



JUDICIAL COUNCIL OF CALIFORNIA

COURT INTERPRETERS
ADVISORY PANEL

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COURT INTERPRETERS ADVISORY PANEL (CIAP)

MINUTES OF OPEN MEETING

March 10, 2020

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, Mr. Hany Farag, Ms. Sharmen Gragirena Lewis, Ms. Carol Palacio, Ms. Mary Ann Ramirez, Mr. Chris Ruhl, Ms. Tara Potterveld, Dr. Cindy Van Schooten (Liaison)
Advisory Body Members Absent:	Ms. Jennifer Dela Cruz, Ms. Violet Romero, Hon. Ann C. Moorman (Liaison)
Judicial Council Staff Present:	Ms. Charlene Depner, Mr. Douglas Denton, Ms. Claudia Ortega, Ms. Irene Balajadia, Ms. Debbie Chong, Mr. Matthew Clark, Ms. Danielle McCurry, Ms. Edith Reyes, Ms. Elizabeth Tam-Helmuth, Ms. Valeria DaSilva-Sasser, Ms. Sonia Sierra Wolf

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

I. Call to Order, Roll Call, and Approval of Meeting Minutes

The chair called the meeting to order at 12:15 p.m. and requested staff to take roll.

A motion was made to approve, as submitted, the minutes of the meeting of the Court Interpreters Advisory Panel (CIAP) on November 20, 2019; the motion was seconded. The minutes were approved.

II. Opening Remarks and Meeting Goals

The chair provided the goal of the meeting which was to review the findings in the *2020 Language Need and Interpreter Use Study*. The study is conducted every five years in accordance with Government Code § 68563, directing the Judicial Council to conduct a study of language need and interpreter use in the trial courts.

CIAP, under rule of court 10.51, is charged by the Judicial Council to review the study and its findings. CIAP voting members, after hearing the presentation of the findings, will vote to recommend the council approve the report for submission to the Governor and Legislature.

CIAP's vice-chair added that the study makes high level recommendations for consideration by the committee, and provides a foundational document for CIAP's projects, some of which are currently addressed in the annual agenda. The report also

provides suggestions and insights to help meet language access needs in the courts, including suggestions for interpreter recruitment and the current testing program.

The vice-chair introduced the report's primary authors Mr. Douglas Denton, Principal Manager, Language Access Services, and Mr. Matthew Clark, Analyst, Language Access Services Program. They provided a presentation highlighting key findings and recommendations as well as comprehensive data and analysis on interpreter use in the courts.

III. 2020 Report: Key Findings, Challenges and Recommendations

Key Findings:

- California's superior courts reported over 4.4 million interpretations for the four-year study period of FY 2014–15 through FY 2017–18.
- Criminal cases are the main driver of interpretation volume (around 75 percent). Criminal case interpretations numbered approximately 3.3 million for the study period.
- Spanish is, by far, the most interpreted language 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 the same period. No other language accounted for more than 1 percent of interpretations.
- The top ten most commonly interpreted languages for the study period are (in order of prevalence) Spanish, Vietnamese, American Sign Language, Mandarin, Cantonese, Korean, Punjabi, Russian, Arabic, and Farsi.
- The top twelve languages include Tagalog and Hmong.
- Interpretations in civil case types increased by over 40 percent.

Challenges to provision of full interpreter 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.
- No credentialing process for certification as an American Sign Language (ASL) court interpreter.

Opportunities for consideration and review by CIAP to help meet these challenges:

- The exploration of a tiered-approach for court interpreter credential status, which will allow near-passers of the exam to have 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.
- Ongoing efforts by California and other states to identify potential opportunities for a recommended credentialing process as an ASL interpreter.
- The appropriate use of technology for language access to provide services in more languages and in a more cost-effective manner.

Summary of Recommendations

- 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 to be designated for certification.
- The Judicial Council should continue to monitor the use of Hmong for possible future consideration for certification.

(It was noted that any consideration of future certification of a language would require implementing a grace period policy to allow currently registered interpreters to prepare for certification once a Bilingual Interpreting Exam was developed or identified for use. The National Center for State Courts may have an exam in Hmong, and if so, would provide a cost-effective means if CIAP, in the future, approved Hmong to be designated as a certified language. It was also noted that a member of the Hmong community could address CIAP at a future meeting)

- The Judicial Council should explore and develop a recommended credentialing process for certification as a California ASL court interpreter.

IV. Discussion and Concerns

Some of the questions regarded the collection of data and how to better capture missing elements, such as interpreter conferences outside the courtroom, or average length of hearings. As the daily activity logs are the main source for gathering data, and data collection is dependent on uniformity of data entered, it would be difficult to capture the high level of specificity required. However, improvements to how data is reported and collected is important and improvements will be taken into consideration.

A few members were concerned about the inclusion in the opportunities, suggested in the report, of exploring introducing a tiered approach in future testing, which would allow a lower cut score for coming into the courts for example, as beginning or journey level interpreters. This could allow for the opportunity to advance to higher tiers.

Some of the concerns expressed was the low pass rate of those sitting for the Bilingual Interpreting Exam, due to insufficient places to receive adequate training and preparation; lack of expertise as there are no pre-requisites for taking the exam; and, lack of

adequate compensation, which has resulted in loss of qualified interpreters employed by the courts.

The panel members concerns were addressed; the chairs assured the members that opportunities in the report were avenues of discussion and exploration by CIAP. Courts have expressed the need to increase the pool of interpreters, and the tiered approach was a consideration voiced by courts at the May 8, 2019 CIAP in-person meeting.

The recommendations and opportunities provide CIAP an opportunity to really explore both benefits and drawbacks.

V. Action Taken to Recommend Report be Submitted to the Council

Following the discussion, the chair called for a motion to recommend the council adopt the report and submit it to the Governor Legislature. The motion was seconded, and a vote was taken and confirmed by a voice vote. There were nine out of ten voting members present. The result of vote was: Seven members in favor; and two members opposed. (For the record, one non-voting advisory member voiced opposition). The motion passed.

VI. Closing Remarks and Adjournment

Members were also reminded of the current open period to submit advisory body nominations, and to make travel plans for the upcoming CIAP in-person meeting.

There being no further business the meeting was adjourned at 12:18 pm.

Summary of the Court Interpreters Advisory Panel's

2020 Annual Agenda Projects

1. Language Access Subcommittee: Implement a Policy for Limited English Proficient (LEP) Persons to Waive a Court Appointed Interpreter

Develop a policy and process for an LEP litigant's right to waive the services of a court appointed interpreter; and assess if a corresponding rule of court is needed to implement the recommended waiver policy.

2. Professional Standards & Ethics Subcommittee: Support for Implementation of Revised Rule 2.891 (Development of an Interpreting Skills Assessment Process)

Conduct a comprehensive review of the report produced by the National Center for State Courts (NCSC), *Skills Assessment Options for Certified and Registered Interpreters*, and consider other related research and reports. The subcommittee will explore the feasibility and best available methods for:

- Development of 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.
- Identification of existing and possible development of options and resources that courts can utilize to strengthen an interpreter's knowledge, skills, and abilities.

3. Full CIAP Review: Assess the Performance of the Interpreter Credentialing Exams

Thoroughly assess the performance of all interpreter credentialing examinations and make recommendations to the Judicial Council on implementation of recommended changes.

Key objectives include:

- Thoroughly assess the performance of all interpreter credentialing examinations.
- Thoroughly discuss and vet the level of the interpreter shortage in relation to the judicial branch's needs.
- Explore the feasibility of tiered testing or tiered passage for candidates who take the Bilingual Interpreting Exam (BIE) and score below the required passing score of 70 on all four sections, but are "near passers (e.g., candidates who score over 60 or 65 on one or more sections).
- Explore the feasibility of providing "near passers" with an entry-level credential status that would enable them to interpret in the courts for less complex proceedings and gain in-court interpreting experience that will assist them with later passing the BIE section that they were previously not able to pass.
- Identify methods to increase the number of qualified candidates taking the exams.
- Identify methods to increase the exams' passage rates.

- Evaluate the current practice that all sections of the BIE be passed in one sitting.

4. Full CIAP Review: Review Rule of Court 10.51, Court Interpreters Advisory Panel

Review the current membership requirements of rule 10.51 of the California Rules of Court and make recommendations for membership amendments to the council.

Key objectives:

- Review realistic membership needs.
- Consider modifications to the membership requirements to better leverage needed expertise.

This project originated as CIAP efforts over several nomination cycles to recruit for the appellate court justice position have been unsuccessful. Consequently, this voting position has remained vacant since September 2018. In addition, as Spanish is the most interpreted language in the courts, the committee will assess whether one of the independent contractor interpreter positions (which is currently limited to an interpreter in a language other than Spanish (OTS)) should be opened to a Spanish language independent contractor. Meeting this membership requirement as stipulated in the current rule has been challenging, as it has been difficult to recruit qualified OTS independent contract interpreters.

5. Full CIAP Review: 2020 Language Need and Interpreter Use Study (*Completed*)

As legislatively mandated by Government Code §68563, review the findings in the *2020 Language Need and Interpreter Use Study*; and recommend to the Judicial Council needed actions and considerations, which may include recommendations to designate specific (currently registered) languages as certified, or de-designate currently certified languages, expand interpreter services, and take action on other identified needs and/or trends.

- Note: On March 10, 2020, CIAP approved recommending the study be submitted to the Judicial Council. The council approved the report on May 15, 2020. The report was subsequently submitted to the Governor and State Legislature.
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Court Interpreters Advisory Panel: Initial Timeline for Skills Assessment Study

Project Description: This project is directly related to the recently adopted *California Court Interpreter Credential Review Procedures*. The Judicial Council approved the procedures and revised rule 2.891 of the California Rules of Court on September 24, 2019, for an effective date of January 1, 2020. The next step is development and implementation of a legally defensible process to assess an interpreter’s ability to interpret if a complaint alleging gross incompetence is lodged against the interpreter, and if following review and investigation, the complaint is deemed to have merit.

CIAP’s Professional Standards and Ethics Subcommittee will conduct a comprehensive review of the report produced by the National Center for State Courts (NCSC), *Skills Assessment Options for Certified and Registered Interpreters*, and consider other related research and reports. The subcommittee will explore the feasibility and best available methods for:

- 1) Development of 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) Identification of existing and possible development of options and resources that courts can utilize to strengthen an interpreter’s knowledge, skills, and abilities.

TASK	Notes	Deadline	Who	Status
Preliminary meeting between Prometric and Judicial Council (JCC) staff (kick-off meeting)—to go over the Skills Assessment Study project and related contract deliverables.		July 16, 2020	Juan/Claudia/Prometric	
Planning meeting—Prometric and JCC staff meet to pre-plan for a meeting with the Professional Standards and Ethics Subcommittee (PSE). Objective(s): To launch the project; develop a timeline for the project; confirm the objectives and scope of the project; exchange relevant information with each other; and develop the agenda and objectives for the planning meeting (6.2.1).		July 30, 2020	Juan/Claudia/Prometric	

Court Interpreters Advisory Panel: Initial Timeline for Skills Assessment Study

TASK	Notes	Deadline	Who	Status
<p>PSE Meeting: Planning meeting (in-person or remotely) between Prometric, PSE members, and JC staff to obtain information and feedback for developing recommendations. (6.2.2)</p>	<p>Allows about a month for Prometric to gather information, begin doing research and develop a general outline—scope of work. Potentially an all-day meeting.</p>	<p>August 13, 2020</p>	<p>PSE members/Juan/Claudia/Prometric</p>	
<p>Prometric and JCC debrief planning meeting; review and discuss information and feedback (from PSE member feedback) that will be used to develop recommendations. (6.2.3)</p> <p>Prometric will develop its recommendations:</p> <ol style="list-style-type: none"> 1. including cost estimates for different options, by assessing the input of the subject matter experts, 2. conducting research, leveraging its knowledge of existing examination criteria and testing content, 3. and incorporating its knowledge of how other testing entities assess the performance of their constituencies. (6.2.3) 		<p>Sept.17, 2020</p>	<p>Juan/Claudia/Prometric</p>	
<p>Prometric and JCC staff (conference call)—to review and provide input on the draft study (which will</p>		<p>October 22, 2020</p>	<p>Juan/Claudia/Prometric</p>	

Court Interpreters Advisory Panel: Initial Timeline for Skills Assessment Study

TASK	Notes	Deadline	Who	Status
include its recommendations with cost estimates) prior to sharing findings with PSE members, and obtaining their feedback.				
PSE meeting: Prometric, PSE members, and JCC staff to review the draft study and provide feedback. (6.2.4)		Second week in November 2020.	PSE members/Juan/Claudia/Prometric	
Prometric and JCC staff (conference all)—to review draft study (which will include recommendations with cost estimates and be developed as outlined in section 6.2.).	JCC to review and provide Prometric information and feedback on findings prior the JCC receiving the final product on January 31, 2021	November 19, 2020	Juan/Claudia/Prometric	
Prometric to submit the final study to the JCC staff as outlined under section 6.2. (6.2.5)		December 18, 2020	Prometric	
Prometric and JCC to review the draft presentation concerning the final study. prior to presentation of the final study to		December 31, 2020	Juan/Claudia/Prometric	
CIAP meeting: Prometric provides a presentation of the final study in person or by conference call and/or WebEx to CIAP for its review and approval. (6.2.6)		TBD —by January 31, 2021	Juan/Claudia/Prometric	
JCC staff begin steps to prepare a report to the Judicial Council		TBD	Juan/Claudia	

Court Interpreters Advisory Panel (CIAP), Language Access Subcommittee: Preliminary Timeline for the Development of a Waiver Policy

Project Description: Develop a policy and process for an LEP litigant’s right to waive the services of a court appointed interpreter and assess if a corresponding rule of court is needed in order to implement the recommended waiver policy. Make recommendations to RUPRO and the Judicial Council on the policy (LAP Recommendation No.75).

Key objectives:

Develop a policy to allow a court user with limited English proficiency to request a waiver of interpreter services.

Develop a new rule of court and/or related form to implement the recommended waiver policy.

TASK	Notes	Deadline	Who	Status
Set out issues for discussion	Subcommittee Meeting	June/July 2020	Language Access Subcommittee Chair	
Discuss inclusion of interpretation services for the Deaf/HOH; review any legal research and determine necessary outreach to stakeholders	Subcommittee Meeting	July/August 2020	All Language Access Subcommittee members	
Discuss whether waiver will apply in all case types to all court users	Subcommittee Meeting	Late August 2020	All Language Access Subcommittee members	
Discuss complete waiver, preference waiver or both	Subcommittee Meeting	September 2020	All Language Access Subcommittee members	
Discuss and provide feedback on proposed language of rules of court	Subcommittee Meeting	Early October 2020	All Language Access Subcommittee members	
Present to CIAP for an initial review and feedback	CIAP Meeting	Late October 2020	Douglas/Diana	

Court Interpreter Advisory Panel (CIAP) Language Access Subcommittee - Development of Waiver Policy Preliminary Timeline

TASK	Notes	Deadline	Who	Status
Ask CIAP for final approval and submission to the Rules Committee with a request to circulate for public comment	CIAP Meeting	Early November 2020	Douglas/Diana	
Proposals to the Rules Committee staff (Include Action Request Form, ITC summary, and text of rule, standard, or form.)	All documents to be reviewed and approved by leadership prior to submission by November 1 and edited by EGG	To RUPRO by Monday, November 10, 2020	Douglas/Diana	
Incorporate Final Edits to Packet suggested by staff to the Rules Committee	Following full review of policy and rule of court language, staff to incorporate final edits.	Final edits to be incorporated by December 1, 2020	Douglas/Diana	
Approval and Comment Processes				
Prepare for In-Person Rules Committee Meeting, includes EGG review	Staff to prepare all talking points, reference materials, etc. for in-person Rules Committee meeting.	Reference materials and talking points to be prepared by November 25, 2020.	Staff	
Rules Committee meeting to review and approve	Final approved policy and rule of court (and form) language to be presented to Rules Committee .	Thursday, December 10, 2020.	Staff	
Public Comment Period	Friday, December 11, 2020 Tuesday, February 12, 2021			
CIP Review Public Comment/Begin JC Report	LAS staff to prepare consolidated chart of public comment for CIAP review. Work through comments and make final decisions with regard	Staff to consolidate all comments and present to CIAP review. All	Douglas/Diana Chart to be filled in by Irene or	

Note: The above dates are based on the current 2019/2020 calendar for rule amendment/development. Staff will adjust the dates in this timeline as needed when the new calendar is published.

**Court Interpreter Advisory Panel (CIAP) Language Access Subcommittee - Development of Waiver Policy
Preliminary Timeline**

TASK	Notes	Deadline	Who	Status
	to the rule of court (and form) language.	comments to be prepared for by February 24, 2021.	assigned Admin staff.	
CIAP Meeting to Review Public Comments		February 25- March 4, 2020	Douglas/Diana	
Prepare Final Report for the Rules Committee	Based on feedback from public comments and CIAP review, staff to prepare final report packet for the Rules Committee . Packet to be prepared by early March in coordination with EGG.	RUPRO reports to be mailed to RUPRO by March 17, 2021	Douglas/Diana EGG	
JCAR and draft reports to E&P Committee staff	Submit in SharePoint for Director’s approval prior to submission to JCS staff	March 22–26, 2021	Staff	
Reports sent to the Rules Committee		Thursday, April 1, 2021 (two weeks before meeting)		
Rules Committee meeting to consider reports going to the council		Wednesday, April 7 Thursday, April 8, 2021 (In person)	Douglas/Diana	
Prepare Reports and Materials for Judicial Council Meeting	Staff to prepare final materials for Judicial Council meeting. Materials to be prepared in coordination with EGG.	Council meeting to be held on May 14, 2021	Douglas/Diana EGG	

Note: The above dates are based on the current 2019/2020 calendar for rule amendment/development. Staff will adjust the dates in this timeline as needed when the new calendar is published.

Court Interpreters Advisory Panel - Preliminary Timeline for Review of Rule of Court 10.51

Project Description: Review the current membership requirements of rule 10.51, Court Interpreters Advisory Panel of the California Rules of Court and make recommendations to Rules Committee and the council on membership amendments. Effective: January 1, 2022.

Key objectives:

Review realistic membership needs.

Consider modifications to the membership requirements to better leverage needed expertise.

TASK	Notes	Deadline	Who	Status
Consult with CIAP chairs regarding Appellate Justice position and future consultation with the Administrative Presiding Justices Advisory Committee to determine if there are any questions or concerns.		July 15, 2020.	Chairs	
Review historical documentation and prepare proposal for possible membership changes.	Review history of CIAP makeup prior to reduction and propose possible configurations.	July 30, 2020.	Sonia	
Schedule full CIAP meeting and include information about rule change and subcommittee updates.	If new members chosen, invite to meeting.	August 25, 2020 – September 17, 2020.	Sonia	
Meet with chairs to review and make changes to recommended membership configuration models prior to CIAP review.	Draft Invitation to Comment (ITC) and draft rule of court.	October 1, 2020- October 8, 2020.	Chairs/ Sonia/Claudia	
CIAP meeting to discuss possible configurations of membership, receive feedback.	Schedule 2-hour CIAP meeting, or possible in person, if allowed. (Maybe staff travel to a court?)	Meeting scheduled between October 22, 2020 and November 10, 2020.	CIAP	
Develop proposed revisions to rule 10.51.	Based on feedback from CIAP members, develop	Edits incorporated by December 8, 2020.	Sonia	

Court Interpreters Advisory Panel - Preliminary Timeline for Review of Rule of Court 10.51

TASK	Notes	Deadline	Who	Status
	proposed revisions to rule 10.51.			
Schedule CIAP meeting to continue review of the rule change. Present rough draft of Invitation to Comment (ITC). Pre-meet with chairs will be scheduled one week prior to meeting date.	Staff to prepare a tracking document to illustrate CIAP input provided at meeting and changes made at chairs' direction	Between January 11, 2021 and January 25, 2021.	CIAP	
Proposals to Rules Committee staff. (Include Action Request Form, ITC summary, and proposed revisions to the rule.)	All documents to be reviewed and approved by leadership prior to February 1, 2021 submission to Editing and Graphics Group (EGG),	To Rules Committee staff by Tuesday, March 2, 2021.	Sonia/Claudia	
Incorporate final edits to packet as suggested by Rules Committee staff.	Following full review of policy and rule of court language, staff to incorporate final edits.	Wednesday, March 24, 2021.	Sonia	
Approval and Comment Processes				
Prepare for Rules Committee meeting, which includes EGG review.	Staff to prepare all talking points, reference materials, etc. for Rules Committee meeting. EGG to review by March 15, submit all to Rules Committee by March 29 after CIAP chairs review.	Reference materials and talking points to be prepared by March 22, 2021	Sonia	

Note: The above dates are based on the current 2019/2020 calendar for rule amendment/development. Staff will adjust the dates in this timeline as needed when the new calendar is published.

Court Interpreters Advisory Panel - Preliminary Timeline for Review of Rule of Court 10.51

TASK	Notes	Deadline	Who	Status
Rules Committee mtg to review and approve to post for public comment.	Final approved policy and rule of court language to be presented to Rules Committee.	Wednesday, April 7 or Thursday, April 8, 2021 (In person).	Chairs/Sonia	
<i>Public Comment Period</i>	<i>Friday, April 9 – Tuesday, June 8 (60 days)</i>			
Staff reviews public comments/begins drafting report to the council.	CIP staff to prepare consolidated chart of public comment for CIAP review. Work through comments and make final decisions with regard to revisions to the rule's language.	Staff to consolidate all comments and present to CIAP review. All comments to be prepared by June 15, 2021.	Sonia/Chart to be filled in by assigned administrative staff.	
CIAP meeting to review public comments.		June 25- July 8, 2021.	CIAP	
Prepare final report for Rules Committee.	Based on feedback from public comments and CIAP review, staff to prepare final report packet for Rules Committee. Packet to be prepared by and coordination with EGG.	Wednesday, July 21, 2021.	Sonia/ EGG	
Judicial Council Agenda Request Form and draft council report to Executive and Planning Committee staff.	To be approved by Directors who then submit approved report. Need three-week lead time.	August 2 – 6, 2021.	Sonia	

Note: The above dates are based on the current 2019/2020 calendar for rule amendment/development. Staff will adjust the dates in this timeline as needed when the new calendar is published.

Court Interpreters Advisory Panel - Preliminary Timeline for Review of Rule of Court 10.51

TASK	Notes	Deadline	Who	Status
Reports sent to Rules Committee.		Wednesday, August 4, 2021 (two weeks before Rules Committee meeting).		
Rules Committee meeting to consider reports going to the council		Wednesday, August 18 or Thursday August 19, 2021.	Chairs/Sonia	
FINAL reports due to E&P Committee staff	After meeting, make any recommended changes/ send to CIAP chairs for review.	Friday, September 3, 2021.	Sonia	
Judicial Council meeting	Present final report and proposed rule revisions for review and approval.	Friday, September 24, 2021.	Chairs/Sonia	
Effective date of amended rule (if approved by the council): January 1, 2022				

Note: The above dates are based on the current 2019/2020 calendar for rule amendment/development. Staff will adjust the dates in this timeline as needed when the new calendar is published.