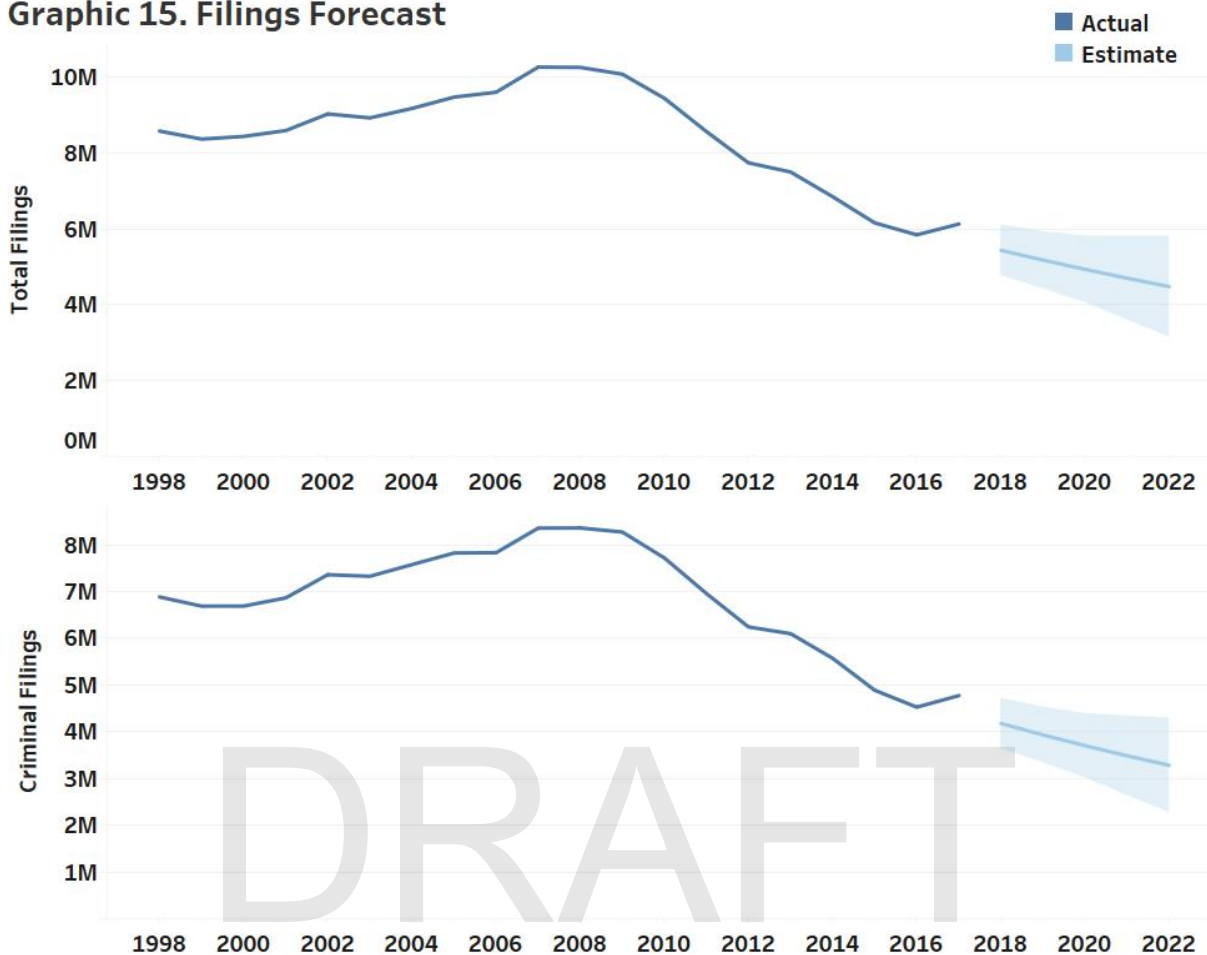
³¹ Proposition 57 requires judges, rather than prosecutors, to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court; see www.cdcr.ca.gov/proposition57/.

³² Proposition 64 legalized the adult use of recreational marijuana; see www.courts.ca.gov/prop64.htm.

³³ *2019 Court Statistics Report, supra*. Filings in probate and mental health have been increasing.

³⁴ See Judicial Council of California, *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2018–19*, available at www.courts.ca.gov/7466.htm.

Graphic 15. Filings Forecast



Challenges and Opportunities in Providing Language Access Services

In addition to demographic and filings data, there are other factors that are part of the discussion about the use and availability of interpreters in California’s trial courts. The costs associated with hiring qualified expert interpreters have been steadily rising over the past several years. These costs include the time and wage rates demanded by and paid to contract interpreters, and the negotiated wage and benefit increases for interpreter staff. With the expansion of interpreter services into civil matters, as well as the increased use of interpreters in criminal cases, there are regular shortfalls in the annual court interpreter appropriation that must be addressed. As courts attempt to provide interpreter services in all court proceedings, it is logical to expect increases in expenditures on interpretation services in California’s courts.

Underlying the Language Access Plan is the principle of adequate funding so that the expansion of language access services—to the extent there are available qualified interpreters—will proceed without impairing funding for other court services. The total Court Interpreters Program appropriation for FY 2018–19 was approximately \$109 million. The 2019 Budget Act converted

one-time funding of \$4 million into ongoing funding and included an additional \$9.6 million in ongoing funding. This brought the FY 2019–20 appropriation for the Court Interpreters Program to \$120.7 million. For the past few years, the state appropriation has fallen short in providing the courts with enough funding for full reimbursement of their reported allowable court interpreter expenditures. The expansion of interpreter services for civil matters, and increased costs in mandated cases, have led to shortfalls that require ongoing resources. However, this additional funding meant that, as of June 2019, all courts were able to provide interpreters in all eight civil case-type priorities.³⁵

Increased funding for court interpreter services—even from current levels of investment—will allow more courts to provide interpreters in more languages and in growing numbers of cases and case types. This expansion of court interpreter services in civil matters is consistent with the direction of the U.S. Department of Justice and the findings set forth in Government Code section 68092.1; it is imperative that courts provide interpreter services for all parties who require them, and that both the legislative and judicial branches of government continue in their joint commitment to carry out this shared goal. To help in this effort, the courts will continue to report on interpreter usage by case type, and the Judicial Council will be able to more effectively calculate the continuing unmet need.

Funding is not the only issue for improved and increased access to interpreter services. To increase LEP court user access to qualified interpreters, the Language Access Plan allows for the use of video remote interpreting (VRI) in the courts so long as the LEP court user can fully and meaningfully participate in the proceedings.³⁶ Additional recommendations in the Language Access Plan were designed to inform and support the successful implementation of VRI by conducting a pilot and the development of recommended guidelines for the appropriate use of VRI, including technical guidelines.³⁷ Pursuant to these recommendations, the Language Access Plan Implementation Task Force, Information Technology Advisory Committee, and Judicial Council staff conducted a six-month pilot project for VRI in 2018 in Merced, Sacramento, and Ventura superior courts. The pilot was evaluated by the San Diego State University Research Foundation—an independent, third-party evaluator. The pilot successfully demonstrated that when equipment is properly installed and utilized by trained court interpreters, judges, and staff, video remote interpreting allows meaningful participation by LEP court users and provides one viable solution to the lack of available qualified (certified and registered) interpreters. When onsite interpreters are unavailable, or when there is no interpreter available for a particular language in a court or region, VRI reduces the need to reschedule court visits. The pilot resulted in updated Language Access Plan guidelines for VRI, which now include recommended minimum technology requirements. Due to the success of the VRI pilot, the Judicial Council

³⁵ The languages provided, and the estimated interpreter coverage for each priority, vary by court.

³⁶ Judicial Council of California, *Strategic Plan for Language Access in the California Courts* (2015), Recommendation 12.

³⁷ *Id.*, Recommendations 14 and 16.

voted in March 2019 to establish a new VRI program for the branch in order to expand LEP court user access to qualified interpreters.

Recent enhancements to the court interpreter data reporting program also allow courts to record the way an interpretation was provided. Effective July 1, 2018, courts began recording whether the interpretation was performed in person, telephonically, or with VRI. This additional layer of information will enable the council to track not only the volume of interpretations being performed via telephone or VRI, but also locations that may have very specific language needs where resources should be expanded. The tracking and continual improvement of these data metrics will help the council focus and target its language access efforts, including identifying courts or regions that may have unmet interpreter need and that may benefit from video remote solutions. This will ensure appropriate and meaningful access to qualified interpreters for LEP court users, as well as identify the most efficient use of limited interpreter resources.

While in-person interpreting remains the preferred interpretation delivery method, VRI will help address greater efficiencies for the branch by (1) increasing statewide LEP court user access to qualified interpreters, (2) reducing travel time and costs to allow for more efficient use of limited interpreter resources, and (3) creating a service delivery model that allows more interpreters to deliver services to LEP court users as needed across the state in more case matters. Once VRI can be expanded into a statewide program, VRI will help ensure a statewide network of remote service providers.

Like funding, video remote access to interpreters is also not the only need that impacts the availability of interpreter services within the courts. The overarching problem experienced in California is that there are not enough interpreters in every county in many languages to address the needs of California's incredibly diverse population. As described above, the judicial branch can be helpful in increasing the pipeline for court interpreters. However, this is not a solution the branch can implement alone. Investment and engagement from the legislative and executive branches will be required to provide Californians with the interpretation services they need—not just to conduct business in the courts, but to fully participate in California's rich and diverse economy.

Summary of Part Two

Over 200 languages are spoken in the California courts. As of 2018, 44.1 percent of California households speak a language other than English, and 18.1 percent of the California population over five years of age (6.6 million out of 37.7 million) speak English less than “very well.” The most commonly interpreted languages for this study period generally match the most recent census information *and* California Department of Education information regarding the limited-English-proficient population in California, with Spanish remaining the language of greatest need. Hmong emerged during the reporting period as a frequently interpreted language in California. Overall case filings for the branch have steadily decreased during this study period, but the costs of interpreting services have steadily increased, which means the branch will need

to look for efficiencies and the state will need to make some investments to be able to provide interpreter services in the languages required.

This report identified the following challenges for the judicial branch regarding the provision of full language access:

- A limited supply of qualified interpreters, particularly in languages other than Spanish;
- Limited funding to reimburse courts for interpreter services;
- The need to focus and modernize interpreter recruitment efforts, including efforts designed to reach an emerging pool of qualified interpreters; and
- The need for a credentialing process for certification as an American Sign Language (ASL) court interpreter.

Fortunately, there are several opportunities for California to help meet these challenges. Those opportunities include the following:

- The appropriate use of VRI technology for language access to provide services in more languages and in a more cost-effective manner;
- The exploration of a tiered-approach for court interpreter credentialing, which would allow near-passers of the credentialing exam to have a journey-level or administrative credential status;
- More modern recruitment and informational efforts, including the use of social media and more direct help by the Court Interpreters Program for courts that need to fill empty interpreter positions; and
- Ongoing efforts by California and other states to identify a recommended credentialing process for certification as an ASL court interpreter.

Recommendations on Future Credential Status

Based on findings in this report, the following are recommendations for future consideration by the Court Interpreters Advisory Panel and Judicial Council:

- **Recommendation 1:** The Judicial Council should retain the certification classification of the top ten most frequently interpreted languages for this study period (listed in order of prevalence): Spanish, Vietnamese, American Sign Language, Mandarin, Cantonese, Korean, Punjabi, Russian, Arabic, and Farsi. This report makes no other recommendations regarding other languages designated for certification.
- **Recommendation 2:** It is recommended that the Judicial Council continue to monitor the usage of Hmong for possible future designation as a certified language.

- **Recommendation 3:** It is also recommended that the Judicial Council explore and develop a recommended credentialing process for certification as a California ASL court interpreter.

Note: The 2015 Study recommended that Japanese and Portuguese be de-designated, but they remain certified languages. And, while Western Armenian and Japanese are certified languages, a bilingual interpreting exam is not available in either of these two languages. Since candidates cannot take the oral proficiency exam (OPE) to become a registered interpreter in these two languages, the Court Interpreters Advisory Panel and the Judicial Council may also need to consider at a future date whether to (1) maintain these languages as certified, or (2) recommend one or more of these languages be de-designated and reclassified as registered languages to allow candidates to take the OPE exam in order to become registered interpreters in one or more of these languages.

Part Three: Conclusion

The 2020 Census commenced in January 2020, and the U.S. Census Bureau is expected to announce the new population counts by December 31, 2020. This study was able to highlight data collected through 2018, including demographic data, even as data is evolving. The collection of language access and interpreter data enables the branch to more accurately determine the level of language access expansion in the courts, gaps in services, and the need for additional funding. Ongoing refinement of statewide data metrics to capture and report unmet court interpreter need will also assist the Judicial Council with improved and targeted service delivery and interpreter recruitment efforts.

The provision of language access in the California Courts—and the necessary infrastructure for support—went through significant change during this study period. Following adoption of the *Strategic Plan for Language Access in the California Courts* and the passage of Assembly Bill 1657 in 2015, all California courts began providing interpreter services in all non-mandated matters. In just four years, as of 2019, all courts indicated that they were able to provide interpreters in all eight civil case-type priorities, as resources allowed. While there is more work to be done, this sea change in court operations was supported by all three branches of government, including efforts to secure the necessary funding to help all courts to expand interpreter services.

Language access continues to be an area of innovation—the 2018 Budget Act provided ongoing funding for trial court language access signage and technology needs. The Governor’s Proposed Budget for 2020 includes new funding to help the Judicial Council establish video remote interpreting as a statewide program beginning in FY 2020–21. Implementation of appropriate technology will allow more LEP persons to be served across the state in more languages. With an ongoing branch commitment to language access, the next study, due in 2025, should reflect an era of innovation and further improvements to data collection, investment, and expanded numbers of interpreter applicants—all with a shared goal of improving access to justice for the approximately 7 million LEP residents and potential court users in California.

Appendix

Estimating Interpreter Use in the Superior Court of Los Angeles County

As stated in the methodology section of this report, the Superior Court of Los Angeles County only reports a small amount of their interpreter usage via the Court Interpreter Data Collection System (CIDCS). The case types that Los Angeles reports into CIDCS are listed below:

- Civil Harassment
- Domestic Violence (domestic violence restraining order and marital cases with domestic violence)
- Unlawful Detainer
- Civil (Other)
- Family Law—Child Support
- Elder Abuse
- Family Law—Termination of Parental Rights
- Family Law (Other)
- Probate—Guardianship
- Probate—Conservatorship

Linear regression analysis was used to estimate the remaining case types not reported by Los Angeles. Numerous regression models were built, each one taking in data on filings, interpretations, population, and interpreter fund expenditures from various counties throughout the state. Numerous models were built to assess which set of counties and variables would produce the best-fitting model per the R-square and adjusted R-square outputs of the model, as well as the *p*-values of the various independent variables used. Through the development of many iterative regression models, it became obvious that the best-fitting models were the most simplistic. Additionally, filings and interpretations ratios for certain case types varied too significantly from one county to another to build reliable regression models for every case type. Considering these two aspects, it was decided to use simple linear regression models that took in only one independent variable, and to use data from only a handful of counties in geographic proximity to Los Angeles County, to construct models only for the most high-volume case types not reported by the Superior Court of Los Angeles County.

As stated in the report, criminal case interpretations are the largest driver of overall interpretation volume. Therefore, models were built to estimate the number of interpretations for the felony, misdemeanor, and traffic case types. The counties whose data was used to construct the regression models included Imperial, Kern, Orange, Riverside, San Bernardino, San Diego, and Ventura. The models took in filing and interpretation counts for all of these counties for FY 2014–15 through FY 2017–18. Filings and interpretations data from seven courts from the four-year study period meant that models had 28 observations each. These models were meant to estimate the number of interpretations in Los Angeles for each of these three criminal case types. As such, the dependent variable was the number of interpretations and the independent variable was the number of filings. The relevant output from each model is listed in the table below.

Regression Outputs

Case Type	R-square	Adjusted R-square	p-value of Independent Variable	Observations	Beta Coefficient of Filings
Felony	0.655184	0.641922	1.83E-07	28	0.734896
Misdemeanor	0.630795	0.616595	4.53E-07	28	0.406448
Traffic	0.733929	0.723696	5.98E-09	28	0.096433

The beta coefficients from the models were then applied to the number of new case filings for felonies, misdemeanors, and traffic cases reported by Los Angeles for FY 2014–15 through FY 2017–18. The result was the estimation of interpretations for these case types in Los Angeles. Finally, the overall proportion of languages reported by Los Angeles via CIDCS was then applied to the estimation of interpretations for each case type to approximate the number of felony, misdemeanor, and traffic case interpretations to attribute to each individual language (Spanish, Vietnamese, Mandarin, etc.)

To estimate the number of interpretations for the last remaining case types not reported by Los Angeles and for which reliable regression models could not be built, case-type ratios from all CIDCS reporting courts were used. For example, the case types that Los Angeles reported via CIDCS (listed above) were compared to all CIDCS data for that year. The total number of interpretations for these case types (unlawful detainer, probate, elder abuse, etc.) was anywhere from 9 percent to 15 percent of the total volume of interpretations of the data reported via CIDCS (the ratio varied by fiscal year). This ratio was then used to estimate the total number of interpretations for Los Angeles for each year of the study. Finally, the percent of total volume for each missing case type (infractions, delinquency, dependency, etc.) from all CIDCS reporting for that year was then multiplied by the estimate of total interpretations for Los Angeles. This gave an estimate of the total interpretations to attribute to each missing case type. Once again, the language proportion from Los Angeles’s CIDCS reporting was applied to the total estimated interpretations for each case type to obtain the number of interpretations to attribute to each language. Once estimates of the number of interpretations for all missing case types and the number of those interpretations to attribute to each language were established, this data was integrated into the master data set.

See Graphics 16 through 20 on the following pages for a breakdown by case type and language.

Graphic 16. Interpretations by Language & Case Type (Civil)

Language (Top 30)	Civil			
	Civil (Other)	Civil Harassment	Domestic Violence	Unlawful Detainer
Spanish	42,570	17,616	74,732	58,600
Vietnamese	922	224	896	277
American Sign Language	798	497	1,078	228
Mandarin	870	210	797	811
Cantonese	660	177	478	466
Korean	508	97	610	1,080
Punjabi	235	115	916	40
Russian	340	54	526	203
Arabic	297	154	637	110
Farsi (Persian of Iran)	280	73	464	230
Tagalog	125	80	459	157
Hmong	165	5	317	3
Armenian - Eastern	74	35	252	219
Lao	25	6	90	8
Khmer (Cambodian)	39	23	62	49
Japanese	45	16	148	69
Mixteco	21	9	122	0
French	41	7	147	38
Thai	39	9	110	98
Romanian	54	6	37	12
Mixteco Alto	7	2	5	0
Portuguese	58	30	148	20
Triqui	14	0	54	0
Hindi	19	20	141	3
Chaldean	4	19	71	0
Amharic	29	9	66	8
Urdu	58	5	100	5
Bengali	26	8	96	89
Mixteco Bajo	5	3	14	0
Mien	10	3	54	3
Other Languages (Below Top ..	256	77	703	121
Grand Total	48,593	19,589	84,330	62,947

Graphic 17 . Interpretations by Language & Case Type (Criminal)

Language (Top 30)	Criminal				
	Drug Court	Felony	Infraction	Misdemeanor	Traffic
Spanish	23,477	650,417	137,885	1,413,372	807,528
Vietnamese	1,442	15,263	585	19,005	15,116
American Sign Language	179	7,418	426	9,426	4,633
Mandarin	89	6,211	662	8,276	11,801
Cantonese	15	9,105	368	5,766	7,439
Korean	111	2,904	634	6,650	8,129
Punjabi	41	5,973	157	6,098	2,780
Russian	30	3,261	232	4,671	4,613
Arabic	47	2,638	235	4,073	6,591
Farsi (Persian of Iran)	62	2,183	404	4,471	6,262
Tagalog	184	4,213	116	5,183	1,266
Hmong	6	4,960	51	2,167	805
Armenian - Eastern	59	1,646	364	2,694	3,385
Lao	28	4,519	83	1,969	333
Khmer (Cambodian)	58	1,633	131	1,361	560
Japanese	19	500	114	1,148	1,147
Mixteco	17	902	40	2,096	37
French	29	486	132	1,267	1,059
Thai	17	528	108	1,132	866
Romanian	7	670	66	1,127	751
Mixteco Alto	2	725	0	2,146	98
Portuguese	19	558	62	795	1,007
Triqui	1	549	0	855	21
Hindi	7	438	39	655	436
Chaldean	0	379	0	587	829
Amharic	21	284	31	453	657
Urdu	7	330	90	604	421
Bengali	12	204	69	518	561
Mixteco Bajo	8	382	18	1,027	38
Mien	1	831	13	532	133
Other Languages (Below Top ..	86	5,190	285	7,326	4,265
Grand Total	26,081	735,301	143,402	1,517,449	893,565

Graphic 18 . Interpretations by Language & Case Type (Family)

Language (Top 30)	Family				
	Child Support	Domestic Violence	Elder Abuse	Family (Other)	Term. Parental Rights
Spanish	74,362	9,242	8,012	199,954	4,765
Vietnamese	2,007	391	417	3,825	29
American Sign Language	1,395	59	98	3,663	69
Mandarin	365	91	183	1,884	26
Cantonese	722	118	378	1,044	17
Korean	304	91	219	828	36
Punjabi	786	51	21	1,653	25
Russian	732	32	83	1,531	10
Arabic	344	42	111	1,376	39
Farsi (Persian of Iran)	327	64	67	1,327	13
Tagalog	321	49	73	691	23
Hmong	1,184	24	3	1,228	12
Armenian - Eastern	150	43	16	581	14
Lao	217	6	5	162	4
Khmer (Cambodian)	162	6	15	275	7
Japanese	84	23	33	356	3
Mixteco	46	14	0	215	1
French	80	22	10	114	18
Thai	81	12	30	274	5
Romanian	71	4	3	215	0
Mixteco Alto	23	0	0	100	0
Portuguese	57	7	14	199	5
Triqui	33	0	0	34	0
Hindi	18	3	10	295	1
Chaldean	3	6	0	159	6
Amharic	88	5	4	248	4
Urdu	36	7	12	192	11
Bengali	29	1	5	144	2
Mixteco Bajo	15	0	0	92	0
Mien	14	2	2	48	1
Other Languages (Below Top ..	572	84	79	1,769	31
Grand Total	84,627	10,496	9,903	224,476	5,179

Graphic 19 . Interpretations by Language & Case Type
(Juvenile)

Language (Top 30)	Juvenile	
	Delinquency	Dependency
Spanish	304,703	143,244
Vietnamese	1,076	1,297
American Sign Language	1,463	2,191
Mandarin	995	710
Cantonese	545	453
Korean	1,409	702
Punjabi	415	225
Russian	1,284	836
Arabic	814	548
Farsi (Persian of Iran)	856	451
Tagalog	384	620
Hmong	727	303
Armenian - Eastern	674	342
Lao	224	250
Khmer (Cambodian)	380	243
Japanese	219	211
Mixteco	251	214
French	267	192
Thai	247	156
Romanian	315	102
Mixteco Alto	238	33
Portuguese	94	122
Triqui	845	75
Hindi	88	63
Chaldean	22	1
Amharic	63	58
Urdu	120	45
Bengali	153	76
Mixteco Bajo	151	21
Mien	29	17
Other Languages (Below Top ..	972	924
Grand Total	320,025	154,725

Graphic 20 . Interpretations by Language & Case Type *(Other)*

Language (Top 30)	Mental Health	Other/Unknown	Probate	Public Assistance
Spanish	8,265	63,876	32,478	12,196
Vietnamese	660	1,028	343	751
American Sign Language	659	3,182	366	632
Mandarin	258	831	133	199
Cantonese	254	346	105	15
Korean	109	465	113	250
Punjabi	83	310	46	11
Russian	54	198	26	22
Arabic	92	397	27	80
Farsi (Persian of Iran)	80	281	48	89
Tagalog	197	336	37	19
Hmong	9	43	46	1
Armenian - Eastern	29	169	15	45
Lao	74	48	14	3
Khmer (Cambodian)	162	76	38	6
Japanese	43	97	37	18
Mixteco	14	117	10	53
French	39	75	99	18
Thai	9	56	15	13
Romanian	5	39	8	15
Mixteco Alto	0	4	6	0
Portuguese	9	71	12	24
Triqui	21	6	16	0
Hindi	15	30	6	5
Chaldean	13	7	2	21
Amharic	48	27	1	3
Urdu	11	35	5	4
Bengali	10	41	2	8
Mixteco Bajo	7	8	2	0
Mien	7	11	8	0
Other Languages (Below Top ..	275	533	138	81
Grand Total	11,510	72,741	34,202	14,583