



JUDICIAL COUNCIL OF CALIFORNIA

COURT INTERPRETERS
ADVISORY PANEL

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

COURT INTERPRETERS ADVISORY PANEL

MINUTES OF OPEN MEETING

May 24, 2022

12:15 p.m. – 1:15 p.m.

Videoconference

Advisory Body Members Present: Hon. Brian L. McCabe (Committee Chair), Mr. Hany Farag, Hon. Teresa P. Magno, Mr. Tyler Nguyen, Ms. Iris Van Hemert, Ms. Angie Birchfield, Mr. Mark Crossley, Ms. Jennifer De La Cruz

Advisory Body Members Absent: Mr. Hector Gonzales, Jr., Ms. Carol Palacio, Ms. Violet Romero, Mr. Chris Ruhl

Judicial Council Staff Present: Ms. Jacquie Ring, Mr. Douglas Denton, Ms. Charlene Depner, Mr. Don Will, Ms. Cynthia Miranda, Ms. Josephine Roberts, Ms. Claudia Ortega

OPEN MEETING

Call to Order and Roll Call

Judge Brian McCabe (committee chair) called the meeting to order at 12:16 p.m. and Ms. Claudia Ortega took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the December 15, 2021 Court Interpreters Advisory Panel (CIAP) meeting to review the draft 2022 CIAP Annual Agenda.

No public comments were received for this meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1)

Item 1

Passage and Credentialing Options for the Interpreting Examinations

CIAP received a presentation from the National Center for State Courts (NCSC) regarding research it conducted as part of CIAP's annual agenda project to assess test administration and credentialing options for the Bilingual Interpreting Examination (BIE) that could lead to an increase of qualified certified interpreters for the California courts.

Presenter: Ms. Jacquie Ring, Principal Consultant, Language Access Services Section, NCSC

Discussion: NCSC's presentation provided examples of various approaches by other states concerning the administration of the BIE and credentialing options. NCSC conducted a review of publicly available information for 36 states that administer the NCSC Written and Oral Exams (the latter known as the BIE in California). Options presented for the committee's future consideration included: permitting an average score for both sight translation portions; carrying over passing scores from one test administration to another; and using different classifications to recognize candidates with near passing scores.

The committee asked for clarification on the following: the number of scoring units that would need to be correct if the required passing scores are lowered; how a new provisionally qualified status would align or conflict with the provisionally qualified status permissible under California Rules of Court, rule 2.893(d)(3); the effect new classifications would have in the private sector; the averaging of sight translation scores; the 36 states included in the presentation; and whether those 36 states use the NCSC Written and Oral Exams.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:06 p.m.

Approved by the advisory body on enter date.

Court Interpreters Advisory Panel
Annual Agenda¹—2023
Approved by Executive and Planning Committee: TBD

I. COMMITTEE INFORMATION

Chair:	Hon. Brian L. McCabe, Judge, Superior Court of Merced County
Lead Staff:	Ms. Kaytlin Hancock, 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;	

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.

- (3) One appellate court justice
- (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, as well as 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. As appropriate, these projects are undertaken in collaboration with the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness.

Meetings Planned for 2023³

Video conference calls – As needed.

In-person meeting – One in-person meeting if requested by the committee members and feasible given the status of the COVID-19 pandemic.

Professional Standards and Ethics Subcommittee – Video conference calls as needed.

Interpreter Language Access Subcommittee – Video 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.	Project Title: Compliance Requirements for Certified Court and Registered Interpreters	Priority 1
<p>Project Summary: The Court Interpreters Program administers the policy and procedures established by the Court Interpreters Advisory Panel concerning the annual renewal fees that interpreters are required to pay each year and the continuing education and professional assignment requirements that interpreters are required to meet every two years to maintain their credentialed status. Modifications to the annual court interpreter renewal and compliance process are needed so that it is more efficient, clear to interpreters, and in alignment with 2022 operational improvements. Updates to the Compliance Requirements for Certified Court and Registered Interpreters are also necessary so that it incorporates modifications to the compliance process.</p> <p>Key objectives:</p> <ul style="list-style-type: none"> • Consider modifications to the compliance process to incorporate the new online compliance payment and attestation system. Launched on September 15, 2022 by Language Access Services, this transition saw the manual processing of thousands of checks and hundreds of paper forms to an online platform that enables court interpreters to pay the annual renewal fee and attest to completion of their continuing education and professional assignments requirement. • Assess shortening the current 10-month compliance cycle, which traditionally runs from September through June. • Consider making the cycle end and start in the same calendar year. Determine alternatives (such as long-term suspension) to permanently revoking the credentialed status of interpreters who do not fulfill the compliance requirements. • Consider updating the continuing education requirements to include, for the first time, refresher ethics training for interpreters who have been credentialed for more than two years. • Vet electronic or other options to replace the non-electronic identification badges and compliance year stickers that interpreters use to show the courts and public that their credentialed status is in good standing. 		Strategic Plan Goal III

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.

#	New or One-Time Projects ⁴	
	<ul style="list-style-type: none"> • Discuss other ways in which the compliance process can be streamlined, modernized, and improved. • Update the Compliance Requirements for Certified Court and Registered Interpreters so that it incorporates the committee’s proposed modifications to the compliance process. <p>Status/Timeline: Court Interpreters Program staff has begun developing proposed modifications to the process. It is anticipated that proposed modifications to the process and corresponding proposed revisions to the compliance procedures will be presented to the committee for its consideration by December 2023.</p> <p>Fiscal Impact/Resources: Any expenses associated with modifications to the compliance process and revisions to the compliance procedures will be funded under the Court Interpreters Program budget.</p> <p>Internal/External Stakeholders: Interpreter community, judicial officers, justice partners, language access court personnel, and the public.</p> <p>AC Collaboration: None.</p>	
2.	<p>Project Title: Professional Standards and Ethics for California Court Interpreters - Professional Standards and Ethics Subcommittee</p>	<p>Priority⁵ 2</p> <p>Strategic Plan Goal⁶ V</p>
	<p>Project Summary⁷: The Professional Standards and Ethics for California Court Interpreters Manual was last updated in 2013 and is intended to inform interpreters of their professional and ethical responsibilities. New updates are intended to modernize and improve the manual.</p>	

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 a 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
	<p>Key objectives:</p> <ul style="list-style-type: none"> • Update the manual to align with current interpreting practices, evolving technology, remote and hybrid courtroom environments, video remote interpreting, and contemporary ethical issues such as conduct on social media. • Increase interpreters’ accessibility and engagement with the manual by adding scenarios that illustrate ethical considerations. • Align the content with newly designed live ethics training that is required for new interpreters and new online ethics refresher training for more experienced interpreters. <p>Status/Timeline: Court Interpreters Program staff has begun developing proposed updates to the manual. It is anticipated that proposed revisions will be presented to the committee for its consideration by December 2023.</p> <p>Fiscal Impact/Resources: Any expenses associated with developing proposed updates to the manual and the electronic dissemination of the updated version will be entirely funded by the Court Interpreters Program.</p> <p>Internal/External Stakeholders: Interpreter community (including ASL interpreters),judicial officers, justice partners, language access court personnel, and the public.</p> <p>AC Collaboration: None.</p>

#	Ongoing Projects and Activities	
1.	Project Title: Passage and Credentialing Options for the Interpreting Examinations	Priority 1
	Project Summary: Thoroughly assess the passage and credentialing options for the interpreting examinations to explore avenues for increasing the number of passers and, thereby, qualified interpreters.	Strategic Plan Goal IV

Ongoing Projects and Activities

Key objectives:

- Evaluate 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 Examination (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 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.
- Consider how to offer a higher number of testing opportunities in more locations across the state.
- Explore ways to keep test candidates motivated and interested in interpreting for the courts as they wait for their test scores.
- Consider requiring the OPE as the screening exam for the BIE.
- Consider offering a pre-test (as offered by the American Translators Association) to gauge candidates' readiness, providing them with insight to improve their test-taking abilities.

Status/Timeline: On May 24, 2022, NCSC presented to the CIAP members the final research findings on court interpreter test administration and credentialing options from other states. Options for CIAP's consideration include: (1) permitting the carryover of the Oral Examination (Bilingual Interpreting Examination (BIE)) scores for both sight translation portions; (2) utilizing different interpreting classifications to allow candidates a pathway toward full credentialing (e.g., provisional, conditionally approved, etc.); and (3) continuing to develop and implement targeted recruitment and outreach efforts to attract potential candidates to the profession of court interpretation. CIAP will consider these proposed options and develop recommendations for the council's consideration.

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 include the Court Interpreters Program, trial court Language Access Representatives, and consultant(s) as needed to conduct research and develop recommendations.

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.

#	Ongoing Projects and Activities	
	<p>Internal/External Stakeholders: Interpreter community, judicial officers, justice partners, language access court personnel, and the public.</p> <p>AC Collaboration: Consultation with the Court Executives Advisory Committee.</p>	
2.	<p>Project Title: Interpreting Skills Assessment Process – Professional Standards and Ethics Subcommittee</p>	<p>Priority 1</p>
	<p>Project Summary: This project is directly related to the 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.</p> <p>Key objectives:</p> <ul style="list-style-type: none"> • 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. • Development of recommendations concerning diagnostic tools (intake instruments, observation tools, checklists, etc.) to assist the courts and Judicial Council staff with assessing skills performance of existing court interpreters. <p>This project originated with Recommendation #64 of the <i>Strategic Plan for Language Access in the California Courts</i> (LAP) 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> <p>Status/Timeline: The anticipated completion date for proposed skills assessment recommendations is Summer 2023. Judicial Council Language Access Services staff will then work with the NCSC under a current contract to implement the recommended process.</p>	

#	Ongoing Projects and Activities	
	<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 under the Court Interpreters Program consultant budget, and skills assessment will be supported in future years from the annual program budget. Resources include the Court Interpreters Program, and additional staff time as needed from Legal Services, and Human Resources.</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, language access court personnel, and the public.</p> <p>AC Collaboration: Consultation with the Court Executives Advisory Committee.</p>	
3.	<p>Project Title: Requirements for New American Sign Language (ASL) Court Interpreters</p>	<p>Priority 1</p> <p>Strategic Plan Goal IV</p>
	<p>Project Summary: The 2020 Language Need and Interpreter Use Study 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). Effective January 1, 2016, the Registry of Interpreters for the Deaf, Inc. ceased administering testing for the Specialist Certificate: Legal (SC:L) credential for ASL interpreters. The SC:L credential has been the only credential accepted by the council to recognize new certified ASL court interpreters. Currently, there are only approximately 30 certified ASL court interpreters in California.</p> <p>Key objectives:</p> <ul style="list-style-type: none"> • Consider recommended ASL interpreter certifications that are currently issued by other entities that could be required of new ASL court interpreters before they can interpret for the California court system. • Increase the number of qualified ASL court interpreters in a cost-effective manner. <p>Status/Timeline The National Center for State Courts (NCSC) has completed their contract to research and present on ASL interpreter certifications currently issued by other entities that could be accepted by the Judicial Council and required before a new ASL interpreter can interpret for the California court system. NCSC presented its final findings to the Interpreter Language Access Subcommittee on September 13, 2022. Draft recommendations will be presented to CIAP for approval before being disseminated for public comment. A report will be submitted to the Judicial Council for its consideration by December 2023.</p>	

#	Ongoing Projects and Activities	
	<p>Fiscal Impact/Resources: The estimated one-time cost, which was funded under the Court Interpreters Program consultant budget for FY 2020–21, is \$200,000 for a consultant to conduct national level research, propose options for CIAP’s consideration, and develop a required online course for new ASL court interpreters. Resources include the Court Interpreters Program, and additional staff time as needed from Legal Services and Human Resources.</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 (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 as needed.</p>	
4.	<p>Project Title: Designation of Certain Languages as Certified and Registered</p>	<p>Priority 2</p> <hr/> <p>Strategic Plan Goal I, II, IV</p>
	<p>Project Summary: The 2020 Language Need and Interpreter Use Study 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 currently 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:</p> <ul style="list-style-type: none"> Consider the recommendations from the 2020 study and determine if changes concerning the designation (certified or registered) for the following languages should be recommended to the council: Hmong, Japanese, Portuguese, and Western Armenian. 	

#	Ongoing Projects and Activities
	<ul style="list-style-type: none">• Seek to develop recommendations that result in none of the above-mentioned languages being removed from the list of languages for which the council provides an interpreting credential.• Seek pathways for the continued testing and credentialing of interpreters for the above-mentioned languages that are cost-effective and create greater efficiencies.• In regard to the above-mentioned languages, the committee will: consider the number of in-court interpretations; the level of interest in becoming an interpreter; the costs to develop and maintain examinations; the availability of existing examinations; the costs to administer testing; and the trial courts' need for more interpreters. <p>Status/Timeline: CIAP will develop recommendations for any changes by December 31, 2023.</p> <p>Fiscal Impact/Resources: There is no cost associated with developing recommendations concerning the designation of languages as certified or registered. Certified interpreters of any languages that are de-designated (that go from certified to registered status) could maintain their certified status, and new interpreters can become registered in those languages, which benefits the public. However, the process to redesignate a registered language 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, CIAP will have to balance the pros and cons of any recommended changes.</p> <p>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) will be covered under the existing Court Interpreters Program budget. Additional resources are the Court Interpreters Program, Legal Services, Human Resources, trial court Language Access Representatives, and Regional Bargaining Chairs.</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, judicial officers, justice partners, language access court personnel, and the public.</p> <p>AC Collaboration: Consultation with the Court Executives Advisory Committee.</p>

III. LIST OF 2022 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Interpreting Skills Assessment Process The Professional Standards and Ethics Subcommittee reviewed a draft preliminary 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.	Requirements for New American Sign Language (ASL) Court Interpreters The Interpreter Language Access Subcommittee met twice virtually in 2022. In March the subcommittee received a presentation from NCSC regarding research it conducted on behalf of the council concerning ASL interpreter certifications, currently issued by other entities, that could be accepted by the council and required before a new ASL interpreter can interpret for the California court system. The subcommittee also met in September to receive additional information that it requested. NCSC also presented its final research findings and options for the subcommittee’s consideration.



2022 Interpreting Testing

Court Interpreters Advisory Panel

January 18, 2023

2022 Interpreting Testing Goals

- Increase the number of test seats
- Provide testing for more certified spoken languages




Court Interpreter Examination Requirements

Spoken Certified Languages*	Registered Languages
✓ Written Examination in English	✓ Written Examination in English
✓ Bilingual Interpreting Examination (BIE; oral exam)	✓ Oral Proficiency Examination in English
<i>*Major interpreted languages, such as Spanish, Vietnamese, etc.</i>	✓ Oral Proficiency Examination in Target Language (if available)

2022 OPE & Written Examination

- Oral Proficiency Examination (OPE)
 - Jan. 1 through Nov. 1, 2022
- Written Examination
 - Jan 1 through Dec. 1, 2022



Examination*	Pass Rate – All Candidates	Pass Rate – Registered Languages Only
Oral Proficiency Examination	43% (40/93)	93% (14/15)
Written Examination	40% (167/413)	n/a

*OPE and Written Examination reporting period – January 1 through September 27, 2022.

2022 Bilingual Interpreting Examination (BIE)

- 300 available seats
- 243 administered exams
- Scattered testing over 3 months
- 10 certified languages
- 5 California locations (2 Northern & 3 Southern)
- Observed COVID-19 health and safety requirements

BIE Pass Rate for 2021 and 2022

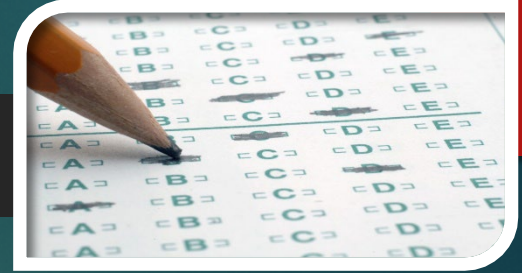
Near passer trainings have proven successful to increase the passage rate for the BIE, which previously averaged less than 10 percent

2021	2022
Total number of candidates: 190	Total number of candidates: 243
Pass rate: 14% (27/190)	Pass rate: 14% (34/243)
Total number of near passer training participants who took the BIE: 53	Total number of near passer training participants who took the BIE: 28
Passage rate: 25% (13/53)	Passage rate: 21% (6/28)

2023 Interpreting Testing Goals

- Resume testing once new contract is in place
- Administer the Written Examination and OPE year-round
- BIE
 - Provide up to 600 seats and exams in most spoken certified languages
 - Expand number of testing months and locations
 - Use data to identify areas for improvement, address testing challenges, and track candidates' pass/fail rates

Questions and Contacts



- Claudia Ortega, Supervising Analyst,
Court Interpreters Program
claudia.ortega@jud.ca.gov
- Juan Palomares, Analyst,
Court Interpreters Program
juan.palomares@jud.ca.gov