



JUDICIAL COUNCIL OF CALIFORNIA

COURT INTERPRETERS
ADVISORY PANEL

www.courts.ca.gov/ciap.htm
ciap@jud.ca.gov

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COURT INTERPRETERS ADVISORY PANEL

NOTICE AND AGENDA OF OPEN MEETING WITH CLOSED SESSION

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: November 16, 2020
Time: 12:00 to 1:00 p.m.
Public Call-In Number: 1-877-820-7831; passcode 914-2677 (Listen Only)

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

Members of the public seeking to make an audio recording of the open meeting portion of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to ciap@jud.ca.gov.

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the September 1, 2020, Court Interpreters Advisory Panel meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to ciap@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Douglas Denton. Only written comments received by 12:00 p.m., November 15, 2020, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–2)

Item 1

Draft 2021 Annual Agenda (Discussion Item)

The Court Interpreters Advisory Panel (CIAP) will review its draft 2021 Annual Agenda.

Presenter(s)/Facilitator(s): Mr. Hector Gonzalez, CIAP Vice-Chair

Item 2

Compliance Requirements for 2020 (Discussion Item)

Update on the 2020 Court Interpreter Renewal and Compliance Cycle.

Presenter(s)/Facilitator(s): Mr. Douglas Denton, Principal Manager, Language Access Services Program

IV. ADJOURNMENT

Adjourn to Closed Session

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

Item 1

The National Center for State Courts will present on the current project to undertake a study and develop recommendations for the council on the court interpreter testing program.

Cal. Rules of Court 10.75 (d)(8)

Item 2

Per Language Access Plan Recommendation No. 75, develop a policy/rule addressing a LEP court user's request of a waiver of the services of an interpreter.

Cal. Rules of Court 10.75 (d)(10)

Adjourn Closed Session



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COURT INTERPRETERS ADVISORY PANEL

MINUTES OF OPEN MEETING

September 1, 2020

12:15 -1:15 p.m.

Teleconference/ WebEx

Advisory Body Members Present: Hon. Brian L. McCabe, Chair, Mr. Hector Gonzalez, Vice-Chair, Hon. Teresa P. Magno, Ms. Regina Coronado, Ms. Jennifer Dela Cruz, Mr. Hany Farag, Ms. Sharmen Gragirena Lewis, Ms. Carol Palacio, Ms. Mary Ann Ramirez, Mr. Chris Ruhl, Ms. Tara Potterveld, Hon. Ann C. Moorman (Liaison)

Advisory Body Members Absent: Mr. Gurinder Aujla, Ms. Claritza Callaci, Dr. Cindy Van Schooten (Liaison)

Judicial Council Staff Present: Mr. Don Will, Mr. Douglas Denton, Ms. Claudia Ortega, Ms. Irene Balajadia, Ms. Debbie Chong, Mr. Matthew Clark, Ms. Eunice Lee, Ms. Danielle McCurry, Ms. Edith Reyes, Ms. Cynthia Miranda, Ms. Elizabeth Tam-Helmuth, Ms. Valeria DaSilva-Sasser, Ms. Sonia Sierra Wolf

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

I. Roll Call and Approval of Meeting Minutes

The chair called the meeting to order at 12:15 p.m. and reminded members that the audio portion of the meeting will be recorded, and the WebEx presentation will also be preserved.

Following roll call, the vice-chair informed members that Ms. Claritza Callaci, who was unable to join the meeting, will no longer be on CIAP when her terms ends in September 2020. Her six years on CIAP, representing interpreters from Region 1 and as a member of the Professional Standards and Ethics Subcommittee, was acknowledged.

A motion was made to approve Court Interpreters Advisory Panel (CIAP) June 10, 2020 meeting minutes; the motion was seconded. The minutes were approved and will be posted on CIAP's public webpage.

II. Staffing Updates

Ms. Claudia Ortega, Supervising Analyst of the Court Interpreters Program (CIP), introduced two new staff members to CIP: Eunice Lee, Analyst, and Cynthia Miranda, Senior Analyst. Ms. Lee's main focus will be on developing education programs for current interpreters, working with providers and reviewing submissions for continuing education courses for interpreters, reviewing the current ethics workshop, and overseeing the credential review procedures.

Ms. Miranda, who previously worked in the council's Public Affairs office, will oversee interpreter outreach and recruitment, develop strategies for effective communication, and review marketing efforts that can widen the scope of potential interpreting candidates.

It was also announced that Ms. Sonia Sierra Wolf, who served as lead staff to CIAP and the Professional Standards and Ethics Committee, will be retiring effective September 11, 2020.

The chairs welcomed the new staff additions to CIP and expressed their thanks and appreciation for Ms. Wolf's dedication to CIP and CIAP.

III. 2020 Annual Agenda Update

The chair provided an update regarding the request made by the council's internal advisory committee that CIAP as well as all advisory committees re-evaluate their annual agendas projects in light of the COVID-19 pandemic for any non-priority projects that should be deferred. The decision was made by the Chairs that the review of Rule of Court 10.51, to assess CIAP's membership categories and possible changes to the composition of CIAP membership, should be deferred. The project will be re-visited again in 2021.

IV. Interpreter Testing Program

Currently, all interpreter testing has been suspended due to the safety concerns and challenges presented by COVID-19. CIP will be exploring with Prometric, the current test administrator, options to safely resume testing in 2021.

V. Language Access Contract with the National Center for State Courts: CIP staff reported that the council's Language Access Services Program has a contract with the National Center for State Courts (NCSC) to consult, research, and provide recommendations on the following two projects related to court interpreters:

- 1. Near Passer Training:** This project will provide training for court interpreter candidates who have taken the Bilingual Interpreting Exam (BIE) and have near passing scores. The training is part of a larger effort to increase the number of certified court interpreters in California. The trainings are anticipated to commence by July 2021 utilizing a virtual distance learning format.
- 2. Provide Recommendations on the Testing Program:** NCSC will conduct a study to assist the CIAP with assessing the performance of the interpreter credentialing exams and will develop recommendations for future consideration by the Judicial Council to improve its interpreter testing program. Recommendations will consider the Key Objectives of the CIAP's 2020 Annual Agenda, including exploring options to support the overall objective of increasing the pool of qualified interpreters.

Following the presentation, the chair asked Judge Teresa Magno to provide a brief update on the recent meeting of the Interpreter Language Access Subcommittee. The subcommittee is working on Language Access Plan Recommendation 75, to develop a policy/rule addressing a LEP court user's request of a waiver of the services of an interpreter. A presentation will be made to CIAP on the subcommittee's progress at a future meeting.

VI. Social Media Launch

Staff presented a preview of the Facebook and LinkedIn court interpreter pages that are currently in development. The main objectives are to:

- Create a long standing and needed presence and voice on social media;
- Assist courts with the recruitment and hiring of interpreters;
- Increase the number of candidates taking the interpreting exams;
- Create a community of trust and engagement;
- Promote proactive and ongoing dialogue among key stakeholders; and,
- Share relevant events, training opportunities and latest news and items of interest.

VII. Adjournment

The next CIAP meeting is anticipated to be scheduled for late November or early December and will be a review of the proposed 2021 Annual Agenda.

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

Approved by the advisory body on enter date.

Court Interpreters Advisory Panel
Annual Agenda¹—2021
Approved by the Executive and Planning Committee: TBD

I. COMMITTEE INFORMATION

| | |
|--|---|
| Chair: | Hon. Brian L. McCabe, Judge, Superior Court of Merced County |
| Lead Staff: | Ms. Claudia Ortega, Supervising Analyst, Court Interpreters Program, Center for Families, Children & the Courts |
| Committee's Charge/Membership: <p>Rule 10.51 of the California Rules of Court states the charge of the Court Interpreters Advisory Panel (CIAP), which is to: Assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons, the advisory panel is charged with making recommendations to the council on:</p> <ol style="list-style-type: none">(1) Interpreter use and need for interpreters in court proceedings; and(2) Certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters. <p>Rule 10.51(b) sets forth the additional duties of the panel that are: Reviewing and making recommendations to the council on the findings of the study of language and interpreter use and need for interpreters in court proceedings that is conducted by the Judicial Council every five years under Government Code section 68563.</p> <p>Rule 10.51(c) sets forth the following membership composition of the committee. CIAP currently has 14 members, which consists of 11 advisory panel members (voting) and 4 advisors (nonvoting) appointed by the Chief Justice to assist the advisory panel. A majority of the members must be court interpreters. The advisory panel must include the specified numbers of members from the following categories:</p> <ol style="list-style-type: none">(1) Four certified or registered court interpreters working as employees in trial courts, one from each of the four regions established by Government Code section 71807. For purposes of the appointment of members under this rule, the Superior Court of California, County of Ventura, is considered part of Region 1 as specified in section 71807, and the Superior Court of California, County of Solano, is considered part of Region 2 as specified in section 71807;(2) Two interpreters certified or registered in a language other than Spanish, each working either in a trial court as an independent contractor or in an educational institution;(3) One appellate court justice (position is currently vacant); | |

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

- (4) Two trial court judges; and
- (5) Two court administrators, including at least one trial court executive officer.

The current committee [roster](#) is available on the committee’s web page.

Subcommittees/Working Groups²:

- 1. Professional Standards and Ethics Subcommittee – provides review and recommendations on interpreter professional development, adherence to professional standards and compliance requirements.
- 2. Interpreter Language Access Subcommittee – works on specific projects related to language access and interpreting services, including recommendations from the *Strategic Plan for Language Access in the California Courts* that relate to court interpreters. These projects are undertaken in collaboration with the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness.

Meetings Planned for 2021³

Conference calls – as needed.

In-person meeting – none anticipated due to the COVID-19 pandemic.

Professional Standards and Ethics Subcommittee – conference calls as needed.

Interpreter Language Access Subcommittee – conference calls as needed.

Check here if exception to policy is granted by Executive Office or rule of court.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

II. COMMITTEE PROJECTS

| # | New or One-Time Projects ⁴ | |
|---|--|--|
| 1. | <i>Develop a Recommended Credentialing Process for American Sign Language (ASL) Court Interpreters – Interpreter Language Access Subcommittee</i> | <i>Priority⁵ 1</i> <i>Strategic Plan Goal⁶ IV</i> |
| <p><i>Project Summary⁷</i>: The <i>2020 Language Need and Interpreter Use Study</i> made the following recommendation: “The Judicial Council should explore and develop a recommended credentialing process for certification as a California American Sign Language court interpreter” (Rec. 3). 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.</p> <p><i>Key objectives</i>: CIAP will develop a cost-effective credentialing process to ensure that there is an available credentialing process for candidates to become newly certified California ASL court interpreters. The state has only 55 ASL court interpreters.</p> <p><i>Status/Timeline</i>: Initial research has been completed by the National Center for State Courts (NCSC) to assess costs and different options. The anticipated completion date to develop recommendations for the council regarding a credentialing process for certification as a California ASL court interpreter is by December 31, 2021. Future work to be contracted, including potential development of a required credentialing course for certification as a California ASL court interpreter, is predicated on deliverables, cost, and feasibility.</p> <p><i>Fiscal Impact/Resources</i>: The estimated one-time cost is \$200,000. This amount is currently funded as part of the Court Interpreters Program budget. Resources: Court Interpreters Program, Legal Services, Human Resources, and CJER.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> | | |

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of [The Strategic Plan for California’s Judicial Branch](#) the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

| # | New or One-Time Projects ⁴ | |
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| | <p>Internal/External Stakeholders: Interpreter community, including ASL interpreters, judicial officers, justice partners, language access court personnel, and the public.</p> <p>AC Collaboration: Consultation with the Advisory Committee on Providing Access and Fairness.</p> | |
| 2. | <p>Project Title: Review Credentialing Status Recommendations of the 2020 Language Need and Interpreter Use Study and Develop Recommendations for the Judicial Council</p> | <p>Priority 2</p> <p>Strategic Plan Goal I, II, IV</p> |
| | <p>Project Summary: The <i>2020 Language Need and Interpreter Use Study</i> made the following recommendation: “The Judicial Council should continue to monitor the usage of Hmong for possible future designation as a certified language” (Rec. 2).</p> <p>The 2020 study also noted that 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 in order to become registered interpreters in one or more of these languages.”</p> <p>Key objectives: CIAP will undertake these recommendations from the <i>2020 Study</i> and develop any recommended changes for the council on the credential status (certified or registered) for the following languages: Hmong, Japanese, Portuguese, and Western Armenian.</p> <p>Status/Timeline: The CIAP will develop recommendations for any changes by December 31, 2021.</p> <p>Fiscal Impact/Resources: There is no cost associated with developing credentialing status recommendations. Note: Interpreters of de-designated languages (that go from certified to registered) could maintain their credential status, and more interpreters can become registered in those languages, which benefits the public. However, the process to make a language go from registered to certified triggers the need to develop a grace period in which registered interpreters in that language (for example, Hmong interpreters) would have to pass the certification exam in that language, which has potential labor impacts for persons who do not pass the certification exam under a grace period, which is usually 18-24 months. Thus, the CIAP will have to balance the pros and cons of any recommended changes. Resources: If a new language is recommended for certification, costs of providing interpreter education—to assist registered interpreters in that language to pass the certification exam during any grace period—is provided for under the ongoing CIP budget. Additional resources are the Court Interpreters Program, Legal Services, Human Resources, Regional Bargaining Chairs, and CJER.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> | |

| # | New or One-Time Projects ⁴ | |
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| | <p>Internal/External Stakeholders: Interpreter community, judicial officers, justice partners, and court personnel who work with and manage California court interpreters, and the public.</p> <p>AC Collaboration: Consultation with the Court Executives Advisory Committee</p> | |
| 3. | Project Title: Review Rule 10.51, Court Interpreters Advisory Panel | <p>Priority 2(b)</p> <p>Strategic Plan Goal I, II</p> |
| | <p>Project Summary: Review the current membership requirements of rule 10.51 of the California Rules of Court and make recommendations for membership amendments to the council.</p> <p>Key objectives:</p> <ul style="list-style-type: none"> • Review realistic membership needs. • Consider modifications to the membership requirements to better leverage needed expertise. <p>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 independent contractor. Meeting the current requirement as stipulated in the current rule has been challenging, as it has been difficult to recruit qualified OTS independent contract interpreters.</p> <p>Status/Timeline: This project was deferred from the 2020 CIAP Annual Agenda, due to the impacts of the COVID-19 pandemic. CIAP will commence work on this project in 2021. The earliest effective date of any rule change would be 2022 or 2023.</p> <p>Fiscal Impact/ Resources: There is no fiscal impact associated with this project. Resources: Court Interpreters Program.</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: Interpreter community, appellate courts, and the trial courts.</p> <p>AC Collaboration: RUPRO and the Administrative Presiding Justices Advisory Committee.</p> | |

| # | Ongoing Projects and Activities⁴ | |
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| 1. | Project Title: Assess the Performance of the Interpreter Credentialing Exams | Priority 1 |
| | Strategic Plan Goal IV | |
| | <p>Project Summary: Thoroughly assess the performance of all interpreter credentialing examinations and make recommendations to the council on implementation of recommended changes.</p> <p>Key objectives include:</p> <ul style="list-style-type: none"> • 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 of California requiring that all four sections of the BIE be passed in one sitting. <p>Make the exams more accessible by:</p> <ul style="list-style-type: none"> • Offering remote testing opportunities. • Explore ways to keep test candidates motivated and interested in interpreting for the courts as they wait for their test scores. • Offer more BIE administrations annually; currently two exam administration are offered annually. <p>Other considerations:</p> <ul style="list-style-type: none"> • Require the Oral Proficiency Exam as the screening exam for the BIE. • Offer a pre-test (as offered by the American Translators Association) to gauge candidates’ readiness, providing them with insight to improve their test-taking abilities. <p>Status/Timeline: Worked commenced on this project in 2020 under a contract with the National Center for State Courts. Because of the complexity of these matters, recommendations will be developed with an estimated completion date of December 2021.</p> | |

| # | Ongoing Projects and Activities⁴ | |
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| | <p>Fiscal Impact/Resources: Expenses associated with possible development of new exams or modification of existing exams. This amount is currently funded in the Court Interpreters Program budget. Resources: Court Interpreters Program and consultant(s) as needed to assess the testing program.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Trial courts, interpreter community, public including LEP litigants, legal service providers, and justice partners.</p> <p>AC Collaboration: Consultation with the Court Executives Advisory Committee.</p> | |
| 2. | <p>Project Title: Support for Implementation of Revised Rule 2.891 (Development of an Interpreting Skills Assessment Process) – Professional Standards and Ethics Subcommittee</p> | <p>Priority 1</p> <hr/> <p>Strategic Plan Goal IV</p> |
| | <p>Project Summary: This project is directly related to the <i>California Court Interpreter Credential Review Procedures</i>. 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.</p> <p>CIAP’s Professional Standards and Ethics Subcommittee will conduct a comprehensive review of the report produced by the National Center for State Courts (NCSC), <i>Skills Assessment Options for Certified and Registered Interpreters</i>, and consider other related research and reports. The subcommittee will explore the feasibility and best available methods for:</p> <ol style="list-style-type: none"> 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. <p>This project originated with Recommendation #64 of the <i>Strategic Plan for Language Access in the California Courts (LAP)</i> and Government Code section 68564(g): The Judicial Council shall establish a procedure for Judicial Council and local court review of each court interpreter's skills and for reporting to the certification entity the results of the review.</p> | |

| # | Ongoing Projects and Activities⁴ | |
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| | <p>Status/Timeline: Initial research has been completed by NCSC. The anticipated completion date for the new skills assessment process is December 31, 2021. Work to be contracted is predicated on determined need, deliverables, cost, and feasibility.</p> <p>Fiscal Impact/Resources: Based on the complexity of the selected diagnostic or assessment process (language neutral or in various languages), the estimated ongoing cost is \$50,000 to \$150,000. This amount is currently funded as part of the Court Interpreters Program budget. Resources: Court Interpreters Program, Legal Services, Human Resources, and CJER.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Interpreter community, judicial officers, justice partners, court personnel who manage California court interpreters, and the public.</p> <p>AC Collaboration: Consultation with the Court Executives Advisory Committee.</p> | |
| 3. | <p>Project Title: Develop a Rule(s) of Court for Waiver of Interpretation Services – Interpreter Language Access Subcommittee</p> | <p>Priority 2(b)</p> <p>Strategic Plan Goal I, IV</p> |
| | <p>Project Summary: Develop one or more rules of court to protect limited English proficient (LEP) court users and the integrity of the court process in the event that a waiver of all interpretation services or a waiver of the services of a court-appointed interpreter is sought. This project implements LAP Recommendation #75.</p> <p>Status/Timeline: Work commenced on this project in 2020. The anticipated effective date of rule or rules of court is January 1, 2022.</p> <p>Fiscal Impact/Resources: There is no fiscal impact associated with this project. Resources may require consultation with the Legal Services office and Human Resources’ Labor and Employment Relations unit.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: LEP litigants, courts, justice partners, court interpreters.</p> | |

| # | Ongoing Projects and Activities ⁴ |
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| | <p><i>AC Collaboration:</i> Rules Committee, the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness, the Criminal Law Advisory Committee, and the Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executive Officers Advisory Committees.</p> |

DRAFT

III. LIST OF 2020 PROJECT ACCOMPLISHMENTS

| # | Project Highlights and Achievements |
|----|--|
| 1. | <p>In progress: Support for Implementation of Revised Rule 2.891 (Development of an Interpreting Skills Assessment Process) – Professional Standards and Ethics Subcommittee</p> <p>The Judicial Council approved the Court Interpreter Credential Review 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 Professional Standards and Ethics Subcommittee started work in 2020 on this project and will continue to work in 2021 on development and implementation of a legally defensible skills assessment 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.</p> |
| 2. | <p>In progress: Implement a Policy for Limited English Proficient (LEP) Persons to Waive a Court Appointed Interpreter – Interpreter Language Access Subcommittee</p> <p>The Interpreter Language Access Subcommittee met several times in 2020 to work on Language Access Plan Recommendation No. 75, to develop a policy/rule addressing a LEP court user’s request of a waiver of the services of an interpreter. The subcommittee is working on a draft rule, which, if approved to circulate, will circulate for public comment in 2021 (TBD).</p> |
| 3. | <p>Completed in 2020: Review the 2020 Legislatively Mandated Language Need and Interpreter Use Study</p> <p>On May 15, 2020, following approval by CIAP, the Judicial Council approved the 2020 Language Need and Interpreter Use Study, which details interpreter use in the courts and projects future language need. The language need and interpreter use study is mandated every five years under Government Code section 68563.</p> |
| 4. | <p>Deferred to 2021: Review Rule 10.51, Court Interpreters Advisory Panel</p> <p>Due to the COVID-19 pandemic, this rules project to examine the membership composition of CIAP was deferred to 2021 and is now on this annual agenda as a new project (See New Project #3 above).</p> |
| 5. | <p>In progress: Assess the Performance of the Interpreter Credentialing Exams</p> <p>The National Center for State Courts continues to assist the Judicial Council and CIAP with this project, which is anticipated to be completed by December 2021. The project will result in a study with recommendations for the council regarding the interpreter credentialing exams, including recommendations that may help to increase the pool of qualified interpreters to serve the public.</p> |