



# JUDICIAL COUNCIL OF CALIFORNIA

COURT INTERPRETERS  
ADVISORY PANEL

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

### MINUTES OF OPEN MEETING

April 16, 2015  
12:00 p.m.-1:00 p.m.  
Conference Call

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**Advisory Body Members Present:** Hon. Steven K. Austin, Chair, Ms. Christina M. Volkers, Vice-Chair, Ms. Claritza Callaci, Mr. Jaeis Chon, Hon. Manuel J. Covarrubias, Ms. Ramona Crossley, Mr. Hector Gonzalez, Ms. Janet Hudec, Ms. Oleksandra Johnson, Ms. Maureen Keffer, Mr. Bao Luu, Hon. Miguel Márquez, Ms. Lisa McNaughton, Ms. Ivette Peña, Hon. Rebecca Riley (CJER Liaison to CIAP), Ms. Katherine Williams

**Advisory Body Members Absent:** All Members Present

**Others Present:** Ms. Carmen Castro-Rojas, Mr. Jarrett Chin, Ms. Debbie Chong-Manguiat, Ms. Valeria DaSilva-Sasser, Mr. Douglas Denton, Ms. Angeline O'Donnell, Ms. Catharine Price, Mr. Usamah Salem, Ms. Elizabeth Tam-Hemulth, Ms. Karen Viscia, Ms. Sonia Sierra Wolf

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#### OPEN MEETING

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

The vice-chair called the meeting to order at 12:09 p.m. and requested staff to conduct roll call.

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

The February 3, 2015 meeting minutes were approved by the voting members of CIAP as submitted.

##### **Opening Remarks**

The National Center for State Courts presented their findings on the legislatively mandated Language Need and Use Study conducted every five years under Government Code section 68563. The primary purpose of the meeting is to recommend the report as prepared for submission to the Governor and Legislature. Any policy recommendations based on the findings in the report will be reviewed and discussed at the next scheduled meeting. The recommendations CIAP will consider at the next scheduled meeting are:

- De-designation of Portuguese and de-designation of Japanese, and recommend a policy and procedure to de-designate a language.

- Consider implementing a grace period for Farsi, and a review the current grace period policy in place.

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## DISCUSSION ITEMS 1 - 2

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### **Item 1 - Presentation of Interpreter Need and Language Use Study:**

Representatives from the National Center for State Courts provided CIAP with an overview of the 2015 Language Need and Interpreter Use Study report. The purpose of the report was to:

1. Document interpreter use in spoken languages from FY 2009- FY 2013.
2. Offer information and perspective on future language need, for considering changes language designation.

Key findings in the report include:

- Over one million service days of interpretation were provided in the state courts during the study period.
- The total number of interpreter service days declined about six percent from year one of the period to year four of the study period (FY 2009-2010 to FY 2012-2013).
- Spanish accounted for 72 percent of all interpretation in the state courts during the study period. No other language accounted for more than four percent of the remaining service days.

Recommendations made in the report:

- The Judicial Council should retain the classification of Arabic, Eastern and Western Armenian, Cantonese, Farsi, Khmer, Korean, Mandarin, Punjabi, Russian, Spanish, Tagalog, and Vietnamese as designated languages.
- The Judicial Council should continue the designation of Farsi as a designated language and should establish a certification program for testing and certifying court interpreters in this language.
- The Judicial Council should consider de-designation of the Japanese language.
- The Judicial Council should consider de-designation of the Portuguese language.
- The Judicial Council should monitor the usage of the Hmong, Lao, and Romanian languages for possible future designation.

Following the presentation, the chair invited questions and/or clarifications.

### **Item 2 (Action Required) - Recommendation to Submit Report to the Governor and Legislature**

CIAP voted unanimously to submit the 2015 Language Need and Interpreter Use Study to the Judicial Council for approval and submission to the Governor and Legislature. Staff was directed to proceed with submission of the report for consideration at the June 25, 2015 Judicial Council meeting.

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## ADJOURNMENT

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### **Closing Remarks**

The next CIAP meeting scheduled will be an in-person meeting held in San Francisco on, Thursday, June 18, 2015. The meeting will focus on consideration and discussion on the de-designation of Japanese and Portuguese, and implementation of a grace period for Farsi. The

subcommittees will meet in the afternoon. In preparation for the meeting, the chair asked members to review the report and consider the recommendations made

Prior to adjourning the meeting, the co-chair of the Language Access Implementation Task Force (ITF) provided an update on activities of the ITF. The chair reminded everyone that the nomination period to CIAP is still open and the deadline is May 8, 2015. There being no further business, the meeting was adjourned at 12:52 p.m.

Approved by the Advisory Body on:

DRAFT

# De-designation of Languages

June 18, 2015



# CIAP Charge (rule 10.51)

- Make policy recommendations to the Judicial Council on:
  - Certification
  - Registration
  - Testing
  - Recruiting
  - Training
  - Continuing Ed
  - Prof. Conduct
  - Use and Need

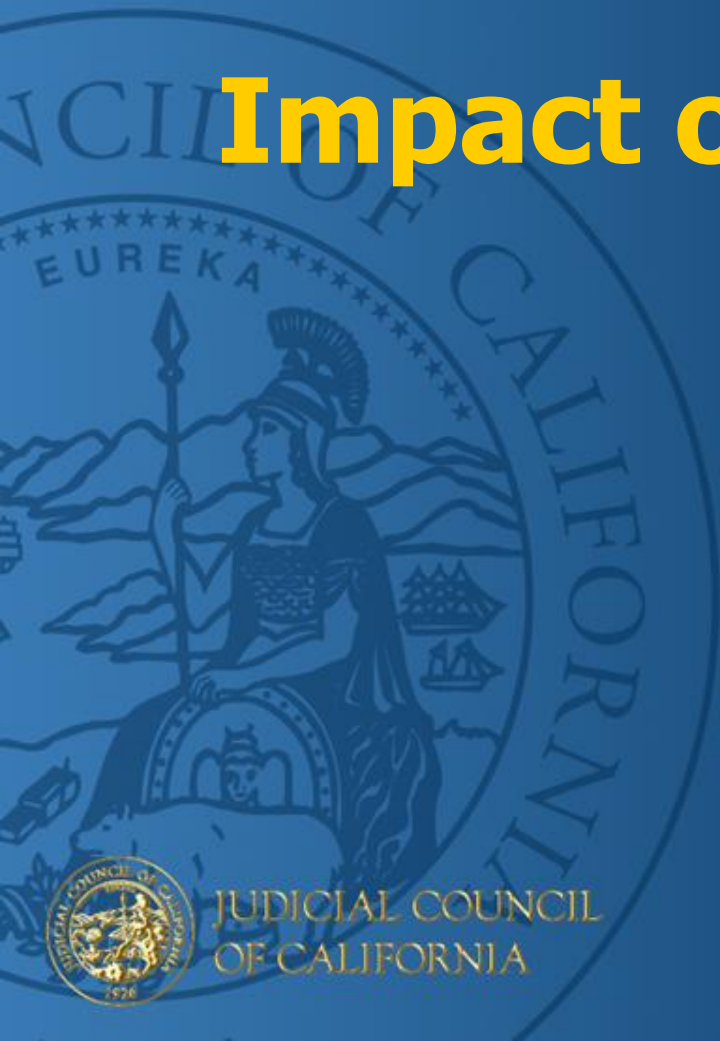


# Current Issues:

- Define policy for de-designating languages
- Should de-designation be based on same criteria as designation
  - What is best approach?
- Determine whether to de-designate Japanese and Portuguese



# Impact of De-designating a Language



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# Existing Designation Policy

- Based on Gov. Code § 68562
- Allows flexibility while considering multiple factors
- Determinations are delegated to the Administrative Director





# Factors include:

- The courts' needs as determined by five year study
- The language needs of non-English speaking persons in the courts
- Other relevant information



# Other relevant information:

- Population trends
- Service day thresholds
- Cost of test development and support
- Court input



# How designation is determined:

- CIAP considers all the relevant factors
- CIAP recommends if a language should be designated
- In 2000 the Judicial Council delegated it's authority to review recommendations



# OTHER CONSIDERATIONS?

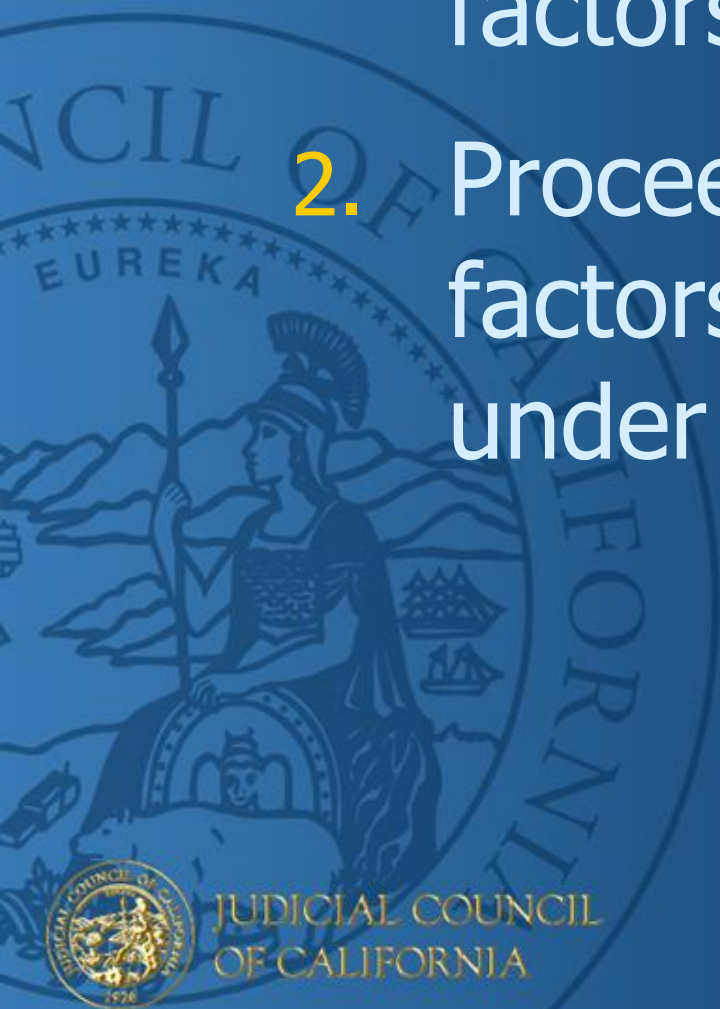


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# Options for vote:

1. Determine that additional factors should be considered
2. Proceed to apply the same factors to de-designations under the current code

Discussion/Vote



# Delegation of Authority:

1. Should de-designations be handled in this same way?
2. Designations are delegated to the Administrative Director

Vote



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# Current languages

- NCSC study recommends languages posting between 1,500 and 2,000 service days be monitored for possible change in designation.



# Portuguese:

- Certified Language
- 2005: Not among the top 14 languages requiring interpreter use
- 2010: Ranked 17<sup>th</sup>, on a downward trend; did not meet the threshold for designation





- 2015: Still trending down
- Projected Use in 2018 – 767 Service Days
- Points to a good candidate for de-designation



# Other Factors:

- Test available; but marginal use
- No critical time constraint
- 5 certified interpreters statewide (1 employee)



# Options for vote:

- De-designate Portuguese
- Retain certified status

Vote



# Japanese:

- Certified Language
- 2005: did not rank among the top 14 languages requiring interpreter use
- 2010: Ranked 15th, downward trend and decline in LEP populations



- 2010: Ranked 15th, downward trend and decline in LEP population
- 2012: CIAP deferred taking action until results of 2015 Study
- 2015: Recommend consider de-designation



# Other Factors:

- Test for Japanese not available
- Courts are asking for more interpreters
- De-designation allows candidates opportunity to take the current exams in place (OPE)





- Development of a test could take several years
- 12 Interpreters statewide (1 employee)



# Options for Vote:

- De-designate Japanese
- Retain certified status

Vote





# Review Actions



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**CIAP CHARGE:**

Rule 10.51 of the California Rules of Court states the charge of the Court Interpreters Advisory Panel (CIAP) is to assist the California Judicial Council in performing its duties under Government Code sections 68560 through 68566, and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons. To carry out this charge, CIAP reviews and makes recommendations to the council on:

1. Interpreter use and need in court proceedings; and
2. Certification, registration, testing, recruiting, training, continuing education and professional conduct of court interpreters.
3. Review and make recommendations to the Judicial Council on the findings of the Language Need and Interpreter Use study in court proceedings, conducted by the Judicial Council every five years under Government Code section 68563.

**GOVERNMENT CODES:**

**68562.** (a) The Judicial Council shall designate the languages for which certification programs shall be established under subdivision (b). The language designations shall be based on (1) the courts' needs as determined by the language and interpreter use and need studies under Section 68563, (2) the language needs of non-English-speaking persons in the courts, and (3) other information the Judicial Council deems relevant. (b) By July 1, 1996, the Judicial Council shall approve one or more entities to certify Spanish language interpreters and interpreters for as many other languages designated under subdivision (a) as practicable by that date. The Judicial Council may give provisional approval to an entity to examine interpreters and establish a list of recommended court interpreters pending final approval of one or more certification entities. Certification entities may include educational institutions, testing organizations, joint powers agencies, or public agencies. The Judicial Council shall adopt and publish guidelines, standards, and procedures to determine which certification entities will be approved to test and certify interpreters.

(Note: this is not the full text of GC 68562)

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